



AGENDA

APOPKA CITY COUNCIL MEETING @ 7:00 PM City Hall Council Chamber 120 East Main Street – Apopka, Florida 32703 February 18, 2015

INVOCATION

Pastor Todd Lamphere - The Venue 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. Presentation of Art to the City of Apopka - By Sky Moheb, Fine Arts Painter
2. FFA Week Proclamation - Presented to FFA student presidents and faculty advisors from Apopka High School, Wekiva High School, Apopka Memorial Middle School, Wolf Lake Middle School, and Piedmont Lakes Middle School

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on February 4th, 2015 at 1:30 p.m.
2. Authorize the use of Kit Land Nelson Park and the provision of support services for the 54th annual Art &Foliage Festival.
3. Authorize the Mayor to execute the amendment to the Interlocal Agreement creating the Orlando Urban Area Metropolitan Planning Organization.

SPECIAL REPORTS AND PUBLIC HEARINGS

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2406 – SECOND READING & ADOPTION - 2015 ADMINISTRATIVE REZONING - From “County” A-1 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 424.4 acres, more or less, and owned by Cantero Holdings LLC; Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching; Cristan Properties Inc.; Cayetano R & Cristeta M Cruzada; Terry Lyn Dale; Kent A & Anne M Greer; J And L Gardenias Inc.; Lee Kyun & Myung Lee; John & Joseph A Moore; Ronald & Lisa Raboud; Skh Group Inc.; Romeo & Herminia Flaquer; Nancy B Foster; R. A. & Nancy B Foster; Elvia Galvan & Alvaro Mazariegos; Barry Grimm; Scott & Nancy Hines; John lafrate; JLL Properties Inc.; Ricky Tilman & Karen Lynn Nelson; R. M. & Monica M Poorbaugh; Richard & Monica M Poorbaugh Tr; and Mary Emily Shannon. [Ordinance No. 2406 meets the requirements for adoption having been advertised in The Apopka Chief on February 6, 2015.]
2. ORDINANCE NO. 2407 – SECOND READING & ADOPTION - 2015 ADMINISTRATIVE REZONING - From “County” A-2 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 37.6 acres, more or less, and owned by Alfred & Rose Marie Kager Life Estate; Virginia H Mapel Life Estate; Virginia H Mapel & Donna M Mccree; and Roy & Patricia A Valdez. [Ordinance No. 2407 meets the requirements for adoption having been advertised in The Apopka Chief on February 6, 2015.]
3. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [NOTE: Applicant has requested this item be continued until the March 4, 2015, City Council meeting]
4. ORDINANCE NO. 2408 – FIRST READING – Establishing a time-limited moratorium for land use amendments, zoning changes and development order for properties located within the proposed Ocoee-Apopka Road Corridor Small Area Overlay District until October 31, 2015.
5. ORDINANCE NO. 2409 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Leslie & Nancy Hebert, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046)

- 6. ORDINANCE NO. 2410 – FIRST READING - CHANGE OF ZONING – Leslie & Nancy Hebert, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046)
- 7. RESOLUTION NO. 2015-03 – Authorization to execute a Joint Participation Agreement between the State of Florida Department of Transportation (FDOT) and the City of Apopka for the construction of curb ramps and pedestrian crossings at the intersection of State Road 500/US 441 and Hiwassee Road (FM Number 432402-3-58-01).

SITE APPROVALS

- 1. PLAT – Sam’s Club #6189-00, owned by Sam’s East, Inc., located south of U.S. 441, located west of North Hiwassee Road and east of Lake Pleasant Road. (Parcel ID Nos. 24-21-28-0000-00-002; 24-21-28-0000-049; 24-21-28-0000-083 & 24-21-28-0000-084)

DEPARTMENT REPORTS AND BIDS

- 1. Administrative Report - Glenn Irby - City Administrator

MAYOR'S REPORT

OLD BUSINESS

- 1. COUNCIL
- 2. PUBLIC

NEW BUSINESS

- 1. COUNCIL
- 2. PUBLIC

ADJOURNMENT

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

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

Backup material for agenda item:

1. Approve the minutes from the regular City Council Meeting held on February 4th, 2015 at 1:30 p.m.

CITY OF APOPKA

Minutes of the regular City Council meeting held on February 4, 2015, 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
City Attorney Clifford B. Shepard
City Administrator Glenn Irby

PRESS PRESENT: Roger Ballas - The Apopka Chief

INVOCATION – Commissioner Velazquez introduced Chaplain Edwin Alicea, Florida Hospital, who gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on February 10, 1964, after ten days of debate and voting on 125 amendments, the U.S. House of Representatives passed the Civil Acts Right of 1964 by a vote of 290 to 130. The Bill prohibited racial and ethnic discrimination by any local or state government, or public facility, and also allowed the U.S. Attorney General to bring school desegregation law suits. The Civil Rights Act of 1964 was later passed in the Senate in June 1964, and signed into law on July 2, 1964. He asked everyone to reflect on the brave actions and eloquent words of social activists and political leaders who fought for racial equality as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. **Vance J. “Jim” Maloney – Police/Field Services – Five Year Service Award** - Jim began working for the City on January 25, 2010, as a Police Officer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Jim on his years of service to the City.
2. **Alison D. Fahning – Police/Communications – Five Year Service Award** - Alison started working for the City on January 31, 2010, as a Communication Technician, which is her current position. Allison was not present and will be presented her award at another time.
3. **Jose D. Rodriguez – Police/Support Services – Ten Year Service Award** - Jose began working for the City on January 10, 2005, as a Police Officer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Jose on his years of service to the City.
4. **Olivia J. Ferguson – Administration/Public Services – Twenty-Five Year Service Award** - Olivia started working for the City on January 4, 1990, as a Public Service Officer for the Police Department. On December 12, 1990, Olivia was promoted to Computer Operator/Records Clerk. On February 2, 1994, Olivia was transferred from the Police Department to Finance and her title changed to Inventory/Purchasing Clerk. On December 10, 1999, Olivia had a title change to Purchasing & Supply Specialist. Olivia was reclassified on October 6, 2002, to Purchasing Coordinator, and on November 1, 2004, her

title changed to Purchasing Supervisor, which is her current position. The City Council joined Mayor Kilsheimer in congratulating Olivia on her years of service to the City.

PRESENTATIONS

1. African American History Month Proclamation – Mayor Kilsheimer read the Proclamation and presented it to Commissioner Billie L. Dean
2. Presentation of possible zoning categories for Florida Land Trust #111 – ZDA at Sandpiper LLC, summarizing and comparing Residential Single Family District (R-1AAA), Residential Country Estate 1 (RCE-1), and Planned Unit Development (PUD/R-1AA)- Presented by David Moon, AICP, Planning Manager.

David Moon, Planning Manager, gave a presentation on zoning district comparisons for RCE-1, R-1AAA, and PUD-R zoning classifications. He stated there were other guiding policy and planning considerations that had to be taken into consideration such as not only what is occurring on adjacent properties, but existing policies and priorities of the City, established documents such as the comprehensive plan, land development code, and state documents, such as the Wekiva Protection Act. They have to look at general policies, like the Wekiva Study Area, in a project such as the Sandpiper project, which has certain design standards that have to be met that promotes the clustering of units away from environmentally sensitive land such as wetlands, it discourages the use of septic tanks and encourages the use of central waste water systems. He stated the wetland system that is connected to the Wekiva River has to be taken into consideration in terms of buffers and protection. He reviewed Future Land Use Map permissibility and compatibility, dimensional standards, house size and architectural design standards, park land requirements, infrastructure and design, pros and cons, and landscape buffers for the three zoning classifications. The presentation is on file with the minutes in the clerk's office.

In response to Commissioner Dean stating he had studied the outlay of the project and making some recommended changes, Mayor Kilsheimer advised it was his understanding this discussion was for the purpose of comparison of the three zoning categories and the site plan and development will be discussed at the public hearing.

Commissioner Ruth said the one thing unique to both Rock Springs Ridge and Errol Estates is their connection to a golf course. He declared this development is unique in that it has connectivity to nature.

Mayor Kilsheimer reiterated they were down to the three options for this land, RCE-1, R-1AAA, and PUD. He stated this land has no zoning category and the City Attorney has advised him they are entitled to a zoning classification. The applicant has stated they are not interested in RCE-1, largely because of the requirement of connecting to the wastewater system. He said the two zoning categories they are willing to consider in their application are R-1AAA and PUD. The question before the Council is whether they are going to reconsider the denial of the PUD zoning application, or move in a different fashion.

City Attorney Shepard said the applicant has agreed the R-1AAA hearing will go forward on February 18, 2015. Before the Council at this time is the issue of whether at that time the desire to reconsider the PUD. He suggested if they choose to reconsider, they would want to schedule the PUD ahead of the R-1AAA and if the PUD goes through, it would negate the R-1AAA. He reiterated the applicant has made it clear, if they are not going to get PUD, they want to move forward on the R-1AAA.

Mayor Kilsheimer opened the meeting to public input.

Lou Haubner provided handouts to the Council, and inquired if it was legal to have two zoning applications going at the same time.

City Attorney Shepard advised they do not have two applications, as the PUD was denied. The applicant has said if the Council wishes to reconsider the PUD, they will accept that opportunity with the agreement previously negotiated. He affirmed at this time there is only one application, the R-1AAA. He advised taking place at this time is discussion only on the presentation.

Mr. Haubner discussed an issue wherein he had previously applied for C-1 and was given CN instead and felt the Council has the right to give the developer the RCE-1. He reviewed the handout that covered acreage for each lot in the area declaring the average lot was 1.47 acres and average house size was 2466 square feet of living area. He briefly went over the additional sheets he handed out. He discussed the house sizes in the area and said he did not feel the PUD could be reconsidered until some of the lot sizes are changed. He provided another handout of the development and reviewed some suggested changes he proposed that would make most lots half acre lots wherein they would lose five lots. He declared there was no possible way Council could vote to zone this property to R-1AAA due to the fact it would go to 60-70 houses on that property rather than 49 and stated they were willing to work with the developer.

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

City Attorney Shepard stated Council has already turned down the PUD. The applicant has stated they would be willing to go with the PUD if Council is will reconsider it. In order for it to be on the agenda for February 18, 2015, Council needs to make a motion to reconsider the PUD at this time. He suggested if they decide to reconsider, it should precede the R-1AAA application, which is already in the system and will come forth on that date, no matter what Council does today. If the PUD fails at that time, then the R-1AAA would be the next item to consider and at that point Council can ask a lot of questions during the hearing they have asked today.

MOTION was made by Commissioner Arrowsmith, seconded by Commissioner Ruth, to agenda reconsideration of the Sandpiper PUD on the next Council meeting date that is most practical to comply with advertising requirements. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

3. Presentation of Certificate for Advanced Institute for Elected Municipal Officials to Commissioner Diane Velazquez and Commissioner Ruth by Kathy Till, Florida League of Cities

CONSENT AGENDA

1. Approve the minutes of the regular City Council Meeting held on January 7, 2015 at 1:30 p.m.
2. Approve the minutes of the regular City Council Meeting held on January 21, 2015 at 7:00 p.m.
3. Approve the renewal, for an additional one year, of the lease agreement for office space at 405 South Park Avenue, with Dr. Charles Dorfman.
4. Authorize a \$500.00 donation, from the Law Enforcement Trust Fund, to Kid's House Children's Advocacy Center.
5. Authorize the Mayor to execute Inmate Work Squad Contract IV, in the amount of \$57,497.00.
6. Authorize the Mayor to execute Inmate Work Squad Contract I, in the amount of \$57,497.00.
7. Approval of the sale of alcohol at the Food Truck Round Up through December, 2015.
8. Approval of the sale of alcohol at the Old Florida Outdoor Festival to be held on February 14 & 15, 2015.
9. Approve the Disbursement Report for the month of January, 2015.

MOTION was made by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve the nine items 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. 2404 – SECOND READING & ADOPTION – VACATE** – Letha Ellen Moore – Vacating a portion of a drainage and utility easement located at 2549 Woodside Ridge Drive. [Ordinance No. 2404 meets the requirements for adoption having been advertised in The Apopka Chief on January 23, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2404

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A DRAINAGE AND UTILITY EASEMENT LOCATED AT 2549 WOODSIDE RIDGE DRIVE, PROVIDING FOR 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 Arrowsmith, and seconded by Commissioner Ruth, to adopt Ordinance No. 2404. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Velazquez voting aye and Commissioner Ruth voting nay.

- 2. ORDINANCE NO. 2388 – FIRST READING** - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” The City Clerk read the title as follows:

ORDINANCE NO. 2388

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

Mayor Kilsheimer said this was brought before Council previously when the State was considering allowing the growth of medical marijuana and due to the court ruling on the State Department of Health set of rules, it was tabled.

David Moon advised the Council would have two options, continue the tabling of the ordinance for another 60 days, or reschedule and advertise the ordinance as soon as practical following the Florida Department of Health adoption of the Administrative Rules or the Florida Legislature promulgates the same.

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to reschedule and advertise Ordinance No. 2388 as soon as practical following the Florida Department of Health adoption of the Administrative Rules or the Florida Legislature promulgates the same. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 3. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC –** for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #: 02-21-28-0000-00- 106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28- 0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [NOTE: Applicant has requested this item be continued until the February 18, 2015, City Council meeting.]

Mayor Kilsheimer announced the applicant has requested Ordinance No. 2405 be continued to the February 18, 2015 meeting.

- 4. ORDINANCE NO. 2406 – FIRST READING - 2015 ADMINISTRATIVE REZONING -** From “County” A-1 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 424.4 acres, more or less, and owned by Cantero Holdings LLC; Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching; Cristan Properties Inc.; Cayetano R & Cristeta M Cruzada; Terry Lyn Dale; Kent A & Anne M Greer; J And L Gardenias Inc.; Lee Kyun & Myung Lee; John & Joseph A Moore; Ronald & Lisa Raboud; SKH Group Inc.; Romeo & Herminia Flaquer; Nancy B Foster; R. A. & Nancy B Foster; Elvia Galvan & Alvaro Mazariegos; Barry Grimm; Scott & Nancy Hines; John Iafate; JJL Properties Inc.; Ricky Tilman & Karen Lynn Nelson; R. M. & Monica M Poorbaugh; Richard & Monica M Poorbaugh Tr; and Mary Emily Shannon. The City Clerk read the title as follows:

ORDINANCE NO. 2406

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 424.4 ACRES, MORE OR LESS, AND OWNED BY CANTERO HOLDINGS LLC; HAL D. CORNELL, THOMPSON P SWARTZ, & JEROME L. HUTCHING; CRISTAN PROPERTIES INC.; CAYETANO R & CRISTETA M CRUZADA; TERRY LYN DALE; KENT A & ANNE M GREER; J AND L GARDENIAS INC.; LEE KYUN & MYUNG LEE; JOHN & JOSEPH A MOORE; RONALD & LISA RABOUD; SKH GROUP INC.; ROMEO & HERMINIA FLAQUER; NANCY B FOSTER; R. A. & NANCY B FOSTER; ELVIA GALVAN & ALVARO MAZARIEGOS; BARRY GRIMM; SCOTT & NANCY HINES; JOHN IAFRATE; JJL PROPERTIES INC.; RICKY TILMAN & KAREN LYNN NELSON; R. M. & MONICA M POORBAUGH; RICHARD & MONICA M POORBAUGH TR; AND MARY EMILY SHANNON; PROVIDING

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

David Moon, Planning Manager, advised each of the noted affected property owners were sent a certified notice of the hearing, as required by State Statute.

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 Ordinance No. 2406 at First Reading 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. 2407 – FIRST READING - 2015 ADMINISTRATIVE REZONING -** From “County” A-2 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 37.6 acres, more or less, and owned by Alfred & Rose Marie Kager Life Estate; Virginia H Mapel Life Estate; Virginia H Mapel & Donna M McCree; and Roy & Patricia A Valdez. The City Clerk read the title as follows:

ORDINANCE NO. 2407

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 37.6 ACRES, MORE OR LESS, AND OWNED BY ALFRED & ROSE MARIE KAGER LIFE ESTATE; VIRGINIA H MAPEL LIFE ESTATE; VIRGINIA H MAPEL & DONNA M MCCREE; AND ROY & PATRICIA A VALDEZ; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, 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 Ruth, to approve Ordinance No. 2407 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

DEPARTMENT REPORTS AND BIDS – There were no reports.

MAYOR'S REPORT

1. Appointment to Fire Pension Board.

Mayor Kilsheimer advised of the need for a replacement of Mayor Land's position on the Fire Pension Board. He discussed this with Chair Fry of the Fire Pension Board, who suggested he serve the position for the unexpired term.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez to ratify the appointment of Mayor Kilsheimer to fill the vacant unexpired term on the Fire Pension Board. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

OLD BUSINESS

1. COUNCIL -

Commissioner Dean stated he has been doing some research with regards to summer jobs for the youth of Apopka and suggested that 25 students from Apopka High School and 15 students from Wekiva High School be utilized for summer jobs.

Mayor Kilsheimer affirmed he has an appointment with the POPS program later next week. He stated they also have the initiative Rod Love is working on with the South Apopka Ministerial Alliance.

2. PUBLIC –

Ray Shackelford commended Mayor Kilsheimer and members of the Council for following up on summer jobs for the youth of Apopka in order to provide them with options. He went on to say as we continue with annexations and crime goes up, we need to make sure the City's outstanding Police and Fire Departments have the appropriate resources they need.

NEW BUSINESS

1. COUNCIL –

Commissioner Dean requested Chief Manley and members of the Police Department present stand in order to be acknowledged and commended for the respect they have within the community and thanked them on recently apprehending the murder suspect.

2. PUBLIC –

Earl Nurse said he could not find in the City's budget funding for street lights on Park Avenue. He said there are dark stretches of road between Welch Road and Skylark Lane as well as between Ponkan Road and Welch Road and suggested street lights be provided in these areas.

Mayor Kilsheimer stated street lighting was an issue throughout the city and there have been some efforts addressed through a grant program to try and bring additional street lights and

stated it was a priority. He affirmed while going through the budget process this year, the decision was made to stay with the roll back millage rate and they were working within the resources they have. He stated with new staff members on board, they will be evaluating these issues and look into how to apply resources. He announced a job was being posted this week for a Grant Writer.

Mr. Nurse applauded Commissioner Dean for his concern of diversity at City Hall. He stated it would have been nice to have presented the proclamation to Commissioner Dean at a reception where many of the African American residents could have been present to appreciate this presentation.

Mayor Kilsheimer announced on Saturday evening there is a *Marvin C. Zanders Love Recognition Banquet* being held at the John Bridges Center, 6:30 p.m. and there will be a proclamation presented to another person who has been an outstanding member of our community, Ms. Shirley Sharpe-Terrell.

Roscoe Griffin inquired if they could get speeding signs posted in the areas from Park Avenue to Hawthorne Avenue and on 10th Street. He said there was a real problem with speeding and running of stop signs on Marvin C. Zanders and 10th Street. He requested additional traffic patrol in these areas.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 3:13 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Backup material for agenda item:

2. Authorize the use of Kit Land Nelson Park and the provision of support services for the 54th annual Art &Foliage Festival.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: February 18, 2015
 FROM: Administration
 EXHIBITS: Letter

SUBJECT: ART & FOLIAGE FESTIVAL – APRIL 25TH AND 26TH, 2015

Request: AUTHORIZE THE USE OF KIT LAND NELSON PARK AND THE PROVISION OF SUPPORT SERVICES FOR THE 54th ANNUAL ART & FOLIAGE FESTIVAL

SUMMARY:

The attached letter contains requests from the Festival Chair of the Apopka Woman’s Club regarding support services from the City of Apopka for the 54th annual Art & Foliage Festival.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize the use of Kit Land Nelson Park and the provision of support services for the 54th annual Art & Foliage Festival as indicted in the attached letter from the Apopka Woman’s Club.

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners (4)	HR Director	Recreation Director
City Administrator Irby	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

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



February 1, 2015

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

Dear Mayor Kilscheimer,

We are starting our plans for the 54th Apopka Art and Foliage Festival to be held on April 25 and 26, 2015. Once again, here are our plans as well as our needs and requests.

1. Permission to have the 54th Apopka Art and Foliage Festival in the Kit Land Nelson Park.
2. Permission to use the tennis courts.
3. Permission to use the racquetball building.
4. Permission to use the Fran Carlton Building.
5. Permission to place signs at City entrances, working out details with the appropriate City Personnel.
6. Permission to close the following streets during Festival hours.
 - a. Park Avenue at First Street
 - b. Park Avenue at Orange Street
 - c. Forest Avenue at Orange Street
 - d. Goodrich Avenue at Orange Street
 - e. First Street west of Forest Avenue to Park Avenue
7. Permission to work with City Personnel regarding electricity, delivery of stored materials to the tennis courts and racquetball areas, parking, trash removal , etc.
8. Permission to work with the Apopka Police Department regarding traffic control, security and street closings.
9. Permission to work with the Apopka Fire Department regarding the use of and presence of EMT's.
10. Permission to use the landlines.

Page Two

The GFWC Apopka Woman's Club is grateful for the help and cooperation of your office and the City Council and we look forward to working with you again as we approach our 54th Apopka Art Foliage Art Foliage Festival. We appreciate your consideration of the above listed requests. Should you need any additional information, please do not hesitate to contact me at 407-889-2628 or 407-782-0488, I am also listing the phone numbers for my Co-Chairman Jo Oliver 407-884-7909 or 407-312-0551.

Sincerely,



Sharon S. Fisher
2015 Festival Chairman



Jo Oliver
2015 Festival Co-Chairman

Backup material for agenda item:

3. Authorize the Mayor to execute the amendment to the Interlocal Agreement creating the Orlando Urban Area Metropolitan Planning Organization.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: February 18, 2015
 FROM: Administration
 EXHIBITS: Amendment

SUBJECT: AMENDMENT TO THE INTERLOCAL AGREEMENT CREATING THE ORLANDO URBAN AREA METROPOLITAN PLANNING ORGANIZATION

Request: AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT TO THE INTERLOCAL AGREEMENT

SUMMARY:

Chapter 2014-223, Laws of Florida, enacted by the 2014 Legislature amended Section 339.175(3)(a), Florida Statutes, to provide that voting members of a Metropolitan Planning Organization (M.P.O.) may include an elected official who represents a group of general purpose local governments through an entity created by an M.P.O. for that purpose.

This action necessitates completion of an amendment to the Interlocal Agreement to incorporate the changes.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize the Mayor to execute the amendment to the Interlocal Agreement.

DISTRIBUTION

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

**AMENDMENT TO THE INTERLOCAL AGREEMENT CREATING THE
ORLANDO URBAN AREA METROPOLITAN PLANNING ORGANIZATION
D/B/A/ MetroPlan Orlando**

THIS AMENDMENT is made and entered into by and between the FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTY(IES) OF Orange County, Florida, Osceola County, Florida, Seminole County, Florida; the CITY(IES) of City of Altamonte Springs, Florida, City of Apopka, Florida, City of Kissimmee, Florida, City of Orlando, Florida, City of Sanford, Florida, The Central Florida Regional Transportation Authority, The Greater Orlando Aviation Authority, The Central Florida Expressway Authority, and the Sanford Airport Authority, and the MetroPlan Orlando Municipal Advisory Committee.

RECITALS:

WHEREAS, Chapter 2014-223, Laws of Florida, enacted by the 2014 Legislature, amended Section 339.175(3)(a), Florida Statutes, to provide that voting members of an M.P.O. may include an elected official who represents a group of general purpose local governments through an entity created by an M.P.O. for that purpose; and

WHEREAS, the governing body of MetroPlan Orlando has determined that it is appropriate that the MetroPlan Orlando Municipal Advisory Committee be added as a voting member to the Interlocal Agreement, as amended, creating MetroPlan Orlando.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties agree as follows:

I. Article 4, Section 4.01(a) of the Interlocal Agreement dated June 7, 2000, as amended, is amended to read as follows:

The membership of the MPO shall consist of twenty (20) voting representatives and five (5) non-voting representatives. The names of the member local governmental entities and the voting apportionment of the governing board as approved by the Governor shall be as follows:

Orange County
Osceola County

6 Representatives
1 Representative

<i>Seminole County</i>	<i>2 Representatives</i>
<i>City of Altamonte Springs</i>	<i>1 Representative</i>
<i>City of Apopka</i>	<i>1 Representative</i>
<i>City of Kissimmee</i>	<i>1 Representative</i>
<i>City of Orlando</i>	<i>2 Representatives</i>
<i>City of Sanford</i>	<i>1 Representative</i>
<i>Central Florida Regional Transportation Authority</i>	<i>1 Representative</i>
<i>Greater Orlando Aviation Authority</i>	<i>1 Representative</i>
<i>Central Florida Expressway Authority</i>	<i>1 Representative</i>
<i>Sanford Airport Authority</i>	<i>1 Representative</i>
<i>MetroPlan Orlando Municipal Advisory Committee</i>	<i>1 Representative</i>

II. Article 7, Section 7.04 of the Interlocal Agreement, dated June 7, 2000, as amended, is amended to read as follows:

Add: Chairperson
MetroPlan Orlando Municipal Advisory Committee
One Landmark Center
315 East Robinson Street, Suite 355
Orlando, Florida 32801

III. The MetroPlan Orlando Municipal Advisory Committee shall have all the rights, duties, and obligations to which each voting member on the MPO is entitled to receive, including, but not limited to, such rights, duties, and obligations provided in the Interlocal Agreement effective June 7, 2000, as amended, except with regard to payment of dues which may be modified by the governing body of MetroPlan Orlando and Section 339.175, *Florida Statutes*.

IV. Severability. The invalidity or unenforceability of any term or provision of this Amendment or the non-applicability of any such term or provision to any person or circumstance shall not impair or affect the remainder of this Amendment, and the remaining terms and provisions hereof shall not be invalidated but shall remain in full force and effect but shall be construed as if such invalid, unenforceable, or non-applicable provisions were omitted.

V. Entire Agreement. This Amendment represents the entire understanding and agreement between the parties with respect to the subject matter hereof. None of the terms and provisions hereof may be amended, supplemented, waived or changed orally, but only by a writing signed by each of the parties hereto.

VI. Rules of Construction. Whenever used herein, the singular number shall include the plural, the plural shall include the singular, and the use of any gender shall include all genders.

VII. Amendment execution, Use of counterpart signature pages. This Amendment may be executed in any number of counterparts, each of which when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

VIII. Effective Date. This Amendment shall become effective upon its filing in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located. Any amendment hereto shall become effective only upon its filing in the Office of the Clerk of the Circuit Court for each county in which a party hereto is located.

IN WITNESS WHEREOF, the undersigned parties have caused this Amendment to the Interlocal Agreement dated _____, as amended, to be duly executed in their behalf.

ORANGE COUNTY, FLORIDA
BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

OSCEOLA COUNTY, FLORIDA
BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
BRENDA CAREY, Chairperson
Date: _____
As authorized for execution by the Board of
County Commissioners at its _____,
2015 regular meeting.

ATTEST:

MARYANNE MORSE, Clerk to the Board of
County Commissioners of Seminole County, Florida.
For the use and reliance of Seminole County only.
Approved as to form and legal sufficiency.

County Attorney

CITY OF ALTAMONTE SPRINGS, FLORIDA

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

CITY OF APOPKA, FLORIDA

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

CITY OF KISSIMMEE, FLORIDA

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

CITY OF ORLANDO, FLORIDA

BY: _____
TITLE: _____
DATE: _____
ATTEST: _____
TITLE: _____

ATTEST

Cynthia Porter, City Clerk

CITY OF SANFORD, FLORIDA

Jeff Triplett, Mayor

For use and reliance of the Sanford
City Commission only.
Approved as to form and legality.

William L. Colbert, City Attorney

THE CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

THE GREATER ORLANDO AVIATION AUTHORITY

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

SANFORD AIRPORT AUTHORITY

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

METROPLAN ORLANDO MUNICIPAL ADVISORY COMMITTEE

BY: _____
TITLE: _____
DATE: _____
ATTEST: _____
TITLE: _____

FLORIDA DEPARTMENT OF TRANSPORTATION

BY: _____
TITLE: _____
DATE: _____
ATTEST: _____
TITLE: _____

APPROVED AS TO FORM, LEGALITY
DEPARTMENT OF TRANSPORTATION

BY: _____
ATTORNEY
DATE: _____
TITLE: _____

Backup material for agenda item:

1. ORDINANCE NO. 2406 – SECOND READING & ADOPTION - 2015 ADMINISTRATIVE REZONING - From “County” A-1 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 424.4 acres, more or less, and owned by Cantero Holdings LLC; Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching; Cristan Properties Inc.; Cayetano R & Cristeta M Cruzada; Terry Lyn Dale; Kent A & Anne M Greer; J And L Gardenias Inc.; Lee Kyun & Myung Lee; John & Joseph A Moore; Ronald & Lisa Raboud; Skh Group Inc.; Romeo & Herminia Flaquer; Nancy B Foster; R. A. & Nancy B Foster; Elvia Galvan & Alvaro Mazariegos; Barry Grimm; Scott & Nancy Hines; John lafrate; JJL Properties Inc.; Ricky Tilman & Karen Lynn Nelson; R. M. & Monica M Poorbaugh; Richard & Monica M Poorbaugh Tr; and Mary Emily Shannon. [Ordinance No. 2406 meets the requirements for adoption having been advertised in The Apopka Chief on February 6, 2015.]



CITY OF APOPKA
CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: February 18, 2015
FROM: Community Development
EXHIBITS: "A" A-1 Cases Spreadsheet
"B" A-1 Zoning Reports
Ordinance No. 2406

SUBJECT: ORDINANCE NO. 2406 – 2015 ADMINISTRATIVE REZONING – FROM
"COUNTY" A-1 (ZIP) TO "CITY" AG (1 DU/5 AC)

Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2406 -2015
ADMINISTRATIVE REZONING FROM "COUNTY" A-1 (ZIP) & "COUNTY" A-
2 (ZIP) TO "CITY" AG (1 DU/5 AC).

SUMMARY

The 22 parcels, comprising a total of 424.4 +/- acres, have been annexed into the City of Apopka and have been assigned Future Land Use designations compatible with the proposed AG zoning designation. All subject properties currently have a City Future Land Use Designation of Rural Settlement (RS) and a County zoning category of A-1 assigned to them. A brief summary of the administrative rezoning cases:

A-1 Properties

Number of A-1 Parcels: 40
Number of A-1 Property Owners: 24
Total A-1 Acreage: 424.4 +/-

The attached exhibits provide a summary of each proposed zoning amendment. Each property owner has been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property. A table listing all the applicable parcels and owners is provided in Exhibit "A". An individual zoning report has been prepared for each zoning case and is included in the staff report in Exhibit "B."

Pursuant to the Interlocal Agreement between the City and Orange County (2004), policy of the City's Comprehensive Plan (Policy 3.9) and State law (s 163.3202, F.S.), the City is required to assign a zoning category to lands that are annexed into the City's jurisdiction. To comply with these requirements, city staff is recommending that the City assign a zoning category that is most compatible to the current zoning category that was assigned by Orange County.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning for each case will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on December 16, 2014.

DISTRIBUTION

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 – City Council (1:30 pm) – 1st Reading
February 18, 2015 – City Council (8:00 pm) – 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Notice and Notification
February 6, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the change in Zoning from “County” A-1 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

The **City Council**, at its meeting on February 4, 2015, accepted the First Reading of Ordinance No. 2406 and held it over for Second Reading and Adoption on February 18, 2015.

Adopt Ordinance No. 2406.

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.

EXHIBIT "A"
2015 ADMINISTRATIVE REZONING
FROM "COUNTY" A-1 (ZIP) TO CITY "AG"

Case #	Parcel	First Name	Acreage	County Zoning	Future Land Use	Proposed Zoning	Annexation Ord. No.	Annexation Date	Existing Use
2015-1-01	24-20-27-0000-00-100	Cantero Holdings LLC	10.006	A-1(ZIP)	RS	AG	1692	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-105	Cantero Holdings LLC	10.627	A-1(ZIP)	RS	AG	1694	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-103	Cantero Holdings LLC	10.027	A-1(ZIP)	RS	AG	1695	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-102	Cantero Holdings LLC	10.027	A-1(ZIP)	RS	AG	1693	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-101	Cantero Holdings LLC	10.006	A-1(ZIP)	RS	AG	1694	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-098	Cantero Holdings LLC	10.001	A-1(ZIP)	RS	Ag	1695	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-104	Cantero Holdings LLC	10.624	A-1(ZIP)	RS	Ag	1692	12/1/2004	Timberland
2015-1-01	24-20-27-0000-00-097	Cantero Holdings LLC	10.001	A-1(ZIP)	RS	AG	1693	12/1/2004	Timberland
2015-1-02	11-20-27-0000-00-050	Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching	4.983	A-1(ZIP)	RS	AG	2002	12/19/2007	Single family home and container nursery
2015-1-02	11-20-27-6135-00-012	Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching	10.023	A-1(ZIP)	RS	AG	2002	12/19/2007	Ornamental nursery
2015-1-03	11-20-27-0000-00-008	Cristan Properties Inc	40.741	A-1(ZIP)	RS	AG	1980	9/5/2007	Timberland
2015-1-04	11-20-27-0000-00-011	Cayetano R & Cristeta M Cruzada	19.926	A-1(ZIP)	RS	AG	1980	9/5/2007	Timberland, utilities and vacant acreage
2015-1-05	24-20-27-0000-00-108	Terry Lyn Dale	10.001	A-1(ZIP)	RS	AG	1931	5/16/2007	Timberland
2015-1-06	14-20-27-0000-00-021	Kent A & Anne M Greer	19.553	A-1(ZIP)	RS	AG	2027	6/4/2008	Grazing
2015-1-06	14-20-27-0000-00-084	Kent A & Anne M Greer	17.408	A-1(ZIP)	RS	AG	2027	6/4/2008	Grazing
2015-1-06	14-20-27-0000-00-005	Kent A & Anne M Greer	2.184	A-1(ZIP)	RS	AG	2027	6/4/2008	Single family home
2015-1-07	09-20-28-0000-00-011	J and L Gardenias Inc	9.653	A-1(ZIP)	RS	AG	1687	12/1/2004	Manufactured home and container nursery
2015-1-07	09-20-28-0000-00-004	J and L Gardenias Inc	3.558	A-1(ZIP)	RS	AG	1687	12/1/2004	Container nursery
2015-1-08	08-20-28-0000-00-037	Lee Kyun & Myung Lee	6.055	A-1(ZIP)	RS	AG	1585	5/21/2003	Container nursery
2015-1-09	02-20-27-0000-00-041	John & Joseph A Moore	16.3	A-1(ZIP)	RS	AG			Grazing
Page 28	02-20-27-0000-00-006	John & Joseph A Moore	2.32	A-1(ZIP)	RS	AG	1982	9/5/2007	Single family home

EXHIBIT "A"
2015 ADMINISTRATIVE REZONING
FROM "COUNTY" A-1 (ZIP) TO CITY "AG"

Case #	Parcel	First Name	Acreage	County Zoning	Future Land Use	Proposed Zoning	Annexation Ord. No.	Annexation Date	Existing Use
2015-1-10	11-20-27-6135-00-013	Ronald & Lisa Raboud	19.887	A-1(ZIP)	RS	AG	2001	12/19/2005	Grazing
2015-1-10	11-20-27-6135-00-010	Ronald & Lisa Raboud	6.044	A-1(ZIP)	RS	AG	2001	12/19/2005	Single family home
2015-1-11	14-20-27-0000-00-024	SKH Group Inc	16.794	A-1(ZIP)	RS	AG	2028	6/4/2008	Grazing
2015-1-12	11-20-27-0000-00-012	Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching	14.982	A-1(ZIP)	RS	AG	2161	5/19/2010	Ornamental nursery
2015-1-13	09-20-28-7608-00-121	Romeo & Herminia Flaquer	13.038	A-1(ZIP)	RS	AG	1688	12/1/2004	Single family home
2015-1-14	07-20-28-0000-00-026	Nancy B Foster	11.445	A-1(ZIP)	RS	AG	1998	12/19/2007	Manufactured home
2015-1-14	07-20-28-0000-00-027	RA & Nancy B Foster	0.994	A-1(ZIP)	RS	AG	1996	12/19/2007	Vacant non-ag acreage
2015-1-15	09-20-28-7608-00-131	Elvia & Herminia Flaquer	4.394	A-1(ZIP)	RS	AG	1922	5/16/2007	Manufactured home
2015-1-15	09-20-28-7608-00-132	Elvia & Herminia Flaquer	2.368	A-1(ZIP)	RS	AG	1922	5/16/2007	Vacant non-ag acreage
2015-1-16	12-20-27-0000-00-014	Barry Grimm	17.021	A-1(ZIP)	RS	AG	1834	7/5/2006	Pet cemetery
2015-1-17	07-20-28-0000-00-056	Scott & Nancy Hines	3.726	A-1(ZIP)	RS	AG	1997	12/19/2007	Vacant non-ag acreage
2015-1-17	07-20-28-0000-00-028	Scott & Nancy Hines	5.42	A-1(ZIP)	RS	AG	1997	12/19/2007	Single family home
2015-1-18	07-20-28-0000-00-053	John lafrate	19.975	A-1(ZIP)	RS	AG	1686	12/1/2004	Single family home
2015-1-19	05-20-28-0476-00-180	JJL Properties Inc	7.141	A-1(ZIP)	RS	AG	1796	12/7/2005	Manufactured home, field nursery and container nursery
2015-1-20	09-20-28-7608-00-040	Ricky Tilman & Karen Lynn Nelson	7.277	A-1(ZIP)	RS	AG	1778	11/16/2005	Single family and manufactured home
2015-1-21	07-20-28-0000-00-041	R M & Monica M Poorbaugh	2.525	A-1(ZIP)	RS	AG	1586	5/21/2003	Single family home
2015-1-21	07-20-28-0000-00-008	Richard & Monica M Poorbaugh TR	12.099	A-1(ZIP)	RS	AG	1586	5/21/2003	Container nursery
2015-1-22	28-20-05-0000-00-022	Mary Emily Shannon	14.487	A-1(ZIP)	RS	AG			Vacant non-ag acreage
2015-1-22	05-20-28-0476-00-041	Mary Emily Shannon	0.791	A-1(ZIP)	RS	AG			Easement/Access



**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: CANTERO HOLDINGS LLC (Case # 2015-1-1)

PARCEL ID NUMBERS: 24-20-27-0000-00-097; 24-20-27-0000-00-098; 24-20-27-0000-00-100;
24-20-27-0000-00-101; 24-20-27-0000-00-102; 24-20-27-0000-00-103
24-20-27-0000-00-104; 24-20-27-0000-00-105

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Cantero Holdings, LLC
APPLICANT: City of Apopka
LOCATION: East of Golden Gem Rd, north of Ponkan Rd
EXISTING USE: Timberland
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Timberland (existing)
PROPOSED ZONING: AG
TRACT SIZE: 81.39 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 16 Residential Units
PROPOSED ZONING: 16 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on the following dates:

Parcel ID	Annexation Date	Ordinance Number
24-20-27-0000-00-097	12/1/2004	1693
24-20-27-0000-00-098	12/1/2004	1692
24-20-27-0000-00-100	12/1/2004	1692
24-20-27-0000-00-101	12/1/2004	1694
24-20-27-0000-00-102	12/1/2004	1693
24-20-27-0000-00-103	12/1/2004	1695
24-20-27-0000-00-104	12/1/2004	1695
24-20-27-0000-00-105	12/1/2004	1695

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 15, 2015.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Ornamental nursery & manuf. home
East (County)	Rural	A-2	Grazing & manufactured home
South (City)	Rural Settlement & Conservation	A-1 (ZIP)	Manufactured home & municipal conservation
West (County)	Rural	A-1	Vacant (Non-Ag Acreage)

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Golden Gem Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner: 100 ft. (Non-Residential)

Based on the above zoning standards, the subject parcels comply with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

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

ALLOWABLE

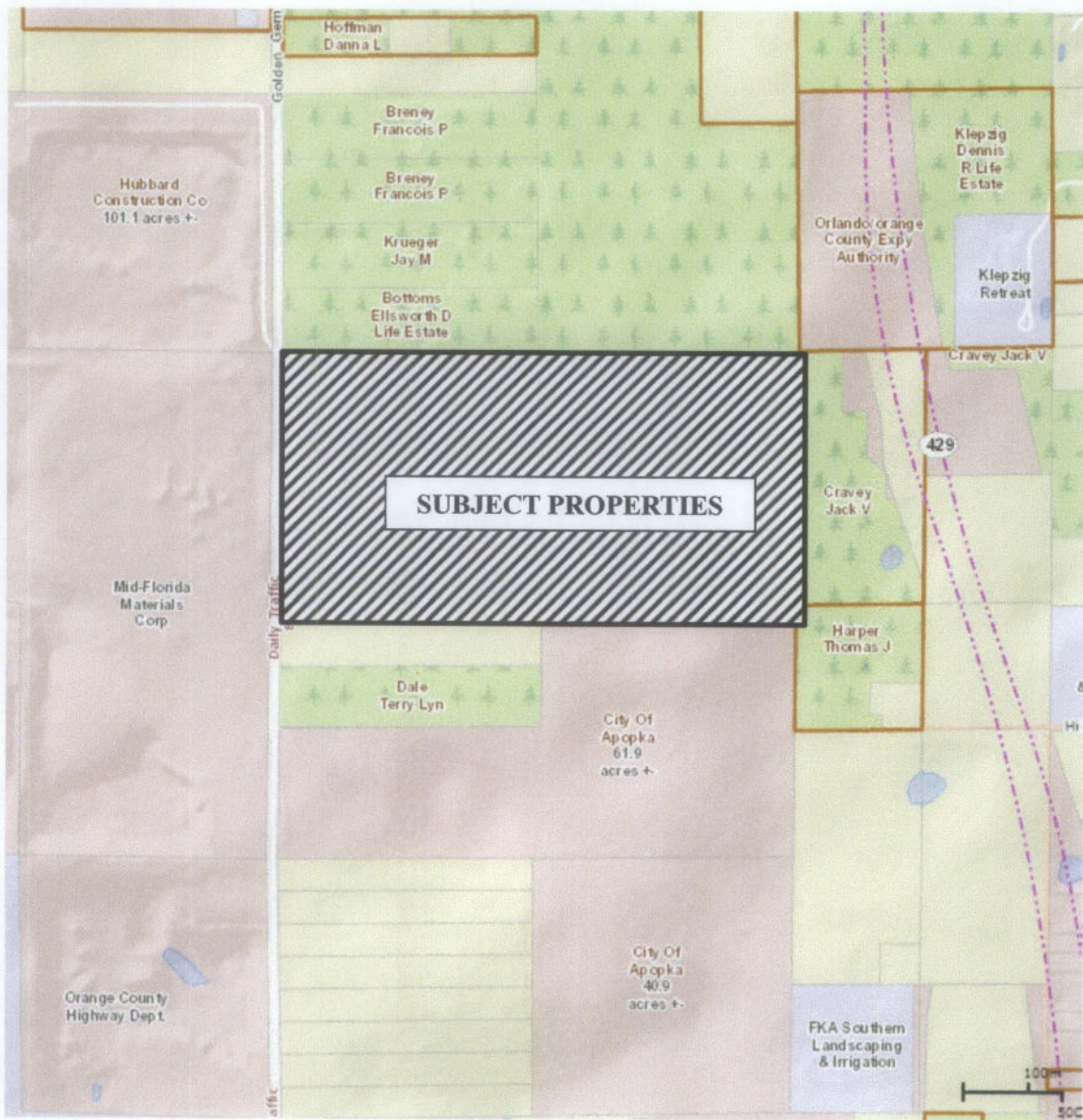
USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



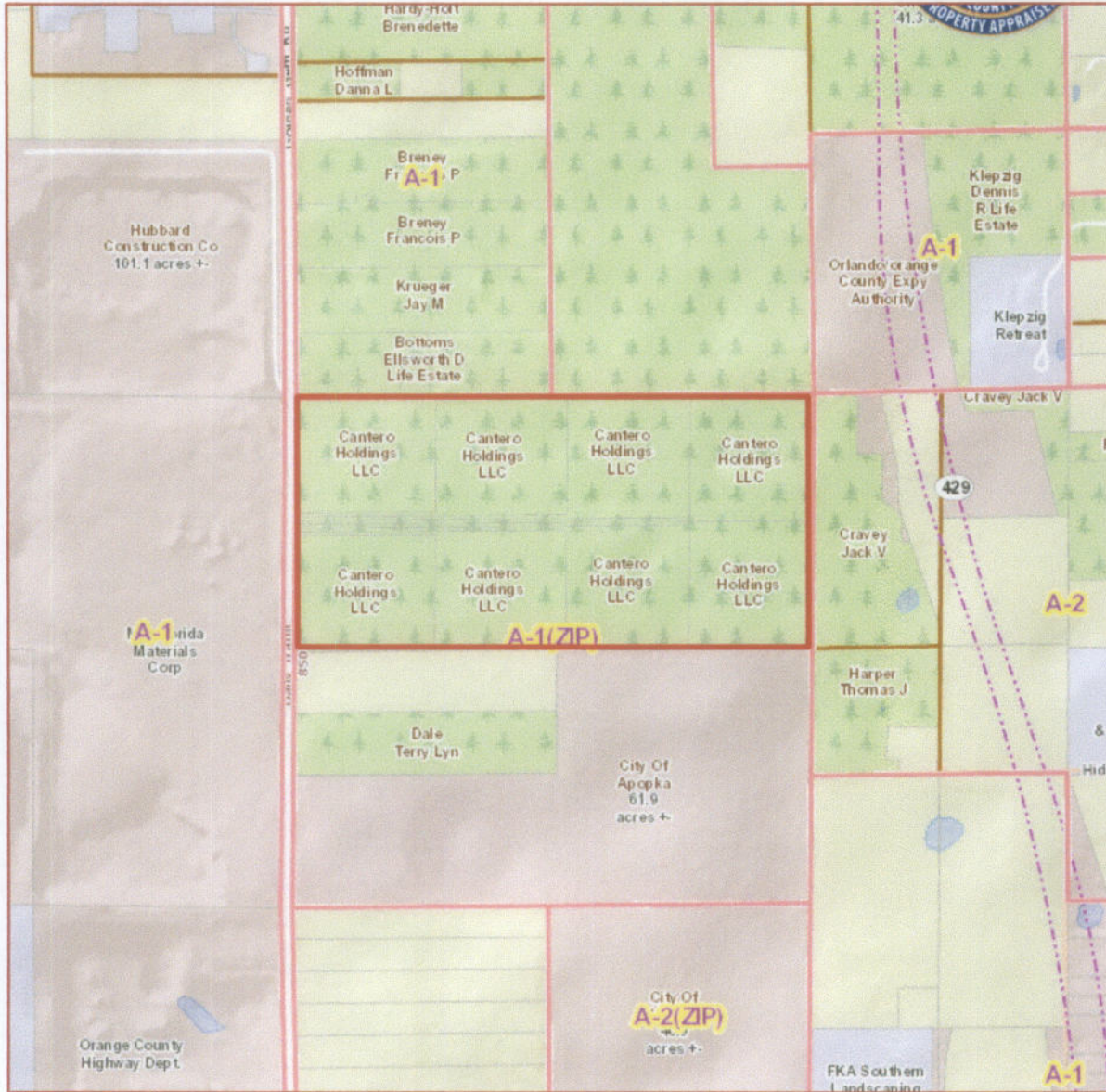
Cantero Holdings LLC
81.39 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (10,000 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 24-20-27-0000-00-097, 24-20-27-0000-00-098,
24-20-27-0000-00-100, 24-20-27-0000-00-101,
24-20-27-0000-00-102, 24-20-27-0000-00-103,
24-20-27-0000-00-104, 24-20-27-0000-00-105

VICINITY MAP



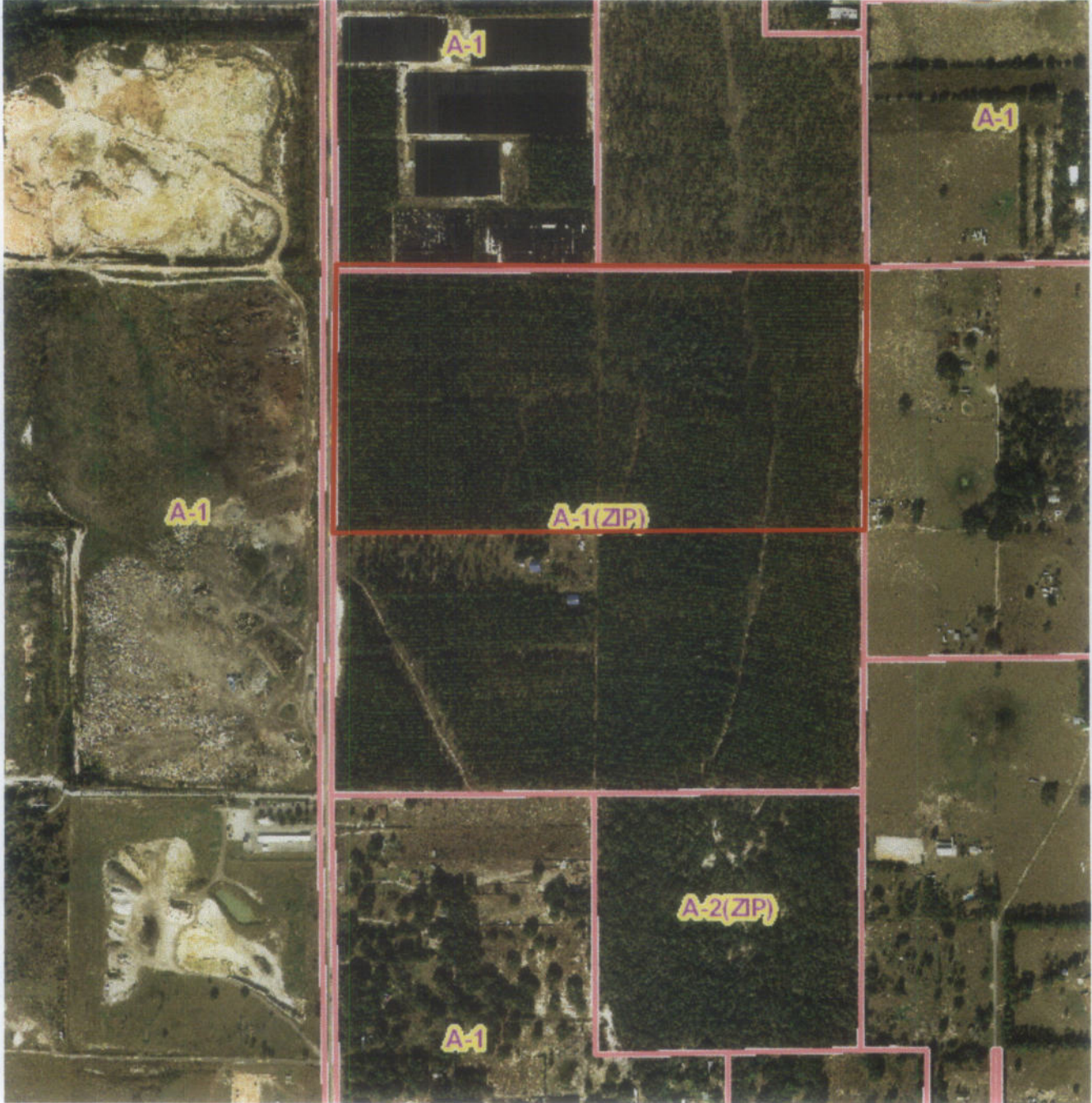


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





**CITY OF APOPKA
CITY COUNCIL**

<input checked="" type="checkbox"/> PUBLIC HEARING	FROM: Community Development
<input type="checkbox"/> ANNEXATION	EXHIBITS: Zoning Report
<input type="checkbox"/> PLAT APPROVAL	Vicinity Map
<input type="checkbox"/> OTHER:	Adjacent Zoning Map
	Adjacent Uses Map
	Existing Uses

**SUBJECT: HAL D. CORNELL, JEROME L. HUTCHING & THOMAS P. SWARTZ
(Case # 2015-1-2)**

PARCEL ID NUMBERS: 11-20-27-0000-00-050 & 11-20-27-6135-00-012

**Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)**

SUMMARY

OWNER: Hal D. Cornell, Jerome L. Hutching & Thomas P. Schwartz

APPLICANT: City of Apopka

LOCATION: East of Round Lake Road, north of W Kelly Park Road

EXISTING USE: Container/ornamental nurseries; single-family home

FUTURE LAND USE: Rural Settlement (1 du/5 acres)

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Container/ornamental nurseries; single-family home (existing)

PROPOSED ZONING: AG

TRACT SIZE: 15 acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	3 Residential Units
PROPOSED ZONING:	3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (8:00 pm) - 1st Reading
February 18, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Ornamental nursery & grazing
East (County)	Rural	A-1	Grazing
South (City/County)	Rural Settlement & Rural	A-1 (ZIP)	Grazing
West (County)	Rural	A-1	Ornamental nursery

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation..

AG DISTRICT REQUIREMENTS:

- Minimum Living Area: 1,200 sq. ft. (single-family home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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

BUFFERYARD REQUIREMENTS:

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

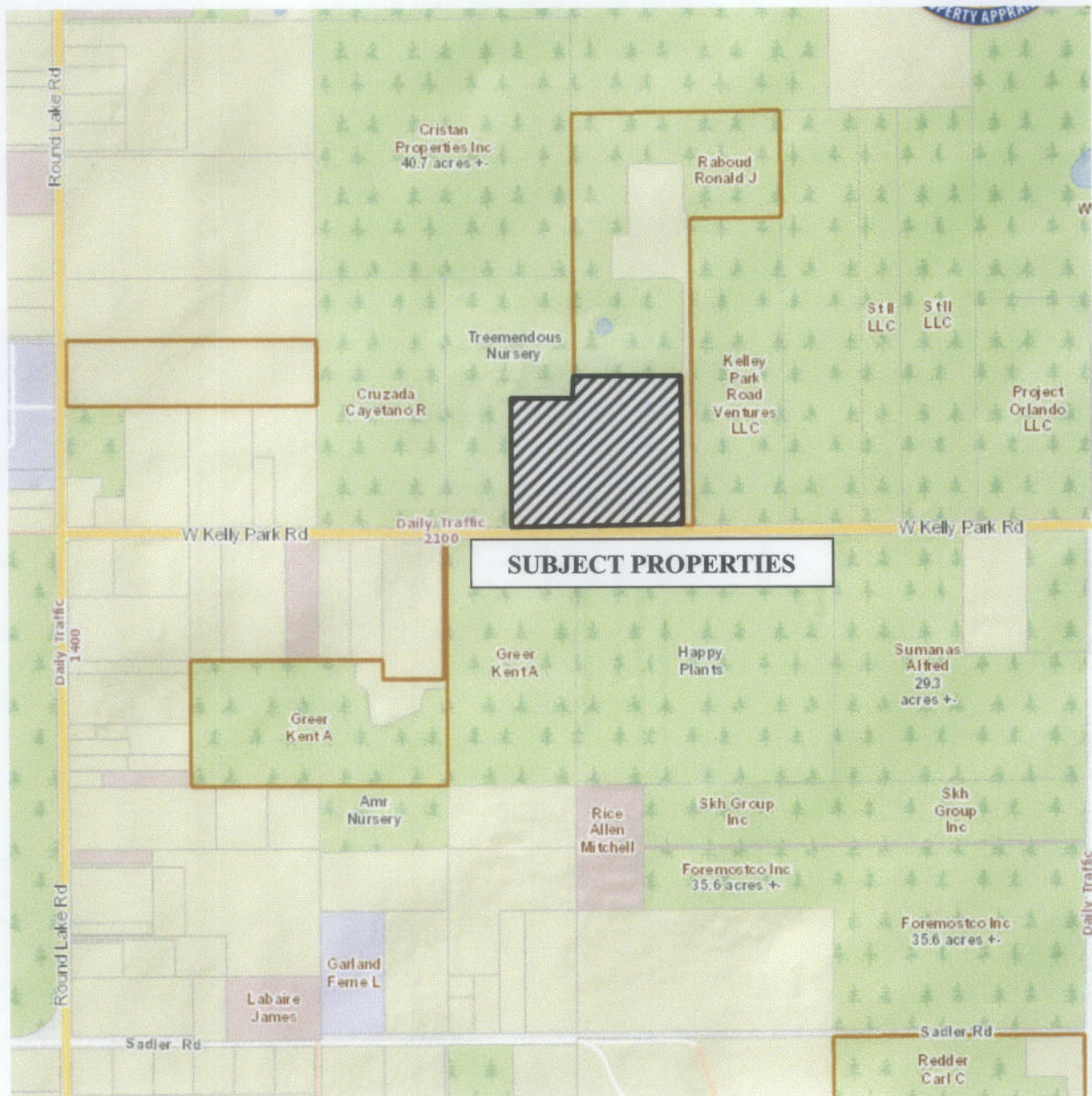
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



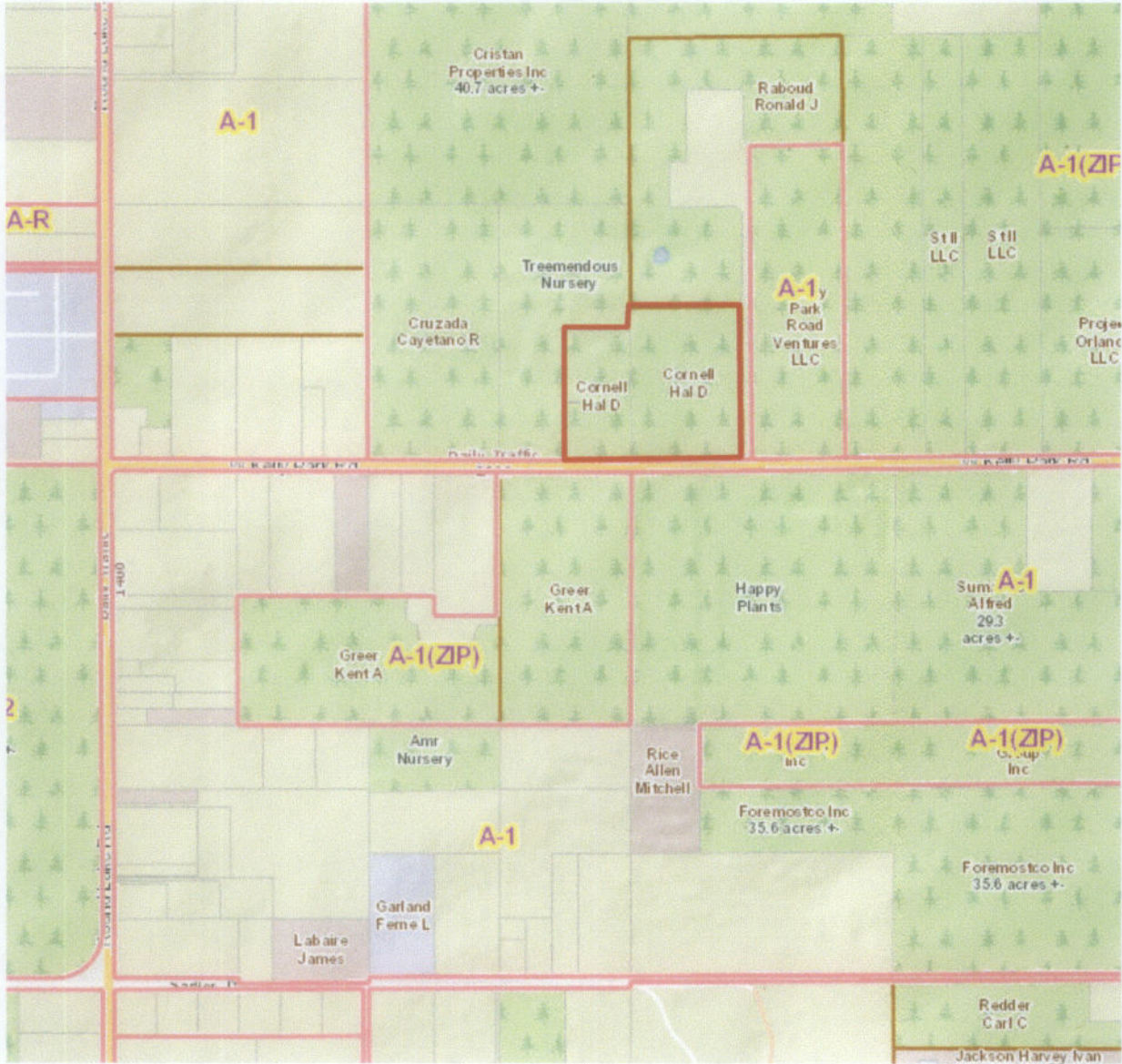
Hal D. Cornell, Jerome L. Hutching & Thomas P. Swartz
15 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 11-20-27-0000-00-050 & 11-20-27-6135-00-012

VICINITY MAP



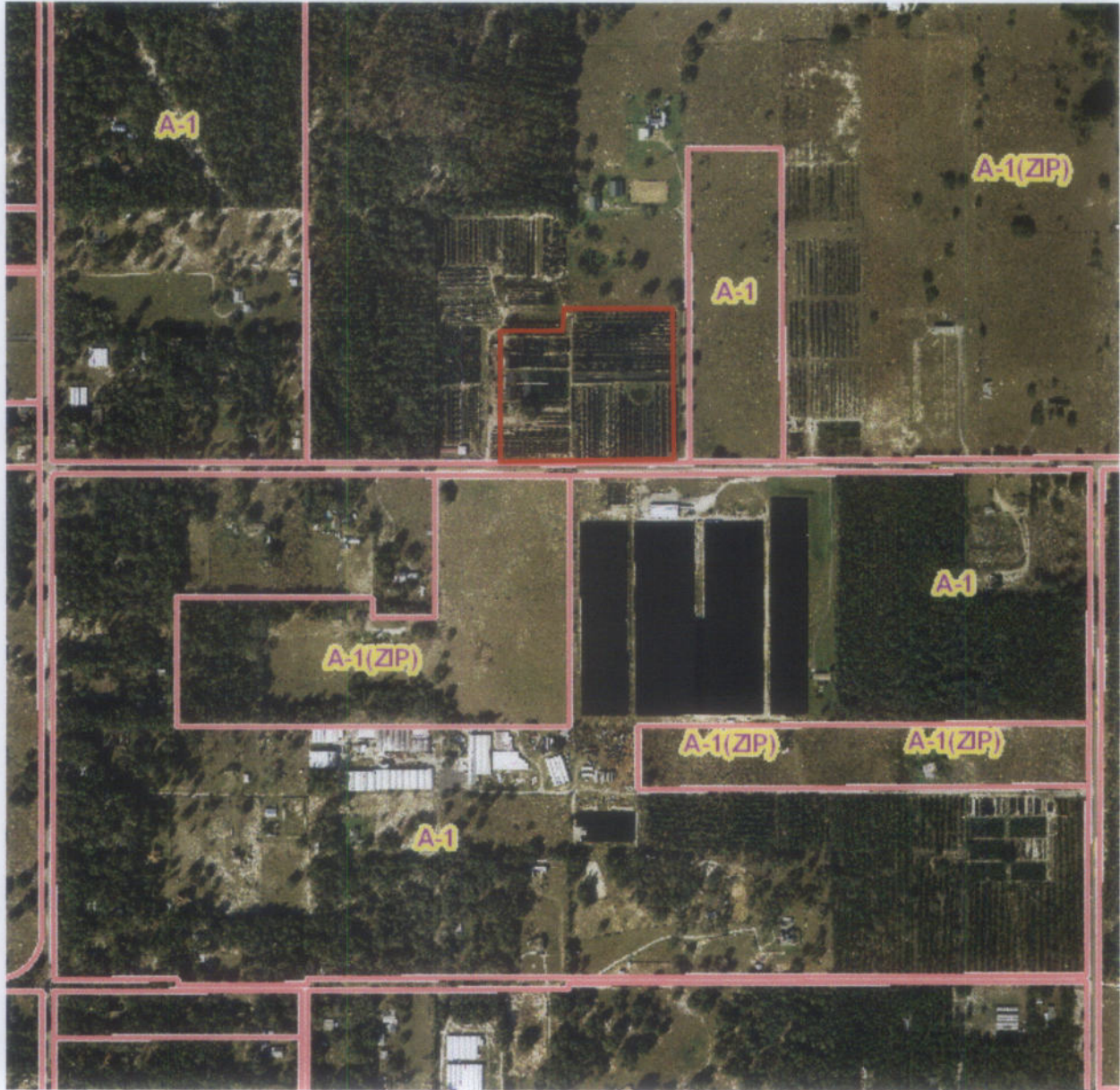


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: CRISTAN PROPERTIES (Case # 2015-1-3)

PARCEL ID NUMBER: 11-20-27-0000-00-008

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Cristan Properties, Inc.
APPLICANT: City of Apopka
LOCATION: East of Round Lake Road, north of W Kelly Park Rd.
EXISTING USE: Timberland
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Timberland (existing)
PROPOSED ZONING: AG
TRACT SIZE: 40.74 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 8 Residential Units
PROPOSED ZONING: 8 Residential Units

DISTRIBUTION

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

The subject property was annexed into the city on September 5, 2007, by Ordinance 1980.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice
February 6, 2016 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed-Use	A-1 (ZIP)	Grazing
East (City)	Rural Settlement	A-1 (ZIP)	Grazing & manufactured home
South (City)	Rural Settlement	A-1 (ZIP)	Timberland
West (County)	Rural	A-1	Single-family homes

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner: 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

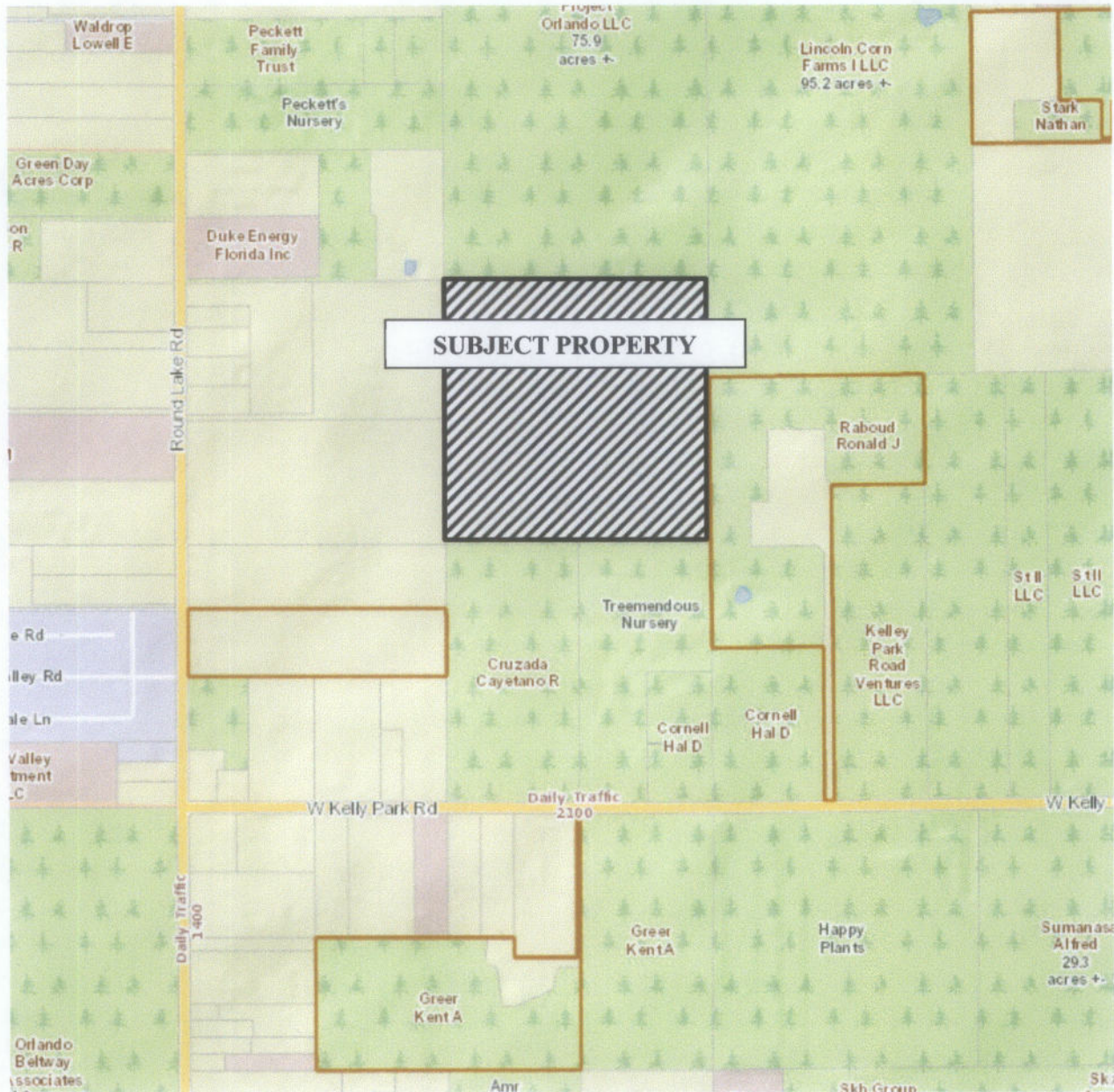
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



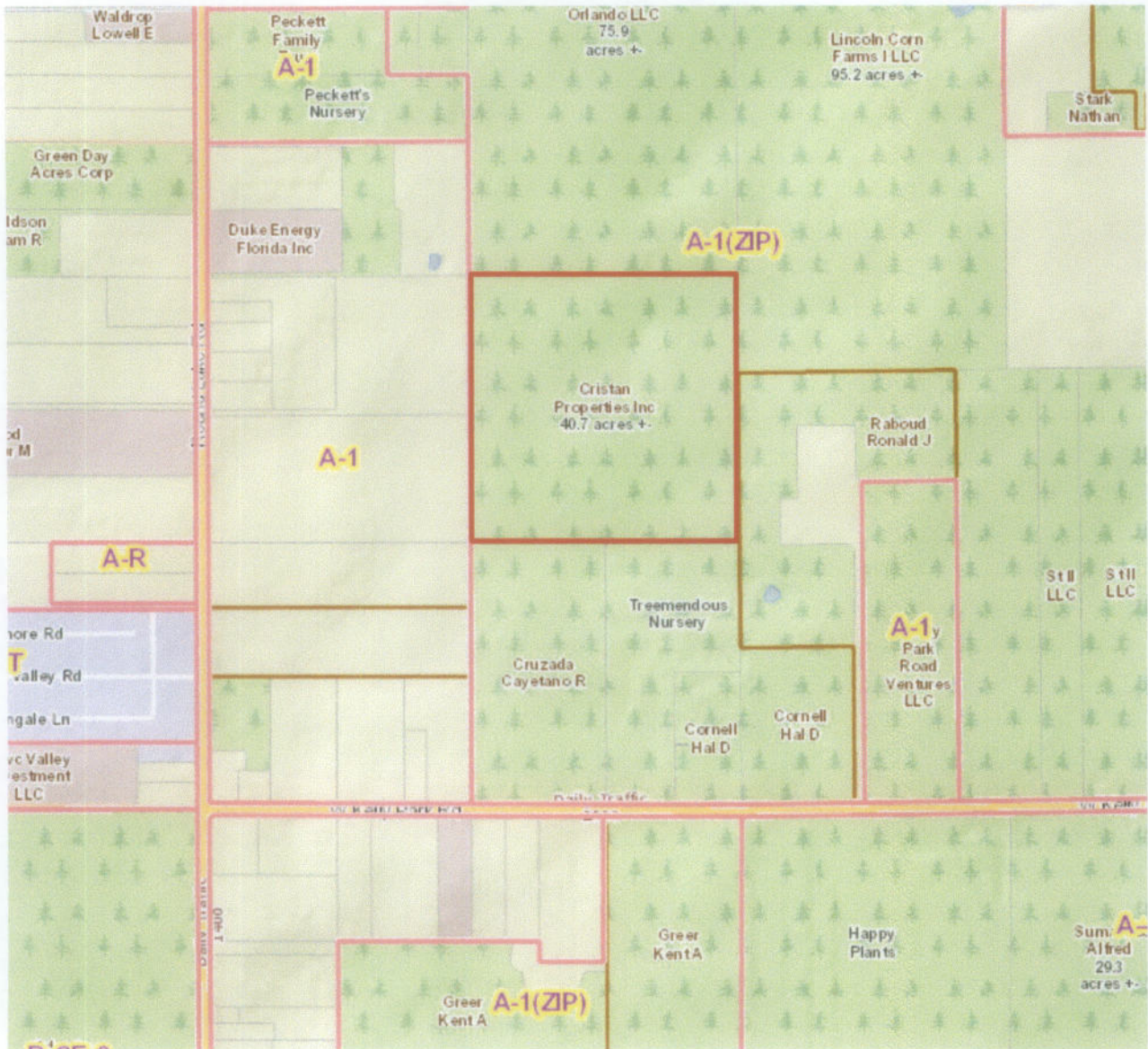
Cristan Properties, Inc.
40.74 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 11-20-27-0000-00-008

VICINITY MAP



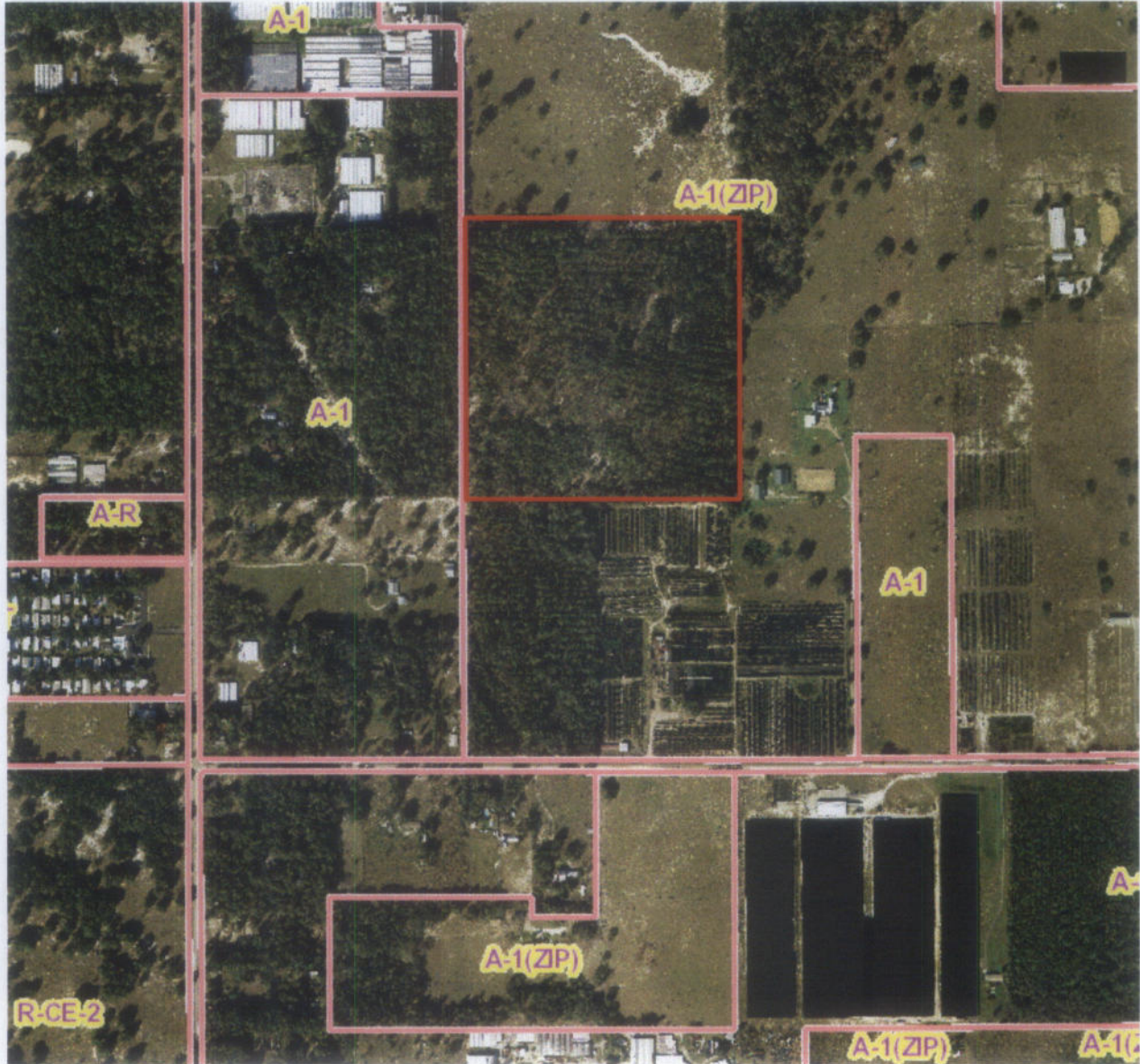


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	FROM: Community Development
<input type="checkbox"/> ANNEXATION	EXHIBITS: Zoning Report
<input type="checkbox"/> PLAT APPROVAL	Vicinity Map
<input type="checkbox"/> OTHER:	Adjacent Zoning Map
	Adjacent Uses Map
	Existing Uses

SUBJECT: CAYETANO & CRISTETA CRUZADA (Case # 2015-1-4)

PARCEL ID NUMBER: 11-20-27-0000-00-011

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Cayetano & Cristeta Cruzada

APPLICANT: City of Apopka

LOCATION: East of Round Lake Road, north of W Kelly Park Rd.

EXISTING USE: Timberland

FUTURE LAND USE: Rural Settlement (1 du/5 acres)

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Timberland (existing)

PROPOSED ZONING: AG

TRACT SIZE: 19.93 acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	3 Residential Units
PROPOSED ZONING:	3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on September 5, 2007, by Ordinance 1980.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Timberland
East (City)	Rural Settlement	A-1 (ZIP)	Ornamental nursery
South (County)	Rural	A-1	Single-family homes
West (County)	Rural	A-1	Single-family homes

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner: 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

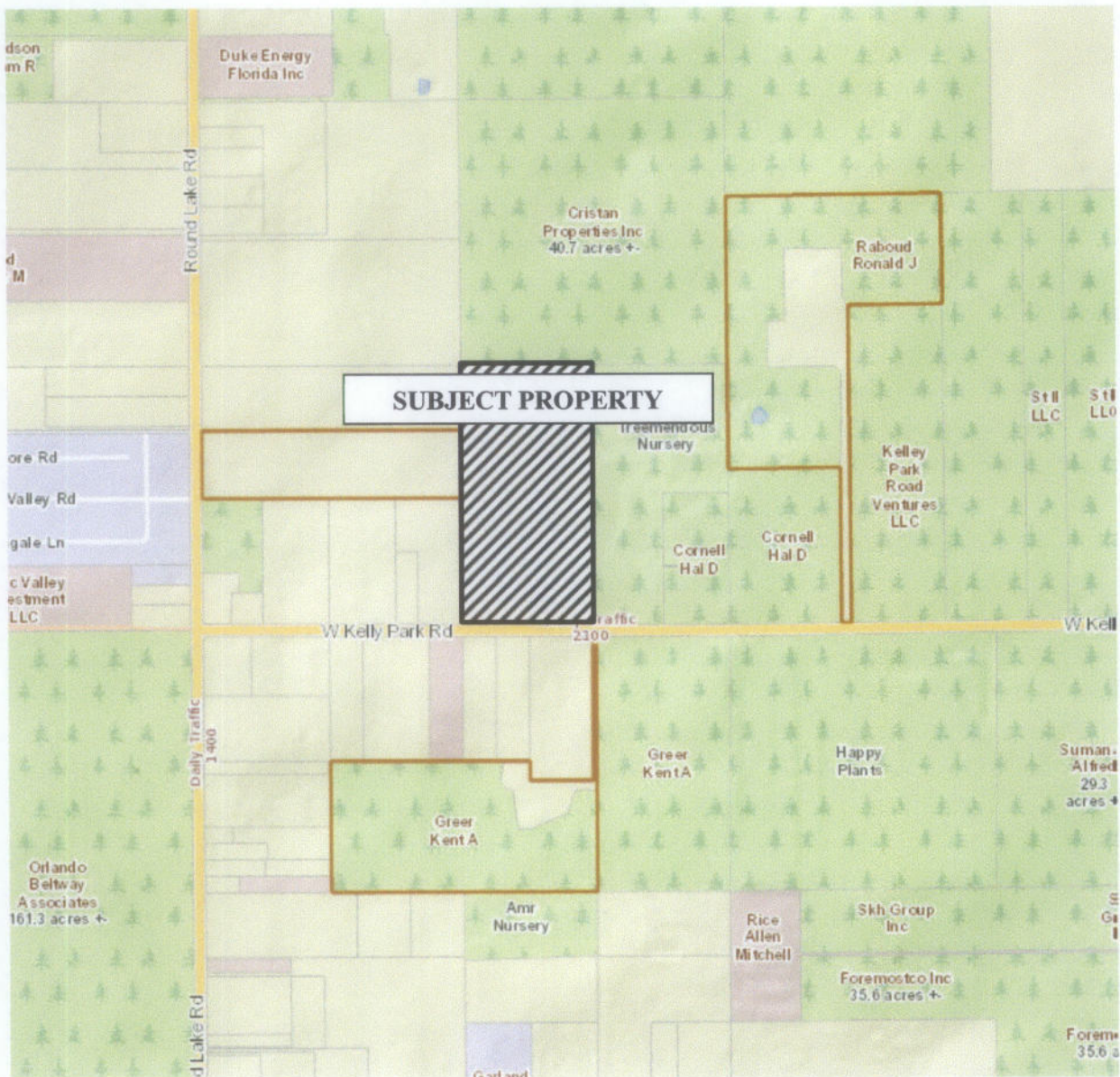
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



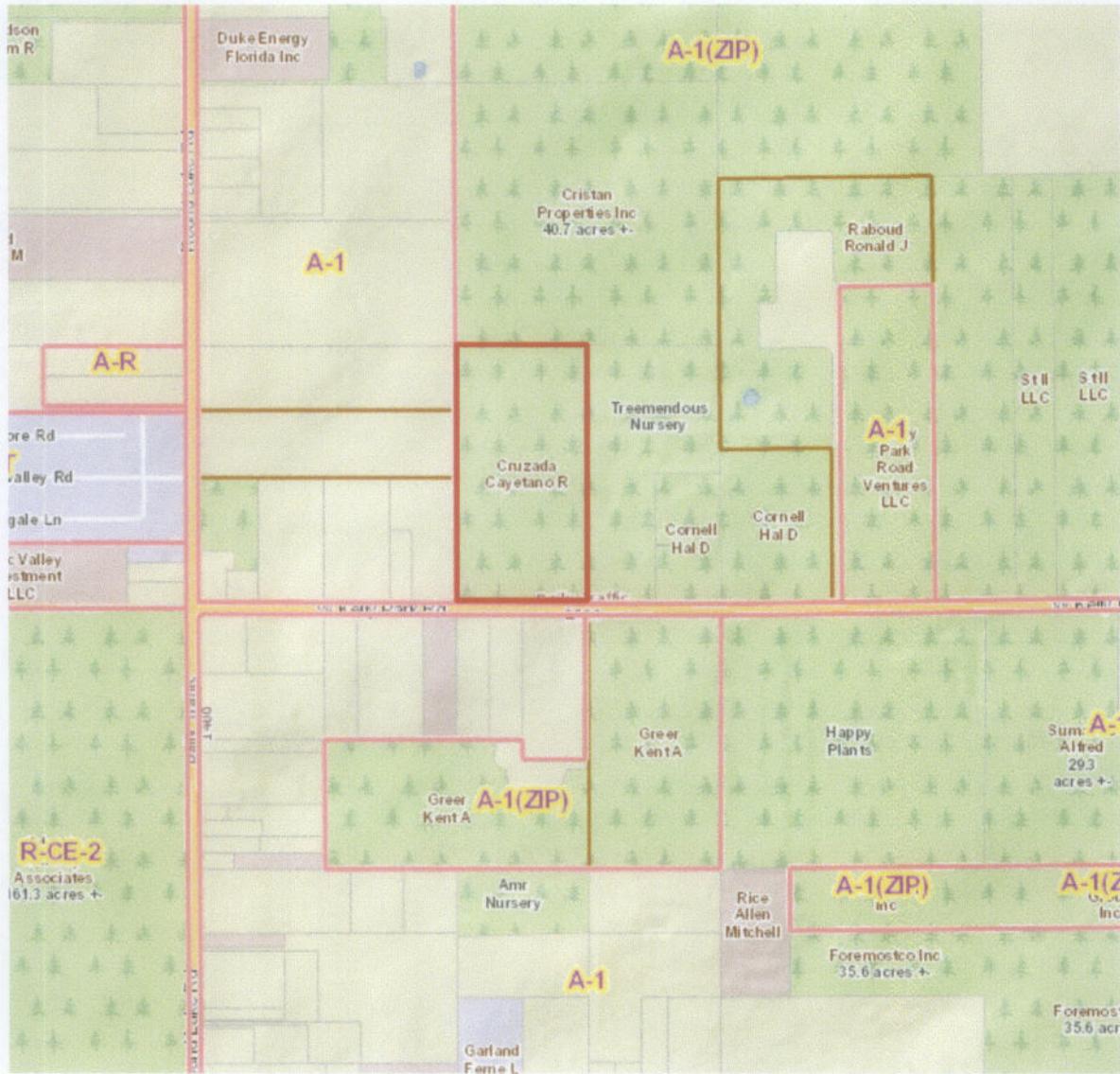
Cayetano & Cristeta Cruzada
19.93 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 11-20-27-0000-00-011

VICINITY MAP



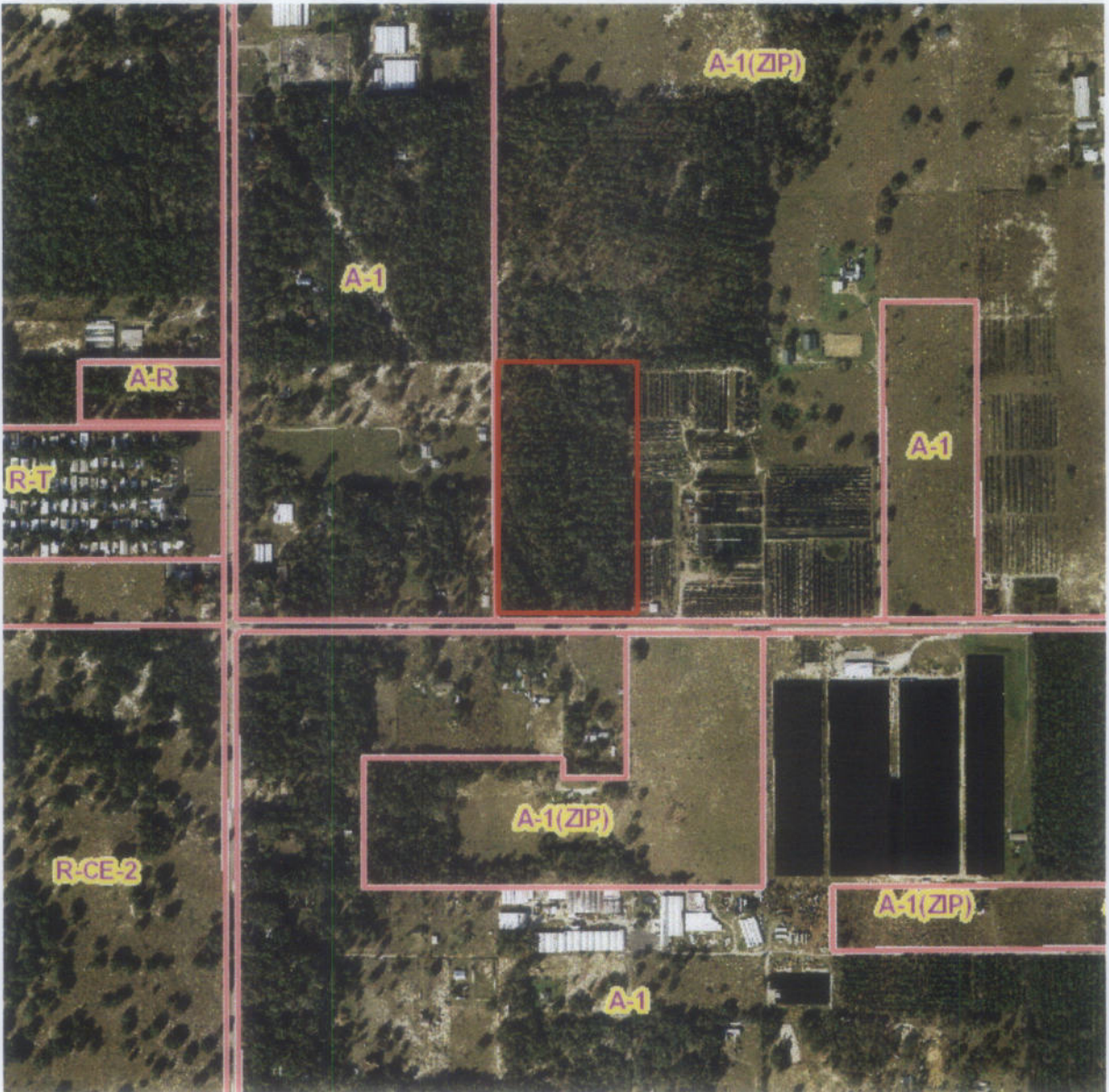


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: TERRY LYN DALE (Case # 2015-1-5)

PARCEL ID NUMBER: 24-20-27-0000-00-108

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Terry Lyn Dale
APPLICANT: City of Apopka
LOCATION: East of Golden Gem Road, north of West Ponkan Road
EXISTING USE: Timberland
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Timberland (existing)
PROPOSED ZONING: AG
TRACT SIZE: 10.0 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on May 16, 2007, by Ordinance 1931.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Manufactured home
East (City)	Conservation	A-1 (ZIP)	Municipal conservation
South (City)	Conservation	A-1 (ZIP)	Municipal conservation
West (County)	Rural	A-1	Vacant (non-agricultural acreage)

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

**COMPREHENSIVE
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. AG is one of the acceptable zoning classifications allowed within the Rural Settlement Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner 100 ft. (Non-Residential)

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

**BUFFERYARD
REQUIREMENTS:**

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

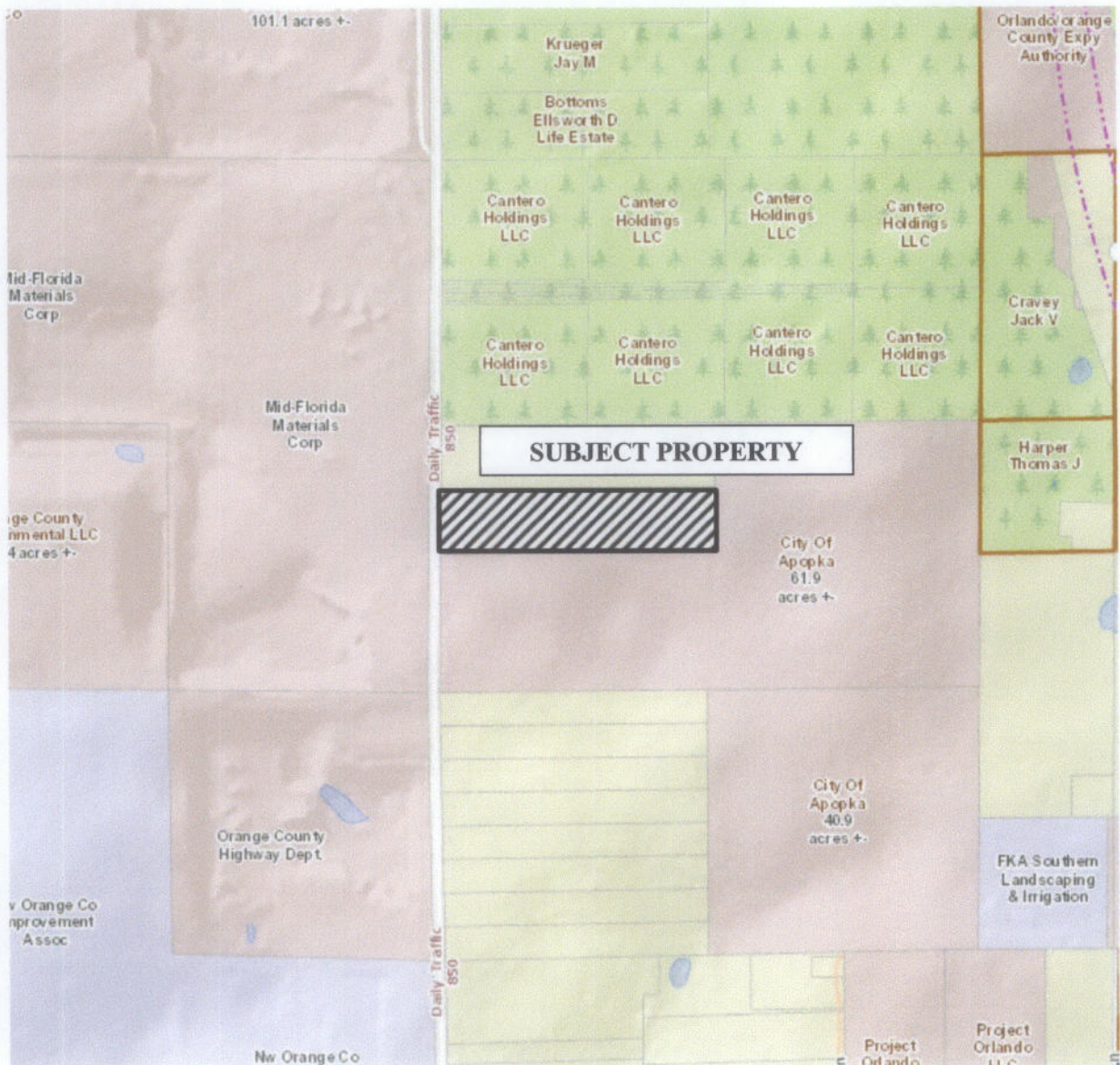
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



Terry Lyn Dale
10 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 24-20-27-0000-00-108

VICINITY MAP



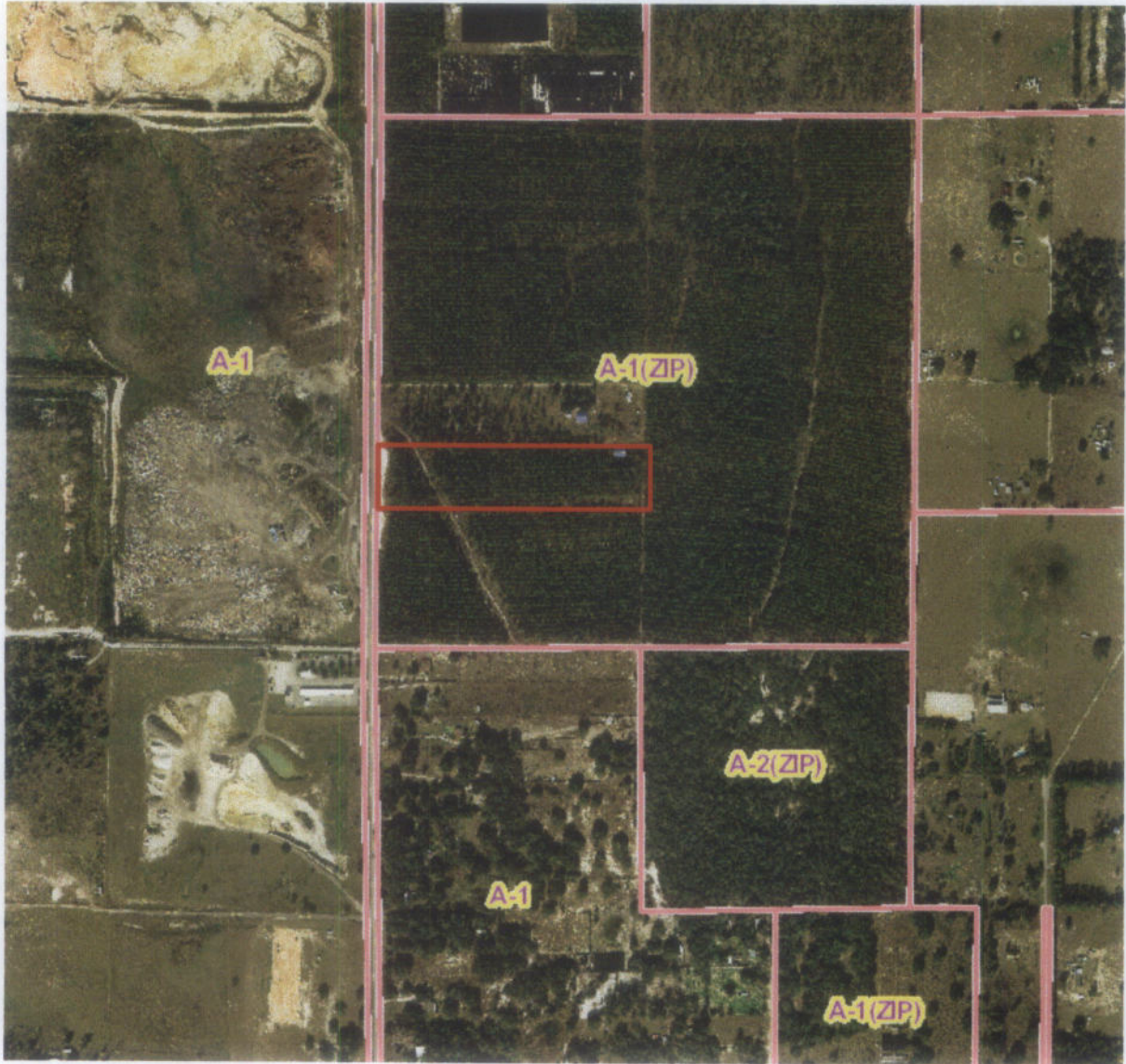


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	FROM:	Community Development
<input type="checkbox"/> ANNEXATION	EXHIBITS:	Zoning Report
<input type="checkbox"/> PLAT APPROVAL		Vicinity Map
<input type="checkbox"/> OTHER:		Adjacent Zoning Map
		Adjacent Uses Map
		Existing Uses

SUBJECT: KENT & ANNE GREER (Case # 2015-1-6)

PARCEL ID NUMBERS: 14-20-27-0000-00-021; 14-20-27-0000-00-084 & 14-20-27-0000-00-005

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Kent & Anne Greer

APPLICANT: City of Apopka

LOCATION: South of W Kelly Park Road, east of Round Lake Road

EXISTING USE: Grazing & single-family home

FUTURE LAND USE: Rural Settlement (1 du/5 acres)

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Grazing & single-family home (existing)

PROPOSED ZONING: AG

TRACT SIZE: 39.5 acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	7 Residential Units
PROPOSED ZONING:	7 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on June 4, 2008 by Ordinance 2027.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

December 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North(County & City)	Rural & Rural Settlement	A-1/A-1(ZIP)	Single-family homes & nursery
East (County)	Rural	A-1 (ZIP)	Container nursery & manufactured home
South (County)	Rural	A-1	Single-family homes & nursery
West (County)	Rural	A-1	Single-family homes

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. AG is one of the acceptable zoning classifications allowed within the Rural Settlement Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

- Minimum Living Area: 1,200 sq. ft. (single-family home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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

BUFFERYARD REQUIREMENTS:

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

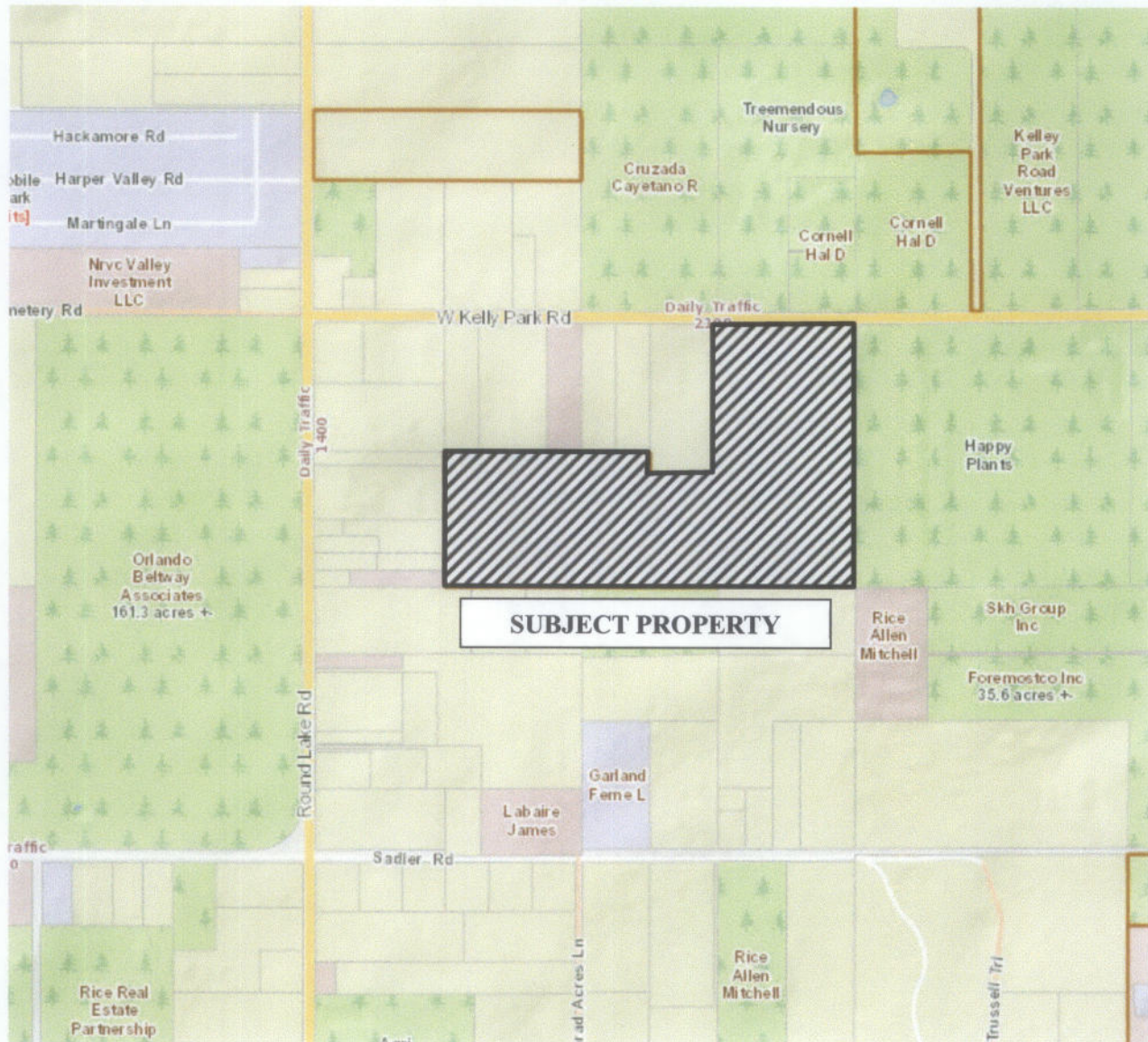
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



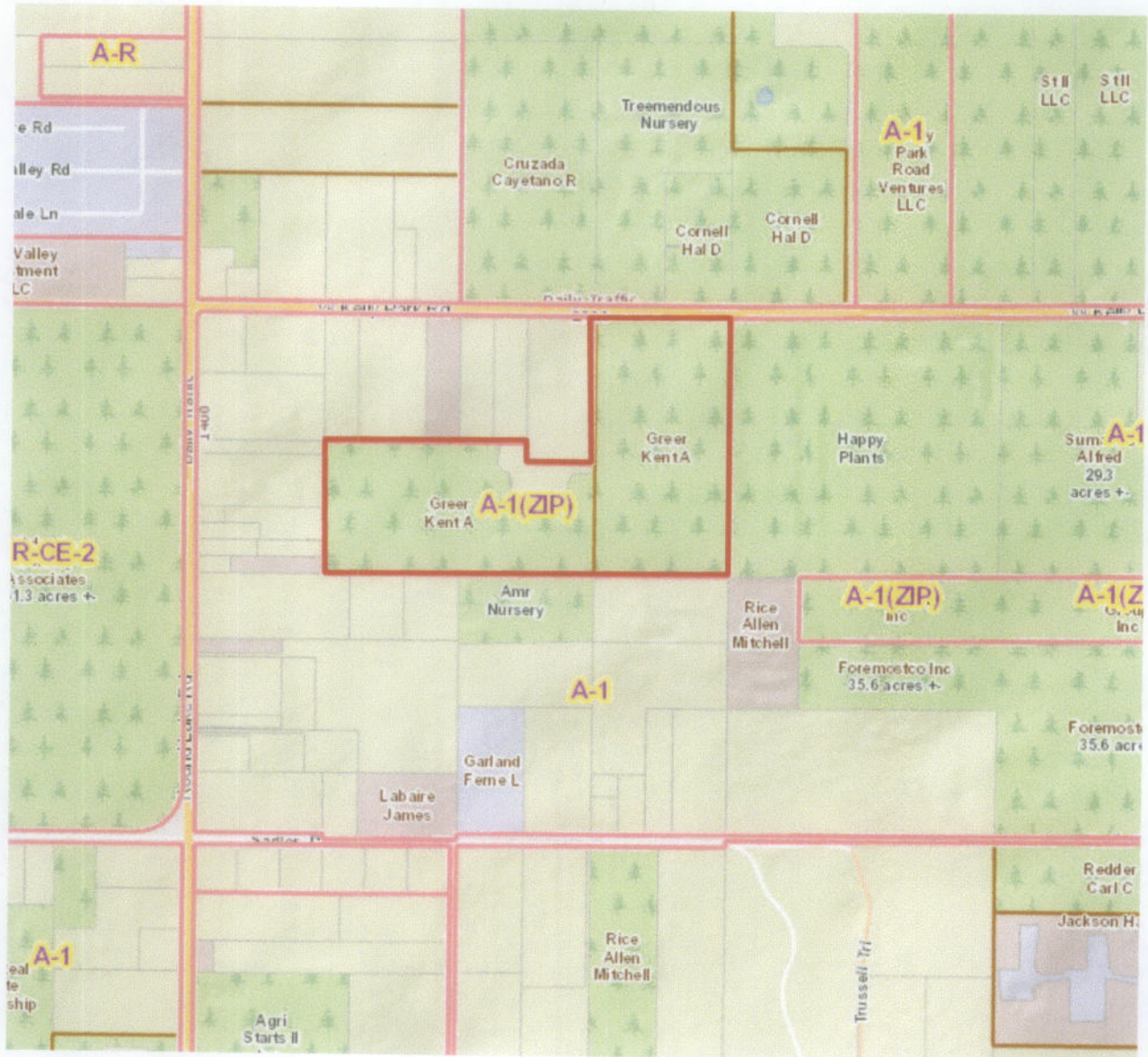
Kent & Anne Greer
39.5 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 14-20-27-0000-00-021, 14-20-27-0000-00-084
14-20-27-0000-00-005

VICINITY MAP



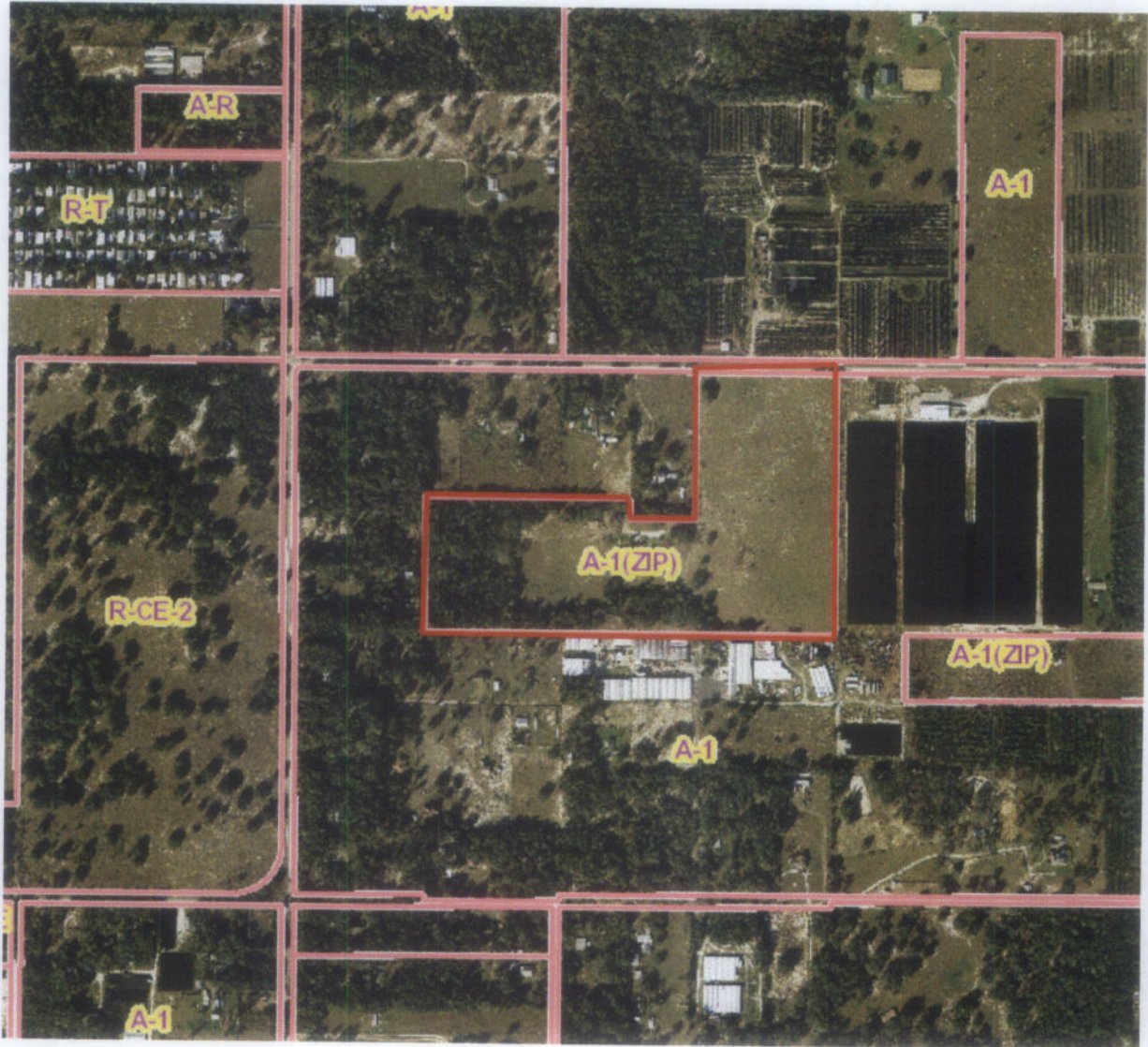


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	FROM: Community Development
<input type="checkbox"/> ANNEXATION	EXHIBITS: Zoning Report
<input type="checkbox"/> PLAT APPROVAL	Vicinity Map
<input type="checkbox"/> OTHER:	Adjacent Zoning Map
	Adjacent Uses Map
	Existing Uses

SUBJECT: J&L GARDENIAS (Case # 2015-1-7)

PARCEL ID NUMBERS: 09-20-28-0000-00-011 & 09-20-28-0000-00-004

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: J&L Gardenias

APPLICANT: City of Apopka

LOCATION: North of W Kelly Park Road, west of Mt. Plymouth Road

EXISTING USE: Container nursery & manufactured home

FUTURE LAND USE: Rural Settlement (1 du/5 acres)

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Container nursery & manufactured home (existing)

PROPOSED ZONING: AG

TRACT SIZE: 13.3 acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	2 Residential Units
PROPOSED ZONING:	2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 1, 2004 by Ordinance 1687.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1(ZIP)	Vacant
East (City)	Low Density Residential	R-1	Single-family homes
South (City & County)	Rural Settlement & Rural	A-1(ZIP)	Single-family residential and vacant non-ag acreage
West (City)	Rural Settlement	A-1 (ZIP)	Nursery

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway Mt. Plymouth Road.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner: 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



J&L Gardenias
13.3 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 09-20-28-0000-00-004 & 09-20-28-0000-00-011

VICINITY MAP



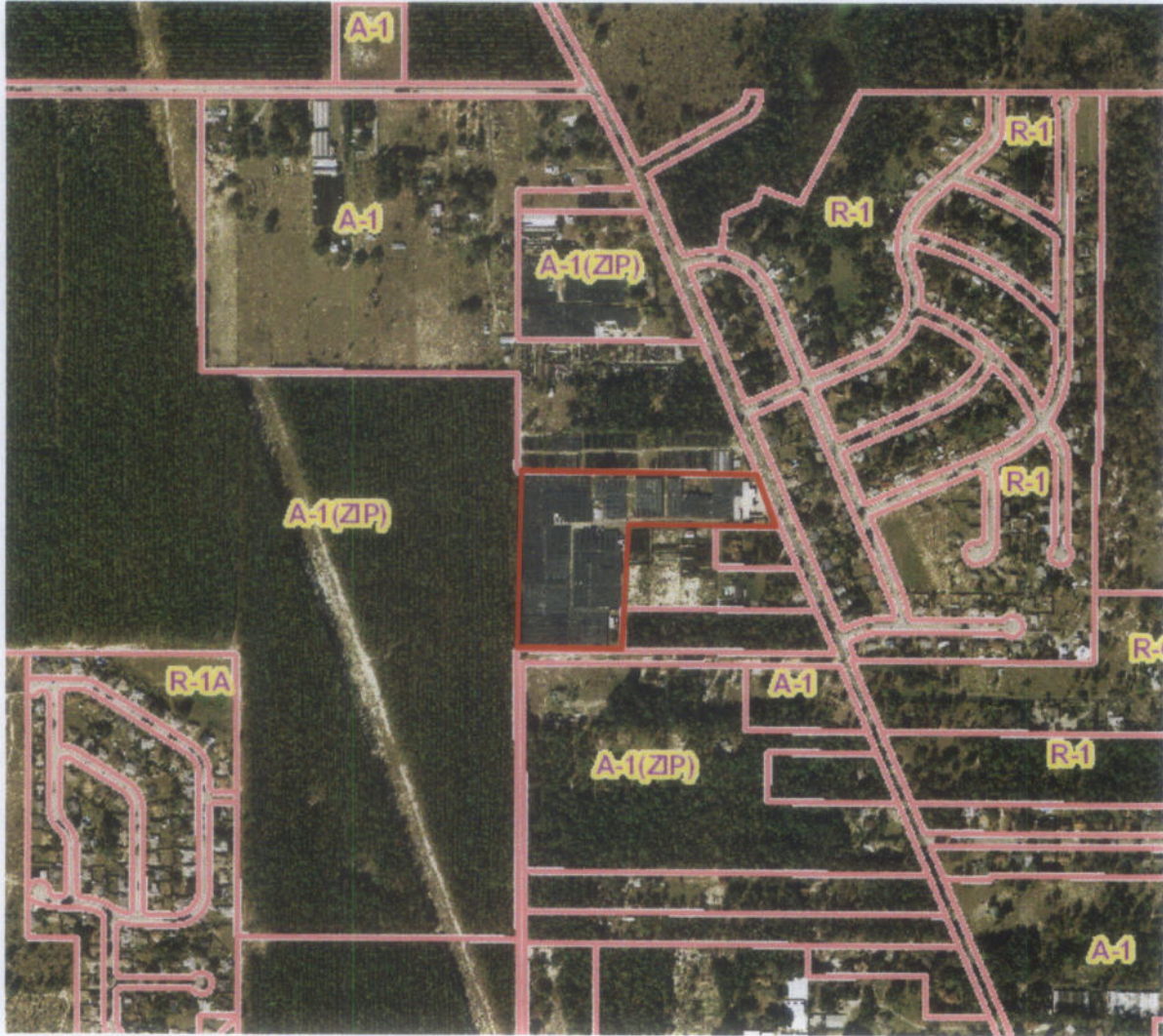


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: KYUN & MYUNG LEE (Case # 2015-1-8)

PARCEL ID NUMBER: 08-20-28-0000-00-037

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC)
(AGRICULTURE)

SUMMARY

OWNER: Kyun & Myung Lee
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, east of Foliage Way
EXISTING USE: Container nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Container nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 6.05 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on May 21, 2003 by Ordinance 1585.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1(ZIP)	Vacant
East (County)	Rural	A-1	Vacant residential
South (City)	Agriculture	AG	Single-family residential and vacant non-agricultural acreage
West (City)	Rural	A-1	Manufactured home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

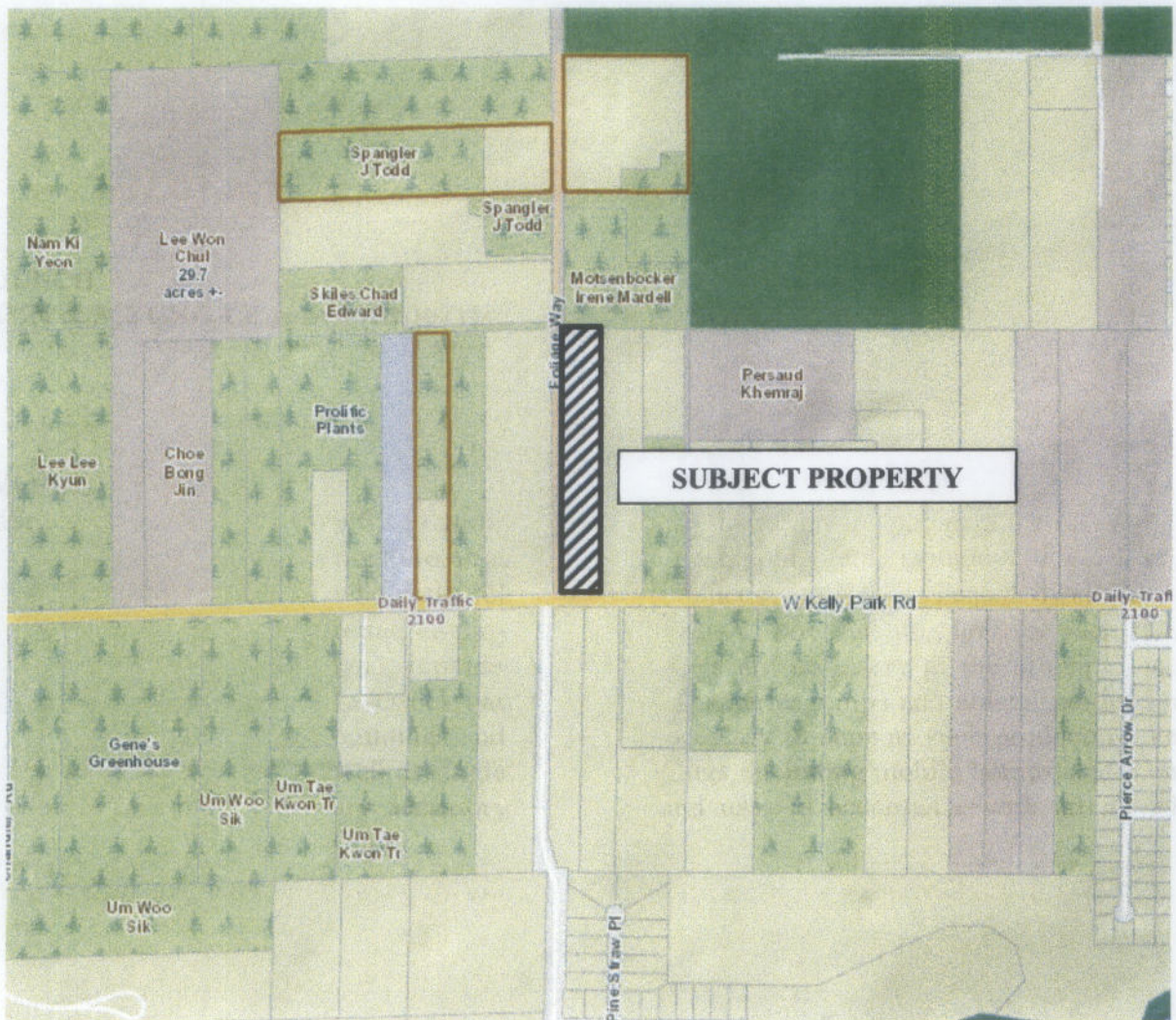
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



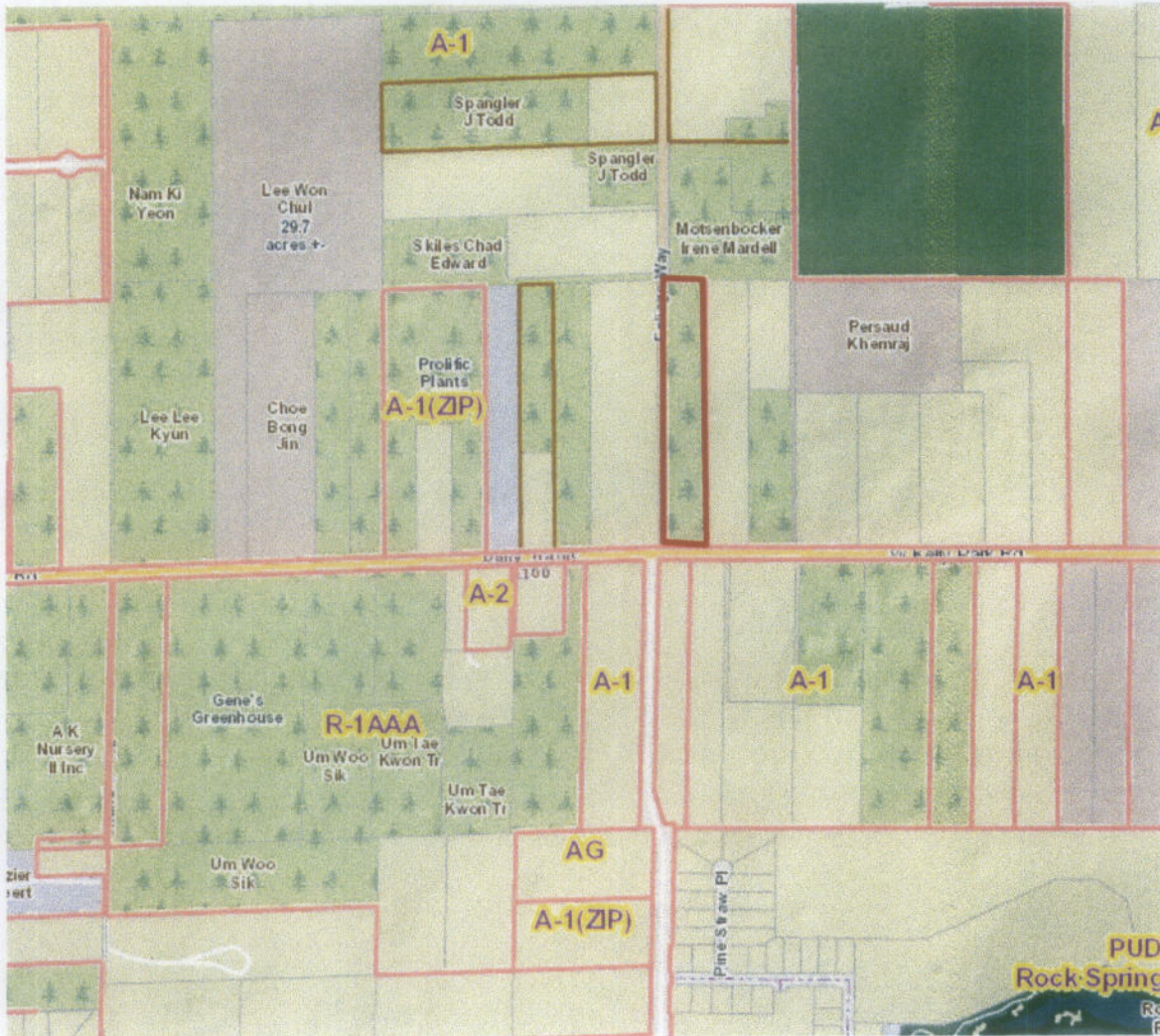
Kyan & Myung Lee
6.05 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 08-20-28-0000-00-037

VICINITY MAP





ADJACENT ZONING



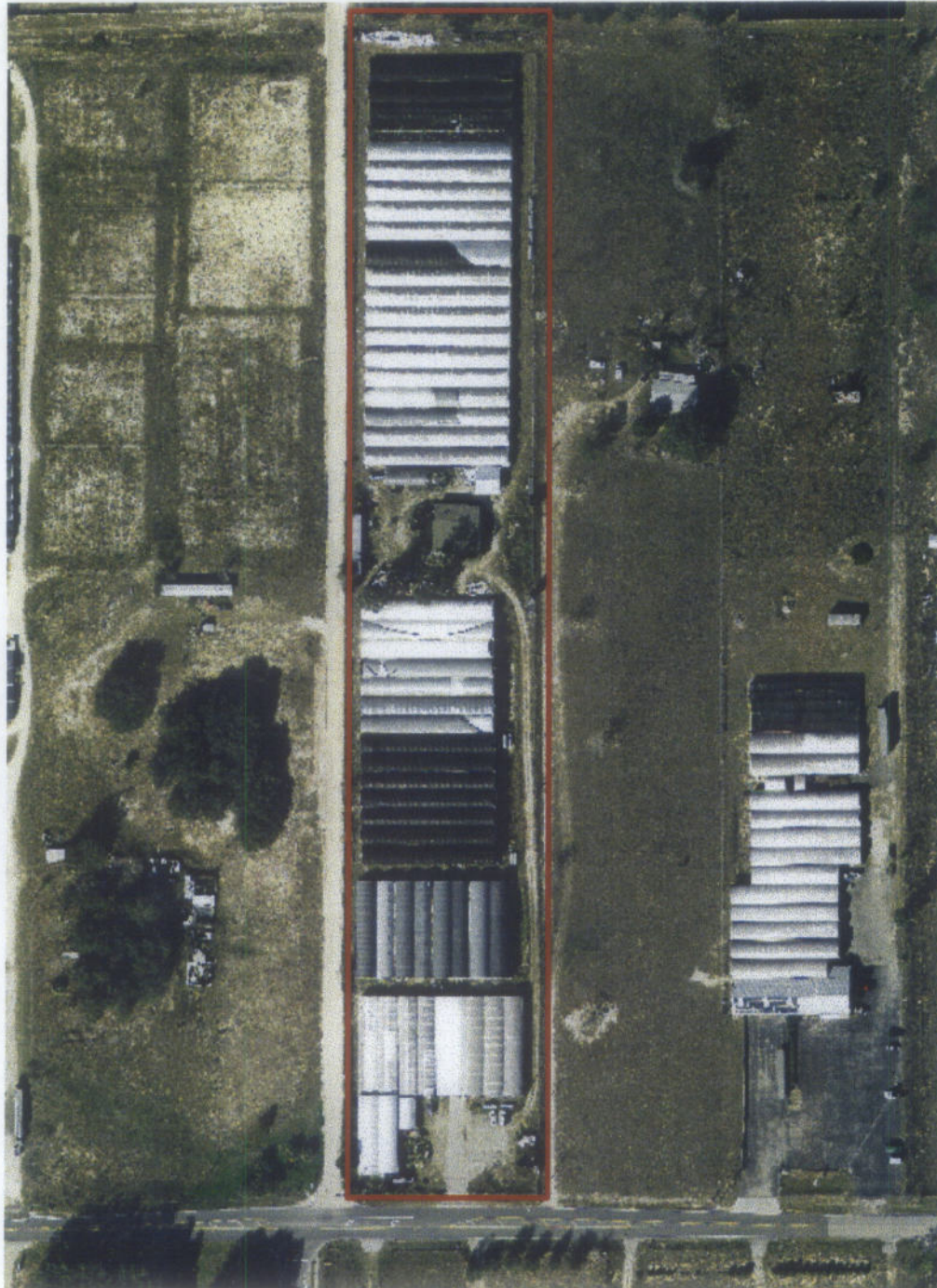


ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: JOHN & JOSEPH MOORE (Case # 2015-1-9)

PARCEL ID NUMBERS: 02-20-27-0000-00-006 & 02-20-27-0000-00-041

Request: ADMINISTRATIVE REZONING
FROM: "County" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: John & Joseph Moore
APPLICANT: City of Apopka
LOCATION: North of Ondich Road, east of Road Lake Road
EXISTING USE: Grazing and single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Grazing & single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 18.6 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on September 5, 2007 by Ordinance No. 1982.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Grazing
East (County)	Rural	A-1	Single-family home
South (City)	Mixed Use	A-1 (ZIP)	Grazing and manufactured home
West (County)	Rural	A-1	Container nursery and single-family home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Ondich Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

CITY COUNCIL
JOHN & JOSEPH MOORE – ADMINISTRATIVE REZONING
PAGE 4

PUBLIC HEARING SCHEDULE

**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.

DAILY ADVERTISED:

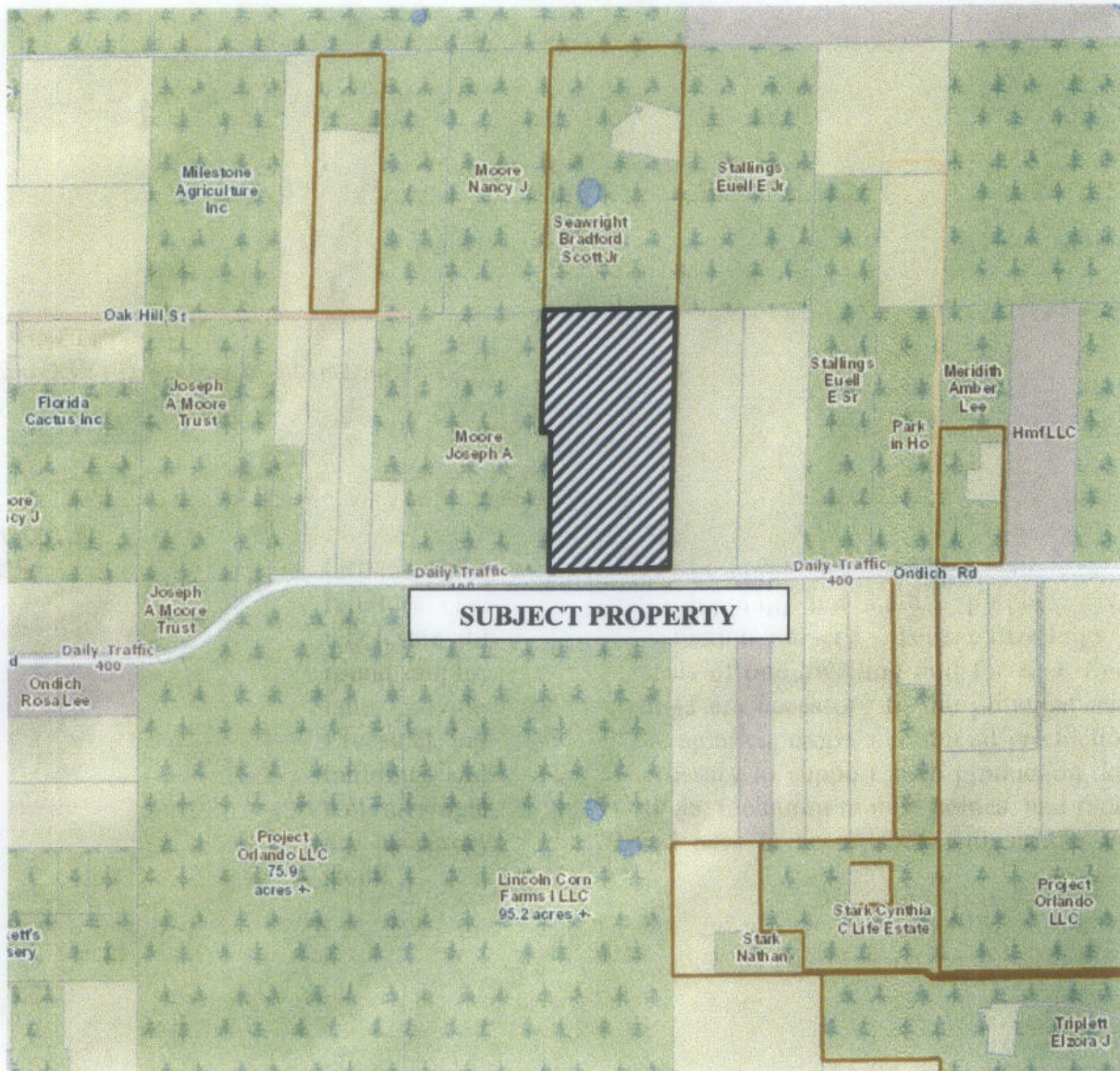
RECOMMENDED ACTION:

The Development Review Commission (ZIP) to "City" and
The Planning Commission in its capacity on Administrative Rezoning from "Agriculture" to "A" and "B"
Except the Public Hearing of Resolution No. 12-2014
Note: This item is considered quasi-judicial and made a part of the minutes of this meeting.



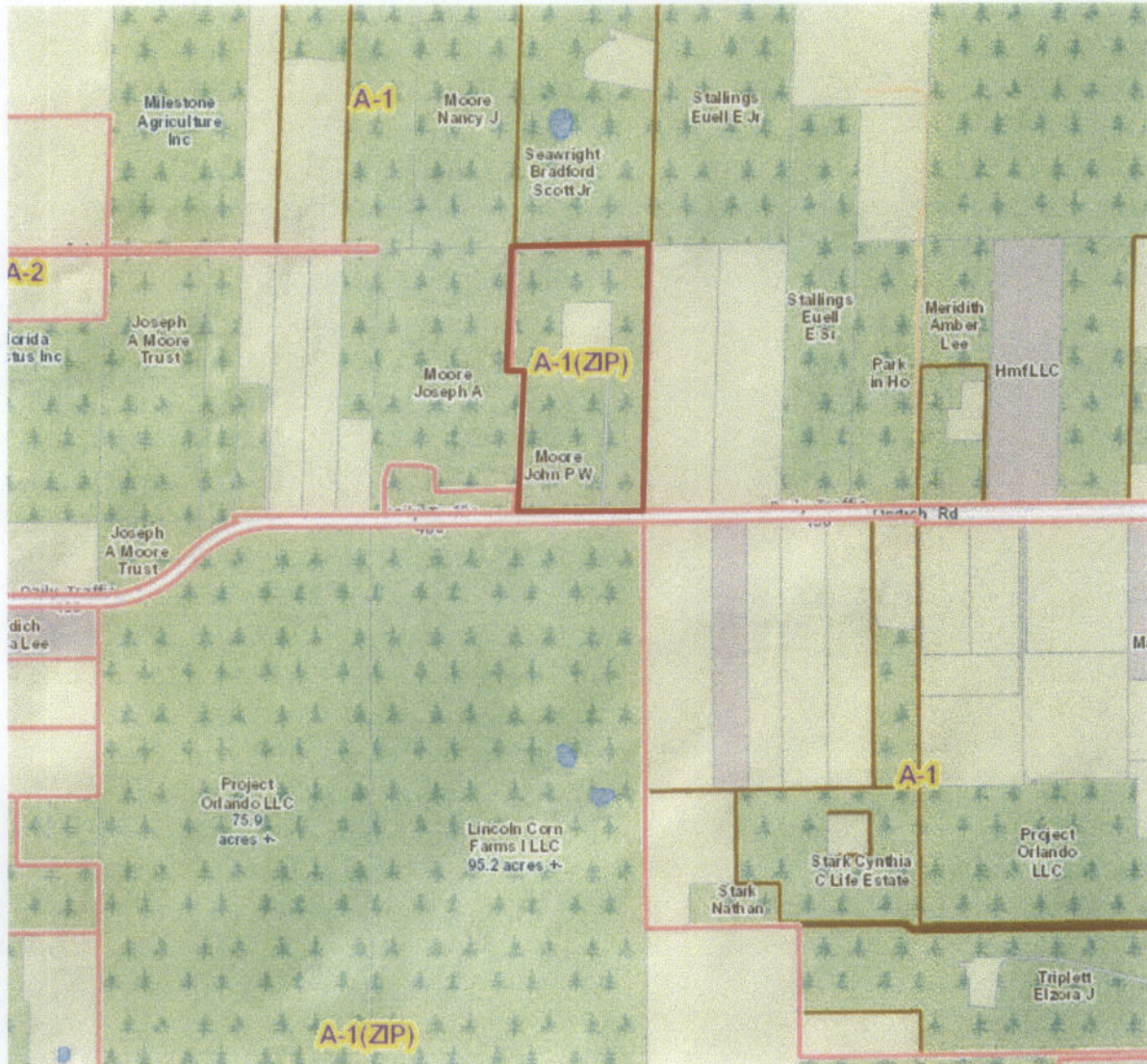
John & Joseph Moore
18.6 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 02-20-27-0000-00-006, 02-20-27-0000-00-041

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: RONALD & LISA RABOUD (Case # 2015-1-10)

PARCEL ID NUMBERS: 11-20-27-6135-00-010 & 11-20-27-6135-00-013

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Ronald & Lisa Raboud
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, east of Round Lake Road.
EXISTING USE: Grazing & single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Grazing & single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 25.9 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 5 Residential Units
PROPOSED ZONING: 5 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 19, 2007 by Ordinance No. 2001.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed Use	A-1 (ZIP)	Grazing and manufactured home
East (County)	Rural	A-1	Grazing
South (County)	Rural	A-1	Container nursery and manufactured home
West (City)	Rural Settlement	A-1 (ZIP)	Container nurseries

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (W Keene Rd).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

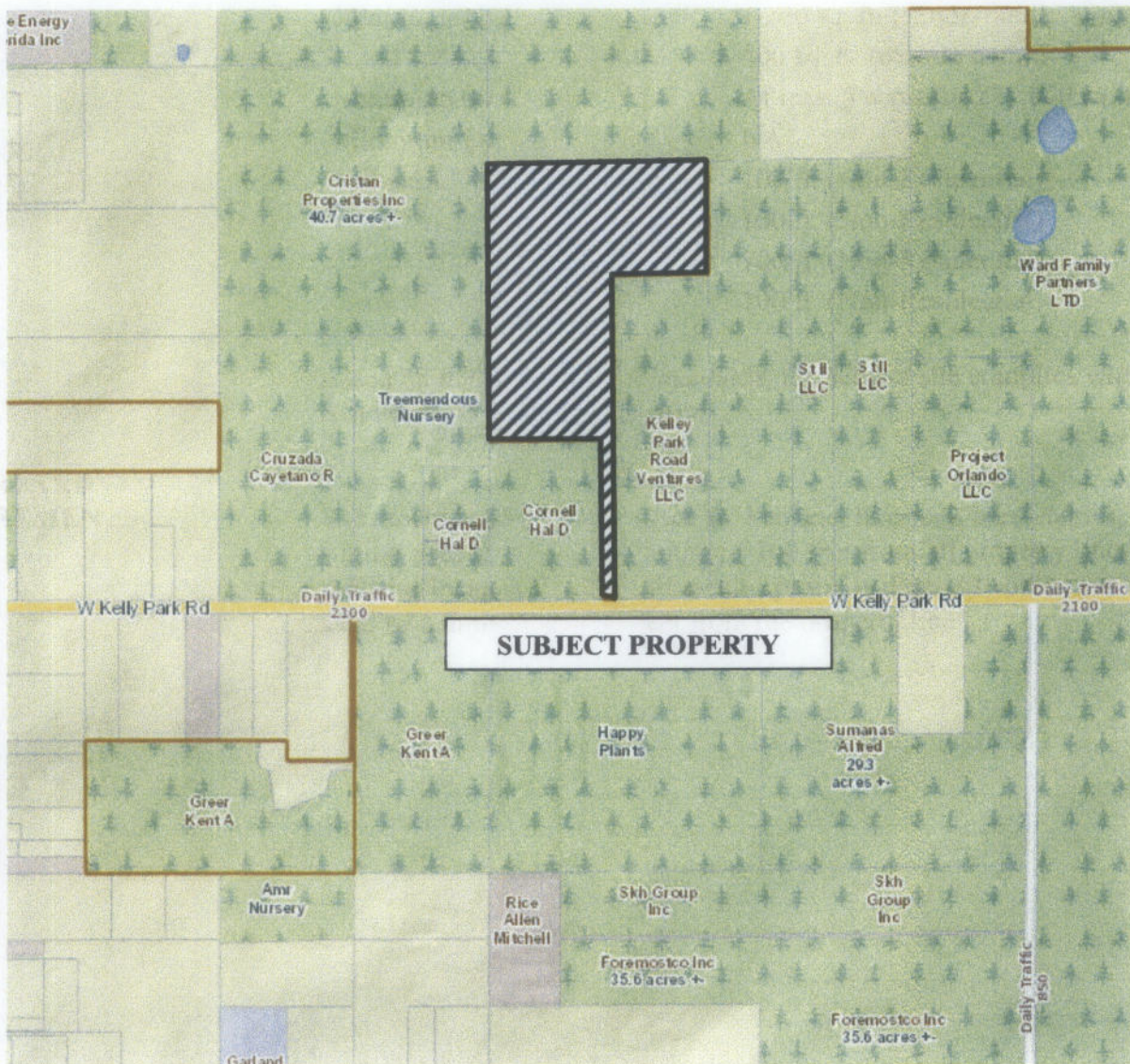
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



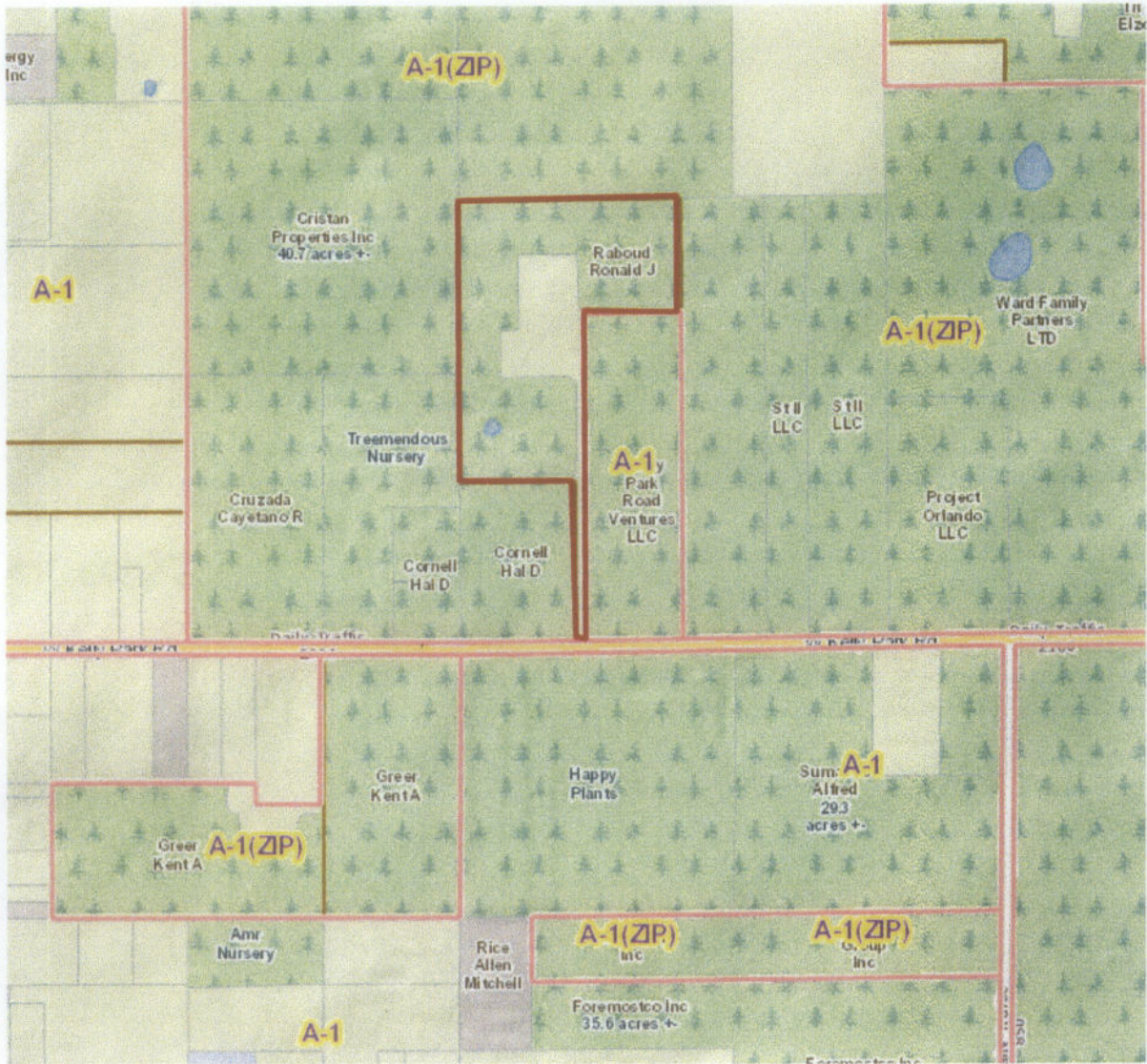
Ronald & Lisa Raboud
25.9 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 11-20-27-6135-00-01 & 11-20-27-6135-00-013

VICINITY MAP



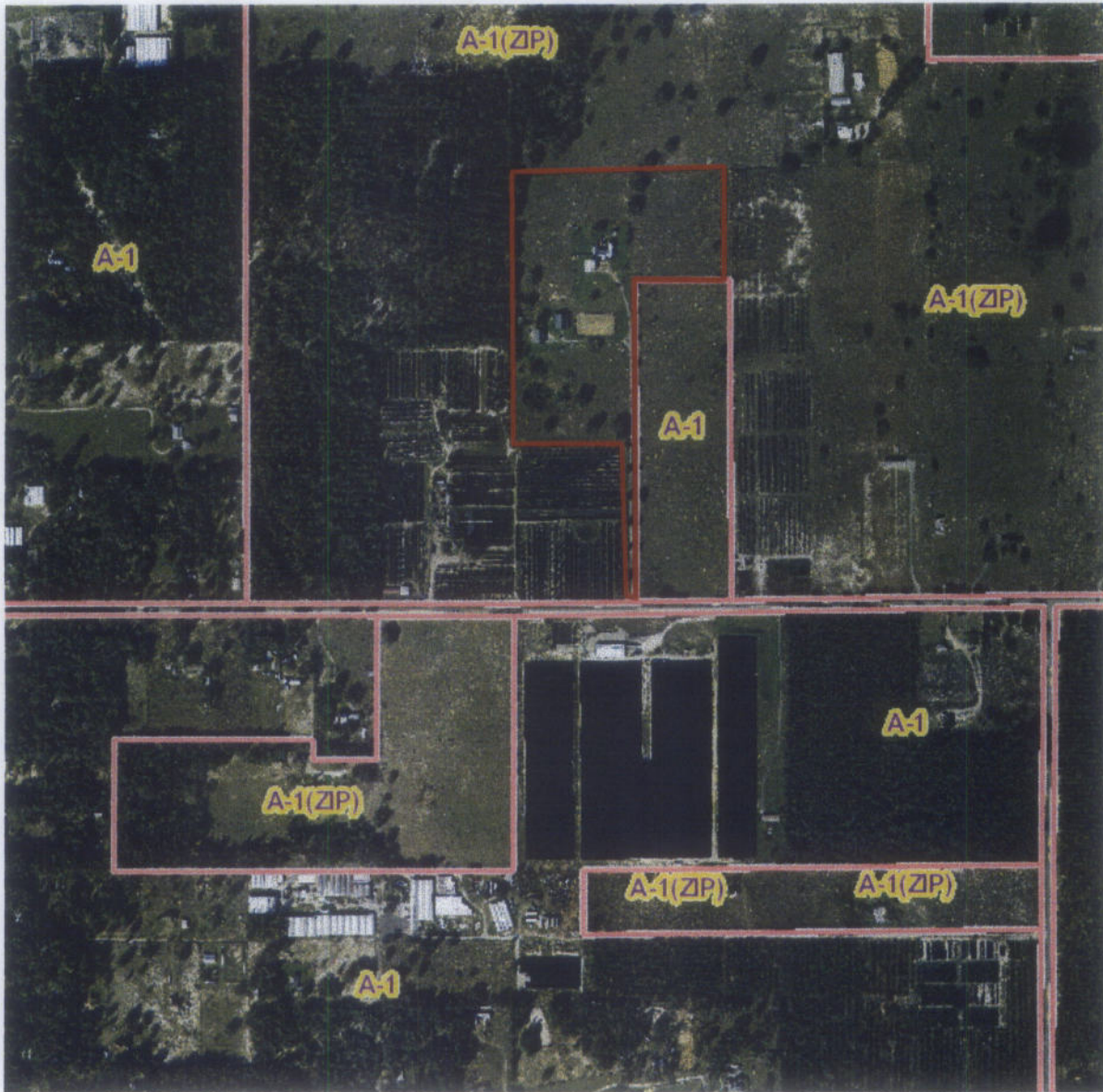


ADJACENT ZONING



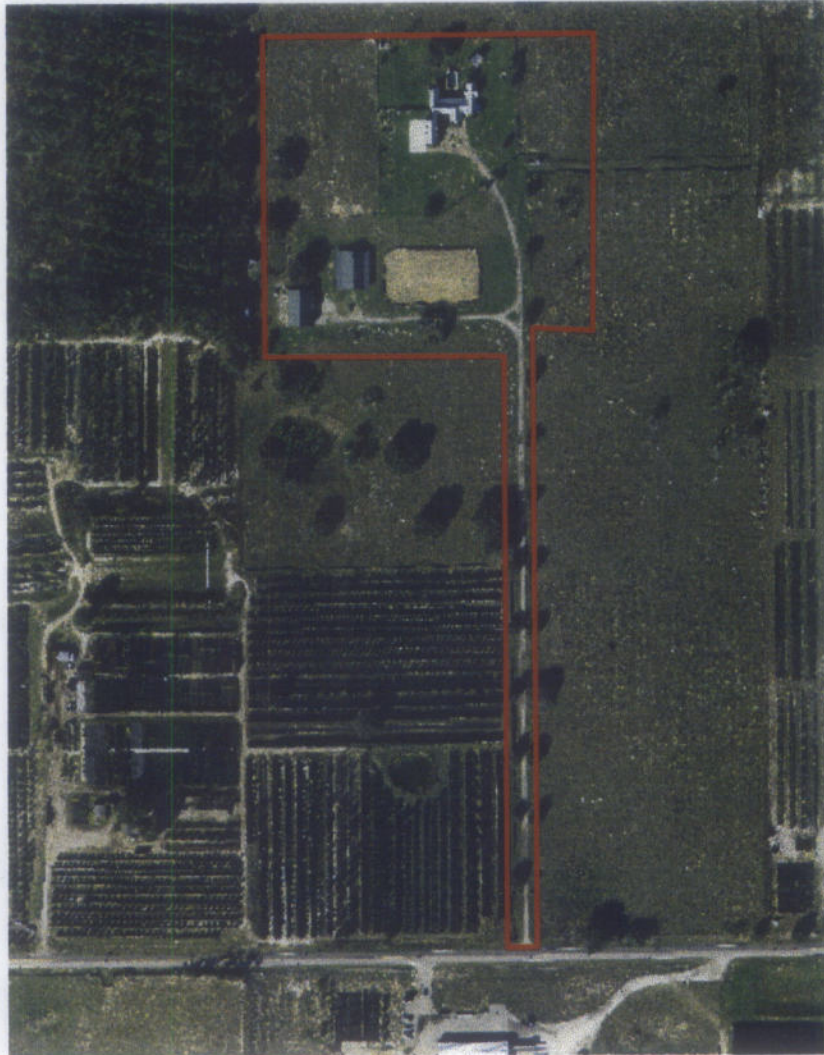


ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: SKH GROUP, INC. (Case # 2015-1-11)

PARCEL ID NUMBER: 14-20-27-0000-00-024

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC)
(AGRICULTURE)

SUMMARY

OWNER: SKH Group, Inc.
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, east of Round Lake Road.
EXISTING USE: Grazing
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Grazing (existing)
PROPOSED ZONING: AG
TRACT SIZE: 16.8 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the city on December 4, 2008, by Ordinance 2028.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Grazing
East (City)	Mixed Use	A-1 (ZIP)	Horse farm and grazing
South (County)	Rural	A-1	Container nursery and grazing
West (County)	Rural	A-1	Non-agricultural acreage

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (W Keene Rd).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner: 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

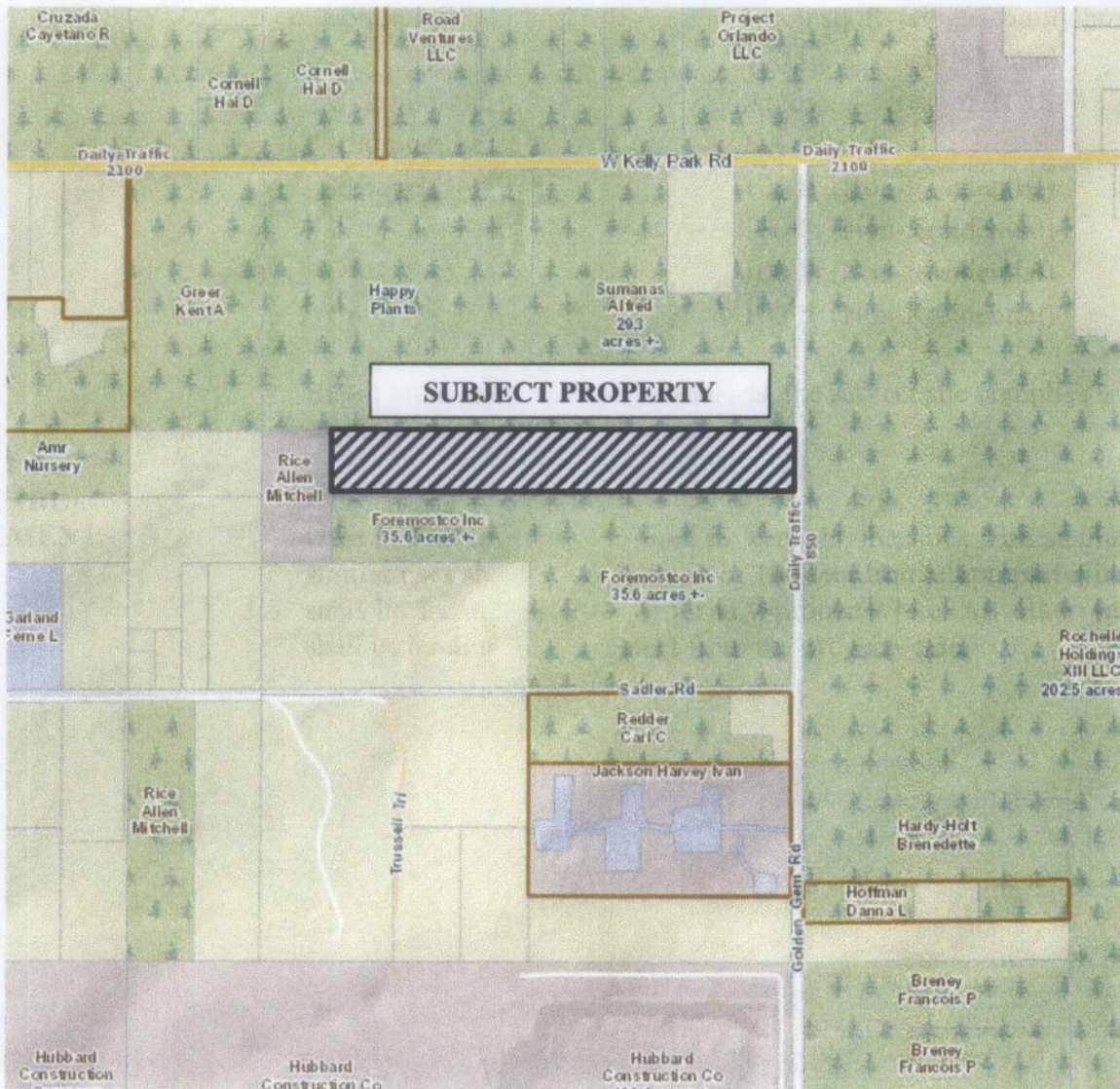
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



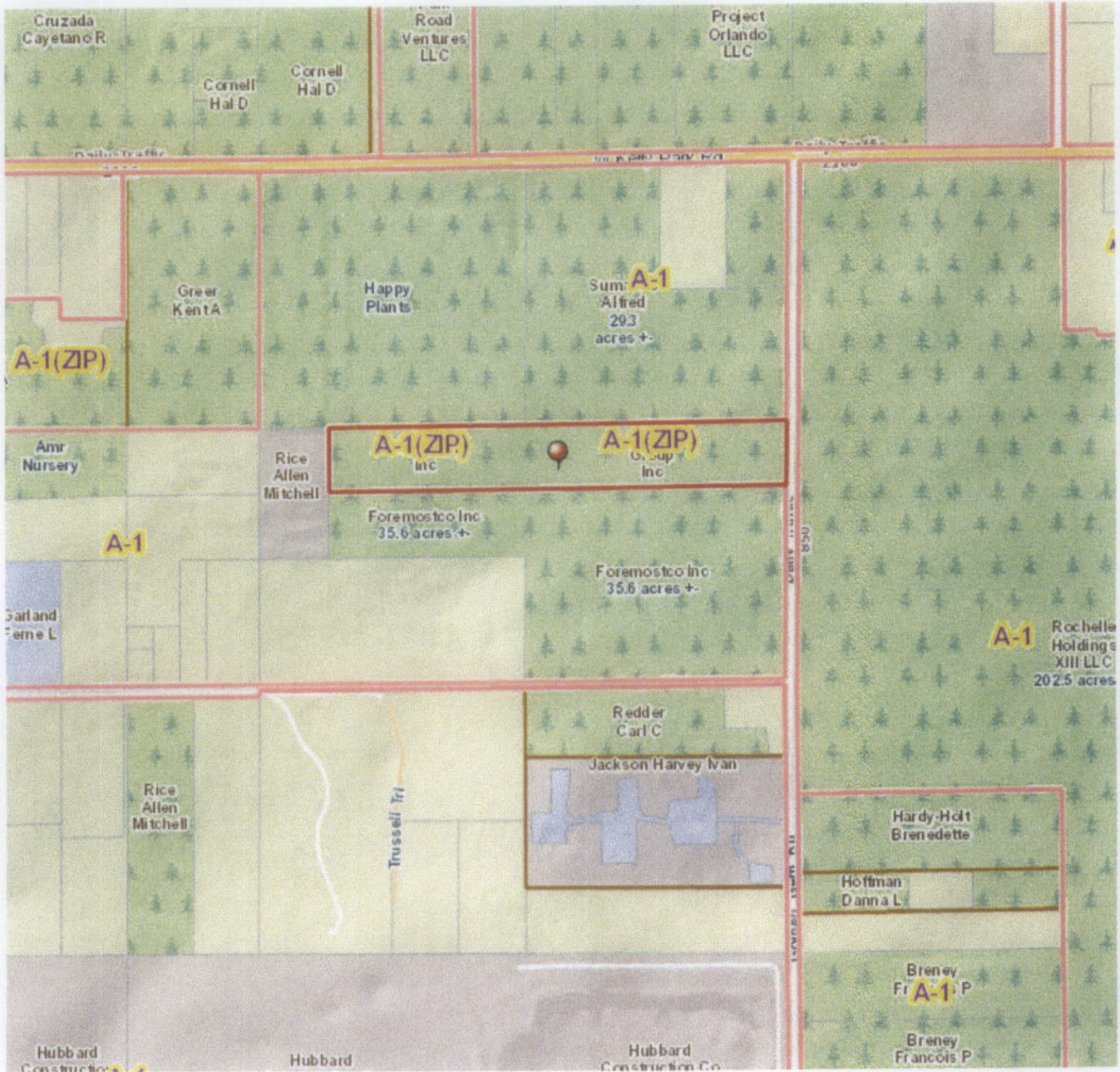
SKH Group, Inc.
16.8 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 14-20-27-0000-00-024

VICINITY MAP



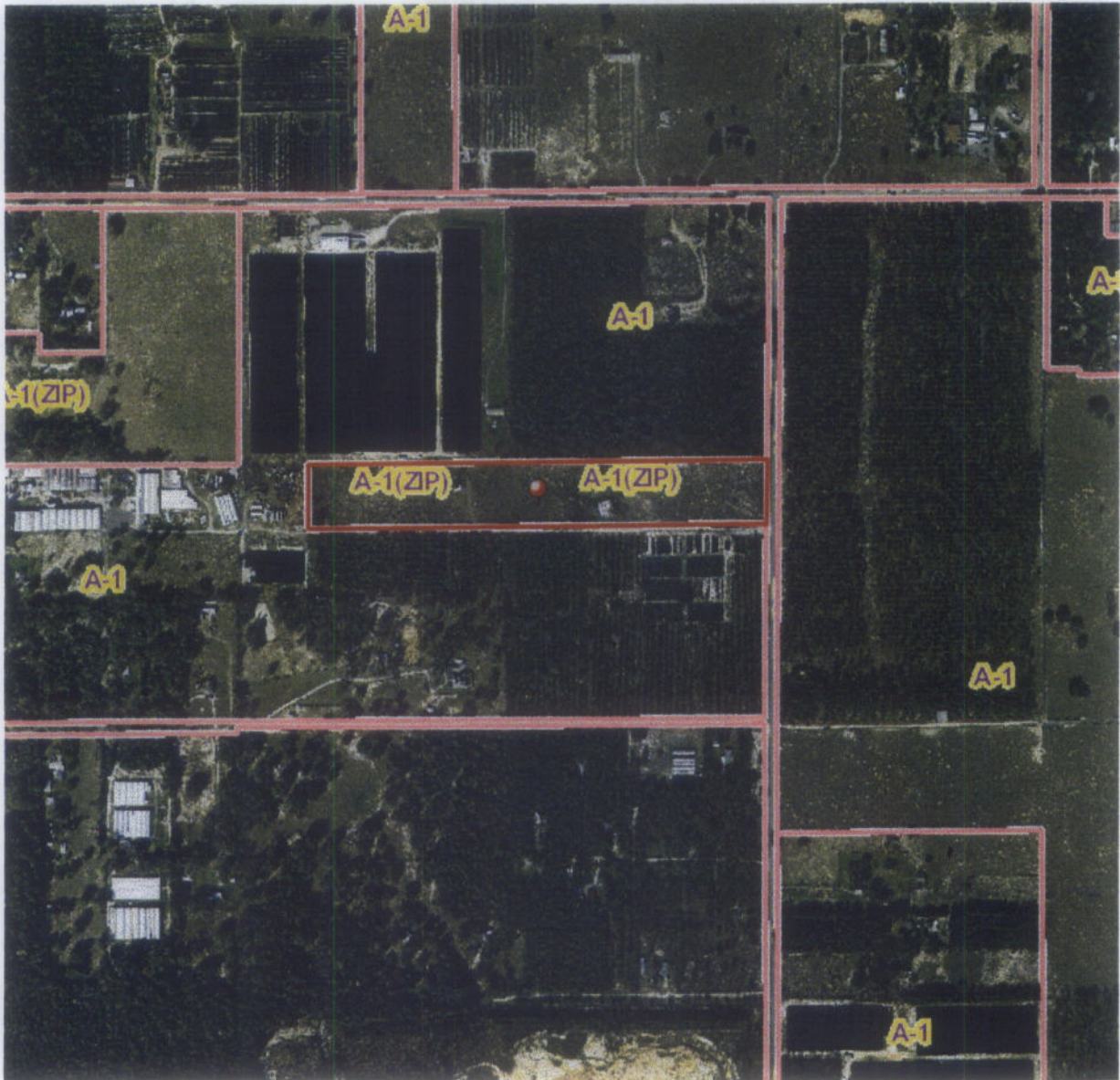


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: THOMPSON SWARTZ & JEROME L. HUTCHING (Case # 2015-1-12)

PARCEL ID NUMBER: 11-20-27-0000-00-012

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5AC) (AGRICULTURE)

SUMMARY

OWNER: Thompson Swartz & Jerome L. Hutching
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, east of Round Lake Road.
EXISTING USE: Ornamental Nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Ornamental Nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 14.98 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on May 19, 2010, by Ordinance 2161.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2015.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Timberland
East (City)	Rural Settlement	A-1 (ZIP)	Grazing
South (City)	Rural Settlement	A-1 (ZIP)	Grazing
West (City)	Rural Settlement	A-1 (ZIP)	Timberland

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (W Keene Rd).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

CITY COUNCIL
THOMPSON SWARTZ & JEROME L. HUTCHINGS – ADMINISTRATIVE REZONING
PAGE 4

PUBLIC HEARING SCHEDULE:

January 13, 2015 - Planning Commission (3:00 p.m.)

February 4, 2015 - City Council (7:00 p.m.)

February 11, 2015 - Ordinance Hearing (8:00 p.m.)

ALLOWABLE

USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.

DULY ADVERTISED:

December 28, 2014 - Public Hearing

February 9, 2015 - Ordinance Hearing

RECOMMENDED ACTION:

The Development Review Council
ZIP to "CIP" and

The Planning Commission of the City of...
Administration Meeting - Item 10 - 7:00 p.m.

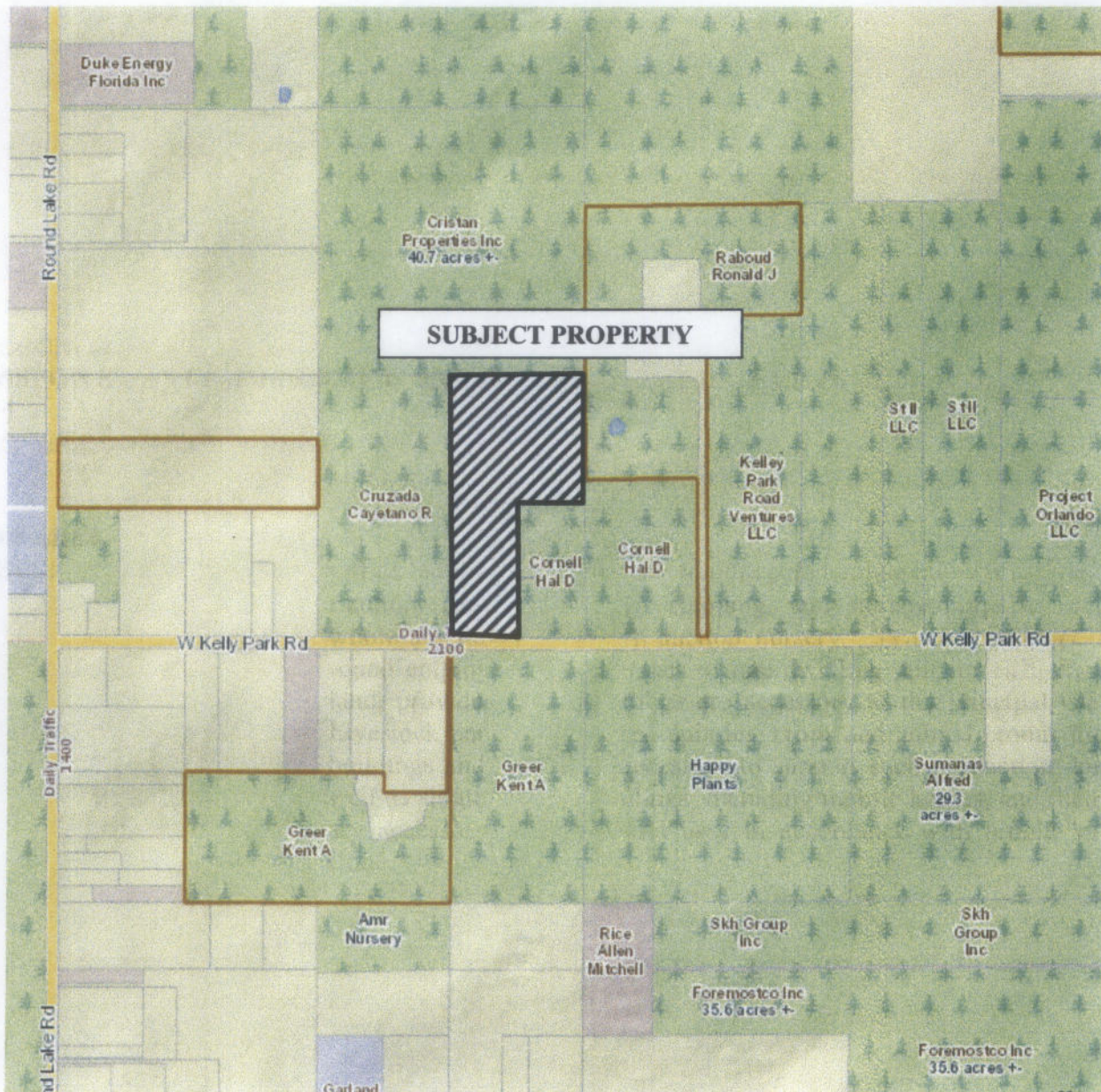
Agenda for the Board of Ordinance...
February 11, 2015

Note: This item is considered quasi-judicial...
and made a part of the minutes of this meeting.



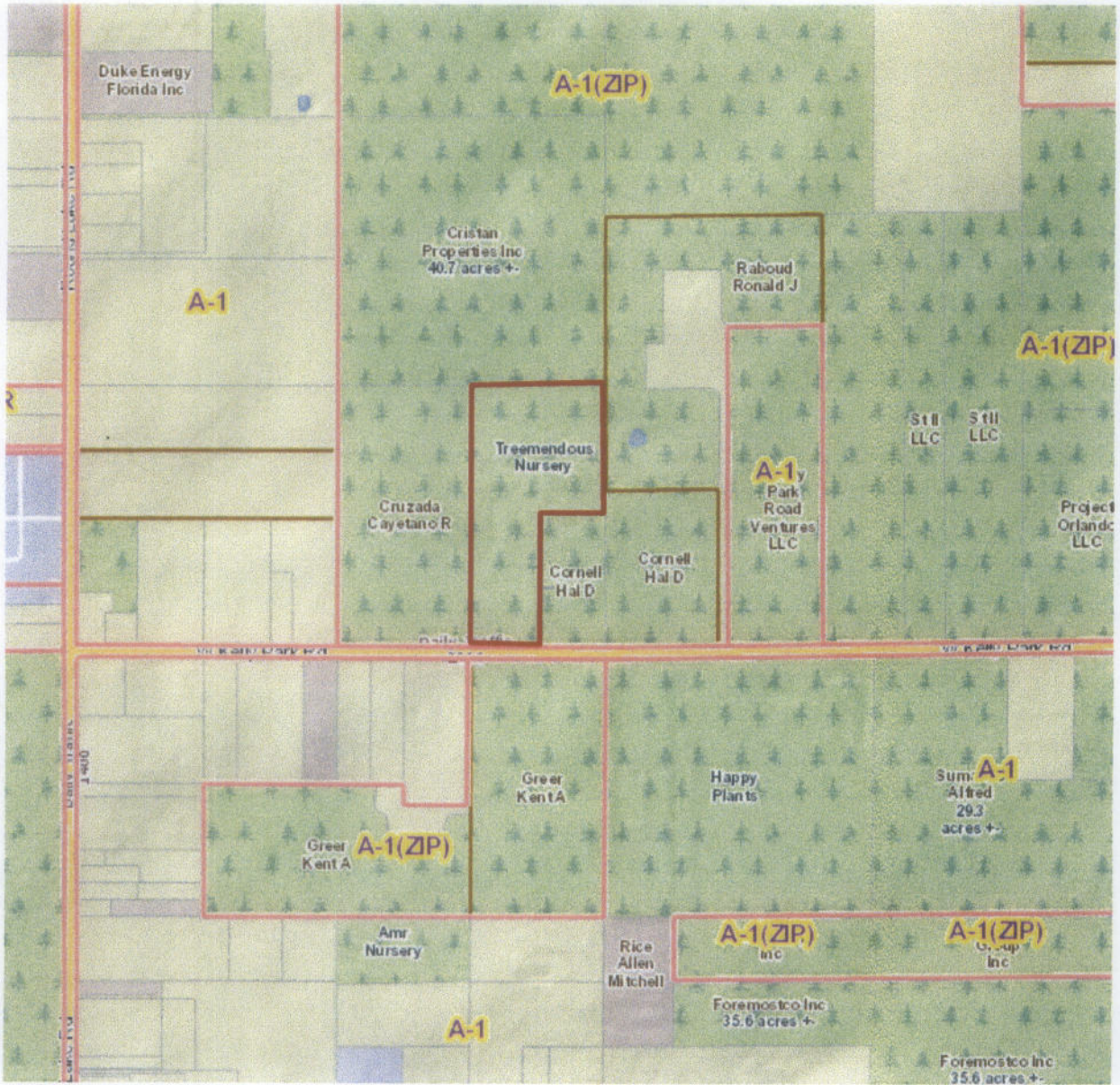
Thompson Swartz & Jerome L. Hutchings
14.98 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 11-20-27-0000-00-012

VICINITY MAP



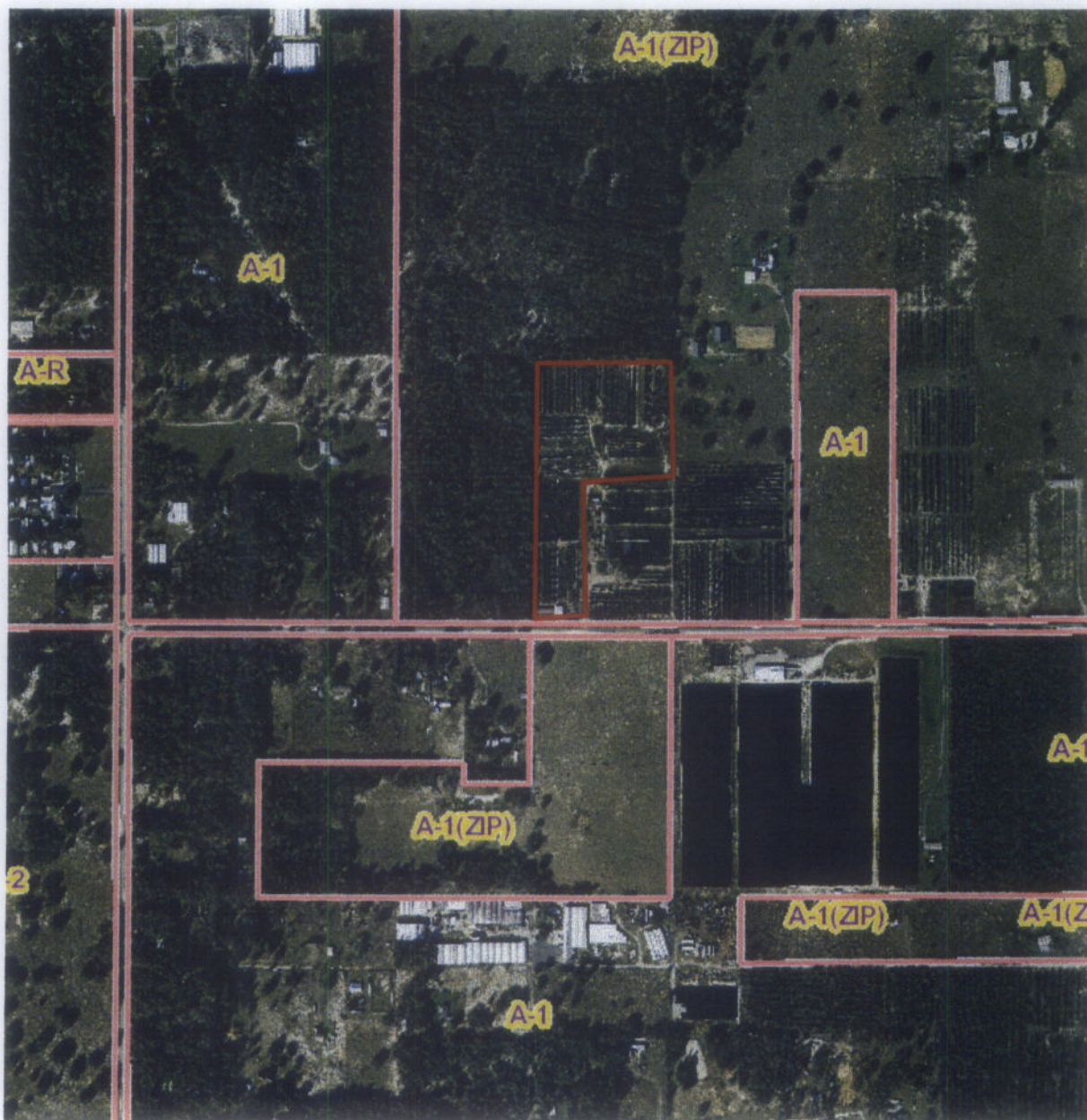


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: ROMEO & HERMINIA FLAQUER (Case # 2015-1-13)

PARCEL ID NUMBER: 09-20-28-7608-00-121

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Romeo & Herminia Flaquer
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, north of Kelly Park Road.
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 13.04 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on December 1, 2004, by Ordinance 1688.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County & City)	Rural & Rural Settlement	A-1 & A-1 (ZIP)	Single-family & manufactured homes
East (County)	Low Density Residential	R-CE	Single-family homes
South (County)	Rural	A-1	Single-family homes
West (City)	Rural Settlement	A-1 (ZIP)	Timberland & state-owned lands

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway, Mt. Plymouth Road.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

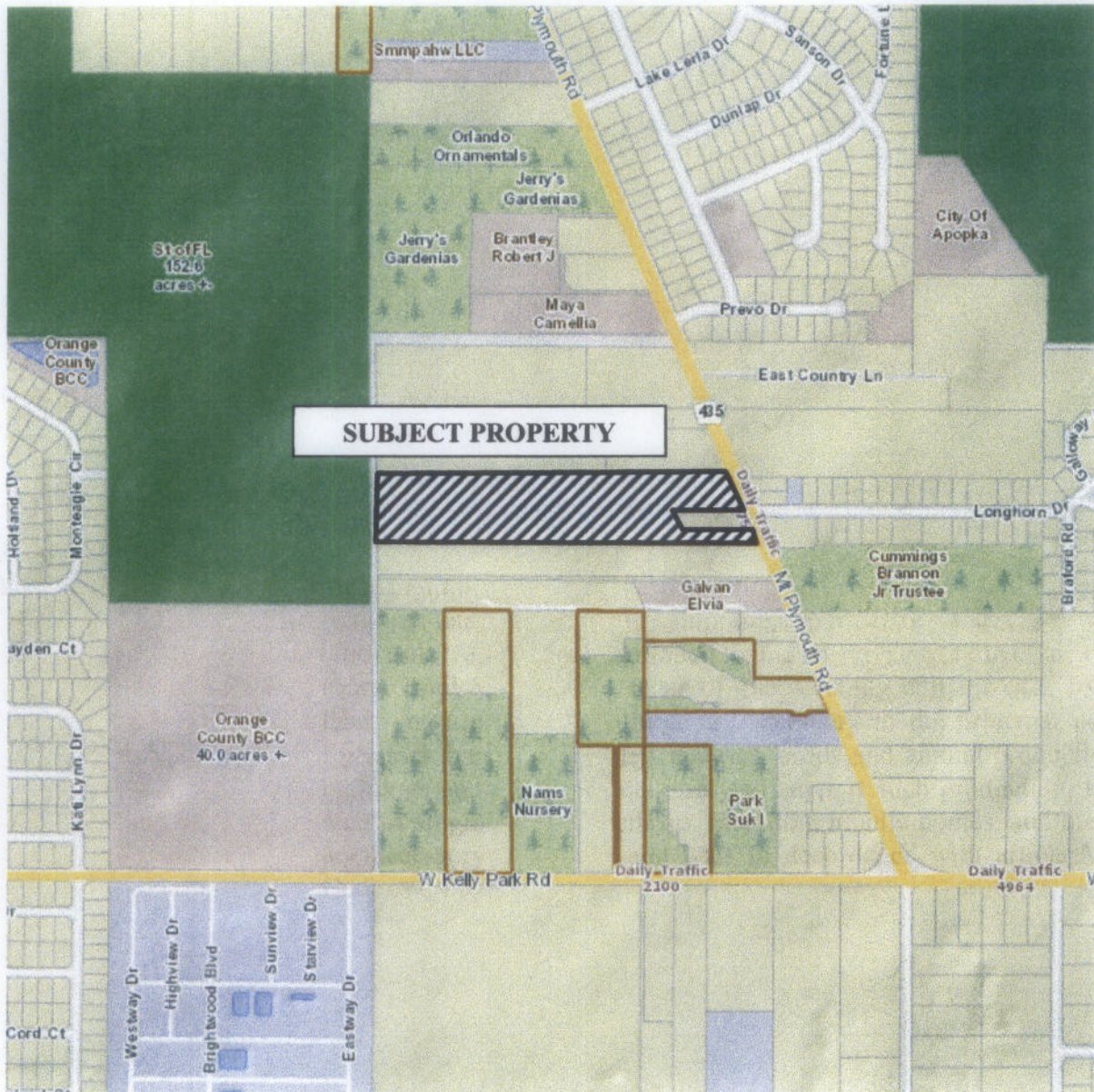
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



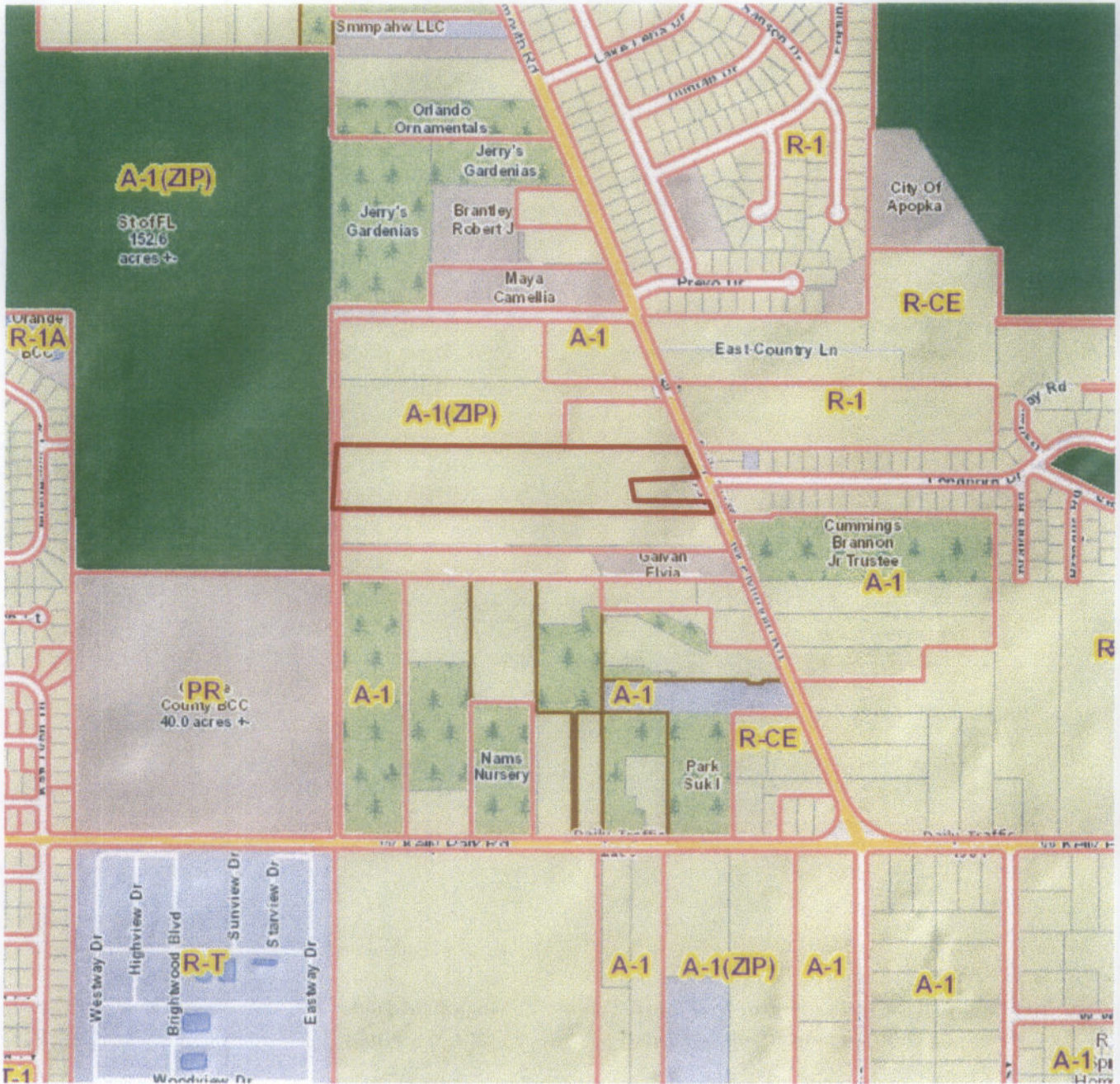
Romeo & Herminia Flaquer
4.04 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 09-20-28-7608-00-121

VICINITY MAP





ADJACENT ZONING



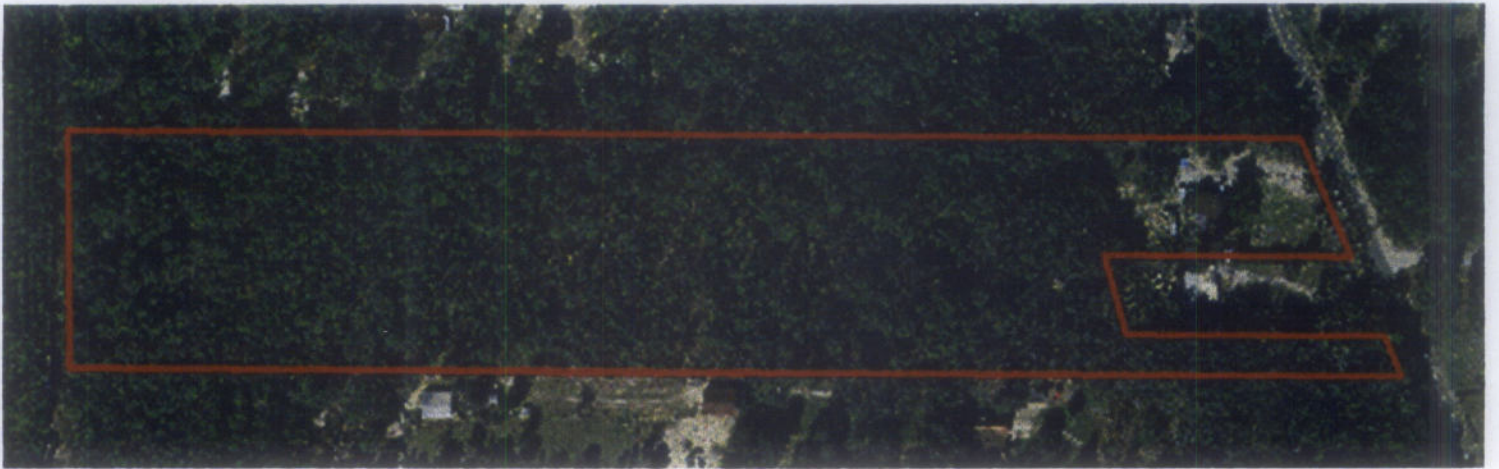


ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: R. A. & NANCY FOSTER (Case # 2015-1-14)

PARCEL ID NUMBERS: 07-20-28-0000-00-026 & 07-20-28-0000-00-027

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: RA & Nancy Foster
APPLICANT: City of Apopka
LOCATION: North of Haas Road, east of McGuire Road
EXISTING USE: Manufactured home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Manufactured home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 12.44 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

CITY COUNCIL

R. A. & NANCY FOSTER – ADMINISTRATIVE REZONING

PAGE 2

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 19, 2007 by Ordinance 1988.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

- January 13, 2015 – Planning Commission (5:01 pm)
- February 4, 2015 - City Council (1:30 pm) - 1st Reading
- February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

- December 26, 2014 – Public Hearing Notice Ad
- February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-2	Horse farm
East (City)	Conservation	A-1 (ZIP)	Conservation (State of FL)
South (City)	Rural Settlement	A-1 (ZIP)	Single-family home
West (County)	Rural	A-1	Container nursery

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Haas Road).

**COMPREHENSIVE
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner 100 ft. (Non-Residential)

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

**BUFFERYARD
REQUIREMENTS:**

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

ALLOWABLE

USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.

RECOMMENDED ACTION:



R. A. & Nancy Foster
12.44 +/- Acres

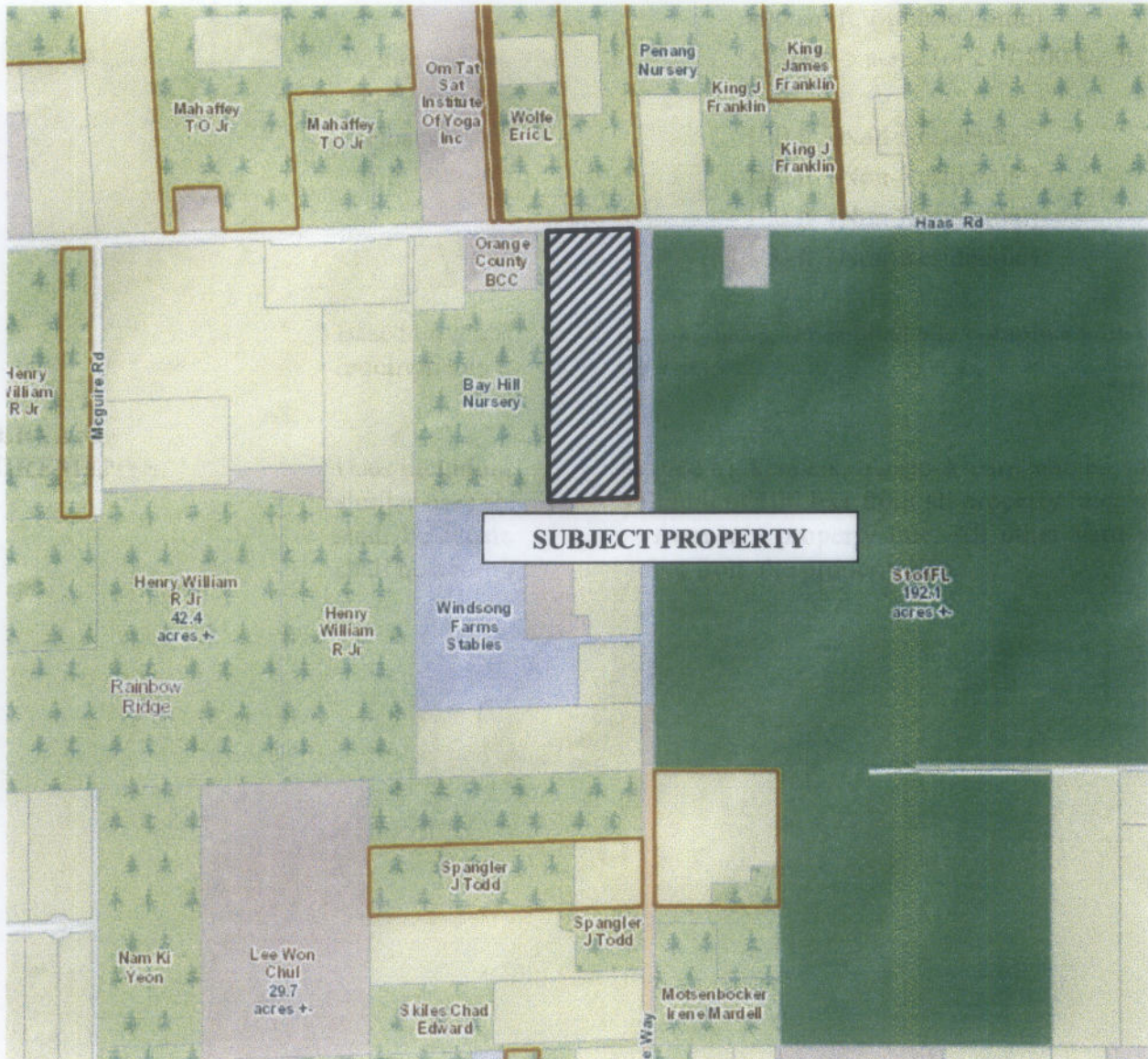
Proposed Zoning Change:

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

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

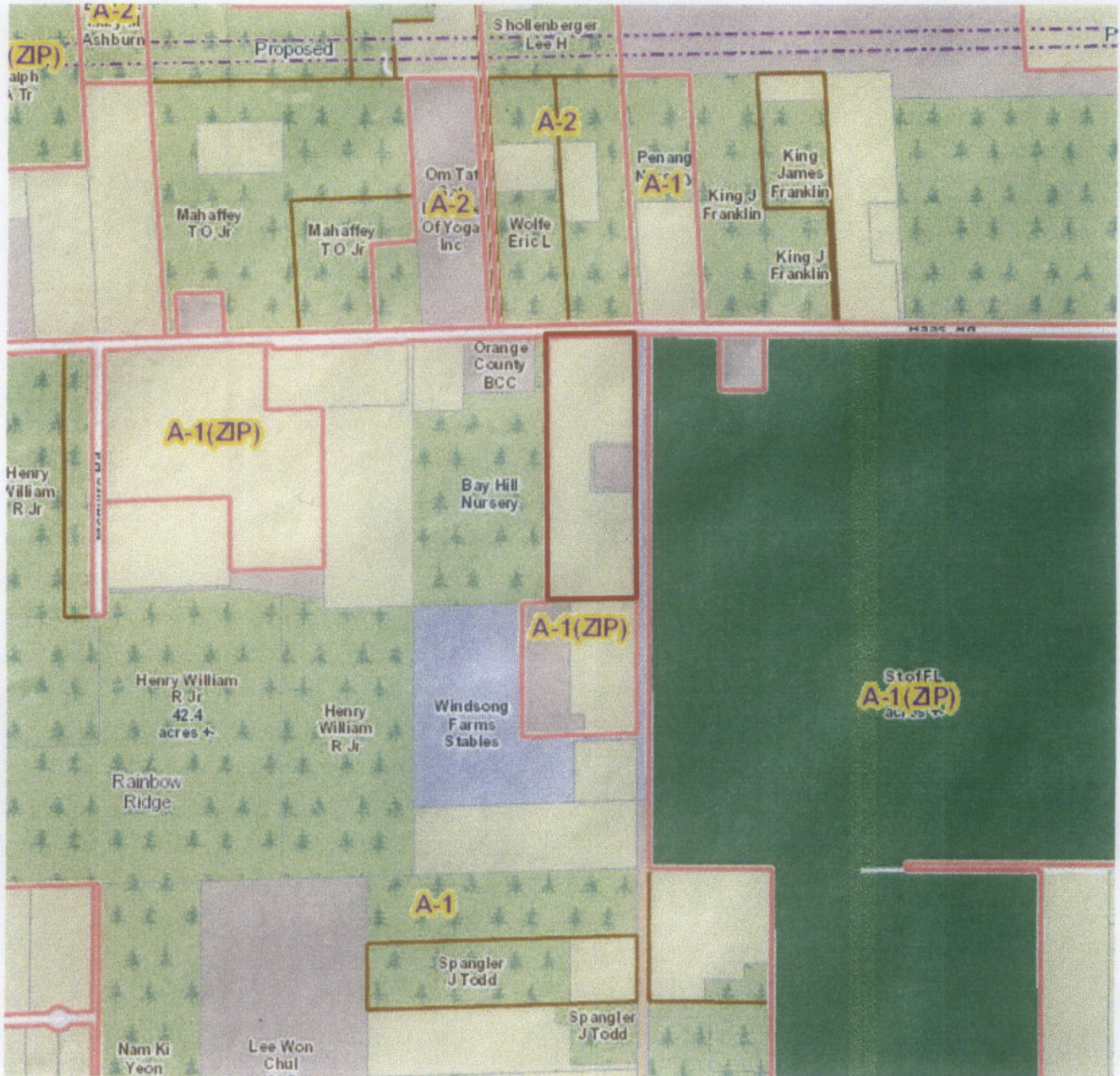
Parcel ID #s: 07-20-28-0000-00-026 & 07-20-28-0000-00-027

VICINITY MAP



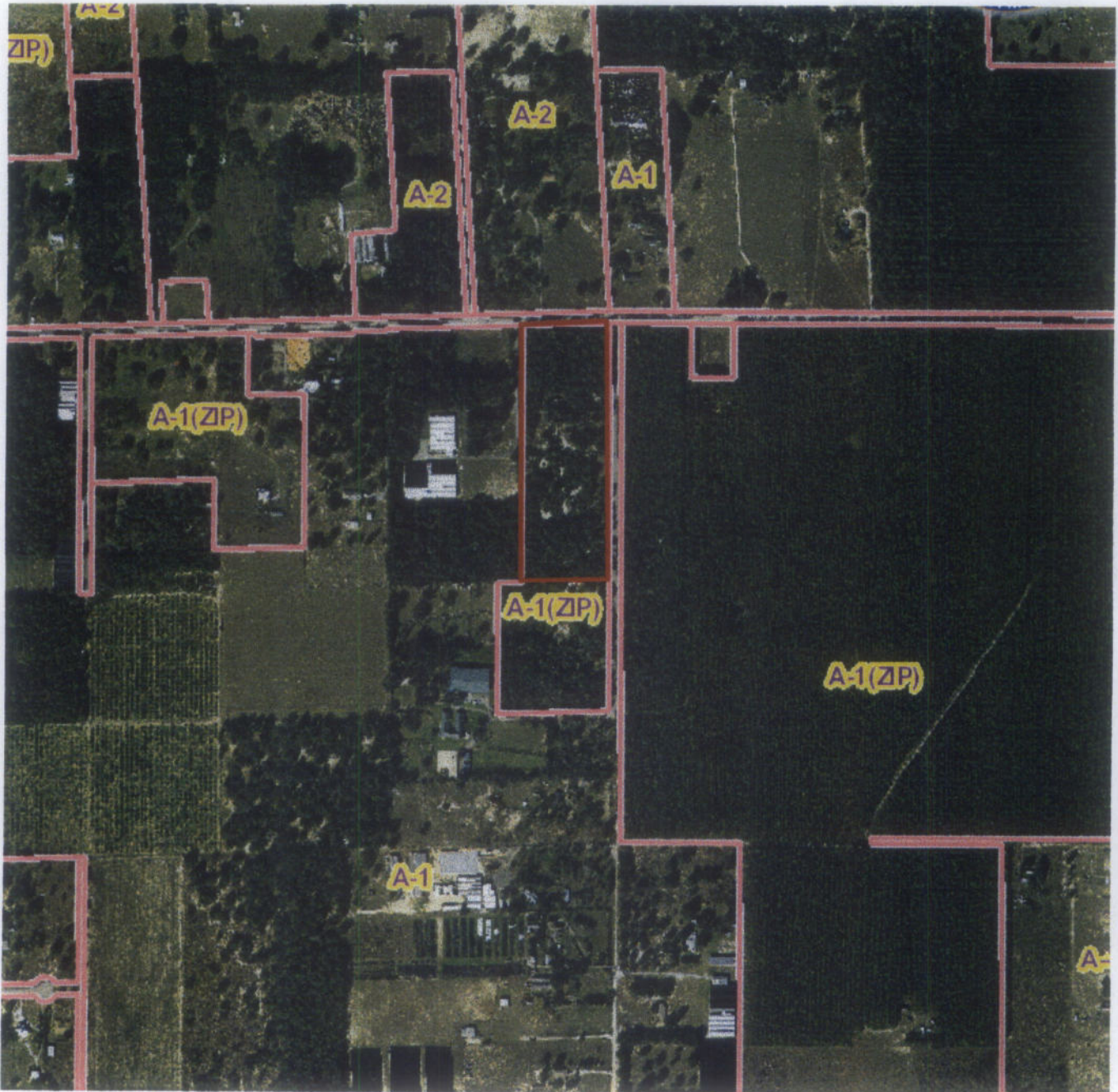


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: ELVIA GALVAN & ALVARO MAJARIEGOS (Case # 2015-1-15)

PARCEL ID NUMBERS: 09-20-28-7608-00-131& 09-20-28-7608-00-132

Request: ADMINISTRATIVE REZONING
FROM: "County" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Elvia Galvan & Alvaro Majariegos
APPLICANT: City of Apopka
LOCATION: North of Haas Road, east of McGuire Road
EXISTING USE: Manufactured home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Manufactured home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 6.76 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on May 16, 2007 by Ordinance 1922.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (County)	Rural	A-1	Single-family and grazing
South (County)	Rural Settlement	A-1	Single-family & manufactures homes
West (City)	Conservation	A-1 (ZIP)	Conservation

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Haas Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

Minimum Living Area:	1,200 sq. ft. (single-family home) 400 sq. ft. (mobile home)
Minimum Site Area:	At least 5 acres (or 217,800 sq. ft)
Minimum Lot Width	NA
Setbacks:	Front: 100 ft. (Non-Residential)
	Rear: 100 ft. (Non-Residential)
	Side: 100 ft. (Non-Residential)
	Corner 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

**CITY COUNCIL
ELVIA GALVAN & ALVARO MAJARIEGOS – ADMINISTRATIVE REZONING
PAGE 4**

ALLOWABLE

USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.

DULY ADVERTISED:

December 20, 2014 - Public Meeting
January 2, 2015 - City Council

RECOMMENDED BY:

Staff has analyzed the proposed development and found it to be in accordance with the zoning change (see attached zoning report).

The Planning Commission has reviewed the proposed development and has recommended that the City Council approve the rezoning.

The City Council has reviewed the proposed development and has approved the rezoning.

This document is a part of the public record and shall be made a part of the minutes of the meeting.



Elvia Galvan & Alvaro Majariegos
6.76 +/- Acres

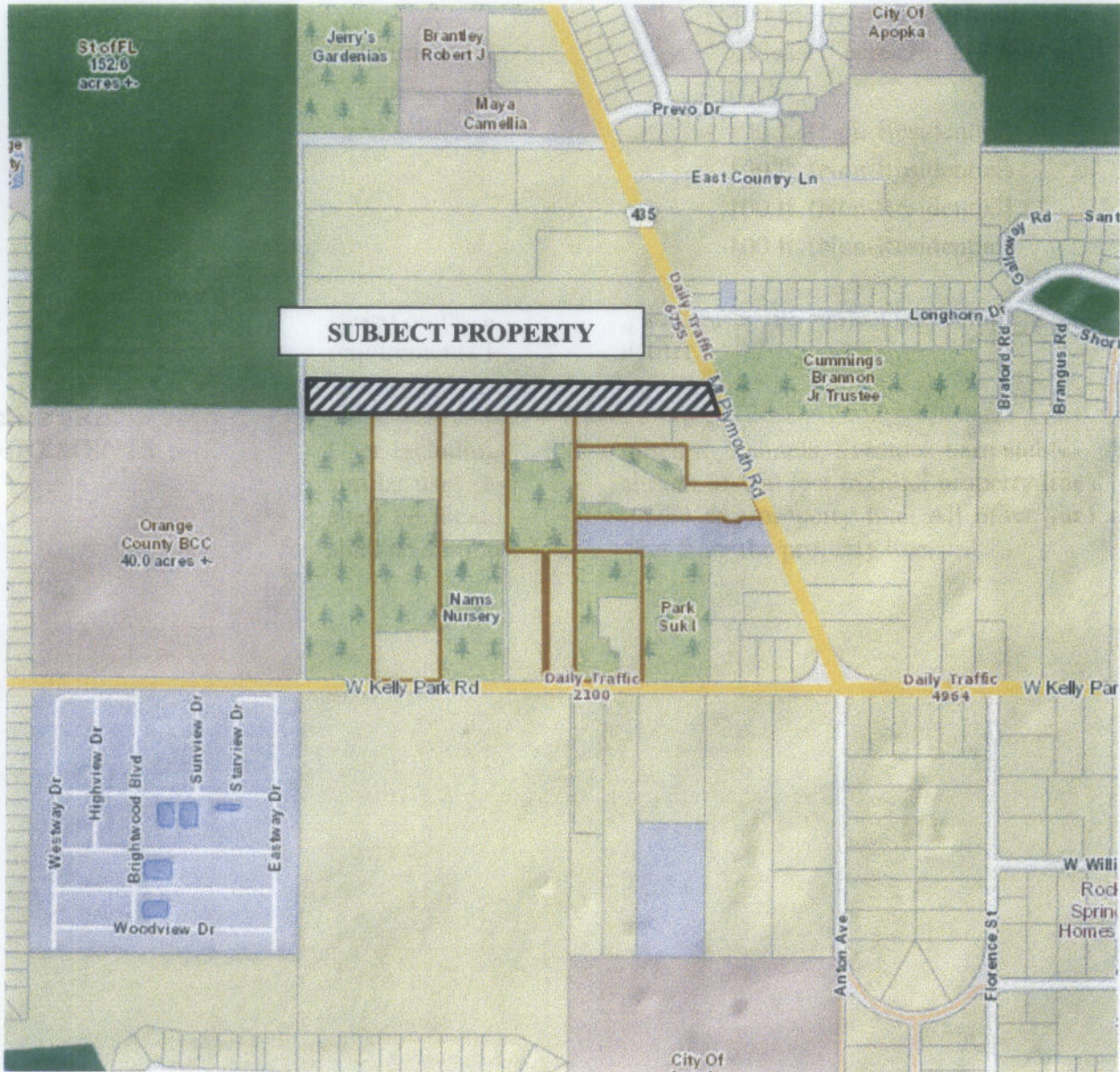
Proposed Zoning Change:

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

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

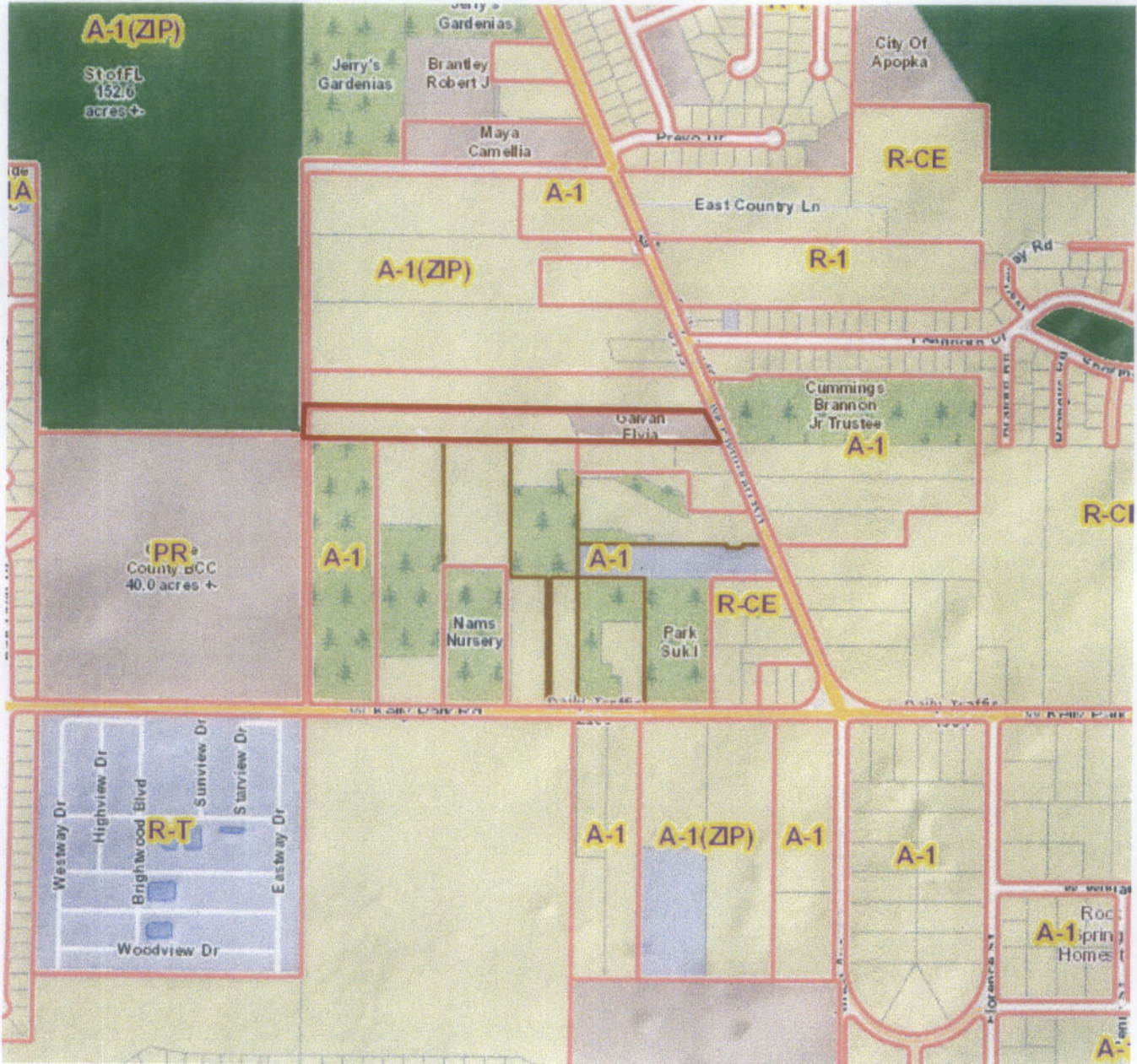
Parcel ID #s: 09-20-28-7608-00-131& 09-20-28-7608-00-132

VICINITY MAP



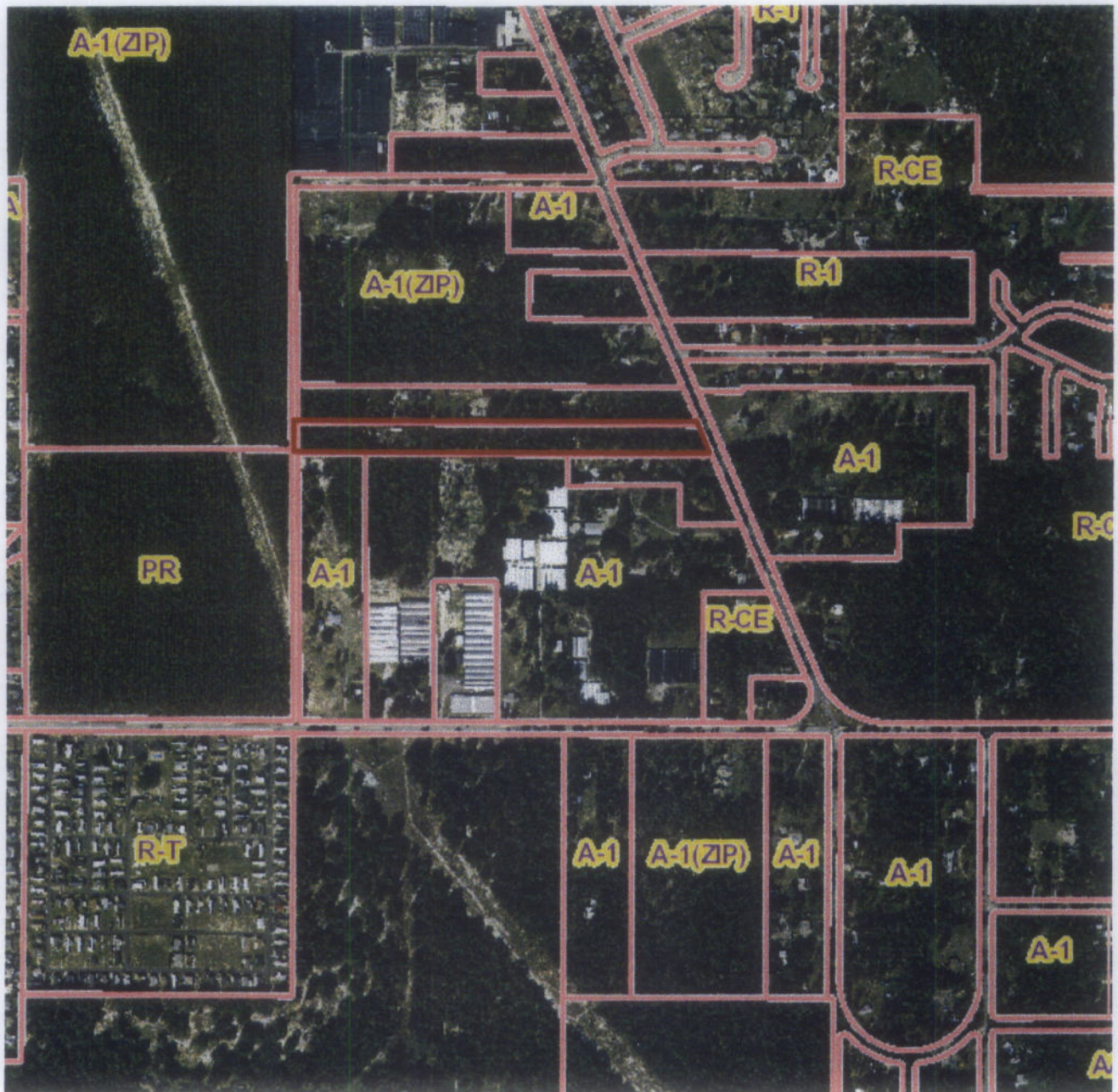


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: BARRY GRIMM (Case # 2015-1-16)

PARCEL ID NUMBER: 12-20-27-0000-00-014

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Barry Grimm
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, west of Effie Drive
EXISTING USE: Pet Cemetery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Pet Cemetery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 17.02 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the city on July 5, 2006, by Ordinance 1834.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (County)	Rural	A-1	Single-family homes
South (City)	Mixed Use-EC	A-1 (ZIP)	Horse farm and grazing
West (City)	Mixed Use-EC	A-1 (ZIP)	Manufactured home and horse farm

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway, Haas Road.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

Minimum Living Area:	1,200 sq. ft. (single-family home) 400 sq. ft. (mobile home)
Minimum Site Area:	At least 5 acres (or 217,800 sq. ft)
Minimum Lot Width	NA
Setbacks:	Front: 100 ft. (Non-Residential)
	Rear: 100 ft. (Non-Residential)
	Side: 100 ft. (Non-Residential)
	Corner: 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

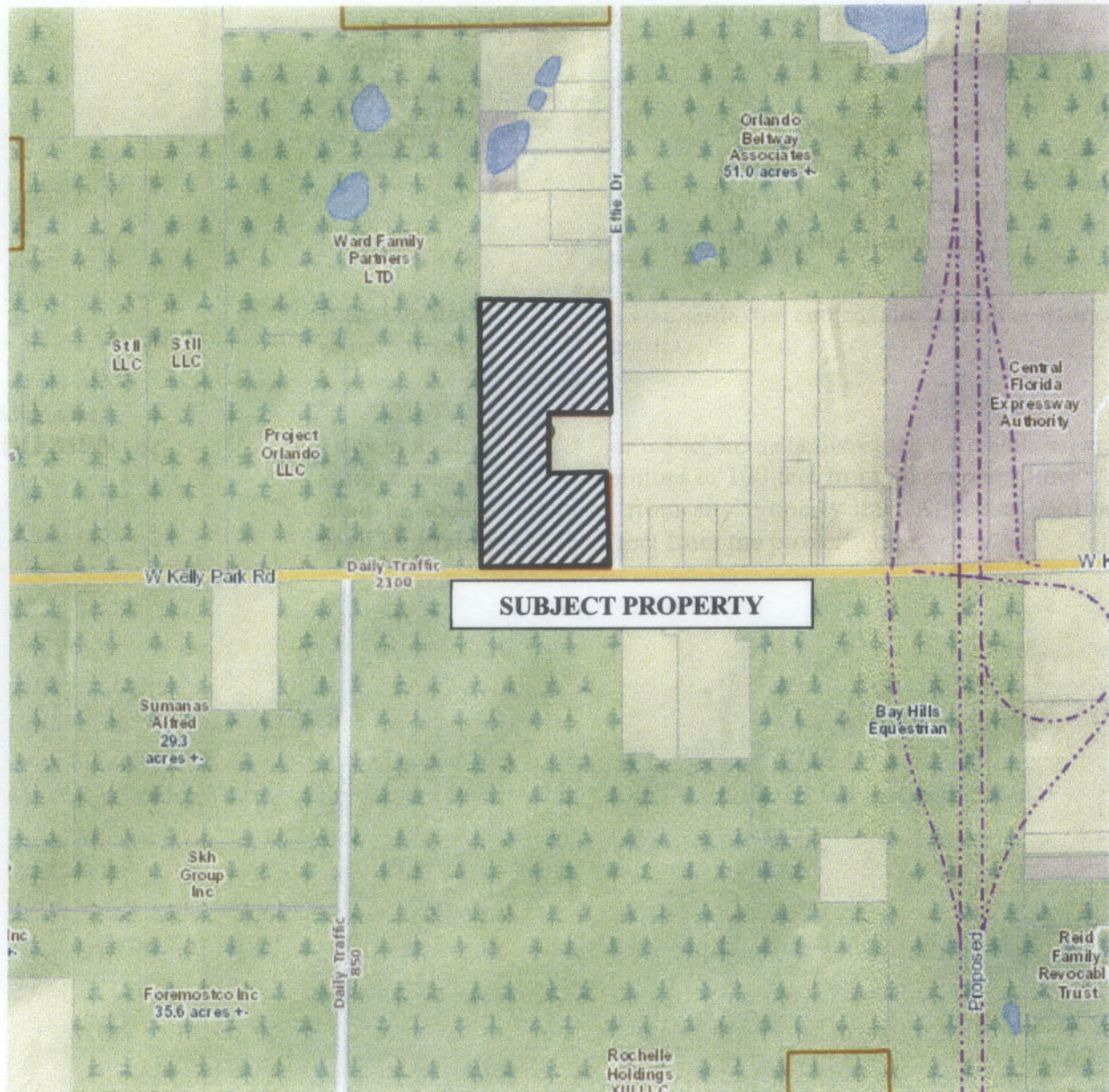
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



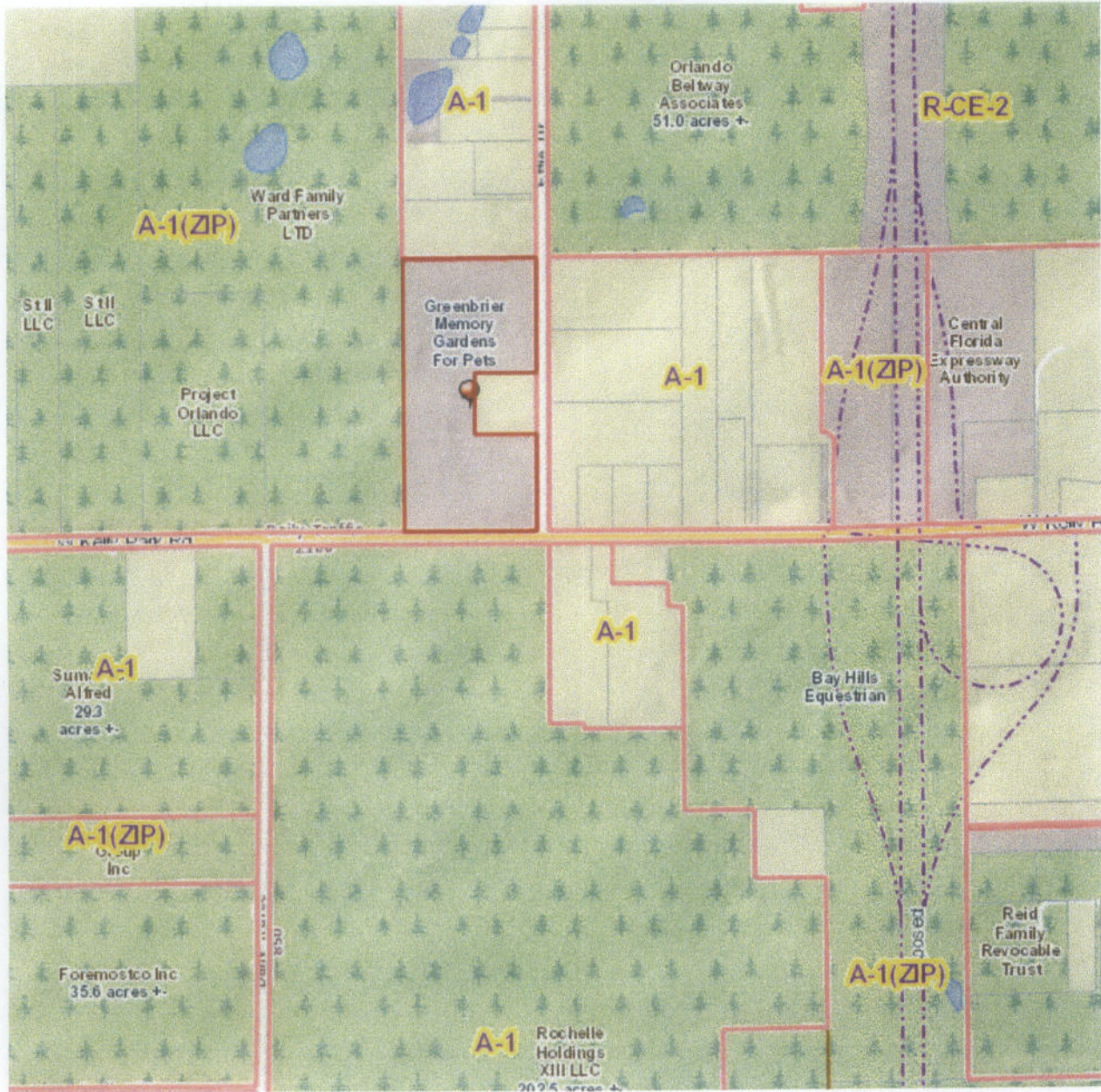
Barry Grimm
17.02 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 12-20-27-0000-00-014

VICINITY MAP



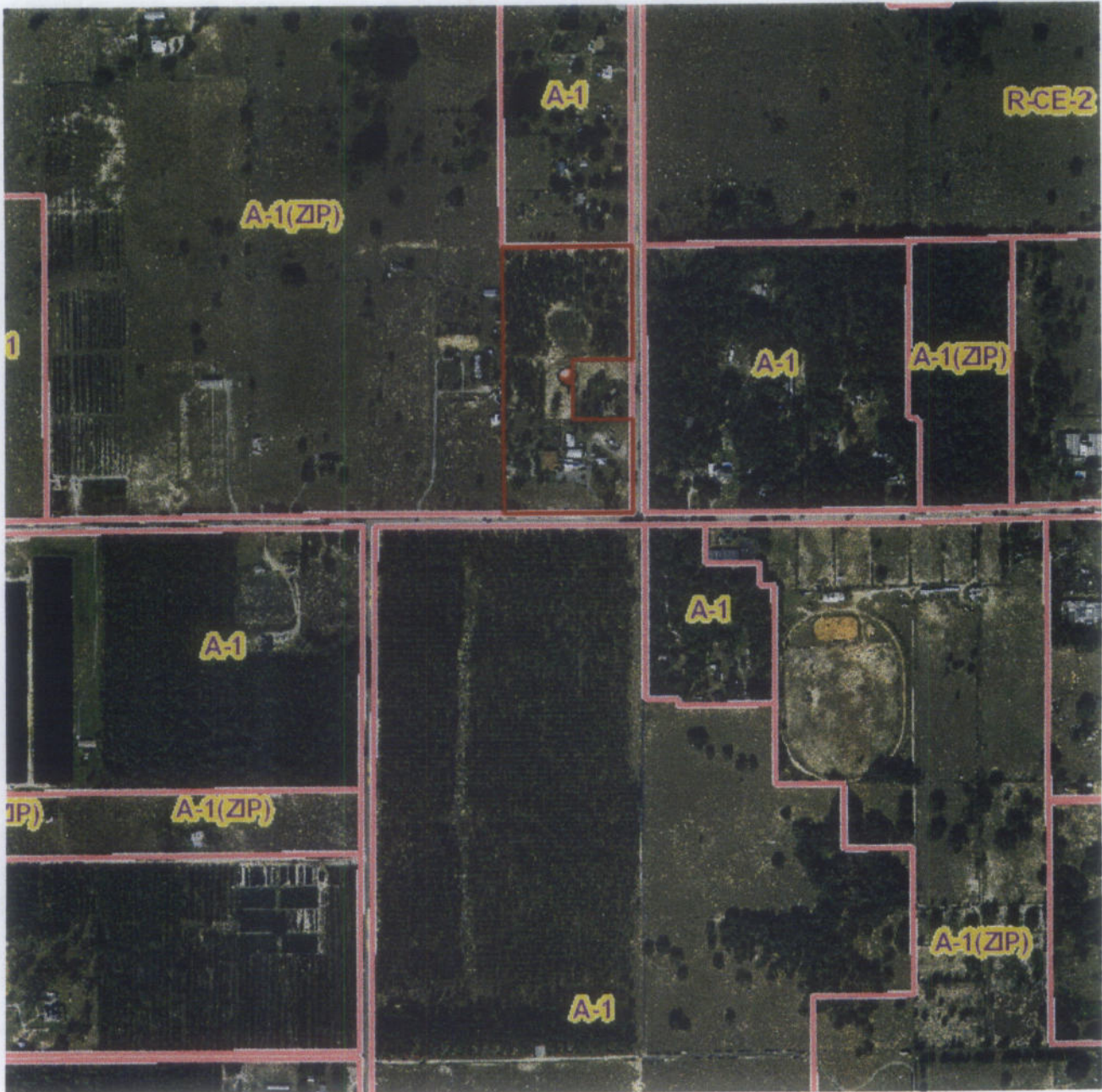


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	FROM: Community Development
<input type="checkbox"/> ANNEXATION	EXHIBITS: Zoning Report
<input type="checkbox"/> PLAT APPROVAL	Vicinity Map
<input type="checkbox"/> OTHER:	Adjacent Zoning Map
	Adjacent Uses Map
	Existing Uses

SUBJECT: SCOTT & NANCY HINES (Case # 2015-1-17)

PARCEL ID NUMBERS: 07-20-28-0000-00-028 & 07-20-28-0000-00-056

Request: ADMINISTRATIVE REZONING
FROM: "County" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Scott & Nancy Hines

APPLICANT: City of Apopka

LOCATION: South of Haas Road, west of Foliage Way

EXISTING USE: Single-family home

FUTURE LAND USE: Rural Settlement (1 du/5 acres)

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Single-family home (existing)

PROPOSED ZONING: AG

TRACT SIZE: 9.16 acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	1 Residential Units
PROPOSED ZONING:	1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 19, 2007 by Ordinance 1997.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Manufactured home
East (County)	Rural Settlement	A-1 (ZIP)	Manufactured home & state-owned land
South (County)	Rural	A-1	Single-family home
West (County)	Rural	A-1 & A-2	Container nursery and horse farm

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway, Haas Road.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

ALLOWABLE

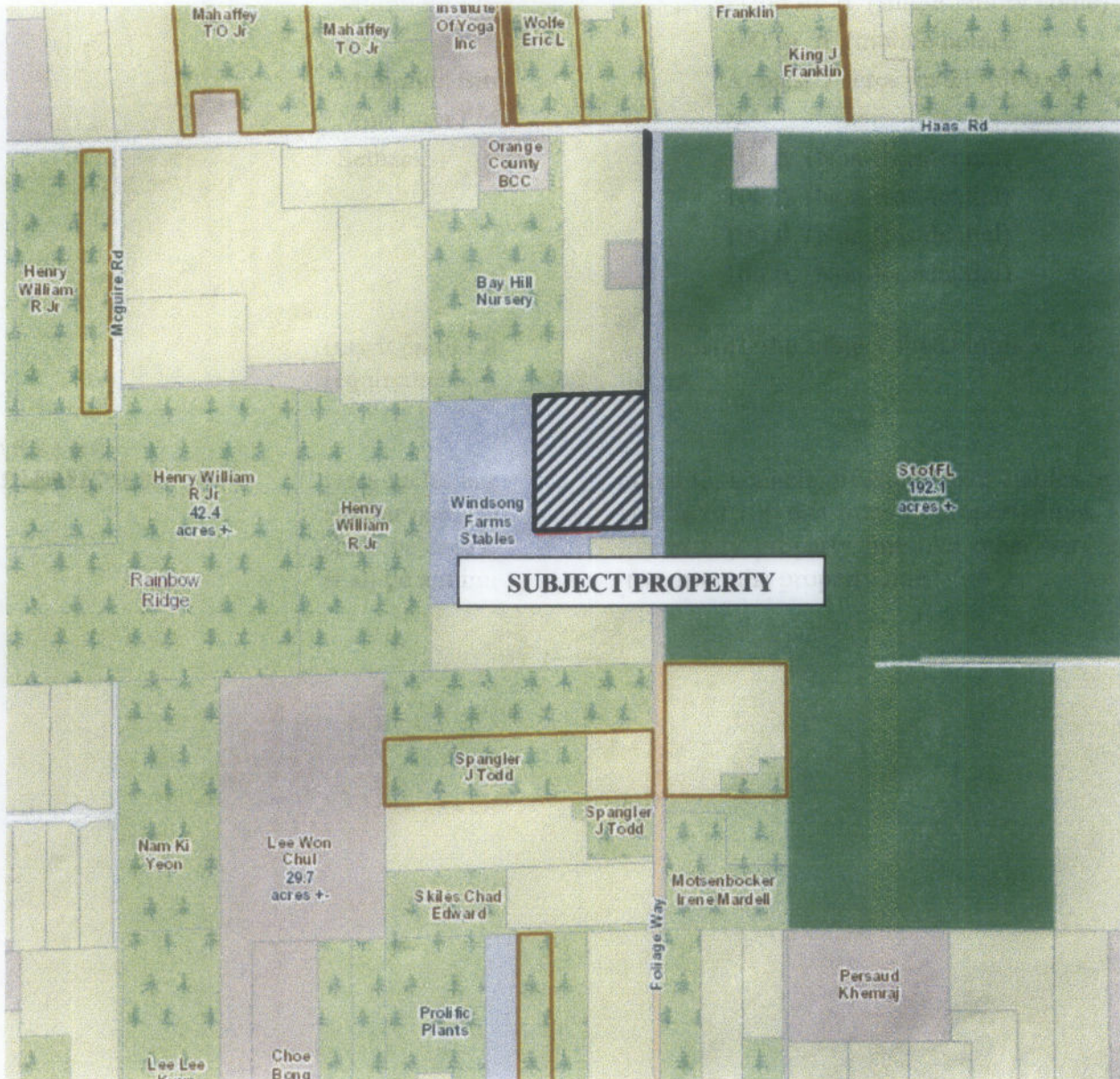
USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



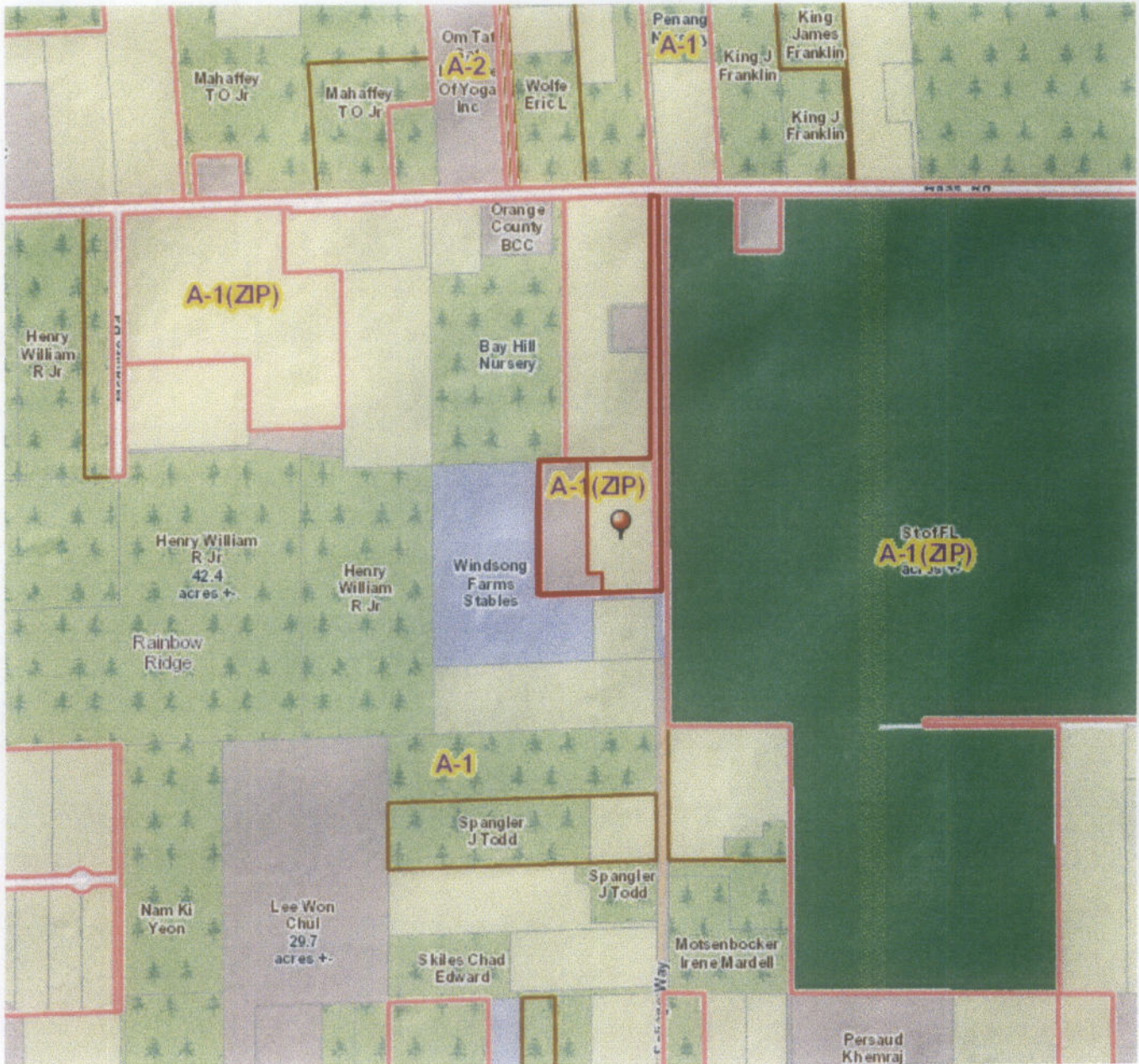
Scott & Nancy Hines
9.16 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 07-20-28-0000-00-028 & 07-20-28-0000-00-056

VICINITY MAP



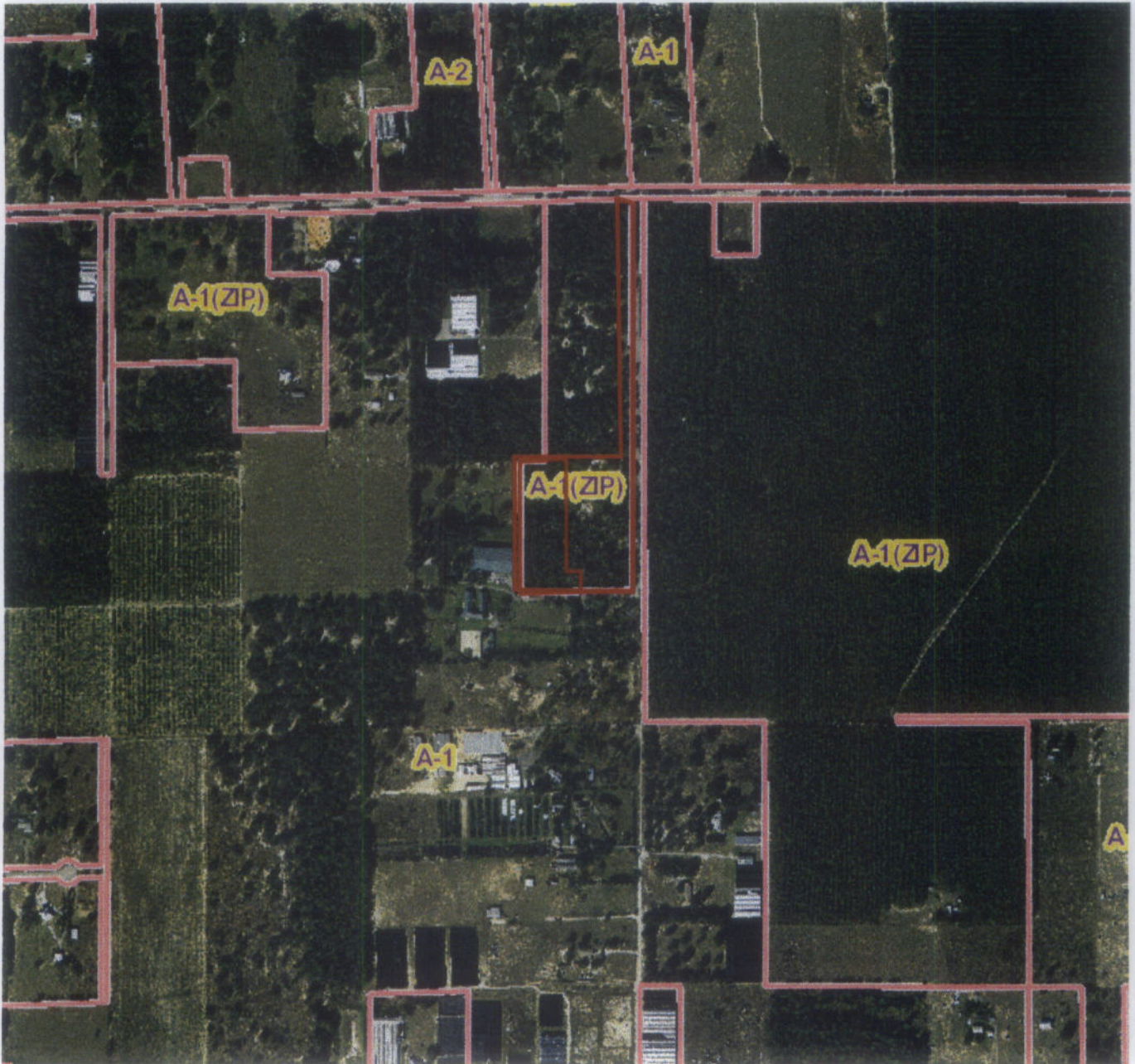


ADJACENT ZONING



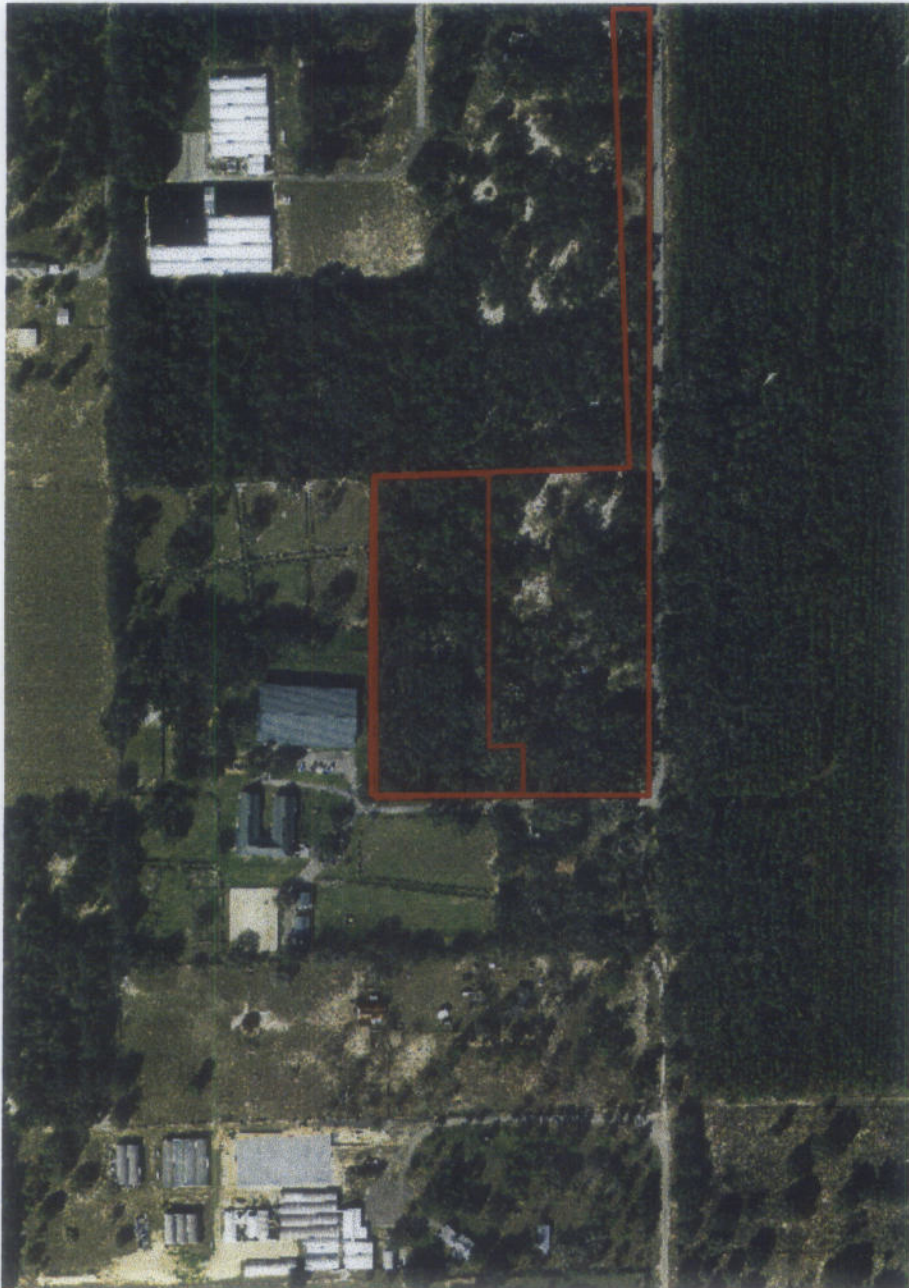


ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: JOHN IAFRATE (Case # 2015-1-18)

PARCEL ID NUMBER: 07-20-28-0000-00-053

Request: ADMINISTRATIVE REZONING
FROM: "County" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: John Iafrate
APPLICANT: City of Apopka
LOCATION: South of Haas Road, west of Foliage Way
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 19.96 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the city on December 1, 2004 by Ordinance 1686.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City and County)	Rural Settlement & Rural	A-1 (ZIP) & A-2	Grazing & Retention
East (County)	Rural	A-1 (ZIP)	Manufactured & single-family home
South (County)	Rural	A-1	Grazing
West (County)	Rural	A-1	Single-family home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Haas Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner: 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

ALLOWABLE

USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.

PLANNING

RECOMMENDED ACTION

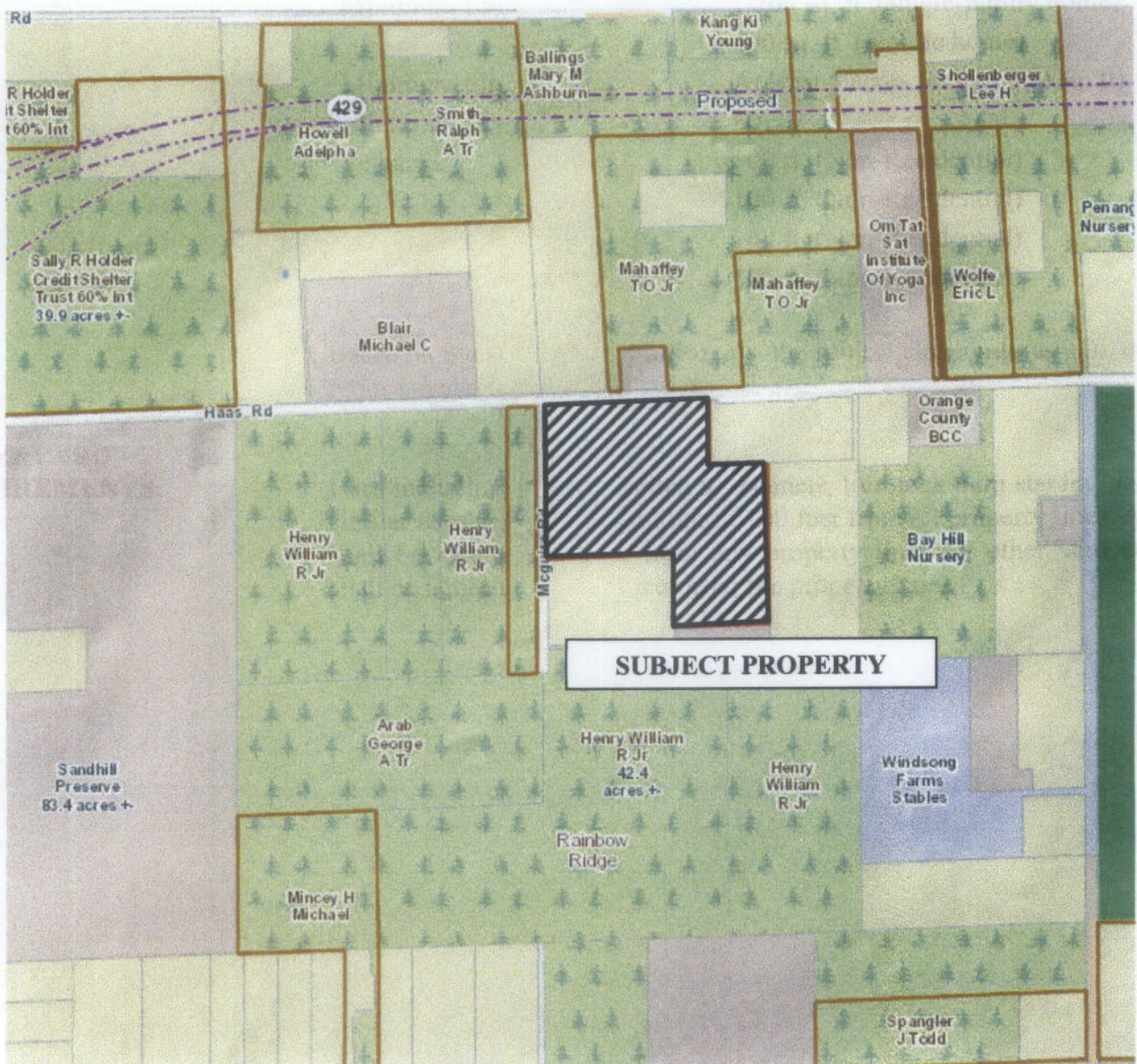
City of
February 18, 2013

This item is hereby adopted and made a part of the ordinance of this city.



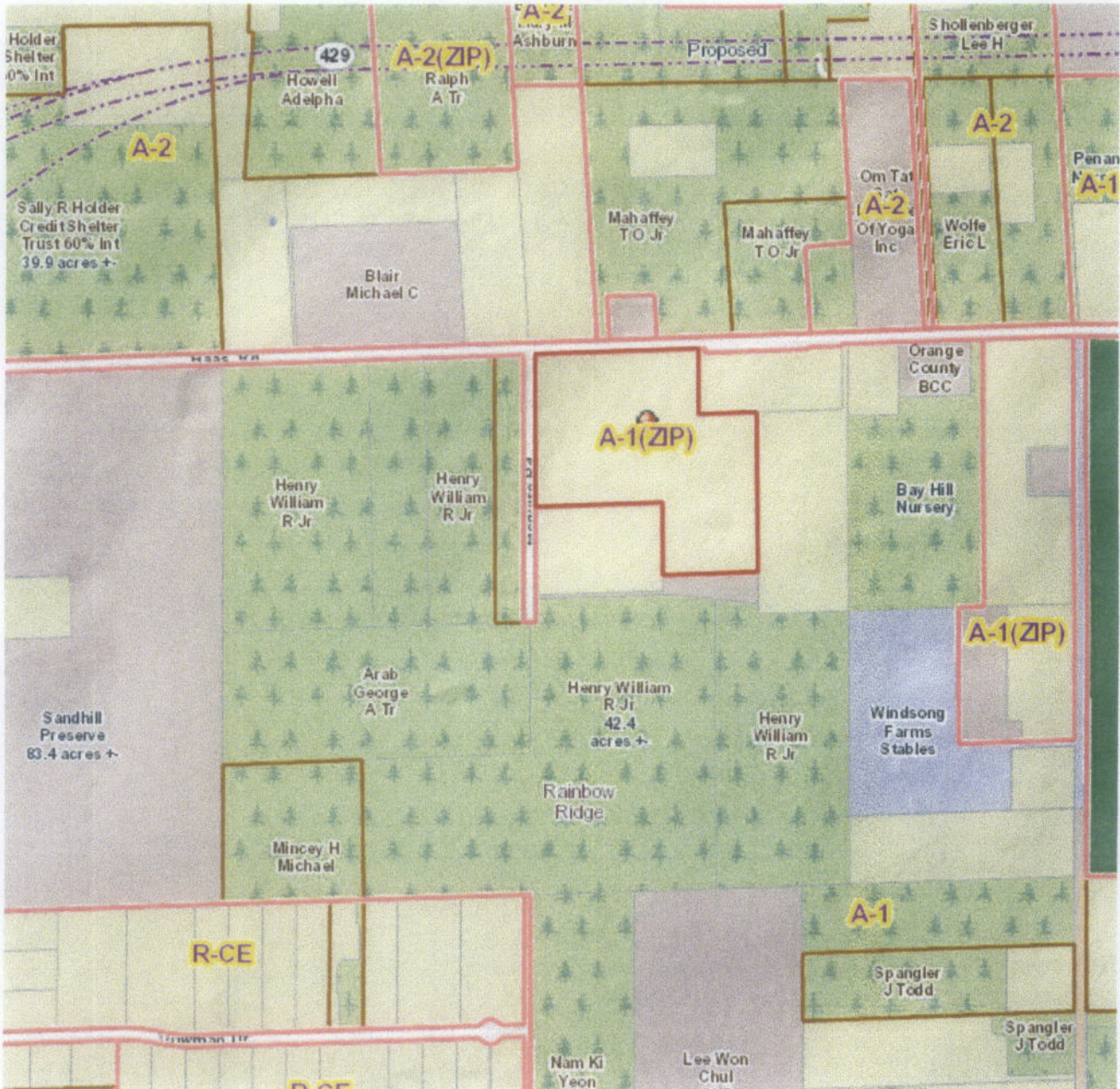
John Iafrate
19.96 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 07-20-28-0000-00-053

VICINITY MAP



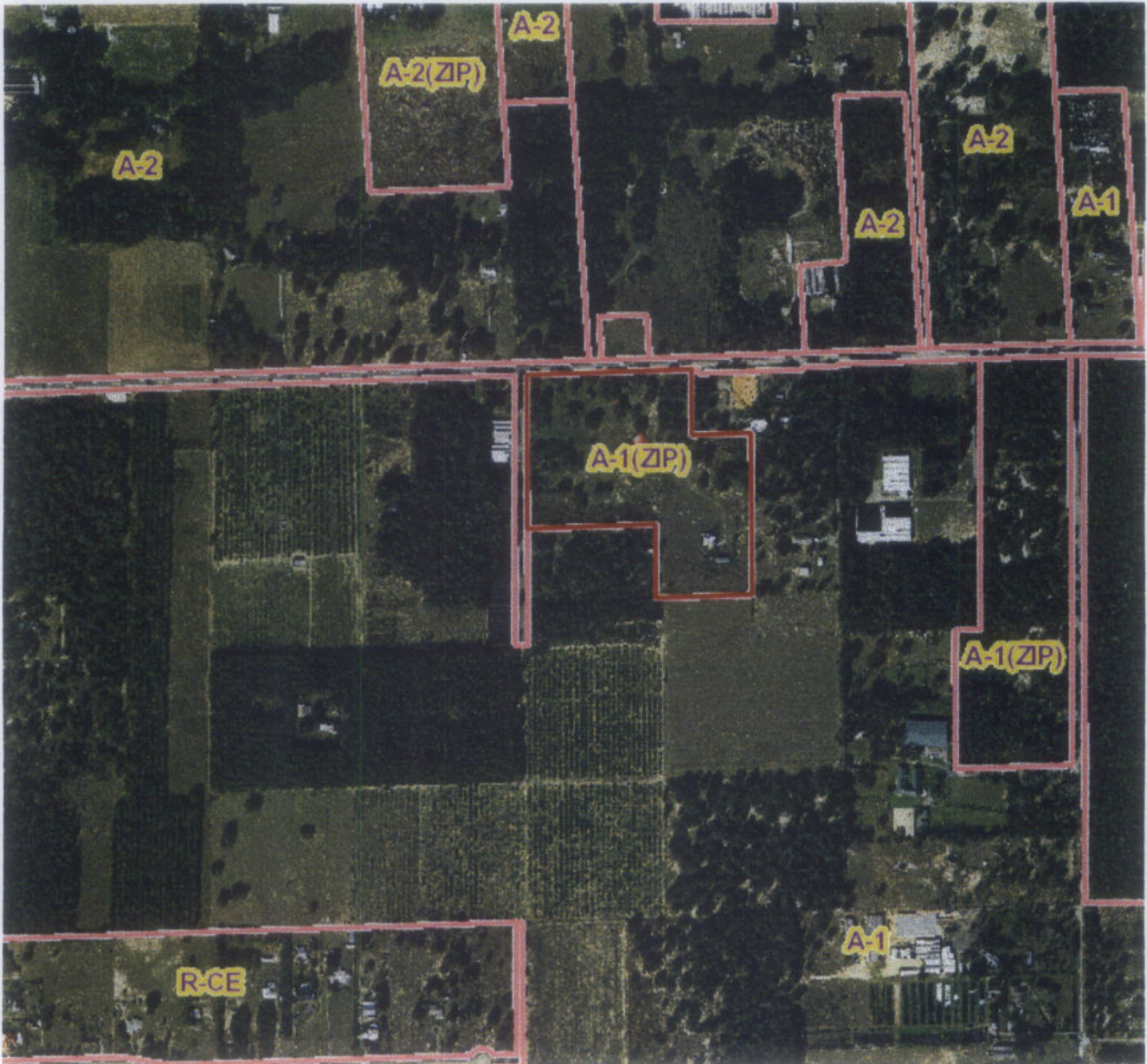


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: JJL PROPERTIES (Case # 2015-1-19)

PARCEL ID NUMBER: 05-20-28-0476-00-180

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: JJL Properties
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, east of Swain Road
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 7.14 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the city on December 1, 2004, by Ordinance 1686.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City and County)	Rural Settlement & Rural	A-1 (ZIP) & A-2	Grazing & Retention
East (City)	Agriculture	A-1 (ZIP)	St. Johns Water Management land
South (County)	Rural	A-1 (ZIP)	Retention and conservation
West (County)	Rural	A-1	Livestock & vacant

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

- Minimum Living Area: 1,200 sq. ft. (single-family home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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

BUFFERYARD REQUIREMENTS:

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

ALLOWABLE

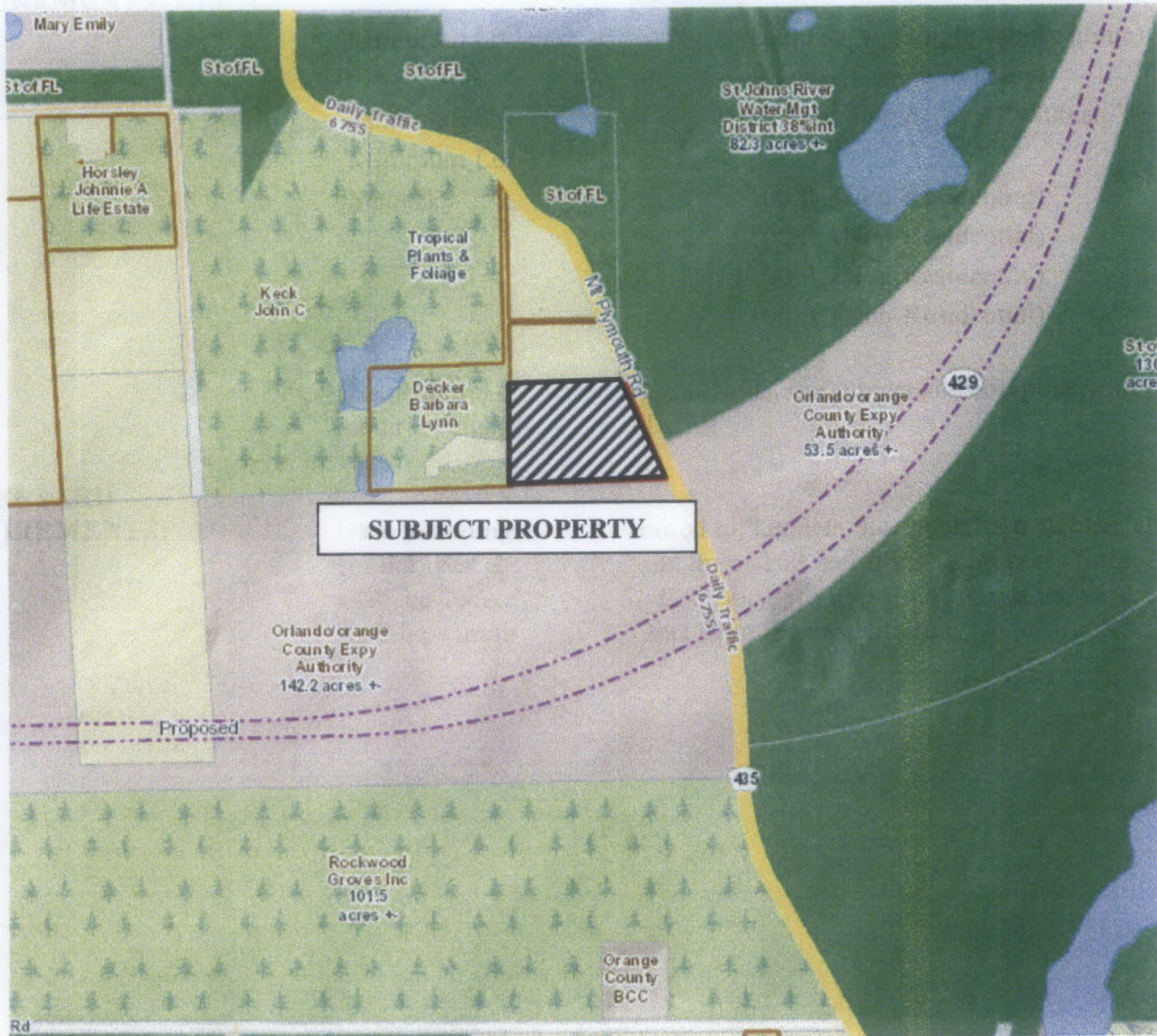
USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



JLL Properties, Inc.
7.14 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 05-20-28-0476-00-180

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: RICKY TILMAN & KAREN LYNN NELSON (Case # 2015-1-20)

PARCEL ID NUMBER: 09-20-28-7608-00-040

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Ricky Tilman & Karen Lynn Nelson
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, south of Prevo Drive
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 7.28 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the city on November 16, 2005, by Ordinance 1778.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)

February 4, 2015 - City Council (1:30 pm) - 1st Reading

February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad

February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



Ricky Tilman & Karen Lynn Nelson

7.28 +/- Acres

Proposed Zoning Change:

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

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

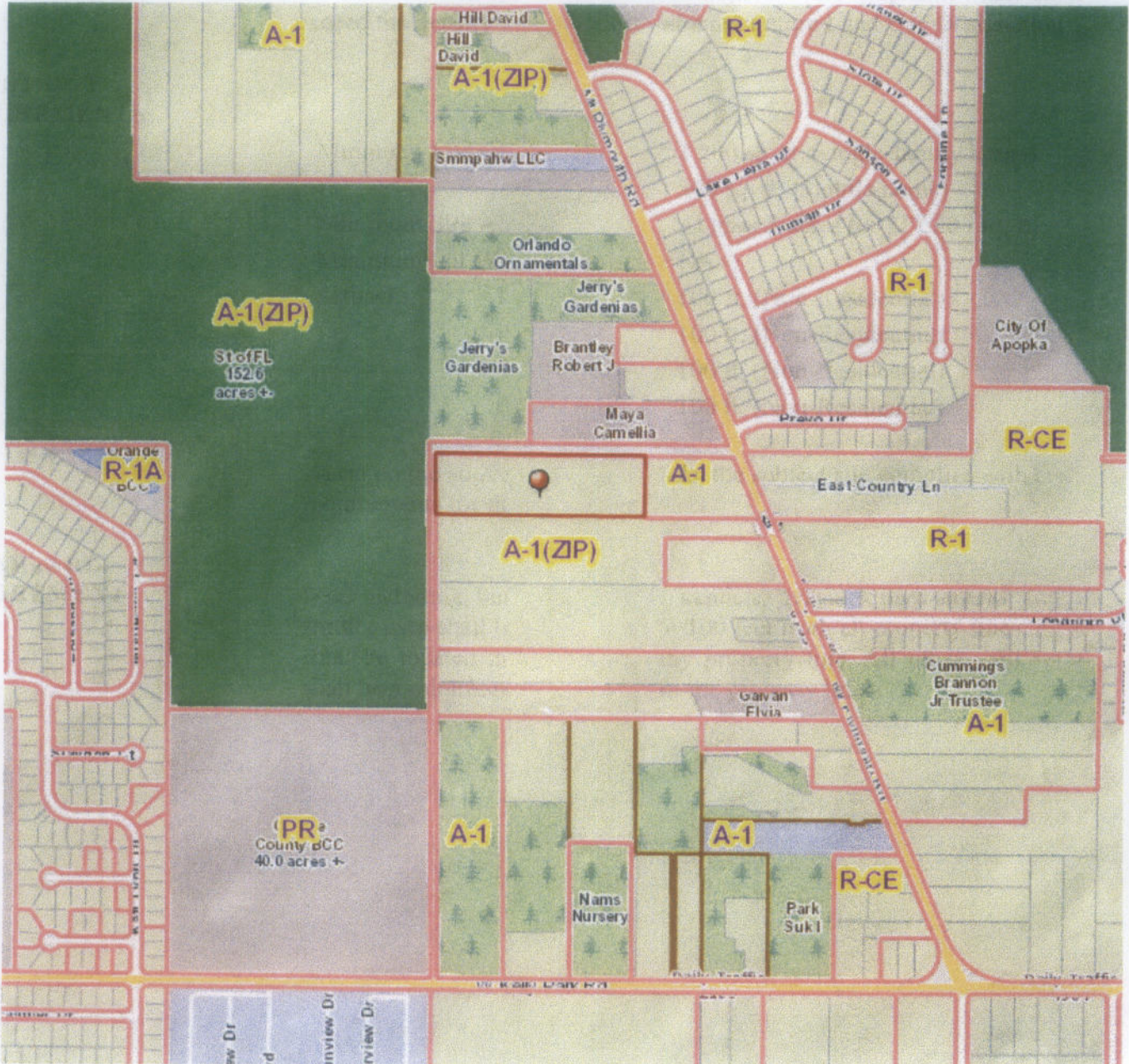
Parcel ID #: 09-20-28-7608-00-040

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: R. M. & MONICA M. POORBAUGH (Case # 2015-1-21)

PARCEL ID NUMBERS: 07-20-28-0000-00-008 & 07-20-28-0000-00-041

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: R. M. & Monica M. Poorbaugh
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, west of Jason Dwelley Parkway
EXISTING USE: Single-family home & container nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home & container nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 14.63 acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on May 21, 2003 by Ordinance 1586.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Container nursery
East (County)	Rural	A-1	Warehousing
South (City)	Residential Very Low Suburban	R-1AAA	Container nursery
West (County)	Rural	A-1	Container nursery

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

Minimum Living Area:	1,200 sq. ft. (single-family home) 400 sq. ft. (mobile home)
Minimum Site Area:	At least 5 acres (or 217,800 sq. ft)
Minimum Lot Width	NA
Setbacks:	Front: 100 ft. (Non-Residential)
	Rear: 100 ft. (Non-Residential)
	Side: 100 ft. (Non-Residential)
	Corner 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

**CITY COUNCIL
RM & MONICA M POORBAUGH – ADMINISTRATIVE REZONING
PAGE 4**

ALLOWABLE

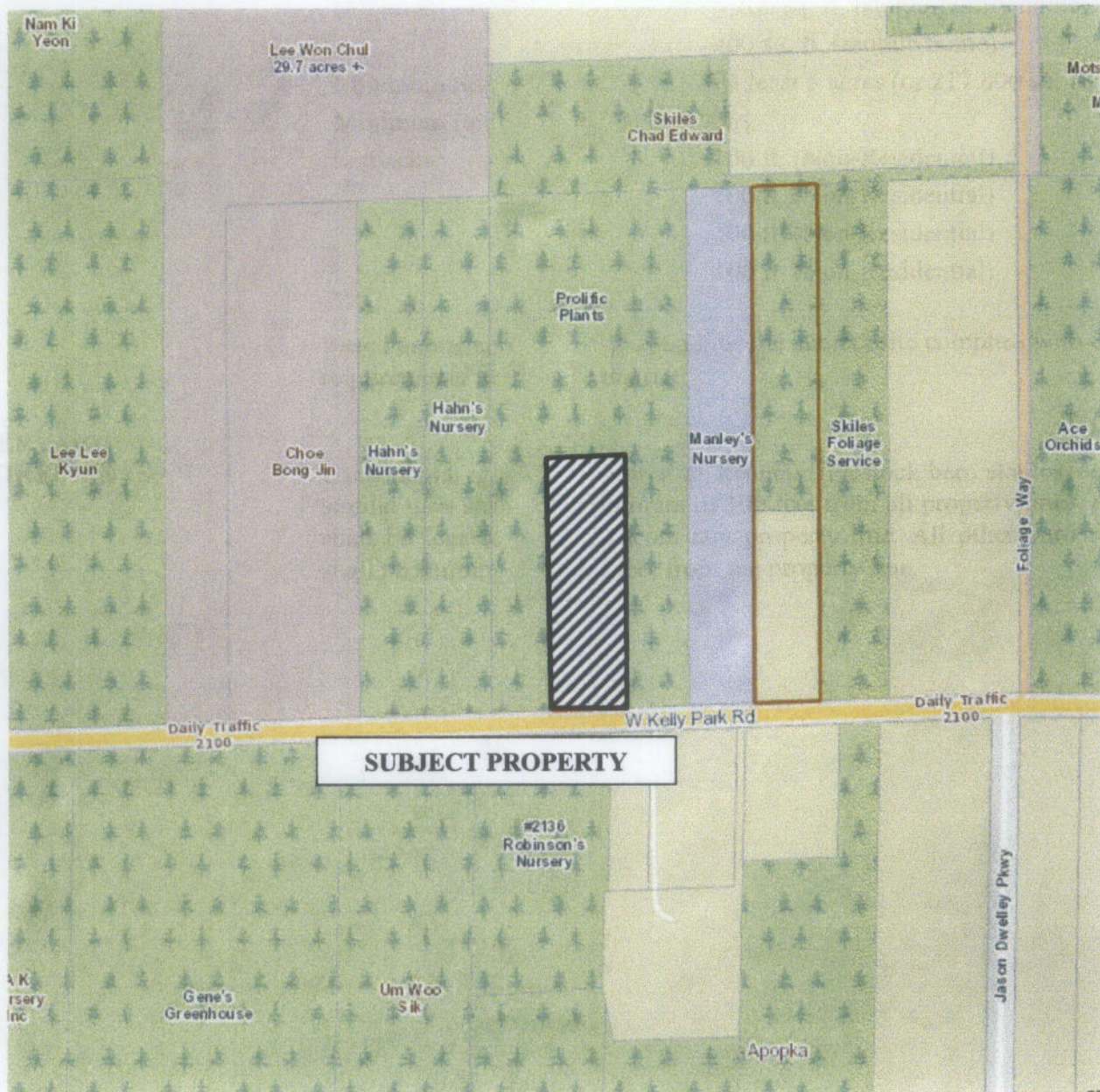
USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



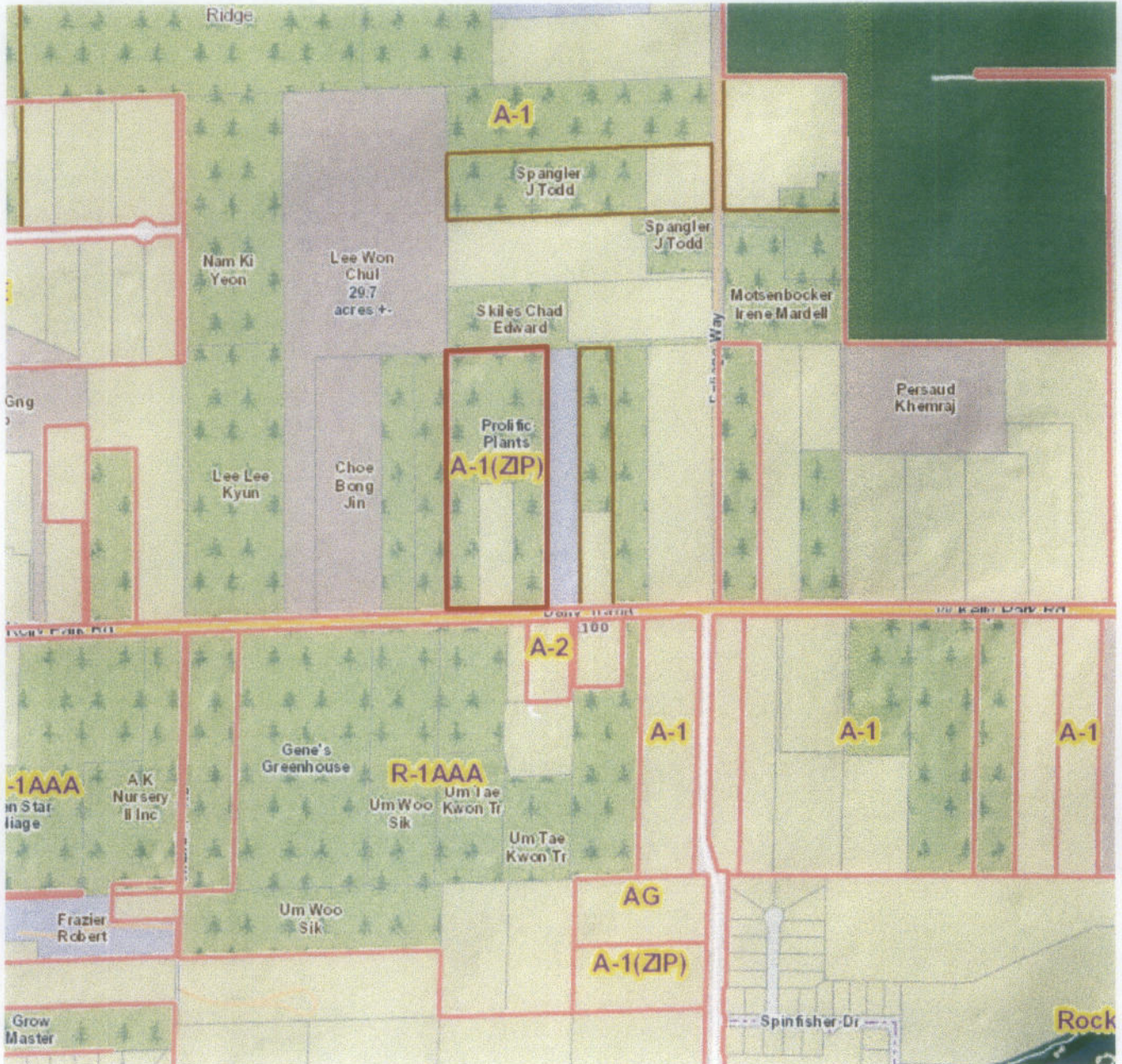
R. M. & Monica M. Poorbaugh
14.63 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 07-20-28-0000-00-008 & 07-20-28-0000-00-041

VICINITY MAP



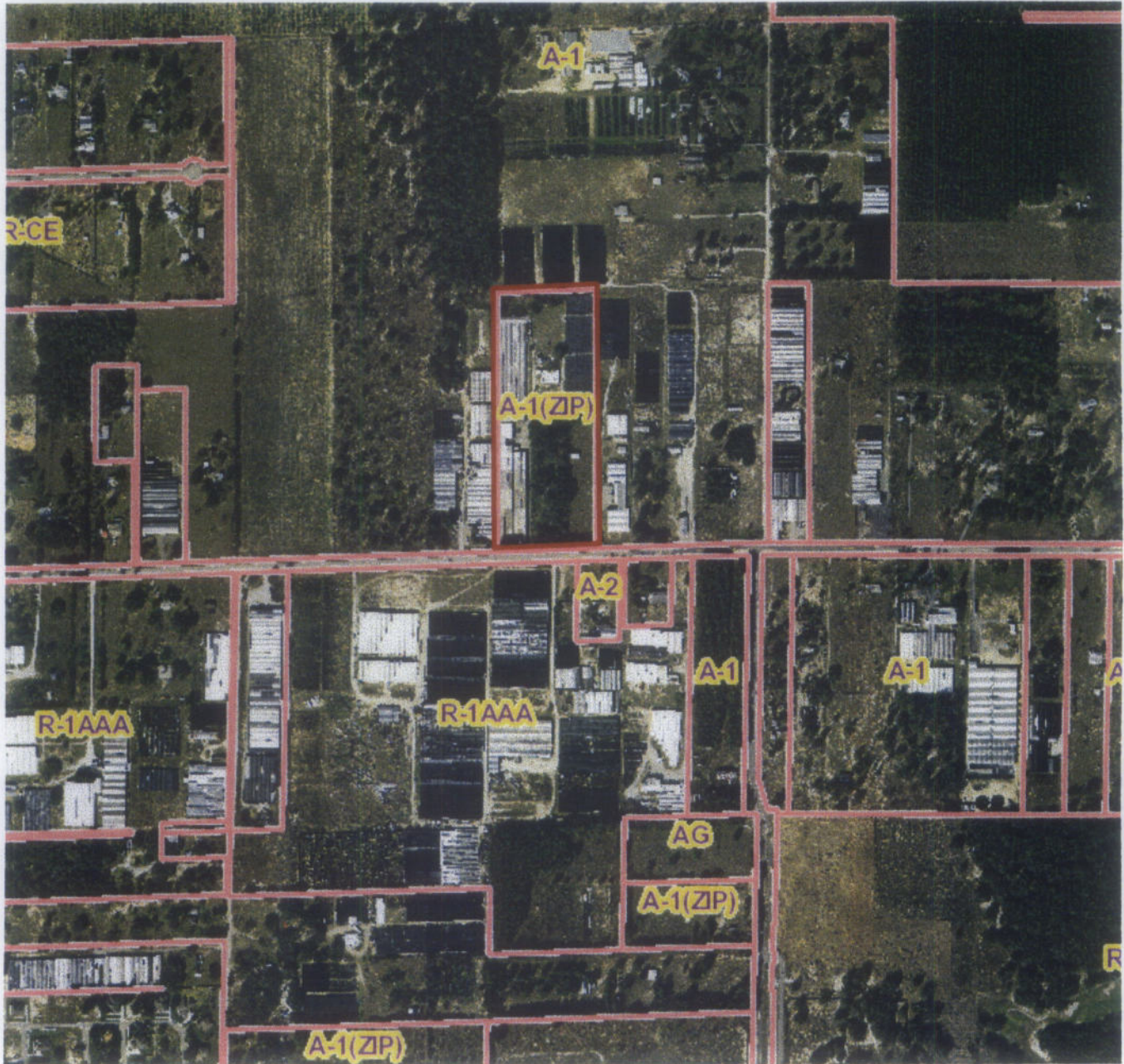


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	FROM: Community Development
<input type="checkbox"/> ANNEXATION	EXHIBITS: Zoning Report
<input type="checkbox"/> PLAT APPROVAL	Vicinity Map
<input type="checkbox"/> OTHER:	Adjacent Zoning Map
	Adjacent Uses Map
	Existing Uses

SUBJECT: MARY EMILY SHANNON (Case # 2015-1-22)

PARCEL ID NUMBERS: 05-20-28-0000-00-022 & 05-20-28-0476-00-041

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Mary Emily Shannon

APPLICANT: City of Apopka

LOCATION: West of Mt. Plymouth Road, north of Swain Road

EXISTING USE: Vacant

FUTURE LAND USE: Rural Settlement (1 du/5 acres)

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Vacant (existing)

PROPOSED ZONING: AG

TRACT SIZE: 15.28 acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	3 Residential Units
PROPOSED ZONING:	3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on December 19, 2007 by Ordinance 1992.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1-1 Administrative Rezoning from “County” A-1 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2406 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (Lake County)			Lake County line/single-family homes
East (City)	Agriculture	A-1 (ZIP)	State-owned land
South (County)	Rural	A-1	Single-family and grazing
West (County)	Rural	A-1	Manufactured home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
Rear: 100 ft. (Non-Residential)
Side: 100 ft. (Non-Residential)
Corner: 100 ft. (Non-Residential)

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

**BUFFERYARD
 REQUIREMENTS:**

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

ALLOWABLE

USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.

NOT ADVERTISED

December 16, 2014 – Public Hearing
February 6, 2015 – Ordinance Meeting

RECOMMENDED ACTION

Development Review
2/13/15 to 2/18/15

Planning Commission
February 18, 2015

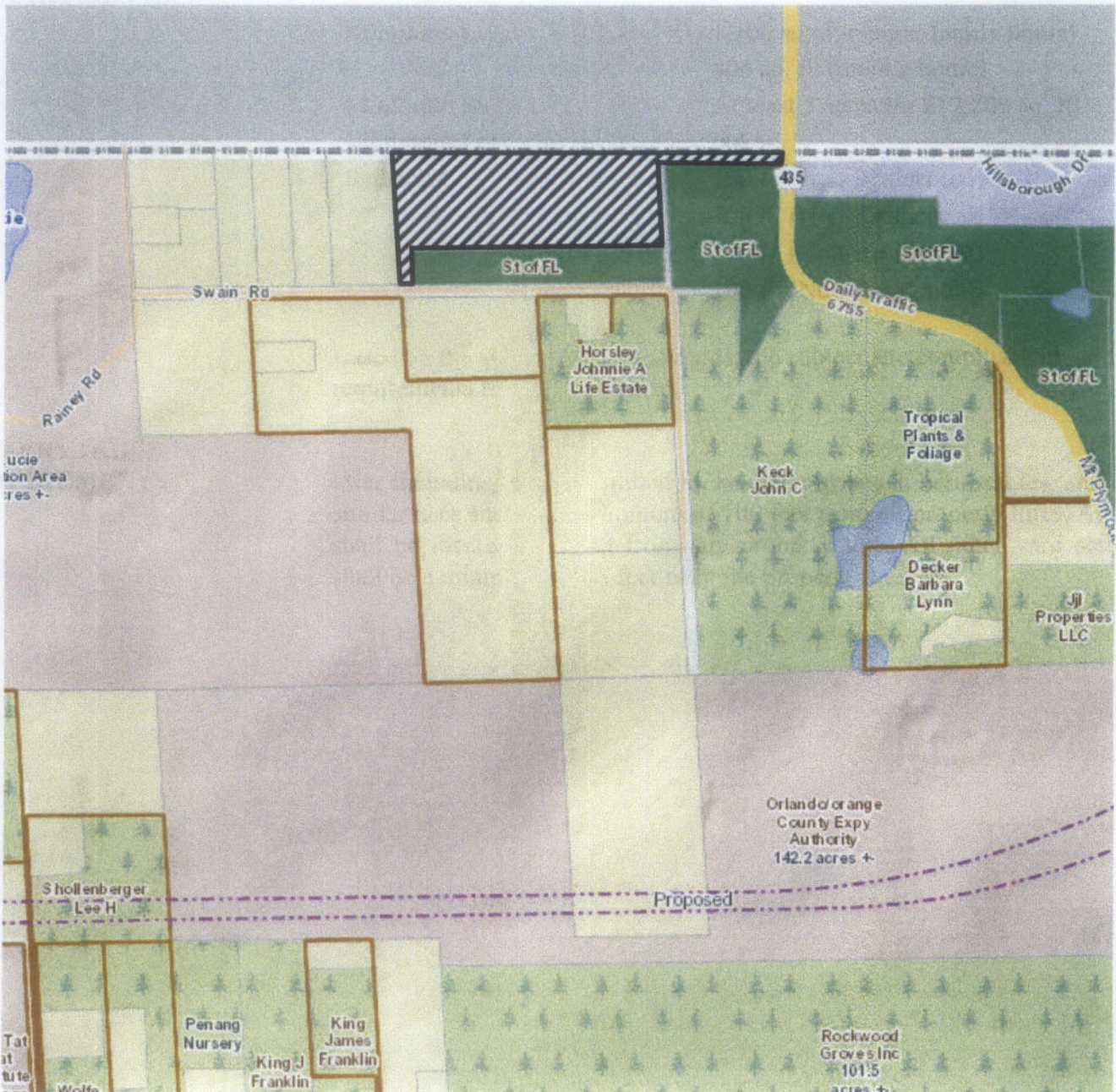
City Council
February 18, 2015

Resolution 15-001 is hereby adopted and made a part of the ordinances of the City of...



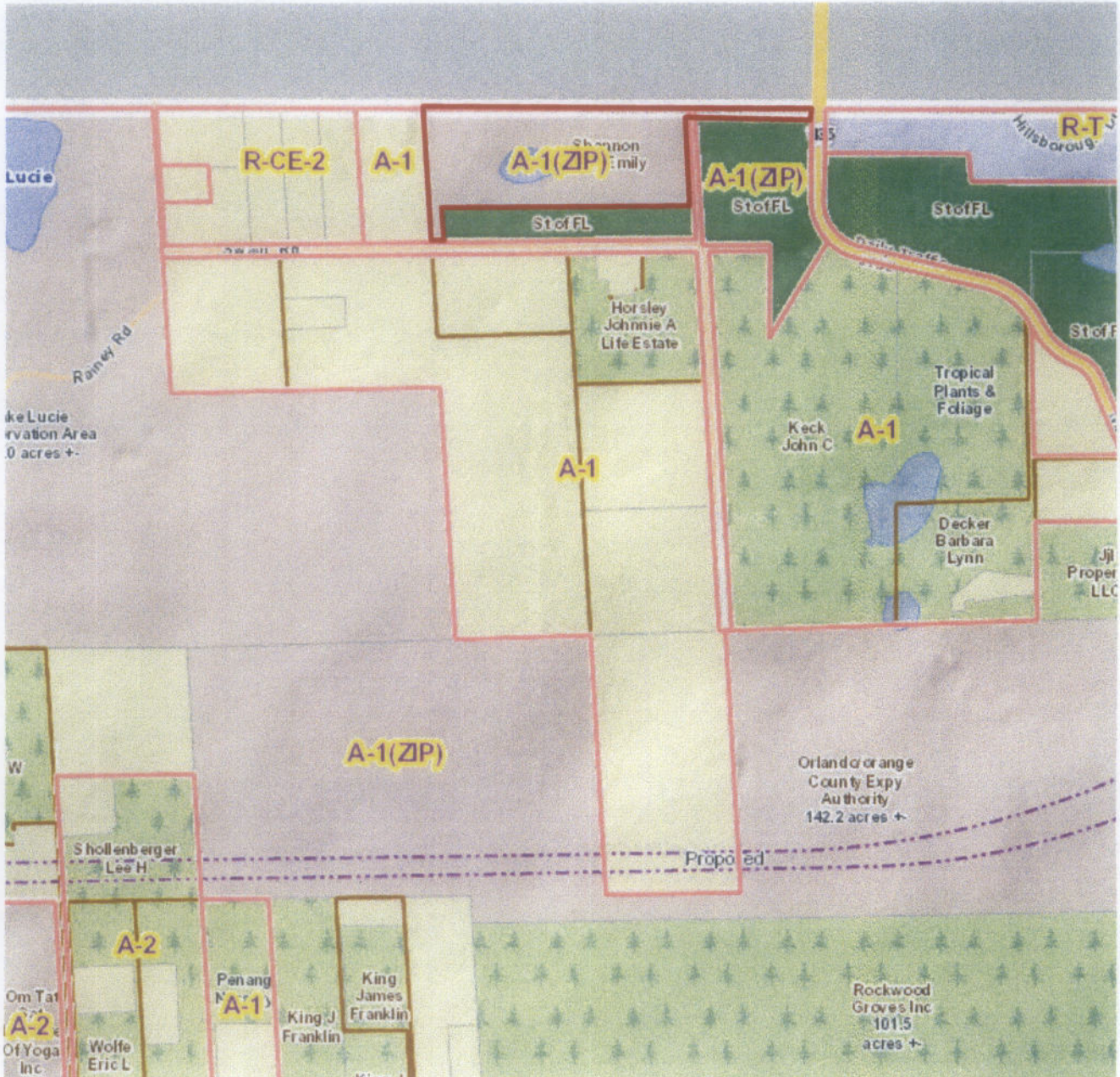
Mary Emily Shannon
15.28 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 05-20-28-0000-00-022 & 05-20-28-0476-00-041

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**



ORDINANCE NO. 2406

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 424.4 ACRES, MORE OR LESS, AND OWNED BY CANTERO HOLDINGS LLC; HAL D. CORNELL, THOMPSON P SWARTZ, & JEROME L. HUTCHING; CRISTAN PROPERTIES INC.; CAYETANO R & CRISTETA M CRUZADA; TERRY LYN DALE; KENT A & ANNE M GREER; J AND L GARDENIAS INC.; LEE KYUN & MYUNG LEE; JOHN & JOSEPH A MOORE; RONALD & LISA RABOUD; SKH GROUP INC.; ROMEO & HERMINIA FLAQUER; NANCY B FOSTER; R. A. & NANCY B FOSTER; ELVIA GALVAN & ALVARO MAZARIEGOS; BARRY GRIMM; SCOTT & NANCY HINES; JOHN IAFRATE; JIL PROPERTIES INC.; RICKY TILMAN & KAREN LYNN NELSON; R. M. & MONICA M POORBAUGH; RICHARD & MONICA M POORBAUGH TR; AND MARY EMILY SHANNON; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

WHEREAS, the City of Apopka Community Development Department, has requested an administrative change in zoning on said property as identified in Section I of this ordinance; and

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

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

Section I. That the zoning classification of the following described properties, being situated in the City of Apopka, Florida, is hereby AG as defined in the Apopka Land Development Code:

Parcel	NAME	ACREAGE	LAND USE	COUNTY ZONING	PROPOSED ZONING
24-20-27-0000-00-100	Cantero Holdings LLC	10.006	RS	A-1 (ZIP)	AG
24-20-27-0000-00-105	Cantero Holdings LLC	10.627	RS	A-1 (ZIP)	AG
24-20-27-0000-00-103	Cantero Holdings LLC	10.027	RS	A-1 (ZIP)	AG
24-20-27-0000-00-102	Cantero Holdings LLC	10.027	RS	A-1 (ZIP)	AG
24-20-27-0000-00-101	Cantero Holdings LLC	10.006	RS	A-1 (ZIP)	AG
24-20-27-0000-00-098	Cantero Holdings LLC	10.001	RS	A-1 (ZIP)	AG
24-20-27-0000-00-104	Cantero Holdings LLC	10.624	RS	A-1 (ZIP)	AG
24-20-27-0000-00-097	Cantero Holdings LLC	10.001	RS	A-1 (ZIP)	AG
11-20-27-0000-00-050	Hal D. Cornell, Thompson P. Swartz & L. Jerome Hutching	4.983	RS	A-1 (ZIP)	AG

Parcel	NAME	ACREAGE	LAND USE	COUNTY ZONING	PROPOSED ZONING
11-20-27-6135-00-012	Hal D. Cornell, Thompson P. Swartz & L. Jerome Hutching	10.023	RS	A-1 (ZIP)	AG
11-20-27-0000-00-008	Cristan Properties Inc	40.741	RS	A-1 (ZIP)	AG
11-20-27-0000-00-011	Cayetano R & Cristeta M Cruzada	19.926	RS	A-1 (ZIP)	AG
24-20-27-0000-00-108	Terry Lyn Dale	10.001	RS	A-1 (ZIP)	AG
14-20-27-0000-00-021	Kent A & Anne M Greer	19.553	RS	A-1 (ZIP)	AG
14-20-27-0000-00-084	Kent A & Anne M Greer	17.408	RS	A-1 (ZIP)	AG
14-20-27-0000-00-005	Kent A & Anne M Greer	2.184	RS	A-1 (ZIP)	AG
09-20-28-0000-00-011	J and L Gardenias Inc	9.653	RS	A-1 (ZIP)	AG
09-20-28-0000-00-004	J and L Gardenias Inc	3.558	RS	A-1 (ZIP)	AG
08-20-28-0000-00-037	Lee Kyun & Myung Lee	6.055	RS	A-1 (ZIP)	AG
02-20-27-0000-00-041	John & Joseph A Moore	16.3	RS	A-1 (ZIP)	AG
02-20-27-0000-00-006	John & Joseph A Moore	2.32	RS	A-1 (ZIP)	AG
11-20-27-6135-00-013	Ronald & Lisa Raboud	19.887	RS	A-1 (ZIP)	AG
11-20-27-6135-00-010	Ronald & Lisa Raboud	6.044	RS	A-1 (ZIP)	AG
14-20-27-0000-00-024	SKH Group Inc	16.794	RS	A-1 (ZIP)	AG
11-20-27-0000-00-012	Hal D. Cornell, Thompson P. Swartz & L. Jerome Hutching	14.982	RS	A-1 (ZIP)	AG
09-20-28-7608-00-121	Romeo & Herminia Flaquer	13.038	RS	A-1 (ZIP)	AG
07-20-28-0000-00-026	Nancy B Foster	11.445	RS	A-1 (ZIP)	AG
07-20-28-0000-00-027	R. A. & Nancy B. Foster	0.994	RS	A-1 (ZIP)	AG
09-20-28-7608-00-131	Elvia Galvan & Alvaro Majaregos	4.394	RS	A-1 (ZIP)	AG
09-20-28-7608-00-132	Elvia Galvan & Alvaro Majaregos	2.368	RS	A-1 (ZIP)	AG
12-20-27-0000-00-014	Barry Grimm	17.021	RS	A-1 (ZIP)	AG
07-20-28-0000-00-056	Scott & Nancy Hines	3.726	RS	A-1 (ZIP)	AG
07-20-28-0000-00-028	Scott & Nancy Hines	5.42	RS	A-1 (ZIP)	AG
07-20-28-0000-00-053	John Iafrate	19.975	RS	A-1 (ZIP)	AG
05-20-28-0476-00-180	JJL Properties Inc	7.141	RS	A-1 (ZIP)	AG
09-20-28-7608-00-040	Ricky Tilman & Karen Lynn Nelson	7.277	RS	A-1 (ZIP)	AG
07-20-28-0000-00-041	R M & Monica M Poorbaugh	2.525	RS	A-1 (ZIP)	AG
07-20-28-0000-00-008	Richard & Monica M Poorbaugh TR	12.099	RS	A-1 (ZIP)	AG
05-20-28-0000-00-022	Mary Emily Shannon	14.487	RS	A-1 (ZIP)	AG
05-20-28-0476-00-041	Mary Emily Shannon	0.791	RS	A-1 (ZIP)	AG

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

Section III. That the Community Development Director, or the Director’s designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

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

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

Section VI. That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: February 4, 2015

READ SECOND TIME
AND ADOPTED: February 18, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR ADOPTION HEARING:

December 26, 2014
February 6, 2015

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: February 6, 2015, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

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

Sworn and subscribed before me this 6th day of February, 2015, by John E. Ricketson, who is personally known to me.

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

PUBLIC NOTICE

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, February 18, 2015, at 7:00 p.m., or as soon thereafter as possible.

ORDINANCE NO. 2406

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 424.4 ACRES, MORE OR LESS, AND OWNED BY CANTERO HOLDINGS LLC; HAL D. CORNELL, THOMPSON P. SWARTZ, & JEROME L. HUTCHING; CRISTAN PROPERTIES INC.; CAYETANO R & CRISTETA M. CRUZADA; TERRY LYN DALE; KENT A & ANNE M. GREER; J AND L GARDENIAS INC.; LEE KYUN & MYUNG LEE; JOHN & JOSEPH A MOORE; RONALD & LISA RABOUD; SKH GROUP INC.; ROMEO & HERMINIA FLAQUER; NANCY B FOSTER; R. A. & NANCY B FOSTER; ELVIA GALVAN & ALVARO MAZARIEGOS; BARRY GRIMM; SCOTT & NANCY HINES; JOHN IAFRATE; J.J.L. PROPERTIES INC.; RICKY TILMAN & KAREN LYNN NELSON; R. M. & MONICA M. POORBAUGH; RICHARD & MONICA M. POORBAUGH TR; AND MARY EMILY SHANNON; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2407

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-2 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 37.6 ACRES, MORE OR LESS, AND OWNED BY ALFRED & ROSE MARIE KAGER LIFE ESTATE; VIRGINIA H. MAPEL LIFE ESTATE; VIRGINIA H. MAPEL & DONNA M. MCCREE; AND ROY & PATRICIA A. VALDEZ; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department
February 6, 2015
Publish: The Apopka Chief

151928

Backup material for agenda item:

2. ORDINANCE NO. 2407 – SECOND READING & ADOPTION - 2015 ADMINISTRATIVE REZONING - From “County” A-2 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 37.6 acres, more or less, and owned by Alfred & Rose Marie Kager Life Estate; Virginia H Mapel Life Estate; Virginia H Mapel & Donna M Mccree; and Roy & Patricia A Valdez. [Ordinance No. 2407 meets the requirements for adoption having been advertised in The Apopka Chief on February 6, 2015.]



CITY OF APOPKA
CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: February 18, 2015
FROM: Community Development
EXHIBITS: "A" A-2 Cases Spreadsheet
"B" A-2 Zoning Reports
Ordinance No. 2407

SUBJECT: ORDINANCE NO. 2407 – 2015 ADMINISTRATIVE REZONING – FROM
"COUNTY" A-2 (ZIP) TO "CITY" AG (1 DU/5 AC)

Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2407 - 2015
ADMINISTRATIVE REZONING FROM "COUNTY" A-2 (ZIP) &
"COUNTY" A-2 (ZIP) TO "CITY" AG (1 DU/5 AC).

SUMMARY

The five (5) parcels, comprising a total of 37.6 +/- acres, have been annexed into the City of Apopka and have been assigned Future Land Use designations compatible with the proposed AG zoning designation. All subject properties currently have a City Future Land Use Designation of Rural Settlement (RS) and a County zoning category of A-2 assigned to them. A brief summary of the administrative rezoning cases:

A-2 Properties

Number of A-2 Parcels: 5
Number of A-2 Property Owners: 6
Total A-2 Acreage: 37.6 +/-

The attached exhibits provide a summary of each proposed zoning amendment. Each property owner has been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property. A list of the applicable parcels and property owners is provided in Exhibit "A". An individual zoning report has been prepared for each zoning case and is included in the staff report in Exhibit "B."

Pursuant to the Interlocal Agreement between the City and Orange County (2004), policy of the City's Comprehensive Plan (Policy 3.9) and State law (s 163.3202, F.S.), the City is required to assign a zoning category to lands that are annexed into the City's jurisdiction. To comply with these requirements, city staff is recommending that the City assign a zoning category that is most compatible to the current zoning category that was assigned by Orange County.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning for each case will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on December 16, 2014.

DISTRIBUTION

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 – City Council (1:30 pm) – 1st Reading
February 18, 2015 – City Council (8:00 pm) – 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Notice and Notification
February 6, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-2 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the change in Zoning from “County” A-2 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

The **City Council**, at its meeting on February 4, 2015, accepted the First Reading of Ordinance No. 2407 and held it over for Second Reading and Adoption on February 18, 2015.

Adopt Ordinance No. 2407.

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.

EXHIBIT "B"
2015 ADMINISTRATIVE REZONING
FROM "COUNTY" A-2 (ZIP) TO CITY "AG"

Case #	Parcel	First Name	Acreage	County Zoning	Future Land Use	Proposed Zoning	Annexation Ord. No.	Annexation Date	Existing Use
2015-1-23	13-20-27-0000-00-063	Alfred & Rose Marie Kager Life Estate	8.53	A-2(ZIP)	RS	AG			Grazing
2015-1-24	22-20-28-0000-00-025	Virginia H Mapel Life Estate	1.49	A-2(ZIP)	RS	AG	1587	3/7/2003	Single-family home
2015-1-24	22-20-28-0000-00-045	Virginia H Mapel Life Estate	8.38	A-2(ZIP)	RS	AG	1587	3/7/2003	Container nursery & communications tower
2015-1-24	22-20-28-0000-00-019	Virginia H Mapel & Donna M McCree	9.88	A-2(ZIP)	RS	AG	1587	3/7/2003	Vacant acreage
2015-1-25	13-20-27-0000-00-035	Roy & Patricia A Valdez	9.406	A-2(ZIP)	RS	AG	1891	2/7/2007	Single-family home



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: ALFRED & ROSE MARIE KAGER LIFE ESTATE (Case 2015-1-23)

PARCEL ID NUMBER: 13-20-27-0000-00-063

Request: ADMINISTRATIVE REZONING
FROM: "County" A-2 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "City" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Alfred & Rose Marie Kager Life Estate
APPLICANT: City of Apopka
LOCATION: West of Plymouth Sorrento Road, south of Joey McGuckin Road
EXISTING USE: Grazing
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-2 (ZIP)
PROPOSED DEVELOPMENT: Grazing (existing)
PROPOSED ZONING: AG
TRACT SIZE: 7.93 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1 Administrative Rezoning from “County” A-2 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2407 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family homes
East (County)	Rural	A-2	Single-family home
South (City)	Residential Very Low Suburban	R-1AAA	Container nursery
West (City)	Mixed Use-EC	A-1 (ZIP)	Horse farm

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Plymouth Sorrento Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject parcels comply with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

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

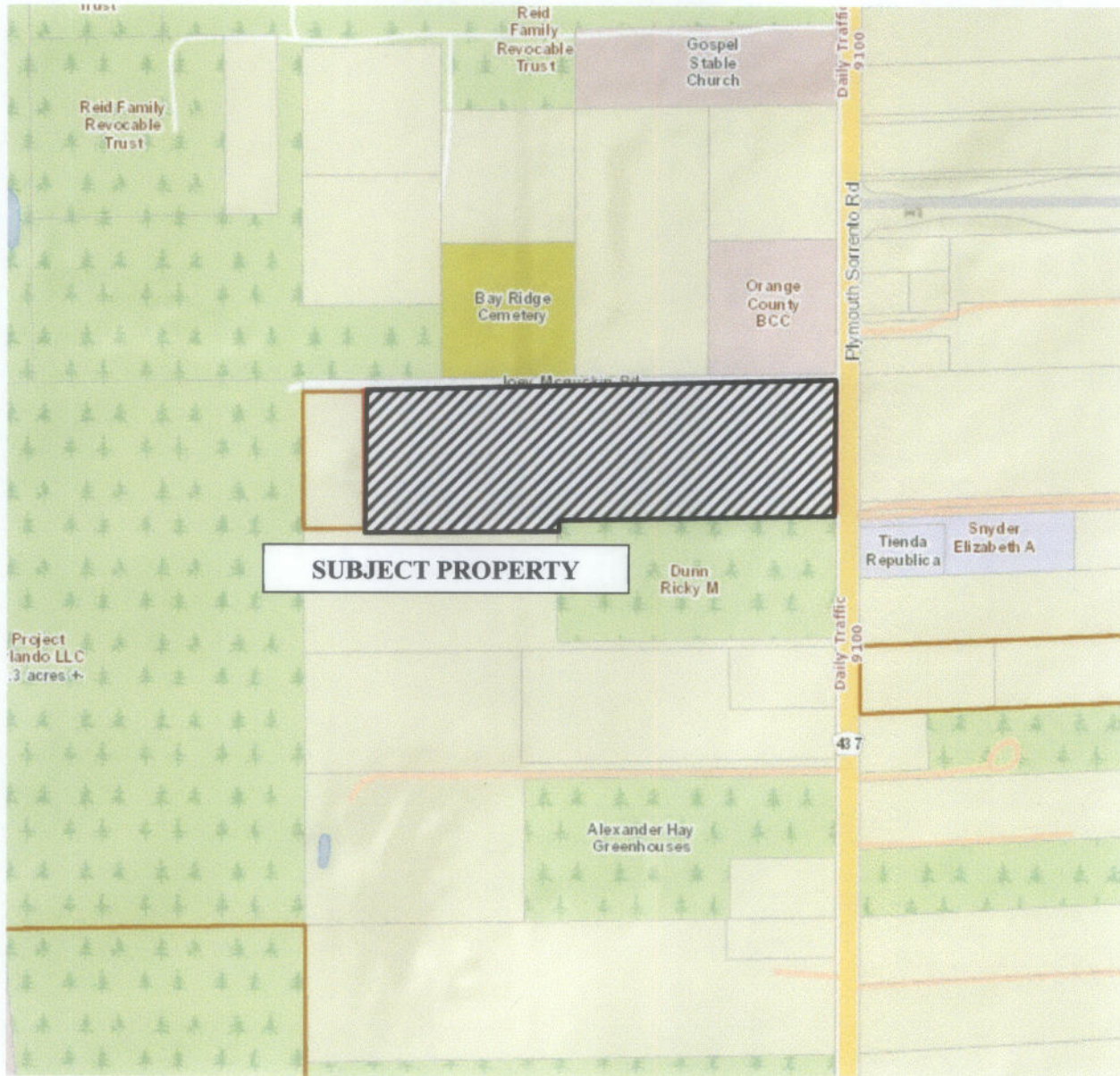
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



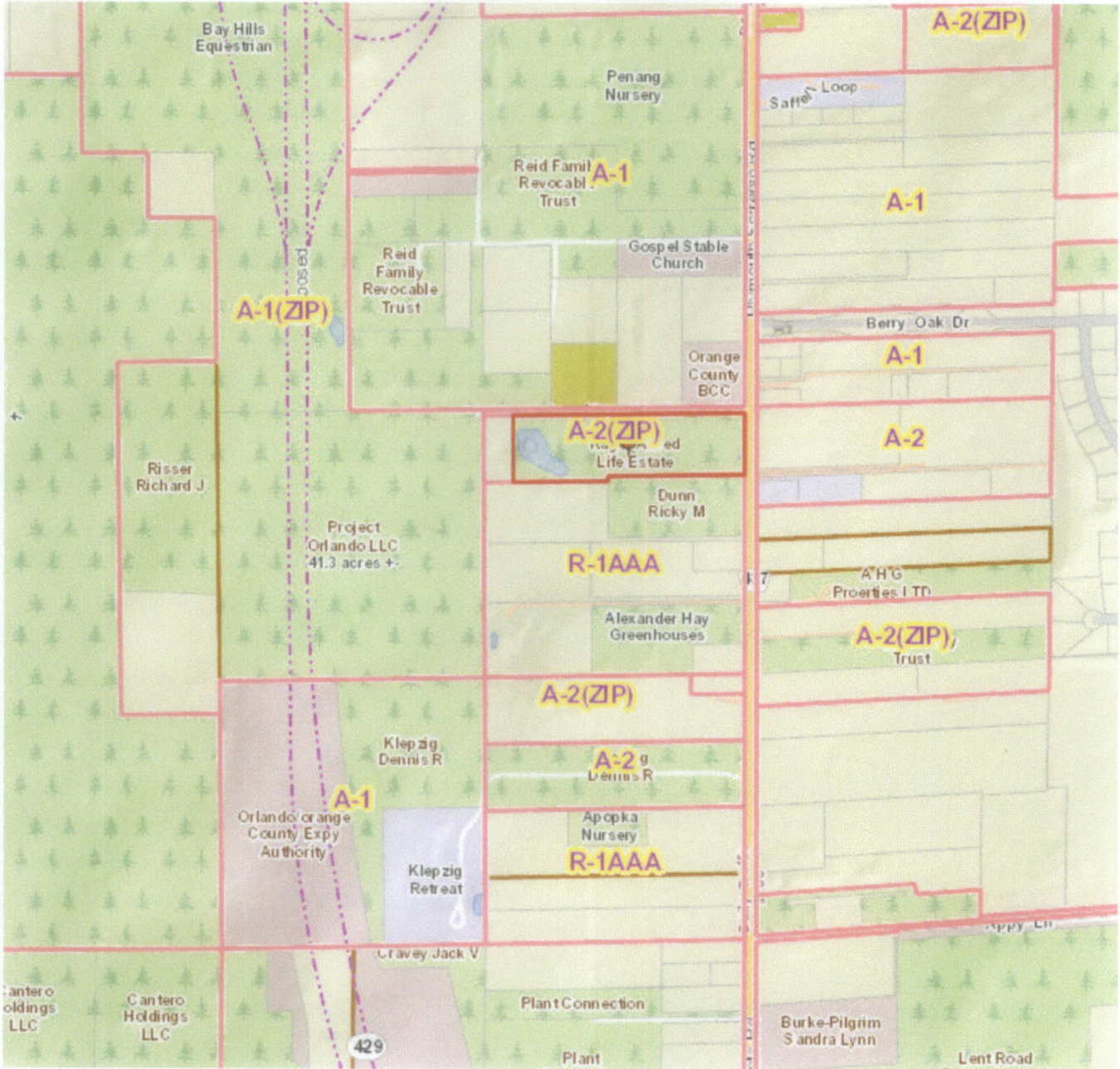
Alfred & Rose Marie Kager Life Estate
8.53 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 13-20-27-0000-00-063

VICINITY MAP



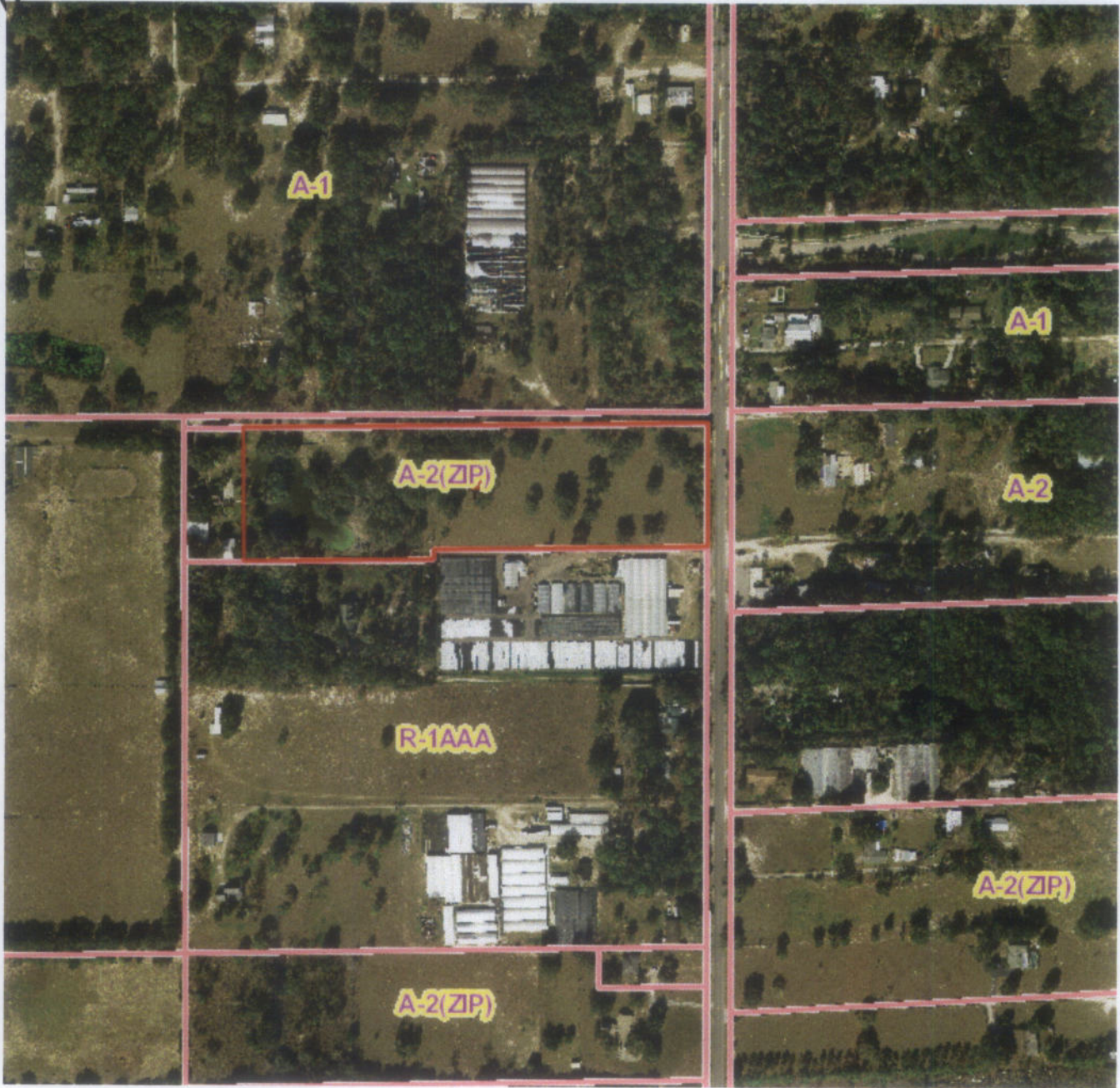


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: VIRGINIA H. MAPLE LIFE ESTATE & DONNA M. MCCREE (2015-1-24)

PARCEL ID NUMBERS: 22-20-28-0000-00-019, 22-20-28-0000-00-025 & 22-20-28-0000-00-045

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-2 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Virginia H. Maple Life Estate & Donna M. McCree
APPLICANT: City of Apopka
LOCATION: East of Rock Springs Road, south of Kentucky Blue Circle
EXISTING USE: Single-family home & container nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-2 (ZIP)
PROPOSED DEVELOPMENT: Single-family home & container nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 19.86 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 3 Residential Units
PROPOSED ZONING: 3 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the city on March 7, 2003, by Ordinance No. 1587.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1 Administrative Rezoning from “County” A-2 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2407 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Parks & Recreation/Open Space	A-2	Wekiva Springs State Park
East (County)	Parks & Recreation/Open Space	A-2	Nursery
South (County)	Rural	A-2	Single-family home
West (City)	Residential Estates	PUD	Single-family homes

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (North Rock Springs Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject parcels comply with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

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

ALLOWABLE

USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



**Virginia H. Mapel Life Estate & Donna McCree
19.86 +/- Acres**

Proposed Zoning Change:

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

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

**Parcel ID #s: 22-20-28-0000-00-019, 22-20-28-0000-00-025
& 22-20-28-0000-00-045**

VICINITY MAP





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses

SUBJECT: ROY & PATRICIA A. VALDEZ (Case # 2015-1-25)

PARCEL ID NUMBER: 13-20-27-0000-00-035

Request: ADMINISTRATIVE REZONING
FROM: "COUNTY" A-2 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

SUMMARY

OWNER: Roy & Patricia A. Valdez
APPLICANT: City of Apopka
LOCATION: West of Plymouth-Sorrento Road, south of Joey McGuckin Road
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-2 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 9.41 acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 1 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the city on February 7, 2007, by Ordinance No. 1891.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 16, 2014.

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

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)
February 4, 2015 - City Council (1:30 pm) - 1st Reading
February 18, 2015 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Hearing Notice Ad
February 6, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on January 13, 2015, recommended approval (6-0) of the 2015-1 Administrative Rezoning from “County” A-2 to “City” AG as set forth for the properties described in Exhibits “A” and “B.”

Accept the First Reading of Ordinance No. 2407 and Hold it Over for Second Reading and Adoption on February 18, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Very Low Suburban	R-1AAA	Single-family homes
East (City)	Residential Very Low Suburban	R-1AAA	Single-family homes
South (County)	Rural	A-2	Grazing
West (County)	Rural	A-1	Vacant

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Plymouth Sorrento Road).

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)
 400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)
 Rear: 100 ft. (Non-Residential)
 Side: 100 ft. (Non-Residential)
 Corner: 100 ft. (Non-Residential)

Based on the above zoning standards, the subject parcels comply with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

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

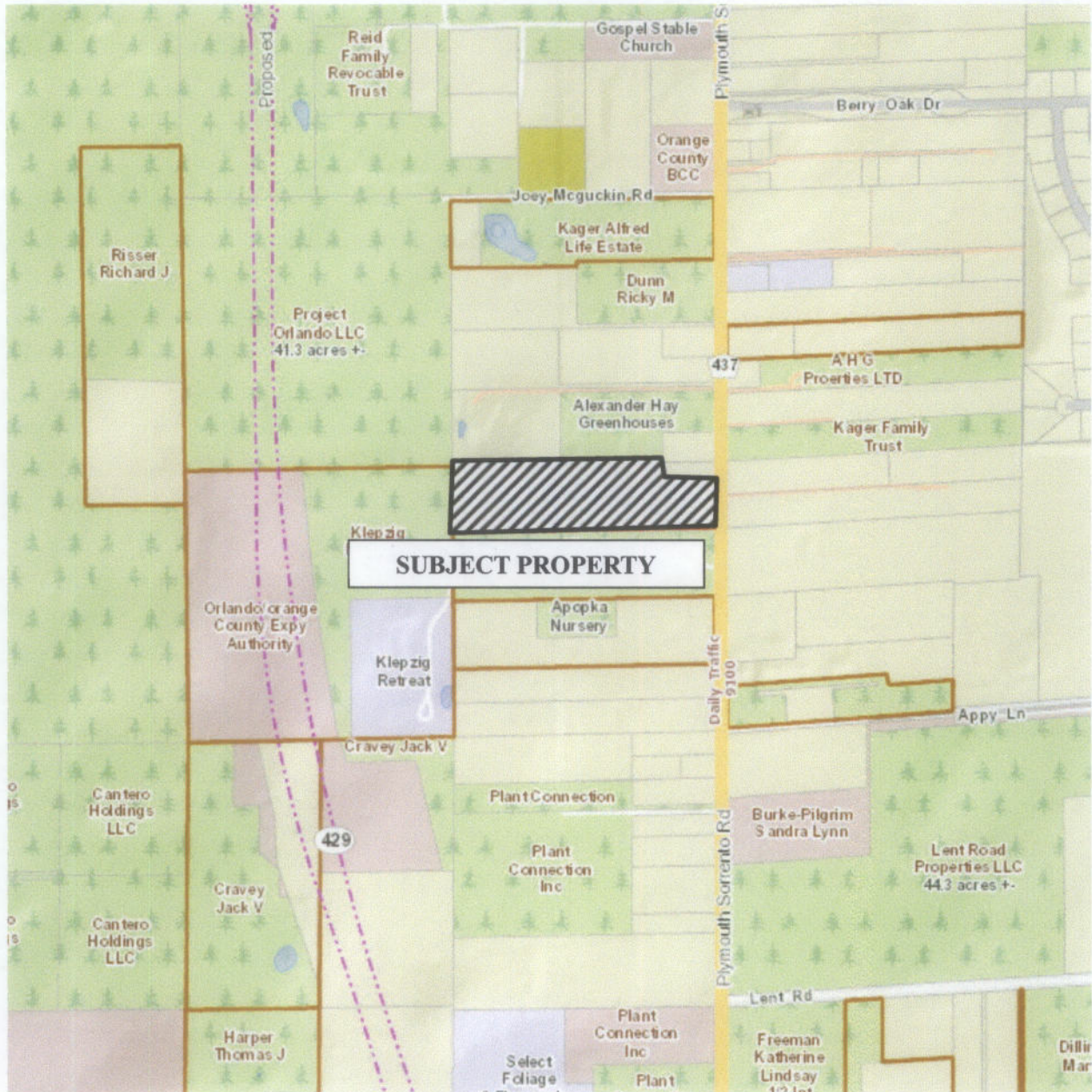
**ALLOWABLE
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



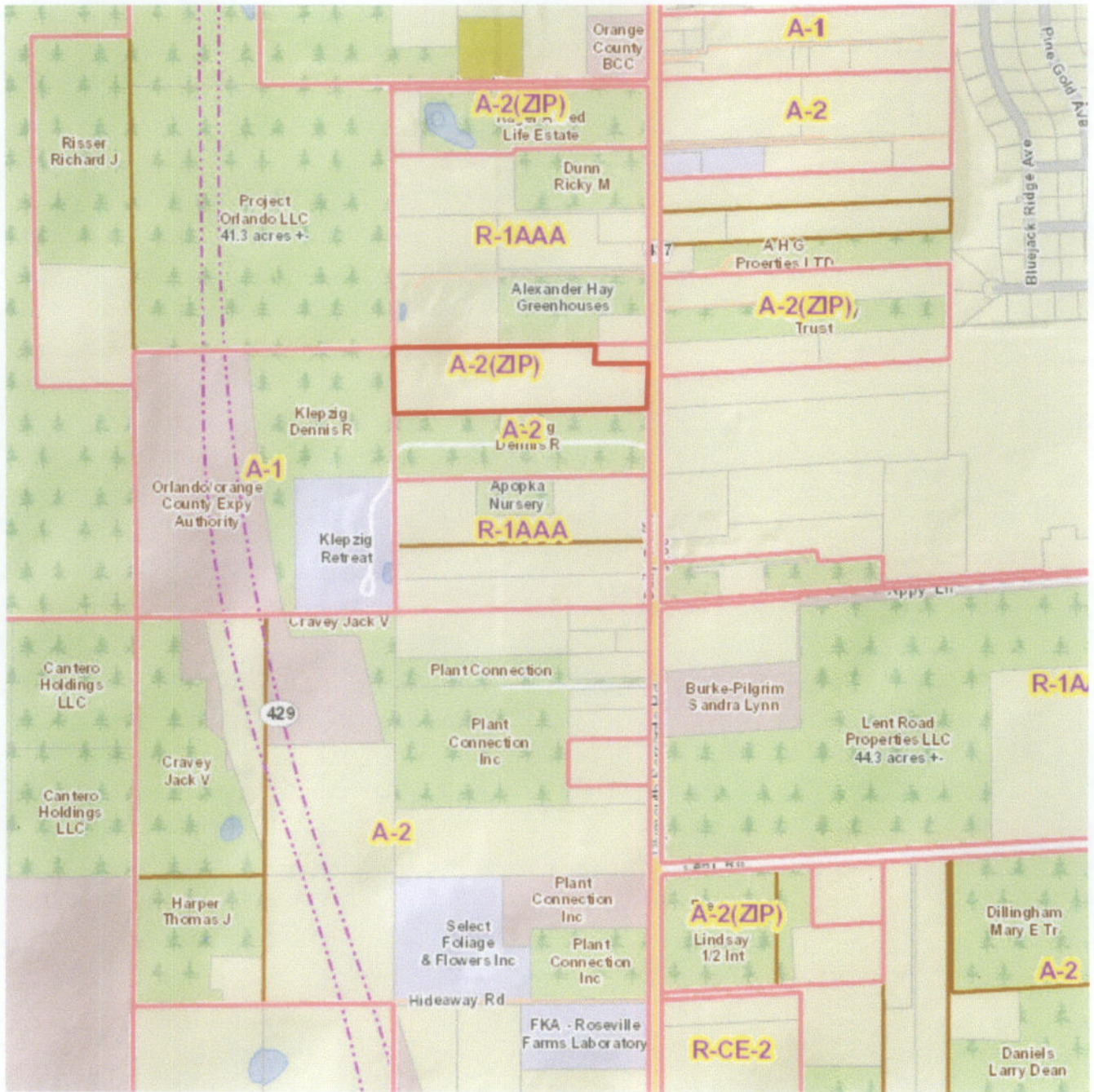
Roy & Patricia A Valdez
9.41 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #: 13-20-27-0000-00-035

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**



ORDINANCE NO. 2407

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 37.6 ACRES, MORE OR LESS, AND OWNED BY ALFRED & ROSE MARIE KAGER LIFE ESTATE; VIRGINIA H MAPEL LIFE ESTATE; VIRGINIA H MAPEL & DONNA M MCCREE; AND ROY & PATRICIA A VALDEZ; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

WHEREAS, the City of Apopka Community Development Department, has requested an administrative change in zoning on said property as identified in Section I of this ordinance; and

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

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

Section I. That the zoning classification of the following described properties, being situated in the City of Apopka, Florida, is hereby AG as defined in the Apopka Land Development Code:

Parcel	NAME	ACREAGE	LAND USE	COUNTY ZONING	PROPOSED ZONING
13-20-27-0000-00-063	Alfred & Rose Marie Kager Life Estate	8.53	A-2(ZIP)	RS	AG
22-20-28-0000-00-025	Virginia H Mapel Life Estate	1.49	A-2(ZIP)	RS	AG
22-20-28-0000-00-045	Virginia H Mapel Life Estate	8.38	A-2(ZIP)	RS	AG
22-20-28-0000-00-019	Virginia H Mapel & Donna M McCree	9.88	A-2(ZIP)	RS	AG
13-20-27-0000-00-035	Roy & Patricia A Valdez	9.406	A-2(ZIP)	RS	AG

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

Section III. That the Community Development Director, or the Director’s designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

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

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

Section VI. That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: February 4, 2015

READ SECOND TIME
AND ADOPTED: February 18, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR ADOPTION HEARING:

December 26, 2014
February 6, 2015

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: February 6, 2015, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

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

Sworn and subscribed before me this 6th day of February, 2015, by John E. Ricketson, who is personally known to me.

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

PUBLIC NOTICE

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, February 18, 2015, at 7:00 p.m., or as soon thereafter as possible.

ORDINANCE NO. 2406

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 424.4 ACRES, MORE OR LESS, AND OWNED BY CANTERO HOLDINGS LLC; HAL D. CORNELL, THOMPSON P. SWARTZ, & JEROME L. HUTCHING; CRISTAN PROPERTIES INC.; CAYETANO R & CRISTETA M. CRUZADA; TERRY LYN DALE; KENT A & ANNE M. GREER; J AND L GARDENIAS INC.; LEE KYUN & MYUNG LEE; JOHN & JOSEPH A MOORE; RONALD & LISA RABOUD; SKH GROUP INC.; ROMEO & HERMINIA FLAQUER; NANCY B FOSTER; R. A. & NANCY B FOSTER; ELVIA GALVAN & ALVARO MAZARIEGOS; BARRY GRIMM; SCOTT & NANCY HINES; JOHN IAFRATE; J.J.L. PROPERTIES INC.; RICKY TILMAN & KAREN LYNN NELSON; R. M. & MONICA M. POORBAUGH; RICHARD & MONICA M. POORBAUGH TR; AND MARY EMILY SHANNON; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2407

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-2 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 37.6 ACRES, MORE OR LESS, AND OWNED BY ALFRED & ROSE MARIE KAGER LIFE ESTATE; VIRGINIA H. MAPEL LIFE ESTATE; VIRGINIA H. MAPEL & DONNA M. MCCREE; AND ROY & PATRICIA A. VALDEZ; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department
February 6, 2015
Publish: The Apopka Chief

151928

Backup material for agenda item:

4. ORDINANCE NO. 2408 – FIRST READING – Establishing a time-limited moratorium for land use amendments, zoning changes and development order for properties located within the proposed Ocoee-Apopka Road Corridor Small Area Overlay District until October 31, 2015.



**CITY OF APOPKA
CITY COUNCIL**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL HEARING
 X OTHER: Ordinance

MEETING OF: February 18, 2015
FROM: Community Development
EXHIBITS: Ordinance No. 2408
 OAR Area Map
 Draft Dev. Guidelines

SUBJECT: ORDINANCE NO. 2408 – ESTABLISHING A TIME-LIMITED MORATORIUM FOR LAND USE AMENDMENTS, ZONING CHANGES AND DEVELOPMENT ORDERS FOR PROPERTIES LOCATED WITHIN THE PROPOSED OCOEE-APOPKA ROAD OVERLAY DISTRICT

Request: FIRST READING OF ORDINANCE NO. 2408 – ESTABLISHING A TIME-LIMITED MORATORIUM FOR LAND USE AMENDMENTS, ZONING CHANGES AND DEVELOPMENT ORDERS FOR PROPERTIES LOCATED WITHIN THE PROPOSED OCOEE-APOPKA ROAD CORRIDOR SMALL AREA OVERLAY DISTRICT UNTIL OCTOBER 31, 2015.

SUMMARY:

In March 2014, the City commenced a small area study for an area covering approximately 4.4 square miles in the vicinity of Ocoee Apopka Road. Completion and expansion of the State Road 429, 414, and 451 tollway system, together with proposed construction of the Florida Hospital Replacement Medical Campus, have and will generate immediate and increased pressure to develop higher density residential, commercial, and industrial uses within the Ocoee Apopka Road Small Area Study boundaries. To better manage growth and development consistent with the desired land use patterns and development standards that will emerge from the Ocoee Apopka Road Small Area Study, a temporary moratorium is proposed and will sunset on October 31, 2015. The moratorium grants City Council authority to waive the moratorium if a proposed development application is determined to meet the intent of the current draft development guidelines.

DULY ADVERTISED: January 23, 2015 – Public Hearing Notice
 February 20, 2015 – Ordinance Heading

FUNDING SOURCE: N/A

RECOMMENDED ACTION:

The **Planning Commission**, at its meeting on February 20, 2015, recommended approval (6-0) of the establishment of a Time-Limited Moratorium on land use amendments, zoning changes, and development plans for properties located within the proposed Ocoee-Apopka Road Corridor Small Area Overlay District until October 31, 2015.

Accept the First Reading of Ordinance No. 2408 and Hold it Over for Second Reading and Adoption on March 4, 2015.

DISTRIBUTION:

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief

ORDINANCE NO. 2408

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL OCTOBER 31, 2015, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE FOR THE GEOGRAPHICAL AREA COMPRISING THE OCOEE APOPKA ROAD SMALL AREA STUDY WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

WHEREAS, in March 2014, the City commenced a small area study for an area covering approximately 4.4 square miles in the vicinity of Ocoee Apopka Road; and

WHEREAS, completion and expansion of the State Road 429, 414, and 451 toll way system, together with proposed construction of the Florida Hospital Replacement Medical Campus, have and will generate immediate and increased pressure to develop higher density residential, commercial, and industrial uses within the Ocoee Apopka Road Small Area Study boundaries; and

WHEREAS, the City Council deems it in the best interest of Apopka to manage growth and development consistent with the desired land use patterns and development standards that will emerge from the Ocoee Apopka Road Small Area Study; and

WHEREAS, the aforementioned moratorium is temporary and will sunset according to an eight month schedule, but conditions are provide, if satisfactorily met, that enable City Council to waive the moratorium for a development determined to meet the intent of the development standards set forth in the current proposed development guidelines; and

WHEREAS, the City has accomplished many tasks and expended public funds over the past decade in furtherance of managing development in the general vicinity contained within the area embraced by the Ocoee Apopka Road Small Area Study for the purpose of promoting economic development and generating jobs; and

WHEREAS, the absence of such moratorium may result in rapid development of land that is inconsistent with the vision for the area defined by the Ocoee Apopka Road Small Area Study; and

WHEREAS, the City has made or plans to make an investment of taxpayers' dollars in the furtherance of the implementation and installation of public infrastructure to support future development proposed within the Ocoee Apopka Road Small Area Study; and

WHEREAS, development occurring consistent with a unified development plan is key to the success of implementing the Ocoee Apopka Small Area Study and the vision that City Council holds for that area; and

WHEREAS, the adoption of the moratorium on the processing of applications for certain development orders and permits and amendments to the current Comprehensive Plan and Land Development Code applicable to properties located within the boundaries of the Ocoee Apopka Road Small Area Study will provide the City time to prepare and adopt necessary Comprehensive Plan and Land Development Code amendments to further the desired vision of the City of Apopka for area comprising the Ocoee Apopka Road Small Area Study; and

WHEREAS, the adoption of this moratorium will allow necessary time to amend the Comprehensive Plan and Land Development Code to steer incompatible uses from encroaching within the vicinity upon a proposed new regional medical campus; and

WHEREAS, this moratorium is adopted in good faith and is not discriminatory against any property owners within the Ocoee Apopka Road Small Area Study, and is appropriate to the amendment of the Comprehensive Plan and Land Development Code; and

WHEREAS, the City Council of the City of Apopka has determined that it is in the best interest of the citizens of Apopka to enact a moratorium on the processing of certain applications for development orders and development permits, as specified herein, as well as amendments to the City's current Comprehensive Plan and Land Development Code, applicable only to properties within the boundaries of the Ocoee Apopka Road Small Area Study.

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

SECTION I. TEMPORARY MORATORIUM IMPOSED.

- A. The City Council of the City of Apopka hereby declares a moratorium for the time period specified in Section V on the processing of the following Development Permit Applications for properties located within the boundaries of the Ocoee Apopka Road Small Area Study (as defined in Section II):

Permit Applications:

1. Proposed Development of Regional Impact;
2. Comprehensive Land Use Plan Amendments;
3. Comprehensive Plan Text Amendments;

4. Rezoning, including but not limited to, changes to zoning district boundaries and zoning district regulations;
 5. Master Plans, Final Development Plans, and Preliminary Development Plans;
 6. Variances which increase previously approved density, or intensity of development of a parcel. For purposes of this provision, and by way of example, the density or intensity of development of a parcel means the amount of square footage of a building area to be constructed on a parcel, or the number of dwelling units on a parcel;
 7. Special exceptions;
 8. Modifications to Development Orders, including but not limited to, Planned Unit Development, that result in a change in density or intensity of uses, and/or result in an increase in trips for the Development Plan previously approved. For purpose of this provision, and by way of example, the density or intensity of development of a parcel means the amount of square footage of building area to be constructed on a parcel, or the number of dwelling units on a parcel.
- B. For the purposes of this Ordinance a development order or permit means a preliminary development plan, final development plan, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

SECTION II. AREA APPLICABLE TO THE MORATORIUM - The moratorium shall apply to all lands under the jurisdiction of the City of Apopka located within the boundaries of the Ocoee Apopka Road Small Area Study as delineated within Exhibit "A". If a parcel is split by the Small Area boundary line, then the moratorium only applies to that portion of the parcel that lies within the Small Area Study.

SECTION III. EXEMPTIONS. The City Council hereby determines that the following shall be exempt from the requirements of this ordinance:

1. All applications for Development Permits exempt from the City's regulatory authority as provided by applicable Federal, State, or Local Law;
2. Applications for Development Permits, as determined by the City Administrator, or his designee, and confirmed in writing prior to first reading of this Ordinance to be sufficient pursuant to the requirements of the City's Land Development Code.
3. Development Orders for Excavations approved as part of a final development plan;

4. Any building permit for an agriculture structure associate with an existing agriculture use;
5. Arbor permits;
6. Building permits, including building, plumbing, mechanical and electrical permits for new construction of a single family dwelling or barn or for the construction of an addition to a single family dwelling or barn, and their accessory structures, or for construction of improvement that are consistent with site plans associated with Development Permits that were approved prior to the first reading of this Ordinance;
7. A preliminary development plan, final development plan, plat, master plan, special exception or building permit approved by the City prior to the effective date of this ordinance and which has not expired including but not limited to all pending and future applications for development orders or permits applicable to the following: Florida Hospital Apopka Replacement Campus PUD Master Plan and Preliminary Development Plan; Emerson Park PUD, Apopka Woods Final Development Plan, Magnolia Park Final Development Plan, and Marden Ridge Master Plan(Preliminary Development Plan);
8. A complete application for a preliminary development plan, final development plan, master plan, master plan, special exception or building permit submitted to the City prior to the effective date of this ordinance;
9. Any accessory use permits such as fences, swimming pools, etc., as defined within Chapter 7 of the Land Development Code;
10. Any building permit to replace existing damage to a single family home or to accommodate an addition to an existing single family home.
11. Applications for plat approvals for previously approved final development plans.

SECTION IV: WAIVER OF MORATORIUM. The City Council of the City of Apopka, at its discretion, may waive the moratorium for land use amendments, rezonings, or master plans, or final or preliminary development plan applications if it determines that said application meets the intent of the recommendations and findings of the Ocoee Apopka Road Small Area Study and its associated Development Standards, provided in Exhibit "B". An applicant requesting a waiver from the Moratorium must indicate so in writing with the submittal of a development application with documentation demonstrating how the proposed development and infrastructure meet the intent of the Ocoee Apopka Road Small Area Study. If an application involves a land use amendment or rezoning request, a master plan or preliminary plan must be included with the application. Architectural renders for the exterior of all buildings shall be submitted with all moratorium waiver requests.

ORDINANCE NO. 2408

PAGE 5

SECTION V: ADMINISTRATIVE/QUASI-JUDICIAL REVIEW PROCEDURES. Owners of real property within the Ocoee Apopka Road Small Area Study or the authorized agent of such owner may request a determination of vested rights by following the procedures set for in Article VI, Section 4.06.02 of the Apopka Code of Ordinances.

SECTION VI: MORATORIUM SCHEDULE. The City Council of the City of Apopka hereby declares that the moratorium shall be effective through October 31, 2015, unless otherwise modified or extended by the City Council.

SECTION VII: SCOPE OF COVERAGE: Unless otherwise stated, this Ordinance shall cover all lands within the Ocoee Apopka Road Small Area Study, as delineated within Exhibit "A".

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

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

SECTION X: EFFECTIVE DATE: This ordinance shall take effect upon passage and adoption.

READ FIRST TIME: February 18, 2015

READ SECOND TIME
AND ADOPTED: March 4, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

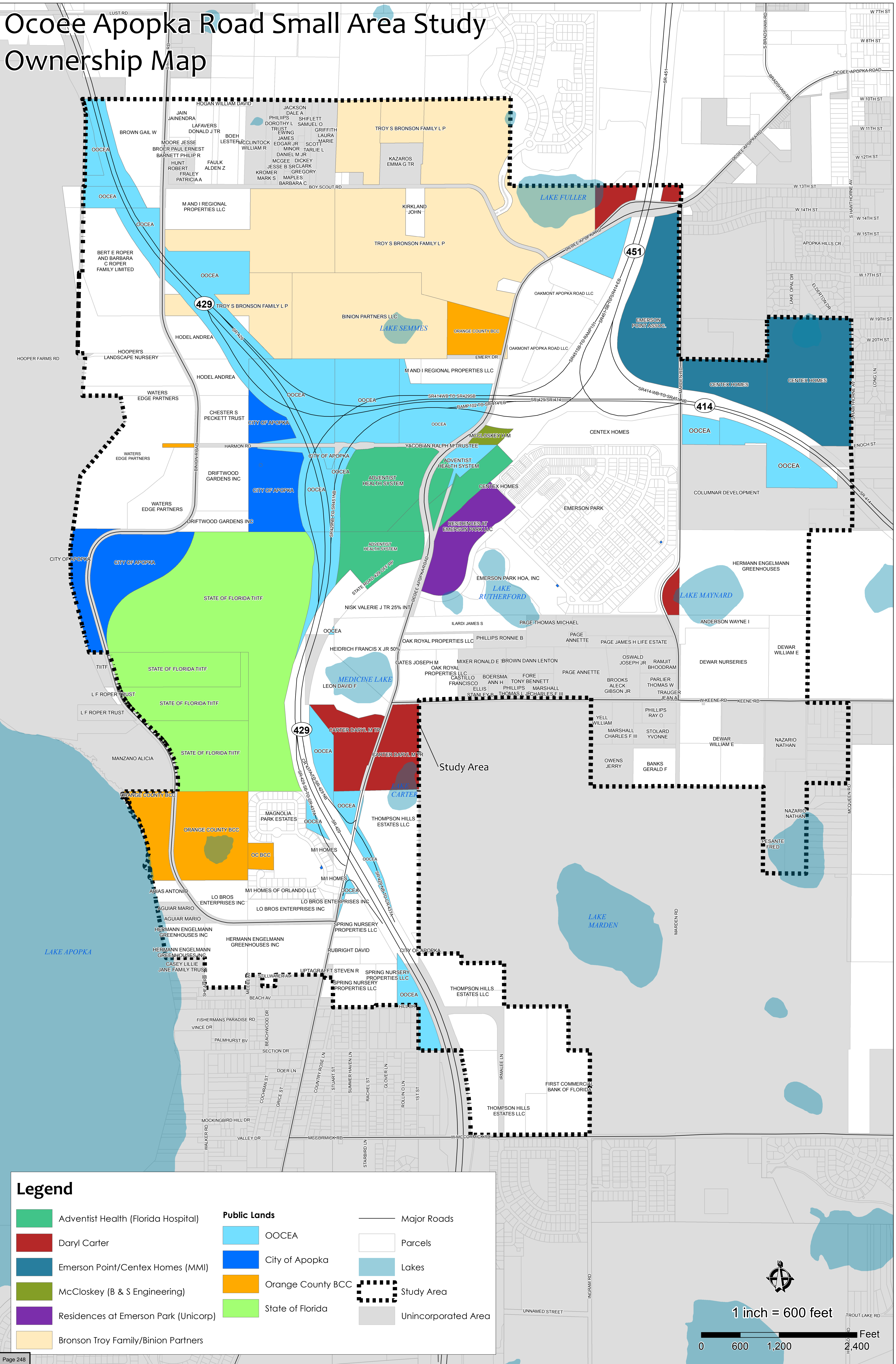
Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING: January 23, 2015
February 20, 2015

Ocoee Apopka Road Small Area Study Ownership Map



Legend

- | | | |
|---|--|--|
| Adventist Health (Florida Hospital) | Public Lands | Major Roads |
| Daryl Carter | OCEA | Parcels |
| Emerson Point/Centex Homes (MMI) | City of Apopka | Lakes |
| McCloskey (B & S Engineering) | Orange County BCC | Study Area |
| Residences at Emerson Park (Unicorp) | State of Florida | Unincorporated Area |
| Bronson Troy Family/Binion Partners | | |

1 inch = 600 feet

0 600 1,200 2,400 Feet

XI. APPENDIX C: Ocoee-Apopka Road Development Standards Sample¹

¹ The name of the Overlay should use the name selected for the area.

Table of Contents

XI. APPENDIX C: Ocoee-Apopka Road Development Standards Sample.....	1
A. PURPOSE:.....	XI-1
B. THE OVERLAY PLAN/UNDERLYING ZONING	XI-1
C. CONFLICTS	XI-1
D. ALLOWABLE USES	XI-1
E. BUILDING FORM STANDARDS	XI-3
1. Block Size.....	XI-6
2. Lot Configuration.	XI-6
3. Development Intensity.	XI-6
4. Building Frontage.....	XI-7
5. Building Setbacks.	XI-7
6. Building Height.....	XI-11
7. Glazing Requirements.....	XI-11
8. Private Frontage Zone Requirements.....	XI-11
F. STREET STANDARDS.....	XI-15
1. Street Components.....	XI-15
2. Street Types	XI-15
3. Street Requirements.....	XI-25
G. STREET LANDSCAPING.	XI-25
H. LOCATION OF PARKING FACILITIES	XI-26
I. BUILDING MASSING.....	XI-27
J. FACADE ARTICULATION	XI-27
K. BUILDING ENTRANCES.....	XI-28
L. BUILDING COLOR	XI-28
M. ROOF DESIGN.....	XI-28
N. GARDEN/STREET WALLS	XI-28
O. DEVELOPMENT COMPATIBILITY	XI-29

Ocoee-Apopka Road Zoning Overlay²

A. PURPOSE:

The purpose of the standards contained in this Section is to guide development into creating a mixed use employment center around the Florida Hospital site, located on Ocoee-Apopka Road. The standards require a more efficient and sustainable urban form throughout the overlay, and includes standards to achieve a compact, pedestrian-friendly environment in the core. The standards allow a wide range of housing, employment and recreation choices and opportunities throughout the district.

B. THE OVERLAY PLAN/UNDERLYING ZONING

The district overlay plan (Map 1) identifies the subzones within the overlay, each of which offering a full diversity of building types, street types, and civic space types, and each reflecting appropriate characteristics for its location. The standards contained in this section apply to all development within those zones. Standards not specifically mentioned in this section revert to the directives of the underlying zoning district.

C. CONFLICTS

The provisions of the land development code apply within the overlay area, except as specifically noted in this Section. When in conflict with other sections of the Code, the provisions of this Section shall take precedence over those of other codes, ordinances, regulations and standards.

D. ALLOWABLE USES

The following table shows the uses that would be allowed within the various subareas. The uses listed are only allowed if consistent the Future Land Use category applicable to each property.

Table 1. Table of Uses

USE	New Market	Gateway	RTE	Neighb	MU
RESIDENTIAL					
Single-Family Detached	Yes	Yes	No	Yes	Yes
Duplex	Yes	Yes	No	Yes	Yes
Town Houses	Yes	Yes	Yes	Yes	Yes
Multi-Family	Yes	Yes	Yes	Yes	Yes
Mobile Home Parks	No	No	No	No	No
Accessory Residential (garage apt., etc.)	Yes	Yes	No	Yes	Yes
COMMERCIAL					
Auto Dealers (new & used)	No	No	No	No	No
Auto Parts Sales	No	No	No	No	No
Auto Repair	No	No	No	No	No
Bar/Lounge (not part of a restaurant or hotel)	No	Yes	Yes	No	Yes

² The name of the Overlay should use the name selected for the area.

USE	New Market	Gateway	RTE	Neighb	MU
Bed & Breakfast	Yes	Yes	Yes	Yes	Yes
Business Services	Yes	Yes	Yes	No	Yes
Convenience Store	Yes	Yes	Yes	No	Yes
Drive-through Facilities	No	Yes	Yes	No	Yes
Drug Store	Yes	Yes	Yes	No	Yes
Grocery Store	Yes	Yes	Yes	No	Yes
Hotel/Motel/timeshare	Yes	Yes	Yes	No	Yes
Personal Service (unless noted below)	Yes	Yes	Yes	No	Yes
• Laundromats	No	No	No	No	Yes
• Pet Boarding Facility	No	No	Yes	No	Yes
• Tattoo/Body Piercing Parlors	No	No	Yes	No	Yes
Restaurant	Yes	Yes	Yes	No	Yes
Retail	Yes	Yes	Yes	No	Yes
Service Station	No	Yes	Yes	No	Yes
Theater	Yes (S)	Yes	Yes	No	Yes
Wholesale Commercial	No	Yes	Yes	No	Yes
Banking	Yes	Yes	Yes	No	Yes
OFFICE					
Finance, Insurance	Yes	Yes	Yes	No	Yes
Medical/Dental	Yes	Yes	Yes	No	Yes
Other Office	Yes	Yes	Yes	No	Yes
LIGHT INDUSTRIAL *					
Distribution	No	Yes	Yes	No	Yes
Food packaging/processing	No	No	No	No	No
Manufacturing	No	Yes	Yes	No	Yes
Research, training, testing	Yes	Yes	Yes	No	Yes
Storage/Warehouses	No	Yes	Yes	No	Yes
RECREATION					
Indoor Recreation	Yes	Yes	Yes	No	Yes
Golf Courses	No	Yes	Yes	No	Yes
Public/Private Sports Facilities	Yes (S)	Yes	Yes	Yes	Yes
Parks and Plazas	Yes	Yes	Yes	Yes	Yes
PUBLIC/CIVIC					
Public parks and playgrounds	Yes	Yes	Yes	Yes	Yes
Utilities	Yes	Yes	Yes	Yes	Yes
Civic Clubs, lodges, fraternal organizations	Yes	Yes	Yes	No	Yes
Cemeteries	No	No	No	No	No

USE	New Market	Gateway	RTE	Neighb	MU
INSTITUTIONAL					
Churches	Yes (S)	Yes	Yes	No	Yes
Elementary School	Yes	Yes	Yes	Yes	Yes
Middle School	Yes	Yes	Yes	Yes	Yes
High School	Yes (S)	Yes	Yes	No	Yes
Museums	Yes	Yes	Yes	No	Yes
Hospitals	Yes (S)	Yes	Yes	No	Yes
Clinics	Yes	Yes	Yes	No	Yes
Technical, vocational, professional schools	Yes (S)	Yes	Yes	No	Yes
Day Care	Yes	Yes	Yes	Yes	Yes
Nursing Homes	Yes	Yes	Yes	Yes	Yes
ALF	Yes	Yes	Yes	Yes	Yes
Funeral Homes	No	Yes	Yes	No	Yes

* High-tech industries including computers, advanced electronics, lasers, robotics
[\(S\) Special Exception approval required.](#)

[NOTE TO STAFF: WE DIDN'T LIST ADULT ENTERTAINMENT BECAUSE THERE IS A SECTION OF THE CODE OF ORDINANCES SPECIFICALLY STATING THAT THEY ARE ONLY ALLOWED IN I-1 AND SUBJECT TO CONDITIONS.]

E. BUILDING FORM STANDARDS

Table 2 contains the building form standards, which determine the location, scale and massing of buildings. The standards apply to all buildings within the character zones, except for civic/institutional buildings, which are exempt from certain standards as noted in the following sub-sections. **Sections E.1 through 8** contain a description of each standard, supplemental regulations, and the exceptions applicable to civic/institutional buildings.

Table 2: Development Standards

	New Market	Gateways	RTE	MU*	Neighborhood
					
A. BLOCK STANDARDS					
Block Perimeter (max.)	1,600'	2,000'	2,600'	2,000'	2,000'
B. LOT CONFIGURATION					
Lot Width	40' min/120' max	18' min.	18' min.	18' min.	See note 1
C. DEVELOPMENT INTENSITY					
Building Coverage (max.)	100%	80%	70%	90%	See note 1
Ground Floor Area (max. sq. ft.)	NA	20,000[LEA1]**	NA	NA	See note 1
D. BUILDING FRONTAGE					
Primary Frontage (min.)	80%	60%	50%	65%	See note 1
Secondary Frontage (min.)	60%	40%	30%	50%	See note 1
E. BUILDING SETBACKS*** [SHOWN AS PRIVATE FRONTAGE ZONE ON CROSS-SECTIONS]					
New Market Local Street ①	8' build-to-line	NA	NA	NA	NA
New Market Principal Street ②	8' min. - 15' max.	NA	NA	NA	NA
Principal Street ③	NA	8' min. - 80' max.	NA	NA	15' min.
Urban Avenue ④	8' min. - 15' max.	8' min. - 80' max.	8' min. - 80' max.	8' min. - 80' max.	15' min.
Scenic Avenue ⑤	NA	NA	8' min. - 80' max.	8' min. - 80' max.	NA
Local Street ⑥	NA	8' min. - 80' max.	8' min. - 80' max.	8' min. - 80' max.	15' min.
Side Setback (min.)	0' or 5'	5'	0' or 5'[LD12]'	0' or 5'	See note 1
Rear Setback (min.)	3' or 15' (alley[LEA3]) 0' (no alley)	3' or 15' (alley) 10' (no alley)	3' or 15' (alley) 10' (no alley)	3' or 15' (alley) 0' (no alley)	See note 1

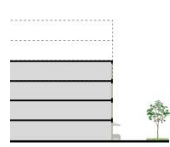
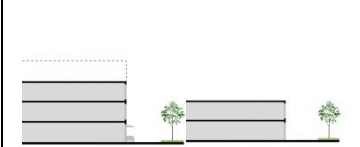
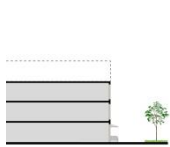
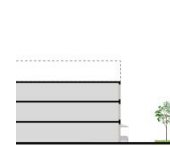
* For areas within the overlay district only. The Mixed-ED standards still apply to areas outside the district.

** May allow up to 50,000 square feet through the special exception process.

*** See Section 12.1 for landscape zone and sidewalk requirements. Garages must be setback a minimum of 25' from the site frontage line.

Note 1: Per Mixed-ED standards for sites designated as such. All others shall meet the standards of R-2.

Table 2: District Development Standards (Cont.)

	New Market	Gateways	RTE	Mixed Use	Neighborhood	
						
F. BUILDING HEIGHT						
Minimum	25 ft.	24 ft.	24 ft.	24 ft.		
Maximum (stories by right/bonus*)	4/7	2/4	4/7	4/7	2/4	
G. GLAZING						
Non-residential 1st floor	New Market Local Street All other streets	65% 30%	50% 30%	-- 30%	-- 30%	NA NA
Non-residential above 1st floor & multiple-family		15%	15%	15%	15%	15%
H. PRIVATE FRONTAGE ZONE						
Storefront	YES	YES	YES	YES	NO	
Gallery	YES	YES	YES	YES	NO	
Arcade	YES	YES	YES	YES	NO	
Forecourt	YES	YES	YES	YES	NO	
Stoop	YES	YES	YES	YES	YES	
Porch	NO	YES	YES	YES	YES	

* See Bonus System requirements (Error! Reference source not found.) [SECTION NOT DEVELOPED]

** See O for Development Compatibility standards

1. Block Size.

Connectivity is achieved by limiting the size of city blocks. Therefore, in order to prioritize connectivity, land shall be organized by development blocks based on the requirements listed in Table 2 for each zone. **Figures 1 and 2** depict the process of breaking down large blocks to meet the standards.

Figure 1: Creating Blocks

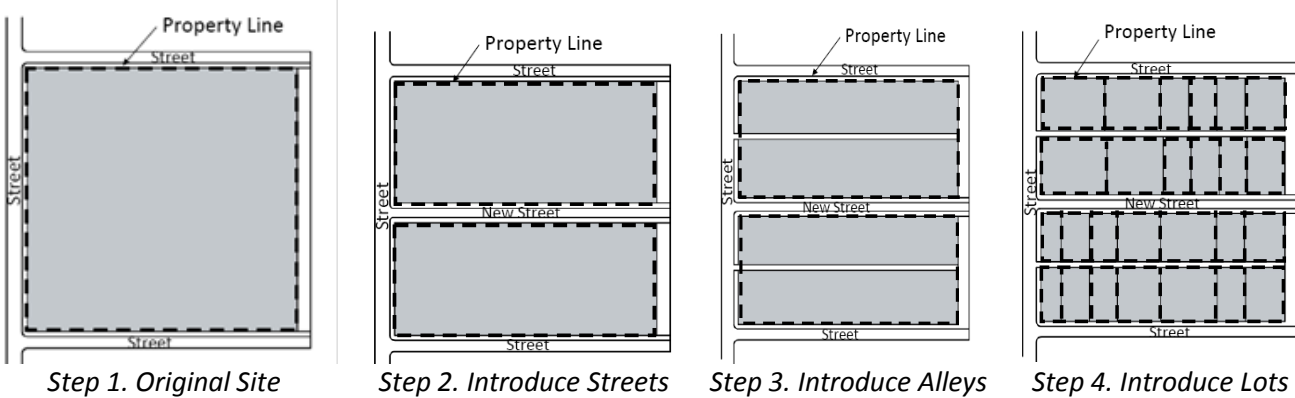
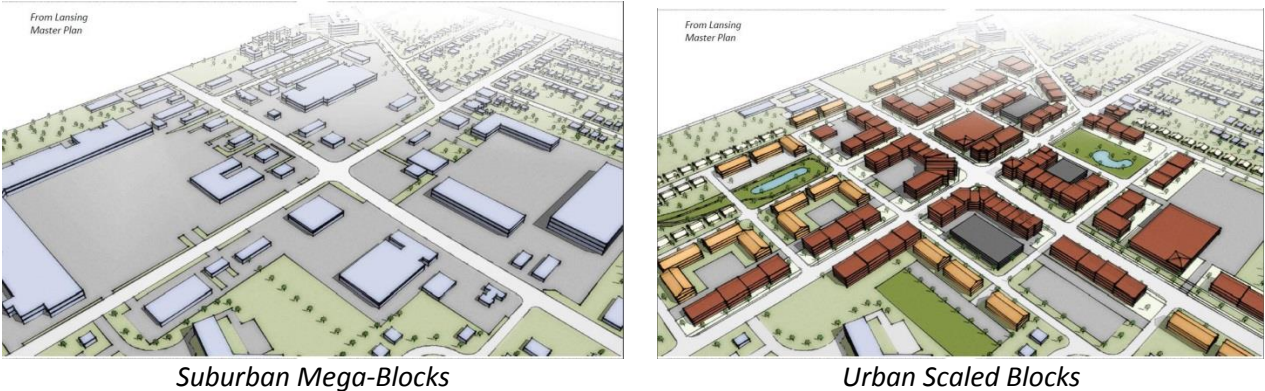


Figure 2: Example of Block Scale³



2. Lot Configuration.

No maximum lot width is prescribed for development within some of the zones. However, the width of a lot shall not be justification for not meeting the building frontage requirements. If the lot is too wide for a particular type of building, the applicant has the option of subdividing the lot into smaller, narrower lots.

3. Development Intensity.

The maximum development intensity on a site is determined by a combination of maximum permitted setbacks, height and building coverage. The intent of building coverage restrictions is to ensure a higher level of openness within the less urban zones while allowing more intensive development in the core. In no event shall the density and intensity prescribed in the comprehensive plan be exceeded.

³ Lansing, Michigan, Form-Based Code presentation

4. Building Frontage.

The purpose of the building frontage requirements is to create a continuous urban form along all streets.

- a. The building frontage standards are stated as a proportion of the building length within the required minimum and maximum setback relative to the width of the development site measured at the site frontage line (see **Figure 4**).
- b. Building frontage requirements vary based on the street type. See **Section F.2** for the definition of primary and secondary streets. Sites with multiple street frontages shall meet the minimum frontage requirement along all streets.
- c. In the case where the required building frontage cannot be met due to the need to provide vehicular access from the primary frontage, a gateway, arch or similar feature shall be provided to preserve the block continuity and may be counted toward meeting the building frontage requirement (see **Figures 3 and 4**).
- d. Libraries, places of religious assembly, public administration buildings, hospitals and schools (elementary, middle and high) are not subject to the minimum frontage requirements.

Figure 4: Building Frontage

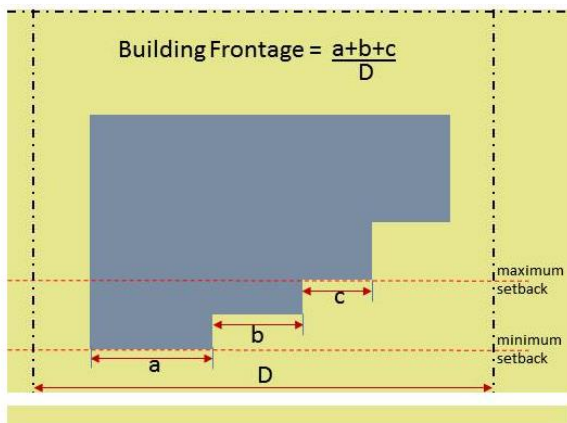


Figure 3: Example of Gateway



Floor above gateway not required

- e. On New Market Local streets, as defined in **Section F**, the ground floor along the street frontage shall contain active uses oriented to the street. Active uses may include, but are not limited to, display or floor areas for retail uses, waiting and seating areas for restaurants, atriums or lobbies for offices, and lobbies or dining areas for hotels or multifamily residential buildings. Residential units shall not be located directly on the first floor street frontage of buildings on New Market Local streets.

5. Building Setbacks.

The placement of a building on a site is critical to creating a vital and coherent public realm. The intent of the building setback standards is to shape the public realm, and strengthen the physical and functional character of the area. **Figure 5** depicts the types of setbacks.

- a. The front/street setbacks listed in **Table 2** shall be measured from the back of the sidewalk as depicted in the cross-sections shown in **Section F**, instead of the actual front property line, except for the following:
 - (1) If the site fronts on a street that is not being redesigned to match the cross sections in **Section F**, the setback shall be determined by staff. In making the determination, staff will consider the adopted cross-sections and vision for the public realm.
 - (2) Should the required street setback fall within a public right-of-way, it shall be shifted to the property line instead.
- b. Libraries, places of religious assembly, public administration buildings, hospitals and schools (elementary, middle and high) are not subject to the maximum street setback requirement, unless located within a multi-use development, or shopping center. The setbacks shall be determined through the development review process considering the vision for the area.
- c. The configuration of the Public Frontage Zone (landscape zone and sidewalk), as well as the installation of landscaping and furniture within the landscape zone, are the responsibility of the developer in conjunction with the development of a site. The design of the landscape zone varies depending on the street type.
 - (1) Along New Market Streets, the landscape/furniture zone shall be used to expand the sidewalk. Therefore, trees shall be planted within sidewalk cutouts, planters or tree grates. Street furniture such as benches, trash receptacles and bike racks may also be installed in the landscape zone.
 - (2) Along other streets, the landscape zone shall be used to buffer the pedestrians from the vehicular traffic. Therefore, sod, shrubs, ground cover and/or accent plants and street trees shall be planted within the landscape zone.
- d. Facades shall be built parallel to a rectilinear Site Frontage Line or parallel to the tangent of a curved Site Frontage Line (see **Figure 6** Building Alignment).

Figure 5: Building Setbacks

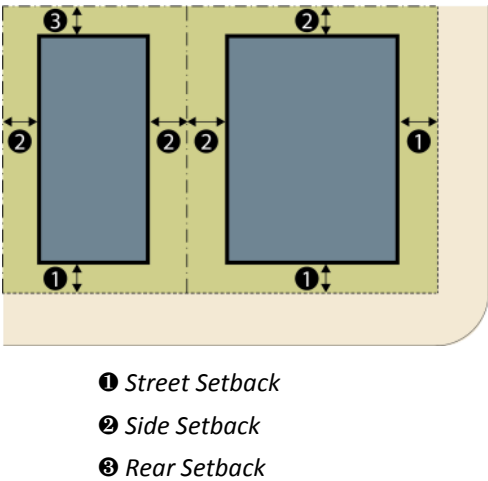
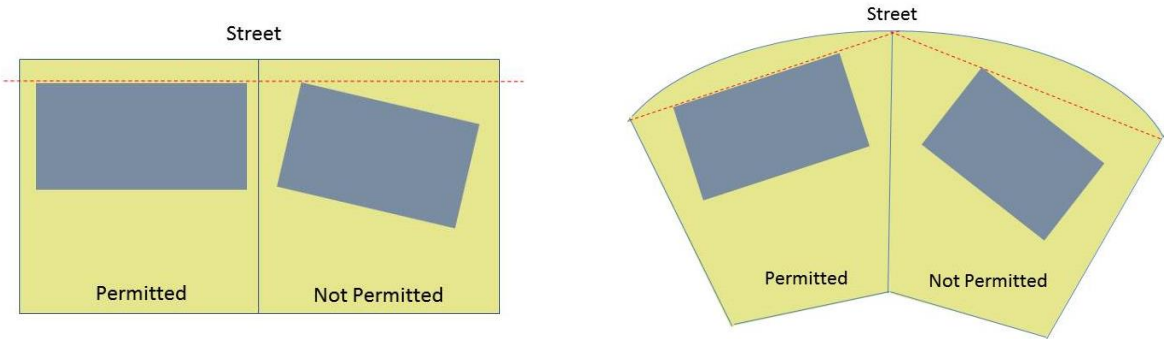


Figure 6: Building Alignment



- e. The building setback and frontage standards position buildings relatively close to the street and, in the case of the New Market Area, extending almost to the side property lines. This configuration restricts the location of parking areas and drop-off drives along the street frontage. Placing these uses to the side of the building is permitted only if the building frontage requirements are met. In such cases, vehicular areas along the street shall be masked from the street by a garden wall (see garden wall standards under fences and walls in **Section N**). Pedestrian comfort shall be a primary consideration. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- f. The placement of buildings at the rear of a site is allowed as long as one or more buildings are placed along the front of the site meeting the setback and building frontage requirements of this division. **Figure 7** shows an acceptable design alternative. Streets or access drives must be incorporated into the site to break it down into smaller lots/blocks (platting will not be required). The main access drive shall be centered on the anchor building and shall be lined with buildings, which shall meet the required frontage standards along the street and access drive.

Figure 7: Multiple Buildings on a Site

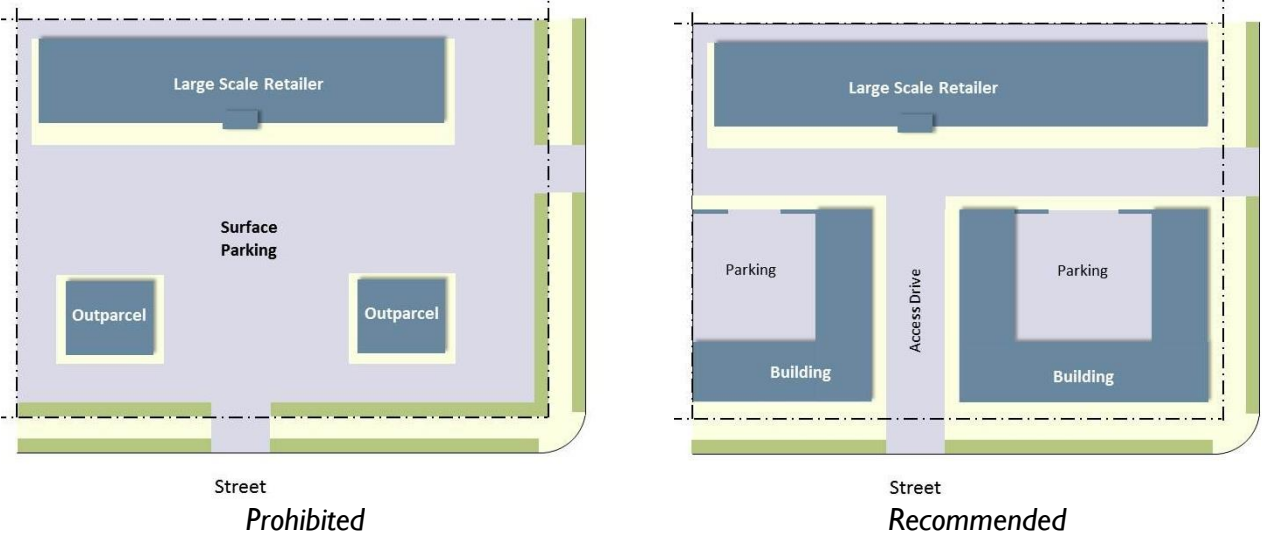


Figure 8: Public and Private Frontage Zone Components

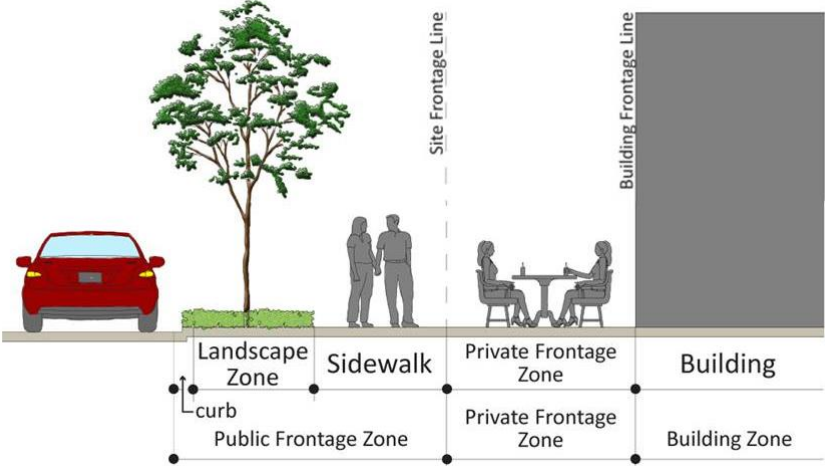


Table 3: Public and Private Frontage Zone Dimensions

Street:	New Market			Gateway			RTE			MU			Neighborhood		
	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone
New Market Local Street	10'	9'	8'	NA	NA	NA	NA	NA	NA			NA			NA
New Market Principal	13'	10'	8'-15'	NA	NA	NA	NA	NA	NA			NA			NA
Principal Street	NA	NA	NA	13'	6'	8'-80'	NA	NA	NA			NA	13'	6'	15'
Urban Avenue	11'	8'	8'-15'	11'	8'	8'-80'	11'	8'	8'-80'	11'		8'-80'	11'	8'	15'
Scenic Avenue	NA	NA	NA	NA	NA	NA	11'	8'	8'-80'	11'	8'	8'-80'			NA
Local Street	NA	NA	NA	6'	6'	8'-80'	6'	6'	8'-80'	6'	6'	8'-80'	6'	6'	15'

* Dimension includes a 2' step strip adjacent to parallel parking. Street trees planted within a landscape zone of less than 8' in width must utilize an acceptable method to ensure healthy tree growth.

6. Building Height

The building height limitations contained in **Table 2** do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances required to be placed on the roof and not intended for human occupancy. Other exceptions include:

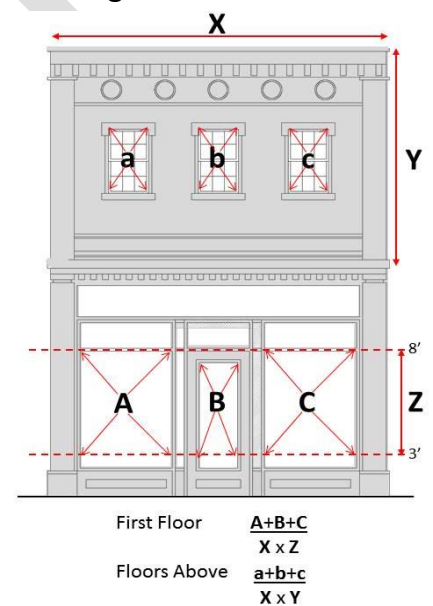
- a. Roof structures above eave line can vary in height up to a maximum of fifteen (15) feet above eave line.
- b. Trellises may extend above the maximum height up to eight (8) feet.
- c. Stair, elevator or mechanical enclosures shall be limited to ten (10) feet above the maximum height and shall not exceed twenty (20) percent of the roof area.

7. Glazing Requirements

The glazing requirements apply to retail and multifamily uses within the New Market Area.

- a. Glazing percentages shall be calculated as follows:
 - i. Non-Residential First Floor: The area of glass between 3 feet and 8 feet above grade divided by the area of the building façade also between 3 feet and 8 feet above grade.
 - ii. Non-Residential above First Floor: The combined area of glass on all floors above the first divided by the total area of the building façade for those floors.
 - iii. Residential: The area of glass divided by the area of the façade.
- b. The approving authority may allow reduced glazing and/or glass transmittance for places of religious assembly and schools.
- c. There is no limit on how much glazing is provided. However, if glass walls are utilized, an architectural feature, such as a canopy/marquee, overhang, or a horizontal change in plane shall be provided between the first and second floors to ensure pedestrian scale at the sidewalk level.
- d. Windows and glass doors shall be glazed in clear glass with 80% minimum transmittance. The use of reflective glass and reflective film is prohibited on the ground floor of all buildings.

Figure 9: Non-Residential Glazing



8. Private Frontage Zone Requirements

All buildings shall have at least one type of frontage incorporated into its design. Figure 11 contains the dimensional requirements for the various types of private frontages allowed. The intent of the private frontage zone is to provide a transition, both physical and visual, between the public frontage zone (street) and the building zone. The type of activity conducted in the private frontage zone depends on how much privacy is needed along the building facade. For a commercial building, for instance, the intent of the private frontage zone is to attract customers into the business (Figure 10). For a residential site, the intent of the private frontage zone is to provide for some privacy to the ground floor rooms.

Figure 10: Examples of Private Frontage Zone Activity

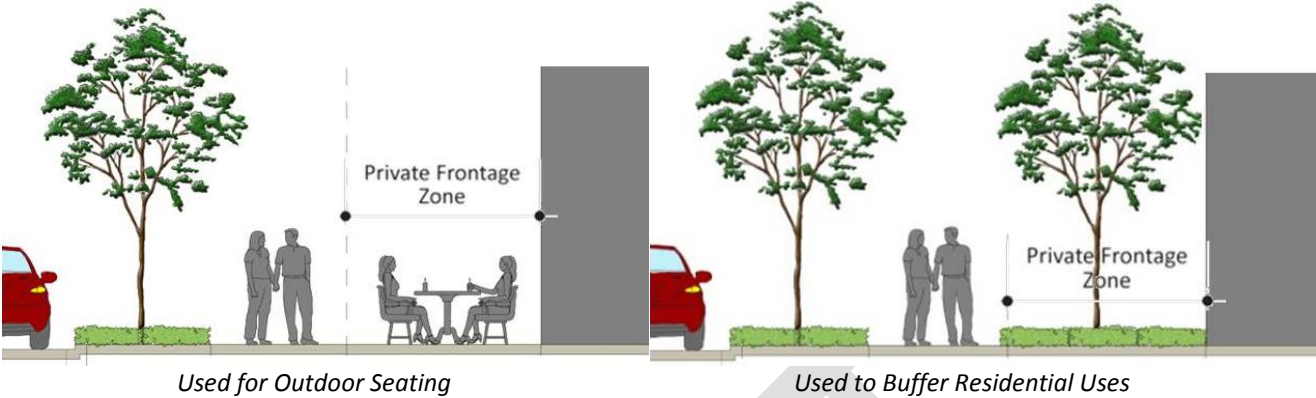


Figure 11: Private Frontage Standards

Storefront	Gallery	Arcade
New Market, Mixed-Use	New Market, Mixed-Use	New Market, Mixed-Use
		
<p>1. Width: 25% of façade width min. 2. Depth: 5' min. 3. Clear Height: 8' min.</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>
Forecourt	Stoop	Porch
RTE, Gateway	Neighborhoods	Neighborhoods
		
<p>1. Width: 10' min. to 50% of façade width max. 2. Depth: 10' min/20' max. 3. Elevation: 18" max. above grade.</p>	<p>1. Width: 5' min. to 16' max. 2. Depth: 5' to 8' 3. Clear Height: 8' 4. Elevation: 21" min. above grade.</p>	<p>1. Width: 12' min. 2. Depth: 8' min. 3. Clear Height: 8' min. 4. Elevation: 21" min. above grade.</p>

Note: See Article II for definitions of frontages.

- a. Private Frontage Standards, General.
 - i. Landscaping within private frontage zones in the New Market Zone, if provided, shall be in the form of containers and/or planter boxes in scale and consistent with the building mass and architecture. Private frontage zones in other areas or in front of uses that do not require pedestrian interaction along the façade (e.g. offices, hotels, multifamily) may be landscaped with a combination of intermediate trees, palms, shrubs, vines and/or ground covers.
 - ii. In addition to the encroachments listed in Figure 11, cantilevered balconies, bay windows, and roof overhangs are allowed to encroach into the private frontage zone.
 - iii. Street furniture such as benches, trash receptacles, and/or bicycle racks may be installed within the private frontage zone.
 - iv. Outdoor cafes are permitted in conjunction with private frontages subject to meeting the standards of this section.
 - v. Elements within the private frontage zone (landscaping and architectural features) must comply with the vision triangle requirements.
- b. Standards for storefronts, awnings and canopies.
 - i. Storefront doors shall not be recessed more than 5 feet from the front façade. If the doors are recessed more than 3 feet, angled walls leading to the door are recommended to promote the visibility of the entrance.
 - ii. Awnings and canopies shall not cover architectural elements such as cornices or ornamental features.
 - iii. High gloss or plasticized fabrics and aluminum are not allowed for awnings.
 - iv. Backlit awnings are not allowed.
 - v. Awning should be at minimum match the width of the window or door opening and shall be in keeping with the character of the building.
- c. Standards for galleries and arcades.
 - i. Along storefront streets, gallery/arcade openings shall correspond to storefront entrances.
 - ii. Galleries may be one (1) or two (2) stories.
 - iii. Arcades and galleries must have consistent depth along a frontage.
- d. Standards for forecourts.
 - i. Forecourts shall be paved and enhanced with landscaping.
 - ii. Forecourts are not intended to be covered; however, awnings and umbrellas are allowed and encouraged.
- e. Standards for stoops and porches.
 - i. Stoops must correspond directly with the building entry.
 - ii. Porches may be one (1) or two (2) stories.
 - iii. Porches shall be open and not air conditioned to be allowed to encroach into the private frontage zone.

F. STREET STANDARDS

Streets are intended for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, and shall be designed in context with the urban form and desired design speed of the Character Area through which they pass. Infill development and redevelopment on sites fronting on existing streets shall not be required to reconfigure the street to meet the Travel Zone standards of this section, but shall be required to implement the Public Frontage Zone requirements. The Travel Zone standards contained in this section apply to the creation of new City public streets. The standards may also be used whenever an existing City street is reconfigured by the City or a developer.

1. Street Components

The street system generally consists of the vehicular lanes, on-street parking, bicycle lanes, curbs, landscape zone and sidewalk. The travel lanes, bicycle lanes and on-street parking and curb make up the Travel Zone, while the landscape zone and sidewalk are classified as the Public Frontage Zone. **Figure 11** depicts these components. In addition to the travel lanes and associated public frontages, a system of rear alleys or lanes serves as the primary means of vehicular ingress to individual lots.

2. Street Types

The Ocoee-Apopka Road Small Area Study depicts the following types of streets: Avenues, Principal Streets, New Market Streets and Local Streets. Below is a detailed description of the function of each street type. Figures 12 through 17 depict the roadway design for each street type. Map 2 shows their location.

“Primary” and “secondary” streets shall be determined based on the following street hierarchy, with New Market Local streets having the highest priority and local streets the lowest.

a. *New Market Streets:*

New Market Streets are intended to function at the highest level of pedestrian functionality rather than as auto-centric throughways. Storefront Streets typically include spacious sidewalks and private frontage zones to accommodate a comfortable public realm. New Market Streets in the study area include the proposed connections in the New Market area.

b. *Principal Streets:*

Principal streets carry high volumes of through traffic, but include less pedestrian traffic than New Market streets. Principal Streets should be designed to include on-street parking as well as allow for bicycle traffic through bike lanes or sharrow lane designations. Bump outs interspersed with on-street parking facilitate pedestrian crossing from one side of the street to the other. Typical Principal street types include the segment of Ocoee-Apopka Road from Highway 414 to Highway 429.

c. *Avenues:*

Avenues are roadways that carry high volumes of through traffic with limited pedestrian activity and slightly higher vehicular speeds than Principal, New Market and Local streets. The design of the Avenue may include on-street parking, but at a minimum should include bike lanes. If parking is provided, bump outs should be used to shorten the distance for pedestrians trying to cross the street. Avenues may have two or three drive lanes and could be classified as Urban or Scenic. Typical Urban Avenue street types include segments of Harmon Road, Keene Road and Marden Road. Binion

Road is classified as a scenic avenue with greater natural buffers outside the street right-of-way and limited surrounding development.

d. Local Streets

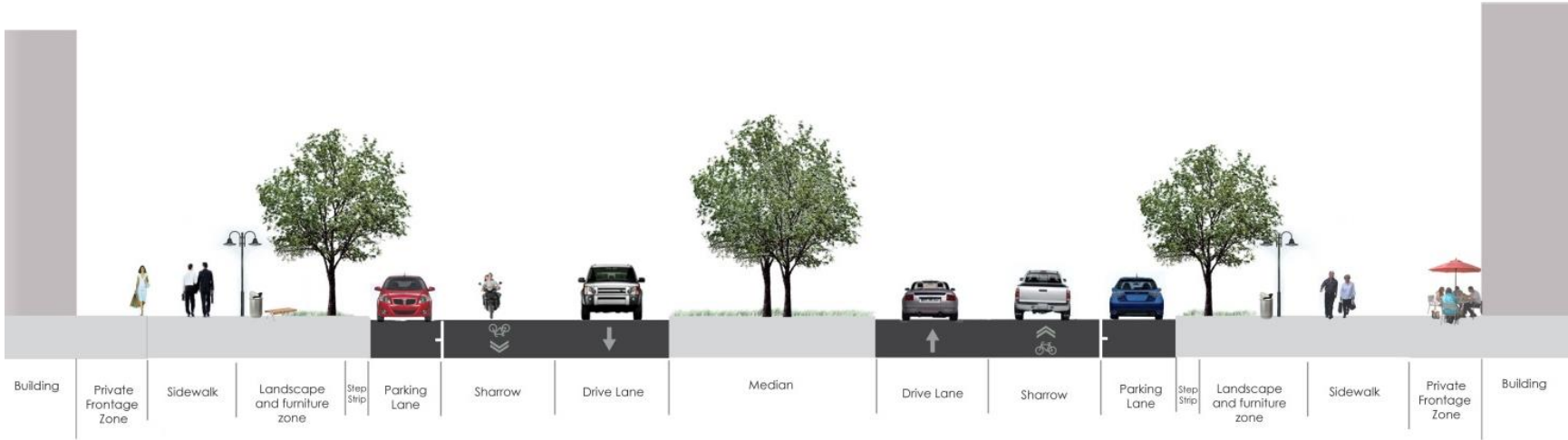
Local Street types make up a large portion of the transportation network within and around the study area. These roadways are intended to have slow speeds (may contain traffic calming devices) and provide the predominant connection between residential areas and the New Market and Research, Technology and Education districts. Bike lanes are encouraged in the design of Local Streets as the trail system primarily follows Principal and New Market Streets. Local streets may also allow informal (un-striped) on-street parking in some of the neighborhood districts. Typical local streets in the study area include many of the existing and proposed roads in the neighborhood and gateway districts.

e. Urban Walkways

An Urban Walkway (also known as Muses) is a pedestrian/bicycle pathway that serves to improve pedestrian/bicycle connectivity, delineate blocks and provide for expanded pedestrian space. Development may front on these walkways as long as there is vehicular access provided along another frontage.

DRAFT

Figure 12: Typical Components of a Street



Sharrow means that the bicycles share the right-of-way with vehicles.

Figure 13. New Market Local Street Typical Section

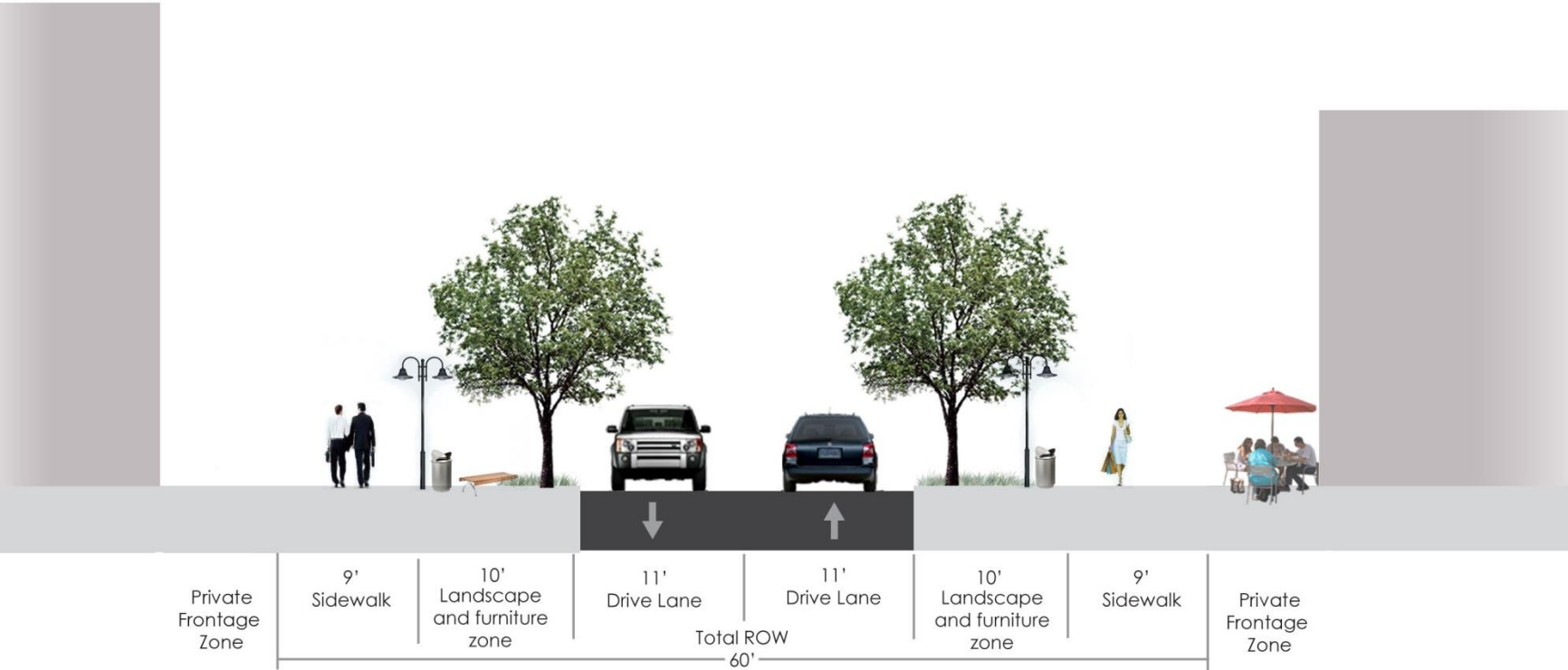
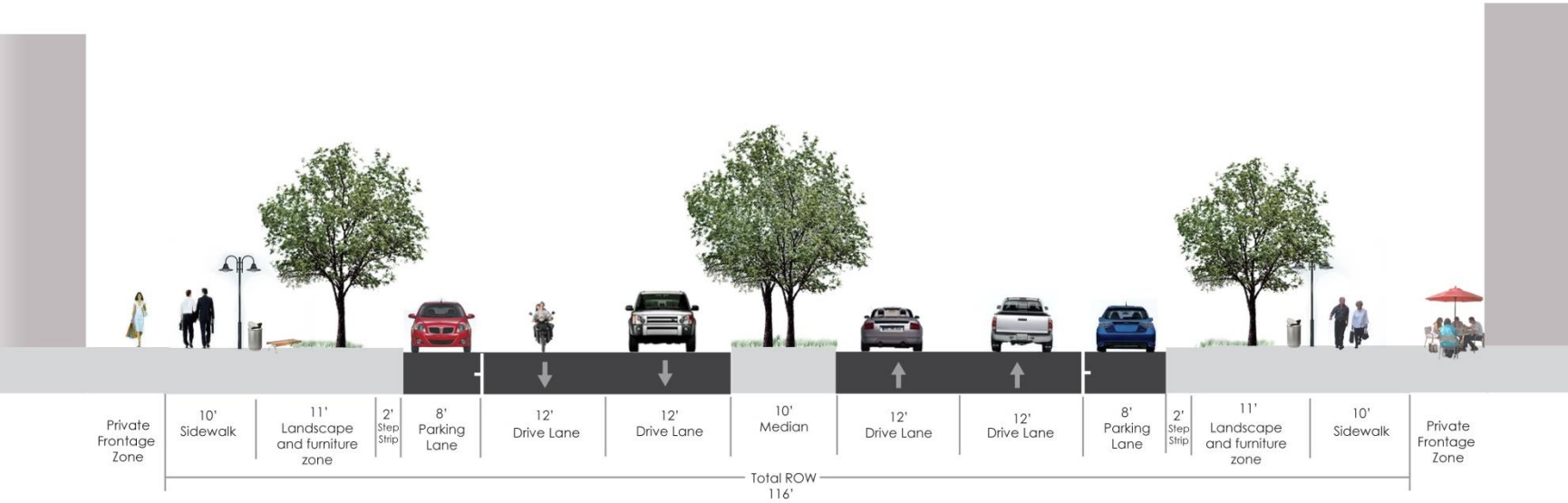
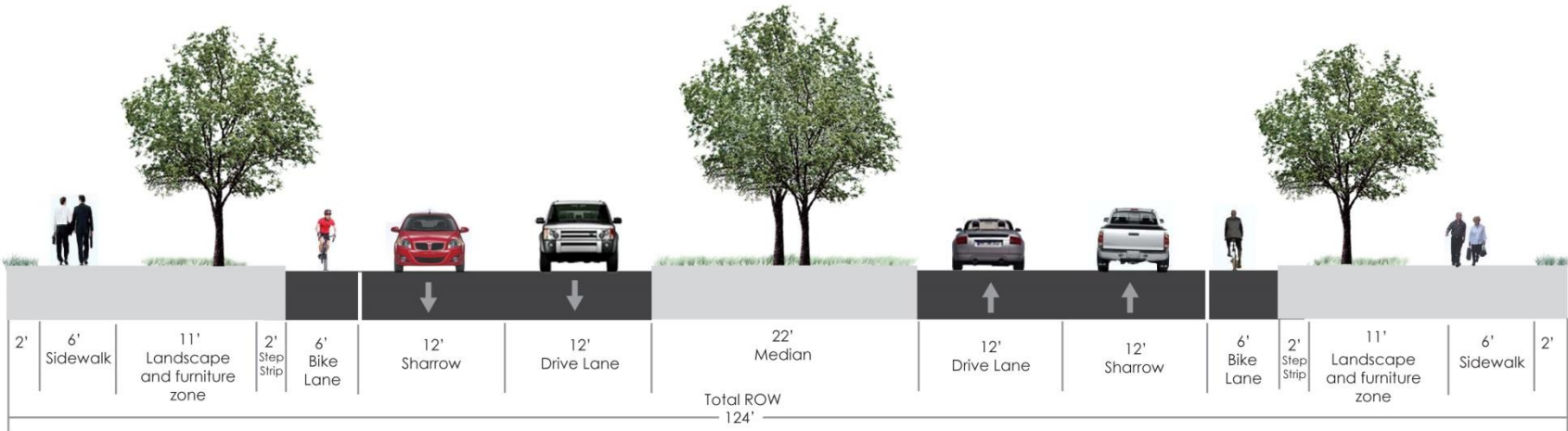


Figure 14. New Market Principal Street Typical Section



DRAFT

Figure 15. Principal Street Typical Section



DRAFT

Figure 16. Urban Avenue Typical Section

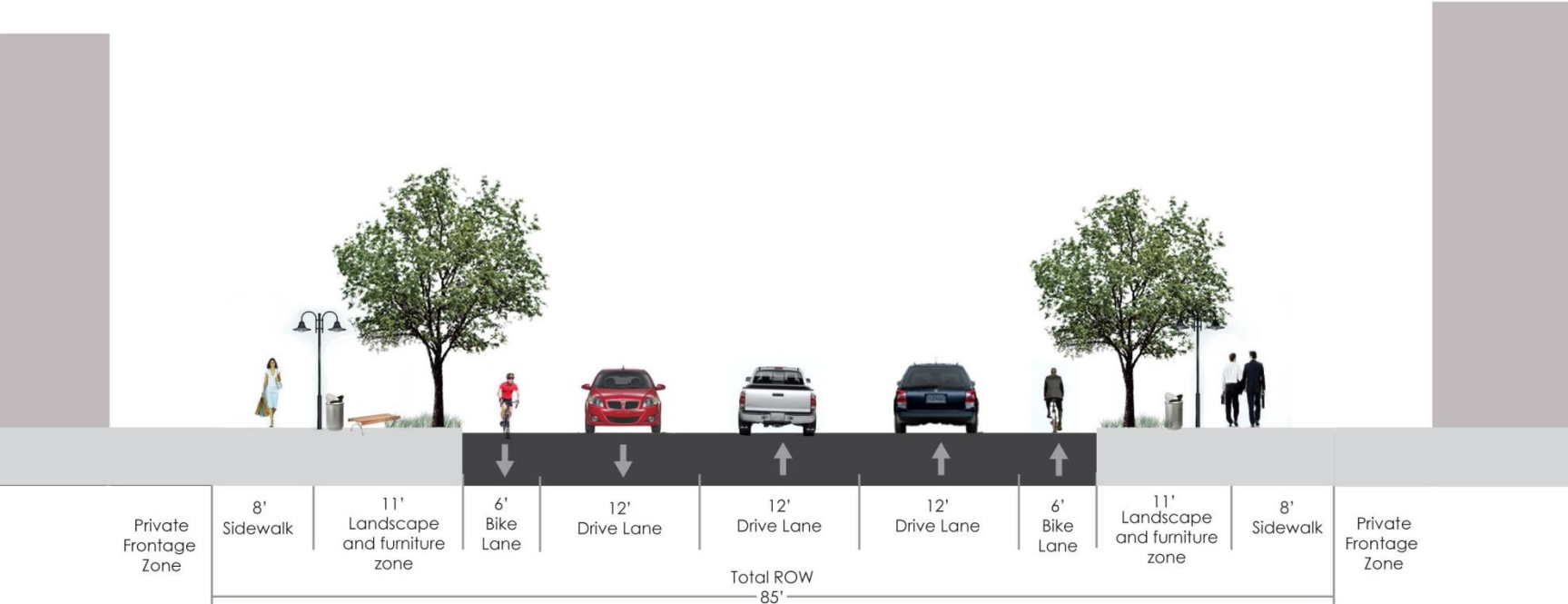
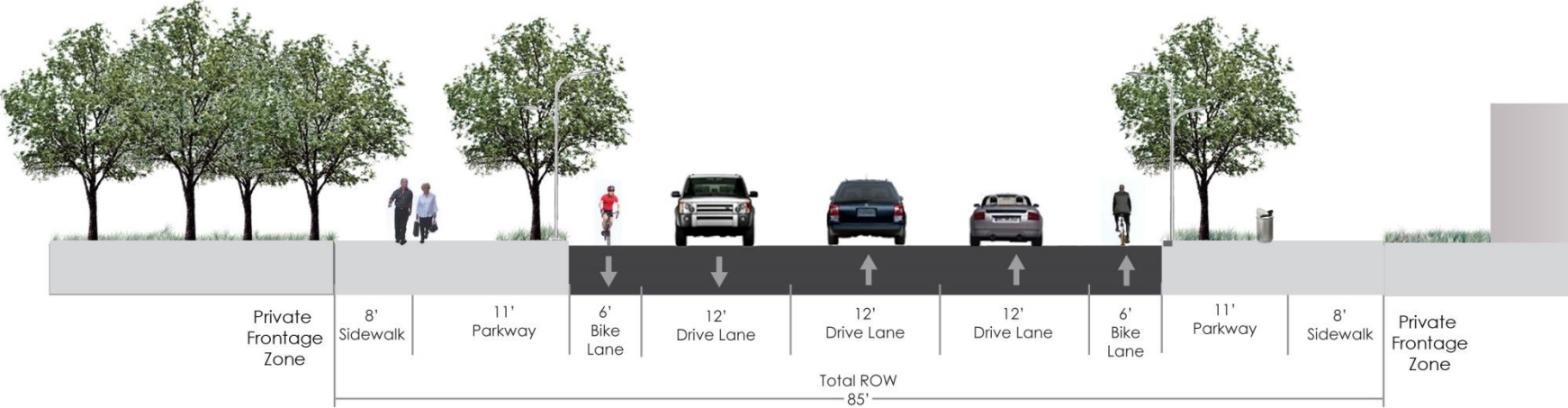


Figure 17. Scenic Avenue Typical Section



DKI

Figure 18. Local Street Typical Section

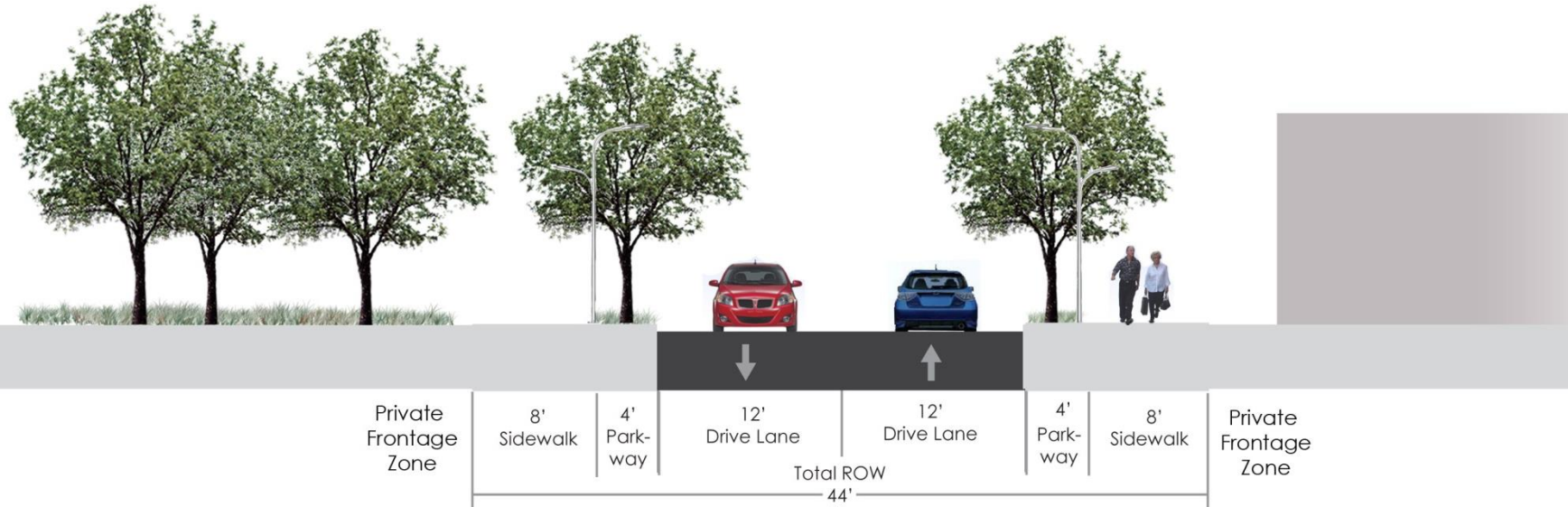


Figure 19. Urban Walkways



DRAFT

3. Street Requirements

Any new streets, alleys or urban walkways proposed as part of a new development shall be constructed at the expense of the owner/developer. As new City streets are built or existing streets are rebuilt (excluding maintenance and repair), their design shall conform to the cross sections shown in the previous section and the following standards:

- a. All streets shall terminate at other streets, in order to form a network. Therefore, cul-de-sac streets are not permitted. Internal streets and driveways shall connect wherever possible to those on adjacent sites.
- a. A system of joint use driveways and cross access easements shall be established between abutting non-residential sites (including mixed-use sites). The site design shall incorporate the following:
 - i. Stub-outs and other design features to make it visually obvious that the abutting properties will be tied in to provide cross access via a service drive;
 - ii. A unified access and circulation system that includes coordinated or shared parking areas, wherever feasible.
- b. Corner curb radii should be between 9 ft. for New Market Local Streets and alleys, and 15 ft. for all other streets. Corner radii and clear zones shall be created within the vision triangle established using AASHTO standards.

G. STREET LANDSCAPING.

Street trees shall be planted along the sides of all streets. A street tree shall be planted for every 30 to 50 feet of street frontage, depending on the canopy area needed for the tree species. The widths of driveways along a street shall be subtracted from the linear feet of street frontage length for the purposes of calculating the number of required street trees. In no case shall trees be spaced closer together than 25 feet or farther apart than 60 feet. Alleys are exempt from this requirement for street trees.

1. Street trees shall be high quality shade trees and shall be planted in tree lawns with a minimum width of 8 feet, or within tree wells with minimum 4-foot by 4-foot surface openings.
 - a. On-street parking spaces may be located between street trees, as long as the required number of trees are planted along the street frontage, and the minimum rootzone volume is provided for each tree.
 - b. Tree wells may be enclosed with pavers or other hardscape materials above the required rootzone volume. The city manager or designee may determine if installation of an aeration system is necessary to conduit water and oxygen to the roots of trees within tree wells.
2. Street trees shall be planted between the street and the public sidewalk.
3. City staff may require the adjustment of the prescribed build-to line in order to accommodate the required street trees and ensure that the trees will meet separation requirements from utility lines, buildings, and paved areas.

4. A minimum 10-foot separation shall be provided between street trees and street stormwater inlets, except where bioretention inlets that incorporate trees are utilized.

H. LOCATION OF PARKING FACILITIES

1. Surface parking lots shall be located in the rear of the lot, behind the building. A portion of the parking area may be located to the side of the building as long as the minimum building frontage requirements are met. However, no surface parking area shall extend more than fifty (50) percent of the development site or seventy (70) feet along any street frontage, whichever is less, without a building, structure or park interrupting the parking frontage.
2. Surface and structure parking areas shall be accessed from rear alleys or rear lanes where available, from an adjacent property (shared use agreement necessary), or from a secondary street (see **Figures 19 and 20**). Vehicular access from a primary street will only be allowed in the absence of the three options mentioned above.
3. Any parking areas located along a public street, alley or urban walkway shall be screened from street view by a garden wall.

Figure 20: Site Access

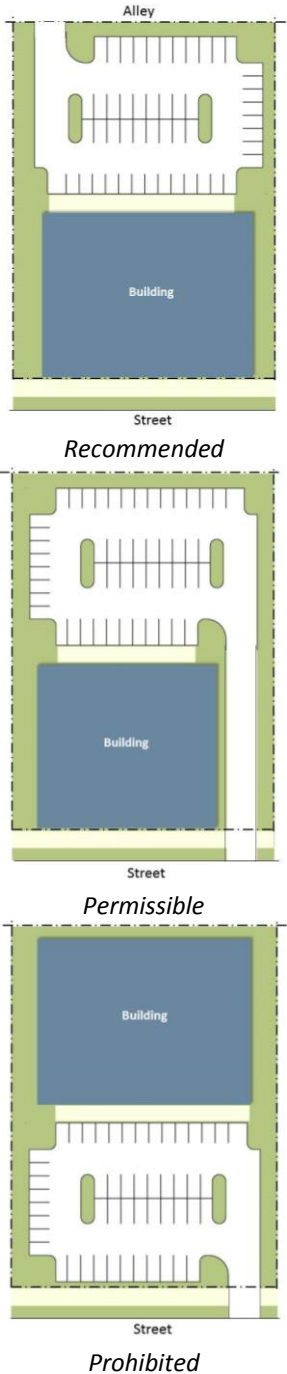
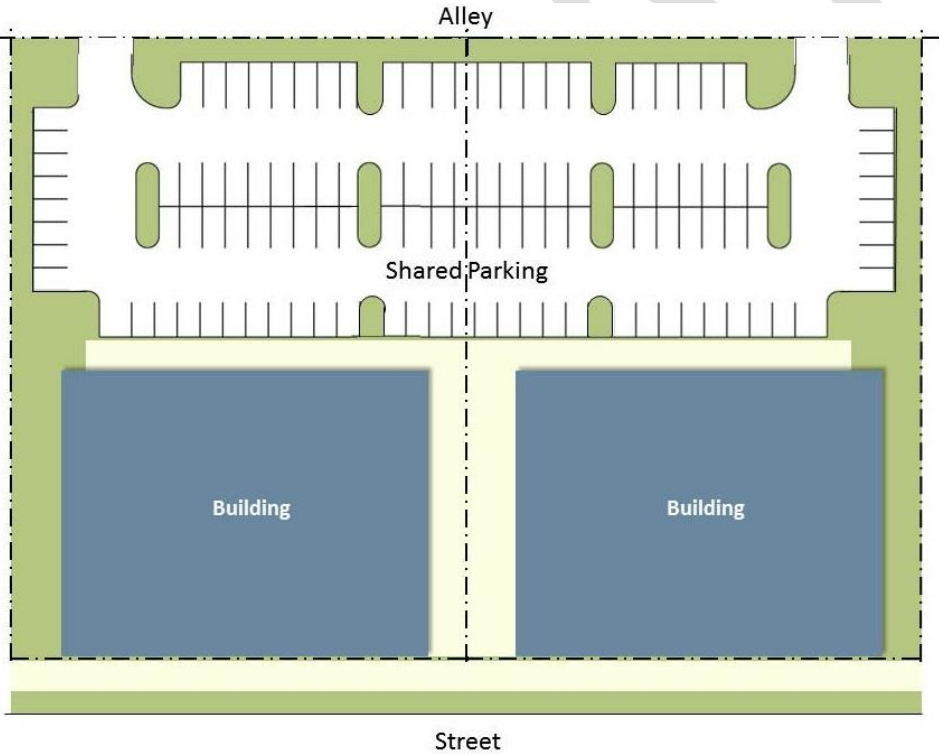


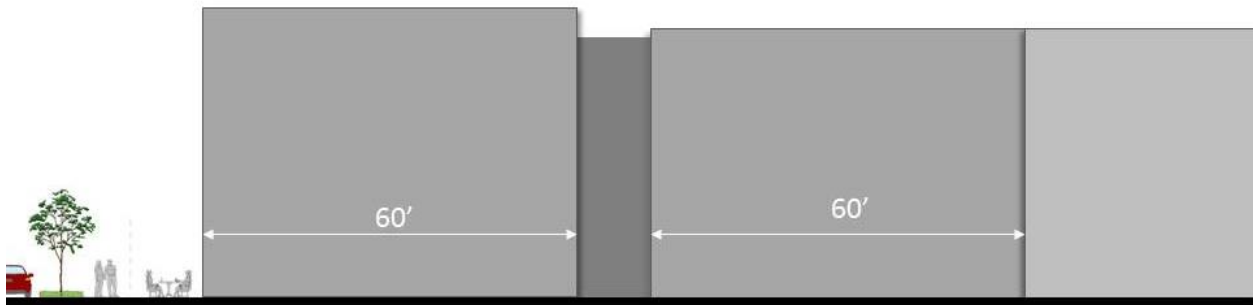
Figure 21: Shared Parking.



I. BUILDING MASSING

Large building volumes shall be divided to appear as smaller volumes grouped together. Volume breaks may be achieved by volume projections and recesses, and varying heights and roof lines. Therefore, building facades shall not exceed sixty (60) feet along a street frontage without providing a substantial volume break such as a volume recess, a tower or bay, or an architecturally prominent public entrance (**Figure 21**). The recesses and projections shall have a minimum depth of three (3) feet.

Figure 22: Building Massing



J. FACADE ARTICULATION

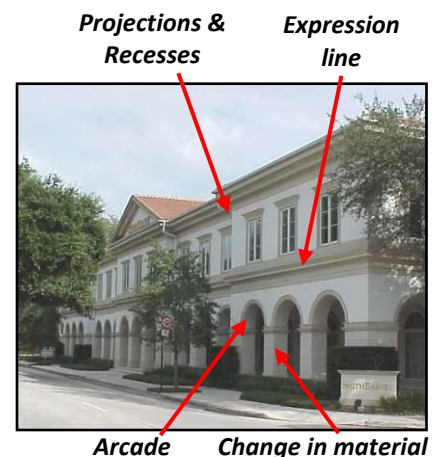
The standards contained in this section apply to multi-family residential, non-residential and mixed-use buildings. The parts that make up a building façade are key elements for defining the public realm (street space). The façade design standards contained in this section are not intended to regulate style or appeal. The purpose of these standards is to ensure facades are designed to:

- Reduce the mass/scale and uniform monolithic appearance of large unadorned walls by requiring architectural detail;
- In the case of commercial and public buildings, ensure the building facades are inviting; and,
- Increase public safety by designing buildings that provide human surveillance of the street.

Building facades along public streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements as follows:

1. Façades shall not exceed twenty (20) horizontal feet and ten (10) vertical feet without including at least one (1) of the following elements:
 - A window or door
 - Awning, canopy or marquee.
 - An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six (6) inches.
 - Arcade, gallery or stoop.
 - Complementary changes in materials or texture.
2. Architectural treatments on the façade, such as cornices or expression lines, shall be continued around the sides of the building.

Figure 23: Façade Elements



3. Building elevations (secondary/interior side façades) shall have the same color and materials as the facade.
4. An expression line is required between the first and second stories delineating the transition between ground and upper floors.

K. BUILDING ENTRANCES

1. The *main* entrance of all buildings shall be oriented toward the public right-of-way.
2. Where parking areas are located behind the building, a *secondary* pedestrian entrance may be provided from the parking area directly into the building.
3. Entrances shall be operable, clearly-defined and highly-visible. In order to emphasize entrances they shall be accented by a change in materials around the door, recessed into the façade (alcove), or accented by an overhang, awning, canopy or marquee.
4. When two New Market, Avenue or Principal Streets intersect customer entrances shall be provided from both streets. A corner entrance will be a permitted exception to this requirement.
5. Buildings located along New Market streets shall provide a door every seventy-five (75) feet along that façade, regardless of the size of the building.
6. Multi-family residential buildings shall have entrances every 150 feet.

L. BUILDING COLOR

1. A minimum combination of two (2) and a maximum of three (3) colors shall be allowed per building.
2. Black and neon paint as the predominant exterior color is prohibited.

M. ROOF DESIGN

1. Buildings with flat roofs shall have a cornice treatment or a parapet. The cornice shall be at least eighteen (18) inches in height. Parapet shall be a minimum of two (2) feet in height.
2. Sloping roofs shall not exceed the average height of the supporting walls.
3. Roof materials shall be light-colored or a planted surface.

N. GARDEN/STREET WALLS

Fences are typically used to achieve privacy on a site. Garden walls are used to continue the building frontage along a street, to screen vehicular areas such as parking lots, and to frame public zones such as courtyards and outdoor cafes. Garden walls shall meet the following standards:

3. In the absence of a building façade along any part of a Building Frontage Line, a street wall shall be built co-planar with the façade. Breaks are permitted in the street wall to provide pedestrian access to the site and for the purpose of tree protection. Street walls shall have openings no larger than necessary to allow automobile and pedestrian access.
4. Urban garden walls are the only types of fences/walls allowed facing streets and alleys.
5. Garden walls shall be a minimum of 3 feet in height and shall not exceed a 5 foot maximum. However, the portion of the wall above 3 feet shall be no more than 50% solid.

6. Garden walls shall be constructed of wrought iron, brick, masonry, stone or other decorative materials and shall match or compliment the finishes on the building. Chain link fences shall be prohibited.
7. If landscaping is provided on either side of the wall, the landscaping strip shall be a minimum of two (2) feet wide.

Figure 24. Examples of Garden/Street Walls

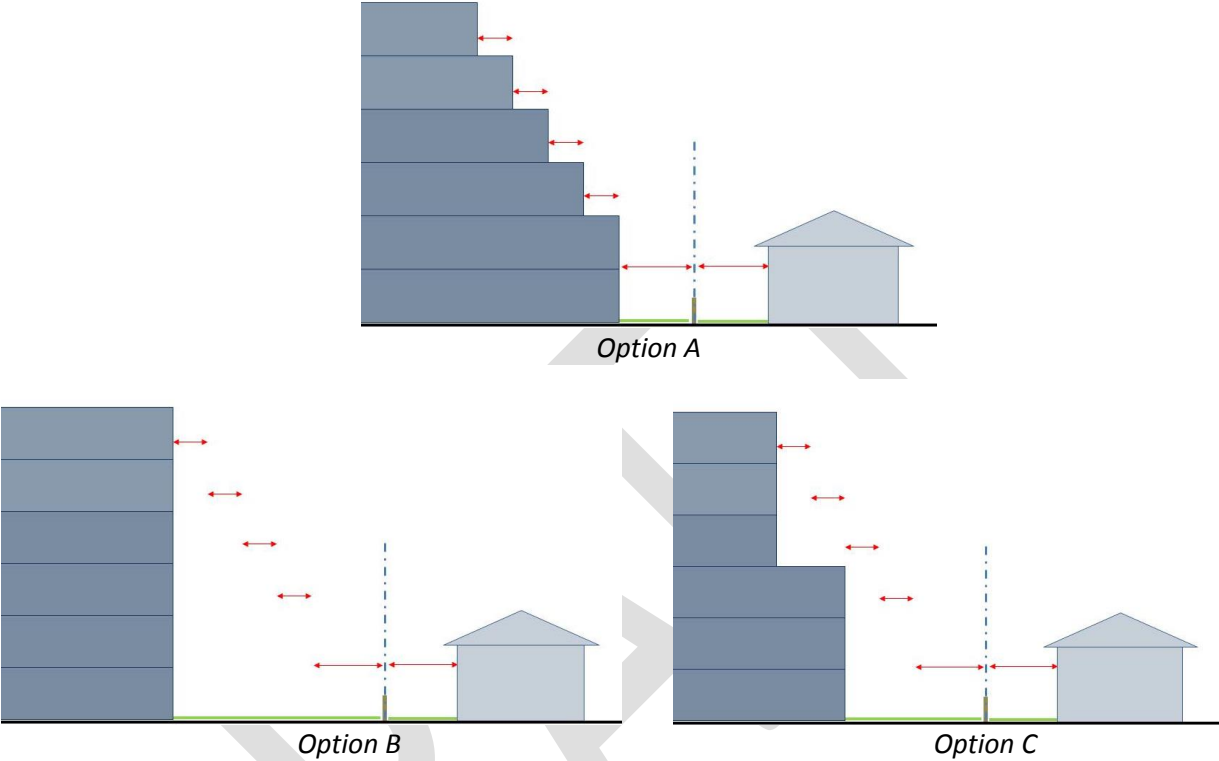


O. DEVELOPMENT COMPATIBILITY

1. The compatibility buffers required by the LDC shall only apply to proposed non-residential and multifamily development abutting a residential zoning district, and only along the property line shared by the two uses. No buffers shall be required between any other uses, unless specifically required as part of a special exception approval.
2. The minimum required side and rear setback for non-residential and multifamily buildings located on property abutting a single family zoning district shall be the same as the setback required on the adjacent residential lot or as determined by the required buffer, whichever is greater.
3. Proposed non-residential and multifamily buildings abutting a single family zoning district shall provide an additional building setback of ten (10) feet for each floor above two (2) stories for that portion of the building facing the residential area. Developers may elect to apply the setback just to those floors above the second/third story (step back approach, Option A), to the entire façade (Option B) or a combination of the two (Option C). See **Figure 24**. The additional setback/step-back for multi-story buildings may render some sites ineligible for the maximum permitted height in that district.

- 4. Proposed non-residential and multifamily buildings across a street or alley from a single family zoning districts shall also comply with the additional setback requirements of this subsection. Credit will be given for the distance between the street/alley center lane and the curb.

Figure 25. Setbacks Abutting Residential Zoning



- 5. Whenever a zero foot setback is allowed, it may only be used if the abutting property is within a district/zone that allows the same setback.
- 6. Within 300 feet of any property which is in a residential zoning district or shown for residential use on the future land use map of the comprehensive plan, all activity and uses, except storage of equipment and parking, shall be conducted within completely enclosed buildings.

Backup material for agenda item:

5. ORDINANCE NO. 2409 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Leslie & Nancy Hebert, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046)



**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: February 18, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2409

SUBJECT: ORDINANCE NO. 2409 - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - LESLIE & NANCY HEBERT, 3600 WEST KELLY PARK ROAD, FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC).

Request: FIRST READING OF ORDINANCE NO. 2409 – COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - LESLIE & NANCY HEBERT, 3600 WEST KELLY PARK ROAD, FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC). PARCEL ID NUMBER 13-20-27-0000-00-046; AND HOLD OVER FOR SECOND READING AND ADOPTION ON MARCH 4, 2015.

SUMMARY

OWNER/APPLICANT: Leslie & Nancy Hebert
LOCATION: South of West Kelly Park Road, east of Golden Gem Road
EXISTING USE: Vacant
CURRENT ZONING: “County” A-1
PROPOSED DEVELOPMENT: Single-family home
PROPOSED ZONING: “City” AG (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” A-1 to “City” AG.)
TRACT SIZE: 6.11 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit
PROPOSED: 1 Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Rural Settlement is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 6.11 acres. The property owner intends to use the site for a residential development.

The subject site is located within one (1) mile of the Wekiva Parkway Interchange Land Use Plan. If future development should be proposed for this property that exceeds current allowable uses, a Future Land Use Amendment and zoning application must first be approved by the City consistent with the Wekiva Parkway Vision Plan.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Rural Settlement Future Land Use designation and the City’s proposed AG Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on January 9, 2015.

PUBLIC HEARING SCHEDULE:

February 10, 2015 - Planning Commission (5:01 pm)
February 18, 2015- City Council (7:00 pm) - 1st Reading
March 4, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

January 23, 2015 – Public Notice and Notification
February 20, 2015 – Ordinance Heading Ad
February 27, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Leslie & Nancy Hebert.

The **Planning Commission**, at its meeting on February 10, 2015, recommended approval (6-0) of the change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Leslie & Nancy Hebert.

Accept First Reading of Ordinance No. 2409 and Hold it Over for Second Reading and Adoption on March 4, 2015.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Single-family home
East (City)	Mixed Use	A-1 (ZIP)	Single-family home & horse farm
South (City)	Mixed Use	A-1 (ZIP)	Timberland & grazing
West (County)	Rural (0-1 du/10 ac)	A-1	Single-family home

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of low density residential. The property lies south of W Kelly Park Road and east of Golden Gem Road.

Wekiva River Protection Area: No
 Area of Critical State Concern: No
 DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is not located within “Core Area” of the JPA.

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

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

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The Property fronts W Kelly Park Rd. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.s Rural Settlement Residential Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Rural Settlement (0-1 du/5 ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (City designation): 1 Unit(s) x 2.659 p/h = 3 persons
PROPOSED (City designation): 1 Unit(s) x 2.659 p/h = 3 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPD/Capita;
81 GPD / Capita

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

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 392 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPD/Capita;
177 GPD/Capita

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

2. Projected total demand under existing designation: 210 GPD
3. Projected total demand under proposed designation: 420 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment:
None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 24 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment:
None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

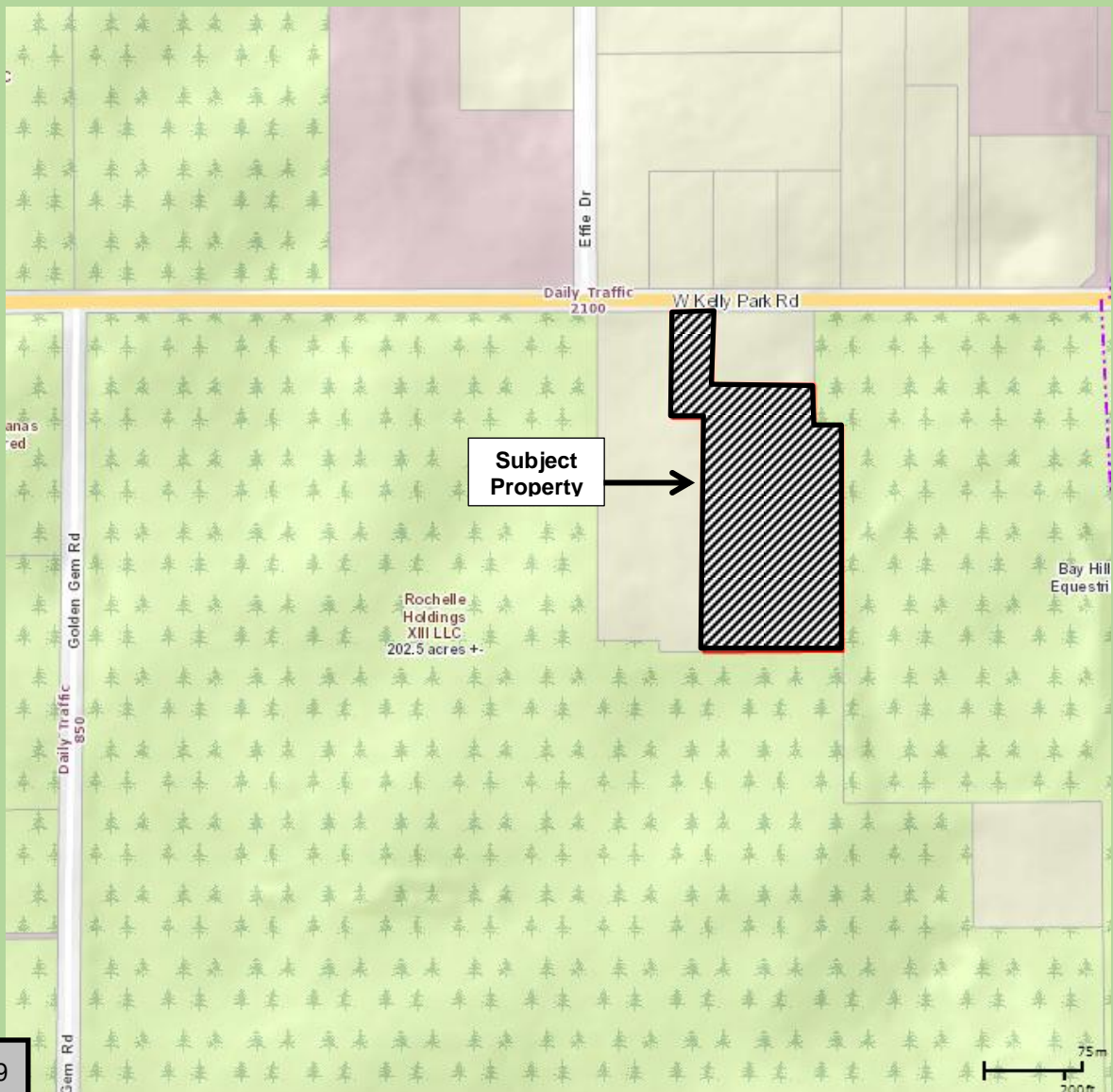
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.003 AC
3. Projected facility under proposed designation: 0.006 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

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

Leslie & Nancy Hebert
6.11 +/- Acres
Existing Maximum Allowable Development: 1 dwelling units
Proposed Maximum Allowable Development: 1 dwelling units
Proposed Small Scale Future Land Use Change
From: "County" Rural (0-1/10 ac)
To: "City" Rural Settlement (0-1 du/5 ac)
Proposed Zoning Change
From: "County" A-1
To: "City" AG
Parcel ID #s: 13-20-27-0000-00-046

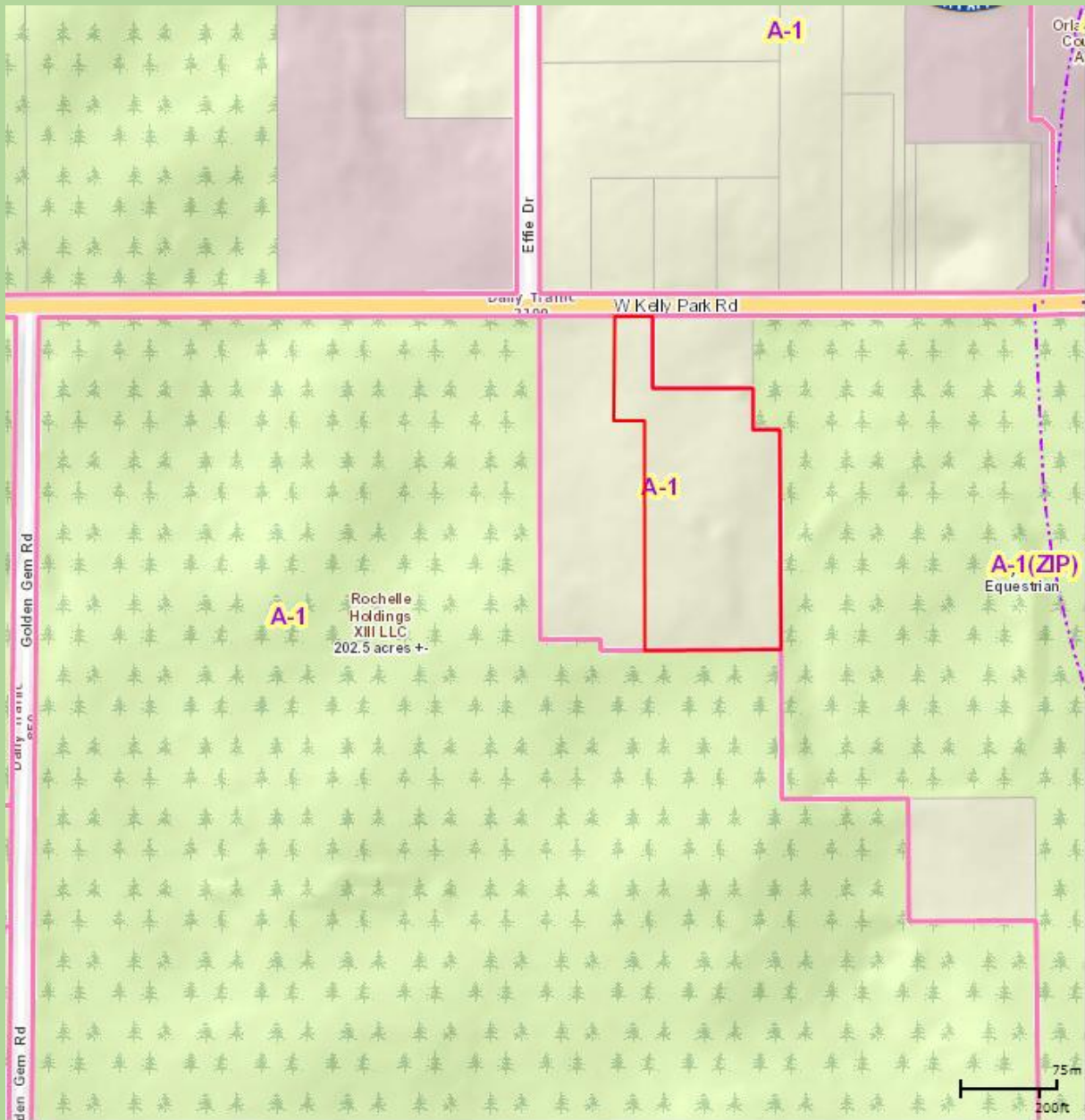


VICINITY MAP



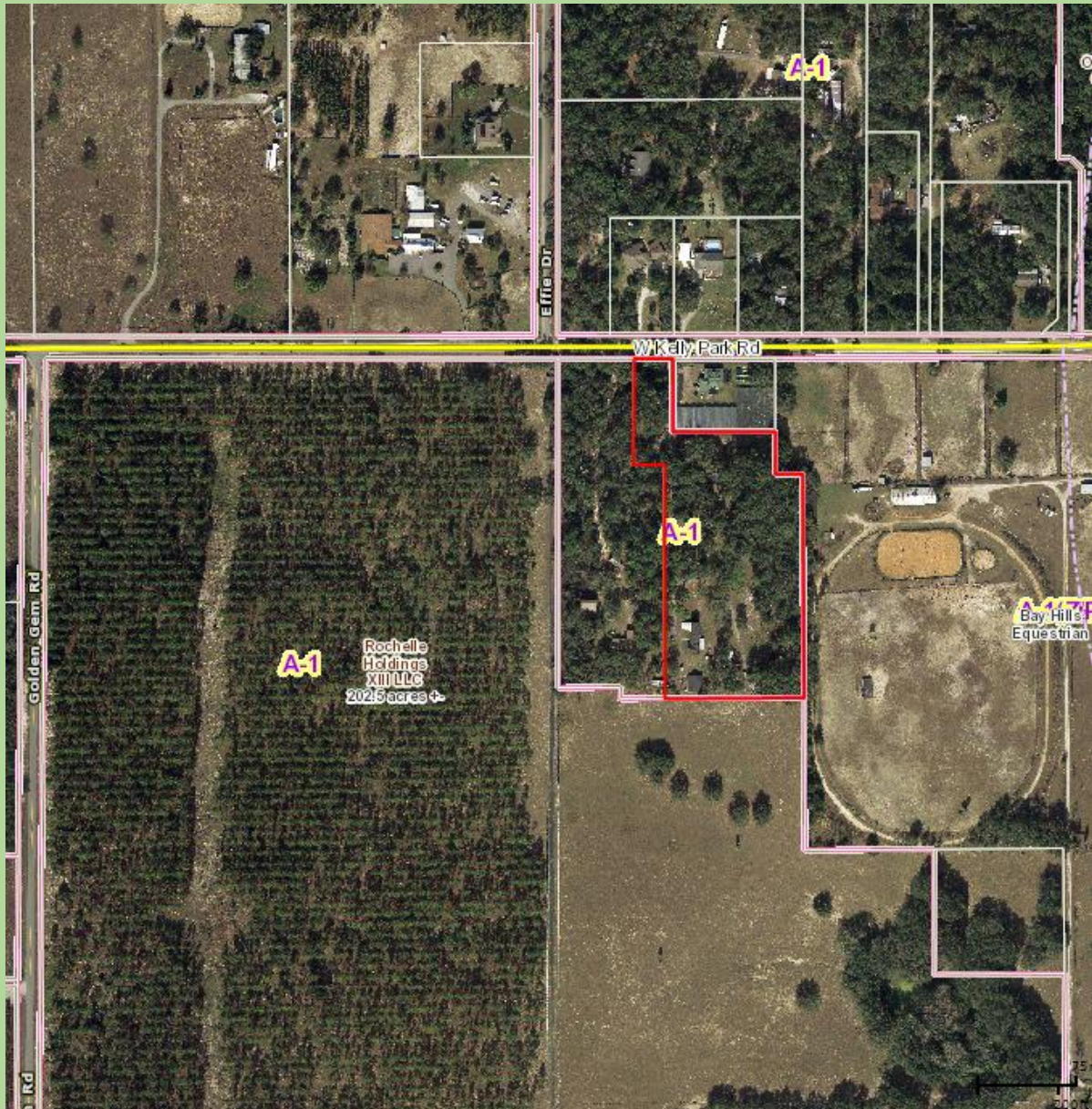


ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2409

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST KELLY PARK ROAD, EAST OF GOLDEN GEM ROAD, COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2402 on January 7, 2015; and

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

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

Section I. Purpose and Intent.

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

Section II. Future Land Use Element.

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2402, is amended in its entirety to change the land use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for certain real property generally located south of West Kelly Park Road, east of Golden Gem Road, comprising 6.11 acres more or less, (Parcel No. 13-20-27-0000-00-046; as further described in Exhibit “A” attached hereto.

Section III. Applicability and Effect.

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

Section IV. Severability.

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

ORDINANCE NO. 2409
PAGE 2

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

Section VI. Effective Date.

This Ordinance shall become effective upon adoption.

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

READ FIRST TIME: February 18, 2015

READ SECOND TIME
AND ADOPTED: March 4, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: January 23, 2015
February 20, 2015
February 27, 2015

EXHIBIT "A"

ORDINANCE NO. 2409

Leslie & Nancy Hebert

6.11 +/- Acres

Existing Maximum Allowable Development: 1 dwelling unit

Proposed Maximum Allowable Development: 1 dwelling unit

Proposed Small Scale Future Land Use Change

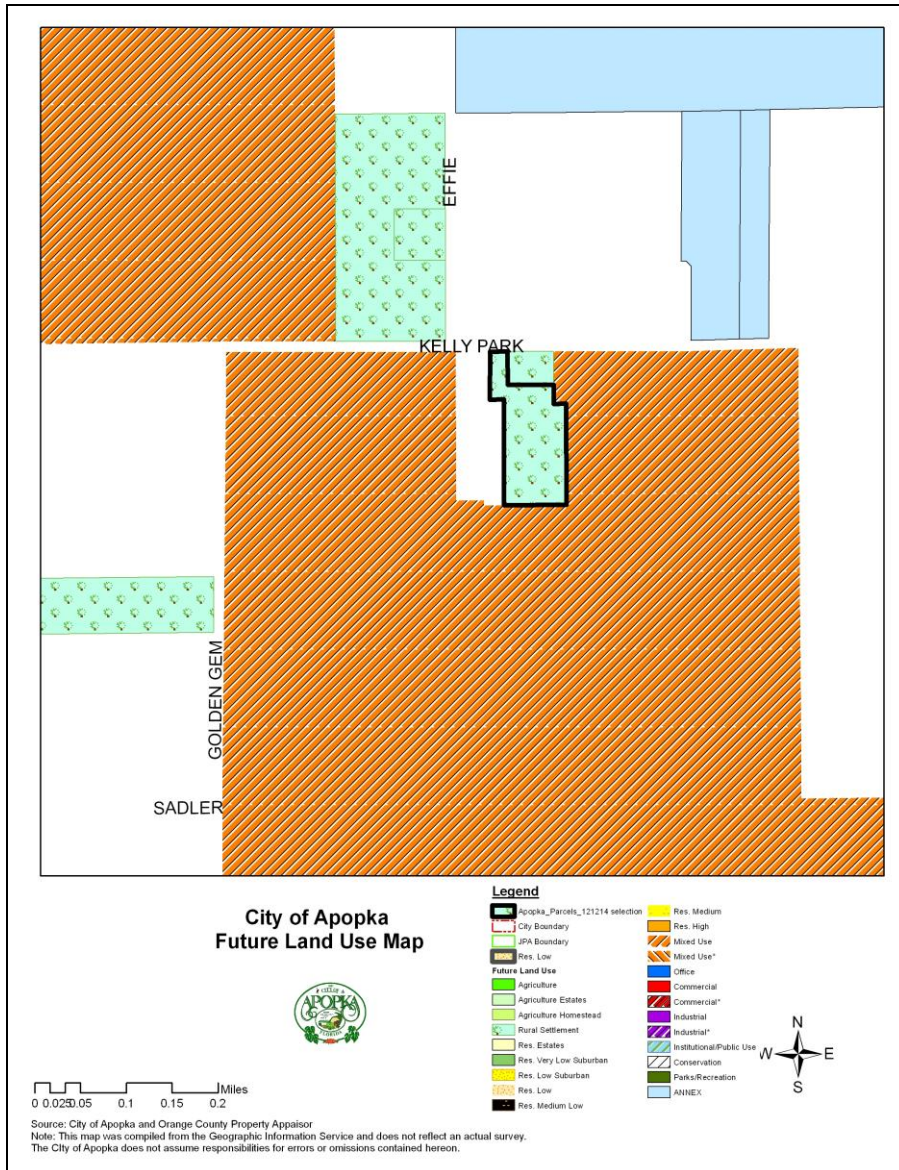
From: "County" Rural (0-1/10 ac)

To: "City" Rural Settlement (0-1 du/5 ac)

Parcel ID #s: 13-20-27-0000-00-046



VICINITY MAP



Backup material for agenda item:

6. ORDINANCE NO. 2410 – FIRST READING - CHANGE OF ZONING – Leslie & Nancy Hebert, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046)



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: February 18, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: ORDINANCE NO. 2410 – CHANGE OF ZONING - LESLIE & NANCY HEBERT, 3600 WEST KELLY PARK ROAD, FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (0-1 DU/AC) (AGRICULTURE)

Request: ORDINANCE NO. 2410 – FIRST READING – COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - LESLIE & NANCY HEBERT, 3600 WEST KELLY PARK ROAD, FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE). PARCEL ID NUMBER 13-20-27-0000-00-046; AND HOLD OVER FOR SECOND READING AND ADOPTION ON MARCH 4, 2015.

SUMMARY

OWNER/APPLICANT: Leslie & Nancy Hebert
LOCATION: North of W Kelly Park Road, east of Effie Way (3600 W Kelly Park Rd.)
EXISTING USE: Single-family home
FUTURE LAND USE: “County” Rural (0-1 du/10 ac)
PROPOSED LAND USE: Rural Settlement (0-1 du/5 ac) (Note: this Change of Zoning amendment request is being processed along with a request to change the Future Land Use Map designation from “County” Rural to “City” Rural Settlement (0-1 du/5 ac).
ZONING: “County” A-1 (Agriculture)
PROPOSED ZONING: “City” AG (min. lot area of 5 acres)
PROPOSED DEVELOPMENT: Single-family home (existing)
TRACT SIZE: 6.11 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the AG zoning to assure that the property can be developed as a single-family residence and meet site and access requirements, and be compatible with surrounding nature of development. The zoning application covers approximately 6.11 acres. The property owner intends to use the site for a single-family home.

The subject site is located within one (1) mile of the Wekiva Parkway Interchange Land Use Plan. If future development should be proposed for this property that exceeds current allowable uses, any development plan would be required to meet policies set forth in the comprehensive plan related to the Wekiva Parkway Interchange Land Use Plan, including Policy 20.4, which requires development plans to meet the development standards of an adopted form-based code for the Wekiva Parkway Interchange Vision Plan.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the proposed Future Land Use Designation of Rural Settlement (up to one unit per five acres) for this property. Minimum lot size for property assigned the AG zoning category is 5 acres.

SCHOOL CAPACITY REPORT: The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on January 9, 2015.

PUBLIC HEARING SCHEDULE:

- February 10, 2015 - Planning Commission (5:01 pm)
- February 18, 2015- City Council (7:00 pm) - 1st Reading
- March 4, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

- January 23, 2015 – Public Notice and Notification
- February 20, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 to “City” AG for the parcel owned by Leslie & Nancy Hebert located at 3600 West Kelly Park Road, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on February 10, 2015, recommended approval (6-0) of the change in Zoning from “County” A-1 to “City” AG for the parcel owned by Leslie & Nancy Hebert located at 3600 West Kelly Park Road, subject to the information and findings in the staff report.

Accept the First Reading of Ordinance No. 2410 and Hold it Over for Second Reading and Adoption on March 4, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Single-family home
East (City)	Mixed Use	A-1 (ZIP)	Single-family home & horse farm
South (City)	Mixed Use	A-1 (ZIP)	Timberland & grazing
West (County)	Rural (0-1 du/10 ac)	A-1	Single-family home

**LAND USE & TRAFFIC
 COMPATIBILITY:**

The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

The zoning application covers approximately 6.11 acres. The property owner intends to use the property for one (1) single-family residence.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (0-1 du/5 ac) Future Land Use designation and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Residential Low Density Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft.
- Minimum Site Area: 5 acres.
- Minimum Lot Width: None
- Setbacks:
 - Front: 25 ft.
 - Rear: 25 ft.
 - Side: 25 ft.
 - Corner: 25 ft.

Based on the above zoning standards, the existing 6.11 acre parcel complies with code requirements for the AG district.

**BUFFERYARD
 REQUIREMENTS:**

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

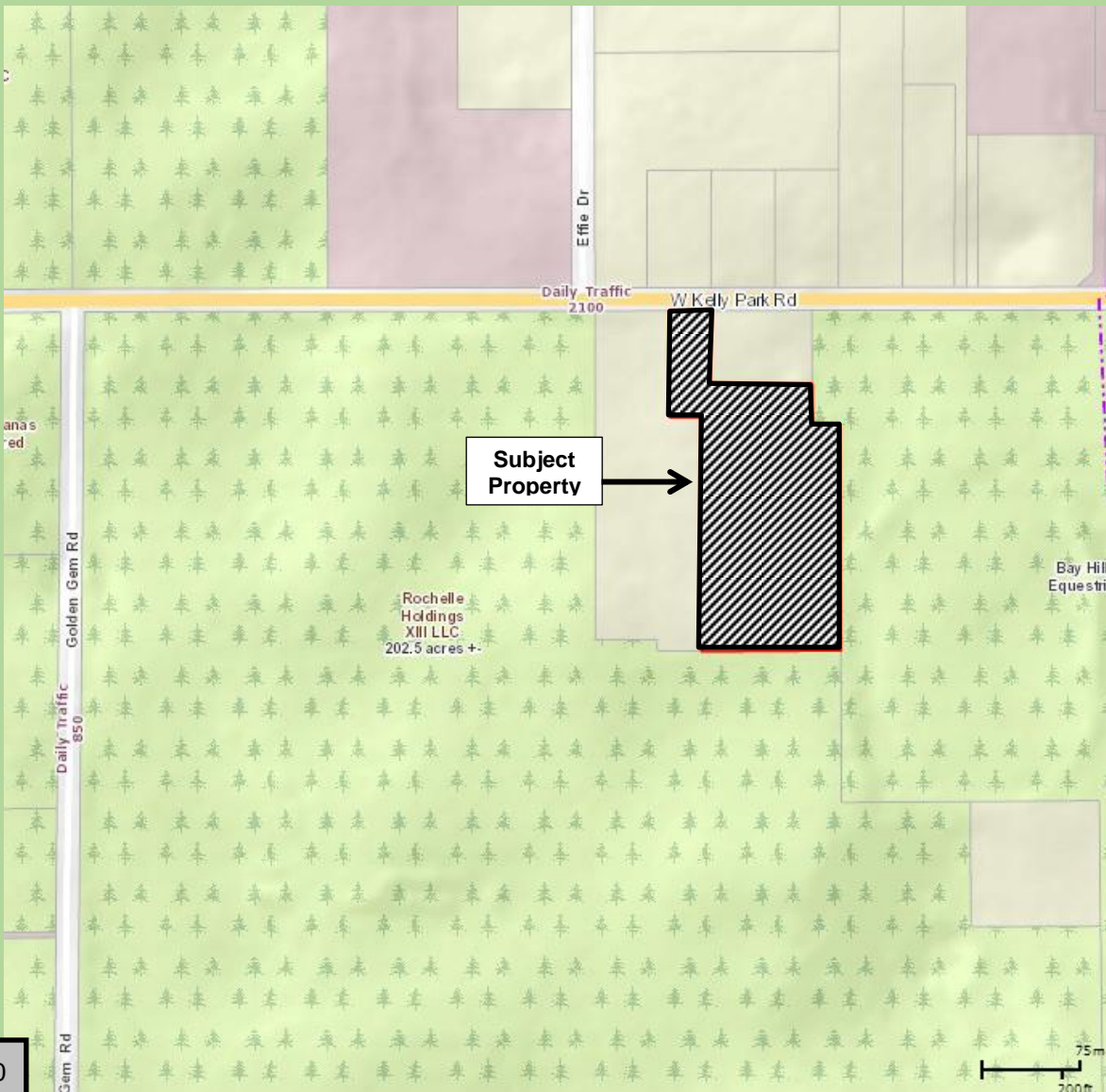
ALLOWABLE USES:

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes. Commercial wholesale foliage plant production nursery, tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, crops and animal production and the buildings and structures necessary to support such production, as well as kennels. Single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code. Apiaries.

Leslie & Nancy Hebert
6.51 +/- Acres
Existing Maximum Allowable Development: 1 dwelling unit
Proposed Maximum Allowable Development: 1 dwelling unit
Proposed Small Scale Future Land Use Change
From: "County" Rural (0-1/10 ac)
To: "City" Rural Settlement (0-1 du/5 ac)
Proposed Zoning Change
From: "County" A-1
To: "City" AG
Parcel ID #s: 13-20-27-0000-00-046

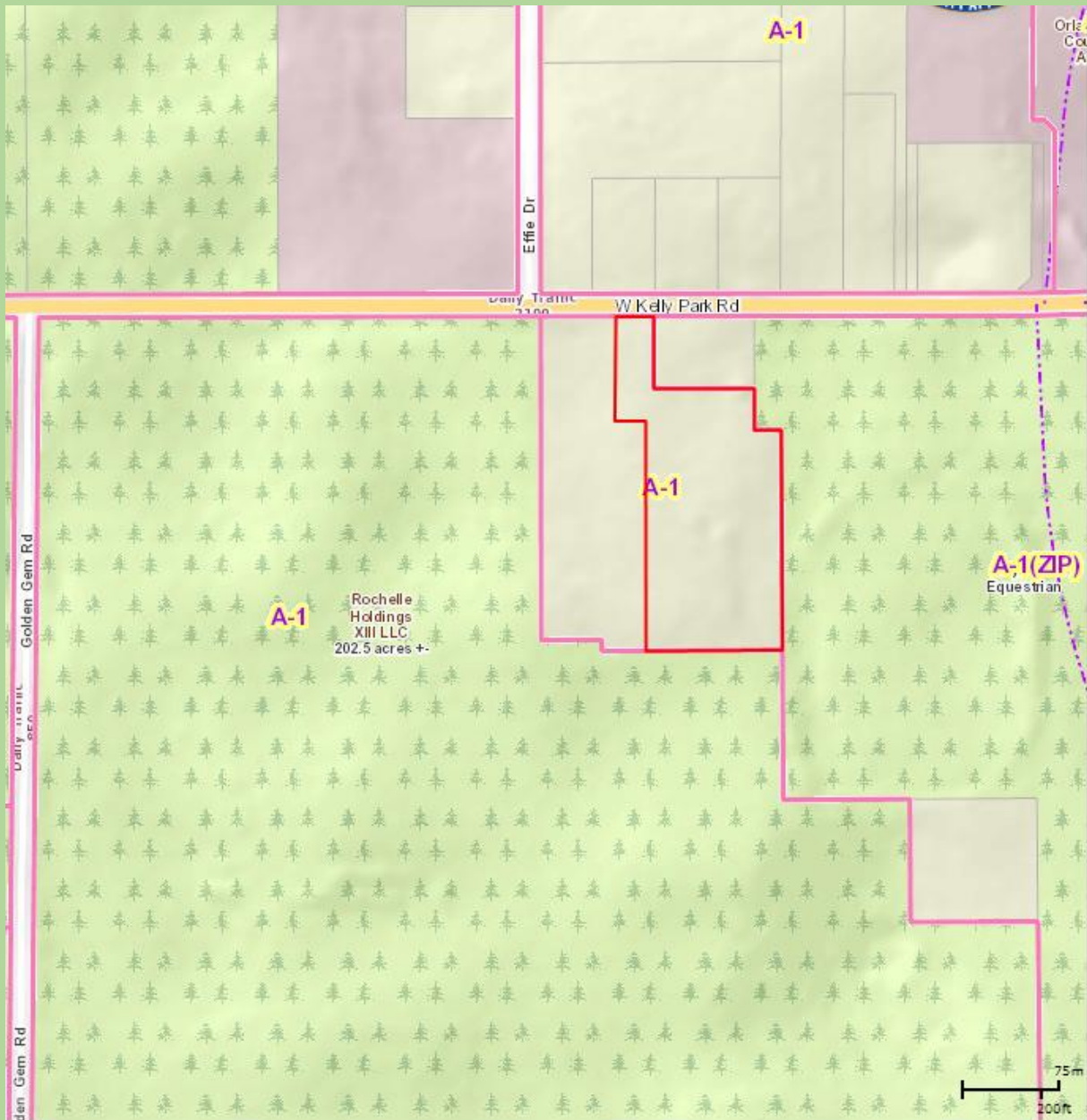


VICINITY MAP





ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF EFFIE WAY (3600 W KELLY PARK RD.), COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the proposed AG (min. 5 acre lot) (Agriculture) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby AG (Agriculture), as defined in the Apopka Land Development Code.

Legal Description:

A PARCEL OF LAND LYING IN THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 13; THENCE RUN SOUTH 00°11'12" EAST ALONG THE WEST LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 13 FOR A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT OF WAY OF KELLY PARK ROAD; THENCE SOUTH 90°00'00" EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF KELLY PARK ROAD FOR A DISTANCE OF 227.80 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; CONTINUE THENCE SOUTH 90°00'00" EAST ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°00'00" EAST FOR A DISTANCE OF 190.00 FEET; THENCE SOUTH 90°00'00" EAST FOR A DISTANCE OF 265.1 FEET; THENCE RUN SOUTH 00°21'50" EAST FOR A DISTANCE OF 110.00 FEET; THENCE RUN SOUTH 90°00'00" EAST FOR A DISTANCE OF 66.00 FEET TO THE EAST LINE OF THE WEST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 13; THENCE SOUTH 00°21'50" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 579.56 FEET; THENCE SOUTH 89°40'22" WEST PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 13 FOR A DISTANCE OF 358.66 FEET; THENCE NORTH 00°00'00" WEST FOR A DISTANCE OF 606.59 FEET; THENCE NORTH 90°00'00" WEST FOR A DISTANCE OF 81.24 FEET; THENCE NORTH 00°00'00" WEST FOR A DISTANCE OF 275.00 FEET TO THE POINT OF BEGINNING.

Parcel ID # 13-20-27-0000-00-046

6.11 acres +/-

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

Backup material for agenda item:

7. RESOLUTION NO. 2015-03 – Authorization to execute a Joint Participation Agreement between the State of Florida Department of Transportation (FDOT) and the City of Apopka for the construction of curb ramps and pedestrian crossings at the intersection of State Road 500/US 441 and Hiawassee Road (FM Number 432402-3-58-01).



**CITY OF APOPKA
CITY COUNCIL**

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

MEETING OF: February 18, 2015
 FROM: Community Development
 EXHIBITS: Resolution No. 2015-03
 Joint Participation Agreement

SUBJECT: RESOLUTION NO. 2015-03 - AUTHORIZATION TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF APOPKA FOR THE CONSTRUCTION OF CURB RAMPS AND PEDESTRIAN CROSSINGS AT THE INTERSECTION OF STATE ROAD 500/US 441 AND HIAWASSEE ROAD (FM NUMBER 432402-3-58-01).

Request: ADOPT RESOLUTION NO. 2015-03; AND AUTHORIZE THE CITY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF APOPKA FOR THE CONSTRUCTION OF CURB RAMPS AND PEDESTRIAN CROSSINGS AT THE INTERSECTION OF STATE ROAD 500/US 441 AND HIAWASSEE ROAD (FM NUMBER 432402-3-58-01).

SUMMARY:

The Joint Participation Agreement contemplates the construction of roadway improvements referred to as the “Construction of Curb Ramps and Pedestrian Crossings at the Intersection of State Road 500/US 441 and Hiawassee Road.” The Florida Department of Transportation (FDOT) agrees to convey to the City the amount of \$46,961.00 for construction of the subject project. The City agrees to convey those funds to reimburse Sam’s East, Inc. upon completion of the project.

Sam’s East, Inc., owner of the adjacent property intends to own, construct, and operate a commercial retail establishment (The Sam’s Club). In an effort to increase efficiency, avoid duplication of efforts, and to conserve funds, FDOT has requested that Sam’s construct the Project pursuant to the terms and conditions of the Joint Participation Agreement in conjunction with its construction of the Sam’s Club in exchange to Sam’s receiving the reimbursement upon completion of the Project. Sam’s has agreed to construct the Project pursuant to the terms and conditions of the Participation Agreement, and upon completion of the Project, to receive the reimbursement as set forth in said Agreement.

FUNDING SOURCE: N/A

NOTE: The funds are being provided by the Florida Department of Transportation for reimbursement of the subject construction work.

RECOMMENDED ACTION:

Adopt Resolution No. 2015-03; and authorize The City Administrator or his designee to execute a Joint Participation Agreement between the State of Florida Department of Transportation and the City of Apopka for the construction of curb ramps and pedestrian crossings at the intersection of State Road 500/US 441 and Hiawassee Road (FM Number 432402-3-58-01) for the project “Construction of Curb Ramps and Pedestrian Crossings at the Intersection of State Road 500/US 441 and Hiawassee Road.”

DISTRIBUTION:

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

Finance Director
 HR Director
 IT Director
 Police Chief

Public Ser. Director
 City Clerk
 Fire Chief

RESOLUTION NO. 2015-03

AUTHORIZATION TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (THE DEPARTMENT) AND THE CITY OF APOPKA (CITY) FOR THE CONSTRUCTION OF CURB RAMPS AND PEDESTRIAN CROSSINGS AT THE INTERSECTION OF STATE ROAD 500/US 441 AND HIAWASSEE ROAD (FM NUMBER 432402-3-58-01) FOR THE PROJECT “CONSTRUCTION OF CURB RAMPS AND PEDESTRIAN CROSSINGS AT THE INTERSECTION OF STATE ROAD 500/US 441 AND HIAWASSEE ROAD.”

WHEREAS, the Parties have been granted specific legislative authority to enter into this Agreement pursuant to Section 339.12, Florida Statutes; and

WHEREAS, the CITY, by adoption of this Resolution No. 2015-03 dated the 18th day of February, 2015, has authorized its officers to execute this Agreement on its behalf; and

WHEREAS, the DEPARTMENT is prepared, in accordance with its Five Year Work Program, to undertake the Project described as the “Construction of Curb Ramps and Pedestrian Crossings at the Intersection of State Road 500/US 441 and Hiawassee Road”, in Fiscal Year 2014/2015, said Project being known as FM #432402-3-58-01, hereinafter referred to as the “Project”; and

WHEREAS, the Project is on the State Highway System, is not revenue producing and is contained in the adopted Five Year Work Program; and

WHEREAS, the implementation of the Project is in the interest of both the DEPARTMENT and the CITY and it would be most practical, expeditious, and economical for the CITY or a Developer pursuant to a Development Agreement with the CITY to perform the services to complete the Project; and

WHEREAS, the CITY shall be deemed to include said Developer pursuant to a Developer Agreement or other similar Agreement with the CITY; and

WHEREAS, the intent of this Agreement is to establish the terms and conditions of the funding and the production of this Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, that in consideration of the mutual benefits to be derived from the joint participation of this Agreement, the City Administrator, or his designee, is authorized to execute the Joint Participation Agreement and any subsequent Notifications of Funding associated with this agreement.

Passed and duly adopted at a regular meeting of the CITY OF APOPKA on the 18th day of February, 2015.

Mayor Joseph E. Kilsheimer

Attest:

Lowndes
Drosdick
Doster &
Kantor
Reed, P.A.

ATTORNEYS
AT LAW

RECEIVED
Felley
JAN 21 2015

M. REBECCA WILSON

rebecca.wilson@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801
T: 407-418-6250 | F: 407-843-4444

 MERITAS LAW FIRMS WORLDWIDE

January 20, 2015

SENT VIA FEDERAL EXPRESS

R. Jay Davoll, Community Development Director
City Engineer
City of Apopka
120 E. Main Street
Apopka, FL 32704-1229

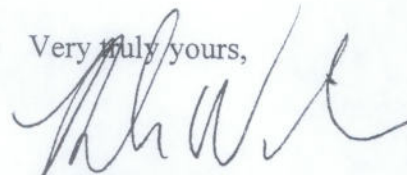
**Re: Sam's Club Store No. 70120
Apopka (Orange County, Florida)**

Dear Jay:

Enclosed please find a letter agreement between Sam's East, Inc. and the City of Apopka which has been executed by J. Chris Callaway, VP of Sam's Real Estate. Upon the City's execution of same, please return a copy to me for our files.

Thank you for your attention to this matter.

Very truly yours,



M. Rebecca Wilson

MRW/nle
Enclosure



Savings Made Simple

Sam's Real Estate

J. Chris Callaway

Chris.Callaway@samsclub.com

2101 SE Simple Savings Drive
Bentonville, AR 72716
Phone 479 273-8277
Fax 888-715-8930
www.walmart.com

January 16, 2015

VIA FEDEX

R. Jay Davoll, P.E.
Community Development Director
City Engineer
City of Apopka
120 E. Main Street
P.O. Box 1229
Apopka, Florida 32704-1229

**RE: Sam's Club Store No. 70210
Apopka (Orange County, Florida)**

Dear Mr. Davoll:

Reference is made to that certain Joint Participation Agreement between the State of Florida Department of Transportation and the City of Apopka (the "Participation Agreement") attached hereto as **Exhibit "A"** and incorporated herein by this reference. The State of Florida Department of Transportation shall be referred to herein as the "Department" and the City of Apopka as the "City". Unless otherwise set forth herein, all capitalized terms utilized herein shall have the same meaning as set forth in the Participation Agreement.

The Participation Agreement contemplates the construction of certain roadway improvements referred to as the "Construction of Curb Ramps and Pedestrian Crossings at the Intersection of State Road/US to the intersection of Subsequent to the Effective Date of the Development Agreement, and Hiawasse Road" being known also as FM #432402-3-58-01 (the "Project"), and the Department has agreed to reimburse the City for the construction of the Project in the amount of \$46,961.00 (the "Reimbursement"), all as more particularly set forth in the Participation Agreement.

Sam's East, Inc., an Arkansas corporation ("Sam's"), is the owner of the property located at or near the Project, on which it intends to own, construct and operate a commercial retail establishment (the "Sam's Club"). In an effort to increase efficiency, avoid duplication of efforts, and to conserve funds, the Department requested that Sam's construct the Project pursuant to the terms and conditions of the Participation Agreement in conjunction with its construction of the Sam's Club in exchange for Sam's receiving the Reimbursement upon completion of the Project.

Sam's has agreed, and by its signature below does hereby agree, to construct the Project pursuant to the terms and conditions of the Participation Agreement, and upon completion of the Project, to receive the Reimbursement as set forth more fully in the Participation Agreement. Sam's further agrees to cooperate with the City in connection with a resolution of the City Council to approve the Participation Agreement and the terms and conditions of this letter agreement, if applicable.

This letter agreement shall be governed and interpreted in accordance with the laws of the State of Florida notwithstanding any conflict of laws rules. The venue for any lawsuit concerning this letter agreement shall be any court of competent jurisdiction in Orange County, Florida.



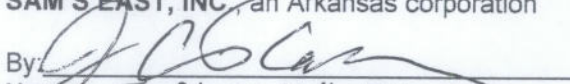
Savings Made Simple

In the event that any action is necessary to enforce the rights of any party hereto (each individually a "Party"), the prevailing Party in any such action will be entitled to reasonable attorneys' fees in addition to costs. The individual signing this letter agreement on behalf of each Party represents and warrants to the other Party that he or she has the authority to bind such Party to the agreements set forth herein.

This letter agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as to any Party whose signature appears hereon, and all of which shall constitute one in the same instrument. In addition, this letter agreement may be executed by either Party or both parties via electronic signature. This letter agreement shall become binding when one or more counterparts hereof, individually or taken together, shall bear the signatures of Sam's and the City.

"SAM'S"

SAM'S EAST, INC., an Arkansas corporation

By: 
Name: J. Chris Callaway
Its: VP of Sams Real Estate



Savings Made Simple

AGREED AND ACCEPTED

this _____ day of _____, 2014

“CITY”

CITY OF APOPKA:

By: _____

Name: _____

Its: _____



Savings Made Simple

EXHIBIT "A"

Joint Participation Agreement
Between
the State of Florida Department of Transportation
and
the City of Apopka

Agency: City of Apopka	Fund: DDR Function: 215	Financial Management No.: 432402-3-58-01
Vendor No.: F 596000265-021	Contract Amount: \$ 46,961.00	FLAIR Approp: 088797
Contract No:		FLAIR Obj.: 563009 Org. Code: 55054010508

JOINT PARTICIPATION AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF APOPKA

This Agreement, made and entered into this _____ day of _____, 2014, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION** (hereinafter referred to as the DEPARTMENT) and the **CITY OF APOPKA**, a Florida Municipal Corporation (hereinafter referred to as the LOCAL GOVERNMENT),

WITNESSETH:

WHEREAS, the Parties have been granted specific legislative authority to enter into this Agreement pursuant to Section 339.12, Florida Statutes; and

WHEREAS, the LOCAL GOVERNMENT by Resolution No. _____ dated the ____ day of _____, 2014, a copy of which is attached hereto as Exhibit "G" and made a part hereof, has authorized its officers to execute this Agreement on its behalf; and

WHEREAS, the DEPARTMENT is prepared, in accordance with its Five Year Work Program, to undertake the Project described as the "Construction of Curb Ramps and Pedestrian Crossings at the Intersection of State Road 500/US 441 and Hiawassee Road", in Fiscal Year 2014/2015, said Project being known as FM #432402-3-58-01, hereinafter referred to as the "Project"; and

WHEREAS, the Project is on the State Highway System, is not revenue producing and is contained in the adopted Five Year Work Program; and

WHEREAS, the implementation of the Project is in the interest of both the DEPARTMENT and the LOCAL GOVERNMENT and it would be most practical, expeditious, and economical for the LOCAL GOVERNMENT or a Developer pursuant to a Development Agreement with the LOCAL GOVERNMENT to perform the services to complete the Project.

WHEREAS, hereinafter, "LOCAL GOVERNMENT" shall be deemed to include said Developer pursuant to a Developer Agreement or other similar Agreement with the LOCAL GOVERNMENT.

WHEREAS, the intent of this Agreement is to establish the terms and conditions of the funding and the production of this Project; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived from the joint participation of this Agreement, the parties agree as follows:

1. TERM

A. The term of this Agreement shall begin upon the date of signature of the last party to sign. The LOCAL GOVERNMENT agrees to complete the Project by _____ in accordance with the schedule described and contained in Exhibit "C" attached hereto. If the LOCAL GOVERNMENT does not complete the Project within the time period allotted, this Agreement will expire on the last day of the scheduled completion as provided in this paragraph unless an extension of the time period is requested by the LOCAL GOVERNMENT and granted in writing by the DEPARTMENT prior to the expiration of the Agreement. Expiration of this Agreement will be considered termination of the Project.

2. SERVICES AND PERFORMANCES

A. The LOCAL GOVERNMENT shall furnish the services to construct the Project which consists of: construction of curb ramps, crosswalk striping, installation of pedestrian signalization elements, and otherwise the LOCAL GOVERNMENT shall perform all other necessary work to complete the Project, as specified in Exhibit "A", Scope of Services attached hereto and by this reference made a part hereof. Nothing herein shall be construed as requiring the LOCAL GOVERNMENT to perform any activity which is outside of the scope of services of the Project.

B. The LOCAL GOVERNMENT agrees to undertake the construction of the Project in accordance with all applicable federal, state and local statutes, rules and regulations, including DEPARTMENT standards and specifications.

C. This Agreement shall act to supersede the normal requirements of the LOCAL GOVERNMENT to secure separate DEPARTMENT permits for drive-way connection, right-of-way utilization, storm-water discharge and utilities and this Agreement is deemed to constitute such permits.

D. The LOCAL GOVERNMENT shall be responsible for obtaining clearances/permits required for the construction of the Project from the appropriate permitting authorities.

E. The LOCAL GOVERNMENT understands that they are responsible for the preparation of all design plans for the Project, at the expense of the LOCAL GOVERNMENT, suitable for reproduction on 11 inch by 17 inch sheets, together with a complete set of specifications covering all construction requirements for the Project. Two (2) copies of the design plans, engineers estimate, permits, drainage and/or structural calculations, geotech, specifications and any other documentation that would relate to design, shall be provided to the DEPARTMENT'S Point of Contact, at the address listed on Page 14. The DEPARTMENT shall review the plans for conformance to the DEPARTMENT'S requirements and feasibility within forty-five (45) days of delivery by the LOCAL GOVERNMENT. The DEPARTMENT'S review shall not be considered an adoption of the plans nor a substitution for the engineer's responsibility for the plans. All changes requested by the DEPARTMENT shall be made by the LOCAL GOVERNMENT and final corrected plans shall be provided to the DEPARTMENT in a timely manner. The LOCAL GOVERNMENT shall provide a copy of the Final Bid documents to the DEPARTMENT. After approval of the plans and prior to commencing the work described herein, the LOCAL GOVERNMENT shall request a Notice to Proceed from the DEPARTMENT'S Point of Contact, address listed on Page 14, or from an appointed designee. Any work performed prior to the issuance of the Notice to Proceed is not subject to reimbursement.

F. The LOCAL GOVERNMENT shall hire a DEPARTMENT contractor using the LOCAL GOVERNMENT'S normal bid procedures to perform the construction work for the Project. In the alternative, if a Developer is performing the work pursuant to a Developer's Agreement (or other similar Agreement) with the LOCAL GOVERNMENT, the LOCAL GOVERNMENT shall assure that the LOCAL GOVERNMENT'S contractual requirements are met.

G. The LOCAL GOVERNMENT shall hire a DEPARTMENT Pre-qualified Consultant Construction Engineering Inspection firm (hereinafter "CCEI") to perform construction oversight including the obligation to assure that any and all verification testing is performed in accordance with the 2014 Standard Specifications for Road and Bridge Construction, as amended from time to time. The LOCAL GOVERNMENT'S Attorney shall

certify to the DEPARTMENT that selection has been accomplished in compliance with the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes. The DEPARTMENT shall have the right, but not the obligation, to perform independent assurance testing during the course of construction of the Project.

H. The LOCAL GOVERNMENT shall require the LOCAL GOVERNMENT'S contractor to post a bond in accordance with Section 337.18(1), Florida Statutes.

I. The LOCAL GOVERNMENT shall be responsible to ensure that the construction work under this Agreement is performed in accordance with the approved construction documents, and that it will meet all applicable DEPARTMENT standards and that the work is performed in accord with the Terms and Conditions contained in Exhibit "D".

J. If the LOCAL GOVERNMENT utilizes its own work force for any services for the Project, all costs and expenses thereof shall not be subject to reimbursement.

K. Upon request, the LOCAL GOVERNMENT agrees to provide progress reports to the DEPARTMENT in the standard format used by the LOCAL GOVERNMENT and at intervals established by the DEPARTMENT. The DEPARTMENT will be entitled at all times to be advised, at its request, as to the status of the Project being constructed by the LOCAL GOVERNMENT and of details thereof. Either party to the Agreement may request and shall, within a reasonable time thereafter, be granted a conference with the other party.

L. Upon completion of the work authorized by this Agreement, the LOCAL GOVERNMENT shall notify the DEPARTMENT in writing of the completion of construction of the Project; and for all design work that originally required certification by a Professional Engineer, this notification shall contain an Engineers Certification of Compliance, signed and sealed by a Professional Engineer, the form of which is attached hereto as Exhibit "E". The certification shall state that work has been completed in compliance with the Project construction plans and specifications. If any deviations are found from the approved plans, the certification shall include a list of all deviations along with an explanation that justifies the reason to accept each deviation.

3. COMPENSATION AND REIMBURSEMENT

A. Project Cost: The total estimated cost of the Project is **\$46,961.00 (Forty Six Thousand Nine Hundred Sixty One Dollars and No/100)**. This amount is based on the Schedule of Funding, Exhibit "B" attached hereto.

B. DEPARTMENT Participation: The DEPARTMENT agrees to reimburse the

LOCAL GOVERNMENT in an amount not to exceed **\$46,961.00 (Forty Six Thousand Nine Hundred Sixty One Dollars and No/100)** for actual costs incurred, excluding LOCAL GOVERNMENT overhead. The funding for this Project is contingent upon annual appropriation by the Florida Legislature. The LOCAL GOVERNMENT agrees to bear all expenses in excess of the DEPARTMENT's participation. Travel costs will not be reimbursed.

i) Invoices shall be submitted by the LOCAL GOVERNMENT in detail sufficient for a proper pre-audit and post-audit thereof, based on the quantifiable, measurable and verifiable deliverables as established in Exhibit "A", Scope of Services. Deliverables must be received and accepted in writing by the Department's Point of Contact or designee prior to reimbursements.

ii) Supporting documentation must establish that the deliverables were received and accepted in writing by the LOCAL GOVERNMENT and must also establish that the required minimum level of service to be performed as specified in Paragraph 2. I. was met, and that the criteria for evaluating successful completion as specified in Paragraph 2. L. was met.

iii) The LOCAL GOVERNMENT may receive progress payments for actual costs of deliverables based on the contractor's Schedule of Values and on a percentage of services that have been completed, approved and accepted to the satisfaction of the DEPARTMENT when properly supported by detailed invoices and acceptable evidence of payment. The final balance due under this Agreement will be reimbursed upon the completion of all Project services, receipt of final construction cost documentation and proper submission of a detailed invoice and when the Project has been inspected, approved and accepted to the satisfaction of the DEPARTMENT in writing.

iv) All costs charged to the Project by the LOCAL GOVERNMENT shall be supported by detailed invoices, proof of payments, contracts or vouchers evidencing in proper detail the nature and propriety of the charges.

C. The DEPARTMENT shall have the right to retain all or a portion of any payment due the LOCAL GOVERNMENT under this Agreement an amount sufficient to satisfy any amount due and owing to the DEPARTMENT by the LOCAL GOVERNMENT on any other Agreement between the LOCAL GOVERNMENT and the DEPARTMENT.

D. The LOCAL GOVERNMENT which is providing goods and services to the DEPARTMENT should be aware of the following time frames. Upon receipt of an invoice, the DEPARTMENT has twenty (20) working days to inspect and approve the goods and services. The DEPARTMENT has twenty (20) days to deliver a request for payment (voucher) to the

Department of Financial Services. The twenty (20) days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved. If a payment is not available within forty (40) days, a separate interest penalty at a rate as established pursuant to Section 55.03(1), Florida Statutes, will be due and payable, in addition to the invoice amount. Interest penalties of less than one dollar (\$1.00) will not be enforced unless the LOCAL GOVERNMENT requests payment. Invoices which have to be returned to the LOCAL GOVERNMENT because of LOCAL GOVERNMENT preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the DEPARTMENT. A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for Contractors/vendors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516 or by calling the Division of Consumer Services at (877) 693-5236.

E. Records of costs incurred under terms of this Agreement shall be maintained and made available upon request to the DEPARTMENT at all times during the period of this Agreement and for five (5) years after final payment is made. Copies of these documents and records shall be furnished to the DEPARTMENT upon request. Records of costs incurred include the LOCAL GOVERNMENT'S general accounting records and the Project records, together with supporting documents and records, of the contractor and all subcontractors performing work on the Project, and all other records of the contractor and subcontractors considered necessary by the DEPARTMENT for a proper audit of costs. Any discrepancies revealed by any such audit shall be resolved by a corrected final billing from the LOCAL GOVERNMENT to the DEPARTMENT.

F. In the event this Agreement is in excess of \$25,000.00 (TWENTY FIVE THOUSAND DOLLARS AND NO/100) and a term for a period of more than one (1) year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated as follows:

“The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of

the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of \$25,000.00 and which have a term for a period of more than one (1) year.”

G. The DEPARTMENT’S performance and obligation to pay under this contract is contingent upon an annual appropriation by the Florida Legislature. The parties agree that in the event funds are not appropriated to the DEPARTMENT for the Project, this Agreement may be terminated, which shall be effective upon the DEPARTMENT giving notice to the LOCAL GOVERNMENT to that effect.

H. Audits: The administration of resources awarded by the Department to the LOCAL GOVERNMENT may be subject to audits and/or monitoring by the Department, as described in this section.

MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, Florida Statutes, as revised (see “AUDITS” below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the DEPARTMENT. In the event the DEPARTMENT determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the DEPARTMENT staff to the LOCAL GOVERNMENT regarding such audit. The LOCAL GOVERNMENT further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the DEPARTMENT’S Office of Inspector General (OIG) and Florida’s Chief Financial Officer (CFO) or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

Recipients of federal funds (i.e. state, local government, or non-profit organizations as defined in OMB Circular A-133, as revised) are to have audits done annually using the following criteria:

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. If applicable, Exhibit "F" to this Agreement indicates Federal resources awarded through the DEPARTMENT by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the DEPARTMENT. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions in OMB Circular A-133, as revised, will meet the requirements of this part.

2. In connection with the audit requirements addressed in Part I, paragraph 1., the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.

3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).

4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding federal agency.

PART II: STATE FUNDED

Recipients of state funds (i.e. a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes) are to have audits done annually using the following criteria:

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services and the CFO; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. If applicable, Exhibit "F" to this Agreement indicates state financial assistance awarded through the DEPARTMENT by this Agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the DEPARTMENT, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2)(e), Florida Statutes, and Chapters 10.550 (local

governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. However, if the recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).

4. State awards are to be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the state agency awarding it.

PART III: OTHER AUDIT REQUIREMENTS

The recipient shall follow up and take corrective action on audit findings. Preparation of a summary schedule of prior year audit findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.

Records related to unresolved audit findings, appeals, or litigation shall be retained until the action is completed or the dispute is resolved. Access to Project records and audit work papers shall be given to the DEPARTMENT, the Department of Financial Services, and the Auditor General. This section does not limit the authority of the DEPARTMENT to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any other state official.

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this Agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to the following:

A. The DEPARTMENT at the following address:

Florida Department of Transportation
Office of Comptroller, M.S. 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
Email: FDOTSingleAudit@dot.state.fl.us

B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. In the event that a copy of the reporting package for an audit required by PART I of this Agreement and conducted in accordance with OMB Circular A-133, as revised, is not required to be submitted to the DEPARTMENT for reasons pursuant to Section .320 (e)(2), OMB Circular A-133, as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited schedule of expenditures of Federal awards directly to the following:

Florida Department of Transportation
Office of Comptroller, M.S. 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
Email: FDOTSingleAudit@dot.state.fl.us

In addition, pursuant to Section .320 (f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the DEPARTMENT at the following address:

Florida Department of Transportation
Office of Comptroller, M.S. 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
Email: FDOTSingleAudit@dot.state.fl.us

3. Copies of financial reporting packages required by PART II of this Agreement shall be submitted by or on behalf of the recipient directly to each of the following:

A. The DEPARTMENT at the following address:

Florida Department of Transportation
Office of Comptroller, M.S. 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
Email: FDOTSingleAudit@dot.state.fl.us

B. The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Copies of reports or the management letter required by PART III of this Agreement shall be submitted by or on behalf of the recipient directly to:

A. The DEPARTMENT at the following address:

Florida Department of Transportation
Office of Comptroller, M.S. 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
Email: FDOTSingleAudit@dot.state.fl.us

5. Any reports, management letters, or other information required to be submitted to the DEPARTMENT pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

6. Recipients, when submitting financial reporting packages to the DEPARTMENT for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of at least five (5) years from the date the audit report is issued, and shall allow the DEPARTMENT, or its designee, CFO, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the DEPARTMENT, or its designee, CFO, or Auditor General upon request for a period of at least five (5) years from the date the audit report is issued, unless extended in writing by the DEPARTMENT.

4. COMPLIANCE WITH LAWS

A. The LOCAL GOVERNMENT shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the LOCAL GOVERNMENT in conjunction with this Agreement. Failure by the

LOCAL GOVERNMENT to grant such public access shall be grounds for immediate unilateral cancellation of this Agreement by the DEPARTMENT.

B. The LOCAL GOVERNMENT shall comply with all federal, state and local laws and ordinances applicable to the work or payment for work thereof. The LOCAL GOVERNMENT shall not discriminate on the grounds of race, color, religion, sex or national origin in the performance of work under this Agreement.

C. No funds received pursuant to this Agreement may be expended for lobbying the Legislature, the judicial branch, or a state agency.

D. The LOCAL GOVERNMENT and the DEPARTMENT agree that the LOCAL GOVERNMENT, its employees, and subcontractors are not agents of the DEPARTMENT as a result of this Contract.

5. TERMINATION AND DEFAULT

A. This Agreement may be canceled by the DEPARTMENT in whole or in part at any time the interest of the DEPARTMENT requires such termination. The DEPARTMENT also reserves the right to seek termination or cancellation of this Agreement in the event the LOCAL GOVERNMENT shall be placed in either voluntary or involuntary bankruptcy. The DEPARTMENT further reserves the right to terminate or cancel this Agreement in the event an assignment is made for the benefit of creditors.

B. If the DEPARTMENT determines that the performance of the LOCAL GOVERNMENT is not satisfactory, the DEPARTMENT shall have the option of (a) immediately terminating the Agreement, or (b) notifying the LOCAL GOVERNMENT of the deficiency with a requirement that the deficiency be corrected within a specified time, otherwise the Agreement will be terminated at the end of such time, or (c) taking whatever action is deemed appropriate by the DEPARTMENT.

C. If the DEPARTMENT requires termination of the Agreement for reasons other than unsatisfactory performance of the LOCAL GOVERNMENT, the DEPARTMENT shall notify the LOCAL GOVERNMENT of such termination, with instructions to the effective date of termination or specify the stage of work at which the Agreement is to be terminated.

D. If the Agreement is terminated before performance is completed, the LOCAL GOVERNMENT shall be paid only for that work satisfactorily performed for which costs can be substantiated. All work in progress will become the property of the DEPARTMENT and will be turned over promptly by the LOCAL GOVERNMENT.

6. MISCELLANEOUS

A. In no event shall the making by the DEPARTMENT of any payment to the LOCAL GOVERNMENT constitute or be construed as a waiver by the DEPARTMENT of any breach of covenant or any default which may then exist, on the part of the LOCAL GOVERNMENT, and the making of such payment by the DEPARTMENT while any such breach or default shall exist shall in no way impair or prejudice any right or remedy available to the DEPARTMENT with respect to such breach or default.

B. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Florida. Any provision herein determined by a court of competent jurisdiction, or any other legally constituted body having jurisdiction, to be invalid or unenforceable shall be severable and the remainder of this Agreement shall remain in full force and effect, provided that the invalidated or unenforceable provision is not material to the intended operation of this Agreement.

C. This Agreement shall be effective upon execution by both parties and shall continue in effect and be binding on the parties until the Project is completed, any subsequent litigation is complete and terminated, final costs are known, and legislatively appropriated reimbursements, if approved, are made by the DEPARTMENT.

D. **PUBLIC ENTITY CRIME INFORMATION AND ANTI-DISCRIMINATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

E. The DEPARTMENT and the LOCAL GOVERNMENT acknowledge and agree to the following:

i) The LOCAL GOVERNMENT shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the LOCAL GOVERNMENT during the term of the contract; and

ii) The LOCAL GOVERNMENT shall expressly require any contractors and subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the contractor/subcontractor during the contract term.

F. All notices required pursuant to the terms hereof shall be sent by First Class United States Mail. Unless prior written notification of an alternate address for notices is sent, all notices shall be sent to the following addresses:

DEPARTMENT

Point of Contact:

Teresa Hutson
Program Coordinator
719 South Woodland Boulevard, M.S. 4-520
DeLand, Florida 32720-6834
PH: (386) 943-5486
teresa.hutson@dot.state.fl.us

Rebecca Davis
Design Project Manager/MS 2-552
719 South Woodland Boulevard
DeLand, Florida 32720-6834
PH: (386) 943-5171
rebecca.davis@dot.state.fl.us

Vince Vacchiano
Construction Project Manager/MS 3-506
719 South Woodland Boulevard
DeLand, Florida 32720-6834
PH: (386) 943-5406
vincent.vacchiano@dot.state.fl.us

LOCAL GOVERNMENT

R. Jay Davoll, P.E.
Community Development Director
City Engineer
City of Apopka
120 E. Main Street
P.O. Box 1229
Apopka, Florida 32704-1229
PH: (407) 703-1718
jdavoll@apopka.net

IN WITNESS WHEREOF, the LOCAL GOVERNMENT has executed this Agreement this _____ day of _____, 2014, and the DEPARTMENT has executed this Agreement this _____ day of _____, 2014.

CITY OF APOPKA

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____

By: _____

Name: _____

Name: Frank J. O'Dea, P.E.

Title: _____

Title: Director of Transportation Development

As approved by the Council on:

Attest:

Attest:

Executive Secretary

Legal Review:

Legal Review:

City Attorney

Financial Provisions Approval by
the Office of the Comptroller on:

Authorization Received from the Office of
the Comptroller as to Availability of Funds:

Exhibit "A"

SCOPE OF SERVICES

Financial Management Number: 432402-3-58-01

Construction of four (4) curb ramps on State Road 500/US 441 at Hiawassee Road to provide crossings along the south leg (northbound Hiawassee Road) and along the west leg (southbound State Road 500/US 441). Two (2) curb ramps will be constructed in the southwest quadrant. One (1) curb ramp will be constructed in the existing traffic island in the northeast quadrant. One (1) curb ramp will be constructed in the existing traffic island in the southeast quadrant.

Hydroblast conflicting pavement marking - stop bar, lane lines, median gore areas and arrows.

Restripe with crosswalk striping, relocating the stop bar as needed.

Install pedestrian signalization elements for both new crossing legs. This is to include pedestrian detectors, pedestrian signal heads, conduit, signal cable, pull boxes, pedestrian poles, and necessary cabinet modifications.

Exhibit "B"

ESTIMATED SCHEDULE OF FUNDING **Financial Management Number: 432402-3-58-01**

For satisfactory completion of all services detailed in Exhibit "A" (Scope of Work) of this Agreement, the DEPARTMENT will reimburse the LOCAL GOVERNMENT an amount not to exceed **\$46,961.00 (Forty Six Thousand Nine Hundred Sixty One Dollars and No/100)** for actual costs incurred.

The LOCAL GOVERNMENT may receive progress payments for actual costs incurred for deliverables based on a percentage of services that have been completed, approved and accepted to the satisfaction of the DEPARTMENT when properly supported by detailed invoices and acceptable evidence of payment. The final balance due under this Agreement will be reimbursed upon the completion of all Project services, receipt of final construction cost documentation and proper submission of a detailed invoice and when the Project has been inspected, approved and accepted to the satisfaction of the DEPARTMENT in writing.

Exhibit "C"

ESTIMATED PROJECT PRODUCTION SCHEDULE
Financial Management Number: 432402-3-58-01

Begin Construction: December 2014

Construction Duration: 3 Months

Construction Completion: March 2015

Exhibit "D"

TERMS & CONDITIONS OF CONSTRUCTION Financial Management Number: 432402-3-58-01

1. The LOCAL GOVERNMENT is authorized, subject to the conditions set forth herein, to enter DEPARTMENT right-of-way to perform all activities necessary for the construction of the Project (as described more fully in Exhibit "A"). The Project shall be constructed in accordance with construction plans and specifications to be approved by the DEPARTMENT and consistent with the requirements of the DEPARTMENT. The plans shall include an appropriate plan for maintenance of traffic. Should any significant (as defined by §4-3 of Standard Specifications for Road and Bridge Construction, 2014, and as amended from time to time) changes to the plans be required during construction of the Project, the LOCAL GOVERNMENT shall be required to notify the DEPARTMENT of the changes and receive approval from the DEPARTMENT prior to the changes being constructed. The DEPARTMENT reserves the right to adjust the plans to meet the requirements of permits. The LOCAL GOVERNMENT shall be responsible to maintain the area of the Project at all times during construction of the Project. All payment and performance bonds shall name the DEPARTMENT as an additional obligee. All warranties on any product or material used in construction of said Project shall be in favor of the DEPARTMENT. The LOCAL GOVERNMENT shall assure that the Engineer of Record performs all necessary post-design services that may be required.

2. The LOCAL GOVERNMENT shall have the affirmative responsibility to locate all existing utilities, both aerial and underground and that all utility locations shall be represented on the construction plans. All utility conflicts shall be fully resolved directly with the applicable utility. The LOCAL GOVERNMENT shall be obligated to design around any utility installation for which the conflict cannot be resolved. Said utility work shall be deemed to be undertaken on behalf of and for the benefit of the DEPARTMENT and the LOCAL GOVERNMENT shall assure that utility work schedules are obtained for the Project.

3. The work performed pursuant to this Agreement may require authorization under the Clean Water Act, by the U.S. Environmental Protection Agency for Storm Water Discharges from construction sites. The LOCAL GOVERNMENT is responsible for obtaining the National Pollutant Discharge Elimination System Permit and all other necessary permits for construction of the Project. When applicable, such permits will be processed in the name of the DEPARTMENT; however, in such event, the LOCAL GOVERNMENT will comply with all terms and conditions of such permit in construction of the subject facilities.

4. This Agreement shall act to supersede the normal requirements of the LOCAL GOVERNMENT to secure separate DEPARTMENT permits for drive-way connection, right-of-way utilization, storm-water discharge and utilities and this Agreement is deemed to constitute such permits.

5. It is expressly agreed by the parties that this Agreement creates a permissive use only and that neither the granting of the permission herein to use DEPARTMENT and/or LOCAL GOVERNMENT right-of-way nor the placing of facilities upon DEPARTMENT and/or

LOCAL GOVERNMENT land shall operate to create or vest any property right in the LOCAL GOVERNMENT except as otherwise provided in separate agreements.

6. The DEPARTMENT shall appoint and authorize a single individual to serve as the DEPARTMENT'S representative to coordinate and manage the DEPARTMENT review of LOCAL GOVERNMENT activities pursuant to this Agreement. The LOCAL GOVERNMENT shall provide a current construction schedule to the DEPARTMENT'S representative and shall notify the representative at least 48 hours in advance of starting proposed work and again immediately upon completion of work.

7. The LOCAL GOVERNMENT shall utilize only a DEPARTMENT qualified prime contractor for the Project.

8. The LOCAL GOVERNMENT shall hire a DEPARTMENT Pre-qualified Consultant Construction Engineering Inspection firm (CCEI) to perform construction oversight including the obligation to assure that any and all verification testing is performed in accordance with the 2014 Standard Specifications for Road and Bridge Construction, as amended from time to time. The DEPARTMENT shall have the right, but not the obligation, to perform independent assurance testing during the course of construction of the Project.

9. The LOCAL GOVERNMENT shall require the LOCAL GOVERNMENT'S contractor to post a bond in accordance with Section 337.18, Florida Statutes.

10. The LOCAL GOVERNMENT shall not modify the intent of the design plans or the maintenance of traffic concept without appropriate submission by the Engineer of Record (the "Engineer") and approval by the DEPARTMENT. Provided, however, in the event of an emergency, the LOCAL GOVERNMENT shall immediately make any necessary changes and notify the DEPARTMENT and the Engineer of Record after the modifications.

11. The DEPARTMENT may request and shall be granted a conference with the LOCAL GOVERNMENT and at the LOCAL GOVERNMENT'S option, the LOCAL GOVERNMENT'S CEI firm, to discuss any part of the Project activities that the DEPARTMENT determines to be inconsistent with the approved design plans and specifications. The LOCAL GOVERNMENT will monitor the corrective action and provide the DEPARTMENT status reports at such intervals as are reasonable, based on the corrective action undertaken, and the DEPARTMENT may, but is not obligated to, review independently the progress of the corrective action. Provided however, if the DEPARTMENT determines a condition exists which threatens the public's safety, the DEPARTMENT may, at its discretion, issue an immediate stop work order.

12. The LOCAL GOVERNMENT shall have the continuous obligation to monitor the maintenance of traffic and construction operation during the course of the Project so that the safe and efficient movement of the traveling public is maintained. The LOCAL GOVERNMENT is further obligated to make such changes to the maintenance of traffic plans as may be necessary. During construction, the LOCAL GOVERNMENT shall take measures, including the placing and display of safety devices that are necessary in order to safely conduct the public through the Project area in accordance with the latest and current version of the Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways, and the DEPARTMENT'S 2014 Standard Specifications for Road and Bridge

construction and the DEPARTMENT'S 2014 Roadway and Traffic Design Standards, and as those sources may be amended from time to time. The LOCAL GOVERNMENT may assign the responsibility of this paragraph to the Contractor or its' CEI for the construction of the Project.

13. Prior to the Project bidding, the LOCAL GOVERNMENT shall provide a project schedule that includes, at a minimum, the date the Project will be advertised for bid, the bid opening date, the award date and the date of the preconstruction conference.

14. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the DEPARTMENT'S right, title and interest in the land to be entered upon and used by the LOCAL GOVERNMENT. Any additional right or privilege required to undertake and to complete construction of the Project shall be secured by the LOCAL GOVERNMENT.

15. Upon completion of the work in accord with the Plans, the LOCAL GOVERNMENT shall furnish a set of "as-built" plans prepared in accordance with the FDOT Construction Project Administration Manual, Chapter 5.12 (FDOT Procedure #700-000-000). The "as-built" plans shall be certified by the Engineer of Record/CEI that the necessary improvements have been completed in accordance with the Plans as the same may be modified in accord with the terms of this Agreement. This certification shall include a statement that necessary inspections, tests, and physical measurements have been made, and that all materials entering into the work conform to the Plans, conform to the applicable specifications contained in the Standard Specifications for Road and Bridge Construction, 2014 edition as amended, or otherwise conform to or meet generally accepted professional practices. Additionally, the LOCAL GOVERNMENT shall assure that all post construction survey monumentation required by Florida Statutes is completed and evidence of such is provided to the DEPARTMENT in a manner acceptable to the DEPARTMENT. Upon acceptance of right-of-way documents, then the Project shall be deemed accepted by and turned over to the DEPARTMENT.

16. In the event contaminated soil is encountered by the LOCAL GOVERNMENT or anyone within the DEPARTMENT right of way, the LOCAL GOVERNMENT shall immediately cease work and notify the DEPARTMENT. The DEPARTMENT shall coordinate with the appropriate agencies and notify the LOCAL GOVERNMENT of any required action related thereto.

17. It is acknowledged by the parties that construction plans and specifications are still being prepared by the LOCAL GOVERNMENT as of the date of this Agreement. Construction of the Project will not commence until the DEPARTMENT has approved the construction plans and specifications as provided for in Paragraph 1 and all required right-of-way has been properly obtained and certified (if applicable) as such by the DEPARTMENT's Right of Way Manager.

18. If applicable, the LOCAL GOVERNMENT shall assure that load ratings are submitted on any vehicular bridge prior to the final submission of the structure plans for DEPARTMENT review. Structures shall not be opened to traffic until a signed and sealed final bridge load rating that meets the Florida legal loads standard is complete.

Exhibit "E"

NOTICE OF COMPLETION

JOINT PARTICIPATION AGREEMENT

Between

**THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
and the CITY OF APOPKA**

**PROJECT DESCRIPTION: "Construction of Curb Ramps and Pedestrian Crossings at the
Intersection of State Road 500/US 441 and Hiawasse Road"**

FINANCIAL MANAGEMENT ID# 432402-3-58-01

In accordance with the Terms and Conditions of the JOINT PARTICIPATION AGREEMENT,
the undersigned hereby provides notification that the work authorized by this Agreement is
complete as of _____, 20__.

By: _____

Name: _____

Title: _____

ENGINEER'S CERTIFICATION OF COMPLIANCE

In accordance with the Terms and Conditions of the JOINT PARTICIPATION AGREEMENT,
the undersigned hereby certifies that all work which originally required certification by a
Professional Engineer has been completed in compliance with the Project construction plans and
specifications. If any deviations have been made from the approved plans, a list of all
deviations, along with an explanation that justifies the reason to accept each deviation, will be
attached to this Certification. Also, with submittal of this certification, the LOCAL
GOVERNMENT shall furnish the DEPARTMENT a set of "as-built" plans certified by the
Engineer of Record/CEI.

By: _____, P.E.

Name: _____

Date: _____

SEAL:

Exhibit "F"
Financial Management Number: 432402-3-58-01

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Program (*list Federal agency, Catalog of Federal Domestic Assistance title and number*) -
\$ (*amount*)

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

Federal Program:

List applicable compliance requirements as follows:

1. *First applicable compliance requirement (e.g., what services/purposes resources must be used for).*
2. *Second applicable compliance requirement (e.g., eligibility requirements for recipients of the resources).*
3. Etc.

NOT APPLICABLE

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

MATCHING RESOURCES FOR FEDERAL PROGRAMS:

Federal Program (*list Federal agency, Catalog of Federal Domestic Assistance title and number*) -
\$ (*amount*)

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

State Project (*list State awarding agency, Catalog of State Financial Assistance title and number*) -
\$ (*amount*)

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

Exhibit "G"

RESOLUTION

Financial Management Number: 432402-3-58-01

Backup material for agenda item:

1. PLAT – Sam’s Club #6189-00, owned by Sam’s East, Inc., located south of U.S. 441, located west of North Hiawassee Road and east of Lake Pleasant Road. (Parcel ID Nos. 24-21-28-0000-00-002; 24-21-28-0000-049; 24-21-28-0000-083 & 24-21-28-0000-084)



CITY OF APOPKA
CITY COUNCIL

- X PUBLIC HEARING
SPECIAL REPORTS
PLAT APPROVAL
X OTHER: Plat

MEETING OF: February 18, 2015
FROM: Community Development
EXHIBITS: Vicinity Map
Plat

PROJECT: SAM'S CLUB #6189-00 PLAT

Request: APPROVAL OF THE SAM'S CLUB #6189-00 PLAT

SUMMARY:

OWNER: Sam's East, Inc.
APPLICANT: Kimley-Horn and Associates, Inc., c/o Greg Ripple, P.E.; Sam's East, Inc.
LOCATION: South of U.S. 441, west of North Hiawasse Road, and east of Lake Pleasant Road.
EXISTING USE: Sam's Club Retail Center (under construction)
LAND USE: Commercial
ZONING: C-2 (Commercial)
PROPOSED DEVELOPMENT: 2 Lot Plat for a Retail Commercial Center and Gas Station owned by Sam's Club and a stormwater pond owned by the City of Apopka
OVERLAY ZONING: None
TRACT SIZE: 33.3 +/- Acres

RELATIONSHIP TO ADJACENT PROPERTIES:

Table with 4 columns: Direction, Future Land Use, Zoning, Present Use. Rows include North (City), North (County), East (City), South (City), and West (City) with their respective land use and zoning details.

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The Sam’s Club #6189-00 Final Development Plan was approved on September 18, 2013. A condition of this Final Development Plan approval requires “approval and recording of a plat prior to issuance of a certificate of occupancy.” To accommodate the land design needs for the Sam’s Club site plan, a land swap was made between the City and the property owner to accommodate relocation of the City’s stormwater pond and a drainage easement. Lot 2 shown in the Plat establishes the boundary of the property owned by the City. The Plat is consistent with the Final Development Plan.

PUBLIC HEARING SCHEDULE:

Planning Commission – February 10, 2015, 5:01 p.m.
City Council – February 18, 2015, 7:00 p.m.

RECOMMENDED ACTION:

The **Development Review Committee (DRC)** recommended approval of the Sam’s Club #6189-00 Plat for the property owned by Sam’s Inc. East and located south of U.S. 441, west of North Hiawasse Road, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on February 10, 2015, recommended approval (6-0) of the Sam’s Club #6189-00 Plat for the property owned by Sam’s Inc. East and located south of U.S. 441, west of North Hiawasse Road, subject to the information and findings in the staff report.

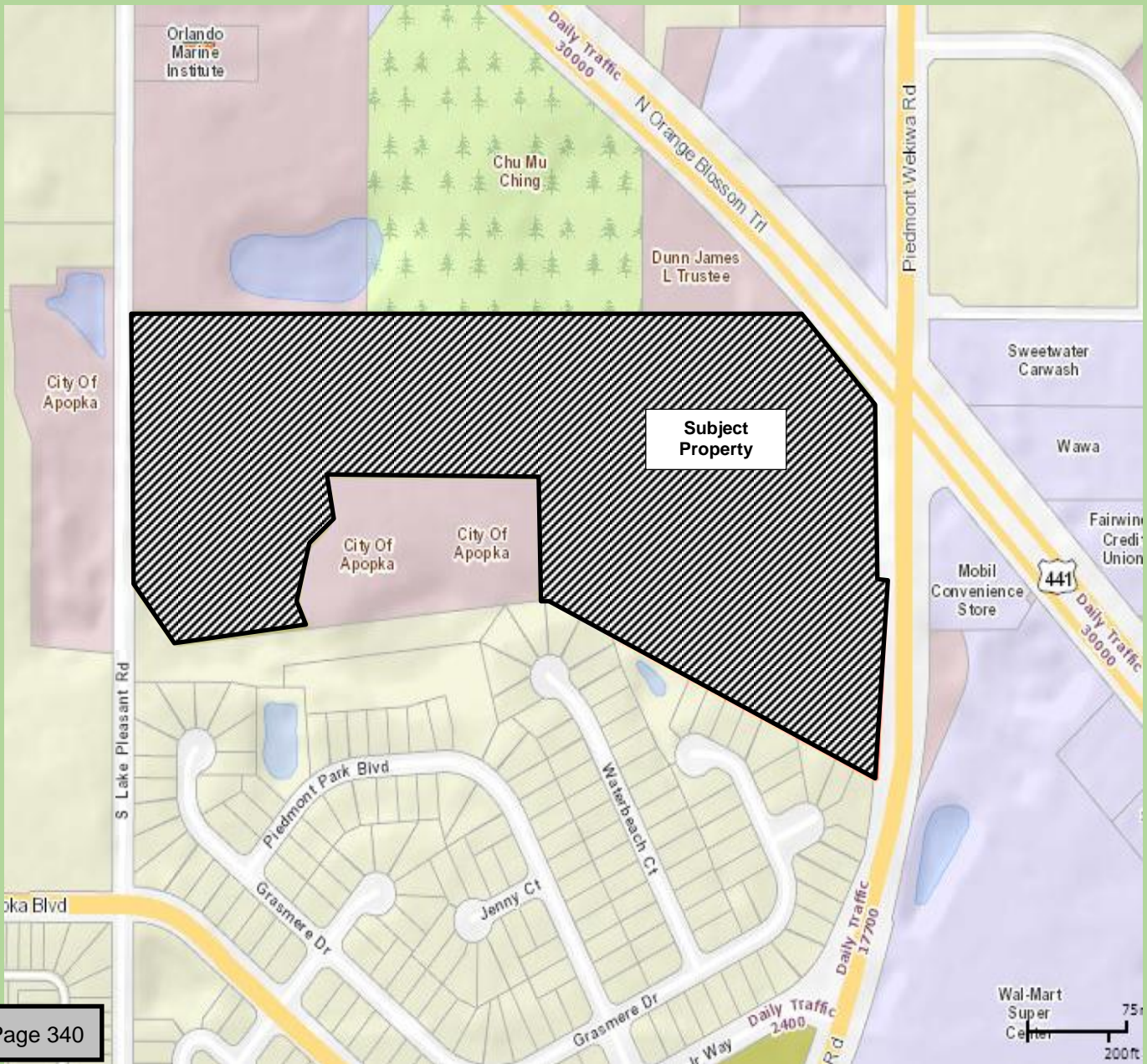
Approve the Sam’s Club #6189-00 Plat for the property owned by Sam’s Inc. East and located south of U.S. 441, west of North Hiawasse Road.

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: Sam's Club #6189-00 Plat
Owner: Sam's East, Inc.
Applicant: Kimley-Horn and Associates, Inc., c/o Greg Ripple, P.E.
Parcel ID Nos.: 24-21-28-0000-00-002; 24-21-28-0000-00-049; 24-21-28-0000-00-083 & 24-21-28-0000-00-084
Total Acres: 33.3 +/-



VICINITY MAP



LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PORTION OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST OF THE TALLAHASSEE BASE MERIDIAN, ORANGE COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING FOR REFERENCE AT THE NORTHWEST CORNER OF SAID SECTION 24;

THENCE, BEARING SOUTH 89°30'51" EAST, ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 25.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH LAKE PLEASANT ROAD AND THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, CONTINUE SOUTH 89°30'51" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1,724.35 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 441 PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP NUMBER 7502-205, DATED FEBRUARY 1954, AND THE ADDITIONAL 3' WIDE RIGHT OF WAY DONATION RECORDED IN OFFICIAL RECORDS BOOK 10825, PAGE 5447, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;

SAID POINT BEING THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTH-WESTERLY, HAVING A RADIUS OF 5,893.85 FEET, A CENTRAL ANGLE OF 92°01'34", A CHORD LENGTH OF 201.33 FEET BEARING SOUTH 43°39'44" EAST;

THENCE, SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, A DISTANCE OF 201.35 FEET TO A POINT;

THENCE, BEARING SOUTH 42°38'56" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 56.21 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD;

THENCE, LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, BEARING SOUTH 47°15'04" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 4.80 FEET TO A POINT;

THENCE, BEARING SOUTH 42°43'56" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 15.19 FEET TO A POINT;

THENCE, BEARING SOUTH 00°21'48" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 398.49 FEET TO A POINT;

THENCE, BEARING NORTH 89°38'14" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 26.25 FEET TO A POINT;

THENCE, BEARING SOUTH 03°11'51" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 450.72 FEET TO A POINT;

THENCE, BEARING NORTH 64°12'16" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, A DISTANCE OF 10.40 FEET TO THE NORTHEAST CORNER OF LOT 2, REPLAT OF A PORTION OF PIEDMONT PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 49 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;

THENCE, LEAVING SAID WESTERLY RIGHT OF WAY LINE OF NORTH HIAWASSEE ROAD, BEARING NORTH 64°12'16" WEST, ALONG THE NORTH LINE OF LOT 2, A REPLAT OF A PORTION OF PIEDMONT PARK AND THE NORTHERLY LINE OF PIEDMONT PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 928.60 FEET TO A POINT;

THENCE, BEARING SOUTH 83°47'44" WEST, ALONG SAID NORTHERLY LINE OF PIEDMONT PARK, A DISTANCE OF 961.62 FEET TO A POINT;

THENCE, BEARING NORTH 39°12'16" WEST, ALONG SAID NORTHERLY LINE OF PIEDMONT PARK, A DISTANCE OF 176.50 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH LAKE PLEASANT ROAD;

SAID POINT BEING 25' EAST OF AND PERPENDICULAR TO THE WEST LINE OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST;

THENCE, BEARING NORTH 00°10'23" EAST, A DISTANCE OF 622.17 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PREMISES CONTAIN AN AREA OF 1,449,886 SQUARE FEET OR 33.29 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

ABBREVIATIONS AND SYMBOLS

CCR	CERTIFIED CORNER RECORD	ORB	OFFICIAL RECORD BOOK
CHL	CHORD LENGTH	PB	PLAT BOOK
CHB	CHORD BEARING	PG	PAGE
CM	CONCRETE MONUMENT	PLS	PROFESSIONAL LAND SURVEYOR
CMD	CONCRETE MONUMENT WITH DISK	POB	POINT OF BEGINNING
		POC	POINT OF COMMENCEMENT
Co	COMPANY	PRM	PERMANENT REFERENCE MONUMENT <small>as NOTED</small>
C	CENTERLINE	PSM	PROFESSIONAL SURVEYOR AND MAPPER
Δ	DELTA ANGLE	R	RADIUS
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION	ROW	RIGHT-OF-WAY
ID	IDENTIFICATION	RNG	RANGE
L	LENGTH	SEC	SECTION
LB	LICENSED BUSINESS	SQ FT	SQUARE FEET
NCF	NO CORNER FOUND	TWP	TOWNSHIP
NCS	NO CORNER SET	TYP	TYPICAL
NR	NON-RADIAL	US	UNITED STATES
□	CONCRETE MONUMENT		
○	IRON PIPE or IRON ROD		

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Kimley»Horn

THIS INSTRUMENT PREPARED BY:
KIMLEY-HORN AND ASSOCIATES, INC.
LICENSED BUSINESS NO. 6986
445 24TH STREET, SUITE 200
VERO BEACH, FLORIDA 32960
PAUL C. SUTHARD

APOPKA SAM'S CLUB

A PORTION OF LAND LYING WITHIN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA



VICINITY MAP
NOT TO SCALE

NOTES

1. THE BEARING BASE FOR THIS SURVEY IS STATE PLANE GRID NORTH, THE NORTH LINE OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST BEARS SOUTH 89° 30'51" EAST.
2. PLATTED UTILITY EASEMENTS ARE ALSO EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
3. LOT 1 IS HEREBY RESERVED TO SAM'S EAST, INC. AND/OR ASSIGNS AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF SAM'S EAST, INC. AND/OR ASSIGNS.
4. LOT 2 IS HEREBY RESERVED TO CITY OF APOPKA AND/OR ASSIGNS AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF THE CITY OF APOPKA AND/OR ASSIGNS.
5. ACCESS TO LOT 2 IS PROVIDED OVER LOT 1 AS DESCRIBED IN THAT CERTAIN NON-EXCLUSIVE PERPETUAL ACCESS EASEMENT BETWEEN SAM'S EAST, INC., CITY OF APOPKA AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AS RECORDED IN OFFICIAL RECORDS BOOK _____, PAGE _____ OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY THAT THE FOREGOING PLAT WAS RECORDED IN THE ORANGE COUNTY OFFICIAL RECORDS ON _____ AS FILE NO. _____
COUNTY COMPTROLLER
IN AND FOR ORANGE COUNTY, FLORIDA.
BY: _____

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, THAT ON _____ THE CITY COUNCIL OF THE CITY OF APOPKA APPROVED THE FOREGOING PLAT.
SIGNED: _____ SIGNED: _____
MAYOR, CITY OF APOPKA CITY CLERK, CITY OF APOPKA
PRINTED NAME: _____ PRINTED NAME: _____

CERTIFICATE OF APPROVAL BY APOPKA PLANNING COMMISSION

EXAMINED AND APPROVED:
CHAIRMAN _____ DATE _____

CERTIFICATE OF APPROVAL BY CITY ENGINEER

THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 20____ THE FOREGOING PLAT WAS EXAMINED AND APPROVED BY _____ CITY ENGINEER

APOPKA SAM'S CLUB

DEDICATION

KNOWN BY ALL MEN BY THESE PRESENTS, THAT SAM'S EAST, INC. AND THE CITY OF APOPKA, OWNERS OF THE HEREIN DESCRIBED LANDS, HAVE CAUSED THIS PLAT OF APOPKA SAM'S CLUB, LYING IN THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA TO BE MADE AND HEREBY DEDICATES SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED AND SAM'S EAST, INC. HEREBY DEDICATES TO THE CITY OF APOPKA A RIGHT OF ENTRY IN PERPETUITY TO RECONSTRUCT, REPAIR, INSPECT AND MAINTAIN ALL FACILITIES ON, OR IN THE DEDICATED RIGHT OF WAY SHOWN HEREON, WHICH MAY HAVE BEEN CONSTRUCTED OR INSTALLED FOR THE PUBLIC GOOD AND WELFARE AND WHICH MAY INCLUDE ANY OR ALL OF THE FOLLOWING: STREET, ALLEYS, GUTTERS, CURBS, SIDEWALKS, STREET SIGNS AND POSTS, PARKS AND PARKWAYS, WATER LINES, SANITARY SEWERS, STORM SEWERS AND THEIR ACCOUTREMENTS, UTILITY LINES TO INCLUDE A MINIMUM OF POWER, TELEPHONE, TELEGRAPH AND TELEVISION CABLE SERVICE, STREET LIGHTS AND POLES, POWER AND TRANSFORMER STATIONS, SEWAGE LIFT STATIONS AND ALL OTHER FACILITIES THAT SHALL BE CONSTRUED TO BE FOR THE PUBLIC GOOD AND WELFARE, AND FURTHER DEDICATES TO THE CITY OF APOPKA, THE RIGHT TO CLEAR TREES, BRUSH OR ANY OTHER IMPEDIMENT TO RECONSTRUCTION, MAINTENANCE, INSPECTION OR REPAIR OF THE ABOVE LISTED FACILITIES; PROHIBITING ALL OTHERS FROM PLANTING, CONSTRUCTING OR PLACING ANY OBJECT ON THE DEDICATED RIGHT-OF-WAY OR THE 40 FT. WIDE DRAINAGE EASEMENT OR LOT 2 WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE DIRECTOR OF PUBLIC SERVICES OF THE CITY OF APOPKA.

IN WITNESS WHEREOF SAM'S EAST, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO ON:

DATE _____

AUTHORIZED AGENT FOR SAM'S EAST, INC., _____

SIGNED AND SEALED IN THE PRESENCE OF:

PRINTED NAME _____

PRINTED NAME _____

STATE OF _____

COUNTY OF _____

THIS IS TO CERTIFY, THAT ON _____ BEFORE ME AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED: _____ TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION SEVERALLY ACKNOWLEDGED THEIR EXECUTION THEREOF TO BE HIS/HER FREE ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE ABOVE DATE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____ (DATE)

IN WITNESS WHEREOF, THE CITY OF APOPKA HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO ON:

DATE _____

CITY OF APOPKA

BY: _____

JOE KILSHEIMER, MAYOR

SIGNED AND SEALED IN THE PRESENCE OF:

PRINTED NAME _____

PRINTED NAME _____

STATE OF _____

COUNTY OF _____

THIS IS TO CERTIFY, THAT ON _____ BEFORE ME AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED: _____ TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION SEVERALLY ACKNOWLEDGED THEIR EXECUTION THEREOF TO BE HIS/HER FREE ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE ABOVE DATE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____ (DATE)

CERTIFICATE OF REVIEW BY CITY SURVEYOR

PURSUANT TO SECTION 177.081, FLORIDA STATUTES, I HAVE REVIEWED THIS PLAT FOR CONFORMITY TO CHAPTER 177, PART 1 OF THE FLORIDA STATUTES AND THAT SAID PLAT COMPLIES WITH THE TECHNICAL REQUIREMENTS OF THAT CHAPTER; PROVIDED HOWEVER, THAT MY REVIEW DOES NOT INCLUDE FIELD VERIFICATION OF ANY OF THE COORDINATES, POINTS OR MEASUREMENTS SHOWN ON THIS PLAT.

SIGNED: _____

DATE: _____

PRINTED NAME: _____

REGISTRATION NUMBER: _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOWN BY ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING A PROFESSIONAL SURVEYOR AND MAPPER THAT HAS PREPARED THE FOREGOING PLAT BEING MADE UNDER MY DIRECTION AND SUPERVISION AND THAT THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES; AND THAT SAID LAND IS LOCATED IN THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA.

DATED: _____

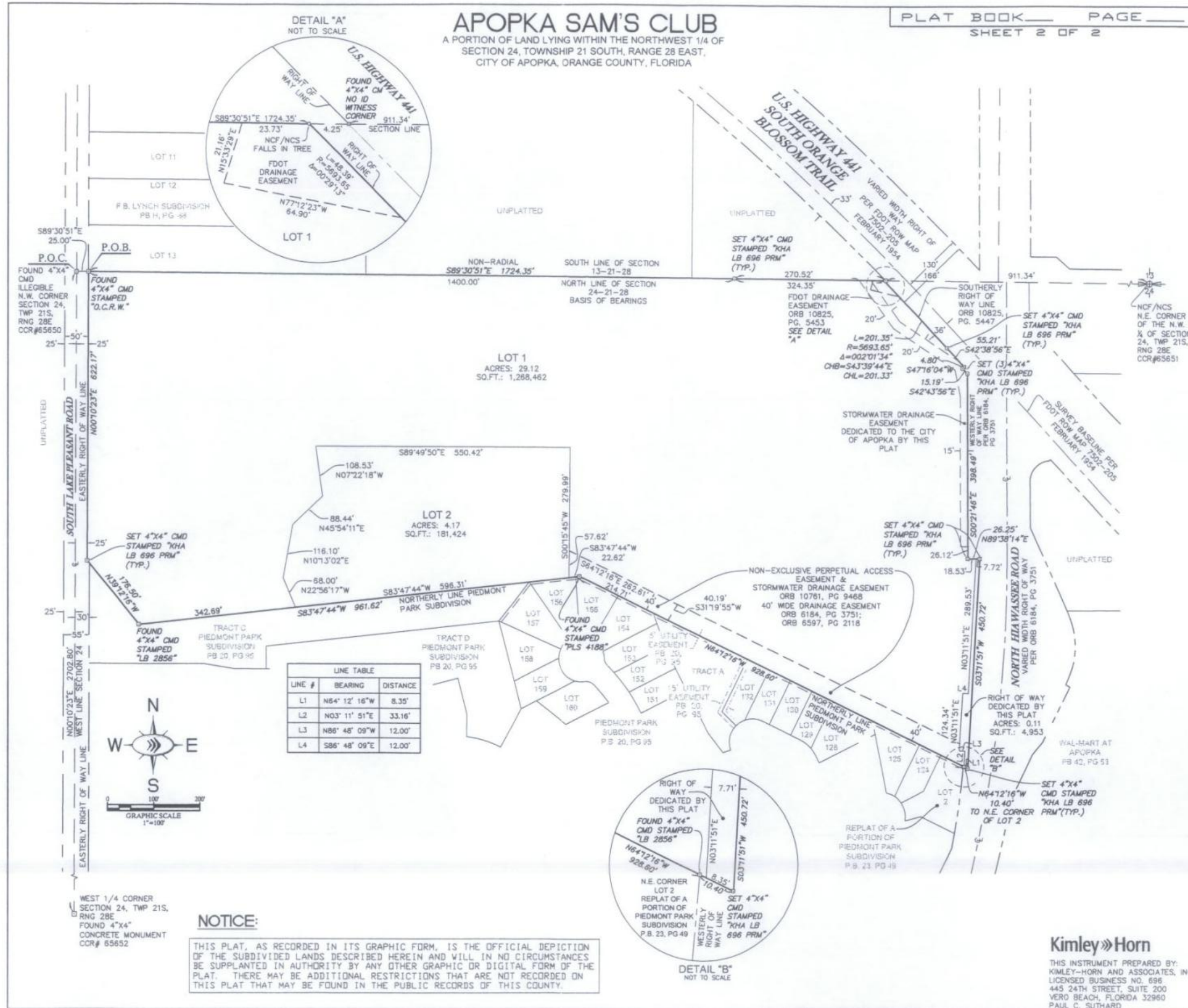
SIGNED: _____

E.C. DEMETER, PSM NO. 5179

KIMLEY-HORN AND ASSOCIATES, INC.
445 24TH STREET, SUITE 200
VERO BEACH, FLORIDA 32960
LICENSED BUSINESS NO. 6986

APOPKA SAM'S CLUB

A PORTION OF LAND LYING WITHIN THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA



Backup material for agenda item:

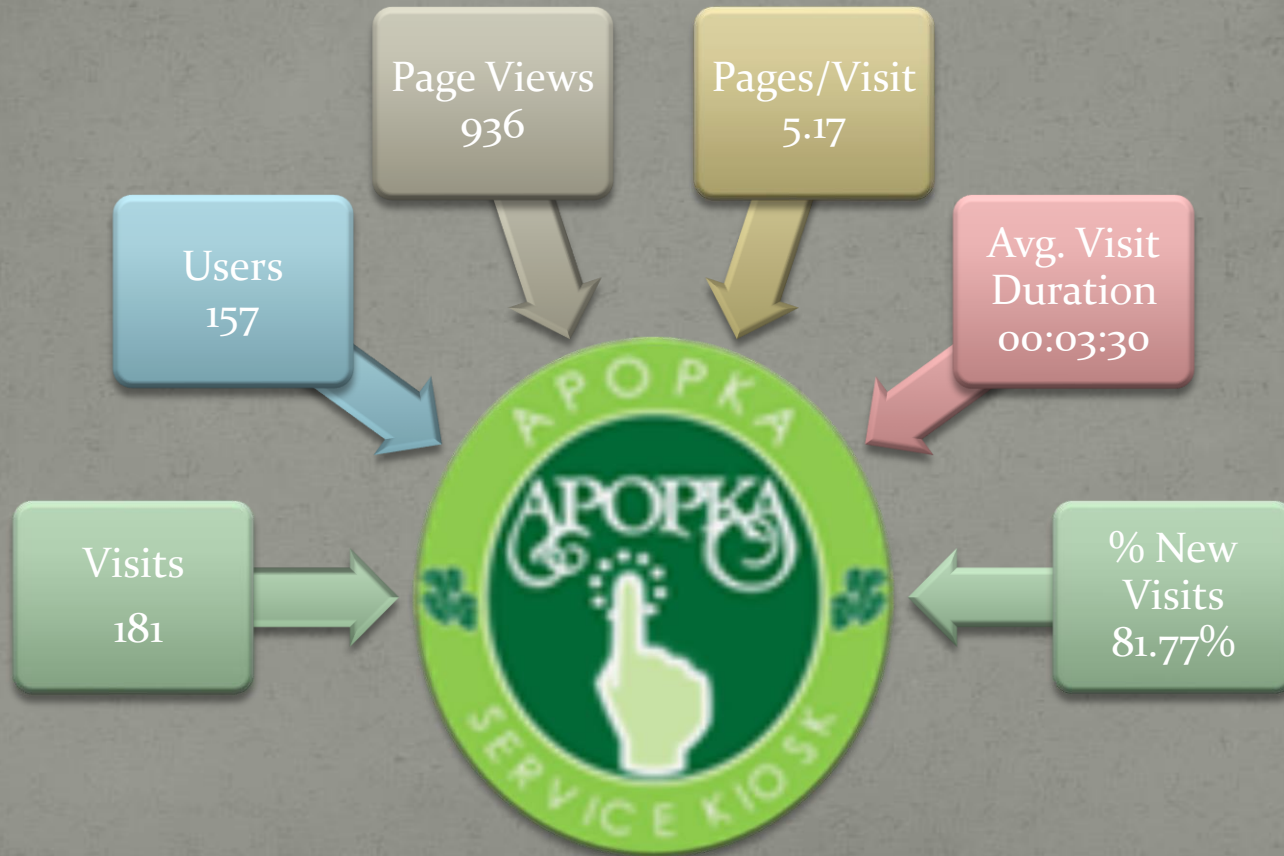
1. Administrative Report - Glenn Irby - City Administrator

Administrative Report



Presented To: Mayor and City Council
Presented By: Glenn Irby, City Administrator
February 18, 2015

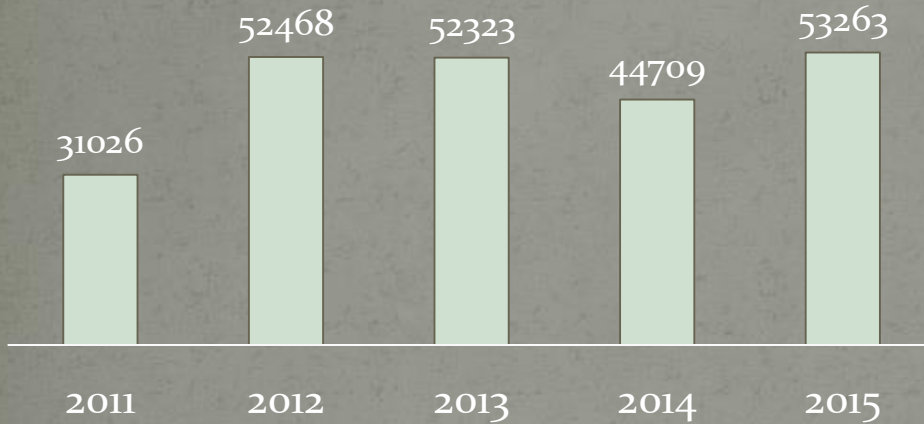
A.S.K. Apopka Service Kiosk January



Information Technology

January

Homepage Visits



Building Webpage Visits



Finance

January

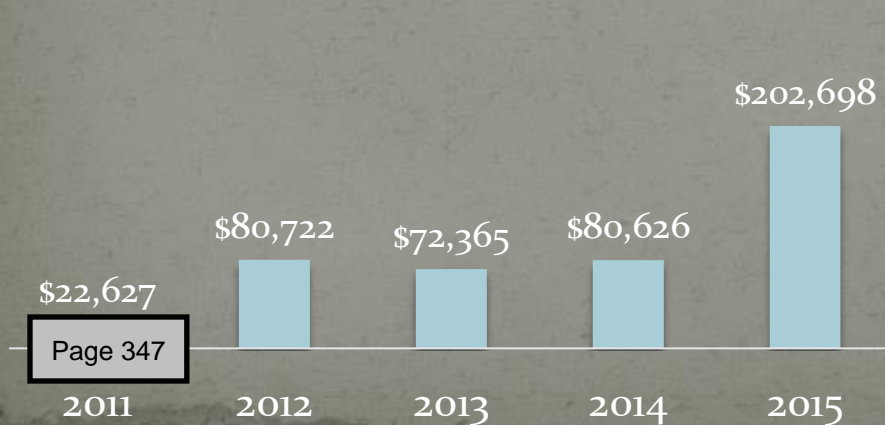
Sewer Impact



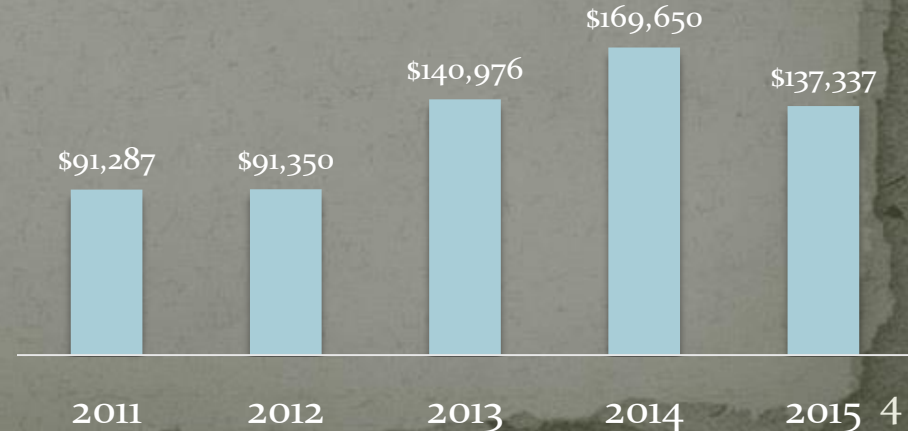
Water Impact



Transportation Impact



School Impact



Finance

January

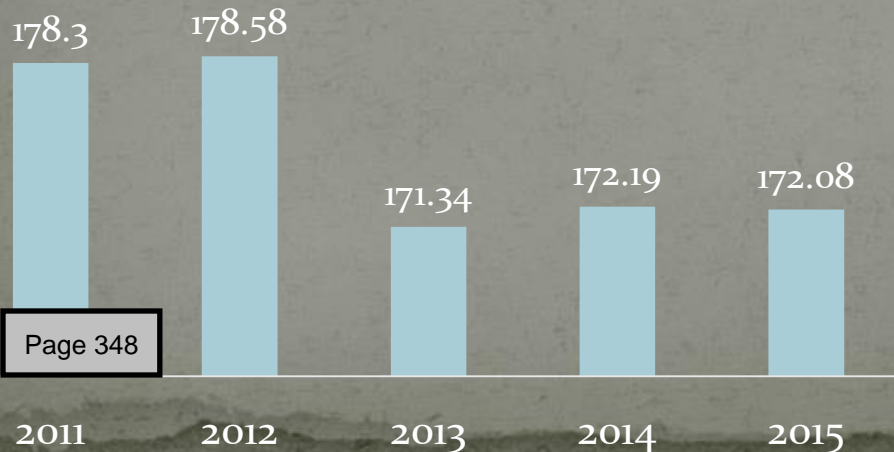
Reuse Impact



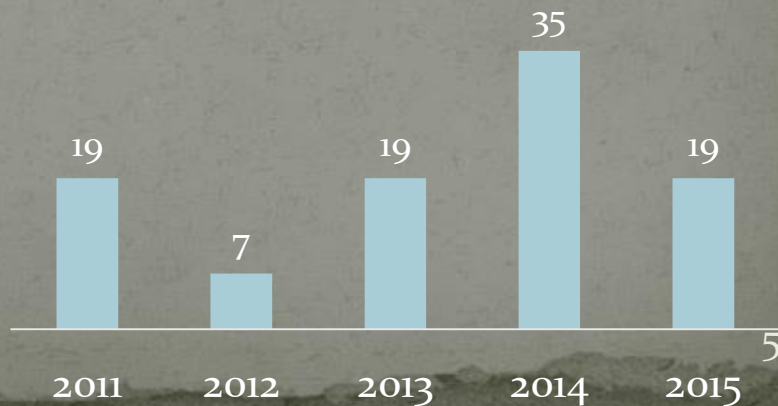
Recreation Impact



Average Potable Water Billed



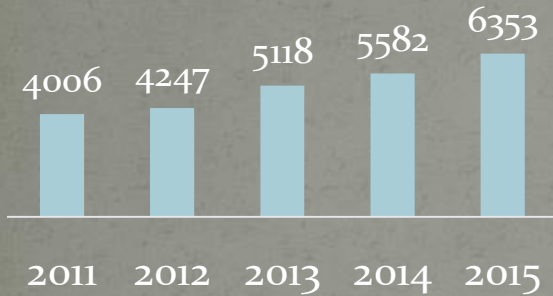
New Potable Meters Set



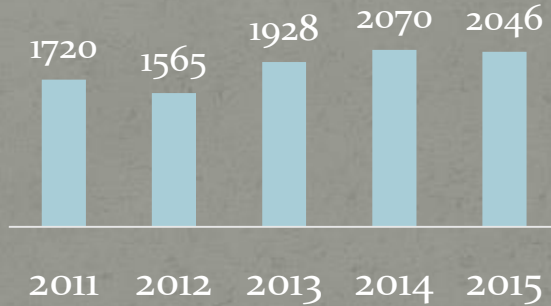
Finance - Utility Billing

January

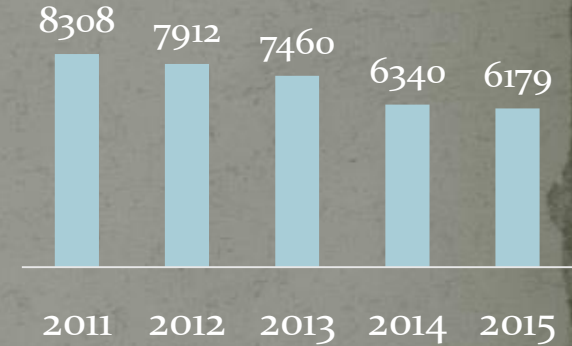
Web



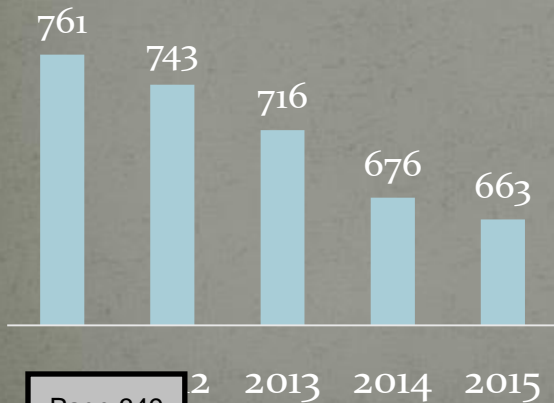
Office Window



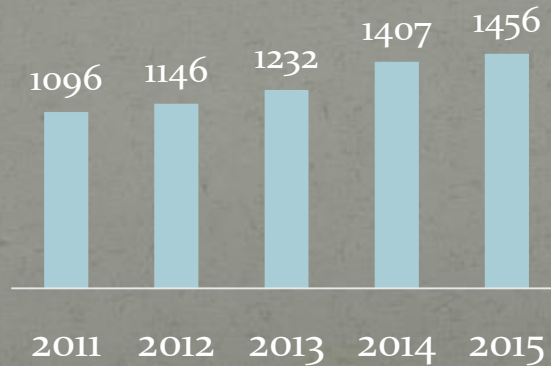
Mailed



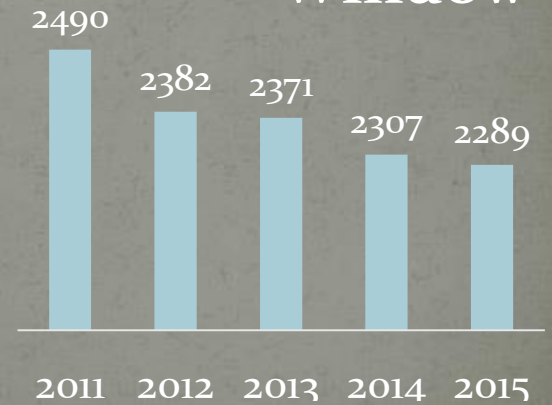
Drop Box



ACH



Drive-Up Window



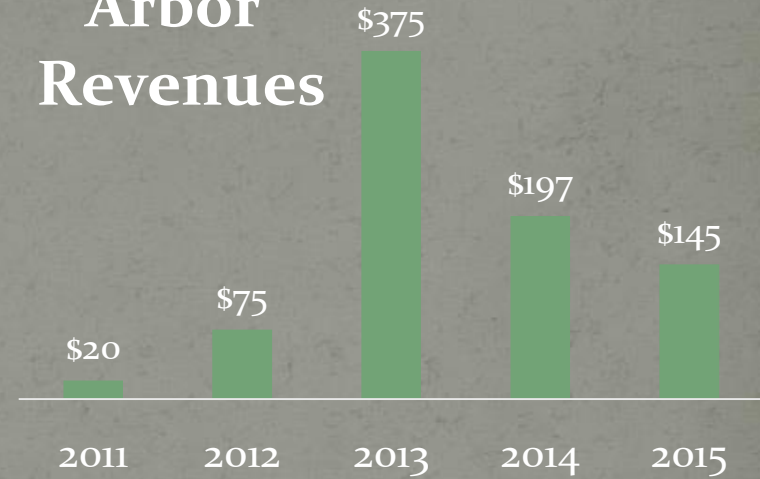
Community Development

January

Arbor Permits



Arbor Revenues



Tree Bank Revenues



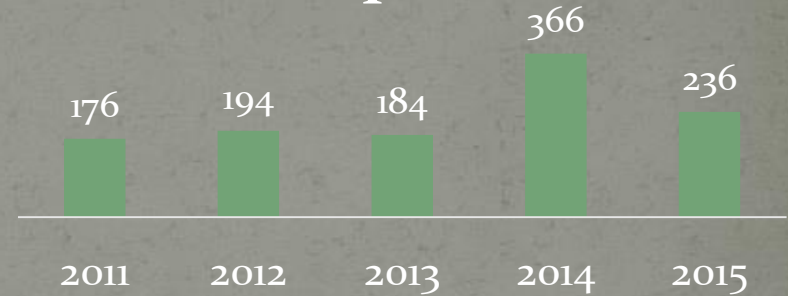
Community Development - Building

January

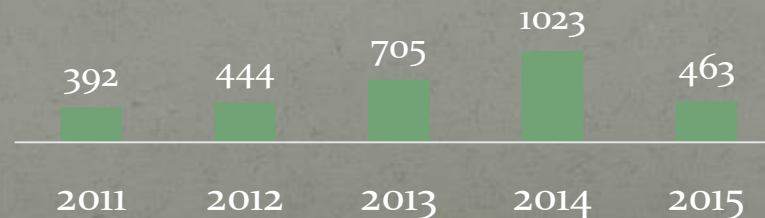
Automated Phone System Requests



Internet Inspection Requests



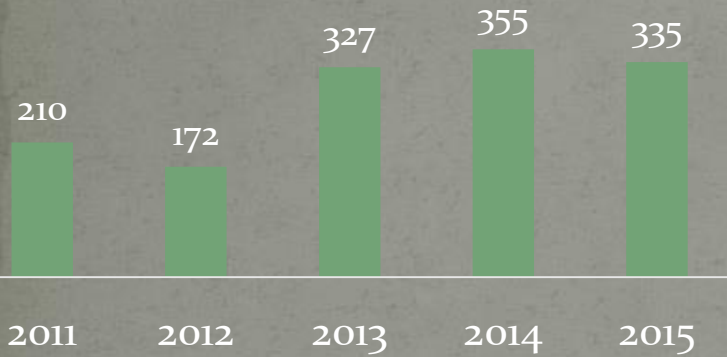
Office Inspection Requests



Community Development - Building

January

Permits Issued



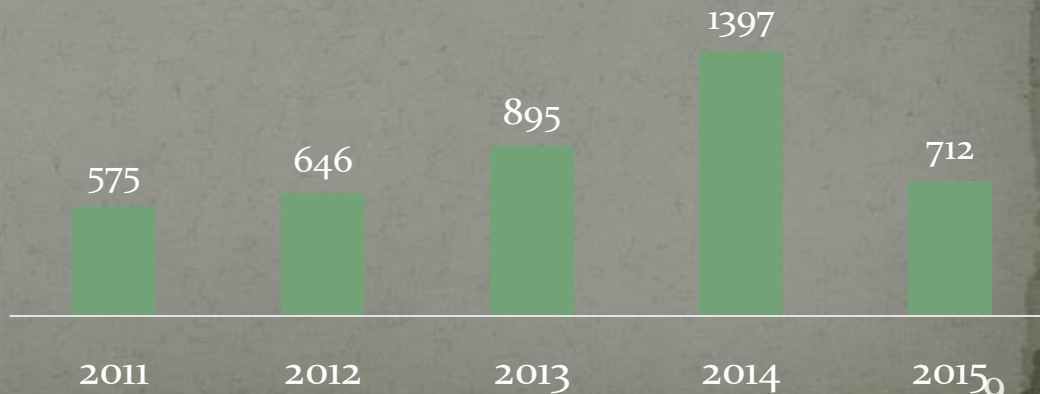
Value of Construction



Certificates of Occupancy Issued



Inspections Performed



Public Services – Water Plants

January

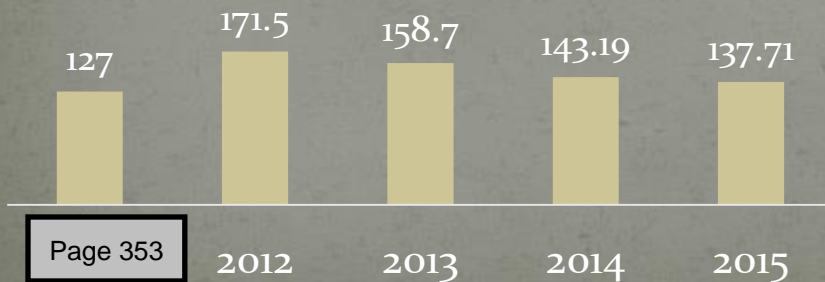
Water Plant – Average Daily Flow



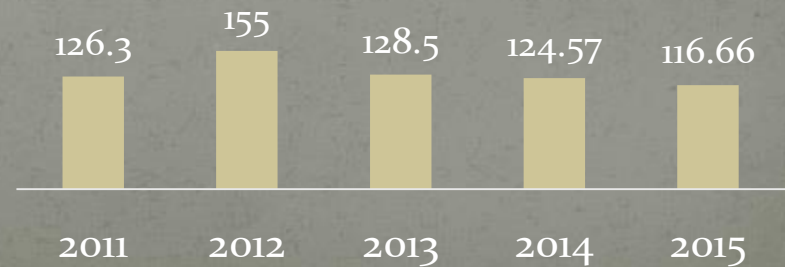
Wastewater Plant Average Daily Flow



Reclaimed Gallons Produced



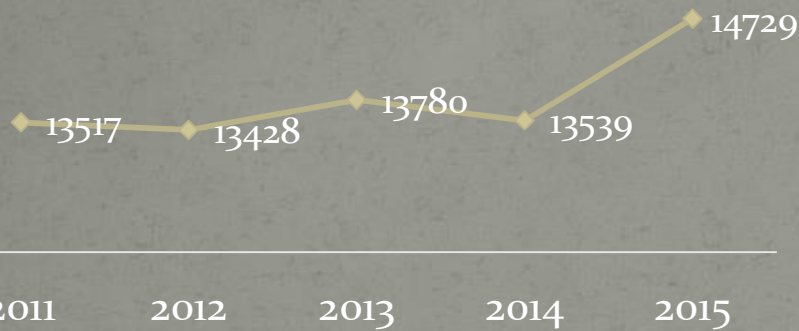
Reclaimed Gallons Used



Public Services - Sanitation

January

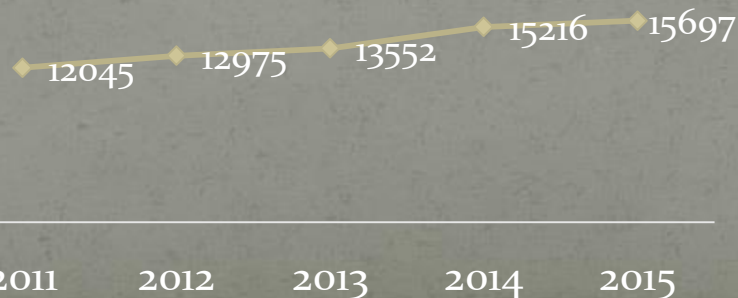
Residential Customers



Commercial Customers



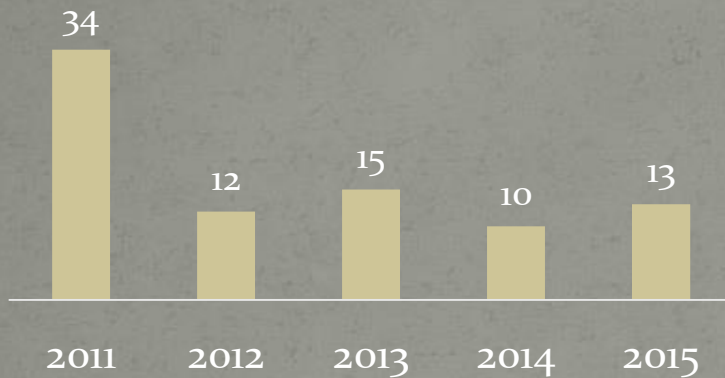
Recycling Customers



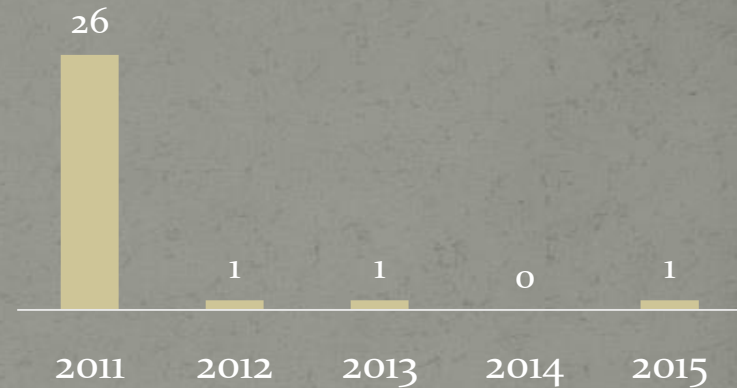
Public Services - Water Conservation

January

System Evaluations



Rain Sensors Issued



Program Rebates



Rebate Value



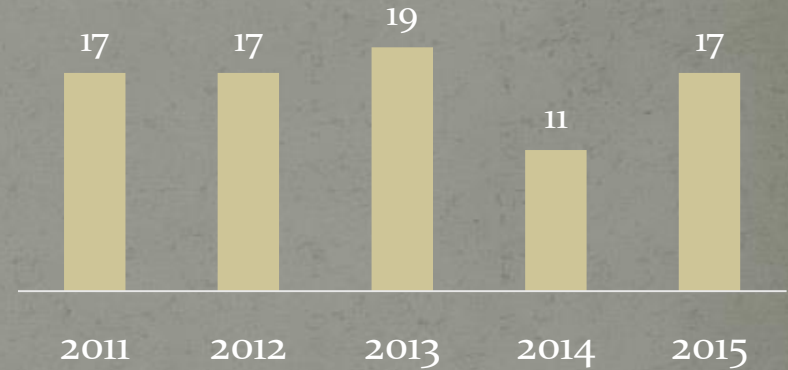
Public Services - Recreation

January

Program Events



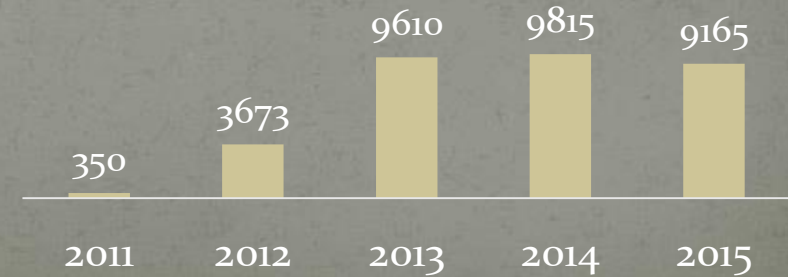
Senior Programs



Facility Rentals



Special Events Attendees



Fire January

NFIRS Calls For Service



EMS Calls For Service



Annual Inspections



Police

January

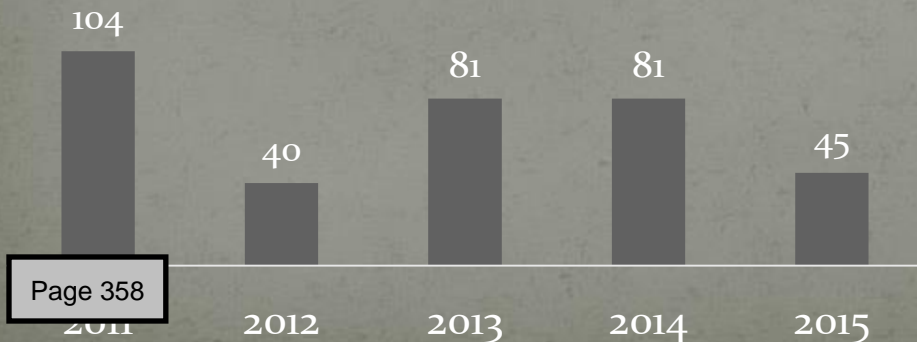
Uniform Traffic Citations



DUI Arrests



Warning Citations



Parking Citations



Police - Code Enforcement

January

Unkempt Cases



Disabled Vehicle Cases



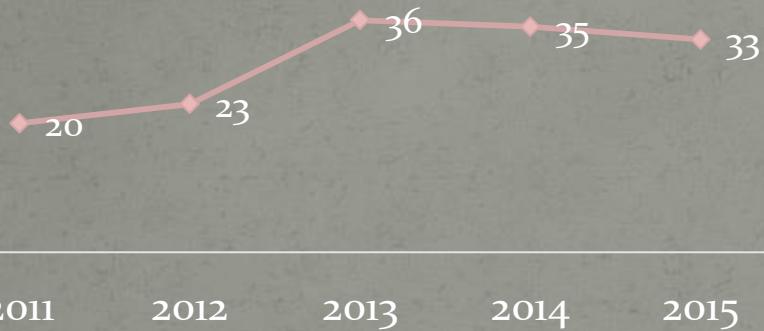
Total Code Enforcement Cases



Administrative Services

January

New Business Tax



Business Tax Renewals

