



AGENDA

APOPKA CITY COUNCIL MEETING @ 8:00 PM
City Hall Council Chamber
120 East Main Street – Apopka, Florida 32703
August 20, 2014

INVOCATION

Reverend Tim Ford - New Direction Church

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. 2014 Institute for Elected Municipal Officials - Kathy Till, Florida League of Cities
2. Presentation of Art - Dianne Young and Artist Leland Williams
3. Orange County Enterprise Zone - Jason Reynolds, Principal Planner for Orange County's Neighborhood Preservation & Revitalization Division

CONSENT AGENDA

1. Approve the minutes from a special City Council meeting held on July 30, 2014, at 5:15 p.m.
2. Approve the minutes from the regular City Council meeting held on August 6, 2014, at 1:30 p.m.
3. Approve the minutes from the Budget Workshop held on August 6, 2014, at 4:35 p.m.

4. Approve the minutes of Administrative Bid Opening No. 2014-09 for Attorney/Legal Services, held on August 1, 2014, at 10:15 a.m.
5. Approve the request, from Apopka High School, to hold its annual Homecoming Parade on Friday, September 19, 2014.
6. Authorize the execution of a contract with Layne Inliner, LLC, in the amount of \$41,628.00, for the installation of 1,226 linear feet of an 8-inch pipe inliner.
7. Authorize the installation of streetlights along Bradshaw Road and 1st Street, at a cost of \$72,172.00, and the monthly lease/maintenance fee of \$689.75.
8. Authorize the issuance of a Peddler Permit, to Byron Tobias of Edward Jones Investments, for solicitation of investment services.
9. Authorize issuance of a Peddler's Permit, to Wesley Chapel Honda, for a vehicle sale at Apopka Land Regional Shopping Center from September 2, 2014 through September 7, 2014.

SPECIAL REPORTS AND PUBLIC HEARINGS

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2374 – SECOND READING – VACATE - Apopka Woods, LLC - Vacating a portion of a Utility Easement - 1472 W. McCormick Road. [Ordinance No. 2374 does not meet the requirements for adoption]
2. ORDINANCE NO. 2375 – SECOND READING – VACATE - Susan Van Alstine-Milam - Vacating a Portion of a Drainage and Utility Easement - 1738 Lucky Pennie Way. [Ordinance No. 2375 does not meet the requirements for adoption]
3. ORDINANCE NO. 2376 - SECOND READING – THE CITY OF APOPKA CODE OF ORDINANCES, CHAPTER 6 - ALCOHOLIC BEVERAGES – Amending certain sections to allow for extended hours of sale of alcoholic beverages; for possession on roadways, alleys and public right-of-ways; for possession within city parks for certain events; and hold over for Third Reading and Adoption.
4. ORDINANCE NO. 2373 – FIRST READING – CODE OF ORDINANCES, PART III - LAND DEVELOPMENT CODE AMENDMENT – Amending the City of Apopka Code of Ordinances, Part III, Land Development Code, Article III – Overlay Zones, to create a Small Lot Overlay Zoning District. [Tabled at the August 6, 2014 City Council meeting.]
5. ORDINANCE NO. 2377 - FIRST READING - Amending Chapter 42 (Environment), adopting Article III (Neighborhood Improvement Special Assessment) of the Code of Ordinances, relating to the establishment of Neighborhood Improvement Special Assessments.

SITE APPROVALS

1. FINAL DEVELOPMENT PLAN – Verizon Wireless – Apopka, owned by Calmil Investment Group, LP; applicant is Rock RDP 1, LLC; and engineer is Rogers Engineering, LLC c/o Rodney Rogers, P.E., for property located at 1120 West Orange Blossom Trail. (Parcel ID No. 05-21-28-0000-00-025) [Tabled at the August 6, 2014 City Council meeting.]
2. FINAL DEVELOPMENT PLAN – Taco Bell – Owned by BB Hobbs Company – Cobblestone Partners, Inc.; engineer is Florida Engineering Group, c/o Sam Sebaali, P.E., LEED® AP; and property located at 1429 West Orange Blossom Trail. (Parcel ID No. 05-21-28-0000-00-001)

DEPARTMENT REPORTS AND BIDS

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 from a special City Council meeting held on July 30, 2014, at 5:15 p.m.

CITY OF APOPKA

Minutes of a special City Council meeting held on July 30, 2014, at 5:15 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

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

INVOCATION – The Invocation was given by Pastor Doug Bankson of the Victory Church World Outreach Center.

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

Mayor Kilsheimer welcomed everyone to the special meeting and explained the purpose of the meeting is to set a proposed millage rate for Fiscal Year 2014-2015.

SPECIAL REPORTS AND PUBLIC HEARINGS

1. General Discussion of the FY 2014-2015 Budget.

City Administrator Anderson presented an overview of the status of the budget and the purpose of setting a proposed millage. He said the recommendation of staff is to set the millage rate at 3.2876, which is a 0.00% increase over the rolled-back rate of 3.2876. He reviewed the list of priorities, which include requests from Commissioners and Department Directors. He added that the budget is not currently balanced, and during budget workshops in August, those items on the priority list will be evaluated for 1) what we must do; 2) what we would like to have; 3) things that we may not be able to do at this time; or, 4) things we may find other funding to accomplish. [The presentation is incorporated into and made a part of these meeting minutes.]

He announced upcoming Budget meetings, as follows:

August 6 - A Budget Workshop will follow the conclusion of the 1:30 p.m. regular City Council meeting.

August 20 - A Budget Workshop will begin at 5:15 p.m., followed by the regular 8:00 p.m. City Council meeting.

September 3 - TRIM (Truth in Millage) meeting at 5:15 p.m., to set the tentative millage and budget.

September 17 - TRIM (Truth in Millage) meeting at 8:00 p.m. (regular City Council meeting), to adopt the final millage and FY 2014-2015 Budget.

City Administrator Anderson responded to questions of the City Council, noting that the City Council could choose either the rolled-back rate of 3.2876, or the current rate of 3.4727. In response to Commissioner Arrowsmith, Anderson recommended going with the current rate of 3.4727.

Mayor Kilsheimer opened the meeting for public input.

Suzanne Kidd, 1260 Lexington Parkway, asked for clarification on the difference in additional revenues to the City if the millage rate were set at the current rate, rather than the rolled-back rate, to which City Administrator Anderson said approximately \$700,000.00. She then inquired on the revenue generated if the millage were increased 1 mil, 1/2 mill, or 1/10 mil. CA Anderson said 1 mil would add \$2.65 million, 1/2 mil would add \$1.62 million, and 1/10 mil would add approximately \$797,000.00 in revenue.

Ron Landon, 1134 Dekleva Drive, said he would recommend going with the current tax rate, which would not accommodate the whole current list, but would cover a number of them. He spoke in favor of City Administrator Anderson's suggestion to build the Fire Station in this fiscal year, completing it by the end of the fiscal year, and adding the staffing in the next fiscal year budget.

Dr. Ray Shackelford, 2082 Carpathian Drive, spoke in favor of going with the recommendation of the current rate.

2. Approve and set the FY 2014-2015 proposed millage rate.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to set the proposed FY 2014-2015 millage rate at 3.4727. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 5:57 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Janice G. Goebel, City Clerk

Backup material for agenda item:

2. Approve the minutes from the regular City Council meeting held on August 6, 2014, at 1:30 p.m.

CITY OF APOPKA

Minutes of the regular City Council meeting held on August 6, 2014, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth

PRESS PRESENT: John Peery - The Apopka Chief
Roger Ballas - The Apopka Chief
Steve Hudak - The Orlando Sentinel
Various TV News Reporters and Cameramen

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Arrowsmith introduced the Reverend Jim Page of the Apopka Calvary Church of the Nazarene, who led in the Invocation.

Mayor Kilsheimer said on August 7, 1782, General George Washington established the original Purple Heart, then known as the Badge of Military Merit, to honor soldiers for their meritorious actions. The honor was bestowed upon only three soldiers during the Revolutionary War and though the award was not abolished, the award was not proposed again until after World War I. The Purple Heart was reinstated on February 22, 1932, the 200th anniversary of George Washington's birth, and since its reinstatement, nearly two million Purple Hearts have been awarded to American service men and women for their injuries received in service to our great Nation. He asked everyone to remember the sacrifice and bravery of the men and women of our armed services, as he led in the Pledge of Allegiance.

PRESENTATIONS

1. Recognition of Representative Bryan Nelson - Megan Sirjane-Samples, Florida League of Cities

Former Apopka Commissioner Kathy Till, representing the Florida League of Cities, presented Florida House Representative Bryan Nelson with the Florida League of Cities 2014 Legislative Appreciation Award for his service to the citizens of the State of Florida and the City of Apopka.

Representative Bryan Nelson thanked the Apopka City Council and the citizens of Apopka for their support.

Mayor Kilsheimer stated that during his short tenure in public service, he has found Representative Nelson to be accessible and a mentor to elected officials.

EMPLOYEE RECOGNITION

1. **Samuel H. Anderson – Police/Field Services – Five Year Service Award** - Mayor Kilsheimer said Sam was unable to attend and will be presented his award at a later time.
2. **Jose A. Diaz – Police/Field Services – Five Year Service Award** - Mayor Kilsheimer said Jose was unable to attend and will be presented his award at a later time.
3. **Charles B. White – Police/Field Services – Ten Year Service Award** - Mayor Kilsheimer said Charles was unable to attend and will be presented his award at a later time.
4. **Joyce E. Boland – Public Services/Director’s Office – Ten Year Service Award** - Mayor Kilsheimer said Joyce was unable to attend and will be presented her award at a later time.
5. **Charles W. Shaw, Jr. – Public Services/Water Distribution Maintenance – Twenty Year Service Award** - Mayor Kilsheimer said Charles began working for the City on July 18, 1994, as a Utility Service Worker I. He transferred to Utility Billing and his title changed to Meter Reader on March 8, 1995. Then, on July 16, 2007, Charles was transferred to Water Distribution Maintenance as a Utility Service Worker II, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Charles on his years of service to the City.
6. **Michael E. McLaughlin – Finance/Utility Billing – Thirty Year Service Award** - Mayor Kilsheimer said Michael started working for the City as a Laborer on July 23, 1984, for Sanitation. On March 20, 1987, he was promoted to Meter Reader for the Water Department. Michael transferred to Finance/Utility Billing and his title changed to Cashier/Customer Service Clerk on August 19, 1996, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Michael on his many years of service to the City.

PRESENTATIONS

2. **Apopka Charter Review Committee Final Report - Linda Laurendeau** - Charter Review Committee Chairperson Linda Laurendeau gave a brief presentation of the function and tasks assigned to the Committee. She presented the Final Report, as follows:

Recommendations of the Charter Review Committee include:

- (1) To transition an increase in City Council seats to seven by the time Apopka’s population reaches 80,000 people, which is predicted to be by 2020.
 - (2) Term Limits - Not to impose term limits for elected officials in Apopka
 - (3) Districting - Continue Apopka’s practice of electing at-large, and serving at-large.
- Additional recommendations by the public only included qualifying by petition method, and establishing a review of the City Charter every specific number of years.

Ms. Laurendeau concluded her presentation by identifying the members of the committee, the committee attorney, and City staff who served the committee.

3. Comprehensive Annual Financial Report - Cecil Shumacker, Shumacker, Johnston & Ross, P.A. - Public Accountant and Auditor Cecil Shumacker gave an overview of the CAFR and applauded the practices and accounting of the Finance Department specifically, and all City departments in general.

CONSENT AGENDA

1. Accept the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2013.
2. Approve the minutes from the regular City Council meeting held on July 16, 2014, at 8:00 p.m.
3. Approve the minutes of Administrative Bid Opening No. 2014-08 for RWS Extension-Keene Rd., Clarcona Rd. (C.R. 435), Old Apopka Rd. & Snowden Rd., held on July 9, 2014, at 2:15 p.m.
4. Authorize the City Administrator to execute the amendment to the Interlocal Agreement for creation of the Metropolitan Planning Organization.
5. Approve a one year extension, at the current rate, of the annual contract with Shelley's Environmental Systems for the wastewater residuals transport and disposal.
6. Authorize the purchase of property, in the amount of \$19,000.00, for property located at 156 E. 6th Street, plus the additional closing costs, appraisal and environmental assessment study.
7. Award the contract, in the amount of \$4,226,105.00, to Garney Companies, Inc., for reclaimed water service extension on Keene Road, Clarcona Road, Old Apopka Road and Snowden Road, subject to providing the city with the required bonds and insurance.
8. Approve the Disbursement Report for the month of July, 2014.

At the request of Commissioners, items 5, 6 were pulled from the Consent Agenda to be voted separately.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve items 1, 2, 3, 4, 7 and 8 of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

Item #5 - Commissioner Arrowsmith stated he would abstain from voting as the company is a client of the bank he serves as Executive Vice President.

MOTION was made by Commissioner Dean, and seconded by Commissioner Ruth, to approve item 5 of the Consent Agenda. Motion carried 4-0, with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

Item #6 - There was discussion among the City Council members regarding the sales cost of the property, when the property was purchased by the owner for taxes. City Administrator Anderson explained that an appraisal and environmental assessment would be performed prior to purchasing the property.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve item 6 of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

- 1. ORDINANCE NO. 2372 – FIRST READING - COMPREHENSIVE PLAN AMENDMENT – LARGE SCALE – FUTURE LAND USE – Avian Pointe – Apopka Clear Lake Investments, LLC** – From Residential Low (0-5 du/ac) to Residential Medium (0-10 du/ac), 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); and authorization for transmittal to the Department of Economic Opportunity.

David Moon, Planning Manager, gave an overview of the project, explaining the adoption process for Large Scale Amendments to the Future Land Use map.

In response to a question by Commissioner Arrowsmith about roadway, Mr. Moon said the developer will be required to execute a Development Agreement regarding roadway prior to approval of the project.

In response to a question from Commissioner Velazquez about schools, Mr. Moon said the residents would attend Apopka Elementary School, Wolf Lake Middle School and Apopka High School.

Mayor Kilsheimer opened the meeting for a public hearing.

Tom Sullivan of Gray Robinson, representing the developer, gave a presentation demonstrating how the development will look.

Ken Stoltenberg, the Applicant, stated they are looking at “flex use” with a hotel and hospitality feature, mid-sized restaurants, and establish a hub for eco-tourism.

When Commissioner Dean inquired about the schools designated and bypassing Phyllis Wheatley Elementary School, he was referred to Christine Moore, Apopka’s Orange County School Board representative.

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to accept the First Reading of Ordinance No. 2372, authorizing transmittal to the Florida Department of Economic Opportunity (f/k/a Department of Community Affairs). Motion carried unanimously.

- 2. ORDINANCE NO. 2373 – FIRST READING – CODE OF ORDINANCES, PART III - LAND DEVELOPMENT CODE AMENDMENT** – Amending the City of Apopka Code

of Ordinances, Part III, Land Development Code, Article III – Overlay Zones, to create a Small Lot Overlay Zoning District.

Planning Manager David Moon gave a lead in to the Council, explaining details concerning the new zoning district and its permitted uses. He displayed a map depicting four possible locations for use of the zoning district within the City of Apopka.

Commissioners Arrowsmith and Velazquez requested more time to review the proposed zoning district.

The City Clerk read the title, as follows:

ORDINANCE NO. 2373

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III TO ESTABLISH A SMALL LOT OVERLAY ZONING DISTRICT; PROVIDING FOR APPLICABILITY; DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to table the First Reading of Ordinance No. 2373 to the regular City Council meeting of August 20, 2014. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 3. ORDINANCE NO. 2374 – FIRST READING – VACATE - Apopka Woods, LLC - Vacating a portion of a Utility Easement - 1472 W. McCormick Road.**

The City Clerk read the title, as follows:

ORDINANCE NO. 2374

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 1472 WEST McCORMICK ROAD; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to accept the First Reading of Ordinance No. 2368, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

**4. ORDINANCE NO. 2375 – FIRST READING – VACATE - Susan Van Alstine -
Vacating a Portion of a Drainage and Utility Easement - 1738 Lucky Pennie Way.**

The City Clerk read the title, as follows:

ORDINANCE NO. 2375

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE
A PORTION OF THE DRAINAGE AND UTILITY EASEMENT
LOCATED AT 1738 LUCKY PENNIE WAY; PROVIDING DIRECTIONS
TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND
AN EFFECTIVE DATE.**

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2375, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

5. ORDINANCE NO. 2376 - FIRST READING - Rescinding Chapter 6 "Alcoholic Beverages" of the Code of Ordinances and adopting a new Chapter 6 "Alcoholic Beverages" to allow for extended hours of sale of alcoholic beverages; for possession on roadways, alleys and public right-of-ways; for possession within City parks for certain events.

The City Clerk read the title, as follows:

ORDINANCE NO. 2376

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, RESCINDING
CHAPTER 6, "ALCOHOLIC BEVERAGES" OF THE CODE OF
ORDINANCES OF THE CITY OF APOPKA, AND ADOPTING A NEW
CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES" TO ALLOW
FOR EXTENDED HOURS OF SALE OF ALCOHOLIC BEVERAGES;
FOR POSSESSION ON ROADWAYS, ALLEYS AND PUBLIC RIGHT-
OF-WAYS; FOR POSSESSION WITHIN CITY PARKS FOR CERTAIN
EVENTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND
AN EFFECTIVE DATE.**

City Administrator Anderson said staff has been working on the ordinance since the first meeting of the public and has met with the Ministerial Alliance to discuss items going forward, such as hour changes, particularly on Sunday, and authorized sales in close proximity to schools and churches.

Mayor Kilsheimer said this has been an issue of great discussion, beginning with the Community Forum held on June 24th, where roughly 77 people attended. He added an entire spectrum of public opinion was heard that night. He also noted the questionnaire where over 80% were in favor of some form of sales on Sunday.

Mayor Kilsheimer entertained comments from the public.

Reverend Hezekiah Bradford, Jr., 573 Smokemont Court, speaking as President of the Apopka and South Apopka Christian Ministerial Alliances, said they are not in opposition to sales on Sunday; however, has issue with a buffer within 100 feet of churches, schools, and parks. He noted it will result in increased crime and will jeopardize our children. He asked for a compromise regarding the buffer distance.

Pastor Page, 4416 Rock Hill Loop, asked for clarification that buffers for churches has been removed from the ordinance; only schools remain in the ordinance. He spoke about the restriction on sales near schools for one hour after schools let out and noted a large number of activities for students commences after school closes. He asked if church schools were included in the school buffer, to which CA Anderson responded "yes".

James Griffin, 235 W 10th Street, said he did not see the problem with alcohol sales on Sunday, especially when it means more tax money for the City.

Mayor Kilsheimer explained it has become a fairness issue.

Pastor Page expressed concern for the safety of children and church parishioners.

Reverend James Hicks, 1917 Palm Vista Drive, suggested a compromise to grandfather existing businesses, but when any change in ownership takes place in the business, the buffer zone for the new owner would revert back to 750 feet.

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

There was further discussion among Council members, to which CA Anderson suggested staff look more in depth into the ordinance, since receiving more public input, and consider a compromise prior to second reading.

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to accept the First Reading of Ordinance No. 2376, and hold it over for a Second Reading.

Reverend Bradford spoke again concerning a compromise on the buffer zone for churches.

Ray Shackelford, 2082 Carpathian Drive, asked the City Council to reconsider the motion to allow for further review.

Sylvester Hall, 981 Ashworth Drive, implored the City Council to consider the impact of allowing alcohol sales next to churches. He asked that the family be put first.

Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Ruth voting aye, and Commissioner Arrowsmith voting no.

SITE APPROVALS

1. FINAL DEVELOPMENT PLAN – Ladybird Academy of Apopka, owned by Marshall Howard, engineer is Fragomeni Engineering, Inc., c/o Sherri Fragomeni, property located at 1151 Rock Springs Road. (Parcel ID No. 34-20-28-9550-00-080)

Jay Davoll, Community Development Director, gave an overview of the project, The staff report is made a part of these meeting minutes.

In response to a question by Commissioner Velazquez, Sherri Fragomeni, Applicant/Engineer, said this will be another franchise location such as the one in Winter Garden, and will be built the same.

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve the Final Development Plan for Ladybird Academy of Apopka, as recommended. Motion carried 4-0, with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

2. FINAL DEVELOPMENT PLAN - Verizon Wireless - Apopka, owned by Calmil Investment Group, LP; applicant is Rock RDP 1, LLC; and engineer is Rogers Engineering, LLC c/o Rodney Rogers, P.E., for property located at 1120 West Orange Blossom Trail (Parcel ID No. 05-21-28-0000-00-025)

Jay Davoll, Community Development Director, gave an overview of the project, outlining the one request for waiver for a five foot maintenance berm rather than the required ten foot berm.

There was considerable discussion regarding traffic on Lake Doe Boulevard and the exit onto Highway 441.

Mayor Kilsheimer opened the meeting for a public hearing.

Pat McGuffin, 289 Lake Doe Blvd, pointed out that adding this project, the City is looking at five subdivisions on one road with a railroad track also. He said the traffic impact needs further consideration.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to table the Final Development Plan for Verizon Wireless - Apopka to the regular City

Council meeting of August 20, 2014. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

DEPARTMENT REPORTS AND BIDS City Administrator Anderson reported receiving some concerns with smoothness of the roadway of the new Lester Road. He explained some of the roadway was built over wetlands and the issues are being worked through with the contractor.

CA Anderson said the appraisal of the property in Consent Agenda item # 6 was \$35,000.00, and the Property Appraiser lists its value as \$22,563.00. The individual paid \$4,900.00 for the property, however also paid the City \$12,393.03 for a code enforcement lien.

MAYOR'S REPORT Mayor Kilsheimer reported the following:

City Attorney - Seven applicants submitted responses to the Request for Proposals for Attorney/Legal Services. A Search Committee was given all seven responses to read and a meeting was held on Monday. Every member of the committee selected the same attorney for the number one choice. Everyone came at the decision from a different perspective, and reasoning. He said the number one choice was Cliff Shepard, who is currently City Attorney for the cities of Maitland and Mount Dora.

Mayor Kilsheimer recommended the City Council approve the appointment of Clifford Shepard of Shepard, Smith & Cassady, as the new City Attorney.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to appoint Clifford Shepard as City Attorney for the City of Apopka.

Commissioner Arrowsmith asked for clarification regarding the pay schedule of \$190.00 per hour.

CA Anderson said there was good conversation with Attorney Shepard. He added that he does a lot with Community Redevelopment Agencies (CRA), and will bring much to the table.

Motion carried unanimously.

Mayor Kilsheimer spoke to the talk in the press, social media, and among citizens regarding the City and asked everyone to “stand down” on all issues that are affecting Apopka from moving forward. Commissioner Arrowsmith added that the public contributes heavily, and in agreement with Mayor Kilsheimer saying, “everyone should just do the job and move forward”. Mayor Kilsheimer said we have a core group that have lived in Apopka for many years, and we have new citizens who want to be a part of the City. Again, he encouraged everyone to move forward for the betterment of Apopka.

OLD BUSINESS

1. **COUNCIL** - There was no old business from the City Council.
2. **PUBLIC** - There was no old business from the public.

NEW BUSINESS

1. **COUNCIL** - There was no new business from the Council.

2. **PUBLIC**

Tenita Reid spoke in opposition to the addition of two more commissioners to the City Council, citing the additional costs. She also noted that there is a notation on the Supervisor of Elections records that there will be a 2015 Municipal General Election. Mayor Kilsheimer said the next election is scheduled for 2016, and the City will contact the Supervisor of Elections Office to correct the posting.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 4:17 p.m., to reconvene for a Budget Workshop at 4:35 p.m.
p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Janice G. Goebel, City Clerk

Backup material for agenda item:

3. Approve the minutes from the Budget Workshop held on August 6, 2014, at 4:35 p.m.

CITY OF APOPKA

Minutes of a City Council Budget Workshop held on August 6, 2014, at 4:35 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

PRESS PRESENT: John Peery - The Apopka Chief
Roger Ballas - The Apopka Chief

CALL TO ORDER - Mayor Kilsheimer called the Budget Workshop to order at 4:35 p.m.

City Administrator Anderson said Public Safety would be presenting its budget presentation at this workshop, and Public Services and Community Development would be presenting at the workshop to be held at 5:15 p.m., on August 20, 2014. He explained that the City Council will be seeing the “wish list” presented by department directors.

The Budget Workshop consisted of presentations by Apopka Police Chief Robert Manley and Apopka Fire Chief/Administrator Lee Bronson, on the requested Police and Fire Department budgets for FY 2014-2015. Each gave an explanation for the requested additional expenditures. (The presentations are on file in the City Clerk’s office.)

Mayor Kilsheimer noted the Police and Fire Departments held a Night Out event at Pines of Wekiva on Tuesday evening, August 5, 2014. He said there were 300 to 400 people who attended, and it was a big success. He thanked the participating departments for conducting the National Night Out event for the first time in Apopka.

There was considerable discussion concerning the importance of maintaining the City Fire Department’s ISO 1 rating, resulting in an insurance premium reduction for city residents.

Mayor Kilsheimer said there will be more talk about strategic planning and visioning for Apopka at the next Budget Workshop on August 20th.

PUBLIC INPUT

Mayor Kilsheimer opened the meeting for public input.

Suzanne Kidd, 1260 Lexington Parkway, suggested looking at salaries as a means of balancing the budget.

Christine Moore, representing Orange County Public Schools, invited everyone to attend the Open House on August 11th, 5:00 p.m. to 7:00 p.m., for the newly rebuilt Phyllis Wheatley Elementary School. She said that the students look to the Apopka Council as their leaders. She also asked for the City to support the addition of signage for Apopka Elementary School during its rebuilding.

Dr. Ray Shackelford, 2082 Carpathian Drive, said he had reviewed the City's audit from last year and was pleased to see the City is reducing its debt. He expressed concerns about salaries and the requests for new equipment in that the CAFR (Comprehensive Annual Financial Report) does not indicate the needs. He applauded the City Council on welcoming input from citizens.

ADJOURNMENT - There being no further discussion, the workshop adjourned at 5:39 p.m. p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Janice G. Goebel, City Clerk

Backup material for agenda item:

4. Approve the minutes of Administrative Bid Opening No. 2014-09 for Attorney/Legal Services, held on August 1, 2014, at 10:15 a.m.

ADMINISTRATIVE BID NO. 2014-09
Request for Proposal
Attorney/Legal Services

City of Apopka Council Chambers
August 1, 2014, 10:15 a.m.

PRESENT: Sharon Thornton, Human Resources Director, and Linda Goff, Deputy City Clerk.

OTHERS PRESENT: Amy McCain Hasselbing, Bowen & Schroth, P.A., and Anita Geraci-Carver, Law Office of Anita Geraci-Carver, P.A.

OPENING: Sharon Thornton called the meeting to order and announced that the bid opening is for the “**Attorney/Legal Services**”.

Ms. Thornton said the time for submitting additional bids has elapsed, and no more bids will be accepted.

She announced that the bids were duly advertised in The Apopka Chief, legal notices, on Friday, July 18, 2014, and in the Orlando Sentinel, legal notices, on Sunday, July 20, 2014. The Proof of Publication is on file at the City Clerk’s office.

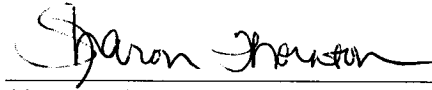
Seven (7) proposals were received prior to the published 10:00 a.m. deadline, as follows:

Shepard, Smith & Cassady, P.A. Attorneys & Counselors at Law 2300 Maitland Center Pkwy, Ste 100 Maitland, FL 32751	Bowen & Schroth, P.A. 600 Jennings Avenue Eustis, FL 32726
James A. Fowler, P.A. 28 W Central Blvd, Suite 400 Orlando, FL 32801	Shutts & Bowen LLP 300 So Orange Avenue, Ste 1000 Orlando, FL 32801
Michelle Jenkins Merideth Nagel, P.A. 450 E Hwy 50, Ste 4 Clermont, FL 34711	Anita Geraci-Carver, Esquire 1560 Bloxam Av Clermont, FL 34711
Stenstrom, McIntosh, Colbert & Whigham, P.A. 1001 Heathrow Park Ln, Ste 4001 Lake Mary, FL 32746	

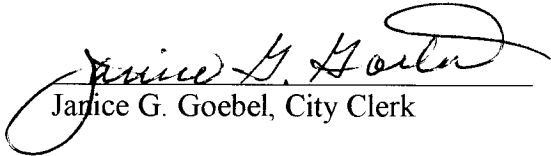
Ms. Thornton said the proposals will be evaluated by the appointed committee and their recommendations for the top three will be presented to the Mayor.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:24 a.m.

ATTEST:



Sharon Thornton, Human Resources Director


Jarice G. Goebel, City Clerk

Backup material for agenda item:

5. Approve the request, from Apopka High School, to hold its annual Homecoming Parade on Friday, September 19, 2014.



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL HEARING
 OTHER:

MEETING OF: August 20, 2014
FROM: Administration
EXHIBITS: None

SUBJECT: APOPKA HIGH SCHOOL HOMECOMING PARADE

Request: APPROVE THE APOPKA HIGH SCHOOL ANNUAL
HOMECOMING PARADE TO BE HELD SEPTEMBER 19, 2014

SUMMARY:

Apopka High School is requesting the City Council approve its annual Homecoming Parade on Friday, September 19, 2014, beginning at 1:00 p.m. The Parade is to begin at the intersection of East Summit Street and North Central Avenue. The route will then proceed north to Martin Street, then west and north to Wells Street and end at Roger Williams Stadium.

The Development Review Committee has reviewed the application and has found it to be consistent with the Land Development Code.

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Authorize Apopka High School to hold its Annual Homecoming Parade on September 19, 2014.

DISTRIBUTION:

Mayor Kilsheimer	Finance Director	Public Ser. Director (2)
Commissioners (4)	HR Director	City Clerk
CA Richard Anderson	IT Director	Fire Chief
Community Dev. Director	Police Chief	

Backup material for agenda item:

6. Authorize the execution of a contract with Layne Inliner, LLC, in the amount of \$41,628.00, for the installation of 1,226 linear feet of an 8-inch pipe inliner.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: August 20, 2014
FROM: Public Services
EXHIBITS:

SUBJECT: INLINER FOR AN EXISTING 8 INCH SANITARY GRAVITY SEWER LINE

Request: AUTHORIZE EXECUTION OF A CONTRACT WITH LAYNE INLINER, LLC, IN THE AMOUNT OF \$41,628, TO INSTALL 1,226 LINEAR FEET OF 8 INCH INLINER FOR AN EXISTING SANITARY GRAVITY SEWER LINE

SUMMARY:

The City has obtained a proposal from Layne Inliner, LLC, to install an 8-inch cured-in-place pipe (CIPP) inliner for 1,226 linear feet of the existing 8-inch sanitary gravity sewer line along Ryan Avenue from Martin Street to Grossenbacher Drive then to Lake Avenue; and along Danisco Place Beginning at Apopka Boulevard then North for approximately 240 feet. The inliner is necessary to repair the multiple leaks throughout the clay pipe of the existing sewer line.

The cost is \$41,628, and is based on unit prices of the City of Titusville, FL Contract No. CN12-B-003.

FUNDING SOURCE:

Sewer Operation Fund

RECOMMENDATION ACTION:

Authorize execution of a contract with Layne Inliner, LLC in the amount of \$41,628, to install 1,226 linear feet of 8-inch CIPP inliner.

DISTRIBUTION:

Mayor Kilsheimer
Commissioners (4)
CAO Richard Anderson
Community Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir. (2)
City Clerk (4)
Fire Chief (1)

Backup material for agenda item:

7. Authorize the installation of streetlights along Bradshaw Road and 1st Street, at a cost of \$72,172.00, and the monthly lease/maintenance fee of \$689.75.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: August 20, 2014
FROM: Public Services
EXHIBITS:

SUBJECT: STREETLIGHTS ALONG BRADSHAW ROAD AND FIRST (1ST) STREET

**Request: AUTHORIZE THE INSTALLATION OF STREETLIGHTS ALONG
BRADSHAW ROAD AND 1ST STREET**

SUMMARY:

Staff received a proposal from Duke Energy to install streetlights along Bradshaw Road from Ocoee Apopka Road to Old Dixie Highway and along 1st Street from Bradshaw Road to US441, consisting of thirty-one (31) thirty-five foot conventional concrete poles and thirty-one (31) 250 watt roadway fixtures. The street lighting will be installed and maintained by Duke Energy. The installation cost is \$72,172.00.

The monthly lease maintenance fee is \$689.75.

FUNDING SOURCE:

Gas Tax

RECOMMENDATION ACTION:

Authorize the installation of streetlights along Bradshaw Road and 1st Street at a cost of \$72,172.00, and the monthly lease/maintenance fee of \$689.75.

DISTRIBUTION:

Mayor Kilsheimer
Commissioners (4)
CAO Richard Anderson

Community Dev. Dir.
Finance Dir.
HR Director
IT Director

Police Chief
Public Ser. Dir. (2)
City Clerk (4)
Fire Chief (1)

Backup material for agenda item:

8. Authorize the issuance of a Peddler Permit, to Byron Tobias of Edward Jones Investments, for solicitation of investment services.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: August 20, 2014
 FROM: Administrative Services
 EXHIBITS: _____

SUBJECT: PEDDLER’S PERMIT REQUEST

Request: APPROVE AND AUTHORIZE THE ISSUANCE OF A PEDDLER’S PERMIT TO BYRON TOBIAS OF EDWARD JONES INC., FOR DOOR TO DOOR SOLICITATION OF INVESTMENT SERVICES.

SUMMARY:

Byron Tobias of Edward Jones Inc. is requesting approval from the City Council for a permit for door-to-door solicitation within the city limits of Apopka. Solicitation will be for investment services.

The application has been reviewed and approved by the Community Development, Fire and Police Departments (including background checks).

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Approve and authorize the issuance of a Peddler’s Permit to Byron Tobias of Edward Jones Inc.

DISTRIBUTION

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



Administrative Services
 120 East Main Street
 Apopka, Florida 32703
 Phone: 407-703-1703
 adminservices@apopka.net

PEDDLER PERMIT APPLICATION

FILING THIS APPLICATION AND REMITTING THE APPLICATION AND PEDDLER/SOLICITOR FEE(S) FOR A CITY PEDDLER/SOLICITOR PERMIT DOES NOT ALLOW THE APPLICANT TO OPERATE OR ENGAGE IN ANY TYPE OF BUSINESS, OCCUPATION OR PROFESSION UNTIL A PEDDLER PERMIT IS ISSUED TO THE APPLICANT. **NOTE: THE \$10.00 NON-REFUNDABLE APPLICATION FEE IS IN ADDITION TO THE PEDDLER/SOLICITOR PERMIT FEE.**

Business/Organization Information	Applicants Information
Name: Edward Jones & Co.	Name: Byron Tobias
Address: 587 Ruby Ct Ste 2	Address: 4075 Knott Dr
Shopping Center:	City/State/Zip: Apopka FL 32712
City/State/Zip: Maitland, FL 32751	Phone: 407-678-0658 Fax: 800-563-0865
Phone: 407-678-0658 Fax: 800-563-0865	Email Address: byron.tobias@gmail.com
Mailing Address (if different than above)	Mailing Address (if different than above)
Street:	
City/State/Zip	

Door to
 Door
 Solicitation
 No Sales

Describe the nature of your business or goods to be sold: (In Detail) I'm a Financial Advisor opening a office in the area, and introducing myself to the community I help in various areas of investing, retirement planning, college savings, and insurance needs.

Location where goods will be sold: My office in Maitland or at clients homes or place of business

Date permit to be issued for: From: July 2014 To: _____

Vehicle Description: (if applicable) Year: 2005 Make: Dodge Model: Magnum
 Color: Black State: FL Owner: Byron Tobias

Name and Address of Manufacture of goods to be sold: Edward Jones - Home Office 12555 Manchester Rd. St. Louis MO 63131

Name/Address/Phone Number of two(2) reliable character/business references (preferably in Orange County):
Kerry Luellen (FA @ Edward Jones) 2186 E. Senoran Blvd, Apopka FL 32703 407-886-1360
Donovan Baxter (Hair Therapy) 515 N Park Ave Apopka FL 32712-407-703-7878

Have you ever been convicted of any felony, misdemeanor, or violation of any municipal ordinance? Yes No

If yes, please explain: _____

Federal Tax ID Number (FEI#) _____ OR Social Security Number: [REDACTED]
 Fictitious Name Registration # _____ OR Exemption Status: _____ (Attach Copy)
 Regulatory License/Certification #: _____ Corporate Doc #: _____

INDEMNITY AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT made and entered into this 1st day of August, 20 14, by and between, Byron Tobias hereinafter referred to as Byron Tobias and the CITY OF AOPKA, FLORIDA, hereinafter referred to as The City.

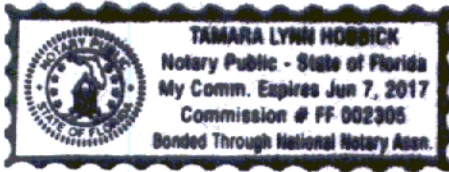
Byron Tobias hereby agrees to indemnify and hold harmless the City and all of the City's officers, representatives, employees, and/or agents arising out of, or resulting from any damages, injuries, or illness from any and all liability, including any injury to or death of any person, or damage to or destruction of property in or about the premises; defense costs, including attorney's fees and all other fees incidental to defense; loss or damage the City may suffer as a result of claims, demands, costs or judgments against it arising from participation in particular: held on the 1st day of August, 20 14, through the 30 day of September, 20 15.

Signature of Applicant: Byron Tobias

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1st day of August, 20 14, by, Byron Tobias and who is ~~personally known to me~~ or who has produced Valid FL DL as identification and who did (did not) take an oath,

Tamara Lynn Hobbick
Notary Public: Tamara Lynn Hobbick
Commission No: FF 002305
Commission Expires: Jun 7, 2017



Department	Approved	Denied	Comments:
CD - Zoning:	✓		<u>AT</u>
Fire:	✓		<u>Per Jeff Tyre See E-mail</u>
Police:	✓		<u>Per Capt. Miller See E-mail</u>
City Council:			

Application Fee: \$10.00 Date Paid: _____ Permit Fee: \$50.00 Date Paid: _____

Cash Credit/Debit: Check #: _____

From: Jeffrey Tyre <jtyre@apopka.net>
To: KFixl@Apopka.net
Date: 8/4/2014 3:54 PM
Subject: Re: Peddler Permit: Byron Tobias, Edward Jones

Fire has no issue with this or the tent sale. Just make sure the car sale gets a tent permit from Building.
Thank you, Jeff

Sent from my iPhone

> On Aug 4, 2014, at 3:51 PM, "Kristi Fixl" <KFixl@Apopka.net> wrote:
>
> Hello,
>
> Byron Tobias would like to solicit door to door on behalf of Edward Jones Investments. His background
check has been approved. I am awaiting an updated Certificate of Liability Insurance.
>
> Please reply with your approval/disapproval.
>
> Thank you,
>
> Kristi
> <TEXT.htm>
> <Peddler Permit - Byron Tobias - Edward Jones.pdf>

Kristi Fixl - Re: Peddler Permit Review: Byron Tobias, Edward Jones

From: Jerome Miller
To: Fixl, Kristi
Date: 8/5/2014 1:31 PM
Subject: Re: Peddler Permit Review: Byron Tobias, Edward Jones

The Police Department has no issue with this request. No door to door sales, and background check completed.

>>> Kristi Fixl 8/4/2014 4:08 PM >>>
Hello,

Byron Tobias would like to solicit door to door on behalf of Edward Jones Investments. His background check has been approved. I am awaiting an updated Certificate of Liability Insurance.

Chief Tyre has approved this.

Please reply with your approval/disapproval.

Thank you,

Kristi



Administrative Services
 120 East Main Street
 Apopka, Florida 32703
 Phone: 407-703-1703
 adminservices@apopka.net

COMMERCIAL BUSINESS TAX RECEIPT APPLICATION

FILING THIS APPLICATION AND REMITTING THE APPLICATION AND BUSINESS TAX FEE(S) FOR A CITY BUSINESS TAX RECEIPT DOES NOT ALLOW THE APPLICANT TO OPERATE OR ENGAGE IN ANY TYPE OF BUSINESS, OCCUPATION OR PROFESSION UNTIL A BUSINESS TAX RECEIPT IS ISSUED TO THE APPLICANT. **NOTE: THE \$10.00 NON-REFUNDABLE APPLICATION FEE IS IN ADDITION TO THE BUSINESS TAX FEE(S).**

Business Information	Owner Information (If corporation, provide corporate officer information)
Name: Edward Jones & Co.	Name:
Address: 587 Ruby Ct. Ste. 2	Address:
Shopping Center:	City/State/Zip:
City/State/Zip: Maitland, FL 32751	Phone: Fax:
Phone: 407-678-0658 Fax: 800-563-0865	Email Address:
Mailing Address (If different than above)	
Street:	
City/State/Zip	

Business Description (In Detail): FINANCIAL Advisory Assisting individuals in areas of investing, retirement planning, college SAVINGS, and various insurance needs.

Door to Door Solicitation - No Sales

Federal Tax ID Number (FEI #) _____ OR Social Security Number: _____
 Fictitious Name Registration # _____ OR Exemption Status: _____
 (Attach Copy) (Licensed Professional, First & Last Name Used, Incorporated, Attorney)
 Regulatory License/Certification #: _____ Corporate Doc#: _____

COMPLETE ALL THAT APPLY TO YOUR BUSINESS

Approximate Value of Retail Inventory:	Number of Employees:
Number of Students:	Number of Video Machines:
Number of Units/Vehicles:	Number of Other Vending Machines:
Number of Pool Tables	Vending Machines Owned: Leased:
Number of Fuel Pumps: Nozzles:	Car Wash (Y/N):
Restaurant Seating Capacity:	Dancing (Y/N)
Alcoholic Beverages Sold: Served:	Bar/Lounge (Y/N)
Number of Beauty/Barber Stations:	Number of Tanning Booths:

CERTIFICATION: I certify that all the information contained herein is true and correct to the best of my knowledge and belief. If any portion is found to be false or misrepresented, such fact may be just cause for immediate revocation of any business tax receipt(s) issued to me. I acknowledge that the issuance of this business tax receipt is contingent upon complying with the building and fire requirements of the City. Inspections will be performed and should deficiencies be found that are in conflict with required codes, I understand that the City will **not** issue the business tax receipt until I (or the owner of the building if leased) make the required corrections. I understand that should corrections be necessary, I am **not** permitted to operate this business until those corrections have been made and all applicable fees have been paid. It is further understood that I must FULLY comply with the Codes of the City of Apopka.

I understand that an Orange County business tax receipt must be obtained after the City business tax receipt is issued.

I further understand that it is the applicant's responsibility to secure the business tax receipt(s) prior to conducting business in the City of Apopka.

Applicant Info (If different than owner info)		
Name:		Email Address:
Address:		<i>I have read the foregoing document and the facts stated in it are true.</i>
City/State/Zip:		<input checked="" type="checkbox"/> Applicant Signature: <i>By E. Joe</i>
Phone:	Fax:	<input checked="" type="checkbox"/> Date Submitted: <i>8/01/2014</i>
FIRE DEPT. SIGN-OFF:		Date:

COMMUNITY DEVELOPMENT

Date Received:	Date Approved:	Approved By:
Telephone and/or Mobile Business Only: Yes:	No:	Zoning Est.:
Legal Description:		
Comprehensive Plan (Land Use)		
Comments:		
<i>* Business does not reside within City Limits.</i>		

ADMINISTRATIVE SERVICES

Full Fiscal Year Fee: \$ _____ Half Year Fee: \$ _____ Transfer Fee: \$ _____

Classification Code	Bus Tax Fee	Other Fee	Penalty	Total	Bus Tax Number

Notes: _____

Application Fee: \$10.00 Date Paid: _____ Date Issued: _____ Issued by: _____
 Bus Tax Subtotal: \$ _____ Total Paid: \$ _____ Cash Credit/Debit: Check #: _____

Backup material for agenda item:

9. Authorize issuance of a Peddler's Permit, to Wesley Chapel Honda, for a vehicle sale at Apopka Land Regional Shopping Center from September 2, 2014 through September 7, 2014.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: August 20, 2014
 FROM: Administrative Services
 EXHIBITS: _____

SUBJECT: PEDDLER PERMIT REQUEST

Request: APPROVE AND AUTHORIZE THE ISSUANCE OF A PEDDLER PERMIT TO WESLEY CHAPEL HONDA FOR A VEHICLE SALE AT APOPKA LAND REGIONAL SHOPPING CENTER

SUMMARY:

Wesley Chapel Honda is requesting approval for a vehicle sale to be held at the Apopka Land Regional Shopping Center (701-825 South Orange Blossom Trail) from September 2, 2014, through September 7, 2014.

The application has been reviewed and approved by the Community Development, Fire and Police Departments (including background checks).

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Consider issuance of a Peddler Permit to Wesley Chapel Honda.

DISTRIBUTION

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



Administrative Services
 120 East Main Street
 Apopka, Florida 32703
 Phone: 407-703-1703
 adminservices@apopka.net

PEDDLER PERMIT APPLICATION

FILING THIS APPLICATION AND REMITTING THE APPLICATION AND PEDDLER/SOLICITOR FEE(S) FOR A CITY PEDDLER/SOLICITOR PERMIT DOES NOT ALLOW THE APPLICANT TO OPERATE OR ENGAGE IN ANY TYPE OF BUSINESS, OCCUPATION OR PROFESSION UNTIL A PEDDLER PERMIT IS ISSUED TO THE APPLICANT. **NOTE:** THE \$10.00 NON-REFUNDABLE APPLICATION FEE IS IN ADDITION TO THE PEDDLER/SOLICITOR PERMIT FEE.

Business/Organization Information	Applicants Information
Name: <u>Smith-Williams Automotive Group</u>	Name: _____
Address: <u>d/b/a Wesley Chapel Honda</u>	Address: _____
Shopping Center: <u>27750 Wesley Chapel Blvd</u>	City/State/Zip: <u>Wesley Chapel, FL 32704</u>
City/State/Zip: <u>APOPKA LAND SHOPPING CTR</u>	Phone: _____ Fax: _____
Phone: <u>813-929-2281</u> Fax: <u>813-929-2200</u>	Email Address: _____
Mailing Address (If different than above)	Mailing Address (If different than above)
Street: _____	_____
City/State/Zip _____	_____

Describe the nature of your business or goods to be sold: (In Detail) used vehicles will be sold during Sept 2-7, 2014

Location where goods will be sold: 701-825 S. Orange Blossum Trail Apopka

Date permit to be issued for: From: Sept 2nd To: Sept 7th, 2014

Vehicle Description: (if applicable) Year: multiple Make: _____ Model: _____

Color: _____ State: _____ Owner: _____

Name and Address of Manufacture of goods to be sold: Wesley Chapel Honda

Name/Address/Phone Number of two(2) reliable character/business references (preferably in Orange County):

Manheim Auto Auction of Orlando (407) 656-6200

Jim Moran & Associates (800) 443-9841

Have you ever been convicted of any felony, misdemeanor, or violation of any municipal ordinance? Yes No

If yes, please explain: _____

Federal Tax ID Number (FEI#) 27-2661500 OR Social Security Number: _____

Fictitious Name Registration # 610000076034 OR Exemption Status: _____ (Attach Copy)

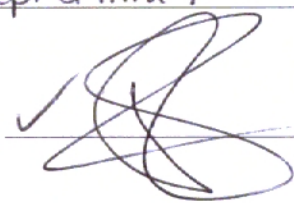
Regulatory License/Certification #: 072661 Corporate Doc #: _____

SIC CODE 5511

INDEMNITY AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT made and entered into this 31st day of July, 2014, by and between, Smith-Williams Automotive Group db/a Wesley Chapel Honda hereinafter referred to as _____ and the CITY OF APOPKA, FLORIDA, hereinafter referred to as The City.

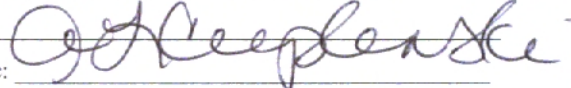
Wesley Chapel Honda hereby agrees to indemnify and hold harmless the City and all of the City's officers, representatives, employees, and/or agents arising out of, or resulting from any damages, injuries, or illness from any and all liability, including any injury to or death of any person, or damage to or destruction of property in or about the premises; defense costs, including attorney's fees and all other fees incidental to defense; loss or damage the City may suffer as a result of claims, demands, costs or judgments against it arising from participation in particular: held on the ___ day of Sept 2 thru 7, 2014, through the 30 day of September, 20 .


Signature of Applicant: 

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 31st day of July, 2014, by, TYLER HILL and who is personally known to me or who has produced _____ as identification and who did (did not) take an oath,



Notary Public: 
Commission No: EE 059593
Commission Expires: 2/13/15

Department	Approved	Denied	Comments:
CD - Zoning:	✓		
Fire:	✓		Per Jeff Tyre See E-mail
Police:	✓		Per Capt. Miller See Email
City Council:			

Application Fee: \$10.00 Date Paid: _____ Permit Fee: \$50.00 Date Paid: _____

Cash Credit/Debit: Check #: _____

Kristi Fixl - Re: Peddler Permit Review: Wesley Chapel Honda

From: Jerome Miller
To: Fixl, Kristi
Date: 8/5/2014 1:27 PM
Subject: Re: Peddler Permit Review: Wesley Chapel Honda

The Police Department has no issue with Wesley Chapel Honda selling used vehicle sales in the Apopka Land Regional Shopping Center on September 2- September 7, 2014. Make certain that they are set up as displayed in the map in their application with the barricades or cones.

>>> Kristi Fixl 8/4/2014 4:38 PM >>>
Hello,

Wesley Chapel Honda would like to host a vehicle tent sale September 2-7, 2014, at the Apopka Land Shopping Center. I am awaiting an updated Certificate of Liability Insurance.

Chief Tyre has approved this pending they pull a tent permit with Community Development.

Please reply with your approval/disapproval.

Thank you,

Kristi

From: Jeffrey Tyre <jtyre@apopka.net>
To: KFixl@Apopka.net
Date: 8/4/2014 3:54 PM
Subject: Re: Peddler Permit: Byron Tobias, Edward Jones

Fire has no issue with this or the tent sale. Just make sure the car sale gets a tent permit from Building.
Thank you, Jeff

Sent from my iPhone

> On Aug 4, 2014, at 3:51 PM, "Kristi Fixl" <KFixl@Apopka.net> wrote:
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check has been approved. I am awaiting an updated Certificate of Liability Insurance.
>
> Please reply with your approval/disapproval.
>
> Thank you,
>
> Kristi
> <TEXT.htm>
> <Peddler Permit - Byron Tobias - Edward Jones.pdf>

**Apopka Land Shopping Center
701-825 S. Orange Blossom Trail
Apopka, FL 32703**

July 18, 2014

Re: Auto Tent Sale

To Whom It May Concern:

Please allow this letter to serve as authorization for Wesley Chapel Honda to conduct an auto tent sale for an agreed upon fee. This sale shall commence on September 2, 2014 and terminate on September 7, 2014, allowing two days prior for set up and two days after for take down.

Port-o-lets and trash removal will be provided. The property will be left in the same condition as it was found.

Sincerely,
Michele Soloway
Property Manager
Apopka Associates 2006, LLC

By Michele Soloway

STATE OF Florida
COUNTY OF Broward

I hereby certify that the following individual(s) personally appeared before me this day and acknowledged to me that he/she/they voluntarily executed the foregoing document for the purpose stated therein and in the capacity indicated.

Date: July 18, 2014

Kari J. Morse
Notary Public

My commission expires 7/18/14
(Official Seal)



MAILED Appl & check
original

7/29/14

CITY OF APOPKA

APPLICATION FOR SPECIAL EVENT/OUTDOOR ASSEMBLY PERMIT

APPLICANT'S NAME: APEX HOLIDAY tent - ANTONINA GREENWOOD

MAILING ADDRESS: 2017 MANATEE AVE West, BRADENTON, FL 34205

PHONE: CELL 941-723-1822 HOME same WORK same

NAME OF GROUP/ORGANIZATION: _____

MAILING ADDRESS: PO BOX 24477 Lakeland FL 33802

PHONE: 407-230-7337 CONTACT PERSON: MIKE KAUFFMAN

CHAIRPERSON OF PARADE: N/A

MAILING ADDRESS: _____

PHONE: CELL _____ HOME _____ WORK _____

DATE(S) OF EVENT: 9/2/14 - 9/7/14

HOURS OF EVENT (BEGIN): 9 AM (END): 8 PM

EXACT LOCATION OF EVENT: Big Lots Parking Lot in the APOPKA Regional Land Shopping Center - 845 S. ORANGE BLOSSOM (ATTACH MAP)

PUBLIC FACILITIES OR EQUIPMENT TO BE USED: NO

ANTICIPATED # OF DAILY PARTICIPANTS: 10 ANTICIPATED # OF DAILY SPECTATORS: 10

DESCRIBE ALL ACTIVITIES WHICH WILL OCCUR DURING THE EVENT: CAR SALE with a tent 20x60, port-a-lets, generator, TABLES, CHAIRS, and computers under tent. 2 TRASH BANNETS.

WILL ALCOHOLIC BEVERAGES BE SOLD? YES _____ NO X IF YES, EXPLAIN: _____

DESCRIPTION OF ANY EQUIPMENT AND/OR PRODUCTS, TO BE USED: (TENTS, AMPLIFIERS, BANNERS, SIGNS, ANIMALS, ETC.): TENTS, Port-a-Lets, Generator

APPLICANT MUST PROVIDE ADEQUATE RESTROOM FACILITIES DURING EVENT, APPLICANT IS RESPONSIBLE TO PROVIDE POLICE AND FIRE PROTECTION IF DEEMED NECESSARY BY THE POLICE CHIEF AND/OR FIRE CHIEF. APPLICANT MUST PROVIDE WRITTEN AUTHORIZATION FOR APPLICANT TO APPLY FOR PERMIT ON BEHALF OF GROUP OR ORGANIZATION.

PLEASE CONTINUE ON REVERSE SIDE.

COMMENTS BY APPLICANT: There will be Exit signs, no smoking signs, & a certified fire extinguisher under the tent. Parking lot traffic will be blocked from entering the car sale area.

I, Antonina Greenwood, HEREBY REPRESENT, STIPULATE, CONTRACT AND AGREE THAT Wesley Chapel Honda WILL JOINTLY AND SEVERALLY INDEMNIFY AND HOLD THE CITY HARMLESS AGAINST LIABILITY, INCLUDING COURT COSTS AND ATTORNEY'S FEES, AND INCLUDING ATTORNEY'S FEES FOR AN APPEAL, FOR ANY AND ALL CLAIMS FOR DAMAGE TO PROPERTY OR INJURY TO OR DEATH OF PERSONS ARISING OUT OF OR RESULTING FROM THE ISSUANCE OF THE PERMIT OR THE CONDUCT OF THE ASSEMBLY OR ANY OF ITS PARTICIPANTS

[Signature]
SIGNATURE OF APPLICANT

ANTONINA GREENWOOD
PRINTED NAME OF APPLICANT

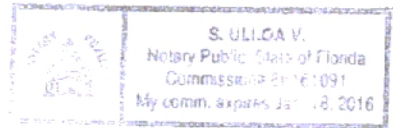
7/25/14
DATE SUBMITTED TO COMMUNITY DEV. DEPT.

STATE OF FLORIDA
COUNTY OF ORANGE

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 25 DAY OF JULY 2014, BY ANTONINA GREENWOOD, WHO IS PERSONALLY KNOWN OR PRODUCED FLDL IDENTIFICATION.

[Signature]
NOTARY PUBLIC SIGNATURE

Susanna Latta V
NOTARY PUBLIC PRINTED NAME



FOR OFFICIAL USE ONLY

DRC APPROVAL: _____ DATE: _____

DRC COMMENTS: _____

FIRE APPROVAL: _____ DATE: _____

FIRE COMMENTS: _____

POLICE APPROVAL: _____ DATE: _____

POLICE COMMENTS: _____

CITY COUNCIL WILL CONSIDER THIS REQUEST SUBJECT TO APPLICANT MEETING ALL CITY REQUIREMENTS ON:

MEETING DATE: _____ APPROVED: _____ DENIED: _____

PERMIT FEE: \$50.00 DATE PAID: _____ REC'D BY: _____ DATE EXEMPTED: _____

Backup material for agenda item:

1. ORDINANCE NO. 2374 – SECOND READING – VACATE - Apopka Woods, LLC - Vacating a portion of a Utility Easement - 1472 W. McCormick Road. [Ordinance No. 2374 does not meet the requirements for adoption]



CITY OF APOPKA
CITY COUNCIL

X PUBLIC HEARING
ANNEXATION
PLAT APPROVAL
X OTHER: Ordinance

MEETING OF: August 20, 2014
FROM: Community Development
EXHIBITS: Vicinity Map
Legal Description
Ordinance No. 2374
Utility Release Letters

SUBJECT: ORDINANCE NO. 2374 - APOPKA WOODS, LLC - VACATING A UTILITY EASEMENT - 1472 W. MCCORMICK ROAD

Request: SECOND READING OF ORDINANCE NO. 2374 - VACATING A UTILITY EASEMENT FOR APOPKA WOODS, LLC; AND HOLD OVER FOR THIRD READING & ADOPTION ON SEPTEMBER 3, 2014.

SUMMARY:

OWNER/APPLICANT: Apopka Woods, LLC, c/o Jeff Pelock
LOCATION: 1472 W. McCormick Road
LAND USE: Residential Low (0-5 du/ac)
ZONING: R-2
EXISTING USE: Single-Family Residence
AREA TO BE VACATED: 5,440 Sq. Ft.
RELATIONSHIP TO ADJACENT PROPERTIES:

Table with 4 columns: Direction, Future Land Use, Zoning, Present Use. Rows include North (County), East (County), South (Ocoee), and West (City).

DISTRIBUTION:

Mayor Kilsheimer Finance Director Public Ser. Director (2)
Commissioners (4) HR Director City Clerk (4)
CA Richard Anderson IT Director Fire Chief
Community Dev. Director Police Chief

G:\Shared\4020\Planning_Zoning\Vacate\1472 W. McCormick Road\1 Apopka Woods, LLC - Vacate - CC 08-20-14 2nd Rd

ADDITIONAL COMMENTS:

The applicant is seeking to vacate an exclusive utility easement with Duke Energy located along the eastern property line of 1472 W. McCormick Road. The eight (8) foot wide utility easement that will be vacated is described in the legal description. Vacating this utility easement is necessary to accommodate the construction of seventy-six (76) residential homes for the Apopka Woods subdivision. Vacating the utility easement will not affect any abutting property owners.

PUBLIC HEARING SCHEDULE:

August 6, 2014 - City Council - 1st Reading (1:30 p.m.)
August 20, 2014 - City Council - 2nd Reading (8:00 p.m.)
September 3, 2014 – City Council – 3rd Reading & Adoption (1:30 p.m.)

DULY ADVERTISED:

July 18, 2014 - Public Hearing Notice
August 15, 2014 - Ordinance Heading Ad
September 19, 2014 - Full Publication of Ordinance

RECOMMENDED ACTION:

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

The **City Council**, at its meeting on August 6, 2014, accepted the First Reading of Ordinance No. 2374, and held it over for Second Reading on August 20, 2014.

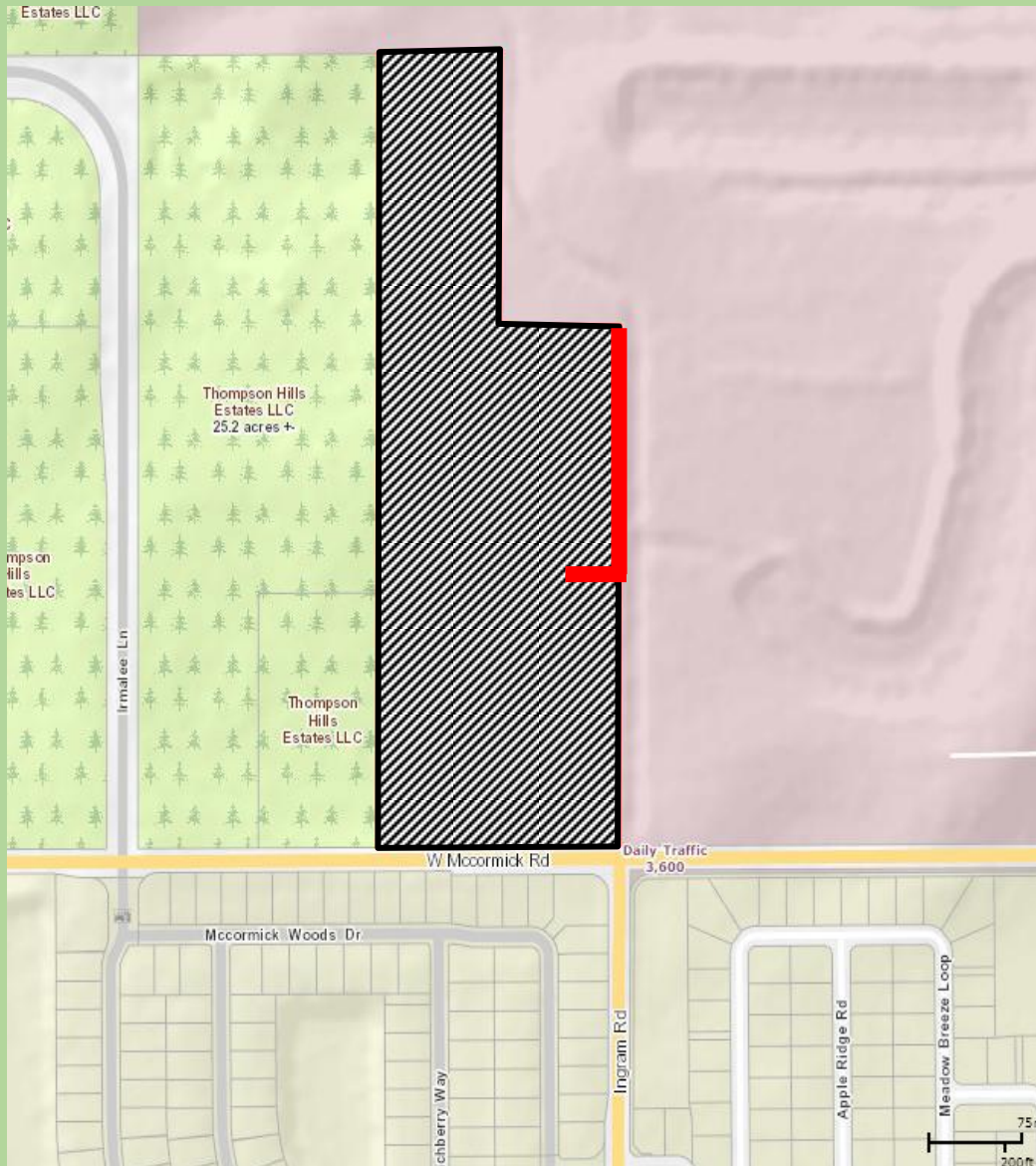
Accept the Second Reading of Ordinance No. 2374, and Hold it Over for Third Reading and Adoption on September 3, 2014.

Apopka Woods, LLC
Proposed Vacate of Existing Utility Easement
1472 W. McCormick Road
Parcel ID No.: 32-21-28-0000-00-002

VICINITY MAP



-  Vacate Area
-  Property



ORDINANCE NO. 2374

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 1472 WEST MCCORMICK ROAD; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to provisions of Florida Statutes, Section 336.10, a Petition has been filed by Apopka Woods, LLC to vacate, abandon, discontinue, renounce and disclaim a portion of an existing utility easement located at 1472 West McCormick Road, as shown in Exhibit "A"; and

WHEREAS, Duke Energy (f/k/a Progress Energy) has no objection to the abandonment of a portion of the existing utility easement; and

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

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

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

Section 1. That the following lands shall be officially closed, discontinued, and vacated:

Legal Description:

The South 180 feet of the East 175 feet of the East ½ of the NW ¼ of the NE ¼ of Section 32, Township 21 South, Range 28 East. The 8 feet of the above described property, herein referred to as easement area and the East 8 feet and the South 8 feet of the North 584 feet of the East 110 feet of the East ½ of the NW ¼ of the NE ¼ (Less the South 180 feet of the East 175 feet) of Section 32, Township 21 South, Range 28 East.

Containing: 5,440 Square Feet, More or Less

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

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

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

ORDINANCE NO. 2374
PAGE 2

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

READ FIRST TIME: August 6, 2014
READ SECOND TIME: August 20, 2014
READ THIRD TIME
AND ADOPTED: September 3, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: July 18, 2014
August 15, 2014

**ORDINANCE NO. 2374
EXHIBIT "A"**

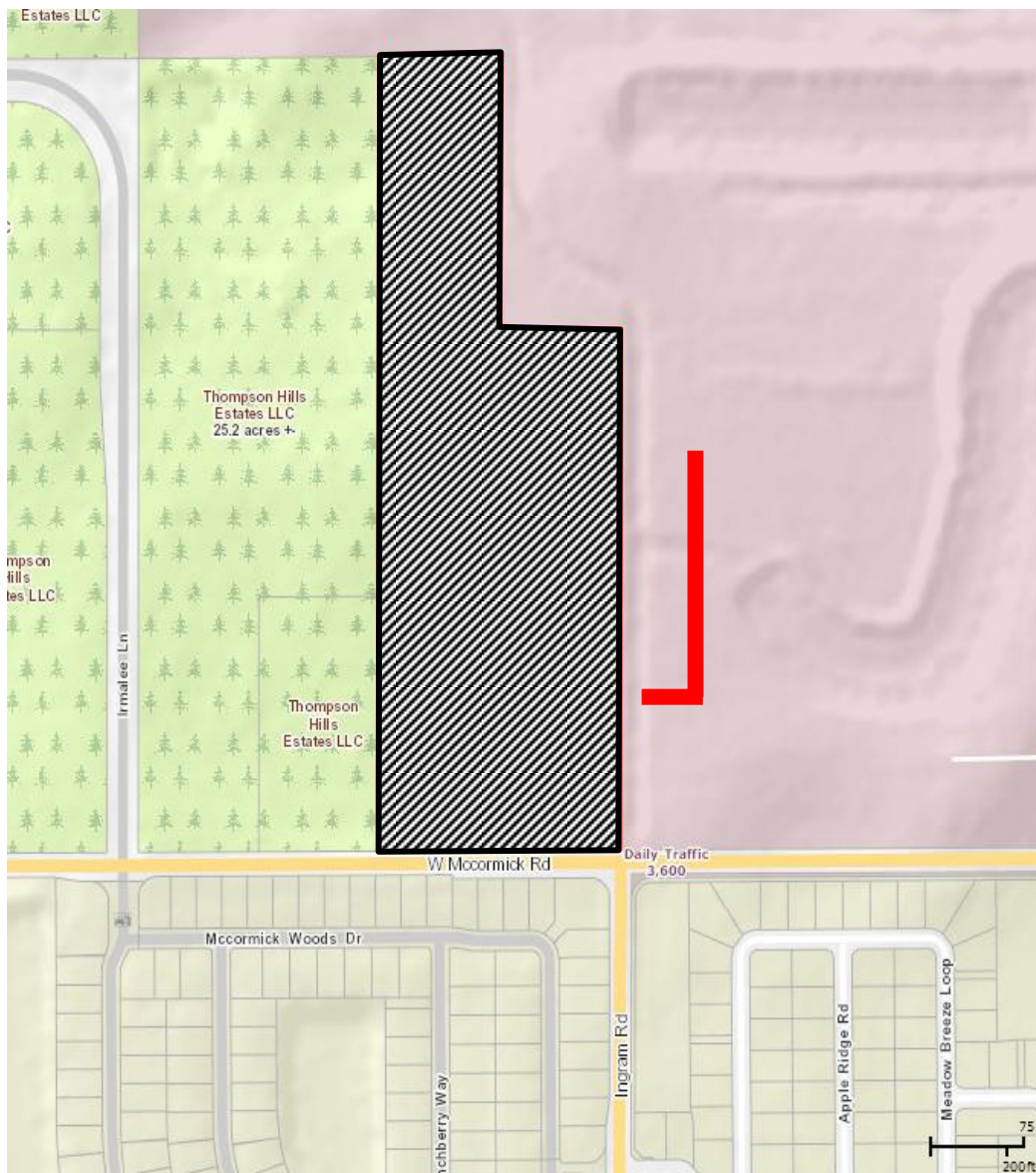
**Apopka Woods, LLC
Proposed Vacate of Existing Utility Easement
1472 W. McCormick Road
Parcel ID No.: 32-21-28-0000-00-002**



 **Vacate Area**

 **Property**

VICINITY MAP





DOC # 20140303127 B: 10761 P: 3122
06/19/2014 07:54 AM Page 1 of 2
Rec Fee: \$18.50
Deed Doc Tax: \$0.00
Mortgage Doc Tax: \$0.00
Intangible Tax: \$0.00
Martha O. Haynie, Comptroller
Orange County, FL
Ret To: SIMPLIFILE LC

RELEASE OF EASEMENT

COUNTY USE ONLY

WHEREAS, by instrument dated September 7, 1972, R.E. Marden and Cora Lee S. Marden did grant and convey unto FLORIDA POWER CORPORATION, a Florida corporation, (**Duke Energy Florida, Inc. d/b/a Duke Energy is the successor in interest to the original grantee and thereafter all references will be to Duke Energy**), a right-of-way easement subsequently recorded December 7, 1972 in O.R. Book 2321 at Page 308 Instrument No. 568817 of the Public Records of Orange County, Florida, covering the following-described lands in Orange County, Florida, to wit:

The East 8 feet and the South 8 feet of the North 584 feet of the East 110 feet of the East ¼ of the NW ¼ of the NE ¼ (LESS the South 180 feet of the East 175 feet) of Section 32, Township 21 South, Range 28 East.

and

WHEREAS, DUKE ENERGY has been requested to release the above-described right-of-way easement, and DUKE ENERGY is willing to release said easement;

NOW, THEREFORE, WITNESSETH, that DUKE ENERGY, for and in consideration of the sum of One Dollar and of other good and valuable considerations, receipt of which is hereby acknowledged, has released and discharged and by these presents does release and discharge all of the right, title, interest, claim and demand which said DUKE ENERGY, has under and by virtue of the above-described easement.

RELEASE

IN WITNESS WHEREOF, said DUKE ENERGY has caused this Release of Easement to be signed in its corporate name by its authorized representative, witnessed and attested, this 17 day of June, 2014.

WITNESSES:

DUKE ENERGY FLORIDA, INC.
d/b/a DUKE ENERGY

Nick Brana

By: [Signature]
Kris Tietig, Manager of Land Services

NICK BRANA
Print Name

3300 Exchange Place
Lake Mary, FL 32742



[Signature]

LINDA BAUER
Print Name

STATE OF FLORIDA

COUNTY OF Seminole

The foregoing document was acknowledged before me this 18th day of JUNE, 2014, by Kris Tietig, as Manager of Land Services of DUKE ENERGY FLORIDA, INC., d/b/a DUKE ENERGY, a Florida corporation, on behalf of the corporation who is personally known to me or who has produced _____ as identification and who did not take an oath.



[Signature]
Notary Public
LINDA R BAUER
Print Name

Serial Number:
My Commission Expires:

(SEAL)

Backup material for agenda item:

2. ORDINANCE NO. 2375 – SECOND READING – VACATE - Susan Van Alstine-Milam
- Vacating a Portion of a Drainage and Utility Easement - 1738 Lucky Pennie Way.
[Ordinance No. 2375 does not meet the requirements for adoption]



CITY OF APOPKA
CITY COUNCIL

X PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
X OTHER: Ordinance

MEETING OF: August 20, 2014
FROM: Community Development
EXHIBITS: Vicinity Map
 Legal Description
 Ordinance No. 2375
 Utility Release Letters

SUBJECT: ORDINANCE NO. 2375 – SUSAN VAN ALSTINE - VACATING A PORTION OF A DRAINAGE AND UTILITY EASEMENT- 1738 LUCKY PENNIE WAY

Request: SECOND READING OF ORDINANCE NO. 2375 - VACATING A PORTION OF A DRAINAGE AND UTILITY EASEMENT FOR SUSAN VAN ALSTINE; HOLD OVER FOR THIRD READING & ADOPTION ON SEPTEMBER 3, 2014.

SUMMARY:

OWNER/APPLICANT: Susan Van Alstine
LOCATION: 1738 Lucky Pennie Way
LAND USE: Residential Medium (0-10 du/ac)
ZONING: R-3
EXISTING USE: Single-Family Residence
AREA TO BE VACATED: 30.84 +/- Sq. Ft.

RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Land Use	Zoning	Present Use
North - City	Residential Medium (0-10 du/ac)	R-3	Single Family Residence
East - City	Residential Medium (0-10 du/ac)	R-3	Single Family Residence
South - City	Residential Medium (0-10 du/ac)	R-3	Single Family Residence
West - City	Residential Medium (0-10 du/ac)	R-3	Single Family Residence

DISTRIBUTION:

Mayor Kilsheimer	Finance Director	Public Ser. Director (2)
Commissioners (4)	HR Director	City Clerk (4)
CA Richard Anderson	IT Director	Fire Chief
Community Dev. Director	Police Chief	

G:\Shared\4020\Planning_Zoning\Vacate\1738 Lucky Pennie Way- Susan VanAlstine\1 1738 Lucky Pennie Way Susan VanAlstine – Vacate – CC 08-20-14 2nd

ADDITIONAL COMMENTS:

The applicant is seeking to vacate a one foot wide portion of land along the eastern boundary of the existing 7.5 foot wide drainage and utility easement located at the rear of 1738 Lucky Pennie Way. The portion of the easement that will be vacated is described in the Legal Description. Vacating this portion of the easement is necessary to accommodate the installation of a screen enclosure around an existing swimming pool on the property. A lift station tract owned by the City of Apopka abuts the rear property line. Vacating a portion of the drainage and utility easement will not affect any abutting property owners.

Public Services has evaluated the site and has agreed to the requested vacate as long as an easement is established that grants access to the utility area on the west side of the property. Additionally, the utility companies have been contacted and there are no objects to the request.

PUBLIC HEARING SCHEDULE:

August 6, 2014 - City Council - 1st Reading (1:30 p.m.)
August 20, 2014 - City Council - 2nd Reading (8:00 p.m.)

DULY ADVERTISED:

July 18, 2014 - Public Hearing Notice
August 15, 2014 - Ordinance Heading Ad
September 19, 2014 - Full Publication of Ordinance

RECOMMENDED ACTION:

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



The **City Council**, at its meeting on August 6, 2014, accepted the First Reading of Ordinance No. 2375, and held it over for Second Reading on August 20, 2014.

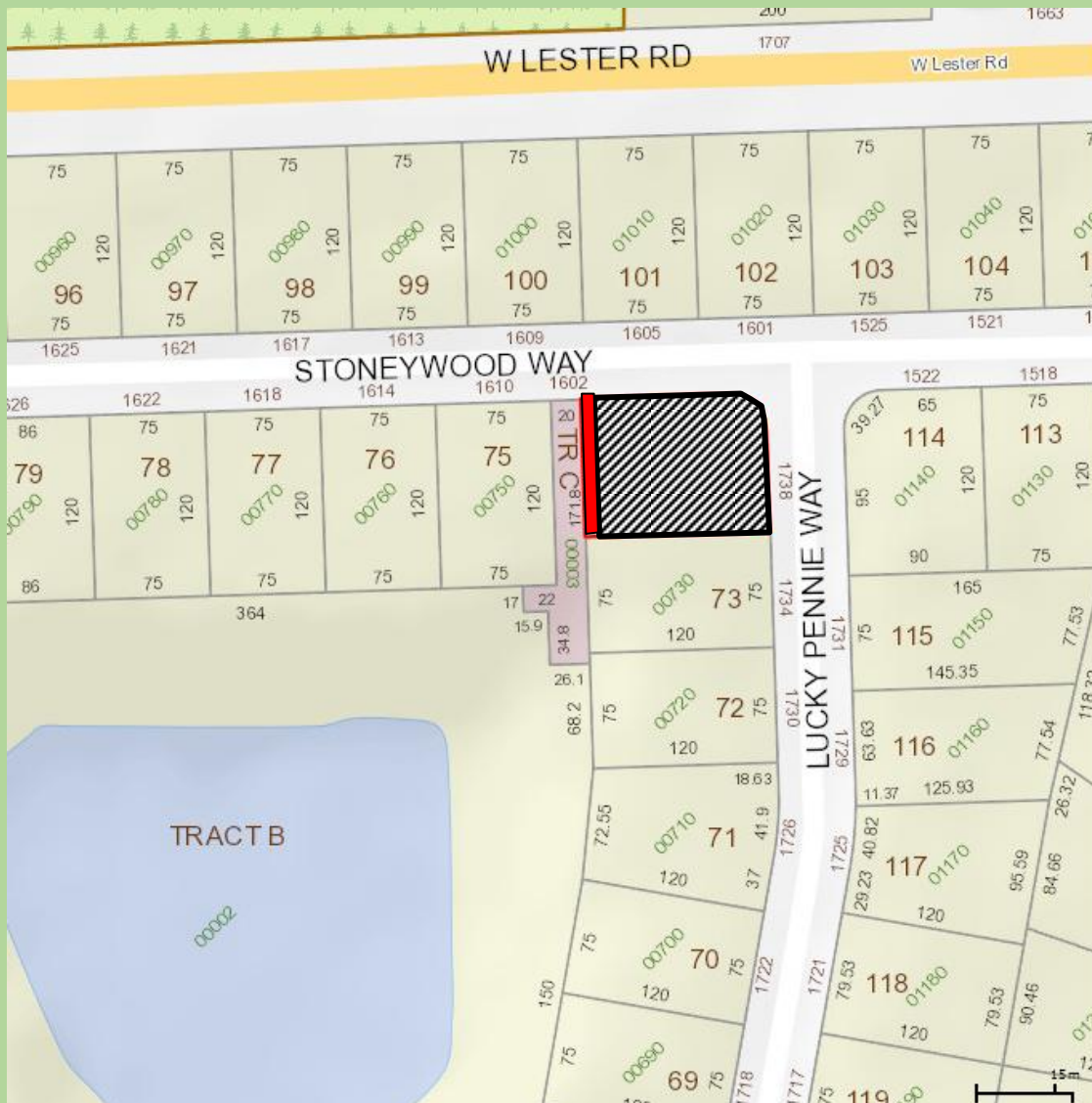
Accept the Second Reading of Ordinance No. 2375 and Hold Over for Third Reading and Adoption on September 3, 2014.

Susan VanAlstine
Proposed Vacate of Existing Drainage and Utility Easement
1738 Lucky Pennie Way
Parcel ID: 32-20-28-7830-00-740

VICINITY MAP



-  Vacate Area
-  Property



ORDINANCE NO. 2375

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF THE DRAINAGE AND UTILITY EASEMENT LOCATED AT 1738 LUCKY PENNIE WAY; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to provisions of Florida Statutes, Section 336.10, a Petition has been filed by Susan VanAlstine to vacate, abandon, discontinue, renounce and disclaim a portion of existing drainage and utility easement located at 1738 Lucky Pennie Way, as shown in Exhibit "A"; and

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

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

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

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

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

Legal Description:

A parcel of land being a portion of the 7.50 foot cable, drainage and utility easement, being a portion of lot 74, Stonewood Phase II, according to the plat thereof, as recorded in Plat Book 52, pages 26-29, Public Record of Orange County, Florida, Being more particularly described as follows: Commence at the Southwest corner of Lot 74, thence S 89 degrees 36' 44" E, along the South line of Lot 74, for a distance of 7.50 feet; thence N 00 degrees 23' 16" E, parallel with the West line of Lot 74 along the East line of the 7.50 foot easement, for a distance of 18.78 feet, to the point of beginning; thence, continue along the east line of the 7.50 foot easement, N 00 degrees 23' 16" E, for a distance of 30.82 feet; thence N 89 degrees 36' 44" W, for a distance of 1.00 feet; thence S 00 degrees 23' 16" W, parallel with the West line of Lot 74 for a distance of 30.82 feet; thence S 89 degrees 36' 44" for a distance of 1.00 feet, to the point of beginning.

Containing 30.82 Square Feet, More Or Less.

ORDINANCE NO. 2375
PAGE 2

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

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

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

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

READ FIRST TIME: August 6, 2014
READ SECOND TIME: August 20, 2014
READ THIRD TIME
AND ADOPTED: September 3, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: July 18, 2014
August 15, 2014

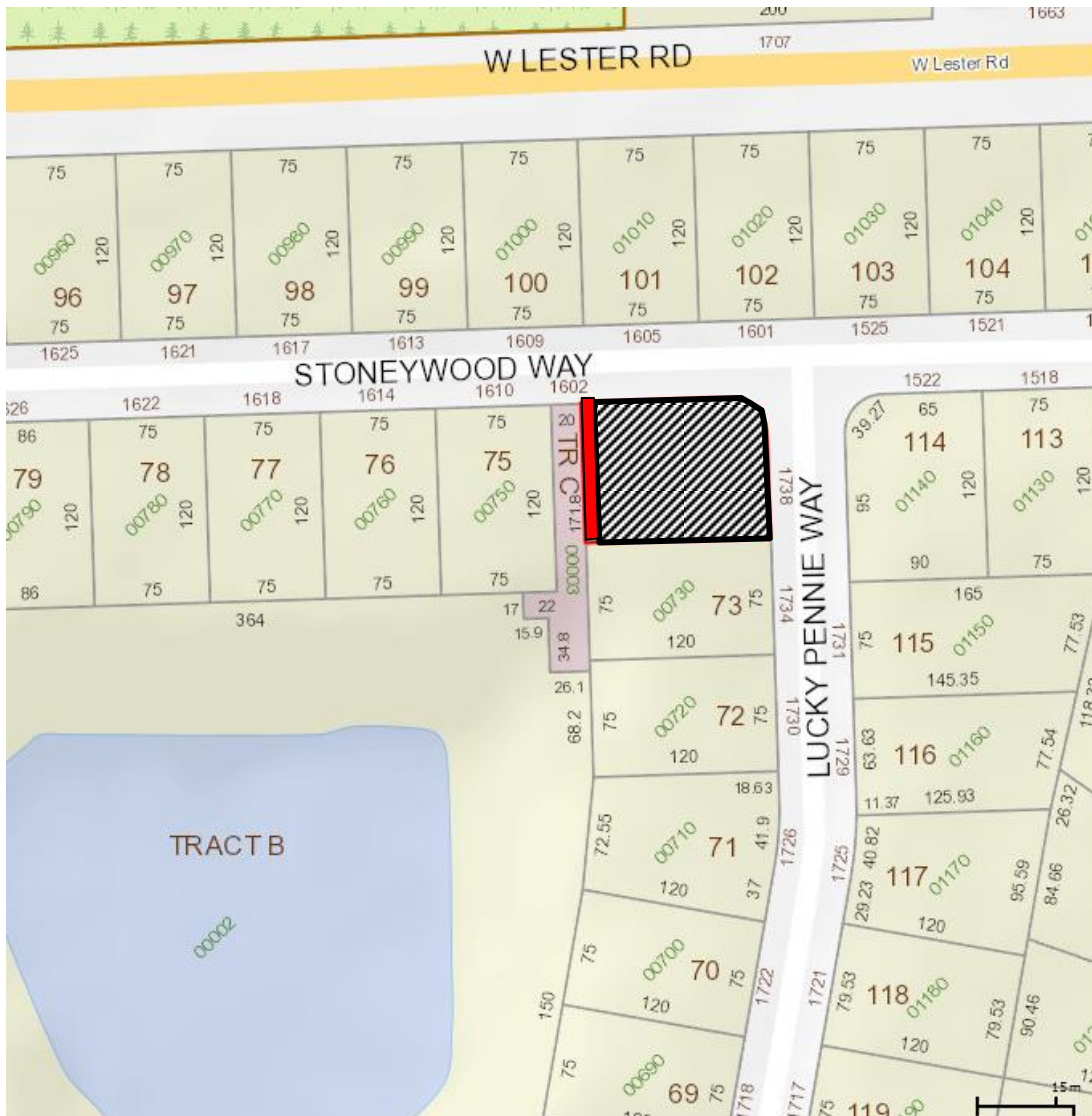
**ORDINANCE NO. 2375
EXHIBIT "A"**

**Susan VanAlstine
Proposed Vacate of Existing Drainage and Utility Easement
1738 Lucky Pennie Way
Parcel ID: 32-20-28-7830-00-740**

VICINITY MAP



-  Vacate Area
-  Property



Fwd: RE: Release letter

From: Edith Torres <EdithTorres@Apopka.net>
To: sva@sprintmail.com
Subject: Fwd: RE: Release letter
Date: May 29, 2014 3:19 PM

FYI

>>> "Byrnes, David R" <david.r.byrnes@centurylink.com> 5/28/2014 3:45 PM >>>
Edith,

We don't have any facilities in this easement so I have no objection to this request.

Thank You
David Byrnes

From: Edith Torres [mailto:EdithTorres@Apopka.net]
Sent: Wednesday, May 28, 2014 8:14 AM
To: Byrnes, David R
Cc: Rogers Beckett; Pipkin, John S; sva@sprintmail.com
Subject: Re: Release letter

Good morning Mr. Byrnes,

Please see attachment regarding the easement at 1738 Lucky Pennie Way.
If you have any questions, please let me know.

Thank you.
Edith Torres

Edith Torres
Planning & Zoning Secretary
City of Apopka
120 E. Main Street
P.O. Box 1229
Apopka, Florida 32704-1229
Phone: (407) 703-1739
Fax: (407) 703-1791
E-mail: edithtorres@apopka.net >>> "Byrnes, David R" <david.r.byrnes@centurylink.com> 5/28/2014 7:48 AM >>>
Edith,

I didn't receive the attachment regarding the easement at 1738 Lucky Penne In. could you please send it to me so I have a copy.

Thanks
David Byrnes
Engineer I
(407)-814-5379 office
(321)-695-3636 cell

Construction Department
3767 All American Blvd
Orlando FL 32810



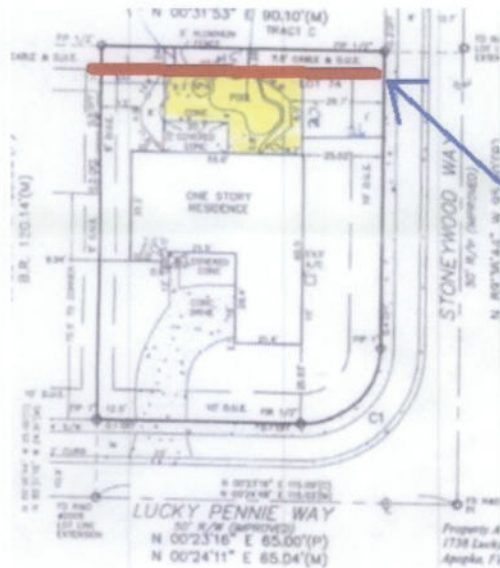
May 27, 2014

Susan Van Alstine
1738 Lucky Pennie Way
Apopka, FL 32712

Re: Request for Vacate of Easement for
1738 Lucky Pennie Way – lot 74
Stoneywood Ph 2 Plat book 52 page 26

Dear Mr. McDowell:

Bright House Networks has reviewed your request and has **no objections** to vacate the 2 ft of the rear 7.5 utility easement of lot 74 as recorded in Orange County FI plat book 52 page 62. and as shown below on this drawing.



Bright House
Networks has no
objection to
vacate 2 ft of the
7.5 utility
easement

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

Sincerely,
Tracey Domostoy

Tracey Domostoy
Construction Supervisor
Bright House Network

May 27, 2014

Ms. Susan Van Alstine
1738 Lucky Pennie Way
Apopka, FL 32712

RE: Vacation of easement
1738 Lucky Pennie Way

Dear Ms. Van Alstine:

As you requested, we have reviewed your request for encroachment and/or vacation of the utility easement on the above-referenced property. The Gas District has a buried pipeline along Lester Road but no facilities within your subdivision. Therefore, we have no objection to the proposed vacation of the easement.

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

Sincerely,

LAKE APOPKA NATURAL GAS DISTRICT



Richard W. Gullett
Manager of Engineering & Field Services



May 23, 2014

Susan Van Alstine
1738 Lucky Pennie Way
Apopka, FL. 32712

RE: - Request to Vacate a Platted Utility Easement on Lot 74, plat of "STONEWOOD PHASE II", according to the plat thereof, as recorded in Plat Book 52, Page 26, Public Records of Orange County, Florida.

Dear Ms. Van Alstine

Please be advised that Duke Energy (formerly known as Progress Energy Florida, Inc & Florida Power Corporation) has "**NO OBJECTION**" to the vacation and abandonment of a portion of the 7.5 foot rear lot platted Utility Easement being more particularly described as:

That certain East 1 foot of the platted 7.5 foot, rear lot Utility Easement, of Lot 74, plat of STONEYWOOD PHASE II, as recorded in Plat Book 52, Page 26, of the Public Records of Orange County Florida.

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

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

Best regards,

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

1171 East Twiliss Street Ste 200 Tampa FL 33607

Bookkeeping Essentials

Backup material for agenda item:

3. ORDINANCE NO. 2376 - SECOND READING – THE CITY OF APOPKA CODE OF ORDINANCES, CHAPTER 6 - ALCOHOLIC BEVERAGES – Amending certain sections to allow for extended hours of sale of alcoholic beverages; for possession on roadways, alleys and public right-of-ways; for possession within city parks for certain events; and hold over for Third Reading and Adoption.



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinance

MEETING OF: August 20, 2014
FROM: Administration
EXHIBITS: Ordinance No. 2376
Exhibit "A"

SUBJECT: **ORDINANCE NO. 2376 – AMENDING THE CITY OF APOPKA CODE OF ORDINANCES, CHAPTER 6 – ALCOHOLIC BEVERAGES**

Request: **SECOND READING OF ORDINANCE NO. 2376 – AMENDING THE CITY OF APOPKA CODE OF ORDINANCE, CHAPTER 6 - "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES TO ALLOW FOR EXTENDED HOURS OF SALE OF ALCOHOLIC BEVERAGES; FOR POSSESSION ON ROADWAYS, ALLEYS AND PUBLIC RIGHT-OF-WAYS; FOR POSSESSION WITHIN CITY PARKS FOR CERTAIN EVENTS; AND HOLD IT OVER FOR A THIRD READING AND ADOPTION.**

SUMMARY:

In response to a community forum held by Mayor Kilsheimer on June 24, 2014, and after concerns raised by the local Ministerial Association, City staff worked out a compromise which permits for Sunday packaged alcohol sales (off premise sales) while also working to strengthen our current ordinance in dealing with open container violations when the Police Department comes into contact with violators.

PUBLIC HEARING SCHEDULE:

August 6, 2014 - City Council (1:30 pm) - 1st Reading
August 20, 2014 – City Council (8:00 pm) - 2nd Reading
September 3, 2014 – City Council (1:30 pm) – 3rd Reading & Adoption

DULY ADVERTISED:

August 8, 2013 – Public Notice and Notification
August 22, 2014 – Ordinance Heading Ad

FUNDING SOURCE: N/A

RECOMMENDATION

The **City Council**, at its meeting on August 6, 2014, accepted the First Reading of Ordinance No. 2376 and held it over for Second Reading on August 20, 2014.

Accept the Second Reading of Ordinance 2376 and hold it over for Third Reading and Adoption on September 3, 2014.

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners (4)	HR Director	City Clerk
CA Richard Anderson	IT Director	Fire Chief
Development Director	Police Chief	

ORDINANCE NO. 2376

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA,;
AMENDING CERTAIN SECTIONS OF CHAPTER 6,
“ALCOHOLIC BEVERAGES” OF THE CODE OF
ORDINANCES OF THE CITY OF APOPKA, TO ALLOW
FOR EXTENDED HOURS OF SALE OF ALCOHOLIC
BEVERAGES; FOR POSSESSION ON ROADWAYS,
ALLEYS AND PUBLIC RIGHT-OF-WAYS; FOR
POSSESSION IN PARKING AREAS AND LOTS; FOR
POSSESSION WITHIN CITY PARKS FOR CERTAIN
EVENTS; AND PROVIDING FOR CONFLICTS,
SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, Chapter 6, City of Apopka Code of Ordinances, Florida, prohibits the sale of alcoholic beverages during certain hours; and

WHEREAS, the City Council of the City of Apopka, Florida, wishes to allow extended hours of sale of alcoholic beverages as determined by the Apopka City Council; and

WHEREAS, the City Council of the City of Apopka, Florida, hereby ascertains, finds, determines and declares that:

- (a) Pursuant to Florida Constitution, Article VII Section 2(b), Section 166.021 and 166.041, Florida Statutes, the City Charter, the City Council has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law. Such powers may be exercised by the enactment of city ordinances.
- (b) The City Council may exercise all governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law. The City Council may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in Section 166.021(3)(a), (b) and (c). The subject matter described in Section 166.021(3)(a), (b) and (c), is not relevant to the imposition of special assessments related to the provision of nuisance service by the City.

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

SECTION 1. That Chapter 6 of the Code of Ordinances of the City of Apopka, Florida, is hereby amended.

Sec. 6-1. Jurisdiction and scope; rules of evidence; penalty.

- (a) Pursuant to the City of Apopka Charter, Section 1.03, this chapter shall apply and be effective within the corporate municipal limits of the City of Apopka, Florida.
- (b) Violations of any of the provisions of this chapter shall be punished as provided in the Apopka Municipal Code of Ordinances, Chapter 1, Section 1-14.

- (c) In accordance with Florida State Statute 562.47, "Rules of evidence; Beverage Law," as may be amended from time to time by the Florida Legislature.
- (1) Proof that the liquor in question was and is known as whiskey, moonshine whiskey, shine, rum, gin, or brandy or by another similar name or names shall be prima facie evidence that such liquor is intoxicating and contains more than 4.007 percent of alcohol by volume and that same is intoxicating.
 - (2) Proof that the beverage in question was contained in a container labeled as "beer," "ale," "malt liquor," "malt beverage," "wine," or "distilled spirits" or with other similar name; and which bears the manufacturer's insignia, name, or trademark is prima facie evidence that such beverage is an alcoholic beverage as defined in s. 561.01.
 - (3) Any person or persons who by experience in the past in the handling or use of intoxicating liquors, or who by taste, smell, or the drinking of such liquors has knowledge as to the intoxicating nature thereof, may testify as to his or her opinion whether such beverage or liquor is or is not intoxicating, and a verdict based upon such testimony shall be valid.

Sec. 6-12 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. As used in this chapter, the terms "beverages," "beer" and "wine" shall have the meanings assigned to them by the state alcoholic beverage law. If a classification or definition is not clearly contained within this chapter, then the classification and definitions as contained in F.S. chs. 561, 562, 563, 564 and 565, as may be amended from time to time, are hereby adopted as classifications and definitions for this article.

Alcoholic beverages means distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comparing it with the volume of the remainder of the ingredients as though the remainder of the ingredients were distilled water.

Bar and lounge mean any place of business where wine, beer or alcoholic beverages are sold or offered for sale for consumption on the premises, and where the sale of food is incidental to the sale of such beverages, or where no food is sold, and includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale for consumption on the premises of intoxicating liquors as a principal use. Establishments where beer or wine or both are permitted for consumption on the premises as an incidental or accessory use are not considered a bar.

Bottle club means any business establishment to which patrons bring with them alcoholic beverages to be consumed on the business premises, and where such business is not licensed to sell alcoholic beverages. Bottle clubs are prohibited in the city.

Church means an edifice designed or arranged for religious services, on land held in fee or on lease by an organized group, which group utilizes such edifice for regularly scheduled ongoing religious services, including but not limited to associated accessory uses.

Commercial amusement means an establishment within an enclosed building or structure whose primary function is to provide profit-oriented entertainment and amusement by being engaged in the commercial operation of sports and recreational services. This definition includes but is not limited to bona fide bowling alleys, skating rinks, indoor theaters and that portion of golf club facilities wherein patrons are served food and beverages.

Consumption off the premises means the selling of beer, wine or alcoholic beverages in the original unbroken containers, to be taken by the purchaser off the premises where sold before being consumed.

Consumption on the premises means consumption of all beers, wines or alcoholic beverages of any kind, or the right to sell by the drink, bottle or can such beverages for consumption, only on the licensed premises where purchased.

Full-course meal. A bona fide full-course meal must consist of a salad or vegetable, entree, beverage and bread, all prepared on the premises. Fast food, sandwiches, frozen foods or any other services are not considered full-course meals.

Government property means a site for the housing of any department, commission, independent agency or instrumentality of the federal, state, county or city government or any other governmental unit.

Liquor, distilled spirits, spirituous liquors, spirituous beverages and distilled spirituous liquors mean that substance known as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

Nonprofit private club means a fraternal benefit society, whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work, having a representative form of government, and which makes provision for the payment of benefits in accordance with state law.

Package store means vendors licensed to sell all alcoholic beverages, but in sealed containers only, and for consumption off the premises. The sealed package must not be broken and the contents must not be consumed in or on the premises under a package store license.

Public parks means facilities maintained for the use of the public, including but not limited to playgrounds, athletic fields or other facilities for outdoor recreation use.

Restaurant means a business advertised and held out to the public to be a place where full-course meals are prepared, in a full service kitchen with a commercial stove, refrigerator and oven, and served on a regular basis from a prepared menu, which facility

provides seating for at least ~~twenty-five~~ 50 (25) patrons with standard height dining room tables or booths of adequate size to accommodate the service of full-course meals in accordance with the number of chairs found at the table, with such seating exclusive of seating at bars, counters or cocktail tables. The primary operation of the restaurant shall be for the serving of full-course meals. As required in the state alcoholic beverage and cigarette laws, a restaurant must derive at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages. Records provided to the state shall be provided to the city, upon written request, for determination of percentage requirements. No person shall attempt to circumvent the intent of this subsection by an artifice or scheme, such as the serving of stock meals. The term "stock meals" as used in this subsection, includes but is not limited to the serving of cold plates, snacks, hors d'oeuvres, microwave oven heated foods or previously prepared sandwiches.

Sale and *sell* mean any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with or as a part of a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a club licensed under the beverage law.

School means a facility used for education or instruction in any branch of knowledge, public or private, including the following: preschool, elementary, middle and high schools, colleges, community colleges and universities. The term "school" shall also include properly licensed day nurseries and other child care centers.

Vendor includes all persons selling, keeping with the intention of selling or dealing in the beverages defined in this section.

Sec. 6-23. Possession or consumption in public place.

~~(1) — Except as provided in subsection (b) of this section, it is unlawful for any person to consume alcoholic beverages or carry in any cup, glass, can or other open or unsealed container any alcoholic beverage or any mixture containing an alcoholic beverage in any public park or governmental property or on the public right of way, inclusive of streets, sidewalks or alleys, within the city.~~

~~(2) — It is unlawful for any person to consume alcoholic beverages or carry in any cup, glass, can or other open or unsealed container any alcoholic beverage or any mixture containing an alcoholic beverage in or upon any parking area open to public use, or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property.~~

~~(3) — It is unlawful for any person to consume alcoholic beverages or carry in cup, glass, can or other open or unsealed container any alcoholic beverage or any mixture containing an alcoholic beverage while such person is in or on any vehicle which is located in or upon any parking area open to public use, or in or upon any private property or in any public park or governmental property or on the public right of way, inclusive of streets, sidewalks or alleys.~~

~~(b) — *Permit for special events.* The chief of police may issue a permit for the carrying or consumption of alcoholic beverages in any public park or governmental property or on the public right of way, inclusive of streets, sidewalks or alleys, within the city, during and at gatherings held by fraternal, benevolent, charitable, eleemosynary, philanthropic, altruistic, civic, community, veteran or religious~~

~~organizations or other organizations of like or similar nature, subject to such terms and conditions as the city council may impose for the protection of health, safety and welfare of the public. The chief of police shall issue a permit only if the public health, safety and welfare will not be endangered thereby.~~

~~(e) *Defenses.* No arrest shall be made for a violation of subsection (a) of this section if at the time of the suspected violation the person displays written proof that he is a licensed alcoholic beverage salesman or agent or displays a valid permit as required in subsection (b) of this section issued by the city. It shall be a defense to the charge of carrying an alcoholic beverage that the person was a licensed alcoholic beverage salesman or agent at the time of arrest, if the person produces written proof thereof at or before the time of trial. It shall be a defense to the charge of carrying or consumption of an alcoholic beverage if at the time of trial the person produces a permit as required under subsection (b) of this section by the city, which permit was valid and in effect at the time of arrest.~~

(a) Prohibition on streets, sidewalks, alleys, etc.; exceptions.

- (1) It is unlawful for any person to purchase, use, offer for sale, possess, consume, or carry in any cup, glass, can, or other open or unsealed container, any alcoholic beverage or any mixture containing an alcoholic beverage in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys, within the Municipal Corporate Limits of the City of Apopka, Florida.
- (2) It is unlawful for any person to consume alcoholic beverages or carry in any cup, glass, can or other open or unsealed container any alcoholic beverage or any mixture containing an alcoholic beverage in or upon any parking area open to public use, or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property.
- (3) It is unlawful for any person to consume alcoholic beverages or carry in any cup, glass, can or other open or unsealed container any alcoholic beverage or any mixture containing an alcoholic beverage while such person is in or on any vehicle which is located in or upon any parking area open to public use, or in or upon any private property without consent of the owner or in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys.

(a) This section shall not apply to:

1. A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid commercial driver's license with a passenger endorsement issued in accordance with the requirements of Florida State Statutes Chapter 322;
2. A passenger of a bus in which the driver holds a valid commercial driver's license with a passenger endorsement issued in accordance with the requirements of Florida State Statutes Chapter 322; or
3. A passenger of a self-contained motor home which is in excess of 21 feet in length.

- (4) The City Council may permit consumption and carrying of alcoholic beverages on streets, sidewalks, alleys and right-of-way within the Municipal Corporate Limits of the City of Apopka, Florida and on city-owned property during and at events or programs held by any individual, corporation, association, or organization, subject to such terms and conditions as the City Council may impose for the protection of the public health, safety and welfare.
- (5) Any individual, corporation, association, or organization which has received permission from the City Council to engage in a public or private event is further authorized to provide alcoholic beverages for consumption at the particular event or program, given such authorization is expressly approved by City Council, and subject to all other requirements of law.

(b) Consumption in parking areas, lots, etc., outside licensed premises prohibited; vendor's responsibilities.

- (a) It is unlawful for any vendor or for any agent, servant or employee of such vendor, to permit the consumption of any alcoholic beverages in or upon other area outside of the building or, room mentioned in the vendor's license certificate as the address thereof, when any part of such parking or area is adjacent to the building or premises in which the business is operated, and when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such licensed vendor or by any agent, servant or employee of such licensed vendor.
- (b) A licensed vendor shall post and maintain a legible painted or printed sign in at least two (2) separate prominent places on such parking or other area, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters not less than three (3) inches in height, stating "WARNING: Drinking Alcoholic Beverages on this Lot Prohibited—\$500.00 Fine and/or 60 days in Jail—City Ordinance." Posting of such signs shall constitute prima facie evidence that such vendor is not operating in violation of subsection (a) of this section.
- (c) If any licensed vendor mentioned in this section is a corporation, then the officers of such corporation shall be regarded as the owners thereof for the purposes of enforcement of this section.

Sec. 6-34. Consumption in vehicle.

It is unlawful for any person to consume any alcoholic beverage, or any mixture containing an alcoholic beverage, on the streets, sidewalks or alleys within the city, while such person is an operator or passenger in or on any vehicle, whether moving or stopped, and such consumption is open to public view.

Sec. 6-45. Possession or consumption on golf course or in golf cart.

Sections 6-2 and 6-3 shall not be applicable to any person while on a golf course, or in a golf cart while going to and from a clubhouse or villa or from hole to hole on the golf course, unless the golf cart is being operated on a public right-of-way.

Sec. 6-56. Permitting consumption in areas adjacent to vendor's premises; permitting open containers to be taken from premises.

- (a) It is unlawful for any vendor, or for any agent, servant or employee of such vendor, to permit the consumption of any alcoholic beverages in or upon any parking or other area outside of the vendor's building or room if such parking or other area is adjacent to the building or premises in which the business licensed is operated, when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such licensed vendor or any agent, servant or employee of such licensed vendor.
- (b) A licensed vendor may post and maintain a legible painted or printed sign in at least two separate prominent places on such parking or other area, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters not less than three inches in height, stating the following: "WARNING: Drinking Alcoholic Beverages on this Lot Prohibited—\$500.00 Fine and/or 60 days in Jail—City Ordinance." Posting of such signs shall constitute prima facie evidence that such vendor is not operating in violation of subsection (a) of this section.
- (c) If any licensed vendor mentioned in this section is a corporation, then the officers of such corporation shall be regarded as the owners thereof for the purposes of enforcement of this section.
- (d) It is unlawful for any vendor, or his agents or employees, licensed to sell beer, wine, liquor or other alcoholic beverages within the city, to knowingly allow any person to take from the licensed premises any opened beer, wine, liquor or other alcoholic beverage container, or to knowingly allow any person to take from the licensed premises any glass or other opened or unsealed container containing an alcoholic beverage or any mixture containing an alcoholic beverage.
- (e) Violation of this section shall be prosecuted and punished in the manner provided by general law.

Sec. 6-67. Location of sales.

- (a) Location restrictions for sale of alcoholic beverages are as follows:
 - (1) The provisions of this subsection (a) shall not apply to supermarkets, convenience stores, drugstores or similar establishments which sell alcoholic beverages in-house or as an accessory use, in sealed containers, for consumption off the premises.
 - (2) No person shall sell any intoxicating beverage within 750 feet of any established church, school, government property or building, or public park.
 - (3) Bars and lounges and any establishment for consumption on the premises or package stores licensed by the city, county or state must be at least 750 feet apart. This subsection does not govern restaurants serving the public

with a full service kitchen providing full-course meals. This subsection shall not apply if one or both of the two establishments is:

- a. An establishment incidental to and within a portion of a building used for a bona fide restaurant.
 - b. An establishment incidental to and within a building used as a hotel or motel with at least 50 rental sleeping rooms. Such incidental use must follow the restaurant requirements as defined in section 6-1.
 - c. An establishment incidental to and within a bona fide nonprofit private club where only members and their guests are served or sold alcoholic beverages.
- (4) If the proposed establishment is to be located within a shopping center or group of commercial stores within a single structure, the required distances shall be measured from the primary entrance of that proposed establishment rather than the nearest wall of the building or structure in which alcoholic beverages are to be sold or consumed.
- (5) The distance between establishments for the sale or consumption of alcoholic beverages and churches, schools, government property or buildings and public parks, regardless of jurisdictional boundaries, shall be determined with a certified survey from a land surveyor registered in the state. The survey shall be provided by the applicant when distance clarification is required, at the discretion of the community development department. The survey shall indicate the distance between any such uses or properties. The survey shall indicate the shortest distance, as measured by following a straight line from the nearest property line in which the alcoholic beverages are sold or consumed to the nearest point of the other property line or other use. In cases where there are no churches, schools, public property or public parks or existing alcoholic beverage establishments within 750 feet, the survey shall so certify.
- (b) In order to qualify for the exemptions and modifications provided for separation of alcoholic beverage establishments in subsection (a) of this section, the establishments in hotels or motels, restaurants, nonprofit private clubs and commercial amusements shall not display any bar, cocktail, beer, wine, liquor or similar alcoholic beverage sign visible from any exterior areas or interior areas within five feet of any windows or doors which are visible from the exterior of the building.
- (c) Where an establishment for the sale or consumption of alcoholic beverages is located in conformity with the provisions of this section, the subsequent location of a church, school, government property or public park in the proximity of such existing establishment shall not be construed to cause such establishment to be in violation of this chapter, provided the establishment maintains a current occupational license.

Sec. 6-78. Existing establishments.

- (a) The provisions of this chapter shall not be construed to be retroactive, and any existing establishment for the sale of alcoholic beverages which conforms to the regulations in effect when such establishment was established shall not be rendered illegal or in violation through the adoption of these regulations. If any nonconforming or grandfathered use ceases operation, for any reason, for a period of more than 180 days, the nonconforming or grandfathered use shall be deemed abandoned and shall not thereafter be permitted to continue.
- (b) As of the adoption of the ordinance from which this chapter is derived, existing establishments for off-premises sales or on-premises consumption for restaurants that are conforming uses which sell alcoholic beverages, and subsequently close, may reopen within a 24-month period, regardless if another new establishment opens within 750 feet, according to this chapter. An extension beyond the initial 24 months may only be applied for, in writing, to the city council, prior to the expiration of the 24-month period.

Sec. 6-89. Hours of sale; closing hours.

- ~~(a) Hours of sale and closing hours for establishments selling alcoholic beverages for on-premises consumption, except as provided in subsection (b) of this section, are as follows:
 - ~~(1) Monday through Saturday: Such establishments may sell alcoholic beverages between 7:00 a.m. and 11:30 p.m. Such establishments may be open until 12:00 midnight, but shall not sell alcoholic beverages after 11:30 p.m.~~
 - ~~(2) Sunday: No sale or serving of alcoholic beverages is permitted on Sunday.~~
 - ~~(3) New Year's Eve: Such establishments may sell alcoholic beverages between 7:00 a.m. and 12:30 a.m. Such establishments may be open until 1:00 a.m., but shall not sell alcoholic beverages after 12:30 a.m.~~
 - ~~(4) New Year's Day occurring on Monday through Saturday: Such establishments may sell alcoholic beverages between 7:00 a.m. and 11:30 p.m.~~
 - ~~(5) New Year's Day occurring on Sunday: No sale of alcoholic beverages is permitted after 12:30 a.m. Such establishments may be open until 1:00 a.m., but shall not sell alcoholic beverages after 12:30 a.m.~~
 - ~~(6) Christmas Day: Such establishments may be open, but shall not sell alcoholic beverages.~~~~
- ~~(b) Hours of sale and closing hours for restaurants serving alcoholic beverages for on-premises consumption are as follows:
 - ~~(1) Monday through Saturday: Such establishments may be open and may sell alcoholic beverages between 7:00 a.m. and 1:00 a.m.~~
 - ~~(2) Sunday: Such establishments may be open and may sell alcoholic beverages between 12:00 noon and 12:00 midnight.~~
 - ~~(3) New Year's Eve: Such establishments may be open and may sell alcoholic beverages between 7:00 a.m. and 1:00 a.m.~~
 - ~~(4) New Year's Day occurring on Monday through Saturday: Such establishments may be open and may sell alcoholic beverages between 7:00 a.m. and 1:00 a.m.~~
 - ~~(5) New Year's Day occurring on Sunday: Such establishments may be open and may sell alcoholic beverages between 12:00 noon and 1:00 a.m.~~~~

~~(6) Christmas Day: Such establishments may be open and may sell alcoholic beverages between 12:00 noon and 12:00 midnight.~~

~~(c) Hours of sale and closing hours for establishments licensed for off-premises sales are as follows:~~

~~(1) Monday through Saturday: Such establishments may sell alcoholic beverages between 7:00 a.m. and 12:00 midnight.~~

~~(2) Sunday: Such establishments may be open, but shall not sell alcoholic beverages.~~

~~(3) New Year's Eve: Such establishments may sell alcoholic beverages between 7:00 a.m. and 1:00 a.m.~~

~~(4) New Year's Day occurring on Monday through Saturday: Such establishments may sell alcoholic beverages between 7:00 a.m. and 12:00 midnight.~~

~~(5) New Year's Day occurring on Sunday: Such establishments may sell alcoholic beverages between 7:00 a.m. and 1:00 a.m.~~

~~(6) Christmas Day: Such establishments may be open but shall not sell alcoholic beverages.~~

(a) On-premises; hours of operation.

(1) Alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed, in any place holding a license under the Division of Alcoholic Beverages and Tobacco, State Department of Business and Professional Regulations, which license permits the consumption of beverages on the premises of the licensee, only between the hours of 9:00 a.m. and 12:00 a.m. (midnight), each day of the week, except Sunday whereas the hours shall be 12:00 p.m. (noon) through 12:00 a.m. (midnight), alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed, in any place holding a license under the Division of Alcoholic Beverages and Tobacco, State Department of Business and Professional Regulation, which license permits the consumption of alcoholic beverages on the premises of the licensee, between the hours of 9:00 a.m. on December 31, and such hours of operation to sell alcoholic beverages by any establishment licensed to sell alcoholic beverages, are extended from 12:00 a.m. (midnight) to 3:00 a.m. of the following day.

(2) Any established and open business annexed into the city after the effective date of this ordinance may continue to operate under the rules and ordinances in place under the jurisdiction annexed from until such time the business use is changed, sold, or transferred.

(b) Package sale, off premises.

(1) Alcoholic beverages may be sold in any place holding a license under the Division of Beverage and Tobacco, State Department of Business Regulation, which license permits package sale of alcoholic beverages by the licensee for consumption off the premises of the licensee, only between the hours of 9:00 a.m. and 12:00 a.m. (midnight) of the following day, each day of the week, except Sunday whereas the hours shall be 12:00 p.m. (noon) through 12:00 a.m. (midnight). Alcoholic beverages

may be sold in any place holding a license under the Division of Beverage, State Department of Business Regulation, which license permits package sale of alcoholic beverages by the licensee for consumption off the premises of the licensee between the hours of 9:00 a.m. on December 31, and such hours of operation to sell alcoholic beverages by any establishment licensed to sell alcoholic beverages, are extended from 12:00 a.m. (midnight) to 3:00 a.m. of the following day.

- (2) Any established and open business annexed into the city after the effective date of this ordinance may continue to operate under the rules and ordinances in place under the jurisdiction annexed from until such time the business use is changed, sold, or transferred.

Sec. 6-910. Bottle clubs.

- (a) It shall be unlawful for a person to operate a business within the corporate limits of the city for the purpose of operating a bottle club.
- (b) It shall be unlawful for any person to violate the provisions of this section, and upon conviction such person shall be guilty of an offense. In addition, the city council may, when it deems it to be in the public interest, and following a public hearing, rescind any occupational license issued by the city to any person convicted of a violation of this section, or of any business entity whose agent is convicted of violating this section while acting within the scope of his employment.

Sec. 6-1011. Forfeiture of vehicles used for illegal transportation.

Any vehicle, vessel, aircraft or animal used in the transportation or removal of, or for the deposit or concealment of, any illicit liquor still or stilling apparatus or any mash, wort, wash or other fermented liquids capable of being distilled or manufactured into an alcoholic beverage containing more than one percent of alcohol by weight, or any alcoholic beverage commonly known and referred to as moonshine whiskey, where seized by a municipal police officer within the corporate limits of the city, shall be forfeited as provided for by state law.

* * * *

SECTION 2. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 3. That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

READ FIRST TIME: August 6, 2014
READ SECOND TIME: August 20, 2014
READ THIRD TIME
AND ADOPTED: September 3, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Janice G. Goebel, City Clerk

APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: July 18, 2014
August 15, 2014

Backup material for agenda item:

4. ORDINANCE NO. 2373 – FIRST READING – CODE OF ORDINANCES, PART III - LAND DEVELOPMENT CODE AMENDMENT – Amending the City of Apopka Code of Ordinances, Part III, Land Development Code, Article III – Overlay Zones, to create a Small Lot Overlay Zoning District. [Tabled at the August 6, 2014 City Council meeting.]



**CITY OF APOPKA
CITY COUNCIL**

CONSENT AGENDA	MEETING OF:	August 20, 2014
X PUBLIC HEARING	FROM:	Community Development
SPECIAL REPORTS	EXHIBITS:	Ordinance No. 2373
X OTHER: Ordinance		Exhibit "A"
		Exhibit "B" Design Guidelines

SUBJECT: AMENDING THE CITY OF APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III – OVERLAY DISTRICTS, BY CREATING A SMALL LOT OVERLAY ZONING DISTRICT; AND REVISING THE DEVELOPMENT DESIGN GUIDELINES TO ADDRESS MAILBOX KIOSKS.

Request: ACCEPT THE FIRST READING OF ORDINANCE NO. 2373 - AMENDING THE CITY OF APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III – OVERLAY DISTRICTS, BY CREATING A SMALL LOT OVERLAY ZONING DISTRICT; HOLD IT OVER FOR SECOND READING & ADOPTION.

SUMMARY:

Attached Exhibit "A" is an amendment to the City's Land Development Code establishing an Overlay Zoning District related to small lot development within the City of Apopka. The purpose of the Small Lot Overlay Zoning District is to provide flexibility for a dynamic housing market; implement Comprehensive Plan policies that promote housing diversity; provide transition between lower density residential areas and more intense development such as commercial, office, industrial or other non-residential land uses, to provide transition between lower density residential areas and limited access highways; to create an increase in development options for properties assigned medium and high density future land use designations; to promote infill development while preserving the character of the existing residential neighborhoods; and to promote diversity in the size and type of new residential developments thereby providing housing opportunities for various lifestyles. The Overlay District delineates permitted uses and prohibitions or limitations on certain uses, as well as certain design standards.

As proposed, the Small Lot Overlay District is only eligible for properties that are assigned both a Residential High Density (0 – 15 un/ac) Future Land Use Designation and an R-3 zoning category. Also, the development site must be a minimum of fifteen acres but not more than eighty acres. The Planning Commission held two workshops to review and comment on the proposed Small Lot Overlay District. DRC has reviewed the proposed Small Lot Overlay District.

Based on comments and direction by the Planning Commission, an amendment to the Development Design Guidelines is also proposed to address mailbox kiosks. The proposed amendment to the Development Design Guidelines is provided as Exhibit "B" for information and discussion purposes and will appear on the City Council agenda for August 20 for final action.

DISTRIBUTION:

- | | | |
|-------------------------|------------------|--------------------------|
| Mayor Kilsheimer | Finance Director | Fire Chief |
| Commissioners (4) | HR Director | Public Ser. Director (2) |
| CAO/Richard Anderson | IT Director | City Clerk |
| Community Dev. Director | Police Chief | |

PUBLIC HEARING SCHEDULE:

March 11, 2014 - Planning Commission (5:01 pm) – Tabled
April 8, 2014 – Planning Commission (5:01 pm) – Continued
May 13, 2014 – Planning Commission (5:01 pm) – Regular meeting/Workshop
June 3, 2014 – Planning Commission Workshop (7:00 pm)
June 10, 2014 – Planning Commission (5:01 pm) – Workshop Summary
July 8, 2014 – Planning Commission (5:01 pm)
August 6, 2014 - City Council 1st Reading (1:30 pm) – Tabled
August 20, 2014 - City Council 1st Reading (8:00 pm)
September 3, 2014 – City Council 2nd Reading (1:30 pm)

DULY ADVERTISED:

June 20, 2014 – Public Hearing Notice
August 15, 2014 – Ordinance Heading

RECOMMENDATION ACTION:

The **Planning Commission**, at its meeting on July 8, 2014, recommended approval (6-0) of the amendment to Article III of the Land Development Code to create a Small Lot Overlay Zoning District; and the amendment to the Development Design Guidelines to address mailbox kiosks.

The **City Council**, at its meeting on August 6, 2014, tabled the First Reading of Ordinance No. 2373 until the meeting being held on August 20, 2014.

Accept the First Reading of Ordinance No. 2373 and Hold it Over for Second Reading and Adoption on September 3, 2014.

ORDINANCE NO. 2373

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III TO ESTABLISH A SMALL LOT OVERLAY ZONING DISTRICT; PROVIDING FOR APPLICABILITY; DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202(1), Florida Statutes, requires that the City of Apopka, Florida (the “City”) adopt or amend and enforce land development regulations that are consistent with and implement the City’s adopted comprehensive plan; and

WHEREAS, Section 163.3201, Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code for the City; and

WHEREAS, from time to time, amendments and revisions to the City’s adopted comprehensive plan (the “Growth Management Plan”) and progress in the field of planning and zoning make it necessary or desirable to amend or revise the land development regulations of the City; and

WHEREAS, the City Council of the City of Apopka, deems it advisable to amend Article III of the Apopka Land Development Code establishing the Small Lot Overlay Zoning District; and

WHEREAS, the Apopka City Council hereby finds the Small Lot Overlay Zoning District is to provide flexibility for a dynamic housing market; implement Comprehensive Plan policies that promote housing diversity; provide transition between lower density residential areas and more intense development such as commercial, office, industrial or other non-residential land uses, to provide transition between lower density residential areas and limited access highways; to create an increase in development options for properties assigned medium and high density future land use designations; to promote infill development while preserving the character of the existing residential neighborhoods; and to promote diversity in the size and type of new residential developments thereby providing housing opportunities for various family sizes. The Overlay District delineates permitted uses and prohibitions or limitations on certain uses, as well as certain design standards; and

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

SECTION I. The Code of Ordinances of the City of Apopka, Part III, Land Development Code, Article III, is hereby amended to add Section 3.04.00 Small Lot Overlay Zoning District to read as set forth in Exhibit “A” attached hereto.

SECTION II: APPLICABILITY: Unless otherwise stated, this Ordinance shall apply to cover all development within the delineated overlay district. Developments holding valid Final Development Plans (FDP) or Orders (FDO) shall not be subject to the provisions of this Ordinance unless the FDP/FDO expires or is revised subsequent to the effective date of this Ordinance.

ORDINANCE NO. 2373
PAGE 2

SECTION III: DIRECTION TO THE CITY CLERK: The City Clerk, or the Clerk's designee, is hereby authorized to include this amendment in the Apopka Code of Ordinances of the City of Apopka, Florida.

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

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

SECTION VI: EFFECTIVE DATE: That this ordinance shall take effect upon passage and adoption.

READ FIRST TIME: August 20, 2014

READ SECOND TIME
AND ADOPTED: September 3, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: June 20, 2014
August 8, 2014

DRAFT
CITY OF APOPKA
3.04.00 - SMALL LOT OVERLAY ZONING DISTRICT

[Add new Section to Article III of the City’s Land Development Code]

Section 3.04.00 - Small Lot Overlay Zoning District

Section 3.04.01 – Definition

Small Lot: For purposes of Section 3.04.00, a lot with a width of less than 70 feet or an area less than 7,000 sq. ft. that accommodates a single family, duplex, or townhome dwelling unit.

Section 3.04.02 - Purpose

The purposes of the Small Lot Overlay District to:

1. Provide flexibility for a dynamic housing market;
2. Implement Comprehensive Plan policies that promote housing product diversity;
3. Provide transition between lower density residential areas and more intensely development commercial, office, industrial or other non-residential land uses, or limited access highways;
4. To increase development options for property assigned a high density future land use designations;
5. Promote infill development while preserving the character of the existing residential neighborhoods; and
6. Promote diversity in the size and type of new residential developments to provide housing opportunities for various family sizes and lifestyles.

Section 3.04.03 – Applicability

1. The regulations of this section apply to all properties within the Small Lot Overlay District delineated within a zoning ordinance, and shall apply to new development and redevelopment occurring therein.
2. Those parcels that are split by the Overlay District line shall be considered to be wholly within the boundary of the Overlay District if the majority of the acreage is located within the Overlay District.

Section 3.04.04 - Review Process

Application for a Small Lot Overlay District shall follow the same review and hearing process as a change of zoning application. A master site plan and development standards shall accompany the zoning application for the Overlay District and shall address the requirements of Section 2.02.18.K. Design details and illustrations for all residential structures, accessory structures, recreation facilities and equipment, mailbox and mail kiosks, walls and fences, and other structures as requested by the Community Development Director, shall be included with the development standards.

Section 3.04.05 - Location Criteria

1. A Small Lot Overlay District shall comply with each of the following location criteria:
 - a. Property must be assigned both a Residential High Future Land Use Designation and an R-3 zoning category.
 - b. A Small Lot Overlay District shall not be located within a half mile from another Small Lot Overlay District. This minimum separation distance is waived if at least fifty percent (50%) of the residential lands within a half mile radius of the Overlay District are assigned a zoning district that requires a minimum single-family residential lot size of 8,000 sq. ft. or larger.
 - c. Property comprising a Small Lot Overlay District shall be contiguous and generally compact.
2. A boundary line of a Small Lot Overlay District must satisfy one (1) of the following location criteria:
 - a. Located within a half mile from a commercial, office, or industrial use or zoning district comprising more than ten acres;
 - b. Located within a half mile from an entrance to a limited access highway, or abutting a limited access highway.

Section 3.04.06 - Development Standards

1. Unless otherwise addressed within Section 3.04.00, the development standards established for the R-3 zoning district shall apply.
2. Minimum and Maximum Area Requirements. A Small Lot Overlay District shall comprise a minimum of fifteen (15) acres but shall not exceed a maximum of eighty (80) acres.

3.04.00 - SMALL LOT OVERLAY ZONING DISTRICT

3. Housing Types and Mix. For development proposing a small lot width of less than seventy (70) feet, a diversity of lot sizes or housing types shall be provided. If single family or duplex lots are proposed with a width less than fifty (50) feet, at least one-half (½) of the single family and/or duplex lots shall have a minimum width equal to or greater than fifty (50) feet. Apartment buildings are not allowed within the Small Lot Overlay District.
4. Common Open Space.
 - a. A minimum of thirty percent (30%) of the developable land shall be placed in useable open space. The common open space must be arranged to maximize usability.
 - b. For Small Lots with a front entry garage and a lot width less than fifty (50) feet, no more than twelve such lots shall occur in a row on the same side of the a street without separation by a common open space area.
5. Landscape Bufferyard. Minimum landscape buffer width adjacent to a local or collector road shall be fifteen (15) feet, and twenty (20) feet adjacent to an arterial road.
6. Alleyways. All alleyways shall be placed within a separate tract owned by a homeowners association. Street lighting shall be provided along alleyways, particularly at intersections of an alley and a street.
7. Amenities and Recreational Facilities. The type and value of amenities and recreation facilities or equipment shall be evaluated based on the number of dwelling units within a proposed in the master site plan.
8. Vehicle Access Points.
 - a. All townhome and duplex dwelling lots shall have a vehicle access point via a rear alley; no less than two-thirds of the single family lots with a width less than fifty (50) feet shall have vehicle access points via a rear alley.
 - b. All Small Lot, duplex and townhome lots shall include a two-car enclosed garage
 - c. A minimum of four (4) parking spaces shall be provided for each single family, duplex or townhome unit unless otherwise determined through a parking study that indicates fewer parking spaces would be needed. The parking study must be accepted by the City Engineer and approved by the City Council. If a lot is unable to accommodate a minimum of four parking spaces, up to two (2) parking spaces may be placed within parking lots or on-street parking spaces located outside the street travel lane.
 - d. Where on-street parking abuts a residential lot, vehicle access to a garage must occur from a rear alley.

9. Building Setbacks

	Minimum Lot width (feet) ⁽¹⁾	Minimum Yard Setbacks (feet)				Maximum Lot Coverage (%)
		Front ⁽²⁾	Rear ⁽³⁾	Side ⁽⁴⁾	Corner	
Small Lot	40	15/10	20	4 min.; 10 total	15	75%
Small Lot	50	20	20	5	20	70%
Small Lot	60	20	20	5	20	70%
Townhome	18, 20, 22, 25	15/10	15	⁽⁵⁾	15	80%

- 1) Width of a single family or duplex lot shall not be less than forty (40) feet along any point of the length of the lot.
- 2) Setback to primary structure\setback to porch.
- 3) Setback to primary structure.
- 4) Side yard setback is zero where duplex and townhome walls separate dwelling units.
- 5) Twenty feet between buildings.

10. Garage Setbacks

a. Single Family Home or Duplex

- 1.) Front-entry garage: minimum 30 feet from front property line.
- 2.) Side-entry garage: minimum 25 feet from front or side yard property line
- 3.) Rear-entry garage: minimum 22 feet from the rear property line.

b. Townhomes.

- 1.) Front-entry or side-entry garage is not allowed.
- 2.) Rear-entry garage (as measured from the rear property line):
 - (a) Garage placed ten or fewer feet from rear property line: minimum of five (5) feet.
 - (b) Garage placed more than ten feet from rear property line: minimum of twenty-two (22) feet.

11. Individual townhome buildings shall have no more than six attached dwelling units.

12. Each single family structure, duplex unit, or townhome dwelling unit shall be placed within its own lot.

13. Along an Overlay District perimeter, small lots shall not abut existing platted residential lots with a lot width of seventy five (75) feet or greater unless a ten (10) foot buffer tract with a six-foot high buffer wall, or alternatively a twenty (20) foot landscape bufferyard is provided.

3.04.00 - SMALL LOT OVERLAY ZONING DISTRICT

14. Any portion of a vehicle parked within a driveway shall not extend into any area of an alley, street, sidewalk, or public right-of-way. Vehicles parked within a driveway located on a residential lot shall be oriented perpendicular to the street with the front or back of the vehicle facing a garage door. This regulation shall also be incorporated into the homeowners association code, covenant and restriction document.

Section 3.04.07 - Design Guidelines

1. Subdivision design and site layout will avoid the appearance of a long row of dwelling units. Open space and street pattern shall be designed to establish breaks between housing rows.
2. Subdivision design occurs in block form with similarly designed housing types grouped together. Streets are interconnected and cul-de-sacs are discouraged.
3. Streets and alleyways are to be designed to accommodate turning movements for large utility and emergency vehicles.
4. Subdivision and street design shall allow for efficient garbage collection and utility service. Right-of-way and streets to be designed to provide sufficient space for sanitation vehicles to access refuse containers. Where on-street parking is provided, the development plan must demonstrate that the outside travel lanes will allow sanitation service vehicles to efficiently serve refuse containers within driveways or other locations.
5. Pedestrian systems are an integral part of each development. Community design shall incorporate street and pathway systems that are pedestrian and bicycle friendly.
6. Unless otherwise accepted by the Local U.S. Post Master, mail delivery for Small Lots with a width less than fifty (50) feet and townhome mail boxes shall occur at a sheltered mailbox kiosk. Mailbox kiosks shall be covered by a shelter structure sufficient to project the patron and delivery personnel from inclement weather. Design and appearance of the mailbox kiosk shall be compatible with architectural theme for homes in the residential community, and shall meet the intent of the Development Design Guidelines. Development applicant must obtain letter from Local U.S. Postal Master accepting proposed mailbox or kiosk system.
7. Mailboxes located at the front of a single family lot shall be decorative and have a uniform color and appearance. Mailboxes are not allowed along a rear alley.

Section 3.04.08 – Architectural Appearance and Building Design

1. Minimum Residential Livable Area. No less than seventy-five percent (75%) of all single-family or duplex dwelling units shall have a minimum livable area of 1,700 square feet. The minimum livable area of a single family home or duplex dwelling unit shall not be less than 1,500 square feet, and not less than 1,350 square feet for a townhome unit.
2. Duplexes and townhomes must be designed to architecturally blend with the surrounding single-family dwellings.

3.04.00 - SMALL LOT OVERLAY ZONING DISTRICT

3. Number of bedrooms provided for each residential type shall comply with the following minimum and maximum standards:

Residential Type	Minimum Number of Bedrooms	Maximum Number of Bedrooms
Single Family Home	2	4
Duplex Unit	2	3
Townhome Unit	2	3

4. Front building entrance shall be featured with a porch, portico, or similar entry-feature. A porch must have a minimum depth of five (5) feet and must be designed to accommodate at least two persons. A portico shall be flush with or extend beyond the front wall of the dwelling unit.
5. The rear of any residential building facing a public street or adjacent established residential neighborhood shall be treated with the same architectural quality as the front façade regarding fenestration, articulation and roofline. Substantial window areas shall overlook streets.
6. Single family and duplex units are limited to two stories; townhome buildings abutting or near single family residential shall be limited to two stories.
7. Architectural exterior elevations shall vary among all housing types but have color unified schemes to create diversity in exterior appearances and style.
8. A front entry garage does not extend beyond the front building wall.

Section 3.04.09 - Accessory Structures

1. No sheds or similar outdoor storage facilities are allowed within a Small Lot.
2. No swimming pools are allowed within a Small Lot.
3. Metal, vinyl, or other similar materials shall not be used for patios, porticos or porches that extend beyond the wall of the primary residential structure. Materials used for these features shall be compatible with those of the primary residential structure.
4. Fences shall not be allowed within front yards abutting common areas unless the fence has a height of four feet or less with a gate that leads to a public walkway. Fences located at the rear or side yard of lots less than fifty (50) feet wide or any lot with access from a rear alley, shall be a wrought-iron grate style fence to avoid appearance of clutter and to allow visibility along alleyways. A fence within a rear yard of any lot shall not exceed the height of any abutting common area wall.

Section 3.04.10 - Utilities

Air conditioning units or similar utilities shall be placed behind the residential building and screened from view from a street. If the side yard setback is 7.5 feet or greater, then the air condition unit or similar utility may be placed in a side yard.

Section 3.04.11 – Maintenance and Community Management

1. All dwelling units with the Small Lot Overlay District shall be subject and beholden to a single master homeowners association. The homeowners association shall be responsible for enforcing all conditions and terms of the code, covenants and restrictions established within public records.
2. All common areas and lawn areas within any lot with a width less than fifty (50) feet shall be maintained the property owners association unless another maintenance program is approved by the City Council. Any shared residential driveways shall be maintained by the homeowners association. All parking spaces adjacent to or outside the travel lanes shall be maintained by the homeowners association unless otherwise accepted by the City Council as part of the public right-of-way.
3. A disclaimer statement shall be incorporated into the homeowners association's code, covenant, and restrictions document notifying the property owners that should the Association fail to maintain commons areas or required laws, the City may hold the Association or the property owner responsible.

EXHIBIT “B”

Section 3.12., Mailbox Kiosk Design; Residential Design Standards, Development Design Guideline

Design and appearance of a mailbox kiosk are compatible with the architectural theme for homes and community buildings in the residential community. Mailbox kiosks are covered by a shelter structure sufficient to protect the patron, mail, and delivery personnel from inclement weather. Acceptable and Undesirable design examples appear below.

A. Mailbox Kiosk (aka Cluster Mailbox Shelters)

1. Acceptable Design Examples



2. Undesirable Design Examples



Backup material for agenda item:

5. ORDINANCE NO. 2377 - FIRST READING - Amending Chapter 42 (Environment), adopting Article III (Neighborhood Improvement Special Assessment) of the Code of Ordinances, relating to the establishment of Neighborhood Improvement Special Assessments.



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinance

MEETING OF: August 20, 2014
FROM: Administration
EXHIBITS: Exhibit A

SUBJECT: ORDINANCE NO. 2377 – AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 42 (ENVIRONMENT), ADOPTING ARTICLE III (NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENT) OF THE CODE OF ORDINANCES, RELATING TO THE ESTABLISHMENT OF PURPOSE OF NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENTS; ESTABLISHMENT OF NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENT TRUST FUND; AUTHORIZING SPECIAL ASSESSMENTS; COLLECTION OF SPECIAL ASSESSMENTS; LIENS ON PROPERTY; EXPENDITURE OF REVENUE; REIMBURSEMENT OF FUNDS FOR ADMINISTRATIVE ASSISTANCE BY CITY OFFICIALS; RIGHT FOR WITHDRAWAL, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Request: Accept the First Reading of Ordinance No. 2377 and hold it over for a Second Reading and Adoption.

SUMMARY:

The Code Enforcement Section of the City of Apopka has struggled for nearly two decades to get code compliance for the common areas, retention areas and the community fences for Mainline Village, Maine Avenue Villas West (aka Fern Hollow), and Cimarron Hills subdivisions, to no avail. Over the years, the respective Homeowners' Associations have dissolved, thus leaving the City unable to obtain compliance. City staff requests adoption of this ordinance establishing Neighborhood Improvement Districts whereby a Non-Ad Valorem Assessment will be placed against the real property within the developments, to fund the necessary improvements needed to bring the communities into compliance as well as continued maintenance and repair of common areas, walls and landscaping.

FUNDING SOURCE:

Staff recommends the adoption of the Non-Ad Valorem Assessment ordinance allowing for the placement of a non-ad valorem assessment on parcels in the affected areas, which will be part of Fiscal Year 2014/2015 budget cycle, for the clean-up and continued maintenance of the Neighborhood District.

RECOMMENDATION ACTION:

Adopt the First Reading of Ordinance No. 2377 and hold it over for a Second Reading and Adoption on September 3, 2014

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
CAO Richard Anderson
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director (2)
Recreation Director
City Clerk
Fire Chief

ORDINANCE NO. 2377

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 42, "ENVIRONMENT", BY ADOPTING ARTICLE III, ENTITLED "NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENT" OF THE CODE OF ORDINANCES, RELATING TO THE ESTABLISHMENT OF PURPOSE OF NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENTS; ESTABLISHMENT OF NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENT TRUST FUND; AUTHORIZING SPECIAL ASSESSMENTS; COLLECTION OF SPECIAL ASSESSMENTS; LIENS ON PROPERTY; EXPENDITURE OF REVENUE, REIMBURSEMENT OF FUNDS FOR ADMINISTRATIVE ASSISTANCE BY CITY OFFICIALS; RIGHT FOR WITHDRAW, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Apopka has continued to experience growth over the last several decades which lead to multiple housing developments throughout the community; and

WHEREAS, the City, in an effort to allow for oversight of the housing development, encouraged the formation of Homeowners' Associations to oversee the common areas, retention areas, walls and recreational amenities; and

WHEREAS, the City is currently experiencing problems where the Homeowners' Associations have dissolved or are no longer in existence; and

WHEREAS, the City of Apopka Code Enforcement has made an attempt to locate any and all members of the Board of Directors for the Homeowners' Association through mailing of a notice to each parcel owner of record with the Orange County Property Appraiser and published legal notice in the local newspaper; and

WHEREAS, the City of Apopka Code Enforcement continues to experience code violations on properties and/or facilities that the Homeowners' Association would have a duty and responsibility for the maintenance and upkeep to ensure the safety and welfare of all property owners within the subdivision; and

WHEREAS, the City of Apopka finds that there is a direct relationship between the upkeep of properties and an enhancement in the value and desirability of real properties with the upkeep and maintenance of common properties and/or facilities within a subdivision; and

WHEREAS, were the City of Apopka not to take the necessary steps to mitigate these violations, these violations would continue to occur and pose potential risk to the health, safety and welfare of its citizens.

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

SECTION 1: The City Council of the City of Apopka, Florida, hereby ascertains, finds, determines and declares that:

- (1) Pursuant to Florida Constitution, Article VIII, Section 2(b), Section 166.021 and 166.041, Florida Statutes, the City Council has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law. Such powers may be exercised by the enactment of City ordinances.
- (2) The City Council may exercise any governmental, corporate, or proprietary power for a municipal purpose when expressly prohibited by law. The City Council may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in Section 166.021(3)(a), (b), and (c), Florida Statutes.
- (3) City Council intervention into the maintaining and upkeep of the common property is required to ensure the health, safety and welfare of the residents living within the subdivision and that these properties receive special services that extend beyond general municipal services and enforcement of municipal code.
- (4) The services by the City to eliminate the violations possess a logical relationship to the use and enjoyment of the benefited real property and provides a direct, special benefit to the real property by:
 - (a) Reducing or deferring property maintenance costs;
 - (b) Reducing or deferring property management costs;
 - (c) Eliminating unsanitary and unsightly conditions;
 - (d) Eliminating the invitation of on-site criminal activities;
 - (e) Protecting the health and safety of the occupants;
 - (f) Protecting the value of the developments real property; and
 - (g) Enhancing market perceptions.
- (5) The cost for said maintenance shall be entirely apportioned to the property owners within the subdivision receiving the benefited special services.
- (6) The cost of maintaining those common properties and/or facilities within the subdivision may be levied against real properties within the subdivision as a special assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with lien for ad valorem taxes.
- (7) The special assessments shall constitute a non-ad valorem assessment and be levied in accordance with Section 197.3632, Florida Statutes.
- (8) The special assessments to be levied using the procedures provided in this Ordinance are imposed by the City Council. The duties of the property appraiser and tax collector under the provisions of this Ordinance and Section 197.3632, Florida Statutes, are ministerial.

SECTION 2: The City Council of the City of Apopka, Florida, hereby establishes and amends Chapter 42 (Environment), Creating a New Article III) (Neighborhood Improvement Special Assessment), Sections 42-100 through 42-125, of the Code of Ordinances, which shall read as follows::

ARTICLE III - NEIGHBORHOOD IMPROVEMENT SPECIAL ASSESSMENT

Section 42-100 Established; area; governing body.

There is hereby established pursuant to the authority of Section 166.021 and Section 170.01, Florida Statutes, the City Council establishing a Neighborhood Improvement Special Assessment, and shall encompass the same portion of the incorporated area of the City of Apopka, Florida, which is as follows:

1. Cimarron Hills Development
2. Mainline Village Development
3. Maine Avenue Villas Development
4. Martin Place (Phase I) Development
5. Martin Place (Phase II) Development

Legal Descriptions outlining the individual Neighborhood Improvement Special Assessment shall be found in the Resolution as adopted by the City Council and filed with the Orange County Property Appraiser and Tax Collector establishing said assessment. Individual developments may be added and/or removed as deemed necessary by the City Council.

Sec. 42-101 Purpose of article.

The Neighborhood Improvement Special Assessment is hereby established for the purpose of providing neighborhood improvements, storm water maintenance, street lighting, recreation facilities, common area property maintenance, landscape maintenance and other essential facilities and municipal services for the area described in Section 42-100, provided, however, that any services, facilities, or programs provided through the Neighborhood Improvement Special Assessment must provide a special benefit to assessed property.

Section 42-102 Definitions.

- (1) Development and/or Subdivision shall mean any and all properties and/or parcels of real property within the confines of the legal description as defined in Section 42-100.

Section 42-103 Powers of the governing body of Neighborhood Improvement Special Assessment.

The City Council of the City of Apopka, Florida, shall be the governing body of the Neighborhood Improvement Special Assessment areas and is empowered to:

- (1) Acquire in the name of the development by purchase, gift, or the exercise of right of eminent domain, such lands and rights and interest therein, including lands under water and riparian rights, and to acquire such personal property as it may deem necessary in connection with furnishing of services authorized by this article and to hold and dispose of all real and personal property under its control; provided, however, that nothing contained in this section shall authorize the power of eminent domain to be exercised beyond the limits of said development as outlined in Section 42-100.

- (2) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
- (3) Employ and/or enter into contracts for services.
- (4) Authorize payment of per diem, travel and other reasonable expenses for meetings, hearings and other official business.
- (5) Contract for the services of engineers, attorneys, accountants, financial or other consultants and such other agents as the City Council may require or deem necessary.
- (6) Borrow money and accept gifts; to convey real or personal property; to apply for and use grants or loans of money or other property from the United States, the state, a local unit of government or any other person for any authorized purpose of the development and to enter into agreements required in connection therewith; and hold, use and dispose of such monies of property for any purpose in accordance with the terms of the gift or grant, loan or agreement relating thereto, subject to state law applicable to chartered City government.
- (7) Acquire, construct, operate, maintain, equip, improve, extend, enlarge or improve capital projects within or the development as outlined in Section 42.100 that perform the specialized public function provided in this article.
- (8) Make use of any public easement, dedications to public use or plat reservations for specific public purposes within the boundaries of the development for those purposes authorized in this article.
- (9) Issue revenue bonds, special assessments bonds or combinations thereof to finance the cost of capital improvement projects authorized by this article, as now in effect or hereafter amended. The procedure for issuing such revenue or assessment bonds or the levying of special assessments shall be in the manner as provided by law.
- (10) Levy and assess per lot, tract or acre, special assessments and service charges authorized by law to pay cost of such specialized public functions as are provided for in this article, as now and thereafter amended.
- (11) Contract with municipalities, cities, towns, counties, or other political subdivision, public corporations or persons, and to provide or receive such specialized public functions or services.

Section 42-104 Establishment of a Neighborhood Improvement Special Assessment Trust Fund.

There is hereby established an interest bearing public trust fund for the deposit, maintenance, and distribution of special assessment funds collected or expended as a result of this Ordinance. Any funds in the trust fund may be used to provide neighborhood improvements, storm water maintenance, street lighting, recreation facilities, common area property maintenance, landscape maintenance and other essential facilities and municipal services, as appropriate.

Section 42-105 Authorizing special assessments.

The City Council by resolution in accordance with Section 197.3632, Florida Statute, may place a special assessment on all real property within the aforementioned developments and deposit funds into a trust fund specifically expended for providing neighborhood improvements, storm water maintenance, street lighting, recreation facilities, common area property maintenance, landscape maintenance and other essential facilities and municipal services, as appropriate.

Assessments rendered upon those parcels within the development as outlined by resolution of the City Council shall be a flat fee for the services based on the number of dwelling units on the parcel of real

property (i.e., should the parcel contain a duplex or multi-family dwelling on the parcel, the parcel shall be assessed a proportionate share for each living unit on said real parcel).

Section 42-106 Collection of special assessments.

The Orange County Property Appraiser shall furnish the City Council a roll covering all properties within the territorial limits of the Neighborhood Improvement Special Assessment upon which the Council may place the levy for each specially assessed parcel. A property owner in such special district shall have the right to file a written protest of the proposed special assessment, the amount and rate thereof and to appear before the Council in support of such protest. The Council shall hold a meeting to consider and act upon any such protest. The Council shall fix the rate of assessments and shall return the roll to the county property appraisers having first noted hereon the levy against each parcel of property described in this article for which a special assessment is made. The county property appraiser shall then include in the county tax roll on all required notices the special assessment thus made by the Council, and the special assessment shall be collected in the manner and form as provided for the collection of ad valorem taxes and paid over by the Orange County Tax Collector to the City.

Section 42-107 Liens on property.

Special assessments imposed pursuant to this article shall be a lien upon the parcel so assessed of equal rank and dignity to the lien of county and municipal property taxes until same have been paid, and if the same becomes delinquent, shall be considered a part of the county and municipal tax, subject to the same penalties, charges, fees and remedies for enforcement and collection, and shall be enforced and collected as provided by laws of the state for the collection of such taxes.

Section 42-108 Expenditures of revenue.

No funds of the Neighborhood Improvement Special Assessment shall be used for any purpose other than the administration of the affairs of business of the development, as appropriate, for the providing of neighborhood improvements, storm water maintenance, street lighting, recreation facilities, common area property maintenance, landscape maintenance and other essential facilities and municipal services, as appropriate.

Section 42-109 Reimbursement of funds for administrative assistance by City officials.

All costs and expenses incurred by the City or any of its employees, performing any of the provisions of this article, shall be reimbursed by the Neighborhood Improvement Special Assessment Funds to the City.

Section 42-110 Right of Termination.

The City Council reserves the right to terminate this article upon notification and confirmation that the parcel owners of record as provided in Section 42-100 have taken the provisions to re-established a Homeowners' Association in accordance with Florida law and have filed same with the United States Internal Revenue Service, Florida Department of Economic Opportunity, Florida Department of State, Division of Corporations and Department of Business and Professional Regulations, Division of Florida Condominiums, Timeshares and Mobile Homes. If at such time that the parcel owners should elect to re-establish a homeowners' association, any remaining monies owed to the City for the issuance of revenue

bonds, loans or other financial instruments on behalf of the development shall remain in full force and effect until such time as the revenue bonds, loans or other financial instruments have been paid in full. The City however, may adjust the assessments accordingly for those expenses not directly related to the issuance of revenue bonds, loans or other financial instruments. The cancellation of the special assessments shall be in accordance with the provision of Section 197, Florida Statutes.

Sections 42-111– 42-124 Reserved.

* * * * *

SECTION 3. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 4. That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 7. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

FIRST READING: _____

SECOND READING
AND ADOPTION: _____

JOSEPH E. KILSHEIMER, MAYOR

ATTEST:

Janice G. Goebel, City Clerk

APPROVED as to form and legality for
use and reliance by the City of Apopka,
Florida.

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: _____

Backup material for agenda item:

1. FINAL DEVELOPMENT PLAN – Verizon Wireless – Apopka, owned by Calmil Investment Group, LP; applicant is Rock RDP 1, LLC; and engineer is Rogers Engineering, LLC c/o Rodney Rogers, P.E., for property located at 1120 West Orange Blossom Trail. (Parcel ID No. 05-21-28-0000-00-025) [Tabled at the August 6, 2014 City Council meeting.]



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Final Development Plan

MEETING OF: August 20, 2014
FROM: Community Development
EXHIBITS: Vicinity Map
Adjacent Uses
Site/Landscape Plans
Building Elevations

PROJECT: VERIZON WIRELESS - APOPKA

Request: APPROVAL OF THE FINAL DEVELOPMENT PLAN FOR THE VERIZON WIRELESS – APOPKA; AND ISSUANCE OF THE FINAL DEVELOPMENT ORDER.

SUMMARY:

OWNER: Calmil Investment Group, LP
APPLICANT: Rock RDP 1, LLC
ENGINEER: Rogers Engineering, LLC, c/o Bill Menadier, P.E.
LOCATION: 1120 W. Orange Blossom Trail
(East of Lake Doe Boulevard and south of West Orange Blossom Trail)
PARCEL ID #: 05-21-28-0000-00-025
LAND USE: Commercial
ZONING: C-2
EXISTING USE: Vacant Land
PROPOSED USE: Verizon Wireless Retail Store
TRACT SIZE: 0.83 +/- acre
BUILDING SIZE: 2,380 sq. ft.

DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir (2)
Commissioners (4)	HR Director	City Clerk
CAO Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial	C-1	Race Trac Gas Station
East (City)	Commercial	C-2	Vacant Property
South (County)	Industrial	IND-4	CSX Rail Road
West (City)	Commercial	C-1	Old Florida Bank

ADDITIONAL COMMENTS:

The VERIZON WIRELESS - APOPKA Final Development Plan proposes a 2,380 square foot retail store. Prior to commencement of any clearing or grading of the subject property, a parcel split must be submitted to the Orange County Property Appraiser’s office.

STORMWATER: Stormwater run-off and drainage will be accommodated by on-site retention. The on-site stormwater management system is designed according to standards set forth in the Land Development Code

BUFFER/TREE PROGRAM: A ten foot landscape buffer is provided along Orange Blossom Trail and Lake Doe Boulevard. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

PARKING AND ACCESS: A total of 17 parking spaces are provided, of which one is reserved as a handicapped parking space. Access to the site is provided by a driveway cut along Lake Doe Boulevard and a cross-access easement agreement for future access connection to West Orange Blossom Trail. All cross-access easement documents must be recorded prior to issuance of a certificate of occupancy.

NOTE: The City Council, at its meeting on August 6, 2013, expressed concern regarding the operation of Lake Doe Boulevard. A Traffic Memorandum prepared by Luke Transportation Engineering Consultants (LTEC) will be provided prior to the August 20, 2014, City Council meeting.

EXTERIOR ELEVATIONS: Design of the building exterior meets the intent of the City’s Development Design Guidelines.

WAIVER REQUEST: The applicant is requesting a waiver from LDC 6.05.00.D.6.A which requires ten feet wide maintenance berm around the pond perimeter. The applicant is proposing a five feet wide maintenance berm.

- **Staff does not object to this waiver request.**

PUBLIC HEARING SCHEDULE:

July 8, 2014 - Planning Commission (5:01 pm)
 August 6, 2014 - City Council (1:30 pm) – Tabled
 August 20, 2014 – City Council (8:00 pm)

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the Verizon Wireless – Apopka Final Development Plan and waiver request, subject to the findings of this staff report.

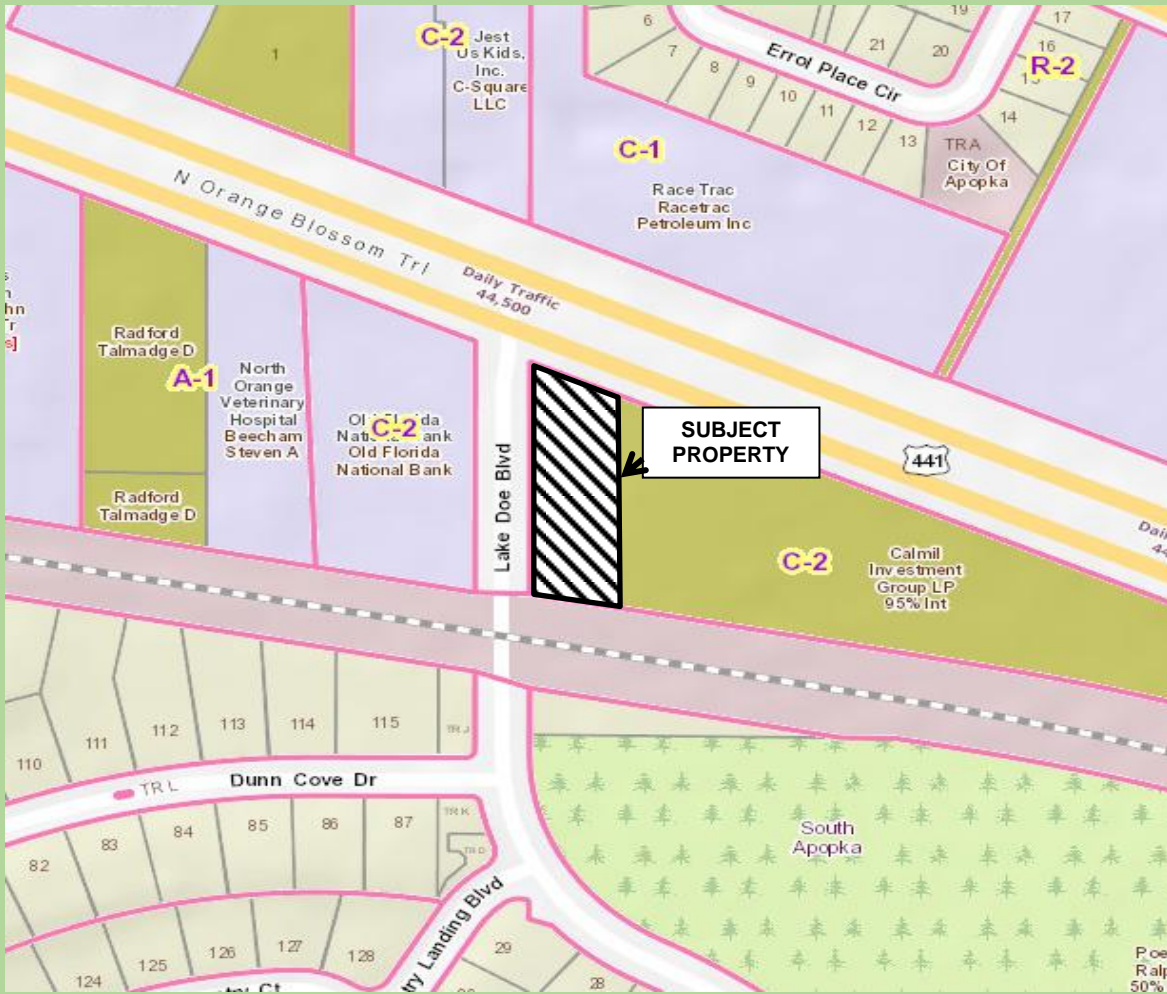
The **Planning Commission**, at its meeting on July 8, 2014, recommended approval (6-0) of the Verizon Wireless – Apopka Final Development Plan and waiver to allow a five foot wide maintenance berm in lieu of the required ten feet.

The **City Council**, at its meeting on August 6, 2014, tabled the Verizon Wireless Apopka Final Development Plan until the August 20, 2014 meeting.

Approve the Verizon Wireless – Apopka Final Development Plan and issue the Final Development Order.

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

Application: Final Development Plan
Owner: Calmil Investment Group, LP
Engineer: Rogers Engineering, LLC c/o Bill Menadier, P.E.
Parcel I.D. No: 05-21-28-0000-00-025
Location: 1120 West Orange Blossom Trail
Total Acres: 0.83 +/- Acre

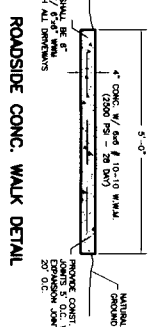
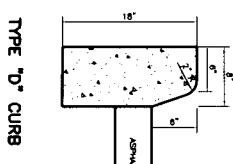
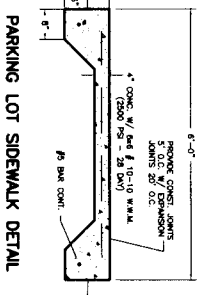
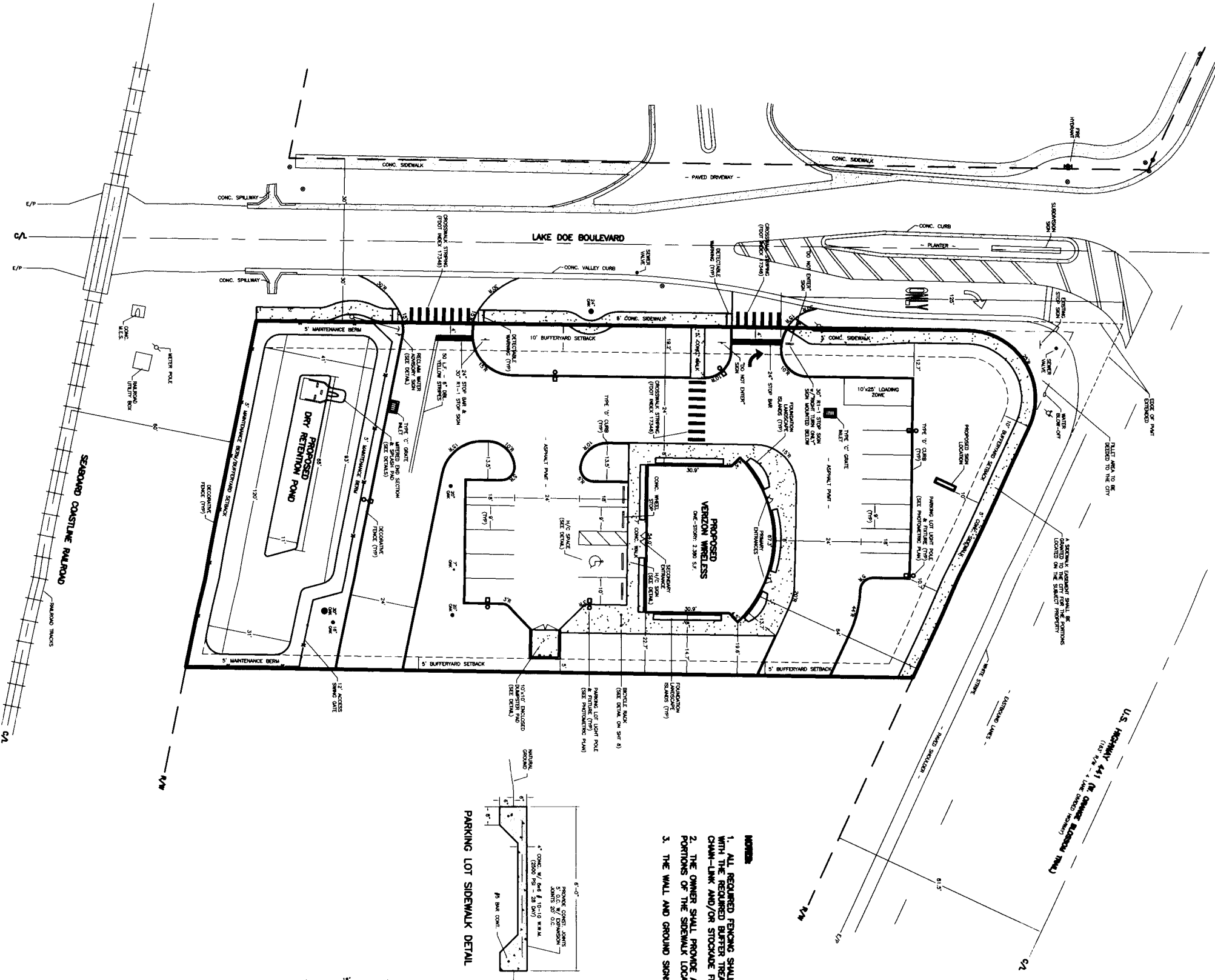
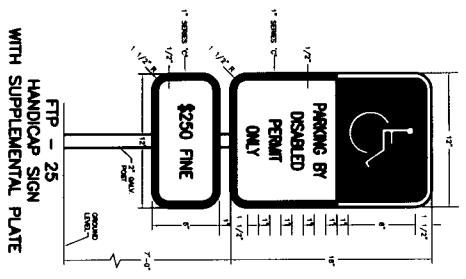
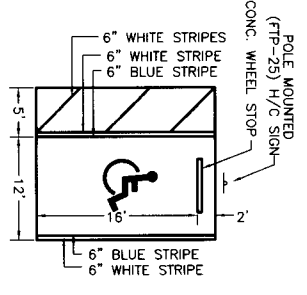


VICINITY MAP

Application: Final Development Plan
Owner: Calmil Investment Group, LP
Engineer: Rogers Engineering, LLC c/o Bill Menadier, P.E.
Parcel I.D. No: 05-21-28-0000-00-025
Location: 1120 West Orange Blossom Trail
Total Acres: 0.83 +/- Acre



ADJACENT USES



- NOTES**
1. ALL REQUIRED FENCING SHALL BE OF A DECORATIVE TYPE AND SHALL BE IN KEEPING WITH THE REQUIRED BUFFER TREATMENTS CHARACTER AND ARCHITECTURE OF THE PROJECT. CHAIN-LINK AND/OR STOCKADE FENCING SHALL NOT BE USED.
 2. THE OWNER SHALL PROVIDE A SIDEWALK ELEMENT TO THE CITY OF APOPKA FOR ALL PORTIONS OF THE SIDEWALK LOCATED ALONG LAKE DOE BOULEVARD AND U.S. HIGHWAY 441.
 3. THE WALL AND GROUND SIGNS ARE TO BE PERMITTED SEPARATELY.

STOP SIGN SPECIFICATIONS
 STOP SIGN:
 TYPE = R1-1
 SIZES = 30" x 30" / 36" x 36"
 INDEX 11660
 (SIZES NOTED ON PLANS ABOVE)

STOP SIGN POST SPECIFICATIONS
 HEIGHT TO BTFL OF SIGN = 7'-0"
 SIGN POST SIZE = 2 1/2"
 SIGN POST TYPE = SQUARE POST (STEEL)
 W/ 3/8" HOLES @ 1" O.C.
 DRIVER DEPTH = 4-1/2" WITH SOLE PLATE
 ALL SIGN MATERIAL AND INSTALLATION SPECIFICATIONS SHALL CONFORM WITH INDEX 11660 AND 11662.

WILLIAM A. MENODIER
 PROFESSIONAL ENGINEER
 FLORIDA REGISTRATION NO. 74981

A FINAL DEVELOPMENT SITE PLAN
 FOR
VERIZON WIRELESS STORE
 CITY OF APOPKA, FLORIDA
Layout Plan

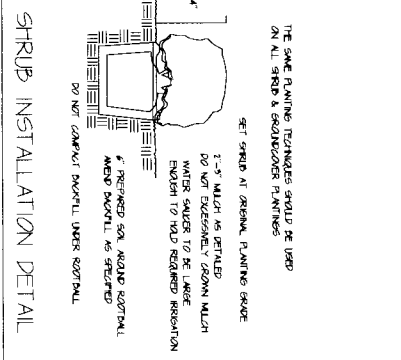
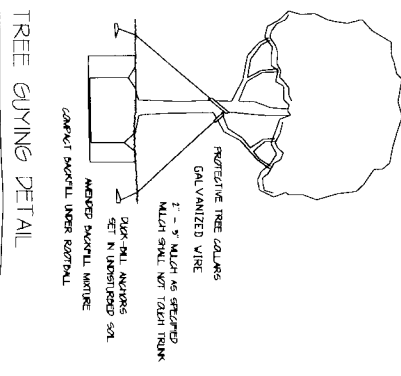
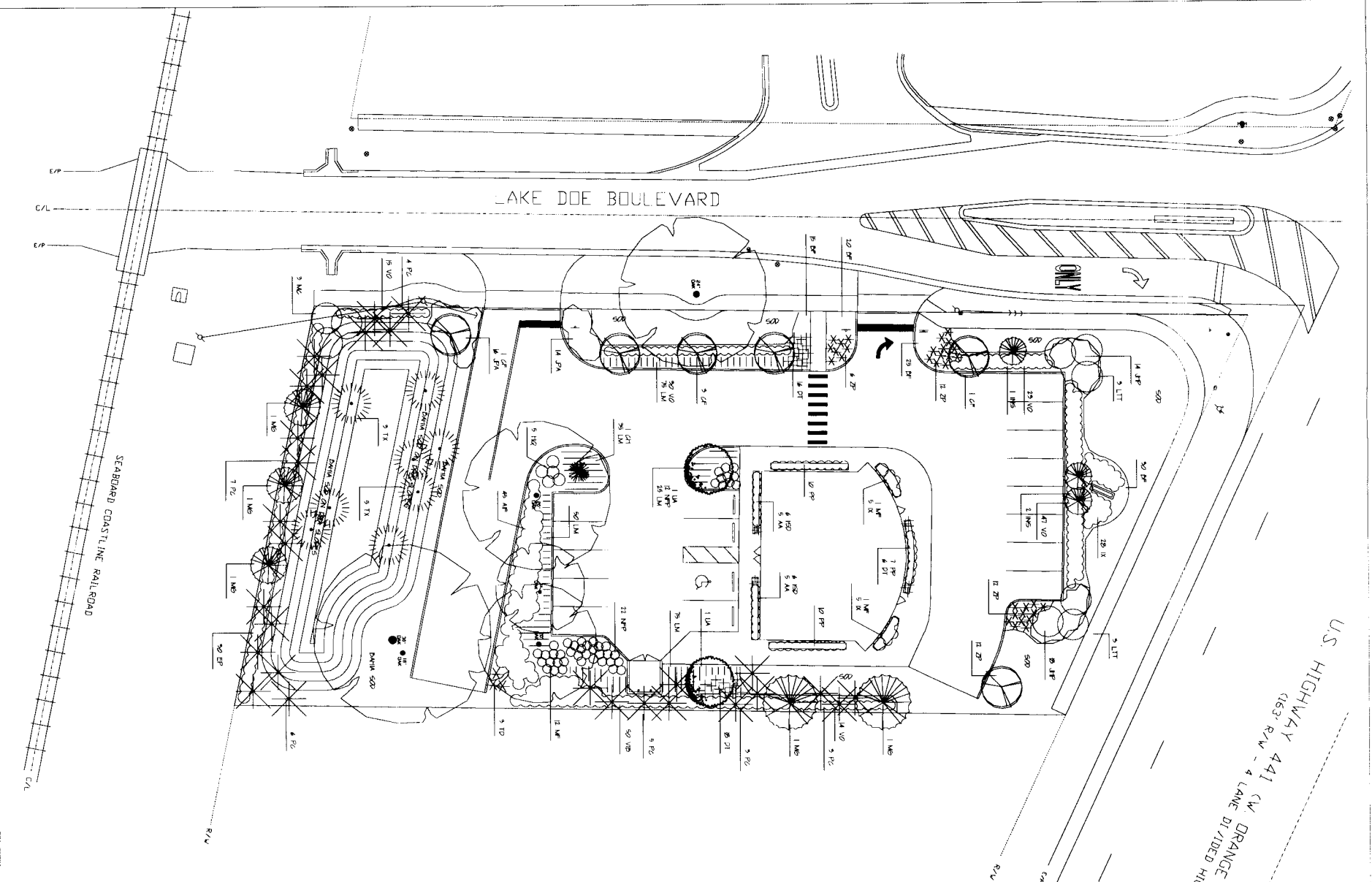
ROGERS ENGINEERING, LLC
Civil Engineering & Land Surveying
 1105 S.E. 3rd Avenue • Ocala, Florida 34471 • Ph. (352) 622-9214 • Lic. Bus. #4074

Robert L. Rogers, PE
 P. Reg. No. 10027
 rrogers@rogerseng.com

Rodney K. Rogers, PSM
 P. Reg. No. 6274
 rrogers@rogerseng.com

William A. Menodier, ME, PE
 P. Reg. No. 74981
 menodier@rogerseng.com

DATE	REVISION



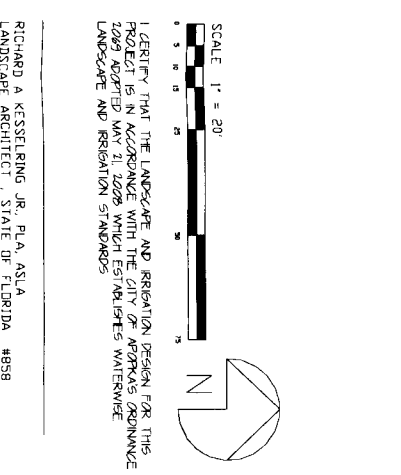
- LANDSCAPE NOTES**
1. ALL MATERIAL SHALL BE FURBISH # GRADE OR BETTER
 2. ALL LANDSCAPE NOTES SHALL BE MATCHED WITH 5" - 4" OF THE DRAWING
 3. ALL NEW TREES MUST BE DATED OR STAKED AS DETAIL
 4. EXISTING TREES THAT ARE TO REMAIN MUST BE PROTECTED THROUGHOUT CONSTRUCTION
 5. THE LANDSCAPE CONTRACTOR SHALL REVIEW WITH THE CONTRACTOR ALL LANDSCAPES THAT ARE TO BE INSTALLED AND CONSTRUCTION SCHEDULE FOR THIS PROJECT
 6. PLACEMENT OF ALL LANDSCAPE MATERIAL MUST BE APPROVED BY THE LANDSCAPE ARCHITECT
 7. ALL LANDSCAPE MATERIAL MUST BE DELIVERED WITH WHITE TAGS AND PERMITTERS
 8. ALL MULTI-TRUNK TREES MUST MEET FURBISH # GRADE FOR DBH CALCULATIONS
 9. ALL TREES MUST HAVE A STRAIGHT TRUNK AND 4" DIAMETER FIRST BRANCHING
 10. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING OF ALL PLANT MATERIAL FROM THE TIME OF INSTALLATION UNTIL ACCEPTANCE
 11. ANY LAKES OR EXISTING DAMS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT
 12. ALL MATERIAL SHALL BE GUARANTEED FOR 90 DAYS FROM THE DATE OF ACCEPTANCE
 13. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING IN ALL TREES & PLANTS AND REMOVING WEEDS/WEEDERS
 14. DURING THE ESTABLISHMENT PERIOD (FIRST 90 DAYS) THE LANDSCAPE CONTRACTOR SHALL APPLY A MULCH OF 4" - 6" DEEP TO ALL NEW TREES AND PLANTS
 15. ALL INSTALLATION OF TREES AND SHRUBS SHALL BE AS PER DETAILS AND AS PER MANUFACTURER'S SPECIFICATIONS AND CONTRACTOR MUST VERIFY THIS TO THE LANDSCAPE ARCHITECT
 16. LANDSCAPE CONTRACTOR MUST LOCATE ALL OVERHEAD UTILITIES PRIOR TO ANY INSTALLATION
 17. DURING INSTALLATION AROUND THE ROADS OF THE EXISTING DRIVE, THE CONTRACTOR SHALL ADJUST PLANTINGS TO 10' TO 15' FROM ANY MAJOR ROAD SYSTEMS
 18. ALL LANDSCAPE MATERIAL SHALL BE GUARANTEED FOR 4 MONTHS FROM THE DATE OF ACCEPTANCE
 19. NO PLANTINGS OR OTHER OBSTRUCTIONS MAY BE WITHIN THE 2' CIRCULAR OPENING AREA
 20. 5"1" ADJUSTIVE PALLETS/500 SHALL BE INSTALLED IN FRONT AND ON THE SIDES OF THE BUILDING
 21. 500MM AROUND THE DRN AND THE SEE-4-DRS SHALL BE RESIDENTIAL DRAIN 500
 22. PLANTING SOIL USED FOR THE BUILDING FOOTPRINT AND PLANTING OF THE LANDSCAPE SHALL BE AS PER THE NEEDS OF THE CONTRACTOR AND SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ANY INSTALLATION
 23. ALL SOIL SHALL BE TESTED FOR NUTRIENT LEVELS, PH, AND OTHER SOIL PROPERTIES AND SHALL BE A MIXTURE OF 40% SAND, 40% SOIL, AND 20% TOP-SOIL
 24. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR THE PROPER DRAINAGE OF ALL PLANT MATERIAL, ROOTS, SOIL, AND OTHER LANDSCAPE ITEMS REMOVED FROM THIS SITE
 25. THE LANDSCAPE CONTRACTOR MUST PROVIDE AN AS-BUILT OF THE RESTORATION SYSTEM TO THE LANDSCAPE ARCHITECT PRIOR TO REQUESTING ANY INSPECTIONS AND/OR APPROVALS
 26. THE CONTRACTOR SHALL KEEP THE SITE CLEAN OF ALL DEBRIS, RUBBER, STYRENE, AND DEBRIS THAT THE DRAINAGE SYSTEM REMAINS CLEAR AND THE PROVISIONS MUST BE MET

LANDSCAPE MATERIAL LIST

NO.	DESCRIPTION	QTY	REMARKS
1	1" DBH, 10' TALL, 1" DBH	10	
2	2" DBH, 10' TALL, 2" DBH	10	
3	3" DBH, 10' TALL, 3" DBH	10	
4	4" DBH, 10' TALL, 4" DBH	10	
5	5" DBH, 10' TALL, 5" DBH	10	
6	6" DBH, 10' TALL, 6" DBH	10	
7	7" DBH, 10' TALL, 7" DBH	10	
8	8" DBH, 10' TALL, 8" DBH	10	
9	9" DBH, 10' TALL, 9" DBH	10	
10	10" DBH, 10' TALL, 10" DBH	10	
11	11" DBH, 10' TALL, 11" DBH	10	
12	12" DBH, 10' TALL, 12" DBH	10	
13	13" DBH, 10' TALL, 13" DBH	10	
14	14" DBH, 10' TALL, 14" DBH	10	
15	15" DBH, 10' TALL, 15" DBH	10	
16	16" DBH, 10' TALL, 16" DBH	10	
17	17" DBH, 10' TALL, 17" DBH	10	
18	18" DBH, 10' TALL, 18" DBH	10	
19	19" DBH, 10' TALL, 19" DBH	10	
20	20" DBH, 10' TALL, 20" DBH	10	

CITY OF APOPKA LANDSCAPE REQUIREMENTS

NO.	DESCRIPTION	QTY	REMARKS
1	1" DBH, 10' TALL, 1" DBH	10	
2	2" DBH, 10' TALL, 2" DBH	10	
3	3" DBH, 10' TALL, 3" DBH	10	
4	4" DBH, 10' TALL, 4" DBH	10	
5	5" DBH, 10' TALL, 5" DBH	10	
6	6" DBH, 10' TALL, 6" DBH	10	
7	7" DBH, 10' TALL, 7" DBH	10	
8	8" DBH, 10' TALL, 8" DBH	10	
9	9" DBH, 10' TALL, 9" DBH	10	
10	10" DBH, 10' TALL, 10" DBH	10	
11	11" DBH, 10' TALL, 11" DBH	10	
12	12" DBH, 10' TALL, 12" DBH	10	
13	13" DBH, 10' TALL, 13" DBH	10	
14	14" DBH, 10' TALL, 14" DBH	10	
15	15" DBH, 10' TALL, 15" DBH	10	
16	16" DBH, 10' TALL, 16" DBH	10	
17	17" DBH, 10' TALL, 17" DBH	10	
18	18" DBH, 10' TALL, 18" DBH	10	
19	19" DBH, 10' TALL, 19" DBH	10	
20	20" DBH, 10' TALL, 20" DBH	10	



LANDSCAPE PLAN
 VERIZON STORE
 LAKE DOE BLVD APOPKA

EDK ENVIRONMENTAL DESIGN
 ANDY KESSELLING, LANDSCAPE ARCHITECT
 1920 SE 8TH STREET, SUITE 100, BOX 5121
 OCALA, FLORIDA 34476 (352) 622-8699

LANDSCAPE ARCHITECTURE, SITE PLANNING,
 GOLF COURSE DESIGN, COMMERCIAL-RESIDENTIAL DESIGN

DRAWN BY:	RAK	DATE:	4 / 14
SCALE:	1" = 20'	DRAWING NO.:	
JOB NO.:	FB	NEW NAME:	FG

NO.	DATE	BY	DESCRIPTION
2	6/14	RAK	COMMENTS
1	5/14	RAK	COMMENTS

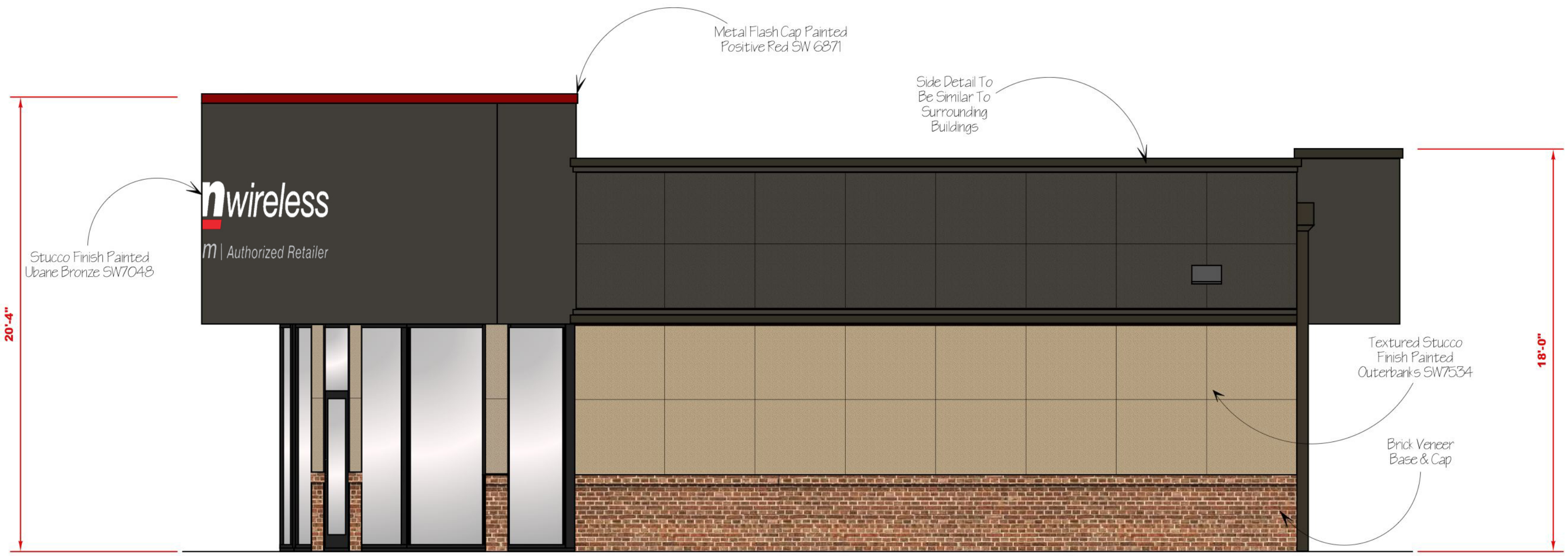


South Elevation
1/4" = 1'-0"

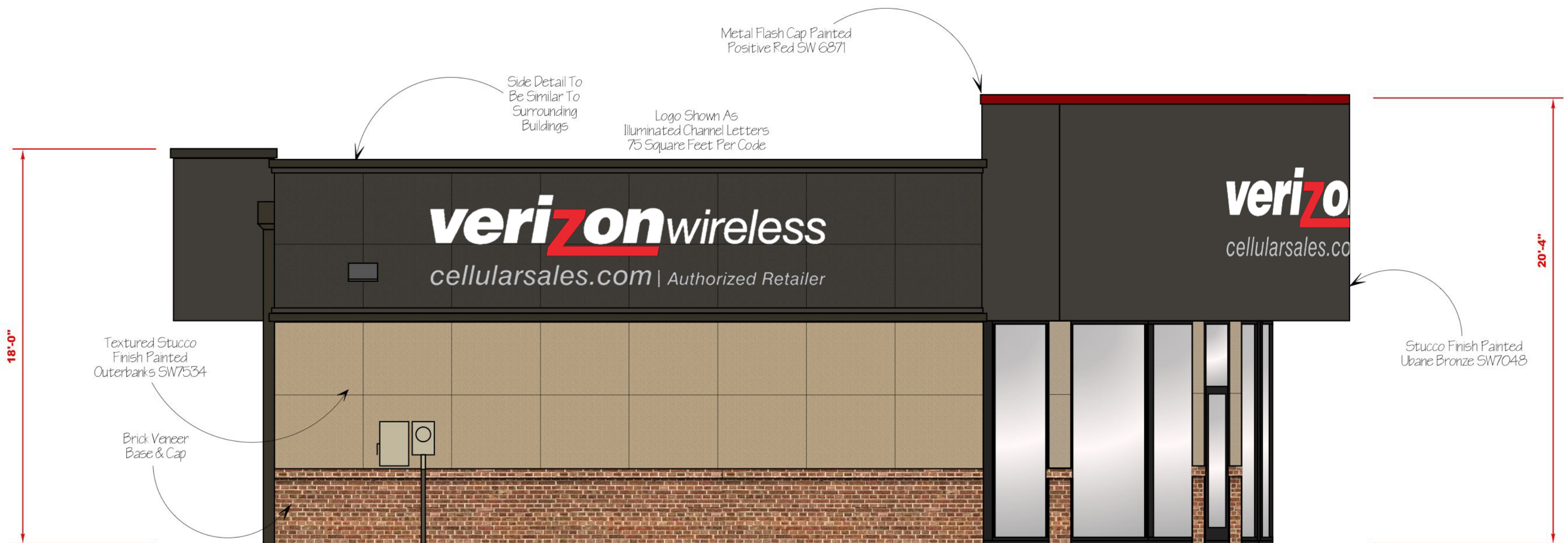


North Elevation
1/4" = 1'-0"

Wall:	55%
Storefront Glass:	45%



West Elevation
1/4" = 1'-0"



East Elevation
1/4" = 1'-0"

SW 7048 Urbane Bronze
Interior / Exterior

Color Collections	Neutral Nuance, Urban Organic
Color Family	Warm Neutrals
Color Strip	H
RGB Value	R-83 G-80 B-73
Hexadecimal Value	#535049
LRV	8

SW 7534 Outerbanks
Interior / Exterior

Color Collections	Rustic Refined, Precious Baby
Color Family	Warm Neutrals
Color Strip	R-184 G-165 B-141
RGB Value	#B6A58D
Hexadecimal Value	#B6A58D
LRV	39

SW 6871 Positive Red
Interior / Exterior

Color Family	Reds
Color Strip	128
RGB Value	R-179 G-34 B-48
Hexadecimal Value	#B32230
LRV	11

Proposed Building
Urbane Bronze Parapet
W/ Storefront Calculations

200 Sq. Ft. Signage Allowance Breakdown:

- 100 Sq. Ft. Logo on Front with 25 Sq. Ft. of Red Accent Cap.
- East Elevation: 75 Sq. Ft. Logo

Field Verify Dimensions



E2	Elevations	<p>PERPER DESIGN CONCEPT TO CREATION</p>
<p>OR-AP Authorized Retailer Apopka, FL</p>		
Date: 6/21/2014		

Backup material for agenda item:

2. FINAL DEVELOPMENT PLAN – Taco Bell – Owned by BB Hobbs Company – Cobblestone Partners, Inc.; engineer is Florida Engineering Group, c/o Sam Sebaali, P.E., LEED® AP; and property located at 1429 West Orange Blossom Trail. (Parcel ID No. 05-21-28-0000-00-001)



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

MEETING OF: August 20, 2014
FROM: Community Development
EXHIBITS: Vicinity Map
Site/Landscape Plans
Building Elevations
Dumpster Enclosure

PROJECT: TACO BELL RESTAURANT – 1429 W. ORANGE BLOSSOM TRAIL

REQUEST: APPROVAL OF THE TACO BELL FINAL DEVELOPMENT PLAN– 1429 W. ORANGE BLOSSOM TRAIL (MINOR DEVELOPMENT PLAN) AND ISSUANCE OF THE FINAL DEVELOPMENT ORDER.

SUMMARY:

OWNER: Cobblestone Partners, LLC
APPLICANT/ENGINEER: Florida Engineering Group Inc., c/o Samir J. Sebali, P.E.
LOCATION: 1429 West Orange Blossom Trail
(North of U.S. Hwy 441, South of Old Dixie Hwy, and East of Errol Parkway)
PARCEL ID #: 05-21-28-0000-00-001
LAND USE: Commercial
ZONING: C-2
EXISTING USE: Commercial Building
PROPOSED USE: Drive-Thru Restaurant
TRACT SIZE: 1.00 +/- acre (43,657 sq. ft.)
BUILDING SIZE: 2,263 sq. ft.

DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir (2)
Commissioners (4)	HR Director	City Clerk
CA Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low	PUD	Single Family Residential
East (City)	Commercial	C-1/C-2	Day Care Center/RaceTrac
South (City)	Commercial	C-2	Shopping Center/Bank
West (City)	Commercial	C-1	Vacant Land

ADDITIONAL COMMENTS:

The TACO BELL Final Development Plan (1429 West Orange Blossom Trail) proposes a 2,263 square foot restaurant with a drive-thru facility. A preliminary development plan is not required for projects less than 10,000 square feet. Access to the site will occur from a driveway connecting directly with Old Dixie Highway and from cross access easement connecting to West Orange Blossom Trail through a driveway shared with a RaceTrac convenience store/gas station.

UTILITY/STORMWATER: The site will be served by City water and sewer. The stormwater run-off and drainage will be accommodated by an underground infiltration storage chamber. The on-site stormwater management system is designed according to standards set forth in the Land Development Code

BUFFER/TREE PROGRAM: The site has a standard five (5) foot wide side-yard landscape buffer with a ten (10) foot wide landscape buffer along Orange Blossom Trail and Old Dixie Highway. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069. There is no tree bank mitigation fee payment required for this site.

Total inches on-site:	380
Total number of specimen trees:	1
Total inches removed	164
Total inches retained:	0
Total specimen inches retained:	0
Total inches required:	152.5
Total inches replaced:	153
Total inches post development:	153

PARKING AND ACCESS: A total of 30 parking spaces are provided, of which two are handicapped parking space. There are two ingress/egress points to the site; the primary entrance is from West Orange Blossom Trail a.k.a. (U.S. HWY 441) through a cross access easement and a shared driveway with RaceTrac and from a secondary entrance located along Old Dixie Hwy.

EXTERIOR ELEVATIONS: Design of the building exterior meets the intent of the City’s Development Design Guidelines.

SIGNAGE: The monument sign complies with sign code and is located in the front yard buffer abutting Orange Blossom Trail. Landscape plan shows that the landscaping is designed to create a view corridor for Orange Blossom Trail. Based on the sign code, a secondary monument side is allowed if a sign faces two roadways. A secondary monument sign is not proposed within the site plan. Any future

addition of a secondary monument sign will require approval through a sign permit. One menu board sign is permitted per drive-thru lane or drive-in station. No other commercial or promotional signs, including snipe-type signs, shall be located along the drive-thru lanes. The proposed wall signs and menu board are consistent with the City's sign code and must receive sign permits from the City prior to installation.

WAIVER REQUEST: The applicant is requesting a waiver from section 6.06.00(c)5 of the Land Development Code and the city approved Dumpster Enclosure Detail - Figure (601), which requires the use of brick or stone cap block on the exterior walls of dumpster enclosure.

Response: The exterior of the dumpster screen wall will be comprised of materials compatible with the exterior of the building. The dumpster enclosure materials will consist of a decorative stone base with stucco walls. Details of the dumpster and building elevation are provided with the supporting information containing in the agenda package.

- Staff does not object to this waiver request.

PUBLIC HEARING SCHEDULE:

August 12, 2014 - Planning Commission (5:01 pm)

August 20, 2014 - City Council (8:00 pm)

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the Taco Bell Restaurant – 1429 West Orange Blossom Trail Final Development Plan and does not object to the waiver request, subject to the findings of this staff report.

The **Planning Commission**, at its meeting on August 12, 2014, recommended approval (5-0) of the Taco Bell Restaurant – 1429 West Orange Blossom Trail Final Development Plan and did not object to the waiver request, subject to the findings of this staff report.

Approve the Taco Bell – 1429 West Orange Blossom Trail Final Development Plan and issuance of the Final Development Order.

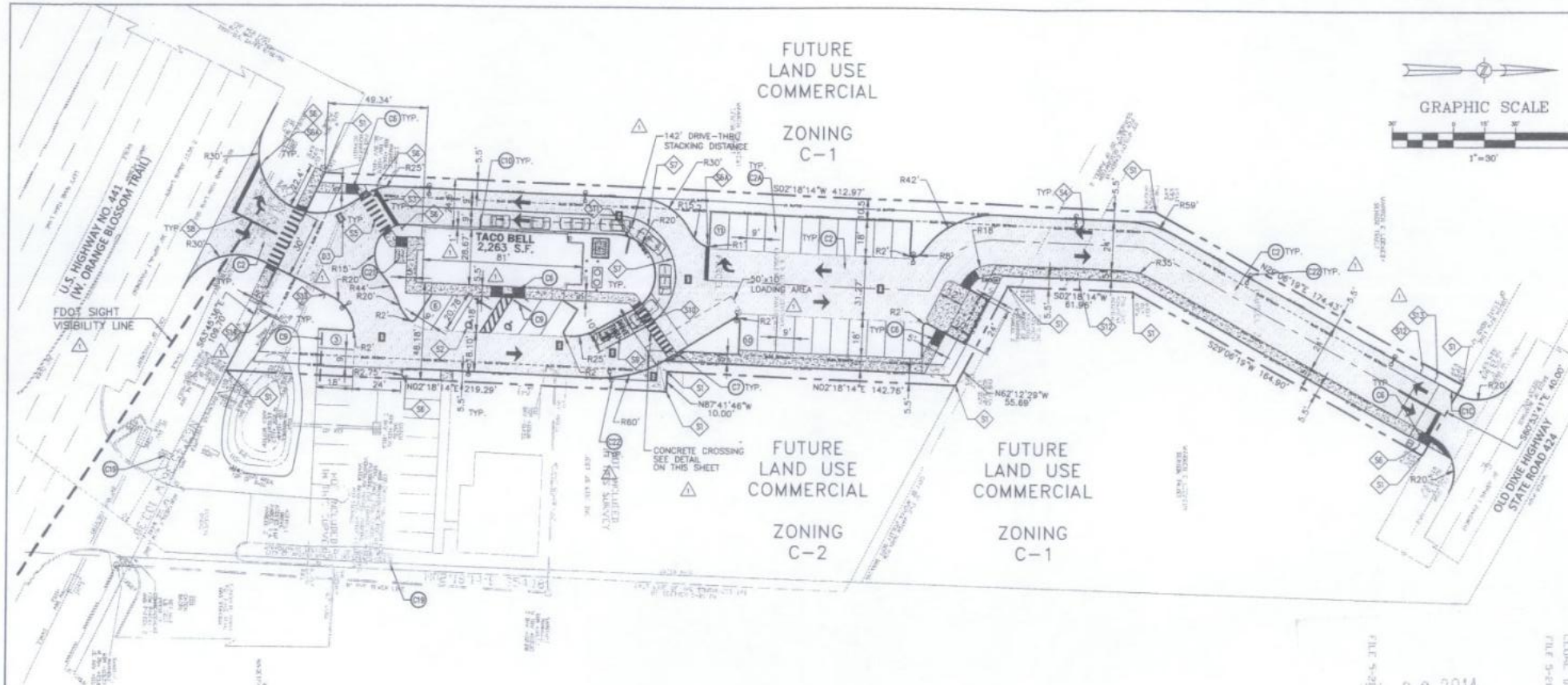
Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

Application: Final Development Plan
Owner: BB Hobbs Company – Cobblestone Partners, LLC
Engineer: Florida Engineering Group, c/o Sam Sebaali, P.E., LEED® AP
Parcel I.D. No: 05-21-28-0000-00-001
Location: 1429 West Orange Blossom Trail
Total Acres: 1.00 +/- Acre



VICINITY MAP





SITE DATA
 PROPERTY LOCATION: 1429 W. ORANGE BLOSSOM TRAIL, APOPKA, FLORIDA
 PROPERTY ZONING: C-2
 PROPERTY FUTURE LAND USE DESIGNATION: COMMERCIAL
 EXISTING USE: COMMERCIAL
 PROPOSED USE: COMMERCIAL-RESTAURANT
 PROJECT AREA: 1.00± ACRE

ALLOWABLE FLOOR AREA: 10,915 S.F. 25.00 %
 PROPOSED GROSS FLOOR AREA: 2,263 S.F. 5.18 %
 PROPOSED NO. OF SEATS: 54 SEATS
 PROPOSED NO. OF EMPLOYEES: 10 EMPLOYEES
 PROPOSED HOURS OF OPERATION: 10:00AM TO 1:00AM
 (REQUIRED) 10' (PROPOSED) 16'

R.O.W. PARKING SETBACK: 10' (REQUIRED) 16' (PROPOSED)
 BUILDING SETBACKS (REQUIRED):
 FRONT (SOUTH) 10'
 SIDE (EAST) 10'
 SIDE (WEST) 10'
 REAR (NORTH) 20'
 BUILDING SETBACKS (PROPOSED):
 FRONT (SOUTH) 49.3'
 SIDE (EAST) 48.1'
 SIDE (WEST) 24.5'
 REAR (NORTH) 404.3'

MAXIMUM ALLOWABLE BUILDING HEIGHT: 35'
 BUILDING HEIGHT PROPOSED: 24'

BUILDING CONSTRUCTION TYPE: TYPE V-B UNSPRINKLERED
BUFFER YARDS

PROPOSED USE	ABUTTING USE	REQUIRED BUFFER	PROPOSED BUFFER
RESTAURANT FRONT (SOUTH)	STATE ROAD 441	10'	16.4'
RESTAURANT SIDE (EAST)	VACANT	5'	5'
RESTAURANT SIDE (WEST)	VACANT	5'	5'
RESTAURANT REAR (NORTH)	RESIDENTIAL	10'	10'

PARKING
 PARKING REQUIRED (1 SPACE PER 4 SEATS) + (1 SPACE PER 75 S.F. PATRON AREA)
 RESTAURANT (COMMERCIAL) (54 SEATS / 4 SEATS) + (154 S.F. / 75 S.F.) = 15.55 OR 16 SPACES
 TOTAL PARKING REQUIRED: 16 SPACES
 SPACES REQUIRED TO BE RESERVED FOR HANDICAP: 1 SPACES
PARKING PROVIDED
 STANDARD PARKING SPACES: 28 SPACES
 HANDICAP PARKING: 2 SPACES
 TOTAL PARKING PROVIDED: 30 SPACES

SITE AREA CALCULATIONS

	EXISTING	PROPOSED	
BUILDING FOOTPRINT	2,010 ±S.F.	2,263 ±S.F.	5.18 %
PAVING	9,742 ±S.F.	25,215 ±S.F.	57.78 %
SIDEWALK/CONCRETE	481 ±S.F.	3,718 ±S.F.	8.51 %
IMPERVIOUS AREA	12,243 ±S.F.	31,196 ±S.F.	0.71 ±AC
PERVIOUS AREA	31,418 ±S.F.	12,463 ±S.F.	0.29 ±AC
TOTAL SITE AREA	43,661 ±S.F.	43,659 ±S.F.	1.50 ±AC
IMPERVIOUS COVER PROPOSED			71.45 %
OPEN SPACE PROPOSED			28.55 %

FLOOD ZONE
 FLOOD ZONE X PER FEMA F.I.R.M. PANEL 12085C0120E DATED: 09/25/09.

SOILS
 LAKE FINE SAND

WETLAND STATEMENT
 THERE ARE NO JURISDICTIONAL WETLANDS WITHIN THE PROJECT SITE.

DUMPSTER NOTE
 THE DUMPSTER SHALL BE ENCLOSED WITH A BLOCK WALL WITH GATES. SEE DUMPSTER DETAIL ON SHEET C-8.

SITE NOTES
 1. ALL CURB RADII ARE TO BE 5.0', TYPICAL, UNLESS NOTED OTHERWISE. EXCEPTION: RADII @ ISLANDS ARE TO FIT ISLAND WIDTHS, UNLESS NOTED OTHERWISE.
 2. LANDSCAPE ISLAND NOSE NOT TO EXCEED THE PARKING STALL DEPTH &/OR PROTRUDE INTO DRIVE ISLES, TYPICAL.
 3. ALL DIMENSIONS ARE PARALLEL & PERPENDICULAR TO A BEARING OF N.02° 18' 14" E, UNLESS OTHERWISE INDICATED WITH A "±" OR BEARING.

SITE LEGEND

 [Symbol] PROPOSED HEAVY DUTY ASPHALT PAVEMENT
 [Symbol] CONCRETE PAVEMENT

CITY OF APOPKA NOTES
 1. ALL ROADWAYS AND DRIVES MUST BE COMPLETE BEFORE BUILDING CONSTRUCTION BEGINS.
 2. A FIRE HYDRANT MUST BE LOCATED WITHIN 250 FEET OF THE BUILDING.
 3. PROVIDE AN EMERGENCY LOCK BOX FOR EMERGENCY ACCESS.
 4. THE MONUMENT SIGN SHOULD PARTIALLY EXTEND BEYOND THE LANDSCAPE AREA TO PROMOTE VISIBILITY, AND CAN BE PLACED AS CLOSE AS TWO FEET FROM THE SIDEWALK.
 5. THE WALL AND GROUND SIGNS ARE TO BE PERMITTED SEPARATELY.

Ⓞ SITE CONSTRUCTION KEYNOTES

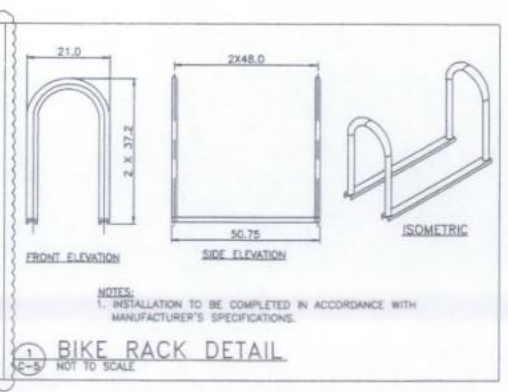
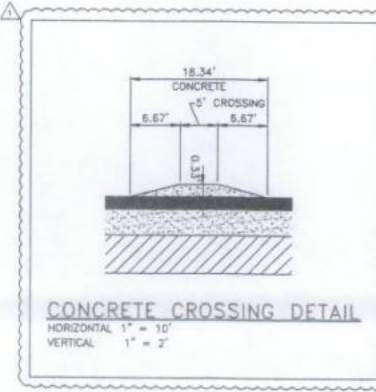
- C1. 6" HEAD CURB, TYPICAL.
- C1A. 12" HEAD CURB AT DRIVE-THRU.
- C1B. 6" FLUSH RIBBON CURB.
- C1C. 3' TRANSITION CURB.
- C2. ASPHALT PAVEMENT, HEAVY-DUTY IN DRIVE AISLES.
- C2A. ASPHALT PAVEMENT, LIGHT-DUTY IN PARKING SPACES.
- C3. CONCRETE PAVEMENT.
- C4. CONCRETE SIDEWALK, TYPICAL.
- C5. MONOLITHIC CURB & SIDEWALK, TYPICAL.
- C6. HANDICAP ACCESS RAMP WITH A 12:1 MAX. SLOPE, TYPICAL.
- C7. DETECTABLE WARNING SURFACE PER FLORIDA BUILDING CODE 2004.
- C8. DOUBLE DUMPSTER ENCLOSURE. SEE SHEET C-8 FOR DETAILS.
- C9. WHEELSTOP PER F.D.O.T. INDEX No. 300, TYPICAL.
- C10. BOLLARD. 6" MIN. C.I.P.-D.I.P. OR STEEL, CONCRETE FILLED, & PAINTED OSHA YELLOW.
- C11. PROPOSED TRANSFORMER PAD. CONTRACTOR SHALL COORDINATE WITH POWER COMPANY.
- C12. PROPOSED GAS METER. CONTRACTOR SHALL COORDINATE WITH GAS COMPANY.
- C13. 1,000 GAL. GREASE TRAP.
- C14. SANITARY CLEAN-OUT, TYPICAL.
- C15. DOMESTIC WATER METER.
- C16. DOMESTIC WATER REDUCED PRESSURE BACKFLOW PREVENTER.
- C17. RECLAIM IRRIGATION WATER METER.
- C18. NOT USED.
- C19. EXISTING FIRE HYDRANT ASSEMBLY.
- C20. EXISTING SANITARY CLEAN-OUT.
- C21. BIKE RACK ON 6'X8' CONCRETE PAD (2 BIKES).
- C22. SITE LIGHTING FIXTURE.

Ⓞ SITE STRIPING & SIGNAGE KEYNOTES

- S1. PROPERTY BOUNDARY.
- S2. HANDICAP PARKING STALL, TYPICAL.
- S3. 24" THERMOPLASTIC STOP BAR (WHITE PAINT).
- S4. DIRECTIONAL ARROWS PER F.D.O.T. INDEX No. 17346, TYPICAL.
- S5. CROSSWALK STRIPING PER F.D.O.T. INDEX No. 17346, TYPICAL.
- S6. R1-1 HIGH INTENSITY REFLECTORIZED "STOP" SIGN (24"x24").
- S6A. R3-5 "RIGHT TURN ONLY" SIGN, MOUNTED ABOVE R1-1 "STOP" SIGN.
- S7. 4" WIDE WHITE SOLID PAVEMENT STRIPING.
- S8. DOUBLE 4" WIDE WHITE SOLID PAVEMENT STRIPING.
- S9. "DRIVE-THRU" GRAPHICS PAVEMENT MARKING.
- S10. DRIVE-THRU ENTRY PORTAL CLEARANCE BAR.
- S11. MENU BOARD, CANOPY AND SPEAKER BOX.
- S12. SPEED LIMIT 15 MPH SIGN.
- S13. RECLAIM WATER SIGN.
- S14. MAIN MONUMENT SIGN.

Ⓞ SITE DRAINAGE KEYNOTES

- D1. F.D.O.T. TYPE "C" DITCH BOTTOM INLET PER INDEX No. 232, TYPICAL.
- D3. EXISTING STORM MANHOLE TO REPLACE TOP AND GRATE AS TYPE "C" INLET PER F.D.O.T. INDEX "232".



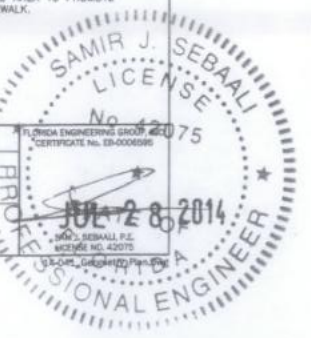
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7/10/2014	PER CITY OF APOPKA COMMENTS DATED 6/25/2014.	HA	RTA
7/28/2014	PER CITY OF APOPKA COMMENTS DATED 7/23/2014.	HA	RTA

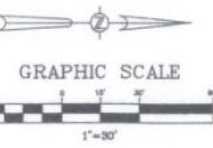
TACO BELL
 MINOR FINAL DEVELOPMENT PLANS
 1429 W. ORANGE BLOSSOM TRAIL
 APOPKA, FLORIDA

FEG FLORIDA ENGINEERING GROUP
 Engineering the Future
 5127 S. Orange Avenue, Suite 200
 Orlando, FL 32809
 Phone: 407-895-0324
 Fax: 407-895-0325
 www.feg-inc.us

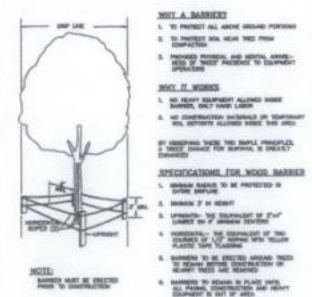
SITE GEOMETRY PLAN
 DESIGNED BY: RTA
 DRAWN BY: HA
 CHECKED BY: RTA
 APPROVED BY: SJS

PROJECT NO: 14-041
 SCALE: 1"=30'
 DATE: JUNE 12, 2014
 SHEET NO: C-5
 SHEET 5 OF 16

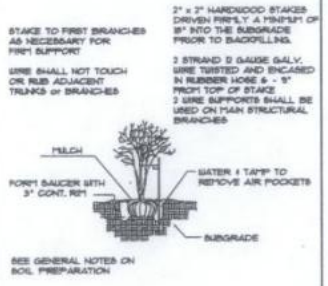




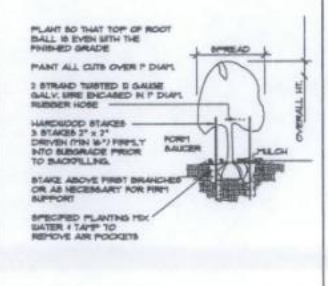
SHRUB PLANTING



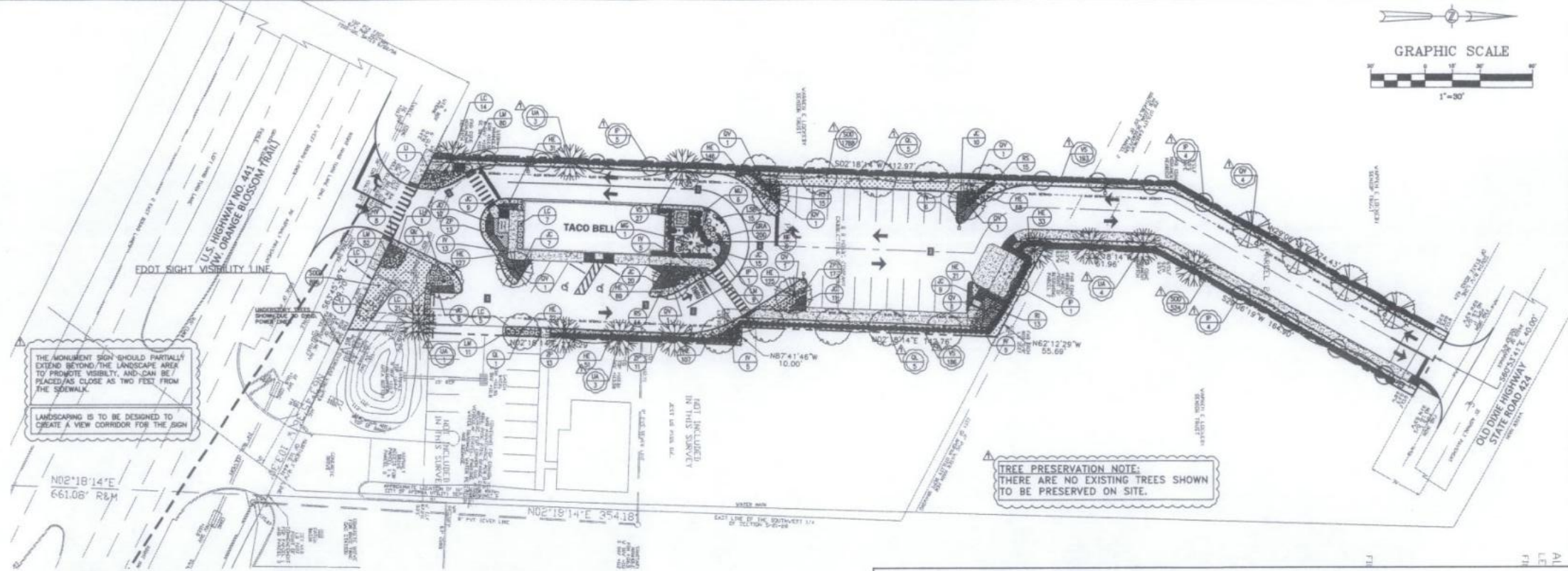
TREE PROTECTION MEASURES



MULTI-TRUNK TREE STAKES



TREE PLANTING VERTICAL STAKES



THE MONUMENT SIGN SHOULD PARTIALLY EXTEND BEYOND THE LANDSCAPE AREA TO PROMOTE VISIBILITY, AND CAN BE PLACED AS CLOSE AS TWO FEET FROM THE SIDEWALK.

LANDSCAPING IS TO BE DESIGNED TO CREATE A VIEW CORRIDOR FOR THE SIGN.

TREE PRESERVATION NOTE: THERE ARE NO EXISTING TREES SHOWN TO BE PRESERVED ON SITE.

LANDSCAPE NOTES

- SHADE TREE REQUIREMENTS SHALL COMPLY WITH CITY OF APOPKA CODE WHEREBY ALL TREES PLANTED MUST MEET OR EXCEED FLORIDA NO. 1, AS ESTABLISHED IN THE LATEST PUBLICATION BY THE STATE OF FLORIDA DEPT. OF AGRICULTURE, GRADES AND STANDARDS FOR NURSERY PLANT MATERIAL.
- IRRIGATION (100% COVERAGE) SHALL BE PROVIDED IN ALL NEWLY PROPOSED PLANTING AREAS IN ACCORDANCE WITH CITY OF APOPKA LAND DEVELOPMENT CODE.
- IN THE EVENT OF DISCREPANCY BETWEEN THE PLANT LIST AND ACTUAL NUMBER OF PLANTS SHOWN ON THE PLAN, THE PLAN SHALL CONTROL. THE LANDSCAPE CONTRACTOR SHALL NOTIFY FLORIDA ENGINEERING GROUP, INC. OF ANY DISCREPANCIES PRIOR TO ISSUANCE OF BIDS.
- ALL PLANTING BEDS AND TREE SAUCERS TO HAVE ORGANIC MULCH TO A DEPTH OF 3" MIN.
- A TWELVE MONTH WARRANTY IS TO BE PROVIDED FOR ALL NEW PLANT MATERIAL STARTING FROM TIME OF FINAL ACCEPTANCE BY OWNER. REPLACEMENT OF DEAD OR UNHEALTHY MATERIALS SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR WITHIN THIRTY DAYS OF NOTIFICATION IN CONFORMANCE WITH THE APPROVED LANDSCAPE PLAN.
- CALIPER OF TREES SHALL BE MEASURED AT 6" ABOVE ROOT BALL. ALL TREES SHALL BE INSTALLED IN AN UPRIGHT POSITION. CALIPER OF TREES SHALL TAKE PRECEDENCE OVER HEIGHT OR SPREAD.
- ALL DISTURBED AREAS WITHIN PROJECT LIMITS SHALL BE FULLY SOODED ASIDE FROM DEFINED PLANTING BEDS. SOD SHALL BE FREE OF WEEDS AND NOXIOUS PESTS OR DISEASES.
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OCCURRING ON SITE OR ADJACENT AREAS, INCLUDING BUT NOT LIMITED TO BUILDINGS, PAVING, UTILITIES, ETC., WHICH IS CAUSED BY PREPARING OR INSTALLING ANY AND ALL PLANT MATERIAL.
- LANDSCAPING SHOWN ON THIS PLAN SHALL BE MAINTAINED IN COMPLIANCE WITH LOCAL LANDSCAPING ORDINANCE.
- GRADE, DRESS, AND SOD AREAS THAT HAVE BEEN DISTURBED AS SOON AS POSSIBLE TO PREVENT EROSION.
- PLANT MIX OF 8" SHALL BE TILLED INTO EXISTING SOIL TO A DEPTH OF 24". REFER TO SHRUB AND TREE PLANTING DETAIL FOR EXTENT OF PLANT MIX TO BE PROVIDED. PLANT MIX SHALL CONSIST OF 1/3 PEAT MOSS AND 2/3 EXISTING SOIL.
- ALL PLANT MATERIALS SHALL RECEIVE A SLOW RELEASE FERTILIZER IN QUANTITIES AS DIRECTED BY THE MANUFACTURER.
- ALL PLANT MATERIAL SHALL BE SET BACK 2 FEET FROM THE BACK OF CURBS OR PAVEMENT. SET TREES 3 FEET BACK FROM CURB.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING IF THERE ARE ANY INVASIVE OR EXOTIC TREES LOCATED ON THE SITE AND IS REQUIRED TO REMOVE ALL INVASIVE SPECIES PER THE LOCAL JURISDICTION INVASIVE SPECIES LIST LOCATED IN THEIR CODE OF ORDINANCES.
- PLANT SIZES SHOWN ON THE PLANT LIST ARE ABSOLUTE MINIMUMS. WHEN MORE THAN ONE SIZE CRITERIA ARE LISTED THEN THE PLANT MATERIAL SHALL COMPLY WITH EACH OF THE CRITERIA, NOT JUST ONE. THESE ARE GENERALLY MINIMUMS IMPOSED BY THE JURISDICTION. DIFFERENT PLANTS GROW AT DIFFERENT RATES BUT ALL MINIMUMS MUST BE MET.
- WHEN THERE ARE EXISTING TREES OR VEGETATION TO REMAIN, CONTRACTOR SHALL EMPLOY A CERTIFIED TREE SURGEON TO PRUNE AND TRIM ALL EXISTING PLANT MATERIALS TO PROVIDE A BALANCED APPEARANCE WHILE ALSO ELIMINATING ANY INTERFERENCE WITH NEW CONSTRUCTION.
- ALL EQUIPMENT (INCLUDING ROOF TOP) AND UTILITY BOXES MUST BE FULLY SCREENED (INCLUDING THE BACK OF THE BUILDING).
- LANDSCAPE INSTALLER TO INSURE THAT ALL EQUIPMENT IS SCREENED AS REQUIRED BUT ALSO INSURE THAT ALL CLEANOUTS AND TEST PORTS HAVE UNRESTRICTED ACCESS.

SOD AREA CALCULATIONS:

MAX. ALLOWABLE SOD AREA:	21,830 S.F.	50.00 %
PROPOSED SOD AREA:	3,208 S.F.	14.7 %

EXISTING TREES TO BE REMOVED

TREE TYPE	TREE SIZES	QUANTITY
MAPLE	12,14,14,14	54"
OAK	6,8,12,14,20,20,30(SPECIMEN)	110"
CAMPHOR	48,60,60	168"
BANYAN	12	12"
PALM	10,14	24"
UNKNOWN	12	12"
TOTAL ELIGIBLE TREES:		164"

TREE CALCULATIONS

TOTAL TREE INCHES ON-SITE:	164"
TOTAL TREE INCHES REMOVED:	164"
TOTAL TREE INCHES REPLACED:	153"
MAX TREE STOCK FORMULA AND CALCULATIONS:	43560-6000=(47560/1000)
X 3.5" + 21" =	152.5"
QUANTITY OF SPECIMEN TREES (24"+) REMOVED:	1 @ 30"
SITE CLEARING AREA IN SF AND ACRES:	43560 SF (1.0 ACRES)

TACO BELL CORPORATE NOTES:

- GRAVEL MULCH SHALL BE CONTINUOUS TO EDGE OF STEEL BORDER & CONCRETE CURB. ALSO UNDER ALL PLANTS
- PROVIDE WEED BARRIER UNDER GRAVEL MULCH
- PROVIDE AN INDUSTRY STANDARD DRIP IRRIGATION SYSTEM APPROPRIATE FOR THE SELECTED REGION AND PLANTING TYPES
- PLANTS SHALL BE PLANTED PER REGIONAL BEST PRACTICES INCLUDING BUT NOT LIMITED TO SUPPORT, DEPTH/WIDTH OF PLANTING HOLE AND SOIL AMMENDMENTS
- SEE SHEET C1.0 AND C1.1 FOR ADDITIONAL TACO BELL SPECIFIC DETAILS INCLUDING THE MENU BOARD, ENTRY PORTALL AND OCB/CANOPY.
- BOULDER COUNT: (5) 6", (5) 12", (3) 18", (2) 24".

LANDSCAPE SCHEDULE

SYMBOL	AML	COMMON NAME	BOTANICAL NAME	MINIMUM SIZE	QUANTITY	REMARKS
U	LANDSCAPE	WAXY WAX	WAXY WAX	8" HT 3" DBH	3	MULTI TRUNK 2-3 TRUNK MIN.
DV	DAERUS	WAXY WAX	WAXY WAX	12" HT. 3" DBH	10	SINGLE STRAIGHT TRUNK
D	DAERUS	WAXY WAX	WAXY WAX	12" HT. 3" DBH	10	SINGLE STRAIGHT TRUNK
LA	LAURUS	WAXY WAX	WAXY WAX	12" HT. 3" DBH	11	SINGLE STRAIGHT TRUNK
MC	MICRO	WAXY WAX	WAXY WAX	8-10" HT. 3" DBH	1	SINGLE STRAIGHT TRUNK
P	PANICUM	WAXY WAX	WAXY WAX	8-10" HT. 3" DBH	14	
VS	VERBENA	WAXY WAX	WAXY WAX	30" HT. 30" D.C.	404	FILL
LC	LORPITALUM	WAXY WAX	WAXY WAX	3 GAL. 30" HT. 30" D.C.	88	FILL
MU	MULLENBERGIA	WAXY WAX	WAXY WAX	3 GAL. 30" HT. 30" D.C.	8	
MF	MORNING	WAXY WAX	WAXY WAX	3 GAL. 30" HT. 30" D.C.	8	

NO	PROPAGATION	COMMON NAME	MINIMUM SIZE	QUANTITY	REMARKS
HE	HEMIPHYLLIS	WAXY WAX	12" HT. 3" DBH	800	
LM	LIMNOCYBUS	WAXY WAX	12" HT. 3" DBH	182	
RI	RHAPHIDOPH	WAXY WAX	12" HT. 3" DBH	13	
JC	JANPAULUS	WAXY WAX	12" HT. 3" DBH	85	FILL
ZP	ZINNIA	WAXY WAX	12" HT. 3" DBH	84	FILL
SS	SEROTINUS	WAXY WAX	12" HT. 3" DBH	25	
IV	IVORINA	WAXY WAX	12" HT. 3" DBH	43	
LSB	LIMNOCYBUS	WAXY WAX	12" HT. 3" DBH	15	TREE TACO BELL CORPORATE NOTES
GRA	GRAVEL	WAXY WAX	3"	200 SF	
STE	STEEL	WAXY WAX	3" HT. 8" DBH	70 LF	
800	800	WAXY WAX			

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

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK	7/10/2014	PER CITY OF APOPKA COMMENTS DATED 6/25/2014	RTA	RTA
DATE	REVISIONS	BY	CHECKED	

TACO BELL
 MINOR FINAL DEVELOPMENT PLANS
 1429 W. ORANGE BLOSSOM TRAIL
 APOPKA, FLORIDA



5127 S. Orange Avenue, Suite 200
 Orlando, FL 32809
 Phone: 407-895-0324
 Fax: 407-895-0325
 www.feg-inc.us

SITE LANDSCAPE PLAN

DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY
RTA	RTA	RTA	RTA

PROJECT NO.	14-041
SCALE	1"=30'
DATE	JUNE 12, 2013
SHEET NO.	L-1
SHEET	14 of 16

