



## **AGENDA**

**APOPKA CITY COUNCIL MEETING @ 1:30 PM**  
**City Hall Council Chamber**  
**120 East Main Street – Apopka, Florida 32703**  
**August 05, 2015**

### **INVOCATION**

Pastor Manny Rosario from Christ City Church

### **PLEDGE OF ALLEGIANCE**

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

### **EMPLOYEE RECOGNITION**

1. Marc Remillard – Police Department/Field Services – Five Year Service Award
2. Josean Velez Cantres – Police Department/Field Services – Five Year Service Award
3. Kyle Petulla – Police Department/Field Services – Five Year Service Award
4. Linda Goff – City Clerk’s Office – Five Year Service Award
5. Michael Lee – Police Department/Support Services – Ten Year Service Award
6. Eric Williams – Public Services/Water Distribution Maintenance – Fifteen Year Service Award
7. Matthew Gibbs – Police Department/Support Services – Twenty Year Service Award
8. John McConnell – Police Department/Field Services – Twenty Year Service Award

9. Charles McCrary – Public Services/Water Distribution Maintenance – Twenty Five Year Service Award

## **PRESENTATIONS**

1. Apopka Elementary School Mural - History of Apopka mural presented by artist Lisa Mikler to Apopka Elementary School Principal Lukeshia Miller.
2. Play Ball Proclamation - Presented to Apopka Little League President Gary Odom.

## **CONSENT AGENDA**

1. Approve the minutes of Administrative Bid Opening No. 2015-06 for the Purchase of Ductile Iron Pipe and Fittings for the RWS Extension Projects held on July 7, 2015, at 10:15 a.m.
2. Approve the minutes from the regular City Council meeting held on July 15, 2015, at 7:00 p.m.
3. Authorize the Mayor or his designee to execute the Capital Facility Fees Payment Agreement for Cooper Palms Indoor Sports Complex.

## **LEGISLATIVE: ORDINANCES AND RESOLUTIONS**

1. ORDINANCE NO. 2437 - SECOND READING & ADOPTION - ANNEXATION - Ellsworth D. Bottoms Trust, property located at 4011 Golden Gem Road. (Parcel ID No. 13-20-27-0000-00-054) (10.25 +/- acres)
2. ORDINANCE NO. 2438 - SECOND READING & ADOPTION - ANNEXATION - Norman E. Sawyer, property located at 119 East Nancy Lee Lane. (Parcel ID No. 33-20-28-0000-00-047) (0.41 +/- acre)
3. ORDINANCE NO. 2439 - SECOND READING & ADOPTION - ANNEXATION - Technology Property, LLC, property located south of Keene Road and west of Clarcona Road. Parcel ID Nos. 27-(21-28-6024-00-005 (3.40 ac); 27-21-28-6024-00-006 (2.37 ac); 27-21-28-6024-00-007 (3.61 ac) (Combined 9.38 +/- acres)
4. ORDINANCE NO. 2440 - SECOND READING & ADOPTION - ANNEXATION - Crossroads Church of Orlando, Inc., property located at 320 East Welch Road; and authorize the Mayor or his designee to sign the Interlocal Agreement between the City of Apopka and Orange County for annexation of enclaves. (Parcel ID No. 34-20-28-9550-00-261) (1.85 +/- acres)
5. ORDINANCE NO. 2441 - SECOND READING & ADOPTION - ANNEXATION - Donald Lee Boughan, property located at 404 East Welch Road; and authorize the Mayor or his designee to sign the Interlocal Agreement between the City of Apopka and Orange County for annexation of enclaves. (Parcel ID No. 34-20-28-9550-00-232) (1.00 +/- acre)



6. ORDINANCE NO. 2446 - FIRST READING - Creation of a synthetic tax incremental financing district [STIF] within the Ocoee/Apopka Small Study Area.
7. RESOLUTION NO. 2015-14 - To amend the capital improvement plan (CIP), reflecting improvements to Alonzo Williams Park.
8. RESOLUTION NO. 2015-15 - To amend the capital improvement plan (CIP), reflecting improvements to Kit Land Nelson Park.

#### **QUASI-JUDICIAL: ORDINANCES AND SITE APPROVALS**

1. ORDINANCE NO. 2442 - FIRST READING - CHANGE OF ZONING – Ponkan Road Properties, LLC, from “County” A-1 (ZIP) (Agriculture) to “City” AG-E (Agricultural Estates), for property located south of West Ponkan Road, west of Plymouth Sorrento Road. (Parcel ID #: 25-20-27-0000-00-003)
2. ORDINANCE NO. 2443 - FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – VSI Custom Homes, from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5 du/ac), for property located south of East 6th Street, west of Orange Blossom Trail. (Parcel ID #s: 10-21-28-8652-07-010 & 10-21-28-8652-08-060)
3. ORDINANCE NO. 2444 -FIRST READING - CHANGE OF ZONING – VSI Custom Homes, from “County” R-2 (ZIP) to “City” R-2, for property located south of East 6th Street, west of Orange Blossom Trail. (Parcel ID #s: 10-21-28-8652-07-010 & 10-21-28-8652-08-060)
4. FINAL DEVELOPMENT PLAN – Elro Properties, LLC – Owner/applicant Elro Properties, LLC; Engineer Ali Tehrani, P.E., property located at 511 Marshall Lake Road (north of Marshall Lake Road and west of Bradshaw Road). (Parcel ID No.: 09-21-28-0000-00-011)
5. MASS GRADING PLAN - Golden Gem Estates, Phase 1A – owner/applicant Cantero Holdings, LLC, c/o Jose Cantero; engineer is GL Summit, c/o Geoffrey Summit, P.E., for the property generally located south of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road. (Parcel ID Nos.: 24-20-27-0000-00-097, 24-20-27-0000-00-98, 24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102, 24-20-27-0000-00-100-103, 24-20-27-0000-00-104, 24-20-27-0000-00-105)
6. PRELIMINARY DEVELOPMENT PLAN - Golden Gem Estates, Phase 1B – owner/applicant Cantero Holdings, LLC, c/o Jose Cantero; engineer is GL Summit, c/o Geoffrey Summit, P.E., for the property generally located south of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road. (Parcel ID Nos.: 24-20-27-0000-00-097, 24-20-27-0000-00-98, 24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102, 24-20-27-0000-00-100-103, 24-20-27-0000-00-104, 24-20-27-0000-00-105)

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

**MAYOR'S REPORT**

**OLD BUSINESS**

- 1. COUNCIL
- 2. PUBLIC

**NEW BUSINESS**

- 1. COUNCIL
- 2. PUBLIC

**ADJOURNMENT**

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

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

**Backup material for agenda item:**

1. Approve the minutes of Administrative Bid Opening No. 2015-06 for the Purchase of Ductile Iron Pipe and Fittings for the RWS Extension Projects held on July 7, 2015, at 10:15 a.m.

**MINUTES OF  
ADMINISTRATIVE BID OPENING 2015-06  
DUCTILE IRON PIPE AND FITTINGS PURCHASE  
CITY OF APOPKA RWS EXTENSION PROJECTS  
CITY COUNCIL CHAMBERS  
JULY 7, 2015  
10:15 a.m.**

**STAFF PRESENT:** Ken Gatton, Project Coordinator & Susan Bone, Deputy City Clerk.

**OTHERS PRESENT:** Blake Bennett (ACIPCO); Gary Gula (McWane Ductile); Terry Schenering (Fortiline, Inc.); Joe Cobb (Consolidated Pipe); Joe Strauss (Consolidated Pipe); Raul Corona (Corcel Corp); Dennis Rencoukes (Orlando Winwater); Justin Montandon (Ferguson); & Paul Thomas (HD Supply).

**OPENING:** Ken Gatton called the meeting to order at 10:15 am and announced that the bid opening is for the DUCTILE IRON PIPE AND FITTINGS PURCHASE - CITY OF APOPKA RWS EXTENSION PROJECTS

Mr. Gatton announced that the time for submitting additional bids had elapsed, and no more bids would be accepted. The bid was duly advertised in the Orlando Sentinel on Wednesday, June 3, 2015; Sunday, June 14, 2015 and was placed on the City's website. Proof of publication is on file in the City Clerk's office.

Six (6) bids were received prior to the published 10:00 a.m. deadline. Mr. Gatton read the bids in the order received, as follows:

NAME	TOTAL PIPE COST	TOTAL FITTINGS COST
HD SUPPLY WATERWORKS 590 FERGUSON DRIVE ORLANDO, FL 32805	\$1,443,600.90	\$165,928.19
FERGUSON WATERWORKS 1470 BOBBY LEE POINT SANFORD, FL 32771	\$1,491,448.70	\$160,964.02
ORLANDO WINWATER WORKS 1925 TRAYLOR BLVD. ORLANDO, FL 32804	\$1,350,514.40	\$180,285.00
FORTILINE, INC 2291 W. AIRPORT BLVD. SANFORD, FL 32771	\$1,441,307.00	\$185,349.94
CONSOLIDATED PIPE 3010 EUNICE AVENUE ORLANDO, FL 32808	\$1,334,674.60	\$163,138.02
CORCEL CORP 1121 OCOEE APOPKA ROAD APOPKA, FL 32703	\$1,485,583.90	\$190,811.19

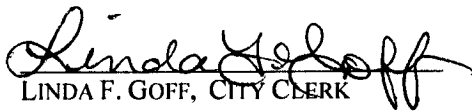
**MINUTES OF ADMINISTRATIVE BID OPENING 2015-06  
DUCTILE IRON PIPE AND FITTINGS PURCHASE &  
CITY OF APOPKA / RWS EXTENSION PROJECTS.  
JULY 7, 2015  
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Mr. Gatton said the bids will be evaluated by City Staff and will be available for public viewing after the bid has been awarded, or thirty (30) days after bid opening, whichever is earlier.

**ADJOURNMENT:** HEARING NO QUESTIONS AND THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 10:20A.M.

  
KEN GATTON, PROJECT COORDINATOR

ATTEST:

  
LINDA F. GOFF, CITY CLERK

**Backup material for agenda item:**

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

## **CITY OF APOPKA**

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

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

**PRESS PRESENT:** John Peery - The Apopka Chief  
Steve Hudak – Orlando Sentinel  
Teresa Sargeant – The Apopka Chief

**INVOCATION** – Commissioner Ruth introduced Julie Altenbach, Church of the Messiah, who gave the invocation.

**PLEDGE OF ALLEGIANCE** – Mayor Kilsheimer said on July 14, 1942, the Apopka City Council unanimously adopted a Resolution authorizing city officials to execute a lease agreement between the City and the U.S. Government for the use of Edwards Field for the duration of World War II. Subsequently, high towers with search lights and barracks were placed on what is now Edwards Field and the complex was manned by the Search Light Battalion to scan the Central Florida skies for signs of enemy fighters. The facility was also used to house the pilots who were in training at the air field where Dream Lake Elementary School is now located. He asked everyone to remember the contributions of the Apopka community to the success of our country's war efforts during World War II as he led in the Pledge of Allegiance.

### **PRESENTATION**

1. Discussion by the City Council with staff, City's specially engaged Attorney and City's contract Lobbyist on how best to proceed with development of a downtown center.

Richard Anderson, City Lobbyist, said the Council has before them a Request for Proposal (RFP). He stated they are not being asked to do anything but allow for going out for an RFP to entertain the development community in building the downtown center. He advised there were some specific guidelines, but they were basically asking the development community to tell us what they would like to build. Once the proposals are received, they will be reviewed, and then come back before the City Council for approval. He said they will begin with a development agreement and purchase agreement, should the Council desire to move forward. He stated they believe the timing is right now, as evident with the development being seen throughout Florida. He affirmed this will include reconfiguration and improvement of the 441/436 interchange.



Mayor Kilsheimer said this is the first step to gauge and entertain the interest of the development community. He stated this is a prime piece of property in one of the fastest growing communities in Central Florida. He agreed the time is right and he is prepared to move forward.

Mr. Anderson said they consider the 48 acres to be the catalyst to start the downtown. Included in the packet is an additional outlined area of 108 acres they envision the downtown growing into. He stated the proposals are due August 24, 2015, they will be reviewed, and the next phase will be the developer's agreement and purchase agreement.

Mayor Kilsheimer opened the meeting to public input.

Jennifer Dobran said she has noticed they are speaking about developers and inquired if there were any anticipated developers that have put their hat in for interest.

Mayor Kilsheimer said with the research Mr. Anderson had done, he feels very confident we will receive adequate response.

Barbara Zakszewski inquired how this proposal will dovetail with the Community Visioning.

Mayor Kilsheimer said the first visioning kick off meeting was this past Monday and the Visioning Consultant is working on the City's website. He stated he feels as the developer of this proposal comes forward they will be looking for that input.

Phil Zakszewski expressed concern with the way the proposal is written. He suggested they need to revise the request for proposal so that it is not one developer.

Thomas Callan, Esquire said generally in procurement there is a bid, a request for proposal and request for invitation to negotiate. He advised this was a request for proposal and this RFP allows people to submit proposals and provide their view on what they would do with the property and the proposed City Center project. At that point, the City Council can agree to accept the proposal, reject it, and they can re-advertise for new proposals. He declared you keep total discretion with this process. He affirmed the template used for this proposal was the City of St. Petersburg template that they have used for downtown redevelopment. He stated they felt this was a fairly comprehensive proposal process and structure, but gives the flexibility to the proposer to provide their own vision.

Ray Shackelford asked what type of guarantee there would be to ensure that minority and women contractors would be involved in this process.

Mr. Anderson advised there was nothing in this RFP, as they have not seen what the proposals are yet, but there are certainly things they can put in the developers agreement and the contract to purchase to address those issues.

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

**MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith to approve issuing the Request for Proposal as outlined in the packet. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

Mayor Kilsheimer recognized Orange County Commissioner Bryan Nelson.

### **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting held on June 17, 2015 at 7:00 p.m.
2. Approve the minutes from the special City Council meeting held on June 17, 2015 at 5:30 p.m.
3. Approve the minutes from the regular City Council meeting held on July 1, 2015 at 1:30 p.m.
4. Award Broker/Agent of Record status to Arthur J. Gallagher & Co., in the amount of \$65,000, for benefits, workers comp, liability, casualty, and property insurance.
5. City Council approval of the dirt generated from the proposed reclaim water storage and aquifer recharge ponds as surplus property, and authorize the sale of the surplus dirt.
6. Authorize the Rotary Club of Apopka to sell and serve alcoholic beverages at the Apopka Fair in Kit Land Nelson Park from March 10, 2016 through March 13, 2016.
7. Authorize the Rotary Club of Apopka to sell and serve alcoholic beverages at the Fall Family Festival in Kit Land Nelson Park from November 12, 2015 through November 15, 2015.
8. Award the purchase of the ductal iron pipes, in the amount of \$1,334,674.60, to Consolidated Pipe and Supply Co.; the purchase of the fitting material in the amount of \$160,964.02 to Ferguson Waterworks; and authorize a contingency fund in the amount of \$100,000.00.

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

### **REGULAR AGENDA**

1. Authorize the migration to Microsoft Operating Platform from Novell, in the amount of \$198,500.

Glenn Irby, City Administrator gave a brief overview stating that the City has operated on the Novell operating system platform, which was very popular in the 1980s and 1990s. He stated some of the applications we use have a hard time connecting. He advised management would like to switch to the Microsoft platform.

Chris Davis with Netxfolio said they were asked by staff to do an assessment of the IT environment. He affirmed one of the main items they found was that the process of maintaining these systems is very burdensome on the IT Department, as well as it being very difficult in finding staff who has the expertise to understand these platforms. He advised Microsoft is dominant when it comes to business applications and networks, whereas, Novell probably has less than 1% of the market share. He affirmed their main recommendation was to move to a Microsoft platform which will allow the City to operate more efficiently. He declared over the next three years there would be a cost savings with this conversion.

In response to Commissioner Dean with regards to bids, Mr. Irby advised there was not a bid process as this company came in at less than our thresholds to require a formal bid. Once the system was evaluated, this was the end result and their recommendation. He stated because on a term and evaluated source, under our purchasing policy, we would not have to bid.

In response to Commissioner Arrowsmith, Mr. Davis advised the estimate includes the cost of the software, the estimate and the consulting fees. He affirmed during their assessment they interviewed the entire IT Department.

Mayor Kilsheimer opened the meeting to public input.

Ray Shackelford asked, for understanding clarity, what the threshold is that does not require Council approval to which Mayor Kilsheimer stated was \$25,000 and advised this is a State law.

Barbara Zakszewski asked if the consultant felt everything currently in place will handle this new platform. She further inquired if this company was going to do the installation and training.

Mr. Davis said the IT Department and the City has made some great investments when it comes to their desktop infrastructure with the implementation of virtual desktops and the current hardware will support this new platform.

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve migrating to the Microsoft operating platform. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

## **SPECIAL REPORTS AND PUBLIC HEARINGS**

1. Authorize the selection of a CDBG Neighborhood Revitalization Project, allow staff to begin development of application, and approve \$50,000 in matching funding.

Mr. Irby said the City has engaged with a grant consultant, Fred Fox of Fox Enterprises, Inc., to apply for a Community Development Block Grant (CDBG) and he will be making a presentation.

Fred Fox said the funds for the federal CDBG process come down in two ways: one is larger

cities, such as Orlando, receive funds directly from HUD after preparing a plan on how they will spend the funds. For smaller cities and counties, such as Apopka, there is an amount that goes to the State and there is an option every three years to compete for these funds under the small cities program. The program is run by the Florida Department of Economic Opportunity and there will be an application process around March of next year. He reviewed the four categories and said the maximum amount the City can apply for is \$750,000. His Power Point presentation is on file in the City Clerk's office. He reviewed the income limits stating there are low income limits that must be met within the areas these funds will be expended. He reviewed and explained the points in the application process. The steps required in the CDBG application process are to: 1. Appoint a Citizens Advisory Task Force (CATF); 2. Advertise and hold a CATF meeting to discuss possible projects; 3. Advertise and hold a first Public Hearing and obtain public comment and direction by the Commission to move forward on determining a project; 4. Advertise and hold a Fair Housing Workshop; and 5. Advertise and hold a second Public Hearing, finalize application. He declared this is the third step in the process, the first Public Hearing. The Council established the CATF and the CATF met and have made their recommendation to Council.

Mayor Kilsheimer reiterated this is requesting Council approval to authorize staff to begin development of this application. Several of the steps have been completed. The CATF met on June 30, 2015, Chaired by Rogers Beckett, and the Task Force has recommended improvements and focus on Alonzo Williams Park, with a second recommendation for street lights, paving, and sidewalks within specified boundaries. This is step three for public comment and direction by the Council to move forward on determining a project. He affirmed the City was eligible for up to \$750,000 and the City will put up \$50,000 if the grant is awarded.

Mr. Fox advised the \$50,000 was not matching funds, but rather for points for the grant. He stated the grant application was March of next year and the funds allocated in the FY 16/17 budget.

In response to an inquiry by Commissioner Arrowsmith regarding the City's grant writer, Mayor Kilsheimer said this was a fast moving process and we needed to move forward expeditiously in a timely manner. He advised the City's grant writer just came on board and was working on a number of other grants and projects.

Mayor Kilsheimer opened the meeting to public input.

Rod Love commended the city for advocating for the grant process and felt it was appropriate to move forward, but stated as it relates to the CDBG grant, it is not guaranteed. He suggested not looking to a grant to focus on what would ordinarily go into the budget. He said the Commissioners were elected at large to support the entire city.

Isadora Dean spoke with regards to the areas of the grant stating most people have water and sewage, and stated a lot of the property is rental property. She asked if the grant is awarded if it could be used for blighted areas and inquired if it would be for city residents only.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to allow staff to begin development of the application, approve \$50,000 in funding, and authorize the selection of a CDBG neighborhood revitalization project. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

## LEGISLATIVE ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2437 - FIRST READING - ANNEXATION - Ellsworth D. Bottoms Trust, property located at 4011 Golden Gem Road. (Parcel ID No. 13-20-27-0000-00- 054) (10.25 +/- acres). The City Clerk read the title as follows:

### ORDINANCE NO. 2437

**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 ELLSWORTH D. BOTTOMS, TRUST, LOCATED AT 4011 GOLDEN GEM ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Ordinance No. 2437 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

2. ORDINANCE NO. 2438 - FIRST READING - ANNEXATION - Norman E. Sawyer, property located at 119 East Nancy Lee Lane. (Parcel ID No. 33-20-28-0000-00-047) (0.41 +/- acre). The City Clerk read the title as follows:

### ORDINANCE NO. 2438

**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 NORMAN E. SAWYER LOCATED AT 119 EAST NANCY LEE LANE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY; CONFLICTS AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Ordinance No. 2438 at First Reading and carry it over for a Second Reading. Commissioner Arrowsmith said he would abstain as the owner is a client of the bank he serves as Executive Vice President. Motion carried 4-0 with Mayor Kilsheimer, and Commissioners, Dean, Velazquez, and Ruth voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.**

3. **ORDINANCE NO. 2439 - FIRST READING - ANNEXATION - Technology Property, LLC, property located south of Keene Road and west of Clarcona Road. Parcel ID Nos. 27-(21-28-6024-00-005 (3.40 ac); 27-21-28-6024-00-006 (2.37 ac); 27-21-28- 6024-00-007 (3.61 ac) (Combined 9.38 +/- acres). The City Clerk read the title as follows:**

**ORDINANCE NO. 2439**

**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 TECHNOLOGY PROPERTIES, LLC, LOCATED AT SOUTH OF KEENE ROAD AND WEST OF CLARCONA ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY; CONFLICTS AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Ordinance No. 2439 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

4. **ORDINANCE NO. 2440 – FIRST READING – ANNEXATION – Crossroads Church of Orlando, Inc., property located at 320 East Welch Road; and authorize the Mayor or his designee to sign the Interlocal Agreement between the City of Apopka and Orange County for annexation of enclaves. (Parcel ID No. 34-20-28-9550-00-261) (1.85 +/- acres). The City Clerk read the title as follows:**

**ORDINANCE NO. 2440**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CROSSROADS CHURCH OF ORLANDO, INC. LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY; CONFLICTS AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Ordinance No. 2440 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

5. ORDINANCE NO. 2441 - FIRST READING - ANNEXATION - Donald Lee Boughan, property located at 404 East Welch Road; and authorize the Mayor or his designee to sign the Interlocal Agreement between the City of Apopka and Orange County for annexation of enclaves. (Parcel ID No. 34-20-28-9550-00-232) (1.00 +/- acre). The City Clerk read the title as follows:

**ORDINANCE NO. 2441**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY; CONFLICTS AND AN EFFECTIVE DATE.**

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

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve Ordinance No. 2441 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

6. RESOLUTION NO. 2015-13 - Amending Ordinance No. 2109 Chapter 82-38, addressing Industrial and Commercial Pretreatment Guidelines "Exhibit A". The City Clerk read the title



as follows:

**RESOLUTION NO. 2015-13**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE NO. 2109, ARTICLE II, DIVISION I, CHAPTER 82, COMMERCIAL AND INDUSTRIAL PRETREATMENT GUIDELINES, SECTION 38.03, GENERAL SEWER USE REQUIREMENTS, PARAGRAPH 2(B)(3), SPECIFIC PROHIBITIONS, INCREASING THE LOWER LIMIT OF THE ALLOWABLE pH RANGE AND PARAGRAPH 5(B), LOCAL POLLUTANT LIMITS, TABLE 3-1, INCREASING THE MAXIMUM UNIFORM CONCENTRATION FOR .pH.**

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to approve Resolution No. 2015-13. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**QUASI-JUDICIAL: ORDINANCES AND SITE APPROVALS – None.**

**DEPARTMENT REPORTS AND BIDS**

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

**MAYOR'S REPORT** – Mayor Kilsheimer reported on his plan for the VFW/Community Center going forward, stating the City is preparing to hire a new Recreation Director. One of the tasks for the new Recreation Director will be to keep a master calendar for all recreational facilities in the City of Apopka. He advised he would have this person meet with the VFW, the new community theater troupe, and work out the dates, including the dates the VFW already has the facility booked. He stated there have not been any changes to date and more processes and procedures will be put in place once this position is on board.

**OLD BUSINESS**

1. COUNCIL – There was no old business from the Council.
2. PUBLIC

Ortenzio “Artie” Vecchio said the Orlando Sentinel has not been told the right information. He stated the Mayor has stated he is giving the same deal to the AHA Players as was given to the veterans and he declared that was not true. He said the AHA Players was not doing anything for the community. He said the VFW works with ten public schools and two private schools, as well as the Special Olympics. He reviewed and turned in a document regarding money raised to purchase improvements of the VFW/Community Center.

Ray Shackelford inquired when the public could obtain the finance report for the recent festival held, to which Mayor Kilsheimer advised him to get with Mr. Irby to obtain that information. He also inquired about the disbursement report being approved after

expenditures. He also called upon the City Council when preparing the budget to consider \$150,000 for the 2016 summer youth jobs program, as well as considering \$2,000,000 for economic development in the south side of town.

Mr. Irby advised any new expenditure not in the current budget that is over a certain threshold comes before the Council for approval. He explained the disbursements were approved in the last fiscal year budget. He advised the disbursements seen each month have been an ongoing process of expenditures that have already been approved.

Barbara Zakszewski said that gentlemen's agreements and handshakes were good between friends and family members, but agreements for city owned property needs to be in writing to avoid misunderstandings and hard feelings.

Rod Love said he supports the City in moving forward as it relates to city owned facilities and reducing these items to writing and commended the City in moving forward with a process. He stated on another note, he was elated regarding the position for Parks and Recreation, but felt a position such as this should have been advertised a longer period of time. He spoke regarding the purchasing thresholds and expressed concern regarding exceptions to the rule, as with the Microsoft need, stating those exceptions need to be defined.

Mayor Kilsheimer advised the difference was that the state allows up to \$25,000 can be spent without Council approval. Anything over that amount requires Council approval, which was done early in the meeting.

Artie Vecchio thanked those who spoke for the kind words and said they have been trying for almost a year and a half to get a contract and they have not gotten one yet.

## **NEW BUSINESS**

### **1. COUNCIL**

Commissioner Dean said the City and Downtown parking lot was in poor repair with potholes and requested Mr. Irby contact the Merchants and place money in the budget to resurface that parking lot.

Mayor Kilsheimer affirmed they have been working on this matter for several months. He stated that parking lot is owned by the Downtown Merchants Association that consists of 15 shareholders with the City owning a number of the shares. The City Attorney has been requested to research this matter and asked him to expand on this.

City Attorney Shepard said this was a multifaceted issue which is problematic. He stated this was not necessarily the City's responsibility. It would seem that if there is a partnership with merchants wherein they use a certain amount of parking, but that is not how it has been run. He declared it is a challenge.

Commissioner Ruth said Ms. Waters was here and she was complaining about 6<sup>th</sup> Street

between McGee and 441 to which Mayor Kilsheimer said the revitalization of 6<sup>th</sup> Street will be a major portion of the downtown project.

In response to Commissioner Ruth speaking regarding the two football leagues in the city needing practice areas, Mayor Kilsheimer requested he meet with Mr. Irby regarding this matter.

Commissioner Arrowsmith suggested with regards to the accounts payable, with large checks being written, even if budgeted, set a threshold to let Council know what these were in reference to.

2. PUBLIC

Rod Love said after he spoke and listened to other members of the audience speak, it would be good if they could feel there was some reciprocity taking place that they are being heard.

Marvin Guttman recognized there was a Boy Scout Troop attending the meeting and Mayor Kilsheimer thanked him and acknowledged them asking the leadership to come forward and introduce the Troop.

Matthew Kennedy said he was with Boy Scout Troop 10 in Apopka and they hold their meetings at Camp Thunderbird. They are present working on their Citizenship in the Community and Communications Badge.

**ADJOURNMENT** – There being no further discussion, the meeting adjourned at 8:55 p.m.

ATTEST:

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

\_\_\_\_\_  
Linda F. Goff, City Clerk

**Backup material for agenda item:**

3. Authorize the Mayor or his designee to execute the Capital Facility Fees Payment Agreement for Cooper Palms Indoor Sports Complex.



# CITY OF APOPKA CITY COUNCIL

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CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER:

MEETING OF: August 5, 2015  
FROM: Community Development  
EXHIBITS: Agreement  
Vicinity Map

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**SUBJECT: COOPER PALMS INDOOR SPORTS COMPLEX - CAPITAL FACILITY FEES PAYMENT AGREEMENT**

**Request: AUTHORIZE THE MAYOR OR HIS DESIGNEE TO EXECUTE THE CAPITAL FACILITY FEES PAYMENT AGREEMENT FOR COOPER PALMS INDOOR SPORTS COMPLEX**

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**SUMMARY:**

The City allowed some of the payments of impact fees to be deferred until the issuance of the Certificate of Occupancy. Due to the uniqueness of the site, the Transportation Impact does not fit into our standard list. Therefore, the road impact fees are being paid at a lesser category until an alternative study can be conducted, two years after the Certificate of Occupancy.

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**FUNDING SOURCE:**

Not applicable

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**RECOMMENDATION ACTION:**

Authorize the Mayor or his designee to execute the Capital Facility Fees Payment Agreement for Cooper Palms Indoor Sports Complex.

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**DISTRIBUTION**

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

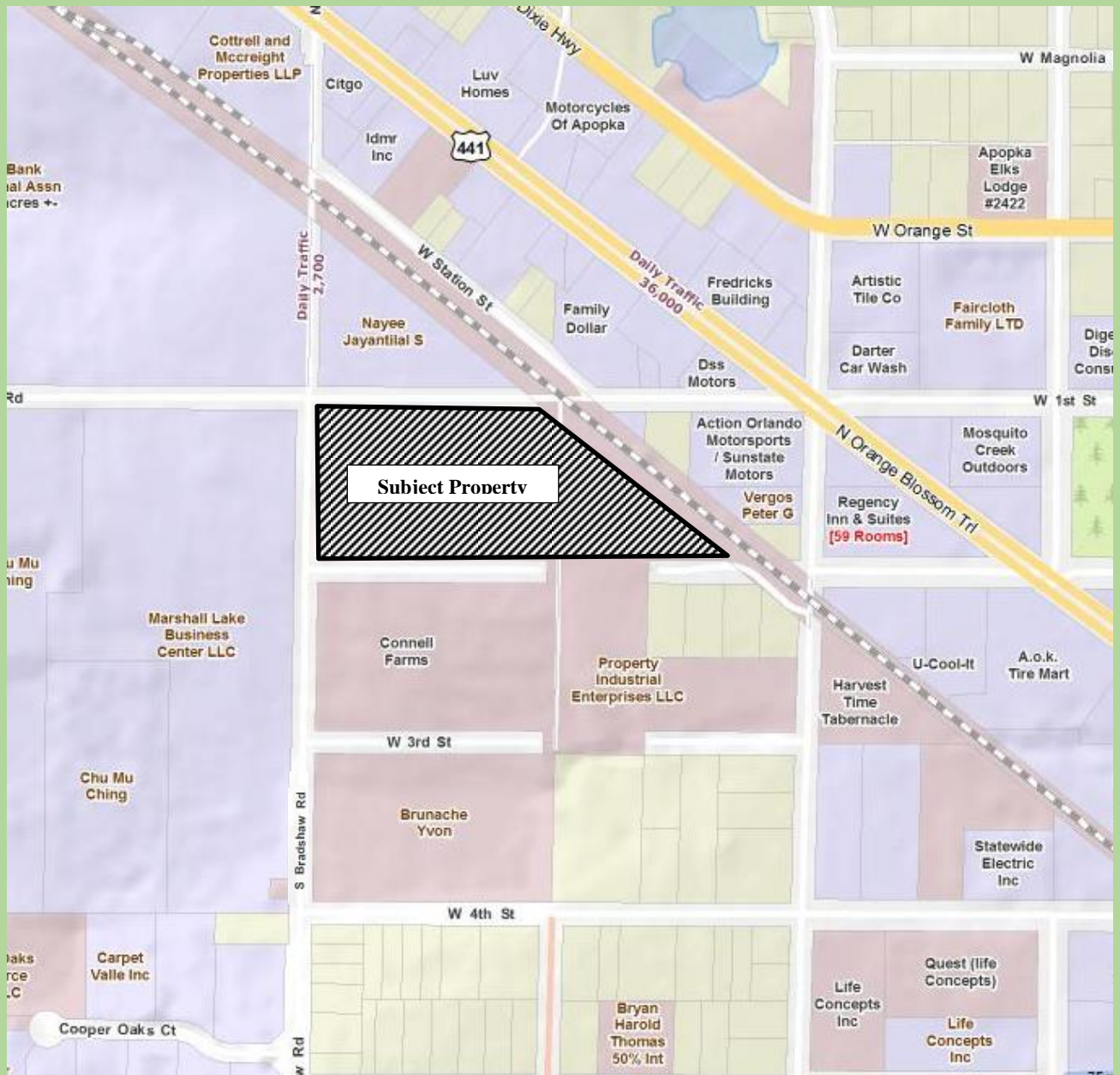
Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief

Application: Cooper Palms Sports Complex  
Owner/Applicant: Property Industrial Enterprises, Inc., c/o Michael Cooper  
Parcel ID Nos.: 09-21-28-0868-01-050 & 09-21-28-0868-01-060  
Total Acres: 7.35 +/-



### VICINITY MAP



**CAPITAL FACILITY FEES PAYMENT AGREEMENT**

**CITY OF APOPKA**

Project: Cooper Palms Indoor Sports Complex

THIS AGREEMENT made as of this \_\_\_\_ day of \_\_\_\_\_, 2015 by and between the City of Apopka, a municipal corporation (hereinafter sometimes referred to as the "City"); and Property Industrial Enterprises, LLC (Michael R. Cooper), a Florida limited liability company (hereinafter referred to as the "Owner").

WHEREAS, the City Council of the City of Apopka has enacted ordinances providing for Capital Facility Fees; and

WHEREAS, the Owner owns or controls lands located at 432 West 1<sup>st</sup> Street as described in Exhibit "A" attached hereto and made a part hereof as is fully set out in this paragraph (hereinafter referred to as the "Property") and Owner or its successors or assigns intends to construct the Cooper Palms Indoor Sports Complex on the Property per plans on file in the City of Apopka's Community Development Department as of this date (hereinafter referred to as the "Sports Complex"); and

WHEREAS, Owner, pursuant to a letter from Luke Transportation Engineering Consultants (hereinafter referred to as "LTEC") to the City dated January 30, 2015 (hereinafter referred to as the "Request"), has officially requested that the City delay final Road Impact Fee determination however still provide a Certificate of Acceptance to the Sports Complex to be located on the Property; and

WHEREAS, the City is willing to provide, in accordance with the provisions of this Agreement, a Certificate of Acceptance to the Sports Complex; and

WHEREAS, the City and the Owner agree that the site is unique and determination of Road Impact Fees at this time is subjective; and



WHEREAS, Owner is obligated to pay certain Capital Facility Fees including Road Impact and desires to execute this Agreement with the City.

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. Compliance.

The Owner agrees that both it and its successors and assigns will abide by the provisions of this Agreement and the relevant ordinances of the City and that it will install or have installed the improvements required by the City in accordance with the provisions of this Agreement and of said ordinances. The Owner further understands and agrees that, in the development of subject Property, failure to abide by the terms of this Agreement, the provisions of the City's ordinances, or any other applicable regulations, ordinances, or laws from time to time existing, shall constitute ground for refusal by the City, or the appropriate authority thereof, to allow such development to obtain further inspections, to institute utility services, or to permit occupancy of completed improvements.

Section 2. Definitions.

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

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

C. "ERU (Reuse)" means Equivalent Residential Unit defined as having the average demand of 600 gallons per day.

D. "Independent Fee Calculation" – a site and land use specific study that utilizes City of Apopka Code of Ordinance Chapter 26, Section 26-79 for determining the actual road network impact of said development.

- E. "ITE" – Institute of Transportation Engineering.
- F. "Rate Schedule" – Standards established for convenience to avoid having to conduct an Independent Fee Calculation.
- G. "Trip Generation" - the attraction or production of trips caused by the use or activity associated with a given type or classification or this development.

Section 3. Capital Facility Fee.

Owner hereby agrees to pay the City the following Capital Facility Fees:

- A. Sewer Capital Facility Fee: Based upon the fixtures in the building, Owner agrees to pay the City \$43,239.35 for 10.21 Sewer ERU's at \$4,235.00 per ERU.
- B. Water Capital Facility Fee: Based upon the fixtures in the building, Owner agrees to pay the City \$18,067.74 for 8.94 Water ERU's at \$2,021.00 per ERU.
- C. Reuse Capital Facility Fee: Based upon the area around the building to be irrigated, Owner agrees to pay the City \$5,069.40 for 2.10 Reuse ERU's at \$2,414.00 per ERU.
- D. Road Impact Fee: Based upon the LTEC information, the Owner agrees to pay the City \$170,619.30 based upon the Rate Schedule for warehousing.
- E. The actual amount of impact to the City's Road Network, based upon the LTEC information, will be determined by an Independent Fee Calculation in compliance with City Code Article 26, Section 26–79. The Independent Fee Calculation is to be conducted after the Sports Complex has been in operation for a reasonable time frame. The time frame will be a minimum of two years after the Certificate of Occupancy, but will be determined based upon the full operations after the two years of operation. However, the study shall be underway prior to three years after the Certificate of Occupancy. The study must comply with the guidelines established in the code. The

city review fees, if required, are to be paid for by the Owner. The final Road Impact Fees determined by the Independent Fee Calculation will be added or subtracted from the amount paid in Section 3(D) and will occur based upon the payment schedule in Section 4.

Section 4. Payment of Capital Facility Fees.

A. The payment of all impact fees will be divided as follows:

1. Prior to the issuance of the Certificate of Occupancy, 25% will be paid as follows:

Sewer Capital Facility Fee	\$10,809.84
Water Capital Facility Fee	\$ 4,516.93
Reuse Capital Facility Fee	\$ 1,267.35
Road Impact Fee	<u>\$42,654.82</u>
Total	\$59,248.94

2. Six months after the issuance of the Certificate of Occupancy, an additional 25% will be paid as follows:

Sewer Capital Facility Fee	\$10,809.84
Water Capital Facility Fee	\$ 4,516.94
Reuse Capital Facility Fee	\$ 1,267.35
Road Impact Fee	<u>\$42,654.82</u>
Total	\$59,248.95

3. One year after the issuance of the Certificate of Occupancy, an additional 25% will be paid as follows:

Sewer Capital Facility Fee	\$10,809.84
Water Capital Facility Fee	\$ 4,516.93
Reuse Capital Facility Fee	\$ 1,267.35
Road Impact Fee	<u>\$42,654.83</u>
Total	\$59,248.95

4. Final payment of the Sewer, Water and Reuse Capital Facility Fees along with the initial final payment of the Road Impact Fee will be paid eighteen (18) months after the issuance of the Certificate of Occupancy as follows:

Sewer Capital Facility Fee	\$10,809.83
Water Capital Facility Fee	\$ 4,516.94
Reuse Capital Facility Fee	\$ 1,267.35
Road Impact Fee	<u>\$42,654.83</u>
Total	\$59,248.95

B. The final Road Impact will be determined by an Independent Fee Calculation as outlined in Section 3(E). Once finalized, payment of any additional Road Impact Fees will be paid within 30 days of written approval of the calculation.

Section 5. Binding Effect of Agreement.

This Agreement shall be binding upon and shall inure to the benefit of the Owner, the City and their respective assigns and successors by merger, consolidation, conveyance or otherwise, subject to the terms of this Agreement, as contained herein.

Section 6. Notices.

All notices or communications herein required or permitted to be given shall be in writing and mailed by first class mail, postage prepaid, or delivered as follows:

The City and the Owner may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates and other communications shall be sent.

Section 7. Costs of Enforcement.

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

Section 8. Applicable Law; Entire Agreement.

This Agreement shall be governed by the laws of the State of Florida and it shall be and become effective immediately upon execution by both parties hereto. This Agreement supersedes all previous agreements or representations, either verbal or written, heretofore in effect between City and Owner, made with respect to the matters herein contained, and when duly executed, fully constitutes the Agreement between City and the Owner. No additions, alterations or variations of the terms of this Agreement shall be valid, nor can provisions of this Agreement be waived by either party, unless such additions, alterations, variations or waivers are expressed in writing and duly signed.

Section 9. Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one instrument.

**[SIGNATURE PAGES FOLLOW]**

IN WITNESS WHEREOF, the parties hereto have executed this CAPITAL FACILITY FEES PAYMENT AGREEMENT as of the date set forth in the first paragraph hereof.

THE CITY OF APOPKA, a municipal corporation:

By: \_\_\_\_\_  
Glenn Irby  
City Administrator

Attest: \_\_\_\_\_  
Linda Goff, City Clerk

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Glenn Irby and Linda Goff, City Administrator and City Clerk respectively, of the City of Apopka, a Florida municipal corporation, on behalf of the corporation. They are personally known to me and did not take an oath.

S E A L

NOTARY PUBLIC

\_\_\_\_\_

WITNESSES AS TO OWNER

\_\_\_\_\_  
  
\_\_\_\_\_

OWNER: Michael R. Cooper

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by \_\_\_\_\_. He is  
personally known to me or has produced \_\_\_\_\_ (type  
of identification) as identification and did (did not) take an oath.

SEAL

NOTARY PUBLIC

\_\_\_\_\_



EXHIBIT A

Description of the Property

Lots 1 through 4 inclusive and a portion of Tract "A" of COOPER PALMS as recorded in Plat Book 80, pages 110 and 111 of the Public Records of Orange County

ALSO BEING:

A portion of the Northeast 1/4 of the Southwest 1/4 of Section 9, Township 21 South, Range 28 East, Orange County, Florida being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of Section 9, Township 21 South, Range 28 East, Orange County, Florida; thence run S 89°45'19" E along the North line of the Southwest 1/4 of said Section 9 for a distance of 1302.70 feet to the Northwest corner of the Northeast 1/4 of said Southwest 1/4 of Section 9; said point being a 5/8 inch iron rod in a well box in pavement at the intersection of South Bradshaw Road and W. 1st Street ( also known as Marshall Lake Road); thence run S 00°54'21" W along the West line of the Northeast 1/4 of said Southwest 1/4 for a distance of 30.00 feet; thence leaving said West line run S 89°45'19" E for a distance of 50.00 feet to the South right of way line of W. 1st Street (also known as Marshall Lake Road) and the POINT OF BEGINNING; said point being the Northwest corner of Lot 1 Cooper Palms as recorded in Plat Book 80, pages 110 and 111 of the Public Records of Orange County; thence continue S 89°45'19" E along said South right of way line and along the North line of Lot 1 and Lot 3 of said Cooper Palms for a distance of 564.64 feet to the Northeast corner of said Lot 3, said point being the intersection of the the Westerly right of way line of the T.O. & A Railroad (100' right of way) with the East line of Lots 3 and 4 of said Cooper Palms; thence from said point run S 00°11'29" W along the East of Lots 3 and 4 of said Cooper Palms for a distance of 382.90 feet to the North line of Tract "A" Cooper Palms; said line also being the South line of Lots 2 and 4 of said Cooper Palms; thence run N 89°48'31" W along said North line of Tract "A" and along said South line of Lots 2 and 4 for a distance of 569.37 feet; thence run N 44°27'13" W for a distance of 14.05 feet to the East right of way line of Bradshaw Road (right of way varies); said line also being the West line of Lots 1 and 2 of said Cooper Palms; thence run N 00°54'21" E along said East right of way line and along the West line of Lots 1 and 2 for a distance of 363.52 feet; thence run N 45°34'35" E for a distance of 14.15 feet to the POINT OF BEGINNING.

Containing 5.07 acres more or less.

January 30, 2015

Mr. R. Jay Davoll, P.E.  
Community Development Director  
City Engineer  
City of Apopka  
120 East Main Street  
Apopka, FL 32703

Re: Transportation Impact of the Cooper Palms, an Indoor Sports Complex on 1<sup>st</sup> Street at Bradshaw Road, Apopka, Florida (LTEC # 14-1401)

Dear Mr. Anderson:

Per the request of Mr. Michael R. Cooper, I have prepared this letter to address the potential transportation impact and trip generation characteristics of the proposed Cooper Palms Indoor Sports Complex on 1<sup>st</sup> Street at Bradshaw Road in Apopka, Florida. Based on the information provided, the Cooper Palms sports complex will consist of a variety of indoor sports venues such as volleyball courts, basketball courts, batting cages, gymnastics, cheerleading, trampoline's, karate, yoga zumba classes, kick boxing, physical therapy, party rooms, and a food court.

The source utilized for determining the trip generation characteristics for land uses is the **9<sup>th</sup> Edition** of the **Trip Generation Manual** published by the Institute of Transportation Engineers (ITE). This document is a collection of numerous trip generation studies conducted throughout the United States and Canada since the 1960s. The collected studies trip generation data is summarized by specific land use. Trip generation rates and equations have been developed for the average weekday, Saturday and Sunday; the weekday morning and evening weekday peak hours of the generator; the weekday morning and evening weekday peak hours that occur during the traditional commuting peak hours of the adjacent street traffic (typically, 7:00-9:00 a.m. and 4:00-6:00 p.m.); and the Saturday and Sunday peak hours of the generator. In some cases, limited data is available

and thus, the statistics presented in the manual may not truly represent the trip generation characteristics of a particular land use. This is the case of the proposed Indoor Sports Complex.

Five recreational land uses published in the *ITE Trip Generation Manual* contain some aspects of the proposed Cooper Palms sports complex. These land uses are; Multipurpose Recreational Facility, Racquet/Tennis Club, Health/Fitness Club, Athletic Club and Recreational Community Center. A short description of each land use is as follows:

- Multipurpose Recreational Facility (LUC 435) – Facility contains two or more of the following land uses: miniature golf course, batting cages, video arcade, bumper boats, go-carts and golf driving ranges. *Limited data available with only a single observation. Includes land uses not proposed for site under review.*
- Racquet/Tennis Club (LUC 491) – Privately owned membership facility that primarily caters to racquet sports (tennis, racquetball or squash – indoor or outdoor). May also include swimming pools, whirlpools, saunas, weight rooms, snack bars and retail stores. *Land use mix not similar enough to proposed development and includes land uses not proposed.*
- Health/Fitness Club (LUC 492) - Privately owned membership facility that primarily focuses on individual fitness or training. Typically, they provided exercises classes, weightlifting, fitness and gymnastics equipment, spas, locker rooms and small restaurants or snack bars. May also include ancillary facilities such as swimming pools, whirlpools, saunas, tennis, racquetball courts and limited retail stores. *Land use mix not similar enough to proposed development and includes land uses not proposed.*
- Athletic Club (LUC 493) - Privately owned membership facility that offer comprehensive athletic facilities. Typically, they have one or more of the following: tennis, racquetball, squash, handball, basketball and volleyball courts; swimming pools; whirlpools; saunas; exercises and weight rooms. They may offer diverse competitive team sports activities and social facilities. *Limited data available. Includes land uses not proposed for site under review.*
- Recreational Community Center (LUC 495) – These are stand-alone public facilities that often include classes and clubs for adults and children; a day care or nursery school; meeting rooms; swimming pools and whirlpools; saunas; tennis racquetball, handball, basketball and volleyball courts; outdoor athletic fields/courts; exercise classes; weightlifting and gymnastics equipment; locker rooms and a restaurant or snack bar. *Land use mix*

*includes land uses such as day care and nursery school not in proposed development.*

As demonstrated in the above description of each land use type, none of them accurately reflects the actual land use mix proposed by the Cooper Palms sports complex and thus, any estimated trip generation calculation would be unrealistic at this time. Nor does a similar type sports complex currently exist within the Central Florida area that could be surveyed to develop the required trip generation characteristics.

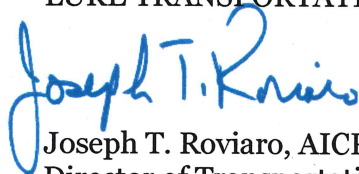
Because the sports complex is not open and operating, any alternative transportation impact fee traffic study conducted at this time would not be productive since the estimated trip generation characteristics would not be reflective of the actual land use proposed nor would it reflect the true economic impact of the sports complex. A traffic study based on estimated trip generation characteristics could result in over/under estimated impacts on the surround roadways and intersections as well as an over/under estimated transportation fee calculation.

Therefore, any short-term traffic study or transportation impact fee should be based on the type of building shell currently being constructed. The building type under construction is warehouse.

A transportation study conducted at the Cooper Palms sports complex, after it has been in operation for a reasonable time frame (two or three years), will include established trip generation characteristics and site-specific trip lengths. The study based on the actual sports complex under mature operations will provide the most accurate transportation data on which to determine the transportation impact fee as well as the transportation impacts on the adjacent roadway network.

Should you have any questions please call?

Respectfully,  
LUKE TRANSPORTATION ENGINEERING CONSULTANTS



Joseph T. Roviario, AICP  
Director of Transportation Planning

**Cooper Sports Complex  
Building on Lots 1 & 2  
Impact Fees January 29, 2015  
Building Permit # 13-12-290**

Building Size	101,000.00 sf	25 - Water Closets - @ 3.5 fu/ 3 - Mop sinks - "P" Traps @ 2 fu/ 19 - Lav's - @ 1 fu/ 1 - 3 -comp sink - @ 2 fu/ 11 - Urinals @ 2 fu/ 9 - Drinking Fountain @ 0.5 fu/ 1 - Dishwasher @ 2 fu/ Total fu = 143.0
Area to be irrigated =	21,000.00 sf	

**Traffic\***

Warehousing	90.900	\$1,877.00	\$170,619.30
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Amount due at C.O.

<b>\$170,619.30</b>
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Note: Due to the unknown and unique business, the owner will pay initially as warehousing and conduct an alternative impact fee analysis on the actual site two years after the Certificate of Occupancy. The City and owner will review and agree on the procedure of the study based upon Chapter 26 of the Code of Ordinances.

**Water**

143.00	25	3,575.00 gal/day
3,575.00	400 gal/ERU	8.94 ERU's
8.94	\$2,021.00 /ERU	\$18,067.74

Amount due at C.O.

<b>\$18,067.74</b>
--------------------

**Sewer**

143.00	25	3,575.00 gal/day
3,575.00	350 gal/ERU	10.21 ERU's
10.21	\$4,235.00 /ERU	\$43,239.35

Amount due at C.O.

<b>\$43,239.35</b>
--------------------

**Re-Use Water**

21,000.00	10,000.00 s.f. / ERU	2.1 ERU's
2.1	\$ 2,414.00 / ERU	\$5,069.40

Amount due at C.O.

<b>\$5,069.40</b>
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**Backup material for agenda item:**

1. ORDINANCE NO. 2437 - SECOND READING & ADOPTION - ANNEXATION - Ellsworth D. Bottoms Trust, property located at 4011 Golden Gem Road. (Parcel ID No. 13-20-27-0000-00-054) (10.25 +/- acres)



**CITY OF APOPKA  
CITY COUNCIL**

       CONSENT AGENDA  
  X   PUBLIC HEARING  
       SPECIAL REPORTS  
  X   OTHER: Annexation

MEETING OF: August 5, 2015  
FROM: Community Development  
EXHIBITS: Exhibit "A" Summary of Cycle 2a  
Ordinance Nos. 2437  
Vicinity Map

**SUBJECT:                  2015 ANNEXATION - CYCLE NO. 2a**

**Request:                  SECOND READING & ADOPTION OF ORDINANCE NUMBER: 2437 –  
ELLSWORTH D. BOTTOMS TRUST.**

**SUMMARY:**

OWNERS:                      **ELLSWORTH D. BOTTOMS TRUST**  
  
LOCATIONS:                  4011 Golden Gem Road – 13-20-27-0000-00-054  
  
LAND USE:                   Refer to Exhibit "A"  
  
EXISTING USE:               Refer to Exhibit "A"  
  
TRACT SIZE:                10.25 +/- acres

**ADDITIONAL COMMENTS**

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

**ORANGE COUNTY NOTIFICATION:**

The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on June 26, 2015.

**DULY ADVERTISED:**

July 3, 2015 - 1/4 Page Public Hearing Advertisement  
July 10, 2015 - 1/4 Page Public Hearing Advertisement  
July 24, 2015 - Ordinance Headings Advertisement

**PUBLIC HEARING SCHEDULE:**

July 15, 2015 (7:00 pm) - City Council 1<sup>st</sup> Reading  
August 5, 2015 (1:30 pm) - City Council 2<sup>nd</sup> Reading and Adoption

**DISTRIBUTION**

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

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #2a.

The City Council, at its meeting on July 15, 2015, accepted the First Reading of Ordinance No. 2437 and held it over for Second Reading and Adoption on August 5, 2015.

Adopt Ordinance No. 2437.



**EXHIBIT "A"**  
**CITY OF APOPKA**  
**2015 ANNEXATION CYCLE #2A**

**TOTAL ACRES: 20.04 +/-**  
**ANNEXATION ORDINANCE NO.: 2437-2439**

**Adopted this 5th day of August, 2015**

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2437	1	Ellsworth D. Bottoms, Trust	4011 Golden Gem Road	13-20-27-0000-00-054	10.25	Foliage Nursery	Rural Max. 1du/10 acres
2438	2	Norman E. Sawyer	119 East Nancy Lee Lane	33-20-28-0000-00-047	0.41	Vacant Land	Rural Max. 1du/10 acres
2439	3	Technology Property, LLC	Clarcona Road Clarcona Road 476 Jellystone Avenue	27-21-28-6024-00-005 27-21-28-6024-00-006 27-21-28-6024-00-007	3.40 2.37 <u>3.61</u> 9.38	Vacant Land	Rural Settlement Max. 1du/5 acres
				<b>TOTAL ACRES</b>	<b>20.04</b>		

g:\Shared\4020\PLANNING\_ZONING\Annexations\2015 Cycle 2A Spreadsheet.wpd

ORDINANCE NO. 2437

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 ELLSWORTH D. BOTTOMS, TRUST, LOCATED AT 4011 GOLDEN GEM ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Ellsworth D. Bottoms, Trust owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 4011 Golden Gem 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 10.25 +/- 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:

S1/2 OF S1/2 OF SW1/4 OF SW1/4 SEC 13-20-27 (LESS W 30 FT FOR RD R/W)  
Parcel I.D.: 13-20-27-0000-00-054  
Contains: 10.25 +/- Acres

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

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

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

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

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

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

READ FIRST TIME: July 15, 2015  
READ SECOND TIME  
AND ADOPTED: August 5, 2015

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: July 3, 2015  
July 10, 2015  
July 24, 2015

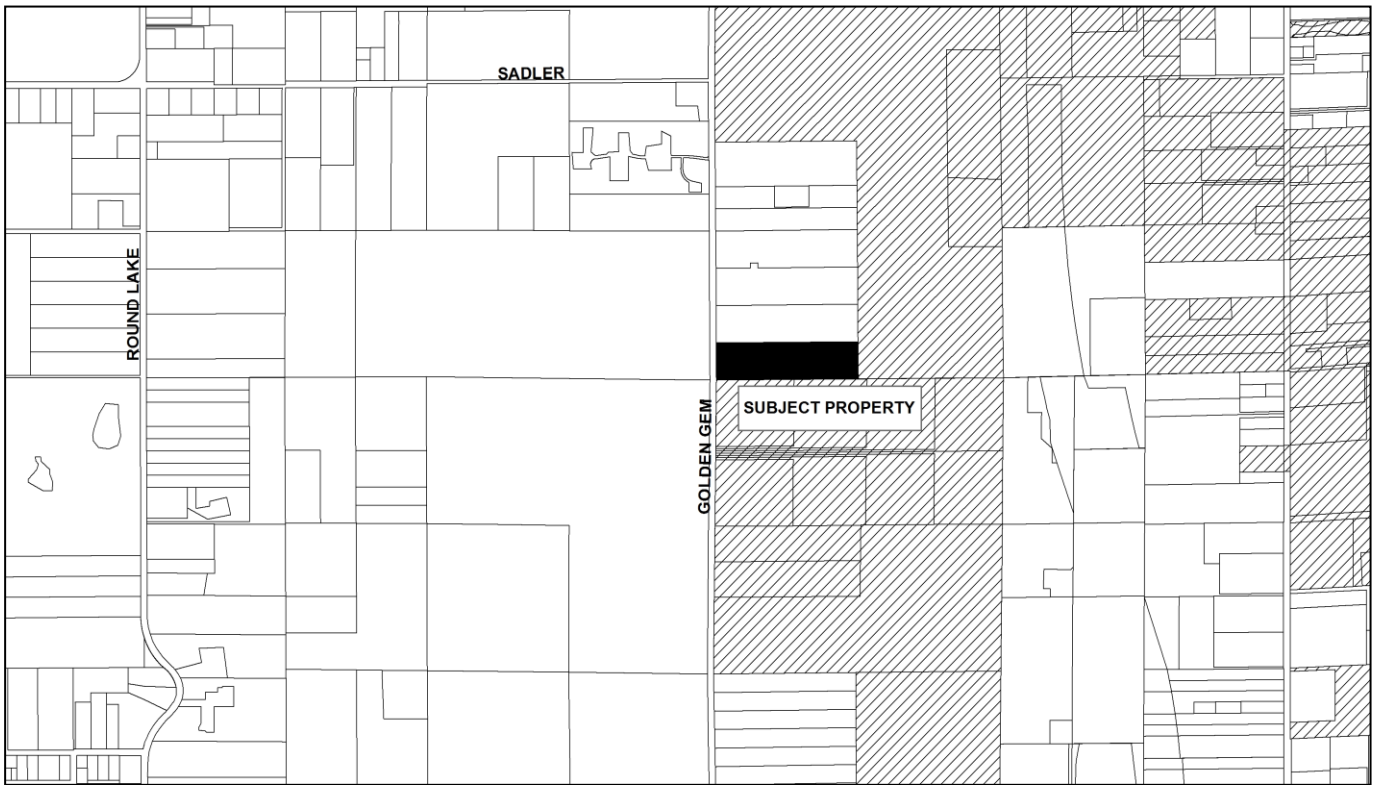


**ANNEXATION**  
**ELLSWORTH D. BOTTOMS TRUST**  
**4011 GOLDEN GEM ROAD**

**Exhibit "A"**  
**Ord. # 2437**  
**Parcel ID: 13-20-27-0000-00-054**

**Total Acres: 10.25 +/-**

**VICINITY MAP**



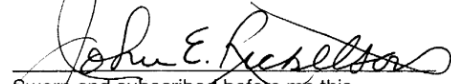
**The Apopka Chief**  
APOPKA, FLORIDA

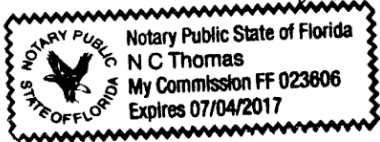
**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

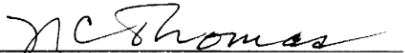
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **July 24, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.florida-publicnotices.com](http://www.florida-publicnotices.com)

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

  
Sworn and subscribed before me this  
**24th day of July, 2015**, by John E. Ricketson,  
who is personally known to me.



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

**PUBLIC NOTICE**

**CITY OF APOPKA  
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, August 5, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2437  
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 ELLSWORTH D. BOTTOMS, TRUST, LOCATED AT 4011 GOLDEN GEM ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2438  
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 NORMAN E. SAWYER, LOCATED AT 119 EAST NANCY LEE LANE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2439  
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 TECHNOLOGY PROPERTIES, LLC, LOCATED SOUTH OF KEENE ROAD AND WEST OF CLARCONA ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2440  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2441  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA OWNED BY DONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council  
Community Development Department

July 24, 2015  
Publish: The Apopka Chief

153619

**Backup material for agenda item:**

2. ORDINANCE NO. 2438 - SECOND READING & ADOPTION - ANNEXATION - Norman E. Sawyer, property located at 119 East Nancy Lee Lane. (Parcel ID No. 33-20-28-0000-00-047) (0.41 +/- acre)



**CITY OF APOPKA  
CITY COUNCIL**

       CONSENT AGENDA  
  X   PUBLIC HEARING  
       SPECIAL REPORTS  
  X   OTHER: Annexation

MEETING OF: August 5, 2015  
FROM: Community Development  
EXHIBITS: Exhibit "A" Summary of Cycle 2a  
Ordinance Nos. 2438  
Vicinity Map

**SUBJECT:                  2015 ANNEXATION - CYCLE NO. 2a**

**Request:                  SECOND READING & ADOPTION OF ORDINANCE NUMBER: 2438 –  
NORMAN E. SAWYER.**

**SUMMARY:**

OWNERS:                      **NORMAN E. SAWYER**  
  
LOCATIONS:                  119 E. Nancy Lee Lane – 33-20-28-0000-00-047  
  
LAND USE:                   Refer to Exhibit "A"  
  
EXISTING USE:               Refer to Exhibit "A"  
  
TRACT SIZE:                0.41 +/- acres

**ADDITIONAL COMMENTS**

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

**ORANGE COUNTY NOTIFICATION:**

The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on June 26, 2015.

**DULY ADVERTISED:**

July 3, 2015 - 1/4 Page Public Hearing Advertisement  
July 10, 2015 - 1/4 Page Public Hearing Advertisement  
July 24, 2015 - Ordinance Headings Advertisement

**PUBLIC HEARING SCHEDULE:**

July 15, 2015 (7:00 pm) - City Council 1<sup>st</sup> Reading  
August 5, 2015 (1:30 pm) - City Council 2<sup>nd</sup> Reading and Adoption

**DISTRIBUTION**

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

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #2a.

The **City Council**, at its meeting on July 15, 2015, accepted the First Reading of Ordinance No. 2438 and held it over for Second Reading and Adoption on August 5, 2015.

Adopt Ordinance No. 2438.



**EXHIBIT "A"**  
**CITY OF APOPKA**  
**2015 ANNEXATION CYCLE #2A**

**TOTAL ACRES: 20.04 +/-**  
**ANNEXATION ORDINANCE NO.: 2437-2439**

**Adopted this 5th day of August, 2015**

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2437	1	Ellsworth D. Bottoms, Trust	4011 Golden Gem Road	13-20-27-0000-00-054	10.25	Foliage Nursery	Rural Max. 1du/10 acres
2438	2	Norman E. Sawyer	119 East Nancy Lee Lane	33-20-28-0000-00-047	0.41	Vacant Land	Rural Max. 1du/10 acres
2439	3	Technology Property, LLC	Clarcona Road Clarcona Road 476 Jellystone Avenue	27-21-28-6024-00-005 27-21-28-6024-00-006 27-21-28-6024-00-007	3.40 2.37 <u>3.61</u> 9.38	Vacant Land	Rural Settlement Max. 1du/5 acres
				<b>TOTAL ACRES</b>	<b>20.04</b>		

g:\Shared\4020\PLANNING\_ZONING\Annexations\2015 Cycle 2A Spreadsheet.wpd

ORDINANCE NO. 2438

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 NORMAN E. SAWYER LOCATED AT 119 EAST NANCY LEE LANE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Norman E. Sawyer, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at 119 East Nancy Lee Lane; 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 +/- 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:

BEG 804 FT N & 525 FT W OF SE COR OF SEC 33-20-28 TH RUN  
N 234.4 FT WLY 75 FT S 235.75 FT E 75 FT TO POB  
Parcel ID: 33-20-28-0000-00-047 Containing: 0.41 +/- Acres

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

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

**ORDINANCE NO. 2438**

**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: July 15, 2015

READ SECOND TIME  
AND ADOPTED: August 5, 2015

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: July 3, 2015  
July 10, 2015  
July 24, 2015

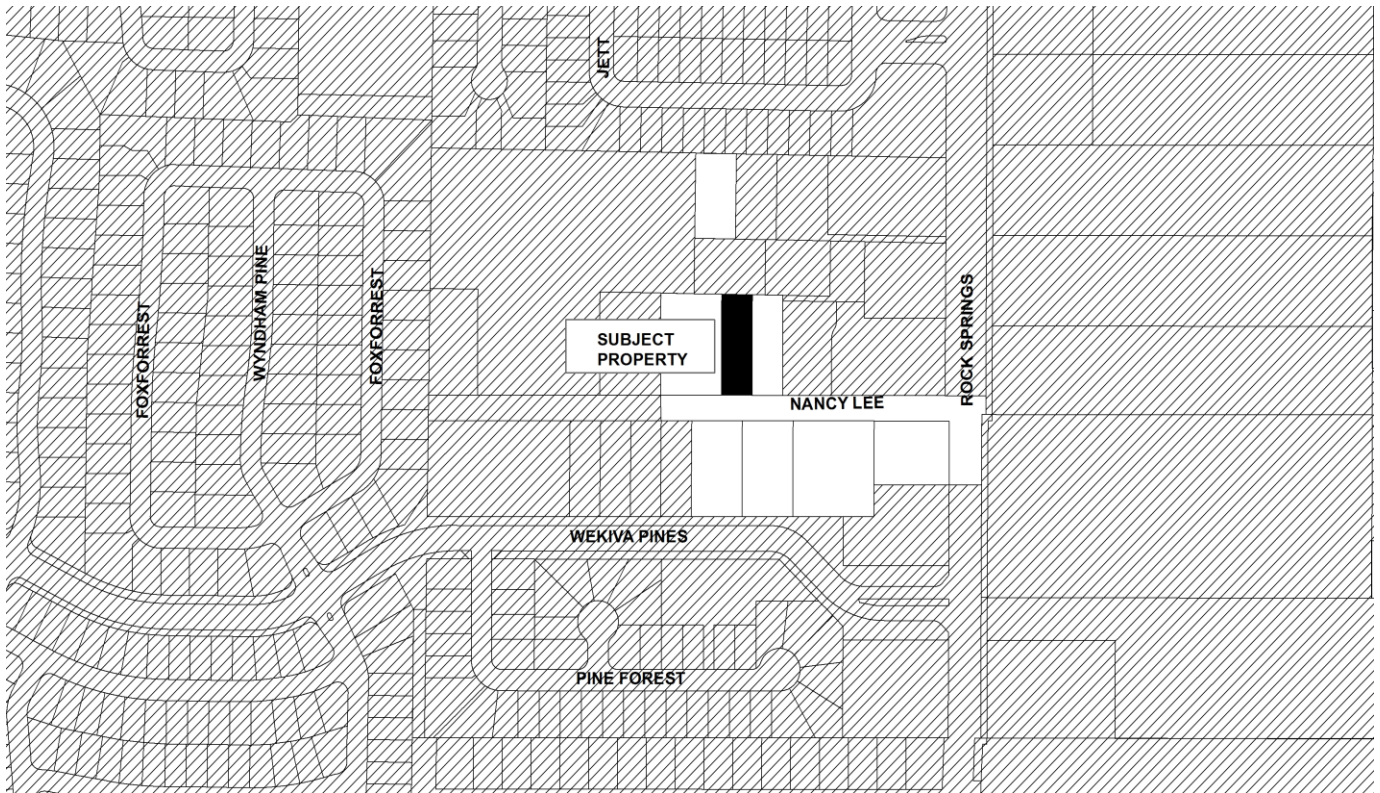


**ANNEXATION**  
**NORMAN E. SAWYER**  
**119 EAST NANCY LEE LANE**

**Exhibit "A"**  
**Ord. # 2438**  
**Parcel ID: 33-20-28-0000-00-047**

**Total Acres: 0.41 +/-**

**VICINITY MAP**

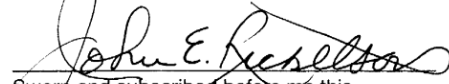


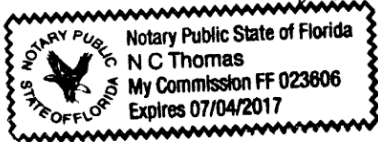
**The Apopka Chief**  
APOPKA, FLORIDA

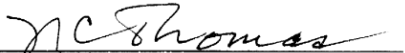
**PUBLISHER'S AFFIDAVIT OF PUBLICATION**  
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **July 24, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.florida-publicnotices.com](http://www.florida-publicnotices.com)

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

  
Sworn and subscribed before me this  
**24th day of July, 2015**, by John E. Ricketson,  
who is personally known to me.



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

**PUBLIC NOTICE**

**CITY OF APOPKA  
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, August 5, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2437  
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 ELLSWORTH D. BOTTOMS, TRUST, LOCATED AT 4011 GOLDEN GEM ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2438  
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 NORMAN E. SAWYER, LOCATED AT 119 EAST NANCY LEE LANE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2439  
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 TECHNOLOGY PROPERTIES, LLC, LOCATED SOUTH OF KEENE ROAD AND WEST OF CLARCONA ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2440  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2441  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA OWNED BY DONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council  
Community Development Department

July 24, 2015  
Publish: The Apopka Chief

153619

**Backup material for agenda item:**

3. ORDINANCE NO. 2439 - SECOND READING & ADOPTION - ANNEXATION - Technology Property, LLC, property located south of Keene Road and west of Clarcona Road. Parcel ID Nos.27-(21-28-6024-00-005 (3.40 ac); 27-21-28-6024-00-006 (2.37 ac); 27-21-28-6024-00-007 (3.61 ac) (Combined 9.38 +/- acres)



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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #2a.

The **City Council**, at its meeting on July 15, 2015, accepted the First Reading of Ordinance No. 2439 and held it over for Second Reading and Adoption on August 5, 2015.

Adopt Ordinance No. 2439.



**EXHIBIT "A"**  
**CITY OF APOPKA**  
**2015 ANNEXATION CYCLE #2A**

**TOTAL ACRES: 20.04 +/-**  
**ANNEXATION ORDINANCE NO.: 2437-2439**

**Adopted this 5th day of August, 2015**

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2437	1	Ellsworth D. Bottoms, Trust	4011 Golden Gem Road	13-20-27-0000-00-054	10.25	Foliage Nursery	Rural Max. 1du/10 acres
2438	2	Norman E. Sawyer	119 East Nancy Lee Lane	33-20-28-0000-00-047	0.41	Vacant Land	Rural Max. 1du/10 acres
2439	3	Technology Property, LLC	Clarcona Road Clarcona Road 476 Jellystone Avenue	27-21-28-6024-00-005 27-21-28-6024-00-006 27-21-28-6024-00-007	3.40 2.37 <u>3.61</u> 9.38	Vacant Land	Rural Settlement Max. 1du/5 acres
				<b>TOTAL ACRES</b>	<b>20.04</b>		

g:\Shared\4020\PLANNING\_ZONING\Annexations\2015 Cycle 2A Spreadsheet.wpd

ORDINANCE NO. 2439

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 TECHNOLOGY PROPOERTIES, LLC, LOCATED AT SOUTH OF KEENE ROAD AND WEST OF CLARCONA ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Technology Properties, LLC, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at south of Keene Road and west of Clarcona 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 9.38 +/- 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:

OAK HEIGHTS REPLAT S/8 COMM NW COR OF NE1/4 OF NW1/4 OF SEC 27-21-28 TH RUN S89-49-06E 645.67 FT TH RUN S00-17-40W 475.57 FT TO POB TH CONT S00-17-40W 25 FT TH S89-58-35W 25 FT TH RUN S00-17-40W 13.02 FT TO CURVE CONCAVE NELY RAD 105 FT DELTA 18-11-44 SELY FOR 33.34 FT TO REVERSE CURVE CONCAVE SWLY RAD OF 95 FT DELTA 08-17-04 SELY FOR 13.74 FT TO REVERSE CURVE CONCAVE NELY RAD 25 FT DELTA 13-22-59 SELY FOR 5.84 FT TH S01-29-51W 215.22 FT TH N89-58-35E 416.69 FT TH N69-01-28E 10 FT TH N20-58-32W 18.89 FT TH N69-01-28 E 135 FT TH N20-58-32W 252.08 FT TH S89-58-35W 434.24 FT TO POB (LESS THE W 3 FT LYING WITHIN THE FOLLOWING DESC: COMM AT

**ORDINANCE NO. 2439**

**PAGE 2**

NW COR OF NE1/4 OF NW1/4 PF SEC TH S89-49-06E 645.67 FT TO W LINE OF E1/2 OF NE1/4 OF NW1/4 AND W LINE OF OAK HGTS REP S/8 TH S00-17-40W 475.58 FT ALONG SAID LINE TO S LINE OF N120 FT OF S1009.3 FT OF OAK HGTS REP TH N89-58-35E 434.24 FT TO WLY R/W LINE OF SR 435 (CLARCONA RD) TH S20-58-33E 729.76 FT TO NE COR OF TR T-10 YOGI BEAR'S JELLYSTONE PARK CAMP RESORT (APOPKA) TH N88-30-09W 722.91 FT ALONG SAID TR T-10 AND N LINE OF TR C TO POB TH N88-30-09W 3 FT TO NW COR OF TR C TH N01-29-51E 572.67 FT TH S88-30-09E 3 FT TH S01-29-51W 572.67 FT TO POB PER 10831/5459) Parcel I.D.: 27-20-28-0000-00-005 Containing: 3.40 +/- Acres and;

OAK HEIGHTS REPLAT S/8 COMM NW COR OF NE1/4 OF NW1/4 OF SEC 27-21-28 TH RUN S89-49-06E 645.67 FT TH RUN S00-17-40W 500.57 FT TH RUN S89-58-35W 25 FT TH S00-17-40W 13.02 FT TO CURVE CONCAVE NELY RAD 105 FT DELTA 18-11-44 SELY FOR 33.34 FT TO REVERSE CURVE CONCAVE SWLY RAD 95 FT DELTA 08-17-04 SELY FOR 13.74 FT TO REVERSE CURVE CONCAVE NELY RAD 25 FT DELTA 13-22-59 SELY FOR 5.84 FT TH S01-29-51W 215.22 FT TO POB TH CONT S01-29-51W 167.76 FT TH N89-58-35E 492.56 FT TH N30-44-24E 8.03 FT TH N69-01-28E 131.97 FT TH N20-58-32W 196.07 FT TH S69-01-28W 135 FT TH S20-58-32E 18.89 FT TH S69-01-28W 10 FT TH S89-58-35W 416.69 FT TO POB (LESS THE W 3 FT LYING WITHIN THE FOLLOWING DESC: COMM AT NW COR OF NE1/4 OF NW1/4 PF SEC TH S89-49-06E 645.67 FT TO W LINE OF E1/2 OF NE1/4 OF NW1/4 AND W LINE OF OAK HGTS REP S/8 TH S00-17-40W 475.58 FT ALONG SAID LINE TO S LINE OF N120 FT OF S1009.3 FT OF OAK HGTS REP TH N89-58-35E 434.24 FT TO WLY R/W LINE OF SR 435 (CLARCONA RD) TH S20-58-33E 729.76 FT TO NE COR OF TR T-10 YOGI BEAR'S JELLYSTONE PARK CAMP RESORT (APOPKA) TH N88-30-09W 722.91 FT ALONG SAID TR T-10 AND N LINE OF TR C TO POB TH N88-30-09W 3 FT TO NW COR OF TR C TH N01-29-51E 572.67 FT TH S88-30-09E 3 FT TH S01-29-51W 572.67 FT TO POB PER 10831/5459) Parcel I.D.: 27-20-28-0000-00-006 Containing: 2.37 +/- Acres and;

OAK HEIGHTS REPLAT S/8 COMM NW COR OF NE1/4 OF NW1/4 OF SEC 27-21-28 TH RUN S89-49-06E 645.67 FT TH S00-17-40W 500.57 FT TH S89-58-35W 25 FT TH S00-17-40W 13.02 FT TO CURVE CONCAVE NELY RAD 105 FT DELTA 18-11-44 SELY FOR 33.34 FT TO REVERSE CURVE CONCAVE SWLY RAD 95FT DELTA 08-17-04 SELY FOR 13.74 FT TO REVERSE CURVE CONCAVE NELY RAD 25 FT DELTA 13-22-59 SELY FOR 5.84 FT TH S01-29-51W 382.89 FT TO POB TH CONT S01-29-51W 189.70 FT TH RUN S88-30-09E 318.32 FT TO CURVE CONCAVE SELY RAD 100 FT CHORD N81-23-00E NELY FOR 35.31 FT TH S01-29-51E 16.17 FT M/L TH S88-30-09E 373 FT TH N20-58-32W 281.60 FT TH S69-01-28W 131.97 FT TH

**ORDINANCE NO. 2439**

**PAGE 3**

S30-44-24W 8.03 FT TH S89-58-35W 492.56 FT TO POB & COMM AT SE CORNER OF OAK HGTS REP S/8 TH RUN N89-59-04E 129.21 FT TO W R/W OF APOPKA VINELAND ROAD TH N20-58-32W 107.53 FT TO POB SAID PT BEING SE CORNER OF TR T-10 OF YOGI BEARS JELLYSTONE PARK CAMP-RESORT 3347/2482; CONT N20-58-32W 115 FT TO POB TH S58-19-30W 50.88 FT TH S46-42-32W 45 FT TH N88-17-28W 120 FT TH N80-52-21W 115 FT TH N88-30-09W 64.49 FT TH N01-30-04E 43.83 FT TH S88-30-20E 373 FT TO POB PER 10831/5459 (LESS THE W 3 FT LYING WITHIN THE FOLLOWING DESC: COMM AT NW COR OF NE1/4 OF NW1/4 PF SEC TH S89-49-06E 645.67 FT TO W LINE OF E1/2 OF NE1/4 OF NW1/4 AND W LINE OF OAK HGTS REP S/8 TH S00-17-40W 475.58 FT ALONG SAID LINE TO S LINE OF N120 FT OF S1009.3 FT OF OAK HGTS REP TH N89-58-35E 434.24 FT TO WLY R/W LINE OF SR 435 (CLARCONA RD) TH S20-58-33E 729.76 FT TO NE COR OF TR T-10 YOGI BEAR'S JELLYSTONE PARK CAMP RESORT (APOPKA) TH N88-30-09W 722.91 FT ALONG SAID TR T-10 AND N LINE OF TR C TO POB TH N88-30-09W 3 FT TO NW COR OF TR C TH N01-29-51E 572.67 FT TH S88-30-09E 3 FT TH S01-29-51W 572.67 FT TO POB PER 10831/5459) Containing: 3.61 +/- Acres

Total combined acres: 9.38 acres +/-

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

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

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

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

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





**ANNEXATION  
TECHNOLOGY PROPERTY, LLC  
CLARCONA ROAD**

**Exhibit "A"**

**Ord. # 2439**

**Parcel IDs: 27-20-28-0000-00-005  
27-20-28-0000-00-006  
27-20-28-0000-00-007**

**Total Acres: 9.38 +/-**

**VICINITY MAP**

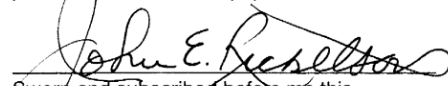


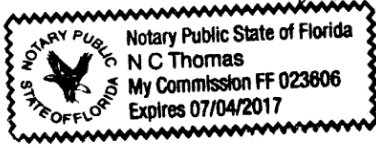
**The Apopka Chief**  
APOPKA, FLORIDA


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

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **July 24, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.florida-publicnotices.com](http://www.florida-publicnotices.com)

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

  
Sworn and subscribed before me this  
**24th day of July, 2015**, by John E. Ricketson,  
who is personally known to me.



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

**PUBLIC NOTICE**  
**CITY OF APOPKA**  
**PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, August 5, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2437  
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 ELLSWORTH D. BOTTOMS, TRUST, LOCATED AT 4011 GOLDEN GEM ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2438  
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 NORMAN E. SAWYER, LOCATED AT 119 EAST NANCY LEE LANE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2439  
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 TECHNOLOGY PROPERTIES, LLC, LOCATED SOUTH OF KEENE ROAD AND WEST OF CLARCONA ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2440  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2441  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA OWNED BY DONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council  
Community Development Department

July 24, 2015  
Publish: The Apopka Chief

153619

**Backup material for agenda item:**

4. ORDINANCE NO. 2440 - SECOND READING & ADOPTION - ANNEXATION - Crossroads Church of Orlando, Inc., property located at 320 East Welch Road; and authorize the Mayor or his designee to sign the Interlocal Agreement between the City of Apopka and Orange County for annexation of enclaves. (Parcel ID No. 34-20-28-9550-00-261) (1.85 +/- acres)





# CITY OF APOPKA CITY COUNCIL

       CONSENT AGENDA  
  X   PUBLIC HEARING  
       SPECIAL REPORTS  
  X   OTHER: Annexations

MEETING OF: August 5, 2015  
FROM: Community Development  
EXHIBITS: Exhibit "A" Summary of Cycle 2b  
Ordinance No. 2440 w/map  
Exhibit "B" Interlocal Agreement

**SUBJECT:                  2015 ANNEXATION - CYCLE NO. 2b**

**Request:                  SECOND READING & ADOPTION OF ORDINANCE NO. 2440 –  
CROSSROADS CHURCH OF ORLANDO, INC.; AND AUTHORIZE THE  
MAYOR OR HIS DESIGNEE TO SIGN THE INTERLOCAL  
AGREEMENT BETWEEN THE CITY OF APOPKA AND ORANGE  
COUNTY FOR ANNEXATION OF ENCLAVES.**

**SUMMARY:**

OWNER:                      CROSSROADS CHURCH OF ORLANDO, INC.  
  
LOCATION:                    320 West Welch Road  
  
LAND USE:                  Refer to Exhibit "A"  
  
EXISTING USE:              Refer to Exhibit "A"  
  
TRACT SIZE:               1.85 +/- acres

**ADDITIONAL COMMENTS:**

The two unincorporated enclaves included in the 2015-2b cycle are subject to an annexation agreement between the City and Orange County Board of County Commissioners. Annexation of the Guarda & Son property (Ordinance No.2398) on December 17, 2014 created two unincorporated enclave parcels. Prior to any hearings for the Guarda & Son property, Orange County planning staff raised concerns and potential objections to annexation of the Guarda property because it would create two unincorporated enclaves. To alleviate the County's concerns, the City and County planning staffs mutually agreed to a process an Annexation Agreement that would eliminate these two enclaves and bring them into the City's jurisdiction. The City Council agenda package for the Guarda property annexation on December 17, 2014 read as follows:

"The City Council, at its meeting on December 3, 2014, accepted the First Reading of Ordinance No. 2398 and held it over for Second Reading and Adoption on December 17, 2014; and authorized staff to proceed with an Interlocal Agreement for Annexation of Enclaves."

**DISTRIBUTION**

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

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief

**CITY COUNCIL – AUGUST 5, 2015**  
**2015 ANNEXATION CYCLE #2B – ORDINANCE NO. 2440**  
**PAGE 2**

A proposed Annexation Agreement accompanies the proposed ordinance for each of the two parcels. City Council's action to approve this annexation ordinance must also include acceptance of the Annexation Agreement.

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

**ORANGE COUNTY NOTIFICATION:**

The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on June 26, 2015.

**DULY ADVERTISED:**

July 3, 2015 - 1/4 Page Public Hearing Advertisement  
July 10, 2015 - 1/4 Page Public Hearing Advertisement  
July 24, 2015 - Ordinance Headings Advertisement

**PUBLIC HEARING SCHEDULE:**

July 15, 2015 (7:00 pm) - City Council 1st Reading  
August 5, 2015 (1:30 pm) - City Council 2nd Reading and Adoption

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #2b.

The **City Council**, at its meeting on July 15, 2015, accepted the First Reading of Ordinance No. 2440; and authorized the Mayor, or his designee, to sign the Interlocal Agreement between the City of Apopka and Orange County for the annexation of enclaves; and held it over for Second Reading and Adoption on August 5, 2015.

Adopt Ordinance No. 2440.

**EXHIBIT "A"**  
**CITY OF APOPKA**  
**2015 ANNEXATION CYCLE # 2B**

**TOTAL ACRES: 2.85 +/-**

**ANNEXATION ORDINANCE No.s.: 2440 & 2441**

**Adopted this 5th day of August, 2015**

<b>ORD. NO.</b>	<b>ITEM NO.</b>	<b>OWNER'S NAME</b>	<b>LOCATION</b>	<b>PARCEL NUMBER</b>	<b>ACRES +/-</b>	<b>EXISTING USE</b>	<b>FUTURE LAND USE (COUNTY)</b>
<b>2440</b>	<b>1</b>	Crossroads Church of Orlando, Inc.	320 East Welch Road	34-20-28-9550-00-261	1.85	Church	Low Density Residential Max. 4du/ac
<b>2441</b>	<b>2</b>	Donald Lee Boughan	404 East Welch Road	34-20-28-9550-00-232	1.00	SFR	Low Density Residential Max. 4du/ac
				<b>TOTAL ACRES</b>	<b>2.85</b>		

g:\Shared\4020\PLANNING\_ZONING\Annexations\2015\Cycle 2

ORDINANCE NO. 2440

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Apopka, Florida and Orange County, Florida are entering into an interlocal agreement for annexation of enclaves located within unincorporated Orange County into the corporate limits of the City of Apopka, Florida, pursuant to, and as authorized by, Florida Statutes 171.046; and

WHEREAS, there exists a 1.85 acre enclave of unincorporated Orange County located at 320 East Welch Road 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 171.046, and

WHEREAS, following the approval of Orange County Board of County Commission.

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

SECTION I: That the following described property, being situated in Orange County, Florida, totaling 1.85 +/- acres, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to provisions of Florida Statutes 171.046, and other applicable laws:

Legal Description:

THE EAST 185 FEET OF THE NORTH 435.53 FEET OF LOT 26, APOPKA RANCHES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Z, PAGE 134, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.  
PARCEL I.D.: 34-20-28-9550-00-261  
CONTAINS: 1.85 +/- 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. 2440**

**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.

FIRST READING: July 15, 2015

SECOND READING  
AND ADOPTION: August 5, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: July 03, 2015  
July 10, 2015  
July 24, 2015

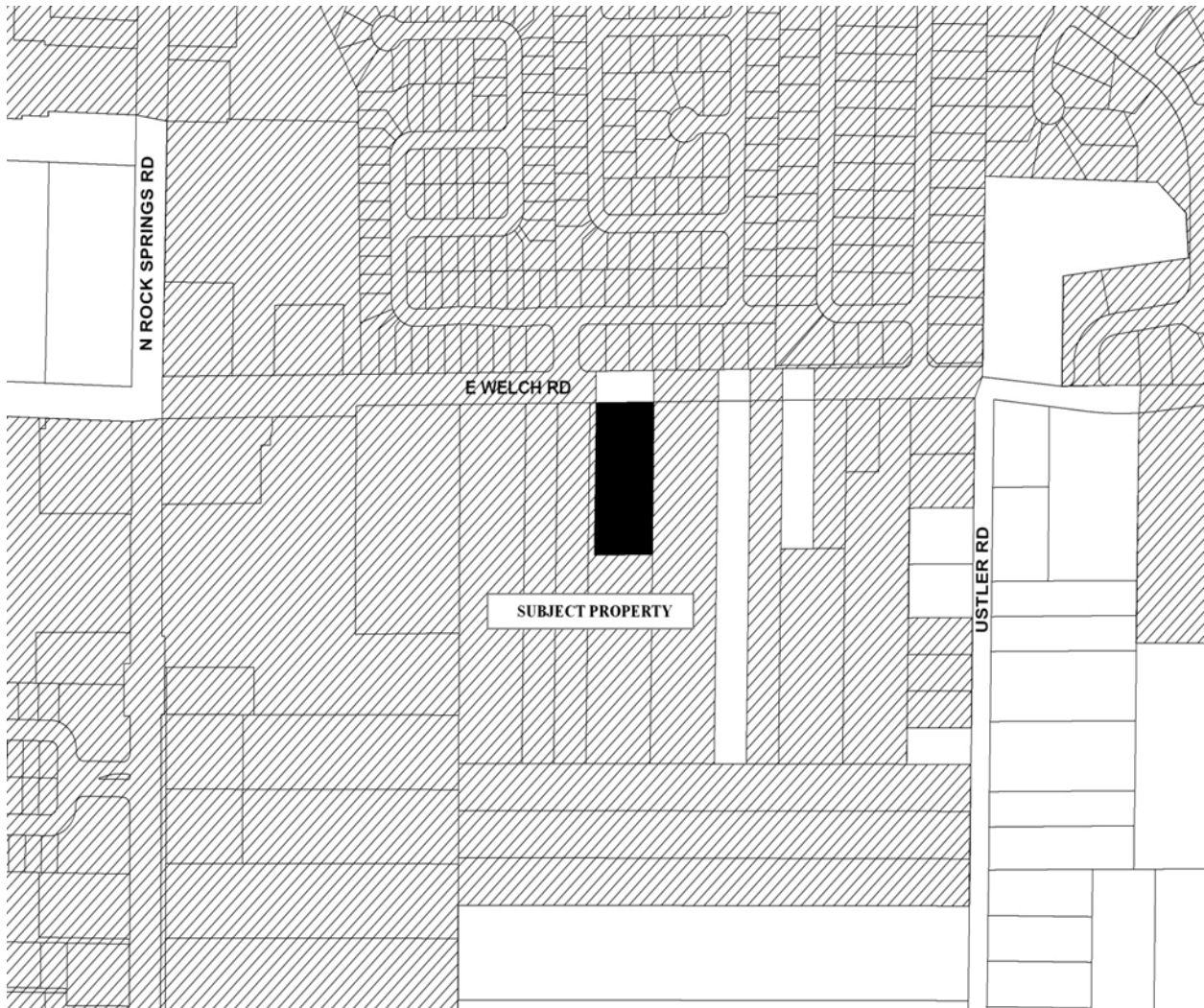


**ANNEXATION**  
**CROSSROADS CHURCH OF ORLANDO, INC.**  
**320 EAST WELCH ROAD**

**Exhibit "A"**  
**Ord. # 2440**  
**Parcel IDs: 34-20-28-**

**9550-00-261**

**Total Acres: 1.85 +/-**



**VICINITY MAP**

# EXHIBIT "B"

**THIS INSTRUMENT PREPARED BY  
AND SHOULD BE RETURNED TO:**  
City of Apopka  
Community Development Department  
David Moon, Planning Manager  
P. O. Box 1229, Apopka, FL 32704-1229

**Tax Parcel Identification Number:**  
**34-20-28-9550-00-261**

For Recording Purposes Only

## INTERLOCAL AGREEMENT FOR ANNEXATION OF ENCLAVES

Between

**CITY OF APOPKA, FLORIDA**

And

**ORANGE COUNTY, FLORIDA**

**THIS INTERLOCAL AGREEMENT**, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, (hereinafter referred to as "Agreement") between the **CITY OF APOPKA**, a municipal corporation in the State of Florida whose mailing address is P. O. Box 1229, Apopka, Florida 32704-1229 (hereinafter referred to as "City"), and **ORANGE COUNTY, FLORIDA**, a charter county and political subdivision of the State of Florida whose mailing address is 201 South Rosaline Avenue, Orlando, Florida 32801 (hereinafter referred to as "County"), is entered into for the purpose of annexing certain enclaves located within unincorporated Orange County into the corporate limits of the City of Apopka, Florida, pursuant to, and as authorized by, Florida Statutes § 171.046.

### WITNESSTH

**WHEREAS**, Florida Statutes § 171.046, adopted by the Florida Legislature, recognizes that enclaves can create significant problems in planning, growth management, and service delivery; that it is the policy of the State of Florida to eliminate enclaves; and provides a method for the annexation by interlocal agreement of enclaves that are ten (10) acres or less; and

**WHEREAS**, Florida States § 171.031, adopted by the Florida Legislature, defines areas that are "urban in character" as those lands used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes; and defines "enclaves" as any unincorporated developed or improved area that is enclosed within and bounded on all sides by a single municipality, or any unincorporated developed or improved area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality; and

**WHEREAS**, Florida Statutes § 171.043, adopted by the Florida Legislature, describes the character of the area that may be annexed; and

**WHEREAS**, the City and County agree that both parties shall work together in good faith to enter into interlocal agreements pursuant to Florida Statutes to eliminate such identified enclaves; and

**WHEREAS**, it has been determined by the City that the parcel to be annexed by this Agreement is within the future annexation and planning areas of the City and meets the requirements set out in Florida Statutes § 171.046; and

**WHEREAS**, annexation of the identified enclave into the City will avoid unnecessary confusion and duplication of municipal services, including emergency services.

**NOW THEREFORE**, in consideration of the premises and the mutual promises and agreements set forth herein and other good and valuable consideration, the receipt of which is hereby acknowledged and intending to be legally bound hereby, the parties hereto do hereby agree as follows:

**SECTION I.** The Recitals set forth above are true and correct and by this reference are incorporated herein as part of this Agreement.

**SECTION II.** This Agreement is executed in order to adjust and redefine the corporate limits of the City to include the land described in Section III below in order to ensure the sound and efficient delivery of urban services to said lands.

**SECTION III.** The City and the County hereby find that the following land located in unincorporated Orange County is an enclave of 10 acres or less which meets the criteria for annexation into the City under Florida Statutes § 171.046.

See **Attachment "A"** which is attached hereto and by this reference made a part thereof. A map of the above-described land which clearly shows the area proposed to be annexed is attached hereto as **Attachment "B"** and by this reference made a part hereof.

**SECTION IV.** The City hereby finds that the annexation of the land herein described is consistent with State law, the City's Comprehensive Plan and meets all of the requirements for annexation set forth in State law and the City's Comprehensive Plan.

**SECTION V.** Pursuant to Florida Statutes § 171.046(2), the City and the County by this Agreement hereby annex into the corporate limits of the City that land described in Attachment "A" hereto.

**SECTION VI.** The land herein described and future inhabitants of said land shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City and shall be entitled to the same privileges and benefits as other areas of the City.



**SECTION VII.** The land herein described shall have the existing County land use plan and County zoning or subdivision regulations in full force and effect until the City adopts a comprehensive plan amendment and rezoning that includes said land. The City agrees to process for change of land use classification and zoning category of this annexed land in accordance with applicable City ordinances and State laws within twenty-four (24) months following the date of execution of this Agreement by the second party hereto and at no charge to the owners of the land described in Attachment "A" hereto.

**SECTION VIII.** The City hereby acknowledges that, prior to their approval of this Agreement, they have jointly provided written notice to all owners of the real property identified in Attachment "A" whose names and addresses are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser. The written notice described the purpose of this Agreement and stated the date, time, and place of the meetings of the City of Apopka City Council at which this Agreement was to be considered for approval.

**SECTION IX.** Miscellaneous.

1. This Agreement may not be modified or amended, or any term or provision hereof waived or discharged except in writing, in recordable form, signed by the parties hereto, or their respective successors or assigns. Any such modification or amendment shall not be effective until recorded in the Public Records of Orange County, Florida.

2. This Agreement shall be construed and enforced in accordance with, and governed by, the laws of the State of Florida.

3. All of the terms of this Agreement, whether so expressed or not, shall be binding upon the respective successors, assigns and legal representatives of the parties hereto and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors, assigns and legal representatives.

4. The headings of this Agreement are for reference only and shall not limit or otherwise affect the meaning thereof.

5. Each party to this Agreement shall bear its own attorneys' fees and costs in connection with this Agreement and/or in connection with any action undertaken in compliance with, or relating to, this Agreement.

**SECTION X.** If any section, subsection, sentence, clause, phrase, or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**SECTION XI.** This Agreement shall become effective upon its execution by the second of the two parties hereto and each respective date shall be inserted on the first page of this Agreement. Thereafter the City Clerk is directed to file a certified copy of this Agreement and associated attachments 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.

**Interlocal Agreement for Annexation of Enclaves Between The City of Apopka and Orange County**

**Parcel ID #: 34-20-28-9550-00-261**

**Page 4**

**SECTION XII.** Following its execution by the City and the County, a copy of this Agreement shall be recorded and thereafter provided by certified mail to all owners of the real property identified in Attachment "A" whose names and addresses are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser.

[Remainder of page left blank intentionally]

**"CITY"**

CITY OF APOPKA, a Florida Municipal Corporation

ATTEST:

By: \_\_\_\_\_  
Linda F. Goff, City Clerk

By: \_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

APPROVED AS TO FORM:

APPROVED BY THE CITY OF APOPKA CITY COUNCIL AT  
A MEETING HELD \_\_\_\_\_

By: \_\_\_\_\_  
Clifford B. Sheppard, City Attorney

**"COUNTY"**

ORANGE COUNTY, FLORIDA

ATTEST:

By: Board of County Commissioners

By: \_\_\_\_\_  
Martha O. Hayne, County Comptroller  
As Clerk of the Board of County Commissioners

By: \_\_\_\_\_  
Teresa Jacobs, Orange County Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT "A"**

**LEGAL DESCRIPTION OF ANNEXED LAND**

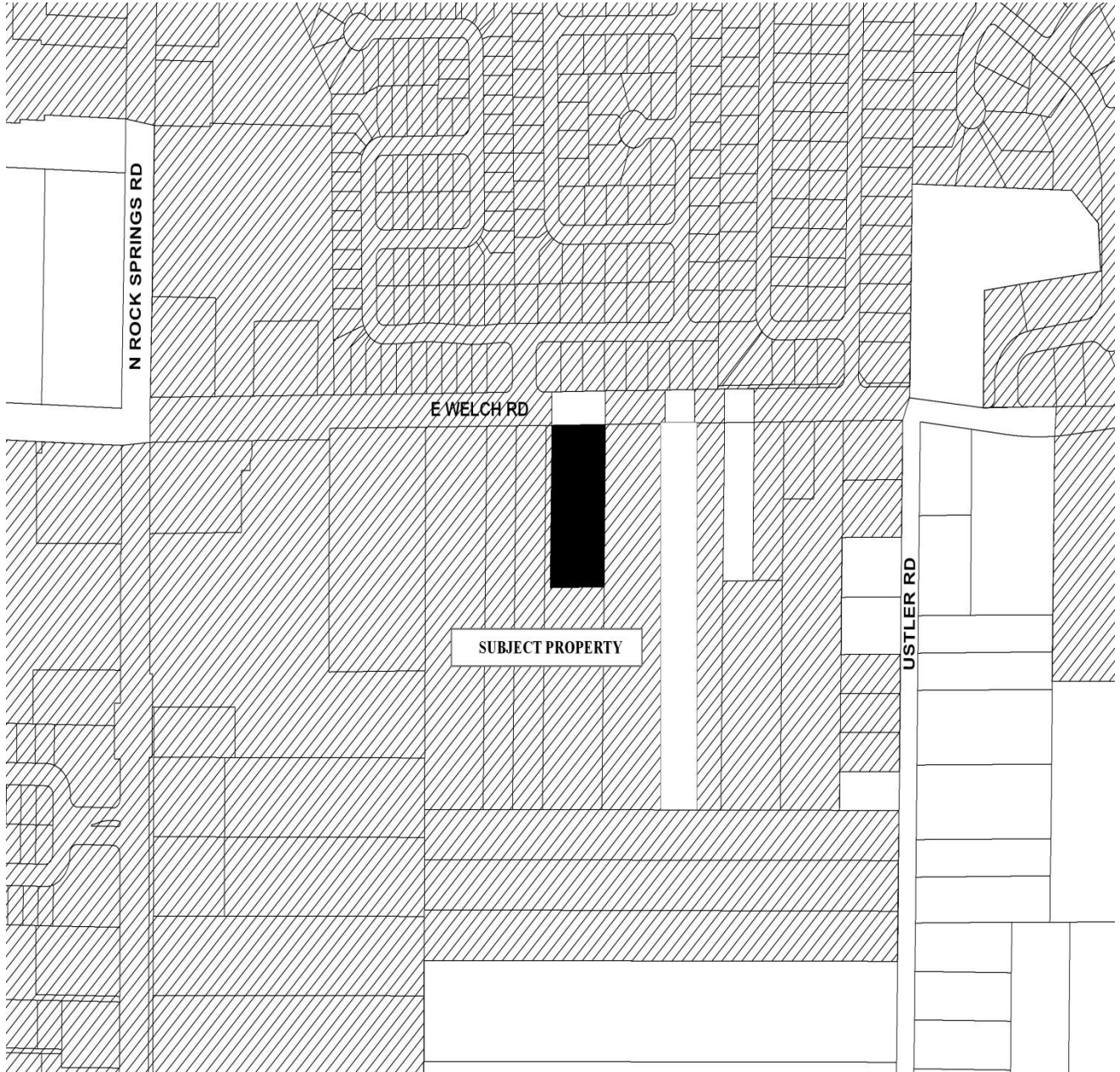
APOPKA RANCHES Z/134 THE E 185 FT OF N 435.53 OF LOT 26

Parcel ID: 34-20-28-9950-00-261

Containing 1.85 +/- Acres



**ATTACHMENT "B"**  
**CROSSROADS CHURCH OF ORLANDO**  
**320 EAST WELCH ROAD**  
**Total Acres: 1.85 +/-**



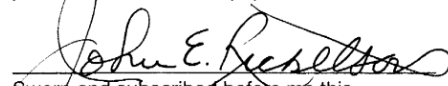
**VICINITY MAP**

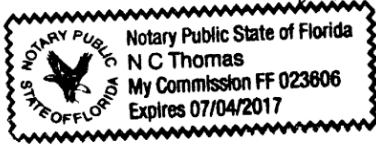
**The Apopka Chief**  
APOPKA, FLORIDA


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

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **July 24, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.florida-publicnotices.com](http://www.florida-publicnotices.com)

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

  
Sworn and subscribed before me this  
**24th day of July, 2015**, by John E. Ricketson,  
who is personally known to me.



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

**PUBLIC NOTICE**  
**CITY OF APOPKA**  
**PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, August 5, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2437  
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 ELLSWORTH D. BOTTOMS, TRUST, LOCATED AT 4011 GOLDEN GEM ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2438  
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 NORMAN E. SAWYER, LOCATED AT 119 EAST NANCY LEE LANE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2439  
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 TECHNOLOGY PROPERTIES, LLC, LOCATED SOUTH OF KEENE ROAD AND WEST OF CLARCONA ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2440  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2441  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA OWNED BY DONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council  
Community Development Department

July 24, 2015  
Publish: The Apopka Chief

153619

**Backup material for agenda item:**

5. ORDINANCE NO. 2441 - SECOND READING & ADOPTION - ANNEXATION - Donald Lee Boughan, property located at 404 East Welch Road; and authorize the Mayor or his designee to sign the Interlocal Agreement between the City of Apopka and Orange County for annexation of enclaves. (Parcel ID No. 34-20-28-9550-00-232) (1.00 +/- acre)



# CITY OF APOPKA CITY COUNCIL

       CONSENT AGENDA  
  X   PUBLIC HEARING  
       SPECIAL REPORTS  
  X   OTHER: Annexations

MEETING OF: August 5, 2015  
FROM: Community Development  
EXHIBITS: Exhibit "A" Summary of Cycle 2b  
Ordinance No. 2441 w/map  
Exhibit "B" Interlocal Agreement

**SUBJECT:** 2015 ANNEXATION - CYCLE NO. 2b

**Request:** SECOND READING & ADOPTION OF ORDINANCE NO. 2441 – DONALD LEE BOUGHAN; AND AUTHORIZE THE MAYOR OR HIS DESIGNEE TO SIGN THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF APOPKA AND ORANGE COUNTY FOR ANNEXATION OF ENCLAVES.

**SUMMARY:**

OWNER: DONALD LEE BOUGHAN  
LOCATION: 404 East Welch Road  
LAND USE: Refer to Exhibit "A"  
EXISTING USE: Refer to Exhibit "A"  
TRACT SIZE: 1.00 +/- acre

**ADDITIONAL COMMENTS:**

The two unincorporated enclaves included in the 2015-2b cycle are subject to an annexation agreement between the City and Orange County Board of County Commissioners. Annexation of the Guarda & Son property (Ordinance No.2398) on December 17, 2014 created two unincorporated enclave parcels. Prior to any hearings for the Guarda & Son property, Orange County planning staff raised concerns and potential objections to annexation of the Guarda property because it would create two unincorporated enclaves. To alleviate the County's concerns, the City and County planning staffs mutually agreed to a process an Annexation Agreement that would eliminate these two enclaves and bring them into the City's jurisdiction. The City Council agenda package for the Guarda property annexation on December 17, 2014 read as follows:

"The **City Council**, at its meeting on December 3, 2014, accepted the First Reading of Ordinance No. 2398 and held it over for Second Reading and Adoption on December 17, 2014; and authorized staff to proceed with an Interlocal Agreement for Annexation of Enclaves."

**DISTRIBUTION**

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

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief



**CITY COUNCIL – AUGUST 5, 2015**  
**2015 ANNEXATION CYCLE #2B – ORDINANCE NO. 2440**  
**PAGE 2**

A proposed Annexation Agreement accompanies the proposed ordinance for each of the two parcels. City Council's action to approve this annexation ordinance must also include acceptance of the Annexation Agreement.

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

**ORANGE COUNTY NOTIFICATION:**

The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on June 26, 2015.

**DULY ADVERTISED:**

July 3, 2015 - 1/4 Page Public Hearing Advertisement  
July 10, 2015 - 1/4 Page Public Hearing Advertisement  
July 24, 2015 - Ordinance Headings Advertisement

**PUBLIC HEARING SCHEDULE:**

July 15, 2015 (7:00 pm) - City Council 1st Reading  
August 5, 2015 (1:30 pm) - City Council 2nd Reading and Adoption

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the 2015 Annexation Cycle #2b.

The **City Council**, at its meeting on July 15, 2015, accepted the First Reading of Ordinance No. 2441; authorized the Mayor, or his designee, to sign the Interlocal Agreement between the City of Apopka and Orange County for the annexation of enclaves; and held it over for Second Reading and Adoption on August 5, 2015.

Adopt Ordinance No. 2441.

**EXHIBIT "A"**  
**CITY OF APOPKA**  
**2015 ANNEXATION CYCLE # 2B**

**TOTAL ACRES: 2.85 +/-**

**ANNEXATION ORDINANCE No.s.: 2440 & 2441**

**Adopted this 5th day of August, 2015**

<b>ORD. NO.</b>	<b>ITEM NO.</b>	<b>OWNER'S NAME</b>	<b>LOCATION</b>	<b>PARCEL NUMBER</b>	<b>ACRES +/-</b>	<b>EXISTING USE</b>	<b>FUTURE LAND USE (COUNTY)</b>
<b>2440</b>	<b>1</b>	Crossroads Church of Orlando, Inc.	320 East Welch Road	34-20-28-9550-00-261	1.85	Church	Low Density Residential Max. 4du/ac
<b>2441</b>	<b>2</b>	Donald Lee Boughan	404 East Welch Road	34-20-28-9550-00-232	1.00	SFR	Low Density Residential Max. 4du/ac
				<b>TOTAL ACRES</b>	<b>2.85</b>		

g:\Shared\4020\PLANNING\_ZONING\Annexations\2015\Cycle 2

ORDINANCE NO. 2441

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Apopka, Florida and Orange County, Florida are entering into an interlocal agreement for annexation of enclaves located within unincorporated Orange County into the corporate limits of the City of Apopka, Florida, pursuant to, and as authorized by, Florida Statutes 171.046; and

WHEREAS, there exists a 1.00 acre enclave of unincorporated Orange County located at 404 East Welch Road 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 171.046, and

WHEREAS, following the approval of Orange County Board of County Commission.

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

SECTION I: That the following described property, being situated in Orange County, Florida, totaling 1.00 +/- acre, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to provisions of Florida Statutes 171.046, and other applicable laws:

Legal Description:

NORTH 425 FEET OF WEST 102.5 FEET OF LOT 23, APOPKA RANCHES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK Z, PAGE 134, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.  
PARCEL I.D.: 34-20-28-9550-00-232  
CONTAINS: 1.00 +/- ACRE

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.



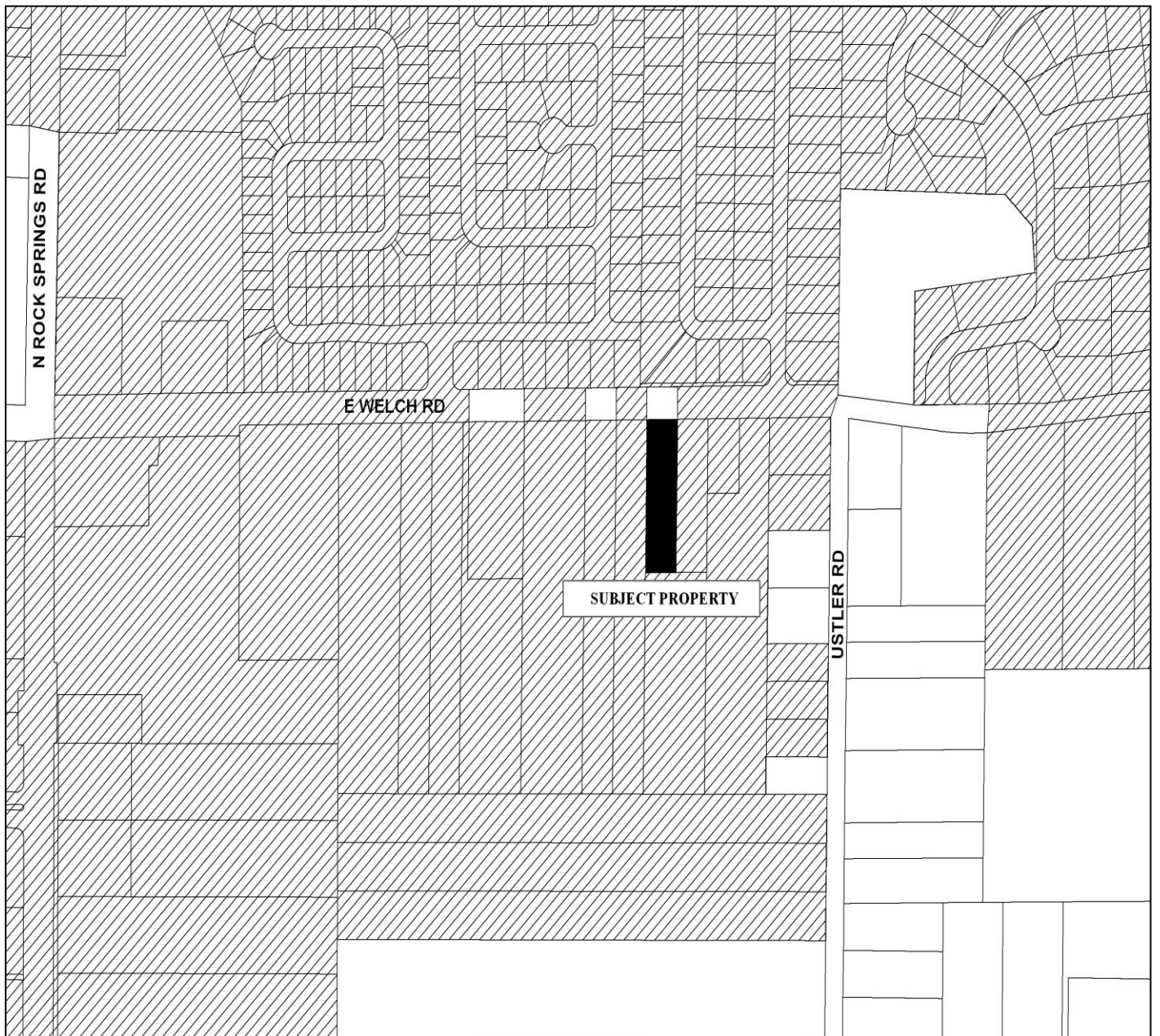


**ANNEXATION**  
**DONALD LEE BOUGHAN**  
**404 EAST WELCH ROAD**

**Exhibit "A"**  
**Ord. # 2441**  
**Parcel ID: 34-20-28-9550-00-232**

**Total Acres: 1.00 +/-**

**VICINITY MAP**



# EXHIBIT "B"

THIS INSTRUMENT PREPARED BY  
AND SHOULD BE RETURNED TO:  
City of Apopka  
Community Development Department  
David Moon, Planning Manager  
P. O. Box 1229, Apopka, FL 32704-1229

Tax Parcel Identification Number:  
34-20-28-9550-00-232

For Recording Purposes Only

## INTERLOCAL AGREEMENT FOR ANNEXATION OF ENCLAVES

Between

**CITY OF APOPKA, FLORIDA**

And

**ORANGE COUNTY, FLORIDA**

**THIS INTERLOCAL AGREEMENT**, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, (hereinafter referred to as "Agreement") between the **CITY OF APOPKA**, a municipal corporation in the State of Florida whose mailing address is P. O. Box 1229, Apopka, Florida 32704-1229 (hereinafter referred to as "City"), and **ORANGE COUNTY, FLORIDA**, a charter county and political subdivision of the State of Florida whose mailing address is 201 South Rosaline Avenue, Orlando, Florida 32801 (hereinafter referred to as "County"), is entered into for the purpose of annexing certain enclaves located within unincorporated Orange County into the corporate limits of the City of Apopka, Florida, pursuant to, and as authorized by, Florida Statutes § 171.046.

### WITNESSTH

**WHEREAS**, Florida Statutes § 171.046, adopted by the Florida Legislature, recognizes that enclaves can create significant problems in planning, growth management, and service delivery; that it is the policy of the State of Florida to eliminate enclaves; and provides a method for the annexation by interlocal agreement of enclaves that are ten (10) acres or less; and

**WHEREAS**, Florida States § 171.031, adopted by the Florida Legislature, defines areas that are "urban in character" as those lands used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes; and defines "enclaves" as any unincorporated developed or improved area that is enclosed within and bounded on all sides by a single municipality, or any unincorporated developed or improved area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality; and

**WHEREAS**, Florida Statutes § 171.043, adopted by the Florida Legislature, describes the character of the area that may be annexed; and

**WHEREAS**, the City and County agree that both parties shall work together in good faith to enter into interlocal agreements pursuant to Florida Statutes to eliminate such identified enclaves; and

**WHEREAS**, it has been determined by the City that the parcel to be annexed by this Agreement is within the future annexation and planning areas of the City and meets the requirements set out in Florida Statutes § 171.046; and

**WHEREAS**, annexation of the identified enclave into the City will avoid unnecessary confusion and duplication of municipal services, including emergency services.

**NOW THEREFORE**, in consideration of the premises and the mutual promises and agreements set forth herein and other good and valuable consideration, the receipt of which is hereby acknowledged and intending to be legally bound hereby, the parties hereto do hereby agree as follows:

**SECTION I.** The Recitals set forth above are true and correct and by this reference are incorporated herein as part of this Agreement.

**SECTION II.** This Agreement is executed in order to adjust and redefine the corporate limits of the City to include the land described in Section III below in order to ensure the sound and efficient delivery of urban services to said lands.

**SECTION III.** The City and the County hereby find that the following land located in unincorporated Orange County is an enclave of 10 acres or less which meets the criteria for annexation into the City under Florida Statutes § 171.046.

See **Attachment "A"** which is attached hereto and by this reference made a part thereof. A map of the above-described land which clearly shows the area proposed to be annexed is attached hereto as **Attachment "B"** and by this reference made a part hereof.

**SECTION IV.** The City hereby finds that the annexation of the land herein described is consistent with State law, the City's Comprehensive Plan and meets all of the requirements for annexation set forth in State law and the City's Comprehensive Plan.

**SECTION V.** Pursuant to Florida Statutes § 171.046(2), the City and the County by this Agreement hereby annex into the corporate limits of the City that land described in Attachment "A" hereto.

**SECTION VI.** The land herein described and future inhabitants of said land shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City and shall be entitled to the same privileges and benefits as other areas of the City.



**SECTION VII.** The land herein described shall have the existing County land use plan and County zoning or subdivision regulations in full force and effect until the City adopts a comprehensive plan amendment and rezoning that includes said land. The City agrees to process for change of land use classification and zoning category of this annexed land in accordance with applicable City ordinances and State laws within twenty-four (24) months following the date of execution of this Agreement by the second party hereto and at no charge to the owners of the land described in Attachment "A" hereto.

**SECTION VIII.** The City hereby acknowledges that, prior to their approval of this Agreement, they have jointly provided written notice to all owners of the real property identified in Attachment "A" whose names and addresses are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser. The written notice described the purpose of this Agreement and stated the date, time, and place of the meetings of the City of Apopka City Council at which this Agreement was to be considered for approval.

**SECTION IX.** Miscellaneous.

1. This Agreement may not be modified or amended, or any term or provision hereof waived or discharged except in writing, in recordable form, signed by the parties hereto, or their respective successors or assigns. Any such modification or amendment shall not be effective until recorded in the Public Records of Orange County, Florida.

2. This Agreement shall be construed and enforced in accordance with, and governed by, the laws of the State of Florida.

3. All of the terms of this Agreement, whether so expressed or not, shall be binding upon the respective successors, assigns and legal representatives of the parties hereto and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors, assigns and legal representatives.

4. The headings of this Agreement are for reference only and shall not limit or otherwise affect the meaning thereof.

5. Each party to this Agreement shall bear its own attorneys' fees and costs in connection with this Agreement and/or in connection with any action undertaken in compliance with, or relating to, this Agreement.

**SECTION X.** If any section, subsection, sentence, clause, phrase, or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**SECTION XI.** This Agreement shall become effective upon its execution by the second of the two parties hereto and each respective date shall be inserted on the first page of this Agreement. Thereafter the City Clerk is directed to file a certified copy of this Agreement and associated attachments 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.



**Interlocal Agreement for Annexation of Enclaves Between The City of Apopka and Orange County**

**Parcel ID #: 34-20-28-9950-00-232**

**Page 4**

**SECTION XII.** Following its execution by the City and the County, a copy of this Agreement shall be recorded and thereafter provided by certified mail to all owners of the real property identified in Attachment "A" whose names and addresses are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser.

[Remainder of page left blank intentionally]

**"CITY"**

CITY OF APOPKA, a Florida Municipal Corporation

ATTEST:

By: \_\_\_\_\_  
Linda F. Goff, City Clerk

By: \_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

APPROVED AS TO FORM:

APPROVED BY THE CITY OF APOPKA CITY COUNCIL AT  
A MEETING HELD \_\_\_\_\_

By: \_\_\_\_\_  
Clifford B. Sheppard, City Attorney

**"COUNTY"**

ORANGE COUNTY, FLORIDA

ATTEST:

By: Board of County Commissioners

By: \_\_\_\_\_  
Martha O. Hayne, County Comptroller  
As Clerk of the Board of County Commissioners

By: \_\_\_\_\_  
Teresa Jacobs, Orange County Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT "A"**

**LEGAL DESCRIPTION OF ANNEXED LAND**

APOPKA RANCHES Z/134 THE N 425 FT OF W 102.5 FT OF LOT 23  
Parcel ID: 34-20-28-9950-00-232  
Containing 1.00 +/- Acres



**ATTACHMENT "B"**  
**DONALD LEE BOUGHAN**  
**404 EAST WELCH ROAD**  
**Total Acres: 1.00 +/-**



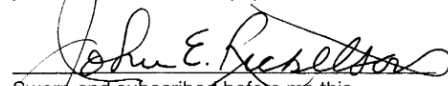
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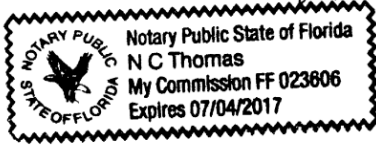
**The Apopka Chief**  
APOPKA, FLORIDA


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

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **July 24, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.florida-publicnotices.com](http://www.florida-publicnotices.com)

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

  
Sworn and subscribed before me this  
**24th day of July, 2015**, by John E. Ricketson,  
who is personally known to me.



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

**PUBLIC NOTICE**  
**CITY OF APOPKA**  
**PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, August 5, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

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ORDINANCE NO. 2440  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CROSSROADS CHURCH OF ORLANDO, INC., LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2441  
AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA OWNED BY DONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council  
Community Development Department

July 24, 2015  
Publish: The Apopka Chief

153619

**Backup material for agenda item:**

6. ORDINANCE NO. 2446 - FIRST READING - Creation of a synthetic tax incremental financing district [STIF] within the Ocoee/Apopka Small Study Area.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Ordinance No. 2446

MEETING OF: August 5, 2015  
 FROM: Administration  
 EXHIBITS: Ordinance No. 2446  
 establishing a Synthetic Tax  
 Incremental Financing District  
 [STIF]  
 Marden Interchange Agreement

**SUBJECT: CREATION OF A SYNTHETIC TAX INCREMENTAL FINANCING DISTRICT [STIF] WITHIN THE OCOEE/APOPKA SMALL STUDY AREA.**

**Request: FIRST READING OF ORDINANCE NO. 2446 – CREATING A [STIF]; HOLD OVER FOR SECOND READING AND ADDOPTION.**

**SUMMARY:**

The ordinance under consideration tonight is the end product of many months of work between the developer and the City. It came about after MMI Development approached staff about sharing the costs of constructing a “half interchange” from the expressway [SR 414] that would connect with Marden Road. After a period of discussion and negotiation, a document was drafted setting forth the terms of a cost sharing agreement, which will be brought before council for discussion and consideration at the August 19, 2015 meeting (“Marden Road Interchange Cost Sharing Agreement”). This document is included for Council review and discussion; however, it only requires one hearing whereas the affiliated ordinance which gives life to the agreement requires two readings. The agreement will only be entered if the ordinance before you tonight is adopted but both documents must be read together to understand what the developer and the City are trying to accomplish.

The ordinance under consideration will establish a Synthetic Tax Incremental Financing [STIF] District. The district boundaries include specific properties in the immediate area of the interchange which have previously been identified as the “Ocoee/Apopka Small Study Area.” The STIF district is anticipated to generate incrementally increased tax revenues to the city as the area develops following the construction of the interchange. If the ordinance is accepted as written, 95% of the incremental increase in tax revenues for the district will be deposited upon receipt from the Orange County Tax Collector into a separate and restricted trust fund. Monies will then be shared at a ratio of 50% with the developer of the interchange for a period of 10 years or until 90% of total construction costs are shared, not to exceed \$5.85 million dollars (the maximum cost share).

The Agreement explains in detail how the various methods by which the City will share in the costs of the interchange construction. Once construction is complete and accepted by the Expressway Authority, the City shall pay to the developer an initial sum of \$2.5 million from the Transportation Impact Fee Fund. The developer is also constructing Marden Ridge in phases and is required to pay Transportation Impact Fees.



These fees will be credited toward the maximum cost share by the city. Other development within the STIF district will also be required to pay Transportation Impact Fees to the City. One hundred percent of these collections shall be shared with the developer up to 90% of the cost of construction of the interchange or the maximum cost share is reached, whichever is lower. Additional cost share methods include possible toll revenues if City ever receives same.

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**FUNDING SOURCE:**

Incremental Tax Revenue increases over time – not to exceed 10 years.

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**RECOMMENDATION ACTION:**

Accept the First Reading of Ordinance No. 2446; creating a new Synthetic Tax Incremental Financing District in the specific area of the Ocoee/Apopka Small Study Area; and Hold Over for Second Reading and Adoption on August 19, 2015.

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**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



**ORDINANCE NO. 2446**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING MARDEN ROAD INTERCHANGE TRUST FUND; PROVIDING FOR THE FUNDING OF THE MARDEN ROAD INTERCHANGE TRUST FUND; PROVIDING FOR ADMINISTRATION OF THE MARDEN ROAD INTERCHANGE TRUST FUND; DETERMINING THE TAX INCREMENT TO BE DEPOSITED INTO THE MARDEN ROAD INTERCHANGE TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING ASSESSED VALUES RELATING TO PROPERTY LOCATED IN THE MARDEN ROAD INTERCHANGE PROJECT AREA FOR TAX INCREMENT PURPOSES; PROVIDING FOR ANNUAL APPROPRIATION OF THE TAX INCREMENT; APPOINTING THE MAYOR OR HIS/HER DESIGNEE AS TRUSTEE OF THE MARDEN ROAD INTERCHANGE TRUST FUND; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Apopka desires to improve transportation access within the City and surrounding areas through the construction of an interchange at Marden Road (“Marden Road Interchange”) on Florida State Road 414; and

**WHEREAS**, the Apopka City Council, after reviewing the infrastructure needs of the community, determined that construction of the Marden Road Interchange would be in the best interest of the City’s residents and businesses; and

**WHEREAS**, to encourage the owners of the property on which the Marden Road Interchange will be constructed to move forward with the project, the City of Apopka agreed to engage in a cost-sharing enterprise with the owners for project costs associated with the Marden Road Interchange; and

**WHEREAS**, The City of Apopka, Emerson Point Assoc., LLLP and Emerson Point Phase II, LLC (“Owners”) and Emerson MMI-INT, LLC (“Owners’ Agent”), entered into the Marden Road Interchange Cost Sharing Agreement (“Marden Agreement”) to effectuate construction of the Marden Road Interchange; and

**WHEREAS**, in order to implement the Marden Agreement, it is necessary to establish the Marden Road Interchange Trust Fund.

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

**SECTION 1. LEGISLATIVE FINDINGS.**

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

**SECTION 2. CREATION OF THE MARDEN ROAD INTERCHANGE TRUST FUND.**

(a). There is hereby established and created, in accordance with the ‘Home Rule’ powers granted to the City pursuant to Florida Statute 166.021, the Marden Road Interchange Trust Fund (“Trust

Fund”), which funds shall be utilized to provide a cost-sharing mechanism through which the City of Apopka may share in the costs associated with construction of the Marden Road Interchange.

**SECTION 3. PURPOSE OF TRUST FUND; USE OF REVENUES DEPOSITED IN TRUST FUND.**

The monies to be allocated to and deposited in the Trust Fund shall be used as a cost-sharing mechanism by which to support construction of the Marden Road Interchange according to tax increment revenues attributed to real property in the Marden Road Interchange Project Area, which shall be appropriated by the City annually. The City shall utilize the funds and revenues paid into and earned by the Trust Fund as provided in the Marden Agreement and as permitted by law. Monies shall be held in the Trust Fund by the City and shall be disbursed from the Trust Fund as provided by the City, consistent with the terms of the Marden Agreement.

**SECTION 4. ESTABLISHMENT OF BASE YEAR.**

The Base Year Value shall be the value set forth for the Marden Road Interchange Project Area in the assessment roll used in connection with the taxation of property shall be the preliminary assessment roll of taxable real property in Orange County, Florida, prepared by the Property Appraiser of Orange County, Florida and certified pursuant to Section 193.122, *Florida Statutes*, reflecting the valuation of real property for purposes of ad valorem taxation for the year in which all Marden Road Interchange improvements are completed as evidenced by a Certificate of Acceptance for said improvements (the “Base Year”). All deposits into the Trust Fund shall be in the amount of tax increment calculated as provided in Section 5 hereof based upon increases in valuation of taxable real property from the Base Year as reflected on the final assessment roll of taxable real property in the Marden Road Interchange Project Area in Apopka, Florida, prepared by the Property Appraiser of Orange County, Florida, filed with the Department of Revenue pursuant to Section 193.1142, *Florida Statutes*.

**SECTION 5. CALCULATION OF TAX INCREMENT.**

The tax increment shall be determined and appropriated annually by the City, and shall be ninety-five percent (95%) of the difference between:

- a) The City’s portion of the amount of ad-valorem taxes levied each year by all taxing authorities, exclusive of any debt service millage, on taxable real property located within the geographic boundaries of the Marden Road Interchange Project Area; and
- b) The City’s portion of the amount of ad-valorem taxes levied by all taxing authorities, exclusive of any debt service millage, on taxable real property located within the geographic boundaries of the Marden Road Interchange Project Area during the Base Year.

**SECTION 6. ANNUAL APPROPRIATIONS INTO TRUST FUND.**

The City shall annually appropriate to and cause to be deposited into the Trust Fund the tax increment determined to pursuant to Section 5 of this Ordinance at the beginning of each fiscal year thereof. The obligation of the City to annually appropriate the tax increment for deposit into the Trust Fund shall commence when the Certificate of Acceptance for the Marden Road Interchange is issued.

**SECTION 7. ADMINISTRATION OF THE TRUST FUND.**

The Trust Fund shall be established and maintained as a separate trust fund by the City so that the Trust Fund may be promptly and effectively administered and utilized by the City expeditiously and without undue delay for its contractual purposes pursuant to the Marden Agreement. Allocation of the monies in the Trust Fund shall be in accordance with the procedures delineated in Section 6.2 of the Marden Agreement.

**SECTION 8. TRUSTEE OF THE TRUST FUND.**

The Mayor or his/her designee shall be the trustee of the Trust Fund and shall be responsible for the receipt, custody, disbursement, accountability, management investment and proper application of all monies paid into the Trust Fund.

**SECTION 9. CONFLICTS.**

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

**SECTION 10. SEVERABILITY.**

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

**SECTION 11. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its passage and adoption.

**PASSED AND DULY ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

FIRST READING: \_\_\_\_\_

SECOND  
READING  
AND ADOPTION: \_\_\_\_\_

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

APPROVED AS TO FORM:

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Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING:

**PREPARED BY AND RETURN TO:**  
EDWARD J. FORE, ESQUIRE  
1350 N. ORANGE AVENUE, SUITE 260  
WINTER PARK, FLORIDA 32789

**Tax Parcel I.D. Nos.:**

## **MARDEN ROAD INTERCHANGE COST SHARING AGREEMENT**

**THIS MARDEN ROAD INTERCHANGE COST SHARING AGREEMENT** (the “**Agreement**”), is effective as of the latest date of execution by the parties hereto (the “**Effective Date**”), and is made and entered into by and between **EMERSON POINT ASSOC., LLLP**, a Florida limited liability limited partnership (“**Emerson I**”); **EMERSON POINT PHASE II, LLC**, a Florida limited liability company (“**Emerson II**”) (**Emerson I and Emerson II** collectively referred to as the “**Owners**”, and individually as an “**Owner**”), **EMERSON MMI-INT, LLC**, a Florida limited liability company (“**Owners’ Agent**”), and **THE CITY OF APOPKA, FLORIDA**, a Florida municipal corporation (“**City**” or “**Apopka**”) (**Owners, Owners’ Agent, and the City** are collectively referred to as the “**Parties**” and individually as a “**Party**”).

### **WITNESSETH:**

**WHEREAS**, Owners are the owners of fee simple title to certain real property shown on the project location map identified as **Composite Exhibit “A”** and more particularly described in **Composite Exhibit “B,”** both of which exhibits are attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property lies within the City; and

**WHEREAS**, Owners intend for the Property to be developed as a mixed use project which is anticipated to provide economic benefits to the City (the “**Project**”); and

**WHEREAS**, Owners and Owners’ Agent have received, or anticipate in the near future receiving approval from the Central Florida Expressway Authority to construct an Interchange pursuant to the terms and conditions of that certain Letter from Joseph A. Berenis to Kevin Knudsen dated July 24, 2014, attached hereto as **Exhibit “C;”** and

**WHEREAS**, Owners are willing to convey certain portions of the Property to the Central Florida Expressway Authority and/or City to construct or cause to be constructed the Interchange in accordance with plans approved by the Central Florida Expressway Authority, including, potentially, access roads to be owned by the City (if necessary); and

**WHEREAS**, to encourage Owners to construct the Interchange, the City has agreed to engage in a cost-sharing enterprise with Owners for the Project Costs associated with construction of the Interchange, as provided herein; and

**WHEREAS**, Apopka desires to improve transportation access in the vicinity of the Property and surrounding areas through the construction of an interchange at Marden Road on Florida State Road 414 (“Expressway”) at the general location depicted on **Exhibit “D”** attached hereto; and

**WHEREAS**, the Apopka City Council, after reviewing the infrastructure needs of the community, concludes that the interchange will be beneficial in improving transportation in, to and from the City of Apopka; and

**WHEREAS**, the Apopka City Council finds that the interchange will aid the promotion and development of businesses within the City limits; and

**WHEREAS**, the Apopka City Council finds that entering into this cost-sharing agreement with Owners is in the best interest of Apopka residents and business owners’ welfare, health and safety.

**NOW, THEREFORE**, in consideration of the premises, the City and Owners hereby agree as follows:

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

2. **Definitions**. Unless defined elsewhere within this Agreement, the terms set forth below shall have the following meanings when used in this Agreement:

2.1 **Authority** – shall mean the Central Florida Expressway Authority.

2.2 **CRA** – shall mean Community Redevelopment Area as defined in Chapter 163.330, *et al.*, Fla. Stats., as amended from time to time.

2.3 **Initial Contribution** – shall mean a payment by City to Owner’s Agent of up to \$2,500,000 towards City’s maximum cost share in the Project Costs as set forth in Section 5 herein and pursuant to the terms of this agreement.

2.4 **Interchange** – shall refer to all roadway, drainage and other improvements designed, engineered, permitted, approved and constructed in connection with the improvements described in Section 3 herein below and the Interchange Agreement.

2.5 **Interchange Agreement** – shall mean the Marden Road Interchange Agreement to be negotiated between Owners and the Authority consistent with the Letter attached hereto as **Exhibit “C.”**

2.6 **Owners** – shall refer to **EMERSON POINT ASSOC., LLLP**, a Florida limited liability limited partnership and **EMERSON POINT PHASE II, LLC**, a

## Interchange Cost Sharing Agreement

Florida limited liability company, and, to the extent provided in Section 11, below, their successors or assigns as the fee Owners of the Property or any Parcel (as hereinafter defined) within the Property.

2.7 Owners' Agent – shall mean **EMERSON MMI-INT, LLC**, a Florida limited liability company, or such other entity as may be designated in writing by Owners from time to time.

2.8 Parcel – shall mean any lot, tract or other portion of the Property on which any building or other structure requiring a City building permit may be constructed.

2.9 Project Area - shall mean certain property shown on the project location map identified as composite **Exhibit "A"** and more particularly described in **Composite Exhibit "B,"** both of which exhibits are attached hereto and incorporated herein by reference.

2.10 Project Costs – shall mean the total cost of the Interchange incurred by Owners' Agent, including the value of any land or drainage easements required to be conveyed by Owners to the Authority for the Project as set forth herein.

2.11 Property – shall mean certain property shown on the project location map identified as composite **Exhibit "A"** and more particularly described in **Composite Exhibit "B,"** both of which exhibits are attached hereto and incorporated herein by reference.

2.12 Road Impact Fee Credits – shall have the meaning set forth in Section 7.1 hereof.

2.13 Road Impact Fees – shall have the meaning set forth in Section 7.1 hereof.

2.14 Termination Date – shall mean ten (10) years following the Trust Fund Commencement Date as referenced in Section 6.1 of this agreement.

2.15 Trust Fund Commencement Date - shall have the meaning set forth in Section 6.1.

3. **Interchange**. Owners' Agent shall complete the design, engineering, permitting and construction of the Interchange pursuant to the terms and conditions of the Interchange Agreement, including the design, engineering, legal, permitting, and construction of any roads, drainage, retention, or other structures related to the construction of the Interchange all as set forth in the Interchange Agreement.

(i) Upon completion of the Interchange the City shall make an Initial Contribution of up to \$2,500,000 towards City's maximum cost share in the Project Costs as set forth in Section 5 herein. The Initial Contribution shall be paid to the Owner's Agent pursuant to the procedures set forth in Section 3(ii) herein.

(ii) As a condition precedent for payment of the Initial Contribution, upon completion of the Interchange (as evidenced by a Certificate of Completion from the Authority), Owners' Agent shall deliver to City and Owners (i) a request for a draw payment, (ii) General Contractor's sworn statements and unconditional waivers of lien, and subcontractors,' material suppliers' and laborers' conditional waivers of lien, covering all work, paid with the proceeds of the prior draw requests, together with such invoices, contracts or other supporting data as the City may reasonably require to evidence that all costs for which disbursement is sought have been incurred, and (iii) evidence that any inspection required by the Authority for the Interchange has been completed with results satisfactory to the Authority. In this regard, the City shall have the right to reasonably inspect all books, records and accounts relating to such work. These books, records and accounts are considered public records and therefore will be available for review by the public upon request. Based upon the available maximum cost share not exceeding \$5,850,000.00, the City shall promptly pay 42.7350% of the total Project Costs supported by the draw request, not to exceed \$2,500,000. Payments shall be made to Owner's Agent within ten (10) days of receipt of the draw request and supporting documentation set forth herein.

(iii) Upon City's payment of the Initial Contribution towards the total Project Costs for the Interchange as calculated above, the Owner shall be eligible to receive additional cost sharing from the City as set forth herein, not to exceed the maximum cost share in the Project Costs as set forth in Section 5 herein.

4. **Dedication of Right of Way and Drainage Easements.** Pursuant to the terms and conditions of the Interchange Agreement, Owners shall (i) dedicate to the Authority such lands owned by Owners as shall be reasonably necessary for the construction of the Interchange and (ii) provide drainage easements to accommodate the stormwater runoff for the Interchange improvements. In consideration thereof, the Project Costs may include (i) the value of the lands transferred by Owners to the Authority for the Interchange and (ii) the value of any lands owned by Owners used to provide drainage easements to the Authority for stormwater runoff for the Interchange improvements. To the extent any drainage ponds are joint use ponds, only the portions of the drainage ponds allocable to the Interchange improvements shall be used for the purposes hereof, it being the intent that the City may not share costs with the Owners for the portions of any joint use drainage ponds not necessary for the Interchange. The amount of any cost share shall be determined at the time of right-of-way or easement dedication based upon (i) mutual agreement of the Owners and the City, or, (ii) the appraised value of the land dedicated for right-of-way or drainage purposes. If desired, Owners and the City agree to acquire an appraisal for the right-of-way and drainage easements to be dedicated, which shall be prepared by an MAI and/or State Certified Appraiser. Owners and City shall split equally the appraisal costs. The Owners or City may, at their option, retain an additional appraisal to ascertain the value of property to be dedicated as right-of-way or drainage easements. Owners and the City agree that, should a conflict arise regarding the fair market value for the right-of-way and drainage easements, independent appraisers selected by the Owners and City shall appoint a third appraiser whose determination shall be conclusive as to the fair market value of the right of way and drainage easements.



5. **Cost Sharing.** The City shall share in the Project Costs from revenues exclusively generated as follows: (i) synthetic tax increment financing for the Property, as provided herein; (ii) Road Impact Fee Credits, as provided herein; (iii) Road Impact Fees from the Surrounding Lands, as provided herein and (iv) 25% of any toll revenue provided to the City by the Authority, as provided herein. The City specifically and expressly does not pledge its general or any other revenue sources to the Project Costs. Total cost sharing may not exceed a maximum contribution by City of \$5,850,000.00. On an annual basis by not later than April 1 of each year, the City shall provide an accounting to the Owner's Agent of the funds available for cost sharing, including information regarding incremental tax increases, Road Impact Fees, any toll revenue received, and the amounts paid to Owner's Agent as set forth herein.

6. **Synthetic Tax Incremental Financing ("STIF").**

6.1 **Establishment of Tax Trust Fund.** The Apopka City Council has adopted Ordinance No. \_\_\_\_\_ establishing a tax trust fund for the Project Area to be funded by tax increment. The Base Year Value shall be the value set forth for the Marden Road Interchange Project Area in the assessment roll used in connection with the taxation of property shall be the preliminary assessment roll of taxable real property in Orange County, Florida, prepared by the Property Appraiser of Orange County, Florida and certified pursuant to Section 193.122, *Florida Statutes*, reflecting the valuation of real property for purposes of ad valorem taxation for the year in which all Marden Road Interchange improvements are completed as evidenced by a Certificate of Acceptance for said improvements (the "Base Year"). The amount of tax increment shall be determined and appropriated annually by the City, and shall be ninety-five percent (95%) of the difference between:

(i) The City's portion of the amount of ad-valorem taxes levied each year by all taxing authorities, exclusive of any debt service millage, on taxable real property located within the geographic boundaries of the Marden Road Interchange Project Area; and

(ii) The City's portion of the amount of ad-valorem taxes levied by all taxing authorities, exclusive of any debt service millage, on taxable real property located within the geographic boundaries of the Marden Road Interchange Project Area during the Base Year.

6.2 The City shall share in the Project Costs expended by Owners' Agent, in the amount of 50% of any incremental ad valorem taxes received by the City and deposited in the tax trust fund if same is established as set forth in Section 6.1 above until the maximum cost share as set forth in Section 5 above has been paid to Owners' Agent under any of the permissible means of Cost Sharing authorized under this Agreement. The tax trust fund shall be administered by the Mayor or his/her designee, with funds disbursed to Owners' Agent annually by April 1 for a term beginning on the first of January of the year following the establishment of the Base Year, and ending on the Termination Date, not to exceed the maximum cost share as set forth in Section 5 above.

6.3 Pre-Conditions for Payment. As a condition for sharing the Project Costs beyond the Initial Contribution, Owners' Agent shall deliver to City (i) a request to share in Project Cost, (ii) proof of payment of the Project Costs, and (iii) evidence that any inspection required by the Authority for the Interchange has been completed with results satisfactory to the Authority. In this regard, the City shall have the right to reasonably inspect all books, records and accounts relating to such work, and may, at its option, require execution by Owners' Agent and any contractors, subcontractors, laborers and material suppliers of such affidavits, endorsements and releases as City deems necessary. These books, records and accounts are considered public records and therefore will be available for review by the public upon request.

6.4 Change in Law. In the event ad valorem taxes are abolished in Apopka and are replaced with a similar funding mechanism, this Agreement shall remain in full force and effect as to synthetic tax incremental financing, except that the name of the new tax or fee shall automatically be substituted for the term "ad valorem taxes" throughout the text of this Agreement. In such an event, the new tax system shall be established and managed in conformity with the procedures outlined in Section 6.1. Owners' Agent and the City shall meet, in such an event, to determine what modifications, if any, are needed to this Agreement to reflect the then current tax structure for the City relating to the use of taxes related to all or any portion of the Property to share in any remaining Project Costs. The parties shall then work cooperatively to make the appropriate revisions to this Agreement. The new tax system shall follow the same 50% proportionality described in Section 6.2 and shall terminate once the maximum cost share as set forth in Section 5 above has been paid to Owners' Agent, or on the Termination Date.

6.5 Sunset Provision. The tax trust fund shall expire and terminate upon the Termination Date.

## 7. Impact Fee Credits Capacity Reservation and CRA.

7.1 Allocation of Credits to Project. Commencing with the Effective Date, Owners' Agent shall be entitled to receive transportation impact fee credits pursuant to Section 26-81, Apopka City Code, in an amount not to exceed the maximum cost share set forth in Section 5 above ("**Road Impact Fee Credits**") to offset transportation impact fees otherwise payable for any development within the Property ("**Road Impact Fees**"). In the event an Owner, assignee, successor or assign, desires to obtain building permits for which Road Impact Fees would be payable, Owners' Agent shall provide the City a statement indicating the amount of impact fees that have been determined for the number and type of building permits desired. The City shall provide Road Impact Fee Credits in the amount shown on the statement so provided, the dollar value of which credits shall be applied towards but shall not exceed the maximum cost share as set forth in Section 5 above. The provisions of this Section 7.1 shall automatically expire and terminate on the tenth (10<sup>th</sup>) anniversary of the Trust Fund Commencement Date after which date Road Impact Fee Credits shall no longer be available to Owner, and successors and assigns.

7.2 Allocation of Road Impact Fees for Property and Surrounding Lands. Commencing with the Effective Date and to the extent Owners' Agent has not received the maximum cost share towards the Project Costs as set forth in Section 5 above, the City shall pay to Owners' Agent any Road Impact Fees received for development of such lands within the vicinity of the Interchange depicted on **Exhibit "E"** attached hereto (the "Surrounding Lands"). Payment to the Owners' Agent shall occur within thirty (30) days after the date the City receives payment of such Road Impact Fees from third parties and shall be credited towards the maximum cost share towards the Project Costs as set forth in Section 5 above. Should all or a portion of the Property be sold or transferred from Owners to another party and such subsequent owner does not receive from Owners' Agent Impact Fee Credits as provided in Section 7.1, the portion of the property no longer owned by the Owners shall be treated as Surrounding Lands within this provision.

7.3 Change in Law. In the event Road Impact Fee collections pursuant to Chapter 26-72, *et al.*, are abolished in Apopka and are replaced with a Transportation Mobility Fee or similar fee relating to the use of capacity on the City's road network, this Agreement shall remain in full force and effect as to credits, except that the name of the new fee shall automatically be substituted for the term "Impact Fees" throughout the text of this Agreement. The Parties acknowledge that a Transportation Mobility Fee may include components for pathways and/or transit operations that are not included as part of the impact fee formula. Notwithstanding that circumstance, the Transportation Mobility Fee shall be used dollar for dollar in the same manner that Impact Fees are used under the terms of this Agreement. The City acknowledges that the provisions of this Agreement may vary from the Transportation Mobility Fee use and structure applicable to other property owners in the City.

7.4 Capacity Reservation. In the event the Owners proceed with the construction of the Interchange and related improvements, the Owners shall be entitled to a capacity reservation for the development of the Project pursuant to Section 4.04.02 of the City Code, without paying any additional consideration, other than the construction of the Interchange. The capacity reservation shall run with the land from the date hereof for the representative scope of development set forth on **Exhibit "F"** attached hereto, and ending on the Termination Date. All capacity reservation costs, if any, are to be applied only to Project Costs up to the maximum cost share as set forth in Section 5 above. However nothing herein shall vest Owners or Owners' Agent with any right to build any of the units or commercial square footages indicated on **Exhibit "F,"** and all such improvements are and will otherwise be subject to all of City's codes and approval processes.

7.5 Toll Collection. The City may request that the Authority place a toll booth at the Interchange or otherwise petition the Authority to seek toll revenue for the City from the Interchange. To the extent Owners' Agent has not received the maximum available cost share of the Project Costs as set forth in Section 5 above, the City shall pay to Owners' Agent 25% of toll revenue received by the City from the Interchange or from the Authority in connection therewith which sums shall be credited towards the Project Costs not to exceed the maximum cost share as set forth in Section 5 above. However should the Authority agree to accept the ramps into its system for future

maintenance, the City shall have no obligation to seek any portion of toll revenues from the Authority.

7.6 CRA. The City may also seek to establish a CRA for the Property, which may include surrounding areas to address transportation or other blight as provided by Florida Statutes. To the extent the City establishes a CRA which includes all or any part of the Property, funding available from the CRA may proportionally be applied to satisfying the maximum cost share as set forth in Section 5 above.

7.7 Expiration. On the Termination Date, all obligations of the City to the Owners and the Owners' Agent hereunder shall terminate.

## 8. Design, Construction and Funding of Interchange

8.1 Design. Owners' Agent shall commence permitting, design and engineering for the Interchange pursuant to consulting contracts and budgets reviewed and approved by the Authority for improvements under the jurisdiction of the Authority and the City for improvements under the jurisdiction of the City, if any.

8.2 Budget. Attached hereto as Exhibit "G" is the preliminary budget for the direct and indirect costs of the Interchange based upon an engineer's opinion of cost, not on actual bids submitted by qualified contractors. Such Budget may be modified from time to time by mutual agreement of the parties hereto.

8.3 Construction. Prior to construction of the Interchange, Owners' Agent shall obtain all applicable permits and final construction plan approval from the Authority. The Interchange shall be constructed according to the terms and conditions of the Interchange Agreement. The City's approval may not be required for any improvement under the jurisdiction of the Authority, but Owners' Agent shall keep the City fully informed as to the status of the Interchange improvements. Owners' Agent shall obtain the approval of the City for any improvements within the jurisdiction of the City. The City shall reasonably cooperate with Owner for approval of such improvements, if any, within the jurisdiction of the City, which at this time is anticipated to be joint use drainage ponds upon the Property.

8.4 Funding. The funding of all permitting, design, legal, engineering and construction costs relating to each phase or phases of the Interchange undertaken by Owners' Agent pursuant to this Agreement shall be the responsibility of Owners' Agent.

8.5 Roadway Landscaping Maintenance. The Parties acknowledge that any roadway constructed by Owners' Agent pursuant to this Agreement may include a substantial amount of landscaping, including irrigation. Owners' Agent, or a successor in interest, shall maintain said roadway landscaping for the benefit of the Project. Accordingly, upon completion of construction of any required roadway hereunder, at Owners' Agent's request, the Parties shall enter into a right-of-way utilization agreement providing for Owners or Owners' Agent or its successors to maintain all landscaping improvements constructed within said road rights-of-way, if applicable.

8.6 Street Lighting. To the extent any improvements pursuant to this Agreement include street lighting, the Parties shall cooperate in the formation of a City municipal service benefit unit for the Property to maintain the annual cost of such street lighting not maintained by the Authority.

9. **Owners' Agent**. Owners shall designate an agent to exercise any of Owners' rights under this Agreement and any of the other related matters including but not limited to (i) receipt of Road Impact Fee Credits and (ii) receipt of the tax trust fund funds, or (iii) other cost sharing mechanisms from the City for Project Costs. Owners hereby designate **EMERSON MMI-INT, LLC**, a Florida limited liability company, as its Owners' Agent. The City may rely upon any and all directions from the Designated Agent on behalf of the Owners unless and until such time as Owners either remove the Owners' Agent or appoint a successor. Notwithstanding any sale of all or any portions of the Property, Owners shall retain entitlement to cost sharing of the Project Costs with the City (via Owner's Agent), potential allocation of Road Impact Fee Credits, or any other rights and benefits pursuant to this Agreement, unless and until Owners or Owners' Agent provide the City written notice of an assignment of all or any such rights to a third party or third parties.

10. **Notice**. Any notice or other communication permitted or required to be given hereunder by one Party to the other shall be in writing and shall be either (i) hand delivered, or (ii) sent by electronic transmission with proof of electronic transmission retained by the sending Party, or (iii) sent by reputable private courier service (e.g., Federal Express, Express Mail, Airborne, United Parcel Service, or Emery Air), or (iv) mailed by registered or certified U.S. mail, postage prepaid, return receipt requested, to the Party entitled or required to receive the same at the address specified below or at such other address as may hereafter be designated in writing by any such Party, to wit:

**As to Emerson I :**

Emerson Point Assoc., LLLP  
Attn: Michael Wright  
1350 N. Orange Ave, Suite 250  
Winter Park, FL 32789  
Phone: (407) 385-0664  
Email: [mike@MMI.com](mailto:mike@MMI.com)

With a Copy to:

Ted B. Edwards, Esquire  
Law Office of Ted B. Edwards, P.A.  
1350 Orange Ave, Suite 260  
Winter Park, FL 32789  
Phone: (407) 340-9284  
Email: [TEdwards@TEdwardslaw.com](mailto:TEdwards@TEdwardslaw.com)

**As to Emerson II:**

Emerson Point Phase II, LLC  
Attn: Michael Wright  
1350 N. Orange Ave, Suite 250

Interchange Cost Sharing Agreement

Winter Park, FL 32789  
Phone: (407) 385-0664  
Email: [mike@MMI.com](mailto:mike@MMI.com)

With a Copy to:

Ted B. Edwards, Esquire  
Law Office of Ted B. Edwards, P.A.  
1350 Orange Ave, Suite 260  
Winter Park, FL 32789  
Phone: (407) 340-9284  
Email: [TEdwards@TEdwardslaw.com](mailto:TEdwards@TEdwardslaw.com)

As to MMI-INT:

Emerson MMI-INT, LLC  
Attn: Michael Wright  
1350 N. Orange Ave, Suite 250  
Winter Park, FL 32789  
Phone: (407) 385-0664  
Email: [Bill@MMI.com](mailto:Bill@MMI.com)

With a Copy to:

Ted B. Edwards, Esquire  
Law Office of Ted B. Edwards, P.A.  
1350 Orange Ave, Suite 260  
Winter Park, FL 32789  
Phone: (407) 340-9284  
Email: [TEdwards@TEdwardslaw.com](mailto:TEdwards@TEdwardslaw.com)

**As to City of Apopka:**

The City of Apopka  
120 East Main Street  
Apopka, Florida 32703  
Phone: (407) 703-1700  
Email: [girby@apopka.net](mailto:girby@apopka.net)

With a Copy to:

Clifford B. Shepard, Esquire  
Shepard, Smith & Cassady, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, FL 32751  
Phone: (407) 622-1772  
Email: [cshepard@shepardfirm.com](mailto:cshepard@shepardfirm.com)

11. **Covenants Running with the Land.** This Agreement shall run with the Property and shall be binding upon and shall inure to the benefit and detriment of the legal representatives, successors, and assigns of Owners and any person, firm, corporation, or other entity that may become the successor in interest to the Property or any Parcel. Notwithstanding the foregoing, however, the authority to instruct City to provide any Road Impact Fee Credits or receive cost-sharing of Project Costs shall remain with Owners via Owners' Agent, as provided herein, unless expressly assigned

in writing to another party by Owners' Agent, and then only to the extent of such assignment.

12. **Limitation of Remedies.** City and Owners expressly agree that the consideration, in part, for each of them entering into this Agreement is the willingness of the other to limit the remedies for all actions arising out of or in connection with this Agreement.

12.1 **Limitations on City's remedies.** Upon any failure by Owners or Owners' Agent to perform its obligations under this Agreement, City shall be limited strictly to only the following remedies:

- (a) action for specific performance or injunction; or
- (b) the right to set off, against the amounts of Project Costs to be shared by the City pursuant to the terms and conditions of this Agreement, the cost to City of performing any action or actions required to be done under this Agreement by Owners, but which Owners have failed or refused to do when required; or
- (c) any combination of the foregoing.

12.2 **Limitations on Owners' remedies.** Upon any failure by City to perform its obligations under this Agreement, Owners or Owners' Agent shall be limited strictly to only the following remedies:

- (a) action for specific performance or writ of mandamus; or
- (b) action for injunction; or
- (c) action for declaratory judgment regarding the rights and obligations of Owners and Owners' Agent; or
- (d) any combination of the foregoing.

The Parties expressly waive their respective rights to sue for damages of any type for breach of, or default under, this Agreement by the other. Both Parties expressly agree that each Party shall bear the cost of its own attorney fees for any action arising out of or in connection with this Agreement. Venue for any actions initiated under or in connection with this Agreement shall be in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida.

13. **Recordation of Agreement.** An executed original of this Agreement shall be recorded, at Owners' expense, in the Public Records of Orange County, Florida, within thirty (30) days after the Effective Date.

14. **Applicable Law.** This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.

Interchange Cost Sharing Agreement

15. **Further Documentation.** The Parties agree that at any time following a request therefor by the other Party, each shall execute and deliver to the other Party such further documents and instruments reasonably necessary to confirm and/or effectuate the obligations of either Party hereunder and the consummation of the transactions contemplated hereby.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be duly executed by their respective duly authorized representatives on the dates set forth below.

**CITY OF APOPKA, FLORIDA**

By: Apopka City Council

By: \_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

Date: \_\_\_\_\_

ATTEST: Linda F. Goff  
As Clerk of the City of Apopka

By: \_\_\_\_\_  
City Clerk



Interchange Cost Sharing Agreement

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Joseph E. Kilsheimer, as Mayor of the **CITY OF APOPKA, FLORIDA**, a Florida municipal corporation. He/she is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Typed name of Notary Public

**[SIGNATURES CONTINUE ON FOLLOWING PAGES]**

Witnesses:

**“EMERSON I”**

**EMERSON POINT ASSOC., LLLP** a  
Florida limited liability limited partnership

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: Michael E. Wright

Title: General Partner

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Interchange Cost Sharing Agreement

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Michael E. Wright, as General Partner for EMERSON POINT ASSOC., LLLP, a Florida limited liability limited partnership, on behalf of the partnership. He is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Typed name of Notary Public

**[SIGNATURES CONTINUE ON FOLLOWING PAGES]**

Interchange Cost Sharing Agreement

Witnesses:

“EMERSON II”

**EMERSON POINT PHASE II, LLC** a  
Florida limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: Michael E. Wright

Title: Manager

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: Mary L. Demetree

Title: Manager

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Michael E. Wright, as Manager for **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Typed name of Notary Public

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Mary L. Demetree, as Manager for **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Typed name of Notary Public

Witnesses:

“OWNERS’ AGENT”

Interchange Cost Sharing Agreement

**EMERSON MMI-INT, LLC** a Florida  
limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: Michael E. Wright

Title: Manager

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Michael E. Wright, as Manager for **EMERSON MMI-INT, LLC**, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Typed name of Notary Public

### Composite Exhibit "A" Project Location Map





**Composite Exhibit "B"**  
**Property Legal Descriptions**

Emerson Point (Emerson 1) Legal Description

A parcel of land lying in Sections 17 and 20, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of EMERSON PARK, according to the Plat thereof, as recorded in Plat Book 68, Pages 1 through 17, of the Public Records of Orange County, Florida, also being a point on the Westerly right of way line of Marden Road; thence run North 00 degrees 15 minutes 45 seconds East along said Westerly right of way line for a distance of 867.57 feet to the POINT OF BEGINNING; thence departing said Westerly right of way line run the following courses and distances; North 79 degrees 21 minutes 18 seconds West for a distance of 250.77 feet; thence run North 76 degrees 57 minutes 36 seconds West for a distance of 271.66 feet to a point on a non tangent curve concave Northeasterly and having a radius of 750.00 feet; thence from a tangent bearing of North 69 degrees 25 minutes 55 seconds West run Northwesterly along said curve through a central angle of 26 degrees 46 minutes 44 seconds for an arc distance of 350.53 feet to a point on a non tangent curve concave Northeasterly and having a radius of 725.00 feet; thence from a tangent bearing of North 38 degrees 02 minutes 17 seconds West run Northwesterly along said curve through a central angle of 27 degrees 58 minutes 31 seconds for an arc distance of 353.99 feet to a point on a non tangent curve concave Easterly and having a radius of 1500.00 feet; thence from a tangent bearing of North 01 degrees 44 minutes 32 seconds West run Northerly along said cure through a central angle of 20 degrees 26 minutes 35 seconds for an arc distance of 535.20 feet to a point of tangency; thence run North 18 degrees 42 minutes 03 seconds East for a distance of 159.98 feet to a point on the Easterly right of way line of County Road 429 (Western Beltway) per Order of Taking recorded in Official Records Book 5442, Page 3947, of the Public Records of Orange County, Florida, also being a point on a non tangent curve concave Northwesterly and having a radius of 7829.44 feet; thence from a tangent bearing of North 24 degrees 29 minutes 43 seconds East run Northeasterly along said Easterly right of way line and said curve through a central angle of 5 degrees 02 minutes 40 seconds for an arc distance of 689.30 feet; thence continuing along said Easterly right of way line run North 13 degrees 07 minutes 16 seconds East for a distance of 205.68 feet to a point on a non tangent curve concave Northwesterly and having a radius of 7809.44 feet; thence from a tangent bearing of North 17 degrees 57 minutes 03 seconds East run Northeasterly along said curve through a central angle of 3 degrees 51 minutes 29 seconds for an arc distance of 525.85 feet to a point on the Southerly right of way line of County Road 437-A (Ocoee Apopka Road) per Official Records Book 5442, Page 3947, of aforesaid Public Records of Orange County, Florida; thence departing aforesaid Easterly right of way line run North 80 degrees 33 minutes 42 seconds East along said Southerly right of way line for a distance of 196.20 feet; thence continuing along said Southerly right of way line run North 75 degrees 23 minutes 21 seconds East for a distance of 182.73 feet to a point on aforesaid Westerly right of way line of Marden Road; thence departing said Southerly right of way line run South 00 degrees 08 minutes 34 seconds West for a distance of 2270.18 feet; thence continuing along said Westerly right of way line run South 00 degrees 15 minutes 45 seconds West for a distance of 452.54 feet to aforesaid POINT OF BEGINNING.

## Interchange Cost Sharing Agreement

### LEGAL DESCRIPTION OF PROPERTY EMERSON 2 PROPERTY

#### PARCEL 1:

A parcel of land located in the NW 1/4 of Section 21, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 21; thence S88°57'30"E along the North line of said NW 1/4, a distance of 30.00 feet to a point on the Easterly right-of-way line of Marden Road (60-foot right-of-way), said point being the Point of Beginning;

Thence continuing along the North line of said NW 1/4, S88°57'30"E along the North line of said NW 1/4, a distance of 1304.19 feet to the Northeast corner of the NW 1/4 of said NW 1/4; thence leaving the North line of said NW 1/4, S0°25'10"W along the East line of the NW 1/4 of said NW 1/4 a distance of 1275.71 feet to a point on the Northerly right-of-way line of Harmon Road Extension; thence leaving the East line of the NW 1/4 of said NW 1/4, N89°22'05"W along the Northerly right-of-way line of said Harmon Road Extension, a distance of 332.65 feet to a point; thence leaving the Northerly line of Harmon Road Extension, S0°25'10"W a distance of 30.00 feet to a point on the South line of the NW 1/4 of said NW 1/4; thence N89°22'05"W along the South line of the NW 1/4 of said NW 1/4, a distance of 967.87 feet to a point in the Easterly right-of-way line of said Marden Road; thence leaving the South line of the NW 1/4 of said NW 1/4, N0°15'45"E along the Easterly right-of-way line of said Marden Road, a distance of 1315.05 feet to the Point of Beginning.

LESS AND EXCEPT the West 30 feet for road right of way per Deed Book 543, Page 3, Public Records of Orange County, Florida.

ALSO LESS AND EXCEPT therefrom Parcels 229, conveyed to OOCEA in Official Records Book 8914, Page 4223, and Parcel 229A conveyed to OOCEA in Official Records Book 9038, Page 3272, Public Records of Orange County, Florida, more particularly described as follows:

#### Parcel 229

A tract or parcel of land being a portion of the Northwest 1/4 of Section 21, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northwest 1/4 of said Section 21 (railroad spike with "X" cut as now exist); thence S88°57'29"E, along the North line of said Northwest 1/4, for a distance of 30.00 feet to the Eastern right of way line of Marden Road, as described in Official Records Book 829, Page 94, of the Public Records of Orange County, Florida; thence S00°15'48"W, along said Eastern right of way line, for a distance of 469.38 feet to the POINT OF BEGINNING being a point on a non-tangent curve; thence, departing said Eastern right of way line, Easterly 494.88 feet along the arc of a curve concave Southerly having a radius of 4360.00 feet, a central angle of 06°30'12" and a chord bearing of S81°10'07"E; thence S70°08'59"E for a distance of 589.24 feet to the point of curvature; thence Southeasterly 276.78 feet along the arc of a curve concave Southwesterly having a radius of 4320.00 feet, a central angle of 03°40'15" and a chord bearing of S68°18'51"E, to the intersection with the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 21; thence S00°25'16"W, along said East line, for a distance of 451.76 feet to the intersection with the North right of way line of Harmon Road Extension, as recorded in Deed Book 785, Page 88 of the Public Records of Orange County, Florida; thence, departing said East line,

## Interchange Cost Sharing Agreement

N89°22'08"W, along said North right of way line, for a distance of 332.66 feet; thence, continuing along the right of way line of Harmon Road Extension, S00°22'53"W for a distance of 30.00 feet to the intersection with the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 21; thence, departing said right of way line of Harmon Road Extension, N89°22'08"W, along said South line, for a distance of 392.14 feet; thence, departing said South line, N00°15'48"E for a distance of 365.68 feet to a point on a non-tangent curve; thence Northwesterly 566.96 feet along the arc of a curve concave Southwesterly having a radius of 3980.00 feet, a central angle of 08°09'43" and chord bearing of N79°34'00"W, to a point on a non-tangent curve; thence, Westerly 18.18 feet along the arc of a curve concave Southerly having a radius of 1223.14 feet, a central angle of 00°51'07" and a chord bearing of N88°00'03"W, to the intersection with aforesaid Eastern right of way line of Marden Road; thence N00°15'48"E, along said Eastern right of way line, for a distance of 383.15 feet to the POINT OF BEGINNING.

and

Parcel 229A:

A tract or parcel of land being a portion of the Northwest 1/4 of Section 21, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northwest 1/4 of said Section 21 (railroad spike with "X" cut as now exists); thence S88°57'29"E, along the North line of said Northwest 1/4, for a distance of 30.00 feet to the Eastern right-of-way line of Marden Road, as described in Official Records Book 829, Page 94 of the Public Records of Orange County, Florida; thence departing said North line, S00°15'48"W, along said Eastern right-of-way line, for a distance of 852.53 feet to the Point of Beginning being a point on a non-tangent curve; thence, departing said Eastern right-of-way line, Easterly 18.18 feet along the arc of a curve concave Southerly having a radius of 1223.14 feet, a central angle of 00°51'07" and a chord bearing of S88°00'03"E to a point on a non-tangent curve; thence Southeasterly 566.96 feet along the arc of a curve concave Southwesterly having a radius of 3980.00 feet, a central angle of 08°09'43" and a chord bearing of S79°34'00"E; thence S00°15'48"W for a distance of 365.68 feet to a point on the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 21; thence, N89°22'08"W along said South line for a distance of 575.77 feet to a point on the aforesaid Eastern right-of-way line of Marden Road; thence, departing said South line, N00°15'48"E along said Eastern right-of-way line for a distance of 462.56 feet to the Point of Beginning.

PARCEL 2:

The Northeast quarter of the Northwest quarter of Section 21, Township 21 South, Range 28 East, Orange County, Florida, together with the South half of the Southeast quarter of the Southwest quarter of Section 16, Township 21 South, Range 28 East.

LESS AND EXCEPT the East 30 feet for road right of way per Official Records Book 30, Page 57, Public Records of Orange County, Florida, and the South 30 feet for road right of way per Deed Book 785, Page 113, Public Records of Orange County, Florida.

ALSO LESS AND EXCEPT therefrom Parcel 237 conveyed to OOCEA by Warranty Deed recorded in Official Records Book 9038, Page 3272, Public Records of Orange County, Florida, more particularly described as follows:



## Interchange Cost Sharing Agreement

A tract or parcel of land being a portion of the Northwest 1/4 of Section 21, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of said Section 21 (6"x6" concrete monument as now exist); thence N88°57'29"W, along the North line of said Northwest 1/4, for a distance of 30.00 feet to the Western right of way line of S. Hawthorne Avenue, as described in Official Records Book 30, Page 57, of the Public Records of Orange County, Florida; thence, departing said North line, S00°34'53"W, along said Western right of way line, for a distance of 1296.35 feet to the South line of the Northeast 1/4 of the Northwest 1/4 of Section 21; thence departing said Western right of way line, N89°22'08"W along said South line for a distance of 447.69 feet to the Point of Beginning; thence, continuing N89°22'08"W along said South line for a distance of 852.86 feet to the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 21; thence, departing said South line, N00°25'16"E, along said West line, a distance of 481.76 feet to a point on a non-tangent curve; thence departing said West line, Southeasterly 983.18 feet along the arc of a curve concave Southwesterly having a radius of 4320.00 feet, a central angle of 13°02'23" and a chord bearing of S59°57'32"E to the Point of Beginning.

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**Exhibit "C"**  
**Berenis to Knudson Letter of July 24, 2014**

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY**

July 24, 2014

Mr. Kevin Knudsen, P.E.  
Project Manager  
Dewberry | Bowyer-Singleton  
520 South Magnolia Avenue  
Orlando, Florida 32801

**RE: Interchange Justification Report  
SR 414 at Marden Road  
Review of May 2014 Submittal**

Dear Mr. Knudsen:

The Central Florida Expressway Authority (CFX) staff has reviewed your May 2014 Interchange Justification Report (IJR) submittal for a proposed half diamond interchange on SR 414 (John Land Apopka Expressway) at Marden Road. In general, it appears the revised report adequately addresses the majority of comments provided to you following our February 2014 review. Attached is a letter from our General Engineering Consultant, Atkins, containing the balance of our technical review comments for the May 2014 submittal. The Expressway Authority's Traffic and Revenue Consultant, CDM Smith, has reviewed the recent submittal and their comments are also included in the attached letter.

Should your client decide to further advance the proposed interchange at Marden Road, the following non-technical items must be addressed to the satisfaction of CFX prior to final approval of the IJR document:

1. A formal funding agreement between the applicant, other potential partners and CFX to clearly delineate roles and responsibilities of each entity. Such agreement shall address the interchange ramp improvements as well as correction of deficient local roadway elements as a result of the interchange (specifically, Marden Road north and south of the proposed interchange and Keene Road east and west of SR 414). Further, the agreement shall stipulate that all interchange design elements meet CFX design criteria (geometry, drainage, signage, pavement markings, lighting, etc.) and that CFX shall have final review and approval of all construction plans. Lastly, the agreement shall outline the requirements for permits and right-of-entry documents necessary from CFX for construction of the proposed project.

## Interchange Cost Sharing Agreement

K. Knudsen  
July 24, 2014  
Page 2

2. All proposed right-of-way required for the project shall be acquired by the applicant or potential partners. This includes the right-of-way to be acquired from CFX for the eastbound entrance ramp.
3. All impacts to the existing CFX storm water pond and existing permits (at the eastbound entrance ramp) shall be identified and a mitigation plan proposed.

Should you have any questions or require additional information as it pertains to our review comments, please contact Glenn Pressimone at 407-690-5321.

Sincerely,



Joseph A. Berenis, P.E.  
Deputy Executive Director

Attachment

cc: Angel de la Portilla  
Glenn Pressimone  
Nathan Silva  
Hugh Miller



Atkins North America, Inc.  
482 South Keller Road  
Orlando, Florida 32810-6101  
Telephone: +1.407.647.7275  
[www.atkinsglobal.com/northamerica](http://www.atkinsglobal.com/northamerica)

July 22, 2014

Glenn M. Pressimone, P.E.  
Director of Engineering  
Central Florida Expressway Authority  
4974 ORL Tower Road  
Orlando, FL 32807

Re: **State Road 414 and Marden Road, Interchange Justification Report (May 2014) and Responses to Review Comments (February 28, 2014)**

Dear Mr. Pressimone:

Atkins' and CDM Smith's staffs have reviewed the referenced documents prepared by GMB Engineers & Planners in association with Dewberry/Bowyer-Singleton as requested.

Atkins' review comments are as follows:

1. Atkins' staff reviewed the Draft Marden Road IJR and provided comments to you in a letter dated February 6, 2014. Comment Number 3 clearly disputed the method in which the Applicant performed the Highway Capacity Analysis (HCS) of the merge and diverge maneuvers at the proposed SR 414/Marden Road ramps and the SR 414 / SR 451 ramps. Given the potential close proximity of the SR 414 westbound exits to Marden Road and SR 451 and the similar eastbound consecutive entrance ramps from SR 451 and Marden Road, the HCS analysis must include the adjacent ramp information to generate an accurate assessment of the operational characteristics. The adjacent ramp information is not included HCS analysis spreadsheets. Given the relatively low ramp volume forecasts and the high levels of services projected on the facilities, it is anticipated that the correct analysis would result in the same conclusion, however, it is important that the correct analysis be performed and documented.
2. In general, it appears the Applicant has adequately addressed all of the other comments dated February 6, 2014, provided on the Draft IJR. There does not appear to be any fatal flaws associated with the engineering characteristics of the proposed interchange ramps.

Glenn Pressimone, P.E.  
July 22, 2014  
Page 2

CDM Smith's review comments are as follows:

1. As described in the IJR, the purpose of "the proposed SR 414/Marden Road interchange is to improve access to the south part of the City of Apopka (page iii)." While this will certainly be true for the proposed and on-going land development projects on Marden Road, it is less clear for the land developments in the Apopka Westside Research Park and the Northwest Distribution Center.
2. Project funding is addressed in the IJR. "The applicant will be responsible for the full costs of design and construction of the interchange (page iv)." This statement, which repeats many times in the IJR, should be revised to read "... the full capital cost, including but not limited to design, right-of-way, mitigation and construction."
3. There is a minor inconsistency between the area of influence, defined at the start of the study, and the results. There appear to be changes in the level of service on SR 429 and Keene Road, which are not fully documented.
4. The level of service on Marden Road, south of the interchange, changes from LOS D under No Build conditions to LOS F under Build conditions. Who and how will this need be addressed.
5. Why would traffic volume forecasts on SR 429, north and south of the interchange with SR 414, increase by between 5% and 8% by 2035? If the SR 414/Marden Road interchange provides useful access to land developments in the area along SR 429 and the Ocoee/Apopka Road, the traffic volume forecasts under Build conditions should be lower than the No Build forecasts.

If the Applicant decides to advance the proposed interchange ramps at Marden Road, the following topics must be addressed to the satisfaction of CFX prior to final approval of the IJR.

1. A formal funding agreement, which includes the interchange ramps as well as correction of deficient local roadway elements, between the Authority, the Applicant and other potential partners will be required to clearly delineate roles and responsibilities of each entity.
2. The ramp design must meet all Expressway Authority criteria including geometry, drainage, signage, pavement markings, lighting, etc. The Expressway Authority will have final review and approval of all construction plans.
3. The proposed westbound exit ramp has the potential to impact private property. Securing the right of way necessary to construct the ramp will be the Applicant's responsibility.

# Interchange Cost Sharing Agreement



Glenn Pressimone, P.E.  
July 22, 2014  
Page 3

4. The proposed eastbound entrance ramp appears to impact a parcel owned by the Expressway Authority. The Applicant will be required to obtain the property necessary to construct the ramp in accordance with the Expressway Authority's surplus property guidelines.
5. The proposed eastbound entrance ramp also appears to impact an Expressway Authority storm water pond. Further coordination will be required to address permitting requirements associated with any pond impacts.
6. Table 17-5 *SR 414/Marden Road Interchange Justification Report, Year 2035 Build Alternative-Peak Directional Roadway LOS Analysis* of the IJR indicates that Marden Road (north and south of the proposed interchange) and Keene Road (east and west of SR 414 existing interchange) will operate at LOS F. The Expressway Authority will not be responsible for funding corrective actions at any of these locations.

Please contact me with any questions or if additional clarifications are necessary.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nathan P. Silva".

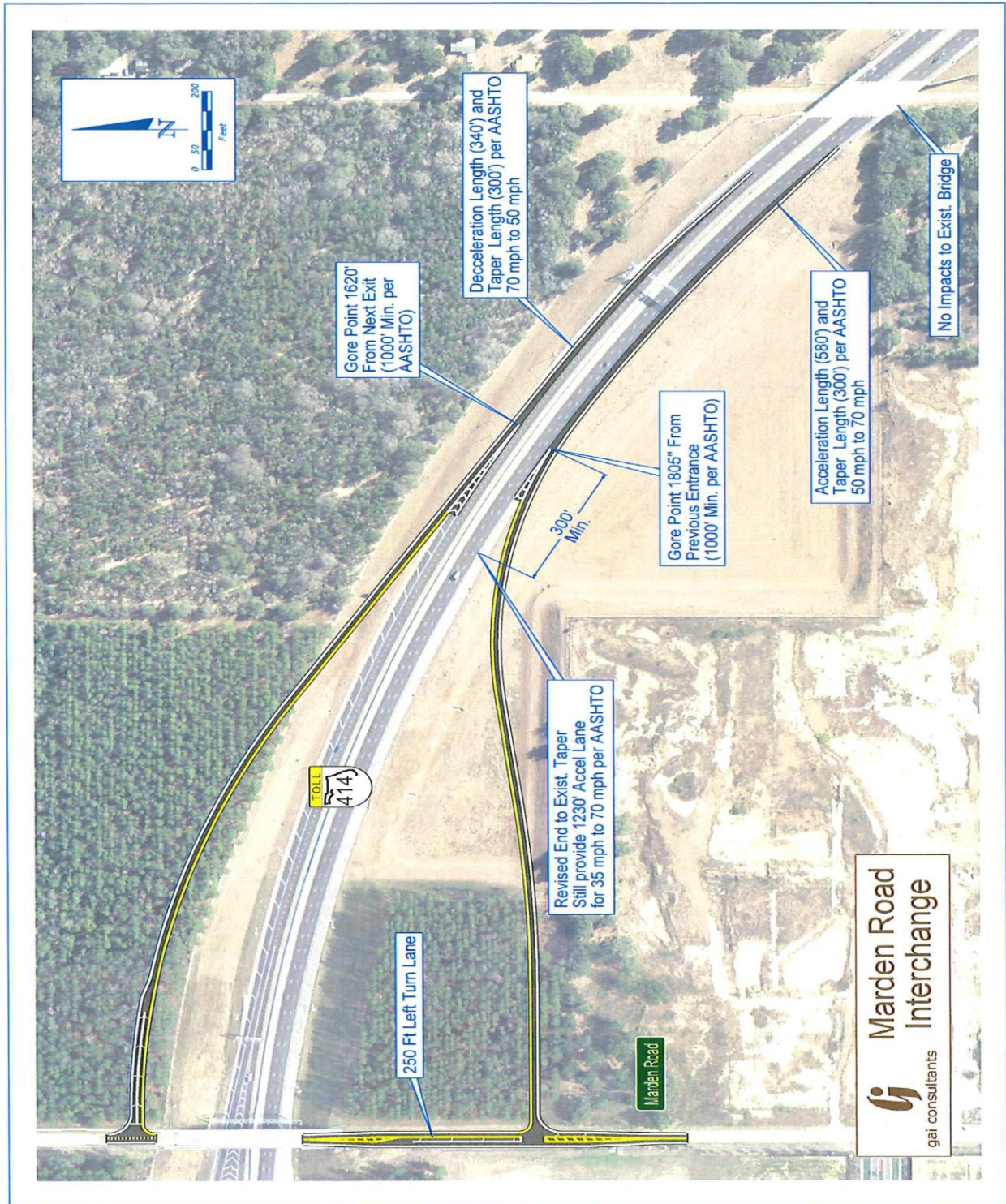
Nathan P. Silva, P.E.  
Program Manager

cc: Joseph A. Berenis, Deputy Executive Director

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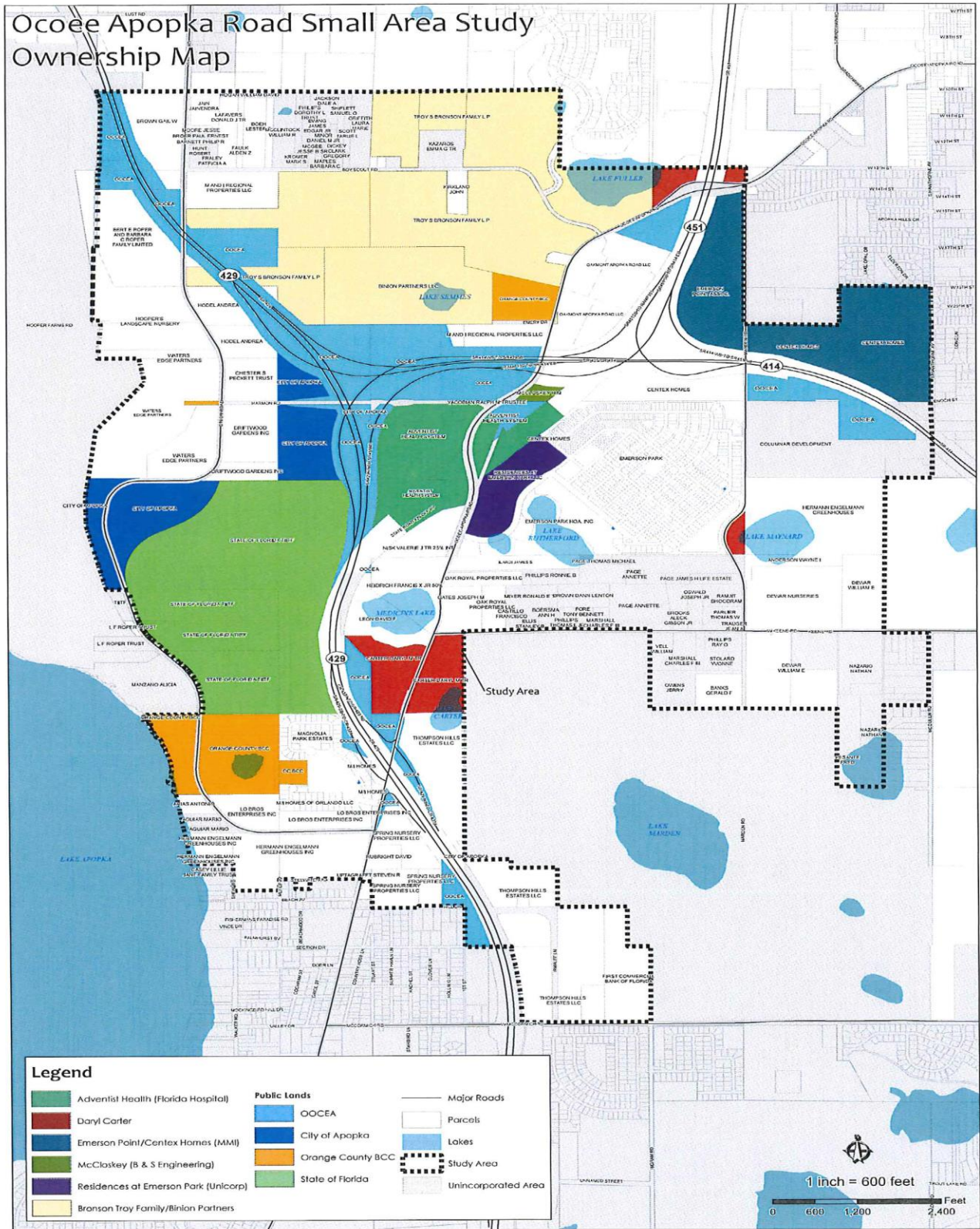


**Exhibit "D"**  
**Conceptual Improvements Plan**





## Exhibit "E" Surrounding Lands





**Exhibit "F"**  
**Representative Scope of Development**

Emerson I Multifamily: 544 units  
Emerson I Commercial: 75,000 square feet

Emerson II Multifamily: 272+ units  
Emerson II Commercial: 350,000 square feet.

**Exhibit "G"**  
**Budget**

Marden Road Access Ramps - Preliminary Conceptual Cost Estimate					
Prepared 09 December 2014 by GAI Consultants					
Revised 14 May 2015 by GAI Consultants					
Location	Unit	Value	Cost per Mile	Cost	Basis
SR 414 EB on ramp	miles	0.45	\$2,044,323	\$919,945	FDOT LRE: 2 lane rural roadway
SR 414 WB off ramp	miles	0.42	\$2,044,323	\$858,616	FDOT LRE: 2 lane rural roadway
SR 414 widening	miles	0.33	\$3,519,430	\$1,161,412	FDOT LRE: widen interstate
Marden Road S of brid	miles	0.07	\$4,084,261	\$285,898	FDOT LRE: new con. 3 lane urban
Marden Road N of brid	miles	0.03	\$482,833	\$14,485	FDOT LRE: m&r 2 lane urban
<b>Sub Total</b>				<b>\$3,240,356</b>	
Maintenance of Traffic				\$324,036	10% of subtotal
Contingency (includes costs such as permitting fees)				\$648,071	20% of subtotal
<b>Total Construction</b>				<b>\$4,212,463</b>	
Engineering -Interchange Ramps				\$400,000	
Engineering - Marden Roadway Improvements				\$150,000	City of Apopka and Orange County
Materials Testing and Inspections				\$80,000	estimated at 20% of engineering fees
CFL Strategies				\$75,000	
Interchange Justification Report				\$70,000	
Legal				\$100,000	
Landscaping				\$175,000	
<b>Estimated Subtotal</b>				<b>\$5,262,463</b>	
Construction Management			5%	\$263,123	
Emerson II R/W Dedication (Approximatley 3 acres)				\$225,000	
Performance Bond				\$50,000	
Completion bond				\$50,000	
Interest Reserve				\$160,000	
<b>Estimated Total Cost</b>				<b>\$6,010,587</b>	
Less: City of Apopka Contribution				-\$2,500,000	
<b>Total Interchange Cost</b>				<b>\$3,510,587</b>	
<b>Cost Allocation</b>		<b>Acres</b>	<b>Pro-Rata Share</b>	<b>Cost</b>	<b>Original Estimate</b>
Emerson I		42	36.84%	\$1,293,374	\$2,214,427
Emerson II		72	63.16%	\$2,217,213	\$3,796,160
<b>Total</b>		<b>114</b>	<b>100%</b>	<b>\$3,510,587</b>	<b>\$6,010,587</b>

**Backup material for agenda item:**

7. RESOLUTION NO. 2015-14 - To amend the capital improvement plan (CIP), reflecting improvements to Alonzo Williams Park.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL HEARING
- OTHER: RESOLUTION NO. 2015-14

MEETING OF: August 5, 2015  
 FROM: Administration  
 EXHIBITS: Resolution 2015-14

**SUBJECT: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) & FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP)**

**REQUEST: ADOPT RESOLUTION 2015-14 TO AMEND THE CAPITAL IMPROVEMENT PLAN (CIP) REFLECTING IMPROVEMNTS TO ALONZO WILLIAMS PARK**

**SUMMARY:**

The FRDAP is a competitive grant program, providing funds for the acquisition or development of land for outdoor public recreation. It is administered by FDEP and available to municipalities, counties and other entities with the legal responsibility of providing public outdoor recreation. Applications are submitted to FDEP no later than August 14, 2015, for evaluation, and assigned a score. Based on those scores, a priority list is prepared and submitted to the Florida Legislature for funding consideration.

Amendments to the CIP are a requirement to receive funds which will include \$28,000 in renovations and \$22,000 of new construction.

Renovations

Playground – Additional Surface Materials	\$1,000
Basketball Court – Resurfacing	\$20,000
Baseball Field – Irrigation	\$3,000
Drinking Fountain – Replace Existing	\$2,000
Picnic Facilities – Table/Barbeque Grill	\$2,000

New Construction

Playground – Additional Equipment	\$10,000
Security Lighting	\$10,000
Picnic Facilities	\$2,000

The City is requesting \$50,000 in no-match grant funding, for renovations and new construction of facilities at the Alonzo Williams Park.

**FUNDING SOURCE:**

N/A

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**RECOMMENDED ACTION:**

Adopt Resolution No. 2015-14, amending Capital Improvement Plan (CIP) for improvements to Alonzo Williams Park.

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
City Clerk  
Fire Chief

**RESOLUTION NO. 2015-14**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FEDERAL FISCAL YEAR 2016-2017.**

**WHEREAS**, the City of Apopka desires to submit an application to the Florida Department of Environmental Protection for a Florida Recreation Development Assistance Program Grant to benefit the local residents.

**WHEREAS**, there is a present and growing need for outdoor recreation opportunities among persons of all ages within the City of Apopka, Florida corporate limits and among those visiting the area; and

**WHEREAS**, the City recognizes this need for additional recreational opportunities; and

**WHEREAS**, meeting the increasing demand for, recreation opportunities can best be met with the improvements to Alonzo Williams Park as detailed in the application for funding in which the City is submitting an application in the August 14, 2015 application cycle requesting \$50,000.00 in grant funds.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Apopka as follows:

1. That the City of Apopka hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant; and
2. That the Mayor of the City of Apopka is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on August 14, 2015.
3. That as part of the application for the Florida Recreational Development Assistance Program (FRDAP) grant, the Capital Improvements Element of the Comprehensive Plan of the City of Apopka, Florida will be amended to include the improvements of Alonzo Williams Park in the City of Apopka, if the project is funded in the 2016 – 2017 application cycle.

Approved by the City Commission of the City of Apopka, Florida, on this 5th day of August, 2015.

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda F. Goff, CMC, City Clerk

**Backup material for agenda item:**

8. RESOLUTION NO. 2015-15 - To amend the capital improvement plan (CIP), reflecting improvements to Kit Land Nelson Park.



# CITY OF APOPKA CITY COUNCIL

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- CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL HEARING  
 OTHER: RESOLUTION NO. 2015-15

MEETING OF: August 5, 2015  
FROM: Administration  
EXHIBITS: Resolution 2015-15

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**SUBJECT: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP)**

**REQUEST: ADOPT RESOLUTION 2015-15 TO AMEND THE CAPITAL IMPROVEMENT PLAN (CIP) REFLECTING IMPROVEMENTS TO KIT LAND NELSON PARK**

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**SUMMARY:**

The FRDAP is a competitive grant program, providing funds for the acquisition or development of land for outdoor public recreation. It is administered by FDEP and available to municipalities, counties and other entities with the legal responsibility of providing public outdoor recreation. Applications are submitted to FDEP no later than August 14, 2015, for evaluation, and assigned a score. Based on those scores, a priority list is prepared and submitted to the Florida Legislature for funding consideration.

Amendments to the CIP are a requirement to receive funds which will include \$7,500 in renovations and \$42,500 of new construction.

**Renovations**

Playground – Additional Surface Materials	\$2,500
Tennis Court – Net	\$1,000
Drinking Fountain – Replace Existing	\$2,000
Picnic Facilities	\$2,000

**New Construction**

Playground – Additional Equipment	\$30,000
Bike Rack	\$2,500
Picnic Facilities	\$10,000

The City is requesting \$50,000 in no-match grant funding, for renovations and new construction of facilities at the Kit Land Nelson Park.

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**FUNDING SOURCE:**



N/A

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**RECOMMENDED ACTION:**

Adopt Resolution No. 2015-14, amending Capital Improvement Plan (CIP) for improvements to Kit Land Nelson Park.

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
City Clerk  
Fire Chief

**RESOLUTION NO. 2015-15**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FEDERAL FISCAL YEAR 2016-2017.**

**WHEREAS**, the City of Apopka desires to submit an application to the Florida Department of Environmental Protection for a Florida Recreation Development Assistance Program Grant to benefit the local residents.

**WHEREAS**, there is a present and growing need for outdoor recreation opportunities among persons of all ages within the City of Apopka, Florida corporate limits and among those visiting the area; and

**WHEREAS**, the City recognizes this need for additional recreational opportunities; and

**WHEREAS**, meeting the increasing demand for, recreation opportunities can best be met with the improvements to Kit Land Nelson Park as detailed in the application for funding in which the City is submitting an application in the August 14, 2015 application cycle requesting \$50,000.00 in grant funds.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Apopka as follows:

1. That the City of Apopka hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant; and
2. That the Mayor of the City of Apopka is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on August 14, 2015.
3. That as part of the application for the Florida Recreational Development Assistance Program (FRDAP) grant, the Capital Improvements Element of the Comprehensive Plan of the City of Apopka, Florida will be amended to include the improvements to Kit Land Nelson Park in the City of Apopka, if the project is funded in the 2016 – 2017 application cycle.

Approved by the City Commission of the City of Apopka, Florida, on this 5th day of August, 2015.

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda F. Goff, CMC, City Clerk

**Backup material for agenda item:**

1. ORDINANCE NO. 2442 - FIRST READING - CHANGE OF ZONING – Ponkan Road Properties, LLC, from “County” A-1 (ZIP) (Agriculture) to “City” AG-E (Agricultural Estates), for property located south of West Ponkan Road, west of Plymouth Sorrento Road. (Parcel ID #: 25-20-27-0000-00-003)



# CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: July 14, 2015  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2442

**SUBJECT:** ORDINANCE NO. 2442 - CHANGE OF ZONING - PONKIN ROAD PROPERTY, LLC

**Request:** FIRST READING OF ORDINANCE NO. 2442 - CHANGE OF ZONING - PONKIN ROAD PROPERTY, LLC - FROM "COUNTY" A-1 (ZIP)(AGRICULTURE) TO "CITY" AG-E (AGRICULTURE ESTATES); AND HOLD OVER FOR SECOND READING & ADOPTION OF AUGUST 19, 2015. (PARCEL ID # 25-20-27-0000-00-003)

**SUMMARY**

OWNER/APPLICANT: Ponkin Road Property, LLC  
LOCATION: South of West Ponkan Road, west of Plymouth Sorrento Road  
EXISTING USE: Single-family home  
FUTURE LAND USE: Residential Low Suburban (0-2 du/ac)  
ZONING: "County" A-1 (ZIP) (Agriculture)  
PROPOSED ZONING: AG-E (min. lot area of 2.5 acres)  
PROPOSED DEVELOPMENT: Cellular telecommunications tower  
TRACT SIZE: 7.28 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units  
PROPOSED ZONING: 3 Residential Units

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the AG-E zoning to assure that the 7.28-acre parcel can be consistent with the Residential Low Suburban future land use designation. The property owner intends to use the property for a cellular telecommunications tower, which will require a separate special exception application to address the site and other requirements for a telecommunications tower within the AG-E zoning district, pursuant to Sec. 75-27 of the Apopka Code of Ordinances.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG-E rezoning is consistent with the proposed Future Land Use Designation of Residential Low Suburban (up to two units per acre) for this property. Minimum lot size for property assigned the AG-E zoning category is 2.5 acres.

**SCHOOL CAPACITY REPORT:** The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on June 12, 2015.

**PUBLIC HEARING SCHEDULE:**

July 14, 2015 - Planning Commission (5:01 pm)  
August 5, 2015- City Council (1:30 pm) - 1st Reading  
August 19, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

June 26, 2015 – Public Notice and Notification  
August 7, 2015 – Ordinance Heading Ad/¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG-E for the parcel owned by Ponkin Road Property, LLC.

The **Planning Commission**, at its meeting on July 14, 2015, recommended approval (7-0) of the change in Zoning from “County” A-1 (ZIP) to “City” AG-E for the parcel owned by Ponkin Road Property, LLC.

Accept the First Reading of Ordinance No. 2442 and Hold it Over for Second Reading and Adoption on August 19, 2015.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-2 du/ac) Rural (0-1 du/10 ac)	A-1 (ZIP) A-1	Vacant Residential & Manufactured home
East (City) & (County)	Residential Low Suburban (0-2 du/ac) Rural (0-1 du/10 ac)	A-1 (ZIP) A-1	Warehousing & Single-family home
South (City)	Rural (0-1 du/10 ac)	A-1	Vacant
West (County)	Rural (0-2 du/ac)	A-1 (ZIP)	Vacant Residential

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The subject property fronts and is accessed by a local roadway (W Ponkan Road).

The zoning application covers approximately 7.28 acres. The property owner intends to use the property for one (1) single-family residence.

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed AG-E zoning is consistent with the City’s Residential Low Suburban (0-2 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Residential Low Density Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG-E DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: 2,200 sq. ft.
- Minimum Site Area: 2.5 acres
- Minimum Lot Width 150 ft.
- Setbacks: Front: 45 ft.
- Rear: 50 ft.
- Side: 35 ft.
- Corner 35 ft.

Based on the above zoning standards, the existing 7.28 acre parcel complies with code requirements for the AG-E district.

**BUFFERYARD  
 REQUIREMENTS:**

Developments shall provide a minimum six-foot high brick or stone 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.

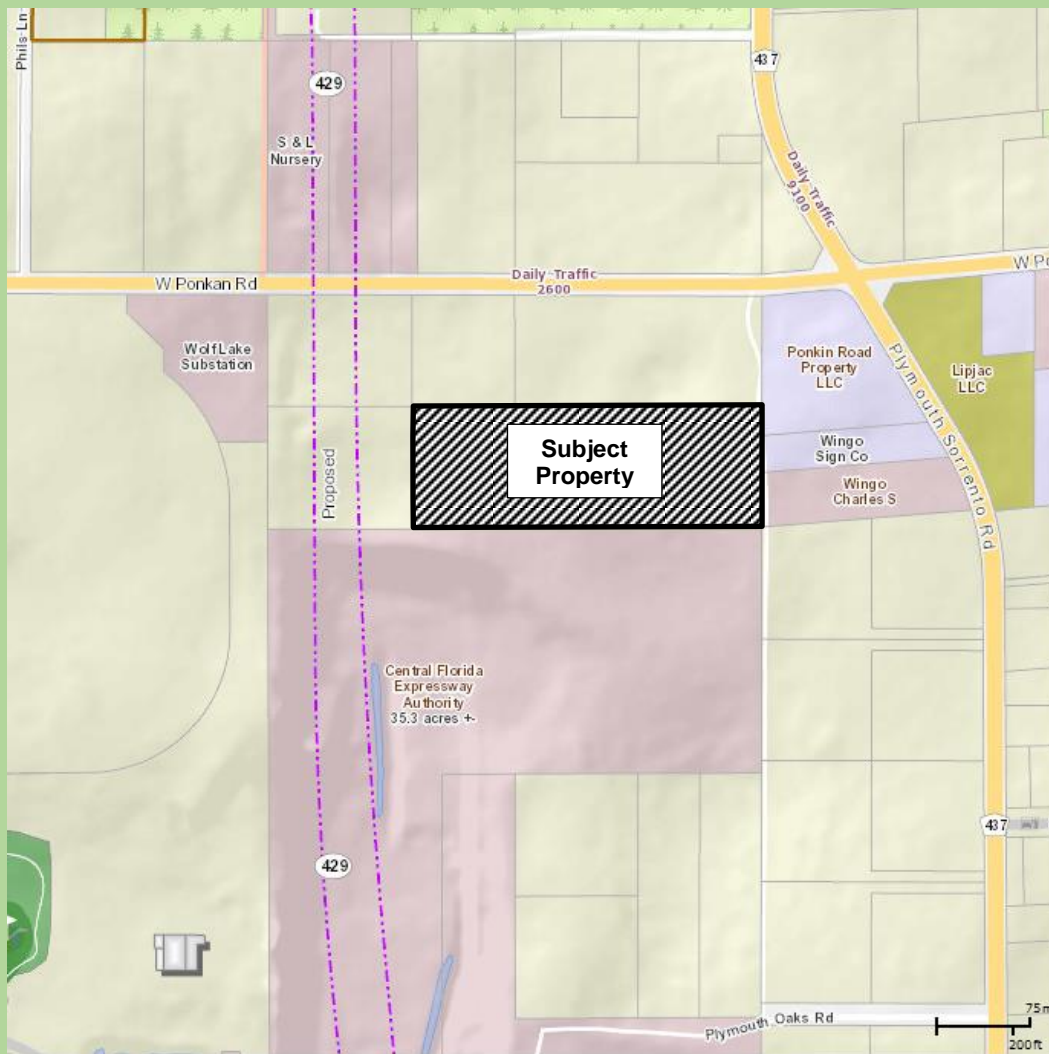
**ALLOWABLE USES:**

Single-family dwellings providing they are consistent with the stated purpose of the AG-E zoning district. Commercial wholesale foliage plant production nurseries, livestock barns and stables, crop and animal production and support buildings.



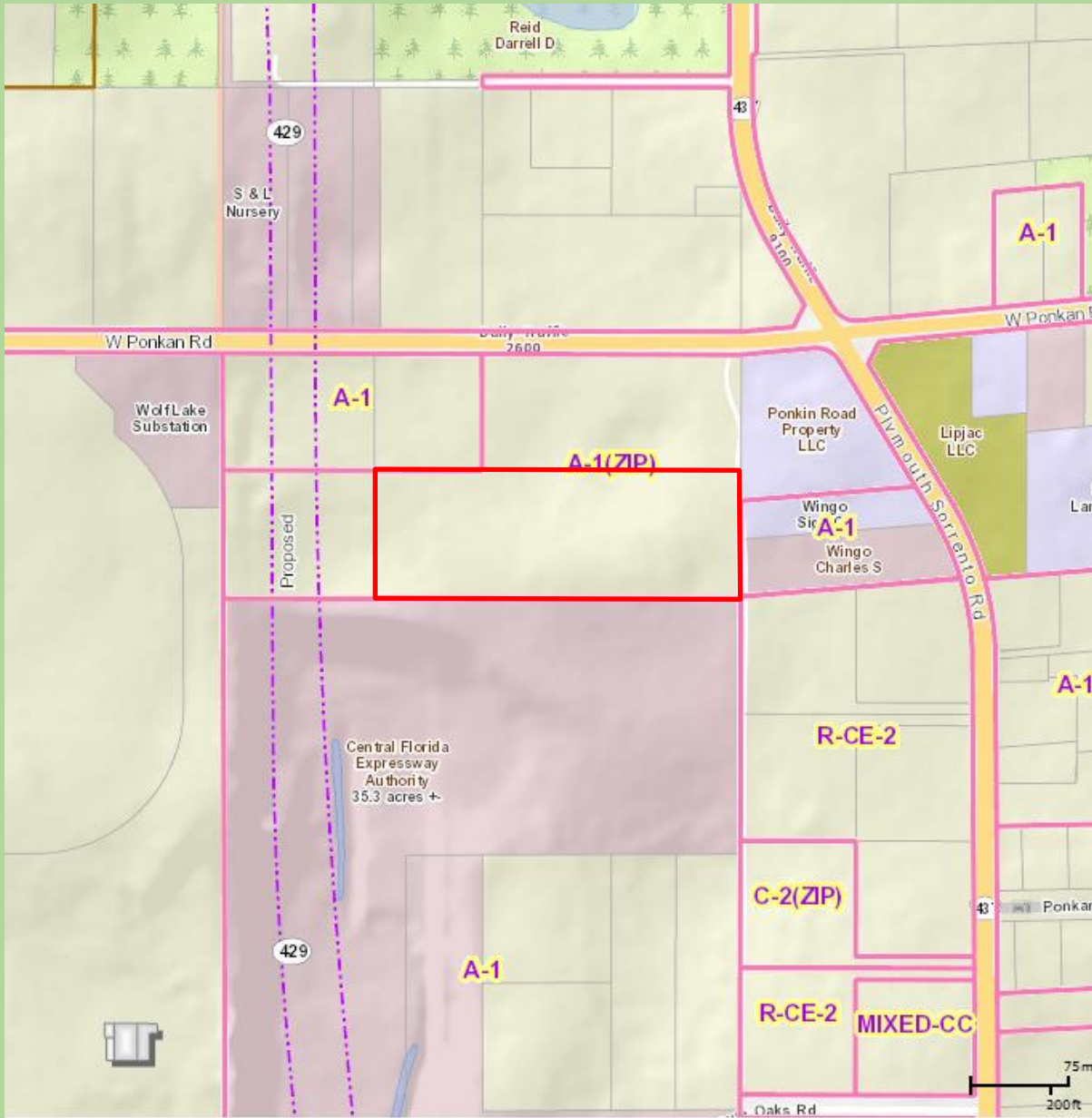
**Ponkin Road Property, LLC**  
**7.28 +/- Acres**  
**Existing Maximum Allowable Development: 1 dwelling units**  
**Proposed Maximum Allowable Development: 3 dwelling units**  
**Proposed Zoning Change**  
**From: "County" A-1 (ZIP)**  
**To: "City" AG-E**  
**Parcel ID #s: 25-20-27-0000-00-003**

**VICINITY MAP**





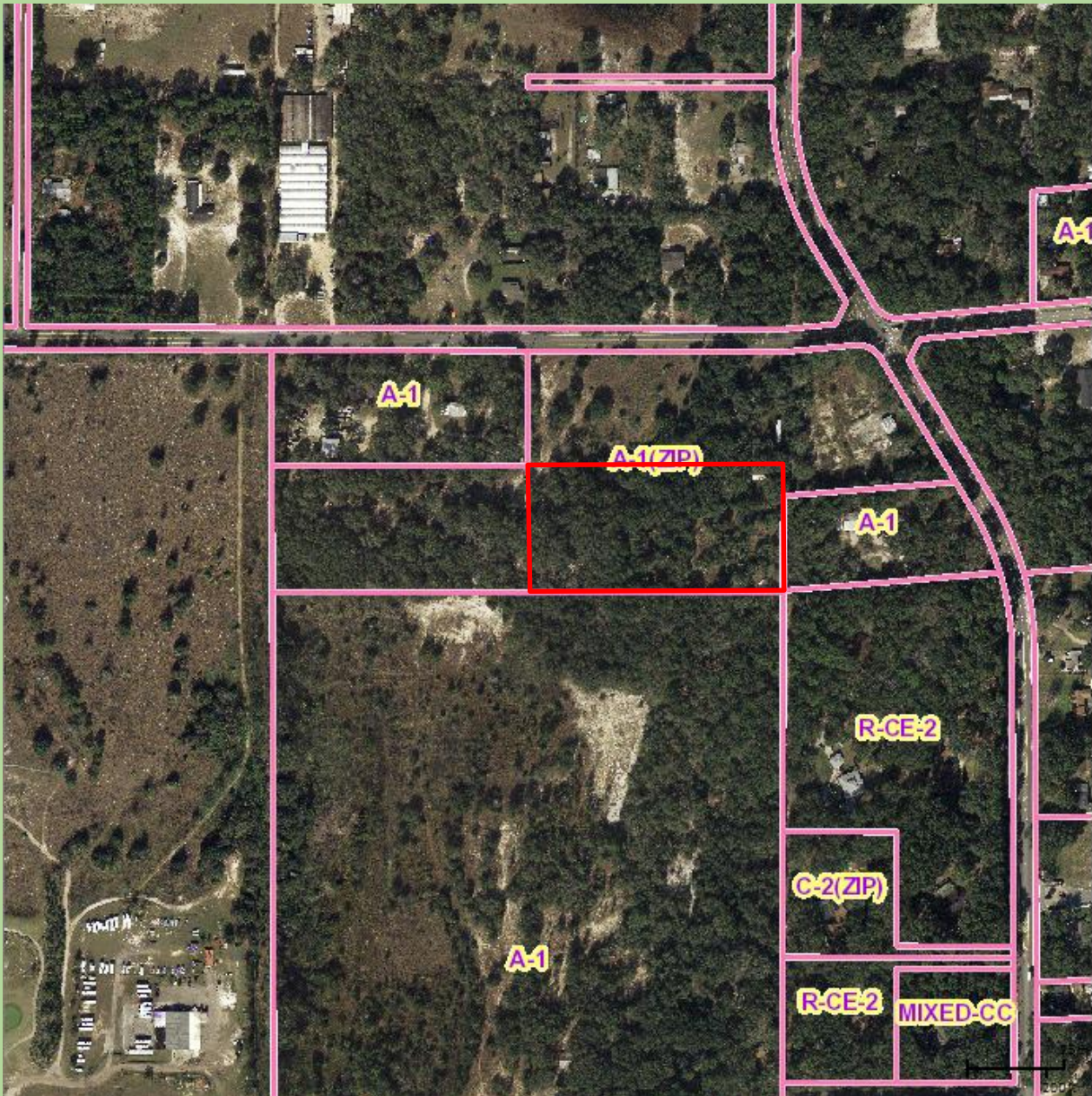
### ADJACENT ZONING







ADJACENT USES



**ORDINANCE NO. 2442**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP)(AGRICULTURE) TO “CITY” AG-E (AGRICULTURE ESTATES) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST PONKAN ROAD, WEST OF PLYMOUTH SORRENTO ROAD, COMPRISING 7.28 ACRES MORE OR LESS, AND OWNED BY PONKIN ROAD PROPERTY, 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-E 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-E as defined in the Apopka Land Development Code.

Legal Description:

THE SOUTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, (LESS COMMENCE AT THE NORTHEAST CORNER THEN RUN S00-06-25W 663.89 FEET TO A POINT ON THE SOUTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ THENCE S89-59-56W 952.6 FEET TO THE POINT OF BEGINNING THENCE CONTINUE S89-59-56W 393.39 FEET TO A POINT ON THE WEST LINE OF THE EAST ½ OF THE NORTHEAST ¼ THENCE N00-11-22W 334.1 FEET TO THE POINT ON SOUTH LINE OF THE NORTH ½ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ THENCE S89-56-51E 394.23 FEET THENCE S00-02-39E 333.73 FEET TO THE POINT OF BEGINNING PER PLAT BOOK 10780, PAGE 6579, ORANGE COUNTY, FLORIDA.

Parcel I.D.: 25-20-27-0000-00-003

Contains: 7.28 +/- Acres

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

**ORDINANCE NO. 2442**

**PAGE 2**

**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. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

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

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

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

READ FIRST TIME:

August 5, 2015

READ SECOND TIME

AND ADOPTED:

August 19, 2015

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED:      June 26, 2015  
   August 7, 2015

**Backup material for agenda item:**

2. ORDINANCE NO. 2443 - FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – VSI Custom Homes, from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5 du/ac), for property located south of East 6th Street, west of Orange Blossom Trail. (Parcel ID #s: 10-21-28-8652-07-010 & 10-21-28-8652-08-060)



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: August 5, 2015  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses Map  
Ordinance No. 2443

**SUBJECT: ORDINANCE NO. 2443 - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - VSI CUSTOM HOMES**

**Request: FIRST READING OF ORDINANCE NO. 2443 - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - VSI CUSTOM HOMES FROM "COUNTY" LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO "CITY" RESIDENTIAL LOW (0-5 DU/AC); AND HOLD OVER FOR SECOND READING & ADOPTION ON AUGUST 19, 2015. (PARCEL ID #S: 10-21-28-8652-07-010 & 10-21-28-8652-08-060)**

**SUMMARY**

APPLICANT: Jim Hall - Vanasse Hangen Brustlin, Inc. (VHB)  
OWNER: VSI Custom Homes  
LOCATION: South of E 6<sup>th</sup> Street, west of Orange Blossom Trail  
EXISTING USE: Vacant  
CURRENT ZONING: "County" R-2 (ZIP) ("City" R-2 proposed)  
PROPOSED DEVELOPMENT: Single-family home or duplex  
PROPOSED ZONING: "City" R-2 (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from "County" R-2 (ZIP) to "City" R-2.)  
TRACT SIZE: 3.6 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 14 Units  
PROPOSED: 18 Units

**DISTRIBUTION**

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

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir.  
City Clerk  
Fire Chief



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on December 7, 2007, through the adoption of Ordinance No. 1898. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Low is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 3.6 acres. The property owner intends to use the site for a residential development.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Rural Settlement Future Land Use designation and the City’s proposed R-2 Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on June 12, 2015.

**PUBLIC HEARING SCHEDULE:**

July 14, 2015 - Planning Commission (5:01 pm)  
August 5, 2015- City Council (1:30 pm) - 1st Reading  
August 19, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

June 26, 2015 – Public Notice and Notification  
August 7, 2015 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by VSI Custom Homes.

The **Planning Commission**, at its meeting on July 14, 2015, recommended approval (7-0) of the change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by VSI Custom Homes.

Accept the First Reading of Ordinance No. 2443, and Hold it Over for Second Reading and Adoption on August 19, 2015.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Institutional/Public Use	PO/I & C-2	R-O-W & stormwater/retention pond
East (City)	Commercial	C-2	Single-family home
South (City)	Residential Low (0-5 du/ac)	R-1 (ZIP)	Single-family home
West (City)	Residential Low (0-5 du/ac)	R-1AA	Single-family home

**II. LAND USE ANALYSIS**

The general character of the area surrounding the subject property is compatible with this development of low density residential. The property lies south of East 6<sup>th</sup> Street and west of Orange Blossom Trail.

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is not located within “Core Area” of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River 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 fronts East 6<sup>th</sup> St. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.e Residential Low Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Rural Settlement (0-1 du/5 ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

**CALCULATIONS:**

ADOPTED (City designation): 14 Unit(s) x 2.659 p/h = 37 persons  
PROPOSED (City designation): 18 Unit(s) x 2.659 p/h = 48 persons

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

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 2744 GPD
3. Projected total demand under proposed designation: 3528 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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



2. Projected total demand under existing designation: 6356 GPD
3. Projected total demand under proposed designation: 8172 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment:  
None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: 148 lbs./person/day
4. Projected LOS under proposed designation: 192 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 GPD

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

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: No

Drainage Analysis

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

Recreation

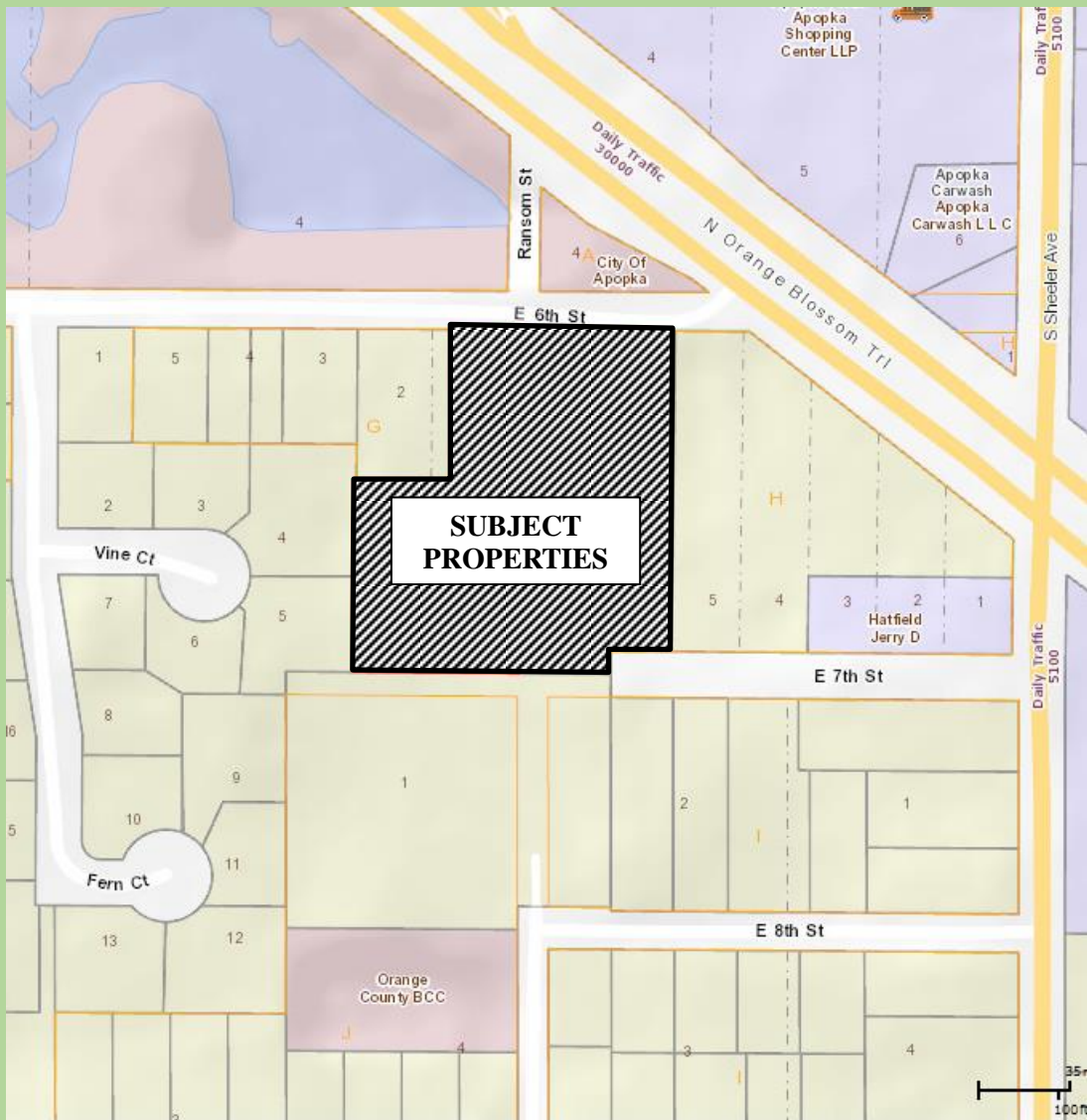
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.111 AC
3. Projected facility under proposed designation: 0.144 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:  
None

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

VSI Custom Homes, LLC  
3.6 +/- Acres  
Existing Maximum Allowable Development: 14 dwelling units  
Proposed Maximum Allowable Development: 18 dwelling units  
Proposed Small Scale Future Land Use Change  
From: "County" Low Density Residential (0-4 du/ac)  
To: "City" Residential Low (0-5 du/ac)  
Proposed Zoning Change  
From: "County" R-2 (ZIP)  
To: "City" R-2  
Parcel ID #: 10-21-28-8652-07-010 & 10-21-28-8652-08-060

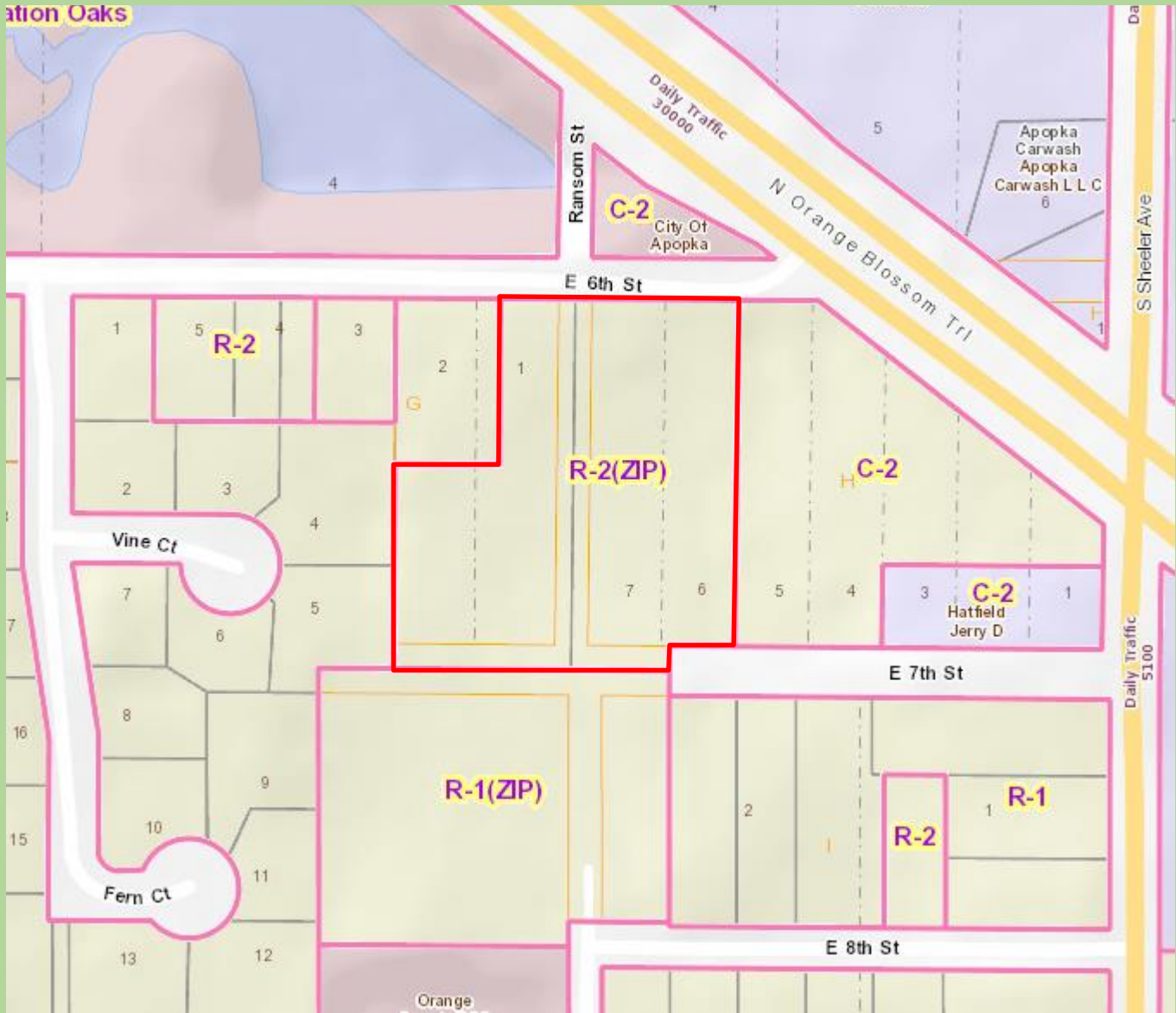


### VICINITY MAP





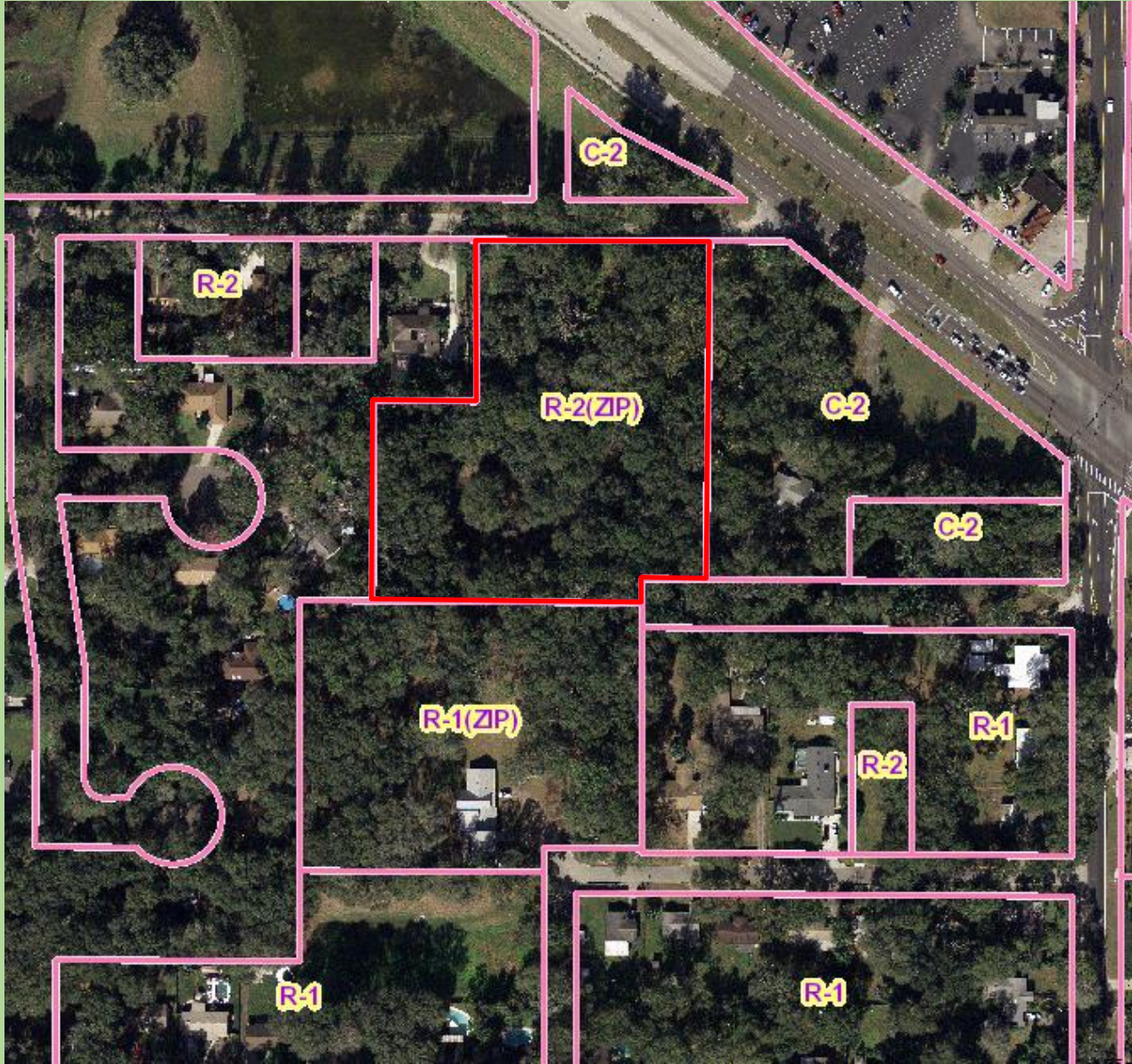
### ADJACENT ZONING







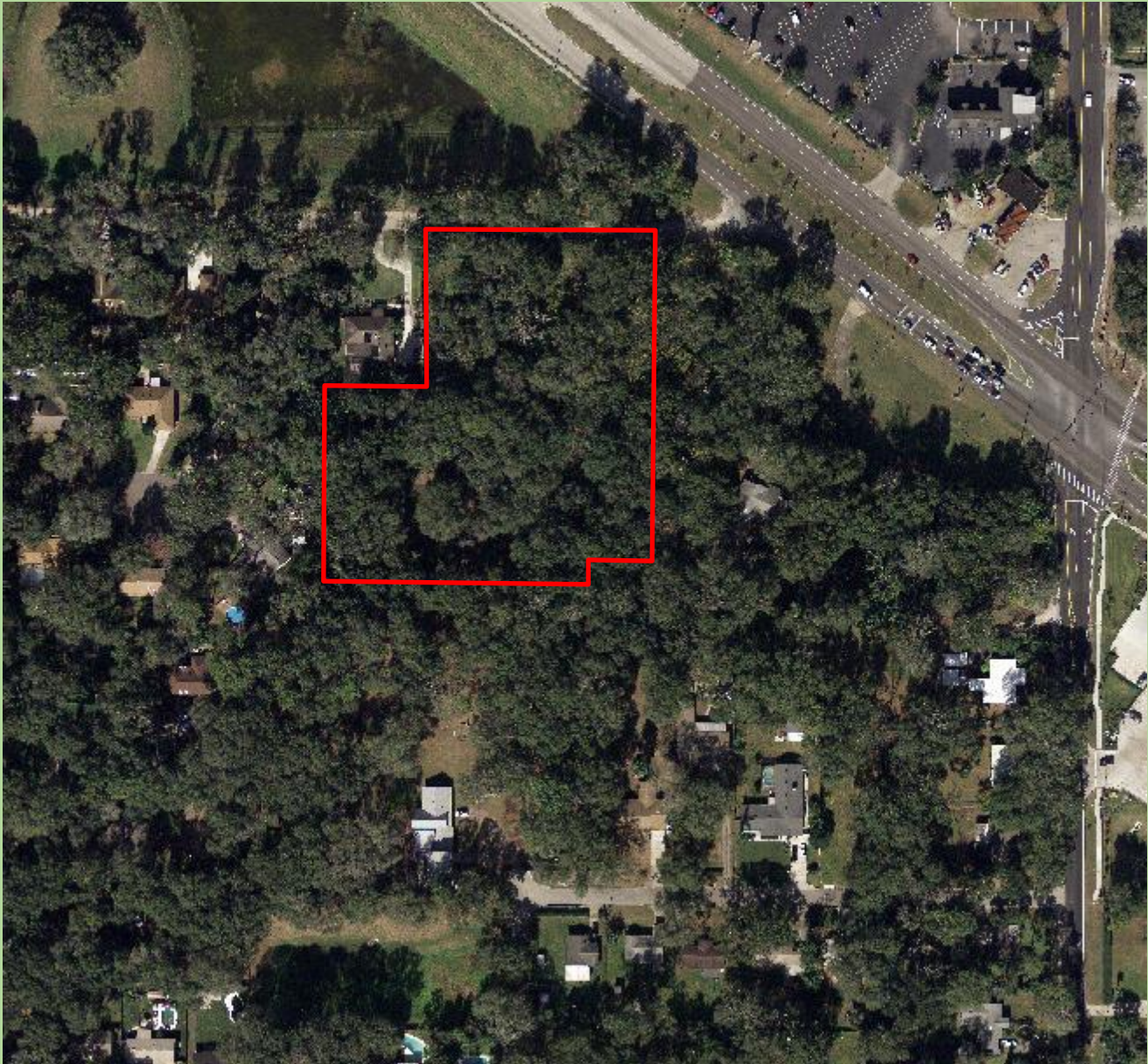
ADJACENT USES







**EXISTING USES**



**ORDINANCE NO. 2443**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” RESIDENTIAL LOW (0-5 DU/AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF E 6TH STREET, WEST OF ORANGE BLOSSOM TRAIL, COMPRISING 3.6 ACRES MORE OR LESS, AND OWNED BY VSI CUSTOM HOMES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2402 on January 7, 2015; and

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

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

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

**Section II. Future Land Use Element.** Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2402, is amended in its entirety to change the land use from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5 du/ac), for certain real property generally located south of East 6<sup>th</sup> Street, west of Orange Blossom Trail, comprising 3.6 acres more or less, (Parcel Nos. 10-21-28-8652-07-010 & 10-21-28-8652-08-060; as further described in Exhibit “A” attached hereto.

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

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

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

**ORDINANCE NO. 2443**  
**PAGE 2**

**Section VI. Effective Date.** This Ordinance shall become effective upon adoption.

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

READ FIRST TIME: August 5, 2015

READ SECOND TIME  
AND ADOPTED: August 19, 2015

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: June 26, 2015  
August 7, 2015



# EXHIBIT "A"

## ORDINANCE NO. 2443

VSI Custom Homes  
3.6 +/- Acres

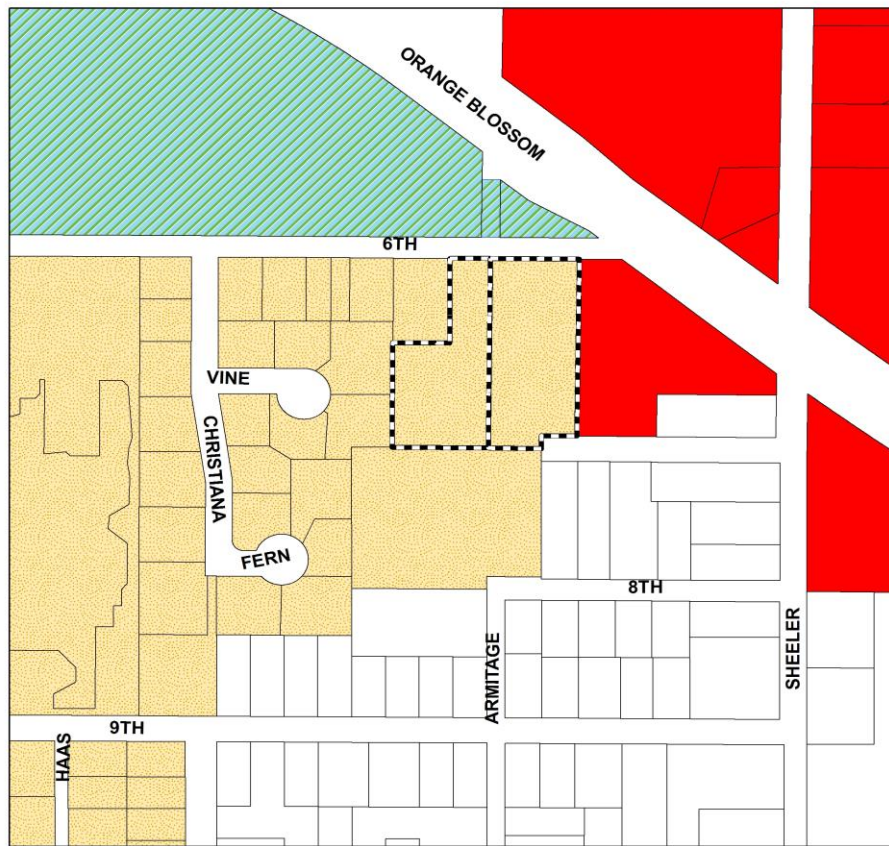
Existing Maximum Allowable Development: 14 dwelling unit  
Proposed Maximum Allowable Development: 18 dwelling unit  
Proposed Small Scale Future Land Use Change

From: "County" Low Density Residential (0-4 du/ac)  
To: "City" Residential Low (0-5 du/ac)

Parcel ID #: 10-21-28-8652-07-010 & 10-21-28-8652-08-060



### VICINITY MAP

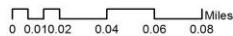


City of Apopka  
Future Land Use Map



**Legend**

	Subject Properties		Res. Medium
	Apopka_Parcels_060515		Res. High
	City Boundary		Mixed Use
	JPA Boundary		Mixed Use*
	Future Land Use		Office
	Agriculture		Commercial
	Agriculture Estates		Commercial*
	Agriculture Homestead		Industrial
	Rural Settlement		Industrial*
	Res. Estates		Institutional/Public Use
	Res. Very Low Suburban		Conservation
	Res. Low Suburban		Parks/Recreation
	Res. Low		ANNEX
	Res. Medium Low		



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



**Backup material for agenda item:**

3. ORDINANCE NO. 2444 -FIRST READING - CHANGE OF ZONING – VSI Custom Homes, from “County” R-2 (ZIP) to “City” R-2, for property located south of East 6th Street, west of Orange Blossom Trail. (Parcel ID #s: 10-21-28-8652-07-010 & 10-21-28-8652-08-060)



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: August 5, 2015  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses Map  
Ordinance No. 2444

**SUBJECT: ORDINANCE NO. 2444 - CHANGE OF ZONING - VSI CUSTOM HOMES**

**Request: FIRST READING OF ORDINANCE NO. 2444 - CHANGE OF ZONING - VSI CUSTOM HOMES, FROM "COUNTY" R-2 (ZIP) (RESIDENTIAL) TO "CITY" R-2 (RESIDENTIAL); AND HOLD OVER FOR SECOND READING AND ADOPTION. (PARCEL ID #S: 10-21-28-8652-07-010 & 10-21-28-8652-08-060**

**SUMMARY**

APPLICANT: Jim Hall - Vanasse Hangen Brustlin, Inc. (VHB)  
OWNER: VSI Custom Homes  
LOCATION: South of East 6<sup>th</sup> Street, west of Orange Blossom Trail  
EXISTING USE: Vacant  
FUTURE LAND USE: "County" Low Density Residential (0-4 du/ac)  
PROPOSED LAND USE: "City" Residential Low (0- 5 du/ac) (Note: this Change of Zoning amendment request is being processed along with a request to change the Future Land Use Map designation from "County" Low Density Residential to "City" Residential Low (0-5 du/ac).  
ZONING: "County" R-2 (ZIP) (Residential)  
PROPOSED ZONING: "City" R-2 (min. lot area of 7,500 sq. ft. for single-family homes or 15,000 sq. ft. for duplex)  
PROPOSED DEVELOPMENT: Single-family or duplex residential development  
TRACT SIZE: 3.6 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 14 Residential Units  
PROPOSED ZONING: 18 Residential Units

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:**

Presently, the subject properties have not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a zoning category to the subject properties that is comparable to that which was already assigned by Orange County government – R-2 residential.

The subject properties were annexed into the City of Apopka on December 7, 2007, through the adoption of Ordinance No. 1898. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the R-2 zoning to assure that the property can be developed for single-family or duplex residential. The property comprises approximately 3.6 acres.

The subject properties are located within the Downtown Development Overlay district. Any future residential development would be subject to the development design standards for this overlay district (see Exhibit A for applicable conditions).

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 R-2 rezoning is consistent with the proposed Future Land Use Designation of Residential Low (up to five units per acre) for this property. Minimum lot size for property assigned the R-2 zoning category is 7,500 sq. ft. for single-family homes and 15,000 sq. ft. for duplex development.

**SCHOOL CAPACITY REPORT:** The proposed rezoning will result in a minimal increase in the number of residential units which could be developed at the subject property. Because increase is considered deminimus (i.e., net increase of 9 or fewer units), the School Planning Agreement designates the school impact as deminimus, exempting this application from School Capacity Enhancement review. A preliminary or final development plan will be subject to school concurrency review.

**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 June 12, 2015.

**PUBLIC HEARING SCHEDULE:**

July 14, 2015 - Planning Commission (5:01 pm)

August 5, 2015 - City Council (1:30 pm) - 1st Reading

August 19, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

June 26, 2015 – Public Notice and Notification

August 7, 2015 – Ordinance Heading Ad<sup>1</sup>/<sub>4</sub> Page w/Map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in zoning from “County” R-2 (ZIP) to “City” R-2 for the parcel owned by VSI Custom Homes.

The **Planning Commission**, at its meeting on July 14, 2015, recommended denial (7-0) of change in zoning from “County” R-2 (ZIP) to “City” R-2 for the parcel owned by VSI Custom Homes; and recommended approval (7-0) of the change in zoning from “County” R-2 (ZIP) to “City” Planned Unit Development (PUD/R-2) with the conditions that duplexes are not permitted to be built and the density be no more than four (4) units per acre, for the parcels owned by VSI Custom Homes.

Accept the First Reading of Ordinance No. 2444 and Hold it Over for Second Reading and Adoption on August 19, 2015.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

North (City)	Institutional/Public Use	PO/I & C-2	R-O-W & stormwater/retention pond
East (City)	Commercial	C-2	Single-family home
South (City)	Residential Low (0-5 du/ac)	R-1 (ZIP)	Single-family home
West (City)	Residential Low (0-5 du/ac)	R-1AA	Single-family home
North (City)	Institutional/Public Use	PO/I & C-2	R-O-W & stormwater/retention pond

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The subject property fronts and is accessed by a local roadway (E 6<sup>th</sup> Street).

The zoning application covers approximately 3.6 acres. The property owner intends to use the property for residential development.

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed R-2 zoning is consistent with the City’s Residential Low (0-5 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, R-2 zoning is one of the acceptable zoning districts allowed within the Residential Low Density Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**R-2 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: 1,350 sq. ft. (Single-family or Duplex)
- Minimum Site Area: 7,500 sq. ft. (Single-family)  
15,000 sq. ft. (Duplex)
- Minimum Lot Width 70 ft. (Single-family)  
140 ft. (Duplex)
- Setbacks: Front: 25 ft.  
Rear: 20 ft.  
Side: 7.5 ft. (Single-family)  
10 ft. (Duplex)  
Corner 25 ft.

Based on the above zoning standards, the existing 3.6 acre parcels comply with code requirements for the R-2 district.

**BUFFERYARD  
 REQUIREMENTS:**

Developments shall provide a 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.

**ALLOWABLE USES:**

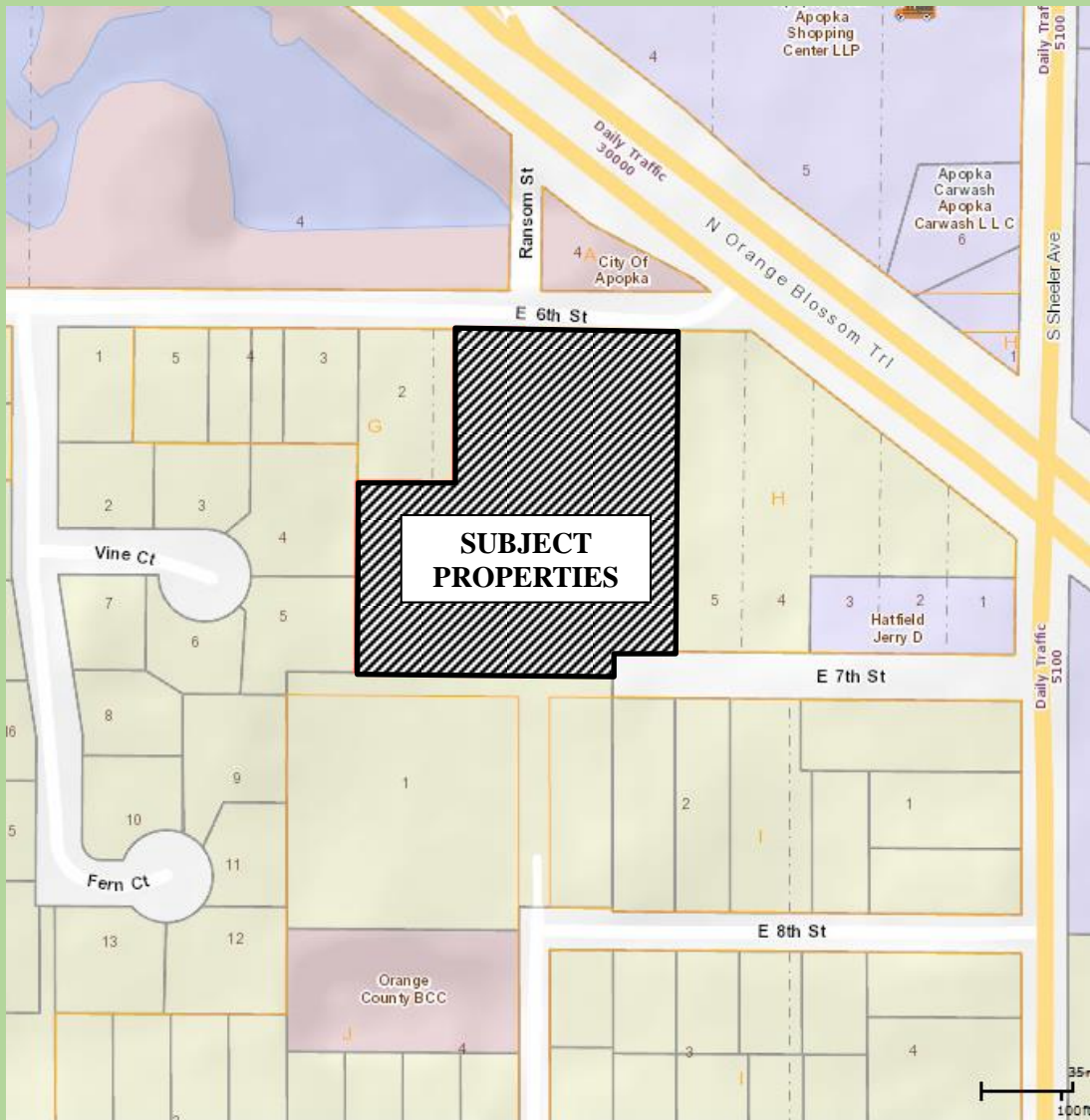
One and two-family dwelling structures, including customary accessory structures and Uses in accordance with article VII of Land Development Code. One-family garage apartment providing the principal building is a one-family dwelling unit.



VSI Custom Homes, LLC  
3.6 +/- Acres  
Existing Maximum Allowable Development: 14 dwelling units  
Proposed Maximum Allowable Development: 18 dwelling units  
Proposed Small Scale Future Land Use Change  
From: "County" Low Density Residential (0-4 du/ac)  
To: "City" Residential Low (0-5 du/ac)  
Proposed Zoning Change  
From: "County" R-2 (ZIP)  
To: "City" R-2  
Parcel ID #: 10-21-28-8652-07-010 & 10-21-28-8652-08-060

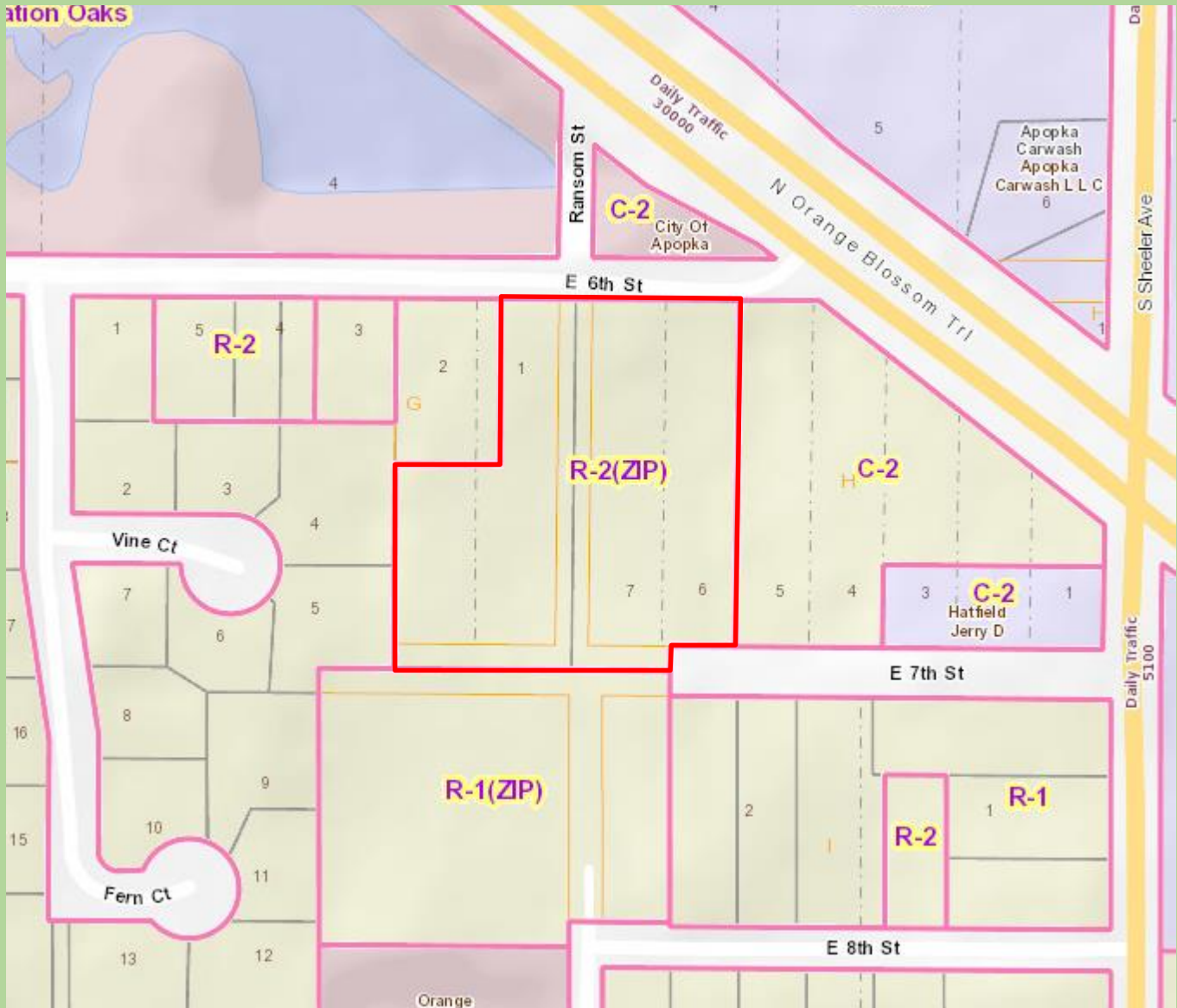


### VICINITY MAP





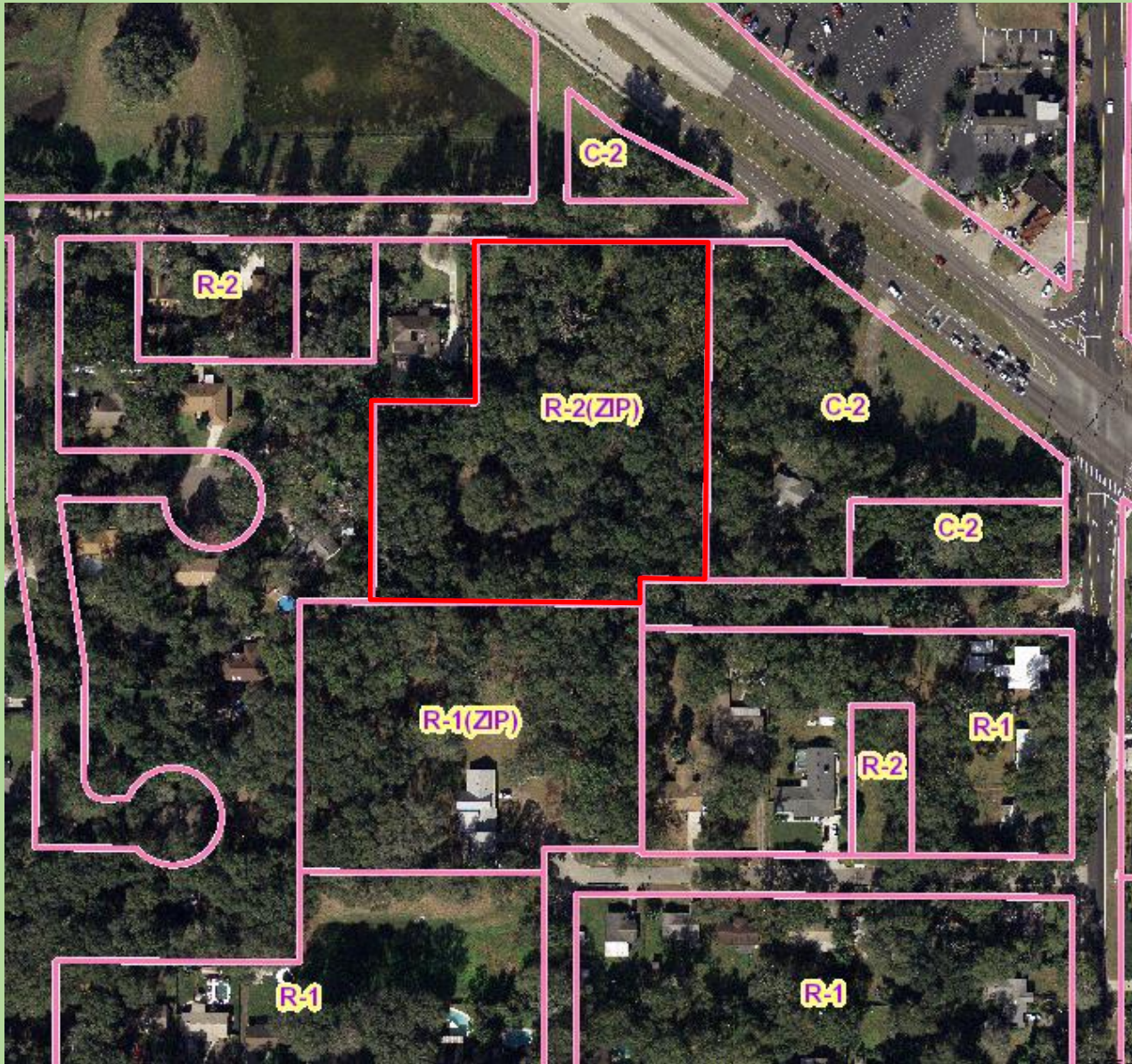
### ADJACENT ZONING







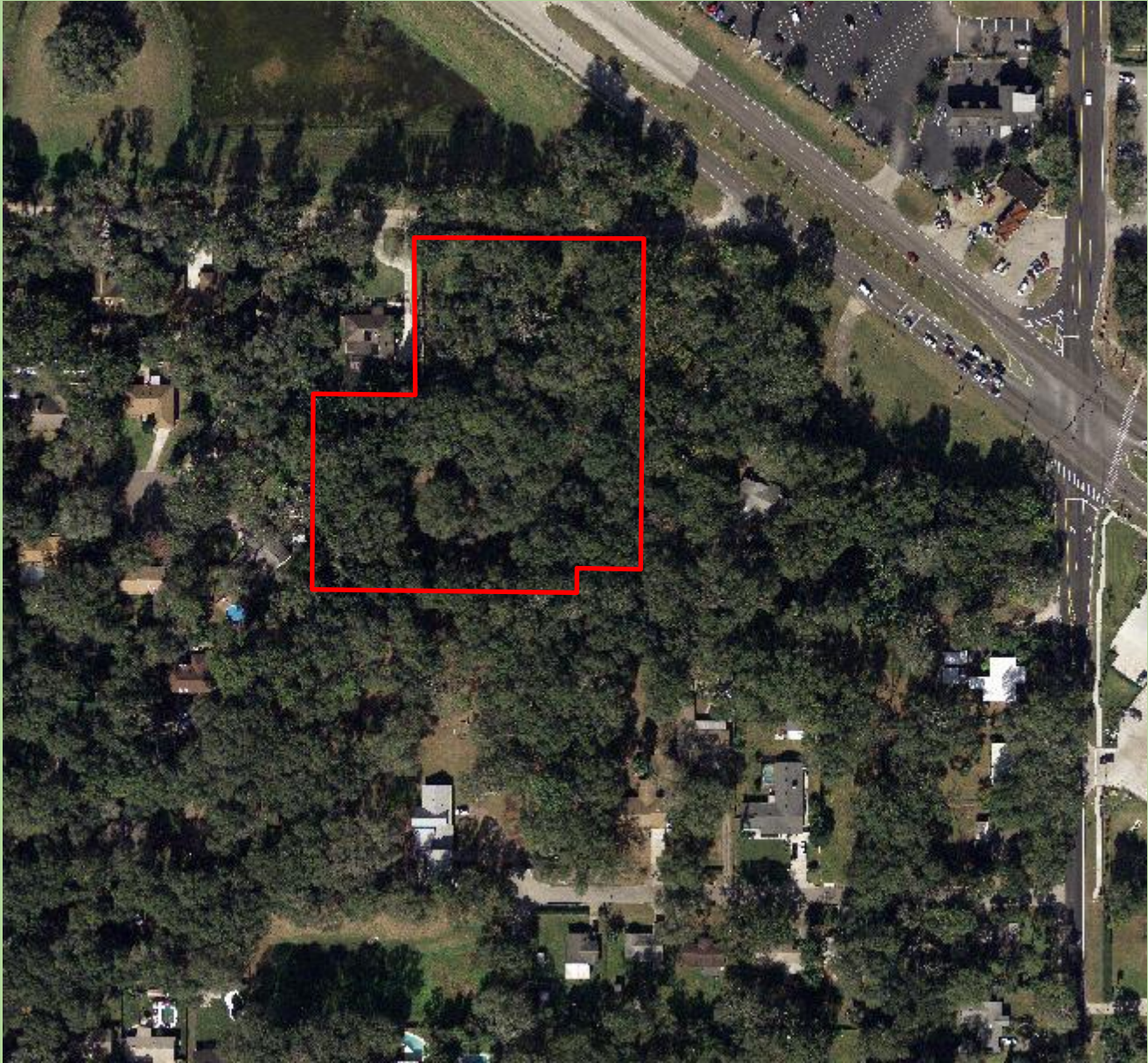
ADJACENT USES







**EXISTING USES**



**H. Residential design.**

1. All new residential homes within the downtown development overlay zoning district shall meet the following style criteria:
  - Tudor
  - Victorian
  - Cape Code
  - Colonial
  - “Florida Vernacular”
  - Plantation
  - Other architecture design styles which are in keeping with the history of Apopka, as approved by the city’s redevelopment advisory board.
2. Primary residential entries shall face the street and shall not be recessed more than six feet from the face of the primary façade.
3. All residential façade must have a minimum of two different building materials to provide sufficient architectural diversity.
4. The addition of at least one of the following should be incorporated in the design and layout of the home: porch, veranda, patio, terrace, balcony or sitting area not obstructing doorway entrances.
5. Porches may extend six feet into the front yard setback if it is at least six feet deep and comprises a minimum of 30 percent of the façade.
6. Roofing material shall be wood shingles, slate, tile, sheet metal or asphalt shingles that resemble traditional materials.

I. *Residential lot sizes.* Within the downtown development overlay zoning district a number of the lots were platted as part of the historic Town of Apopka subdivision with minimum lot sizes at 50 feet in width and lot area at 7,500 square feet. These types of lot sizes tend to be located within the established R-1 zoning district. In keeping with the traditional lot sizes within the R-1 zoning district, the minimum single-family lot standards are as follows:

1. R-1 Lot width: Minimum 50 feet
2. R-1 Lot size: Minimum 7,500 square feet
3. R-1 Setbacks: Front 25 feet, sides 7.5 feet, rear 20 feet, and corners 15 feet
4. R-1 Minimum living area: 1,350 square feet

**ORDINANCE NO. 2444**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-2 (ZIP) (RESIDENTIAL) TO “CITY” R-2 (RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF EAST 6<sup>TH</sup> STREET, WEST OF ORANGE BLOSSOM TRAIL, COMPRISING 3.6 ACRES MORE OR LESS, AND OWNED BY VSI CUSTOM HOMES; 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 R-2 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-2 as defined in the Apopka Land Development Code.

Legal Description:

Lots 1 and 2, Block G, L.F. TILDEN'S ADDITION TO APOPKA CITY, according to the plat thereof as recorded in Plat Book A, Page 140, of the Public Records of ORANGE County, Florida, AND the West 1/2 of the vacated street lying on the East of Lot 1, LESS the West 128 feet of the North 200 feet thereof; AND, Lots 6 and 7, Block H, L.F. TILDEN'S ADDITION TO APOPKA CITY, according to the plat thereof as recorded in Plat Book A, Page 140, of the Public Records of ORANGE County, Florida, AND the East 1/2 of the vacated street lying on the West of Lot 7

Parcel ID #: 10-21-28-8652-07-010 & 10-21-28-8652-08-060

Contains: 3.6 +/- 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. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

**ORDINANCE NO. 2444**

**PAGE 2**

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

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

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

READ FIRST TIME:

August 5, 2015

READ SECOND TIME  
AND ADOPTED:

August 19, 2015

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED:      June 26, 2015  
   August 7, 2015

**Backup material for agenda item:**

4. FINAL DEVELOPMENT PLAN – Elro Properties, LLC – Owner/applicant Elro Properties, LLC; Engineer Ali Tehrani, P.E., property located at 511 Marshall Lake Road (north of Marshall Lake Road and west of Bradshaw Road). (Parcel ID No.: 09-21-28-0000-00-011)



# CITY OF APOPKA CITY COUNCIL

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PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Final Development Plan

MEETING OF: August 5, 2015  
FROM: Community Development  
EXHIBITS: Vicinity/Aerial Map  
Site/Landscape Plans  
Building Elevations

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**PROJECT: FINAL DEVELOPMENT PLAN - ELRO PROPERTIES, LLC.**

**Request: APPROVAL OF THE FINAL DEVELOPMENT PLAN FOR ELRO PROPERTIES, LLC; AND ISSUANCE OF THE FINAL DEVELOPMENT ORDER (PARCEL ID #09-21-28-0000-00-011)**

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**SUMMARY:**

OWNER/APPLICAN: Elro Properties, LLC

ENGINEER: Ali Tehrani, P.E.

LOCATION: 511 Marshall Lake Road  
(North of Marshall Lake Road and west of Bradshaw Road)

PARCEL ID #: 09-21-28-0000-00-011

LAND USE: Industrial

ZONING: I-1

EXISTING USE: Vacant Land

PROPOSED USE: Industrial Warehouse (18,000 S.F.) w/ Office Complex (11,340 S.F.)

TRACT SIZE: 6.46 +/- acres

OVERALL SITE: 26.64 +/- acres

BUILDING SIZE: 29,340 sq. ft.

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**DISTRIBUTION**

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

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief



**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial	C-3	Warehouse Facility\Railroad track
East (City)	Commercial	C-3	Vacant Property
South (City)	Industrial	I-1	Vacant Property
West (City)	Industrial	I-1	Vacant Property

**ADDITIONAL COMMENTS:** The Elro Properties, LLC - Final Development Plan proposes a 29,340 square foot industrial warehouse and office complex. Prior to commencement of any clearing or grading of the subject property, a parcel split must be submitted to the Orange County Property Appraiser’s office.

**PARKING AND ACCESS:** A total of 82 parking spaces are provided, of which four are reserved as a handicapped parking space. Access to the site is provided by a driveway cut along Bradshaw Road and Marshall Lake Road.

**EXTERIOR ELEVATIONS:** Design of the building exterior meets the intent of the City’s Development Design Guidelines. Height of the building is presently 35 feet. The property owner has submitted a zoning application to allow maximum building height not to exceed 50 feet.

**STORMWATER:** Stormwater run-off and drainage will be accommodated by an off-site retention pond through a cross access easement agreement. The off-site stormwater management system will be designed according to standards set forth in the Land Development Code. All cross-access easement documents must be recorded prior to issuance of a certificate of occupancy.

**BUFFER/TREE PROGRAM:** A twenty-five foot landscape buffer is provided along Bradshaw Road and Marshall Lake Road. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

Total inches on-site:	176
Total number of specimen trees:	0
Total inches removed	132
Total inches retained:	44
Total inches required:	132
Total inches replaced:	171
Total inches post development:	215

**PUBLIC HEARING SCHEDULE:**

July 28, 2015 - Planning Commission (5:01 pm)  
 August 5, 2015 - City Council (1:30 pm)



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**RECOMMENDED ACTION:**

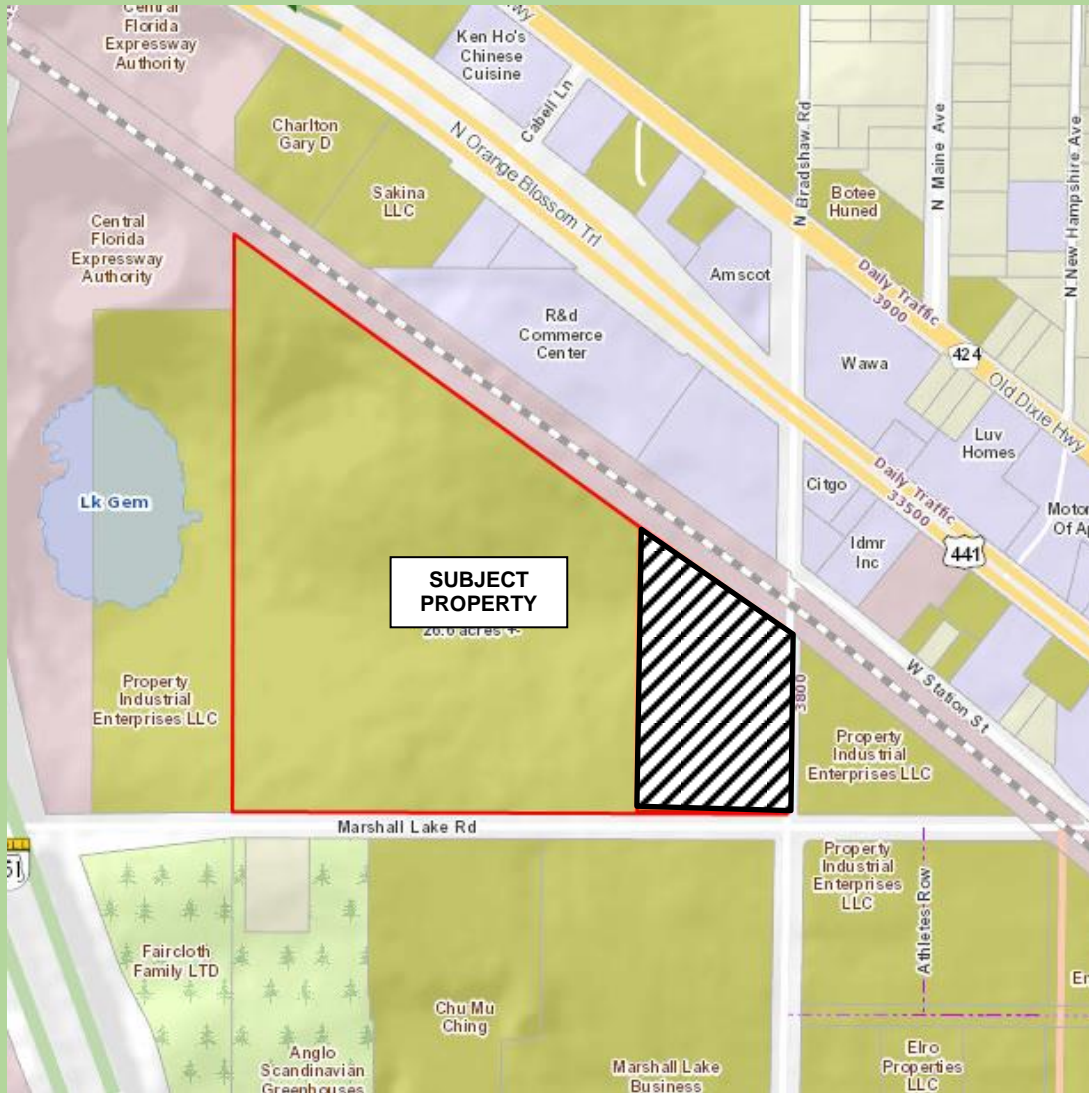
The **Development Review Committee** recommends approval of the Elro Properties, LLC – Final Development Plan, subject to the findings of this staff report.

The **Planning Commission**, at its special meeting on July 28, 2015, recommended approval (6-0) of the Elro Properties, LLC – Final Development Plan, subject to the findings of this staff report.

Approve the Elro Properties LLC Final Development Plan and issue the Final Development Order.

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

**Application:** Final Development Plan  
**Owner:** Elro Properties, LLC  
**Engineer:** Ali Tehrani, P.E.  
**Parcel I.D. No:** 09-21-28-0000-00-011  
**Location:** 511 Marshall Lake  
**Total Acres:** 6.46 +/- Acres



**VICINITY MAP**



**Application:** Final Development Plan  
**Owner:** Elro Properties, LLC  
**Engineer:** Ali Tehrani, P.E.  
**Parcel I.D. No:** 09-21-28-0000-00-011  
**Location:** 511 Marshall Lake Road  
**Total Acres:** 6.46 +/- Acres

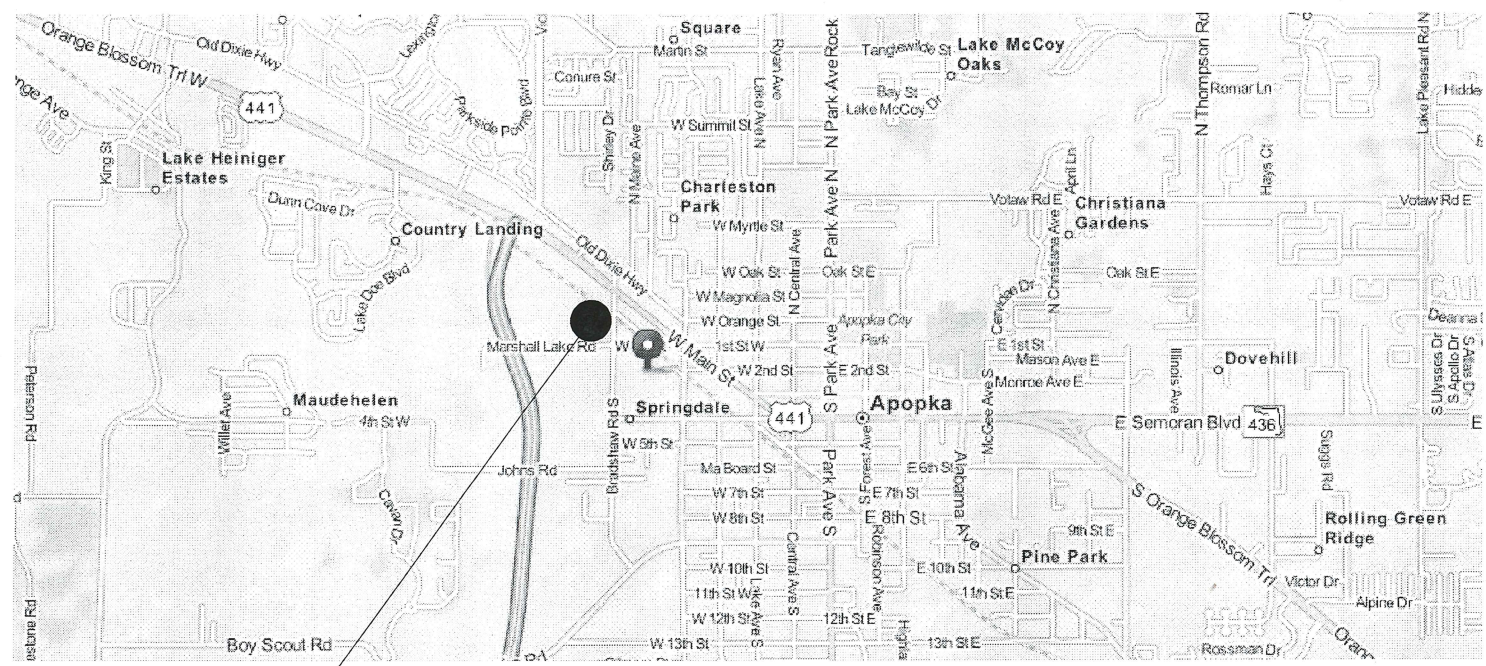


### AERIAL MAP





SITE PLAN INDEX OF DRAWINGS	
DRAWING NO.	DRAWING DESCRIPTION
1	COVER
2	LEGEND AND SITE DATA
3	GENERAL NOTES
4	BOUNDARY SURVEY
5	SITE PLAN
6	UTILITY PLAN
7	GRADING PLAN
8	STORMWATER PLAN
8-a	STORMWATER MASTER PLAN
9	POLLUTION PREVENTION PLAN
10	UTILITY DETAILS
11	UTILITY DETAILS
12	CONSTRUCTION DETAILS
13	LANDSCAPE PLAN



SITE LOCATION

VICINITY MAP  
NTS

**A FINAL DEVELOPMENT PLAN FOR:**  
**ELRO PROPERTIES, LLC.**  
**PARCEL ID: 09-21-28-0000-00-011**

1

**CITY OF APOPKA**  
**JUNE, 2015**

RECEIVED  
 JUL 15 2015  
 By \_\_\_\_\_

Plan Notes

COVER

No.	Revision/Issue	Date
1	CITY COMMENTS	7/15

ENGINEER OF RECORD  
**ALI TEHRANI, P.E.**  
 FLORIDA P.E. LICENSE NO. 48235  
 621 Sherwood Dr.  
 Altamonte Springs, FL 32751  
 Ph. (407) 948-0811

PROJECT NAME  
 ELRO PROPERTIES, LLC.  
 516 Cooper Commerce Dr., Suite 200  
 Apopka, FL 32703

DWG Sheet 1-3	SHEET
Date June 22, 2015	1
Scale As Shown	1 of 13

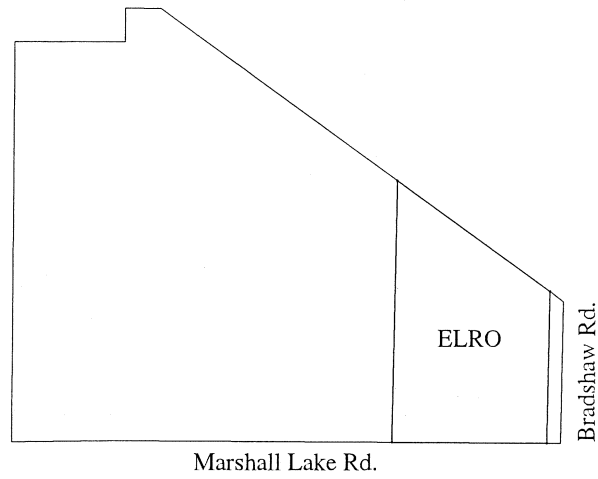
**PROPERTY DESCRIPTION:**

ELRO PROPERTIES, LLC.

THE ABOVE PARCEL BEING DESCRIBED AS:

BEGIN AT THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 28 EAST AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT TO BE THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 44 MINUTES 37.94 SECONDS EAST, A DISTANCE OF 803.302 FEET ALONG THE SOUTHERN LINE OF THE SAID SECTION; THENCE SOUTH 89 DEGREES 44 MINUTES 37.94 SECONDS EAST, A DISTANCE OF 459.999 FEET ALONG THE SAME LINE; THENCE NORTH 00 DEGREES 53 MINUTES 53.67 EAST, A DISTANCE OF 449.685 FEET ALONG THE LINE PERPENDICULAR TO THE SAID SOUTHERN LINE; THENCE NORTH 54 DEGREES 19 MINUTES 17.65 SECONDS WEST, A DISTANCE OF 560.019 FEET; THENCE SOUTH 00 DEGREES 53 MINUTES 53.67 SECONDS WEST, A DISTANCE OF 774.292 FEET ALONG THE LINE PERPENDICULAR TO THE SAID SOUTHERN LINE.

THE PARCEL CONTAINS 281,496.17 (SF) OR 6.462 (AC), MORE OR LESS.



POINT OF BEGINNING  
SW CORNER OF NW 1/4  
OF SECTION 09-21-31  
SET 5/8" IRON ROD & CAP "LB 7744"  
FOUND 4"x4" CM 1.57'E, 0.18"S  
FOUND 4"x5" CM 1.53'E, 0.29"N

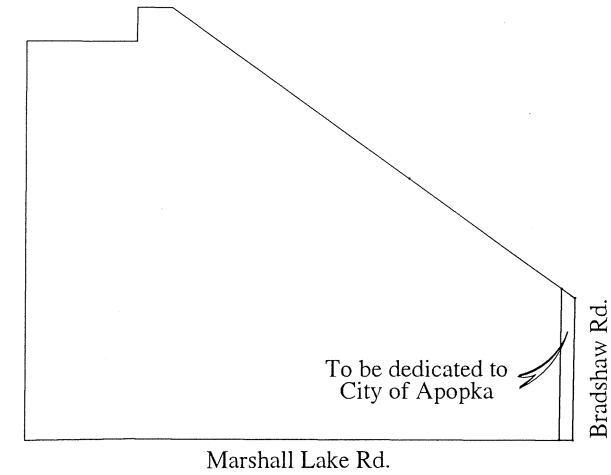
**PROPERTY DESCRIPTION:**

PUBLIC "RIGHT-OF-WAY"  
(DEDICATED TO CITY OF APOPKA)

THE ABOVE PROPERTY BEING DESCRIBED AS:

BEGIN AT THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 28 EAST AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT TO BE THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 44 MINUTES 37.94 SECONDS EAST, A DISTANCE OF 1,263.301 FEET ALONG THE SOUTHERN LINE OF THE SAID SECTION; THENCE SOUTH 89 DEGREES 44 MINUTES 37.94 SECONDS EAST, A DISTANCE OF 40.115 FEET ALONG THE SAME LINE; THENCE NORTH 00 DEGREES 53 MINUTES 53.67 EAST, A DISTANCE OF 421.377 FEET ALONG THE LINE PERPENDICULAR TO THE SAID SOUTHERN LINE; THENCE NORTH 54 DEGREES 19 MINUTES 17.65 SECONDS WEST, A DISTANCE OF 48.837 FEET; THENCE SOUTH 00 DEGREES 53 MINUTES 53.67 SECONDS WEST, A DISTANCE OF 449.685 FEET ALONG THE LINE PERPENDICULAR TO THE SAID SOUTHERN LINE.

THE PROPERTY CONTAINS 17,470.14 (SF) OR 0.401 (AC), MORE OR LESS.



POINT OF BEGINNING  
SW CORNER OF NW 1/4  
OF SECTION 09-21-31  
SET 5/8" IRON ROD & CAP "LB 7744"  
FOUND 4"x4" CM 1.57'E, 0.18"S  
FOUND 4"x5" CM 1.53'E, 0.29"N

Plan Notes

**BOUNDARY SURVEY**

No.	Revision/Issue	Date

ENGINEER OF RECORD  
**ALI TEHRANI, P.E.**  
FLORIDA P.E. LICENSE NO. 48235  
621 Sherwood Dr.  
Altamonte Springs, FL 32751  
Ph. (407) 948-0811

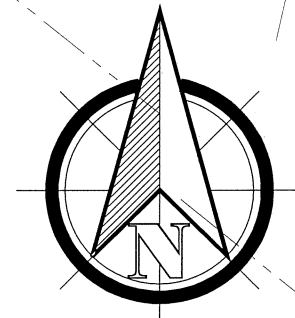
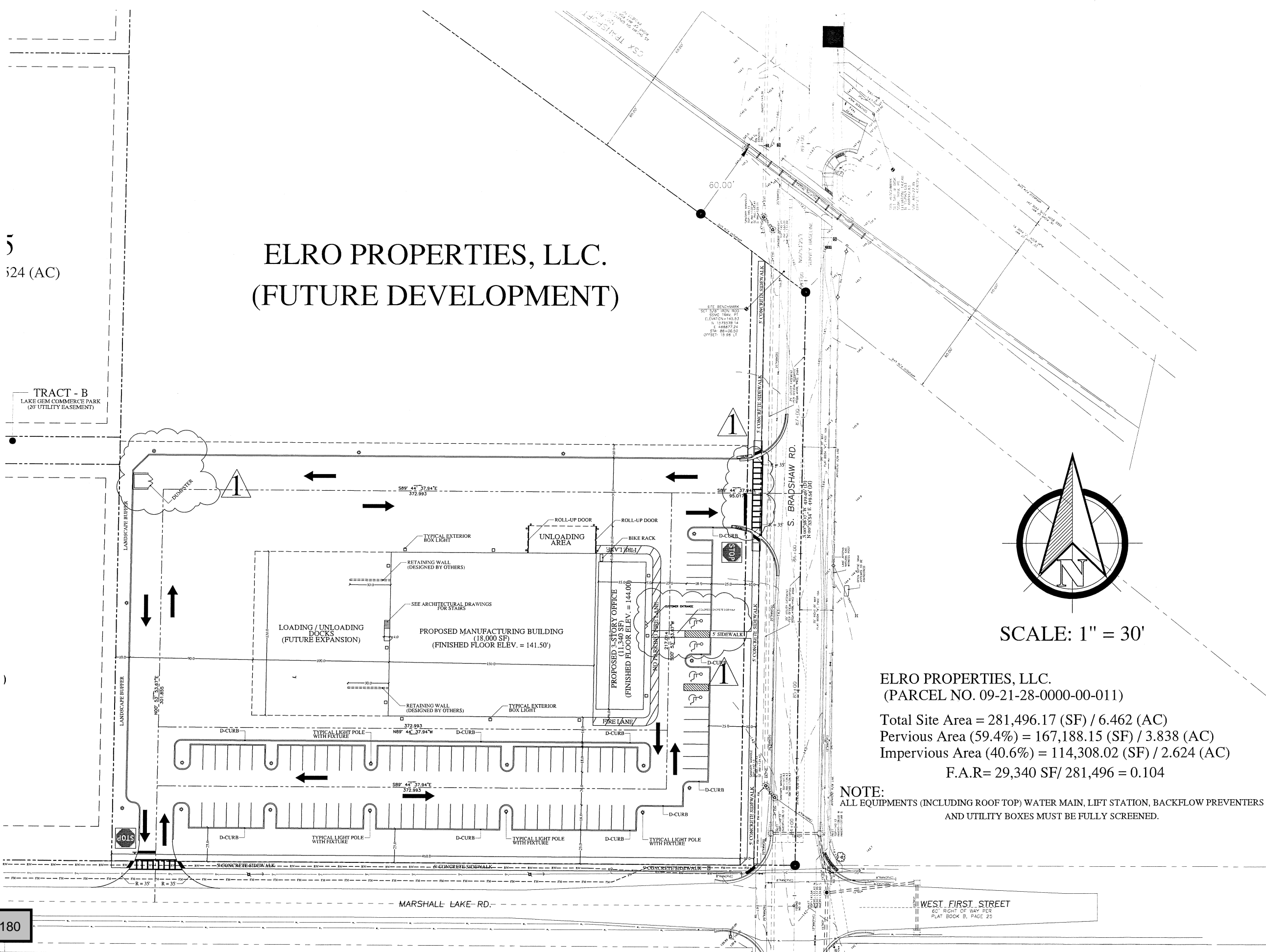
PROJECT NAME  
ELRO PROPERTIES, LLC.  
516 Cooper Commerce Dr., Suite 200  
Apopka, FL 32703

DWG Sheet 4	SHEET
Date June 22, 2015	4
Scale As Shown	4 of 13

5  
524 (AC)

# ELRO PROPERTIES, LLC. (FUTURE DEVELOPMENT)

TRACT - B  
LAKE GEM COMMERCE PARK  
(20' UTILITY EASEMENT)



SCALE: 1" = 30'

ELRO PROPERTIES, LLC.  
(PARCEL NO. 09-21-28-0000-00-011)

Total Site Area = 281,496.17 (SF) / 6.462 (AC)  
Pervious Area (59.4%) = 167,188.15 (SF) / 3.838 (AC)  
Impervious Area (40.6%) = 114,308.02 (SF) / 2.624 (AC)  
F.A.R = 29,340 SF / 281,496 = 0.104

NOTE:  
ALL EQUIPMENTS (INCLUDING ROOF TOP) WATER MAIN, LIFT STATION, BACKFLOW PREVENTERS  
AND UTILITY BOXES MUST BE FULLY SCREENED.

Plan Notes

No.	Revision/Issue	Date
1	CITY COMMENTS	7/15

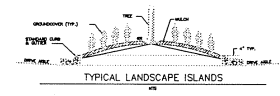
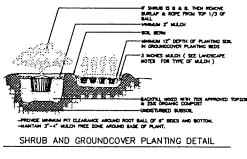
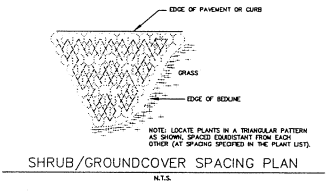
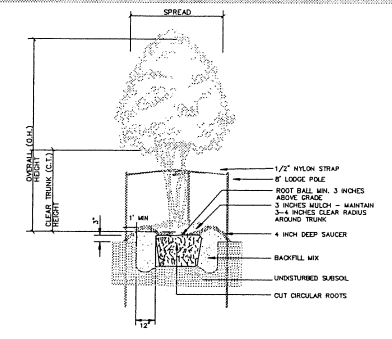
ENGINEER OF RECORD  
**ALI TEHRANI, P.E.**  
FLORIDA P.E. LICENSE NO. 48235  
621 Sherwood Dr.  
Altamonte Springs, FL 32751  
Ph. (407) 948-0811

PROJECT NAME  
**ELRO PROPERTIES, LLC.**  
516 Cooper Commerce Dr., Suite 200  
Apopka, FL 32703

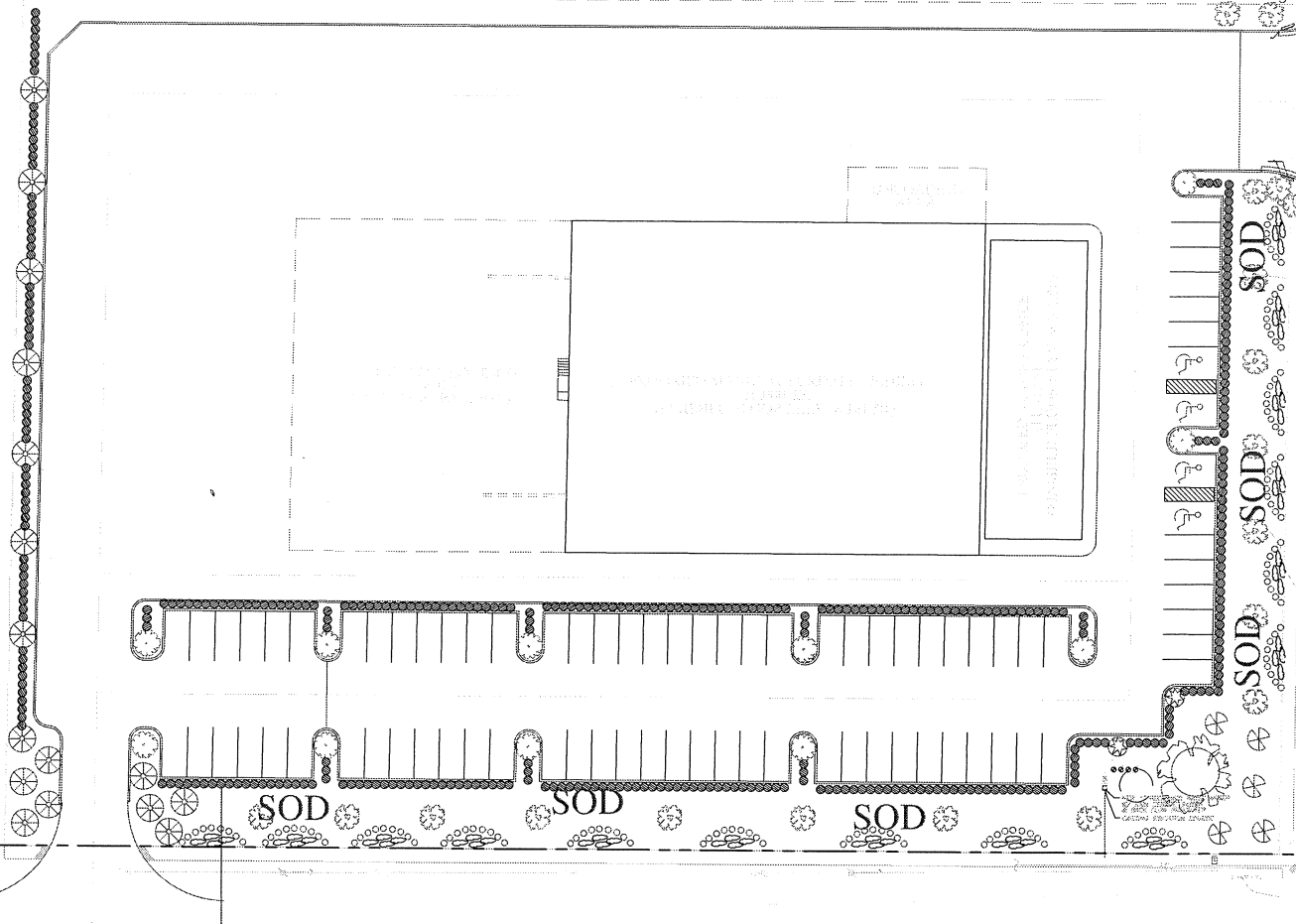
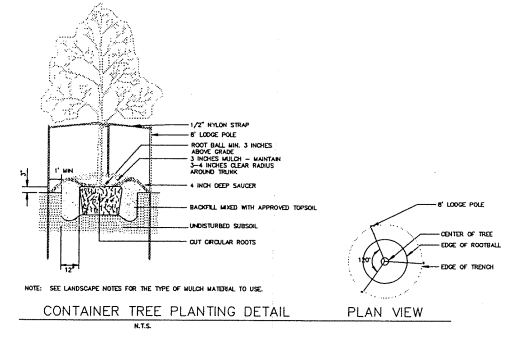
DWG Sheet 5	SHEET <b>5</b> 5 of 13
Date June 22, 2015	
Scale As Shown	

SITE PLAN





# LOT 1 (FUTURE DEVELOPMENT) SEED & MULCH



- LANDSCAPE NOTES:**
- The Landscape Architect is not responsible for engineering design and structural requirements for any retaining walls and structures on-site.
  - The site shall be constructed with proper grading to prevent erosion. Coordinate the grading with the bridge contractor to ensure stability and proper drainage of bridge piers and abutments.
  - The Landscape Contractor shall be responsible for all materials and all work as called for in the landscape plan and in the landscape specifications. In the event of variation between quantities shown on plan list and the plan, the plan shall control. The Landscape Contractor shall verify all quantities and report any discrepancies to the Owner or Architect at the time of bid.
  - Unless otherwise specified, the Landscape Contractor shall plant conform to standard horticultural practices as used in the State.
  - Every suitable measure shall be taken to protect existing structures, equipment and furnishings. The Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence or the negligence of the work.
  - All planting shall be performed by permanent familiar with planting procedure and under the supervision of a qualified planting foreman.
  - All plant material shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Plants, Part 1 and 2, published by the Florida Department of Agriculture and Consumer Services or to the standards as given in the latest "American Standard for Nursery Stock," American National Standards Institute.
  - The minimum acceptable size of all plants, measured after pruning, shall be as shown in normal position, shall conform to the appropriate standards on the plan list or as indicated on the landscape drawings. Height and spread dimensions refer to main body of the plant and not extreme branch tip to tip. The caliper of tree trunks is to be taken 4" inches above the root ball.
  - The Landscape Architect or Owner shall have the right, at any time of the contract, to reject any one or more and substitute others in the amount, do not meet with the requirements of these specifications.
  - Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
  - The Landscape Developer shall be responsible for proper selection of all plants. All plants shall be in height, without or with flowering and root adequately watered until time of acceptance. It shall be the Landscape Contractor's responsibility to ensure that plants are not over watered.
  - It shall be the Landscape Contractor's responsibility to prevent plants from being or being blown over, to re-plant and support all plants which blow or fall and to replace all plants which are damaged due to wind or power blowing or falling. The Landscape Contractor shall be held liable for the damage caused by inability to prevent planting.
  - All trees and all palms shall be pruned or shaped as shown. The Landscape Contractor shall determine when plants to be planted from the landscape architect or Owner. Pruning of trees and shrubs, if required, shall be done at the time of planting and shall be done in accordance with the landscape architect's instructions. The Landscape Contractor shall be responsible for the maintenance of all plants and shall be held liable for the damage caused by inability to prevent planting.
  - Plants blown over by high winds, within the guaranteed period, shall not be cause for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at an additional cost to the Owner.
  - The Landscape Contractor shall provide, at all times and from the start of construction, a watering schedule to be approved by the Landscape Architect or Owner. The watering schedule shall be approved by the Landscape Architect or Owner. The watering schedule shall be approved by the Landscape Architect or Owner.
  - Soil shall be ARGENTINE BANNA, unless otherwise specified. It shall be free of the founder for soil. Soil shall have a pH range of acceptable plants, reasonably free of weeds with not more than 1/2" of soil being covered by roots. It shall be the responsibility of the Landscape Contractor to measure and determine the actual amount required. The amount shall be verified with the Owner or Landscape Architect prior to installation.
  - All plant beds shall be top dressed with a minimum of 2" screened organic mulch (or approved cover) will remain in place.
  - The Landscape Contractor shall insure that his work does not interrupt established or projected drainage systems.
  - The Landscape Contractor shall insure adequate vertical drainage in all plant beds, planters, and any other waterpans through any completed fill or areas and shall be responsible to insure drainage. It will be the responsibility of the Landscape Contractor to insure proper drainage. The Owner shall be held liable for the damage caused by inability to prevent planting.
  - All tree pits shall be accepted to size and depth in accordance with the USDA Standard for Nursery Stock (2001), unless shown otherwise on the drawings and identified with the specific planting call. The Landscape Contractor shall use all tree pits with water storage capacity to insure proper drainage retention of available water.
  - The Landscape Contractor shall be responsible for maintaining and watering which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally sound measures to ensure the successful transplanting of all materials shown on the drawings. The Landscape Contractor shall be responsible for replacing any damaged plant materials which die if such materials are of value, as determined by the Landscape Architect or Owner. Replacement plants shall be of species desired and size as required.
  - Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job is accepted by the Owner or the Landscape Architect or Owner. Expenses shall be held liable to insure the Owner or his representatives in general maintenance procedures.
  - Plant maintenance shall include watering, pruning, weeding, mulching, mounding, staking and regularity of gaps, replacement of sick or dead plants, removal of plants to prevent spread of sprouts, diseases and eradication of the planting area and all other care needed for proper growth of the plants.
  - During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all necessary spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for acceptance of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for conducting the inspection to take place prior to the anticipated date. At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor stating the job when the Maintenance Period ends.
  - At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall be of the same kind and size as specified on the plan list. It shall be the responsibility of the Landscape Contractor.
  - All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be given and in satisfactory growth for each specific kind of plant at the end of the guaranteed year.
  - Soil shall be ASTM D 3285, natural pebble, fertile, fine loamy soil possessing characteristics of representative topsoil in the vicinity that produces heavy growth. Topsoil shall have a pH range of 6.5 to 7.5 percent, free from ground obstructions, weeds, stumps, salt, clay, stones larger than 1-inch in diameter, lumps, roots, trash, toxic substances, or any other material which may be harmful to plant growth or hinder slaking operations. Top soil shall contain a minimum of three percent organic material.

TOTAL TREE INCHES ON-SITE	176"
QUANTITY OF SPECIMEN TREES (24" OR GREATER) BEING REMOVED	0
TOTAL NUMBER OF SPECIMEN INCHES REMOVED	132"
TOTAL TREE INCHES REMOVED	132"
TOTAL INCHES REQUIRED	171"
TOTAL INCHES REPLACED	171"
MAX TREE STOCK FORMULA AND CALCULATIONS	459"

SITE CLEARING AREA IN SQUARE FEET AND ACRES 281,498 SF (6.462 ACRES)

MAGNOLIA (BRACKEN BROWN) Min. 3" in Caliper	LAUREL OAK (QUERCUS LAURIFOLIA) Min. 3" in Caliper, 6' High x 7" spread, 4" clear trunk MODERATE WATER USE
PALM (WASHINGTONIA) Min. 3" in Caliper	CHRAPE MYRTLE (MUSKOGEE) Min. 2" in Caliper, 7' High
PODOCARPUS MINIMUM 36" O/C & 36" HEIGHT	PINE TREE Min. 3" in Caliper
JUNIPER (PARSONI)	INDIAN HAWTHORNE: RHAPHIOLEPIS Ø 24" O/C
EXISTING OAK TREE TO REMAIN	PALM TREE (SABAL)

- IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS OF EQUAL APPROXIMATE SIZE, AND APPROVED BY CITY OF APOPKA LAND DEVELOPMENT CODE.  
- FIELD LOCATE ALL TREES SO AS NOT TO INTERFERE WITH ANY EXISTING AND/OR PROPOSED UTILITIES.  
- FLOW RATE 90 GPM

I CERTIFY THAT THE LANDSCAPE & IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH C.O.A. ORDINANCE 2009 ADOPTED MAY 21, 2009 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

**Plan Notes**

**LANDSCAPE PLAN**

No.	Revision/Issue	Date

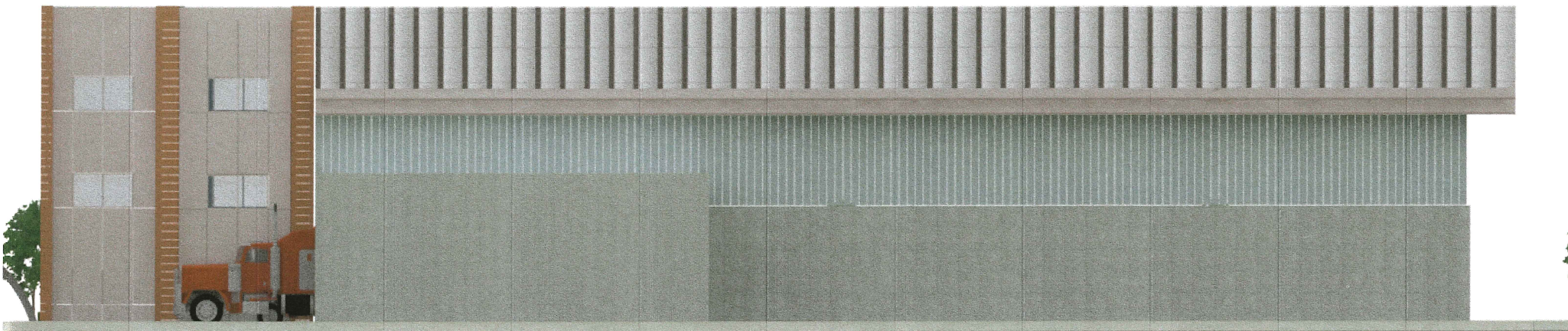
**ENGINEER OF RECORD**  
**ALI TEHRANI, P.E.**  
FLORIDA P.E. LICENSE NO. 48235  
621 Sherwood Dr.  
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Ph. (407) 948-0811

**PROJECT NAME**  
**ELRO PROPERTIES, LLC.**  
516 Cooper Commerce Dr., Suite 200  
Apopka, FL 32703

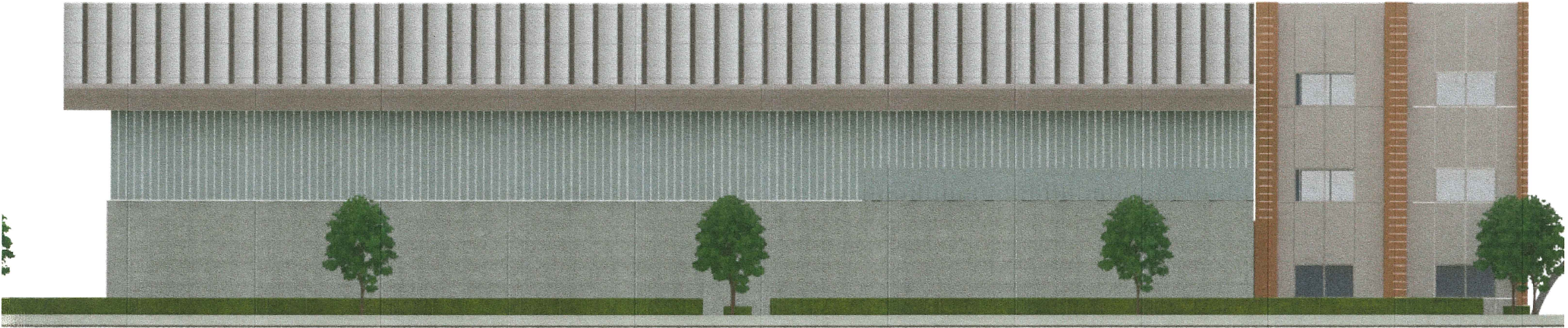
DWG Sheet 13	SHEET
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NORTH

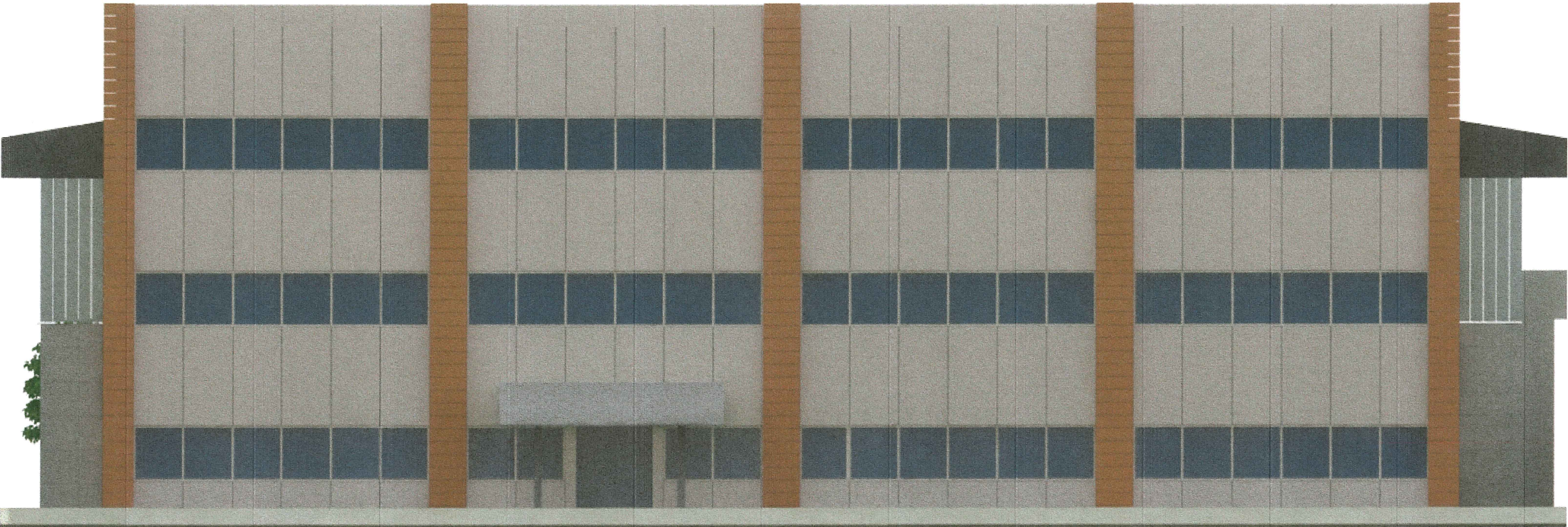


# SOUTH





EAST





# EASTERN





# SOUTHEAST





# NORTHEAST





**Backup material for agenda item:**

5. MASS GRADING PLAN - Golden Gem Estates, Phase 1A – owner/applicant Cantero Holdings, LLC, c/o Jose Cantero; engineer is GL Summit, c/o Geoffrey Summit, P.E., for the property generally located south of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road. (Parcel ID Nos.: 24-20-27-0000-00-097, 24-20-27-0000-00-98, 24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102, 24-20-27-0000-00-100-103, 24-20-27-0000-00-104, 24-20-27-0000-00-105)





**CITY OF APOPKA  
CITY COUNCIL**

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	August 5, 2015
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Vicinity Map
<input checked="" type="checkbox"/> OTHER: Mass Grading Plan		Mass Grading Plan

**SUBJECT: MASS GARDING PLAN – GOLDEN GEM ESTATES - PHASE 1A, OWNED BY CANTERO HOLDINGS, LLC, C/O JOSE CANTERO**

**Request: APPROVAL OF THE MASS GRADING PLAN FOR GOLDEN GEM ESTATES, OWNED BY CANTERO HOLDINGS, LLC. (PARCEL ID NUMBERS: 24-20-27-0000-00-097, 24-20-27-0000-00-098, 24-20-27-0000-00-100, 24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102, 24-20-27-0000-00-103, 24-20-27-0000-00-104, 024-20-27-0000-00-105)**

**SUMMARY**

OWNER/APPLICANT: Cantero Holdings, LLC., c/o Jose Cantero

ENGINEER: GL Summit., c/o Goeffrey Summit, P.E.

LOCATION: South of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road

EXISTING USE: Planted Pine Site

FUTURE LAND USE: Rural Settlement (1du/ac)

CURRENT ZONING: AG

PROPOSED DEVELOPMENT: 12 Single Family Residential Subdivision\Mass Grading of Final Development Plans

TRACT SIZE: 80 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 80 Units  
PROPOSED: 12 Units (PHASE 1A)

**DISTRIBUTION**

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

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed Use	ZIP	Vacant Land\Planted Pine Trees
North (County)	Rural (1du/10 ac/agricultural)	A-1	Foliage Nursery
East (County)	Rural (1du/10 ac/agricultural)	A-2	Manufactured Home\Grazing Land
South (City)	Rural Settlement(1du/ac)/Conservation	ZIP	Manufactured Home\Planted Pine Trees
West (County)	Rural (1du/10 ac/agricultural)	A-1	Construction, Debris, and Class 3 Land Fill

**ADDITIONAL COMMENTS:** The proposed mass grading plan allows site grading to occur consistent with the ground elevations and contours established within the Golden Gem Estates - Phase 1B Preliminary Development Plan. All required permits from the St. Johns Water Management District and other state agencies must be obtained by the applicant prior to commencing any grading activities. Planted pine has already been harvested from the subject property, leaving few canopy trees.

**HAUL ROUTE:** There has been a temporary access easement agreement established with the abutting property owner to the east, granting direct access to Wekiva Parkway (S.R. 429) as illustrated on Sheet 4, of the Mass Grading Plan.

**ENVIRONMENTAL:** A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any grading or further site construction activity.

**TREE PROGRAM:** The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. Pine trees have already been harvested from the site. The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program, if applicable.

**LANDSCAPING/BUFFERS:** Per city code, a six-foot brick wall within a ten-foot landscape buffer is required along Golden Gem Road. However, a brick wall will be out of character with the surrounding landscape and environment. In lieu of a brick wall, a 50-foot wide landscape buffer is proposed. The City owns acres to the south, the landfill is located to the west, and large lot residential uses occur to the south and north along Golden Gem Road. Further north along Golden Gem Road, the Wekiva Parkway Interchange Vision Plan Area is just to the north along Golden Gem Road, and it promotes a pedestrian-oriented development theme. Further, it is unreasonable to believe that a 12 lot residential development, which could be trailer homes, can financially support maintenance and replacement of a brick wall at such time it deteriorates or is damaged.

**SCHOOL CAPACITY REPORT:** No development activity beyond the grading activities approved within the Mass Grading Plan can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The developer has submitted a school capacity determination application to OCPS. The schools designated to serve this community are the following: Zellwood Elementary, Wolf Lake Middle and Apopka High School.

**ORANGE COUNTY NOTIFICATION:** The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

**PUBLIC HEARING SCHEDULE:**

July 28, 2015 – Planning Commission (5:01 pm)

August 5, 2015 – City Council (1:30 pm)

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the Golden Gem Estates Ph.1A Mass Grading Plan for the property owned by Cantero Holdings, LLC

The **Planning Commission**, at its special meeting on July 28, 2015, recommended approval (6-0) of the Golden Gem Estates, Phase 1A Mass Grading Plan for the property owned by Cantero Holdings, LLC.

Approve the Golden Gem Estates, Phase 1A Mass Grading Plan for the property owned by Cantero Holdings, LLC.

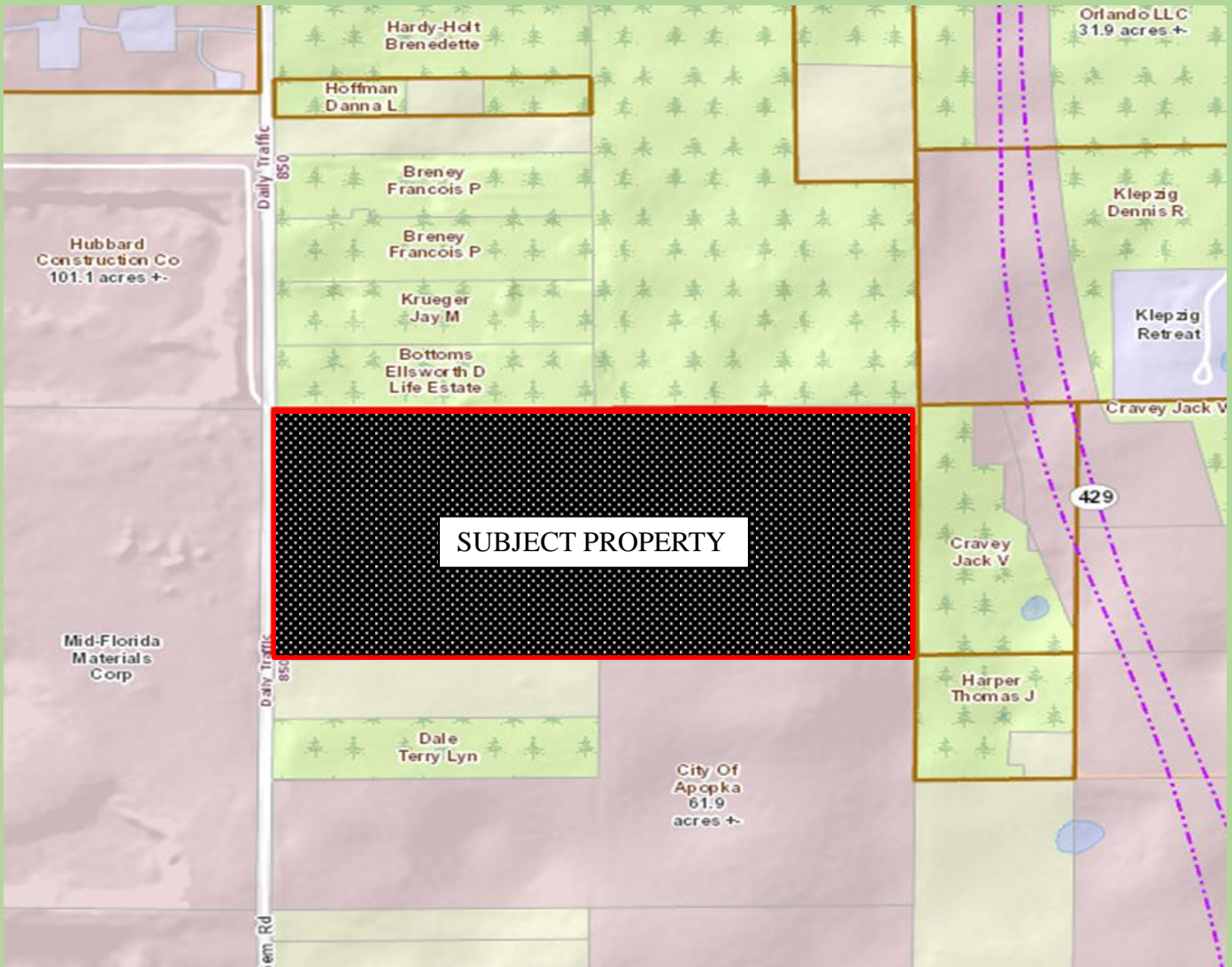
**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**Golden Gem Estates, Phase 1A  
Mass Grading Plan  
Cantero Holdings, LLC., c/o Mr. Jose Cantero  
GL Summit., c/o Goeffrey Summit, P.E.  
Proposed Maximum Development - 80 Units  
80.00 +/- Total Acres**

**Parcel ID #s: 24-20-27-0000-00-097, 24-20-27-0000-00-098, 24-20-27-0000-00-100,  
24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102,  
24-20-27-0000-00-103, 24-20-27-0000-00-104, 024-20-27-0000-00-105**

**VICINITY MAP**











**GENERAL NOTES:**

- THE CONTRACTOR SHALL TAKE SPECIAL NOTICE THAT ALL SPECIFICATIONS AND DETAILS SHOWN HEREON ARE BELIEVED TO BE THE LATEST AND MOST ACCURATE AT THE TIME OF DESIGN AND SUBMITTAL. HOWEVER, THE ENGINEER DOES NOT WARRANT ANY OF THE PROVIDED SPECIFICATIONS AND DETAILS. THESE SPECIFICATIONS AND DETAILS ARE SUBJECT TO REVISION BY THE ISSUING MUNICIPALITIES AND AGENCIES. IT IS SOLELY THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN COMPLETE COPIES OF AND BECOME FAMILIAR WITH ALL REFERENCES CONTAINED HEREIN, INCLUDING, BUT NOT LIMITED TO THE LATEST EDITIONS OF: THE LOCAL AGENCY'S SPECIFICATIONS, THE UTILITY PROVIDER'S SPECIFICATIONS, THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) "MANUAL OF UNIFORM MINDING STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS" (GREEN BOOK), THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) "UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS" (MUTCD), FDOT "ROADWAY AND TRAFFIC DESIGN STANDARDS" (RTDS), AND FDOT "STANDARD SPECIFICATIONS FOR ROAD & BRIDGE CONSTRUCTION" (SSRBC).
- ALL FDOT DESIGN INDICES ARE HEREBY INCORPORATED AS PLAN REFERENCES HEREIN.
- CONTRACTOR IS SOLELY RESPONSIBLE FOR CONSTRUCTING ALL WORKS IN CONFORMANCE WITH LOCAL AGENCIES' LATEST CODES, REGULATIONS & REQUIREMENTS, RTDS, AND SSRBC.
- IT IS SOLELY THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL CONSTRUCTION INSPECTION, TESTING, AND MATERIALS CONFORM TO THE LATEST EDITIONS OF THE DESIGN REFERENCES INCLUDING, BUT NOT LIMITED TO: LOCAL AGENCY'S SPECIFICATIONS, WATER MANAGEMENT DISTRICT (WMD), FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), FDOT, AND MUTCD.
- THE CONTRACTOR IS DIRECTED TO NOTIFY G L SUMMITT ENGINEERING, INC. OF ANY PROBLEMS REQUIRING DEVIATION FROM THESE PLANS AND SPECIFICATIONS.
- PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR SHALL MEET WITH AND SUBMIT A CONSTRUCTION SCHEDULE TO THE ENGINEER AND SECURE ALL REQUIRED LICENSES AND PERMITS.
- WHEN DETAILS ARE PROVIDED, CONTRACTOR SHALL CONSTRUCT JOB PER SPECIFIC DETAILS, AND NOT BY SCALING FROM THESE PLANS.
- CONTRACTOR SHALL SUBMIT A "MAINTENANCE OF TRAFFIC" PLAN TO THE APPROPRIATE LOCAL AGENCY PRIOR TO CONSTRUCTION COMMENCEMENT.
- AS-BUILT DRAWINGS SHALL BE KEPT BY THE CONTRACTOR AND SUBMITTED TO THE PROJECT ENGINEER UPON COMPLETION OF CONSTRUCTION.
- THE CONTRACTOR SHALL RESTORE OFF-SITE CONSTRUCTION AREAS TO EQUAL OR BETTER CONDITION THAN EXISTED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE POLICIES AND GUIDELINES ESTABLISHED BY THE LOCAL AGENCY REGARDING THE PRESERVATION OF ALL PUBLIC AND PRIVATE PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE OR INJURY TO PROPERTY OF ANY CHARACTER, DURING THE PROSECUTION OF THE WORK, RESULTING FROM ANY OMISSION, NEGLIGENCE, OR MISCONDUCT IN HIS MANNER OR METHOD OF EXECUTING THE WORK, OR AT ANY TIME DUE TO DEFECTIVE WORK OR MATERIALS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE BUFFERS, RETENTION AND DETENTION FACILITIES, EASEMENTS, ETC. UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER. ALL DISRUPTED AREAS SHALL BE RETURNED TO EQUAL OR BETTER CONDITION THAN EXISTED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- THE BUILDING SITE AND POND AREAS SHALL BE CLEARED OF ALL TREES EXCEPT THOSE WHICH ARE DESIGNATED TO BE SAVED OR RELOCATED. BEFORE CONSTRUCTION, THE CONTRACTOR SHALL MEET AT THE SITE WITH THE OWNER. AT THIS TIME, ANY TREES TO BE SAVED SHALL BE POINTED OUT AND TAGGED. THESE TREES SHALL BE PROTECTED FROM DAMAGE. TREES SHALL NEITHER BE REMOVED FROM THE WETLAND NOR THE WETLAND PROTECTIVE BUFFER WITHOUT APPROVAL FROM ORANGE COUNTY EPD 497-836-1451.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL SETBACKS AND EASEMENTS BEFORE BEGINNING CONSTRUCTION. THESE SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE WETLAND AND THE WETLAND BUFFER AREAS.
- EXISTING FEATURES INFORMATION IS BASED ON THE FOLLOWING:  
SURVEYOR: N/A  
DRAWING: N/A  
DATED: N/A  
LATEST REVISION DATE: N/A
- ROADWAYS AND PARKING AREAS ARE DESIGNED IN SUBSTANTIAL CONFORMANCE WITH THE APPLICABLE STANDARDS AS SET FORTH IN THE GREEN BOOK AND THE LOCAL AGENCIES' SPECIFICATIONS.
- ALL PAVEMENT MARKING, STRIPING SIGNS AND OTHER TRAFFIC CONTROL EQUIPMENT AND INSTALLATION THEREOF SHALL CONFORM TO MUTCD AS WELL AS LOCAL, STATE, AND OTHER FEDERAL STANDARDS, REGULATIONS AND REQUIREMENTS.
- THE CONTRACTOR SHALL FORM SIDEWALKS, CURBS, ETC. IN ACCORDANCE WITH THE GRADING AND DRAINAGE PLAN AND SPECIFICATIONS WHERE APPLICABLE. CONTRACTOR IS RESPONSIBLE FOR CONFORMANCE TO REGULATIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), FLORIDA ACCESSIBILITY CODE (FAC), AND LOCAL GOVERNMENT. THE MAXIMUM LONGITUDINAL ACCESSIBLE SIDEWALK AND DRIVEWAY SLOPES SHALL BE 5.0% AND MAXIMUM CROSS SLOPE OF 5.0% (1:20 MINIMUM).
- THE CONTRACTOR SHALL INSTALL DROP CURBS AND HANDICAP RAMPS AT ALL INTERSECTIONS OF THE SIDEWALK WITH THE PROPOSED PAVEMENT TO MEET FDOT, ADA, AND FAC SPECIFICATIONS.
- THE CONTRACTOR SHALL COMPLY WITH THE AGENCY HAVING JURISDICTION FOR STRIPPING, CLEARING, GRUBBING, GRADING, BACKFILLING, AND EMBANKMENT PREPARATION WITHIN ALL DESIGNED ROADWAY RIGHT-OF-WAY SECTIONS.
- UNLESS OTHERWISE NOTED, GRADE TO MEET EXISTING ELEVATIONS AT PROPERTY LINES. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE OF THE SITE TO THE RETENTION PONDS AS SHOWN BY PROPOSED GRADES AND FLOW ARROWS.
- THE CONTRACTOR SHALL CONSTRUCT ALL STORM SEWER AND APPURTENANCES IN ACCORDANCE WITH LOCAL AGENCY'S SPECIFICATIONS, WMD REQUIREMENTS AND SSRBC.
- THE CONTRACTOR SHALL INSURE THAT PROPER SOIL DENSITIES ARE ACHIEVED FOR PLACEMENT OF ALL PAVEMENT ROADWAY AND WALL FOOTINGS, RETAINING WALLS, AND IN GENERAL, ANY FOOTING SUPPORT DESCRIBED ON THESE PLANS. IT WILL ALSO BE THE RESPONSIBILITY OF THE CONTRACTOR TO INSURE THAT SUFFICIENT SOILS TESTING HAS BEEN PERFORMED PRIOR TO CONSTRUCTION.
- GEOTECHNICAL ENGINEERING INFORMATION IS BASED ON THE FOLLOWING:  
ENGINEER: Yorvik Engineering Sciences, LLC  
REPORT: 13-018102  
DATED: May 24, 2015  
LATEST REVISION DATE: N/A

ADDITIONAL SERVICES WILL BE PROVIDED TO THE CONTRACTOR UPON REQUEST OF THE OWNER. G L SUMMITT ENGINEERING, INC. ASSUMES NO RESPONSIBILITY FOR THE CORRECTNESS, ACCURACY AND COMPLETENESS OF GEOTECHNICAL WORK.

**GENERAL NOTES (CONT.):**

- EXCAVATION OF UNSUITABLE FILL AND COMPACTION SHALL BE DONE IN ACCORDANCE WITH THE GEOTECHNICAL REPORT REFERENCED IN THESE NOTES.
- EXCAVATION, PAVING, STORM SEWER AND ANY RELATED WORK SHALL BE DONE IN ACCORDANCE WITH LOCAL AGENCY'S SPECIFICATIONS, SSRBC, AS WELL AS REQUIREMENTS FOR SITE WORK AS SHOWN IN THE GEOTECHNICAL REPORT REFERENCED IN THESE NOTES.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY AND ALL GEOTECHNICAL REPORTS PREPARED FOR THE SITE. ALL SITE GRADING IS TO CONFORM TO THE GEOTECHNICAL REPORT REFERENCED IN THESE NOTES, SPECIFICATIONS AND DETAILS.
- CONTRACTOR SHALL INSTALL ROAD UNDERDRAINS (IF CALLED FOR ON THE PLANS) IN ACCORDANCE WITH THE GEOTECHNICAL REPORT REFERENCED IN THESE DETAILS.
- IN OTHER AREAS WHICH REQUIRE FILL MATERIAL THE CONTRACTOR WILL STRIP OR OTHERWISE REMOVE ALL VEGETATION SUCH AS BRUSH, HEAVY SOGS, HEAVY GROWTH OF GRASS, DECAYED VEGETATIVE MATTER, RUBBISH AND ANY OTHER DELETERIOUS MATERIAL BEFORE EMBANKMENT IS STARTED. IMMEDIATELY PRIOR TO THE PLACING OF FILL MATERIALS, THE ENTIRE AREA UPON WHICH FILL IS TO BE PLACED, SHALL BE SCARIFIED IN A DIRECTION APPROXIMATELY PARALLEL TO THE AXIS OF FILL. THE SOILS ENGINEER SHALL APPROVE THE AREA PRIOR TO THE PLACEMENT OF FILL.
- AFTER THE ROADWAY SUBGRADE HAS BEEN CONSTRUCTED, IT SHALL BE PROOF-ROLLED TO ASSURE THAT PROPER COMPACTION HAS BEEN ATTAINED. THE PROOF-ROLLING AND COMPACTION OPERATIONS SHALL BE INSPECTED AND TESTED BY A GEOTECHNICAL ENGINEER LICENSED BY THE STATE OF FLORIDA TO ASSURE THAT THE SPECIFIED COMPACTION IS MAINTAINED AND ALL DELETERIOUS MATERIALS HAVE BEEN REMOVED.
- ALL REINFORCED CONCRETE PIPE (RCP) SHALL BE MINIMUM CLASS III OR FDOT APPROVED EQUAL (RCP). ALL HIGH DENSITY POLYETHYLENE PIPE (HDPE) SHALL BE ADS N-12 OR APPROVED EQUAL.
- ALL MANHOLE AND INLET STRUCTURES SHALL BE PRECAST CONCRETE. THE CONTRACTOR SHALL USE CONCRETE WITH A MINIMUM 28 DAY STRENGTH OF 3,000 P.S.I.
- THE CONTRACTOR SHALL LOCATE ALL UTILITIES OR UNDERGROUND STRUCTURES PRIOR TO CONSTRUCTION AND NOTIFY EACH RESPECTIVE UTILITY OWNER FORTY-EIGHT (48) HOURS (2 WORKING DAYS) PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- COMPACT ALL UTILITY TRENCHES WITHIN THE TOP 2' OF THE ROADWAY TO 98% OF THE MODIFIED PROCTOR DENSITY; WITHIN OTHER AREAS TO 94%.
- ALL PAVEMENT, PAVEMENT BASE, CURBING, STORMWATER SYSTEMS, WATER SYSTEMS AND SANITARY SEWER SYSTEMS THAT ARE TO BE DEMOLISHED AND REMOVED SHALL BE DISPOSED OF OFF-SITE BY THE SITE CONTRACTOR, UNLESS OTHERWISE DIRECTED BY THE OWNER.
- DURING CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE ADEQUATE DRAINAGE AND PROPER SOIL EROSION CONTROL MEASURES FOR PROTECTION OF ALL DRAINAGE AND SEWER STRUCTURES AND AT ALL ADJACENT LANDS AND ROADS.
- CONTRACTOR SHALL PROVIDE EROSION AND SEDIMENT CONTROL DURING THE CONSTRUCTION PHASE PER LOCAL AGENCY, WMD, FDEP, AND ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS.
- THE CONTRACTOR SHALL PERFORM EROSION CONTROL MEASURES IN ACCORDANCE WITH CITY OF APOPKA STANDARDS, DETAILS CONTAINED IN THE PLANS, THE FOLLOWING NOTES AND AS DIRECTED BY THE ENGINEER.
- PROVIDE FDOT TYPE III SILT FENCE ALONG THE PROPERTY LINES DURING CONSTRUCTION AS REQUIRED TO PREVENT SEDIMENTATION.
- DURING CONSTRUCTION, NO DIRECT DISCHARGE OF WATER TO DOWNSTREAM RECEIVING WATERS WILL BE ALLOWED. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING WATER QUALITY, AND SHALL ROUTE DISCHARGE WATER IN SUCH A MANNER TO ADEQUATELY REMOVE SILT PRIOR TO RUNOFF FROM SITE.
- ALL EXISTING UTILITIES HAVE BEEN FIELD VERIFIED AT ALL POINTS OF CONNECTION TO, AND AT ALL AREAS OF CONFLICT WITH OCCUPANCIES.

**EROSION & SEDIMENT CONTROL NOTES:**

- BECAUSE OF THE PROJECT'S PROXIMITY TO ADJACENT LAKES, WETLANDS & WETLAND BUFFERS, CONTRACTOR SHALL MAKE EVERY EFFORT TO MINIMIZE EROSION, TO RETAIN SEDIMENT WHICH UNWITTINGLY WILL RESULT FROM ON-SITE CONSTRUCTION ACTIVITIES, TO PREVENT SEDIMENTATION AND OTHERWISE PROTECT ON-SITE WETLANDS & WETLAND BUFFERS WHICH ARE TO BE SAVED. THE BASIC PRINCIPLES DESCRIBED HEREIN ARE INTENDED TO DEFINE THE DEVELOPER'S INTENT AND REQUIRE THE CONTRACTOR TO SATISFY THE SPECIFIC REQUIREMENTS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER THE WORK.
- THE SCHEDULING, SEQUENCING AND CONTROL MEASURES, WHICH ARE OUTLINED HEREIN, ARE SUBJECT TO FINAL DEFINITION BY THE CONTRACTOR WHO WILL BE RESPONSIBLE FOR IMPLEMENTATION AND COMPLIANCE.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE REQUIRED TO SUBMIT A CONSTRUCTION SCHEDULE DEPICTING EACH PHASE OF THE WORK. THE CONTRACTOR SHALL ALSO BE REQUIRED TO SUBMIT AN EROSION AND SEDIMENT CONTROL PLAN TO THE OWNER, THE ENGINEER AND ORANGE COUNTY ENCUMBERS THE CONTRACTOR'S EXACT PLAN OF IMPLEMENTING THE PRINCIPLES AND THE REQUIREMENTS DESCRIBED HEREIN. NO CONSTRUCTION CAN BEGIN UNTIL SAID PLAN HAS BEEN APPROVED BY THE APPROPRIATE LOCAL AGENCY.
- DURING CONSTRUCTION THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO ENSURE AGAINST POLLUTION, SILTATION OR DISTURBANCE TO SUCH AN EXTENT AS TO CAUSE AN INCREASE IN TURBIDITY TO THE ADJACENT WATER BODIES IN COMPLIANCE WITH ALL PERMIT REQUIREMENTS RELATED TO SUCH MEASURES.
- EROSION CONTROL METHODS SHALL INCLUDE TEMPORARY CONTROL STRUCTURES SUCH AS SEDIMENT BASINS, SEDIMENT CHECKS, SILT BARRIERS, SILT SCREENS, TURBIDITY BARRIERS OR THEIR BEST MANAGEMENT PRACTICE AVAILABLE TO THE INDUSTRY.
- EROSION AND SEDIMENT CONTROL INSTALLATIONS SHALL BE MAINTAINED BY CONTRACTOR THROUGHOUT THE CONSTRUCTION PERIOD AND UNTIL NEW VEGETATIVE GROWTH HAS BEEN ESTABLISHED.
- THROUGHOUT THE CONSTRUCTION PERIOD, THE CONTRACTOR SHALL DAILY INSPECT PROTECTIVE INSTALLATIONS FOR FAILURES OR SIGNS OF FAILURE OR MALFUNCTION AND EFFECT REPAIRS OR REPLACEMENT IMMEDIATELY UPON DISCOVERY.
- THE RECOMMENDED GENERAL SEQUENCE OF CONSTRUCTION FOR ALL BASINS IS AS FOLLOWS:
  - PLACEMENT OF PERIMETER PROTECTIVE MEASURES (SILT FENCE, ETC) AROUND ON-SITE LAKES, AT POINTS OF OFFSITE DISCHARGE, AND AROUND WORK AREAS.
  - ROUTE RUNOFF FROM AREAS OUTSIDE OF THE DEVELOPMENT AREA TO MINIMIZE FLOW THROUGH AREAS TO BE DISTURBED BY CONSTRUCTION. BERMS, SWALES AND OTHER MEANS USED FOR SUCH CONVEYANCE SHALL BE VEGETATED AND MEASURES TAKEN TO PROVIDE PROTECTION UNTIL STABILIZATION HAS BEEN ESTABLISHED.
  - SELECT LOCATIONS FOR PLACEMENT OF MATERIAL, WHETHER SUITABLE FOR FILL OR UNSUITABLE, AND CONSTRUCT CONTAINMENT BERMS AROUND THE AREA. THE USE OF STRIPPINGS FOR THIS PURPOSE MAY ACCELERATE BERM REVEGETATION. CONSTRUCT TEMPORARY OUTLETS FROM CONTAINMENT AREAS WITH SCREENS, HAY BALES, SETTLING BASINS OR OTHER MEASURES TO PREVENT SILT TRANSPORTATION.
  - SELECT/DESIGNATE ACCESS ROUTES FOR CONSTRUCTION EQUIPMENT AND VEHICLES AND PROVIDE PERIMETER PROTECTIVE MEASURES WHERE EXISTING TERRAIN WILL BE SUBJECT TO DISRUPTION BY SUCH TRAFFIC.
  - IF REQUIRED, CONSTRUCT ABOVE GROUND OR OTHER CONTAINMENT AREAS FOR CONSTRUCTION AREA RUNOFF. PROVIDE SCREENS, ECT. TO FILTER DISCHARGE FROM THESE AREAS. F. GRASSING, SODDING, ETC. SHALL BE IN PLACE IMMEDIATELY UPON COMPLETION OF DISTURBED AREAS WITHIN PROTECT AREA 6. IN ANY EVENT, CONTRACTOR IS SOLELY RESPONSIBLE FOR ENSURING ANY AND ALL MEASURES ARE TAKEN TO COMPLY WITH LOCAL, STATE, FEDERAL AND OWNER REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION.

**EROSION & SEDIMENT CONTROL NOTES (cont.):**

- BAHIA SOD REQUIRED AROUND ALL STORM INLETS IN UNPAVED AREAS.
- THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS AUTHORIZED THE STATE OF FLORIDA TO ADMINISTER THE NATIONAL POLLUTANTS DISCHARGE ELIMINATION SYSTEM (NPDES). CONTRACTOR IS ADVISED THAT OPERATORS ARE REQUIRED TO FILE WITH FDEP A NOTICE OF INTENT TO USE THE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM CONSTRUCTION ACTIVITIES THAT DISTURBS ONE OR MORE ACRES OF LAND. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO SUBMIT THE NOTICE OF INTENT (NOI) TO FDEP WITH A COPY TO THE OWNER, THE ENGINEER AND THE (CITY/COUNTY) AT LEAST 48 HOURS BEFORE INITIATING CONSTRUCTION.
- AS REQUIRED BY THE GENERIC PERMIT, CONTRACTOR SHALL PREPARE A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) PURSUANT TO ALL REQUIREMENTS OF THE GENERIC PERMIT.
- PURSUANT TO THE NPDES, CONTRACTOR SHALL MAINTAIN RECORDS OF DATES WHEN MAJOR GRADING ACTIVITIES TEMPORARILY OR PERMANENTLY CEASE AND SHALL INITIATE STABILIZATION MEASURES WITHIN 14 DAYS AFTER SUCH TEMPORARY OR PERMANENT CESSATION OF CONSTRUCTION ACTIVITY. STABILIZATION REQUIREMENTS (SODDING WHERE SHOWN ON THE PLANS, SEEDING AND MULCHING ELSEWHERE) APPLY TO ALL AREAS DISTURBED BY CONSTRUCTION, ON-SITE AND OFF-SITE.
- CONTRACTOR SHALL PROVIDE INSPECTIONS BY QUALIFIED PERSONNEL OF ALL POINTS OF DISCHARGE, DISTURBED AREAS NOT YET FINALLY STABILIZED, STORAGE AREAS EXPOSED TO RAINFALL, STRUCTURAL CONTROLS AND VEHICULAR ACCESS LOCATIONS. INSPECTIONS SHALL BE MADE AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND WITHIN 24 HOURS OF THE END OF A STORM THAT IS 0.5 INCHES OR GREATER.
- CONTRACTOR SHALL MAINTAIN A COPY OF THE SWPPP AT THE SITE FROM THE DATE OF PROJECT INITIATION TO THE DATE OF FINAL STABILIZATION.
- CONTRACTOR SHALL AMEND THE SWPPP WHENEVER THERE IS A CHANGE IN DESIGN, CONSTRUCTION OPERATION OF MAINTENANCE THAT MAY HAVE A SIGNIFICANT EFFECT ON THE POTENTIAL FOR OFF-SITE DISCHARGE OF POLLUTANTS, INCLUDING THE ADDITION OF OR CHANGE IN LOCATION OF DISCHARGE POINTS AND REVISION TO CONTROLS WHICH MAY HAVE PROVED TO BE INEFFECTIVE.
- CONTRACTOR SHALL REMAIN RESPONSIBLE FOR OPERATION AND MAINTENANCE OF POLLUTION PROTECTION MEASURES UNTIL CONSTRUCTION HAS BEEN COMPLETED IN SUBSTANTIAL CONFORMANCE WITH THE CONTRACT PLANS, CERTIFIED AS SUCH BY THE ENGINEER AND ACCEPTED BY THE (CITY/COUNTY), WHETHER OR NOT CONTRACTOR HAS SUBMITTED A NOTICE OF TERMINATION (NOT) TO FDEP.
- IF CONTRACTOR PROPOSES TO DISCHARGE DEWATERING EFFLUENT OFF-SITE, HE SHALL COMPLY WITH FDEP'S "GENERIC PERMIT FOR DISCHARGE OF PROTECTED GROUND WATER FROM ANY NON-CONTAMINATED SITE ACTIVITY". PERMIT REQUIREMENTS CAN BE OBTAINED FROM FDEP AT (407)894-7555 EXT. 3985. THIS PERMIT IS INDEPENDENT OF AND IN ADDITION TO WATER MANAGEMENT DISTRICTS' PERMITS FOR CONSTRUCTION DEWATERING.

**TURBIDITY MONITORING REQUIRED:**

DESCRIPTION: TURBIDITY EXPRESSED IN NEPHELOMETRIC TURBIDITY UNITS (NTU).  
 LOCATION: BACKGROUND-SAMPLES SHALL BE TAKEN 200 FEET UPSTREAM OF ANY CONSTRUCTION ACTIVITY WITHIN SURFACE WATERS OF THE STATE.  
 COMPLIANCE SAMPLES SHALL BE TAKEN 200 FEET DOWNSTREAM OF THE CONSTRUCTION ACTIVITIES ADJACENT TO OR WITHIN WATERS OF THE STATE.  
 FREQUENCY: TWICE DAILY, WITH AT LEAST A FOUR HOUR INTERVAL, DURING ALL WORK AUTHORIZED BY THIS PERMIT.  
 DURATION: MONITORING SHALL BEGIN ON THE FIRST DAY OF CONSTRUCTION FOR ALL ACTIVITIES AND MAY BE DISCONTINUED UPON PERMANENT STABILIZATION OF ALL DISTURBED SOILS.  
 STANDARDS & REPORTING: THE MONITORING DATA MUST DEMONSTRATE THAT TURBIDITY AT THE COMPLIANCE SITE IS LESS THAN OR EQUAL TO 29 NTU'S ABOVE NATURAL BACKGROUND FOR A PERIOD OF 7 CONSECUTIVE DAYS AFTER COMPLETION OF CONSTRUCTION. ALL MONITORING DATA SHALL BE READ AND RECORDED DAILY, AND SUBMITTED TO THE OWNER'S AUTHORIZED REPRESENTATIVE (O.A.R.) BY 5:00 P.M. EACH FRIDAY. IF AT ANY TIME THE TURBIDITY EXCEEDS BACKGROUND BY MORE THAN 29 NTU'S, ALL CONSTRUCTION ACTIVITIES SHALL BE HALTED, A WRITTEN REPORT FAXED TO THE DISTRICT POST PERMIT COMPLIANCE DEPARTMENT IN ORLANDO. MONITORING REPORTS SHALL ALSO INCLUDE THE FOLLOWING INFORMATION FOR EACH SAMPLE THAT IS TAKEN:  
 1. TIME OF DAY SAMPLES WERE TAKEN  
 2. DEPTH OF WATER BODY  
 3. DEPTH OF SAMPLES  
 4. ANTECEDENT WEATHER CONDITIONS  
 5. WIND DIRECTION AND VELOCITY, AND  
 6. SAMPLE LOCATION MAP  
 CORRECTIVE ACTIONS: REMEDIAL MEASURES SHALL BE TAKEN IMMEDIATELY TO CORRECT THE PROBLEM. ACTIVITIES SHALL RESUME ONLY WITH THE CONFIRMATION FROM DISTRICT STAFF THAT THE SITUATION HAS BEEN RESOLVED.



**G L SUMMITT**  
ENGINEERING INC.  
Office: Lake Mary  
3667 Simonton Place  
Lake Mary, Florida 32746  
phone: 407-323-0705  
fax: 407-992-8650  
www.GLSummitt.com

**Cantero Holding, LLC**  
12601 Avalon Road  
Winter Garden, FL 34787  
407-239-4565  
407-239-6011

**Golden Gem Estates**  
**Phase 1A**  
City of Apopka, Florida  
**Final Mass**  
**Grading Plan**

**General Notes**

Plans not valid unless Signed, Dated and Sealed below.  
 GEOFFREY L. SUMMITT, P.E.  
 Date: June 24, 2015  
 FL Registration #58775  
 Certificate of Authorization #29665

Revisions		
NO.	DATE	DESCRIPTION
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	-	-
10	-	-

SHEET NUMBER  
**3 OF 10**

**EROSION & SEDIMENT CONTROL NOTES:**

- BECAUSE OF THE PROJECT'S PROXIMITY TO ADJACENT LAKES, CONTRACTOR SHALL MAKE EVERY EFFORT TO MINIMIZE EROSION, TO RETAIN SEDIMENT WHICH UNAVOIDABLY WILL RESULT FROM CONSTRUCTION ACTIVITIES, TO PREVENT SEDIMENTATION AND OTHERWISE PROTECT ON-SITE WETLANDS WHICH ARE TO BE RESTORED. THE BEST PRACTICES DESCRIBED HEREIN ARE INTENDED TO DEFINE THE DEVELOPER'S INTENT AND REQUIRE THE CONTRACTOR TO SATISFY THE SPECIFIC REQUIREMENTS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER THE WORK.
- THE SCHEDULING, SEQUENCING AND CONTROL MEASURES WHICH ARE OUTLINED HEREIN, ARE SUBJECT TO FINAL DEFINITION BY THE CONTRACTOR WHO WILL BE RESPONSIBLE FOR IMPLEMENTATION AND COMPLIANCE.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE REQUIRED TO SUBMIT A CONSTRUCTION SCHEDULE DETAILING EACH PHASE OF THE WORK. THE CONTRACTOR SHALL ALSO BE REQUIRED TO SUBMIT AN EROSION AND SEDIMENT CONTROL PLAN TO THE OWNER, THE ENGINEER AND ORANGE COUNTY ENGINEERING. THE CONTRACTOR'S EXACT PLAN OF EROSION CONTROL MEASURES, THE PRINCIPLES AND THE REQUIREMENTS DESCRIBED HEREIN, NO CONSTRUCTION CAN BEGIN UNTIL SAID PLAN HAS BEEN APPROVED BY THE APPROPRIATE LOCAL AGENCY.
- URING CONSTRUCTION, THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO ENSURE AGAINST POLLUTION, SILTATION OR DISTURBANCE TO SUCH AN EXTENT AS TO CAUSE AN INCREASE IN TURBIDITY TO THE ADJACENT WATER BODIES IN COMPLIANCE WITH ALL PERMIT REQUIREMENTS RELATED TO SUCH MEASURES.
- EROSION CONTROL METHODS SHALL INCLUDE TEMPORARY CONTROL STRUCTURES SUCH AS SEDIMENT BASINS, SEDIMENT CHECKS, SILT BARRIERS, SILT SOCKS, TURBIDITY BARRIERS OR THEIR BEST MANAGEMENT PRACTICE AVAILABLE TO THE INDUSTRY.
- EROSION AND SEDIMENT CONTROL INSTALLATIONS SHALL BE MAINTAINED BY CONTRACTOR THROUGHOUT THE CONSTRUCTION PERIOD AND UNTIL NEW VEGETATIVE GROWTH HAS BEEN ESTABLISHED.
- THROUGHOUT THE CONSTRUCTION PERIOD, THE CONTRACTOR SHALL DAILY INSPECT PROTECTIVE INSTALLATIONS FOR FAILURES OR SIGNS OF FAILURE OR MALFUNCTION AND EFFECT REPAIRS OR REPLACEMENT IMMEDIATELY UPON DISCOVERY.
- THE RECOMMENDED GENERAL SEQUENCE OF CONSTRUCTION FOR ALL BASINS IS AS FOLLOWS:
  - PLACEMENT OF PERIMETER PROTECTIVE MEASURES (SILT FENCE, ETC.) AROUND ON-SITE LAKES, AT POINTS OF OFFSITE DISCHARGE, AND AROUND WORK AREAS.
  - RE-ROUTERUNOFF FROM AREAS OUTSIDE OF THE DEVELOPMENT AREA TO MINIMIZE FLOW THROUGH AREAS TO BE DISTURBED BY CONSTRUCTION. SWALES AND OTHER MEANS USED FOR SUCH CONVEYANCE SHALL BE VEGETATED AND MEASURES TAKEN TO PROVIDE PROTECTION UNTIL STABILIZATION HAS BEEN ESTABLISHED.
  - SELECT LOCATIONS FOR PLACEMENT OF MATERIAL, WHETHER SUITABLE FOR FILL OR UNSUITABLE, AND CONSTRUCT CONTAINMENT BERRMS AROUND THE AREA. THE USE OF STRIPINGS FOR THIS PURPOSE MAY ACCELERATE BERM REVEGETATION. CONSTRUCT TEMPORARY OUTLETS FROM CONTAINMENT AREAS WITH SCREENS, HAY BALES, SETTLING BASINS OR OTHER MEASURES TO PREVENT SILT TRANSPORTATION.
  - SELECT/DESIGNATE ACCESS ROUTING FOR CONSTRUCTION EQUIPMENT AND VEHICLES AND PROVIDE PERIMETER PROTECTIVE MEASURES WHERE EXISTING TERRAIN WILL BE SUBJECT TO DISRUPTION BY SUCH TRAFFIC.
  - IF REQUIRED, CONSTRUCT ABOVE GROUND OR OTHER CONTAINMENT AREAS FOR CONSTRUCTION AREA RUNOFF. PROVIDE SCREENS, ETC. TO FILTER DISCHARGE FROM THESE AREAS. F. GRASSING, SODDING, ETC. SHALL BE IN PLACE IMMEDIATELY UPON COMPLETION OF DISTURBED AREAS WITHIN PROJECT AREA. G. IN ANY EVENT, CONTRACTORS SOLELY RESPONSIBLE FOR ENSURING ANY AND ALL MEASURES ARE TAKEN TO COMPLY WITH LOCAL, STATE, FEDERAL AND OTHER REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION.

**EROSION & SEDIMENT CONTROL NOTES (cont.):**

- BAHIA SOD REQUIRED AROUND ALL STORAGE TANKS IN UNPAVED AREAS.
- THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS AUTHORIZED THE STATE OF FLORIDA TO ADMINISTER THE NATIONAL DISCHARGE ELIMINATION SYSTEM (NDDES). CONTRACTOR IS ADVISED THAT OPERATORS ARE REQUIRED TO FILE WITH FDEP A NOTICE OF INTENT TO USE THE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM CONSTRUCTION ACTIVITIES THAT DISTURBS ONE OR MORE ACRES OF LAND. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO SUBMIT THE NOTICE OF INTENT (NOI) TO FDEP WITH A COPY TO THE OWNER, THE ENGINEER AND THE (CITY/COUNTY) AT LEAST 48 HOURS BEFORE INITIATING CONSTRUCTION.
- AS REQUIRED BY THE GENERIC PERMIT, CONTRACTOR SHALL PREPARE A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) PURSUANT TO ALL REQUIREMENTS OF THE GENERIC PERMIT.
- PURSUANT TO THE PERMIT, CONTRACTOR SHALL MAINTAIN RECORDS OF DATES WHEN MAJOR GRADING ACTIVITIES TEMPORARILY OR PERMANENTLY CEASE AND SHALL INITIATE STABILIZATION MEASURES WITHIN 7 DAYS AFTER SUCH TEMPORARY OR PERMANENT CESSATION OF CONSTRUCTION ACTIVITY. STABILIZATION REQUIREMENTS (SOODING WHERE SEVERAL OF THE PLANS, SEEDING AND NATURAL RESEED) APPLY TO ALL AREAS DISTURBED BY CONSTRUCTION, ON-SITE AND OFF-SITE. SEEDING SHALL BE DONE PER THE MANUFACTURER'S RECOMMENDATIONS. AFTER SEEDING EACH AREA SHALL BE MULCHED WITH 400 LBS OF STRAW PER ACRE. IF AREAS SEEDING DO NOT OBTAIN A 70% COVERAGE WITH THE BEST SEEDING, THEN ANOTHER SEED APPLICATION WILL BE REQUIRED TO FILL IN AREAS NOT COVERED IN THE FIRST APPLICATION.
- CONTRACTOR SHALL PROVIDE INSPECTIONS BY QUALIFIED PERSONNEL OF ALL PORTS OF DISCHARGE. DISTURBED AREAS NOT YET FINALLY STABILIZED, STORAGE AREAS EXPOSED TO RAINFALL, STRUCTURAL CONTROLS AND VEHICULAR ACCESS LOCATIONS. INSPECTIONS SHALL BE MADE AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND WITHIN 24 HOURS OF THE END OF A STORM THAT IS 0.5 INCHES OR GREATER.
- CONTRACTOR SHALL MAINTAIN A COPY OF THE SWPPP AT THE SITE FROM THE DATE OF PROJECT INITIATION TO THE DATE OF FINAL STABILIZATION.
- CONTRACTOR SHALL AMEND THE SWPPP WHENEVER THERE IS A CHANGE IN DESIGN, CONSTRUCTION OPERATION OR MAINTENANCE THAT MAY HAVE A SIGNIFICANT EFFECT ON THE POTENTIAL FOR ON-SITE EXCESSIVE OR POLLUTANTS, INCLUDING THE ADDITION OF OR CHANGE IN LOCATION OF DISCHARGE POINTS AND REVISION TO CONTROLS WHICH MAY HAVE PROVED TO BE INEFFECTIVE.
- CONTRACTOR SHALL REMAIN RESPONSIBLE FOR OPERATION AND MAINTENANCE OF POLLUTION PROTECTION MEASURES UNTIL CONSTRUCTION HAS BEEN COMPLETED IN SUBSTANTIAL CONFORMANCE WITH THE CONTRACT PLANS, CERTIFIED AS SUCH BY THE ENGINEER AND ACCEPTED BY THE (CITY/COUNTY) WHETHER OR NOT CONTRACTOR HAS SUBMITTED A NOTICE OF TERMINATION (NOT) TO FDEP.
- IF CONTRACTOR PREPARES TO DISCHARGE DEWATERING EFFLUENT OFF-SITE, CONTRACTOR IS RESPONSIBLE FOR OBTAINING FDEP GENERIC PERMIT FOR THE DISCHARGE OF PRODUCED CONCENTRATES FROM ANY NON-CONTAMINATED SITE. ACTIVITY IN ACCORDANCE WITH FLORIDA ADMINISTRATIVE CODE 62-601.3000 AND 62-600, AND FLORIDA STATUTES CHAPTER 401, PERMIT REQUIREMENTS CAN BE OBTAINED FROM FDEP AT (407)884-7333 EXT. 3983. THIS PERMIT IS INDEPENDENT OF AND IN ADDITION TO WATER MANAGEMENT DISTRICT PERMITS FOR CONSTRUCTION DEWATERING.
- CONTRACTOR SHALL PROVIDE A DIBET ABATEMENT PLAN THAT MAY INCLUDE A GROUND HIGH SCREEN FENCE ALONG THE EAST PROPERTY LINE ADJACENT TO GOLDEN GEM ROAD.

**TURBIDITY MONITORING REQUIREMENTS:**

**DESCRIPTION:** TURBIDITY EXPRESSED IN NEPHELOMETRIC TURBIDITY UNITS (NTU).

**LOCATION:** BACKGROUND SAMPLES SHALL BE TAKEN 200 FEET UPSTREAM OF ANY CONSTRUCTION ACTIVITY WITHIN SURFACE WATERS OF THE STATE.

**COMPLIANCE SAMPLES:** SHALL BE TAKEN 200 FEET DOWNSTREAM OF THE CONSTRUCTION ACTIVITIES ADJACENT TO OR WITHIN WATERS OF THE STATE.

**FREQUENCY:** TWICE DAILY, WITH AT LEAST A FOUR HOUR INTERVAL, DURING ALL WORK AUTHORIZED BY THIS PERMIT.

**DURATION:** MONITORING SHALL BEGIN ON THE FIRST DAY OF CONSTRUCTION FOR ALL ACTIVITIES AND MAY BE DISCONTINUED UPON PERMANENT STABILIZATION OF ALL DISTURBED SOILS.

**STANDARDS & REPORTING:** THE MONITORING DATA MUST DEMONSTRATE THAT TURBIDITY AT THE COMPLIANCE SITE IS LESS THAN OR EQUAL TO 25 NTUS ABOVE NATURAL BACKGROUND FOR A PERIOD OF 7 CONSECUTIVE DAYS AFTER COMPLETION OF CONSTRUCTION. ALL MONITORING DATA SHALL BE READ AND RECORDED DAILY, AND SUBMITTED TO THE OWNERS AUTHORIZED REPRESENTATIVE (O.A.R.) BY 5:00 P.M. EACH FRIDAY. IF AT ANY TIME THE TURBIDITY EXCEEDS BACKGROUND BY MORE THAN 25 NTUS, ALL CONSTRUCTION ACTIVITIES SHALL BE HALTED, A WRITTEN REPORT FILED TO THE DISTRICT PERMIT COMPLIANCE DEPARTMENT IN ORLANDO. MONITORING REPORTS SHALL ALSO INCLUDE THE FOLLOWING INFORMATION FOR EACH SAMPLE THAT IS TAKEN:

- TIME OF DAY SAMPLES WERE TAKEN
- DATE
- TIME
- LOCATION
- WIND DIRECTION AND SPEED
- WATER TEMPERATURE
- WIND DIRECTION AND SPEED
- WATER TEMPERATURE

**CORRECTIVE MEASURES:** REMEDIAL MEASURES SHALL BE TAKEN IMMEDIATELY TO CORRECT THE PROBLEM. ACTIVITIES SHALL RESUME ONLY WITH THE CONFIRMATION FROM DISTRICT STAFF THAT THE SITUATION HAS BEEN RESOLVED.

**Site Erosion Control & Restoration Plan Schedule:**

Phase 1: Start of Mass Grading Operation

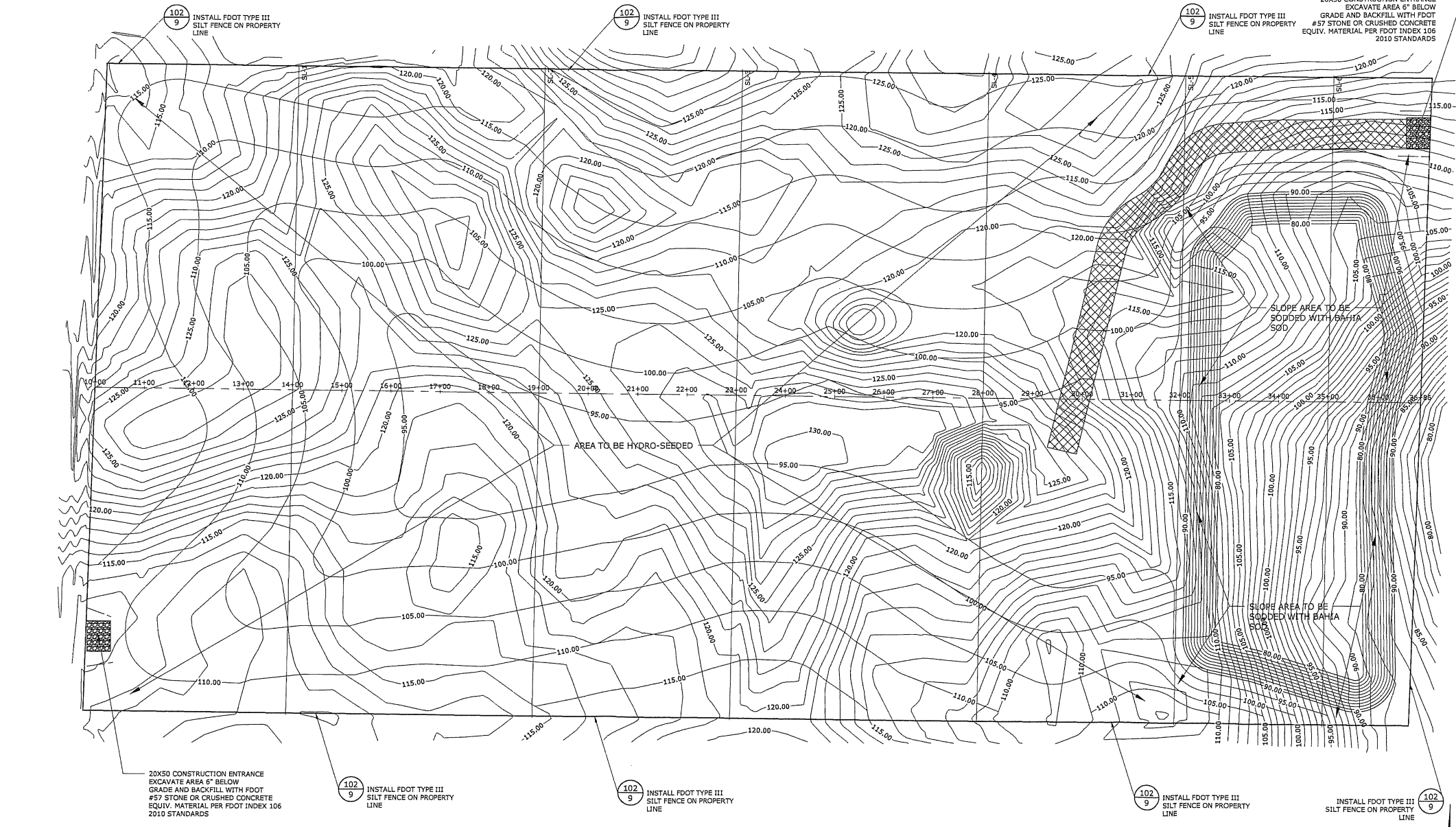
- Establish Silt Fence around the perimeter of the property as shown on this sheet.
- Install Construction entrance erosion control measure as shown on this sheet and in accordance with FDOT index 106 2010 standards.
- Call for inspection of Silt Fence and Construction Entrance prior to starting earthwork operations.
- Clear & Grubb those areas which were not included in the silvicultural harvesting activities.
- Start Mass Grading operation based on the details included with these plans.
- Start Erosion Control monitoring plan based on NPDES requirements and include weekly reporting onsite.
- See the maintenance section for details on repairing or correcting issues with the Erosion Control measures.
- Complete the Mass Grading operation based on the details included with these plans. As-Built elevations shall be provided to the engineer prior to starting

Phase 2:

Phase 2: Completion of Mass Grading & Site Restoration

- At the completion of Mass Grading and sign-off of As-Built by Engineer Contractor to start the restoration Plan. In no case shall this phase of work not start within 5 days of the completion of Phase 1 work.
- All exposed slopes less than or equal to 5% shall be hydroseeded to establish a stand of grass equating to 90% coverage of the area.
- All exposed slopes greater than 5% shall be sodded with Bahia sod including but not limited to pond tie-in slopes, pond berm, pond interior slopes and all other areas with steep slopes.
- All perimeter silt fencing should be inspected and corrected after seeding and sodding the exposed areas.
- Once the site has achieved the required coverage the Contractor shall schedule a site visit with the City of Apopka staff and the Engineer to review the restoration work and insure completion.

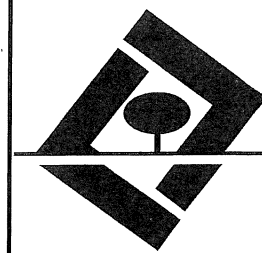
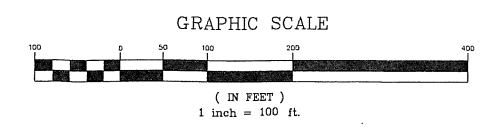
Phase 3: Site Maintenance and Oversight



**NOTES:**

- ALL RIGHTS-OF-WAY AND DISTURBED AREAS ON ADJACENT PARCELS SHALL BE RESTORED TO EQUAL OR BETTER CONDITION PRIOR TO COMPLETION OF MASS GRADING.
- ANY STOCKPILES SHALL BE A MINIMUM OF 200' FROM GOLDEN GEM ROAD AND 100' FROM ALL PROPERTY LINES OR WETLAND BUFFER LINES.
- THE SITE SHALL BE STABILIZED FOLLOWING GRUBBING, CLEARING, EARTHWORK OR MASS GRADING TO ESTABLISH A DENSE STAND OF GRASS OR SHALL INCORPORATE OTHER APPROVED BMP'S ON ALL DISTURBED AREAS IF DEVELOPMENT DOES NOT BEGIN WITHIN SEVEN (7) DAYS. FINAL STABILIZATION SHALL ACHIEVE A MINIMUM OF 70% COVERAGE OF ALL DISTURBED AREAS AND SHALL INCLUDE A MAINTENANCE PROGRAM TO ENSURE MINIMUM COVERAGE SURVIVAL AND OVERALL SITE STABILIZATION UNTIL SITE DEVELOPMENT.
- GROUNDWATER FROM DEWATERING OPERATIONS INTO THE COUNTY'S MS-4 SYSTEM, THEY SHALL OBTAIN AN FDEP PERMIT FOR DISCHARGE OF PRODUCED GROUNDWATER FROM NON-CONTAMINATED SITES. COPIES OF THE PERMIT NOI AND REQUIRED TEST RESULTS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW.

- Monthly the site shall be inspected by the Owner or the Owner's representative to review the condition of the site. Items to be reviewed include the silt fence, pond slopes and general site condition noting any items of concern. Issues such as broken or removed silt fence, rill erosion, wash-outs or exposed dirt should be identified.
- Any silt fence that is not functioning shall be replaced with new fencing and not be attempting to reinstall the collapsed or broken fencing.
- Erosion & Wash-outs shall be filled back in and Bahia sod placed over the back-filled area covering the area plus 20% to minimize recurrence.
- Exposed dirt or missing sod on slopes shall be replaced to include an area 20% larger than the original area.
- Any recurrence of wash-outs or sod washing from slopes shall be corrected by filling the area, compacting the soil with either a roller or hand tamping device and then sod shall be staked in place covering the area plus 20%.
- Any issues outside those listed above or recurrence of issues after following the recommended procedures should be brought to the Engineer's attention for review and specific recommendation for remediation.



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Winter Garden, FL 34787  
407-239-4565  
407-239-6011

Golden Gem Estates  
Phase 1A  
City of Apopka, Florida

**Final Mass Grading Plan**

**SWPPP**

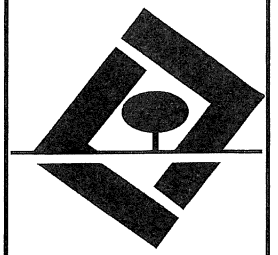
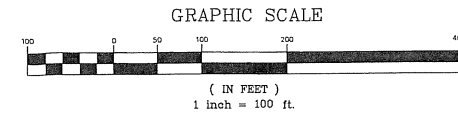
Plans not valid unless Signed, Dated and Sealed below.

GEORFREY L. SUMMITT, P. E.  
Date: June 24, 2015  
FL Registration #58775  
Certificate of Authorization #29665

**Revisions**

NO.	DATE	DESCRIPTION
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**SHEET NUMBER**  
**4 OF 10**



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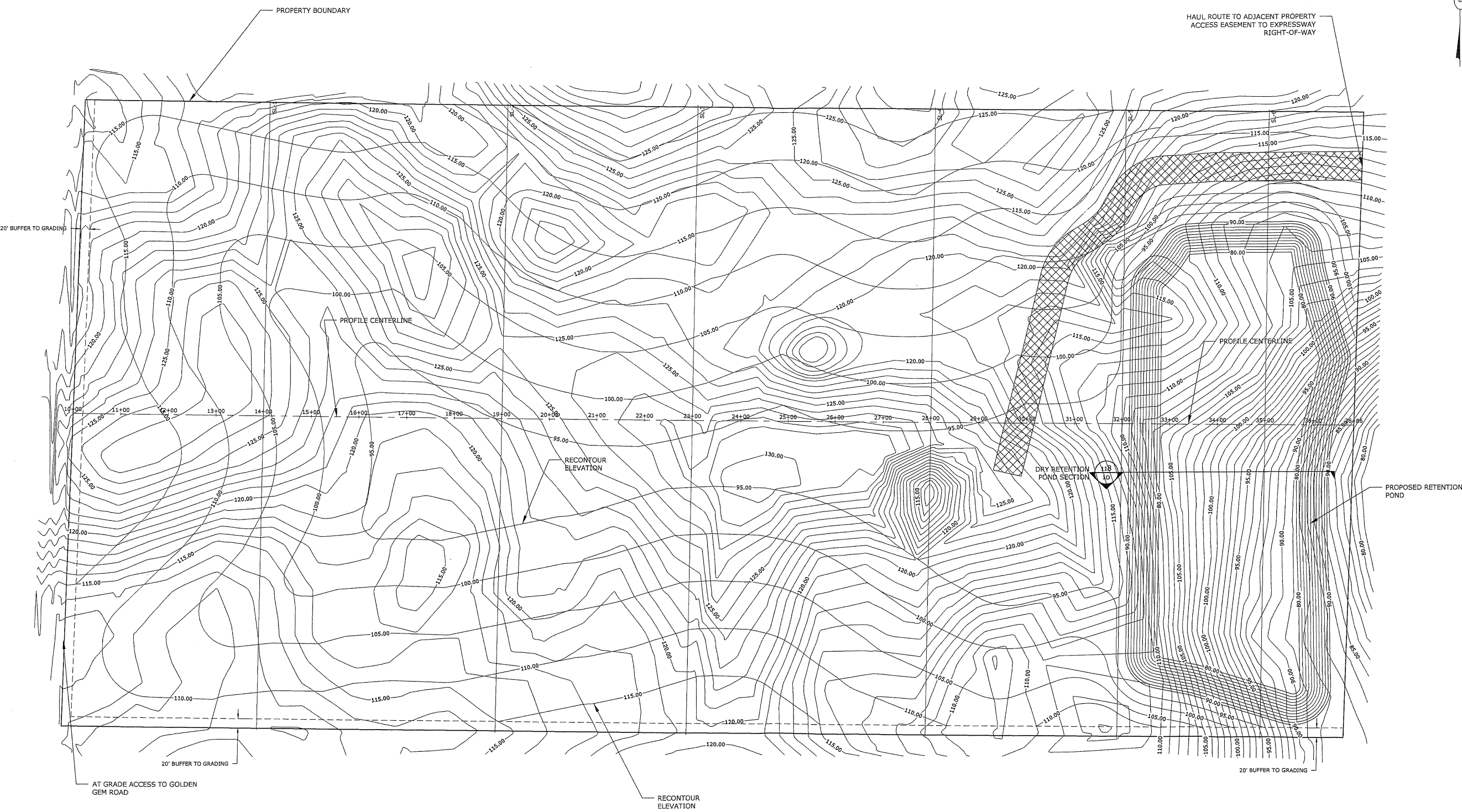
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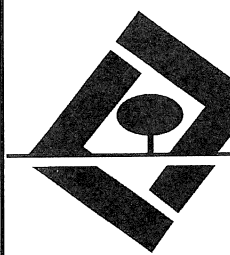
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SHEET NUMBER  
**5 OF 10**





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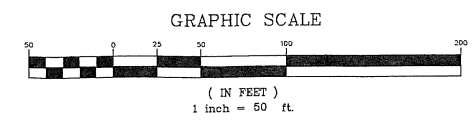
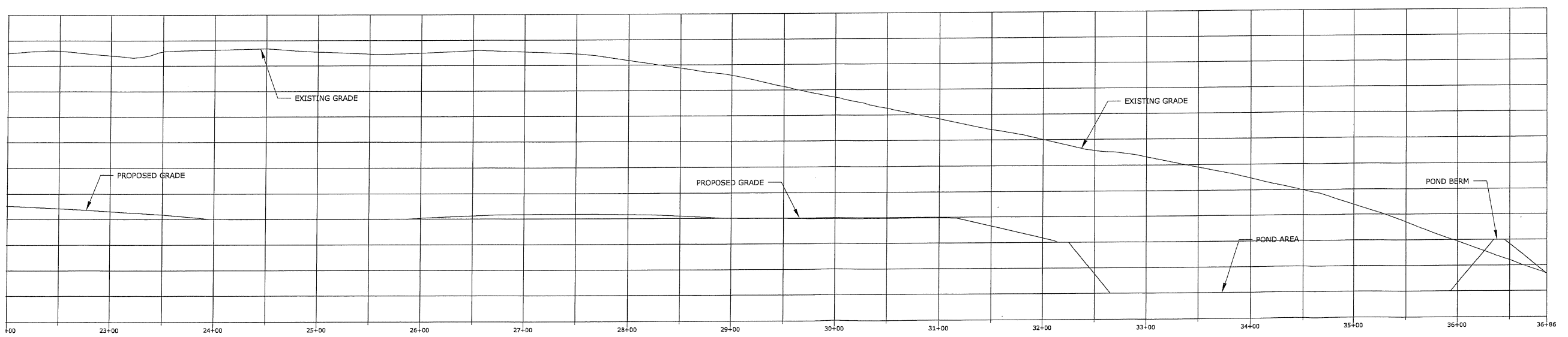
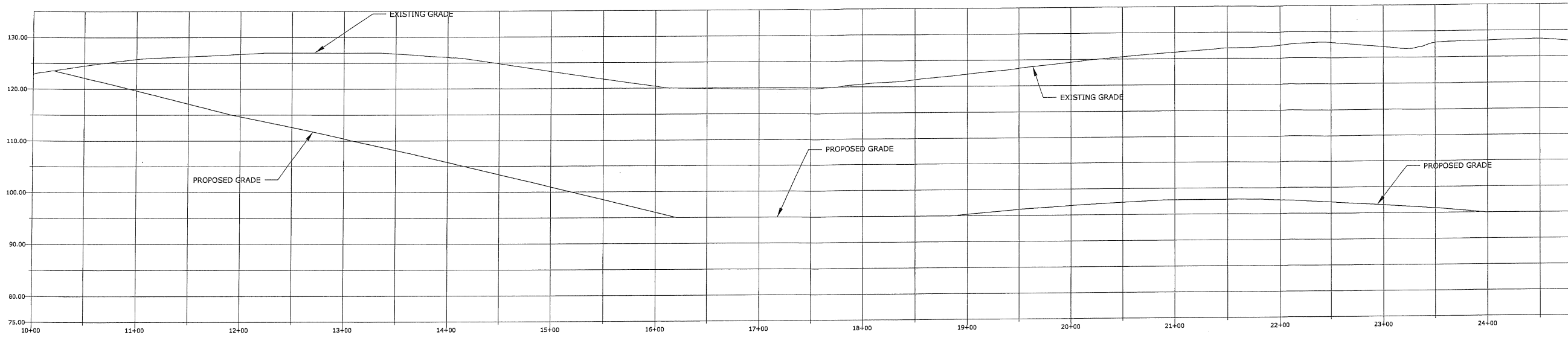
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Final Mass  
Grading Plan

East West  
Section  
Profile

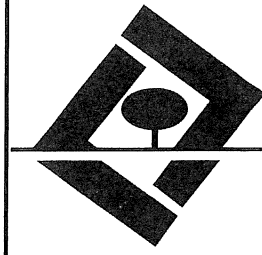
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SHEET NUMBER  
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City of Apopka, Florida

**Final Mass  
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**North South  
Section  
Profiles**

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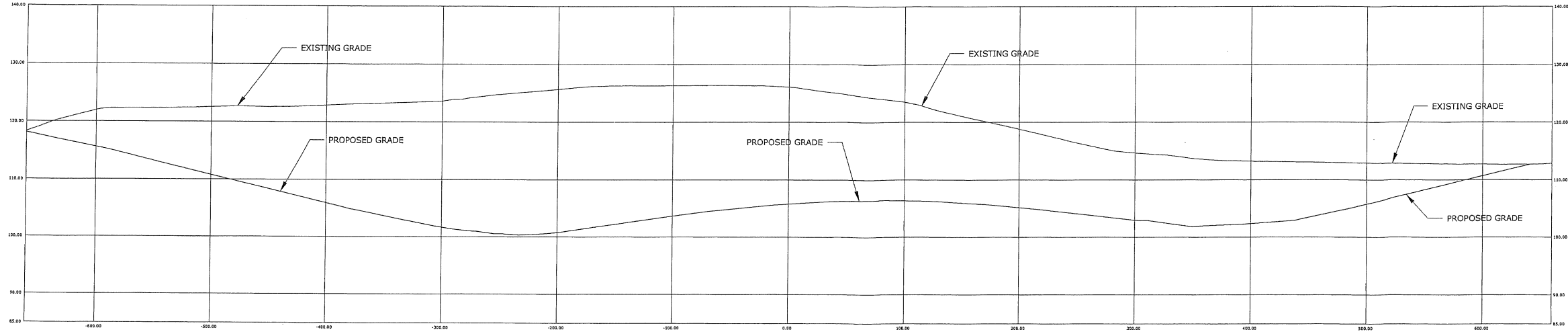
**GEOFFREY L. SUMMITT, P.E.**  
Date: June 24, 2015  
FL Registration #458775  
Certificate of Authorization #296665

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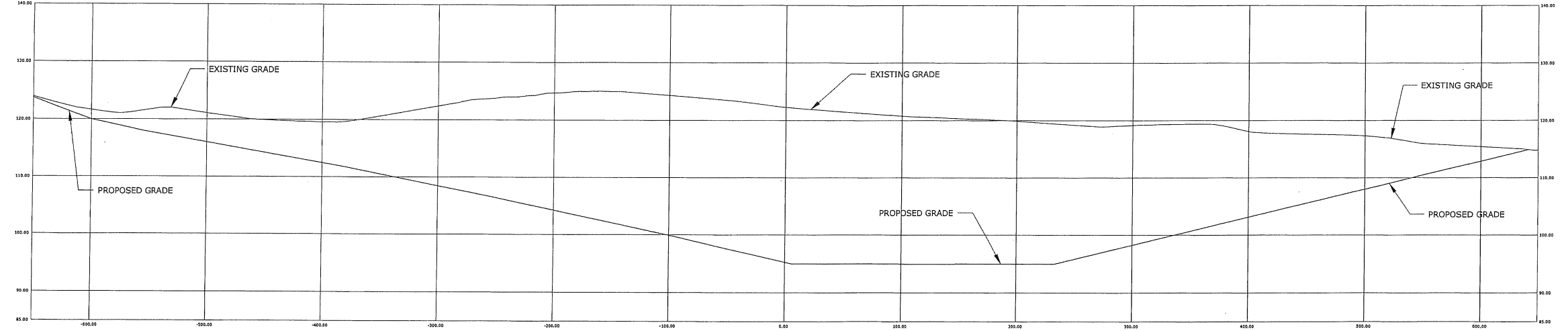
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**7 OF 10**

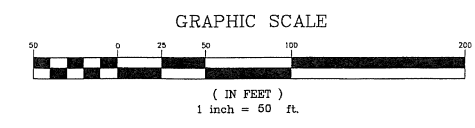
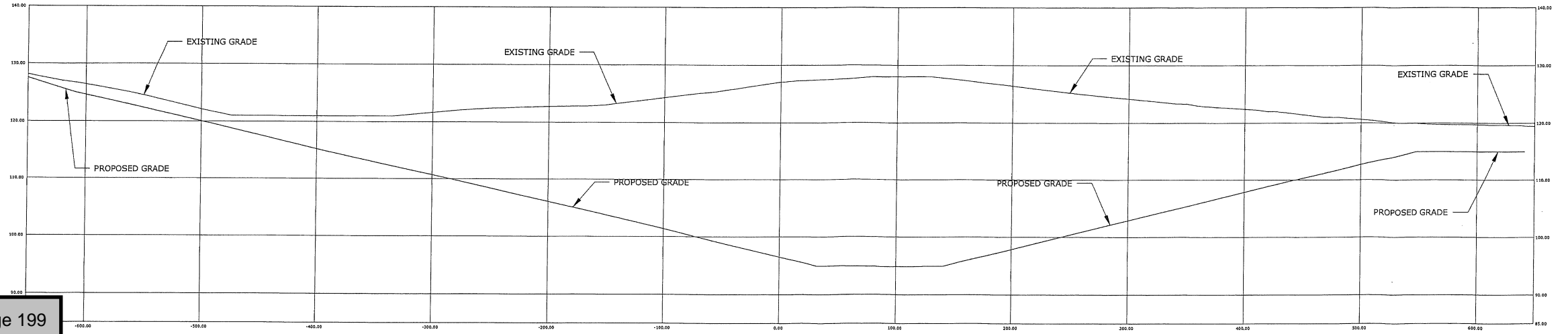
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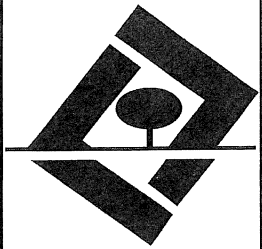


Sta. 19+00 Section



Sta. 23+00 Section





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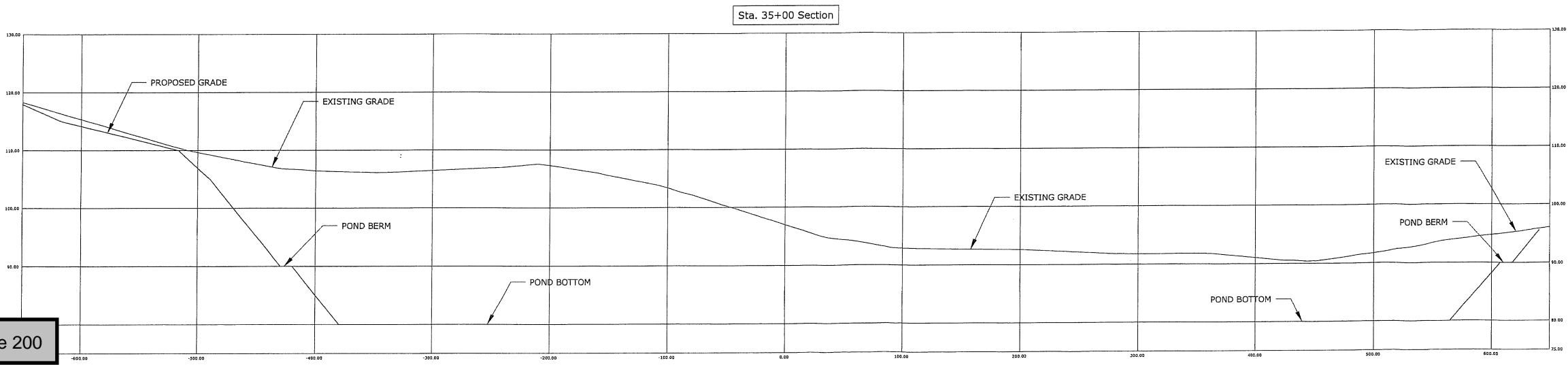
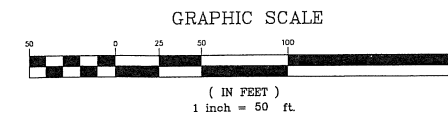
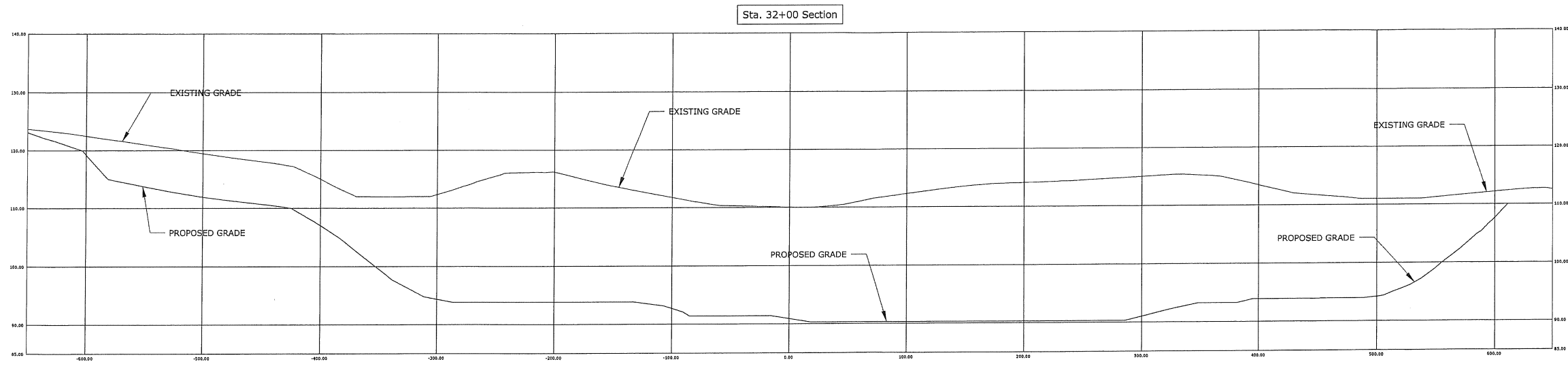
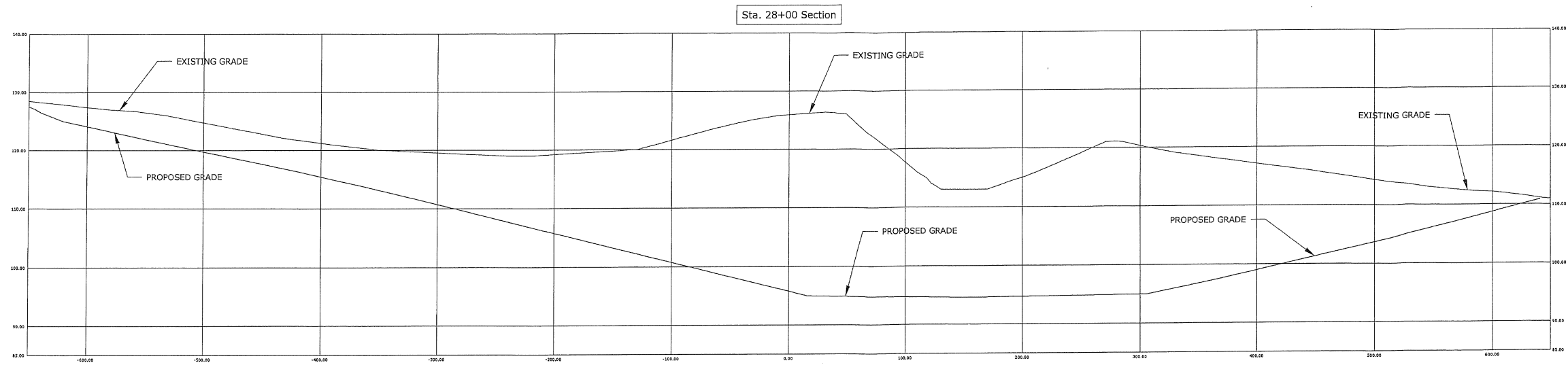
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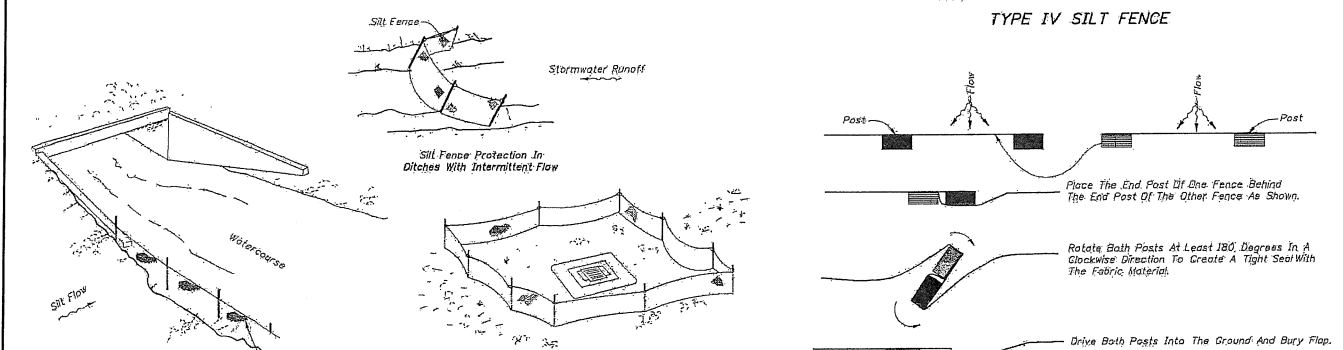
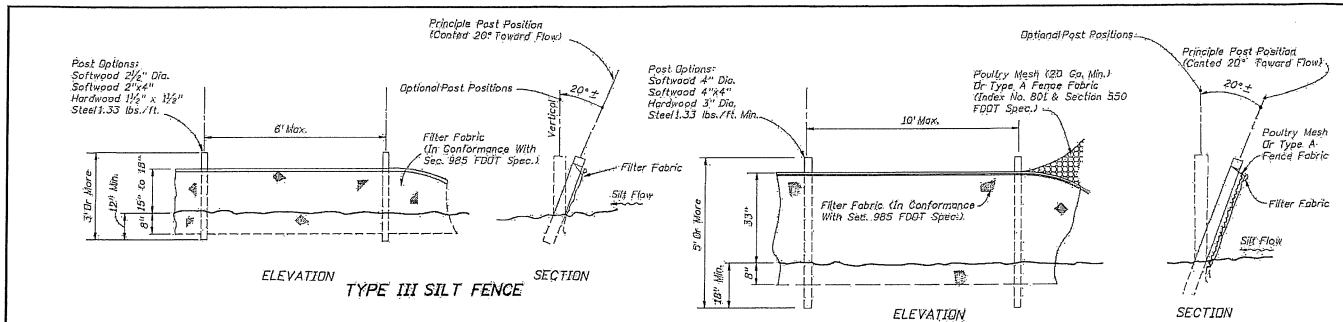
**Revisions**

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**SHEET NUMBER**  
**8 OF 10**







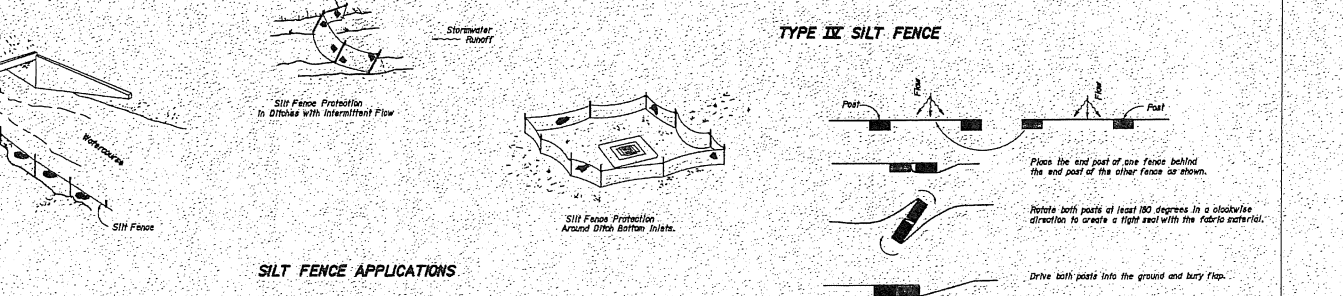
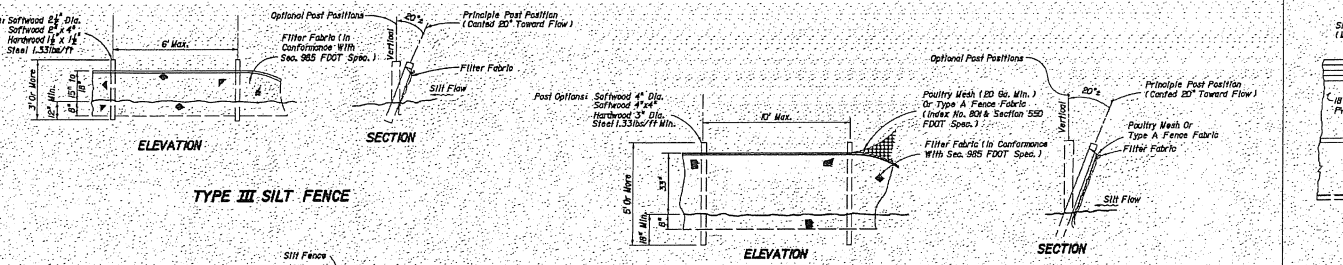
**SILT FENCE APPLICATIONS**

**NOTES FOR SILT FENCES**

- Type III Silt Fence to be used at most locations. Where used in ditches, the spacing for Type III Silt Fence shall be in accordance with Chart 1, Sheet 1.
- Type IV Silt Fence to be used where large sediment loads are anticipated. Suggested use is where fill slope is 2:1 or steeper and length of slope exceeds 25 feet. Avoid use where the detained water may back into travel lanes or off the right of way.
- Do not construct silt fences across permanent flowing watercourses. Silt fences are to be at upland locations and turbidity barriers used at permanent bodies of water.
- Where used as slope protection, Silt Fence is to be constructed on 0% longitudinal grade to avoid channelizing runoff along the length of the fence.
- Silt Fence to be paid for under the contract unit price for Staked Silt Fence, (L.F.).

2008 FDOT Design Standards  
**TEMPORARY EROSION AND SEDIMENT CONTROL**  
 Last Revision: 07/01/05  
 Sheet No: 3 of 3  
 Title No: 102

**100 TEMPORARY EROSION & SEDIMENT CONTROL**  
 N.T.S.



**SILT FENCE APPLICATIONS**

**NOTES FOR SILT FENCES**

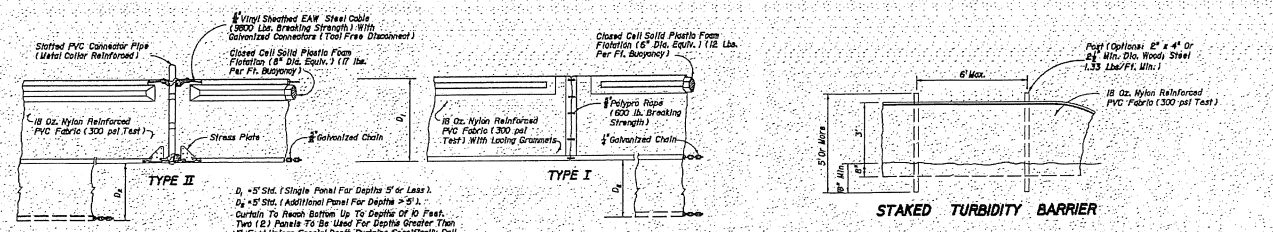
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**TEMPORARY EROSION AND SEDIMENT CONTROL**  
 Last Revision: 07/01/05  
 Sheet No: 3 of 3  
 Title No: 102

**100 TEMPORARY EROSION & SEDIMENT CONTROL**  
 N.T.S.

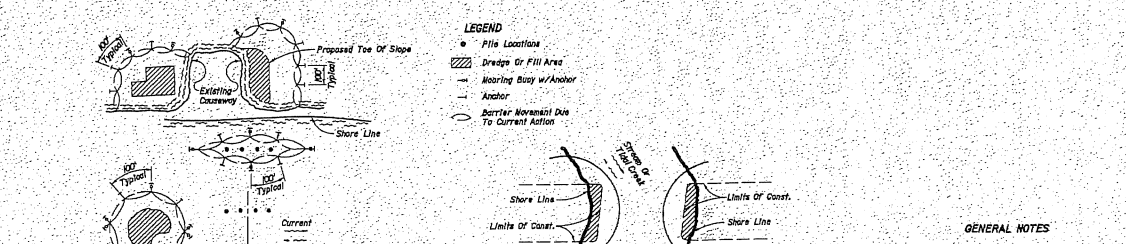
- Standard structure bottoms 4'-0" diameter and smaller (All A) and 2'-6" square (All B) are designated Type R. Larger standard structure bottoms are designated Type J. Risers are permitted for all structures.
- Walls of circular structures (Alternative A) constructed in place may be rectangular structures (Alternative B) shall be constructed of reinforced concrete only.
- Wall thickness and reinforcement are for either reinforced cast-in-place or precast concrete units except that precast concrete units may be furnished with walls in accordance with either A.S.T.M. C-478 (up to 96" diameter) or A.S.T.M. C-776 (over 96" diameter). If wall, modified where the vertical steel edge area is placed in the center one-third of the wall.
- Top and floor slab thickness and reinforcement are for precast and cast in place construction. Top and floor slabs shall be cast in place concrete. Concrete as specified in A.S.T.M. C-318 (4000 psi) may be substituted for precast concrete in precast items manufactured in accordance with the Standard Operating Procedures for the inspection of precast concrete products.
- All reinforcement shall be A.S.T.M. A615, Grade 60 or 65 KSI welded wire fabric, unless otherwise specified.
- Structure bottoms may be used in conjunction with curb inlet tops Types 1, 2, 3, 4, 5, 6, 8, and 10, and any manhole or junction box unless otherwise shown in the plans or other standard drawings. All structure bottoms may be used in conjunction with curb inlet Types 7 & 8, 9" or any other inlet unless otherwise shown in the plans or other standard drawings.
- Rectangular structures may be rotated as directed by the Engineer in order to facilitate connections between the structure walls and storm sewer pipes.
- Except when ACI hooks are specifically required, embedment hooks in the top and bottom slabs may be replaced with straight embedments or peripheral reinforcement in accordance with the reinforcement detail shown under "Rebar Straight End Embedment or Peripheral Reinforcement in Lieu of ACI Standard Hooks For Top And Bottom Slabs", Index No. 201, Sheet 3 of 6.
- All steel bars shall have 1/2" minimum cover unless otherwise shown. Horizontal steel in rectangular structures shall be lapped a minimum of 24 bar diameters at corners.
- The corner fillets shown are necessary for rectangular structures used with circular risers and inlet ducts and used on dikes with rectangular risers, inlet and inlet ducts. Fillets will be required in lieu of the bottom step of the A615 riser when used with the A615 A box. Each fillet shall be reinforced with 2-5 bars.
- Inlet through, riser or manhole tops shall be secured to structures as shown on Index No. 201.
- Structures with depths over 14' are to be checked for flotation by designer of project drainage.
- Units larger than specified standard may be substituted at the contractor's option when these units will not cause or increase the severity of safety conflicts. Such larger units shall be furnished at the additional cost to the Department. Larger Alternative A units cannot replace Alternative B units without approval of the Engineer. This note applies to this index only.
- For manhole and junction box tops, for frames and covers, and for supplementary details see Index No. 201.

**101 TYPE 'P' & 'J' STRUCTURE BOTTOMS**  
 N.T.S.



**NOTICE: COMPONENTS OF TYPES I AND II MAY BE SIMILAR OR IDENTICAL TO PROPRIETARY DESIGNS. ANY INFRINGEMENT ON THE PROPRIETARY RIGHTS OF THE DESIGNER SHALL BE THE SOLE RESPONSIBILITY OF THE USER. SUBSTITUTIONS FOR TYPES I AND II SHALL BE AS APPROVED BY THE ENGINEER.**

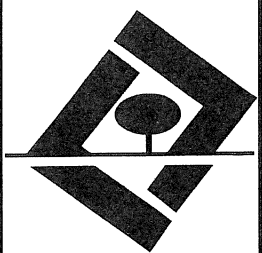
**FLOATING TURBIDITY BARRIERS**



- GENERAL NOTES**
- Floating turbidity barriers are to be paid for under the contract unit price for Floating Turbidity Barrier, (L.F.).
  - Staked turbidity barriers are to be paid for under the contract unit price for Staked Turbidity Barrier, (L.F.).
- NOTES:**
- Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
  - Number and spacing of moorings dependent on current velocities.
  - Deployment of barrier around pile locations may vary to accommodate construction operations.
  - Navigation may require segmenting barrier during construction operations.
  - For additional information see Section 04 of the Standard Specifications.
- LEGEND**
- Pile Location
  - Dredge or Fill Area
  - Mooring Buoy or Anchor
  - Anchor
  - Barrier Movement Due To Current Action
  - Limits of Coast
  - Turbidity Barrier
- Notes:**
- Turbidity barriers for flowing streams and tidal creeks may be either floating or staked types or any combination of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractor's option unless otherwise specified in the plans. However, proposed will be under the job item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts for staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.

**TURBIDITY BARRIER APPLICATIONS**

**102 EROSION CONTROL /SILT FENCE DETAIL**



**G L SUMMITT**  
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 3667 Simonton Place  
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 phone: 407-323-0705  
 fax: 407-992-8650  
 www.GLSummitt.com

**Cantero Holding, LLC**  
 12601 Avalon Road

Winter Garden, FL 34787  
 407-239-4565  
 407-239-6011

**Golden Gem Estates**  
 Phase 1A  
 City of Apopka, Florida

**Final Mass**  
 Grading Plan

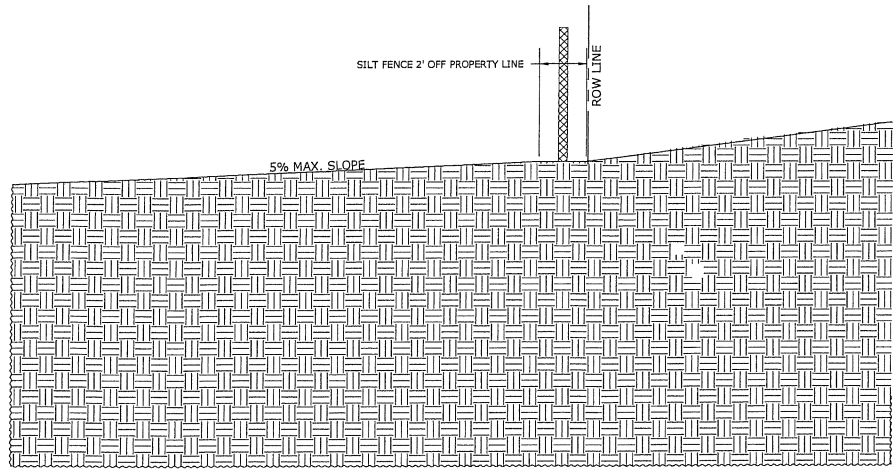
**General**  
 Details 1

Plans not valid unless Signed,  
 Dated and Sealed below.

GEORGEY L. SUMMITT, P.E.  
 Date: June 24, 2015  
 FL Registration #488775  
 Certificate of Authorization #296665

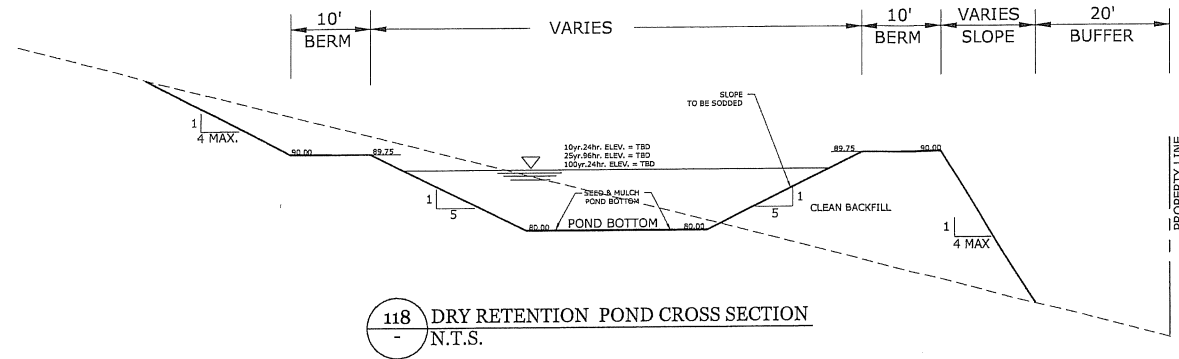
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**SHEET NUMBER**  
 9 OF 10

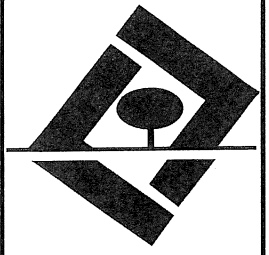


NOTE:  
\* SEE GRADING PLANS FOR TOP ELEVATIONS.

117 GOLDEN GEM ROAD GRADING SECTION  
- N.T.S.



118 DRY RETENTION POND CROSS SECTION  
- N.T.S.



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Golden Gem Estates  
**Phase 1A**  
City of Apopka, Florida

**Final Mass  
Grading Plan**

**General  
Details 2**

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Dated and Sealed below.

GEOFFREY L. SUMMITT, P.E.  
Date: June 24, 2015  
FL Registration # 458775  
Certificate of Authorization #296665

Revisions		
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SHEET NUMBER  
**10 OF 10**

**Backup material for agenda item:**

6. PRELIMINARY DEVELOPMENT PLAN - Golden Gem Estates, Phase 1B – owner/applicant Cantero Holdings, LLC, c/o Jose Cantero; engineer is GL Summit, c/o Geoffrey Summit, P.E., for the property generally located south of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road. (Parcel ID Nos.: 24-20-27-0000-00-097, 24-20-27-0000-00-98, 24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102, 24-20-27-0000-00-100-103, 24-20-27-0000-00-104, 24-20-27-0000-00-105)



# CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	August 5, 2015
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Vicinity Map
<input checked="" type="checkbox"/> OTHER: Preliminary Development Plan		Site/Landscape Plan

**SUBJECT:** PRELIMINARY DEVELOPMENT PLAN – GOLDEN GEM ESTATES - PHASE 1B, OWNED BY CANTERO HOLDINGS, LLC, C/O JOSE CANTERO

**Request:** APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN FOR GOLDEN GEM ESTATES, PHASE 1B, OWNED BY CANTERO HOLDINGS, LLC; AND ISSUANCE OF THE PRELIMINARY DEVELOPMENT ORDER. (PARCEL ID NUMBERS: 24-20-27-0000-00-097, 24-20-27-0000-00-098, 24-20-27-0000-00-100, 24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102, 24-20-27-0000-00-103, 24-20-27-0000-00-104, 024-20-27-0000-00-105)

**SUMMARY**

OWNER/APPLICANT: Cantero Holdings, LLC., c/o Jose Cantero

ENGINEER: GL Summit., c/o Goeffrey Summit, P.E.

LOCATION: South of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road

EXISTING USE: Planted Pine Site

FUTURE LAND USE: Rural Settlement (1du/ac)

CURRENT ZONING: AG

PROPOSED DEVELOPMENT: 12 Single Family Residential Subdivision\Mass Grading of Final Development Plans

TRACT SIZE: 80 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 80 Units  
PROPOSED: 12 Units (Phase 1B)

**DISTRIBUTION**

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

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed Use	ZIP	Vacant Land\Planted Pine Trees
North (County)	Rural (1du/10 ac/agricultural)	A-1	Foliage Nursery
East (County)	Rural (1du/10 ac/agricultural)	A-2	Manufactured Home\Grazing Land
South (City)	Rural Settlement(1du/ac)/Conservation	ZIP	Manufactured Home\Planted Pine Trees
West (County)	Rural (1du/10 ac/agricultural)	A-1	Construction, Debris, and Class 3 Land Fill

**ADDITIONAL COMMENTS:** The applicant proposes to develop 12 single family lots in the Golden Gem Estates subdivision. The current zoning is AG; however, the applicant has submitted an application to rezone the property to AG-E. This preliminary design utilizes the requirements contained in the AG-E zoning category.

**ACCESS:** Ingress/egress for the development will be via full access from Golden Gem Road.

**STORMWATER:** One retention pond has been designed to meet the City’s Land Development Code.

**ENVIRONMENTAL:** A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any grading or further site construction activity.

**TREE PROGRAM:** The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. Pine trees have already been harvested from the site. The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program, if applicable.

**LANDSCAPING/BUFFERS:** Per city code, a six-foot brick wall within a ten-foot landscape buffer is required along Golden Gem Road. However, a brick wall will be out of character with the surrounding landscape and environment. In lieu of a brick wall, a 50-foot wide landscape buffer is proposed. The City owns acres to the south, the landfill is located to the west, and large lot residential uses occur to the south and north along Golden Gem Road. Further north along Golden Gem Road, the Wekiva Parkway Interchange Vision Plan Area is just to the north along Golden Gem Road, and it promotes a pedestrian-oriented development theme. Further, it is unreasonable to believe that a 12 lot residential development, which could be trailer homes, can financially support maintenance and replacement of a brick wall at such time it deteriorates or is damaged.

**SCHOOL CAPACITY REPORT:** No development activity beyond the grading activities approved within the Mass Grading Plan can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The developer has submitted a school capacity determination application to OCPS. The schools designated to serve this community are the following: Zellwood Elementary, Wolf Lake Middle and Apopka High School.

**ORANGE COUNTY NOTIFICATION:** The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

**PUBLIC HEARING SCHEDULE:**

July 28, 2015 – Planning Commission (5:01 pm)

August 5, 2015 – City Council (1:30 pm)

## WAIVERS

1. Waiver Request #1: Section 2.02.02.F, LDC. Request to waive requirement for a 1,400 foot long, six foot high brick wall along Golden Gem Road. Applicant requests a waiver to allow a planted 50' landscape buffer in lieu of the construction of a screen wall.

**DRC recommendation** -- DRC supports this waiver request for the following reasons: (a) A homeowners association with only twelve homes is unlikely to financially maintain or replace a 1,400 foot long brick wall; (b) a 50 foot wide landscape buffer will be provided in lieu of a 10 foot wide buffer, and will suffice to provide sufficient screen and distance from the road, and residential setbacks will be measured from the buffer easement or tract line; and (c) an active landfill is located to the west of Golden Gem Road.

2. Waiver Request #2: Section 6.02.07, LDC. Request to waive the requirement for subdivision roadways to have "F" curb and closed drainage systems. Applicant requests a waiver to allow for the use of a "Rural" roadway section utilizing swale drainage and no raised curb.

**DRC recommendation** -- DRC supports the waiver because the character of the subdivision is large-lot and this waiver has been applied to other similar residential developments such as Bluegrass Estates.

3. Waiver Request #3: Section 6.04.01., LDC. Request to waive the requirement for all development to connect to City water and sewer. Applicant requests a waiver to allow the use of individual lot wells and septic systems in lieu of connecting to the City system.

**DRC recommendation** -- DRC does not support this waiver because policy within the City's Comprehensive Plan requires that central water and sewer must be provided to the site, consistent with the intent of the outcome of regional actions emerging from the Wekiva River Basin Protection Study. While the Land Development Code allows for the use of septic tanks, the standard is inconsistent with the below Policies of the Comprehensive Plan.

Policy 1.5.5 - Infrastructure Element of the Comprehensive Plan states:

The permanent use of septic tanks shall only occur for residential developments and neighborhood commercial uses if the following conditions apply:

- a) the septic tanks serve a lot of one acre or larger in size;
- b) a residential development within the City that is located more than one mile from the City's wastewater collection system. The one-mile distance shall be measured from the nearest lot line where the facilities are located; and
- c) it can be demonstrated through soil analysis, subdivision layout, or the use of enhanced technology that comparable groundwater protection can be achieved with small lots.

Exceptions to this policy may be granted by the City for infill projects. For the purposes of this exception provision, infill development shall be considered the development of vacant or underutilized parcels within the City's urbanized areas which are already largely developed. Designation as an infill project shall be done at the sole discretion of the city's Community Development Department (and in compliance with Policy 1.5.9).

Policy 1.5.9, Infrastructure Element of the Comprehensive Plan states:

"The use of septic tanks for new development may be undertaken on an interim basis, not to exceed five cases where central sewer improvements necessary to serve the proposed development are d for construction in the adopted Capital Improvements Program within that five year timeframe.



The approval for and conditions of the use of septic tanks on an interim basis shall be at the sole discretion of the City.”

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the Golden Gem Estates Ph.1A – Preliminary Development Plan for the property owned by Cantero Holding, LLC.

Staff requests:

1. Approval of Waiver Request No. 1 to allow a planted 50’ landscape buffer in lieu of the construction of a screen wall.
2. Approval of Waiver Request No. 2 to allow for the use of a “Rural” roadway section utilizing swale drainage and no raised curb.
3. Denial of Waiver Request No. 3 to allow the use of individual lot wells and septic systems in lieu of connecting to the City system.
4. Approval of the Golden Gem Estates Ph.1A – Preliminary Development Plan for the property owned by Cantero Holding, LLC; and issuance of the Preliminary Development Order.

The **Planning Commission**, at its special meeting on July 28, 2015, recommended:

1. Recommend approval (6-0) of Waiver Request No. 1 to allow a planted 50’ landscape buffer in lieu of the construction of a screen wall.
2. Recommended approval (6-0) of Waiver Request No. 2 to allow for the use of a “Rural” roadway section utilizing swale drainage and no raised curb.
3. Recommend denial (6-0) of Waiver Request No. 3 to allow the use of individual lot wells and septic systems in lieu of connecting to the City system.
4. Recommend approval (6-0) of the Golden Gem Estates Ph.1A – Preliminary Development Plan for the property owned by Cantero Holding, LLC.

Approve the Golden Gem Estates, Phase 1B Preliminary Development Plan and issue the Preliminary Development Order.

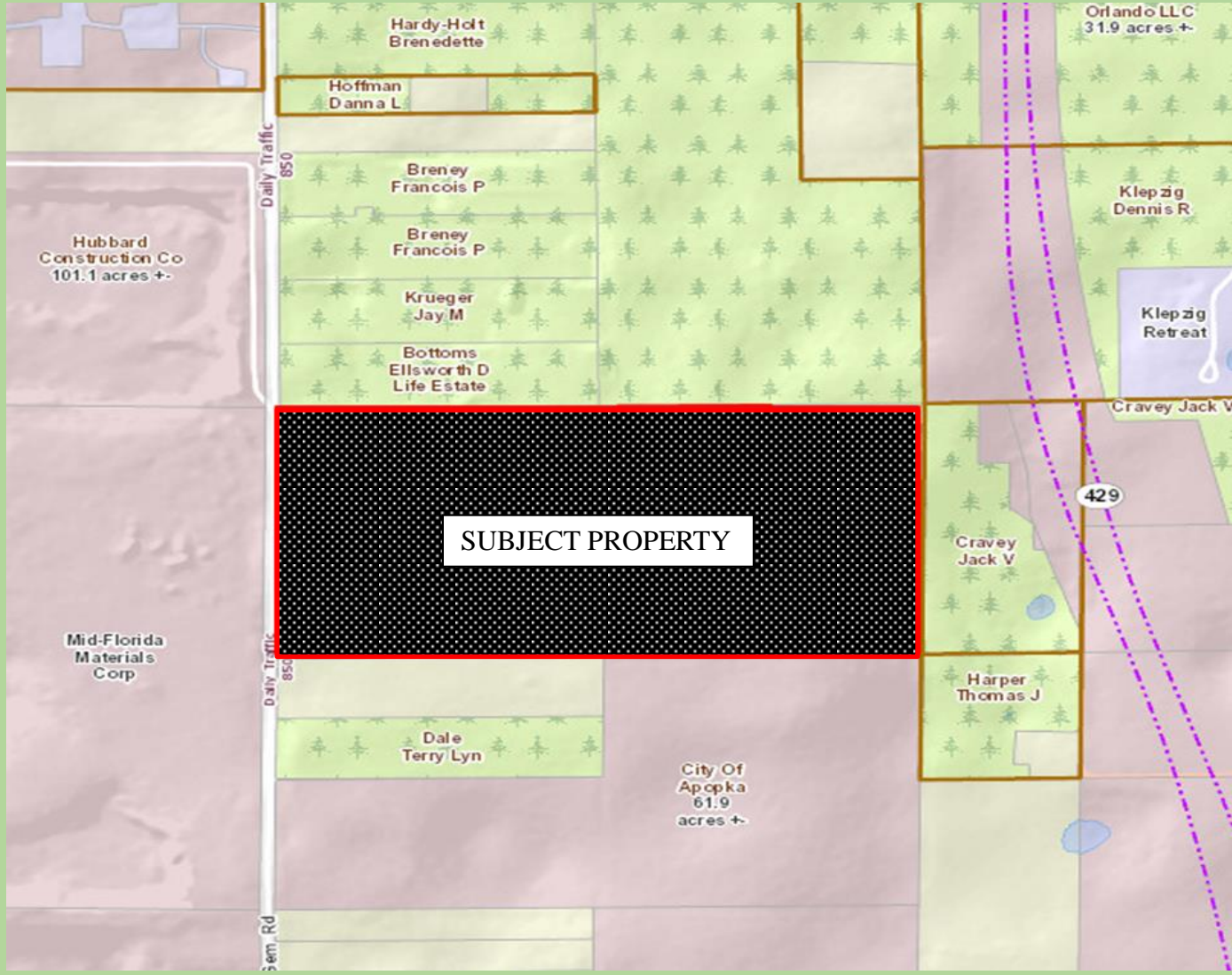
**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**Golden Gem Estates, Phase 1A  
Preliminary Development Plan  
Cantero Holdings, LLC., c/o Mr. Jose Cantero  
GL Summit., c/o Goeffrey Summit, P.E.  
Proposed Maximum Development - 80 Units  
80.00 +/- Total Acres**

**Parcel ID #s: 24-20-27-0000-00-097, 24-20-27-0000-00-098, 24-20-27-0000-00-100,  
24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102,  
24-20-27-0000-00-103, 24-20-27-0000-00-104, 024-20-27-0000-00-105**

**VICINITY MAP**

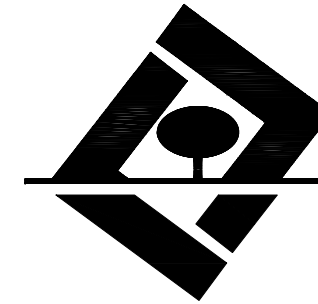


# Golden Gem Estates Phase 1B Preliminary Development Plan

City of Apopka Florida Parcel I.D. # 24-20-27-0000-00-097,98,100-105

for  
**Cantero  
Holdings  
LLC**

by



**G L SUMMITT**  
— ENGINEERING INC —

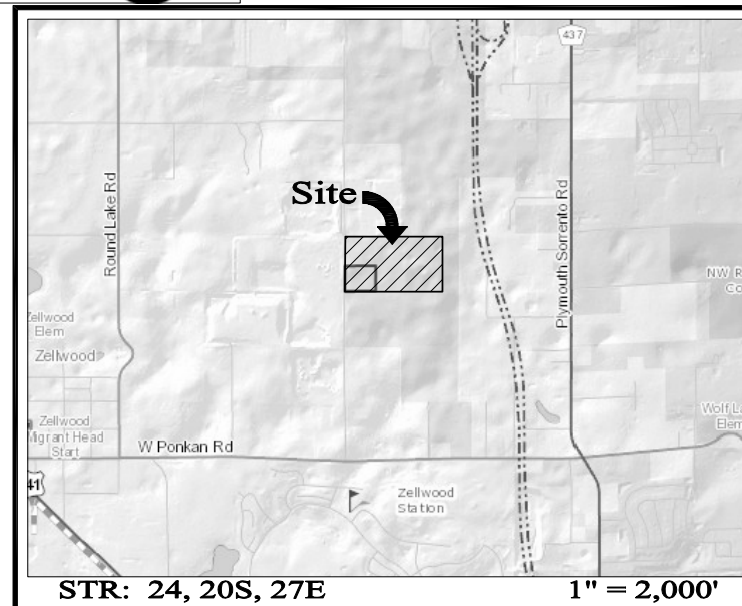
Code #	Code Requirement	(V/W)	Request	Justification
2.02.02.F	Requirement to install a screen wall along frontage	W	Request a waiver to the code to utilize a planted 10' landscape buffer in lieu of construction of screen wall	The small size of the subdivision would make it unfeasible for the HOA to maintain the wall over time
6.02.07	Requirement for subdivision roadways to have 2' curb & closed drainage systems	W	Request a waiver to the code to allow for the use of a "Rural" roadway section utilizing swale drainage and no raised curb	The proposed development is designed as a large estate community and the inclusion of raised curb and closed drainage would provide a more "Urban" feel to the community which is the opposite of development concept
6.04.01.A3&2	Requirement for all development to connect to city water & sewer	W	Request a waiver to the code to allow the use of individual lot wells & septic system in lieu of connecting to the city system	The small size of the community and large lots doesn't justify the cost of installing the utility utilities considering the city is requiring large mains to meet the master plan requirements and although the city cost share for use this would only be a small fraction of the actual cost. Section 6.01.00.D of the code allows individual wells and septic tanks for lots 1 acre or larger

NOTE:

1. A PERMIT IS REQUIRED FROM FFWCC FOR REMOVAL OR RELOCATION OF GOPHER TORTOISES PRIOR TO START OF ANY SITE CONSTRUCTION.
2. THESE CONSTRUCTION PLANS WERE PREPARED IN ACCORDANCE WITH THE MANUAL OF UNIFORM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS, FDOT GREEN BOOK, CITY OF APOPKA AND THE ORANGE COUNTY ROADWAY SPECIFICATIONS.



Vicinity Map



Project Team

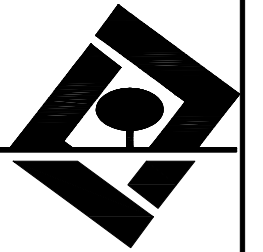
<b>Owner</b> Cantero Holdings, LLC 12601 Avalon Rd. Winter Garden, FL 34787 Ph: 407-239-4565 Fx: 407-239-6011	<b>Surveyor</b> Ralph Thomas Snow 2624 Bent Hickory Circle Longwood, FL 32779 Ph: (407) 701-6101 Fx:
	<b>Civil Engineer</b> G L Summitt Engineering, Inc. 3667 Simonton Place Lake Mary, FL 32746 Ph: (407) 323-0705 Fx: (407) 992-8630
	<b>Landscape Architect</b> Ravensdale Planning & Design, Inc. 703 Greens Ave. Winter Park, FL 32789 Ph: (407) 647-1213 Fx:

Utilities

<b>Drinking Water</b> City of Apopka 150 East 5th St. Orlando, FL 32703 Ph: (407) 703-1727 Fx: (407) 703-1630	<b>Sanitary Sewer</b> City of Apopka 150 East 5th St. Orlando, FL 32703 Ph: (407) 703-1727 Fx: (407) 703-1630
<b>Garbage Disposal</b> City of Apopka 150 East 5th St. Orlando, FL 32703 Ph: (407) 703-1727 Fx: (407) 703-1630	<b>Reclaim Water</b> City of Apopka 150 East 5th St. Orlando, FL 32703 Ph: (407) 703-1727 Fx: (407) 703-1630

Drawing Index

No.	Title	Revised
1	Coversheet	06-24-15
2	Symbols & Abbreviations	06-24-15
3	Existing Conditions	06-24-15
4	Overall Site Plan	06-24-15
5	Detailed Site Plan	06-24-15
6	Paving & Drainage Plan	06-24-15
7	Landscape Plan	06-24-15
8	Landscape Details	06-24-15
9-10	General Details	06-24-15



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Golden Gem Estates  
Phase 1B  
City of Apopka, Florida

Preliminary  
Development Plan

CoverSheet

Plans not valid unless Signed,  
Dated and Sealed below.  
**GEOFFREY L. SUMMITT, P.E.**  
Date: June 24, 2015  
FL Registration #58775  
Certificate of Authorization #29665

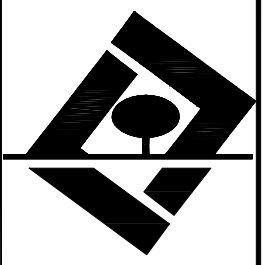
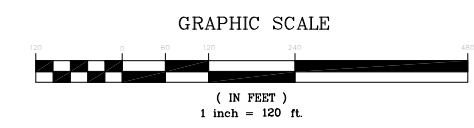
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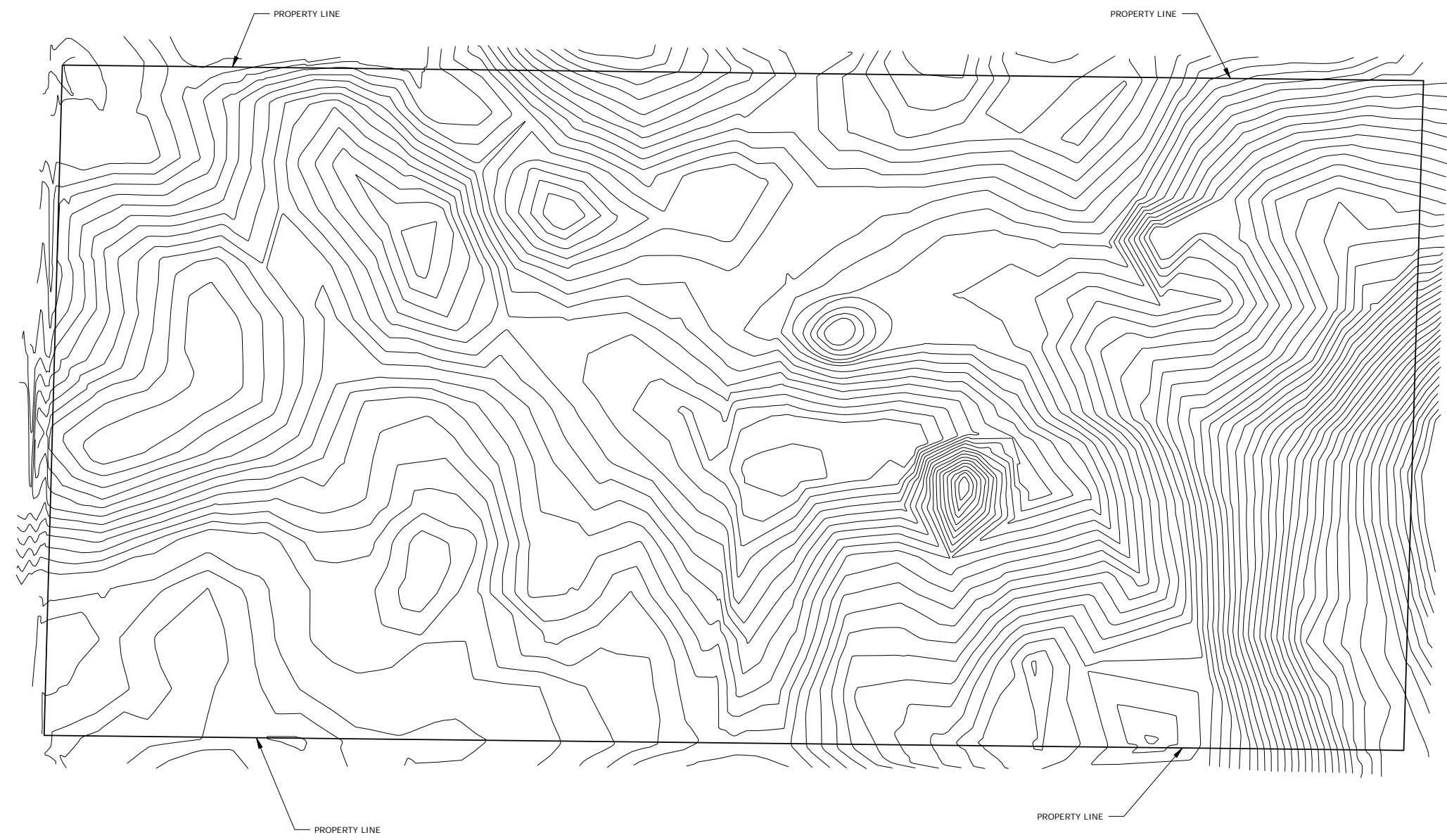
SHEET NUMBER

1 OF 10





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Golden Gem Estates  
**Phase 1B**  
City of Apopka, Florida

**Preliminary  
Development Plan**

**Existing  
Conditions  
Plan**

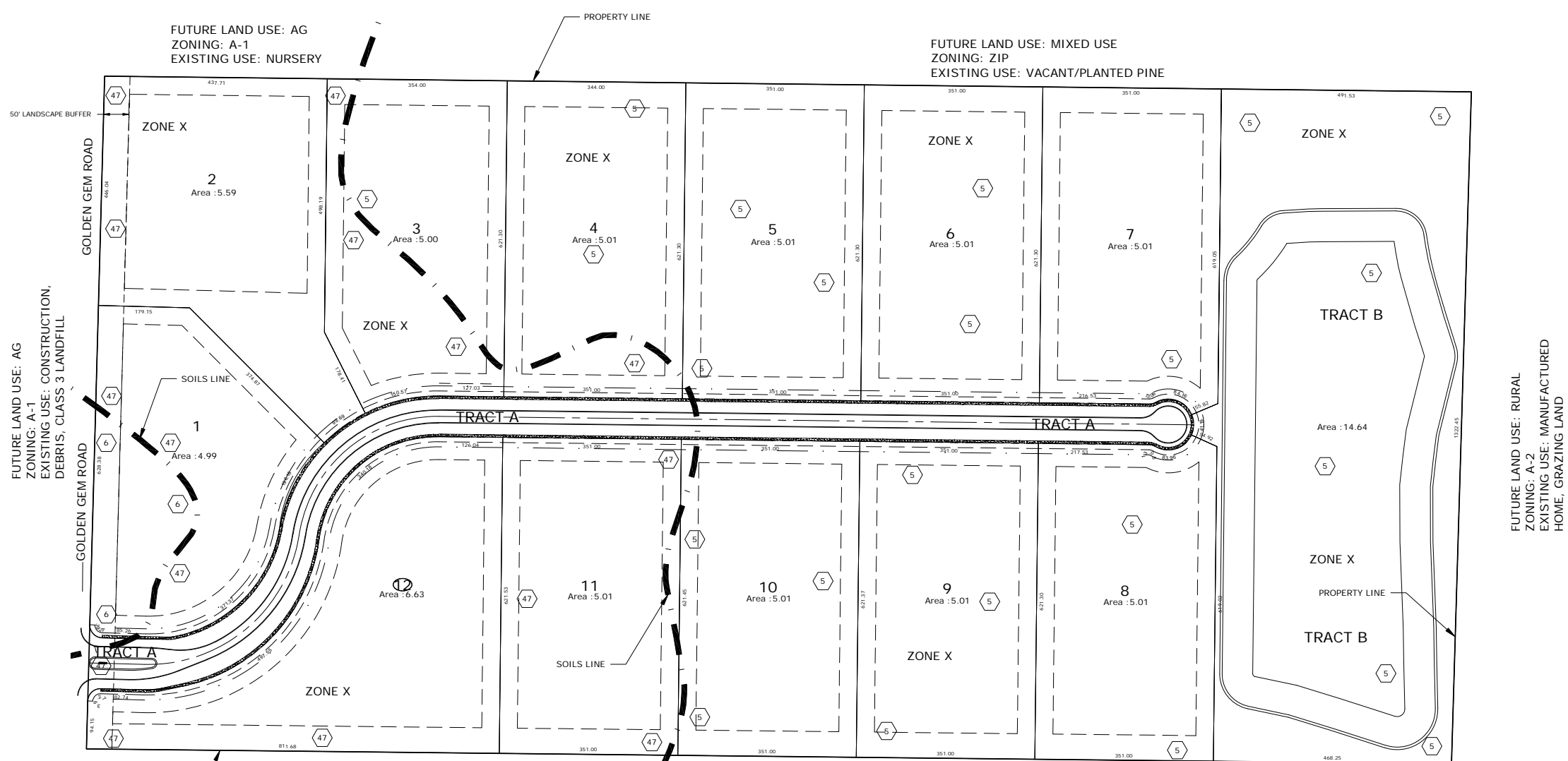
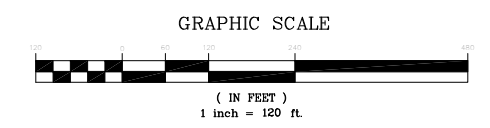
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SHEET NUMBER  
**3 OF 10**



SITE DATA TABLE	
PARCEL ID NUMBER	24-20-27-0000-00-097, 098, 100-105
FUTURE LAND USE	Agricultural
ZONING	AG-E
ADJACENT LAND USE	North: Mixed Use (City), Rural (Co) East: Rural (County) South: Rural Settlement/Con. West: Rural (Co.)
ADJACENT ZONING	North: ZIP(city) A-1 (county) East: A-2 (county) South: ZIP(city) West: A-1 (county)
ACREAGE/SQUARE FOOTAGE	Acres: 81.34 S.F. 3,543,170 sqft.
BUILDING HEIGHT	Proposed: 35 Max: 35
DENSITY	Proposed: 15 units/ac. Max: N/A
BUILDING SETBACKS	Proposed: Front: 45 Side: 35 Rear: 50 Corner: 35 Required: Front: 45 Side: 35 Rear: 50 Corner 35
OPEN SPACE	Proposed: 637,718 S.F. 14.64 Acres Required: S.F. Acres
IMPERVIOUS SURFACE	252,800 sqft. 5.8 acres
WAIVER REQUEST	Yes: X No:
VARIANCE REQUEST	Yes: No:

- SOILS LEGEND:**
- 5 CHANDLER FINE SANDS
  - 6 CHANDLER-APOPKA FINE SANDS
  - 47 TAVARES MILLHOPPER FINE SANDS

- SITE DATA:**
- Site is located in Section 24, Township 29 South, Range 27 East, City of Apopka Florida
  - Current Site Zoning: AG Proposed Zoning: AG
  - Current Future Land Use: Agricultural
  - Site Contains 80 acres more or less (±) 4,848,800 square feet
    - Net Developable Area = 50,000 ac. - 5 ac. (Water) = 45,000 ac.
  - Existing Use: Agricultural Proposed Use: Single Family Residential
  - Total Number of Proposed Single Family Units: 12
  - Residential Density: 12 Single Family Units / 50.00 acres = 15 units/acre
  - Projected School Age Population: 12 Single Family Units x 0.431 = 5 students
  - Proposed Minimum Lot Dimensions: Single Family Detached: 297,800 sqft ± to: Living Area (sq. ft.): 2,750 Max. Lot Width @ 84 ft. Dk. (ft.): 350 Max. Lot Depth (ft.): 650 Max. Building Height (ft.): 35 / 2 Story Lot Impervious Area: 30% Max.: 125,000 sq. ft.
  - Building Setbacks: Single Family Detached: Front yard setback: 45 (rear structural), 10 (face of garage) Side yard setback: 35 (overall), 0 (end units) Rear yard setback: 50 Side Street setback: 35
  - Property Line Setbacks: Single Family Detached: Golden Gate HOA Line setbacks: 25 (Building, 15 (Fence))
  - No alteration of the floodplain is anticipated with the proposed construction.
  - Fire flow shall be provided according to the following:
    - a. Single Family Townhome: Rural Homes without public water supply no hydrants available
  - Water service will be provided by individual wells.
  - Sewer service will be via individual septic systems.
  - There is no water or sewer service within one thousand feet of the property.
  - All traffic markings shall be in accordance with City of Apopka and FDOT roadway specifications.
  - Project to be constructed in multiple phases. First phase will consist of mass grading and pond construction. Second phase will consist of roadway and subdivision infrastructure.
  - Sidewalks will be provided internally and adjacent to all roadways.
  - Onsite drainage system will be privately owned and maintained by the HOA.
  - Trip Generation: Single Family Residential: 12 units @ 9.5 trips per day = 114 ADT
  - Required Off-Street Parking: Single Family: Number of Units: 12 Required Parking Spaces: 24 (2 spaces per unit) Provided Parking Spaces: 24 (garage spaces) + driveway spaces
  - Living Area is defined as that area serviced by a HVAC system.
  - All external HVAC equipment shall be placed on one side of building only.
  - Proposed Finished Floor grades are expected to be 12" minimum above property line grade.
  - No trees are located onsite. See Landscape Plan for proposed trees & plantings.
  - Onsite billboards are prohibited.
  - Street lighting shall be in accordance with City of Apopka Land Development regulations. All lighting will be owned and maintained by HOA and/or City of Apopka.
  - Architectural Exteriors of all residential buildings shall meet the intent of the City of Apopka Development Design Guidelines.

FUTURE LAND USE: RURAL SETTLEMENT  
ZONING: ZIP  
EXISTING USE: PLANTED PINE TREE

Lot Number	Lot Frontage of Right-of-way (ft.)	Total Lot Area (sqft.)
1	692	217,810
2	100	243,500
3	278	218,002
4	351	218,077
5	351	218,077
6	351	218,077
7	314	218,328
8	315	218,222
9	351	218,088
10	351	218,115
11	351	218,142
12	1,086	288,776

**Golden Gem Estates Legal Description (provided by Client)**

Parcel 1: The South 640 feet of the North 660 feet of the West 1391.25 feet of the NW ¼ of Section 24, T 20 S, R 27 E, Orange County, Florida, LESS the West 30 thereof for ROW.

Parcel 2: The South 640 feet of the North 1300 feet of the West 1391.25 feet of the NW ¼ of Section 24, T 20 S, R 27 E, Orange County, Florida, LESS the West 30 thereof for ROW.

Parcel 3: The North 660 feet of the West 1391.25 feet of the NW ¼ of Section 24, T 20 S, R 27 E, Orange County, Florida, LESS the West 1391.25 feet of the South 640 feet of the North 660 feet of said NW ¼, LESS the West 30 thereof for ROW.

Parcel 4: The South 660 feet of the North 1320 feet of the NW ¼ of Section 24, T 20 S, R 27 E, Orange County, Florida, LESS the West 1391.25 feet of the North 1300 feet of said NW ¼, LESS the West 30 thereof for ROW.

TRACT LABEL	TRACT TYPE	Area (Ac.)	TRACT DEDICATED TO	EASEMENT DEDICATED TO
A	Rights-of-Way	4.63	City of Apopka	Public Utilities
B	Stormwater Tract	14.64	HOA	City of Apopka

**G L SUMMITT**  
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www.GLSeng.com

Cantero Holding, LLC  
12601 Avalon Road  
Winter Garden, FL 34787  
407-239-4565  
407-239-6011

Golden Gem Estates  
Phase 1B  
City of Apopka, Florida  
Preliminary  
Development Plan

Overall Site  
Plan

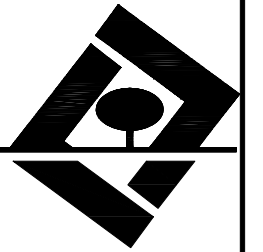
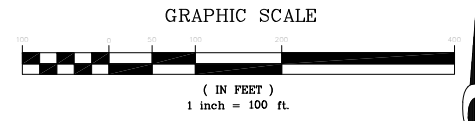
Plans not valid unless Signed,  
Dated and Sealed below.

\_\_\_\_\_  
GEOFFREY L. SUMMITT, P.E.  
Date: June 24, 2015  
FL Registration #58775  
Certificate of Authorization #29665

NO.	DATE	DESCRIPTION
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SHEET NUMBER  
4 OF 10





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Golden Gem Estates  
 Phase 1B  
 City of Apopka, Florida

Preliminary  
 Development Plan

Site Plan

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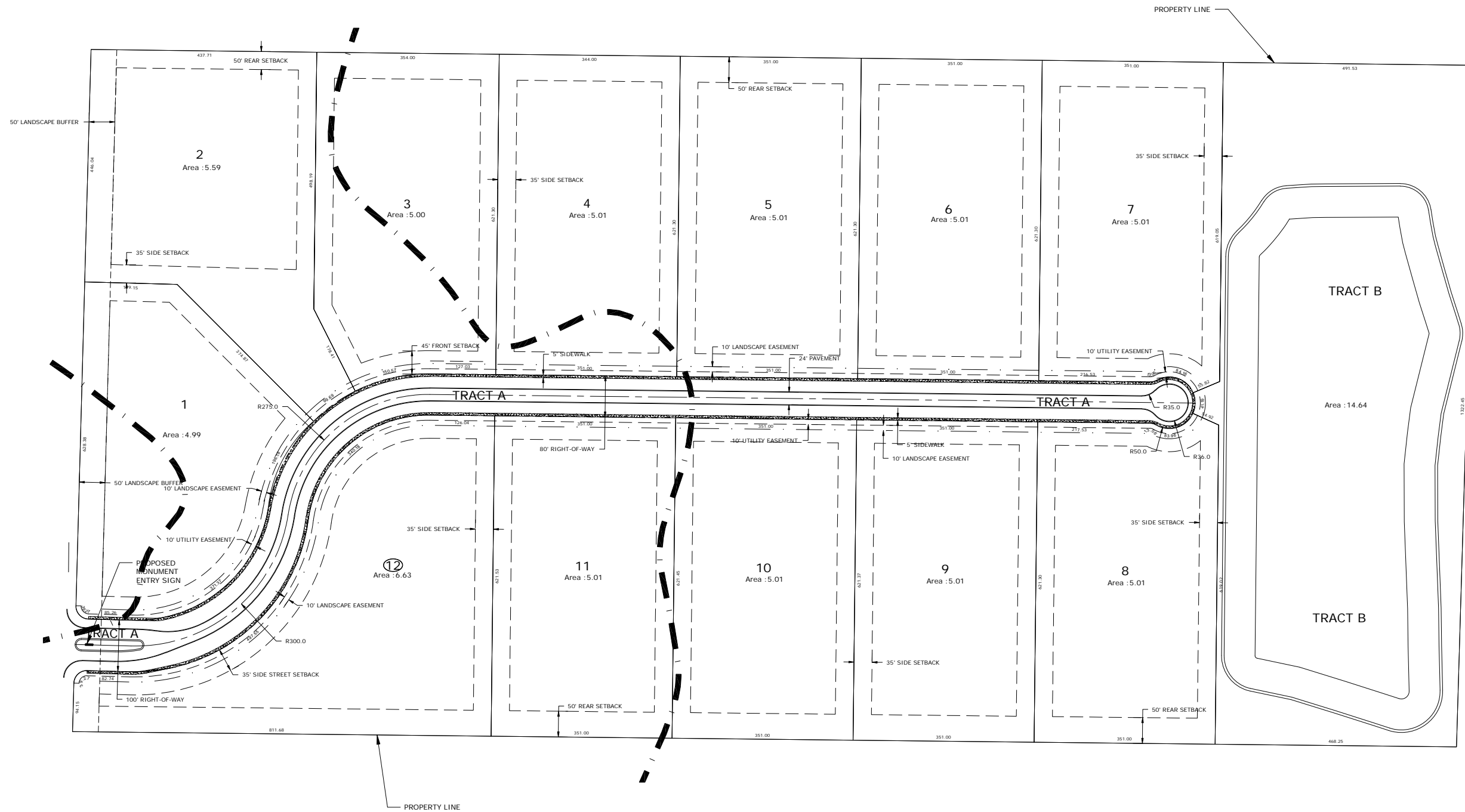
GOFFREY L. SUMMITT, P.E.  
 Date: June 24, 2015  
 FL Registration #58775  
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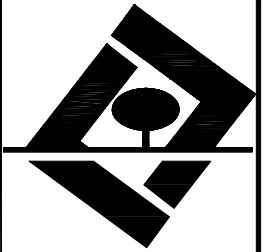
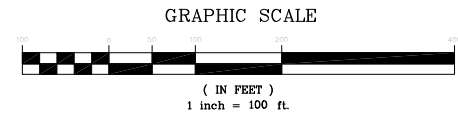
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SHEET NUMBER

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Golden Gem Estates  
**Phase 1B**  
 City of Apopka, Florida

**Preliminary  
 Development Plan**

**Paving &  
 Drainage Plan**

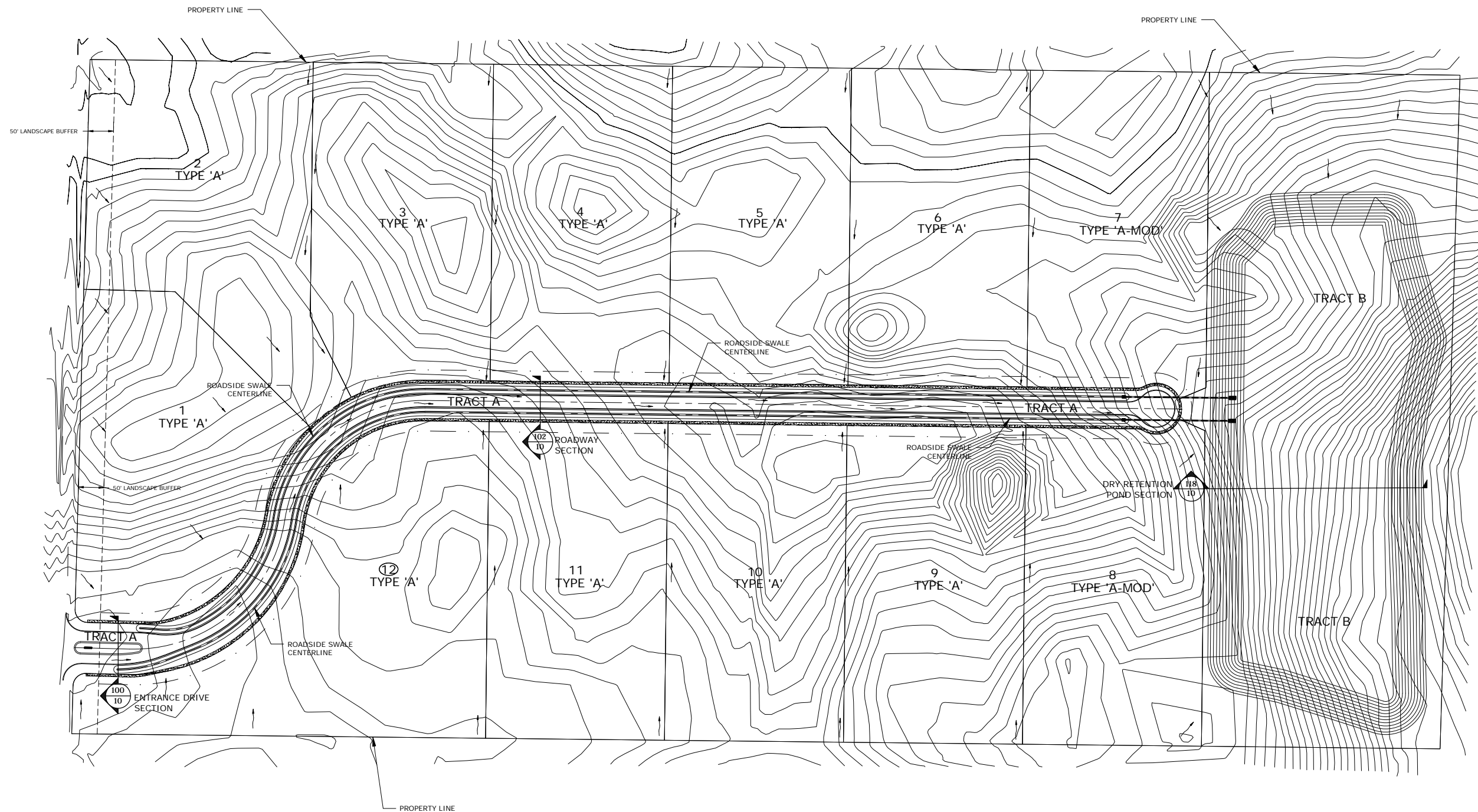
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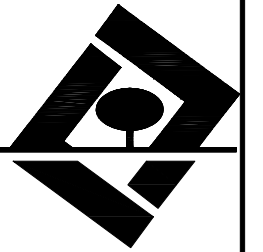
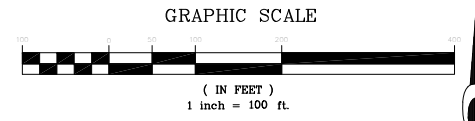
**GEOFFREY L. SUMMITT, P.E.**  
 Date: June 24, 2015  
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**Revisions**

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Golden Gem Estates  
Phase 1B  
City of Apopka, Florida

Preliminary  
Development Plan

Landscape  
Plan

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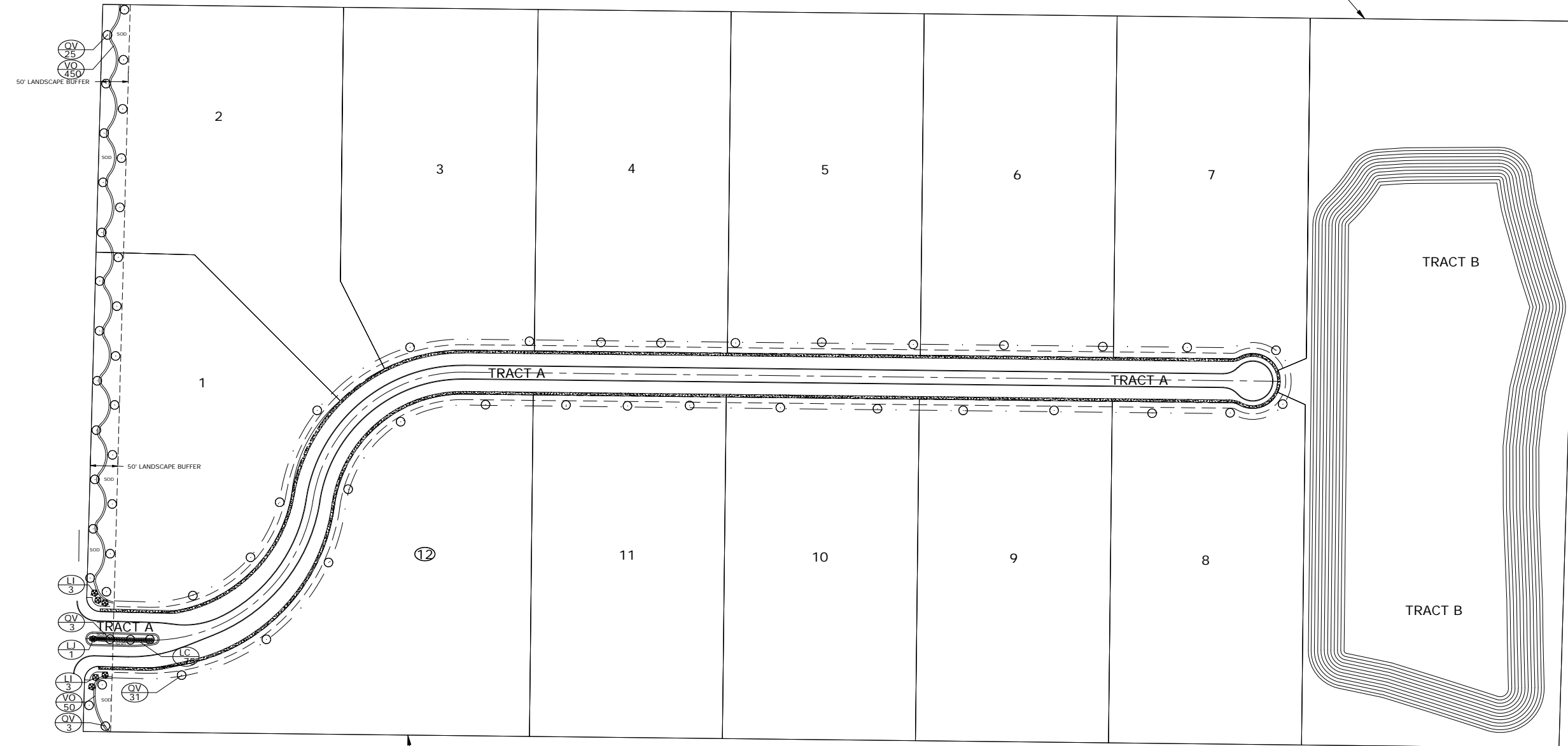
GOFFREY L. SUMMITT, P.E.  
Date: June 24, 2015  
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Revisions

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7 OF 10



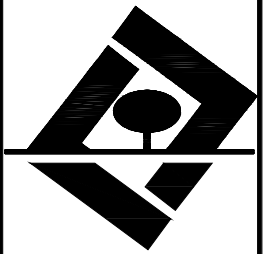
NOTE:

1. AN IRRIGATION PLAN & DESIGN MEETING THE CITY OF APOPKA REQUIREMENTS WILL BE PROVIDED WITH THE FINAL DEVELOPMENT PLAN.
2. LANDSCAPING & IRRIGATION PLANS SHALL BE IN ACCORDANCE WITH LDC ARTICLE V, WATER-WISE ORDINANCE NO. 2069.
3. IN ADDITION TO THE STREET TREES SHOWN EACH LOT SHALL BE REQUIRED TO HAVE THREE (3) ADDITIONAL TREES PLANTED ON THE LOT.

LANDSCAPE AND IRRIGATION DESIGN

I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_



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**Golden Gem Estates**  
**Phase 1B**  
 City of Apopka, Florida

**Preliminary**  
**Development Plan**

**Landscape**  
**Details**

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 Date: June 24, 2015  
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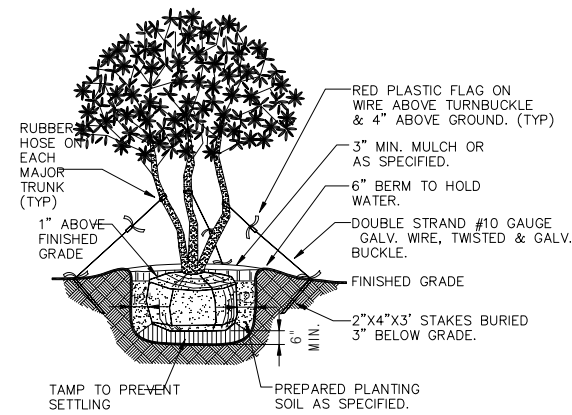
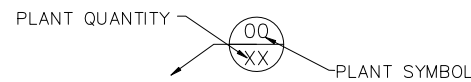
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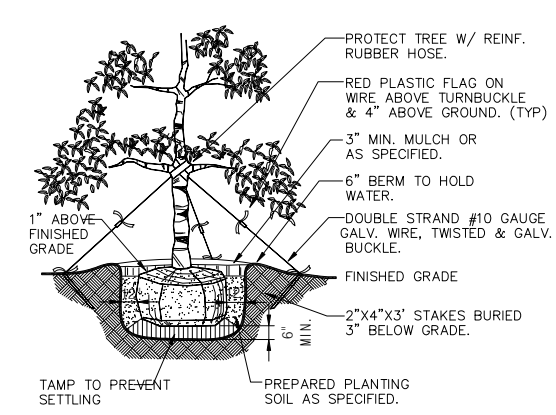
**PLANT LIST**

SYMBOL	BOTANICAL NAME (COMMON NAME)	MINIMUM SIZE /SPACING	DROUGHT TOLERANCE	NATIVE FLORIDA	QUANTITY
QV	QUERCUS VIRGINIANA (LIVE OAK)	8' MIN.HT. 2.5" DBH. 4'-5'MIN.SPREAD.	YES	YES	62
LI	LAGERSTROMIA INDICA (CREPE MYRTLE)	6'-8' MIN.HT. 2" CAL.	YES	YES	6
LJ	LIGUSTRUM JAPONICUM (LIGUSTRUM)	MULTI-TRUNK. 6'-8' MIN.HT. 2" CAL. MULTI-TRUNK.	YES	NO	1
LC	LOROPETALUM 'RUBRUM' (LOROPETALUM)	20" MIN.HT. 20" MIN.SPREAD 5 GAL. 30" O.C.	YES	NO	75
VO	VIBURNUM ODORATISSIMUM (SWEET VIBURNUM)	24' MIN.HT. 24" MIN.SPREAD 5 GAL. 30" O.C.	YES	NO	500
SOD	BAHIA	QUANTITY TO BE CALCULATED BY CONTRACTOR	YES	YES	

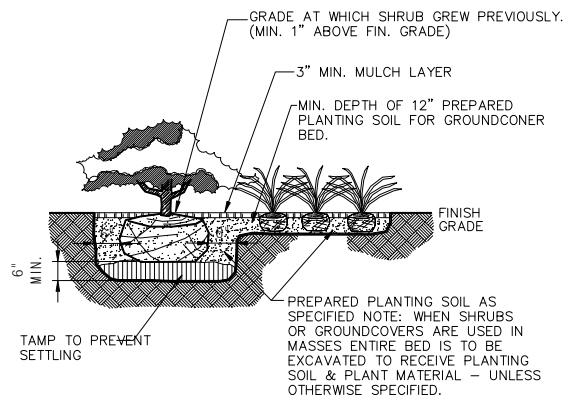
**NOTE:**  
 WHERE GALLON REFERENCES MAY CONFLICT WITH HEIGHT/SPREAD AND CALIPER MEASUREMENTS, THE HEIGHT/SPREAD AND CALIPER MEASUREMENTS SHALL GOVERN.



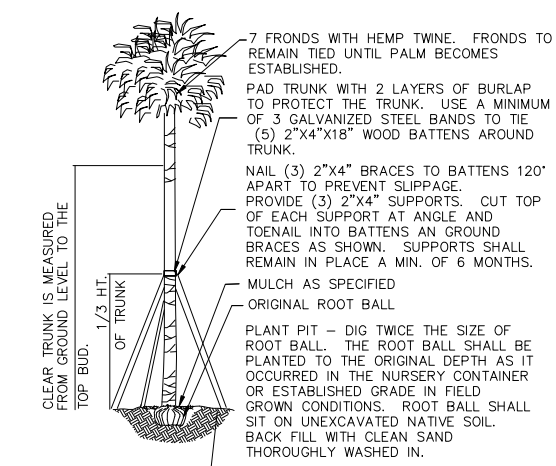
1 MULTI-TRUNK DETAIL NTS



2 TREE PLANTING DETAIL NTS



3 SHRUB AND GROUND COVER DETAIL NTS



4 PALM PLANTING DETAIL NTS

**GENERAL LANDSCAPE NOTES**

- ALL PLANTS TO BE FLORIDA NO. 1, OR BETTER AS OUTLINED UNDER 'GRADES AND STANDARDS FOR NURSERY PLANTS, PART I, 1963 AND PART II, STATE OF FLORIDA DEPARTMENT OF AGRICULTURE, TALLAHASSEE, FLORIDA, AND ANY AMENDMENTS THERETO.
- ALL TREES AND PLANT MATERIAL SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS DESCRIBED IN THE CITY OF APOPKA LAND DEVELOPMENT CODE LANDSCAPE REQUIREMENTS.
- THE LANDSCAPE CONTRACTOR (CONTRACTED BY OWNER, N.I.C.) SHALL BE RESPONSIBLE FOR ALL MATERIALS AND ALL WORK AS CALLED FOR ON THE LANDSCAPE PLANS. THE LIST OF PLANT QUANTITIES ACCOMPANYING THE PLANS SHALL BE USED AS A GUIDE ONLY. IF A VARIATION OCCURS BETWEEN THE PLANS AND THE PLANT LIST, THE PLANS SHALL CONTROL.
- ALL TREES, SHRUBS AND GROUND COVERS SHALL BE PLANTED USING A SOIL MIXTURE PREPARED ACCORDINGLY (2/3 EXISTING SOIL, 1/3 PEAT).
- THE LANDSCAPE CONTRACTOR SHALL INSURE ADEQUATE VERTICAL DRAINAGE IN ALL PLANT BEDS AND PLANTERS. VERTICAL DRILLING THROUGH ANY COMPACTED FILL TO NATIVE SOIL SHALL BE ACCOMPLISHED TO AID DRAINAGE.
- ALL PLANT BEDS AND TREE WATERING BASINS SHALL BE TOP DRESSED WITH THREE INCHES (3") OF SHREDDED CYPRESS MULCH
- NO TREES SHALL BE PLANTED CLOSER THAN FIVE FEET (5) FROM THE EDGE OF PAVEMENT TO ALLOW ADEQUATE TREE TRUNK PROTECTION.
- LANDSCAPE CONTRACTOR SHALL BE WHOLLY RESPONSIBLE FOR STABILITY AND PLUMB CONDITION OF ALL TREES AND SHALL BE LEGALLY LIABLE FOR ANY DAMAGE CAUSED BY THE INSTABILITY OF ANY PLANT MATERIAL.
- ALL LAWN AREAS TO RECEIVE SOD SHALL BE DISKED FOUR(4) TO SIX(6) INCHES AND DRAGGED TO ESTABLISH A LEVEL FINISH GRADE. ALL DEBRIS TO BE REMOVED FROM THE SITE.
- SOD SHALL BE FREE OF WEEDS AND PESTS. IT SHALL BE LAID EVENLY AND ROLLED, WITH TIGHT FITTING JOINTS. THE SOD SHALL CONTAIN MOIST SOIL WHICH DOES NOT FALL APART OR TEAR WHEN LIFTED. ALL AREAS NOT PAVED OR OTHERWISE LANDSCAPED SHALL BE SODDED. SOD SHALL BE ARGENTINE BAHIA OR EQUAL.
- ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SYSTEM, WITH 100% COVERAGE, BACKFLOW PREVENTOR, & RAIN SENSOR DEVICE. DIRECT SPRAY HEADS AWAY FROM ANY NATURAL AREAS AND PAVED SURFACES.
- THE TREE CALIPER OF ALL CANOPY TREES SPECIFIED ON THE PLANT LIST SHALL BE AT LEAST THREE (2.5) INCHES IN DIAMETER WHEN MEASURED AT FIFTY-FOUR(54) INCHES ABOVE GRADE.
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OCCURRING ON SITE OR ADJACENT AREAS, INCLUDING BUT NOT LIMITED TO BUILDINGS, PAVING, UTILITIES, ETC., WHICH IS CAUSED BY PREPARING OR INSTALLING ANY AND ALL PLANT MATERIAL.

**NOTE:**

- AN IRRIGATION PLAN & DESIGN MEETING THE CITY OF APOPKA REQUIREMENTS WILL BE PROVIDED WITH THE FINAL DEVELOPMENT PLAN.
- LANDSCAPING & IRRIGATION PLANS SHALL BE IN ACCORDANCE WITH LDC ARTICLE V, WATER-WISE ORDINANCE NO. 2069.

**Ravensdale Planning & Design**

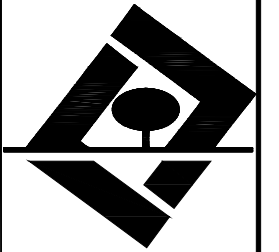
Land Planning Landscape Architecture • Project Management • Expert Witness

703 Greens Avenue, Winter Park, Florida 32789  
 (407) 647-1213 (407) 647-6359 FAX.

LANDSCAPE AND IRRIGATION DESIGN

I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ RES NO \_\_\_\_\_ DATE \_\_\_\_\_



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Golden Gem Estates  
Phase 1B  
City of Apopka, Florida

Preliminary  
Development Plan

General  
Details 1

Plans not valid unless Signed,  
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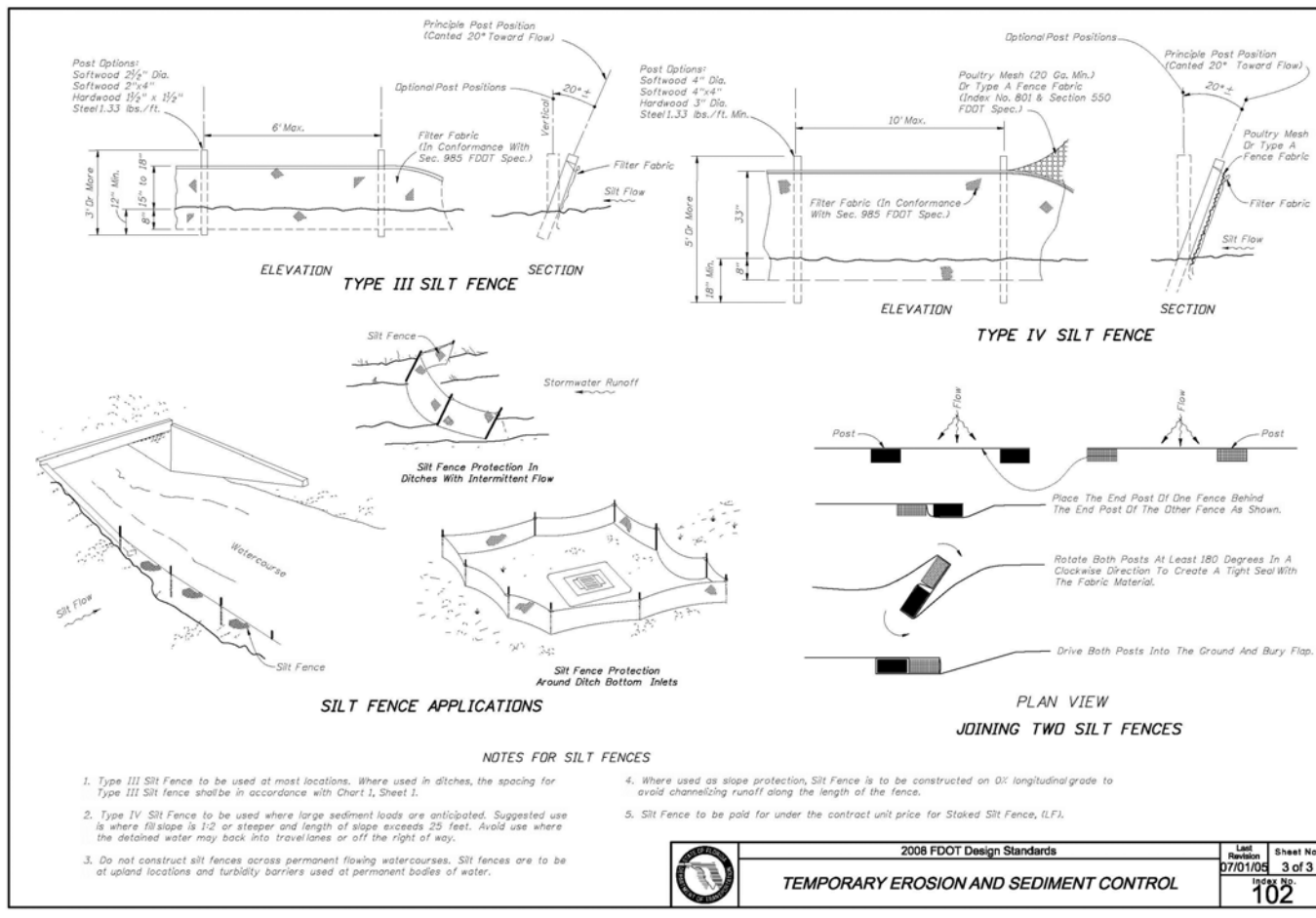
**GEOFFREY L. SUMMITT, P.E.**  
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**Revisions**

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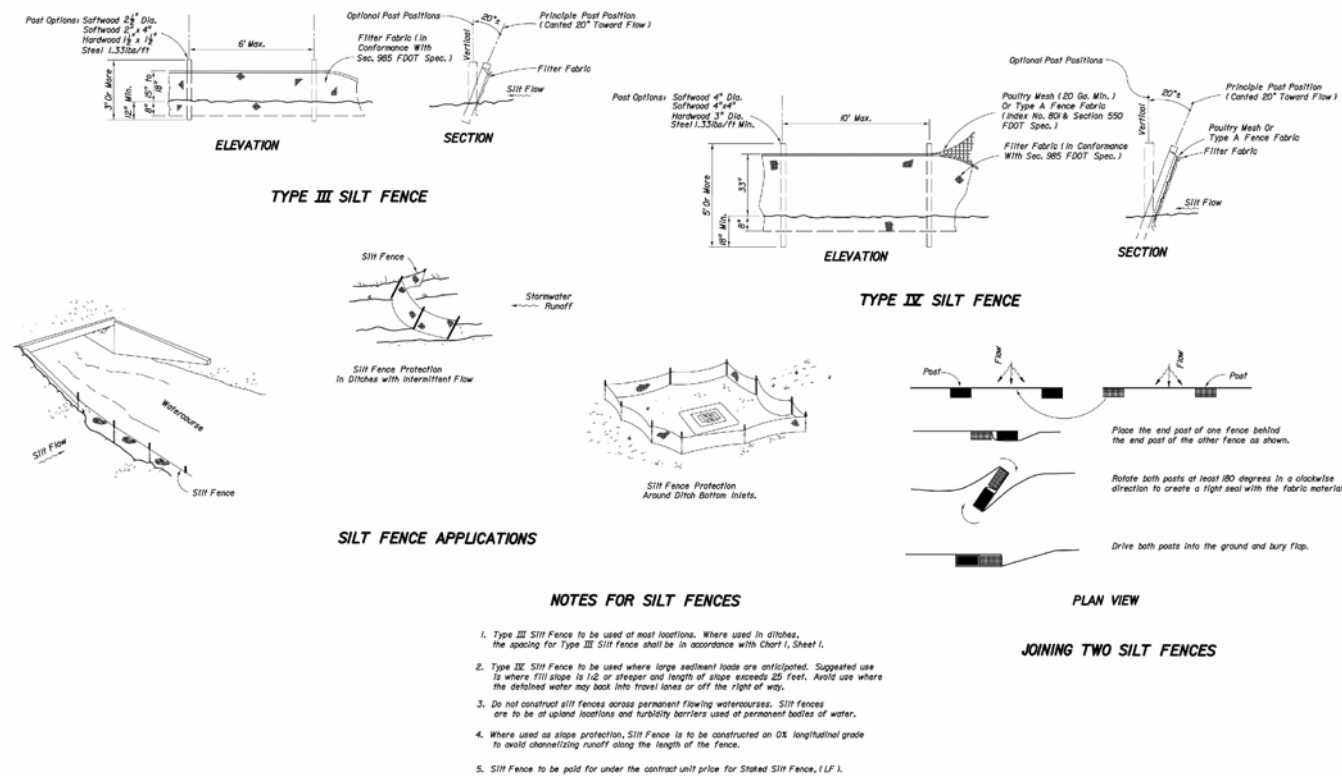
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9 OF 10

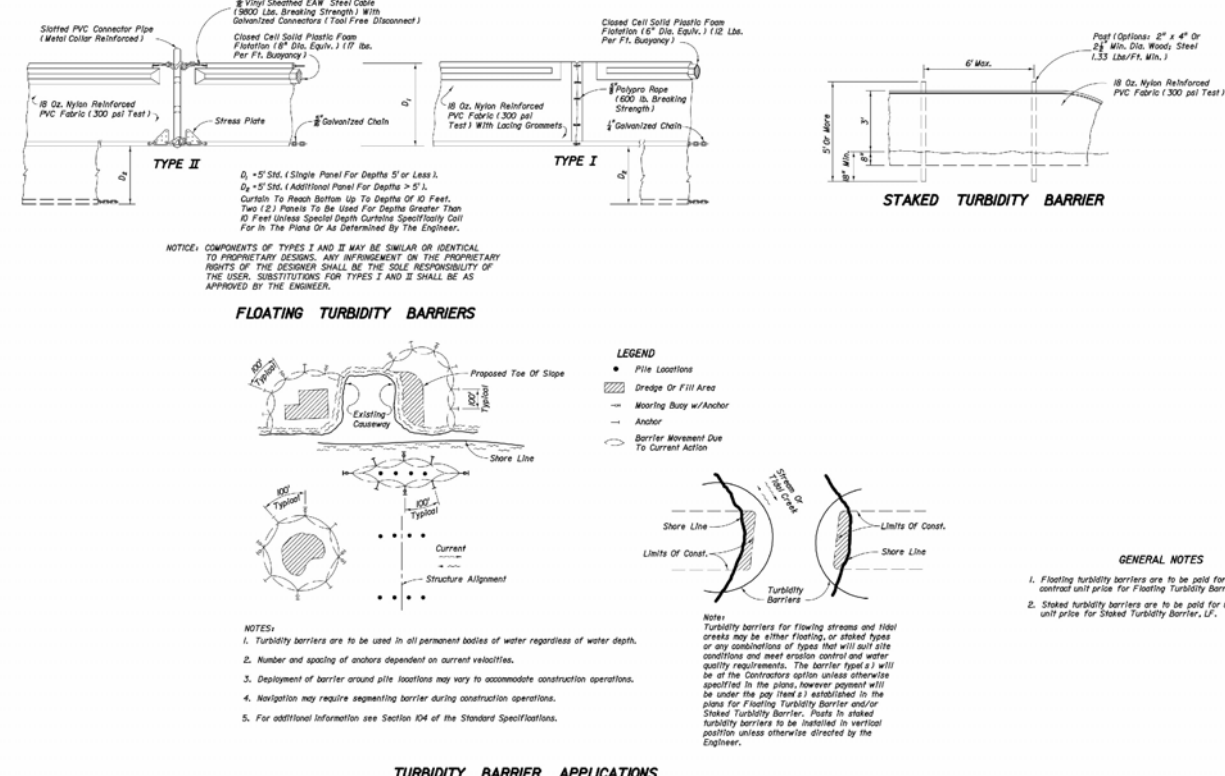


100 TEMPORARY EROSION & SEDIMENT CONTROL  
N.T.S.

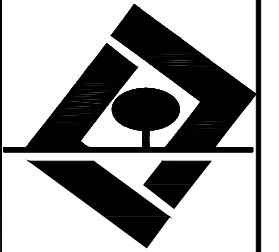
101 TYPE 'P' & 'J' STRUCTURE BOTTOMS  
N.T.S.



102 EROSION CONTROL /SILT FENCE DETAIL  
N.T.S.



TURBIDITY BARRIER APPLICATIONS



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Golden Gem Estates  
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 City of Apopka, Florida

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General  
 Details 2

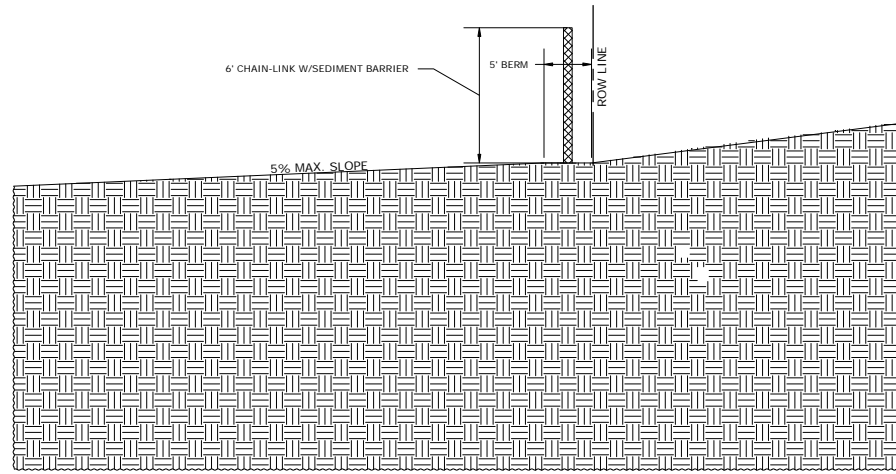
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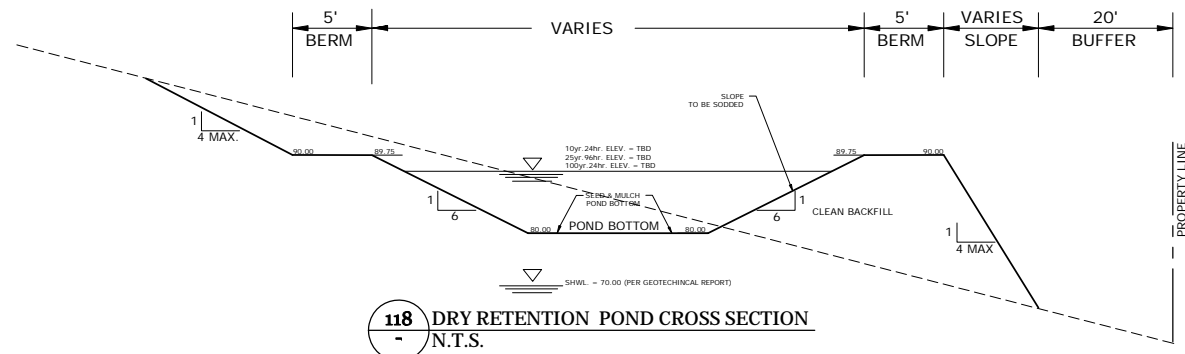
**Revisions**

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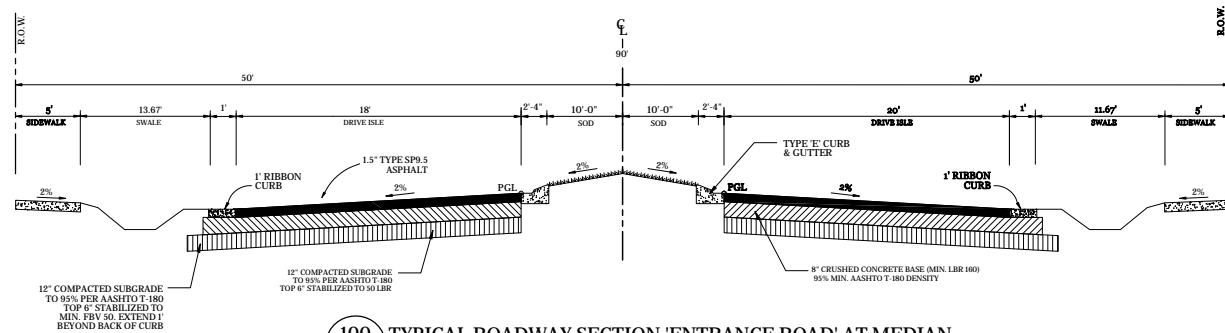
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**10 OF 10**



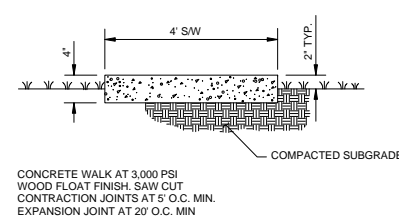
**117** GOLDEN GEM ROAD GRADING SECTION  
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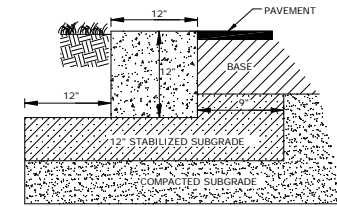
**118** DRY RETENTION POND CROSS SECTION  
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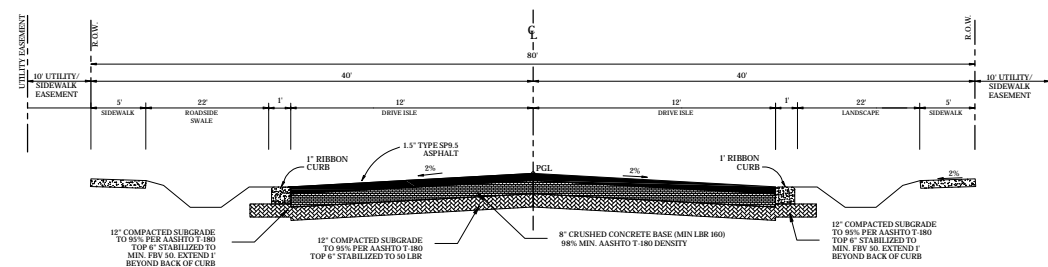
**100** TYPICAL ROADWAY SECTION 'ENTRANCE ROAD' AT MEDIAN  
 N.T.S.



**103** STANDARD SIDEWALK DETAIL  
 N.T.S.



**300R** CONCRETE RIBBON CURB  
 N.T.S.



**102** TYPICAL ROADWAY CROSS SECTION  
 N.T.S.



**Backup material for agenda item:**

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



# CITY OF APOPKA CITY COUNCIL

---

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	August 5, 2015
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Vicinity Map
<input checked="" type="checkbox"/> OTHER: Final Development Plan		Site Plan
		Architecture Elevations
		Landscape Plan
		Parking Lot Buffer
		Hardscape Plan
		Lighting Plan

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**SUBJECT:** FINAL DEVELOPMENT PLAN - MARDEN RIDGE APARTMENTS, PHASE 1B, OWNED BY EMERSON POINT ASSOCIATES, LLLP

**Request:** APPROVE THE MARDEN RIDGE APARTMENTS, PHASE 1B, FINAL DEVELOPMENT PLAN, OWNED BY EMERSON POINT ASSOCIATES, LLLP; AND ISSUE THE FINAL DEVELOPMENT ORDER. (PARCEL ID NUMBER: 17-21-28-0000-00-029)

**SUMMARY**

OWNERS: Emerson Point Associates, LLLP

APPLICANT: MMI Development, Inc., c/o Michael E. Wright, Esq.

ENGINEER: GAI Consultants, Inc., c/o Anthony Call, P.E.

LOCATION: Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, north of the S.R. 414

EXISTING USE: Planted Pine

FUTURE LAND USE: Residential High (0-15du/ac)

CURRENT ZONING: R-3

PROPOSED DEVELOPMENT: Apartment (272 units/5 Buildings)

PROPOSED ZONING: Planned Unit Development (PUD/R-3)

TRACT SIZE: Apartments: 18.05 +/- Acres  
Overall Site: 42.17 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 536 Units (35.74 ac)  
PROPOSED: 272 Units (Phase 1B) on 18.05 ac

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**DISTRIBUTION**

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

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<b><u>Direction</u></b>	<b><u>Future Land Use</u></b>	<b><u>Zoning</u></b>	<b><u>Present Use</u></b>
North (City)	Commercial	C-1	Vacant Land
East (City)	Res. Medium (0-10 du/ac)	R-3	Vacant Land
East (County)	Low Medium Density Res. (10 du/ac)	R-2	Apartments
South (City)	Mixed Use (0-15 du/ac)	M-EC	Vacant Land
West (City)	Industrial	I-1	Northwest Distribution

**ADDITIONAL COMMENTS:** The Marden Ridge Apartments, Phase 1B, Final Development Plan proposes 272 apartment units located on approximately 18.05 acres within 42.17 +/- acres site. The overall site is comprised of 6.43 acres being designated for Commercial (C-1) use and 35.74 acres of the property designated for Residential High (PUD/R-3) use. Development of the remaining 17.69 acres of residential land will occur at a later date through a separate Preliminary Development Plan application, as will development of the 6.43 acres of land assigned the C-1 commercial zoning category. The developer has proposed five (5), four (4) story buildings at approximately fifty-eight (58) feet in height; with a projected population of 784 people. The PUD/R-3 zoning district allows for the construction of apartments with a minimum living area of 750s.f. per unit.

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

**PARKING:** The developer has proposed 544 parking spaces which meet the City’s Land Development Code.

LDC 6.03.02. - Number of parking spaces required.

Residential dwelling units, single-family, duplex, multifamily	2 spaces per dwelling unit
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**ACCESS:** Ingress/egress for the development will be via two (2) full access points from Marden Road.

**STORMWATER:** The stormwater management system includes on-site retention ponds. The developer has provided three (3) dry retention ponds designed to meet the City’s Land Development Code requirements.

**RECREATION:** The developer is proposing 2.98 acres (129,809 sq. ft.) of passive and active recreation space. Some of the proposed amenities: clubhouse (6,183s.f.), swimming pool and tot lot. At the time of the final development plan application, details of active and passive recreation equipment and facilities will be submitted for the City’s review.

**ENVIRONMENTAL:** A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any site construction activity.

**OPEN SPACE:** The developer is proposing 12.89 acres of open space to meet the thirty (30) percent PUD zoning standards.

**TREE PROGRAM:** The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. The maximum tree stock formula requires a total of 2,752 tree inches to be replanted onto the site. The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program.

**SCHOOL CAPACITY REPORT:** No development activity can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The schools designated to serve this community are the following: Wheatley Elementary, Wolf Lake Middle and Apopka High School.

**ORANGE COUNTY NOTIFICATION:** The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

**BUFFERS:** The applicant is requesting a waiver to install a six-foot high wrought iron fence between brick columns for the perimeter wall, erected inside a ten foot landscaped buffer along Marden Road and State Road 451.

### **WAIVER REQUESTS**

1. The applicant is requesting a waiver from LDC 2.02.07.H.1a, which requires a six-foot-high brick, stone or decorative block finished wall to be placed within a 10 foot wide buffer adjacent to Marden Road, erected inside a minimum ten-foot landscaped bufferyard. The applicant is proposing a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to external roads.
  - **DRC reviewed the waiver request and can support it because the nearest building is setback at least 60 feet from the road; additional landscaping is provided; the apartment buildings are 58 feet high and four stories, preventing a wall from screening buildings form adjacent properties; and the parking lot will be screened by the buffer landscaping. Attached illustrations provided by the applicant support the DRC recommendation.**
2. The applicant is requesting a waiver from LDC 2.02.07.H.1a, which requires a six-foot-high brick, stone or decorative block finished wall adjacent to S.R. 451, erected inside a minimum ten-foot landscaped bufferyard. The applicant is requesting to eliminate portions of the perimeter fencing along the western property boundary, in lieu of an earth berm with landscaping.
  - **DRC reviewed the waiver request and can support it because S.R. 451 is elevated and additional landscaping and a berm are provided. Attached illustrations provided by the applicant support the DRC recommendation.**

### **PUBLIC HEARING SCHEDULE:**

July 14, 2015 - Planning Commission (5:01 pm) -Tabled  
July 28, 2015 - Planning Commission (5:01 pm)  
August 5, 2015- City Council (1:30 pm)

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the Marden Ridge Apartments, Phase 1B, Final Development Plan subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

The **Planning Commission**, at its meeting on July 14, 2015, tabled the Marden Ridge Apartments, Phase 1B, Final Development Plan until the July 28, 2015 meeting.

The **Planning Commission**, at its special meeting on July 28, 2015, recommended:

1. Recommend denial (4-2) of Waiver Request No. 1 to allow a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to external roads (Marden Road).
2. Recommended approval (4-2) of Waiver Request No. 2 to allow elimination of portions of the perimeter fencing along the western property boundary (S.R. 451), in lieu of an earth berm with landscaping.
3. Recommend approval (5-1) of the Marden Ridge Apartments, Phase 1B, Final Development Plan, for the property owned by Emerson Point Associates, LLLP.

Staff requests:

1. Approval of Waiver Request No. 1 to allow a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to external roads.
2. Approval of Waiver Request No. 2 to allow elimination of portions of the perimeter fencing along the western property boundary, in lieu of an earth berm with landscaping.
3. Approval of the Marden Ridge Apartments, Phase 1B, Final Development Plan, for the property owned by Emerson Point Associates, LLLP.

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





**Marden Ridge Apartments Phase 1B,  
Final Development Plan  
Emerson Point Associates, LLLP  
MMI Development, Inc. c/o Michael E. Wright, Esq.  
Apartments: 18.05 +/- Acres (272 Units)  
42.17 +/- Total Acres  
Parcel ID #: 17-21-28-0000-00-029**

**VICINITY MAP**





# MARDEN RIDGE APARTMENTS - PHASE 1B FINAL DEVELOPMENT PLANS

PARCEL ID #17-21-28-0000-00-29

## LEGAL DESCRIPTION:

(PER ORB 9799 PG 5971)

A PARCEL OF LAND LYING IN SECTIONS 17 AND 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF EMERSON PARK AS RECORDED IN PLAT BOOK 68, PAGES 1 THROUGH 17, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MARDEN ROAD; THENCE RUN N 00°15'45" E ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 867.57 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE RUN THE FOLLOWING COURSES AND DISTANCES; N 79°21'18" W FOR A DISTANCE OF 250.77 FEET; THENCE RUN N 76°57'36" W FOR A DISTANCE OF 271.66 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 750.00 FEET; THENCE FROM A TANGENT BEARING OF N 69°25'55" W RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°46'44" FOR AN ARC DISTANCE OF 350.53 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 725.00 FEET; THENCE FROM A TANGENT BEARING OF N 38°02'17" W RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°58'31" FOR AN ARC DISTANCE OF 353.99 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1500.00 FEET; THENCE FROM A TANGENT BEARING OF N 01°44'32" W RUN NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°26'35" FOR AN ARC DISTANCE OF 535.20 FEET TO A POINT OF TANGENCY; THENCE RUN N 18°42'03" E FOR A DISTANCE OF 159.98 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 429 (WESTERN BELTWAY) PER ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5442, PAGE 3947, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING A POINT ON A NON TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 7829.44 FEET; THENCE FROM A TANGENT BEARING OF N 24°29'43" E RUN NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 5°02'40" FOR AN ARC DISTANCE OF 689.30 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE RUN N 13°07'16" E FOR A DISTANCE OF 205.68 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 7809.44 FEET; THENCE FROM A TANGENT BEARING OF N 17°57'03" E RUN NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°51'29" FOR AN ARC DISTANCE OF 525.85 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 437-A (OCCOEE APOPKA ROAD) PER OFFICIAL RECORDS BOOK 5442, PAGE 3947, OF AFORESAID PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING AFORESAID EASTERLY RIGHT OF WAY LINE RUN N 80°33'42" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 196.20 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE RUN N 75°23'21" E FOR A DISTANCE OF 182.73 FEET TO A POINT ON AFORESAID WESTERLY RIGHT OF WAY LINE OF MARDEN ROAD; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE RUN S 00°08'34" W FOR A DISTANCE OF 2270.18 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE RUN S 00°15'45" W FOR A DISTANCE OF 452.54 FEET TO AFORESAID POINT OF BEGINNING.

42.17 ACRES, MORE OR LESS.

Legal Description prepared by: On the Mark Surveying, LLC  
LB 7931

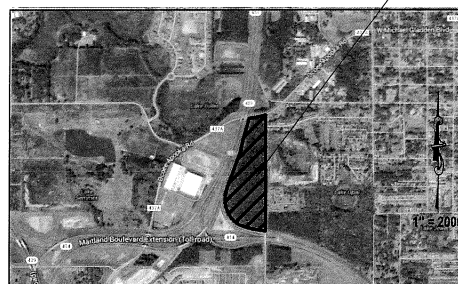
Prepared For:

**EMERSON POINT ASSOCIATES, LLLP**  
1350 North Orange Avenue, Suite 250  
Winter Park, FL 32789  
(407) 385-0664

Prepared By:

  
**gai consultants**  
EB 9951  
618 EAST SOUTH STREET  
SUITE 700  
ORLANDO, FLORIDA 32801  
PHONE: (407) 423-8398

PROJECT LOCATION



LOCATION MAP  
CITY OF APOPKA, FLORIDA

### WAIVER REQUESTS:

1. REQUEST PERIMETER BRICK WALL TO ALLOW BRICK COLUMN / IRON PICKET STYLE FENCE TO MATCH MARDEN MANOR.
2. REQUEST TO ALLOW PARTIAL FENCING ALONG WESTERN PROPERTY BOUNDARY AS SHOWN IN PLANS.

## CITY OF APOPKA OFFICIALS

**MAYOR:** JOE KILSHEIMER  
**COMMISSIONER:** J. WILLIAM ARROWSMITH  
**COMMISSIONER:** BILLIE L. DEAN  
**COMMISSIONER:** DIANE VELAZQUEZ  
**COMMISSIONER:** SAM RUTH


## UTILITY SERVICE PROVIDERS

WATER/SEWER/REUSE	ELECTRIC	TELEPHONE	CABLE	NATURAL GAS
City of Apopka 748 E. Cleveland Street Apopka, FL 32703 (407) 703-1731	Duke Energy 452 E. Crown Point Road Winter Garden, Florida 34787 (407) 905-3302	Century Link P.O. Box 770339 Winter Garden, Florida 34777 (407) 814-5373	Bright House 844 Maguire Road Ocoee, Florida 34761 (407) 291-2500	Lake Apopka Natural Gas 676 W. Montrose Street Clermont, FL 32701 (352) 394-3480

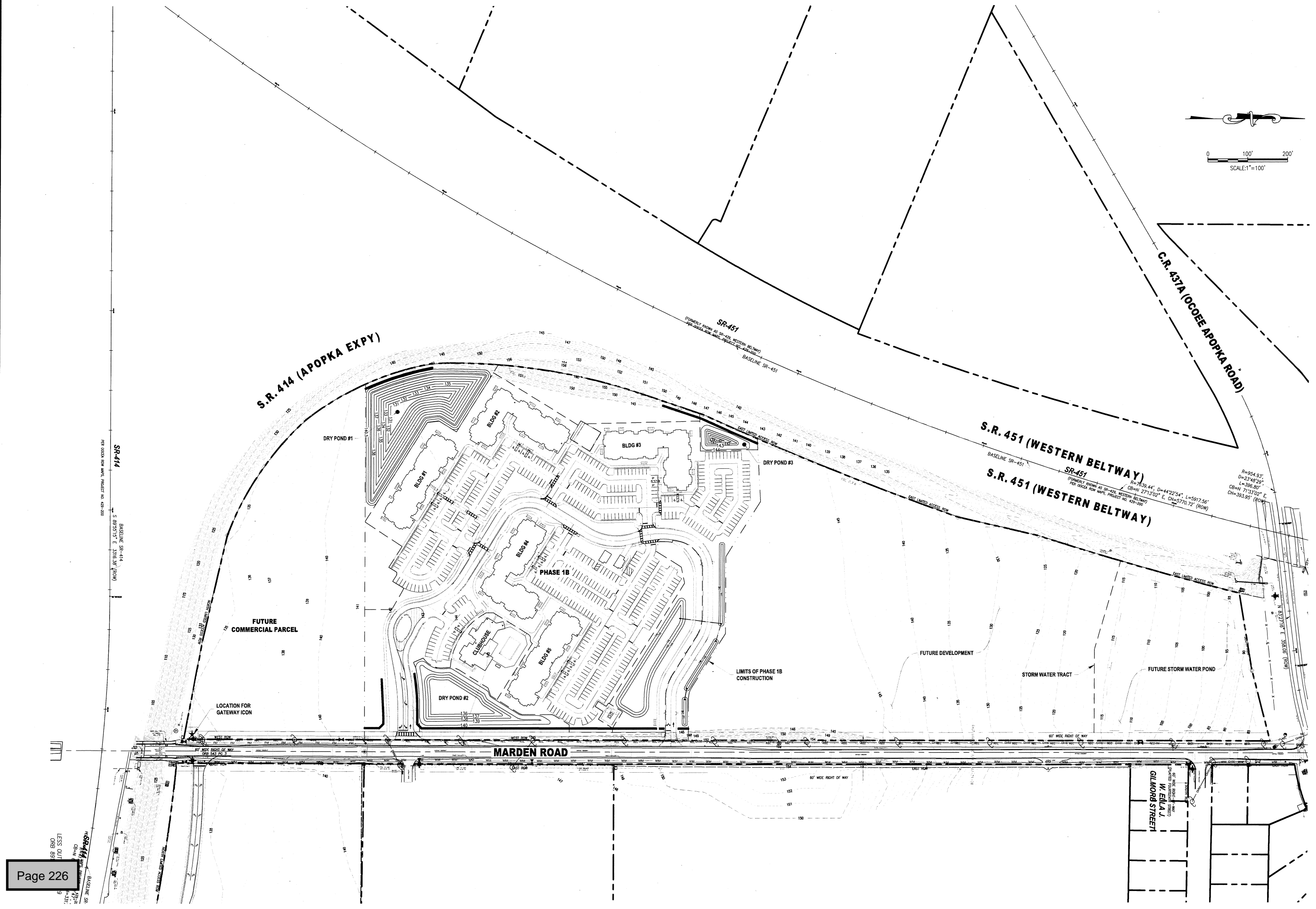
## CONTACT LIST

<b>OWNER/APPLICANT</b> EMERSON POINT ASSOCIATES, LLLP 1350 North Orange Avenue, Suite 250 Winter Park, FL 32789 (407) 385-0664 Attn: Tommy Ciserano	<b>CIVIL ENGINEER</b> GAI Consultants, Inc. 618 East South Street Suite 700 Orlando, Florida 32801 (407) 423-8398 Attn: Anthony S. Call, P.E.	<b>SURVEYOR</b> On The Mark Surveying, LLC 143 Meadow Blvd. Sanford, FL 32771 (321) 626-6376 Attn: Corey A. Hopkins, PSM	<b>LANDSCAPE ARCHITECT</b> Bellomo-Herbert 618 East South Street Suite 600 Orlando, Florida 32801 (407) 423-8398 ATTN: Frank Bellomo	<b>ARCHITECT</b> Forum Architecture & Interior Design, Inc. 745 Orienta Avenue, Suite 1121 Altamonte Springs, FL 32701 (407) 830-1400 ATTN: Andrew Roark	<b>GEOTECHNICAL ENGINEER</b> Andreyev Engineering, Inc. 1170 West Minneola Avenue Clermont, FL 34711 (352) 241-0508 ATTN: Ed Miguens, P.E.
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Sheet Number	Sheet Title
C0.00	COVER SHEET
C1.00	EXISTING CONDITIONS
C1.10	EXISTING SITE DATA
C1.20	GENERAL NOTES
C1.21	GENERAL NOTES
C1.30	PHASING PLAN
C2.00	SWPPP
C2.10	EROSION CONTROL PLAN
C2.20	DESIGN STANDARDS
C3.00	MASTER SITE PLAN
C3.10	SITE PLAN PHASE 1B
C3.20	MARDEN ROAD IMPROVEMENT PLAN
C3.30	SIGNAGE & STRIPING PLAN
C3.40	TRACT DESIGNATION PLAN
C4.00	TYPICAL SECTIONS
C5.00	MASTER GRADING PLAN
C5.10	GRADING PLAN PHASE 1B
C5.10A	GRADING PLAN PHASE 1B
C5.20	GRADING PLAN PHASE 1B
C5.30	GRADING PLAN PHASE 1B
C5.40	DRY POND 1 CROSECTION
C6.00	MASTER UTILITY PLAN
C7.00	DEVELOPMENT DESIGN STANDARD DETAILS
C7.10	DEVELOPMENT DESIGN STANDARD DETAILS
C7.20	UTILITY DETAILS
C7.30	UTILITY DETAILS
C7.40	DRAINAGE DETAILS
C7.50	LIFT STATION DETAILS
C7.60	LIFT STATION DETAILS
C7.70	ARCHITECTURAL BUILDING ELEVATIONS
C7.80	ARCHITECTURAL BUILDING ELEVATIONS
C7.90	ARCHITECTURAL BUILDING ELEVATIONS
LA.01	LANDSCAPE PLAN
LA.02	LANDSCAPE PLAN
IR.01	IRRIGATION PLAN
IR.02	IRRIGATION PLAN
IR.03	IRRIGATION PLAN
HS.02	LANDSCAPE PLAN (SOUTH)
HA.02	LANDSCAPE PLAN (SOUTH)
L-1	LIGHTING PLANS
L-2	LIGHTING PLANS
L-3	LIGHTING PLANS

RECEIVED FOR USE COMMENTS DATED 07/10/2015 INCLD FOR CITY COMMENT	APPRO	DESCR
ASC	CHKD	REV
ASC	CHKD	REV
AP	DRN	REV
1 7/10/2015	DATE	REV
1 6/10/2015	DATE	REV
NO.	DATE	REV
SCALE: N/A	REVISIONS	
DATE: 6/01/2015		
DRAWN: AP/MJC		
CHECKED: NCG		
APPROVED: ASC		
<b>COVER SHEET</b>		
<b>MARDEN RIDGE APARTMENTS - PHASE 1B FINAL DEVELOPMENT PLANS APOPKA, FLORIDA</b>		
SEAL		
ANTHONY S. CALL, P.E. No. 67370		
 gai consultants EB 9951 618 SOUTH ST. SUITE 700 ORLANDO, FLORIDA 32801 PHONE: (407) 423-8398		
PROJECT NO./DASH NO. A120273.01		
SHEET		
<b>C0.00</b>		

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REVISIONS			
NO.	DATE	BY	DESCRIPTION
2	07/17/2015	AP	REVISED PER IRC COMMENTS DATED 07/10/2015
1	6/19/2015	ASC	REVISED PER CITY COMMENT

SCALE: 1"=100'  
 DATE: 6/01/2015  
 DRAWN: AP/MJC  
 CHECKED: NCG  
 APPROVED: ASC

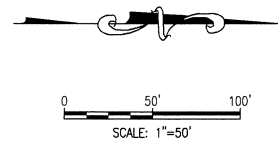
**PHASING PLAN**  
**MARDEN RIDGE APARTMENTS - PHASE 1B**  
**FINAL DEVELOPMENT PLANS**  
**APOPKA, FLORIDA**

SEAL

ANTHONY S. CALL, P.E.  
 No. 67370

**gai consultants**  
 EB 9951  
 618 SOUTH ST., SUITE 700  
 ORLANDO, FLORIDA 32801  
 PHONE: (407) 423-8398

PROJECT NO./DASH NO.  
 A120273.03  
 SHEET  
**C1.30**



**S.R. 414 (APOPKA EXPY)**

COMMERCIAL AREA OF 6.43 ACRES  
WILL BE DEVELOPED IN THE FUTURE IN  
ACCORDANCE WITH THE CURRENT LDC

DRY POND #1

DRY POND #3

DRY POND #2

SWALE F1

SWALE F3

SWALE F2

SWALE F4

**MARDEN ROAD**

REVISIONS			
NO.	DATE	BY	DESCRIPTION
2	07/13/2015	AP	REVISED PER IRC COMMENTS DATED 07/10/2015
1	6/18/2015	AP	REVISED PER CITY COMMENT

SCALE: 1"=50'  
DATE: 6/01/2015  
DRAWN: AP/MJC  
CHECKED: NCG  
APPROVED: ASC

**SITE PLAN PHASE 1B**  
**MARDEN RIDGE APARTMENTS - PHASE 1B**  
**FINAL DEVELOPMENT PLANS**  
**APOPKA, FLORIDA**

SEAL

ANTHONY S. CALL, P.E.  
No. 67370

**gai consultants**  
EB 9951  
618 SOUTH ST., SUITE 700  
ORLANDO, FLORIDA 32801  
PHONE: (407) 423-8398

PROJECT NO./DASH NO.  
A120273.03  
SHEET  
**C3.10**

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FUTURE BUS SHELTER AND TURNOUT  
SHOWN FOR INFORMATIONAL PURPOSES ONLY  
(WILL NOT BE CONSTRUCTED WITH PHASE 1B)

SEE SHEET C3.20 FOR MARDEN RD IMPROVEMENTS

**NOTES:**

**EXISTING PROPERTY VEGETATION:**  
PINE TREE FARM

**FLOOD ZONE:**  
SUBJECT PROPERTY SHOWN HEREON IS IN ZONE X SEE SHEET C1.10 FOR THE FLOOD INSURANCE RATE MAP PANEL NUMBER.

**SOILS:**  
SHOWN ACCORDING TO THE SOIL SURVEY OF ORANGE COUNTY, FLORIDA, SEE SHEET C1.10.

**SIGNAGE:**  
ALL SIGNAGE SHALL COMPLY WITH CITY OF APOPKA CODES, AND FDOT MUTCD.

**LIGHTING:**  
LIGHTING SHALL COMPLY WITH CITY OF APOPKA CODES. ILLUMINATION PLAN REQUIRED AT FINAL DEVELOPMENT PLAN.

**STORMWATER:**  
STORMWATER MANAGEMENT SYSTEM WILL BE DESIGNED TO COMPLY WITH CITY OF APOPKA CODE AND THE REQUIREMENTS OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND APPROVED WITH THE FINAL DEVELOPMENT PLANS.

**WATER AND SEWER:**  
SEWER AND WATER TO BE PROVIDED VIA PRIVATE ONSITE SYSTEM CONNECTED TO THE CITY OF APOPKA UTILITIES WATER MAIN, SEWER FORCE MAIN AND RECLAIM WATER MAIN WITHIN THE MARDEN ROAD RIGHT OF WAY. LIFT STATION WILL BE OWNED AND MAINTAINED BY THE CITY OF APOPKA. THE LIFT STATION TRACT WILL BE DEEDED TO THE CITY.

- RECREATIONAL FACILITIES:**
- ALL RECREATIONAL FACILITIES WILL BE OWNED AND MAINTAINED BY THE OWNER OF THE APARTMENT COMPLEX.
  - LOCK BOXES FOR EMERGENCY ACCESS SHALL BE PROVIDED FOR POOL BUILDING/PATIO AND OFFICE BUILDING.
  - FINAL DETAILS FOR COURT TYPE AND LAYOUT, TOT LOT, PICNIC AND OTHER EQUIPMENT WILL BE PROVIDED FOR CITY APPROVAL ON THE FINAL DEVELOPMENT PLANS.
  - FINAL POOL SIZING AND DESIGN SHALL BE PROVIDED AT THE TIME OF FINAL DEVELOPMENT PLANS.
  - A LETTER FROM THE FL. DEPT. OF HEALTH (OR APPROPRIATE AGENCY) MUST BE SUBMITTED TO COMMUNITY DEVELOPMENT DEPARTMENT AT TIME OF FINAL DEV. PLAN TO AFFIRM THE MINIMUM SIZE OF THE POOL.
  - RECREATIONAL PROGRAM TO INCLUDE THE FOLLOWING: BARK PARK, TOT LOT, PICNIC AND GATHERING AREAS, BBQ LOCATIONS AND OTHER EQUIPMENT. THIS WILL BE PROVIDED WITH FINAL DEVELOPMENT PLAN.
  - ALL RECREATION AMENITIES AND OFFSITE IMPROVEMENTS TO BE COMPLETED AND OPERATIONAL PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATION OF OCCUPANCY

**ACCESS & TRAFFIC GENERATION:**  
ACCESS TO THE PUBLIC ROAD SYSTEM WILL BE VIA MARDEN ROAD. THE MAXIMUM PROJECTED TRAFFIC GENERATION FOR THIS PROJECT IS 287 PM PEAK HOUR TRIPS PER THE SITE TRIP GENERATION MANUAL, 7TH EDITION, FOR LAND USE 220 - APARTMENTS.

**PEDESTRIAN ACCESS:**  
SIDEWALKS TO BE 5' WIDE UNLESS OTHERWISE NOTED ON PLANS.

**SCHOOL CONCURRENCY:**  
THIS PROPERTY HAS A WAIVER FROM SCHOOL CONCURRENCY, ACTIVE UNTIL 2018.

**AMENITIES:**  
TO ASSURE THAT QUALITY RESIDENTIAL DEVELOPMENT IS CONSTRUCTED, THE FOLLOWING AMENITIES ARE PROPOSED AND WILL BE INCLUDED WITH THE PROJECT:  
CLUBHOUSE WILL INCLUDE WIRELESS HIGH SPEED INTERNET, BUSINESS CENTER, FITNESS CENTER, KITCHEN AREA WITH SINGS, REFRIGERATOR AND MICROWAVE AND RESORT-STYLE SWIMMING POOL WITH OUTDOOR FIREPLACE. UNITS WILL INCLUDE ENERGY-EFFICIENT APPLIANCES, FULL SIZE WASHER AND DRYER AVAILABLE IN 2 AND 3 BEDROOM APARTMENTS, FULL OR STACKED WASHER AND DRYER AVAILABLE IN 1 BEDROOM APARTMENTS, WALK-IN CLOSETS, BICYCLE TRAILS, BICYCLE RACKS, BICYCLE AND STORAGE AREAS, GRANITE COUNTER TOPS, 9-FOOT CEILINGS. NO COIN LAUNDRY CENTER ALLOWED.

**PARKING AREAS:**  
IN ACCORDANCE WITH CITY OF APOPKA REGULATIONS, 20% OF PARKING SPACES SHALL HAVE PERVIOUS PARKING SURFACE. SEE PLANS FOR LOCATIONS.

- DEVELOPMENT DESIGN STANDARD:**
- ARCHITECTURAL DESIGN AND COLORWAY OF MULTI-FAMILY BUILDINGS WILL BE COMPATIBLE WITH COMMERCIAL OUT-PARCELS.
  - ALL SERVICE AND STORAGE AREAS MUST BE SCREENED FROM PUBLIC VIEW.
  - ALL EQUIPMENT (INCLUDING ROOF TOP) AND UTILITY BOXES MUST BE FULLY SCREENED (INCLUDING THE BACK OF THE BUILDING).
  - ADDRESS NUMBER BEING PLACED ON BUILDING SHALL BE MINIMUM OF 6" IN HEIGHT

**MONUMENT SIGN:**  
MONUMENT AND SIGN EASEMENT SHALL BE DEDICATED TO THE CITY OF APOPKA. ENTRY FEATURE DETAIL WILL BE PROVIDED WITH THESE PLANS

**MULTI-USE TRAIL:**  
MAINTENANCE AUTHORITY AND OWNERSHIP OF MULTI-USE TRAIL TO BE DETERMINED AT THE FDP.

**CROSS-ACCESS EASEMENT:**  
FUTURE BUYER OF COMMERCIAL TRACT (SOUTH OF PHASE 1B APARTMENTS) AND FUTURE BUYER OF MULTI-FAMILY TRACT (NORTH OF PHASE 1B APARTMENTS) WILL BE REQUIRED TO MAKE NECESSARY CONNECTION POINTS WITHIN ENVELOPE OF CROSS-ACCESS EASEMENT. CROSS-ACCESS EASEMENTS WILL BE RECORDED WITH FINAL PLAT.

PROPOSED UNITS: MULTIFAMILY RESIDENTIAL APARTMENTS						
UNIT MIX PHASE 1B	BUILDING NUMBER	BUILDING HEIGHT	3 BED	2 BED	1 BED	TOTAL
TYPE I	1, 5	58'	8 X 2	28 X 2	16 X 2	52 X 2
TYPE II	2, 3, 4	58'	8 X 3	40 X 3	8 X 3	56 X 3
TOTALS:						272

**LAND AREA FOR CONSTRUCTION:**

6.64 ACRES COMMERCIAL (CLEAR, MASS GRADE, VERTICAL CONSTR. - INCLUDING 0.21 ACRES ROW DEDICATION)

35.53 ACRES OF R-3 (CLEAR, MASS GRADE, CONSTRUCT JOINT USE POND, VERTICAL CONSTR. - INCLUDING 1.04 ACRES FOR ROW DEDICATION)

NOTE THAT EXISTING MARDEN ROAD RIGHT OF WAY IS 60'. FUTURE RIGHT OF WAY DEDICATION IS SHOWN IN THIS SET OF PLANS AND WILL INCLUDE 20' ON EITHER SIDE MAKING THE FUTURE RIGHT OF WAY 100'. THE TRAFFIC STUDY SHOWS A PROPOSED FUTURE ROW DEDICATION OF 25' WHICH IS INCORRECT.

**PHASING INTENT OF THE PROJECT:**

THE PROJECT WILL BE CONSTRUCTED IN MULTIPLE PHASES, CONSISTING OF PHASE 1A - MASS GRADING PLANS AND PHASE 1B, THE FINAL DEVELOPMENT PLANS HEREIN. ANYTHING BEYOND PHASE 1B SITE DEVELOPMENT WILL BE IDENTIFIED AS FUTURE DEVELOPMENT.

SITE DATA		
OVERALL SITE		
PARCEL ID	17-21-28-0000-00-029	
PARCEL AREA	42.17	ACRES
FUTURE COMMERCIAL	6.43	ACRES
EMERSON POINTE APARTMENTS	18.05	ACRES
FUTURE DEVELOPMENT	16.09	ACRES
PROPOSED ROW DEDICATION	1.25	ACRES
STORMWATER FACILITIES	5.80	ACRES
PROPOSED UNITS	272	(3) TYPE IV 56-UNIT; (2) TYPE III 52-UNIT BLDGS.
PROPOSED DENSITY	15.0 DU/AC	MAX 15 DU/AC
OPEN SPACE	APPROX. 12.69 AC. (30.1%)	30% REQUIRED
MAXIMUM MEAN BUILDING HEIGHT:	58' (4 STORY)	
MINIMUM BUILDING SETBACK:	25' FROM BOUNDARY	
FUTURE LAND USE:	MEDIUM DENSITY RESIDENTIAL/GROWTH CENTER	
CURRENT ZONING:	PUD/R3	
COMMERCIAL ZONING	C-1 (NOT PART OF THIS PERMIT. WILL BE DEVELOPED AT A LATER DATE)	
PROJECTED POPULATION		
(2.88 PERSONS/UNIT)(2.1X272)	784	INDIVIDUALS
SCHOOL AGE POPULATION (272X0.235)	64	CHILDREN (SEE NOTES)
BUFFER REQUIRED	10' LANDSCAPE BUFFER FOR PARKING AND ACCESS WAYS. ADJACENT TO LOCAL ROAD ROW.	
RECREATION REQUIRED:		
(3.6 ACRES/1,000 PERSONS)	2.92	ACRES
RECREATION PROVIDED:	2.98	ACRES
ACTIVE REC	0.67	ACRES
PASSIVE REC	2.30	ACRES
TYPE OF UNITS	MULTI-FAMILY	
MINIMUM LIVING AREA (UNDER AIR)	750 SQ. FT.	
PARKING PROVIDED		
	REQUIRED	PROVIDED
STANDARD SPACES (9' x 18')	544 SPACES (2 SPACES/UNIT)	526
A.D.A. ACCESSIBLE SPACES (12' x 18')	11 SPACES (2% OF TOTAL)	22
PERVIOUS PARKING (9' x 18')	109 SPACES (20% OF TOTAL)	110
TOTAL PROVIDED UNIT PARKS		546

NO.	DATE	BY	DESCRIPTION
1	6/16/2015	ASC	REVISED PER DRC COMMENTS DATED 07/10/2015
2	07/17/2015	ASC	REVISED PER CITY COMMENT

SCALE: N/A  
DATE: 6/01/2015  
DRAWN: AP/MJC  
CHECKED: NCG  
APPROVED: ASC

DESIGN STANDARDS  
MARDEN RIDGE APARTMENTS - PHASE 1B  
FINAL DEVELOPMENT PLANS  
APOPKA, FLORIDA

SEAL

ANTHONY S. CALL, P.E.  
No. 67370

**gai consultants**  
EB 9951  
618 SOUTH ST. SUITE 700  
ORLANDO, FLORIDA 32801  
PHONE: (407) 423-8398

PROJECT NO./DASH NO.  
A120273.03

SHEET  
**C2.20**

Z:\A120273.03 - Emerson - High\CAD\CAD\PLAN SET - Final Development - Plans\A120273.03 DESIGN STANDARDS.dwg Jul 21, 2015 - 11:41am





FIBER CEMENT 6" LAP SIDING, PAINTED, TYP.

FIBER CEMENT SHINGLE SIDING, PAINTED, TYP.

FIBER CEMENT 6" LAP SIDING, PAINTED, TYP.

STUCCO, PAINTED, TYP.

STUCCO, PAINTED, TYP.



**SHEET NOTES**

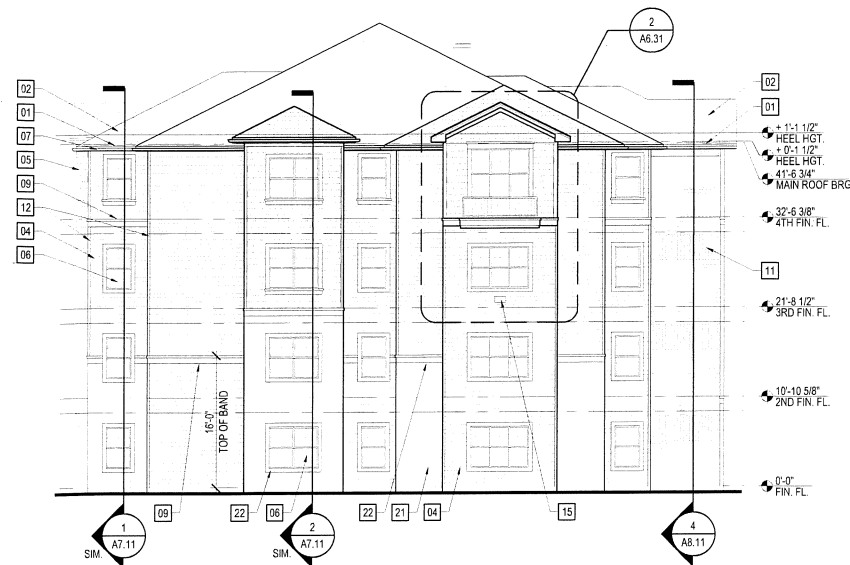
- A REFER TO SHEET A1.03 FOR GENERAL NOTES
- B REFER TO SHEETS A1.04 AND A1.05 FOR CONSTRUCTION ASSEMBLIES
- C REFER TO SHEET A9.11 FOR DOOR SCHEDULE & DETAILS
- D REFER TO SHEET A9.21 FOR WINDOW SCHEDULE & DETAILS
- E ALL BANDS TO RETURN TO INTERIOR CORNERS
- F REFER TO ROOF PLANS ON A5.13 AND A5.24 FOR DOWNSPOUT LOCATIONS. COORDINATE WITH SITE DRAINAGE PLANS

**KEY NOTES**

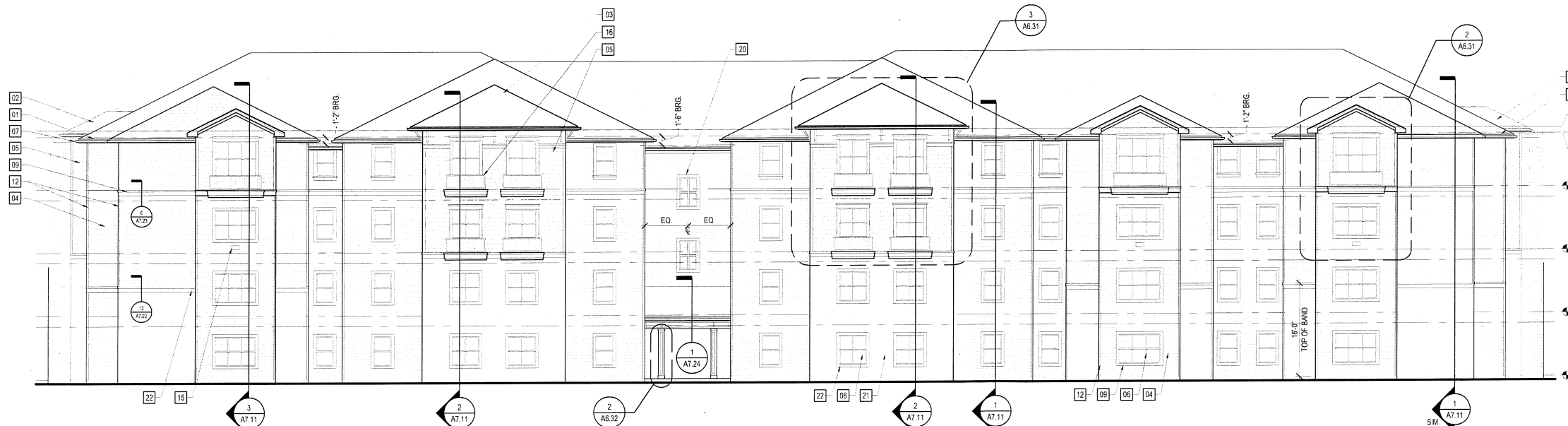
- 01 TYPICAL FASCIA TRIM: ALUM. CLAD P.T. FASCIA PER SECTIONS
- 02 ROOF SHINGLES SYSTEM PER ASSEMBLY
- 03 STANDING SEAM METAL ROOF PANELS
- 04 FIBER CEMENT HORIZONTAL LAP SIDING W/ 6" EXPOSURE
- 05 FIBER CEMENT SHINGLE SIDING
- 06 WINDOWS & DOORS PER SCHEDULES. SEE WINDOW DETAILS
- 07 CONTINUOUS, SEAMLESS ALUM GUTTERS & DOWNSPOUTS: PROVIDE WHERE INDICATED ON ROOF PLANS
- 08 BUILDING SIGN @ FRONT OF BUILDING: CONTRACTOR TO VERIFY SIGNAGE REQUIREMENTS W/ FIRE DEPT. & COORDINATE SIGN LOCATION WITH BLDG LIGHTING.
- 09 TRIM BAND: PROVIDE FIBER CEMENT TRIM BOARD SIZES PER SECTIONS. UNO. PROVIDE ALL REQUIRED FLASHING FOR SPECIFIC CONDITIONS. REFER TO SECTIONS
- 10 FIBER CEMENT PANEL. JOINTS SHALL OCCUR UNDER TRIM PIECES SHOWN ON ELEVATIONS (BALCONY PANELS WILL NEED TO BE CUT FROM 8' SHEETS. NOTIFY ARCHITECT IMMEDIATELY IF FIELD CONDITIONS EXCEED 8' W/O TRIM PIECES).
- 11 ALUMINUM BALCONY RAILING: 42" HIGH GUARDRAIL WITH VERTICAL PICKETS SPACED SUCH THAT A 4" SPHERE CAN NOT PASS THROUGH THE GAPS. ALL ENDS ATTACHED TO WALL.
- 12 ONE-PIECE CORNER TRIM: 5/4 X 4 X 4 AZEK OR EQUIV.
- 13 DECORATIVE FAUX-LOUVER PER DETAIL 6/A6.32
- 14 BRACKET PER DETAIL
- 15 WALL-MOUNTED SITE LIGHTING FIXTURE LOCATION. REFER TO ELECTRICAL SITE PLAN. COORDINATE WITH BLDG. SIGNAGE LOCATION.
- 16 DECORATIVE ALUMINUM RAILING W/ 6" PICKET SPACING AT FAUX-BALCONY. REFER TO SECTIONS FOR DETAILS
- 17 ALIGN PANEL JOINTS W/ CENTERLINE OF COL. & COVER W/ 1X4 FIBER CEMENT TRIM VERTICALLY
- 18 DECORATIVE 1 1/2" SQ. ALUMINUM FRAME SIZED AS SHOWN. BLACK FINISH.
- 19 DROPPED BULKHEAD (MAX. 6"). REFER TO BUILDING PLANS FOR LOCATIONS.
- 20 DECORATIVE FAUX SHUTTERS PER DETAIL 7/A6.32
- 21 STUCCO PER ASSEMBLY
- 22 TRIM BAND: PROVIDE RAISED STUCCO TRIM BAND AS INDICATED ON ELEVATIONS. PROVIDE ALL REQUIRED FLASHING FOR SPECIFIC CONDITIONS

**STUCCO THICKNESS LEGEND**

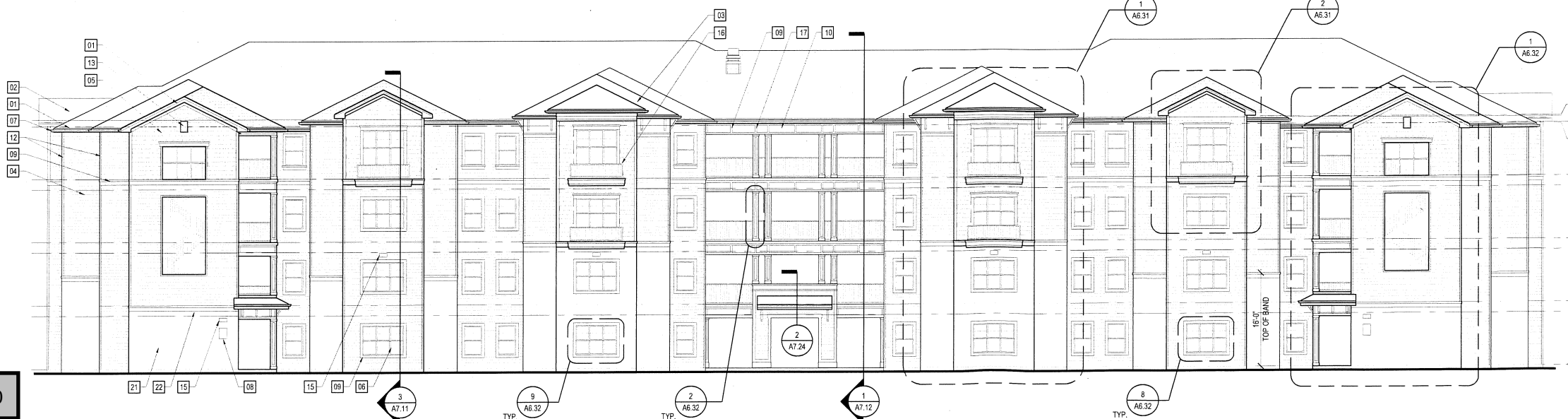
0	7/8"	STUCCO
1	1 1/2"	STUCCO TRIM
2	2"	STUCCO TRIM



**3 Right Side Elevation**  
 Left Side Similar  
 3/32" = 1'-0"



**2 Rear Elevation**  
 3/32" = 1'-0"



**1 Front Elevation**  
 3/32" = 1'-0"

**Marden Ridge Apartments**

City of Apopka, FL  
 03/27/2015

SET DISTRIBUTIONS:  
 3/27/2015 Permit Set

△ SHEET REVISIONS:

EDITED BY: LB  
 PROJECT NO. 14-3051

Elevations

Building Type I

**A6.11**



**SHEET NOTES**

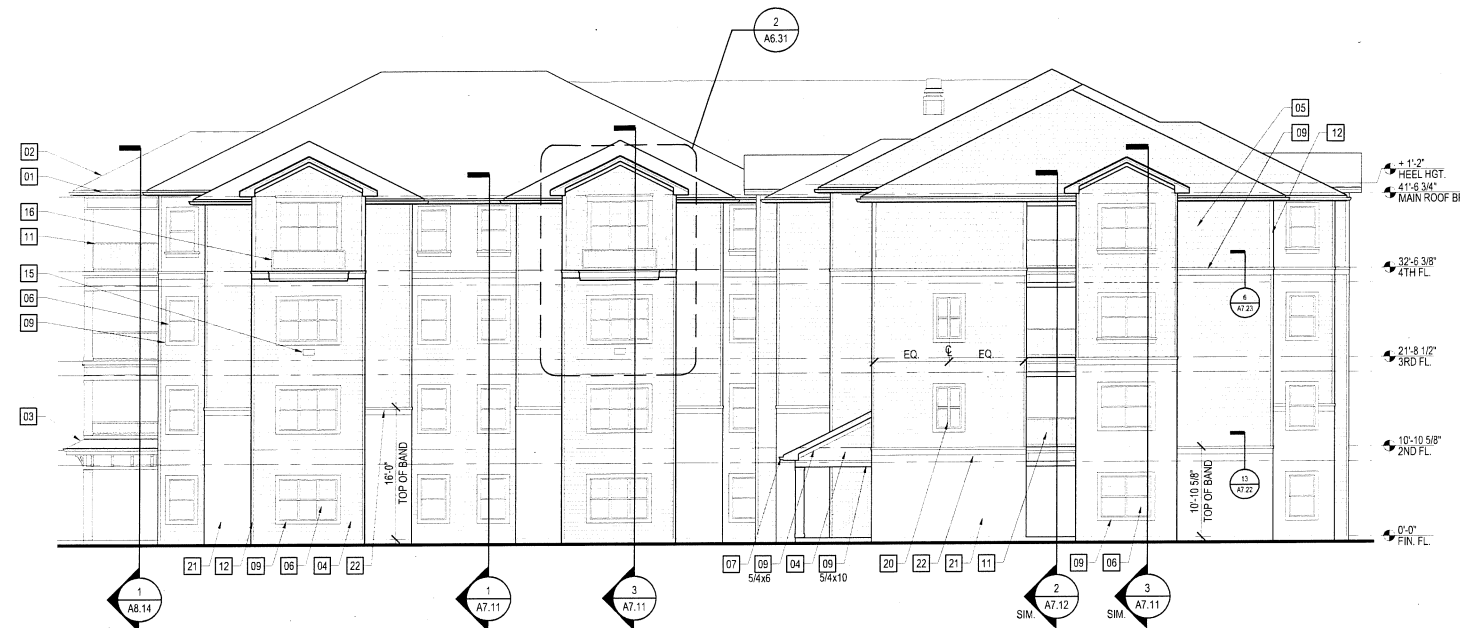
- A REFER TO SHEET A1.03 FOR GENERAL NOTES
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**KEY NOTES**

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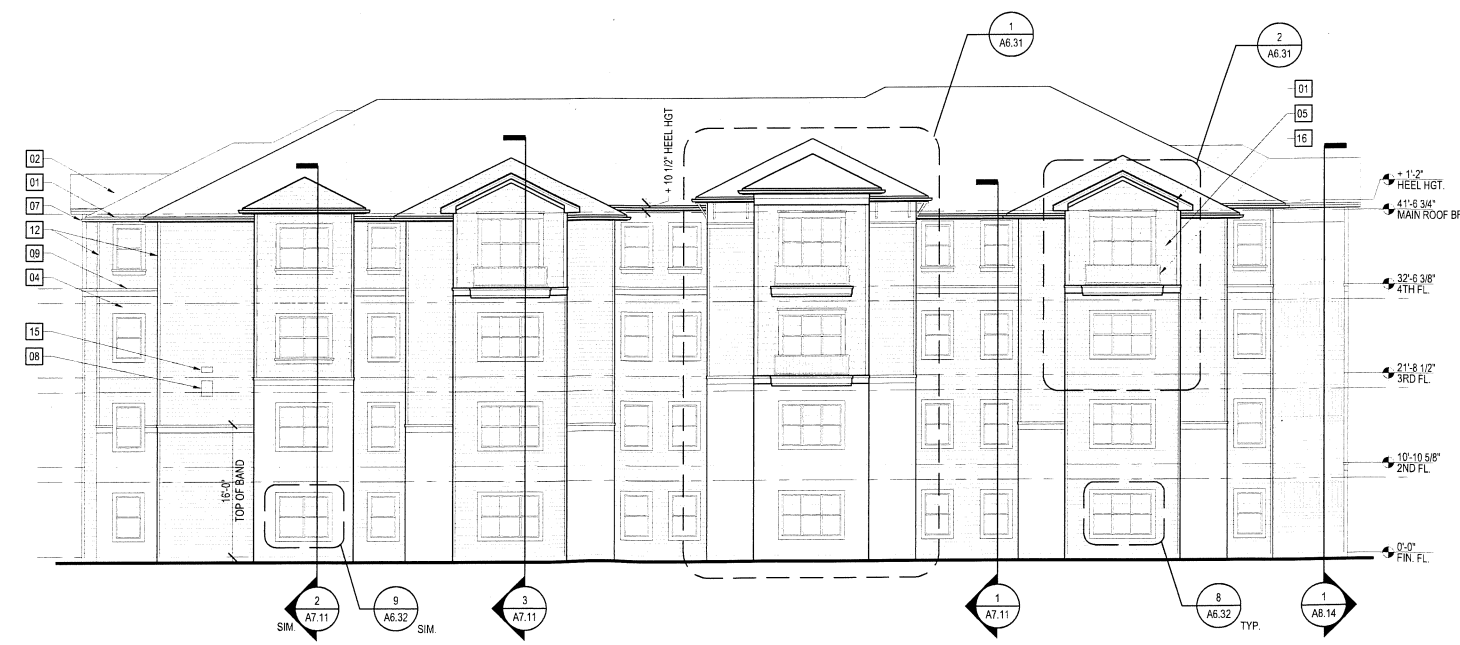
**STUCCO THICKNESS LEGEND**

0	7/8"	STUCCO
1	1 1/2"	STUCCO TRIM
2	2"	STUCCO TRIM



2 Right Exterior Elevation

3/32" = 1'-0"



1 Left Exterior Elevation

3/32" = 1'-0"

**Marden Ridge Apartments**

City of Apopka, FL  
03/27/2015

SET DISTRIBUTIONS:  
3/27/2015 Permit Set

△ SHEET REVISIONS:

EDITED BY: LB  
PROJECT NO. 14-3051

Building Type II

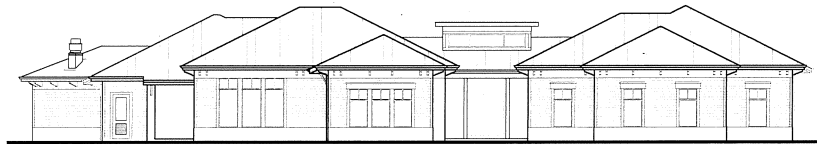
Elevations

**A6.22**

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# Marden Ridge Clubhouse

## City of Apopka, FL



### Owner . MMI DEVELOPMENT

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### Architect . FORUM ARCHITECTURE & INTERIOR DESIGN, INC.

745 Orienta Avenue . Suite 1121 | Altamonte Springs . Florida . 32701  
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### Structural Engineer . STRUCTURAL CONCEPTS & DESIGN, LLC.

2989 West State Road 434, Suite 300 | Longwood . Florida . 32779  
P: 407.682.2086 | F: 407.682.2386 | E: cscroggins@structuralconcepts-design.com

### P.M.E. Engineer . SGM ENGINEERING, INC.

935 Lake Baldwin Lane | Orlando . Florida . 32814  
P: 407.767.5188 | F: 407.767.5772 | E: victor@sgmengineering.com

## PROJECT INFORMATION

### PROJECT SCOPE

1-STORY WOOD FRAME BUILDING W/ LOAD BEARING EXTERIOR WALLS

### GOVERNING BODIES

CITY OF APOPKA, FL - BUILDING DIVISION - PHONE (407) 703-1713

### BUILDING CODES

FLORIDA BUILDING CODE, BUILDING (FBC-B)	2010 EDITION
FLORIDA ACCESSIBILITY CODE (FAC-BC)	2012 EDITION
FLORIDA BUILDING CODE, MECHANICAL (FBC-M)	2010 EDITION
FLORIDA BUILDING CODE, ENERGY CONSERVATION (FBC-EC)	2010 EDITION
FLORIDA BUILDING CODE, FUEL GAS (FBC-FG)	2010 EDITION
FLORIDA BUILDING CODE, PLUMBING (FBC-P)	2010 EDITION
FLORIDA FIRE PREVENTION CODE (FFPC)	5th EDITION
NATIONAL ELECTRICAL CODE (NEC)	2008 EDITION

### CLUBHOUSE CODE COMPLIANCE

OCCUPANCY TYPE	A3 - ASSEMBLY (NO STAGE)
CONSTRUCTION TYPE	TYPE V-B, UNSPRINKLERED
AREA & HEIGHT LIMITATION (FBC-B TABLE 503)	REQUIRED/ALLOWED
MAX HEIGHT	40' / 25'-0"
MAX NUMBER OF STORIES	1 STORIES / 1 STORIES
MAXIMUM AREA PER FLOOR	PER AREA MODIFICATION SHOWN BELOW

### FIRE PROTECTION (IBC TABLE 601 & 602):

STRUCTURAL FRAME	0 HR	0 HR
EXTERIOR BEARING WALLS	0 HR	0 HR
INTERIOR BEARING WALLS	0 HR	0 HR
INTERIOR NON-BEARING WALLS	0 HR	0 HR
EXTERIOR NON-BEARING WALLS	0 HR	0 HR
FLOOR CONSTRUCTION	0 HR	0 HR
ROOF CONSTRUCTION	0 HR	0 HR

### FIRE RESISTANCE RATING

BASED ON SEPARATION DISTANCE ≥ 10'-0"	0 HR	0 HR
---------------------------------------	------	------

### AREA OF MODIFICATION CALCULATIONS

DUE TO FRONTAGE INCREASE, PER FBC-B 506-2.			
CLUBHOUSE	FRONTAGE INCREASE	ALLOWABLE AREA	PROVIDED
W = 30	$I_f = [441'-3" / 441'-3" - 0.25] 30/30$	6,000 SF (TABLE 503)	
F = 441'-3"	$I_f = [1 - 0.25] 30/30$	+ [6,000 X 0.75]	
P = 441'-3"	$I_f = .75$	10,500 SF	6,415 SF

### INTERIOR FINISHES

EXIT ENCLOSURE & PASSAGEWAYS	= B
CORRIDORS	= B
ROOM & ENCLOSED SPACES	= C

### PLUMBING FIXTURE & CALCULATIONS

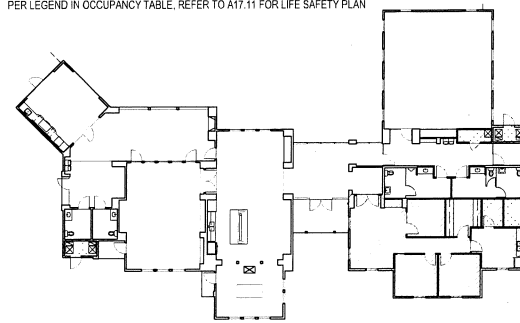
TOTAL OCCUPANTS	175 OCCUPANTS	REQUIRED	PROVIDED
ASSUMED 50% MEN	88 OCCUPANTS		
ASSUMED 50% WOMEN	88 OCCUPANTS		
MEN'S ROOM FIXTURES			
WATER CLOSETS (1 PER 125)	1	1	
LAVATORIES (1 PER 200)	1	2	
URINALS	0	1	
WOMEN'S ROOM FIXTURES			
WATER CLOSETS (1 PER 65)	2	2	
LAVATORIES (1 PER 200)	1	2	
OTHER FIXTURES			
SERVICE SINK	1	1	
ELECTRIC WATER COOLER (1 PER 500)	1	1 HI-LO	

### BUILDING AREA TABLE

BLDG. TYPE	A/C AREA	N-A/C AREA	TOTAL AREA
CLUBHOUSE	4,976 SF	1,439 SF	6,415 SF

### CLUBHOUSE OCCUPANCY DIAGRAM

PER LEGEND IN OCCUPANCY TABLE, REFER TO A17.11 FOR LIFE SAFETY PLAN



### CLUBHOUSE OCCUPANCY & MEANS OF EGRESS

OCCUPANCY LOAD (PER FBC 1004.1) GROUP: A3		
ASSEMBLY	AREA / FLOOR AREA PER OCC.	OCCUPANTS
CLUBROOM	589 SQ.FT. / 15 SQ.FT.	39.3
CYBER CAFE	867 SQ.FT. / 15 SQ.FT.	57.8
FITNESS (W/ EQUIP.)	917 SQ.FT. / 50 SQ.FT.	18.3
PATIO	474 SQ.FT. / 15 SQ.FT.	31.6
SUMMER KITCHEN	252 SQ.FT. / 15 SQ.FT.	16.8
BUSINESS		
LEASING OFFICE	1030 SQ.FT. / 100 SQ.FT.	10.3
(INCLUDES OFFICES, & FILING AREAS)		
ACCESSORY AREAS		
MECH. CLOSETS & STORAGE	226 SQ.FT. / 300 SQ.FT.	0.8
TOTAL		175 PERSONS
TRAVEL DISTANCE (FBC-B TABLE 1016.1)	REQUIRED	PROVIDED
EXITING REQUIREMENTS (FBC-B TABLE 1019.1)	200'	63'-5"
	2 EXITS	2+ EXITS

## DRAWING INDEX

### ARCHITECTURAL DRAWINGS

- A17.01 Title Sheet, Drawing Index, Code Compliance & Issue History
- A17.02 General Notes & Construction Assemblies
- A17.11 Life Safety Plan
- A2.01 Architectural Site Plan
- A17.21 Architectural Slab Plan

### STRUCTURAL DRAWINGS

- S17.31 General Structural Notes
- S17.32 Structural Sections & Details
- S17.33 Structural Sections & Details
- S17.34 Structural Sections & Details
- S17.35 Structural Sections & Details
- S17.36 Structural Sections & Details
- S17.37 Structural Sections & Details
- S17.38 Structural Sections & Details
- S17.39 Structural Sections & Details
- S17.41 Foundation Plan
- S17.42 Roof Framing Plan

### ARCHITECTURAL DRAWINGS

- A17.51 Dimension Floor Plan
- A17.52 Note & Reflected Ceiling Plan
- A17.53 Roof Plan
- A17.54 Enlarged Plans, Interior Elevations & Accessibility Details
- A17.55 Enlarged Plans, Interior Elevations & Accessibility Details
- A17.61 Exterior Elevations
- A17.71 Building Sections
- A17.72 Wall Sections & Details
- A17.73 Wall Sections & Details
- A17.74 Section Details
- A17.75 Section Details
- A17.76 Finish Plan Details
- A17.77 Penetration & Window Installation Details
- A17.91 Door Schedule & Details
- A17.92 Window Schedule & Details
- A17.93 Storefront Schedule & Details

### PLUMBING DRAWINGS

- P18.21 Plumbing Floor Plan
- P18.22 Plumbing Riser Diagrams
- P18.23 Plumbing Schedules & Details

### MECHANICAL DRAWINGS

- M18.31 Mechanical Floor Plan
- M18.32 Mechanical Roof Plan
- M18.33 Mechanical Schedules
- M18.34 Mechanical Details
- M18.35 Vent Hood Details and Information

### ELECTRICAL DRAWINGS

- E16.00 Electrical Symbols, Legend & General Notes
- E16.01L Electrical Site Plan - LED
- E16.02L Photometric Site Plan - LED
- E16.03 Site Lighting Spec Sheets - LED
- E18.41 Lighting Floor Plan
- E18.42 Power Floor Plan
- E18.43 Electrical Schedules & Details

# FORUM

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AA0002731  
www.forumarchitecture.com

## Marden Ridge Apartments

City of Apopka, FL

03/27/2015

### SET DISTRIBUTIONS:

3/27/2015 Permit Set

### SHEET REVISIONS:

EDITED BY: KM RL

PROJECT NO. 14-3051

Clubhouse

Title Sheet, Drawing  
Index, Code Compliance  
& Issue History

# A17.01

## ISSUE HISTORY

3/27/2015 Permit Set

**SHEET NOTES**

- A REFER TO SHEET A17.02 FOR GENERAL NOTES
- B REFER TO SHEETS A17.03 FOR CONSTRUCTION ASSEMBLIES
- C REFER TO SHEET A17.91 THROUGH A17.93 FOR DOOR, WINDOW & STOREFRONT SCHEDULES & DETAILS
- D REFER TO, AND COORDINATE WITH, INTERIOR FINISH SCHEDULE AND SEPARATE DOCUMENTS PREPARED BY INTERIOR DESIGNER AND/OR OWNER, WHEN APPLICABLE, FOR SPECIFIC PAINT SELECTIONS, COLORS, FINISH TEXTURES, AND OTHER REQUIREMENTS.
- E ALL EXTERIOR VENTS AND EQUIPMENT THAT ARE VISIBLE ON EXTERIOR OF BUILDING SHALL BE PAINTED A COLOR TO MATCH THE ADJACENT SURFACE, UNO.
- F ALL COLOR TRANSITIONS SHALL BE ON THE INSIDE CORNERS, UNLESS OTHERWISE SPECIFIED IN COLOR STUDY ELEVATIONS.
- G CONTACT THE OWNER OR ARCHITECT IF THERE ARE ANY QUESTIONS PRIOR TO PAINTING.
- H PREPARATION AND APPLICATION OF PRIMER AND FINISH PAINT PRODUCTS SHALL BE DONE PER THE MANUFACTURER'S WRITTEN INSTRUCTIONS.

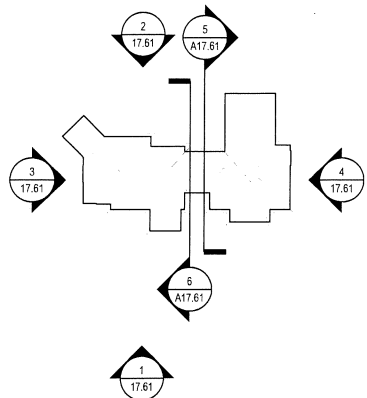
**KEY NOTES**

- 01 TYPICAL FASCIA TRIM AT PITCHED EAVES: ALUM. CLAD P.T. FASCIA PER SECTIONS
- 02 STANDING SEAM METAL ROOF SYSTEM PER ASSEMBLY
- 03 CEMENT PLASTER - REFER TO LEGEND BELOW FOR THICKNESS
- 04 FIBER CEMENT HORIZONTAL LAP SIDING W/ 6" EXPOSURE
- 05 WINDOWS & DOORS PER SCHEDULES. SEE DETAILS
- 06 CONTINUOUS, SEAMLESS ALUM GUTTERS & DOWNSPOUT; PROVIDE WHERE INDICATED AND COORDINATE FOR SITE DRAINAGE AS NECESSARY. REFER TO ROOF PLAN.
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- 10 DECORATIVE PRE-FINISHED BRACKET PER DETAIL 7/A17.61
- 11 ANODIZED ALUMINUM SCREEN ENCLOSURE W/ DOORS AS SHOWN ON FLOOR PLANS
- 12 CEMENT PLASTER CONTROL JOINT
- 13 EXHAUST FAN PER MECHANICAL

**CEMENT PLASTER LEGEND**

- 0 7/8" REINFORCED CEMENT PLASTER
- 1 1 1/4" REINFORCED CEMENT PLASTER
- 2 2" REINFORCED CEMENT PLASTER

**KEY PLAN**



**Marden Ridge  
Apartments**

City of Apopka, FL

03/27/2015

SET DISTRIBUTIONS:

3/27/2015 Permit Set

SHEET REVISIONS:

EDITED BY: CJD

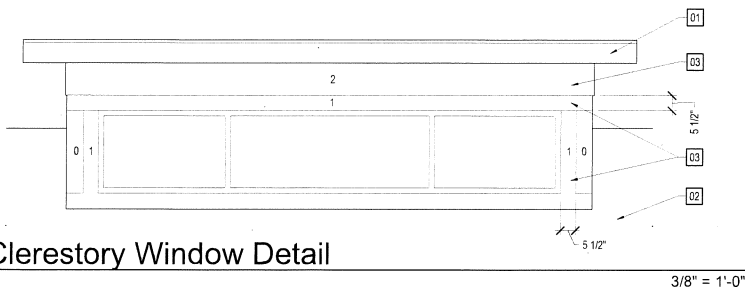
PROJECT NO. 14-3051

Clubhouse

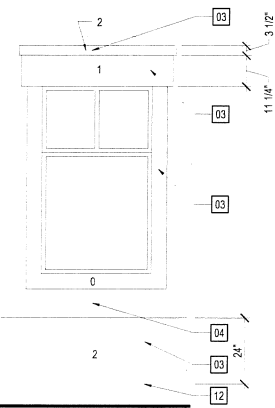
Exterior Elevations

**A17.61**

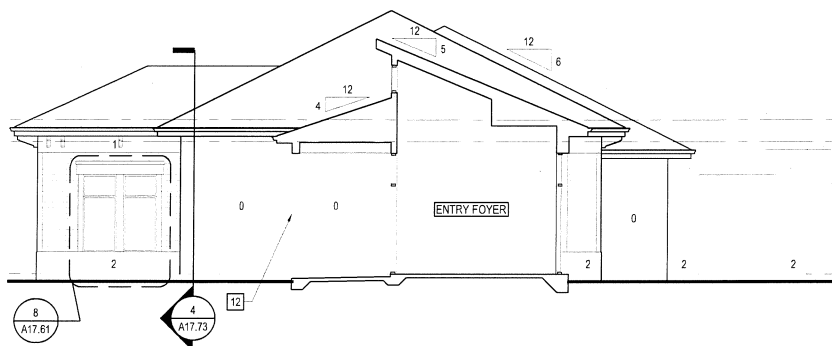
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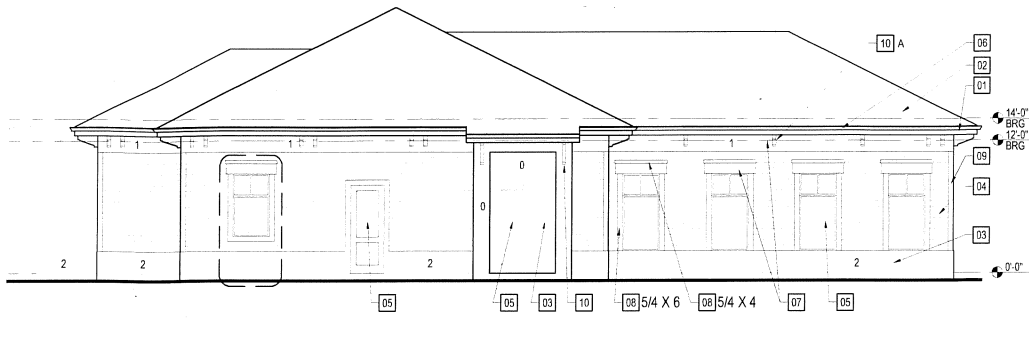
10 Clerestory Window Detail  
3/8" = 1'-0"



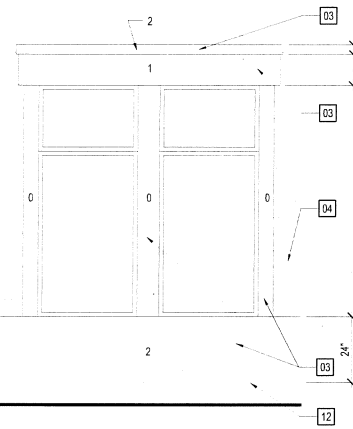
9 Window Trim Detail  
3/8" = 1'-0"



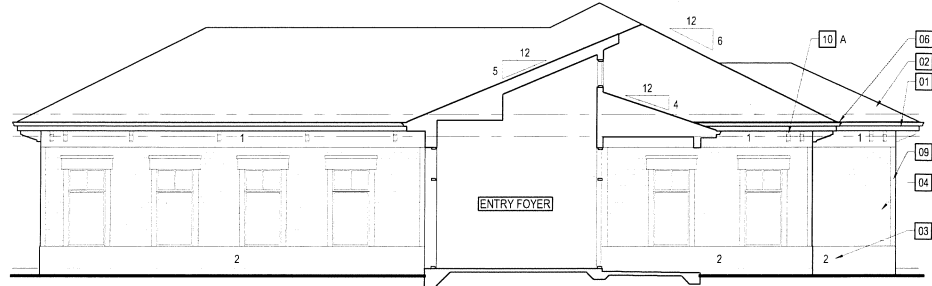
6 Inside Elevation  
1/8" = 1'-0"



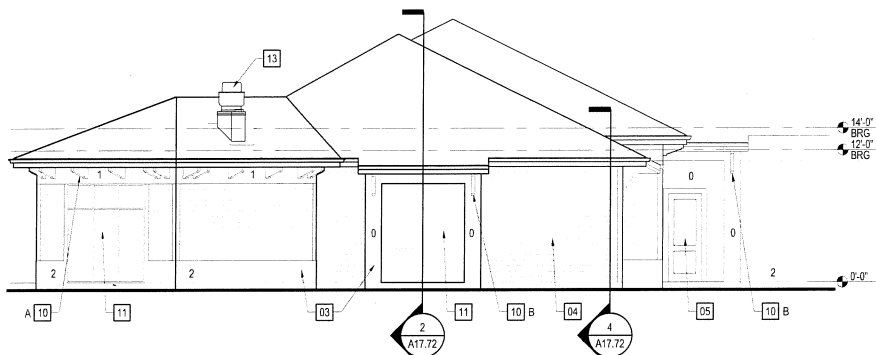
4 Side Elevation  
1/8" = 1'-0"



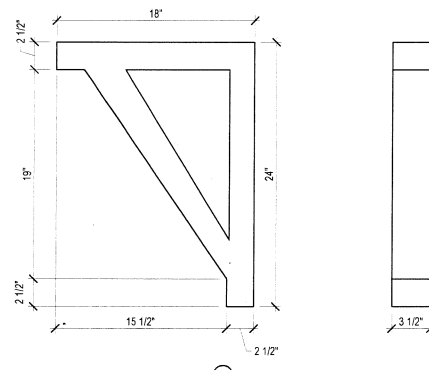
8 Window Trim Detail  
Triple Window Similar  
3/8" = 1'-0"



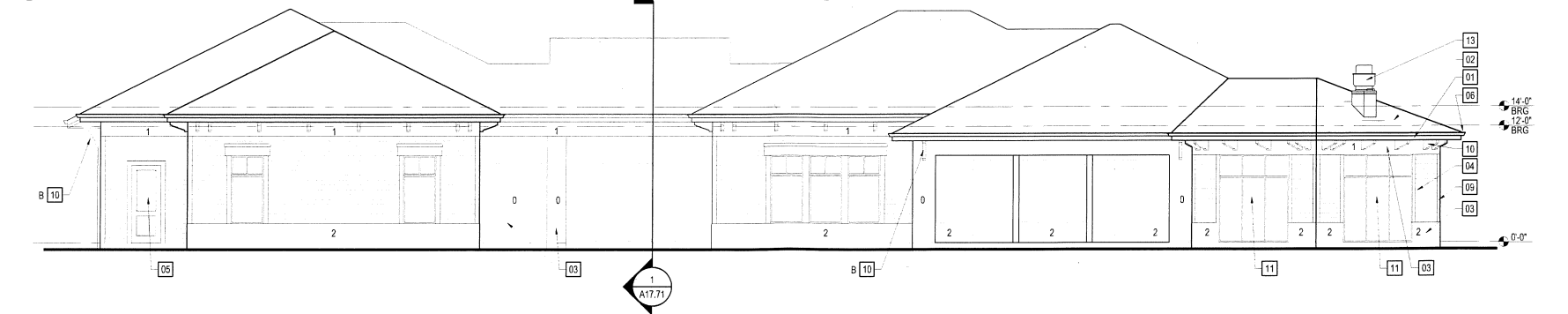
5 Inside Elevation  
1/8" = 1'-0"



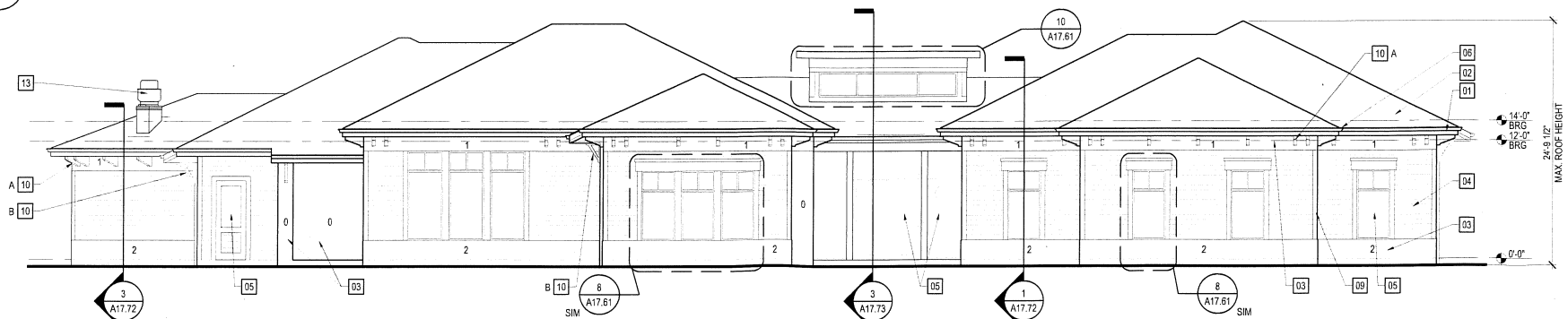
3 Side Elevation  
1/8" = 1'-0"



7 Bracket Details  
1-1/2" = 1'-0"

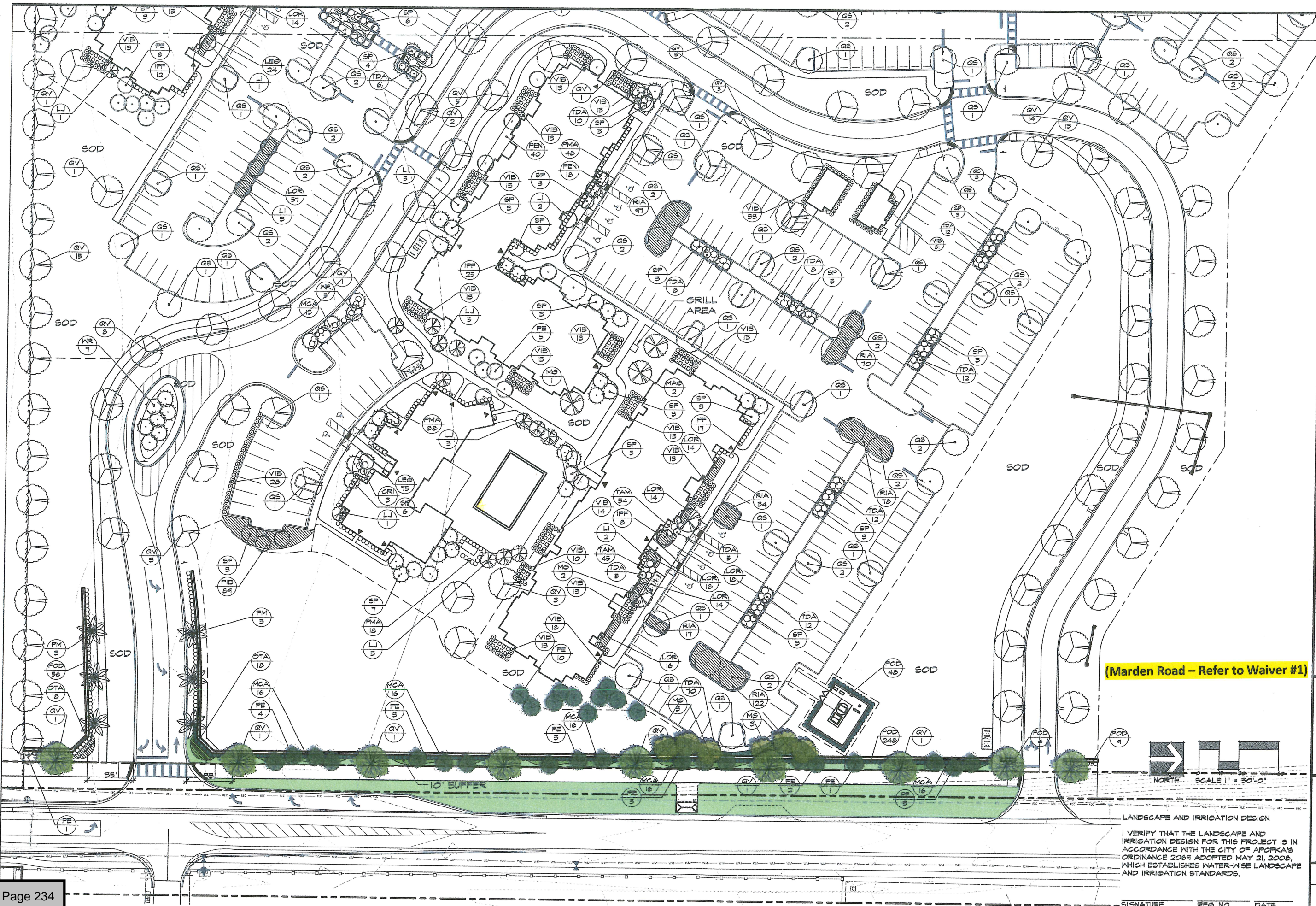


2 Rear Elevation  
1/8" = 1'-0"

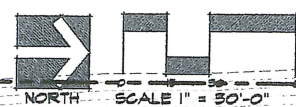


1 Front Elevation  
1/8" = 1'-0"





(Marden Road – Refer to Waiver #1)



LANDSCAPE AND IRRIGATION DESIGN  
 I VERIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED MAY 21, 2008, WHICH ESTABLISHES WATER-WISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_

NO.	DATE	BY	DESCRIPTION
2	07/17/2015	AP	REVISED PER ONE COMMENT DATED 07/17/2015
1	6/01/2015	AP/MJC	REVISED PER CITY COMMENT

SCALE: 1"=50'  
 DATE: 6/01/2015  
 DRAWN: AP/MJC  
 CHECKED: NCG  
 APPROVED: ASC

**LANDSCAPE PLAN (SOUTH)**  
**MARDEN RIDGE APARTMENTS - PHASE 1B**  
**FINAL DEVELOPMENT PLANS**  
**APOPKA, FLORIDA**

RUTH PERRY, RLA  
 No. LA0001530

**gai consultants**  
 618 SOUTH ST. SUITE 700  
 ORLANDO, FLORIDA 32804  
 PHONE: (407) 423-6398

PROJECT NO./DASH NO.  
 A120273.03  
 SHEET  
**LA.01**









(S.R.451 - Refer to Waiver #2)

NO.	DATE	BY	DESCRIPTION
1	4/10/2015	DWN	DATE
2	07/13/2015	AP	REVISED PER USE COMMENTS DATED 07/10/2015
		NCG	REVISED PER CITY COMMENT
		ASC	REVISED PER CITY COMMENT

SCALE: 1"=50'

DATE: 6/01/2015

DRAWN: AP/MJC

CHECKED: NCG

APPROVED: ASC

**LANDSCAPE PLAN (SOUTH)**  
**MARDEN RIDGE APARTMENTS - PHASE 1B**  
**FINAL DEVELOPMENT PLANS**  
**APOPKA, FLORIDA**

SEAL

RUTH PERRY, RLA  
 No. LA0001530

**gai consultants**  
 EB 9951  
 618 SOUTH ST. SUITE 700  
 ORLANDO, FLORIDA 32801  
 PHONE: (407) 423-8398

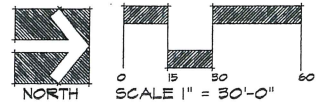
PROJECT NO./DASH NO.  
 A120273.03

SHEET  
**LA.02**

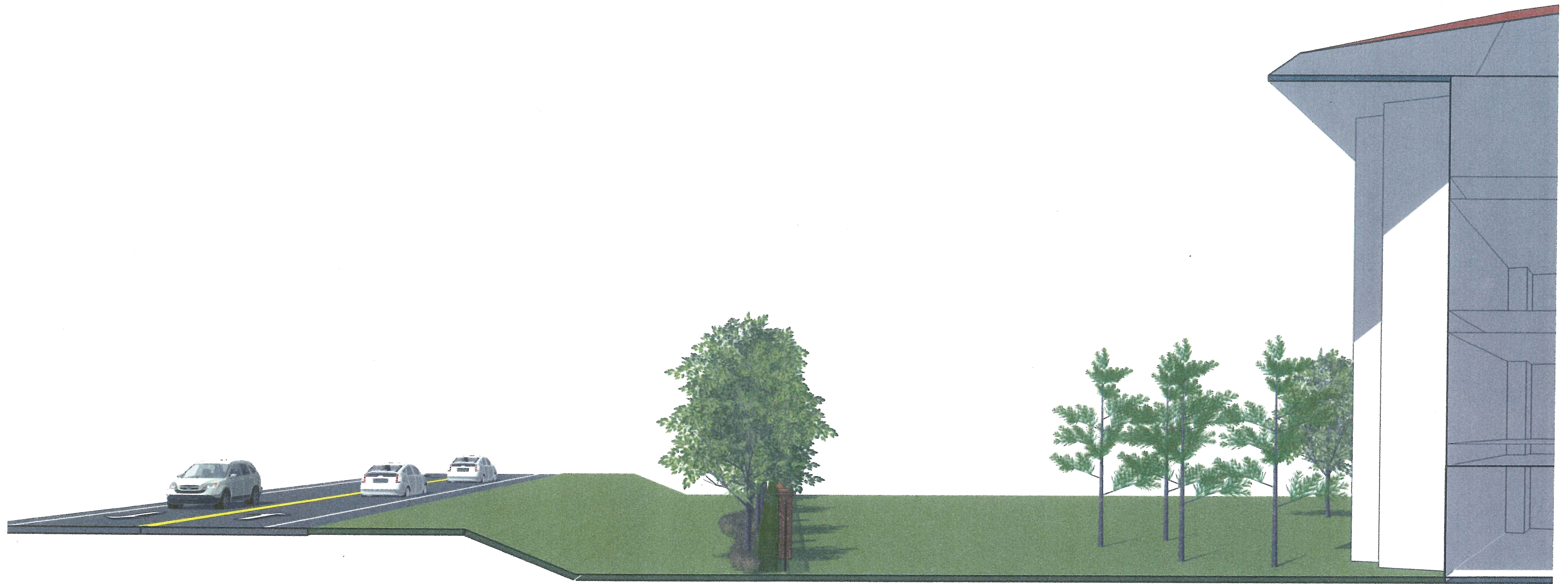
**LANDSCAPE AND IRRIGATION DESIGN**

I VERIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 20819 ADOPTED MAY 21, 2008, WHICH ESTABLISHES WATER-WISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_





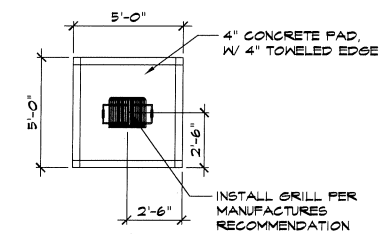
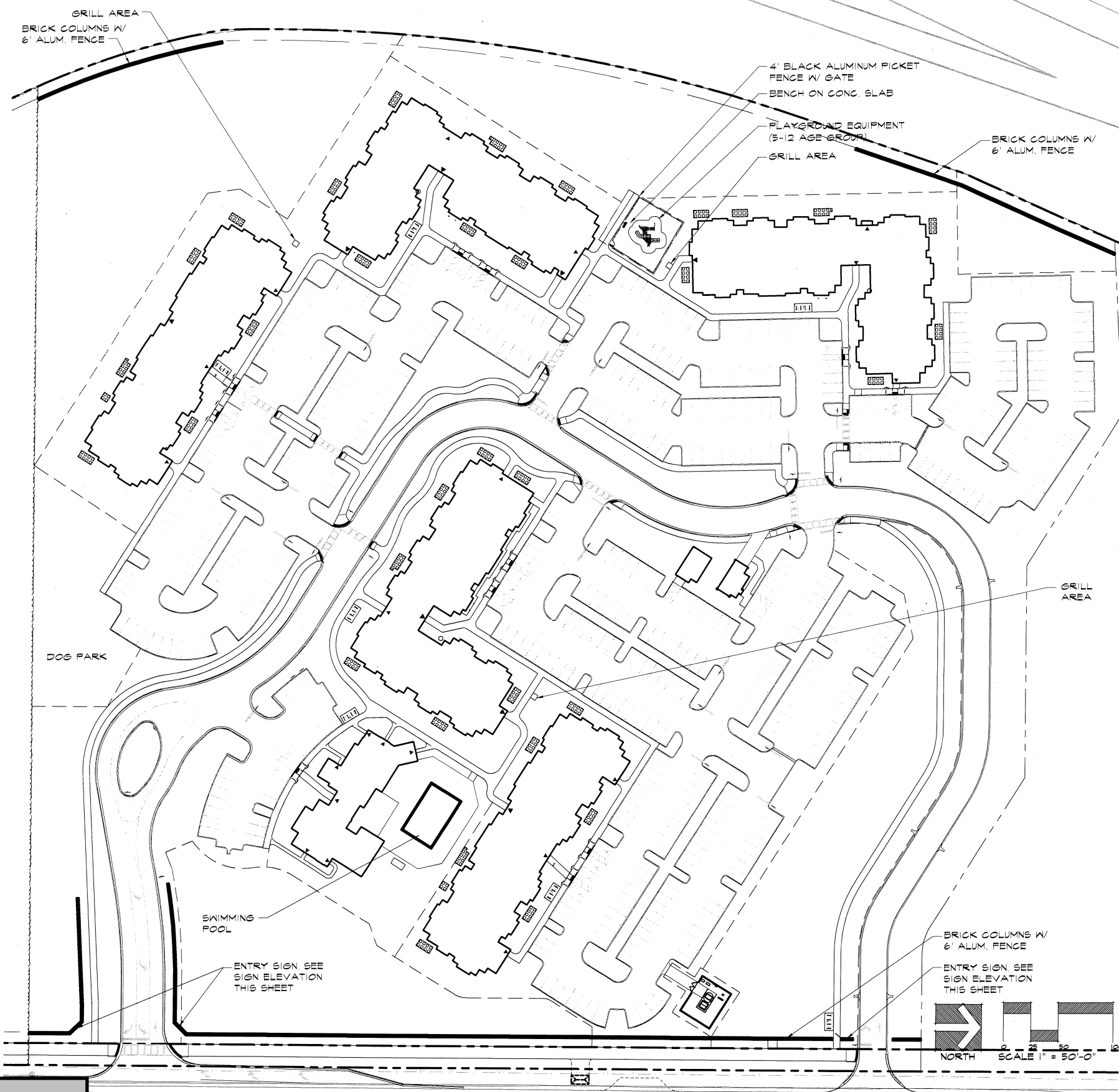


(S.R. 451 – Refer to Waiver #2)







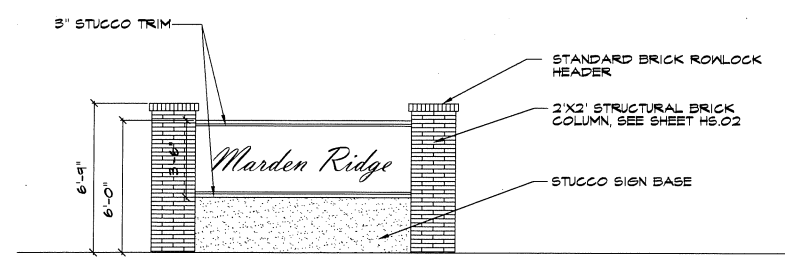


**SINGLE GRILL - PLAN**  
 1/4" = 1'-0" FILE NAME: grill plan view

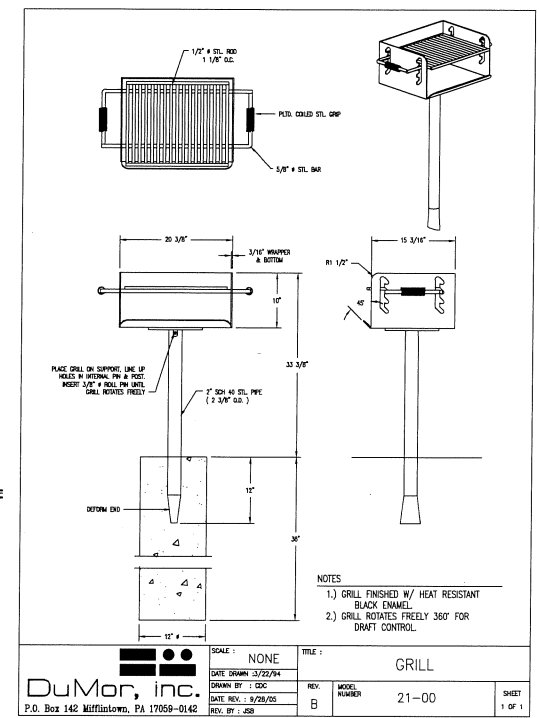
SITE FURNISHING LIST	QTY
PLAYGROUND - BY PLAYSENSE MODEL# 1005 WITH PLAYGROUND MULCH - BY LANDSCAPE STRUCTURES	1
6' BENCH - BY DU MOR, MODEL #58-60	1
OUTDOOR GRILL - BY DU MOR, MODEL #21-00	3

**SWIMMING POOL NOTES:**  
 POOL DIMENSIONS - 30' X 48.5'  
 TOTAL GALLONS - 38,070  
 AVERAGE DEPTH - 3.5'

- NOTES:**
- INSTALL BENCHES PER MANUFACTURE RECOMMENDATION. CONTRACTOR TO PROVIDE 4" X 8" X 4" THICK CONCRETE UNDER BENCHES.
  - INSTALL PLAYGROUND EQUIPMENT AND PLAYGROUND SURFACING PER MANUFACTURES RECOMMENDATION.



**SIGN ELEVATION**  
 1/4" = 1'-0"



**DuMor, inc.**  
 P.O. Box 142 Millville, PA 17059-0142  
 SCALE: NONE TITLE: GRILL  
 DATE DRAWN: 3/22/14 DATE REV: 8/28/15 REV. BY: JCB  
 MODEL NUMBER: 21-00 SHEET: 1 OF 1

NO.	DATE	BY	CHKD	APPRD	DESCRIPTION
1	6/18/2015				REVISED PER CITY COMMENT

SCALE: 1" = 50'  
 DATE: 6/01/2015  
 DRAWN: AP/MJC  
 CHECKED: NCG  
 APPROVED: ASC

**LANDSCAPE PLAN (SOUTH)**  
**MARDEN RIDGE APARTMENTS - PHASE 1B**  
**FINAL DEVELOPMENT PLANS**  
**APOPKA, FLORIDA**

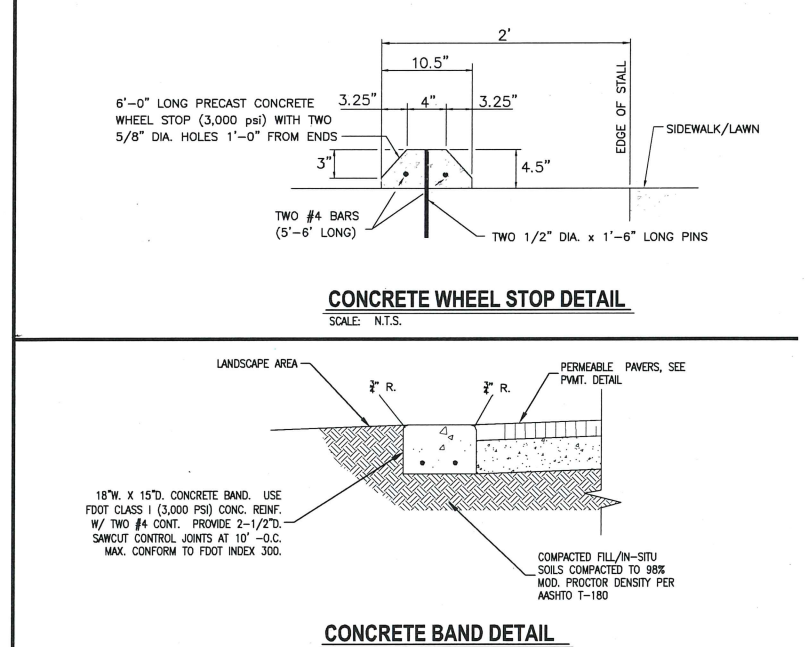
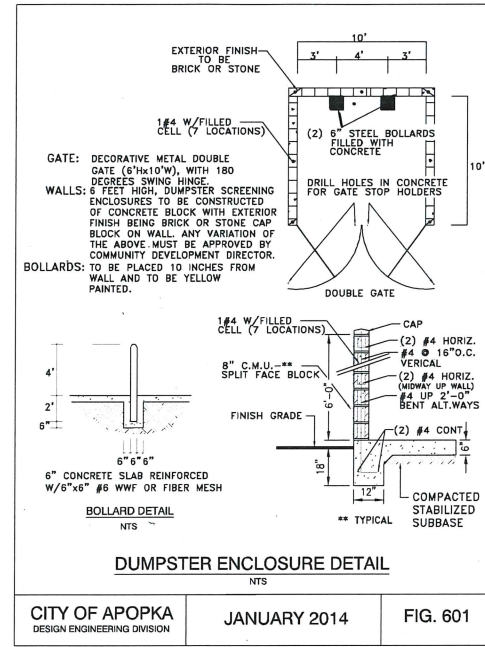
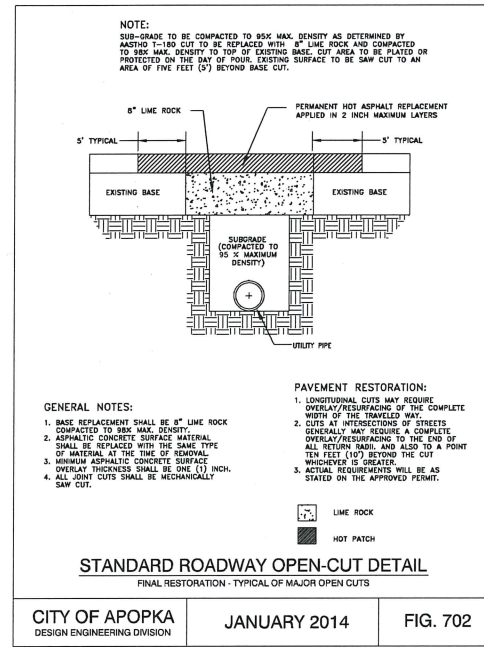
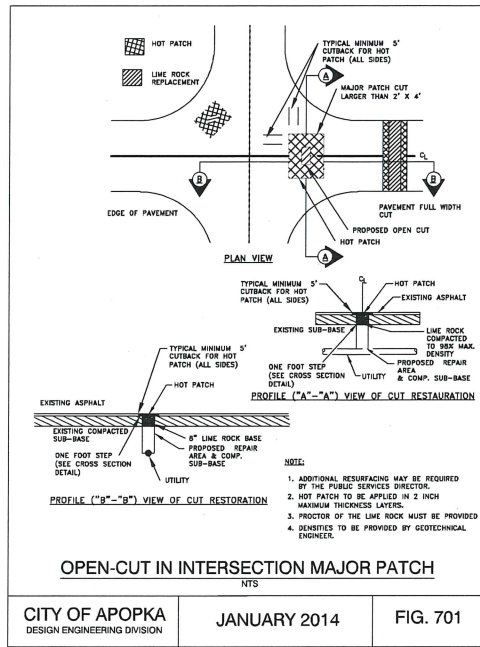
SEAL

RUTH PERRY, FLA  
 No. LA0001530  
  
 gai consultants  
 EB 9951  
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 PHONE: (407) 423-8398

PROJECT NO./DASH NO.  
 A120273.03  
 SHEET  
**HS.01**



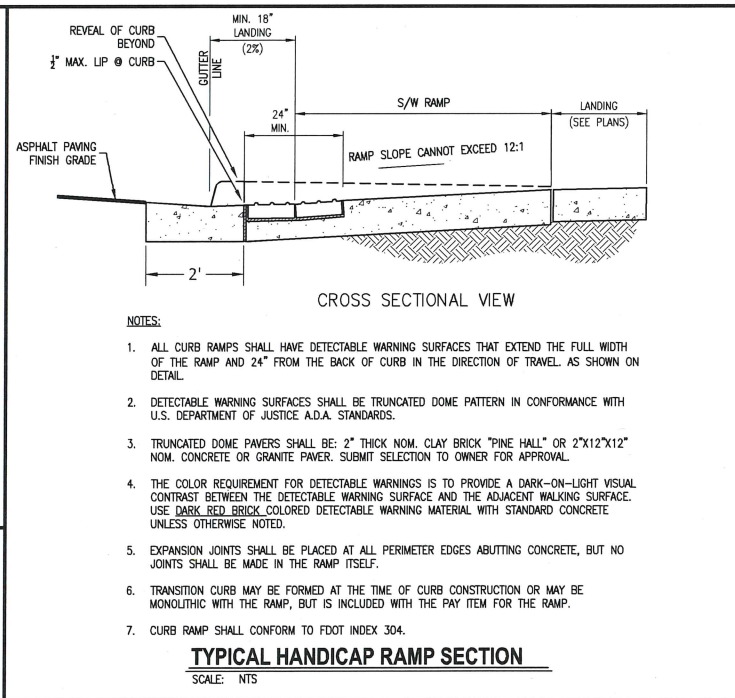
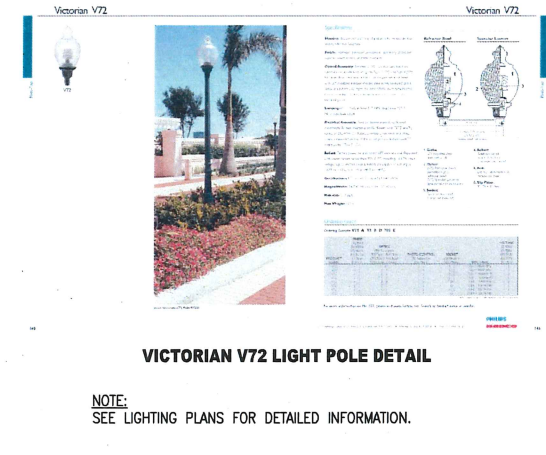




NO.	DATE	BY	CHKD	APPROV	DESCRIPTION
1	6/18/2015	AP	DMK		REVISED PER CITY COMMENT
2	07/15/2015	AP			REVISED PER IRC COMMENTS DATED 07/16/2015

SCALE: N/A  
DATE: 6/01/2015  
DRAWN: AP/MJC  
CHECKED: NCG  
APPROVED: ASC

**DEVELOPMENT DESIGN STANDARD DETAILS**  
**MARDEN RIDGE APARTMENTS - PHASE 1B**  
**FINAL DEVELOPMENT PLANS**  
**APOPKA, FLORIDA**

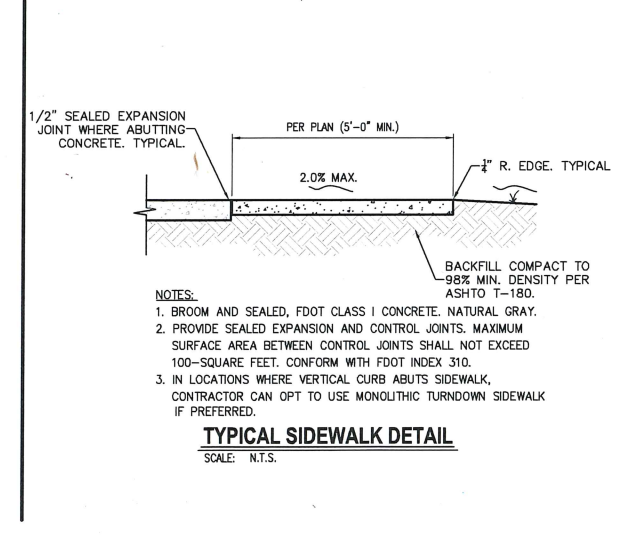
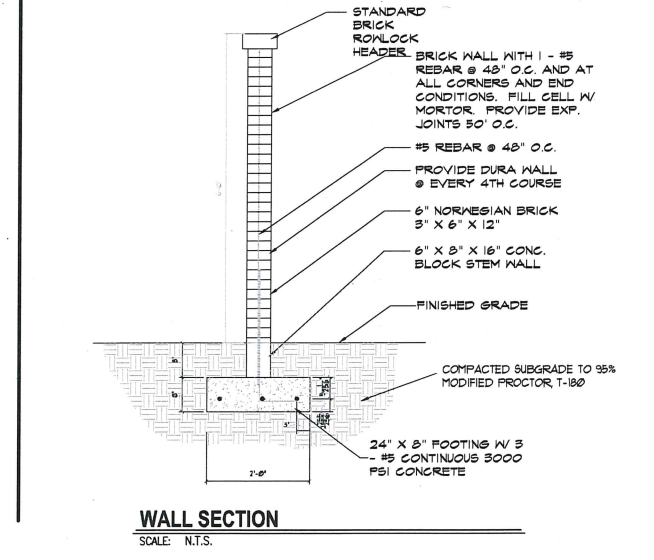
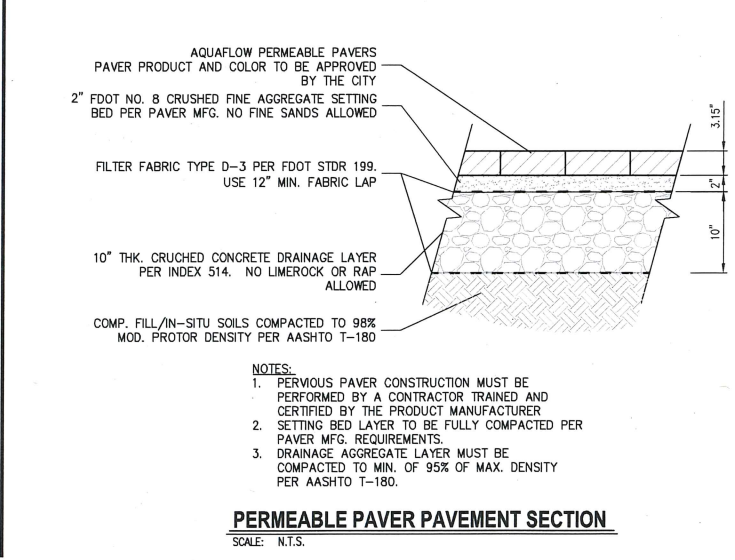
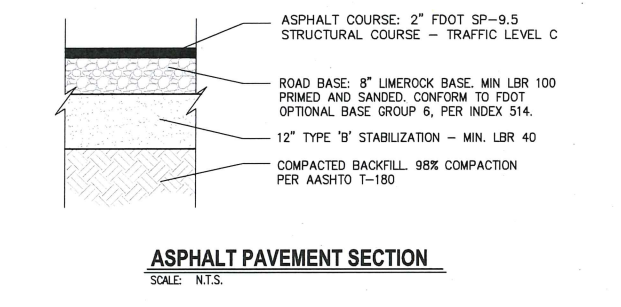


**SELF CONTAINED COMPACTOR**  
NTS

Vert-I-Pack® Self-Contained Compactor OR APPROVED EQUAL  
Dimensions and Specifications

Model	Weight (lbs)	Capacity (cu yd)	Power (hp)	Width (in)	Height (in)	Depth (in)
Model 100	100	1.0	10	10	10	10
Model 200	200	2.0	20	20	20	20
Model 300	300	3.0	30	30	30	30
Model 400	400	4.0	40	40	40	40
Model 500	500	5.0	50	50	50	50
Model 600	600	6.0	60	60	60	60
Model 700	700	7.0	70	70	70	70
Model 800	800	8.0	80	80	80	80
Model 900	900	9.0	90	90	90	90
Model 1000	1000	10.0	100	100	100	100

**RAMJET** Authorized Dealer



ANTHONY S. CALL, P.E.  
No. 67370

**gai consultants**  
EB 9951  
618 SOUTH ST. SUITE 700  
ORLANDO, FLORIDA 32801  
PHONE: (407) 423-8398

PROJECT NO./DASH NO.  
A120273.03

SHEET  
**C7.00**



# Victorian V72



V72



Shown: Victorian V72, Pole P2520.

# Victorian V72

## Specifications

**Housing:** 360 die-cast and spun aluminum with removable door and non-ferrous fasteners.

**Finish:** Thermoset polyester powdercoat, laboratory tested for superior weatherability and fade resistance.

**Optical Assembly:** Symmetric (T0): U.V. stabilized injection molded clear acrylic textured globe. Type III (T3) and Type V (T5) Refractor Bowl: heat resistant borosilicate glass refractor bowl with U.V. stabilized injection molded clear acrylic textured globe. Specular Louvers (TL): highly polished Alzak® aluminum, internal louver assembly; U.V. stabilized injection molded clear acrylic textured globe.

**Lamping:** H.I.D. Medium base E17, HPS Mogul base E23.5, MH Mogul base ED28.

**Electrical Assembly:** Twistlock ballast assembly with quick disconnects for easy maintenance (for fixtures with T3, T5 and TL optics, or 250W H.I.D.). Ballast assembly is mounted to a plate, which is mounted on top of the ballast pod (for fixtures with T0 optics up to 175W H.I.D.).

**Ballast:** Factory pre-wired and tested, HPF core and coil. Regulated with power factors better than 90% (+HPF), providing +/-10% input voltage regulation. Metal halide ballasts are capable of starting at -20°F or -30°C and HPS at -40°F or -40°C.

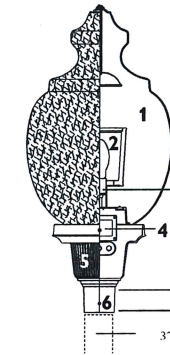
**Certifications:** ETL and cETL Listed, ISO 9001:2008.

**Height/Width:** 34 7/8" (89 cm) x 16 1/2" (42 cm)

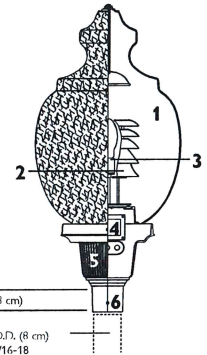
**Max. epa:** 1.17 sq. ft.

**Max. Weight:** 32 lbs.

### Refractor Bowl



### Specular Louvers



**1. Globe:** U.V. stabilized clear textured acrylic

**2. Optics:** (V72 Refractor Bowl) Borosilicate glass refractor bowl (V72 Specular Louvers) Specular aluminum louvers

**3. Sockets:** Porcelain 4kv rated (Lamp not included)

**4. Ballast:** Twistlock ballast assembly, factory pre-wired and tested

**5. Pod:** Die-cast aluminum with removable door

**6. Slip Fitter:** 3" I.D. x 3" deep

## Ordering Guide

Ordering Example: **V72 A T0 B D 70S E**

PRODUCT CODE	FINISH		OPTICS		PHOTO CONTROL	SOCKET	WATTAGE	VOLTAGE
	(A) Black	(B) White	(T0) Symmetric	(T3) Type III Refr. Bowl				
V72	( )	( )	( )	( )	( )	( )	70S = 70W HPS	( )
V72	( )	( )	( )	( )	( )	( )	70S = 70W HPS	( )
V72	( )	( )	( )	( )	( )	( )	100S = 100W HPS	( )
V72	( )	( )	( )	( )	( )	( )	150S = 150W HPS	( )
V72	( )	( )	( )	( )	( )	D	70H = 70W MH	( )
V72	( )	( )	( )	( )	( )	D	100H = 100W MH	( )
V72	( )	( )	( )	( )	( )	( )	150H = 150W MH	( )
V72	( )	( )	( )	( )	( )	G	250H = 250W MH	( )

\* (T...) optics available with Medium base (D) socket only

For more information on the V72, please visit [www.hadco.com](http://www.hadco.com). Search by product name or number.

