

APOPKA CITY COUNCIL AGENDA
September 20, 2017 7:00 PM
APOPKA CITY HALL COUNCIL CHAMBERS
Agendas are subject to amendment through
5:00pm on the day prior to City Council Meetings

CALL TO ORDER

INVOCATION - Pastor Steve Coleman with FaithWorks Church

PLEDGE

AGENDA REVIEW:

Proclamations:

1. Red Ribbon Week Proclamation presented to Orlando Devil Dog Young Marines.

Mayor Kilsheimer

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment Period:

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

CONSENT (Action Item)

1. Authorize an extension of purchase on the behalf of Royal Oak Homes, LLC for the Marshall Lake site.

BUSINESS (Action Item)

1. Approve the purchase of two (2) pumps for the Northwest Recreation Center Irrigation Pump Station.

Jay Davoll

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

- | | |
|--|------------|
| <u>1.</u> Ordinance No. 2565 – Second Reading – Large Scale – Future Land Use Amendment – Amerigo Farms – Legislative | David Moon |
| <u>2.</u> Ordinance No. 2585 – Second Reading – Admin. Rezoning – Chandler – Quasi-Judicial | David Moon |
| <u>3.</u> Ordinance No. 2586 – Second Reading – Admin. Rezoning – Sanders – Quasi-Judicial | David Moon |
| <u>4.</u> Ordinance No. 2587 – Second Reading – Admin. Rezoning – Jolly Products & Services – Quasi-Judicial | David Moon |
| <u>5.</u> Ordinance No. 2588 – Second Reading – Admin. Rezoning – Edgel LLC. – Quasi-Judicial | David Moon |
| <u>6.</u> Ordinance No. 2589 – Second Reading – Admin. Rezoning – Halm – Quasi-Judicial | David Moon |
| <u>7.</u> Ordinance No. 2592 – Second Reading – Change of Zoning – Gates & Oak Royal Properties LLC. – Quasi-Judicial | David Moon |
| <u>8.</u> Ordinance No. 2593 – Second Reading – Annex. – 425 & 431 W Station Street – Legislative | David Moon |
| <u>9.</u> Ordinance No. 2594 – Second Reading – Annex. – 251 W Lester Road – Legislative | David Moon |
| <u>10.</u> Ordinance No. 2595 – Second Reading – Annex. – 213 W. Lester Road & 2122 Rock Springs Road - Legislative | David Moon |
| <u>11.</u> Ordinance No. 2596 – Second Reading – Annex. – 3001 W. Kelly Park Road – Legislative | David Moon |
| <u>12.</u> Ordinance No. 2597 – Second Reading – Annex. – 3013 W. Kelly Park Road – Legislative | David Moon |
| <u>13.</u> Ordinance No. 2598 – Second Reading – Annex. – 5012 Plymouth Sorrento Road – Legislative | David Moon |
| <u>14.</u> Ordinance No. 2590 – First Reading – Large Scale – Future Land Use Amendment – Horne Trust – Legislative | David Moon |
| <u>15.</u> Ordinance No. 2599 – First Reading – Large Scale – Future Land Use Amendment – Sabbath Grace – Legislative | David Moon |
| <u>16.</u> Resolution No. 2017-18 - Granting a roll-off container collection franchise agreement to Russo and Sons, LLC. | Jay Davoll |

CITY COUNCIL REPORTS

MAYOR'S REPORT

NOT REQUIRING ACTION

1. Appreciation letter from Florida Hospital to the Fire & Police Departments.
2. Appreciation email from an Apopka resident for the Public Services, Waste Management Division.

ADJOURNMENT

MEETINGS AND UPCOMING EVENTS

DATE	TIME	EVENT
September 25, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
September 27, 2017	4:30pm –	Community Redevelopment Agency Budget Adoption
September 27, 2017	5:01pm –	Budget Second Reading & Adoption
October 4, 2017	1:30pm –	Council Meeting
October 5, 2017	5:30pm – 9:00pm	Food Truck Round Up
October 9, 2017	6:30pm –	CONA Meeting – UCF Apopka Business Incubator
October 10, 2017	5:30pm –	Planning Commission Meeting
October 18, 2017	7:00pm –	Council Meeting
October 23, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
October 28, 2017	5:00pm – 9:00pm	Hometown Halloween in the Park – Kit Land Nelson Park

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Backup material for agenda item:

1. Authorize an extension of purchase on the behalf of Royal Oak Homes, LLC for the Marshall Lake site.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: September 20, 2017
 FROM: Community Development
 EXHIBITS: Project Map

SUBJECT: EXTENSION OF DUE DILIGENCE TIME FOR THE PURCHASE OF THE MARSHALL LAKE 103.3 ACRE SITE BY ROYAL OAK HOMES, LLC

REQUEST: REQUEST AN EXTENSION FOR THE PURCHASE OF THE MARSHALL LAKE 103.3 ACRE SITE UNTIL DECEMBER 31, 2017

SUMMARY:

On May 3, 2017 the City Council approved the bid offer from Royal Oak Homes, LLC for the purchase of the Marshall Lake site located west of SR 451. The approval included a due diligence time period of five (5) months from the date of the bid submittal which was April 28, 2017 (or September 28, 2017). The approval also included one 30 day extension to October 28, 2017 with City approval.

The applicant and staff have both been working diligently toward the access needed for the project off Johns Road which the applicant included additional land for the project south of Johns Road. Verification of the rights-of-way and processing the land use and zoning needed for the entire project have taken longer than expected.

The applicant is requesting an extension to December 31, 2017 to complete the access, land use and zoning needed for the project.

Purchase price bid was for \$3,200,000 and a 1% deposit of \$32,000 was previously submitted. Balance due is \$3,168,000.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Staff recommends approval of the extension for purchase to December 31, 2017 provided all paperwork and payment for the remainder of the full purchase price be completed on or before December 31, 2017.

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

Backup material for agenda item:

1. Approve the purchase of two (2) pumps for the Northwest Recreation Center Irrigation Pump Station.

Jay Davoll



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: September 20, 2017
 FROM: Public Services
 EXHIBITS: N/A

SUBJECT: NORTHWEST RECREATION CENTER IRRIGATION PUMPS PURCHASE

Request: AWARD A PURCHASE CONTRACT TO BARNEY’S PUMPS, INC. IN THE AMOUNT OF \$110,000

SUMMARY:

On July 5, 2017, the City Council approved \$258,500 for the purchase and installation of a redundant reclaimed water irrigation pump station for the Northwest Recreation Facility. Public Services received sealed bids from three (3) companies for the purchase of two (2) vertical turbine high service pumps for this irrigation pump station. The bids are as follows:

Company	Bid Amount
Barney’s Pumps, Inc.	\$110,000
Hudson Pump & Equipment	\$137,530
A.C. Schultes	\$152,500

FUNDING SOURCE:

Fund 403 – Reclaimed Water Impact Fees

RECOMMENDATION ACTION:

Award a purchase contract to Barney’s Pumps, LLC, in the amount of \$110,000

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:

1. Ordinance No. 2565 – Second Reading – Large Scale – Future Land Use Amendment – Amerigo Farms – Legislative
David Moon



CITY OF APOPKA CITY COUNCIL

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Ordinance

MEETING OF: September 20, 2017
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses Map
Ordinance No. 2565

SUBJECT: ORDINANCE NO. 2565 - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – AMERIGO FARMS, INC. – ADOPTION HEARING

REQUEST: ORDINANCE NO. 2565 - SECOND READING - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – AMERIGO FARMS, INC., FROM MIXED USE TO AGRICULTURE (0-1 DU/5 AC); (PARCEL ID # 19-20-28-0000-00-013)

OWNER: Amerigo Farms, Inc.

APPLICANT: Jonathan Huels, Esquire, - Lowndes, Drosdick, Doster, Kantor & Reid

LOCATION: 3477 Plymouth Sorrento Road

EXISTING USE: Vacant

CURRENT ZONING: Mixed-CC (Mixed Use – Community Center)

PROPOSED DEVELOPMENT: Agricultural and\ or single-family residence (1 un\5 ac)

PROPOSED ZONING: A zoning application will be processed during or within six months of the FLUM adoption hearing.

TRACT SIZE: 32.33 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 242 units
PROPOSED: 6 single-family units

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: The subject parcels were annexed into the City of Apopka on December 16, 1992. The applicant\property owner requests a future land use designation of Agriculture to accommodate container nurseries. The proposed amendment compatible with surrounding future land use designations and adjacent uses. As a “Large-Scale” Future Land use Amendment (i.e., ten or more acres), this application will be transferred to State agencies for consistency review with State policies.

COMPREHENSIVE PLAN COMPLIANCE: The proposed use of the property for future agricultural production or single-family residential is compatible with the character of the surrounding area and is consistent with the Agriculture land use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the proposed development as a single-family residential community see (Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.2** Development and redevelopment shall be integrated with the adjacent land uses through: (1) the creation of like uses; or (2) creation of complementary uses; or (3) mitigation of adverse impacts.

The proposed Agriculture future land use designation for the subject property is compatible with the adjacent “County” Rural future land use designations and consistent with the existing uses within the surrounding area. Therefore, the proposed future land use designation is consistent with Policy 3.2.

2. **Policy 3.5** Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) will be restricted to no more than two dwelling units per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan.

The subject property is located north of Ponkan Road and west of Rock Springs Road. This site is not within the Wekiva Parkway Interchange Vision Plan area; the request for an Agriculture future land use designation, which allows for a maximum density of one dwelling units per five acres is consistent with this policy.

SCHOOL CAPACITY REPORT: The proposed future land use designation will permit a maximum density of residential units that is considered de minimus and, therefore, a school capacity determination is not required. Potential school children generated from any home construction at the subject site will decrease.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on March 10, 2017.

PUBLIC HEARING SCHEDULE:

April 11, 2017 – Planning Commission (5:30 pm)
May 3, 2017 – City Council (1:30 pm) - 1st Reading & Transmittal

DULY ADVERTISED:

March 24, 2017 – Public Notice and Notification
August 25, 2017– Ordinance Heading & Public Notice ¼ Page Ad w/Map

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval to transmit a change in Future Land Use from Mixed Use to Agriculture (0-1 du/5 ac) for the property owned by Amerigo Farms, Inc, subject to the information and findings in the staff report.

The **Planning Commission**, at its regularly scheduled meeting on April 11, 2017, voted unanimously to recommend transmittal of the proposed Future Land Use map amendment from Mixed Use to Agriculture (0-1 du/5 ac) subject to the information and findings in the staff report for property owned by Amerigo Farms, Inc.

The **City Council**, at its May 3, 2017 meeting, accepted the First Reading of Ordinance No. 2565; and authorized transmittal to the Florida Department of Economic Opportunity.

The **City Council**, at its September 6, 2017 meeting, unanimously voted to continue to a date certain of September 20, 2017.

City Council 2nd Reading: Adopt Ordinance 2565.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0-1 du/10 ac)	A-1	Single-family residences & vacant
East (City)	Mixed Use	Mixed-CC	Single-family residence
South (County)	Rural (0-1 du/10 ac)	P-D	Single-family residences
West (County)	Rural (0-1 du/10 ac)	A-1	Single-family residence

The property has access from the west to Plymouth Sorrento Road.

II. LAND USE ANALYSIS

The subject property is located within an area predominated by single-family residences and rural character, including container nurseries.

“County” Rural (0-1 du/10 ac) abuts the subject property to the north, south and west. The property to the east has a “City” Mixed Use future land use and zoning, but is used currently as a single-family residence.

Therefore, the proposed Agriculture future land use designation is consistent with the general future land use character and uses within the surrounding area.

Wekiva River Protection Area: No
 Area of Critical State Concern: No
 DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Northern Tier” of the JPA. Orange County government has been notified of the proposed FLUM amendment and has not objected.

Transportation: Road access to the site from Plymouth Sorrento Road to the east.

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

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

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The current use of the properties are vacant. The dominant soil, Candler Fine Sand, has a 0-5 percent slope.

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on December 16, 1992. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population if developed.

CALCULATIONS:

ADOPTED: 242 x 2.659 p/h = 643 persons

PROPOSED: 6 x 2.659 p/h = 15 persons

Housing Needs: This amendment is to change the future land use to a future land use designation that permits residential uses, and will increase the number of available housing units in the City of Apopka.

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

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None ; 81 GPCD; 81 GPD

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

2. Projected total demand under existing designation: 784 GPD

3. Projected total demand under proposed designation: 9,016 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 81 GPD/Capita

6. Projected LOS under proposed designation: 81 GPD/Capita

7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None ; 177 GPCD; 177 GPD

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

2. Projected total demand under existing designation: 840 GPD

3. Projected total demand under proposed designation: 9,660 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 177 GPCD

6. Projected LOS under proposed designation: 177 GPCD

7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 44 lbs./person/day
4. Projected LOS under proposed designation: 488 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217
Permitting agency: St. John's River Water Management District
Permitted capacity of the water treatment plant(s): 21,981 mil. GPD
Total design capacity of the water treatment plant(s): 33,696 mil. GPD
Availability of distribution lines to serve the property: Yes
Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.
4. Improvement/expansion: On-site retention/detention pond

Recreation

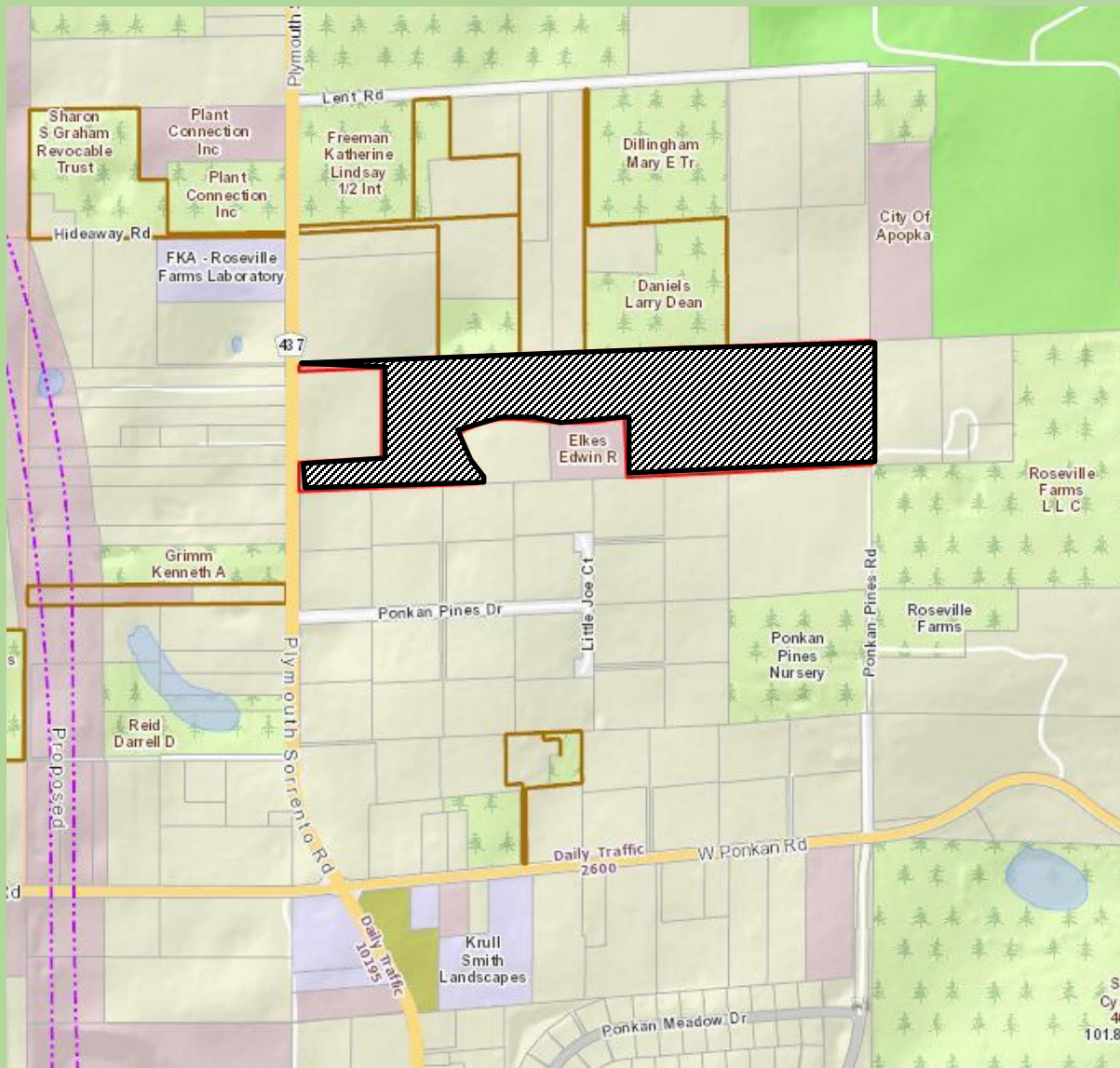
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.033 AC
3. Projected facility under proposed designation: 0.366 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None.

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



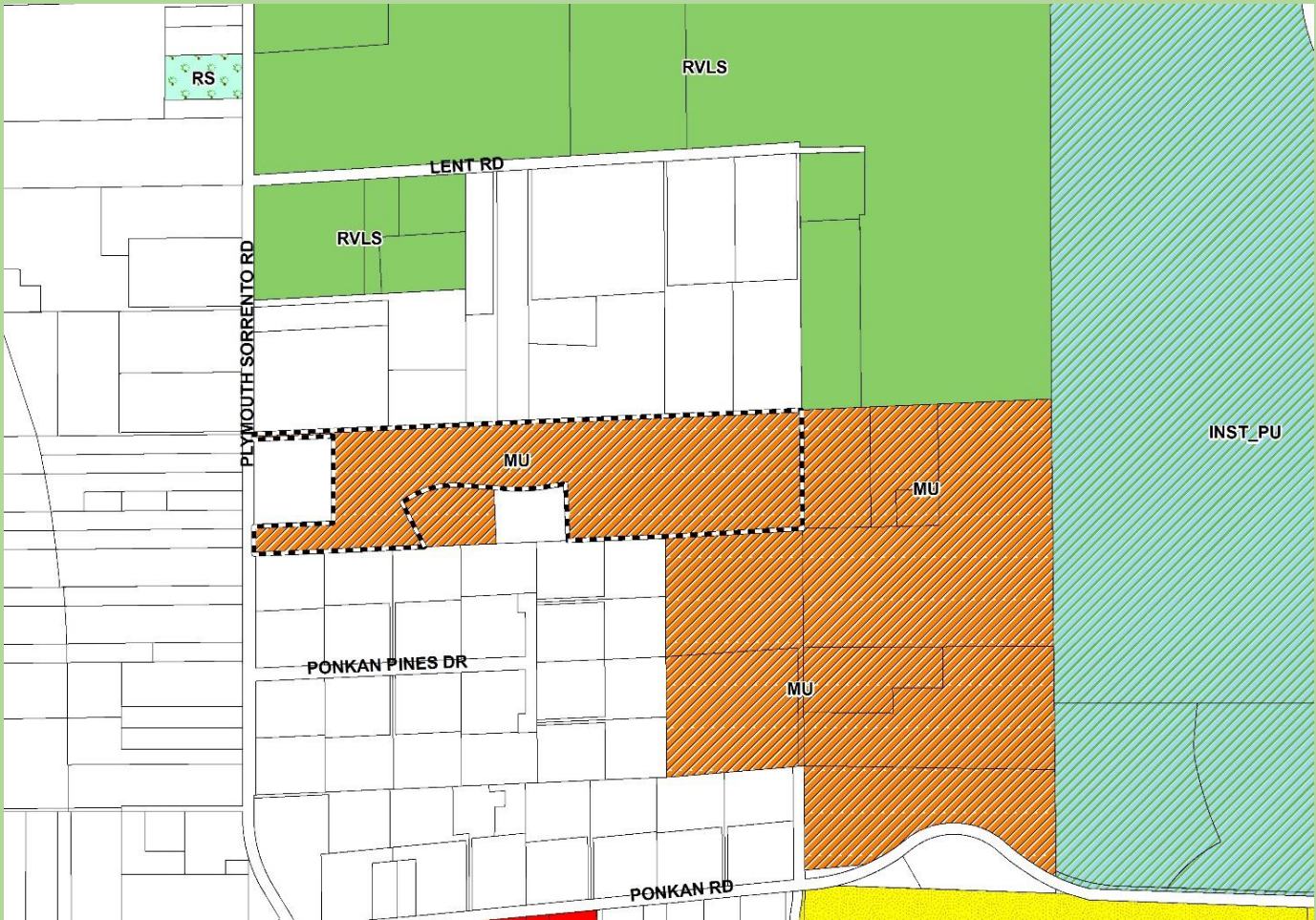
Amerigo Farms, Inc.
Property Owner
32.33 +/- Acres
Proposed Large Scale Future Land Use Amendment:
From: Mixed Use
To: Agriculture (0-1 du/5 ac)
Proposed Change of Zoning:
From: Mixed-CC
To: AG (Agriculture)
Parcel ID #s: 19-20-28-0000-00-013

VICINITY MAP



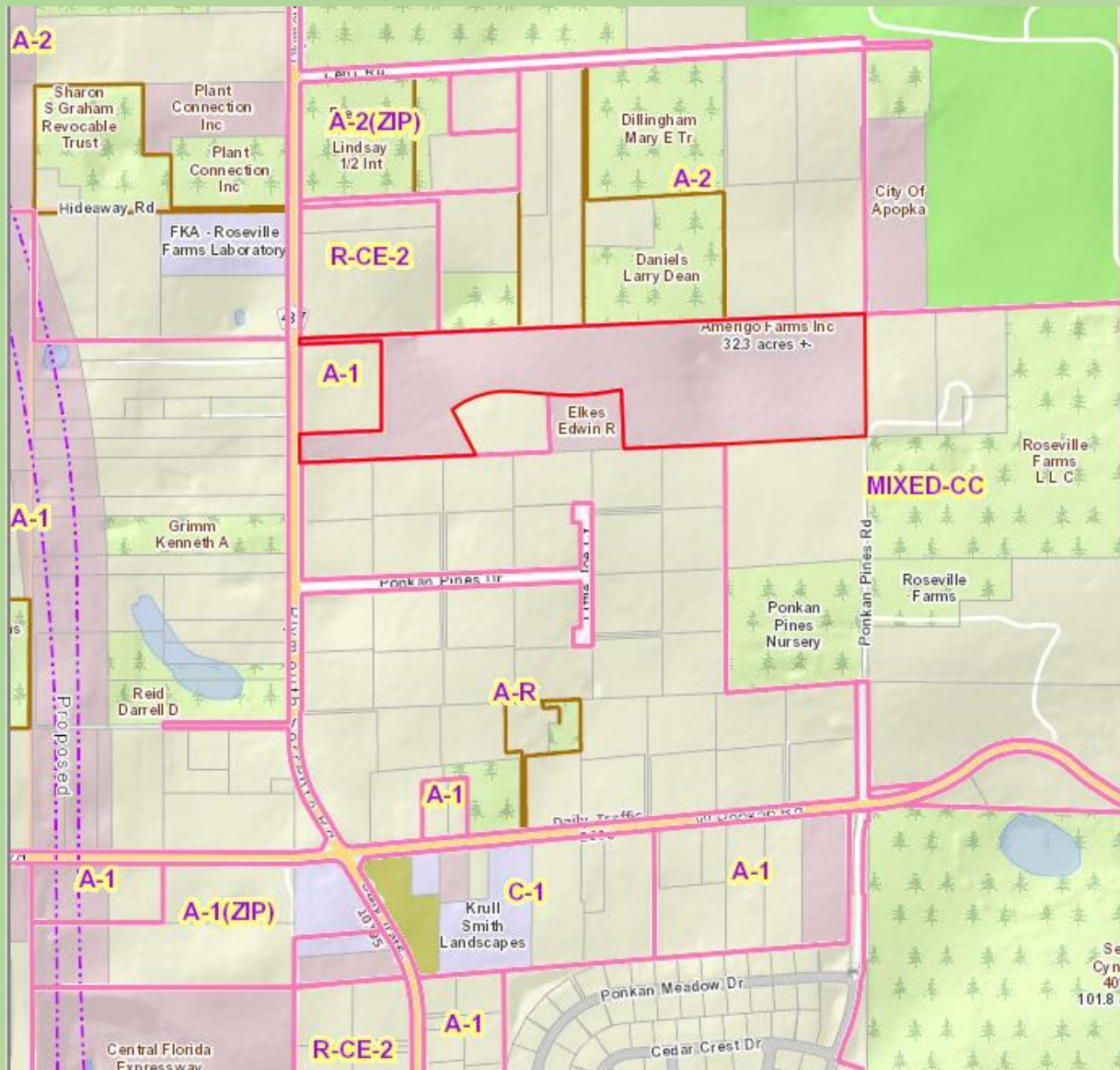


FUTURE LAND USE MAP



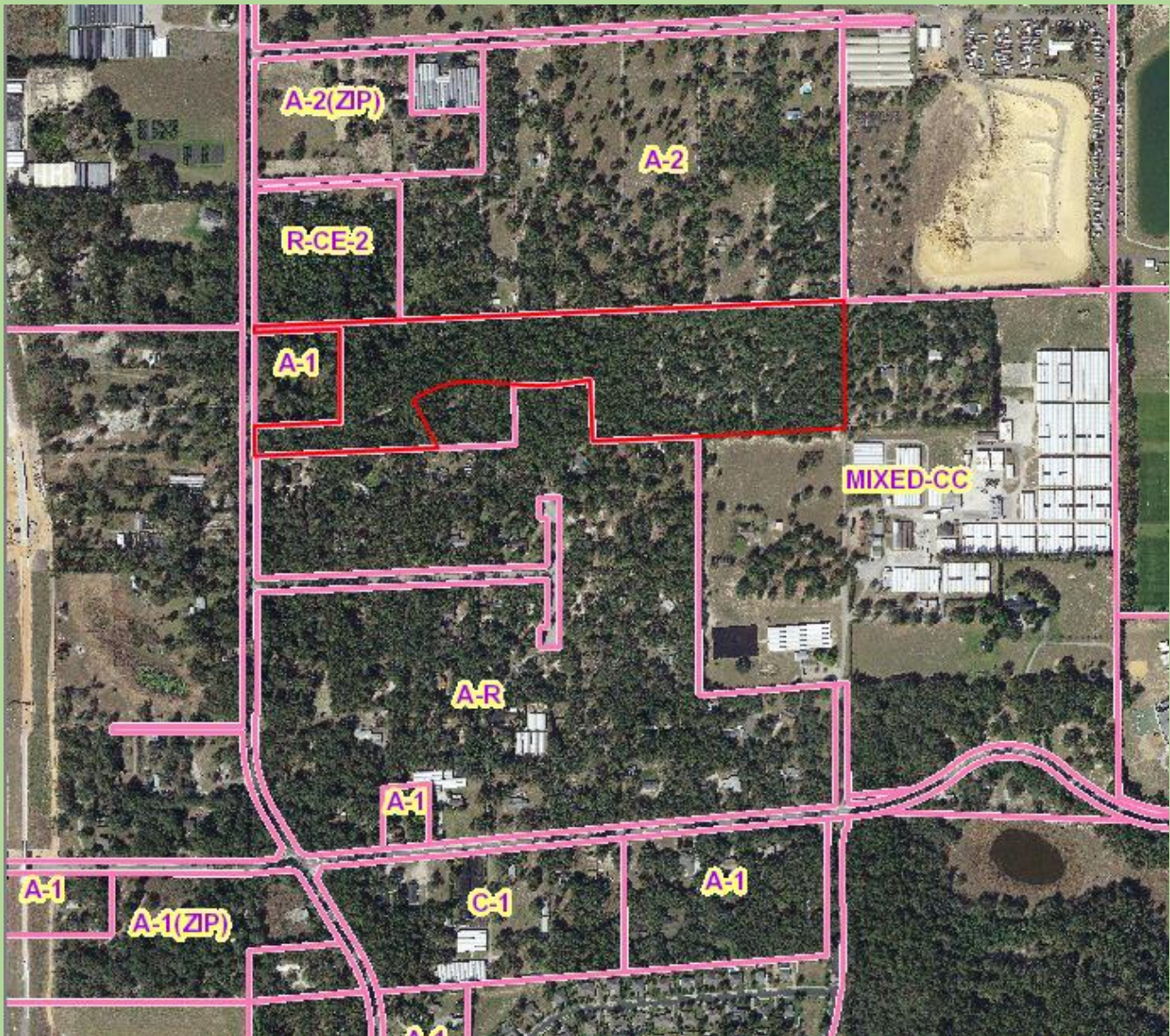


ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2565

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM MIXED USE TO AGRICULTURE (0-1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD AND NORTH OF PONKAN ROAD, COMPRISING 32.33 ACRES, MORE OR LESS AND OWNED BY AMERIGO FARMS, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka, Florida, on October 2, 1991 adopted Ordinance No. 653 which adopted the Comprehensive Plan for the City of Apopka; and

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2562; and

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

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

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

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

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

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

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

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

ORDINANCE NO. 2565
PAGE 2

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this 20th day of September, 2017.

READ FIRST TIME: May 3, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

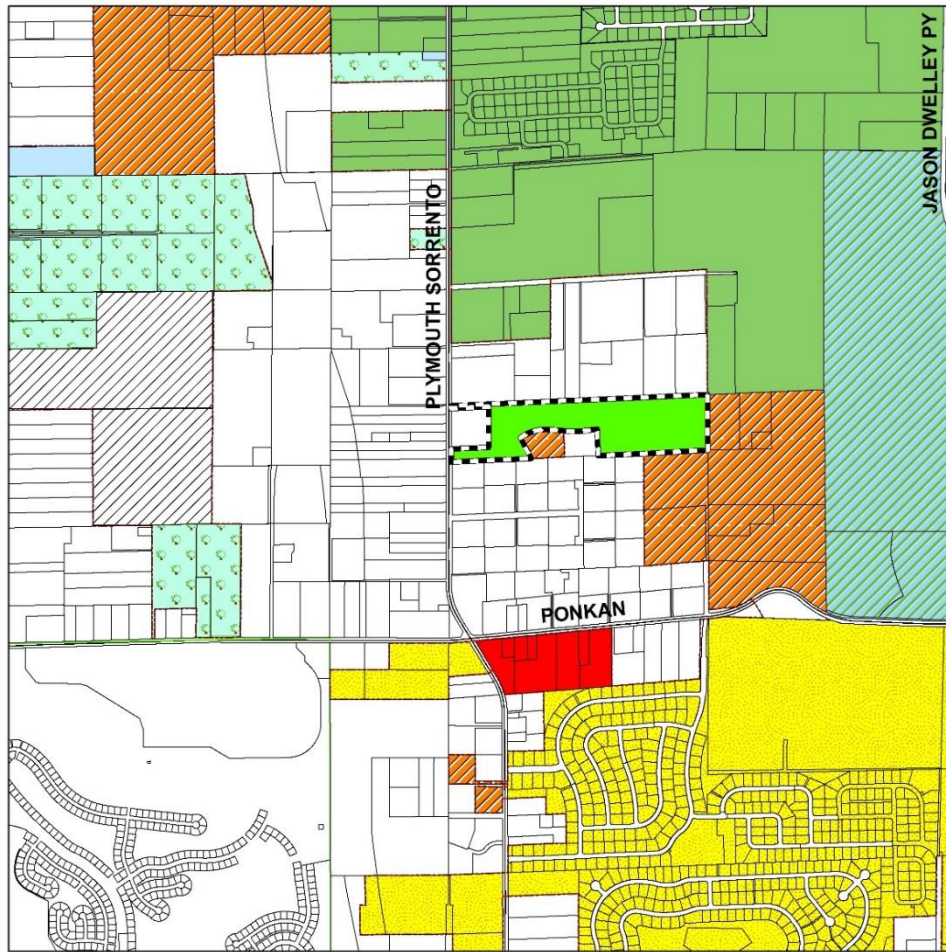
DULY ADVERTISED FOR PUBLIC HEARING: March 24, 2017; August 25, 2017



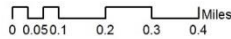
EXHIBIT "A"

Amerigo Farms, Inc.
 Property Owner
 32.33 +/- Acres
 Proposed Large Scale Future Land Use Amendment:
 From: Mixed Use
 To: Agriculture (0-1 du/5 ac)

Parcel ID #: 19-20-28-0000-00-013



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 responsibilities for errors or omissions contained hereon.

Legend

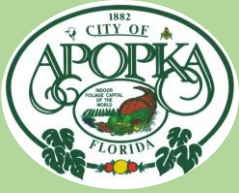
- Subject Site
- City Boundary
- JPA Boundary
- Future Land Use**
- Agriculture
- Agriculture Estates
- Agriculture Homestead
- Rural Settlement
- Res. Estates
- Res. Very Low Suburban
- Res. Low Suburban
- Res. Low
- Res. Medium Low
- Res. Medium
- Res. High
- Mixed Use
- Mixed Use*
- Office
- Commercial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



Backup material for agenda item:

2. Ordinance No. 2585 – Second Reading – Admin. Rezoning – Chandler – Quasi-Judicial

David Moon



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: 2017-2 Administrative Rezoning

MEETING OF: September 20, 2017
 FROM: Community Development
 EXHIBITS: Zoning Report
 Vicinity Map
 Adjacent Zoning
 Adjacent Uses
 Existing Uses

SUBJECT: ORDINANCE NO. 2585 – ADMINISTRATIVE CHANGE OF ZONING – RICHARD CHANGLER (CASE #2017-2-1)

REQUEST: SECOND READING OF ORDINANCE NO. 2585 - ADMINISTRATIVE CHANGE OF ZONING –RICHARD CHANDLER, FROM “COUNTY” A-1 (ZIP) TO “CITY” R-1AAA (RESIDENTIAL)

SUMMARY:

OWNER: Richard Chandler
 APPLICANT: City of Apopka
 LOCATION: West of North Rock Springs Road, south of West Kelly Park Road
 PARCEL ID #(S): 18-20-28-0000-00-030; 18-20-28-0000-00-063
 FUTURE LAND USE: Residential Very Low Suburban (0 - 2 du/acres)
 ZONING: A-1 (ZIP)
 PROPOSED ZONING: R-1AAA
 EXISTING USE: Residential Single-Family Home
 PROPOSED DEVELOPMENT: Residential single-family home (existing)
 MAXIMUM ALLOWABLE DEVELOPMENT:
 EXISTING ZONING: 1 residential Unit
 PROPOSED ZONING: 1 residential Unit
 TRACT SIZE: 5.118 +/- Acres

FUNDING SOURCE:

N/A

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

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

The subject property is located in an area characterized as single-family and agricultural in nature, with “City” R-1AAA zoning to the north, south, and west of the subject property, and PUD to the east of the site. The existing and proposed use of the subject site for a residential building is a permitted use in the proposed R-1AAA zoning district and compatible with the surrounding zoning and uses.

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

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

SCHOOL CAPACITY REPORT: The request of the proposed rezoning would result in a number of residential units considered ‘de minimus’ and, therefore, a school capacity determination is not required for the subject properties.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on July 7, 2017.

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

PUBLIC HEARING SCHEDULE:

- August 8, 2017 – Planning Commission (5:30 pm)
- September 6, 2017 – City Council (1:30 pm) – 1st Reading
- September 20, 2017 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

- July 21, 2017 – Public Notice and Notification
- September 8, 2017 – Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” R-1AAA.

The **Planning Commission**, at its meeting on August 8, 2017, found the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the change in Zoning from “County” A-1 (ZIP) to “City” R-1AAA for the Richard Chandler property.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2585 and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2585.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Very Low Suburban (0-2 du/ac)	R-1AAA	Orchid Estates Subdivision
East (City)	Residential Estates (1 du/ ac)	PUD	Rock Springs Ridge Subdivision
South (City)	Residential Very Low Suburban (0-2 du/ac)	R-1AAA	vacant
West (City)	Residential Very Low Suburban (0-2 du/ac)	R-1AAA	Orchid Estates Subdivision

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Jason Dwelley Pkwy). It is similar in nature to the surrounding agricultural and residential areas, and there should be no impact on traffic.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed R-1AAA zoning is consistent with the City’s Residential Very Low Suburban Future Land Use designation and with the character of the surrounding area and future proposed development. The R-1AAA zoning classification is one of the acceptable zoning categories allowed within the Residential Very Low Suburban Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,800 sq. ft. (Single-family)
- Minimum Site Area: 16,000 sq. ft.
- Minimum Lot Width NA
- Setbacks: Front: 25 ft.
- Rear: 20 ft.
- Side: 10 ft.
- Corner 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the R-1AAA district.

**BUFFERYARD
 REQUIREMENTS:**

1. Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis.

2. Areas adjacent to agricultural districts or activities shall provide a minimum five-foot buffer yard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

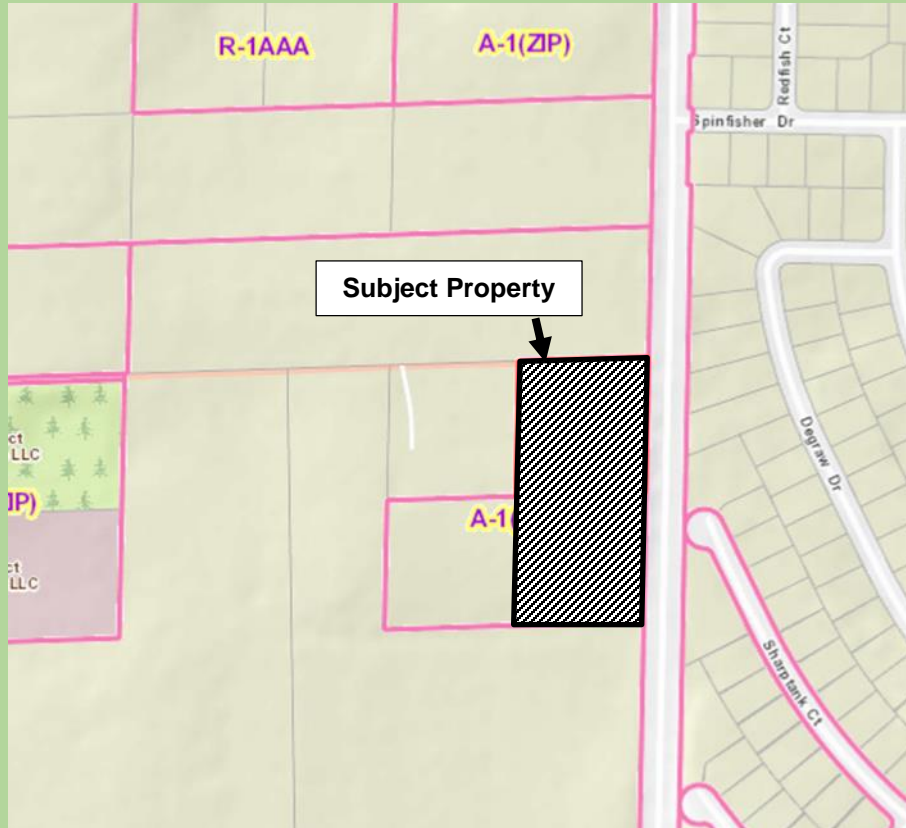
ALLOWABLE USES:

Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01.



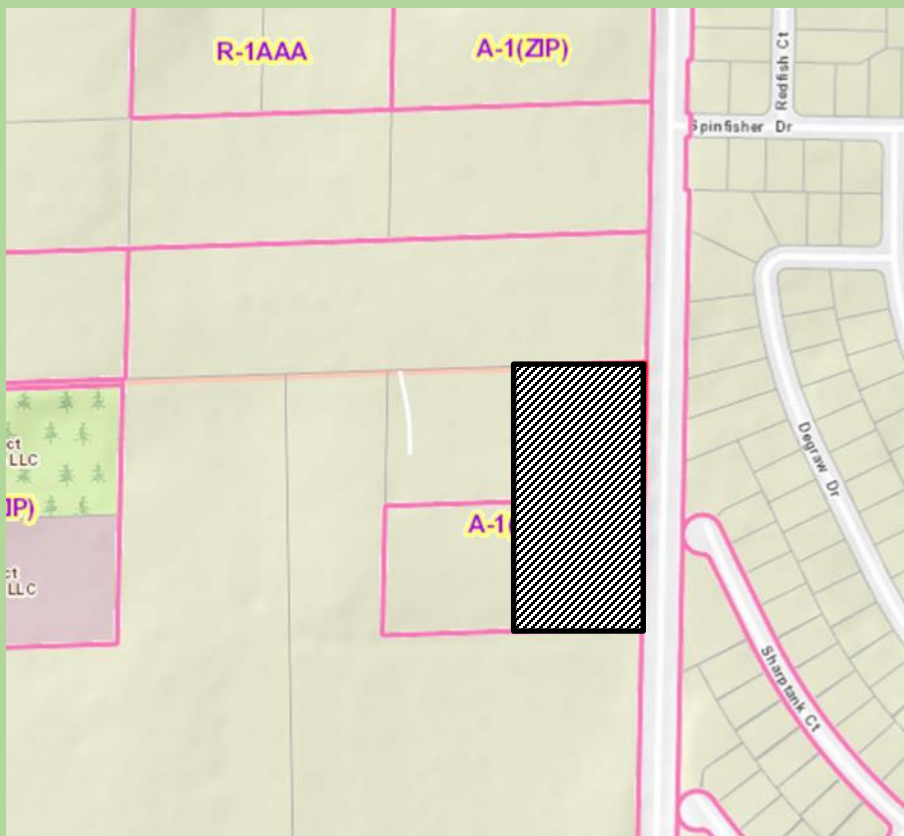
Richard Chandler
2.619 +/- Acres & 2.499 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture)
To: "City" R-1AAA (Residential)
Parcel ID #: 18-20-28-0000-00-030 & 18-20-28-0000-00-063

VICINITY MAP





ADJACENT ZONING



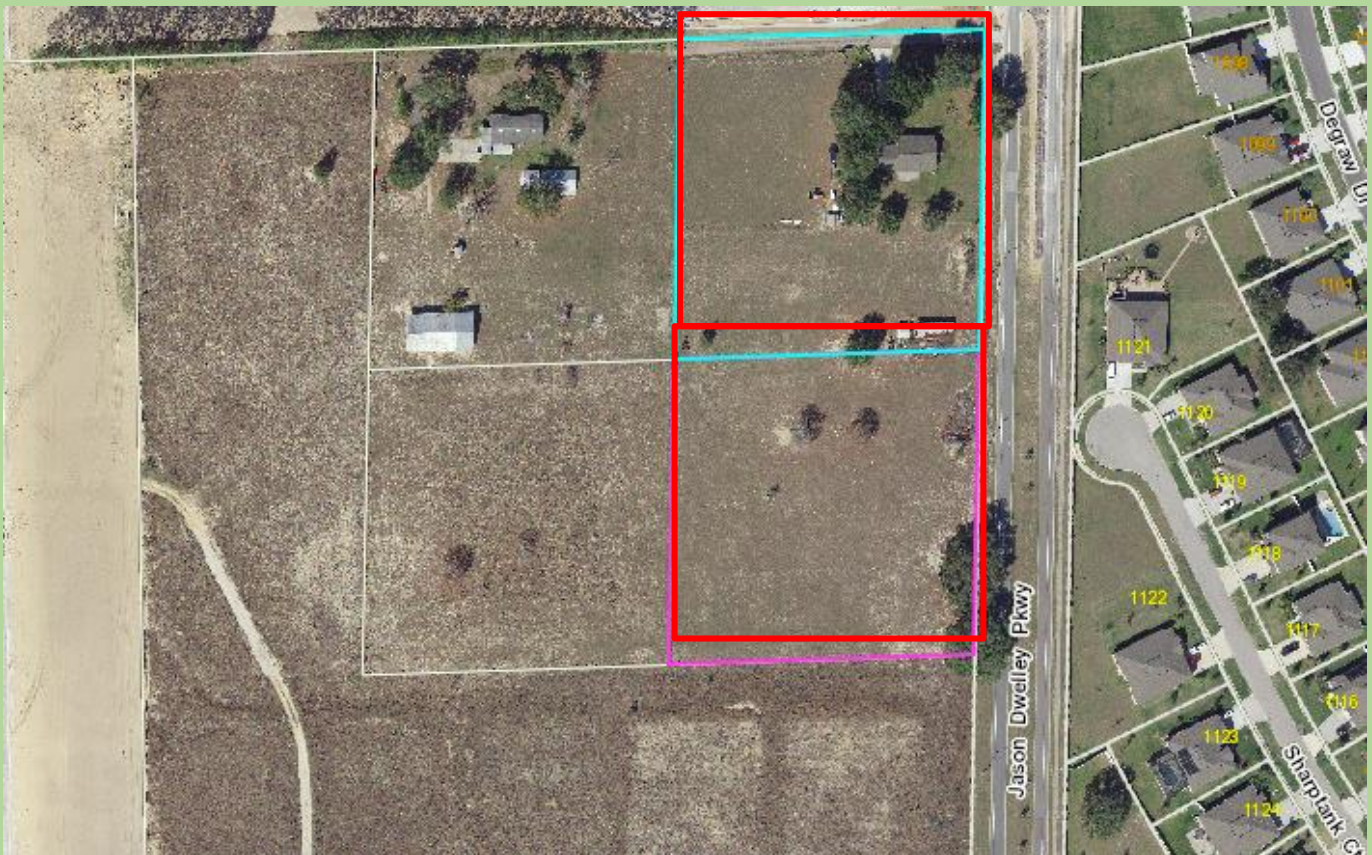


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2585

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” R-1AAA (RESIDENTIAL) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 5.1 ACRES, MORE OR LESS, AND OWNED BY RICHARD CHANDLER; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

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

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

Section I. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby R-1AAA (Residential), as defined in the Apopka Land Development Code.

Legal Description:

BEG 345 FT S OF NE COR OF SE1/4 W 330.75 FT S 330 FT E 330.87 FT N 330 FT TO POB PART OF TRACT 40 OF UNRECORDED PLAT DEED 921/429 IN SEC 18-20-28 (Parcel 18-20-28-0000-00-063),

and

E1/2 OF THE FOLLOWING PARCEL BEG AT NE COR OF SE1/4 W 661.25 FT S 345 FT E 661.51 FT N 345 FT TO POB BEING TR 38 UNRECORDED PLAT IN DEED 921/429 IN SEC 18-20-28 (Parcel 18-20-28-0000-00-030)

Contains: 5.118 +/- Acres

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

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

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

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

Section VI. That this Ordinance shall take effect upon adoption.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: January 27, 2017
 March 3, 2017

Backup material for agenda item:

3. Ordinance No. 2586 – Second Reading – Admin. Rezoning – Sanders – Quasi-Judicial

David Moon

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

The subject property is located in an area characterized as single-family and agricultural in nature, with “City” R-1AAA zoning to the north, south, and west of the subject property, and vacant, A-1 (ZIP) to the east of the site. The existing and proposed use of the subject site for a residential building is a permitted use in the proposed R-1AAA zoning district and compatible with the surrounding zoning and uses.

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

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

SCHOOL CAPACITY REPORT: The request of the proposed rezoning would result in a number of residential units considered ‘de minimus’ and, therefore, a school capacity determination is not required for the subject properties.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on July 7, 2017.

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

PUBLIC HEARING SCHEDULE:

August 8, 2017 – Planning Commission (5:30 pm)
September 6, 2017 – City Council (1:30 pm) – 1st Reading
September 20, 2017 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

July 21, 2017 – Public Notice and Notification
September 8, 2017 – Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” R-1AAA.

The **Planning Commission**, at its meeting on August 8, 2017, found the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the change in Zoning from “County” A-1 (ZIP) to “City” R-1AAA for the Sanders property.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2586 and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2586.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Estates (1 du/ac)	R-1AAA	Residential
East (City)	Residential Estates (1 du/ ac)	A-1(ZIP)	vacant
South (City)	Residential Very Low Suburban (0-2 du/ac)	R-1AAA	vacant
West (City)	Residential Very Low Suburban (0-2 du/ac)	R-1AAA	Orchid Estates Subdivision

LAND USE & TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by an adjacent property to the north and connects to Jason Dwelley Parkway, a city collector road.. It is similar in nature to the surrounding agricultural and residential areas, and there should be no additional impact on traffic.

COMPREHENSIVE PLAN COMPLIANCE: The proposed R-1AAA zoning is consistent with the City’s Residential Very Low Suburban Future Land Use designation and with the character of the surrounding area and future proposed development. The R-1AAA zoning classification is one of the acceptable zoning categories allowed within the Residential Very Low Suburban Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

- Minimum Living Area: 1,800 sq. ft. (Single-family)
- Minimum Site Area: 16,000 sq. ft.
- Minimum Lot Width NA
- Setbacks: Front: 25 ft.
- Rear: 20 ft.
- Side: 10 ft.
- Corner 25 ft.

Based on the above zoning standards, the subject site complies with code requirements for the R-1AAA district.

BUFFERYARD REQUIREMENTS:

1.Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis.

2. Areas adjacent to agricultural districts or activities shall provide a minimum five-foot buffer yard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

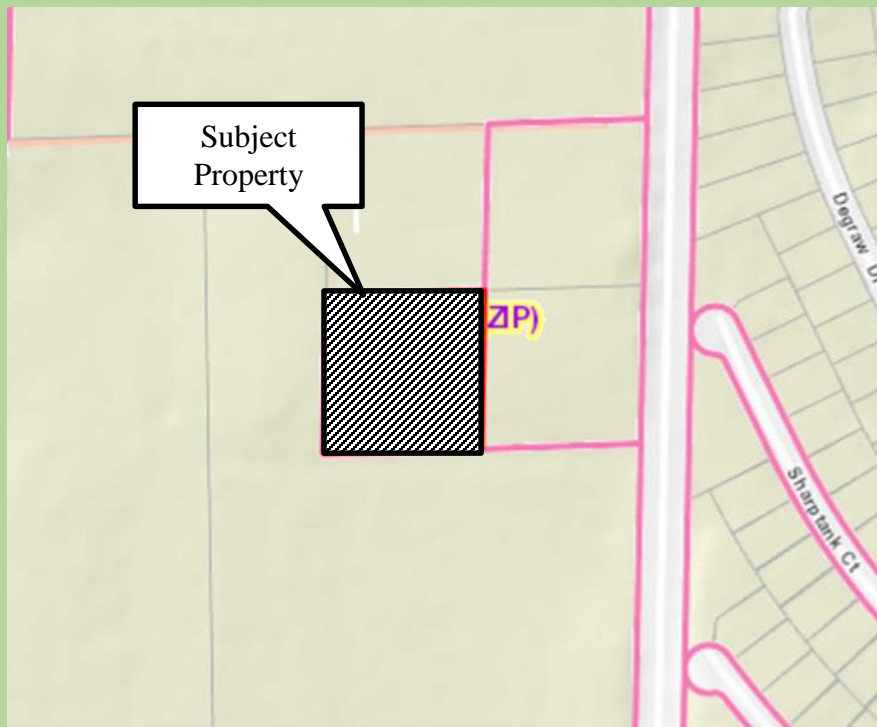
ALLOWABLE USES:

Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01.



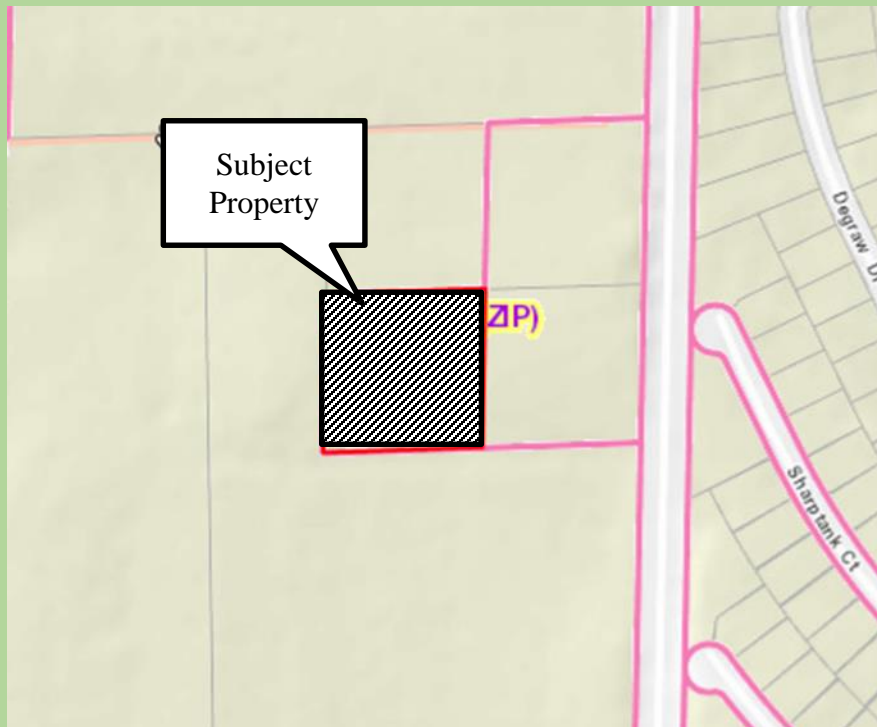
Sanders Bobby/Jessica
2.501 +/- Acres
Proposed Zoning Change:
From: “County” A-1 (ZIP) (Agriculture)
To: “City” R-1AAA (Residential)
Parcel ID #: 18-20-28-0000-00-129

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**



ORDINANCE NO. 2586

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” R-1AAA (RESIDENTIAL) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 2.5 ACRES, MORE OR LESS, AND OWNED BY BOBBY AND JESSICA SANDERS: PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

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

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

Section I. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby R-1AAA (Residential), as defined in the Apopka Land Development Code.

Legal Description:

COMM 345 FT S OF NE COR OF SE1/4 W 330.75 FT FOR POB CONT W 330.76 FT S 330 FT E 330.88 FT N 330 FT TO POB PART OF TRACT 40 OF UNRECORDED PLAT DEED 921/429 IN SEC 18-20-28

Parcel No. 8-20-28-0000-00-129
Contains: 2.5 +/- Acres

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

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

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

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

Section VI. That this Ordinance shall take effect upon adoption.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: July 21, 2017
September 8, 2017

Backup material for agenda item:

4. Ordinance No. 2587 – Second Reading – Admin. Rezoning – Jolly Products & Services – Quasi-Judicial
David Moon

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

The subject property is located in an area characterized as single-family and agricultural in nature, with “City” A-1(ZIP) zoning to the east and south of the subject property, and “County” A-1 to the west and north. The existing and proposed use of the subject site for a nonresidential building is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses.

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

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

SCHOOL CAPACITY REPORT: The request of the proposed rezoning would result in no residential units, therefore, a school capacity determination is not required for the subject properties.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on July 7, 2017.

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

PUBLIC HEARING SCHEDULE:

- August 8, 2017 – Planning Commission (5:30 pm)
- September 6, 2017 – City Council (1:30 pm) – 1st Reading
- September 20, 2017 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

- July 21, 2017 – Public Notice and Notification
- September 8, 2017 – Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on August 8, 2017, found the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommend approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG for the Jolly Products and Services property.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2587 and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2587.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (1 du/10 acres)	A-1	Single-Family home
East (City)	Mixed Use	A-1(ZIP)	vacant
South (City)	Rural Settlement (0 – 1 du/5 acres)	A-1(ZIP)	nursery
West (County)	Rural (1 du/10 acres)	A-1	vacant

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Round Lake Rd). It is similar in nature to the surrounding agricultural and residential areas, and there should be no impact on traffic.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

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

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (Single-family)
- Minimum Site Area: 5 acres
- Minimum Lot Width NA
- Setbacks: Front: 25 ft.
- Rear: 25 ft.
- Side: 25 ft.
- Corner 25 ft.

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

**BUFFERYARD
 REQUIREMENTS:**

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

ALLOWABLE USES:

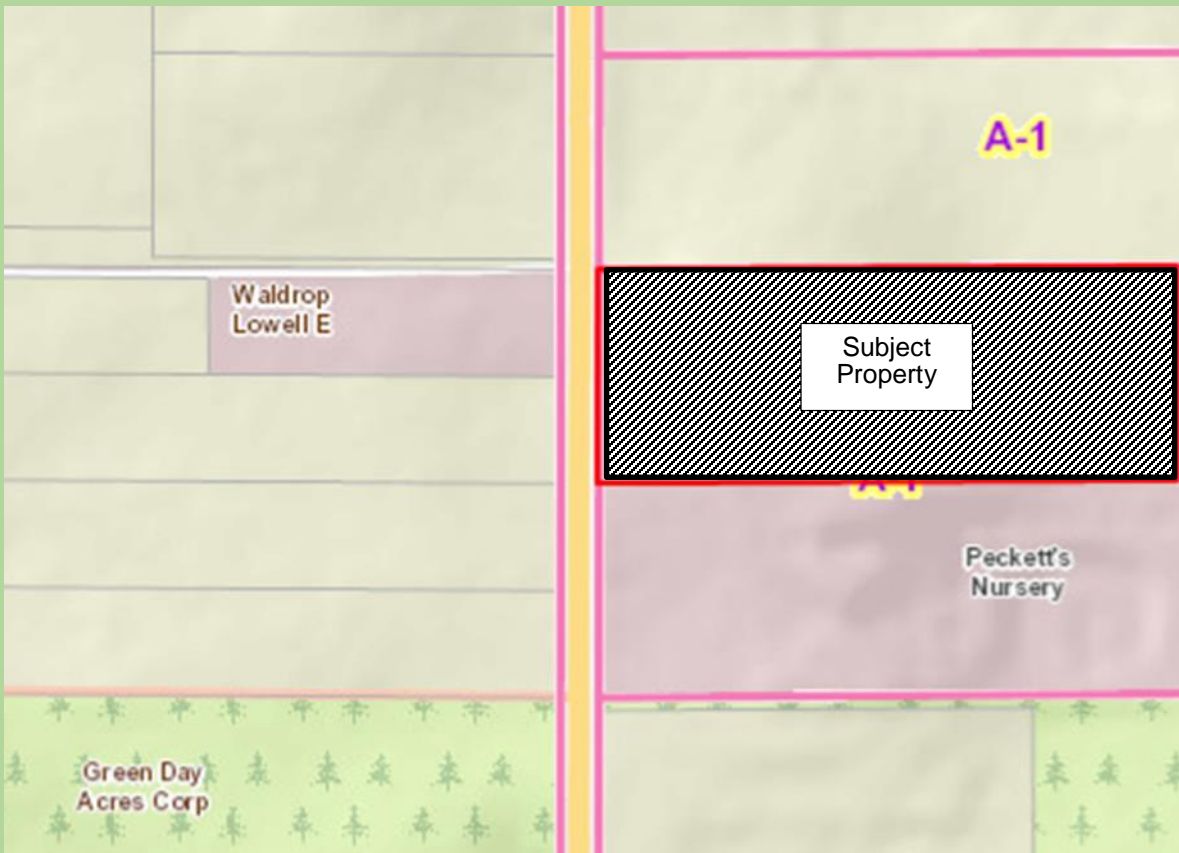
1. Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes.
2. Commercial wholesale foliage plant production nursery.
3. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land.
4. Livestock barns and stables.

5. Crops and animal production and the buildings and structures necessary to support such production.
6. Kennels.
7. Single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.
8. Apiaries.



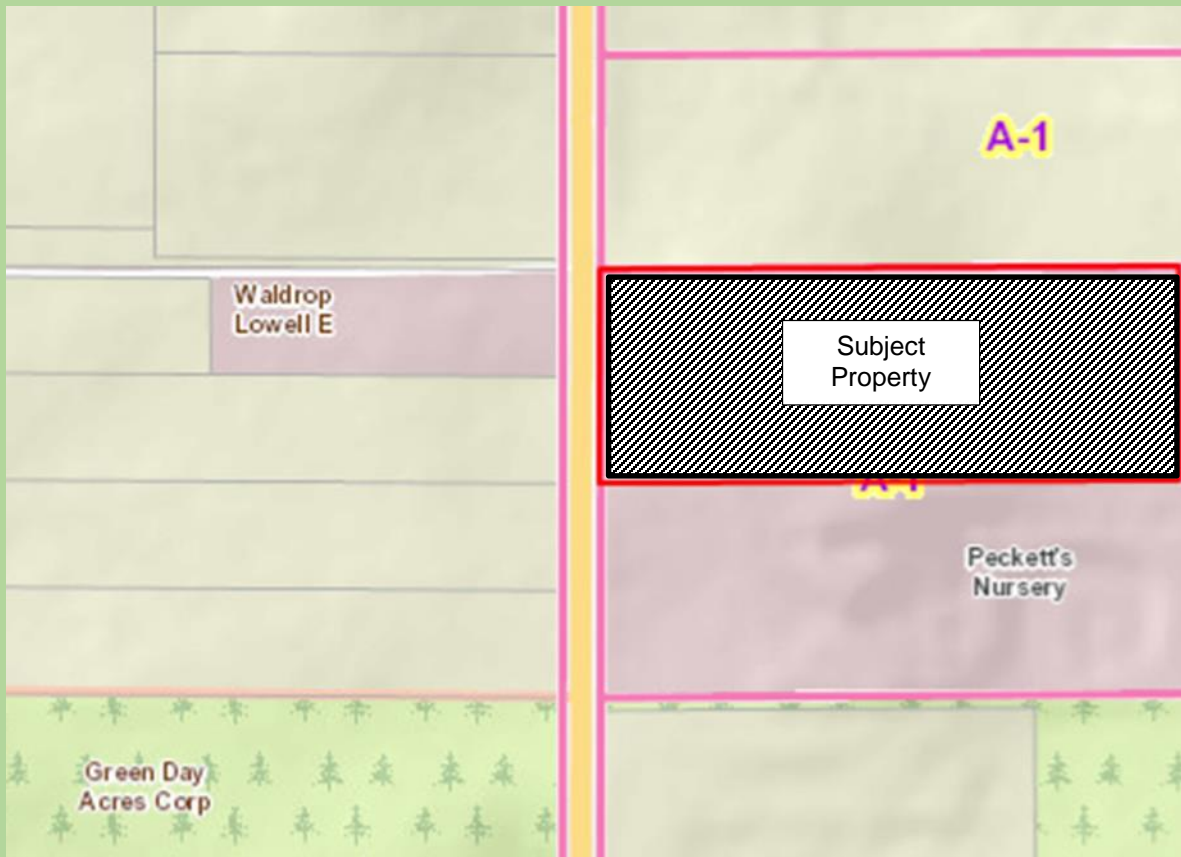
Jolly Products and Services
6.86 +/- Acres
Proposed Zoning Change:
From: “County” A-1 (ZIP) (Agriculture)
To: “City” AG (Agriculture)
Parcel ID #: 11-20-27-0000-00-052

VICINITY MAP



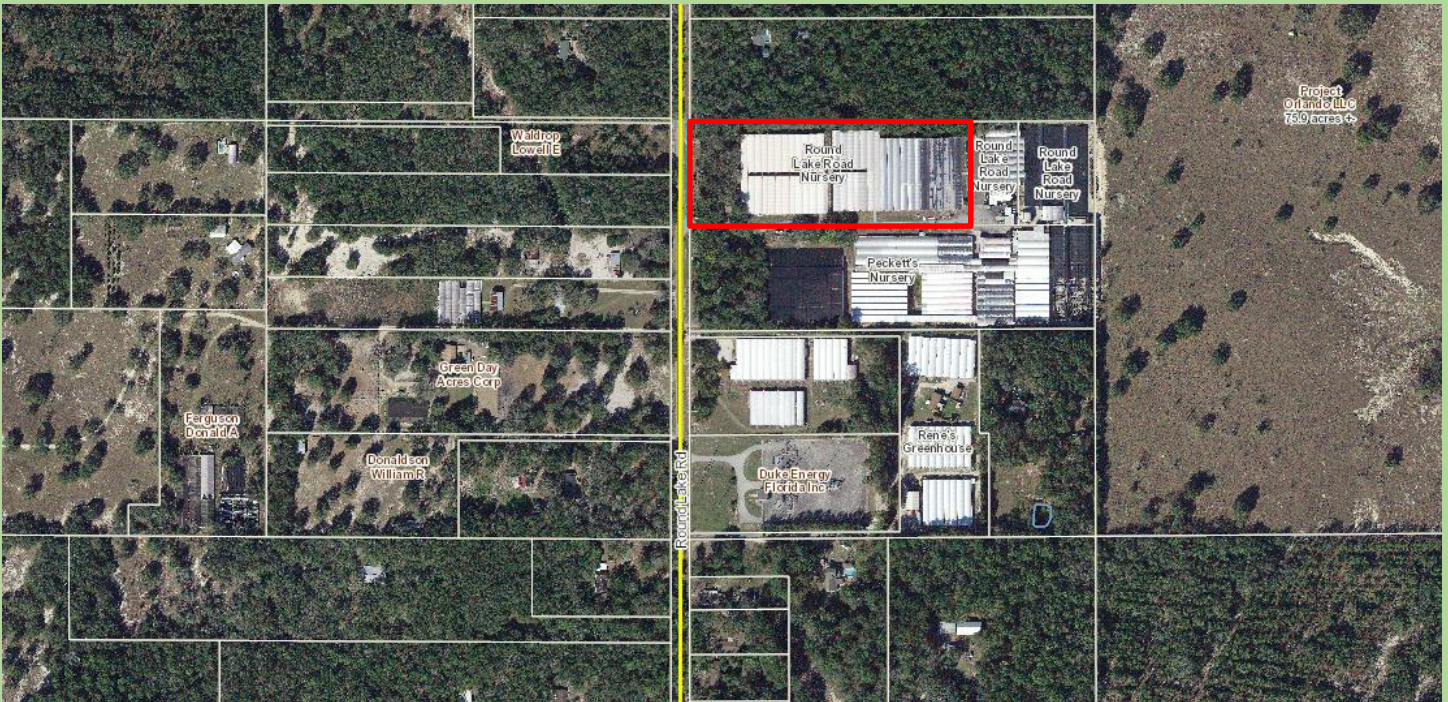


ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2587

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 6.86 ACRES, MORE OR LESS, AND OWNED BY JOLLY PRODUCTS AND SERVICES; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

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

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

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

Legal Description:

N1/2 OF N1/2 OF SW1/4 OF NW1/4 (LESS RD R/W ON W) & (LESS E 398.84 FT THEREOF) OF SEC 11-20-27

Parcel No. 11-20-27-0000-00-052

Contains: 6.86 +/- Acres

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

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

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

ORDINANCE NO. 2587

PAGE 2

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

Section VI. That this Ordinance shall take effect upon adoption.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: July 21, 2017
 September 8, 2017

Backup material for agenda item:

5. Ordinance No. 2588 – Second Reading – Admin. Rezoning – Edgel LLC. – Quasi-Judicial

David Moon

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

The subject property is located in an area characterized as single-family and agricultural in nature, with “County” A-2 zoning to the east and north of the subject property, and “City” AG to the south and CN to the west. The existing and proposed use of the subject site for a nonresidential building is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses. This parcel is located in the Wekiva River Protection Area and north of Lester Road, and is limited to a maximum density of one unit per five acres pursuant to the Joint Planning Agreement with Orange County government.

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

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

SCHOOL CAPACITY REPORT: The request of the proposed rezoning would result in no residential units, therefore, a school capacity determination is not required for the subject properties.

JOINT PLANNING AREA/OVERLAY: The subject property is located within the “Northern Central Area” of the Joint Planning Area with Orange County and the Wekiva River Protection Area.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on July 7, 2017.

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

PUBLIC HEARING SCHEDULE:

August 8, 2017 – Planning Commission (5:30 pm)
September 6, 2017 – City Council (1:30 pm) – 1st Reading
September 20, 2017 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

July 21, 2017 – Public Notice and Notification
September 8, 2017 – Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

The **Planning Commission**, at its meeting on August 8, 2017, found the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG for the Edgel parcel.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2588 and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2588.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural Settlement (0-1 du/5 acres)	A-2	Vacant
East (County)	Rural Settlement (0-1 du/5 acres)	A-2	Single-family home
South (City)	AG (0 – 1 du/ 5 acre)	AG (Agriculture)	Warehouse
West (City)	Commercial	CN (Neighborhood Commercial)	Vacant

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a Minor Arterial roadway (N Rock Springs Rd). It is similar in nature to the surrounding agricultural and residential areas, and there should be no impact on traffic.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Agriculture Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Agriculture Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (Single-family)
- Minimum Site Area: 5 acres
- Minimum Lot Width NA
- Setbacks: Front: 25 ft.
- Rear: 25 ft.
- Side: 25 ft.
- Corner 25 ft.

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

**BUFFERYARD
 REQUIREMENTS:**

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

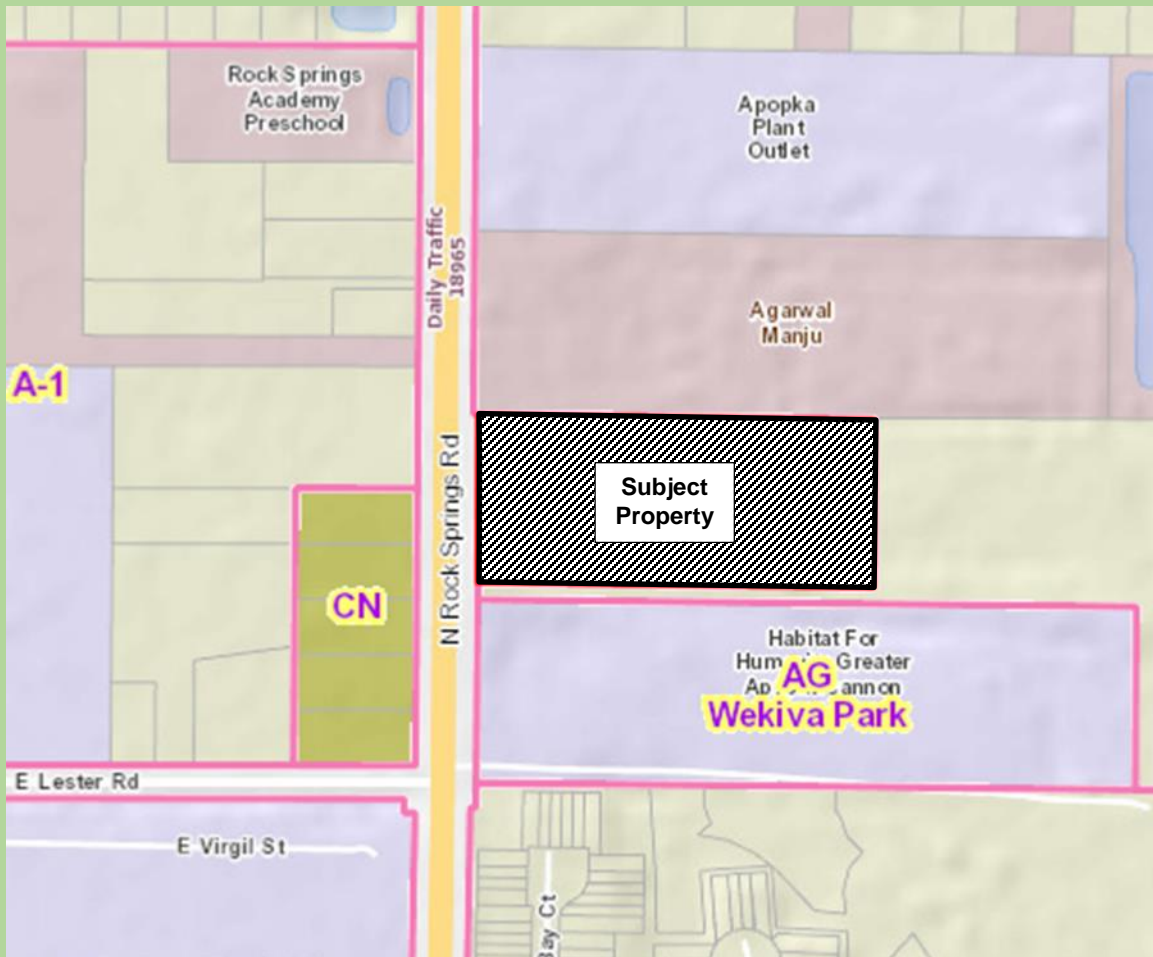
ALLOWABLE USES:

1. Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes.
2. Commercial wholesale foliage plant production nursery.
3. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land.
4. Livestock barns and stables.
5. Crops and animal production and the buildings and structures necessary to support such production.
6. Kennels.
7. Single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.
8. Apiaries.



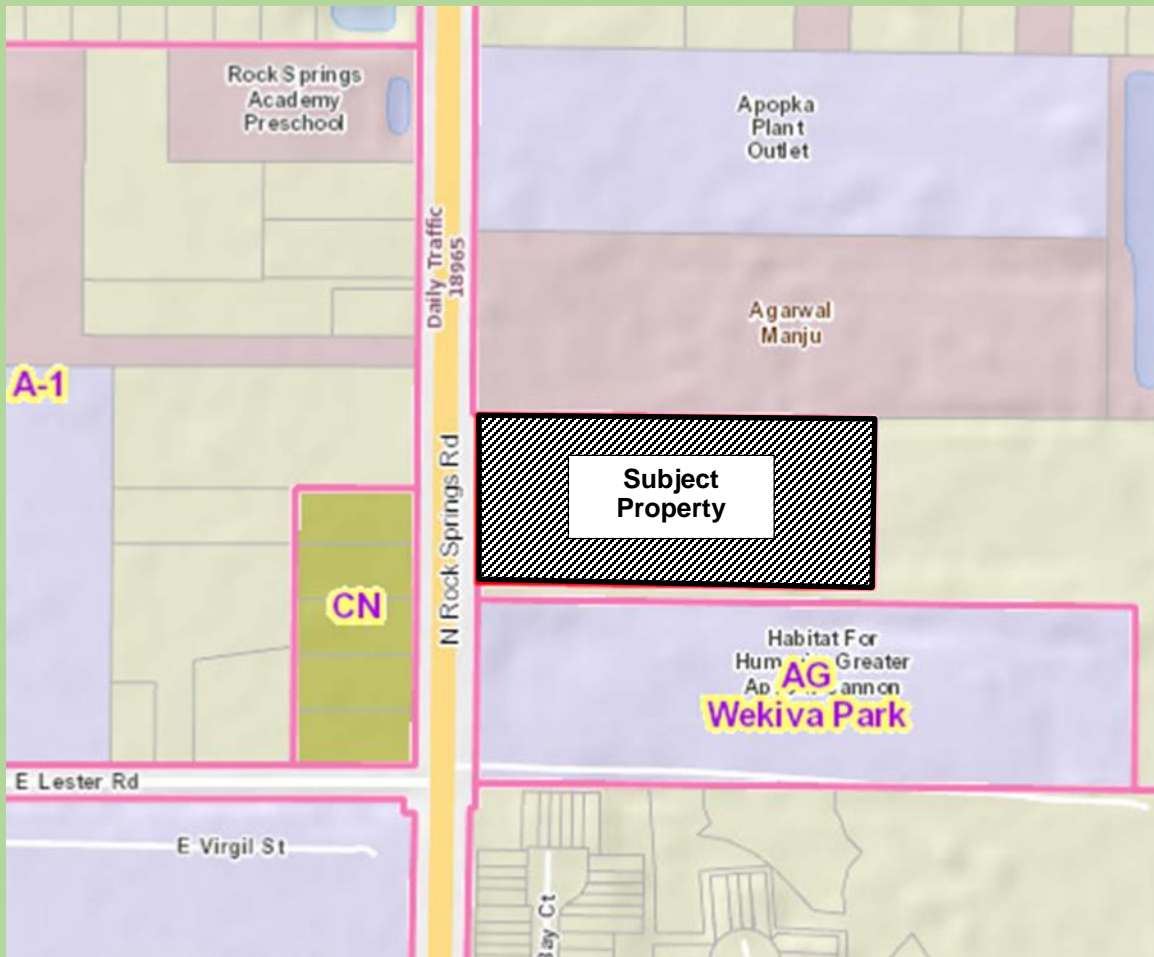
Edgel LLC
4.95 +/- Acres
Proposed Zoning Change:
From: “County” A-1 (ZIP) (Agriculture)
To: “City” AG (Agriculture)
Parcel ID #: 27-20-28-0000-00-061

VICINITY MAP





ADJACENT ZONING



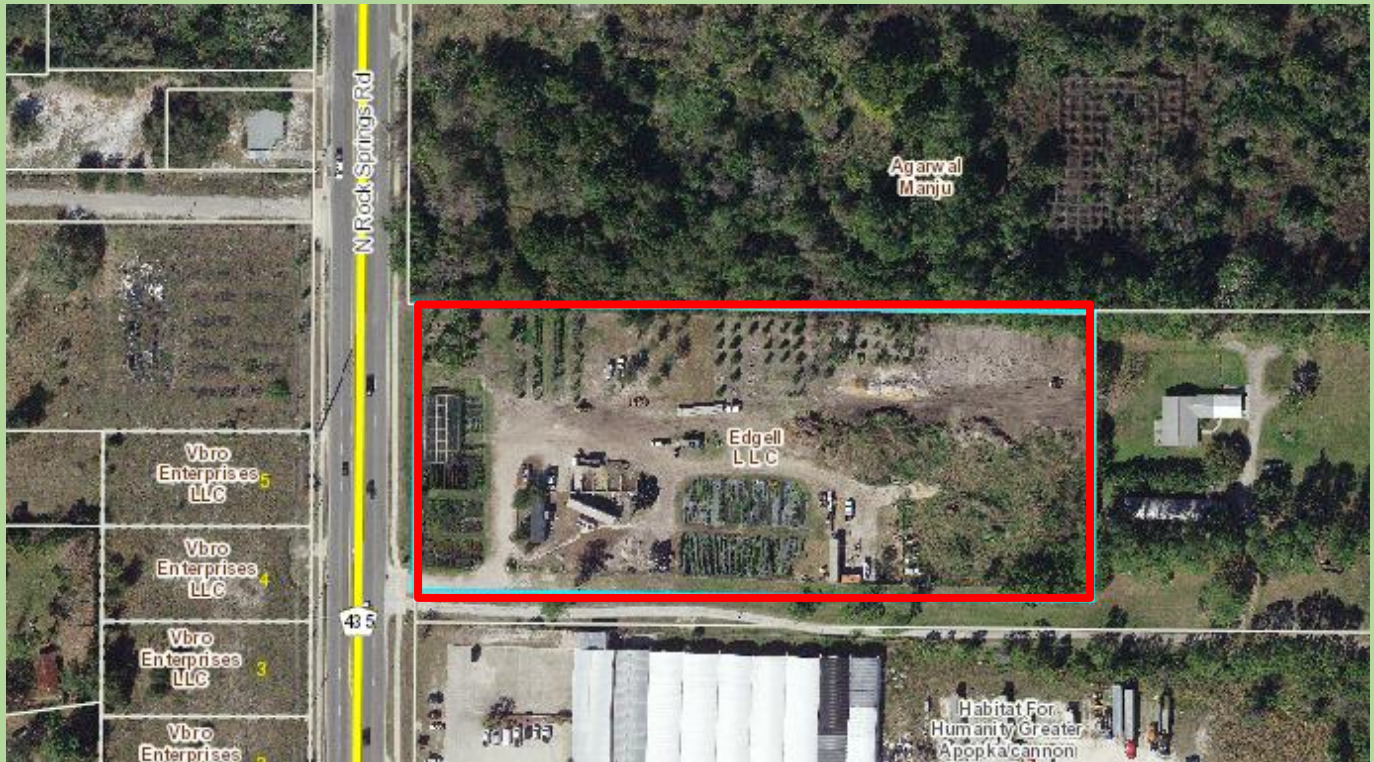


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2588

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 4.95 ACRES, MORE OR LESS, AND OWNED BY EDGEL LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

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

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

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

Legal Description:

BEG 60 FT E & 360 FT N OF SW COR OF SEC 27-20-28 TH RUN N 300 FT E TO A PT 553.88 FT W OF NE COR OF S1/2 OF SW1/4 OF SW 1/4 RUN S 306.74 FT W 714 FT TO POB

Parcel No. 27-20-28-0000-00-061
Contains: 4.95 +/- Acres

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

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

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

ORDINANCE NO. 2587

PAGE 2

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

Section VI. That this Ordinance shall take effect upon adoption.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: July 21, 2017
September 8, 2017

Backup material for agenda item:

6. Ordinance No. 2589 – Second Reading – Admin. Rezoning – Halm – Quasi-Judicial

David Moon



CITY OF APOPKA CITY COUNCIL

c

- PUBLIC HEARING
- SITE PLAN
- SPECIAL REPORTS
- OTHER: 2017-2 Administrative Rezoning

MEETING OF: September 20, 2017
 FROM: Community Development
 EXHIBITS: Zoning Report
 Vicinity Map
 Adjacent Zoning
 Adjacent Uses
 Existing Uses

SUBJECT: ORDINANCE NO. 2589 – ADMINISTRATIVE CHANGE OF ZONING – DEBORAH HALM (CASE #2017-2-5)

REQUEST: SECOND READING OF ORDINANCE NO. 2589 - ADMINISTRATIVE CHANGE OF ZONING – DEBORAH HAHN, FROM “COUNTY” A-1 (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATES- 1)

SUMMARY:

OWNER: Deborah Halm

APPLICANT: City of Apopka

LOCATION: West of Mt. Plymouth Road, north of West Kelly Park Road

PARCEL ID #(S): 09-20-28-7608-00-122

FUTURE LAND USE: Rural Settlement (0 - 2 du/acres)

ZONING: A-1 (ZIP)

PROPOSED ZONING: RCE-1 (Residential Country Estates)

EXISTING USE: Single-family home

PROPOSED DEVELOPMENT: Single-family home (existing)

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 residential Unit
 PROPOSED ZONING: 1 residential Unit

TRACT SIZE: 0.91 +/- Acre

FUNDING SOURCE:

N/A

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

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

The subject property is located in an area characterized as single-family and agricultural in nature, with “City” AG zoning to the west, north, and south of the subject property, and “County” R-CE to the east. The existing and proposed use of the subject site for a residential building is a permitted use in the proposed RCE-1 zoning district and compatible with the surrounding zoning and uses.

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

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

SCHOOL CAPACITY REPORT: The request of the proposed rezoning would result in a number of residential units considered ‘de minimus’ and, therefore, a school capacity determination is not required for the subject properties.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on July 7, 2017.

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

PUBLIC HEARING SCHEDULE:

- August 8, 2017 – Planning Commission (5:30 pm)
- September 6, 2017 – City Council (1:30 pm) – 1st Reading
- September 20, 2017 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

- July 21, 2017 – Public Notice and Notification
- September 8, 2017 – Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” RCE-1.

The **Planning Commission**, at its meeting on August 8, 2017, found the change in zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the change in Zoning from “County” A-1 (ZIP) to “City” RCE-1 for the Halm property.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2589 and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2589.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 acres)	AG	Single Family Home
East (County)	Low Density Residential (LDR) 4 du/ac	R-CE	Single Family Homes
South (City)	Rural Settlement (0-1 du/5 acres)	AG	Single Family Home
West (City)	Rural Settlement (0-1 du/5 acres)	AG	Single Family Home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (My Plymouth Rd). It is similar in nature to the surrounding agricultural and residential areas, and there should be no impact on traffic.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

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

**RCE-1 DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 2,000 sq. ft.
- Minimum Site Area: 1 acre
- Minimum Lot Width NA
- Setbacks: Front: 35 ft.
- Rear: 30 ft.
- Side: 15 ft.
- Corner 35 ft.

Based on the above zoning standards, the subject site is legal non-conforming for the RCE-1 district.

**BUFFERYARD
 REQUIREMENTS:**

1. Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis.

2. Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

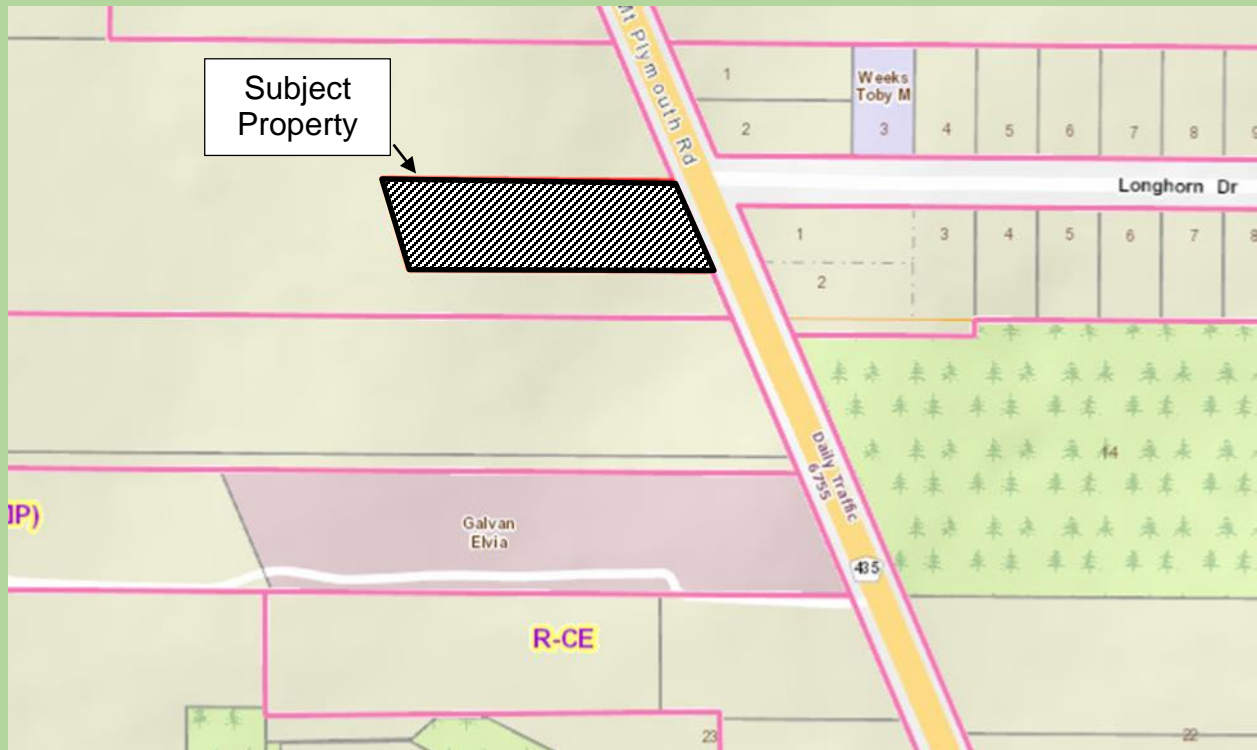
ALLOWABLE USES:

1. Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code.
2. Guest/granny quarters in accordance with article VII of this code.



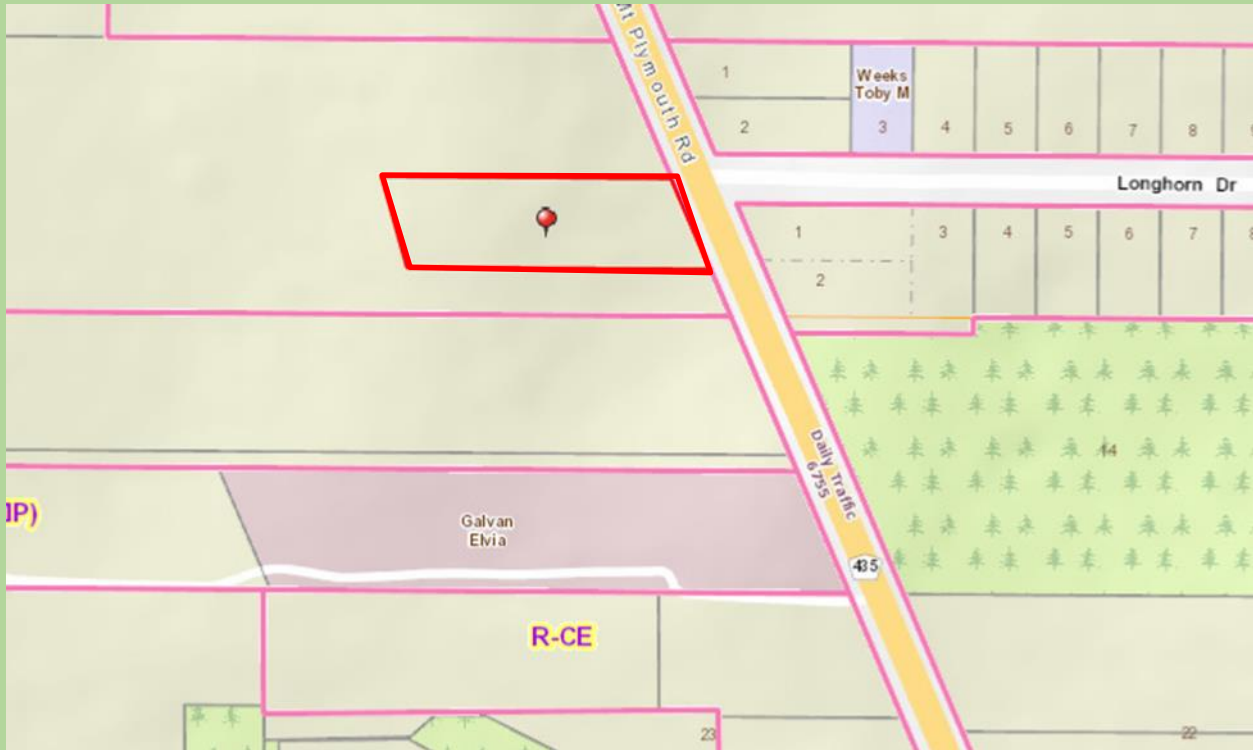
Deborah Halm
0.91 +/- Acre
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture)
To: "City" RCE-1 (Residential Country Estates)
Parcel ID #: 09-20-28-7608-00-122

VICINITY MAP



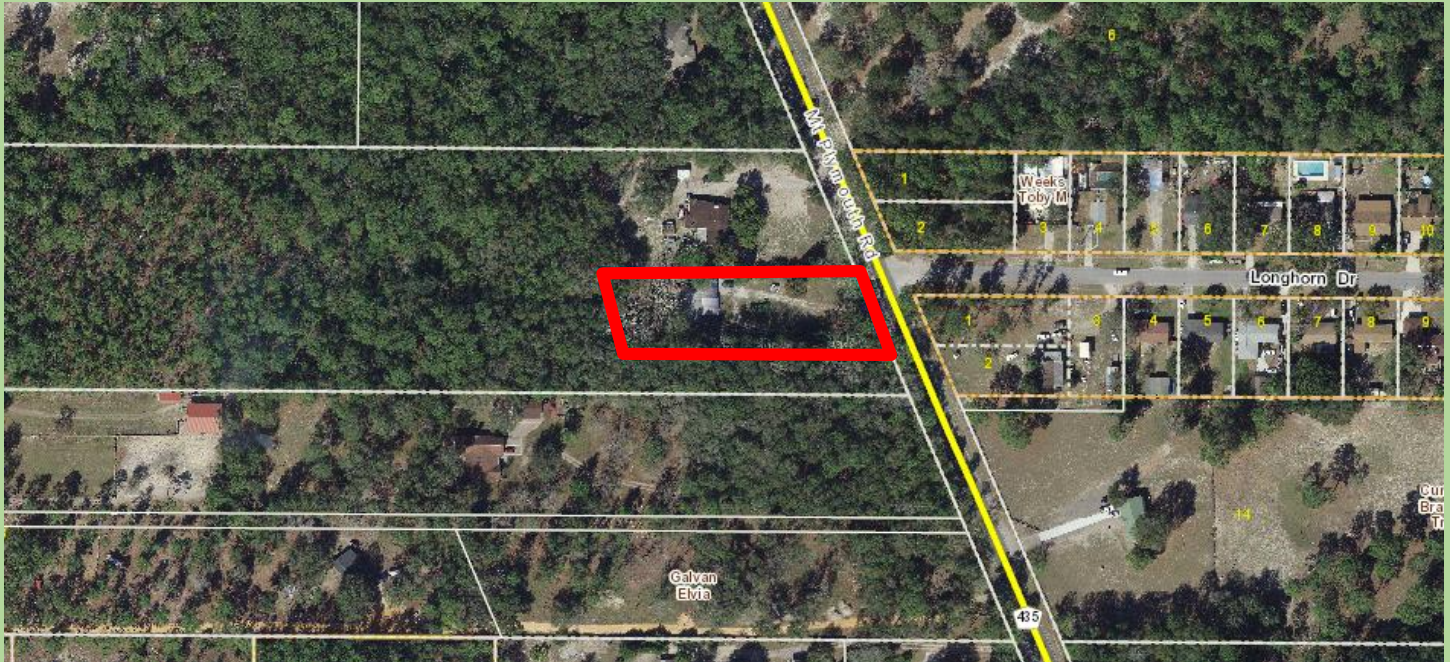


ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2589

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” RESIDENTIAL COUNTY ESTATES - 1 (RCE-1) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 0.91 ACRES, MORE OR LESS, AND OWNED BY DEBORAH HALM; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the proposed RCE-1 zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby RCE-1 (Residential County Estates 1), as defined in the Apopka Land Development Code.

Legal Description:

ROCK SPRINGS SUB Q/118 BEG 61 FT N OF SE COR LOT 12 RUN WLY 366 FT N 120 FT ELY 350 FT TH S 120 FT TO POB

Parcel No: 09-20-28-7608-00-122

Contains: 0.91 +/- Acres

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

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

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

ORDINANCE NO. 2589

PAGE 2

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

Section VI. That this Ordinance shall take effect upon adoption.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: July 21, 2017
September 8, 2017

Backup material for agenda item:

7. Ordinance No. 2592 – Second Reading – Change of Zoning – Gates & Oak Royal Properties LLC. – Quasi-Judicial
David Moon

ADDITIONAL COMMENTS: The subject parcels were annexed into the City of Apopka on December 5, 2001 through Ordinance 1421.

The proposed change of zoning is being requested by the owner/applicant. Presently, the subject property has not yet been assigned a “City” zoning category. Applicant is requesting the City to assign a zoning classification of Mixed – EC (Mixed Use – Employment Center) to the property.

A request to assign a change of zoning to Mixed-EC (Mixed Use Employment Center) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the Mixed-EC zoning classification to accommodate the use of the property residential and non-residential development permitted within the Mixed-EC zoning district. These uses are consistent with the proposed Mixed Use Future Land Use Designation, proposed zoning district and compatible with the general character of surrounding zoning and uses. The change of zoning application covers approximately 22.4 acres.

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 proposed use of the property is consistent with the Mixed Use ((0-15 du/ac and/or max 1.0 FAR)) Future Land Use designation and the City’s proposed Mixed-EC (Mixed Use – Employment Center) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the associated large scale future land use amendment.

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, 2017

PUBLIC HEARING SCHEDULE:

- July 11, 2017 – Planning Commission (5:30 pm)
- September 6, 2017 - City Council (1:30 pm) - 1st Reading
- September 20, 2017 – City Council (7:00 pm) - 2nd Reading & Adoption

DULY ADVERTISED:

- June 23, 2017 – Public Notice and Notification
- August 25, 2017 – Ordinance Heading & ¼ Page w/Map Ad
- September 8, 2017 – Ordinance Heading & ¼ Page w/Map Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and the Land Development Code recommends adoption of the change in Zoning from PO/I (Professional Office/Institutional) and AG (Agriculture) to Mixed Use – Employment Center, subject to the adoption of the associated large scale future land use amendment, for the properties owned by Joseph & Swana Gates and Oak Royal Properties, LLC.

The **Planning Commission**, at its meeting on January 10, 2017, found the proposed rezoning consistent with the Comprehensive Plan and Land Development Code; and recommended a change of zoning from PO/I (Professional Office/Institutional) and AG (Agriculture) to Mixed Use – Employment Center, subject to the adoption of the associated large scale future land use amendment.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2592 and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2592.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed Use	Mixed-EC	Emerson Park community
East (County)	Rural (0-1 du/10 ac)	R-CE-2	Single-family residential
South (City & County)	“City” Office (max 0.3 FAR) & “County” Rural (0-1 du/ac)	“City” OFF & “County” A-1	Vacant & County water reclamation facility
West (City)	Residential High (0-15 du/ac)	A-1 (ZIP)	Single-family home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a county minor arterial (Ocoee Apopka Road) and a collector roadway (Keene Road). The proposed Mixed-EC (Mixed Use – Employment Center) zoning district is consistent and compatible with the adjacent zoning classifications and uses within the surrounding area. Property to the north (the existing Emerson Park single-family and townhome development) has the same Mixed-EC zoning classification. To the south, “City” zoned property has a PO/I zoning classification, with properties within unincorporated Orange County to the east are predominant single-family and rural uses.

In addition, the proposed land use designation is consistent with the conceptual land use plan, development scenario and recommendations of the Ocoee Apopka Road Small Area Study, which was completed in 2014. The Ocoee Apopka Rd SAS Conceptual Plan listed as Exhibit ‘A’ below shows the subject properties listed within the “New Market” character area, which is described in the final report as:

“The **New Market Zone** represents the area in the vicinity of Emerson Park and the hospital. It is anticipated that this area will contain the highest degree of pedestrian connectivity.” In addition, the report indicates that one scenario for the New Market Area includes the placement of the core (Village Center) of the New Market Character area includes the subject property (as shown in Exhibit ‘B’ below). The finds of the report suggest this scenario may be the most suitable for the Village Center:

“Scenario 1 shows the core area (Village Center) concentrated at the northeast corner of Ocoee-Apopka Road and Keene Road. This site was chosen as an ideal location for the Village Center because it is easily accessible from the existing and proposed residential neighborhoods to the east.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed Mixed-EC zoning is consistent with the City’s Mixed Use (max 0.60 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The Mixed-EC zoning classification is one of the acceptable zoning categories allowed within the Mixed Use Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

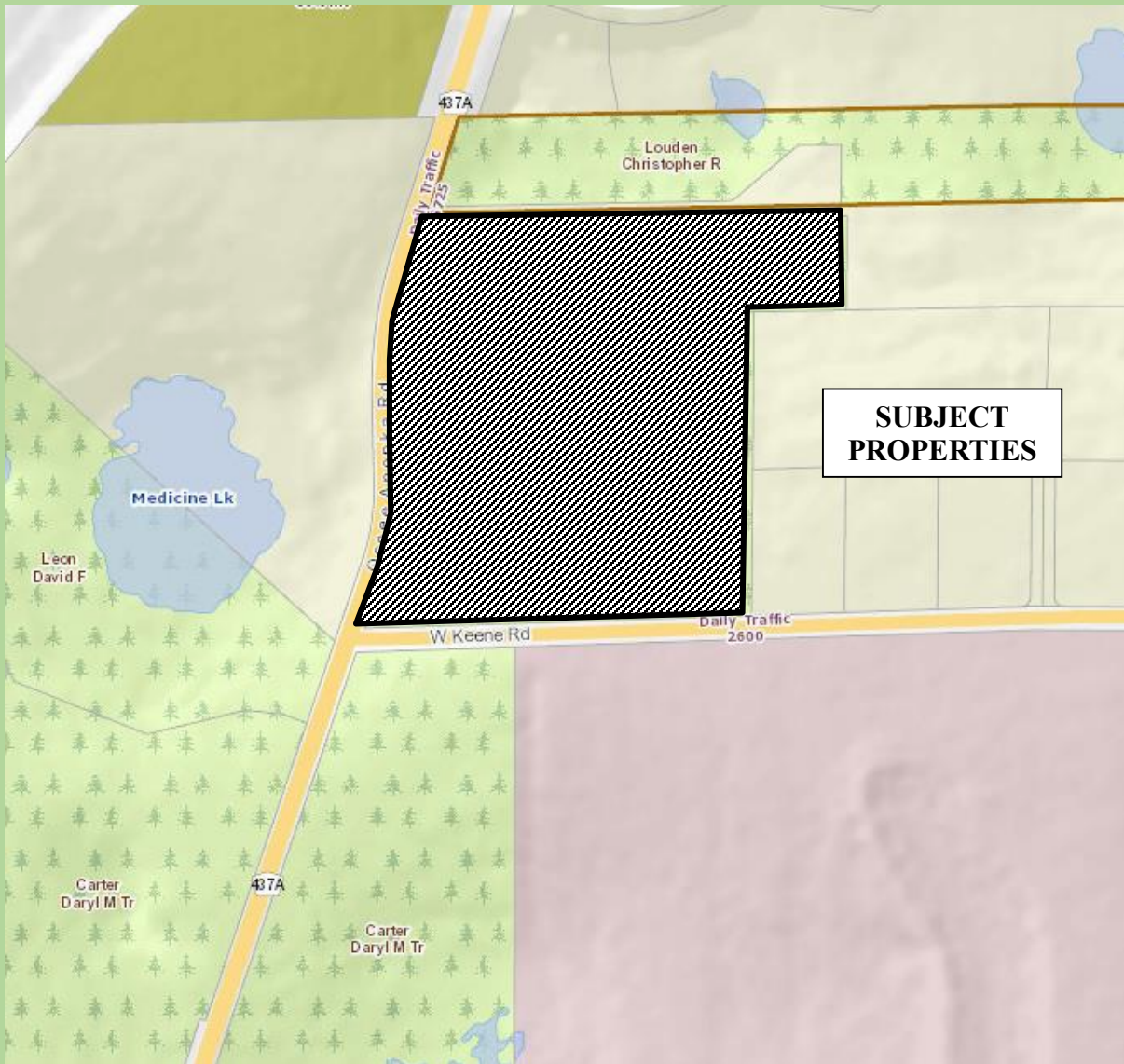
ZONING DISTRICT REQUIREMENTS:

All uses and site development requirements will be subject to Sec. 02.02 Sec. 02.02.18 of the Apopka Land Development Code.

Joseph & Swana Gates, Oak Royal Properties, LLC
Property Owner
22.3 +/- Acres
Proposed Large Scale Future Land Use Amendment:
From: Office (max. 0.3 FAR) & Residential Low (0-5 du/ac)
To: Mixed Use
Parcel ID #s: 20-21-28-0000-00-021; -024; -025

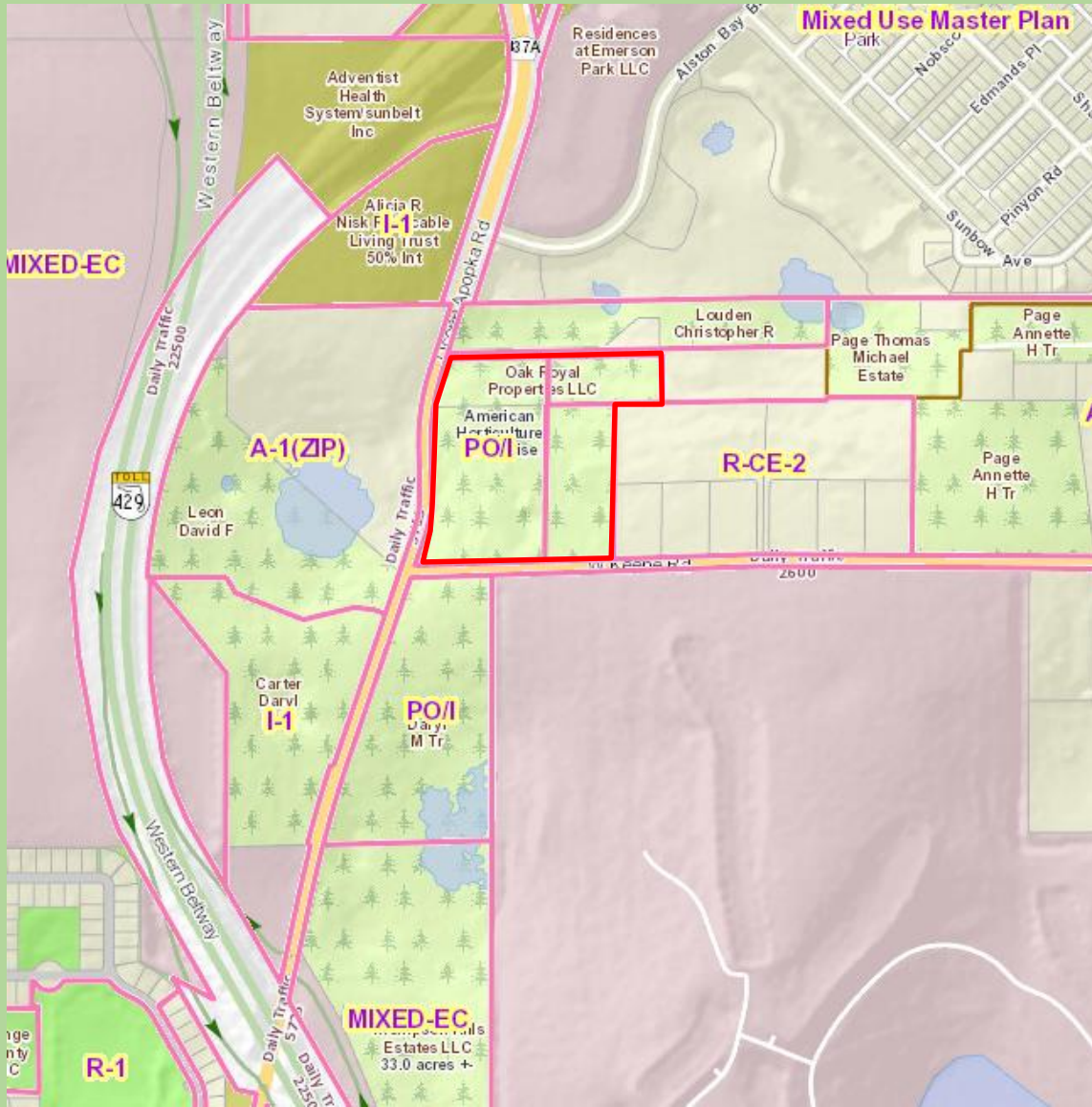


VICINITY MAP



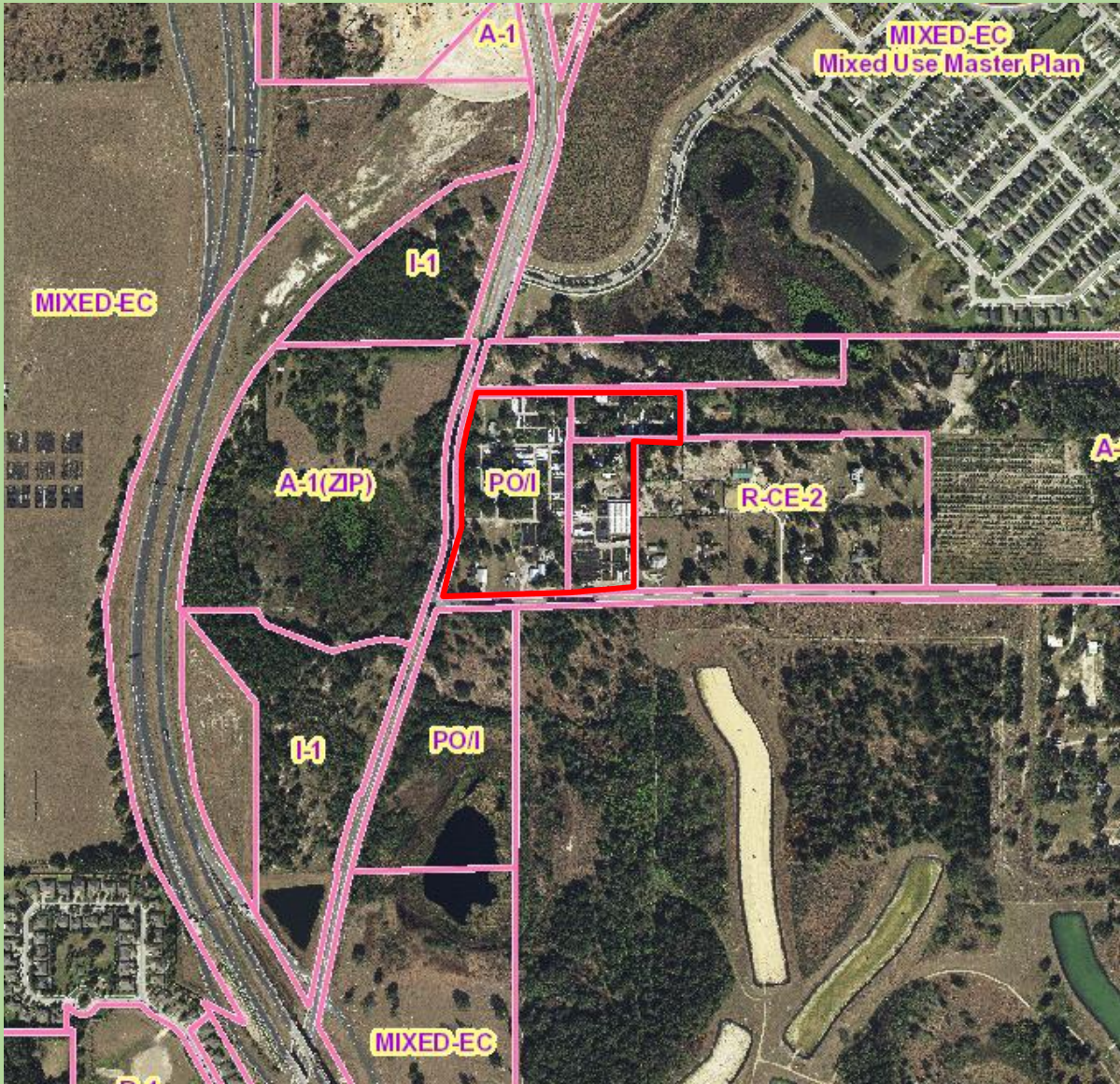


ADJACENT ZONING





ADJACENT USES



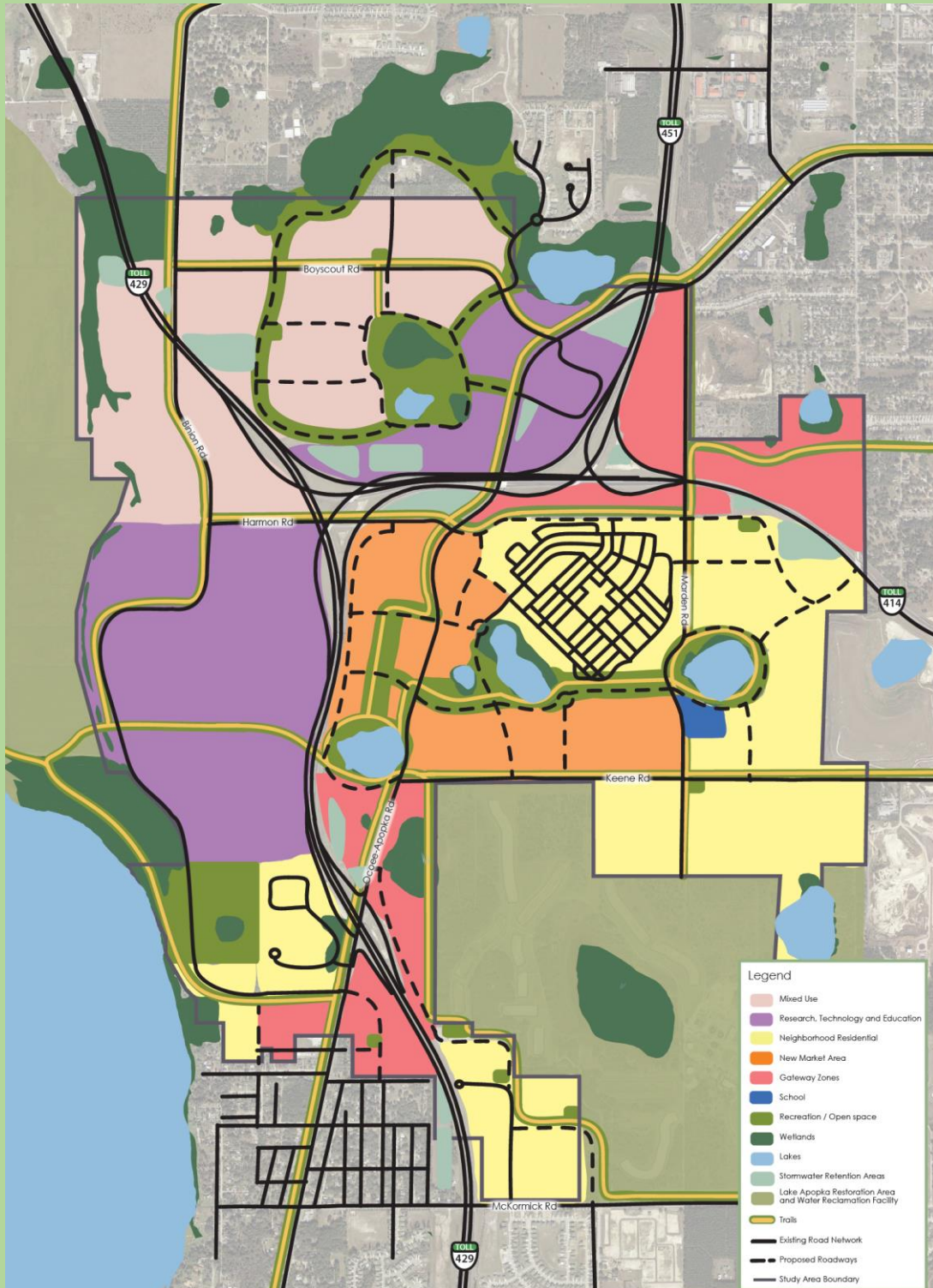


EXISTING USES





OCOEE APOPKA ROAD SMALL AREA STUDY CONCEPTUAL LAND USE MAP #1





OCOEE APOPKA ROAD SMALL AREA STUDY CONCEPTUAL LAND USE MAP #1



COMMERCIAL



MULTI FAMILY



TOWNHOUSE



OFFICE



TOWN CENTER





OCOEE APOPKA ROAD SMALL AREA STUDY SCENARIO MAP #2



ORDINANCE NO. 2592

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA CHANGING THE ZONING FROM PROFESSIONAL OFFICE\INSTITUTIONAL (PO/I) AND FROM AGRICULTURE (AG) TO MIXED-EC (MIXED -EMPLOYMENT CENTER) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF OCOEE APOPKA ROAD AND NORTH OF KEENE ROAD, COMPRISING 22.4 ACRES, MORE OR LESS AND OWNED BY JOSEPH AND SWANA GATES & OAK ROYAL PROPERTIES, LLC; 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 Joseph & Swana Gates and Oak Royal Properties LLC has requested a change in zoning on said property as identified in Section I of this ordinance; and

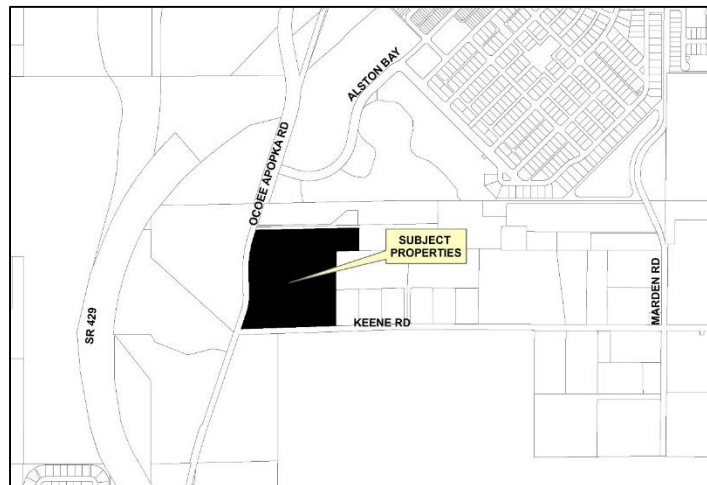
WHEREAS, the proposed Mixed-EC zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

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

Legal Description:

BEG 786.7 FT N & 479.15 FT W OF S1/4 COR OF SEC RUN W 1106.75 FT TO ST RD R/W NLY ALONG R/W TO A PT 246.47 FT S OF N LINE OF S1/2 OF SW1/4 RUN E 1046.71 FT S 237.23 FT TO POB IN SEC 20-21-28; and BEG 713.24 FT W OF E LINE OF SE1/4 OF SW1/4 ON NLY R/W OF KEENE RD RUN N 770 FT W 339.2 FT S 770 FT E 339.2 FT TO POB IN SEC 20-21-28; and BEG 1052.44 FT W & 30 FT N OF SE COR OF SW1/4 RUN N 770 FT W 536.8 FT TO ELY R/W OF ST RD 437 SWLY ALONG SAID R/W 797 FT E 630.8 FT TO POB IN SEC 20-21-28



Parcel ID No: 20-21-28-0000-00-021; 20-21-28-0000-00-024; 20-21-28-0000-00-025
Contains: 22.4 +/- Acres

ORDINANCE NO. 2592

PAGE 2

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

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

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

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

Section VI. That this Ordinance shall take effect upon adoption.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: August 25, 2017
September 8, 2017

Backup material for agenda item:

8. Ordinance No. 2593 – Second Reading – Annex. – 425 & 431 W Station Street – Legislative
David Moon



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinance

MEETING OF: September 20, 2017
FROM: Community Development
EXHIBITS: Exhibit "A" – Summary
Ordinance No. 2593
Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 3

REQUEST: SECOND READING OF ORDINANCE NO. 2593 – LOOMIS FUNERAL HOME, INC.

SUMMARY:

OWNER: Loomis Funeral Home, Inc.
LOCATION: 423, 425 & 431 Station Street
LAND USE: Refer to Exhibit "A"
EXISTING USE: Refer to Exhibit "A"
TRACT SIZE: 0.76 +/- acre

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on July 18, 2017.

DULY ADVERTISED:

August 25, 2017
September 8, 2017
September 29, 2017

PUBLIC HEARING SCHEDULE:

September 6, 2017 (1:30 pm) - City Council 1st Reading
September 20, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Loomis Funeral Home, Inc.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2593, and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2593.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 3

TOTAL ACRES: 27.79

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2593	1	Loomis Funeral Homes	423, 425 & 431 West Station Street	09-21-28-7544-02-450 09-21-28-7544-02-471 09-21-28-7544-02-490	0.41	Vacant	COMMERCIAL MAX 3.0 FAR
2594	2	Curtis & Karen Pumphrey	251 West Lester Road	28-20-28-0000-00-084	5.21	Warehouse	LOW DENSITY RESIDENTIAL 4DU/ACRE
2595	3	A.D. Raulerson A.D. Raulerson, Jr.	213 West Lester Road 2122 Rock Springs Road	28-20-28-0000-00-040 28-20-28-0000-00-077	20.29	Vacant Nursery	LOW DENSITY RESIDENTIAL 4DU/ACRE
2596	4	Michael Tyszko	3001 West Kelly Park Road	12-20-27-0000-00-027	0.56	Single-Family Residence	RURAL 1 DU/10 AC
2597	5	Michael J. McKernan Carolann McKernan	3013 West Kelly Park Road	12-20-27-0000-00-056	0.69	Single-Family Residence	RURAL 1 DU/10 AC
2598	6	Gracie J. Gillis Glenda M. Griffen Trudy R. Maer Rodney N. Gillis	5012 Plymouth Sorrento Road	12-20-27-0000-00-054	0.63	Manufactured Home	RURAL 1 DU/10 AC

ORDINANCE NO. 2593

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 LOOMIS FUNERAL HOME, INC. LOCATED AT 425 & 431 STATION STREET; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Loomis Funeral Home, Inc., owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 423, 425 and 431 Station Street; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **0.41 +/- acre**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

ROBINSON & SAMUELS ADD TO APOPKA J/80 LOTS 49 & 50 BLK B (LESS S 15 FT FOR R/W) (Parcel 09-21-28-7544-02-490; 423 W. Station Street) containing 0.14 +/- acres; AND

ROBINSON & SAMUELS ADD TO APOPKA J/80 LOTS 47 & 48 (LESS N 10 FT & LESS S 15 FT FOR R/W) BLK B (Parcel 09-21-28-7544-02-471, 425 W. Station Street) Containing 0.13 +/- acres; AND

ROBINSON & SAMUELS ADD TO APOPKA J/80 LOTS 45 & 46 BLK B (LESS S 15 FT FOR R/W) (Parcel 09-21-28-7544-02-450, 431 W. Station Street) Containing 0.14 +/- acres.

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

ORDINANCE NO. 2593
PAGE 2

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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

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

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017, September 8, 2017

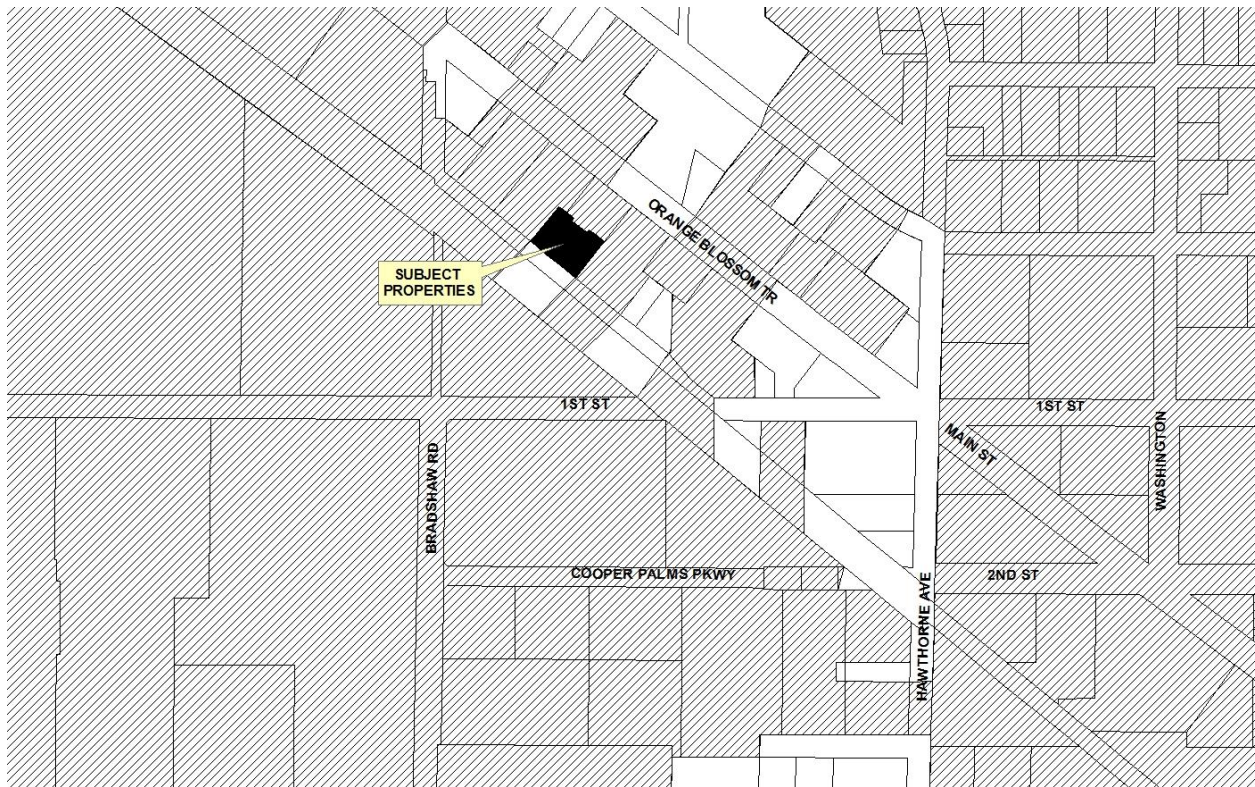


ANNEXATION
Loomis Funeral Home, Inc.
423, 425 & 431 Station Street

Exhibit "A"

Parcel ID: 09-21-28-7544-02-450
09-21-28-7544-02-471
09-21-28-7544-02-490

Total Acres: 0.41 +/-



VICINITY MAP

Backup material for agenda item:

9. Ordinance No. 2594 – Second Reading – Annex. – 251 W Lester Road – Legislative
David Moon



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinance

MEETING OF: September 20, 2017
 FROM: Community Development
 EXHIBITS: Exhibit "A" – Summary
 Ordinance No. 2594
 Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 3

REQUEST: SECOND READING OF ORDINANCE NO. 2594 – CURTIS AND KAREN PUMPHREY, INC.

SUMMARY:

OWNER: Curtis and Karen Pumphrey
 LOCATION: 251 Lester Road
 LAND USE: Refer to Exhibit "A"
 EXISTING USE: Refer to Exhibit "A"
 TRACT SIZE: 5.21 +/- acre

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on July 18, 2017 and August 15, 2017.

DULY ADVERTISED:

August 25, 2017
 September 8, 2017
 September 29, 2017

PUBLIC HEARING SCHEDULE:

September 6, 2017 (1:30 pm) - City Council 1st Reading
 September 20, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Curtis and Karen Pumphrey.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2594, and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2594.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 3

TOTAL ACRES: 27.79

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2593	1	Loomis Funeral Homes	423, 425 & 431 West Station Street	09-21-28-7544-02-450 09-21-28-7544-02-471 09-21-28-7544-02-490	0.41	Vacant	COMMERCIAL MAX 3.0 FAR
2594	2	Curtis & Karen Pumphrey	251 West Lester Road	28-20-28-0000-00-084	5.21	Warehouse	LOW DENSITY RESIDENTIAL 4DU/ACRE
2595	3	A.D. Raulerson A.D. Raulerson, Jr.	213 West Lester Road 2122 Rock Springs Road	28-20-28-0000-00-040 28-20-28-0000-00-077	20.29	Vacant Nursery	LOW DENSITY RESIDENTIAL 4DU/ACRE
2596	4	Michael Tyszko	3001 West Kelly Park Road	12-20-27-0000-00-027	0.56	Single-Family Residence	RURAL 1 DU/10 AC
2597	5	Michael J. McKernan Carolann McKernan	3013 West Kelly Park Road	12-20-27-0000-00-056	0.69	Single-Family Residence	RURAL 1 DU/10 AC
2598	6	Gracie J. Gillis Glenda M. Griffin Trudy R. Maerz Rodney N. Gillis	5012 Plymouth Sorrento Road	12-20-27-0000-00-054	0.63	Manufactured Home	RURAL 1 DU/10 AC

ORDINANCE NO. 2594

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 CURTIS AND KAREN PUMPHREY LOCATED AT 251 WEST LESTER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Curtis and Karen Pumphrey, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 251 West Lester Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **5.21 +/- acre**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

BEG SE CORNER OF E1/2 OF SW1/4 OF SE1/4, RUN S87-59-49W 15 FT, TH N01-46-12W 586.62 FT, TH S87-59-49W 98.51 FT M/L, TH N01-46-12W 238 FT, TH N87-59-49E 35.35 FT, TH N01-49-26W 159.83 FT, TH N88-03-21W 595.03 FT M/L TO WEST LINE OF THE EAST 1/2 OF THE SW 1/4 OF THE SE 1/4, TH N01-46-37W 345 FT M/L TO NORTH LINE OF E 1/2 OF OF SW 1/4 OF SE 1/4, TH E 609.75 FT M/L TO NW COR OF LANDS DESC IN 2748/1802, TH S01-49-26E 519.81 FT TO NORTH LINE OF WELL LOT DESC IN 3141/1427, TH S87-59-49W 34.88 FT TO NW COR OF WELL LOT, TH S01-46-12E 208 FT TO SW COR OF WELL LOT, TH N87-59-49E 98.51 FT M/L TO EAST LINE OF THE E 1/2 OF THE SW 1/4 OF THE SE 1/4, TH S01-46-12E 601.62 FT TO POB (LESS S 30 FT FOR RD) OF SEC 28-20-28 SEE 3513/96

Containing 5.21 +/- acres

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

ORDINANCE NO. 2594
PAGE 2

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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

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

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

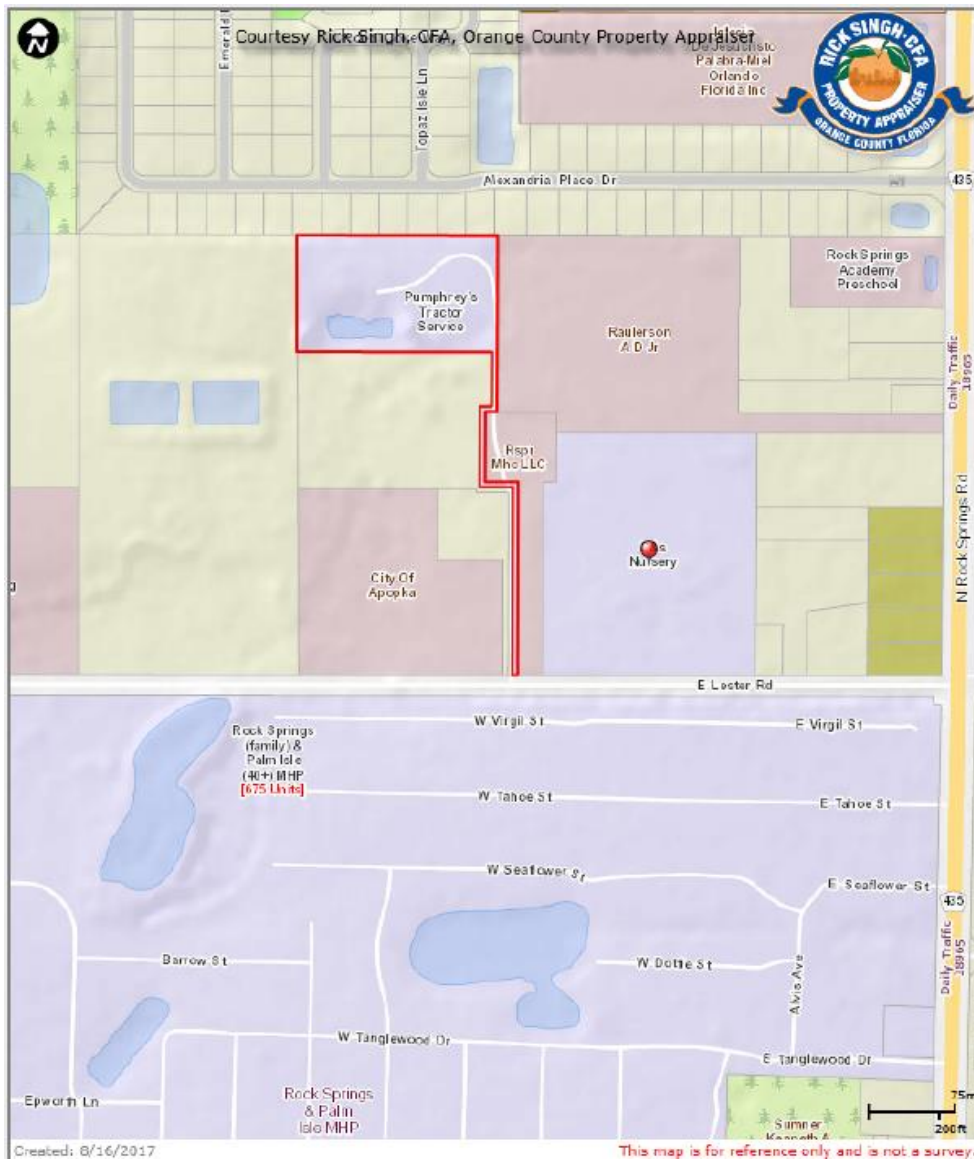
DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017, September 8, 2017

ANNEXATION
Curtis and Karen Pumphrey
251 West Lester Road



Exhibit "A"
Ord. # 2594
Parcel ID: 28-20-28-0000-00-084

Total Acres: 5.21 +/-



Backup material for agenda item:

10. Ordinance No. 2595 – Second Reading – Annex. – 213 W. Lester Road & 2122 Rock Springs Road - Legislative
David Moon



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: September 20, 2017
 FROM: Community Development
 EXHIBITS: Exhibit "A" – Summary
 Ordinance No. 2595
 Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 3

REQUEST: SECOND READING OF ORDINANCE NO. 2595 – A.D. RAULERSON AND A.D. RAULERSON, JR. AND HOLD OVER FOR SECOND READING & ADOPTION.

SUMMARY:

OWNER: A.D. Raulerson and A.D. Raulerson, Jr.
 LOCATION: 213 Lester Road and 2122 Rock Springs Road
 LAND USE: Refer to Exhibit "A"
 EXISTING USE: Refer to Exhibit "A"
 TRACT SIZE: 20.29 +/- acres

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on July 18, 2017 and August 15, 2018.

DULY ADVERTISED:

August 25, 2017
 September 8, 2017
 September 29, 2017

PUBLIC HEARING SCHEDULE:

September 6, 2017 (1:30 pm) - City Council 1st Reading
 September 20, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by A.D. Raulerson and A.D. Raulerson, Jr.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2595, and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2595.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 3

TOTAL ACRES: 27.79

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2593	1	Loomis Funeral Homes	423, 425 & 431 West Station Street	09-21-28-7544-02-450 09-21-28-7544-02-471 09-21-28-7544-02-490	0.41	Vacant	COMMERCIAL MAX 3.0 FAR
2594	2	Curtis & Karen Pumphrey	251 West Lester Road	28-20-28-0000-00-084	5.21	Warehouse	LOW DENSITY RESIDENTIAL 4DU/ACRE
2595	3	A.D. Raulerson A.D. Raulerson, Jr.	213 West Lester Road 2122 Rock Springs Road	28-20-28-0000-00-040 28-20-28-0000-00-077	20.29	Vacant Nursery	LOW DENSITY RESIDENTIAL 4DU/ACRE
2596	4	Michael Tyszko	3001 West Kelly Park Road	12-20-27-0000-00-027	0.56	Single-Family Residence	RURAL 1 DU/10 AC
2597	5	Michael J. McKernan Carolann McKernan	3013 West Kelly Park Road	12-20-27-0000-00-056	0.69	Single-Family Residence	RURAL 1 DU/10 AC
2598	6	Gracie J. Gillis Glenda M. Griffen Trudy R. Maer Rodney N. Gillis	5012 Plymouth Sorrento Road	12-20-27-0000-00-054	0.63	Manufactured Home	RURAL 1 DU/10 AC

ORDINANCE NO. 2595

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 A.D. RAULERSON AND A.D. RAULERSON, JR. LOCATED AT 213 WEST LESTER ROAD AND 2122 ROCK SPRINGS ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, A.D. Raulerson and A.D. Raulerson, Jr., owners thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 213 West Lester Road and 2122 Rock Springs Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **20.29 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

COMM AT SE COR OF SEC, TH RUN S87-59-49W 600 FT TO POB; TH CONT S87-59-49W 630.44 FT, TH N01-41-41W 601.62 FT TO SOUTH LINE OF WELL LOT, TH N87-59-49E 38.5 FT TO SE COR OF WELL LOT, TH N01-41-41W 148.40 FT, TH N87-59-45E 593.99 FT, TH S01-45-16E 750 FT TO POB (LESS S 30 FT FOR RD R/W) IN SEC 28-20-28

Containing 10.3 +/- acres; AND

COMM AT SE COR OF SEC, TH RUN N01-45-16W 750 FT, TH S87-59-45W 50 FT TO POB; TH CONT S87-59-45WW 1143.99 FT TO EAST LINE OF WELL LOT, TH N02-00-11W 59.60 FT, TH S87-59-49W 173.12 FT, TH N01-49-26WW 519.15 FT TO NORTH LINE OF S 1/2 OF SE 1/4, TH N88-02-24E 714.27 FT TO NE COR OF W 1/2 OF SE 1/4 OF SE 1/4, TH S01-49-16E 524 FT, TH N88-02-24E 603.10 FT TO EAST R/W LINE, TH S01-45-16E 54.04 FT TO POB (LESS THAT PART PREVIOUSLY SOLD PER DB 829/86) IN SEC 28-20-28

Containing 9.99 +/- acres

ORDINANCE NO. 2595
PAGE 2

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

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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

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

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017; September 9, 2017



ANNEXATION

**A.D. Raulerson and A.D. Raulerson, Jr.
213 West Lester Road & 2122 Rock Springs Road**

Exhibit "A"

Ord. No. 2595

**Parcel ID: 28-20-28-0000-00-040
28-20-28-0000-00-077**

Total Acres: 20.29 +/-



Backup material for agenda item:

11. Ordinance No. 2596 – Second Reading – Annex. – 3001 W. Kelly Park Road – Legislative Moon

David



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinance

MEETING OF: September 20, 2017
FROM: Community Development
EXHIBITS: Exhibit "A" – Summary
Ordinance No. 2596
Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 3

REQUEST: SECOND READING OF ORDINANCE NO. 2596 – MICHAEL TYSZKO

SUMMARY:

OWNER: Michael Tyszko
LOCATION: 3001 W Kelly Park Rd
LAND USE: Refer to Exhibit "A".
EXISTING USE: Refer to Exhibit "A"
TRACT SIZE: 0.56 +/- acres

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on July 18, 2017 AND August 15, 2017.

DULY ADVERTISED:

August 25, 2017
September 8, 2017
September 29, 2017

PUBLIC HEARING SCHEDULE:

September 6, 2017 (1:30 pm) - City Council 1st Reading
September 20, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Michael Tyszko.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2596, and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2596.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 3

TOTAL ACRES: 27.79

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2593	1	Loomis Funeral Homes	423, 425 & 431 West Station Street	09-21-28-7544-02-450 09-21-28-7544-02-471 09-21-28-7544-02-490	0.41	Vacant	COMMERCIAL MAX 3.0 FAR
2594	2	Curtis & Karen Pumphrey	251 West Lester Road	28-20-28-0000-00-084	5.21	Warehouse	LOW DENSITY RESIDENTIAL 4DU/ACRE
2595	3	A.D. Raulerson A.D. Raulerson, Jr.	213 West Lester Road 2122 Rock Springs Road	28-20-28-0000-00-040 28-20-28-0000-00-077	20.29	Vacant Nursery	LOW DENSITY RESIDENTIAL 4DU/ACRE
2596	4	Michael Tyszko	3001 West Kelly Park Road	12-20-27-0000-00-027	0.56	Single-Family Residence	RURAL 1 DU/10 AC
2597	5	Michael J. McKernan Carolann McKernan	3013 West Kelly Park Road	12-20-27-0000-00-056	0.69	Single-Family Residence	RURAL 1 DU/10 AC
2598	6	Gracie J. Gillis Glenda M. Griffin Trudy R. Maerz Rodney N. Gillis	5012 Plymouth Sorrento Road	12-20-27-0000-00-054	0.63	Manufacture d Home	RURAL 1 DU/10 AC

ORDINANCE NO. 2596

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY MICHAEL TYSZKO, LOCATED AT 3001 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Michael Tyszko., owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 3001 West Kelly Park Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **0.56 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

SE1/4 OF SE1/4 OF SE1/4 OF SE1/4 OF SEC 12-20-27 (LESS N 100 FT & LESS W 150 FT) & (LESS RD R/W PER DB 398/188) & (LESS COMM AT SE COR OF SE1/4 RUN N00-09-57E 231.24 FT TO INTERSECTION WITH S LINE OF N 100 FT OF SE1/4 OF SE1/4 OF SE1/4 OF SE1/4 TH S88-26-25W TO W R/W LINE OF PLYMOUTH SORRENTO RD ALSO BEING POB TH S00-05-41W 157.14 FT TO PT ON CURV CONCV NWLY HAVING A RAD OF 25 FT A CHORD BEARING OF S44-13-30W A CENTRAL ANGLE OF 88-15-38 & AN ARC DIST OF 38.51 FT TH S88-21-18W 32.79 FT TH N33-28-09E 38.20 FT TH N00-05-41E 150.18 FT TO PT OF AFORESAID S LINE OF N 100 FT SE1/4 OF SE1/4 OF SE1/4 OF SE1/4 TH N88-26-25E 36.02 FT TO POB)

Containing 0.56 +/- acres
Parcel No. 12-20-27-0000-00-027

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

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

ORDINANCE NO. 2596
PAGE 2

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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

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

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017; September 9, 2017

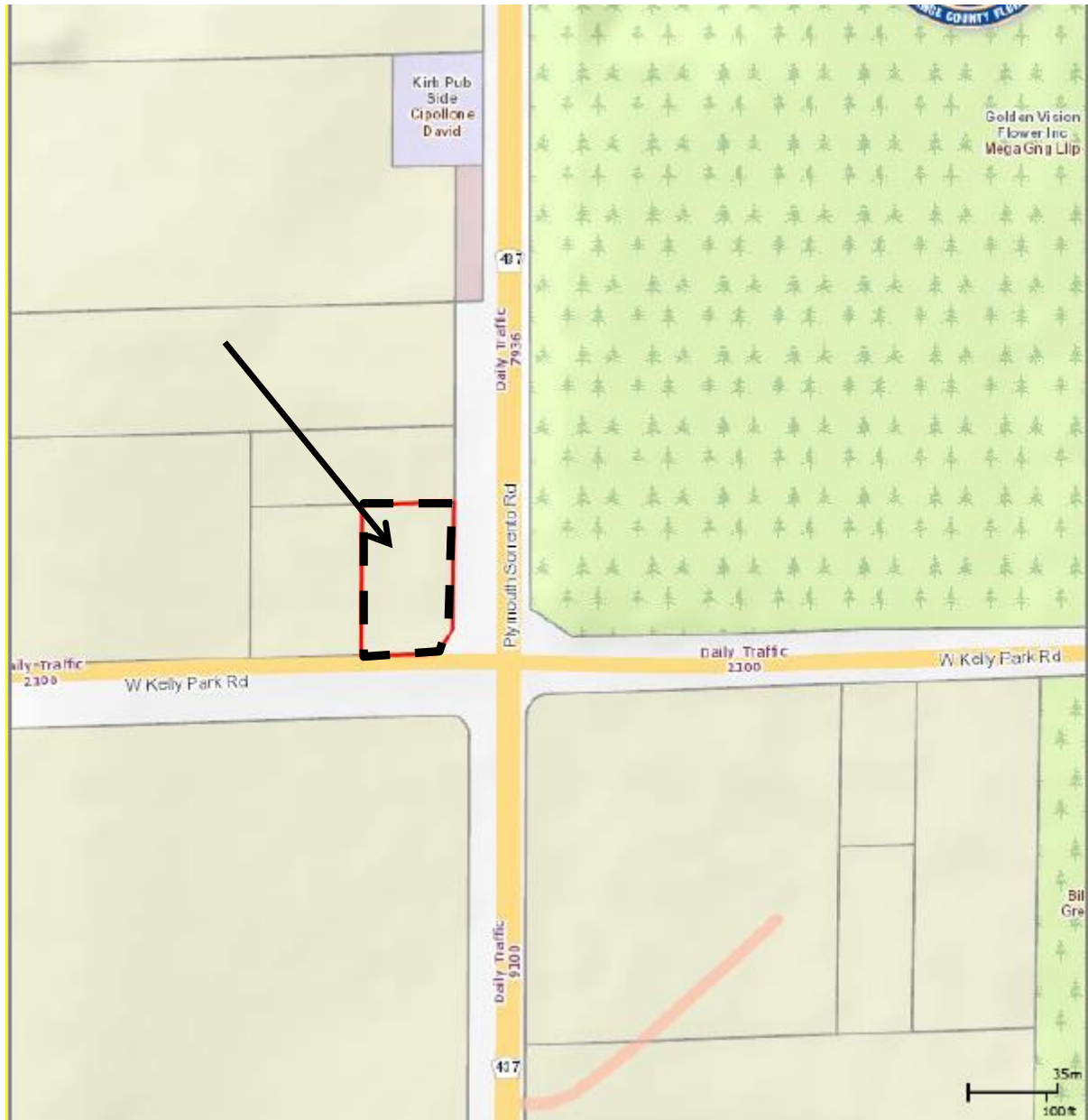


ANNEXATION
Michael Tyszko

Exhibit "A"

Parcel ID: 12-20-27-0000-00-027

Total Acres: 0.56 +/-



Backup material for agenda item:

12. Ordinance No. 2597 – Second Reading – Annex. – 3013 W. Kelly Park Road – Legislative Moon

David



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinance

MEETING OF: September 20, 2017
 FROM: Community Development
 EXHIBITS: Exhibit "A" – Summary
 Ordinance No. 2597
 Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 3

REQUEST: SECOND READING OF ORDINANCE NO. 2597 – MICHAEL AND CAROL ANN MCKERNAN

SUMMARY:

OWNER: Michael and Carol Ann McKernan
 LOCATION: 3013 W Kelly Park Rd
 LAND USE: Refer to Exhibit "A".
 EXISTING USE: Refer to Exhibit "A"
 TRACT SIZE: 0.69 +/- acres

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on July 18, 2017 and August 15, 2017.

DULY ADVERTISED:

August 25, 2017
 September 8, 2017
 September 29, 2017

PUBLIC HEARING SCHEDULE:

September 6, 2017 (1:30 pm) - City Council 1st Reading
 September 20, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Michael and Carol Ann McKernan.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2597, and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2597.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 3

TOTAL ACRES: 27.79

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2593	1	Loomis Funeral Homes	423, 425 & 431 West Station Street	09-21-28-7544-02-450 09-21-28-7544-02-471 09-21-28-7544-02-490	0.41	Vacant	COMMERCIAL MAX 3.0 FAR
2594	2	Curtis & Karen Pumphrey	251 West Lester Road	28-20-28-0000-00-084	5.21	Warehouse	LOW DENSITY RESIDENTIAL 4DU/ACRE
2595	3	A.D. Raulerson A.D. Raulerson, Jr.	213 West Lester Road 2122 Rock Springs Road	28-20-28-0000-00-040 28-20-28-0000-00-077	20.29	Vacant Nursery	LOW DENSITY RESIDENTIAL 4DU/ACRE
2596	4	Michael Tyszko	3001 West Kelly Park Road	12-20-27-0000-00-027	0.56	Single-Family Residence	RURAL 1 DU/10 AC
2597	5	Michael J. McKernan Carolann McKernan	3013 West Kelly Park Road	12-20-27-0000-00-056	0.69	Single-Family Residence	RURAL 1 DU/10 AC
2598	6	Gracie J. Gillis Glenda M. Griffen Trudy R. Maer Rodney N. Gillis	5012 Plymouth Sorrento Road	12-20-27-0000-00-054	0.63	Manufactured Home	RURAL 1 DU/10 AC

ORDINANCE NO. 2597

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY MICHAEL AND CAROL ANN MCKERNAN; LOCATED AT 3013 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Michael And Carol Ann McKernan, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 3013 West Kelly Park Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **0.69 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

S 189.2 FT OF E 50 FT OF W 150 FT OF SE1/4 OF SE1/4 OF SE1/4 OF SE1/4 AS MEAS N FROM RD R/W & S 189.20 T OF W 100 FT OF SE1/4 OF SE1/4 OF SE1/4 OF SE1/4 AS MEAS N FROM RD R/W ALL IN SEC 12-20-27

Containing 0.69 +/- acres
Parcel No. 12-20-27-0000-00-056

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

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

ORDINANCE NO. 2597
PAGE 2

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

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

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

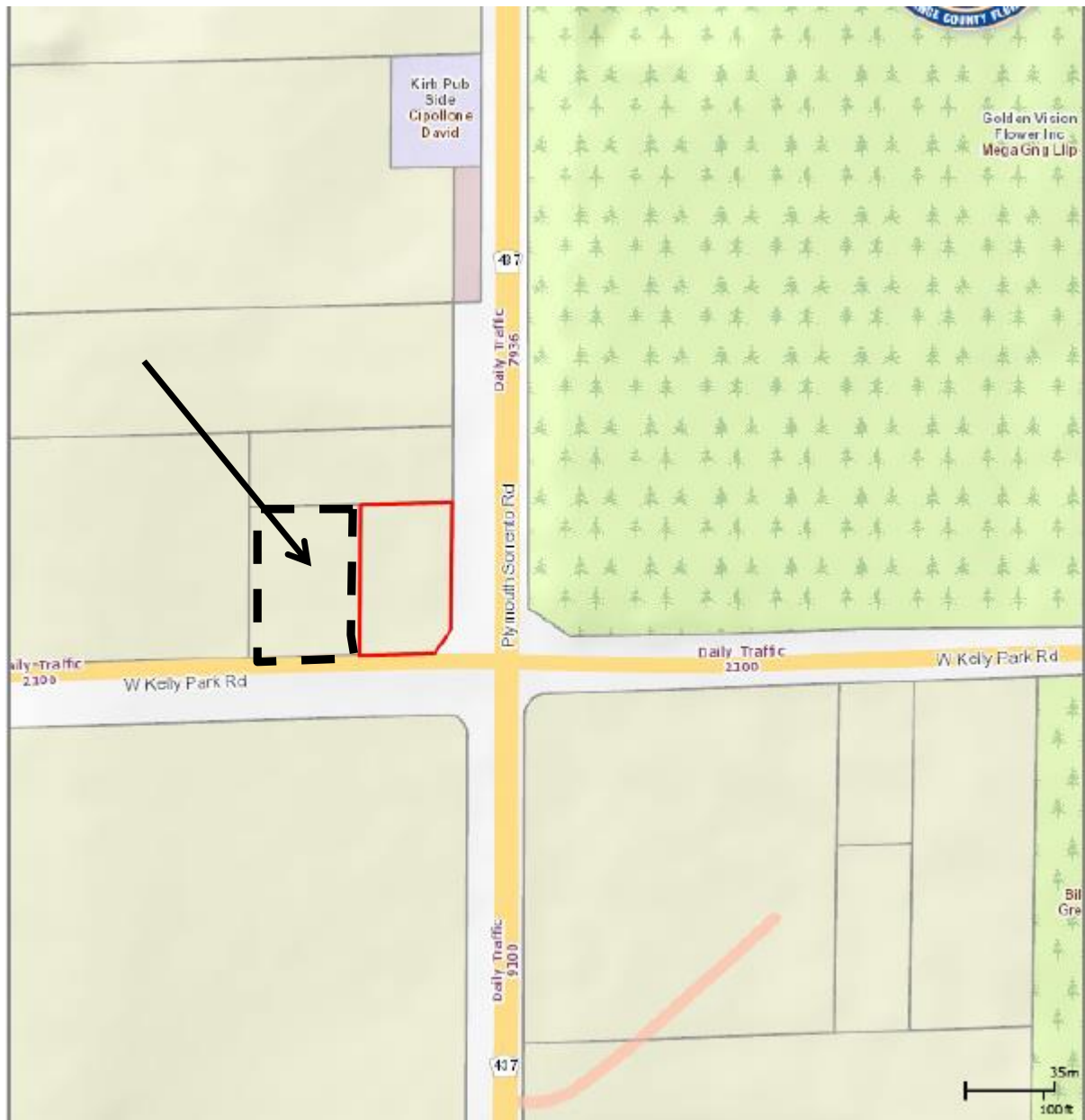
DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017; September 9, 2017



ANNEXATION
Michael and Carol Ann McKernan

Exhibit "A"
Parcel ID: 12-20-27-0000-00-056

Total Acres: 0.69 +/-



Backup material for agenda item:

13. Ordinance No. 2598 – Second Reading – Annex. – 5012 Plymouth Sorrento Road – Legislative
David Moon



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinance

MEETING OF: September 20, 2017
 FROM: Community Development
 EXHIBITS: Exhibit "A" – Summary
 Ordinance No. 2598
 Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 3

REQUEST: SECOND READING OF ORDINANCE NO. 2598 – GRACIE J. GILLIS, GLENDA M. GRIFFEN, TRUDY R. MAER, RODNEY N. GILLIS

SUMMARY:

OWNER: Gracie J. Gillis, Glenda M. Griffen, Trudy R. Maer, Rodney N. Gillis

LOCATION: 5012 Plymouth Sorrento Road

LAND USE: Refer to Exhibit "A".

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 0.63 +/- acres

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on July 18, 2017 and August 15, 2017.

DULY ADVERTISED:

August 25, 2017
 September 8, 2017
 September 29, 2017

PUBLIC HEARING SCHEDULE:

September 6, 2017 (1:30 pm) - City Council 1st Reading
 September 20, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Gracie J. Gillis, Glenda M. Griffen, Trudy R. Maer, Rodney N. Gillis.

The **City Council**, at its meeting on September 6, 2017, accepted the First Reading of Ordinance No. 2598, and held it over for Second Reading and Adoption on September 20, 2017.

Adopt Ordinance No. 2598.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 3

TOTAL ACRES: 27.79

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2593	1	Loomis Funeral Homes	423, 425 & 431 West Station Street	09-21-28-7544-02-450 09-21-28-7544-02-471 09-21-28-7544-02-490	0.41	Vacant	COMMERCIAL MAX 3.0 FAR
2594	2	Curtis & Karen Pumphrey	251 West Lester Road	28-20-28-0000-00-084	5.21	Warehouse	LOW DENSITY RESIDENTIAL 4DU/ACRE
2595	3	A.D. Raulerson A.D. Raulerson, Jr.	213 West Lester Road 2122 Rock Springs Road	28-20-28-0000-00-040 28-20-28-0000-00-077	20.29	Vacant Nursery	LOW DENSITY RESIDENTIAL 4DU/ACRE
2596	4	Michael Tyszko	3001 West Kelly Park Road	12-20-27-0000-00-027	0.56	Single-Family Residence	RURAL 1 DU/10 AC
2597	5	Michael J. McKernan Carolann McKernan	3013 West Kelly Park Road	12-20-27-0000-00-056	0.69	Single-Family Residence	RURAL 1 DU/10 AC
2598	6	Gracie J. Gillis Glenda M. Griffen Trudy R. Maer Rodney N. Gillis	5012 Plymouth Sorrento Road	12-20-27-0000-00-054	0.63	Manufactured Home	RURAL 1 DU/10 AC

ORDINANCE NO. 2598

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 GRACIE J. GILLIS, GLENDA M. GRIFFEN, TRUDY R. MAER, RODNEY N. GILLIS; LOCATED AT 5012 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Gracie J. Gillis, Glenda M. Griffen, Trudy R. Maer, Rodney N. Gillis, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 5012 Plymouth Sorrento Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **0.63 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

N 100 FT OF SE1/4 OF SE1/4 OF SE1/4 OF SE1/4 OF SEC 12-20-27 (LESS RD R/W ON E) & (LESS COMM AT SE COR OF SE1/4 RUN N00-09-57E 231.24 FT TH S88-26-25W TO W R/W LINE OF PLYMOUTH SORRENTO RD ALSO BEING POB TH CONT S88-26-25W 36.02 FT TH N00-05-41E 100.3 FT TO PT ON N LINE OF SE1/4 OF SE1/4 OF SE1/4 OF SE1/4 TH N88-26-25E 36.02 FT TO W R/W LINE OF PLYMOUTH SORRENTO RD TH S00-05-41W 100.3 FT TO POB)

Containing 0.63 +/- acres
Parcel No. 12-20-27-0000-00-054

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

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

ORDINANCE NO. 2598
PAGE 2

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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

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

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: September 6, 2017

READ SECOND TIME
AND ADOPTED: September 20, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017; September 9, 2017



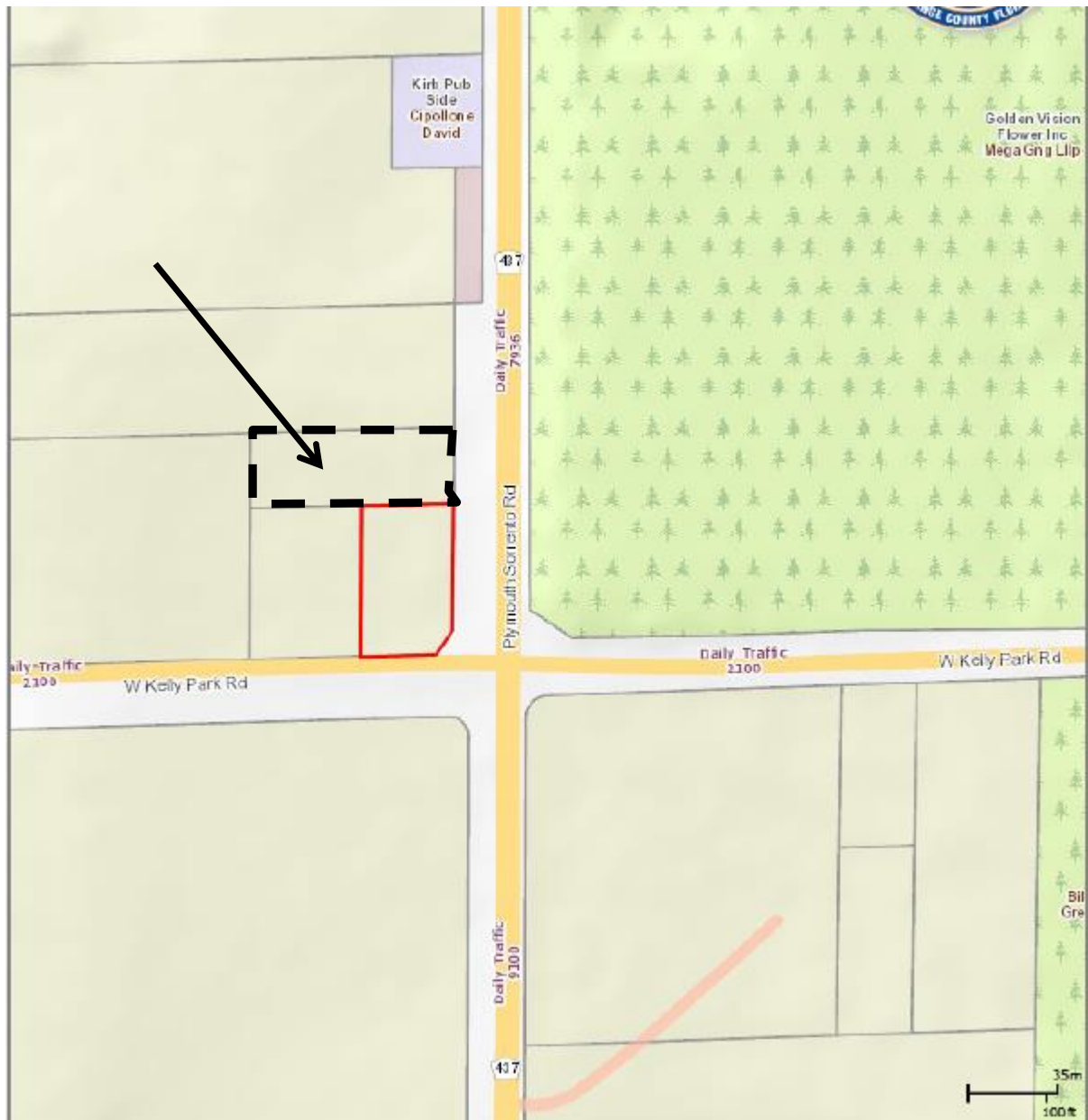
ANNEXATION

**Gracie J. Gillis, Glenda M. Griffen, Trudy R. Maer,
Rodney N. Gillis, property owners**

Exhibit "A"

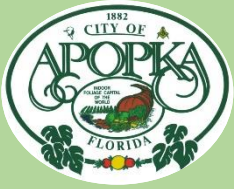
Parcel ID: 12-20-27-0000-00-054

Total Acres: 0.63 +/-



Backup material for agenda item:

14. Ordinance No. 2590 – First Reading – Large Scale – Future Land Use Amendment – Horne Trust – Legislative
David Moon



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: September 20, 2017
 FROM: Community Development
 EXHIBITS: Land Use Report
 Vicinity Map
 Adjacent Zoning Map
 Adjacent Uses Map
 WPIVP¹ Map
 APIVP Characteristics
 Comp Plan Objectives
 JPA Amendment No. 2

SUBJECT: ORDINANCE NO. 2590 - COMPREHENSIVE PLAN – LARGE SCALE - FUTURE LAND USE AMENDMENT – JD AND KATHLEEN L. HORNE TRUST

REQUEST: ORDINANCE NO. 2590 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – JD AND KATHLEEN L HORNE TRUST TO MIXED USE INTERCHANGE; AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

SUMMARY:

OWNER: JD and Kathleen L Horne Trust

APPLICANT: Randy Hollihan, Brandon Partners

LOCATION: Southeast corner of Plymouth-Sorrento Road and West Kelly Park Road

PARCEL ID NUMBER: 13-20-27-0000-00-008

EXISTING USE: Vacant\Single Family Home

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED DEVELOPMENT: Commercial

PROPOSED ZONING: Kelly Park Interchange Mixed Use with a Village Center Overlay District

TRACT SIZE: 18.13 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 36 Residential Units
 PROPOSED: Min 7.5 u/a Max 25 u/a (453 d/u) or 1.0 FAR (789,742 sq. ft.)

FUNDING SOURCE: N/A

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

¹ WPIVP – Wekiva Parkway Interchange Vision Plan

ADDITIONAL COMMENTS: Presently, the subject property does not have a “city” future land use designation or “city” zoning classification assigned. The applicant requests a future land use designation of “city” Mixed Use Interchange. Presently, the applicant proposes a commercial retail center that includes a grocery store.

Policy 20.9, Future Land Use Element of the Comprehensive Plan, requires that a Mixed Use Interchange future land use designation must be assigned to the property.

The subject property is adjacent to the future Wekiva Parkway and the Wekiva Parkway/Kelly Park Road interchange, and is located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation.

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

Future Land Use Element

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

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

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

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

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

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

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

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

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

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

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

Transportation Element

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

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

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

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

SCHOOL CAPACITY REPORT: If residential development is proposed through a zoning or development application, an executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before public hearing or advisory board. The City properly notified Orange County on August 15, 2017. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County

government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

PUBLIC HEARING SCHEDULE:

September 12, 2017 – Planning Commission (5:30 pm)
September 20, 2017 – City Council (7:00 pm) - 1st Reading & Transmittal

DULY ADVERTISED:

August 25, 2017 – Public Notice and Notification
TBD – Ordinance Heading & Public Notice ¼ Page Ad w/Map

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval to transmit a change in Future Land Use to Mixed Use Interchange for the property owned by JD and Kathleen L Horne Trust, subject to the information and findings in the staff report.

Planning Commission: A public hearing was duly advertised for a September 12, 2017. However, impacts received to the Apopka area by Hurricane Irma resulted in an inability for several members of the Planning Commission to attend, resulting in a lack of a quorum. To protect the development rights of the applicant and property owner, planning staff recommends that City Council proceed with a public hearing on September 20, 2017 – which has already been properly noticed – to transmit at first reading to the Florida Department of Economic Opportunity. A Planning Commission hearing will be rescheduled for October 10, 2017, and their recommendation will be forwarded to State agencies the following day. State agencies will receive the Planning Commission recommendation prior to their mandatory deadline to provide the City with any objections or comments. City Council will receive the Planning Commission recommendation prior to the adoption hearing.

City Council: Accept the First Reading of Ordinance No. 2590; require a recommendation from the Apopka Planning Commission prior to the second City Council hearing; and authorize transmittal to the Florida Department of Economic Opportunity.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	County	A-1 and A-2	Horticultural nursery and single family homes
East (City)	Rural (0-1 du/10 ac)	A-1 (ZIP)	Single-family residential
South (County)	Rural	“County” A-1	Horticulture nursery (Peng Nursery)
West (County)	Rural	A-1 (ZIP)	S.R. 429 Tollway

The property has access from West Kelly Park Road and Plymouth-Sorrento Road.

II. LAND USE ANALYSIS

Analysis for the Future Land Use Designation was performed as part of the adopted Wekiva Parkway Interchange Vision Plan. This Vision Plan has been incorporated into the Comprehensive Plan.

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

Wekiva River Protection Area: No
 Area of Critical State Concern: No
 DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004 and amended the JPA in October 19, 2010 to address the Wekiva Parkway Interchange Vision Plan. The subject property is consistent with the Vision Plan incorporated into Amendment 2 of the Wekiva Parkway Interchange Vision Plan.

Transportation: Road access to the site is from Kelly Park Road to the north and Plymouth-Sorrento Road to the east. In addition, the subject propriety abuts S.R. 429 interchange at Kelly Park Road, providing limited access highway access to and from the properties.

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

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

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are karst features in the vicinity of this property.

Analysis of the character of the Property: The current use of the property is vacant. Analysis of the FLUM designation occurred as part of the Wekiva Parkway Interchange Vision Plan.

Analysis of the relationship of the amendment to the population projections: Based on the adop

population by as many as 1,205 people if developed as residential. The applicant proposes to develop the property as commercial retail. Land use analysis was conducted as part of the Wekiva Parkway Interchange Vision Plan.

CALCULATIONS:

ADOPTED: N/A x 2.659 p/h = N/A

PROPOSED: 453x 2.659 p/h = 1,205 persons

Housing Needs: This amendment is to change the future land use to a future land use designation that permits residential uses, and will increase the number of available housing units in the City of Apopka.

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

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPCD; 81 GPD

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

2. Projected total demand under existing designation: 101,528 GPD

3. Projected total demand under proposed designation: 212,218 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 81 GPD/Capita

6. Projected LOS under proposed designation: 81 GPD/Capita

7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 177 GPCD; 177 GPD

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

2. Projected total demand under existing designation: 108,780 GPD

3. Projected total demand under proposed designation: 265,709 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 177 GPCD
6. Projected LOS under proposed designation: 177 GPCD
7. Improved/expansions already programmed or needed as a result of the proposed amendment:
None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site:
2. Projected LOS under existing designation: 100 year - 24 hour design storm event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.
4. Improvement/expansion: On-site retention/detention pond

Recreation

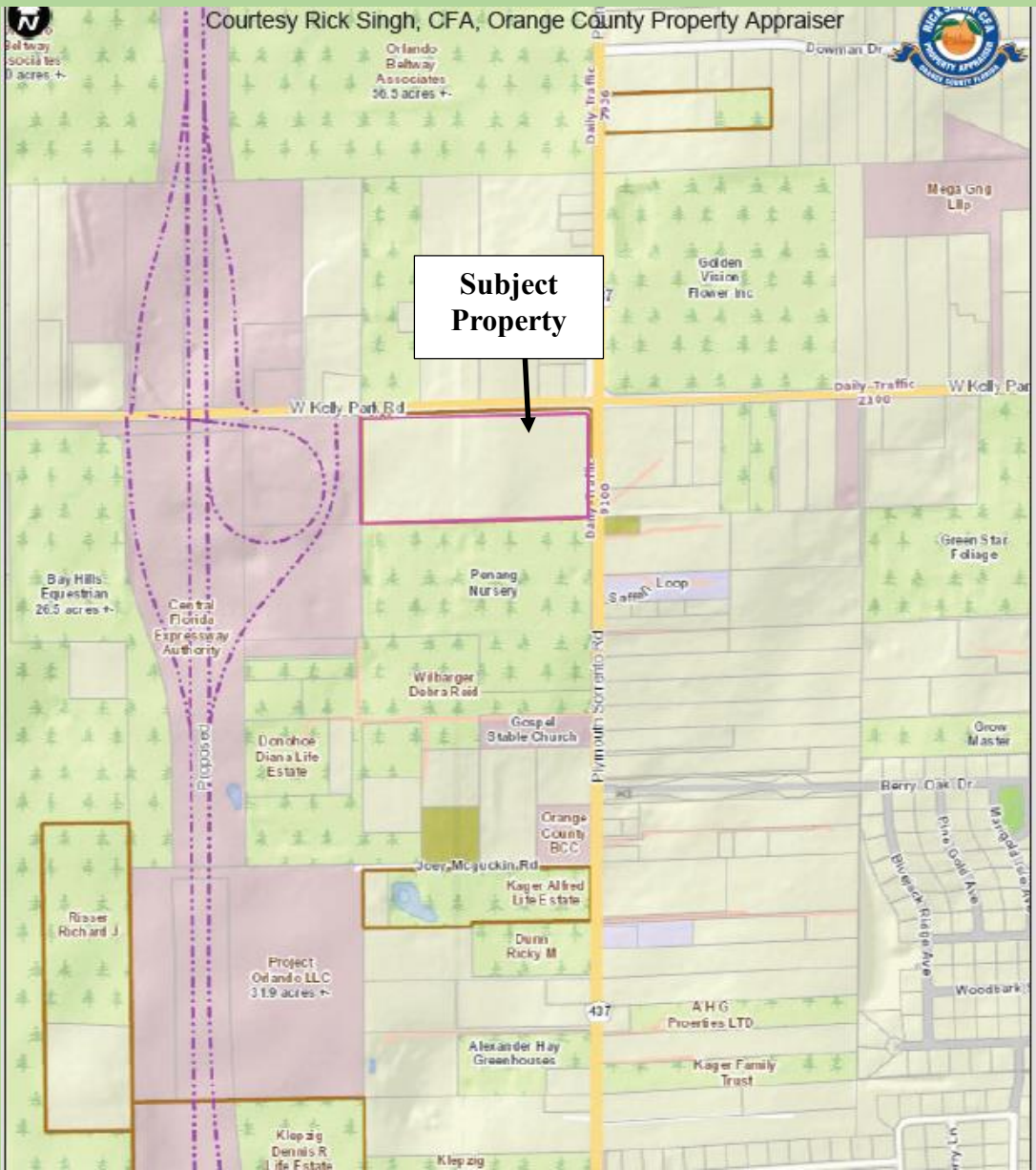
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 4.131 AC
3. Projected facility under proposed designation: 2.679 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None.

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

**JD and Kathleen L Horne Trust
Property Owner
18.13 +/- Acres
Proposed Large Scale Future Land Use Amendment:
From: No City FLUM assigned
To: Mixed Use Interchange
Parcel ID #: 13-20-27-0000-00-008**

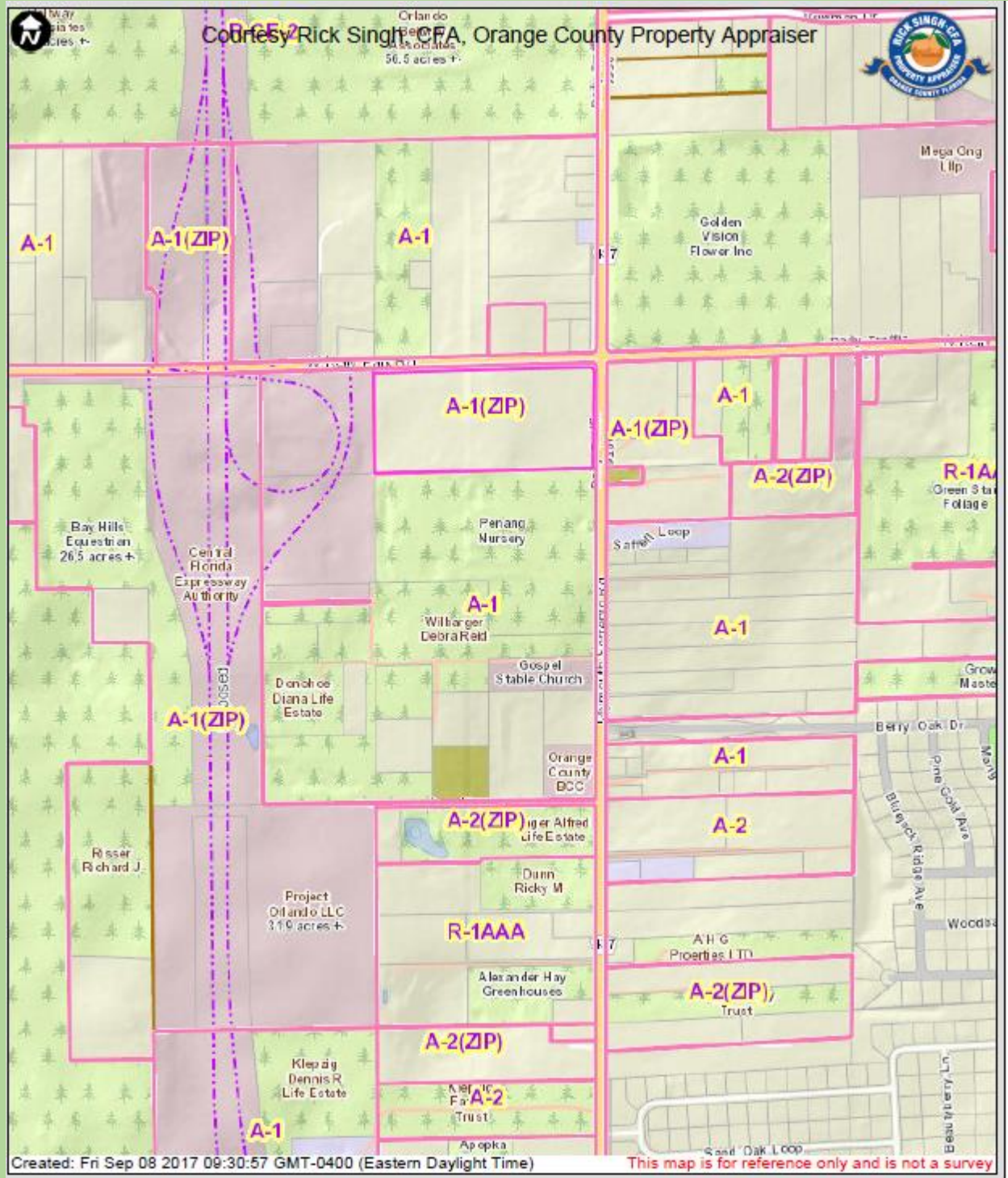


VICINITY MAP





ADJACENT ZONING

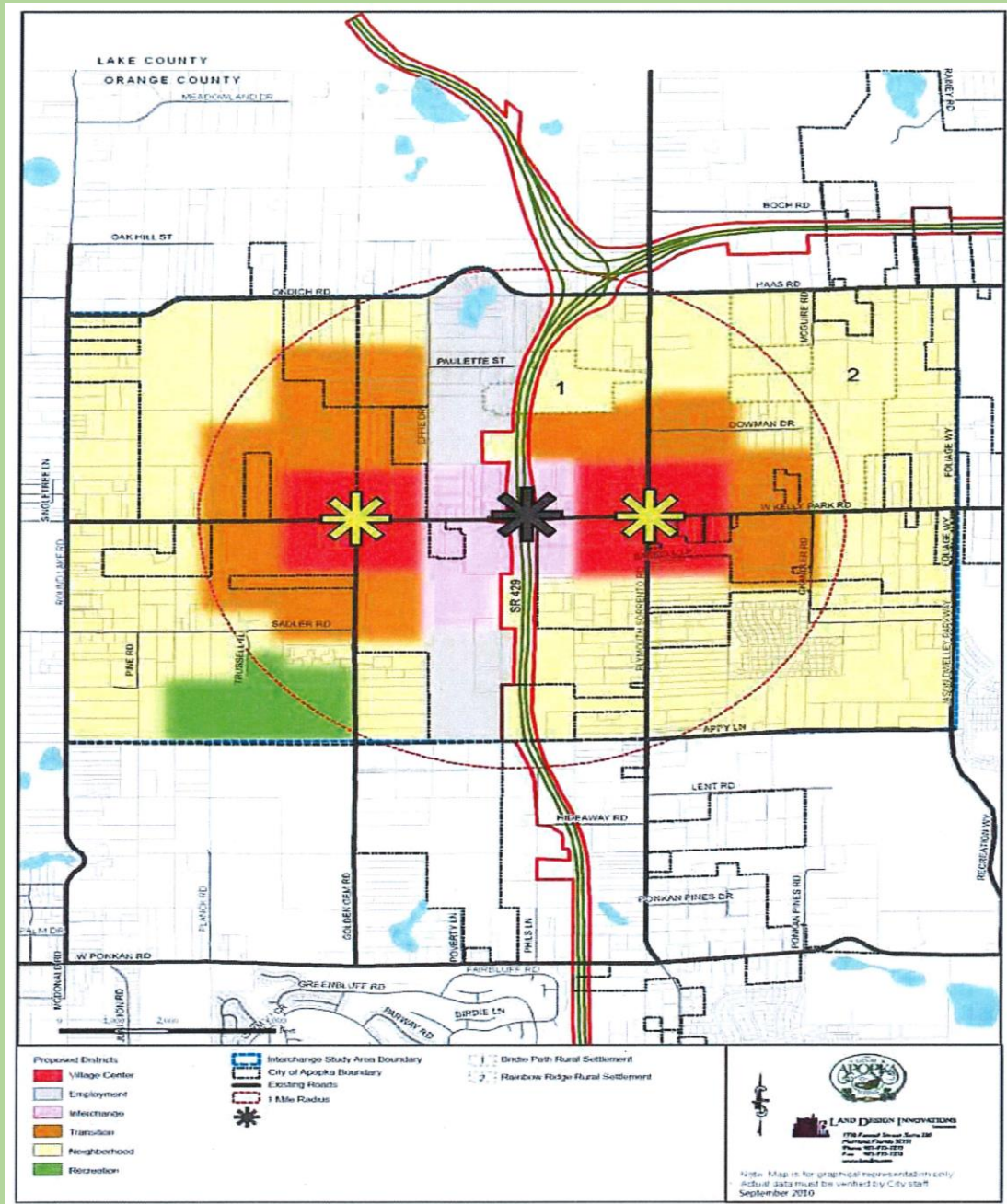


ADJACENT USES





Kelly Park Crossing Form-Based Code Area



ORDINANCE NO. 2590

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 TO MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROAD 429 AND SOUTH OF WEST KELLY PARK ROAD COMPRISING 18.13 ACRES, MORE OR LESS AND OWNED BY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka, Florida, on October 2, 1991 adopted Ordinance No. 653 which adopted the Comprehensive Plan for the City of Apopka; and

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2560; and

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

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

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

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

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

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

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

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

ORDINANCE NO. 2590
PAGE 2

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
____ day of _____, 2017.

READ FIRST TIME: September 20, 2017

READ SECOND TIME
AND ADOPTED: _____

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017

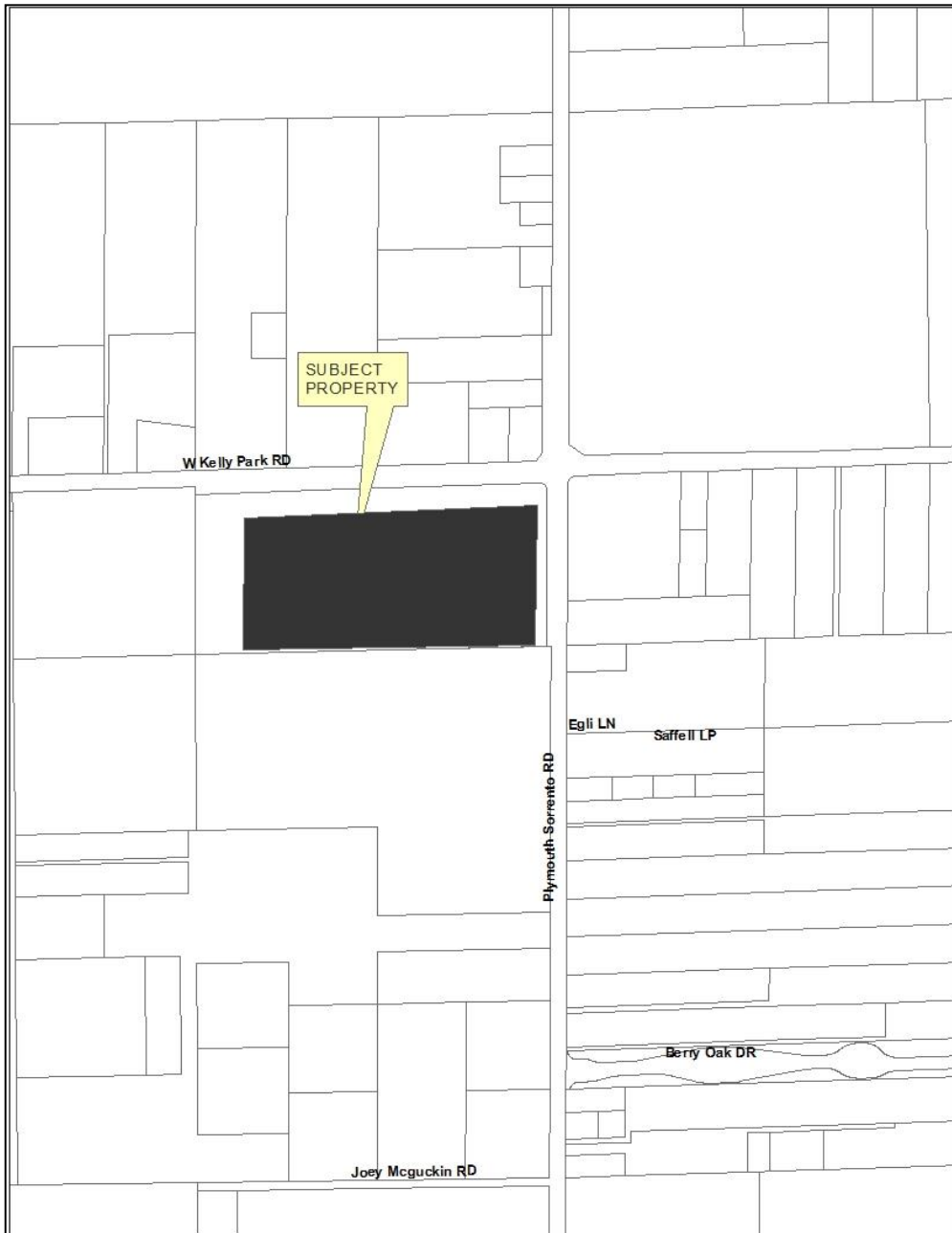


EXHIBIT "A"

**JD And Kathleen L. Horne Trust, Property Owner
Proposed Large Scale Future Land Use Amendment:
From: Industrial To: Mixed Use Interchange
Parcel ID #s: 13-20-27-0000-00-008**

Legal Description:

**N1/2 OF NE1/4 OF NE1/4 SEC 13-20-27 (LESS RD R/W PER 10756/6799) SEE 6553/5605
(18.13 +/- acres)**



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

E. Public Schools

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

IV. Community Involvement

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

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

V. Wekiva Parkway Interchange Vision Plan

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

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

A. Land Use Vision

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

¹ Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area

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

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

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

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

1. Village Center (residential and commercial mix)

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

2. Edge Employment(employment uses)

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

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

3. Interchange (highway-dependent uses)

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

4. Transitional (office, medium density residential uses)

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

5. Neighborhood (residential)

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

6. Recreation and Institutional

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

B. Vision Plan Holding Capacity

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

Table 3: Vision Plan Holding Capacity

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

Note: Acreages and yields are approximations only.

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

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

Objective 18

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

Policy 18.1

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

Policy 18.2

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

Open Space

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

Clustering:

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

Transfer of Development Rights (TDR):

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

Form-Based Regulations:

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

Policy 18.3

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

Policy 18.4

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

Policy 18.5

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

Policy 18.6

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

Policy 18.7

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

Policy 18.8

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

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

Policy 18.9

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

Objective 19

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

Policy 19.1

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

Policy 19.2

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

Policy 19.3

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

Objective 20

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

Policy 20.1

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

Policy 20.2

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

Policy 20.3

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

Policy 20.4

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

Policy 20.5

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

Policy 20.6

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

Policy 20.7

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

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

Policy 20.8

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

Policy 20.9

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

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

Policy 20.10

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

Table 20.10: Wekiva Parkway Interchange Character District Standards

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

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

* Calculated based on the entire vision plan area acreage.

Policy 20.11

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

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

Policy 20.12

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

Policy 20.13

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

Policy 20.14

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

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

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

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

Policy 20.15

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

Policy 20.16

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

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

Policy 20.17

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

Policy 20.18

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

Policy 20.19

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

Policy 20.20

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

Policy 20.21

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

Policy 20.22

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

Policy 20.23

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

Policy 20.24

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

Policy 20.25

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

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

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

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

Policy 20.26

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

Policy 20.27

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

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

Policy 20.28

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

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

Policy 20.29

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

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

Policy 20.30

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

Policy 20.31

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

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

Revised 9-7-10

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

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

RECITALS

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

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

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

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

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

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

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

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

WHEREAS, both the County and the City desire to amend the existing JPA to ensure consistency between the JPA and the Interlocal Agreement for the area described as the Study Area Boundary; and

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

NOW THEREFORE, in consideration of the covenants made by each party to the other and of the mutual advantages to be realized by the parties hereto, the receipt and sufficiency of which is hereby acknowledged, the County and the City hereby agree as follows:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by reference.

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

Section 3. Map Amendment.

“Exhibit F” to the JPA is hereby deleted and replaced with a new “Exhibit F”, which is attached hereto and incorporated herein by reference. For purposes of interpreting the JPA, the parties agree that the area described in “Exhibit F” is unaffected by this amendment except as to the Study Area Boundary, which is described in “Exhibit F1” hereto and the Interlocal Agreement.

“Exhibit F1”, is attached hereto and incorporated herein by reference, and describes the future land uses of those parcels located within the Study Area Boundary and agreed upon by the City and the County and is typified in Exhibit B to the Interlocal Agreement. The parties agree that, as to the parcels located in the Study Area Boundary, to the extent of any conflict between the JPA and the Interlocal Agreement, the Interlocal Agreement will control and shall supersede the JPA unless otherwise indicated in the Interlocal Agreement. (Exhibit “F1” hereto and Exhibit “B” to the Interlocal Agreement are identical exhibits.)

Section 4. Text Amendment. A new paragraph (4) is added to Subsection (c), "Small Area Study Areas" of Section 3, Joint Land Use Plan, to read as follows:

(4) Pursuant to the Interlocal Agreement approved by the parties the parties agree that, as to the parcels located in the Study Area Boundary and as described in "Exhibit F1" to the JPA, the terms of the Interlocal Agreement will control and that the Interlocal Agreement supersedes the JPA to the extent of any conflict between the Interlocal Agreement and the JPA, unless otherwise indicated in the Interlocal Agreement.

Section 5. Except as expressly set forth herein, all other provisions of the JPA, as amended, remain unchanged and in full force and effect.

Section 6. Severability. Should any section, subsection, sentence, clause, phrase or provision of this Amendment is held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Amendment invalid or unconstitutional.

Section 7. Effective Date. This Second Amendment to the JPA shall become effective upon the date of approval by the Board of County Commissioners or the date of approval by the City Council, whichever date is later.

IN WITNESS WHEREOF, the County and City have executed this Second Amendment to the JPA on the dates inscribed below.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Richard T. Crotty*
Richard T. Crotty
Orange County Mayor

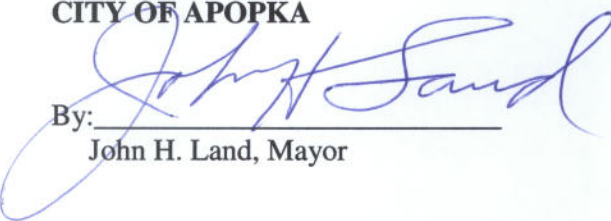
DATE: OCT 19 2010

ATTEST: Martha O. Haynie, County Comptroller
as Clerk of Board of County Commissioners


By: *Martha O. Haynie*
Deputy Clerk

Revised 9-7-10

CITY OF APOPKA


By: _____
John H. Land, Mayor

ATTEST: Janice G. Goebel
City Clerk

By: 
Date: 9-17-10

S:\Dcrosby\AGRMNT\Apopka\2d amend Apopka JPA D4

Exhibit 'F'

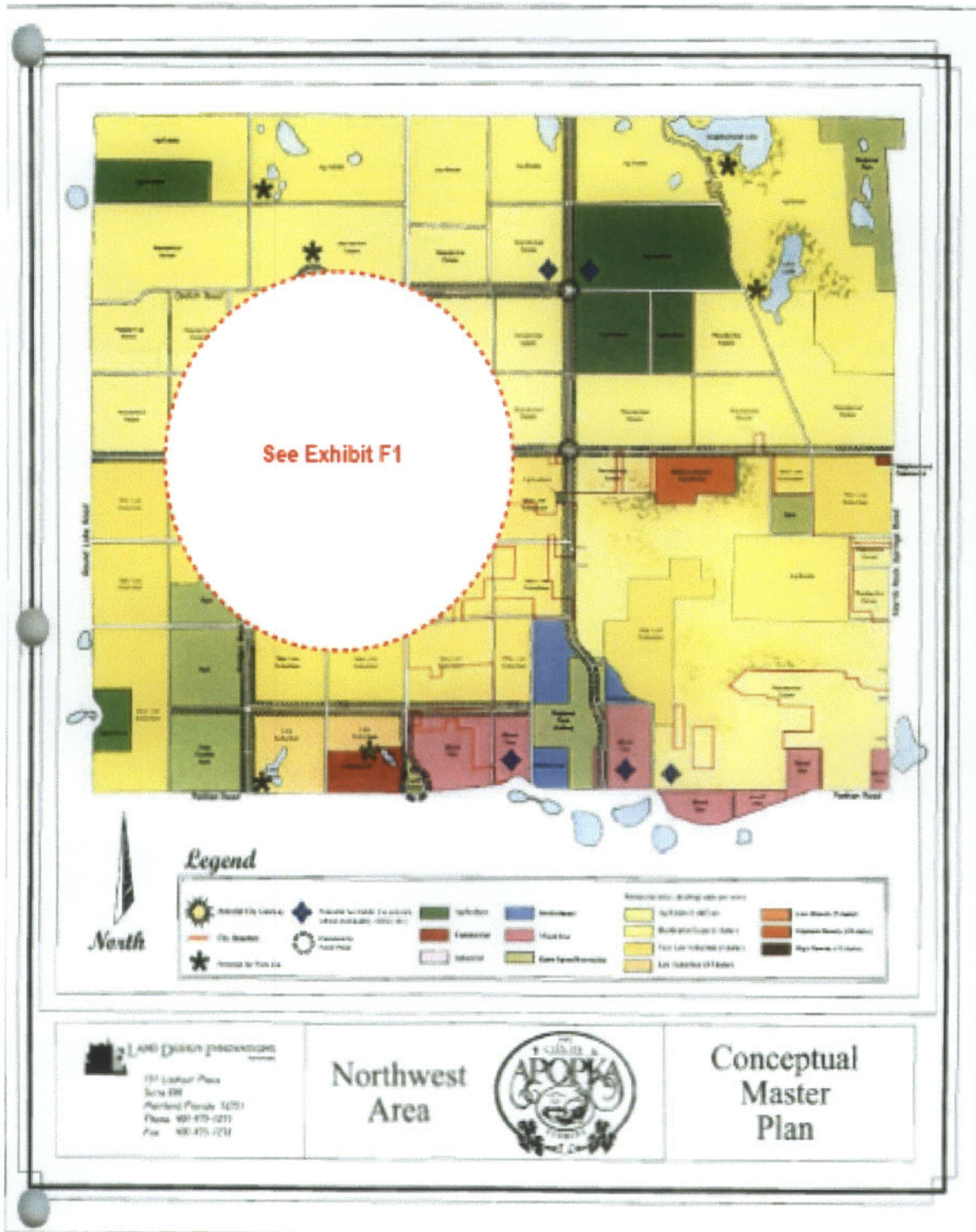
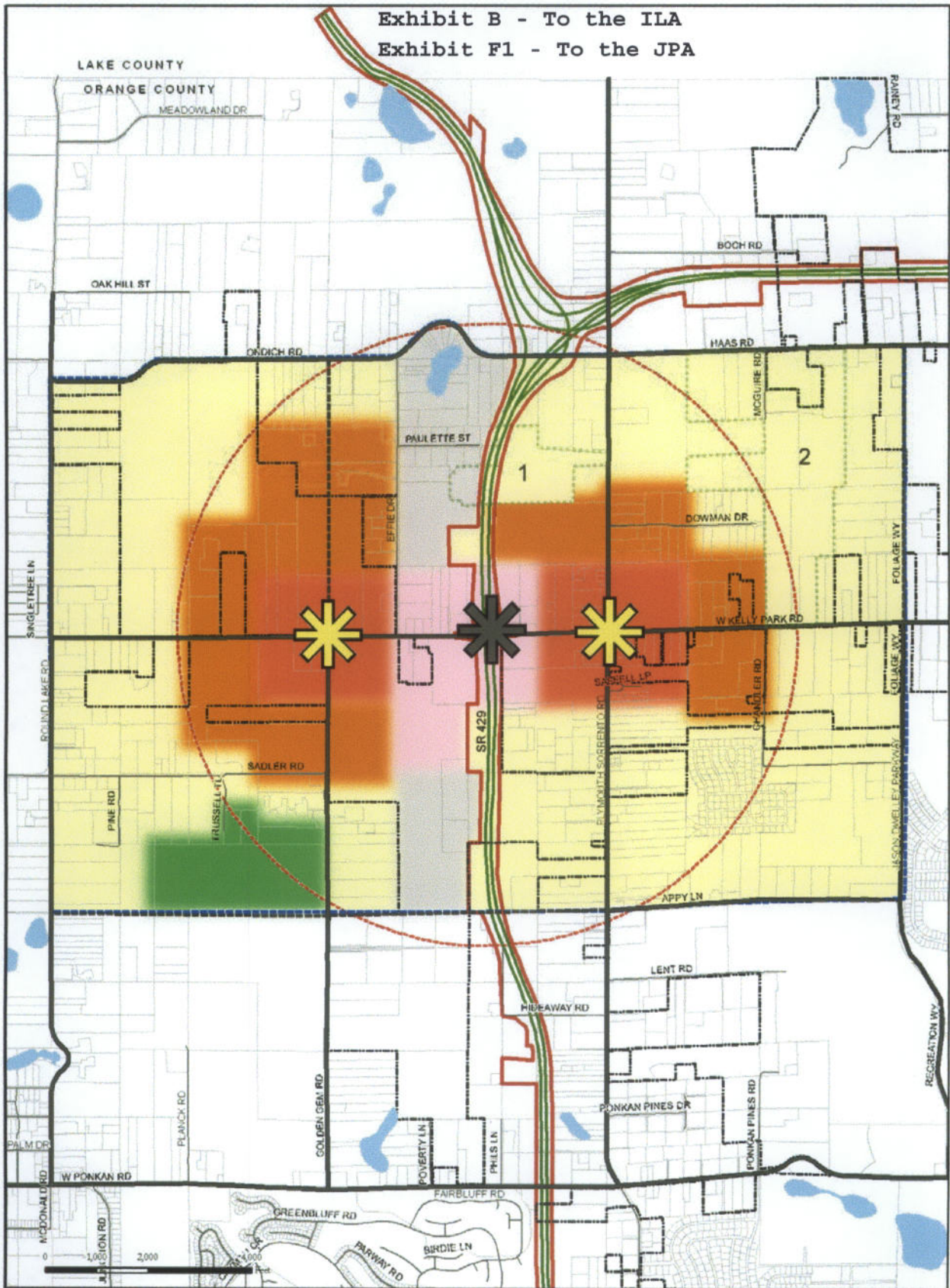


Exhibit B - To the ILA
 Exhibit F1 - To the JPA



<p>Proposed Districts</p> <ul style="list-style-type: none"> Village Center Employment Interchange Transition Neighborhood Recreation 	<ul style="list-style-type: none"> Interchange Study Area Boundary City of Apopka Boundary Existing Roads 1 Mile Radius * 	<ul style="list-style-type: none"> 1 2 <p>Bridle Path Rural Settlement Rainbow Ridge Rural Settlement</p>
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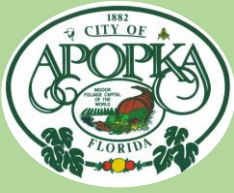
LAND DESIGN INNOVATIONS
INCORPORATED

1718 Fernald Street, Suite 100
 Apopka, Florida 32711
 Phone: 407-923-1212
 Fax: 407-923-1218
www.landi.com

Note: Map is for graphical representation only
 Actual data must be verified by City staff
 September 2010

Backup material for agenda item:

15. Ordinance No. 2599 – First Reading – Large Scale – Future Land Use Amendment – Sabbath Grace Fellowship – Legislative David Moon



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: September 20, 2017
 FROM: Community Development
 EXHIBITS: Land Use Report
 Vicinity Map
 Development Boundary Map
 Adjacent Zoning Map
 Adjacent Uses Map
 Existing Uses

SUBJECT: ORDINANCE NO. 2599 - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT– SABBATH GRACE FELLOWSHIP INC.

REQUEST: ORDINANCE NO. 2599 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – SABBATH GRACE FELLOWSHIP INC, FROM INDUSTRIAL TO MIXED USE; AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

SUMMARY:

OWNERS: Sabbath Grace Fellowship, Inc.
 APPLICANT: Royal Oak Homes, Inc.
 LOCATION: South of Johns Road, west of S.R. 451
 PARCEL ID #: 17-21-28-0000-00-014
 EXISTING USE: Vacant
 DEVELOPMENT POTENTIAL: Single family homes
 CURRENT ZONING: I-1 Industrial
 PROPOSED ZONING: Planned Unit Development
 MAXIMUM ALLOWABLE DEVELOPMENT
 EXISTING: Vacant
 PROPOSED: up to 597 du (up to 15 du/ac)* See Additional Comments below.
 Limited to 298 du through a proposed PUD zoning ordinance
 TRACT SIZE: 39.85 +/- acres

FUNDING SOURCE: N/A

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

CITY COUNCIL – SEPTEMBER 20, 2017
SABBATH GRACE FELLOWSHIP – LARGE SCALE FLUM AMENDMENT
PAGE 2

ADDITIONAL COMMENTS: The applicant proposes to combine the Sabbath Grace Fellowship Parcel with two other parcels, one owned by the City of Apopka and the other by James and Deborah Lyda. The proposed development boundary map is provided in the exhibits. Maximum proposed number of single family homes distributed over the three properties is 298 dwelling units.

The proposed Large Scale Future Land Use Amendment is being requested by the applicant, who has a contract with all three above referenced property owners to purchase the properties if entitlements are obtained (Future Land Use and Zoning, etc.). Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies. A request to assign a Future Land Use Designation of Mixed Use is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 39.85 acres.

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Mixed Use designation and the proposed Planned Unit Development zoning if single family development occurs as proposed by the applicant.

SCHOOL CAPACITY REPORT: As residential units for the entire project will not exceed the number of residential units that could yield from the City of Apopka and the Lyda properties, no net increase in residential units will be achieved over the combined three parcels. Therefore, school capacity enhancement determination is not necessary. However, school concurrency will be required at the time of the final development plan (i.e., construction plans and plat)

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on August 15, 2017.

PUBLIC HEARING SCHEDULE:

September 12, 2017 - Planning Commission (5:30 pm) [Quorum was not established; no recommendation]
September 20, 2017 - City Council (7:00 pm) - 1st Reading & Transmittal

DULY ADVERTISED:

August 25, 2017 – Public Notice and Notification
TBD – ¼ Page w/Map Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends transmittal of the change in Future Land Use from Industrial and Mixed Use for the property owned by Sabbath Faith Fellowship Inc.

Planning Commission: A public hearing was duly advertised for a September 12, 2017. However, impacts received to the Apopka area by Hurricane Irma resulted in an inability for several members of the Planning Commission to attend, resulting in a lack of a quorum. To protect the development rights of the applicant and property owner, planning staff recommends that City Council proceed with a public hearing on September 20, 2017 – which has already been properly noticed – to transmit at first reading to the Florida Department of Economic Opportunity. A Planning Commission hearing will be rescheduled for October 10, 2017, and their recommendation will be forwarded to State agencies the following day. State agencies will receive the Planning Commission recommendation prior to their mandatory deadline to provide the City with any objections or comments. City Council will receive the Planning Commission recommendation prior to the adoption hearing.

City Council: Accept the First Reading of Ordinance No. 2599; require a recommendation from the recommendation from the Apopka Planning Commission prior to the second hearing; and authorize transmittal to the Florida Department of Economic Opportunity.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed Use\Industrial	Mixed-EC	Horticulture Nursery
East (City)	S.R. 451 Tollway\Industrial	I-1	S.R. 451 tollway
South (City)	Commercial	C-1	Vacant\wetlands\S.R. 451 stormwater pond
West (City)	Residential Low Density	PUD	Breckenridge Residential Community\ Single Family homes

II. LAND USE ANALYSIS

A change of Future Land Use from Industrial to Mixed Use (Residential) creates more compatibility with the Breckenridge residential community to the west and the Mixed Use assigned to the Lyda property to the north.

Therefore, staff supports the proposed future land use changes.

Other Information:

Wekiva River Protection Area: No
 Area of Critical State Concern: No
 DRI / FQD: No

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 “North Central” of the JPA.

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

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

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The property abuts the Breckenridge residential community to the west and S.R 51 to the east, and Mixed Use FLU designation to the north.

The proposed amendment is consistent with the Comprehensive Plan.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Mixed Use and the zoning Planned Unit Development. No increase in residential Unit will occur based on the combined project boundary encompassing the City of Apopka property, the Lyda property and the Sabbath Grace Fellowship property. Therefore, no additional impacts on school or resident population is anticipated over and above that already planned within the Comprehensive Plan.

CALCULATIONS:

ADOPTED (City designation): 298 single family homes
PROPOSED (City designation): 298 single family homes

Housing Needs: This amendment, particularly if developed as a school site, will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments ten (10) acres or more in size. This site is greater than ten acres. A habitat study will be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the City of Apopka service area for potable water, reclaimed water and sanitary service.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 100 GPD/Capita;
100 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: 300 GPD
3. Projected total demand under proposed designation: 2,550 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 100 GPD/Capita
6. Projected LOS under proposed designation: 5.1 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; 100 GPD/Capita;
100 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: 300 GPD
3. Projected total demand under proposed designation: 2,550 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 100 GPD/Capita
6. Projected LOS under proposed designation: 5.1 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 1.8 lbs./person/day
4. Projected LOS under proposed designation: 4.5 lbs./day/1000 sf
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 9.353 MGD

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

Availability of distribution lines to serve the property: Yes

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

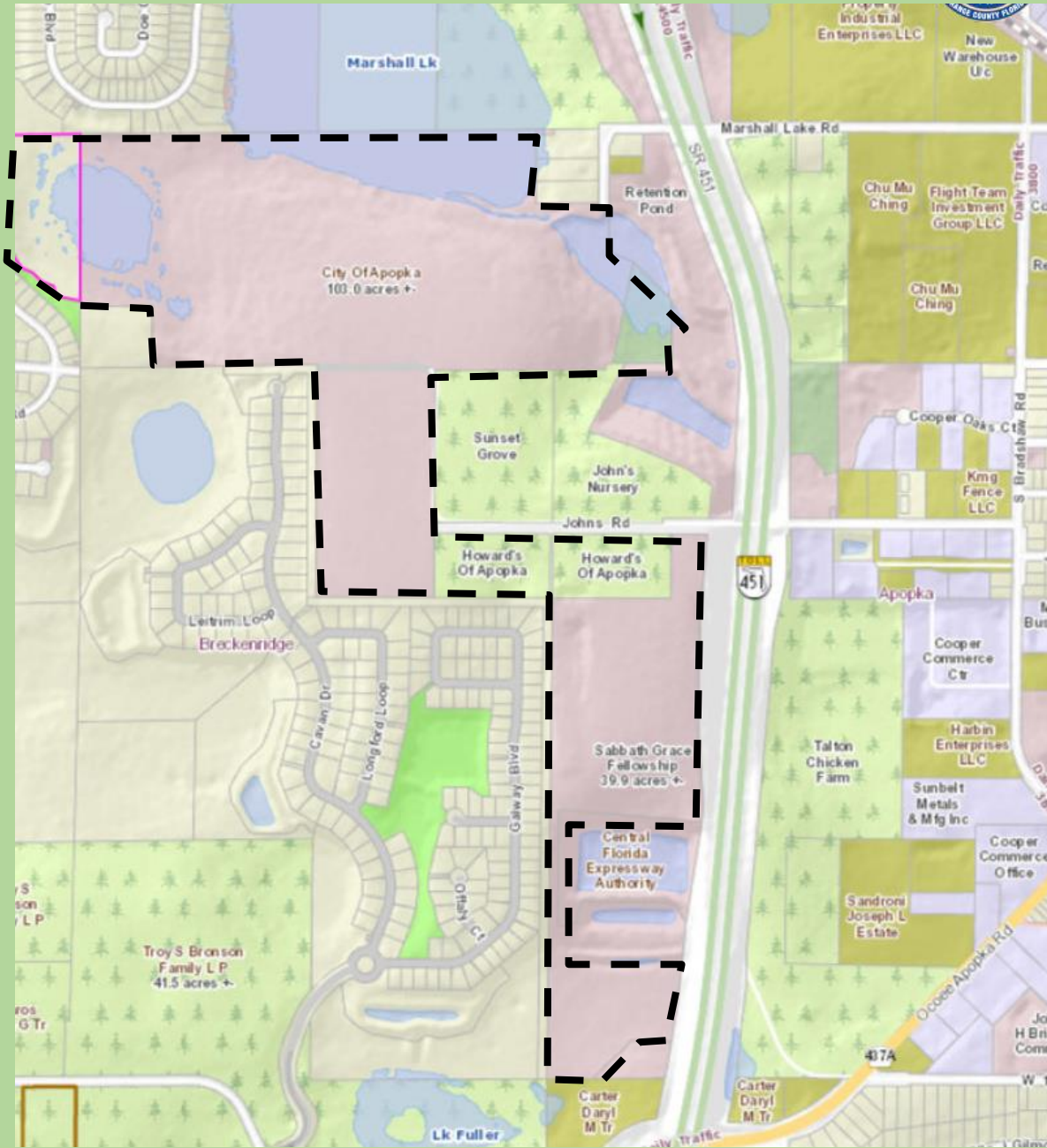
Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 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 - Not applicable.

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

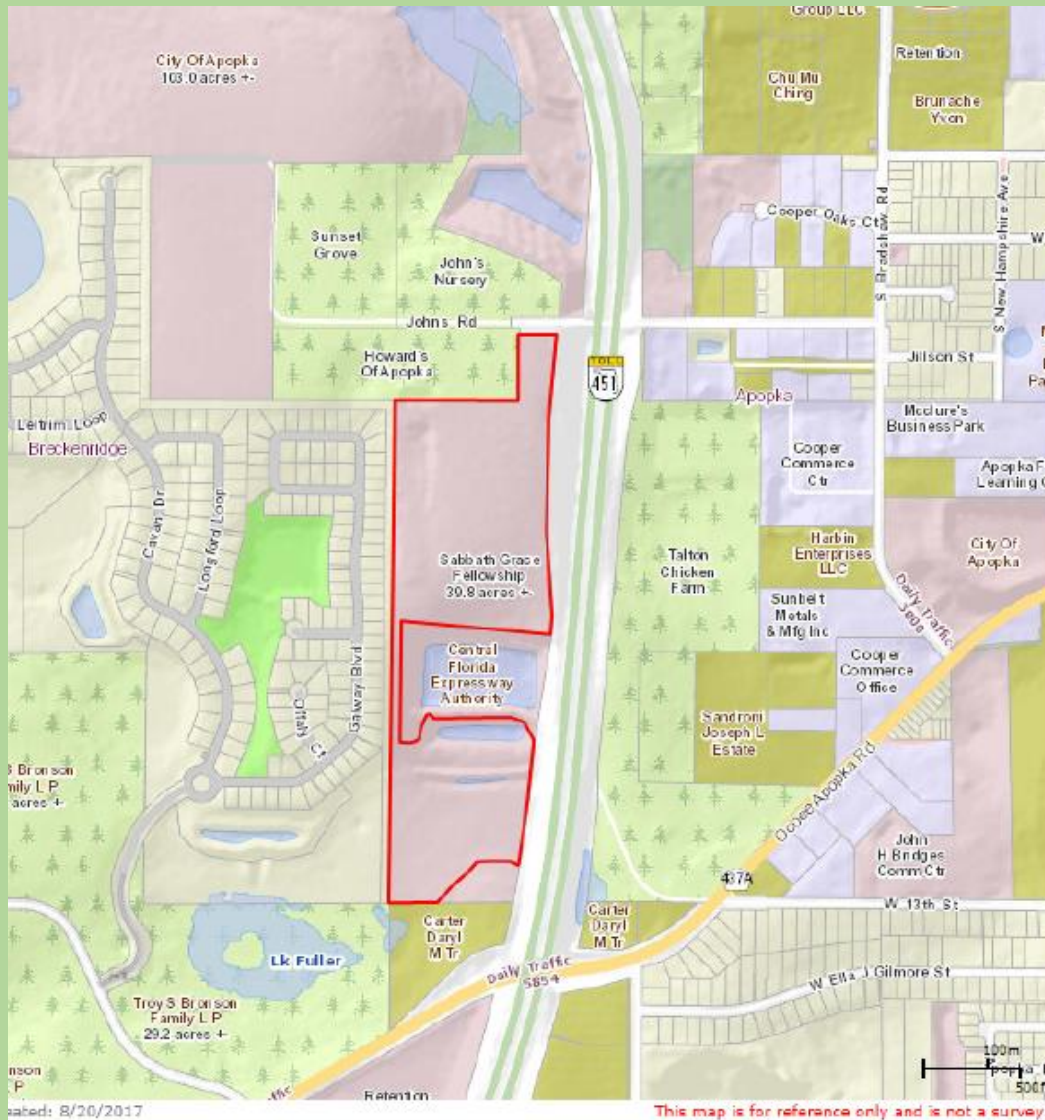
Proposed Development Project Boundary
(max. 298 single family homes within the development boundary)



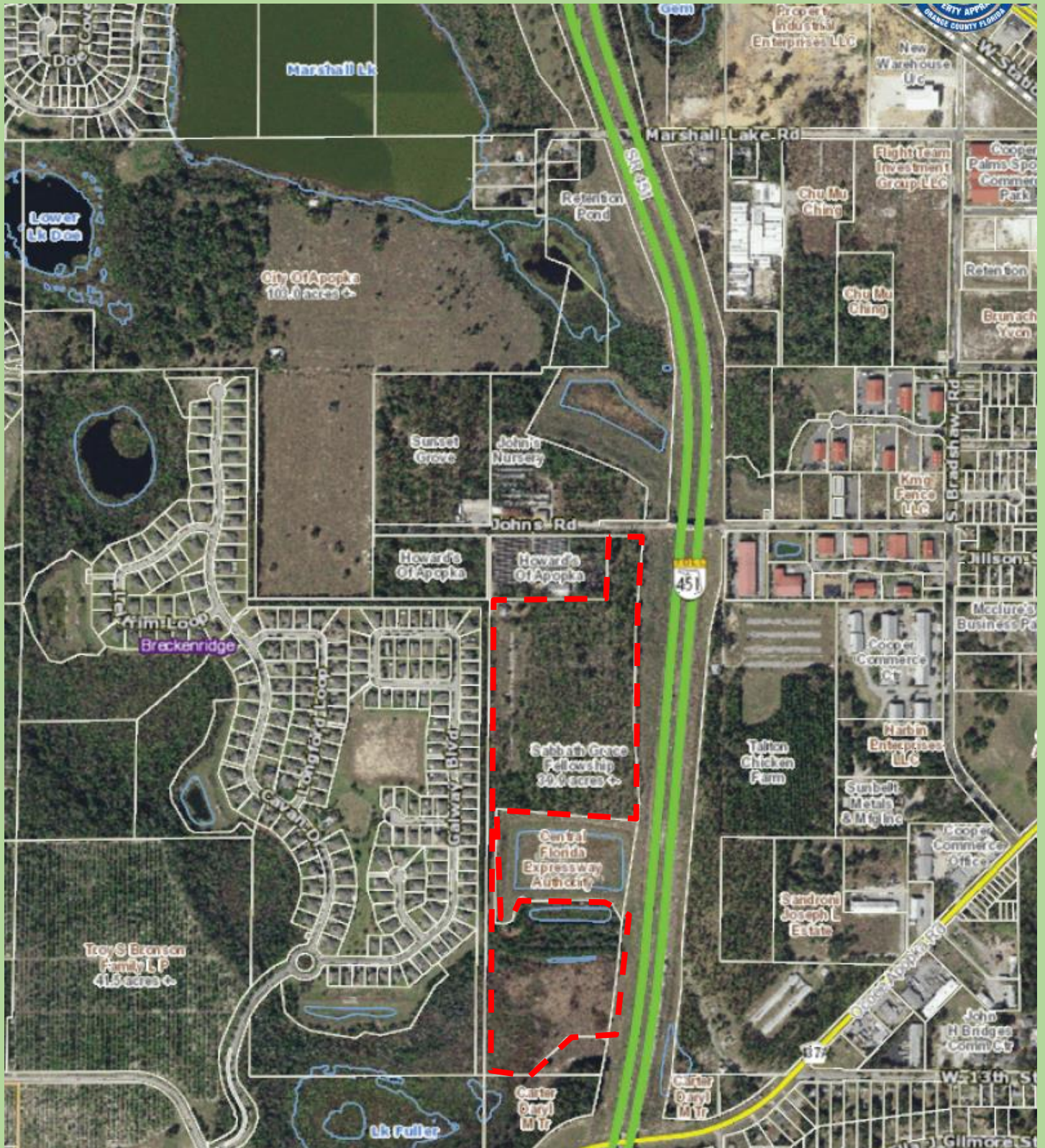


Sabbath Grace Fellowship Inc.
Proposed Large Scale Future Land Use Amendment:
From: Industrial
To: Mixed Use
Proposed Change of Zoning:
From: I - 1 Industrial
To: Planned Unit Development (single family residential)
Parcel ID #s: 17-21-28-0000-00-014

VICINITY MAP

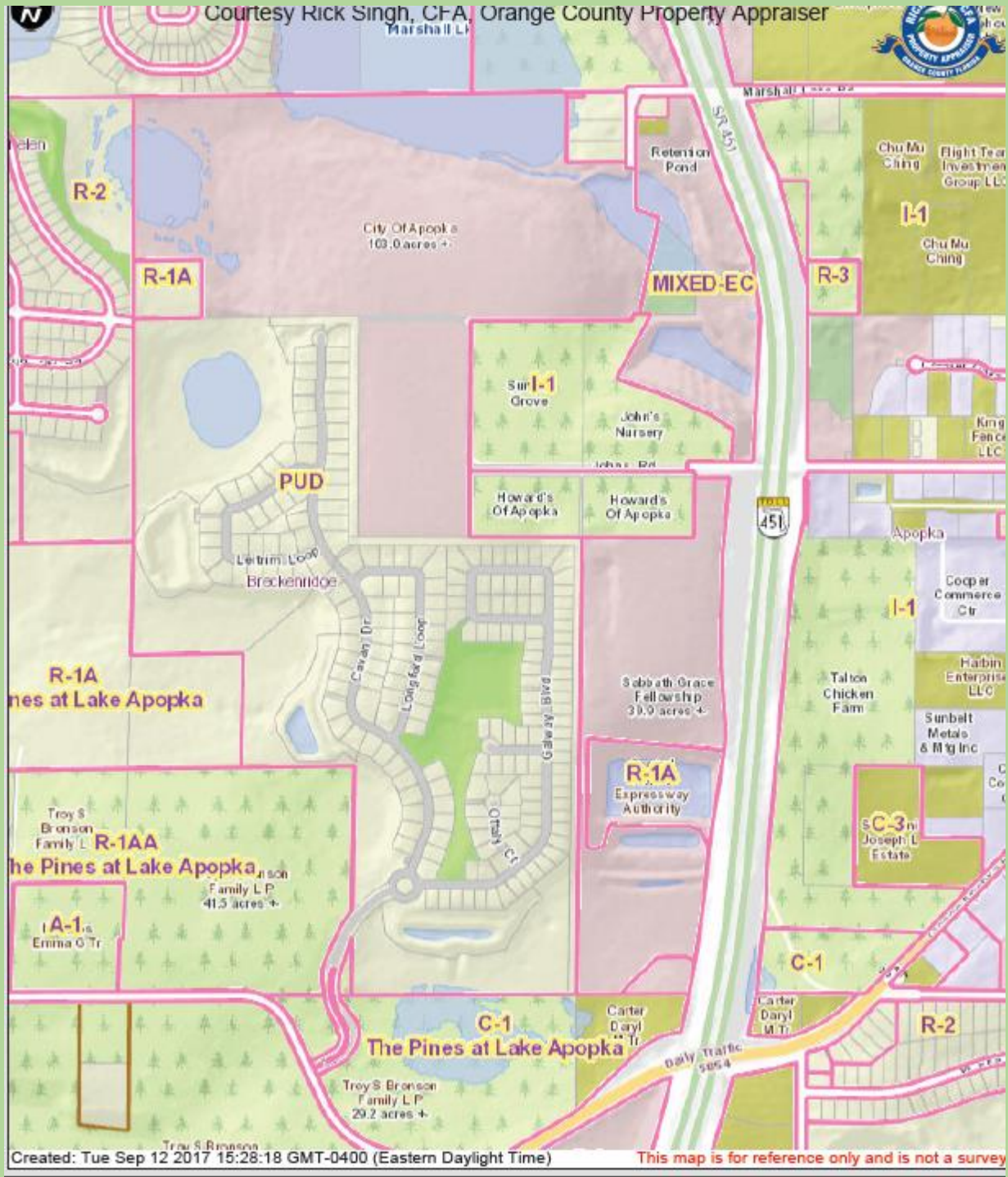


Existing and Adjacent Uses





ADJACENT ZONING MAP (1)





ADJACENT ZONING MAP (2)



ORDINANCE NO. 2599

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 INDUSTRIAL TO MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF STATE ROAD 451 AND SOUTH OF JOHNS ROAD, COMPRISING 39.85 ACRES, MORE OR LESS AND OWNED BY SABBATH FAITH FELLOWSHIP INCORPORATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Apopka, Florida, on October 2, 1991 adopted Ordinance No. 653 which adopted the Comprehensive Plan for the City of Apopka; and

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2560; and

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

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

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

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

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

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

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

ORDINANCE NO. 2599
PAGE 2

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

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this ____ day of _____, 2017.

READ FIRST TIME: September 20, 2017

READ SECOND TIME
AND ADOPTED: _____

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017



EXHIBIT "A"

Sabbath Grace Fellowship Incorporated, Property Owner
Proposed Large Scale Future Land Use Amendment:
From: Industrial To: Mixed Use
Parcel ID #s: 17-21-28-0000-00-014

Legal Description:

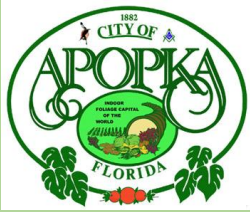
E1/2 OF NE1/4 LYING W OF EXPY IN SEC 17-21-28 (LESS PT TAKEN FOR R/W
PER OR 5487/1547 CI98-2788) & IN SEC 08-21-28 THAT PART OF E1/2 OF
SE1/4 OF SE1/4 LYING S OF CLAY RD & W OF EXPRESSWAY SEE 3147/1855 &
1856 3703/1683



Backup material for agenda item:

16. Resolution No. 2017-18 - Granting a roll-off container collection franchise agreement to Russo and Sons, LLC.
Davoll

Jay



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: September 20, 2017
FROM: Public Services
EXHIBITS: Resolution 2017-18

SUBJECT: GRANTING A NON-EXCLUSIVE FRANCHISE FOR ROLL-OFF CONTAINER COLLECTION AND DISPOSAL OF SOLID WASTE IN THE CITY OF APOPKA TO RUSSO AND SONS, LLC.

Request: ADOPT RESOLUTION NO. 2017-18

SUMMARY:

Chapter 66, Article III, of the Code of Ordinances of the City of Apopka, provides for private refuse collection service through the granting of a non-exclusive franchise for roll-off container collection in the City. The minimum amount the City is to receive is \$960 per year for this agreement.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Adopt Resolution No. 2017-18.

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. 2017-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO RUSSO AND SONS, LLC, TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 66, Article III, of the Code of Ordinances of the City of Apopka, Florida, provides for private refuse collection service through the granting of non-exclusive franchise(s) for roll-off containers, and is hereinafter referred to as Chapter 66, Article III; and

WHEREAS, Chapter 66, Article III grants the City Council of the City of Apopka, Florida, the power, right and authority to contract by resolution with persons thereby granting non-exclusive franchise(s) to provide "roll-off" container collection and disposal of waste within the City of Apopka, Florida; and

WHEREAS, Chapter 66, Article III provides for City requirements, outlining Franchisee's duties, providing the terms and conditions under which such franchise shall operate.

WHEREAS, Chapter 66, Article III enables the City Council of the City of Apopka, Florida, to enter into a contract with persons desiring a franchise to provide roll-off container collection and disposal of waste within the City of Apopka; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Apopka, Florida, that:

SECTION I. GRANT AND TERM.

That the City Council of the City of Apopka, Florida, extends a non-exclusive franchise to:

Russo and Sons, LLC

a Florida corporation whose business address is:

450 Enterprise St.
Ocoee, FL. 34761

Hereinafter referred to as Grantee, to provide roll-off container collection and disposal of waste within the corporate limits of the City of Apopka, Florida, under the terms set out in Chapter 66, Article III.

The term of this franchise will begin on September 20, 2017 and end on September 19, 2020 (The term may be extended for an additional two (2) years, at the sole option of the City, by written notice to the franchisee not less than thirty (30) days prior to the expiration of the current term.)

SECTION II. COMPLIANCE WITH ORDINANCE AND RESOLUTION.

That the City of Apopka, Florida, and the Grantee of the franchise shall comply with all of the terms and conditions as set forth in Chapter 66, Article III, and this Resolution. A failure by the Grantee to comply with the terms and conditions of Chapter 66, Article III and/or all ordinances and resolutions of the City of Apopka, and/or the laws of the State of Florida or the United States, shall be grounds for the immediate revocation of the Franchise.

Payment of Franchise Fees shall be made payable to the City of Apopka, and mailed to

City of Apopka,
Attention: Accounts Payable,
120 E Main St
Apopka, Florida, 32703.

The fee for administrative and inspection costs and expenses shall be credited against the charges.

SECTION III. ENFORCEMENT.

The Mayor or his designee is hereby authorized to enforce the non-exclusive franchise granted by this Resolution for the City of Apopka.

SECTION IV. EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption, and the non-exclusive franchise granted by this Resolution shall be binding immediately on the City and the Grantee upon the date those proper officers or authorities of each have duly executed this Resolution.

APPROVED by the City Council of the City of Apopka, Florida, and this 20th day of September 2017.

CITY OF APOPKA, FLORIDA

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk

ACCEPTANCE BY FRANCHISEE

The foregoing RESOLUTION NO. 2017-18 and the NON-EXCLUSIVE FRANCHISE provided for therein, and all the terms and conditions thereof, are hereby accepted, approved, and agreed to this _____ day of September, 2017

RUSSO AND SONS, LLC

Signature

Printed Name

Title

STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to and subscribed before me this _____ day of September 2017, by
_____.

Notary Public, State of Florida

Printed Name of Notary

Personally Known _____ **OR** Produced Identification _____

Type of Identification Produced _____

Backup material for agenda item:

1. Appreciation letter from Florida Hospital to the Fire & Police Departments.



FLORIDA HOSPITAL *Apopka*

201 North Park Avenue
Apopka, FL 32703
407/889-1000

Mayor Joe Kilsheimer and
City Council Members
120 E. Main Street
Apopka, FL 32703

Dear Mayor Kilsheimer and Council Members,

I felt I had to write you to express deep appreciation and admiration for Apopka's Finest!!! How blessed we are to have the leadership of Chief McKinley and Chief Carnesale for our Police and Fire Department teams!

Over the past weekend, I observed first hand both the Fire and the Police Department time and time again, go above and beyond to care for the people in this community. Whether escorting patients in need, transferring critical patients to other facilities, or even taking a non-critical patient who was anxious to a shelter, our City of Apopka Emergency Professionals are outstanding!

I speak for all of us at Florida Hospital Apopka when I say Thank You. Your teams are heroes to us! Throughout the storm, we observed such heroic efforts backed by deep hearts of service.

Florida Hospital is so honored and blessed to be partnered with the City of Apopka to keep this community healthy and safe.

Thank you again to the Chiefs, and to all the brave and compassionate team members who demonstrated a depth of character and compassion that did not go unnoticed.

Gratefully,

Timothy W Cook
SVP/Administrator
FH APOPKA
FH WINTER GARDEN



Backup material for agenda item:

2. Appreciation email from an Apopka resident for the Public Services, Waste Management Division.

From: Mitchell Andrews [REDACTED]
Sent: Tuesday, September 12, 2017 8:21 AM
To: Merry Lovern
Subject: Great job!!

Merry:

Please tell the Mayor what a wonderful job the Waste Management folks have done to help clean up after Irma. It is truly appreciated.

Regards,

Mitch

Mitchell Andrews
Proud of my beautiful wife and two awesome daughters!!