



AGENDA

APOPKA CITY COUNCIL MEETING @ 8:00 PM City Hall Council Chamber 120 East Main Street – Apopka, Florida 32703 December 17, 2014

INVOCATION

Chaplain Edwin Alicea - Florida Hospital

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

1. Sons of the American Revolution Fire Safety Commendation Medal - Presented to Jeff Tyre by Dan Dall, LTC (ret) US Army

CONSENT AGENDA

1. Approve the minutes from the special City Council meeting held on November 19, 2014, at 6:30 p.m.
2. Approve the minutes from the regular City Council meeting held on November 19, 2014, at 8:00 p.m.
3. Approve the minutes from the regular City Council meeting held on December 3, 2014, at 1:30 p.m.
4. Approve the minutes of Administrative Bid Opening No. 2014-15 for One Custom Ambulance for the Fire Department, held on December 8, 2014, at 10:15 a.m.

5. Award the contract, in the amount of \$92,700.00, to Wheeled Coach Industries, Inc., for One Custom Ambulance for the Fire Department.
6. Authorize the purchase from Orlando Business Telephone Systems, in the amount of \$29,460.00, for new Mitel IP phones and licenses.

SPECIAL REPORTS AND PUBLIC HEARINGS

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2394 – SECOND READING & ADOPTION - ANNEXATION – Leslie & Nancy Hebert, property located at 3600 W. Kelly Park Road. (Parcel I.D. # 13-20-27-0000-00-046) (6.11 +/- acres) [Ordinance No. 2394 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.]
2. ORDINANCE NO. 2395 – SECOND READING & ADOPTION - ANNEXATION – McCarthy McCollough, property located at 1505 W. Kelly Park Road. (Parcel I.D. # 08-20-28-0000-00-003) (8.51 +/- acres) [Ordinance No. 2395 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.]
3. ORDINANCE NO. 2396 – SECOND READING & ADOPTION - ANNEXATION – Ahmed & Moira L. Al-Malt, properties located at 308, 316 & 318 E. Welch Road. (Parcel I.D. #s 34-20-28-9550-00-271 (2.42 ac), 34-20-28-9550-00-270 (2.42 ac) & 34-20-28-9550-00-260 (3.00 ac) (Combined 7.84 +/- acres)[Ordinance No. 2396 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.]
4. ORDINANCE NO. 2397 – SECOND READING & ADOPTION - ANNEXATION – Afzal & Sabiya Khan, properties located at 382 & 400 E. Welch Road. (Parcel I.D. #s 34-20-28-9550-00-241 (2.44 ac) & 34-20-28-9550-00-231 (2.89 ac) (Combined 5.33 +/- acres) [Ordinance No. 2397 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.]
5. ORDINANCE NO. 2398 – SECOND READING & ADOPTION - ANNEXATION – Guarda and Son, LLC, property located at 1240 Ustler Road; and authorize staff to proceed with an Interlocal Agreement with Orange County for Annexation of Enclaves. (Parcel I.D. # 34-20-28-9550-00-200) (5.07 +/- acres) [Ordinance No. 2398 meets the requirements for adoption having been advertised in The Apopka Chief on December 5, 2014.]
6. ORDINANCE NO. 2399 - FIRST READING - CHANGE OF ZONING/PUD MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN – Appy Lane Holdings, LLC, from R-1AAA (0-2 du/ac) to Planned Unit Development (PUD/R-1A) (0 – 2 du/ac) for property located West of Jason Dwelley Parkway, north of Appy Lane. (Parcel ID # 18-20-28-0000-00-089)

- [7.](#) ORDINANCE NO. 2400 - FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – J. William Arrowsmith, from Parks & Recreation to Residential Low (0-5 du/ac), for property located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove. (Parcel ID #s: 32-20-28-0000-00-057 & 32-20-28-0000-00-066)
- [8.](#) ORDINANCE NO. 2401 - FIRST READING - CHANGE OF ZONING - J. William Arrowsmith, from PR to R-1AA (Residential), for property located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove. (Parcel ID #s: 32-20-28-0000-00-057 & 32-20-28-0000-00-066)
- [9.](#) ORDINANCE NO. 2402 - FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Property Industrial Enterprises, LLC, from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (Restricted) (0.3 FAR), for properties located at 320 and 328 W. 2nd Street. (Parcel ID #s: 09-21-28-0868-01-250 & 09-21-28-0868-01-260)
- [10.](#) ORDINANCE NO. 2403 - FIRST READING - CHANGE OF ZONING - Property Industrial Enterprises, LLC, from “County” R-2 (0-10 du/ac) to “City” I-1 (Industrial/Restricted), for properties located at 320 and 328 W. 2nd Street. (Parcel ID #s: 09-21-28-0868-01-250 & 09-21-28-0868-01-260)

SITE APPROVALS

DEPARTMENT REPORTS AND BIDS

- [1.](#) Administrative Report

MAYOR'S REPORT

OLD BUSINESS

1. COUNCIL
2. PUBLIC

NEW BUSINESS

1. COUNCIL
2. PUBLIC

ADJOURNMENT

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

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

CITY OF APOPKA

Minutes of the special City Council meeting held on November 19, 2014, at 6:30 p.m., in the City of Apopka Council Chambers.

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

PRESS PRESENT: Roger Ballas - The Apopka Chief

INVOCATION – The invocation was given by Chaplain Daniel Reyes, Florida Hospital.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer led in the Pledge of Allegiance.

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

ORDINANCES AND RESOLUTIONS

- 1. ORDINANCE NO. 2393 – SECOND READING & ADOPTION - CHANGE OF ZONING; PUD MASTER PLAN; AND TRANSPORTATION INFRASTRUCTURE AGREEMENT** - Adventist Health System/Sunbelt, Inc. DBA Florida Hospital Apopka, c/o Raymond Moe, from “County” A-1 (ZIP) to “City” Planned Unit Development (PUD/Mixed EC), for property located south of Harmon Road, west of Ocoee Apopka Road, and east of S.R. 429. (Parcel ID #: 20-21-28-0000-00-007) [Ordinance No. 2393 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]

The City Clerk read the title as follows:

ORDINANCE NO. 2393

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/HOSPITAL, MEDICAL OFFICE AND ACCESSORY USE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF HARMON ROAD, WEST OF OCOEE APOPKA ROAD, AND EAST OF S.R. 429, COMPRISING 33.7 ACRES, MORE OR LESS AND OWNED BY ADVENTIST HEALTH SYSTEM/SUNBELT, INC., DBA FLORIDA HOSPITAL APOPKA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting to a public hearing. With no one wishing to speak he closed the public hearing.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2393. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve the Planned Unit Development Master Plan. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the Transportation Improvement Development Agreement. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS

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

Jay Davoll, Community Development Director and City Engineer, gave a review of the Preliminary Development Plan for Florida Hospital, Phase I, stating this was for up to 80 beds, (400,000 sq. ft.) with 80,000 sq. ft. of medical office space and a helipad on 33.7 acres. He advised this Preliminary Development Plan is consistent with the PUD Master Plan that was just approved and it is consistent with the Transportation Infrastructure Improvement Agreement. He affirmed the Development Review Committee recommends approval of the Preliminary Development Plan, and the Planning Commission recommended approval at their October 21, 2014 meeting. He stated staff recommends and requests approval of the Preliminary Development Plan, Replacement Campus, Phase 1, subject to the findings of the staff report.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Dean to approve the Preliminary Development Plan for the Florida Hospital Replacement Campus, Phase 1, as presented. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

MAYOR'S REPORT – No report.

OLD BUSINESS

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

NEW BUSINESS

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

ADJOURNMENT

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk

CITY OF APOPKA

Minutes of the regular City Council meeting held on November 19, 2014, at 8:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth
City Attorney Clifford B. Shepard

PRESS PRESENT: Roger Ballas - The Apopka Chief
Steve Hudak - The Orlando Sentinel

INVOCATION – Commissioner Velazquez introduced Christian Ore, Victory Church, who gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said in September of 1620, more than 100 Pilgrims set sail from England aboard the Mayflower and made landfall about two months later at Plymouth, Massachusetts. The Pilgrims lost half of their group during that first winter, but with the help of two members of local Native American Tribes, the settlers were able to successfully farm the lands and by the following fall had reaped a bountiful crop. To celebrate the harvest and give thanks, Governor William Bradford called for a feast and invited the local Native American Tribes who worked alongside the Pilgrims to help them stay in their colony. The Tribes and Pilgrims hunted together and feasted for three days. It became a tradition for colonists to celebrate their harvest annually with the feast of Thanksgiving. Abraham Lincoln proclaimed the final Thursday in November to be a national holiday in 1863. However, Franklin 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 Thanksgiving as he led in the Pledge of Allegiance.

PRESENTATIONS

1. Proclamation - Presented to the Apopka High School Bowling Team – Mayor Kilsheimer read the proclamation and presented it to the coaches and team members.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting of October 15, 2014 at 8:00 p.m.
2. Reject Bid No. 2014-03, from Wright's Landscaping, Inc., for Lawn Maintenance Services for Code Enforcement.
3. Authorize the disposal of surplus equipment/property and their removal from the City's asset list.

4. Authorize the Mayor to execute Amendment II of the Project Renew Agreement between the City of Apopka and the Orlando Utilities Commission.

MOTION was made by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve the 4 items of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

- 1. ORDINANCE NO. 2386 – SECOND READING AND ADOPTION - CHANGE OF ZONING** - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21- 28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00- 023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28- 0000-00-073, and 03-21-28-0000-00-119) [Ordinance No. 2386 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]

The City Clerk read the title as follows:

ORDINANCE NO. 2386

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, EAST OF USTLER ROAD, COMPRISING 58.23 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND TRUST #111 - ZDA AT SANDPIPER, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

David Moon, Planning Manager, stated at the November 5, 2014 City Council meeting a motion was made to adopt the ordinance at first reading with the instructions to staff to discuss mutually acceptable development conditions with the Sandpiper PUD applicant. He advised City staff has met with the applicant to discuss possible changes that would address concerns or comments raised by the general public or discussed by the City Council at the November 5, 2014 public hearing. He went on to review 14 additional development conditions the applicant has agreed to, a copy of which is on file in the Clerk’s office.

In response to Commissioners Dean and Velazquez regarding the minimum square footage of a home, Mr. Moon advised 2200 square feet was the minimum, and there were no criteria or

standard to control diversity above the minimum. He further affirmed the minimal living area was determined based on homes in the surrounding neighborhoods. He added the Council, as part of the conditions, could make a policy decision regarding the minimum livable area of a home as it relates to the character of the homes of the surrounding area.

Commissioner Arrowsmith said he made the motion at the last meeting to approve the first reading, reserving the right to go back and look closer. He stated he has gone to the site and looked at the property and suggested there was room to the west and he would like to see them extend to the west so they could have larger lots. He further suggested condensing the lots of the eastern cul-de-sac to 3 lots.

Miranda Fitzgerald, Esquire, representing the applicant said they have worked very hard with staff to come up with voluntary conditions to respond to comments they have heard. She stated this was the same land and it was adjacent to the same communities as it was when approved by the County in 2007. She stated when annexing into the City it was with the expectation of having 49 lots, as determined by the County, having been reduced down from 58 to 49 lots. These properties will be connected to the City sewer which is a benefit for the City. She affirmed in reviewing the public records, the conveyance and restrictions that apply to Oakwater Estates has a minimum house size of 2000 sq. ft. allowable, and Wekiva Preserve has an allowable minimum house size of 1800 sq. ft., although they have built bigger homes. She stated when Oakwater Estates was built in 1986, it came into an area that had a number of smaller lot subdivisions and they changed the character of the area that already existed and that character still exists. She affirmed the reason Oakwater Estates has half acre lots is due to the necessity of septic tanks. She read off a number of the subdivisions in the area that are part of the character of the neighborhood. She stated there are statutes on the books today that say a local government can't make decisions in a land use context that unfairly burden the property owner, are unreasonable, or unduly burdensome. She submitted that by adding any more conditions than the ones that have been voluntarily agreed to crosses that line between reasonable, unreasonable, inordinately burdensome, and you cannot be arbitrary. She reiterated local governments must base their decision on code, comprehensive plan, and voluntary commitments the developer has agreed to. She said they would appreciate Council recognizing the work to arrive to these conditions and said this development will benefit the city and neighbors.

Mr. Moon asked the developer to attest to the 14 conditions reviewed this evening, to which Ms. Fitzgerald said they were in full agreement with those conditions.

Mayor Kilsheimer opened the meeting to a public hearing.

The following people spoke in opposition to the project, and handed into the record copies of case law, traffic reports, and a letter from Scott A. Smothers, Esquire, excerpts from Florida Land Development Regulations, and other various documents which are on file in the Clerk's office. Concerns expressed included the consideration of all substantial evidence and due process violations. There were many concerns regarding the lot size, the project affecting the surrounding property values, environment, nature and wildlife. Suggestions of sending it back to the Planning Commission for proper recommendations were made with the chair being recused. There were additional concerns regarding the density, traffic and safety.

Mark Ingram
Ellen O'Connor
Ginny McGee

Scott Smothers
Mary Smothers
Alex Toledo

The Council recessed at 9:45 p.m. and reconvened at 9:50 p.m.

Continuation of speakers:

Lou Haubner
Doug Bankson

Ray Shackelford
Bryan Nelson

Ms. Fitzgerald presented her rebuttal stating there was no current zoning on this property. She again reviewed the lot sizes, both for that being proposed and what was approved in 2008. She stated the burden of proof to show what they are requesting complies with the comprehensive plan and zoning. She declared they have complied with everything required, and now the burden shifts to the governing board. She reiterated they have worked with staff to come up with conditions to make the property more compatible.

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

City Attorney Shepard advised this was a quasi-judicial proceeding, and the Council must make their decision based upon competent substantial evidence. He affirmed their decision must be based on substantial evidence that is real, fact-based, material, and reliable, and tends to prove the points that must be proven. He went on to review the standards and stated opinions of anyone, lay witness or expert, are not enough if they do not rise to the level of competent substantial evidence. The Council, in considering what evidence has been presented, needs to determine if it rises to the standard of what he just reviewed.

Commissioner Arrowsmith said he appreciated the findings of fact they were looking for from the other side being brought out tonight. He stated he would be in favor of sending it back to the Planning and Commission Board with this information and work more towards a compromise.

Commissioner Velazquez asked if it could be sent back to Planning and Commission and inquired what would be the difference between a third reading and sending it back.

City Attorney Shepard said there was still the problem that exists with the prior hearing at the Planning and Commission Board due to the way things occurred. He advised he had not researched if it would be sent back to them under those circumstances. He declared he would be concerned about it and suggested the chair be excluded from the mix if it is sent back, and he would be concerned that someone would argue it would be tainted by what had happened previously.

Mayor Kilsheimer said sending it back to the Planning Commission was an option. However, the facts that have been presented to Council are not going to change.

Discussion ensued with regards to sending the matter back to the Planning Commission or moving forward, and Commissioner Arrowsmith said he did not recall previously having had all

of the findings of fact from qualified third parties on the other side. He declared at this point he felt they had enough information to not approve it.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to deny Ordinance No. 2386 on Second Reading.

Commissioner Dean said he felt most of the homeowners in the area would be more receptive if the lot size was increased.

Mayor Kilsheimer said that issue has been presented by the surrounding residents who believe there should be half acre lots and the applicant has represented that, in light of the fact, all of the lots being required to be on City sewer is an economic burden which is why they have presented this plan with this number of lots.

Motion carried by a 3-2 vote with Commissioners Arrowsmith, Dean, and Ruth voting aye and Mayor Kilsheimer and Commissioner Velazquez voting nay.

- 2. ORDINANCE NO. 2388 – SECOND READING AND ADOPTION** - Amending The City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” [Ordinance No. 2388 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]

The City Clerk read the title, as follows:

ORDINANCE NO. 2388

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

David Moon, Planning Manager, said the Planning Commission held a public hearing on this proposed ordinance November 10, 2014. Their motion was to recommend approval of this ordinance with the addition that staff should consider a distance separation requirement between dispensaries within the proposed designated grow area. He advised the purpose of this

recommendation was to control the number of dispensaries that could locate within any of the two designated areas. He stated, based upon his research, the Land Development Code under special exceptions already requires a minimum separation distance. He pointed out on page 6, under paragraph 10, based upon the Planning Commission's recommendations, it should not read "*no marijuana dispensary/medical marijuana treatment center shall be located within 1,000 feet of any school or church.*" and the rest of the condition read "*or another marijuana dispensary, medical marijuana treatment center would be added based on the Planning Commission's direction*".

Mayor Kilsheimer opened the meeting for a public hearing.

Heather Zabinofsky, representing Baywood Nursery, said she was purchasing Baywood Nursery and would also be purchasing adjacent properties that will be approximately 109 acres, some of which is wetlands and will cultivate out at approximately 87 +/- acres. She commented on the ordinance and pointed out some areas she felt were a conflict within the ordinance and with state law. She spoke further regarding concerns on the security requirements and having visibility from the street.

Kenneth Sumner spoke with regards to property he owns on South Binion Road stating the proposed ordinance is drafted to allow currently existing nurseries to apply for one of the state issued licenses to grow and process Charlotte's Web cannabis. He stated his location is excluded from the grow areas allowed in the ordinance declaring without this ordinance his nursery is one of the limited number of businesses that may apply for such a state-issued license. He requested the proposed ordinance be amended to include and accept a phrase that would indicate the exclusion section of the ordinance not apply to his location.

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

Mayor Kilsheimer recommended holding off on this ordinance waiting for clarity from the state and rules that will be promulgated and approved by the Department of Health. He recommended tabling this ordinance for a period of 60 to 90 days.

MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to table Ordinance No. 2388 for 60 days. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

3. ORDINANCE NO. 2390 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Metzler Family Trust, from "County" Low Density Residential (0-4 du/ac) and "City" Very Low Suburban Residential (0-2 du/ac) to "City" Agriculture (1 du/5 ac), for property located east of Vick Road, north of West Lester Road. (Parcel ID #: 28-20-28-0000-00-010 & 28-20-28-0000-00-075) [Ordinance No. 2390 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]

The City Clerk read the title, as follows:

ORDINANCE NO. 2390

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) & “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) TO “CITY” AGRICULTURE (1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF VICK ROAD, NORTH OF WEST LESTER ROAD, COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2390. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 4. ORDINANCE NO. 2391- FIRST READING - CHANGE OF ZONING -** Metzler Family Trust, from “County” A-1 and “City” R-1AA to “City” AG, for property located east of Vick Road, north of West Lester Road. (Parcel ID #s: 28-20-28-0000-00-010 & 28-20- 28-0000-00-075) [Ordinance No. 2391 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]

The City Clerk read the title, as follows:

ORDINANCE NO. 2391

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (0-4 DU/AC) (RESIDENTIAL) AND “CITY” R-1AA (0-10 DU/AC) TO “CITY” AG (1 DU/5 AC) (CONTAINER NURSERY) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD, EAST OF VICK ROAD (2127 AND 2133 VICK ROAD), COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to adopt Ordinance No. 2391. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

5. **ORDINANCE NO. 2392- FIRST READING - CHANGE OF ZONING** – Norman E. Sawyer, from “County” I-1/I-5 (ZIP) (Industrial) to “City” I-1 (Industrial) AG, for property located north of 13th Street, east of Lambing Lane. (Parcel ID #s: 15-21-28-0000-00- 095 & 15-21-28-0000-00-096) [Ordinance No. 2392 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]

The City Clerk read the title, as follows:

ORDINANCE NO. 2392

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” I-1/I-5 (ZIP) (LIGHT INDUSTRIAL) TO “CITY” I-1 (INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF 13TH STREET, EAST OF LAMBING LANE, COMPRISING 2.3 ACRES MORE OR LESS, AND OWNED BY NORMAN E. SAWYER; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Dean, to adopt Ordinance No. 2392. Commissioner Arrowsmith reported he would be abstaining from voting due to the owner being a client of the bank he serves as Executive Vice President. Motion carried by a 4-0 vote with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Ruth voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

SITE APPROVALS – There were no site approvals.

DEPARTMENT REPORTS AND BIDS –

1. **Administrative Report** – Mayor said the Administrative Report was included in the agenda packet.

MAYOR'S REPORT - Mayor Kilsheimer reported the City has been conducting a search for a new City Administrator over the last couple of months. He stated the results have been narrowed down to one candidate, Glenn Irby, who was in attendance. He said there were more than 50 applications received who were all sent a questionnaire. This questionnaire was returned by 32 potential candidates. The Committee consisting of Dr. Shackelford, Frank Hooper, Paul Faircloth, Jay Davoll, Sharon Thornton, and Chief Manley. Mayor Kilsheimer advised he also attended the meetings and the 32 candidates were narrowed down to six, then down to three. He affirmed Mr. Irby's name was at the top of almost everyone's list. He reviewed the interview process that took place last Thursday and Mr. Irby stood above and beyond the other candidates. He advised Mr. Irby is currently the City Manager in Umatilla and has been there for the past eight years.

Mayor Kilsheimer reviewed the Charter which states the Mayor shall appoint the City Administrator. However, he stated he felt it to be right to ask his appointment to be ratified by the City Council.

Commissioner Arrowsmith said he just received Mr. Irby's resume and stated he has received some calls recommending Mr. Irby. He said he appreciates the work the Committee has done in selecting Mr. Irby, but he feels like in a growing area like Apopka, he was hopeful to have someone with experience managing a city of at least 50,000 rather than 3,500 and declared he did not feel he was the correct candidate for the future of the City.

Mayor Kilsheimer responded by advising there were candidates from larger cities, but their answers to the questionnaire did not make it past the Committee. He stated it was a combination of the questionnaires, and calls to outside parties. He said the three candidates were all qualified based on experience, their knowledge, skills, and demeanor. The discussion came down to what was the best fit for the City of Apopka and who had the right characteristics to take Apopka to the next level. He declared it was unanimous in the room that Mr. Irby fit that qualification.

In response to Commissioner Dean with regards of what kind of vision Mr. Irby would bring to a city of this size, Mayor Kilsheimer advised Mr. Irby has managed a fairly sizeable organization with the Lake County Sheriff's Department, and in terms of vision, he led a visioning exercise on downtown Umatilla that when started had many empty store fronts, and today has no empty store fronts. He declared Mr. Irby will use that experience to help lead staff.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to ratify the appointment of Glenn Irby to the position of City Administrator. Motion carried 3-2 with Mayor Kilsheimer, and Commissioners Velazquez and Ruth voting aye and Commissioners Arrowsmith and Dean voting nay.

OLD BUSINESS

1. COUNCIL - There was no old business from the Council.

2. PUBLIC –

Ray Shackelford asked for clarification concerning the City Administrator, inquiring if they were a Charter officer, or a Department Head, to which Mayor Kilsheimer stated it, was not spelled out in the Charter. The Charter says the City Administrator shall be appointed by the Mayor which ostensibly makes him a Charter officer, but it is not spelled out to say Charter officer.

Dr. Shackelford spoke in regards to transparency and inquired if it would be possible to have the Mayor's report placed online prior to the meetings.

Mayor Kilsheimer advised the agenda packets for the City Council meetings were posted online immediately after he took office and prior to that only the agenda was available.

Tenita Reid spoke regarding removal of aquatic plants and she further requested expanding Dream Lake Park.

NEW BUSINESS

1. COUNCIL

In response to Commissioner Velasquez's inquiry about Richard Anderson's report and why more detail was not included, Mayor Kilsheimer advised that Mr. Anderson could not disclose all the information with negotiations, the report was to show the level of his work on behalf of the City to further those projects.

Commissioner Dean asked for an update at the next Council meeting on some of the issues that have been presented to the Council, to include One Apopka for Progress, policy and procedures regarding the bidding process for minorities and women. He stated there were no minorities in supervisory positions that he was aware of, and the past CAO had stated consideration would be given to minorities as positions were filled. He asked for an update on the following: Martin Pond area, and a summer job program for youth.

2. PUBLIC

Ray Shackelford said he echoed the concerns of Commissioner Dean stating we cannot leave behind one person of the community.

Kenneth Sumner asked if he understood Mr. Moon to state his property could not be considered as a grow area to which Mayor Kilsheimer advised this item had been tabled and he would have the opportunity to address the matter with Mr. Moon.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 11:25 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk

CITY OF APOPKA

Minutes of the regular City Council meeting held on December 3, 2014, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth
City Attorney Clifford B. Shepard

PRESS PRESENT: Roger Ballas - The Apopka Chief

INVOCATION – Commissioner Ruth introduced Pastor Doug Bankson, Victory Church, who gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on December 5, 1949, municipal elections were held in the Town of Apopka. Of the four candidates for Mayor, a young man named John H. Land won the race with 342 votes and thus began Mayor Land's legacy of public service. As you know, Mayor Land went on to serve as Apopka's Mayor for an unprecedented 63 years, during which time Apopka grew from a small town to the second largest city in Orange County. It just so happens, at that same December council meeting, the City Council petitioned the members of the Orange County School Board to name the proposed high school, Apopka Memorial High School, as a war memorial to those who sacrificed their lives and service of our Nation and that is how Apopka Memorial Middle School, at that same council meeting, was processed again. He asked everyone to reflect on Mayor Land's service to our community and to our City as he led in the Pledge of Allegiance.

EMPLOYEE RECOGNITION

1. Lynn Pettingill – Police/Support Services – Five Year Service Award – Mayor Kilsheimer said Lynn began working for the City on November 9, 2009, as a Police Officer. On February 8, 2011, he was reclassified to Police Radio System Supervisor. Lynn was promoted to Police Lieutenant on August 8, 2011, which is his current position. Mayor Kilsheimer said Lynn was unable to attend and will be presented his award at a later time.

2. Scott J. Burk – Police/Support Services – Five Year Service Award – Mayor Kilsheimer said Scott started working for the City on November 16, 2009, as a Property and Evidence Technician. On December 19, 2009, he was reclassified to Forensic Science Technician, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Scott on his years of service to the City.

3. Erica F. Munoz – Police/Communications – Five Year Service Award - Mayor Kilsheimer said Erica began working for the City on November 17, 2009, as a Communication

Technician, which is her current position. Mayor Kilsheimer said Erica was unable to attend and will be presented her award at a later time.

4. Rafael F. Baez, Jr. – Police/Support Services – Five Year Service Award - Mayor Kilsheimer said Rafael started working for the City on November 30, 2009, as a Police Officer, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Rafael on his years of service to the City.

5. Scott E. Harrell – Fire/EMS – Ten Year Service Award - Mayor Kilsheimer said Scott began working for the City on November 3, 2004, as a Fire Fighter First Class, which is his current position. Mayor Kilsheimer said Scott was unable to attend and will be presented his award at a later time.

6. Christopher “Chris” N. Cameron – Fire/EMS – Ten Year Service Award - Mayor Kilsheimer said Chris started working for the City on November 4, 2004, as a Fire Fighter First Class. He was promoted to Fire Engineer November 4, 2010, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Chris on his years of service to the City.

7. Randall “Randy” C. Fernandez – Police/Support Services – Twenty-Five Year Service Award - Mayor Kilsheimer said Randy began working for the City on November 17, 1989, as a Fire Fighter. Randy was promoted on June 1, 1990, to Fire Fighter First Class. On November 1, 1993, he was promoted to Fire Engineer. Randy was promoted to Fire Lieutenant on January 27, 1998. On September 24, 2000, he was promoted to Fire Captain. Randy was promoted to Assistant Fire Chief on January 13, 2004. On March 1, 2006, he was promoted to Fire Chief. On August 26, 2007, Randy moved to Community Development as Administrative Projects Coordinator. On August 17, 2008, he was transferred to the Police Department as Police Commander. Randy had a title changed on October 1, 2009, when the “Police Commander” rank became “Police Lieutenant”. On January 11, 2011, he was promoted to Police Captain, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Randy on his years of service to the City.

PRESENTATIONS – There were no presentations.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on November 5, 2014, at 1:30 p.m.
2. Approve the minutes from the special City Council meeting held on November 5, 2014, at 3:30 p.m.
3. Authorize the issuance of a Peddler's Permit, to First American Fireworks, to sell State approved fireworks at 511 South Orange Blossom Trail, from December 15, 2014 until January 1, 2015.
4. Authorize the issuance of a Peddler's Permit to, TNT Fireworks, to sell State approved fireworks at 1700 South Orange Blossom Trail, from December 26, 2014 until January 1, 2015.

5. Authorize the issuance of a Peddler's Permit, to TNT Fireworks, to sell State approved fireworks at 2302-2444 East Semoran Boulevard from December 26, 2014 until January 1, 2015.
6. Award the contract, in the amount of \$920,000.00, to The Crom Corporation for the design and construction of the New Ground Storage Tank Number 4, for the Apopka Water Reclamation Facility.
7. Approve the Disbursement Report for the month of November 2014.

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to approve seven Items of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2394 – FIRST READING - ANNEXATION** – Leslie & Nancy Hebert, property located at 3600 W. Kelly Park Road. (Parcel I.D. # 13-20-27-0000-00-046) (6.11 +/- acres)

The City Clerk read the title as follows:

ORDINANCE NO. 2394

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 LESLIE AND NANCY HEBERT, LOCATED AT 3600 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the First Reading of Ordinance No. 2394 and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 2. ORDINANCE NO. 2395 – FIRST READING - ANNEXATION –** McCarthy McCollough, property located at 1505 W. Kelly Park Road. (Parcel I.D. # 08-20-28-0000-00-003) (8.51 +/- acres)

The City Clerk read the title, as follows:

ORDINANCE NO. 2395

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 MCCARTHY MCCOLLOUGH, LOCATED AT 1505 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve the First Reading of Ordinance No. 2395, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 3. ORDINANCE NO. 2396 – FIRST READING - ANNEXATION –** Ahmed & Moira L. Al-Malt, properties located at 308, 316 & 318 E. Welch Road. (Parcel I.D. #s 34-20-28-9550-00-271 (2.42 ac), 34-20-28-9550-00-270 (2.42 ac) & 34-20-28-9550-00-260) (3.00 ac) (Combined 7.84 +/- acres)

The City Clerk read the title, as follows:

ORDINANCE NO. 2396

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 AHMED AND MOIRA L. AL-MALT LOCATED AT 308, 316, AND 318 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to approve the First Reading of Ordinance No. 2396, and hold it over for a

Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 4. ORDINANCE NO. 2397 – FIRST READING - ANNEXATION – Afzal & Sabiya Khan, properties located at 382 & 400 E. Welch Road. (Parcel I.D. #s 34-20-28-9550-00-241 (2.44 ac) & 34-20-28-9550-00-231) (2.89 ac) (Combined 5.33 +/- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2397

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 AFZAL AND SABIYA KHAN LOCATED AT 382, AND 400 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Dean, and seconded by Commissioner Arrowsmith, to approve the First Reading of Ordinance No. 2397, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 5. ORDINANCE NO. 2398 – FIRST READING - ANNEXATION – Guarda and Son, LLC, property located at 1240 Ustler Road; and authorize staff to proceed with an Interlocal Agreement with Orange County for Annexation of Enclaves. (Parcel I.D. # 34-20-28- 9550-00-200) (5.07 +/- acres)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2398

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 GUARDA AND SON, LLC, LOCATED AT 1240 USTLER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer advised this annexation would create an enclave and staff's recommendation is to enter into an Interlocal Agreement for Annexation of Enclaves with Orange County.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the First Reading of Ordinance No. 2398, hold it over for a Second Reading, and authorize staff to proceed with an Interlocal Agreement for Annexation of Enclaves with Orange County. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 6. RESOLUTION NO. 2014-16 - Granting a non-exclusive franchise, to Container Rental Company, for roll-off container collection and disposal of waste in the City of Apopka**

The City Clerk read the title, as follows:

RESOLUTION NO. 2014-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO CONTAINER RENTAL COMPANY, 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 was made by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve Resolution No. 2014-16, granting a non-exclusive franchise to Container Rental Company for roll-off container collection. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

SITE APPROVALS – There were no Site Approvals.

DEPARTMENT REPORTS AND BIDS – There were no Department Reports.

MAYOR'S REPORT - Mayor Kilsheimer made note of how the City staff pulled together last week and contributed to Mayor Land's memorial service. The Police and Fire Departments stepped in and did everything asked of them. He expressed gratitude to the staff and community in the way they worked together to create a memorable and historic event.

Mayor Kilsheimer reported the new City Administrator, Glenn Irby, will start with the City of Apopka on January 7, 2015. He advised there have been 12 applicants for the Finance Director and after consulting with Mr. Irby, two applicants will be interviewed tomorrow. He stated he

plans to have a candidate to recommend to the Council at the next meeting on December 17, 2014.

Mayor Kilsheimer said at the last meeting Commissioner Dean asked for a report on diversity in hiring and contracting. Mayor Kilsheimer reported the following:

- According to our EEO statistics compiled by our Human Resources Department, we have 32 of 86 supervisory employees that are either women or minority status, which is approximately 37%.
- Regarding increasing minority participation in our contracting, there are a number of steps we would need to undertake. An ordinance would need to be enacted to address minority contracting goals. The first step towards passing that ordinance would be to conduct a study known as a “minority disparity study.” A joint study is currently being conducted by The City of Orlando, the Orlando Airport, Orange County, and Orange County Public Schools which is expected to take 18 months to complete. He explained the purpose of the “minority disparity study” is to determine if there is a disparity between the number of disadvantaged, minority owned, and women owned businesses within a local market area that are willing and able to provide these professional services. He advised he spoke with Kevin Walsh who manages the MBE program for the City of Orlando who explained this study is a very data driven process that provides the underlying justification for enacting such an ordinance. Mr. Walsh has offered to meet with Commissioners individually or as a group to outline the steps needed to pursue this.
- Regarding the City’s participation in sponsoring jobs for local youth; the City has participated in the program known as POPS (Professional Opportunities Program for Students) since its inception and we routinely host students each summer through this program. He also had several meetings with the South Apopka Ministerial Alliance, which is working on a longer-term initiative. They are working with Rod Love, an Apopka resident, to put forward a proposal that will make a funding request before the next session of the Florida Legislature on an idea of seeking matching contributions from both Orange County and the City of Apopka if he can obtain an allocation from the legislature directed toward this faith based initiative, creating a mechanism to use Career Source to fund youth obtaining jobs with 75% of their salaries funded through this program. This proposed program will also incentivize and provide small stipends for mentors for each of the youth participating in this proposed program. He also affirmed the vision for this program is a year-round operation.
- At the request of Mayor Kilsheimer, Mr. Jreij gave an update on the Martin’s Pond project, advising the first phase is complete for the purpose of providing stormwater for all of downtown. The second phase will be the boardwalk and 6th Street, and will be incorporated with the downtown development. Staff is currently working on the 6th Street design which will align it with 441 and a consultant is working on the design of the boardwalk. There will be two fountains and a walkway around the pond. He reported they are looking to have a bike trail from 4th Avenue connecting all the way to the pond area. This area will also be irrigated with reclaimed water. He affirmed the designs are 40 to 50% complete. He reiterated this project will be coordinated with the downtown development.

Mayor Kilsheimer reported the Festival of Trees will have their closing program this Sunday, December 7, 2014, and all proceeds benefit the Apopka Historical Society.

Mayor Kilsheimer reported Richard Anderson has asked for a list of legislative priorities for the next legislative session and he asked the Commissioners to bring forth any items they would like taken forward. He reviewed a number of items he would like to see included: funding for various wastewater and reclaimed water projects; ensuring any legislation regarding pension reform to protect the status of the standing of the City's pension plans; move up the West Orange Trail Phases IV and V on the priority list for construction, connecting them to the coast to coast connector trail; funding for a community pool; and preservation of the enterprise zone legislation.

In response to Commissioner Dean stating he appreciated all the work Mayor Kilsheimer did with regards to his requests, however, he did not hear a response with regards to plans for development from SR 441 to 10th Street, Mayor Kilsheimer advised part of that will be addressed when the community visioning is done. He stated staff has been asked to prepare a request for proposal for a communitywide visioning initiative.

Commissioner Velazquez said she was on the Enterprise Zone Committee and advised she had a resolution to bring forward supporting it.

Mayor Kilsheimer reported State Representative Jennifer Sullivan will be holding regular office hours at City Hall, as she is only being provided funds to have an office in Eustis. He affirmed there is no longer a local legislative office in the City of Apopka and he has requested Mr. Anderson to look into how to restore funds for a legislative office.

OLD BUSINESS

- 1. COUNCIL** - There was no old business from the Council.
- 2. PUBLIC** – Ray Shackelford applauded Mayor Kilsheimer for following up on the concerns expressed by Commissioner Dean at the last meeting. He stated he hoped all Commissioners will join Mayor Kilsheimer and Commissioner Dean in making sure we obtain results for “One Apopka for Progress” and showcase our children’s skills.

NEW BUSINESS

1. COUNCIL –

Commissioner Arrowsmith requested a copy of the employment agreement for the new City Administrator to which Mayor Kilsheimer said he would provide him with a draft as they were still discussing paid vacation time.

Commissioner Arrowsmith spoke with regards to an issue that occurred last week regarding pay checks and stated he couldn’t imagine a financial institution with deposits of the magnitude of the City of Apopka would return checks stating they should have been able to review the total aggregate the City has. He requested when our contract renews and also what the opt out clause is in the contract.

2. PUBLIC –

Isadora Dean spoke with regards to the child who was shot while in her home on 13th Street and inquired if the City had some collaboration and conversation with the County with regards to crime in what is called South Apopka to which Chief Manley advised they worked closely with the Orange County Sheriff's Department. He advised it had been reported to him prior to the meeting the shooter had been arrested. Mrs. Dean also inquired if there had been any recent studies with regards to annexing South Apopka.

Tenita Reid said while she was glad Mr. Irby was coming in as the City Administrator, she did not read where he had a maximum on his salary and felt in fairness to other employees there should be a maximum range.

In response to Commissioner Ruth's inquiry regarding if a commissioner makes a request for information could all the commissioners be provided that information, Mayor Kilsheimer said if appropriate, the clerk could be requested to send the information to all commissioners. City Attorney Shepard advised caution with this type of dialogue so not to violate Sunshine Law by sending individual e-mails.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 2:40 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk

ADMINISTRATIVE BID NO. 2014-15
ONE (1) CUSTOM AMBULANCE
City of Apopka Council Chambers
December 8, 2014, 10:15 a.m.

PRESENT: Chuck Carnesale, Assistant Fire Chief - EMS; Jeff Tyre, Assistant Fire Chief – Fire Prevention & Safety, and Susan Bone, Deputy City Clerk.

OTHERS PRESENT: None

OPENING: Susan Bone called the meeting to order and announced that the bid opening is for **“ONE (1) CUSTOM AMBULANCE”**.

Ms. Bone said the time for submitting additional bids has elapsed, and no more bids will be accepted.

She announced that the bids were duly advertised in The Orlando Sentinel, legal notices, on Friday, November 7, 2014 and placed on Demand Star. The Proof of Publication is on file at the City Clerk's office.

Three (3) bids were received prior to the published 10:00 a.m. deadline.


Mr. Carnesale read the bids in the order received, as follows:

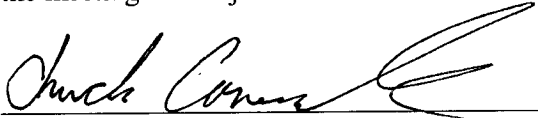
Ten-8 Fire Equipment 2904 59 th Avenue Dr. E. Bradenton, FL 34203	\$ <u>109,451.20</u>
ETR 212 Hickman Drive Sanford, FL 32771	\$ <u>105,563.00</u>
Wheeled Coach Industries, Inc. 2737 N. Forsyth Road Winter Park, FL 32792	\$ <u>92,700.00</u>

Ms. Bone announced that the bids will be evaluated, and a recommendation will be presented to the City Council for awarding the bid. It is the bidder's responsibility to contact the City to obtain the date and time of the City Council meeting when the bid recommendation will be presented.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:20 a.m.

ATTEST:


Linda F. Goff, City Clerk


Chuck Carnesale, Assistant Fire Chief - EMS



CITY OF APOPKA CITY COUNCIL

☒ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL REPORTS
☐ OTHER: _____

MEETING OF: December 17, 2014
FROM: Fire Department
EXHIBITS: None

SUBJECT: ONE CUSTOM AMBULANCE

Request: AWARD THE CONTRACT TO WHEELED COACH INDUSTRIES, INC., FOR THE CONSTRUCTION OF A NEW CUSTOM AMBULANCE FOR THE FIRE DEPARTMENT.

SUMMARY:

On December 8, 2014, the City received three sealed bids for the construction of One Custom Ambulance for the Fire Department. The bids are as follows:

- | | |
|---|--------------|
| 1. Wheeled Coach Industries, Inc. – Winter Park Florida (construction in Florida) | \$ 92,700.00 |
| 2. Ten-8 Fire Equipment – Bradenton, Florida (construction in Missouri) | \$109,451.20 |
| 3. ETR – Sanford, Florida (construction in North Carolina) | \$105,563.00 |

FUNDING SOURCE:

General Fund – The purchase of the new ambulance is included in the FY 2014/15 budget.

RECOMMENDATION ACTION:

Award the contract to Wheeled Coach Industries, Inc., for the construction of a new custom ambulance for the Fire Department.

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



CITY OF APOPKA CITY COUNCIL

 X CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinances & Resolutions

MEETING OF: December 17, 2014
FROM: Information Technology
EXHIBITS:

SUBJECT: UPGRADE OUR EXISTING LEGACY MITEL DIGITAL PHONES TO CURRENT IP PHONES.

Request: APPROVE THE DISBURSEMENT OF BUDGETED FUNDS TO ORLANDO BUSINESS TELEPHONE SYSTEMS WHO IS OUR AUTHORIZED MITEL DEALER FOR THE PURCHASE OF NEW IP PHONES AND LICENSES.

SUMMARY: Mitel is currently running a promotion until the end of this year for its current customers who wish to upgrade their existing legacy digital phones to new IP based phones. The promotion is a “buy one get one free” offer and is good for both hardware and software licensing. We are looking to replace 152 digital phones with IP phones, through this offer we will only have to pay for 76 IP phones and licenses and we will receive an additional 76 IP phones and licenses at no cost. We will be purchasing the following models of IP phones:

Mitel 5230 IP Phones – Quantity to purchase – 55 at \$160.00 totaling \$8,800.00
Mitel 5330 IP Phones – Quantity to purchase – 21 at \$260.00 totaling \$5,460.00
Mitel IP Phone Licenses – Quantity to purchase – 76 at \$140.00 totaling \$10,640.00
Device Power Supplies – Quantity to purchase – 152 at \$30.00 totaling \$4,560.00

FUNDING SOURCE: Budgeted in Fiscal Year 2014/2015 account number 001-5110-519.6400

RECOMMENDATION ACTION:

Authorize the purchase of new Mitel IP phones and licenses for the amount of \$29,460.00 to Orlando Business Telephone Systems.

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Dir.
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief



CITY OF APOPKA CITY COUNCIL

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: December 17, 2014
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 4
Ordinance No. 2394
Vicinity Map

SUBJECT: 2014 ANNEXATION "CYCLE NO. 4"

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2394 -
LESLIE HEBERT AND NANCY HEBERT.

SUMMARY:

OWNER: Leslie Hebert and Nancy Hebert
LOCATION: 3600 West Kelly Road
PARCEL ID NO.: 13-20-27-0000-00-046
LAND USE: Refer to Exhibit "A"
EXISTING USE: Refer to Exhibit "A"
TRACT SIZE: 6.11 +/- acres

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on November 14, 2014.

DULY ADVERTISED:

November 21, 2014 - 1/4 Page Public Hearing Advertisement
November 28, 2014 - 1/4 Page Public Hearing Advertisement
December 5, 2014 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

December 3, 2014 (1:30 pm) - City Council 1st Reading
December 17, 2014 (8:00 pm) - City Council 2nd Reading and Adoption

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2014 Annexation Cycle # 4.

The City Council, at its meeting on December 3, 2014, accepted the First Reading of Ordinance No. 2394 and held it over for Second Reading and Adoption on December 17, 2014.

Adopt Ordinance No. 2394.

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
City Administrator

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

EXHIBIT "A"
CITY OF APOPKA
2014 ANNEXATION CYCLE #4

TOTAL ACRES: 32.86+/-
ANNEXATION ORDINANCE NO.: 2394-2398

Adopted this 17th day of December, 2014

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2394	1	LESLIE HEBERT NANCY HEBERT	3600 W. KELLY PARK ROAD	13-20-27-0000-00-046	6.11	SFR	Rural Max. 1du/10 acres
2395	2	MCCARTHY MCCOLLOUGH	1505 WEST KELLY PARK ROAD	08-20-28-0000-00-003	8.51	SFR	Rural Max. 1du/10 acres
2396	3	AHMED AL-MALT MOIRA L. AL-MALT	318 E WELCH ROAD 316 E.WELCH ROAD 308 E. WELCH ROAD	34-20-28-9550-00-260 34-20-28-9550-00-270 34-20-28-9550-00-271	3.00 2.42 <u>2.42</u> 7.84	VACANT LAND	Low Density Residential Max. 4du/ac
2397	4	AFZAL KHAN SABIYA KHAN	382 E. WELCH ROAD 400 E. WELCH ROAD	34-20-28-9550-00-241 34-20-28-9550-00-231	2.44 <u>2.89</u> 5.33	SFR WAREHOUSE	Low Density Residential Max. 4du/ac
2398	5	GUARDA AND SON, LLC	1240 USTLER ROAD	34-20-28-9550-00-200	5.07	SFR MANF. HOME	Low Density Residential Max. 4du/ac
				TOTAL ACRES	32.86		

g:\Shared\4020\PLANNING_ZONING\Annexations\2014 Cycle 4 Spreadsheet.wpd

ORDINANCE NO. 2394

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 LESLIE AND NANCY HEBERT, LOCATED AT 3600 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Leslie and Nancy Hebert, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at 3600 West Kelly Park Road; and

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

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

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

SECTION I: That the following described property, being situated in Orange County, Florida, totaling 6.11 +/- acres, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ THENCE SOUTH 30 FEET, EAST 227.8 FEET FOR THE POINT OF BEGINNING; THENCE EAST 100 FEET, SOUTH 190 FEET, EAST 265.1 FEET, SOUTH 110 FEET, EAST 66 FEET, SOUTH 579.56 FEET, WEST 358.66 FEET, NORTH 606.59 FEET, WEST 81.24 FEET, NORTH 275 FEET TO THE POINT OF BEGINNING IN SEC 13-20-27

Parcel I.D.: 13-20-27-0000-00-046

Contains: 6.11 +/- 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

ORDINANCE NO. 2394

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 3, 2014

READ SECOND TIME
AND ADOPTED: December 17, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 21, 2014
 November 28, 2014
 December 5, 2014



ANNEXATION
LESLIE & NANCY HEBERT
3600 WEST KELLY PARK ROAD

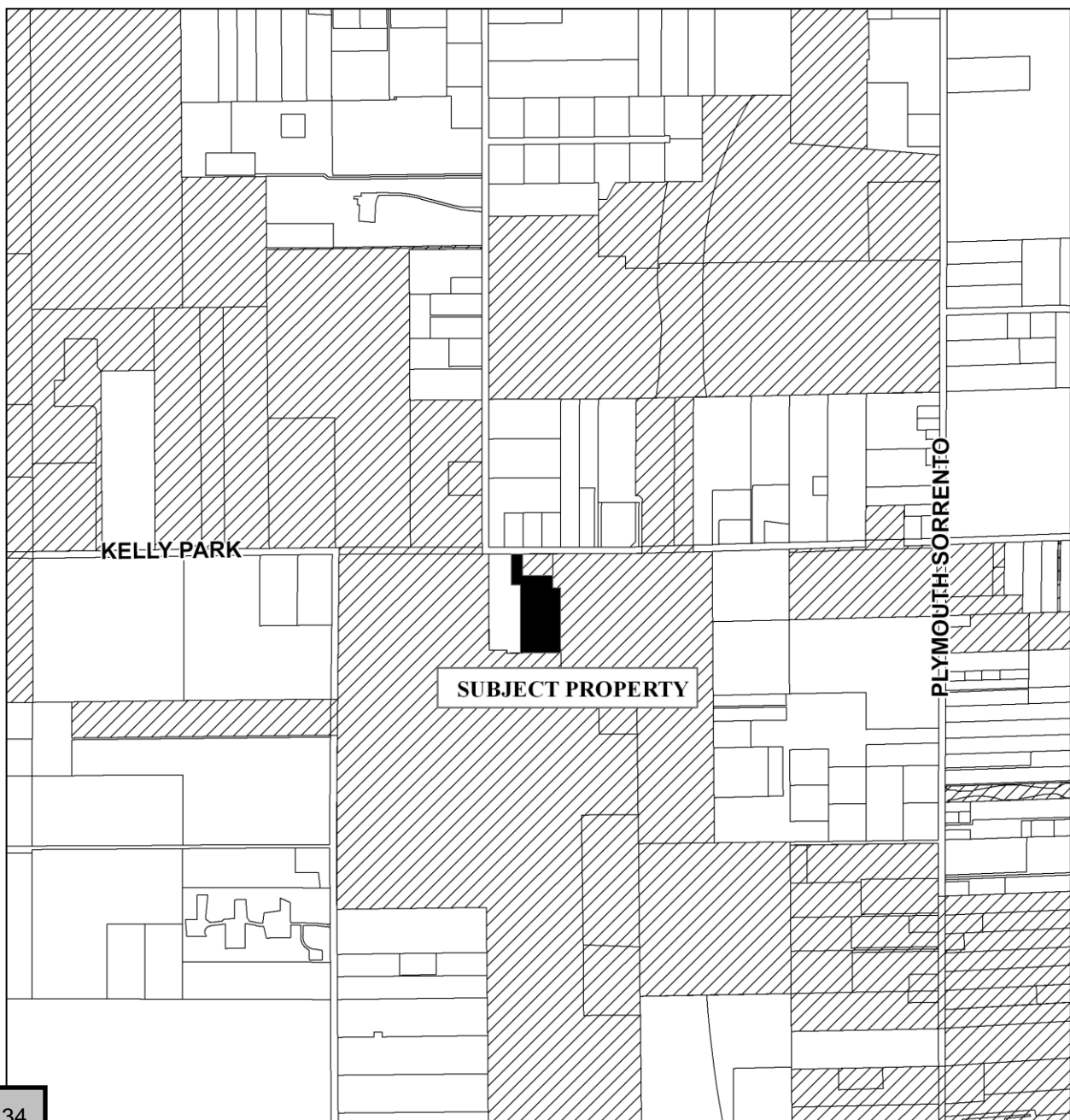
Exhibit "A"

Ord. # 2394

Parcel ID: 13-20-27-0000-00-046

Total Acres: 6.11 +/-

VICINITY MAP



The Apopka Chief

Weekly Newspaper published in APOPKA, FLORIDA

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: **December 5, 2014**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said **APOPKA CHIEF** is a newspaper published at Apopka, in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodicals matter at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

John E. Ricketson
Sworn and subscribed before me this
5th day of December, 2014, by John E. Ricketson,
who is personally known to me.



Joyce Lampp
Joyce Lampp
Notary Public, State of Florida
My Commission # EE123323
Expires August 18, 2015

Public Notice

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, December 17, 2014, at 8:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2394

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 LESLIE AND NANCY HEBERT, LOCATED AT 3600 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2395

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 MCCARTHY MCCOLLOUGH, LOCATED AT 1505 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2396

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 AHMED AND MOIRA L. AL-MALT LOCATED AT 308, 316 AND 318 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2397

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 AFZAL AND SABIYA KHAN, LOCATED AT 382 AND 400 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2398

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 GUARDA AND SON, LLC, LOCATED AT 1240 USTLER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department

December 5, 2014
Publish: The Apopka Chief

151081



CITY OF APOPKA CITY COUNCIL

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: December 17, 2014
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 4
Ordinance No. 2395
Vicinity Map

SUBJECT: 2014 ANNEXATION "CYCLE NO. 4"

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2395 -
MCCARTHY MCCOLLOUGH.

SUMMARY:

OWNER: McCarthy McCollough

LOCATION: 1505 West Kelly Road

PARCEL ID NO.: 08-20-29-0000-00-003

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 8.51 +/- acres

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on November 14, 2014.

DULY ADVERTISED:

November 21, 2014 - 1/4 Page Public Hearing Advertisement
November 28, 2014 - 1/4 Page Public Hearing Advertisement
December 5, 2014 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

December 3, 2014 (1:30 pm) - City Council 1st Reading
December 17, 2014 (8:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2014 Annexation Cycle # 4.

The **City Council**, at its meeting on December 3, 2014, accepted the First Reading of Ordinance No. 2395 and held it over for Second Reading and Adoption on December 17, 2014.

Adopt Ordinance No. 2395.

EXHIBIT "A"
CITY OF APOPKA
2014 ANNEXATION CYCLE #4

TOTAL ACRES: 32.86+/-
ANNEXATION ORDINANCE NO.: 2394-2398

Adopted this 17th day of December, 2014

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2394	1	LESLIE HEBERT NANCY HEBERT	3600 W. KELLY PARK ROAD	13-20-27-0000-00-046	6.11	SFR	Rural Max. 1du/10 acres
2395	2	MCCARTHY MCCOLLOUGH	1505 WEST KELLY PARK ROAD	08-20-28-0000-00-003	8.51	SFR	Rural Max. 1du/10 acres
2396	3	AHMED AL-MALT MOIRA L. AL-MALT	318 E WELCH ROAD 316 E.WELCH ROAD 308 E. WELCH ROAD	34-20-28-9550-00-260 34-20-28-9550-00-270 34-20-28-9550-00-271	3.00 2.42 <u>2.42</u> 7.84	VACANT LAND	Low Density Residential Max. 4du/ac
2397	4	AFZAL KHAN SABIYA KHAN	382 E. WELCH ROAD 400 E. WELCH ROAD	34-20-28-9550-00-241 34-20-28-9550-00-231	2.44 <u>2.89</u> 5.33	SFR WAREHOUSE	Low Density Residential Max. 4du/ac
2398	5	GUARDA AND SON, LLC	1240 USTLER ROAD	34-20-28-9550-00-200	5.07	SFR MANF. HOME	Low Density Residential Max. 4du/ac
				TOTAL ACRES	32.86		

g:\Shared\4020\PLANNING_ZONING\Annexations\2014 Cycle 4 Spreadsheet.wpd

ORDINANCE NO. 2395

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 MCCARTHY MCCOLLOUGH, LOCATED AT 1505 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, McCarthy McCollough, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at 1505 West Kelly Park Road; and

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

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

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

SECTION I: That the following described property, being situated in Orange County, Florida, totaling 8.51 +/- acres, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

THE NORTH 400 FEET OF THE WEST 330 FEET OF THE EAST 1180 FEET OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ AND THE NORTH 575 FEET OF THE WEST 15.00 FEET OF THE WEST 121.71 FEET OF THE EAST 850 FEET OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, AND THE WEST 15.00 FEET OF THE WEST 121.71 FEET OF THE EAST 850 FEET OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$, LESS THE NORTH 575 FEET, SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, EXCEPTING THE SOUTH 30 FEET FOR ROAD RIGHT-OF-WAY.

Parcel I.D.: 08-20-28-0000-00-003

Contains: 8.51 +/- Acres

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

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

ORDINANCE NO. 2395

PAGE 2

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

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

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

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

READ FIRST TIME: December 3, 2014

READ SECOND TIME
AND ADOPTED: December 17, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 21, 2014
November 28, 2014
December 5, 2014



ANNEXATION
MCCARTHY MCCOLLOUGH
1505 WEST KELLY PARK ROAD

Exhibit "A"

Ord. # 2395

Parcel ID: 08-20-28-0000-00-003

Total Acres: 8.51 +/-

VICINITY MAP



The Apopka Chief

Weekly Newspaper published in APOPKA, FLORIDA

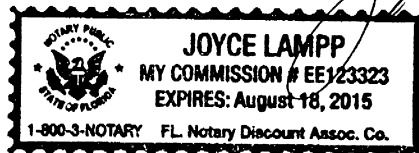
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: **December 5, 2014**, as well as being posted online at www.theapopkachief.com and www.floridapublicnotices.com

Affiant further says that the said **APOPKA CHIEF** is a newspaper published at Apopka, in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodicals matter at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

John E. Ricketson
Sworn and subscribed before me this
5th day of December, 2014, by John E. Ricketson,
who is personally known to me.



Joyce Lampp
Joyce Lampp
Notary Public, State of Florida
My Commission # EE123323
Expires August 18, 2015

Public Notice

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, December 17, 2014, at 8:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2394

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 LESLIE AND NANCY HEBERT, LOCATED AT 3600 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2395

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 MCCARTHY MCCOLLOUGH, LOCATED AT 1505 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2396

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 AHMED AND MOIRA L. AL-MALT LOCATED AT 308, 316 AND 318 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2397

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 AFZAL AND SABIYA KHAN, LOCATED AT 382 AND 400 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2398

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 GUARDA AND SON, LLC, LOCATED AT 1240 USTLER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department

December 5, 2014
Publish: The Apopka Chief

151081



CITY OF APOPKA CITY COUNCIL

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: December 17, 2014
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 4
Ordinance No. 2396
Vicinity Map

SUBJECT: **2014 ANNEXATION "CYCLE NO. 4"**

REQUEST: **SECOND READING & ADOPTION OF ORDINANCE NO. 2396 –
AHMED AL-MALT AND MOIRA L. AL-MALT.**

SUMMARY:

OWNER: Ahmed and Moira L. Al-Malt

LOCATION: 308, 316 & 318 East Welch Road

PARCEL ID NO.: 34-20-28-9550-00-271, 34-20-28-9550-00-270 and 34-20-28-9550-00-260

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 7.84 +/- acres

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on November 14, 2014.

DULY ADVERTISED:

November 21, 2014 - 1/4 Page Public Hearing Advertisement
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PUBLIC HEARING SCHEDULE:

December 3, 2014 (1:30 pm) - City Council 1st Reading
December 17, 2014 (8:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2014 Annexation Cycle # 4.

The **City Council**, at its meeting on December 3, 2014, accepted the First Reading of Ordinance No. 2396 and held it over for Second Reading and Adoption on December 17, 2014.

Adopt Ordinance No. 2396.

EXHIBIT "A"
CITY OF APOPKA
2014 ANNEXATION CYCLE #4

TOTAL ACRES: 32.86+/-
ANNEXATION ORDINANCE NO.: 2394-2398

Adopted this 17th day of December, 2014

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
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2396	3	AHMED AL-MALT MOIRA L. AL-MALT	318 E WELCH ROAD 316 E.WELCH ROAD 308 E. WELCH ROAD	34-20-28-9550-00-260 34-20-28-9550-00-270 34-20-28-9550-00-271	3.00 2.42 <u>2.42</u> 7.84	VACANT LAND	Low Density Residential Max. 4du/ac
2397	4	AFZAL KHAN SABIYA KHAN	382 E. WELCH ROAD 400 E. WELCH ROAD	34-20-28-9550-00-241 34-20-28-9550-00-231	2.44 <u>2.89</u> 5.33	SFR WAREHOUSE	Low Density Residential Max. 4du/ac
2398	5	GUARDA AND SON, LLC	1240 USTLER ROAD	34-20-28-9550-00-200	5.07	SFR MANF. HOME	Low Density Residential Max. 4du/ac
				TOTAL ACRES	32.86		

g:\Shared\4020\PLANNING_ZONING\Annexations\2014 Cycle 4 Spreadsheet.wpd

ORDINANCE NO. 2396

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 AHMED AND MOIRA L. AL-MALT LOCATED AT 308, 316 AND 318 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Ahmed and Moira L. Al-Malt, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 308, 316 and 318 East Welch 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 property, being situated in Orange County, Florida, totaling 7.84 +/- acres, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

308 East Welch Road - West ½ of Lot 27, Apopka Ranches, according to the Plat thereof, as recorded in Plat Book Z, Page 134, of the Public Records of Orange County, Florida.

Parcel I.D.: 34-20-28-9550-00-271

Contain: 2.42 +/- Acres

316 East Welch Road - East ½ of Lot 27, Apopka Ranches, according to the Plat thereof, as recorded in Plat Book Z, Page 134, of the Public Records of Orange County, Florida.

Parcel I.D.: 34-20-28-9550-00-270

Contain: 2.42 +/- Acres

318 East Welch Road - Lot 26, less the East 185 feet of the North 435.53 feet, Apopka Ranches, according to the Plat thereof, as recorded in Plat Book Z, Page 134, of the Public Records of Orange County, Florida.

Parcel I.D.: 34-20-28-9550-00-260

Contain: 3.00 +/- Acres

COMBINED ACREAGE: 7.84 +/-

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

ORDINANCE NO. 2396

PAGE 2

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

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

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

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

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

READ FIRST TIME: December 3, 2014

READ SECOND TIME
AND ADOPTED: December 17, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 21, 2014
November 28, 2014
December 5, 2014



ANNEXATION
AHMED & MOIRA L. AL-MALT
308, 316 & 318 EAST WELCH ROAD

Exhibit "A"

Ord. # 2396

Parcel IDS: 34-20-28-9550-00-260
34-20-28-9550-00-270
34-20-28-9550-00-271

Total Acres: 7.84 +/-

VICINITY MAP



The Apopka Chief

Weekly Newspaper published in APOPKA, FLORIDA

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: **December 5, 2014**, as well as being posted online at www.theapopkachief.com and www.floridapublicnotices.com

Affiant further says that the said **APOPKA CHIEF** is a newspaper published at Apopka, in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodicals matter at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

John E. Ricketson
Sworn and subscribed before me this
5th day of December, 2014, by John E. Ricketson,
who is personally known to me.



Joyce Lampp
Joyce Lampp
Notary Public, State of Florida
My Commission # EE123323
Expires August 18, 2015

Public Notice

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, December 17, 2014, at 8:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2394

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 LESLIE AND NANCY HEBERT, LOCATED AT 3600 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2395

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 MCCARTHY MCCOLLOUGH, LOCATED AT 1505 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2396

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 AHMED AND MOIRA L. AL-MALT LOCATED AT 308, 316 AND 318 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2397

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 AFZAL AND SABIYA KHAN, LOCATED AT 382 AND 400 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2398

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 GUARDA AND SON, LLC, LOCATED AT 1240 USTLER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department

December 5, 2014
Publish: The Apopka Chief

151081



CITY OF APOPKA CITY COUNCIL

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Annexation

MEETING OF: December 17, 2014
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 4
Ordinance No. 2397
Vicinity Map

SUBJECT: **2014 ANNEXATION "CYCLE NO. 4"**

REQUEST: **SECOND READING & ADOPTION OF ORDINANCE NO. 2397-
AFZAL AND SABIYA KHAN.**

SUMMARY:

OWNER: Afzal and Sabiya Khan

LOCATION: 382 and 400 East Welch Road

PARCEL ID NO.: 34-20-28-9550-00-241 and 34-20-28-9550-00-231

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 5.33 +/- acres

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on November 14, 2014.

DULY ADVERTISED:

November 21, 2014 - 1/4 Page Public Hearing Advertisement
November 28, 2014 - 1/4 Page Public Hearing Advertisement
December 5, 2014 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

December 3, 2014 (1:30 pm) - City Council 1st Reading
December 17, 2014 (8:00 pm) - City Council 2nd Reading and Adoption

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2014 Annexation Cycle # 4.

The **City Council**, at its meeting on December 3, 2014, accepted the First Reading of Ordinance No. 2397 and held it over for Second Reading and Adoption on December 17, 2014.

Adopt Ordinance No. 2397.

EXHIBIT "A"
CITY OF APOPKA
2014 ANNEXATION CYCLE #4

TOTAL ACRES: 32.86+/-
ANNEXATION ORDINANCE NO.: 2394-2398

Adopted this 17th day of December, 2014

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2394	1	LESLIE HEBERT NANCY HEBERT	3600 W. KELLY PARK ROAD	13-20-27-0000-00-046	6.11	SFR	Rural Max. 1du/10 acres
2395	2	MCCARTHY MCCOLLOUGH	1505 WEST KELLY PARK ROAD	08-20-28-0000-00-003	8.51	SFR	Rural Max. 1du/10 acres
2396	3	AHMED AL-MALT MOIRA L. AL-MALT	318 E WELCH ROAD 316 E.WELCH ROAD 308 E. WELCH ROAD	34-20-28-9550-00-260 34-20-28-9550-00-270 34-20-28-9550-00-271	3.00 2.42 <u>2.42</u> 7.84	VACANT LAND	Low Density Residential Max. 4du/ac
2397	4	AFZAL KHAN SABIYA KHAN	382 E. WELCH ROAD 400 E. WELCH ROAD	34-20-28-9550-00-241 34-20-28-9550-00-231	2.44 <u>2.89</u> 5.33	SFR WAREHOUSE	Low Density Residential Max. 4du/ac
2398	5	GUARDA AND SON, LLC	1240 USTLER ROAD	34-20-28-9550-00-200	5.07	SFR MANF. HOME	Low Density Residential Max. 4du/ac
				TOTAL ACRES	32.86		

g:\Shared\4020\PLANNING_ZONING\Annexations\2014 Cycle 4 Spreadsheet.wpd

ORDINANCE NO. 2397

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 AFZAL AND SABIYA KHAN, LOCATED AT 382 AND 400 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Afzal and Sabiya Khan, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 382 and 400 East Welch 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 property, being situated in Orange County, Florida, totaling 5.33 +/- acres, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

382 EAST WELCH ROAD: THE EAST 102.5 FEET OF LOT 24, APOPKA RANCHES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Z, PAGE 134, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Parcel I.D.: 34-20-28-9550-00-241

Contains: 2.44 +/- Acres

400 EAST WELCH ROAD: LOT 23, LESS THE NORTH 425 FEET THEREOF, APOPKA RANCHES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Z, PAGE 134, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Parcel I.D.: 34-20-28-9550-00-231

Contains: 2.89 +/- Acres

COMBINED ACREAGE: 5.33 +/-

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

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

ORDINANCE NO. 2397

PAGE 2

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

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

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

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

READ FIRST TIME: December 3, 2014

READ SECOND TIME
AND ADOPTED: December 17, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 21, 2014
 November 28, 2014
 December 5, 2014



ANNEXATION
AFZAL & SABIYA KHAN
382 & 400 EAST WELCH ROAD

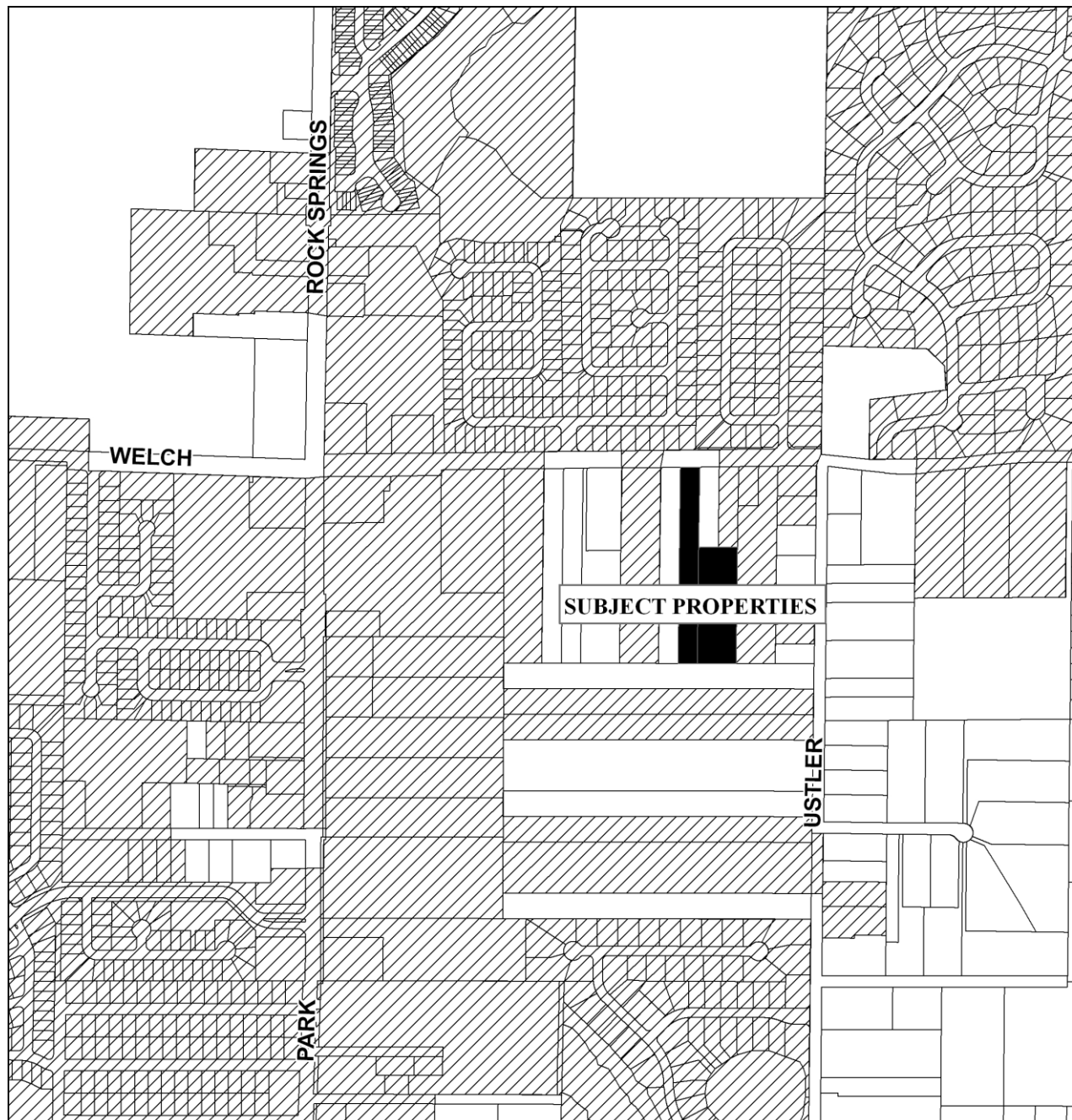
Exhibit "A"

Ord. # 2397

Parcel IDS: 34-20-28-9550-00-241
34-20-28-9550-00-231

Total Acres: 5.33 +/-

VICINITY MAP



The Apopka Chief

Weekly Newspaper published in APOPKA, FLORIDA

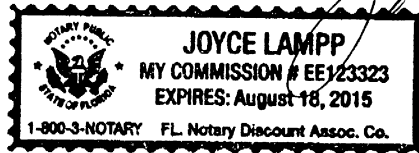
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: **December 5, 2014**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said **APOPKA CHIEF** is a newspaper published at Apopka, in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodicals matter at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

John E. Ricketson
Sworn and subscribed before me this
5th day of December, 2014, by John E. Ricketson,
who is personally known to me.



Joyce Lampp
Joyce Lampp
Notary Public, State of Florida
My Commission # EE123323
Expires August 18, 2015

Public Notice

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, December 17, 2014, at 8:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2394

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 **LESLIE AND NANCY HEBERT**, LOCATED AT 3600 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2395

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 **MCCARTHY MCCOLLOUGH**, LOCATED AT 1505 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2396

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 **AHMED AND MOIRA L. AL-MALT** LOCATED AT 308, 316 AND 318 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2397

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 **AFZAL AND SABIYA KHAN**, LOCATED AT 382 AND 400 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2398

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 **GUARDA AND SON, LLC**, LOCATED AT 1240 USTLER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department

December 5, 2014
Publish: The Apopka Chief

151081



CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA
☒ PUBLIC HEARING
☐ SPECIAL REPORTS
☒ OTHER: Annexation

MEETING OF: December 17, 2014
FROM: Community Development
EXHIBITS: Exhibit "A" Summary of Cycle 4
Exhibit "B" Enclave Parcels
Ordinance No. 2398
Vicinity Map

SUBJECT: 2014 ANNEXATION "CYCLE NO. 4"

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2398 -
GUARDA AND SON, LLC.

SUMMARY:

OWNER: Guarda and Son, LLC
LOCATION: 1240 Ustler Road
PARCEL ID NO.: 34-20-28-9550-00-200
LAND USE: Refer to Exhibit "A"
EXISTING USE: Refer to Exhibit "A"
TRACT SIZE: 5.07 +/- acres

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS: Annexation of this parcel creates an unincorporated enclave as defined by Sec. 171.044(5), Florida Statutes. The property owner desires to assemble the parcel proposed for annexation with two contiguous parcels he also owns. To pursue efficient development of the three parcels, annexation of the third parcel is necessary to generate a compact and contiguous development site located within a single government jurisdiction. City staff has coordinated with County planning administrators to discuss the circumstances faced by the property owner and the conflict with annexation laws. While annexation of the Guarda and Son, LLC parcel will create a small enclave, the applicant attempted to reduce the extent of the enclave by convincing several owner property owners to simultaneously annex. Property owners also requesting annexation as part of the 2014 Cycle 4 annexation process include Amed Al-Malt with three parcels totaling 7.84 acres and Afzal Khan with two parcels comprising 5.33 acres. Parcels left in an unincorporated enclave amount to approximately 5.29 acres within three parcels under separate ownership (i.e., Crossroads Church, Donald Baughn, and Michael Maxwell. Exhibit “B” identifies the location of these three parcels. Staff’s recommendation is to annexation these three parcels in the near future through an Interlocal Agreement for Annexation of Enclaves.

County staff has indicated that it will not object to the creation of the small enclave left by these three unincorporated parcels if the City agrees to enter into an Interlocal Agreement for Annexation of Enclaves in the near future.

All three of the Guarda and Son, LLC parcels, including the two parcel within the City’s jurisdiction and the proposed parcel for annexation, are located within the Wekiva River Protection Area, which provides additional restrictions on the potential density of any proposed residential development.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on November 14, 2014.

DULY ADVERTISED:

November 21, 2014 - 1/4 Page Public Hearing Advertisement
November 28, 2014 - 1/4 Page Public Hearing Advertisement
December 5, 2014 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

December 3, 2014 (1:30 pm) - City Council 1st Reading
December 17, 2014 (8:00 pm) - City Council 2nd Reading and Adoption

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the 2014 Annexation Cycle # 4.

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

Adopt Ordinance No. 2398.

EXHIBIT "A"
CITY OF APOPKA
2014 ANNEXATION CYCLE #4

TOTAL ACRES: 32.86+/-
ANNEXATION ORDINANCE NO.: 2394-2398

Adopted this 17th day of December, 2014

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2394	1	LESLIE HEBERT NANCY HEBERT	3600 W. KELLY PARK ROAD	13-20-27-0000-00-046	6.11	SFR	Rural Max. 1du/10 acres
2395	2	MCCARTHY MCCOLLOUGH	1505 WEST KELLY PARK ROAD	08-20-28-0000-00-003	8.51	SFR	Rural Max. 1du/10 acres
2396	3	AHMED AL-MALT MOIRA L. AL-MALT	318 E WELCH ROAD 316 E.WELCH ROAD 308 E. WELCH ROAD	34-20-28-9550-00-260 34-20-28-9550-00-270 34-20-28-9550-00-271	3.00 2.42 <u>2.42</u> 7.84	VACANT LAND	Low Density Residential Max. 4du/ac
2397	4	AFZAL KHAN SABIYA KHAN	382 E. WELCH ROAD 400 E. WELCH ROAD	34-20-28-9550-00-241 34-20-28-9550-00-231	2.44 <u>2.89</u> 5.33	SFR WAREHOUSE	Low Density Residential Max. 4du/ac
2398	5	GUARDA AND SON, LLC	1240 USTLER ROAD	34-20-28-9550-00-200	5.07	SFR MANF. HOME	Low Density Residential Max. 4du/ac
TOTAL ACRES					32.86		

g:\Shared\4020\PLANNING_ZONING\Annexations\2014 Cycle 4 Spreadsheet.wpd



EXHIBIT "B"
ENCLAVE PARCELS CREATED BY THE
GUARDA AND SON, LLC ANNEXATION



**ANNEXATION
GUARDA AND SON, LLC
1240 USTLER ROAD**

Exhibit "B"

Ord. # 2398

Parcel ID: 34-20-28-9550-00-200

VICINITY MAP



ORDINANCE NO. 2398

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 GUARDA AND SON, LLC, LOCATED AT 1240 USTLER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Guarda and Son, LLC, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at 1240 Ustler 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 property, being situated in Orange County, Florida, totaling 5.07 +/- acres, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

LOT 20, APOPKA RANCHES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Z, PAGE 134 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Parcel I.D.: 34-20-28-9550-00-200

Contains: 5.07 +/- 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. 2398

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 3, 2014

READ SECOND TIME
AND ADOPTED: December 17, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 21, 2014
 November 28, 2014
 December 5, 2014

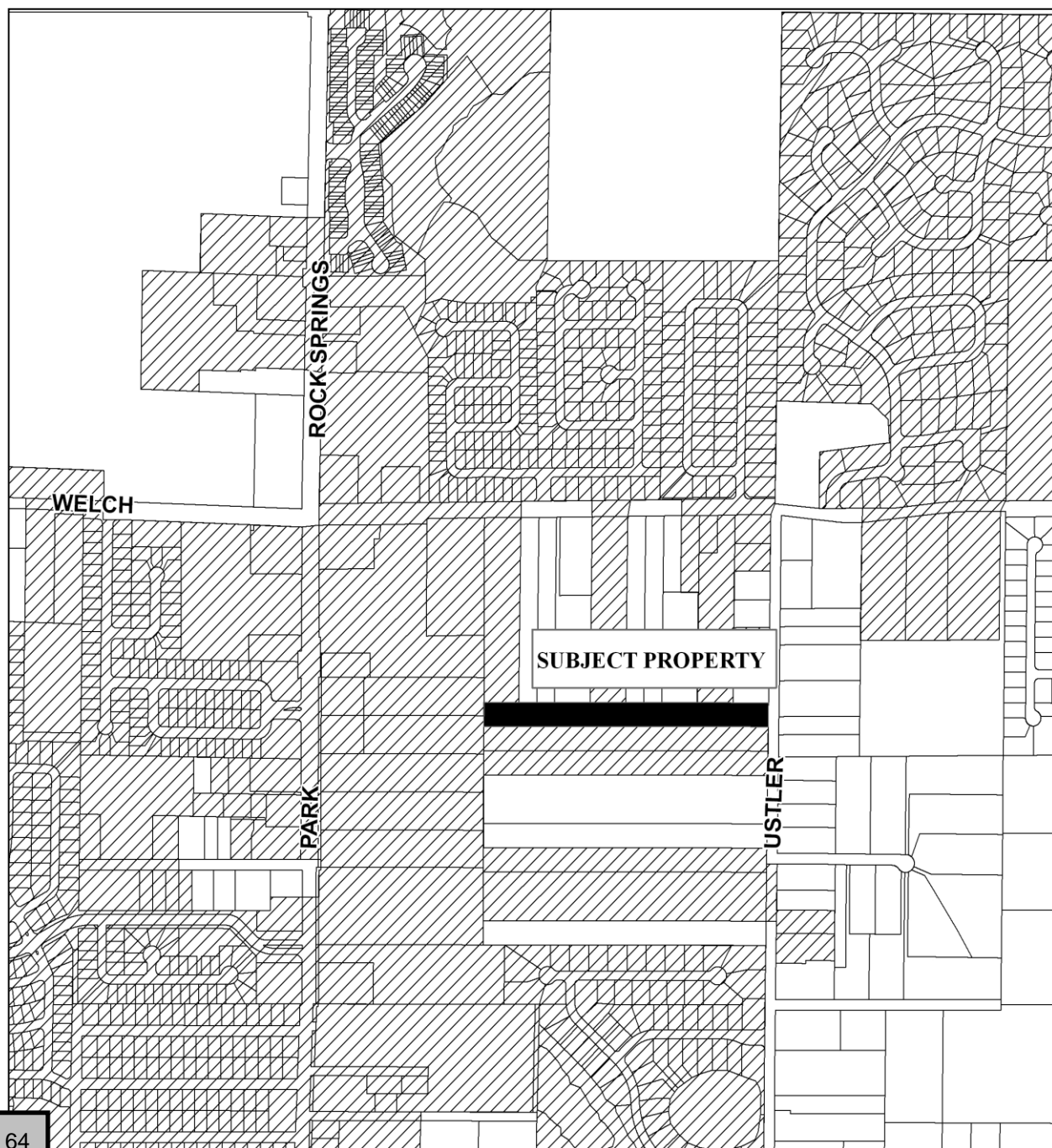


ANNEXATION
GUARDA AND SON, LLC
1240 USTLER ROAD

Exhibit "A"
Ord. # 2398
Parcel ID: 34-20-28-9550-00-200

Total Acres: 5.07 +/-

VICINITY MAP



The Apopka Chief

Weekly Newspaper published in APOPKA, FLORIDA

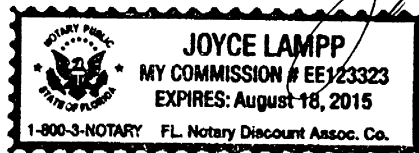
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: **December 5, 2014**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

Affiant further says that the said **APOPKA CHIEF** is a newspaper published at Apopka, in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodicals matter at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

John E. Ricketson
Sworn and subscribed before me this
5th day of December, 2014, by John E. Ricketson,
who is personally known to me.



Joyce Lampp
Joyce Lampp
Notary Public, State of Florida
My Commission # EE123323
Expires August 18, 2015

Public Notice

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, December 17, 2014, at 8:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2394

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 LESLIE AND NANCY HEBERT, LOCATED AT 3600 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2395

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 MCCARTHY MCCOLLOUGH, LOCATED AT 1505 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2396

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 AHMED AND MOIRA L. AL-MALT LOCATED AT 308, 316 AND 318 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2397

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 AFZAL AND SABIYA KHAN, LOCATED AT 382 AND 400 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2398

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 GUARDA AND SON, LLC, LOCATED AT 1240 USTLER ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department

December 5, 2014
Publish: The Apopka Chief

151081



CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	December 17, 2014
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input checked="" type="checkbox"/> OTHER: Ordinance		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map
		Ordinance No. 2399
		Master Plan\PDP

SUBJECT: **ORDINANCE NO. 2399 – CHANGE OF ZONING - APPY LANE HOLDINGS, LLC FROM R-1AAA (0-2 DU/AC) TO PLANNED UNIT DEVELOPMENT (PUD/R-1A (0-2 DU/AC); AND THE MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN.**

Request: **FIRST READING OF ORDINANCE NO. 2399 – CHANGE OF ZONING - APPY LANE HOLDINGS, LLC FROM R-1AAA (0-2 DU/AC) TO PLANNED UNIT DEVELOPMENT (PUD/R-1A (0-2 DU/AC); AND THE MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN; AND APPROVAL OF THE MASTER PLAN/ PRELIMINARY DEVELOPMENT PLAN; AND HOLD OVER FOR SECOND READING & ADOPTION. PARCEL I.D. NO. 18-20-28-0000-00-089.**

SUMMARY

OWNER/ APPLICANT: Appy Lane Holdings, LLC

LOCATION: West of Jason Dwelley Parkway, north of Appy Lane

EXISTING USE: Vacant

FUTURE LAND USE: Residential Very Low Suburban (0-2 du/acre)

ZONING: R-1AAA (16,000 sq. ft. lot min.)

PROPOSED DEVELOPMENT: Single-Family Residential

PROPOSED ZONING: Planned Unit Development (PUD/R-1A) (min. lot 11,400 sq. ft. ranging up to 26,266 sq. ft.)

TRACT SIZE: 13.04 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	26 Residential Units (no more than 2 un\ac)
PROPOSED ZONING:	26 Residential Units (no more than 2 un\ac)

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject parcels were annexed into the City of Apopka on April 7, 2004, through the adoption of Ordinance No. 1635. A master site plan for the PUD zoning application proposes 26 residential lots with a minimum of 11,400 sq. ft. Residential density and maximum lot yield remains the same as the current zoning of R-1AAA assigned to the Property. Regardless of the zoning category assigned to the Property, development of the Property is restricted to no more than 26 residential units. By clustering the lots and allowing a minimum lot size of 11,400 sq. ft., a natural landscaped open space buffer can be created along Jason Dwelley Parkway and Apply Lane. Required PUD development standards, the landscape buffer the Landscaped open space buffers along these roads will create a more aesthetic corridor leading to Northwest Regional Park.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed PUD rezoning is consistent with the Future Land Use Designation of Residential Very Low Suburban (0-2 dwelling unit per acre) that is assigned to the property. Minimum lot size for property assigned the R-1A zoning category is 11,400 sq. ft. The PUD development standards restricts the minimum lot size to 11,400 sq. ft.

SCHOOL CAPACITY REPORT: The proposed rezoning will result in the same number of residential units which could be developed at the subject property currently. Zoning currently assigned to the property, R-1AAA, allows a minimum lot size of 16,000 sq. ft. and the Future Land Use Designation and Comprehensive Plan policy restrict residential density to no more than two units per acre. The proposed change of zoning to PUD/R-1A limits lot size to a minimum of 11,400 sq. ft. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be neutral. School concurrency must be met at the final development plan application.

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 24, 2014.

PUBLIC HEARING SCHEDULE:

December 9, 2014 – Planning Commission (5:01 pm)
December 17, 2014 - City Council (8:00 pm) - 1st Reading
January 7, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

November 21, 2014 – Public Notice and Notification
December 26, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “City” R-1AAA and “City” PUD\R-1A and the Master Plan\Preliminary Development Plan for the parcel owned by Appy Lane Holdings, LLC.

The **Planning Commission**, at its meeting on December 9, 2014, recommended approval (7-0) of the change in Zoning from “City” R-1AAA and “City” PUD\R-1A and the Master Plan\Preliminary Development Plan for the parcel owned by Appy Lane Holdings, LLC.

City Council:

- 1) Accept the First Reading of Ordinance No. 2399 and Hold it Over for Second Reading and Adoption on January 7, 2015.
- 2) Accept the Appy Lane Master Plan\Preliminary Development Plan

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Very Low Suburban (0-2.0 du/ac)	R-1AAA	Vacant/Orchid Estates PUD
East (City)	Residential Estates (1 du/ac)	A-1	Rock Springs Ridge Right-of-Way/Community
South (City)	Residential Very Low Suburban (0-2.0 du/ac)	A-2 (ZIP)	Vacant\Northwest Recreation Complex
West (City)	Residential Very Low Suburban (0-2.0 du/ac)	R-1AAA	Vacant

LAND USE & TRAFFIC COMPATIBILITY:

The subject property fronts and is accessed by a two-lane local roadway (Apply Lane) and a two-lane divided collector roadway (Jason Dwelley Parkway). Lot sizes proposed within the Apply Lane Master Plan/PDP range from a minimum size of 11,433 to 26,266 sq. ft. Among the 26 proposed lots the typical average lot size is approximately 12,974 sq. ft.

Northwest of the Property is Orchid Estates, an undeveloped PUD residential community comprising 112 single family lots with a minimum lot size of 8,050 sq. ft. and a minimum lot width of 70 feet. The Orchid Estates PUD is limited to two units per acre, but clustered the density into create additional open space area. City Council approved the final development plan for Orchid Estates in February 2011 with a unanimous recommendation from the Planning Commission (March, 2011).

North of the Property is vacant land assigned a Future Land Use Designation of Residential Very Low Suburban and a zoning category of R-1AAA. However, the property owner has conceptually proposed a mixed use development with lot sizes more consistent with that proposed in the Orchid Estates PUD.

South of the property is a vacant residential parcel (7 acres) situated at the corner of Apply Lane and Jason Dwelley Parkway. It has one residential home and is assigned Residential Very Low Suburban future land use designation but has not been assigned a City zoning category. Also, Northwest Recreation Complex is located on the south side of Apply Lane across from a southwest portion of the Property.

East of the Property and across from the 100-foot right-of-way for Jason Dwelley Parkway, is the Rock Springs Ridge residential community. Residential lots with Rock Springs Ridge that abut Jason Dwelley Parkway are typically 85 in width and approximately 13,100 sq. ft.

**COMPREHENSIVE
PLAN COMPLIANCE:**

The proposed PUD/R-1A zoning is consistent with the City’s Residential Very Low Suburban Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, PUD zoning is one of the acceptable zoning districts allowed within the Residential Very Low Suburban Future Land Use category. Future Land Use Element Policy 3.5. restricts residential density north of Ponkan Road and west of Rock Springs Road to no more than two dwelling units per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan. The subject site is not located within the Wekiva Parkway Interchange Plan area.

**RECOMMENDED
PUD STANDARDS:**

Minimum Living Area:	1,800 sq. ft.
Minimum Lot Area:	11,400 sq. ft.
Minimum Lot Width	85 ft.
Setbacks:	Front: 30 ft.
	Rear: 20 ft.
	Side: 10 ft.
	Corner 25 ft.

Road Buffer	Min. 30-foot wide near-opaque natural landscape buffer along existing public streets (Apply Lane and Jason Dwelley Pkwy.)
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Where development standards are not addressed within the PUD master site plan, the R-1A development standards apply. Setbacks for the R-1A district are the same as the R-1AAA district.

**ALLOWABLE
USES:**

Single-family dwellings and their customary accessory structures and uses in accordance with article VII of the Land Development Code and as established within the PUD ordinance. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01.

**PROPOSED PUD
RECOMMENDATIONS:**

The PUD recommendations are that the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions:

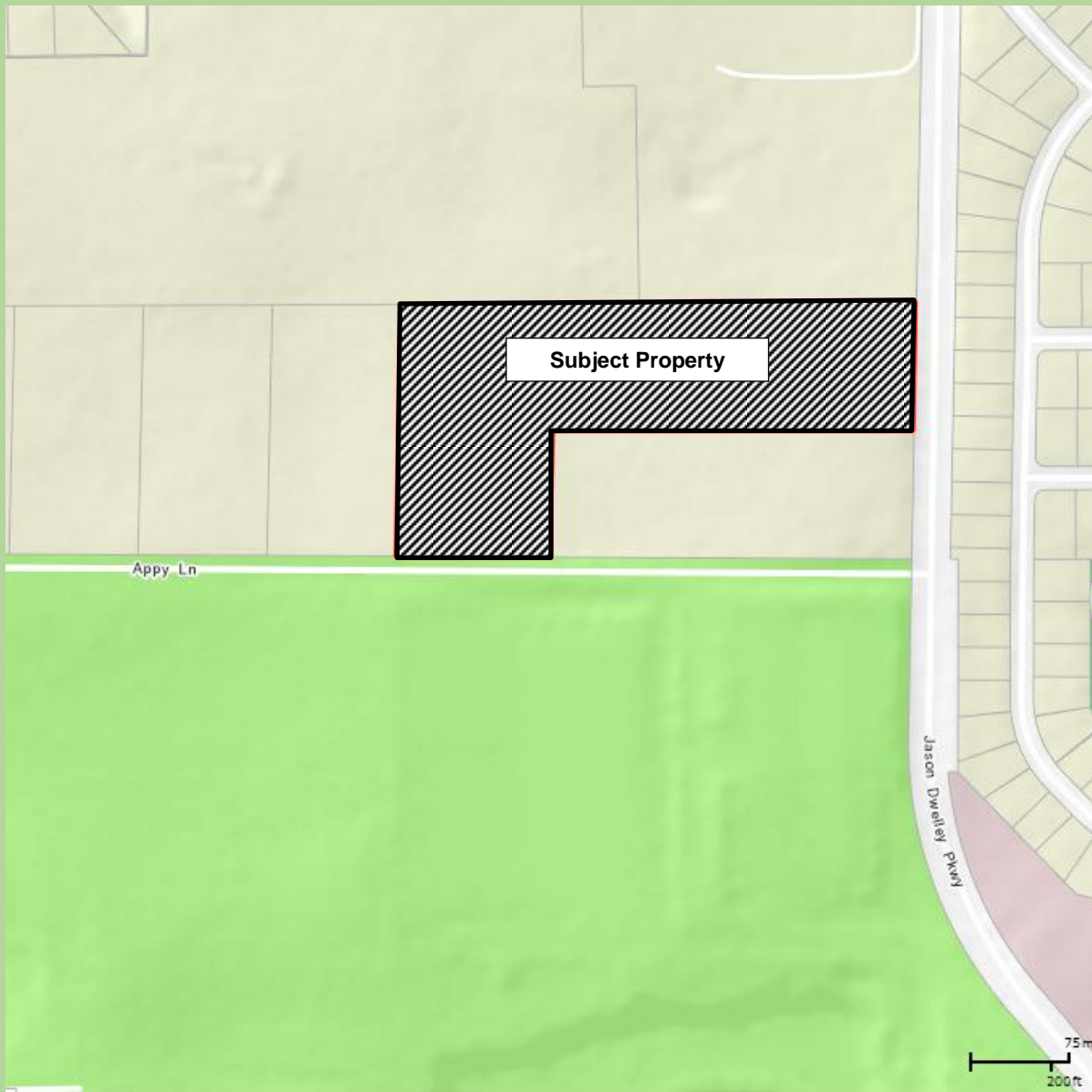
- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1A zoning category except where otherwise addressed in this ordinance.

- B. If a final development plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
1. Permit a single six-month extension for submittal of the required Master Plan\Preliminary Development Plan;
 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 3. Rezone the property to a more appropriate zoning classification.
- C. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:
1. Master Plan\Preliminary Development Plan provided in Exhibit “A”.
 2. Minimum lot area for a single family home shall be 11,400 sq. ft.; excepting any lots within 250 feet of the eastern property line shall have a minimum area of 13,175 sq. ft.
 3. A minimum 30-foot wide, natural buffer tract shall be located within the PUD along Jason Dwelley Pkwy and along Appy Lane. Landscape plants and shrubs shall create a near-opaque screen to a height not less than six feet. At the final development plan, additional plantings may be required by the City if determined necessary to create this near-opaque screen. Shrubs planted within the 30-foot wide buffer shall reach a height of six feet within two years of planting. Final landscape plan and materials will be determined at the Final Development Plan. At the final development plan, additional plantings may be required by the City if determined necessary to create a near-opaque screen.
 4. Minimum livable area for a single family dwelling unit is 2,000 sq. ft.
 5. Utility connects at the east end of the project shall be re-engineered at the final development plan application consistent with City codes.
 6. At the time of the final development plan, the City may require an easement up to 11 feet wide, dedicated to the City, to be placed with the 30 foot wide buffer tract along Jason Dwelley Parkway and Apply Lane to accommodate bicycle trails. If the bicycle trail easement is required, it will replace the sidewalk required along these roads.
 7. Unless otherwise addressed within the PUD development standards, the R-1A zoning standards will apply to the PUD Property.



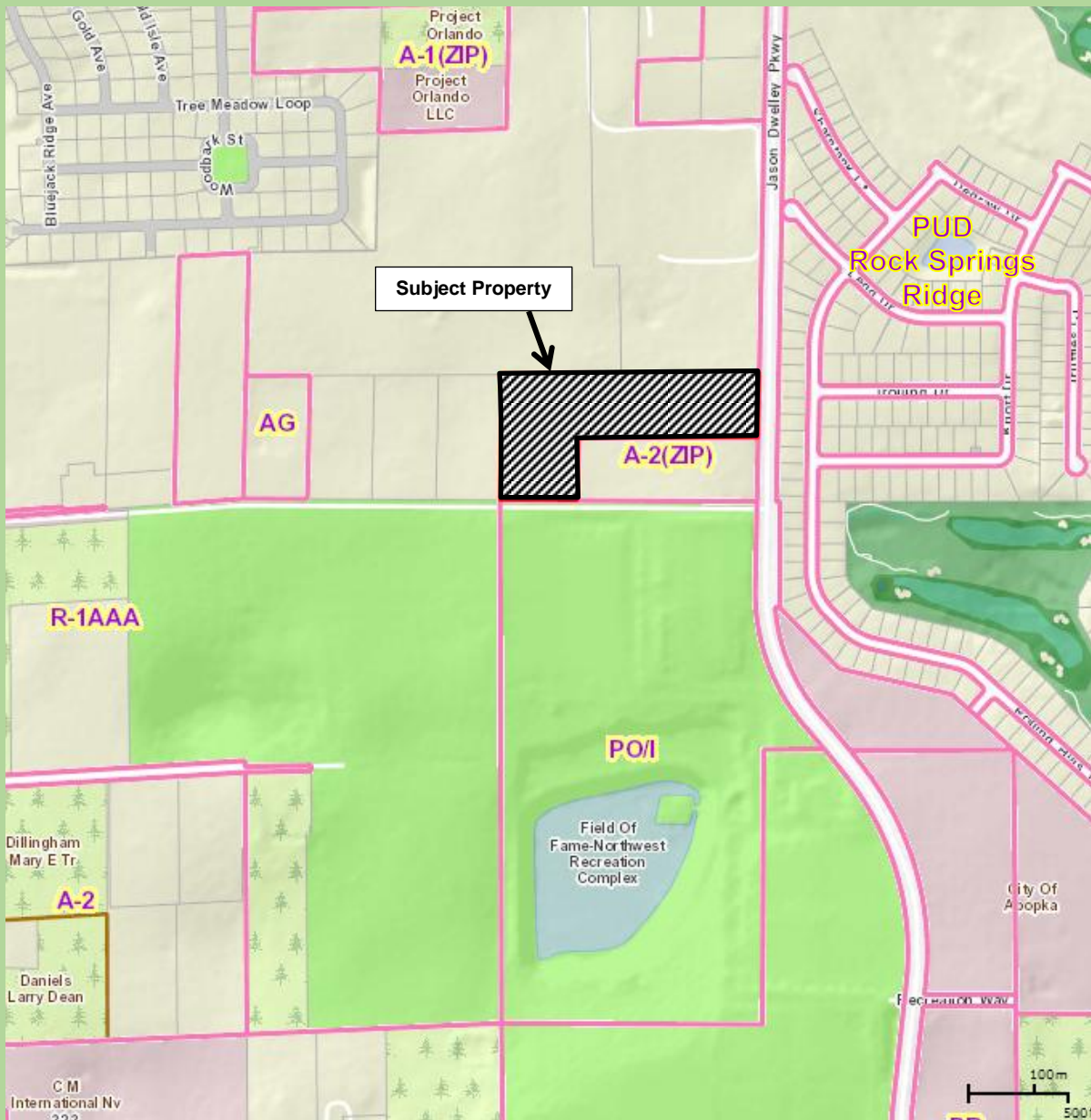
Appy Lane Holdings, LLC
13.04 +/- Acres
Existing Maximum Allowable Development: 26 dwelling units
Proposed Maximum Allowable Development: 26 dwelling units
Proposed Zoning Change
From: R-1AAA (0-2 du/ac)
To: Planned Unit Development (PUD/R-1A) (0-2 du/ac)
Parcel ID #: 18-20-28-0000-00-089

VICINITY MAP





ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2399

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AAA (0-2 DU/AC) TO PLANNED UNIT DEVELOPMENT (PUD/R-1A (0-2 DU/AC)); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF JASON DWELLEY PARKWAY, NORTH OF APPY LANE, COMPRISING 13.04 ACRES MORE OR LESS, AND OWNED BY APPY LANE HOLDINGS, 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/R-1A) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD/R-1A), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1A zoning category except where otherwise addressed in this ordinance unless as otherwise specified within this ordinance.
- B. If a final development plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
 1. Permit a single six-month extension for submittal of the required Master Plan\Preliminary Development Plan;
 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 3. Rezone the property to a more appropriate zoning classification.
- C. The following PUD development standards shall apply to the development of the subject property:
 1. Master Plan\Preliminary Development Plan provided in Exhibit “A”, and any modification thereto shall be reviewed consistent with the procedures set forth in Section 20.02.18.N, Land Development Code.

2. Minimum lot area for a single family home shall be 11,400 sq. ft.; excepting any lots within 250 feet of the eastern property line shall have a minimum area of 13,175 sq. ft.
3. A minimum 30-foot wide, natural buffer tract shall be located within the PUD along Jason Dwelley Pkwy and along Appy Lane. Landscape plants and shrubs shall create a near-opaque screen to a height not less than six feet. At the final development plan, additional plantings may be required by the City if determined necessary to create this near-opaque screen. Shrubs planted within the 30-foot wide buffer shall reach a height of six feet within two years of planting. Final landscape plan and materials will be determined at the Final Development Plan. At the final development plan, additional plantings may be required by the City if determined necessary to create a near-opaque screen.
4. Minimum livable area for a single family dwelling unit is 2,000 sq. ft.
5. Utility connects at the east end of the project shall be re-engineered at the final development plan application consistent with City codes.
6. At the time of the final development plan, the City may require an easement up to 11 feet wide, dedicated to the City, to be placed with the 30 foot wide buffer tract along Jason Dwelley Parkway and Apply Lane to accommodate bicycle trails. If the bicycle trail easement is required, it will replace the sidewalk required along these roads.
7. Unless otherwise addressed within the PUD development standards, the R-1A development and zoning standards will apply to the PUD Property.

Section II. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/R-1A), as defined in the Apopka Land Development Code.

Legal Description:

The North ½ of the South ½ of the Southeast ¼ of the Southeast ¼ of Section 18, Township 20 South, Range 28 East, Orange County, Florida, AND the West 401 feet of the South ½ of the South ½ of the Southeast ¼ of the Southeast ¼ of Section 18, Township 20 South, Range 28 East, Orange County, Florida.

Parcel ID # 18-20-28-0000-00-089

13.04 acres +/-

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

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

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

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

Section VII. That this Ordinance shall take effect immediately.

READ FIRST TIME: December 17, 2014

READ SECOND TIME
AND ADOPTED: January 7, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, Esq., City Attorney

DULY ADVERTISED: November 21, 2014
 December 26, 2014

EXHIBIT "A"

MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN
FOR
APPY LANE SUBDIVISION

CENTRAL FLORIDA
ENGINEERING, INC.

CIVIL ENGINEERING CONSULTANT
3586 ALOMA AVE #14 WINTER PARK, FL 32792
PHONE: (407)719-6040 EMAIL: jfraserpe@cftr.com

PROJECT INFORMATION

DEVELOPER: APPY LANE HOLDINGS, LLC
7575 DR PHILLIPS BLVD #245
ORLANDO, FL 32839
PHONE: (407)481-0002
E-MAIL: hodevryshoo.com

CIVIL ENGINEER: CENTRAL FLORIDA ENGINEERING, INC.
3586 ALOMA AVE #14
WINTER PARK, FL 32792
PHONE: (407)719-6040
E-MAIL: jfraserpe@cftr.com

LANDSCAPE ARCHITECT: CENTRAL FLORIDA ENGINEERING, INC.
3586 ALOMA AVE #14
WINTER PARK, FL 32792
PHONE: (407)719-6040
E-MAIL: jfraserpe@cftr.com

SURVEYOR: SHANNON SURVEYING, INC.
489 N. B.R. 434 SUITE 2153
ALTA MONTE SPRINGS, FL 32714
PHONE: (407)774-8372
FAX: (407)682-6655
E-MAIL: shannon@survact.com

GEOTECHNICAL ENGINEER: TO BE DETERMINED



LOCATION MAP
NTS

SITE INFORMATION

PARCEL ID: 18-20-28-0000-00-086
PROPERTY ADDRESS: NO ADDRESS GIVEN
TOTAL ACRES: 13.04 AC
EXISTING ZONING: R-1AAA (REQUEST FOR REZONE TO R-1A)
FUTURE LAND USE DESIGNATION: RESIDENTIAL VERY LOW SUBURBAN
ZONING TO THE NORTH: A-2 AND R-1AAA
ZONING TO THE EAST: PUD
ZONING TO THE WEST: R-1AAA
ZONING TO THE SOUTH (PARCEL 2): A-2
ZONING TO THE SOUTHEAST: A-2
LAND USE TO THE NORTH: RURAL/AG AND RULS
LAND USE TO THE EAST: RES. EST.
LAND USE TO THE WEST: RULS
LAND USE TO THE SOUTH (PARCEL 2): RURAL/AG
OF LOTS PROPOSED: 26
RESIDENTIAL DENSITY: 26 DWELLING UNITS/ 13.04 ACRES = 2.0 UNITS PER ACRE
PROPOSED PHASING: 1-PHASE
EXISTING USE: SINGLE FAMILY RESIDENTIAL/OPEN SPACE
WATER AND SEWER PROVIDER: CITY OF APOPKA

SITE REQUIREMENTS

MINIMUM LOT AREA: 11,400 SQ.FT.
MINIMUM LOT WIDTH: 85 FT.
MINIMUM FRONT YARD SETBACK: 30' (25' WITH SIDE ENTRY GARAGE)
MINIMUM REAR YARD SETBACK: 20'
MINIMUM SIDE YARD SETBACK: 10'
MINIMUM CORNER YARD SETBACK: 25'
MINIMUM LIVING AREA (UNDER HEATING AND AIR CONDITIONING): 2,000 SQ.FT.
MINIMUM WIDTH OF LOT ON CURVE AT R/W: 51'-60" X 85'
30' NEAR-OPAQUE NATURAL BUFFER TRACT ALONG JASON DWELLEY PARKWAY AND APPY LANE
*LOTS WITHIN 250' OF THE EAST PROPERTY LINE TO BE MIN. 13,175'

OPEN SPACE CALCULATIONS

A. TOTAL AREA = 568,422 SF
B. TOTAL IMPERVIOUS AREA = 19,827
C. IMPERVIOUS = 23.2% = B/A
D. % OPEN SPACE = 76.8% = 100%-C

LEGAL DESCRIPTION

THE N1/2 OF THE S1/2 OF THE SE1/4 OF SE1/4 + THE W 400 FT OF THE
S1/2 OF THE S1/2 OF THE SE1/4 OF SE1/4 ALL IN SEC 18-20-28

NOTE: A LETTER MUST BE OBTAINED FROM THE FLORIDA FISH AND WILDLIFE COMMISSIONER
REGARDING WILDLIFE MANAGEMENT PLAN FOR GOPHER TORTOISES, PRIOR TO ANY
CONSTRUCTION ACTIVITIES OCCURRING ON-SITE.

SITE DATA TABLE					
ADJACENT LAND USE	North: RULS	East: RE: South: U/P	West: RULS		
ADJACENT ZONING	North: PUD	East: PUD	West: R-1AAA		
BUILDING HEIGHT	Proposed: Max: 1				
WATER REQUEST	Yes	No	✓		
VARIANCE REQUEST	Yes	No	✓		

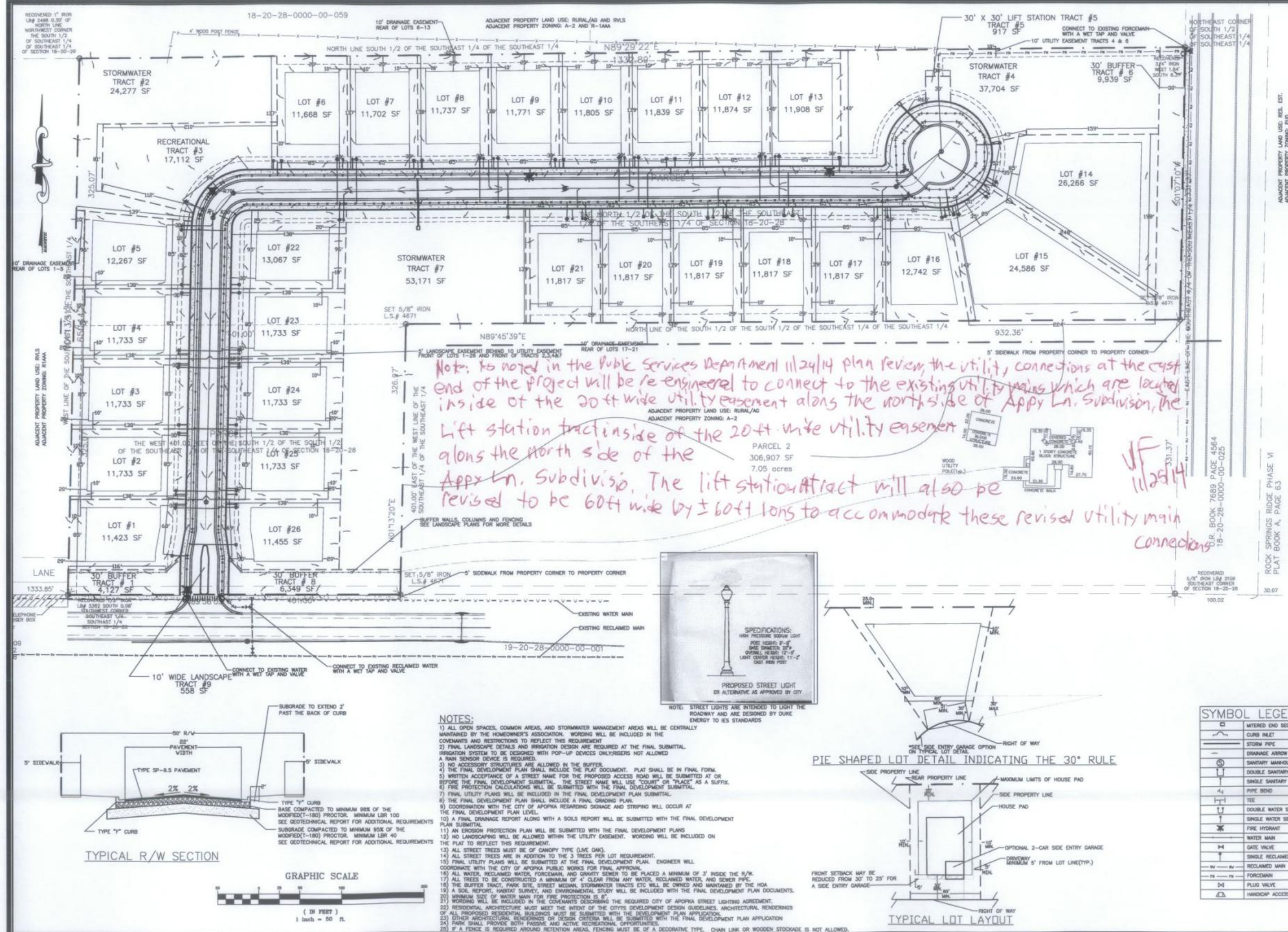
Variance (V)/Waiver (W) Table				
Code #	Code Requirement	(V/W)	Request	Justification

INDEX OF DRAWINGS	
SHT. NO.	DESCRIPTION
CVR	COVER SHEET
C-1	PRELIMINARY DEVELOPMENT PLAN
C-2	PRELIMINARY DEMOLITION PLAN
LS-01	LANDSCAPE PLAN
LS-02	LANDSCAPE DETAILS
LS-03	LANDSCAPE SPECIFICATIONS
	SURVEY

LOT NUMBER	LOT FRONTAGE	LOT SQUARE FOOTAGE
#1	88*	11,423 SF
#2	85	11,733 SF
#3	85	11,733 SF
#4	85	11,733 SF
#5	85	12,287 SF
#6	85	11,688 SF
#7	85	11,702 SF
#8	85	11,737 SF
#9	85	11,771 SF
#10	85	11,905 SF
#11	85	11,839 SF
#12	85	11,874 SF
#13	85	11,906 SF
#14	51**	26,266 SF
#15	51**	24,586 SF
#16	80**	12,742 SF
#17	85	11,807 SF
#18	85	11,807 SF
#19	85	11,807 SF
#20	85	11,807 SF
#21	85	11,807 SF
#22	233***	13,067 SF
#23	85	11,733 SF
#24	85	11,733 SF
#25	85	11,733 SF
#26	89*	11,455 SF

* PART OF LOT FRONTAGE CONSUMED BY ENTRANCE FEATURE
** CUL-DE-SAC LOTS. MIN FRONTAGE = 85' X 0.8 = 51'
*** CORNER LOT. FRONTAGE ON TWO SIDES





**CENTRAL
FLORIDA
ENGINEERING**
CIVIL ENGINEERING CONSULTANT
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PHONE: (407)719-6940 FAX: (407)657-6319
EMAIL: jfussape@cftr.com

APPY LANE SUBDIVISION
CITY OF AOPKA
PRELIMINARY DEVELOPMENT PLAN

No.	Date	Description
1.		
2.		
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DESIGNED BY:	JAF
DRAWN BY:	JAF
CHECKED BY:	JAF

DATE:	09/14/1
PROJECT NO.	057-001
SCALE:	1"= 50'

SHEET NO.

C-1

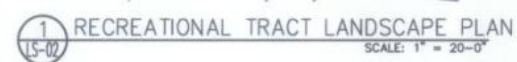


1 LANDSCAPE PLAN
15-01 SCALE: 1" = 50'-0"

Bruce C. Hall, ASLA
FL. Reg. #0001367

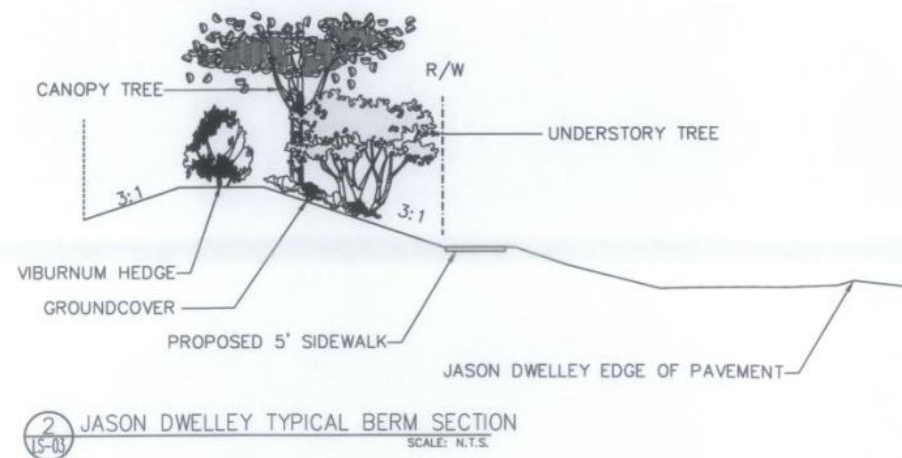
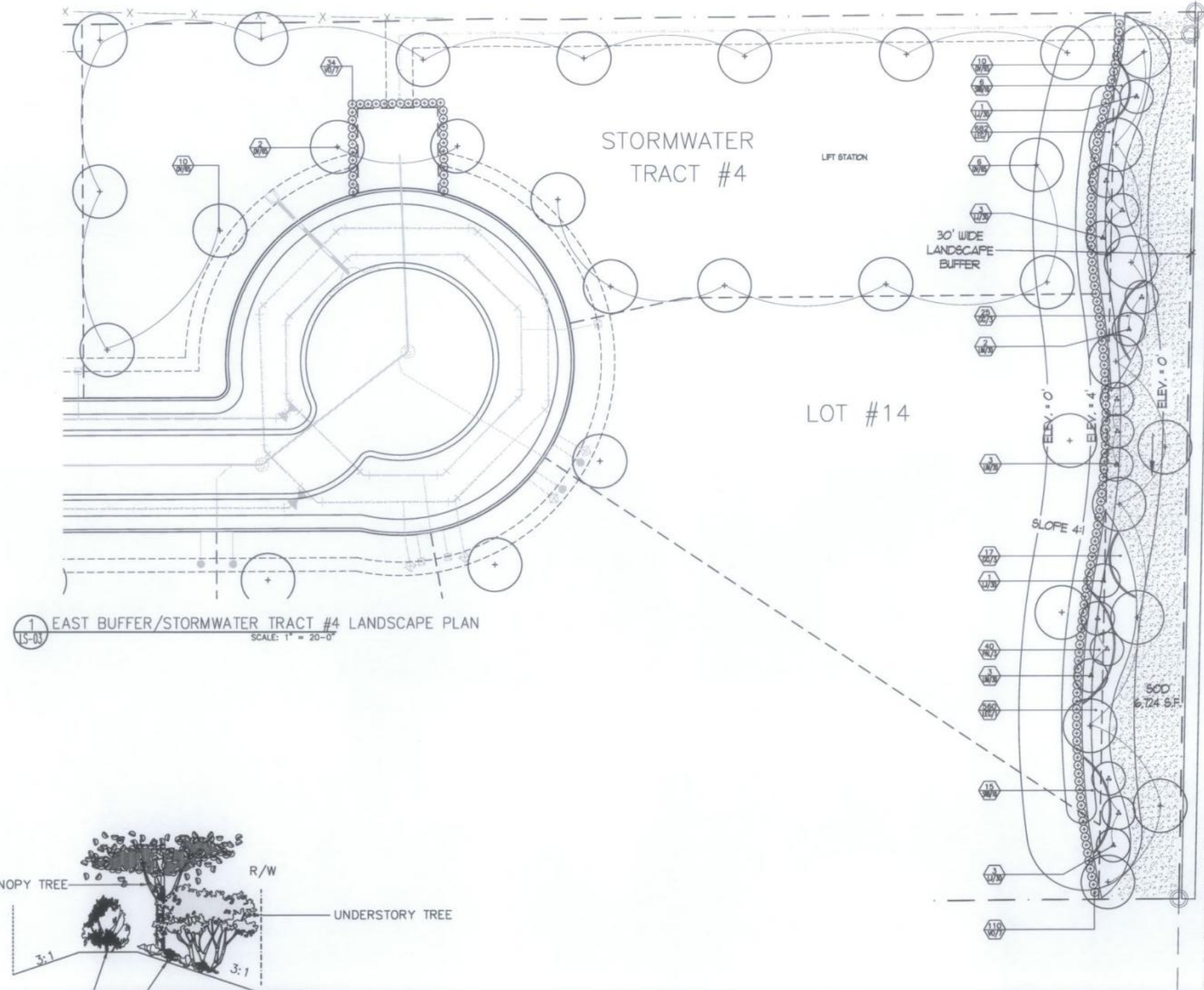
Week	Date	Description
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LS-01



SIGNATURE _____ REG. NO. _____ DATE _____

LS-02



LANDSCAPE AND IRRIGATION DESIGN (IRRIGATION IS NOT INCLUDED IN THIS SUBMITTAL)
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 _____

Renee C. Hall, ASLA
FL. Reg. #0001367

CENTRAL
FLORIDA
ENGINEERING
CIVIL ENGINEERING CONSULTANT
3586 ALOMA AVE #14 WINTER PARK, FL 32792
PHONE: (407) 719-6940 FAX: (407) 657-6319
EMAIL: jf@centralfla.com

APPY LANE SUBDIVISION
CITY OF APOPKA
LANDSCAPE PLAN

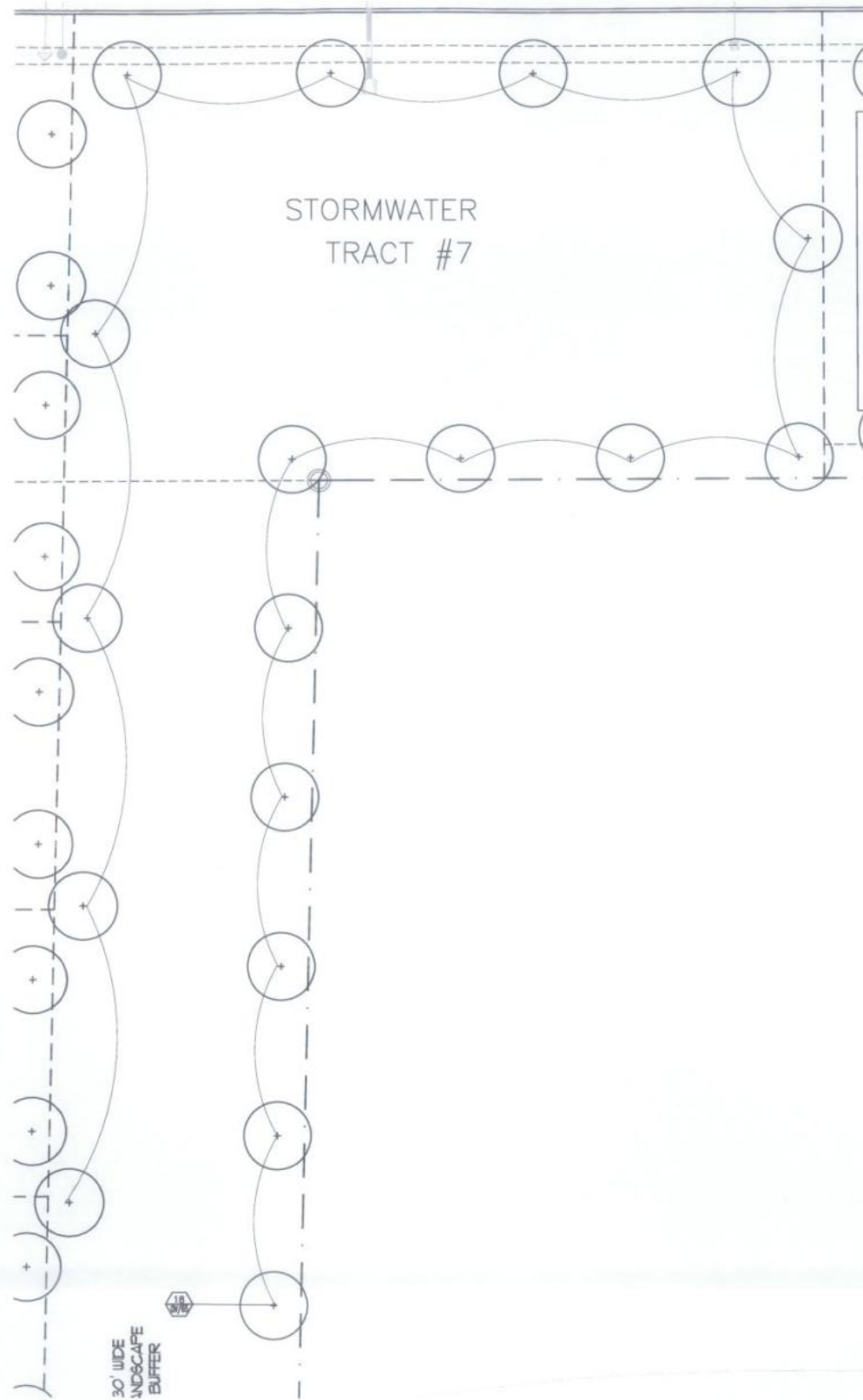
REVISIONS

No.	Date	Description
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20		

DESIGNED BY: BCH
DRAWN BY: CLV
CHECKED BY: BCH

DATE: 11/03/14
PROJECT NO. 057-001
SCALE: 1"=20'

SHEET NO.
LS-03



Code Compliance Table

Required	Compliance
Appy Land Frontage Buffer (30' Buffer width per developer's agreement)	
Canopy Trees 401 lf x 30 lf = 12,030 sf x 3.5" dbh = 42.1" dbh or 12.03 Trees	13 Canopy Trees Shown at 3.5" dbh
Shrubs and Groundcover Continuous Hedgerow 25% Groundcover = 3,008 sf	Continuous Hedgerow and Wall 4,753 sf Shown
Jason Dwelley Parkway Frontage Buffer	
Canopy Trees 332 lf x 30 lf = 9,960 sf x 3.5" dbh = 34.9" dbh or 9.9 Trees	10 Canopy Trees Shown at 3.5" dbh
Shrubs and Groundcover Continuous Hedgerow 25% Groundcover = 2,490 sf	Continuous Hedgerow and 4' Berm at 4:1 3,350 sf Shown
Park Site	
Canopy Trees 1 - 3" dbh tree per 4,000 sf 15,432 sf / 4,000 sf = 3.9 trees	4 Canopy Trees Shown at 3.5" dbh

Residential Lots
Each lot shall be landscaped consistent with the City of Apopka Arbor Code 5.01.08 as a part of receiving a City Certificate of Occupancy. Developed lots shall have 1 - 2.5" dbh tree per 8,000 sf of site area. All non-vehicular and exterior hardscape spaces shall be landscaped with shrubs, groundcover, sod and irrigated with an automated underground irrigation system with rain sensor. Landscaping and irrigated zones shall be grouped together for efficient water use based upon plant material requirements.

GENERAL PLANT LIST

TREES					
SYM	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	SPACING
MG/65	4	Magnolia virginiana	Sweet Bay	65 gal; 13'-14' x 6'-7'; 3.5" dbh	AS
LIT/30	8	Lagerstroemia indica 'Tuscarora'	Tuscarora Crape Myrtle	30 gal; 7'-8' x 5'-6'; multi-trunk	AS
LJ/30	8	Ligustrum japonicum	Ligustrum Tree	30 gal; 7'-8' x 6'-7'; multi-trunk	AS
QV/65	150	Quercus virginiana	Live Oak	65 gal; 13'-14' x 6'-7'; 3.5" dbh	AS
SHRUBS					
DTV/1	382	Dianella tasmanica 'Variegata'	Variegated Flax Lily	1 gal; 12" ht.; 5-7 ppp	18" O.C.
GG/3	69	Galphimia gracilis	Thyallis	3 gal; 30" x 24"	36" O.C.
IVN/3	31	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	3 gal; 15"-18" spd	24" O.C.
LCR/3	146	Loropetalum chinense 'Razzleberry'	Red Chinese Witch Hazel	3 gal	36" O.C.
LEG/1	1589	Liriope muscari 'Evergreen Giant'	Giant Lilyturf	1 gal; 12" ht.; 5-7 ppp	18" O.C.
PAL/3	184	Plumbago auriculata	Leadwort	3 gal; 12"-15" spd	24" O.C.
SRB/10	21	Strelitzia reginae	Bird of Paradise Flower	10 gal; 30" x 30"	48" O.C.
TA/1	477	Trachelospermum asiaticum	Dwarf Confederate Jasmine	1 gal; full	18" O.C.
VO/7	243	Viburnum odoratissimum	Sweet Viburnum	7 gal; 40" x 36"	36" O.C.

Note: All landscape areas not specified with plant material shall be covered in Bahia sod.

- * Total tree inches on-site 1187.
- * Total number of specimen trees (24" or greater) 9.
- * Total number of specimen trees (24" or greater) retained 2.
- * Total number of specimen trees (24" or greater) removed 7.
- * Total tree inches removed 753.
- * Total tree inches retained 434.
- * Total tree inches replaced 569.
- * Maximum tree stock formula and calculations 4,517.
- * Total inches post development 973.
- * Site clearing area in square feet and acres 12,2ac 531,432sf.

NOTE: ALL SERVICE EQUIPMENT AND UTILITY BOXES MUST BE FULLY SCREENED.

LANDSCAPE AND IRRIGATION DESIGN (IRRIGATION IS NOT INCLUDED IN THIS SUBMITTAL)
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 _____

Bruce C. Hall, ASLA
FL. Reg. #0001367

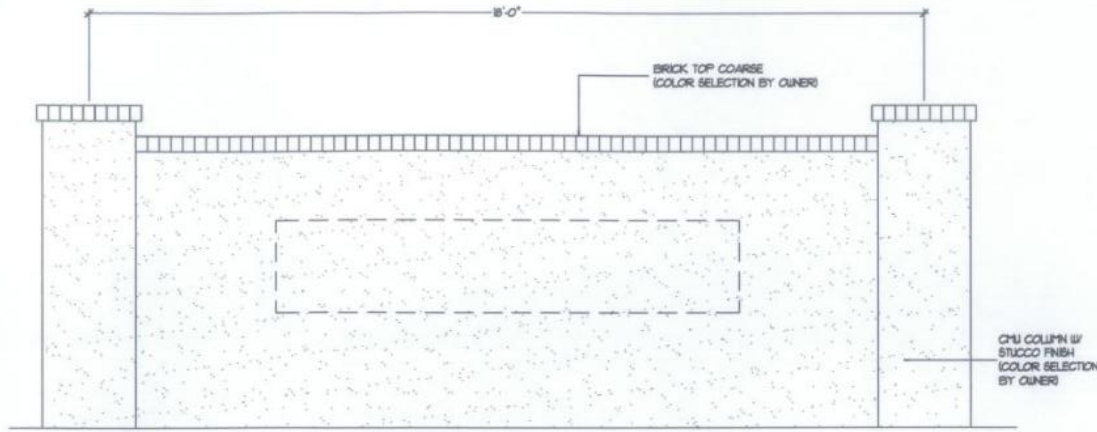
CENTRAL
FLORIDA
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CIVIL ENGINEERING CONSULTANT
3556 ALOMA AVE #14, WINTER PARK, FL 32792
PHONE: (407) 919-6040 FAX: (407) 957-6319
EMAIL: jfnsarpe@cftr.com
CERTIFICATE OF AUTHORIZATION #18899

APPY LANE SUBDIVISION
CITY OF APOPKA
LANDSCAPE PLAN

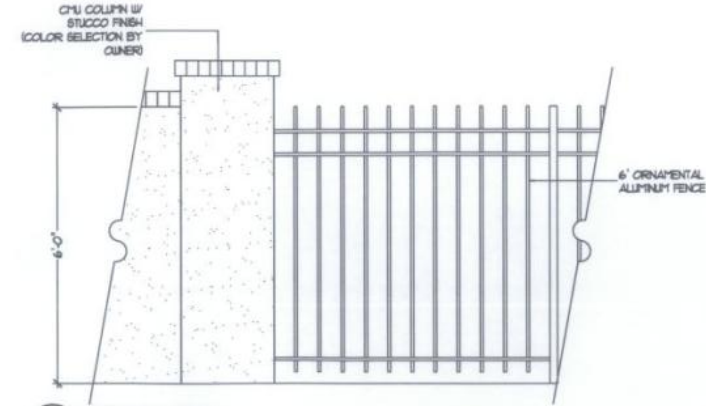
REVISIONS

DESIGNED BY: BCH
DRAWN BY: CLV
CHECKED BY: BCH
DATE: 11/03/14
PROJECT NO. 057-001
SCALE: 1"=20'

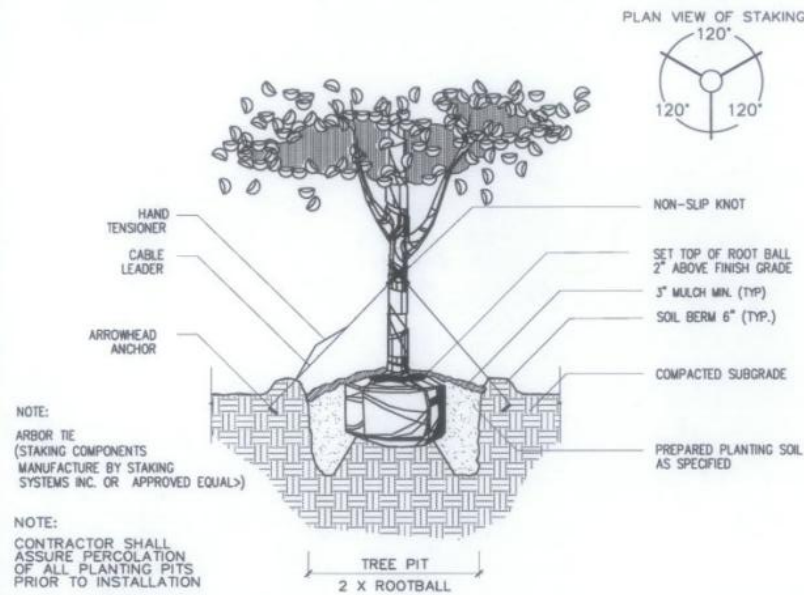
SHEET NO.
LS-04



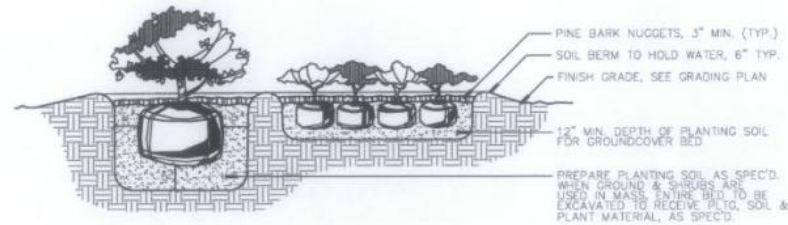
1 SIGN WALL
SCALE: 1" = 20'-0"



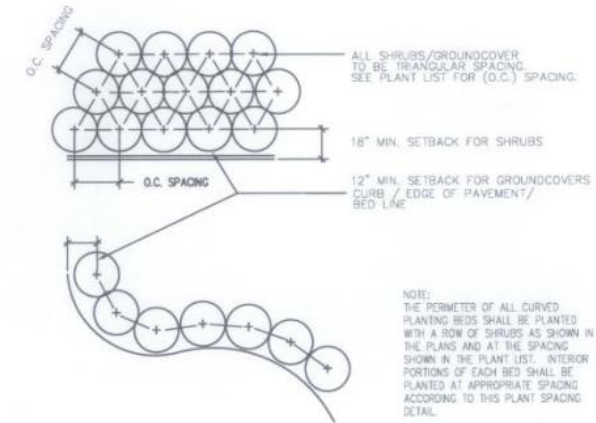
2 SCREEN WALL
SCALE: 1" = 20'-0"



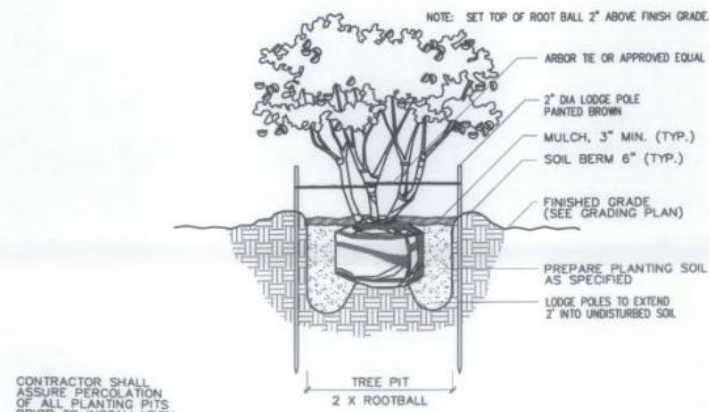
3 TREE PLANTING DETAIL (65 TO 100 GAL.)
SCALE: N.T.S.



4 SHRUB AND GROUNDCOVERS DETAIL
SCALE: N.T.S.



5 PLANT SPACING DETAIL
SCALE: N.T.S.



6 TREE PLANTING DETAIL (MULTI-TRUNK)
SCALE: N.T.S.

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3556 ALONIA AVE #14, WINTER PARK, FL 32792
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EMAIL: jfraser@cfeng.com
CERTIFICATE OF AUTHORIZATION #25899

APPY LANE SUBDIVISION
CITY OF APOPKA
LANDSCAPE DETAILS

REVISIONS	DATE	DESCRIPTION
1		
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DESIGNED BY: BCH
DRAWN BY: CLV
CHECKED BY: BCH
DATE: 11/03/14
PROJECT NO. 057-001
SCALE: N/A

SHEET NO.
LS-05

Revised: C. Hall, ASLA
FL Reg. #0001367

LANDSCAPE SPECIFICATIONS

PART 1 – GENERAL

WORK INCLUDED

- A. Installation of trees, palms, shrubs, groundcovers, and grass sod.
- B. Application and payment for required REVIEWS.

REFERENCES

- A. "Grades and Standards for Nursery Plants," Florida Department of Agriculture and Consumer Services.
- B. "American Standard for Nursery Stock," ANSI Z60.1–2004, American Nursery & Landscape Association.

SUBMITTALS

- A. Record Drawings: Furnish one set of reproducible record drawings, clearly showing all changes made to the original contract drawings during the course of the work.
- B. Soil Analysis: Submit soil test results from an independent soil testing laboratory prior to planting.

DELIVERY, STORAGE AND HANDLING

- A. Inspection: Upon delivery to the site, inspect all plant materials for conformity to the specifications and for handling damage. Remove from the site all non-conforming and damaged plant materials.
- B. On-site Storage: Protect all stored plant materials from sun and wind. Water all stored plant materials daily. Owner to indicate appropriate location for material(s) and equipment storage.

GUARANTEE

- A. Guarantee all planting work for a period of one year after the date of final approval and acceptance.
- B. Replace at no cost to the Owner all plant materials which die or are determined by the Landscape Architect, or owners representative to be unacceptable, unless the death or unacceptable condition is clearly beyond the control of the Contractor, as determined by the owner. Such circumstances may include acts of God, theft after final inspection, or vandalism. Unacceptable plants shall include those that show significant die-back or failure to exhibit the healthy characteristics indicative of the species.

MAINTENANCE

- A. Maintain all landscaping until one year after final approval and acceptance.
- B. Maintenance to include:
 - 1. Cultivating and weeding plant beds and tree pits.
 - 2. Application of herbicides and pesticides.
 - 3. Irrigation sufficient to saturate root systems, applied daily.
 - 4. Trimming and pruning, including removal of clippings and dead or broken branches, and treatment of pruned areas or other wounds.
 - 5. Disease control.
 - 6. Maintaining guys and stakes in a tight condition.
 - 7. Maintaining trees in a plumb condition.
 - 8. Weekly mowing after sod is sufficiently rooted.

PART 2 – PRODUCTS

PLANT MATERIALS

- A. Trees and Shrubs: All plant materials shall be Florida #1, as outlined in "Grades and Standards for Nursery Plants." Provide only nursery grown plant materials, grown in containers unless otherwise indicated on the drawings.
- B. Sod: Provide only nursery grown, machine cut sod of the type indicated on the drawings. Sod shall be well-matted with roots, free of excessive weeds, and shall be green, fresh and uninjured at the time of planting.

SOIL MATERIALS

- A. Topsoil: Fertile, agricultural topsoil, typical for project locality, capable of sustaining vigorous plant growth, taken from drained site, free of subsoil, clay, plants, weeds and roots, pH range of 5.5 to 7.0, minimum 4 percent, maximum 20 percent organic matter.
- B. Peat Moss: Shredded, loose, sphagnum moss, free of lumps, roots, inorganic material, minimum 85 percent organic material measured by oven dry weight, 4 to 5 pH range, moisture content of 30 percent.
- C. Sand: Coarse, washed, builders sand
- D. Planting Soil Mixture: Provide mixture of imported topsoil or approved topsoil from site, peat, sand, and other amendments as recommended by the independent soil testing laboratory for the specified plants.

2.03 OTHER MATERIALS

- A. Mulch: Pine bark nugget mulch
- B. Fertilizer:
 - 1. Flowering annuals and bedding plants: Sierrablend 18–7–10 (+iron), rate of application 2 lbs. per 100 sq.ft.
 - 2. Container grown trees, shrubs and groundcovers: Agriform 21 gram tablets, rate of application as follows:
 - 1–2 gallon plants: 1 tablet
 - 3–5 gallon plants: 2 tablets
 - 7–10 gallon plants: 3 tablets
 - 15 gallon plants: 4 tablets
 - 30 gallon plants: 6 tablets
 - 65 gallon plants: 8 tablets
 - 100 gallon plants: 10 tablets
 - 200 gallon plants: 15 tablets
 - 3. Field grown and collected trees: Agriform 21 gram tablets, one tablet per 1/2" of caliper for standard trees; one tablet per foot spread for multi-trunk trees.
 - 4. Newly Planted Sod: 6–6–6 applied per manufacturer's instructions.

2.04 TESTS

- A. Provide analysis of imported topsoil indicating pH value and percentage of nitrogen, phosphorus, potash, soluble salt, and organic matter.
- B. Provide analysis of existing soil in representative planting areas, indicating representative planting areas, including laboratory recommendations for soil amendments necessary for optimal plant growth.

PART 3 – EXECUTION

3.01 PREPARATION

- A. Fine Grading: Fine grade planting area, as indicated on the drawings, eliminating low or rough areas, and building debris, stones and rubble. Finish grades shall be sloped in the same direction as existing drainage; new grades shall not REVIEW ponding or standing water.
- B. Alert the Owner of potential grading and drainage problems, including depressed planting areas with no outfall, saturated planting areas, planting pits that hold water for prolonged periods, and any other condition detrimental to optimum plant growth.

3.02 PLANTING

- A. Stake locations of all trees and shrubs. Align with architectural or engineering reference features as indicated on the drawings. Inform Landscape Architect of unforeseen obstacles which may affect the locations as shown on the drawings. Contractor shall contact Landscape Architect for approval of all staked plantings prior to installation.
- B. Plant trees and shrubs, rotating as necessary for best appearance from the predominant viewpoint.
- C. Lay out shrub beds, scaling the locations and dimensions of each bed, following the configurations indicated on the drawings. Adjust the bed dimensions to the quantity and spacing of plants shown on the plant list or scaled from the drawings. Inform Landscape Architect of significant discrepancies between plant bed dimensions and plant quantities.
- D. Plant shrubs and annuals, maintaining uniform spacing as indicated on the plant list or scaled from the drawings.
- E. Distribute or dispose of excavated soil from planting holes, maintaining the desired finish grades.
- F. Lay sod on fine-graded, moistened soil, without gaps or overlaps. Tamp or roll to provide firm contact with soil. Sod line at plant beds shall be cut to the configuration and dimensions shown on the drawings. A minimum dimension shall be maintained between plants and sod equal to one-half the plant spacing, measured from the center of the plant to the edge of the sod. A circular ring of 12 inch radius shall be maintained free of grass around trees within sodded areas.
- G. Apply fertilizer tablets, equally distributed around rootball at a depth equal to one-half the rootball depth. Apply granular fertilizers to sod and bedding plants. Sweep fertilizers from walkways to avoid staining.
- H. Saturate soil thoroughly during and after backfilling of plants, and after laying of sod.
- I. Apply a layer of mulch, minimum 3 inches after settlement, to all plant beds and tree rings.
- J. Stake and guy all trees securely. Attach white surveyor's ribbon to all guy wires adjacent to pedestrian areas.

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EMAIL: jfseape@cflrr.com

CERTIFICATE OF AUTHORIZATION #18899

APPY LANE SUBDIVISION

CITY OF AOPKA

LANDSCAPE SPECIFICATIONS

REVISIONS

Rev	Date	Description

DESIGNED BY: BCH
DRAWN BY: CLV
CHECKED BY: BCH

DATE: 11/03/14
PROJECT NO. 057-001
SCALE: N/A

SHEET NO.

LS-06



CITY OF APOPKA CITY COUNCIL

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☒ OTHER: Ordinance

DATE: December 17, 2014
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2400

SUBJECT: **ORDINANCE NO. 2400 – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE - FUTURE LAND USE – J. WILLIAM ARROWSMITH - FROM PARKS & RECREATION TO RESIDENTIAL LOW (0-5 DU/AC)**

Request: **FIRST READING OF ORDINANCE NO. 2400 – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE - FUTURE LAND USE – J. WILLIAM ARROWSMITH - FROM PARKS & RECREATION TO RESIDENTIAL LOW (0-5 DU/AC); PARCEL ID NUMBERS: 32-20-28-0000-00-057 & 32-20-28-0000-00-066; AND HOLD OVER FOR SECOND READING & ADOPTION.**

SUMMARY

OWNER/APPLICANT: J. William Arrowsmith

LOCATION: South of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove

EXISTING USE: Vacant

CURRENT ZONING: PR

PROPOSED DEVELOPMENT: Residential Development

PROPOSED ZONING: “City” R-1AA (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from PR to R-1AA.)

TRACT SIZE: 1.29 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 0 Unit
PROPOSED: 6 Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Low Density Residential is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 1.29 acres. The property owner intends to use the site for a residential development. Currently, the subject property comprises two parcels. The northern parcel is 0.49 acres and the southern parcel is 0.8 acres. Based on the configuration and shape of the subject property, and taking into consideration existing development on abutting parcels, the property is likely limited to one unit per parcel. The subject property is too narrow to accommodate a road that can meet city standards while allowing a suitable lot depth.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Residential Low Future Land Use designation and the City's proposed R-1AA Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT:

Staff has notified Orange County Public Schools (OCPS) of the proposed Future Land Use Map Amendment. The Future Land Use change to Residential Low Density represents a higher impact on public school capacity than that created by the County Future Land Use assigned to the property. However, the potential net increase in residential units – six – qualifies as a de minimus impact as the next increase is less than nine units. Thus, school capacity enhancement review does not apply. School concurrency will apply at the time of a development plan or building permit application, whichever occurs first.

ORANGE COUNTY NOTIFICATION: The property is surrounded by properties that are within the City limits of Apopka; therefore the notice requirements in the JPA do not apply.

PUBLIC HEARING SCHEDULE:

December 9, 2014 – Planning Commission (5:01 pm)
December 17, 2014 - City Council (8:00 pm) - 1st Reading
January 7, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

November 21, 2014 – Public Notice and Notification
December 26, 2014 – Ordinance Heading Ad
January 2, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from Parks & Recreation to Residential Low (0-5 du/ac) for the property owned by J. William Arrowsmith.

The **Planning Commission**, at its meeting on December 9, 2014, recommended approval (7-0) of the change in Future Land Use from Parks & Recreation to Residential Low (0-5 du/ac) for the property owned by J. William Arrowsmith.

Accept the First Reading of Ordinance No. 2400 and Hold it Over for Second Reading and Adoption on January 7, 2015.

Page 88 is item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Medium Low (0-7.5 du/ac) & Parks/Recreation	R-3 & PR	Single-Family Homes, Conservation (Lake Francis Village)
East (City)	Residential Low (0-5 du/ac)	R-1AA	Single-Family Homes (Errol Estates)
South (City)	Residential Low (0-5 du/ac)	R-3	Single-Family Homes (Lexington Club Phase 2)
West (City)	Residential Medium (0-10 du/ac)	R-3	Townhomes (Errol Village 1 and 2)

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of low density residential. The property lies south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove. A Future Land Use Designation of Residential Medium Low (0-7.5 du/ac) is assigned to the subdivisions adjacent to the property on the north and Residential Medium (0-10 du/ac) to the west. The properties to the south and east have a future land use designation of Residential Low (0-5 du/ac).

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

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

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

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

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

Analysis of the character of the Property: The Property fronts Lake Alden Drive. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain is level.

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

CALCULATIONS:

ADOPTED (City designation): 1 Unit(s) x 2.659 p/h = 3 persons
PROPOSED (City designation): 6 Unit(s) x 2.659 p/h = 17 persons

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

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

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPD/Capita;
81 GPD / Capita

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

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 1372 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPD/Capita;
177 GPD/Capita

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

2. Projected total demand under existing designation: 454 GPD
Projected total demand under proposed designation: 3178 GPD

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

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 76 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
- Projected LOS under proposed designation: 100 year - 24 hour design storm

4. Improvement/expansion: On-site retention/detention pond

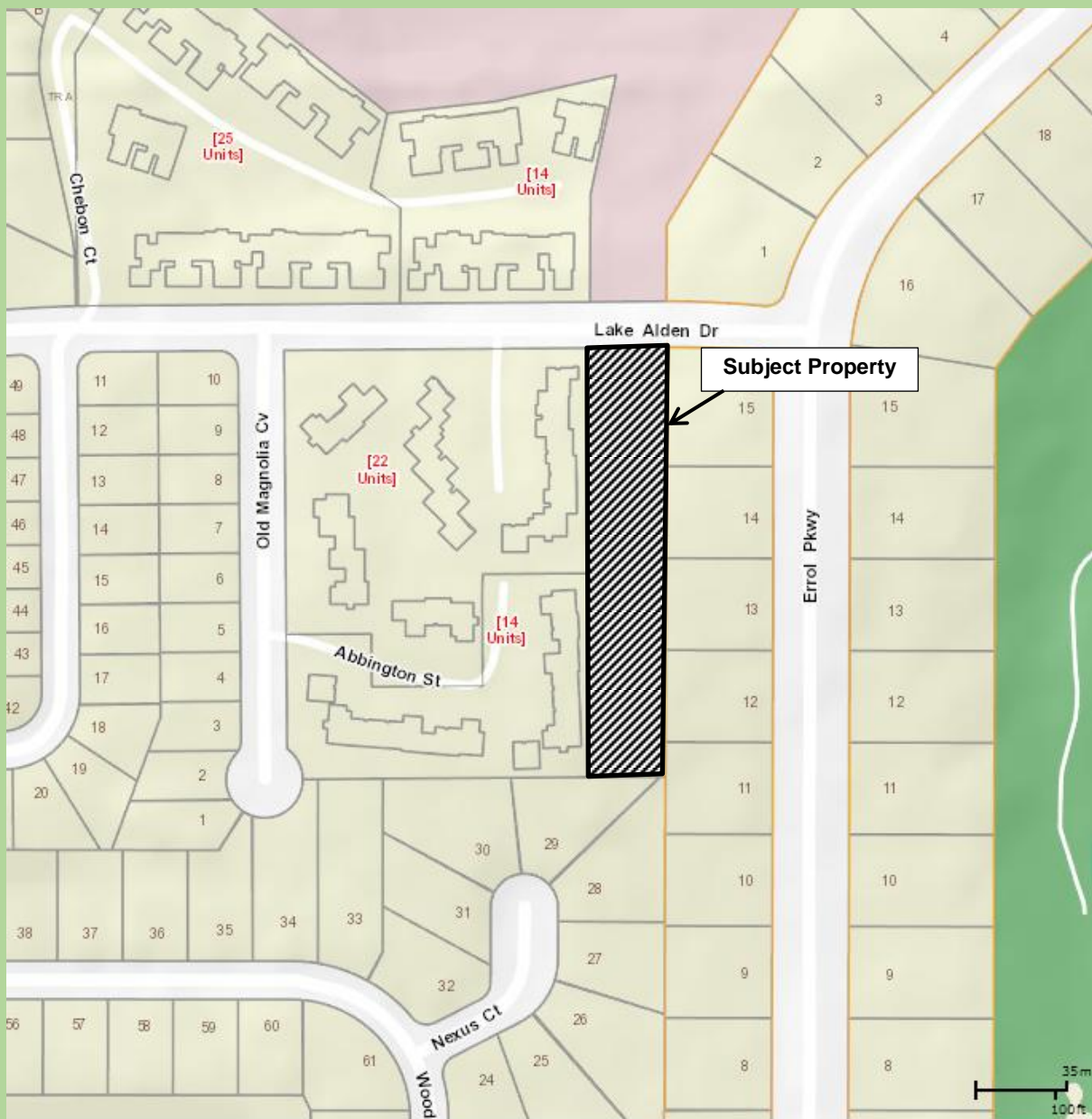
Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.003 AC
3. Projected facility under proposed designation: 0.021 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

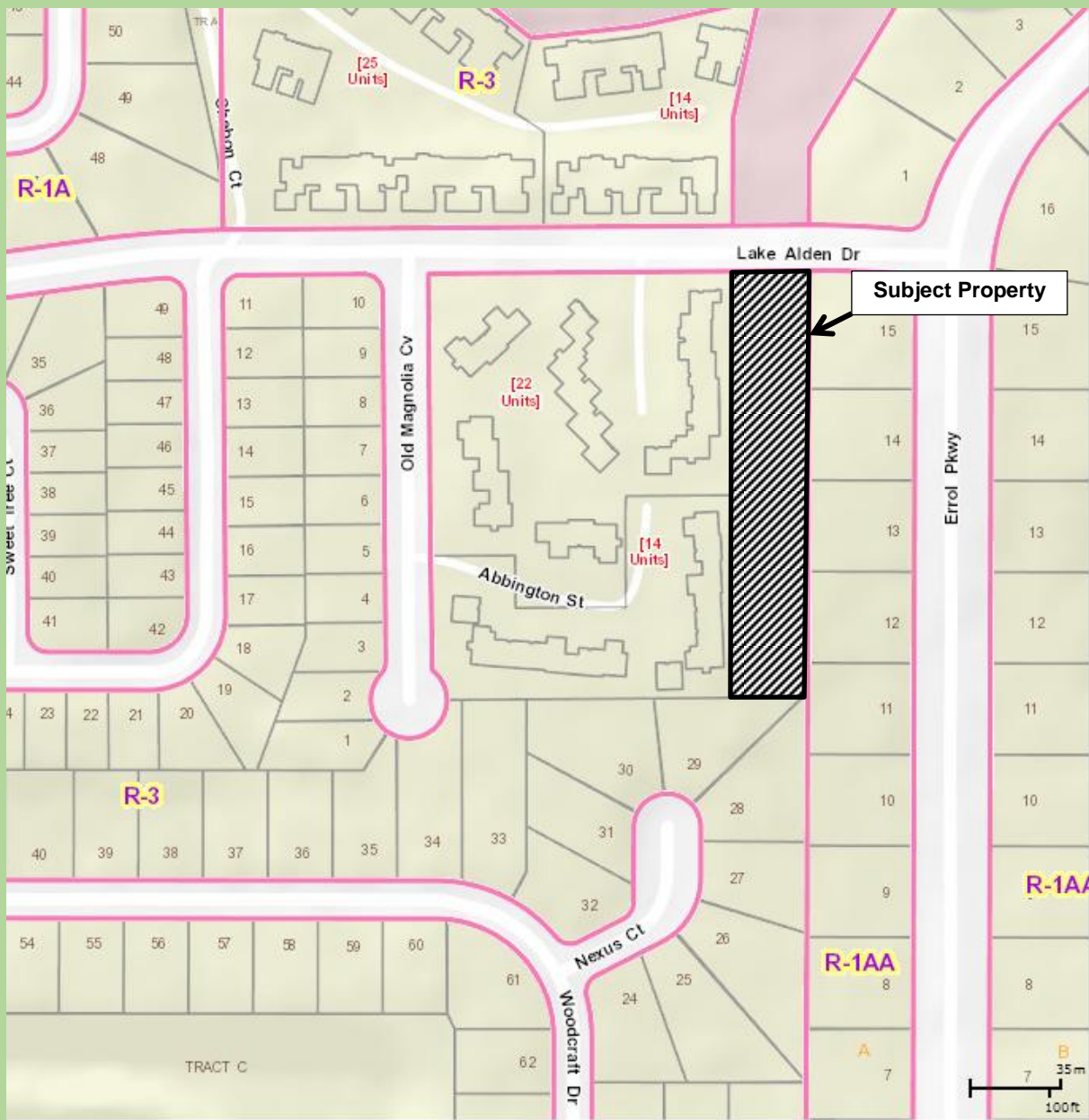
This initial review does not preclude conformance with concurrency requirements at the time of development approval.

J. William Arrowsmith
1.29 +/- Acres
Existing Maximum Allowable Development: 0 dwelling units
Proposed Maximum Allowable Development: 6 dwelling units
Proposed Small Scale Future Land Use Change
From: Parks & Recreation
To: Residential Low (0-5 du/ac)
Proposed Zoning Change
From: PR
To: R-1AA
Parcel ID #s: 32-20-28-0000-00-057 & 32-20-28-0000-00-066

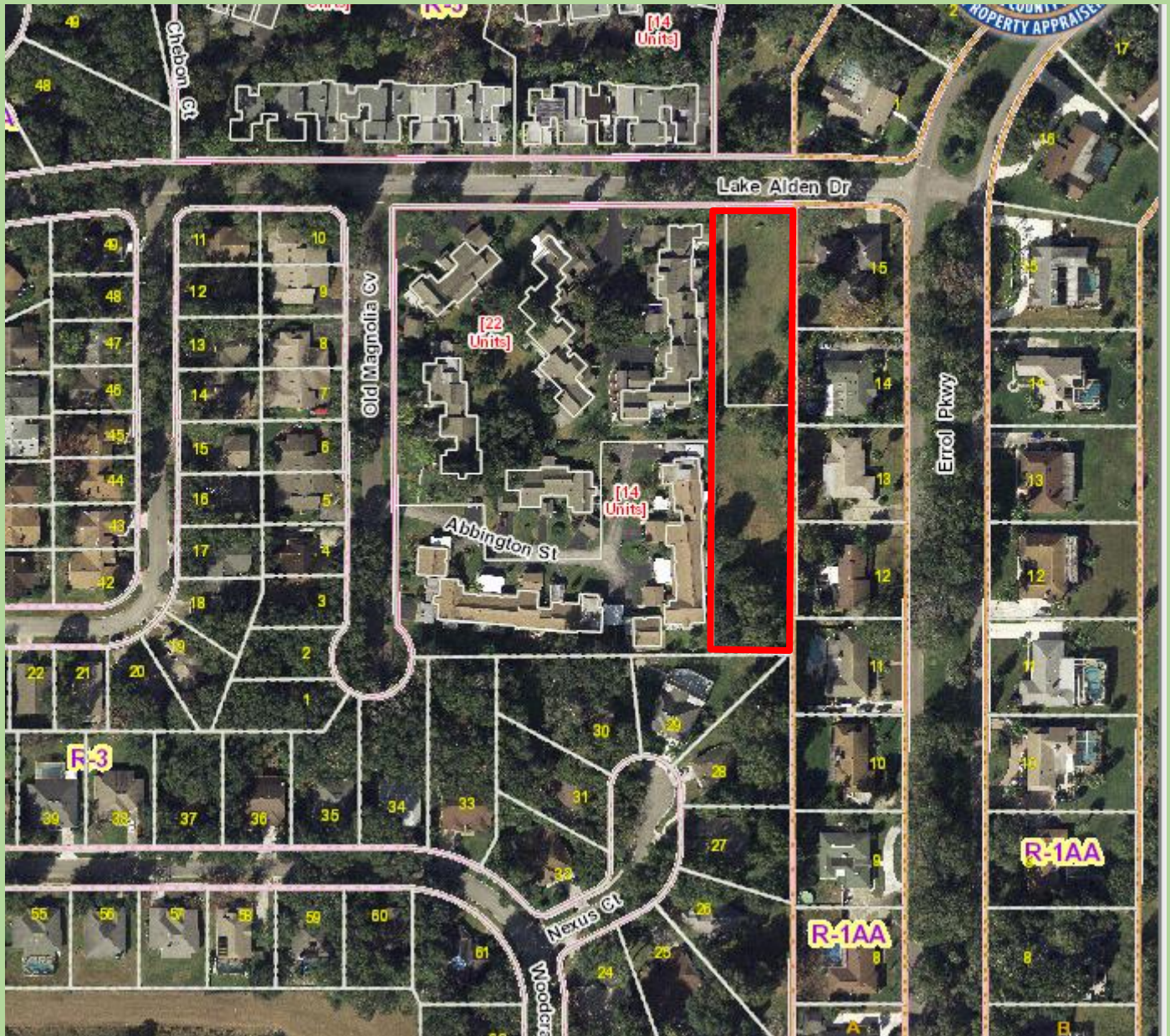
VICINITY MAP



ADJACENT ZONING



ADJACENT USES



ORDINANCE NO. 2400

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 PARKS AND RECREATION TO RESIDENTIAL LOW (0-5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF LAKE ALDEN DRIVE, WEST OF ERROL PARKWAY, AND EAST OF OLD MAGNOLIA COVE, COMPRISING 1.29 ACRES MORE OR LESS, AND OWNED BY J. WILLIAM ARROWSMITH; 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. 2390 on November 19, 2014; 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. 2390, is amended in its entirety to change the land use from Parks & Recreation to Residential Low (0-5 du/ac) for certain real property generally located south of Lake Alden Drive, west of Errol Parkway, and east of Old Magnolia Cove, comprising 1.29 acres more or less (Parcel Nos. 32-20-28-0000-00-057 & 32-20-28-0000-00-066); 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.

ORDINANCE NO. 2400
PAGE 2

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.

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 7th day of January, 2015.

READ FIRST TIME: December 17, 2014

READ SECOND TIME
AND ADOPTED: January 7, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING:

November 21, 2014
December 26, 2014
January 2, 2015

EXHIBIT "A"

ORDINANCE NO. 2400

J. WILLIAM ARROWSMITH

1.29 +/- Acres

Existing Maximum Allowable Development: 0 Units

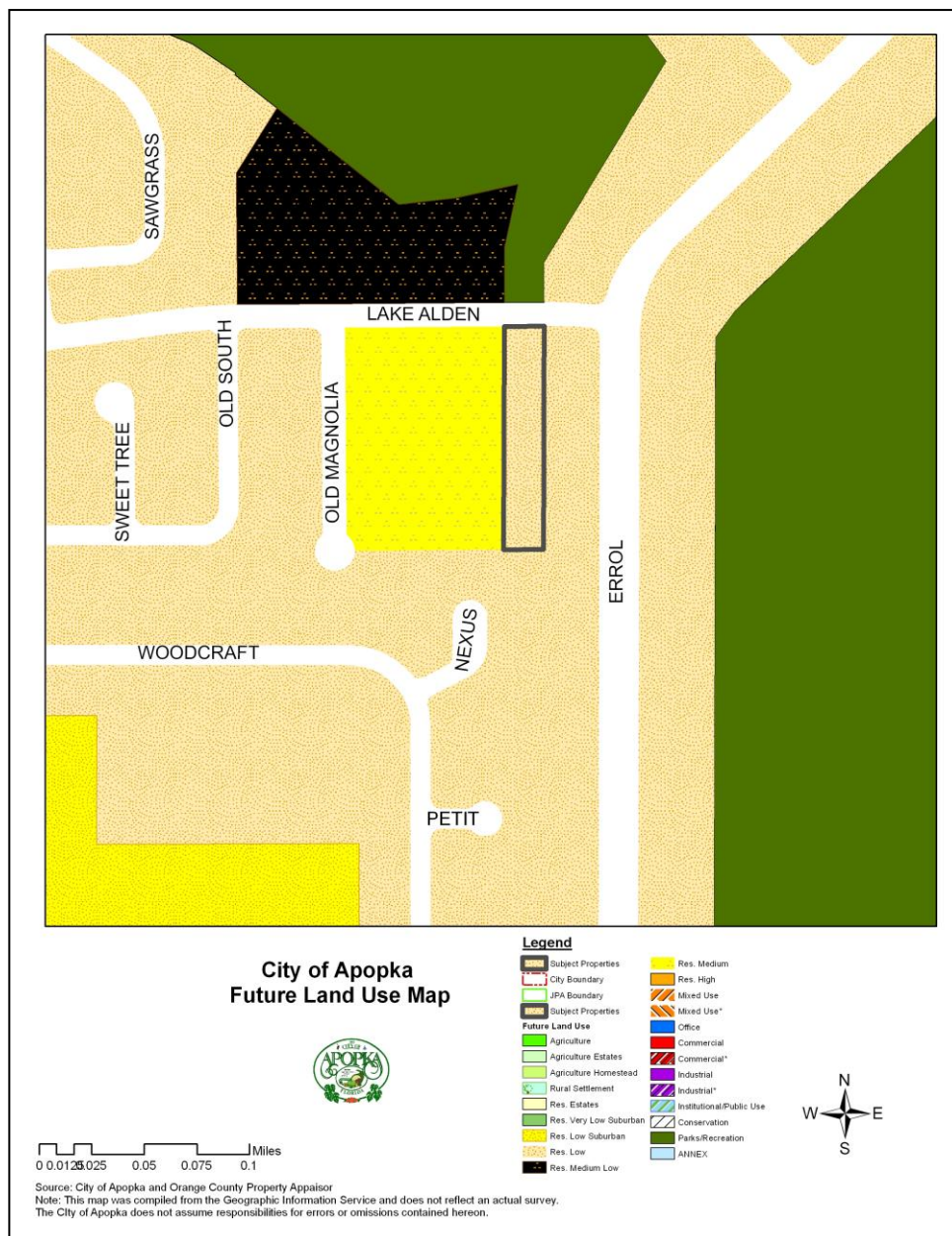
Proposed Maximum Allowable Development: 6 Units

Proposed Future Land Use Change

From: Parks & Recreation

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

Parcel ID #s: 32-20-28-0000-00-057 & 32-20-28-0000-00-066





CITY OF APOPKA CITY COUNCIL

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☒ OTHER: Ordinance

DATE: December 17, 2014
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2401

SUBJECT: **ORDINANCE NO. 2401 – CHANGE OF ZONING – J. WILLIAM ARROWSMITH - FROM PR (PARKS & RECREATION) TO R-1AA (0-5 DU/AC) (RESIDENTIAL)**

Request: **FIRST READING OF ORDINANCE NO. 2401 – CHANGE OF ZONING – J. WILLIAM ARROWSMITH - FROM PR (PARKS & RECREATION) TO R-1AA (0-5 DU/AC) (RESIDENTIAL); PARCEL ID NUMBERS: 32-20-28-0000-00-057 & 32-20-28-0000-00-066; AND HOLD OVER FOR SECOND READING & ADOPTION.**

SUMMARY

OWNER/APPLICANT: J. William Arrowsmith

LOCATION: West of Errol Parkway, south of Lake Alden Road (1720 Lake Alden Rd.)

EXISTING USE: Parks & Recreation easement

FUTURE LAND USE: Parks and Recreation

PROPOSED LAND USE: Residential Low (0-5 du/ac) (Note: this Change of Zoning amendment request is being processed along with a request to change the Future Land Use Map designation from Parks and Recreation to Residential Low (0-5 du/ac).)

ZONING: PR (Parks & Recreation)

PROPOSED ZONING: R-1AA (min. lot area of 12,500 sq. ft.)

PROPOSED DEVELOPMENT: Residential Development

TRACT SIZE: 1.29 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 0 Residential Units
PROPOSED ZONING: 6 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on May 17, 1995, through the adoption of Ordinance No. 882. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the R-1AA zoning to assure that the property can be developed as a single-family residence and meet site and access requirements, and be compatible with surrounding nature of development. The zoning application covers approximately 1.29 acres. The property owner intends to use the site for a residential development. Currently, the subject property comprises two parcels. The northern parcel is 0.49 acres and the southern parcel is 0.8 acres. Based on the configuration and shape of the subject property, and taking into consideration existing development already exists on abutting parcels, the property is likely limited to one unit per parcel. Along Lake Alden Drive the width of the subject property is too narrow to accommodate a road meeting the City's design standards together with suitable lot depth. Both parcels currently have access to Lake Alden Drive.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed R-1AA rezoning is consistent with the Future Land Use Designation of Residential Low Density (up to five units per acre) that is assigned to the property. Minimum lot size for property assigned the R-1AA zoning category is 12,500 sq. ft.

SCHOOL CAPACITY REPORT: The proposed rezoning will result in an increase in the number of residential units which could be developed at the subject property. Zoning currently assigned to the property, PR, does not allow residential structures with the zoning district while the proposed change of zoning to R-1AA limits lot size to a minimum of 12,500 sq. ft. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on September 25, 2014.

PUBLIC HEARING SCHEDULE:

December 9, 2014 – Planning Commission (5:01 pm)
December 17, 2014 - City Council (8:00 pm) - 1st Reading
January 7, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

November 21, 2014 – Public Notice and Notification
December 26, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from PR to R-1AA for the parcel owned by J. William Arrowsmith.

The **Planning Commission**, at its meeting on December 9, 2014, recommended approval (7-0) of the change in Zoning from PR to R-1AA for the parcel owned by J. William Arrowsmith.

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)	Res Medium Low & Parks/Recreation	PR & R-3	Single-Family Homes , Conservation (Lake Francis Village)
East (County)	Residential Low (0-5 du/ac)	R-1A	Single-Family Homes (Errol Estates)
South (City)	Residential Low (0-5 du/ac)	R-3	Single-Family Homes (Lexington Club Phase 2)
West (City)	Residential Medium	R-3	Townhomes (Errol Village 1 and 2)

LAND USE &

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

The zoning application covers approximately 1.29 acres. The property owner intends to use the site for a residential development. Currently, the subject property comprises two parcels. The northern parcel is 0.49 acres and the southern parcel is 0.8 acres. Based on the configuration and shape of the subject property, and taking into consideration existing development already exists on abutting parcels, the property is likely limited to one unit per parcel. Along Lake Alden Drive the width of the subject property is too narrow to accommodate a road meeting the City's design standards together with suitable lot depth. Along Lake Aden Drive, the subject property has a width of 100 feet. Considering a street must have a minimum width of 50 feet, only 50 feet would be available to accommodate lot depth, which is not sufficient to meet front and rear yard setbacks. Therefore, the subject parcel will remain as two parcels. Both parcels currently have access to Lake Alden Drive.

Townhomes are located on the property abutting the subject property's western boundary. Existing single family homes to the east are assigned a zoning category of R-1AA, minimum lot size of 12,500 sq. ft., and have lot size ranging from 16,500 to 21,416 sq. ft. with the largest lot representing a corner lot. Each of the two parcels comprising the subject property contains 34,787 and 21,253 sq. ft., respectively.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed R-1AA zoning is consistent with the City's Residential Low (0-5 du/ac) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, R-1AA zoning is one of the acceptable zoning districts allowed within the Residential Low Density Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**R-1AA DISTRICT
REQUIREMENTS:**

Minimum Living Area:	1,700 sq. ft.
Minimum Site Area:	12,500 sq. ft.
Minimum Lot Width	Ninety Five feet, measured at the front the building line.
Setbacks:	
Front:	25 ft.
Rear:	20 ft.
Side:	10 ft.
Corner	25 ft.

Based on the above zoning standards, the existing 1.24 acre parcel complies with code requirements for the R-1AA district.

**BUFFERYARD
REQUIREMENTS:**

Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis. [This requirement is not applicable if the front of the home faces an existing street.]

**ALLOWABLE
USES:**

Single-family dwellings and their customary accessory structures provided they are consistent with the stated purpose of this zoning district.



J. William Arrowsmith
1.29 +/- Acres
Proposed Zoning Change:
From: PR – Parks & Recreation
To: R-1AA (Residential)(12,500 sq. ft. min. lot)
Parcel ID #: 32-20-28-0000-00-057 & 32-20-28-0000-00-066

VICINITY MAP



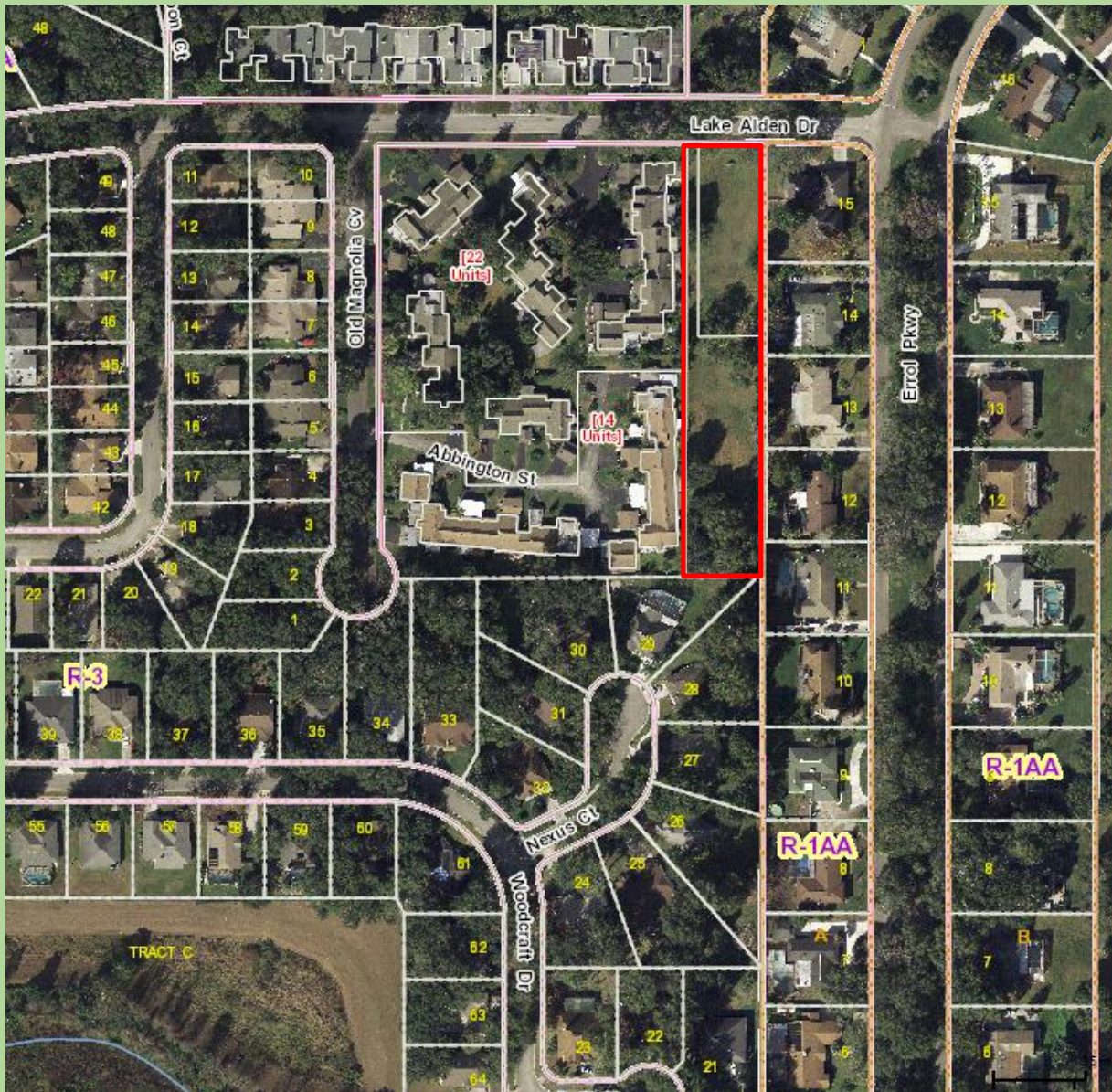


ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2401

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PR TO R-1AA (0-5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF LAKE ALDEN DRIVE, WEST OF ERROL PARKWAY, AND EAST OF OLD MAGNOLIA COVE, COMPRISING 1.29 ACRES MORE OR LESS, AND OWNED BY J. WILLIAM ARROWSMITH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the proposed R-1AA (0-5 du/ac) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby R-1AA (0-5 du/ac), as defined in the Apopka Land Development Code.

Legal Description:

BEGINNING AT THE NORTHWEST CORNER OF LOT 15, BLOCK A, ERROL ESTATE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 81, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE RUN SOUTH 02°21'56" WEST, MORE OR LESS, A DISTANCE OF 560 FEET, THENCE WEST, MORE OR LESS, A DISTANCE OF 100 FEET, THENCE NORTH 02°21'56" EAST, MORE OR LESS, A DISTANCE OF 560 FEET, THENCE EAST, MORE OR LESS, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

Parcel ID # 32-20-28-0000-00-057

0.80 acres +/-

COMMENCE AT THE NORTHWEST CORNER OF LOT 15, BLOCK A, ERROL ESTATE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 81, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE RUN NORTH 88°13'09" EAST, A DISTANCE OF 15 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUE NORTH 88°13'09" EAST, A DISTANCE OF 85 FEET, THENCE SOUTH 02°21'56" WEST, A DISTANCE OF 250 FEET, THENCE SOUTH 88°13'09" WEST, A DISTANCE OF 85 FEET, THENCE NORTH 02°21'56" WEST, A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING.

Parcel ID # 32-20-28-0000-00-066

0.49 acres +/-

1.29 +/- Combined Acreage

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

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

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 of Ordinance No. 2400.

READ FIRST TIME: December 17, 2014

READ SECOND TIME
AND ADOPTED: January 7, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, Esq., City Attorney

DULY ADVERTISED: November 21, 2014
 December 26, 2014



CITY OF APOPKA CITY COUNCIL

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☒ OTHER: Ordinance

DATE: December 17, 2014
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses
Ordinance No. 2402

SUBJECT:

ORDINANCE NO. 2402 – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE - FUTURE LAND USE – PROPERTY INDUSTRIAL ENTERPRISES, LLC - FROM “COUNTY” LOW-MEDIUM RESIDENTIAL DENSITY (0-10 DU/AC) TO “CITY” INDUSTRIAL (RESTRICTED) (0.6 FAR)

Request:

FIRST READING OF ORDINANCE NO. 2402 – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE - FUTURE LAND USE – PROPERTY INDUSTRIAL ENTERPRISES, LLC - FROM “COUNTY” LOW-MEDIUM RESIDENTIAL DENSITY (0-10 DU/AC) TO “CITY” INDUSTRIAL (RESTRICTED) (0.6 FAR); PARCEL ID NUMBERS: 09-21-28-0868-01-250 & 09-21-28-0868-01-260; AND HOLD OVER FOR SECOND READING & ADOPTION.

SUMMARY

OWNER/APPLICANT: Property Industrial Enterprises, LLC, c/o Michael Cooper

LOCATION: 320 and 328 West 2nd Street (South of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line)

EXISTING USE: Single Family Residences (2)

CURRENT ZONING: “County” R-2

PROPOSED ZONING: “City” I-1 (Industrial) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” R-2 to “City” I-1 (Industrial).

PROPOSED DEVELOPMENT: Industrial, Commercial or Office Development consistent with I-1 zoning

TRACT SIZE: 0.84 +/- acre

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 2 Residential Units (subject property is platted as two lots)
PROPOSED: 21,954 Sq. Ft.

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcel was annexed into the City of Apopka on October 1, 2014, through the adoption of Ordinance No. 2381. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign an I-1 (Industrial) zoning category to the Property is being processed in conjunction with this future land use amendment request for an Industrial designation. The FLUM amendment application covers approximately 0.84 acre and represents two platted lots within the Bradshaw and Thompsons Addition to Apopka City, Plat Book B, Page 25, Lot 26, Block A. Each lot is over 18,000 sq. ft., exceeding the minimum development site area of 15,000 sq. ft. Abutting lands to the north, west and south are already owned by the same property owner as the applicant and assigned an Industrial FLUM designation. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting industrial park under the same ownership. The property owner intends to use the subject site for industrial, commercial or office development consistent with Industrial FLUM designation and I-1 zoning category.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Industrial Future Land Use designation and the City's proposed I-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on November 12, 2014.

PUBLIC HEARING SCHEDULE:

December 9, 2014 – Planning Commission (5:01 pm)
December 17, 2014 - City Council (8:00 pm) - 1st Reading
January 7, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

November 21, 2014 – Public Notice and Notification
December 26, 2014 – Ordinance Heading Ad
January 2, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (0.6 FAR) for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

The **Planning Commission**, at its meeting on December 9, 2014, recommended approval (7-0) of the change in Future Land Use from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (0.6 FAR) for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

City Council:

Accept the First Reading of Ordinance No. 2402 and Hold it Over for Second Reading and Adoption on January 7, 2015.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	PUD/I-1	Vacant Industrial
East (County)	Low Medium Density Residential (0-10 du/ac)	R-2	Single-family home
South (City)	Industrial	PUD/I-1	Vacant Industrial
West (City)	Industrial	PUD/I-1	Vacant Industrial

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is industrial and commercial. Remaining residential homes along 2nd Street are anticipated to transition in the near future to industrial or commercial uses. The property lies south of W 2nd Street, north and east of Cooper Palms Parkway. Lands on the east side of Hawthorne Avenue are assigned a Commercial FLUM designation. A Future Land Use Designation of Industrial (0.6 FAR) is assigned to the properties on the north, south and west sides. The property to the immediate east has a “county” future land use designation of Low Medium Density Residential Low (0-10 du/ac), but is anticipated to transition to industrial or commercial uses in the future.

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Western Expressway Corridor Area” of the JPA. The proposed FLUM Amendment from “County” Low-Medium Density Residential (10 du/ac) to City “Industrial” is consistent with the intent of the Western Expressway Corridor Area JPA.

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 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

The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features currently known to occur on the subject property.

Analysis of the character of the Property: The subject property has access to a city collector roadway (Hawthorne Avenue) and a freight rail line. A single family residence is located on each of the subject lots. The communities present are urban; the soils present are St. Lucie and Zolfo-Urban Land Complex.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on October 1, 2014. The Orange County Comprehensive Plan anticipated this property being developed with potential of up to sixty residential units. Because this proposed land use change accommodates non-residential development, this amendment will not impact the population projections in the City's Comprehensive Plan.

CALCULATIONS:

ADOPTED (County designation): 2 Unit(s) x 2.659 p/h = 5 persons
PROPOSED (City designation): 0 Unit(s) x 2.659 p/h = 0 persons

Housing Needs: Within the city limits and within the vicinity of this Property, sufficient undeveloped lands are assigned residential land use designations. These undeveloped residential properties can adequately accommodate future population anticipated to occur within the city limits.

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

1. Roadways. The subject property has access to Hawthorne Avenue, which is a designated collector road. Hawthorne Avenue intersects with U.S. 441 and 4th Street. A limited access highway (S.R. 429/S.R. 451) is a mile driving distance from the subject property.

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 and is already developed and platted. A habitat study will not be required at the time of a development plan application.

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPD/Capita;
81 GPD / Capita

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

2. Projected total demand under existing designation: 1568 GPD
3. Projected total demand under proposed designation: 3293 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 3632 GPD
3. Projected total demand under proposed designation: 4391 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment:
None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 32 lbs./person/day
4. Projected LOS under proposed designation: 44 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): 21,981 mil. GPD

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

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

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

Property Industrial Enterprises, LLC
0.84 +/- Acre

Existing Maximum Allowable Development: 2 residential dwelling units

Proposed Maximum Allowable Development: 21,954 Sq. Ft.

Proposed Small Scale Future Land Use Change

From: "County" Low-Medium Density Residential (0-10 du/ac)

To: "City" Industrial (0.30 FAR)

Proposed Zoning Change

From: "County" R-2

To: "City" I-1

Parcel ID #s: 09-21-28-0868-01-250 & 09-21-28-0868-01-260



VICINITY MAP

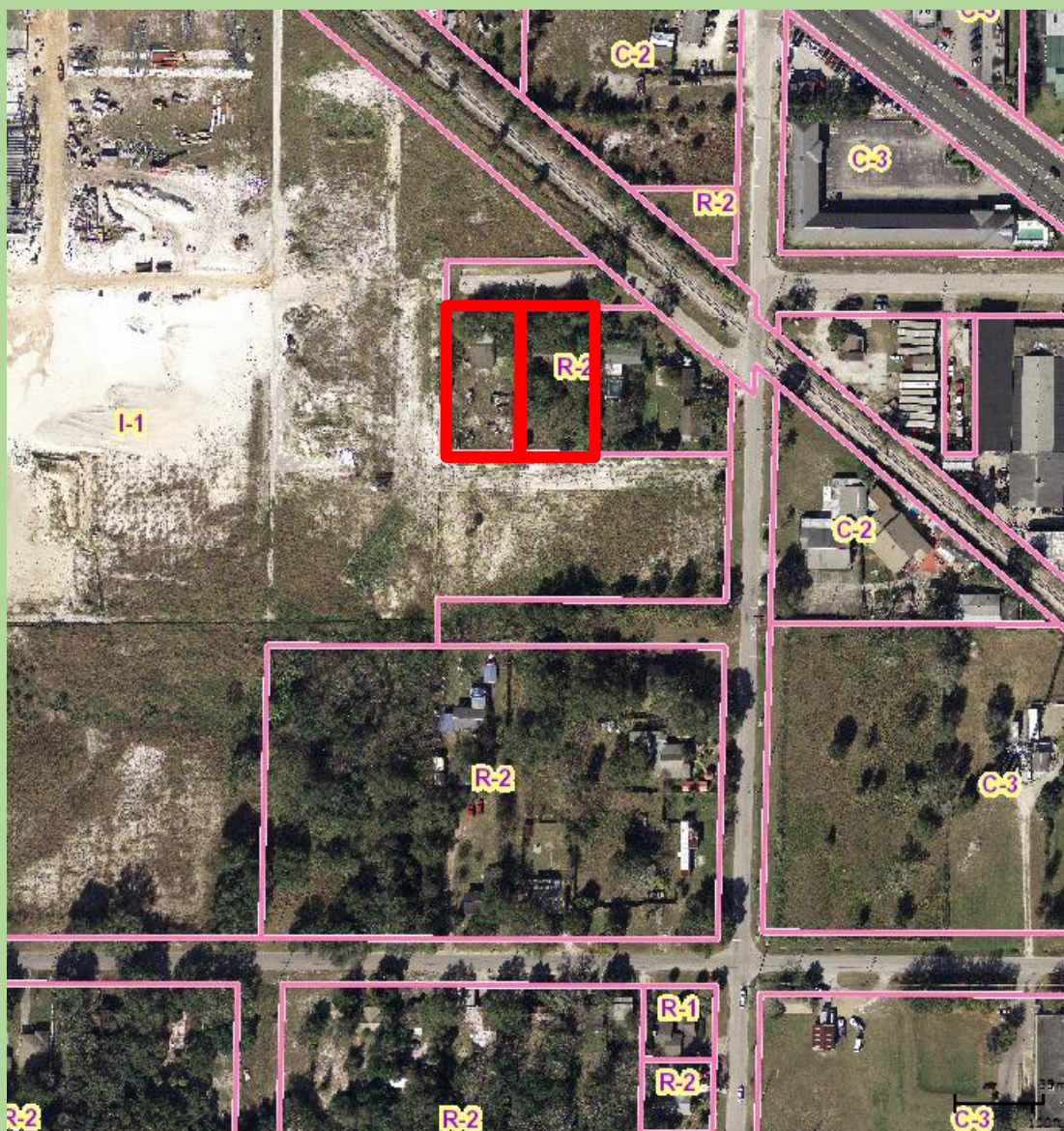


ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2402

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-MEDIUM RESIDENTIAL DENSITY (0-10 DU/AC) TO “CITY” INDUSTRIAL (RESTRICTED) (0.6 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST 2ND STREET, WEST OF SOUTH HAWTHORNE AVENUE, AND SOUTH OF WEST ORANGE BLOSSOM TRAIL/CSX RAILROAD LINE, COMPRISING 0.84 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, 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. 2390 on November 19, 2014; 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. 2390, is amended in its entirety to change the land use from “County” Low-Medium Residential Density (0-10 Du/Ac) to “City” Industrial (Restricted) (0.6 Far) for certain real property generally located south of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line, comprising 0.84 acres more or less (Parcel Nos. 09-21-28-0868-01-250 & 09-21-28-0868-01-260); 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.

ORDINANCE NO. 2402
PAGE 2

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.

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 7th day of January, 2015.

READ FIRST TIME: December 17, 2014

READ SECOND TIME
AND ADOPTED: January 7, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

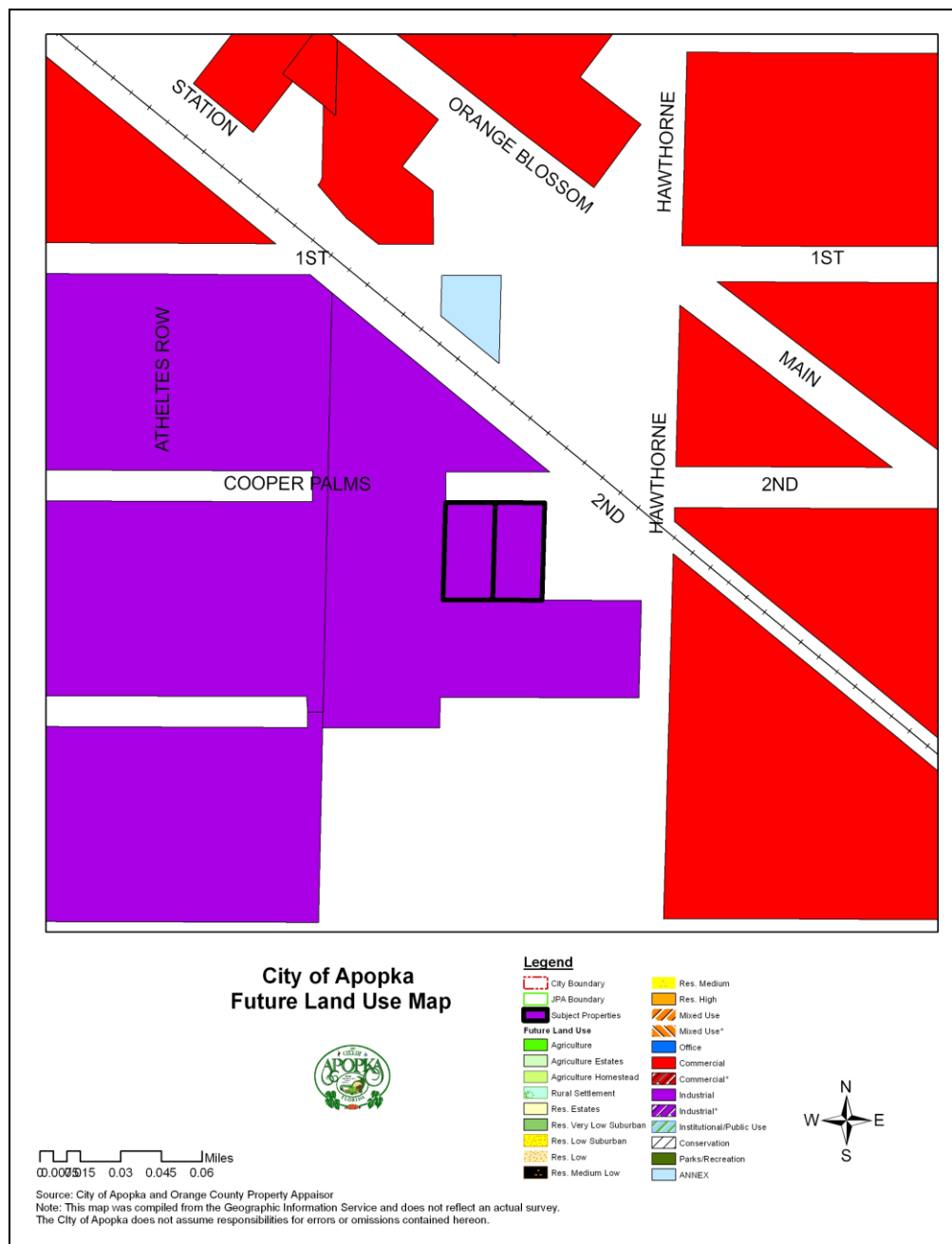
DULY ADVERTISED FOR TRANSMITTAL HEARING:

November 21, 2014
December 26, 2014
January 2, 2015

EXHIBIT "A"

ORDINANCE NO. 2402

PROPERTY INDUSTRIAL ENTERPRISES, LLC
0.84 +/- Acres
Existing Maximum Allowable Development: 2 Residential Units
Proposed Maximum Allowable Development: 21,954 Sq. Ft.
Proposed Future Land Use Change
From "County" Low-Medium Residential Density (0-10 Du/Ac)
To "City" Industrial (Restricted) (0.6 Far)
Parcel ID #s: 09-21-28-0868-01-250 & 09-21-28-0868-01-260





CITY OF APOPKA CITY COUNCIL

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☒ OTHER: Ordinance

DATE: December 17, 2014
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2403

SUBJECT: **ORDINANCE NO. 2403 – CHANGE OF ZONING – PROPERTY INDUSTRIAL ENTERPRISES, LLC - FROM “COUNTY” R-2 (0-10 DU/AC) TO “CITY” I-1 (RESTRICTED INDUSTRIAL) (0.6 FAR)**

Request: **FIRST READING OF ORDINANCE NO. 2403 – CHANGE OF ZONING – PROPERTY INDUSTRIAL ENTERPRISES, LLC - FROM “COUNTY” R-2 (0-10 DU/AC) TO “CITY” I-1 (RESTRICTED INDUSTRIAL) (0.6 FAR)); PARCEL ID NUMBERS: 09-21-28-0868-01-250 & 09-21-28-0868-01-260; AND HOLD OVER FOR SECOND READING & ADOPTION.**

SUMMARY

OWNER/APPLICANT: Property Industrial Enterprises, LLC, c/o Michael Cooper

LOCATION: 320 and 328 West 2nd Street (South of West 2nd Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line)

EXISTING USE: Single Family Residences (2)

CURRENT LAND USE: “County” Low-Medium Density Residential (0-10 du/ac)

PROPOSED LAND USE: “City” Industrial (Restricted) (Note: this Change of Zoning amendment request is being processed along with a request to change the Future Land Use Map designation from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (Restricted).

PROPOSED DEVELOPMENT: Industrial, Commercial or Office Development consistent with I-1 zoning

TRACT SIZE: 0.84 +/- acre (36,860 sq.ft.)

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 2 Residential Units
PROPOSED: 21,954 Sq. Ft.

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcel was annexed into the City of Apopka on October 1, 2014, through the adoption of Ordinance No. 2381. The proposed Change of Zoning is being requested by the owner/applicant.

A request to assign a zoning category of I-1 Industrial (Restricted Industrial) to the Property. The zoning application covers approximately 0.84 acre and represents two lots within the Bradshaw and Thompsons Addition to Apopka City B/25 Lot 26 Block A plat. Each lot is over 18,000 sq. ft., exceeding the minimum development site area of 15,000 sq. ft. Abutting lands to the north, west and south are already owned by the same property owner as the applicant. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting industrial park under the same ownership. The property owner intends to use the subject site for industrial, commercial or office development consistent with I-1 zoning.

The general area surrounding the subject property is transitioning to industrial, commercial and warehouse uses.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Industrial Future Land Use designation and the City's proposed I-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on November 12, 2014.

PUBLIC HEARING SCHEDULE:

December 9, 2014 – Planning Commission (5:01 pm)
December 17, 2014 - City Council (8:00 pm) - 1st Reading
January 7, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

November 21, 2014 – Public Notice and Notification
December 26, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the Change in Zoning from "County" R-2 (0-10 du/ac) to "City" I-1 (Restricted Industrial) (0.6 FAR) for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

The **Planning Commission**, at its meeting on December 9, 2014, recommended approval (7-0) of the Change in Zoning from "County" R-2 (0-10 du/ac) to "City" I-1 (Restricted Industrial) for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

City Council:

Accept the First Reading of Ordinance No. 2403 and Hold Over for Second Reading and Adoption on January 7, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	PUD/I-1	Vacant industrial
East (County)	Low Medium Density Residential (0-10 du/ac)	R-2	Single-family home
South (City)	Industrial	PUD/I-1	Vacant Industrial
West (City)	Industrial	PUD/I-1	Vacant industrial

LAND USE & TRAFFIC COMPATIBILITY:

The property has access to Cooper Palms Parkway. At the time of the development plan application, access will occur from Cooper Palms Parkway and not from Second Street.

Properties to the north, south, and west are assigned Industrial Future Land Use Designation and an I-1 zoning category. Lands to the east side of Hawthorne Avenue are assigned a zoning category of C-2 and C-3 commercial. Minimum lot size for I-1 is 15,000 sq. ft. The subject property comprises two lots, each exceeding 18,000 sq. ft. Although the subject property comprises two lots, development must occur on both lots to meet the minimum lot size requirement under the I-1 zoning district.

I-1 DISTRICT REQUIREMENTS:

Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width:	100 ft.
Front Setback:	25 ft.
Side Setback:	10 ft.
Rear Setback:	10 ft. (30 ft. abutting residential)
Corner Setback:	25 ft.
FAR:	0.60

BUFFERYARD REQUIREMENTS:

Areas adjacent to all road rights-of-way shall provide a minimum twenty-five (25) foot landscaped bufferyard. Areas adjacent to residential uses or residentially zoned lands shall provide a minimum six foot-high masonry wall within a fifty foot landscaped bufferyard.

ALLOWABLE USES:

Any non-residential use permitted in the PO/I Professional Office, CN Commercial Neighborhood, C-1 Retail Commercial, C-2 General Commercial, or C-3 Wholesale Commercial zoning districts are allowed within the I-1 Industrial category. Land uses allowed in the I-1 Industrial district also include manufacturing, bus and truck repair, machinery sales, machinery shops, meat storage, warehouses, frozen food lockers, book binding, guard or custodian living quarters, adult entertainment or similar types of uses consistent with the standards of the Apopka Municipal Code.

Property Industrial Enterprises, LLC
0.84 +/- Acre
Existing Maximum Allowable Development: 8 dwelling units
Proposed Maximum Allowable Development: 21,954 Sq. Ft.
Proposed Small Scale Future Land Use Change
From: “County” Low-Medium Density Residential (0-10 du/ac)
To: “City” Industrial
Proposed Zoning Change
From: “County” R-2
To: “City” I-1 (Restricted Industrial) (0.6 FAR)
Parcel ID #s: 09-21-28-0868-01-250 & 09-21-28-0868-01-260



VICINITY MAP

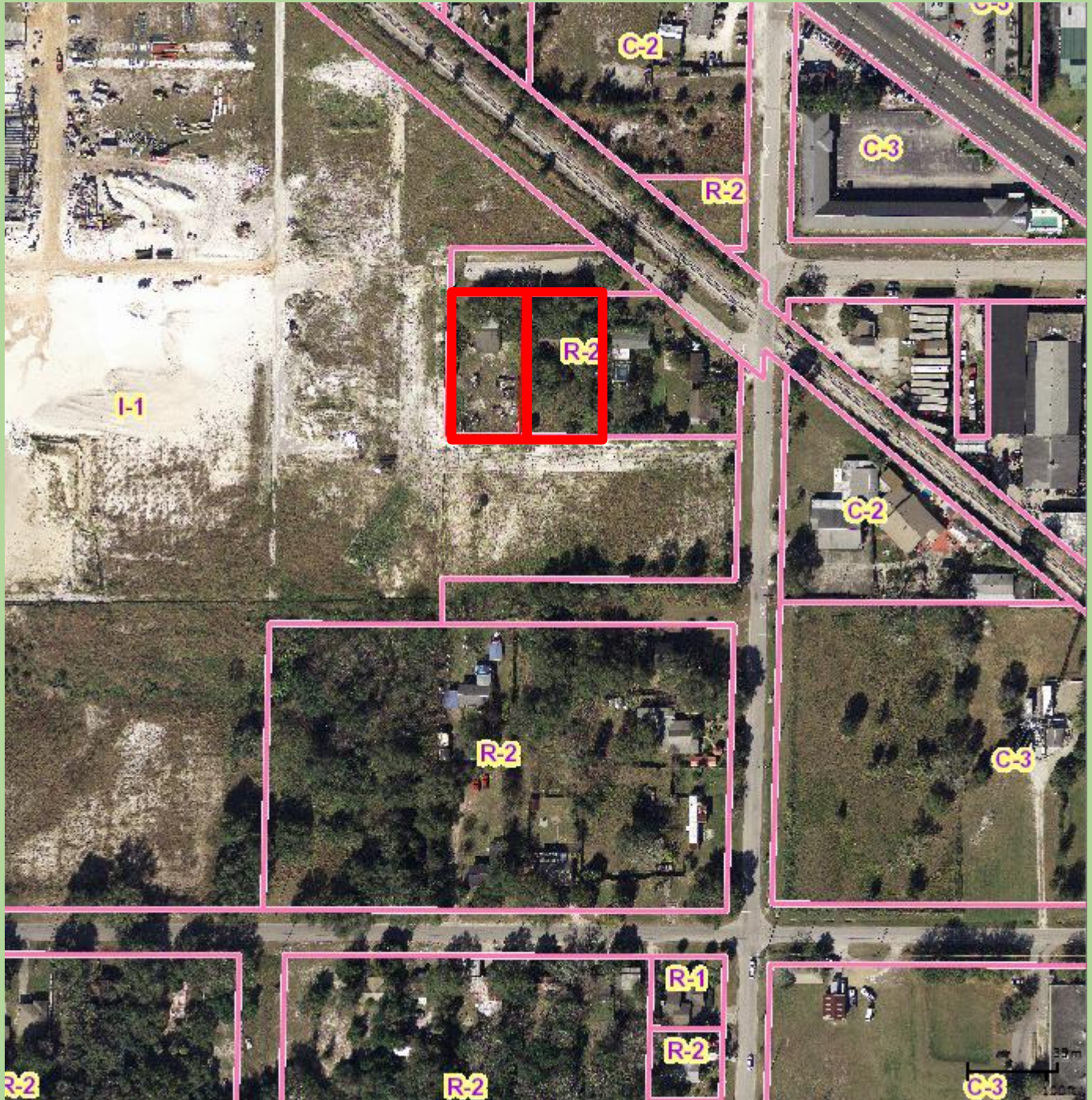


ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2403

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-2 (0-10 DU/AC) TO “CITY” I-1 (RESTRICTED) (0.6 FAR) PR TO I-1 (RESTRICTED INDUSTRIAL) (0.6 FAR) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST 2ND STREET, WEST OF SOUTH HAWTHORNE AVENUE, AND SOUTH OF WEST ORANGE BLOSSOM TRAIL/CSX RAILROAD LINE, COMPRISING 0.84 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, 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 I-1 (Restricted Industrial) (0.6 FAR) 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 I-1 (Restricted Industrial) (0.6 FAR), as defined in the Apopka Land Development Code.

Legal Description:

320 W. 2nd Street:

Lot 25, Block A, Bradshaw and Thompson's Addition to Apopka Florida, according to the map or plat thereof, as recorded in Plat Book B, Page(s) 25, of the Public Records of Orange County, Florida.

Parcel ID # 09-21-28-0868-01-250

0.42 acre +/-

328 W. 2nd Street:

Lot 26, Block A, Bradshaw and Thompson's Addition to Apopka, according to the map or plat thereof, as recorded in Plat Book B, Page(s) 25, of the Public Records of Orange County, Florida.

Parcel ID # 09-21-28-0868-01-260

0.42 acres +/-

0.84 +/- Combined Acreage

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

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

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 of Ordinance No. 2402.

READ FIRST TIME: December 17, 2014

READ SECOND TIME
AND ADOPTED: January 7, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, Esq., City Attorney

DULY ADVERTISED: November 21, 2014
December 26, 2014

Administrative Report



Presented To: Mayor and City Council

December 17, 2014

A.S.K.
Apopka Service Kiosk
November 2013 – November
2014



Information Technology

January - November

Homepage Visits



Building Webpage Visits



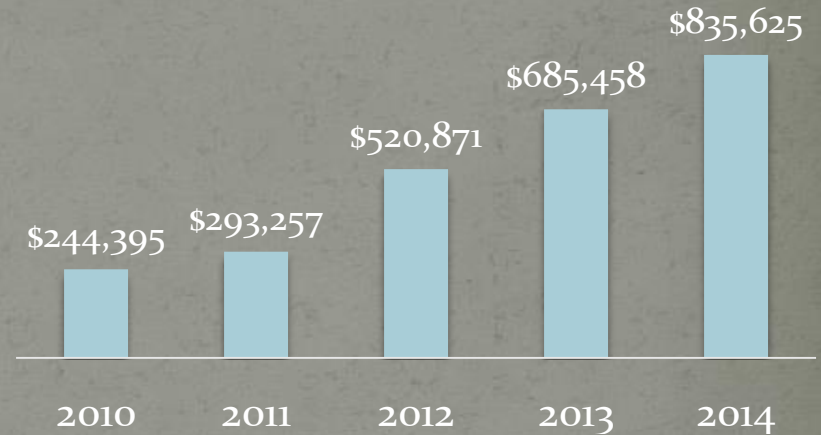
Finance

January - November

Sewer Impact



Water Impact



Transportation Impact



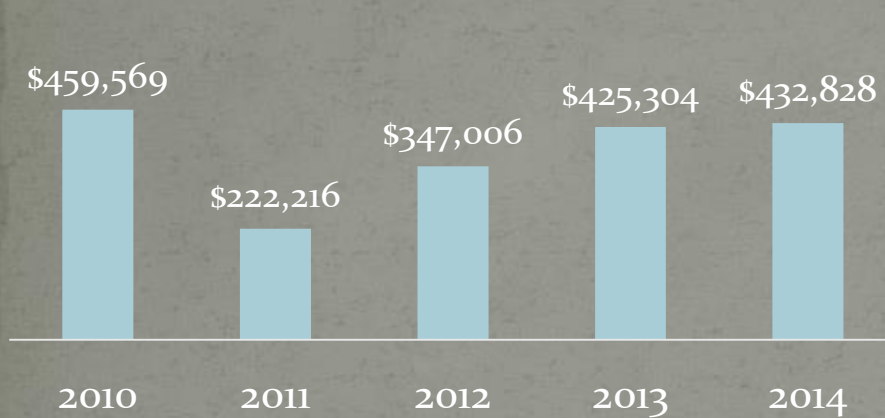
School Impact



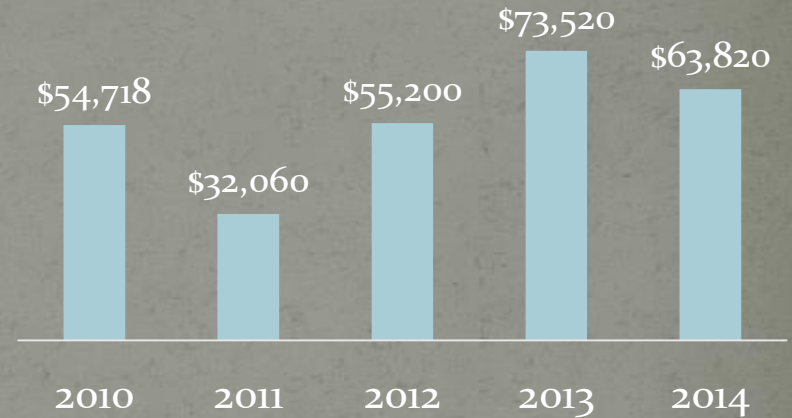
Finance

January - November

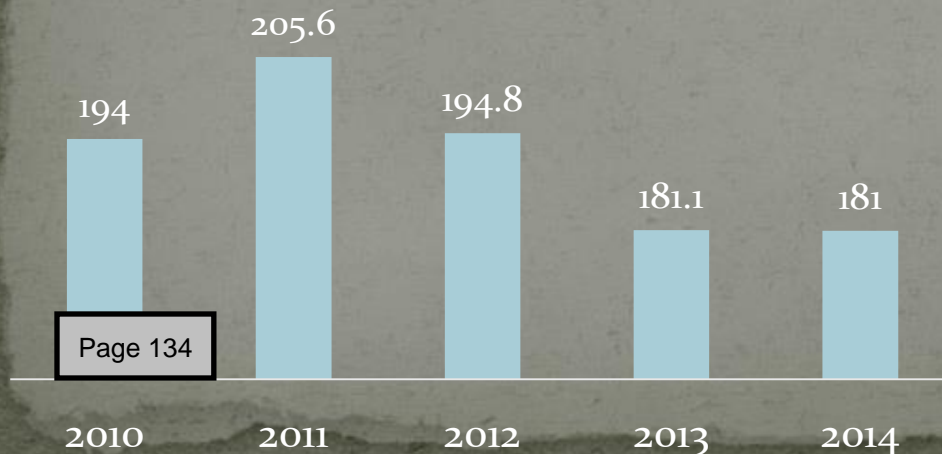
Reuse Impact



Recreation Impact



Average Potable Water Billed



New Potable Meters Set



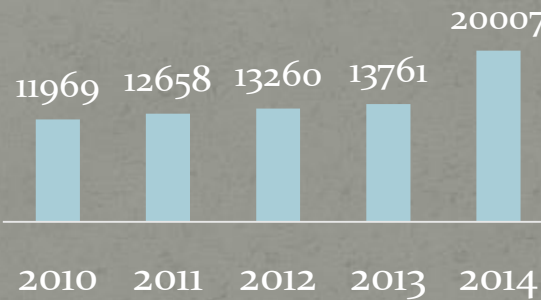
Finance - Utility Billing

January - November

Web



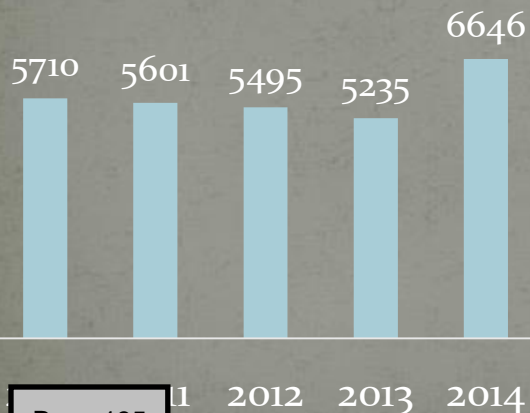
Office Window



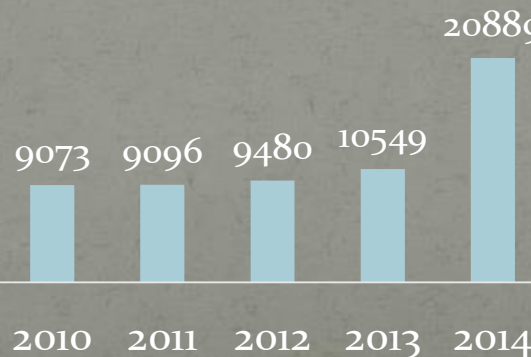
Mailed



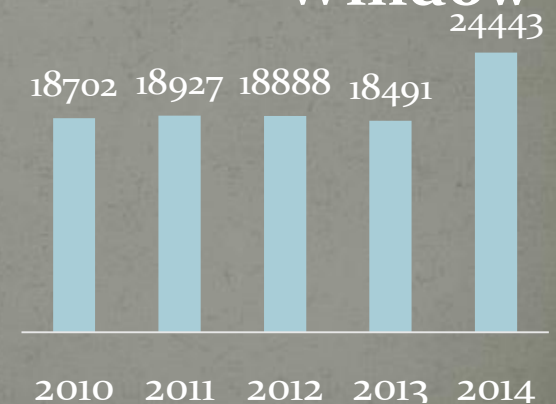
Drop Box



ACH



Drive-Up Window



Community Development

January - November

Arbor Permits



Arbor Revenues



Tree Bank Revenues



Community Development - Building

January - November

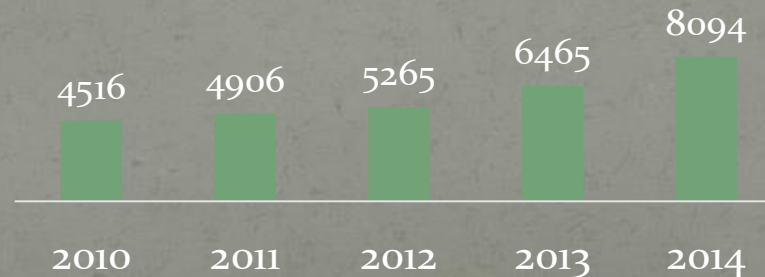
Automated Phone System Requests



Internet Inspection Requests



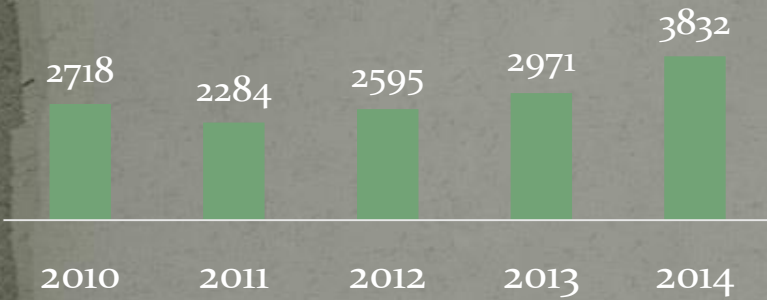
Office Inspection Requests



Community Development - Building

January - November

Permits Issued



Value of Construction



Certificates of Occupancy Issued



Inspections Performed



Public Services – Water Plants

January - November

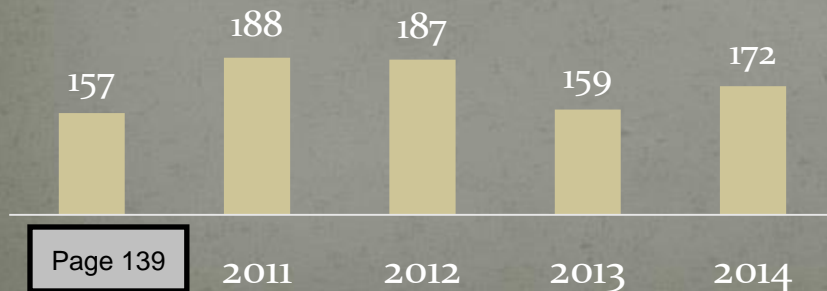
Water Plant – Average Daily Flow



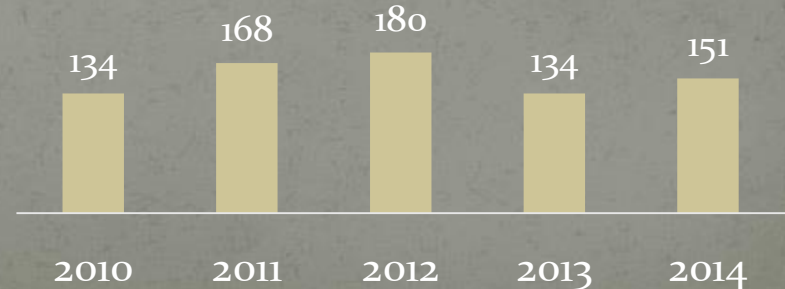
Wastewater Plant Average Daily Flow



Reclaimed Gallons Produced



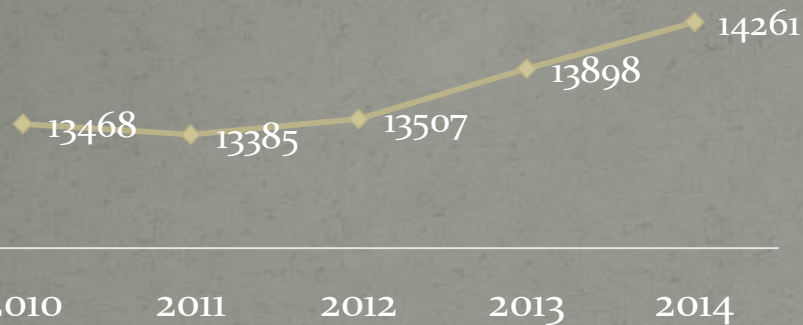
Reclaimed Gallons Used



Public Services - Sanitation

January - November

Residential Customers



Commercial Customers



Recycling Customers



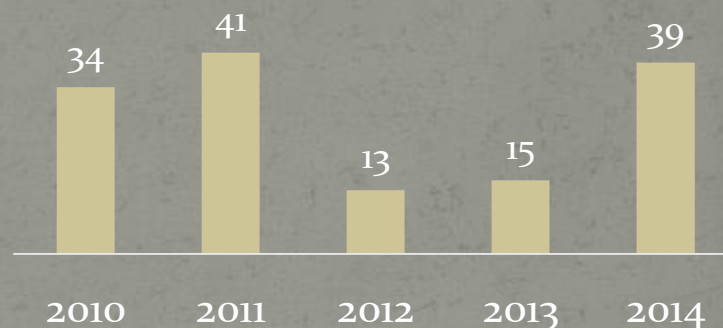
Public Services - Water Conservation

January - November

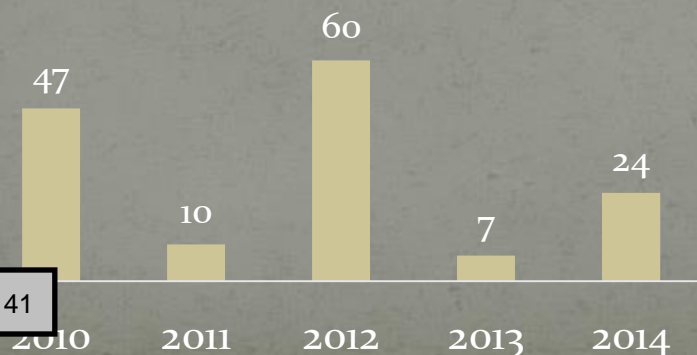
System Evaluations



Rain Sensors Issued



Program Rebates



Rebate Value



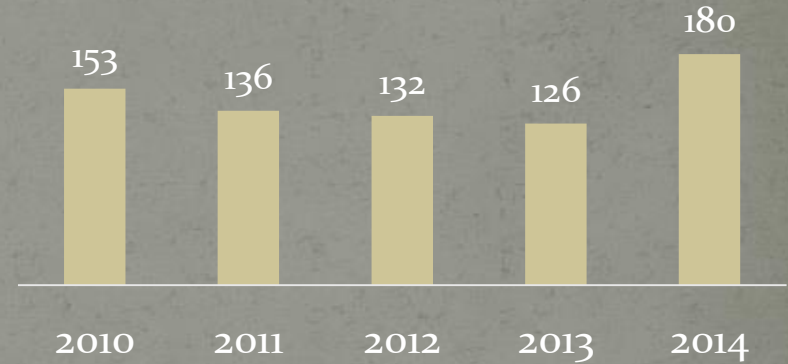
Public Services - Recreation

January - November

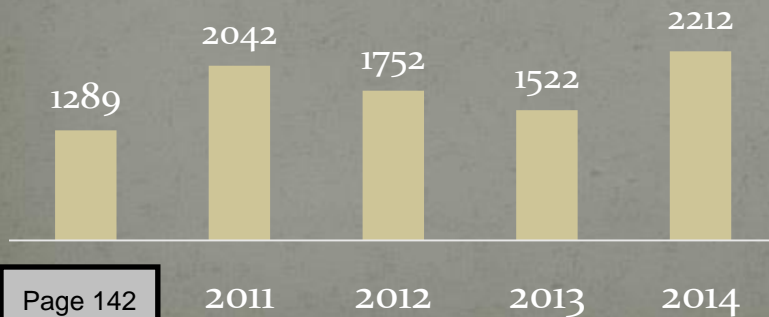
League Events



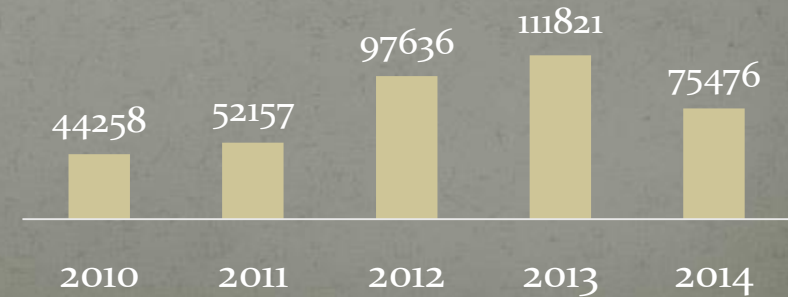
Senior Events



Facility Events



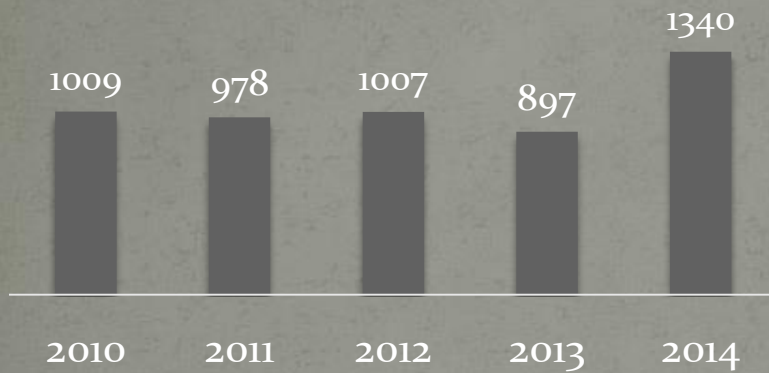
Special Events Attendees



Fire

January - November

NFIRS Calls For Service



EMS Calls For Service



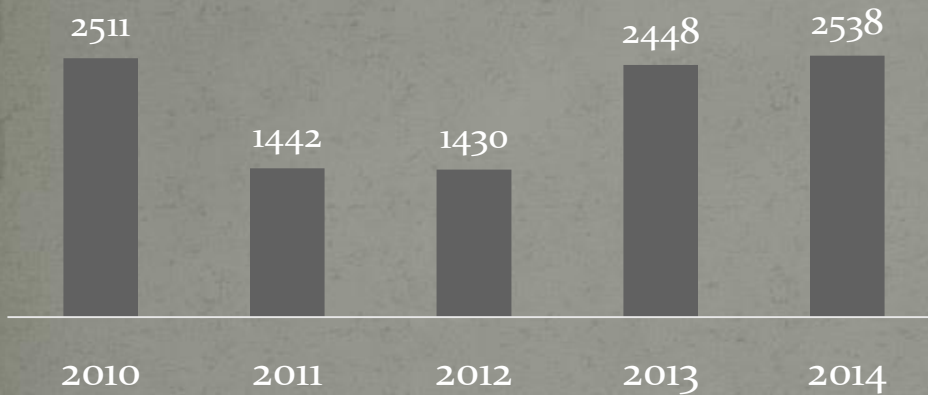
Annual Inspections



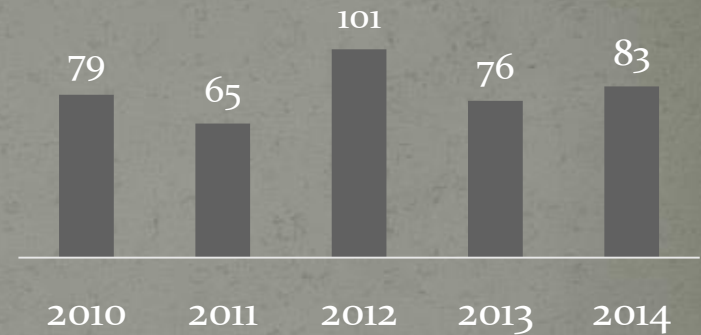
Police

January - November

Uniform Traffic Citations



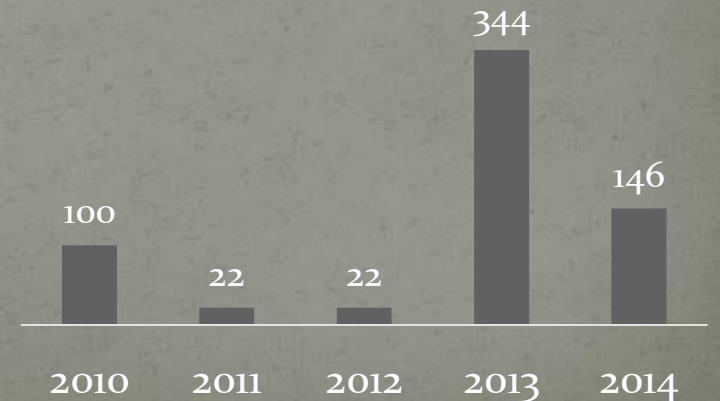
DUI Arrests



Warning Citations



Parking Citations



Police - Code Enforcement

January - November

Unkempt Cases



Disabled Vehicle Cases



Total Code Enforcement Cases



Administrative Services

January - November

New Business Tax



Business Tax Renewals



