

**APOPKA CITY COUNCIL AGENDA**  
**December 06, 2017 1:30 PM**  
**APOPKA CITY HALL COUNCIL CHAMBERS**  
**Agendas are subject to amendment through**  
**5:00pm on the day prior to City Council Meetings**

**CALL TO ORDER**

**INVOCATION - Pastor Kevin Goza of Trinity Baptist Church**

**PLEDGE**

**APPROVAL OF MINUTES:**

1. City Council regular meeting November 1, 2017.
2. City Council regular meeting November 15, 2017.

**AGENDA REVIEW:**

Proclamations:

1. City of Apopka Proclamation declaring a General Election on March 13, 2018.

Employee Recognition:

- ❖ Five Year Service Award – Nicholas “Nick” Dorazio – Police/Support Services
- ❖ Five Year Service Award – Sean Potter – Fire/Suppression
- ❖ Five Year Service Award – Lynn Collette – Finance/Utility Billing
- ❖ Ten Year Service Award – Timothy “Tim” Rippon – Public Services/Streets
- ❖ Fifteen Year Service Award – Sean Wylam – Fire/Chief’s Office (rescheduled from November)
- ❖ Fifteen Year Service Award – Kenneth “Kenny” Brown – Public Services/Waste Water Plant
- ❖ Twenty-five Year Service Award – Jeffrey “Jeff” Plaughter – Public Services/Director’s Office

**PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT**

Public Comment Period:

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

**CONSENT (Action Item)**

1. Approval of the calendar year 2018 Floating Holiday.
2. Appoint Patrice Phillips to the Planning Commission.
3. Approve the purchase of a replacement net, new slide & installation of the equipment at the Kit Land Nelson Park Playground.
4. Approve a precinct map adding a new Precinct #9204, Northwest Recreation Conference Room, 3710 Jason Dwelley.
5. Approve the purchase of protective armor and equipment for the Police Department.
6. Approve the purchase of force training gear for the Police Department.
7. Authorize the purchase of new vehicles and equipment installation for the Police Dept.
8. Authorize a \$12,500 expenditure from the Law Enforcement Trust Funds for investigative buys and undercover operations.
9. Authorize the City Engineer to renew the Class III Landfill Permit for Vista Landfill.
10. Authorize a second extension for the purchase of the Marshall Lake 103.3 acre site by Royal Oak Homes, LLC.
11. Authorize execution of a Sewer and Water Capacity Agreement for the Sandpiper Road Subdivision.
12. Approve Layne Inliner to install an inner-liner in the Lake Francis gravity sewer collection system.
13. Approve the purchase of a 2018 claw truck through the State of Florida Sheriffs contract for the Sanitation Division.
14. Approve Providence Construction to install an equalization pipe on the NW Recreation Center reclaimed water holding ponds.
15. Approve Reiss Engineering to provide professional design engineering and hydrogeology services for the Mt. Plymouth Lakes Water Treatment Plant (WTP) Well #4.

**BUSINESS (Action Item)**

- 1. Approve the purchase of two (2) Mack New Way Automated Side Loader Sanitation Trucks. Jay Davoll
- 2. Reject the only proposal received for the Amphitheater Canopy Replacement bid. Glenn A. Irby
- 3. Discussion - Utility Service Agreement for Water, Wastewater & Reclaimed Water. James Hitt

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

- 1. Ordinance No. 2590 – Second Reading – Large Scale – Future Land Use Amendment – Legislative David Moon  
Project: J. D. & Kathleen L. Horne Trust - Located on the southeast corner of Plymouth-Sorrento Road & West Kelly Park Road
- 2. Ordinance No. 2599 – Second Reading – Large Scale – Future Land Use Amendment – Legislative David Moon  
Project: Sabbath Grace Fellowship, Inc. - Located South of Johns Road, west of S.R. 451
- 3. Ordinance No. 2584 – First Reading - Change of Zoning/PUD Master Plan - Quasi-Judicial David Moon  
Project: East of Ocoee Apopka Road, north of McCormick Road - Oak Pointe South (aka Thompson Hills Est.)
- 4. Ordinance No. 2591 – First Reading – Large Scale – Future Land Use Amendment – Legislative David Moon  
Project: Chul Lee Et. Al. – Located at 2309 & 2405 West Kelly Park Road
- 5. Ordinance No. 2606 – First Reading – Small Scale – Future Land Use Amendment – Legislative Phil Martinez  
Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road
- 6. Ordinance No. 2607 – First Reading – Change of Zoning – Quasi-Judicial Phil Martinez  
Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road
- 7. Ordinance No. 2609 – First Reading – Change of Zoning – Quasi-Judicial Phil Martinez  
Project: Paul and Kimberly Rehn - Located at 2393 Appy Lane
- 8. Ordinance No. 2611 – First Reading – Large Scale – Future Land Use Amendment – Legislative David Moon  
Project: AHIFO-18 LLC – Located on the north side of West Kelly Park Road, west of Plymouth Sorrento Road
- 9. Ordinance No. 2612 – First Reading – Amending City of Apopka Code of Ordinances – Legislative James Hitt  
Project: Part II, Chapter 6 – “Alcoholic Beverages”
- 10. Ordinance No. 2613 – First Reading – Annexation – Legislative David Moon  
Project: Iglesia El Getsemani, Inc. – 2575 West Orange Blossom Trail
- 11. Ordinance No. 2614 – First Reading – Annexation – Legislative James Hitt  
Project: Orange County – East Sandpiper Street (from Thompson Road to approximately 546 feet east of North Park Avenue)
- 12. Ordinance No. 2615 – First Reading – Annexation – Legislative James Hitt  
Project: Orange County – Johns Road (East of Binion Road)
- 13. Ordinance No. 2616 – First Reading – Annexation – Legislative James Hitt  
Project: Orange County – General Electric Road (from West Orange Avenue west approximately 1,417 feet)

**CITY COUNCIL REPORTS**

**MAYOR’S REPORT**

**ADJOURNMENT**

**MEETINGS AND UPCOMING EVENTS**

DATE	TIME	EVENT
December 7, 2017	5:30pm – 9:00pm	Food Truck Round-Up
December 8, 2017	6:00pm – 9:00pm	Movie in the Park – Kit Land Nelson – Charlie Brown Christmas & Elf
December 9, 2017	10:00am – 12:00pm	Apopka Christmas Parade
December 11, 2017	6:30pm –	CONA Meeting – UCF Apopka Business Incubator
December 12, 2017	8:00am – 9:00am	State of the City Address – Highland Manor

December 12, 2017	5:30pm –	Planning Commission Meeting
December 17, 2017	5:30pm – 7:00pm	Festival of Trees Closing Ceremony – City Hall
December 20, 2017	7:00pm –	Council Meeting
December 25, 2017	-	Holiday – City Offices Closed
December 26, 2017	-	Holiday – City Offices Closed
January 1, 2018	-	New Year's Day – City Offices Closed
January 3, 2018	1:30pm –	Council Meeting
January 4, 2018	5:30pm – 9:00pm	Food Truck Round-Up
January 8, 2018	6:30pm –	CONA Meeting – UCF Apopka Business Incubator
January 9, 2018	5:30pm –	Planning Commission Meeting
January 15, 2018	-	Martin Luther King Jr. Day – City Offices Closed
January 16, 2018	6:00pm –	Code Enforcement Hearing
January 17, 2018	7:00pm –	Council Meeting

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

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

**Backup material for agenda item:**

1. City Council regular meeting November 1, 2017.

## CITY OF APOPKA

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### Minutes of the City Council regular meeting held on November 1, 2017, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Doug Bankson  
Commissioner Kyle Becker  
City Attorney Patrick Brackins  
City Administrator Glenn Irby

PRESS PRESENT: Teresa Sergeant - The Apopka Chief  
Reggie Connell, The Apopka Voice  
Steve Hudak, Orlando Sentinel

**INVOCATION** – Mayor Kilsheimer introduced Pastor James Hicks from Center of Faith Church, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said on the 11th hour of the 11th day of the 11th month in 1918, fighting ceased between Germany and the Allied nations when an armistice went into effect. This armistice heralded the end of World War I. In the years following, November 11th was commemorated as Armistice Day, a day *“filled with solemn pride in the heroism of those who died in our country’s service during World War I.”* The day was to be dedicated to the cause of World Peace. In 1954, Congress changed the name of the holiday to Veteran’s Day to honor American veterans of all wars. He asked everyone to remember our veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good as he led in the Pledge of Allegiance.

**AGENDA REVIEW:** Glenn Irby, City Administrator advised there were no changes.

#### Employee Recognition:

- ❖ Five Year Service Award – Jon McGuire II – Fire/Suppression. The Commissioners joined Mayor Kilsheimer in congratulating Jon on his years of service.
- ❖ Ten Year Service Award – Robert Campbell – Police/Support Services. Robert was not present and his award will be presented at another time.
- ❖ Ten Year Service Award – Harold Cummings – Police/Field Services. The Commissioners joined Mayor Kilsheimer in congratulating Harold on his years of service.
- ❖ Ten Year Service Award – Robert “Bob” Shelton – Information Technology. The Commissioners joined Mayor Kilsheimer in congratulating Bob on his years of service.
- ❖ Ten Year Service Award – Michael “Mike” Reagor – Police/Support Services. Mike was not present and will be presented his award at another time.
- ❖ Fifteen Year Service Award – John Drechsel – Fire/EMS – The Commissioners joined Mayor Kilsheimer in congratulating John for his years of service.
- ❖ Fifteen Year Service Award – Christopher “Chris” Cowley – Fire/EMS – Chris was not present and will be presented his award at another time.

- ❖ Fifteen Year Service Award – Matthew “Matt” Gurgone – Fire/EMS – The Commissioners joined Mayor Kilsheimer in congratulating Matt for his years of service.
- ❖ Fifteen Year Service Award – Daniel “Dan” McGatlin – Fire/Suppression - The Commissioners joined Mayor Kilsheimer in congratulating Dan for his years of service.
- ❖ Twenty Year Service Award – RL Colina – Fire/EMS – The Commissioners joined Mayor Kilsheimer in congratulating RL for his years of service.

## **PUBLIC COMMENT**

Pastor Hezekiah Bradford said he has not had the opportunity to speak with Mr. Irby, but last year Reverend Alexander Smith submitted a request for some funds for the Martin Luther King Parade. He stated this was not budgeted in 2017, but it was said it would become a budgeted item for 2018 and they have not heard back from the City and inquired where they were with this matter.

Mayor Kilsheimer said he would have Mr. Irby get with him on this to see what could be done.

Leroy Bell thanked Commissioner Dean for his service and leadership in the community. He said the South Apopka Ministerial Alliance has been coming to the Mayor for some time now about diversity in the City. He expressed concerns regarding a lot of the black history being taken down at the Historical Museum due to remodeling and said the book by Perrine Slim was banned from being sold in the Museum. He spoke of Ms. Gilliam having served the City and Museum for 47 years and how she brought people together. He encouraged the Mayor and Council to do something to preserve the history of the people of South Apopka.

Belle Gilliam said she has lived in Apopka since 1933 and she has volunteered at the Museum since 1970 enjoying every bit of it until recently. She said it hurts her to go due to a feud regarding Mr. Gladden’s book and if this book cannot be in the Museum she said she did not want any more association with the Museum. She said Mr. Gladden was respected by all and served his country. She stated we owed Mr. Gladden’s writing to Mildred Board who preceded him by writing for The Apopka Chief. Ms. Board was a teacher and member of the Apopka Historical Society.

Beverly Gilliam Byrd said she was born and raised in Apopka and was here today to speak on behalf of William Gladden’s book. She stated this book was filled with knowledge and history of Apopka and deserves to be in the Museum. She said her mother was 96 years old and has given her heart and soul to this town and deserves more respect than she has been given. She stated she wanted Mr. Gladden’s book back in the Museum for her mother’s sake and for the heritage.

Joseph A. Washington, Jr. said he was President of AACCC (Apopka Area Concerned Citizens Council) and said too often people come to South Apopka wanting their help and vote, only to be forgotten. He stated he sent a letter to the President and Vice President of the Museum and received no response, then he resent it certified mail. He explained he wanted Mr. Gladden’s book back in the Museum and it was explained by the President she was trying to redo a timeline. He suggested a plaque be put up to explain they are doing a timeline and within a

certain time period they will reinstate all black history articles, and other items. He stated if a taxpayer/citizen walks into the Museum and does not like what is there, it should be addressed and not made a political issue. He said they would like what was removed from the Museum returned. He expressed a desire to volunteer and said he would be volunteering at the Festival of Trees.

David Rucker said he was a member of the AACCC and he was not a resident of Apopka, but it always concerns him when there is talk about the community. He stated he was a community activist and he is retired from the Orange County School Board. He said he was in full support of the AACCC organization and they are looking at a lot of different things that should change, stating it was all about diversity and not racism. He stated they need to make this a good community and work with South Apopka.

Wanda Beckwith said she also was a member of AACCC. She stated she was here in the capacity of legal counsel as well as media relations and she concurred with what was said by the prior members. She said this clearly was an emotional matter and it definitely needs to be addressed. She advised that she wrote the letters that were sent to the Museum so they could have a response and diplomatic relationship with the Museum Board to resolve these issues. She stated it disheartens her that there was no response given, rather it be by phone call, email, or a letter. She said they are asking to be even par with the community, stating there are several people who are represented here whether they be African American, White, Latino, or Indian. She stated a lot of people have contributed to Apopka and it should be reflected in the Museum. She said if there was a reason for items to have been taken down, it should be expressed. She asked this matter be resolved in a diplomatic way and move forward in a more peaceful manner asking for an opportunity to speak with the board members of the Museum and she would like to volunteer as well.

Ray Shackelford said for a point of clarification he would like to know and see where in written policy it states a citizen cannot yield their time to another citizen. He applauded AACCC and South Ministerial Alliance for their leadership in addressing justice, racism, fairness, and history. He said government embraces diversity, economic fairness, equality, ethics, fiscal integrity, justice for all people and communities, and transparency. He said the most dangerous person in government is a person who does not respect the people and their tax money. He stated the City of Apopka belongs to all communities and people. He said they need to come together as a City and move forward as a City.

Roscoe Griffin said this matter was brought to his attention by Leroy Bell and he has not been to the Museum. He stated he had a softball team approximately 43 years ago and he submitted some photographs to the Museum. They played in the City of Apopka recreation league for ten years, winning eight city league championships, and went to three national tournaments representing Apopka. He said he would hate to see their pictures taken out of the Museum where they represented the City of Apopka.

Rod Love said he wanted to recognize the AACCC today stating you can witness what community people can do when they set their mind to it. He also recognized the South Apopka Ministerial Alliance who continues to be advocates for what is right. He recognized Ms. Belle

Gilliam, stating this was not a black issue, but it was a community matter. He spoke of matters the public has talked about before the Council, such as economic development, and Community Redevelopment money. He spoke of connectivity taking place by AACCC and South Apopka Ministerial Alliance to all people stating they are American strong. He said he appreciated the engagement they receive from members of Council. He stated they will continue to come forward and have conversations.

Mayor Kilsheimer personally apologized to Ms. Belle Gilliam for anything his family or he has done to offend her. He stated he holds Ms. Belle in extremely high regard and appreciates everything she has done for our community and to put the Museum in the position that it is in. He stated to provide some background with regard to what has happened at the Museum, this past January, after the death of the previous President of the Apopka Museum, his wife received a phone call and was asked to volunteer as the President. He affirmed he had been the President of the Museum once before and he and his wife think the Museum is a treasure and holds world class artifacts. He stated over the last four years, his wife has raised close to \$40,000 for the Museum with the Festival of Trees. He said when Ms. Kilsheimer agreed to serve as President she brought in a new Board of volunteers, stating while the City of Apopka owns the building, the organization and the activities of the Museum are done strictly by volunteers with the exception of one part-time city staff person. These volunteers devote their time and energy to the Museum because of their love of the community. He stated this issue regarding Perrine Slim's book is not about Mr. Gladden's book, but rather a personality dispute between the publisher of the book and the Board of the Museum. He explained a box of books showed up at the Museum with a demand made for payment. He advised the Board had not authorized this order of books, yet the demand was made and the books were returned. He reiterated it is not about Mr. Gladden's book and it was, until this point, a private personality dispute. He said this is not the way to get a group of people to come and volunteer at our Museum, and stated we may have a hard time keeping our volunteers after this display. He again apologized to Ms. Belle and said with regards to the display, he was not sure what pictures have come down or which ones have been put up, but he does know there is a committee of volunteers that are trying to redo the displays at the Museum with the idea of updating it. He stated Ms. Kilsheimer has been organizing events to bring people to the Museum. He said he regrets the good intentions of his wife and the volunteers at the Museum have been held out here for public criticism.

In response to Commissioner Becker's inquiring about the book, Mayor Kilsheimer said the Museum sold the book and ran out. The Board had not approved the order that arrived C.O.D. He affirmed the books are for resale.

**CONSENT (Action Item)**

1. Approve the issuance of blanket purchase orders for the Sanitation and Streets Divisions.
2. Authorize the City to amend and extend of Inmate Contract W1085 with the Department of Corrections.
3. Approve Unifirst Corporation to provide uniform apparel services to the Public Services Department for FY 2018.
4. Approve the rebuild of computer software inspection equipment on the wastewater maintenance service van.
5. Approve the Holly Estates agreement for oversizing the potable water and sewer force main



pipe sizes.

6. Award a contract to Dell Financial Services for the lease of Police and Fire Department Laptops.

Discussion was held regarding Item 3.

**MOTION by Commissioner Becker, and seconded by Commissioner Bankson to approve six items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**BUSINESS (Action Item)**

1. Approve an MOU in order to join a coalition for an EPA Brownsfield Grant Application.

Dr. Shekenya Jackson explained the City was approached to pursue an EPA grant with the East Central Florida Regional Planning Council (ECFRPC). This is an opportunity to join a coalition with Eustis, Kissimmee, and Longwood in an effort to apply for an EPA Brownfields Assessment Coalition grant worth \$600,000. City staff will work with the ECFRPC to identify priority sites in the Apopka downtown area. Staff recommends approval.

**MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to approve an MOU in order to join a coalition for an EPA Brownsfield Grant Application. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

2. Approve the purchase of two (2) sets of high density polyethylene pipe (HDPE) crimping tools.

Jay Davoll, Public Services Director, said the City's potable water distribution system has an extensive amount of HDPE pipe installed. The crimping tools are required to provide staff the ability to expedite repairs to breaks in HDPA water mains with minimal disruption of service to the residents in these areas.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Dean to approve the purchase of two sets of high density polyethylene pipe (HDPE) crimping tools. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

3. Further evaluation of a Splash Pad RFP submittal.

Glenn Irby, City Administrator, said the City recently had an RFP out for the third time for a Splash Pad and we received three submittals. A review committee reviewed and ranked the submissions. One of the companies far exceeded the budgeted amount, leaving two companies. One is Freeport Fountains and they submitted two designs, both below budget. Aquamarine Swimming Pool Company was the second company who also submitted two designs both below budget. He advised that following ranking by the evaluation committee, they decided to have both companies come in and make a presentation. Following the

presentations the evaluation committee re-evaluated Freeport Fountains and Aquamarine Swimming Pool Company. He advised Freeport Fountains came in higher. At this time staff is requesting to continue evaluation of Freeport Fountains to come in with a design and this will be presented to Council through a workshop.

Commissioner Becker said by Council taking the approach to evaluate further with Freeport Fountains proposal, it is not to say we are awarding the contract by approving this motion today, but merely stating you are continuing conversations and the design will come back to Council prior to any award.

Mr. Irby responded in the affirmative.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve staff to further evaluate the Splash Pad RFP submittal by Freeport Fountains. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

4. Approve Amendment No. 2 of the Wastewater Plant Expansion Design Engineering Contract for a new workshop/work space area for the Plant Maintenance Division.

Mr. Davoll said this past budget the creation of division 3191 was approved for the Plant Maintenance Division. This moved all of the maintenance part of the new plant under its own division and the hiring of five new employees was also approved. At the time of the original design, this division was unknown. He explained they now need a place for this maintenance division to work. He said they have a location on site, but they need to design a building. TetraTech is the current engineer of record for this. He pointed out a scrivener's error in the staff report, stating that Task 4 should be listed at a cost of \$65,127.87 and the total for all four tasks is \$180,214. Staff requests approval for TetraTech to do this design and they will be coming back for approval of the building. He advised all of this is falling within the contingency for the project and with this and the proposed cost of the building they will be around 60% of the contingency funding.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve Amendment 2 of the Wastewater Plant Expansion Design and Construction Contract with TetraTech in the amount of \$180,214. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

5. Final Development Plan – John's Corner Grocery Store – Project: 41 E. Michael Gladden Boulevard - Jun H. Kim and Yun D. Kim.  
Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by City Attorney Brackins.

Pam Richmond, Senior Planner, provided a brief lead-in of the Final Development Plan for John's Corner Grocery Store reviewing the location on a map and providing the surrounding zoning and land uses. She advised the site is .43 acres and the building will be a 2400 square

feet convenience store. DRC finds the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommends approval. The Planning Commission at their meeting on October 10, 2017 recommended approval.

Commissioner Dean said this was in a blighted area and suggested they have attractive landscaping to add to the beautification of the area.

Mayor Kilsheimer opened the meeting to a public hearing.

Pastor Hezekiah Bradford was sworn in by the City Attorney. He expressed concerns regarding the traffic in this area and said trying to turn off of Michael Gladden onto Park Avenue was very difficult. He stated the new Florida Hospital will also impact this area.

Mr. Davoll said Michael Gladden was a city road, but the intersection was maintained by the county.

Rod Love was sworn in by the City Attorney. He said the store is well needed in this community. He stated Florida Hospital will attract new businesses as well. He echoed concerns mentioned by Commissioner Dean regarding beautification in the area taking into consideration the surrounding area. He said he was not certain whether this would fall in the CRA plan, but suggested concentrated efforts be made to draw new business and provide support, taking into consideration the surrounding areas and recreating that area. He inquired why Item 3 under Business was not open to public hearing and this Item was.

Mayor Kilsheimer explained this Item was a quasi-judicial hearing and there is a formal requirement for public hearing. There is not a formal requirement for public hearing of the legislative business matter before the city.

Mr. Love said he did have some concerns and questions regarding the Splash Pad and the procurement process of it. He stated taking into consideration the last process that he has yet heard an explanation.

City Attorney Brackins clarified that the Council was at this time sitting in their capacity as judges in a quasi-judicial hearing, not in their capacity as legislative. The testimony is all being recorded in the event there is an appeal by the land owner.

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

**MOTION by Commissioner Bankson, and seconded by Commissioner Dean to approve the Final Development Plan for John's Corner Grocery Store. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

1. Ordinance No. 2602 – Second Reading – Corrective Ordinance – Kelly Park Crossing DRIDO - Project: Kelly Park Crossing Development of Regional Impact Development Order

The City Clerk read the title of the ordinance as follows:

**ORDINANCE NO. 2602**

**AN ORDINANCE AMENDING AND CORRECTING ORDINANCE NO. 2564; AMENDING AND CORRECTING THE FIRST AMENDMENT TO THE KELLY PARK CROSSING DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER; CLARIFYING THAT PROJECT ORLANDO, LLC IS THE APPLICANT AND DEVELOPER FOR THE KELLY PARK CROSSING DEVELOPMENT OF REGIONAL IMPACT; CORRECTING ORDINANCE NO. 2564 BY REPEALING AND REPLACING SAME AND REPEALING AND REPLACING ORDINANCE NO. 2230; AND PROVIDING 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 Bankson, and seconded by Commissioner Velazquez to adopt Ordinance No. 2602. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.**

2. Ordinance No. 2584 – First Reading - Change of Zoning/PUD Master Plan - Project: East of Ocoee Apopka Road, north of McCormick Road - Oak Pointe South (aka Thompson Hills Est.) The City Clerk read the title as follows:

**ORDINANCE NO. 2584**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT (OAK POINTE); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, COMPRISING 69.7 ACRES MORE OR LESS, AND OWNED BY THOMPSON HILLS ESTATES LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by City Attorney Brackins.

David Moon advised he had discussions with an affected property owner, as well as the applicant a few minutes prior to the meeting. Mr. Jones is requesting to continue this hearing to December 6, 2017, so that he can work with the affected property owner who is surrounded by this proposed development to discuss his issues and come to a resolution.

Both parties are in agreement with continuing this hearing to December 6, 2017.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson to continue Ordinance No. 2584 to a date certain of December 6, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

3. Ordinance No. 2600 – First Reading – Comprehensive Plan Amendment – Large Scale Project: A. D. Raulerson Sr. & A. D. Raulerson Jr. - 213 West Lester Road and 2122 Rock Springs Road; and Curtis & Karen Pumphrey - 251 West Lester Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2600**

**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 TO “CITY” MEDIUM LOW DENSITY RESIDENTIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF ROCK SPRINGS ROAD NORTH OF LESTER ROAD, COMPRISING 23.20 ACRES, MORE OR LESS AND OWNED BY A.D. RAULERSON SR. AND A. D. RAULERSON, JR.; AND CURTIS AND KAREN PUMPHREY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

David Moon, Planning Manager, said this was a request to amend the future land use on approximately 23.2 acres from County Residential Low Density (0-4 du/ac) to City Residential Medium Low Density Low (0-7.5 du/ac). He reviewed the location on a map and said the applicant desires to construct either townhomes or 40’ wide single-family lots, or a combination of both. The interest is in the 40’ wide lot single family homes. He reviewed the surrounding areas and said the DRC finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommends approval with transmittal to the state. The Planning Commissioner at their October 10, 2017 meeting found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas and recommended a (5/1) density and transmittal to the state.

Commissioner Becker reviewed the Land Development Code and said nowhere in the code does it say 40’ lots are acceptable with a minimum lot size of 75’ and the PUD classification cannot go below 70’ without offsets. He asked why we were entertaining 40’ lots on this property.

Mr. Moon said the applicant’s interest was in a townhome project and after initial review the applicant chose to pursue a 40’ wide lot single family development. He explained the planned unit development zoning category does specify minimum lot ranges of 70’ wide for single family homes and it can go down to 65’ wide as long as there is an equal number of 80’ wide

lots. He advised there is also a clause that states the City Council can accept alternative designs under the PUD ordinance. He affirmed this has recently been applied to other projects that have been submitted to the city. With that clause, the applicant is pursuing a PUD zoning that would accommodate a minimum of 40' wide lots.

Mayor Kilsheimer said they were entitled to townhomes and if they opt not to consider the 40' wide lots, the applicant will come forward with the townhomes project that will be denser. He disclosed having spoken to the applicant regarding this and represent this is what the market is asking for.

Commissioner Becker inquired if the current land use would facilitate the construction of townhomes.

Mr. Moon advised the current land use would not allow townhomes. He advised the law was clear that when a property is annexed into a municipality and the land use designation has not been assigned by the city, then they follow the county land use assigned to the property. He stated we also have a joint planning agreement with the county and we have adopted policy in our comprehensive plan that states once a property is annexed into the city, the city will assign a land use designation and zoning for the property. This is what the process the applicant is going through at this time.

Commissioner Velazquez said if townhomes are built, these would be adjacent or to the back of homes that are (3du/ac) in Alexandria Place and this was a concern.

Mr. Moon advised through PUD zoning they can provide additional buffering and special design standards for the site. The applicant is proposing a 30' landscape buffer with a 6' brick wall.

Richard Wohlfarth, Wohlfarth Consulting Group LLC, said their original proposal was for 176 townhouse lots which is just short of 7.5 du/ac. During the Planning Commission meeting there were members of the community present and the biggest concern was having townhouses right next to single family homes. He said they went back and looked at other options. One of the options was to have 114 single family homes on smaller 40' wide lots. He said this brought it down to under 5 du/ac and in addition they looked to see what else could be done to be better neighbors. They do have a challenge with a mobile home park to the south, commercial to the east, and to the west a water plant. They felt this transition from the trailers to single family homes was a good transition. He said they also realize they are smaller lots and need to back up to the neighbors to the north. They agreed to a buffer of 30' with the qualification to over landscape the area on the west side of the cul-de-sac. He stated they do plan to put in additional landscaping and the wall will be immediate. He said they are committed to this being a gated community and a maintenance free community with the lawns being maintained by the HOA. They will be putting in a pool and cabana bath, as well as playground equipment. He affirmed they were trying to make this as attractive an area as possible. He said they would be back before Council repeatedly during the PUD process. He stated they hope to be a good developer in the City of Apopka.

Mayor Kilsheimer said one issue of concern he has is the length of the driveways, stating they have had a consistent issue with developments where the driveways are too short to be able to park adequate cars.

Mr. Wohlfarth said they did make one adjustment after meeting with staff by increasing the front setback from 20' to 22'. They will have additional parking by the pool and cabana and they will look into providing additional parking.

Mayor Kilsheimer opened the meeting to a public hearing.

Carol McCorkle said she lives on Lester Road and owns 10 acres with a single family home and she owns a 10 acre nonprofit wildlife rehabilitation organization. She said they came seeking a city that they could with and found Apopka with an interest in ecotourism. She said they knew they would have Lester Road go through and single family homes. She said the future planning use she has from 2002 shows everything as low residential. She stated she is from the Avian Reconditioning Center and has been in Central Florida for a very long time. She has met with the developer and he seems to be very conducive to helping them. She said their center has been a valuable asset to Apopka and she would hate to see them have to leave. She expressed concern regarding the traffic in the area at this time and with additional traffic being added. She said this area should be low density single family.

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

Commissioner Bankson said they experienced this on the Sandpiper project and once the use has been changed the developer has the right to develop according to that land use. He stated the neighbors to the north have larger lots and he is concerned that this does not match the character.

Mr. Moon advised this was a legislative matter and Council has the opportunity to listen to the facts and findings being presented and make a decision on what they feel to be the best decision for the City of Apopka.

Discussion ensued regarding traffic and a traffic study. Mr. Hitt explained this is a legislative ordinance for the Comprehensive Plan and this is not the time the traffic study is normally done.

City Attorney Brackins advised they were not approving the development plan. At this time they are reviewing the land use designation only and issues of development will come at a later time.

Mr. Hitt said to keep in mind the proposal is for a PUD and this provides Council with more discretion for requirements. He stated the sample of the concept plan has a 30' buffer on the north side and there is also a 15' rear setback for the building itself which provides a total of 45' setback.

Discussion ensued regarding density and going down to low density of 5 du/ac.

Mr. Wohlfarth said if going to low density, 5 du/acre is acceptable, then they are fine with that change.

Mr. Moon said since this is the first reading City Council could amend the ordinance to low density residential since it is a lower impact.

City Attorney Brackins agreed Council can amend the ordinance to a lower density at first reading and move forward without the need to readvertise.

**MOTION by Commissioner Velazquez to table this to November 15, 2017. Motion failed due to lack of a second.**

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve Ordinance No. 2600 at first reading with a change to low density residential and approve transmittal to the Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

4. Ordinance No. 2604 – First Reading – Comprehensive Plan Amendment – Large Scale – TGINF, LLC - 501 Old Dixie Highway. The City Clerk read the title as follows:

**ORDINANCE NO. 2604**

**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 COMMERCIAL TO MEDIUM LOW DENSITY RESIDENTIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF OLD DIXIE HIGHWAY AND WEST OF NORTH MAINE AVENUE, COMPRISING 15.73 ACRES, MORE OR LESS AN OWNED BY TGNIF LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Moon said this request is to change the future land use designation from Commercial to Medium Low Density Residential on approximately 15.73 acres north of Old Dixie Highway, just to the east of Apopka Elementary School. He reviewed the surrounding area land use. The Planning staff considered the residential use compatible with an adjacent elementary school and children living in this area would be within walking distance. DRC and the Planning Commissioner reviewed the request and recommends approval and transmittal of the proposed future land use.

Alan Goldberg, manager of Old Dixie 15 LLC, said they are in agreement with staff's recommendation and available to answer any questions.

Mayor Kilsheimer opened the meeting to a public hearing.



Suzanne Kidd said this is a property she passes every day as she travels Old Dixie Highway and approximately a year or so ago there was an incident where a student was killed crossing that dark stretch of road just behind the Wawa. She said this will add a lot more residents in the area and she would like to raise the issue of terrible lighting up and down Old Dixie Highway. She stated she previously did a study from Orange Avenue to Plymouth Sorrento Road and in this three miles there is a total of ten street lights, six being behind the Lowes plaza. She said she realizes this is a stretch of Orange County road and declared there needs to be some kind of cooperation between Orange County and the City to have better lighting in this area.

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

**MOTION by Commissioner Bankson, and seconded by Commissioner Dean to approve Ordinance No. 2604 at First Reading and transmittal to FDEO. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

Council recessed at 4:06 p.m. and reconvened at 4:12 p.m.

5. Ordinance No. 2605 – First Reading – Comprehensive Plan Text Amendment –Amendment to the Future Land Use Element, Policy 20.10 and Table 20.10. The City Clerk read the title as follows:

**ORDINANCE NO. 2605**

**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 POLICY 20.10 AND TABLE 20.10; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Moon said this is a request for a policy amendment to the comprehensive plan, advising this is a legislative matter, but is also considered a large scale amendment. Any change to the comprehensive plan text requires transmittal to the state agencies. This objective and policy in the comprehensive plan specifically addresses the Wekiwa Parkway Interchange Vision Plan area which is now transitioning into the Kelly Park Interchange area. He explained the policy for form-base code standards requires a minimum and a maximum floor area ratio (FAR) and went on to explain the FAR. He said places where they are trying to encourage higher intensities of development, there will be a minimum FAR required. He advised in the Wekiwa Parkway Interchange Vision Plan area, the intent is to concentrate higher intensities and densities within the one mile radius and lower densities will be promoted outside the one mile radius. He stated the request is to reduce the minimum FAR from .3 to .15 explaining this will accommodate commercial development attracted to this area.

Mayor Kilsheimer said typically commercial follows residential. Publix tends to plant a

location for the residential development and this was trying to be responsive to allow Publix to build sooner, and other commercial retail will follow as well as residential.

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

**MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve Ordinance No. 2605 at First Reading and transmittal. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

6. Ordinance No. 2608 – First Reading – PUD Master Plan Amendment – Project: Avian Pointe – East of S.R. 429, south of Peterson Road, north of Lust Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2608**

**AN ORDINANCE AMENDING ORDINANCE NO. 2433; AMENDING THE MAXIMUM BUILDING HEIGHT AND MAXIMUM NUMBER OF STORIES FOR MULTI-FAMILY DWELLING UNITS WITHIN PARCEL B-2; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by City Attorney Brackins.

Mr. Moon provided a brief lead-in stating this is a request to amend the existing Avian Point PUD zoning and master plan to increase the maximum height within Phase B-2 of the master plan which is the apartment complex. The applicant is requesting an increase from 45 feet to 50 feet for Phase B-2 and to increase the maximum number of floors from three to four. The intent overall is to create four-story apartments on a smaller area of land with a similar number of units and preserve area to the south to potentially accommodate a school facility. Both the DRC and Planning Commission recommend approval.

Frank Bombeck, said fifty feet should be sufficient to construct a four-story product. He stated they have been holding discussions with Orange County Public Schools to possibly place an elementary school in this area. They will be back before Council with final development plans.

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 Becker to approve Ordinance No. 2608 at First Reading and hold over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

7. Florida Property Assessed Clean Energy (PACE) Resolutions:  
Resolution No. 2017-20 - Florida PACE Funding Agency  
Resolution No. 2017-21 - Clean Energy Green Corridor  
Resolution No. 2017-22 - Florida Green Finance Authority/Renew PACE program  
Resolution No. 2017-23 - Florida Resiliency and Energy District's Property Assessed Clean Energy Program

The City Clerk read the title of the resolutions as follows:

**RESOLUTION NO. 2017-20**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA, TO PROVIDE A MECHANISM FOR THE FINANCING OF ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS, RENEWABLE ENERGY IMPROVEMENTS, AND WIND RESISTANCE IMPROVEMENTS; AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE INTERLOCAL SUBSCRIPTION AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY; PURSUANT TO WHICH THE FLORIDA PACE FUNDING AGENCY WILL ADMINISTER A FINANCING PROGRAM FOR SUCH IMPROVEMENTS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY; AUTHORIZING AND DIRECTING CITY OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS TO TAKE SUCH ACTIONS AS MAY BE NECESSARY OR DESIRABLE IN FURTHERANCE OF THE PURPOSES OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Kilsheimer said the PACE (Property Assessed Clean Energy) program started in south Florida as a way for property owners to be able to make improvements to their property with regards to energy conservation and indoor water efficiency. It allows a property owner to obtain financing that they pay back using their taxes as opposed to a bank loan. This is a very cost effective way to borrow money to make these improvements. He advised the significant advantage is that the loan goes with the property.

Jim Hitt, Community Development Director, said this was passed by F.S. 163.08 and approximately 60 communities throughout the state are currently participating. He affirmed there are four companies working with this program and each company requires a separate resolution. He said it is available throughout the City to all property owners, including the CRA area. He stated there are three company representatives present to answer any questions.

In response to Commissioner Becker inquiring if there could be information placed on the city website as a general education standpoint, Mr. Hitt said this has been authorized through the State Legislature through Florida Statutes and there are a limited number of companies that can provide this service. He stated it is something that we can place on the website for clean energy low cost loans.

Devesh Nirmul, Renew Financial, said they are one of the third party administrators for PACE, and by approving these resolutions, the City is joining an existing inter-government district. He affirmed this was not a contract with any of the third party administrators. He declared they are accountable to each of the districts and they each have a separate district they report to. He advised there is no liability risk or cost to the City. The State Statute enables the public/private partnership to allow this to function effectively.

Ricardo Rodriguez, Ygrene Energy Fund, said the local contractors do the work and this was a financing mechanism for the local contractors. He advised that statewide, his company is involved with 117 municipalities and 12 counties. He said that over 15,000 properties in the state have benefited from using the PACE program and they have certified 1,500 contractors in the state to do PACE programs.

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

**MOTION by Commissioner Bankson, and seconded by Commissioner Dean to approve Resolution No. 2017-20. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

#### **RESOLUTION NO. 2017-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM AND JOINING THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT AS A NON-VOTING MEMBER; AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR DIRECTIONS TO THE CLERK; AND PROVIDING FOR 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 Becker, and seconded by Commissioner Velazquez to approve Resolution No. 2017-21. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

#### **RESOLUTION NO. 2017-22**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA, APPROVING A PARTY MEMBERSHIP AGREEMENT AND ITS INCORPORATED INTERLOCAL AGREEMENT**

**IN ORDER TO JOIN THE FLORIDA GREEN FINANCE AUTHORITY'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM UNDER SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE**

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

**MOTION by Commissioner Dean, and seconded by Commissioner Bankson to approve Resolution No. 2017-22. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**RESOLUTION NO. 2017-23**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA, APPROVING A PARTY MEMBERSHIP AGREEMENT AN ITS INCORPORATED INTERLOCAL AGREEMENT, IN ORDER TO JOIN THE FLORIDA RESILIENCY AND ENERGY DISTRICT'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM UNDER SECTION 163.08 FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR 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 Bankson, and seconded by Commissioner Velazquez to approve Resolution No. 2017-23. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

7. Resolution No. 2017-25 - Granting a non-exclusive franchise for roll-off container collection and disposal. The City Clerk read the title as follows:

**RESOLUTION NO. 2017-25**

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

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 Dean to approve Resolution No. 2017-25. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

9. Resolution No. 2017-26 - Reimbursements from proceeds of tax-exempt debt. The City Clerk read the title as follows:

**RESOLUTION NO. 2017-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA WITH RESPECT TO THE REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE ACQUISITION OF VARIOUS VEHICLES AND CAPITAL EQUIPMENT AND THE CONSTRUCTION OF THE SEWER EXPANSION PROJECT.**

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

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve Resolution No. 2017-26. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**CITY COUNCIL REPORTS**

Commissioner Becker said if the photo they received of the scoreboards is the product we are receiving, he would suggest the scoreboards not be accepted. He pointed out this photo is very different from the proposal.

Mr. Irby said if this was not what we ordered, they will not be accepted.

Commissioner Dean thanked Dr. Shackelford for the positive remarks he made earlier and suggested Council take heed in what he said.

**MAYOR'S REPORT**

Mayor Kilsheimer announced the Apopka Police Department was recognized as one of the top law enforcement agencies in the State of Florida, achieving its first ever standards accreditation from the Commission for Florida Law Enforcement Accreditation. The City of Apopka Police Department was formally recognized this morning at a meeting in Westin, Florida by the Commission for Florida Law Enforcement Accreditation.

Mayor Kilsheimer reported on an update for storm debris cleanup stating the second pass is approximately 40% complete and will likely take through the end of next week to complete. Cutting of hanging limbs is winding down and once the second pass is complete, the contractor will focus on removing tree trunks and stumps from rights-of-way and assisting the City with clearing leaves from clogged storm drains. The public is being asked to report to Public Services

any large amount of storm debris that has not been picked up within the city limits. If residents have storm debris they have not been able to get to the curb, please do so now and contact Public Services to be included on the final pass. This is for storm debris only, not land clearing or healthy tree removal. Please place loose leaves or twigs in bags or containers. The City waste crews are working on Friday yard waste areas to collect bags, containers, bulky waste and any remaining debris from hanging limbs that may have been left behind. On Monday, they will start in the Monday yard waste area, also known as debris zone one on the west side of the City continuing to make a clean sweep behind the contractor.

Mayor Kilsheimer reported the administrative decision has been made to combust the waste debris at the Northwest Recreation area using the technology called Air Curtain Burner. The utilization of this method is estimated to save approximately \$700,000. Following all approvals from the State, it is estimated to take approximately twelve days to combust all of the material. He advised this technology is designed to minimize both smoke and odor.

Mayor Kilsheimer congratulated Wekiva High School on winning the Mayor's Cup this past week in a game that came down to the final minutes. This was Wekiva High School's first time in winning the game. He further reported that Owl Fest is this weekend at the Avian Reconditioning Center and the Miss Apopka Scholarship Pageant is at Apopka High School this weekend.

Commissioner Becker congratulated the Apopka Police Department on their accreditation and thanked the Mayor and Mr. Irby for providing the environment for them to be able to succeed.

Mayor Kilsheimer confirmed the unveiling of the Mayor Land statue is Friday morning in front of City Hall.

**ADJOURNMENT:** There being no further business, the meeting adjourned at 5:05 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST;

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Linda F. Goff, City Clerk

**Backup material for agenda item:**

2. City Council regular meeting November 15, 2017.



## CITY OF APOPKA

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### **Minutes of the City Council regular meeting held on November 15, 2017, at 7:00 p.m., in the City of Apopka Council Chambers.**

PRESENT: Mayor Joe Kilsheimer  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Doug Bankson  
Commissioner Kyle Becker  
City Attorney Patrick Brackins  
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief  
Reggie Connell, The Apopka Voice  
Steve Hudak, Orlando Sentinel

**INVOCATION** – Mayor Kilsheimer introduced Pastor James Hicks from Center of Faith Church, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said in the Fall of 1620, more than 100 pilgrims set sail from England aboard the Mayflower and two months later made landfall in Plymouth, Massachusetts. Half of the pilgrims perished during the first winter. In the spring, two members of local Native American tribes helped the settlers learn how to successfully farm the land, and by the following autumn they reaped a bountiful crop. To celebrate the harvest and to give thanks, Governor William Bradford called for a feast and invited the local Native American tribes who worked alongside the pilgrims to sustain their colony. The tribes and the pilgrims hunted together and feasted for three days. It became a yearly tradition for the colonists to celebrate their harvest with a feast of Thanksgiving. In 1863, President Abraham Lincoln proclaimed the final Thursday in November to be a national holiday. Later, Franklin D. Roosevelt signed a joint resolution of congress in 1941, which established the fourth Thursday of November as a national holiday, the day we currently celebrate as Thanksgiving. He asked everyone to reflect upon the spirit of collaboration between the pilgrims and Native American tribes that made it possible for Plymouth to flourish and for our Nation to give thanks as he led in the Pledge of Allegiance.

#### **APPROVAL OF MINUTES:**

1. City Council regular meeting October 18, 2017.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve the minutes of October 18, 2017. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**AGENDA REVIEW:** There were no changes.

Proclamations:

1. Mayor Kilsheimer read a proclamation recognizing the Apopka High School Bowling Team for winning the 2017 Florida High School Athletic Association State Championship games on November 2, 2017, as the defending 2013, 2014, 2015, and 2016 Champions, becoming

five-time consecutive State Champions. Mayor Kilsheimer proclaimed November 15, 2017, to be Apopka High School Bowling Team Day in the City of Apopka. He presented each member and coach with a proclamation.

Presentations:

1. Mayor Kilsheimer said Tony Foster, an Apopka resident, is accompanied tonight by a youth group of Kappa Leaguers, who are associated with the Kappa Alpha Psi Fraternity. Mr. Foster said the Kappa Leaguers are a group who are directed by Kappa Alpha Psi and 90% of the seniors go on to college. Part of the process is for them to learn the government process which is why they are here today. In the future they will be traveling to Tallahassee, and in the summer Washington D.C. He said the group starts with middle school through college and following college a number of the members become mentors.

Mayor Kilsheimer also recognized a group of Girl Scouts in attendance from Troops 1014 and 4633.

2. Mayor Kilsheimer said October was Breast Cancer awareness month and the City of Apopka employees contributed every week for a series of casual dress days. A donation in the amount of \$1,100 was presented to the Gina McReynolds Foundation.

Will McReynolds said Gina was his late wife who passed away from breast cancer five years ago. He thanked the City for this fundraiser and allowing them to hold the 5K at the Northwest Recreation complex stating they raised over \$12,000 at that event. He said the Gina McReynolds Foundation supports women who are going through breast cancer that have children still in the household. He said they will be delivering a check to a local family on Saturday. The checks going to families average \$5,000 and helps to pay out of pocket insurance deductibles.

## **PUBLIC COMMENT**

Madeline Spencer said she was here to remind the role of government is to protect the people. Residents of Emerson Park feel like their government has failed them as they did not protect them from Centex when they built their subdivision. She expressed concerns regarding the private roads. She said she knows the agreement was not made by the sitting Council, but it was made and when they take over the role, they take over the problems too. She stated they met with Mr. Hitt and tried to look at the plans and everything that has happened, but they never saw a contract between the City of Apopka and Centex. She said the shortest distance between Ocoee Apopka Road and Marden Road is through their subdivision and their roads are in bad shape due to trucks using this route. She declared they needed the City to work with them to resolve this issue. She stated their egress still has no sod on it. She asked for help from the City stating they either needed gates or for the City to take back the three main roads. She had a book that she stated were legal documents from the City of Apopka given to the lawyer of Emerson Park and it repeatedly states that Centex will not use the name of Emerson Park in the name of their new townhouses and they are now called the Crossing at Emerson Park. She declared this was another matter the City needs to help them resolve.

Mr. Irby advised staff was looking into the matter of gates, as well as the use of Emerson Park in the name of the townhomes.

Leroy Bell thanked Commissioner Dean for his service and he thanked Commissioners Becker and Bankson for their willingness to work with them on this issue. He said he was back before the Commission as they do not have any answers from the last meeting. He stated they were asking City Council to look into the Museum and the finances. He stated what set the publisher off was that they were using funds that she didn't want them to use. He spoke of money raised for the Museum and said he believed funds were used to send the Fire Department to New York. He said the Museum has not been open since last week. He requested to be put on the agenda regarding this matter.

Joseph A. Washington, Jr. said he sent out a series of letters to the President of the Museum and if she had responded they would not be standing here today. He stated they did not want to drag this out and said it was about serving the community of Apopka. He also would like to know why the Museum was closed.

Carlette Bell said she was the wife of Leroy Bell and she backs the AACCC and requests that they be placed on the agenda for the matter regarding the Museum. She stated Mayor Kilsheimer has been to her home, knows her, and should know that she does not talk in the way she was accused. She said Commissioner Velazquez knows her as well. She stated it hurt her to the core to read that, as well as hear it from others. She said she would appreciate it if Mayor Kilsheimer's wife would retract her statement.

David Rucker said he was a board member of the AACCC and said he supports them with what they are trying to do with the Museum. He stated there was a question about after being here the last meeting regarding the Museum being closed. He asked that this be addressed. He said they need to be on the agenda so that they can ask Council to vote on what they need to make happen. He said this was very important to them and should be important to the Council also. He said they need to look at how they are being treated. He stated they did send a registered letter to request to be on the agenda this meeting and did not know why they were not on the agenda. He reiterated they would also like to know about the funds and why the Museum was closed. He again requested to be placed on the agenda so this matter can be discussed.

Pastor Hezekiah Bradford said his reason for being here tonight was because he had an opportunity following the last meeting to talk with Mr. Irby to ask for money to be given toward the MLK Parade. Mr. Irby advised him there were no funds available and he would look to see if there was any funding that could be found. He stated he had an opportunity to speak with the Commissioners, except for Commissioner Dean, to see if there was a possibility the Commissioners would be willing to donate some of their discretionary funds to the South Apopka Ministerial Alliance in lieu of the MLK Parade. He said one of the greatest movements that ever happened in America was a movement that was pushed through the Civil Rights Movement with Dr. Martin Luther King. He said this was a just cause for the donation of money. He would like for the City to find a way to fund this event.

Rod Love said according to the City's website the Community Redevelopment Agency meets as needed. He stated one of the items he would like to request was that there be a regular

scheduled meeting to allow the community the opportunity to come and speak regarding limited resources for the CRA. He said he appreciated the Commissioners speaking about having an advisory group so that the community can give input on how the taxpayer dollars would be utilized. He stated it would be great if the City got involved in items they were not running, such as the MLK Parade. He said the Gospel Fest dollars were not used and asked if a budget amendment could be made so the Commissioners do not have to draw from their discretionary accounts. He said the Commissioners were individually elected and suggested they speak up for those who voted for them.

Ray Shackelford echoed concerns stated about the MLK Parade, the CRA funds, and the statement Mr. Love just made regarding the Council was voted for by all of the people of Apopka and represent all of the people. He said Commissioner Dean should not be singled out as representing only Black people. He stated one aspect of good government was the willingness to respect the First Amendment Rights of people. He said they do not always have to agree, but can reach a consensus without giving up principles. He stated even though Council performs an outstanding service, to please remember and try to put themselves in other people's place, stating at the end of the day we all belong to the City of Apopka. He said good government brings people together.

Russell Drake said he was from Orlando, Florida and is representing of the Democratic Black Caucus of Florida, currently serving as the State First Vice President. He stated he was in support of the Apopka Area Concerned Citizens Council. He said they asked for transparency and he feels they value the work the Council does, but they would like to be a part of the work. He stated they know the Council is elected officials, and it seems they have good relationships with them, and they come here hoping for unity and transparency. He spoke in objection of the closing of the Museum. He would hope the artifacts removed from there will be brought back and clarity of where these artifacts have gone. He said he did not think it was in contention, but all in respect. He reiterated the Black Caucus of Florida supports the AACCC.

Wanda Beckwith said she also was a member of AACCC, legal counsel, as well as media relations. She stated it was very disheartening for her to come here again and address the Council. She said she grew up in a time when her parents were very active in the African-American communities and educated them on Martin Luther King, the Civil Rights Movement, and all of the struggles embarked upon in order to become equal. She said it seems as though the African-American community was being marginalized and not being represented between the Museum where they have written several letters with no response, and now to hear the MLK Parade was not being funded adequately. She said these were problems that needed to be addressed by the entire Council. She stated there was a lot of concern in the community for all people to be represented.

Commissioner Velazquez said it was brought up at the last meeting that her husband is part of the Museum. She stated she is not a part of the Museum and explained that her husband is actually a part of the membership and this is the limitation she has with the Museum. She said there was a statement that he turned someone away from the Museum, and he has never done that and always treated everyone with respect. She declared that she finds when people come to the podium to speak, she gets singled out a lot and wonders why. One person made mention of Martin Luther King, Jr and the Civil Rights, and she said that absolutely he made a lot of

opportunities for all, for women, Hispanics, and Blacks. She also wants to be respected when she is sitting on the dais and said she finds there is a passive aggressive attitude toward her. She stated she gives everyone the respect of listening and is not argumentative, stating she has been very involved with the south side of Apopka. She spoke of her involvement with the farm workers and said she would like to see their history brought into the Museum. She asked that each person, when they come to the podium, that they show her respect, stating she is Commissioner Diane Velazquez, and she often gets referred to as “she”, “her”, “his girl”, and declared she is no one’s girl, she is a Commissioner for the City of Apopka and asked that she receive the same respect she gives.

Commissioner Dean said he did not understand the nomenclature of this community. He said because he is African-American, most of the people think that he represents the south side of Apopka. He affirmed he represents all of the people in Apopka and regardless of color, creed, or origin, all need to work together. He declared this City was fast becoming a divided City for no reason at all. He said he did not know anything about the Museum, but he would like whatever is going on to get straightened out immediately because we do not have that type of rhetoric in this City.

Mayor Kilsheimer said he was not aware the Museum has been closed. He stated the Museum of the Apopkans is a building that was built by the City of Apopka some time ago and it has always been operated by the Apopka Historical Society by volunteers. He said there is, to his knowledge, no contractual relationship between the City of Apopka and the Apopka Historical Society. This was always an arrangement of the volunteers operating the Museum in a building provided by the City. He stated it is his understanding that while the building is owned by the City and the City provides basic maintenance, and pays utilities, all of the contents of the Museum are owned by the Historical Society. He affirmed all of the decisions regarding what is displayed or not displayed are made by the Historical Society, and he reiterated these are all volunteers. He said approximately three years ago the City placed a part-time staff person at the Museum four hours a day, four days a week. He stated this falls under the Recreation Department and tomorrow they will find out if the Museum was closed and why. He reiterated the City of Apopka has no control on what is displayed or how it is displayed. He said with regards to his wife, she was invited to join the Museum Board this past January and when she came to the Museum, she, and other Board members decided they would try to refresh the Museum and bring new displays. He affirmed some photos were taken down so that walls could be painted and nothing has been removed from the Museum. He restated the Museum is run by volunteers and these volunteers have no motive and it is unbelievable they have been called out for removing items. At this point he asked that there be no further outbursts during the meeting.

Commissioner Becker inquired if the Council was provided a copy of the letter that was sent and asked a copy be provided to them. He inquired what was being requested to be presented on the agenda and said if it was action at the Museum, there needs to be representation by the Historical Society who runs the Museum. He said the City provides the facility and the upkeep of the facility, so he feels there is some control at the City Council level. He said clearly there is a divide in terms of what both sides feel where we need to be, and knowing one side is not going to get all of what they want. He declared there needs to be back and forth, some give and take, but he did not feel the public meeting was the right forum for it. He said they have the right to have public comment, but there is an opportunity for the two sides to get together and

have some better, meaningful conversations.

In response to Commissioner Bankson inquiring who they should contact with regards to start the process of resolving this matter, Mayor Kilsheimer suggested he work through Mr. Irby.

**CONSENT (Action Item)**

1. Award a consulting services contract for professional engineering services to Wright Pierce, Tetrattech, and Reiss Engineering.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez to approve one item on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**BUSINESS (Action Item)**

1. Authorize a development agreement with the Center of Faith Church in order to construct a traffic signal.

Jay Davoll, Public Services Director, said this item is a Developers Agreement that he and the Center of Faith Church have worked out over a period of time. He stated a Traffic Signal Warrant Analysis was done to find a traffic signal would be the best way to handle the intersection at Vick Road and Martin Street. He said the configuration of the intersection was looked at and it was determined a section of the Center of Faith Church property would be required to allow the installation of the traffic signal. He stated they held several meetings with the Church and said Pastor Hicks and the Elders of the Church have worked with the City regarding this matter and an agreement has been worked out.

In response to Commissioner Becker inquiring what the underlying justification was for having the signal, Mr. Davoll advised it was volumes and crashes. Commissioner Becker expressed concerns regarding the fence blocking the line of sight for turns from Martin Street. Mr. Davoll said this will be under the traffic signal control. He further stated when the Church comes back in with a development plan, the City can address the issue of the fence.

Commissioner Becker said he felt the traffic signal was being installed for an issue that happens two hours of the day and he did not feel it was needed.

Mayor Kilsheimer said there were a number of events held at the high school, as well as church being held on Sundays that resulted in high traffic and a traffic light will solve all of those issues.

Commissioner Bankson asked if the road was widened with the left turn lane and the fence was removed, would there still be a need for the light. He suggested talking with the Church to see if they would be willing to remove the fence.

Mr. Davoll said the road widening can cause more issues at a stop control situation as there are more conflict points and it was not an ideal situation to add lanes without adding control.

Commissioner Velazquez spoke of a pole in the area that creates a blind spot and said the

mast arm may also create a blind spot. She said this was at the beginning stages and this was for the agreement to be able to move forward and design was subject to change.

Mr. Davoll explained this agreement provides moving forward with obtain the property from the Church on the southeast corner. He said this will allow them to finish the design of this intersection. He explained the intersection of the road will be shifting slightly to the south to better align. The final design will be presented to Council.

Commissioner Becker said that even though the analysis warrants the traffic light, he does not feel it is going to solve the problem for that particular area.

Mayor Kilsheimer spoke of students who walk to school and how unsafe crossing the road is for them. Commissioner Velazquez agreed and said a traffic signal will create a safe cross walk for students.

Pastor James Hicks, Center of Faith Church, said Mr. Davoll has explained this well, stating one of the misconceptions was that the road was going to still have the curve at the end. He stated by the Church giving up the corner, this will straighten out the road more than it is. He said he appreciated the City Council working with them to get this done. He stated the traffic light was a win-win situation for all.

Commissioner Becker said he agreed that re-engineering of the intersection was critical to a more safe intersection. He stated the idea that the traffic light will make it safe, he didn't know. He said he is very keen to the safety of school children, but there were other safety items that could be used such as flashing pedestrian lights.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Dean, to approve a development agreement with the Center of Faith Church in order to construct a traffic signal at Martin Street and Vick Road. Motion carried 4-1 with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Bankson voting aye, and Commissioner Becker voting nay.**

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

1. Ordinance No. 2608 – Second Reading – PUD Master Plan Amendment – Project: Avian Pointe – East of S.R. 429, south of Peterson Road, north of Lust Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2608**

**AN ORDINANCE AMENDING ORDINANCE NO. 2433; AMENDING THE MAXIMUM BUILDING HEIGHT AND MAXIMUM NUMBER OF STORIES FOR MULTI-FAMILY DWELLING UNITS WITHIN PARCEL B-2; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by

City Attorney Brackins.

Mr. Moon advised there have been no changes since the last meeting.

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 Bankson to adopt Ordinance No. 2608. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**CITY COUNCIL REPORTS** – No reports.

### **MAYOR'S REPORT**

Mayor Kilsheimer reported the City has been pursuing discussion with SJRWMD for some time regarding the Hickerson parcel. The SJRWMD has been asked to declare the Hickerson parcel as surplus and transfer title to the City. He said he was pleased to report that at the SJRWMD Board meeting in Palatka on Tuesday, they voted to declare this parcel as surplus and begin the process of transferring the parcel to the City of Apopka. He said the idea of establishing a passive gateway birding park at the entrance of the Wildlife Drive and partnership with the Audubon Society has been very attractive for some time and the City will proceed with this.

Mayor Kilsheimer further reported the SJRWMD has approached the City with regards to using the City's reclaimed water facilities for the purpose of recharging the aquifer. He stated there are periods where we have high water and when we get to a point where there is plenty of water, there is an opportunity to change the level of our reclaimed storage ponds and elevate the level over the level of the liners. At that point, the water that seeps into the ground becomes aquifer recharge. He stated there is a Basin Management Action Plan for the Wekiva River that will change the consumptive use permit for all jurisdictions in this vicinity. He said our ability to use our reclaimed water facilities for aquifer recharge is going to be major for the City of Apopka with regards to maintaining our consumptive use permit.

Commissioner Bankson said he has discussed getting involvement for the CRA and a group to look at needs. He asked if that can be addressed here, or did we need to have a CRA meeting and address this there.

Mr. Irby said that needs to be handled by the CRA. The Council cannot convene as a CRA Board this meeting as it was not advertised for tonight.

Commissioner Bankson inquired if there was funding that could be dedicated to the MLK Parade. He also asked if the City funded the other parade.

Mayor Kilsheimer advised the City did not fund the Christmas Parade. He said if the City formally funded one parade, then why they would not fund the other parade. He suggested the discretionary accounts would be the best source. He declared he would contribute \$500 of his discretionary funds.



**ADJOURNMENT:** There being no further business, the meeting adjourned at 9:00 p.m.

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

ATTEST;

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

**Backup material for agenda item:**

1. City of Apopka Proclamation declaring a General Election on March 13, 2018.

**MAYOR'S PROCLAMATION  
MARCH 13, 2018  
CITY GENERAL ELECTION, CITY OF APOPKA, FLORIDA**

**WHEREAS**, in accordance with the provisions of the Charter and Ordinances of the City of Apopka, Florida, an election shall be held on March 13, 2018, at which election there shall be elected a Mayor, and a Commissioner for Seat 1, and a Commissioner for Seat 2; and

**WHEREAS**, the terms of office of Mayor, Commissioner Seat 1, and Commissioner Seat 2 will expire at 12:00 p.m. on April 24, 2018, it is therefore necessary that a Mayor, a Commissioner for Seat 1 and a Commissioner for Seat 2 be elected at an election of the City of Apopka, Florida.

**NOW, THEREFORE, I, JOSEPH E. KILSHEIMER, MAYOR** of the City of Apopka, Florida, as required by law, do hereby proclaim and pronounce that an election will be held in the City of Apopka, Florida, on Tuesday, **MARCH 13, 2018**, from 7:00 a.m. until 7:00 p.m., for the purpose of electing a Mayor, a Commissioner for Seat 1, and a Commissioner for Seat 2.

Early voting will be available at the Orange County Supervisor of Elections Office, 119 West Kaley Street, Orlando, Florida, from Monday, March 5, 2018, through Friday, March 9, 2018, 8:00 a.m. to 5:00 p.m.

Only the voters of the City residing within the City limits who are properly registered with the Orange County Supervisor of Elections, or who will be properly registered through February 12, 2018, may vote in this election.

Candidates for said offices must qualify with the City Clerk beginning at 12:00 p.m. on Tuesday, January 2, 2018, and ending at 12:00 p.m. on Tuesday, January 9, 2018, at City Hall, 120 E. Main Street, Apopka, Florida.

**Voting Precincts: Precinct #9104 - APOPKA COMMUNITY CENTER  
519 SOUTH CENTRAL AVENUE, APOPKA, FLORIDA  
&  
Precinct #9204 - NORTHWEST RECREATION  
3710 JASON DWELLEY, APOPKA, FLORIDA**

I, Joseph E. Kilsheimer, Mayor, hereby appoint the Canvassing Board for said election as follows:

Canvassing Board:                      City Commissioner, Kyle Becker  
                                                    City Commissioner, Doug Bankson  
                                                    City Clerk, Linda F. Goff

In the event it becomes necessary to have a run-off election, this will be held on Tuesday, April 10, 2018, from 7:00 a.m. to 7:00 p.m. at Precinct 9104, Apopka Community Center, 519 South Central Avenue, Apopka, Florida, and Precinct 9204, Northwest Recreation, 3710 Jason Dwelley, Apopka, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Apopka, Florida, to be affixed and attested by the City Clerk of Apopka, this 6<sup>th</sup> day of December, 2017.

  
Joseph E. Kilsheimer, Mayor

Attest:

  
Linda F. Goff, City Clerk



**Backup material for agenda item:**

1. Approval of the calendar year 2018 Floating Holiday.

Floating Holiday Vote Count/Certification Sheet

Calendar Year: 2018

Dates voted:	"Name" of Holiday	# of votes rec'd
	02/14/18 Valentine's Day	1
	09/19/18 None	1
	04/02/18 Day after Easter	1
	10/08/18 Columbus Day	1
	03/30/18 Good Friday	10
	12/26/18 Day after Christmas	19
	12/24/18 Christmas Eve	131
	01/01/18 New Year's Day	1

Total # Votes: 165

Void Ballots: 1  
Unable to read; copied ballots; etc.

Total # Ballots: 164

Date Counted: 10/20/17

Floating Holiday chosen: 12/24/18

Certified: Nancy Kulscar  
Beth James

Nancy Kulscar  
Beth James



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
FROM: Human Resources  
EXHIBITS: Voting Results

**SUBJECT: CALENDAR YEAR 2018 FLOATING HOLIDAY**

**REQUEST: APPROVAL**

**SUMMARY:**

December 24, 2018 was selected by employee vote to be the CY18 Floating Holiday.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Approve December 24, 2018, as the CY18 Floating Holiday.

**DISTRIBUTION**

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

**Backup material for agenda item:**

2. Appoint Patrice Phillips to the Planning Commission.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Mayor Kilsheimer  
 EXHIBITS: Board Appointment  
 Form, Birdsong Resignation Letter

**SUBJECT: APPROVE APPOINTMENT OF PATRICE PHILLIPS TO THE PLANNING COMMISSION**

**REQUEST: APPROVE APPOINTMENT OF PATRICE PHILLIPS TO THE PLANNING COMMISSION FOR THE TERM ENDING APRIL 15, 2018.**

**SUMMARY:**

Melvin Birdsong resigned from the Planning Commission on October 10, 2017. Mayor Kilsheimer has appointed Patrice Phillips, a business owner and legal Apopka resident, to fill out the remainder of the three-year term ending April 15, 2018. Pursuant to §11.05.00 B.1., City of Apopka Code of Ordinances, this mayoral appointment requires approval by City Council.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Approve appointment of Patrice Phillips to Planning Commission for the remainder of the three-year term ending April 15, 2018.

**DISTRIBUTION**

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





# CITY OF APOPKA BOARD APPOINTMENT INFORMATION FORM

Please type if possible, or print clearly

Date: 11/30/17

**Board(s) Desired:**

1. Planning Commission
2. \_\_\_\_\_
3. \_\_\_\_\_

Name: Patrice Phillips

Address: (Home) [REDACTED]

(Bus.) [REDACTED]

Phone: (Home) \_\_\_\_\_ (Bus.) \_\_\_\_\_

Employer: Phillips Development & Events

Position: Owner

Education:	Years Comp.	Degree
High School <u>Bayside High</u>	<u>4</u>	<input checked="" type="checkbox"/>
College <u>Empire State College</u>	<u>2</u>	_____

1. Are you a City of Apopka resident? Yes  No \_\_\_\_\_
2. Are you a registered voter? Yes  No \_\_\_\_\_
3. Do you own property in Apopka? Yes  No \_\_\_\_\_
4. Are you currently serving on a City Board? Yes \_\_\_\_\_ No
5. Have you ever served on a City Board? Yes \_\_\_\_\_ No   
If yes, when and which Board? \_\_\_\_\_

6. How long have you lived in Central Florida? Years 9

7. References:

Name	Address	Phone
<u>Marilyn Palugi</u>	_____	<u>[REDACTED]</u>
<u>Sonia Johnson</u>	_____	<u>[REDACTED]</u>
<u>Jennifer Yan</u>	_____	<u>[REDACTED]</u>

Work Experience: Development Assistant Grace Medical Name  
Development Director Habitat for Humanity Orlando  
Executive Director West Orange Habitat

Community Involvement: Women Build Habitat for Humanity

Interests/Activities: Volunteering

Why do you want to serve on this/these Board(s)? I hope to be an asset to  
the community

A resume or separate sheet with additional information may be included.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Patricia Phillips  
Signature

If you have questions, please call the Community Development Department at (407) 703-1712.

Return this form to: Mayor's Office  
120 E. Main St.  
P.O. Drawer 1229  
Apopka, Florida 32704

\*\*\*\*\*NOMINATING BOARD USE ONLY\*\*\*\*\*

AIF Received	_____	Info to Staff	_____
AIF Acknowledged	_____	Mayor's Letter	_____
Forwarded to Mayor	_____	Other	_____
Council Action	_____		

October 10, 2017

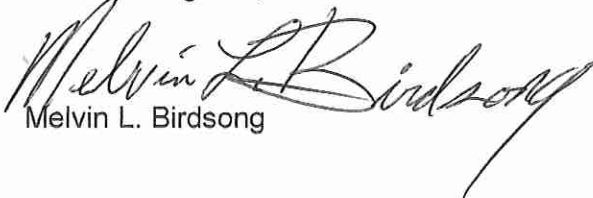
City of Apopka  
Planning Commission  
120 East Main Street  
Apopka, Florida 32703

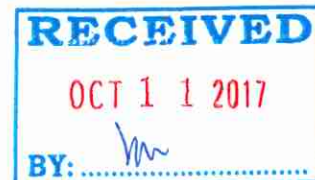
City of Apopka:

To the members of the City of Apopka Planning Commission and the Honorable Joe Kilsheimer, I am submitting my letter of resignation. I, Melvin L. Birdsong, would like to inform you that as of this day, October 10, 2017, will be my last time for serving on the Planning Commission for the City of Apopka.

I must say I have been truly blessed to serve this great city for many years as a part of the Planning Commission. It has also been an honor and privilege to have served and to grow the administrations of former Mayor John Land and present Mayor Joe Kilsheimer. Thank you for this opportunity. However, the path I am taking leads me in a different direction at this time. Who knows, one day I may be back to serve again with the City of Apopka in another capacity.

With best regards,

  
Melvin L. Birdsong



**Backup material for agenda item:**

3. Approve the purchase of a replacement net, new slide & installation of the equipment at the Kit Land Nelson Park Playground.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Recreation  
 EXHIBITS: Proposal  
 Sole Source Memo

**SUBJECT: PLAYGROUND SLIDE AND REPLACEMENT NET AT KIT LAND NELSON PARK (KLNP)**

**REQUEST: APPROVAL TO PURCHASE A NEW SLIDE AND REPLACEMENT NET FOR PLAYGROUND AT KLNP**

**SUMMARY:**

Staff is requesting approval for the purchase of a new slide and replacement net for the Kit Land Nelson Park playground. The existing playground net is damaged and needs to be replaced.

The City secured a FRDAP grant in the amount of \$30,000 to improve the playground at KLNP and the Recreation department budgeted an additional \$15,000 to complete any remaining and needed upgrades.

Staff has received a quote for this purchase from Dynamo, which is a sole source approved vendor for these items (please see attached sole source memo for reference).

Replacement Net, Bridge, Deck & 1.2 m plastic slide / \$31,870.00  
 Installation of above equipment / \$10, 875.00  
 Freight / \$2,350.00

**FUNDING SOURCE:**

FY17/18 Recreation budget of \$15,000 & City secured FRDAP grant funding of \$30,000.

**RECOMMENDATION ACTION:**

Approve the purchase of a replacement net, new slide and installation of the equipment.

**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



661 County Rd. 9  
 Plantagenet, ON K0B 1L0  
 Canada  
 Tel: (613) 446-0030  
 Fax: (613) 446-0034

# QUOTE

Quote No.: 1701072-USA-4  
 Date: 11/02/2017  
 Page: 1

**Sold To:**  
**City of Apopka, FL**  
 Mariah McCullough  
 3710 Jason Dwelley Parkway  
 Apopka, FL 32712  
 USA

**Ship To:**  
 TAG: Kit Land Park  
 10 N Forest Ave  
 Apopka, FL  
 32703  
 USA

GST/HST No: 872335070

Item No.	Quantity	Unit	Description	Tax	Unit Price	Amount
DX-201-N	1	Each	Replacement Net, Bridge, Deck and 1.2m plastic slide		31,870.00	\$31,870.00
SE-INS	1	Each	Installation of above equipment		10,875.00	\$10,875.00
			* Freight quotation is for standard delivery only; any extras such as lift gate, limited access, etc may require a surcharge * Heavy machinery such as a forklift or other mechanical device will be required to offload this shipment * Freight rates are estimated, and may be subject to change up until time of shipment * Mast Nets installing in rubber surfacing should use DX-PIP01 Turnbuckle Enclosures (extra cost) *This quotation includes installation, but does not include any site preparation, grading, over-excavating or surfacing. Any caliche, rock or obstacles interfering with basic excavation for footers will be the responsibility of the general contractor.  * This quotation does not include drainage * This quotation does not include removal of existing equipment *This quotation does not include removal or re-installation of existing surfacing *This quotation does not include permitting. *This quotation does not include engineering *Customer is responsible for all locates. Please provide copies of valid clearance certificates, <30 days old at time of install. *This quotation is not valid for more than 30 days  Freight			\$2,350.00

**Comments**

We submit this quotation as our offer to sell equipment to the buyer quoted above. This is not an acknowledgement and no goods will be produced until all requirements are met as stated herein, to the satisfaction of the seller. To accept this proposal, please sign, date and return with other materials required. Once signed and returned any changes must be submitted in writing and approved by the seller. No goods may be returned without prior written consent. Errors & Omissions excluded. No holdbacks are allowed.

Terms: 50% deposit required to process order.

\* Please allow 10 to 12 weeks for delivery.

When placing order, please reference quote: 1701072-USA-4

Continued...



661 County Rd. 9  
 Plantagenet, ON K0B 1L0  
 Canada  
 Tel: (613) 446-0030  
 Fax: (613) 446-0034

# QUOTE

Quote No.: 1701072-USA-4  
 Date: 11/02/2017  
 Page: 2

**Sold To:**

**City of Apopka, FL**  
 Mariah McCullough  
 3710 Jason Dwelley Parkway  
 Apopka, FL 32712  
 USA

**Ship To:**

TAG: Kit Land Park  
 10 N Forest Ave  
 Apopka, FL  
 32703  
 USA

GST/HST No: 872335070

Item No.	Quantity	Unit	Description	Tax	Unit Price	Amount

**Comments**

We submit this quotation as our offer to sell equipment to the buyer quoted above. This is not an acknowledgement and no goods will be produced until all requirements are met as stated herein, to the satisfaction of the seller. To accept this proposal, please sign, date and return with other materials required. Once signed and returned any changes must be submitted in writing and approved by the seller. No goods may be returned without prior written consent. Errors & Omissions excluded. No holdbacks are allowed.

Terms: 50% deposit required to process order.

\* Please allow 10 to 12 weeks for delivery.

When placing order, please reference quote: 1701072-USA-4

**Total Amount** \$45,095.00



*City of Apopka*  
Recreation Department

**To:** Mariah McCullough, Recreation Director

**From:** Lorena Potter

**Date:** Monday, November 27, 2017

**Subject:** Sole Source Memo

The attached requisition is for Dynamo Playgrounds. This is a sole source vendor for the payment of playground parts for the Kit Land Nelson Park playground. Playground parts for this playground can only be purchased through Dynamo justifying the reason for a sole source.

\_\_\_\_\_  
Mariah McCullough  
(Recreation Director)

11.27.17

\_\_\_\_\_  
Date

\_\_\_\_\_  
Glen Irby  
(City Administrator)

11/29/17

\_\_\_\_\_  
Date



**Backup material for agenda item:**

4. Approve a precinct map adding a new Precinct #9204, Northwest Recreation Conference Room, 3710 Jason Dwelley.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: City Clerk  
 EXHIBITS: Precinct Map

**SUBJECT: CITY OF APOPKA GENERAL ELECTION – MARCH 13, 2018, PRECINCT MAP**

**REQUEST: APPROVE THE PRECINCT MAP FOR PRECINCTS #9104 AND #9204.**

**SUMMARY:**

The City Clerk’s office received direction from the City Council at the October 18, 2017, City Council meeting to move forward with two voting precincts. The City Clerk has worked with the Orange County Supervisor of Elections office to create the new precinct and determine the precinct map. Consideration was given to potential new growth when determining the census blocks to include in the new precinct. The new precinct will be #9204 at the Northwest Recreation Conference Room. Electors voting at the new precinct will receive an information voter card from the Orange County Supervisor of Elections.

Early Voting will remain at the Orange County Supervisor of Elections. As always, electors will have the option of requesting an absentee ballot through the Orange County Supervisor of Elections.

**FUNDING SOURCE:**

Approved in the FY 2017/2018 Budget.



**RECOMMENDATION ACTION:**

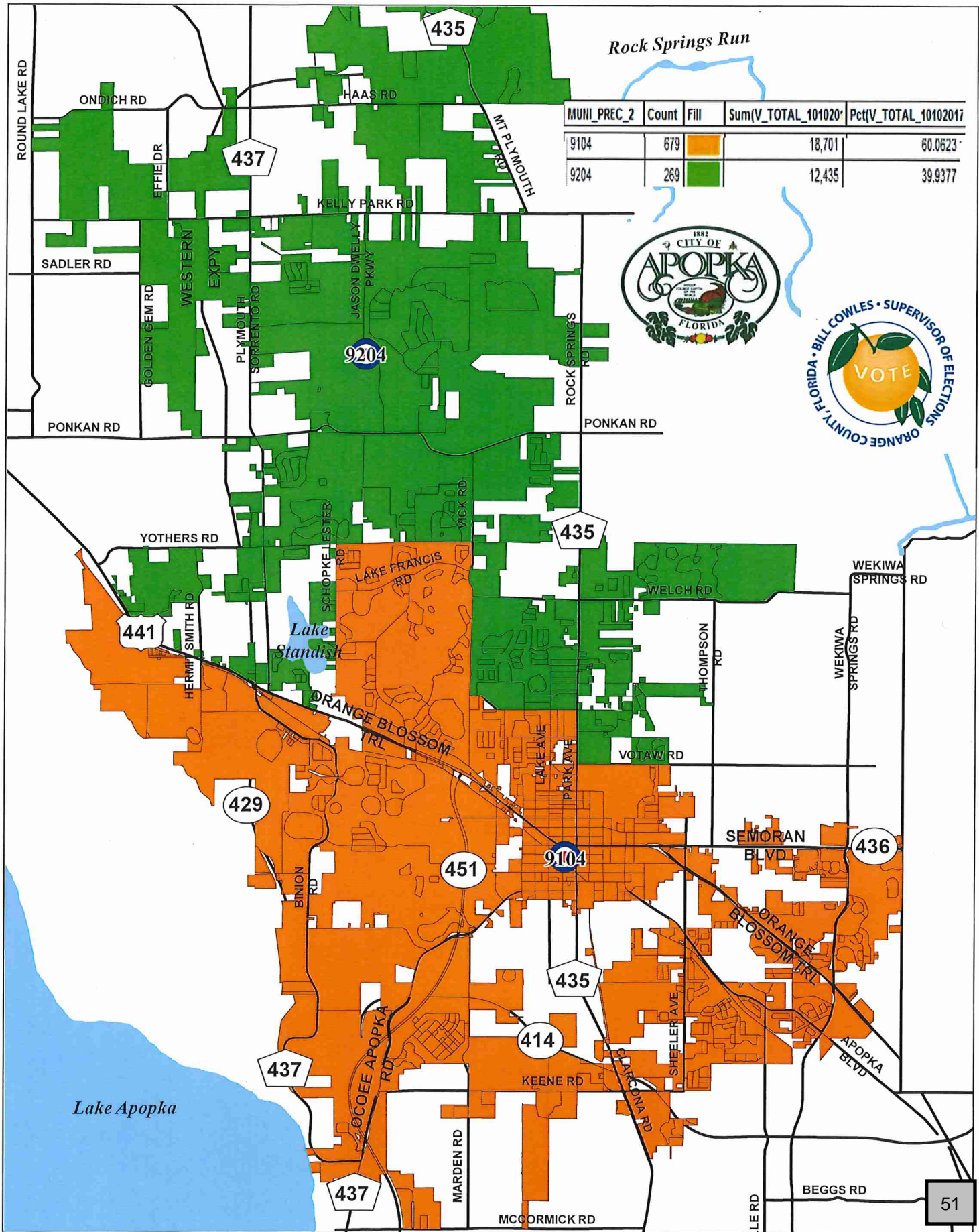
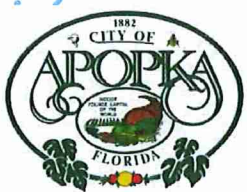
Approve the precinct map for the Apopka General Election on March 13, 2018.

**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

# Apopka Reprecinct Map

MUNI_PREC_2	Count	Fill	Sum(V_TOTAL_101020)	Pct(V_TOTAL_10102017)
9104	679		18,701	60.0623
9204	269		12,435	39.9377



**Backup material for agenda item:**

5. Approve the purchase of protective armor and equipment for the Police Department.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Police Department  
 EXHIBITS: Request Memo

**SUBJECT: PURCHASE OF PROTECTIVE ARMOR AND EQUIPMENT FOR THE POLICE DEPARTMENT**

**REQUEST: APPROVE THE PURCHASE OF THE EQUIPMENT**

**SUMMARY:**

Funded in this year's budget is the purchase of ballistic protective gear for Apopka Police officers. Federal Forfeiture funding will be used to purchase gas masks for police personnel. In response to increasing violent attacks upon soft targets and law enforcement, to include active shooter situations, the Department is preparing to enhance the protective gear assigned to each sworn police officer. The ballistic improvement will protect officers from rifle fire, as well as handguns. The gas masks will protect the officers from respiratory irritants in the event they are deployed by this agency or others.

Vendor	Description	Cost	Amount	Ext. Cost	
Gall's	Gas Mask	\$344.51	72	\$24,804.72	
<i>Gall's is low bid - Gall's \$344.51; SRT Supply \$349.80; Chief's Supply</i>				\$365.24	
				<b>Vendor Total</b>	<b>\$24,804.72</b>
Vendor	Description	Cost	Amount	Ext. Cost	
SRT Supply	Ballistic Plates/Carriers	\$299.00	88	\$26,312.00	
	Ballistic Helmet	\$290.00	88	\$25,520.00	
	Helmet Shield	\$91.08	104	\$ 9,472.32	
<i>The above vendor items are on NASPO contract # 46151504-NASPO-17-ACS</i>					
				<b>Vendor Total</b>	<b>\$61,304.32</b>
Vendor	Description	Cost	Amount	Ext. Cost	
Security Pro	Carry Bag	\$21.00	72	\$ 1,512.00	
				<b>Vendor Total</b>	<b>\$ 1,512.00</b>
				<b>TOTAL</b>	<b>\$87,621.04</b>

**FUNDING SOURCE:**

Police Field Services	Operating	(001.2220.521.5200)	\$62,816.32
Law Enforcement Trust Fund	Operating	(103.2291.521.5200)	\$24,804.72

**RECOMMENDATION ACTION:**

Authorize the purchase.

**DISTRIBUTION**

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

**Backup material for agenda item:**

6. Approve the purchase of force training gear for the Police Department.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Police Department  
 EXHIBITS: Request Memo

**SUBJECT: PURCHASE OF FORCE TRAINING GEAR FOR THE POLICE DEPARTMENT**  
**REQUEST: APPROVE THE PURCHASE OF THE EQUIPMENT**

**SUMMARY:**

The Police Department is seeking to improve the training assets utilized by the training staff of the agency. Currently, use of force training is conducted through passive simulation (the use of ‘blue guns’) or through an electronic simulator in order to allow the subject officers to determine levels of appropriate force. While functional and effective, these methods limit live action, reality based scenarios. Current standards of practice within the law enforcement community include the use of more realistic training tools in order to better train officers when to escalate force, and equally as important, when to de-escalate force.

This program, funded by law enforcement trust fund dollars, will allow the Department to obtain duty gear, weapons, and protective gear that will function exactly as issued gear, but are non-lethal. The weapon systems fire a paint marker, and the scenarios in which they are used are designed to mimic realistic situations routinely encountered by members of the agency. This forces the officer(s) to make decisions regarding which weapons, if any, should be used in the scenario and enhances the member’s confidence in his or her equipment and the use of de-escalation techniques. By utilizing this system, members can realistically train without the danger of utilizing lethal weapons.

Vendor	Description	Cost	Amount	Ext. Cost
B & H Police Supply	Glock 17T Simunition Handgun	\$454.00	10	\$4,540.00
<i>B&amp;H is low quote – GT Distributor \$504.90; ArmsList \$475.00</i>				
<b>Vendor Total</b>				<b>\$4,540.00</b>

Vendor	Description	Cost	Amount	Ext. Cost
Dana Safety Supply	Simunition M4 Upper, Blue	\$725.00	10	\$7,250.00
<i>Dana Safety is low quote – SRT Supply \$749.00 (Only two vendors within our region)</i>				
<b>Vendor Total</b>				<b>\$7,250.00</b>

Vendor	Description	Cost	Amount	Ext. Cost
SSD International	M4 Lower, Mil Spec	\$225.00	10	\$2,250.00
<i>SSD is low quote – RK Guns \$252.68; Sportsman Guide \$249.99</i>				
<b>Vendor Total</b>				<b>\$2,250.00</b>

Vendor	Description	Cost	Amount	Ext. Cost
SSD International	Gun Case	\$12.50	10	\$125.00
	PROMAG Sling Adapter	\$ 9.00	10	\$90.00

PROMAG Bungee Sling	\$20.00	10	\$200.00
Magpul Rear Sight	\$40.00	10	\$400.00
DefTech MK-3 Inert	\$ 8.56	10	\$85.60
<b>Vendor Total</b>			<b>\$1,029.00</b>

Vendor	Description	Cost	Amount	Ext. Cost
Ult. Trng Munitions	Helmet w/neck protector	\$171.60	15	\$2,574.00
<i>Ultimate Training Munitions is low quote – Oberron \$160.00*; Streichers \$136.00*</i>				
<i>*doesn't include neck protector @ \$43.00</i>				
<b>Vendor Total</b>				<b>\$2,574.00</b>

Vendor	Description	Cost	Amount	Ext. Cost
SRT Supply	Male Groin Protector	\$56.94	15	\$854.10
	Female Groin Protector	\$45.99	15	\$689.85
<b>Vendor Total</b>				<b>\$1,543.95</b>

Vendor	Description	Cost	Amount	Ext. Cost
Florida Bullet	9mm Red Marker Simunition (Case)	\$265.90	20	\$5,318.00
<i>The above vendor is a sole source provider in Florida</i>				
<b>Vendor Total</b>				<b>\$5,318.00</b>

Vendor	Description	Cost	Amount	Ext. Cost
SRT Supply	9mm Blank Rounds (Case)	\$188.18	5	\$940.90
<i>The above item is on state contract</i>				
<b>Vendor Total</b>				<b>\$940.90</b>

**Miscellaneous Shipping** **\$2,000**

**TOTAL** **\$27,445.85**

**FUNDING SOURCE:**

Law Enforcement Trust Fund	Operating	\$27,445.85
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**RECOMMENDATION ACTION:**

Authorize the purchase.

**DISTRIBUTION**

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





***City of Apopka***  
***Police Department***  
***112 E. 6<sup>th</sup> Street Apopka, Florida 32703***

**Memorandum**

Date: December 6, 2017  
To: Honorable Joseph E. Kilsheimer and Commissioners  
RE: LAW ENFORCEMENT TRUST FUNDS

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The Police Department is seeking to improve the training assets utilized by the training staff of the agency. Currently, use of force training is conducted through passive simulation (the use of ‘blue guns’) or through an electronic simulator in order to allow the subject officers to determine levels of appropriate force. While functional and effective, these methods limit live action, reality based scenarios. Current standards of practice within the law enforcement community include the use of more realistic training tools in order to better train officers when to escalate force, and equally as important, when to de-escalate force.

This program, funded by law enforcement trust fund dollars, will allow the Department to obtain duty gear, weapons, and protective gear that will function exactly as issued gear, but are non-lethal. The weapon systems fire a paint marker, and the scenarios in which they are used are designed to mimic realistic situations routinely encountered by members of the agency. This forces the officer(s) to make decisions regarding which weapons, if any, should be used in the scenario and enhances the member’s confidence in his or her equipment and the use of de-escalation techniques. By utilizing this system, members can realistically train without the danger of utilizing lethal weapons.

Respectfully,

Michael McKinley  
Chief of Police

**Backup material for agenda item:**

7. Authorize the purchase of new vehicles and equipment installation for the Police Dept.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER:

MEETING OF: December 6, 2017  
FROM: Police Department  
EXHIBITS:

### **SUBJECT: CAPITAL EQUIPMENT PURCHASE**

### **REQUEST: AUTHORIZE THE PURCHASE OF NEW VEHICLES AND ASSOCIATED EQUIPMENT INSTALLATION FOR THE POLICE DEPARTMENT**

#### **SUMMARY:**

The request is for Council approval for the Police Department to purchase various patrol and investigative vehicles approved in the current budget. This request will allow the replacement of police vehicles that have reached the end of useful and cost effective service. The vehicles being replaced will be considered surplus in accordance with the City’s asset disposal policies.

Description	Dealer	Quantity	Cost	Extended Cost	Budgeted Amount
Ford Interceptor Sedan	Prestige Ford	9	\$ 24,034	\$216,306	\$342,000
Ford Interceptor SUV	Prestige Ford	2	\$ 27,144	\$ 54,288	\$ 82,000
Ford F150 SSV	Prestige Ford	1	\$ 29,646	\$ 29,646	\$ 46,000
Ford Explorer XLT	Prestige Ford	1	\$ 30,872	\$ 30,872	\$ 40,000
Ford Escape	Prestige Ford	1	\$ 22,469	\$ 22,469	\$ 32,000
Jeep Grand Cherokee	Garber Chrysler	1	\$ 26,713	\$ 26,713	\$ 32,000
Nissan Maxima	Terry Taylor Nissan	1	\$ 26,294	\$ 26,294	\$ 32,000
Nissan Pathfinder	Terry Taylor Nissan	1	\$ 26,504	\$ 26,504	\$ 32,000
Chevy Silverado 1500	Garber Chevrolet	1	\$ 29,048	\$ 29,048	\$ 32,000
<b>Total</b>		<b>18</b>		<b>\$ 462,140</b>	<b>\$ 670,000</b>

The vehicles will be purchased from the above vendors via the Florida Sheriff’s Association Cooperative Competitive Bid (valid through 12/31/2018). The remaining \$207,860 will be expended among the various classes of vehicles at Dana Safety Supply, Orlando Office (Dana Safety Supply has been properly bid by the City of Oviedo, Contract RFP #16-09 valid through 06/15/2019), for the installation of emergency equipment and graphics after vehicle delivery.

#### **FUNDING SOURCE:**

Funding is included in the FY 17/18 Budget.                    001.2220.521.6400    \$468,000  
                                                                                                  001.2230.521.6400    \$202,000

#### **RECOMMENDATION ACTION:**

Authorize the purchase of Police Department vehicles in the amount of \$462,140 in accordance with the Sheriff’s Association Competitive Bid Contract and approve the associated installation of emergency equipment expense of \$207,860 in accordance with the City of Oviedo Competitive Bid Contract from identified vendors.

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**Backup material for agenda item:**

8. Authorize a \$12,500 expenditure from the Law Enforcement Trust Funds for investigative buys and undercover operations.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Police Department  
 EXHIBITS: Request Memo

**SUBJECT: \$12,500 EXPENDITURE FROM LAW ENFORCEMENT TRUST FUNDS**

**Request: AUTHORIZE A \$12,500 EXPENDITURE FROM LAW ENFORCEMENT TRUST FUNDS FOR INVESTIGATIVE BUYS AND UNDERCOVER OPERATIONS.**

**SUMMARY:**

The Police Department requests City Council approval for the expenditure of funds from the Law Enforcement Trust Fund in the amount of \$12,500 for investigative buys and undercover operations. These funds will be drawn down throughout the year as needed in \$2,500 increments.

**FUNDING SOURCE:**

Law Enforcement Trust Fund	Operating	(103.2291.521.5200)	\$12,500
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**RECOMMENDATION ACTION:**

Authorize the Finance Department to disburse \$12,500 from the Law Enforcement Trust Fund.

**DISTRIBUTION**

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



***City of Apopka***  
***Police Department***  
***112 E. 6<sup>th</sup> Street Apopka, Florida 32703***

**Memorandum**

Date: December 6, 2017  
To: Honorable Joseph E. Kilsheimer and Commissioners  
RE: LAW ENFORCEMENT TRUST FUNDS

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The Police Department requests City Council approval for the Finance Department to disburse \$12,500 of Law Enforcement Trust Funds drawn down in \$2,500 increments to the criminal investigations custodian. These funds will be used to conduct investigative narcotics investigations and further other associated undercover operations.

Respectfully,

Michael McKinley  
Chief of Police

**Backup material for agenda item:**

9. Authorize the City Engineer to renew the Class III Landfill Permit for Vista Landfill.





# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
FROM: Community Development  
EXHIBITS: Landfill Permit  
Conditions of Permit  
Landfill Permit Checklist

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**SUBJECT:** VISTA LANDFILL – CLASS III LANDFILL PERMIT

**REQUEST:** AUTHORIZE THE CITY ENGINEER TO RENEW THE CLASS III LANDFILL PERMIT FOR VISTA LANDFILL, REQUESTED BY VISTA LANDFILL LLC

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**SUMMARY:**

On January 2, 2008, City Council approved the issuance of a Class III Landfill Permit for the site known as Vista Landfill. The City and its consultant, CDM Smith, have reviewed the permit renewal application for compliance with all Federal, State and City Codes. The attached permitting checklist outlines all required items, comments, and the approval status. The permit has been found to compliant with all applicable codes. The permit and 26 permit conditions are attached.

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**FUNDING SOURCE:**

Not Applicable.

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**RECOMMENDATION ACTION:**

Authorize the City Engineer to renew the Class III Landfill Permit to Vista Landfill, LLC for Vista Landfill.

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**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

**Class III Landfill Permit**  
**City of Apopka**  
**Community Development Department**  
**Engineering Division**

Permit #: 17-A01-100  
Date Issued: December 19, 2017  
Date Expired: December 18, 2022

This is to certify that: Vista Landfill LLC

has permission to: Construct, Operate and Close a Class III Landfill

Location of Work:    Section: 28                    Township: 21 South                    Range: 28 East  
South of West Keene Road, ¼ miles West of Clarcona Road, across the street from currently  
permitted Keene Road Class III Landfill operated by Waste Management of Florida.

Total Area of Fill (are previously filled, plus area projected to be filled in permit term): 110 +/- Acres

Stipulations: See attached 26 permit conditions

FRM\*: Letter of Credit                    Amount: \$ \*\*                    Agent: \*\*

Processing Fee: \$ 180.00                    Application Fee: \$ 1,170.00

By accepting this permit, the permittee agrees to conform to the terms of the application on file with the City of Apopka Community Development Department, Engineering Division, the stipulations contained in this permit and the requirements for Class III Landfill operations, as specified in the City of Apopka Ordinance Chapter 66. This permit must be displayed at the landfill site until final Certificate of Completion has been issued.

For inspection call City of Apopka Community Development Department, Engineering Division.

\*FRM: Financial Responsibility Mechanism  
\*\*See permit condition #4

\_\_\_\_\_  
Richard W. Earp, P.E. City Engineer  
Community Development Department – Engineering Division  
City of Apopka, Florida

## **CONDITIONS OF VISTA LANDFILL PERMIT DECEMBER 19, 2017**

This is a request by Vista Landfill LLC and Waste Management Inc. of Florida for a permit to construct, operate and close a Class III Landfill on property which is generally located on the south side of Keene Road three-quarters of a mile west of Clarcona-Ocoee Road across from the existing Keene Road Landfill, in the City of Apopka, Florida, subject to the following conditions:

1. Landfill operations shall conform to the Waste Management Inc. of Florida application for Vista Class III Landfill prepared by SCS Engineers on behalf of Waste Management Inc. of Florida and to the following conditions of approval. Landfill operations based on this approval shall comply with all other applicable Federal, State, and City laws, ordinances, and regulations; city issued permits and the State of Florida Department of Environmental Protection (FDEP) issued Permits 0165969-030-SO (November 2, 2017), ERP48-0817635-009-EM (August 3, 2016), permit number 01659696-023-WT-06 (August 12, 2014); and FDEP Permits are expressly modified by these conditions or by direct or approved action of the City Council. To the extent that conditions of this permit conflict with the FDEP Permits, permittee must receive a formal modification of the FDEP Permits; permittee must receive a formal modification of the FDEP Permits to comply with the conditions of this permit prior to initiating construction and operation of the landfill.
2. Operations shall be conducted in accordance with the City of Apopka Solid Waste Management Ordinance (66-172 through 66-184) in its present form, or as amended, during the life of the permit and the approved application prepared by SCS Engineers on behalf of Waste Management, dated November 2017, along with all changes and revisions to the application and all applicable FDEP regulations.
3. Financial Assurance: A financial assurance mechanism approved by FDEP and the City of Apopka shall be in place 90 days prior to placement of waste in Vista Landfill. This financial assurance mechanism will provide for closure and long-term care by a city approved bond 90 days prior to accepting waste. The face (penal) amount is to be updated annually and kept in force through post closure care to the City's satisfaction, based on the then current cost estimated for closure and long-term care and on the then present conditions of the landfill.
4. The Operation of the Yard Trash and Organic Processing and Recycling Facility shall be in accordance with FDEP Permit 0165969-030-SO.
5. Title Commitment Insurance for the boundary survey shall be kept in force through the post closure care period.
6. The disturbed and unclosed portion of the landfill shall not exceed the size used for the closure/post closure estimated, for any corresponding year, without first amending the closure/post closure instrument to include such additional acreage.

7. All monitoring wells described in the approved groundwater monitoring plan will be installed and a background evaluation of each well shall be performed prior to accepting waste. The groundwater monitoring report, sealed by a State of Florida registered professional engineer or professional geologist, is to be submitted with each sampling event to Community Development Department, Engineering Division. The report shall include a summary listing and mapping of all groundwater exceedances. Monitoring wells required by FDEP permit shall be installed within 120 days of permit issuance.
8. As a part of the next Operating permit additional piezometers or monitor wells will be identified for the purpose of refining the seasonal high groundwater levels in Phase 3 of the Vista landfill.
9. The normal post closure care period will be extended in the event that any unresolved remediation issues exist at the time of the normal post closure period until such time as all remediation issues are resolved to the satisfaction of the City. The post closure period for the City will be no less than the post closure period mandated by FDEP.
10. Offsite migration of odors determined by the City to be objectionable, is not permitted and will be evaluated based upon guidelines established in the permit application. Failure to correct these conditions may be grounds for revocation of this permit.
11. An updated, certified topographic survey is to be submitted to Community Development Department, Engineering Division, annually, 60 days before the anniversary date of the permit issuance. An updated, certified topographic survey will be submitted immediately following the January 2018 flyover survey.
12. Scales are to be installed and kept operational prior to accepting waste. The scales are to be calibrated in accordance with the ordinance referenced in condition 2 above. Accurate records quantifying material excavated, debris received (by weight, origin, and transfer location), and debris placed within the landfill must be maintained on site, in a log of approved format, and made available for inspection. These records are to be reported to the Community Development Department, Engineering Division, quarterly (January 15, April 15, July 15, and October 15 of each year). Materials recycled must also be quantified and reported to the Community Development Department, Engineering Division.
13. Operating hours will be as follows:

Monday - Friday:	7:00 A.M. - 5:30 P.M.
Saturday:	7:00 A.M. - 12:00 Noon
Sunday:	Closed
14. A copy of the City landfill permit will be posted on site at all times and a copy of all the Vista Landfill permit applications, and the application for Keene Road Disposal Class III Landfill will be kept on site and made available for reference by landfill and city personnel.

15. Stockpiling of materials to be recycled for a period longer than six (6) months is not permitted.
16. Applicant agrees to have the non-sudden pollution insurance, referred to in paragraph 7 of the agreement to offer donation of real property, in place at the time of conveyance of the property to the City.
17. Only the east part of Keene Road, from Clarcona Road to the site entrance, may be used for hauling to and from the site. This authorized haul route shall be policed for debris as needed, however at least weekly.
18. Permittee will provide to the City copies of all correspondence sent to or received from any State permitting agency. Submit correspondence to the Community Development Department, Engineering Division.
19. The owner shall execute and record a notice that states that the land was used for solid waste disposal, and materials buried may render the property unsuitable for conventional development.
20. No access onto McQueen Road for the operation of the Landfill. An emergency gate, to be locked will be allowed.
21. Vista Landfill is a lined facility. The minimum separation between the liner and the seasonal high groundwater table is two (2) feet. Prior to construction of any future landfill cells (Cells 9-12), Vista Landfill will adjust the base grade elevations, as needed, to maintain a minimum 2 foot separation between the liner and the seasonal high groundwater table.
22. The final height if the landfill has been increased over the original proposed elevation of 150.0. The new height of 156.0 does not conflict with any elevation restrictions imposed by the FDEP.
23. This permit approves the storm water design for Cells 1 - 8 only. The storm water design for Cells 9 - 12 is preliminary only and has to be finalized prior to the beginning of any work on Cells 9 - 12. Changes to the storm water system will require a modification to the ERP.
24. Documentation on the leachate system must be provided quarterly to the City. The documentation shall include, at a minimum the monthly leachate volumes handled by each cell, any significant variations in leachate volumes and rainfall quantities. Vista Landfill must notify the City within 48 hours after a cell leachate sump pump high level alarm has been activated.

25. Prior to filling any cell, the bottom elevation and dimension of the cell must be certified. This certification must be provided to the City a minimum of two weeks in advance of bringing in waste.
26. The applicant shall provide the Community Development Department, Engineering Division a copy of a Fire Fighting Agreement signed by the site operator and the City of Apopka Fire Chief covering the line of responsibility for fighting fires at the site prior to permit issuance.

**City of Apopka**  
**Solid Waste Ordinance Landfill Permitting Checklist**

Item Description	Status/Location
<b>Section 66-177. Technical Requirements</b>	
1 The facility shall be open to the city for inspection	N/C
2 an operation that exceeds 90 days shall about a paved road	N/C
3 applicant is required to institute the approved plan of reclamation and closure	N/C
4 no permit for a site in an area determined to constitute a conservation area	N/C
5 ordinance is not construed as regulating dredging or filling as defined in F.S. 403.911	N/C
6 issuance of a city permit does not relieve permittee from the responsibility of obtaining/maintaining permits and renewals	N/C
7 permits may only be issued upon city council approval	N/C
8 setbacks from any boundary line of a site shall be as follows	N/C
a 200 feet from right of way of any arterial or collector highway	N/C
b 150 feet from right of way of any other public street, road or highway, or abutting property	N/C
c a minimum of 250 feet from any offsite structure	N/C
9 slope of working face shall not exceed 3:1 horizontal to vertical. Max height for Class I and Class III landfills shall be as specified in FAC 62-701	N/C
10 security and litter	N/C
a access to the sites shall be controlled via installation of security chain link fence around the perimeter of the site (6 ft with locking gates)	N/C
b a scalehouse or gate attendant equipped with radio contact to other landfill employees shall be present when the landfill is open for business, and positioned to observe incoming/outgoing traffic	N/C
c warning signs at least 3-ft <sup>2</sup> shall be posted at each corner of the fence and not more than 500 ft apart along the fence line	N/C
d permittee shall have city approved litter control plan, and is responsible for cleanup of all litter from vehicles going to and from the site	N/C
11 a waste stream quality control plan shall be submitted for approval	N/C
a a procedure to ensure that only permitted wastes are accepted	N/C
b a procedure for removal of waste not allowed by the subject permit to an approved disposal facility	N/C
c an attendant must be present at the working face of the site at all times to inspect each load at the site. A sign must be posted at the entrance	N/C
d the facility operator shall be responsible for examining at least 3 random loads to ensure compliance with all rules and regulations	N/C
12 a separate operations procedure shall be submitted for any ancillary operation in combination with such disposal activities	N/C
13 vehicular access to and from the site shall be designated by the city council at the time of permit approval	N/C

**City of Apopka**  
**Solid Waste Ordinance Landfill Permitting Checklist**

Item Description	Status/Location
14 within 180 days after completion of the closure operation, a certified topographic survey shall be submitted showing the finished grades. City shall inspect the site within 30 days to verify satisfactory compliance	N/C
15 solid waste operations shall not obstruct or interfere with natural watercourses, water management or control plans	N/C
16 hours of operation for the facility shall be set by the city council	N/C
17 solid waste cannot be placed in any natural or artificial body of water (including groundwater)	N/C
18 owner shall execute & record a notice that states that the land was used for solid waste disposal, and materials buried may render the property unsuitable for conventional development	N/C
19 a truck scale is required at all sites larger than 10 acres	N/C
20 waste handling and cover requirements must be approved	N/C
21 groundwater monitoring: wastes shall be disposed of only in disposal sites where a groundwater monitoring plan (including hydrogeological survey) has been completed	N/C
22 gas and monitoring control. The applicant shall present a gas control and monitoring plan for review	N/C
23 financial responsibility. Applicant shall estimate the city's total cost of closure/post-closure of the landfill using a third party	N/C



**City of Apopka  
Solid Waste Ordinance  
Landfill Permitting Checklist for  
Vista Landfill Operations Permit 17-A01-100**

Ordinance	Item Summary Required Submittals	Submitted	Comments	Reviewer	Approved
<b>Section 66-176</b>					
<b>Section 66-176. Required Submittals</b>					
a	For solid waste disposal facilities		Include comments, section and page no. for each line item.		
1	City of Apopka DRC review and recommendations		Previously approved.	City	X
2	City of Apopka Land Development Review Board special exception evaluation and recommendations		Previously approved.	City	X
3	Application form required		N/A for Renewal		X
4	Certified, current topographical survey. Certified within 6 months of date of submittal of a complete application	X	Submitted in January 2017. An update will be submitted in January 2018.		X
5	Certified boundary survey and legal description		Certified plot of survey was provided previously.		X
6	Proof of ownership of property		Warranty deed submittal which is dated 5/22/03 was submitted previously. Vista Landfill LLC is the owner.		X
7	Engineering Plans with the following:				
a.	Liner & Liner system design	X	Meets requirements		X
b.	Leachate collection and removal design	X	Meets requirements		X
c.	Leachate Treatment system		Leachate is being hauled to local WWTP		X
d.	Proposed final grades--1 foot intervals	X	Conceptual Closure plan is acceptable.		X
e.	Design of ancillary facilities		Ancillary facilities submitted previously		X
f.	Stormwater Management Plan		Submitted previously. Acceptable		X
g.	Zoning of Property & adjacent properties		Submitted previously. Acceptable		X
h.	Landscape buffer plan		Submitted previously. Acceptable		X
i.	Reclamation plan		Submitted previously. Acceptable		X
j.	Setback and access control		Setbacks meet requirements.		X
k.	Final Closure plan	X	Conceptual Closure plan is acceptable.		X
l.	Description of final use of property	X	Previous submittal indicates the site could be evaluated for use as a park.		X
m.	Plans for long term care	X	Applicant commits to maintain closed facility to City standards.		X
8	Processing Fee			City	X
9	Soil boring logs and reports indicating soil types at the site		Soil boring logs and soil types submitted previously.		X

**City of Apopka  
Solid Waste Ordinance  
Landfill Permitting Checklist for  
Vista Landfill Operations Permit 17-A01-100**

Ordinance	Item Summary Required Submittals	Submitted	Comments	Reviewer	Approved
10	Hydrogeological assessment of the site and proposed groundwater monitoring plan	X	Additional information has been supplied. Phase 3 will be discussed further as part of the next Operating permit.		X
11	Proposed fee schedule for use of the facility by 3rd parties.	X	The current fee schedule for 3rd parties has been submitted to the City.		X
12	Proposed hours of operation	X	Operating hours are M-F 7am-5:30pm; Sat 7am-12noon; Sunday--Closed		X
13	Proposed method of quantifying wastes		Submitted previously. Acceptable		X
14	Proposed source of cover material	X	On-site soil and off site soil as needed		X
15	Map or aerial photograph of the area showing land use and zoning within 1 mile of the boundaries of the site	X	Submitted previously. Acceptable		X
16	Evidence of Financial responsibility		Submitted previously. Acceptable		X
17	Litter control plan	X	See Operations Plan.		X
18	Waste stream quality control plan	X	See Operations Plan.		X
19	Gas monitoring and control plan	X	Submitted previously. Acceptable		X
20	Demonstration of need for the proposed solid waste management facility	X	Permit requested for 2,500 tons/day.		X
21	Operations plan	X	Updated Operations Plan submitted and Approved		X
22	Written description of how the facility will comply or will be in accordance with the state and city recycling goals and policies	X	Recycling activities include Yard Trash & Organic Processing and Recycling Facility.		X
23	Fire Fighting agreement signed by the solid waste management facility and the City of Apopka Fire Chief		A fire fighting Agreement is in place. Previously submitted.		X
<b>Section 66-177 Section 66-177. Technical Requirements</b>					
1	Requirements for solid waste disposal facilities				
	a. The facility shall be open to the city for inspection		Facility is inspected by the City monthly		X
	b. An Operation that exceeds 90 days shall about a paved road				X
	c. Applicant is required to institute the approved plan of reclamation and closure				X
	d. No permit for a site in an area determined to constitute a Conservation area		This site is not a conservation area.		X

**City of Apopka  
Solid Waste Ordinance  
Landfill Permitting Checklist for  
Vista Landfill Operations Permit 17-A01-100**

Ordinance	Item Summary Required Submittals	Submitted	Comments	Reviewer	Approved
e.	Ordinance is not construed as regulating dredging or filling as defined in F.S. 403.911				X
f.	Issuance of a city permit does not relieve permittee from the responsibility of obtaining/maintaining permits and renewals	X	FDEP Permit approval has been received by Applicant		X
g.	Permits may only be issued upon City Council approval.			City	
h.	Setbacks from any boundary line of a site shall be as follows:				
h.1.	200 feet from right of way of any arterial or collector highway		R.O.W. of McQueen road does not qualify as arterial or collector.		NA
h.2.	150 feet from right of way of any other public street, road or highway, or abutting property		Setback to the toe of slope is a minimum of 150'.		X
h.3.	A minimum of 250 feet from any offsite structure		Submitted previously. Approved.		X
i.	Slope of working face shall not exceed 3-1 horizontal to vertical. Max height for Class I and Class III landfills shall be as specified in F.A.C. Ch 62-701		Maximum height is elev. 156 as per City.		X
j.	Security and Litter				
j.1.	Access to the sites shall be controlled via installation of security chain link fence around the perimeter of the site (6 ft. with locking gates)	X	6' chain link fence has been installed previously.		X
j.2.	A scalehouse or gate attendant equipped with radio contact to other landfill employees shall be present when the landfill is open for business, and positioned to observe incoming/outgoing traffic.	X	Submitted previously. Approved		X
j.3.	Warning signs at least 3 feet square shall be posted at each corner of the fence, and not more than 500 feet apart along the fence line	X	Submitted previously. Approved		X
j.4.	Permittee shall have City approved litter control plan, and is responsible for cleanup of all litter from vehicles going to and from the site	X	Submitted previously. Approved		X
k.	A waste stream quality control plan shall be submitted for approval.	X	Approved		X
k.1.	A procedure to ensure that only permitted wastes are accepted.	X	Section 4 of the Operations Plan		X
k.2.	A procedure for removal of waste not allowed by the subject permit to an approved disposal facility.	X	Section 4 of the Operations Plan		X

**City of Apopka  
Solid Waste Ordinance  
Landfill Permitting Checklist for  
Vista Landfill Operations Permit 17-A01-100**

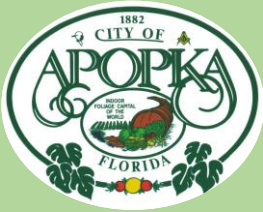
Ordinance	Item Summary Required Submittals	Submitted	Comments	Reviewer	Approved
k.3.	An attendant must be present at the working face of the site at all times to inspect each load at the site. A sign must be posted at the entrance.	X	Section 6 of the Operations Plan		X
k.4.	The facility operator shall be responsible for examining at least 3 random loads to ensure compliance with all rules and regulations.	X	Section 4 of the Operations Plan		X
l.	A separate operations procedure shall be submitted for any ancillary operation in combination with such disposal activities.	X	The Operations Plan has been amended to add the Operations of the Yard Trash and Organic Processing and Recyclign Facility in Section 13.		X
m.	Vehicular access to and from the site shall be designated by the City Council at the time of permit approval.	X	Submitted previously. Approved		X
n.	Within 180 days after completion of the closure operation, a certified topographic survey shall be submitted showing the finished grades. City shall inspect the site within 30 days to verify satisfactory compliance.		Not required until Closure		NA
o.	Solid waste operations shall not obstruct or interfere with natural watercourses, water management or control plans	X	Submitted previously. Approved		X
p.	Hours of operation for the facility shall be set by the City Council	X	Submitted previously. Approved		X
q.	Solid waste cannot be placed in any natural or artificial body of water (including groundwater)		No waste is being placed in a water body or groundwater.		X
r.	Owner shall execute & record a notice that states that the land was used for solid waste disposal, and materials buried may render the property unsuitable for conventional development	X	A copy of this notice has been submitted to the City.	City	X
s.	A truck scale is required at all sites larger than 10 acres.	X	A truck scale is provided and certified. Approved.		X
t.	Waste handling and cover requirements must be approved		Submitted previously. Approved		X
u.	Groundwater monitoring: wastes shall be disposed of only in disposal sites where a groundwater monitoring plan (including hydrogeological survey) has been completed.		A hydrogeological survey and a Groundwater Monitoring Plan has been provided previously.		X
v.	Gas and monitoring control. The applicant shall present a gas control and monitoring plan for review	X	Air Quality will be monitored upon documentation of Odor problems. Operations plan includes the procedure for addressing odor problems.		X

**City of Apopka  
Solid Waste Ordinance  
Landfill Permitting Checklist for  
Vista Landfill Operations Permit 17-A01-100**

Ordinance	Item Summary Required Submittals	Submitted	Comments	Reviewer	Approved
w.	Financial responsibility Applicant shall estimate the City's total cost of closure/post-closure of the landfill using a third party		Financial Assurance has been provided for review prior to placement of waste. Approved.		X
x.	All plans, reports and other supporting documents submitted with a permit application which is approved shall become a part of the permit and operation shall proceed in accordance with the documents		Effective upon permit issuance by the City.		X
y.	The City Council reserves the right to require additional landscaping or increase setbacks if needed to ensure that the site is compatible with surrounding land issues.			City	X
z.	Final elevation at the time of closure of the disposal site, including a minimum of 2 feet of final cover material shall not exceed the original elevation of the site. A waiver may be submitted for a height of 50 ft above existing grade.		Maximum height is elev. 156 as per City approval.		X

**Backup material for agenda item:**

10. Authorize a second extension for the purchase of the Marshall Lake 103.3 acre site by Royal Oak Homes, LLC.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Marshal Lake  
City Land Purchase extension

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Project Map

**SUBJECT: EXTENSION OF DUE DILIGENCE TIME**

**REQUEST: SECOND EXTENSION FOR THE PURCHASE OF THE MARSHALL LAKE  
103.3 ACRE SITE UNTIL MARCH 8, 2018**

**SUMMARY:**

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

The applicant and staff have both been working diligently toward the access needed for the project off Johns Road which the applicant included additional land for the project south of Johns Road. Verification of the rights-of-way and processing the land use and zoning needed for the entire project have taken longer than expected. In addition, annexation of a small portion of Johns Road is also under process by staff to complete the access to the sites.

On September 20, 2017 Royal Oak Homes requested an extension until December 31, 2017 which City Council approved.

In order to complete the Preliminary Development Plan (PDP) approval process, which is expected to be completed in January-February 2018, the applicant is requesting a second extension to March 8, 2018.

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

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Staff recommends approval of the extension for purchase to March 8, 2018 provided all paperwork and payment for the remainder of the full purchase price be completed on or before this date.

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief

# FOR SALE



City of Apopka ~ vacant land

**\$2,812,500**

Location: West of SR 451, south of Marshall Lake Rd. (and south of Marshall Lake), NE of the Breckenridge subdivision



**Future Land Use: Residential Low**

**Zoning: PUD**

**Acres: 103.03 +/- Property Tax ID: 08-21-28-0000-00-005**

**Address: off Johns Rd. and Marshall Lake Rd. (not official access)**

Utilities:

- Water: 12" PVC off Marshall Lake Rd. (NE of site)  
12" and 6" PVC off Cavan Dr. (SE of site)  
6" PVC off Beardsley Dr. (SE of site)
- Sewer: 8" PVC gravity off Cavan Dr. (SE of site)  
10" PVC gravity off Beardsley Dr. (SE of site)
- Reuse: 12" PVC off Cavan Dr. (SE of site)

**Contact:**

James Hitt  
Community Development Director  
City of Apopka  
120 E. Main Street  
Apopka, FL 32703  
[jhitt@Apopka.net](mailto:jhitt@Apopka.net)  
407-703-1712



## **Bids / Offers:**

- Bids may be submitted in a sealed envelope to the contact person listed (James Hitt) no later than April 28, 2017 at 4:00 P.M
- Minimum bid of \$2,812,500 is required. Financing is not applicable to this sale.
- Refundable deposit: 1% of bid (or more) = \$28,125.00 (bank/cashier's check only) Deposit can be applied to the approved purchase price.
- Maximum due diligence time prior to closing: five (5) months from date of bid submittal. 30 day extension with written request at least 5 days prior to the 5-month due diligence time period, and City approval.
- Bid submittal package/offer clearly marked **“City of Apopka Lake Marshall Site”**
- Mailed or delivered directly to:  
James Hitt, Community Development Director  
City of Apopka  
120 E. Main Street, 2<sup>nd</sup> floor  
Apopka, FL 32702

A copy of the appraisal report will be provided upon request.

Bids must be approved by the Apopka City Council and any sale shall be final upon approval and full payment.

Future Land Use and Zoning changes may be applied for provided they meet the City's Comprehensive Plan and Zoning requirements.

**Backup material for agenda item:**

11. Authorize execution of a Sewer and Water Capacity Agreement for the Sandpiper Road Subdivision.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
FROM: Community Development  
EXHIBITS: Vicinity Map  
Agreement

**SUBJECT: SANDPIPER ROAD SUBDIVISION (49 LOTS)**

**REQUEST: AUTHORIZE THE MAYOR OR HIS DESIGNEE TO EXECUTE A SEWER AND WATER CAPACITY AGREEMENT FOR SANDPIPER ROAD SUBDIVISION (49 LOTS)**

**SUMMARY:**

The City's standard Sewer and Water Capacity Agreement has been prepared for Sandpiper Road Subdivision, located north of East Votaw Road and west of North Thompson Road.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for Sandpiper Road Subdivision.

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

### SANDPIPER ROAD SUBDIVISION

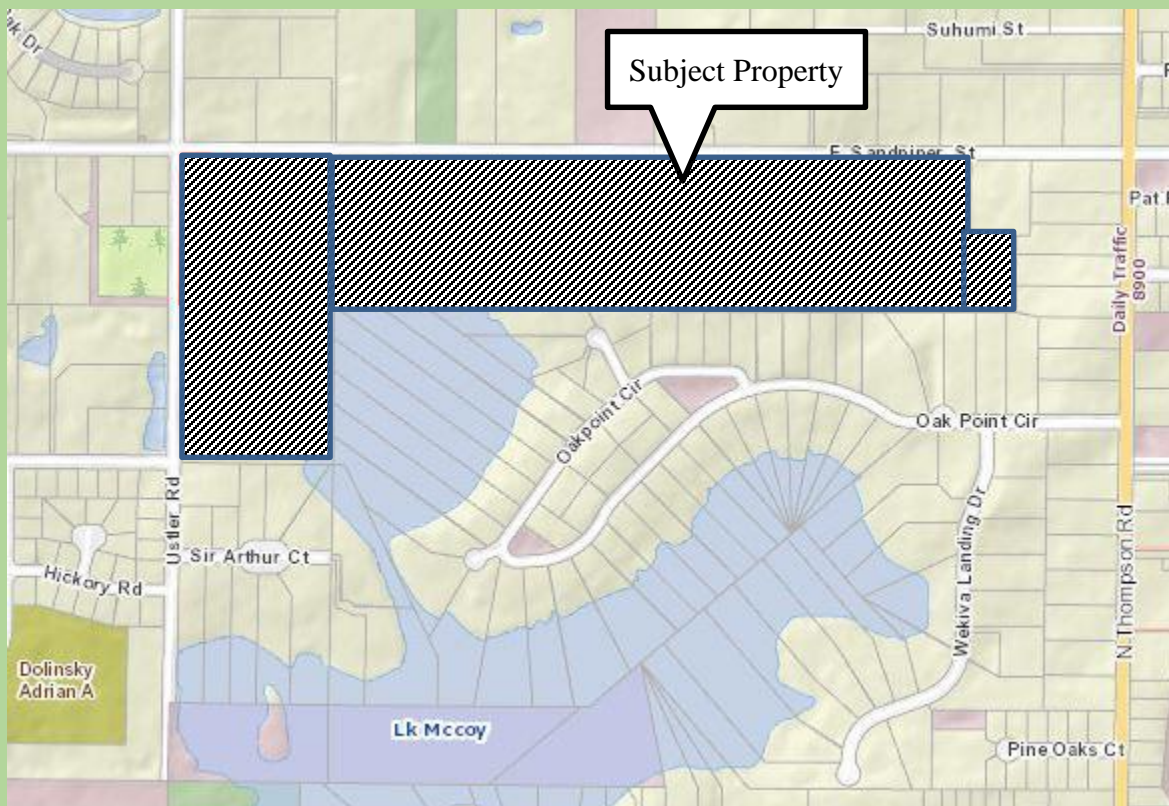
58.23 +/- Acres

Proposed: 49 units

Parcel ID #s: 03-21-28-0000-00-023; 03-21-28-0000-00-119, 03-21-28-0000-00-015,  
03-21-28-0000-00-046, 03-21-28-0000-00-073, 03-21-28-0000-00-072,  
03-21-28-0000-00-022, 03-21-28-0000-00-047, 03-21-28-0000-00-131,  
03-21-28-0000-00-106



### VICINITY MAP



**SEWER AND WATER CAPACITY AGREEMENT**  
**SANDPIPER ROAD SUBDIVISION (49 LOTS)**

THIS AGREEMENT, made as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the City of Apopka, Florida, a municipal corporation, hereinafter sometimes referred to as "City" or "Utility" or both; and Beazer Homes, LLC, sometimes hereinafter referred to as "Owner" or "Developer" or both.

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

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

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

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

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

WHEREAS, Developer owns or controls lands located in City of Apopka or Orange

County, Florida, and described in Exhibit "A" attached hereto and made a part hereof as if fully set out in this paragraph and hereinafter referred to as the "Property," and Developer intends to develop the Property by erecting thereon, individually metered units, general service units, or combination of these; and

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

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

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

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

NOW, THEREFORE, the parties hereto agree as follows:

**Section 1. Compliance.**

The Owner agrees that both he and his successors and assigns will abide by the provisions of this Agreement and the relevant Ordinances of the City and that he will install or have installed the improvements required by the City in accordance with the

provisions of this Agreement and of said Ordinances. The Owner further understands and agrees that, in the development of the subject property, failure to abide by the terms of this Agreement, the provisions of the City's Ordinances, or any other applicable regulations, ordinances, or laws from time to time existing, shall constitute grounds for refusal by the City, or the appropriate authority thereof, to allow such development, to obtain building permits, to institute utility services, or to permit occupancy of completed improvements.

**Section 2. Definitions.**

A. "ERU (Water)" means Equivalent Residential Unit defined as having the average demand of 400 gallons per day, without reclaimed water available, and having the average demand of 300 gallons per day, with reclaimed water available.

B. "ERU (Sewer)" means Equivalent Residential Unit defined as having the average demand of 300 gallons per day.

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

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

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

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

G. "Service" - The readiness and ability on the part of the Utility to furnish and maintain water and sewer service to the point of delivery for each lot or tract pursuant to

applicable ordinances, laws, rules, regulations, permits and Utility policies.

**Section 3. On-Site Installation.**

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

Developer shall obtain approval of plans and specifications from all necessary agencies. No construction shall commence until utility and appropriate regulatory agencies have approved such plans and specifications in writing. If construction commences prior to all such approvals and any other approvals required hereunder, Utility shall have no responsibility to accept such lines and facilities and Utility may elect to terminate this Agreement and/or not provide service to Developer until such time as



Developer obtains all such required approvals. When permits and approved plans are returned by appropriate regulatory agencies to Developer, Developer shall submit to Utility one copy of the water and/or sewer construction permit and approved plans. Developer shall also supply to the Utility a copy of the final estimate or payment covering all contract items and Release of Lien from Contractor(s).

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

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

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

Upon completion of construction, Developer's engineer of record shall submit to Utility a copy of the signed certification of completion submitted to the appropriate regulatory agencies. If certification is for the water distribution system, a copy of the bacteriological results and a sketch showing locations of all sample points shall be included. The engineer of record shall also submit to Utility paper copies of the as-built plans prepared signed and sealed by the engineer of record. Developer will provide Utility with two (2) copies of the approved paving and drainage plans. Developer will provide Utility with three (3) copies of the approved subdivision plat.

**Section 4. Off-Site Installation.**

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

- A. Provide Utility with three (3) copies of the approved subdivision plat.

B. Provide Utility with three (3) copies of the approved paving and drainage plans of the development.

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

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

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

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

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

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

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

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

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

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

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

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

K. The Developer shall provide Utility with all appropriate

operations/maintenance and parts manuals.

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

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

**Section 5. Easement.**

Developer hereby grants and gives to Utility, its successors and assigns, but subject to the terms of this Agreement, the exclusive right or privilege to construct, own, maintain or operate the water and sewer facilities to serve the Property; and the exclusive right or privilege to construct, own, maintain or operate the said facilities in, under, upon, over and across the present and future streets, roads, alleys and easements, reserved utility strips and utility sites, and any public place as provided and dedicated to public use in the record plats, or as provided for in agreements, dedications or grants made otherwise and is independent of said record plats. Mortgagees, if any, holding prior liens on the Property shall be required to either release such lien, subordinate their positions or join in the grant or dedication of the easements or rights-of-way, or give to Utility assurance by way of a "non-disturbance agreement," that in the event of foreclosure, mortgagee would continue to recognize the easement rights of Utility, as long as Utility

complies with the terms of this Agreement. All water distribution and sewage collection facilities, save and except consumer installations, shall be covered by easements or rights-of-way if not located within platted or dedicated road or rights-of-ways for utility purposes.

Developer hereby further agrees that the foregoing grants include the necessary right of ingress and egress to any part of the Developer's property upon which Utility is constructing or operating utility facilities. The foregoing grants shall be for such period of time as Utility or its successors or assigns require such rights, privileges or easements in the construction, ownership, maintenance, operation or expansion of the water and sewer facilities. The parties agree that in the event Developer and Utility agree to install any of the water or sewer facilities in lands within the Property lying outside the streets and easement areas described above, then Developer or the owner shall grant to Utility, the necessary easement or easements for such "private property" installation; provided, all such "private property" installations by Utility shall be made in such a manner as not to interfere with the then primary use of such "private property". The use of easements granted by Developer to Utility shall not preclude the use by other utilities of these easements, such as for cable television, telephone, electric, or gas utilities, or as otherwise agreed to by Utility, provided each does not interfere with Utility's use thereof.

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

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

Developer agrees with Utility that all water and sewer facilities accepted by Utility in

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

**Section 7. Exclusive Right to Provide Service.**

As a further and essential consideration of this Agreement, Developer, or the successors and assigns of Developer, shall not (the words "shall not" being used in a mandatory definition) engage in business or businesses of providing potable water or sewer services to the Property during the period of time Utility, its successors and assigns, provide water or sewer services to the Property, it being the intention of the parties hereto that under the foregoing provision and also other provisions of this Agreement, Utility shall have the sole and exclusive right and privilege to provide water and sewer services to the Property and to the occupants of each residence, building or unit constructed thereon, except for providing by Developer, from its own sources and lines for irrigation uses.

**Section 8. Rates.**

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



or rate schedules so established and enforced and shall at all times be reasonable and subject to approval by the City Council.

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

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

**Section 9. Capital Facility Fees.**

In addition to the contribution of any water distribution and sewage collection systems, where applicable, and further to induce the Utility to provide water and sewage service, Developer hereby agrees to pay to Utility the following Capital Facility Fees:

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

Secondary or Local Distribution System and all water facilities on site regardless of size necessary to provide service to the land development activity.

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

Total Water

Capacity Committed <u>in Gallons</u>	No. Of ERU's <u>Committed</u>	Water Capital Facility Fee <u>Per ERU</u>	Facility Fee Due from <u>Owner</u>
19,600	49	\$1,276.00	\$62,524.00

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

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

Total Sewer

Capacity Committed <u>in Gallons</u>	No. Of ERU's <u>Committed</u>	Sewer Capital Facility Fee <u>Per ERU</u>	Facility Fee Due from <u>Owner</u>
14,700	49	\$4,775.00	\$233,975.00

**Section 10. Payment of Capital Fees.**

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

A. 10% of all capital facilities fees for all units at the time of applying to DEP for a permit.

B. 20% of all capital facilities fees at the time of receiving DEP approval/permit or 120 days from the date of application whichever occurs first.

C. 10% of all capital facilities fees at the time of issuance of Certificate of Acceptance by City or 120 days from the date of issuance of DEP permit whichever occurs first.

D. 20% of all capital facilities fees 12 months after the date of issuance of the DEP permit as set forth in (b).

E. 20% of all capital facilities fees not later than 24 months after the date of issuance of the DEP permit as set forth in (b).

F. All capital facilities fees are due not later than 36 months after the date of the issuance of the DEP permit as set forth in (b).

The capital facilities fees shall be based on the fee schedule in effect at the time payment is actually made to the City. The fees set forth therein are the minimum due and payable. Capital Facilities Fees shall be due and payable by the Owner on or before application for building permits for each individual lot or land development activity. During the time period following the issuance of the DEP permit until all capital facilities fees are paid, the amount due and payable shall always be the greater of the scheduled fees or the fees due upon applying for building permits during this period. If the Capital Facilities fees are paid in conjunction with the application for building permits are less

than the fees currently due pursuant to subparagraphs (d), (e), and (f) of this Section, the Owner must remit the difference as same comes due pursuant to the schedule. If the amount due in conjunction with the application for building permits exceeds the amount due pursuant to schedule, the amount due in conjunction with the application for building permits shall be the amount due and payable regardless of the amount of the scheduled payment.

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

It is also agreed by the parties that:

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

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

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

**Section 11. Refund of Fee Paid.**

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

**Section 12. Recapture of Capacity.**

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

**Section 13. Maintenance Fees.**

The parties agree that the City may subject encumbered or committed water and sewer capacity to a maintenance fee to be assessed by the City. The amount of such fee will be determined by the City Council and shall be based upon the costs of maintaining the committed capacity for the Developer. Such fees shall not be a Capital Facility Fee as described herein and shall be due and payable as directed by the City.

**Section 14. Water System Tap Fee.**

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

<u>Single Service Meter</u>	
3/4"	\$350.00
1"	\$412.00
1½"	\$631.00
2"	\$757.00
 <u>Dual Service Meter</u>	
3/4"	\$274.00
 <u>Short Service Tap</u>	
3/4" & 1"	\$275.00
1½" & 2"	\$357.00
 <u>Long Service Tap</u>	
3/4" & 1"	\$836.00
1½" & 2"	\$918.00

For a meter or tap over two (2) inches in size, the work will be performed by the contractor, however, in circumstances where the City elects to perform the work, the fee charged shall be actual cost plus ten percent (10%).

Short service is defined as service located on the same side of a road or driveway of an existing water line where the connection is to be made. Long service is defined as service located on the opposite side of a road or driveway of an existing water line where the connection is to be made. There will be an additional charge of \$10.00 for every linear foot for service over 50 linear feet. An additional charge will be added equal to the county right-of-way permit fee when it is required. All Tap Fees are due and payable at the time that a service connection is approved by the Utility.

**Section 15. Sewer Tap Fee and Other Charges.**

The parties agree that a sewer tap fee shall be charged at the time of approval by the City of a service connection. The cost of extending or installing 6" sewer lateral shall be \$745.00 up to 25 feet and including cleanout, and shall be payable by the Developer upon billing. For additional footage beyond 25 feet, the charge shall be \$12.00 per linear foot. The costs of any applicable county or state permits will be also an additional charge payable by the Developer. Any sewer lateral within the public right-of-way easement will remain the property of the City. All Tap Fees are due and payable at the time that a service connection is approved by the Utility. The other charges described herein are due and payable within 10 days of the date of the billing.

**Section 16. Miscellaneous Provisions Regarding Payments.**

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

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

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

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

D. Acceptance of payment of any of the Fees described herein in part or in full shall

not constitute a waiver of the Utility's rates or regulations.

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

**Section 17. Agreement to Serve.**

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

The parties agree that the capacity needed to provide service to the Property is 19,600 gallons per day for potable water supply and 14,700 gallons per day for wastewater removal. Developer agrees that the number of units of development for



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

**Section 18. Application for Service: Consumer Installations.**

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

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

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

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

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

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

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

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

any resulting damage or impairment of the treatment process and/or facilities.

**Section 19. Assurance of Title.**

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

**Section 20. Binding Effect of Agreement.**

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

**Section 21. Notice.**

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

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

With a copy to:

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

and if the Utility, at:

City of Apopka  
Utilities Department, Attn: Eusie Watson  
120 East Main Street, Apopka, FL 32704

**Section 22. Laws of Florida.**

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

**Section 23. Cost and Attorney's Fees.**

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

**Section 24. Force Majeure.**

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

**Section 25.**

The rights, privileges, obligations and covenants of Developer and the Utility shall survive the completion of the work of Developer with respect to completing the facilities and services to any development phase and to the Property as a whole.

**Section 26.**

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

**Section 27. Construction.**

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

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

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

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

**Section 28.**

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

**Section 29.**

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

**Section 30.**

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

**Section 31.**

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

**Section 32.**

The Utility shall, at all reasonable times and hours, have the right of inspection of

Developer's internal lines and facilities. This provision shall be binding on the successors and assigns of the Developer.

**Section 33. Water Conservation Measures.**

Water conservation measures shall be employed by the Developer. Said measures shall include but not be limited to:

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

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

**Section 34.**

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

**Section 35.**

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

[Remainder of page intentionally left blank. [Signatures on the following pages.]



WITNESSES:

THE CITY OF APOPKA,  
A Florida municipal corporation

\_\_\_\_\_

\_\_\_\_\_  
Glenn Irby  
City Administrator

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

\_\_\_\_\_

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

STATE OF FLORIDA  
COUNTY OF ORANGE

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

(NOTARY'S SEAL)

\_\_\_\_\_  
Notary Public

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

Commission No. \_\_\_\_\_

WITNESSES:

Nora J Schuster

Nora J Schuster

Print Name

Melissa Miller

Melissa Miller

Print Name

OWNER:

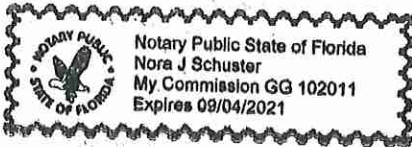
By: [Signature]

VP of LAND DEVELOPMENT

Title

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 3 day of November, 2017 by Jeremy Camp (Name of officer or agent) of VP OF Land Development (Name of corporation acknowledging), a Beazer Homes LLC (state or place of corporation) Corporation, on behalf of the corporation. He/She/They is/are personally known to me or has produced (type of identification) as identification and did (did not) take an oath.



SEAL

[Signature]  
NOTARY PUBLIC

**EXHIBIT "A"**

Legal Description

The land referred to herein below is situated in the County of Orange, State of Florida, and is described as follows:

PARCEL NO 1:

The Northeast 1/4 of the Southeast 1/4 or the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30 feet thereof.

PARCEL NO 2:

The West 275.0 feet of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30 feet thereof.

PARCEL NO 3:

The West 1/2 of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 330 feet of the East 200 feet of the West 220 feet thereof AND LESS the North 30 feet thereof.

PARCEL NO 4:

That part of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 21 South, Range 28 East, Orange County, Florida, beginning at a point South 00 degrees 02 minutes 00 seconds West, 30.0 feet and North 89 degrees 35 minutes 59 seconds East, 550.0 feet from the Northwest corner of said Southwest 1/4 of the Northwest 1/4, run North 89 degrees 35 minutes 59 seconds East, 108.90 feet along the South line of Sandpiper Road; thence run South 00 degrees 01 minutes 08 seconds West, 312.00 feet; thence run North 89 degrees 35 minutes 59 seconds East, 193.00 feet; thence run South 00 degrees 03 minutes 49 seconds West, 320.19 feet; thence run South 89 degrees 35 minutes 00 seconds West, 301.81 feet; thence run North 00 degrees 02 minutes 00 seconds East, 632.27 feet to the POINT OF BEGINNING.

ALSO: The East 275.0 feet of the West 550.00 feet of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30 feet thereof for Sandpiper Road.

PARCEL NO 5:

The Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30 feet thereof.

PARCEL NO 6:

The North 330.00 feet of the West 220.00 feet of the West 1/2 of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30.00 feet thereof AND LESS the West 20.00 feet thereof.

PARCEL NO 7:

The West 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30 feet thereof AND LESS the West 30 feet thereof.

**Backup material for agenda item:**

12. Approve Layne Inliner to install an inner-liner in the Lake Francis gravity sewer collection system.



Glenmore Dr



0 50 100 200 Feet  
1 inch = 95 feet

Lake Francis

8" PVC  
GLENNORE DR

8" PVC

8" PVC

SAWGRASS DR

UNNAMED STREET 638

CHEBON CT

118

Lake Alden DR

8" PVC

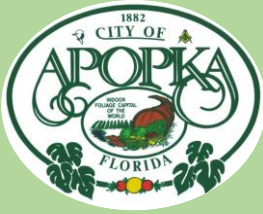
8" PVC

LS 32

10" VG

20" VG

8" VG



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Public Services  
 EXHIBITS: Lake Francis Map

**SUBJECT: INSTALLATION OF INNER-LINER IN THE LAKE FRANCIS GRAVITY SEWER SYSTEM**

**REQUEST: APPROVE LAYNE INLINER TO INSTALL 1,727 LINEAR FEET OF INNER-LINER IN THE LAKE FRANCIS GRAVITY SEWER SYSTEM IN THE AMOUNT OF \$70,807**

**SUMMARY:**

Staff has obtained a proposal from Layne Inliner to install an inner-liner in the 1,727 linear feet Lake Francis gravity sewer collection system. The Wastewater Maintenance Division has a budgeted maintenance program for the gravity sewer collection system that includes the lining of older areas of the system. The Lake Francis gravity sewer line was installed in or about 1972 and is constructed of clay pipe. The installation of clay pipe for gravity sewer systems was very common during the 1970s. Due to the age of this pipeline, it is necessary to install an inner-liner in it to prevent leaks in the pipe as a result of old, decomposed gaskets or cracks in the pipe.

Staff requests approval of Layne Inliner’s proposal of \$70,807 to perform the installation of the inner-liner. The pricing is based on piggybacking the City of Orlando’s Contract No. IFB-15-0017.

**FUNDING SOURCE:**

Fund 401 – Wastewater Maintenance Operating Budget

**RECOMMENDATION ACTION:**

Approve Layne Inliner to install 1,727 linear feet of inner-liner in the Lake Francis gravity sewer collection system for \$70,807.

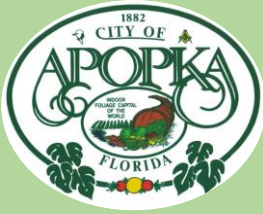
**DISTRIBUTION**

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

**Backup material for agenda item:**

13. Approve the purchase of a 2018 claw truck through the State of Florida Sheriffs contract for the Sanitation Division.





# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: KENWORTH CLAW TRUCK FOR SANITATION**

**REQUEST: APPROVE THE PURCHASE OF A 2018 KENWORTH CLAW TRUCK FOR SANITATION THROUGH THE FLORIDA SHERIFF’S ASSOCIATION CONTRACT IN THE AMOUNT OF \$160,556**

**SUMMARY:**

The purchase of this new Sanitation Claw Truck will replace Unit 20-0786, a 2002 Sterling Claw Truck. The pricing was obtained from Kenworth of Central Florida through the Florida Sheriff’s Contract Bid No. FSA17-VEH15.0.

Staff requests approval of Kenworth of Central Florida’s proposal of \$160,556 for the purchase of a new 2018 Kenworth Claw Truck.

**FUNDING SOURCE:**

Is budgeted in Fund 402 – Sanitation Operating

**RECOMMENDATION ACTION:**

Approve Kenworth of Central Florida for the purchase of a new 2018 Kenworth Claw Truck in the amount of \$160,556.

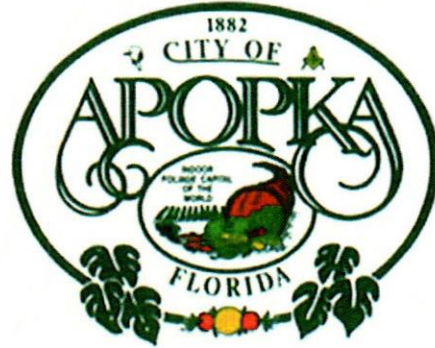
**DISTRIBUTION**


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

**Backup material for agenda item:**

14. Approve Providence Construction to install an equalization pipe on the NW Recreation Center reclaimed water holding ponds.

# Public Services Memo



**Date:** November 30, 2017  
**To:** Glenn Irby  
**Thru:** Jay Davoll, P.E.  
**From:** Kevin Burgess   
**RE:** Providence Construction Evaluated Source Request

---

In 2015, the City initiated a project to expand the storage capacity of the reclaimed water storage at the Northwest Recreation Center, with the addition of two lined ponds. The two new ponds will give the City an additional 90 million gallons of storage capacity for future growth. Additionally, these ponds expand the ability for the City to perform recharge of the Floridan Aquifer during periods where surplus reclaimed water exists.


During the construction of the new ponds, and after several exhaustive attempts to locate, it was determined that the stubbed out 12-inch equalization pipe from the existing pond could not be found, and may not have been installed as originally designed. This oversight presents a critical unforeseen circumstance that effects the operation of the ponds. In an effort to find a feasible alternative since the pond water elevation is above the top of the liner and the lowering of the pond is not viable, staff determined that the most efficient and cost effective option would be to connect a new pipe to the existing stormwater collection box located on the north end of the existing pond and install a new line, connecting it to the new pond to the west. This will involve the installation of 600 feet of 12-inch PVC pipe and a directional boring installation of 400 feet of 12-inch high density polyethylene (HDPE) pipe. The directional boring is essential to avoid conflicts and damage to the electric and water utilities installed at the BBQ area between the ponds.

Providence Construction is the subcontractor working for the lining of the new pond and has provided a proposal to install the new equalization line in the amount of \$119,553.


As Providence Construction is currently onsite working on the lining project, I respectfully request approval to use Providence Construction to install the equalization line on the ponds as an evaluated source. Approval of this proposal will provide a significant cost savings to the City with reduced mobilization costs, as Providence already has the staff and equipment onsite to complete this work.

Thank you for your consideration of this request.

**Approved**

  
\_\_\_\_\_  
R. Jay Davoll, P.E.  
Public Services Director

11/30/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Glenn A. Irby  
City Administrator

11/30/17  
\_\_\_\_\_  
Date



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Public Services  
 EXHIBITS: Pipe Layout Map  
 Evaluated Source Memo

**SUBJECT: INSTALLATION OF A 12-INCH PVC EQUALIZATION PIPE ON THE NORTHWEST RECREATION CENTER RECLAIMED WATER HOLDING PONDS**

**REQUEST: APPROVE PROVIDENCE CONSTRUCTION TO INSTALL 12-INCH EQUALIZATION PIPE**

**SUMMARY:**

In 2015, the City initiated a project to expand the storage capacity of the reclaimed water storage at the Northwest Recreation Center, with the addition of two lined ponds. The two new ponds will give the City an additional 90 million gallons of storage capacity for future growth. Additionally, these ponds expand the ability for the City to perform recharge of the Floridan Aquifer during periods where surplus reclaimed water exists.

During the construction of the new ponds, and after several exhaustive attempts to locate, it was determined that the stubbed out 12-inch equalization pipe from the existing pond could not be found, and may not have been installed as originally designed. This oversight presents a critical unforeseen circumstance that effects the operation of the ponds. In an effort to find a feasible alternative since the pond water elevation is above the top of the liner and the lowering of the pond is not viable, staff determined that the most efficient and cost effective option would be to connect a new pipe to the existing stormwater collection box located on the north end of the existing pond and install a new line, connecting it to the new pond to the west. This will involve the installation of 600 feet of 12-inch PVC pipe and a directional boring installation of 400 feet of 12-inch high density polyethylene (HDPE) pipe. The directional boring is essential to avoid conflicts and damage to the electric and water utilities installed at the BBQ area between the ponds.

Staff solicited a proposal from Providence Construction, the contractor completing the pond construction for the Collage Companies, to install this additional piping. Providence Construction submitted a proposal in the amount of \$119,553.

**FUNDING SOURCE:**

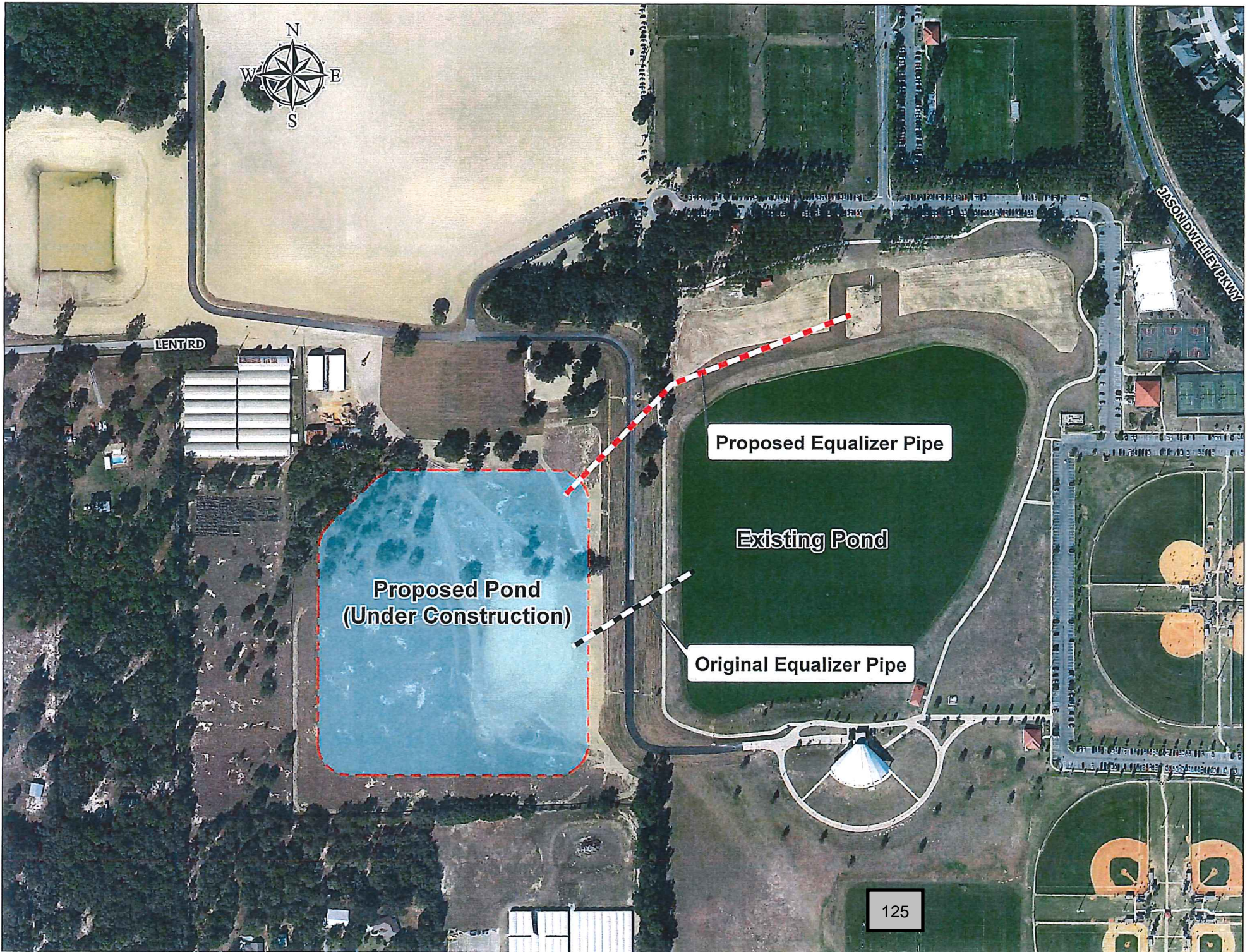
Fund 403 – Reclaimed Water Impact Fees

**RECOMMENDATION ACTION:**

Approve Providence Construction to install the 12-inch equalization line in the amount of \$119,553.

**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



Proposed Equalizer Pipe

Existing Pond

Proposed Pond  
(Under Construction)

Original Equalizer Pipe

**Backup material for agenda item:**

15. Approve Reiss Engineering to provide professional design engineering and hydrogeology services for the Mt. Plymouth Lakes Water Treatment Plant (WTP) Well #4.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Public Services  
 EXHIBITS: Reiss Engineering  
 Amendment 2

**SUBJECT: AMENDMENT NO. 2 TO THE PROFESSIONAL DESIGN ENGINEERING AND HYDROGEOLOGY SERVICES AGREEMENT FOR THE MT. PLYMOUTH LAKES WATER TREATMENT PLANT WELL #1 MODIFICATIONS**

**REQUEST: APPROVE REISS ENGINEERING TO PROVIDE PROFESSIONAL DESIGN ENGINEERING AND HYDROGEOLOGY SERVICES FOR THE MT. PLYMOUTH LAKES WATER TREATMENT PLANT (WTP) WELL #4 MODIFICATIONS IN THE AMOUNT OF \$126,025.**

**SUMMARY:**

Condition# 32 of the City’s Consumptive Use Permit with the St. Johns River Water Management District requires the existing potable water wells located in the Upper Floridan Aquifer be deepened into the Lower Floridan Aquifer. The Mt. Plymouth Lakes Water Treatment Plant Well #4 is on the list to be deepened.

Staff requested a proposal for an amendment to the current agreement with Reiss Engineering to perform design engineering and hydrogeology services for the modifications to the Mt. Plymouth Lakes WTP Well #1. This amendment will incorporate the design and project management for Well #4 into the bid documents for Well #1, thus bidding both wells together. As the wells are located at the same site, it is anticipated the City will experience a cost savings of approximately \$300,000 in mobilization and demobilization fees by completing both wells under one project.

**FUNDING SOURCE:**

Fund 401 Water, Sewer and Reclaimed Water Operations in the amount of \$126,025.

**RECOMMENDATION ACTION:**

Approve Amendment No. 2 to the agreement for design engineering and hydrogeology services to Reiss Engineering in the amount of \$126,025.

**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



October 23, 2017

Mr. Kevin Burgess  
Assistant Public Services Director  
City of Apopka  
748 E Cleveland Street  
Apopka, FL 32703

RE: Professional Engineering Services  
Mt. Plymouth Lakes WTP Well Extension – Amendment 2

Dear Mr. Burgess:

Per your request, Reiss Engineering, Inc. (REI) is pleased to provide the City of Apopka with our proposed amendment to incorporate extension of a second well to the Lower Floridan Aquifer at the Mt. Plymouth Lakes Water Treatment Plant. Since the two wells are located at the same WTP, the City will recognize a cost savings by drilling and modifying both wells under a single contractor mobilization compared to bidding and constructing the well extensions under two different contracts. REI will incorporate the second well into bid documents (plans and specifications) we are currently providing for the first of the two wells at the site. These services shall be provided under the terms and conditions specified in REI's City of Apopka Agreement for continuing Professional Engineering Services originally dated November 5, 2014 and amended from year to year.

We greatly appreciate the opportunity to provide these services to the City of Apopka. If you should have any questions or require additional information, please contact me at 407-679-5358 or [maburgess@reisseng.com](mailto:maburgess@reisseng.com).

Sincerely,

REISS ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read 'Mark A. Burgess'.

Mark A. Burgess, PE, BCEE  
Client Service Manager

cc: Christophe Robert



CITY OF APOPKA  
**LOWER FLORIDAN AQUIFER WELL  
ENGINEERING SERVICES – AMENDMENT 2**

**SCOPE OF ENGINEERING SERVICES**  
REISS ENGINEERING, INC  
OCTOBER 23, 2017

**A. PROJECT INTENT**

The City of Apopka owns several water treatment plants including the Mount Plymouth Lakes Water Plant (MPL WTP). Two wells withdraw water from the Upper Floridan aquifer to supply water to the water plant. The MPL WTP is close to Rock Spring and the Saint Johns River Water Management District (SJRWMD) is suggesting that the wells have an influence on the minimum levels at Rock Spring. Therefore, the City was requested to take action and decided to deepen the wells in order to withdraw water from the Lower Floridan aquifer.

Reiss Engineering, Inc. (REI) in conjunction with ASRus is under contract to provide the engineering services to design, permit and construct Well No.1 to a deeper depth.

This amendment is being requested to provide additional services to design, permit and construct the second MPL WTP well, Well No.4, to a deeper depth under the terms and conditions of our continuing Professional Engineering Services Agreement with the City of Apopka dated November 5, 2014.

The design of the two well modifications will be part of one bid package.

**B. SCOPE OF WELL INVESTIGATION SERVICES**

REI and ASRus will perform the additional services for each task as follows.

**TASK 1 – PROJECT ADMINISTRATION**

**1.1 – Kick-off Meeting**

No additional services.

## **1.2 – Project Management**

REI will perform additional general project coordination and management activities, including administrative activities for this project, as well as coordination with City staff. REI will prepare and submit progress reports and invoices to the City for this assignment. Progress Reports will be prepared and submitted to City on a monthly basis to advise and highlight the overall progress of the permitting, design, and bidding tasks, as well as to identify activities, which are completed, ongoing, or pending.

## **TASK 2 – FINAL DESIGN ENGINEERING SERVICES**

REI and ASRus will provide engineering design services for deepening Well No.4 at the MPL WP site. REI will revise the design documents (drawings and technical specifications) for Well No.1 modifications to include the Well No.4 modifications (wellhead and well system). REI will prepare design documents at a 90% and 100% level of completion for review by the City.

### **2.1 Project Meetings**

REI will attend project meetings with the City and ASRus. The budget for this task is based on REI's attendance at one (1) additional meetings associated with well No.4 design.

### **2.2 Wellhead Design**

REI will prepare the design documents, drawings and technical specifications, for the wellhead and pump of Well No.4. It is assumed that the City will prepare the front-end documents and that Reiss will review them for the technical components of the project. An engineer's estimate of cost will also be prepared following 90% and 100% design levels.

### **2.2 Well Design**

ASRus will revise the design documents of Well No.1 to include the design for Well No.4 per the attached scope of services (Task 1 of ASRus scope – Exhibit B).

## **TASK 3 – PERMITTING SERVICES**

REI will apply for a FDEP permit due to the change of motors at both Well No.1 and Well No.4. It is assumed that the City will handle the permit application fee for the well construction permits. The permit fee is anticipated to be \$500 per well per 62-4 FAC. REI will respond to one Request for Additional Information (RAI) from FDEP.

REI and ASRus will assist the Contractor in applying for the construction permit of Well No.4. The Contractor is to submit permit application Form 62-532-900(1) to the Saint Johns River Water Management District (SJRWMD). Once well construction is completed, REI and ASRus will assist the Contractor in submitting Form 62-532-900(2) with the well completion Report to SJRWMD. It is assumed that the City will handle the permit application fee for the well construction permits. The permit fee is anticipated to be \$250 per well per Chapter 40C-1.603.

## **TASK 4 - BIDDING SERVICES**

No additional services.

## **TASK 5 – CONSTRUCTION ENGINEERING SERVICES FOR TWO WELLS**

### **5.1. Meeting and Project Administration**

REI will attend to six additional (6) project status meetings, held monthly, during the construction period, assumed to be 12 months with the construction of 2 wells. REI will prepare and distribute meeting notes, as needed, for each of the meetings.

### **5.2 –Conform Bid Documents**

No additional services.

### **5.3. Shop Drawings and RFI**

REI and ASRus will review the Well No.4 shop drawings submitted by the Contractor for general compliance with the Contract Documents. REI will return them as outlined in the Contract Documents as either approved, approved as noted, revise and resubmit, or not approved. The City will be copied on the shop drawings returned to the Construction Contractor.

### **5.4. Periodic Site Visits and Pay Requests**

In addition to the project status meetings, REI will make additional periodic site visits to inspect the construction and verify completion of work in compliance with the Contract Documents. The site visits, up to twelve (12), will coincide with the progress meetings and pay requests during construction.

REI will review the monthly pay requests submitted by the Contractor and confirm the request quantities or percentages match the work performed. Approved pay requests will be forwarded to the City for payment. Any problems or issues with the pay requests will be returned to the Contractor for revision.

### **5.5. Technical Assistance**

REI will provide technical assistance for Well No.4 construction.

### **5.6. Resident Project Representative**

ASRus will provide a Senior Resident Project Representative (RPR) staff during construction as described in Task 2 of the ASRus scope.

## **5.7. Record Drawings**

No additional services.

## **5.8. Completion Report**

ASRus will prepare completion report(s) to include Well No.4 (see Task 3 of ASRus scope) and assist the Contractor with the completion form to be submitted to SJRWMD by the Contractor.

## **C. COMPENSATION**

In accordance with the Consulting Engineering Contract terms and conditions, the Engineer's proposed Amendment 2 amount is **\$126,025** to incorporate Well No. 4 into the design, permitting and construction services for Lower Floridan Aquifer Wells at the Mount Plymouth Lakes WTP site. With this amendment the total amount to provide engineering services for the preceding Tasks 1 through 5 is \$292,060 for the design and construction services for Wells No.1 and No.4. A cost breakdown is provided in the attached Exhibit A Budget Detail.

Invoices will be submitted monthly based upon the percent completion of the overall scope of work, as determined by REI.

## **D. SERVICES NOT INCLUDED**

The following services are not included in this scope of work, and may be performed under a separate task authorization, if needed:

- Geotechnical services;
- Survey services; and
- Well water quality evaluation and potential water treatment change evaluation.

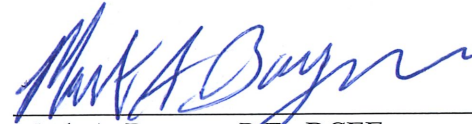
**APPROVAL:**

**OWNER**  
CITY OF APOPKA

\_\_\_\_\_  
R. Jay Davoll, P.E.  
Public Services Director

**DATE:** \_\_\_\_\_

**CONSULTANT**  
REISS ENGINEERING, INC.

  
\_\_\_\_\_  
Mark A. Burgess, P.E., BCEE  
Vice President

**DATE:** 10-23-17

## EXHIBIT A

### BUDGET DETAIL

The budget detail provides the proposal fee broken down by Task and amendment.

For the professional services set forth in this scope of services, the CITY shall compensate REI a lump sum fee for Tasks 1 through 4 on a percent complete basis and on a Time and Material basis for Tasks 5 as follows:

<b>Task</b>	<b>Original Fee</b>	<b>Amendment 1</b>	<b>Amendment 2</b>	<b>Total Fee</b>
<b>Services for One Well</b>				
Task 1: Project Administration	\$4,425		\$2,265	\$6,690
Task 2: Design	\$20,650		\$14,720	\$35,370
Task 3: Permitting Services	\$740		\$2,560	\$3,300
Task 4: Bidding Services	\$3,480		\$0	\$3,480
Task 5: Construction Services for two wells	\$23,800		\$21,500	\$45,300
Subconsultants (ASRus and EDA)	\$94,940		\$84,980	\$179,920
Hausinger Services		\$18,000		\$18,000
<b>TOTAL</b>	<b>\$148,035</b>	<b>\$18,000</b>	<b>\$126,025</b>	<b>\$292,060</b>

**EXHIBIT B  
ASRUS SCOPE**



October 23, 2017

Mark A. Burgess, P.E.  
Reiss Engineering, Inc.  
1016 Spring Villas Pt.  
Winter Springs, FL 32708

Subject: *City of Apopka Supply Well Deepening Project - Additional Well No. 4*

Dear Mr. Burgess:

The purpose of this letter is to present our cost proposal for providing professional services related to preparing well specifications, providing services during construction, and preparing a well construction and testing report for a second well deepening (Well No. 4) project at the City of Apopka's Mount Plymouth Lakes water plant. The proposal consists of three primary tasks:

- Task 1: Well Specifications – Add Well No. 4
- Task 2: Services During Construction – Well No. 4
- Task 3: Well Construction Report – Add Well No. 4
- Task 4: Additional Meetings – Well No. 4

A discussion regarding the scope of each task follows.

### **Task 1 – Well Specifications**

ASRus, LLC, will modify the existing drilling and testing specifications to include the second supply well, Well No. 4. Existing water supply well No. 4 will be converted from an Upper Floridan aquifer (UFA) well to a Lower Floridan aquifer (LFA) well. Specifications will be modified to add the deepening of well No. 4 from approximately 495 feet to 1,400 feet; collect geologic data, water quality data, specific capacity data, and geophysical data, install a liner to approximately 1,200 feet, cement the liner to overlap 50 feet with the existing 20-inch diameter casing, cut and remove the liner, develop the new open hole interval, and conduct a step test to collect hydraulic data and water quality data.

Drawings will be prepared for the technical specifications including a well location map, well completion diagram, and temporary wellhead diagram. A 90% submittal and a 100% submittal will be prepared. The technical specifications will be used as part of the City's bid



documents to obtain up to three competitive bids to deepen the well. ASRus will assist the City with prequalifying the drilling contractors and identifying a minimum of three competent well drilling companies capable of performing the work. ASRus will assist Reiss Engineering, Inc. and the Owner with selecting the drilling firm, if requested. An estimated level of effort of 24 hours of Senior Hydrogeologist is anticipated to complete Task 1. A not to exceed budget of \$3,120 has been established to complete Task 1.

### **Task 2 – Services During Construction**

Under this task, ASRus will provide resident observation services and hydrogeologic services during significant construction and testing activities for the second well deepening (Well No. 4). ASRus will be onsite for pilot hole drilling, geophysical logging, casing installation and cementing activities, and other testing activities. Services during construction include description of geology encountered during drilling, coordination of water samples, field water quality sample analyses, review and approval of pay estimates, coordination of field orders and change orders as necessary, casing seat depth selection and other activities necessary to successfully complete the well deepening. It is assumed that a total of six months will be needed on site to complete the work, with an average of 24 hours per week of Professional Geologist resident observation services (two days per week). An estimated level of effort of 576 hours of Senior Hydrogeologist/Field Services, 20 hours of Principal Hydrogeologist, and expenses of \$5,300 (2 trips per week, mileage and/or lodging) is anticipated to complete Task 2. A not to exceed budget of \$71,860 has been established to complete Task 2.

### **Task 3 – Additions to Well Construction Report**

Under this task ASRus will add the information for the second well to the well construction report documenting the drilling and testing activities including geologic logging, water quality sampling, specific capacity testing results, geophysical logging results, step test results, and recommendations for a pumping rate, pumping water level, and pump setting depth. An estimated level of effort of 20 hours of Senior Hydrogeologist, 4 hours of Principal Hydrogeologist, and 40 hours of Junior Hydrogeologist is anticipated to complete Task 3. A not to exceed budget of \$6,240 has been established to complete Task 3.

### **Task 4 – Meetings**

Under this task the ASRus project hydrogeologist will attend two (2) project meetings to include the additional well no. 4. An estimated level of effort of 8 hours of Senior Hydrogeologist and \$220 of mileage expenses to complete Task 4. A not to exceed budget of \$1,260 has been established to complete Task 4.

We propose that the following Time and Materials budget be established to complete this work:

Mark A. Burgess, P.E.  
October 23, 2017  
Page 3

Task 1	\$3,120
Task 2	\$71,860
Task 3	\$6,240
<u>Task 4</u>	<u>\$1,260</u>
<b>Total</b>	<b>\$82,480</b>

We propose to perform this work as a **Time and materials budget** of up to **\$82,480** for all three tasks. This fee includes all hydrogeologic services expected to complete the well deepening project.

We appreciate the opportunity to assist Reiss Engineering with this important project. We believe that our experience with well construction projects in Florida, particularly those completed into the LFA, will be an asset to successful completion of this work. We look forward to working closely with you to successfully complete this work. Please contact us at 813-264-9100 if you have any questions or require further information regarding this proposal.

Sincerely,  
ASRus, LLC



Martin J. Clasen, P.G.  
Vice President

Cc: Mark McNeal, P.G.

## Attachment A

### Professional Fee Schedule

**Labor**

Labor Category	Billing Rate (\$/hour)
Principal Hydrogeologist (P.G.)	\$160
Sr. Hydrogeologist (P.G.) or Engineer (P.E.)	\$130
Sr. Hydrogeologist/Engineer - Field Services	\$110
Jr. Hydrogeologist	\$75
Administrative	\$50
Note: Hourly billing rates include overhead and profit and are valid through December 31, 2018. Hourly billing rates for labor do not include subcontract services and direct expenses, which will be billed separately as described below.	

**Expenses**

Direct expenses incurred for the project will be billed with no markup. Such direct expenses include transportation (mileage at \$0.50/mile), tolls, meals, lodging, postage, shipping, equipment and supplies. Printing and reproduction services will be billed at \$0.10 per page or at cost from a reprographics vendor. Subcontract and outside services will be billed with a 10 percent markup, if requested.

This is a time and materials contract. Hours will be billed at the labor rates in the professional fee schedule above.

**Backup material for agenda item:**

1. Approve the purchase of two (2) Mack New Way Automated Side Loader Sanitation Trucks. Jay Davoll



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: MACK NEW WAY AUTOMATED SIDE LOADER SANITATION TRUCKS (2)  
 FOR SANITATION FUELED BY COMPRESSED NATURAL GAS (CNG)**

**REQUEST: APPROVE THE PURCHASE OF TWO (2) MACK NEW WAY AUTOMATED  
 SIDE LOADER SANITATION TRUCKS FROM NEXTRAN TRUCK CENTER IN  
 THE AMOUNT OF \$500,000**

**SUMMARY:**

In FY 2014, the City began a replacement program of the 2007 automated side loader sanitation trucks with the Mack New Way model of trucks. There are currently two (2) 2007 trucks remaining to be replaced. Nextran Truck Center has a surplus inventory of new Mack New Way automated side loader sanitation trucks available on the lot available for immediate delivery and has offered the City a discounted price of \$250,000 per truck. This price represents a discount of \$90,036 per truck under the previous year’s purchase price of \$340,036 per truck. The total discount to the City will be \$180,072.

Staff has evaluated Nextran Truck Center as the representative of the Mack New Way line of automated side loader sanitation trucks during the five years the City has been purchasing the new trucks and continues to provide the City with support for warranty coverages.

Staff is requesting approval to purchase two (2) new Mack New Way automated side loader sanitation trucks from Nextran Truck Center as an evaluated source vendor for a total discounted purchase price of \$500,000.

**FUNDING SOURCE:**

Fund 402 – Sanitation Reserves

**RECOMMENDATION ACTION:**

Approve the purchase of two (2) new Mack New Way Automated Side Loader Sanitation Trucks from Nextran Truck Center for \$500,000.

**DISTRIBUTION**

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

**Backup material for agenda item:**

2. Reject the only proposal received for the Amphitheater Canopy Replacement bid.

Glenn A. Irby



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Administration  
 EXHIBITS:

**SUBJECT: RESULT OF AMPHITHEATER DOME REPLACEMENT BID**

**REQUEST: REJECT THE ONLY BID RECEIVED AND DIRECT STAFF TO REBID THE WORK**

**SUMMARY:**

On October 20, 2017, staff issued specifications and advertised for bids from contractors interested in the replacement of the fabric amphitheater dome. Responses were due on November 20, 2017 and the plan was to make a recommendation of award to the Council on the December 6, 2017 meeting. On November 20, 2017, only one bid was received from Big Span Structures for a total of \$659,340. To determine whether this amount is viable, staff began researching both the bid submission content and what the City last paid for dome replacement.

The dome was last replaced four years ago. Records indicate it cost approximately \$95,000. The bid submission revealed differences in two categories between the last replacement and what was being proposed as a replacement this time.

- |                                  |                  |                  |
|----------------------------------|------------------|------------------|
| • Fabric Weight                  | Existing: 28 oz. | Proposed: 31 oz. |
| • High-Tension Cable Termination | Existing: No     | Proposed: Yes    |

Staff sent invitations to bid specifically to six companies and contacted them to inquire as to why they did not bid. Companies invited to bid and their responses for not doing so are as follows:

- Eclipse Fabrication: Overwhelmed by the bid process. Found submitting questions and answers in writing difficult. Unsure of what was being asked for within the RFP.
- Structurflex: No response.
- BMS CAT: No response.
- Sundance: Too busy with storm damage and theme parks.
- The Awning Factory: They thought they had bid on the project and would look into it. No follow up.
- Birdair: Too tight of a timeframe for them. They in turn contacted Big Span Structures and told them about it. Birdair and Big Span Structures have done joint projects such as an amphitheater off of I-4 near Tampa.

Out of all the responses or lack thereof, the last from Birdair is concerning because there was not a specific timeframe for the work to be completed. However, listed in the Scope of Services within the bid specs there is a highlighted sentence that reads: “Preferred installation date to be completed no later January 31, 2018.” This date was chosen in hopes the work would be completed for the Old Flo

Outdoor Festival. Further examination of the single bid revealed how they planned to install the new dome. It would have been a four week process utilizing two eight men crews. One crew would work days and the other nights. It is believed this is at least one of the reasons the bid is so high. In fact, the labor was \$271,460 and second in cost only to the fabrication of the dome, which is \$326,660.

While staff believes the Big Span Structure dome is far superior to the one being replaced [those built by them in Florida survived Irma], the cost seems far too high to consider. Furthermore, the sentence indicating a preferred date of completion may have been wrongly interpreted as a date set in stone.

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**FUNDING SOURCE:**

Insurance proceeds and possible reimbursement from FEMA

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**RECOMMENDATION ACTION:**

Staff recommends Council dismiss the one bid received and direct staff to rebid this project.

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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



**Backup material for agenda item:**

3. Discussion - Utility Service Agreement for Water, Wastewater & Reclaimed Water  
Hitt

James



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBIT(S): Utility Service Agreement (sample)

**SUBJECT: UTILITY SERVICE AGREEMENT – FOR WATER, WASTEWATER & RECLAIMED WATER**

**REQUEST: DISCUSSION OF UTILITY SERVICE AGREEMENT FOR USE**

**SUMMARY:**

The City of Apopka provides water, wastewater and reclaimed water to properties both inside the City limits and in unincorporated Orange County. These properties outside the City limits may be able to annex into the City limits in the future when legally appropriate.

At this time there is no formal way for accomplish annexation of properties using City utilities without the owner of the property completing an annexation application. One issue that has become apparent, is that there is no obligation of the owner to complete that application.

The attached draft Utility Service Agreement (USA) will enable the City to annex those properties when legally appropriate. Such instances may include the following:

- Annexation application;
- Becoming contiguous to the site through new annexations;
- State or County requests or requirements; and
- Interlocal Service Boundary Agreement (ISBA) that allow for non-contiguous annexations.

Each Utility Service Agreement will be drafted for each particular location and utility needed for the site. Recordation of the Agreement will also be completed to bind the Agreement to the site if any change of ownership or lot split occurs.

This draft Utility Services Agreement is in accordance with the adopted *Joint Planning Agreement (JPA)* and the *Water, Wastewater, and Reclaimed Water Territorial Agreement*.

**FUNDING SOURCE**

N/A

**DISTRIBUTION**

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

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**RECOMMENDATION ACTION:**

Approve the draft *Utility Services Agreement for Water, Wastewater and Reclaimed Water* – for use with new users of City utility services. Such Agreements may be completed by City staff and approved by the City Council, and binding to the land.

**UTILITY SERVICE AGREEMENT  
For WATER, WASTEWATER & RECLAIMED WATER**



This document constitutes an agreement between the CITY of Apopka, hereby referred to as **CITY**, a municipality of the State of Florida, and \_\_\_\_\_ (registered agent), and any successors or assigns, hereby referred to as **OWNER**.

**WITNESSETH**

**Whereas**, OWNER is requesting service to a \_\_\_\_\_ with \_\_\_\_\_ which is located on real property (the "Property") described on Exhibit 'A', attached hereto and by this reference made a part hereof; and

**Whereas**, the Property is located in the unincorporated area of Orange County and the OWNER is requesting \_\_\_\_\_ water, \_\_\_\_\_ sewer, and \_\_\_\_\_ reclaimed water service from the CITY; and

**Whereas**, as a condition of CITY providing said water, sewer, or reclaimed water service to the Property, OWNER is to extend water, sewer or reclaimed water lines to serve the Property and lines and appurtenances must be sized and constructed in accordance with the minimum requirements of CITY Land Development Regulations and to meet the flow demands for the subdivision; and

**Whereas**, the CITY may, at the sole option of the CITY, elect to enlarge or oversize the water, sewer and/or reclaimed water lines and appurtenances in order to provide additional capacity to other properties; and

**Whereas**, as a condition of the provision of water, sewer, or reclaimed water service to the Property by the CITY, OWNER agrees that this Agreement shall constitute an unconditional application to annex the Property into the City of Apopka, if CITY chooses to do so; and

**Whereas**, OWNER and CITY are entering into this Agreement to set forth the terms and conditions under which water, sewer, or reclaimed water service shall be extended and sized.

**NOW THEREFORE**, in consideration of the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

**Section 1. OFF-SITE WATER/SEWER/RECLAIMED WATER** – Each and all of the foregoing premises are incorporated into and constitute a part of this Agreement.

- 1.1 CITY shall provide or cause to be provided water, sewer, or reclaimed water service for the Property.
- 1.2 OWNER shall connect to the existing City system at connection point or points approved by CITY. The connection point or points will be those closest to the Property.
- 1.3 The route of any off site lines shall be according to engineering plans produced by OWNER and approved by the CITY.
- 1.4 The OWNER shall construct the facilities, lines and appurtenances necessary to serve the

development and provide such documentation necessary for the CITY to ascertain that the lines shall meet the minimum line size requirements as specified by the CITY Land Development Regulations.

- 1.5 In the event the CITY chooses to oversize the lines or appurtenances, the CITY shall provide to the OWNER the specifications regarding sizes to be included in the final improvement plans.
- 1.6 The OWNER shall be responsible for the construction of all on site and off site lines and appurtenances to serve the project. No water, sewer, and/or reclaimed water are provided to the site or until a bond or letter of credit, acceptable to CITY, is in place to guarantee completion of off-site improvements. No Certificate of Occupancy shall be issued until water and sewer extensions have been completed and accepted by the CITY.
- 1.7 The OWNER shall be responsible for all costs of on site and off site improvements, including but not limited to design, material, permitting and installation of sufficient size lines, lift stations and other appurtenances necessary to allow the CITY to serve the Property. However, the CITY shall be responsible for the difference in cost of materials to oversize the line if the CITY chooses to oversize based on plans and cost estimates provided by OWNER to CITY, and approved in advance by the CITY.
- 1.8 The OWNER shall provide to the CITY a cost estimate for materials for the minimum size lines and appurtenances and a cost estimate for materials for the approved oversize. Cost estimate shall be contractors bid as certified by OWNER'S project engineer. The CITY shall review and either approve or reject the costs.
- 1.9 The OWNER and CITY shall agree on the cost difference, which will be the responsibility of the CITY, prior to commencement of construction.
- 1.10 The OWNER shall be responsible for all costs including design, permitting, materials and construction of the water, sewer, and/or reclaimed water lines and appurtenances, both on site and off site, required to serve the Property, with reimbursement for the difference in costs as determined in Section 1.7 and 1.9 from the CITY in the form of Impact Fee Credits.
- 1.11 The Impact Fee Credits shall be established subject to Sections 1.7, 1.9 and 1.10 and at the time of issuance of each approved connection by applying the current impact fee, which shall be deducted from the Impact Fee Credit balance until credit is used.
- 1.12 Impact Fee Credits may not be transferred outside of the Property described on Exhibit 'A' but may be assignable to any heirs, assigns or successors in interest or title to part or all of said Property.
- 1.13 The OWNER shall be responsible for all applicable fees including but not limited to impact fees, connection fees and permitting fees.
- 1.14 The water and sewer system serving the property, on and off site, shall conform to the City's most current Utilities Master Plan and shall address the Fire Department's requirements for service.
- 1.15 Any fencing within public view, (including retention ponds), must be ornamental metal with complementing structural columns. No chain link shall be used in public view areas.

- 1.16 The OWNER shall coordinate any turn lanes for the project with the State or Orange County, and if necessary, complete any road widening.
- 1.17 The existing utilities along State roads or County roads must stay in service throughout construction. If in order for the existing utilities to remain in service the construction requires that the utilities be relocated or altered, the OWNER shall prepare plans, permit the project and construct the modifications at the OWNER's expense.
- 1.18 The OWNER must coordinate with Orange County and the MetroPlan Orlando (MPO) for compliance with Transportation Concurrency, and the Transportation Concurrency Management System (TCMS).

## **Section 2. DEVELOPMENT STANDARDS**

- 2.1 The project shall be developed according to City of Apopka Codes, and existing development standards. Items not addressed Land Development Codes must be developed to City standards unless otherwise stipulated in this Agreement or subsequent amendments to this Agreement.
- 2.2 The property shall be developed in substantial accordance with the Preliminary Site Geometry Plan dated \_\_\_\_\_ as prepared by \_\_\_\_\_, unless otherwise approved by the City of Apopka, and in substantial compliance with the City's Land Development Code.

## **Section 3. ANNEXATION**

3.1 OWNER agrees that CITY may annex the Property into the City of Apopka if CITY, in its sole discretion, chooses to do so. In conjunction herewith, OWNER shall provide to CITY a Notice of *Encumbrance To Annex* Property in a form substantially in compliance with the form set forth in Exhibit "B", attached hereto and incorporated herein. The CITY shall record this Notice in the public records of Orange County whereupon it is agreed it shall serve as an enforceable encumbrance on the real property described in Exhibit "A". The *Notice of Encumbrance* shall be executed by all owners of the real property described in Exhibit "A" and shall be accompanied, at OWNER'S expense, by a current certificate of title or opinion letter acceptable to CITY and issued by a licensed title company or attorney identifying all owners in interest of the real property. All land transfers by OWNER shall contain a deed restriction or covenant noting the existence of this encumbrance to annex, such restriction to be recorded as a covenant to run with the land.

## **Section 4. SEVERABILITY**

In the event that any provision of this agreement shall be held invalid or unenforceable, the provision shall be deleted from this agreement without affecting in any respect whatsoever the validity of the remainder of this agreement.

**Section 5. NOTICES**

All notices, demands, or other writings required to be given or made or sent in this Agreement, or which may be given or made or sent, by either party to the other, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

**CITY**

City of Apopka  
City Administrator  
120 E. Main Street  
Apopka, FL. 32703

**OWNERS**

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

**Section 6. AMENDMENTS**

Any amendment to this agreement is not effective unless the amendment is in writing and signed by all parties.

**Section 7. EFFECTIVE DATE**

The effective date of this agreement shall be the day of execution of the agreement required hereunder.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date listed below. CITY through its City Administrator, authorized to execute same by City Council action, and OWNER through \_\_\_\_\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF APOPKA, FLORIDA**

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

ATTEST:

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

**OWNER:** \_\_\_\_\_

\_\_\_\_\_  
*Signature* Title: \_\_\_\_\_

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

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

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, who provided identification in the form of \_\_\_\_\_ or who is personally known to be the person described in and who executed the foregoing, and that he acknowledged before me that he executed the same.

Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public Seal:



***EXHIBIT "A"***

**PROPERTY DESCRIPTION**

**Owners:**

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**Orange County Parcel Number(s):**

00-00-00-0000-00-0000

**Legal Description:**

Total: Containing \_\_\_\_\_ +/- Acres

**EXHIBIT "B"**

Notice of Encumbrance  
To Annex to City of Apopka

City of Apopka  
120 E. Main Street  
Apopka, FL 32703

THIS INSTRUMENT, Made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, between \_\_\_\_\_, property owners in the County of Orange, State of Florida Grantor\*, and the CITY OF APOPKA, FLORIDA, A Municipal Corporation, Grantee\*:

WITNESSETH, NOTICE is given that heretofore or contemporaneously herewith Grantor has petitioned the Grantee for it to permit voluntary annexation of Grantor's property below described into the corporate limits of the City of Apopka, and

GRANTOR, for and in consideration of the sum of ONE and 00/100 (\$1.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, DOES HEREBY ENCUMBER the below - described real property situate, lying and being in Orange County, Florida with the absolute requirement that the subject real property may be, at the sole discretion, and upon request of Grantee, annexed into the city limits of the City of Apopka at such time that the annexation of said real property is in accordance with applicable law,

GRANTOR, further agrees, on his/hers/theirs/its own behalf and that of Grantors' heirs and assigns to perform all ministerial functions necessary of the Grantor or Grantor's heirs and/or assigns (as the case may be) then required by law to enable the described real property to be incorporated into the city limits of the City of Apopka and where such ministerial functions consist of a simple written request or the renewal of the petition of which notice is given above, then this instrument shall be considered such request and/or renewal. The subject property is described as:

**Exhibit "A"**

Grantor is used for singular or plural, as the context requires. IN WITNESS THEREOF, GRANTOR has hereunto set Grantor's hand and seal the day and year first above written.

PROPERTY OWNER:

\_\_\_\_\_

By: \_\_\_\_\_  
*Signature*

\_\_\_\_\_  
Type or print name

WITNESSES (Two required):

1. \_\_\_\_\_  
*Signature*

\_\_\_\_\_  
Type or print name

2. \_\_\_\_\_  
*Signature*

\_\_\_\_\_  
Type or print name

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

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

SEAL:

Notary Public \_\_\_\_\_

Type/print name \_\_\_\_\_

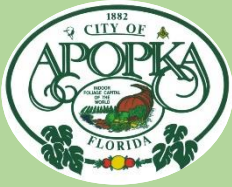
Pursuant to Section 695.29(3)(f): this instrument exempt from Chapter 695, F.S.; Prepared by a Public Officer, City Attorney, City of Apopka, Florida  
32703

**Applicant/Owner - MAP**

Aerial view:

**Backup material for agenda item:**

1. Ordinance No. 2590 – Second Reading – Comprehensive Plan - Large Scale – Future Land Use Amendment – Legislative  
David Moon  
Project: J. D. & Kathleen L. Horne Trust - Located on the southeast corner of Plymouth-Sorrento Road and West Kelly Park Road



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Land Use Report  
 Vicinity Map  
 Adjacent Zoning Map  
 Adjacent Uses Map  
 WPIVP<sup>1</sup> Map  
 Ordinance No. 2590  
 APIVP Characteristics  
 Comp Plan Objectives  
 JPA Amendment No. 2

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

**REQUEST: ORDINANCE NO. 2590 – SECOND READING - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – J. D. AND KATHLEEN L HORNE TRUST FROM “COUNTY” RURAL TO “CITY” MIXED USE INTERCHANGE.**

**SUMMARY:**

OWNER: J. D. and Kathleen L Horne Trust

APPLICANT: Randy Hollihan, Brandon Partners

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

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

EXISTING USE: Vacant\Single Family Home

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED DEVELOPMENT: Commercial

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

TRACT SIZE: 18.13 +/- acres

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

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

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

<sup>1</sup> WPIVP – Wekiva Parkway Interchange Vision Plan

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

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

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

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

*Future Land Use Element*

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

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

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

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

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

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

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

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

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

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

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

*Transportation Element*

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

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

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

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

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



**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on August 15, 2017. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

**PUBLIC HEARING SCHEDULE:**

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

**DULY ADVERTISED:**

August 25, 2017 – Public Notice and Notification  
November 24, 2017– Public Notice (Apopka Chief)

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**RECOMMENDATION ACTION:**

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

The **Planning Commission**, at its meeting on October 10, 2017, found the Mixed Use-Interchange Future Land Use Designation consistent with the Comprehensive Plan; and unanimously recommended a change in Future Land Use Designation from “County” Rural to “City” Mixed Use Interchange and transmittal to the Florida Department of Economic Opportunity for the properties owned by JD and Kathleen L Horne Trust subject to the information and findings in the staff report.

The **City Council**, at its meeting on September 20, 2017, accepted the First Reading of Ordinance No. 2590; and authorized transmittal to the Florida Department of Economic Opportunity for the properties owned by JD and Kathleen L Horne Trust subject to the information and findings in the staff report.

Adopt Ordinance No. 2590.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

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

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

**II. LAND USE ANALYSIS**

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

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

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

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

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

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

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

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

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

Analysis of the relationship of the amendment to the population projections: Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population by as many as 1,205 people if developed as residential. The applicant proposes to develop the property as commercial retail. Land use analysis was conducted as part of the Wekiva Parkway Interchange Vision Plan.

**CALCULATIONS:**

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

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

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

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

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

Sanitary Sewer Analysis

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

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

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

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

4. Capacity available: Yes

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

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

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

Potable Water Analysis

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

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

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

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

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

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site:
2. Projected LOS under existing designation: 100 year - 24 hour design storm event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.

4. Improvement/expansion: On-site retention/detention pond

Recreation

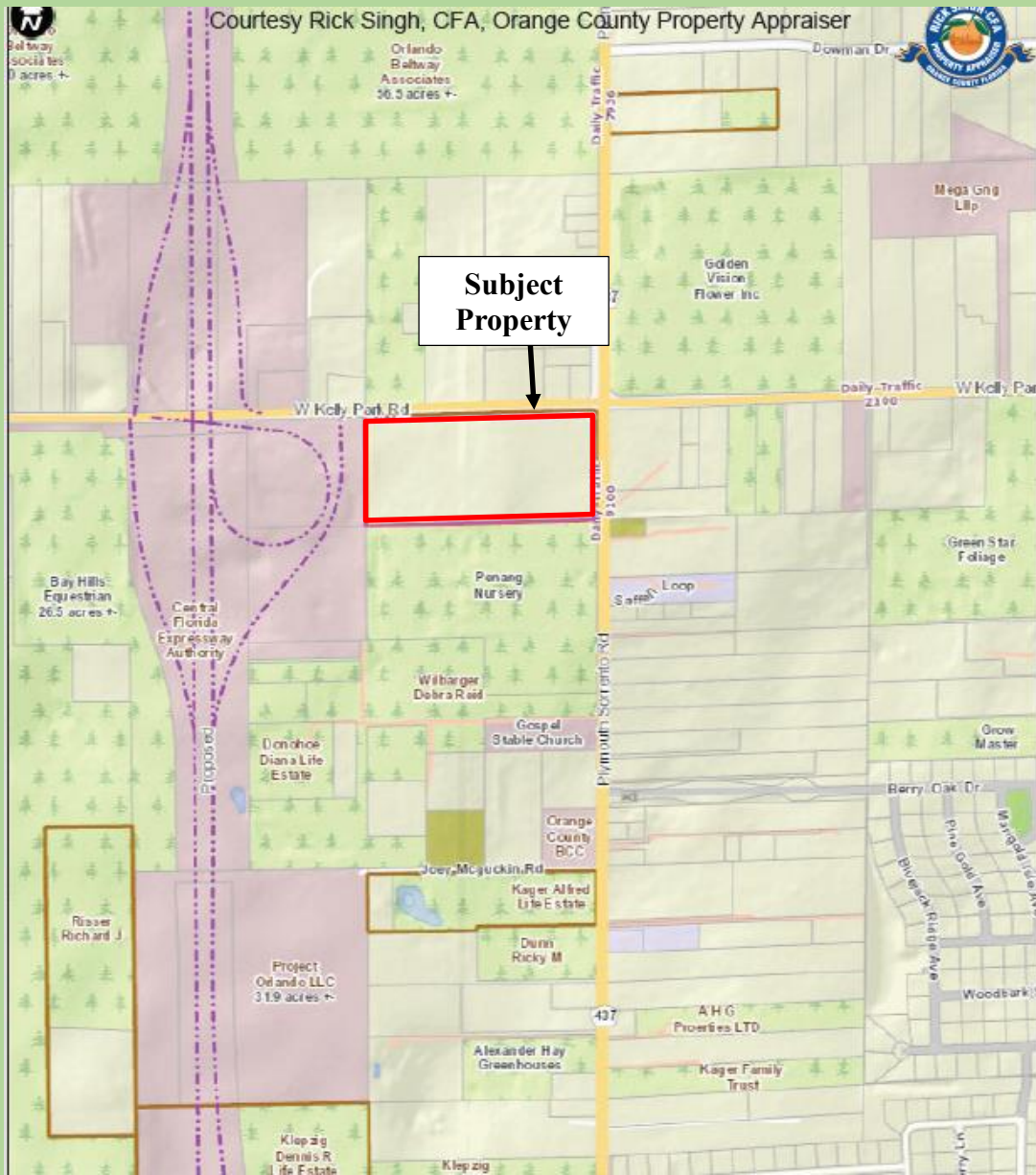
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 4.131 AC
3. Projected facility under proposed designation: 2.679 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: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

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



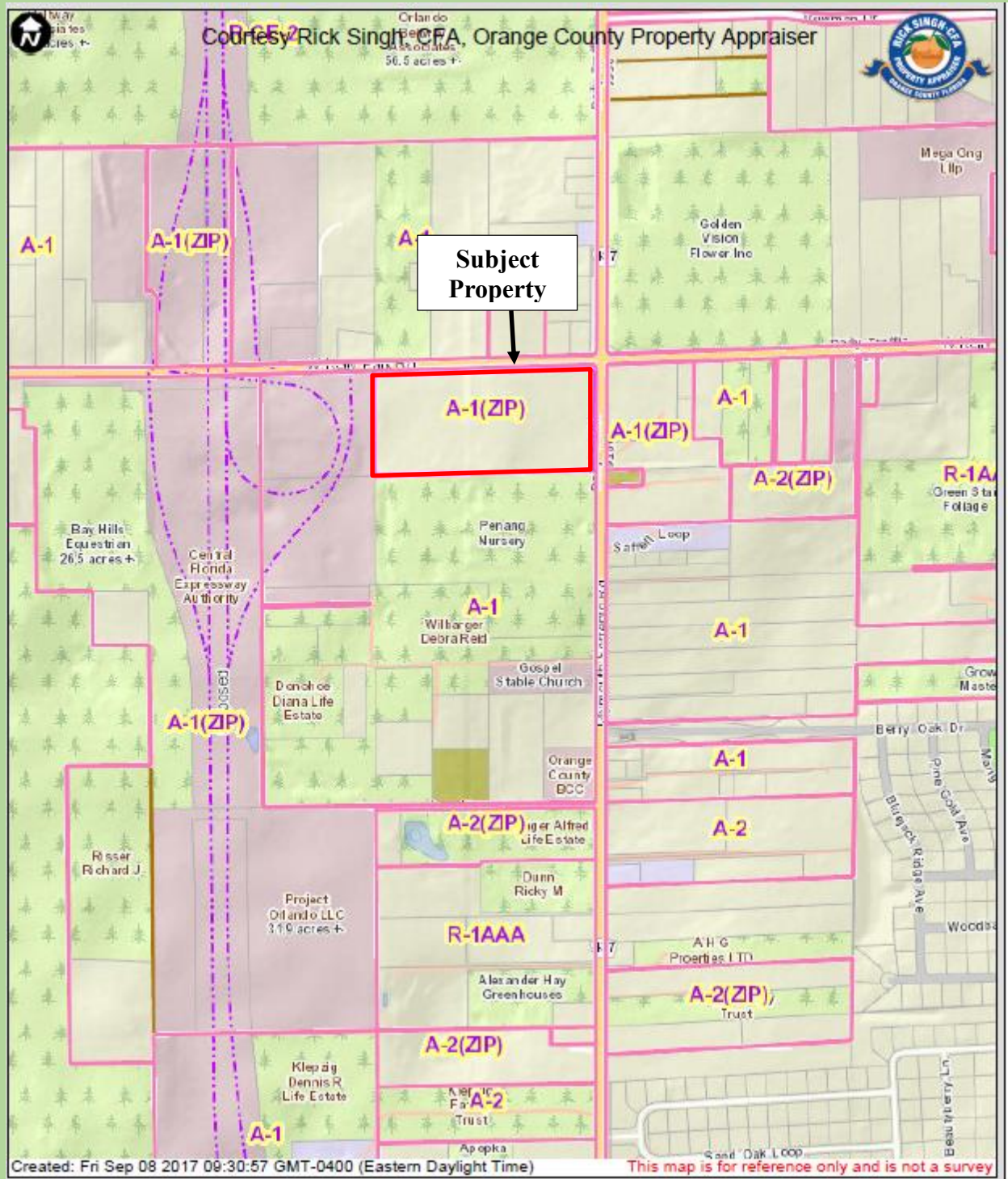
**JD and Kathleen L Horne Trust**  
**Property Owner**  
**18.13 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: No City FLUM assigned**  
**To: Mixed Use Interchange**  
**Parcel ID #: 13-20-27-0000-00-008**

**VICINITY MAP**





### ADJACENT ZONING





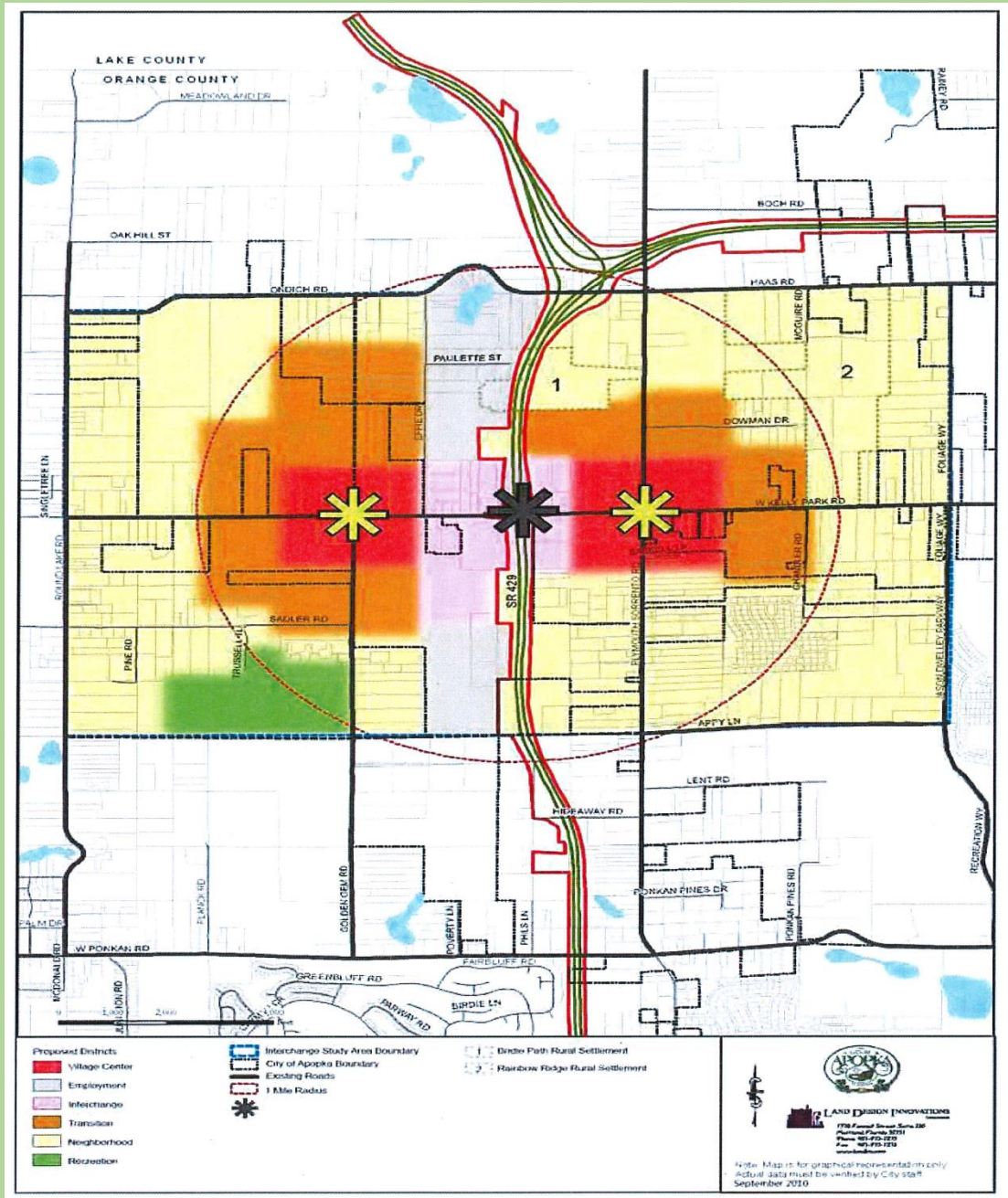
### ADJACENT USES







### Kelly Park Crossing Form-Based Code Area



**ORDINANCE NO. 2590**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL TO “CITY” MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROAD 429 AND SOUTH OF WEST KELLY PARK ROAD COMPRISING 18.13 ACRES, MORE OR LESS AND OWNED BY J.D. AND KATHLEEN L. HORNE TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

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

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

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

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

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

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

**ORDINANCE NO. 2590**  
**PAGE 2**

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this 6<sup>th</sup> day of December, 2017.

READ FIRST TIME: September 20, 2017

READ SECOND TIME  
AND ADOPTED: December 6, 2017

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

APPROVED AS TO FORM:

DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017 and November 24, 2017

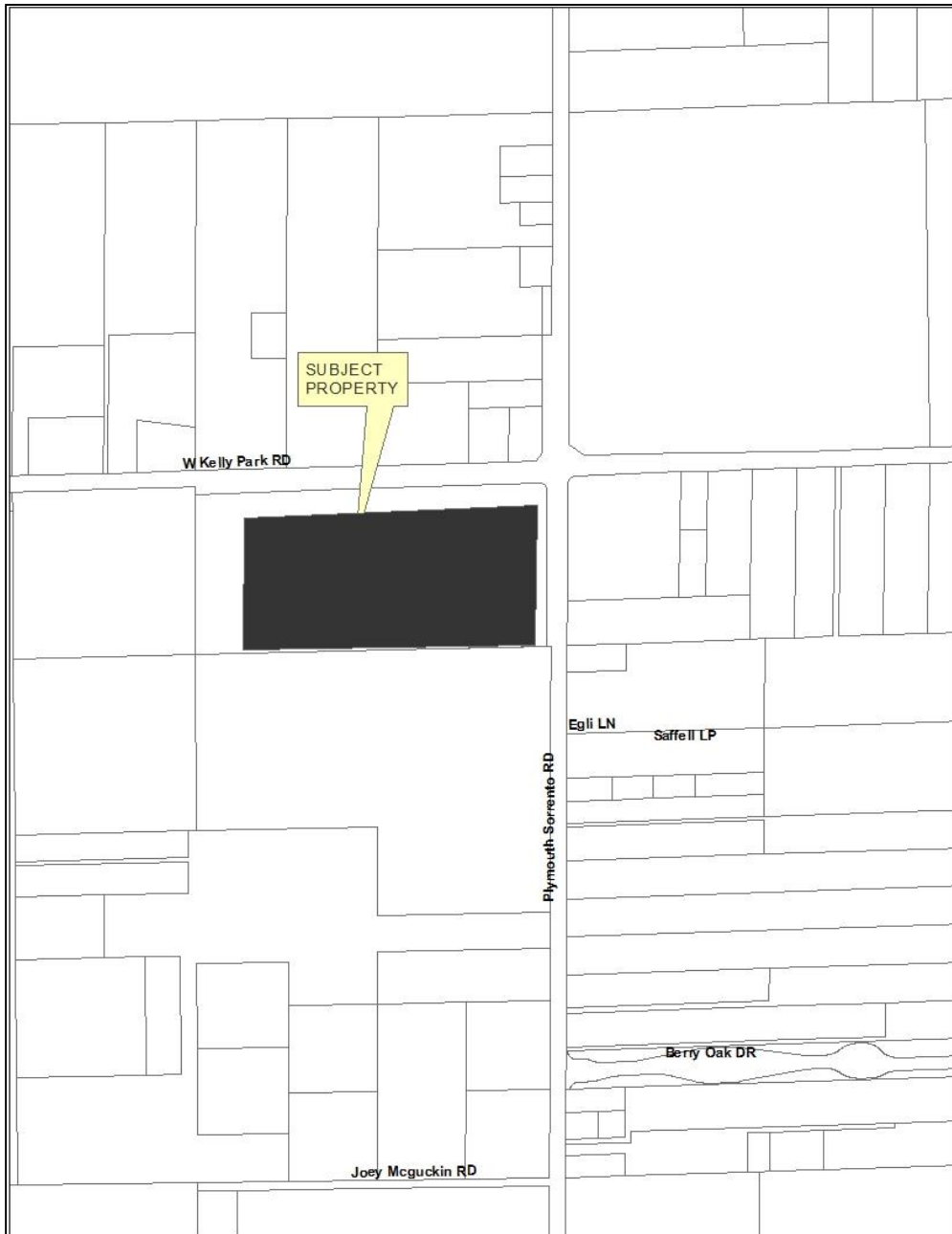


**EXHIBIT "A"**

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

**Legal Description:**

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



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

#### E. Public Schools

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

### IV. Community Involvement

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

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

### V. Wekiva Parkway Interchange Vision Plan

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

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

#### A. Land Use Vision

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

<sup>1</sup> Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area

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

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

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

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

**1. Village Center (residential and commercial mix)**

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

**2. Edge Employment(employment uses)**

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

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

**3. Interchange (highway-dependent uses)**

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

**4. Transitional (office, medium density residential uses)**

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

**5. Neighborhood (residential)**

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

6. Recreation and Institutional

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

B. Vision Plan Holding Capacity

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

Table 3: Vision Plan Holding Capacity

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

Note: Acreages and yields are approximations only.

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



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

### **Objective 18**

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

#### **Policy 18.1**

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

#### **Policy 18.2**

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

##### Open Space

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

##### Clustering:

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

##### Transfer of Development Rights (TDR):

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

##### Form-Based Regulations:

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

**Policy 18.3**

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

**Policy 18.4**

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

**Policy 18.5**

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

**Policy 18.6**

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

**Policy 18.7**

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

**Policy 18.8**

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

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

**Policy 18.9**

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

**Objective 19**

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

**Policy 19.1**

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

**Policy 19.2**

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

### **Policy 19.3**

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

### **Objective 20**

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

### **Policy 20.1**

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

**Policy 20.2**

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

**Policy 20.3**

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

**Policy 20.4**

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

**Policy 20.5**

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

**Policy 20.6**

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

**Policy 20.7**

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

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

**Policy 20.8**

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

**Policy 20.9**

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

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

**Policy 20.10**

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

Table 20.10: Wekiva Parkway Interchange Character District Standards

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



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

\* Calculated based on the entire vision plan area acreage.

**Policy 20.11**

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

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

**Policy 20.12**

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

**Policy 20.13**

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

**Policy 20.14**

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

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

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

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

**Policy 20.15**

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

**Policy 20.16**

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

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

**Policy 20.17**

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

**Policy 20.18**

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

**Policy 20.19**

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

**Policy 20.20**

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

**Policy 20.21**

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

**Policy 20.22**

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

**Policy 20.23**

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

**Policy 20.24**

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

**Policy 20.25**

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

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

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

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

**Policy 20.26**

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

**Policy 20.27**

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

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

**Policy 20.28**

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

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

**Policy 20.29**

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

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

**Policy 20.30**

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

**Policy 20.31**

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

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



Revised 9-7-10

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

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

**RECITALS**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 3. Map Amendment.**

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

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

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

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

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

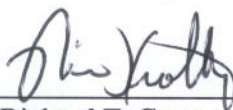
**Section 6. Severability.** Should any section, subsection, sentence, clause, phrase or provision of this Amendment is held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Amendment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

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

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

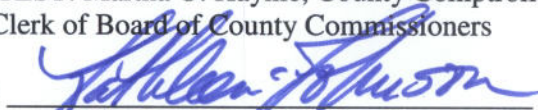


**ORANGE COUNTY, FLORIDA**  
**By: Board of County Commissioners**

By:   
Richard T. Crotty  
Orange County Mayor

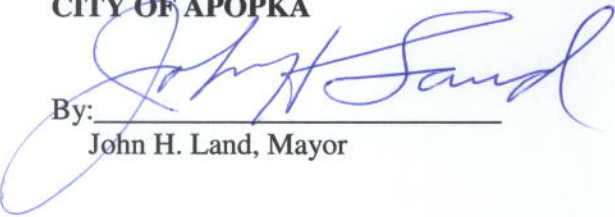
DATE: OCT 19 2010

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


By:   
Deputy Clerk

Revised 9-7-10

**CITY OF APOPKA**

  
By: \_\_\_\_\_  
John H. Land, Mayor

ATTEST: Janice G. Goebel  
City Clerk

By:   
Date: 9-17-10

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

# Exhibit 'F'

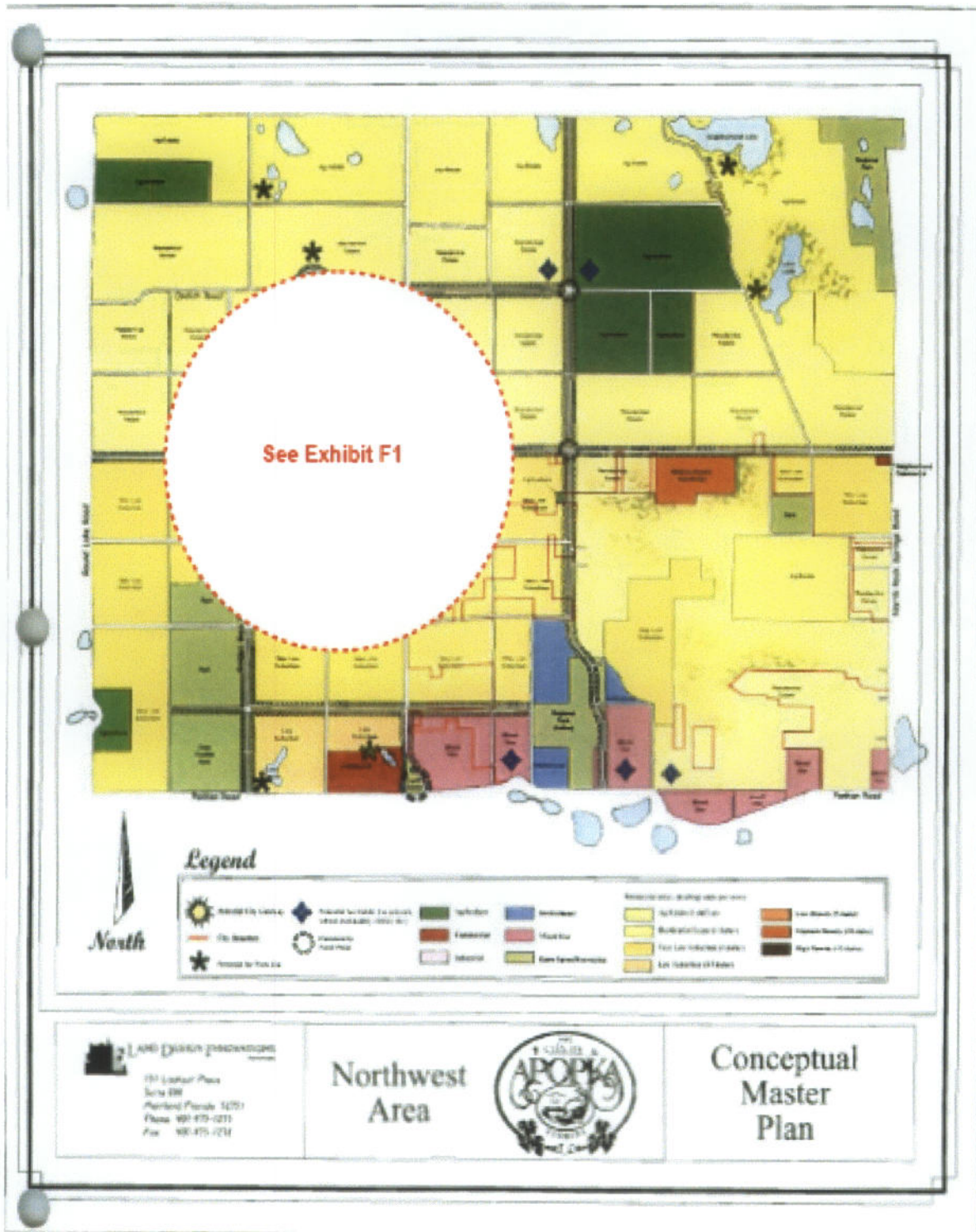
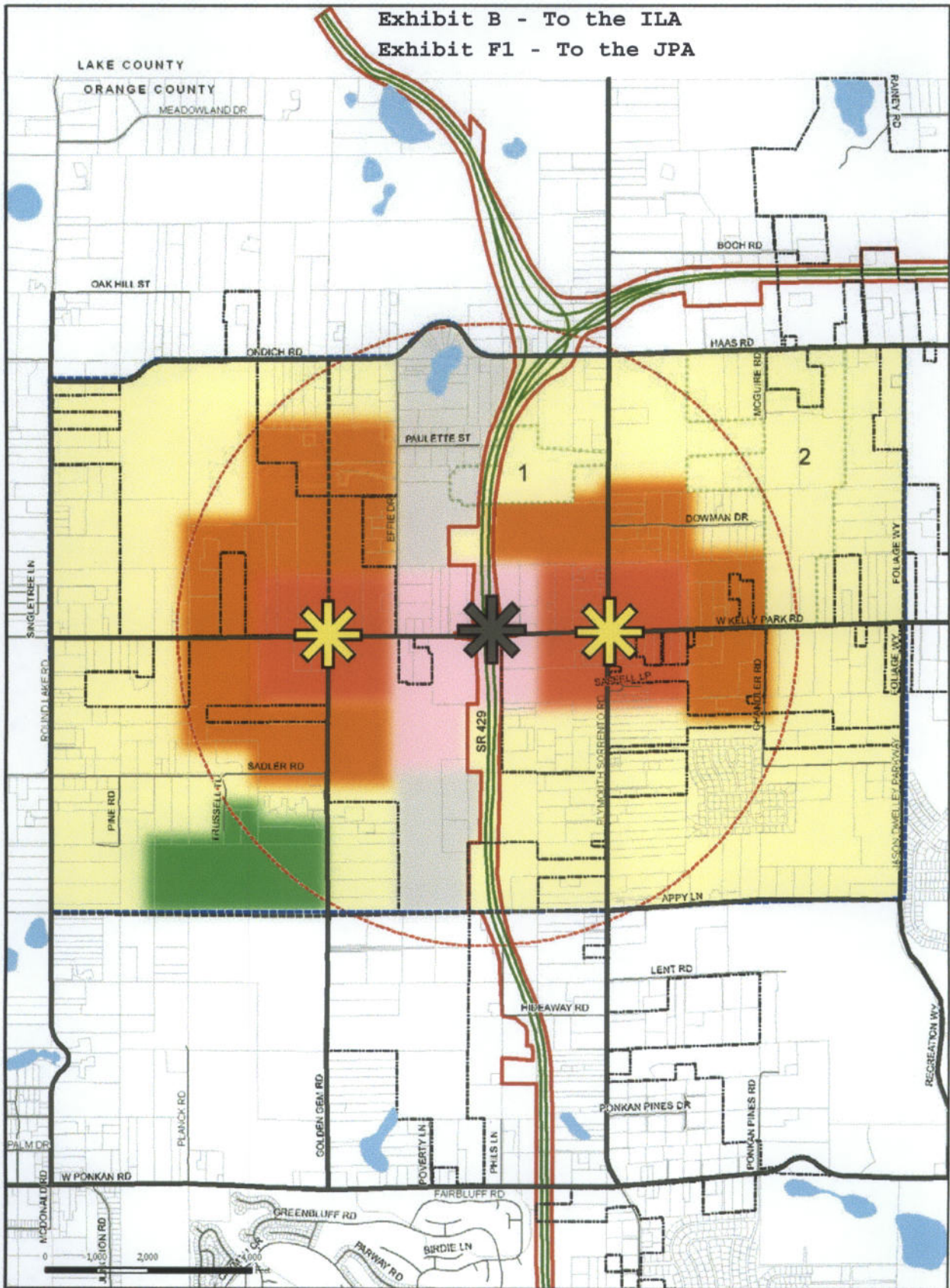


Exhibit B - To the ILA  
 Exhibit F1 - To the JPA



<p><b>Proposed Districts</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Village Center</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> Employment</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> Interchange</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Transition</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Neighborhood</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> Recreation</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border-bottom: 2px dashed black; width: 20px; margin-right: 5px;"></span> Interchange Study Area Boundary</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 20px; margin-right: 5px;"></span> City of Apopka Boundary</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 20px; margin-right: 5px;"></span> Existing Roads</li> <li><span style="display: inline-block; border: 1px solid red; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 1 Mile Radius</li> <li><span style="display: inline-block; font-size: 2em; margin-right: 5px;">*</span> Interchange</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border: 1px dashed black; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 1. Bridle Path Rural Settlement</li> <li><span style="display: inline-block; border: 1px dashed black; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 2. Rainbow Ridge Rural Settlement</li> </ul>
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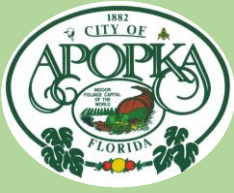
**LAND DESIGN INNOVATIONS**  
INCORPORATED

1718 Fernald Street, Suite 100  
 Apopka, Florida 32711  
 Phone: 407-923-1213  
 Fax: 407-923-1218  
 www.landi.com

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

**Backup material for agenda item:**

2. Ordinance No. 2599 – Second Reading – Comprehensive Plan - Large Scale – Future Land Use Amendment – Legislative  
David Moon  
Project: Sabbath Grace Fellowship, Inc. - Located South of Johns Road, west of S.R. 451



# CITY OF APOPKA CITY COUNCIL

- \_\_\_\_ CONSENT AGENDA
- X PUBLIC HEARING
- \_\_\_\_ SPECIAL REPORTS
- X OTHER: Ordinances

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Land Use Report  
 Vicinity Map  
 Development Boundary Map  
 Adjacent Zoning Map  
 Adjacent Uses Map  
 Existing Uses

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

**REQUEST:**                                    **ORDINANCE NO. 2599 - SECOND READING - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – SABBATH GRACE FELLOWSHIP INC, FROM INDUSTRIAL TO MIXED USE.**

**SUMMARY:**

**OWNERS:**                                        Sabbath Grace Fellowship, Inc.

**APPLICANT:**                                    Royal Oak Homes, Inc.

**LOCATION:**                                      South of Johns Road, west of S.R. 451

**PARCEL ID #:**                                    17-21-28-0000-00-014

**EXISTING USE:**                                    Vacant

**DEVELOPMENT POTENTIAL:**                                    Single family homes

**CURRENT ZONING:**                                    I-1 Industrial

**PROPOSED ZONING:**                                    Planned Unit Development

**MAXIMUM ALLOWABLE DEVELOPMENT**

**EXISTING:**        Vacant

**PROPOSED:**    up to 597 du (up to 15 du/ac)\* See Additional Comments below.  
 Limited to 298 du through a proposed PUD zoning ordinance

**TRACT SIZE:**                                    39.85 +/- acres

**FUNDING SOURCE:** N/A

**DISTRIBUTION**

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



**CITY COUNCIL – DECEMBER 6, 2017**  
**SABBATH GRACE FELLOWSHIP – LARGE SCALE FLUM AMENDMENT**  
**PAGE 2**

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

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

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

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

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

**PUBLIC HEARING SCHEDULE:**

- September 12, 2017 - Planning Commission (5:30 pm) [Quorum was not established; no recommendation]
- September 20, 2017 - City Council (7:00 pm) - 1st Reading & Transmittal
- October 10, 2017 – Planning Commission (5:30 pm)
- December 6, 2017 – City Council (1:30 pm) – 2<sup>nd</sup> Reading & Adoption

**DULY ADVERTISED:**

- August 25, 2017 – Public Notice (Apopka Chief) and Notification (letters, posting)
- September 29, 2017 – Public Notice (Apopka Chief) and Notification (letters, posting)
- November 24, 2017 - Public Notice (Apopka Chief)

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**RECOMMENDATION ACTION:**

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

The **Planning Commission**, at its October 10, 2017 meeting, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and unanimously recommended transmittal of the change in Future Land Use from Industrial and Mixed Use for the property owned by Sabbath Faith Fellowship Inc.

The **City Council**, at its meeting on September 20, 2017, accepted the First Reading of Ordinance No. 2599; and authorized transmittal to the Florida Department of Economic Opportunity.

Adopt Ordinance No. 2599.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

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

**II. LAND USE ANALYSIS**

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

Therefore, staff supports the proposed future land use changes.

Other Information:

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

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

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

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

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

Analysis of the character of the Property: The property abuts the Breckenridge residential community to the west and S.R 451 to the east, and Mixed Use FLU designation to the north.

The proposed amendment is consistent with the Comprehensive Plan.

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

**CALCULATIONS:**

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

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

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

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

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 100 GPD/Capita;  
100 GPD / Capita

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

2. Projected total demand under existing designation: 300 GPD
3. Projected total demand under proposed designation: 2,550 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 100 GPD/Capita
6. Projected LOS under proposed designation: 5.1 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: City of Apopka; 100 GPD/Capita;  
100 GPD/Capita

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

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

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

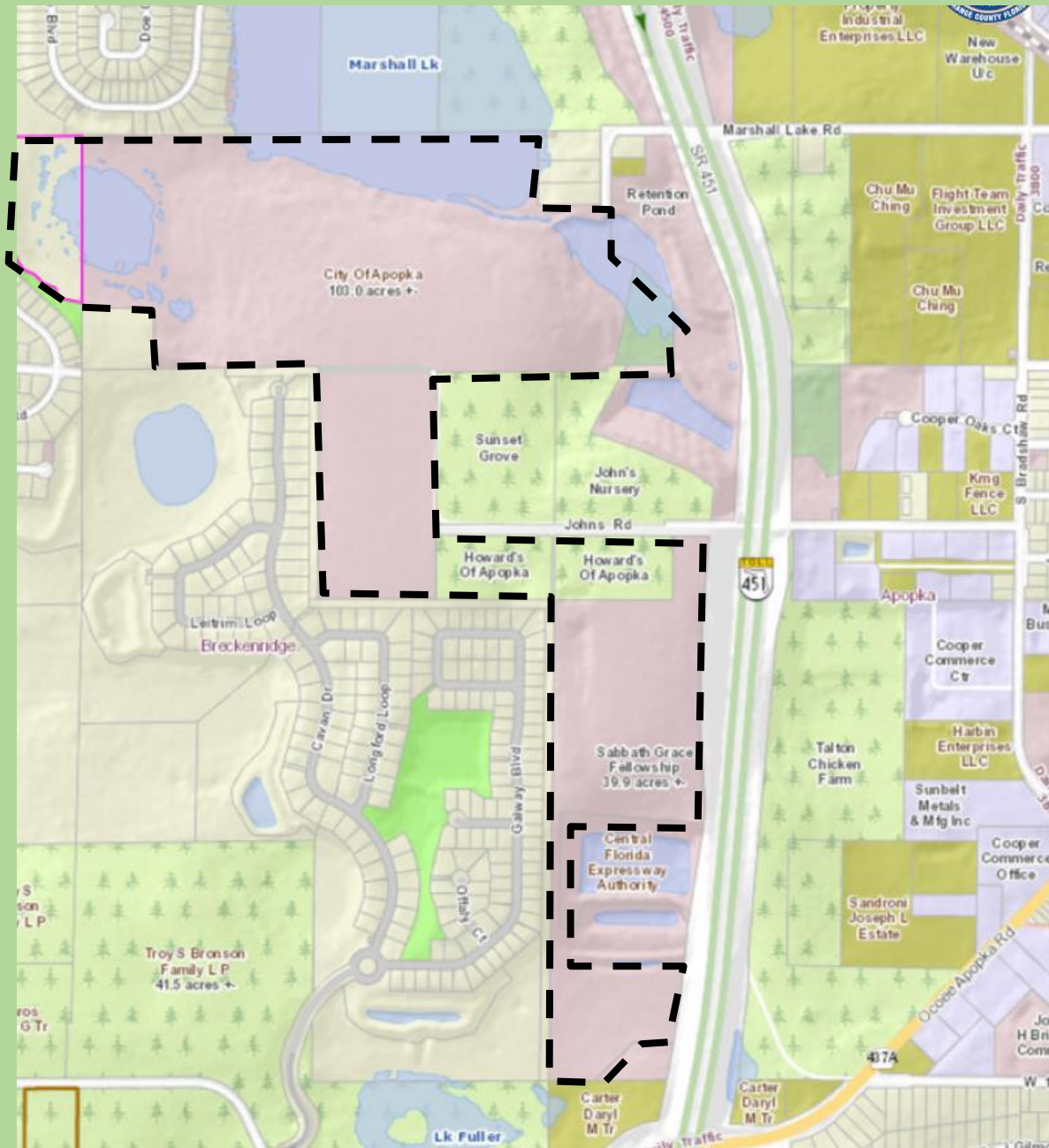
Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 25 year - 96 hour design storm
3. Projected LOS under proposed designation: 25 year - 96 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation - Not applicable.

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

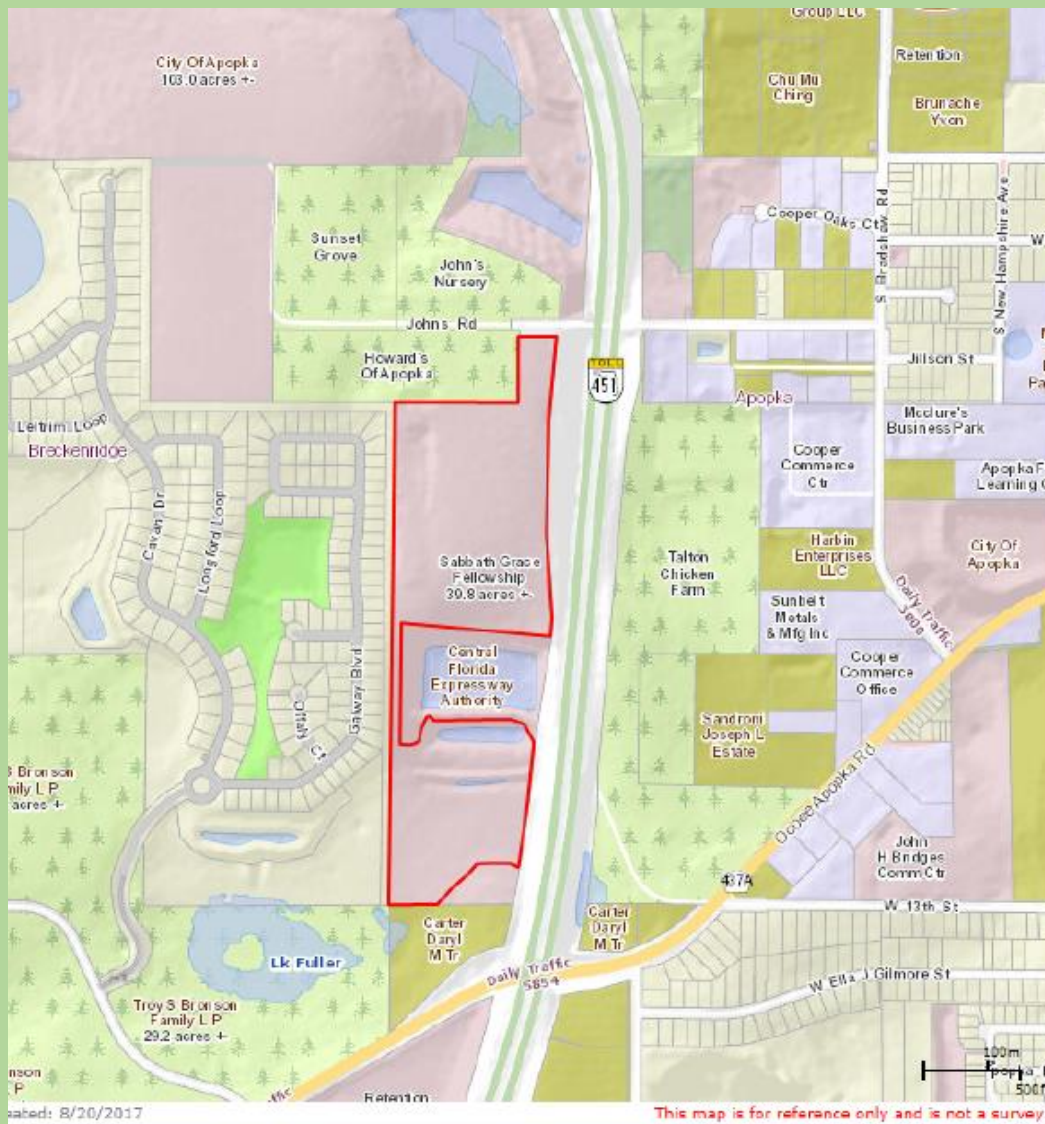
**Proposed Development Project Boundary**  
 (max. 298 single family homes within the development boundary)



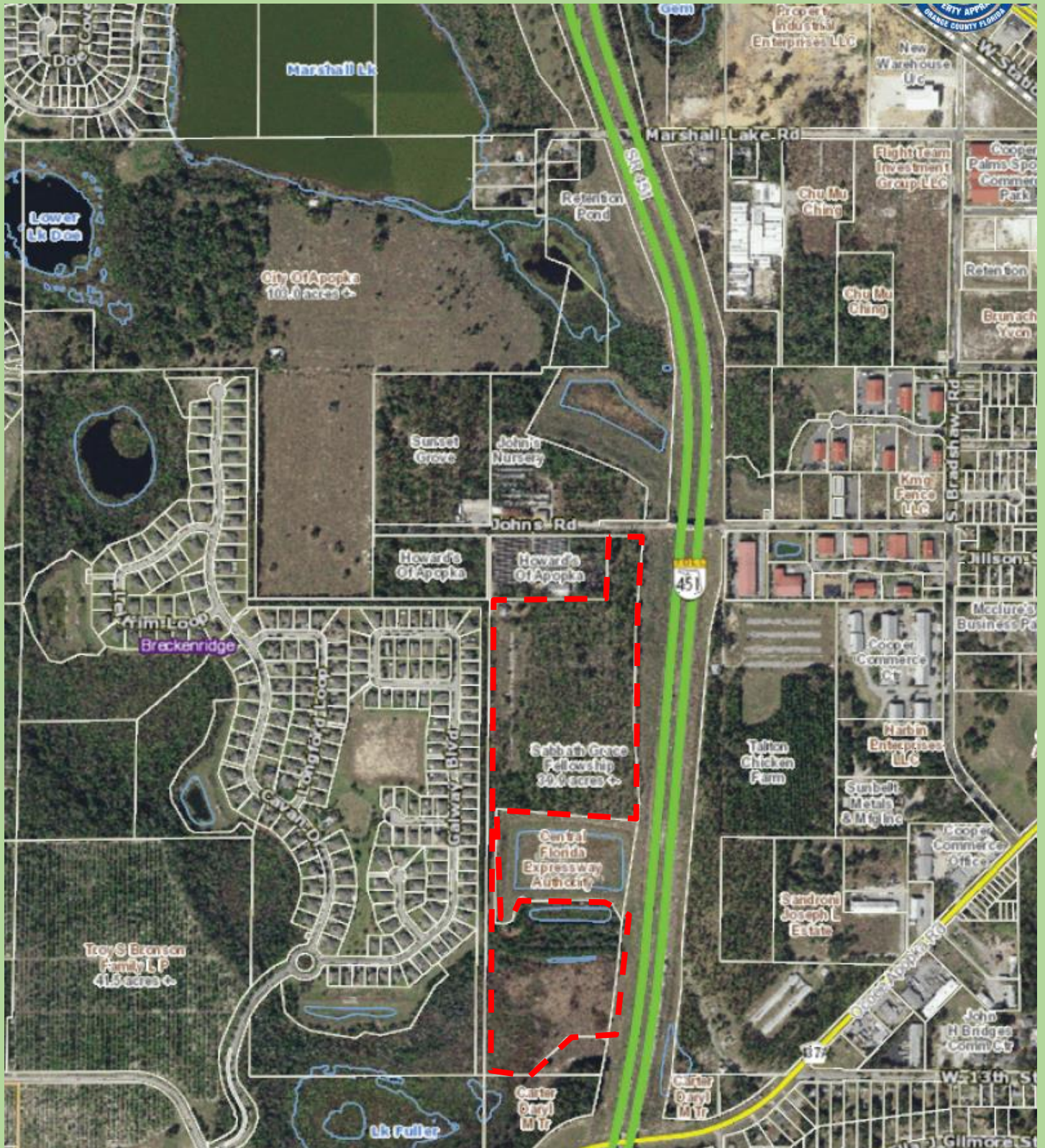


**Sabbath Grace Fellowship Inc.**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: Industrial**  
**To: Mixed Use**  
**Proposed Change of Zoning:**  
**From: I - 1 Industrial**  
**To: Planned Unit Development (single family residential)**  
**Parcel ID #s: 17-21-28-0000-00-014**

**VICINITY MAP**

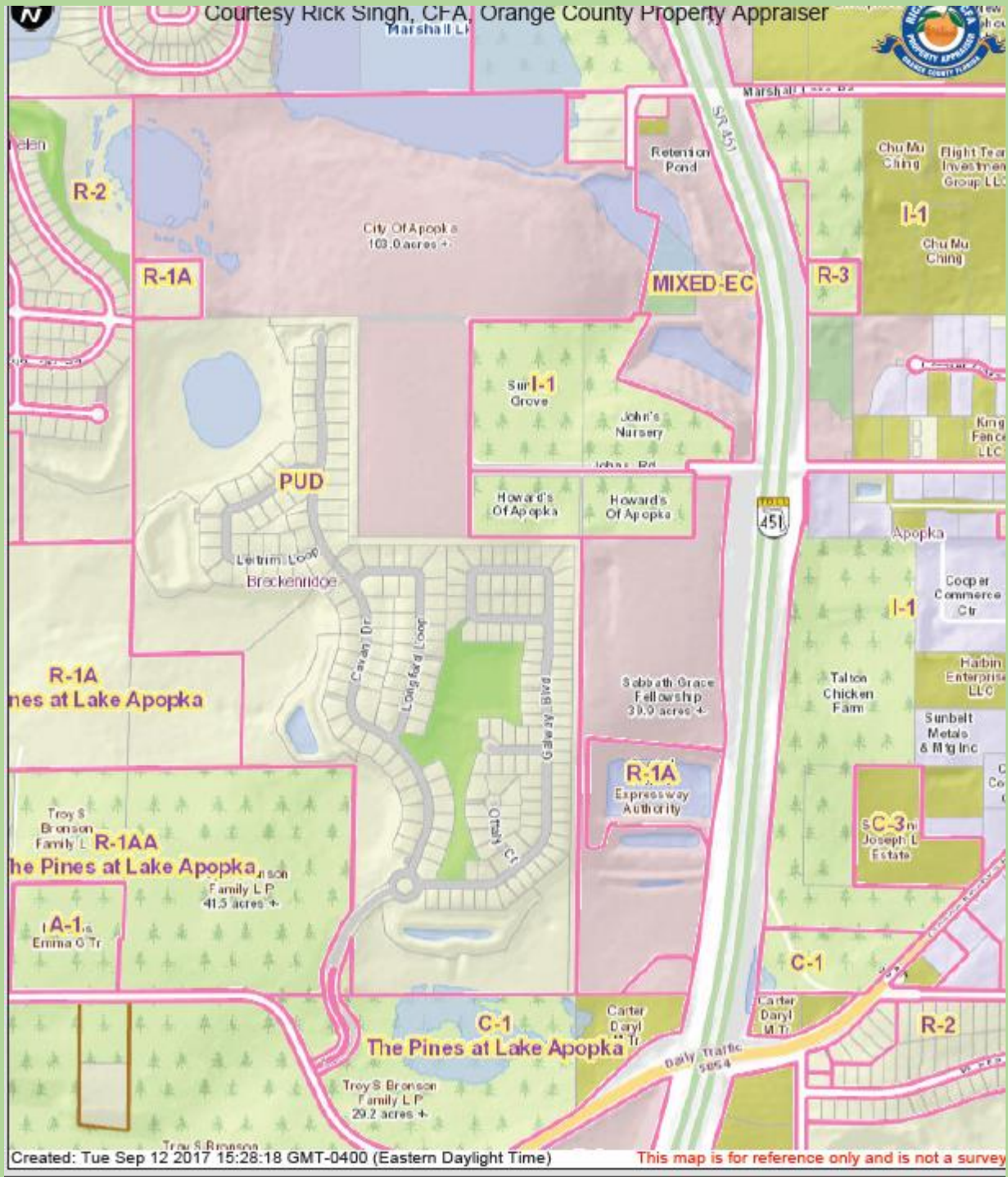


### Existing and Adjacent Uses





### ADJACENT ZONING MAP (1)







### ADJACENT ZONING MAP (2)



**ORDINANCE NO. 2599**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM INDUSTRIAL TO MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF STATE ROAD 451 AND SOUTH OF JOHNS ROAD, COMPRISING 39.85 ACRES, MORE OR LESS AND OWNED BY SABBATH FAITH FELLOWSHIP INCORPORATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

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

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

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

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

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

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

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

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

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

**ORDINANCE NO. 2599**  
**PAGE 2**

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

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

READ FIRST TIME: September 20, 2017

READ SECOND TIME AND ADOPTED: December 6, 2017

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

ATTEST:

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

APPROVED AS TO FORM:

DULY ADVERTISED FOR PUBLIC HEARING: August 25, 2017



## EXHIBIT "A"

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

### Legal Description:

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



**Backup material for agenda item:**

3. Ordinance No. 2584 – First Reading - Change of Zoning/PUD Master Plan - Quasi-Judicial  
David Moon  
Project: East of Ocoee Apopka Road, north of McCormick Road - Oak Pointe South (aka Thompson Hills Est.)



**CITY OF APOPKA  
CITY COUNCIL**

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: PUD Master Plan

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Zoning Report  
 Vicinity Map  
 Adjacent Zoning Map  
 Adjacent Uses Map  
 Existing Use Map  
 Master Site Plan\ PDP, which includes:  
 Residential Architectural Renderings  
 Gate Entrance Feature

**SUBJECT: ORDINANCE NO. 2584 – CHANGE OF ZONING – THOMPSON HILLS ESTATES LLC (OAK POINTE SOUTH PUD)**

**REQUEST: ORDINANCE NO. 2584 – FIRST READING – CHANGE OF ZONING – THOMPSON HILLS ESTATES LLC, FROM PLANNED UNIT DEVELOPMENT AND A-1 AND TO PLANNED UNIT DEVELOPMENT (NEW MASTER PLAN); AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER/APPLICANT: Thompson Hills Estates LLC (Oak Pointe PUD)  
 LOCATION: East of Ocoee Apopka Road, north of McCormick Road  
 PARCEL ID NUMBERS: 29-21-28-0000-00-011; 29-21-28-0000-00-016; 29-21-28-0000-00-033; and Portions of: 29-21-28-0000-00-037 & 038; 32-21-28-0000-00-004; 32-21-28-0000-00- 030  
 EXISTING USE: Vacant  
 FLUM DESIGNATION: Residential Low (0 – 5 units per acre)  
 Proposed: 3.43 du\ac  
 CURRENT ZONING: PUD (Planned Unit Development)  
 PROPOSED DEVELOPMENT: Single-family and townhome residential development  
 PROPOSED ZONING: Planned Unit Development (PUD) (New Master Site Plan)  
 TRACT SIZE: 70.7 +/- acres (with the Revelle’s parcel)  
 PROPOSED DEVELOPMENT: 118 single family homes; 120 townhome units (238 units total)

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** The property owner of Oak Pointe has entered into an agreement to purchase the internal parcel owned by Mr. Revelle.

**Process:** A Planned Unit Development (PUD) zoning currently is assigned to the subject property and will be assigned to the Revelle Property. The PUD Master Plan associated with the subject property expired several years ago. A PUD new master plan must be approved through a rezoning hearing process. As part of the PUD

**Development Summary:** The PUD Master Plan includes 106 townhomes and 118 single family homes within a gated community with private streets. A single master homeowners association will serve both the single family homes and townhomes.

- Single family lots typically have a minimum width of 70 feet and a minimum lot area of 8,400 sq. ft., a minimum house livable area of 1,500 sq. ft., and a minimum two-car enclosed garage. A small percent of single family lots (6.8% totaling 8 lots) have a minimum typical lot width of 65 feet and a minimum lot area of 7,800 sq. ft., also with a minimum house livable area of 1,500 sq. ft. and a minimum two-car enclosed garage. No three-car garages are allowed.
- Townhomes will have a minimum lot width of 23 feet and a minimum lot area of 2,530 sq. ft. All townhome units offer a one-car enclosed garage. No two-car enclosed garages are proposed by the developer. Some (75 units) have a one-car driveway; some (31 units) have a two-car driveway.
- Two parks are provided and will be accessible to all residents. Tract N-1 provides a community swimming pool and a cabana with a parking lot. A second community park provides outdoor recreation on 2.03 acres (Tract K-6) and includes a fenced-in dog park.
- To accommodate a private, gated community, the applicant requests to vacate the right-of-way for Irmalee Road, a gated paved public right-of-way ranging in width from 80 feet to as much as 250 feet. One other property owner (not associated with the PUD application) is surrounding by the PUD Master Plan and accesses Irmalee Lane. This one-acre parcel will be granted access rights to the private road if the Irmalee ROW is vacated by City Council.
- Access will occur through a road connection to McCormick Road and a future road connection to Ocoee-Apopka Road. A gate will be located at both the north and south entrances. An emergency gate will be located on the eastern boundary, connecting to Pelock Drive within the Apopka Woods community.
- Perimeter buffers include: a ten foot buffer with a six-foot high brick wall along the western property line adjacent to S.R. 429, a six-foot high vinyl fence within a ten foot buffer next to the Apopka Woods community and next to the County's Northwest Reclamation facility.

**Existing Conditions:** The Oak Pointe property owner also owns 69.89 acres serviced by a gated public road – Irmalee Lane. The site typically has a flat topography with no wetlands. Located along the north side of McCormick Road, the PUD Master Plan The City of Ocoee is situated along the south side of McCormick Road. The proposed residential PUD Master Plan abuts land zoned commercial. The commercial land sites between McCormick Road and the single family residential Master Plan are not part of the PUD application. An existing public road – Irmalee Lane – extends from McCormick Road northward through the property. Apopka Woods is a 76 lot, single family residential neighborhood that abuts most of the eastern boundary of Oak Pointe. Typical lots within Apopka wood have a minimum width of 70 feet and a minimum land area of 7,500 sq. ft.

The Orange County Northwest Reclamation Water Facility on portions of its north and northwest boundary the Apopka Woods residential community (R-2 zoning, 70 foot wide lots),

Directly to the south of Oak Pointe is a private gated residential community – McCormick Woods – with typical lots of 70 x 125 (8,750 sq. ft.).

Annexation History: The subject properties were annexed into the City via Ordinance 1651 on December 18, 2002. A public road with a right-of-way width ranging from 80 to 150 feet extends from McCormick Road to the Tract L-1 of the project.

Recreation Amenities:

Tract N-1

- Swimming Pool.
- Pool area surrounded by a 36” viburnum hedge, crepe myrtles, magnolia trees, live oak trees, and approved ground cover.
- Pool parking lot - 13 parking plus one handicap parking space.
- Bike rack located adjacent to parking lot.
- 2,200 +/- SF Cabana located next to the pool surrounded by landscaping that blends with the pool landscaping.
- The cabana will be partially open, with the open area surrounded by a four foot metal guardrail/fence.
- A paved sidewalk from the Cabana connects to the sidewalk along Street I.
- An outdoor shower will be placed on both the east and west sides of the building.
- The pool and cabana are appropriately located near the center of the development, easily accessible to both the single family residential units and the townhome.

Tract L-6

- Two multi-purpose playing fields.
- Mulched walking trail around the perimeter of the Tract.
- Paved sidewalk will placed along the west side of the park, connecting Street I with the Tot Lot, Dog Park, and parking lot.
- Paved sidewalk will connect the parking lot at Tract O-1 with the paved sidewalk along the west side of the park.
- Three picnic tables.
- Litter receptacle - 24” X 30” size.
- Eight benches, each with armrests.
- Tot Lot with playground equipment – slides, climbing equipment.
- Dog park with five foot high vinyl coated chain link fence, screened with a viburnum hedge.
- Dogipot aluminum pet station with pet waste receptacle.
- Dog park will be handicap accessible.
- Bike rack located in Tract K-5, between the parking lot and sidewalk along the west side of the park.
- Pedestrian level lighting
- Park area surrounded by a viburnum hedge, sabal palms, crepe myrtles, magnolia trees, live oak trees, and approved ground cover.

**RECOMMENDED PUD CONDITIONS OF APPROVAL:**

1. A development agreement must be approved by City Council that addresses dedication of a 60-foot wide right-of-way from the northern project line to Ocoee-Apopka Road following alignment delineated in the Oak Pointe North Master Plan; addresses the construction of the southern road from PUD south to McCormick Road; address access rights for the owner and subsequent owners of parcel number 29-21-28-0000-00-037 and addresses project phasing and development conditions.



2. For all recreation and park improvements, a performance bond in an amount acceptable to the City is required if such improvements do not receive a certificate of completion by the first building permit issued for a residential development.
3. Tree removal and arbor mitigation fee shall be determined at the time of the Final Development Plan.
4. Number and location of handicapped parking spaces shall be determined at the time of the Final Development Plan.
5. All recreation areas\parks shall be irrigated.
6. Townhome and single family home architectural design shall be determined at the Final Development Plan. The current renderings shall be removed from the PUD Master Plan and are not part of the Master Plan approval.
- ~~7. Current gate at south end of Irmalee Lane at McCormick Road shall be removed by Oak Pointe owner within 14 days of written request of the city engineer.~~
8. Irmalee Road vacate is approved by City Council upon adoption of the Oak Pointe PUD Ordinance. The road vacate shall be processed as part of the platting process.
9. The spine road from McCormick Road to the northern property line of Tract K-4 shall be completed prior to the issuance of the first certificate of occupancy for a residential unit. A second community gate will be constructed and operate at the time the northern road to Ocoee-Apopka Road is completed. The Final Development Plan shall provide a northern community gate and associated entrance feature.
10. All infrastructure that will be dedicated to the City and all roads and sidewalks shall be constructed to city standards as demonstrated in the Final Development Plan.
11. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
  - a. Permit a single one-year extension for submittal of the required Final Development Plan;
  - b. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
  - c. Rezone the property to a more appropriate zoning classification.
12. Unless otherwise addressed within the PUD development standards, the R-3 zoning standards will apply to the Townhomes and R-2 zoning standards to the single family lots. No residential duplex units are allowed.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential Low Future Land Use designation and is consistent with the Land Development Code subject to the recommended DRC development conditions.

**SCHOOL CAPACITY REPORT:** A capacity enhancement agreement and\or school mitigation agreement with OCPS or a letter exempting the project from school capacity enhancement is required prior to submittal of a final development plan.

**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 May 19, 2017.

**PUBLIC HEARING SCHEDULE:**

August 8, 2017 - Planning Commission (5:30 pm)  
September 6, 2017 - City Council (1:30 pm) - 1<sup>st</sup> Reading (continued to date certain – Nov. 1, 2017)  
November 1, 2017– City Council (1:30 pm) – 1<sup>st</sup> Reading (continued to date certain – Dec. 6, 2017)  
December 6, 2017– City Council (1:30 pm) – 1<sup>st</sup> Reading  
December 20, 2017 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

July 21, 2017 – Public Notice and Notification  
November 3, 2017– ¼ Page w/Map Ordinance Heading Ad  
December 8, 2017– ¼ Page w/Map Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Oak Pointe Planned Unit Development Master Plan and Preliminary Development Plan subject to the DRC Conditions of Approval.

The **Planning Commission**, at its meeting on August 8, 2017, recommended by a vote of 3/1 to approve the Planned Unit Development Zoning and the Master Plan and Preliminary Development Plan subject to a legal opinion being provided to City Council as to whether the amendment is consistent with the Comprehensive Plan and Land Development Code; and the findings and facts presented in the staff report.

The **City Council**, at its meeting on September 6, 2017, continued the public hearings for Ordinance 2584 until November 1, 2017, 1:30 pm, and November 15, 2017, 7:00 pm to allow time for the annexation of the Irmalee Lane Right-of-Way.

The **City Council**, at its meeting on November 1, 2017, continued the public hearings for Ordinance 2584 until December 6, 2017, 1:30 pm, and December 20, 2017, 7:00 pm to allow time for the annexation of the Irmalee Lane Right-of-Way.

**Recommended Motion:** Accept the First Reading of Ordinance 2584 and Hold it Over for Second Reading and Adoption on December 20, 2017.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0-1 du/10 ac)	A-1	Northwest Water Reclamation Facility
East (City)	Residential Low (0-5 du/ac)	R-2	Apopka Woods subdivision
South (City)	Commercial (max 0.25 FAR)	C-1	Vacant commercial\McCormick Rd
West (City & County)	“City” Mixed Use & “County” Rural (0-1 du/10 ac)	Mixed-EC & A-1	SR 429 ROW & Retention Pond

**LAND USE &**

**TRAFFIC COMPATIBILITY:**

The property has access to a Major Arterial roadway (McCormick Road) and future access to Ocoee Apopka Road to the north. A proposed internal spine road (Irmalee Lane, currently a gated public road) will be a private gated road and provide connectivity to both Ocoee Apopka to the north and McCormick Road to the south for future residents of Oak Pointe. Future land use designations and zoning categories assigned to properties to the north, south, east, and west are predominantly residential and rural.

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

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

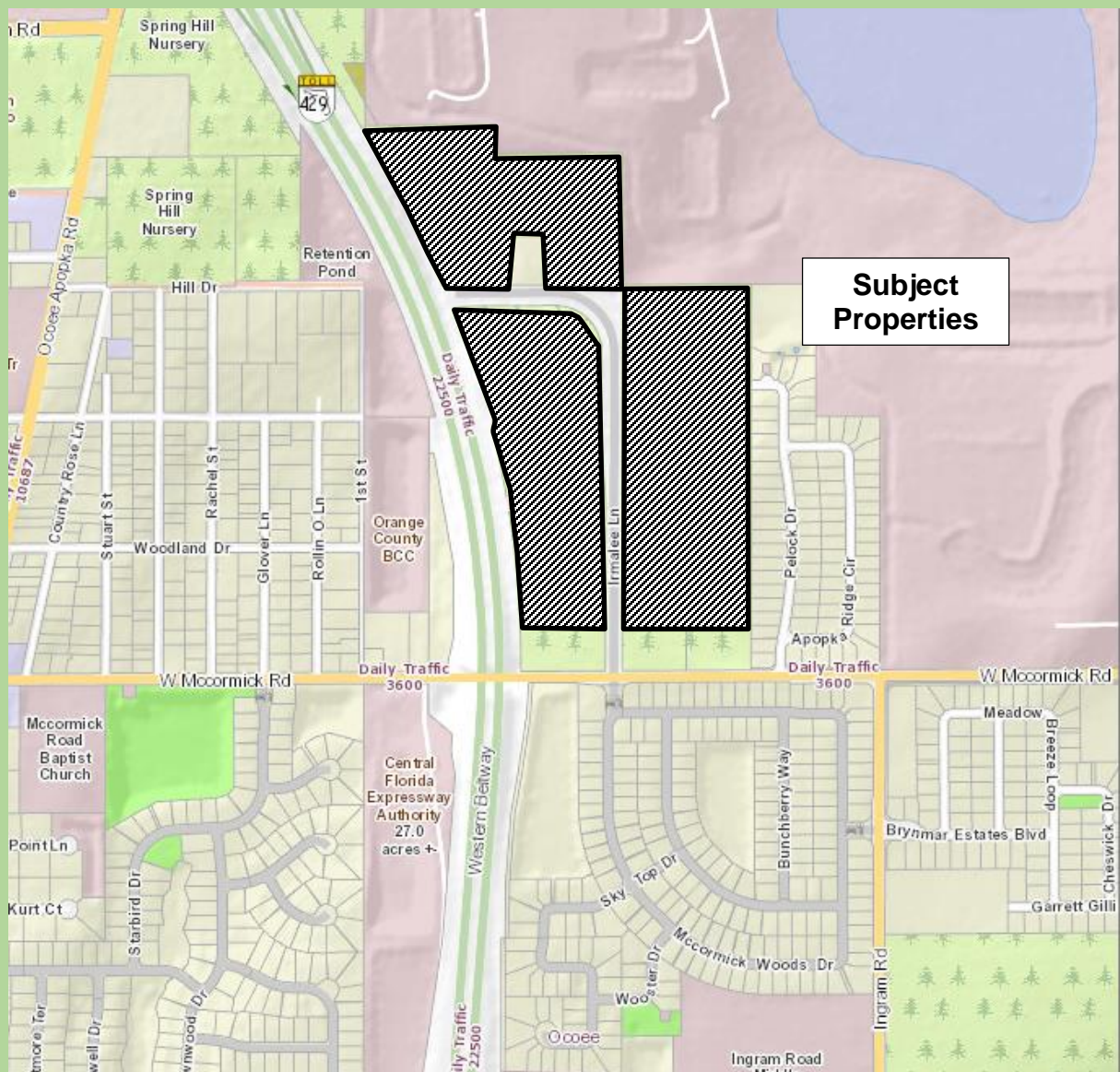
**ALLOWABLE  
 USES:**

Single-family and townhome residential uses as set forth within the Planned Unit Development Master Plan.



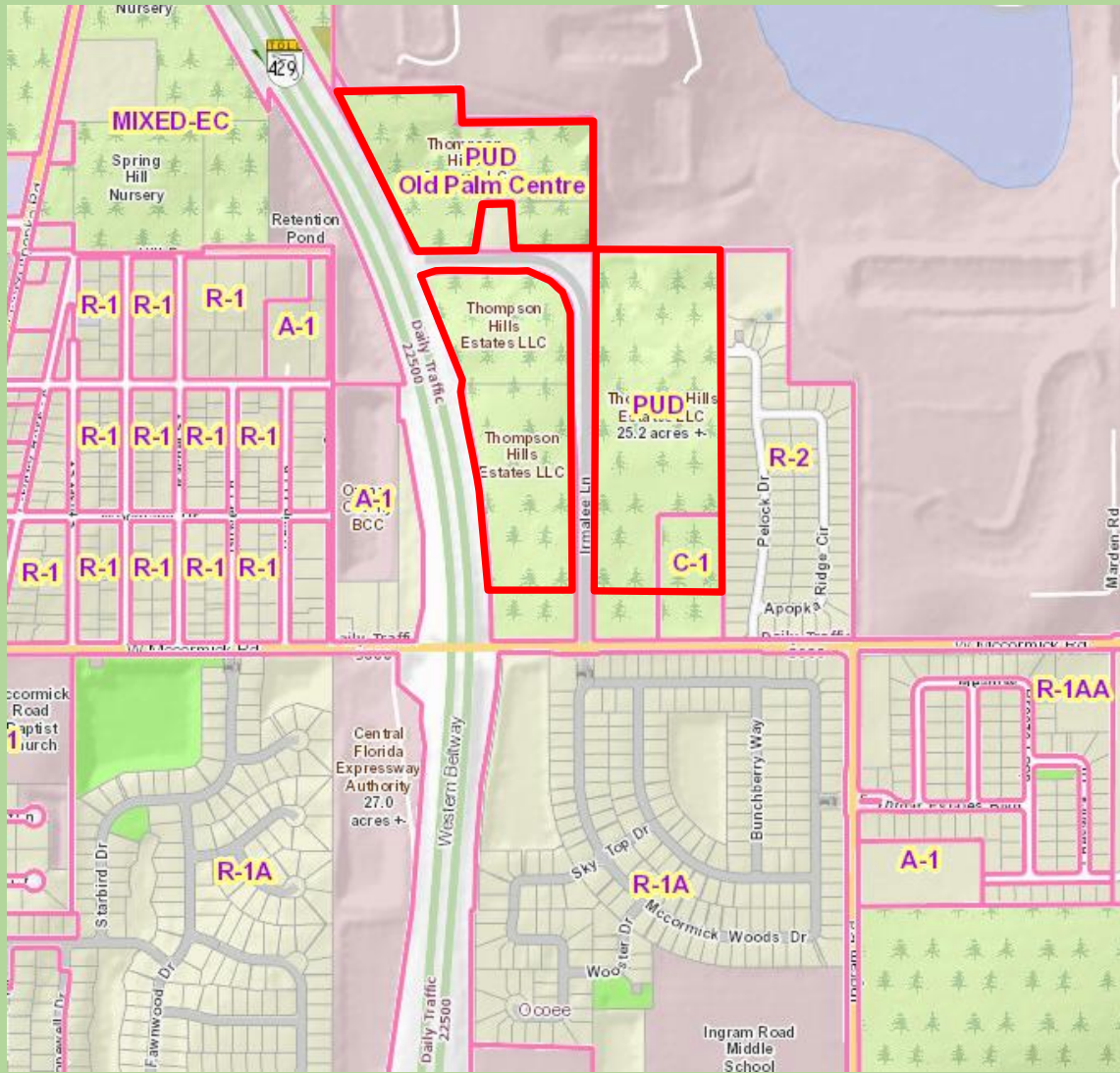
**Thompson Hills Estates LLC (Oak Pointe PUD)**  
**67.7 +/- Acres**  
**Proposed Change of Zoning:**  
**From: Planned Unit Development (PUD Residential)**  
**To: Planned Unit Development (New Master Site Plan)**  
**Parcel ID #(s): 29-21-28-0000-00-011; 29-21-28-0000-00-016; 29-21-28-0000-00-033; &**  
**(Portions of): 29-21-28-0000-00-038; 32-21-28-0000-00-004 & 32-21-28-0000-00-030**

**VICINITY MAP**



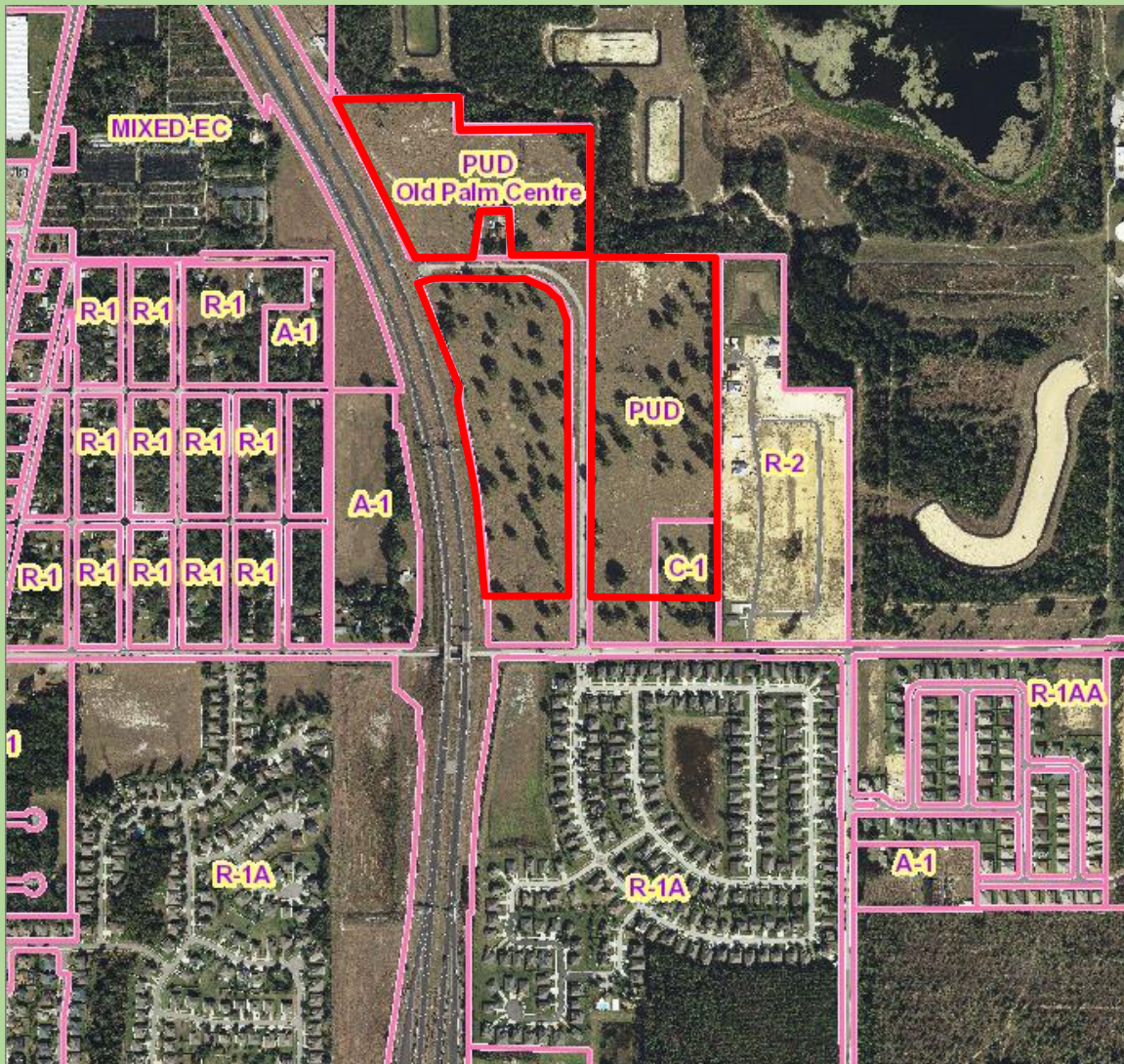


## ADJACENT ZONING





## ADJACENT USES



### EXISTING USES



**ORDINANCE 2584**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT (OAK POINTE); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, COMPRISING 69.7 ACRES MORE OR LESS, AND OWNED BY THOMPSON HILLS ESTATES 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 Planned Unit Development (PUD/) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

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

- A. The uses permitted within the PUD district shall be: single family homes and townhomes and associated accessory uses or structures consistent with land use and development standards established for the PUD district except where otherwise addressed in this ordinance and the Master Site Plan.
- B. Development of the property shall occur consistent with the Master Site Plan set forth in Exhibit "A". If a development standard or zoning regulation is not addressed within Exhibit "A", development shall comply with the PUD zoning standards set forth in the Land Development Code. Where any development standard conflicts between the Oak Pointe Master Site Plan\Preliminary Development Plan and the Land Development Code, the Master Site Plan\Preliminary Development Plan shall preside. Any proposed revision to the Master Plan\Preliminary Development Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan\Preliminary Development Plan provisions will expire. At such time, the City Council may:
  - 1. Permit a single six-month extension for submittal of the required Final Development Plan;



2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or
3. Rezone the property to a more appropriate zoning classification.

D.

1. A development agreement must be approved by City Council that addresses dedication of a 60-foot wide right-of-way from the northern project line to Ocoee-Apopka Road following alignment delineated in the Oak Pointe North Master Plan; addresses the construction of the southern road from PUD south to McCormick Road; address access rights for the owner and subsequent owners of parcel number 29-21-28-0000-00-037 and addresses project phasing and development conditions.
2. For all recreation and park improvements, a performance bond in an amount acceptable to the City is required if such improvements do not receive a certificate of completion by the first building permit issued for a residential development.
3. Tree removal and arbor mitigation fee shall be determined at the time of the Final Development Plan.
4. Number and location of handicapped parking spaces shall be determined at the time of the Final Development Plan.
5. All recreation areas\parks shall be irrigated.
6. Townhome and single family home architectural design shall be determined at the Final Development Plan. The current renderings shall be removed from the PUD Master Plan and are not part of the Master Plan approval.
- ~~7. Current gate at south end of Irmalee Lane at McCormick Road shall be removed by Oak Pointe owner within 14 days of written request of the city engineer.~~
8. Irmalee Road vacate is approved by City Council upon adoption of the Oak Pointe PUD Ordinance. The road vacate shall be processed as part of the platting process.
9. The spine road from McCormick Road to the northern property line of Tract K-4 shall be completed prior to the issuance of the first certificate of occupancy for a residential unit. A second community gate will be constructed and operate at the time the northern road to Ocoee-Apopka Road is completed. The Final Development Plan shall provide a northern community gate and associated entrance feature.
10. All infrastructure that will be dedicated to the City and all roads and sidewalks shall be constructed to city standards as demonstrated in the Final Development Plan.

**ORDINANCE NO. 2584**

**PAGE 3**

11. All architectural renderings shall be approved by the City Council at the final development plan application. No architectural renderings are approved as part of the Master Site Plan.

**Section II.** That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/R-1A) as defined in the Apopka Land Development Code.

Legal Description: Exhibit "B".

Parcel ID Nos.: 29-21-28-0000-00-011; 29-21-28-0000-00-016; 29-21-28-0000-00-033; and Portions of: 29-21-28-0000-00-038; 32-21-28-0000-00-004; 32-21-28-0000-00-030

Combined Acreage: 69.7+/- Acres

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

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

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

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

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

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: December 20, 2017

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

ATTEST:

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

DULY ADVERTISED: July 21, 2017, November 3, 2017, December 8, 2017

**EXHIBIT "B"**  
**LEGAL DESCRIPTION**  
**(as provided on cover sheet of the Master Site Plan-Exhibit "A")**

TRACT 1

A PARCEL OF LAND SITUATE IN SECTIONS 29 AND 32, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29, SAID POINT-OF-BEGINNING ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF IRMALEE LANE AS SHOWN ON OCEEA RIGHT-OF-WAY MAP, PROJECT NO. 75320-6460-604; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE AND THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29, NORTH 00°00'34" WEST, A DISTANCE OF 676.02 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE RUN NORTH 89°36'10" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 29, A DISTANCE OF 662.29 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 29; THENCE RUN SOUTH 00°07'19" WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 678.97 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN SOUTH 00°05'25" WEST ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF AFORESAID SECTION 32, A DISTANCE OF 1299.59 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 32, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF WEST MCCORMICK ROAD AS LAID OUT AND IN USE; THENCE RUN SOUTH 89°44'22" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 659.62 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF AFORESAID IRMALEE LANE; THENCE RUN NORTH 00°02'30" EAST ALONG SAID RIGHT-OF-WAY LINE AND THE WEST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 32, A DISTANCE OF 1301.88 FEET BACK TO THE POINT-OF-BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1307158 SQUARE FEET OR 30.008 ACRES MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION ALL BEARINGS ARE RELATIVE TO THE FLORIDA STATE PLANE SYSTEM, NATIONAL ADJUSTED DATUM OF 1983 (NAD83), EAST ZONE TRANSVERSE MERCATOR, ZONE 18S-RF.

TRACT 2:

A PARCEL OF LAND SITUATE IN SECTIONS 29 AND 32, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF IRMALEE LANE AS SHOWN ON OCEEA RIGHT-OF-WAY MAP, PROJECT NO. 75320-6460-604; THENCE RUN SOUTH 89°39'41" WEST, A DISTANCE OF 105.10 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID IRMALEE LANE AND THE POINT-OF-BEGINNING OF THE PARCEL INTENDED TO BE DESCRIBED; THENCE FROM SAID POINT-OF-BEGINNING RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES, FIRST SOUTH 00°00'34" WEST, A DISTANCE OF 131.79 FEET; THENCE SOUTH 03°46'11" EAST, A DISTANCE OF 300.95 FEET; THENCE SOUTH 00°02'30" WEST, A DISTANCE OF 870.05 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 32, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF WEST MCCORMICK ROAD AS LAID OUT AND IN USE; THENCE RUN SOUTH 89°46'28" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 432.05 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 429, AS SHOWN ON THE ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT-OF-WAY MAP, PROJECT NO. 75320-6460-604; THENCE ALONG THE SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE FOR THE FOLLOWING FIVE (5) COURSES, THE FIRST BEING FROM A POINT ON A CURVE NON-TANGENT TO THE PRECEDING COURSE, CONCAVE TO THE WEST, HAVING A RADIUS OF 5071.07 FEET, A CHORD OF NORTH 05°38'25" WEST, 1230.71 FEET AND FROM WHICH A RADIAL LINE BEARS NORTH 89°49'25" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF 13°56'29", A DISTANCE OF 1133.75 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 00°13'36" EAST, A DISTANCE OF 81.23 FEET; THENCE NORTH 21°02'59" WEST, A DISTANCE OF 218.39 FEET; THENCE NORTH 22°49'25" WEST, A DISTANCE OF 168.56 FEET TO A POINT ON A CURVE BEING NON-TANGENT TO THE PRECEDING COURSE, CONCAVE TO THE WEST, HAVING A RADIUS OF 5061.07 FEET, A CHORD OF NORTH 19°40'31" WEST, 265.41 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH 71°49'38" WEST; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF 3°06'18", A DISTANCE OF 265.44 FEET TO A POINT OF INTERSECTION WITH THE AFORESAID RIGHT-OF-WAY LINE OF IRMALEE LANE; THENCE DEPARTING FROM SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, RUN ALONG THE RIGHT-OF-WAY LINE OF IRMALEE LANE FOR THE FOLLOWING FOUR (4) COURSES, FIRST NORTH 81°37'49" EAST, A DISTANCE OF 93.13 FEET; THENCE NORTH 89°44'46" EAST, A DISTANCE OF 433.52 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 235.00 FEET AND A CHORD OF SOUTH 49°07'54" EAST, 333.05 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF 90°14'40", A DISTANCE OF 370.14 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 00°00'34" EAST, A DISTANCE OF 334.61 FEET BACK TO THE POINT-OF-BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 996921 SQUARE FEET OR 22.748 ACRES MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION ALL BEARINGS ARE RELATIVE TO THE FLORIDA STATE PLANE SYSTEM, NATIONAL ADJUSTED DATUM OF 1983 (NAD83), EAST ZONE TRANSVERSE MERCATOR, ZONE 18S-RF.

TRACT 3:

A PARCEL OF LAND SITUATE IN SECTION 29, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29, SAID POINT-OF-BEGINNING ALSO BEING AT THE NORTHEAST CORNER OF THE RIGHT-OF-WAY FOR IRMALEE LANE AS SHOWN ON THE OCEEA RIGHT-OF-WAY MAP, PROJECT NO. 75320-6460-604; THENCE RUN SOUTH 89°44'46" WEST ALONG SAID RIGHT-WAY LINE AND THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29, A DISTANCE OF 404.10 FEET TO A POINT AT THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 10623 AT PAGE 6676 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE TRAVERSE SAID LANDS FOR THE FOLLOWING THREE (3) COURSES, FIRST NORTH 00°05'38" EAST, A DISTANCE OF 252.94 FEET; THENCE SOUTH 89°44'46" WEST, A DISTANCE OF 148.04 FEET; THENCE SOUTH 07°57'26" WEST, A DISTANCE OF 255.56 FEET BACK TO THE AFORESAID RIGHT-OF-WAY OF IRMALEE LANE; THENCE RUN SOUTH 89°44'46" WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 330.19 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 429, AS SHOWN ON THE ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT-OF-WAY MAP, PROJECT NO. 75320-6460-604, SAID POINT BEING A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5061.07 FEET, A CHORD OF NORTH 26°14'53" WEST, 640.22 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH 67°22'47" WEST; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF 7°15'10", A DISTANCE OF 640.65 FEET; THENCE CONTINUE ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE NORTH 29°36'57" WEST, A DISTANCE OF 237.79 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE DEPARTING FROM SAID LIMITED ACCESS RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29, NORTH 00°04'09" EAST, A DISTANCE OF 37.87 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 150 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE RUN NORTH 89°39'29" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 658.90 FEET TO THE EAST LINE OF SAID WEST 1/2; THENCE RUN SOUTH 00°01'48" WEST ALONG SAID EAST LINE, A DISTANCE OF 150.02 FEET TO THE SOUTH LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE RUN NORTH 89°39'33" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 659.01 FEET TO THE SOUTHEAST CORNER OF SAID EAST 1/2; THENCE RUN SOUTH 00°00'34" EAST ALONG THE EAST LINE OF SAID EAST 1/2, A DISTANCE OF 676.01 FEET BACK TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 996921 SQUARE FEET OR 22.748 ACRES MORE OR LESS.



Design Standards

Lot Criteria

Table with 3 columns: Setback Table, Single Family, Townhomes. Rows include Front Porch(1), Front (Garage), Front (Building), Rear, Side, Side Street(2), Accessory Structure Rear, Lot Dimensions, Minimum Lot Area, Minimum Lot Width, Minimum Lot Depth, Max lot coverage, Max Building Height, Minimum Living Area.

\*MINIMUM LOT WIDTH NOTE:

THE FOLLOWING LOTS OF A MINIMUM LOT WIDTH OF 65': 9, 13, 17, 21, 69, 73, 77, 79

Summary table with columns: Count, Percentage. Rows for 65' Width Lots (8, 6.8%), 70' Width Lots (110, 93.2%), Total Lots (118, 100.0%).

SINGLE- FAMILY LOT DATA:

Main table with 3 columns of lot data. Each column has 40 rows of lot numbers, widths, and areas.

\*LOT WIDTH MEASURE AT BUILDING SETBACK

SITE DATA:

Summary of site data: TOTAL AREA 69.38 AC, PHASES: 1, SINGLE FAMILY UNITS 118, TOWNHOME UNITS 106, TOTAL UNITS 224.

DENSITY (TOTAL UNITS / TOTAL AREA): 224 (UNITS) / 69.38 AC = 3.3 U/AC

RECREATIONAL AREA:

REQUIRED (3.6 AC / 1000 PERSONS): 1 UNIT = 2.6 PERSONS, 224 (UNITS) x 2.6 = 582.4 PERSONS. 582.4 x (3.6/1000) = 2.10 AC. PROVIDED: TRACT N-1 = 0.80 AC, TRACT K-6 = 2.03 AC, TOTAL = 2.83 AC.

OPEN SPACE CALCULATIONS:

REQUIRED: SINGLE FAMILY: TOTAL AREA 49.69 AC, REQUIRED % 20 %, REQUIRED AREA 9.94 AC. TOWNHOUSES: TOTAL AREA 19.69 AC, REQUIRED % 30 %, REQUIRED AREA 5.91 AC. TOTAL REQ'D OPEN SPACE AREA 15.85 AC.

PROVIDED: SINGLE FAMILY: BUFFER YARDS (TRACTS J) 0.58 AC, OPEN SPACE (TRACTS K) 5.79 AC, RETENTION (TRACTS L) 4.97 AC\*, RECREATION (TRACTS N) 0.80 AC. SINGLE FAMILY TOTAL 12.11 AC. TOWNHOUSE: BUFFER YARDS (TRACTS J) 0.29 AC, OPEN SPACE (TRACTS K) 4.33 AC, RETENTION (TRACTS L) 2.35 AC. TOWNHOUSE TOTAL 6.97 AC.

TOTAL OPEN SPACE PROVIDED 19.08 AC

\*50% OF TOTAL REQUIRED SINGLE FAMILY OPEN SPACE AREA

Notes:

- 1. Front Porch Setbacks as allowed per City of Apopka Development Design Guidelines Ord. 2502, July 2016.
2. Side Street setback requires no lot frontages on Street I and that the side street setback will not be in front of any front setback of any adjacent lot.

Architectural, Buildings and Architectural Standards

- 1. Architectural Design shall meet the intent of the City of Apopka Design Development Guidelines Ord. 2502, July 2016.
2. Single family detached homes will have two car enclosed garages.
3. Townhomes will have a combination of single and two car garages as depicted on the parking plan.
4. Mail delivery for SF and Townhomes will be in a Kiosk as located at each amenity area and shown on the Development Plan.

Utilities and Infrastructure

- 1. Water, sanitary sewer and reclaimed services will be provided by Orange County Utilities.
2. Storm water management system shall be designed to comply with the requirements of the City of Apopka and SJRWMD.
3. All internal streets and Street 'I' in its entirety from McCormick Road to its northern terminus will be owned and maintained by the HOA, included the landscape medians.
4. Street I north of the public portion will be owned and maintained by the HOA.
5. Fire protection and a stabilized access road will be provided prior to vertical building construction.
6. Five foot concrete sidewalks will be provided on all internal streets per the Engineering Standards manual.
7. Electric power will be provided underground. No overhead power service will be permitted with this development.
8. Vehicular, pedestrian and accent lighting shall substantially conform to section 3.10 of the City of Apopka Development Design Guidelines.
9. A lighting plan must be submitted with the Final Development Plan.
10. Street Names will be provided at the time of the Final Development Plan.

Recreation and Open Space

- 1. Required project open space shall be a minimum of 20% for the Single Family portion and 30% for the townhome portion per the City of Apopka PUD LDC 2.02.18 D. 19. B.
2. Project Recreational Area shall be provided at a rate of 3.6 acres per thousand population with 2.6 persons per dwelling unit.
3. The recreational tract located in the Single Family area of the project will include a pavilion and swimming pool. This tract will be easily accessible by the single family and townhomes within the development.
4. The recreational tract located in the townhome area of the project will include large play fields, benches, a dog park and walking trails. This recreational tract will be easily accessible by the townhomes and single family homes.
5. All proposed amenity areas will be shared by the entire residential development.
6. The required amenity areas will be completed and open for use by the issuance of the 50th Certificate of Occupancy for all residential units.
7. All recreation and open space areas will be owned and maintained by the HOA.

Buffers and Landscaping

- 1. A 10' buffer will be provided along SR 429 as shown on the landscape plans and consist of a 6' precast stone wall and landscaping.
2. A 10' buffer will be provided along the southern boundary of the single family residential and will include a 6' precast stone wall and landscaping.
3. A 6' tan vinyl fence will be placed at the north and east property boundary. A 6' tan vinyl fence exists on the west boundary of the Apopka Woods development. The fence proposed on this property will only be installed where there are areas not fenced on the eastern property line. A fencing plan is included in this development proposal.
4. Each single family residential lot will include two newly planted trees. The trees planted in the front yards will also serve as the street trees.

Wetlands and Environmental

- 1. There are no wetlands on the proposed site area.
2. There is no 100 year flood plain on the proposed site area.
3. An erosion protection plan will be submitted during the final development plan process.
4. Tree removal and replacement and landscaping will comply with Article V of the City of Apopka Land Development Code.
5. Individual Lot Arbor / Clearing permit is required prior to clearing or grading of any lots.

Miscellaneous

- 1. Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction permits.
2. All acreages are subject to change with the Final Engineering and Final plat review and approval.
3. The existing home within the townhome development area will maintain access rights through the proposed private access road.
4. Final location of the covered mail kiosk within the townhome community shall be determined at the Final Development Plan. A letter of approval from the Postmaster shall be submitted prior to Final Development Plan approval. The mail kiosk shall have a similar architectural appearances as the townhome buildings.

REVISIONS table with columns: DATE, REVISED BY, REV PER DDC COMMENTS, REV PER DDC COMMENTS.

EVANS ENGINEERING, INC. CERTIFICATE OF AUTHORIZATION NO. 6788. EVANS ENGINEERING, INC. LAND PLANNING PERMITTING SERVICES. 719 IRMA AVENUE ORLANDO, FLORIDA 32803. (407) 872-1515. WWW.EVANSENGINEERING.COM. DATE: JUL 26, 2017.

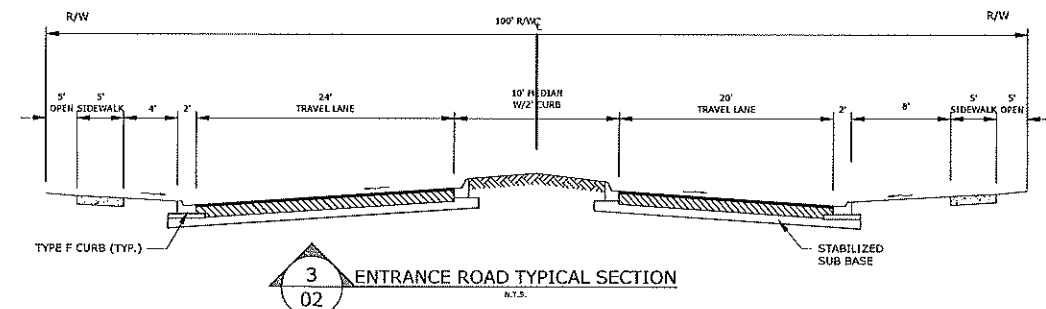
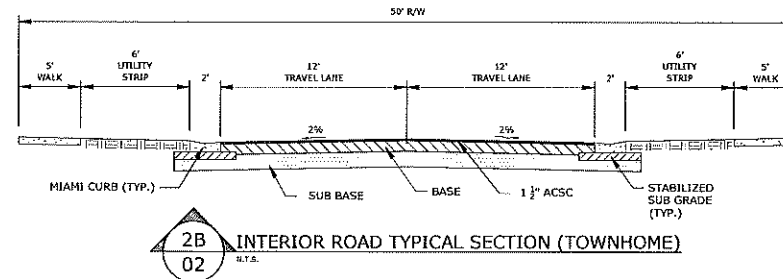
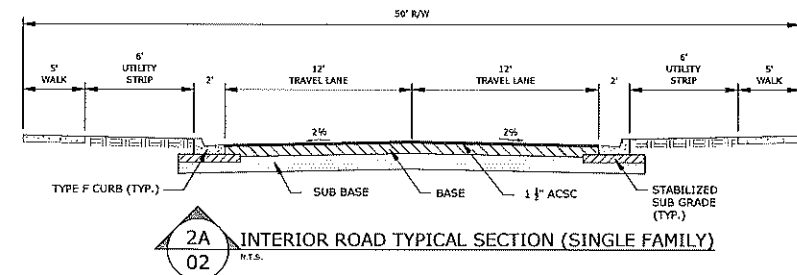
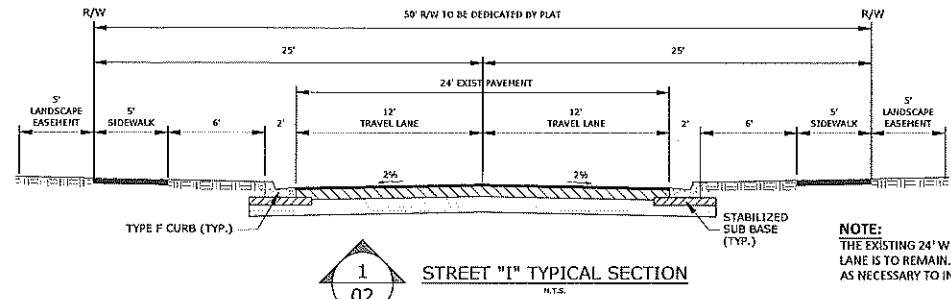
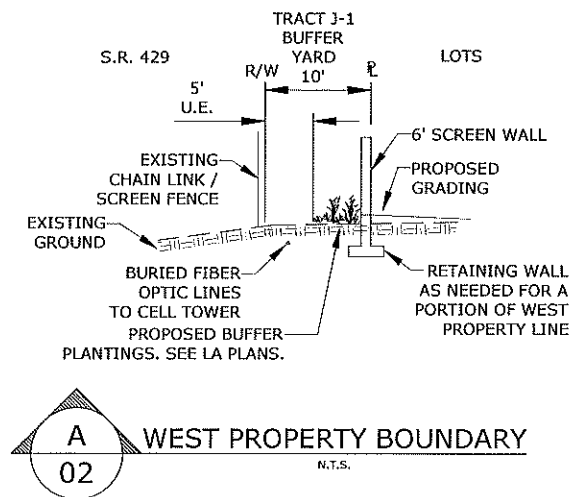
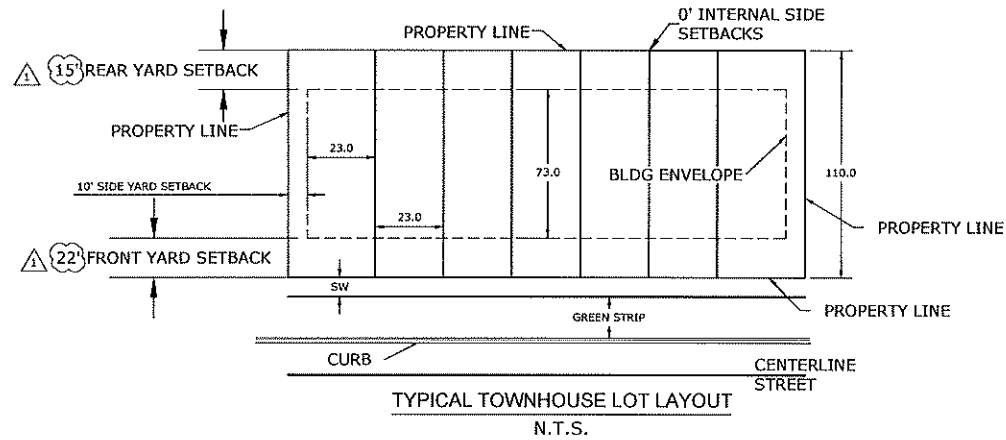
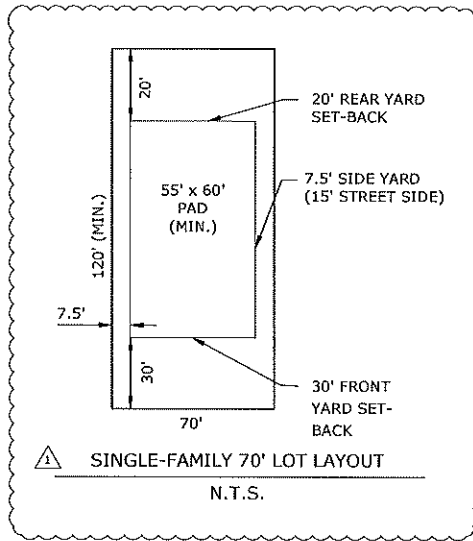
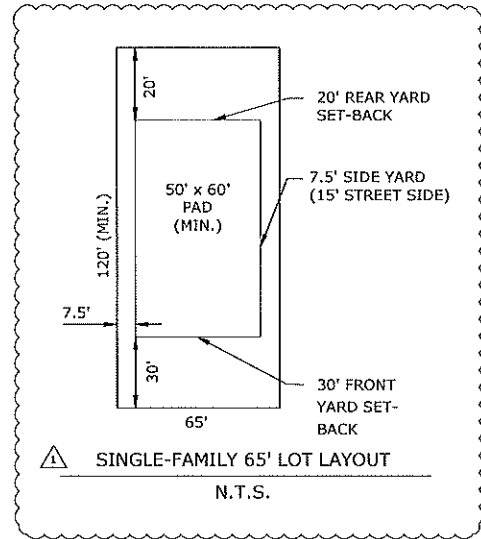
EVANS ENGINEERING, INC. LAND PLANNING PERMITTING SERVICES. 719 IRMA AVENUE ORLANDO, FLORIDA 32803. (407) 872-1515. WWW.EVANSENGINEERING.COM. CERTIFICATE OF AUTHORIZATION NO. 00005788.

OAK POINTE FOR THOMPSON HILLS ESTATES LLC FLORIDA CITY OF APOPKA.

DEVELOPMENT DESIGN STANDARDS

DRAWN: TWV / MWK CHECKED: MPG DATE: JULY 2017 SCALE: NTS JOB #: 25801 SHEET #:

20 SHEETS



230

DATE	REVISIONS	BY	DATE
4-20-17	1	TYW/MWK	
6-26-17	2	JN/MWK	

EVANS ENGINEERING, INC.  
CERTIFICATE OF AUTHORIZATION NO. 6786  
DATE: JUL 26, 2017

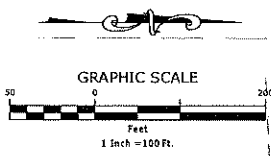
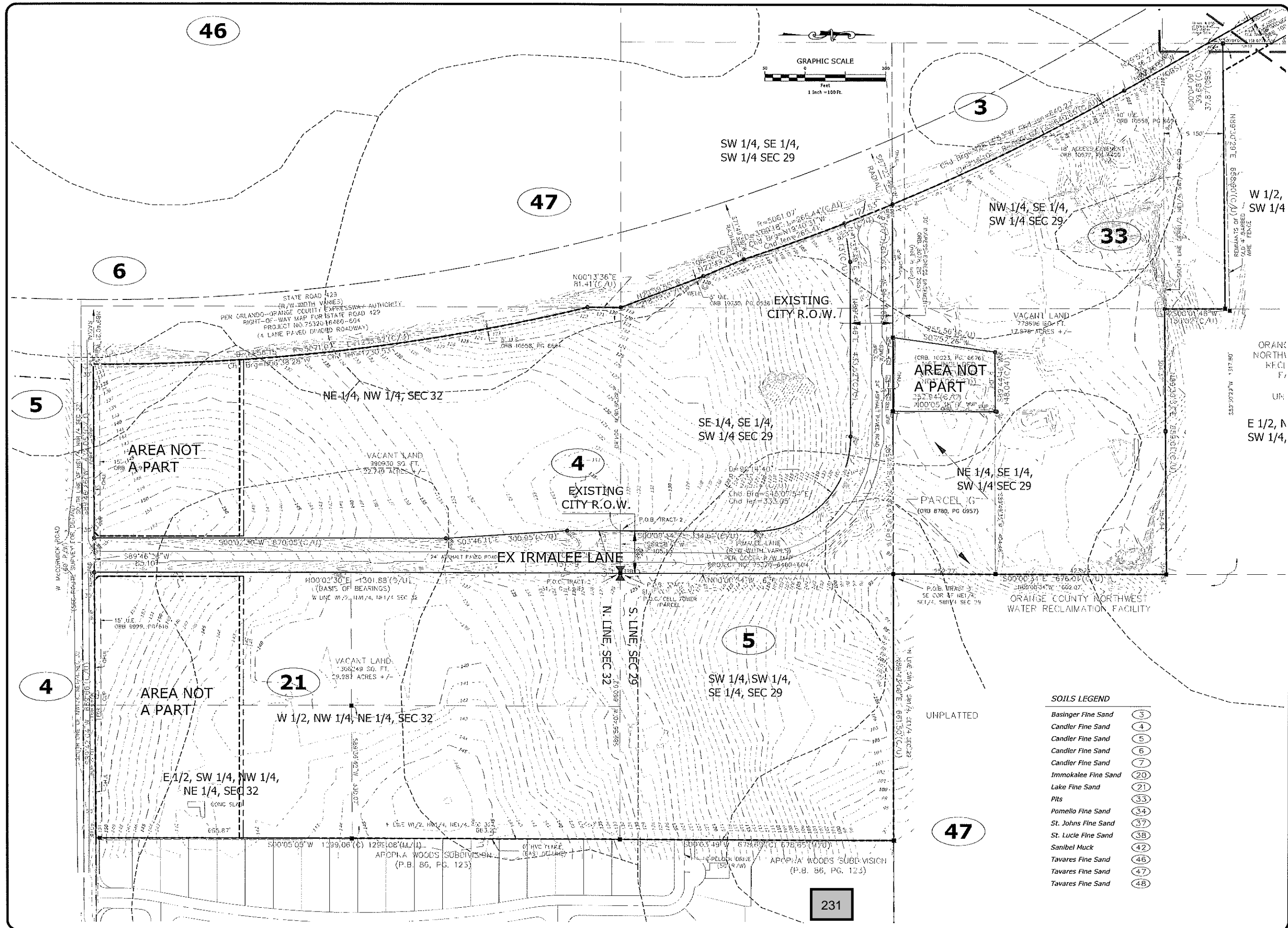
**EVANS ENGINEERING, INC.**  
LAND PLANNING PERMITTING SERVICES  
719 IRMA AVENUE  
ORLANDO, FLORIDA 32803  
(407) 872-1515  
WWW.EVANSENGINEERING.COM  
CERTIFICATE OF AUTHORIZATION NO. 0005788

OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
CITY OF APOPKA, FLORIDA

GENERAL  
DETAILS AND SECTIONS

DRAWN: TYW / MWK  
CHECKED: MPG  
DATE: JULY 2017  
SCALE: 1" = 100'  
JOB #: 25801  
SHEET #:

**21**  
OF SHEETS



**SOILS LEGEND**

Basinger Fine Sand	(5)
Candler Fine Sand	(4)
Candler Fine Sand	(5)
Candler Fine Sand	(6)
Candler Fine Sand	(7)
Immokalee Fine Sand	(20)
Lake Fine Sand	(21)
Pits	(33)
Pomello Fine Sand	(34)
St. Johns Fine Sand	(37)
St. Lucie Fine Sand	(38)
Sanibel Muck	(42)
Tavares Fine Sand	(46)
Tavares Fine Sand	(47)
Tavares Fine Sand	(48)

DATE	BY	REVISIONS
4-23-17	TVMW	REV PER DRC COMMENTS
6-26-17	JKW	REV PER DRC COMMENTS

EVANS ENGINEERING, INC.  
 CERTIFICATE OF AUTHORIZATION NO. 6788  
 DAVID L. EVANS  
 REGISTERED PROFESSIONAL ENGINEER  
 FLORIDA REG. NO. 46836  
 DATE: JULY 26, 2017

**EVANS ENGINEERING, INC.**  
 LAND PLANNING & SURVEYING SERVICES  
 719 IRMA AVENUE  
 ORLANDO, FLORIDA 32803  
 (407) 872-1515  
 WWW.EVANSENGINEERING.COM  
 CERTIFICATE OF AUTHORIZATION NO. 00068788

OAK POINTE  
 FOR  
 THOMPSON HILLS ESTATES LLC  
 CITY OF APOPKA, FLORIDA

**EXISTING CONDITIONS**

DRAWN: TVW / MWK  
 CHECKED: MPG  
 DATE: JULY 2017  
 SCALE: 1" = 50'  
 JOB #: 25801  
 SHEET #:

**3.0**  
 SHEETS

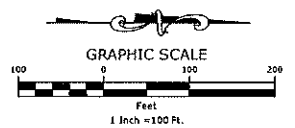
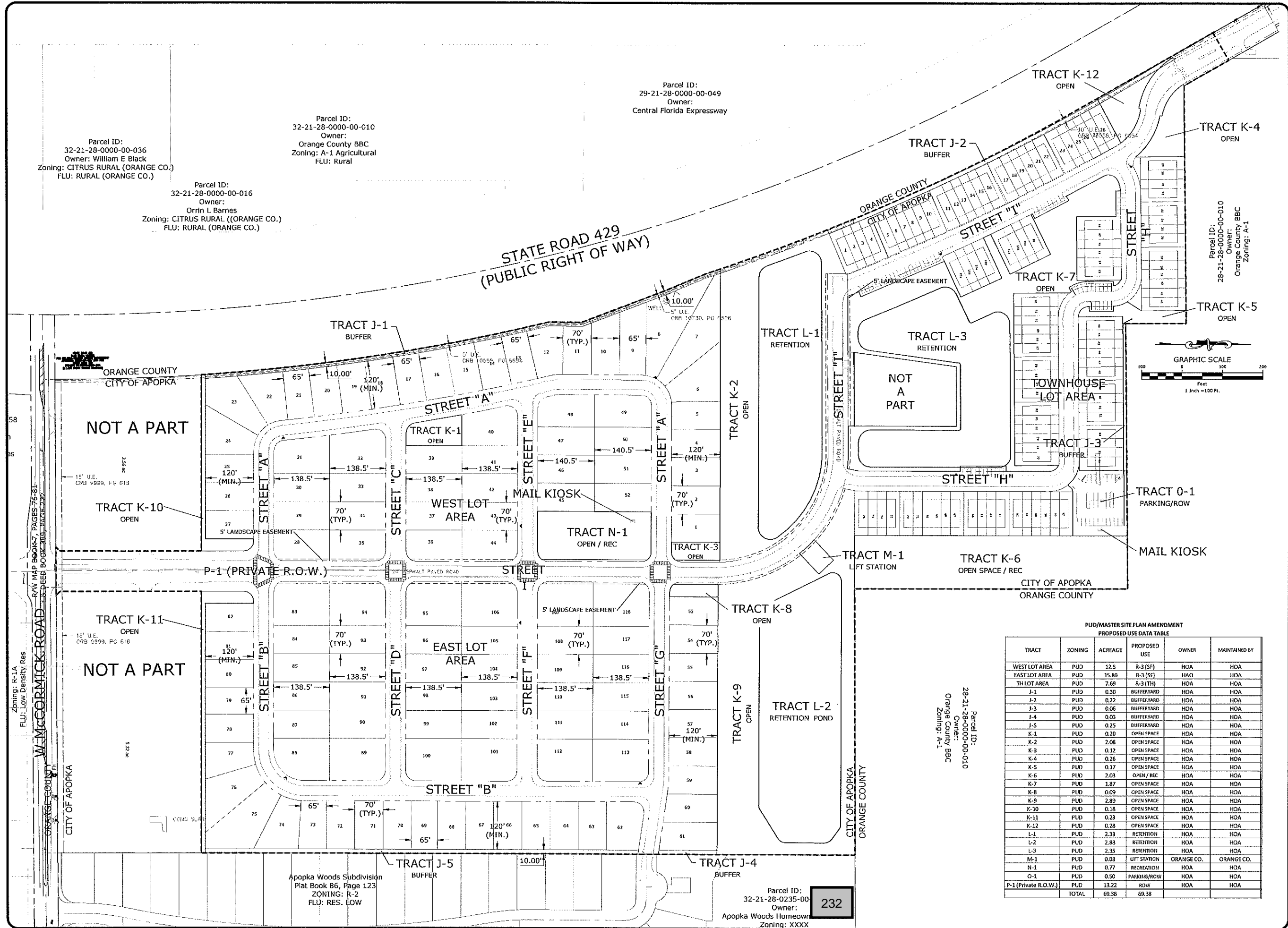
1:25000, 25801 - Oak Pointe Development, 100 S. Orange Avenue, Suite 100, Orlando, FL 32801. Printed on July 26, 2017 at 8:22am by jwheeler

Parcel ID:  
32-21-28-0000-00-036  
Owner: William E Black  
Zoning: CITRUS RURAL (ORANGE CO.)  
FLU: RURAL (ORANGE CO.)

Parcel ID:  
32-21-28-0000-00-016  
Owner:  
Orrin L Barnes  
Zoning: CITRUS RURAL ((ORANGE CO.)  
FLU: RURAL (ORANGE CO.)

Parcel ID:  
32-21-28-0000-00-010  
Owner:  
Orange County BBC  
Zoning: A-1 Agricultural  
FLU: Rural

Parcel ID:  
29-21-28-0000-00-049  
Owner:  
Central Florida Expressway



PUD/MASTER SITE PLAN AMENDMENT  
PROPOSED USE DATA TABLE

TRACT	ZONING	ACREAGE	PROPOSED USE	OWNER	MAINTAINED BY
WEST LOT AREA	PUD	12.5	R-3 (SF)	HOA	HOA
EAST LOT AREA	PUD	15.80	R-3 (SF)	HOA	HOA
TH LOT AREA	PUD	2.69	R-3 (TH)	HOA	HOA
J-1	PUD	0.30	BUFFERYARD	HOA	HOA
J-2	PUD	0.22	BUFFERYARD	HOA	HOA
J-3	PUD	0.05	BUFFERYARD	HOA	HOA
J-4	PUD	0.03	BUFFERYARD	HOA	HOA
J-5	PUD	0.25	BUFFERYARD	HOA	HOA
K-1	PUD	0.20	OPEN SPACE	HOA	HOA
K-2	PUD	2.08	OPEN SPACE	HOA	HOA
K-3	PUD	0.12	OPEN SPACE	HOA	HOA
K-4	PUD	0.26	OPEN SPACE	HOA	HOA
K-5	PUD	0.17	OPEN SPACE	HOA	HOA
K-6	PUD	2.03	OPEN / REC	HOA	HOA
K-7	PUD	1.87	OPEN SPACE	HOA	HOA
K-8	PUD	0.09	OPEN SPACE	HOA	HOA
K-9	PUD	2.89	OPEN SPACE	HOA	HOA
K-10	PUD	0.18	OPEN SPACE	HOA	HOA
K-11	PUD	0.23	OPEN SPACE	HOA	HOA
K-12	PUD	0.28	OPEN SPACE	HOA	HOA
L-1	PUD	2.33	RETENTION	HOA	HOA
L-2	PUD	2.88	RETENTION	HOA	HOA
L-3	PUD	2.35	RETENTION	HOA	HOA
M-1	PUD	0.08	LIFT STATION	ORANGE CO.	ORANGE CO.
N-1	PUD	0.77	RECREATION	HOA	HOA
O-1	PUD	0.50	PARKING/ROW	HOA	HOA
P-1 (Private R.O.W.)	PUD	13.22	ROW	HOA	HOA
TOTAL		69.38			

Parcel ID:  
29-21-28-0000-00-010  
Owner:  
Orange County BBC  
Zoning: A-1

Parcel ID:  
32-21-28-0235-00  
Owner:  
Apopka Woods Homeown  
Zoning: XXXX

232

REVISIONS

DATE	BY	REVISIONS
4-20-17	TW/MWK	REV PER DRC COMMENTS
6-26-17	JX/MWK	REV PER DRC COMMENTS

EVANS ENGINEERING, INC.  
CERTIFICATE OF  
AUTHORIZATION NO. 6788

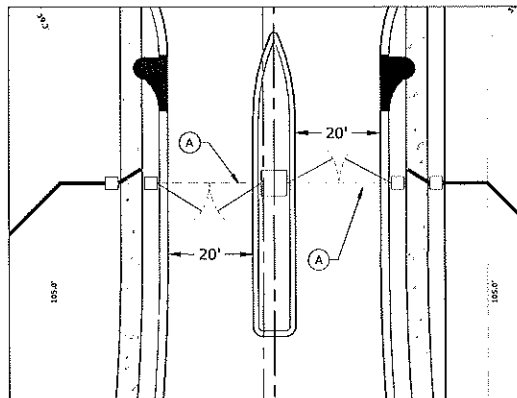
EVANS ENGINEERING, INC.  
LAND PLANNING  
PERMITTING SERVICES  
719 IRMA AVENUE  
ORLANDO, FLORIDA 32803  
(407) 872-1515  
www.evansenginc.com  
FLORIDA P.L. NO. 4438  
DATE: JULY 26, 2017

OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
FLORIDA  
CITY OF APOPKA.

MASTER SITE PLAN

DRAWN:  
TW / MWK  
CHECKED:  
MPG  
DATE:  
JULY 2017  
SCALE:  
1" = 100'  
JOB #:  
25801  
SHEET #:  
40





EMERGENCY ACCESS DETAIL  
(FRONT GATE)

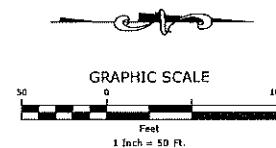
NOTES:

1. EMERGENCY ACCESS GATES TO BE INSTALLED WITH OPTICON SYSTEM, YELP SENSOR, AND KEYPAD. TWO YELP SENSORS TO BE INSTALLED AT EACH GATE, ONE HIGH (6'+) AND ONE LOW (3').

KEY NOTES:

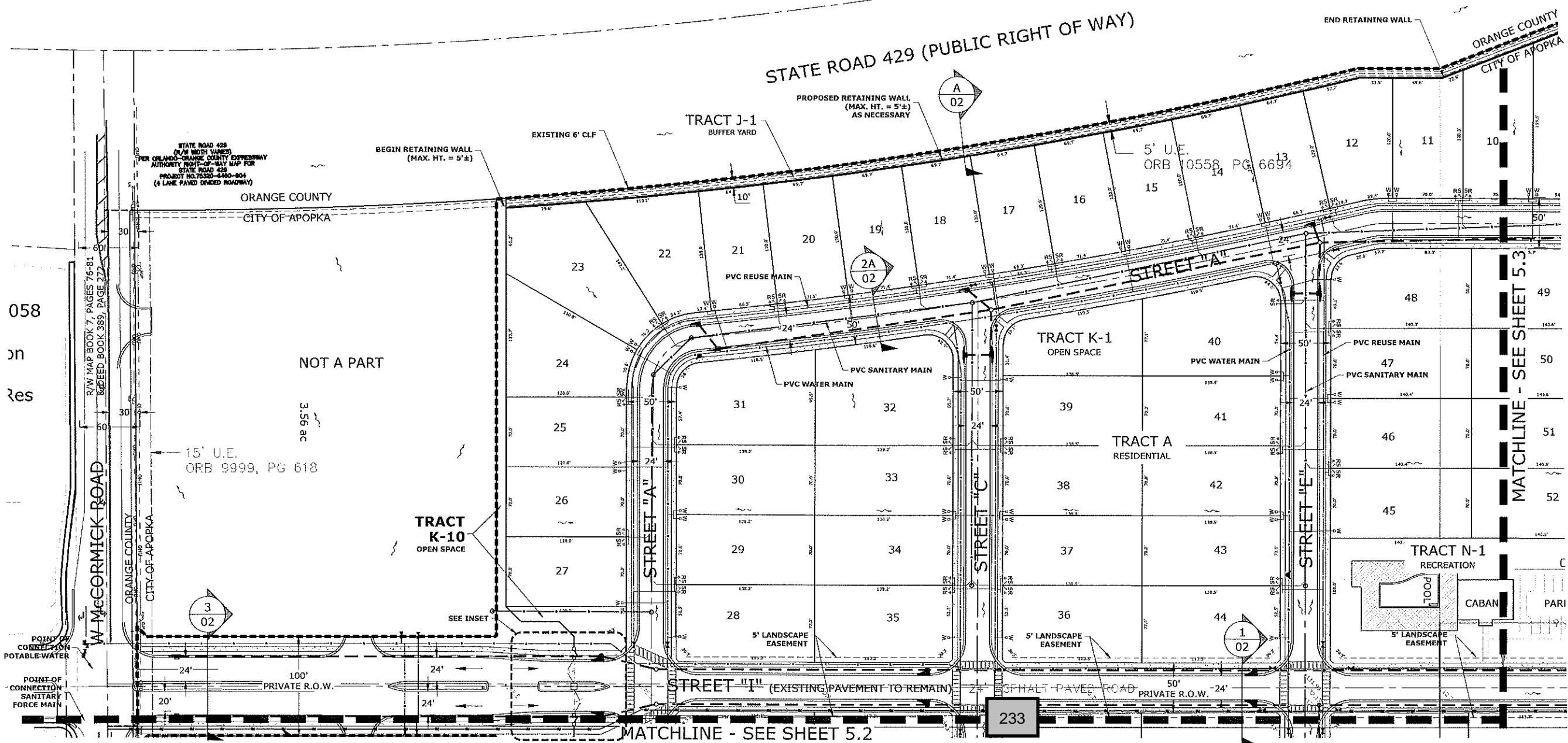
(A) EMERGENCY ACCESS GATE (SEE NOTE 1)

Parcel ID:  
32-21-28-0000-00-016  
Owner:  
Orrin L Barnes  
Zoning: CITRUS RURAL ((ORANGE CO.)  
FLU: RURAL (ORANGE CO.)



LEGEND:

- UTILITIES
- STORM SEWER
  - SANITARY SEWER
  - SANITARY FORCE MAIN
  - WATER MAIN
  - 6" HOA/COMMON AREA SLEEVES
  - PROPOSED SANITARY MANHOLE
  - ▲ PROPOSED CURB INLETS
  - ▲ PROPOSED DITCH BOTTOM INLETS
  - PROPOSED DRAINAGE MANHOLE
  - PROPOSED MITERED END SECTION
  - PROPOSED HYDRANT ASSEMBLY
  - PROPOSED IRRIGATION METER
  - PROPOSED SINGLE AND DOUBLE SANITARY CONNECTION
  - PROPOSED GATE VALVE
  - PROPOSED REDUCER
  - SANITARY LIFT STATION



DATE	REVISIONS	BY	CHK
4-20-17	REV PER DRC COMMENTS	TVMWK	
6-26-17	REV PER DRC COMMENTS	MJMKK	

EVANS ENGINEERING, INC.  
CERTIFICATE OF AUTHORIZATION NO. 6788  
DATE: JUL 26, 2017

ORRIN L. BARNES  
FLORIDA P.E. NO. 46366  
DATE: JUL 26, 2017

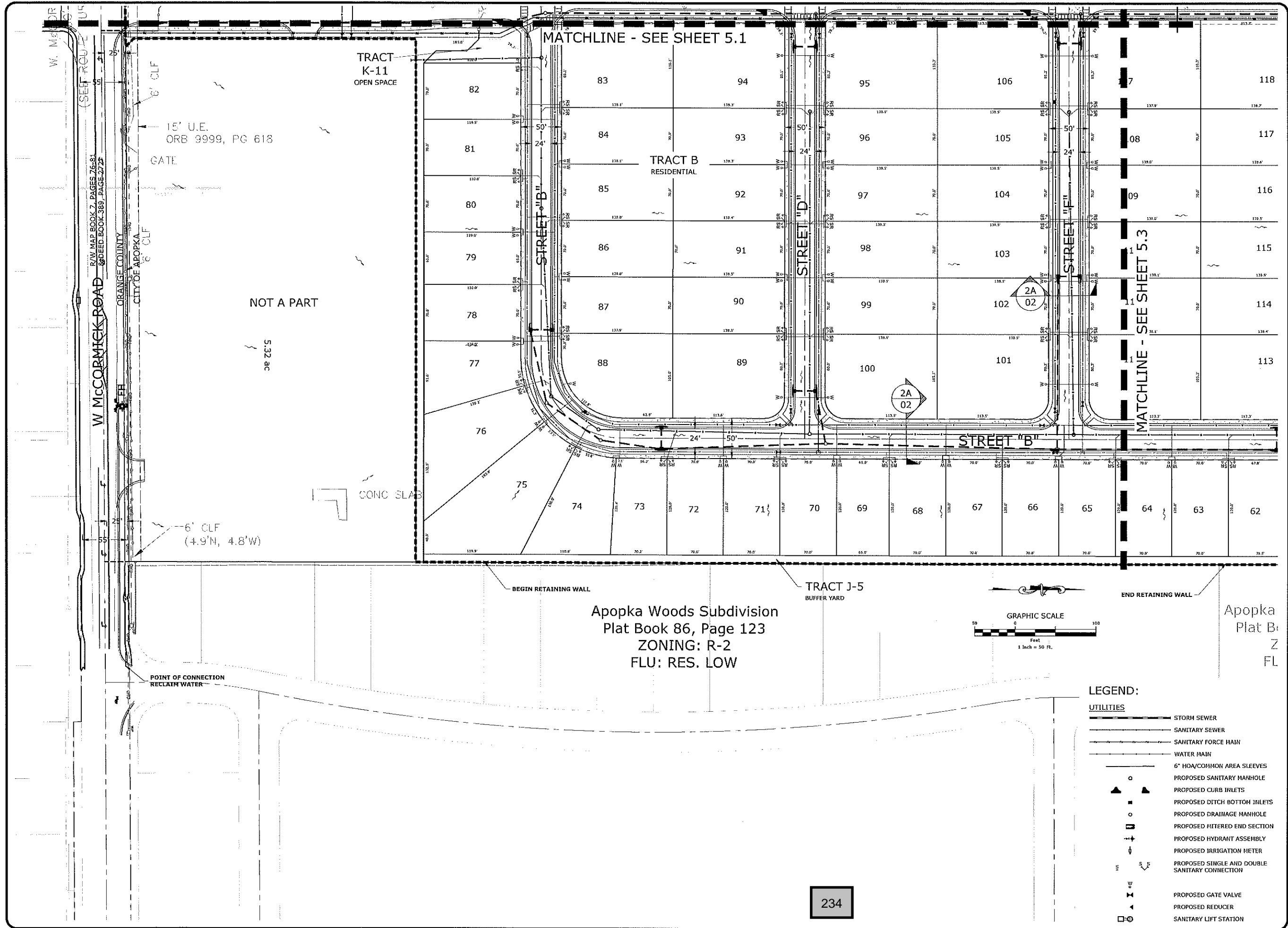
**EVANS ENGINEERING, INC.**  
LAND PLANNING PERMITTING SERVICES  
719 IRMA AVENUE  
ORLANDO, FLORIDA 32803  
(407) 872-1515  
WWW.EVANSENGINEERING.COM  
CERTIFICATE OF AUTHORIZATION NO. 0008788

OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
CITY OF APOPKA, FLORIDA

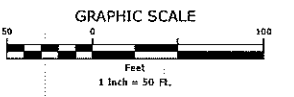
PRELIMINARY  
DEVELOPMENT PLAN

DRAWN: TVW / MWK  
CHECKED: MPG  
DATE: JULY 2017  
SCALE: 1" = 60'  
JOB #: 25801  
SHEET #:

51  
OF SHEETS



Apopka Woods Subdivision  
 Plat Book 86, Page 123  
 ZONING: R-2  
 FLU: RES. LOW



- LEGEND:**
- UTILITIES**
- STORM SEWER
  - SANITARY SEWER
  - SANITARY FORCE MAIN
  - WATER MAIN
  - 6" HOA/COMMON AREA SLEEVES
  - PROPOSED SANITARY MANHOLE
  - PROPOSED CURB INLETS
  - PROPOSED DITCH BOTTOM INLETS
  - PROPOSED DRAINAGE MANHOLE
  - PROPOSED MITERED END SECTION
  - PROPOSED HYDRANT ASSEMBLY
  - PROPOSED IRRIGATION METER
  - PROPOSED SINGLE AND DOUBLE SANITARY CONNECTION
  - PROPOSED GATE VALVE
  - PROPOSED REDUCER
  - SANITARY LIFT STATION

DATE	REVISIONS
4-20-17	REV PER DRC COMMENTS
6-26-17	REV PER DRC COMMENTS

EVANS ENGINEERING, INC.  
 CERTIFICATE OF AUTHORIZATION NO. 6786  
 DAVID L. EVANS  
 FLORIDA P.E. NO. 44586  
 DATE: JULY 26, 2017

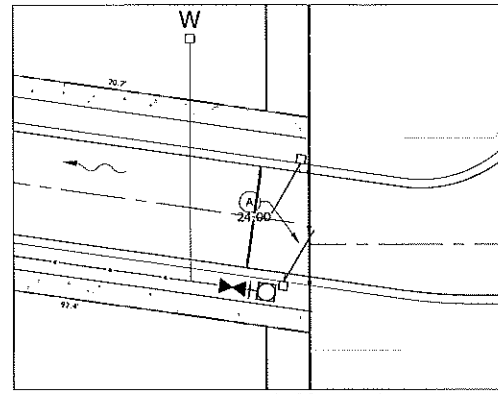
**EVANS ENGINEERING, INC.**  
 LAND PLANNING PERMITTING SERVICES  
 719 IRMA AVENUE  
 ORLANDO, FLORIDA 32803  
 (407) 872-1515  
 WWW.EVANSENGINEERING.COM  
 CERTIFICATE OF AUTHORIZATION NO. 0006786

OAK POINTE  
 FOR  
 THOMPSON HILLS ESTATES LLC  
 CITY OF APOPKA, FLORIDA

PRELIMINARY  
 DEVELOPMENT PLAN

DRAWN:  
**TWV / MWK**  
 CHECKED:  
**MPG**  
 DATE:  
**JULY 2017**  
 SCALE:  
**1" = 50'**  
 JOB #:  
**25801**  
 SHEET #:

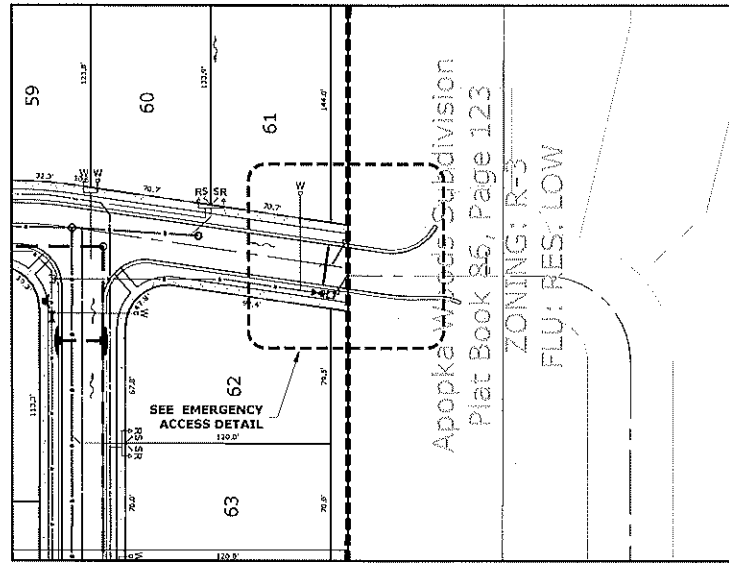
**5.2**  
 OF SHEETS



EMERGENCY ACCESS DETAIL  
(APOPKA WOODS ENTRY)  
N.T.S.

NOTES:  
1. EMERGENCY ACCESS GATES TO BE INSTALLED WITH OPTICON SYSTEM, YELP SENSOR, AND KEYPAD. TWO YELP SENSORS TO BE INSTALLED AT EACH GATE, ONE HIGH (6'+) AND ONE LOW (3').

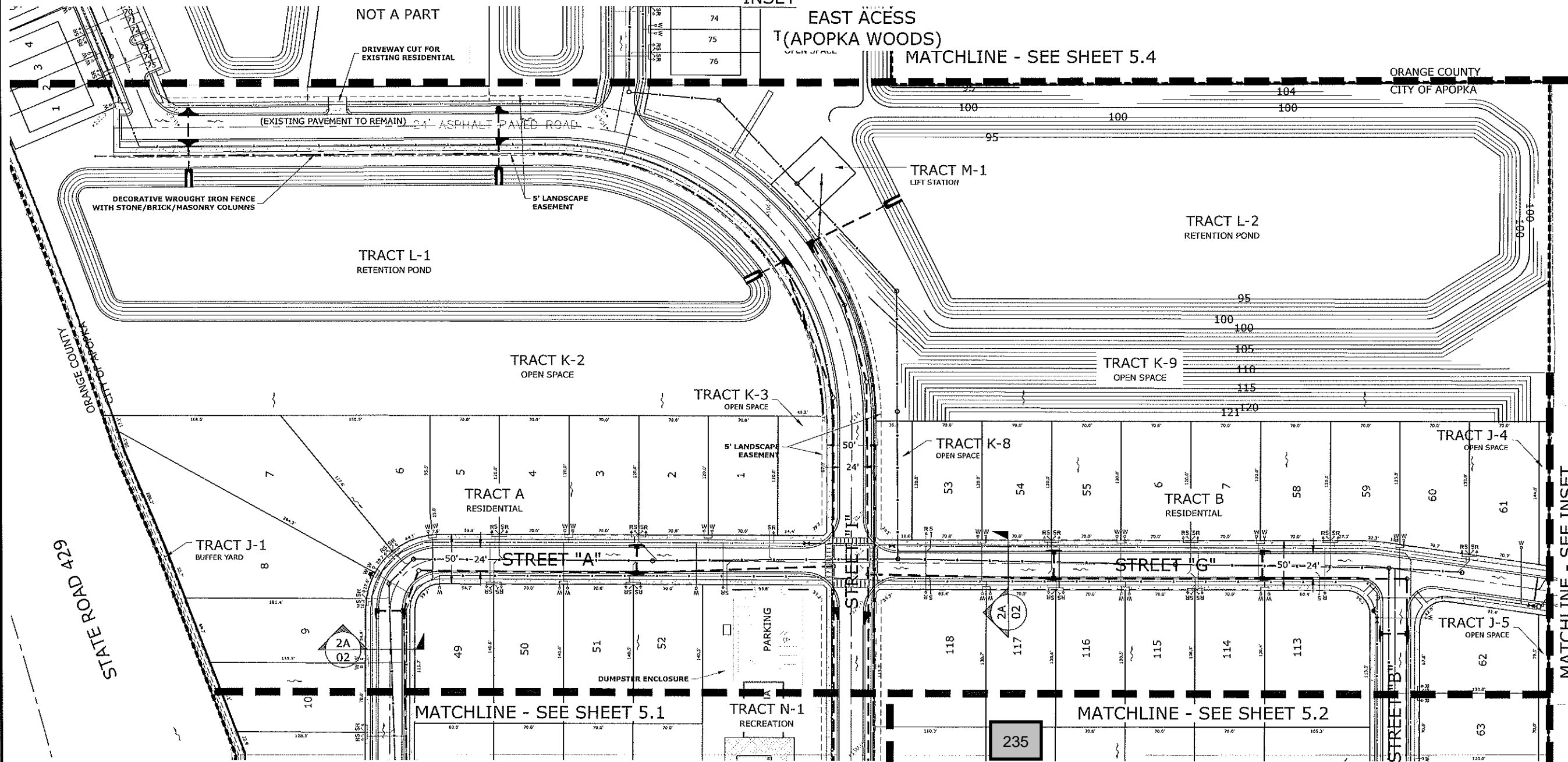
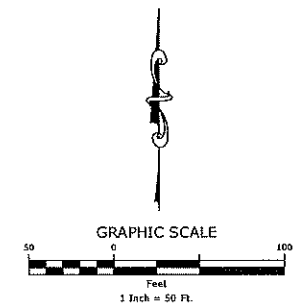
KEY NOTES:  
A EMERGENCY ACCESS GATE (SEE NOTE 1)



INSET

LEGEND:

- UTILITIES
- STORM SEWER
  - SANITARY SEWER
  - SANITARY FORCE MAIN
  - WATER MAIN
  - 6" HOA/COMMON AREA SLEEVES
  - PROPOSED SANITARY MANHOLE
  - PROPOSED CURB INLETS
  - PROPOSED DITCH BOTTOM INLETS
  - PROPOSED DRAINAGE MANHOLE
  - PROPOSED MITERED END SECTION
  - PROPOSED HYDRANT ASSEMBLY
  - PROPOSED IRRIGATION METER
  - PROPOSED SINGLE AND DOUBLE SANITARY CONNECTION
  - PROPOSED GATE VALVE
  - PROPOSED REDUCER
  - SANITARY LIFT STATION



DATE	REVISIONS	BY
4-20-17	REV PER DRC COMMENTS	TW/MWK
6-26-17	REV PER DRC COMMENTS	JW/MWK

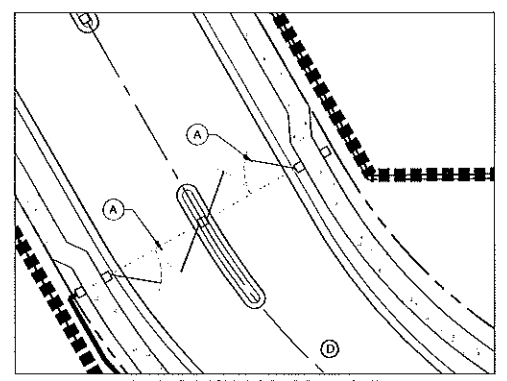
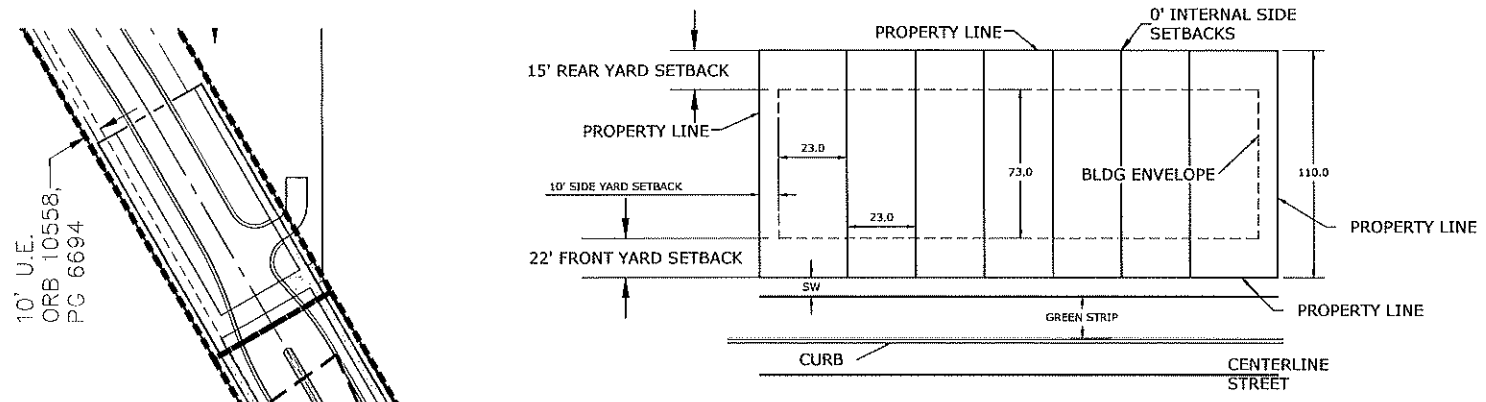
EVANS ENGINEERING, INC.  
CERTIFICATE OF AUTHORIZATION NO. 0786  
LAND PLANNING PERMITTING SERVICES  
719 IRMA AVENUE  
ORLANDO, FLORIDA 32803  
(407) 872-1515  
WWW.EVANSENGINEERING.COM  
DATE: JUL 26, 2017

**EVANS ENGINEERING, INC.**  
LAND PLANNING PERMITTING SERVICES  
719 IRMA AVENUE  
ORLANDO, FLORIDA 32803  
(407) 872-1515  
WWW.EVANSENGINEERING.COM  
CERTIFICATE OF AUTHORIZATION NO. 0808785

OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
FLORIDA  
CITY OF APOPKA

PRELIMINARY  
DEVELOPMENT PLAN

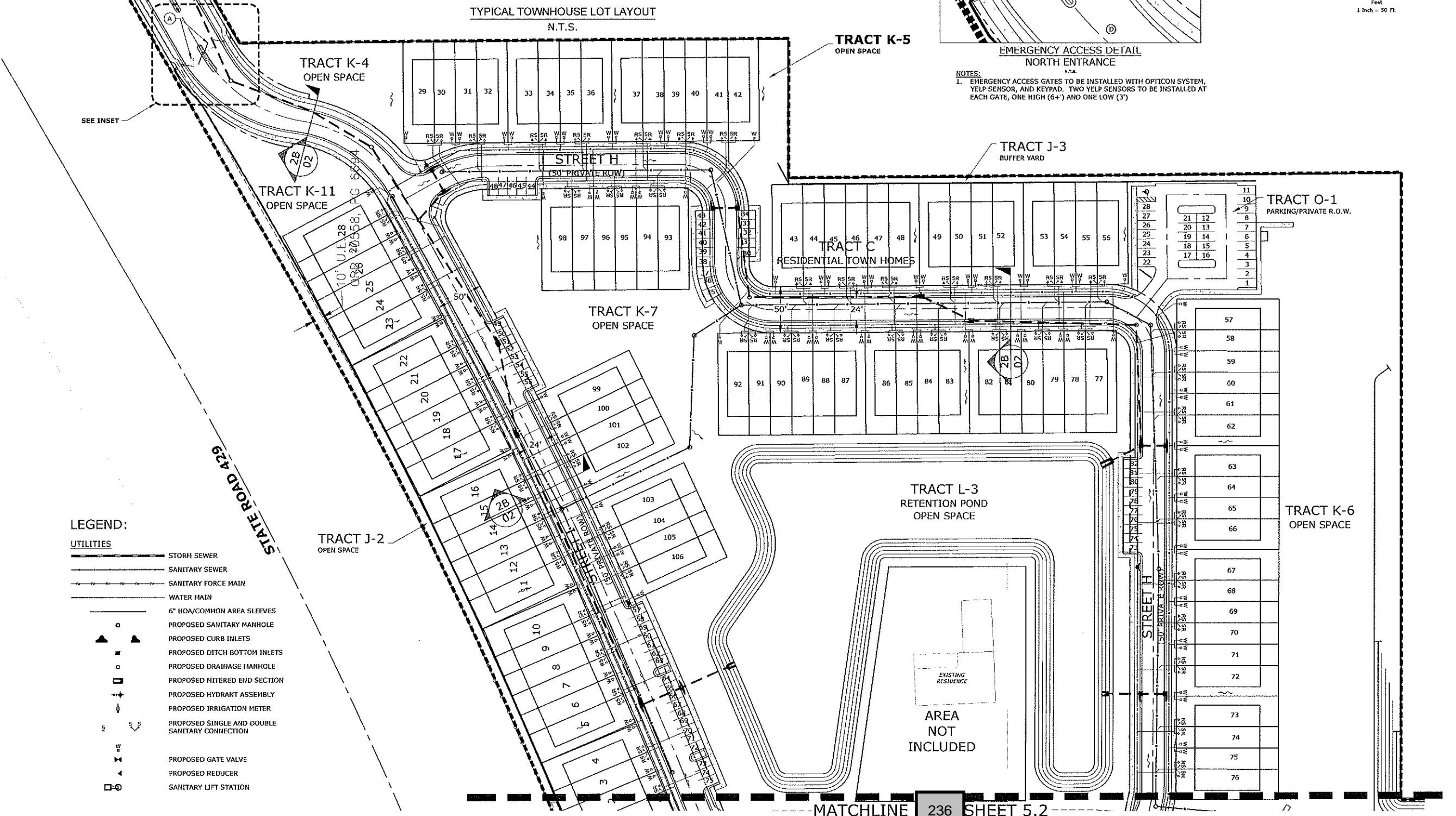
DRAWN: TW / MWK  
CHECKED: MPG  
DATE: JULY 2017  
SCALE: 1" = 50'  
JOB #: 25801  
SHEET #:



**KEY NOTES:**  
 (A) EMERGENCY ACCESS GATE (SEE NOTE 1)

**GRAPHIC SCALE**  
 0 50 100  
 Feet  
 1 Inch = 50 Ft.

**NOTES:**  
 1. EMERGENCY ACCESS GATES TO BE INSTALLED WITH OPTICON SYSTEM, YELP SENSOR, AND KEYPAD. TWO YELP SENSORS TO BE INSTALLED AT EACH GATE, ONE HIGH (6'+) AND ONE LOW (3')



- LEGEND:**
- UTILITIES**
- STORM SEWER
  - SANITARY SEWER
  - SANITARY FORCE MAIN
  - WATER MAIN
  - 6" HOA/Common Area Sleeves
  - ▲ PROPOSED SANITARY MANHOLE
  - ▲ PROPOSED CURB INLETS
  - ▲ PROPOSED DITCH BOTTOM INLETS
  - PROPOSED DRAINAGE MANHOLE
  - ▲ PROPOSED MITERED END SECTION
  - ▲ PROPOSED HYDRANT ASSEMBLY
  - PROPOSED IRRIGATION METER
  - PROPOSED SINGLE AND DOUBLE SANITARY CONNECTION
  - ▲ PROPOSED GATE VALVE
  - ▲ PROPOSED REDUCER
  - PROPOSED SANITARY LIFT STATION

MATCHLINE 236 SHEET 5.2

DATE	REVISIONS
4-20-17	REV PER DDC COMMENTS
6-26-17	REV PER DDC COMMENTS

EVANS ENGINEERING, INC.  
 CERTIFICATE OF AUTHORIZATION NO. 6788

DAVID L. EVANS  
 LICENSE NO. 44688  
 FLORIDA P.E. NO. 44688  
 DATE: Jul 26, 2017

**EVANS ENGINEERING, INC.**  
 LAB PLANNING PERMITTING SERVICES  
 719 IRMA AVENUE 32803  
 ORLANDO, FLORIDA (407) 872-1515  
 WWW.EVANSENGINEERING.COM  
 CERTIFICATE OF AUTHORIZATION NO. 0006788

OAK POINTE  
 FOR  
 THOMPSON HILLS ESTATES LLC  
 CITY OF APOPKA, FLORIDA

PRELIMINARY  
 DEVELOPMENT PLAN

DRAWN: TVW / MWK  
 CHECKED: MPG  
 DATE: JULY 2017  
 SCALE: 1" = 50'  
 JOB #: 26801  
 SHEET #:

**54**  
 OF SHEETS

**MASTER SIGNAGE PLAN NOTES:**

THE FOLLOWING CRITERIA HAS BEEN ESTABLISHED BASED ON SECTION 8.4.02 AND SPECIFICALLY SECTIONS A-H. A MONUMENT SIGN WITHIN THE LANDSCAPED ISLAND IS PROPOSED AT THE PROJECT'S ENTRANCE. AS SHOWN ON THE MASTER PLAN THE FOLLOWING TABLE HAS BEEN PREPARED TO DETERMINE MAXIMUM SIGNAGE HEIGHT AND AREA.

**ROAD SUMMARY:**

McCORMICK RD - WITH 2 OUT PARCELS  
 BASED ON THESE CRITERIA WE HAVE TABULATED TOTAL PROJECT SIGN AREA AND LOCATION AND IS AS FOLLOWS:

**SIGN #1**  
 McCORMICK RD. - 100 S.F. MAX. BASED ON 300' STREET FRONTAGE + 20 S.F. FOR MULTI-USE CENTER OR 120 S.F.

**SIGNS #2 & 3:**  
 OUT PARCELS - 2 OUT PARCELS AT 50 S.F. EACH OR 100 S.F.  
**TOTAL SIGN AREA 220 S.F.**

**SIGN #4 & #5:**  
 ENTRANCE FEATURE SIGN BETWEEN TWO ADJACENT RESIDENTIAL NEIGHBORHOODS. SEC 2.02.18 (K)(2).

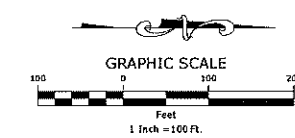
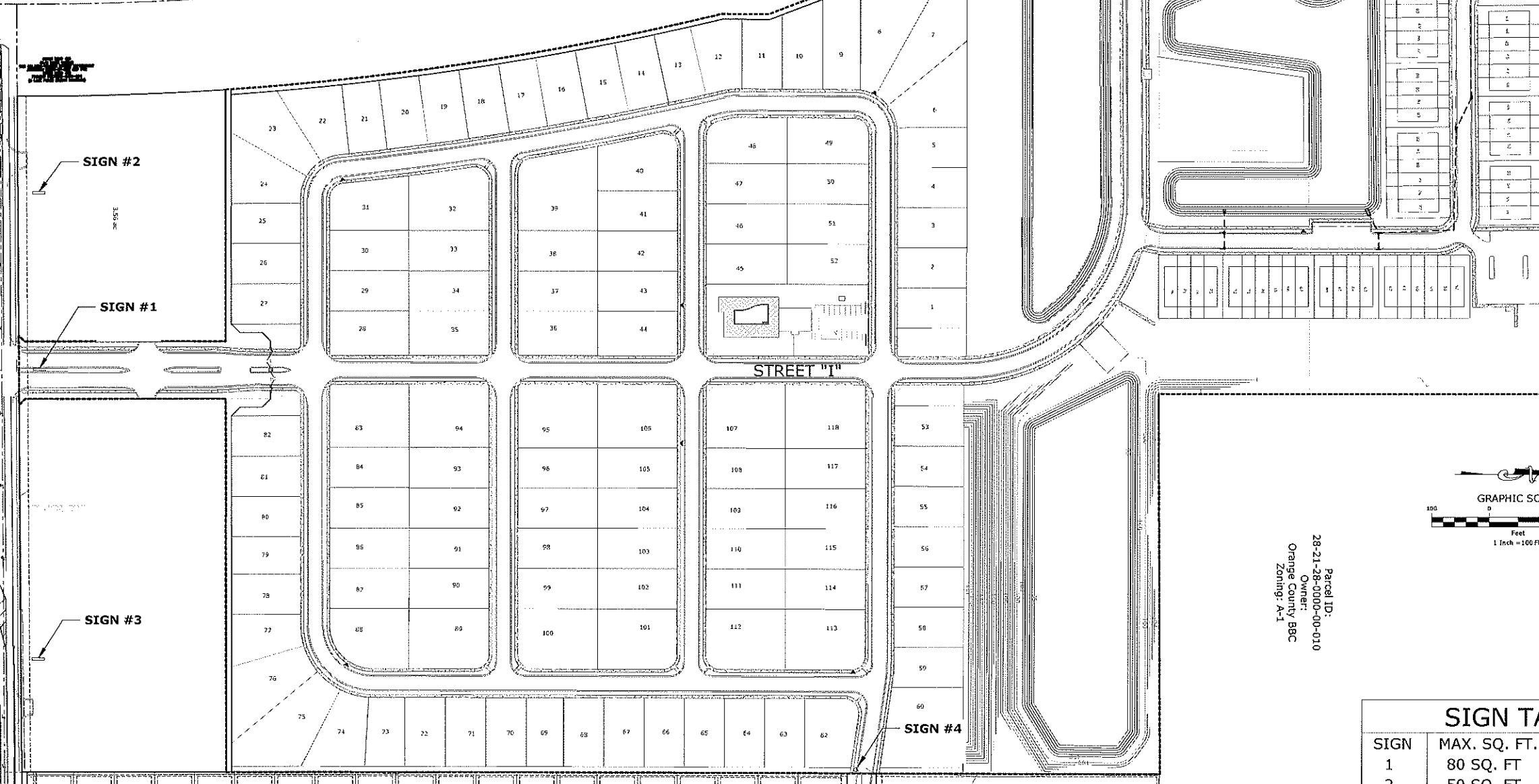
THE HEIGHT OF THE STRUCTURE FOR THE MONUMENT SIGN MAY BE 9' MAXIMUM; HOWEVER, SIGN FACE HEIGHT LIMITATION IS 8'. THE DEVELOPER RESERVES THE RIGHT TO COMINGLE OUT PARCEL AND MONUMENT SIGNAGE BASED ON ACTUAL TENANT.  
 FLU: RURAL (ORANGE CO.)

Parcel ID:  
 29-21-28-0000-00-049  
 Owner:  
 Central Florida Expressway

**STATE ROAD 429**  
 (RIGHT OF WAY VARIES)

**SIGN #5**

ID:  
 1-00-058  
 r:  
 amilton  
 R-1A  
 City Res



Parcel ID:  
 28-21-28-0000-00-010  
 Owner:  
 Orange County BBC  
 Zoning: A-1

Apopka Woods Subdivision  
 Plat Book 86, Page 123  
 ZONING: R-2  
 FLU: RES. LOW

Parcel ID:  
 32-21-28-0235-00-004  
 Owner:  
 Apopka Woods H  
 Zoning: X  
 FLU: X

SIGN TABLE		
SIGN	MAX. SQ. FT.	MAX. HEIGHT
1	80 SQ. FT.	8 FT.
2	50 SQ. FT.	6 FT.
3	50 SQ. FT.	6 FT.
4	50 SQ. FT.	8 FT.
5	50 SQ. FT.	8 FT.

DATE	REVISIONS	BY
4-20-17	REV PER DRC COMMENTS	TW/MWK
6-26-17	REV PER DRC COMMENTS	JAK/HWK

EVANS ENGINEERING, INC.  
 CERTIFICATE OF AUTHORIZATION NO. 0788  
 DAVID L. EVANS  
 FLORIDA, P.E. 00049386  
 DATE: JULY 26, 2017

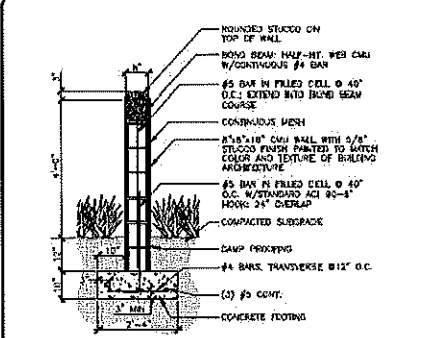
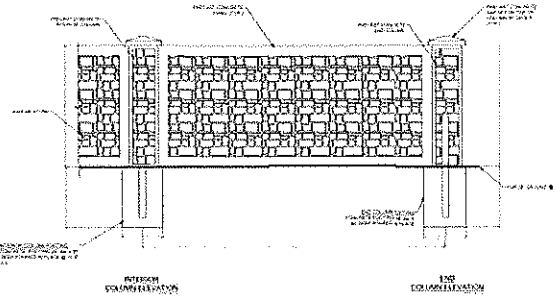
**EVANS ENGINEERING, INC.**  
 CIVIL ENGINEERING LAND PLANNING PERMITTING SERVICES  
 719 IRMA AVENUE  
 ORLANDO, FLORIDA 32803  
 (407) 872-1515  
 WWW.EVANSENGINEERING.COM  
 CERTIFICATE OF AUTHORIZATION NO. 00008788

OAK POINTE  
 FOR  
 THOMPSON HILLS ESTATES LLC  
 CITY OF APOPKA, FLORIDA

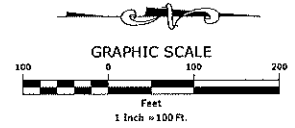
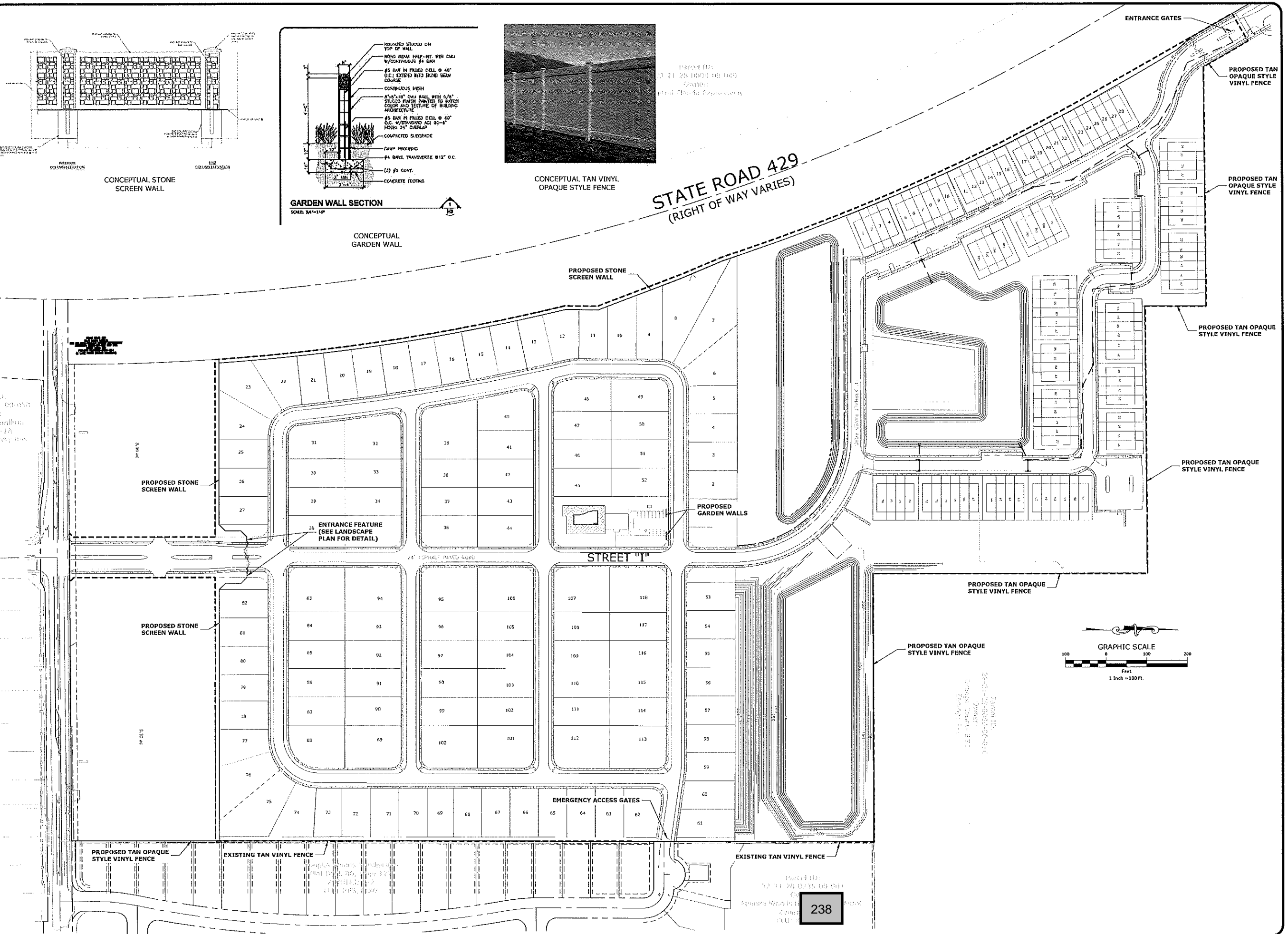
PRELIMINARY DEVELOPMENT PLAN  
 MASTER SIGNAGE PLAN

DRAWN:  
 TVW / MWK  
 CHECKED:  
 MPO  
 DATE:  
 JULY 2017  
 SCALE:  
 1" = 100'  
 JOB #:  
 25801  
 SHEET #:

**60**  
 OF SHEETS



STATE ROAD 429  
(RIGHT OF WAY VARIES)



DATE	BY	REVISIONS
4-20-17	TVW/MWK	REV PER DRC COMMENTS
6-26-17	JW/MWK	REV PER DRC COMMENTS

EVANS ENGINEERING, INC.  
CERTIFICATE OF AUTHORIZATION NO. 6788

DAVID L. BAKER  
REGISTERED PROFESSIONAL ENGINEER  
DATE: JUL 26, 2017

**EVANS ENGINEERING, INC.**  
LAND PLANNING PERMITTING SERVICES  
ORLANDO, FLORIDA 32803  
(407) 872-1515  
www.evansenginc.com

OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
FLORIDA  
CITY OF APOPKA

PRELIMINARY  
DEVELOPMENT PLAN  
MASTER  
FENCE / WALL PLAN

DRAWN: TVW / MWK  
CHECKED: MPG  
DATE: JULY 2017  
SCALE: 1" = 100'  
JOB #: 25801  
SHEET #:

**70**  
OF SHEETS

ORANGE COUNTY

FIRE FLOW CALCULATIONS:

PER CHAPTER 18, NFPA 1, 2009 EDITION

CONSTRUCTION TYPE	AREA (sf)	FF REQUIRED (gpm)	R13 SPRINKLER (75% REDUCTION-gpm)	FF PROVIDED (gpm)
COMMERCIAL (NOT A PART)	56,345	5,000	1,250	1,250
SINGLE FAMILY (TRACT A & B)	8,400	2,500	625	1,000
TOWNHOMES (TRACT C)	2,530	1,500	375	1,000

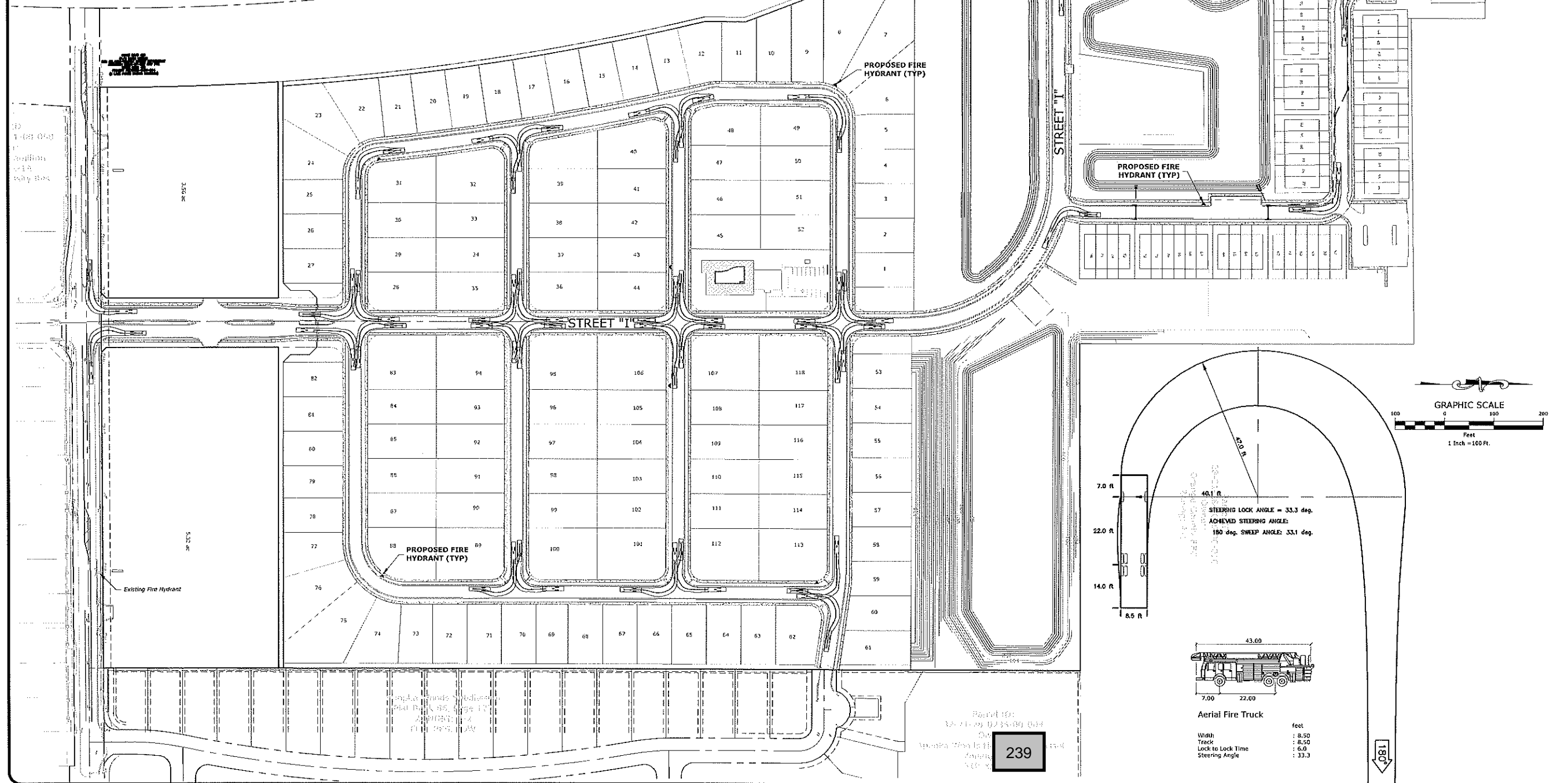
NUMBER OF FIRE HYDRANTS (ALL BUILDINGS)	MIN NUMBER OF HYDRANTS	AVE SPACING BETWEEN HYDRANTS (FT)	MAX DISTANCE FROM ANY POINT ON STREET FRONTAGE (FT)
FIRE FLOW - 1,750 OR LESS	1	500	250
FIRE FLOW - 2,000-2,250 GPM	2	450	225

NOTES: MINIMUM FIRE FLOW FOR COMMERCIAL BUILDINGS PER ORANGE COUNTY FIRE IS 2,000 GPM. BUILDINGS EQUIPPED WITH AUTOMATIC SPRINKLER SYSTEMS SHALL CONFORM TO NFPA STANDARDS.

Orange County  
Zoning: CITRUS RURAL (ORANGE CO.)  
THE BURLINGTON CO.

STATE ROAD 429  
(RIGHT OF WAY VARIES)

Sheet ID:  
11-21-28-0000-00-009  
Owner:  
Central Florida Properties, LLC



DATE	REVISIONS	BY
4-20-17	1. REV PER DRC COMMENTS	TVW/MWK
6-24-17	2. REV PER DRC COMMENTS	MWK

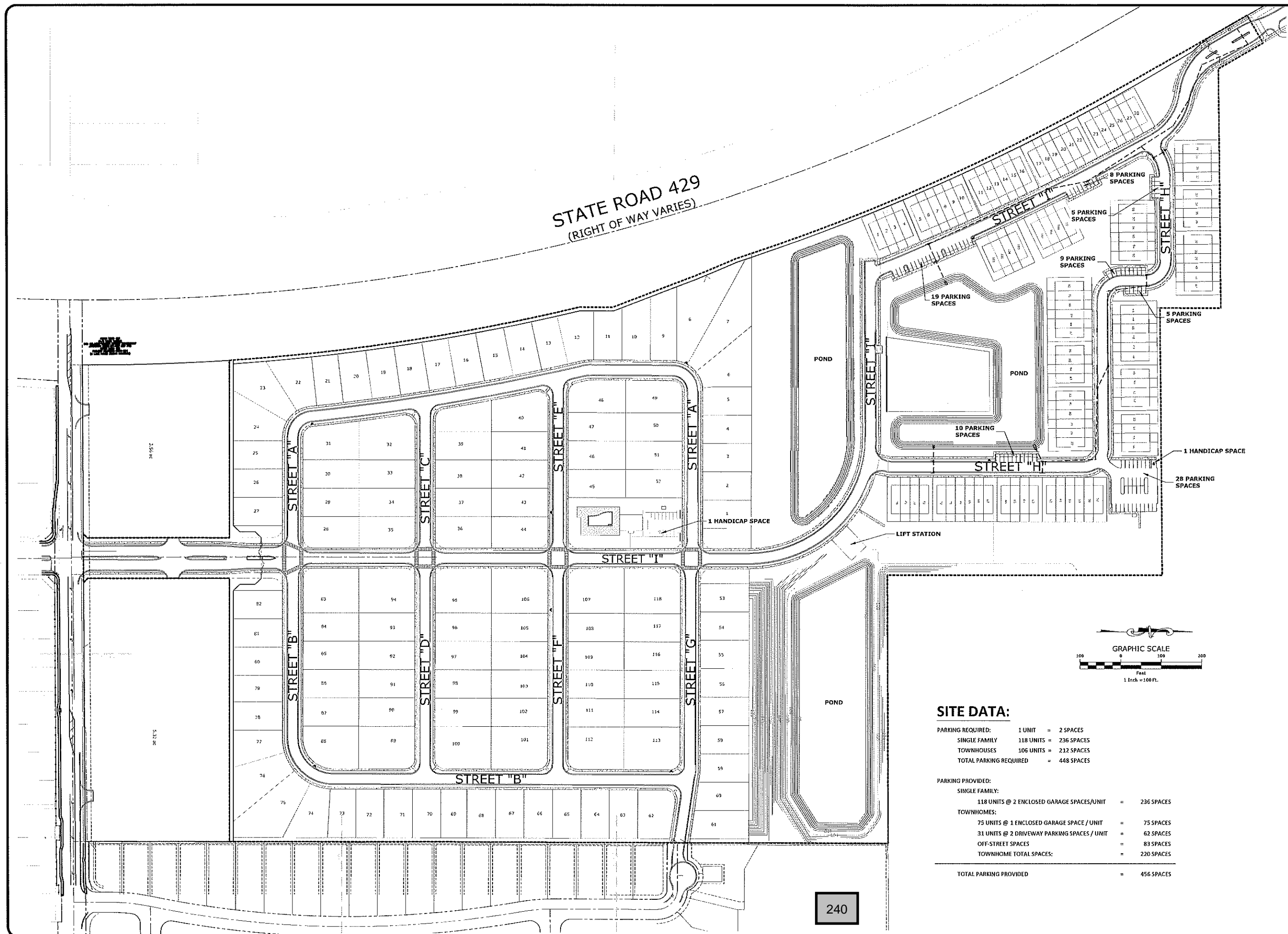
EVANS ENGINEERING, INC.  
CERTIFICATE OF AUTHORIZATION NO. 6789  
DAVID L. EVANS  
FLORIDA P.E. NO. 46586  
DATE: JUL 26, 2017

**EVANS ENGINEERING, INC.**  
LAND PLANNING PERMITTING SERVICES  
719 IRMA AVENUE  
ORLANDO, FLORIDA 32803  
(407) 872-1515  
www.evansenginc.com  
CERTIFICATE OF AUTHORIZATION NO. 00006789

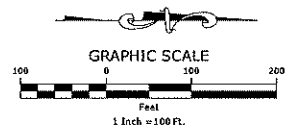
OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
FLORIDA  
CITY OF APOPKA

PRELIMINARY  
DEVELOPMENT PLAN  
FIRE ACCESS PLAN

DRAWN:  
TVW / MWK  
CHECKED:  
MPG  
DATE:  
JULY 2017  
SCALE:  
1" = 100'  
JOB #:  
25801  
SHEET #:  
80  
OF SHEETS



STATE ROAD 429  
(RIGHT OF WAY VARIES)



**SITE DATA:**

PARKING REQUIRED:	1 UNIT	=	2 SPACES
SINGLE FAMILY	118 UNITS	=	236 SPACES
TOWNHOUSES	106 UNITS	=	212 SPACES
TOTAL PARKING REQUIRED		=	448 SPACES
PARKING PROVIDED:			
SINGLE FAMILY:	118 UNITS @ 2 ENCLOSED GARAGE SPACES/UNIT	=	236 SPACES
TOWNHOUSES:	75 UNITS @ 1 ENCLOSED GARAGE SPACE / UNIT	=	75 SPACES
	31 UNITS @ 2 DRIVEWAY PARKING SPACES / UNIT	=	62 SPACES
	OFF-STREET SPACES	=	83 SPACES
	TOWNHOME TOTAL SPACES:	=	220 SPACES
TOTAL PARKING PROVIDED		=	456 SPACES

240

DATE	REVISIONS	BY
4-20-17	REV PER DRC COMMENTS	TVW/MWK
6-16-17	REV PER DRC COMMENTS	JAP/MWK

EVANS ENGINEERING, INC.  
CERTIFICATE OF AUTHORIZATION NO. 0788  
  
DAVID L. EVANS  
FLORIDA P.E. NO. 46886  
DATE: Jul 26, 2017

**EVANS ENGINEERING, INC.**  
LAND PLANNING PERMITTING SERVICES  
718 IRMA AVENUE 32803  
ORLANDO, FLORIDA 32803  
(407) 872-1615  
WWW.EVANSENGINEERING.COM  
CERTIFICATE OF AUTHORIZATION NO. 00006788

OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
CITY OF APOPKA, FLORIDA

PRELIMINARY DEVELOPMENT PLAN  
PARKING ANALYSIS PLAN

DRAWN: TVW / MWK  
CHECKED: MPQ  
DATE: JULY 2017  
SCALE: 1" = 100'  
JOB #: 25801  
SHEET #:



All ideas, designs, arrangements and plans indicated or represented by this drawing are owned by and the property of SCHWEIZER BOJACK LANDSCAPE ARCHITECTURE LLC and were created, evolved and developed for the use on and connection with this specific project.



SCHWEIZER  
BOJACK  
LANDSCAPE  
ARCHITECTURE  
LANDSCAPE & IRRIGATION DESIGN  
PO BOX 94833 • MIAMI, FLORIDA 33174 • PH: (407) 374-423  
LICENSE NO. LC2002487 • DESIGN@SCHWEIZERBOJACK.COM

STATE ROAD 429

MATCHLINE - SEE SHEET L-2

MATCHLINE - SEE SHEET L-2

EXISTING TREE TO BE PRESERVED

HATCHING INDICATES  
LIMITS OF TREE REMOVAL

EXISTING TREES  
TO BE PRESERVED

HATCHING INDICATES  
LIMITS OF TREE REMOVAL

TREE LOCATION  
AND NUMBER  
(TYP)

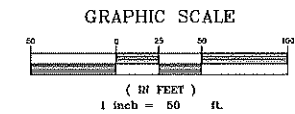
THIS PARCEL IS  
NOT INCLUDED  
(FUTURE COMMERCIAL)

THIS PARCEL IS  
NOT INCLUDED  
(FUTURE COMMERCIAL)

W. MCCORMICK ROAD  
(60' R/W)

241

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# TREE REMOVAL PLAN

(SHEET 1 OF 4)

LANDSCAPE & 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

OAK POINTE - PUD / MASTER PLAN  
1527 W. MCCORMICK ROAD - CITY OF APOPKA, FL 32703

- 7/21/17
- 6/23/17
- 5/17/17
- 5/01/17
- 4/12/17
- 1/31/17

DRAWN BY: KB

SHEET NUMBER

L-1

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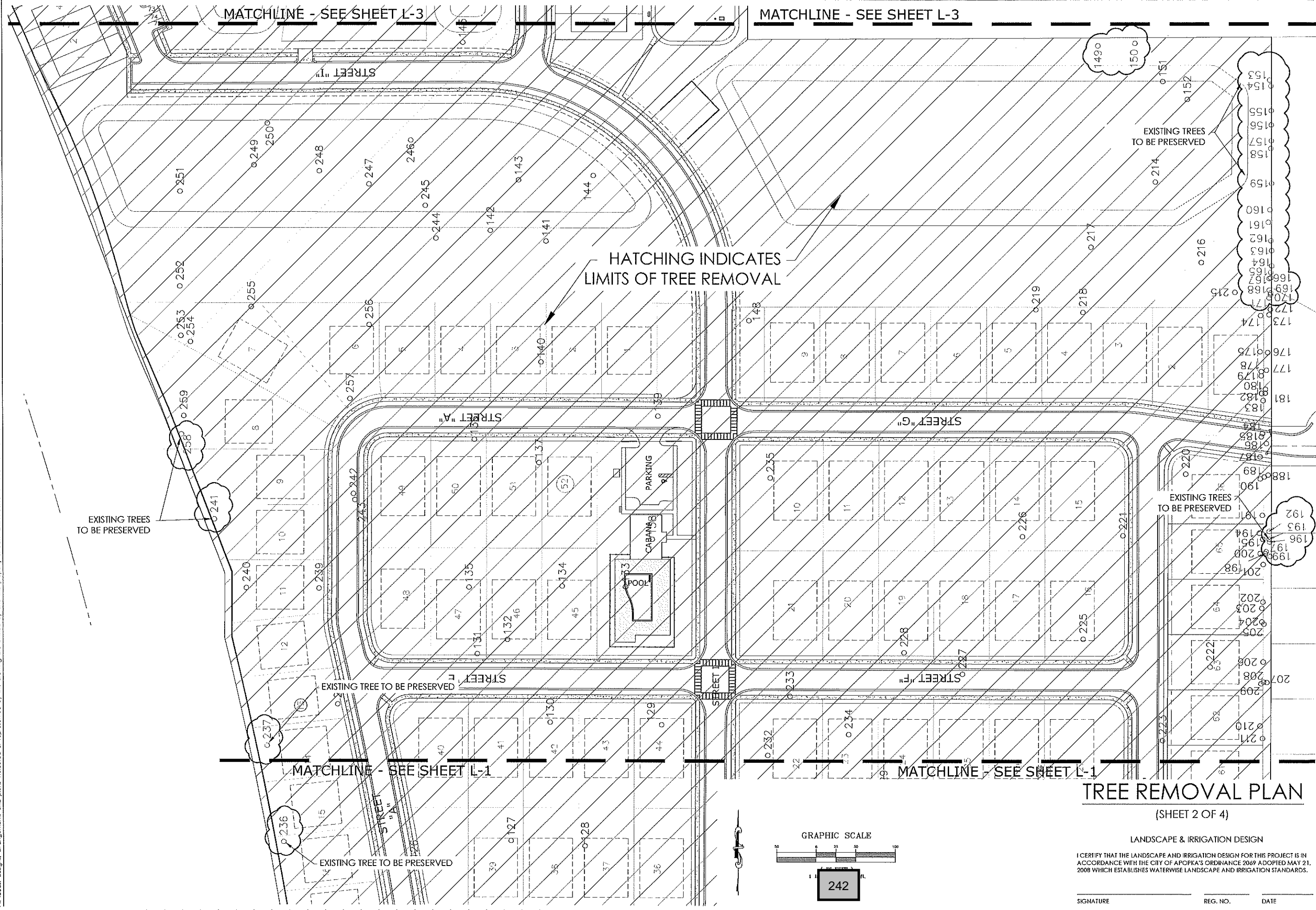
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BOJACK  
LANDSCAPE  
ARCHITECTURE

LANDSCAPE & IRRIGATION DESIGN  
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LICENSE NO. LC74000497 • DESIGN@SCHWEIZERBOJACK.COM

OAK POINTE - PUD / MASTER PLAN  
1527 W. MCCORMICK ROAD - CITY OF APOPKA, FL 32703

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- 6/23/17
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- 1/31/17

1/31/17  
DRAWN BY: KB  
SHEET NUMBER  
**L-2**



HATCHING INDICATES  
LIMITS OF TREE REMOVAL

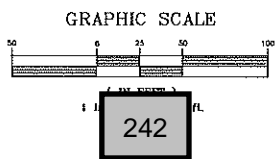
# TREE REMOVAL PLAN

(SHEET 2 OF 4)

LANDSCAPE & IRRIGATION DESIGN

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MATCHLINE (THIS SHEET)

HATCHING INDICATES  
LIMITS OF TREE REMOVAL

MATCHLINE - SEE SHEET L-2

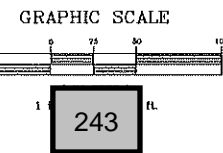
MATCHLINE (THIS SHEET)  
NORTHERN VEI  
SEE SHEET L-1

**TREE REMOVAL PLAN**  
(SHEET 3 OF 4)

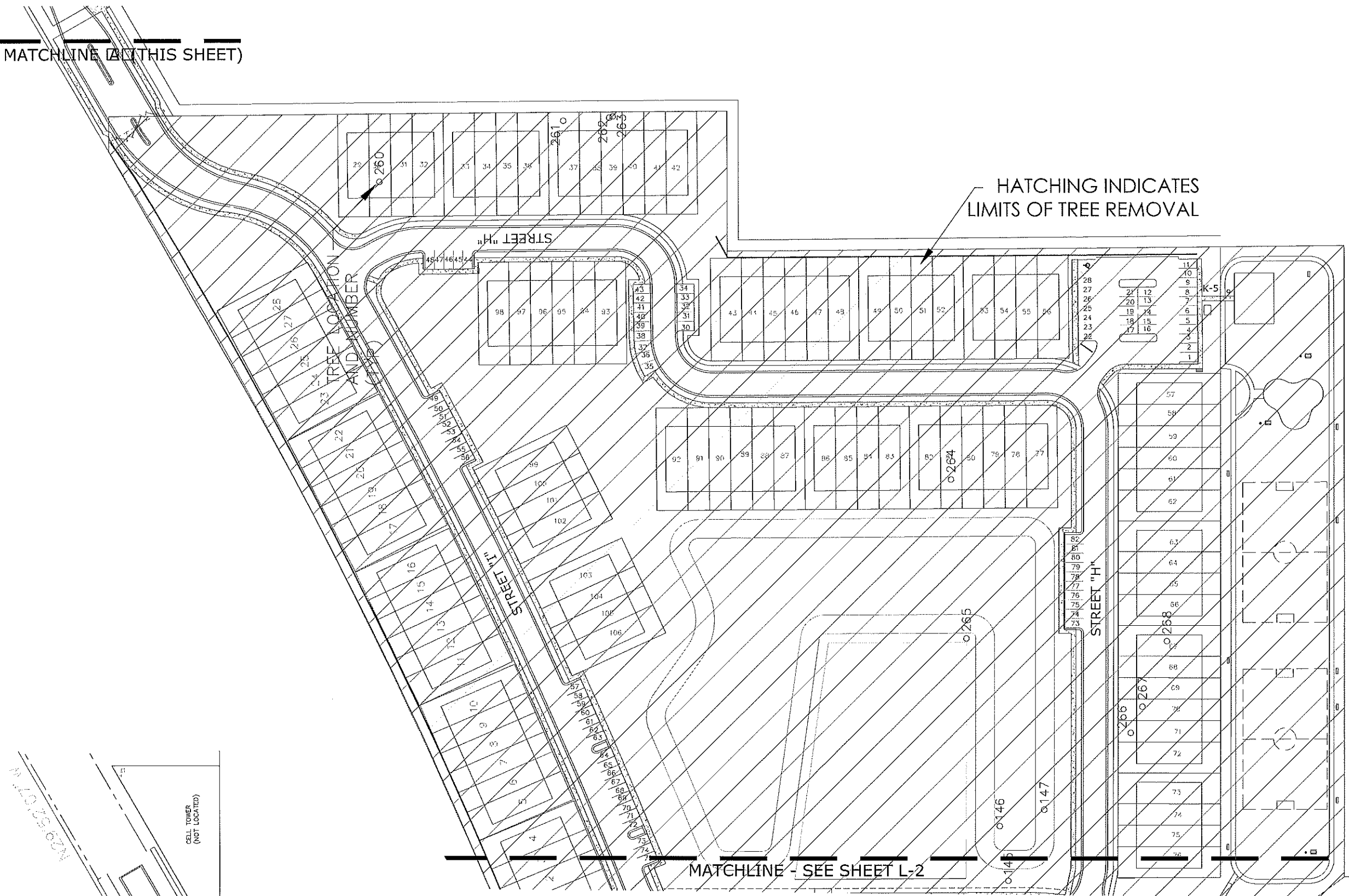
LANDSCAPE & IRRIGATION DESIGN

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TREE REMOVAL

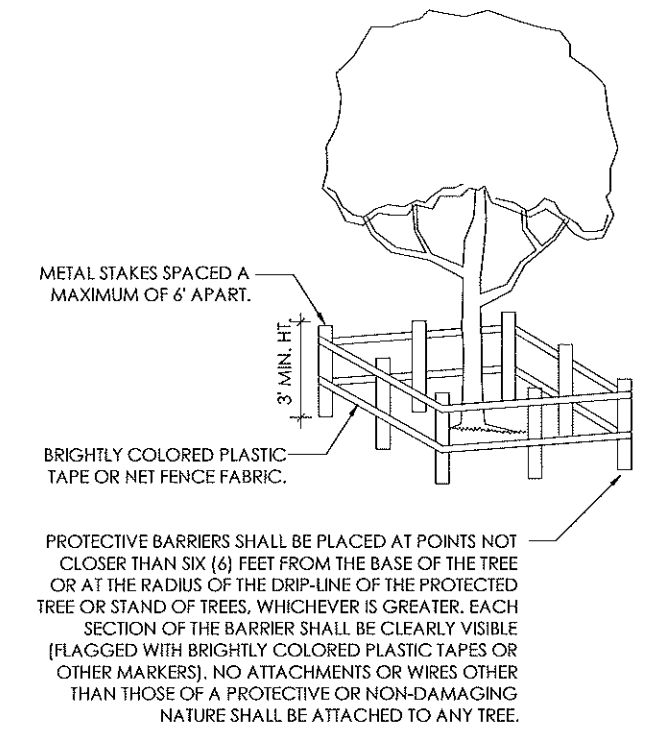
Table with 4 columns: TREE NO., SPECIES, DIAMETER (INCHES), QUANTITY. Lists 187 trees for removal, including various species like Pine, Oak, and Cabbage Palm with their respective diameters and quantities.

TREE PRESERVATION

Table with 4 columns: TREE NO., SPECIES, DIAMETER (INCHES), QUANTITY. Lists 241 trees for preservation, including various species like Oak, Magnolia, and Yaupon Holly with their respective diameters and quantities.

Summary statistics for Tree Removal and Tree Preservation. Includes sections for Tree Removal Data (Total Existing Trees to be Removed: 160), Tree Preservation Data (Total Existing Trees to be Preserved: 53), Tree Requirement (Max. Tree Stock Calculation: 3,022,193 sq. ft.), and Tree Replacement (Proposed Trees: 879).

TREE PROTECTION DETAIL



- TREE PROTECTION NOTES
1. Protective barriers constructed of wood rails, chain link fabric or orange plastic safety netting shall be placed around the tree or trees to form a continuous barricade at least four feet high...
2. Protective barriers shall remain in place until landscape operations begin or until construction in the immediate area has been completed.
3. Trenching for underground utilities shall be prohibited inside the protective barriers...
4. No vehicles, equipment, materials or fill shall be placed or stored within the protected area.

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TREE REMOVAL & TREE PRESERVATION TABLE NOTES:

- 1. TREES #13 & #115 SIZES CHANGED DUE TO ERROR IN SIZE REPORTED ON TREE SURVEY FOUND DURING SITE ANALYSIS BY LANDSCAPE ARCHITECT (INDICATED BY \*).
2. TREES #145, #148, #222, #238, #249, #251, #253, #254 & #260 OMITTED FROM TREE MITIGATION CALCULATIONS DUE TO EXTREME POOR HEALTH AND/OR DISEASE (INDICATED BY STRIKETHROUGH).
3. TREES #5 THRU #11, #15, #18 THRU #34, #48, & #74 THRU #113 HAVE BEEN OMITTED FROM THE TREE REMOVAL & TREE PRESERVATION TABULATIONS AS THEY ARE OUTSIDE THE LIMITS OF THE PROJECT.
4. CABBAGE PALMS (#42, #197, #200, #202 & #212) HAVE BEEN OMITTED FROM THE TREE REMOVAL & TREE PRESERVATION TABULATIONS DUE TO 'NON-PROTECTED' STATUS (INDICATED BY STRIKETHROUGH).

TREE REMOVAL PLAN (SHEET 4 OF 4)

LANDSCAPE & IRRIGATION DESIGN
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SIGNATURE REG. NO. DATE

**LANDSCAPE NOTES:**

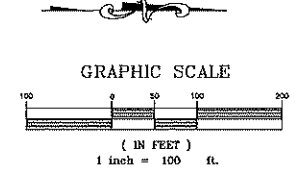
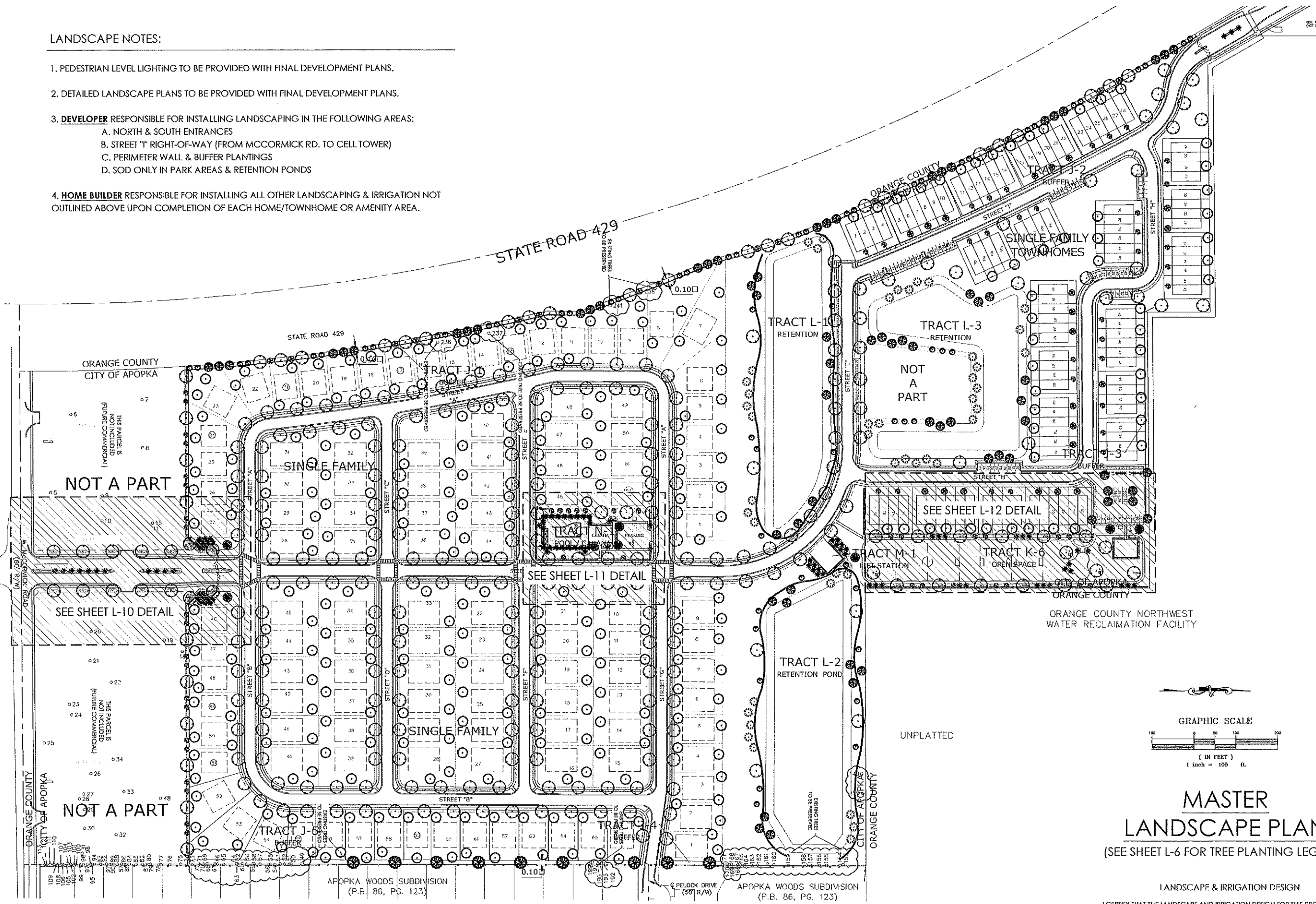
1. PEDESTRIAN LEVEL LIGHTING TO BE PROVIDED WITH FINAL DEVELOPMENT PLANS.
2. DETAILED LANDSCAPE PLANS TO BE PROVIDED WITH FINAL DEVELOPMENT PLANS.
3. **DEVELOPER** RESPONSIBLE FOR INSTALLING LANDSCAPING IN THE FOLLOWING AREAS:
  - A. NORTH & SOUTH ENTRANCES
  - B. STREET "I" RIGHT-OF-WAY (FROM MCCORMICK RD. TO CELL TOWER)
  - C. PERIMETER WALL & BUFFER PLANTINGS
  - D. SOD ONLY IN PARK AREAS & RETENTION PONDS
4. **HOME BUILDER** RESPONSIBLE FOR INSTALLING ALL OTHER LANDSCAPING & IRRIGATION NOT OUTLINED ABOVE UPON COMPLETION OF EACH HOME/TOWNHOME OR AMENITY AREA.

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**MASTER  
LANDSCAPE PLAN**  
(SEE SHEET L-6 FOR TREE PLANTING LEGEND)

LANDSCAPE & IRRIGATION DESIGN

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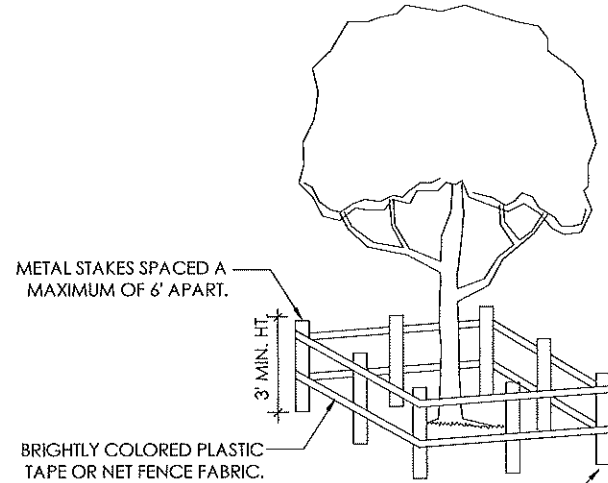
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**OAK POINTE - PUD / MASTER PLAN**  
1527 W. MCCORMICK ROAD - CITY OF APOPKA, FL 32703

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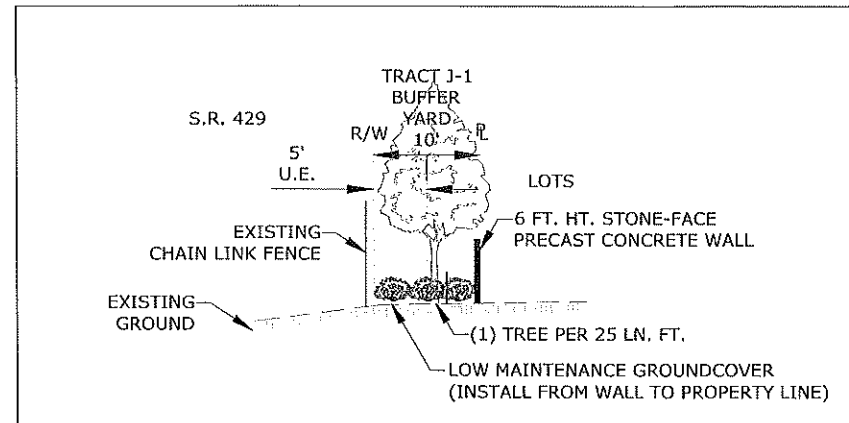
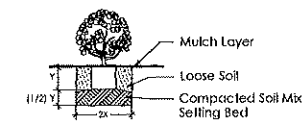
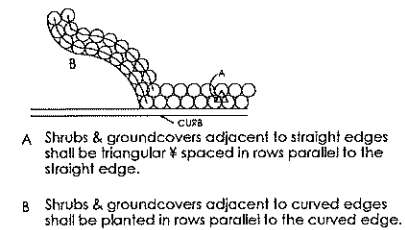
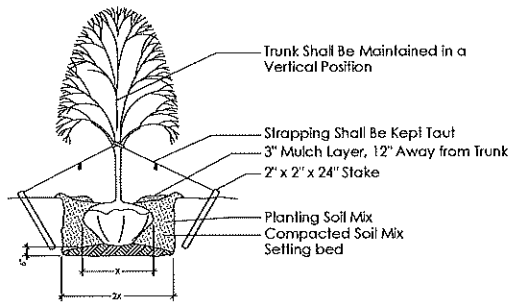
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SHEET NUMBER  
**L-5**

**TREE PROTECTION DETAIL**



PROTECTIVE BARRIERS SHALL BE PLACED AT POINTS NOT CLOSER THAN SIX (6) FEET FROM THE BASE OF THE TREE OR AT THE RADIUS OF THE DRIP-LINE OF THE PROTECTED TREE OR STAND OF TREES, WHICHEVER IS GREATER. EACH SECTION OF THE BARRIER SHALL BE CLEARLY VISIBLE (FLAGGED WITH BRIGHTLY COLORED PLASTIC TAPES OR OTHER MARKERS). NO ATTACHMENTS OR WIRES OTHER THAN THOSE OF A PROTECTIVE OR NON-DAMAGING NATURE SHALL BE ATTACHED TO ANY TREE.

**PLANTING DETAILS**



TYPICAL WESTERN LANDSCAPE BUFFER SECTION (SCALE: N.T.S.)

**LANDSCAPE GENERAL NOTES**

- The Landscape Contractor shall insure that this work does not interrupt established or projected drainage patterns. 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 insure drainage.
- The Landscape Contractor shall be responsible for all materials and all work as called for on the landscape plans and in the landscape specifications. The list of plant quantities accompanying the plans shall be used as a guide only. Contractor shall verify all quantities and report any discrepancies at the time of bidding.
- All plant materials shall be graded Florida No. 1 or better, as outlined under Grades and Standards for Nursery Plants, Division of Plant Industry, State of Florida, unless otherwise noted.
- All plant beds and tree rings shall be top dressed with a 3" minimum depth of pine bark nuggets.
- The Landscape Contractor shall be wholly responsible for stability and plumb condition of all trees and shrubs. Staking of trees or shrubs, if desired or requested by the Landscape Architect or owner, shall be done utilizing a method agreed upon by the Landscape Architect.
- No fill material or use of heavy equipment around existing trees is allowed. Existing trees are to be protected by a wood barricade erected in compliance with local codes.
- The Landscape Contractor is responsible for testing project soils. The Landscape Contractor is to provide a certified soils report to the Owner and Landscape Architect. The Landscape Contractor shall verify that the soils on site are acceptable for proper growth of the proposed plant material. Should the Landscape Contractor find poor soil conditions, the Owner and Landscape Architect must be consulted prior to planting.
- All grades, dimensions and existing conditions shall be verified by the Contractor on site before construction begins. Any discrepancies shall be brought to the attention of the Landscape Architect.
- All proposed trees to be installed either entirely in or entirely out of planting beds. Planting bedlines are not to be obstructed; smooth and flowing.
- The Landscape Contractor shall review architectural/engineering plans to become thoroughly familiar with surface and subsurface utilities.
- The Landscape Contractor shall coordinate with the lighting and irrigation contractors regarding the timing of the installation of plant material.
- Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of his negligence in the execution of work.

**IRRIGATION NOTE**

Irrigation Plan will be provided at time of the Final Development Plan.

**LANDSCAPE DEVELOPMENT NOTES:**

- PEDESTRIAN LEVEL LIGHTING TO BE PROVIDED WITH FINAL DEVELOPMENT PLANS.
- DETAILED LANDSCAPE PLANS WITH PLANTING SCHEDULE TO BE PROVIDED WITH FINAL DEVELOPMENT PLANS.
- DEVELOPER** RESPONSIBLE FOR INSTALLING LANDSCAPING IN THE FOLLOWING AREAS:
  - NORTH & SOUTH ENTRANCES
  - STREET "T" RIGHT-OF-WAY (FROM MCCORMICK RD. TO CELL TOWER)
  - PERIMETER WALL & BUFFER PLANTINGS
  - SOD ONLY IN PARK AREAS & RETENTION PONDS
- HOME BUILDER** RESPONSIBLE FOR INSTALLING ALL OTHER LANDSCAPING & IRRIGATION NOT OUTLINED ABOVE UPON COMPLETION OF EACH HOME/TOWNHOME OR AMENITY AREA.

**TREE PLANTING LEGEND**

SYMBOL	KEY	QNTY.	COMMON/BOTANICAL NAME	SPECIFICATIONS/DESCRIPTION
☉	QV1	9	Live Oak <i>Quercus virginiana</i>	3 1/2" DBH, 12' - 14' Ht., 100 Gal. or B&B
☉	QV2	290	Live Oak <i>Quercus virginiana</i>	3" DBH, 10' - 12' Ht., 100 Gal. or B&B
☉	MG	7	Southern Magnolia <i>Magnolia grandiflora</i>	3" DBH, 10' - 12' Ht., 100 Gal. or B&B
☉	AR	45	Red Maple <i>Acer rubrum</i>	3" DBH, 10' - 12' Ht., 100 Gal. or B&B
☉	TD	70	Bald Cypress <i>Taxodium distichum</i>	3" DBH, 10' - 12' Ht., 100 Gal. or B&B
☉	LOT	289	Canopy Tree (Species to be Selected by Lot Owner: Live Oak, Magnolia, Red Maple or Elm Tree)	3" DBH, 10' - 12' Ht., 100 Gal. or B&B
☉	JV	59	Red Cedar <i>Juniperus virginiana</i>	3" DBH, 10' - 12' Ht., 100 Gal. or B&B
☉	IVN	37	Upright Yaupon Holly <i>Lagerstroemia indica</i>	3" Total DBH, Multi Trunk, 8' - 10' Ht., 100 Gal. or B&B
☉	LI	73	Crape Myrtle <i>Lagerstroemia indica</i>	3" Total DBH, Multi Trunk, 8' - 10' Ht., 100 Gal. or B&B

**NOTE:** Additional Details on Palms, Ornamentals, Shrubs & Groundcovers to be included on Final Development Plan.

**PROPOSED TREE PLANTING INCHES**

9 LIVE OAKS x 3.5" DBH =	31.5"
290 LIVE OAKS x 3" DBH =	870"
7 MAGNOLIAS x 3" DBH =	21"
45 RED MAPLES x 3" DBH =	135"
70 BALD CYPRESS x 3" DBH =	210"
289 LOT CANOPY TREES x 3" DBH =	867"
59 RED CEDARS x 3" DBH =	177"
37 YAUPON HOLLIES x 3" DBH =	111"
73 CRAPE MYRTLES x 3" DBH =	219"
<b>879 PROPOSED TREES =</b>	<b>2,641.5"</b>

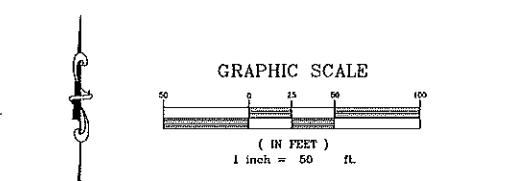
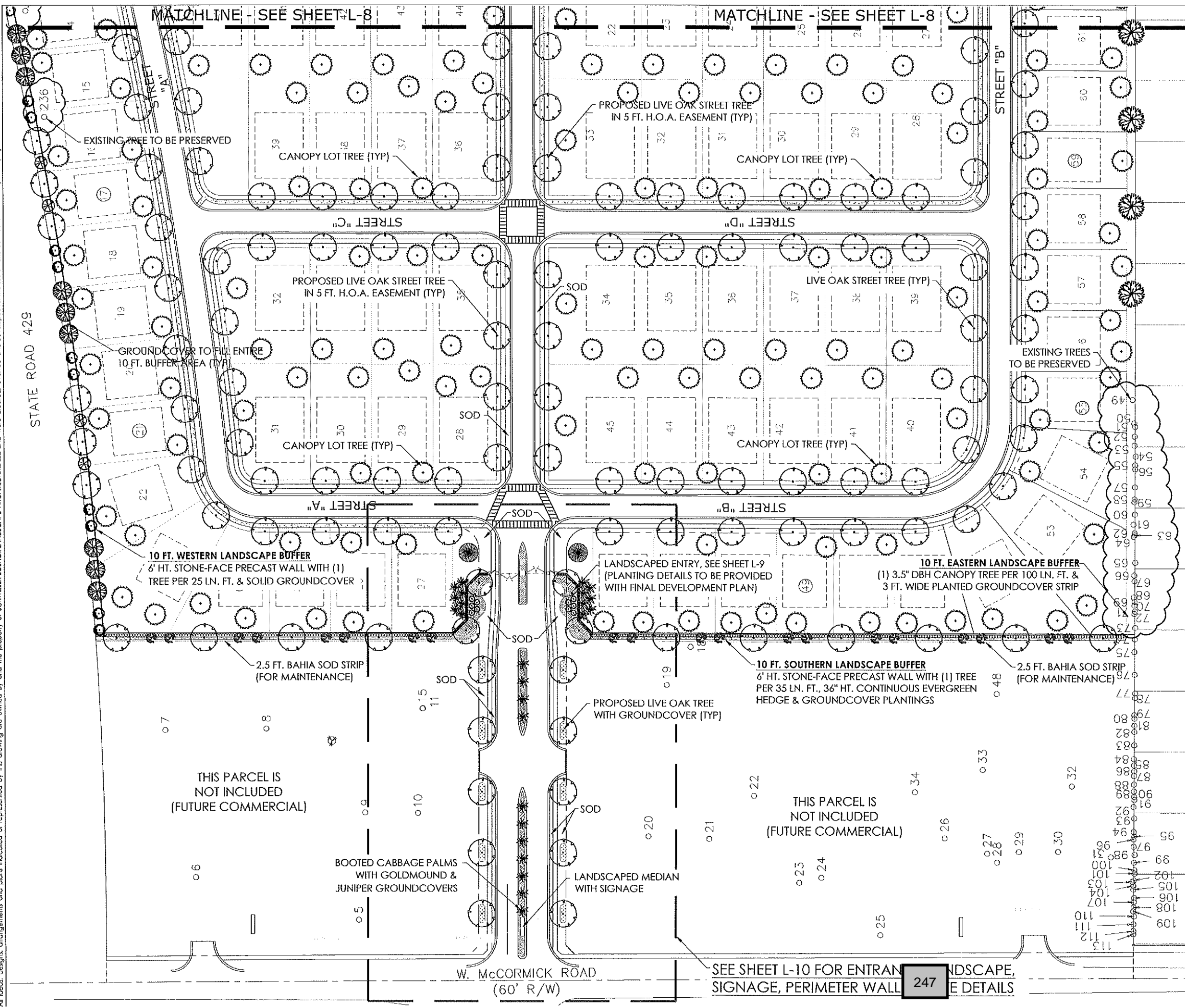
**LANDSCAPE  
NOTES & DETAILS**

LANDSCAPE & IRRIGATION DESIGN

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# LANDSCAPE PLAN

(SEE SHEET L-6 FOR TREE PLANTING LEGEND)

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OAK POINTE - PUD / MASTER PLAN  
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SHEET NUMBER  
**L-7**



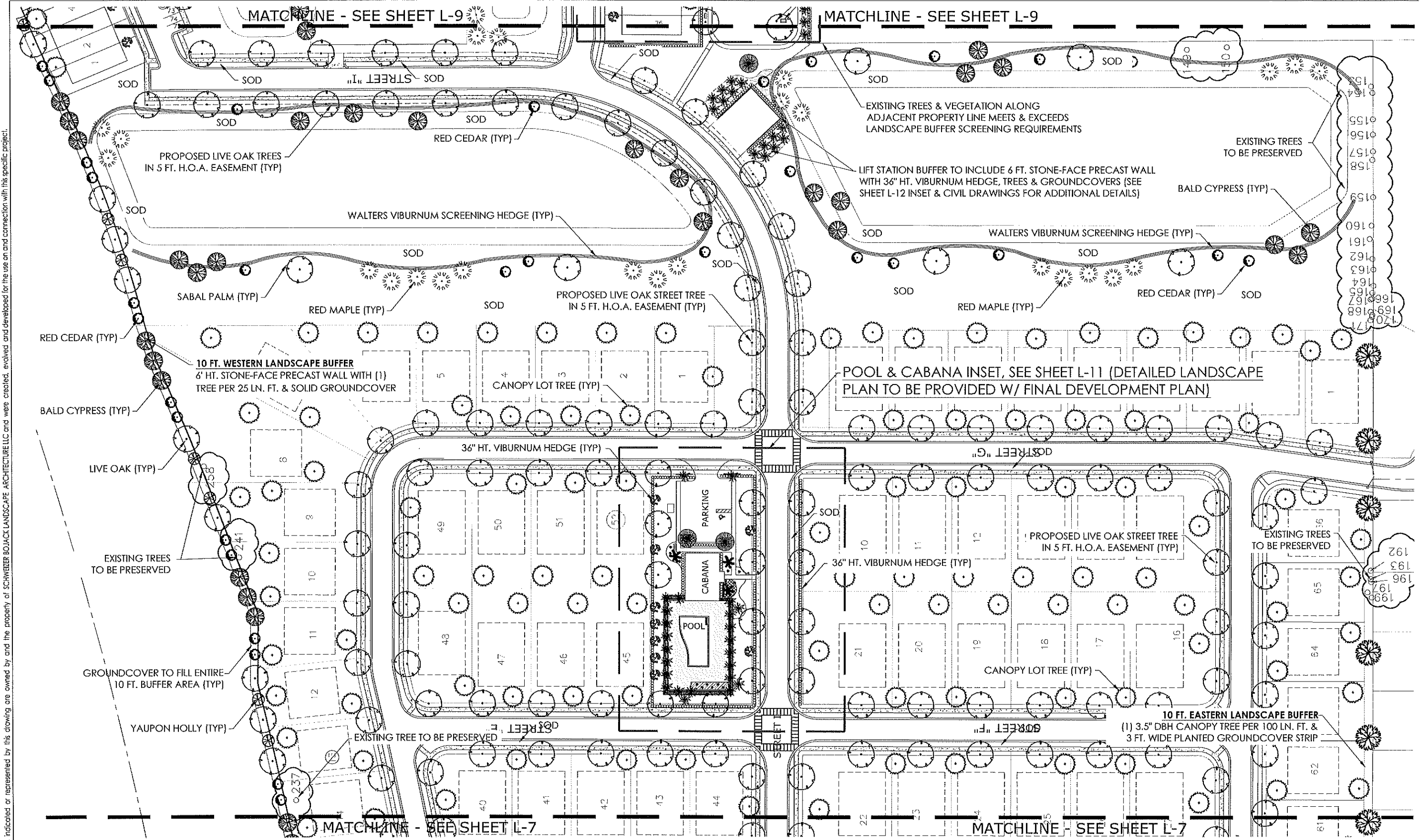
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SHEET NUMBER  
**L-8**



**LANDSCAPE PLAN**  
(SEE SHEET L-6 FOR TREE PLANTING LEGEND)

LANDSCAPE & IRRIGATION DESIGN

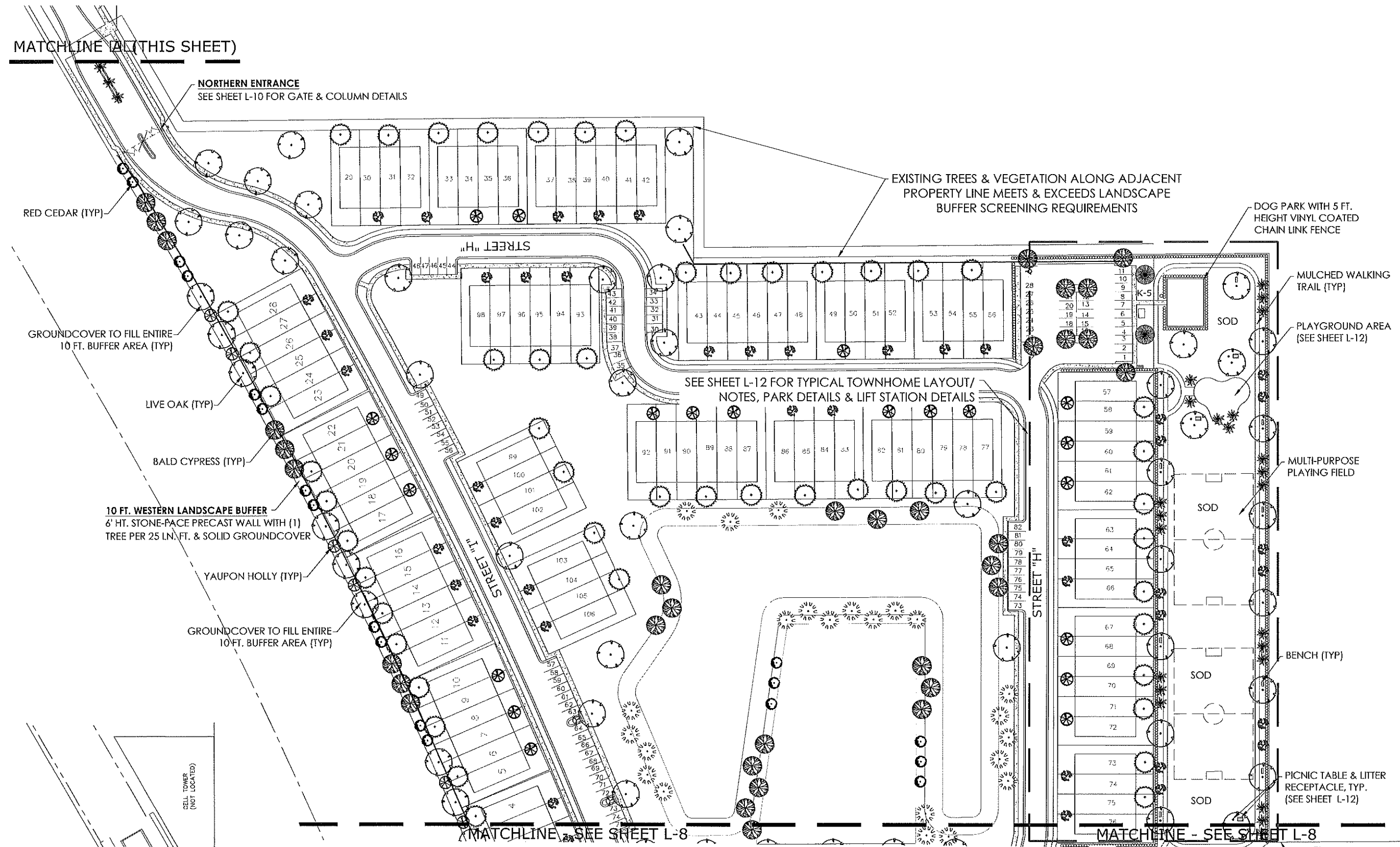
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MATCHLINE (TO THIS SHEET)

**NORTHERN ENTRANCE**  
SEE SHEET L-10 FOR GATE & COLUMN DETAILS

RED CEDAR (TYP)

GROUNDCOVER TO FILL ENTIRE  
10 FT. BUFFER AREA (TYP)

LIVE OAK (TYP)

BALD CYPRESS (TYP)

**10 FT. WESTERN LANDSCAPE BUFFER**  
6' HT. STONE-FACE PRECAST WALL WITH (1)  
TREE PER 25 LN. FT. & SOLID GROUNDCOVER

YAUPON HOLLY (TYP)

GROUNDCOVER TO FILL ENTIRE  
10 FT. BUFFER AREA (TYP)

WELL TOWER  
(NOT LOCATED)

MATCHLINE (TO THIS SHEET)

EXISTING TREES & VEGETATION ALONG ADJACENT  
PROPERTY LINE MEETS & EXCEEDS LANDSCAPE  
BUFFER SCREENING REQUIREMENTS

DOG PARK WITH 5 FT.  
HEIGHT VINYL COATED  
CHAIN LINK FENCE

MULCHED WALKING  
TRAIL (TYP)

PLAYGROUND AREA  
(SEE SHEET L-12)

MULTI-PURPOSE  
PLAYING FIELD

BENCH (TYP)

PICNIC TABLE & LITTER  
RECEPTACLE, TYP.  
(SEE SHEET L-12)

SEE SHEET L-12 FOR TYPICAL TOWNHOME LAYOUT/  
NOTES, PARK DETAILS & LIFT STATION DETAILS

MATCHLINE - SEE SHEET L-8

MATCHLINE - SEE SHEET L-8

GRAPHIC SCALE



249

**LANDSCAPE PLAN**

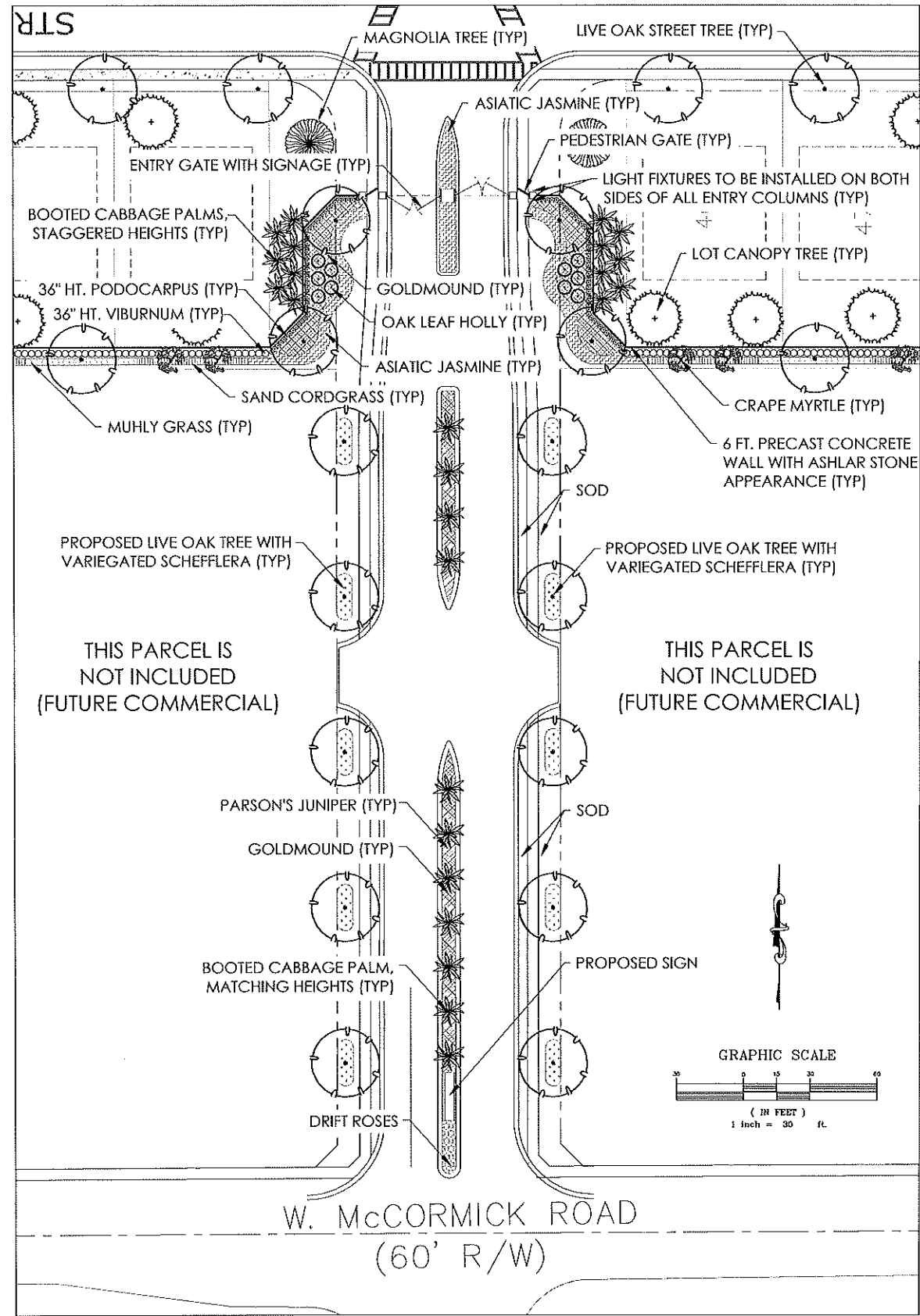
(SEE SHEET L-6 FOR TREE PLANTING LEGEND)

LANDSCAPE & IRRIGATION DESIGN

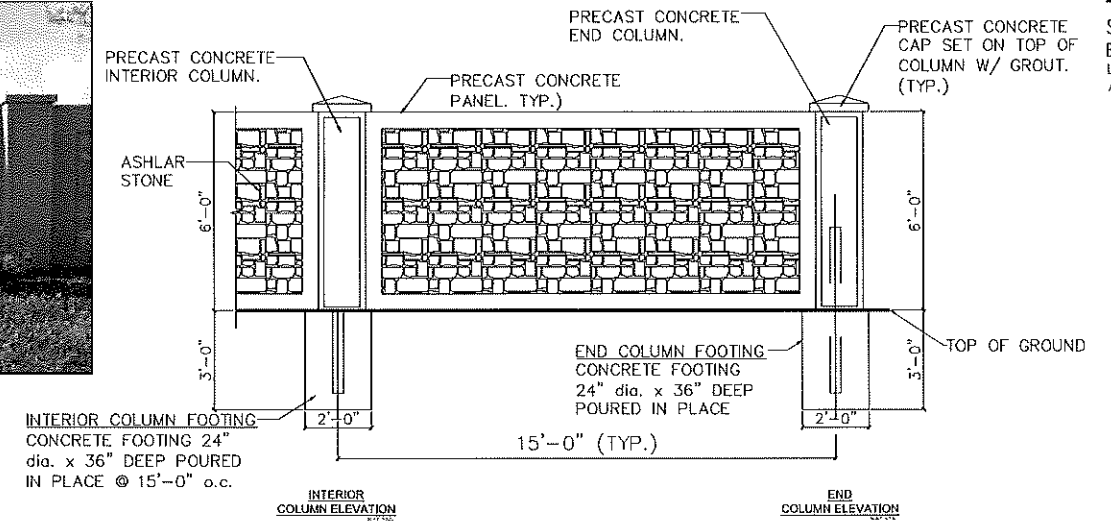
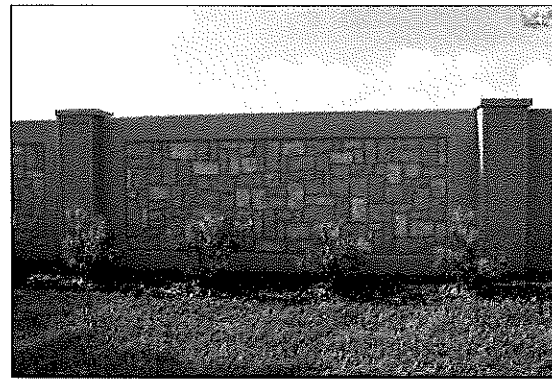
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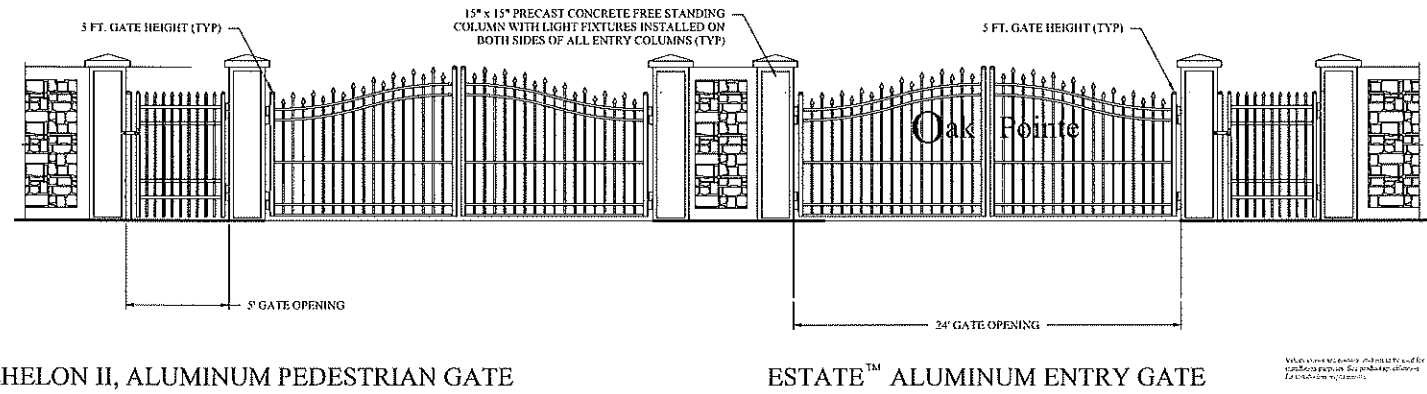
SOUTHERN ENTRANCE LANDSCAPE



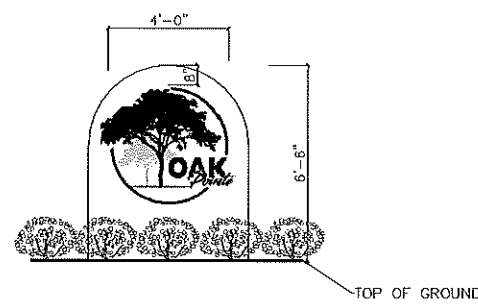
WALL DETAILS



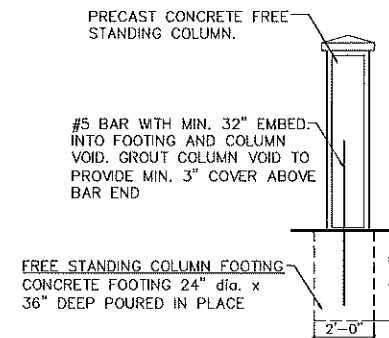
GATE ELEVATIONS (TYPICAL LAYOUT FOR NORTH & SOUTH ENTRIES)



SOUTH ENTRY SIGN ELEVATION



FREE STANDING COLUMN



ENTRANCE LANDSCAPE PLAN

LANDSCAPE & IRRIGATION DESIGN

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SCHWEIZER BOJACK LANDSCAPE ARCHITECTURE

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SHEET NUMBER

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ARCHITECTURE

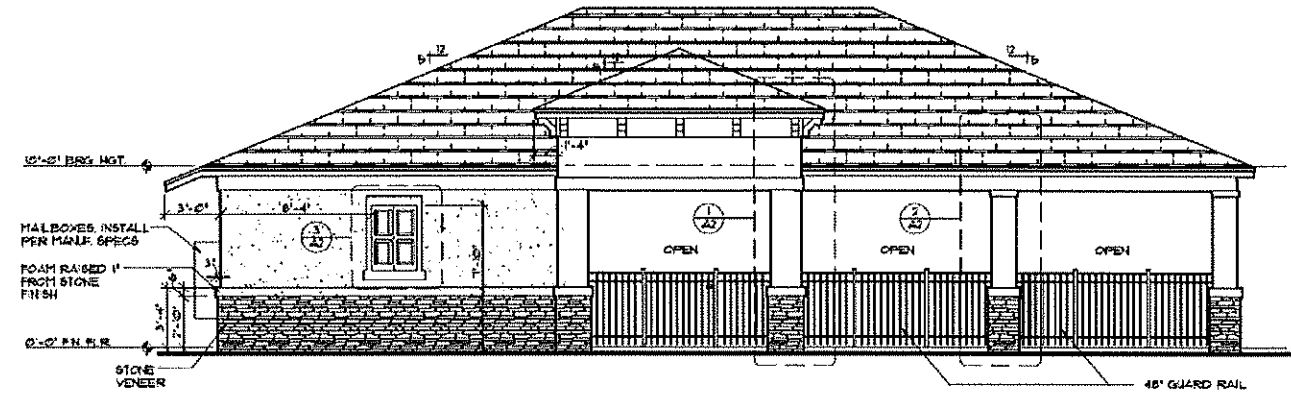
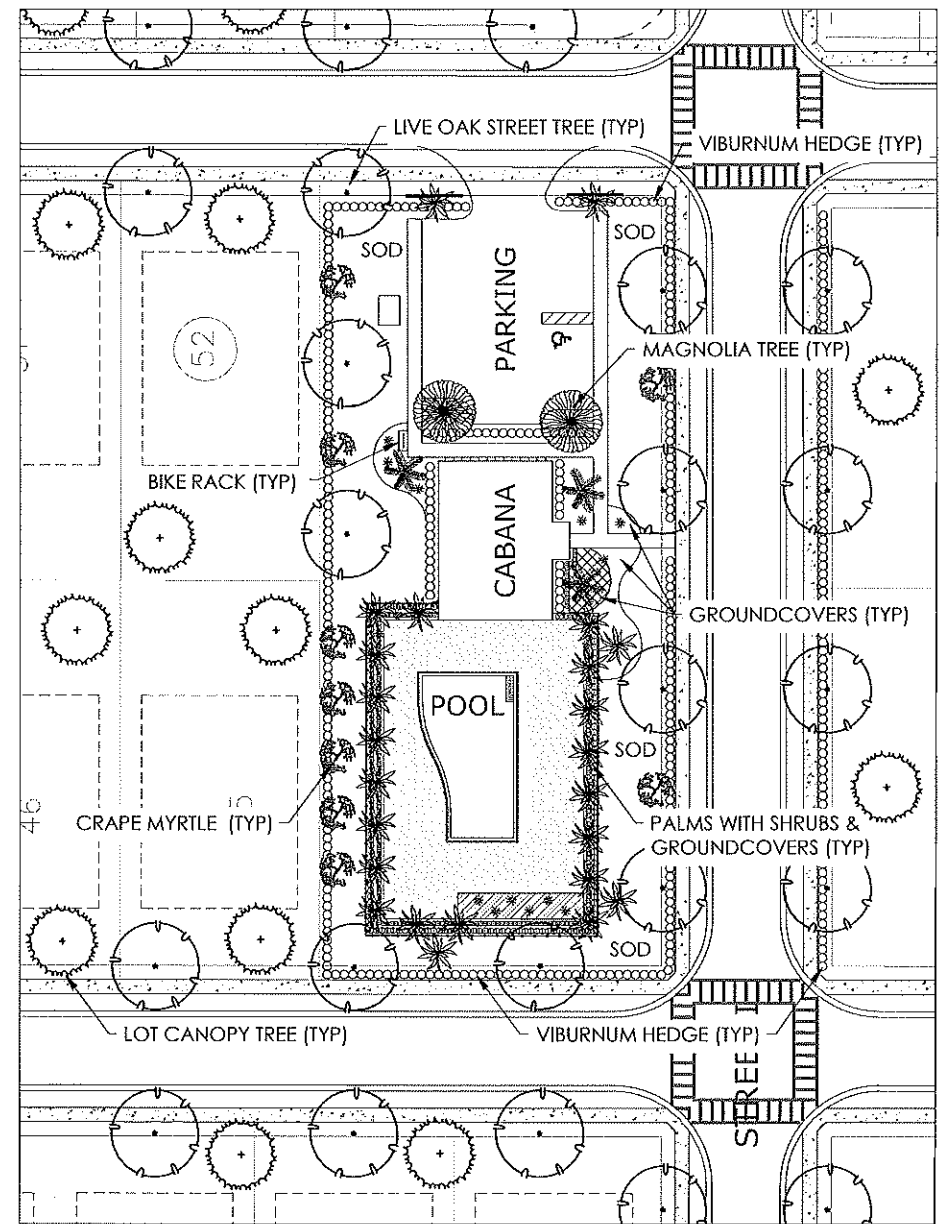
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PO BOX 14838 • MARLAND, FLORIDA 32714 • PH: (407) 376-1423  
LICENSE NO. LC2000087 • DESIGNSCHWEIZERBOJACK.COM

OAK POINTE - PUD / MASTER PLAN  
1527 W. MCCORMICK ROAD - CITY OF APOPKA, FL 32703

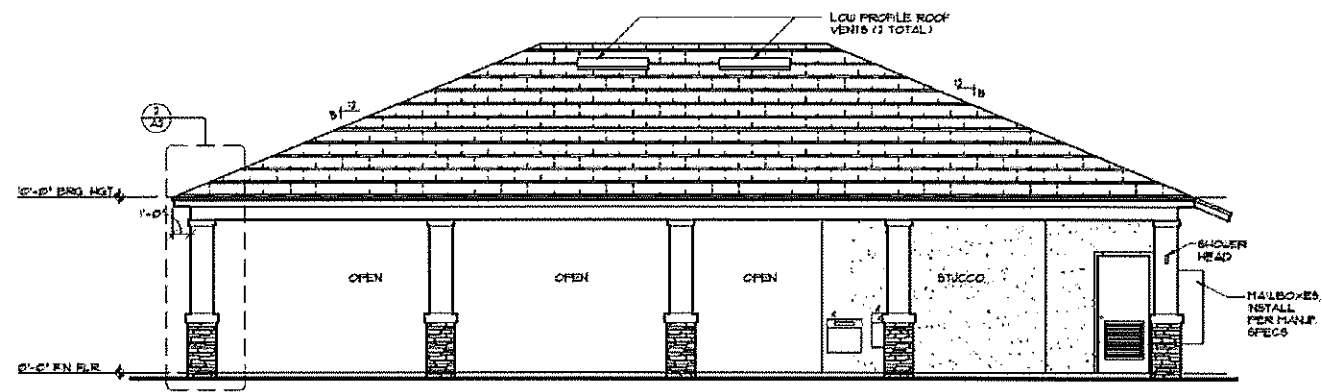
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**L-11**

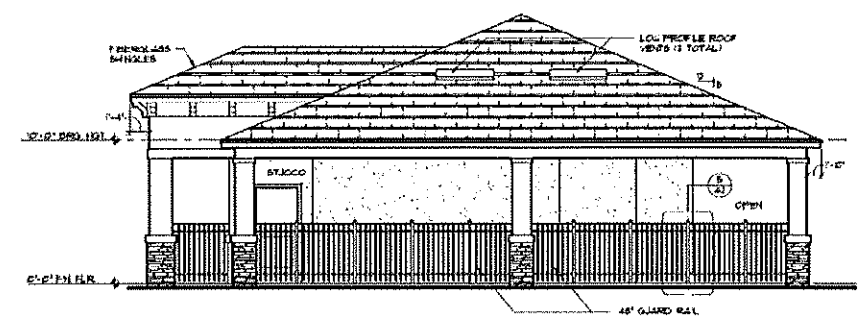
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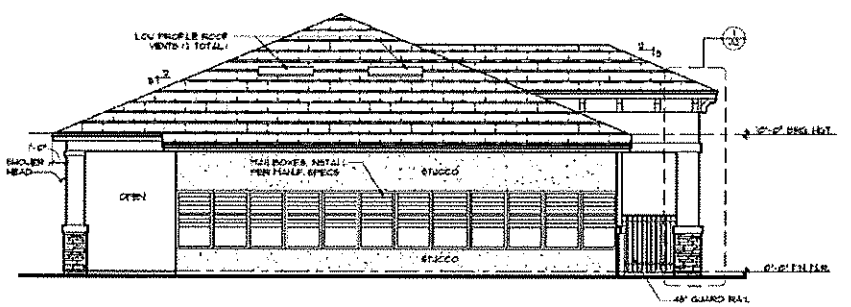
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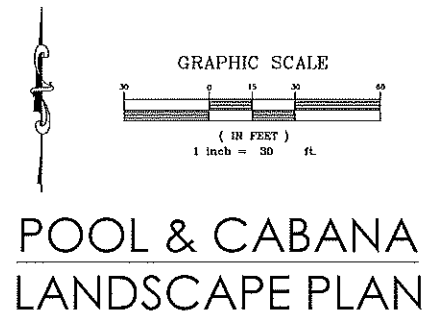
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TEXTURED FINISH



**RIGHT ELEVATION**  
TEXTURED FINISH



**LEFT ELEVATION**  
TEXTURED FINISH



LANDSCAPE & IRRIGATION DESIGN

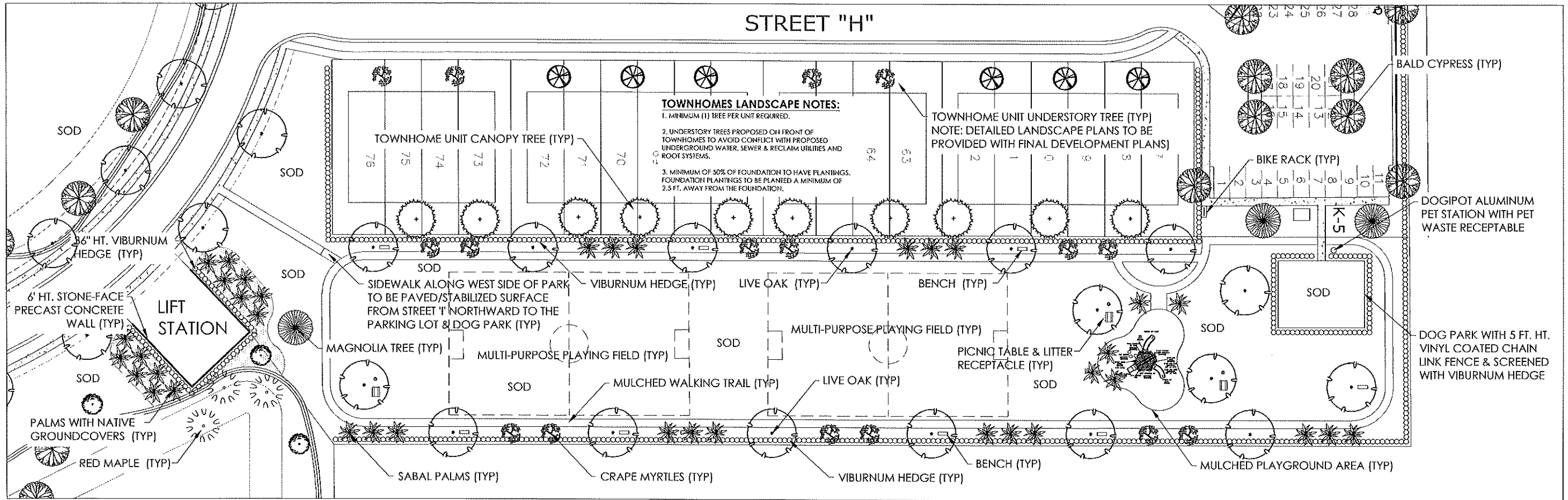
I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_

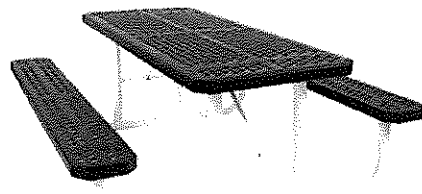
All ideas, designs, arrangements and plans indicated or represented by this drawing are owned by and the property of SCHWEIZER BOJACK LANDSCAPE ARCHITECTURE, LLC and were created, evolved and developed for the use and connection with this specific project.

TOWNHOME, LIFT STATION & PARK

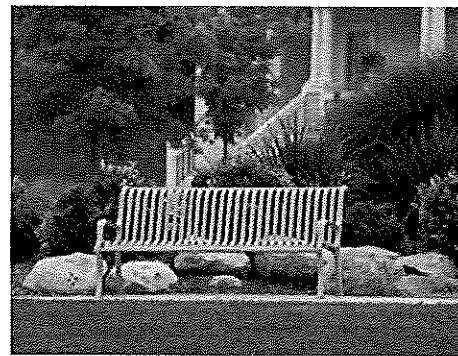
STREET "H"



(A) TUFFCLAD SERIES HEAVY DUTY PICNIC TABLE  
 Model 28014, by Gametime



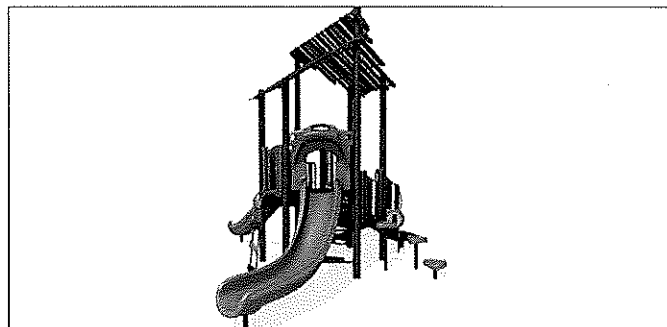
(B) ARLINGTON SERIES BENCH WITH ARMREST  
 Model UF9106, by Gametime



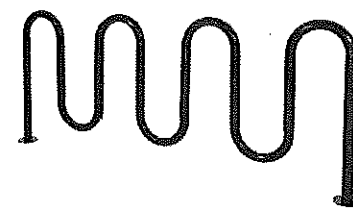
(C) ARLINGTON SERIES LITTER RECEPTACLE  
 Model UL9310 - 24" x 30", by Gametime



(D) CANYON CABIN PLAYGROUND  
 Model PS16010, by PowerScope

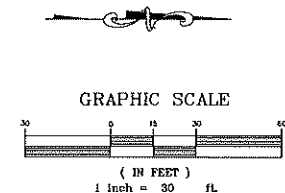


(E) LOOP BICYCLE RACK  
 Model 7700, by Gametime



PARK & AMENITY PLAN NOTES:

1. PEDESTRIAN LEVEL LIGHTING TO BE PROVIDED WITH FINAL DEVELOPMENT PLANS.
2. DETAILED LANDSCAPE PLANS WITH ADDITIONAL GROUNDCOVERS TO BE PROVIDED WITH FINAL DEVELOPMENT PLANS.
3. SIDEWALK RUNNING ALONG WESTERN SIDE OF PARK SHALL BE PAVED/STABILIZED SURFACE FROM STREET "I" NORTHWARD TO THE PARKING LOT & DOG PARK TO ACCOMMODATE HANDICAP ACCESSIBILITY.



TOWNHOME, LIFT STATION & PARK  
 LANDSCAPE & AMENITIES PLAN

LANDSCAPE & 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 \_\_\_\_\_



SCHWEIZER  
 BO JACK  
 LANDSCAPE  
 ARCHITECTURE

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 LICENSE NO. LC2620467 • DESIGN@SCHWEIZERBOJACK.COM

OAK POINTE - PUD / MASTER PLAN  
 1527 W. MCCORMICK ROAD - CITY OF APOPKA, FL 32703

5	7/21/17
4	6/23/17
3	5/17/17
2	5/01/17
1	4/12/17
	1/31/17
	DRAWN BY: KB
	SHEET NUMBER
	L-12

All ideas, designs, arrangements and plans indicated or represented by this drawing are owned by and the property of SCHWEIZER BOJACK LANDSCAPE ARCHITECTURE LLC and were created, evaluated and developed for the use on and connection with this specific project.

Express  
HOMES



Elevation - "C"



Elevation - "D"

**The Aria**  
3 Bedroom / 2 Bath / 2 Car Garage  
1,672 Square Feet

Express  
HOMES



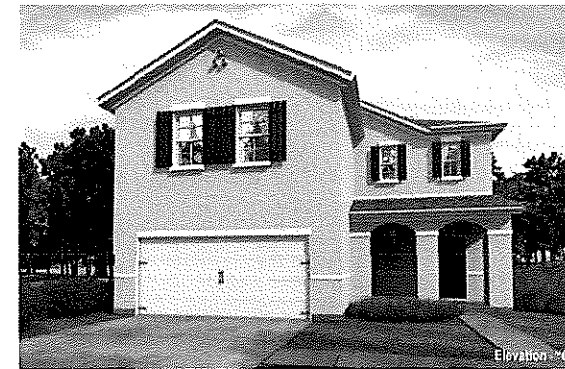
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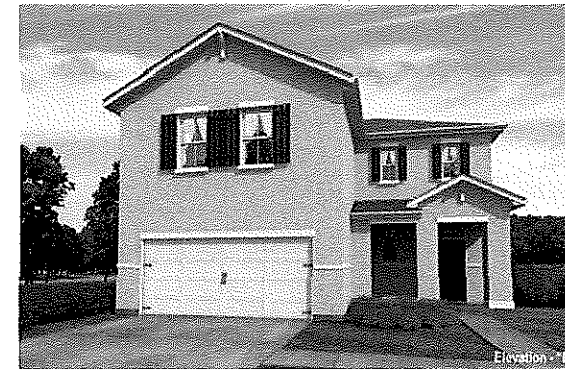
Elevation - "D"

**The Cali**  
3-4 Bedroom / 2 Bath / 2 Car Garage  
1,828 Square Feet

Express  
HOMES



Elevation - "C"



Elevation - "D"

**The Arden**  
4 Bedroom / 2.5 Bath / 2 Car Garage  
1,969 Square Feet

Express  
HOMES



Elevation - "C"



Elevation - "D"

**The Flora**  
4 Bedroom / 2.5 Bath / 2 Car Garage  
2,264 Square Feet

Express  
HOMES



Elevation - "C"



Elevation - "D"

**The Galen**  
4 Bedroom / 2.5 Bath / 2 Car Garage  
2,432 Square Feet

Express  
HOMES



Elevation - "C"



Elevation - "D"

**The Hayden**  
5 Bedroom / 3 Bath / 2 Car Garage  
2,601 Square Feet

DATE	REVISIONS	BY
4-26-17	1 REV PER DRC COMMENTS	TVW/MWK
6-26-17	2 REV PER DRC COMMENTS	MPG

EVANS ENGINEERING, INC.  
CERTIFICATE OF AUTHORIZATION NO. 6786  
DAVID L. EVANS  
FLORIDA P.E. NO. 46516  
DATE: JUL 26, 2017

**EVANS ENGINEERING, INC.**  
LAND PLANNING PERMITTING SERVICES  
CIVIL ENGINEERING  
719 IRMA AVENUE 32803  
ORLANDO, FLORIDA  
(407) 872-1515  
www.evansenginc.com  
CERTIFICATE OF AUTHORIZATION NO. 00006786

OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
FLORIDA  
CITY OF APOPKA.

PRELIMINARY  
DEVELOPMENT PLAN  
ARCHITECTURAL  
ELEVATIONS

DRAWN:  
TVW / MWK  
CHECKED:  
MPG  
DATE:  
JULY 2017  
SCALE:  
NTS  
JOB #:  
25801  
SHEET #:



A1 (07/20/2017) - Oak Pointe/Thompson Hills & MPG/25801 IS 200% COPY - PDP-14241024-04 (A1) Printed on: Jul 26, 2017 - 8:46am by: jperera

**Express**  
HOMES



Elevation - "C"



Elevation - "D"

**The Elle**  
5 Bedroom | 2.5 Bath | 2 Car Garage  
2,897 Square Feet

**Eastham 1756E -**



A



B

**Wellfleet 1798E -**



A



B

**Harwich 1542E -**



A



B

DATE	REVISIONS	BY
4-20-17	REV PER DRC COMMENTS	TVW/MWK
6-16-17	REV PER DRC COMMENTS	J/KNK

EVANS ENGINEERING, INC.  
CERTIFICATE OF  
AUTHORIZATION NO. 6788

SAVID L. SMITH  
FLORIDA P.E. NO. 46686  
DATE: Jul 26, 2017

**EVANS ENGINEERING, INC.**  
LAND PLANNING PERMITTING SERVICES  
718 IRMA AVENUE  
ORLANDO, FLORIDA 32803  
(407) 872-1516  
WWW.EVANSENGINEERING.COM  
CERTIFICATE OF AUTHORIZATION NO. 00089788

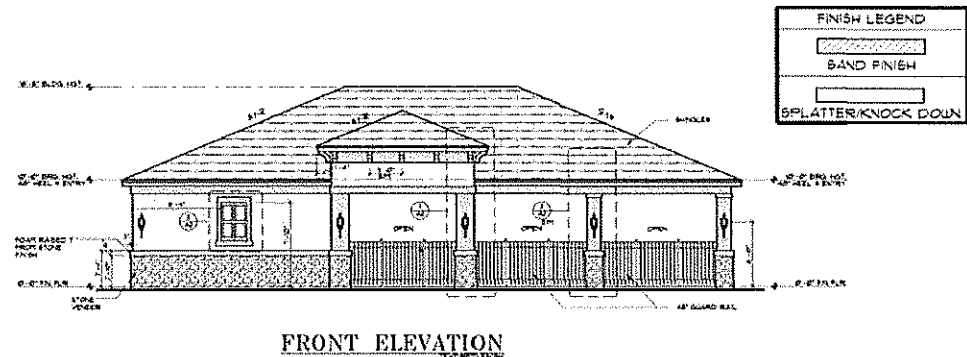
OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
CITY OF APOPKA, FLORIDA

PRELIMINARY  
DEVELOPMENT PLAN  
ARCHITECTURAL  
ELEVATIONS

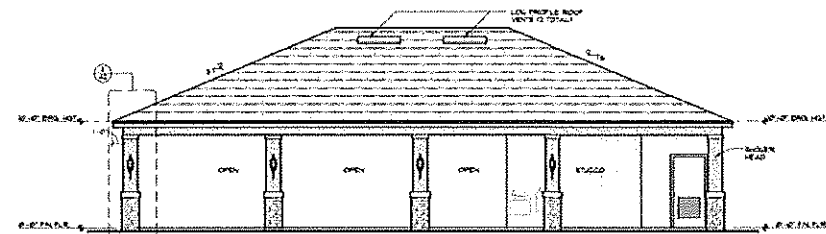
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25801  
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**A2**  
OF SHEETS

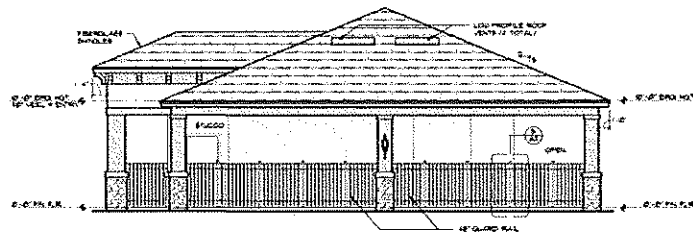
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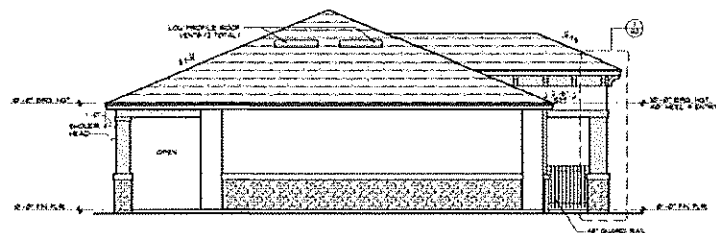
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REAR ELEVATION

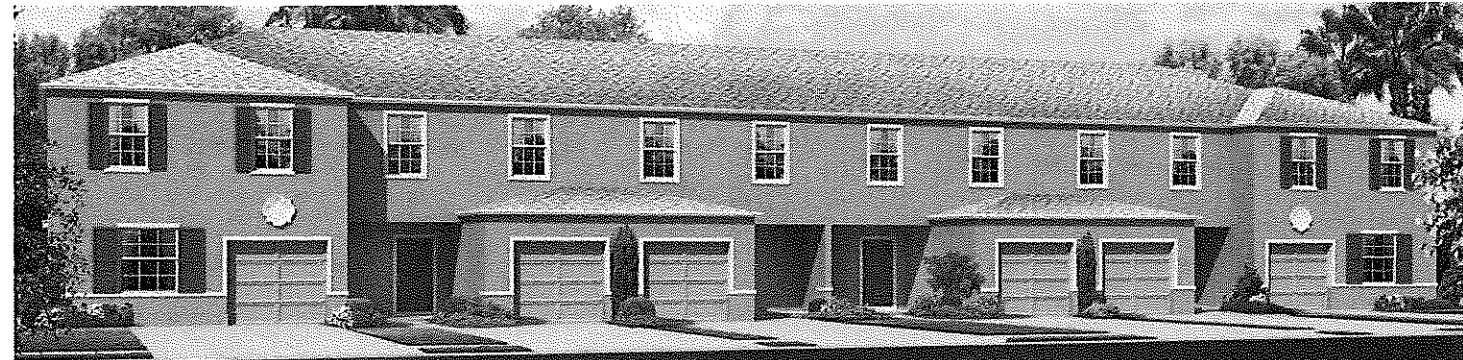


RIGHT ELEVATION



LEFT ELEVATION

POOL CABANA



**HOLLY**  
3 Bedroom | 2.5 Bath  
1-Car Garage  
1,530 Sq. Ft.

TOWNHOUSES



**KELSEY**  
3 Bedroom | 2.5 Bath  
1-Car Garage  
1,674 Sq. Ft.

TOWNHOUSES

DATE	REVISIONS	BY
4-20-17	REV PER DRC COMMENTS	TVW/MWK
6-26-17	REV PER DRC COMMENTS	MPG

EVANS ENGINEERING, INC.  
CERTIFICATE OF AUTHORIZATION NO. 0788  
SANDY L. EVANS  
FLORIDA P.E. NO. 46886  
DATE: Jul 26, 2017

**EVANS ENGINEERING, INC.**  
LAND PLANNING PERMITTING SERVICES  
718 IRMA AVENUE  
ORLANDO, FLORIDA 32803  
(407) 872-1515  
WWW.EVANSENGINEERING.COM  
CERTIFICATE OF AUTHORIZATION NO. 00089788

OAK POINTE  
FOR  
THOMPSON HILLS ESTATES LLC  
CITY OF APOPKA, FLORIDA

PRELIMINARY DEVELOPMENT PLAN  
ARCHITECTURAL ELEVATIONS

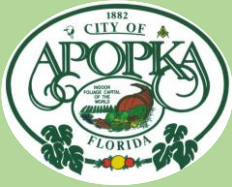
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DATE: JULY 2017  
SCALE: NTS  
JOB #: 25801  
SHEET #:

**A3**  
SHEETS

**Backup material for agenda item:**

4. Ordinance No. 2591 – First Reading – Comprehensive Plan - Large Scale – Future Land Use Amendment – Legislative  
David Moon  
Project: Chul Lee Et. Al. – Located at 2309 & 2405 West Kelly Park Road





# CITY OF APOPKA CITY COUNCIL

- \_\_\_\_\_ CONSENT AGENDA
- X  PUBLIC HEARING
- \_\_\_\_\_ SPECIAL REPORTS
- X  OTHER: Ordinance

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Land Use Report  
 Vicinity Map  
 Adjacent Zoning Map  
 Adjacent Uses Map  
 WPIVP<sup>1</sup> Map  
 WPIVP Character Districts  
 Comp Plan Objectives  
 JPA Amendment No. 2

**SUBJECT: ORDINANCE NO. 2591 - COMPREHENSIVE PLAN – LARGE SCALE - FUTURE LAND USE AMENDMENT – CHUL LEE ET.AL.**

**REQUEST: ORDINANCE NO. 2591 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – CHUL LEE ET.AL. FROM “COUNTY” RURAL TO “CITY” MIXED USE INTERCHANGE; AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.**

**SUMMARY:**

**OWNERS:** Won Chul Lee (Parcel ID #: 07-20-28-0000-00-011)  
 Bong Jin Choe; Soon Chong; Won Chul Lee; Sea Myog (Parcel ID #: 07-20-28-0000-00-048)  
**(Hereinafter referred to as: Chul Lee et.al.)**

**APPLICANT:** Jeff Pelock w\Revco Ventures

**LOCATION:** North side of West Kelly Park Road, west of Jason Dwelley Parkway

**EXISTING USE:** Horticultural nursery

**CURRENT ZONING:** “County” A-1 (ZIP)

**PROPOSED DEVELOPMENT:** Single family residential; Neighborhood Overlay District

**PROPOSED ZONING:** Mixed Interchange with a Neighborhood Residential Overlay District

**TRACT SIZE:** 39.48 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT:**  
 EXISTING: Max. 78 units (up to 2 units per acre)  
 PROPOSED: Max. 197 du (0 – 5 du/ac)

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

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

<sup>1</sup> WPIVP – Wekiva Parkway Interchange Vision Plan

**ADDITIONAL COMMENTS:** Presently, the subject property does not have a “City” future land use designation or “City” zoning classification assigned. The applicant requests a future land use designation of “City” Mixed Use Interchange. Presently, the applicant proposes a residential subdivision consistent with the Neighborhood Overlay Zoning District, as defined in the Kelly Park Crossing Form-Based Code.

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

The subject property straddles the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road; and therefore eligible to be within the Kelly Park Crossing Form Based Code Area. The two parcels are located within the Wekiva Parkway Interchange Vision Plan Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation and the Overlay District covering the property within the Vision Plan.

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

*Future Land Use Element*

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

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

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

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

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

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

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

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

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

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

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

*Transportation Element*

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

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

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

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

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

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on August 15, 2017. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

**PUBLIC HEARING SCHEDULE:**

September 12, 2017 – Planning Commission (5:30 pm) -- Cancelled  
October 10, 2017 – Planning Commission (5:30 pm)  
December 6, 2017 - 1<sup>st</sup> Reading & Transmittal (1:30 pm)

**DULY ADVERTISED:**

August 25, 2017 – Public Notice and Notification  
September 29, 2017 – Public Notice and Notification  
November 17, 2017 -- Public Notice and Notification  
TBD – Ordinance Heading & Public Notice ¼ Page Ad w/Map

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval to transmit a change in Future Land Use from “County” Rural to “City” Mixed Use Interchange for the property owned by Chul Lee et.al., subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on October 10, 2017, found the Mixed Use Interchange Future Land Use Designation consistent with the Comprehensive Plan and character of the surrounding area; and unanimously recommended a change in Future Land Use Designation to Mixed Use Interchange for the properties owned by Chul Lee et. al. subject to the information and findings in the staff report.

**City Council:** Accept the First Reading of Ordinance No. 2591 and authorize transmittal to the Florida Department of Economic Opportunity.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Grazing\Agriculture
East (City) and (County)	Rural	A-1 (ZIP) and A-1	Horticulture Nursery
South (City)	Res. Very Low Suburban	R-1AAA	Horticulture nursery
West (County)	Rural	A-1	Grazing\Agriculture

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

**II. LAND USE ANALYSIS**

Analysis for the Future Land Use Designation was performed as part of the adopted Wekiva Parkway Interchange Vision Plan. This Vision Plan has been incorporated into the Comprehensive Plan. The subject property straddles the one-mile radius from the interchange, and the property owner has selected to pull the entire property into the Kelly Park Crossing Form-Based Code Area (aka Wekiva Parkway Interchange Vision Plan Area).

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

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

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

Transportation: Road access to the site is from Kelly Park Road to the south.

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

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

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

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

Analysis of the relationship of the amendment to the population projections: Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population by as many as 525 residents. The applicant proposes to develop the property as single family residential. Land use analysis was conducted as part of the Wekiva Parkway Interchange Vision Plan.

**CALCULATIONS:**

ADOPTED: x 2.659 p/h = N/A

PROPOSED: 197 x 2.659 p/h = 523 persons

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

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

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

Sanitary Sewer Analysis

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

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

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

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

4. Capacity available: Yes

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

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

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

Potable Water Analysis

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

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

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

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

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

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site:
2. Projected LOS under existing designation: 100 year - 24 hour design storm event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.

4. Improvement/expansion: On-site retention/detention pond

Recreation

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

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



**Chul Lee et. al.**  
**Property Owners**  
**39.48 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: “County” Rural**  
**To: “City” Mixed Use Interchange**  
**Parcel ID #: 07-20-28-0000-00-011; 07-20-28-0000-00-048**



### VICINITY MAP





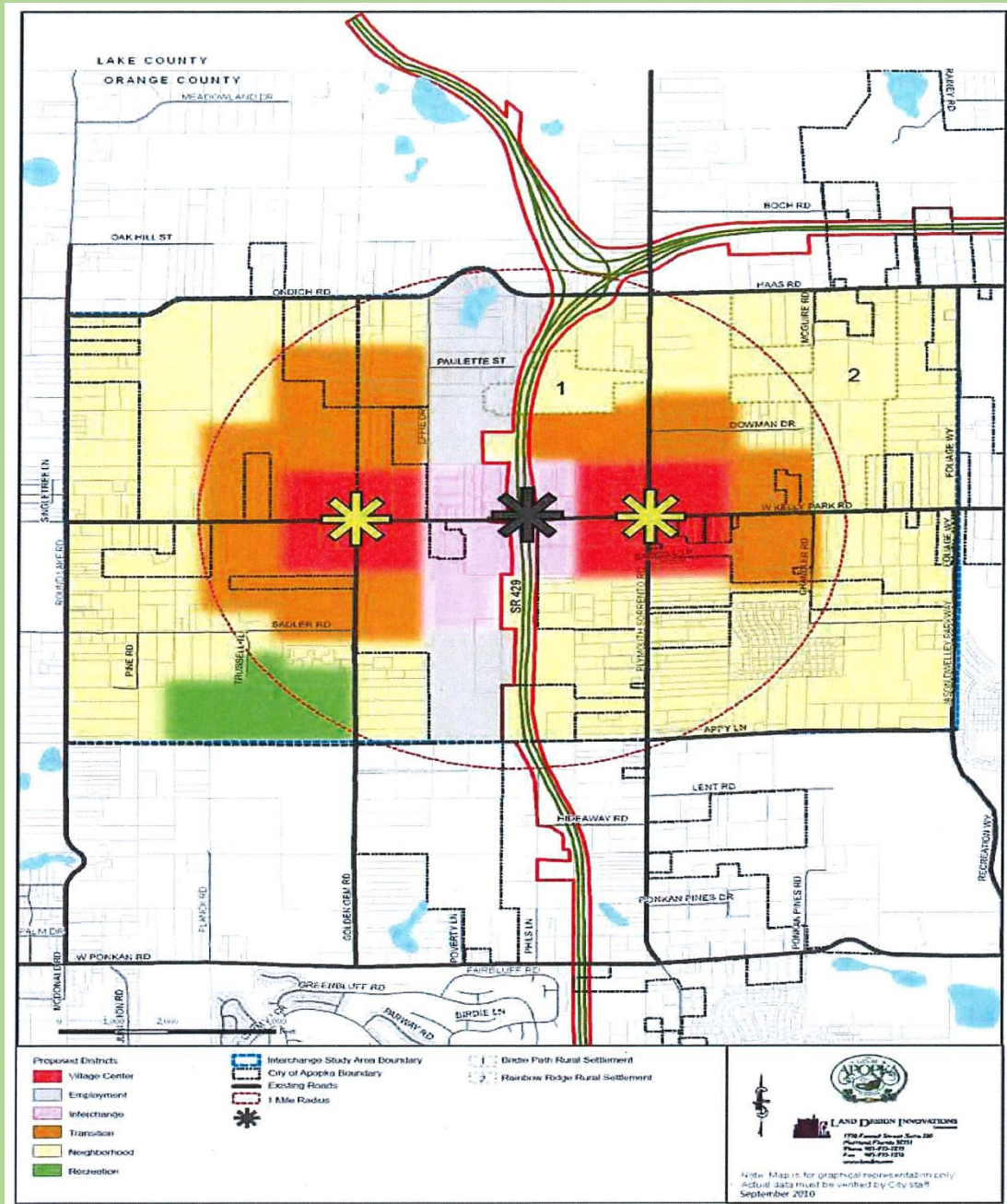


### ADJACENT USES





## Kelly Park Crossing Form-Based Code Area



**ORDINANCE NO. 2591**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL TO “CITY” MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD AND WEST OF JASON DWELLEY PARKWAY, OWNED BY WON CHUL LEE; BONG JIN CHOE; SOON CHONG; WON CHUL LEE; AND SEA MYOG; COMPRISING 39.48 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

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

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

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

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

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

**ORDINANCE NO. 2591**  
**PAGE 2**

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

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

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: \_\_\_\_\_

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

ATTEST:

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

DULY ADVERTISED FOR PUBLIC HEARING: November 17, 2017

**EXHIBIT "A"**

**Choe – Lee et.al., Property Owners  
39.48 +/- Acres**

**Proposed Large Scale Future Land Use Amendment:  
From: "County" Rural To: "City" Mixed Use/Interchange  
(Kelly Park Crossing Form-Based Code Area) (1 -5 du/ac)  
Parcel ID #s: 07-20-28-0000-00-011; 07-20-28-0000-00-048**



**Legal Description:**

NW1/4 OF SE1/4 & THE W1/2 OF SW1/4 OF SE1/4 (LESS W 503.05 FT THEREOF) OF SEC 07-20-28 (29.66 +/- acres), AND E1/3 OF W3/4 OF SW1/4 OF SE1/4 OF SEC 07-20-28 (9.82 +/- acres)



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

#### E. Public Schools

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

### IV. Community Involvement

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

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

### V. Wekiva Parkway Interchange Vision Plan

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

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

#### A. Land Use Vision

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

<sup>1</sup> Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area



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

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

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

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

**1. Village Center (residential and commercial mix)**

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

**2. Edge Employment(employment uses)**

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

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

**3. Interchange (highway-dependent uses)**

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

**4. Transitional (office, medium density residential uses)**

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

**5. Neighborhood (residential)**

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

6. Recreation and Institutional

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

B. Vision Plan Holding Capacity

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

Table 3: Vision Plan Holding Capacity

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

Note: Acreages and yields are approximations only.

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

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

### **Objective 18**

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

#### **Policy 18.1**

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

#### **Policy 18.2**

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

##### Open Space

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

##### Clustering:

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

##### Transfer of Development Rights (TDR):

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

##### Form-Based Regulations:

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

**Policy 18.3**

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

**Policy 18.4**

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

**Policy 18.5**

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

**Policy 18.6**

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

**Policy 18.7**

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

**Policy 18.8**

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

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

**Policy 18.9**

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

**Objective 19**

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

**Policy 19.1**

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

**Policy 19.2**

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

**Policy 19.3**

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

**Objective 20**

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

**Policy 20.1**

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

**Policy 20.2**

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

**Policy 20.3**

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

**Policy 20.4**

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

**Policy 20.5**

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



**Policy 20.6**

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

**Policy 20.7**

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

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

**Policy 20.8**

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

**Policy 20.9**

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

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

**Policy 20.10**

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

Table 20.10: Wekiva Parkway Interchange Character District Standards

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

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

\* Calculated based on the entire vision plan area acreage.

**Policy 20.11**

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

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

**Policy 20.12**

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

**Policy 20.13**

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

**Policy 20.14**

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

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

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

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

**Policy 20.15**

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

**Policy 20.16**

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

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

**Policy 20.17**

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

**Policy 20.18**

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

**Policy 20.19**

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

**Policy 20.20**

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

**Policy 20.21**

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

**Policy 20.22**

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

**Policy 20.23**

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

**Policy 20.24**

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

**Policy 20.25**

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

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



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

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

**Policy 20.26**

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

**Policy 20.27**

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

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

**Policy 20.28**

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

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

**Policy 20.29**

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

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

**Policy 20.30**

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

**Policy 20.31**

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

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

Revised 9-7-10

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

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

**RECITALS**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 3. Map Amendment.**

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

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

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

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

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

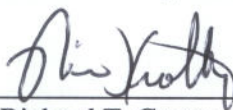
**Section 6. Severability.** Should any section, subsection, sentence, clause, phrase or provision of this Amendment is held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Amendment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

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

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



**ORANGE COUNTY, FLORIDA**  
**By: Board of County Commissioners**

By:   
Richard T. Crotty  
Orange County Mayor

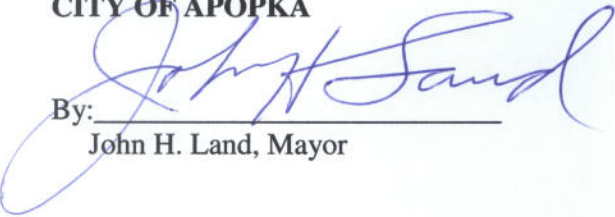
DATE: OCT 19 2010

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


By:   
Deputy Clerk

Revised 9-7-10

**CITY OF APOPKA**

  
By: \_\_\_\_\_  
John H. Land, Mayor

ATTEST: Janice G. Goebel  
City Clerk

By:   
Date: 9-17-10

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

# Exhibit 'F'

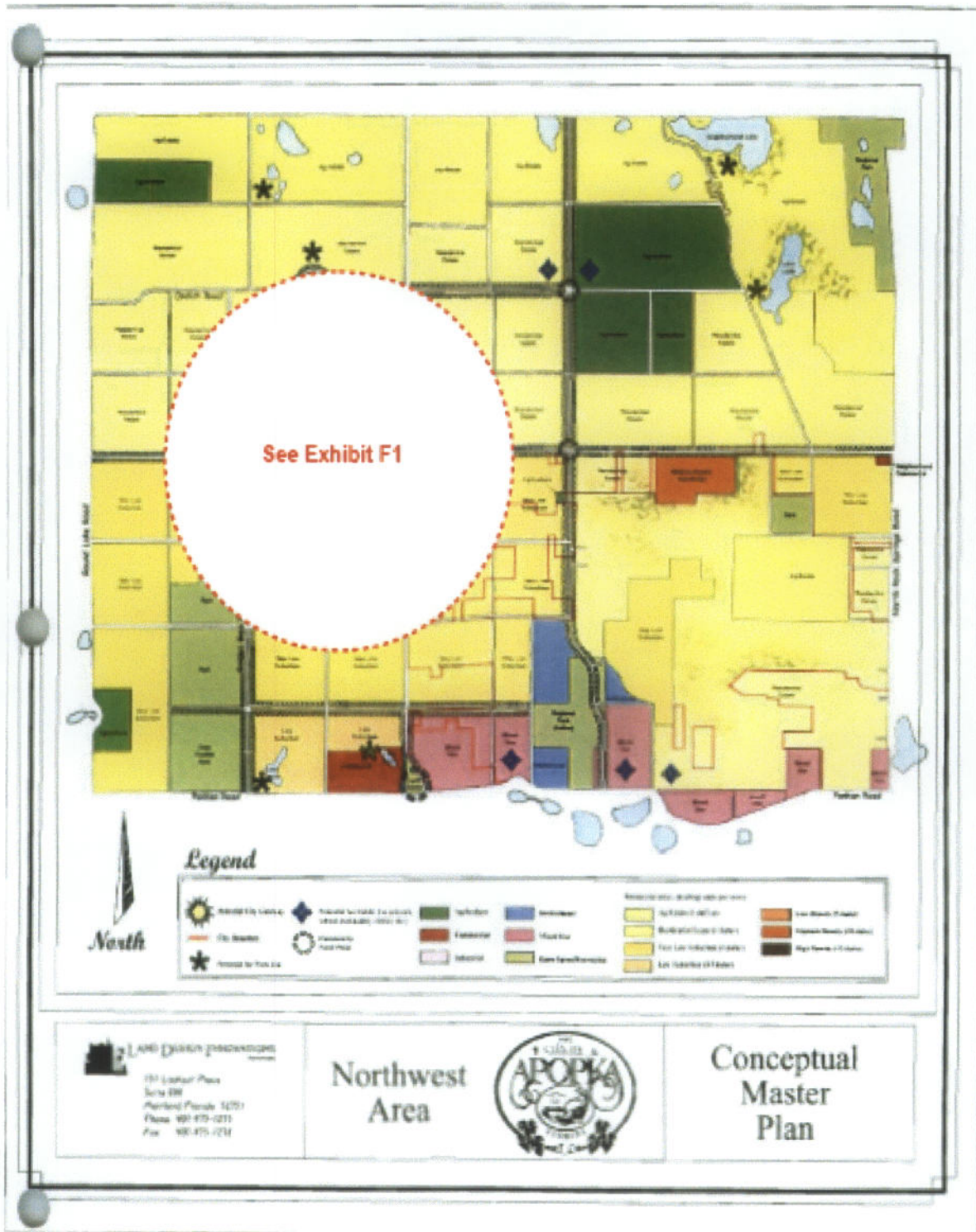
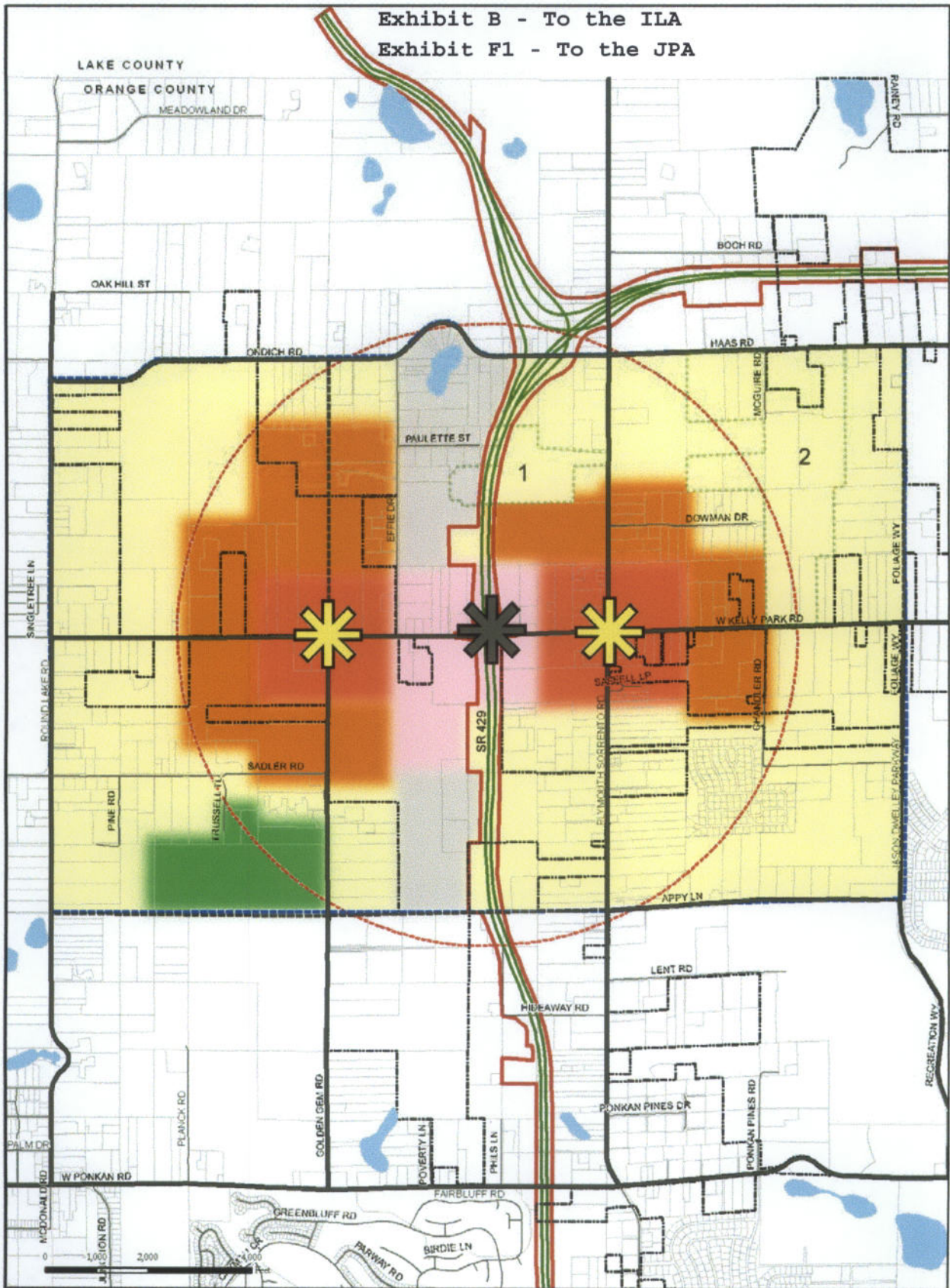




Exhibit B - To the ILA  
Exhibit F1 - To the JPA



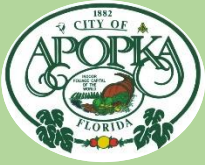
<p><b>Proposed Districts</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Village Center</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> Employment</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> Interchange</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Transition</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Neighborhood</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> Recreation</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border-bottom: 2px solid black; width: 20px; margin-right: 5px;"></span> Interchange Study Area Boundary</li> <li><span style="display: inline-block; border-bottom: 1px dashed black; width: 20px; margin-right: 5px;"></span> City of Apopka Boundary</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 20px; margin-right: 5px;"></span> Existing Roads</li> <li><span style="display: inline-block; border: 1px dashed red; width: 20px; height: 20px; margin-right: 5px;"></span> 1 Mile Radius</li> <li><span style="display: inline-block; font-size: 2em; margin-right: 5px;">✱</span> Interchange</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border: 1px dotted green; width: 15px; height: 15px; margin-right: 5px;"></span> 1 Bridle Path Rural Settlement</li> <li><span style="display: inline-block; border: 1px dotted green; width: 15px; height: 15px; margin-right: 5px;"></span> 2 Rainbow Ridge Rural Settlement</li> </ul>
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**LAND DESIGN INNOVATIONS**  
1718 Fernald Street, Suite 100  
Apopka, Florida 32711  
Phone 407-923-1213  
Fax 407-923-1218  
www.landi.com

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

**Backup material for agenda item:**

5. Ordinance No. 2606 – First Reading - Comprehensive Plan – Small Scale – Future Land Use Amendment – Legislative  
Phil Martinez  
Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Future Land Use Report  
 Vicinity Map  
 Adjacent Zoning Map  
 Adjacent Uses Map  
 Existing Uses  
 Ordinance No.2606

**SUBJECT: ORDINANCE NO. 2606 – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – MOORWOLF, LLC**

**REQUEST: ORDINANCE NO. 2606 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – MOORWOLF, LLC FROM RESIDENTIAL LOW (0-5 DU/AC) TO OFFICE (MAX. 0.30 FAR); AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER: Moorwolf, LLC

APPLICANT: Dailey Design Group, c/o Peter Dailey

LOCATION: 145 S. Wekiva Springs Road

PARCEL ID NUMBER: 12-21-28-6896-00-181

EXISTING USE: Single-family residence

DEVELOPMENT POTENTIAL: Maximum 13,917 sq. ft. office use (.30 floor area ratio)

CURRENT ZONING: “County” R-1 (ZIP)

PROPOSED ZONING: “City” PO/I (Professional Office/Institutional) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County”R-1 (ZIP) to “City” PO/I.)

TRACT SIZE: 1+/- acres

MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: Single-family residence  
 PROPOSED: Up to 13,917 sq. ft. office use.

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** The applicant intends to use the subject property for a 7,000 sq. ft. business or professional office facility.

The subject property was annexed into the City of Apopka on February 7th, 2007, through the adoption of Ordinance No. 1900.

A request to assign a Future Land Use Designation of “Office” is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 1 acre.

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). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the subject property is consistent with the Office (max. 0.30 FAR) Future Land Use designation and the City’s proposed PO/I Zoning.

**SCHOOL CAPACITY REPORT:** Because this request represents a change to a non-residential future land use designation and zoning classification, school capacity determination by Orange County Public Schools is not required.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on September 22<sup>nd</sup>, 2017

**PUBLIC HEARING SCHEDULE:**

November 14th, 2017 - Planning Commission (5:30 pm)  
December 6th, 2017 - City Council (1:30 pm) - 1st Reading  
December 20th, 2017 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

November 3, 2017 -- Public Notice (Letters, Apopka Chief, Site Posting)  
December 8, 2017 -- Public Notice (Apopka Chief)

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of Office for the property owned by Moorwolf, LLC, and located at

The **Planning Commission**, at its meeting on November 14, 2017, found the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the change of Future Land Use Designation from Residential Low Density to Office, subject to the findings of the Staff Report.

Accept the First Reading of Ordinance No. 2606 and Hold it Over for Second Reading and Adoption on December 20, 2017.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Low Density Residential (0-4 du/ac)	R-1	Single-family residence
East (County)	Low Density Residential (0-4 du/ac)	R-1	Woodlands
South (County)	Low Density Residential (0-4 du/ac)	P-D	Assisted Living Facility
West (City)	Commercial (max 0.25 FAR)	C-1	Strip Mall

**II. LAND USE ANALYSIS**

North: Abutting the subject property to the north is a single family home on a heavily wooded property.

West: The subject property fronts S. Wekiva Springs Road to the west. Across the road is the Wekiva Riverwalk Shopping Center.

South: The Brookdale Assisted Living Facility is located to the south of the Moorwolf property.

East: East of the Moorwolf property are woodlands and Lake Cortez. The woodlands are part of the Hope Baptist Church property.

The proposed future land use designation of “City” Office serves as a transitional land use between the residential uses to the east and south, as well as the institutional uses to the west and industrial land uses to the north.

Therefore, staff supports the proposed future land use changes.

Other Information:

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within “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 proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.j Office Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Office (max FAR 0.3). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

**CALCULATIONS:**

ADOPTED (County designation): 5 x 2.659 = 13 Persons

PROPOSED (City designation): N/A, no residential.

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.

Water and Sewer: The subject property is located within the Orange County Public Services utility service areas for water and sewer capacity.

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: 52 lbs / person /day
4. Projected LOS under proposed designation: 26.1 lbs / day / 1000 sf
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

Drainage Analysis

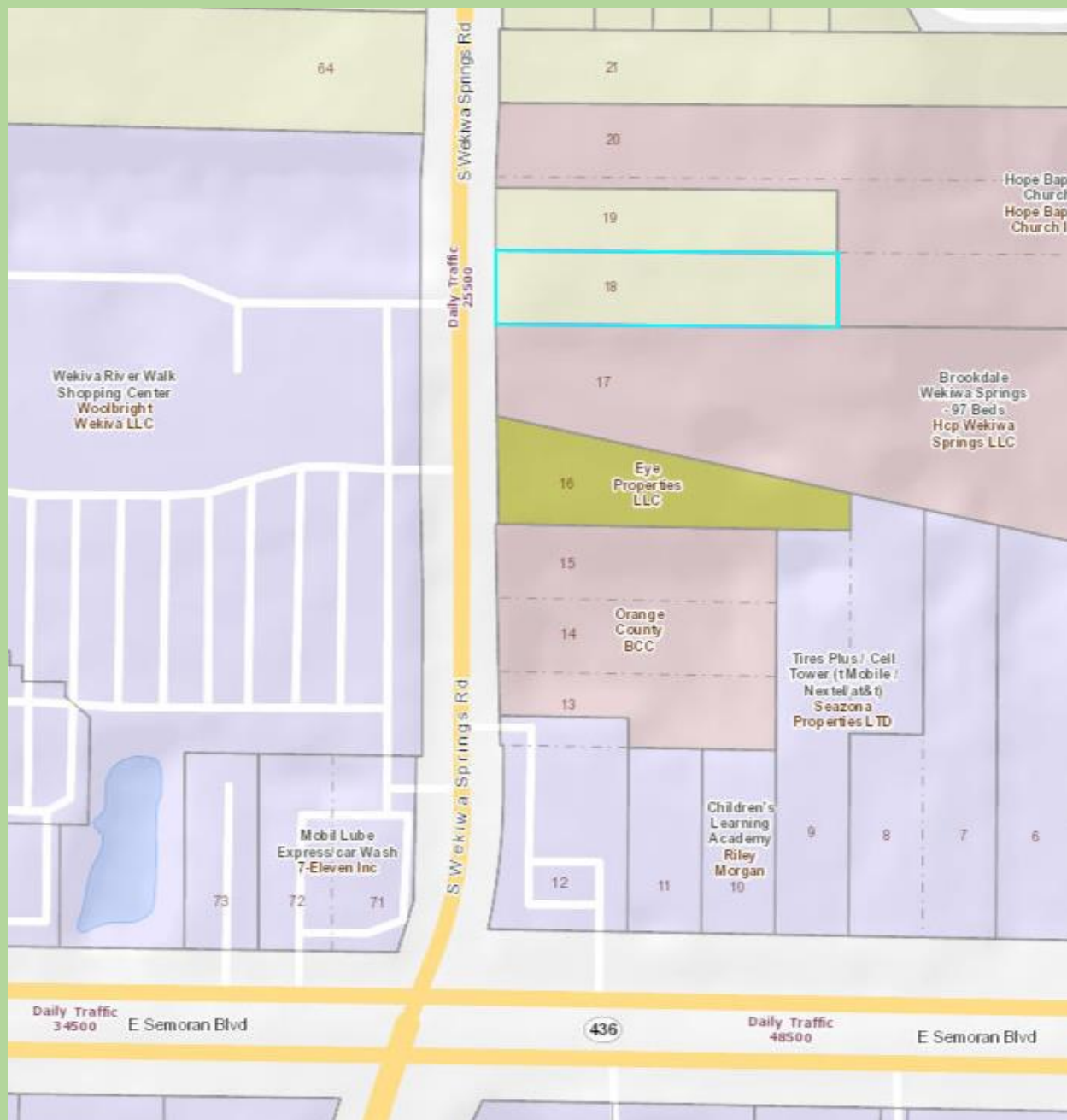
1. Facilities serving the site: Lake Cortez
2. Projected LOS under existing designation: 100 year – 24 hour design storm
3. Projected LOS under proposed designation: 100 year – 24 hour design storm
4. Improvement/expansion: On site retention / detention ponds

Recreation: Office use will not impact city parks and recreation facilities.

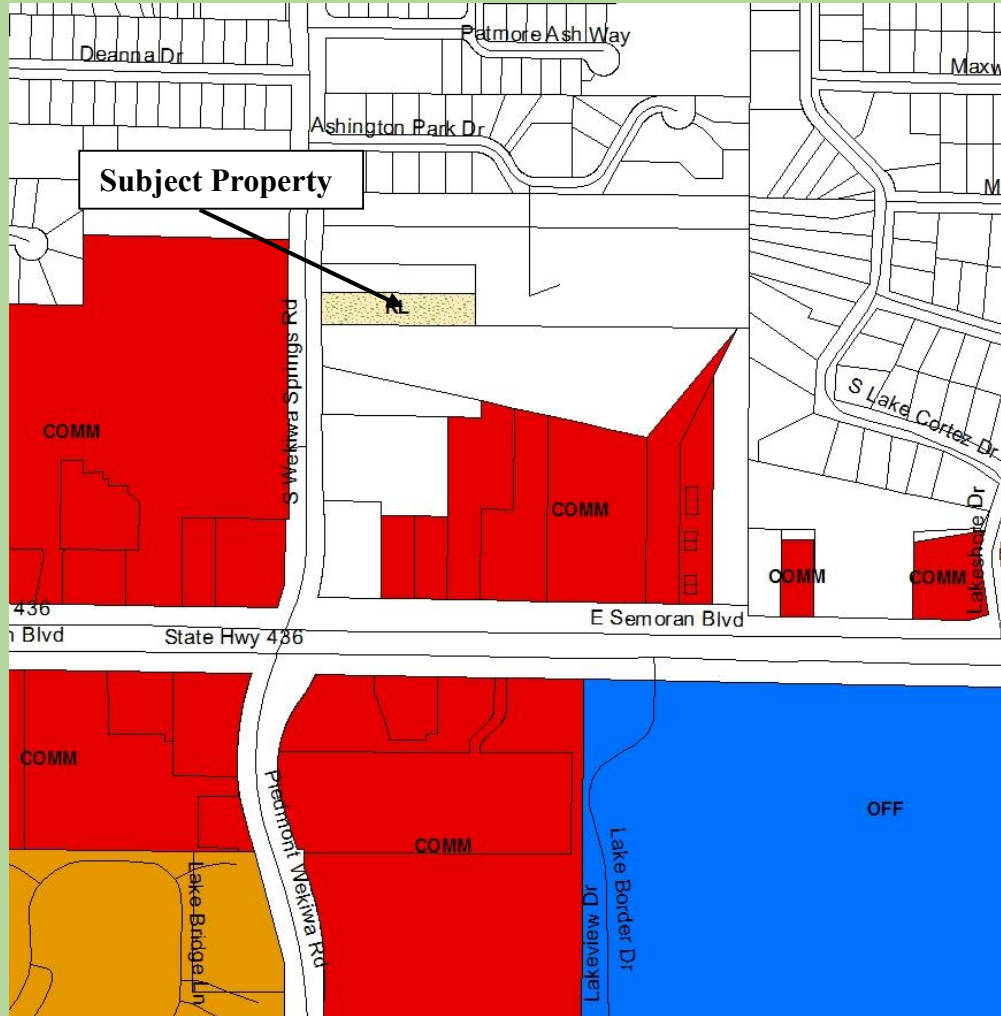






**Moorwolf, LLC**  
**1 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: Residential Low**  
**To: Office**  
**Proposed Change of Zoning:**  
**From: R-1 (ZIP)**  
**To: PO/I**  
**Parcel ID #: 12-21-28-6896-00-181**

### VICINITY MAP



### FUTURE LAND USE MAP

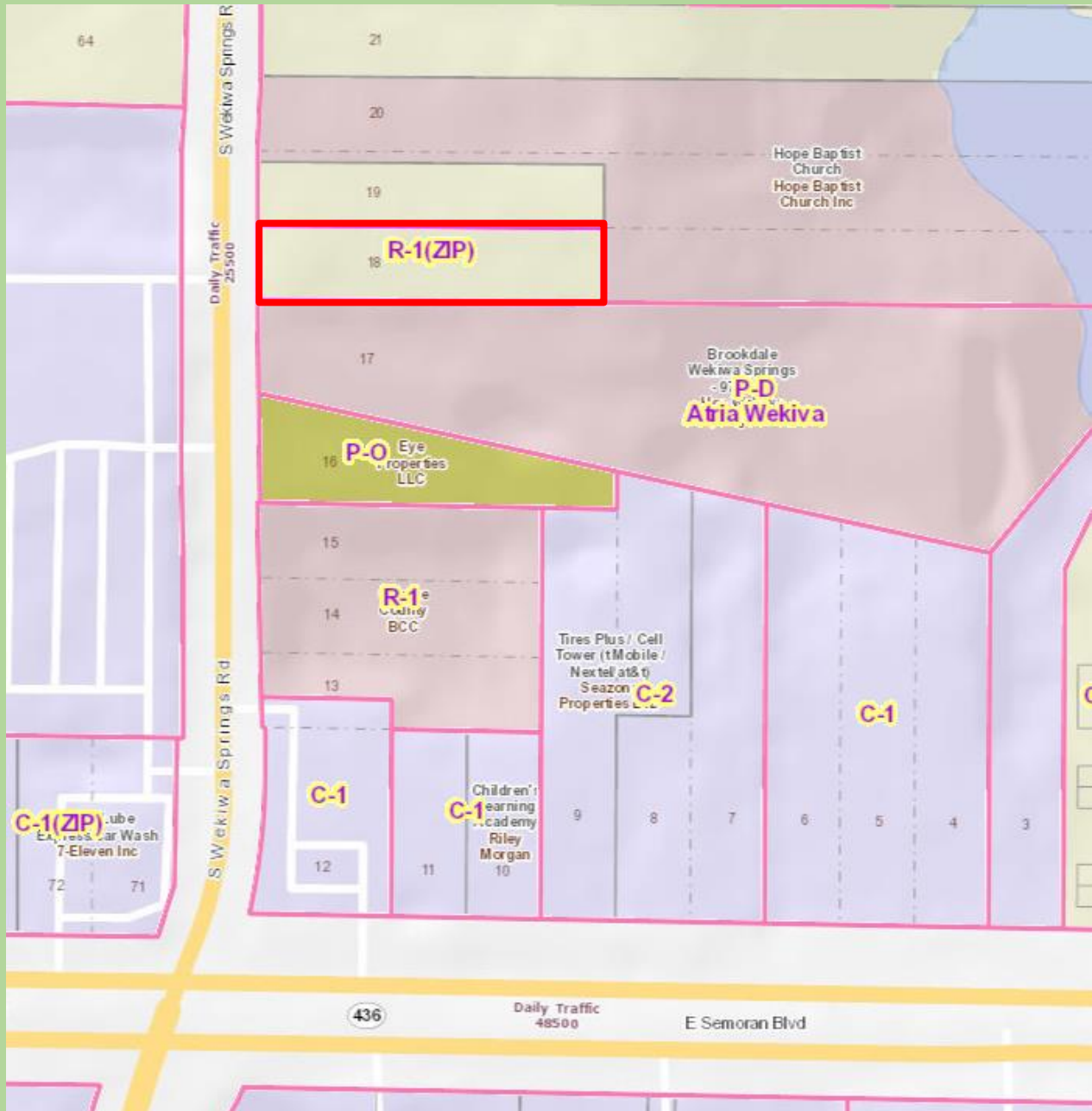


-  Residential Low
-  Commercial
-  Office
-  Residential High



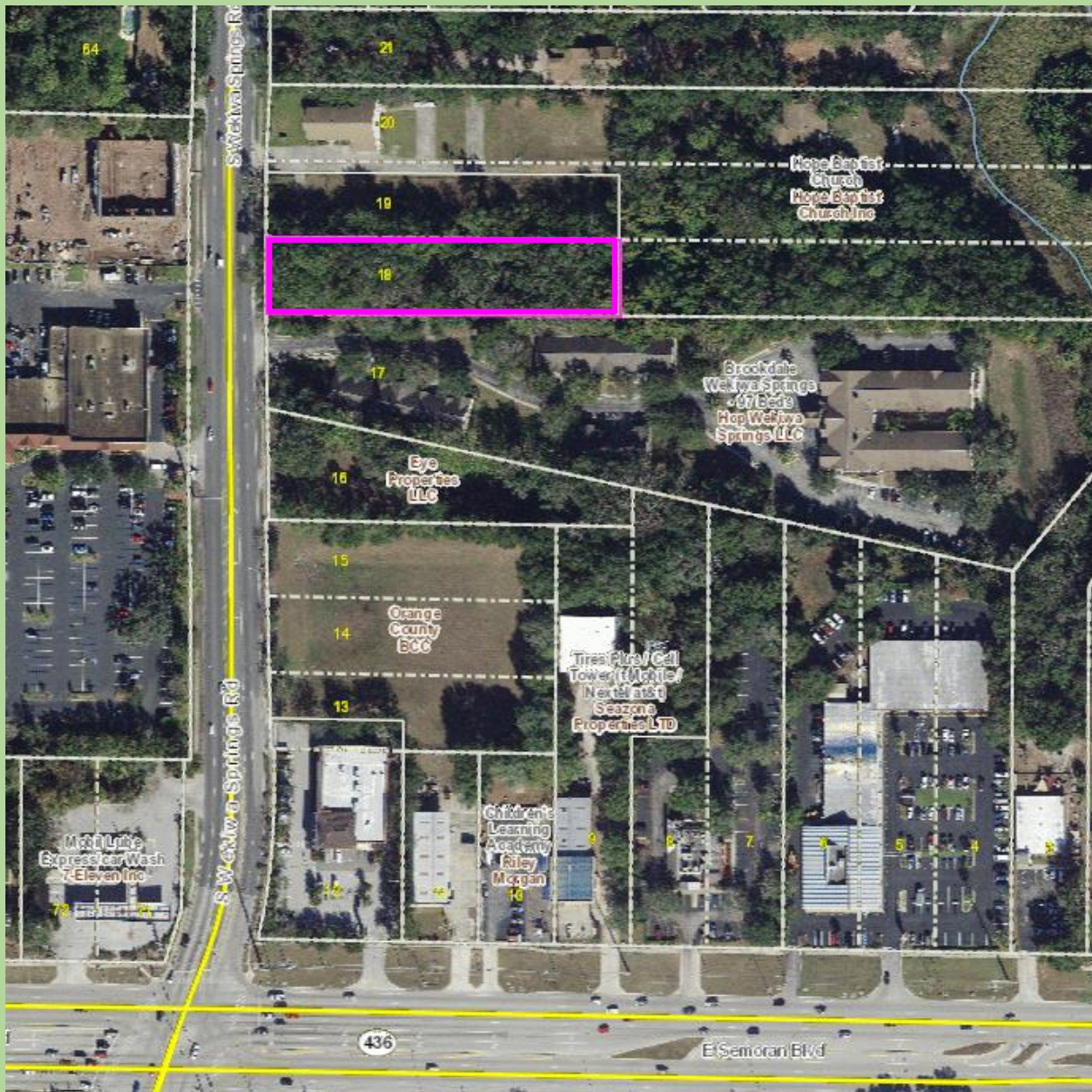


## ADJACENT ZONING MAP





### ADJACENT USES MAP



**ORDINANCE NO. 2606**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0 - 5 DU/AC) TO OFFICE (MAX. 0.3 FAR) FOR CERTAIN REAL PROPERTY LOCATED AT 145 SOUTH WEKIVA SPRINGS ROAD, COMPRISING 1.0 ACRE MORE OR LESS, AND OWNED BY MOORWOLF, LLC; 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. 2562 adopted on March 15, 2017; 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. 2562, is amended in its entirety to change the land use from “City” Residential Low (0-5 du/ac) to “City” Office (Max. 0.3 FAR), for certain real property located at South Wekiva Springs Road, comprising 1.0 acre more or less, (Parcel No. 12-21-28-6896-00-181); 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. 2606**  
**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 \_\_\_\_\_, 2017

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: December 20 2017

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

ATTEST:

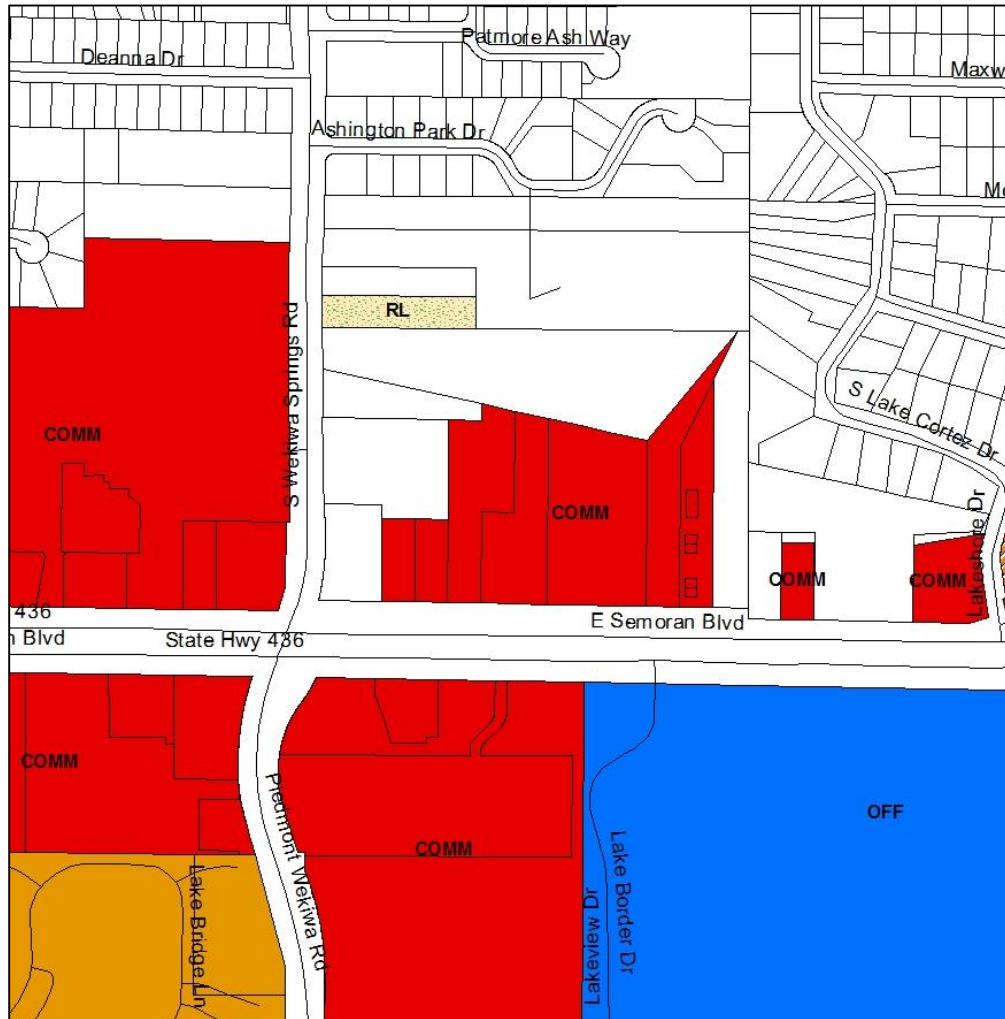
\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: November 3, 2017, December 8, 2017



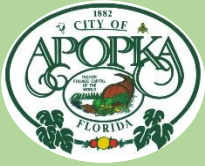
# EXHIBIT "A"

Moorwolf, LLC  
1 +/- acres  
Proposed Small Scale Future Land Use Amendment:  
From: Residential Low  
To: Office  
Proposed Change of Zoning:  
From: R-1 (ZIP)  
To: PO/I  
Parcel ID #: 12-21-28-6896-00-181



**Backup material for agenda item:**

6. Ordinance No. 2607 – First Reading – Change of Zoning – Quasi-Judicial  
Phil Martinez  
Project: Moorwolf, LLC – Located at 145 South Wekiva Springs Road



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 6, 2017  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses  
Ordinance No.2607

**SUBJECT: ORDINANCE NO. 2607 – CHANGE OF ZONING – MOORWOLF, LLC**

**REQUEST: ORDINANCE NO. 2607 – FIRST READING – CHANGE OF ZONING - MOORWOLF, LLC - FROM “COUNTY” R-1 (RESIDENTIAL) TO “CITY” PO/I (PROFESSIONAL OFFICE/INSTITUTIONAL); AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER: Moorwolf, LLC  
APPLICANT: Dailey Design Group, c/o Peter Dailey  
LOCATION: 145 S. Wekiva Springs Road  
PARCEL ID NUMBER: 12-21-28-6896-00-181  
EXISTING USE: Single-family residence  
CURRENT ZONING: “County” R-1 (ZIP)  
DEVELOPMENT POTENTIAL: Maximum 13,917 sq. ft. office use\7,000 sq. ft. proposed (max. .30 floor area ratio)  
PROPOSED ZONING: “City” PO/I (Professional Office/Institutional) (Note: this Change of Zoning request is being processed along with a request to amend the Future Land Use from Residential Low (0-5 du/ac) to Office (Max. 0.30 FAR)  
TRACT SIZE: 1+/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: Single-family residence  
PROPOSED: Up to 13,917 sq. ft. office use.

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of PO/I (Professional Office/Institutional District) to the property.

The subject property was annexed into the City of Apopka on February 7th, 2007, through the adoption of Ordinance No. 1900.

A request to assign a change of zoning to PO/I is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The change of zoning request is being processed in conjunction with a future land use amendment from “Residential Low” to “Office”

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the proposed Office (Max. 30% Floor Area Ratio) Future Land Use designation and the City’s proposed Professional Office/Institutional Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

**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 September 22, 2017.

**PUBLIC HEARING SCHEDULE:**  
Planning Commission, November 14<sup>th</sup>, 2017 (5:30 pm)  
City Council, December 6<sup>th</sup>, 2017 (1:30 pm) - 1<sup>st</sup> Reading  
City Council, December 20<sup>th</sup>, 2017 (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**  
November 3, 2017 - Public Notice (Letters, Apopka Chief, Site Posting)  
December 8, 2017 - Public Notice (Apopka Chief)

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from “County” R-1 to “City” PO/I for the property owned by Moorwolf, LLC, and located at 145 S. Wekiva Springs Road.

The **Planning Commission**, at its meeting on November 14, 2017, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and unanimously recommended approval of the proposed Change of Zoning from “County” R-1 to “City” PO/I for the property owned by Moorwolf, LLC, and located at 145 S. Wekiva Springs Road.

Accept the First Reading of Ordinance No. 2607 and Hold it Over for Second Reading and Adoption on December 20, 2017.

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



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Low Density Residential	R-1	Single Family House
East (County)	Low Density Residential	R-1	House of Worship/Woodlands
South (County)	Low Density Residential	P-D	Assisted Living Facility
West (City)	Commercial	C-1	Strip Mall

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The subject property fronts and is accessed by a county collector (Wekiva Springs Road)

**COMPREHENSIVE PLAN  
 COMPLIANCE:**

The proposed PO/I zoning is consistent with the proposed Future Land Use designation, "Office" (Max. 30% FAR) and with the character of the surrounding area and future proposed development. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.

**PO/I DISTRICT  
 REQUIREMENTS:**

- Floor Area Ratio (%): 30% max.
- Minimum Site Area: 10,000 sq. ft.
- Minimum Lot Width: 85 ft.
- Setbacks:
  - Front: 25 ft. (From property line)
  - Rear: 10 ft.
  - Side: 10 ft.
  - Corner: 25 ft.

Based on the above zoning standards, the subject parcel does meet code requirements for the PO/I (Professional Office/Institutional) district.

**BUFFERYARD  
 REQUIREMENTS:**

1. Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard.
2. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard.
3. Areas adjacent to nonresidential uses or districts shall provide a minimum of five-foot landscaped bufferyard.
4. Landscaping requirements for existing platted lots of record and structures may be approved in a lesser amount than required after review by the development review committee.

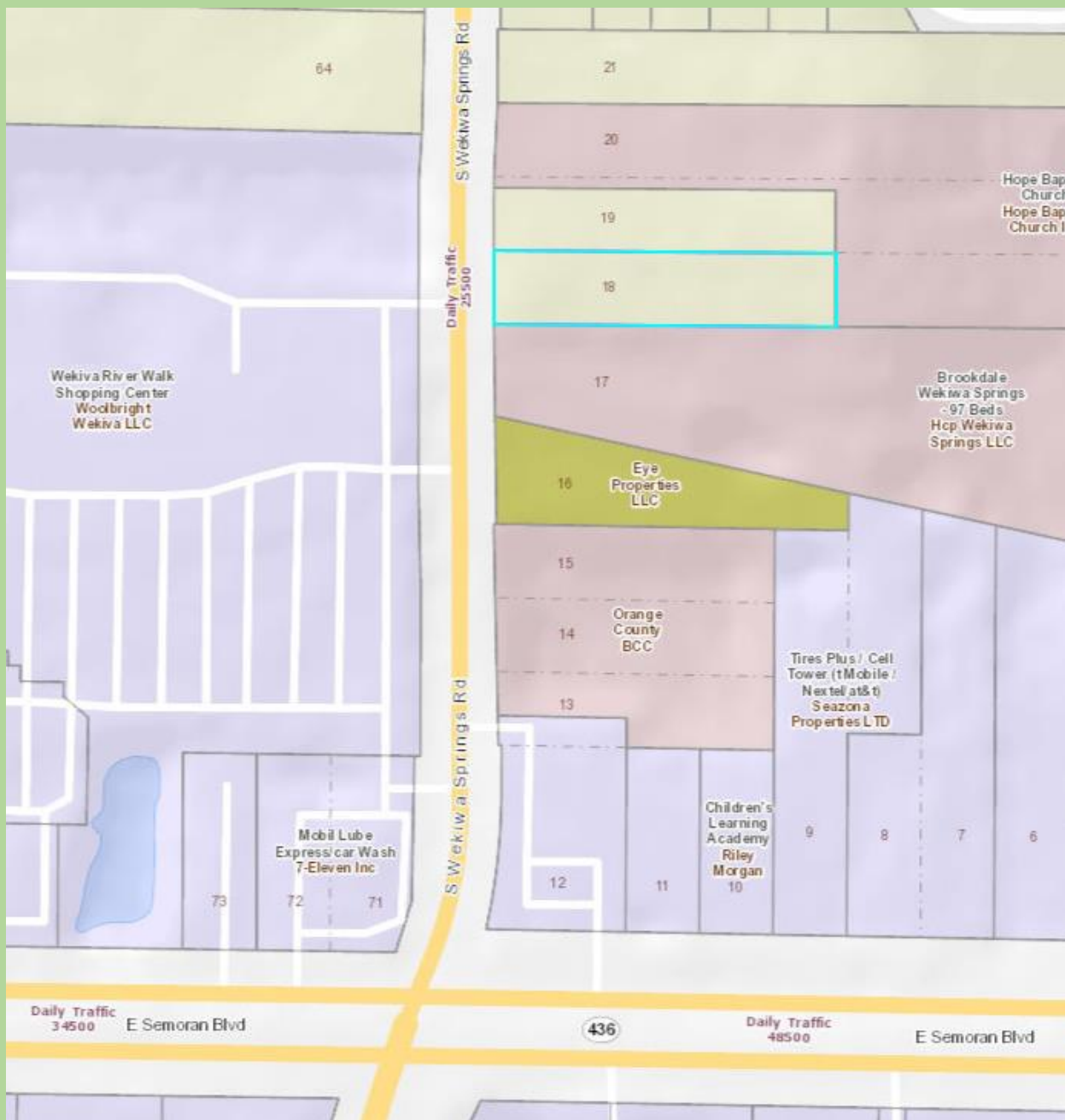
**ALLOWABLE USES:**

1. Professional offices, including those of architects, engineers, lawyers, accountants, tax and financial services or consultants, bookkeepers, realtors and brokers, insurance, investment counselors, travel agencies, etc.
2. Medical or dental clinics and offices.
3. Establishments for the retail sale of pharmaceutical, medical and dental supplies and other hospital-related items such as wheelchairs, braces, crutches, etc., for the handicapped, and other similar merchandise.
4. Parks and recreational areas owned and operated by nonprofit organizations.
5. Hospitals, museums, libraries, and cultural institution.
6. General government offices, including, but not limited to, fire stations, police stations, and post offices.
7. Churches and attendant educational facilities.
8. Educational facilities and day nurseries.
9. Public and private utilities.
10. Supporting infrastructure and public facilities.
11. Other uses which are similar and compatible to the uses permitted herein which adhere to the intent of the district and which are not prohibited as specified in this code. Use determination shall be based on the community development director's recommendation.



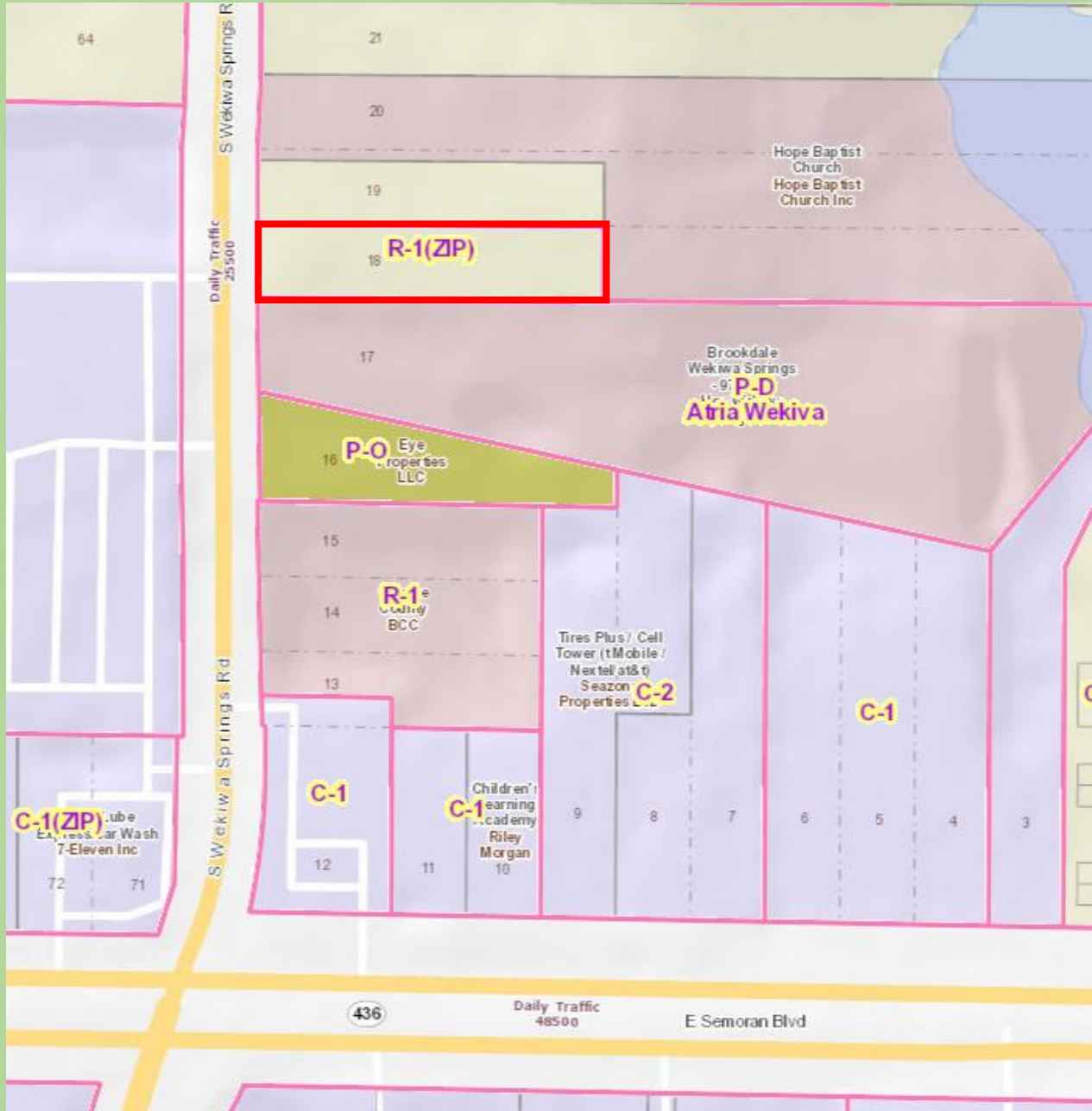
**Moorwolf, LLC**  
**1 +/- acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: Residential Low**  
**To: Office**  
**Proposed Change of Zoning:**  
**From: R-1 (ZIP)**  
**To: PO/I**  
**Parcel ID #: 12-21-28-6896-00-181**

### VICINITY MAP





# ADJACENT ZONING MAP





**ORDINANCE NO. 2607**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA CHANGING THE ZONING FROM “COUNTY” R-1 (RESIDENTIAL) TO “CITY” PO/I (PROFESSIONAL OFFICE\INSTITUTIONAL) FOR CERTAIN REAL PROPERTY LOCATED AT 145 SOUTH WEKIVA SPRING ROAD, COMPRISING 1.0 ACRE, MORE OR LESS AND OWNED BY MOORWOLF, 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**, Moorwolf, LLC has requested a change in zoning on said property as identified in Section I of this ordinance; and

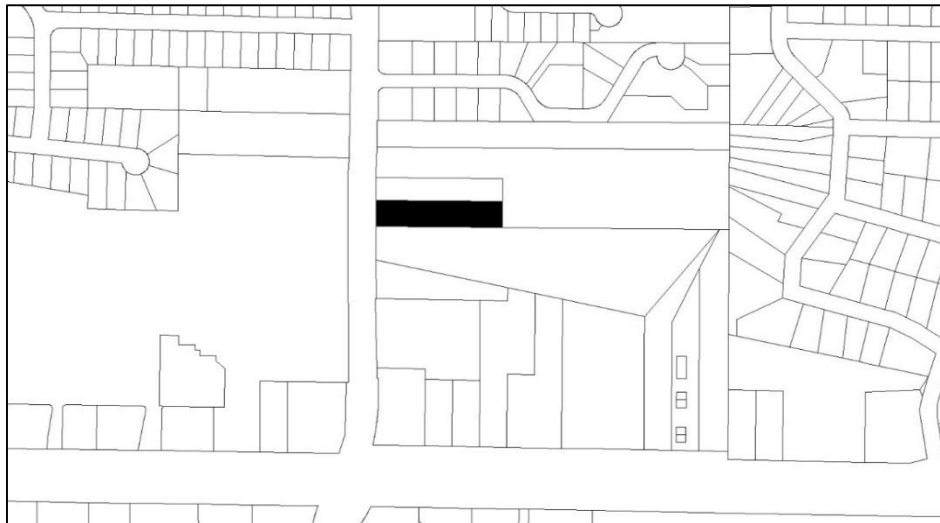
**WHEREAS**, the proposed PO/I zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

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

Legal Description:

PIEDMONT ESTATES R/35 THE W 485 FT OF LOT 18 (LESS W 21.11 FT THEREOF TAKEN FOR R/W)



Parcel ID No: 12-21-28-6896-00-181

Contains: 1.0 +/- Acre

**ORDINANCE NO. 2607**

**PAGE 2**

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

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

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

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

**Section VI.** That this Ordinance shall take effect upon the effective date the Large Scale Future Land Use Ordinance No. 2606.

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: December 20, 2017

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED: November 3, 2017, December 8, 2017

**Backup material for agenda item:**

7. Ordinance No. 2609 – First Reading – Change of Zoning – Quasi-Judicial  
Phil Martinez  
Project: Paul and Kimberly Rehn - Located at 2393 Appy Lane





# CITY OF APOPKA CITY COUNCIL

\_\_\_\_ CONSENT AGENDA  
X PUBLIC HEARING  
\_\_\_\_ SPECIAL REPORTS  
X OTHER: Ordinance

MEETING OF: December 6, 2017  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map

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**SUBJECT:                    ORDINANCE NO. 2609 – CHANGE OF ZONING – PAUL & KIMBERLY REHN**

**REQUEST:                    ORDINANCE NO. 2609 – FIRST READING - CHANGE OF ZONING – PAUL & KIMBERLY REHN, FROM R-1AAA (RESIDENTIAL SINGLE-FAMILY) TO AG-E (AGRICULTURAL ESTATE); AND HOLD OVER FOR SECOND READING & ADOPTION.**

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**SUMMARY:**

OWNERS/APPLICANTS: Paul and Kimberly Rehn  
LOCATION: 2393 Appy Lane  
PARCEL ID NUMBERS: 18-20-28-0000-00-112; 18-20-28-0000-00-125  
EXISTING USE: Single Family Home, Horse Barn, Mobile Home  
FUTURE LAND USE: Very Low Density Suburban Residential (Max. 2 D/Us per acre)  
PROPOSED LAND USE: Very Low Density Suburban Residential (Max. 2 D/Us per acre)  
CURRENT ZONING: R-1AAA  
PROPOSED DEVELOPMENT: Single Family Home, Horse Barn, Mobile Home  
TRACT SIZE: 10.0 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: up to 20 dwelling units (estimated)  
PROPOSED: up to 4 dwelling units

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**FUNDING SOURCE: N/A**

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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

**ADDITIONAL COMMENTS:** The property owner requests to change the zoning to Agriculture Estates so that horses and other domestic animals can continue to legally occur at the property. Currently, the subject property has a barn and corral fences. The subject property has a horse barn which is prohibited in the existing R-1AAA zoning district. In order for the property owner to be in compliance with the City’s Land Development Code, the two subject parcels require Agriculture Estate District zoning.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use complies with the Agricultural Estate zoning district and the Future Land Use designation, Very Low Density Suburban Residential. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed future land use change will result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. Therefore, the three acres are exempt from school capacity enhancement per the School Interlocal Planning Agreement.

**ORANGE COUNTY NOTIFICATION:** A notification was not required for this project. In accordance with our Joint Planning Agreement with Orange County, when a city parcel is not adjacent to an unincorporated parcel, no notification is required for a rezoning action.

**PUBLIC HEARING SCHEDULE:**

November 14, 2017 - Planning Commission (5:30 pm)  
December 6, 2017 - City Council (1:30 pm) - 1st Reading  
December 20, 2017 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

October 27, 2017– Public Notice (Apopka Chief), Letter Notification, Property Posting  
November 3, 2017– Public Notice (Apopka Chief)

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**RECOMMENDATION ACTION:**

**Development Review Committee:** The DRC finds the change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area. Planning staff recommends approval for the zoning change, R-1AAA to Agricultural Estate District.

The **Planning Commission**, at its meeting on November 14, 2017, found the change of zoning to Agricultural Estates to be consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and unanimously recommended to change the zoning from R-1AAA to Agricultural Estates for the property owned by Paul and Kimberly Rehn, subject to the findings of the Staff Report.

Accept the First Reading of Ordinance No. 2609 and Hold it Over for Second Reading and Adoption on December 20, 2017.

**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)	Very Low Density Suburban Residential (Max. 2 D/Us per acre)	PUD	Vacant
East (City)	Very Low Density Suburban Residential (Max. 2 D/Us per acre)	PUD	Vacant
South (City)	Very Low Density Suburban Residential (Max. 2 D/Us per acre)	PO/I	Vacant
West (City)	Very Low Density Suburban Residential (Max. 2 D/Us per acre)	R-1AAA	Sheds

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The rezoning to Agricultural Estates creates fewer traffic impacts than the R-1AAA zoning, and will generate fewer daily vehicle trips than that which can be generated by the R-1AAA zoning district.

To the south, across Jason Dwelley Parkway, is the City’s Northwest Recreation Complex. To the north is a tree preservation and park area for the Orchid Estates residential community. To the west is a vacant residential parcel that is owned by Philip and Alice Rehn. To the east is vacant land planned for future residential development.

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

Under Section 2.01.02, Table II-1, Agricultural Estates is a compatible zoning category in the Residential Very Low Suburban Future Land Use Designation. North of Ponkan Road and West of Rock Springs Road, residential development is restricted to no more than 2 dwelling units per acre except for land located within the Wekiva Parkway Interchange Vision Plan.

**AG-E DISTRICT  
 REQUIREMENTS:**

Minimum Living Area:	2,200
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 subject parcels comply with code requirements for the AG-E district.

**BUFFERYARD  
 REQUIREMENTS:**

1. 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.

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

**ALLOWABLE USES:**

*Permitted uses.* The following uses are permitted uses in the AG-E District (2.02.19, Land Development Code)

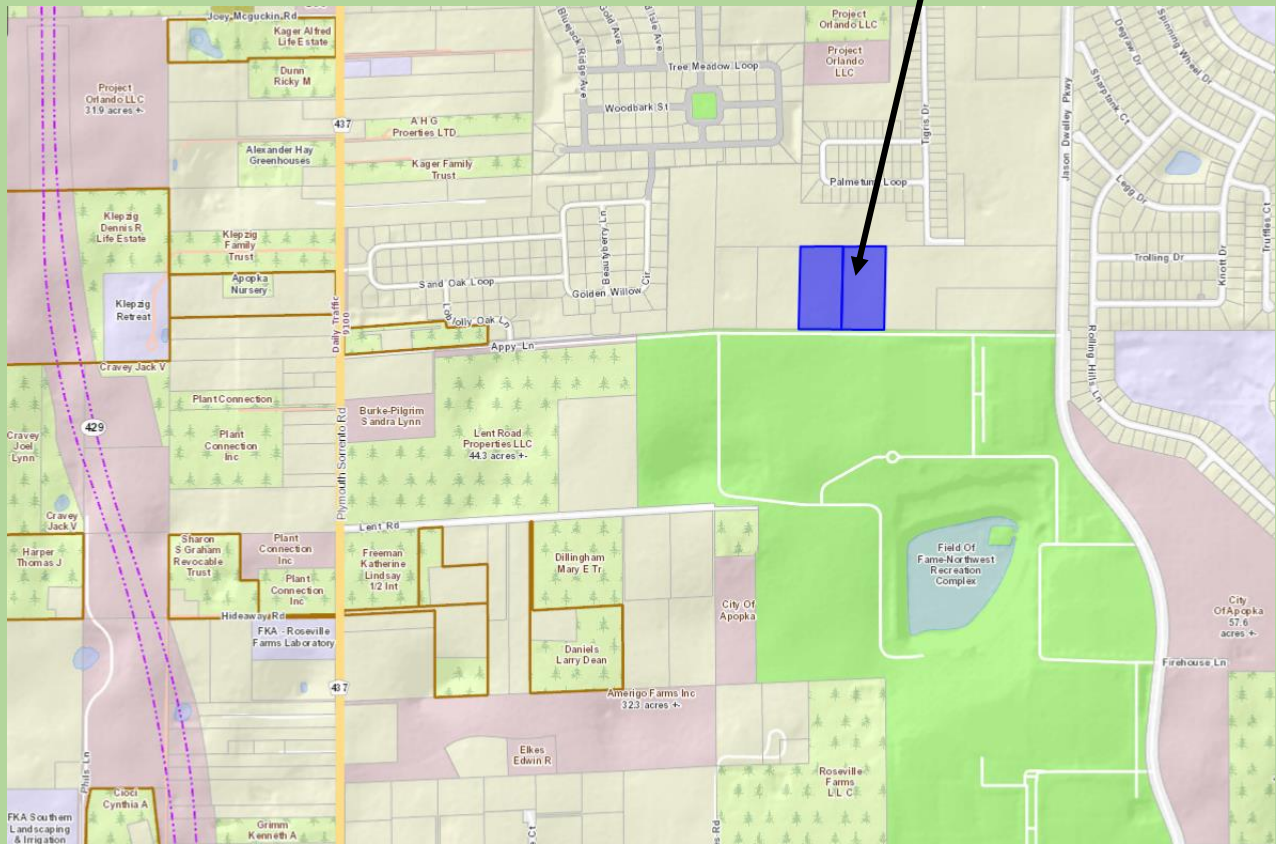
1. Single-family dwellings providing they are consistent with the stated purpose of this zoning district. Commercial endeavors such as boarding facilities etc. shall not be permitted in residential agricultural subdivisions.
2. Commercial wholesale foliage plant production nursery.
3. Livestock barns and stables.
4. Crop and animal production and the buildings and structures necessary to support such production.
5. Accessory buildings or structures, including stables or barns shall be in accordance with the standards of the AG-E District.
6. Accessory uses shall be in accordance with article VII of this code.

**Paul and Kimberly  
2393 Appy Lane  
10.0 +/- Acres**  
**Existing Maximum Allowable Development: 20 dwelling un\lac (estimated)**  
**Proposed Maximum Allowable Development: 20 dwelling units**  
**Proposed Zoning Change: 4 dwelling units**  
**From: R-1AAA**  
**To: AG-E (2.5 acres min. lot size)**  
**Parcel ID #s: 18-20-28-0000-00-112; 18-20-28-0000-00-125**



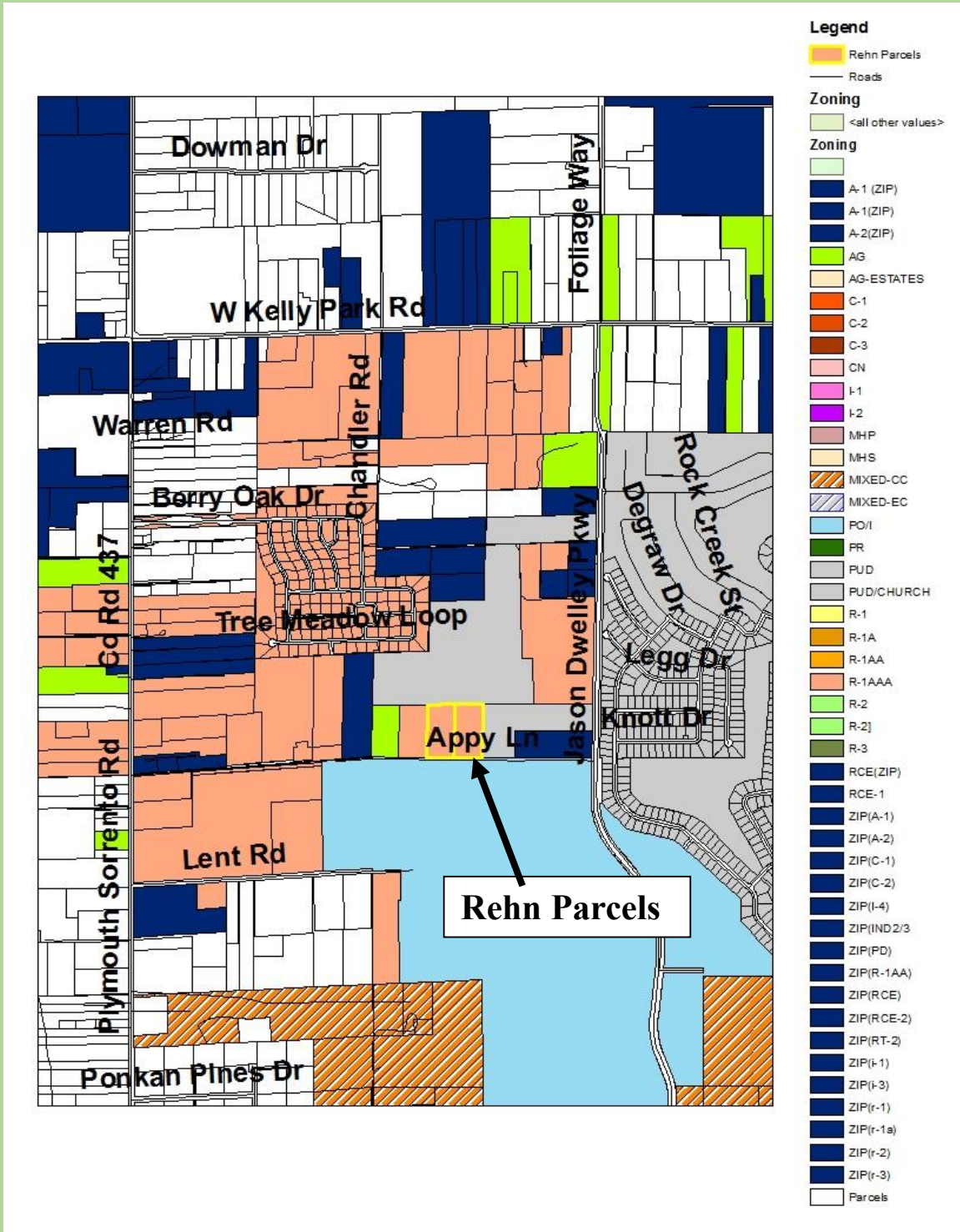
### VICINITY MAP

**Rehn Parcels**



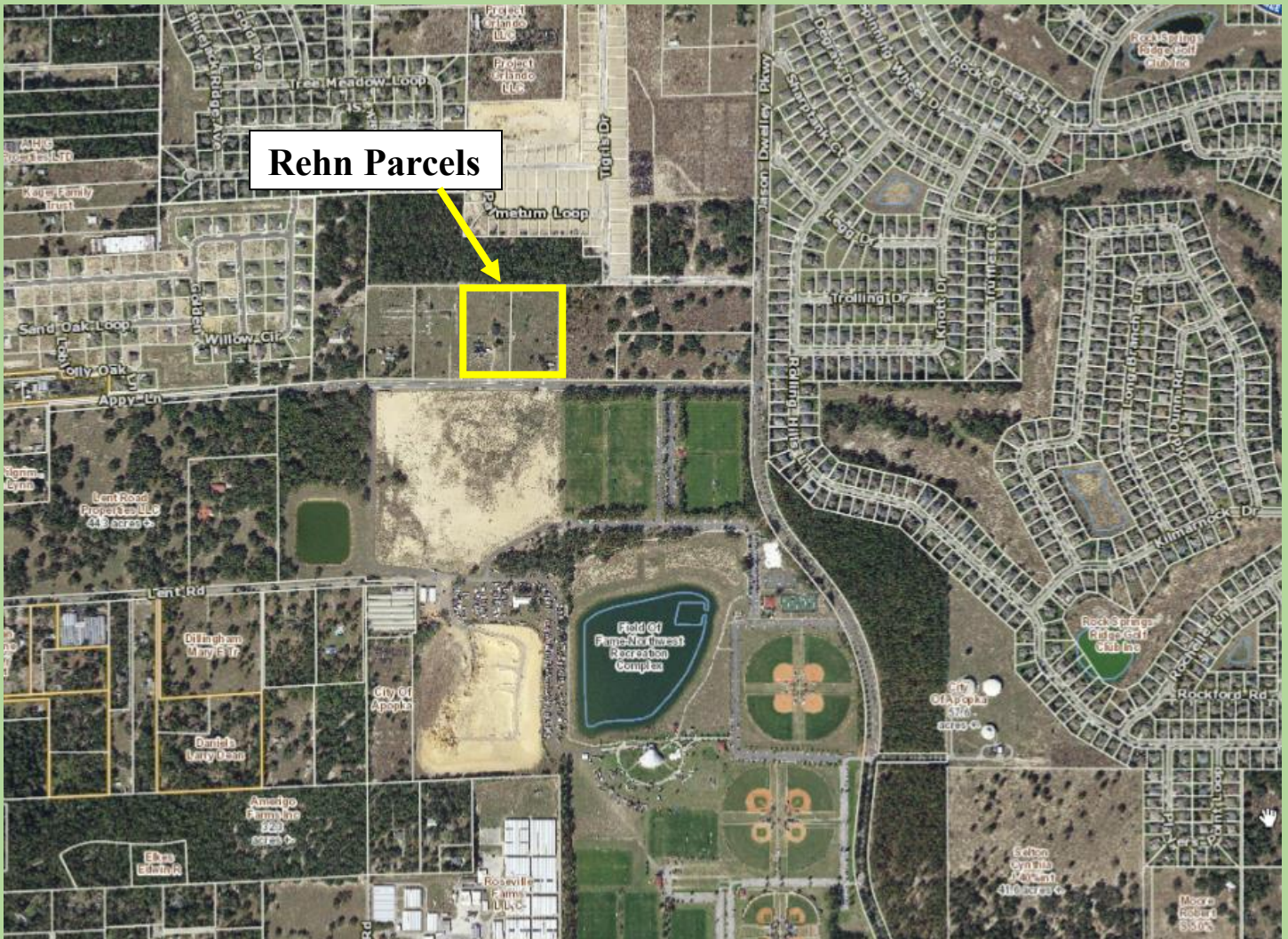


## ADJACENT ZONING





## ADJACENT USES



**ORDINANCE NO. 2609**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AAA (RESIDENTIAL SINGLE FAMILY) TO AG-E (AGRICULTURAL ESTATE) FOR CERTAIN REAL PROPERTIES LOCATED AT 2393 APPY LANE, COMPRISING 10.0 ACRES, MORE OR LESS, AND OWNED BY PAUL AND KIMBERLY REHN; 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**, Paul and Kimberly Rehn have requested a change in zoning on said property as identified in Section I of this ordinance; and

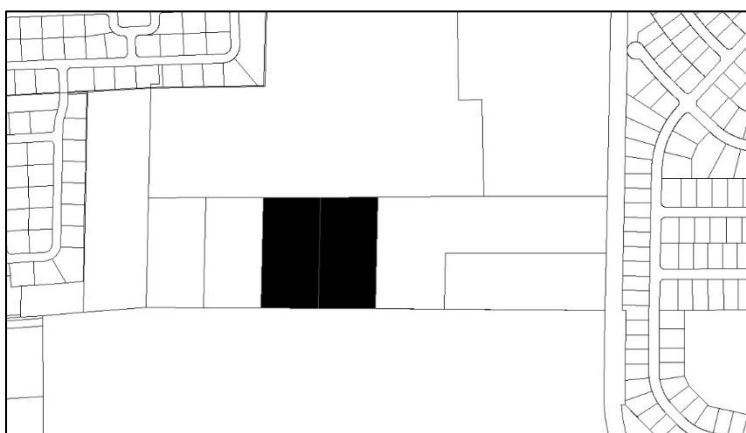
**WHEREAS**, the proposed AG-E zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**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:

E1/2 OF E1/2 OF S1/2 OF SW1/4 OF SE1/4 OF 18-20-28; TOGETHER WITH  
W1/2 OF E1/2 OF S1/2 OF SW1/4 OF SE1/4 OF SEC 18-20-28 SEE 3860/3764  
& 6048/1696



Parcel ID Nos: 18-20-28-0000-00-112; 18-20-28-0000-00-125  
Contains: 10.0 +/- Acres

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



**ORDINANCE NO. 2609**

**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.

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

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

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

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: December 20, 2017

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

ATTEST:

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

DULY ADVERTISED:      October 27, 2017, November 3, 2017

**Backup material for agenda item:**

8. Ordinance No. 2611 – First Reading – Comprehensive Plan - Large Scale – Future Land Use Amendment – Legislative  
David Moon  
Project: AHIFO-18 LLC – Located on the north side of West Kelly Park Road, west of Plymouth Sorrento Road



# CITY OF APOPKA CITY COUNCIL

- \_\_\_\_\_ CONSENT AGENDA
- X  PUBLIC HEARING
- \_\_\_\_\_ SPECIAL REPORTS
- X  OTHER: Ordinance

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Vicinity Map  
 Zoning Map  
 Adjacent Uses  
 WPIVP<sup>1</sup> Map  
 Ordinance No. 2611  
 APIVP Characteristics  
 Comp Plan Objectives  
 JPA Amendment No. 2

**SUBJECT: ORDINANCE NO. 2611 - COMPREHENSIVE PLAN – LARGE SCALE - FUTURE LAND USE AMENDMENT – AHIFO-18 LLC (AKA BRIDLE PATH)**

**REQUEST: ORDINANCE NO. 2611 – FIRST READING - COMPREHENSIVE PLAN – LARGE SCALE - FUTURE LAND USE AMENDMENT – AHIFO-18 LLC (AKA BRIDLE PATH) FROM “COUNTY” RURAL SETTLEMENT TO “CITY” MIXED USE INTERCHANGE (1 – 5 DU/AC); AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.**

**SUMMARY:**

OWNER: AHIFO-18 LLC

APPLICANT: VHB, c/o Jim Hall

LOCATION: North side of West Kelly Park Road, west of Plymouth Sorrento Rd.

PARCEL ID NOS.: 12-20-27-0000-00-032; 12-20-27-0000-00-090

CURRENT ZONING: “County” PD (ZIP)

PROPOSED ZONING: Mixed Interchange with a Neighborhood Residential Overlay District

EXISTING USE: Equestrian ranch and single family home

PROPOSED DEVELOPMENT: Detached single family residential subdivision; Neighborhood Overlay District

TRACT SIZE: 51 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: max. 5 units (up to 1 unit per 10 acres)  
 PROPOSED: max. 255 du (5.0 du/ac)

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

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

<sup>1</sup> WPIVP – Wekiva Parkway Interchange Vision Plan

**ADDITIONAL COMMENTS:** Presently, the subject property does not have a “City” future land use designation or “City” zoning classification assigned. The applicant requests a future land use designation of “City” Mixed Use Interchange. Presently, the applicant proposes a residential subdivision consistent with the Neighborhood Overlay Zoning District, as defined in the Kelly Park Crossing Form-Based Code.

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

The subject property is located within the one-mile radius from the Wekiva Parkway interchange at Kelly Park Road,; and are located within the Wekiva Parkway Interchange Vision Plan Area. Each parcel is therefore subject to the Kelly Park Crossing Form Based Code Area. Therefore, the property must comply with Objectives 18 – 20 and related policies within the Future Land Use Element of the Comprehensive Plan and the recently adopted Kelly Park Crossing Form-Based Code. The applicant’s request is consistent with the Mixed Use Interchange future land use designation. While the majority of the subject property lies within the Neighborhood Overlay District of the Wekiva Parkway Vision Plan and the Kelly Park Form Based Code Area, a small portion of its southeast corner lies within the Transitional Overlay Zone (5 -15 units\acre). At the time of zoning application, the application of the Overlay district will be determined.

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

*Future Land Use Element*

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

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

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

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

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

The City adopted a Form-Based Code for the Wekiva Parkway Vision Plan Area, titled the “K Park Crossing Form-Based Code”, on June 21, 2017 through Ordinance 2577.

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

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

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

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

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

*Transportation Element*

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

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

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

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

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

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. Notification has already occurred through the Second Amendment to the Joint Planning Agreement with Orange County government. The second amendment acknowledges that the City will assign a land use designation similar to the overlay district illustrated in the Wekiva Parkway Interchange Vision Plan.

**PUBLIC HEARING SCHEDULE:**

November 14, 2017 – Planning Commission (5:30 pm)  
December 6, 2017 – City Council (1:30 pm) 1<sup>st</sup> Reading & Transmittal  
2<sup>nd</sup> Hearing – TBD (7:00 pm) 2<sup>nd</sup> Reading & Adoption

**DULY ADVERTISED:**

November 3, 2017 – Public Notice and Notification  
TBD – Ordinance Heading & Public Notice ¼ Page Ad w/Map

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed FLUM amendment to be consistent with the Comprehensive Plan and recommends approval to transmit a change in Future Land Use to Mixed Use Interchange for the property owned by AHIFO-18 LLC subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on November 14, 2017, found the Mixed Use Interchange Future Land Use Designation consistent with the Comprehensive Plan; and unanimously recommend a change in Future Land Use Designation from “County” Rural Settlement to “City” Mixed Use Interchange for the properties owned by AHIFO-18 LLC subject to the information and findings in the staff report and authorization to transmittal to the Florida Department of Economic Opportunity.

**City Council:** Accept the First Reading of Ordinance No. 2611 and authorize transmittal to the Florida Department of Economic Opportunity.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural	A-1 (ZIP)	Single Family Residential/Woodlands
East (County)	Rural	A-1	Woodlands\Plymouth Sorrento Road
South (City)	Rural	R-CE-2 (ZIP)	Equestrian Track
West (City)	Rural	PD (ZIP)	Woodlands\S.R. 429

The property has access from Plymouth-Sorrento Road.

**II. LAND USE ANALYSIS**

Analysis for the Future Land Use Designation was performed as part of the adopted Wekiva Parkway Interchange Vision Plan. This Vision Plan has been incorporated into the Apopka Comprehensive Plan. The subject property is inside the one-mile radius from the Kelly Park Road interchange.

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

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

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

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

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

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2; Objectives 19 and 20.
- 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 is a potential for karst features at or in the vicinity of this property. Additional soil analysis will need to occur at the time of the Overlay District Master Plan or a subsequent development application.

Analysis of the character of the Property: The current use of the property is a single family house with a barn and various other agricultural buildings. Analysis of the FLUM designation occurred as part of the Wekiva Parkway Interchange Vision Plan.

Analysis of the relationship of the amendment to the population projections: Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population by as many as TBD residents. The applicant proposes to develop the property as single family residential. Land use analysis was conducted as part of the Wekiva Parkway Interchange Vision Plan.

**CALCULATIONS:**

ADOPTED: 5 du x 2.659 = 3 Persons

PROPOSED: 255 du x 2.659 = 678 Persons

Housing Needs: This amendment is to change the future land use to a future land use designation that permits residential uses, and will increase the number of available housing units in the City of Apopka. Housing needs are supported by the Wekiva Parkway Interchange Vision Plan.

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 980 GPD
3. Projected total demand under proposed designation: 49,980 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 1,050 GPD



3. Projected total demand under proposed designation: 53,550 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: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 52 lbs/ person / day
4. Projected LOS under proposed designation: 2,712 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): 9.353 MGD

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year – 24 hour design storm

3. Projected LOS under proposed designation: 100 year – 24 hour design storm
4. Improvement/expansion: On site retention / detention ponds

Recreation

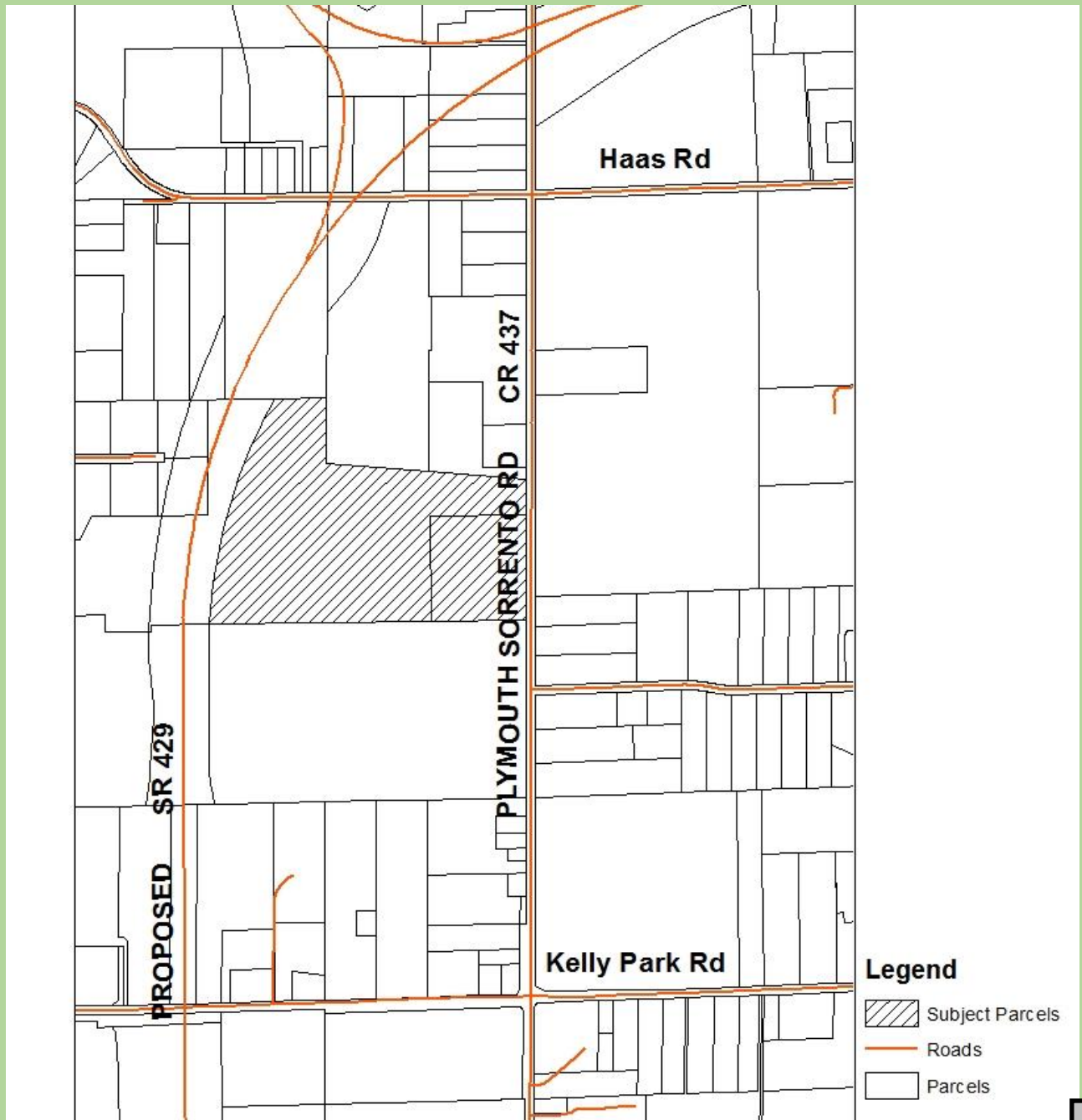
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.039 acres
3. Projected facility under proposed designation: N/A
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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



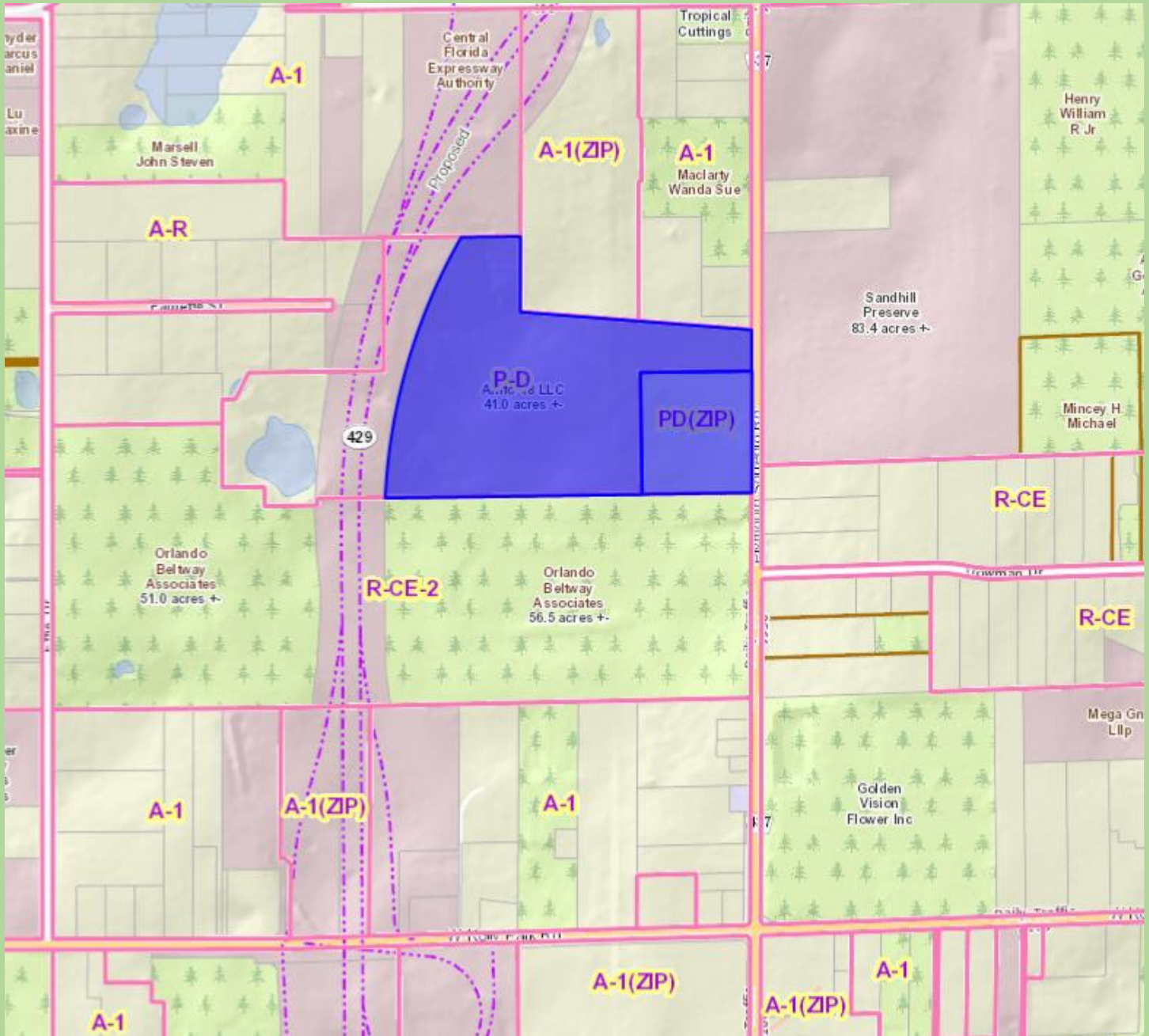
**AHIFO-18 LLC**  
Property Owners  
51 +/- Acres  
Proposed Large Scale Future Land Use Amendment:  
From: “County” Rural Settlement  
To: “City” Mixed Use Interchange  
Parcel ID #: 12-20-27-0000-00-032; 12-20-27-0000-00-090

### VICINITY MAP



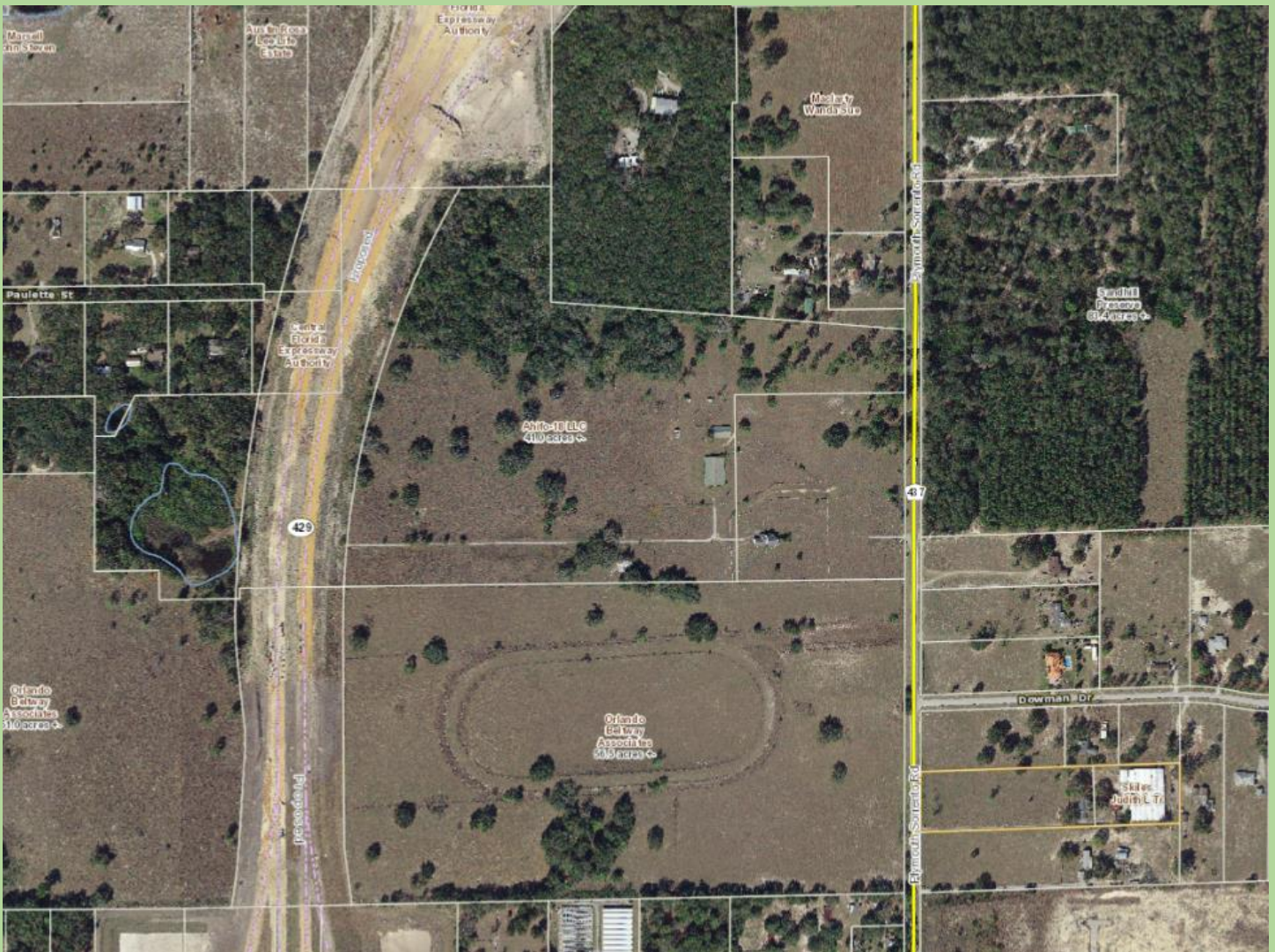


### ADJACENT ZONING



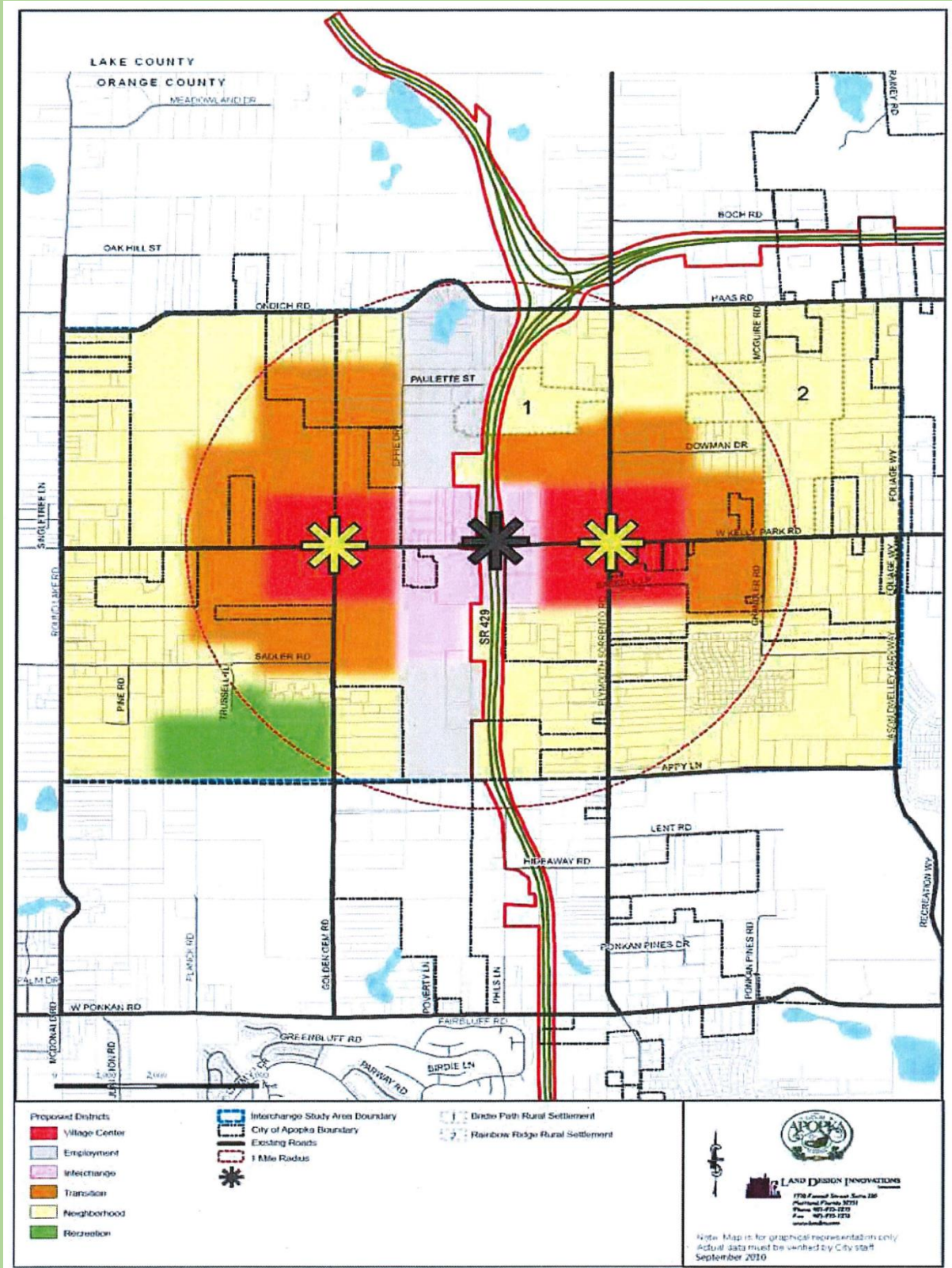


### ADJACENT USES





### Kelly Park Crossing Form-Based Code Area



Note: Map is for graphical representation only. Actual data must be verified by City staff September 2019.

## ORDINANCE 2611

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL SETTLEMENT TO “CITY” MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND EAST OF THE PROPOSED 429, OWNED BY AHIFO-18 LLC; COMPRISING 51.0 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

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

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

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

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

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

**ORDINANCE NO. 2611**  
**PAGE 2**

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

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2018.

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: \_\_\_\_\_

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

ATTEST:

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

APPROVED AS TO FORM:

DULY ADVERTISED FOR PUBLIC HEARING: November 3, 2017



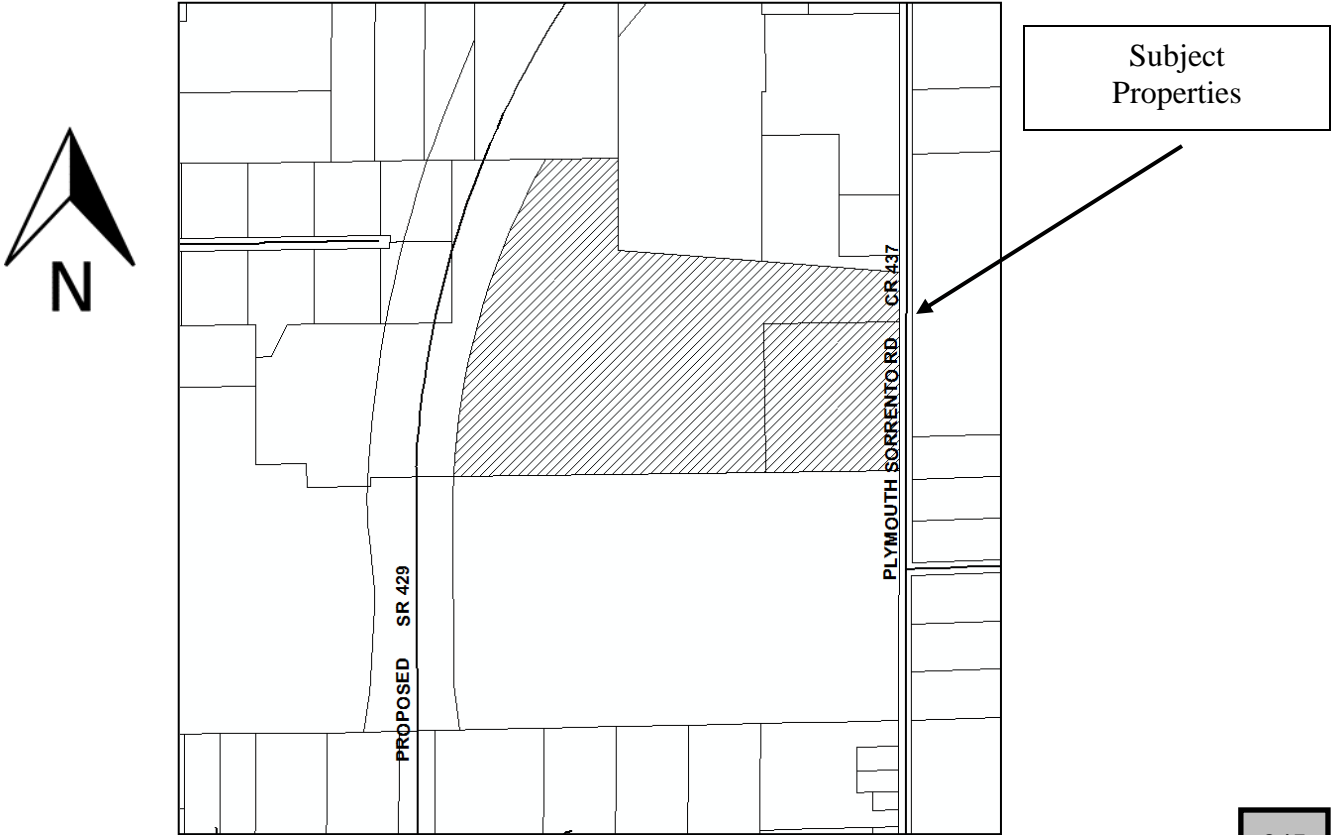
**EXHIBIT "A"**

**AHIFO-18 LLC, Property Owner**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: "County" Rural Settlement To: "City" Mixed Use Interchange**  
**Parcel ID #s: 12-20-27-0000-00-032; 12-20-27-0000-00-090**

**Legal Description:**

10936/6044 ERROR IN DESCRIPTION-COMM AT NE COR OF SE1/4 OF SE1/4 OF SEC 12-20-27 TH W 30 FT N 1171.25 FT W 625.95 FT FOR POB CONT W 1853.17 FT S 40 FT W 300 FT N 110 FT W 240 FT N 502.69 FT E 75 FT N 23 DEG E 170 FT E 770 FT N 760 FT E 779.37 FT S 430.5 FT S 85 DEG E 1323.72 FT S 235.83 FT W 635.93 FT S 695 FT TO POB (LESS COMM AT NE COR RUN S00-01-00E 1876.78 FT TH N85-37-03W 30.08 FT TO PT ON W R/W LINE OF PLYMOUTH SORRENTO RD TH CONT N85-37-03W 1325.32 FT TH N00-09-41E 429.53 FT TH S89-17-05W 339.1 FT FOR POB TH CONT S89-17-05W 442.02 FT TH S00-02-23E 759.35 FT TH S89-17-11W 770 FT TH S26-22-31W 168.51 FT TH S89-16-07W75 FT TH S00-05-23W 503.22 FT TH N89-12-48E 239.98 FT TH S00-47-50E 110.03 FT TH N89-12-48E 300 FT TH N00-48-20W 39.99 FT TH N89-14-48E 387.68 FT TO PT ON CURV CONCV ELY HAVING A RAD OF 3,300 A CHORD BEARING OF N16-12-47E A CENTRAL ANGLE OF 27-07-49 & AN ARC DIST OF 1562.58 FT TO POB) TOGETHER WITH 10936/6044 ERROR IN DESCRIPTION-BEG 1171.25 FT N & 30 FT W OF NE COR OF SE1/4 OF SE1/4 OF SEC 12-20-27 TH RUN W 625.95 FT N 695 FT E 635.93 FT S 540.05 FT S 155.02 FT TO POB

**(51 +/- acres)**



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

#### E. Public Schools

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

### IV. Community Involvement

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

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

### V. Wekiva Parkway Interchange Vision Plan

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

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

#### A. Land Use Vision

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

<sup>1</sup> Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area

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

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

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

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

**1. Village Center (residential and commercial mix)**

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

**2. Edge Employment(employment uses)**

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

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

**3. Interchange (highway-dependent uses)**

The area between the proposed village centers and the parkway will be the most accessible to traffic exiting the highway. Therefore, the intended character for those areas will be a mix between Village Center and a more “suburban” type setting. It is expected that this is the area where gas stations would be located. There will be form-based standards adopted to ensure the transition from the fast-moving traffic in the highway to the more walkable environment expected to develop in the village centers. The Interchange character district will contain predominantly stand-alone uses (as opposed to mixed-use buildings) with less intensity of development than in the Village Center.

[EdgeEmployment](#) character district type uses, including limited high density residential, may also occur in this character district. The area to be dedicated to Interchange uses comprises approximately 5 to 10% of the entire vision plan area.

**4. Transitional (office, medium density residential uses)**

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

**5. Neighborhood (residential)**

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

6. Recreation and Institutional

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

B. Vision Plan Holding Capacity

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

Table 3: Vision Plan Holding Capacity

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

Note: Acreages and yields are approximations only.

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

Revised 9-7-10

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

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

**RECITALS**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 3. Map Amendment.**

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

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

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

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

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

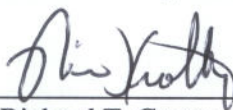
**Section 6. Severability.** Should any section, subsection, sentence, clause, phrase or provision of this Amendment is held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Amendment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

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

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



**ORANGE COUNTY, FLORIDA**  
**By: Board of County Commissioners**

By:   
Richard T. Crotty  
Orange County Mayor

DATE: OCT 19 2010

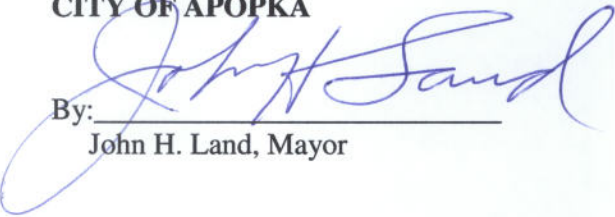
ATTEST: Martha O. Haynie, County Comptroller  
as Clerk of Board of County Commissioners

By:   
Deputy Clerk




Revised 9-7-10

**CITY OF APOPKA**

  
By: \_\_\_\_\_  
John H. Land, Mayor

ATTEST: Janice G. Goebel  
City Clerk

By:   
Date: 9-17-10

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

# Exhibit 'F'

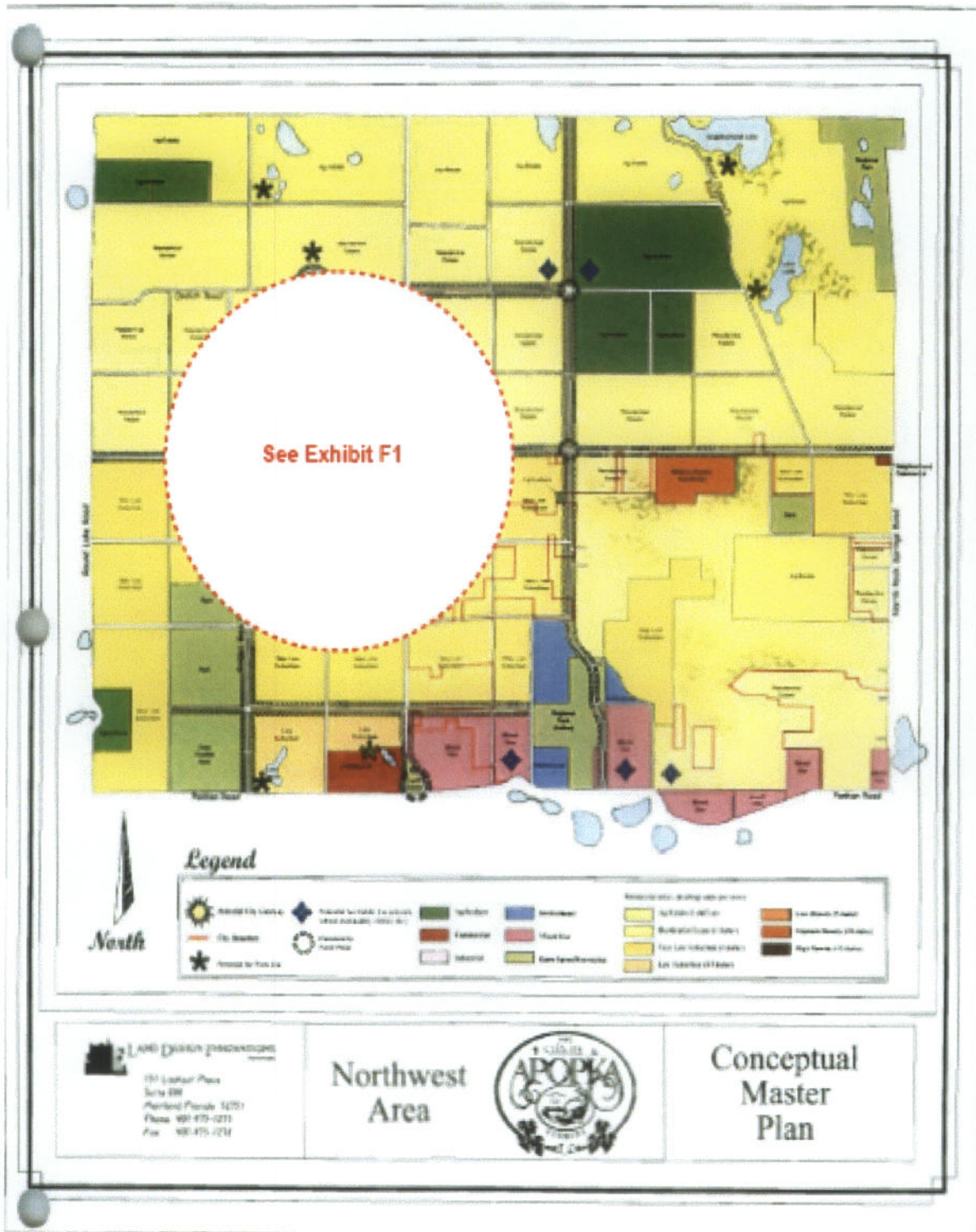
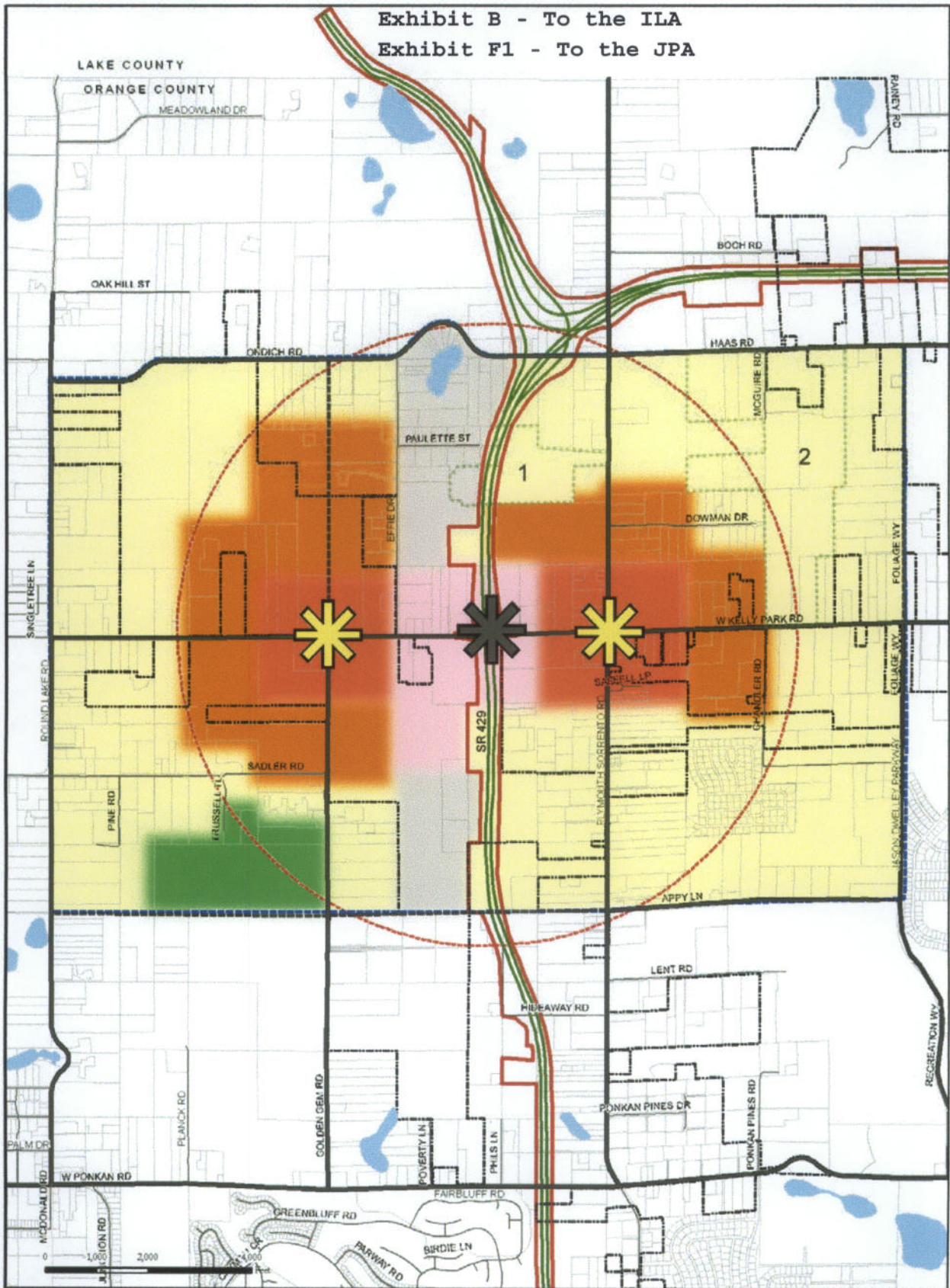


Exhibit B - To the ILA  
 Exhibit F1 - To the JPA



<p><b>Proposed Districts</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Village Center</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> Employment</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> Interchange</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Transition</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Neighborhood</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> Recreation</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border-bottom: 2px dashed black; width: 20px; margin-right: 5px;"></span> Interchange Study Area Boundary</li> <li><span style="display: inline-block; border-bottom: 2px solid black; width: 20px; margin-right: 5px;"></span> City of Apopka Boundary</li> <li><span style="display: inline-block; border-bottom: 2px solid black; width: 20px; margin-right: 5px;"></span> Existing Roads</li> <li><span style="display: inline-block; border: 1px dashed red; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 1 Mile Radius</li> <li><span style="display: inline-block; font-size: 2em; margin-right: 5px;">*</span> Interchange</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border: 1px dashed green; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 1. Bridle Path Rural Settlement</li> <li><span style="display: inline-block; border: 1px dashed blue; border-radius: 50%; width: 20px; height: 20px; margin-right: 5px;"></span> 2. Rainbow Ridge Rural Settlement</li> </ul>
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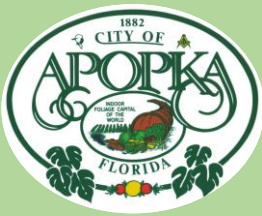
**LAND DESIGN INNOVATIONS**  
INCORPORATED

1718 Fernald Street, Suite 100  
 Apopka, Florida 32711  
 Phone 407-923-1213  
 Fax 407-923-1218  
 www.landi.com

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

**Backup material for agenda item:**

9. Ordinance No. 2612 – First Reading – Amending City of Apopka Code of Ordinances – Legislative  
James Hitt  
Project: Part II, Chapter 6 – “Alcoholic Beverages”



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBIT: Ordinance No. 2612

**SUBJECT: ORDINANCE NO. 2612 – AMENDING THE CITY OF APOPKA CODE OF ORDINANCES, PART II, CHAPTER 6 – “ALCOHOLIC BEVERAGES”**

**REQUEST: FIRST READING OF ORDINANCE NO. 2612 – AMENDING THE CITY OF APOPKA CODE OF ORDINANCES, PART II, CHAPTER 6 – “ALCOHOLIC BEVERAGES”; AND HOLD OVER FOR SECOND READING & ADOPTION.**

**SUMMARY:**

This amendment is to the City of Apopka Code of Ordinances, Part II, Chapter 6 – “Alcoholic Beverages” by amending restrictions on the sale and consumption of alcoholic beverages within the City in accordance with the requirements of this ordinance.

The City of Apopka’s alcoholic beverage ordinance contains outdated requirements that have the potential of prohibiting various businesses. Distance requirements prohibit alcoholic beverage sales/consumption within 750 feet of churches, schools, government property or buildings and public parks. Because all roads are actually considered government property, this alone can prohibit many uses throughout Apopka. Under the current code, and due to the high number of storefront churches in the downtown, Apopka’s downtown will never see a brewpub, like most every thriving downtown has.

This ordinance limits the distance requirement to 500 feet (down from 750 feet) from schools and provides additional definitions that were missing. It also incorporates the same for sale times that would put Apopka on par with Orange County. These changes, along with better clarifications, will allow Apopka to take advantage of the code, rather than being limited by it.

The City has recognized that brewpubs and wine bars make up a new and emerging independent market segment within Florida. Local independent breweries have emerged as a competitive market segment enabling many downtowns to become economically viable again.

The most important part of these updated regulations is to get Apopka and our downtown poised for economic opportunities that will allow alcoholic beverage sales in a more diversified atmosphere. This is another tool to help Apopka, the Apopka downtown and the CRA grow and make it acceptable to establishments that are normal for a successful downtown.

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief

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**FUNDING SOURCE:**

N/A

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**RECOMMENDATION ACTION:**

Accept the First Reading of Ordinance No. 2612 and Hold it Over for Second Reading and Adoption on December 20, 2017.

**CITY OF APOPKA**  
**ORDINANCE NO. 2612**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA; AMENDING CERTAIN SECTIONS OF CHAPTER 6, "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, PROVIDING FOR CITY ADMINISTRATOR APPROVAL OF CONSUMPTION OF ALCOHOLIC BEVERAGES FOR EVENTS ON CITY OWNED PROPERTY WHERE A LEASE OR RENTAL AGREEMENT HAS BEEN AUTHORIZED BY CITY COUNCIL FOR SUCH PROPERTY; AMENDING DISTANCE RESTRICTIONS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO SCHOOLS; ELIMINATING DISTANCE REQUIREMENTS ON THE SALE OF ALCOHOLIC BEVERAGES IN PROXIMITY TO GOVERNMENT BUILDINGS AND CHURCHES; ELIMINATING DISTANCE RESTRICTIONS BETWEEN ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR LOCATION OF SALES ON CITY-OWNED PROEPRTY; AMENDING RESTRICTIONS REGARDING THE HOURS THAT ALCOHOLIC BEVERAGES CAN BE SOLD; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 166.021(3), *Florida Statutes*, provides, in pertinent part, that "[t]he Legislature recognizes that pursuant to the grant of powers set forth in Section 2(b), Art. VIII of the State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act" except for certain very limited matters; and

**WHEREAS**, Chapter 6, City of Apopka Code of Ordinances, Florida, regulates the sale and consumption of alcoholic beverages; and

**WHEREAS**, the City Council of the City of Apopka, Florida, wishes to amend restrictions on the sale and consumption of alcoholic beverages within the City in accordance with the requirements of this ordinance; and

**WHEREAS**, the City of Apopka wishes to conform the requirements regarding the hours that alcoholic beverages may be sold with the requirements of Orange County, Florida; and

**WHEREAS**, the City Council of the City of Apopka, Florida, has determined that the continued protection of the health, safety, and welfare of its citizens requires that Chapter 6, of the Apopka Code of Ordinances be amended accordingly.

**LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of Apopka Code of Ordinances, ~~strike through~~ constitutes deletions from the original, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

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

**SECTION 1.** Chapter 6, Alcoholic Beverages of the Code of Ordinances of the City of Apopka, Florida, is hereby amended as follows:

\*\*\*

Sec. 6-2. - Definitions.

\*\*\*

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

\*\*\*

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

\*\*\*

Sec. 6-3. Possession or consumption in public place.

(a) Prohibition and exceptions.

- (1) It is unlawful for any person to use, possess, consume, or carry in any cup, glass, can, or other open or unsealed container, any alcoholic beverage or any mixture containing an alcoholic beverage in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys, within the Municipal Corporate Limits of the City of Apopka Florida except as otherwise permitted under section 6-3(a)(4), ~~or 6-3(a)(5),~~ or 6-3(a)(6).



- (2) It is unlawful for any person to consume alcoholic beverages or carry in any cup, glass, can or other open or unsealed container any alcoholic beverage or any mixture containing an alcoholic beverage in or upon any parking area open to public use or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property except as otherwise permitted under section 6-3(a)(4), ~~or 6-3(a)(5), or 6-3(a)(6).~~

\*\*\*

- (4) The City Council may permit consumption and carrying of alcoholic beverages on streets, sidewalks alleys and right-of-way within the Municipal Corporate Limits of the City of Apopka, Florida and or on city-owned property subject to such terms and conditions as the City Council may impose for the protection of the public health, safety and welfare through approval of a special event permit, use agreement, or other official action.

- (5) The City Administrator may permit alcohol consumption by official action for events on city-owned property where a lease or rental agreement has been authorized by city council for such property, and alcoholic beverage sales and/or service takes place subject to such terms and conditions as the city administrator or his/her designee may impose for the protection of the public health, safety, and welfare and all other requirements of law.

- ~~(5)~~ (6) Any individual, corporation, association or organization which has received permission from the City Council to engage in a public or private event is further authorized to provide alcoholic beverages for consumption at the particular event or program, given such authorization is expressly approved by the City Council pursuant to the requirements of this Section and ~~subject to~~ all other requirements of law through the approval of special event permit, use agreement, or other official action.

\*\*\*

Sec. 6-7. - Location of sales.

- ~~(a) Location restrictions for sale of alcoholic beverages are as follows:~~

- ~~(1) The provisions of this subsection (a) shall not apply to supermarkets, convenience stores, drugstores or similar establishments which sell alcoholic beverages in house or as an accessory use, in sealed containers, for consumption off the premises.~~

- ~~(2) No person shall sell any intoxicating beverage within 750 feet of any established church, school, government property or building, or public park.~~

- ~~a. This subsection 6-7(a)(2) shall not apply to:~~

- ~~1. City owned property for which a lease or rental agreement has been authorized by city council, and alcoholic beverage sales take place subject to such terms and conditions as the city council may impose for the protection of the public health, safety and subject to all other requirements of law.~~

- ~~2.—A special event permit or other similar official action approved by city council for an event or program on streets, sidewalks, alleys and right of way within the municipal corporate limits of the City of Apopka, Florida and/or on city owned property subject to such terms and conditions as the city council may impose for the protection of the public health, safety and welfare.~~
- ~~(3) Bars and lounges and any establishment for consumption on the premises or package stores licensed by the city, county or state must be at least 750 feet apart. This subsection does not govern restaurants serving the public with a full service kitchen providing full course meals. This subsection shall not apply if one or both of the two establishments is:~~
- ~~a.—An establishment incidental to and within a portion of a building used for a bona fide restaurant.~~
  - ~~b.—An establishment incidental to and within a building used as a hotel or motel with at least 50 rental sleeping rooms. Such incidental use must follow the restaurant requirements as defined in section 6-1.~~
  - ~~c.—An establishment incidental to and within a bona fide nonprofit private club where only members and their guests are served or sold alcoholic beverages.~~
- ~~(4) If the proposed establishment is to be located within a shopping center or group of commercial stores within a single structure, the required distances shall be measured from the primary entrance of that proposed establishment rather than the nearest wall of the building or structure in which alcoholic beverages are to be sold or consumed.~~
- ~~(5) The distance between establishments for the sale or consumption of alcoholic beverages and churches, schools, government property or buildings and public parks, regardless of jurisdictional boundaries, shall be determined with a certified survey from a land surveyor registered in the state. The survey shall be provided by the applicant when distance clarification is required, at the discretion of the community development department. The survey shall indicate the distance between any such uses or properties. The survey shall indicate the shortest distance, as measured by following a straight line from the nearest property line in which the alcoholic beverages are sold or consumed to the nearest point of the other property line or other use. In cases where there are no churches, schools, public property or public parks or existing alcoholic beverage establishments within 750 feet, the survey shall so certify.~~
- ~~(b) In order to qualify for the exemptions and modifications provided for separation of alcoholic beverage establishments in subsection (a) of this section, the establishments in hotels or motels, restaurants, nonprofit private clubs and commercial amusements shall not display any bar, cocktail, beer, wine, liquor or similar alcoholic beverage sign visible from any exterior areas or interior areas within five feet of any windows or doors which are visible from the exterior of the building.~~
- ~~(c) Where an establishment for the sale or consumption of alcoholic beverages is located in conformity with the provisions of this section, the subsequent location of a church, school, government property or public park in the proximity of such existing establishment shall not be construed to cause such establishment to be in violation of this chapter, provided the establishment maintains a current occupational license.~~

(a) No person shall sell any alcoholic beverage within 500 feet of any established school, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the nearest point of the school grounds in use as part of the school facilities.

(b) Where an establishment for the sale or consumption of alcoholic beverages is located in conformity with subsection (a), the subsequent location of a school, in the proximity of such existing establishment shall not be construed to cause such establishment to be in violation of this chapter, provided the establishment maintains a current occupational license.

(c) The restrictions of subsection (a) shall not apply to:

(1) Supermarkets, convenience stores, drugstores or similar establishments which sell alcoholic beverages in-house or as an accessory use, in sealed containers, for consumption off the premises.

(2) Bars and Lounges which:

i. limit the sale of alcoholic beverages to wine and/or beer only in accordance with a license issued by the Florida Division of Alcoholic Beverages and Tobacco where wine and/or beer is served only on the premises and/or sold only in sealed containers for consumption off the premises; and

ii. are located within both a) the Community Redevelopment Area of the Apopka Community Redevelopment Agency as designated by the Community Redevelopment Plan and b) the Downtown Development Overlay District. The Community Redevelopment Area and Downtown Development Overlay District share the common area herein described as those lands within the following boundaries: Highland Avenue to Sheeler Avenue and 10<sup>th</sup> Street to 1<sup>st</sup> Street.

(3) Restaurants which:

i. limit the sale of alcoholic beverages to wine and/or beer only in accordance with a license issued by the Florida Division of Alcoholic Beverages and Tobacco where wine and/or beer is served only on the premises and/or sold only in sealed containers for consumption off the premises; and

ii. are located within both a) the Community Redevelopment Area of the Apopka Community Redevelopment Agency as designated by the Community Redevelopment Plan and b) the Downtown Development Overlay District. The Community Redevelopment Area and Downtown Development Overlay District share the common area herein described as those lands within the following boundaries: Highland Avenue to Sheeler Avenue and 10<sup>th</sup> Street to 1<sup>st</sup> Street.

(4) Non-profit private clubs are located within both a) the Community Redevelopment Area of the Apopka Community Redevelopment Agency as designated by the Community Redevelopment Plan and b) the Downtown Development Overlay District. The Community Redevelopment Area and Downtown Development Overlay District share the common area herein described as those lands within the following boundaries: Highland Avenue to Sheeler Avenue and 10<sup>th</sup> Street to 1<sup>st</sup> Street.

(5) City-owned property for which a lease or rental agreement has been authorized by city council, and alcoholic beverage sales and/or service takes place subject to such terms and conditions as the city administrator or his/her designee may impose for the protection of the public health, safety and subject to all other requirements of law.

(6) A special event permit, use agreement, or other similar official action approved by the City for an event on streets, sidewalks, alleys and right-of-way, and/or city property within the municipal corporate limits of the City of Apopka, Florida subject to such terms and conditions as the city council may impose for the protection of the public health, safety and welfare.

Sec. 6-8. - Existing establishments.

(a) The provisions of this chapter shall not be construed to be retroactive, and any existing establishment for the sale of alcoholic beverages which conforms to the regulations in effect when such establishment was established shall not be rendered illegal or in violation through the adoption of these regulations. If any nonconforming or grandfathered use ceases operation, for any reason, for a period of more than 180 days, the nonconforming or grandfathered use shall be deemed abandoned and shall not thereafter be permitted to continue.

~~(b) As of the adoption of the ordinance from which this chapter is derived, existing establishments for off premises sales or on premises consumption for restaurants that are conforming uses which sell alcoholic beverages, and subsequently close, may reopen within a 24 month period, regardless if another new establishment opens within 750 feet, according to this chapter. An extension beyond the initial 24 months may only be applied for, in writing, to the city council, prior to the expiration of the 24 month period.~~

Sec. 6-9. - Hours of sale; closing hours.

~~(a) *On premises; hours of operation.*~~

~~(1) Alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed, in any place holding a license under the Division of Alcoholic Beverages and Tobacco, State Department of Business and Professional Regulations, which license permits the consumption of beverages on the premises of the licensee, only between the hours of 9:00 a.m. and 12:00 a.m. (midnight) each day of the week except Sunday whereas the hours shall be 12:00 p. m. (noon) through 12:00 a.m. (midnight) alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the Division of Alcoholic Beverages and Tobacco State~~

~~Department of Business and Professional Regulation which license permits the consumption of alcoholic beverages on the premises of the licensee, between the hours of 9:00 a.m. on December 31 and such hours of operation to sell alcoholic beverages by any establishment licensed to sell alcoholic beverages, are extended from 12:00 a.m. (midnight) to 3:00 a.m. of the following day.~~

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

~~(b) *Package sale, off premises.*~~

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

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

(a) On-premises; catered events; hours of operation.

(1) Except as provided by subsections 6-9(a)(1)(i-iv) below, alcoholic beverages may be sold, consumed, served or permitted to be served or consumed, in any place holding a license issued by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, which license permits the consumption of alcoholic beverages on the premises of the licensee, only between the hours of 11:00 a.m. and 2:00 a.m. of the following day, each day of the week, except that alcoholic beverages may be sold, consumed, served or permitted to be served or consumed, in any place holding such a license, between the hours of 11:00 a.m. on December 31, and 3 a.m. of the following day.

(i) At any golf course holding a license, the hours of sale, consumption or service may begin at 7:00 a.m. and end at sundown of the same day.

(ii) At any private function at a banquet hall or convention facility holding a license, the hours of sale, consumption or service may begin at 7:00 a.m. and end at 3:00 a.m. of the following day, provided the hall or facility has a minimum square footage of ten thousand (10,000) square feet available for the private function.

(iii) At any hotel or motel (as the terms are defined by state statute) holding a license, the hours of sale, consumption or service may begin at 7:00 a.m. and end at 2:00 a.m. of the following day, except that at any private guest room the hours of sale or service may end at 3:00 a.m. of the following day.

(iv) At any restaurant the hours of sale, consumption or service may begin at 7:00 a.m. and end at 2:00 a.m. of the following day.

(2) Alcoholic beverages may be sold or served at a catered event by a caterer licensed by the Division of Alcoholic Beverages and Tobacco and the Division of Hotels and Restaurants, only between the hours of 9:00 a.m. and 2:00 a.m. of the following day.

(3) For those licensed under the Beverage Law to sell alcoholic beverages for consumption on the vendor's licensed premises and whose principal business is the sale of alcoholic beverages and for those licensed under the Beverage Law as caterers, the "hours of operation" or "hours of business" at a premises shall be restricted to the hours of sale, consumption or service set forth in subsections 4-3(a) and (b) above.

(b) Package sale, off-premises.

Alcoholic beverages may be sold in any place holding a license under the division of beverage, state department of business regulation, which license permits package sale of alcoholic beverages by the licensee for consumption off the premises of the licensee, only between the hours of 9:00 a.m. and 2:00 a.m. of the following day, each day of the week, except that alcoholic beverages may be sold in any place holding a license under the division of beverage, state department of business regulation, which license permits package sale of alcoholic beverages by the licensee for consumption off the premises of the licensee between the hours of 9:00 a.m. on December thirty-first and 3 a.m. of the following day.

\*\*\*

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

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

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

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

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: December 20, 2017

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda F. Goff, City Clerk

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

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Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 24, 2017  
December 8, 2017

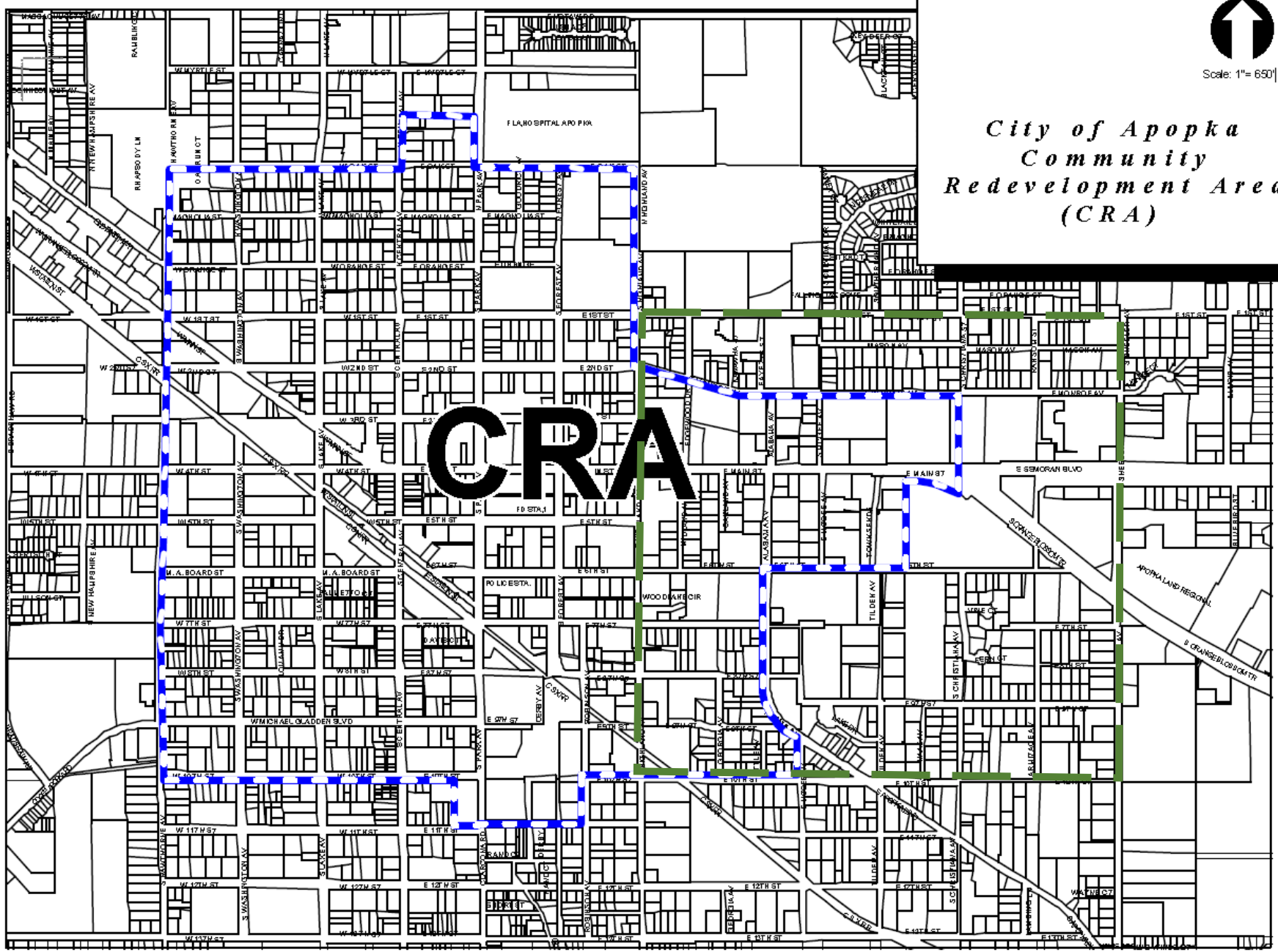
CRA, Community Redevelopment Agency District — — — — —  
Downtown Development Overlay District — — — — —

Exhibit A



Scale: 1"= 630'

*City of Apopka  
Community  
Redevelopment Area  
(CRA)*





**Backup material for agenda item:**

10. Ordinance No. 2613 – First Reading – Annexation – Legislative  
Moon  
Project: Iglesia El Getsemani, Inc. – 2575 West Orange Blossom Trail

David



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 6, 2017  
FROM: Community Development  
EXHIBITS: Exhibit "A" – Summary  
Ordinance No. 2613  
Vicinity Map

**SUBJECT:** 2017 ANNEXATION – CYCLE NO. 5

**REQUEST:** ORDINANCE NO. 2613 – FIRST READING – IGLESIA EL GETSEMANI, INC.; AND HOLD OVER FOR SECOND READING & ADOPTION.

**SUMMARY:**

OWNER: Iglesia El Getsemani, Inc.  
LOCATION: 2575 West Orange Blossom Trail  
LAND USE: Refer to Exhibit "A"  
EXISTING USE: Refer to Exhibit "A"  
TRACT SIZE: 1.43 +/- acre

**ADDITIONAL COMMENTS:** Abutting current boundaries of the City of Apopka, the subject site is consistent with Florida Statutes addressing annexation of unincorporated lands into a municipality. The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. Assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on November 14, 2017.

**DULY ADVERTISED:**

November 17, 2017  
December 8, 2017

**PUBLIC HEARING SCHEDULE:**

December 6, 2017 (1:30 pm) - City Council 1<sup>st</sup> Reading  
December 20, 2017 (7:00 pm) - City Council 2<sup>nd</sup> Reading and Adoption

**FUNDING SOURCE:** N/A

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
Recreation Director  
City Clerk  
Fire Chief

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the annexation for property owned by Iglesia El Getsemani, Inc.

Accept the First Reading of Ordinance No. 2613, and Hold it Over for Second Reading and Adoption on December 20, 2017.

**ORDINANCE NO. 2613**

**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 IGLESIA EL GETSEMANI INC. LOCATED AT 2575 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, Iglesia El Getsemani Inc., owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at 2575 West Orange Blossom Trail; 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 **1.43 +/- acre**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

**Legal Description:**

MAP OF PLYMOUTH B/17 THE W 100 FT OF S 300 FT OF LOT 2 N OF HWY BLK B & BEG NW COR LOT 2 RUN S 345.18 FT TH S 70 DEG E 100 FT TH N 380.25 FT TO N LINE LOT 2 TH W 94.21 FT TO POB BLK B

(Parcel 06-21-28-7172-02-021, 2575 West Orange Blossom Trail)

Containing 1.43 +/- 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.

**ORDINANCE NO. 2613**

**PAGE 2**

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

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

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

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: December 20, 2017

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Joseph E. Kilsheimer, Mayor

ATTEST:

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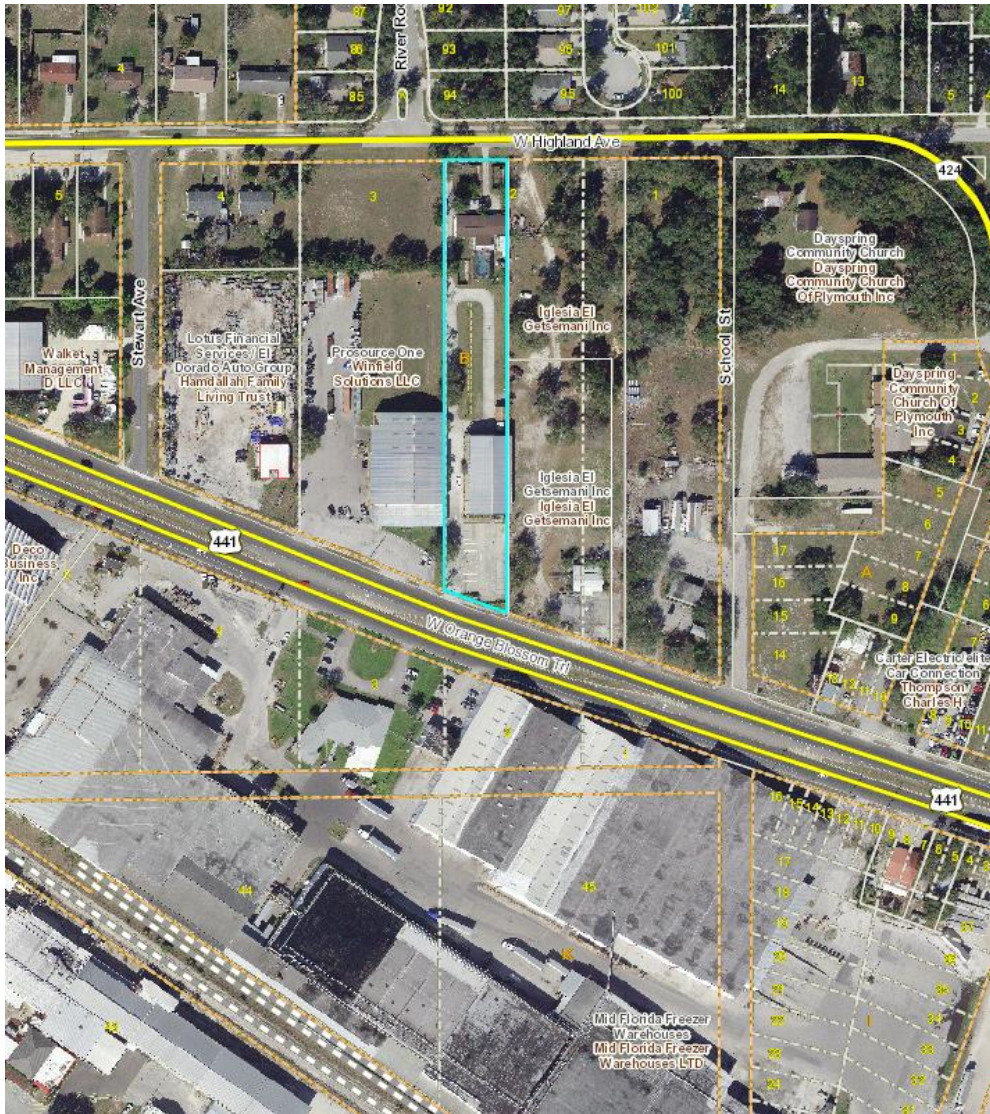
Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 17, 2017 and December 8, 2017

**ANNEXATION**  
**Iglesia El Getsemani**  
**2575 West Orange Blossom Trail**

**Exhibit "A"**  
**Parcel ID No.: 06-21-28-7172-02-021**  
**Total Acres: 1.43 +/-**

**VICINITY MAP**



**Backup material for agenda item:**

11. Ordinance No. 2614 – First Reading – Annexation – Legislative  
Hitt

James

Project: Orange County – East Sandpiper Street (from Thompson Road to approximately 546 feet east of North Park Avenue)



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Ordinance No. 2614  
 Vicinity Map

**SUBJECT: 2017 ANNEXATION – CYCLE NO. 5**

**REQUEST: ORDINANCE NO. 2614 - FIRST READING – ANNEXATION - EAST SANDPIPER STREET RIGHT-OF-WAY; AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER: Orange County Board of County Commissioners

APPLICANT: City of Apopka Community Development Department

LOCATION: West of N. Park Avenue and East of Thompson Road

EXISTING USE: Public Road

TRACT SIZE: 8.384 +/- acre

**ADDITIONAL COMMENTS:** The proposed annexation will result in a change of ownership for a portion of East Sandpiper Street Right-of-Way from the Orange County Board of County Commissioners to the City of Apopka.

**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 November 21, 2017.

**DULY ADVERTISED:**

November 17, 2017  
December 8, 2017

**PUBLIC HEARING SCHEDULE:**

December 6, 2017 (1:30 pm) - City Council 1<sup>st</sup> Reading  
December 20, 2017 (7:00 pm) - City Council 2<sup>nd</sup> Reading and Adoption

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief



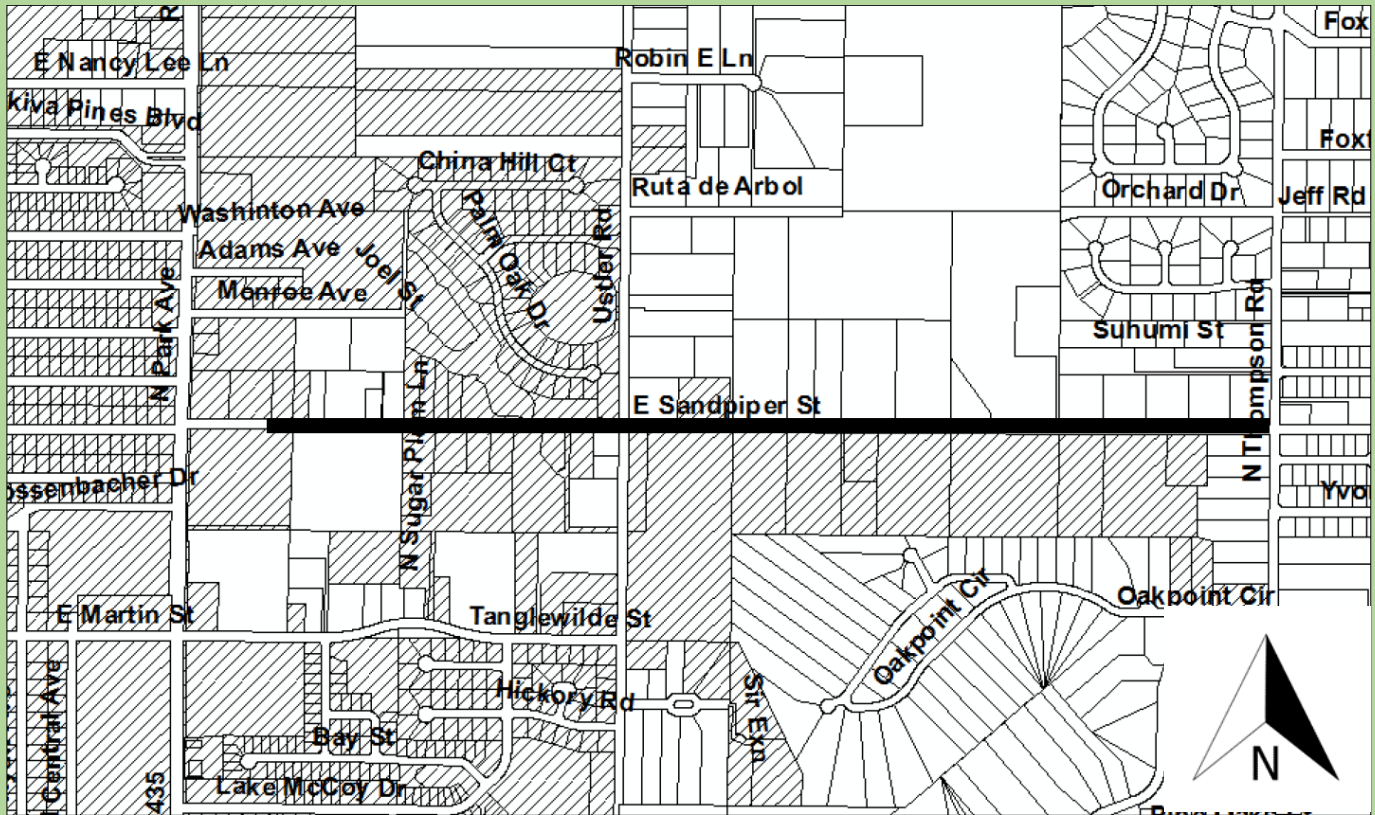
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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the annexation for a portion of East Sandpiper Street Public Right-of-Way.

Accept the First Reading of Ordinance No. 2614 and Hold Over for Second Reading and Adoption on December 20, 2017

VICINITY MAP  
Proposed Annexation:  
Portion of East Sandpiper Street Public Right-of-Way



- Right-of-Way to be Annexed
- City of Apopka Incorporated Area
- Unincorporated Orange County Area

(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

**ORDINANCE NO. 2614**

**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 PUBLIC RIGHT-OF-WAY KNOW AS EAST SANDPIPER STREET SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF NORTH PARK AVENUE AND EAST OF THOMPSON ROAD, AND COMPRISED OF APPROXIMATELY 8.4 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, the Orange County Board of County Commissioners has requested that the City of Apopka, Florida, annex a portion of the East Sandpiper Street Right-of-Way located west of North Park Avenue and east of Thompson 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 8.4 +/- acre, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions: Provided within Exhibit "A".

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

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

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

**ORDINANCE NO. 2614**  
**PAGE 2**

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

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

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

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: December 20, 2017

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 17, 2017, December 8, 2017

# Exhibit-A

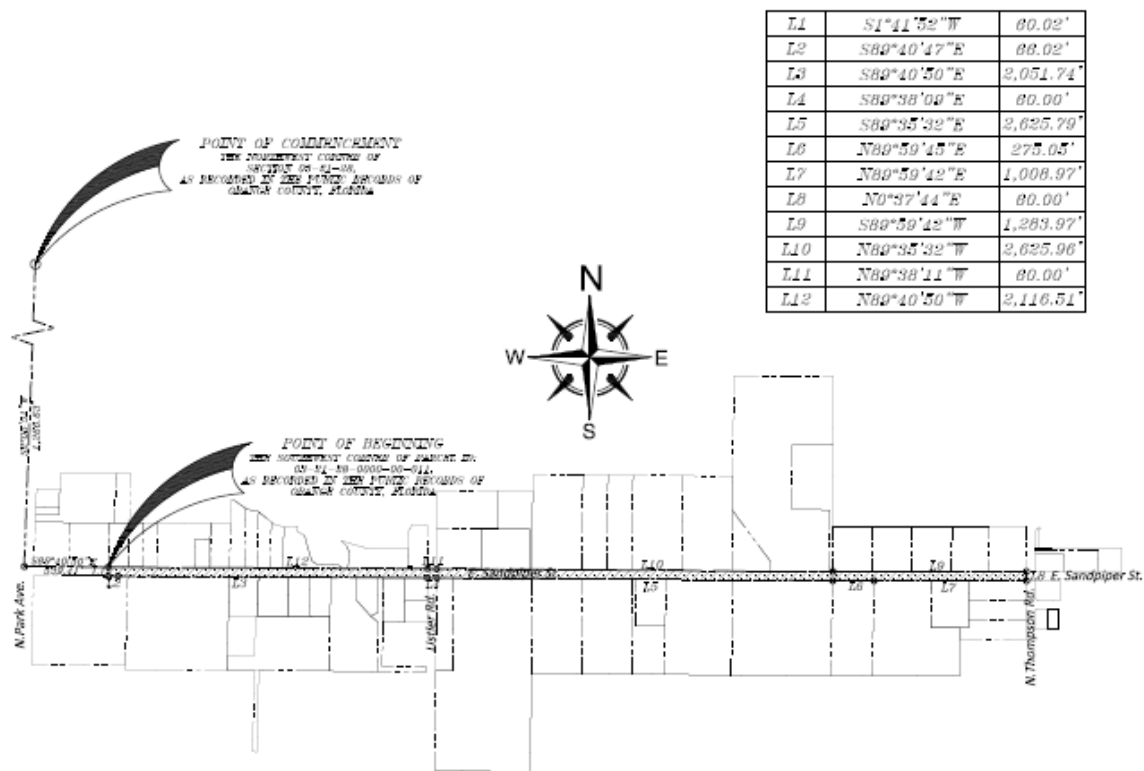
Description of public "Right-of-Way": E. Sandpiper St.

Owner: Orange County

A public "Right-of-Way" as recorded in the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Section 03-21-28, as recorded in the Public Records of Orange County, Florida; thence South 2°05'51" West, a distance of 1,266.63 feet, thence South 89°40'50" East, a distance of 539.41 feet; said point being the POINT OF BEGINNING; thence South 1°41'52" West, a distance of 60.02 feet; thence South 89°40'47" East, a distance of 66.02 feet; thence South 89°40'50" East, a distance of 2,051.74 feet; thence South 89°38'09" East, a distance of 60.00 feet; thence South 89°35'32" East, a distance of 2,625.79 feet; thence North 89°59'45" East, a distance of 275.05 feet; thence North 89°59'42" East, a distance of 1,008.97 feet; thence North 0°37'44" East, a distance of 60.00 feet; thence South 89°59'42" West, a distance of 1,283.97 feet; thence North 89°35'32" West, a distance of 2,625.96 feet; thence North 89°38'11" West, a distance of 60.00 feet; thence North 89°40'50" West, a distance of 2,116.51 feet.

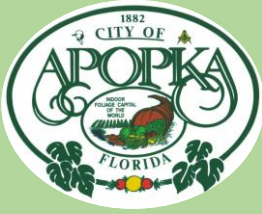
Containing 365,217.68 square feet (8.384 acres), more or less.



**Backup material for agenda item:**

12. Ordinance No. 2615 – First Reading – Annexation – Legislative  
Hitt  
Project: Orange County – Johns Road (East of Binion Road)

James



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Ordinance No. 2615  
 Vicinity Map

**SUBJECT: 2017 ANNEXATION – CYCLE NO. 5**

**REQUEST: ORDINANCE NO. 2615 - FIRST READING – ANNEXATION - PORTION OF JOHNS ROAD RIGHT-OF-WAY; AND HOLD OVER FOR SECOND READING AND ADOPTION**

**SUMMARY:**

OWNER: Orange County Board of County Commissioners  
 APPLICANT: City of Apopka Community Development Department  
 LOCATION: West of S. Binion Road and East of Johns Road  
 EXISTING USE: Public Road  
 TRACT SIZE: 1.045 +/- acre

**ADDITIONAL COMMENTS:** The proposed annexation will result in a change of ownership for a portion of Johns Road Right-of-Way from the Orange County Board of County Commissioners to the City of Apopka. This annexation will resolve a legacy issue from a previous annexation.

**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 November 21, 2017.

**DULY ADVERTISED:**

November 17, 2017  
 December 8, 2017

**PUBLIC HEARING SCHEDULE:**

December 6, 2017 (1:30 pm) - City Council 1<sup>st</sup> Reading  
 December 20, 2017 (7:00 pm) - City Council 2<sup>nd</sup> Reading and Adoption

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

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

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**RECOMMENDATION ACTION:**




The **Development Review Committee** recommends approval of the annexation for a portion of Johns Road Public Right-of-Way.

Accept the First Reading of Ordinance No. 2615 and Hold Over for Second Reading and Adoption on December 20, 2017



VICINITY MAP  
Proposed Annexation:  
Portion of Johns Road Public Right-of-Way



-  Right-of-Way to be Annexed
-  City of Apopka Incorporated Area
-  Unincorporated Orange County Area

(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NO TO SCALE)

**ORDINANCE NO. 2615**

**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 PUBLIC RIGHT-OF- WAY KNOW AS JOHNS ROAD SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF SOUTH BINION ROAD AND EAST OF JOHNS ROAD, AND COMPRISED OF APPROXIMATELY 1.05 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, the Orange County Board of County Commissioners has requested that the City of Apopka, Florida, annex a portion of the Johns Road Right-of-Way located west of South Binion Road and east of Johns 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 1.05 +/- acre, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions: Provided within Exhibit "A".

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

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

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

**ORDINANCE NO. 2615**  
**PAGE 2**

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

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

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

READ FIRST TIME: December 6, 2017

READ SECOND TIME  
AND ADOPTED: December 20, 2017

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 17, 2017, December 8, 2017

# Exhibit-A

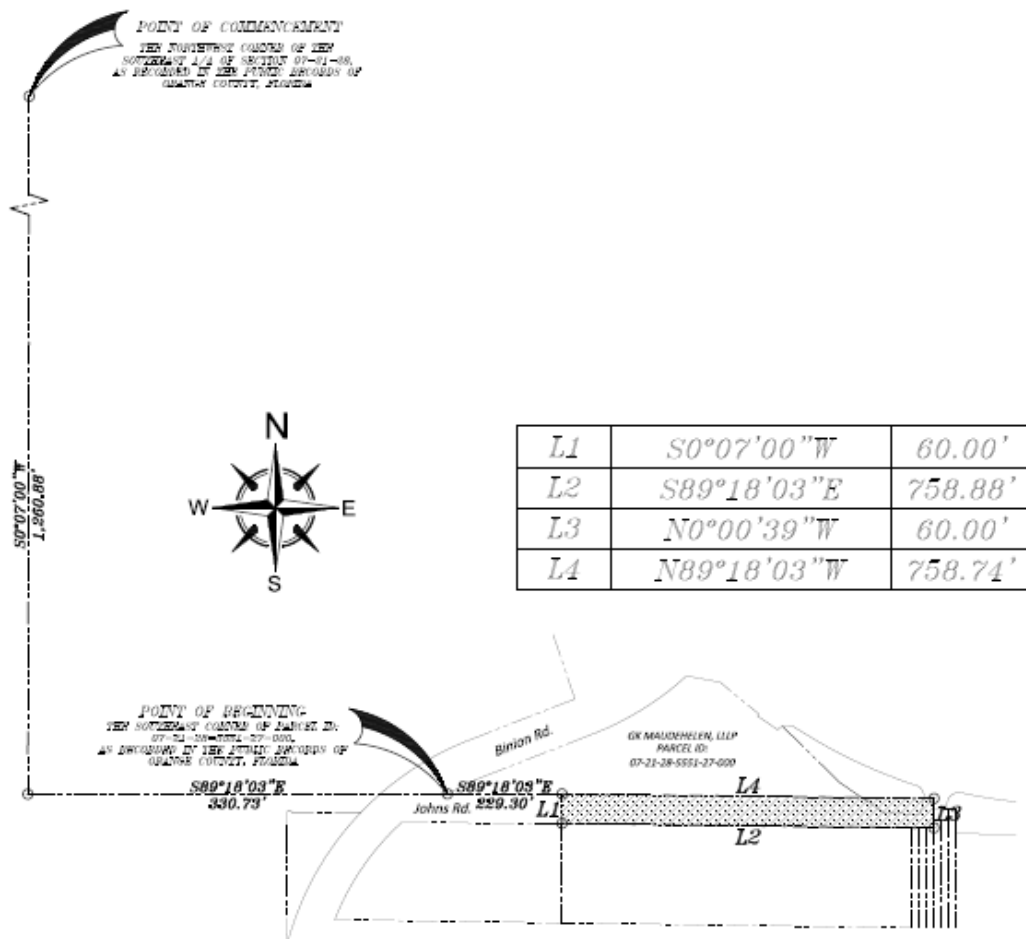
## Description of Public "Right-of-Way"

Owner: Orange County

A public "Right-of-Way" as recorded in the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Southeast 1/4 of Section 07-21-28, as recorded in the Public Records of Orange County, Florida; thence South 0°07'00" West, a distance of 1,260.88 feet; thence South 89°18'03" East, a distance of 330.73 feet; said point being the POINT OF BEGINNING; thence South 89°18'03" East, a distance of 229.30 feet; thence South 0°07'00" West, a distance of 60.00 feet; thence South 89°18'03" East, a distance of 758.88 feet; thence North 0°00'39" West, a distance of 60.00 feet; thence North 89°18'03" West, a distance of 758.74 feet.

Containing 45,528.52 square feet (1.045 acres), more or less.



**Backup material for agenda item:**

13. Ordinance No. 2616 – First Reading – Annexation – Legislative  
Hitt

James

Project: Orange County – General Electric Road (from West Orange Avenue west approximately 1,417 feet)



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 6, 2017  
 FROM: Community Development  
 EXHIBITS: Ordinance No. 2616  
 Vicinity Map

**SUBJECT: 2017 ANNEXATION – CYCLE NO. 5**

**REQUEST: ORDINANCE NO. 2616 - FIRST READING – ANNEXATION - PORTION OF GENERAL ELECTRIC ROAD AND PARCEL #06-21-28-7172-02-401; AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER: Orange County Board of County Commissioners and City of Apopka

APPLICANT: City of Apopka Community Development Department

LOCATION: West of Hermit Smith Road and East of W. Orange Avenue

EXISTING USE: Public Road

TRACT SIZE: 2.269 +/- acres

**ADDITIONAL COMMENTS:** The proposed annexation will result in a change of ownership for a portion of General Electric Road public right-of-way from the Orange County Board of County Commissioners to the City of Apopka. Parcel I.D. Number 06-21-28-7172-02-401 is a .28 (+/-) acre parcel owned by the City of Apopka that currently is in unincorporated Orange County. This annexation will bring the parcel into the City jurisdictional boundary.

**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 November 21, 2017.

**DULY ADVERTISED:**

November 17, 2017  
December 8, 2017

**PUBLIC HEARING SCHEDULE:**

December 6, 2017 (1:30 pm) - City Council 1<sup>st</sup> Reading  
December 20, 2017 (7:00 pm) - City Council 2<sup>nd</sup> Reading and Adoption

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief

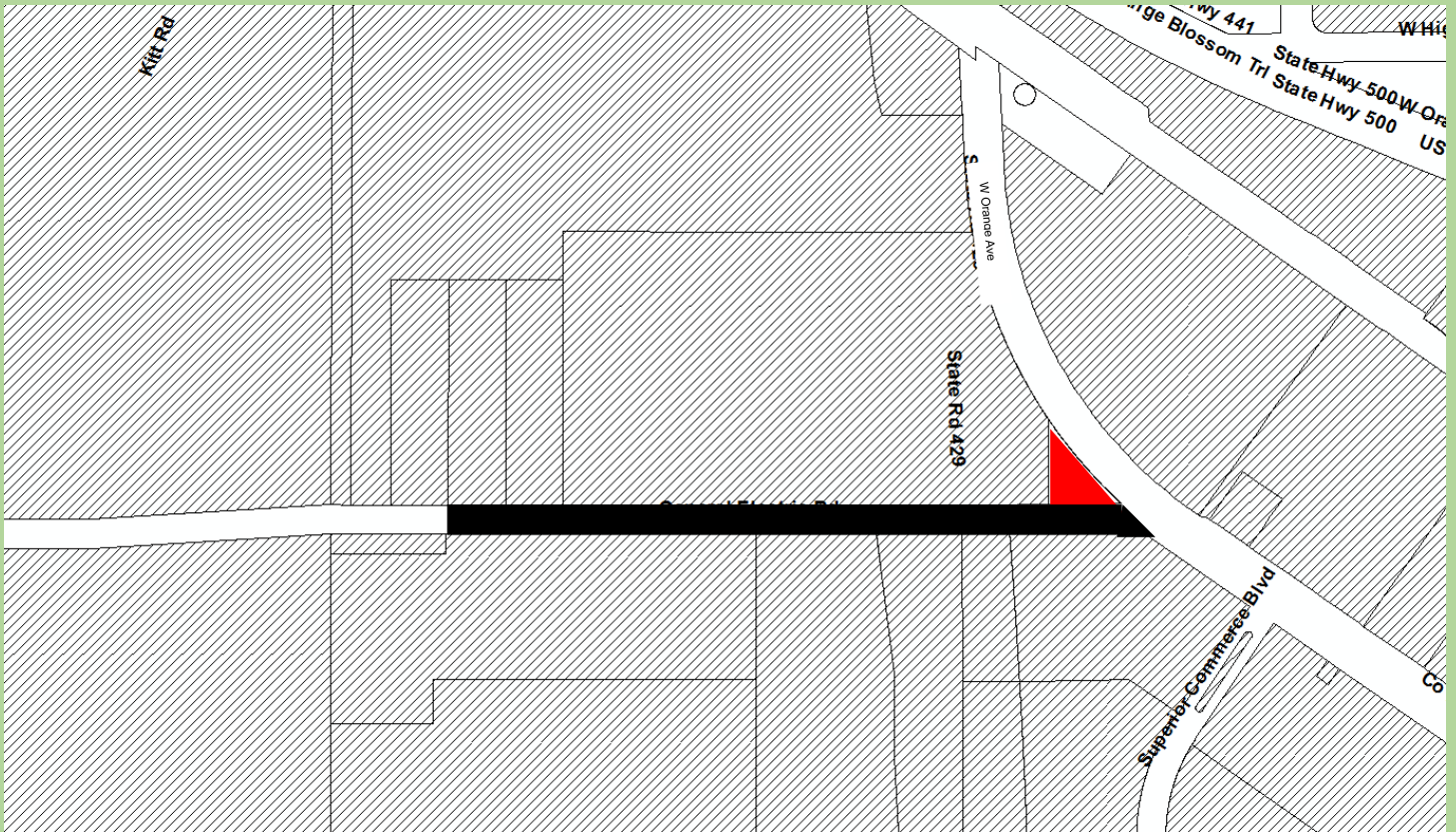
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**RECOMMENDATION ACTION:**





The **Development Review Committee** recommends approval of the annexation for a portion of General Electric Road public right-of-way and Parcel #06-21-28-7172-02-401.

Accept the First Reading of Ordinance No. 2616 and Hold Over for Second Reading and Adoption on December 20, 2017

VICINITY MAP  
Portion of General Electric Road Public Right-of-Way and Parcel #06-21-28-7172-02-401



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

-  Parcel to be Annexed
-  Right-of-Way to be Annexed
-  City of Apopka Incorporated Area
-  Unincorporated Orange County Area



**ORDINANCE NO. 2616**

**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 PUBLIC RIGHT-OF-WAY KNOWN AS GENERAL ELECTRIC ROAD AND PARCEL I.D. NUMBER 06-21-28-7172-02-401 SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY WEST OF HERMIT SMITH ROAD AND EAST OF WEST ORANGE AVENUE, AND COMPRISED OF APPROXIMATELY 2.3 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF APOPKA; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, the Orange County Board of County Commissioners has requested that the City of Apopka, Florida, annex a portion of the General Electric Road Right-of-Way located west of Hermit Smith Road and east of West Orange Avenue and Parcel I.D. Number 06-21-28-7172-02-401 located at the eastern terminus of General Electric 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 2.3 +/- acre, and graphically depicted by the attached Exhibit "A" and Exhibit "B", 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: Provided within Exhibit "A" and "B".

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.

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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: December 6, 2017

READ SECOND TIME  
AND ADOPTED: December 20, 2017

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 17, 2017, December 8, 2017

# Exhibit-A

Description of public "Right-of-Way"

Owner: Orange County

A public "Right-of-Way" as recorded in the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Section 01-21-27, as recorded in the Public Records of Orange County, Florida; thence South 0°09'28" West, a distance of 2,625.31 feet; said point being the POINT OF BEGINNING; thence South 89°26'15" West, a distance of 25.00 feet; thence North 89°58'29" West, a distance of 1,056.94 feet; thence South 04°27'48" West, a distance of 60.18 feet; thence South 89°58'29" East, a distance of 635.57 feet; thence South 89°58'40" East, a distance of 426.08 feet; thence North 89°59'37" East, a distance of 24.99 feet; thence North 89°27'47" East, a distance of 347.18 feet; thence North 37°00'36" West, a distance of 75.31 feet; thence South 89°20'57" West, a distance of 135.66 feet; thence South 89°26'15" West, a distance of 166.22 feet.

Containing 86,638.92 square feet (1.989 acres), more or less.

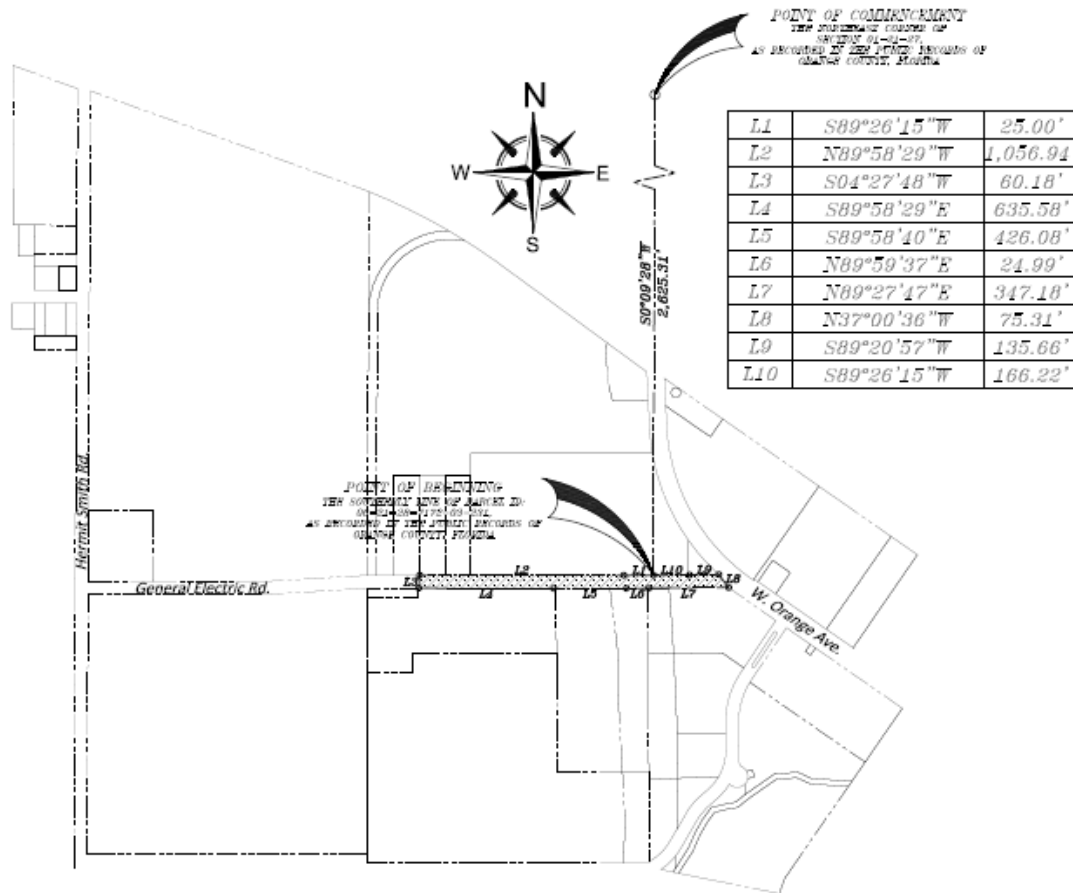


EXHIBIT "B"  
PARCEL I.D. NUMBER 06-21-28-7172-02-401

**Property Description:**

MAP OF PLYMOUTH B/17 BEING PT LOTS 40 THRU 47 BLK B DESC AS: COMM AT W 1/4 SEC, TH N00-00-36W 30 FT, TH N89-11-19E 311.64 FT M/L TO WEST R/W CR 437 AND POB; THS89-11-19W 150 FT, TH NORTH 175 FT M/L TO R/W OF CR 437, THE SELY ALONG R/W TO POB REF 2667/1448

PARCEL SIZE: 0.28 ACRES (+/-) /12,107 SQUARE FEET (+/-)

