



AGENDA

APOPKA CITY COUNCIL MEETING @ 1:30 PM
City Hall Council Chamber
120 East Main Street – Apopka, Florida 32703
June 03, 2015

INVOCATION

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.

EMPLOYEE RECOGNITION

1. David Wright – Public Services/Waste Water Plants – Five Year Service Award
2. Jodi Yoham – Police Department/Communications – Five Year Service Award
3. Marc Norelia – Public Services/Sanitation – Ten Year Service Award
4. Jessica Schilling – Public Services/Water Treatment – Ten Year Service Award
5. Edwin Chittenden – Police Department/Support Services – Fifteen Year Service Award
6. Shirley Hambley – Finance/Accounting & Budget – Fifteen Year Service Award
7. Wilburn Roberson – Building/Community Development – Twenty Year Service Award

PRESENTATIONS

1. Presentation of Check - Presented to Keri Stagner & Donna Amato, representatives for the American Cancer Society's Relay for Life event in Apopka

2. Garden Week Proclamation - Presented to Morgan Martin, representing the founders of the Billie Dean Community Garden
3. Code Enforcement Officers' Appreciation Week Proclamation - Presented to Chief Manley
4. Pre-Budget Presentation - Presented by Chief Bronson

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on May 6, 2015 at 1:30 p.m.
2. Approve the minutes from the regular City Council meeting held on May 20, 2015 at 7:00 p.m.
3. Authorize the issuance of a Peddler's Permit to First American Fireworks to sell State approved fireworks at 511 South Orange Blossom Trail, from June 15, 2015 until July 5, 2015.
4. Authorize the Mayor, or his designee, to execute the Sewer and Water Capacity Agreement for Hillside at Wekiva (fka Ponkan Reserve North) (51 Lots).
5. Authorize a credit, in the amount of \$4,523.01, to Carlos Hernandez for a sanitary sewer forcemain oversize line.
6. Authorize the funding for the mitigation of gopher turtles at the Northwest Recreation Complex, in the amount of \$90,903.00, and award the contract to Thomson Environmental Consultant, in the amount of \$9,350.00, for the consulting fees.
7. Approve the purchase of property, in the amount of \$25,000, located at 1840 Plymouth Sorrento Road, and to include closing costs and the seller's attorney's fees, for a total cost of \$29,456.53.
8. Approve the purchase of property, in the amount of \$22,400.00, located at 2984 W. Orange Avenue, and to also include survey fees, for a total cost not to exceed \$22,900.00.
9. Ratification of a steering committee to ensure fair representation of all geographical areas in the City, as the Community-Wide Visioning Process moves forward.
10. Approve the Disbursement Report for the month of May, 2015.

SPECIAL REPORTS AND PUBLIC HEARINGS

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2429 – SECOND READING & ADOPTION – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Everlasting Covenant

Christian Center, Inc. from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071) [Ordinance No. 2429 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]

2. ORDINANCE NO. 2430 – SECOND READING & ADOPTION – CHANGE OF ZONING – Everlasting Covenant Christian Center, Inc. from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071) [Ordinance No. 2430 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]
3. ORDINANCE NO. 2431 – SECOND READING & ADOPTION – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Joseph E. and Jeff P. Ball, from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-030) [Ordinance No. 2431 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]
4. ORDINANCE NO. 2432 – SECOND READING & ADOPTION – CHANGE OF ZONING – Joseph E. and Jeff P. Ball, from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-030) [Ordinance No. 2432 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]
5. ORDINANCE NO. 2433 – SECOND READING & ADOPTION – CHANGE OF ZONING/MASTER PLAN – Avian Pointe – Apopka Clear Lake Investments, LLC – From “City” Planned Unit Development (PUD) (89.47 AC) and “County” A-2 (ZIP) (5.29 AC) to “City” Planned Unit Development (PUD/R-3), for property located east of S.R. 429, south of Peterson Road, and north of Lust Road. (Parcel ID Nos. 07-21-28-0000-00-002 & 07-21-28-0000-00-023) [Ordinance No. 2433 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]
6. ORDINANCE NO. 2434 SECOND READING & ADOPTION - CHANGE OF ZONING/MASTER PLAN & PRELIMINARY DEVELOPMENT PLAN – Marden Ridge – owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E. – from R-3 (Residential) and C-1 (Commercial) to Planned Unit Development (R-3/C-1) for property located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029) [Ordinance No. 2434 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]

- 7. ORDINANCE NO. 2436 - FIRST READING - Amending the Election Date, Runoff Date, and Qualifying Dates associated with the 2016 City General Election.
- 8. RESOLUTION NO. 2015-11 - Amending the Procurement Policy to increase the Local Business Preference from 1% to 3%.

SITE APPROVALS

- 1. MASS GRADING PLAN - Marden Ridge – owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E., for property located between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029)

DEPARTMENT REPORTS AND BIDS

MAYOR'S REPORT

OLD BUSINESS

- 1. COUNCIL
- 2. PUBLIC

NEW BUSINESS

- 1. COUNCIL
- 2. PUBLIC

ADJOURNMENT

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

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

Backup material for agenda item:

1. Approve the minutes from the regular City Council meeting held on May 6, 2015 at 1:30 p.m.

CITY OF APOPKA

Minutes of the regular City Council meeting held on May 6, 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
Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief; Jeff Allen – News 13

INVOCATION – Commissioner Ruth introduced Pastor Zack Stoner, Grace Pointe Church, who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on May 9, 1914, President Woodrow Wilson issued a Presidential Proclamation establishing the second Sunday of May as the National Mother’s Day holiday to celebrate America’s mothers. In his Mother’s Day Proclamation, President Wilson said the holiday gives us the opportunity to publicly express our love and reverence for the mothers of our country. Indeed, past president John Quincy Adams paid tribute to his mother when he stated “*All that I am, my mother made me.*” Mayor Kilsheimer asked everyone to reflect on the unconditional love of our own mothers and the role mothers have played in shaping our great Nation as he led in the Pledge of Allegiance.

Mayor Kilsheimer recognized students in the audience from Orangewood School who are here to observe our City Council meeting as part of a class they are taking.

EMPLOYEE RECOGNITION

1. **James “Jim” Graber – Police Department/Support Services – Ten Year Service Award Police Officer** – Jim began working for the City on April 18, 2005, as a Police Officer, which is his current position. James was not present and his award will be presented another time.
2. **Nils Sturm – Fire Department/Suppression – Ten Year Service Award - Fire Fighter First Class** – Nils started working for the City on April 19, 2005, as a Firefighter First Class, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Nils on his years of service to the City.
3. **Marlin Harris – Public Services/Water Distribution Maintenance – Ten Year Service Award - Utility Service Worker II** – Marlin began working for the City on April 25, 2005, as a Utility Service Worker II, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Marlin on his years of service to the City.

4. **Joseph “Joe” Saras – Information Technology – Fifteen Year Service Award - Computer Support Specialist** - Joe started working for the City on April 13, 2000, as a Computer Support Specialist, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Joe on his years of service to the City.
5. **Gerardo “Gerry” Munoz – Public Services/Sanitation – Twenty Year Service Award - Solid Waste Technician** – Gerry began working for the City on April 19, 1995, as a Driver/Collector. On October 24, 1999, his title changed to Solid Waste Worker II. On December 13, 2004, his title changed to Solid Waste Technician, which is his current position. Gerry was not present and will be presented his award at another time.
6. **Raymond “Ray” Marsh – Community Development/Building – Twenty Year Service Award - Building Official** – Ray started working for the City on April 26, 1995, as a Multiple Code Inspector. Ray was promoted to Building Official on February 13, 2006, which is his current position. The City Council joined Mayor Kilsheimer on his years of service to the City.
7. **David Pace – Public Services/Grounds – Twenty Year Service Award - Grounds Specialist – DOE 04/26/1995** - David began working for the City on April 26, 1995, as a Maintenance Worker I. He was promoted on April 26, 1997, to Maintenance Worker II. On April 8, 2001, he was reclassified to Lead Maintenance Worker II. David was reclassified to Grounds Specialist on April 15, 2003, which is his current position. The City Council joined Mayor Kilsheimer in congratulating David on his years of service to the City.
8. **Scott Pensala – Public Services/Water Distribution Maintenance – Twenty Five Year Service Award - Utility Service Worker II** – Scott started working for the City on April 11, 1990, as a Laborer I. On January 8, 1992, he was reclassified to Laborer II. Scott’s title changed to Utility Service Worker II on October 7, 1993. On August 23, 1995, Scott was promoted to Utility Foreman. Scott’s title changed to Utility Service Worker II on April 25, 1999, which is his current position. Scott was not present and will be presented his award at another time.

PRESENTATIONS

1. National Police Week Proclamation - Presented to Chief Manley

Mayor Kilsheimer read the proclamation for National Police Week and presented it to Chief Manley. He asked Chief Manley to say a few words with regards to their trip to Tallahassee this past week.

Chief Manley said they made the trip to Tallahassee and this year seven names of fallen officers were added to the memorial. He stated tomorrow evening Orange County will hold a memorial at the Court House with a parade of law enforcement officers and a ceremony honoring fallen officers.

2. Glenn Pressimone, Director of Engineering, Central Florida Expressway Authority (CFX), gave a Power Point presentation and update on the master plan process. He advised that three major elements changed with the legislation changing the Expressway Authority to the CFX. They went from a five member board, one of which was an elected official, to a nine member board, six of which are elected officials and three are Governor appointees. Where before they were just Orange County, it now incorporates Orange, Seminole, Osceola, and Lake Counties. A copy of the Power Point presentation is on file in the Clerk's office.
3. Pre-Budget Presentation - Presented by Chief Manley

Chief Manley gave an overview of his upcoming budget requests for FY 2016 with regards to staffing in the Police Department. He reviewed the history of their staffing levels and future needs. He stated from 2009 through 2013 they have maintained 91 sworn positions without any increase. He advised in 2014 they had the need to hire a Director of Communication Services which took one of their sworn positions and dropped them to 90 positions which is their current staffing level. He reviewed the population levels, with our current population being 45,669. He reviewed the officer/population ratio which is calculated by 1 officer per 1,000 residents and pointed out there has been a steady decline in the officer/population ratio. He declared with the decline in our economy, they took on the challenge knowing they had to work more with less. He said they came up with their own projections in regards to where we are heading in the City and they project by 2020 there will be 51,000 population within our jurisdiction. He affirmed they are proposing the allocation of 10 new sworn positions for the APD, and over the next 5 years to allow them to hire 12 more officers which will keep them at the 2.19 ratio. He said to save money they came up with a plan, asking to purchase the patrol cars and all of the equipment the first quarter of the budget for the officers. The second quarter they propose hiring 3 officers, the third quarter hiring of 3 officers, and the fourth quarter hire 4 officers. By portioning out in that manner it will save approximately \$400,000.

CONSENT AGENDA

1. Approve the minutes of the Administrative Bid Opening No. 2015-04 for Apopka Northwest Recreation Complex Aquifer Recharge Storage - Phase 4A held on April 14, 2015, at 10:15 a.m.
2. Authorize the disposal of surplus equipment/property and removal from the fixed asset list.
3. Approve the appointment of the Florida Small Cities Community Development Block Grant (CDBG) Citizens Advisory Task Force.
4. Direct the City Administrator to investigate alternate ways to comply with the Florida Department of Environmental Protection (FDEP) current nitrogen limits.
5. Approve the Disbursement Report for the month of April, 2015.

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

REGULAR AGENDA

1. Award the contract, in the amount of 1,587,000.00, to Collage Construction for construction of the NWRC Aquifer Recharge Storage Phase 4A; and additional funds for soil testing and a contingency fund, in the amount of \$100,000.00.

Jean Jreij, Public Services Director, gave a brief overview stating this was for the construction of a pond and access roadway, and stormwater pipe. He pointed out on a map the area for the pond, as well as the area for the BBQ competition during the Old Florida Outdoor Festival. He advised the bids were received on April 15, 2015 and the low bid was for \$1,587,000 from Collage Construction. The project is scheduled to start in June and it should take approximately 6 months for completion.

MOTION by Commissioner Ruth, and seconded by Commissioner Dean to approve awarding of the contract in the amount of \$1,587,000 to Collage Construction and additional funds in the amount up to \$100,000 for soil testing and a contingency fund. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

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

ORDINANCES AND RESOLUTIONS

Mayor Kilsheimer advised staff was withdrawing Ordinance No. 2425. Also, Ordinance No. 2416 does not meet the requirements for adoption and it will be carried over to a Third Reading.

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

ORDINANCE NO. 2388

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

APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2388. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

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

ORDINANCE NO. 2416

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

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

Commissioner Ruth said he would like to move this ordinance to the next available date until the information he requested earlier in the week is obtained.

Mayor Kilsheimer pointed out the ordinance, if approved today, will be brought back at the next meeting for a Third Reading. If the ordinance is tabled, it will require another two

hearings, or if not approved today it is considered denied and will not be brought back.

Commissioner Ruth said he was very specific with the information he requested and stated that tabling it or moving it would be in the best interest of the Council and would allow him to make an informed decision in moving this forward. He expressed concerns regarding property rights and said he never had any concept that safety was an issue.

Mayor Kilsheimer reiterated the ordinance has to go to a Third Reading and any questions can be answered between now and then. He stated the moratorium is a temporary hold that allows for the visioning process. He said public safety was mentioned by the Planning Manager due to the high volume of traffic in the drive through and as one reason why a moratorium is reasonable for consideration.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to approve Ordinance No. 2416 at Second Reading and hold it over for a Third Reading. Motion carried by a 3-2 vote with Mayor Kilsheimer, and Commissioners Velazquez, and Ruth voting aye and Commissioners Arrowsmith and Dean voting nay.

3. ORDINANCE NO. 2417 – FIRST READING - ANNEXATION – Diana Donohoe Life Estate, property located at 4664 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-043) (4.85 +/- acres); and Debra Reid Wilbarger, property located at 4646 Plymouth Sorrento Road. (Parcel ID # 13-20-27-0000-00-042) (1.33 +/- acres). (Combined acreage 6.18 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2417

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

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to approve Ordinance No. 2417 at First Reading and carry it over for a Second reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. ORDINANCE NO. 2418 – FIRST READING - ANNEXATION – Diane Reid-Goolsby, properties located at 4668 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-049) (1.76 +/- acres); and 4672 Plymouth Sorrento Road. (Parcel ID # 13-20-27-0000- 00-044) (1.72 +/- acres) (Combined acreage 3.48 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2418

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

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Ordinance No. 2418 at First Reading and carry it over for a Second reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. ORDINANCE NO. 2419 – FIRST READING - ANNEXATION – Diane Reid-Goolsby and Debra Reid Wilbarger, property located at 4680 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-010) (21.36 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2419

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

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Arrowsmith to approve Ordinance No. 2419 at First Reading and carry it over for a Second reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. ORDINANCE NO. 2420 – FIRST READING - ANNEXATION – Diane Reid-Goolsby, property located at 4622 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00- 041) (2.88 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2420

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

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Ordinance No. 2420 at First Reading and carry it over for a Second reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

7. ORDINANCE NO. 2421 – FIRST READING - ANNEXATION – Diana Donohoe Life Estate and Debra Reid Wilbarger, property located at 4634 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-039) (2.50 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2421

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

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez to approve Ordinance No. 2421 at First Reading and carry it over for a Second reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

8. ORDINANCE NO. 2422 – FIRST READING - ANNEXATION – Daniel Joshua Reid Life Estate and David Dwayne Reid, property located at 4640 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-031) (2.50 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2422

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

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

MOTION by Commissioner Dean, and seconded by Commissioner Ruth to approve Ordinance No. 2422 at First Reading and carry it over for a Second reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

9. ORDINANCE NO. 2423 – FIRST READING - ANNEXATION – Debra Reid Wilbarger Life Estate, Diana Nichole Ried-McClure, and Dwana Michelle Reid-McClure, property located at 4528 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-040) (2.49+/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2423

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

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to approve Ordinance No. 2423 at First Reading and carry it over for a Second reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

10. ORDINANCE NO. 2424 – FIRST READING - ANNEXATION – Crossroads Church of Orlando, property located at 320 East Welch Road. (Parcel I.D. # 34-20-28-9550-00- 261) (1.85 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2424

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Ordinance No. 2424 at First Reading and carry it over for a Second reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

11. ORDINANCE NO. 2425 – FIRST READING - ANNEXATION – Michael D. & Christine J. Maxwell, property located at 374 East Welch Road. (Parcel I.D. # 34-20-28-9550-00- 240) (2.44 +/- acres)

Mayor Kilsheimer advised this ordinance was withdrawn by staff.

12. ORDINANCE NO. 2426 – FIRST READING - ANNEXATION – Donald Lee Boughan, property located at 404 East Welch Road. (Parcel I.D. # 34-20-28-9550-00-232) (1.00+/- acre) The City Clerk read the title as follows:

ORDINANCE NO. 2426

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Dean, and seconded by Commissioner Velazquez to approve Ordinance No. 2426 at First Reading and carry it over for a Second reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS

1. FINAL DEVELOPMENT PLAN - Adventist Health System/Sunbelt, Inc. DBA Florida Hospital Apopka, c/o Raymond Moe, for property located south of Harmon Road, west of Ocoee Apopka Road, and east of S.R. 429. (Parcel ID #: 20-21-28-0000-00-007)

Jay Davoll, Community Development Director provided a brief overview of the Final Development Plan. He advised there were five different projects and the Hospital and City have agreed to choose one to partner on and work on jointly. This project has not yet been determined and the agreement will be brought to Council for approval on August 19, 2015.

Jennifer Wandersleben, Administrator, Florida Hospital – Apopka, said a few weeks ago the celebration of the Groundmaking of the new hospital was held. She said she was humbled by the outpouring support of the community. She stated they were looking forward to growing the hospital and providing more health care services for the community.

Mayor Kilsheimer opened the meeting to a public hearing.

Fraser Gunter suggested it would be more feasible to build an entrance from SR 429.

Mr. Davoll explained there are strict guidelines and with 414 and 429 coming together in this area, there was little opportunity to have an entrance/exit at this location.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve the Final Development Plan for Adventist Health System/Sunbelt, Inc. DBA Florida Hospital Apopka, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

The Council recessed at 3:07 p.m. and reconvened at 3:15 p.m.

DEPARTMENT REPORTS AND BIDS

1. Community-Wide Visioning Process Consultant - Authorize negotiation of a professional services agreement and scope of services with the firm ranked first by the selection committee as the Community-Wide Visioning Process Consultant.

David Moon, Planning Manager, reported the City Council appointed a Selection Committee to review the proposals received on the Community-Wide Visioning Process. There were six responses received and these were reviewed by the Selection Committee and the proposals were scored. The top three firms were invited to interviews that were conducted last week. Based on those interviews, the Selection Committee ranked the firms and recommends Council authorize the City Administrator to negotiate and execute an agreement with the firm of Keith & Schnars.

Commissioner Dean suggested a youth focus group, a business focus group of a business with less than 100 employees, and a staff focus group minus the administrator be incorporated in the process.

Mayor Kilsheimer opened the floor for public comment.

Ray Shackelford said they need to talk with the youth of Apopka. Overall, he said he concurred this was a step in the right direction and encouraged approval.

David Moon said Suzanne Kidd could not be here today, but she prepared a letter in support of the study and the letter was read into the record by Mayor Kilsheimer. The letter will be filed with the minutes.

Debbie Love, Director of Planning, Public Relations, and Outreach, said she would be serving as the project manager for this project and thanked the City for this potential. She introduced the Deputy Project Manager, Bob Cambric, who will be here on a day to day basis and he is also a resident of Apopka.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to authorize negotiation of a professional services agreement and scope of services with Keith & Schnars for the Community-Wide Visioning Process. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

MAYOR'S REPORT – Mayor Kilsheimer reported the May 20th meeting will convene at 5:30 p.m. to allow time for the auditor to present the annual financial report for the City.

Mayor Kilsheimer said the City Clerk recently attended a meeting at the Supervisor of Elections office and asked for an update on timing of the next election.

Linda Goff, City Clerk, said the next Presidential Primary Preference election will be on March 15, 2016 and the Supervisor of Elections office is asking the cities to hold their election in conjunction with that election. This will constitute moving the City election forward one week. An ordinance will be brought forward in June for moving our election and qualifying.

Mayor Kilsheimer said the Fire Department's Annual Awards Banquet was held last evening and it was a special event, stating we have a remarkable organization serving as our first responders. He thanked Chief Bronson for this event.

OLD BUSINESS

COUNCIL

Commissioner Ruth said at the last Council meeting he discussed the incentive on local business preference for any bids moving forward. He inquired if the study had been conducted.

Mr. Irby advised the study has been completed and it is permissible to set the preference at any percentage. He stated the City Clerk will be writing a Resolution to amend this to be presented at a future meeting.

PUBLIC

Isadora Dean said at a previous meeting the subject of minority businesses and hiring practices came up and she was wondering if there was a statement with regards to minority hiring and contract policies.

Mayor Kilsheimer said the discussion he recalled was if we were going to move forward on a minority hiring ordinance that we would first need to conduct a minority disparity study. He advised the City of Orlando, Orange County, Orlando Airport Authority, Orange County Public Schools, and the University of Central Florida are all jointly engaged in a two million dollar minority disparity study. He declared the City of Apopka asked to join in on that study and we were denied.

Ms. Dean thanked the City for the summer youth jobs program, but stated she did not like all of the restrictions placed on this program. In response, Mayor Kilsheimer advised the restrictions were only applied to the 20 positions through Career Source and were not applied to the 12 positions the City was funding.

Fraser Gunter said he moved to Rock Springs Ridge in 2002 and the area was very manicured at that time and over the years it has deteriorated. The golf course is now gone and the property is very distressed. He stated no one has taken the initiative to get this mowed and has been abandoned in all aspects. He said they need the City to be proactive with the management and requested Code Enforcement do something about this on a daily basis.

Mayor Kilsheimer advised our Code Enforcement Captain has already initiated Code Enforcement proceedings on the Rock Springs Ridge Golf Course.

NEW BUSINESS

COUNCIL

Commissioner Dean commented on and thanked Mr. Jreij for the beautiful landscaping at Central Avenue and SR 441.

Commissioner Ruth said there were multiple football leagues in Apopka and asked Mr. Irby to look into providing available property for practice for the Central Florida Youth Football League (CFYFL).

PUBLIC

Samuel Cadet said he was here representing Altamonte Student Government Association and one of his visions is to work with the communities and asked if the City needed any help from the State Student Government Association or their volunteer association in Altamonte Springs to please let them know. He would like to have some of their students working with local businesses and internships for students within government facilities.

Ray Shackelford said he supported Chief Manley and the Police Department and Council should consider providing 20 officers in the next FY Budget. He suggested as they move forward in the budgetary process to consider setting aside \$150,000 for next year's summer youth program and establish the Apopka Youth Council. He further suggested the minimum wage be set at \$15.00 per hour for city employees.

Tenita Reid said Florida Blue Health Insurance and Florida Hospital were at odds over their contract and if they did not reach an agreement how this would affect employees and retirees. She inquired if the doctors at the CareHere were affiliated with Florida Hospital.

Stanley Pearce spoke on the Community Garden on Park Avenue and said they need more space, to which Mayor Kilsheimer advised the City was working on an idea for another community garden.

Mayor Kilsheimer said there has been interest expressed in a splash pad and if the City has a splash pad it should not be a destination in itself, but part of another development area in order to be successful.

Ray Shackelford said the splash pad needs to be more accessible to the community as a whole and should be in the downtown area. He stated the issue of minority hiring and the disparity report was brought up approximately 10 months ago and hoped we did not lose sight of that matter. He applauded Commissioner Ruth's efforts on preference to local businesses.

Faiza Steiner said she also lives in Rock Springs Ridge and she supports Mr. Gunter's concerns about Rock Springs Ridge Golf Course.

Sylvester Hall said he also lives in Rock Springs Ridge and approximately 2-3 months ago he came to a Council meeting and spoke emotionally on poverty. He stated with the outlook of Apopka it is a shame that we have so much poverty. He said if we do the right thing by all people, then Apopka will be great.

Robert Labelle also lives in Rock Springs Ridge and said he had one of the former nicest views of the golf course and asked why this property was not a public nuisance.

City Attorney Shepard said if the property meets the definition under the code, it is a code enforcement issue, and as Mayor Kilsheimer has stated, code enforcement is a separate process and if it meets the definition it will go through that process. If they correct the nuisance then the problem goes away and if they don't, it is subject to fines of up to \$200 per day. He explained the fine has nothing to do with the size of the property, it is a violation and the fine is per violation.

ADJOURNMENT – There being no further discussion, the meeting adjourned at 4:24 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Backup material for agenda item:

2. Approve the minutes from the regular City Council meeting held on May 20, 2015 at 7:00 p.m.

CITY OF APOPKA

Minutes of the regular City Council meeting held on May 20, 2015, at 7:00 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: John Peery - The Apopka Chief
Steve Hudak, Orlando Sentinel
News Channels 2, 6, 9, 13, and Fox

INVOCATION – Mayor Kilsheimer introduced Reverend Allen Higginbotham, who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on May 21, 1881, humanitarians Clara Barton and Adolphus Solomans, held the first organizational meeting of the American National Red Cross, which provides aid to victims of war and natural disasters. Clara Barton, well known for her work with the sick and the wounded during the American Civil War became known as the *Angel of the Battlefield* for her dedication. She was in Europe in 1870 when the Franco-Prussian War broke out and she went behind enemy lines to work for the International Red Cross. This experience led her to organize the American branch of the International Red Cross and since its inception the American Red Cross has provided humanitarian aid and relief to countless soldiers and civilians in the wake of war and disasters. He asked all to reflect on the bravery and selflessness of those who dedicate their time and effort to render aid to their fellow man in times of crisis as he led in the Pledge of Allegiance.

PRESENTATIONS

1. John and Patricia Cloran Day Proclamation – Mayor Kilsheimer read the proclamation recognizing John and Patricia Cloran for their years of service at Apopka Middle School. He then presented the proclamation to John and Patricia Cloran.

CONSENT AGENDA

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

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

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

ORDINANCES AND RESOLUTIONS

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

ORDINANCE NO. 2416

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

Mayor Kilsheimer said governments impose moratoriums to temporarily halt a certain type of growth to allow staff and, in this case, the citizens of Apopka, to study all of the ramifications. For government to impose a moratorium they must have a valid reason to do so that needs to be specific and related to health, safety, and/or welfare types of issue. He stated we wish to study many things related to fast food restaurants with drive-through lanes such as zoning they are allowed to operate within and how far from residential neighborhoods they should be placed. A moratorium is only for a specific and set period of time in order to allow a study. This moratorium can run in tandem with the community-wide visioning process. He advised that today staff made him aware of an ordinance passed in 2006 establishing a downtown overlay district with a prohibited use of any new fast food restaurants. He declared this moratorium is asking for a temporary breather that allows the visioning process to take place and allows the conversation the citizens want to have about the future of our community.

Commissioner Velazquez said there has been a big push back from the dais for a temporary moratorium and it has been articulated that this infringes on the rights of property owners. She said in her research she found Ordinance 1885 with the ban on fast food restaurants and it was extended by Ordinance 2074 in 2008 and this moratorium lasted for over a two year period. She stated she supported this temporary moratorium.

Commissioner Ruth said most of his concerns are with ingress/egress at the drive through restaurants where they backup into the traffic. He inquired if this type of issue will be discussed in the comprehensive plan.

Mayor Kilsheimer said through a series of public input meetings and sessions during the visioning process, at the end, there would be a series of recommendations for possible amendments to the Land Development Code (LDC). The LDC is the document all developers and builders look to for guidance when coming to the City of Apopka.

Commissioner Ruth also expressed concern with regards to the length of the moratorium and property rights.

Commissioner Arrowsmith said he was against the moratorium and felt it was wrong to separate out one type of business. He said the visioning process was being confused with the moratorium and he was for the visioning process. He declared if this was such a safety issue, why it has not been discussed before now.

Commissioner Dean said he agreed it could potentially create an issue with property rights for someone trying to sell their land for this type of use. He also said employment was key to growth and this would hurt both young people and seniors working in these establishments.

Commissioner Velazquez said there were 22 fast food restaurants in Apopka so employment was not a problem. She said she has been following this on social media and had many comments supporting this moratorium. She reiterated the prior abatement was in place for a two year period of time.

Mayor Kilsheimer opened the meeting to a public hearing. The following spoke against the moratorium.

Barbara Zakszewski,
Denny Shiver and
Tenita Reid.

The following spoke in favor of the moratorium.

Suzanne Kidd.

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

MOTION by Commissioner Ruth to amend the ordinance to a 4 month moratorium, to October 1st. Motion failed due to lack of a second.

MOTION by Commissioner Velaszquez to adopt Ordinance No. 2616 as presented. Motion failed due to lack of a second.

2. ORDINANCE NO. 2417 – SECOND READING & ADOPTION - ANNEXATION – Diana Donohoe Life Estate, property located at 4664 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-043) (4.85 +/- acres); and Debra Reid Wilbarger, property located at 4646 Plymouth Sorrento Road. (Parcel ID # 13-20-27-0000-00-042) (1.33 +/- acres). (Combined acreage 6.18 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2417

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

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve Ordinance No. 2417. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

3. ORDINANCE NO. 2418 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby, properties located at 4668 Plymouth Sorrento Road (Parcel ID # 13-20-27-0000-00-049) (1.76 +/- acres); and 4672 Plymouth Sorrento Road. (Parcel ID # 13-20-27-0000- 00-044) (1.72 +/- acres) (Combined acreage 3.48 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2418

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

AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Dean, and seconded by Commissioner Ruth to adopt Ordinance No. 2418. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. ORDINANCE NO. 2419 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby and Debra Reid Wilbarger, property located at 4680 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-010) (21.36 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2419

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

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

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith to adopt Ordinance No. 2419. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. ORDINANCE NO. 2420 – SECOND READING & ADOPTION - ANNEXATION – Diane Reid-Goolsby, property located at 4622 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00- 041) (2.88 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2420

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

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to approve Ordinance No. 2420. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. ORDINANCE NO. 2421 – SECOND READING & ADOPTION - ANNEXATION – Diana Donohoe Life Estate and Debra Reid Wilbarger, property located at 4634 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-039) (2.50 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2421

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

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

MOTION by Commissioner Dean, and seconded by Commissioner Arrowsmith to adopt Ordinance No. 2421. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

7. ORDINANCE NO. 2422 – SECOND READING & ADOPTION - ANNEXATION – Daniel Joshua Reid Life Estate and David Dwayne Reid, property located at 4640 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-031) (2.50 +/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2422

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

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

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith to adopt Ordinance No. 2422. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

8. ORDINANCE NO. 2423 – SECOND READING & ADOPTION - ANNEXATION – Debra Reid Wilbarger Life Estate, Diana Nichole Ried-McClure, and Dwana Michelle Reid-McClure, property located at 4528 Plymouth Sorrento Road. (Parcel I.D. # 13-20-27-0000-00-040) (2.49+/- acres) The City Clerk read the title as follows:

ORDINANCE NO. 2423

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

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to adopt Ordinance No. 2423. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.

9. ORDINANCE NO. 2424 – SECOND READING - ANNEXATION – Crossroads Church of Orlando, property located at 320 East Welch Road. (Parcel I.D. # 34-20-28-9550-00-261) (1.85 +/- acres) **[Withdrawn by Staff]**
10. ORDINANCE NO. 2426 – FIRST READING - ANNEXATION – Donald Lee Boughan, property located at 404 East Welch Road. (Parcel I.D. # 34-20-28-9550-00-232) (1.00+/- acre) **[Withdrawn by Staff]**
11. ORDINANCE NO. 2429 – FIRST READING – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Everlasting Covenant Christian Center, Inc. from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of

Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071) The City Clerk read the title as follows:

ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 2.73 ACRES MORE OR LESS, AND OWNED BY EVERLASTING COVENANT CHRISTIAN CENTER, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager, reviewed the next four cases on the agenda at this time stating they affect two parcels and are applying for the same land use and zoning. He reviewed the plans and the conditions. DRC and the Planning Commission recommend approval. The staff reports will be filed with the minutes.

Mayor Kilsheimer opened the meeting to a public hearing.

Scott Danza, applicant, said they appreciate staff working with them to create the conditions and they would be glad to answer any questions.

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

MOTION by Commissioner Ruth and seconded by Commissioner Arrowsmith, to approve Ordinance No. 2429 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

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

ORDINANCE NO. 2430

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

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

Mayor Kilsheimer advised this was a quasi-judicial hearing. Witnesses were sworn in by the City Clerk.

David Moon, Planning Manager, advised this was consistent with the comprehensive plan.

The applicant had no further comments.

Mayor Kilsheimer opened the meeting to a public hearing.

Terri Morrell said she lives in Piedmont Lakes and they were concerned about traffic issues, as well as flooding.

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

MOTION by Commissioner Arrowsmith and seconded by Commissioner Ruth, to approve Ordinance No. 2430 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

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

ORDINANCE NO. 2431

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 6.49 ACRES MORE OR LESS, AND OWNED BY JOSEPH E. BALL AND JEFF P. BALL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION by Commissioner Ruth and seconded by Commissioner Arrowsmith, to

approve Ordinance No. 2431 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

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

ORDINANCE NO. 2432

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

Mayor Kilsheimer said this was a quasi-judicial hearing. Witnesses were sworn in by the City Clerk.

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

MOTION by Commissioner Dean and seconded by Commissioner Ruth, to approve Ordinance No. 2432 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

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

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “CITY” PLANNED UNIT DEVELOPMENT (89.7 +/- ACRES) AND “COUNTY” A-2 (5.4 +/- ACRES) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-3) AND OWNED BY APOPKA CLEAR LAKE

INVESTMENTS, LLC; AND FROM “CITY” PLANNED UNIT DEVELOPMENT (30.34 +/- ACRES) TO “CITY” PLANNED UNIT DEVELOPMENT AND OWNED BY LUST GRANT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 125.74 +/- ACRES MORE OR LESS, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer said this was a quasi-judicial hearing. Witnesses were sworn in by the City Clerk.

David Moon, Planning Manager, gave a brief overview of the project. He stated the request is for a mixed use master plan PUD. He reviewed the park and open spaces on the master plan. Staff's report will be filed with the minutes. DRC and Planning Commission recommend approval. He advised the application also includes a development agreement and a transportation agreement.

Commissioner Arrowsmith suggested staff look into what would need to be done to have King Road improved to city standards.

Tom Sullivan thanked staff for working with them through the different elements of this project. He said they appreciate the support of the Planning Commission and respectfully request Council's support. He advised they have completed the school capacity agreement since they were last before Council.

Mayor Kilsheimer opened the meeting to a public hearing.

Christine Moore, School Board Representative, said the school capacity agreement fails on the middle school level, and will probably fail on the elementary level. Her concern is that the school site is only 6 acres and Orange County does not build on only 6 acres and they would need to have more towards 10 acres. She suggested School Board staff and City staff meet to discuss how many more homes are being expected in this area. She advised the City of Ocoee has been adding more Charter Schools. She declared it would be nice to have more acreage and to know how many more homes they will have.

Fraser Gunter said two things concern him: the removal and treatment of waste material.

Mayor Kilsheimer advised they would be connected to City services and the City would be responsible.

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

MOTION by Commissioner Ruth and seconded by Commissioner Arrowsmith, to approve Ordinance No. 2433 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

The Council recessed at 9:02 p.m. and reconvened at 9:09 p.m.

16. ORDINANCE NO. 2434 FIRST READING - CHANGE OF ZONING/MASTER PLAN & PRELIMINARY DEVELOPMENT PLAN – Marden Ridge – owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E. – from R-3 (Residential) and C- 1 (Commercial) to Planned Unit Development (R-3/C-1) for property located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029) The City Clerk read the title as follows:

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (18.05 +/- ACRES) AND C-1 (6.43 +/- ACRES) TO PLANNED UNIT DEVELOPMENT (PUD/R-3/C-1) (TOTAL 42.17 +/- ACRES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED BETWEEN S.R. 451 AND MARDEN ROAD, SOUTH OF OCOEE APOPKA ROAD, AND NORTH OF THE APOPKA EXPRESSWAY (S.R. 414), COMPRISING 42.17 +/- ACRES MORE OR LESS, AND OWNED BY EMERSON POINT ASSOCIATES, LLLP; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Velazquez and seconded by Commissioner Ruth, to approve Ordinance No. 2434 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS – There were no Site Approvals.

DEPARTMENT REPORTS AND BIDS

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

MAYOR'S REPORT – Mayor Kilsheimer reported on Monday, May 25, 2015, there will be a Memorial Day Ceremony held in the City Cemetery. He said Apopka High School holds their graduation on next Thursday at 10:00 a.m. UCF Arena, and Wekiva High School's graduation is next Wednesday at the Amway Center, 3:00 p.m. All elected officials have been invited to attend these graduations.

Mayor Kilsheimer said staff has been working behind the scenes on a major tourism convention coming to Orlando. An opportunity has been presented to be able to do some tours of the Lake

Apopka North Shore area and Airboat tours on Lake Apopka. He said the Wildlife Drive opened May 1st and people have been taking advantage of this.

OLD BUSINESS

COUNCIL

In response to Commissioner Ruth inquiring about the local business incentive, Mr. Irby advised a Resolution would be on the next agenda amending this from 1% to 3%.

PUBLIC

Fraser Gunter requested an update on Code Enforcement of the Rock Springs Ridge golf course, to which Captain Fernandez reported letters had been sent out to the owners and they have a full time person from a maintenance company mowing and they are making improvements.

NEW BUSINESS

COUNCIL – There was no new business from the Council.

PUBLIC

David Hoffman expressed concerns over the hiring of Consulting Firm of Keith and Schnars, recently hired to spearhead the visioning process and facilitate the anticipated future growth of Apopka over the next decade. He spoke of his reservations regarding the cost however he also stated that he understands the concept. He urged Council to allow citizens to become involved in this process and personally volunteered himself and his neighbor for this role. He switched topics and expressed concerns over the possible amendment of the Rock Springs Ridge PUD and urged Council not to get involved with the input of citizens on topics of growth and development in their neighborhoods.

Tenita Reid expressed thanks to Commissioner Dean for appointing her to the Parks and Recreation Master Plan committee.

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

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Backup material for agenda item:

3. Authorize the issuance of a Peddler's Permit to First American Fireworks to sell State approved fireworks at 511 South Orange Blossom Trail, from June 15, 2015 until July 5, 2015.



**CITY OF APOPKA
CITY COUNCIL**

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

MEETING OF: June 3, 2015
 FROM: Administration
 EXHIBITS: Peddler Permit Application

SUBJECT: PEDDLER PERMIT FOR FIREWORKS SALES – FIRST AMERICAN FIREWORKS, CO.

Request: AUTHORIZE ISSUANCE OF A PEDDLERS PERMIT FOR THE SALE OF STATE APPROVED SPARKLERS BY FIRST AMERICAN FIREWORKS, CO., AT 511 S. ORANGE BLOSSOM TRAIL, APOPKA PLAZA.

SUMMARY

Mark Stratton, of First American Fireworks Co., is requesting approval to sell State approved sparklers from June June 15, 2015 through July 5, 2015, at 511 South Orange Blossom Trail in the Apopka Plaza.

The application has been reviewed and approved by the Fire, Police, and Community Development Departments.

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Authorize issuance of a Peddlers Permit for the sale of State approved sparklers from June 15, 2015 through July 5, 2015, by First American Fireworks, Co. at 511 S. Orange Blossom Trail, Apopka Plaza.

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



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

PEDDLER PERMIT APPLICATION

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

Business/Organization Information	Applicants Information
Name: <u>FIRST AMERICAN FIREWORKS CO.</u>	Name: <u>DAVID HOSTETLER</u>
Address: <u>511 S. ORANGE BLOSSOM TRAIL</u>	Address: <u>633 29TH ST</u>
Shopping Center: <u>APOPKA PLAZA</u>	City/State/Zip: <u>ORLANDO, FL 32805</u>
City/State/Zip: <u>APOPKA, FL, 32703</u>	Phone: <u>(407) 422-4677</u> Fax: _____
Phone: <u>(407) 422-4677</u> Fax: <u>(407) 422-4676</u>	Email Address: <u>fafco1@gmail.com</u>
Mailing Address (If different than above)	Mailing Address (If different than above)
Street: <u>2041 COUNTRYSIDE CIR N</u>	
City/State/Zip: <u>ORLANDO, FL 32804</u>	

Describe the nature of your business or goods to be sold: (In Detail) SEASONAL SALE OF FIREWORKS

Location where goods will be sold: 551 S. ORANGE BLOSSOM TR.

Date permit to be issued for: From: 6-15-15 To: 7-5-15

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

Color: _____ State: _____ Owner: _____

Name and Address of Manufacture of goods to be sold: TNT FIREWORKS, FLORENCE, AL

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

MARK STRATTON 2041 COUNTRYSIDE CIRCLE N. ORLANDO FL
407-256-0024

APRIL STRATTON 2041 COUNTRYSIDE CIRCLE N. ORLANDO FL

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

If yes, please explain: _____

Federal Tax ID Number (FEI#) 65-0045586 OR Social Security Number: _____

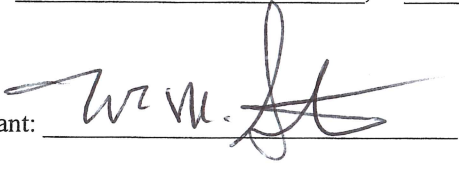
Fictitious Name Registration # _____ OR Exemption Status: _____ (Attach Copy)

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

INDEMNITY AND HOLD HARMLESS AGREEMENT

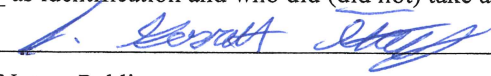
THIS AGREEMENT made and entered into this 18 day of MAY, 2015, by and between, FIRST AMERICAN FIREWORKS CO. hereinafter referred to as FAFCO and the CITY OF AOPKA, FLORIDA, hereinafter referred to as The City.

FAFCO hereby agrees to indemnify and hold harmless the City and all of the City's officers, representatives, employees, and/or agents arising out of, or resulting from any damages, injuries, or illness from any and all liability, including any injury to or death of any person, or damage to or destruction of property in or about the premises; defense costs, including attorney's fees and all other fees incidental to defense; loss or damage the City may suffer as a result of claims, demands, costs or judgments against it arising from participation in particular: held on the 15 day of JUNE, 2015 through the 5 day of JULY, 2015.




Signature of Applicant: 

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 18 day of May, 2015, by, Mark Stratton and who is personally known to me or who has produced _____ as identification and who did (did not) take an oath,


Notary Public: _____
Commission No: _____
Commission Expires: _____



Department	Approved	Denied	Comments:
CD - Zoning: <u></u>	✓		
Fire: <u></u>	✓		
Police: <u></u>	/		
City Council:			

Application Fee: \$10.00 Date Paid: _____ Permit Fee: \$50.00 Date Paid: _____
Cash Credit/Debit: Check #: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/1/2015

5/13/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 3280 Peachtree Road NE, Suite #250 Atlanta GA 30305 (404) 460-3600	CONTACT NAME: PHONE (A/C No. Ext):	FAX (A/C. No):
	E-MAIL ADDRESS:	
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : Everest Indemnity Insurance Company		10851
INSURER B :		
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		


INSURED
 1359629 American Promotional Events, Inc.
 DBA TNT Fireworks, Inc.
 P.O. Box 1318
 4511 Helton Drive
 Florence AL 35630

COVERAGES **CERTIFICATE NUMBER:** 12066553 **REVISION NUMBER:** XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:	Y	N	SI8GL00242-141	11/1/2014	11/1/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			NOT APPLICABLE			COMBINED SINGLE LIMIT (Ea accident) \$ XXXXXXXX BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX AGGREGATE \$ XXXXXXXX \$ XXXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	NOT APPLICABLE			<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 THIS CERTIFICATE SUPERSEDES ALL PREVIOUSLY ISSUED CERTIFICATES FOR THIS HOLDER, APPLICABLE TO THE CARRIERS LISTED AND THE POLICY TERM(S) REFERENCED.
Additional Insured: Property located at Apopka Plaza, 551 S. Orange Blossom Trail, Apopka, FL 32703; Apopka Shopping Center, LLC.; City of Apopka, STAND OPERATOR Certificate holder is an additional insured on the General Liability as required by written contract subject to policy terms, conditions, and exclusions. Certificate good from 06/10/2015-07/10/2015

CERTIFICATE HOLDER 12066553 FIRST AMERICAN FIREWORKS COMPANY ATTN: MARK STRATTON 2041 COUNTRYSIDE CIRCLE N. ORLANDO FL 32804	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	---

LEASE AGREEMENT

THIS AGREEMENT IS MADE BETWEEN: Apopka Shopping Center LLP. as Lessor with First American Fireworks Co. as Lessee, for the purpose of selling fireworks from the location of:

Location: Apopka Plaza, as designated area attached as Exhibit "A"
Address: 551 S Orange Blossom Trail
City/State/Zip: Apopka, FL 32703-5462

Note Attached
Page 3 Addendum

- 1. Lessor represents that the lot or commonly occupied premises as listed above is owned and/or controlled by the Lessor and furthermore that the Lessor grants the Lessee the exclusive right to operate a fireworks stand/tent or outlet on these premises for the selling periods from 12/15/14 through 1/1/15 and 6/19/15 through 7/4/15, plus a reasonable period of time before and after the selling period for the erecting and dismantling of tenants equipment and delivering and removing its inventory. Lessee shall comply by the laws, ordinances, rules and regulations of the federal, state, and municipal authorities. Lessor authorizes the Lessee to erect a tent for said purposes.
2. Lessor will have the right to void this lease if the above-described property is sold or developed for any purpose other than the sale of fireworks by providing 90 days written notice.

In return, the Lessee agrees to the following terms and conditions:

- 1. Provide liability insurance coverage and post with Lessor, prior to occupancy, a certificate of insurance, evidencing liability insurance in force covering the erection and operation on the retail outlet. Said insurance shall name Lessor as additional insured. Lessee shall indemnify and save harmless Lessor from and against any and all liability penalties, damage and judgments by reason of injury or claim of injury to person or property of any nature and however caused, arising out of the use, occupation and control of the leased premises by Lessee. Lessee shall at his own expense carry comprehensive liability insurance policies in the amount of \$1,000,000.00 for the protection of himself in accordance with the State and Local Regulations. Lessee shall provide the Lessor a copy of the Liability Insurance prior to occupancy of the premises.
2. Pay any and all costs involved in the creation, maintenance, and operation of the outlet and Lessee shall guarantee that the premises be returned to its original condition.
3. Obtain and pay for all necessary permits and licenses required by law and post with local authority any debris or performance bond which might be required, and guarantee that all laws and regulations will be adhered to.
4. If the sale of fireworks is prohibited by public authority, then this lease shall automatically become null and void and all monies will be promptly refunded. If the municipality having proper jurisdiction over this outlet limits the sale of fireworks, or makes any other local rules changing the state statutes, then this lease is subject to revision.
5. Net terms of Lease: [redacted] Dollars, plus 6.5% sales tax, ([redacted]) for the period beginning December 15, 2014 through January 1, 2015, and [redacted] Dollars, plus 6.5% sales tax ([redacted]) for period beginning June 19, 2015 through July 4, 2015.
6. All monies are to be paid no later than 30 days prior to each period of occupancy.
7. The Lessor approves the use of parking facilities located at address listed above for patrons of the sales tent. All signs, banners, streamers, pennants, etc. on property shall comply with the codes governing such displays. Further, Lessor shall allow Lessee to use Lessor's electricity for the sole purpose of running registers and minimal lighting under the tent. ~ electric as available at Pylon Sign
8. This instrument contains the entire agreement between parties and no representations heretofore made are a part unless included herein. Any modification of the Lease shall be in writing and signed by the parties hereto.

Lessee Information

Name: First American Fireworks Co.
Address: 2041 Countryside Circle N.
City, State, and Zip: Orlando, FL 32804

By: [Signature]

Name: Mark M. Stratton

Title: President

Date: 7-8-2014

Lessor Information

Name: Apopka Shopping Center LLP.
Address: 4701 NE 36th Ave.
City, State, and Zip: Ocala, FL 34479

By: [Signature]

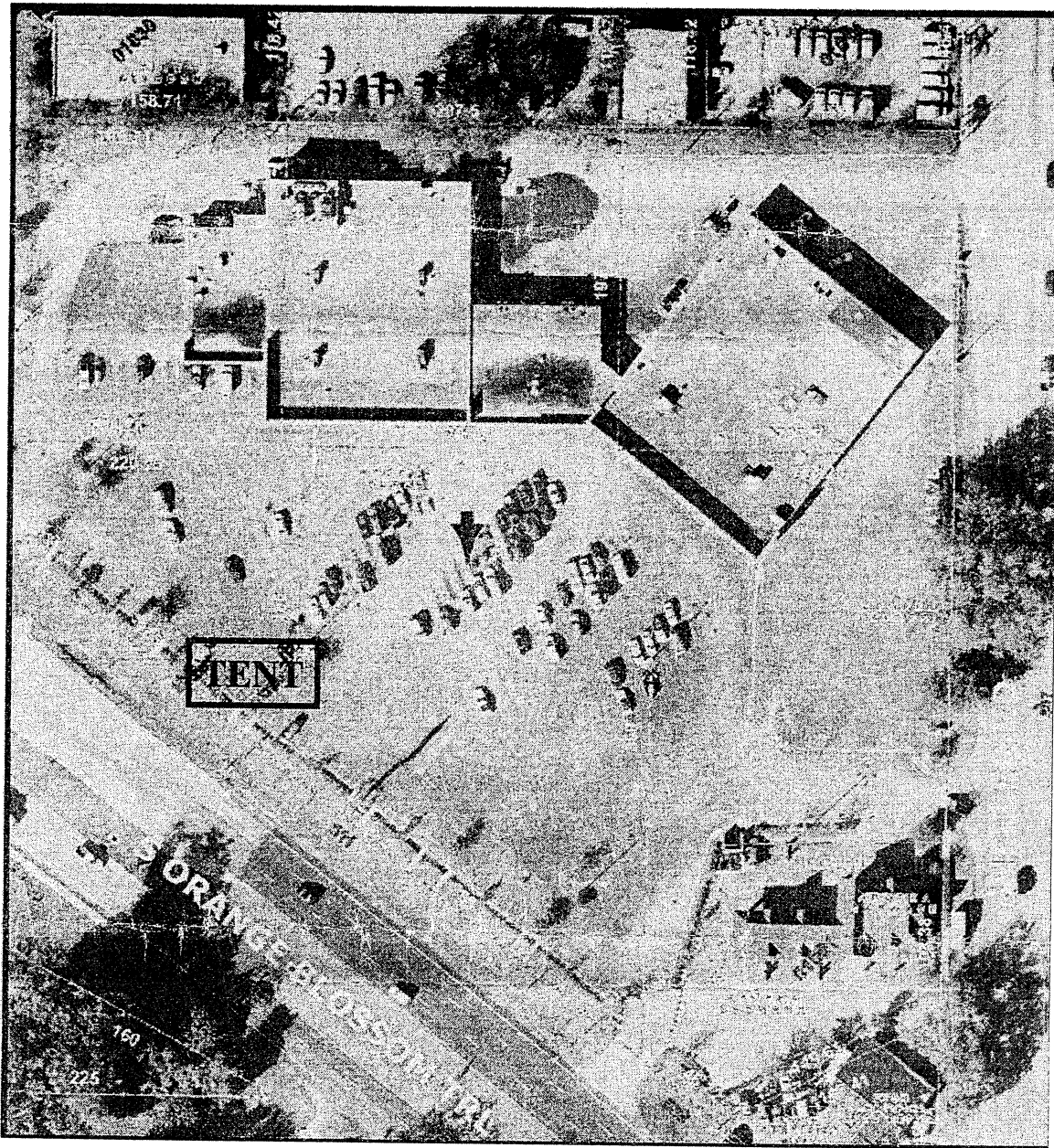
Name: Scott Sumner

Title: owner

Date: 9/16/14

EXHIBIT "A"

Apopka Plaza, 551 S Orange Blossom Trail, Apopka FL 32703-5462



SS

Jeff Atwater
CHIEF FINANCIAL OFFICER

Julius Halas
DIVISION DIRECTOR



Casia Sinco
BUREAU CHIEF

Keith McCarthy
SAFETY PROGRAM MANAGER

FLORIDA DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF STATE FIRE MARSHAL
200 East Gaines Street - Tallahassee, Florida 32399-0342
Tel. 850-413-3644 Fax. 850-410-2467

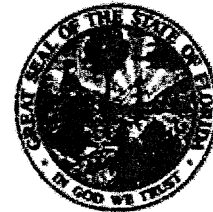
CERTIFICATE OF REGISTRATION
RETAILER
OFFICIAL COPY

THIS CERTIFIES THAT: First American Fireworks Co.
2041 Countryside Circle North
Orlando Fl 32804

Has registered pursuant to the provisions of Florida Statutes to engage in the business of selling sparklers to consumers at retail at the following fixed place of business:

APOPKA PLAZA
551 S ORANGE BLOSSOM TRAIL
APOPKA FL 32703 Orange

Issue Date: 02/01/2015
Type: 07
Class: 64
County: Orange
License/Permit #: SR13-000131
Expiration Date: 01/31/2016



Chief Financial Officer

2014 FLORIDA PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# M78499

Entity Name: FIRST AMERICAN FIREWORKS COMPANY

Current Principal Place of Business:

2041 COUNTRYSIDE CIR N
ORLANDO, FL 32804

Current Mailing Address:

2041 COUNTRYSIDE CIR N
ORLANDO, FL 32804 US

FEI Number: 65-0045586

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

STRATTON, MARK M
2041 COUNTRYSIDE CIR N
ORLANDO, FL 32804 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: MARK M. STRATTON

01/14/2014

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title DP
Name STRATTON, MARK MPR
Address 2041 COUNTRYSIDE CIR N
City-State-Zip: ORLANDO FL 32804

Title D
Name STRATTON, MARK MD
Address 2041 COUNTRYSIDE CIRCLE N.
City-State-Zip: ORLANDO FL 32804

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 807, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: MARK M. STRATTON

PRESIDENT

01/14/2014

Electronic Signature of Signing Officer/Director Detail

Date

Certificate of Flame Resistance



ISSUED BY
KIRBY TENT RENTAL
Division of Kirby Rental Service & Sales
411 Hames Avenue
Orlando, FL 32805
8711 Phillips Highway
Jacksonville, FL 32256
MANUFACTURERS OF THE FINISHED TENT PRODUCT DESCRIBED HEREIN

This is to certify that the materials used in the construction of the _____
_____ 30' x 45' TENT _____
_____ for FIRST AMERICAN FIREWORKS Co. _____

_____ have been flame retardant treated (or are inherently non-flammable)

*by the Snyder Manufacturing Company

Their registered application concern number F-140-01 is approved and registered by the State Fire Marshal
and the application of said chemicals was done in conformance with the laws of the State of California and the rules and
regulations of the State Fire Marshal.

**Flame Retardancy Cannot Be Removed By Washing And
Is Good For The Life Of The Material.
Fabric Meets The Requirements Of Specifications
Listed As NFPA-701 (Large Scale)**

*THEIR
F-140-01
REGISTERED
APPLICATION
CONCERN NO.

Signed: *James W. Short*
TENT DEPARTMENT

CITY OF APOPKA
LOCAL BUSINESS TAX RECEIPT

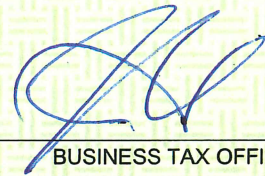
120 East Main Street, Apopka, FL 32703
License Year October 1, 2014 to September 30, 2015

No: 7060
Date: 12/03/14

Address: 511 S ORANGE BLOSSOM TR
APOPKA FL 32703
Activity: 08P3-6 PEDDLER-SEASONAL/HOLIDAY
APOPKA SHOPPING PLAZA

Tax 121.00
Penalty
Transfer
App Fee
Other
Total Paid 121.00

Issued to: FIRST AMERICAN FIREWORKS CO
2041 COUNTRYSIDE CR N
ORLANDO FL 32804



B MUST DISPLAY LICENSE/OWNER RESPONSIBILITY TO RENEW

BUSINESS TAX OFFICIAL

Backup material for agenda item:

4. Authorize the Mayor, or his designee, to execute the Sewer and Water Capacity Agreement for Hillside at Wekiva (fka Ponkan Reserve North) (51 Lots).



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER:

MEETING OF: June 3, 2015
FROM: Community Development
EXHIBITS: Vicinity Map
Agreement

SUBJECT: HILLSIDE AT WEKIVA (FKA PONKAN RESERVE NORTH) (51 LOTS)

Request: AUTHORIZE THE MAYOR OR HIS DESIGNEE TO EXECUTE THE SEWER AND WATER CAPACITY AGREEMENT.

SUMMARY:

The City's standard Sewer and Water Capacity Agreement has been prepared for Hillside at Wekiva (fka Ponkan Reserve North), located at 301 Ponkan Road.

FUNDING SOURCE:

Not applicable.

RECOMMENDATION ACTION:

Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for Hillside at Wekiva (fka Ponkan Reserve North).

DISTRIBUTION

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

Finance Director
HR Director
IT Director
Police Chief

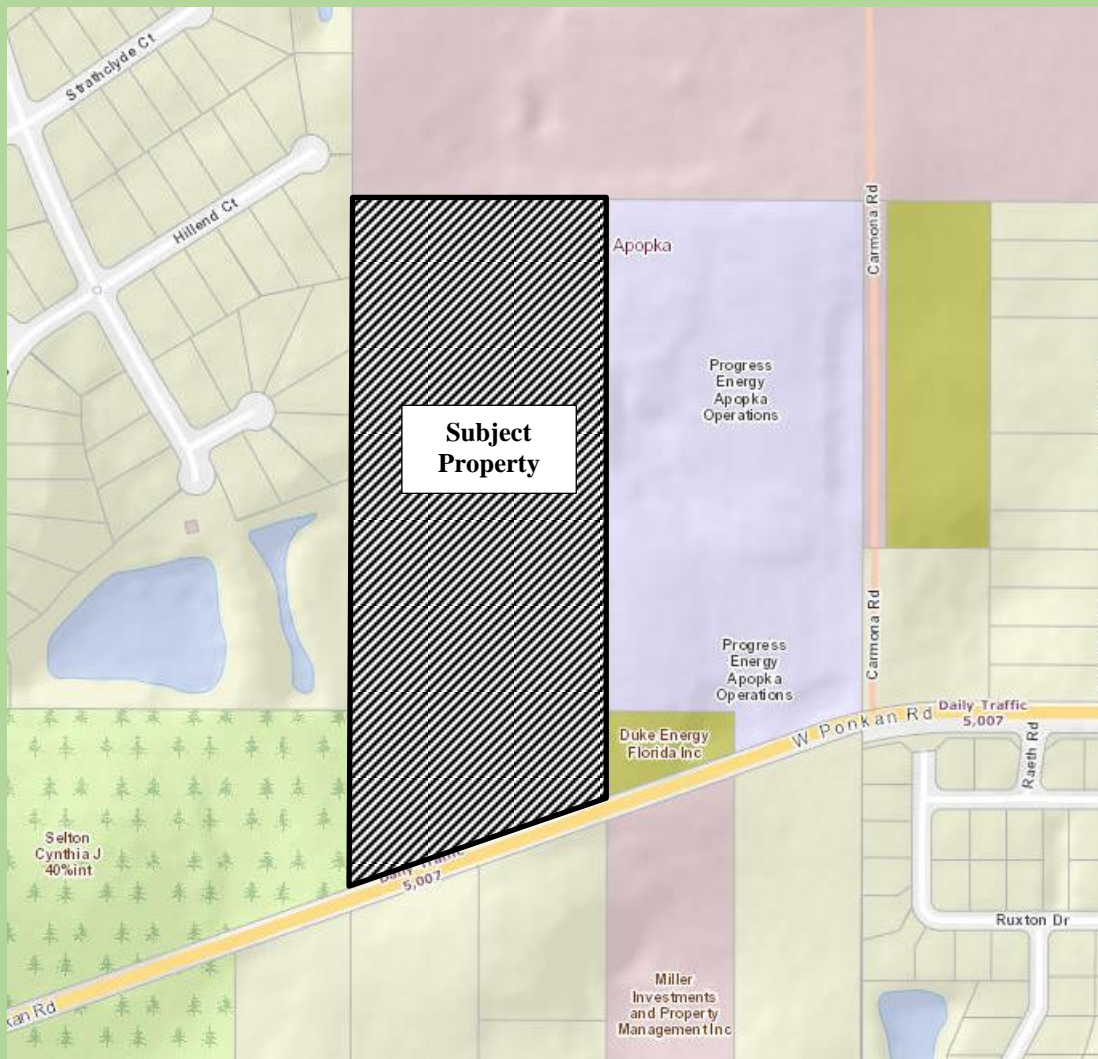
Public Ser. Director
City Clerk
Fire Chief

Clyde Marie Brown, c/o Donna L. Helton
June Engineering Consultants, Inc.,
c/o Jeffrey A. Sedloff and Jimmy Dunn
Ponkan Reserve North Subdivision
25.48 +/- Acres

Proposed Maximum Allowable Development: 51 Single Family Lots
Parcel ID #s: 21-20-28-0000-00-003, 21-20-28-0000-00-004,
28-20-28-0000-00-003, and 28-20-28-0000-00-004



VICINITY MAP



SEWER AND WATER CAPACITY AGREEMENT
Hillside at Wekiva FKA Ponkan Reserve North (51 Lots)

THIS AGREEMENT, made as of this ____ day of _____, 20__, by and between the City of Apopka, Florida, a municipal corporation, hereinafter sometimes referred to as "City" or "Utility" or both; and Meritage Homes of Florida Inc. sometimes hereinafter referred to as "Owner" or "Developer" or both.

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

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

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

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

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

WHEREAS, Developer owns or controls lands located in City of Apopka or Orange County, Florida, and described in **Exhibit "A"** attached hereto and made a part hereof as

if fully set out in this paragraph and hereinafter referred to as the "Property," and Developer intends to develop the Property by erecting thereon, individually metered units, general service units, or combination of these; and

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

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

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

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

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. Compliance.

The Owner agrees that both he and his successors and assigns will abide by the provisions of this Agreement and the relevant Ordinances of the City and that he will install or have installed the improvements required by the City in accordance with the provisions of this Agreement and of said Ordinances. The Owner further understands and agrees that, in the development of the subject property, failure to abide by the terms

of this Agreement, the provisions of the City's Ordinances, or any other applicable regulations, ordinances, or laws from time to time existing, shall constitute grounds for refusal by the City, or the appropriate authority thereof, to allow such development, to obtain building permits, to institute utility services, or to permit occupancy of completed improvements.

Section 2. Definitions.

A. "ERU (Water)" means Equivalent Residential Unit defined as having the average demand of 400 gallons per day.

B. "ERU (Sewer)" means Equivalent Residential Unit defined as having the average demand of 350 gallons per day.

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

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

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

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

G. "Service" - The readiness and ability on the part of the Utility to furnish and maintain water and sewer service to the point of delivery for each lot or tract pursuant to applicable ordinances, laws, rules, regulations, permits and Utility policies.

Section 3. On-Site Installation.

To induce the Utility to provide the water treatment and sewage collection and disposal facilities, and to continuously provide Owner's Property with water and sewer

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

Developer shall obtain approval of plans and specifications from all necessary agencies. No construction shall commence until utility and appropriate regulatory agencies have approved such plans and specifications in writing. If construction commences prior to all such approvals and any other approvals required hereunder, Utility shall have no responsibility to accept such lines and facilities and Utility may elect to terminate this Agreement and/or not provide service to Developer until such time as Developer obtains all such required approvals. When permits and approved plans are returned by appropriate regulatory agencies to Developer, Developer shall submit to Utility one copy of the water and/or sewer construction permit and approved plans. Developer shall also supply to the Utility a copy of the final estimate or payment covering all contract items and Release of Lien from Contractor(s).

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

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

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

Upon completion of construction, Developer's engineer of record shall submit to Utility a copy of the signed certification of completion submitted to the appropriate regulatory agencies. If certification is for the water distribution system, a copy of the bacteriological results and a sketch showing locations of all sample points shall be included. The engineer of record shall also submit to Utility paper copies of the as-built plans prepared signed and sealed by the engineer of record. Developer will provide

Utility with two (2) copies of the approved paving and drainage plans. Developer will provide Utility with three (3) copies of the approved subdivision plat.

Section 4. Off-Site Installation.

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

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

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

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

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

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

practices.

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

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

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

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

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

the rendering of service by Utility, Developer shall:

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

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

K. The Developer shall provide Utility with all appropriate operations/maintenance and parts manuals.

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

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

Section 5. Easement.

Developer hereby grants and gives to Utility, its successors and assigns, but subject to the terms of this Agreement, the exclusive right or privilege to construct, own, maintain or operate the water and sewer facilities to serve the Property; and the exclusive right or privilege to construct, own, maintain or operate the said facilities in, under, upon, over and across the present and future streets, roads, alleys and easements, reserved utility strips and utility sites, and any public place as provided and dedicated to public use in the record plats, or as provided for in agreements, dedications or grants made otherwise and is independent of said record plats. Mortgagees, if any, holding prior liens on the Property shall be required to either release such lien, subordinate their positions or join in the grant or dedication of the easements or rights-of-way, or give to Utility assurance by way of a "non-disturbance agreement," that in the event of foreclosure, mortgagee would continue to recognize the easement rights of Utility, as long as Utility complies with the terms of this Agreement. All water distribution and sewage collection facilities, save and except consumer installations, shall be covered by easements or rights-of-way if not located within platted or dedicated road or rights-of-ways for utility purposes.

Developer hereby further agrees that the foregoing grants include the necessary right of ingress and egress to any part of the Developer's property upon which Utility is constructing or operating utility facilities. The foregoing grants shall be for such period of time as Utility or its successors or assigns require such rights, privileges or easements in the construction, ownership, maintenance, operation or expansion of the water and sewer facilities. The parties agree that in the event Developer and Utility agree to install any of the water or sewer facilities in lands within the Property lying outside the streets and

easement areas described above, then Developer or the owner shall grant to Utility, the necessary easement or easements for such "private property" installation; provided, all such "private property" installations by Utility shall be made in such a manner as not to interfere with the then primary use of such "private property". The use of easements granted by Developer to Utility shall not preclude the use by other utilities of these easements, such as for cable television, telephone, electric, or gas utilities, or as otherwise agreed to by Utility, provided each does not interfere with Utility's use thereof.

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

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

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

Section 7. Exclusive Right to Provide Service.

As a further and essential consideration of this Agreement, Developer, or the successors and assigns of Developer, shall not (the words "shall not" being used in a mandatory definition) engage in business or businesses of providing potable water or sewer services to the Property during the period of time Utility, its successors and

assigns, provide water or sewer services to the Property, it being the intention of the parties hereto that under the foregoing provision and also other provisions of this Agreement, Utility shall have the sole and exclusive right and privilege to provide water and sewer services to the Property and to the occupants of each residence, building or unit constructed thereon, except for providing by Developer, from its own sources and lines for irrigation uses.

Section 8. Rates.

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

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

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

Section 9. Capital Facility Fees.

In addition to the contribution of any water distribution and sewage collection systems, where applicable, and further to induce the Utility to provide water and sewage

service, Developer hereby agrees to pay to Utility the following Capital Facility Fees:

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

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

Total Water			
Capacity Committed <u>in Gallons</u>	No. Of ERU's <u>Committed</u>	Water Capital Facility Fee <u>Per ERU</u>	Facility Fee Due from <u>Owner</u>
20,400	51	\$2,021.00	\$103,071.00

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

Owner will be required to build or to provide the cost of construction of the Secondary or Local Distribution System and all water facilities on site regardless of size necessary to provide service to the land development activity.

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

Total Sewer			
Capacity Committed <u>in Gallons</u>	No. Of ERU's <u>Committed</u>	Sewer Capital Facility Fee <u>Per ERU</u>	Facility Fee Due from <u>Owner</u>
17,850	51	\$4,235.00	\$215,985.00

Section 10. Payment of Capital Fees.

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

- A. 10% of all capital facilities fees for all units at the time of applying to DEP for a permit.
- B. 20% of all capital facilities fees at the time of receiving DEP approval/permit or 120 days from the date of application whichever occurs first.
- C. 10% of all capital facilities fees at the time of issuance of Certificate of Acceptance by City or 120 days from the date of issuance of DEP permit whichever occurs first.
- D. 20% of all capital facilities fees 12 months after the date of issuance of the DEP permit as set forth in (b).
- E. 20% of all capital facilities fees not later than 24 months after the date of issuance of the DEP permit as set forth in (b).
- F. All capital facilities fees are due not later than 36 months after the date of the issuance of the DEP permit as set forth in (b).

The capital facilities fees shall be based on the fee schedule in effect at the time payment is actually made to the City. The fees set forth therein are the minimum due

and payable. Capital Facilities Fees shall be due and payable by the Owner on or before application for building permits for each individual lot or land development activity. During the time period following the issuance of the DEP permit until all capital facilities fees are paid, the amount due and payable shall always be the greater of the scheduled fees or the fees due upon applying for building permits during this period. If the Capital Facilities fees are paid in conjunction with the application for building permits are less than the fees currently due pursuant to subparagraphs (d), (e), and (f) of this Section, the Owner must remit the difference as same comes due pursuant to the schedule. If the amount due in conjunction with the application for building permits exceeds the amount due pursuant to schedule, the amount due in conjunction with the application for building permits shall be the amount due and payable irregardless of the amount of the scheduled payment.

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

It is also agreed by the parties that:

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

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

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

Section 11. Refund of Fee Paid.

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

Section 12. Recapture of Capacity.

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

Section 13. Maintenance Fees.

The parties agree that the City may subject encumbered or committed water and sewer capacity to a maintenance fee to be assessed by the City. The amount of such fee will be determined by the City Council and shall be based upon the costs of

maintaining the committed capacity for the Developer. Such fees shall not be a Capital Facility Fee as described herein and shall be due and payable as directed by the City.

Section 14. Water System Tap Fee.

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

Single Service Meter

3/4"	\$238.00
1"	\$280.00
1 1/2"	\$429.00
2"	\$515.00

Dual Service Meter

3/4"	\$186.00
1"	\$213.00

Short Service Tap

3/4" & 1"	\$245.00
1 1/2" & 2"	\$318.00

Long Service Tap

3/4" & 1"	\$745.00
1 1/2" & 2"	\$818.00

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

Short service is defined as service located on the same side of a road or driveway of an existing water line where the connection is to be made. Long service is defined as service located on the opposite side of a road or driveway of an existing water line where the connection is to be made. There will be an additional charge of \$10.00 for every linear foot for service over 50 linear feet. An additional charge will be added equal

to the county right-of-way permit fee when it is required. All Tap Fees are due and payable at the time that a service connection is approved by the Utility.

Section 15. Sewer Tap Fee and Other Charges.

The parties agree that a sewer tap fee shall be charged at the time of approval by the City of a service connection. The cost of extending or installing 6" sewer lateral shall be \$700.00 up to 25 feet and including cleanout, and shall be payable by the Developer upon billing. For additional footage beyond 25 feet, the charge shall be \$12.00 per linear foot. The costs of any applicable county or state permits will be also an additional charge payable by the Developer. Any sewer lateral within the public right-of-way easement will remain the property of the City. All Tap Fees are due and payable at the time that a service connection is approved by the Utility. The other charges described herein are due and payable within 10 days of the date of the billing.

Section 16. Miscellaneous Provisions Regarding Payments.

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

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

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

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

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

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

Section 17. Agreement to Serve.

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

The parties agree that the capacity needed to provide service to the Property is 20,400 gallons per day for potable water supply and 17,850 gallons per day for wastewater removal. Developer agrees that the number of units of development for

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

Section 18. Application for Service: Consumer Installations.

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

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

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

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

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

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

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

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

Section 19. Assurance of Title.

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

Section 20. Binding Effect of Agreement.

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

Section 21. Notice.

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

Meritage Homes of Florida Inc.
Attn.: Dante Fraiegari
5337 Millenia Lakes Blvd., Ste 410
Orlando, Florida 32839

With a copy to: N/A

and if the Utility, at: City of Apopka
Utilities Department
Attn: Cindy Haynes
P. O. Box 1229
Apopka, FL 32704

Section 22. Laws of Florida.

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

Section 23. Cost and Attorney's Fees.

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

Section 24. Force Majeure.

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

Section 25.

The rights, privileges, obligations and covenants of Developer and the Utility shall

survive the completion of the work of Developer with respect to completing the facilities and services to any development phase and to the Property as a whole.

Section 26.

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

Section 27. Construction.

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

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

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

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

Section 28.

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

Section 29.

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

Section 30.

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

Section 31.

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

Section 32.

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

Section 33. Water Conservation Measures.

Water conservation measures shall be employed by the Developer. Said measures

shall include but not be limited to:

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

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

Section 34.

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

Section 35.

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

WITNESSES:

THE CITY OF APOPKA,
A Florida municipal corporation

Print Name

Glenn Irby
City Administrator

Print Name

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Glenn Irby, City Administrator of the City of Apopka, a Florida municipal corporation, he is personally known to me or has produced _____ as identification and did (did not) take an oath.

(NOTARY'S SEAL)

Notary Public

Print Name

Commission No. _____

WITNESSES:

[Signature]
Amy Steiger
Print Name

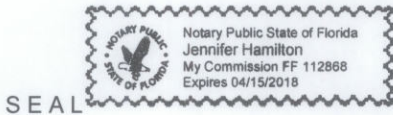
[Signature]
Jennifer Hamilton
Print Name

OWNER: Meritage Homes of Florida Inc.

By: [Signature]
Brian Kittle, Division Vice President
Title

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 8th day of April, 20 15 by Brian Kittle
(Name of officer or agent) of Meritage Homes of Florida, Inc.
(Name of corporation acknowledging), a Florida
(state or place of corporation) Corporation, on behalf of the corporation. He/She/They
is/are personally known to me or has produced _____
(type of identification) as identification and did (did not) take an oath.



[Signature]
NOTARY PUBLIC

EXHIBIT "A"

DESCRIPTION

THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA.

AND

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28 WHICH LIES NORTH OF WEST PONKAN ROAD, ORANGE COUNTY, FLORIDA.

AND THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 28 EAST AND THAT PART OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 28 EAST, WHICH LIES NORTH OF WEST PONKAN ROAD, ORANGE COUNTY, FLORIDA.

CONTAINING 25.477 ACRES, MORE OR LESS.

Backup material for agenda item:

5. Authorize a credit, in the amount of \$4,523.01, to Carlos Hernandez for a sanitary sewer forcemain oversize line.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: June 3, 2015
 FROM: Public Services
 EXHIBITS:

SUBJECT: CARLOS HERNANDEZ SANITARY SEWER FORCEMAIN OVERSIZE IMPACT FEE CREDIT.

REQUEST: APPROVE A SANITARY SEWER FORCEMAIN OVERSIZE CREDIT IN THE AMOUNT OF \$4,523.01 TO CARLOS HERNANDEZ.

SUMMARY:

As part of the development of the RCE Commercial Plaza located at 505 Suggs Rd., staff requested the developer to install approximately 880 LF of six inch sanitary forcemain along SR 436 and Suggs Rd. in accordance with the sanitary sewer master plan. The developer only needed a 4" line to serve his development, the cost difference between the six inch and the four inch line is \$4,523.01.

FUNDING SOURCE:

Sewer Impact Fee

RECOMMENDATION ACTION:

Approve a sanitary sewer forcemain oversize credit in the amount of \$4,523.01 to Carlos Hernandez.

DISTRIBUTION:

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 Human Resources Director
 Information Technology Director
 Police Chief

Public Services Director
 City Clerk
 Fire Chief

Backup material for agenda item:

6. Authorize the funding for the mitigation of gopher turtles at the Northwest Recreation Complex, in the amount of \$90,903.00, and award the contract to Thomson Environmental Consultant, in the amount of \$9,350.00, for the consulting fees.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: June 3, 2015
 FROM: Public Services
 EXHIBITS:

SUBJECT: GOPHER MITIGATION AT NORTHWEST RECREATION COMPLEX (NWRC) AQUIFER RECHARGE STORAGE.

REQUEST: AUTHORIZE THE FUNDING FOR THE MITIGATION OF GOPHERS AT NWRC. AQUIFER RECHARGE STORAGE SITE IN THE AMOUNT OF \$90,903.00 AND AWARD THE CONTRACT TO THOMSON CONSULTANT IN THE AMOUNT OF \$9,350.00 FOR THE CONSULTING FEES.

SUMMARY:

Staff obtained 3 proposals, survey, and permit to re locate the gopher turtles from the NWRC Aquifer Recharge Storage site.

Thomson Environmental Consultant	\$ 9,350.00	(consulting services fee only)
Kleinfelder	\$41,039.50	(consulting services fee only)
Greenman-Peterson Inc.	\$14,075.00	(consulting services fee only)

The consulting fee includes:

1. Survey of the site to determine the quality and location of the active burrows.
2. Prepare, submit and obtain Florida Fish & Wildlife Conservation Commission (FWC) Permit
3. Perform excavation of occupied burrows and relocate gophers to recipient site
4. Post relocation report to FWC

Additional cost for permit fee to FWC is \$21,553.00 (based on an estimated 75 Gopher turtles) and cost to relocate to recipient site is estimated at approximately \$60,000.00 (based on 75 Gopher turtles).

The final cost will be based on the actual number of Gopher turtles removed from the site.

FUNDING SOURCE:

Reclaimed Water Impact Fee: Amendment will be included in the third quarter budget amendment.

RECOMMENDATION ACTION:

Authorize the funding for the mitigation of gopher turtles at Northwest Recreation Complex the amount of \$90,903.00 and award the contract to Thomson Environmental Consultant in the amount of \$9,350.00 for the consulting fees.

DISTRIBUTION:

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	Human Resources Director	City Clerk
City Administrator	Information Technology Director	Fire Chief
Development Director	Police Chief	

Backup material for agenda item:

7. Approve the purchase of property, in the amount of \$25,000, located at 1840 Plymouth Sorrento Road, and to include closing costs and the seller's attorney's fees, for a total cost of \$29,456.53.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: June 3, 2015
FROM: Public Services
EXHIBITS:

SUBJECT: PROPERTY PURCHASE OF APPROXIMATELY 0.297 ACRES OF LAND OFF PLYMOUTH SORRENTO ROAD.

REQUEST: APPROVE THE FUNDING AND PURCHASE OF PROPERTY FROM KHiet AND MAI NGUYEN IN THE AMOUNT OF \$25,000.00 PLUS SELLER'S ATTORNEY FEES AND CLOSING COSTS.

SUMMARY:

Staff negotiated with the property owners for the purchase of approximately 0.297 acres of land along the north 20 feet of Parcel ID Number 06-21-28-7172-15-020. The property is located at 1840 Plymouth Sorrento Road and the purchase price will be \$25,000.00. The City will pay for the closing costs in the amount of \$906.53 and the seller's attorney fees in the amount of \$3,550.00. The total purchase price shall be \$29,456.53.

The purchase of this property is needed to complete the improvements of the intersection at Plymouth Sorrento Road and Yothers Road and install a traffic light

FUNDING SOURCE:

Transportation Impact Fees / Fund 102

RECOMMENDATION ACTION:

Approve the funding and purchase of property from Khiet and Mai Nguyen in the amount of \$25,000.00, and the closing costs in the amount of \$906.53 plus sellers attorney fees in the amount of \$3,550.00 for a total cost of \$29,456.53.

DISTRIBUTION:

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
Human Resources Director
Information Technology Director
Police Chief

Public Services Director
City Clerk
Fire Chief

Backup material for agenda item:

8. Approve the purchase of property, in the amount of \$22,400.00, located at 2984 W. Orange Avenue, and to also include survey fees, for a total cost not to exceed \$22,900.00.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: June 3, 2015
 FROM: Public Services
 EXHIBITS:

SUBJECT: PROPERTY PURCHASE OF APPROXIMATELY 0.278 ACRES OF LAND OFF WEST ORANGE AVENUE.

REQUEST: APPROVE THE FUNDING AND PURCHASE OF PROPERTY FROM ORANGE COUNTY IN THE AMOUNT OF \$22,400.00 PLUS SURVEY COSTS.

SUMMARY:

Staff received notice from Orange County that they had some surplus property located at the northwest corner of General Electric Road and West Orange Avenue which they would be willing to sell to the City of Apopka for \$22,400.00. This parcel is further described as Parcel ID No. 06-21-28-7172-02-401 and having an address of 2984 West Orange Avenue, Apopka. The value of this property was established by an appraisal performed for Orange County Real Estate Management Division in October 2014. The location of this parcel is valuable to the city for any future improvements of the General Electric Road and West Orange Avenue intersection.

A survey of this property will be necessary. The cost of the survey will not exceed \$500.00. Therefore, the total cost for this purchase will not exceed \$22,900.00.

The property will be used for future expansion of the City.

FUNDING SOURCE:

Transportation Impact Fees / Reserve: Amendment will be included in the third quarter budget amendment.

RECOMMENDATION ACTION:

Approve the funding and purchase of the surplus property from Orange County for \$22,400.00 and approve the funding and purchase of the survey for a cost not to exceed \$500.00. The total project cost is not to exceed \$22,900.00.

DISTRIBUTION:

Mayor Kilsheimer
 Commissioners
 City Administrator
 Development Director

Finance Director
 Human Resources Director
 Information Technology Director
 Police Chief

Public Services Director
 City Clerk
 Fire Chief

Backup material for agenda item:

9. Ratification of a steering committee to ensure fair representation of all geographical areas in the City, as the Community-Wide Visioning Process moves forward.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: June 3, 2015
 FROM: _____
 EXHIBITS: _____

SUBJECT: STEERING COMMITTEE TO ENSURE FAIR REPRESENTATION OF ALL GEOGRAPHICAL AREAS OF THE CITY IN THE COMMUNITY- WIDE VISIONING PROCESS

Request: COUNCIL RATIFICATION OF THE STEERING COMMITTEE TO REPRESENT ALL GEOGRAPHICAL AREAS IN THE COMMUNITY-WIDE VISIONING PROCESS FOR THE FUTURE OF THE CITY OF APOPKA

SUMMARY:

As the Community-Wide Visioning Process moves forward, and in order to ensure fair representation of all geographical areas in the City of Apopka, staff has recommended the creation of a steering committee. The following people were chosen by staff to be considered for the committee: Terri Morrell; Suzanne Kidd; David Hoffman; Eric Coleman; Vernon Brown; Pat McGuffin; and Lou Haubner. Staff believes this group is a fair representation of the City of Apopka, as a whole. All have been contacted and have agreed to serve.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Staff respectfully requests Council ratify the steering committee as a fair representation of the City of Apopka.

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

Backup material for agenda item:

10. Approve the Disbursement Report for the month of May, 2015.

CITY OF AOPKA
Disbursements Report

By Account Number, Paid 5/01/15 thru 5/28/15

Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
3/27/12	119131			KOLLER, SAMARIE	167047	5/28/15	001-101.1400	10.00
4/16/13	126524			VICULIS, DANIELLE	167098	5/28/15	001-101.1400	36.00
Subtotal for 001-101.1400								46.00
4/21/15	141098	124655		PETROLEUM TRADERS CORP.	166916	5/21/15	001-141.1200	19,782.85
4/27/15	141232	124755		PETROLEUM TRADERS CORP.	167068	5/28/15	001-141.1200	18,193.13
Subtotal for 001-141.1200								37,975.98
4/06/15	140766	124398		LAKE AOPKA NATURAL GAS DISTRICT	166787	5/14/15	001-141.1201	3,078.38
Subtotal for 001-141.1201								3,078.38
4/30/15	141342	124832		ASCENT AVIATION GROUP INC	166827	5/21/15	001-141.1203	28,450.24
Subtotal for 001-141.1203								28,450.24
4/02/15	140688	124352		PRIDE ENTERPRISES	166792	5/14/15	001-141.1400	2,120.53
4/02/15	140684	124348		O'REILLY AUTO PARTS	166908	5/21/15	001-141.1400	196.09
3/26/15	140519	124212		ACTION GATOR TIRE	166811	5/21/15	001-141.1400	2,232.90
4/08/15	140830	124455		WELDON PARTS-ORLANDO	166972	5/21/15	001-141.1400	313.33
5/11/15	141512	124980		GLENN JOINER & SON, INC.	166874	5/21/15	001-141.1400	335.94
4/20/15	141072	124629		WELDON PARTS-ORLANDO	166972	5/21/15	001-141.1400	982.05
4/27/15	141231	124754		WELDON PARTS-ORLANDO	167102	5/28/15	001-141.1400	749.85
4/07/15	140804	124432		TPH ACQUISITION LLLP	167091	5/28/15	001-141.1400	775.32
3/26/15	140523	124216		MILLIKAN BATTERY & ELECTRIC	167057	5/28/15	001-141.1400	929.00
5/06/15	141426	124907		KENWORTH OF CENTRAL FLORIDA INC	167045	5/28/15	001-141.1400	168.26
4/27/15	141230	124753		PRIDE ENTERPRISES	167071	5/28/15	001-141.1400	1,243.81
5/05/15	141400	124884		BLUETARP FINANCIAL INC	166994	5/28/15	001-141.1400	53.26
3/09/15	140070	123864		AMSOIL INC./ACCOUNTS RECEIVABLE	166985	5/28/15	001-141.1400	1,288.38
4/08/15	140831	124456		AMSOIL INC./ACCOUNTS RECEIVABLE	166985	5/28/15	001-141.1400	2,092.18
3/19/15	140416	124127		AMSOIL INC./ACCOUNTS RECEIVABLE	166985	5/28/15	001-141.1400	2,440.63
Subtotal for 001-141.1400								15,921.53
5/13/15	141588	125051		RIZO, REINALDO	167078	5/28/15	001-155.0001	250.00
Subtotal for 001-155.0001								250.00
5/21/15	141751			LINA	166892	5/21/15	001-155.0004	2,852.07
5/22/15	141763	125179		HORIZON BEHAVIORAL SERVICES, LLC	167038	5/28/15	001-155.0004	1,432.06
5/22/15	141771	125187		ELROD, NICHOLAUS	167015	5/28/15	001-155.0004	341.63
5/22/15	141772	125188		BEASLEY, RENEE	166993	5/28/15	001-155.0004	1,000.00
5/28/15	141803			SYMETRA LIFE INSURANCE	167088	5/28/15	001-155.0004	21,844.18
5/08/15	141481	124951		EXPLAIN MY BENEFITS	167019	5/28/15	001-155.0004	3,115.35
Subtotal for 001-155.0004								30,585.29
4/22/15	141150	124700		DADE PAPER & BAG CO.	166766	5/14/15	001-155.0006	405.42
4/30/15	141315	124819		CARE HERE	166762	5/14/15	001-155.0006	8,510.00
5/06/15	141432	124912		PSS WORLD MEDICAL, INC.	166920	5/21/15	001-155.0006	683.15
5/06/15	141433	124913		CARE HERE	166839	5/21/15	001-155.0006	8,510.00
5/28/15	141822			CENTURYLINK	167001	5/28/15	001-155.0006	326.85
5/07/15	141455	124932		JANI- KING OF ORLANDO	167041	5/28/15	001-155.0006	186.00
Subtotal for 001-155.0006								18,621.42
5/28/15	141801			JONES, TABBITHA	167042	5/28/15	001-217.1100	3.90
Subtotal for 001-217.1100								3.90
5/28/15	141803			SYMETRA LIFE INSURANCE	167088	5/28/15	001-218.1600	1,478.18
Subtotal for 001-218.1600								1,478.18
5/28/15	141802			VISION SERVICE PLAN - (IC)	167099	5/28/15	001-218.1603	2,335.08
Subtotal for 001-218.1603								2,335.08
5/21/15	141751			LINA	166892	5/21/15	001-218.1610	5,698.73
Subtotal for 001-218.1610								5,698.73
5/21/15	141751			LINA	166892	5/21/15	001-218.1615	3,423.59

CITY OF AOPKA
Disbursements Report

By Account Number, Paid 5/01/15 thru 5/28/15

Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
Subtotal for 001-218.1615								3,423.59
5/21/15	141750			ALLSTATE	166819	5/21/15	001-218.1620	16,172.93
Subtotal for 001-218.1620								16,172.93
5/14/15	141627			FLORIDA COMBINED LIFE	166777	5/14/15	001-218.1630	19,851.52
Subtotal for 001-218.1630								19,851.52
5/07/15	141458			STEPHENS, MARTI	166750	5/07/15	001-218.1750	98.08
5/14/15	141606			STEPHENS, MARTI	166798	5/14/15	001-218.1750	98.08
5/21/15	141736			STEPHENS, MARTI	166939	5/21/15	001-218.1750	98.08
5/28/15	141819			STEPHENS, MARTI	167086	5/28/15	001-218.1750	98.08
Subtotal for 001-218.1750								392.32
5/07/15	141457			U.S. DEPARTMENT OF EDUCATION	166751	5/07/15	001-218.1760	144.10
5/14/15	141605			U.S. DEPARTMENT OF EDUCATION	166801	5/14/15	001-218.1760	213.93
5/21/15	141737			U.S. DEPARTMENT OF EDUCATION	166964	5/21/15	001-218.1760	137.37
5/28/15	141816			U.S. DEPARTMENT OF EDUCATION	167095	5/28/15	001-218.1760	144.10
Subtotal for 001-218.1760								639.50
5/07/15	141456			INTERNAL REVENUE SERVICE	166749	5/07/15	001-218.1770	11.54
5/14/15	141607			INTERNAL REVENUE SERVICE	166785	5/14/15	001-218.1770	11.54
5/21/15	141738			INTERNAL REVENUE SERVICE	166887	5/21/15	001-218.1770	11.54
5/28/15	141814			INTERNAL REVENUE SERVICE	167040	5/28/15	001-218.1770	11.54
Subtotal for 001-218.1770								46.16
5/21/15	141741			PAYNE, LATRICE	166914	5/21/15	001-220.0004	200.00
5/28/15	141800			ZALDANA, ROSEMARY	167103	5/28/15	001-220.0004	200.00
Subtotal for 001-220.0004								400.00
5/28/15	141832			PROPERTY INDUSTRIAL ENTERPRISES	167073	5/28/15	001-341.2000	200.00
Subtotal for 001-341.2000								200.00
5/21/15	141742			AMERICAN CANCER SOCIETY	166820	5/21/15	001-347.2100	1,000.00
5/28/15	141801			JONES, TABBITHA	167042	5/28/15	001-347.2100	60.00
Subtotal for 001-347.2100								1,060.00
5/21/15	141735			WILLIAMS, ALONZO	166975	5/21/15	001-1010-512.1200	237.50
Subtotal for 001-1010-512.1200								237.50
10/21/14	137358	121965		SHEPARD, SMITH & CASSADY, P.A.	166934	5/21/15	001-1010-512.3150	23,513.00
Subtotal for 001-1010-512.3150								23,513.00
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	001-1010-512.4100	73.20
Subtotal for 001-1010-512.4100								73.20
12/10/14	138333	122666		COPIER CONNECTION LLC	166845	5/21/15	001-1010-512.4600	74.40
Subtotal for 001-1010-512.4600								74.40
4/30/15	141314	124818		GUYRE, BLAKE PHILIP	166782	5/14/15	001-1010-512.5200	150.00
5/19/15	141680			PHYLLIS WHEATLEY MASS SCHOOL RE	166808	5/19/15	001-1010-512.5200	125.00
3/20/15	140453	124155		NATIONAL BUSINESS FURNITURE, LLC	166902	5/21/15	001-1010-512.5200	3,821.01
5/06/15	141430	124910		GENERAL RENTAL CENTER	166873	5/21/15	001-1010-512.5200	197.25
5/07/15	141462	124936		AMERICAN REPROGRAPHICS	166821	5/21/15	001-1010-512.5200	18.00
4/13/15	140950	124531		AOPKA CHIEF	166987	5/28/15	001-1010-512.5200	385.00
Subtotal for 001-1010-512.5200								4,696.26
1/30/15	139281	123332		VERIZON WIRELESS	166968	5/21/15	001-1020-512.4100	83.82
Subtotal for 001-1020-512.4100								83.82
4/21/15	141115	124669		OFFICE DEPOT	166910	5/21/15	001-1020-512.5100	41.97
Subtotal for 001-1020-512.5100								41.97
4/13/15	140929	124514		PRIDE ENTERPRISES	166919	5/21/15	001-1020-512.5200	22.50
5/28/15	141811			GREEN TREE	167033	5/28/15	001-1020-512.5200	435.00
Subtotal for 001-1020-512.5200								457.50
5/07/15	141455	124932		JANI- KING OF ORLANDO	167041	5/28/15	001-1022-519.3400	3,018.00

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Subtotal for 001-1022-519.3400								3,018.00
5/14/15	141619			CENTURYLINK	166764	5/14/15	001-1022-519.4100	35.00
5/28/15	141821			CENTURYLINK	167001	5/28/15	001-1022-519.4100	62.92
Subtotal for 001-1022-519.4100								97.92
5/14/15	141614			LAKE AOPKA NATURAL GAS DISTRICT	166787	5/14/15	001-1022-519.4300	428.63
5/14/15	141620			DUKE ENERGY	166772	5/14/15	001-1022-519.4300	540.42
5/21/15	141755			DUKE ENERGY	166855	5/21/15	001-1022-519.4300	11,264.56
5/28/15	141834			DUKE ENERGY	167013	5/28/15	001-1022-519.4300	12.63
Subtotal for 001-1022-519.4300								12,246.24
4/21/15	141117	124670		FLORIDA DOOR SOLUTIONS INC.	166778	5/14/15	001-1022-519.4600	218.00
4/14/15	140951	124532		AIR SYSTEMS DISTRIBUTORS LLC	166815	5/21/15	001-1022-519.4600	238.36
4/14/15	140952	124533		GEMAIRE DISTRIBUTORS LLC	166872	5/21/15	001-1022-519.4600	195.94
4/14/15	140975	124552		MERCER PEST CONTROL, INC.	166896	5/21/15	001-1022-519.4600	1,103.70
4/02/15	140702	124364		THINSPACE TECHNOLOGY LTD	166951	5/21/15	001-1022-519.4600	487.00
4/07/15	140809	124436		HOME DEPOT CREDIT SERVICES	166885	5/21/15	001-1022-519.4600	268.75
4/13/15	140925	124512		GRAINGER	166877	5/21/15	001-1022-519.4600	106.62
12/10/14	138339	122669		HOME DEPOT CREDIT SERVICES	166885	5/21/15	001-1022-519.4600	53.10
4/15/15	140982	124559		POWER PRO-TECH SERVICES, INC.	167070	5/28/15	001-1022-519.4600	245.48
5/18/15	141668	125106		MERCER PEST CONTROL, INC.	167054	5/28/15	001-1022-519.4600	692.98
4/24/15	141222	124745		POWER PRO-TECH SERVICES, INC.	167070	5/28/15	001-1022-519.4600	1,233.96
4/24/15	141219	124743		A-ABRA-KEY-DABRA LOCKSMITH SERV.	166977	5/28/15	001-1022-519.4600	450.50
4/17/15	141059	124617		FLORIDA DOOR SOLUTIONS INC.	167027	5/28/15	001-1022-519.4600	210.00
4/08/15	140840	124463		MAHONEY ICE EQUIPMENT	167053	5/28/15	001-1022-519.4600	315.64
3/23/15	140467	124166		MAHONEY ICE EQUIPMENT	167053	5/28/15	001-1022-519.4600	2,041.58
5/05/15	141421	124902		CASCADE WATER SERVICES	166999	5/28/15	001-1022-519.4600	126.01
5/05/15	141423	124904		FERRAN SERVICES & CONTRACTING, INC.	167021	5/28/15	001-1022-519.4600	424.44
5/06/15	141438	124917		FLORIDA SAFETY SYSTEMS, LLC	167029	5/28/15	001-1022-519.4600	90.00
5/06/15	141439	124918		FLORIDA DOOR SOLUTIONS INC.	167027	5/28/15	001-1022-519.4600	471.00
5/07/15	141474	124947		POWER PRO-TECH SERVICES, INC.	167070	5/28/15	001-1022-519.4600	980.00
5/08/15	141488	124957		MAHONEY ICE EQUIPMENT	167053	5/28/15	001-1022-519.4600	127.50
5/11/15	141518	124984		AOPKA PLUMBING	166990	5/28/15	001-1022-519.4600	182.50
Subtotal for 001-1022-519.4600								10,263.06
3/20/15	140446	124148		TRAIL SAW & MOWER SERVICE, INC.	166955	5/21/15	001-1022-519.4650	37.89
Subtotal for 001-1022-519.4650								37.89
4/22/15	141144	124694		DADE PAPER & BAG CO.	166766	5/14/15	001-1022-519.5200	1,901.27
4/09/15	140861	124469		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	001-1022-519.5200	32.50
5/21/15	141739			PUBLIC SERVICES PETTY CASH	166921	5/21/15	001-1022-519.5200	2.29
3/17/15	140324	124070		HOME DEPOT CREDIT SERVICES	166885	5/21/15	001-1022-519.5200	56.78
4/28/15	141275	124790		HAJOCA CORPORATION	166882	5/21/15	001-1022-519.5200	34.95
4/28/15	141276	124791		HAJOCA CORPORATION	166882	5/21/15	001-1022-519.5200	104.95
Subtotal for 001-1022-519.5200								2,132.74
4/17/15	141054	124614		GOVCONNECTION, INC.	167032	5/28/15	001-1030-512.5200	683.71
Subtotal for 001-1030-512.5200								683.71
5/22/15	141766	125182		FACC	167020	5/28/15	001-1030-512.5500	300.00
Subtotal for 001-1030-512.5500								300.00
3/19/15	140397	124118		MILLIMAN	166899	5/21/15	001-1120-513.3100	2,500.00
Subtotal for 001-1120-513.3100								2,500.00
4/23/15	141188	124719		OFFICE DEPOT	167063	5/28/15	001-1120-513.5100	81.30
Subtotal for 001-1120-513.5100								81.30
4/30/15	141339	124831		FISHER & PHILLIPS LLP	166747	5/01/15	001-1170-513.3100	4,152.50
5/01/15	141358	124844		DEPARTMENT OF HWY SAFETY AND MAINTENANCE	166768	5/14/15	001-1170-513.3100	10.00

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5/22/15	141764	125180		DEPARTMENT OF HWY SAFETY AND MC	167010	5/28/15	001-1170-513.3100	20.00
Subtotal for 001-1170-513.3100								4,182.50
5/19/15	141694	125132		EMPOWER SOFTWARE SOLUTIONS, IN	167016	5/28/15	001-1170-513.4600	2,456.42
Subtotal for 001-1170-513.4600								2,456.42
4/30/15	141322	124873		GOVCONNECTION, INC.	167032	5/28/15	001-1170-513.5200	608.21
Subtotal for 001-1170-513.5200								608.21
4/30/15	141344	124833		FLORIDA PUBLIC HUMAN RESOURCE A	166869	5/21/15	001-1170-513.5500	385.00
Subtotal for 001-1170-513.5500								385.00
4/30/15	141338	124830		FORD & HARRISON LLP	166748	5/01/15	001-2110-522.3100	956.00
Subtotal for 001-2110-522.3100								956.00
10/07/14	136910	121692		SWIFTREACH NETWORKS, INC.	166944	5/21/15	001-2110-522.4100	140.00
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	001-2110-522.4100	108.21
Subtotal for 001-2110-522.4100								248.21
5/14/15	141614			LAKE AOPKA NATURAL GAS DISTRICT	166787	5/14/15	001-2110-522.4300	58.67
5/14/15	141613			LAKE AOPKA NATURAL GAS DISTRICT	166787	5/14/15	001-2110-522.4300	14.09
5/14/15	141620			DUKE ENERGY	166772	5/14/15	001-2110-522.4300	542.98
5/21/15	141755			DUKE ENERGY	166855	5/21/15	001-2110-522.4300	6,799.01
5/28/15	141834			DUKE ENERGY	167013	5/28/15	001-2110-522.4300	134.12
Subtotal for 001-2110-522.4300								7,548.87
5/20/15	141720	125153		RICOH USA, INC.	166930	5/21/15	001-2110-522.4600	350.00
4/22/15	141145	124695		RICOH USA, INC.	166929	5/21/15	001-2110-522.4600	154.23
Subtotal for 001-2110-522.4600								504.23
5/15/15	141640	125082		GRAMAC PRINTING	166878	5/21/15	001-2110-522.4700	60.00
Subtotal for 001-2110-522.4700								60.00
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	001-2120-522.4100	504.18
Subtotal for 001-2120-522.4100								504.18
5/20/15	141721	125154		UNITED PARCEL SERVICE	166966	5/21/15	001-2120-522.4200	14.00
Subtotal for 001-2120-522.4200								14.00
5/01/15	141349	124837		OMEGA ENGINEERING INC	166911	5/21/15	001-2120-522.4600	130.00
10/10/14	137049	121728		SOUTHERN C & E	166935	5/21/15	001-2120-522.4600	96.67
Subtotal for 001-2120-522.4600								226.67
4/28/15	141278	124793		PRO POLY OF AMERICA, INC	166793	5/14/15	001-2120-522.4650	682.75
4/07/15	140802	124430		O'REILLY AUTO PARTS	166789	5/14/15	001-2120-522.4650	17.96
4/08/15	140816	124443		PRO POLY OF AMERICA, INC	166793	5/14/15	001-2120-522.4650	2,076.39
3/09/15	140068	123862		AOPKA ACE HARDWARE & LUMBER IN	166757	5/14/15	001-2120-522.4650	12.16
3/20/15	140446	124148		TRAIL SAW & MOWER SERVICE, INC.	166955	5/21/15	001-2120-522.4650	24.94
1/20/15	139017	123125		CHANNEL INNOVATIONS CORP.	166842	5/21/15	001-2120-522.4650	1,290.00
4/07/15	140800	124428		AMERICAN WIRE & TERMINAL	166822	5/21/15	001-2120-522.4650	35.38
3/26/15	140556	124232		A.O.K. TIRE MART	166810	5/21/15	001-2120-522.4650	1,090.78
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	001-2120-522.4650	10.66
4/20/15	141076	124633		GRAPHIC SOURCE OF CENTRAL FLORII	166879	5/21/15	001-2120-522.4650	5.00
5/08/15	141484	124953		ROSENBAUER MINNESOTA, LLC	167079	5/28/15	001-2120-522.4650	276.50
3/26/15	140526	124219		NEXTRAN TRUCK CENTER - ORLANDO	167060	5/28/15	001-2120-522.4650	1,057.84
4/20/15	141067	124624		DON REID FORD	167012	5/28/15	001-2120-522.4650	137.86
4/20/15	141070	124627		ORLANDO FREIGHTLINER, INC.	167066	5/28/15	001-2120-522.4650	763.69
4/14/15	140963	124543		A.O.K. TIRE MART	166978	5/28/15	001-2120-522.4650	435.02
4/02/15	140681	124345		MILLIKAN BATTERY & ELECTRIC	167057	5/28/15	001-2120-522.4650	770.70
5/01/15	141357	124843		W. S. DARLEY & COMPANY	167100	5/28/15	001-2120-522.4650	120.38
5/07/15	141463	124937		CENTRAL FLORIDA TRUCK ACCESSORI	167000	5/28/15	001-2120-522.4650	150.00
Subtotal for 001-2120-522.4650								8,958.01
5/18/15	141662	125100		PRINTERS, THE	167072	5/28/15	001-2120-522.4700	175.00

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Subtotal for 001-2120-522.4700								175.00
4/22/15	141150	124700		DADE PAPER & BAG CO.	166766	5/14/15	001-2120-522.5200	536.38
4/27/15	141233	124772		GOVCONNECTION, INC.	166876	5/21/15	001-2120-522.5200	144.99
5/11/15	141517	124983		DOH-BUREAU OF RADIATION CONTROL	166848	5/21/15	001-2120-522.5200	60.00
4/23/15	141187	124718		WALMART COMMUNITY/RFCSELLC	167101	5/28/15	001-2120-522.5200	104.79
5/28/15	141809			FIRE DEPARTMENT PETTY CASH FUND	167023	5/28/15	001-2120-522.5200	47.35
4/01/15	140664	124314		CAPITAL OFFICE PRODUCTS	166997	5/28/15	001-2120-522.5200	303.71
5/19/15	141693	125131		PUBLIX SUPER MARKETS, INC.	167074	5/28/15	001-2120-522.5200	178.89
5/01/15	141352	124839		PUBLIX SUPER MARKETS, INC.	167074	5/28/15	001-2120-522.5200	117.25
4/01/15	140665	124315		WALMART COMMUNITY/RFCSELLC	167101	5/28/15	001-2120-522.5200	251.37
3/23/15	140475	124173		AOPKA PLAQUE AND TROPHY	166989	5/28/15	001-2120-522.5200	450.00
Subtotal for 001-2120-522.5200								2,194.73
4/13/15	140947	124529		HOME DEPOT CREDIT SERVICES	166885	5/21/15	001-2120-522.5500	392.53
5/20/15	141724	125156		CRISWELL, DANIEL	167006	5/28/15	001-2120-522.5500	633.57
Subtotal for 001-2120-522.5500								1,026.10
3/26/15	140555	124238		FISHER SCIENTIFIC	166864	5/21/15	001-2120-522.6400	19,936.00
Subtotal for 001-2120-522.6400								19,936.00
10/06/14	136809	121573		VERIZON WIRELESS	166804	5/14/15	001-2130-526.4100	75.22
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	001-2130-526.4100	216.42
5/11/15	141524	124990		SPRINT	166938	5/21/15	001-2130-526.4100	81.99
5/11/15	141529	124994		AT & T MOBILITY	166828	5/21/15	001-2130-526.4100	272.86
Subtotal for 001-2130-526.4100								646.49
4/22/15	141132	124683		MOTOROLA SOLUTIONS, INC.	166901	5/21/15	001-2130-526.4400	73.95
5/11/15	141533	124998		AIR LIQUIDE HEALTHCARE AMERICA	166814	5/21/15	001-2130-526.4400	500.52
Subtotal for 001-2130-526.4400								574.47
5/11/15	141525	124991		SOUTHERN C & E	166935	5/21/15	001-2130-526.4600	31.98
Subtotal for 001-2130-526.4600								31.98
4/07/15	140800	124428		AMERICAN WIRE & TERMINAL	166822	5/21/15	001-2130-526.4650	35.38
4/24/15	141215	124739		WHELEN ENGINEERING CO.,INC.	166974	5/21/15	001-2130-526.4650	108.75
4/02/15	140679	124343		DON REID FORD	166849	5/21/15	001-2130-526.4650	104.43
Subtotal for 001-2130-526.4650								248.56
5/11/15	141531	124996		NEB GROUP, INC.	166903	5/21/15	001-2130-526.4950	3,803.66
Subtotal for 001-2130-526.4950								3,803.66
5/11/15	141532	124997		QUADMED, INC.	166922	5/21/15	001-2130-526.5200	896.48
5/11/15	141523	124989		TAYLORS PHARMACY	166948	5/21/15	001-2130-526.5200	1,387.00
5/11/15	141528	124993		STERICYCLE INC.	166940	5/21/15	001-2130-526.5200	2,773.67
5/11/15	141530	124995		S & W HEALTHCARE CORPORATION	166932	5/21/15	001-2130-526.5200	620.98
5/11/15	141534	124999		BOUND TREE MEDICAL, LLC.	166834	5/21/15	001-2130-526.5200	1,584.30
5/11/15	141535	125000		BOUND TREE MEDICAL, LLC.	166834	5/21/15	001-2130-526.5200	2,416.99
5/28/15	141809			FIRE DEPARTMENT PETTY CASH FUND	167023	5/28/15	001-2130-526.5200	13.50
5/19/15	141693	125131		PUBLIX SUPER MARKETS, INC.	167074	5/28/15	001-2130-526.5200	121.58
5/04/15	141384	124867		WALMART COMMUNITY/RFCSELLC	167101	5/28/15	001-2130-526.5200	61.84
Subtotal for 001-2130-526.5200								9,876.34
3/25/15	140505	124198		TEN-8 FIRE EQUIPMENT INC.	166950	5/21/15	001-2130-526.6400	2,182.98
Subtotal for 001-2130-526.6400								2,182.98
5/05/15	141412	124894		ALISON M. YURKO, P.A.	166816	5/21/15	001-2210-521.3100	675.00
3/06/15	140055	123887		ORANGE COUNTY COMPTROLLER	166913	5/21/15	001-2210-521.3100	37.00
Subtotal for 001-2210-521.3100								712.00
10/06/14	136807	121594		VERIZON WIRELESS	166968	5/21/15	001-2210-521.4100	188.05
Subtotal for 001-2210-521.4100								188.05
11/04/14	137672	122515		FEDEX	166859	5/21/15	001-2210-521.4200	5.78

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Subtotal for 001-2210-521.4200								5.78
5/14/15	141613			LAKE AOPKA NATURAL GAS DISTRICT	166787	5/14/15	001-2210-521.4300	14.09
5/21/15	141753			DUKE ENERGY	166855	5/21/15	001-2210-521.4300	499.93
5/28/15	141834			DUKE ENERGY	167013	5/28/15	001-2210-521.4300	115.15
Subtotal for 001-2210-521.4300								629.17
3/09/15	140084	123888		A-LINE FIRE & SAFETY, INC.	166809	5/21/15	001-2210-521.4600	1,649.00
Subtotal for 001-2210-521.4600								1,649.00
4/02/15	140679	124343		DON REID FORD	166849	5/21/15	001-2210-521.4650	563.56
Subtotal for 001-2210-521.4650								563.56
12/16/14	138523	122760		CARTRIDGE CENTER INC	166840	5/21/15	001-2210-521.5100	24.00
3/06/15	140051	123883		CARTRIDGE CENTER INC	166840	5/21/15	001-2210-521.5100	7.60
Subtotal for 001-2210-521.5100								31.60
12/05/14	138267	122609		U S SURPLUS SALES, INC.	166963	5/21/15	001-2210-521.5200	88.66
12/29/14	138645	122832		WALMART COMMUNITY/RFCSELLC	167101	5/28/15	001-2210-521.5200	6.93
Subtotal for 001-2210-521.5200								95.59
5/01/15	141348			HOLIDAY INN AT KEY BRIDGE	166745	5/01/15	001-2220-521.4000	831.60
4/29/15	141287	124803		WALSH, ROBERT	166806	5/14/15	001-2220-521.4000	41.00
4/29/15	141289	124805		HARMON, STEVE	166784	5/14/15	001-2220-521.4000	41.00
4/29/15	141290	124806		COLLEY, DANIEL	166765	5/14/15	001-2220-521.4000	41.00
4/29/15	141291	124807		MANLEY, ROBERT	166788	5/14/15	001-2220-521.4000	41.00
Subtotal for 001-2220-521.4000								995.60
10/06/14	136807	121594		VERIZON WIRELESS	166968	5/21/15	001-2220-521.4100	3,199.85
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	001-2220-521.4100	72.14
10/02/14	136764	121536		TRANSUNION RISK AND ALTERNATIVE C	166956	5/21/15	001-2220-521.4100	200.00
Subtotal for 001-2220-521.4100								3,471.99
4/23/15	141176	124799		A-LINE FIRE & SAFETY, INC.	166809	5/21/15	001-2220-521.4600	256.20
10/21/14	137354	122133		CANON SOLUTIONS AMERICA, INC	166836	5/21/15	001-2220-521.4600	448.96
5/07/15	141464	124938		MDE, INC.	166895	5/21/15	001-2220-521.4600	750.00
Subtotal for 001-2220-521.4600								1,455.16
4/07/15	140802	124430		O'REILLY AUTO PARTS	166789	5/14/15	001-2220-521.4650	211.16
3/18/15	140341	124087		PEP BOYS - MANNY, MOE & JACK, THE	166915	5/21/15	001-2220-521.4650	255.66
4/07/15	140800	124428		AMERICAN WIRE & TERMINAL	166822	5/21/15	001-2220-521.4650	35.37
4/07/15	140803	124431		TPH ACQUISITION LLLP	166953	5/21/15	001-2220-521.4650	581.31
4/02/15	140679	124343		DON REID FORD	166849	5/21/15	001-2220-521.4650	586.00
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	001-2220-521.4650	32.86
4/27/15	141229	124752		TPH ACQUISITION LLLP	167091	5/28/15	001-2220-521.4650	1,162.11
5/04/15	141372	124858		O'REILLY AUTO PARTS	167061	5/28/15	001-2220-521.4650	78.61
5/06/15	141424	124905		ELECTRONICS DEPOT	167014	5/28/15	001-2220-521.4650	250.00
4/20/15	141067	124624		DON REID FORD	167012	5/28/15	001-2220-521.4650	887.68
4/14/15	140963	124543		A.O.K. TIRE MART	166978	5/28/15	001-2220-521.4650	817.92
5/04/15	141366	124852		SAFETY PRODUCTS INC	167080	5/28/15	001-2220-521.4650	357.24
5/12/15	141553	125012		SAFETY PRODUCTS INC	167080	5/28/15	001-2220-521.4650	201.40
5/06/15	141434	124914		FIRETRONICS EXTINGUISHERS, INC.	167024	5/28/15	001-2220-521.4650	271.50
Subtotal for 001-2220-521.4650								5,728.82
5/05/15	141415	124897		TRADEMARK PRESS SOLUTIONS INC.	166954	5/21/15	001-2220-521.4700	104.55
5/18/15	141662	125100		PRINTERS, THE	167072	5/28/15	001-2220-521.4700	175.00
Subtotal for 001-2220-521.4700								279.55
12/16/14	138523	122760		CARTRIDGE CENTER INC	166840	5/21/15	001-2220-521.5100	48.00
3/06/15	140051	123883		CARTRIDGE CENTER INC	166840	5/21/15	001-2220-521.5100	38.00
Subtotal for 001-2220-521.5100								86.00
4/22/15	141150	124700		DADE PAPER & BAG CO.	166766	5/14/15	001-2220-521.5200	636.78

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Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
10/30/14	137573	122141		PIEDMONT ANIMAL HOSPITAL	166917	5/21/15	001-2220-521.5200	63.00
4/14/15	140953	124534		BATTERY BANK, THE	166831	5/21/15	001-2220-521.5200	49.00
12/08/14	138289	122647		TEN-8 FIRE EQUIPMENT INC.	166950	5/21/15	001-2220-521.5200	1,710.12
12/05/14	138267	122609		U S SURPLUS SALES, INC.	166963	5/21/15	001-2220-521.5200	604.49
4/09/15	140889	124576		TASER INTERNATIONAL, INC.	166947	5/21/15	001-2220-521.5200	1,957.46
1/26/15	139139	123283		U S SURPLUS SALES, INC.	166963	5/21/15	001-2220-521.5200	899.80
12/29/14	138645	122832		WALMART COMMUNITY/RFCSELLC	167101	5/28/15	001-2220-521.5200	11.56
3/11/15	140200	124029		U S SURPLUS SALES, INC.	167094	5/28/15	001-2220-521.5200	227.50
2/11/15	139530	123521		EVault, INC	167017	5/28/15	001-2220-521.5200	1,433.60
Subtotal for 001-2220-521.5200								7,593.31
1/06/15	138772	122949		RESIDENCE INN TALLAHASSEE NORTH	166927	5/21/15	001-2220-521.5450	368.00
1/06/15	138771	122948		MILLER, JEROME	166898	5/21/15	001-2220-521.5450	136.00
Subtotal for 001-2220-521.5450								504.00
4/27/15	141255	124800		DELL MARKETING L.P.	167009	5/28/15	001-2220-521.6400	2,389.02
Subtotal for 001-2220-521.6400								2,389.02
4/21/15	141114	124668		HILTON GARDEN INN- TALLAHASSEE	166746	5/01/15	001-2230-521.4000	620.00
3/19/15	140423	124328		REAGOR, MICHAEL	166926	5/21/15	001-2230-521.4000	178.00
3/19/15	140421	124326		SPRING HILL SUITES VERO BEACH	166936	5/21/15	001-2230-521.4000	436.00
3/19/15	140422	124327		WERTS, JEFFERSON CLYDE	166973	5/21/15	001-2230-521.4000	178.00
Subtotal for 001-2230-521.4000								1,412.00
3/06/15	140054	123886		3SI SECURITY SYSTEMS INC	166753	5/14/15	001-2230-521.4100	443.88
10/10/14	137063	121766		SPRINT	166937	5/21/15	001-2230-521.4100	295.07
10/06/14	136807	121594		VERIZON WIRELESS	166968	5/21/15	001-2230-521.4100	391.96
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	001-2230-521.4100	252.49
10/07/14	136882	121690		LIVEVIEW GPS, INC	166893	5/21/15	001-2230-521.4100	184.60
Subtotal for 001-2230-521.4100								1,568.00
4/07/15	140802	124430		O'REILLY AUTO PARTS	166789	5/14/15	001-2230-521.4650	20.12
4/07/15	140803	124431		TPH ACQUISITION LLLP	166953	5/21/15	001-2230-521.4650	347.17
3/18/15	140331	124077		K & K GLASS INC	166888	5/21/15	001-2230-521.4650	45.00
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	001-2230-521.4650	613.47
5/04/15	141372	124858		O'REILLY AUTO PARTS	167061	5/28/15	001-2230-521.4650	11.00
5/11/15	141542	125006		ELECTRONICS DEPOT	167014	5/28/15	001-2230-521.4650	125.00
Subtotal for 001-2230-521.4650								1,161.76
12/16/14	138523	122760		CARTRIDGE CENTER INC	166840	5/21/15	001-2230-521.5100	24.00
3/06/15	140051	123883		CARTRIDGE CENTER INC	166840	5/21/15	001-2230-521.5100	34.20
Subtotal for 001-2230-521.5100								58.20
5/01/15	141353	124840		FIFTH THIRD BANK LEGAL ENTRY	166776	5/14/15	001-2230-521.5200	27.65
3/06/15	140054	123886		3SI SECURITY SYSTEMS INC	166753	5/14/15	001-2230-521.5200	789.12
12/05/14	138267	122609		U S SURPLUS SALES, INC.	166963	5/21/15	001-2230-521.5200	241.80
4/09/15	140889	124576		TASER INTERNATIONAL, INC.	166947	5/21/15	001-2230-521.5200	743.84
4/10/15	140909	124578		MOTOROLA SOLUTIONS, INC.	166900	5/21/15	001-2230-521.5200	172.55
4/21/15	141103	124660		SHI INTERNATIONAL CORP.	167083	5/28/15	001-2230-521.5200	7,660.62
12/29/14	138645	122832		WALMART COMMUNITY/RFCSELLC	167101	5/28/15	001-2230-521.5200	4.62
5/01/15	141352	124839		PUBLIX SUPER MARKETS, INC.	167074	5/28/15	001-2230-521.5200	117.25
Subtotal for 001-2230-521.5200								9,757.45
3/19/15	140420	124325		SAFARILAND, LLC	166797	5/14/15	001-2230-521.5500	1,790.00
5/05/15	141418	124899		UNIVERSITY OF CENTRAL FLORIDA	166802	5/14/15	001-2230-521.5500	350.00
Subtotal for 001-2230-521.5500								2,140.00
10/07/14	136910	121692		SWIFTREACH NETWORKS, INC.	166944	5/21/15	001-2250-519.4100	140.00
10/10/14	137051	121790		RAPID SYSTEMS	166925	5/21/15	001-2250-519.4100	2,698.75
10/07/14	136874	121684		NETWORK INNOVATIONS INC.	166904	5/21/15	001-2250-519.4100	73.73

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10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	001-2250-519.4100	36.07
Subtotal for 001-2250-519.4100								2,948.55
12/16/14	138523	122760		CARTRIDGE CENTER INC	166840	5/21/15	001-2250-519.5100	48.00
3/06/15	140051	123883		CARTRIDGE CENTER INC	166840	5/21/15	001-2250-519.5100	34.20
Subtotal for 001-2250-519.5100								82.20
12/29/14	138645	122832		WALMART COMMUNITY/RFCSELLC	167101	5/28/15	001-2250-519.5200	11.56
Subtotal for 001-2250-519.5200								11.56
9/30/14	136970			PYLE, SCOTT	167076	5/28/15	001-3310-519.4000	62.72
Subtotal for 001-3310-519.4000								62.72
10/07/14	136860	121633		VERIZON WIRELESS	166804	5/14/15	001-3310-519.4100	37.54
Subtotal for 001-3310-519.4100								37.54
5/28/15	141824			DUKE ENERGY	167013	5/28/15	001-3310-519.4300	188.81
Subtotal for 001-3310-519.4300								188.81
3/30/15	140591	124572		CONSOLIDATED ELECTRICAL DIST.	166843	5/21/15	001-3310-519.4600	2,432.00
4/22/15	141122	124674		SAFETY PRODUCTS INC	167080	5/28/15	001-3310-519.4600	91.00
Subtotal for 001-3310-519.4600								2,523.00
4/07/15	140803	124431		TPH ACQUISITION LLLP	166953	5/21/15	001-3310-519.4650	87.73
Subtotal for 001-3310-519.4650								87.73
4/09/15	140861	124469		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	001-3310-519.5200	136.50
4/24/15	141214	124738		DIAMOND FENCE COMPANY, INC.	166847	5/21/15	001-3310-519.5200	2,400.00
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	001-3310-519.5200	8.99
5/05/15	141401	124885		L & B DISTRIBUTING	166889	5/21/15	001-3310-519.5200	26.87
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	001-3310-519.5200	451.60
4/22/15	141122	124674		SAFETY PRODUCTS INC	167080	5/28/15	001-3310-519.5200	37.45
5/12/15	141551	125010		AIRGAS USA, LLC	166983	5/28/15	001-3310-519.5200	133.60
Subtotal for 001-3310-519.5200								3,195.01
4/22/15	141143	124693		AOPKA BOTTLE & R.V.GAS CENTER IN	166824	5/21/15	001-3310-519.5250	53.29
Subtotal for 001-3310-519.5250								53.29
4/07/15	140773	124485		HOME DEPOT CREDIT SERVICES	166885	5/21/15	001-3512-539.5200	159.80
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	001-3512-539.5200	28.92
5/05/15	141391	124877		TRAIL SAW & MOWER SERVICE, INC.	167092	5/28/15	001-3512-539.5200	1,317.72
5/05/15	141409	124892		M & M FLAGS & BANNERS	167052	5/28/15	001-3512-539.5200	217.60
Subtotal for 001-3512-539.5200								1,724.04
4/14/15	140975	124552		MERCER PEST CONTROL, INC.	166896	5/21/15	001-3513-572.4600	25.26
5/18/15	141668	125106		MERCER PEST CONTROL, INC.	167054	5/28/15	001-3513-572.4600	25.26
Subtotal for 001-3513-572.4600								50.52
4/07/15	140802	124430		O'REILLY AUTO PARTS	166789	5/14/15	001-3513-572.4650	29.58
3/18/15	140341	124087		PEP BOYS - MANNY, MOE & JACK, THE	166915	5/21/15	001-3513-572.4650	54.99
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	001-3513-572.4650	72.37
3/20/15	140446	124148		TRAIL SAW & MOWER SERVICE, INC.	166955	5/21/15	001-3513-572.4650	307.35
4/02/15	140682	124346		GLENN JOINER & SON, INC.	167031	5/28/15	001-3513-572.4650	85.99
4/14/15	140963	124543		A.O.K. TIRE MART	166978	5/28/15	001-3513-572.4650	252.04
4/02/15	140681	124345		MILLIKAN BATTERY & ELECTRIC	167057	5/28/15	001-3513-572.4650	70.00
Subtotal for 001-3513-572.4650								872.32
5/08/15	141491	124959		WASTE MANAGEMENT OF VISTA LANDF	166971	5/21/15	001-3513-572.4900	443.52
Subtotal for 001-3513-572.4900								443.52
4/28/15	141277	124792		OFFICE DEPOT	166791	5/14/15	001-3513-572.5100	34.47
Subtotal for 001-3513-572.5100								34.47
4/24/15	141205	124731		FLASH-RITE, INC.	166865	5/21/15	001-3513-572.5200	140.00
5/21/15	141739			PUBLIC SERVICES PETTY CASH	166921	5/21/15	001-3513-572.5200	1.98
4/30/15	141333	124827		SUNRISE LANDSCAPE SUPPLY, INC.	166942	5/21/15	001-3513-572.5200	405.00

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4/16/15	141029	124594		FLORIDA MULCH, INC.	166868	5/21/15	001-3513-572.5200	1,826.00
5/04/15	141362	124848		FLASH-RITE, INC.	166865	5/21/15	001-3513-572.5200	135.00
4/13/15	140920	124509		TREEMENDOUS QUALITY GROWERS	166957	5/21/15	001-3513-572.5200	865.00
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	001-3513-572.5200	215.74
Subtotal for 001-3513-572.5200								3,588.72
3/31/15	140616	124282		TREEMENDOUS QUALITY GROWERS	166957	5/21/15	001-3513-572.5216	1,725.00
3/18/15	140368	124109		TREEMENDOUS QUALITY GROWERS	166957	5/21/15	001-3513-572.5216	2,500.00
4/13/15	140921	124510		TREEMENDOUS QUALITY GROWERS	166957	5/21/15	001-3513-572.5216	1,870.00
Subtotal for 001-3513-572.5216								6,095.00
4/14/15	140975	124552		MERCER PEST CONTROL, INC.	166896	5/21/15	001-3514-572.4600	40.00
5/18/15	141668	125106		MERCER PEST CONTROL, INC.	167054	5/28/15	001-3514-572.4600	40.00
Subtotal for 001-3514-572.4600								80.00
3/09/15	140068	123862		AOPKA ACE HARDWARE & LUMBER IN	166757	5/14/15	001-3514-572.4650	17.97
3/18/15	140341	124087		PEP BOYS - MANNY, MOE & JACK, THE	166915	5/21/15	001-3514-572.4650	54.99
3/10/15	140146	123938		ADVANCE AUTO PARTS	166812	5/21/15	001-3514-572.4650	8.76
3/26/15	140556	124232		A.O.K. TIRE MART	166810	5/21/15	001-3514-572.4650	74.00
2/25/15	139883	123723		BEARD EQUIPMENT COMPANY	166832	5/21/15	001-3514-572.4650	793.08
3/20/15	140446	124148		TRAIL SAW & MOWER SERVICE, INC.	166955	5/21/15	001-3514-572.4650	85.26
5/04/15	141372	124858		O'REILLY AUTO PARTS	167061	5/28/15	001-3514-572.4650	18.13
3/18/15	140352	124095		FIELDS EQUIPMENT COMPANY, INC.	167022	5/28/15	001-3514-572.4650	115.25
4/14/15	140963	124543		A.O.K. TIRE MART	166978	5/28/15	001-3514-572.4650	57.13
Subtotal for 001-3514-572.4650								1,224.57
4/07/15	140785	124414		JOHN DEERE LANDSCAPES	166786	5/14/15	001-3514-572.5200	1,309.41
4/06/15	140763	124395		JOHN DEERE LANDSCAPES	166786	5/14/15	001-3514-572.5200	1,846.76
4/10/15	140911	124502		JOHN DEERE LANDSCAPES	166786	5/14/15	001-3514-572.5200	10,000.00
4/23/15	141190	124713		FLORIDA STATE FIRE EQUIPMENT, INC.	166779	5/14/15	001-3514-572.5200	272.10
4/24/15	141210	124735		GOLF SPECIALTIES, INC	166875	5/21/15	001-3514-572.5200	2,280.00
3/30/15	140590	124262		HOME DEPOT CREDIT SERVICES	166885	5/21/15	001-3514-572.5200	174.49
4/27/15	141252	124770		TWC DISTRIBUTORS	166961	5/21/15	001-3514-572.5200	170.99
12/09/14	138330	122663		TRUGREEN	166959	5/21/15	001-3514-572.5200	9,035.00
5/04/15	141388	124871		TWC DISTRIBUTORS	166961	5/21/15	001-3514-572.5200	654.50
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	001-3514-572.5200	94.40
4/30/15	141316	124820		BWI-AOPKA	166996	5/28/15	001-3514-572.5200	226.56
Subtotal for 001-3514-572.5200								26,064.21
3/09/15	140068	123862		AOPKA ACE HARDWARE & LUMBER IN	166757	5/14/15	001-3514-572.5250	2.29
Subtotal for 001-3514-572.5250								2.29
5/11/15	141529	124994		AT & T MOBILITY	166828	5/21/15	001-3612-572.4100	44.59
Subtotal for 001-3612-572.4100								44.59
5/21/15	141753			DUKE ENERGY	166855	5/21/15	001-3612-572.4300	2,033.11
Subtotal for 001-3612-572.4300								2,033.11
4/14/15	140975	124552		MERCER PEST CONTROL, INC.	166896	5/21/15	001-3612-572.4600	174.14
10/17/14	137240	121853		RICOH USA, INC.	166928	5/21/15	001-3612-572.4600	18.56
5/05/15	141405	124888		RAMSWEL, INC	166924	5/21/15	001-3612-572.4600	1,000.00
4/13/15	140937	124520		BLISS PRODUCTS & SERVICES	166833	5/21/15	001-3612-572.4600	111.00
4/15/15	140995	124571		FERRAN SERVICES & CONTRACTING, IN	166860	5/21/15	001-3612-572.4600	519.00
5/11/15	141520	124986		PRESTIGE WELDING INC.	166918	5/21/15	001-3612-572.4600	127.50
5/18/15	141668	125106		MERCER PEST CONTROL, INC.	167054	5/28/15	001-3612-572.4600	92.00
Subtotal for 001-3612-572.4600								2,042.20
4/07/15	140802	124430		O'REILLY AUTO PARTS	166789	5/14/15	001-3612-572.4650	62.74
4/02/15	140675	124339		AOPKA AUTO UPHOLSTERY	166823	5/21/15	001-3612-572.4650	85.00
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	001-3612-572.4650	57.82

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4/14/15	140963	124543		A.O.K. TIRE MART	166978	5/28/15	001-3612-572.4650	430.00
3/18/15	140352	124095		FIELDS EQUIPMENT COMPANY, INC.	167022	5/28/15	001-3612-572.4650	153.17
Subtotal for 001-3612-572.4650								788.73
5/04/15	141386	124869		CAPITAL OFFICE PRODUCTS	166837	5/21/15	001-3612-572.5100	89.44
5/07/15	141452	124930		CAPITAL OFFICE PRODUCTS	166837	5/21/15	001-3612-572.5100	172.20
5/11/15	141519	124985		CAPITAL OFFICE PRODUCTS	166837	5/21/15	001-3612-572.5100	270.82
5/15/15	141643	125084		CAPITAL OFFICE PRODUCTS	166997	5/28/15	001-3612-572.5100	98.78
Subtotal for 001-3612-572.5100								631.24
5/04/15	141385	124868		CFM DISTRIBUTING CO., INC.	166841	5/21/15	001-3612-572.5200	681.53
4/13/15	140935	124518		FAST SIGNS	166858	5/21/15	001-3612-572.5200	1,677.71
3/18/15	140350	124093		HOME DEPOT CREDIT SERVICES	166885	5/21/15	001-3612-572.5200	96.75
5/13/15	141601	125061		SEDA, MARIELA	167081	5/28/15	001-3612-572.5200	3,700.00
5/13/15	141589	125052		CFM DISTRIBUTING CO., INC.	167002	5/28/15	001-3612-572.5200	1,064.11
4/27/15	141246	124764		FLORIDA ISA	167028	5/28/15	001-3612-572.5200	684.00
4/13/15	140936	124519		GREENWISE LANDSCAPE PRODUCTS, I	167034	5/28/15	001-3612-572.5200	1,913.75
4/16/15	141019	124586		GREENWISE LANDSCAPE PRODUCTS, I	167034	5/28/15	001-3612-572.5200	1,913.75
Subtotal for 001-3612-572.5200								11,731.60
5/13/15	141580	125044		TURNER, MARK	166960	5/21/15	001-3613-572.5200	200.00
5/13/15	141584	125047		HUTCHINSON, MATTHEW	166886	5/21/15	001-3613-572.5200	200.00
5/04/15	141387	124870		FLORIDA STATE FIRE EQUIPMENT, INC.	166870	5/21/15	001-3613-572.5200	283.80
5/05/15	141406	124889		AOPKA FLORIST	166825	5/21/15	001-3613-572.5200	109.95
4/22/15	141126	124678		FIFTH THIRD BANK	166861	5/21/15	001-3613-572.5200	268.00
4/22/15	141127	124679		FIFTH THIRD BANK	166861	5/21/15	001-3613-572.5200	540.00
5/14/15	141622	125070		ABSOLUTE IMAGE	166980	5/28/15	001-3613-572.5200	2,336.40
Subtotal for 001-3613-572.5200								3,938.15
5/14/15	141608			ANDERSON, RICHARD	166756	5/14/15	001-4020-515.3100	22,000.00
5/14/15	141618			RANDALL A. SOMERS	166795	5/14/15	001-4020-515.3100	1,000.00
5/28/15	141799			RANDALL A. SOMERS	167077	5/28/15	001-4020-515.3100	1,000.00
5/20/15	141717	125150		LITTLEJOHN ENGINEERING ASSOCIATE	167050	5/28/15	001-4020-515.3100	9,200.00
Subtotal for 001-4020-515.3100								33,200.00
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	001-4020-515.4100	36.07
Subtotal for 001-4020-515.4100								36.07
5/01/15	141355	124841		FEDEX	166775	5/14/15	001-4020-515.4200	42.40
Subtotal for 001-4020-515.4200								42.40
5/05/15	141413	124895		RICOH USA, INC.	166929	5/21/15	001-4020-515.4600	88.46
Subtotal for 001-4020-515.4600								88.46
4/07/15	140803	124431		TPH ACQUISITION LLLP	166953	5/21/15	001-4020-515.4650	350.64
4/14/15	140963	124543		A.O.K. TIRE MART	166978	5/28/15	001-4020-515.4650	203.82
Subtotal for 001-4020-515.4650								554.46
5/01/15	141359	124845		AOPKA CHIEF, THE	166759	5/14/15	001-4020-515.4902	330.75
5/01/15	141356	124842		AOPKA CHIEF, THE	166759	5/14/15	001-4020-515.4902	891.00
5/18/15	141670	125108		AOPKA CHIEF, THE	166988	5/28/15	001-4020-515.4902	250.00
Subtotal for 001-4020-515.4902								1,471.75
5/05/15	141408	124891		CAPITAL OFFICE PRODUCTS	166837	5/21/15	001-4020-515.5100	83.73
5/05/15	141407	124890		OFFICE DEPOT, INC.	167064	5/28/15	001-4020-515.5100	155.36
Subtotal for 001-4020-515.5100								239.09
5/08/15	141487	124956		SWANA	166943	5/21/15	001-4020-515.5400	200.00
Subtotal for 001-4020-515.5400								200.00
5/05/15	141413	124895		RICOH USA, INC.	166929	5/21/15	001-4021-524.4600	88.46
Subtotal for 001-4021-524.4600								88.46
4/27/15	141229	124752		TPH ACQUISITION LLLP	167091	5/28/15	001-4021-524.4650	154.51

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4/20/15	141067	124624		DON REID FORD	167012	5/28/15	001-4021-524.4650	37.46
5/08/15	141478	124948		AAMCO TRANSMISSIONS	166979	5/28/15	001-4021-524.4650	636.00
Subtotal for 001-4021-524.4650								827.97
5/05/15	141408	124891		CAPITAL OFFICE PRODUCTS	166837	5/21/15	001-4021-524.5100	57.80
5/05/15	141407	124890		OFFICE DEPOT, INC.	167064	5/28/15	001-4021-524.5100	14.88
Subtotal for 001-4021-524.5100								72.68
4/07/15	140775	124409		ATLANTIC.NET	166829	5/21/15	001-5110-519.3400	502.35
10/02/14	136736	121506		AGENDAPAL CORPORATION	166982	5/28/15	001-5110-519.3400	461.16
Subtotal for 001-5110-519.3400								963.51
10/07/14	136860	121633		VERIZON WIRELESS	166804	5/14/15	001-5110-519.4100	72.39
5/14/15	141615			CENTURYLINK	166763	5/14/15	001-5110-519.4100	166.68
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	001-5110-519.4100	886.38
5/28/15	141821			CENTURYLINK	167001	5/28/15	001-5110-519.4100	66.85
5/28/15	141822			CENTURYLINK	167001	5/28/15	001-5110-519.4100	619.00
5/28/15	141820			CENTURYLINK	167001	5/28/15	001-5110-519.4100	244.58
Subtotal for 001-5110-519.4100								2,055.88
5/13/15	141596	125057		DIGITAL DATA TECHNOLOGIES, INC.	167011	5/28/15	001-5110-519.4600	4,038.48
4/21/15	141095	124652		VIABLE SOLUTIONS INC.	167097	5/28/15	001-5110-519.4600	1,680.00
5/06/15	141442	124921		MIDCOM DATA TECHNOLOGIES, INC.	167056	5/28/15	001-5110-519.4600	880.00
Subtotal for 001-5110-519.4600								6,598.48
4/23/15	141169	124706		GRAYBAR	166880	5/21/15	001-5110-519.5200	119.10
4/24/15	141209	124734		GRAYBAR	166880	5/21/15	001-5110-519.5200	1,344.28
4/28/15	141281	124795		KNOWBE4, LLC	167046	5/28/15	001-5110-519.5200	472.50
Subtotal for 001-5110-519.5200								1,935.88
5/28/15	141807			IBERIA BANK	167039	5/28/15	001-9011-590.7201	14,234.88
Subtotal for 001-9011-590.7201								14,234.88
Subtotal for Fund 001 GENERAL FUND								490,183.14
5/14/15	141615			CENTURYLINK	166763	5/14/15	101-3412-541.4100	74.58
10/07/14	136860	121633		VERIZON WIRELESS	166804	5/14/15	101-3412-541.4100	37.55
Subtotal for 101-3412-541.4100								112.13
4/29/15	141298	124812		UNITED PARCEL SERVICE	167096	5/28/15	101-3412-541.4200	171.60
Subtotal for 101-3412-541.4200								171.60
5/21/15	141753			DUKE ENERGY	166855	5/21/15	101-3412-541.4300	1,367.81
Subtotal for 101-3412-541.4300								1,367.81
5/14/15	141620			DUKE ENERGY	166772	5/14/15	101-3412-541.4310	33,750.08
5/21/15	141755			DUKE ENERGY	166855	5/21/15	101-3412-541.4310	4,521.67
5/28/15	141834			DUKE ENERGY	167013	5/28/15	101-3412-541.4310	53,175.49
Subtotal for 101-3412-541.4310								91,447.24
4/28/15	141270	124786		STRAIGHT LINE LOOPS LLC	166799	5/14/15	101-3412-541.4600	900.00
4/01/15	140644	124300		HOME DEPOT CREDIT SERVICES	166885	5/21/15	101-3412-541.4600	113.91
4/15/15	140986	124563		TEMPLE, INC.	166949	5/21/15	101-3412-541.4600	1,160.00
4/15/15	140992	124568		TEMPLE, INC.	167090	5/28/15	101-3412-541.4600	1,100.00
5/28/15	141833			LEGACYSAPES	167049	5/28/15	101-3412-541.4600	1,118.72
4/15/15	140994	124570		TEMPLE, INC.	167090	5/28/15	101-3412-541.4600	665.10
4/21/15	141095	124652		VIABLE SOLUTIONS INC.	167097	5/28/15	101-3412-541.4600	96.00
Subtotal for 101-3412-541.4600								5,153.73
3/19/15	140415	124126		ENVIRONMENTAL PRODUCTS OF FLOR	166774	5/14/15	101-3412-541.4650	760.00
4/02/15	140675	124339		AOPKA AUTO UPHOLSTERY	166823	5/21/15	101-3412-541.4650	425.00
3/10/15	140146	123938		ADVANCE AUTO PARTS	166812	5/21/15	101-3412-541.4650	172.68
4/02/15	140686	124350		PIRTEK ALTAMONTE SPRINGS	167069	5/28/15	101-3412-541.4650	47.59
Subtotal for 101-3412-541.4650								1,405.27

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5/08/15	141491	124959		WASTE MANAGEMENT OF VISTA LANDF	166971	5/21/15	101-3412-541.4900	961.84
Subtotal for 101-3412-541.4900								961.84
4/28/15	141277	124792		OFFICE DEPOT	166791	5/14/15	101-3412-541.5100	51.89
Subtotal for 101-3412-541.5100								51.89
4/22/15	141123	124675		TRAIL SAW & MOWER SERVICE, INC.	166800	5/14/15	101-3412-541.5200	702.08
4/20/15	141086	124644		BLUETARP FINANCIAL INC	166760	5/14/15	101-3412-541.5200	224.16
5/21/15	141739			PUBLIC SERVICES PETTY CASH	166921	5/21/15	101-3412-541.5200	112.11
5/11/15	141522	124988		RYAN BROTHERS, INC.	166931	5/21/15	101-3412-541.5200	212.50
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	101-3412-541.5200	87.28
4/23/15	141173	124707		TRANSPORTATION CONTROL SYSTEMS	167093	5/28/15	101-3412-541.5200	504.00
Subtotal for 101-3412-541.5200								1,842.13
3/18/15	140368	124109		TREEMENDOUS QUALITY GROWERS	166957	5/21/15	101-3412-541.5201	500.00
3/26/15	140537	124223		TREEMENDOUS QUALITY GROWERS	166957	5/21/15	101-3412-541.5201	3,185.45
Subtotal for 101-3412-541.5201								3,685.45
5/07/15	141443	124922		ACCUGRAPHIC SALES, INC.	166981	5/28/15	101-3412-541.5204	300.00
Subtotal for 101-3412-541.5204								300.00
3/20/15	140446	124148		TRAIL SAW & MOWER SERVICE, INC.	166955	5/21/15	101-3414-541.4650	34.68
4/02/15	140679	124343		DON REID FORD	166849	5/21/15	101-3414-541.4650	95.16
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	101-3414-541.4650	9.98
5/04/15	141368	124854		AOPKA AUTO UPHOLSTERY	166986	5/28/15	101-3414-541.4650	475.00
Subtotal for 101-3414-541.4650								614.82
4/27/15	141243	124761		NATIONAL TRAFFIC SIGNS, INC.	167059	5/28/15	101-3414-541.5200	104.95
5/05/15	141394	124879		TRAIL SAW & MOWER SERVICE, INC.	167092	5/28/15	101-3414-541.5200	1,317.72
5/05/15	141395	124880		TRAIL SAW & MOWER SERVICE, INC.	167092	5/28/15	101-3414-541.5200	1,416.63
5/05/15	141396	124881		TRAIL SAW & MOWER SERVICE, INC.	167092	5/28/15	101-3414-541.5200	582.75
Subtotal for 101-3414-541.5200								3,422.05
Subtotal for Fund 101 STREETS IMPROVEMENT FUND								110,535.96
4/17/15	141053	124613		H D SUPPLY WATER WORKS, LTD.	166783	5/14/15	401-141.1120	5,709.74
3/24/15	140493	124186		H D SUPPLY WATER WORKS, LTD.	166783	5/14/15	401-141.1120	7,625.90
4/22/15	141146	124696		H D SUPPLY WATER WORKS, LTD.	166783	5/14/15	401-141.1120	8,154.00
4/15/15	140991	124567		ZEP SALES & SERVICE	166807	5/14/15	401-141.1120	1,148.73
4/16/15	141011	124581		GRAINGER	166780	5/14/15	401-141.1120	1,293.28
4/08/15	140836	124460		CALICO INDUSTRIES, INC.	166761	5/14/15	401-141.1120	1,230.00
4/20/15	141085	124643		USA BLUE BOOK	166803	5/14/15	401-141.1120	1,629.60
5/11/15	141548	125008		BATTERIES PLUS	166830	5/21/15	401-141.1120	385.20
4/01/15	140653	124309		H D SUPPLY WATER WORKS, LTD.	166881	5/21/15	401-141.1120	4,372.85
4/22/15	141141	124691		H D SUPPLY WATER WORKS, LTD.	166881	5/21/15	401-141.1120	15,284.00
5/11/15	141540	125004		H D SUPPLY WATER WORKS, LTD.	167035	5/28/15	401-141.1120	1,043.92
5/06/15	141429	124909		CYPRESS SUPPLY INC.	167008	5/28/15	401-141.1120	559.04
3/12/15	140234	123989		H D SUPPLY WATER WORKS, LTD.	167035	5/28/15	401-141.1120	10,907.92
5/11/15	141511	124979		H D SUPPLY WATER WORKS, LTD.	167035	5/28/15	401-141.1120	212.00
Subtotal for 401-141.1120								59,556.18
10/02/14	136736	121506		AGENDAPAL CORPORATION	166982	5/28/15	401-3010-539.3400	87.84
Subtotal for 401-3010-539.3400								87.84
5/28/15	141824			DUKE ENERGY	167013	5/28/15	401-3010-539.4300	62.94
5/28/15	141834			DUKE ENERGY	167013	5/28/15	401-3010-539.4300	452.13
Subtotal for 401-3010-539.4300								515.07
10/28/14	137508	122057		RICOH USA, INC.	166796	5/14/15	401-3010-539.4600	216.85
4/14/15	140975	124552		MERCER PEST CONTROL, INC.	166896	5/21/15	401-3010-539.4600	260.92
12/17/14	138545	122779		COPIER CONNECTION LLC	166845	5/21/15	401-3010-539.4600	81.87
5/18/15	141668	125106		MERCER PEST CONTROL, INC.	167054	5/28/15	401-3010-539.4600	178.78

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4/21/15	141095	124652		VIALE SOLUTIONS INC.	167097	5/28/15	401-3010-539.4600	576.00
Subtotal for 401-3010-539.4600								1,314.42
4/28/15	141277	124792		OFFICE DEPOT	166791	5/14/15	401-3010-539.5100	38.61
Subtotal for 401-3010-539.5100								38.61
5/21/15	141739			PUBLIC SERVICES PETTY CASH	166921	5/21/15	401-3010-539.5200	3.48
4/09/15	140861	124469		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3010-539.5200	32.50
5/05/15	141420	124901		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3010-539.5200	48.75
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	401-3010-539.5200	43.52
Subtotal for 401-3010-539.5200								128.25
4/22/15	141143	124693		AOPKA BOTTLE & R.V.GAS CENTER IN	166824	5/21/15	401-3010-539.5250	53.29
Subtotal for 401-3010-539.5250								53.29
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	401-3111-533.4100	72.14
10/07/14	136910	121692		SWIFTREACH NETWORKS, INC.	166944	5/21/15	401-3111-533.4100	270.00
5/28/15	141822			CENTURYLINK	167001	5/28/15	401-3111-533.4100	150.00
Subtotal for 401-3111-533.4100								492.14
5/14/15	141620			DUKE ENERGY	166772	5/14/15	401-3111-533.4300	2,484.70
5/21/15	141755			DUKE ENERGY	166855	5/21/15	401-3111-533.4300	21,352.82
5/28/15	141834			DUKE ENERGY	167013	5/28/15	401-3111-533.4300	14,675.92
Subtotal for 401-3111-533.4300								38,513.44
4/16/15	141042	124605		H D SUPPLY WATER WORKS, LTD.	166783	5/14/15	401-3111-533.4600	807.00
4/28/15	141258	124775		HARRINGTON INDUSTRIAL PLASTICS LL	166883	5/21/15	401-3111-533.4600	285.72
4/14/15	140975	124552		MERCER PEST CONTROL, INC.	166896	5/21/15	401-3111-533.4600	35.00
4/16/15	141041	124604		H D SUPPLY WATER WORKS, LTD.	166881	5/21/15	401-3111-533.4600	1,359.00
11/25/14	138060	122441		CANON SOLUTIONS AMERICA, INC	166836	5/21/15	401-3111-533.4600	6.00
5/18/15	141668	125106		MERCER PEST CONTROL, INC.	167054	5/28/15	401-3111-533.4600	35.00
Subtotal for 401-3111-533.4600								2,527.72
3/20/15	140446	124148		TRAIL SAW & MOWER SERVICE, INC.	166955	5/21/15	401-3111-533.4650	222.74
Subtotal for 401-3111-533.4650								222.74
4/28/15	141277	124792		OFFICE DEPOT	166791	5/14/15	401-3111-533.5100	71.20
Subtotal for 401-3111-533.5100								71.20
3/11/15	140158	123949		R.C. BEACH & ASSOCIATES, INC.	166794	5/14/15	401-3111-533.5200	2,234.80
4/29/15	141302	124815		ALLIED UNIVERSAL CORPORATION	166755	5/14/15	401-3111-533.5200	1,251.84
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	401-3111-533.5200	48.93
4/09/15	140861	124469		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3111-533.5200	131.00
4/30/15	141345	124834		LaMOTTE COMPANY	166894	5/21/15	401-3111-533.5200	317.10
5/05/15	141420	124901		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3111-533.5200	447.50
10/20/14	137298	121907		HOME DEPOT CREDIT SERVICES	166885	5/21/15	401-3111-533.5200	80.93
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	401-3111-533.5200	97.31
5/13/15	141583	125046		AWC INC.	166992	5/28/15	401-3111-533.5200	842.44
5/19/15	141679	125117		ALLIED UNIVERSAL CORPORATION	166984	5/28/15	401-3111-533.5200	808.32
5/12/15	141561	125029		ALLIED UNIVERSAL CORPORATION	166984	5/28/15	401-3111-533.5200	1,415.68
Subtotal for 401-3111-533.5200								7,675.85
5/21/15	141740			BRIGNONI, ABNER	166835	5/21/15	401-3111-533.5220	200.00
5/28/15	141798			BURRINGTON, DANIEL	166995	5/28/15	401-3111-533.5220	72.28
Subtotal for 401-3111-533.5220								272.28
3/30/15	140607	124275		R.C. BEACH & ASSOCIATES, INC.	166923	5/21/15	401-3111-533.6400	5,932.00
Subtotal for 401-3111-533.6400								5,932.00
5/14/15	141620			DUKE ENERGY	166772	5/14/15	401-3121-535.4300	6,089.10
5/21/15	141755			DUKE ENERGY	166855	5/21/15	401-3121-535.4300	45,248.72
Subtotal for 401-3121-535.4300								51,337.82
3/16/15	140293	124046		VISION CONVEYOR INC	166805	5/14/15	401-3121-535.4600	1,269.33

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Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
3/12/15	140242	123993		VISION CONVEYOR INC	166969	5/21/15	401-3121-535.4600	1,269.33
2/19/15	139793	123646		HOME DEPOT CREDIT SERVICES	166885	5/21/15	401-3121-535.4600	14.11
4/17/15	141057	124615		L7 CONSTRUCTION INC	166890	5/21/15	401-3121-535.4600	2,500.00
4/14/15	140975	124552		MERCER PEST CONTROL, INC.	166896	5/21/15	401-3121-535.4600	46.88
3/30/15	140582	124255		T3 CUSTOM FABRICATION, INC.	166945	5/21/15	401-3121-535.4600	1,870.00
5/08/15	141480	124950		AIR CENTERS OF FLORIDA INC.	166813	5/21/15	401-3121-535.4600	1,225.74
5/06/15	141431	124911		AIR CENTERS OF FLORIDA INC.	166813	5/21/15	401-3121-535.4600	1,743.57
2/23/15	139858	123704		HACH COMPANY	167036	5/28/15	401-3121-535.4600	286.60
5/18/15	141668	125106		MERCER PEST CONTROL, INC.	167054	5/28/15	401-3121-535.4600	46.88
5/07/15	141469	124943		CONSOLIDATED ELECTRICAL DIST.	167005	5/28/15	401-3121-535.4600	134.37
Subtotal for 401-3121-535.4600								10,406.81
4/02/15	140675	124339		AOPKA AUTO UPHOLSTERY	166823	5/21/15	401-3121-535.4650	475.00
3/20/15	140446	124148		TRAIL SAW & MOWER SERVICE, INC.	166955	5/21/15	401-3121-535.4650	289.62
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	401-3121-535.4650	17.50
3/13/15	140268	124012		CAR STORE OF WEST ORANGE, INC.	166838	5/21/15	401-3121-535.4650	350.00
4/29/15	141303	124816		JOSAM PRODUCTS, INC.	167043	5/28/15	401-3121-535.4650	5,359.20
Subtotal for 401-3121-535.4650								6,491.32
4/30/15	141346	124835		SHELLEY'S SEPTIC TANKS	166933	5/21/15	401-3121-535.4900	7,250.00
5/05/15	141397	124882		SHELLEY'S SEPTIC TANKS	166933	5/21/15	401-3121-535.4900	6,000.00
5/14/15	141616	125067		SHELLEY'S SEPTIC TANKS	167082	5/28/15	401-3121-535.4900	7,000.00
Subtotal for 401-3121-535.4900								20,250.00
4/07/15	140782	124406		FLORIDA DEPT.OF ENVIRONMENTAL	166752	5/13/15	401-3121-535.5200	3,000.00
4/29/15	141302	124815		ALLIED UNIVERSAL CORPORATION	166755	5/14/15	401-3121-535.5200	2,004.48
5/05/15	141420	124901		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3121-535.5200	78.95
4/02/15	140734	124368		STHERN ENVIRONMENTAL, INC.	166941	5/21/15	401-3121-535.5200	840.00
4/09/15	140861	124469		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3121-535.5200	224.00
10/02/14	136732	121498		FISHER SCIENTIFIC	166864	5/21/15	401-3121-535.5200	203.84
10/21/14	137347	121984		HOME DEPOT CREDIT SERVICES	166885	5/21/15	401-3121-535.5200	39.86
5/12/15	141561	125029		ALLIED UNIVERSAL CORPORATION	166984	5/28/15	401-3121-535.5200	1,632.00
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	401-3121-535.5200	316.72
3/30/15	140571	124244		FLOWERS CHEMICAL LABORATORIES I	167030	5/28/15	401-3121-535.5200	950.00
10/02/14	136739	121503		PURIFICATION TECHNOLOGIES, INC.	167075	5/28/15	401-3121-535.5200	248.00
5/12/15	141565	125032		KED GROUP, INC.	167044	5/28/15	401-3121-535.5200	8,901.00
10/02/14	136732	121498		FISHER SCIENTIFIC	167026	5/28/15	401-3121-535.5200	24.85
5/13/15	141583	125046		AWC INC.	166992	5/28/15	401-3121-535.5200	842.45
3/30/15	140572	124245		COMPRESSED GAS SOLUTIONS, INC.	167004	5/28/15	401-3121-535.5200	674.68
5/19/15	141679	125117		ALLIED UNIVERSAL CORPORATION	166984	5/28/15	401-3121-535.5200	2,537.60
Subtotal for 401-3121-535.5200								22,518.43
4/15/15	140983	124560		ALLEN'S REFRIGERATION & AIR COND.:	166818	5/21/15	401-3121-535.6400	2,400.00
4/15/15	140985	124562		ALLEN'S REFRIGERATION & AIR COND.:	166818	5/21/15	401-3121-535.6400	2,200.00
Subtotal for 401-3121-535.6400								4,600.00
2/23/15	139856	123736		VERIZON WIRELESS	166968	5/21/15	401-3131-536.4100	36.07
Subtotal for 401-3131-536.4100								36.07
4/28/15	141263	124780		OCE MT DORA LLC	166790	5/14/15	401-3131-536.4300	58.50
5/07/15	141447	124926		OCE MT DORA LLC	166909	5/21/15	401-3131-536.4300	112.50
5/28/15	141824			DUKE ENERGY	167013	5/28/15	401-3131-536.4300	94.40
Subtotal for 401-3131-536.4300								265.40
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	401-3131-536.4650	33.29
5/04/15	141372	124858		O'REILLY AUTO PARTS	167061	5/28/15	401-3131-536.4650	131.66
4/02/15	140686	124350		PIRTEK ALTAMONTE SPRINGS	167069	5/28/15	401-3131-536.4650	390.49
4/02/15	140681	124345		MILLIKAN BATTERY & ELECTRIC	167057	5/28/15	401-3131-536.4650	70.00
Subtotal for 401-3131-536.4650								625.44

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Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
4/09/15	140861	124469		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3131-536.5200	99.25
4/23/15	141178	124709		GRAINGER	166877	5/21/15	401-3131-536.5200	321.86
5/05/15	141420	124901		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3131-536.5200	48.75
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	401-3131-536.5200	136.48
Subtotal for 401-3131-536.5200								606.34
10/07/14	136860	121633		VERIZON WIRELESS	166804	5/14/15	401-3141-533.4100	75.10
10/06/14	136816	121595		VERIZON WIRELESS	166968	5/21/15	401-3141-533.4100	36.07
4/23/15	141197	124723		GOVCONNECTION, INC.	166876	5/21/15	401-3141-533.4100	517.11
Subtotal for 401-3141-533.4100								628.28
5/21/15	141753			DUKE ENERGY	166855	5/21/15	401-3141-533.4300	353.78
5/28/15	141824			DUKE ENERGY	167013	5/28/15	401-3141-533.4300	94.39
Subtotal for 401-3141-533.4300								448.17
2/02/15	139310	123357		TAMPA CRANE & BODY, INC.	166946	5/21/15	401-3141-533.4650	711.00
4/02/15	140679	124343		DON REID FORD	166849	5/21/15	401-3141-533.4650	116.86
4/27/15	141229	124752		TPH ACQUISITION LLLP	167091	5/28/15	401-3141-533.4650	219.68
4/20/15	141067	124624		DON REID FORD	167012	5/28/15	401-3141-533.4650	408.66
Subtotal for 401-3141-533.4650								1,456.20
5/07/15	141449	124928		ORANGE COUNTY BOARD OF COMMISS	166912	5/21/15	401-3141-533.4900	63.00
5/15/15	141644	125085		SUNSHINE STATE ONE CALL OF FL.INC.	167087	5/28/15	401-3141-533.4900	494.55
Subtotal for 401-3141-533.4900								557.55
4/28/15	141277	124792		OFFICE DEPOT	166791	5/14/15	401-3141-533.5100	376.45
Subtotal for 401-3141-533.5100								376.45
4/16/15	141011	124581		GRAINGER	166780	5/14/15	401-3141-533.5200	6.39
4/16/15	141043	124606		BLUETARP FINANCIAL INC	166760	5/14/15	401-3141-533.5200	59.96
4/28/15	141264	124781		EA TAPPING SERVICES, LLC	166773	5/14/15	401-3141-533.5200	150.00
5/04/15	141364	124850		EA TAPPING SERVICES, LLC	166856	5/21/15	401-3141-533.5200	150.00
5/05/15	141420	124901		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3141-533.5200	48.75
4/30/15	141335	124829		U CART IT CONCRETE, LLC	166962	5/21/15	401-3141-533.5200	640.00
5/04/15	141365	124851		LABOR READY SOUTHEAST, INC.	166891	5/21/15	401-3141-533.5200	235.20
4/09/15	140861	124469		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3141-533.5200	55.00
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	401-3141-533.5200	204.10
5/07/15	141450	124929		H D SUPPLY WATER WORKS, LTD.	167035	5/28/15	401-3141-533.5200	1,049.44
Subtotal for 401-3141-533.5200								2,598.84
4/16/15	141021	124588		H D SUPPLY WATER WORKS, LTD.	166783	5/14/15	401-3141-533.6300	10,708.02
4/20/15	141092	124649		H D SUPPLY WATER WORKS, LTD.	166783	5/14/15	401-3141-533.6300	912.00
5/08/15	141485	124954	20150005	FLORIDA DEPARTMENT OF	166866	5/21/15	401-3141-533.6300	650.00
5/08/15	141486	124955	20150006	FLORIDA DEPARTMENT OF	166867	5/21/15	401-3141-533.6300	650.00
Subtotal for 401-3141-533.6300								12,920.02
5/06/15	141437	124916		COLLINS, ROBERT W.	167003	5/28/15	401-3161-533.4600	800.00
Subtotal for 401-3161-533.4600								800.00
10/02/14	136702	121475		CAPITAL OFFICE PRODUCTS	166837	5/21/15	401-3161-533.5100	57.80
4/23/15	141188	124719		OFFICE DEPOT	167063	5/28/15	401-3161-533.5100	66.49
Subtotal for 401-3161-533.5100								124.29
2/23/15	139856	123736		VERIZON WIRELESS	166968	5/21/15	401-3171-535.4100	36.07
12/19/14	138605	122809		VERIZON WIRELESS	166968	5/21/15	401-3171-535.4100	37.61
Subtotal for 401-3171-535.4100								73.68
5/28/15	141824			DUKE ENERGY	167013	5/28/15	401-3171-535.4300	62.94
Subtotal for 401-3171-535.4300								62.94
4/24/15	141218	124742		ALL-RITE FENCE SERVICES, INC.	166817	5/21/15	401-3171-535.4600	400.00
4/28/15	141259	124776		MICHIGAN ST. PUMP & ELECTRIC MOTC	166897	5/21/15	401-3171-535.4600	6,967.00
4/07/15	140783	124412		THOMPSON PUMP & MFG. CO.INC.	166952	5/21/15	401-3171-535.4600	2,406.40

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4/20/15	141083	124638		HINTERLAND GROUP INC	167037	5/28/15	401-3171-535.4600	7,896.00
10/13/14	137072	121746		EVOQUA WATER TECHNOLOGIES LLC	167018	5/28/15	401-3171-535.4600	6,870.00
4/28/15	141262	124779		MICHIGAN ST. PUMP & ELECTRIC MOTC	167055	5/28/15	401-3171-535.4600	2,489.00
Subtotal for 401-3171-535.4600								27,028.40
4/28/15	141274	124789		DAVIDS TRAILERS INC.	166767	5/14/15	401-3171-535.4650	282.00
4/14/15	140966	124546		TREKKER TRACTOR, LLC	166958	5/21/15	401-3171-535.4650	1,054.78
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	401-3171-535.4650	42.14
4/02/15	140679	124343		DON REID FORD	166849	5/21/15	401-3171-535.4650	143.45
4/08/15	140828	124453		DAVIDS TRAILERS INC.	166846	5/21/15	401-3171-535.4650	35.90
5/04/15	141368	124854		AOPKA AUTO UPHOLSTERY	166986	5/28/15	401-3171-535.4650	450.00
3/26/15	140526	124219		NEXTRAN TRUCK CENTER - ORLANDO	167060	5/28/15	401-3171-535.4650	32.81
5/04/15	141372	124858		O'REILLY AUTO PARTS	167061	5/28/15	401-3171-535.4650	47.42
4/02/15	140682	124346		GLENN JOINER & SON, INC.	167031	5/28/15	401-3171-535.4650	107.71
Subtotal for 401-3171-535.4650								2,196.21
4/16/15	141043	124606		BLUETARP FINANCIAL INC	166760	5/14/15	401-3171-535.5200	343.76
4/16/15	141011	124581		GRAINGER	166780	5/14/15	401-3171-535.5200	309.22
4/17/15	141053	124613		H D SUPPLY WATER WORKS, LTD.	166783	5/14/15	401-3171-535.5200	138.00
5/05/15	141420	124901		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3171-535.5200	765.50
4/09/15	140861	124469		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	401-3171-535.5200	134.25
5/21/15	141739			PUBLIC SERVICES PETTY CASH	166921	5/21/15	401-3171-535.5200	29.99
5/07/15	141446	124925		MICHIGAN ST. PUMP & ELECTRIC MOTC	166897	5/21/15	401-3171-535.5200	2,228.00
4/07/15	140784	124413		HOME DEPOT CREDIT SERVICES	166885	5/21/15	401-3171-535.5200	493.45
4/28/15	141260	124777		EVOQUA WATER TECHNOLOGIES LLC	166857	5/21/15	401-3171-535.5200	3,000.00
4/22/15	141139	124690		EVOQUA WATER TECHNOLOGIES LLC	166857	5/21/15	401-3171-535.5200	2,564.00
5/04/15	141363	124849		EVOQUA WATER TECHNOLOGIES LLC	167018	5/28/15	401-3171-535.5200	8,669.49
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	401-3171-535.5200	123.56
Subtotal for 401-3171-535.5200								18,799.22
4/16/15	141030	124595		CONSOLIDATED PIPE & SUPPLY COMP,	166844	5/21/15	401-3171-535.6300	91.60
4/10/15	140907	124500		CONSOLIDATED PIPE & SUPPLY COMP,	166844	5/21/15	401-3171-535.6300	1,260.64
Subtotal for 401-3171-535.6300								1,352.24
4/20/15	141067	124624		DON REID FORD	167012	5/28/15	401-3181-536.4650	19.12
Subtotal for 401-3181-536.4650								19.12
4/28/15	141277	124792		OFFICE DEPOT	166791	5/14/15	401-3181-536.5100	51.57
Subtotal for 401-3181-536.5100								51.57
5/21/15	141739			PUBLIC SERVICES PETTY CASH	166921	5/21/15	401-3181-536.5200	9.95
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	401-3181-536.5200	53.24
Subtotal for 401-3181-536.5200								63.19
5/28/15	141824			DUKE ENERGY	167013	5/28/15	401-3410-539.4300	31.47
5/28/15	141834			DUKE ENERGY	167013	5/28/15	401-3410-539.4300	452.12
Subtotal for 401-3410-539.4300								483.59
4/28/15	141277	124792		OFFICE DEPOT	166791	5/14/15	401-3410-539.5100	75.53
3/31/15	140626	124290		PRIDE ENTERPRISES	167071	5/28/15	401-3410-539.5100	36.50
Subtotal for 401-3410-539.5100								112.03
4/09/15	140868	124475		GRAMAC PRINTING	166781	5/14/15	401-3410-539.5200	28.00
Subtotal for 401-3410-539.5200								28.00
Subtotal for Fund 401 WATER AND WASTEWATER OPERATING FUND								304,718.65
5/08/15	141491	124959		WASTE MANAGEMENT OF VISTA LANDF	166971	5/21/15	402-3210-534.4300	11,150.26
5/28/15	141824			DUKE ENERGY	167013	5/28/15	402-3210-534.4300	94.40
5/19/15	141687	125125		OCU - SOLID WASTE DIVISION	167062	5/28/15	402-3210-534.4300	65,733.07
Subtotal for 402-3210-534.4300								76,977.73
4/21/15	141095	124652		VIABLE SOLUTIONS INC.	167097	5/28/15	402-3210-534.4600	48.00

CITY OF AOPKA
Disbursements Report

By Account Number, Paid 5/01/15 thru 5/28/15

Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
Subtotal for 402-3210-534.4600								48.00
4/07/15	140802	124430		O'REILLY AUTO PARTS	166789	5/14/15	402-3210-534.4650	146.90
4/07/15	140803	124431		TPH ACQUISITION LLLP	166953	5/21/15	402-3210-534.4650	136.56
4/20/15	141069	124626		O'REILLY AUTO PARTS	166908	5/21/15	402-3210-534.4650	9.99
3/26/15	140556	124232		A.O.K. TIRE MART	166810	5/21/15	402-3210-534.4650	490.00
3/13/15	140268	124012		CAR STORE OF WEST ORANGE, INC.	166838	5/21/15	402-3210-534.4650	242.00
4/20/15	141076	124633		GRAPHIC SOURCE OF CENTRAL FLORII	166879	5/21/15	402-3210-534.4650	29.00
3/10/15	140146	123938		ADVANCE AUTO PARTS	166812	5/21/15	402-3210-534.4650	236.12
4/07/15	140800	124428		AMERICAN WIRE & TERMINAL	166822	5/21/15	402-3210-534.4650	120.65
4/02/15	140682	124346		GLENN JOINER & SON, INC.	167031	5/28/15	402-3210-534.4650	94.55
4/27/15	141236	124757		SPRAYER PARTS DEPOT	167085	5/28/15	402-3210-534.4650	177.84
4/02/15	140686	124350		PIRTEK ALTAMONTE SPRINGS	167069	5/28/15	402-3210-534.4650	321.72
4/21/15	141097	124654		MOTION INDUSTRIES,INC.	167058	5/28/15	402-3210-534.4650	107.96
4/02/15	140681	124345		MILLIKAN BATTERY & ELECTRIC	167057	5/28/15	402-3210-534.4650	280.00
2/13/15	139574	123552		SOUTHERN SEWER EQUIPMENT	167084	5/28/15	402-3210-534.4650	211.54
5/04/15	141372	124858		O'REILLY AUTO PARTS	167061	5/28/15	402-3210-534.4650	68.30
4/14/15	140963	124543		A.O.K. TIRE MART	166978	5/28/15	402-3210-534.4650	280.00
5/11/15	141510	124978		OMNITEK ENGINEERING	167065	5/28/15	402-3210-534.4650	188.98
5/06/15	141434	124914		FIRETRONICS EXTINGUISHERS, INC.	167024	5/28/15	402-3210-534.4650	143.50
4/23/15	141184	124710		LOUIS E. SNYDER	167051	5/28/15	402-3210-534.4650	572.96
4/27/15	141227	124750		TAMPA CRANE & BODY, INC.	167089	5/28/15	402-3210-534.4650	1,463.49
5/18/15	141669	125107		CAR STORE OF WEST ORANGE, INC.	166998	5/28/15	402-3210-534.4650	233.20
3/26/15	140526	124219		NEXTRAN TRUCK CENTER - ORLANDO	167060	5/28/15	402-3210-534.4650	108.84
5/05/15	141402	124886		A.O.K. TIRE MART	166978	5/28/15	402-3210-534.4650	2,448.00
4/23/15	141192	124714		LOUIS E. SNYDER	167051	5/28/15	402-3210-534.4650	2,367.61
Subtotal for 402-3210-534.4650								10,479.71
5/08/15	141493	124961		LABOR READY SOUTHEAST, INC.	166891	5/21/15	402-3210-534.4903	1,278.40
5/01/15	141350	124874		LABOR READY SOUTHEAST, INC.	166891	5/21/15	402-3210-534.4903	1,278.40
5/08/15	141492	124960		LABOR READY SOUTHEAST, INC.	166891	5/21/15	402-3210-534.4903	1,677.90
5/19/15	141686	125124		LABOR READY SOUTHEAST, INC.	167048	5/28/15	402-3210-534.4903	1,278.40
Subtotal for 402-3210-534.4903								5,513.10
4/16/15	141040	124603		A.M. LEONARD INC.	166754	5/14/15	402-3210-534.5200	167.96
4/16/15	141011	124581		GRAINGER	166780	5/14/15	402-3210-534.5200	115.60
4/09/15	140861	124469		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	402-3210-534.5200	184.75
5/05/15	141420	124901		FIRETRONICS EXTINGUISHERS, INC.	166863	5/21/15	402-3210-534.5200	188.50
5/12/15	141566	125033		ARAMARK UNIFORM SERVICES, INC.	166991	5/28/15	402-3210-534.5200	299.14
3/05/15	140015	123834		OTTO ENVIRONMENTAL SYSTEMS (NC),	167067	5/28/15	402-3210-534.5200	22,280.16
Subtotal for 402-3210-534.5200								23,236.11
Subtotal for Fund 402 SANITATION								116,254.65
3/10/15	140137	123932	20130003	VOGEL BROS. BUILDING CO	166970	5/21/15	403-205.0002	196,042.65
3/10/15	140138	123951	20140006	GARNEY COMPANIES, INC	166871	5/21/15	403-205.0002	-12,013.92
3/10/15	140139	123952	20140008	CROM CORPORATION, THE	167007	5/28/15	403-205.0002	-8,155.00
Subtotal for 403-205.0002								175,873.73
1/16/15	139012	123121	20130003	DUKE ENERGY	166850	5/21/15	403-3115-535.6300	17,209.06
3/10/15	140137	123932	20130003	VOGEL BROS. BUILDING CO	166970	5/21/15	403-3115-535.6300	1,185,475.00
12/17/14	138557	122786	20130003	XYLEM WATER SOLUTIONS USA, INC.	166976	5/21/15	403-3115-535.6300	114,240.00
10/20/14	137312	121926	20130003	NORTHCOAST VALVE & GATE, INC	166905	5/21/15	403-3115-535.6300	17,200.00
3/10/15	140138	123951	20140006	GARNEY COMPANIES, INC	166871	5/21/15	403-3115-535.6300	120,139.21
12/08/14	138277	122615	20130003	ARDAMAN & ASSOCIATES, INC	166826	5/21/15	403-3115-535.6300	1,331.65
3/10/15	140139	123952	20140008	CROM CORPORATION, THE	167007	5/28/15	403-3115-535.6300	81,550.00
5/22/15	141776	125192	20150008	FISH & WILDLIFE FOUNDATION OF FL, I	167025	5/28/15	403-3115-535.6300	21,553.00
Subtotal for 403-3115-535.6300								1,558,697.92

CITY OF AOPKA
Disbursements Report

By Account Number, Paid 5/01/15 thru 5/28/15

Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
Subtotal for Fund 403 WATER, WASTEWATER AND REUSE IMPACT FEES								1,734,571.65
5/13/15	141591	125054		UCF RESEARCH FOUNDATION, INC.	166965	5/21/15	610-9950-515.3100	226,975.00
Subtotal for 610-9950-515.3100								226,975.00
Subtotal for Fund 610 COMMUNITY REDEVELOPMENT AGENCY								226,975.00
							Grand Total	2,983,239.05

Backup material for agenda item:

1. ORDINANCE NO. 2429 – SECOND READING & ADOPTION – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Everlasting Covenant Christian Center, Inc. from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071) [Ordinance No. 2429 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: June 3, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Use Map
Ordinance No. 2429

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

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

SUMMARY

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

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

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

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

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

COMPREHENSIVE PLAN COMPLIANCE:

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

SCHOOL CAPACITY REPORT:

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION:

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on April 10, 2015.

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

The **City Council**, at its meeting on May 20, 2015 accepted the First Reading of Ordinance No. 2429 and held it over for Second Reading and Adoption on June 3, 2015.

Adopt Ordinance No. 2429.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

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

II. LAND USE ANALYSIS

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

Wekiva Parkway Interchange Vision Plan Area: No
 Wekiva River Protection Area: No
 Area of Critical State Concern: No
 DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the Core Area of the Joint Planning area.

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

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

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

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

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

CALCULATIONS:

ADOPTED (City designation): 8 Unit(s) x 2.659 p/h = 21 persons
PROPOSED (City designation): 0 Unit(s) x 2.659 p/h = 0 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

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

Sanitary Sewer Analysis

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

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

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

Potable Water Analysis

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

2. Projected total demand under existing designation: 3632 GPD
3. Projected total demand under proposed designation: 4365 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 84 GPD/Capita
4. Projected LOS under proposed designation: 44 GPD/Capita
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

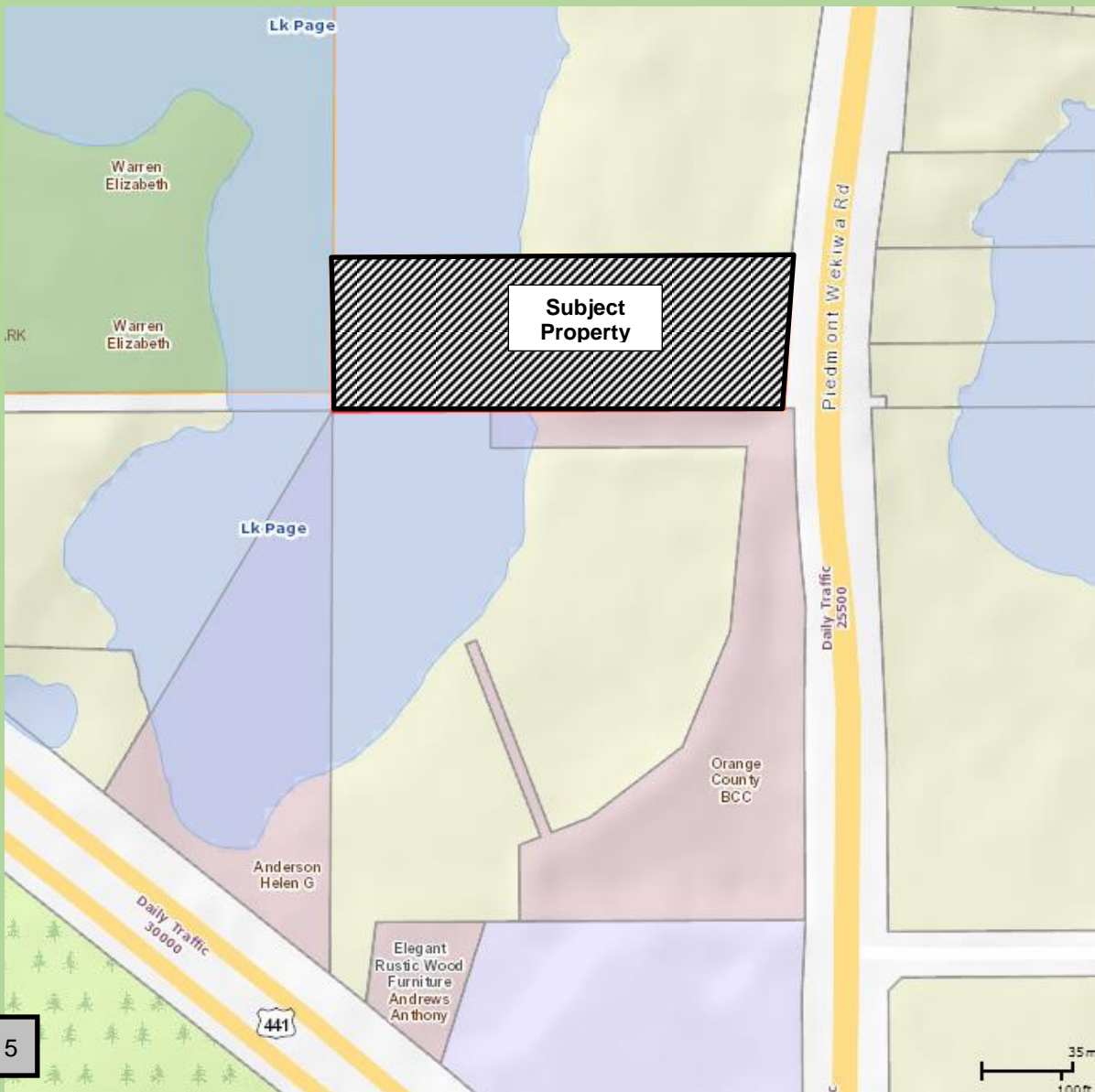
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.063 AC
3. Projected facility under proposed designation: N/A AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: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

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



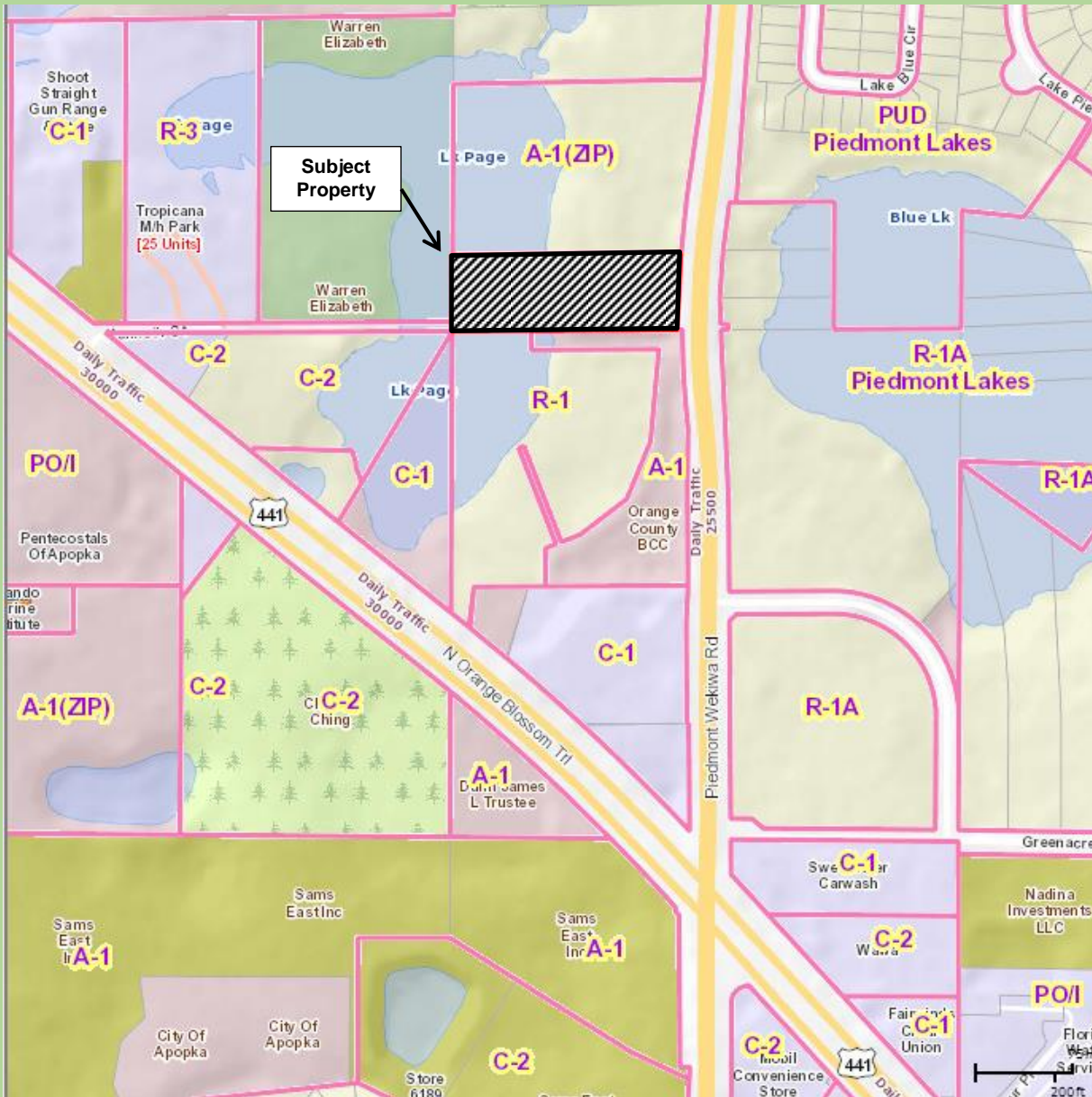
Everlasting Covenant Christian Center, Inc.
2.73 +/- Acres
Existing Maximum Allowable Development: 8 dwelling units
Proposed Maximum Allowable Development: 21,823 sq. ft.
Proposed Small Scale Future Land Use Change
From: Residential Low (0-5 du/ac)
To: Office (0.30 FAR)
Proposed Zoning Change
From: R-1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

VICINITY MAP



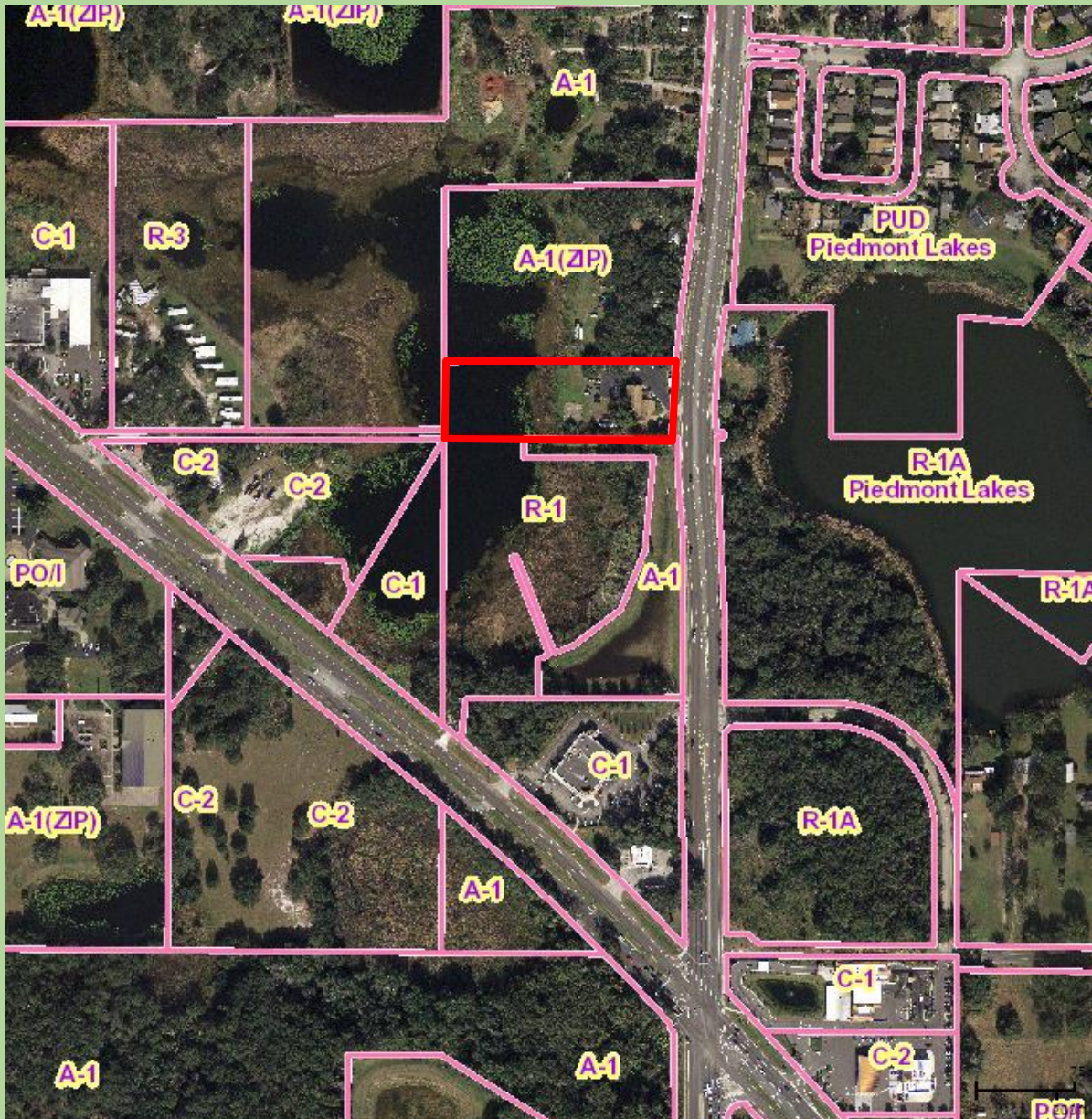


ADJACENT ZONING



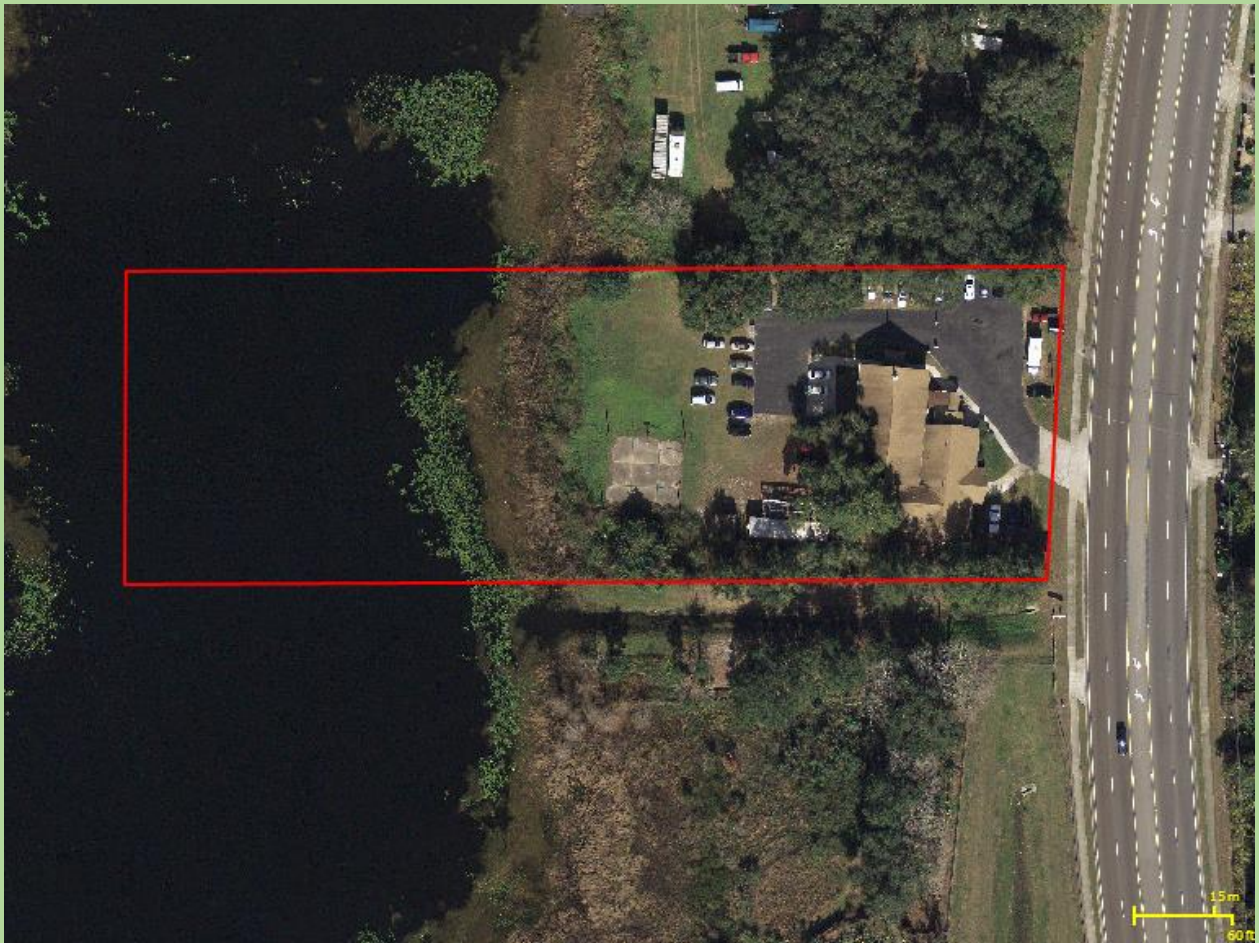


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2429

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

WHEREAS, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2411 on April 1, 2015; and

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

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

Section I. Purpose and Intent.

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

Section II. Future Land Use Element.

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

Section III. Applicability and Effect.

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

Section IV. Severability.

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

ORDINANCE NO. 2429
PAGE 2

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

Section VI. Effective Date.

This Ordinance shall become effective upon adoption.

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

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

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

ORDINANCE NO. 2429

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

Existing Maximum Allowable Development: 8 dwelling units

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

Proposed Small Scale Future Land Use Change

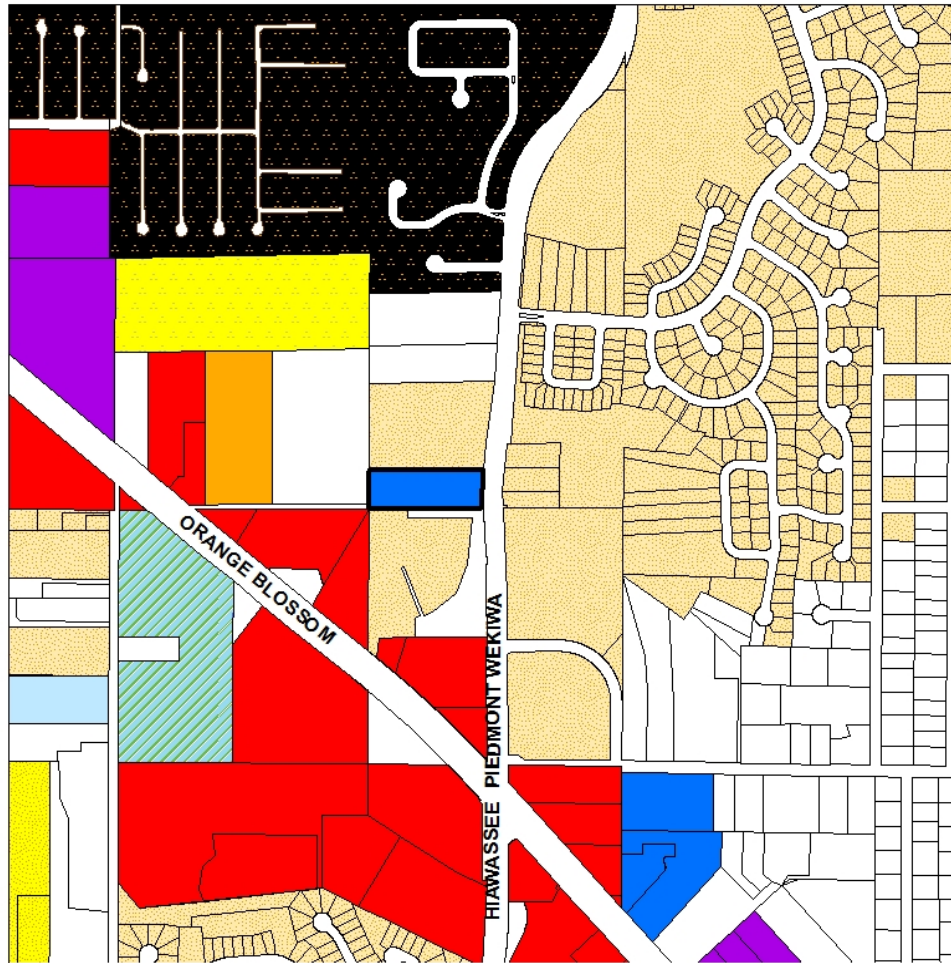
From: Residential Low (0-5 du/ac)

To: Office (0.30 FAR)

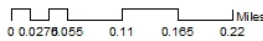
Parcel ID #: 13-21-28-0000-00-071



VICINITY MAP



**City of Apopka
Future Land Use Map**



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

Legend

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



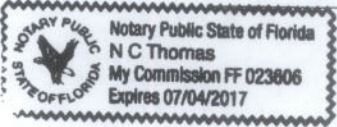
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 22, 2015**, as well as being posted online at www.theapokkachief.com and www.florida-publicnotices.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.

John E. Ricketson
Sworn and subscribed before me this
22nd day of May, 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 will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, June 3, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 2.73 ACRES MORE OR LESS, AND OWNED BY EVERLASTING COVENANT CHRISTIAN CENTER, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2430

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

ORDINANCE NO. 2431

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 6.49 ACRES MORE OR LESS, AND OWNED BY JOSEPH E. BALL AND JEFF P. BALL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2432

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

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "CITY" PLANNED UNIT DEVELOPMENT (89.7 +/- ACRES) AND "COUNTY" A-2 (6.4 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-3) AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS, LLC; AND FROM "CITY" PLANNED UNIT DEVELOPMENT (30.34 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT AND OWNED BY LUST GRANT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 125.74 +/- ACRES MORE OR LESS, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (18.05 +/- ACRES) AND C-1 (6.43 +/- ACRES) TO PLANNED UNIT DEVELOPMENT (PUD/R-3C-1) (TOTAL 42.17 +/- ACRES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED BETWEEN S.R. 451 AND MARDEN ROAD, SOUTH OF OCOEE APOPKA ROAD, AND NORTH OF THE APOPKA EXPRESSWAY (S.R. 414), COMPRISING 42.17 +/- ACRES MORE OR LESS, AND OWNED BY EMERSON POINT ASSOCIATES, L.L.P.; 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

May 22, 2015
Publish: The Apopka Chief

Backup material for agenda item:

2. ORDINANCE NO. 2430 – SECOND READING & ADOPTION – CHANGE OF ZONING – Everlasting Covenant Christian Center, Inc. from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1250 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-071) [Ordinance No. 2430 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: June 3, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Use Map
Ordinance No. 2430

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

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

SUMMARY

OWNER: Everlasting Covenant Christian Center, Inc.

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

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

EXISTING USE: Church

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

CURRENT ZONING: R-1

PROPOSED DEVELOPMENT: Church

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

TRACT SIZE: 2.73 +/- acres

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

DISTRIBUTION

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

ADDITIONAL COMMENTS:

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

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

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

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

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

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

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

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

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

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

Building Design Standards:

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

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

Building Design Guidelines

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

Site Design Standards:

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

Signage

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

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

SCHOOL CAPACITY REPORT: Because this Change of Zoning represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on April 10, 2015.

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

The **City Council**, at its meeting on May 20, 2015, accepted the First Reading of Ordinance No. 2430 and held it over for Second Reading and Adoption on June 3, 2015.

Adopt Ordinance No. 2430.

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

ZONING REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE & TRAFFIC COMPATIBILITY:

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

COMPREHENSIVE PLAN COMPLIANCE:

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

PO/I DISTRICT REQUIREMENTS:

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

BUFFERYARD REQUIREMENTS:

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

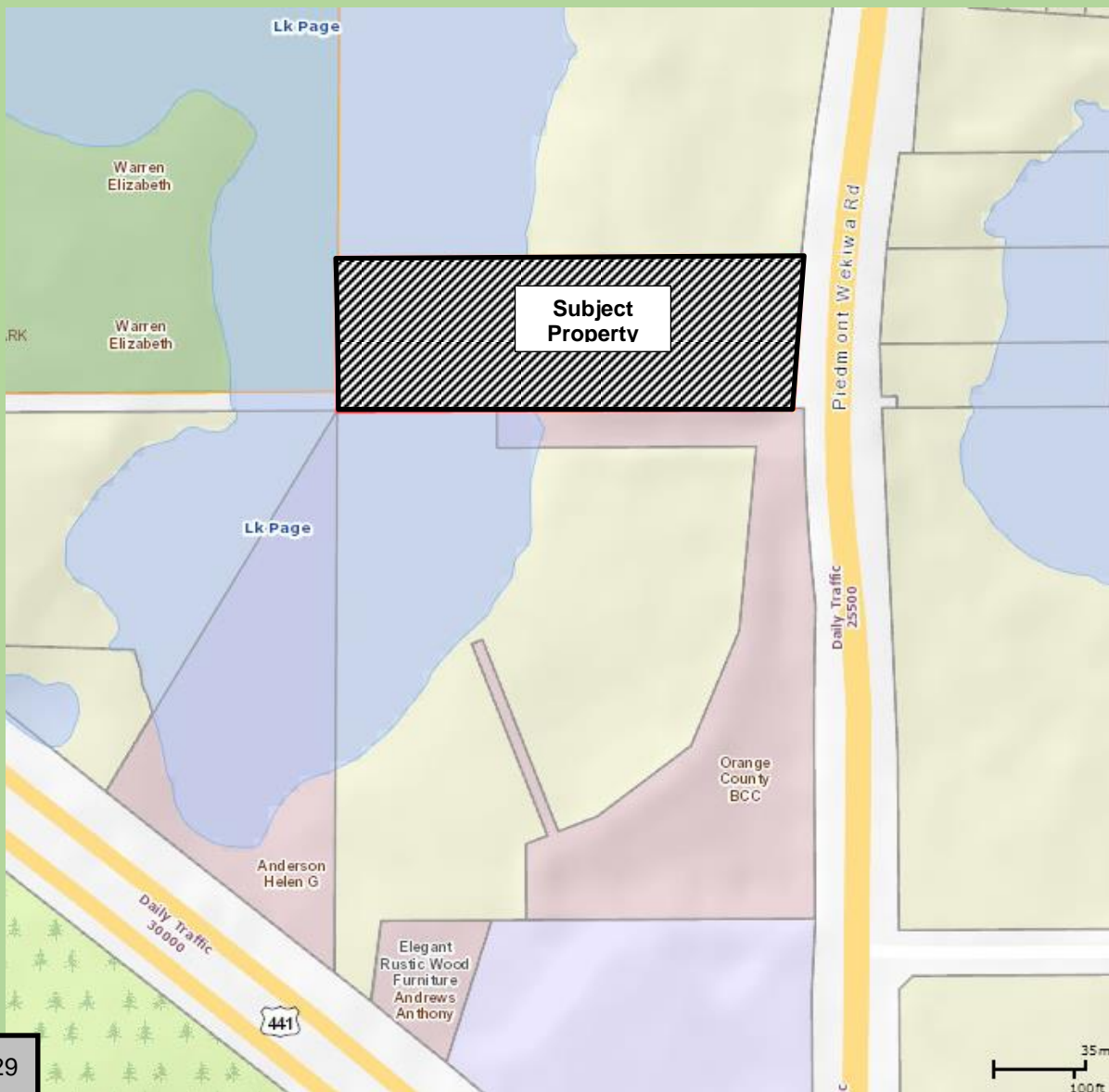
ALLOWABLE USES:

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



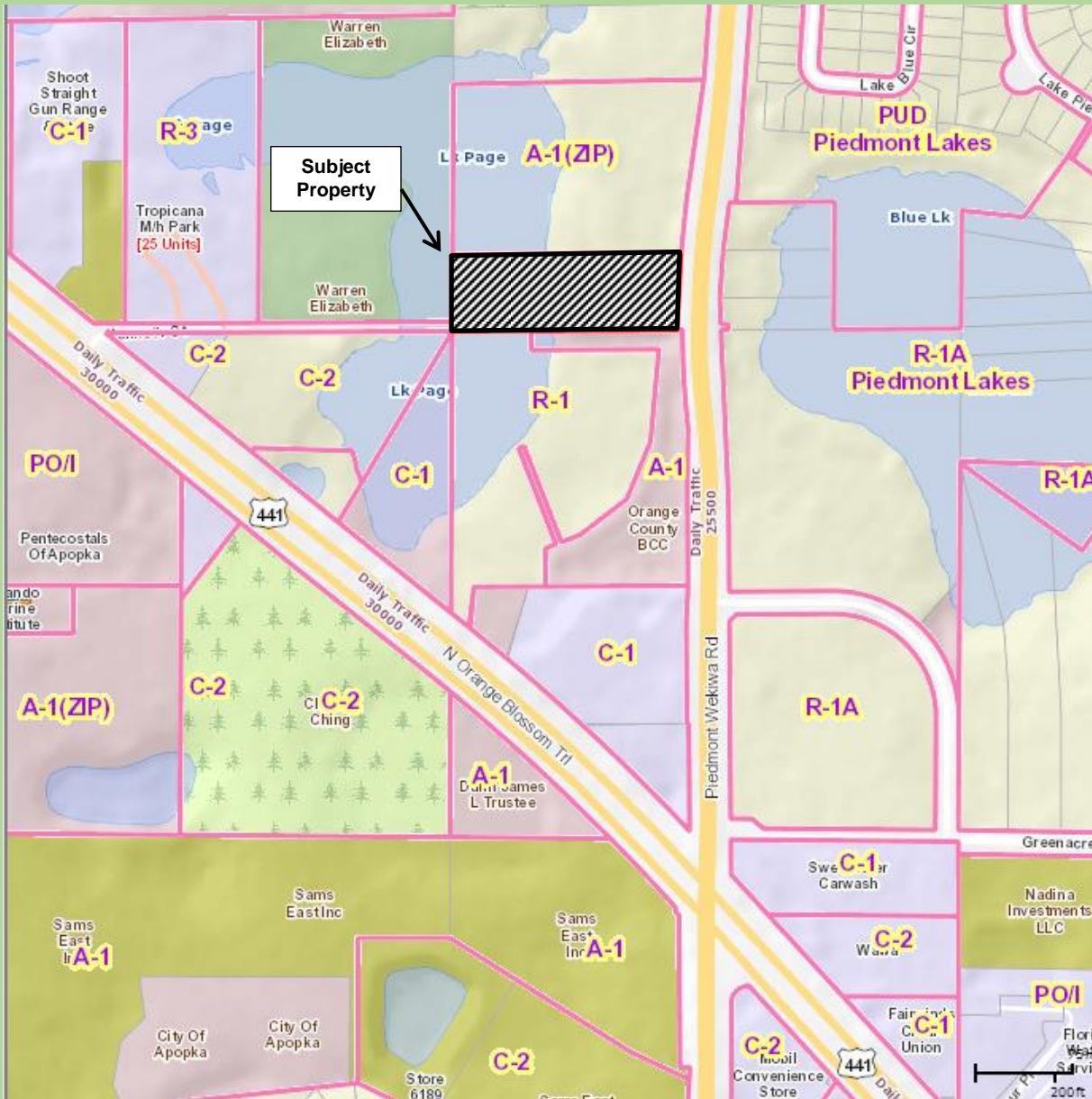
Everlasting Covenant Christian Center, Inc.
2.73 +/- Acres
Existing Maximum Allowable Development: 14 dwelling units
Proposed Maximum Allowable Development: 21,823 sq. ft.
Proposed Small Scale Future Land Use Change
From: Residential Low (0-5 du/ac)
To: Office (0.30 FAR)
Proposed Zoning Change
From: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

VICINITY MAP



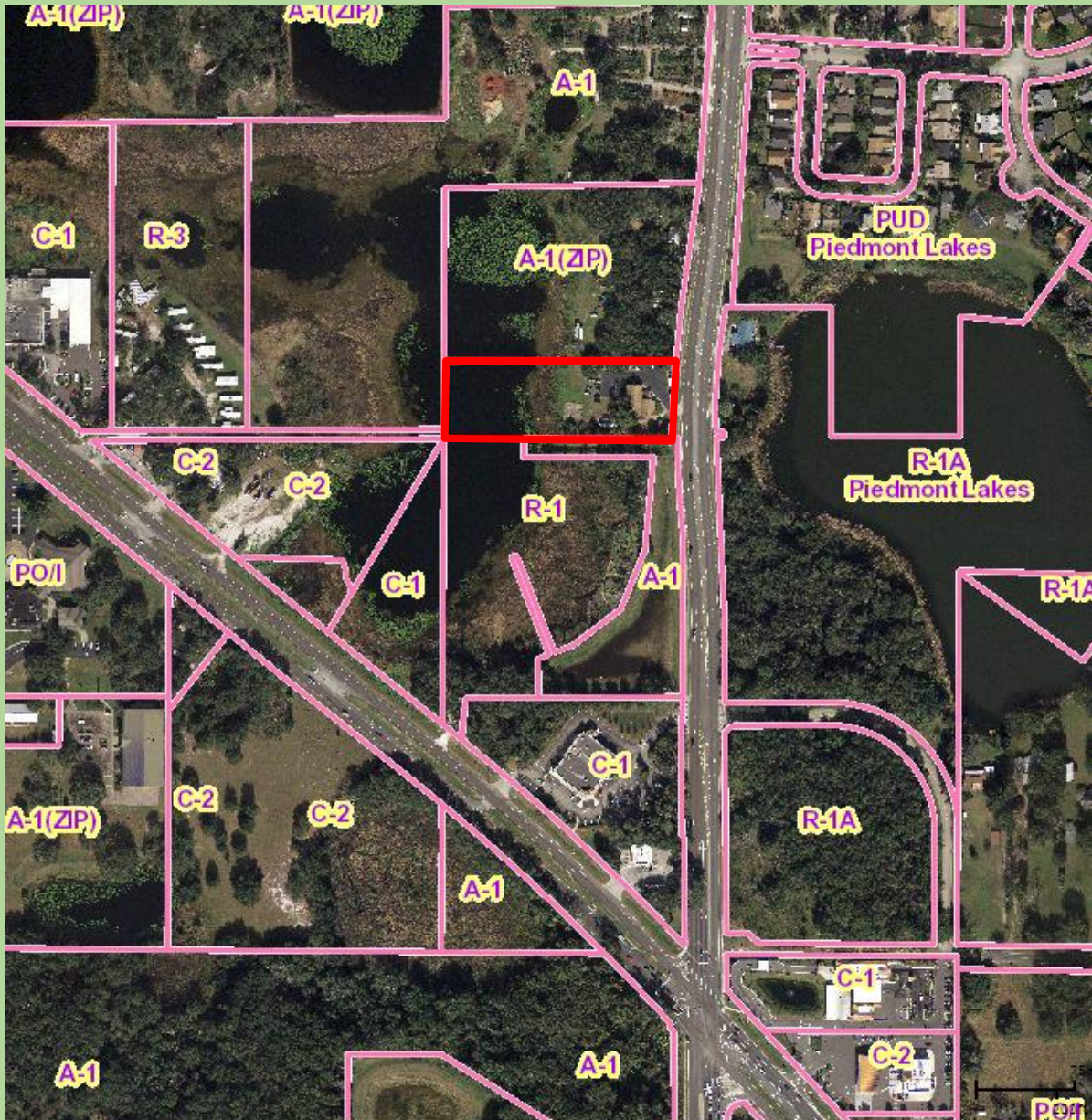


ADJACENT ZONING



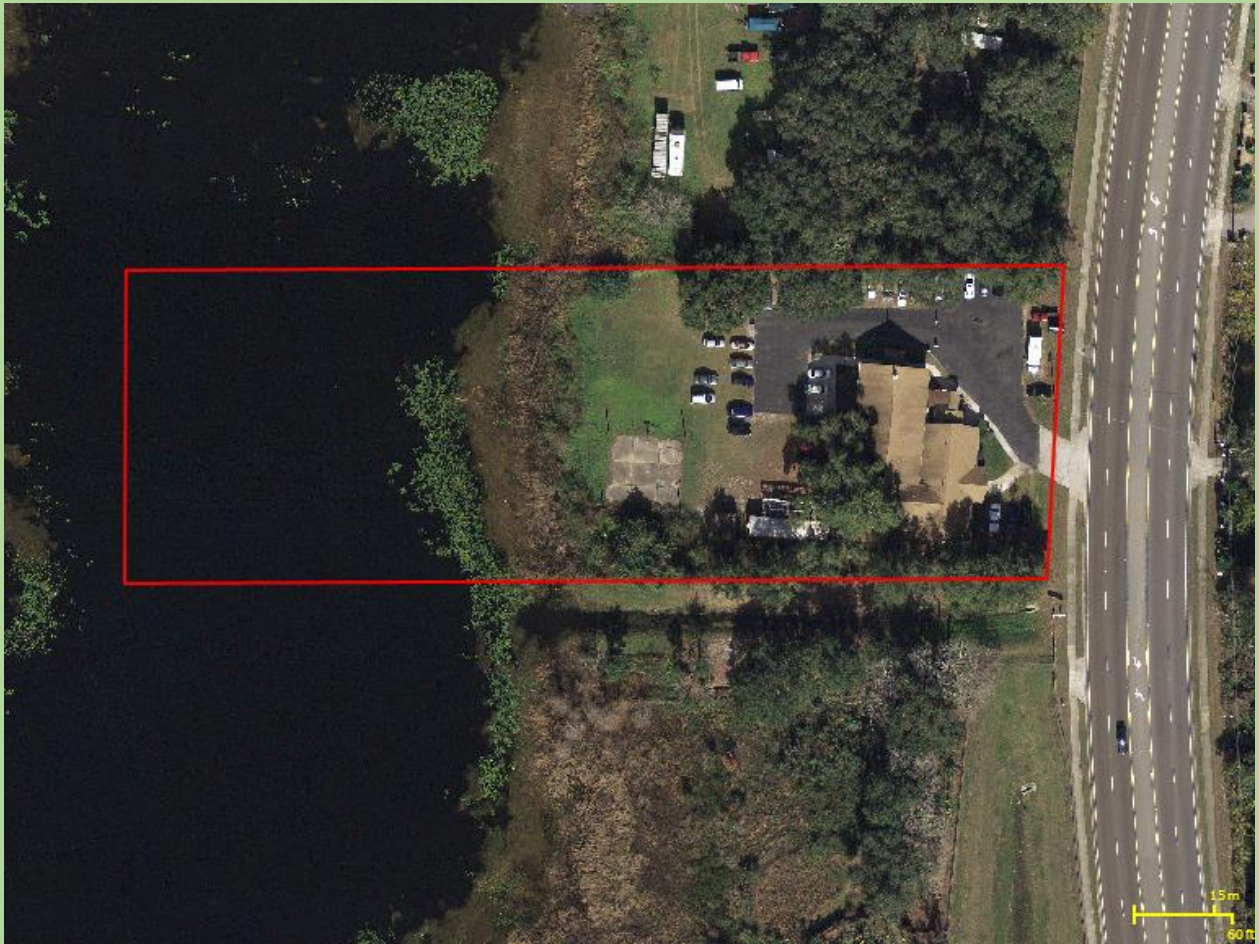


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2430

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

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

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

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

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

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

A. The uses permitted within the PUD district shall be: (1) all such uses permitted within the PO/I zoning category; except for following PO/I uses shall be prohibited:

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

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

B. Unless the City Council finds, based on substantial competent evidence, a proposed alternative development guideline is adequate to protect the public health safety and welfare, development within the PUD district shall conform to the development standards for the PO/I (Professional Office/Institutional) zoning district.

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

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

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

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

1. Building Design Standards:

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

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

2. Building Design Guidelines

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

3. Site Design Standards:

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

4. Signage

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

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

Legal Description:

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

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

Contains: 2.73 +/- Acres

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

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

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

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

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

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: April 24, 2015
May 22, 2015

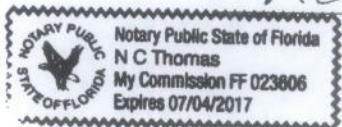
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 22, 2015**, as well as being posted online at www.theapokkachief.com and www.florida-publicnotices.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.

John E. Ricketson
Sworn and subscribed before me this
22nd day of May, 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 will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, June 3, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

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

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ORDINANCE NO. 2432

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

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "CITY" PLANNED UNIT DEVELOPMENT (89.7 +/- ACRES) AND "COUNTY" A-2 (6.4 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-3) AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS, LLC; AND FROM "CITY" PLANNED UNIT DEVELOPMENT (30.34 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT AND OWNED BY LUST GRANT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 125.74 +/- ACRES MORE OR LESS, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (18.05 +/- ACRES) AND C-1 (6.43 +/- ACRES) TO PLANNED UNIT DEVELOPMENT (PUD/R-3C-1) (TOTAL 42.17 +/- ACRES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED BETWEEN S.R. 451 AND MARDEN ROAD, SOUTH OF OCOEE APOPKA ROAD, AND NORTH OF THE APOPKA EXPRESSWAY (S.R. 414), COMPRISING 42.17 +/- ACRES MORE OR LESS, AND OWNED BY EMERSON POINT ASSOCIATES, L.L.P.; 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

Backup material for agenda item:

3. ORDINANCE NO. 2431 – SECOND READING & ADOPTION – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Joseph E. and Jeff P. Ball, from Residential Low (0-5 du/ac) to Office (0.3 FAR), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-030) [Ordinance No. 2431 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: June 3, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Use Map
Ordinance No. 2431

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

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

SUMMARY

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

DISTRIBUTION

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

ADDITIONAL COMMENTS:

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

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

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

COMPREHENSIVE PLAN COMPLIANCE:

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

SCHOOL CAPACITY REPORT:

Because this Future Land Use Amendment represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION:

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on April 10, 2015.

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

The **City Council**, at its meeting on May 20, 2015, accepted the First Reading of Ordinance No. 2431 and held it over for Second Reading and Adoption on June 3, 2015.

Adopt Ordinance No. 2431.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

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

II. LAND USE ANALYSIS

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

Wekiva Parkway Interchange Vision Plan Area: No
 Wekiva River Protection Area: No
 Area of Critical State Concern: No
 DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the Core Area of the Joint Planning area.

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

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

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

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

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

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

CALCULATIONS:

ADOPTED (City designation): 19 Unit(s) x 2.659 p/h = 51 persons
PROPOSED (City designation): 0 Unit(s) x 2.659 p/h = 0 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

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

Sanitary Sewer Analysis

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

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

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

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 8626 GPD
3. Projected total demand under proposed designation: 9632 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 204 GPD/Capita
4. Projected LOS under proposed designation: 96 GPD/Capita
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

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

Drainage Analysis

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

Recreation

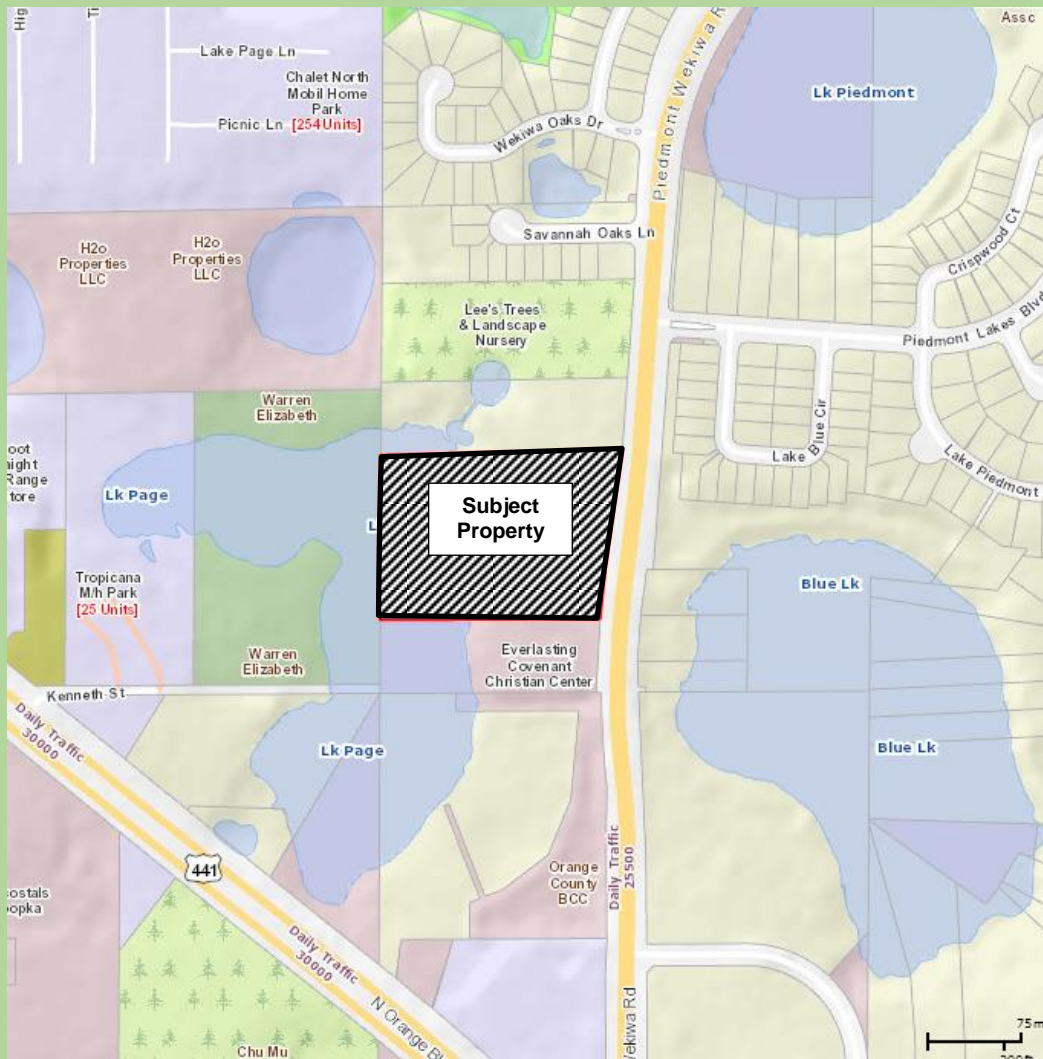
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.153 AC
3. Projected facility under proposed designation: N/A AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: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

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



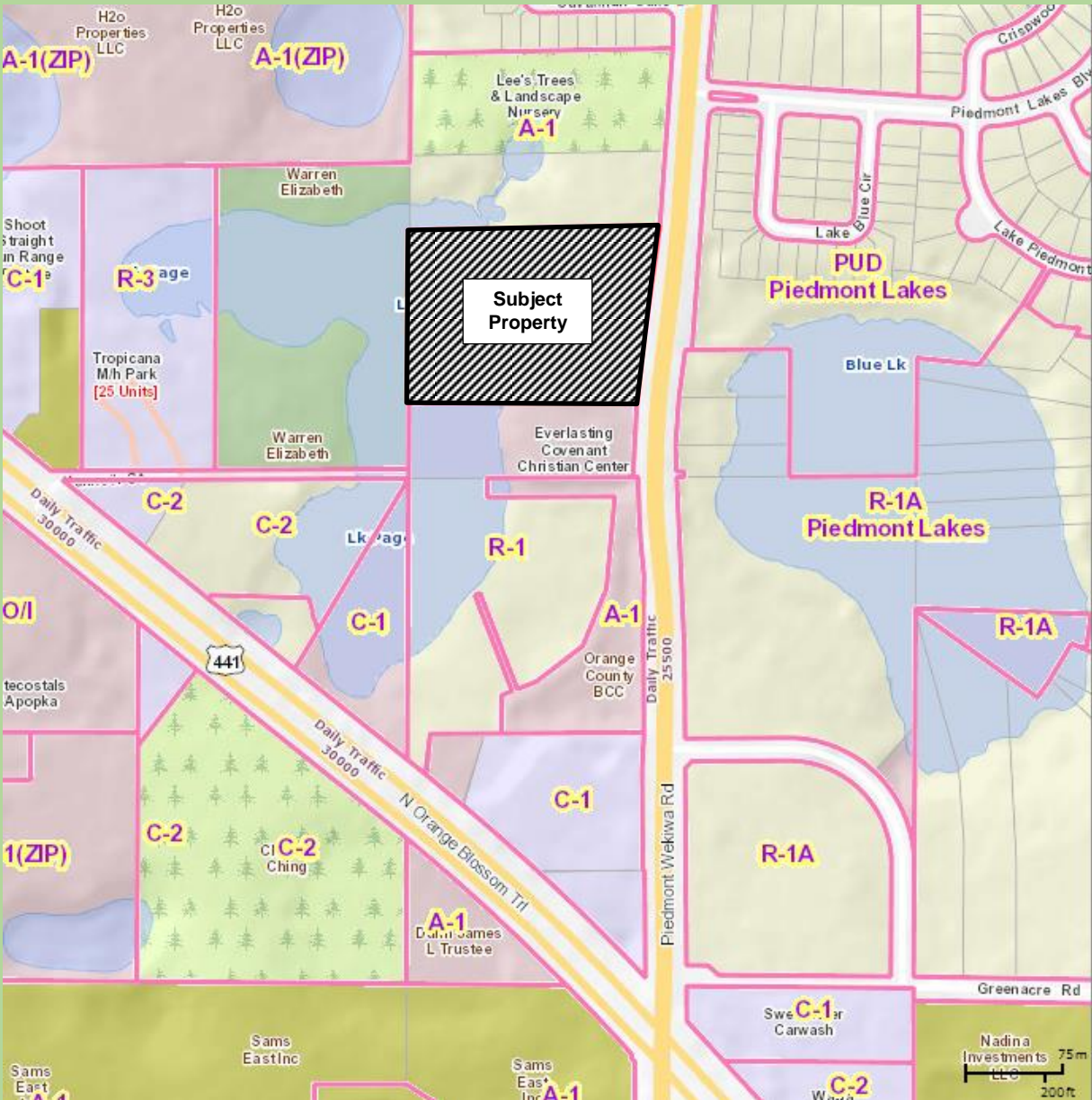
Joseph E. Ball and Jeff P. Ball
6.49 +/- Acres
Existing Maximum Allowable Development: 19 dwelling units
Proposed Maximum Allowable Development: 48,162 sq. ft.
Proposed Small Scale Future Land Use Change
From: Residential Low (0-5 du/ac)
To: Office (0.30 FAR)
Parcel ID #: 13-21-28-0000-00-030

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2431

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

WHEREAS, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2411 on April 1, 2015; and

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

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

Section I. Purpose and Intent.

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

Section II. Future Land Use Element.

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

Section III. Applicability and Effect.

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

Section IV. Severability.

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

ORDINANCE NO. 2431
PAGE 2

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

Section VI. Effective Date.

This Ordinance shall become effective upon adoption.

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

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

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

EXHIBIT "A"

ORDINANCE NO. 2431

Joseph E. Ball and Jeff P. Ball

6.49 +/- Acres

Existing Maximum Allowable Development: 19 dwelling units

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

Proposed Small Scale Future Land Use Change

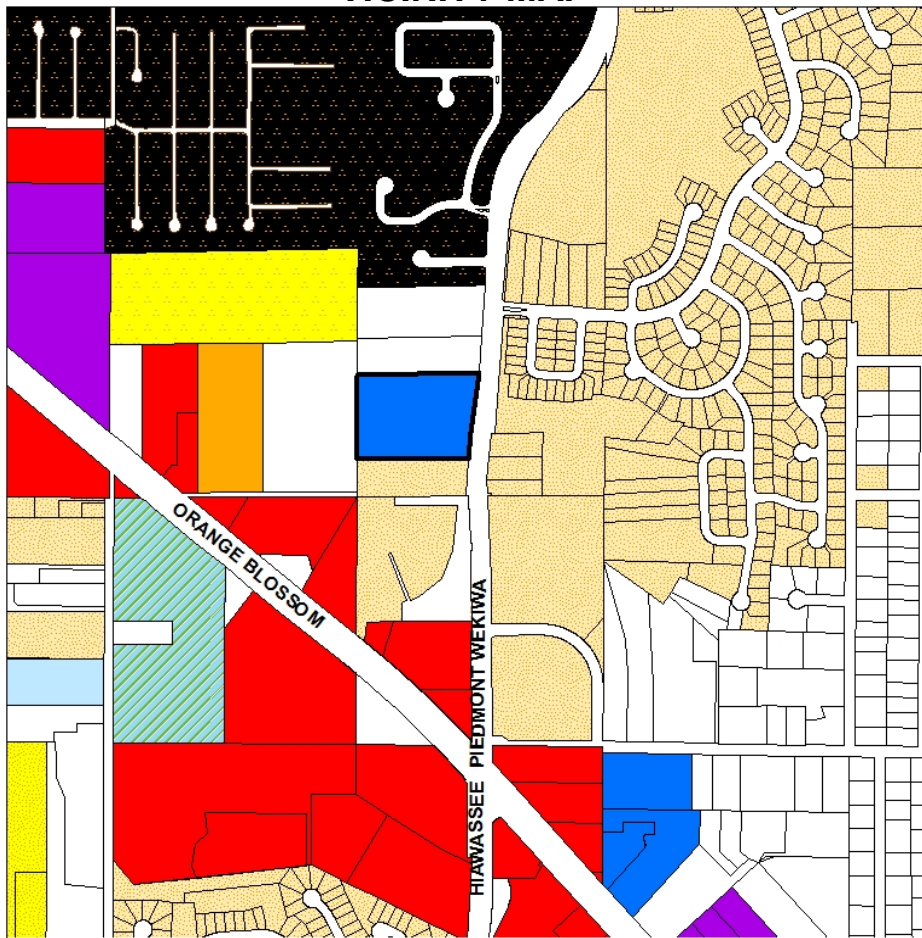
From: Residential Low (0-5 du/ac)

To: Office (0.30 FAR)

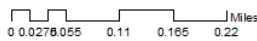
Parcel ID #: 13-21-28-0000-00-030



VICINITY MAP



City of Apopka Future Land Use Map



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

Legend

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



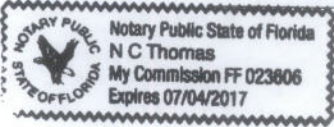
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 22, 2015**, as well as being posted online at www.theapokkachief.com and www.florida-publicnotices.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.

John E. Ricketson
Sworn and subscribed before me this
22nd day of May, 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 will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, June 3, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 2.73 ACRES MORE OR LESS, AND OWNED BY EVERLASTING COVENANT CHRISTIAN CENTER, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2430

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

ORDINANCE NO. 2431

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 6.49 ACRES MORE OR LESS, AND OWNED BY JOSEPH E. BALL AND JEFF P. BALL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2432

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

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "CITY" PLANNED UNIT DEVELOPMENT (89.7 +/- ACRES) AND "COUNTY" A-2 (6.4 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-3) AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS, LLC; AND FROM "CITY" PLANNED UNIT DEVELOPMENT (30.34 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT AND OWNED BY LUST GRANT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 125.74 +/- ACRES MORE OR LESS, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (18.05 +/- ACRES) AND C-1 (6.43 +/- ACRES) TO PLANNED UNIT DEVELOPMENT (PUD/R-3C-1) (TOTAL 42.17 +/- ACRES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED BETWEEN S.R. 451 AND MARDEN ROAD, SOUTH OF OCOEE APOPKA ROAD, AND NORTH OF THE APOPKA EXPRESSWAY (S.R. 414), COMPRISING 42.17 +/- ACRES MORE OR LESS, AND OWNED BY EMERSON POINT ASSOCIATES, L.L.P.; 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

May 22, 2015
Publish: The Apopka Chief

Backup material for agenda item:

4. ORDINANCE NO. 2432 – SECOND READING & ADOPTION – CHANGE OF ZONING – Joseph E. and Jeff P. Ball, from R-1 to Planned Unit Development (PUD-PO/I), for property located west of Piedmont Wekiwa Road, north of US 441. (1166 Piedmont Wekiwa Road). (Parcel ID #: 13-21-28-0000-00-030) [Ordinance No. 2432 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: June 3, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Use Map
Ordinance No. 2432

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

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

SUMMARY

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

DISTRIBUTION

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

ADDITIONAL COMMENTS:

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

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

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

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

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

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

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

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

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

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

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

Site Design Standards

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

Building Design Standards

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

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

Building Design Guidelines

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

Signage

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

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

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

SCHOOL CAPACITY REPORT: Because this change of zoning represents a change to a non-residential designation, notification of Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on April 10, 2015.

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

The **City Council**, at its meeting on May 20, 2015, accepted the First Reading of Ordinance No. 2432 and held it over for Second Reading and Adoption on June 3, 2015.

Adopt Ordinance No. 2432.

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

I. RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE & TRAFFIC COMPATIBILITY:

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

COMPREHENSIVE PLAN COMPLIANCE:

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

PO/I DISTRICT REQUIREMENTS:

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

BUFFERYARD REQUIREMENTS:

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

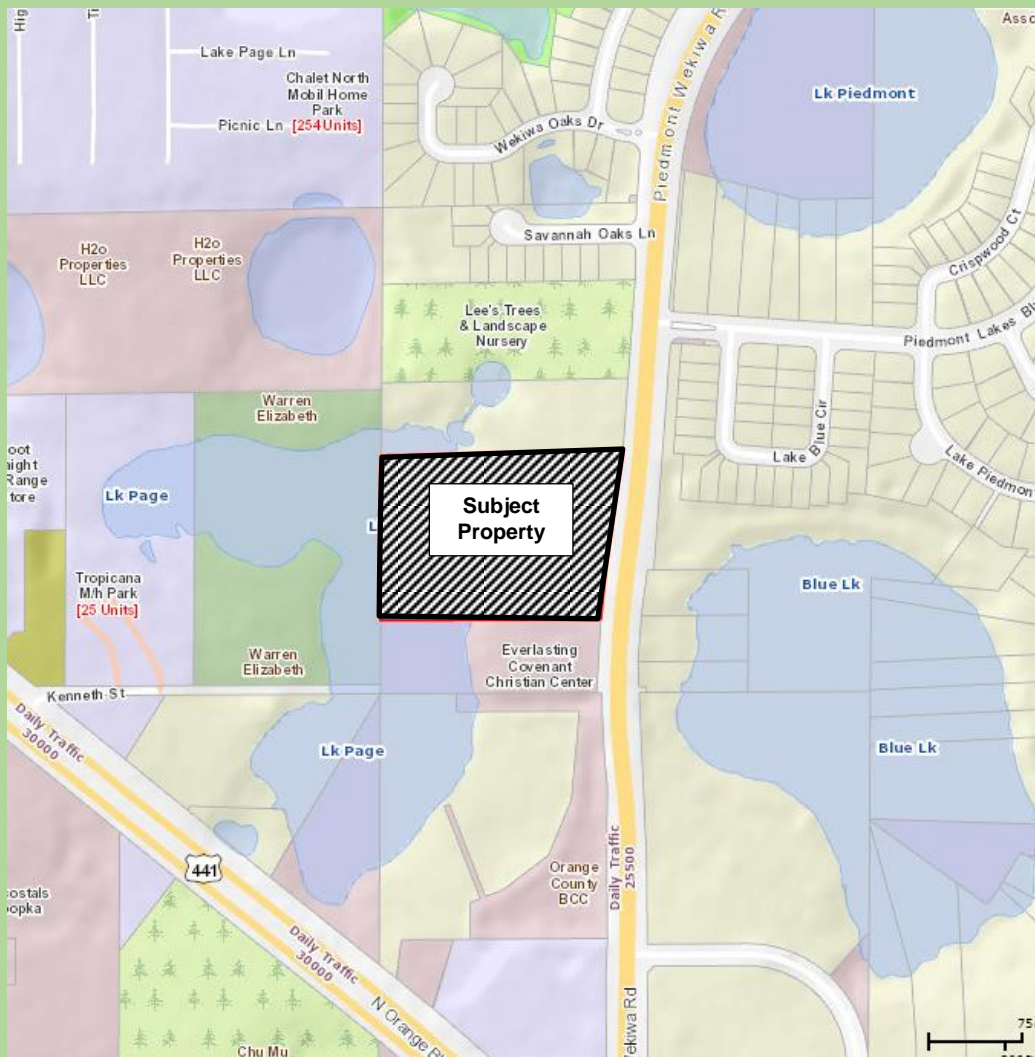
ALLOWABLE USES:

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



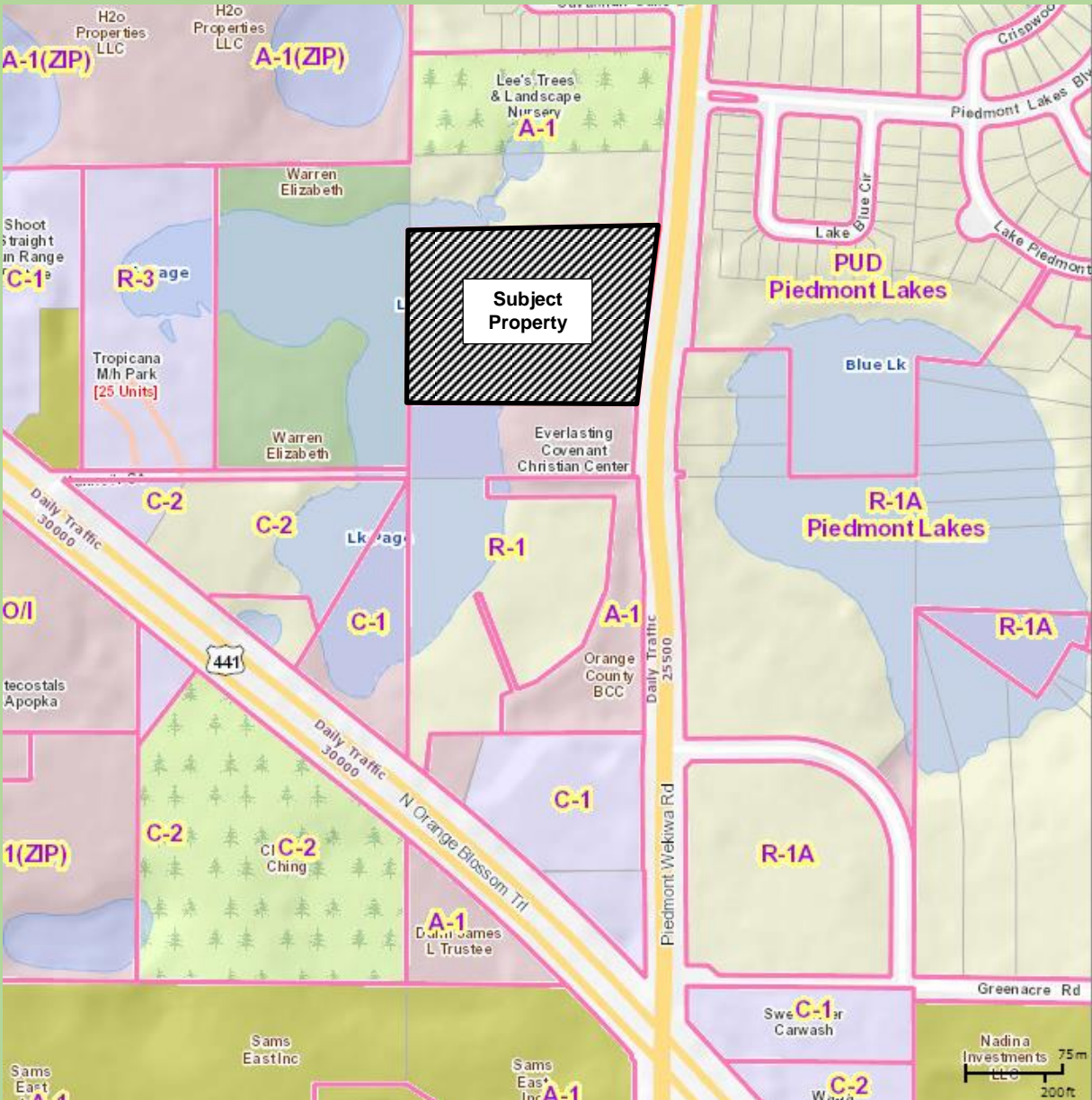
Joseph E. Ball and Jeff P. Ball
6.49 +/- Acres
Existing Maximum Allowable Development: 19 dwelling units
Proposed Maximum Allowable Development: 48,162 sq. ft.
Proposed Small Scale Future Land Use Change
From: Residential Low (0-5 du/ac)
To: Office (0.30 FAR)
Proposed Zoning Change:
Planned Unit Development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

VICINITY MAP



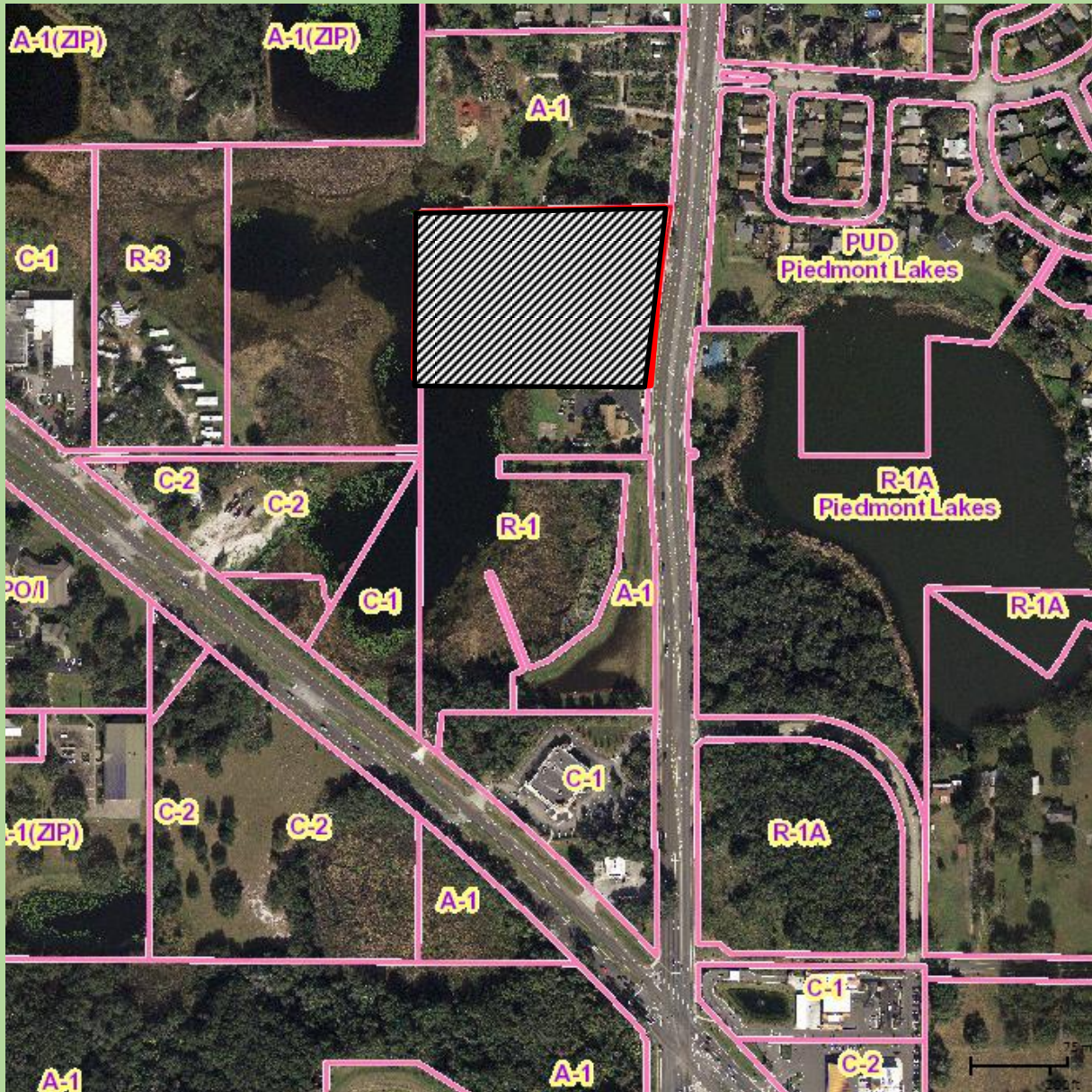


ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2432

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

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

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

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

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

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

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

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

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

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

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

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

1. Site Design Standards

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

2. Building Design Standards

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

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

3. Building Design Guidelines

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

4. Signage

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

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

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

Legal Description:

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

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

Contains: 6.49 +/- Acres

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

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

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

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

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

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: April 24, 2015
May 22, 2015

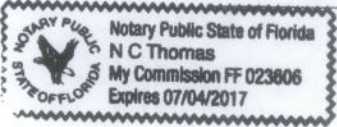
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 22, 2015**, as well as being posted online at www.theapokkachief.com and www.florida-publicnotices.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.

John E. Ricketson
Sworn and subscribed before me this
22nd day of May, 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 will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, June 3, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 2.73 ACRES MORE OR LESS, AND OWNED BY EVERLASTING COVENANT CHRISTIAN CENTER, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2430

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

ORDINANCE NO. 2431

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 6.49 ACRES MORE OR LESS, AND OWNED BY JOSEPH E. BALL AND JEFF P. BALL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2432

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

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "CITY" PLANNED UNIT DEVELOPMENT (89.7 +/- ACRES) AND "COUNTY" A-2 (6.4 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-3) AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS, LLC; AND FROM "CITY" PLANNED UNIT DEVELOPMENT (30.34 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT AND OWNED BY LUST GRANT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 125.74 +/- ACRES MORE OR LESS, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (18.05 +/- ACRES) AND C-1 (6.43 +/- ACRES) TO PLANNED UNIT DEVELOPMENT (PUD/R-3C-1) (TOTAL 42.17 +/- ACRES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED BETWEEN S.R. 451 AND MARDEN ROAD, SOUTH OF OCOEE APOPKA ROAD, AND NORTH OF THE APOPKA EXPRESSWAY (S.R. 414), COMPRISING 42.17 +/- ACRES MORE OR LESS, AND OWNED BY EMERSON POINT ASSOCIATES, L.L.P.; 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

Backup material for agenda item:

5. ORDINANCE NO. 2433 – SECOND READING & ADOPTION – CHANGE OF ZONING/MASTER PLAN – Avian Pointe – Apopka Clear Lake Investments, LLC – From “City” Planned Unit Development (PUD) (89.47 AC) and “County” A-2 (ZIP) (5.29 AC) to “City” Planned Unit Development (PUD/R-3), for property located east of S.R. 429, south of Peterson Road, and north of Lust Road. (Parcel ID Nos. 07-21-28-0000-00-002 & 07-21-28-0000-00-023) [Ordinance No. 2433 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]



CITY OF APOPKA
CITY COUNCIL

- PUBLIC HEARING
- ANNEXATION
- PLAT APPROVAL
- OTHER: Ordinance

DATE: June 3, 2015
 FROM: Community Development
 EXHIBITS: Land Use Report
 Vicinity Map
 Adjacent Zoning Map
 Adjacent Uses Map
 Existing Uses
 Ordinance No. 2433
 Ex. A Master Plan
 Ex. B Development Standards
 Ex. C Flex Space Uses
 Ex. D Landscape Plan
 Ex. E Open Space\Rec Plan
 Ex. F Prototype Renderings
 Ex. G Development Agrmt.
 and Transportation Agrmt.
 Ex. D of Development Agrmt

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

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

SUMMARY

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

DISTRIBUTION

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

ADDITIONAL COMMENTS:

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

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

Development Profile:

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

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

ORANGE COUNTY NOTIFICATION:

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on April 10, 2015.

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

April 24, 2015 – Public Notice and Notification

May 22, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

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

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

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

The **City Council**, at its meeting on May 20, 2015, accepted the First Reading of Ordinance No. 2433 and the Avian Pointe PUD Master Plan, and held it over for Second Reading and Adoption on June 3, 2015.

1. Adopt Ordinance No. 2433.
2. Approve the Avian Pointe Master Plan
3. Approve the Avian Pointe Development Agreement and authorize the Mayor to execute the agreement.

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

ZONING REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE & TRAFFIC COMPATIBILITY:

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

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

COMPREHENSIVE PLAN COMPLIANCE:

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

PUD RECOMMENDATIONS:

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

R-3 PERMISSIBLE USES:

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

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

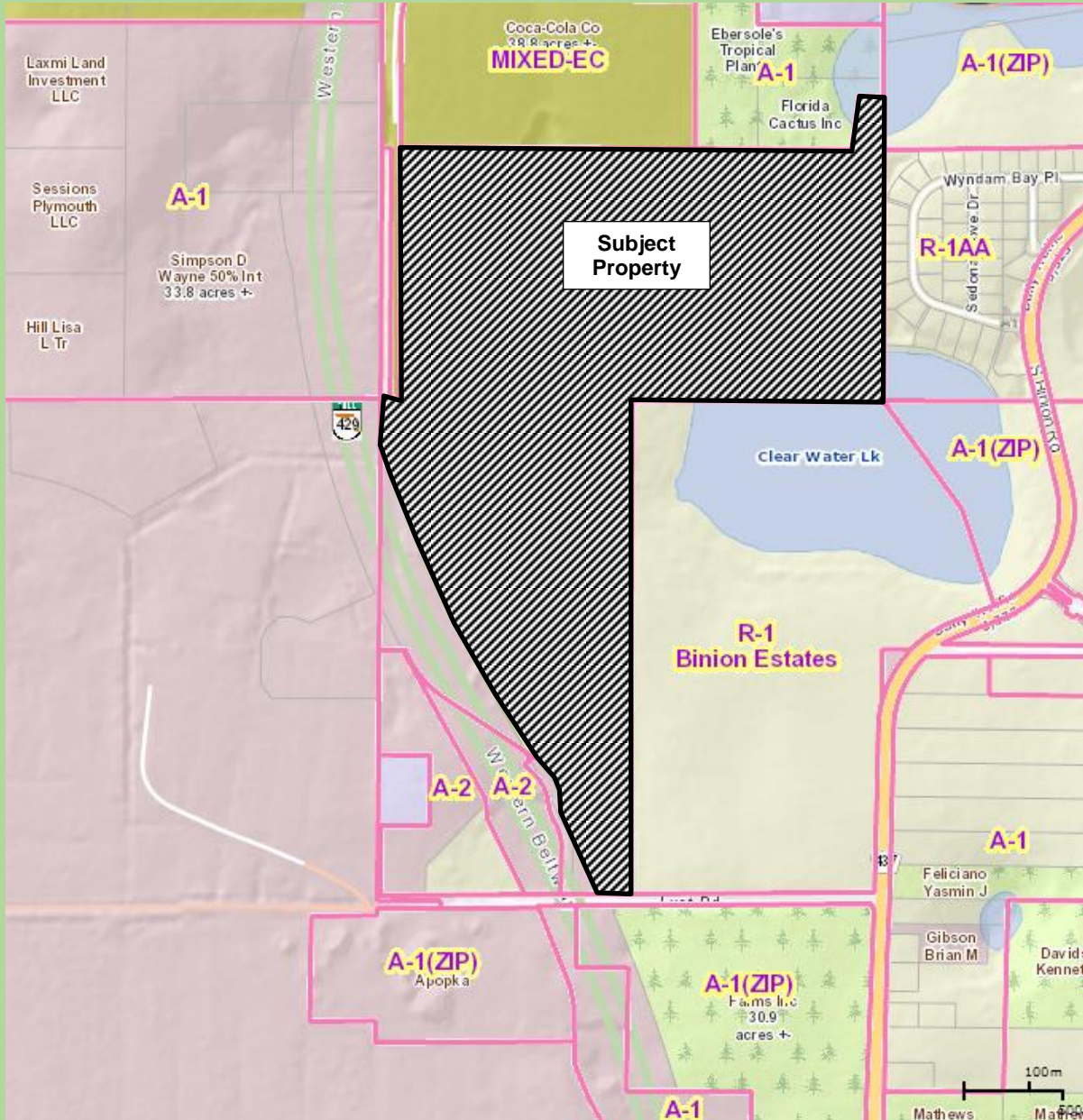


VICINITY MAP





ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2433

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

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

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

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

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

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

- A. The uses permitted within the Avian Pointe Mixed Use PUD district shall be: Parcel A, maximum of 58 single family homes; Parcel B-1, 114 townhomes; Parcel B-2, maximum of 484 apartment units; Parcel B-3, maximum of 102 townhomes; Parcel B-4, Shared Recreation Area; Parcel B-5, Flex Zoning District as defined in Exhibit “C”; and associated accessory uses or structures consistent with land use and development standards established for the R-3 zoning category except where otherwise addressed in this ordinance.

- B. Development of the property shall occur consistent with the Avian Pointe Mixed Use Master Plan as set forth in Exhibit “A,” attached hereto and incorporated herein and with the development standards set forth within Exhibit “B,” attached hereto and incorporated herein. If a development standard or zoning regulation is not addressed within Exhibit “B”, development shall comply with the R-3 zoning standards set forth in the Land Development Code. Where any development standard conflicts between the Avian Pointe Mixed Use Master Plan and the Land Development Code, the Master Site Plan shall prevail. Any proposed revision to the Master Site Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC.

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

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

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

Legal Description:

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

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

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

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

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

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

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

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

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

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

Combined total acreage: 125.74 acres (+/-)

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

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

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

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

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

Section VIII. That this Ordinance shall take effect immediately.

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: April 24, 2015
May 22, 2015

GENERAL NOTES

- PROJECT SHALL COMPLY WITH THE FOLLOWING:
 - AMERICANS WITH DISABILITIES ACT
 - CITY OF APOPKA MUNICIPAL & LAND USE CODES, DESIGN GUIDELINES AND STANDARDS.
 - CITY OF APOPKA FIRE DEPARTMENT
 - FLORIDA FIRE MARSHAL
 - FLORIDA DEPARTMENT OF TRANSPORTATION
 - ST. JOHN'S WATER MANAGEMENT DISTRICT
- ON-SITE ROADS & DRAINAGE SYSTEM, INCLUDING THE RETENTION PONDS, WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER WITH A MUNICIPAL SERVICE TAXING UNIT ESTABLISHED FOR STORMWATER SYSTEM FUNCTIONALITY. ROUTINE MAINTENANCE, INCLUDING MOWING SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- ALL STORMWATER PONDS SHALL BE DESIGNED IN ACCORDANCE WITH SJWMD & CITY OF APOPKA STANDARDS.
- BUFFER, LANDSCAPING, RECREATION AND COMMON AREAS WILL BE PRIVATELY OWNED AND MAINTAINED BY THE PROPERTY OWNER.
- BUFFERS - WHERE REQUIRED - WILL CONSIST OF LANDSCAPING, BERMS, APPROVED FENCING, EXISTING & NEW CITY-APPROVED TREES.
- PROJECT INFRASTRUCTURE WILL BE DEVELOPED IN ONE PHASE.
- UTILITIES SHALL BE PROVIDED BY THE CITY OF APOPKA.
- PROJECT SHALL COMPLY WITH CITY OF APOPKA DEVELOPMENT REQUIREMENTS PER MUNICIPAL CODE PART III ARTICLE II LAND USE: TYPE, DENSITY AND INTENSITY.
- STRUCTURES SHALL COMPLY WITH FLORIDA BUILDING CODE, CURRENT ENFORCED EDITION.
- ROADS AND PARKING AREAS SHALL COMPLY WITH FDOT DESIGN AND ENGINEERING REQUIREMENTS. R.O.W. PAVEMENT WORK MUST UTILIZE TYPE SP-8.5 ASPHALT.
- MASTER PLAN AS SHOWN IS CONCEPTUAL. ALL FEATURES NOTED HEREIN SHALL BE SUBJECT TO JURISDICTIONAL APPROVALS AND CIVIL ENGINEERING REFINEMENTS IN ACCORD WITH AGENCY REQUIREMENTS.
- LANDSCAPE & IRRIGATION PLANS SHALL BE DESIGNED IN ACCORDANCE WITH CITY ORDINANCE NO. 2069.
- A DEVELOPER AGREEMENT SHALL BE REQUIRED FOR OFF-SITE RIGHT OF WAY IMPROVEMENTS FROM THE NORTH ENTRANCE DRIVE TO THE INTERSECTION OF ORANGE AVENUE.

PROJECT

AVIAN POINTE CITY OF APOPKA, FLORIDA (FORMERLY KNOWN AS BINION ESTATES)

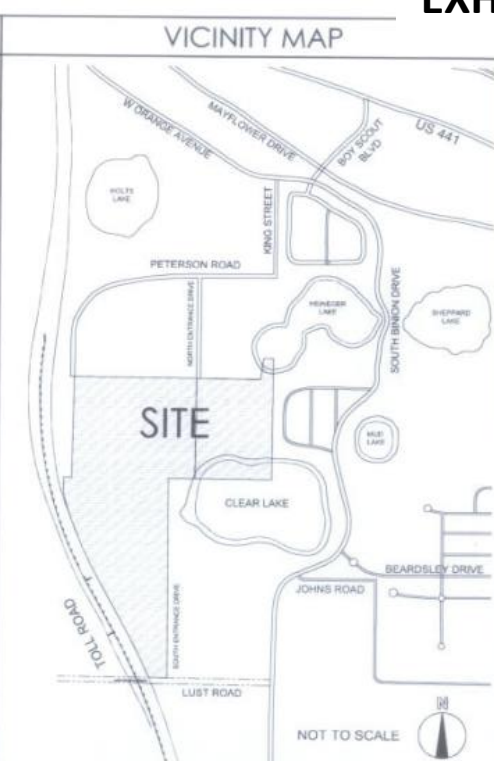
PUD ZONING AMENDMENT & MIXED USE MASTER PLAN

PARCEL I.D. NUMBERS
07-21-28-0000-00-015
07-21-28-0000-00-002
07-21-28-0000-00-023

SUBMITTED MAY 30, 2014

RECEIVED
APR 27 2014
By

RESUBMITTALS:
1. JUNE 12, 2014 STAFF COMMENT RESPONSES & REVISIONS
2. APRIL 27, 2015 STAFF COMMENT RESPONSES & REVISIONS



HOLLY SWANSON
ARCHITECT, AIA
6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572
813-465-1095
FL LICENSE NO. AR02665
CONSTRUCTION ENGINEER

ERIC J. HENDRA, P.E.
ENDRA & ASSOCIATES, INC.
PROJECT INFORMATION:
AVIAN POINTE
(FORMERLY BINION ESTATES)
PUD ZONING AMENDMENT
(SINGLE FAMILY TO MIXED USE)
2771 LUST ROAD
APOPKA, FLORIDA

LEGAL DESCRIPTION

PER CIVIL ENGINEER:
PARCEL ID NO. LUST GRANT (PARCEL A)
07-21-28-0000-00-015

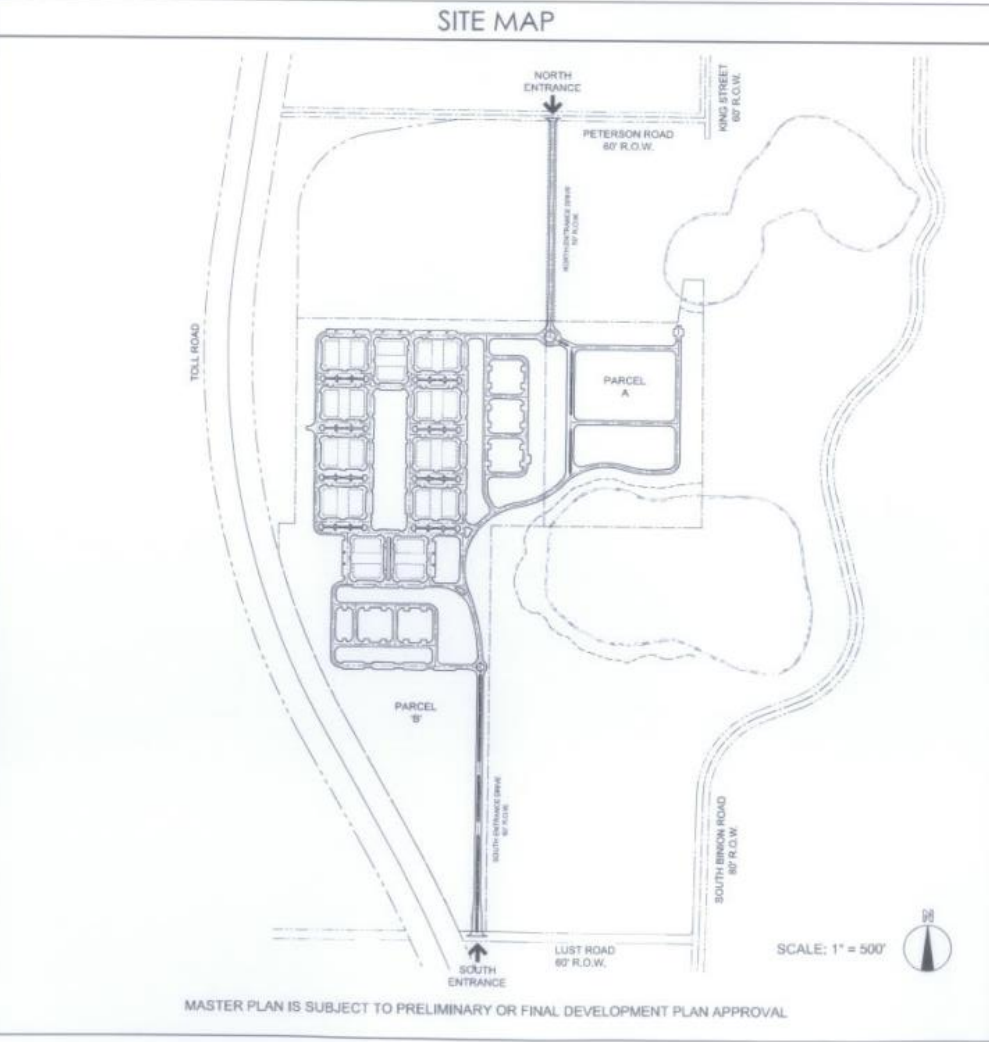
THE SOUTHEAST 1/4 OF NORTHWEST 1/4 (LESS THE WEST 1/4 THEREOF) AND BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; RUN WEST 160 FEET; NORTH 7 DEGREES EAST 277.24 FEET; EAST 124.78 FEET; SOUTH 275 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN SECTION 07, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. CONTAINING 1,321,761 square feet, or 30.34 acres, more or less.

PARCEL I.D. NO. APOPKA CLEAR LAKE LLC (PARCEL B)
07-21-28-0000-00-002
07-21-28-0000-00-023

The West 1/2 of the Southwest 1/4 of Section 7, Township 21 South, Range 28 East, lying East of State Road 429; the Southwest 1/4 of the Northwest 1/4 of Section 7, Township 21 South, Range 28 East, less the West 100.00 feet thereof, and the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 7, Township 21 South, Range 28 East, all in Orange County, Florida.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING at the Southeast corner of the Southwest 1/4 of Section 7, Township 21 South, Range 28 East, Orange County, Florida; thence run South 89°39'36" West, along the South line of the Southwest 1/4 of said Section 7; for a distance of 1320.05 feet to a point on the East line of the West 1/2 of the Southwest 1/4 of said Section 7; thence departing said South line, run North 00°22'30" East, along said East line, for a distance of 30.00 feet to a point on the North right of way line of Lust Road, as recorded in Deed Book 509, Page 564 of the Public Records of Orange County, Florida, said point also being the POINT OF BEGINNING; thence run South 89°39'36" West, along the said North right of way line, for a distance of 183.18 feet to a point on the Easterly limited access right of way line of State Road 429, as shown on Orlando-Orange County Expressway Authority Right of Way Map of Project Number 429-201, said point also being on a curve, concave Southwesterly, having a radius of 8150.00 feet, a chord bearing of North 28°36'44" West, and a chord distance of 720.85 feet; thence run Northwesterly along the arc of said curve, and said Easterly limited access right of way line through a central angle of 05°04'10" for an arc distance of 721.09 feet to the point of tangency; thence run North 29°08'49" West, along said Easterly limited access right of way line, for a distance of 768.04 feet to the point of curvature of a curve, concave Northeasterly, having a radius of 4850.00 feet, a chord bearing of North 22°13'22" West, and a chord distance of 1169.35 feet; thence run Northwesterly along the arc of said curve, and said Easterly limited access right of way line, through a central angle of 13°50'52" for an arc distance of 1172.20 feet to a point on the West line of the Southwest 1/4 of said Section 7; thence departing said curve, and said Easterly limited access right of way line, run North 00°23'17" East, along said West line, for a distance of 193.80 feet to the West 1/4 corner of said Section 7; thence departing said West line, run South 89°49'16" East, along the North line of the Southwest 1/4 of said Section 7, for a distance of 106.00 feet to a point on the Westerly line of the CSX railroad, as recorded in Deed Book 882, Page 129 of the aforesaid Public Records of Orange County, Florida; thence departing said North line, run North 00°11'33" East, along said West line, for a distance of 1313.29 feet to a point on the North line of the Southwest 1/4 of the Northwest 1/4 of said Section 7; thence departing said West line, run South 89°44'02" East, along said North line, for a distance of 1547.79 feet to a point on the East line of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 7; thence departing said North line, run South 00°18'38" West, along said East line, for a distance of 1310.94 feet to a point on the North line of the aforesaid Southwest 1/4 of Section 7; thence departing said East line, run North 89°49'16" West, along said North line, for a distance of 327.05 feet to a point on the aforesaid East line of the West 1/2 of the Southwest 1/4 of Section 7; thence departing said North line, run South 00°22'30" West, along said East line, for a distance of 2586.52 feet to the POINT OF BEGINNING.

Containing 4,155,511 square feet, or 95.40 acres, more or less.



PROJECT DATA

CITY OF APOPKA PROJECT NO.:	PENDING
PARCEL A	
PARCEL I.D. NUMBER:	07-21-28-0000-00-015
PARCEL ADDRESS:	230 SOUTH BINION ROAD APOPKA, FL 32703
GROSS LAND AREA:	25.7 ACRES
GROSS LAKE AREA:	4.7 ACRES
TOTAL GROSS AREA:	30.3 ACRES
CURRENT LAND USE:	LOW-RES. 0-5 D.U./AC
FUTURE LAND USE (FLU):	LOW-RES. 0-5 D.U./AC (NO CHANGE)
CURRENT ZONING:	PD R-1
PROPOSED ZONING:	PD R-1 (NO CHANGE)
REQUIRED LANDSCAPE BUFFER:	50' FM NHWL
REQUIRED WETLAND SETBACK:	30%
REQUIRED OPEN SPACE:	30%
REQUIRED RECREATION:	RECREATION AREAS SHALL COMPLY WITH O.C. 38-1253
ALLOWABLE D.U.:	151 SINGLE FAMILY HOMES
PROPOSED D.U.:	58 SINGLE FAMILY HOMES
BUILDING TYPE:	TYPE V, NON-SPRINKLERED
BUILDING HEIGHT:	MAX. 2 STORES, 35'
MIN. REQ'D NET LIVING AREA/D.U.:	1,700 SQ FT
SCHOOL AGE POPULATION:	24 CHILDREN (ESTIMATED) (PROJECTED AT 0.4X60)
REQUIRED PARKING:	2 SPACES/D.U.
MINIMUM LOT SIZE:	70' X 120', 8,400 SF
MINIMUM SETBACKS:	SEE SHEETS ZA.02A & ZA.12
PARCEL B	
PARCEL I.D. NUMBERS:	07-21-28-0000-00-002 07-21-28-0000-00-023
PARCEL ADDRESS:	APOPKA, FL 2771 LUST ROAD
GROSS LAND AREA:	90.7 ACRES
CURRENT LAND USE:	LOW-RES. 0-5 D.U./AC
FUTURE LAND USE (FLU):	MED DENSITY, 0-12 D.U./AC
CURRENT ZONING:	PD R-1
PROPOSED ZONING:	PD MIXED USE
REQUIRED LANDSCAPE BUFFER:	25'
REQUIRED WETLAND SETBACK:	50' FM NHWL
REQUIRED OPEN SPACE:	30%
REQUIRED RECREATION:	RECREATION AREAS SHALL COMPLY WITH O.C. 38-1253
ALLOWABLE D.U.:	454 SINGLE FAMILY HOMES
PROPOSED D.U.:	PARCEL B-1: 111 TOWNHOMES 1,350 SF MINIMUM LIVING AREA PARCEL B-2: 484 UNITS 750 SF MINIMUM LIVING AREA PARCEL B-3: 102 TOWNHOMES 1,350 SF MINIMUM LIVING AREA
REQUIRED PARKING:	SEE SHEET ZA.02
BUILDING TYPE:	TYPE V, SPRINKLERED
BUILDING HEIGHT:	MAX. 3 STORES, 45'
SCHOOL AGE POPULATION:	281 CHILDREN (ESTIMATED) (PROJECTED AT 0.4X702)
REQUIRED SETBACKS:	SEE SHEET ZA.02A

PROJECT DIRECTORY

OWNER-APPLICANT:	LUST GRANT (PARCEL A) 140 LONG FAMILY FARMS LLC 2949 LUST ROAD APOPKA, FL 32703	APOPKA CLEAR LAKE INVESTMENTS, LLC (PARCEL B) 511 WEST BAY STREET, STE. 350 TAMPA, FLORIDA 33609
OWNER CONTACT:	KEN STOLTENBERG PH: 813-321-1984	
ARCHITECT:	HOLLY SWANSON 6205 FLAMINGO DRIVE APOLLO BEACH, FLORIDA 33572 PH: 813-465-1095	
CIVIL ENGINEER:	TANNATH DESIGN, INC. 2484 ROSE SPRING DRIVE ORLANDO, FLORIDA 32825 PH: 407-862-8878 CONTACT: BRYAN POTTS, P.E.	
SURVEYOR:	ALLEN & COMPANY INC. 16 EAST PLANT STREET WINTER GARDEN, FLORIDA 34787 PH: 407-654-5355 CONTACT: JAMES RICKMAN, PSM	
TRAFFIC ENGINEER:	LUKE TRANSPORTATION ENGINEERING CONSULTANTS 29 EAST PINE STREET ORLANDO, FLORIDA 32828 PH: 407-423-6055 CONTACT: JOE ROVIARO	

SHEET INDEX

DATE:	REV:	DESCRIPTION:
3/24/14		CITY REVIEW
3/25/14		CITY SUBMITTAL 1
5/30/14		CITY SUBMITTAL 2
6/12/14	▲	REVISION 1
4/27/15	▲	REVISION 2

SEAL:
SHEET NUMBER: ZA.00
PROJECT NUMBER: 14-001 DATE: 4-27-15 DRAWN BY: HG

DEVELOPMENT SUMMARY

PARKING SUMMARY

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

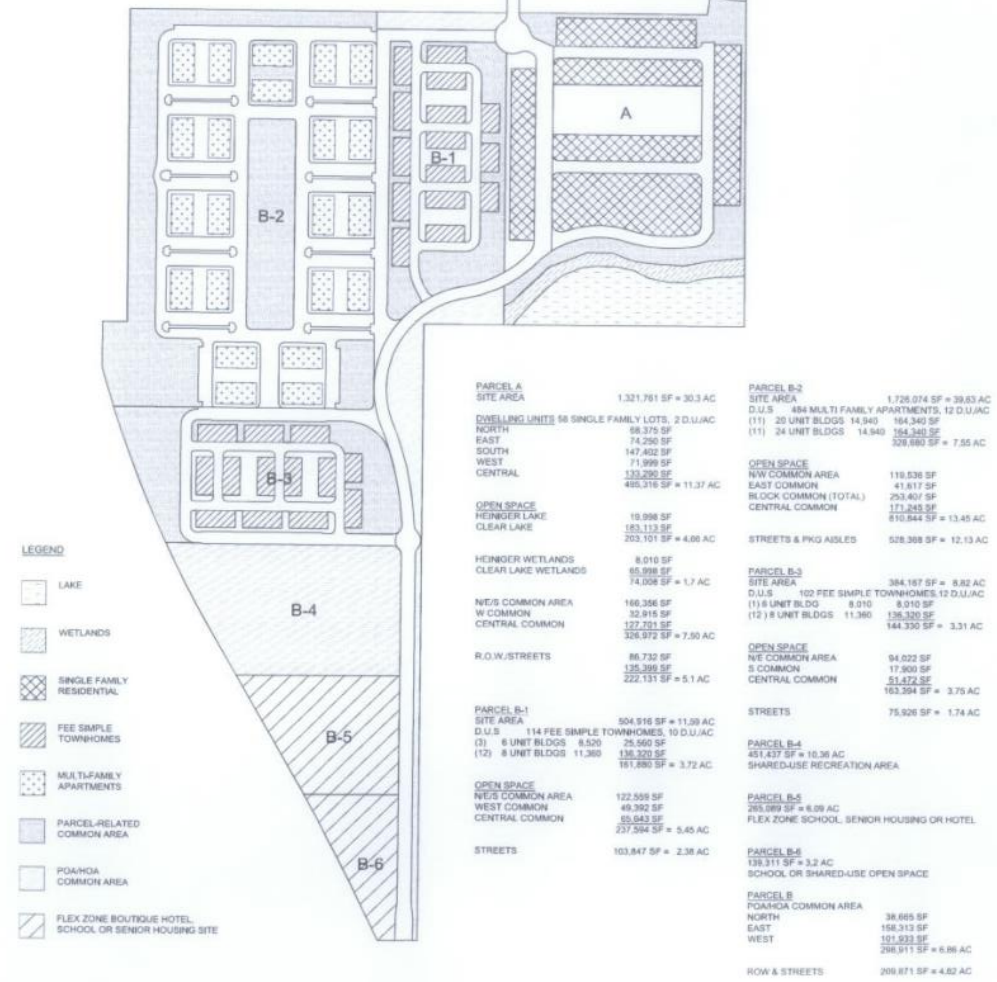
* ADDITIONAL SPACES PENDING PRELIMINARY SITE PLAN DESIGN
** VARIANCE REQUIRED

APARTMENT UNIT SUMMARY

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

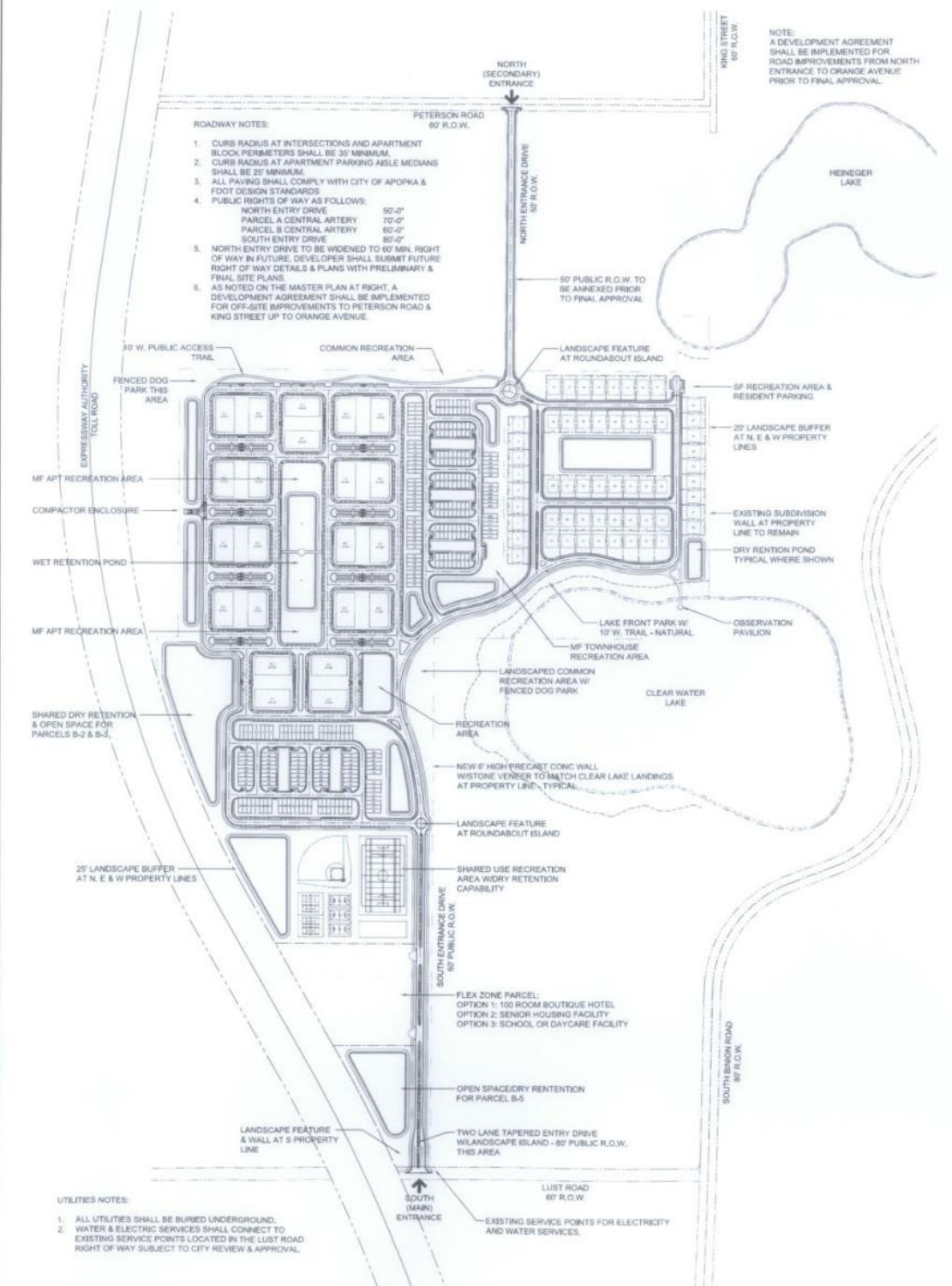
* NO STUDIO APARTMENTS ALLOWED

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



MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

MASTER PLAN



MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

HOLLY SWANSON
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FL LICENSE NO. AR92665
CONSULTING ENGINEER

ERIC J. HENORA, P.E.
ENDRA
& associates, inc.

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

SCALE: 1" = 300'

ISSUE

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

SEAL:

SHEET NUMBER:
ZA.02

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

EXHIBIT "B"

Avian Pointe Master Plan Development Standards and Guidelines

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

COMMUNITY DESIGN

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

PARKING

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

7. Garage setbacks:

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

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

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

BUILDING DESIGN/ARCHITECTURE

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

RECREATION

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

LANDSCAPE & BUFFER

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

FIRE DEPARTMENT NOTES

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

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

PUBLIC SERVICES DEPARTMENT NOTES

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

BUILDING DESIGN/ARCHITECTURE

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

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

BUILDING SETBACKS

1. SINGLE FAMILY RESIDENCES

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

NOTES:

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

2. TOWNHOMES

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

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

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

NOTES:

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

3. APARTMENTS

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

Side yard: NOT APPLICABLE

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

NOTES:

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

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

LOT DIMENSIONS

1. SINGLE FAMILY RESIDENCES

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

CORNER LOTS: 75' X 110' MINIMUM

NOTES:

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

2. TOWNHOMES

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

WALL THICKNESS.

NOTES:

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

UNIT SIZES

1. SINGLE FAMILY RESIDENCES

1,700 minimum sf livable area
2 enclosed parking spaces

2. TOWNHOMES

1,350 minimum sf livable area
1 enclosed parking space

3. APARTMENTS

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

3 BR UNIT: 1,050 minimum SF livable area

NOTES:

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

ADDITIONAL NOTES

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

COMMUNITY PARK GUIDELINES

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

FLEX ZONE PARCEL B-5

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

PROPOSED VILLAGE NAMES

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

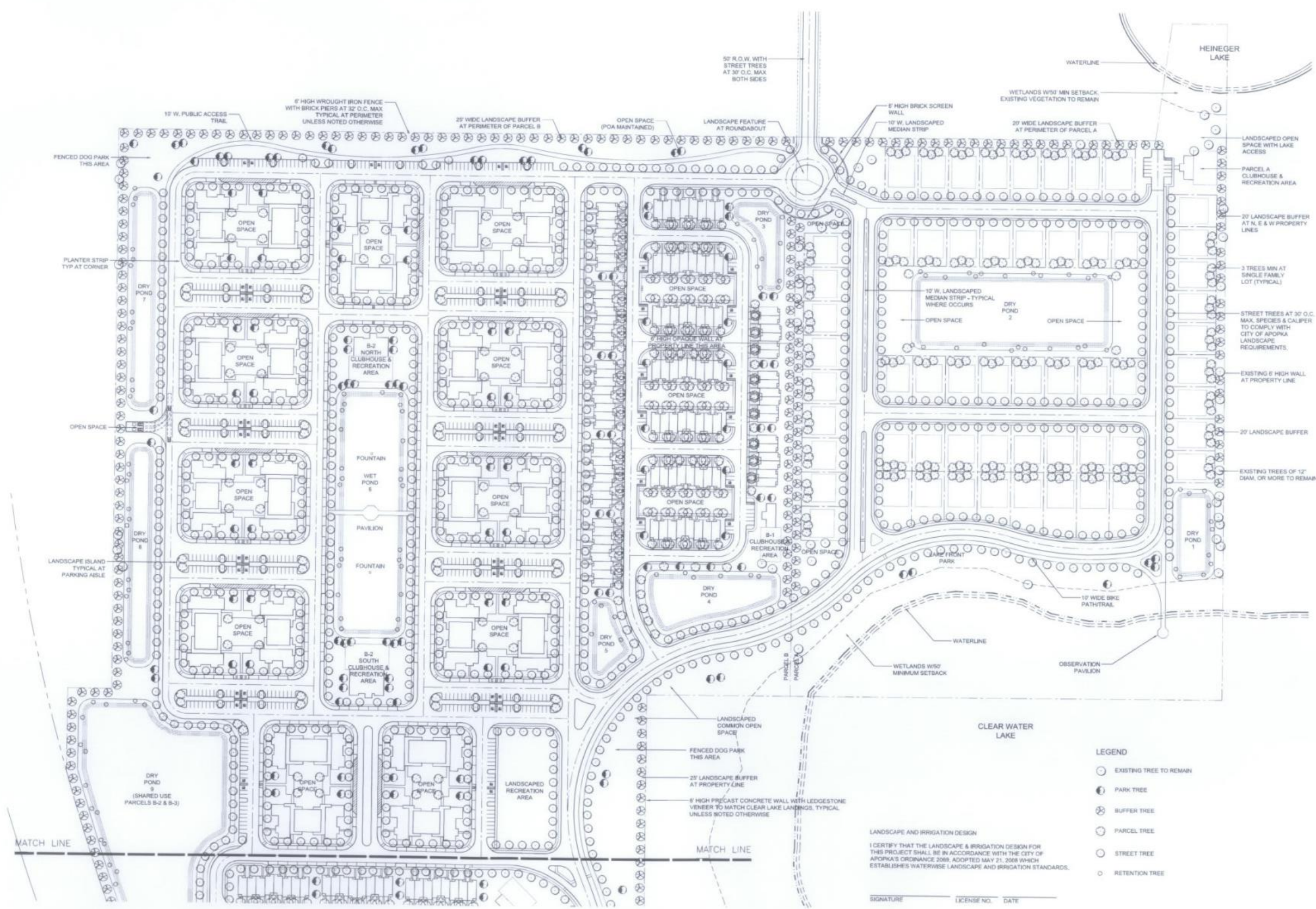
1. Village names listed above are preliminary & subject to change pending preliminary site plan submittal.
2. Street names are preliminary & subject to change pending orange county availability and preliminary site plan submittal.

EXHIBIT “C”

FLEX ZONE PERMITTED USES – PARCEL B-5

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

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



6205 FLAMINGO DRIVE
 APOLLO BEACH, FLORIDA
 33572

813-465-1095

FL LICENSE NO. AR92665

CONSULTING ENGINEER:

ERIC J. HENDRA, P.E.

ENDRA
 & associates, inc.

PROJECT INFORMATION:

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

2771 LUST ROAD
 APOPKA, FLORIDA

SCALE: 1" = 100'

ISSUE:

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

SEAL:

SHEET NUMBER:
ZA.05

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

MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

LANDSCAPE PLAN - SHEET 2 OF 2

HOLLY SWANSON
ARCHITECT, AIA

6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572

813-465-1095

FL LICENSE NO. AR92665

CONSULTING ENGINEER:

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PROJECT INFORMATION:

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2771 LUST ROAD
APOPKA, FLORIDA

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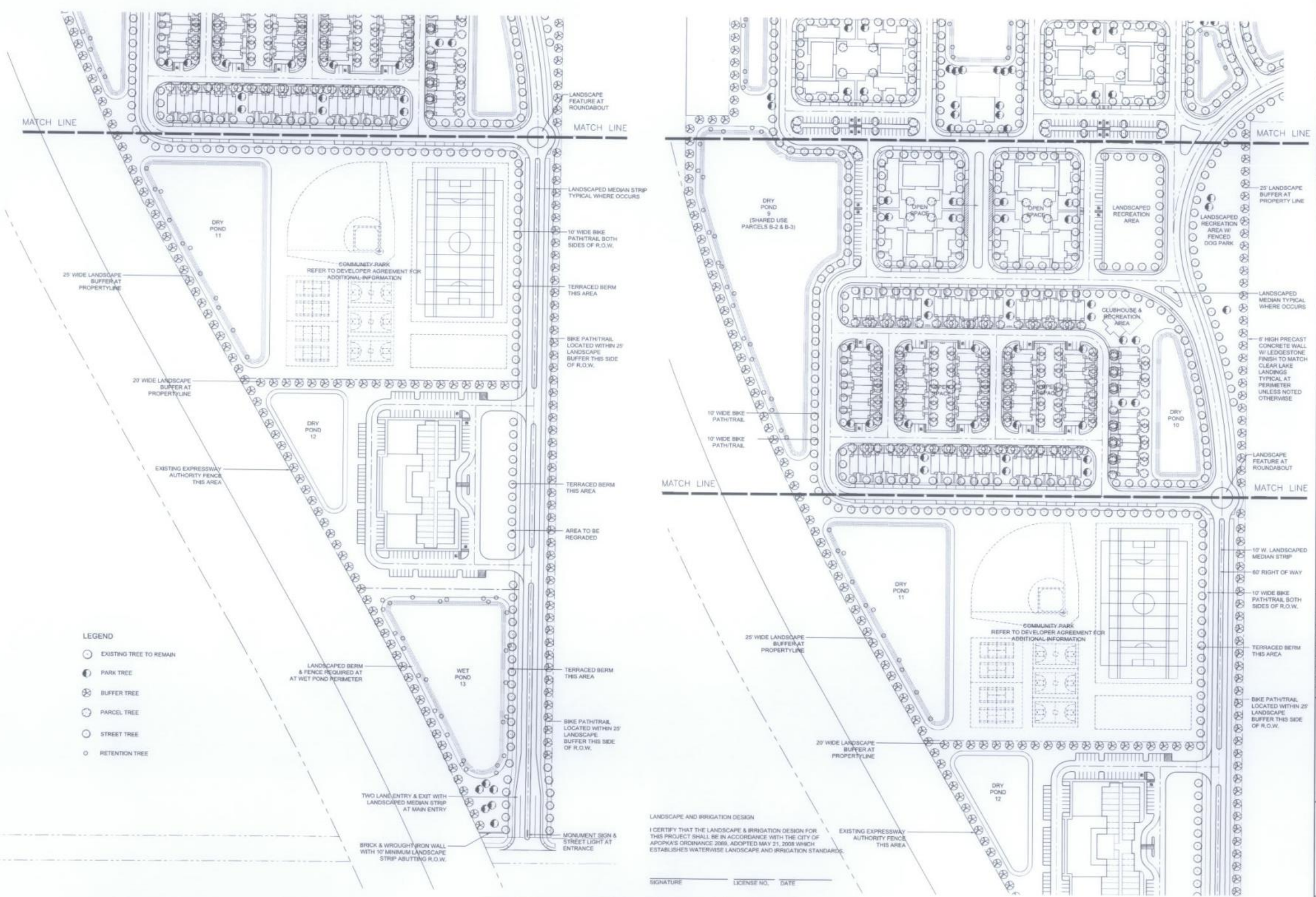
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6/12/14	▲	REVISION 1
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SEAL:

SHEET NUMBER:

ZA.06

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



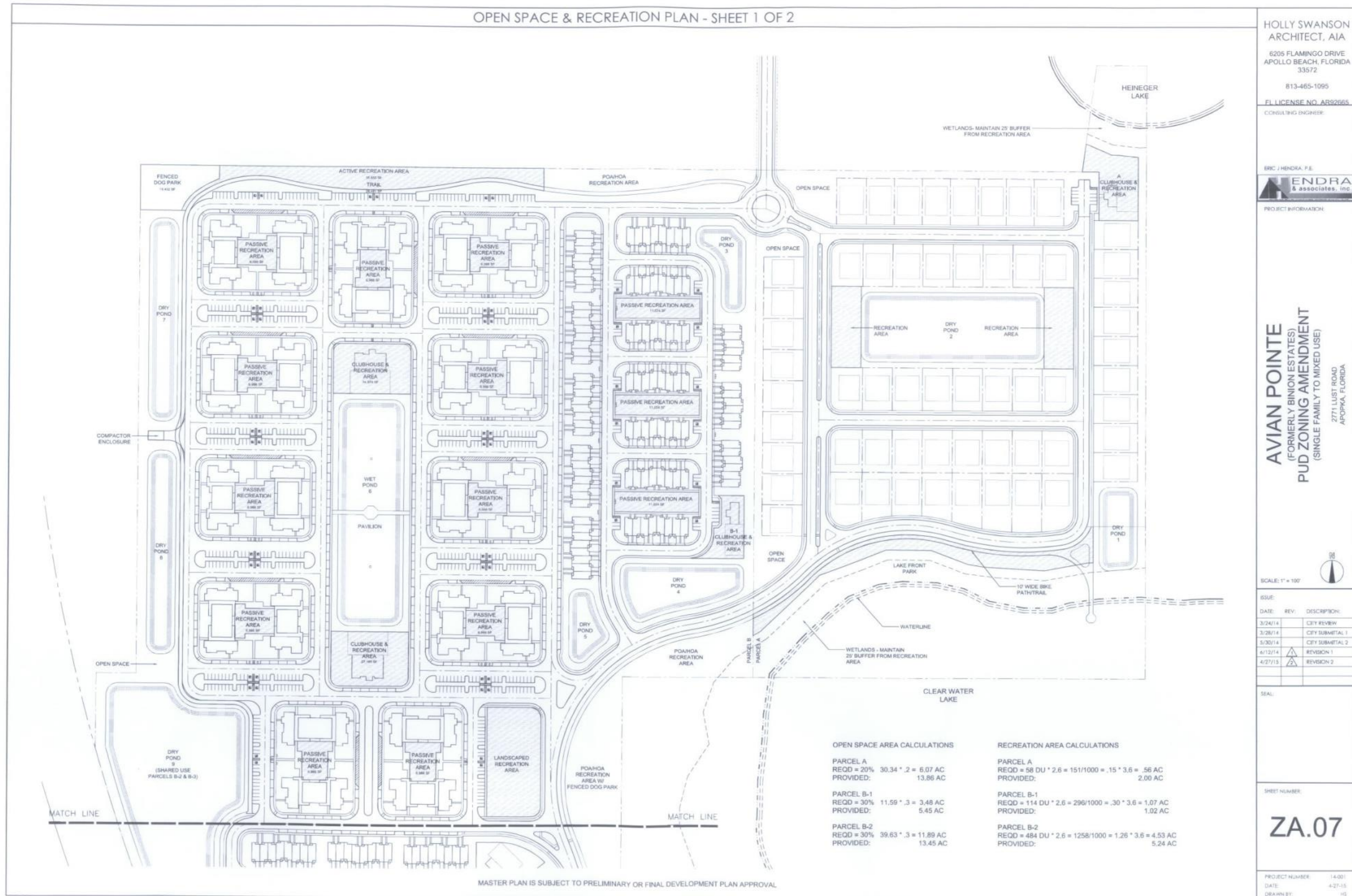
- LEGEND**
- EXISTING TREE TO REMAIN
 - PARK TREE
 - ⊗ BUFFER TREE
 - PARCEL TREE
 - STREET TREE
 - RETENTION TREE

LANDSCAPE AND IRRIGATION DESIGN
I CERTIFY THAT THE LANDSCAPE & IRRIGATION DESIGN FOR THIS PROJECT SHALL BE IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2009, ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE _____ LICENSE NO. _____ DATE _____

MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

OPEN SPACE & RECREATION PLAN - SHEET 1 OF 2



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PROJECT INFORMATION

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

SCALE: 1" = 100'

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4/27/15	△	REVISION 2

SEAL:

SHEET NUMBER:

ZA.07

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

OPEN SPACE AREA CALCULATIONS

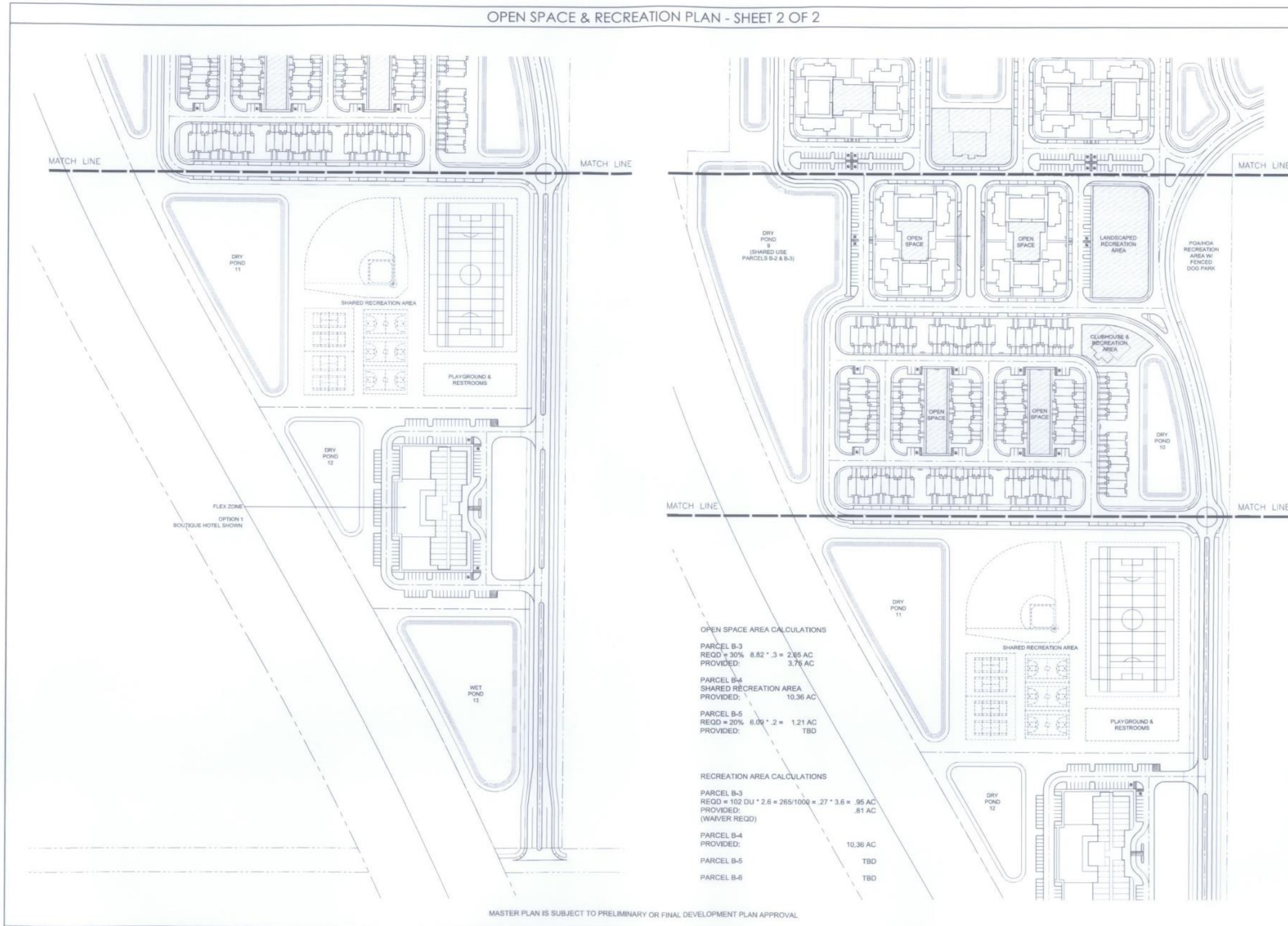
PARCEL A	REQD = 20%	30.34 * .2 = 6.07 AC
PROVIDED:		13.86 AC
PARCEL B-1	REQD = 30%	11.59 * .3 = 3.48 AC
PROVIDED:		5.45 AC
PARCEL B-2	REQD = 30%	39.63 * .3 = 11.89 AC
PROVIDED:		13.45 AC

RECREATION AREA CALCULATIONS

PARCEL A	REQD = 58 DU * 2.6 = 151/1000 = .15 * 3.6 = .56 AC
PROVIDED:	2.00 AC
PARCEL B-1	REQD = 114 DU * 2.6 = 296/1000 = .30 * 3.6 = 1.07 AC
PROVIDED:	1.02 AC
PARCEL B-2	REQD = 484 DU * 2.6 = 1258/1000 = 1.26 * 3.6 = 4.53 AC
PROVIDED:	5.24 AC

MASTER PLAN IS SUBJECT TO PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL

OPEN SPACE & RECREATION PLAN - SHEET 2 OF 2



OPEN SPACE AREA CALCULATIONS

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

PARCEL B-4
 SHARED RECREATION AREA
 PROVIDED: 10.36 AC

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

RECREATION AREA CALCULATIONS

PARCEL B-3
 REQD = 102 DU * 2.6 = 265/1000 = .27 * 3.6 = .95 AC
 PROVIDED: .81 AC
 (WAIVER REQD)

PARCEL B-4
 PROVIDED: 10.36 AC

PARCEL B-5
 PROVIDED: TBD

PARCEL B-6
 PROVIDED: TBD

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 CONSULTING ENGINEER



PROJECT INFORMATION

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

SCALE: 1" = 100'

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4/27/15	▲	REVISION 2

SEAL

SHEET NUMBER

ZA.08

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

PROTOTYPE MULTI-FAMILY APARTMENT BUILDING ELEVATIONS



BLDG 'A2' FRONT ELEVATION



BLDG 'A1' FRONT ELEVATION



BLDG 'A2' REAR ELEVATION



BLDG 'A1' REAR ELEVATION

ELEVATIONS ARE PRELIMINARY & SUBJECT TO CHANGES PENDING ZONING AMENDMENT APPROVAL, ARCHITECTURAL & CIVIL ENGINEERING REFINEMENTS.

ELEVATIONS ARE PRELIMINARY & SUBJECT TO CHANGES PENDING ZONING AMENDMENT APPROVAL, ARCHITECTURAL & CIVIL ENGINEERING REFINEMENTS.

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FL LICENSE NO AB92665

CONSULTING ENGINEER:

ERIC J HENDRA, P.E.



PROJECT INFORMATION:

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

SCALE: 1/16" = 1'-0"

ISSUE:

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5/30/14		CITY SUBMITTAL 2
6/12/14	△	REVISION 1
4/27/15	△	REVISION 2

SEAL:

SHEET NUMBER:

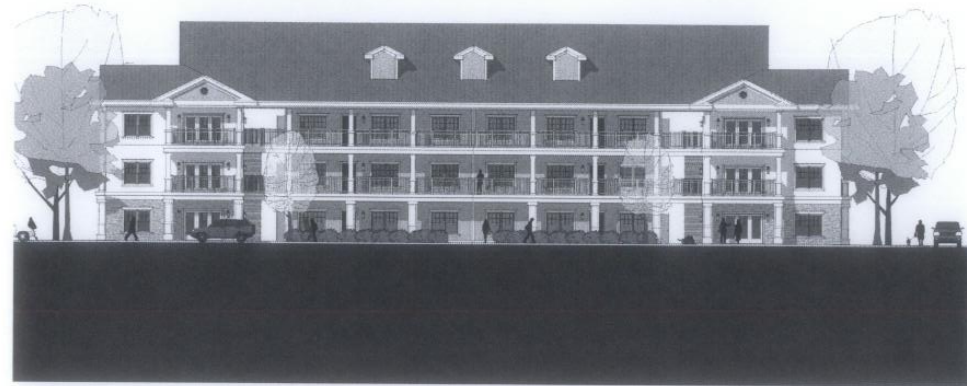
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PROJECT NUMBER: 14-001

DATE: 4-27-15

DRAWN BY: HS

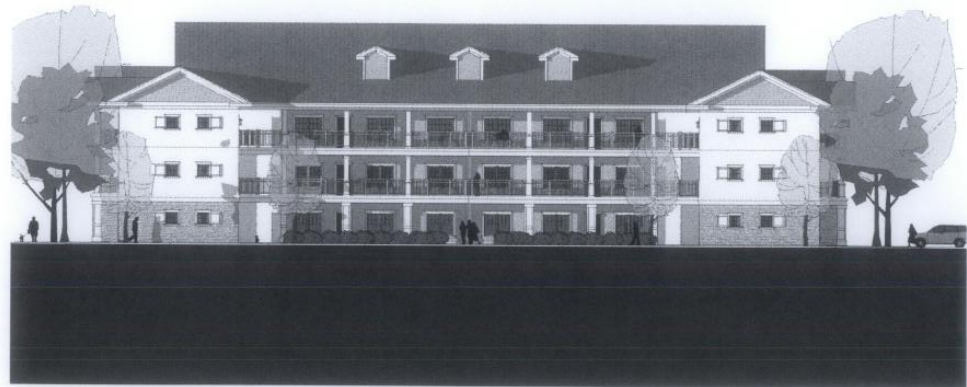
PROTOTYPE MULTI-FAMILY APARTMENT BUILDING ELEVATIONS



BLDG 'B2' FRONT ELEVATION



BLDG 'B1' FRONT ELEVATION



BLDG 'B2' REAR ELEVATION



BLDG 'B1' REAR ELEVATION

ELEVATIONS ARE PRELIMINARY & SUBJECT TO CHANGES PENDING ZONING AMENDMENT APPROVAL, ARCHITECTURAL & CIVIL ENGINEERING REFINEMENTS.

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FL LICENSE NO. AR92865

CONSULTING ENGINEER:

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SEAL:

SHEET NUMBER:

ZA.10

PROJECT NUMBER: 14-001

DATE: 4-27-15

DRAWN BY: HS

PROTOTYPE MULTI-FAMILY TOWNHOUSE ELEVATIONS



8 UNIT FRONT ELEVATION



6 UNIT FRONT ELEVATION



8 UNIT REAR ELEVATION



6 UNIT REAR ELEVATION



IMAGERY
LITTLE HARBOR, RUSKIN FL

ELEVATIONS ARE PRELIMINARY & SUBJECT TO CHANGES PENDING ZONING AMENDMENT APPROVAL, ARCHITECTURAL & ENGINEERING REFINEMENTS.

HOLLY SWANSON
ARCHITECT, AIA
6205 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA
33572

813-465-1095

FL LICENSE NO. AR92665

CONSULTING ENGINEER:

ERIC J HENDRA, P.E.



PROJECT INFORMATION:

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

SCALE: 1/16" = 1'-0"

ISSUE:

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

SEAL:

SHEET NUMBER:

ZA.11

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

**MASTER DEVELOPMENT AGREEMENT
(AVIAN POINTE)**

This Master Development Agreement (the "Agreement") is made and entered into this ___ day of _____, 2015 (the "Effective Date") by and among City of Apopka, a Florida municipal corporation, whose mailing is 120 East Main Street, Apopka, Florida 32703 (the "City"), Apopka Clear Lake Investments, LLC, a Florida limited liability company, whose mailing address is 511 West Bay Street, Suite 350, Tampa, Florida 33606 ("Developer") and The W.D. Long Family Farms Limited Partnership, a Florida limited partnership, whose mailing address is 2849 Lust Road Apopka, Florida 32703 (hereinafter referred to as "Long").

RECITALS

A. Developer is currently the owner and developer of that certain property located in the City of Apopka, Orange County, Florida legally described in Exhibit "A" attached hereto and made a part hereof (the "Apopka Clear Lake Property");

B. Long is the owner of certain real property adjacent to the Apopka Clear Lake Property bearing Orange County Tax Parcel Identification Number 07-21-28-0000-00-015 (the "Long Property").

C. The Apopka Clear Lake Property and the Long Property are sometimes collectively referred to herein as the "Property".

D. The Property is commonly known as Avian Pointe which is an approved Planned Unit Development (the "PUD") consisting of single family, townhome, apartment, flex space and recreational uses (collectively, the "Project");

E. The City, Developer and Long are sometimes collectively referred to herein as the "Parties".

F. The Parties anticipate that the Project will be constructed in phases with two (2) phases for the townhome portion, two (2) phases for the apartment portion, one (1) single family home phase, one (1) phase for the flex space portion; and certain common areas, including but not limited to recreational areas, which shall also be constructed in phases all as more

particularly described in Exhibit "B" attached hereto and made part hereof (the "Phasing Plan"); and

G. The Parties Developer will establish a Master Association to administer the maintenance of the common elements of the Project, including the recreational areas, in order to ensure the orderly development of the Project as a quality community.

NOW THEREFORE, for and in consideration of the mutual obligations contained herein and the sum of ten dollars (\$10.00) and other good and valuable consideration the sufficiency of which is hereby conclusively acknowledged the parties agree as follows:

AGREEMENT

1. **Recitals.** The Recitals contained above are true and correct and are incorporated in this Agreement as full as if set forth herein verbatim.

2. **Project Phasing.** Developer may construct the Project in phases consistent with the Phasing Plan and the PUD Master Plan, but shall not be required to construct them in the sequence set forth on the Phasing Plan. Phasing must occur consistent with limitations and conditions set forth in the Transportation Improvements Development Agreement and Grant of Easement attached hereto as Exhibit "C" and made part hereof (the "Transportation Agreement"). Phase A of the Phasing Plan represents the single family residential portion of the Project. Phase B-1 represents one townhome phase of the Project. Phase B-2 represents the apartment phases of the Project. Phase B-3 represents one townhome phase of the Project. Phase B-4 represents the recreational area phase of the Project, which may consist of further sub-phases as set forth in this Agreement. Phase B-5 represents the flex space phase of the Project. Phase B-6 represents the open space phase for the flex space phase of the Project.

3. **Master Association.** Prior to the issuance of the first building permit for the initial phase of the Project, Developer shall form the Avian Pointe Master Association (the "Master Association") through the creation of Articles of Incorporation, Bylaws and a Declaration of Covenants, Conditions and Restrictions (the "Governing Documents"). The Governing Documents shall be consistent with this Agreement and the Transportation Agreement and, to the extent of a conflict, this Agreement and the Transportation Agreement shall supersede the Governing Documents. The initial members of the Board of Directors for the Master Association shall be Ken Stoltenberg, Frank Bombeeck and Ben Voss with successors to be appointed based upon the ownership of the Apopka Clear Lake Property. The Long Property will be included as a member of the Master Association, but shall not be required to pay any assessments under the Governing Documents unless and until the Long Property is conveyed to a third party. As Developer sells portions of the Property to third parties, such third parties shall be added as members of the Master Association and the Board of Directors shall be updated to ultimately include a total of five (5) members representing the two (2) townhome phases, two (2) apartment phases and one (1) single family home phase. Each member shall agree on behalf of itself and their respective successors and assigns to comply with the PUD and other City approvals for the Project applicable to any portion of the Property owned by the particular party. The Governing Documents shall specify that an annual budget is established to adequately fund the maintenance of

the park space and Internal Streets (as hereinafter defined). The Governing Documents shall also provide for the establishment of an Architectural Review Committee ("ARC"). Each individual phase of the Project shall be required to submit plans and specifications to the ARC before seeking approval of the same from the City. The City and the Developer agree that the Avian Pointe is intended to be a first-class residential community and the ARC shall establish review criteria consistent with such intent and similar communities within the Central Florida area.

4. **Temporary Density Limitation.** The Parties entered into the Transportation Agreement of even date herewith regarding, among other things, certain transportation improvements to be completed in connection with the Avian Pointe Project. The City and Developer further agree that notwithstanding the approval of the PUD, the density of the Apopka Clear Lake Property shall not exceed five (5) dwelling units per acre or 455 multi-family residential units (meaning townhome and apartment units as used in this Agreement) until such time as the Spine Road (as defined in the Transportation Agreement) is connected to Orange Avenue north of the Project.

5. **Internal Street Network.** With the exception of the Spine Road (as defined in the Transportation Agreement), all internal streets within the Project will be privately owned and maintained (the "Internal Streets"). The Governing Documents of the Master Association shall specify which Internal Streets are maintained by which phase of the Project in a manner that is consistent with the Road Delineation Plan attached hereto as Exhibit "D" and incorporated herein by this reference. No residential community within Avian Pointe, including the Long Property, shall be gated.

6. **Parking and On Site Infrastructure.** Although the Project may be constructed in phases consistent with the Phasing Plan and this Agreement, each individual phase of the Project shall be required to provide sufficient on site infrastructure to satisfy the applicable City Code requirements. Further, each individual phase shall be required to provide the number of parking spaces set forth within the Avian Pointe PUD Zoning Amendment and Mixed Use Master Plan. All on street parking spaces with the exception of Parcel A (the Long Property) shall be considered common areas and accessible to residents and guests of the entire Project.

7. **Shared Use Recreation Area.** The common Recreational Area Phase of the Project is depicted on the Phasing Plan as phase B-4 (the "Shared Use Recreational Area"). The City and Developer agree that the Recreational Area Phase may be constructed in four (4) sub-phases. Such sub-phases shall correspond to the two (2) townhome phases and two (2) apartment phases of the Project. Each sub-phase shall fund its share of the cost of the amenity features with and the Governing Documents of the Master Association shall require that the Master Association shall be ultimately responsible for constructing the amenities which compromise the Recreational Area Phase and shall maintain ownership and control over Phase B-4. The Recreational Area Phase shall be consistent with the amenities appearing on the Master Association Plan for Phase B-4. Recreational facilities may include a pool, playground, dog park, restrooms, storage facility, basketball court(s), racquetball court, tennis court and/or other similar uses with a parking area to include an adequate number of handicapped spaces. A final development for the Shared Recreation Area shall be approved by the Apopka City Council prior to the issuance of the first Preliminary Development Plan approval by the City for Phase B-1, B-2, or B-3. All land east of the Spine Road (as defined in the Transportation Agreement) northward shall be under the control and maintenance of the Master Association, and included as part of the common area recreation area and facilities.

8. **Apartments.** The apartment phases of the Project are characterized as luxury apartments and shall contain the following amenity features: (1) balcony/porch with each unit; (2) resort-style swimming pool; (3) dog park and (4) full washer and dryer within two and three bedroom apartments and a full or stacked washer and dryer available in one-bedroom apartments. Additionally, at least two (2) of the other amenity features set forth on Exhibit "E" attached hereto and incorporated herein by this reference (the "Additional Luxury Apartment Amenity Features") shall be provided. No community laundry or coin laundry room is allowed.

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

a. **Boutique Hotel.** The Hotel shall not exceed 100 rooms and all rooms must have entry only through the interior of the hotel building. A restaurant is allowed at the hotel but must be interior to the hotel or connected by a covered walkway. Restaurant facilities must be managed or leased by the hotel owner. The boutique hotel shall demonstrate character and attributes common to the definition of such hotels and shall be furnished in a themed, stylish and/or aspirational manner.

b. **School.** A public or private school serving school age children from grades kindergarten (including pre-school) to 12th grade. In the event that the Flex Space Phase is developed as a school use, the Master Association shall enter into a shared use agreement with the owner of the school property to enable the school to utilize a portion of the Recreational Area Phase during normal school hours. Such use agreement shall set forth an obligation of the owner of the school property to participate in the maintenance costs of the Shared Recreational Area Phase (Parcel B-4) on a fair share basis to be agreed upon between the parties. The shared use agreement shall ensure the school has use of the Shared Recreation Area during school hours and during organized school activities.

c. **Day care, adult or child.**

d. **Assisted Living Facility or Senior Housing.**

e. **Residential.** The City and the Developer agree that in the event nonresidential development does not occur on the Flex Space area, Developer shall be permitted to convert the flex space to develop up to a maximum of sixty (60) townhome units on the Flex Space area to the extent and limited to a maximum residential density of ten (10) units per acres for the entire area of the Avian Pointe Master Plan assigned a Residential Medium Density Future Land Use Designation and subject to compliance with all school concurrency requirements and the City's Land Development Code. Conversion of the Flex Space area to residential townhomes shall not occur until after 650 residential units have been constructed within Avian Pointe or five (5) years from the completion of the Spine Road, whichever occurs first. Conversion may include residential apartments above first-floor professional or business office uses consistent with Section 9(f) below. Residential buildings within parcel B-5 nearest the Spine Road or the northern private road shall be have the front facade oriented to the street with the primary entrance connected to the street sidewalk and to the perimeter of the Parcel. Parking shall be behind residential buildings screen from S.R. 429 or the PUD roads. Residential buildings nearest the Spine Road shall be limited to two stories and a height of thirty-five (35) feet.

f. Vertical Mixed Use Buildings. Professional or business office on the first floor and apartments on the upper floors. A maximum of sixty (60) apartment units are allowed. A professional or business office unit shall not exceed 2,500 square feet.

G. Any residential development within the Flex Use Area must satisfy any applicable school concurrency requirements prior to submittal of a preliminary or final development plan.

10. **Development Design Review.** Prior to or commensurate with the submittal of the first Preliminary Development Plan for the Project, Developer shall submit a document for review by City staff demonstrating common design themes for utility and equipment located within common areas or private and public roadways, entrance features design, including but not limited to decorative street light poles, street name theme, and park benches\ furniture. Entrance features and landscape plans for the round-about shall be also be submitted for review by City staff. The Master Association shall be responsible for maintaining the landscaping, trees and grass within all medians and rights-of-way along the Spine Road south of the northern Project property line. North of the northern project line, the Master Association shall maintain the landscaping, trees, and grass within the right-of-way northward to Peterson Street for four (4) years after installation or the 700th residential unit is constructed, whichever occurs first. Maintenance shall include mowing grass and maintaining any vegetation or trees planted within the right-of-way or round-about. No residential community within Avian Pointe, including the Long Property, shall be gated.

11. **Covenants Running with the Land/Assignment.** The terms, provisions, covenants, conditions and restrictions set forth in this Agreement and the rights, privileges and benefits and duties, obligations and burdens assigned, granted, imposed and created pursuant to this Agreement shall and are hereby declared to be covenants running with the title to the Property. This Agreement shall legally benefit and bind the Developer and its respective successors and assigns.

12. **Off-Site Real Estate Directory Signage.** As the Avian Pointe Project is currently located in an isolated area until developed, the Developer may locate one (1) temporary real estate directory sign on private property at the intersection of King Street and W. Orange Avenue and at the intersection of Lust Road and Binion Road on a temporary basis and subject to the approval of the property owner. If multiple homebuilders are present within Avian Pointe, they must share this same real estate directory sign. The temporary real estate sign must be removed within four (4) years from the issuance of the first residential certificate of occupancy or upon completion of the 700th unit, whichever occurs first.

13. **Legal Proceedings, Attorneys' Fees.** In the event that either of party shall institute litigation or other legal proceedings against the other to interpret or enforce any term, provision, warranty, covenant or condition set forth in this Agreement, the prevailing party in such litigation or other legal proceedings following all appeals therefrom, if any, shall be entitled to recover from the non-prevailing party in such litigation or other legal proceedings reasonable attorneys', paralegals', and experts' fees and expenses and court costs incidental thereto, including those incurred on any bankruptcy proceeding and/or appeal of a lower court decision.

14. **Notices.**

- a. All notices provided for in this Agreement shall be in writing and delivered personally (including delivery by courier) or by registered or certified mail, return receipt requested, postage prepaid, or via facsimile to the parties, at the addresses and facsimile numbers set forth below, with a copy forwarded to their respective attorneys, at the addresses and facsimile numbers set forth below, or at such other addresses as the parties shall designate to each other in writing:

City: Glenn Irby, City Administrator
120 East Main Street
Apopka, Florida 32703
Telephone: (407) 703-1712

With a copy to: Cliff Shepard, Esq.
Shepard, Smith & Cassidy, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751
Telephone: (407) 622-1772

Developer: Apopka Clear Lake Investments, LLC
Attention: Ken Stoltenberg
511 West Bay Street, Suite 350
Tampa, Florida 33606
Telephone (813) 321-1984

With a copy to: Thomas R. Sullivan, Esq.
GrayRobinson, P.A.
301 E. Pine Street, Suite 1400
Orlando, Florida 32801
Telephone (407) 244-5664

Long: The W.D. Long Family Farms Limited Partnership
Attention: William D. Long
2849 Lust Road
Apopka, Florida 32703

- b. Any notice, request, demand, instruction or other communication to be given to either party hereunder, shall be in writing and shall be hand-delivered, sent by Federal Express or a comparable overnight mail or delivery service, mailed by U.S. registered or certified mail, return receipt requested, postage prepaid, or transmitted by facsimile or telecopier to the parties and their listed co-recipients, at their respective addresses and/or facsimile numbers set forth herein. Any notice delivered as aforesaid shall be deemed delivered immediately upon mailing, delivery to an appropriate carrier, or receipt or refusal of delivery of said notice, whichever is earliest. The inability to deliver because of change in address of which no notice is given shall be deemed to be a receipt of the notice, demand and request. The party claiming delivery of notice via telecopier or facsimile

shall have the burden of proving notice was in fact sent, which burden can be carried without further evidence if confirmed by the transmitting telecopier or facsimile machine. Any communication sent by facsimile or telecopier shall promptly be followed by a copy delivered by one of the other approved methods. Receipt shall be deemed to have occurred if delivered to an authorized agent or any employee of the addressee or of the addressee's company. A time period in which a response to any notice, demand or request must be given pursuant to the terms of the Agreement, shall commence to run from the date of receipt. Any party may change the address for receiving notices, request, demands, or other communication by not less than three (3) days prior notice in accordance with this Paragraph. Telephone numbers are provided for convenience only.

- c. City and Developer may from time to time notify the other of changes regarding where and to whom notices should be sent by sending notification of such changes pursuant to this Paragraph.

15. Miscellaneous Provisions.

- a. **Entire Agreement.** This Agreement constitutes the complete and entire understanding and agreement between City and Developer concerning or with respect to the topics addressed in this Agreement and supersede any and all prior or contemporaneous covenants, agreements, undertakings, statements, representations or warranties, whether written or oral, of any party hereto concerning or with respect thereto.
- b. **Relationship of the Parties.** This Agreement does not evidence the creation of, nor shall it be construed as creating a partnership or joint venture among City, Developer or Long. Developer and Long cannot create an obligation or responsibility on behalf of City or bind City in any manner. Each Party is acting for its own account, and it has made its own independent decisions to enter into this Agreement and as to whether the same is appropriate or proper for it based upon its own judgment and upon advice from such advisers as it has deemed necessary. Each Party acknowledges that none of the other Parties hereto is acting as a fiduciary for or as an adviser to it in respect of this Agreement or any responsibility or obligation contemplated herein.
- c. **Agency.** Developer, Long and City, and their agents, contractors and subcontractors, shall perform all activities described in this Agreement as independent entities and not as agents of one another.
- d. **Sovereign Immunity.** Nothing contained in this Agreement shall be construed as a waiver of City's right to sovereign immunity for tort claims under and subject to § 768.28, *Florida Statutes*.
- e. **Captions and Paragraph Headings.** Captions and paragraph headings contained in this Agreement are for convenience of reference only and are in no way intended, and shall in no way be deemed, to define, describe, extend or limit the

scope, content or intent of this Agreement or of any particular term, provision or paragraph hereof.

- f. **Modification, Amendment or Termination.** This Agreement may not be changed, modified, amended or terminated except as expressly set forth in a separate writing signed by both of the parties to this Agreement or their respective successors in interest or title.
- g. **Recording in Public Records.** Developer shall ensure that this Agreement in its entirety and the Transportation Agreement in its entirety are recorded among the public records of Orange County, Florida promptly after the execution of the Agreement and Transportation Agreement by all parties.
- h. **Indemnification.** Developer hereby indemnifies and holds City and its elected and appointed officials, employees and agents harmless from and against any and all claims (at law or in equity), disputes, lawsuits, injuries, damages, attorneys' fees and all adverse matters in any way arising out of or relating to the risks assumed by Developer under this Agreement.
- i. **Default.** Failure by a Party to perform any of its obligations hereunder shall constitute default hereunder, entitling the non-defaulting Party to terminate this Agreement or to pursue the remedies of specific performance, injunctive relief or damages as set forth in this Agreement. Prior to termination of this Agreement, the non-defaulting Party exercising such right shall first provide the defaulting Party with written notice specifying such default and the actions needed to cure same, in reasonable detail. Upon receipt of said notice, the defaulting Party shall be provided thirty (30) day opportunity within which to cure such default.
- j. **Bankruptcy.** In the event (a) an order or decree is entered appointing a receiver for Developer or its assets or (b) a petition is filed by Developer for relief under federal bankruptcy laws or any other similar law or statute of the United States, which action is not dismissed, vacated or discharged within sixty (60) days after the filing thereof, then City shall have the right to terminate immediately this Agreement.
- k. **No Liability or Monetary Remedy.** Notwithstanding anything herein to the contrary, Developer, Long and City, on behalf of themselves, and their respective successors and assigns, hereby agree that no Party shall be liable to the other for any direct, indirect, special, punitive or consequential damages, including but not limited to, damages based on loss of service, revenues, profits or business opportunities, and hereby waive any and all claims and causes of action for the recovery of such direct, indirect, special, punitive or consequential damages.
- l. **Governing Law; Binding Effect.** This Agreement and the construction, interpretation and enforcement thereof shall be construed in accordance with and governed by the laws of the State of Florida and shall be binding upon, inure to

the benefit of and be enforceable by the parties hereto and their respective successors in interest or title.

- m. **Venue.** The location for settlement of any and all claims, controversies, or disputes, arising out of or relating to any part of this Agreement, or any breach hereof, shall be Orange County, Florida.
- n. **Construction of Agreement.** The fact that any one of the parties to this Agreement shall have drafted or structured or shall be deemed to have drafted or structured this Agreement or any particular term or provision of this Agreement shall not be considered by any court or other tribunal in the construction or interpretation of this Agreement or any particular term or provision of this Agreement, either in favor or to the disadvantage of such party.
- o. **Severability.** If any of the terms, provisions, covenants or conditions set forth in this Agreement or the application thereof to any particular circumstance shall be held by any Court having jurisdiction to be illegal, invalid or unenforceable under applicable law, the remainder of this Agreement shall not be affected thereby and each provision of this Agreement shall be valid and enforceable to the fullest extent otherwise permitted by law.
- p. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be and be taken to be an original, and are collectively but one instrument.
- q. **Time of the Essence.** Time, and timely performance, is of the essence of this Agreement and of the covenants and provisions hereunder. When a date upon which a specified event shall occur or be performed falls upon a weekend or legal holiday, the time allowed for the event or performance to occur shall be extended to 5:00 p.m. on the next succeeding business day. For purposes of this Agreement, a "business day" shall mean any weekday that the banks in the county in which the Property is located are open for business (thereby excluding Saturdays, Sundays and legal holidays).
- r. **Statutory Development Agreement.** This Agreement is not a statutory development agreement pursuant to Chapter 163, Florida Statutes (Florida Local Government Development Agreement Act), and is being entered into by the City pursuant to the City's home rule authority.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

Witnesses:

APOPKA CLEAR LAKE INVESTMENTS, LLC,
a Florida limited liability company

Printed Name: _____

By: _____

Name: _____

Title: _____

Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____,
2015, by _____, as _____
of Apopka Clear Lake Investments, LLC, a Florida limited liability company, who is known to
me ____ or who produced _____ as identification on behalf of the company.

Notary Public
State of Florida at Large

My Commission Expires:

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

CITY OF APOPKA

By: _____

ATTEST:

_____, City Clerk

Approved as to Form:

_____, City Attorney

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, who is known to me __ or produced ____ as identification as _____ of the City of Apopka, Florida, a municipal corporation of the State of Florida, on behalf of the City of Apopka, Florida.

Notary Public
State of Florida at Large

My Commission Expires:

Exhibit "A"

The Property

PARCEL I.D. NUMBERS: 07-21-28-0000-00-002, 07-21-28-0000-00-023

The West ½ of the Southwest ¼ of Section 7, Township 21 South, Range 28 East, lying East of State Road 429; the Southwest ¼ of the Northwest ¼ of Section 7, Township 21 South, Range 28 East, less the West 100.00 feet thereof, and the West ½ of the West ½ of the Southeast ¼ of the Northwest ¼ of Section 7, Township 21 South, Range 28 East, all in Orange County, Florida.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at the Southeast corner of the Southwest ¼ of Section 7, Township 21 South, Range 28 East, Orange County, Florida; thence run South 89°39'36" West, along the South line of the Southwest ¼ of said Section 7, for a distance of 1320.05 feet to a point on the East line of the West ½ of the Southwest ¼ of said Section 7; thence departing said South line, run North 00° 22'30" East, along said East line, for a distance of 30.00 feet to a point on the North right of way line of Lust Road, as recorded in Deed book 509, Page 564 of the Public Records of Orange County, Florida, said point also being the POINT OF BEGINNING; thence run South 89°39'36" West, along the said North right of way line, for a distance of 163.18 feet to a point on the Easterly limited access right of way line of State Road 429, as shown on Orlando-Orange County Expressway Authority Right of Way Map of Project Number 429-201, said point also being on a curve, concave Southwesterly, having a radius of 8150.00 feet, a chord bearing of North 26°36'44" West, and a chord distance of 720.85 feet; thence run Northwesterly along the arc of said curve, and said Easterly limited access right of way line through a central angle of 05°04'10" for an arc distance of 721.09 feet to the point of tangency; thence run North 29°08'49" West, along said Easterly limited access right of way line, for a distance of 768.04 feet to the point of curvature of a curve, concave Northeasterly, having a radius of 4850.00 feet, a chord bearing of North 22°13'22" West, and a chord distance of 1169.35 feet; thence run Northerly along the arc of said curve, and said Easterly limited access right of way line, through a central angle of 13°50'52" for an arc distance of 1172.20 feet to a point on the West line of the Southwest ¼ of said Section 7; thence departing said curve, and said Easterly limited access right of way line, run North 00°23'17" East, along said West line, for a distance of 193.80 feet to the West ¼ corner of said Section 7; thence departing said West line, run South 89°49'16" East, along the North line of the Southwest ¼ of said Section 7, for a distance of 100.00 feet to a point on the Westerly line of the CSX railroad, as recorded in Deed Book 882, Page 129 of the aforesaid Public Records of Orange County, Florida; thence departing said North line, run North 00°11'33" East, along said Westerly line, for a distance of 1313.29 feet to a point on the North line of the Southwest ¼ of the Northwest ¼ of said Section 7; thence departing said West line, run South 89°44'02" East, along said North line, for a distance of 1547.79 feet to a point on the East line of the West ¼ of the Southeast ¼ of the Northwest ¼ of said Section 7; thence departing said North line, run South 00°18'38" West, along said East line, for a distance of 1310.94 feet to a point on the North line of the aforesaid Southwest ¼ of Section 7; thence departing said East line, run North 89°49'16" West, along said North line, for a distance of 327.05 feet to a point on the aforesaid East line of the West ½ of the Southwest ¼ of Section 7; thence departing said North line, run South 00°22'30" West, along said East line, for a distance of 2586.52 feet to the POINT OF BEGINNING;

Containing 4,155,511 square feet, or 95.40 acres, more or less.

DRAFT

Exhibit "C"

Transportation Improvements Development Agreement and Grant of Easement

Prepared by and Return to:
Thomas R. Sullivan, Esq.
Gray Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, FL 32801

**TRANSPORTATION IMPROVEMENTS DEVELOPMENT AGREEMENT AND GRANT OF
EASEMENT**

THIS TRANSPORTATION IMPROVEMENTS DEVELOPMENT AGREEMENT AND GRANT OF EASEMENT (the "Agreement") is made and entered into as of the ____ day of _____, 2015, by and among **CITY OF APOPKA**, a Florida municipal corporation, whose mailing address is 120 East Main Street, Apopka, Florida 32703 (hereinafter referred to as "**City**"), **APOPKA CLEAR LAKE INVESTMENTS, LLC**, a Florida limited liability company, whose mailing address is 511 West Bay Street, Suite 350, Tampa, Florida 33606 (hereinafter referred to as "**Developer**") and **THE W.D. LONG FAMILY FARMS LIMITED PARTNERSHIP**, a Florida limited partnership, whose mailing address is 2849 Lust Road Apopka, Florida 32703 (hereinafter referred to as "**Long**").

RECITALS

1. Developer is the owner of certain real property bearing Orange County Tax Parcel Identification Numbers 07-21-28-0000-00-002 and 07-21-28-0000-00-023 located in the City of Apopka, Orange County, Florida (collectively, the "**Apopka Clear Lake Property**").
2. Developer is processing certain land use and zoning approvals with the City, including a Planned Unit Development zoning approval (the "**PUD**"), with respect to the Apopka Clear Lake Property and that certain adjacent real property owned by Long bearing Orange County Tax Parcel Identification Number 07-21-28-0000-00-015 (the "**Long Property**").
3. The Apopka Clear Lake Property and the Long Property are sometimes collectively referred to herein as the "**Property**".
4. The Property is approximately 125.62 total acres in size and is generally depicted and described on **Exhibit A** attached hereto and incorporated herein by this reference.

5. Developer is planning to construct a multi-phase residential community featuring townhomes, luxury apartments and flex space on the Apopka Clear Lake Property (the “**Avian Pointe Project**”).
6. The City envisions the development of other properties in the immediate vicinity of the Property.
7. The City has determined that the construction of a two-lane public road with related improvements (the “**Spine Road**”), including but not limited to a bike path and landscaping associated with the Spine Road, generally through the Property as more particularly described herein (collectively, the “**Transportation Improvements**”) are required in order to achieve the appropriate traffic circulation to and from the Avian Pointe Project as well as other projects in the immediate area.
8. Developer agrees to undertake the Transportation Improvements as set forth in this Agreement.
9. To the extent that the City requests that Developer undertake the oversizing of any sewer force main, water main or reclaimed water main in connection with the Avian Pointe Project, City and Developer shall enter a separate agreement with respect to such oversizing and associated impact fee credits related thereto.
10. City and Developer now desire to set forth in writing the terms and conditions regarding the foregoing.

NOW, THEREFORE, in consideration of the mutual covenants, premises and promises hereinafter set forth, the receipt, adequacy and sufficiency of which are hereby acknowledged, the City and the Developer hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct in all respects and are expressly incorporated herein by reference.
2. **Transportation Improvements.**
 - A. Construction plans for the Transportation Improvements must be approved by the City Engineer prior to commencing construction. The design of the Spine Road must comply with the City’s design engineering standards.
 - B. The Transportation Improvements shall be constructed by the Developer in phases, as set forth in **Exhibit B** attached hereto and incorporated herein by this reference (the “**Spine Road Phasing Plan**”).

- C. The Transportation Improvements consist of Segment A, Segment B, Segment C and Segment D as set forth on the Spine Road Phasing Plan, as generally described as follows:

Segment A. Generally a two-lane divided road with an eleven (11) foot wide multi-use trail on the east side of the ROW, and either a five-foot wide sidewalk or an eleven (11) foot wide multi-use trail on the west side of the ROW, and a round-about as illustrated within the Avian Pointe PUD Zoning Agreement and Mixed Use Master Plan. No on-street parking will occur on Segment A. Developer shall be responsible for construction of Segment A. No transportation impact fee credits shall be granted for the construction of Segment A. Final design of Segment A to be determined at the Preliminary Development Plan.

Segment B. Generally a two-lane divided road with a minimum ten foot landscape median. Maintenance of the landscaping, trees, lawn and plants (aka Segment B green area) within the Segment B right-of-way and median shall be initially maintained by the Master Association (as described in the Master Development Agreement). At the time a Final Development Plan is approved for Phase A, the developer of Phase A shall maintain the Segment B green area until said Segment B green area has an established Homeowners Association, who shall assume permanent maintenance responsibility. Developer shall be responsible for construction of Segment B. Developer of Phase B shall be responsible for planting of trees and landscaping within Segment B.

Segment C. If the right-of-way width is designed at fifty (50) feet at the time of the Final Development Plan application, Segment C shall be designed as a two-lane roadway with a five foot wide sidewalk on each side. If a 60-foot or wider is designed at the Final Development Plan, the road shall design shall include a 12-foot wide off-street multi-use trail on one-side of the road and a five-foot side walk on the opposite side. If the City is able to obtain an alternative road alignment for Segment D, Developer will not object to a modification in the road configuration. If width of the road allows at the time of the Final Development Plan, a median shall be included in the design with sod, irrigation and trees.

The Master Association shall be responsible for maintaining all landscaping and trees within Segment C for the three (3) years following the City's acceptance of the right-of-way and road improvements. Thereafter, maintenance shall be performed by the City.

Segment D. Generally, the extension of a twelve (12) inch potable water line along the existing right of way.

- D. The foregoing transportation improvements set forth in Section 2 of this Agreement shall hereinafter be referred collectively be referred to as the “**Spine Road Segments Scope of Work**”.
- E. The Developer shall construct the Transportation Improvements for Segment A as depicted on the Spine Road Phasing Plan in connection with the initial phase of the Avian Pointe Project which shall not exceed 455 total multifamily units approved in the PUD.
- F. In order for Developer to construct in excess of 455 multifamily dwelling units or any approved use on the Flex Use Parcel (B-5), Developer shall (i) acquire the right-of-way necessary to construct Segments B and C as set forth on the Spine Road Phasing Plan; (ii) construct the Transportation Improvements for Segment B and Segment C consistent with the Spine Road Segments Scope of Work and (iv) install the potable water line for Segment D consistent with the Spine Road Segments Scope of Work. A letter of credit or bond must be provided to the City for the cost of the construction of Segments B, C and D. Any Segment which is located outside of the City of Apopka shall be annexed into same before construction of any improvements thereon.
- G. The Transportation Improvements shall be conveyed by the Developer to City in connection with the platting of the Avian Pointe Project. It is anticipated that the plat will be phased.

3. **City Right-of-Way.**

- A. In connection with the City’s issuance of a right-of-way permit to Developer for the purposes of constructing the Transportation Improvements (hereinafter the “**Improvements**”), such permit issuance shall grant to Developer the right to perform the Improvements in all areas where the Improvements are to be located within public right-of-way or on property otherwise owned by the City..
- B. The City and Developer acknowledge that Developer may need to obtain certain approvals from Orange County in order to perform the Improvements. The City agrees to cooperate with Developer in connection with such County approvals.
- C. The City shall have the right, but not the obligation, to inspect the Improvements during construction.

4. **Long Property.**

- A. Long does hereby establish for, grant and convey to Developer, its successors and assigns, a non-exclusive temporary construction easement on, over and across the area on the Long Property which corresponds with Segment B as

depicted on the Spine Road Phasing Plan (the “**Long Construction Easement Area**”). Developer agrees to provide the City and Long with a sketch of description for the Long Construction Easement Area prior to the commencement of any construction activities thereon. The Long Construction Easement Area contains all areas where the Improvements are to be located which are owned by the City and not on property owned by the Developer. The Temporary Construction Easement shall terminate upon the earlier of (i) twenty-four (24) months from the date of this Agreement; or (ii) completion of construction of the Improvements as evidenced by conveyance of the Improvements pursuant to Paragraph 5 below. Long acknowledges that it hereby grants to the Developer the right and license to construct the Improvements, and expressly consents to such construction.

- B. Consistent with Paragraph 5(C) below, the portion of the Spine Road constructed on the Long Property shall be conveyed to the City in connection with the platting of the Avian Pointe Project. The Developer may elect to undertake the construction of the portion of the Spine Road which traverses through the Long Property with the reimbursing Developer upon terms and condition of a separate mutually acceptable agreement between the Developer and Long. In the event that Developer does not so elect, the construction of the portion of the Spine Road which traverses through the Long Property shall be the responsibility of the party which elects to develop the Long Property at the time of such development.

5. **Conveyance of Improvements.**

A. Developer and, as applicable, Long, shall, at its sole cost and expense, convey the Improvements, including Segments A, B and C to the extent the same are under the control by Developer and Long, to the City free and clear of all liens and encumbrances, within ten (10) business days of the issuance of a certificate of completion for the Improvements by the City and any other governmental agency, including the County, with authority over the Improvements.

B. As evidence of such transfer and conveyance, Developer shall convey each component of the Improvements to the City by separate Bill of Sale. Developer shall also grant an access and maintenance easement in favor of the City with respect to the Improvements at the same of such transfer and conveyance.

C. Final acceptance (“**Final Acceptance**”) of each component of the Improvements by the City shall occur upon satisfaction of the following:

- a. Completion of construction of the particular component of the Improvements in accordance with the plans and specifications as approved by the City in the permitting process.

b. Delivery to City of one (1) complete set of record drawings with AutoCAD files and specifications certified by Developer's engineer.

c. Developer's assigning all warranties Developer has obtained from its contractors, suppliers, and/or materialmen with respect to the construction of the Improvements and materials used therein.

Provided all such conditions are met, the City agrees to accept such conveyance without delay, and shall thereafter be responsible for the operation and maintenance of the Improvements so conveyed to the City. As part of such conveyance, Developer agrees to warrant the Improvements so conveyed for a period of one (1) year from the date of acceptance by the City. In the event that the City initiates an annexation of any portion of the Property on which the Improvements are located, Developer agrees to support any such annexation.

5. **Documentation from Developer.** The Developer shall submit to the City from the Developer's project engineer, contractor's affidavits, and certificates from the project engineer.

6. **Development Approvals.** This Agreement shall in no manner constitute a development approval regarding the Property or the Avian Pointe Project. Developer must comply with all applicable provisions of the City's Code and Land Development Code regarding the development of the Property and the Avian Pointe Project.

7. **Deed Restriction.** The Apopka Clear Lake Property is subject to that certain Deed Restriction recorded among the Public Records of Orange County, Florida at Official Records Book 10890, Page 4137 (the "**Deed Restriction**"). Consistent with the terms and conditions thereof, the City and the Developer agree that the Deed Restriction is hereby terminated and of no further force or effect.

8. **Disclaimer of Third Party Beneficiaries.** This Agreement is for the sole benefit of the parties hereto, and no right of action shall accrue upon or by reason hereof, to or for the benefit of any third party. Nothing in this Agreement either express or implied, is intended or shall be construed to confer upon or give any person, corporation or governmental entity, other than the parties hereto, any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof, and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns.

9. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

10. **Waiver; Modification.** The failure by any party to insist upon or enforce any of its rights shall not constitute a waiver thereof and nothing shall constitute a waiver of any party's right to insist upon strict compliance with the terms of this Agreement. Any party may waive the

benefit of any provision or condition for its benefit which is contained herein. No oral modification of this Agreement shall be binding upon the parties and any modification must be in writing and signed.

11. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Florida.

12. **Application; Effect.** If any provision of this Agreement or the application thereof to any party, person or circumstance shall be held or deemed to be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other parties, persons, or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

13. **Notices.** Any notices which may be permitted or required hereunder shall be in writing and shall be deemed to have been duly given as of the date and time the same are personally delivered, transmitted electronically (i.e. telecopier device) or within three (3) days after depositing the United State Postal Services, postage prepaid by registered or certified mail, return receipt requested, or within one (1) day after depositing with Federal Express or other overnight delivery service from which a receipt may be obtained, and addressed as follows:

City: Glenn Irby, City Administrator
120 East Main Street
Apopka, Florida 32703
Telephone: (407) 703-1712

Copy to: Cliff Shepard, Esq.
Shepard, Smith & Cassady, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751
Telephone: (407) 622-1772

Developer: Apopka Clear Lake Investments, LLC
Attention: Ken Stoltenberg
511 West Bay Street, Suite 350
Tampa, Florida 33606
Telephone: (813) 321-1984

Copy to: Thomas R. Sullivan, Esq.
GrayRobinson, P.A.
301 E. Pine Street, Suite 1400
Orlando, Florida 32801
Telephone: (407) 375-7740

Long: The W.D. Long Family Farms Limited Partnership
Attention: William D. Long
2849 Lust Road

14. **Attorney's Fees.** In the event of any dispute hereunder for any action to interpret or enforce this Agreement, any provision hereof or any matter arising herefrom, the prevailing party shall be entitled to recover its reasonable cost, fee, expenses, including, but not limited to, witness fees, expert fees, consultant fees, attorney, paralegal and legal assistant fees, costs and expenses and other professional fees, costs, and expenses, whether suit be brought or not, and whether in settlement, in any declaratory action, at trial or on appeal.

15. **Performance.** Time is of the essence in the performance of this Agreement.

16. **Traffic Capacity.** The City acknowledges that the City has reserved sufficient traffic capacity for the entire Avian Pointe Project. The City further acknowledges that the performance of the Spine Road Improvements as set forth herein satisfies all transportation improvement obligations, including but not limited to operational improvements, necessary for the full build out of the Avian Pointe Project.

17. **Consistency.** To the extent any provisions of this Agreement are inconsistent with, or are more specific than, the PUD, this Agreement controls.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in form and manner sufficient to bind them as of the date indicated hereinabove.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

Witnesses:

APOPKA CLEAR LAKE INVESTMENTS, LLC,
a Florida limited liability company

Printed Name: _____

By: _____

Name: _____

Title: _____

Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2015,
by _____, as _____ of
Apopka Clear Lake Investments, LLC, a Florida limited liability company, who is known to me ____ or
who produced _____ as identification on behalf of the company.

Notary Public
State of Florida at Large

My Commission Expires:

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

Witnesses:

The W.D. Long Family Farms Limited Partnership,
a Florida limited partnership

Printed Name: _____

By: _____

Name: _____

Title: _____

Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2015,
by _____, as _____ of The
W.D. Long Family Farms Limited Partnership, a Florida limited partnership, who is known to me ____ or
who produced _____ as identification on behalf of the limited partnership.

Notary Public
State of Florida at Large

My Commission Expires:

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

CITY OF APOPKA

By: _____

ATTEST:

_____, City Clerk

Approved as to Form:

_____, City Attorney

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, who is known to me __ or produced __ as identification as _____ of the City of Apopka, Florida, a municipal corporation of the State of Florida, on behalf of the City of Apopka, Florida.

Notary Public
State of Florida at Large

My Commission Expires:

EXHIBIT LIST

- EXHIBIT A Sketch and Description of the Property
- EXHIBIT B Spine Road Phasing Plan

Exhibit "A"

Sketch and Description of the Property

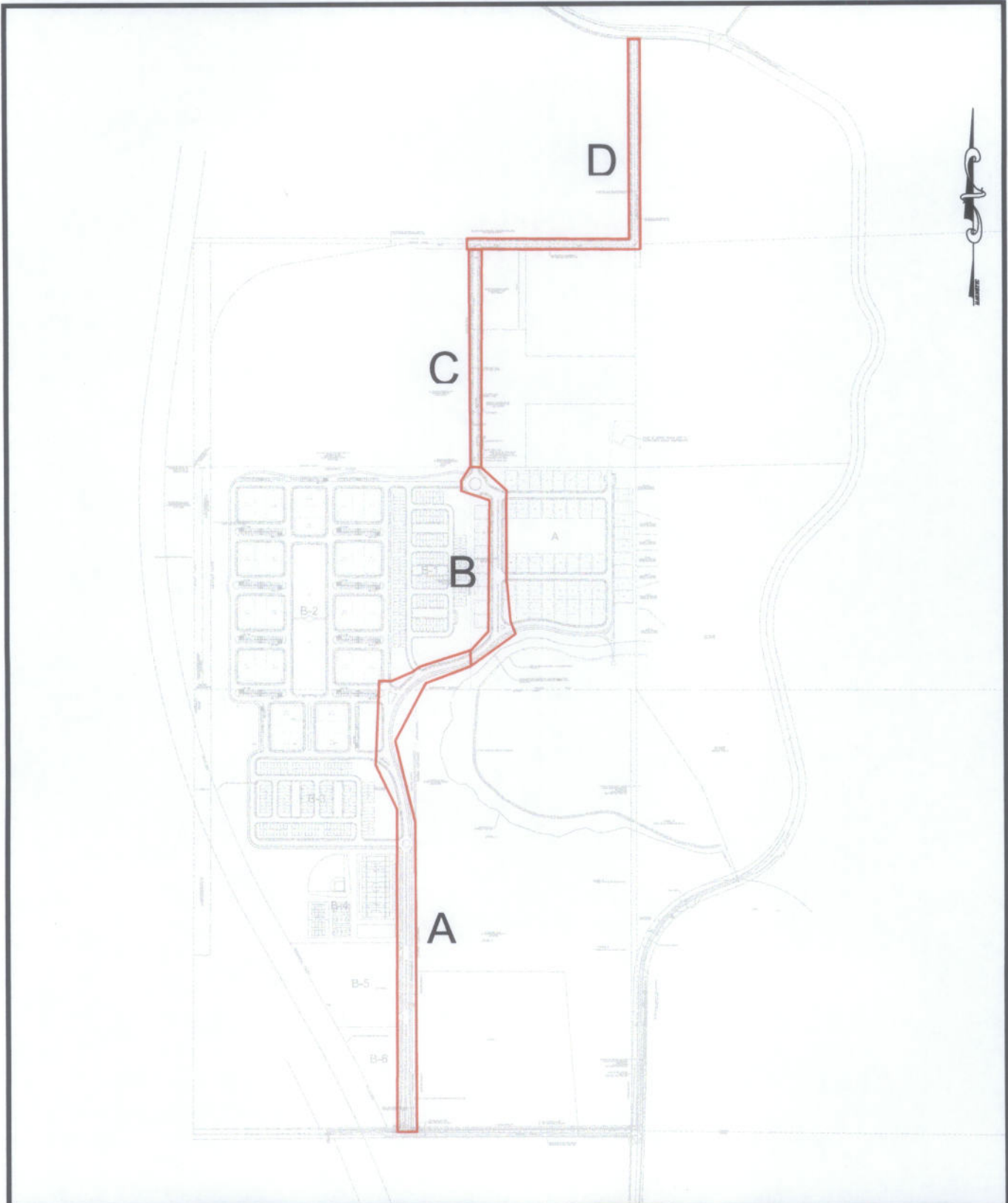
PARCEL I.D. NUMBERS: 07-21-28-0000-00-002, 07-21-28-0000-00-023

The West ½ of the Southwest ¼ of Section 7, Township 21 South, Range 28 East, lying East of State Road 429; the Southwest ¼ of the Northwest ¼ of Section 7, Township 21 South, Range 28 East, less the West 100.00 feet thereof, and the West ½ of the West ½ of the Southeast ¼ of the Northwest ¼ of Section 7, Township 21 South, Range 28 East, all in Orange County, Florida.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at the Southeast corner of the Southwest ¼ of Section 7, Township 21 South, Range 28 East, Orange County, Florida; thence run South 89°39'36" West, along the South line of the Southwest ¼ of said Section 7, for a distance of 1320.05 feet to a point on the East line of the West ½ of the Southwest ¼ of said Section 7; thence departing said South line, run North 00° 22'30" East, along said East line, for a distance of 30.00 feet to a point on the North right of way line of Lust Road, as recorded in Deed book 509, Page 564 of the Public Records of Orange County, Florida, said point also being the POINT OF BEGINNING; thence run South 89°39'36" West, along the said North right of way line, for a distance of 163.18 feet to a point on the Easterly limited access right of way line of State Road 429, as shown on Orlando-Orange County Expressway Authority Right of Way Map of Project Number 429-201, said point also being on a curve, concave Southwesterly, having a radius of 8150.00 feet, a chord bearing of North 26°36'44" West, and a chord distance of 720.85 feet; thence run Northwesterly along the arc of said curve, and said Easterly limited access right of way line through a central angle of 05°04'10" for an arc distance of 721.09 feet to the point of tangency; thence run North 29°08'49" West, along said Easterly limited access right of way line, for a distance of 768.04 feet to the point of curvature of a curve, concave Northeasterly, having a radius of 4850.00 feet, a chord bearing of North 22°13'22" West, and a chord distance of 1169.35 feet; thence run Northerly along the arc of said curve, and said Easterly limited access right of way line, through a central angle of 13°50'52" for an arc distance of 1172.20 feet to a point on the West line of the Southwest ¼ of said Section 7; thence departing said curve, and said Easterly limited access right of way line, run North 00°23'17" East, along said West line, for a distance of 193.80 feet to the West ¼ corner of said Section 7; thence departing said West line, run South 89°49'16" East, along the North line of the Southwest ¼ of said Section 7, for a distance of 100.00 feet to a point on the Westerly line of the CSX railroad, as recorded in Deed Book 882, Page 129 of the aforesaid Public Records of Orange County, Florida; thence departing said North line, run North 00°11'33" East, along said Westerly line, for a distance of 1313.29 feet to a point on the North line of the Southwest ¼ of the Northwest ¼ of said Section 7; thence departing said West line, run South 89°44'02" East, along said North line, for a distance of 1547.79 feet to a point on the East line of the West ¼ of the Southeast ¼ of the Northwest ¼ of said Section 7; thence departing said North line, run South 00°18'38" West, along said East line, for a distance of 1310.94 feet to a point on the North line of the aforesaid Southwest ¼ of Section 7; thence departing said East line, run North 89°49'16" West, along said North line, for a distance of 327.05 feet to a point on the aforesaid East line of the West ½ of the Southwest ¼ of Section 7; thence departing said North line, run South 00°22'30" West, along said East line, for a distance of 2586.52 feet to the POINT OF BEGINNING;

Containing 4,155,511 square feet, or 95.40 acres, more or less.



SCALE:	NTS
PROJECT:	050-001
DATE:	03/27/15
DRAWN BY:	SCP

SPINE ROAD PHASING PLAN
AVIAN POINTE
 EAST OF SR 429 AT LUST ROAD
 AOPKA, FLORIDA



Tannath Design, Inc.
 2494 Rose Spring Drive
 Orlando, Florida 32825
 407-982-9878
 407-208-1425 fax
 www.tannathdesign.com

EXHIBIT
B

Exhibit "D"

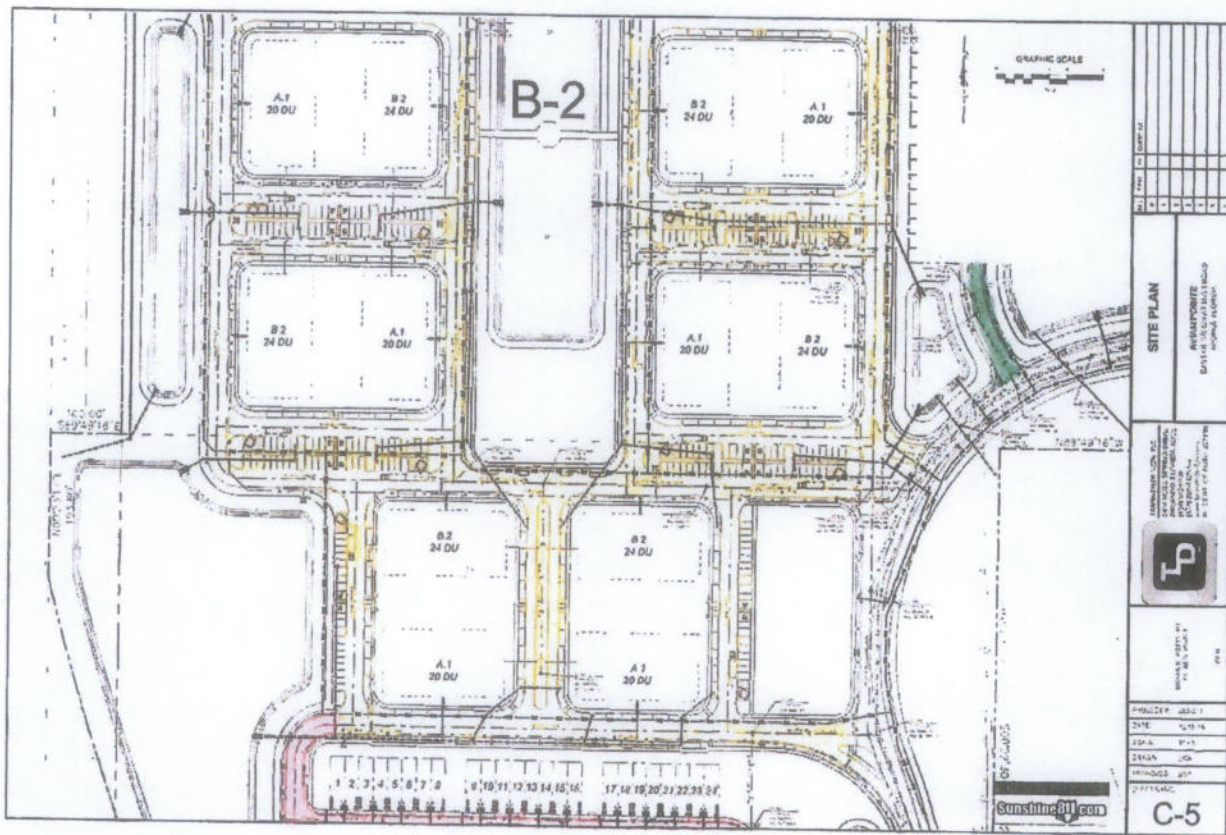
Road Delineation Plan (Internal Streets)

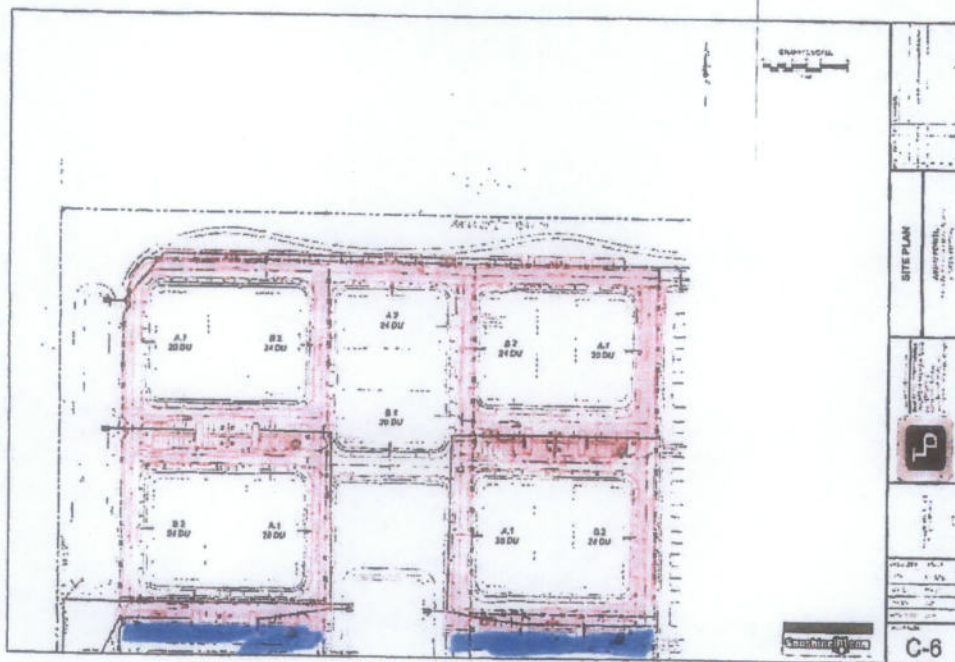
Exhibit "E"
Additional Luxury Apartment Amenity Features

Wireless High Speed Internet Access
Balcony/Porch
Fitness Center
Resort-style swimming pool
Dog Park
Walk-in showers
Energy-efficient appliances
Full-size washer and dryer available in two (2) and three (3) bedroom apartments
Full or stacked washer and dryer available in one-bedroom apartments
Walk-in closets
On-site security
Basketball court, tennis court and/or racquetball court
Bicycle trailers/bicycle racks
Bicycle and storage areas
Granite countertops
Corporate units
9-foot high ceilings
Business center in club house
Enclosed garage or covered parking spaces

Exhibit "D"

Road Delineation Plan (Internal Streets)





Note: Whichever apartment phase develops first will be responsible for building the central retention pond.

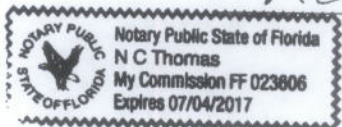
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 22, 2015**, as well as being posted online at www.theapokkachief.com and www.florida-publicnotices.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.

John E. Ricketson
Sworn and subscribed before me this
22nd day of May, 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 will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, June 3, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 2.73 ACRES MORE OR LESS, AND OWNED BY EVERLASTING COVENANT CHRISTIAN CENTER, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2430

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

ORDINANCE NO. 2431

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 6.49 ACRES MORE OR LESS, AND OWNED BY JOSEPH E. BALL AND JEFF P. BALL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2432

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

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "CITY" PLANNED UNIT DEVELOPMENT (89.7 +/- ACRES) AND "COUNTY" A-2 (6.4 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-3) AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS, LLC; AND FROM "CITY" PLANNED UNIT DEVELOPMENT (30.34 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT AND OWNED BY LUST GRANT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 125.74 +/- ACRES MORE OR LESS, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (18.05 +/- ACRES) AND C-1 (6.43 +/- ACRES) TO PLANNED UNIT DEVELOPMENT (PUD/R-3C-1) (TOTAL 42.17 +/- ACRES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED BETWEEN S.R. 451 AND MARDEN ROAD, SOUTH OF OCOEE APOPKA ROAD, AND NORTH OF THE APOPKA EXPRESSWAY (S.R. 414), COMPRISING 42.17 +/- ACRES MORE OR LESS, AND OWNED BY EMERSON POINT ASSOCIATES, L.L.P.; 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

Backup material for agenda item:

6. ORDINANCE NO. 2434 SECOND READING & ADOPTION - CHANGE OF ZONING/MASTER PLAN & PRELIMINARY DEVELOPMENT PLAN – Marden Ridge – owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E. – from R-3 (Residential) and C-1 (Commercial) to Planned Unit Development (R-3/C-1) for property located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029) [Ordinance No. 2434 meets the requirements for adoption having been advertised in The Apopka Chief on May 22, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: June 3, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Support Maps
Master/Landscape Plans
Dev. Design Standards
Architectural Renderings &
Color Photo
Ordinance No. 2434

SUBJECT: **ORDINANCE NO. 2434 - CHANGE OF ZONING/MASTER PLAN - MARDEN RIDGE APARTMENTS, PHASE 1B OWNED BY MMI DEVELOPMENT, INC. - FROM R-3 (RESIDENTIAL) & C-1 (COMMERCIAL) TO PLANNED UNIT DEVELOPMENT (PUD/R-3/C-1)**

Request: **SECOND READING & ADOPTION OF ORDINANCE NO. 2434 – CHANGE OF ZONING/MASTER PLAN – MARDEN RIDGE APARTMENTS, PHASE 1B, OWNED BY MMI DEVELOPMENT, INC. FROM R-3 (RESIDENTIAL) & C-1 (COMMERCIAL) TO PLANNED UNIT DEVELOPMENT (PUD/R-3/C-1); APPROVAL OF THE MASTER PLAN. (PARCEL ID NUMBER: 17-21-28-0000-00-029)**

SUMMARY

OWNERS: Emerson Point Associates, LLLP
APPLICANT: MMI Development, Inc., c/o Michael E. Wright, Esq.
ENGINEER: GAI Consultants, Inc., c/o Anthony Call, P.E.
LOCATION: Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway (S.R. 414)
EXISTING USE: Planted Pine
FLUM DESIGNATION: Commercial (6.43 acres); Residential High Density (0 – 15 un\ac) (18.05 ac)
CURRENT ZONING: R-3 and C-1
PROPOSED DEVELOPMENT: Apartment (272 units/5 buildings- density 15 du/ac) and Retail Commercial
PROPOSED ZONING: Planned Unit Development (PUD/R-3/C-1)
TRACT SIZE: Apartments: 18.05 +/- Acres,
Retail Commercial: 6.43 +/- Acres
42.17 +/- Total Acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 536 Res. Units (35.74 ac)
PROPOSED: 272 Res. Units (Phase 1B) on 18.05 ac

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
strator Irby
Dev. Director

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The Marden Ridge Master Plan contains a total of 42.17 acres, of which 35.74 acres is currently assigned an R-3 zoning category and 6.43 acres is assigned a C-1 commercial zoning category. The developer proposes to construct 272 residential apartments (15 du/ac) on 18.05 acres of the 35.74 residential acres. Development of the remaining 17.69 acres of residential land will occur at a later date through a separate Preliminary Development Plan application, as will development of the 6.43 acres of land assigned the C-1 commercial zoning category. The request to assign a zoning designation of PUD/R-1/C-1 is compatible with the designations assigned to abutting properties. An outline of the proposed development profile for the Phase 1B apartments is as follows:

Development Profile:

Apartment Units:	272
Units by # of Bedrooms	
One Bedroom:	56
Two Bedroom:	176
Three Bedroom:	40
Apartment Max. Building Height:	60 feet
Apartment Max. No. of Stories:	4
Parking Spaces	
Standard Spaces:	522
A.D.A. Accessible Spaces:	22
Total Spaces:	544
Park and Open Space	
Open Space:	30.1 %
Park Area:	2.98 ac

Development Standards are provided in the exhibits. Sheet C2.10 of the Master Site Plan shall be consistent with the Exhibit.

The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1975. The proposed Change of Zoning is being requested by the property owner. Phase 1B of the Marden Ridge Master Plan\ Preliminary Development Plan comprises the apartment complex (18.05 acres); Phase 1A is the mass grading plan. The commercial phase and the northern residential phase will be approved under a separate preliminary development plan. An amendment to the Master Site Plan for the future residential and commercial will not be necessary.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Residential High Land Use designation and the City’s proposed Planned Unit Development (PUD/R-3/C-1) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. Prior to submittal of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Located served by the following schools: Wheatley Elementary School, Wolf Lake Middle School, and Apopka High School.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on April 22, 2015.

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

April 24, 2015 – Public Notice and Notification
May 22, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from R-3 and C-1 to Planned Unit Development (PUD/R-3/C-1) and approval of the Marden Ridge Apartments – Phase 1B Master Site Plan/Preliminary Development Plan subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

The **Planning Commission**, at its meeting on May 12, 2015, recommended approval (7-0) of the change in zoning from R-3 and C-1 to Planned Unit Development (PUD/R-3/C-1) and approval of the Marden Ridge Apartments – Phase 1B Master Site Plan/Preliminary Development Plan subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

The **City Council**, at its meeting on May 20, 2015, accepted the First Reading of Ordinance No. 2434 and the Phase 1B Master Site Plan\Preliminary Development Plan and held it over for Second Reading and Adoption on June 3, 2015.

1. Adopt Ordinance No. 2434.
2. Approve the Marden Ridge Apartments -- Phase 1B Master Site Plan\Preliminary Development Plan

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial	C-1	Vacant Land; Ocoee Apopka Road
East (City)	Residential Medium (0-10 du\ac)	R-3	Vacant Land
East (County)	Low-Medium Density (0-10 un\ac)	R-2, R-3	Marden Garden apartments, Vacant Land
South (City)	Mixed Use	Mixed-EC	S.R. 414\vacant land\Emerson Park
West (City)	Industrial\Residential Medium Density	R-3 I-1	S.R. 451\Warehouse\vacant land

**LAND USE & TRAFFIC
COMPATIBILITY:**

The property has access to a local roadway (Marden Road) and Ocoee Apopka Road (CR 437A). The subject property is already assigned a Future Land Use Designation of Commercial and Residential High Density, and C-1 commercial and R-3 residential. The proposed PUD zoning is requested to allow four story apartments with a maximum height of sixty (60) feet.

**COMPREHENSIVE
PLAN COMPLIANCE:**

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

**PUD
RECOMMENDATIONS:**

The PUD recommendation is to assign a zoning classification of Planned Unit Development (PUD) for the described subject property with the following Master Plan provisions is subject to the following zoning provisions:

The PUD recommendation is to assign a zoning classification of Planned Unit Development (PUD) for the described subject property with the following Master Plan provisions is subject to the following zoning provisions:

A. The uses permitted within the PUD district shall be:

1. The Commercial area (future phase; 6.43 acres) delineated within the Marden Ridge Apartments-Phase 1B Master Plan/Preliminary Development Plan shall comply with the C-1 Commercial zoning standards. Outdoor storage and display shall not be allowed.
2. Apartment residential area within Phase 1B and the northern future residential phase, as delineated within the Marden Ridge Apartments Master Plan (Sheet C.3) shall comply with the R-3 Residential zoning district uses and development standards set forth in the Land Development Code unless otherwise provided in Section B below. The R-3 zoning

standards shall apply to the development of the subject property unless as otherwise addressed within the PUD ordinance.

B. Development Standards:

1. Maximum height of residential apartment buildings is sixty (60) feet.
2. Development standards for the apartment buildings within Phase 1b shall comply with Marden Ridge Apartments Phase 1B Master Plan\ Preliminary Development Plan and the Development Standards set forth in C2.10.
3. Development and site design shall comply with the Land Development Code unless otherwise addressed within Marden Ridge Apartments Phase 1B Master Plan\ Preliminary Development Plan.
4. Development within the Future Commercial Phase and the northern Residential Phase shall be processed as a Preliminary Development Plan and\ or a Final Development Plan.

C. The Marden Ridge Apartments Master Plan Site\ Preliminary Development Plan 1B is hereby approved and is part of the PUD zoning ordinance.

R-3 PERMISSIBLE USES:

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

C-1 DISTRICT REQUIREMENTS:

Minimum Site Area:	10,000 sq. ft.
Minimum Lot Width:	100 ft.
Front Setback:	10 ft.
Side Setback:	10 ft.
Rear Setback:	30 ft.
Corner Setback:	25 ft.
Max. Building Height:	35 ft.
FAR:	0.25

BUFFERYARD REQUIREMENTS:

Areas adjacent to all road rights of way shall provide a minimum ten (10) foot landscaped bufferyard. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six foot-high masonry wall within a ten foot landscaped bufferyard. Areas adjacent to non-residential uses or districts shall provide a minimum five (5) foot landscaped bufferyard.

C-1 PERMISSABLE

USES:

Any nonresidential permitted use in the PO/I or CN districts. Retail establishments. Banks, savings and loan and other financial institutions. Bowling alleys, skating rinks, billiard parlors and similar amusement centers, provided such activities and facilities are enclosed within a sound-proof building. Churches and schools. Day nurseries, kindergartens and other child care centers. Drive-in restaurants, with property lines no closer than 200 feet from any residential districts or uses. Florist shops, the products of which are displayed and sold wholly within an enclosed building. Hotels, motels, bed and breakfast facilities. Personal service establishments such as barbershops, beauty parlors, professional and other offices, parking garages and lots, laundry and dry cleaning pickup station, self-service coin-operated laundry and dry cleaning establishments, shoe shine and repair, tailoring, travel services, watch and clock repair and locksmiths, etc. Post offices. Restaurants. Theaters, enclosed in structures. Clubs and lodges. Funeral parlors, when the sole use of the facility shall be for funeral rites. Animal clinics for the treatment of small animals, excluding farm animals, but including those animals no larger than a dog, commonly kept as pets in a residence, provided the care, treatment or housing of such animals shall not be allowed on the outside. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Use determination shall be based upon the community development director's recommendation.



Marden Ridge Apartments
MMI Development, Inc. c/o Michael E. Wright, Esq.
Increase in apartment building height from 35 feet to 60 feet.
Retail Commercial: 6.43 +/- Acres
Apartments: 18.05 +/- Acres (272 Units)
42.17 +/- Total Acres
Parcel ID #: 17-21-28-0000-00-029

VICINITY MAP



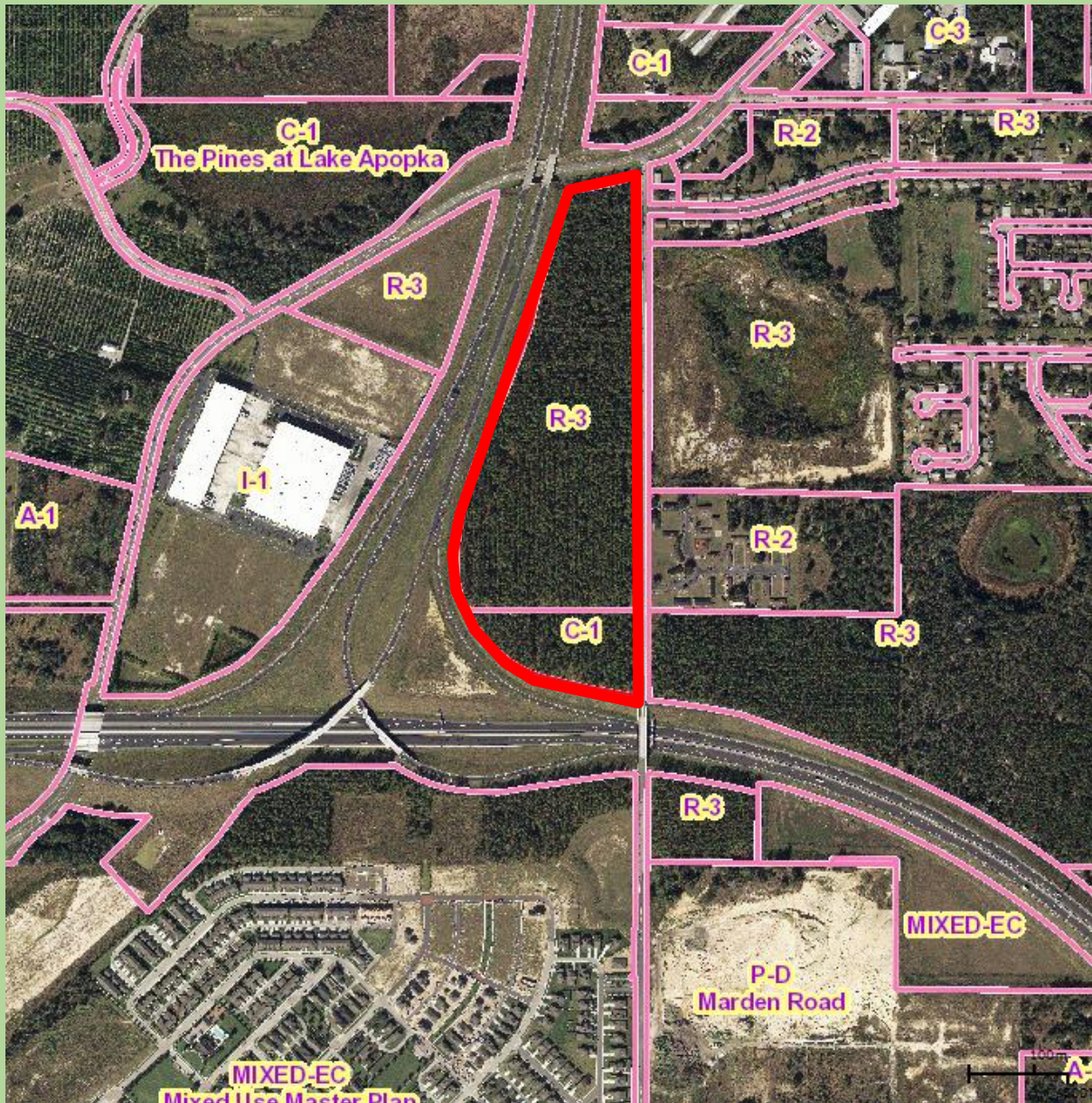


ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (18.05 +/- ACRES) AND C-1 (6.43 +/- ACRES) TO PLANNED UNIT DEVELOPMENT (PUD/R-3/C-1) (TOTAL 42.17 +/- ACRES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED BETWEEN S.R. 451 AND MARDEN ROAD, SOUTH OF OCOEE APOPKA ROAD, AND NORTH OF THE APOPKA EXPRESSWAY (S.R. 414), COMPRISING 42.17 +/- ACRES MORE OR LESS, AND OWNED BY EMERSON POINT ASSOCIATES, LLLP; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the proposed Planned Unit Development (PUD/R-3/C-1) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD/R-3 and C-1), as defined in the Apopka Land Development Code and delineated within the Marden Ridge Apartments – Phase 1B Master Site Plan (Exhibit “A”), and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: R-3 within 34.14 +/- acres and C-1 commercial of 6.43 +/- acres.
- B. Development of the property shall occur consistent with the Master Site Plan set forth in Exhibit “A” and Development standards set forth within Exhibit “B.” If a development standard or zoning regulation is not addressed within Exhibit “B”, development shall comply with the R-3 and C-1 zoning standards set forth in the Land Development Code for the areas of the Master Site Designated for those zoning categories. Where any development standard conflicts between the Marden Ridge Phase 1B Master Site Plan and the Land Development Code, the Master Site Plan shall preside. Any proposed revision to the Master Site Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Site Plan\PDP provisions will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for submittal of the required Final Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or

3. Rezone the property to a more appropriate zoning classification.

D. The following PUD development standards shall apply to the development of the subject property:

1. Development standards are established within the PUD/PDP Master Site Plan.
2. Maximum building height of a residential apartment building is sixty (60) feet.
3. Unless otherwise addressed within the PUD Master Site Plan development standards, the R-3 and C-1 zoning standards will apply to the subject property where such zoning categories are designated within the Master Site Plan.

Section II. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/R-3/C-1), as defined in the Apopka Land Development Code.

Legal Description:

A parcel of land lying in Sections 17 and 20, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Emerson Park as recorded in Plat Book 68, Pages 1 through 17, of the Public Records of Orange County, Florida, also being a point on the Westerly right of way line of Marden Road; thence run N 00015'45"E along said Westerly right of way line for a distance of 867.57 feet to the Point of Beginning; thence departing said Westerly right of way line run the following courses and distances; N 79021'18" W for a distance of 250.77 feet; thence run N 76,57'36"W for a distance of 271.66 feet to a point on a non-tangent curve concave Northeasterly and having a radius of 750.00 feet; thence from a tangent bearing of N 69'25'55" W run Northwesterly along said curve through a central angle of 26,46'44" for an arc distance of 350.53 feet to a point on a non-tangent curve concave Northeasterly and having a radius of 725.00 feet; thence from a tangent bearing of N 38002'17" W run Northwesterly along said curve through a central angle of 27*58'31" for an arc distance of 353.99 feet to a point on a non-tangent curve concave Easterly and having a radius of 1500.00 feet; thence from a tangent bearing of N 01,44'32" W run Northerly along said curve through a central angle of 20.26'35" for an arc distance of 535.20 feet to a point of tangency; thence run N 18042'03"E for a distance of 159.98 feet to a point on the Easterly right of way line of County Road 429 (Western Beltway) per Order of Taking recorded in Official Records Book 5442, page 3947, of the Public Records of Orange County, Florida, also being a point on a non-tangent curve concave Northwesterly and having a radius of 7829.44 feet; thence from a tangent bearing of N 24o29'43" E run Northeasterly along said Easterly right of way line and said curve through a central angle of 5*02'40" for an arc distance of 689.30 feet; thence continuing along said Easterly right of way line run N 13007'16"E for a distance of 205.68 feet to a point on a non-tangent curve concave Northwesterly and having a radius of 7809.44 feet; thence from a tangent bearing of N 17"57'03" E run Northeasterly along said curve through a central angle of 3.51'29" for an arc distance of 525.85 feet to a point on the Southerly right of way line of County Road 437-A (Ocoee Apopka Road) per Official Records Book 5442, page 3947, of

afore said Public Records of Orange County, Florida; thence departing aforesaid Easterly right of way line run N 80,33'42" E along said Southerly right of way line for a distance of 196.20 feet; thence continuing along said Southerly right of way line run N 75,23'21" E for a distance of 182.73 feet to a point on aforesaid Westerly right of way line of Marden Road; thence departing said Southerly right of way line run S 00*08'34"W for a distance of 2270.18 feet; thence continuing along said Westerly right of way line run S 00*15'45"W for a distance of 452.54 feet to afore said Point of Beginning.

Parcel ID No.: 17-21-28-0000-00-029

Combined Acreage 42.17 +/- Acres

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

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

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

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

Section VII. That this Ordinance shall take effect immediately.

READ FIRST TIME: May 20, 2015

READ SECOND TIME
AND ADOPTED: June 3, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: April 24, 2015
May 22, 2015

MARDEN RIDGE APARTMENTS - PHASE 1B

MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN

PARCEL ID #17-21-28-0000-00-29

Prepared By:



gai consultants
 EB 9951
 618 EAST SOUTH STREET
 SUITE 700
 ORLANDO, FLORIDA 32801
 PHONE: (407) 423-8398

LEGAL DESCRIPTION:

(PER ORB 9799 PG 5971)

A PARCEL OF LAND LYING IN SECTIONS 17 AND 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF EMERSON PARK AS RECORDED IN PLAT BOOK 68, PAGES 1 THROUGH 17, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MARDEN ROAD; THENCE RUN N 00°15'45" E ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 867.57 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE RUN THE FOLLOWING COURSES AND DISTANCES; N 79°21'18" W FOR A DISTANCE OF 250.77 FEET; THENCE RUN N 76°57'36" W FOR A DISTANCE OF 271.66 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 750.00 FEET; THENCE FROM A TANGENT BEARING OF N 69°25'55" W RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°46'44" FOR AN ARC DISTANCE OF 350.53 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 725.00 FEET; THENCE FROM A TANGENT BEARING OF N 38°02'17" W RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°58'31" FOR AN ARC DISTANCE OF 353.99 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1500.00 FEET; THENCE FROM A TANGENT BEARING OF N 01°44'32" W RUN NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°26'35" FOR AN ARC DISTANCE OF 535.20 FEET TO A POINT OF TANGENCY; THENCE RUN N 18°42'03" E FOR A DISTANCE OF 159.98 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 429 (WESTERN BELTWAY) PER ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5442, PAGE 3947, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING A POINT ON A NON TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 7829.44 FEET; THENCE FROM A TANGENT BEARING OF N 24°29'43" E RUN NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 5°02'40" FOR AN ARC DISTANCE OF 689.30 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE RUN N 13°07'16" E FOR A DISTANCE OF 205.68 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 7809.44 FEET; THENCE FROM A TANGENT BEARING OF N 17°57'03" E RUN NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°51'29" FOR AN ARC DISTANCE OF 525.85 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 437-A (OCCOEE APOPKA ROAD) PER OFFICIAL RECORDS BOOK 5442, PAGE 3947, OF AFORESAID PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING AFORESAID EASTERLY RIGHT OF WAY LINE RUN N 80°33'42" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 196.20 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE RUN N 75°23'21" E FOR A DISTANCE OF 182.73 FEET TO A POINT ON AFORESAID WESTERLY RIGHT OF WAY LINE OF MARDEN ROAD; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE RUN S 00°08'34" W FOR A DISTANCE OF 2270.18 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE RUN S 00°15'45" W FOR A DISTANCE OF 452.54 FEET TO AFORESAID POINT OF BEGINNING.

42.17 ACRES, MORE OR LESS.

Legal Description prepared by: On the Mark Surveying, LLC
 LB 7931

Prepared For:

EMERSON POINT ASSOCIATES, LLLP
 1350 North Orange Avenue, Suite 250
 Winter Park, FL 32789
 (407) 385-0664



CITY OF APOPKA, FLORIDA

LOCATION MAP

SHEET LIST TABLE

SHEET NUMBER	SHEET TITLE
C0.00	COVER SHEET
C1.00	EXISTING CONDITIONS
C1.10	EXISTING SITE DATA
C1.20	GENERAL NOTES
C1.21	GENERAL NOTES
C1.30	PHASING PLAN
C2.00	SWPPP
C2.10	PDP DESIGN STANDARDS
C3.00	MASTER SITE PLAN
C3.10	SITE PLAN (SOUTH)
C3.20	SITE PLAN (NORTH)
C3.30	MARDEN ROAD IMPROVEMENT PLAN
C3.40	SIGNAGE & STRIPING PLAN
C3.50	TRACT DESIGNATION PLAN
C4.00	TYPICAL SECTIONS
C5.00	MASTER GRADING PLAN
C5.10	GRADING AND DRAINAGE PLAN (SOUTH)
C5.20	GRADING AND DRAINAGE PLAN (NORTH)
C5.30	DRY POND 1 CROSSECTION
C6.00	MASTER UTILITY PLAN
C7.00	DEVELOPMENT DESIGN STANDARD DETAILS
C7.10	UTILITY DETAILS
C7.20	UTILITY DETAILS
C7.30	DRAINAGE DETAILS
C7.40	LIFT STATION DETAILS
C7.50	LIFT STATION DETAILS
C7.60	ARCHITECTURAL BUILDING ELEVATIONS
C7.70	ARCHITECTURAL BUILDING ELEVATIONS
LA-1	LANDSCAPE PLAN
LA-2	LANDSCAPE PLAN

CITY OF APOPKA OFFICIALS

MAYOR: JOE KILSHEIMER
COMMISSIONER: J. WILLIAM ARROWSMITH
COMMISSIONER: BILLIE L. DEAN
COMMISSIONER: DIANE VELAZQUEZ
COMMISSIONER: SAM RUTH

UTILITY SERVICE PROVIDERS

WATER/SEWER/REUSE	ELECTRIC	TELEPHONE	CABLE	NATURAL GAS
City of Apopka 748 E. Cleveland Street Apopka, FL 32703 (407) 703-1731	Duke Energy 452 E. Crown Point Road Winter Garden, Florida 34787 (407) 905-3302	Century Link P.O. Box 770339 Winter Garden, Florida 34777 (407) 814-5373	Bright House 844 Maguire Road Ocoee, Florida 34761 (407) 291-2500	Lake Apopka Natural Gas 676 W. Montrose Street Clermont, FL 32701 (352) 394-3480

CONTACT LIST

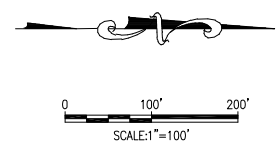
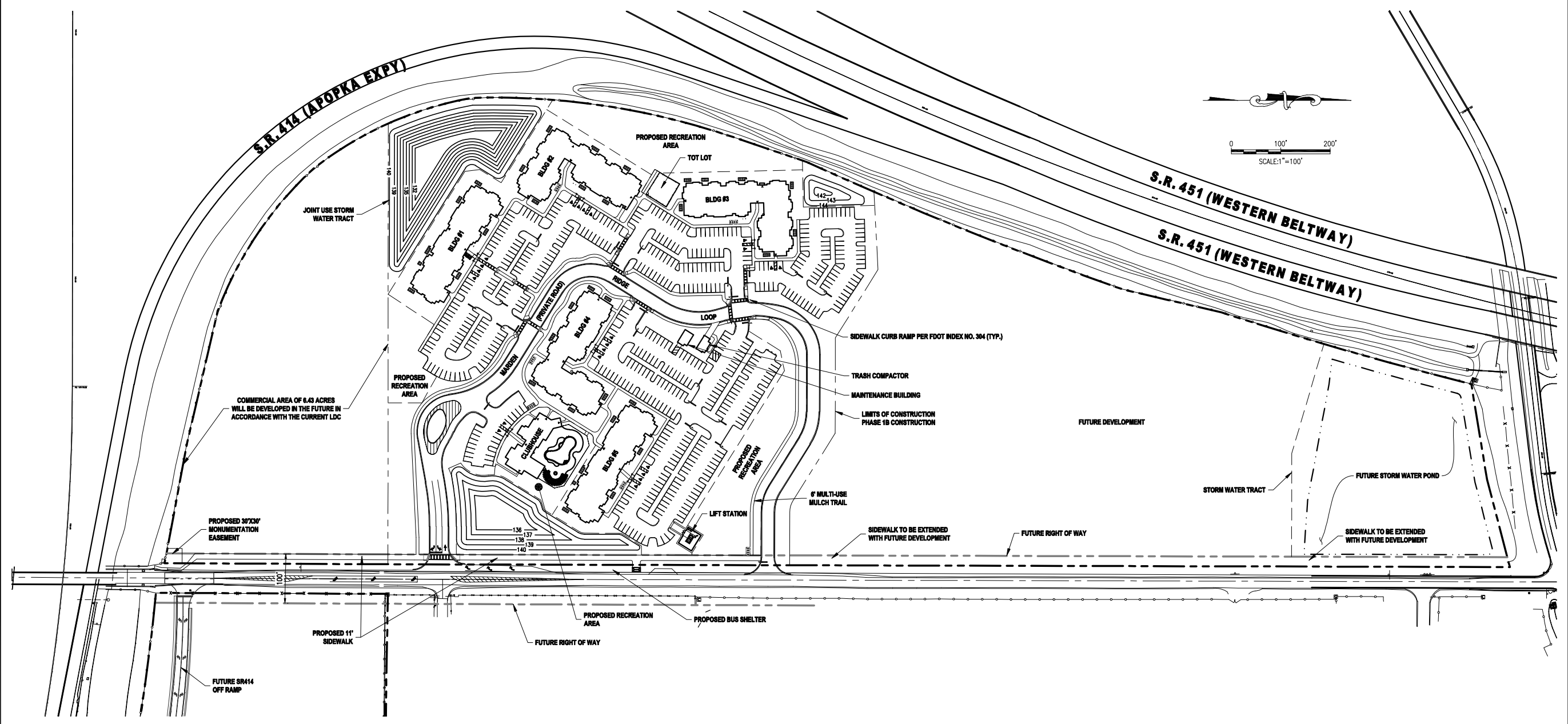
OWNER/APPLICANT	CIVIL ENGINEER	SURVEYOR	LANDSCAPE ARCHITECT	ARCHITECT	GEOTECHNICAL ENGINEER
EMERSON POINT ASSOCIATES, LLLP 1350 North Orange Avenue, Suite 250 Winter Park, FL 32789 (407) 385-0664 Attn: Tommy Ciserano	GAI Consultants, Inc. 618 East South Street Suite 700 Orlando, Florida 32801 (407) 423-8398 Attn: Anthony S. Call, P.E.	On The Mark Surveying, LLC 143 Meadow Blvd. Sanford, FL 32771 (321) 626-6376 Attn: Corey A. Hopkins, PSM	Bellomo-Herbert 618 East South Street Suite 600 Orlando, Florida 32801 (407) 423-8398 ATTN: Frank Bellomo	Forum Architecture & Interior Design, Inc. 745 Orienta Avenue, Suite 1121 Altamonte Springs, FL 32701 (407) 830-1400 ATTN: Andrew Roark	Andreyev Engineering, Inc. 1170 West Minneola Avenue Clermont, FL 34711 (352) 241-0508 ATTN: Ed Miguens, P.E.

I:\2015\120273.03 - Preliminary Development - Plans\A120273.03 Master SP.dwg Apr 21, 2015 - 4:31 pm

LEGEND:

	AC PAD
	BIKE RACKS
	TRACT LINE
	CROSSWALK

NOTE:
PLEASE SEE SHEET C2.10 DESIGN STANDARDS, TO INCLUDE SITE DATA TABLES AND NOTES.



NO.	DATE	BY	CHKD	APPD	DESCRIPTION
5	4/21/15	AP/MJC	ASC		ISSUED FOR PLANNING AND ZONING
4	4/03/15	AP/MJC	ASC		REUSE PER CITY OF APOPKA COMMENTS
3	3/20/15	AP/MJC	ASC		REUSE PER CITY OF APOPKA COMMENTS
2	3/03/15	AP/MJC	JLI		REUSE PER CITY OF APOPKA COMMENTS
1	10/14	AP/MJC	JLI		PP COMMENTS

SCALE: 1" = 100'
 DATE: 03-18-2015
 DRAWN: AP/MJC
 CHECKED: ASC
 APPROVED: ASC

MASTER SITE PLAN
MARDEN RIDGE APARTMENTS - PHASE 1B
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA

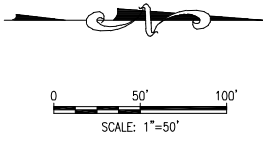
SEAL

ANTHONY S. CALL, P.E.
 No. 67370

gai consultants
 EB 9951
 618 SOUTH ST. SUITE 700
 ORLANDO, FLORIDA 32801
 PHONE: (407) 423-8398

PROJECT NO./DASH NO.
 A120273.03

SHEET
C3.00



S.R. 414 (APOPKA EXPY)

COMMERCIAL AREA OF 6.43 ACRES
WILL BE DEVELOPED IN THE FUTURE IN
ACCORDANCE WITH THE CURRENT LDC

JOINT USE STORM
WATER TRACT

BICYCLE
RACKS
(TYP.)

RECREATION
AREA

DRY POND #1
POND TRACT #1

POND TRACT #3

DRY POND #3
142
143
144

MAINTENANCE
BUILDING

DUMPSTER

DRY POND #2
POND TRACT #2

LIFT
STATION

MARDEN ROAD

MARDEN ROAD

PROPOSED 30'X30'
MONUMENTATION
EASEMENT

PROPOSED 11' SIDEWALK TO CONNECT
TO EXISTING 5' SIDEWALK AT BRIDGE.
EXISTING SIDEWALK WILL NEED TO BE
FIELD VERIFIED AND LOCATED PRIOR
TO CONSTRUCTION.

SEE SHEET C3.30 FOR MARDEN RD IMPROVEMENTS

ISSUED FOR PLANNING AND ZONING		REVISIONS	
NO.	DATE	BY	DESCRIPTION
5	4/21/15	AP/MJC	ASC
4	4/03/15	AP/MJC	ASC
3	3/29/15	AP/MJC	ASC
2	3/03/15	AP/MJC	ASC
1	10/14	AP/MJC	ASC
		DATE	BY
		DATE	BY
		DATE	BY
		DATE	BY

SCALE: 1"=50'
DATE: 03-18-2015
DRAWING: AP/MJC
CHECKED: ASC
APPROVED: ASC

MATCHLINE SEE SHT. C3.20 FOR CONTINUATION

SITE PLAN (SOUTH)

**MARDEN RIDGE APARTMENTS - PHASE 1B
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA**

ANTHONY S. CALL, P.E.
No. 67370

gai consultants
EB 9951
618 SOUTH ST. SUITE 700
ORLANDO, FLORIDA 32801
PHONE: (407) 423-8398

PROJECT NO./DASH NO.
A120273.03

SHEET
C3.10

LANDSCAPE REQUIREMENTS

SITE AREA
 791,964 SF. 1 TREE/8,000 SF.
 REQUIRED = 99 TREES
 PROVIDED = 99 TREES

272 UNITS 1 TREE/UNIT
 REQUIRED = 272 TREES
 PROVIDED = 272 TREES

NORTH BUFFER- PHASE II
 NO BUFFER REQUIRED

EAST BUFFER-10' BUFFER
 154 L.F. 1540 SF.
 50 L.F. LESS ACCESS DRIVE
 REQUIRED - 28- CANOPY TREES
 CONTINUOUS HEDGE
 PROVIDED - 28- CANOPY TREES
 CONTINUOUS HEDGE

WEST BUFFER-10' BUFFER
 1020' L.F. 10,200 SF.
 REQUIRED - 40 CANOPY TREES
 CONTINUOUS HEDGE
 PROVIDED - 40 CANOPY TREES
 CONTINUOUS HEDGE

SOUTH BUFFER
 NO BUFFER REQUIRED

INTERIOR LANDSCAPE REQUIREMENT

VUA = 23,132 SF. (10% OF VUA REQUIRED)
 REQUIRED - 2,313 SF.
 PROVIDED - 3,330 SF.

PARKING SPACES = 531 1/TREE/20 SPACES
 REQUIRED - 27 TREES
 PROVIDED - 10 TREES

BUILDING LANDSCAPE REQUIREMENT

BUILDING LENGTH 256 L.F.
LANDSCAPE AREA (50% OF BLDG L.F. X 4')
 REQUIRED - 512 SF.
 PROVIDED - 1000 SF.

TREES (1 TREE/200 SF.)
 REQUIRED - 2 TREES
 PROVIDED - 2 TREES

LANDSCAPE AND IRRIGATION DESIGN
 I VERIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED MAY 21, 2008, WHICH ESTABLISHES WATER-WISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE _____ REG. NO. _____ DATE _____

EXISTING PINE TREES TO REMAIN WITHIN 10' BUFFER

EXISTING PINE TREES TO REMAIN WITHIN 10' BUFFER

EXISTING PINE TREES TO REMAIN WITHIN FUTURE COMMERCIAL PARCEL

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ISSUED FOR PLANNING AND ZONING		ASC	ASC
5	4/27/15	AP/MJC	NGC
4	4/03/15	AP/MJC	NGC
3	3/20/15	AP/MJC	NGC
2	3/03/15	AP/MJC	JLI
1	10/14	AP/MJC	JLI
	DATE	OWN	CHD
		APPD	

SCALE:	1"=50'
DATE:	03-18-2015
DRAWN:	AP/MJC
CHECKED:	ASC
APPROVED:	ASC

LANDSCAPE PLAN (SOUTH)
MARDEN RIDGE APARTMENTS - PHASE 1B
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA

SEAL

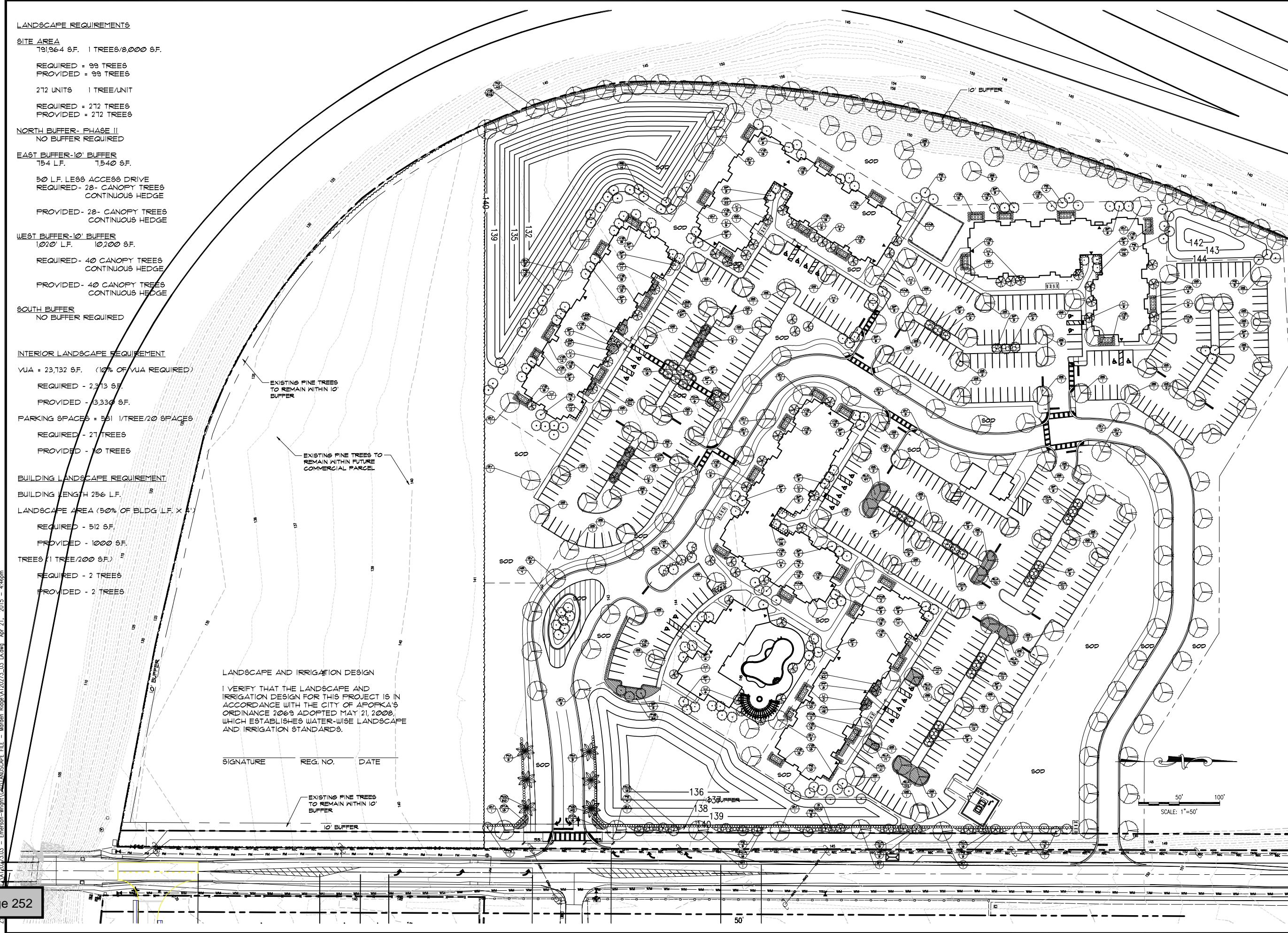
RUTH PERRY, RLA
 No. LA0001530

gai consultants
 EB 9951
 618 SOUTH ST. SUITE 700
 ORLANDO, FLORIDA 32801
 PHONE: (407) 423-8398

PROJECT NO./DASH NO.
 A120273.03

SHEET
LA.01

REVISIONS



TREES & PALMS						
KEY	QTY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE	SPACING	REMARKS
LI	33	Lagerstromia indica	Crape Myrtle	10'-12' Ht x 5' Sprd	A.S.	25 Gal, Full Canopy, Multi-Stem
LJ	28	Ligustrum japonicum	Tree Ligustrum	10' x 10'	A.S.	Specimen, Full and Even Canopy, Multi-trunk
MAG	9	Magnolia 'Little Gem'	Magnolia	10' Ht x 5' Sprd	A.S.	Full to Base, Matched
PM	6	Phoenix 'Medjool'	Medjool Date Palm	12' C.T.	A.S.	Specimen, Matched Heights
QV	72	Quercus virginiana	Live Oak	14' Ht. x 8' Sprd.	A.S.	3 1/2" Cal., 65 Gal., Full Canopy
QS	93	Quercus shumardii	Shumard Red Oak	10'-11' Ht x 3'-4' Sprd	A.S.	30 Gal., 2" Cal.
PO	40	Platanus occidentalis	Sycamore	9'-10' Ht	A.S.	15 Gal., 1.75" Cal.
SP	126	Sabal palmetto	Sabal Palm	12' - 18' C.T.	A.S.	Sizes on Plan
WR	12	Washingtonia robusta	Washington Palm		A.S.	Sizes on Plan
PE	80	Pinus elliotii	Slash Pine	8'-10' Ht x 3.5'-4' Sprd	A.S.	30 Gal, 2-3" Cal

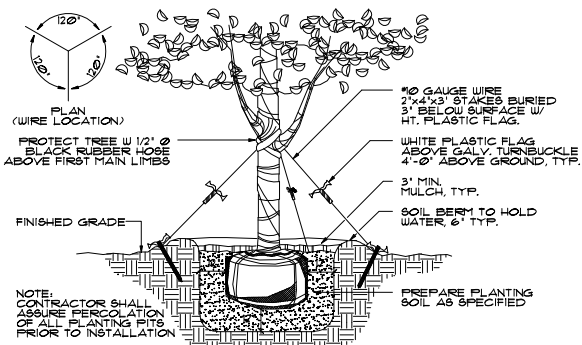
SHRUBS & GROUND COVERS						
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	REMARKS
DTA	36	Dianella 'Variegata'	Blueberry Flax Lilly	15"-18" O.A.	30" O.C.	1 Gal, Full, install in monument planter
IPF	126	Illicium parviflorum	Yellow Anise	16"-24" Ht	30" O.C.	3 Gallon, Full
LEG	105	Liriope 'Emerald Goddess'	Liriope	6 PPP	24" O.C.	1 Gallon, Full
LOR	114	Loropetalum 'Flum Delight'	Dwf Loropetalum	15"-18" x 15"-18"	30" O.C.	3 Gallon, Full
MCA	78	Muhlenbergia capillaris	Muhly Grass	15"-18" Height	4' O.C.	3 Gallon, Full
PIB	89	Plumbago 'Imperial Blue'	Plumbago	18" x 24" x 18"-24"	36" O.C.	3 Gallon, Full
POD	242	Podocarpus spp.	Podocarpus	36"-40" x 15"-18"	36" O.C.	7 Gallon, Full
RIA	418	Rhaphiolepis indica	Indian Hawthorn	15"-18" x 15"-18"	30" O.C.	3 Gallon, Full
TAM	181	Trachelospermum asiaticum 'Texas Longleaf'	Texas Longleaf Jasmine	10"-12" Sprd.	18" O.C.	1 Gallon, Full
TDA	102	Tripsacum dactyloides	Fakahatchee Grass	18"-24" Height	5' O.C.	3 Gallon, Full
VIB	805	Viburnum suspensum	Viburnum	18"-24" x 15"-18"	36" O.C.	3 Gallon, Full

SOD AND MULCH			
BAHIA		Argentine Bahia	Contractor to verify amount.
SOD		St. Augustine 'Floratum'	Contractor to verify amount.
MULCH		Mini Pine Bark Nuggets	3" Min. Deep

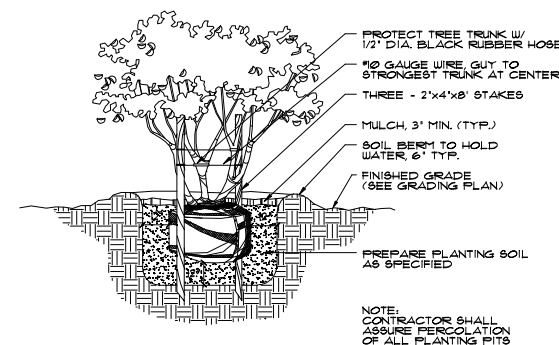
NOTE:
LANDSCAPING AND IRRIGATION PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH LDC ARTICLE V, WATER-WISE ORDINANCE NO. 2069.
IRRIGATION PLANS WILL BE PROVIDED AS PART OF THE FINAL DEVELOPMENT PLAN. THE IRRIGATION SYSTEMS WILL BE DESIGNED WITH POP-UP TYPE DEVICES ONLY; RISES ARE NOT ALLOWED. A NOTE IN LARGE FONT: "IRRIGATION RISERS ARE NOT ALLOWED." WILL BE ADDED TO THE IRRIGATION PLAN.

LANDSCAPE NOTES

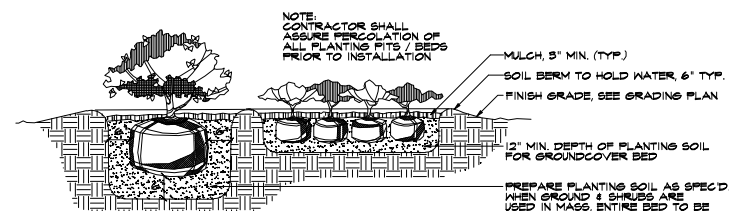
- In the event of variation between the quantities shown on the plant list and the plans, the plans shall control. Verifying sod quantity take-offs are the responsibility of the landscape contractor.
- No plant material substitutions shall be permitted or will be accepted without the written consent of the Landscape Architect.
- All plantings shall be backfilled with the best of the on-site soil.
- The landscape contractor is responsible for the immediate repair, at his/her own expense, to any on-site utilities damaged by these landscape construction operations.
- It is the responsibility of the landscape contractor to prevent plants from falling or being blown over. The landscape contractor shall straighten, repair, and/or replace any plants damaged by a failure to properly stake or guy any trees on-site, at his/her own expense. The landscape contractor shall not be responsible for any trees blown over or damaged by winds in excess of 50 miles per hour.
- Unless otherwise stated on these plans, the landscape contractor shall only be responsible for fine grading of the planting and sodding areas. Fine grading is described as the final .10 of grade to be achieved.
- The landscape contractor shall assure that this work does not interrupt existing or projected drainage patterns.
- All sod must be placed with staggered joints, tightly butted, with no gaps or overlapping pieces. All sod shall be rolled.
- All planting beds shall be top dressed with 3" of mulch, see plant list for type.
- The landscape contractor shall remove excess waste material from the project site on a daily basis.
- Maintenance shall be the responsibility of the landscape contractor until such time as final acceptance of the project has been granted by the Landscape Architect. Maintenance shall include watering, mulching, weeding, pruning, replacement of dead and dying plants, cutting sod and any other operation necessary for the proper care of these plants.
- The landscape contractor shall not be responsible to honor any warranty for the loss of any trees, shrubs, ground covers, or sod caused by flooding, fire, freezing temperatures, winds over 50 miles per hour, lightning or any other natural disaster. The landscape contractor is also not responsible for any damage caused by vandalism or negligence on the part of the owner.
- All plant material shall be Florida Number 1 or better in quality as described in Florida Grades and Standards for Nursery Plants, Florida Department of Agriculture.



1 LARGE TREE DETAIL
LA.02 N.T.S.



2 MULTI TRUNK TREE DETAIL
LA.02 N.T.S.



3 SHRUB AND GROUNDCOVER DETAIL
LA.02 N.T.S.

LANDSCAPE AND IRRIGATION DESIGN

I VERIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED MAY 21, 2008, WHICH ESTABLISHES WATER-WISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE _____ REG. NO. _____ DATE _____

ISSUED FOR PLANNING AND ZONING		REVISED PER CITY OF APOPKA COMMENTS		REVISED PER CITY OF APOPKA COMMENTS		REVISED PER CITY OF APOPKA COMMENTS		POP COMMENTS		REVISIONS	
NO.	DATE	BY	CHKD	APP'D	NO.	DATE	BY	CHKD	APP'D	NO.	DESCRIPTION
5	4/27/15	AP/MJC	ASC	ASC	4	4/03/15	AP/MJC	ASC	ASC		
4	4/03/15	AP/MJC	ASC	ASC	3	3/20/15	AP/MJC	ASC	ASC		
3	3/20/15	AP/MJC	ASC	ASC	2	3/03/15	AP/MJC	ASC	ASC		
2	3/03/15	AP/MJC	ASC	ASC	1	10/14	AP/MJC	ASC	ASC		

SCALE: 1"=50'
DATE: 03-18-2015
DRAWN: AP/MJC
CHECKED: ASC
APPROVED: ASC

LANDSCAPE PLAN (SOUTH)
MARDEN RIDGE APARTMENTS - PHASE 1B
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA

RUTH PERRY, RLA
No. LA0001530

gai consultants
EB 9951
618 SOUTH ST. SUITE 700
ORLANDO, FLORIDA 32801
PHONE: (407) 423-8398

PROJECT NO./DASH NO.
A120273.03

SHEET
LA.02

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EXHIBIT “B”
Marden Ridge Apartments Master Site Plan Development Standards

A. DEVELOPMENT STANDARDS (SHEET C2.10)

SIGNAGE: All signage shall comply with City of Apopka codes, and FDOT MUTCD.

LIGHTING: Lighting shall comply with City of Apopka codes. Illumination plan required at final development plan.

STORMWATER: Stormwater management system will be designed to comply with City of Apopka code and the requirements of the St. Johns River Water Management District and approved with the final development plans.

WATER AND SEWER: Sewer and water to be provided via private onsite system connected to the City of Apopka utilities water main, sewer force main and reclaim water main within the Marden Road right of way. Lift station will be owned and maintained by the City of Apopka. The lift station tract will be deeded to the city.

RECREATIONAL FACILITIES:

1. All recreational facilities will be owned and maintained by the owner of the apartment complex owner.
2. Lock boxes for emergency access shall be provided for pool building/patio and office building.
3. Final details for court type and layout, tot lot, picnic and other equipment will be provided for city approval on the final development plans.
4. Final pool sizing and design shall be provided at the time of final development plans.
5. A letter from the Fl. Dept. of Health (or appropriate agency) must be submitted to community development department at time of final dev. plan to affirm the minimum size of the pool.
6. Recreational program to include, at minimum, the following: bark park, tot lot, picnic and gathering areas, BBQ locations and other equipment. Final recreation equipment details to beill be provided with Final Development Plan.

ACCESS & TRAFFIC GENERATION: Access to the public road system will be via Marden Road. The maximum projected traffic generation for this project is 287 pm peak hour trips per the site trip generation manual, 7th edition, for land use 220 - apartments.

PEDESTRIAN ACCESS: Sidewalks to be 5' wide unless otherwise noted on plans.

AMENITIES: To assure that quality residential development is constructed, the following amenities are proposed and will be included with the project:

1. Clubhouse will include wireless high speed internet, business center, fitness center, kitchen area with sings, refrigerator and microwave and resort-style swimming pool with outdoor fireplace.
2. Apartment units will include energy-efficient appliances, full size washer and dryer available in 2 and 3 bedroom apartments, full or stacked washer and dryer available in 1 bedroom apartments, walk-in

EXHIBIT “B”
Marden Ridge Apartments Master Site Plan Development Standards
Page 2 of 3

closets, bicycle trails, bicycle racks, bicycle and storage areas, granite counter tops, 9-foot ceilings. No coin laundry center allowed.

3. Security surveillance to be provided at Final Development Plan at entrance way per City of Apopka.

PARKING AREAS: In accordance with City of Apopka regulations, 20% of parking spaces shall have pervious parking surface at time of final development plan.

DEVELOPMENT DESIGN STANDARD:

1. Architectural design and color of multi-family buildings will be internally compatible.
2. All service and storage areas must be screened from public view.
3. All equipment (including roof top) and utility boxes must be fully screened (including the back of the building).

MONUMENT SIGN: At time of final development, monument and sign easement shall be dedicated to the City of Apopka entry feature detail will be provided with final development plan.

MULTI-USE TRAIL: Maintenance authority and ownership of multi-use trail to be determined at the Final Development Plan.

LAND AREA FOR CONSTRUCTION:

1. 6.64 acres commercial (clear, mass grade, vertical constr. - including 0.21 acres ROW dedication) 35.53 acres of r-3 (clear, mass grade, construct joint use pond, vertical construction - including 1.04 acres for row dedication)
2. Note that existing Marden Road right of way is 60'. Future right of way dedication is shown in this set of plans and will include 20' on either side making the future right of way 100'. The traffic study shows a proposed future row dedication of 25' which is incorrect.
3. “Future” residential and commercial phases, as designated within Exhibit “A” , proceed to a preliminary development plan or final development without need to amend this PUD ordinance. Development within the “Future” residential and commercial phases shall occur consistent with the Land Development Code. Apartment buildings in the “Future” phase shall be limited to a height of sixty (60) feet and four stories.

PHASING INTENT OF THE PROJECT:

The project will be constructed in multiple phases, consisting of Phase 1A - mass grading plans and Phase 1B, the preliminary development plans herein. Anything beyond phase 1B site development will be identified as future development. Mass Grading plans must be approved by the City.

Construction dates are to be determined, due to the construction schedule of the SR 414 interchange. The apartments are to be completed within 90 days of interchange construction.

Future construction will follow at a later date.

EXHIBIT “B”
Marden Ridge Apartments Master Site Plan Development Standards
Page 3 of 3

APARTMENT UNIT MIX:

1. One bedroom units -- maximum 20% of the total residential apartments
2. Three bedroom units – minimum 10 % of the total residential apartments
3. Proposed apartment unit mix is provided in the table below but may be revised if unit mix complies with the one- and three-bedroom standards above.

PROPOSED UNITS: MULTIFAMILY RESIDENTIAL APARTMENTS						
Unit Mix Phase 1B	Building Number	Building Height	# Of 3 Bedroom Units	# of 2 Bedroom Units	# of 1 Bedroom Units	Total
TYPE I	1, 5	58'	8 X 2	28 X 2	16 X 2	52 X 2
TYPE II	2, 3, 4	58'	8 X 3	40 X 3	8 X 3	56 X 3
TOTALS:			56	176	40	272







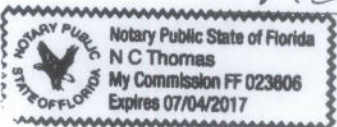
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 22, 2015**, as well as being posted online at www.theapokkachief.com and www.florida-publicnotices.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.

John E. Ricketson
Sworn and subscribed before me this
22nd day of May, 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 will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, June 3, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 2.73 ACRES MORE OR LESS, AND OWNED BY EVERLASTING COVENANT CHRISTIAN CENTER, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2430

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

ORDINANCE NO. 2431

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (0.30 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PIEDMONT WEKIWA ROAD, NORTH OF US 441, COMPRISING 6.49 ACRES MORE OR LESS, AND OWNED BY JOSEPH E. BALL AND JEFF P. BALL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2432

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

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "CITY" PLANNED UNIT DEVELOPMENT (89.7 +/- ACRES) AND "COUNTY" A-2 (6.4 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-3) AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS, LLC; AND FROM "CITY" PLANNED UNIT DEVELOPMENT (30.34 +/- ACRES) TO "CITY" PLANNED UNIT DEVELOPMENT AND OWNED BY LUST GRANT, FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 125.74 +/- ACRES MORE OR LESS, PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (18.05 +/- ACRES) AND C-1 (6.43 +/- ACRES) TO PLANNED UNIT DEVELOPMENT (PUD/R-3C-1) (TOTAL 42.17 +/- ACRES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED BETWEEN S.R. 451 AND MARDEN ROAD, SOUTH OF OCOEE APOPKA ROAD, AND NORTH OF THE APOPKA EXPRESSWAY (S.R. 414), COMPRISING 42.17 +/- ACRES MORE OR LESS, AND OWNED BY EMERSON POINT ASSOCIATES, L.L.P.; 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

Backup material for agenda item:

7. ORDINANCE NO. 2436 - FIRST READING - Amending the Election Date, Runoff Date, and Qualifying Dates associated with the 2016 City General Election.



CITY OF APOPKA CITY COUNCIL

-
- CONSENT AGENDA
 - PUBLIC HEARING
 - SPECIAL HEARING
 - OTHER: ORDINANCES & RESOLUTIONS

MEETING OF: June 3, 2015
FROM: City Clerk
EXHIBITS: Ordinance No. 2436

SUBJECT: ORDINANCE NO. 2436 – Changing the Election date, Runoff date, and Qualifying dates associated with the 2016 City General Election.

Request: Accept the First Reading and hold over for a Second Reading of Ordinance No. 2436, changing the date for the City General Election to March 15, 2016.

SUMMARY:

The Governor signed HB 7035 on March 19, 2015, changing the date for the Presidential Preference Primary to the third Tuesday in March of each presidential election year.

The Supervisor of Elections has asked that the City change its dates to piggyback with the County for the election in the year that the Presidential Preference Primary takes place.

The ordinance addresses changing the City's General Election to March 15, 2016, changing the Runoff Election to April 12, 2016, and the qualifying dates for 2016 only. The elections in subsequent years will return to the second Tuesday in March, unless later amended by ordinance.

FUNDING SOURCE:

This change will provide a reduction in cost to the City for the General Election. The City will not incur costs for equipment, poll workers, ballots, or absentee ballots. We would be responsible for advertising. Should there be a requirement to hold a Runoff Election, the City would incur the usual costs.

RECOMMENDED ACTION:

Accept the First Reading of Ordinance No. 2436, and hold it over for a Second Reading.

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
City Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
City Clerk
Fire Chief

ORDINANCE NO. 2436

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE ELECTION DATE FOR THE 2016 CITY GENERAL ELECTION TO MARCH 15, 2016; CHANGING THE RUN-OFF ELECTION DATE FOR THE 2016 CITY GENERAL ELECTION; DESIGNATING THE DATES FOR QUALIFYING FOR THE 2016 CITY GENERAL ELECTION; AUTHORIZING THE CANVASSING OF BALLOTS FOR THE 2016 CITY GENERAL ELECTION AS OUTLINED IN SECTION 34-41, APOPKA CODE OF ORDINANCES; PROVIDING FOR NOTICE TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 166.021 Florida Statutes, grants municipalities the proprietary powers to undertake all municipal functions; and

WHEREAS, Chapter 101.75 Florida Statutes authorizes municipalities to change the date of the municipal election when said election falls on the same date as the county election; and

WHEREAS, the City Council of the City of Apopka adopted Ordinance No. 1222 on September 1, 1999 establishing the election date for the city general election to the second Tuesday of March; and

WHEREAS, the Florida Legislature adopted a new Chapter 103.101 Florida Statutes, revising the date for the presidential preference primary to the third Tuesday in March of each presidential election year; and

WHEREAS, the City Council of the City of Apopka desires to conduct the 2016 city general election in conjunction with the presidential preference primary.

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

SECTION 1. That the 2016 City of Apopka General Election be held on March 15, 2016. All general elections taking place following the 2015 Apopka General Election will remain as outlined in Section 34-36, Apopka Code of Ordinances.

SECTION 2. That in the event a runoff election is required, said 2016 runoff election will be held on April 12, 2016, and thereafter conducted in accordance with Section 34-40, Apopka Code of Ordinances.

SECTION 3. That qualifying for the 2016 City General Election will begin at twelve o'clock (12:00 p.m.) noon on Monday, December 14, 2015, and end at twelve o'clock (12:00 p.m.) noon on Monday, December 21, 2015.

SECTION 4. That the Orange County Canvassing Board is hereby authorized to canvass the City of Apopka ballots voted in the March 15, 2016 city general election and the runoff election, if necessary, in compliance with Section 34-41, Apopka Code of Ordinances.

SECTION 5. That the term of office will remain as set out in Ordinance No. 1612, to expire at twelve o'clock (12:00 p.m.) noon on the fourth Tuesday of April.

SECTION 6. The City Clerk is hereby directed to provide to the Orange County Supervisor of Elections, a certified copy of this ordinance within ten (10) days from the date of adoption.

SECTION 7. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district and independent provision, and such holding shall in no way affect the validity of the remaining portion of this ordinance.

SECTION 8. CONFLICTS. All ordinances or parts thereof, in conflict with this ordinance are hereby repealed.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2015.

FIRST READING: June 3, 2015

**SECOND READING
AND ADOPTION:** _____

**CITY COUNCIL OF THE CITY OF
APOPKA, FLORIDA**

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Duly advertised for public hearing: _____

Backup material for agenda item:

8. RESOLUTION NO. 2015-11 - Amending the Procurement Policy to increase the Local Business Preference from 1% to 3%.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: June 3, 2015
FROM: Administration
EXHIBITS: Resolution 2015-11

SUBJECT: AMENDMENT OF THE PROCUREMENT POLICY, LOCAL BUSINESS INCENTIVE

Request: ADOPT RESOLUTION NO. 2015-11

SUMMARY:

At the City Council meeting of April 15, 2015, a motion was made to direct staff to investigate and prepare a proposal to amend the Local Business Preference to increase the percentage to 3%. This matter was investigated and Resolution No. 2015-11 is before City Council to approve amending the Local Business Preference from 1% to 3%.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Adopt Resolution No. 2015-11.

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

RESOLUTION NO. 2015-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CITY ADMINISTRATIVE POLICY FOR PROCUREMENT, SECTION 107.3.1.2, POLICY, I. INCENTIVE FOR LOCAL BUSINESSES, III. PURCHASING GUIDELINES, IV. LEVELS OF REQUIRED AUTHORITY, AND V. COMPETITIVE PRICING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka recognizes the need for the City to adopt administrative policies; and

WHEREAS, it is necessary that administrative policies be reviewed and amended from time to time.

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

Section 1. That the Administrative Policies for Procurement, Section 107.3.1.2 Policy, I. Incentive for Local Businesses, III. Purchasing Guidelines, IV. Levels of Required Authority, and V. Competitive Pricing, be amended as attached hereto as Exhibit "A".

Section 2. That these changes shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2015.

CITY OF APOPKA

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

EXHIBIT “A”

Administrative Policies:

Section 107.3 – Procurement

CITY OF APOPKA
ADMINISTRATIVE POLICIES

107.3 TITLE

Procurement

107.3.1 PURPOSE

To encourage competition among vendors and to provide guidance for the proper procurement of supplies and services for each department within the City.

107.3.1.1 DISCUSSION

The City recognizes fair and open competition is a basic tenet of public procurement. Open competition reduces the appearance and opportunity for favoritism and inspires public confidence.

107.3.1.2 POLICY

underline indicates additions; strikethrough indicates deletions

I. Incentive for Local Businesses

- A. It is the City Council's desire to include provisions that will provide incentives to purchase goods from vendors located in the corporate limits of Apopka. Whenever competitive sealed bids are received, and one or more are submitted by a vendor located within the corporate limits of Apopka, if all things stated in such bids are equal with respect to price, quality, and service, the commodities shall be purchased from the vendor located within the corporate limits.
- B. There may be a ~~one~~ three percent (± 3%) increase over the low bid (if the low bidder is not located within the corporate limits of Apopka) allowed as an incentive to local businesses within the corporate limits of Apopka. Local businesses shall be defined as a business that has its main office within the corporate limits of Apopka, has a valid city occupational license, and pays property taxes directly or indirectly to the City.

II. Legislative Authority

The City Council may change, award, modify, or delete any provision in this policy and award a purchase order or contract to anyone or any firm it deems appropriate, at its sole discretion.

III. Purchasing Guidelines

The following are abbreviated, minimum guidelines. If a department has established more restrictive rules, the department rules will prevail. Should there be any conflict between these guidelines and the department's rules, these guidelines shall prevail.

- A. Any payment issued by the Finance Department must be initiated by either a purchase order or check request. As a general rule, all purchases/expenditures will require a purchase order. Check requests may be used for expenditures such as utility bills, telephone bills, refunds of fees, and travel expense payments.
- B. The proper support shall be included with each purchase order or check request, and the document(s) shall be approved by the proper level of authority. The support items required will vary depending upon the amount and/or type of purchase. Additionally, if competitive pricing is required, copies of the competitive pricing documents shall also be attached. Any exceptions to this policy must be authorized by the City Administrator ~~Chief Administrative Officer (CAO)~~ or his/her designee.
- C. If it is not practical to attach the required supporting documentation because of size or bulk, a copy of the documentation should be forwarded to the Finance Department and so noted on the purchase order or check request. Ideally, each purchase that has been processed should be able to survive review by an outside auditor without the need for additional documentation.
- D. If the vendor has not previously conducted business with the City, a new vendor file must be prepared. The Finance Department will be responsible for creating the new vendor file.
- E. Special instructions for payment processing should accompany the request for payment. If any documents are to accompany the check, those documents should be attached to the payment request.
- F. If a payment for an open purchase order is requested and the amount requested is less than the purchase order amount, the Finance Department must be notified to close the purchase order when no further payments are to be made.
- G. If a payment request exceeds the purchase order amount by 10% or \$500, whichever amount is smaller, additional authorization will be required prior to payment. The person authorized to sign purchase orders is responsible for ensuring that the final purchase cost complies with all purchasing procedures as outlined in this policy.

IV. Levels of Required Authority

Depending upon the dollar amount and/or type of purchase, different levels of approval may be required prior to the actual purchase.

A. City Council Approval

Approval by the City Council is required of the following:

1. Any service agreement with a total annual cost equal to or greater than \$25,000.
2. Any Capital purchase equal to or greater than \$25,000.
3. Any purchase, contract, or agreement equal to or greater than \$25,000, except for:
 - a. Progress payments on previously approved contracts or agreements.
 - b. Inventory purchases for stock, purchased using competitive prices, and when no single unit price of an item is greater than \$5,000.
 - c. Emergency repairs necessary to alleviate a potential safety or environmental hazard or to restore public services.
 - d. Field change orders falling within the Mayor's or his/her designee's authority.
 - e. Settlements on insurance claims consistent with the approved insurance contract.

B. ~~Chief Administrative Officer (CAO)~~ City Administrator

The City Council has given the ~~Chief Administrative Office (CAO)~~ City Administrator or his/her designee blanket change order approval authority for individual change orders up to \$10,000, with a cumulative value not to exceed \$50,000 per any one project.

C. Department Director

The department director must authorize all purchases unless such authority has been delegated. If delegation has occurred, the Finance Department shall be notified.

V. Competitive Pricing

Competitive pricing is required for all purchases when the total purchase price will exceed \$2,500.

A. Written/Sealed Bid Competitive Quotations

1. Total Purchase Price less than or equal to \$2,500 - Do not require competitive pricing.
2. Total Purchase Price greater than \$2,500 and less than \$25,000 - Requires three written quotations that must be attached to the purchase order.
3. Total Purchase Price greater than or equal to \$25,000 - Sealed bids are required.
4. Services for engineers, architects, surveyors, and landscape architects in excess of \$25,000 and/or construction costs in excess of \$250,000 shall be made utilizing Florida Statute 287.055, the Consultant's Competitive Negotiations Act.

B. Exceptions to the competitive pricing requirement

Each of these exceptions requires detailed written support be attached to the related purchase order.

1. Emergency Repairs - repairs needed immediately to restore public services or to alleviate a safety or environmental hazard. A description of the emergency shall be attached to the purchase order or check request, with approval from the City Administrator CAO.
2. Unidentifiable Repairs - repairs that could not be identified prior to the commencement of repair work. A description of the circumstances shall be attached to the purchase order or check request.
3. Sole Source - products or services available from only one vendor. Documentation must be attached to the purchase order. The City Administrator CAO must give approval for the "Sole Source" designation. The "Sole Source" designation will expire one year after approval and may be renewed upon submission of a new request with documentation.
4. Evaluated Source - products or services may be purchased from a vendor without obtaining competitive prices when it has been

determined that it is in the best interest of the City to use that vendor. Documentation must be attached clearly defining why it is in the best interest of the City not to obtain quotes with each purchase and/or why this vendor is to be used when other vendors may supply their products at a lesser price. Proven quality differences and proximity of supplier are some examples of the reasons why a vendor may be declared an "Evaluated Source." The City Administrator ~~CAO~~ must give approval for the "Evaluated Source" designation. The "Evaluated Source" designation will expire one year after approval and may be renewed upon submission of a new request with documentation.

5. Federal, State, or other Governmental Contract - when using another governmental entity's existing contract, a copy of the relevant page(s) shall be attached, with the item highlighted.
6. PRIDE - purchases from PRIDE do not require competitive quotes.
7. Accounting, legal, permits, condemnation, and right-of-way services do not require competitive quotes.
8. Used Vehicle Purchases - If the vehicle price is consistent with the NADA or "Black Book" price, no competitive pricing is required. A copy of the source data must be attached.

VI. Purchase Orders

- A. A Purchase Order (PO) shall be issued for all purchases of goods or services in excess of \$30.00 prior to the commitment to purchase the goods or services. The PO shall contain the quantity, description, price, authorization, and related information for the goods or services to be purchased.
- B. When preparing a PO, the purchase amount will determine the level of authority and the type of competitive pricing that may be required.
- C. The PO shall be generated by the department purchasing the goods or services.
- D. Support data for the PO shall be included with the PO and sent to the Finance Department. In all cases the invoice(s) used as backup for payment requests should be the original(s).
- E. Types of Purchase Orders.
 1. Regular Purchase Order - Used for a one-time purchase. Ideally, this type of PO will be created for one or more items purchased from one

vendor, when the items will all be received at the same time. This PO will be processed for payment and then closed. Exceptions will be back orders or partial receipts, which should only be temporary.

2. Blanket Purchase Order - Used for continuing goods, services or commodities where the fee or charge is known but the goods or services will be received over a known period of time. Examples of uses for a blanket PO are service contracts, maintenance contracts, etc.

F. Encumbering and Paying a Purchase Order.

1. The encumbrance of a purchase order creates an obligation for the City to purchase and pay for goods or services from a particular vendor. Accordingly, the affected accounts will reflect a reduction of the budget for the amount of the encumbrance, and affected accounts must have available budgeted funds to complete the purchase.

VII. Check Requests

Check requests are used to initiate payments to vendors, employees, or customers for items that do not require a purchase order. Some examples are utility bills, telephone bills, travel expenses, insurance payments, garnishments, fees collected in error, etc. Questions regarding the use of a check request as opposed to a purchase order should be referred to the Finance Department.

Backup material for agenda item:

1. MASS GRADING PLAN - Marden Ridge – owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E., for property located between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029)



CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE: June 3, 2015
<input type="checkbox"/> ANNEXATION	FROM: Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS: Vicinity Map
<input checked="" type="checkbox"/> OTHER: Mass Grading Plan	Mass Grading Plan

SUBJECT: MASS GARDING PLAN - MARDEN RIDGE APARTMENTS - PHASE 1A

Request: APPROVAL OF THE MASS GRADING PLAN FOR MARDEN RIDGE APARTMENTS (PARCEL ID NUMBER: 17-21-28-0000-00-029); AND ISSUANCE OF THE FINAL DEVELOPMENT ORDER

SUMMARY

OWNERS: Emerson Point Associates, LLLP

APPLICANT: MMI Development, Inc., c/o Michael E. Wright, Esq.

ENGINEER: GAI Consultants, Inc., c/o Anthony Call, P.E.

LOCATION: Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway (S.R. 414)

EXISTING USE: Planted Pine

FUTURE LAND USE: Residential High (0-15du/ac)\Commercial

CURRENT ZONING: R-3

PROPOSED DEVELOPMENT: Apartment (272 units/5 Buildings) and Retail Commercial\Mass Grading of Final Development Plans

PROPOSED ZONING: Planned Unit Development (PUD/R-3/C-1)

TRACT SIZE: Apartments: 18.05 +/- Acres
Retail Commercial: 6.43 +/- Acres
Overall Site: 42.17 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 536 Units (35.74 ac)
PROPOSED: 272 Units (Phase 1B) on 18.05 ac

DISTRIBUTION

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

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial	C-1	Vacant Land; Ocoee Apopka Road
East (City)	Residential Medium (0-10 du\ac)	R-3	Vacant Land
East (County)	Low-Medium Density (0-10 un\ac)	R-2, R-3	Marden Garden apartments, Vacant Land
South (City)	Mixed Use	Mixed-EC	S.R. 414\vacant land\Emerson Park
West (City)	Industrial\Residential Medium Density	I-1/R-3	S.R. 451\Warehouse\vacant land

ADDITIONAL COMMENTS: The proposed mass grading plan for the proposed Marden Ridge apartment project allows site grading to occur consistent with the ground elevations and contours established within the Marden Ridge Apartment-Phase 1B Master Site Plan\Preliminary Development Plan. All required permits from the St. Johns Water Management District and other state agencies must be obtained by the applicant prior to commencing any grading activities. Planted pine has already been harvested from the subject property, leaving few canopy trees.

HAUL ROUTE: Marden Road south to Keene Road; W. Keene Road eastward to S.R. 414, as illustrated on Sheet C3.00 of the Mass Grading Plan.

ENVIRONMENTAL: A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any grading or further site construction activity.

TREE PROGRAM: The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. Pine trees have already been harvested from the site. The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program, if applicable.

SCHOOL CAPACITY REPORT: No development activity beyond the grading activities approved within the Mass Grading Plan can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The developer has submitted a school capacity determination application to OCPS. The schools designated to serve this community are the following: Wheatley Elementary, Wolf Lake Middle and Apopka High School.

ORANGE COUNTY NOTIFICATION: The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

PUBLIC HEARING SCHEDULE:
May 12, 2015 – Planning Commission (5:01 pm)
June 3, 2015 – City Council (1:30 pm)

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the Marden Ridge Apartments Ph.1A Mass Grading Plan for the property owned by Emerson Point Associates, LLLP.

The **Planning Commission**, at its meeting on May 12, 2015, recommended approval (7-0) of the Marden Ridge Apartments Ph.1A Mass Grading Plan for the property owned by Emerson Point Associates, LLLP.

Approve the Mass Grading Plan for the Marden Ridge Apartments Ph.1A, property owned by Emerson Point Associates, LLLP; and issue the Final Development Order.

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

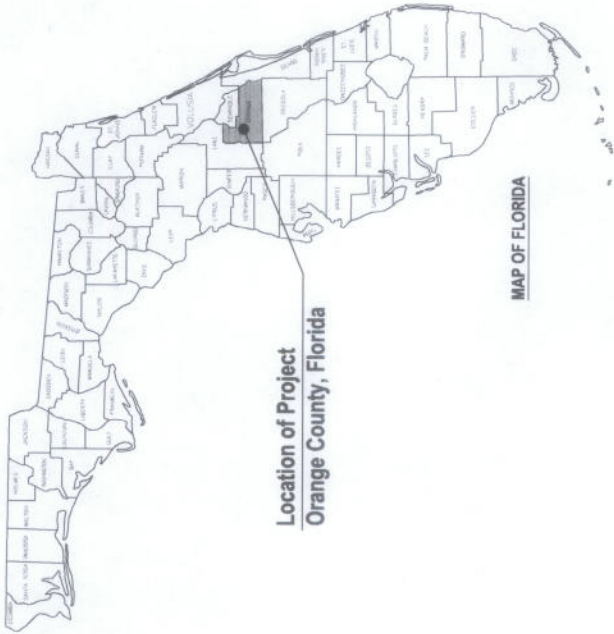


Marden Ridge Apartments
Emerson Point Associates, LLLP
MMI Development, Inc. c/o Michael E. Wright, Esq.
Retail Commercial: 6.43 +/- Acres
Apartments: 18.05 +/- Acres (272 Units)
42.17 +/- Total Acres
Parcel ID #: 17-21-28-0000-00-029

VICINITY MAP



MARDEN RIDGE APARTMENTS - PHASE 1A MASS GRADING OF FINAL DEVELOPMENT PLANS



Prepared By:

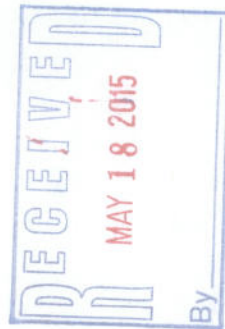
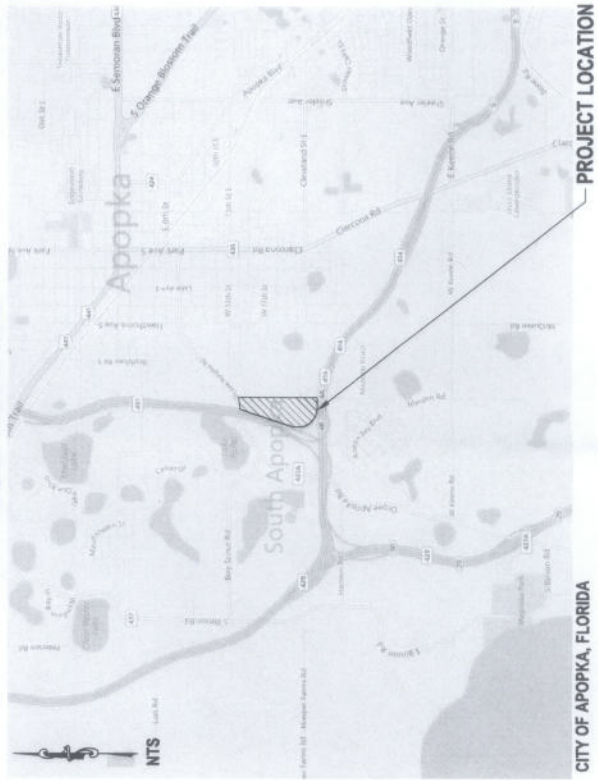


gai consultants
EB 9951
618 EAST SOUTH STREET
S U I T E 7 0 0
ORLANDO, FLORIDA 32801
PHONE: (407) 423-8398

APOPKA, FLORIDA

Prepared For:
EMERSON POINT ASSOCIATES, LLLP

LOCATION MAP



CONTACT LIST

OWNER'S REPRESENTATIVE EMERSON POINT ASSOCIATES, LLLP 1350 North Orange Avenue, Suite 250 Winter Park, FL 32789 (407) 385-0664 Attn: Mr. Michael E. Wright, Esq.	CIVIL ENGINEERS GAI Consultants, Inc. 618 East South Street Suite 700 Orlando, Florida 32801 (407) 423-8398 Attn: Anthony S. Call, P.E.	SURVEYOR On the Mark Surveying, LLC 143 Meadow Boulevard Sanford, Florida 32771 Attn: Corey A. Hopkins, PSM Ph: (321) 626-6376
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Sheet Number	Sheet Title
C0.00	COVER SHEET
C1.00	MASS GRADING PLAN
C1.10	MASS GRADING PROFILES
C2.00	SWPPP & DEMOLITION NOTES AND DETAILS
C3.00	HAUL ROUTE PLAN



GAI PROJECT NO. **A120273.03**
ISSUED FOR: **CITY OF APOPKA**
ISSUED DATE: **APRIL 21, 2015**

GENERAL NOTES:

1. PRIOR TO START OF EARTHWORK ACTIVITIES THE CONTRACTOR SHALL FULLY IMPLEMENT THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP), PER THE APPLICABLE PERMITS. UPON COMPLETION OF THE PROJECT THE CONTRACTOR SHALL SUBMIT A NOTICE OF TERMINATION FOR THE NOI TO DEP.
2. PRIOR TO CLEARING AND GRUBBING, ALL SILT FENCE AND OTHER EROSION CONTROL DEVICES PLUS ANY SEDIMENT CONTROL BASINS SHALL BE INSTALLED AND OPERATIONAL.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SURVEY MONUMENTATION. DISTURBED MONUMENTATION SHALL BE RESTORED AT CONTRACTOR'S EXPENSE BY A SURVEYOR SELECTED BY THE OWNER.
4. ALL INDICATED MATERIALS TO BE CLEARED, GRUBBED AND REMOVED FROM THE CONSTRUCTION AREA INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING: ALL TREES, STUMPS, ROOTS, BRUSH, TRASH, ORGANIC MATTER WITHIN THE SITE, CURBING, PAWING, MISCELLANEOUS STRUCTURES (IF ANY), AND OTHER DEBRIS.
5. GRUBBING SHALL CONSIST OF COMPLETELY REMOVING ROOTS, STUMPS, TRASH AND OTHER DEBRIS FROM SITE, SO THAT THE TOPSOIL IS FREE OF ROOTS AND DEBRIS. TOPSOIL IS TO BE LEFT SUFFICIENTLY CLEAN SO THAT FURTHER PLOWING AND RAINING WILL NOT BE REQUIRED.
6. BURNING OF TREES, ROOTS, OR ANY KIND OF MATERIALS WILL NOT BE ALLOWED ANYWHERE ON THE SITE.

7. THE CONTRACTOR SHALL EXERCISE SPECIAL PRECAUTIONS FOR THE PROTECTION AND PRESERVATION OF TREES, SOD, FENCES, ETC., SITUATED WITHIN THE VICINITY OF THE PROJECT AREA OR TREE SAVE AREAS BUT NOT DIRECTLY WITHIN EXCAVATION AND/OR FILL LIMITS. THE CONTRACTOR SHALL BE HELD LIABLE FOR ANY DAMAGE AS A RESULT OF HIS OPERATIONS.
8. TREES WHICH ARE SEVERELY DAMAGED OR DESTROYED BY CLEARING OPERATIONS OUTSIDE THE CLEARING LIMITS WILL BE PAID FOR BY THE CONTRACTOR IN WHOLE MAJOR DAMAGE INFLECTED TO TREE BRANCHES AND TRUNKS WILL BE REPAIRED, AT NO COST TO THE OWNER.
9. ALL DELETERIOUS SUBSURFACE MATERIAL (I.E. MUCK, PEAT, BURIED DEBRIS) IS TO BE EXCAVATED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER'S MUCK REMOVAL RECOMMENDATIONS PLAN LIMITED TO A MAXIMUM OF 10-FT OF DEPTH OR AS DIRECTED BY THE OWNER OR OWNER'S SOIL TESTING COMPANY. DELETERIOUS MATERIAL IS TO BE STOCKPILED OR REMOVED FROM THE SITE AS DIRECTED BY THE OWNER.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING EXCAVATIONS AGAINST COLLAPSE AND WILL PROVIDE BRACING, SHEETING OR SHORING AS NECESSARY.
11. ALL NECESSARY FILL AND EMBANKMENT THAT IS PLACED DURING CONSTRUCTION SHALL CONSIST OF MATERIAL SPECIFIED BY THE OWNER'S SOIL TESTING COMPANY AND BE PLACED AND COMPACTED ACCORDING TO THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS. STOCK PILES SHALL NOT BE PLACED WITHIN 5-FT OF LOT LINES.
12. THE SITE SHALL BE STABILIZED FOLLOWING CLEARING, GRUBBING AND EARTHWORK TO ESTABLISH THOROUGH COVERAGE OF GRASS. FINAL STABILIZATION SHALL ACHIEVE A MINIMUM OF 70% COVERAGE OF THE DISTURBED LAND AREA AND SHALL INCLUDE A MAINTENANCE PROGRAM TO ENSURE MINIMAL COVERAGE SURVIVAL AND OVERALL SITE STABILIZATION IS ACHIEVED.

13. IF THE DISCHARGE OF GROUNDWATER FROM DEWATERING OPERATIONS IS REQUIRED, THEN THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND CONFORMING TO REQUIRED PERMITS.
14. THE ACCESS ROAD SHALL HAVE A SOIL TRACKING PREVENTION DEVICE INSTALLED AT ALL POINTS CONNECTING TO EXISTING ROADWAYS, AND SHALL CONFORM TO FOOT STANDARD INDEX 106.

NO.	DATE	BY	CHKD.	DESCRIPTION
1	3/19/15	AP	SM	ISSUED FOR PERMITS & ZONING
2	4/21/15	AP	SM	REVISED PER CIV. COMMENTS
3	4/21/15	AP	SM	REVISED PER CIV. COMMENTS
4	4/21/15	AP	SM	REVISED PER CIV. COMMENTS

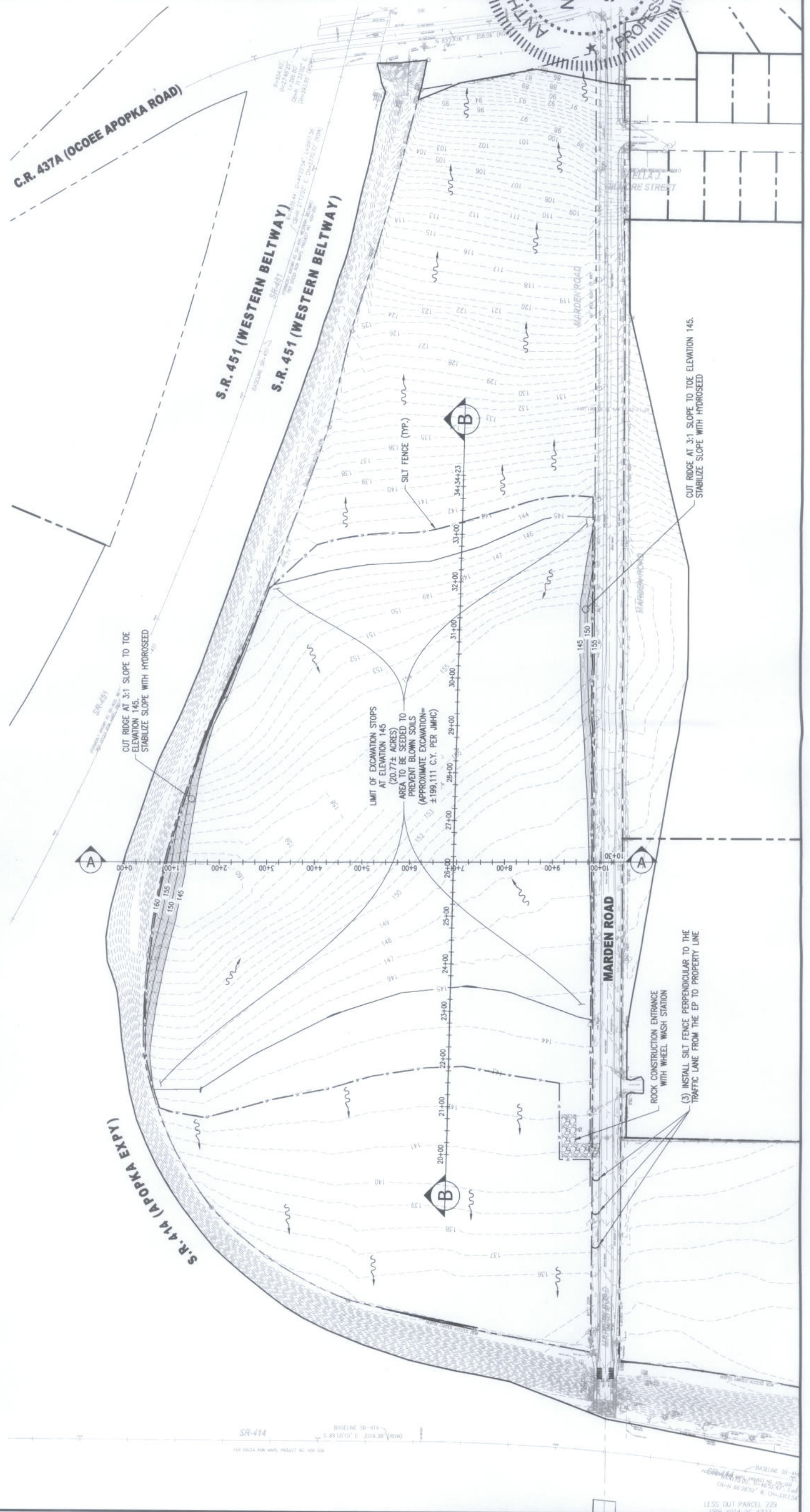
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 DATE: 03-18-2015
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 CHECKED: ASC
 APPROVED: ASC

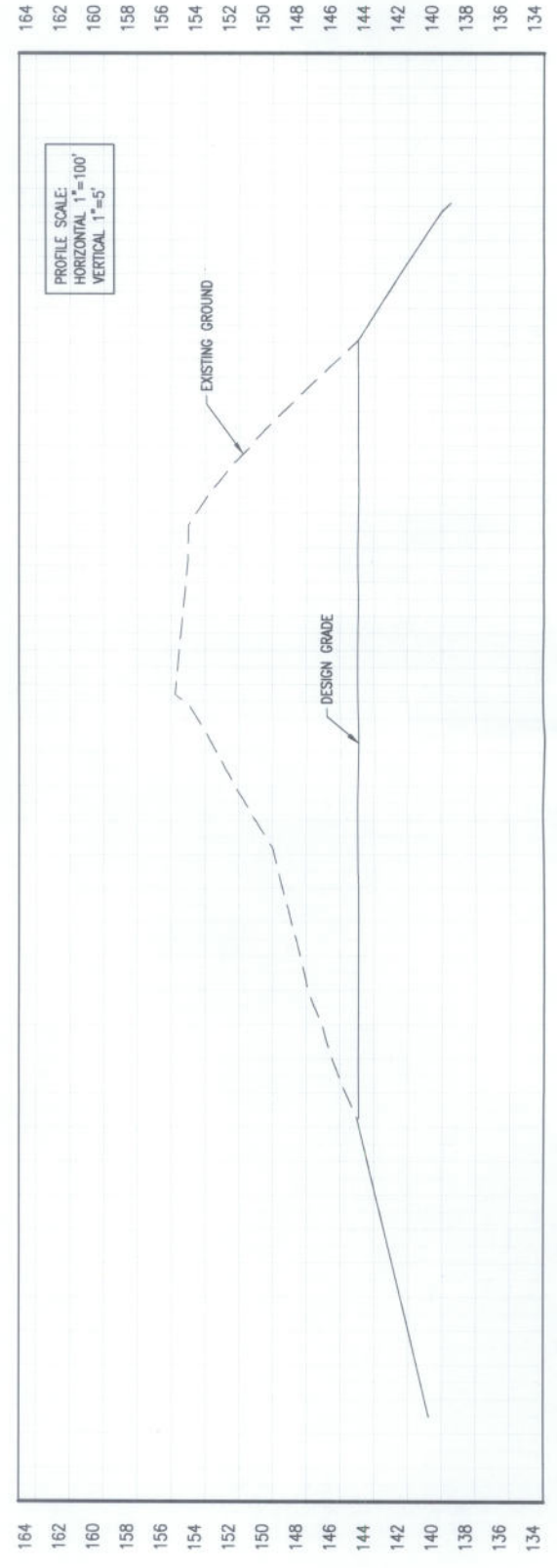
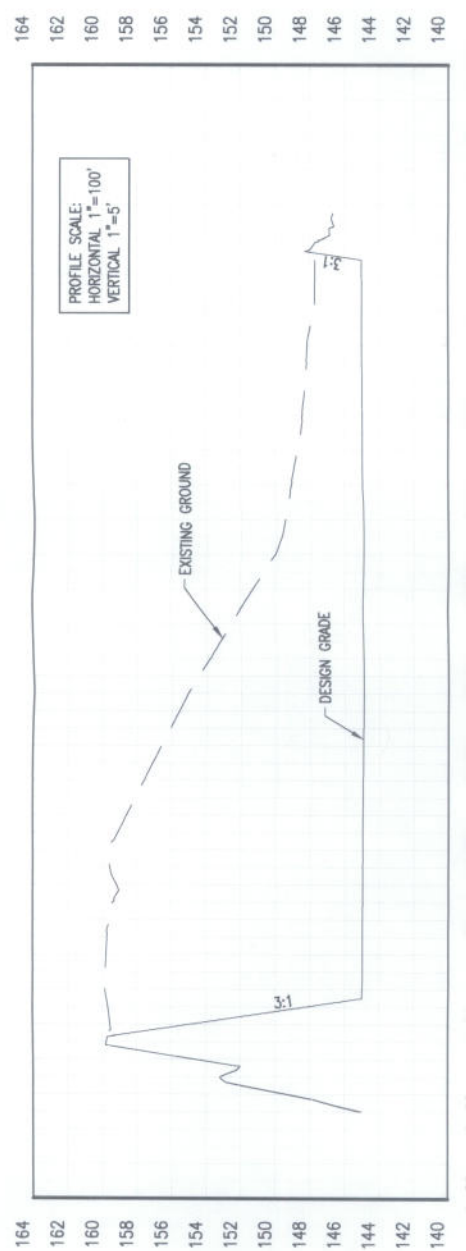
MASS GRADING PLAN
MARDEN RIDGE APARTMENTS - PHASE 1
APOPKA, FLORIDA

ANTHONY S. CANTY
 LICENSE NO. 10411
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER
 618 SOUTH ST. SUITE 700
 BOCA RATON, FLORIDA 33487
 PHONE: (561) 982-5588

PROJECT NO./DASH NO.
 A120273.03

SHEET
C1.00





MASS GRADING PROFILES

MARDEN RIDGE APARTMENTS - PHASE 1
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA

SCALE: **AS SHOWN**
DATE: 03-18-2015
DRAWN: AP/MJC
CHECKED: ASC
APPROVED: ASC

NO.	DATE	BY	CHKD	APPD	DESCRIPTION
1	3/18/15	AP	TM	ASC	REVISED PER CITY COMMENTS
2	3/20/15	AP	TM	ASC	REVISED PER CITY COMMENTS
3	4/21/15	AP	TM	ASC	REVISED PER CITY COMMENTS
4	4/21/15	AP	TM	ASC	DESIGNED FOR PLANNING & ZONING

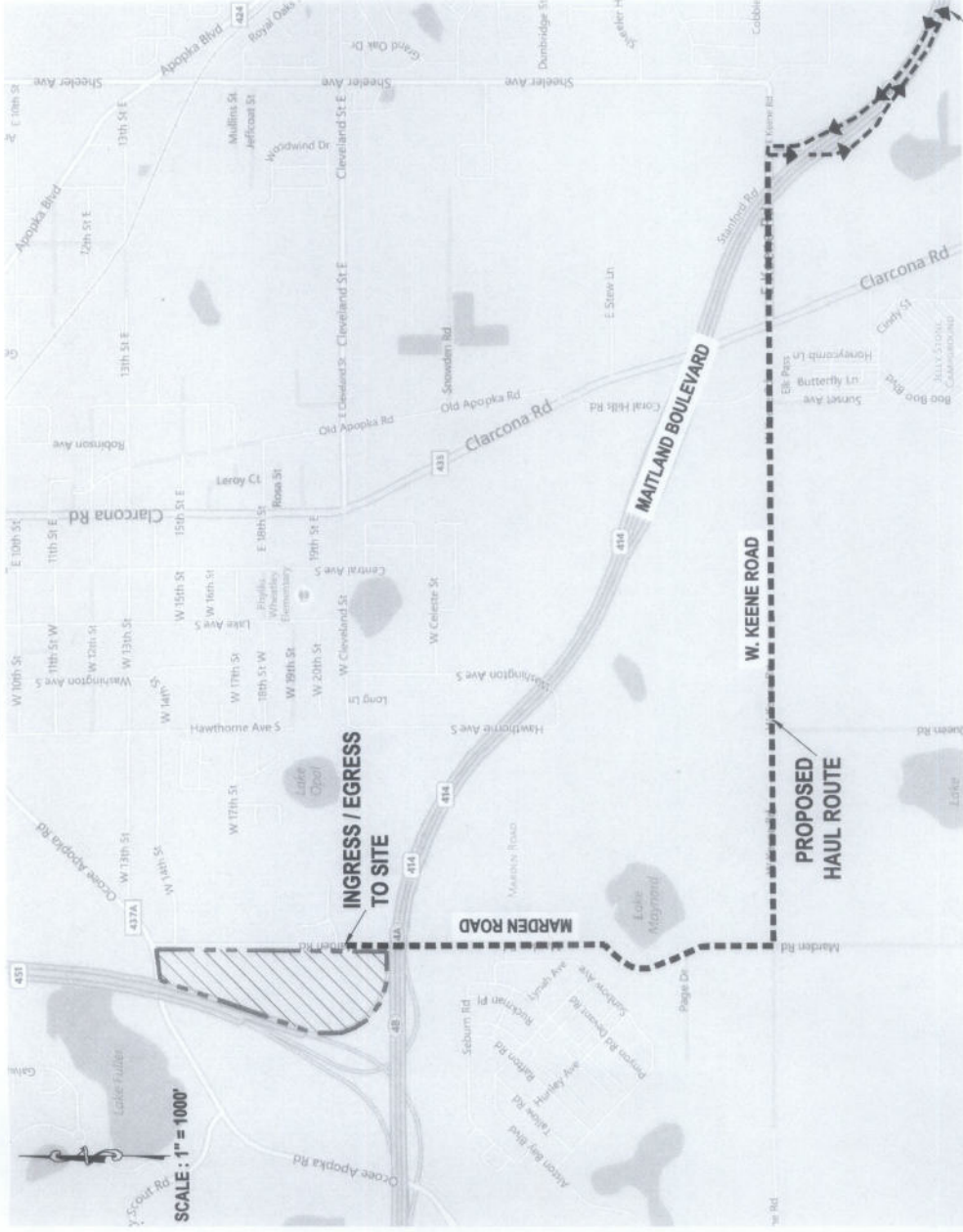


Legal Consultants
618 SOUTH ST. SUITE 700
ORLANDO, FLORIDA 32801
PHONE: (407) 432-8388

PROJECT NO./DASH NO.
A120273.03

SHEET
C1.10

LOCATION MAP



CITY OF APOPKA, FLORIDA

DESTINATION: THE CITY OF MAITLAND

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PLANNING & CONING
2	REVISED PER CITY COMMENTS
3	REVISED PER CITY COMMENTS
4	REVISED PER CITY COMMENTS

HAUL ROUTE PLAN
MARDEN RIDGE APARTMENTS - PHASE 1
MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN
APOPKA, FLORIDA

SCALE: 1" = 1000'
 DATE: 03-18-2015
 DRAWN: AP/MJC
 CHECKED: ASC
 APPROVED: ASC



gai consultants
 EB 9951
 618 SOUTH ST. SUITE 200
 OLANO, FLORIDA 32081
 PHONE: (407) 420-5386

PROJECT NO./DASH NO.
 A120273.03

SHEET
C3.00