



## **AGENDA**

### **APOPKA CITY COUNCIL MEETING @ 7:00 PM City Hall Council Chamber 120 East Main Street – Apopka, Florida 32703 March 18, 2015**

#### **INVOCATION**

Pastor Doug Bankson - Victory Church

#### **PLEDGE OF ALLEGIANCE**

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

#### **PRESENTATIONS**

1. Proclamation - Presented to Vincent Esposito on achieving the rank of Eagle Scout
2. Proclamation - Presented to Mack Reid, Chief Operating Officer of Boys & Girls Clubs of Central Florida, in recognition of Boys & Girls Club Week
3. Proclamation - Presented to Michael Cooper Sr., in recognition of his many contributions promoting economic development within the City
4. Parks and Recreation Master Plan - Presented by Jean Jreij, Public Services Director

#### **CONSENT AGENDA**

1. Authorize the purchase of property, in the amount of \$10,000.00, located between M. A. Board Street and West 7th Street, subject to the appraisal and Phase I Environmental Assessment Study.

2. Award the annual fuel contract, for purchase and delivery of gasoline and diesel fuel, to Petroleum Traders Corporation and authorize the City Administrator to execute the contract.

## **SPECIAL REPORTS AND PUBLIC HEARINGS**

### **ORDINANCES AND RESOLUTIONS**

1. ORDINANCE NO. 2372 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – Apopka Clear Lake Investments, LLC, from Residential Low (0-5 du/ac) and Agriculture (1 du/5 ac) to Residential Medium (10 du/ac). (Parcel ID Nos.: 07-21-28-0000-00-002 & 07-21-28-0000-00-023) [Ordinance No. 2372 meets the requirements for adoption having been advertised in The Apopka Chief on February 27, 2015.]
2. ORDINANCE NO. 2386 – SECOND READING & 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 March 6, 2015.]
3. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 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) [This item was continued at the March 4, 2015 City Council meeting until the March 18, 2015 meeting.]
4. ORDINANCE NO. 2411 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – McCarthy McCollough, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000-00-003)
5. ORDINANCE NO. 2412 – FIRST READING - CHANGE OF ZONING – McCarthy McCollough, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) and RCE-1 for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000-00-003)
6. RESOLUTION NO. 2015-07 - Providing that the concessions at the Art & Foliage Festival will be handled by local community, civic, and religious organizations, that no

peddler's licenses will be issued during the Festival, and that no animals, leashed or unleashed, will be allowed in Kit Land Nelson Park during the Festival, except in compliance with the Americans with Disabilities Act (ADA).

**SITE APPROVALS**

- 1. PRELIMINARY DEVELOPMENT PLAN – Rock Springs Estates, owned by Rock Springs Estates; applicant is Pulte Group, c/o Doug Hoffman, P.E.; engineering firm is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E., located south of West Lester Road, east of Vick Road. (Parcel ID Nos. 3-20-28-0000-00-015, 33-20-28-0000-00-118, 33-20-28-0000-00-003)
- 2. FINAL DEVELOPMENT PLAN/PLAT – Ponkan Reserve North, owned by Clyde Marie Brown, c/o Donna L. Helton; engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn; and the property is located at 301 Ponkan Road. (Parcel ID Nos. 21-20-28-0000-00-003; 21-20-28-0000-00-004; 28-20-28-0000-00-003; 28-20-28-0000-00-004)

**DEPARTMENT REPORTS AND BIDS**

- 1. Administrative Report - Glenn Irby - City Administrator

**MAYOR'S REPORT**

**OLD BUSINESS**

- COUNCIL
- PUBLIC

**NEW BUSINESS**

- COUNCIL
- 1. RESOLUTION NO. 2015-08 - Supporting "One Apopka For Progress".
- 2. City Council discussion and determination on the hiring of 30 summer positions through the Professional Opportunities Program for Students, Inc.

- 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.



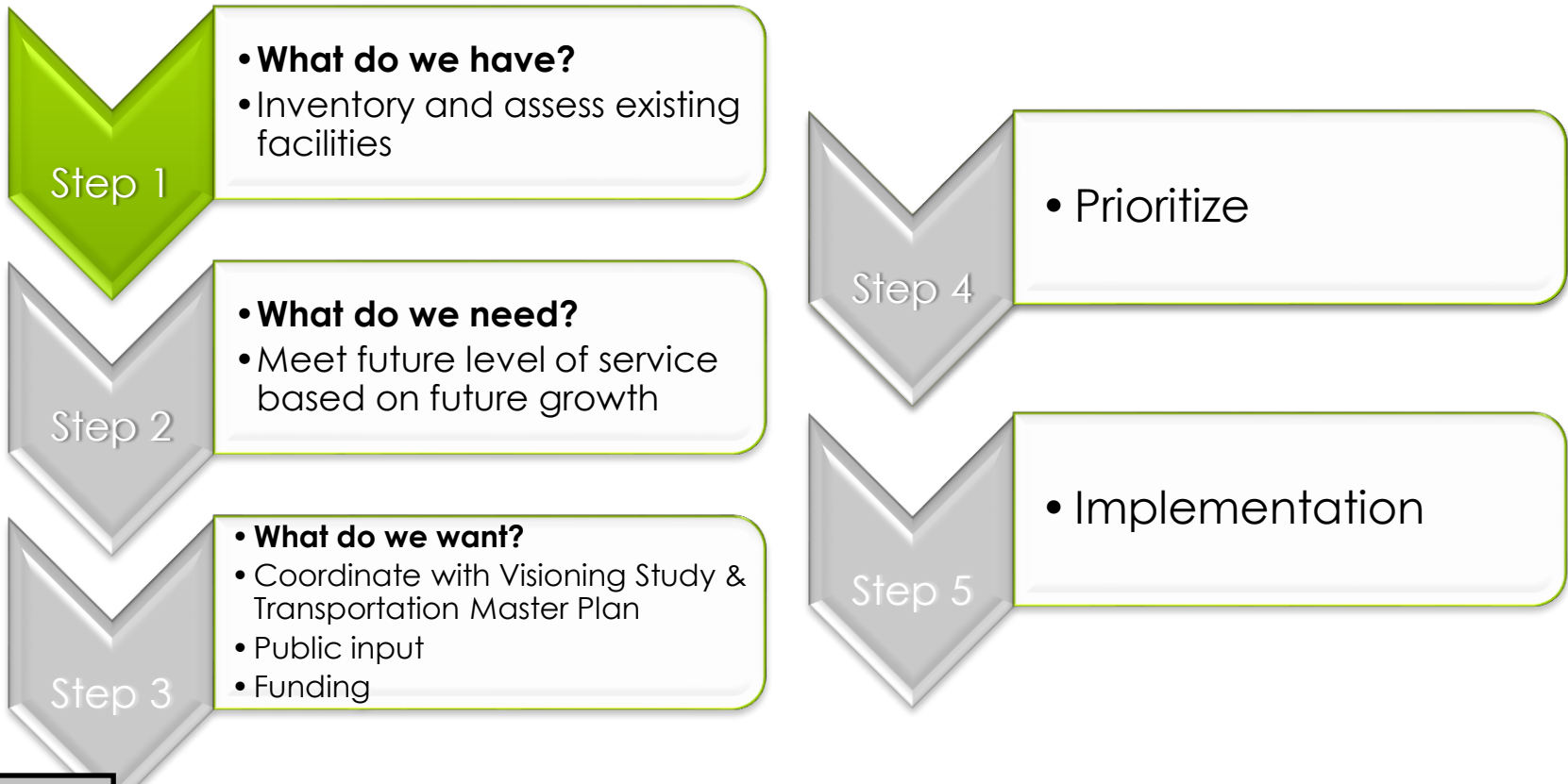


# City of Apopka

## Parks and Recreation Master Plan



# Master Plan Process





# Existing Public City Facilities Given Three Classifications



Alonzo Williams Park

Neighborhood – Smaller. Serves a particular neighborhood and accessed by walking or bicycling. Service radius =  $\frac{1}{2}$  mi

Special Use – used for a specific purpose

Community – Larger. Usually located near a major roadway. Service area = 3 mi or more

Doctors Dog Park



Northwest Rec Center



# Other Rec Opportunities



- Lake Apopka Restoration Area (ecotourism)
- Lake Apopka Loop Trail



- 7 Parks and Facilities including the West Orange Trail



- 13 Schools
  - 8 in city limits
  - 5 outside of city limits



- 46 Private Pocket Parks
  - Not included in Level of Service



- Wekiwa Springs State Park





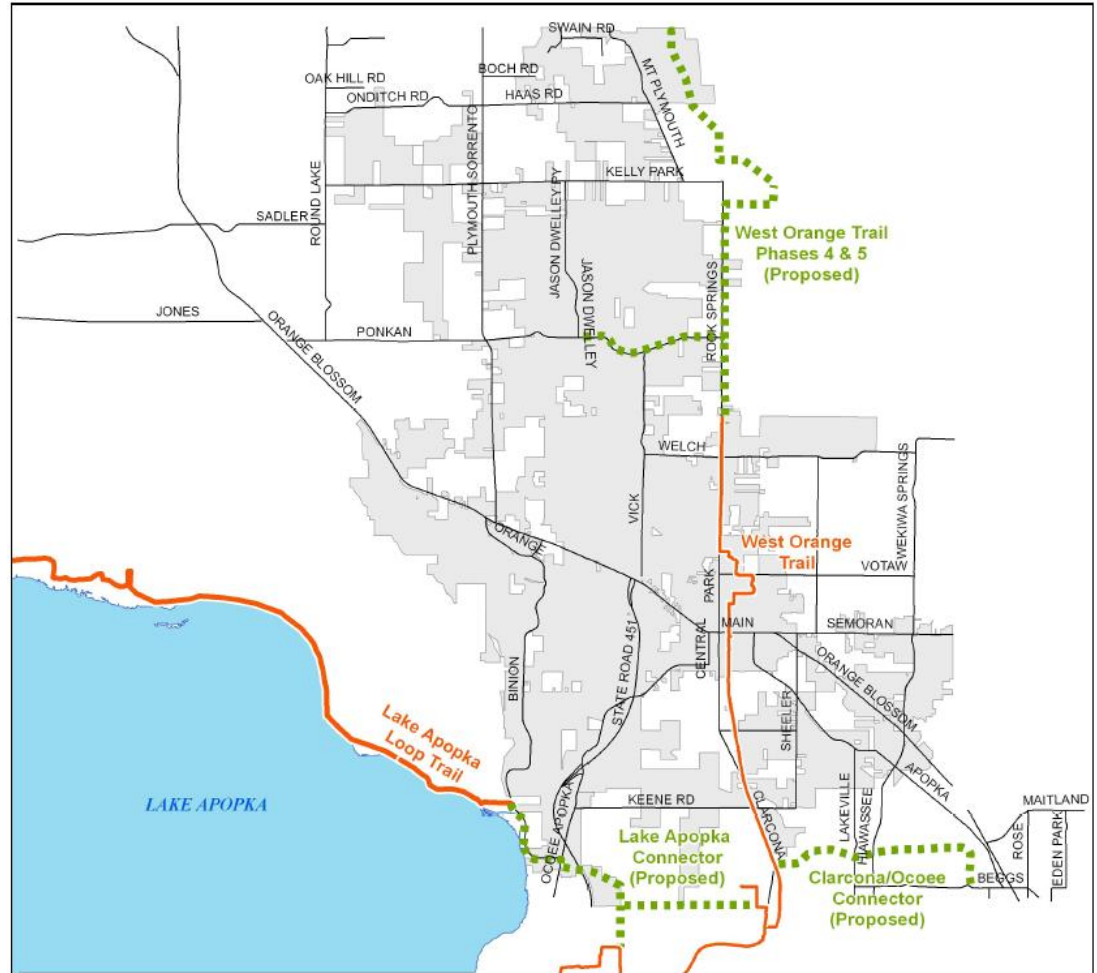
# Trails – Existing & Planned

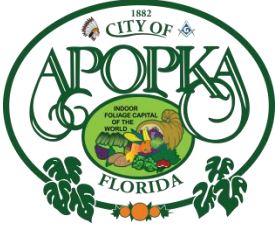
## Legend

Existing Trails

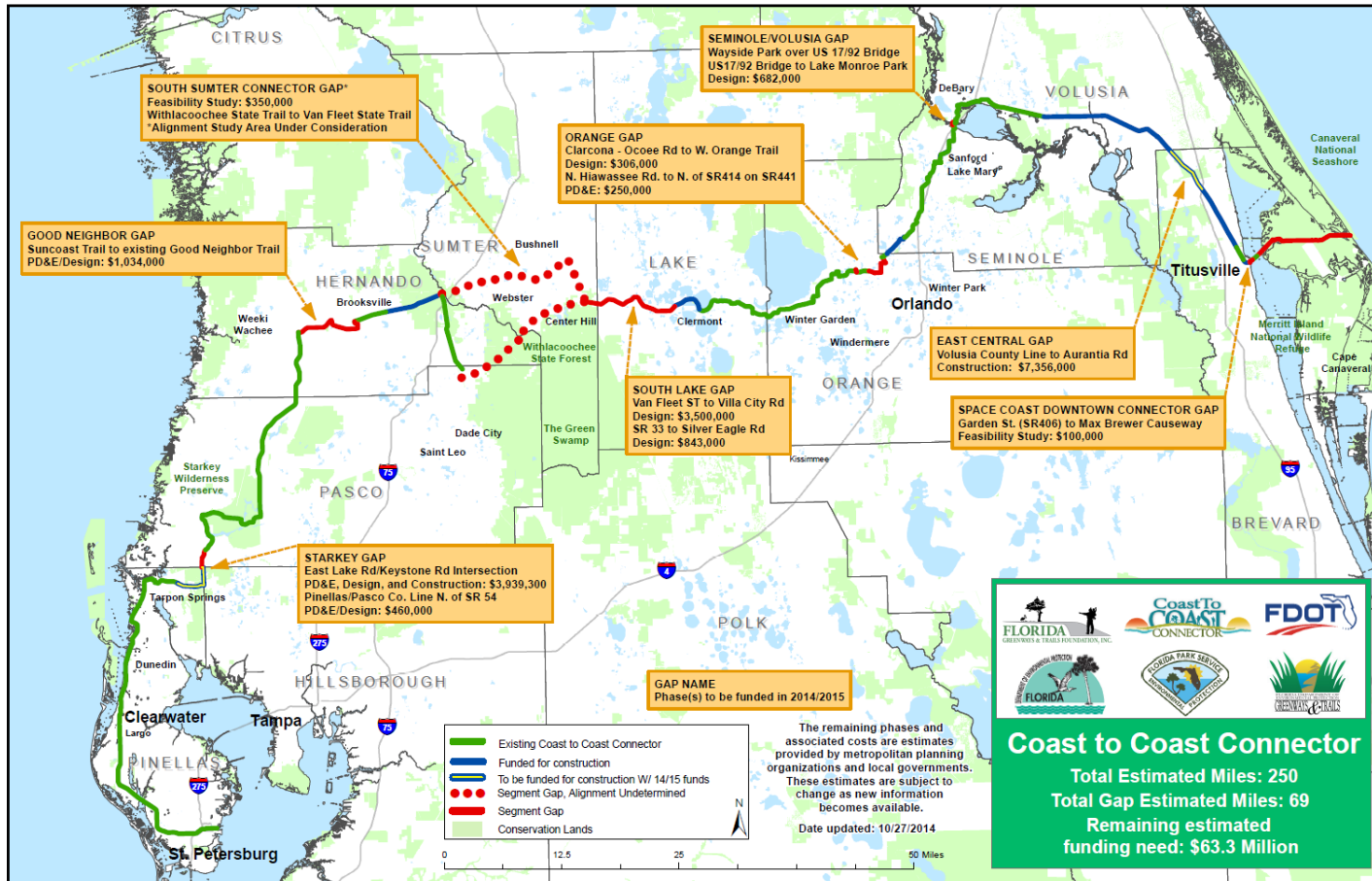


Proposed Trails



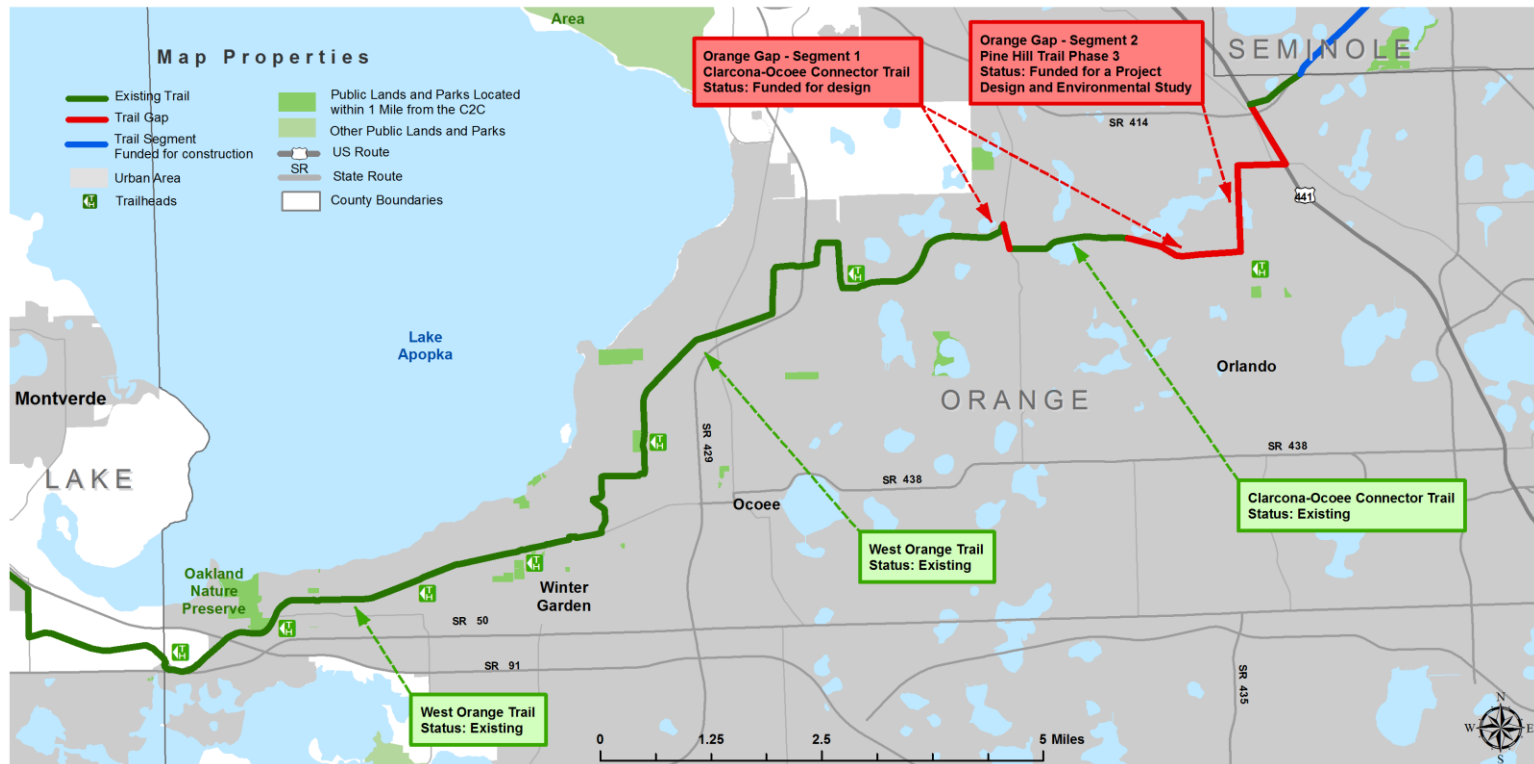


# Coast-to-Coast Connector Trail - Overview





# Coast-to-Coast Connector Trail – Apopka Area Detail





# Existing Facilities Inventory Owned by City of Apopka

## Neighborhood Parks

- Alonzo Williams Park – 3.23 acres
- Dream Lake Park – 1.46 acres
- Lake Avenue Park – 1.15 acres

## Community Parks

- AAC/Buchan Pond – 13.72 acres
- Edward's Field/ Kit Land Park – 13.86 acres
- Northwest Rec Center – 276.71 acres
- Fran Carlton Center – 4.60 acres

## Special Use Facilities

- Museum of the Apopkans – 0.62 acres
- VFW/Community Center – 1.72 acres
- Doctor's Dog Park – 5.12 acres



# Existing Facilities Inventory Orange County Schools

## Schools Within City Limits

- Apopka Elementary School
- Apopka Memorial Middle School
- Apopka High School & 9<sup>th</sup> Grade Center
- Dream Lake Elementary School
- Lakeville Elementary school
- Rock Springs Elementary School
- Wolf Lake Elementary School
- Wolf Lake Middle School

## Schools Outside of City Limits

- Clay Springs Elementary School
- Lovell Elementary School
- Wheatley Elementary School
- Piedmont Lakes Middle School
- Wekiva High School



# Existing Facilities Inventory Owned by Other Entities



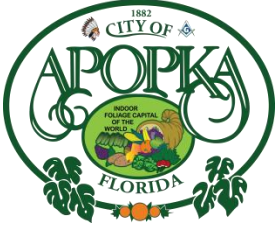
- Lake Apopka Restoration Area – 12,324 acres
- Lake Apopka Loop Trail



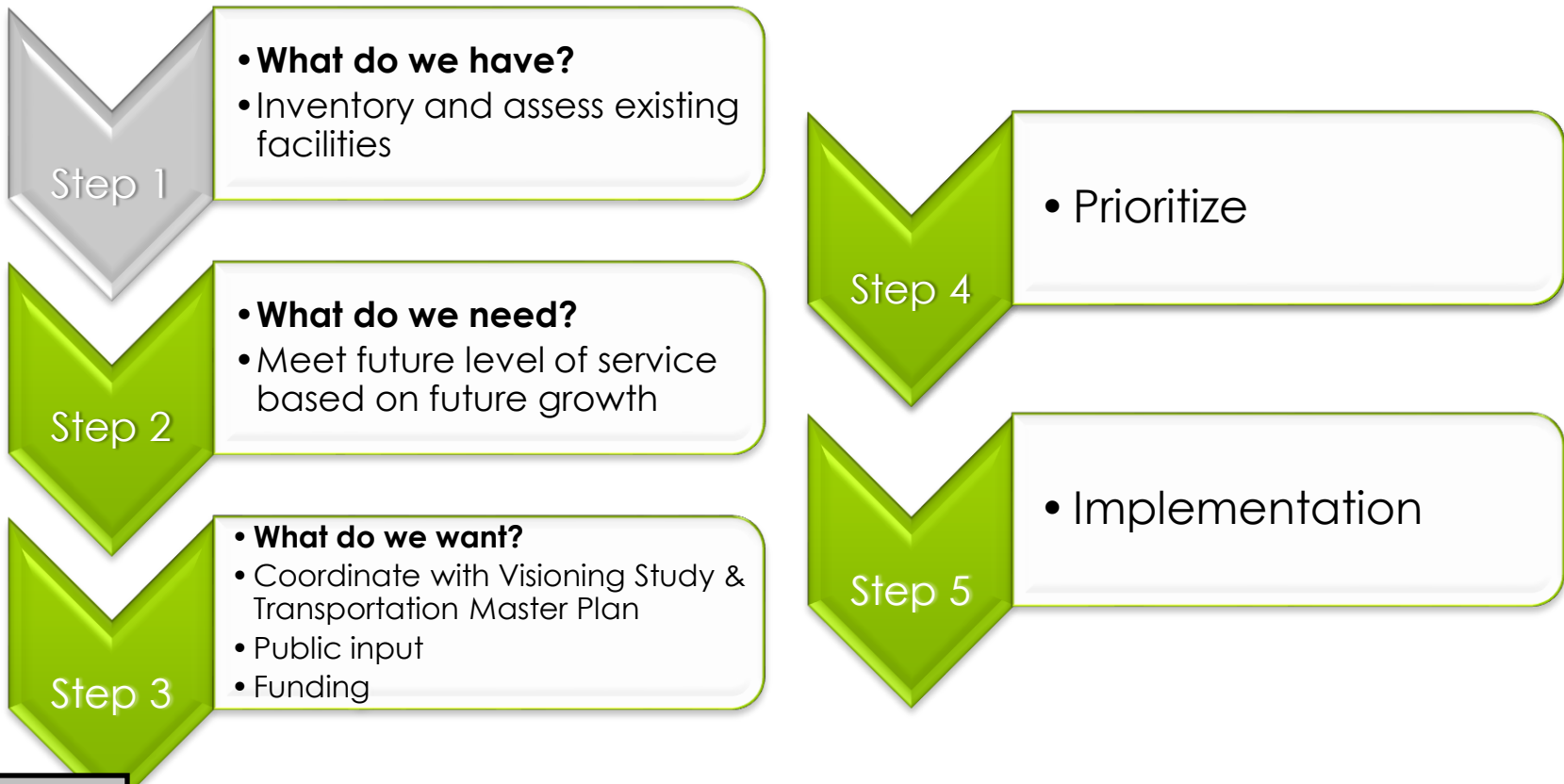
- West Orange Trail Apopka Station – 2.81 acres
- John Bridges Center – 14.15 acres
- Kelly Park – 237 acres
- Magnolia Park – 49.16 acres
- Roosevelt Nichols Park – 6.28 acres
- Tom Staley Park - 0.7 acres
- Wheatley Park – 12.54 acres



- Wekiwa Springs State Park – 5975 acres



# Master Plan Process







**Backup material for agenda item:**

1. Authorize the purchase of property, in the amount of \$10,000.00, located between M. A. Board Street and West 7th Street, subject to the appraisal and Phase I Environmental Assessment Study.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 18, 2015  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: PURCHASE OF PROPERTY BETWEEN M. A. BOARD STREET AND WEST 7<sup>TH</sup> STREET.**

**REQUEST: APPROVE THE PURCHASE AND FUNDING OF PROPERTY FROM MR. NELSON B. HENRY IN THE AMOUNT OF \$10,000.00**

**SUMMARY:**

Staff negotiated with Mr. Nelson B. Henry for the purchase of land, at a cost of \$10,000.00, subject to the appraisal and the Phase 1 Environmental Assessment Study. The property is approximately 10,124 square feet, is located between M. A. Board Street and West 7<sup>th</sup> Street and abuts City owned property near Williams Park, Parcel ID Number 09-21-28-0196-40-313. The seller will pay for the closing costs, and the City will pay for the Phase 1 Environmental Assessment Study and the appraisal, not to exceed \$3,000.00.

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

**FUNDING SOURCE:**

General Fund Reserves

**RECOMMENDATION ACTION:**

Approve the purchase and funding of property, in the amount of \$10,000.00, as well as the appraisal and Phase 1 Environmental Assessment Study at a cost not to exceed \$3,000.00.

**DISTRIBUTION:**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 Human Resources Director  
 Information Technology Director  
 Police Chief

Public Services Director  
 City Clerk  
 Fire Chief



**Backup material for agenda item:**

2. Award the annual fuel contract, for purchase and delivery of gasoline and diesel fuel, to Petroleum Traders Corporation and authorize the City Administrator to execute the contract.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 18, 2015  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: GASOLINE AND DIESEL FUEL PURCHASE AND DELIVERY CONTRACT**

**Request: AWARD THE ANNUAL FUEL CONTRACT TO PETROLEUM TRADERS CORPORATION**

**SUMMARY:**

On February 25, 2015, staff received five sealed bids for the purchase and delivery of gasoline and diesel fuel. The price per gallon is indicated below, and then added to the Oil Price Information Service (OPIS) average price per gallon, which is posted weekly for the Orlando Terminal (#4), and includes all grades of unleaded gasoline, and diesel fuel #2, for the inclusive price:

	Great Lakes Petroleum Co.	Lynch Oil Co.	Mansfield Oil Co.	Palmdale Oil Co	Petroleum Traders Corp.
Pump off Fee	N/A	\$25.00	\$40.00	\$0	\$45.00
Small Gas or Diesel Tanker: 100-4,000 gal	+\$0.1800	+\$0.390	+\$0.2640	\$0.0953	+\$0.1500
Full Load 87 Gas Tanker: 8,000 - 8,500 gal	+\$0.0350	+\$0.1000	-\$0.0002	\$0.0168	-\$0.0126
Full Load Diesel Tanker: 7,500 - 8,500 gal	+\$0.0350	+\$0.1200	-\$0.0205	\$0.0168	-\$0.0220
Split Load (Gas and Diesel): 7,500 - 8,500 gal	+\$0.0350	+\$0.1000	Gas -\$0.0002 / Diesel -\$0.0205	\$0.0168	-\$0.0150

Petroleum Traders Corporation is the lowest bidder.

The term of this contract is for one year with an option to extend the term up to a minimum of three years.

**FUNDING SOURCE:**

Divisions budget annually for fuel usage.

**RECOMMENDATION ACTION:**

Award the annual fuel contract to Petroleum Traders Corporation, and authorize the City Administrator to execute the contract.

**DISTRIBUTION:**

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

**Backup material for agenda item:**

1. ORDINANCE NO. 2372 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – Apopka Clear Lake Investments, LLC, from Residential Low (0-5 du/ac) and Agriculture (1 du/5 ac) to Residential Medium (10 du/ac). (Parcel ID Nos.: 07-21-28-0000-00-002 & 07-21-28-0000-00-023) [Ordinance No. 2372 meets the requirements for adoption having been advertised in The Apopka Chief on February 27, 2015.]



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: March 18, 2015  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
State Agency Comments  
City Response to FDOT  
Ordinance No. 2372

**SUBJECT: ORDINANCE NO. 2372 - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT - APOPKA CLEAR LAKE INVESTMENTS, LLC - CHANGING THE FUTURE LAND USE FROM RESIDENTIAL LOW (0-5 DU/AC) AND AGRICULTURE (1 DU/5 AC) TO RESIDENTIAL MEDIUM (10 DU/AC)**

**Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2372 - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – APOPKA CLEAR LAKE INVESTMENTS, LLC, FROM RESIDENTIAL LOW (0-5 DU/AC) AND AGRICULTURE (1 DU/5 AC) TO RESIDENTIAL MEDIUM (10 DU/AC). (PARCEL ID NUMBERS 07-21-28-0000-00-002 & 07-21-28-0000-00-023)**

**SUMMARY**

OWNER/APPLICANT: Apopka Clear Lake Investments LLC, c/o Ken Stoltenberg  
ENGINEER: Hendra & Associates, c/o Eric J. Hendra, P.E.  
LOCATION: East of S.R. 429, south of Peterson Road, and north of Lust Road  
EXISTING USE: Vacant Land  
CURRENT ZONING: Planned Unit Development (PUD)(89.47 ac) and County A-2 (ZIP) (5.29 ac)  
PROPOSED DEVELOPMENT: None  
PROPOSED ZONING: Planned Unit Development (PUD/R-3)  
TRACT SIZE: 94.76 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 454 Units  
PROPOSED: 948 Units

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:**

City Council held the first hearing (aka “transmittal hearing) on August 16, 2014, for this proposed Future Land Use Amendment and accepted the first reading of Ordinance No. 2372 and authorized staff to transmit the packet to the reviewing State agencies, consistent with the Comprehensive Plan Amendment procedures set forth in Florida Statute 163.3184(3). Among state agencies, the Florida Department of Transportation sent the only comments to staff in a letter dated September 29, 2014. Once comments are received by the State agencies, the City has 180 days to hold the final hearing. The comments were received on September 29, 2014, therefore the 180 day deadline for a final hearing fell on or before March 28, 2015. A staff response was prepared and will be forwarded to the State agencies after adoption of the proposed Future Land Use Amendment.

Furthermore, the staff report from the August 16, 2014, City Council meeting indicates that the Planned Unit Development Application and Master Plan will appear before City Council, as well as Planning Commission, at the adoption hearing for the Future Land Use Map (FLUM) Amendment. The master site plan and associated development agreement are not ready at this time for reasons stated below.

City staff has supported the change in Future Land Use from Low Density to Medium Density Residential subject to the developer constructing a second road access to the subject site in order to disperse vehicle trips generated by new development. The second road access will extend north of the subject site to W. Orange Avenue, following Peterson Road and King Street. As this road improvement is not scheduled in the City’s capital improvement program, the burden to make this road happen is placed on the developer/applicant. A development agreement will accompany the Master Plan to assure the road is constructed. Since the City Council transmittal hearing, time to negotiate purchase of land to accommodate the new road took longer than expected for the applicant. To assure that this road improvement is constructed to address transportation improvement needs for the additional vehicle trips generated by the Future Land Use Map Amendment, the applicant has recorded a deed restriction that limits development to five (5) units per acre until the road is constructed. A copy of the deed restriction will be submitted at the adoption hearing.

**STAFF REPORT COMMENTS FROM THE AUGUST 16, 2014 COUNCIL HEARING:**

Parcel No. 07-21-28-0000-00-002 was annexed into the City of Apopka on December 17, 1997, through the adoption of Ordinance No. 1129<sup>1</sup>. Parcel No. 07-21-28-0000-00-023 was annexed into the City of Apopka on January 7, 2004, through the adoption of Ordinance No. 1621.

Parcel No. 07-21-28-0000-002: 89.47 acres

Parcel No. 07-21-28-0000-023: 5.29 acres

The applicant requests to assign a Residential Medium Density Future Land Use Designation to the two above referenced parcels totaling approximately 94.76 acres. An application has also been submitted to the City requesting a zoning category of Planned Unit Development for these same two parcels as well as the parcel abutting the northeast corner of the subject property (Parcel No. 07-21-28-0000-00-015). This third parcel, owned by W.D. Long Family Farms et.al., is not part of the future land use amendment application and will retain its Residential Low Density Residential Land Use Designation.

After the Future Land Use Amendment for the 94.76 acres has been transmitted to and reviewed by the Florida Department of Economic Opportunities and other state agencies, the applicant will request a Planning Unit Development zoning and master site plan approval for the two parcels owned by Apopka Clear Lake Investment and the one parcel owned by W.D. Long Family Farms et.al.

The intent of the applicant, Apopka Clear Lake Investments, is to develop a residential community with a mix of single-family homes, luxury apartments, and townhomes with residential amenities that include a bike trail that allows for connection to the Lake Apopka Loop Trail, resort-style community clubhouse and swimming pools, and a parks and open space system. In addition, the applicant desires to reserve a small area of the master site plan for flexible use zone that can

---

**Page 24** For review of the files Ordinance No. 1129 was repealed and the property re-annexed via Ordinance No. 1178, on May 20, 1998.



accommodate one or more of the following uses: school or day care, boutique hotel, or a senior residential housing (such as an assisted living facility or age-restricted housing).

The applicant requests to present a proposed master site plan for all three parcels at the transmittal hearing. A master site plan application is currently under review by the Development Review Committee. Between the transmittal hearing and the final adoption hearing for the Future Land Use Amendment, the applicant will finalize the master site plan for zoning hearings. At the time the adoption hearing is held, the PUD zoning and master site plan will appear on the same hearing as the future land use amendment.

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

**SCHOOL CAPACITY REPORT:** After the transmittal hearing, the applicant will submit to Orange County Public School an application for school capacity determination. Prior to the adoption hearing for the Future Land Use amendment, the applicant must obtain an approved school capacity determination or school capacity mitigation agreement from the Orange County School Board.

**ORANGE COUNTY NOTIFICATION:**

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on June 10, 2014.

**PUBLIC HEARING SCHEDULE:**

July 8, 2014 – Planning Commission (5:01 pm)  
August 6, 2014 – City Council (1:30 pm) - 1<sup>st</sup> Reading & Transmittal  
March 18, 2015 – City Council (7:00 pm) – 2<sup>nd</sup> Reading & Adoption

**DULY ADVERTISED:**

June 20, 2014 – Public Notice and Notification  
July 11, 2014 – ¼ Page Ad w/Map  
February 20, 2015 – Ordinance Heading Ad  
March 13, 2015 – ¼ Page Ad w/Map

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval to transmit a change in Future Land Use from Residential Low (0-5 du/ac) for approximately 89.47 acres and Agriculture for approximately 5.29 acres to Residential Medium Density (0-10 du/ac) for the property owned by Apopka Clear Lake Investments LLC, c/o Ken Stoltenberg, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on July 8, 2014, recommended approval (6-0) of the Comprehensive Plan Amendment – Large Scale – Future Land Use from Residential Low (0-5 du/ac) (89.47 +/- acres) and Agriculture (5.29 +/- acres) to Residential Medium Density (0-10 du/ac); and transmittal to the Florida Department of Economic Opportunity, for the property owned by Apopka Clear Lake Investments LLC, c/o Ken Stoltenberg, subject to the information and findings in the staff report. As part of the motion, the Planning Commission established that the Future Land Use amendment return to the Planning Commission with the master site plan prior to the amendment proceeding to City Council for the final adoption hearing.

The **City Council**, at its meeting on August 16, 2014, accepted the First Reading of Ordinance No. 2372; and authorized transmittal to the Florida Department of Economic Opportunity (f.k.a. Florida Department of Community Affairs).

Adopt Ordinance No. 2372.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low (0-5 du/ac)	A-1; Mixed-EC	Vacant Land (former Coca-Cola sprayfield property)
East (City)	Residential Low (0-5 du/ac)	R-1A; PUD	Clear Lake Landing subdivision (near construction; Vacant Land/Nursery; Clear Lake
South (City)	Residential Low Suburban (0-3.5 du/ac)	“County” A-1 (ZIP)	Vacant Land
West (County)	“County” Rural (1 du/10 ac/Agricultural)	“County” A-2 & A-1	S.R. 429 Tollway; Vacant Land (Lake Apopka Restoration Area) west of the tollway

The property has access from the south from Lust Road. Development Review Committee supports the Medium Density Residential designation only if the applicant demonstrates prior to the adoption hearing a commitment to construct a two-lane road from the northern end of the subject property to W. Orange Avenue. Such commitment likely will be established through a recordable development agreement approved by City Council.

**II. LAND USE ANALYSIS**

The area directly north of the subject site is predominantly developed for industrial and warehousing businesses. Over 200 acres just to the north is zoned for industrial uses. To the northwest of the subject property, along the western alignment of undeveloped Peterson Road and along the existing Hermit Smith Road, over 300 acres is zoned for industrial uses. To the west the subject property is bordered by S.R. 429, a four-lane divided tollway. To the southwest along Lust Road, the City has planned a location for its new water reclamation facility. On the south side of Lust Road, vacant lands are currently assigned land use and zoning for single family homes and commercial. East of the subject site is the proposed Clear Lake Landings single-family subdivision and Clear Lake.

The proposed Medium Density residential will allow residential densities in the form of apartments and townhomes to concentrate near industrial and commercial development either existing or planned to the north and northwest. It also will serve as a transition between S.R. 429 and single family residential development along Binion Road. However, traffic volumes generated by the development densities proposed by Medium Density Residential will need additional roadway access besides Lust Road. Thus, a second road to the north is necessary to accommodate development and vehicle trips generated by residential densities proposed at the subject site. Therefore, the Development Review recommendation for Medium Density Residential is subject to the applicant demonstrating that a new northern road can be constructed from the northern project boundary to West Orange Avenue.

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 “Plymouth Area” of the JPA. The proposed FLUM Amendment request for a change from Residential Low (0-5 du/ac) to Residential Medium (0-10 du/ac) is consistent with the terms of the JPA. Apopka Clear Lake Investments LLC, c/o Ken Stoltenberg, is the applicant of the proposed future land use amendment and proposed change of zoning for the Property, and has been notified of the hearing schedule. At the time the JPA was established between the City and Orange County in 2002, the final alignment for S.R. 429 and the Wekiva Parkway were not known. The “Plymouth prepared without consideration for the current S.R.429 alignment.

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

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

Analysis of the character of the Property: The Property is currently vacant. The dominant soil, #5 Candler Fine Sand, is excessively drained and has a very deep (72” to 80”) water table. The Property is former agriculture land and is substantially devoid of trees. An agricultural tax exemption is assigned by the County Property Appraiser’s office to the subject property for grazing. A Planned Unit Development and master site plan that was previously approved by City Council has expired. The previous PUD master site plan proposed a total of 212 single family lots with a five-foot side yard setback.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on December 17, 1997 (Parcel ID # 07-21-28-0000-00-002) and January 7, 2004 (Parcel ID # 07-21-28-0000-00-023). If adopted the Land Use Map amendment has the potential to increase the population by 1,315 persons. Also, the Land Use Amendment is not anticipated to cause a substantial increase to the long-range population projections provided in the Comprehensive Plan as property assigned an R-3 zoning was changed to accommodate an industrial Future Land Use and zoning in recent years (Property Industrial Enterprises-Bradshaw Road).

**CALCULATIONS:**

ADOPTED: 454 Unit(s) x 2.659 p/h = 1,207 persons

PROPOSED: 948 Unit(s) x 2.659 p/h = 2,522 persons

Housing Needs: This amendment will provide housing to accommodate a year 2030 projected future population of 125,328 that is the Comprehensive Plan.

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

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

Sanitary Sewer Analysis

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

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

3. Projected total demand under proposed designation: 177,772 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 GPCD/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: 95,340 GPD
3. Projected total demand under proposed designation: 190,470 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: 4,828 lbs./cap/day
4. Projected LOS under proposed designation: 9,648 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

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: Lake Apopka
2. Projected LOS under existing designation: 25 year - 24 hour design storm event plus additional requirement for phosphorus loading.
3. Projected LOS under proposed designation: 25 year - 24 hour design storm event plus additional requirement for phosphorus loading.
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: 3.62 AC
3. Projected facility under proposed designation: 7.2 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None. Standards set forth in the City's Land Development Code will require any development plans to provide parkland and recreation facilities and open space for residents residing with the new development.

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

**2014-01 – Avian Pointe - Apopka Clear Lake Investments LLC**  
**Existing Max. Allowable Development: 454 Units**  
**Proposed Max. Allowable Development: 948 Units**  
**Proposed Large Scale Future Land Use Change**  
**From: Residential Low (0-5 du/ac) and Agriculture (1 du/5 ac)**  
**To: Residential Medium (0-10 du/ac)**  
**Parcel ID #s: 07-21-28-0000-00-002, 07-21-28-0000-00-023**  
**94.76 +/- Acres Combined**

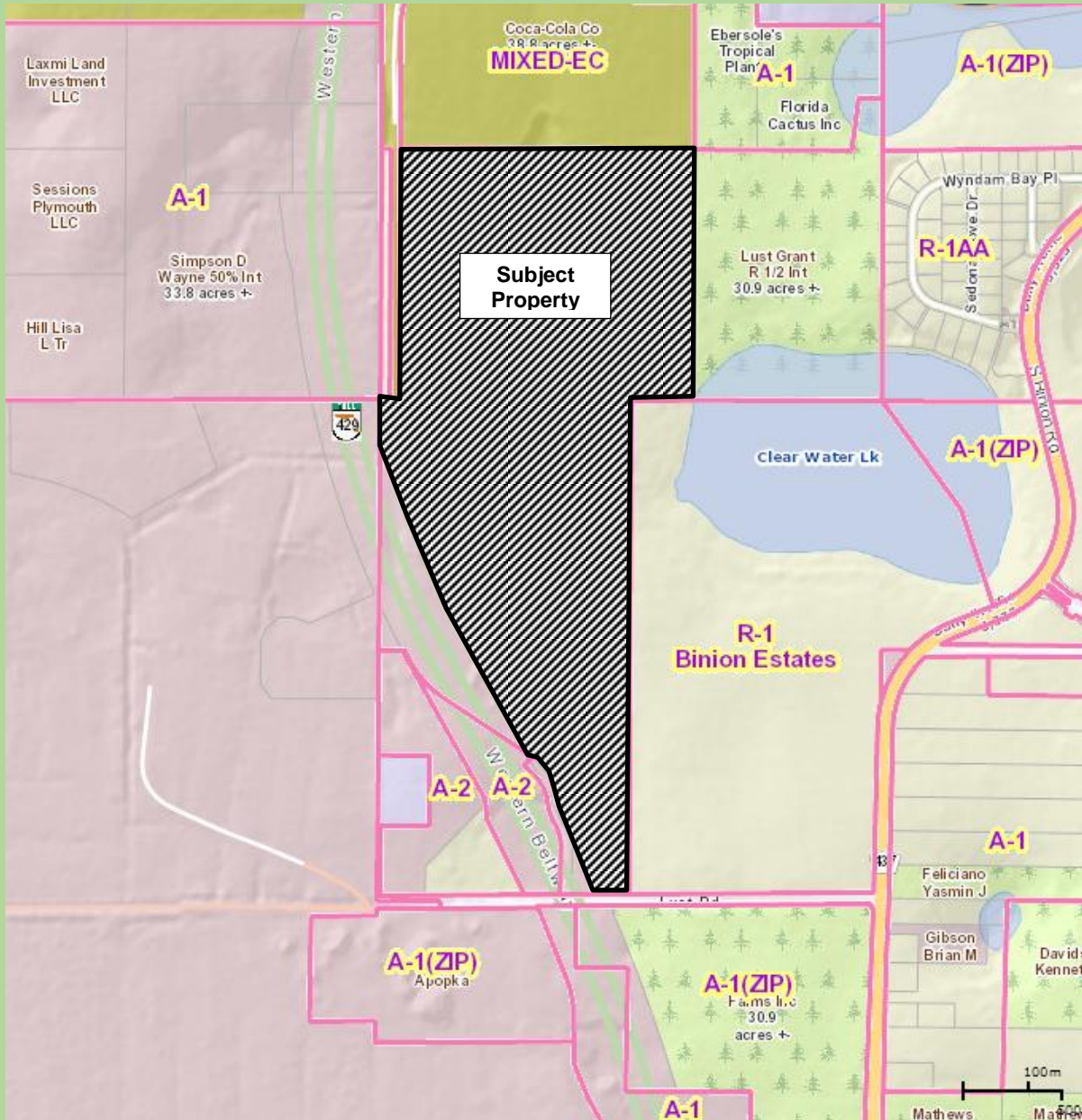


### VICINITY MAP





### ADJACENT ZONING





### ADJACENT USES





**ORDINANCE NO. 2372**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) AND AGRICULTURE (1 DU/5 AC) TO RESIDENTIAL MEDIUM (10 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 94.76 ACRES, MORE OR LESS AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS LLC, C/O KEN STOLTENBERG; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2361; and

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

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

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

The Future Land Use Map is hereby amended and replaced in its entirety by Exhibit "A" of this Ordinance, and incorporated herein by reference.

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

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

**ORDINANCE NO. 2372**  
**PAGE 2**

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

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

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this 18<sup>th</sup> day of March, 2015.

READ FIRST TIME: August 6, 2014

READ SECOND TIME  
AND ADOPTED: March 18, 2015

---

Joseph E. Kilsheimer, Mayor

ATTEST:

---

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: June 20, 2014  
July 11, 2014  
February 20, 2015  
March 13, 2015

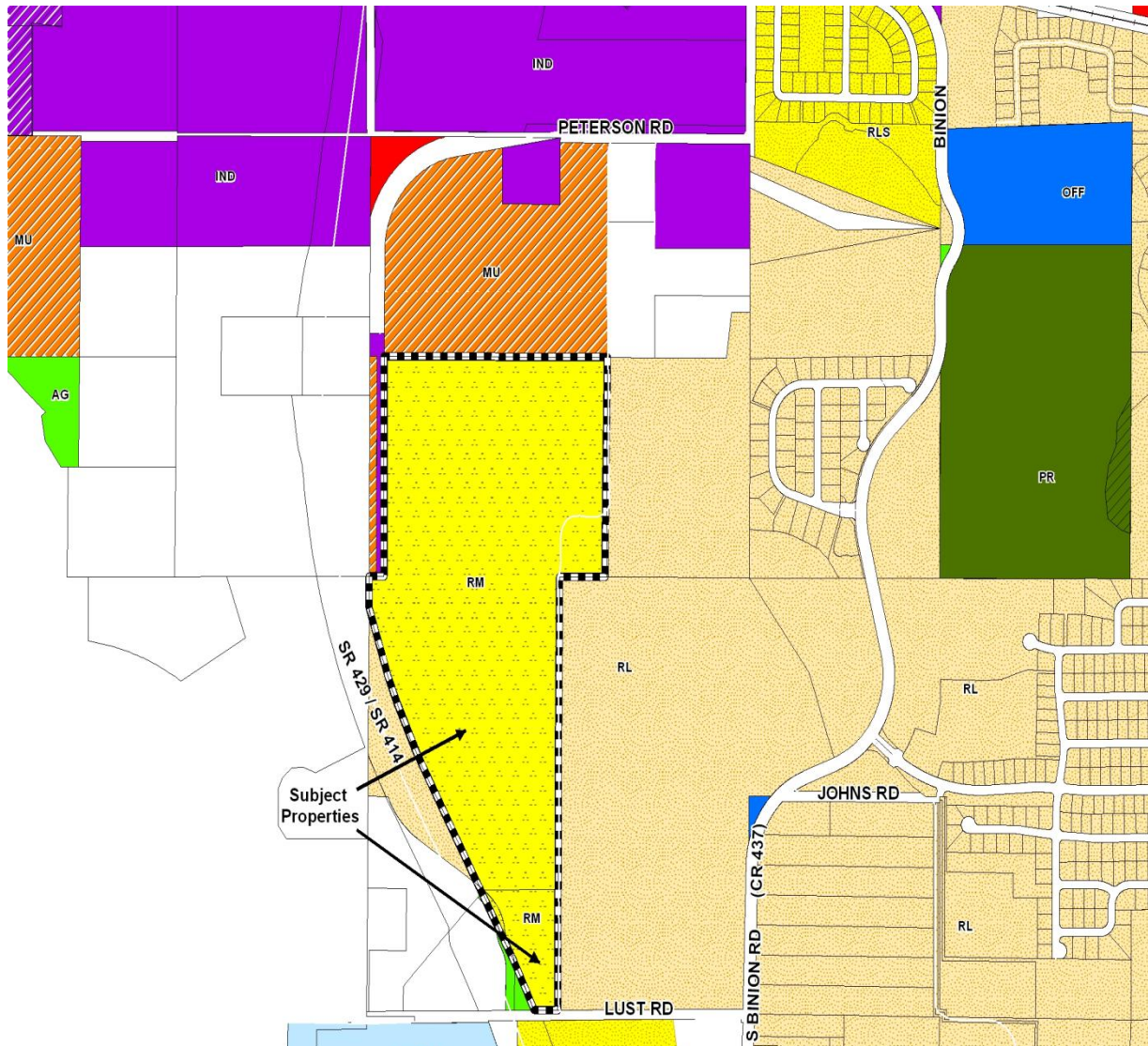


**EXHIBIT "A"**

**Ordinance No. 2372**

**2014-01 – Avian Pointe - Apopka Clear Lake Investments LLC**  
**Existing Max. Allowable Development: 454 Units**  
**Proposed Max. Allowable Development: 948 Units**  
**Proposed Large Scale Future Land Use Change**  
**From: Residential Low (0-5 du/ac) and Agriculture (1 du/5 ac)**  
**To: Residential Medium (0-10 du/ac)**  
**Parcel ID #s: 07-21-28-0000-00-002, 07-21-28-0000-00-023**  
**94.76 +/- Acres Combined**

**VICINITY MAP**





Gary Chartrand, *Chair*  
John R. Padget, *Vice Chair*  
*Members*  
Ada G. Armas, M.D.  
John A. Colon  
Marva Johnson  
Rebecca Fishman Lipsey  
Andy Tuck

September 9, 2014

Mr. David Moon, AICP, Planning Manager  
City of Apopka  
P.O. Box 1229  
Apopka, Florida 32704-11229  
Via E-mail: [dmoon@apopka.net](mailto:dmoon@apopka.net)

Dear Mr. Moon:

Re: Apopka 14-1 ESR

Thank you for the opportunity to review the Apopka's proposed 14-1 ESR amendment package, which the Florida Department of Education received on August 27, 2014. According to the department's responsibilities under section 163.3184(3)(b), Florida Statutes, I reviewed the amendment considering provisions of chapter 163, part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create adverse effects on public school facilities. This letter includes a technical assistance comment which the city should address prior to adoption to ensure that adequate public school capacity will be available.

The package proposes amendment of the city's future land use map for the Avian Pointe planned unit development. Although the proposed amendment would permit a maximum of 948 residential dwelling units, the applicant proposes to limit the residential development program to 762 residential units. The support documents do not demonstrate prior coordination with Orange County Public Schools pursuant to the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency, nor do they demonstrate the availability of adequate school capacity as required by Section 163.3177(6)(a)8.a, F.S.

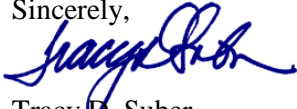
Given this, I spoke with Tyrone Smith of Orange County Public Schools to better understand the local conditions with respect to school capacity. He has received the application for public school capacity determination but has not completed the review. Therefore, as noted in the staff report, prior to adoption of the amendment the city should ensure that the applicant has obtained an approved school capacity determination or has entered into a capacity enhancement agreement with the School Board of Orange County.

Thomas H. Inserra  
Director, Office of Educational Facilities

Mr. David Moon  
September 9, 2014  
Page 2

Again, thank you for the opportunity to review and comment. Please contact me at 850-245-9312 or [Tracy.Suber@fldoe.org](mailto:Tracy.Suber@fldoe.org), if you have questions about this letter, or if I may be of assistance.

Sincerely,



Tracy D. Suber  
Growth Management and Facilities Policy Liaison

TDS/

cc: Mr. Tyrone Smith, Orange County Public Schools  
Mr. James Stansbury and Ms. Ashley Porter, DEO/State Land Planning Agency

Thomas H. Inserra  
Director, Office of Educational Facilities



# St. Johns River Water Management District

Hans G. Tanzler III, Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500  
On the Internet at [floridaswater.com](http://floridaswater.com).

September 17, 2014

David Moon  
Planning Manager  
City of Apopka  
Community Development Department  
P.O. Box 1229  
Apopka, FL 32704-1229

Re: City of Apopka Proposed Comprehensive Plan Amendment #14-1ESR

Dear Mr. Moon:

St. Johns River Water Management District (District) staff have reviewed the above-referenced proposed comprehensive plan amendment. District staff review, as outlined in *Florida Statutes*, focused on flood protection and floodplain management, wetlands and other surface waters, and regional water supply as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted. District staff have no comments on the proposed amendment because no adverse impacts to important state resources and facilities were identified. However, technical assistance related to surface water is provided below.

### Technical assistance – surface water

According to District maps, the property subject to the proposed amendment is located within the Lake Apopka Hydrologic Basin, Ocklawaha River Hydrologic Basin, and Wekiva Recharge Protection Basin. Please note that any environmental resource permit (ERP) application for the property must meet the District's additional surface water management basin criteria in Rule 40C-41, *Florida Administrative Code*, as well as the basic ERP criteria in other rules.

If you have any questions or need additional information, please contact me at (386) 312-2369 or [sfitzgib@sjrwmd.com](mailto:sfitzgib@sjrwmd.com).

Sincerely,

Steven Fitzgibbons, AICP, Intergovernmental Planner  
Office of Communications and Intergovernmental Affairs

cc: James Stansbury, Florida Department of Economic Opportunity

### GOVERNING BOARD

John A. Miklos, CHAIRMAN  
ORLANDO

Maryam H. Ghyabi, VICE CHAIRMAN  
ORMOND BEACH

Fred N. Roberts Jr., SECRETARY  
OCALA

George W. Robbins, TREASURER  
JACKSONVILLE

Thomas C. Bourmique  
VERO BEACH

Douglas Burnett  
ST. AUGUSTINE

Lad Daniels  
JACKSONVILLE

Chuck Drake  
ORLANDO

Carla Yetter  
FERNANDINA BEACH

RECEIVED

SEP 29 2014



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT  
Governor

KEN DETZNER  
Secretary of State

Mr. David Moon  
City of Apopka  
Community Planning Department  
Post Office Box 1229  
Apopka, Florida 32704-1229

September 23, 2014

Re: DHR Project File No. 2014-4305  
Historic Preservation Review of the Apopka 14-IESR Comprehensive Plan Amendment  
Avian Pointe

Dear Mr. Moon:

According to this agency's responsibilities under Section 163.3184(3)(b) *Florida Statutes*, we reviewed the above document to determine if proposed amendments may adversely impact significant historic resources.

A review of the information in the Florida Master Site File indicates that the area in question has not undergone a systematic cultural resources assessment survey. Therefore, we are unable to determine whether the proposed amendment may adversely impact significant resources at this time.

In the event that plans to develop this property are submitted to this office for review, we may request that this tract be subjected to a cultural resource assessment survey to locate and evaluate archaeological and historical resources. Should significant resources be encountered, measures must be taken to protect and preserve them, or if this is not feasible, data recovery should be conducted to mitigate adverse effects.

If you have any questions, please contact Deena Woodward, Community Assistance Consultant, by email at [Deena.Woodward@dos.myflorida.com](mailto:Deena.Woodward@dos.myflorida.com), or by telephone at 850.245.6333 or 800.847.7278.

Sincerely

A handwritten signature in black ink, appearing to read "Robert F. Bendus".

Robert F. Bendus, Director  
Division of Historical Resources  
& State Historic Preservation Officer

Rick Scott  
GOVERNOR



Jesse Panuccio  
EXECUTIVE DIRECTOR

September 24, 2014

RECEIVED  
SEP 29 2014

The Honorable Joe Kilsheimer  
Mayor, City of Apopka  
Office of the Mayor  
120 East Main Street  
Apopka, Florida 32703

Dear Mayor Kilsheimer:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Apopka (Amendment No. 14-1ESR), which was received on August 27, 2014. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Bill Pable, AICP, at (850) 717-8534, or by email at [bill.pable@deo.myflorida.com](mailto:bill.pable@deo.myflorida.com).

Sincerely,

Ana Richmond, Chief  
Bureau of Community Planning

AR/bp

Enclosure(s): Procedures for Adoption

cc: David B. Moon, AICP, Planning Manager, City of Apopka  
Hugh Harling, Executive Director, East Central Florida Regional Planning Council



**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS  
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

133 S. Semoran Boulevard.  
Orlando, FL 32807

ANANTH PRASAD, P.E.  
SECRETARY

September 25, 2014

David B. Moon, AICP  
Planning Manager, City of Apopka  
P.O. Box 1229  
Apopka, FL 32704-1229

**SUBJECT:** PROPOSED COMPREHENSIVE PLAN AMENDMENT  
**LOCAL GOVERNMENT:** CITY OF APOPKA  
**DEO #:** 14-1ESR

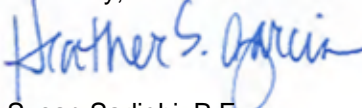
Dear Mr. Moon:

The Department of Transportation has completed its review of the above proposed Comprehensive Plan Amendment as requested in your memorandum dated, August 25, 2014.

We appreciate the opportunity to participate in this review process and we offer our comments with this letter. As proposed, the amendment appears to adversely impact SR 500/US 441, which the Department considers to be a transportation facility of state importance. You'll find that our comments attached provide recommendations to address the Department's concerns.

If you have any questions, you may contact Todd Davis at 386-943-5422 or by e-mail at [todd.davis@dot.state.fl.us](mailto:todd.davis@dot.state.fl.us).

Sincerely,

 for

Susan Sadighi, P.E.  
Intermodal Systems Development Manager

*attachment*

C: Alberto Vargas, Orange County  
Renzo Nastasi, Orange County  
Anganie Durbal-Mohammed, Orange County  
Andrew Landis, East Central Florida RPC

Jim Wood, FDOT  
Maria Cahill, FDOT  
James Stansbury, DEO  
Ray Eubanks, DEO

---

## COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

**Local Government:** City of Apopka  
**DEO Amendment #:** 14-1ESR  
**Date Amendment Received FDOT:** 8/25/2014  
**Review Comments Deadline:** 9/26/2014  
**Today's Date:** 9/25/2014

---

### GENERAL BACKGROUND INFORMATION

The City of Apopka has submitted the proposed City of Apopka 14-1ESR large scale comprehensive plan amendment package, for a land use designation change of approximately 94.76 acres of land located east of SR 429, south of Peterson Road, and north of Lust Road. The City is requesting to change the future land use designation from Residential Low and Agriculture to Residential Medium.

The pertinent FLUM designations and descriptions for the amendments include the following:

- **CITY OF APOPKA – RESIDENTIAL LOW**

*Maximum allowed density:* Residential – 5 dwelling units per one (1) acre

- **CITY OF APOPKA – AGRICULTURE**

*Maximum allowed density:* Residential – 1 dwelling unit per five (5) acres

- **CITY OF APOPKA – RESIDENTIAL MEDIUM**

*Maximum allowed density:* Residential – 10 dwelling units per one (1) acre

---

FDOT Contact: Todd Davis, P.E.  
FDOT District 5 – In-house Consultant  
Planning & Corridor Development Project Manager  
Telephone: 386-943-5422  
407-275-4188  
Email: [todd.davis@dot.state.fl.us](mailto:todd.davis@dot.state.fl.us)

Reviewed by: Melody Butler, P.E. (Georgia)  
Rohan Sadhai, AICP  
Vanasse Hangen Brustlin, Inc.  
407-839-4006  
407-839-4008  
[mbutler@vhb.com](mailto:mbutler@vhb.com)

**COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS**

**Local Government:** City of Apopka  
**DEO Amendment #:** 14-1ESR  
**Date Amendment Received FDOT:** 8/25/2014  
**Review Comments Deadline:** 9/26/2014  
**Today's Date:** 9/25/2014

**FLUM AMENDMENT**

**Elements:** Future Land Use Element  
**Rule Reference:** Chapter 163, Florida Statutes

**Background:**

The proposed amendment affects 94.76 acres of land located in the City of Apopka. The properties are located east of SR 429, south of Peterson Road, and north of Lust Road. The map amendment changes the future land use designation from Residential Low and Agriculture to Residential Medium. The table below shows the trip generation potential for the currently adopted and proposed land uses, and the change in trips as a result of the amendment.

**Table 1: Trip Generation Potential of Parcels Affected by FLUM Amendment**

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Residential Low	5 dwelling units/ 1 acre	210	89.47	447 d.u.	4,165	404
	Agriculture	1 dwelling unit/ 1 acre	210	5.29	1 d.u.	15	2
Proposed	Residential Medium	10 dwelling units/ 1 acre	220	94.76	948 d.u.	6,304	588
<b>Net Change in Trips</b>						<b>+2,124</b>	<b>+182</b>

Source: ITE Trip Generation Manual 9th Edition

The analysis shows that the amendment would increase the trip generation potential of the 94.76-acre property by approximately 2,124 daily trips and 182 p.m. peak hour trips.

The State roadway segments within three miles of the site that could be impacted by the amendment are shown in the table on the following page, for the existing (YR 2014) and future (YR 2035) projected volumes.

<p>FDOT Contact: Todd Davis, P.E.          FDOT District 5 – In-house Consultant          Planning &amp; Corridor Development Project Manager          Telephone: 386-943-5422          407-275-4188  <a href="mailto:todd.davis@dot.state.fl.us">todd.davis@dot.state.fl.us</a></p>	<p>Reviewed by: Melody Butler, P.E. (Georgia)          Rohan Sadhai, AICP          Vanasse Hangen Brustlin, Inc.          407-839-4006          407-839-4008  <a href="mailto:mbutler@vhb.com">mbutler@vhb.com</a></p>
--	--

**COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS**

**Local Government:** City of Apopka  
**DEO Amendment #:** 14-1ESR  
**Date Amendment Received FDOT:** 8/25/2014  
**Review Comments Deadline:** 9/26/2014  
**Today's Date:** 9/25/2014

**Table 2: State Roadway Segments Affected by FLUM Amendment**

Roadway(s)	Segment(s)	SHS/SIS?	2014				2035			
			LOS Standard	Service Volume at LOS Standard	AADT	Acceptable?	LOS Standard	Service Volume at LOS Standard	AADT	Acceptable?
SR 500/ US 441	Edgewood Dr/Midland Ave to CR 435A/Park Ave	Y	D	34,020	39,900	N	D	34,020	48,200	N
	CR 435A/Park Ave to CR 437A/Central Ave	Y	D	32,400	33,800	N	D	32,400	40,900	N
	CR 437A/Central Ave to SR 451	Y	D	41,790	33,800	Y	D	41,790	40,900	Y
	SR 451 to Errol Pkwy	Y	D	41,790	36,400	Y	D	41,790	45,700	N
	Errol Pkwy to CR 437/Orange Ave	Y	D	41,790	38,400	Y	D	41,790	46,400	N
	CR 437/Orange Ave to Junction Rd/Orlando Urban Boundary	Y	D	41,790	32,900	Y	D	41,790	52,400	N
SR 429	West Rd to CR 437A	Y	D	74,400	31,800	Y	D	74,400	55,400	Y
	CR 437A to US 441/SR 500	Y	D	74,400	25,000	Y	D	74,400	46,000	Y

Source: FDOT District Five 2014 LOS\_ALL Report

**Review Comments:**

Consistent with Florida Statutes 163.3184(3)(b)2 and based on the Departments review of the proposed amendment:

- This Amendment has the potential to adversely impact several segments of state road (SR) 500/US 441, which the Department consider to be transportation facilities of state importance. The proposed plan amendment has the potential to create unacceptable levels of service on this state road, which represent adverse impacts. Measures the City may take to eliminate, reduce, or mitigate the adverse impacts are described below under Recommendations.
- Per FS 163.3177(6)(b)1.e, the City's Transportation Element is required to identify how it will meet the identified needs of the projected transportation system.
- Per FS 163.3177(3)(a)4, the City is required to identify in its Capital Improvements Element improvements necessary to ensure that the City's adopted level-of-service (LOS) standards are

FDOT Contact: Todd Davis, P.E.  
 FDOT District 5 – In-house Consultant  
 Planning & Corridor Development Project Manager  
 Telephone: 386-943-5422  
 407-275-4188  
[todd.davis@dot.state.fl.us](mailto:todd.davis@dot.state.fl.us)

Reviewed by: Melody Butler, P.E. (Georgia)  
 Rohan Sadhai, AICP  
 Vanasse Hangen Brustlin, Inc.  
 407-839-4006  
 407-839-4008  
[mbutler@vhb.com](mailto:mbutler@vhb.com)

## COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

**Local Government:** City of Apopka  
**DEO Amendment #:** 14-1ESR  
**Date Amendment Received FDOT:** 8/25/2014  
**Review Comments Deadline:** 9/26/2014  
**Today's Date:** 9/25/2014

achieved and maintained for the 5-year period and identify these improvements as either funded or unfunded and identify a level of priority for funding.

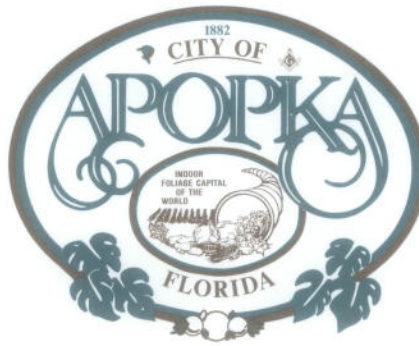
### Recommendations:

- Reduce the maximum intensity of development allowed on the parcels so that no adverse impacts to state roads occur; or,
- If the City's existing Transportation Element fulfills the requirement of FS 163.3177(6)(b)1.e, the specific references should be identified in the amendment package. If the City's Transportation Element does not fulfill this requirement, the City should amend its Transportation Element to fulfill this requirement. For example, either the existing Transportation Element or the amendment to the Transportation Element should specifically identify how the City plans to meet the identified needs of the projected transportation system (for the roadways identified as not meeting their LOS standard in the traffic study submitted with the proposed amendment) for the near-term and long-term horizons; and,
- If the City's existing Capital Improvements Element fulfills the requirement of FS 163.3177(3)(a)4, the specific references should be identified in the amendment package. If the City's Capital Improvements Element does not fulfill this requirement, the City should amend its Capital Improvements Element to fulfill this requirement. For example, either the existing Capital Improvements Element or the amendment to the Capital Improvements Element should specifically identify how the City plans to ensure that the City's adopted LOS standards are achieved and maintained (for the roadways identified as not meeting their LOS standard in the traffic study submitted with the proposed amendment) for the 5-year period and identify these improvements as either funded or unfunded and identify a level of priority for funding.

Please provide the adopted plan within two weeks of adoption, in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statutes (Expedited State Review Amendment Process Section 163.3184(3) and (5), Florida Statutes).

---

FDOT Contact:	Todd Davis, P.E. FDOT District 5 – In-house Consultant Planning & Corridor Development Project Manager	Reviewed by:	Melody Butler, P.E. (Georgia) Rohan Sadhai, AICP Vanasse Hangen Brustlin, Inc.
Telephone:	386-943-5422 407-275-4188 <a href="mailto:todd.davis@dot.state.fl.us">todd.davis@dot.state.fl.us</a>		407-839-4006 407-839-4008 <a href="mailto:mbutler@vhb.com">mbutler@vhb.com</a>



March 10, 2015

P.O. BOX 1229 • APOPKA, FLORIDA 32704-1229  
PHONE (407) 703-1700

Hope Goeman  
Planning & Corridor Development Manager  
Florida Department of Transportation  
Planning & Corridor Development  
719 South Woodland Blvd, MS A2-521  
DeLand, FL 32720

**RE: Apopka Comprehensive Plan Amendment\DEO # 14-1ESR  
Response to FDOT Comments Dated September 25, 2014**

Dear Ms. Goeman:

This letter serves as a response to FDOT's review comments appearing on pages 3 of 4 of its letter dated September 25, 2014, for the Department of Economic Opportunity (DEO) case # 14-1ESR.

**FDOT Comment:** This Amendment has the potential to adversely impact several segments of state road (SR) 500/441, which the Department considers to be transportation facilities of state importance. The proposed plan amendment has the potential to create unacceptable levels on this state road, which represent adverse impacts.

**Response:**

- a. The entire City is a designated Transportation Concurrency Exception Area. However traffic counts are conducted each year to track the capacity available for each roadway segment. Based on the 2014 Encumbered Traffic Allocation Worksheets, there is available Capacity on US 441 for this project. (See attached)
- b. Wekiva Parkway (SR 429) Construction. The Amendment site abuts current SR 429 just south of the interchange at US 500/441. This highway interchange entrance\exit is located less than two (2) miles from the northern Amendment site boundary. At the southern Amendment site boundary vehicles trips are distributed to the south via Lust Road and Binion Road to destination to the south and access to SR 429. Scheduled to commence construction in June\July 2015, Phase 1a and 1b of the Wekiva Parkway will connect US 441 northward to an interchange at Kelly Park Road. Completion of the Wekiva Parkway to I-4 is scheduled to be completed by 2021. The Transportation Element of the Comprehensive Plan anticipates that the Wekiva Parkway will serve to relieve congestion on US 441.
- c. U.S. 441 Transportation Alternatives Analysis Study (2013 – 14). FDOT conducted a corridor study along US 441 between downtown Orlando and Eustis to evaluate alternatives to improve transit service. This study evaluated commuter rail and bus transit alternatives. The City of Apopka contributed \$50,000 to the cost of this study. At the conclusion of the study FDOT recommend that none of the studied alternatives were viable. A "No Build Alternative" was recommended and congestions issues can be addressed through a continuation of existing traffic and transit operations.



- d. Land Use\Transportation Integration. The Amendment site is situated adjacent to a large employment center containing existing industries and businesses and one of the largest undeveloped vacant industrial lands within Central Florida. Placement of a mixed use residential community next to this employment base will provide apartment, townhome, and single family homes within walking or short-drive distance. Residential development within the Amendment site is expected to have a higher than normal internal “capture” rate as many trips will be local, reducing reliance on use of US 441. Townhomes and apartments are a needed housing type within close proximity to this employment center.
- e. Multi-Modal Opportunities. LYNX provides transit service along US 441. At the time development of the Amendment site is proposed, the developer will be required to coordinate with LYNX regarding multi-modal needs, as required by the City’s Comprehensive Plan policies and Land Development Code.

**FDOT Comment:** Per FS 163.3177(6)(b)1.e, the City’s Transportation Element is required to identify how it will meet the identified needs of the projected transportation system.

**Response:** As noted in the first response, the entire City is a designated Transportation Concurrency Exception Area. As such, the City hired a consultant to prepare a multi-modal transportation study consistent with policy direction established within its Transportation Element. This study was put on hold when the US 441 Transportation Alternative Analysis Study was announced by FDOT and the City agreed to become a study funding participant. The final newsletter for the Transportation Alternatives study was disseminated by FDOT in January 2015. Now that this study is completed, Apopka’s Community Development Department will pursue re-emergence of the multi-modal study in next fiscal year.

**FDOT Comment:** Per FS 163.3177(3)(a)4, the City is required to identify its Capital Improvements Element improvements necessary to ensure that the City’s adopted level-of-service (LOS) standards are achieved and maintained for the 5-year period and identify these improvements as either funded or unfunded and identify a level of priority for funding.

**Response:** Once the multi-modal study is completed, recommendations will be incorporated into the City’s Comprehensive Plan and 5-year capital improvement program. Recommendations, though, may address alternative transportation such as bus transit. Also, each year as we update our traffic counts and evaluate the available capacity of the roadway network, projects are placed in the Capital Improvement Element as necessary.

If further information is requested, please contact David Moon, AICP, Planning Manager, or Jay Davoll, P.E., Community Development Director/City Engineer, at 407-703-1712.

Sincerely,



David B. Moon, AICP  
Planning Manager

Encl.

C: Jay Davoll, P.E., Community Development Director/City Engineer

City of Apopka CMS  
Daily and PM Peak Hour/Peak Direction (PH/PD) Encumbered Traffic Allocation Worksheets  
FINAL REPORT

Roadway Section	# of Lanes	LOS	Adopted Standard Roadway Capacity		Applicant Inventory	Encumbered Trips		Daily Traffic		PM PH/PD Traffic		1/31/2012
			Daily	PHPD		Daily	PM PH/PD	Base Available Volume	Capacity	Base Available Volume	Capacity	
Major Arterials SR 436 (Semoran Avenue) US 441 to Sheeler Rd	8LD	D	80,100	4,040				22,982	57,118	932	3,108	NE/EB
					Development Name	0	0		71.31%		76.93%	
					Applicant Inventory Total	0	0	29,827	50,273	1,220	2,820	NB/EB
Sheeler Rd to Thompson Rd	8LD	D	80,100	4,040					62.76%		69.80%	
					Development Name	0	0					
					Applicant Inventory Total	0	0	33,967	45,234	1,551	2,362	SB/WB
Thompson Rd to Roger Williams Rd	8LD	D	80,100	4,040					56.47%		58.47%	
					Apopka Gateway Center	170	7					
					North Park (FF Rests)	729	120					
					Applicant Inventory Total	899	127	38,728	40,384	1,600	2,309	SB/WB
Roger Williams Rd to Piedmont-Wekiwa Rd	8LD	D	80,100	4,040					50.42%		57.15%	
					Apopka Gateway Center	259	11					
					North Park (FF Rests)	729	120					
					Applicant Inventory Total	988	131	51,843	7,479	2,104	801	SB/WB
Piedmont Wekiwa Rd to Seminole County Line	6LD	D	59,900	3,020					12.49%		26.52%	
					Apopka Gateway Center	578	25					
					Applicant Inventory Total	578	25	34,850	10,960	1,828	284	SB/WB
US 441 (Orange Blossom Trail) Yothers Rd to SR 429 Connector Rd	4LD	D	49,500	2,480					22.14%		11.45%	
					Avion Point	1,361	64					
					Avion Point West	1,782	252					
					Chandler Estates	293	31					
					Hogshhead Rd Industrial	216	17					
					Orlando Country Airport	38	4					
					Applicant Inventory Total	3,690	368	23,070	20,494	1,029	945	SB/WB
SR 429 Connector Rd to Plymouth Sorrento Rd	4LD	D	49,500	2,480					41.40%		38.10%	
					Apopka Expressway Commerce	156	11					
					Avion Point	2,643	124					
					Avion Point West	1,782	252					
					Chandler Estates	390	41					
					Clearlake Landing	218	16					
					Hogshhead Rd Industrial	668	53					
					Maudhehelen, Phase 1, 2, & 3	44	5					
					Orlando Country Airport	35	4					
					Applicant Inventory Total	5,936	506	23,487	23,526	1,064	1,148	SB/WB
Plymouth Sorrento Rd to Boy Scout Blvd	4LD	D	49,500	2,480					47.53%		46.29%	
					Apopka Expressway Commerce	104	8					
					Avion Point West	1,692	239					
					Clearlake Landing	145	11					
					Maudhehelen, Phase 1, 2, & 3	25	3					
					Taco Bell - West OBT	154	5					
					Verizon Wireless Store	50	2					
					Applicant Inventory Total	2,487	268	28,391	25,968	1,143	1,387	SB/WB
Boy Scout Blvd to Errol Parkway	4LD	D	55,400	2,600					46.87%		53.35%	
					Clearlake Landing	363	27					
					Maudhehelen, Phase 1, 2, & 3	135	14					
					Poe Reserve	207	21					
					Taco Bell - West OBT	176	6					
					Verizon Wireless Store	50	2					
					Applicant Inventory Total	1,041	70	N/A	3,917	N/A	163	SB/WB
Errol Parkway to SR 451	4LD	D	5,009	1,230					78.20%		70.87%	
					Poe Reserve	456	46					
					Taco Bell - West OBT	481	17					
					Verizon Wireless Store	125	4					
					Applicant Inventory Total	1,092	67					

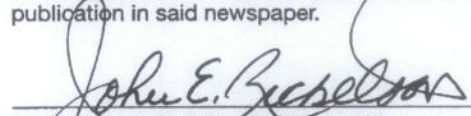
City of Apopka CMS  
Daily and PM Peak Hour/Peak Direction (PH/PD) Encumbered Traffic Allocation Worksheets  
FINAL REPORT

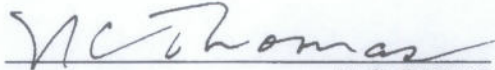
Roadway Section	# of Lanes	LOS	Adopted Standard Roadway Capacity		Applicant Inventory	Encumbered Trips		Daily Traffic Base Available Volume	Daily Traffic Base Available Capacity	PM PH/PD Traffic Base Available Volume	PM PH/PD Traffic Base Available Capacity	Peak Direction
			Daily	PHPD		Daily	PM PH/PD					
Base Traffic Volume: 2013												
Major Arterials (Continued)												
US 441 (Orange Blossom Trail) (Continued)												
SR 451 to Bradshaw Rd	4LD	D	5,009	1	230	1						
					Cooper Oak (fka Bradshaw Commerce Park)		119	N/A	3,748	N/A	89	SB/WB
					Cooper Palms		404		74.82%		38.70%	
					Faircloth Lakes		113					
					Johna Road Commerce Center		130					
					Poe Reserve		320					
					Taco Bell - West OBT		100					
					Applicant Inventory Total		1,261					
Bradshaw Rd to Hawthorne Ave	5L	D	5,025	1	260	1						
					Cooper Oak (fka Bradshaw Commerce Park)		60		4,677	N/A	212	NB/EB
					Cooper Palms		202		93.07%		81.54%	
					Faircloth Lakes		64					
					Johns Road Commerce Center		22					
					Applicant Inventory Total		348					
Hawthorne Ave to Central Ave	5L	D	4,845	1	250	1						
					Cooper Oak (fka Bradshaw Commerce Park)		54		4,609	N/A	214	SB/WB
					Cooper Palms		182		95.13%		85.60%	
					Applicant Inventory Total		236					
Central Ave to Park Ave	5L	D	5,385	1	278	1						
					Park Ave Professional Center		84		5,301	N/A	271	SB/WB
					Applicant Inventory Total		84		98.44%		97.48%	
Park Ave to Highland Ave	5L	D	6,600	1	341	1						
					Park Ave Professional Center		238		6,362	N/A	320	NB/EB
					Applicant Inventory Total		238		96.39%		93.84%	
Highland Ave to Alabama Ave	5L	D	6,600	1	341	1						
					Development Name		0		6,600	N/A	341	SB/WB
					Applicant Inventory Total		0		100.00%		100.00%	
Alabama Ave to SR 436	4LD	D	6,900	1	357	1						
					Development Name		0		6,900	N/A	357	SB/WB
					Applicant Inventory Total		0		100.00%		100.00%	
SR 436 to Sheeler Rd	4LD	D	39,800	2,000	2,000							
					Development Name		0		18,322	1,002	968	NB/EB
					Applicant Inventory Total		0		46.04%		49.90%	
Sheeler Rd to Roger Williams Rd	4LD	D	39,800	2,000	2,000							
					Development Name		0		13,392	1,285	715	SB/WB
					Applicant Inventory Total		0		33.65%		35.75%	
Roger Williams Rd to Piedmont-Wekiwa Rd	4LD	D	39,800	2,000	2,000							
					Sams Club # 6189-00		1,179		10,974	1,336	605	SB/WB
					Applicant Inventory Total		1,179		27.57%		30.25%	
Piedmont Wekiwa Rd to Seminole County Line	4LD	D	39,800	2,000	2,000							
					Sams Club # 6189-00		589		6,286	1,717	254	NB/EB
					Applicant Inventory Total		589		15.79%		12.70%	
					Applicant Inventory Total		589					

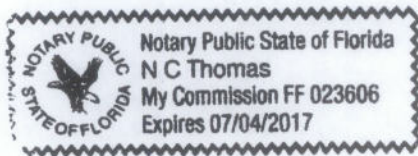
**PUBLISHER'S AFFIDAVIT OF PUBLICATION**  
STATE OF FLORIDA  
COUNTY OF ORANGE

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: **February 27, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com)

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

  
Sworn and subscribed before me this  
**27th day of February, 2015**, by John E. Ricketson,  
who is personally known to me.

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



**PUBLIC NOTICE**

**CITY OF APOPKA  
PUBLIC HEARING NOTICE**

The following ordinance will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, March 18, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

**ORDINANCE NO. 2372**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) AND AGRICULTURE (1 DU/5 AC) TO RESIDENTIAL MEDIUM (10 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 94.76 ACRES, MORE OR LESS AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS LLC, C/O KEN STOLTENBERG; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Interested parties may appear at this meeting and be heard with respect to the proposed ordinance. The proposed ordinance is available in the City Clerk's office or the Community Development Department for inspection.

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  
February 27, 2015  
Publish: **The Apopka Chief**

152253

**Backup material for agenda item:**

2. ORDINANCE NO. 2386 – SECOND READING & 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 March 6, 2015.]



# CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: March 18, 2015  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2386  
PUD Master Plan\PDP

**SUBJECT:** FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – CHANGE OF ZONING - FROM “COUNTY” PD TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A); AND MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN

**Request:** SECOND READING & ADOPTION OF ORDINANCE NO. 2386 – CHANGE IN ZONING FOR FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A) (RESIDENTIAL) AND APPROVAL OF THE PLANNED UNIT DEVELOPMENT MASTER SITE PLAN. (PARCEL ID NUMBERS: 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)

## **SUMMARY**

OWNER/APPLICANT: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee  
LOCATION: South of Sandpiper Street, west of North Thompson Road, east of Ustler Road  
EXISTING USE: Abandoned Single Family Homes  
CURRENT ZONING: “County” PD (“City” ZIP)  
PROPOSED DEVELOPMENT: Residential Subdivision (49 Single Family Lots)  
FUTURE LAND USE DESIGNATION: “City” Residential Very Low Suburban (0- 2.0 du/ac)  
TRACT SIZE: Combined total Acreage: 58.23 +/- Total Acres (48.4 developable acres)  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 49 Dwelling Units (as originally approved by the Orange County BCC; plans expired)  
PROPOSED: 49 Dwelling Units

## **DISTRIBUTION**

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

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir.  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** Responding to comments presented to City Council at past meetings and hearings, the applicant has prepared an optional Master Plan. At the hearing, if desired by City Council, a presentation can be made explaining the differences between the plan presented in Exhibit “A” and that presented in Exhibit “C”.

The subject property is located on the south side of Sandpiper Street, west of North Thompson Road, and east of Ustler Road. Development Standards for the Master Site Plan\ Preliminary Development Plan are provided within the PUD ordinance. A general description of the proposed residential community is provided below:

- Lots: 49 single family lots.
- Min. Lot Area: PUD Master Plan sets lots ranging from 15,120 to 37,296 sq. ft.  
Minimum developable lot area is 11,500 sq. ft.; 10,000 sq. ft. for lots containing wetlands
- Min. Lot Width: 85 ft.
- Min. Living Area: 2,200 sq. ft. (the applicant proposed this minimum at the Planning Commission hearing)
- Density: 1.01 dwelling units (du) per acre (49 du\48.4 developable acres)
- Access: All lots access an internal road. A single entrance road connects to Sandpiper Road. No lots or new roads will connect to Ustler Road.
- Park: A minimum area of 15,000 sq. ft. will be provided for active recreation. The park site plan will be submitted with the final development plan. Park to be located in Tract “D”. A small passive park is provided in Tract “N”.
- Buffers:
1. Sandpiper Road. A ten foot wide landscape tract, owned by the HOA, follows the south side of Sandpiper Road from the northeast corner of the project site to Lot 38. The design of the buffer will follow that which appears in Exhibit titled “Northern Landscape Buffer”, and will contain a six-foot high shrub (within two years of planting, a tri-rail country style fence with stone or brick posts, and canopy trees or understory trees where suitable (taking into consideration the overhead power lines). West of the project entrance, a tri-rail fence will extend westward to the open space area.
  2. Eastern project line. No buffer tract or easement. The residential lots in this development project abut residential lots typically 1.3 to 1.7 acres in size. No buffer is required by code. Lot 11 has a side yard setback of 20 feet to create additional separation from the eastern abutting lot.
  3. Southern project line. A thirty foot wide conservation easement follows the rear of Lots 20 through 28 and the side yard of Lots 13 and 14. This conservation easement is to be left in its natural vegetation and is assigned to the HOA. No pools, fences, or other accessory structures can be placed within the 30-foot wide conservation easement.
  4. Western project line. Approximately 10 acres are preserved as open space\recreation. A two-foot wide conservation easement is placed along the eastern property line next to Ustler Road.

Lake Access: Only owners of Lots 29 through 37 – nine lots -- are allowed access to Lake McCoy. Boat docks are allowed only for these nine lots. A maximum 15 foot wide path can be cleared across wetlands to reach the lake, subject to Water Management District approval.

Sidewalks: Sidewalks are provided on both sides of internal streets and along Sandpiper Street. In lieu of constructing sidewalks along Ustler Road, developer shall pay to the City an amount to cover the sidewalk cost, per the rates established by the Public Services Department.

The PUD Development Standards, as appearing in the PDP Master Site Plan, are provided in Exhibit “B” of the ordinance.

Modifications to the Master Site Plan: Any zoning or development standard not addressed within the PDP Master Site Plan shall follow the requirements of the R-1A zoning category. Where any development standard conflicts between the PDP Master Site Plan and the Land Development Code, the PDP Master Site Plan shall preside. Any proposed revision to the Master Site Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC.

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).

**PUD RECOMMENDATIONS:** The recommendations are that the zoning classification of the aforementioned properties be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions are subject to the following 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. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Final Development Plan submitted in association with the PUD district.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Site Plan\ PDP provisions will expire. At such time, the City Council may:
  - 1. Permit a single six-month extension for submittal of the required Final Development Plan;
  - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or
  - 3. Rezone the property to a more appropriate zoning classification.
- D. The following PUD development standards shall apply to the development of the subject property:
  - 1. Development standards are established within the PUD/PDP Master Site Plan.



**COMPREHENSIVE PLAN COMPLIANCE:** The proposed Change of Zoning designation is consistent with the City’s proposed Future Land Use 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 Zoning Map Amendment. Prior to submittal of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Affected Schools: Dream Lake ES, Apopka MS, Apopka HS.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on August 15, 2014.

**PUBLIC HEARING SCHEDULE:**

September 9, 2014 – Planning Commission (5:01 pm)

September 17, 2014 – City Council (8:00 pm) – Remanded back to Planning Commission

October 21, 2014 – Planning Commission (5:01 pm)

November 5, 2014 – City Council (1:30 pm) – 1<sup>st</sup> Reading

November 19 2014 – City Council (8:00 pm) - 2<sup>nd</sup> Reading – Denied

January 21, 2015 – City Council (8:00 pm) – Reconsidered.

March 4, 2015 – City Council (1:30 pm) – 1<sup>st</sup> Reading

March 18, 2015 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

August 22, 2014 – Public Notice and Notification

August 29, 2014 – Public Notice

October 3, 2014 – Public Notice

November 7, 2014 – Ordinance Heading Ad

February 13, 2015 – Public Notice and Notification

March 6, 2015 – Ordinance Heading Ad

---

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan\ Preliminary Development Plan subject to the Staff Recommendations and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **Planning Commission**, at its meeting on September 9, 2014, elected to not approve (6-0) the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan\ Preliminary Development Plan.

The **City Council**, at its meeting on September 17, 2014, directed staff to return the item to the Planning Commission for a “Findings of Fact” of their decision to not approve the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan\ Preliminary Development Plan subject to the Staff Recommendations and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **Planning Commission**, at its meeting on October 21, 2014, recommended:

- a. Project is not compatible with the surrounding neighborhood because:
  - i. The average lot size across the street from this project and along Ustler and Tangelwilde is 1.93 acres.
  - ii. The average lot size on Sir Arthur Court, Camelot Subdivision, is 1.21 acres.
  - iii. The average lot size in Wekiva Landing, a spur off of Oak Pointe Estates, is 1.63 acres.
  - iv. The average lot size in Oak Pointe Estates is 1.24 acres.
2. To approve (7-0) the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, subject to a minimum Lot Size of 22,000 square feet; staff’s PUD recommendations and the sidewalk along Sandpiper Street; and the developer’s proposed conditions, with the exception of the minimum lot size of a tri-rail fence with dense landscaping buffer to reach six feet in height within two years; 2,200 square foot minimum living areas; to be a gated community and all language in the conditions of approval to be consistent with gating; at least 500 square feet of driveway pavers per house or side-loaded/courtyard entry for each house, to be decided on a house-by-house basis by the builder; and installation of stop signs at the corner of Ustler and Sandpiper.

The **City Council**, at its meeting on November 5, 2014, accepted the First Reading of Ordinance No. 2386 and Held it Over for Second Reading and Adoption on November 19, 2014.

The **City Council**, at its meeting on November 19, 2014, denied the request for change of zoning based on the Planning Commission’s Findings of Fact.

The **City Council**, at its meeting on January 21, 2015, reconsidered the request for Change of Zoning and elected to rehear the request for Change of Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan\ Preliminary Development Plan subject to the Staff Recommendations and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The City Council, at its meeting on March 6, 2015, accepted the First Reading of Ordinance No. 2386 with the Optional Master Plan attached hereto, and held it Over for Second Reading and Adoption on March 18, 2015.

Adopt Ordinance No. 2386.

**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. Role of the Planning Commission in this case is advisory to the City Council.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Res. Low Density (4 du/ac)	A-1, A-2	SF Homes
East (County)	Res. Low Density (4 du/ac)	A-1, RCE	SF Homes
South (County)	Res. Low Density (4 du/ac)	A-2, RCE, R-1AAAA	SF Homes
South (City)	Res. Very Low Suburban (0-2 du/ac)	R-1AAA	SF Homes
West (City)	Res. Very Low Suburban (0-2 du/ac)	RCE-1, R-1AA	SF Homes
West (County)	Res. Low Density (4 du/ac)	A-2	SF Homes

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The properties are located south of West Lester Road and east of Vick Road.

**R-1A DISTRICT**

**REQUIREMENTS\*:**

Minimum Site Area: 10,000 sq. ft. (Sandpiper PUD- 12,800 sq. ft.)  
 Minimum Lot Width: 85 ft. (Sandpiper PUD- 75 ft.)  
 Front Setback: 25 ft.  
 Side Setback: 10 ft.  
 Rear Setback: 20 ft.  
 Corner Setback: 25 ft.  
 Minimum Living Area: 1,600 sq. ft. (Sandpiper PUD- 2,200 sq. ft.)

\* PUD development standards set forth in Exhibit “F” may differ from these typical R-1A standards. Where such standards differ, the PUD standards shall preside. Where the PUD does not specifically address a development or zoning standard, the R-1A zoning standards and Land Development Code shall preside.

**BUFFERYARD**

**REQUIREMENTS:**

Sandpiper Proposed PUD requirements:

- a. 30-foot wide buffer easement along the south property line as set forth in the Master Plan. Easement dedicated to the HOA.
- b. 10-foot wide buffer tract with six-foot high hedge (within 2 years from planting) that creates a near-opaque screen, canopy trees, and a tri-rail fence with masonry or brick posts.

**ALLOWABLE USES:**

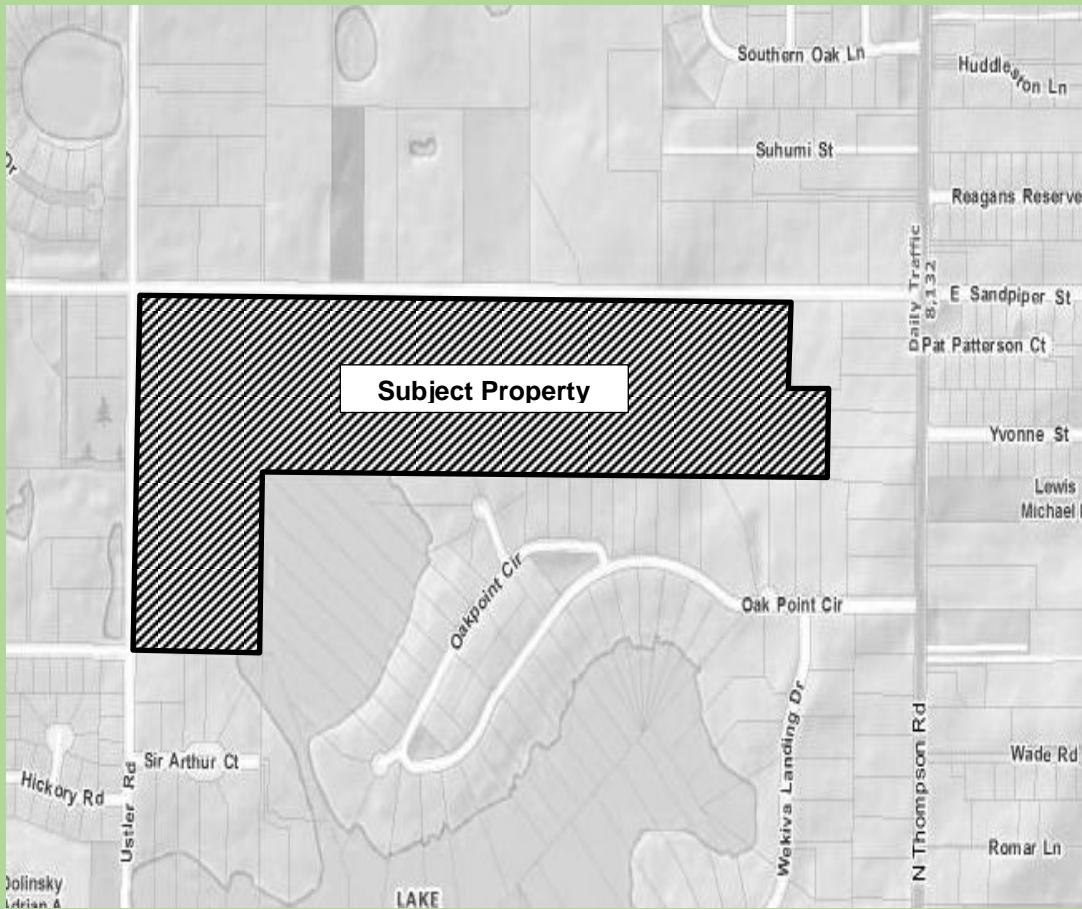
Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01, LDC.

Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee  
58.23 +/- Total Acres; 48.4 Developable Acres  
Existing Zoning Maximum Allowable Development: 49 Dwelling Units  
Proposed Zoning Maximum Allowable Development: up to 49 Dwelling Units  
Proposed Zoning Change  
From: "County" PD (ZIP)  
To: "City" Planned Unit Development (PUD/R-1A)

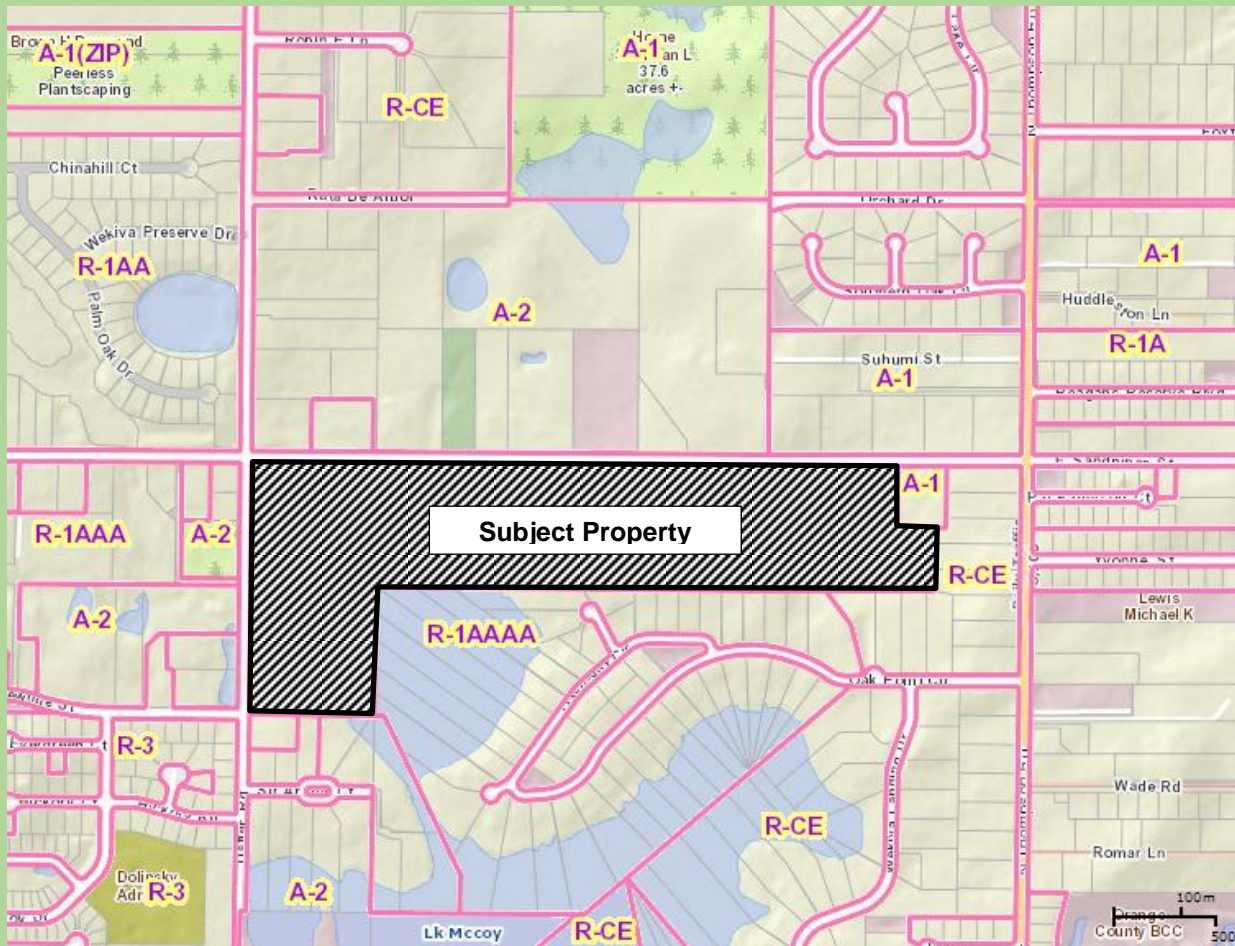
Parcel ID #s:	02-21-28-0000-00-106	02-21-28-0000-00-131
	03-21-28-0000-00-015	03-21-28-0000-00-022
	03-21-28-0000-00-023	03-21-28-0000-00-046
	03-21-28-0000-00-047	03-21-28-0000-00-072
	03-21-28-0000-00-073	03-21-28-0000-00-119



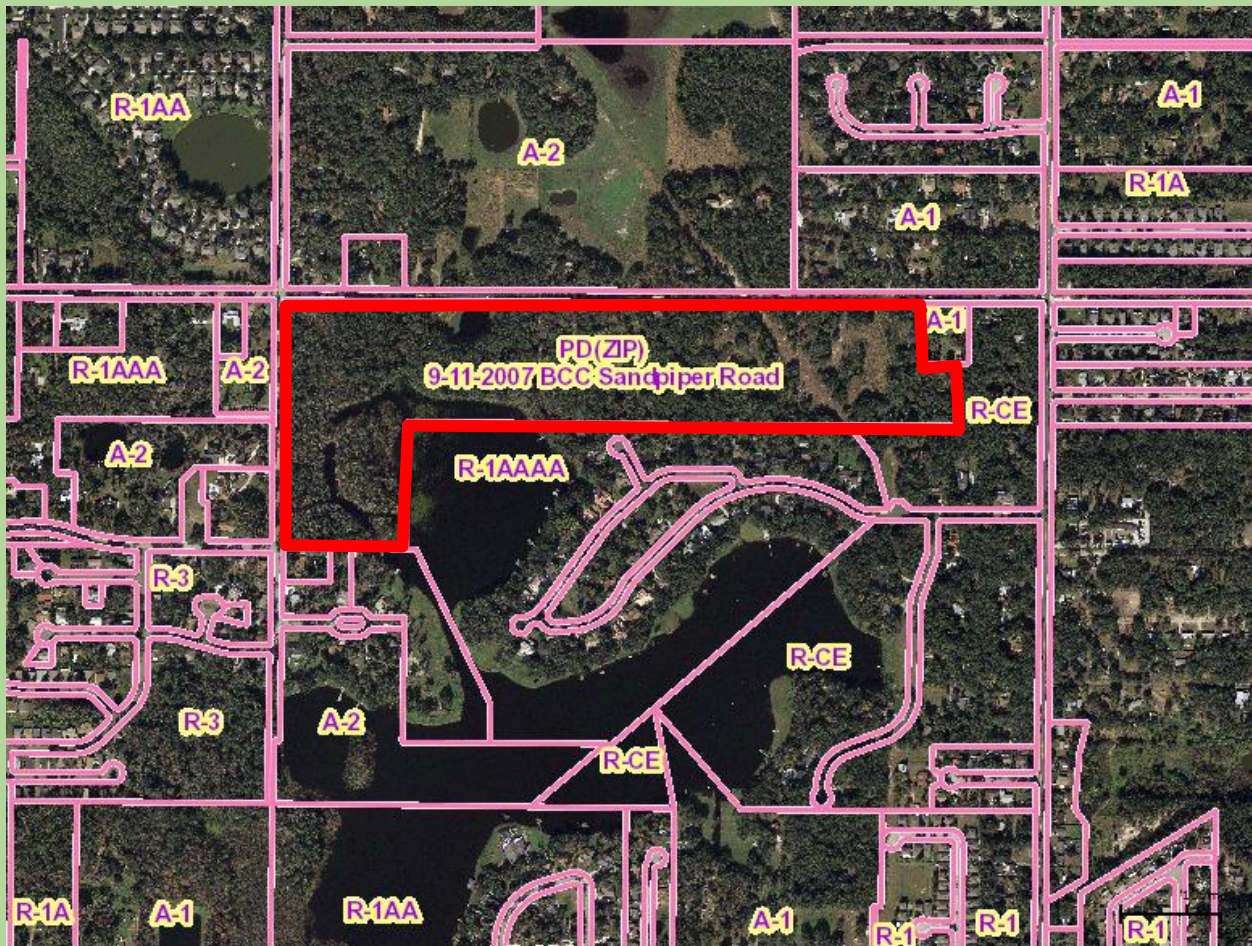
### VICINITY MAP



### ADJACENT ZONING



ADJACENT USES



**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.**

**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.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Final Development Plan submitted in association with the PUD district.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Site Plan\ PDP provisions will expire. At such time, the City Council may:
  - 1. Permit a single six-month extension for submittal of the required Final Development Plan;
  - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or
  - 3. Rezone the property to a more appropriate zoning classification.
- D. The following PUD development standards shall apply to the development of the subject property:
  - 1. Development standards are established within the PUD/PDP Master Site Plan.
  - 2. Unless otherwise addressed within the PUD development standards, the R-1A zoning standards will apply to the subject property.

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

Legal Description:

The Northeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida.

The West 275.0 feet of the Northwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

The West ½ of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS, the North 330 feet of the East 200 feet of the West 220 feet thereof, AND LESS the North 30 feet thereof.

That part of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, beginning at a point South 00 degrees 02 minutes 00 seconds West, 30.0 feet and North 89 degrees 35 minutes 59 seconds East, 550.0 feet from the Northwest corner of said Southwest ¼ of the Northwest ¼, run North 89 degrees 35 minutes 59 seconds East, 108.90 feet along the South line of Sandpiper Road; thence run South 00 degrees 01 minutes 08 seconds West, 312.00 feet; thence run North 89 degrees 35 minutes 59 seconds East, 193.00 feet; thence run South 00 degrees 03 minutes 49 seconds West, 320.19 feet; thence run South 89 degrees 35 minutes 00 seconds West, 301.81 feet; thence run North 00 degrees 02 minutes 00 seconds East, 632.27 feet to the POINT OF BEGINNING.

ALSO: The East 275.0 feet of the West 550.00 feet of the Northwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof for Sandpiper Road.

The Northeast ¼ of the Southwest ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida; less the North 30 feet thereof.

The North 330.00 feet of the West 220.00 feet of the West ½ of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30.00 feet thereof, AND LESS the West 20.00 feet thereof.

The West 145 feet of North 643 Feet of the West ½ of the Southwest ¼ of the Northeast ¼ of Section 3-21-28 (Less R/W on North & West)

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

Combined Acreage 57.7 +/- Acres

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



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

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

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

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

READ FIRST TIME: March 4, 2015

READ SECOND TIME  
AND ADOPTED: March 18, 2015

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

ATTEST:

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

DULY ADVERTISED: February 13, 2015  
March 6, 2015



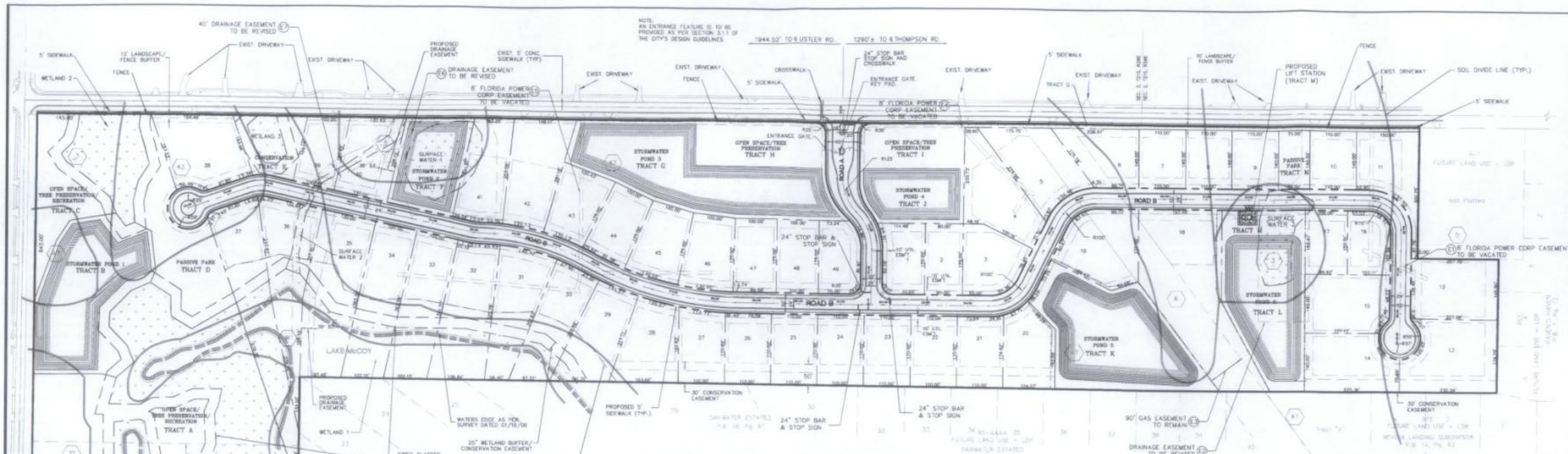
PRELIMINARY DEVELOPMENT PLAN FOR SANDPIPER ROAD APOPKA, FLORIDA

FLORIDA LAND TRUST #111  
100 S. VIRGINIA AVE., UNIT 201  
WINTER HAVEN, FL 33894  
888-487-4422

NO. 66527  
STATE OF FLORIDA  
DIANE STOKES, P.E.  
PROFESSIONAL ENGINEER

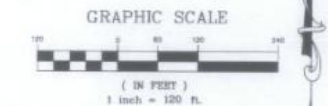
DATE: 2/20/15  
SCALE: 1" = 120'  
DESIGNED BY: CHM  
DRAWN BY: TRF  
APPROVED BY: CHM

PDP



SITE DATA

- 1. SECTIONS 2 & 3, TOWNSHIP 21 SOUTH, RANGE 28 EAST
2. TOTAL GROSS SITE AREA = 58.23 ACRES (2,536,503 Sq.Ft.)
3. EXISTING ZONING: CITY ZPF
4. PROPOSED ZONING: PUD
5. PROJECTED SCHOOL AGE POPULATION: 49 LOTS X 0.404 = 20 STUDENTS



LOT AREA TABLE

Table with columns: LOT NO., GROSS AREA(SF), DEVELOPABLE AREA(SF), LOT NO., GROSS AREA(SF), DEVELOPABLE AREA(SF). Lists lots 1 through 49.

SOILS LEGEND table with columns: Symbol, Soil Name, Symbol, Soil Name. Includes Basinger Fine Sand, Candler Fine Sand, etc.



EASEMENT DATA

- 1. 8" FLORIDA POWER CORP EASEMENT TO BE VACATED
2. DRAINAGE EASEMENT TO BE REVISED
3. 60" INGRESS/EGRESS EASEMENT TO BE VACATED
4. 8" FLORIDA POWER CORP EASEMENT TO BE VACATED
5. 8" FLORIDA POWER CORP EASEMENT TO BE VACATED

WETLAND/SURFACE WATER TABLE

Table with columns: WETLAND NUMBER, AREA, SURFACE WATER IMPACT. Lists Wetland 1 and Wetland 2.

IMPERVIOUS AREA TABLE

Table with columns: IMPERVIOUS FEATURE, AREA. Lists streets, sidewalks, and other paved areas.

OPEN SPACE TABLE

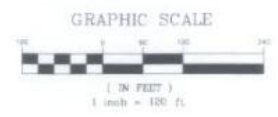
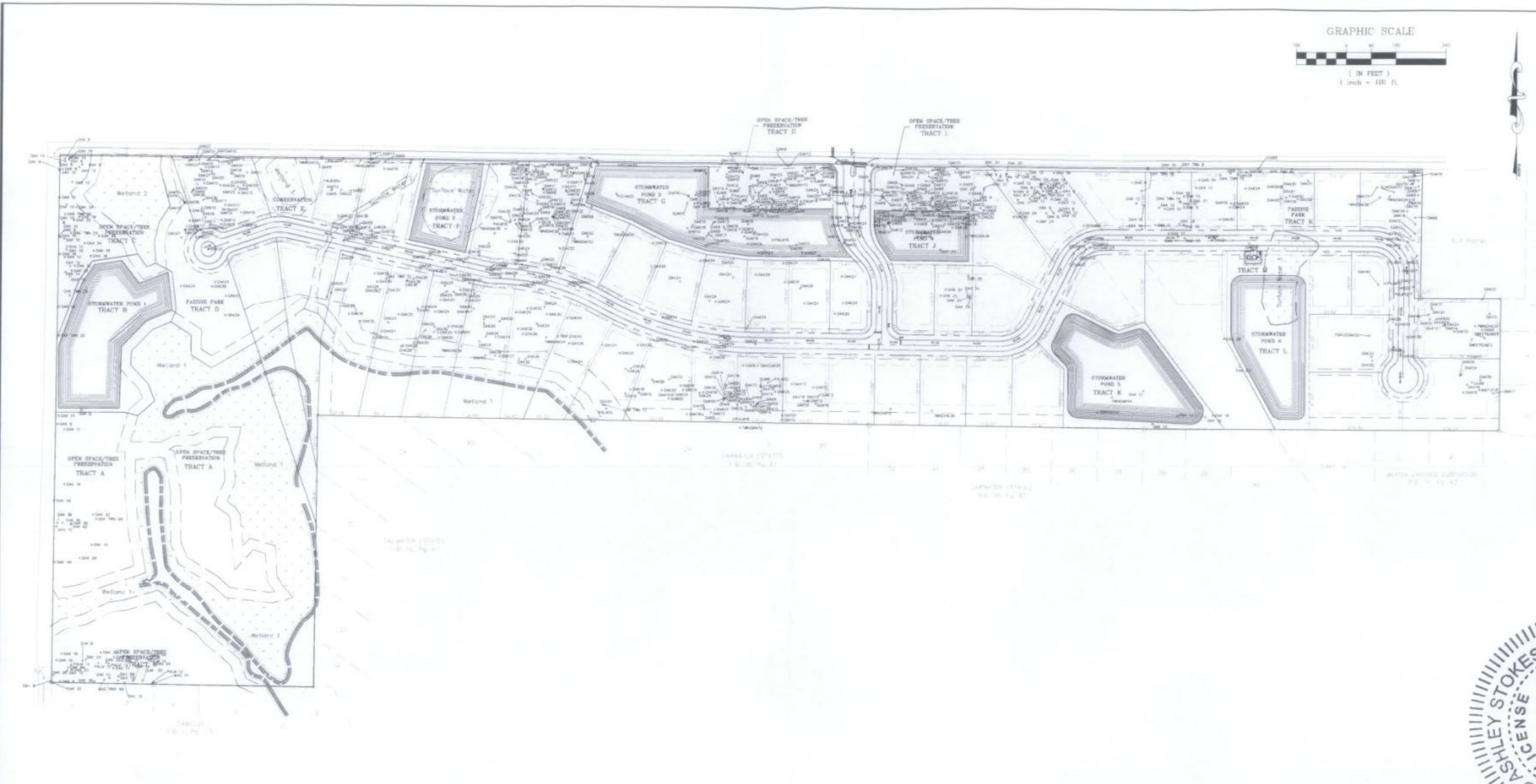
Table with columns: NO. STORMWATER PONDS, NO. WETLANDS, UPLAND AREA, TOTAL OPEN SPACE.

TRACT TABLE

Table with columns: TRACT, LAND USE, OWNERSHIP/MAINTENANCE, LOT SIZE. Lists tracts A through M.



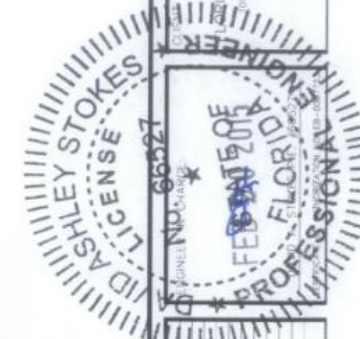
FEB 20 2015



**MADDEN**  
 MADDEN & GUMY, INC.  
 CIVIL ENGINEERS  
 431 E. Horatio Avenue  
 Suite 260  
 Maitland, Florida 32751  
 (407) 629-8330

TREE LOCATION PLAN  
 FOR  
**SANDPIPER ROAD**  
 APOLLO, FLORIDA

FLORIDA LAND TRUST #111  
 100 S. WINDY AVE., UNIT 201  
 WINTER PARK, FL 32789  
 407-847-4225



**TREE LEGEND**

- +D1412 DENOTES OAK TREE AND SIZE (12" OAK TREE)
- +TWD412 DENOTES TWIN OAK TREE AND SIZE (10" TWIN OAK TREE)
- +TRP412 DENOTES TRIPLE OAK TREE AND SIZE (8" TRIPLE OAK TREE)
- +MAP18 DENOTES MAPLE TREE AND SIZE (18" MAPLE TREE)
- +CED14 DENOTES CEDAR TREE AND SIZE (14" CEDAR TREE)
- +GUM18 DENOTES GUM TREE AND SIZE (18" GUM TREE)
- +SGL18 DENOTES SWEET GUM TREE AND SIZE (18" SWEET GUM TREE)
- +PEC18 DENOTES PECAN TREE AND SIZE (18" PECAN TREE)
- +PAL10 DENOTES PALM TREE AND SIZE (10" PALM TREE)
- TREE COUNT AREA DIVIDER

RECORDED  
 FEB 20 2015

NOTE:  
 TREE LOCATION PLAN IS BASED ON A TREE SURVEY  
 PREPARED BY BENCHMARK SURVEYING & MAPPING  
 CONSULTANTS, INC., DATED OCTOBER 5, 2005.  
 Field Office: 11085, Winter Garden, Florida 34777-1085  
 537 West Palm Street, Winter Garden, Florida 34787  
 (407) 554-0187 Fax (407) 554-5184

NO.	DATE	REVISIONS

JOB # 12058  
 DATE 2/20/15  
 SCALE 1" = 120'  
 DESIGNED BY CHM  
 DRAWN BY TRF  
 APPROVED BY CHM

TR-1

# EXHIBIT “B”

## SANDPIPER MASTER SITE PLAN DEVELOPMENT STANDARDS

### A. Design Standards

- 1. LOT SETBACKS (minimum):
  - Front- 25'
  - Side - 10'
  - Lots 13, 14 40' (southern lot line only)
  - Lots 5, 6, 18, 19 0' adjacent to the gas line easement
  - Corner Lots - 25'
  - Rear -
    - Lots 1-19, 29-37; 39-40, 43-49 20'
    - Lots 20-28, 41-42 50'
    - Lot 38 30'
    - L. McCoy NHWE- 50'
  - Accessory Structures (pools, screen rooms, etc.):
    - Lots 38-42 20'
    - Other Lots per city code

#### Garage Setbacks

- Front entry: 30'
- Side entry: 25'

(Note: other setback standards may apply below.)

- 2. The minimum lot width for lots 6 through 11 and 20 through 28 will be 110 feet at the building setback line (“BSL”). The minimum lot width for all other lots will be 85 feet at the BSL. The minimum lot depth will be 140 feet.
- 3. Maximum Building Height: 35'
- 4. Maximum number of Stories: Two
- 5. Minimum Lot Area: 11,500 sq. ft; 10,000 sq. ft. for lots 29 to 37 (area outside SJRWMD wetland line and its designated upland buffer.)
- 6. Minimum Living Area; 2,200 sq. ft. under heat and air.
- 7. Each house to have a two car garage (minimum).
- 8. Internal streets shall be privately owned by the Homeowners Association and an electronic gate system provided at the community entrance.
- 9. After the adoption hearing, the Master Plan shall be revised to be consistent with the adopted development standards herein, and all lots and tracts re-numbered accordingly, subject to Development Review Committee acceptance.
- 10. Any modification to the PUD Master Plan shall be reviewed according to Section 2.02.18.N, Land Development Code.
- 11. Lot 11 will be a minimum of 120 feet wide with a 20-foot wide eastern side yard setback.
- 12. On Lots 13 and 14, if courtyard/side loaded garage entries are constructed, the garage doors must face to the north.
- 13. On Lot 16, the eastern building line and setback to align with the front building line and setback of Lot 15.

## **B. Buildings and Accessory Structures**

1. Home design shall meet the intent of the City's Development Design Guidelines.
2. Pools, sheds, buildings, gazebos, fences and other accessory structures are prohibited in the side yard setbacks and within the 30 foot conservation easement at the rear of lots 20 to 28.
3. Existing structures will be removed prior to platting.
4. At least 500 sq. ft. of driveway pavers will be installed per house or a side-loaded / courtyard entry will be provided for each house, to be decided on a house-by-house basis determined by the builder.

## **C. Utilities and Infrastructure**

1. Water service shall be provided by the City of Apopka. The water system shall be designed to city standards.
2. An oversize agreement is necessary to install 12" diameter force main along sandpiper road.
3. Storm water management system shall be designed to comply with the requirements of the City of Apopka and St. Johns River Water Management District.
4. A final drainage report and soils report will be submitted with final development plans
5. Sanitary service shall be provided by the City of Apopka. The sanitary system shall be designed to city standards.
5. Utility easements to be dedicated to the City of Apopka.
6. Drainage easements to be dedicated to the home owners association unless otherwise accepted by the City of Apopka.
7. All storm water and utility pipes may be moved to save existing trees in the right-of-way. Any change in the location of these pipes will be shown on the final engineering plans.
8. On-site streets are to be constructed per City of Apopka standards.
9. A signage plan will be provided with the final development plan submittal.
10. Entrance gate shall conform to city codes. Entrance gate to be equipped with emergency access system through an opti-com type visual gate activation and yelp siren. There must also be a keypad with an emergency access code.
11. A blanket ingress/egress easement will be granted for access to the city over Road A and B.
12. Stabilized access roadways and fire hydrants must be in place before building construction may begin.
13. Street names will be provided with the final development plans
14. Solid waste collection and public safety (police and fire) provided by the City of Apopka.
15. All/any overhead utility lines must be placed underground, coordination with City's Public Service Dept.
16. The internal street right-of-way is to be private with an entrance gate;
17. A five (5) foot wide sidewalks to be constructed adjacent to internal roads throughout the entire project in compliance with the City of Apopka Land Development Code. Sidewalk alignment may be adjusted at final development plan to preserve existing trees.
18. In lieu of installation of sidewalk along Ustler Road, the owner may pay into the city sidewalk fund at the rate of \$3.50/sf for 4" thick sidewalk and \$4.25 for 6" sidewalk.
19. A five-foot wide sidewalk shall be constructed along Sandpiper Road from Ustler Road to the northeast corner of the project boundary.

#### **D. Recreation, Open Space, Lake Access**

1. The active park area shall be a minimum of 15,000 sq.ft. within Tract “D”. A park site plan and recreation equipment for Tract “D” shall be provided with the Final Development Plan. Design of the park shall comply with the Land Development Code.
2. Only the nine lot owners (Lots 29-37) who will have lots backing up to Lake McCoy will have access to the lake and be able to build private docks to access said lake. All nine lot owners will be required to join the Lake McCoy taxing district. No other docks or recreation will be allowed to have access to Lake McCoy from this development. Dock details will be evaluated with the building permit and is to include language allowing a 15-foot wide access path across wetlands to the lake for each lot.
3. A Park site plan for Tract “N” will be provided with final development plans. Tract “N” shall be a passive park owned and maintained by the Homeowners Association.

#### **E. Buffers and Landscaping**

1. A 30 foot wide conservation easement will be provided on the back of Lots along the southern property line, except against lake, wetland, retention, or gas easement. Easement shall be dedicated to the HOA. (The 30-foot conservation easement is not a required SJRWMD easement.) No building, fence, gazebo, swimming pool, or accessory structure shall be placed within the thirty-foot conservation easement. The buffer shall remain as natural vegetated buffer. Trees that are removed shall be replaced. Any removal of trees or vegetation within the conservation easement must be approved by the HOA and the City of Apopka. Easement boundary markers will be placed at the interior of the easement line along the side lot line for all lots (Lots 20 to 28, 13 and 14 abutting the 30-foot conservation easement).
2. A 20 foot wide conservation easement will be provided on the western property line (abutting Ustler Road). The buffer shall be dedicated to the HOA and shall remain as natural vegetated buffer unless determined otherwise by the City. Trees that are removed shall be replaced by the HOA. Any removal of trees or vegetation within the conservation easement must be approved by the HOA and the City of Apopka. The 20 foot wide conservation easement may be encroached upon or removed by the City, in part or whole, at its discretion to make improvements to roads, utility mains or lines, and/or stormwater systems, including expansion of the Ustler Road right-of-way. Such easement shall not prevent the City or a utility provider from implementing necessary public services.
3. A ten (10) foot wide buffer tract for landscaping will be provided on the northern property line, except against lake, wetland, retention, or gas easement. This tract shall be dedicated to and maintained by the HOA. The design of this buffer shall generally follow the landscape design appearing in Exhibit “B.1”. A tri-trail fence that is supported by a brick or stone post shall extend from the northeast project boundary westward to the northwest corner of Lot 38.
4. Entrance feature and community sign will be provided with final development plans.
5. Final landscape plans for the buffer area along Sandpiper Street will be provided with the final development plans.
6. Tree Planting Conditions. Minimum of two new trees shall be planted per lot, except that Lots 4 to 11, 13 and 14 shall have a minimum of three new trees planted per lot, regardless of the number of trees saved on the any lot. The new trees shall be a minimum of 2.5 inches DBH at the time of planting and shall count toward the overall number of required tree replacement inches, if any.
  - a. On Lots 4 to 11, at least two of the three new trees shall be planted in the rear yard.
  - b. On Lots 13 and 14, at least two of the three new trees shall be planted on the south side yard.
  - c. On Lots 20 through 28, at least one of the two new trees shall be planted in the rear yard

7. A viburnum hedge will be planted south of the cul-de-sac adjacent to Lots 13 and 14 near the edge of the conservation area. The hedge shall be planted in a 100-foot wide by 5-foot deep landscape easement to be maintained by the HOA. The length of the hedge shall equal the width of the cul-de-sac, and the height of the hedge shall be at least six feet within two years of planting.
8. Tree Protection Plan.
  - a. Any individual residential lot shall not be cleared until a building permit is approved. Existing trees (6" or greater DBH) shall appear on the plot plan (i.e. foundation survey). The plot plan shall identify the location of the driveway. Location of a house and its driveway shall be oriented with a reasonable consideration for the protection of existing trees, particularly trees with a DBH of 24 inches or greater. The Community Development Director shall determine if a reasonable consideration has been made and shall take final action on the plot plan, and may deny or accept the plot plan; provided, however, the Community Development Director's determination shall only consider the location of the house and other impervious surfaces on the lot. Applicant can appeal the Community Development Director's decision to the Planning Commission.
  - b. The Final Development Plan shall include tree protection techniques to prevent harm to any trees or encroachment into protected natural areas, including but not limited to tree barricades, silt fencing or other similar techniques accepted by the city engineer.
  - c. Clearing shall be allowed for road ROW, retention ponds, community recreation area at the end of the western cul-de-sac, utility and stormwater infrastructure, off-site improvements, and areas needed to make necessary grading transitions for a safe work environment.

**F. Maintenance and Plat**

1. Homeowners association will maintain all common areas, fences\walls within common areas, and road tracts.
2. The final development plan shall include the plat document, and the plat shall be in final form.
3. Lots 5, 6, 18, and 19 have access to the gas easement surface area as allowed by the recorded easement. Easement details will be provided with the final development plan.
4. The HOA shall enforce the protection of the southern conservation buffer as an undisturbed natural buffer area. If the HOA fails to enforce the buffer area, the City may require either the property owner or the HOA to take action to remedy any encroachment into the buffer area.

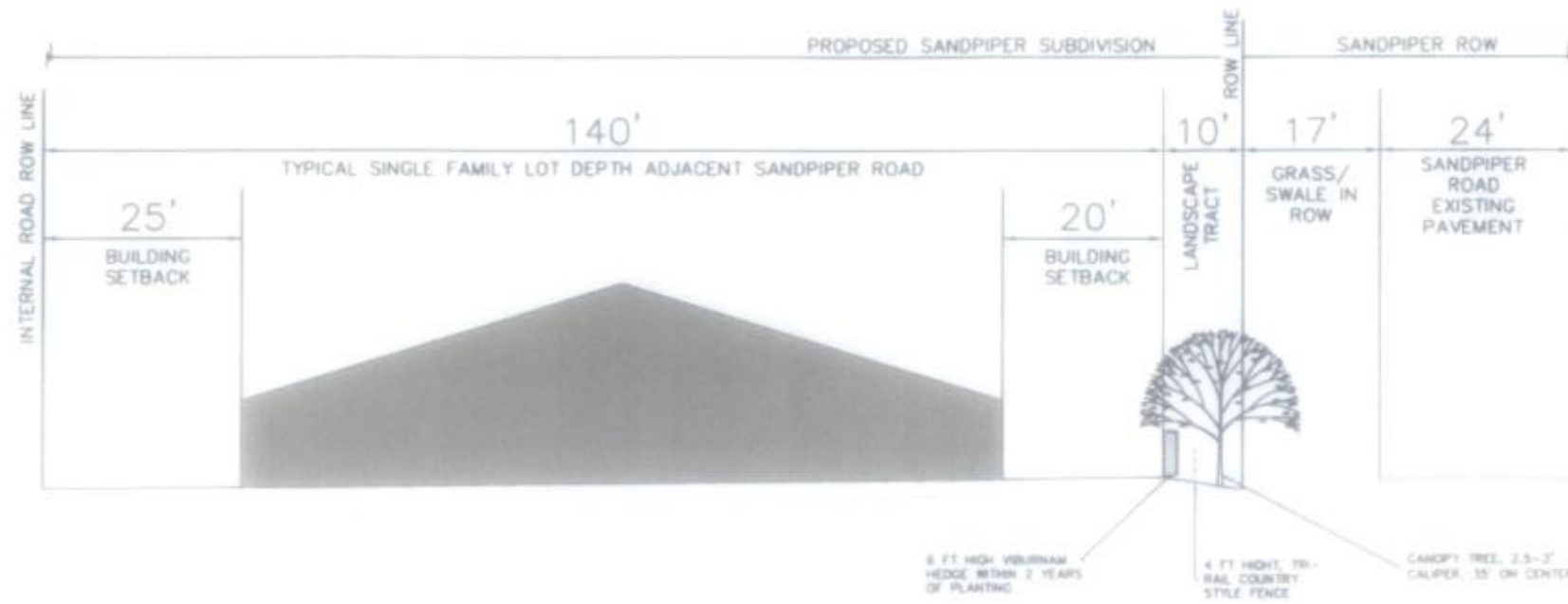
**G. Wetlands and Environmental**

1. All acreage regarding developable and conservation areas (wetlands and buffers) are considered approximate until finalized during a review by the St. Johns River Water Management District and the City of Apopka. The SJRWMD concurrency will be provided at final plan review.
2. The jurisdictional wetland areas and required upland buffers are to be placed in a conservation easement.
3. Any development in a special flood hazard area will require the finish floor elevation to be 20-inches above the 100 yr. Flood elevation, minimum.
4. An erosion protection plan will be submitted with final development plans.
5. The habitat inventory and management report shall be provided to the city at the final development plan stage.
6. Tree removal, tree replacement, and landscaping shall be in conformance with Article V of the City of Apopka Land Development Code unless as otherwise described herein.
7. Individual lot arbor/clearing permit is required prior to clearing or grading of any lot or issuance of building permit. Placement of the house shall preserve existing trees to the greatest extent practical. Plot plan for each lot shall illustrate tree locations as presented within the PUD Master Plan\ Preliminary Development Plan.

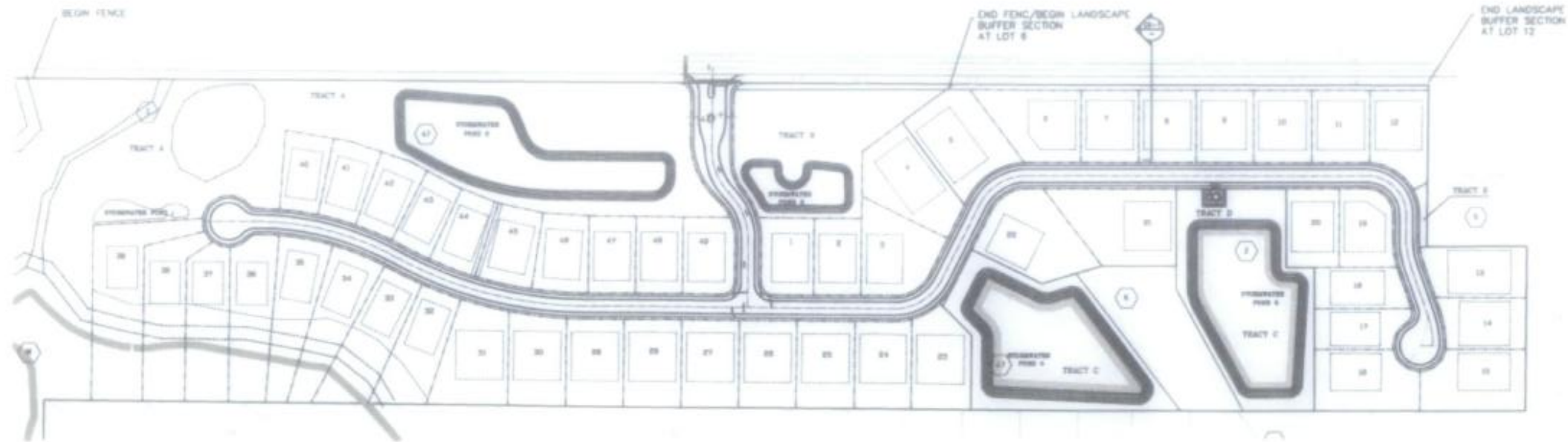
8. In order to save existing trees stem walls/retaining walls may be utilized on individual lots.
9. The 25 foot wide (average)/15 foot wide minimum wetland buffer/conservation easement within Lots 29 to 37, Tract A and Tract C is to be dedicated to the SJRWMD. Lot owners may not clear any vegetation within the conservation easement on their lot except to accommodate a maximum 15 foot wide path to reach the water's edge.

**H. Development Condition Continuity.** The PUD Development Standards shall be printed within the PUD Master Plan and the Final Development Plan.





CX-1 SANDPIPER ROAD 10 FT LANDSCAPE BUFFER TRACT CROSS SECTION FROM LOTS 8 TO 12 ONLY, N.T.S.



LANDSCAPE CROSS SECTION FOR SANDPIPER

CLIENT  
FLORIDA LAND TRUST #111  
100 S. ANDREA AVE., UNIT 201  
WEST PALM BEACH, FL 33411  
1-800-241-1020

ENGINEER IN CHARGE  
DAVID A. STOREY, P.E., PROJECT MANAGER  
SUPERVISOR OF ADMINISTRATION (NO. 28-000014)

DATE	REVISIONS

JOB # 12028  
DATE 12/14/14  
SCALE N.T.S.  
DESIGNED BY CHM  
DRAWN BY CHM  
APPROVED BY CHM

CX-1

# The Apopka Chief

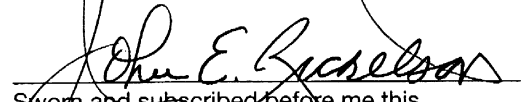
APOPKA, FLORIDA

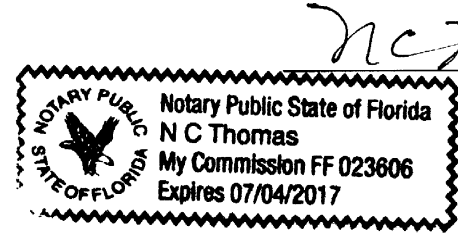
## PUBLISHER'S AFFIDAVIT OF PUBLICATION


STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **March 6, 2015**, as well as being posted online at [www.theapopkachief.com](http://www.theapopkachief.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com)

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

  
Sworn and subscribed before me this  
**6th day of March, 2015**, by John E. Ricketson,  
who is personally known to me.



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

## PUBLIC NOTICE

CITY OF APOPKA  
PUBLIC HEARING NOTICE

The following ordinances be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, March 18, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

### 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 US-TLER 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.**

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  
MARCH 6, 20155  
Publish: The Apopka Chief

152432

**Backup material for agenda item:**

3. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 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) [This item was continued at the March 4, 2015 City Council meeting until the March 18, 2015 meeting.]



**CITY OF APOPKA  
CITY COUNCIL**

X PUBLIC HEARING  
ANNEXATION  
PLAT APPROVAL  
X OTHER: Ordinance

DATE: March 18, 2015  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Supporting LDC information  
Legal Opinion  
E-mail Alex Toledo  
Ordinance No. 2405

**SUBJECT: ORDINANCE NO. 2405 – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDAAT SANDPIPER, LLC – FROM “COUNTY” PD TO “CITY” R-1AAA**

**Request: FIRST READING OF ORDINANCE NO. 2405 – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC - FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA; PARCEL ID NUMBERS: 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; AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY**

OWNER/APPLICANT: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee  
LOCATION: South of Sandpiper Street, west of North Thompson Road, east of Ustler Road  
EXISTING USE: Abandoned Single Family Homes  
CURRENT ZONING: “County” PD (“City” ZIP)  
PROPOSED DEVELOPMENT: Residential Subdivision  
FUTURE LAND USE DESIGNATION: “City” Residential Very Low Suburban (0- 2.0 du/ac)  
TRACT SIZE: Combined total Acreage: 58.23 +/- Total Acres (48.4 developable acres)  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: up to 97 Dwelling Units (max. 2 un/ac x 49.4)  
PROPOSED: up to 97 Dwelling Units (max. 2 un/ac x 49.4)

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:**

The subject parcels were annexed into the City of Apopka on September 17, 2008, through the adoption of Ordinance No. 2068; and on September 18, 2013, through the adoption of Ordinance No. 2326.

Pursuant to Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation. Based on zoning currently assigned to properties in the general area surrounding the subject property, the R-1AAA zoning category is compatible with the zoning categories assigned to the general area. Based on a review of zoning categories assigned to other properties within the general area surrounding the subject property as well as to properties within the City as a whole, the R-1AAA zoning category and zoning categories allowing a smaller lot size have been allowed adjacent to or within the area of properties allowing a higher residential density or larger minimum lot size.

As the zoning application requests an R-1AAA district, zoning or development conditions or restrictions cannot be placed on the subject property unless otherwise accepted by the applicant. Regarding this matter, a legal opinion has been prepared by the city attorney's office and is provided with the attached information.

Selection of a zoning category is made according to the allowed zoning district hierarchy set forth within Chapter 2 of the Land Development Code. This zoning hierarch is summarized within Table II-1 and Section 2.02.02 of the LDC. The zoning category of R-1AAA requires a minimum lot size of 16,000 sq. ft. and a minimum lot width of 120 feet. As shown within Table II-1 the next category within the zoning hierarchy that requires a larger lot size is RCE-1, which requires a minimum lot size of one acre (43,560 sq. ft.) with a minimum lot width of 130 feet. No other zoning category exists that addresses a lot size option greater than 16,000 sq. ft. and less than one acre. For example, a zoning category does not exist that requires a minimum lot size of half an acre (21,780 sq. ft.). A subdivision plan or Master plan is not required to be submitted with a standard zoning application.

Staff has analyzed the proposed amendment and determined that adequate transportation public facilities capacities exist to support this zoning change (see attached Zoning Report) subject to the extension of water and sewer lines to the property. Prior to developing the subject property pursuant to the R-1AAA zoning category, water and sewer lines must be extended to the subject property. As the City does not currently plan to extend such infrastructure to the property within its five-year capital improvement program, the developer will be required to facilitate such extension.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed Change of Zoning designation is consistent with the City's proposed Future Land Use designation of Residential Very Low Suburban. Site development cannot exceed the densities allowed by the Future Land Use policies and must occur consistent with the City's Comprehensive Plan, Land Development Code, and Development Design Guidelines. Per Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation.

**SCHOOL CAPACITY REPORT:**

Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. Prior to submittal of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Affected Schools: Dream Lake ES, Apopka MS, Apopka HS.

**ORANGE COUNTY NOTIFICATION:**

The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on December 19, 2014.

**PUBLIC HEARING SCHEDULE:**

January 13, 2015 – Planning Commission (5:01 pm)

February 4, 2015 – City Council (1:30 pm) - 1<sup>st</sup> Reading

February 18, 2015 – City Council (7:00 pm) - 2<sup>nd</sup> Reading - Reconsideration

March 4, 2015 – City Council (1:30 pm) – 1<sup>st</sup> Reading – Continued

March 18, 2015 – City Council (7:00 pm) – 1<sup>st</sup> Reading

April 1, 2015 – City Council (1:30 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

December 26, 2014 – Public Notice and Notification

February 6, 2014 – Ordinance Heading Ad

February 13, 2015 – Public Notice and Notification

March 20, 2015 – Ordinance Heading Ad

---

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” R-1AAA (0-2 un/ac) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **Planning Commission**, at its meeting on January 13, 2015, recommended denial (6-0) of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” R-1AAA (0-2 un/ac) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee subject to the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **City Council**, at its meeting on February 4, 2015, elected to continue the First Reading and instructed staff to prepare a presentation on the Sandpiper project for the February 18, 2015 meeting on the three zoning options; PUD, RCE and R-1AAA zoning, providing pros and cons of each.

The **City Council**, at its meeting on March 4, 2015, elected to continue the First Reading and instructed staff to prepare a presentation on the Sandpiper project for the March 18, 2015 meeting on the three zoning options; PUD, RCE and R-1AAA zoning, providing pros and cons of each.

Accept the First Reading of Ordinance No. 2405 and Hold it Over for Second Reading and Adoption on April 1, 2015.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Res. Low Density (4 du/ac)	A-1, A-2	SF Homes
East (County)	Res. Low Density (4 du/ac)	A-1, RCE	SF Homes
South (County)	Res. Low Density (4 du/ac)	A-2, RCE, R-1AAAA	SF Homes
South (City)	Res. Very Low Suburban (0-2 du/ac)	R-1AAA	SF Homes
West (City)	Res. Very Low Suburban (0-2 du/ac)	RCE-1, R-1AAAA	SF Homes
West (County)	Res. Low Density (4 du/ac)	A-2	SF Homes

**LAND USE & TRAFFIC COMPATIBILITY:**

Pursuant to Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation. Based on zoning currently assigned to properties in the general area surrounding the subject property, the R-1AAA zoning category is compatible with the zoning categories assigned to the general surrounding area.

Based on a review of zoning categories assigned to other properties within the general area surrounding the subject property as well as to properties within the City as a whole, the R-1AAA zoning category and zoning categories allowing a smaller lot size have been allowed adjacent to or within the area of properties allowing a higher residential density or larger minimum lot size. For example, the Wekiva Preserve residential community is assigned a zoning category of R-1AA (min. 12,500 sq. ft. lot) and abuts property assigned County A-1 or A-2), and the southern neighborhoods of the Wekiva Glen residential community is assigned a zoning has R-1A (min. 10,000 sq. ft. lot) next to properties assigned the RCE-1 zoning district (min. lot size of one acre).

The entire City is designated a Transportation Concurrency Exception Area. As such a transportation study is not required as part of a zoning application. Based on a review of recent traffic counts for Sandpiper Street and nearby roads, adequate capacity is available on these streets to satisfactory accommodated vehicle trips generated by future development of the subject property.

**R-1AAA DISTRICT REQUIREMENTS\*:**

- Minimum Site Area: 16,000 sq. ft.
- Minimum Lot Width: 120 ft.
- Front Setback: 25 ft.
- Side Setback: 10 ft.
- Rear Setback: 20 ft.
- Corner Setback: 25 ft.
- Minimum Living Area: 1,800 sq. ft.

**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.

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

**ALLOWABLE USES:**

Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with [section 2.02.01](#). Accessory structures, such as swimming pools and screened rooms, must be set back at least five feet from the rear property line.

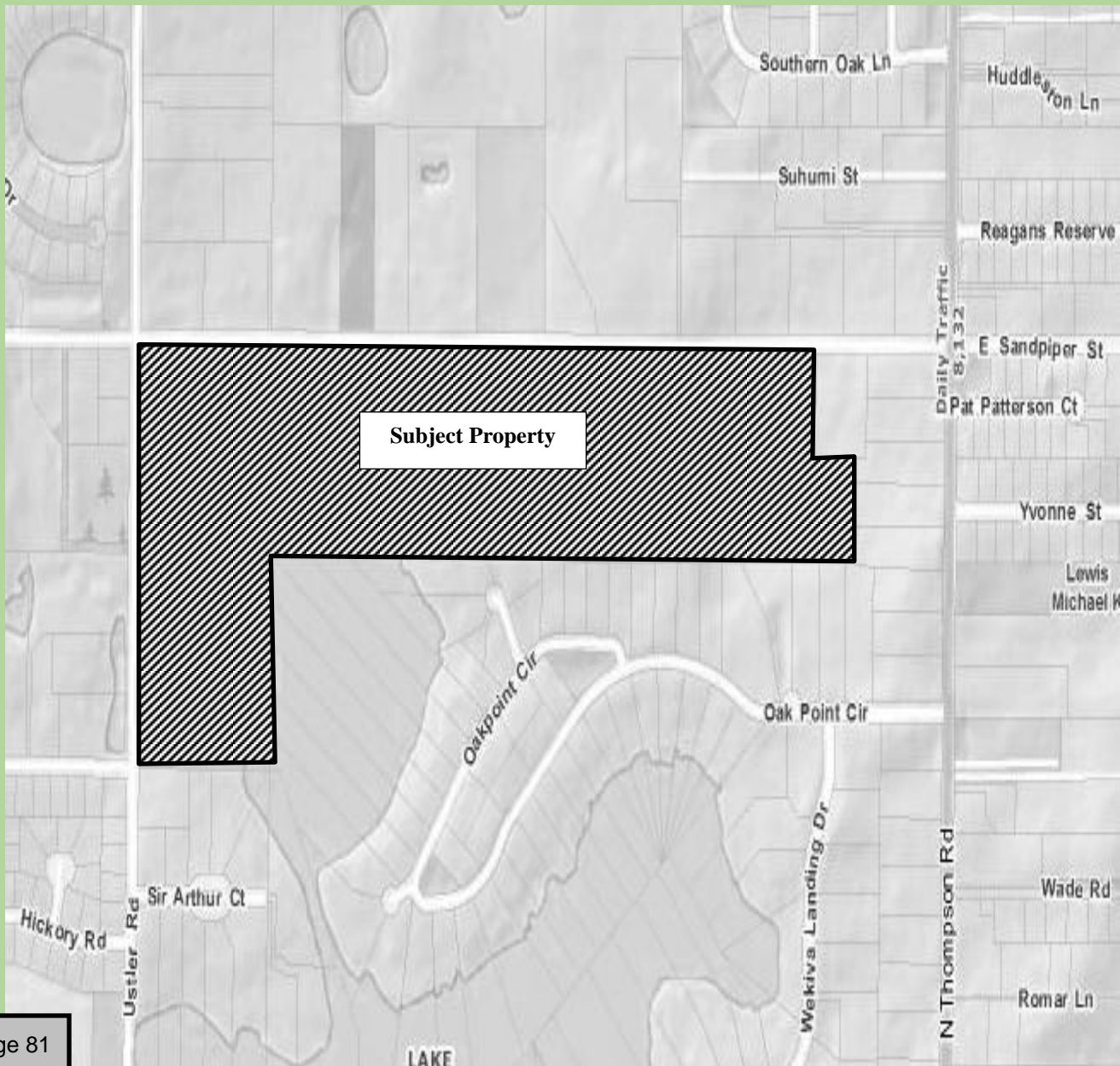


**Applicant: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee**  
**From: “County” PD (ZIP)**  
**To: “City” R-1AAA Residential**  
**57.7 +/- Acres (48.4 developable acres)**  
**Maximum Allowable Development: up to 97 dwelling units**  
**Proposed Minimum Lot Size: 16,000 sq. ft.**  
**Future Land Use Designation: Residential Very Low Suburban (0 – 2 un\ac)**

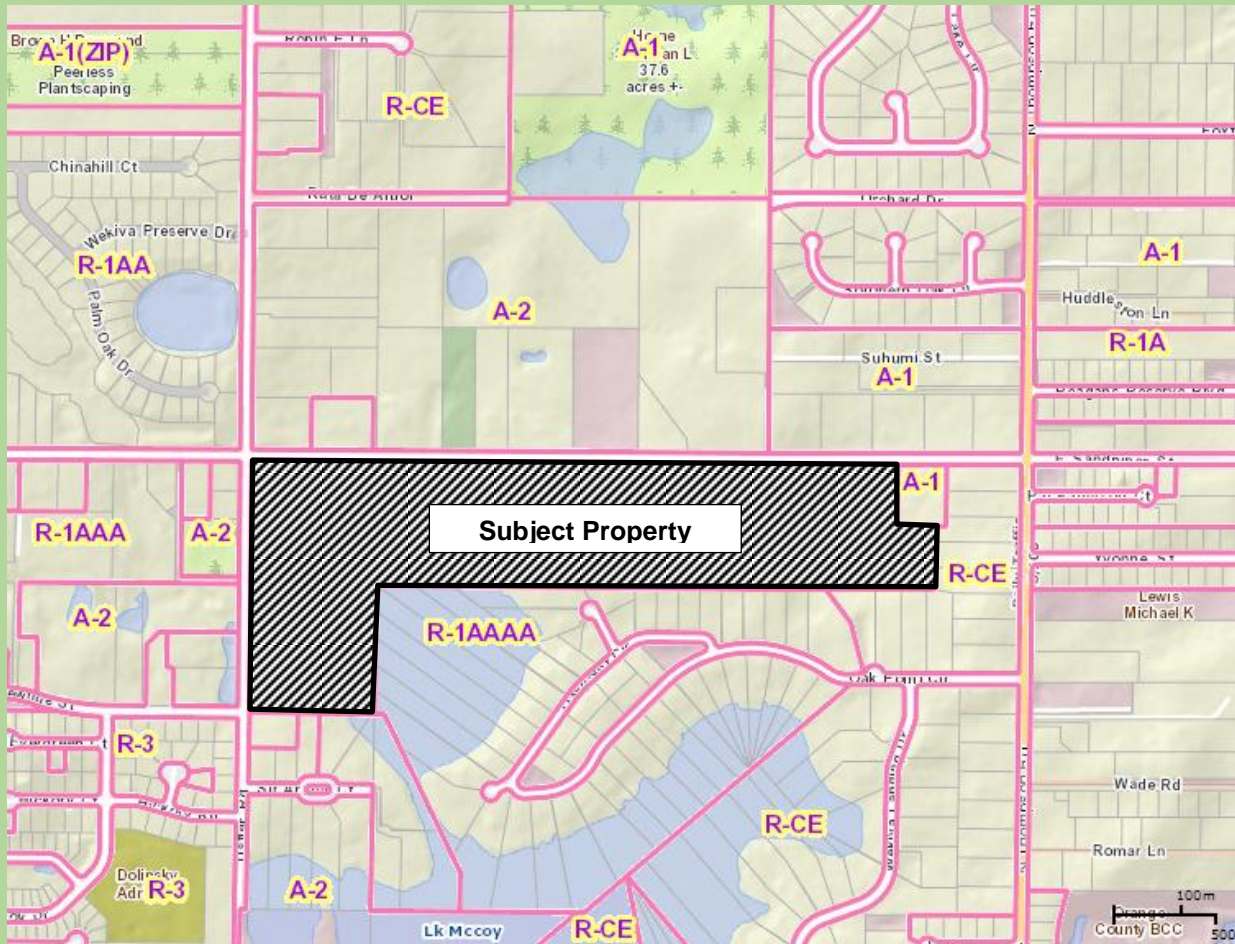
**Parcel ID #s: 02-21-28-0000-00-106    02-21-28-0000-00-131**  
**03-21-28-0000-00-015    03-21-28-0000-00-022**  
**03-21-28-0000-00-023    03-21-28-0000-00-046**  
**03-21-28-0000-00-047    03-21-28-0000-00-072**  
**03-21-28-0000-00-073    03-21-28-0000-00-119**



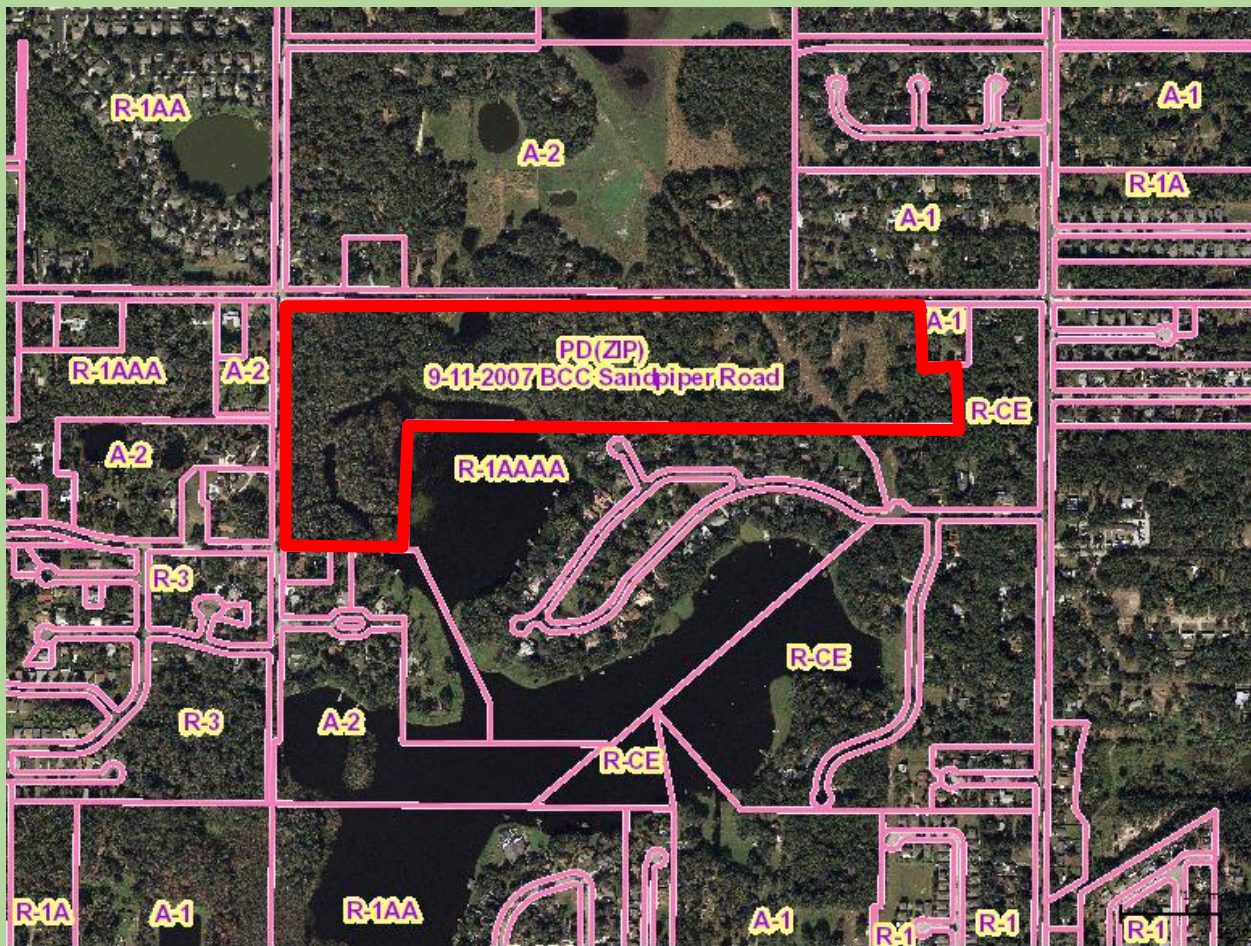
### VICINITY MAP



ADJACENT ZONING



ADJACENT USES



**ORDINANCE NO. 2405**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA (0-2 DU/AC); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, AND EAST OF USTLER ROAD, COMPRISING 58.23 ACRES MORE OR LESS, AND OWNED BY FLORIDA LAND TRUST #111, C/O ZDA AT SANDPIPER, LLC, TRUSTEE; 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-1AAA (Residential) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

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

Legal Description:

The Northeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida.

The West 275.0 feet of the Northwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

The West ½ of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS, the North 330 feet of the East 200 feet of the West 220 feet thereof, AND LESS the North 30 feet thereof.

That part of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, beginning at a point South 00 degrees 02 minutes 00 seconds West, 30.0 feet and North 89 degrees 35 minutes 59 seconds East, 550.0 feet from the Northwest corner of said Southwest ¼ of the Northwest ¼, run North 89 degrees 35 minutes 59 seconds East, 108.90 feet along the South line of Sandpiper Road; thence run South 00 degrees 01 minutes 08 seconds West, 312.00 feet; thence run North 89 degrees 35 minutes 59 seconds East, 193.00 feet; thence run South 00 degrees 03 minutes 49 seconds West, 320.19 feet; thence run South 89 degrees 35 minutes 00 seconds West, 301.81 feet; thence run North 00 degrees 02 minutes 00 seconds East, 632.27 feet to the POINT OF BEGINNING.

ALSO: The East 275.0 feet of the West 550.00 feet of the Northwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof for Sandpiper Road.

The Northeast ¼ of the Southwest ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida; less the North 30 feet thereof.

**ORDINANCE NO. 2405**

**PAGE 2**

The North 330.00 feet of the West 220.00 feet of the West ½ of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30.00 feet thereof, AND LESS the West 20.00 feet thereof.

The West 145 feet of North 643 Feet of the West ½ of the Southwest ¼ of the Northeast ¼ of Section 3-21-28 (Less R/W on North & West)

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

Combined Acreage 57.7 +/- Acres

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

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

**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 immediately.

READ FIRST TIME: March 4, 2015

READ SECOND TIME  
AND ADOPTED: March 18, 2015

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

ATTEST:

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

DULY ADVERTISED: February 13, 2015  
March 6, 2015

**2.00.00. GENERALLY**

**2.00.01. Purpose.**

The purpose of this article is to describe the zoning districts that apply to Future Land Use Designations of the Apopka Comprehensive Plan and the specific uses and restrictions with minimum standards which apply to each zoning district. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the city as expressed in the Apopka Comprehensive Plan.

(Ord. No. 963, § 1, 11-6-96)

**2.01.00. ALLOWABLE ZONING DISTRICTS WITHIN FUTURE LAND USE CLASSIFICATIONS**

**2.01.01. Generally.**

Land use districts for Apopka are established in the Comprehensive Plan, Future Land Use Element. The land use districts and classifications defined in the Future Land Use Element of the Apopka Comprehensive Plan and delineated on the Future Land Use Map series shall be the

determinants of permissible activities on any parcel in the jurisdiction. Land use and zoning designations must be compatible in order for development to occur. Refer to the Future Land Use Element of the Comprehensive Plan for the definitions of each use category. This section of the Land Development Code is intended to correlate individual zoning classifications with land use districts.

In interpreting and applying the provisions of this code, development shall be held to be the minimum requirements for the promotion of the public health, safety, property and general welfare of the community. It is not intended by this code to interfere with, abrogate or annul any lawful easements, covenants, or other agreements between parties; provided, however, that where this code imposes a greater restriction upon the use of buildings or premises than are imposed or required by other resolutions, rules, regulations, or by lawful easements, covenants, or agreements, the provisions of this code shall control.

(Ord. No. 963, § 1, 11-6-96)

**2.01.02. Allowed zoning districts.**

**TABLE II-1  
PERMISSIBLE ZONING DISTRICTS WITHIN FUTURE LAND USE CLASSIFICATIONS**

Density/ Intensity Standard	Future Land Use Classifications*														
	AG	Residential						OFF	COMM	MU	IND	INST	REC	CONS	CBD
		VLS	LS	L	ML	M	H								
	1 du per 5 acres	0 to 2	0 to 3.5	0 to 5	0 to 7.5	0 to 10.0	0 to 15	.30 FAR	.25 FAR		.60 FAR				2.00 FAR
Zoning Classification:															
AG	X														
AG-E	X	X	X	X											
RCE-1		X	X	X	X	X	X								
RCE-2		X	X	X	X	X	X								
R-1		X	X	X	X	X	X								
R-1A		X	X	X	X	X	X								
R-1AA		X	X	X	X	X	X								
R-1AAA		X	X	X	X	X	X								
R-2				X	X	X	X								
R-3					X	X	X								
MHP					X										X
MHS					X										X
PO/I								X			X				X
CN									X						X

2.02.00. USES ALLOWED IN ZONING DISTRICTS

2.02.01. General.

A. Minimum requirements for site area, lot width, yard setback, and living area by zoning district.

Districts		Minimum Site Area	Minimum Lot Width (feet)	Minimum Setbacks				Minimum Living (Sq. Ft.)
				Front (feet)	Side (feet)	Rear (feet)	Corner (feet)	
AG,	Agriculture,							
	Resid. mobile home	5 AC	None	25	25	25	25	400
	Resid. tenant housing	5 AC	None	25	25	25	25	600
	Resid. single-family	5 AC	None	25	25	25	25	1,200
	Nonresidential	5 AC	None	100	100	100	100	
	Apiaries	5 AC	None	200	200	200	200	
AG-E,	Residential							
	Single-Family	2½ AC	150	45	35	50	35	2,200
RCE-1,	Residential							
	County Estates 1	1 AC	130	35	15	30	35	2,000
RCE-2,	Residential							
	County Estates 2	2 AC	150	35	15	30	35	2,200
R-1		8,000sf	75	25	10	20	25	1,500
R-1A	Residential	10,000sf	85	25	10	20	25	1,600
R-1AA	Single-Family	12,500sf	95	25	10	20	25	1,700
R-1AAA		16,000sf	120	25	10	20	25	1,800
R-2,	Residential One and Two Family							
SF	Single-Family	7,500sf	70	25	*7.5	20	25	1,350
	Duplex	15,000sf	140	25	10	20	25	1,350
R-3,	Residential							
	Single-Family	7,500sf	70	25	*7.5	20	25	1,350
	Duplex	15,000sf	140	25	10	20	25	1,350
	Multiple-Family							
	Rental/Apartments	1 AC	None	**	***	**	25	750
	Fee Simple, Condo or Townhouse	1 AC	None	**	***	**	25	1,350
MHP,	Mobile Home Park	10 AC						
		4,000sf	None	*15	7.5	15*	7.5	600
MHS,	Mobile Home Subd.							
	Mobile Home	5,000sf	50	20	7.5	15	25	600
	Single-Family	6,000sf	60	25	*7.5	20	25	1,000

\* 15 feet between structures.

\*\* Distance between buildings: 50' front to front and 50' rear to rear.

\*\*\* 20' between structures.

NOTE:

1. Maximum building height for all districts is 35'

# MEMORANDUM

Shepard, Smith & Cassidy, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, Florida 32751  
Telephone (407) 622-1772  
Facsimile (407) 622-1884  
\*\*\*

**To:** Cliff B. Shepard, Esq.  
**From:** Andrew J. Hand  
**Subject:** Imposition of Conditions on Straight Zoning Application  
**Date:** December 9, 2014

- 1) When in receipt of a “straight zoning” application is it lawful for the City Council of the City of Apopka to impose additional conditions for zoning approval that are not specified within the City’s code if all criteria of the City’s zoning ordinance are met?**

No. It is my opinion that imposition of additional conditions by City Council or other reviewing agencies for zoning approval of a straight zoning application is improper under Florida law if such conditions are not specified within Apopka’s code.

According to the Court in *City of Homestead v. Schild*, 227 So.2d 540, 543 (Fla. 3d DCA 1969):

“The law of Florida is committed to the doctrine of the requirement that zoning ordinances and their exceptions must be predicated upon legislative standards which can be applied to all cases, rather than to the theory of granting an administrative board or even a legislative body the power to arbitrarily decide each case entirely within the discretion of the members of the administrative board or legislative body, or to shift a particular parcel of property arbitrarily from one zoning classification to another...”

Another principle of Florida law is that “a local government may not deny a development order based on criteria which are not specifically enumerated in its land use regulations.” See *Drexel v. City of Miami Beach*, 64 So. 2d 317 (Fla. 1953). See also *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983); *ABC Liquors, Inc. v. City of Ocala*, 366 So. 2d 146 (Fla. 1st DCA 1979).

Based on the case law above which I find to be analogous to this situation, it is my opinion that it would not be legal for City Council to unilaterally impose of conditions that are not specifically delineated within the City’s zoning code on an application for straight zoning.



Additionally, although such a situation is not implicated here, it is important to note that in the absence of planned development zoning situations, bilateral agreements between developers and municipalities to accomplish rezonings in Florida constitute “contract zoning” and are illegal. In *Hartnett v. Austin*, 93 So. 2d 86 (Fla. 1956), Florida’s Supreme Court held that, “[a] municipality has no authority to enter into a private contract with a property owner for the amendment of a zoning ordinance subject to various covenants and restrictions in a collateral deed or agreement to be executed between the city and property owner.”

Notwithstanding the illegality of contract zoning, Florida has evolved to permit developers to make concessions to a local government at a public hearing. Self-imposed conditions proffered by a developer to a municipality to mitigate development impacts or to address public discontent associated with an application do not automatically render a local government’s decision to rezone void as contract zoning.<sup>1</sup> However, it is important to point out that this rule appears to be limited to unilateral concessions offered by the developer to a municipality rather than conditions directly imposed on a developer by a municipality that are not specified within the municipality’s land development regulations.

---

<sup>1</sup> See *Wallberg v. Metropolitan Dade County*, 296 So. 2d 509 (Fla. 3d DCA 1974).

## Jeanne Green - Fwd: RE: Sandpiper Development- Planning Commission Meeting 1/13/15

---

**From:** Linda Goff  
**To:** Jeanne Green  
**Date:** 1/13/2015 12:23 PM  
**Subject:** Fwd: RE: Sandpiper Development- Planning Commission Meeting 1/13/15  
**Attachments:** City Attorney Opinion.pdf; Snyder Decision.pdf

---

He corrected a typo - please use this version

>>> Alex Toledo <belight25@hotmail.com> 1/13/2015 11:50 AM >>>

*If not too late, please use this version instead (as I corrected a typo).*

Good morning, Ms. Goff:

I am a resident concerned about the developments plans for the Sandpiper property which is on the agenda for the Planning Commission today. Unfortunately, I will not be able to attend the meeting. Would it be possible for you to share this e-mail with each of the Planning Commission members and the City Attorney?

I reviewed the supporting documentation for the agenda items for today's Planning Commission Meeting and as near as I can tell, the only change to Mr. Goldberg's application is the inclusion of an opinion letter from the City's attorney (attached).

The opinion centers around the question: **"When in receipt of a "straight zoning" application is it lawful for the City Council of the City of Apopka to impose additional conditions for zoning approval that are not specified within the City's code if all criteria of the City's zoning ordinance are met?"**

This question seems inherently flawed in that it presumes that the City Council has set "additional conditions" for the approval of this project. As far as I'm aware, they didn't set any additional conditions for approval. They merely denied the application. The denial was based on competent and substantial evidence promulgated by the Planning Commission and reiterated and adopted by the public (myself included) as their own. Namely that the development plan, as proposed, was not compatible with the adjacent area due to lot sizes.

The other thing the City Attorney's letter does is cite case law from the 1950's and 60's in support of approval of this application. I note that absent from his analysis is any mention of the Florida Supreme Court's 1993 decision in Snyder v. Brevard County Commissioners (also attached) which, in my opinion, gives the City firm footing upon which to deny this application. Taken in isolation, the cases that the City Attorney cites would leave the reader with the impression that the Council's hands are tied and that any input from the public should be completely disregarded as futile. I don't believe that's the case and Snyder v. Brevard makes it quite clear that citizen input is to be considered in a local government's rezoning decisions.

I am curious as to whom presented the question that the City Attorney is answering in his opinion letter. Did it come from an elected or appointed official or from staff? Please consider this question a public records request.

Also, if the City Attorney is inclined to answer questions from persons other than elected/appointed officials or city staff regarding this application, might he be inclined to answer this one as well: **Is the City required to approve an application (even if deemed complete) where the Council has previously decided to deny the application based on competent, substantial evidence (that the lot sizes proposed are not compatible with the adjacent area) and the decision was rendered in a non-arbitrary, non-discriminatory and reasonable manner (as evidenced by the fact that the vast majority of the public is in opposition to the development plans as written)?**

Thank you in advance,

# MEMORANDUM

Shepard, Smith & Cassady, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, Florida 32751  
Telephone (407) 622-1772  
Facsimile (407) 622-1884  
\*\*\*

**To:** Cliff B. Shepard, Esq.  
**From:** Andrew J. Hand  
**Subject:** Imposition of Conditions on Straight Zoning Application  
**Date:** December 9, 2014

- 1) **When in receipt of a “straight zoning” application is it lawful for the City Council of the City of Apopka to impose additional conditions for zoning approval that are not specified within the City’s code if all criteria of the City’s zoning ordinance are met?**

No. It is my opinion that imposition of additional conditions by City Council or other reviewing agencies for zoning approval of a straight zoning application is improper under Florida law if such conditions are not specified within Apopka’s code.

According to the Court in *City of Homestead v. Schild*, 227 So.2d 540, 543 (Fla. 3d DCA 1969):

“The law of Florida is committed to the doctrine of the requirement that zoning ordinances and their exceptions must be predicated upon legislative standards which can be applied to all cases, rather than to the theory of granting an administrative board or even a legislative body the power to arbitrarily decide each case entirely within the discretion of the members of the administrative board or legislative body, or to shift a particular parcel of property arbitrarily from one zoning classification to another...”

Another principle of Florida law is that “a local government may not deny a development order based on criteria which are not specifically enumerated in its land use regulations.” See *Drexel v. City of Miami Beach*, 64 So. 2d 317 (Fla. 1953). See also *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983); *ABC Liquors, Inc. v. City of Ocala*, 366 So. 2d 146 (Fla. 1st DCA 1979).

Based on the case law above which I find to be analogous to this situation, it is my opinion that it would not be legal for City Council to unilaterally impose of conditions that are not specifically delineated within the City’s zoning code on an application for straight zoning.

Additionally, although such a situation is not implicated here, it is important to note that in the absence of planned development zoning situations, bilateral agreements between developers and municipalities to accomplish rezonings in Florida constitute “contract zoning” and are illegal. In *Hartnett v. Austin*, 93 So. 2d 86 (Fla. 1956), Florida’s Supreme Court held that, “[a] municipality has no authority to enter into a private contract with a property owner for the amendment of a zoning ordinance subject to various covenants and restrictions in a collateral deed or agreement to be executed between the city and property owner.”

Notwithstanding the illegality of contract zoning, Florida has evolved to permit developers to make concessions to a local government at a public hearing. Self-imposed conditions proffered by a developer to a municipality to mitigate development impacts or to address public discontent associated with an application do not automatically render a local government’s decision to rezone void as contract zoning.<sup>1</sup> However, it is important to point out that this rule appears to be limited to unilateral concessions offered by the developer to a municipality rather than conditions directly imposed on a developer by a municipality that are not specified within the municipality’s land development regulations.

---

<sup>1</sup> See *Wallberg v. Metropolitan Dade County*, 296 So. 2d 509 (Fla. 3d DCA 1974).

## SUPREME COURT OF FLORIDA

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA,  
Petitioner, v. JACK R. SNYDER, et ux., Respondents.

No. 79,720

October 7, 1993

### OPINION BY: GRIMES

The Motion for Rehearing filed by Petitioner, having been considered in light of the revised opinion, is hereby denied.

GRIMES, J.

We review *Snyder v. Board of County Commissioners*, 595 So. 2d 65 (Fla. 5th DCA 1991), because of its conflict with *Schauer v. City of Miami Beach*, 112 So. 2d 838 (Fla. 1959); *City of Jacksonville Beach v. Grubbs*, 461 So. 2d 160 (Fla. 1st DCA 1984), review denied, 469 So. 2d 749 (Fla. 1985); and *Palm Beach County v. Tinnerman*, 517 So. 2d 699 (Fla. 4th DCA 1987), review denied, 528 So. 2d 1183 (Fla. 1988). We have jurisdiction under article V, section 3(b)(3) of the Florida Constitution. Jack and Gail Snyder owned a one-half acre parcel of property on Merritt Island in the unincorporated area of Brevard County. The property is zoned GU (general use) which allows construction of a single-family residence. The Snyders filed an application to rezone their property to the RU-2-15 zoning classification which allows the construction of fifteen units per acre. The area is designated for residential use under the 1988 Brevard County Comprehensive Plan Future Land Use Map. Twenty-nine zoning classifications are considered potentially consistent with this land use designation, including both the GU and the RU-2-15 classifications.

After the application for rezoning was filed, the Brevard County Planning and Zoning staff reviewed the application and completed the county's standard "rezoning review worksheet." The worksheet indicated that the proposed multifamily use of the Snyders' property was consistent with all aspects of the comprehensive plan except for the fact that it was located in the one-hundred-year flood plain in which a maximum of only two units per acre was permitted. For this reason, the staff recommended that the request be denied.

At the planning and zoning board meeting, the county planning and zoning director indicated that when the property was developed the land elevation would be raised to the point where the one-hundred-year-flood plain restriction would no longer be applicable. Thus, the director stated that the staff no longer opposed the application. The planning and zoning board voted to approve the Snyders' rezoning request.

When the matter came before the board of county commissioners, Snyder stated that he intended to build only five or six units on the property. However, a number of citizens spoke in opposition to the rezoning request. Their primary concern was the increase in traffic which would be caused by the development. Ultimately, the commission voted to deny the rezoning request without stating a reason for the denial.

The Snyders filed a petition for certiorari in the circuit court. Three circuit judges, sitting en banc, reviewed the petition and denied it by a two-to-one decision. The Snyders then filed a petition for certiorari in the Fifth District Court of Appeal.

The district court of appeal acknowledged that zoning decisions have traditionally been considered legislative in nature. Therefore, courts were required to uphold them if they could be justified as being "fairly debatable." Drawing heavily on *Fasano v. Board of County Commissioners*, 264 Ore. 574, 507 P.2d 23 (Or. 1973), however, the court concluded that, unlike initial zoning enactments and comprehensive rezonings or rezonings affecting a large portion of the public, a rezoning action which entails the application of a general rule or policy to specific individuals, interests, or activities is quasi-judicial in nature. Under the latter circumstances, the court reasoned that a stricter standard of judicial review of the rezoning decision was required. The court went on to hold:

(4) Since a property owner's right to own and use his property is constitutionally protected, review of any governmental action denying or abridging that right is subject to close judicial scrutiny. Effective judicial review, constitutional due process and other essential requirements of law, all necessitate that the governmental agency (by whatever name it may be characterized) applying legislated land use restrictions to particular parcels of privately owned lands, must state reasons for action that denies the owner the use of his land and must make findings of fact and a record of its proceedings, sufficient for judicial review of: the legal sufficiency of the evidence to support the findings of fact made, the legal sufficiency of the findings of fact supporting the reasons given and the legal adequacy, under applicable law (i.e., under general comprehensive zoning ordinances, applicable state and case law and state and federal constitutional provisions) of the reasons given for the result of the action taken.

(5) The initial burden is upon the landowner to demonstrate that his petition or application for use of privately owned lands, (rezoning, special exception, conditional use permit, variance, site plan approval, etc.) complies with the reasonable procedural requirements of the ordinance and that the use sought is consistent with the applicable comprehensive zoning plan. Upon such a showing the landowner is presumptively entitled to use his property in the manner he seeks unless the opposing governmental agency asserts and proves by clear and convincing evidence that a specifically stated public necessity requires a specified,

more restrictive, use. After such a showing the burden shifts to the landowner to assert and prove that such specified more restrictive land use constitutes a taking of his property for public use for which he is entitled to compensation under the taking provisions of the state or federal constitutions.

*Snyder v. Board of County Commissioners*, 595 So. 2d at 81 (footnotes omitted).

Applying these principles to the facts of the case, the court found (1) that the Snyders' petition for rezoning was consistent with the comprehensive plan; (2) that there was no assertion or evidence that a more restrictive zoning classification was necessary to protect the health, safety, morals, or welfare of the general public; and (3) that the denial of the requested zoning classification without reasons supported by facts was, as a matter of law, arbitrary and unreasonable. The court granted the petition for certiorari.

Before this Court, the county contends that the standard of review for the county's denial of the Snyders' rezoning application is whether or not the decision was fairly debatable. The county further argues that the opinion below eliminates a local government's ability to operate in a legislative context and impairs its ability to respond to public comment. The county refers to *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991), review denied, 598 So. 2d 75 (Fla. 1992), for the proposition that if its rezoning decision is quasi-judicial, the commissioners will be prohibited from obtaining community input by way of ex parte communications from its citizens. In addition, the county suggests that the requirement to make findings in support of its rezoning decision will place an insurmountable burden on the zoning authorities. The county also asserts that the salutary purpose of the comprehensive plan to provide controlled growth will be thwarted by the court's ruling that the maximum use permitted by the plan must be approved once the rezoning application is determined to be consistent with it.

The Snyders respond that the decision below should be upheld in all of its major premises. They argue that the rationale for the early decisions that rezonings are legislative in nature has been changed by the enactment of the Growth Management Act. Thus, in order to ensure that local governments follow the principles enunciated in their comprehensive plans, it is necessary for the courts to exercise stricter scrutiny than would be provided under the fairly debatable rule. The Snyders contend that their rezoning application was consistent with the comprehensive plan. Because there are no findings of fact or reasons given for the denial by the board of county commissioners, there is no basis upon which the denial could be upheld. Various amici curiae have also submitted briefs in support of their several positions.

Historically, local governments have exercised the zoning power pursuant to a broad delegation of state legislative power subject only to constitutional limitations. Both federal and state courts adopted a highly deferential standard of judicial review early in the history of local zoning. In *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S. Ct. 114, 71 L. Ed. 303 (1926), the United States Supreme Court held that "if the

validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control." 272 U.S. at 388. This Court expressly adopted the fairly debatable principle in *City of Miami Beach v. Ocean & Inland Co.*, 147 Fla. 480, 3 So. 2d 364 (1941).

Inhibited only by the loose judicial scrutiny afforded by the fairly debatable rule, local zoning systems developed in a markedly inconsistent manner. Many land use experts and practitioners have been critical of the local zoning system. Richard Babcock deplored the effect of "neighborhoodism" and rank political influence on the local decision-making process. Richard F. Babcock, *The Zoning Game* (1966). Mandelker and Tarlock recently stated that "zoning decisions are too often ad hoc, sloppy and self-serving decisions with well-defined adverse consequences without off-setting benefits." Daniel R. Mandelker and A. Dan Tarlock, *Shifting the Presumption of Constitutionality in Land-Use Law*, 24 *Urb. Law.* 1, 2 (1992).

Professor Charles Harr, a leading proponent of zoning reform, was an early advocate of requiring that local land use regulation be consistent with a legally binding comprehensive plan which would serve long range goals, counteract local pressures for preferential treatment, and provide courts with a meaningful standard of review. Charles M. Harr, "In Accordance With A Comprehensive Plan," 68 *Harv. L. Rev.* 1154 (1955). In 1975, the American Law Institute adopted the Model Land Development Code, which provided for procedural and planning reforms at the local level and increased state participation in land use decision-making for developments of regional impact and areas of critical state concern.

Reacting to the increasing calls for reform, numerous states have adopted legislation to change the local land use decision-making process. As one of the leaders of this national reform, Florida adopted the Local Government Comprehensive Planning Act of 1975. Ch. 75-257, *Laws of Fla.* This law was substantially strengthened in 1985 by the Growth Management Act. Ch. 85-55, *Laws of Fla.*

Pursuant to the Growth Management Act, each county and municipality is required to prepare a comprehensive plan for approval by the Department of Community Affairs. The adopted local plan must include "principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development" of the local government's jurisdictional area. § 163.3177(1), *Fla. Stat.* (1991). At the minimum, the local plan must include elements covering future land use; capital improvements generally; sanitary sewer, solid waste, drainage, potable water, and natural ground water aquifer protection specifically; conservation; recreation and open space; housing; traffic circulation; intergovernmental coordination; coastal management (for local government in the coastal zone); and mass transit (for local jurisdictions with 50,000 or more people). *Id.* § 163.3177(6).

Of special relevance to local rezoning actions, the future land use plan element of the local plan must contain both a future land use map and goals, policies, and measurable objectives to guide future land use decisions. This plan element must designate the



"proposed future general distribution, location, and extent of the uses of land" for various purposes. Id. § 163.3177(6)(a). It must include standards to be utilized in the control and distribution of densities and intensities of development. In addition, the future land use plan must be based on adequate data and analysis concerning the local jurisdiction, including the projected population, the amount of land needed to accommodate the estimated population, the availability of public services and facilities, and the character of undeveloped land. Id. § 163.3177(6)(a).

The local plan must be implemented through the adoption of land development regulations that are consistent with the plan. Id. § 163.3202. In addition, all development, both public and private, and all development orders approved by local governments must be consistent with the adopted local plan. Id. § 163.3194(1)(a). Section 163.3194(3), Florida Statutes (1991), explains consistency as follows:

(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

Section 163.3164, Florida Statutes (1991), reads in pertinent part:

(6) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(7) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Because an order granting or denying rezoning constitutes a development order and development orders must be consistent with the comprehensive plan, it is clear that orders on rezoning applications must be consistent with the comprehensive plan.

The first issue we must decide is whether the Board's action on Snyder's rezoning application was legislative or quasi-judicial. A board's legislative action is subject to attack in circuit court. *Hirt v. Polk County Bd. of County Comm'rs*, 578 So. 2d 415 (Fla. 2d DCA 1991). However, in deference to the policy-making function of a board when acting in a legislative capacity, its actions will be sustained as long as they are fairly debatable. *Nance v. Town of Indialantic*, 419 So. 2d 1041 (Fla. 1982). On the other hand, the rulings of a board acting in its quasi-judicial capacity are subject to review by certiorari and will be upheld only if they are supported by substantial competent evidence. *De Groot v. Sheffield*, 95 So. 2d 912 (Fla. 1957).

Enactments of original zoning ordinances have always been considered legislative. *Gulf & Eastern Dev. Corp. v. City of Fort Lauderdale*, 354 So. 2d 57 (Fla. 1978); *County of Pasco v. J. Dico, Inc.*, 343 So. 2d 83 (Fla. 2d DCA 1977). In *Schauer v. City of Miami Beach*, this Court held that the passage of an amending zoning ordinance was the exercise of a legislative function. 112 So. 2d at 839. However, the amendment in that case was comprehensive in nature in that it effected a change in the zoning of a large area so as to permit it to be used as locations for multiple family buildings and hotels. *Id.* In *City of Jacksonville Beach v. Grubbs* and *Palm Beach County v. Tinnerman*, the district courts of appeal went further and held that board action on specific rezoning applications of individual property owners was also legislative. *Grubbs*, 461 So. 2d at 163; *Tinnerman*, 517 So. 2d at 700.

It is the character of the hearing that determines whether or not board action is legislative or quasi-judicial. *Coral Reef Nurseries, Inc. v. Babcock Co.*, 410 So. 2d 648 (Fla. 3d DCA 1982). Generally speaking, legislative action results in the formulation of a general rule of policy, whereas judicial action results in the application of a general rule of policy. Carl J. Peckinpugh, Jr., Comment, *Burden of Proof in Land Use Regulations: A Unified Approach and Application to Florida*, 8 Fla. St. U. L. Rev. 499, 504 (1980). In *West Flagler Amusement Co. v. State Racing Commission*, 122 Fla. 222, 225, 165 So. 64, 65 (1935), we explained:

A judicial or quasi-judicial act determines the rules of law applicable, and the rights affected by them, in relation to past transactions. On the other hand, a quasi-legislative or administrative order prescribes what the rule or requirement of administratively determined duty shall be with respect to transactions to be executed in the future, in order that same shall be considered lawful. But even so, quasi-legislative and quasi-executive orders, after they have already been entered, may have a quasi-judicial attribute if capable of being arrived at and provided by law to be declared by the administrative agency only after express statutory notice, hearing and consideration of evidence to be adduced as a basis for the making thereof.

Applying this criterion, it is evident that comprehensive rezonings affecting a large portion of the public are legislative in nature. However, we agree with the court below when it said:

Rezoning actions which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, are in the nature of . . . quasi-judicial action . . . .

Snyder, 595 So. 2d at 78. Therefore, the board's action on Snyder's application was in the nature of a quasi-judicial proceeding and properly reviewable by petition for certiorari.<sup>1</sup>

We also agree with the court below that the review is subject to strict scrutiny. In practical effect, the review by strict scrutiny in zoning cases appears to be the same as that given in the review of other quasi-judicial decisions. See *Lee County v. Sunbelt Equities, II, Ltd. Partnership*, 619 So. 2d 996 (Fla. 2d DCA 1993) (The term "strict scrutiny" arises from the necessity of strict compliance with comprehensive plan.). This term as used in the review of land use decisions must be distinguished from the type of strict scrutiny review afforded in some constitutional cases. Compare *Snyder v. Board of County Comm'rs*, 595 So. 2d 65, 75-76 (Fla. 5th DCA 1991) (land use), and *Machado v. Musgrove*, 519 So. 2d 629, 632 (Fla. 3d DCA 1987), review denied, 529 So. 2d 693 (Fla. 1988), and review denied, 529 So. 2d 694 (Fla. 1988) (land use), with *In re Estate of Greenberg*, 390 So. 2d 40, 42-43 (Fla. 1980) (general discussion of strict scrutiny review in context of fundamental rights), appeal dismissed, 450 U.S. 961, 101 S. Ct. 1475, 67 L. Ed. 2d 610 (1981), *Florida High Sch. Activities Ass'n v. Thomas*, 434 So. 2d 306 (Fla. 1983) (equal protection), and *Department of Revenue v. Magazine Publishers of America, Inc.*, 604 So. 2d 459 (Fla. 1992) (First Amendment).

At this point, we depart from the rationale of the court below. In the first place, the opinion overlooks the premise that the comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth. See *City of Jacksonville Beach*, 461 So. 2d at 163, in which the following statement from *Marracci v. City of Scappoose*, 26 Ore. App. 131, 552 P.2d 552, 553 (Or. Ct. App. 1976), was approved:

[A] comprehensive plan only establishes a long-range maximum limit on the possible intensity of land use; a plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use. The present use of land may, by zoning ordinance, continue to be more limited than the future use contemplated by the comprehensive plan.

Even where a denial of a zoning application would be inconsistent with the plan, the local government should have the discretion to decide that the maximum development density should not be allowed provided the governmental body approves some development that is consistent with the plan and the government's decision is supported

---

<sup>1</sup> One or more of the amicus briefs suggests that Snyder's remedy was to bring a de novo action in circuit court pursuant to section 163.3215, Florida Statutes (1991). However, in *Parker v. Leon County*, Nos. 80,230 and 80,288, 627 So.2d 476 (Fla. Oct. 7, 1993), we explained that this statute only provides a remedy for third parties to challenge the consistency of development orders.

by substantial, competent evidence.

Further, we cannot accept the proposition that once the landowner demonstrates that the proposed use is consistent with the comprehensive plan, he is presumptively entitled to this use unless the opposing governmental agency proves by clear and convincing evidence that specifically stated public necessity requires a more restricted use. We do not believe that a property owner is necessarily entitled to relief by proving consistency when the board action is also consistent with the plan. As noted in *Lee County v. Sunbelt Equities II, Limited Partnership*:

Absent the assertion of some enforceable property right, an application for rezoning appeals at least in part to local officials' discretion to accept or reject the applicant's argument that change is desirable. The right of judicial review does not ipso facto ease the burden on a party seeking to overturn a decision made by a local government, and certainly does not confer any property-based right upon the owner where none previously existed. . . . Moreover, when it is the zoning classification that is challenged, the comprehensive plan is relevant only when the suggested use is inconsistent with that plan. Where any of several zoning classifications is consistent with the plan, the applicant seeking a change from one to the other is not entitled to judicial relief absent proof the status quo is no longer reasonable. It is not enough simply to be "consistent"; the proposed change cannot be inconsistent, and will be subject to the "strict scrutiny" of *Machado* to insure this does not happen.

619 So. 2d at 1005-06.

This raises a question of whether the Growth Management Act provides any comfort to the landowner when the denial of the rezoning request is consistent with the comprehensive plan. It could be argued that the only recourse is to pursue the traditional remedy of attempting to prove that the denial of the application was arbitrary, discriminatory, or unreasonable. *Burritt v. Harris*, 172 So. 2d 820 (Fla. 1965); *City of Naples v. Central Plaza of Naples, Inc.*, 303 So. 2d 423 (Fla. 2d DCA 1974). Yet, the fact that a proposed use is consistent with the plan means that the planners contemplated that that use would be acceptable at some point in the future. We do not believe the Growth Management Act was intended to preclude development but only to insure that it proceed in an orderly manner.

Upon consideration, we hold that a landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance. At this point, the burden shifts to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose. In effect, the landowners' traditional remedies will be subsumed within this rule, and the

board will now have the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable. If the board carries its burden, the application should be denied.

While they may be useful, the board will not be required to make findings of fact. However, in order to sustain the board's action, upon review by certiorari in the circuit court it must be shown that there was competent substantial evidence presented to the board to support its ruling. Further review in the district court of appeal will continue to be governed by the principles of *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982).

Based on the foregoing, we quash the decision below and disapprove *City of Jacksonville Beach v. Grubbs* and *Palm Beach County v. Tinnerman*, to the extent they are inconsistent with this opinion. However, in the posture of this case, we are reluctant to preclude the Snyders from any avenue of relief. Because of the possibility that conditions have changed during the extended lapse of time since their original application was filed, we believe that justice would be best served by permitting them to file a new application for rezoning of the property. The application will be without prejudice of the result reached by this decision and will allow the process to begin anew according to the procedure outlined in our opinion.

It is so ordered.

**BARCKETT, C.J., and OVERTON, McDONALD, KOGAN and HARDING, JJ., concur.**  
**SHAW, J., dissents.**

**JUDGES:** GRIMES, BARCKETT, OVERTON, McDONALD, KOGAN, HARDING,  
SHAW

**COUNSEL:** Robert D. Guthrie, County Attorney and Eden Bentley, Assistant County Attorney, Melbourne, Florida,

for Petitioner.

Frank J. Griffith, Jr. of Cianfrogna, Telfer, Reda & Faherty, P.A., Titusville, Florida,

for Respondents.

Denis Dean and Jonathan A. Glogau, Assistant Attorneys General, Tallahassee, Florida,  
Amicus Curiae for The Attorney General, State of Florida.

Nancy Stuparich, Assistant General Counsel and Jane C. Hayman, Deputy General Counsel, Tallahassee, Florida, Amicus Curiae for Florida League of Cities, Inc..

Paul R. Gougelman, III and Maureen M. Matheson of Reinman, Harrell, Graham, Mitchell & Wattwood, P.A., Melbourne, Florida, Amicus Curiae for Space Coast League

of Cities, Inc., City of Melbourne, and Town of Indialantic.

Richard E. Gentry, Florida Home Builders Association, Tallahassee, Florida; and Robert M. Rhodes and Cathy M. Sellers of Steel, Hector and Davis, Tallahassee, Florida, Amicus Curiae for Florida Home Builders Association.

David La Croix of Pennington, Wilkinson & Dunlap, P.A., Tallahassee, Florida; and William J. Roberts of Roberts and Eagan, P.A., Tallahassee, Florida, Amicus Curiae for Florida Association of Counties.

David J. Russ and Karen Brodeen, Assistant General Counsels, Tallahassee, Florida, Amicus Curiae for Florida Department of Community Affairs.

Richard Grosso, Legal Director, 1000 Friends of Florida, Tallahassee, Florida; and C. Allen Watts of Cobb, Cole and Bell, Daytona Beach, Florida, Amicus Curiae for 1000 Friends of Florida.

Neal D. Bowen, County Attorney, Kissimmee, Florida, Amicus Curiae for Osceola County.

M. Stephen Turner and David K. Miller of Broad and Cassel, Tallahassee, Florida, Amicus Curiae for Monticello Drug Company.

John J. Copelan, Jr., County Attorney and Barbara S. Monahan, Assistant County Attorney for Broward County, Fort Lauderdale, Florida; and Emeline Acton, County Attorney for Hillsborough County, Tampa, Florida, Amici Curiae for Broward County, Hillsborough County, and Florida Association of County Attorneys, Inc..

Thomas G. Pelham of Holland & Knight, Tallahassee, Florida, Amicus Curiae for Thomas G. Pelham, pro se.

**Backup material for agenda item:**

4. ORDINANCE NO. 2411 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – McCarthy McCollough, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000-00-003)



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: March 18, 2015  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2411

**SUBJECT: ORDINANCE NO. 2411 - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – MCCARTHY MCCOLLOUGH, 1505 WEST KELLY PARK ROAD, FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC).**

**Request: FIRST READING OF ORDINANCE NO. 2411 – COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT – MCCARTHY MCCOLLOUGH, 1505 WEST KELLY PARK ROAD, FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC). PARCEL ID NUMBER 08-20-28-0000-00-003; AND HOLD OVER FOR SECOND READING AND ADOPTION ON APRIL 1, 2015.**

**SUMMARY**

OWNER/APPLICANT: McCarthy McCollough  
LOCATION: North of West Kelly Park Road, east of Foliage Way  
EXISTING USE: Single-family home  
CURRENT ZONING: “County” A-1  
PROPOSED DEVELOPMENT: Single-family home  
PROPOSED ZONING: “City” AG and RCE-1 and (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” A-1 to “City” AG (6.44 acres) & “City” RCE-1 (2 acres).)  
TRACT SIZE: 8.44 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit  
PROPOSED: 2 Units

**DISTRIBUTION**

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



**ADDITIONAL COMMENTS:**

The subject parcel was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. 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 Rural Settlement is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 8.44 acres. The property owner intends to use the site for a residential development. The applicant intends to split the lot, contingent upon future land use and rezoning approvals, and sell approximately two (2) acres of the existing subject property for an additional single-family residence. Residential development of the two acres parcel will require connection to central water and sewer.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Rural Settlement Future Land Use designation and the City’s proposed AG and RCE-1 Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**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 February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 - Planning Commission (5:01 pm)  
March 18, 2015- City Council (7:00 pm) - 1st Reading  
April 1, 2015 – City Council (1:30 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Notice and Notification  
March 20, 2015 – Ordinance Heading Ad  
March 27, 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” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by McCarthy McCollough.

The **Planning Commission**, at its meeting on March 10, 2015, recommended approval (6-0) of the change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by McCarthy McCollough.

Accept First Reading of Ordinance No. 2411 and Hold it Over for Second Reading and Adoption on March 4, 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)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Mobile Home/Vacant Land
East (City)	Agriculture (1 du/5 ac)	A-1 (ZIP)	Single-family home
South (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Vacant Land
South (County)	Rural (0-1 du/10 ac)	A-1	Mobile Home
West (County)	Rural (0-1 du/10 ac)	A-1	Manufactured home

**II. LAND USE ANALYSIS**

The general character of the area surrounding the subject property is compatible with this development of agricultural uses and rural county estate residential. The property lies north of West Kelly Park Road and east of Foliage Way.

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

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

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

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

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

Analysis of the character of the Property: The Property fronts West Kelly Park Rd. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

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

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

**CALCULATIONS:**

ADOPTED (City designation): 1 Unit(s) x 2.659 p/h = 3 persons  
PROPOSED (City designation): 2 Unit(s) x 2.659 p/h = 6 persons

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

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

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

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: 392 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

2. Projected total demand under existing designation: 210 GPD
3. Projected total demand under proposed designation: 420 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment:  
None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 24 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

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

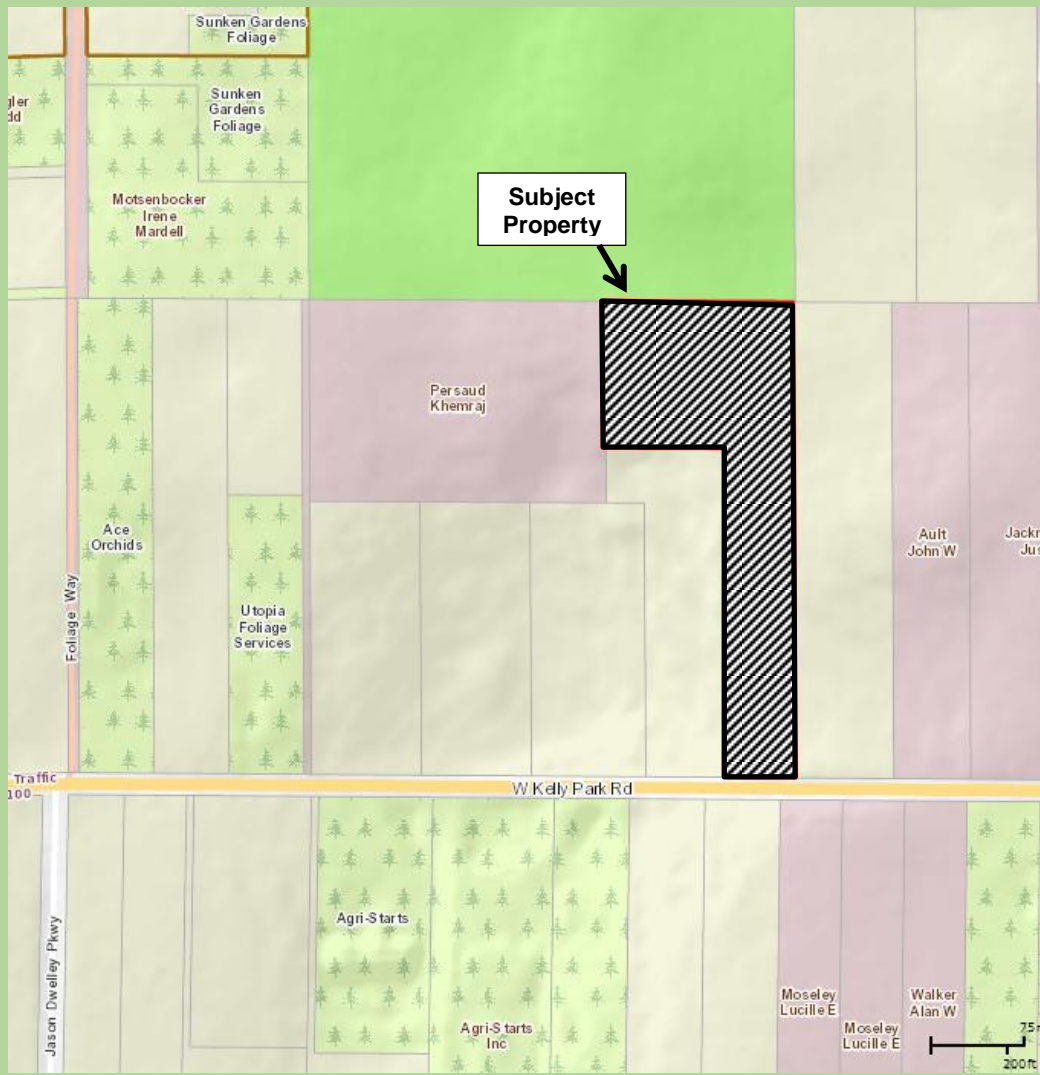
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.009 AC
3. Projected facility under proposed designation: 0.018 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:  
None

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



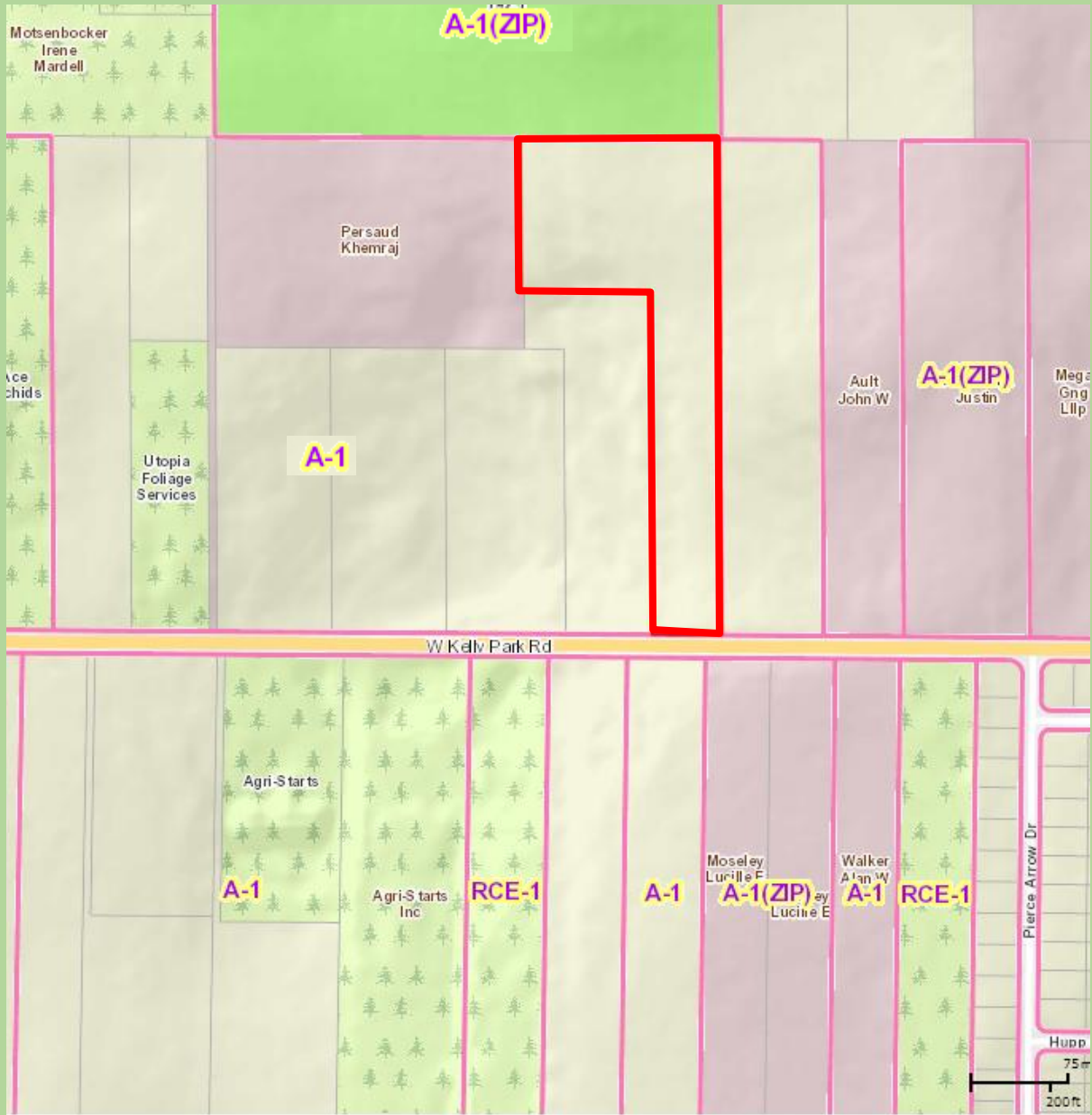
**McCarthy McCullough**  
**8.44 +/- Acres**  
**Existing Maximum Allowable Development: 1 dwelling units**  
**Proposed Maximum Allowable Development: 2 dwelling units**  
**Proposed Small Scale Future Land Use Change**  
**From: "County" Rural (0-1/10 ac)**  
**To: "City" Agriculture (0-1 du/5 ac)**  
**Proposed Zoning Change**  
**From: "County" A-1**  
**To: "City" AG & RCE-1**  
**Parcel ID #s: 08-20-28-0000-00-003**

**VICINITY MAP**





### ADJACENT ZONING





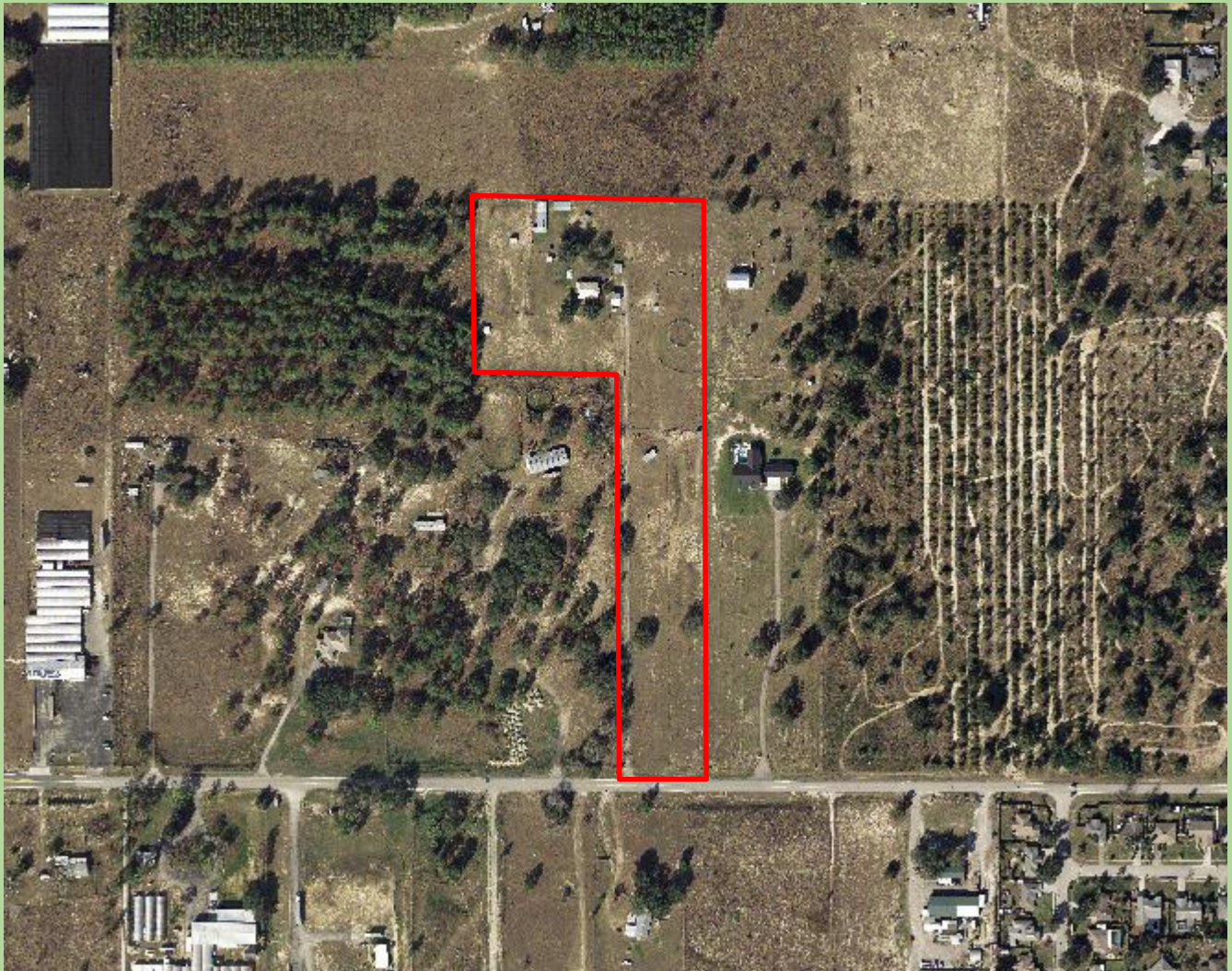
ADJACENT USES







**EXISTING USES**



**ORDINANCE NO. 2411**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF FOLIAGE WAY, COMPRISING 8.44 ACRES MORE OR LESS, AND OWNED BY MCCARTHY MCCOLLOUGH; 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. 2409 on March 4, 2015; and

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

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

**Section I. Purpose and Intent.**

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

**Section II. Future Land Use Element.**

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2409, is amended in its entirety to change the land use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for certain real property generally located south of West Kelly Park Road, east of Foliage Way, comprising 8.44 acres more or less, (Parcel No. 08-20-28-0000-00-003; as further described in Exhibit “A” attached hereto.

**Section III. Applicability and Effect.**

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

**Section IV. Severability.**

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

**ORDINANCE NO. 2411**  
**PAGE 2**

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

**Section VI. Effective Date.**

This Ordinance shall become effective upon adoption.

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

READ FIRST TIME: March 18, 2015

READ SECOND TIME  
AND ADOPTED: April 1, 2015

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

ATTEST:

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

DULY ADVERTISED FOR HEARING: February 20, 2015  
March 20, 2015  
March 27, 2015

# EXHIBIT "A"

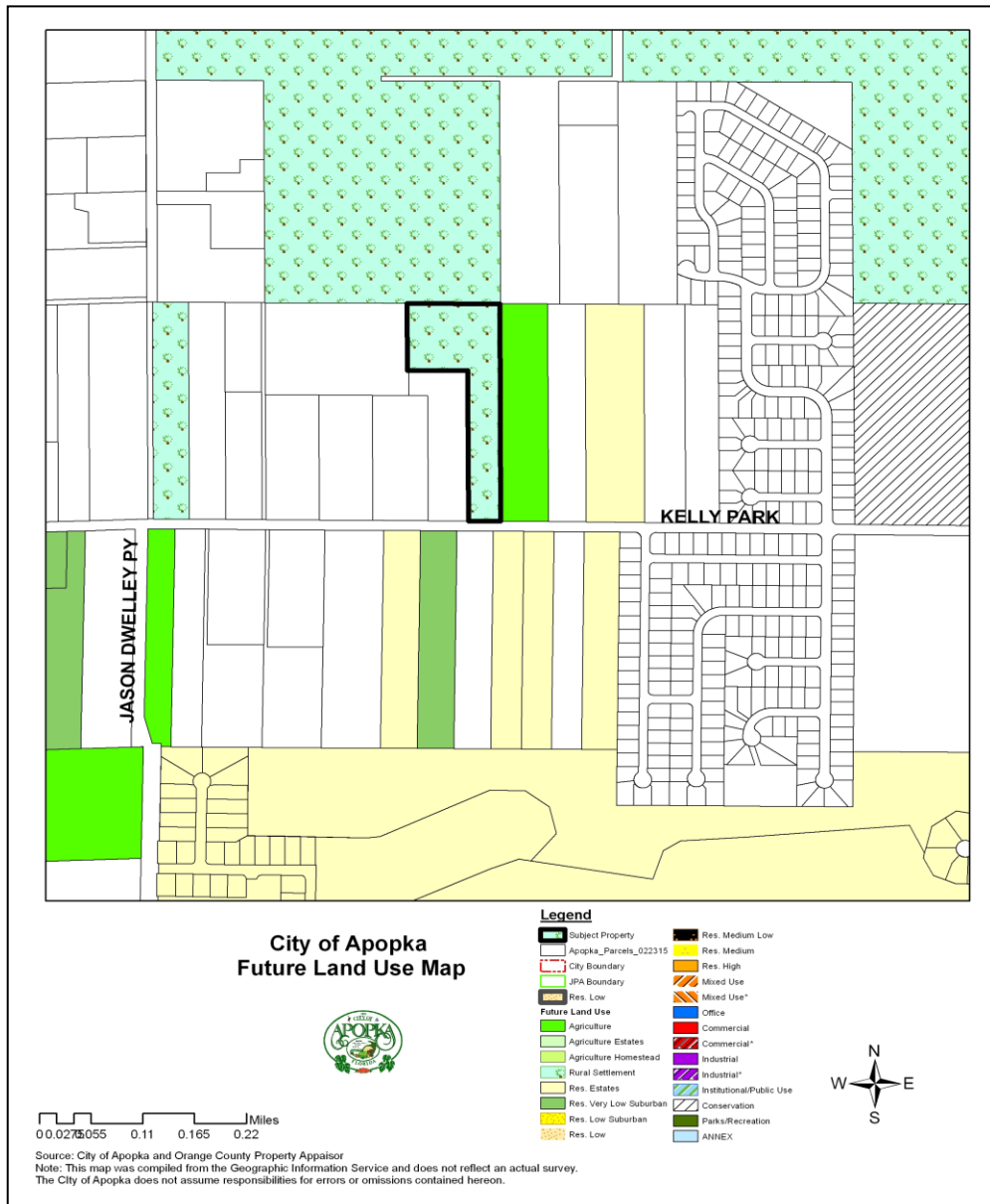
## ORDINANCE NO. 2411

**McCarthy McCullough**  
**8.51 +/- Acres**

**Existing Maximum Allowable Development: 1 dwelling units**  
**Proposed Maximum Allowable Development: 2 dwelling units**  
**Proposed Small Scale Future Land Use Change**  
**From: "County" Rural (0-1/10 ac)**  
**To: "City" Rural Settlement (0-1 du/5 ac)**  
**Parcel ID #s: 08-20-28-0000-00-003**



### VICINITY MAP



**Backup material for agenda item:**

5. ORDINANCE NO. 2412 – FIRST READING - CHANGE OF ZONING – McCarthy McCollough, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) and RCE-1 for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000-00-003)



CITY OF APOPKA
CITY COUNCIL

X PUBLIC HEARING
ANNEXATION
PLAT APPROVAL
X OTHER: Ordinance

DATE: March 18, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Zoning Change Map
Site Survey
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2412

SUBJECT: ORDINANCE NO. 2412 - CHANGE OF ZONING - MCCARTHY MCCOLLOUGH, 1505 WEST KELLY PARK ROAD, FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (0-1 DU/AC) (AGRICULTURE) (6.44 AC) AND RCE-1 (RESIDENTIAL) (2.0 AC)

Request: FIRST READING OF ORDINANCE NO. 2412 - CHANGE OF ZONING - MCCARTHY MCCOLLOUGH, 1505 WEST KELLY PARK ROAD, FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) (6.44 AC) AND RCE-1 (RESIDENTIAL) (2.0 AC). PARCEL ID NO. 08-20-28-0000-00-003; AND HOLD OVER FOR SECOND READING AND ADOPTION ON APRIL 1, 2015.

SUMMARY

OWNER/APPLICANT: McCarthy McCollough
LOCATION: North of W Kelly Park Road, east of Foliage Way (1505 W Kelly Park Rd.)
EXISTING USE: Single-family home
FUTURE LAND USE: "County" Rural (0-1 du/10 ac)
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 "County" Rural to "City" Rural Settlement (0-1 du/5 ac)).
ZONING: "County" A-1 (Agriculture)
PROPOSED ZONING: AG (min. lot area of five acres) and RCE-1(mi. lot area of one acre)
PROPOSED DEVELOPMENT: Existing and new single-family home
TRACT SIZE: 8.44 +/- acres total
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. A survey of the proposed lot split is provided with the support information. The smaller proposed lot abutting Kelley Park Road is two acres and the applicant request RCE-1 zoning for this portion of the property. The minimum lot area for RCE-1 is one acre. However, a portion of the front of this parcel as well as the access portion of the parcel zoned AG will likely be acquired for right-of-way when Kelley Park Road is widened from 60 feet to up to 120 feet. In such case, the remaining portion of the RCE-1 parcel will meet the minimum lot size.

The proposed zoning change is compatible with the character of the surrounding area and the subject parcel contains an existing. The applicant has requested the AG 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 8.44 acres. The portion of the property proposed to be zoned RCE-1 is located adjacent to Kelley Park Road. The property owner intends to use both parcels a single-family home but desires to retain the larger parcel for agriculture use. Access to the larger rear parcel will occur through a flag-lot. Any single family home constructed on the RCE-1 parcel will have to connect to central water and sewer.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG & RCE-1 rezoning is consistent with the proposed Future Land Use Designation of Rural Settlement (up to one unit per five acres, maximum density of one unit per acre) for this property. Minimum lot size for property assigned the AG zoning category is 5 acres, and the minimum lot size for property assigned the RCE-1 zoning classification is 1 acre.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**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 February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 - Planning Commission (5:01 pm)  
March 18, 2015- City Council (7:00 pm) - 1st Reading  
April 1, 2015 – City Council (1:30 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Notice and Notification  
March 20, 2015 – Ordinance Heading Ad

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 to “City” AG (6.44 ac) and RCE-1 (2.0 ac) for the parcel owned by McCarthy McCollough located at 1505 West Kelly Park Road, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on March 10, 2015, recommended approval (6-0) of the change in Zoning “County” A-1 to “City” AG (6.44 ac) and RCE-1 (2.0 ac) for the parcel owned by McCarthy McCollough located at 1505 West Kelly Park Road, subject to the information and findings in the staff report.

Accept the First Reading of Ordinance No. 2412 and Hold it Over for Second Reading and Adoption on March 4, 2015.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Manufactured Home/Vacant Land
East (City)	Agriculture (1 du/5 ac)	A-1 (ZIP)	Single-family home
South (City) South (County)	Rural Settlement (0-1 du/5 ac) Rural (0-1 du/10 ac)	A-1 (ZIP) A-1	Vacant Land Mobile Home
West (County)	Rural (0-1 du/10 ac)	A-1	Manufactured home

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a major collector roadway (W Kelly Park Road). The zoning application covers approximately 8.44 acres as follows: Parcel 1 will comprise 6.44 acres and Parcel 2 will comprise 2.00 acres. The property owner intends to split the property into two lots for two-single family residences.

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG and RCE-1 zoning is consistent with the City’s Rural Settlement (0-1 du/5 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, AG & RCE-1 zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft.
- Minimum Site Area: 5 acres.
- Minimum Lot Width: None
- Setbacks: Front: 25 ft.
- Rear: 25 ft.
- Side: 25 ft.
- Corner: 25 ft.

Based on the above zoning standards, the existing 6.44-acre portion of the subject parcel complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

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

**ALLOWABLE USES:**

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



**RCE-1 DISTRICT  
REQUIREMENTS:**

Minimum Living Area:	2,000 sq. ft.
Minimum Site Area:	1 acre (43,560 sq. ft.)
Minimum Lot Width	130 ft.
Setbacks:	Front: 35 ft.
	Rear: 30 ft.
	Side: 15 ft.
	Corner 35 ft.

Based on the above zoning standards, the proposed split of 2 acres from the subject parcel complies with code requirements for the RCE-1 district.

**BUFFERYARD  
REQUIREMENTS:**

Proposed residential subdivisions 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.

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

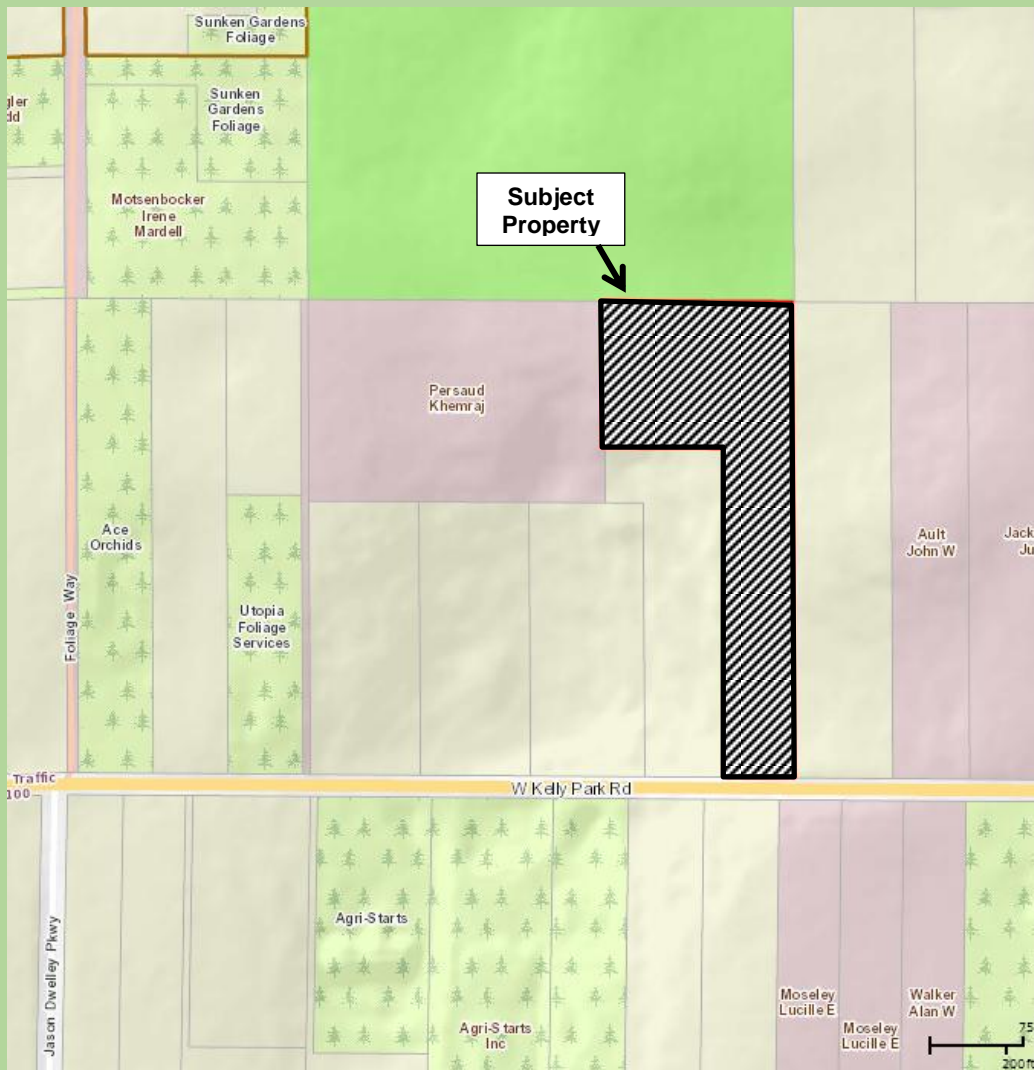
**ALLOWABLE USES:**

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



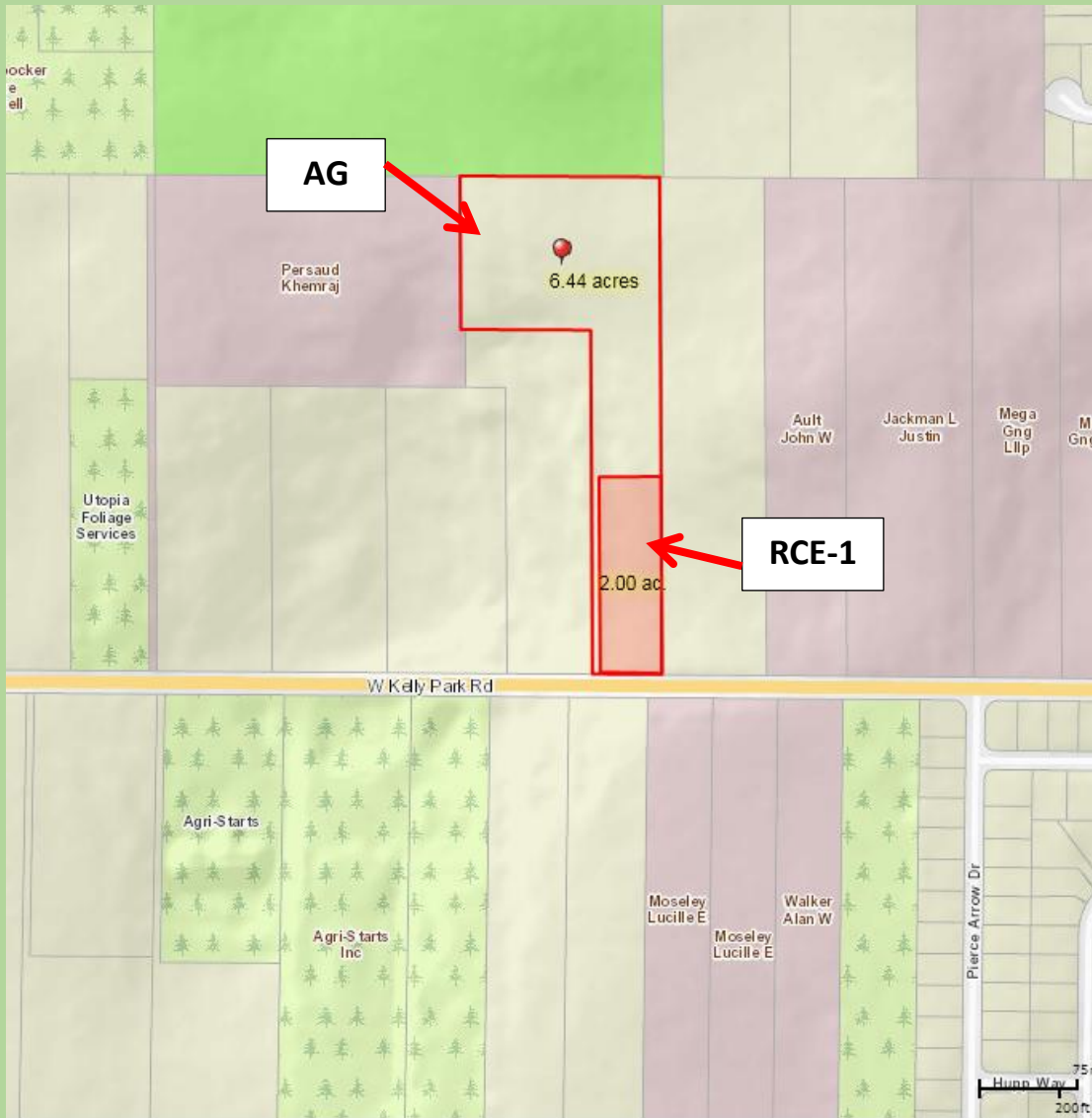
**McCarthy McCollough**  
**8.44 +/- Acres**  
**Existing Maximum Allowable Development: 1 dwelling units**  
**Proposed Maximum Allowable Development: 2 dwelling units**  
**Proposed Small Scale Future Land Use Change**  
**From: "County" Rural (0-1/10 ac)**  
**To: "City" Agriculture (0-1 du/5 ac)**  
**Proposed Zoning Change**  
**From: "County" A-1**  
**To: "City" AG (6.44 ac) & RCE-1 (2.0 ac)**  
**Parcel ID #: 08-20-28-0000-00-003**

**VICINITY MAP**





# ZONING CHANGE MAP





# SITE SURVEY

## BOUNDARY SURVEY

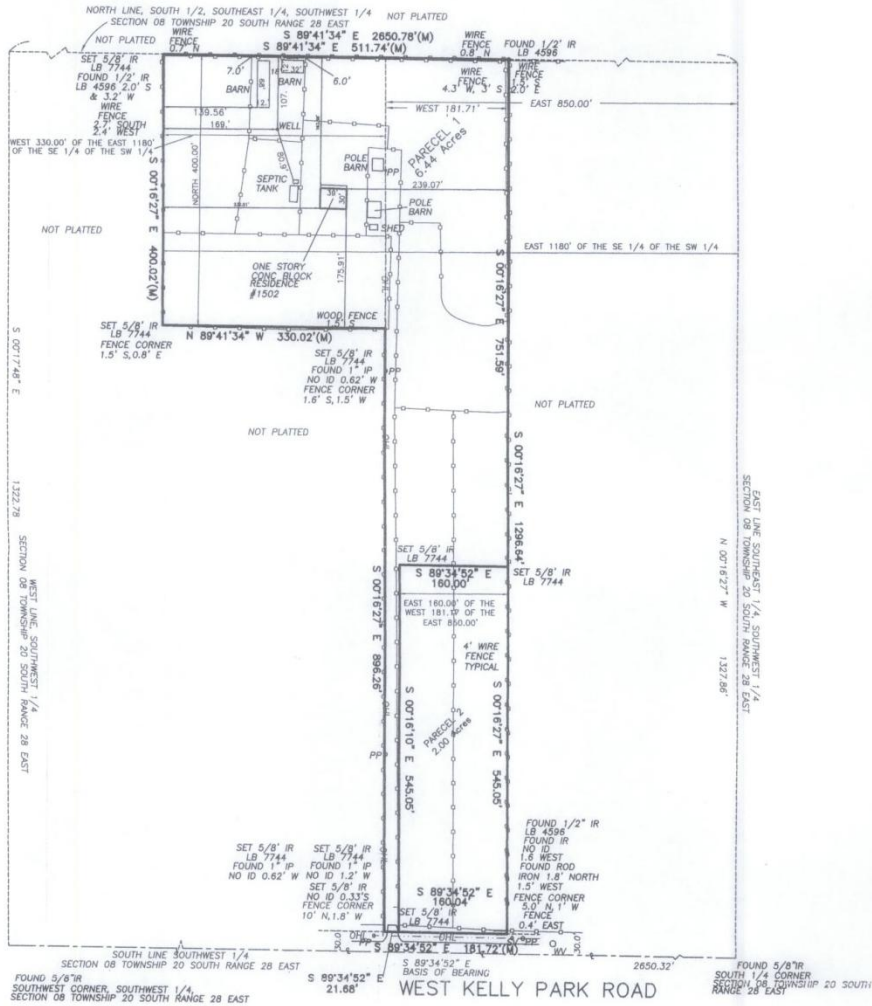
DESCRIPTION: PARCEL 1

THE WEST 181.71 FEET OF THE EAST 850 FEET OF THE SE 1/4 OF THE SW 1/4 OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST, AND THE NORTH 400 FEET OF THE WEST 330 FEET OF THE EAST 1180 FEET OF THE SE 1/4 OF THE SW 1/4 OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA.

LESS EAST 160.00 FEET OF THE SOUTH 575.00 FEET OF WEST 181.71 FEET OF THE EAST 850.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST ORANGE COUNTY.

DESCRIPTION: PARCEL 2

THE EAST 160.00 FEET OF THE SOUTH 575.00 FEET OF WEST 181.71 FEET OF THE EAST 850.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST ORANGE COUNTY.



### SURVEYORS NOTES:

- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE OPINION. THERE MAY EXIST MATTERS ON RECORD AFFECTING THE SUBJECT PROPERTY.
- BEARINGS BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 08, TOWNSHIP 20 SOUTH, RANGE 28 EAST ORANGE COUNTY, FLORIDA AS BEING S 89°34'52" E (AN ASSUMED DATUM THEREOF).
- NO UNDERGROUND UTILITIES, FOUNDATIONS OR IMPROVEMENTS HAVE BEEN LOCATED.
- ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, THE STRUCTURE SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD AREA. THIS STRUCTURE LIES IN UNSHADED ZONE " X ", COMMUNITY PANEL NO. 120179 0050 F EFFECTIVE DATE: SEPTEMBER 25, 2009 (SUBJECT TO CHANGE)

I hereby affirm that this survey represented hereon is true and correct to the best of my knowledge and belief. It has been prepared in accordance with the Standards set forth in Chapter 5J-17, F.A.C., pursuant to Chapters 177 and 472, Florida Statutes and unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this drawing, sketch, plat or map is for informational purposes only and is not valid.

*Daniel L. Whittaker*  
 DANIEL L. WHITTAKER P.S.M. 5648

12/11/2014  
 PRINT DATE:

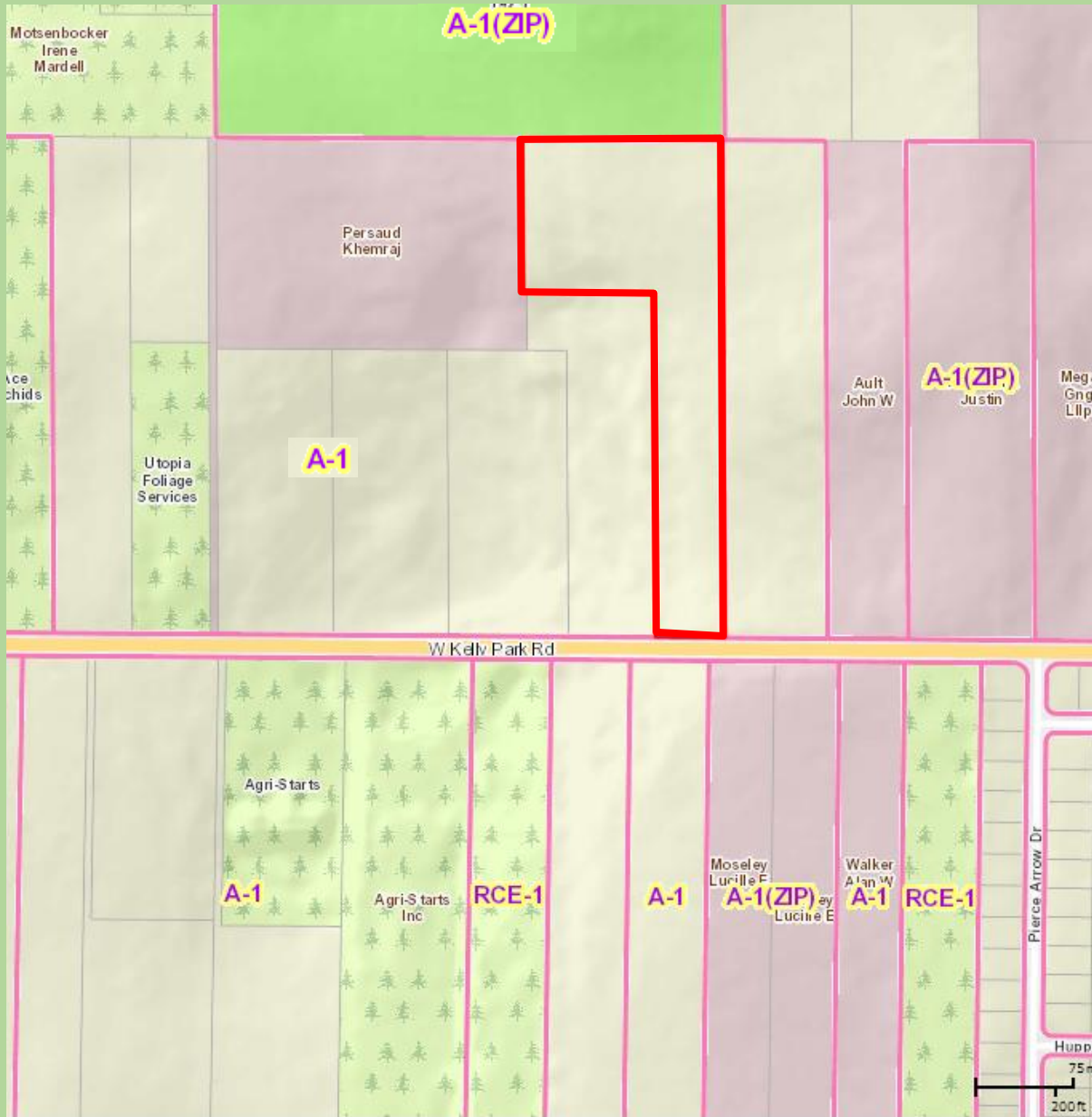
PREPARED FOR:	FIELD BY: DLW	DATE: 11/07/14	
MCCARTHY MCCOLLOUGH	ORDER NO.:	NW 14-344	
1502 KELLY PARK ROAD	SCALE: 1"=150'	SHEET 1 OF 1	NO. DATE REVISIONS



Nieto-Whittaker Surveying LLC  
 562 W. Springtree Way, Lake Mary, FL 32746  
 PH: (407) 484-0103 FAX: (407) 302-6776  
 LB No. 7744

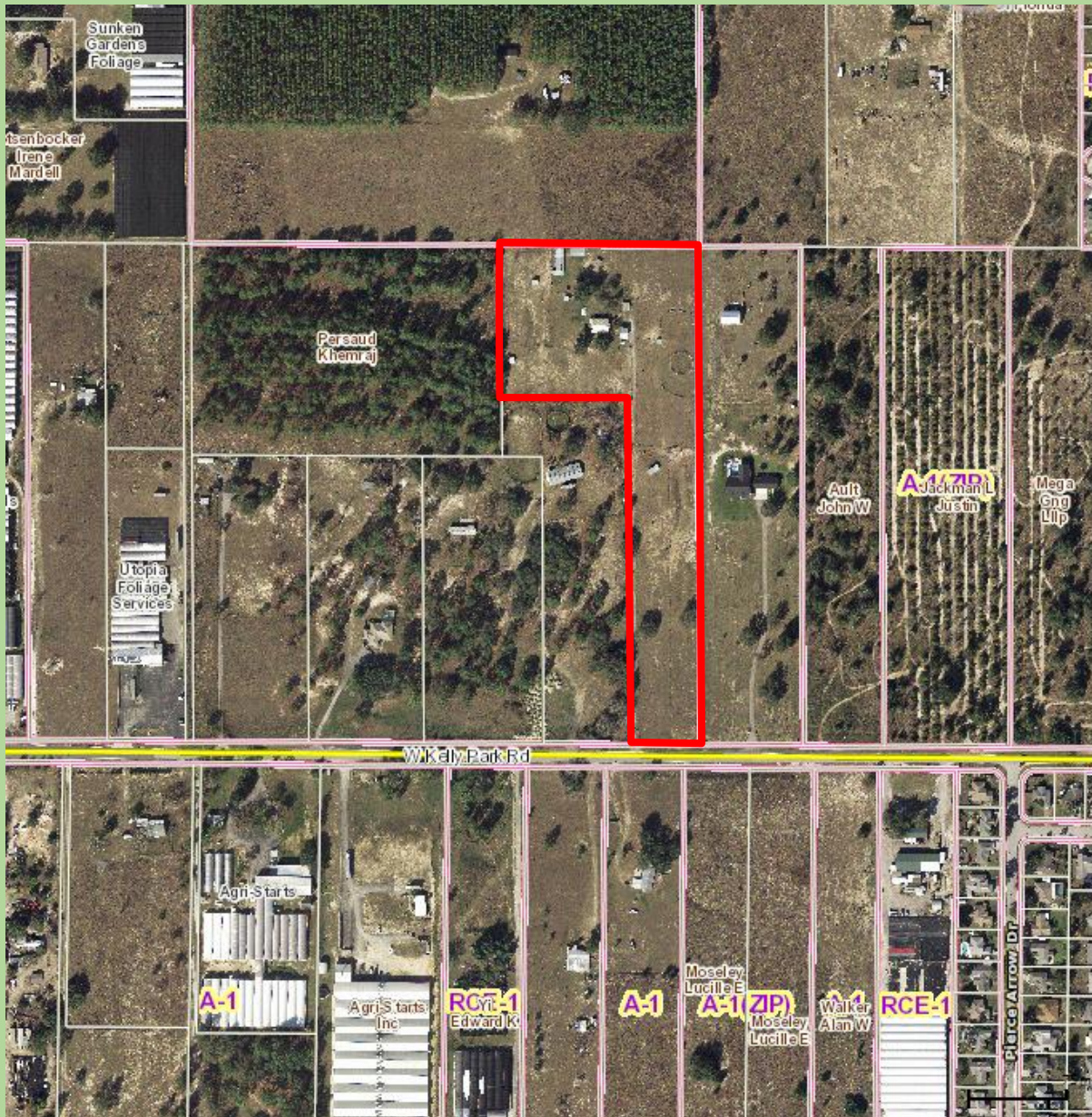


## ADJACENT ZONING



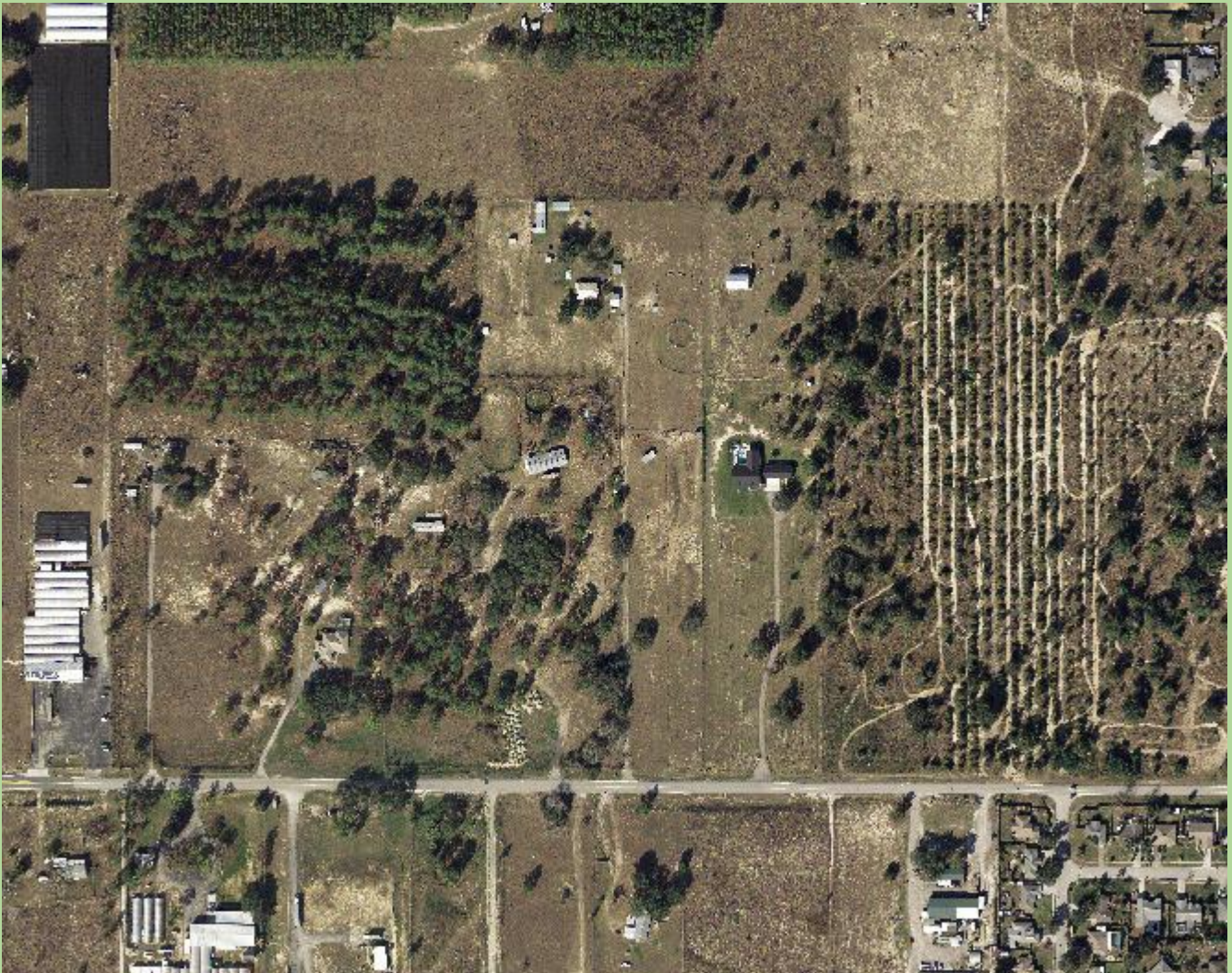


### ADJACENT USES





## EXISTING USES



**ORDINANCE NO. 2412**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) (AGRICULTURE) (6.44 AC) AND RCE-1 (RESIDENTIAL) (2.0 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF FOLIAGE WAY (1505 W KELLY PARK RD.), COMPRISING 8.44 ACRES MORE OR LESS, AND OWNED BY MCCARTHY MCCOLLOUGH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the proposed AG (min. 5 acre lot) (Agriculture) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

**Section I.** That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby AG (Agriculture) (6.44 ac) and RCE-1 (Residential) (2.0 ac), as defined in the Apopka Land Development Code.

Legal Description:

Parcel 1: The west 181.71 feet of the east 850 feet of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 8, Township 20 South, Range 28 East, and the north 400 feet of the west 330 feet of the east 1180 feet of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 8, Township 20 South, Range 28 East, Orange County, Florida. LESS the east 160.00 feet of the south 575.00 feet of the west 181.71 feet of the east 850.00 feet of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 8, Township 20 South, Range 28 East, Orange County, Florida.  
6.44 +/- acres (AG)

Parcel 2: The east 160.00 feet of the south 575.00 feet of the west 181.71 feet of the east 850.00 feet of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 8, Township 20 South, Range 28 East, Orange County, Florida.  
2.00 +/- acres (RCE-1)

Parcel ID # 08-20-28-0000-00-003  
Combined 8.44 acres +/-

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

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



**ORDINANCE NO. 2412**

**PAGE 2**

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

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

**Section VI.** That this Ordinance shall take effect upon adoption of Ordinance No. 2411.

READ FIRST TIME: March 18, 2015

READ SECOND TIME  
AND ADOPTED: April 1, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: February 20, 2015  
March 20, 2015

**Backup material for agenda item:**

6. RESOLUTION NO. 2015-07 - Providing that the concessions at the Art & Foliage Festival will be handled by local community, civic, and religious organizations, that no peddler's licenses will be issued during the Festival, and that no animals, leashed or unleashed, will be allowed in Kit Land Nelson Park during the Festival, except in compliance with the Americans with Disabilities Act (ADA).



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 18, 2015  
 FROM: Administration  
 EXHIBITS: \_\_\_\_\_

**SUBJECT: RESOLUTION NO. 2015-07 PROVIDING THAT THE CONSESSIONS AT THE ART & FOLIAGE FESTIVAL WILL BE HANDLED LARGELY BY LOCAL COMMUNITY, CIVIC AND RELIGIOUS ORGANIZATIONS, THAT NO PEDDLER’S LICENSES WILL BE ISSUED DURING THE FESTIVAL, AND THAT NO ANIMALS, LEASHED OR UNLEASHED, WILL BE ALLOWED IN KIT LAND NELSON PARK DURING THE FESTIVAL, EXCEPT IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA).**

**Request: ADOPT RESOLUTION NO. 2015-07**

**SUMMARY:**

Because the Apopka Art & Foliage Festival is a community sponsored event, the proceeds of which ultimately benefit the community of Apopka, for the past 54 years, the vending of food and drinks at the Festival has been largely the province of the local community, civic and religious organizations. Resolution No. 2015-07 includes provisions to continue this tradition. Additionally, Resolution No. 2015-07 provides that no animals, leashed or unleashed, other than those in compliance with the Americans with Disabilities Act (ADA), shall be allowed in the park during the Festival.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Adopt Resolution No. 2015-07

**DISTRIBUTION**

- |                                |                  |                              |
|--------------------------------|------------------|------------------------------|
| Mayor Kilsheimer               | Finance Director | Public Services Director (2) |
| Commissioners (4)              | HR Director      | Recreation Director          |
| City Administrator Irby        | IT Director      | City Clerk                   |
| Community Development Director | Police Chief     | Fire Chief                   |

**RESOLUTION NO. 2015-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING THAT THE CONCESSIONS AT THE ART & FOLIAGE FESTIVAL WILL BE HANDLED LARGELY BY LOCAL COMMUNITY, CIVIC AND RELIGIOUS ORGANIZATIONS, THAT NO PEDDLER LICENSES WILL BE ISSUED DURING THE FESTIVAL, AND THAT NO ANIMALS, LEASHED OR UNLEASHED, WILL BE ALLOWED IN KIT LAND NELSON PARK DURING THE FESTIVAL, EXCEPT IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA).**

**WHEREAS**, for the past 54 years, the annual Apopka Art & Foliage Festival has played an important role in the identity and character of the community; and

**WHEREAS**, the Apopka Art & Foliage Festival is a community sponsored event, the proceeds of which ultimately benefit the community of Apopka; and

**WHEREAS**, this annual event, sponsored by the Apopka Woman's Club, enhances our community through the artists and visitors it attracts; and

**WHEREAS**, since its inception, the vending of food and drinks at the Festival has been largely the province of the local community civic and religious organizations; and

**WHEREAS**, the profits from this vending are returned to our community through the projects of the various civic and religious organizations; and

**WHEREAS**, independent street vendors detract from the character and concept of the annual Art & Foliage Festival and, further, are difficult to control as to quality and price; and

**WHEREAS**, animals, leashed or unleashed, can spoil the festival atmosphere when so many people are gathered in close proximity, as they are at the Art & Foliage Festival.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA**, as follows:

1. That the City of Apopka will issue no peddler licenses for the vending of food items, drinks, or merchandise for the period of Saturday, April 25<sup>th</sup> and Sunday, April 26<sup>th</sup>, 2015, due to the scheduling of the 2015 Apopka Art & Foliage Festival.
2. That no animals, leashed or unleashed, other than those required by the Americans with Disabilities Act (ADA) shall be allowed in the park during the Festival, and anyone bringing an animal into Kit Land Nelson Park may be cited by the Apopka Police Department.

**PASSED AND APPROVED** by the City Council of the City of Apopka, Florida, this 18th day of March, 2015.

**CITY OF APOPKA, FLORIDA**

---

Joseph E. Kilsheimer, Mayor

ATTEST:

---

Linda Goff, City Clerk

**Backup material for agenda item:**

1. PRELIMINARY DEVELOPMENT PLAN – Rock Springs Estates, owned by Rock Springs Estates; applicant is Pulte Group, c/o Doug Hoffman, P.E.; engineering firm is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E., located south of West Lester Road, east of Vick Road. (Parcel ID Nos. 3-20-28-0000-00-015, 33-20-28-0000-00-118, 33-20-28-0000-00-003)



**CITY OF APOPKA  
CITY COUNCIL**

- PUBLIC HEARING
- SPECIAL REPORTS
- PLAT APPROVAL
- OTHER: Preliminary Dev. Plan

DATE: March 18, 2015  
 FROM: Community Development  
 EXHIBITS: Vicinity Map  
 Site Plan  
 Landscape Plans

**SUBJECT: PRELIMINARY DEVELOPMENT PLAN - ROCK SPRINGS ESTATES, LOCATED SOUTH OF WEST LESTER ROAD, EAST OF VICK ROAD**

**Request: APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN FOR ROCK SPRINGS ESTATES, LOCATED SOUTH OF WEST LESTER ROAD, EAST OF VICK ROAD; AND ISSUE THE PRELIMINARY DEVELOPMENT ORDER.**

**SUMMARY**

OWNER: Rock Springs Estates, LLC  
 APPLICANT: Pulte Group, c/o Doug Hoffman, P.E.  
 PROJECT ENGINEER: Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E.  
 LOCATION: South of West Lester Road, east of Vick Road.  
 EXISTING USE: One (1) single family residence/vacant land  
 FUTURE LAND USE: Residential Low Suburban (Max. 3.5 du/ac) (Residential)  
 ZONING: R-1  
 PROPOSED DEVELOPMENT: Single-family Residential Subdivision (60 Lots; min. 8,000 sq. ft. lot area)  
 TRACT SIZE: 25.84 +/- acres

**DISTRIBUTION:**

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

**CITY COUNCIL - MARCH 18, 2015**  
**ROCK SPRINGS ESTATES – PRELIMINARY DEVELOPMENT PLAN**  
**PAGE # 2**  
**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Res. Low Suburban (0 -3.5 du/ac)	R-1/ZIP	Vacant Land/SFR
East (City)	Res. Low	R-2	SFR
South (County)	Low Density Res. (Max. 4 du/ac)	A-2	World of Life Church of Apopka
South (City)	Residential Low (0-5 du/ac)	R-3	Wekiva Crest Subdivision
West (City)	Residential Low (0-5.0 du/ac)	R-3	Cambridge Commons Subdivision

Project Use: The Rock Springs Estates Preliminary Development Plan proposes the development of 60 single family residential lots and a 0.42 acre park. The minimum typical lot width is 75 feet with a minimum lot size of 8,000 square feet. The proposed minimum living area for the subdivision is 1,500 square feet as set forth in Chapter 2 of the Land Development Code.

The minimum setbacks applicable to this project are:

Setback	Min. Standard
Front*	25'
Side	10'
Rear	20'
Corner	25'

\*Front-entry garage must be setback 30 feet.

Access: Ingress/egress for the development will be via full access from West Lester Road. A second road connection is proposed at the southeast corner of the project. Extension of this second road will occur at the time the abutting eastern parcel is developed for residential use. A multi-use trail currently runs along the south side of Lester Road. The landscape buffer tract along Lester Road has taken into consideration the presence of this multi-use trail.

Stormwater: The two (2) retention ponds have been designed to meet the City’s Land Development Code requirements.

Recreation: The developer is providing a 0.42 acre (18,200 sq. ft.) tot lot and recreation area. At the time of the final development plan application, details of active and passive recreation equipment and facilities will be submitted for the City’s review. The park will be owned and maintained by the homeowners association.

Buffer/Tree Program: Buffers are provided consistent with the Land Development. The City’s Land Development Code and Tree Bank policy authorize the City Council to require the applicant to make a contribution to the City’s Tree Bank to mitigate the remaining tree inches for the residential section. The Applicant has committed to pay \$10.00 per deficient tree inch (totaling \$580.00) into the Tree Bank prior to issuance of the initial Arbor/Clearing permit.

The following is a summary of the tree replacement program for this project:

Total inches on-site:	1,042
Total number of specimen trees:	8
Total inches removed:	602
Total inches retained:	440
Total inches replaced:	544
Total inches (Post Development):	984



**SCHOOL CAPACITY REPORT:** No development activity can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement.

**ORANGE COUNTY NOTIFICATION:** The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 - Planning Commission, 5:01 p.m.

March 18, 2015 - City Council, 7:00 p.m.

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the ROCK SPRINGS ESTATES PRELIMINARY DEVELOPMENT PLAN, subject to the findings of the staff report.

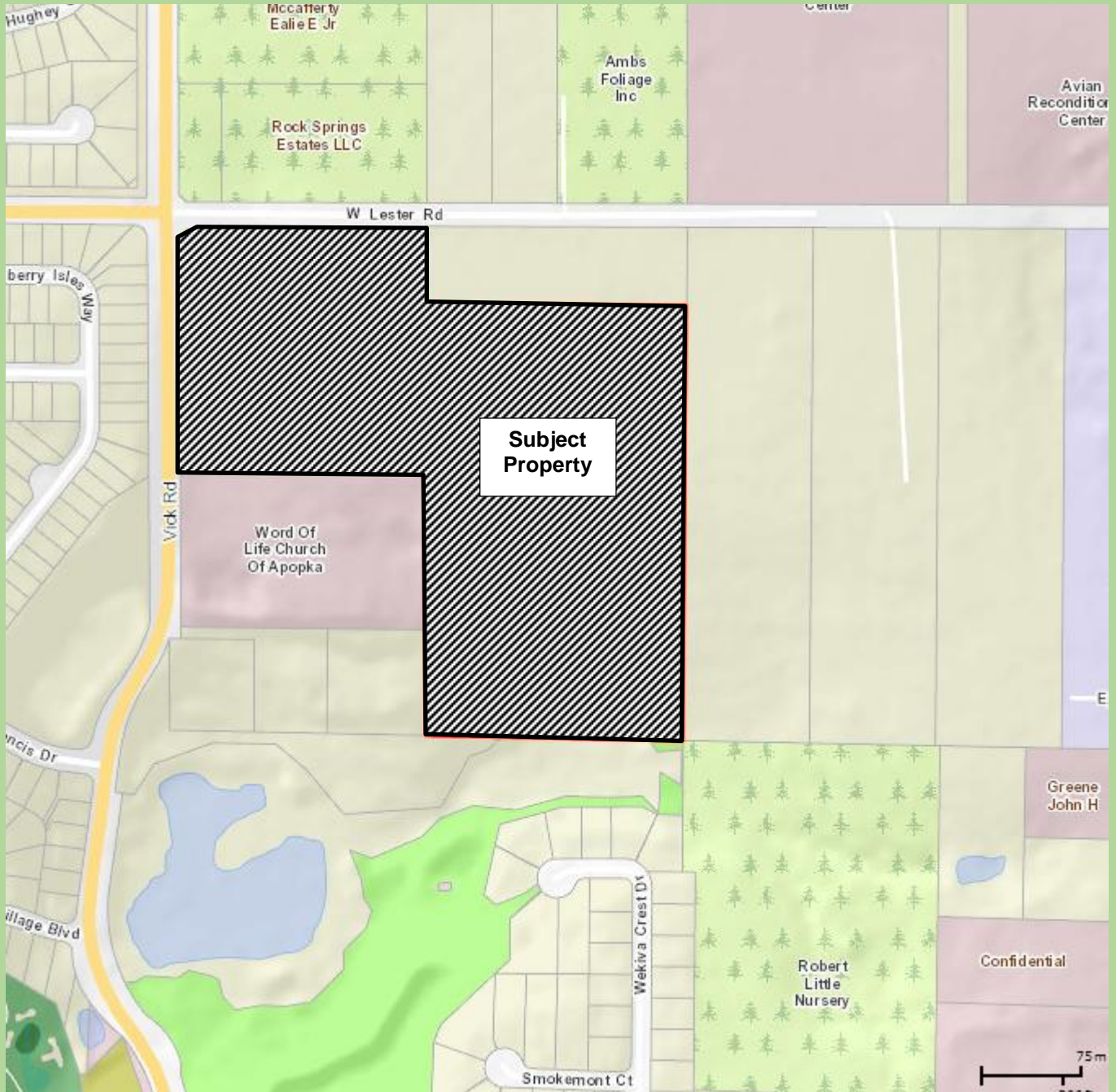
The **Planning Commission**, at its meeting on March 10, 2015, recommended approval (6-0) of the ROCK SPRINGS ESTATES PRELIMINARY DEVELOPMENT PLAN, subject to the findings of the staff report.

Approve the Preliminary Development Plan for Rock Springs Ridge Subdivision, and issue the Preliminary Development Order.

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

**Application:** Rock Springs Estate Subdivision Preliminary Development Plan  
**Owner:** Rock Springs Estates, LLC  
**Applicant:** Pulte Group, c/o Doug Hoffman, P.E.  
**Project Eng.:** Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E.  
**Parcel ID Nos:** 33-20-28-0000-00-015, 33-20-28-0000-00-118, 33-20-28-0000-00-003  
**Total Acres:** 25.84 +/-

### VICINITY MAP

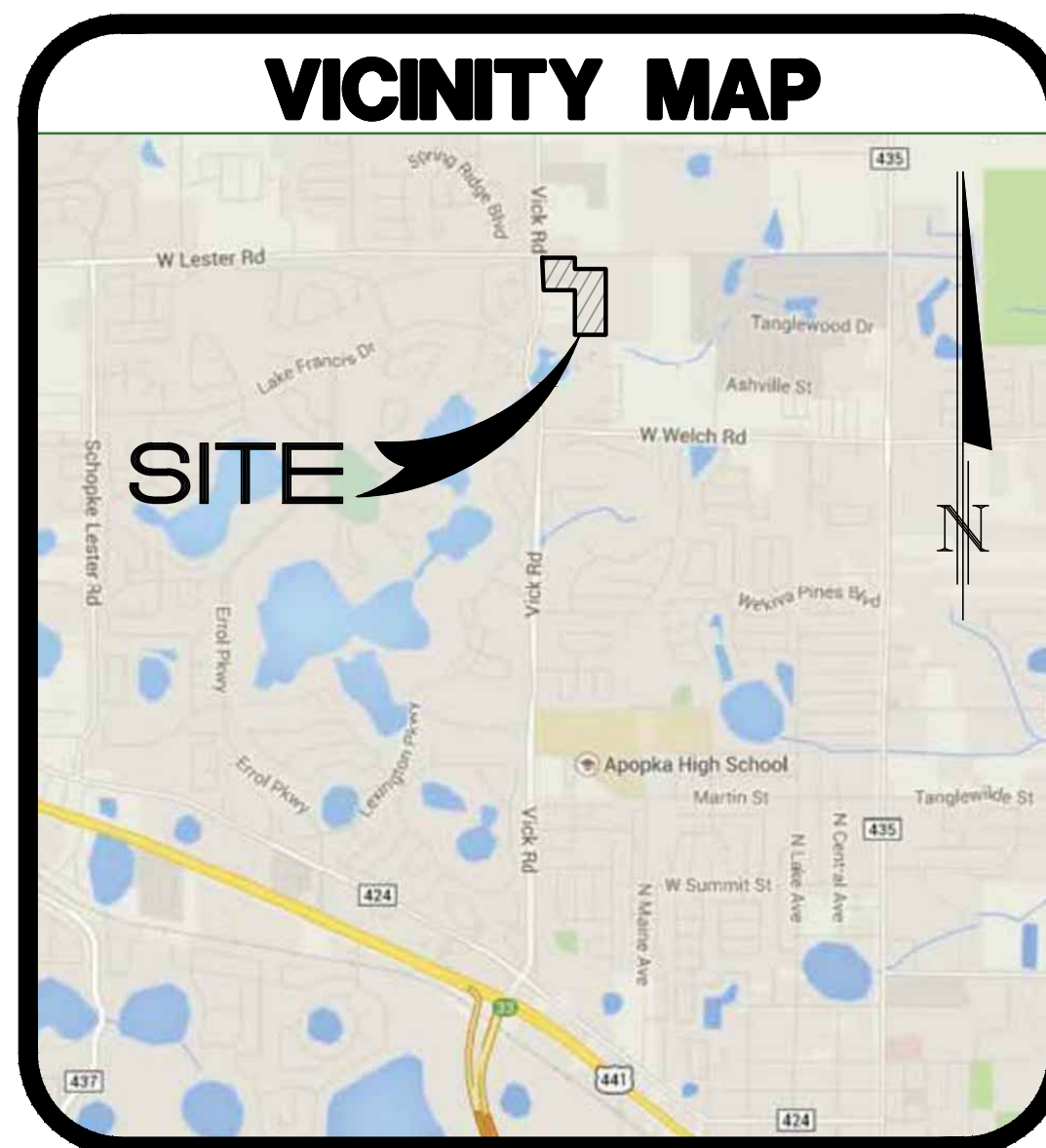


# PRELIMINARY DEVELOPMENT PLAN

# ROCK SPRINGS ESTATES

## CITY OF APOPKA, FLORIDA

PREPARED FOR  
**PULTE GROUP**  
**4901 VINELAND ROAD, 5th FLOOR**  
**ORLANDO, FL 32811**  
**407.509.4014**



SECTION 33, TOWNSHIP 20 SOUTH, RANGE 28 EAST  
PROPERTY APPRAISER PARCEL ID # 33-20-28-0000-00-003 &  
33-20-28-0000-00-015

#### ENGINEER/SURVEYOR:

DONALD W. MCINTOSH ASSOCIATES, INC.  
2200 PARK AVENUE NORTH  
WINTER PARK, FLORIDA 32789  
PH: 407.644.4068  
CONTACT PERSON: JOHN T. TOWNSEND, PE

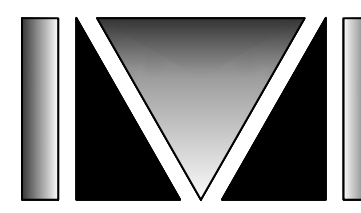
#### OWNER:

ROCK SPRINGS ESTATES, LLC.  
P.O. BOX 1508  
WINTER PARK, FLORIDA 32790

#### DEVELOPER/APPLICANT:

PULTE GROUP  
4901 VINELAND ROAD, 5th FLOOR  
ORLANDO, FL 32811  
PH: 407.509.4014  
CONTACT PERSON: DOUG HOFFMAN

**REVISION MARCH 3, 2015**  
**FEBRUARY 2, 2015**



**DONALD W. MCINTOSH ASSOCIATES, INC.**  
ENGINEERS PLANNERS SURVEYORS  
2200 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.644.4068

ALL INTERNAL ROADS, WATER, SANITARY AND RECLAIM  
UTILITIES WILL BE DEDICATED TO, OWNED AND MAINTAINED  
BY THE CITY OF APOPKA.

#### LEGAL DESCRIPTION

THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, LESS THE NORTH 230 FEET, IN SECTION 33, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA.

AND:

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAYS ALONG THE WEST AND NORTH.

CONTAINING 25.840 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RIGHTS-OF-WAY, RESTRICTIONS AND EASEMENTS OF RECORD.

THE TWO PARCELS OF LAND THAT COMPRISE THE PROPERTY ARE CONTIGUOUS WITH EACH OTHER ALONG THEIR ABUTTING COMMON BOUNDARY, WITHOUT ANY GAPS, GORES, HIATUSSES, OR OVERLAPS, AND THE NORTHWESTERN PARCEL OF LAND WITHIN THE PROPERTY IS CONTIGUOUS, WITHOUT ANY GAPS, GORES, HIATUSSES, OR OVERLAPS, TO BOTH WEST LESTER ROAD AND VICK ROAD.

#### SHEET INDEX

- 1 COVER SHEET
- 2 SITE DATA, NOTES AND LEGEND
- 3 EXISTING CONDITIONS PLAN
- 4 AERIAL
- 5 OVERALL DEVELOPMENT PLAN
- 6 PRELIMINARY DEVELOPMENT PLAN WEST SIDE
- 7 PRELIMINARY DEVELOPMENT PLAN EAST SIDE
- TR.01 TREE REMOVAL PERMIT PLAN
- L.01-L.04 LANDSCAPE PLAN
- IR.01-IR.04 IRRIGATOIN PLAN
- H.01 BRICK WALL & ENTRY SIGNAGE ELEVATIONS

NOT FOR CONSTRUCTION  
DONALD W. MCINTOSH ASSOCIATES, INC.  
REGISTERED PROFESSIONAL ENGINEER  
AUTHORIZATION NO. 68

JOHN T. TOWNSEND  
FLORIDA P.E. No. 52127  
DATE: \_\_\_\_\_

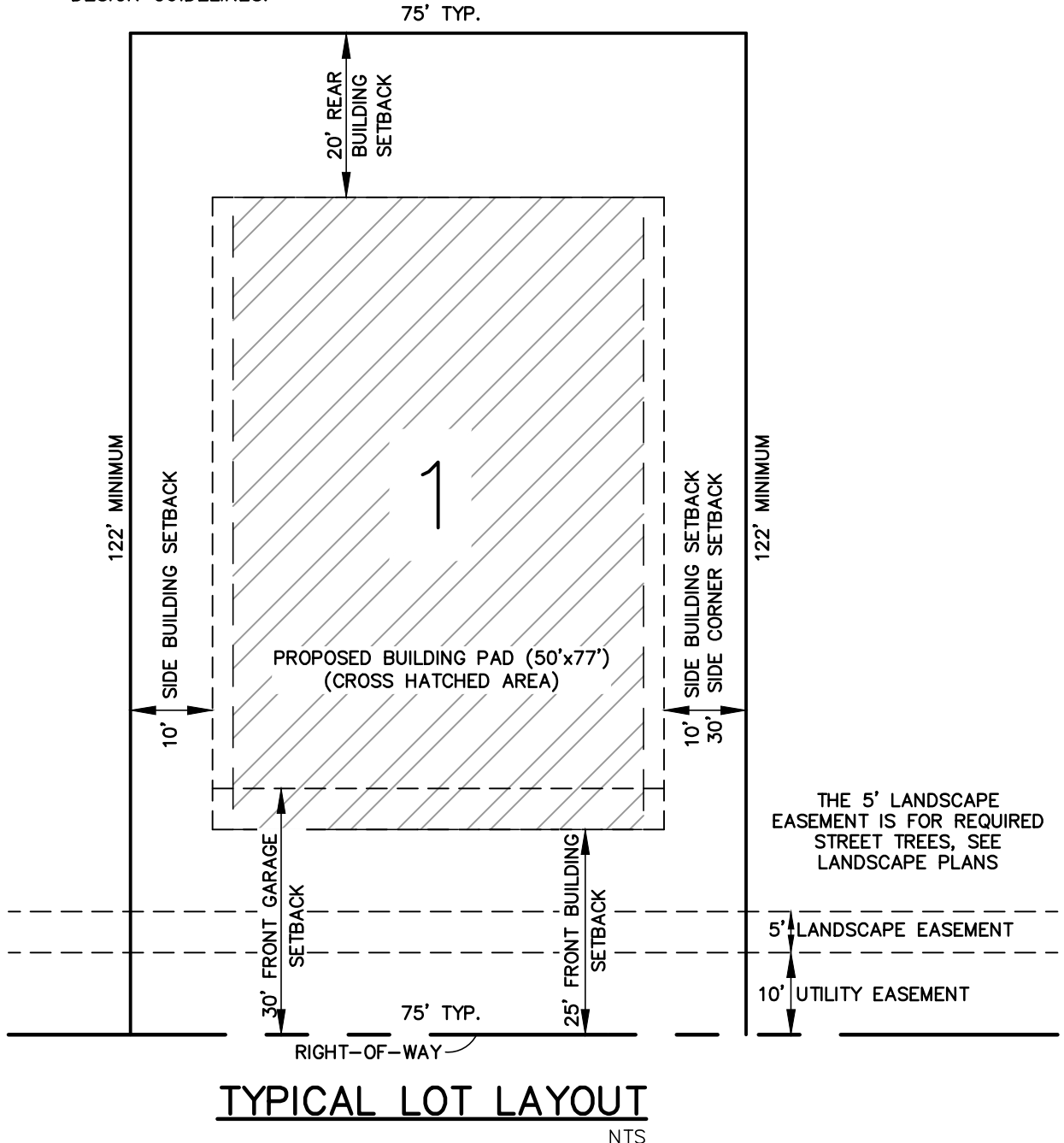
ROCK SPRINGS ESTATES -PDP-14200 - 2/2/15, REV 3/3/15

DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.

**NOTES**

- ALL CONSTRUCTION DETAILS ARE CONCEPTUAL AND SUBJECT TO REVIEW AND MODIFICATION DURING FINAL DEVELOPMENT PLANS APPROVAL PROCESS.
- FINAL DEVELOPMENT PLANS AT A MINIMUM SHALL ADDRESS THE INFORMATION REQUIRED UNDER SECTION 12.2.04 OF THE CITY OF APOPKA LAND DEVELOPMENT CODE.
- ALL PROPOSED DEVELOPMENT IMPROVEMENTS SHALL CONFORM TO THE CITY OF APOPKA LAND DEVELOPMENT CODE, ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND FLORIDA DEPARTMENT OF TRANSPORTATION REQUIREMENTS.
- THE DESIGN AND CONSTRUCTION OF STORMWATER MANAGEMENT SYSTEMS, WATER AND SEWER SYSTEMS, UTILITIES AND EASEMENTS SHALL BE IN ACCORDANCE WITH THE CITY OF APOPKA CONSTRUCTION DESIGN STANDARDS MANUAL. STORM WATER MANAGEMENT FACILITIES WILL BE PROVIDED ONSITE IN TWO RETENTION/DETENTION PONDS.
- ONSITE UTILITIES ARE SHOWN AS CONCEPTUAL ONLY, FINAL PLACEMENT WILL BE DETERMINED DURING THE FINAL DEVELOPMENT PLAN PROCESS.
- ALL PROPOSED UTILITIES (ELECTRICAL, CABLE TV, GAS, TELEPHONE, ETC.) SHALL BE INSTALLED UNDERGROUND. APPURTENANCES TO THESE SYSTEMS THAT ARE REQUIRED TO BE ABOVE GROUND SHALL BE EFFECTIVELY SCREENED.
- PROJECTED UTILITY CONSUMPTION/IMPACTS AND REQUIRED FIRE FLOW:
  - POTABLE WATER DAILY CONSUMPTION = 27,540 GPD
  - REQUIRED FIRE FLOW = 500 GPM
  - RECLAIMED WATER DAILY CONSUMPTION = 29,091 GPD
  - WASTEWATER DAILY GENERATION = 14,580 GPD
  - REFUSE DAILY GENERATION = 720 LBS/DAY
- SANITARY WASTE SERVICES WILL BE PROVIDED BY THE CITY OF APOPKA. A SANITARY LIFT STATION WILL BE INSTALLED WITH FORCE MAIN CONNECTING TO THE EXISTING CITY FORCE MAIN STUB LOCATED AT THE SUBDIVISION ENTRANCE. THE LIFT STATION AND FORCE MAIN WILL BE DEDICATED TO, OWNED AND MAINTAINED BY THE CITY OF APOPKA.
- THIS SITE IS LOCATED IN ZONE X FLOOD HAZARD ZONE, OUTSIDE OF THE 100 YEAR FLOODPLAIN PER FEMA/FIRM MAP, ORANGE COUNTY, FLORIDA, COMMUNITY PANEL NUMBER 120180C 0110F (FIRM MAP NUMBER 12095C0110F), REVISED SEPTEMBER 25, 2009. NEAREST FLOOD PLAIN ELEVATION SET BY FEMA IS IN ZONE AE, ELEVATION 67.1 MSL FOR LAKE EROL.
- PER USDA SOIL CONSERVATION SERVICE CLASSIFICATION SYSTEM SOIL SURVEY MAPS THE ONSITE SOILS ARE AS FOLLOWS (SEE MAP BELOW):
  - 2 - ARCHBOLD FINE SAND, 0-5% SLOPES
  - 4 - CANDLER FINE SAND, 0-5% SLOPES
  - 5 - CANDLER FINE SAND, 5-12% SLOPES
- NO KNOWN EXISTING HISTORICAL STRUCTURES OR OTHER CULTURALLY SIGNIFICANT ARTIFACTS WERE OBSERVED ONSITE.
- PROJECT LANDSCAPING WILL MEET STANDARDS SET FORTH IN SECTION 2.09.19(D)(21) OF THE CITY OF APOPKA LAND DEVELOPMENT CODE. LANDSCAPE AND IRRIGATION SHALL BE IN COMPLIANCE WITH "WATER WISE ORDINANCE 2069". UNLESS OTHERWISE APPROVED BY THE CITY. FINAL LANDSCAPE AND IRRIGATION PLANS WILL BE PREPARED AND SUBMITTED DURING THE FINAL DEVELOPMENT PLAN PROCESS.
- PROJECT LIGHTING WILL MEET STANDARDS SET FORTH IN THE CITY OF APOPKA LAND DEVELOPMENT CODE (LDC) AND THE CITY'S DEVELOPMENT DESIGN GUIDELINES, UNLESS OTHERWISE APPROVED BY THE CITY. PHOTOMETRIC PLANS SHALL BE PROVIDED AS PART OF THE FINAL DEVELOPMENT PLAN PROCESS.
- PROJECT SIGNAGE SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF APOPKA ARTICLE VIII.
- REFUSE WILL BE COLLECTED BY THE CITY OF APOPKA ON A WEEKLY SCHEDULE.
- FIRE RESCUE WILL BE PROVIDED BY THE CITY OF APOPKA FIRE DEPARTMENT. THE FIRE DEPARTMENT LOCATED AT 302 WEST WELCH ROAD, APPROXIMATELY 1 MILE FROM THE DEVELOPMENT. ONSITE FIRE PROTECTION WILL BE PROVIDED WITH A LOOPED WATER DISTRIBUTION SYSTEM WITH FIRE HYDRANTS.
- PARKS & RECREATION WILL BE PROVIDED IN A "POCKET PARK".
  - REQUIRED: EQUIVALENT TO TWO (2) LOTS = 16,000 SF = 0.37 AC.
  - PROVIDED: TRACT C = 18,207 SF = 0.42 AC.

- ALL ACCESSORY STRUCTURES AND USES SHALL CONFORM TO CITY OF APOPKA ARTICLE VII, SECTION 7.01.00 OF THE LDC.
- TRANSPORTATION IMPACT ASSESSMENT: PER THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) TRIP GENERATION MANUAL, 8th EDITION, SINGLE FAMILY DETACHED HOUSING (210) GENERATES AVERAGE RATES AS FOLLOWS:
  - WEEKDAY: 9.57 TRIPS/UNIT = (9.57 TRIPS \* 60 UNITS) = 574 TRIPS
  - P.M. PEAK HOURLY: 1.02 TRIPS/UNIT = (1.02 TRIPS \* 60 UNITS) = 61.2 TRIPS
- ALL INTERNAL TRAFFIC CONTROL SIGNAGE WILL COMPLY WITH CITY OF APOPKA MUTCD AND FDOT STANDARDS, LATEST EDITIONS. REQUIRED SIGNAGE WILL BE DETERMINED DURING THE FINAL DEVELOPMENT PLAN PROCESS.
- ALL SIDEWALKS ADJACENT TO SINGLE FAMILY RESIDENTS TO BE CONSTRUCTED BY THE HOME BUILDER AT THEIR TIME OF CONSTRUCTION. SIDEWALKS ADJACENT TO TRACTS, WITHIN TRACT A, THE MAIN ENTRANCE SIDEWALKS AND ALL INTERSECTION CURB RAMPS WITH LANDINGS SHALL BE CONSTRUCTED BY THE SITE CONTRACTOR.
- WELLFIELD PROTECTION: THERE ARE NO KNOWN WELL FIELDS WITHIN THE PROJECT AREA.
- FOLLOWING LIST OF PERMITS, BUT NOT LIMITED TO, ARE REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION:
  - CITY OF APOPKA FINAL DEVELOPMENT PLAN APPROVAL
  - FDEP POTABLE WATER SYSTEM DISTRIBUTION PERMIT
  - FDEP WASTEWATER COLLECTION SYSTEM PERMIT
  - ST. JOHNS RIVER WATER MANAGEMENT ERP
  - NPDES PERMITTING (INCLUDING NOI AND NOT)
- PRIOR TO COMMENCING CLEARING AND GRADING ACTIVITIES, A PERMIT/LETTER FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION MUST BE RECEIVED, WITH A COPY FORWARDED TO THE CITY OF APOPKA, FOR APPROVAL OF A GOPHER TORTOISE SURVEY AND ANY REQUIRED REMEDIAL ACTIVITY.
- HOME BUILDERS MUST OBTAIN BUILDING PERMITS FROM THE CITY OF APOPKA PRIOR TO ANY HOME CONSTRUCTION. SUBMITTALS MUST INCLUDE BUILDING ELEVATIONS AND FLOOR PLANS.
- RESIDENTIAL ARCHITECTURE MUST COMPLY WITH THE CITY OF APOPKA'S DEVELOPMENT DESIGN GUIDELINES.

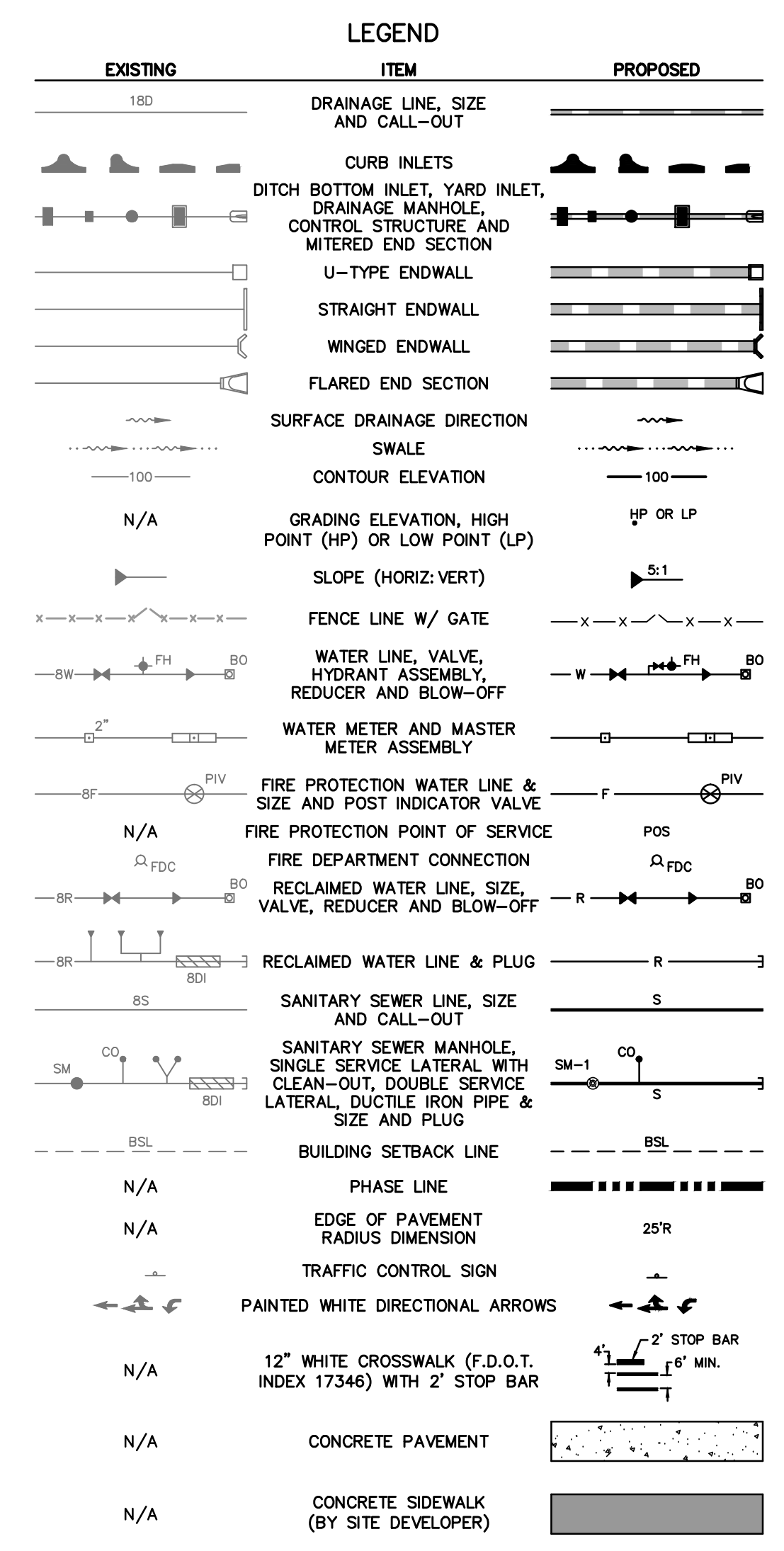


LOT INFORMATION		
LOT NUMBER	LOT FRONTAGE	LOT SQUARE FOOTAGE
1	78'	10957
2	48'	18156
3	51'	14134
4	75'	9381
5	75'	9381
6	80'	10498
7	70'	10879
8	47'	20099
9	47'	13477
10	75'	9455
11	75'	9479
12	57'	9503
13	57'	12006
14	65'	21377
15	75'	11401
16	75'	9675
17	75'	9675
18	75'	9675
19	75'	9675
20	80'	10831
21	80'	10000
22	75'	9375
23	75'	9375
24	75'	9375
25	75'	9375
26	75'	9375
27	45'	10155
28	56'	9643
29	75'	9725
30	75'	9775
31	89'	12113
32	81'	10733
33	75'	9813
34	75'	9711
35	75'	9609
36	75'	9508
37	63'	9560
38	49'	9992
39	72'	9334
40	75'	9375
41	75'	9375
42	50'	14011
43	45'	18434
44	78'	11109
45	87'	11595
46	75'	9533
47	87'	11595
48	87'	11595
49	75'	9533
50	87'	11595
51	92'	14513
52	85'	12835
53	85'	12835
54	85'	12835
55	94'	14815
56	94'	14822
57	85'	12842
58	85'	12841
59	85'	12841
60	92'	14520

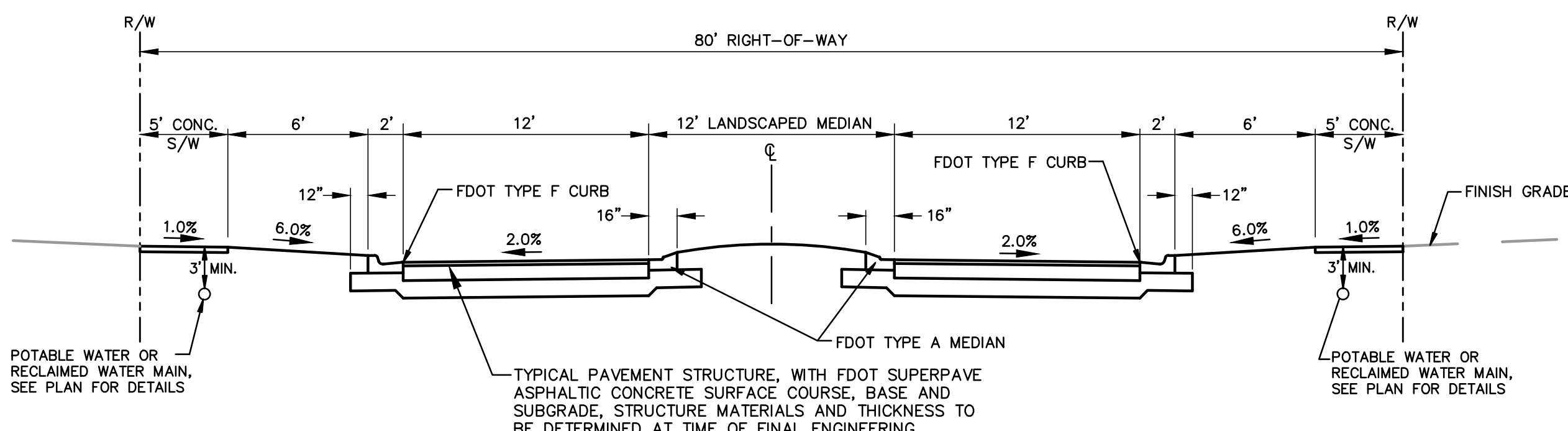
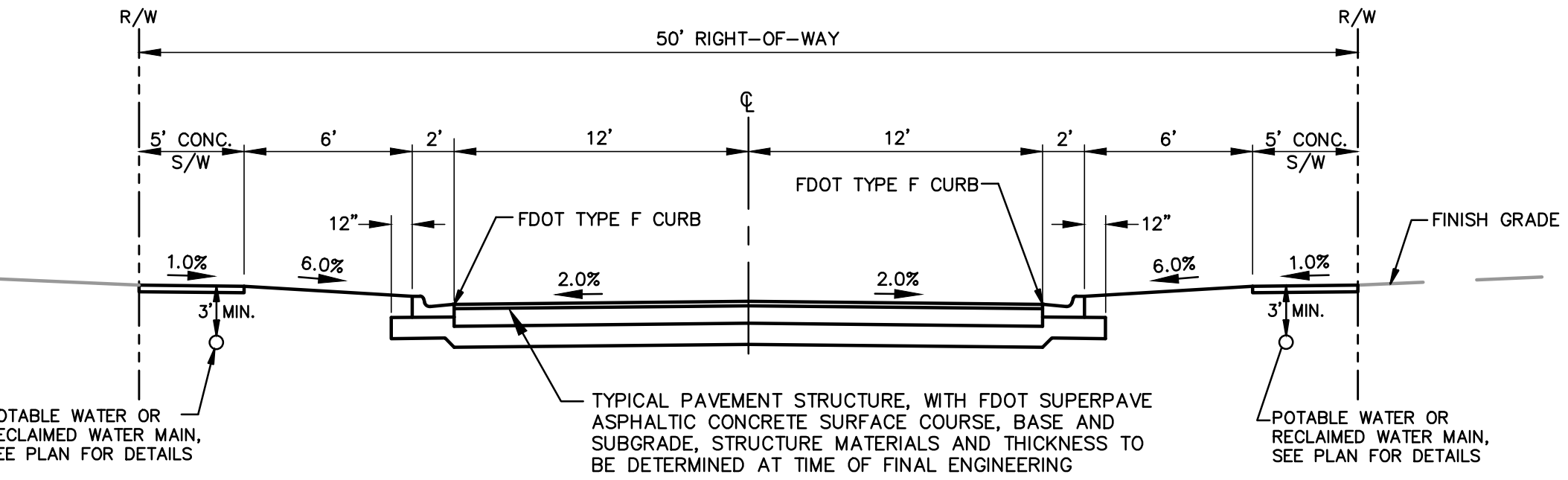
**SITE DATA**

- THE PROPOSED PROJECT IS DEVELOPMENT OF A 60 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION ON AN EXISTING SINGLE FAMILY LOT AND ADDITIONAL VACANT LAND. IMPROVEMENTS WILL INCLUDE PAVED ROADS, SIDEWALKS, STORM WATER MANAGEMENT FACILITIES, ASSOCIATED UTILITIES, AND LANDSCAPING. ALL SITE IMPROVEMENTS WILL OCCUR ON A SINGLE PHASE OF CONSTRUCTION.
- PROJECT AREA: 1,125,594 SF = 25.840 ACRES
- PROJECT ADDRESS: 1907 VICK ROAD, APOPKA, FL 32703
- EXISTING ZONING: R-1, LOW DENSITY RESIDENTIAL
- SURROUNDING ZONING: NORTH: R-1, A-2 (ZIP)  
NORTHEAST: A-1  
EAST SIDE: R-2  
SOUTH SIDE: R-3, A-2  
WEST SIDE: R-3  
NORTHWEST: PUD
- EXISTING FUTURE LAND USE: RESIDENTIAL
- SURROUNDING FLU: NORTH: RLS  
NORTHEAST: RLS  
EAST SIDE: RL  
SOUTH SIDE: RL  
WEST SIDE: RL  
NORTHWEST: RLS
- EXISTING LAND USE: EXISTING SINGLE FAMILY RESIDENT & VACANT
- PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL SUBDIVISION
- DEVELOPMENT SETBACKS: LESTER ROAD: 10 FT BUFFER  
VICK ROAD: 10 FT BUFFER  
ADJACENT AG ZONED PROPERTY: 5 FT BUFFER  
ADJACENT PROPERTY OTHERS: 0 FT
- DEVELOPMENT STANDARDS - MINIMUM/MAXIMUM:
  - LOT COUNT: 60 SINGLE FAMILY LOTS
  - DENSITY MAXIMUM ALLOWED: 3.5 UNITS / ACRE
  - DENSITY PROVIDED: 2.3 UNITS / ACRE
  - LOT SIZE: 8,000 SF MINIMUM
  - LOT WIDTH: 75' TYPICAL, 45' ALONG CURVES (40% REDUCTION)
  - LIVING SPACE: 1,500 SF MINIMUM
  - BUILDING HEIGHT: 35' (2 STORY)
  - IMPERVIOUS PER LOT: 55% MAXIMUM
- BUILDING SETBACKS:
  - FRONT: 25' TO FRONT OF HOUSE  
30' TO GARAGE
  - SIDE: 10'
  - SIDE CORNER: 30'
  - REAR: 20'
  - WETLANDS: 50'
- ALL REQUIRED VEHICULAR PARKING SPACES WILL BE PROVIDED ON EACH INDIVIDUAL RESIDENTIAL LOT. EACH LOT WILL PROVIDE TWO OUTSIDE PARKING SPACES ON THE DRIVEWAY AND TWO INSIDE PARKING SPACES WITHIN GARAGES. ALL PARKING SHALL COMPLY WITH ARTICLE VI OF THE CITY OF APOPKA LAND DEVELOPMENT CODE.
- IMPERVIOUS AREA: MAXIMUM ALLOWABLE IMPERVIOUS SURFACE RATIO IS 70% PER CITY OF APOPKA LDC.
- REQUIRED OPEN SPACE PER ARTICLE II SECTION 2.02.01-GENERAL OF THE CITY OF APOPKA LDC, IS A MINIMUM OF 30% LAND AREA.
- PROJECT LIGHTING WILL MEET STANDARDS SET FORTH IN THE CITY OF APOPKA LAND DEVELOPMENT CODE (LDC). PHOTOMETRIC PLANS SHALL BE PROVIDED AS PART OF THE FINAL DEVELOPMENT PLAN PROCESS. ALL LIGHT POLES SHALL BE DECORATIVE IN STYLE WITH BASE FLUSH WITH GROUND (NO BOLLARD MOUNTED LIGHTS).

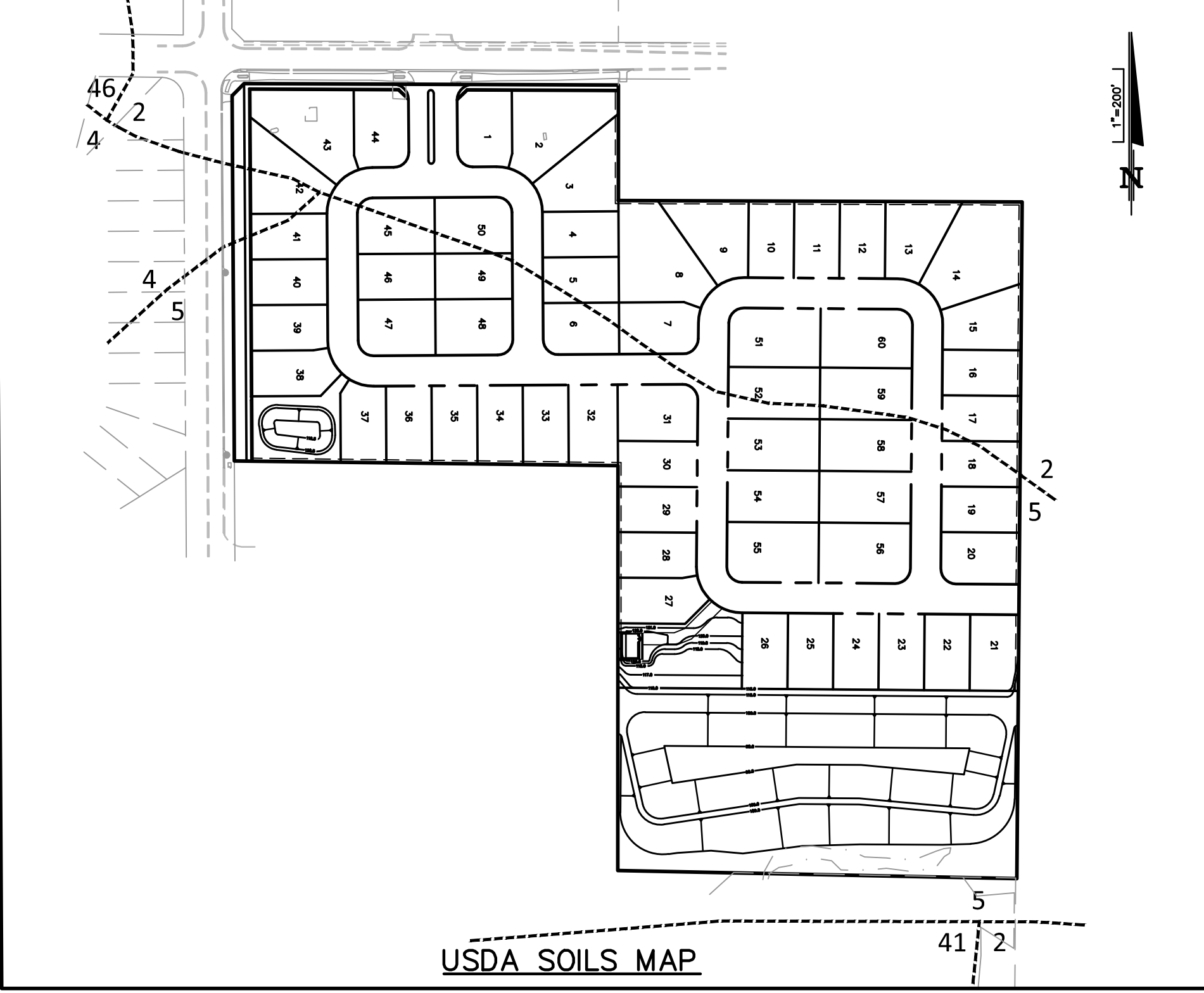
VARIANCE/WAIVER REQUEST TABLE (CIVIL)				
CODE No.	CODE REQUIRED	V/W	REQUEST	JUSTIFICATION
N/A	N/A	-	NONE	N/A



- UTILITY PROVIDERS**
- CITY OF APOPKA**  
WATER, WASTEWATER & RECLAIM PUBLIC SERVICES DEPARTMENT  
748 EAST CLEVELAND STREET  
APOPKA, FL 32703  
PH: 407.889.1718  
FAX: 407.889.1748
- DUKE ENERGY**  
ELECTRICAL DIVISION  
452 EAST CROWN POINT ROAD  
WINTER GARDEN, FL 32787  
PH: 407.905.3302  
FAX: 407.905.3365
- CENTURYLINK FLORIDA, INC.**  
TELECOMMUNICATIONS  
33 NORTH MAIN STREET  
WINTER GARDEN, FL 34787  
PH: 407.814.5351  
FAX: 407.814.5320
- BRIGHT HOUSE NETWORKS**  
CABLE TV  
65 SOUTH KELLER ROAD  
ORLANDO, FL 32810  
PH: 407.215.5505  
FAX: 407.215.5758
- LAKE APOPKA NATURAL GAS**  
NATURAL GAS  
1320 WINTER GARDEN VINELAND ROAD  
WINTER GARDEN, FL 34787  
PH: 407.656.2734  
FAX: 407.410.7024



- GENERAL NOTES:
- THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
  - THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
  - THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.



**PRELIMINARY DEVELOPMENT PLAN**

**ROCK SPRINGS ESTATES**

CITY OF APOPKA, FLORIDA

SITE DATA, NOTES AND LEGEND

DRAWING 14200-PDP-NOTES

SHEET 2 OF 7

**DONALD W. MCINTOSH ASSOCIATES, INC.**  
ENGINEERS PLANNERS SURVEYORS  
2800 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.644.4068

NO. 1

DATE 2/2/15

SCALE NTS

JOB NUMBER 14200

CHECKED BY JTT

DESIGNED BY MAB

REVISIONS

DATE 2/20/15

REVISED PER CITY OF APOPKA COMMENTS

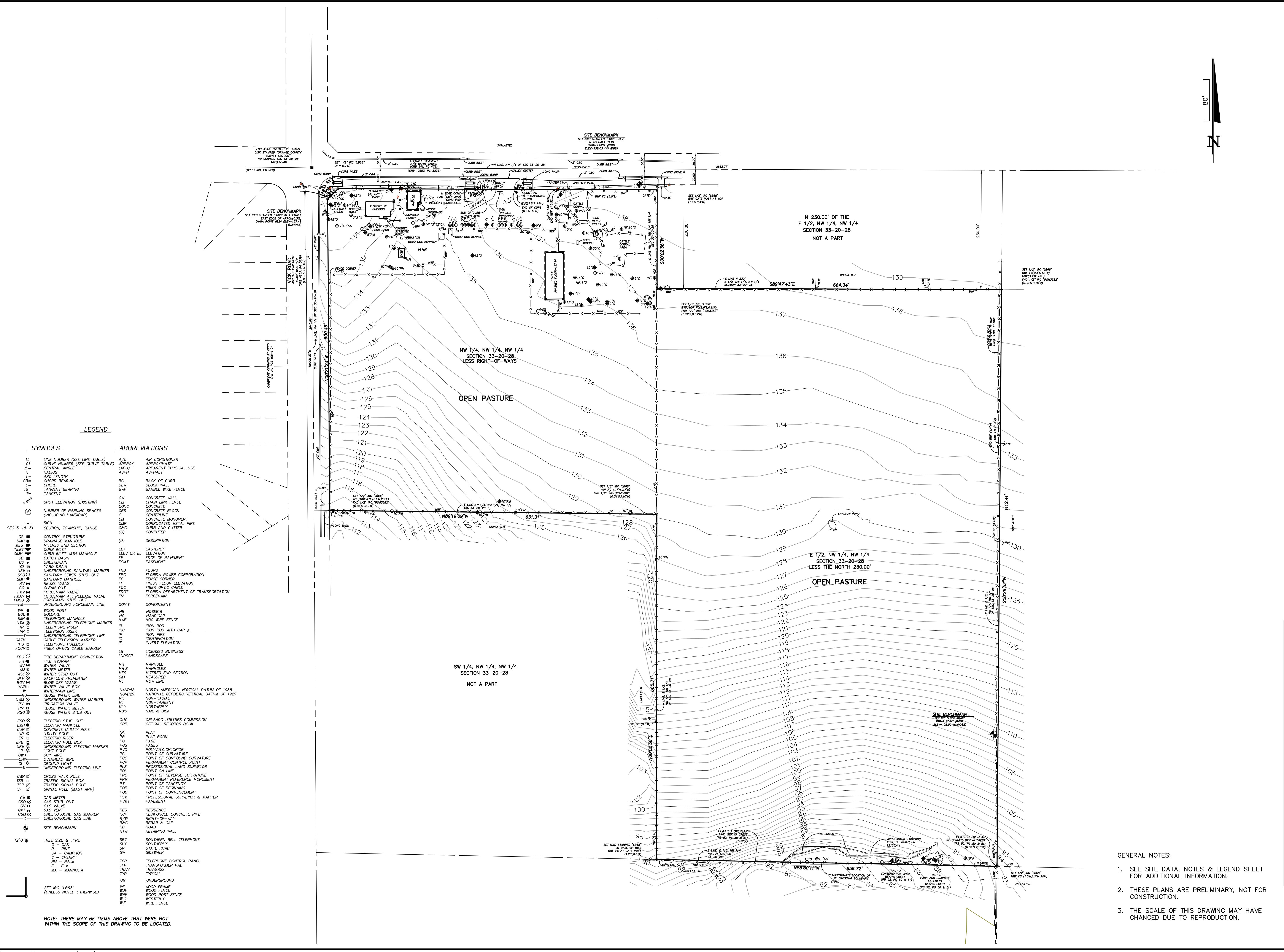
CHK. JTT

DATE

JOHN T. TOWNSEND  
FLORIDA P.E. No. 52127

DONALD W. MCINTOSH ASSOCIATES, INC.  
CERTIFICATE OF AUTHORIZATION No. 88

NOT FOR CONSTRUCTION



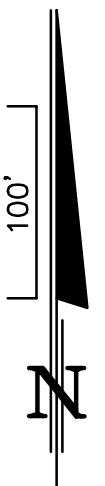
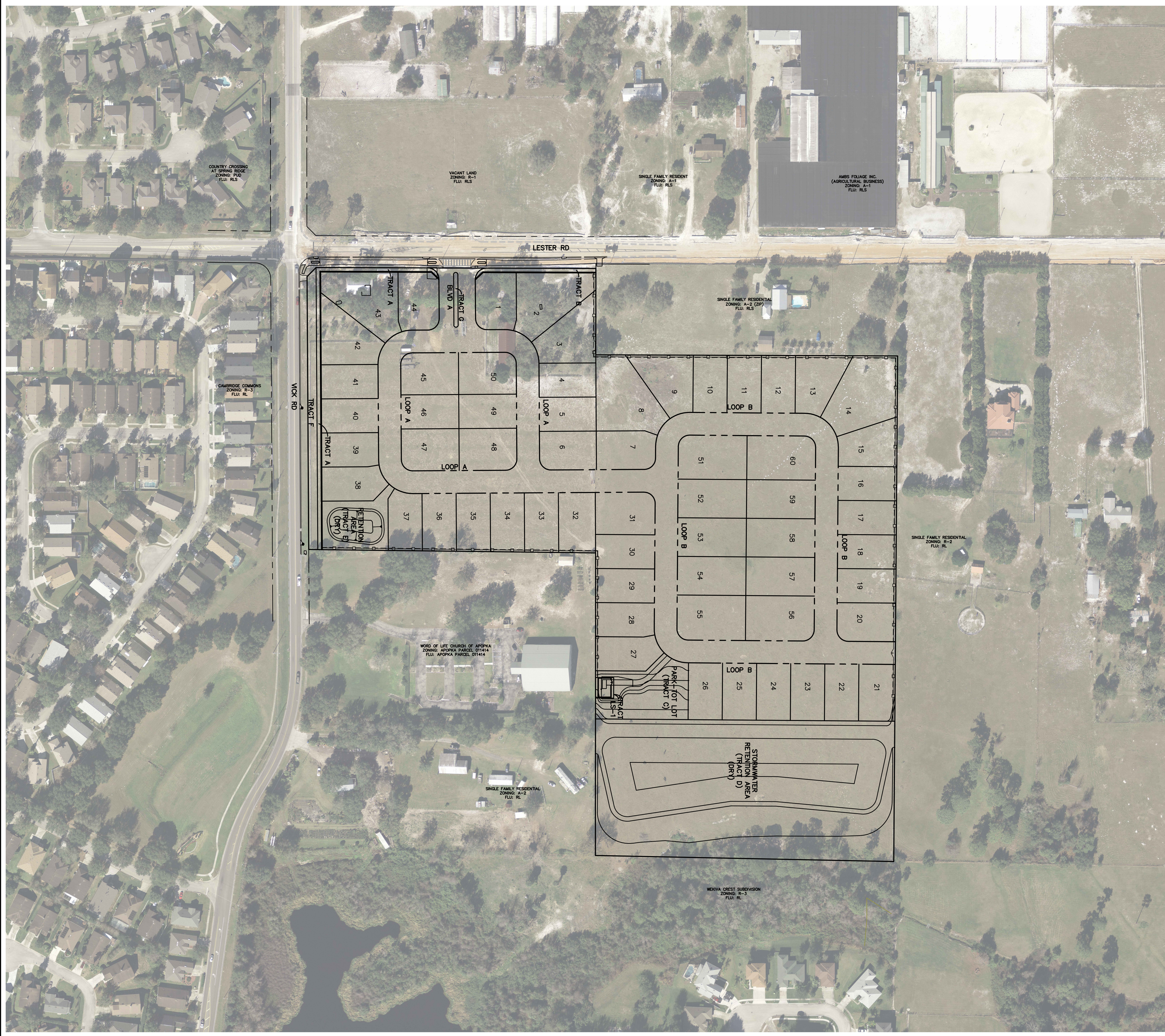
**LEGEND**

SYMBOLS		ABBREVIATIONS	
L1	LINE NUMBER (SEE LINE TABLE)	A/C	AIR CONDITIONER
C1	CURVE NUMBER (SEE CURVE TABLE)	APPROX	APPROXIMATE
A	CENTRAL ANGLE	ASPH	ASPHALT
R	RADIUS	ASPH	ASPHALT
L	ARC LENGTH	BC	BACK OF CURB
CB	CHORD BEARING	BLOCK WALL	BLOCK WALL
C	CHORD	BARBED WIRE FENCE	BARBED WIRE FENCE
TBN	TANGENT BEARING	BW	BACK OF CURB
T	TANGENT	CLF	CHAIN LINK FENCE
SE	SPOT ELEVATION (EXISTING)	CONC	CONCRETE
⊙	NUMBER OF PARKING SPACES (INCLUDING HANDICAP)	CBS	CONCRETE BLOCK
⊙	SECTION, TOWNSHIP, RANGE	E	EAST
CS	CONTROL STRUCTURE	EM	CONCRETE MONUMENT
DH	DRAINAGE MANHOLE	CMP	CORRUGATED METAL PIPE
MES	MITERED END SECTION	C&G	CURB AND GUTTER
INLET	CURB INLET	(C)	COMPUTED
DM	CURB INLET WITH MANHOLE	(D)	DESCRIPTION
CB	CATCH BASIN	ELY	EASTERLY
UD	UNDERDRAIN	EP	EDGE OF PAVEMENT
UD	UNDERDRAIN	ESMT	EASEMENT
USM	UNDERGROUND SANITARY MARKER	FND	FOUND
SSD	SANITARY SOWER SUB-OUT	FLC	FLORIDA POWER CORPORATION
SMH	SANITARY MANHOLE	FC	FENCE CORNER
RV	REUSE VALVE	FEL	FINISH FLOOR ELEVATION
CO	CLEAN OUT	FOC	FIBER OPTIC CABLE
FMV	FORCEMAIN VALVE	FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
FMV	FORCEMAIN AIR RELEASE VALVE	FM	FORCEMAIN
FMV	UNDERGROUND FORCEMAIN LINE	GOVT	GOVERNMENT
WP	WOOD POST	HB	HOSERIBB
WB	WATER VALVE	HM	HANDICAP
TMH	TELEPHONE MANHOLE	HWF	HOD WIRE FENCE
UTM	UNDERGROUND TELEPHONE MARKER	IR	IRON ROD
TR	TELEPHONE RISER	IR	IRON ROD WITH CAP #
TR	TELEPHONE RISER	IRC	IRON PIPE
UTM	UNDERGROUND TELEPHONE LINE	ID	IDENTIFICATION
CATV	CABLE TELEVISION MARKER	IE	INVERT ELEVATION
TRB	TELEPHONE TALL BOX	LB	LICENSED BUSINESS
FOCM	FIBER OPTICS CABLE MARKER	LNDSOP	LANDSCAPE
FD	FIRE DEPARTMENT CONNECTION	MH	MANHOLE
FW	FIRE HYDRANT	MH'S	MANHOLES
WP	WATER VALVE	MES	MITERED END SECTION
WM	WATER METER	MS	MEASURED
WSD	WATER SUB-OUT	ML	MOW LINE
BFP	BACKFLOW PREVENTER	NAVD88	NORTH AMERICAN VERTICAL DATUM OF 1988
BOV	BACKFLOW VALVE	NAVD29	NATIONAL GEODETIC VERTICAL DATUM OF 1929
WB	WATER VALVE BOX	NR	NON-RADIAL
WL	WATER MAIN LINE	NT	NON-TANGENT
RU	REUSE WATER LINE	NLY	NORTHERLY
UWM	UNDERGROUND WATER MARKER	N&D	NAIL & DISK
IRV	IRRIGATION VALVE	OUC	ORLANDO UTILITIES COMMISSION
RM	REUSE WATER METER	ORB	OFFICIAL RECORDS BOOK
RSO	REUSE WATER SUB-OUT	OR	OFFICIAL RECORDS BOOK
ESD	ELECTRIC SUB-OUT	PLA	PLAT BOOK
EMH	ELECTRIC MANHOLE	P	PAGES
CU	CONCRETE UTILITY POLE	P	PAGES
UP	UTILITY POLE	PVC	POLYVINYLCHLORIDE
UR	ELECTRIC RISER	PC	POINT OF CURVATURE
EPB	ELECTRIC PULL BOX	PC	POINT OF COMPOUND CURVATURE
UM	UNDERGROUND ELECTRIC MARKER	PCP	PERMANENT CONTROL POINT
LP	LIGHT POLE	PLS	PROFESSIONAL LAND SURVEYOR
OW	OVERHEAD WIRE	PRC	POINT OF REVERSE CURVATURE
GL	GROUND LIGHT	PRM	PERMANENT REFERENCE MONUMENT
GL	UNDERGROUND ELECTRIC LINE	PT	POINT OF TANGENCY
CWP	CROSS WALK POLE	POB	POINT OF BEGINNING
TSB	TRAFFIC SIGNAL BOX	POC	POINT OF COMMENCEMENT
TSR	TRAFFIC SIGNAL POLE	PSM	PROFESSIONAL SURVEYOR & MAPPER
SP	SIGNAL POLE (MAST ARM)	PMT	PAYMENT
GM	GAS METER	RES	RESIDENCE
GSD	GAS SUB-OUT	RCP	REINFORCED CONCRETE PIPE
GV	GAS VALVE	R/W	RIGHT-OF-WAY
UGM	UNDERGROUND GAS MARKER	R&C	REBAR & CAP
G	UNDERGROUND GAS LINE	RD	ROAD
+	SITE BENCHMARK	RTW	RETAINING WALL
12"⊙	TREE SIZE & TYPE	SBT	SOUTHERN BELL TELEPHONE
D	OAK	SLY	SOUTHERLY
P	PINE	SR	STATE ROAD
CA	CAMPOR	SW	SIDEWALK
C	CHERRY	TOP	TELEPHONE CONTROL PANEL
FM	FLORIDA	TRP	TRANSFORMER PAD
E	ELM	TRV	TRANSVERSE
MA	MAGNOLIA	TRV	TYPICAL
SET IRC "1868"	(UNLESS NOTED OTHERWISE)	UG	UNDERGROUND
		WF	WOOD FRAME
		WFF	WOOD POST FENCE
		WLY	WESTERLY
		WFF	WIRE FENCE

- GENERAL NOTES:
- SEE SITE DATA, NOTES & LEGEND SHEET FOR ADDITIONAL INFORMATION.
  - THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
  - THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

PRELIMINARY DEVELOPMENT PLAN <b>ROCK SPRINGS ESTATES</b> CITY OF APOPKA, FLORIDA EXISTING CONDITIONS PLAN	DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS 2200 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.644.4068	SURVEYORS PLANNERS JOB NUMBER 14200	SCALE 1"=80' DATE 2/2/15 CHECKED BY MAB DESIGNED BY MAB	NO. 1 DATE 2/20/15 REVISED PER CITY OF APOPKA COMMENTS JTT CHK.	NOT FOR CONSTRUCTION DONALD W. MCINTOSH ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NO. 88 JOHN T. TOWNSEND FLORIDA P.E. No. 52127 DATE:
	DRAWING 14200-PDP-EXIST SHEET 3 OF 7				

DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



- GENERAL NOTES:
1. SEE SITE DATA, NOTES & LEGEND SHEET FOR ADDITIONAL INFORMATION.
  2. THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
  3. THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

PRELIMINARY DEVELOPMENT PLAN

**ROCK SPRINGS ESTATES**  
 CITY OF APOPKA, FLORIDA  
 AERIAL

DRAWING  
 14200-PDP-AERIAL  
 SHEET  
 4 OF 7

**DONALD W. MCINTOSH ASSOCIATES, INC.**  
 ENGINEERS PLANNERS SURVEYORS  
 2200 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.644.4068

DRAWN BY	MAB	CHECKED BY	JTT	DATE	2/2/15	SCALE	1"=100'	JOB NUMBER	14200
DESIGNED BY	MAB	NO.	1	DATE	2/20/15	REVISED PER CITY OF APOPKA COMMENTS		CHK.	

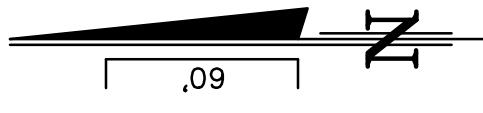
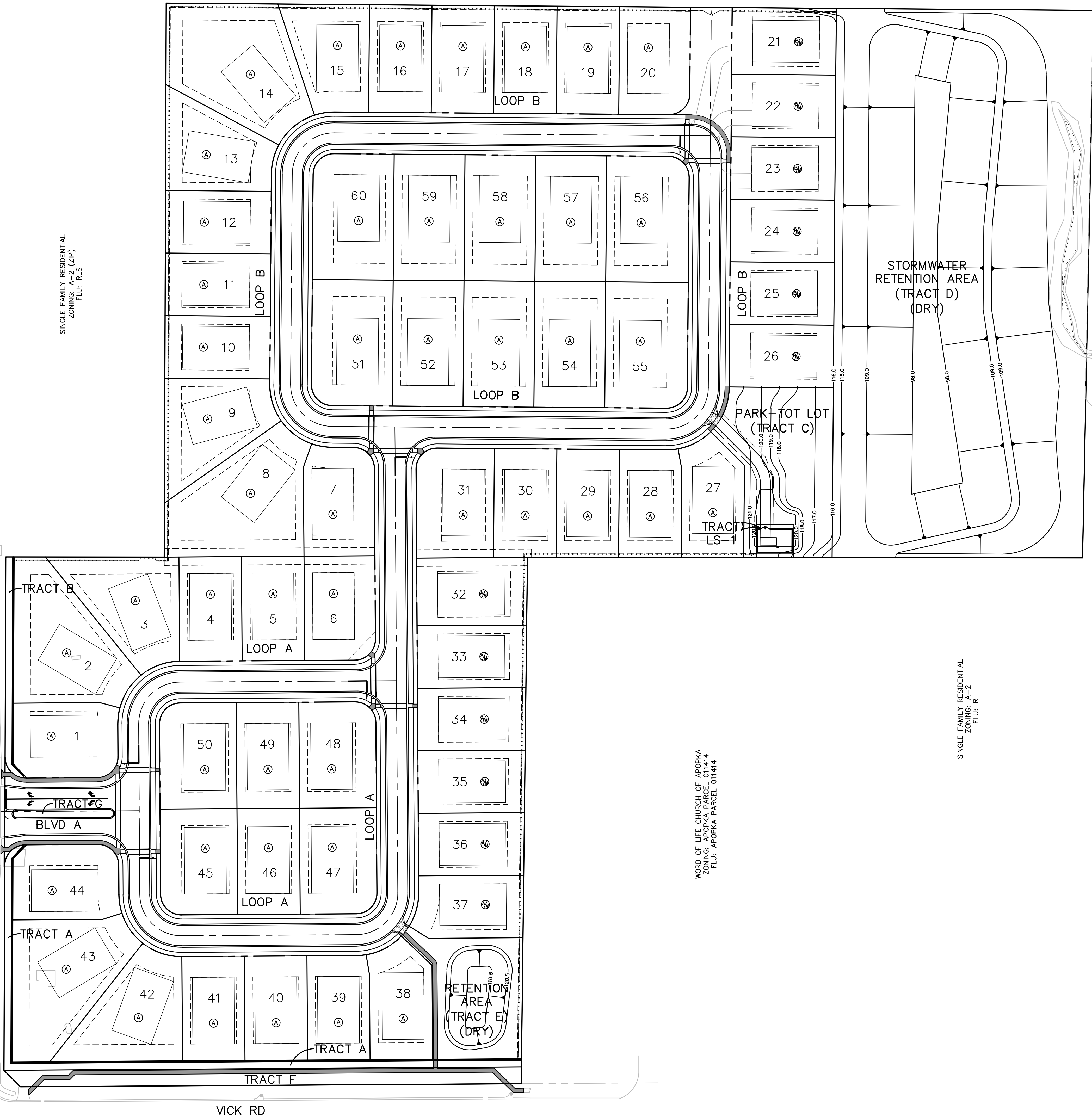
NOT FOR CONSTRUCTION

DONALD W. MCINTOSH ASSOCIATES, INC.  
 CERTIFICATE OF AUTHORIZATION NO. 88

JOHN T. TOWNSEND  
 FLORIDA P.E. No. 52127

VACANT LAND  
ZONING: R-1 - FLU: RLS

LESTER RD



- GENERAL NOTES:
- SEE SITE DATA, NOTES & LEGEND SHEET FOR ADDITIONAL INFORMATION.
  - THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
  - THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

PRELIMINARY DEVELOPMENT PLAN

**ROCK SPRINGS ESTATES**  
CITY OF APOPKA, FLORIDA  
OVERALL DEVELOPMENT PLAN

DRAWING  
14200-PDP-OVER

SHEET  
5 OF 7

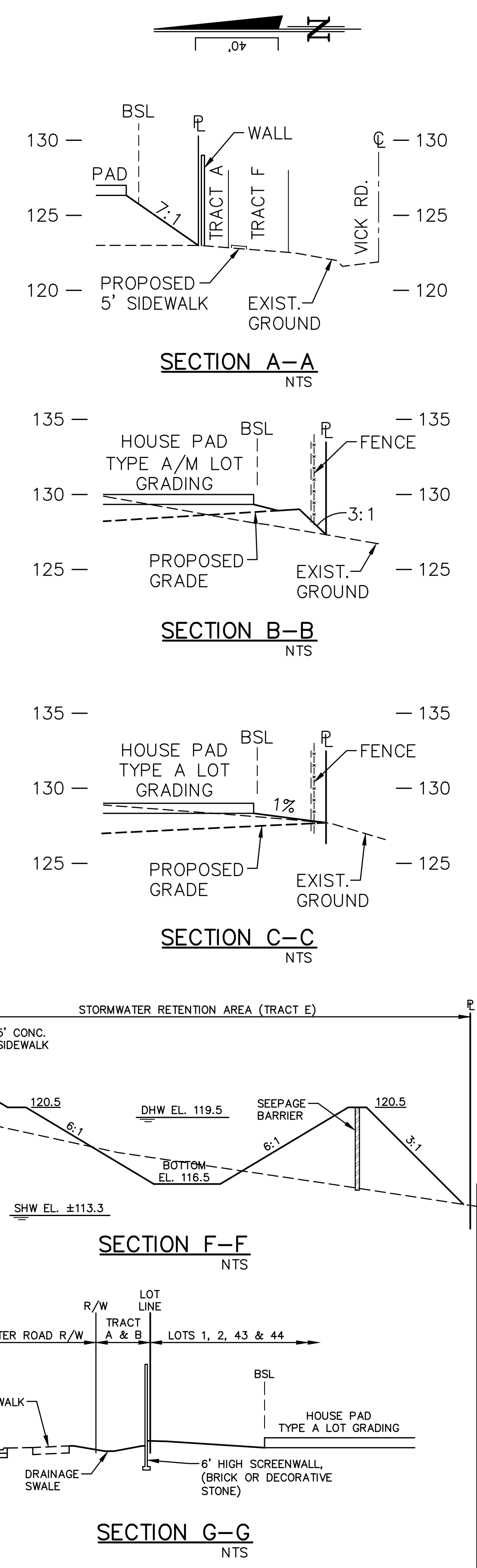
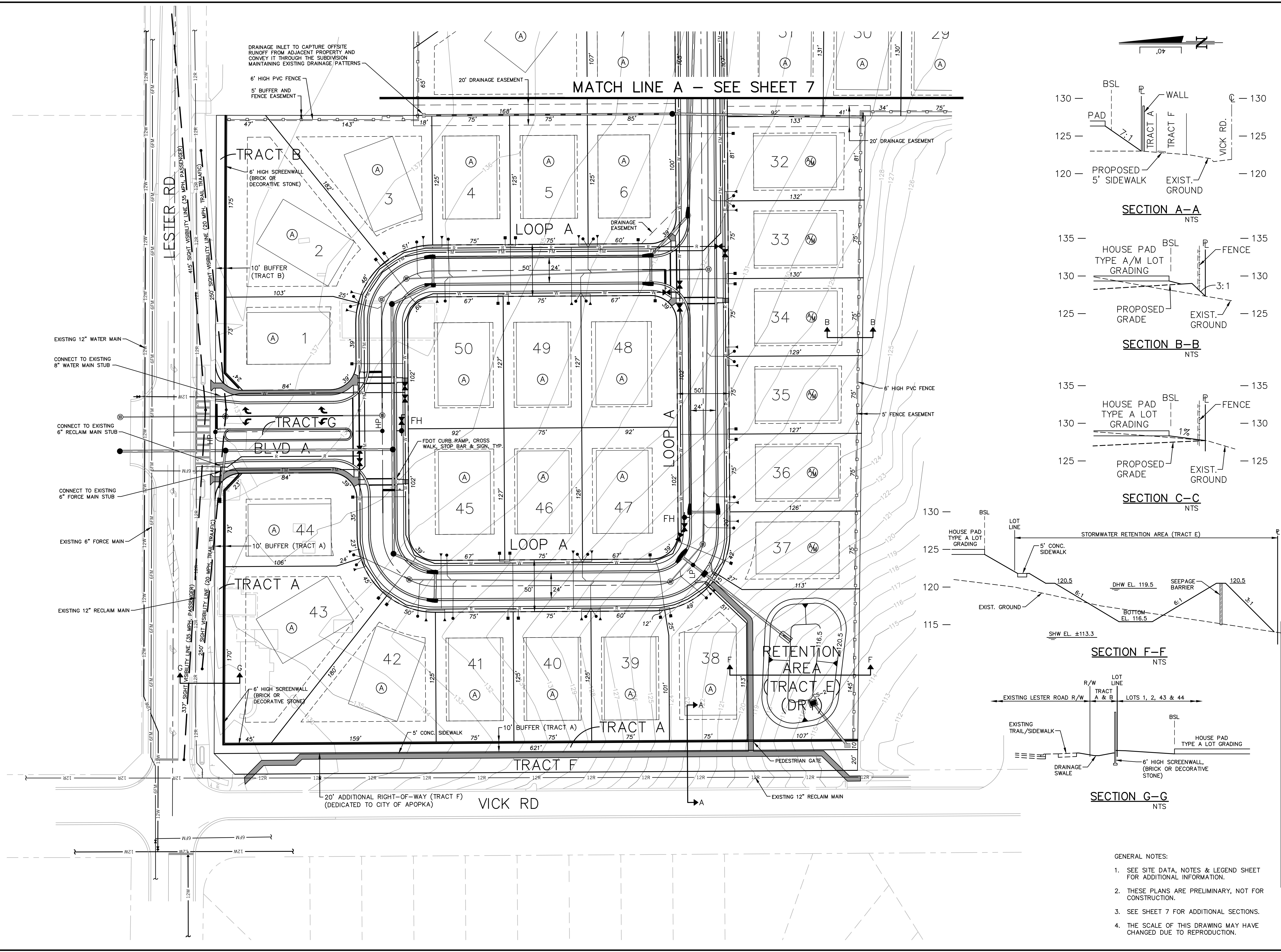
**DONALD W. MCINTOSH ASSOCIATES, INC.**  
ENGINEERS PLANNERS SURVEYORS  
2200 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.644.4068

DESIGNED BY	MAB	CHECKED BY	JTT	DATE	2/2/15	SCALE	1"=100'	JOB NUMBER	14200
DRAWN BY	MAB	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.

NOT FOR CONSTRUCTION  
DONALD W. MCINTOSH ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NO. 88  
JOHN T. TOWNSEND  
FLORIDA P.E. No. 52127  
DATE: \_\_\_\_\_

REVISIONS	NO.	DATE	REVISIONS
1	2/20/15	REVISED PER CITY OF APOPKA COMMENTS	JTT
2	3/3/15	REVISED PER CITY OF APOPKA COMMENTS	JTT

DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



- GENERAL NOTES:
- SEE SITE DATA, NOTES & LEGEND SHEET FOR ADDITIONAL INFORMATION.
  - THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
  - SEE SHEET 7 FOR ADDITIONAL SECTIONS.
  - THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

**PRELIMINARY DEVELOPMENT PLAN**

**ROCK SPRINGS ESTATES**  
CITY OF APOPKA, FLORIDA  
**PRELIMINARY DEVELOPMENT PLAN**  
WEST SIDE

DRAWING 14200-PDP-PSP  
SHEET 6 OF 7

NOT FOR CONSTRUCTION

DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS  
2200 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.644.4068

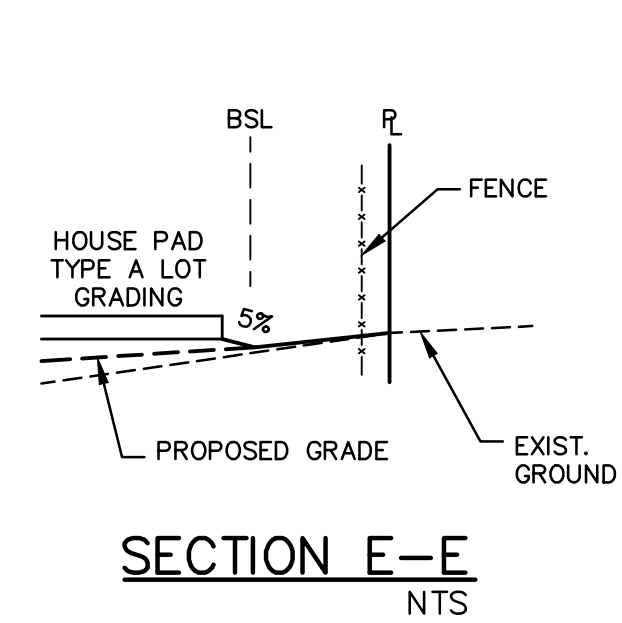
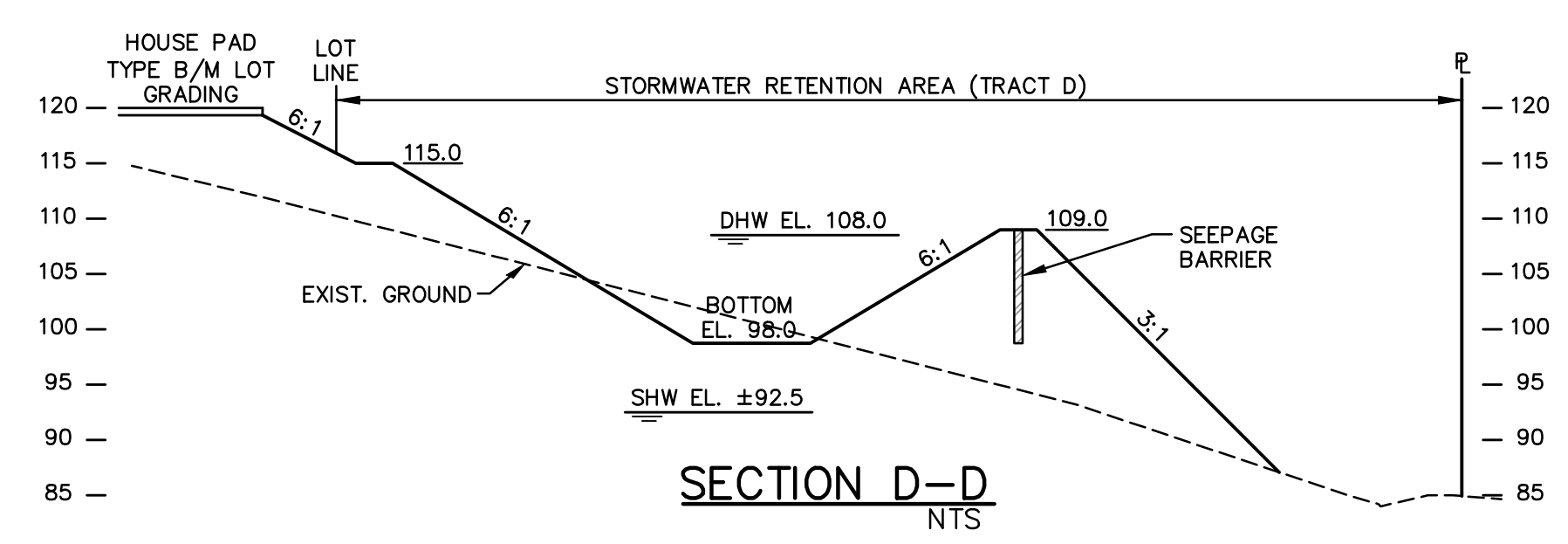
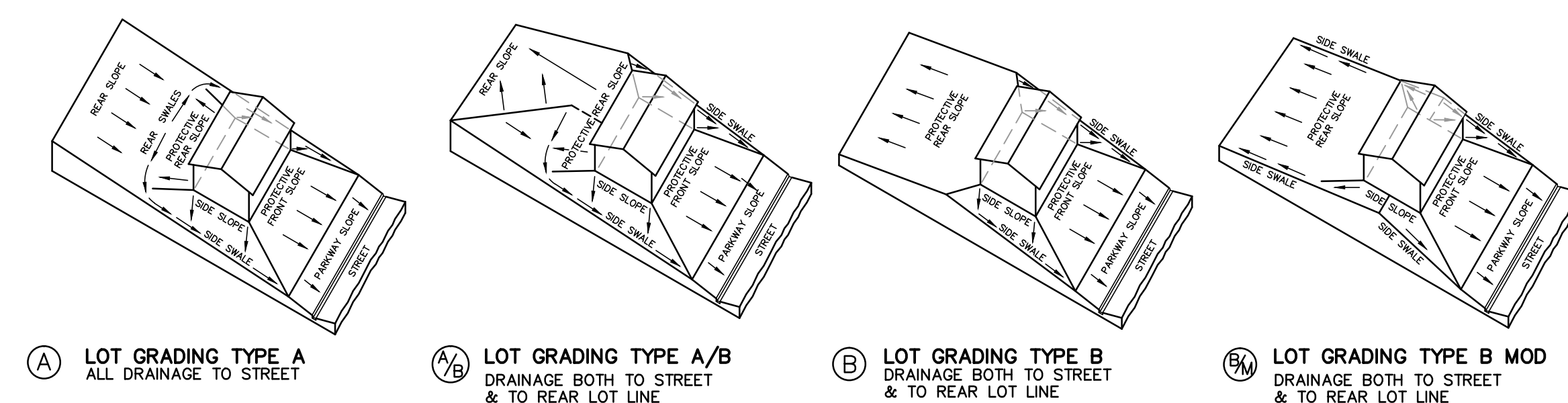
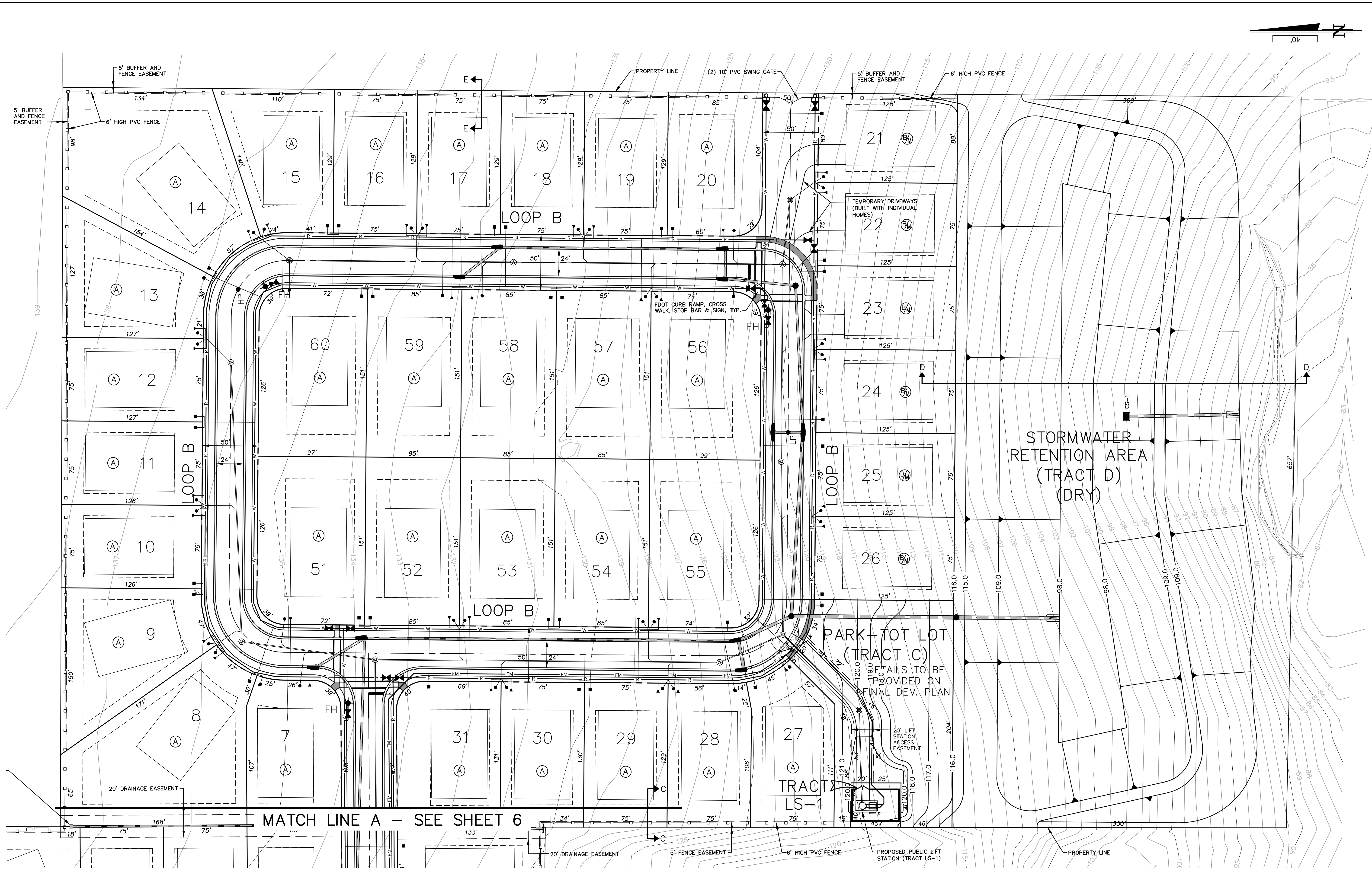
JOHN T. TOWNSEND  
FLORIDA P.E. No. 52127

NO.	DATE	REVISIONS	CHK.
2	3/2/15	REVISED PER CITY OF APOPKA COMMENTS	JTT
1	2/20/15	REVISED PER CITY OF APOPKA COMMENTS	JTT

JOB NUMBER 14200  
SCALE 1"=40'  
CHECKED BY JTT  
DESIGNED BY MAB  
DRAWN BY MAB

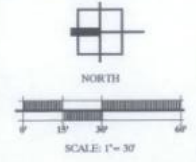


DONALD W. MCINTOSH ASSOCIATES, INC. RESERVES THE EXCLUSIVE COPYRIGHT AND PROPERTY RIGHTS TO THIS DRAWING WHICH MAY NOT BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, NOR CAN IT BE ASSIGNED TO ANY PARTY WITHOUT DONALD W. MCINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.



- GENERAL NOTES:
- SEE SITE DATA, NOTES & LEGEND SHEET FOR ADDITIONAL INFORMATION.
  - THESE PLANS ARE PRELIMINARY, NOT FOR CONSTRUCTION.
  - SEE SHEET 6 FOR ADDITIONAL SECTIONS.
  - THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

<b>PRELIMINARY DEVELOPMENT PLAN</b>		<b>PRELIMINARY DEVELOPMENT PLAN</b>	
<b>ROCK SPRINGS ESTATES</b>		<b>ROCK SPRINGS ESTATES</b>	
CITY OF APOPKA, FLORIDA		CITY OF APOPKA, FLORIDA	
<b>PRELIMINARY DEVELOPMENT PLAN</b>		<b>PRELIMINARY DEVELOPMENT PLAN</b>	
EAST SIDE		EAST SIDE	
DRAWING 14200-PDP-PSP	SHEET 7 OF 7	<p style="text-align: right;"><b>NOT FOR CONSTRUCTION</b></p> <p style="text-align: right;">DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.644.4068</p> <p style="text-align: right;">JOHN T. TOWNSEND FLORIDA P.E. No. 52127</p>	
DESIGNED BY MAB	CHECKED BY JTT	DATE 2/2/15	NO. REVISIONS
SCALE 1"=40'	JOB NUMBER 14200	REVISED PER CITY OF APOPKA COMMENTS 2 3/3/15	DATE
DRAWN BY MAB	DESIGNED BY MAB	CHECKED BY JTT	DATE
DATE 2/2/15	NO. REVISIONS	DATE	CHK.

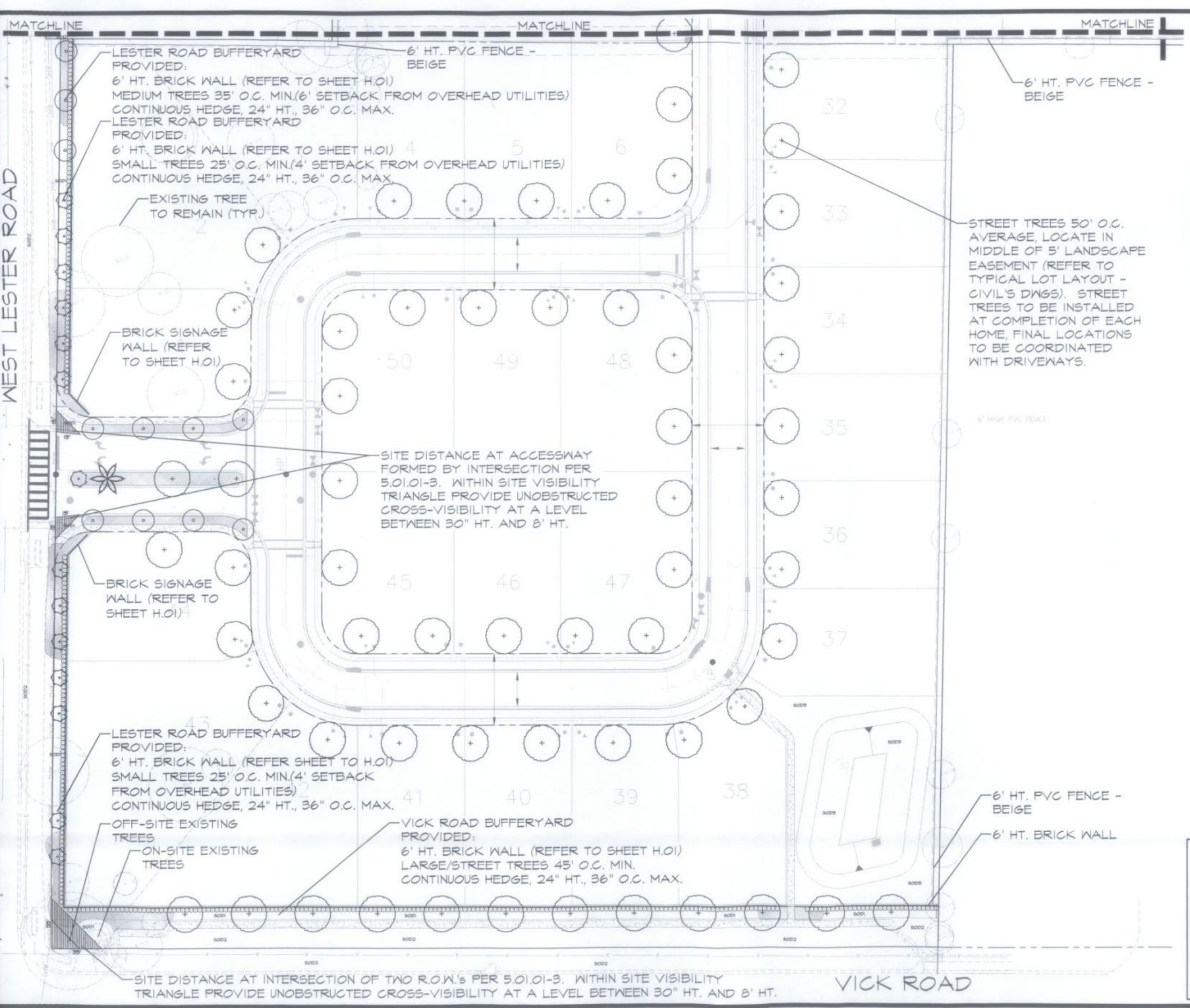


NO.	DATE	DESCRIPTION

**LANDSCAPE LEGEND:**

- LARGE TREE 9.5" DBH
- MEDIUM TREE 5" DBH
- SMALL TREE 2.5" DBH
- PALM
- HEDGE ROW
- SHRUBS & GROUNDCOVER
  - 9001 ST. AUGUSTINE (IRRIGATED)
  - 9002 BAHIA (IRRIGATED)
  - 9009 BAHIA (NON-IRRIGATED)

STREET TREES 50' O.C. AVERAGE, LOCATE IN MIDDLE OF 5' LANDSCAPE EASEMENT (REFER TO TYPICAL LOT LAYOUT - CIVIL'S DWGS). STREET TREES TO BE INSTALLED AT COMPLETION OF EACH HOME, FINAL LOCATIONS TO BE COORDINATED WITH DRIVEWAYS.

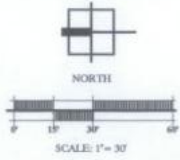


**ROCK SPRINGS ESTATES**  
 CITY OF APOPKA, FLORIDA  
**PRELIMINARY DEVELOPMENT PLAN**  
 PREPARED FOR:  
 PULTE GROUP  
**LANDSCAPE PLAN**

Landscape Architect  
 In Charge:  
 Barry H. Rymer  
 Registration # LA0001343  
 Authorization LC 26000435  
 Land Resource Design Group

DATE: 02-20-2015  
 PROJECT NO.: PUL015-03.01  
 DRAWN BY: SAM  
 DESIGNED BY: BHR  
 CHECKED BY: BHR

SHEET NO.  
**L.01**



**LANDSCAPE LEGEND:**

- LARGE TREE  
9.5" DBH
- MEDIUM TREE  
5" DBH
- SMALL TREE  
2.5" DBH
- PALM
- HEDGE ROW
- SHRUBS & GROUNDCOVER
  - 8001 ST. AUSTINE (IRRIGATED)
  - 8002 BAHIA (IRRIGATED)
  - 8008 BAHIA (NON-IRRIGATED)

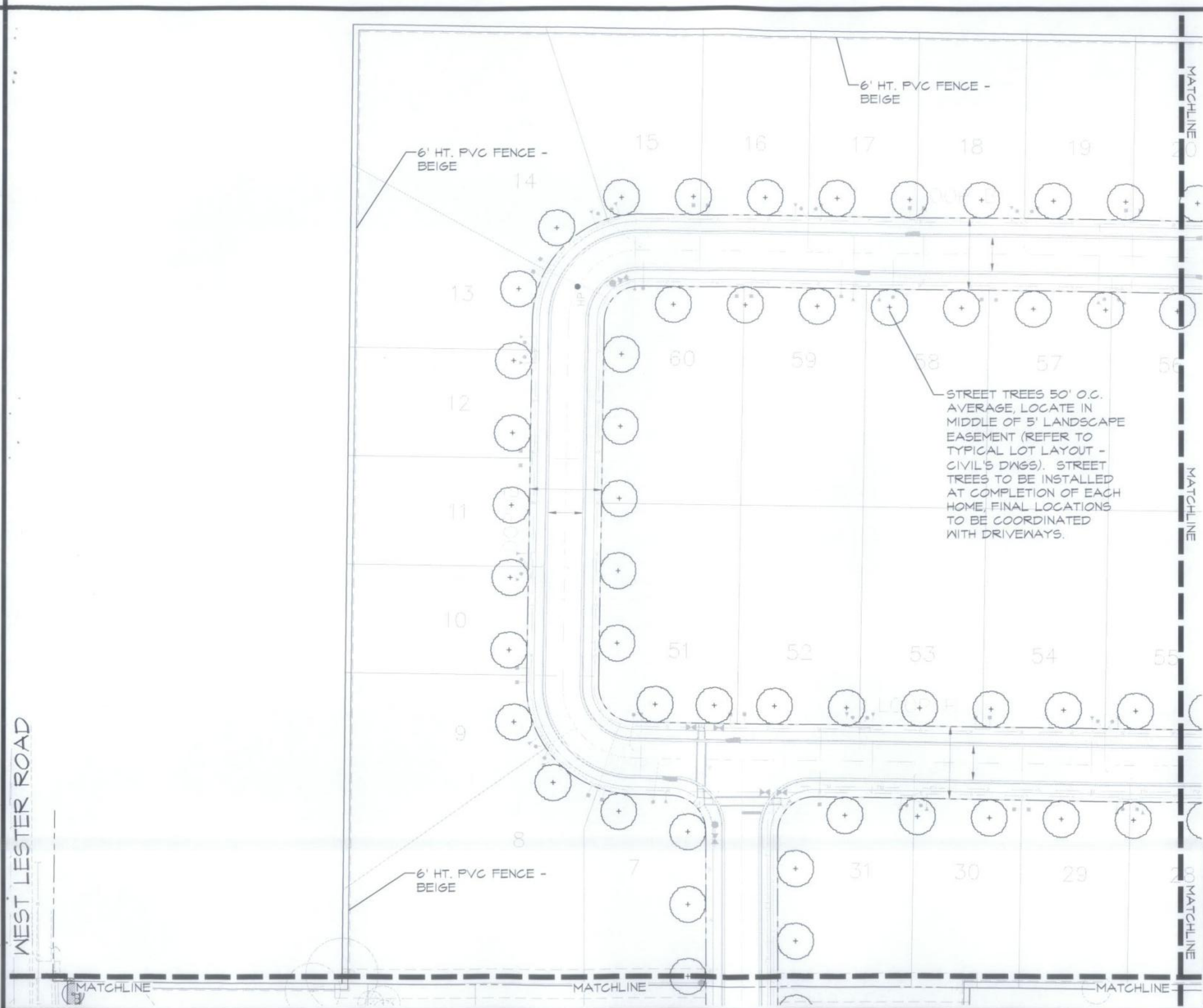
NO.	DATE	DESCRIPTION

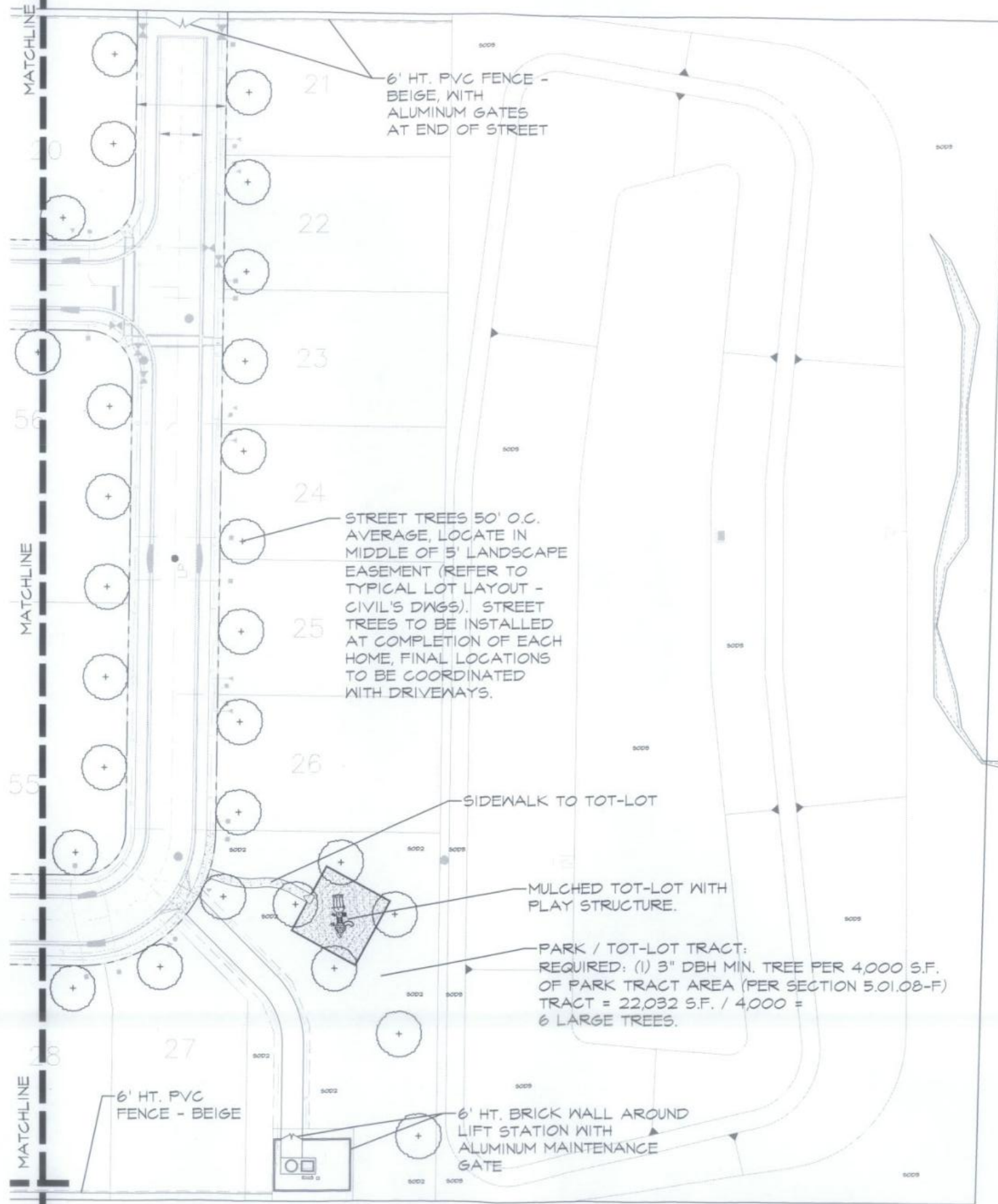
**ROCK SPRINGS ESTATES**  
 CITY OF APOPKA, FLORIDA  
**PRELIMINARY  
 DEVELOPMENT PLAN**  
 PREPARED FOR:  
 PULTE GROUP  
**LANDSCAPE PLAN**

Landscape Architect  
 In Charge:  
 Barry H. Rymer  
 Registration # LA0001343  
 Certification of  
 Authorization LC 26000435  
 Land Resource Design Group

DATE: 02-20-2015  
 PROJECT NO: PUL015-03.01  
 DRAWN BY: SAM  
 DESIGNED BY: BHR  
 CHECKED BY: BHR

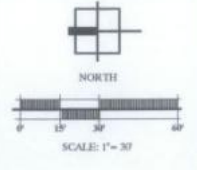
SHEET NO.  
**L.02**





**LANDSCAPE LEGEND:**

	LARGE TREE 3.5" DBH
	MEDIUM TREE 3" DBH
	SMALL TREE 2.5" DBH
	PALM
	HEDGE ROW
	SHRUBS & GROUNDCOVER
8001	ST. AUGUSTINE (IRRIGATED)
8002	BAHIA (IRRIGATED)
8009	BAHIA (NON-IRRIGATED)



NO.	DATE	DESCRIPTION	DESIGNED BY	DRAWN BY

**ROCK SPRINGS ESTATES**  
 CITY OF APOPKA, FLORIDA  
**PRELIMINARY DEVELOPMENT PLAN**  
 PREPARED FOR:  
 PULTE GROUP  
**LANDSCAPE PLAN**

Landscape Architect  
 In Charge:  
 Barry H. Rymor  
 Registration # LA0001343  
 Authorization LC 26000435  
 Land Resource Design Group

DATE: 02-20-2015  
 PROJECT NO.: PUL015-03.01  
 DRAWN BY: SAM  
 DESIGNED BY: BHR  
 CHECKED BY: BHR

SHEET NO.  
**L.03**

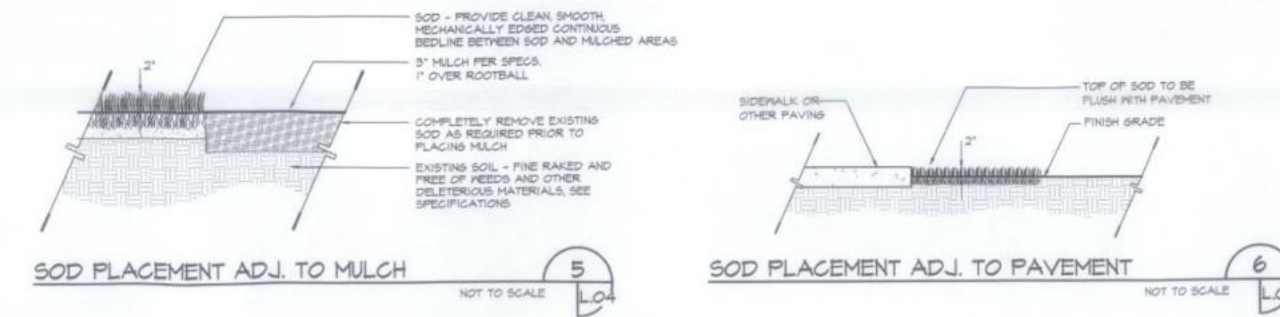
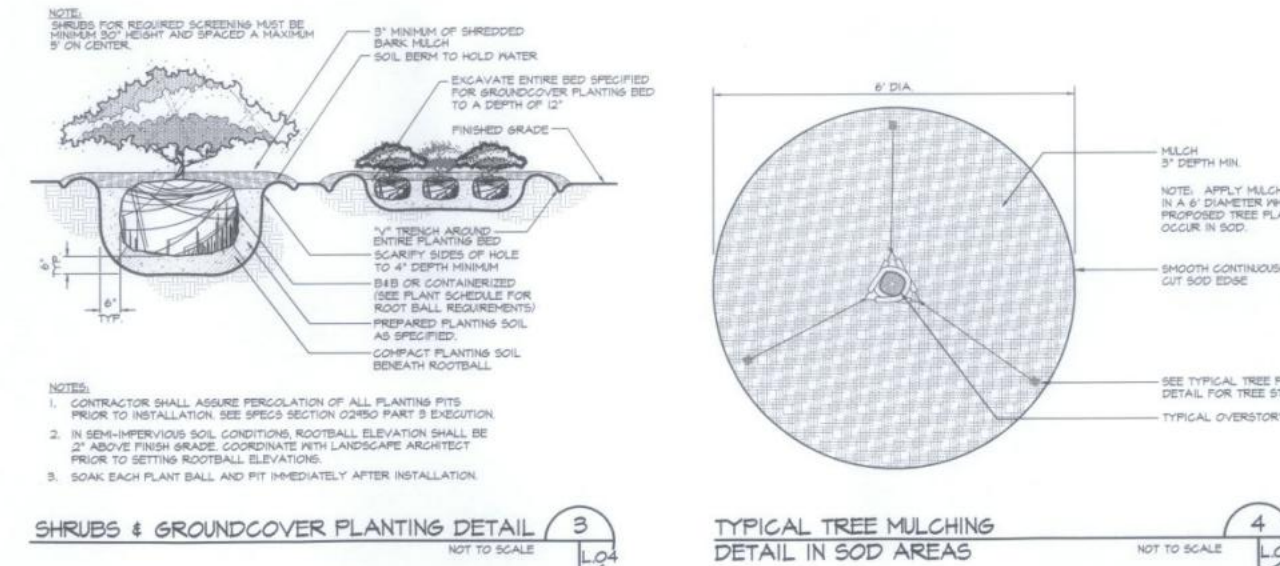
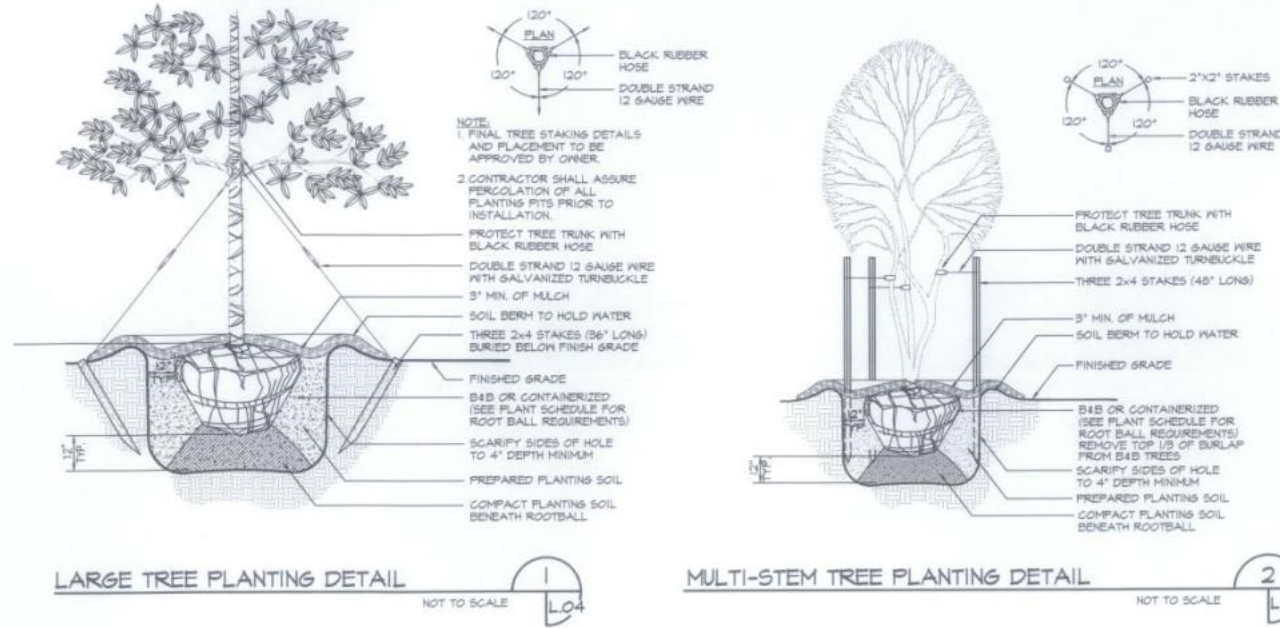


RECOMMENDED PLANT LIST:

SYMBOL	DESCRIPTION	RECOMMENDED SPECIES		TOTAL QTY.	TOTAL DBH
		SCIENTIFIC NAME	COMMON NAME		
	LARGE TREE 9.5' DBH MIN. 15' MIN. HT. 45' MIN. SPACING	Acer Rubrum 'Florida Flame' Magnolia grandiflora Platanus Occidentalis Quercus nitida Quercus virginiana Taxodium distichum 'Autumn Gold'	FLORIDA FLAME RED MAPLE SOUTHERN MAGNOLIA SYCAMORE NUTTALL OAK LIVE OAK AUTUMN GOLD BALD CYPRESS	156	476"
	MEDIUM TREE 3' DBH 10' MIN. HT.	Magnolia grandiflora 'Little Gem' Prunus angustifolia Tabebuia heterophylla Tabebuia chrysotricha Ulmus parvifolia 'Drake'	LITTLE GEM MAGNOLIA CHICKASAW PLUM PINK TRUMPET TREE GOLDEN TRUMPET TREE DRAKE ELM	11	95"
	SMALL TREE 2.5' DBH 6' MIN. HT.	Eriobotrya japonica Ilex opaca 'Eagleston' Ilex 'Oak Leaf' Lagerstroemia indica 'Muskogee' Lagerstroemia indica 'Natchez' Lagerstroemia indica 'Tuscarora' Ligustrum japonicum	LOGUAT EASLETON HOLLY OAK LEAF HOLLY LAVENDER GRAPE MYRTLE NATCHEZ GRAPE MYRTLE TUSCARORA GRAPE MYRTLE JAPANESE PRIVET	14	95"
	PALM LOCATED AS SHOWN	Phoenix sylvestris Syagrus romanzoffiana Acoelorrhaphis wrightii	SYLVESTER PALM QUEEN PALM PAURTOIS PALM	1	
	HEDGE ROW 24' HT. 36' O.C.	Eleagnus pungens Podocarpus macrophylla Tripsacum dactyloides Viburnum odoratissimum Viburnum suspensum	SILVERTHORNE PODOCARPUS PAKAHATCHEE GRASS SWEET VIBURNUM SANDANKYA VIBURNUM	362	
	SHRUBS & GROUNDCOVER 12'-30' O.C. - VARIES	Annuals Agapanthus africanus Arachis glabrata Dianella tasmanica Hamelia patens 'Compacta' Ilex vomitoria 'Nana' Juniperus chinensis 'Parsonii' Liriodendron chinensis Loropetalum chinensis Muhlenbergia capillaris Plumbago auriculata 'Imperial Blue' Raphiolepis indica 'Alba' Trachelospermum jasminoides	ANNUALS LILY OF THE NILE PERENNIAL PEANUT BLUEBERRY FLAX LILY DWARF FIREBUSH DWARF YALPON HOLLY PARSON'S JUNIPER EMERALD GODDESS FRINSE FLOWER SULF MULEY GRASS IMPERIAL BLUE PLUMBAGO WHITE INDIAN HAWTHORN CONFEDERATE JASMINE	5.F.	
S001	ST. AUGUSTINE (IRRIGATED)	Stenotaphrum secundatum 'Floratum'		5.F.	
S002	BAHIA (IRRIGATED)	Paspalum notatum 'Argentine'		5.F.	
S003	BAHIA (NON-IRRIGATED)	Paspalum notatum 'Argentine'		5.F.	

LANDSCAPE NOTES:

- ALL PLANT MATERIAL SHALL BE FLORIDA GRADE NO. 1 OR BETTER AS SPECIFIED IN "GRADES AND STANDARDS FOR NURSERY PLANTS", PARTS 1 AND 2, BY DIVISION OF PLANT INDUSTRY, FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, AND SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMEN "STANDARDS FOR NURSERY STOCK", LATEST EDITION.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF QUANTITIES THE PLANT LIST. IN THE EVENT OF A CONFLICT BETWEEN QUANTITIES ON THE PLANT LIST AND THE PLANS, THE PLANS SHALL CONTROL AND THE DISCREPANCY SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BID. ANY DEVIATION FROM THESE PLANS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE.
- CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE BUILDING CODES, ORDINANCES AND LOCAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS TO PERFORM THE WORK.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR INSPECTION OF EXISTING CONDITIONS AND PROMPTLY REPORTING ALL DISCREPANCIES AND IMPROPER CONDITIONS (WEEDS, MUCK, DEBRIS, ECT) TO LANDSCAPE ARCHITECT PRIOR TO BIDDING. CONTRACTOR IS RESPONSIBLE FOR SOIL ANALYSIS PRIOR TO INSTALLATION OF PLANTINGS, AND IS RESPONSIBLE FOR ALL SOIL AMENDMENTS TO CONFORM TO SPECIFICATIONS.
- ALL TREE MATERIAL SHALL BE CONTAINER GROWN UNLESS OTHERWISE SPECIFIED.
- THE LANDSCAPE CONTRACTOR SHALL AQUAINT HIMSELF WITH ALL CIVIL DRAWINGS AS THEY RELATE TO PAVING SITE GRADING, AND ALL UTILITIES, (INCLUDING WATER, SEWER AND ELECTRICAL SUPPLY) TO PRECLUDE ANY MISUNDERSTANDING AND ENSURE TROUBLE FREE INSTALLATION. THE EXACT LOCATION OF ALL EXISTING STRUCTURES, UNDERGROUND UTILITIES, EXISTING UNDERGROUND SPRINKLERS AND PIPE MAY NOT BE INDICATED ON DRAWINGS. THE CONTRACTOR SHALL CONDUCT HIS WORK IN A MANNER TO PREVENT INTERRUPTION OR DAMAGE TO EXISTING SYSTEMS WHICH MUST REMAIN OPERATIONAL. THE CONTRACTOR SHALL PROTECT UTILITY SERVICES WHICH MUST REMAIN OPERATIONAL AND SHALL BE RESPONSIBLE FOR THEIR REPLACEMENT IF DAMAGED BY HIM.
- ALL PLANTING BEDS SHALL RECEIVE A 3" LAYER (1" OVER ROOTBALL) OF HARD WOOD MULCH.
- PLANT MATERIAL TYPES LISTED ON THIS PLAN ARE SUBJECT TO CHANGE AT TIME OF FINAL LANDSCAPE PLAN CONSTRUCTION DOCUMENTS PREPARATION.
- LANDSCAPE PLANS SHALL MEET OR EXCEED CITY OF APOPKA LAND DEVELOPMENT CODE, SECTION 5.01.08.



NO.	DATE	DESCRIPTION

**ROCK SPRINGS ESTATES**  
CITY OF APOPKA, FLORIDA  
**PRELIMINARY DEVELOPMENT PLAN**  
PREPARED FOR:  
PULTE GROUP

**RECOMMENDED PLANT LIST, NOTES & DETAILS**

Landscape Architect  
In Charge:  
Barry H. Rymer

Registered Professional Engineer  
Registration # LA0001343  
Certification LC 26000435  
Land Resource Design Group

DATE: 02-20-2015  
PROJECT NO.: PULD15-03.01  
DRAWN BY: SAM  
DESIGNED BY: BHR  
CHECKED BY: BHR

SHEET NO.  
**L.04**

**Backup material for agenda item:**

2. FINAL DEVELOPMENT PLAN/PLAT – Ponkan Reserve North, owned by Clyde Marie Brown, c/o Donna L. Helton; engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn; and the property is located at 301 Ponkan Road. (Parcel ID Nos. 21-20-28-0000-00-003; 21-20-28-0000-00-004; 28-20-28-0000-00-003; 28-20-28-0000-00-004)



# CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING  
 SPECIAL REPORTS  
 PLAT APPROVAL  
 OTHER: Final Dev. Plan/Plat

MEETING OF: March 18, 2015  
FROM: Community Development  
EXHIBITS: Vicinity Map  
Final Dev. Plan/Plat  
Landscape Plan

**PROJECT: FINAL DEVELOPMENT PLAN/PLAT - PONKAN RESERVE NORTH**

**Request: APPROVAL OF THE FINAL DEVELOPMENT PLAN/PLAT FOR PONKAN RESERVE NORTH AND ISSUE THE FINAL DEVELOPMENT ORDER**

**SUMMARY:**

**OWNER:** Clyde Marie Brown, c/o Donna L. Helton

**APPLICANT/ENGINEER:** June Engineering Consultants, Inc.  
c/o Jeffrey A. Sedloff and Jimmy Dunn

**LOCATION:** 301 Ponkan Road

**PARCEL ID NUMBER:** 21-20-28-0000-00-003, 21-20-28-0000-00-004; 28-20-28-0000-00-003 & 28-20-28-0000-00-004

**FUTURE LAND USE:** Mixed Use (max. 2 du/ac per Policy 3.5, Future Land Use Element)

**ZONING:** Mixed Use CC (max. 2 du/ac per Policy 3.5, Future Land Use Element)

**EXISTING USE:** Single Family Home, Manufacture Home and Vacant Land

**PROPOSED USE:** Single Family Residential Subdivision (51) Lots  
Min. Lot Size: 12,500 sq. ft. Min. Lot Width: 95 ft.  
Min. Living Area (house): 2,500 sq. ft.

**TRACT SIZE:** 25.5 +/- Acres

**DENSITY:** Existing: 2 units per gross acre  
Proposed: 2 units per gross acre

**DISTRIBUTION**

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

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Estates (0-1 du/ac)	R-1AA	Vacant Land
East (City)	Office	PO/I	Duke Energy Regional Center
South (City)	Residential Low Suburban (0-3.5 du/ac)	R-1AA	Vacant Land/Ponkan Reserve South
West (City)	Residential Estates (0-1 du/ac)	PUD	Rock Springs Ridge Subdivision

**ADDITIONAL COMMENTS:**

Project Use: The Ponkan Reserve North Final Development Plan proposes the development of 51 single family residential lots and a 0.57 acre park. The park will serve this residential community and will be owned and maintained by the homeowners association. The Final Development Plan is consistent with the Preliminary Development Plan approved by City Council on October 16, 2013.

The minimum typical lot width is 95 feet with a minimum lot size of 12,500 square feet. The proposed minimum living area for the subdivision is 2,500 square feet as set forth in Chapter 2 of the Land Development Code. The minimum setbacks applicable to this project are:

Setback	Min. Standard
Front	30'
Side	10'
Rear	35'
Corner	25'

Access: Ingress/egress for the development will be via Ponkan Road. A Transportation Impact Study has been submitted and reviewed by the City. No substandard issues were identified by the report. A twenty-foot wide tract of land (Tract “G”) has been reserved for future road right-of-way to allow for an expansion of Ponkan Road.

Stormwater: The two (2) retention ponds have been designed to meet the City’s Land Development Code requirements.

Recreation: The developer is providing a 0.57 acre (25,000 sq. ft.) active and passive recreation area. Recreation facilities and equipment will be proposed with the Final Development Plan application.

Environmental: A habitat management plan was submitted by the applicant. Based on the results of this study, The developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any site construction activity regarding protection and relocation of any identified protected species.

Building Architecture: Exterior elevations of all proposed homes must be reviewed by the Community Development Department prior to issuance of a building permit. Exterior home elevations must meet the intent of the City’s Development Design Guidelines.



Section 2.20.B.29., Land Development Code, establishes that new development must meet residential garage design standards that are applicable to the mixed use zoning district. This standard requires single-family residential development with lots 75 feet or greater to provide a mixture of garage types; and that no more than 50 percent of the lots shall be of a single garage type. Garage types include front-entry, recessed by ten feet, side-entry, detached, rear-entry. At the time building elevations are provided, the home builder must demonstrate that a diversity of garage types will be provided consistent with Section 2.20.B.29.

Buffer and Landscaping: A ten-foot landscape tract (Tract “B” and “C”) with a six-foot high brick wall is provided along Ponkan Road with a subdivision sign at the entrance. The brick wall will extend across all of Tract “B” and Tract “C” except for the area of Tract “B” fronting the Tract “A” stormwater pond. The applicant requests that the portion of the buffer tract in front of the stormwater pond occur as a wrought-iron style fence with a brick posts.

Buffers are provided consistent with the Land Development Code.

Abutting the eastern boundary of Ponkan Reserve North is a field office and operations center for Duke Energy’s local service facility. A buffer wall is not located along the western boundary of the Duke Energy property. A screen wall is not required by the Land Development Code, and screen wall is not proposed by within the Preliminary Development Plan. Future homeowners will have the option to install a fence along their rear lot lines.

*Tree Program:*

The following is a summary of the tree replacement program:

Total inches on-site:	8,665
Total number of specimen trees:	19
Total inches removed:	4,590
Total inches retained:	4,043
Total specimen inches retained:	752
Total inches required:	3,885
Total inches replaced:	1,005
Total inches post development:	5,058

Based on the number of tree inches preserved and additional tree inches replaced, a tree mitigation fee is not required for this project.

All preserved trees shall be protected during lot construction and grading. Appropriate tree barricades shall be installed around each tree or group of trees along the tree drip line. A detail of the tree protection barrier shall be included within the Final Development Plan.

**WAIVER REQUEST**

A six-foot brick wall is required within Tract “B” landscape buffer in front of the Tract “A” stormwater pond. In lieu of a solid brick wall in front of the stormwater pond, a wrought-iron style, brick post fence will be provided. The remaining areas of Tract “B” will contain a solid brick wall.

**SCHOOL CAPACITY REPORT:** No development activity can occur until such time that a concurrency agreement has been approved by OCPS. A school mitigation agreement has been accepted by OCPS

and is currently in the process of being executed and recorded.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 - Planning Commission, 5:01 p.m.

March 18, 2015 - City Council, 8:00 p.m.

---

---

**RECOMMENDED ACTION:**

The **Development Review Committee (DRC)** recommends approval of the Ponkan Reserve North – Final Development Plan/Plat, and a Waiver to allow a wrought-iron style/brick post fence in lieu of a solid brick wall in front of Tract “A” stormwater pond, subject to the findings of this staff report.

The **Planning Commission**, at its meeting on March 10, 2015, recommended approval (6-0) of the Ponkan Reserve North – Final Development Plan/Plat, and a Waiver to allow a wrought-iron style/brick post fence in lieu of a solid brick wall in front of Tract “A” stormwater pond, subject to the findings of this staff report.

Approve the Ponkan Reserve North – Final Development Plan/Plat; and issue the Final Development Order.

**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.**

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

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



VICINTY MAP

# FINAL DEVELOPMENT PLAN for PONKAN RESERVE NORTH

## DEVELOPMENT INFORMATION

Land Area 25.48 Ac. (1,109,784.21) sf  
 Zoning Single Family Residential Existing - Mixed Use - CC  
 Future Land Use Mixed Use  
 Number of Proposed Lots 51  
 Proposed Density 2.00 units/acre  
 Maximum Height 35 ft (2 Stories)  
 Minimum Lot Area 12,500 sf  
 Minimum Living Area 2,500 sf  
 Minimum Lot Width 95 ft  
 Minimum Yard Setback:  
 Front: 30 ft  
 Side: 10 ft  
 Side Corner: 25 ft  
 Rear: 35 ft

\* Irregular Lots Front Yard Setback Distance is indicated at the Minimum Required Lot Width

Phasing One Phase

Projected Traffic: 510 Average Daily Traffic Trips

Schools Elementary - Wolf Lake  
 Middle - Wolf Lake  
 High - Apopka

Sewer Flow - 15,300 gal. per day

Water Flow - 17,850 gal. per day (Fire flow per Sub. Regs.)

Stormwater Provide Retention/Retention System on-site per Sub. Regs.

Existing Vegetation: Pasture

No fences, landscaping or other structures are allowed within drainage easements between lots with underground piping.

Internal Streets are to be Public

## DESCRIPTION

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

CONTAINING 25.477 ACRES, MORE OR LESS.

## Parcel ID's

28-20-28-0000-00-003  
 28-20-28-0000-00-004  
 21-20-28-0000-00-003  
 21-20-28-0000-00-004

OWNER OF RECORD: MARIE BROWN (407) 905-8180  
 C/O DONNA L. HELTON  
 195 SW 28TH STREET  
 OKEECHOBEE, FL. 34974

APPLICANT/DEVELOPER: FLORIDAY PROPERTIES, LLC. (407) 905-8180  
 P.O. BOX 770609  
 WINTER GARDEN, FL. 34777-0609

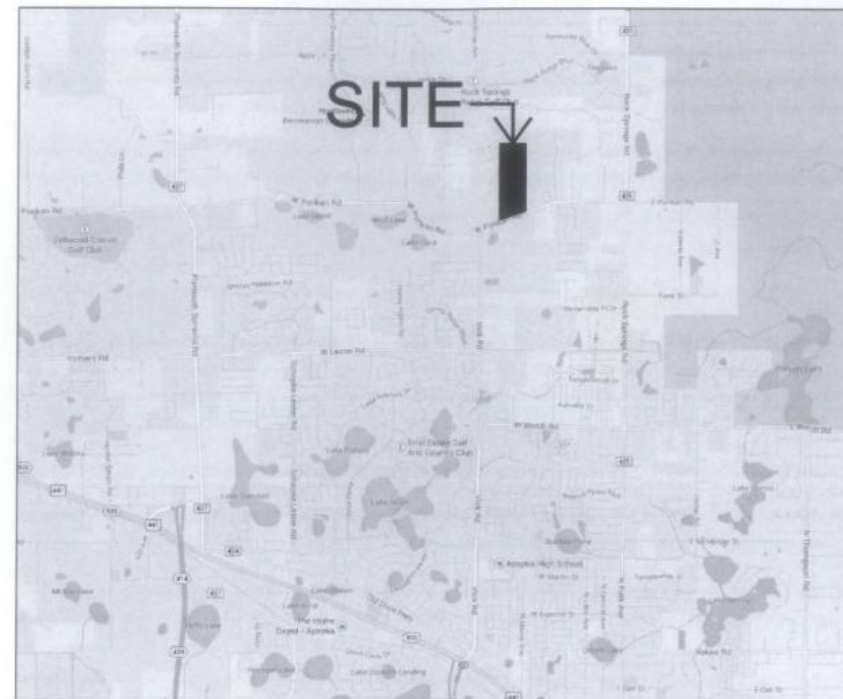
ENGINEER: JUNE ENGINEERING CONSULTANTS, INC. (407) 905-8180  
 P.O. BOX 770609  
 WINTER GARDEN, FL. 34777-0609

SURVEYOR: BISHMAN SURVEYING AND MAPPING, INC. (407) 905-8877  
 32 W. PLANT STREET  
 WINTER GARDEN, FL. 34787

GEOTECHNICAL ENGINEER: UNIVERSAL ENGINEERING SCIENCES (407) 423-0504  
 3532 MAGGIE BLVD.  
 ORLANDO, FL. 32811

ENVIRONMENTAL CONSULTANT: BIO-TECH CONSULTING, INC. (407) 894-5969  
 2002 E. ROBINSON STREET  
 ORLANDO, FL. 32803

UTILITIES  
 Water City of Apopka  
 Sewer City of Apopka  
 Telephone Century Link  
 Electric Duke Energy  
 Cable BrightHouse Networks



Location Map

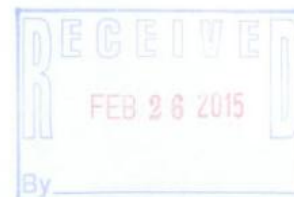
Tract Ownership Table			
Tract	Use	Ownership & Maint.	Area (sf)
A	Stormwater - Retention	Homeowners Association	153,292.03
B	Landscape	Homeowners Association	4,981.90
C	Landscape	Homeowners Association	1,554.85
D	Park	Homeowners Association	25,000.52
E	Stormwater - Retention	Homeowners Association	52,902.25
F	Lift Station	City of Apopka	900.00
G	Dedicated Right-of-Way	City of Apopka	14,098.84
H	Landscape	Homeowners Association	265.27

Variance / Waiver Table			
Code #	Code Requirement	V/W Request	
2.02.01(B)4c(3)	6' Masonry, Brick or Precast Wall Along Ponkan Road Frontage	6' Wrought Iron Style/Brick Column Fence Along Ponkan Road Frontage Where Adjacent to Pond	The Wrought Iron Fence with Columns Along the Pond Frontage Will Help Create a More Aesthetic Feel with Views of the Proposed Pond, While Still Providing Safety. The Areas Adjacent to the Lots Will Still Have a Brick Wall to Provide a Visual and Sound Buffer Between the Project and Ponkan Road

INDEX OF SHEETS	
SHEET TITLE	No.
Cover Sheet	1
Typical Section	2
Overall Plan	3
Existing Conditions	3a
Tree Survey / Tree Removal	3b
SWPPP	3c
Overall Grading & Drainage Plan	3d-3e
Overall Water System Plan	3f
Overall Sewer Plan	3g
Overall Reuse Water System	3h
Striping & Signage Plan	3i
Plan & Profile	4-6
Off-Site Utilities	7
Retention	8
Site Details	9
Lift Station Details	10-11
General Utility Details	12-16
City General Notes Plan	17
Landscape Plan	L-1
Irrigation Plan	I-1

## General Notes:

- The front of all homes shall face the street. See Section 6.01.00.C.4 of the City Land Development Code.
- A minimum of one street tree (canopy tree) per 30 feet on center is required per section 3.6 of the City's Development Design Guidelines.
- A minimum of 3 trees per lot is required per section 3.6 of the City's Development Design Guidelines.
- Residential architectural design shall comply with intent of the development design guidelines.
- Prior to any clearing or grading activity, developer must submit to the City approved wildlife management plan from Florida Fish and Wildlife Conservation Commission.
- Any retaining walls that are needed must be of brick or stone finish.
- Street light poles shall be decorative type consistent with the Development Design Guidelines. Light pole footers cannot be exposed above finished grade. Exterior light fixtures affixed to building walls must also be decorative.
- All electrical power and utility lines shall be placed underground. All overhead electric on site will be removed.
- All roadway and fire hydrant infrastructure shall be in place before building construction begins.



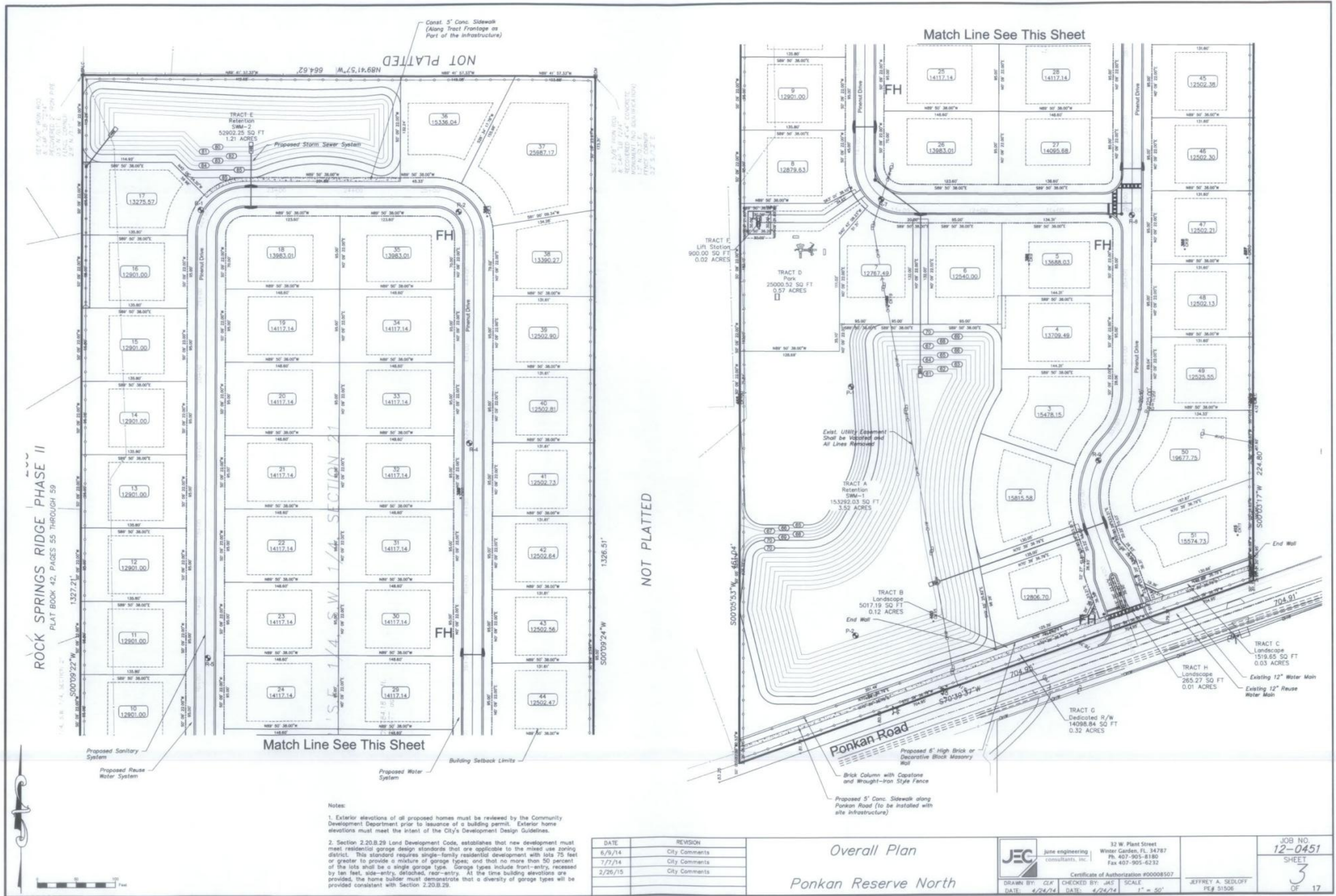
April 24, 2014  
 Revised February 26, 2015



32 W. Plant Street  
 Winter Garden, FL 34787  
 Ph. 407-905-8180  
 Fax 407-905-6232

Certificate of Authorization #00008507

JEFFREY A. SEDOFF  
 PE# 51506



ROCK SPRINGS RIDGE PHASE II  
PLAT BOOK 42, PAGES 55 THROUGH 59

- Notes:
1. Exterior elevations of all proposed homes must be reviewed by the Community Development Department prior to issuance of a building permit. Exterior home elevations must meet the intent of the City's Development Design Guidelines.
  2. Section 2.20.B.29 Land Development Code, establishes that new development must meet residential garage design standards that are applicable to the mixed use zoning district. This standard requires single-family residential development with lots 75 feet or greater to provide a mixture of garage types; and that no more than 50 percent of the lots shall be a single garage type. Garage types include front-entry, recessed by ten feet, side-entry, detached, rear-entry. At the time building elevations are provided, the home builder must demonstrate that a diversity of garage types will be provided consistent with Section 2.20.B.29.

DATE	REVISION
6/9/14	City Comments
7/7/14	City Comments
2/26/15	City Comments

Overall Plan  
Ponkan Reserve North

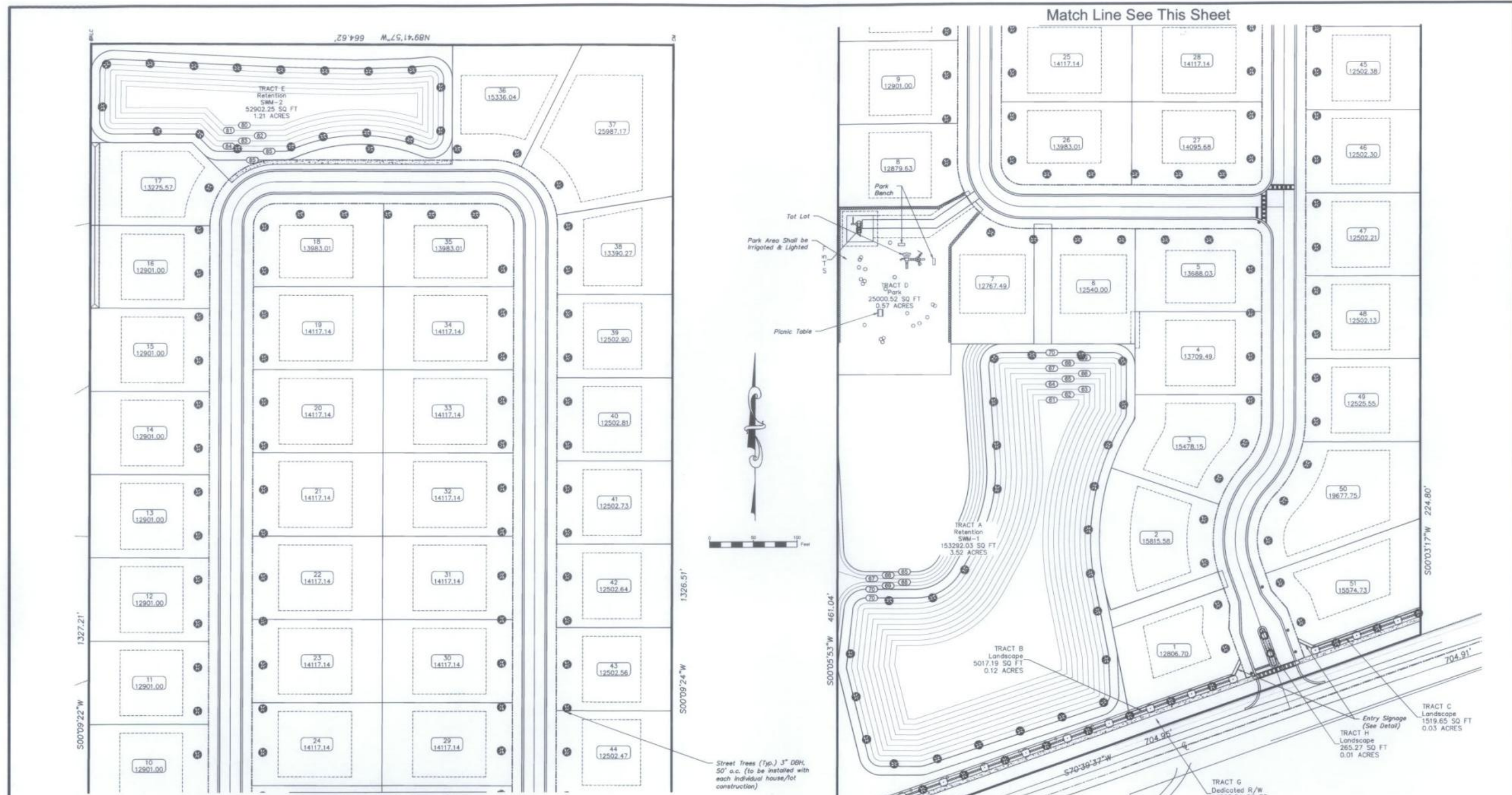
**JEC** june engineering consultants, inc.  
32 W. Plant Street  
Winter Garden, FL 34787  
Ph. 407-905-8180  
Fax 407-905-6232

Certificate of Authorization #00008507  
JEFFREY A. SEDLOFF  
PE# 51506

DRAWN BY: CLK CHECKED BY: JAS  
DATE: 4/24/14 DATE: 4/24/14

SCALE: 1" = 50'

JOB NO.  
12-0451  
SHEET  
3  
OF  
17



- LANDSCAPE NOTES
- All plant material shall be Florida Fancy grade or better.
  - All planting beds shall be covered with 3" minimum of pine bark.
  - All areas disturbed by construction shall be sodded/replanted appropriately when outside the site.
  - All plant quantities indicated above are approximate. In case of discrepancy the plan shall govern.
  - All planting shall be done by qualified individuals and in accordance with accepted commercial procedures.
  - Landscaping shall be in accordance with City of Apopka "Water-Wise" Ordinance 2009.
  - Provide Irrigation for all landscaping - A Rain Sensor will be Required for Irrigation System
  - Landscape and Irrigation plans are required with the final development plan & Irrigation systems are to be designed with the pop-up type devices only. Risers are not allowed.
  - Final plans shall be in compliance with the City's revised Landscape and Irrigation requirements (water-wise ordinance)
  - All utility boxes shall be fully screened from view of R/W.
  - A minimum of one street tree (canopy tree) per 30 feet on center is required per section 3.6 of the City's Development Design Guidelines. To be installed with the development of each individual lot.
  - A minimum of 3 trees per lot is required per section 3.6 of the City's Development Design Guidelines.
  - If oak trees planted along Ponkan Road are 5 feet or closer to the sidewalk then root barriers, with a 36 inch minimum depth, must be utilized.
  - Park and common areas shall be irrigated by an underground automatic irrigation system.
  - All common residential landscaped areas and parks shall be irrigated by an underground automatic irrigation system.
  - All trees inside of proposed Right-of-Way and inside of the building pad will be removed. Care will be taken to save as many trees as possible.
  - Proposed trees will measure 3" D.B.H. minimum.

DATE	REVISION
6/9/14	City Comments
7/7/14	City Comments
2/26/15	City Comments

*Landscape Plan*  
*Ponkan Reserve North*

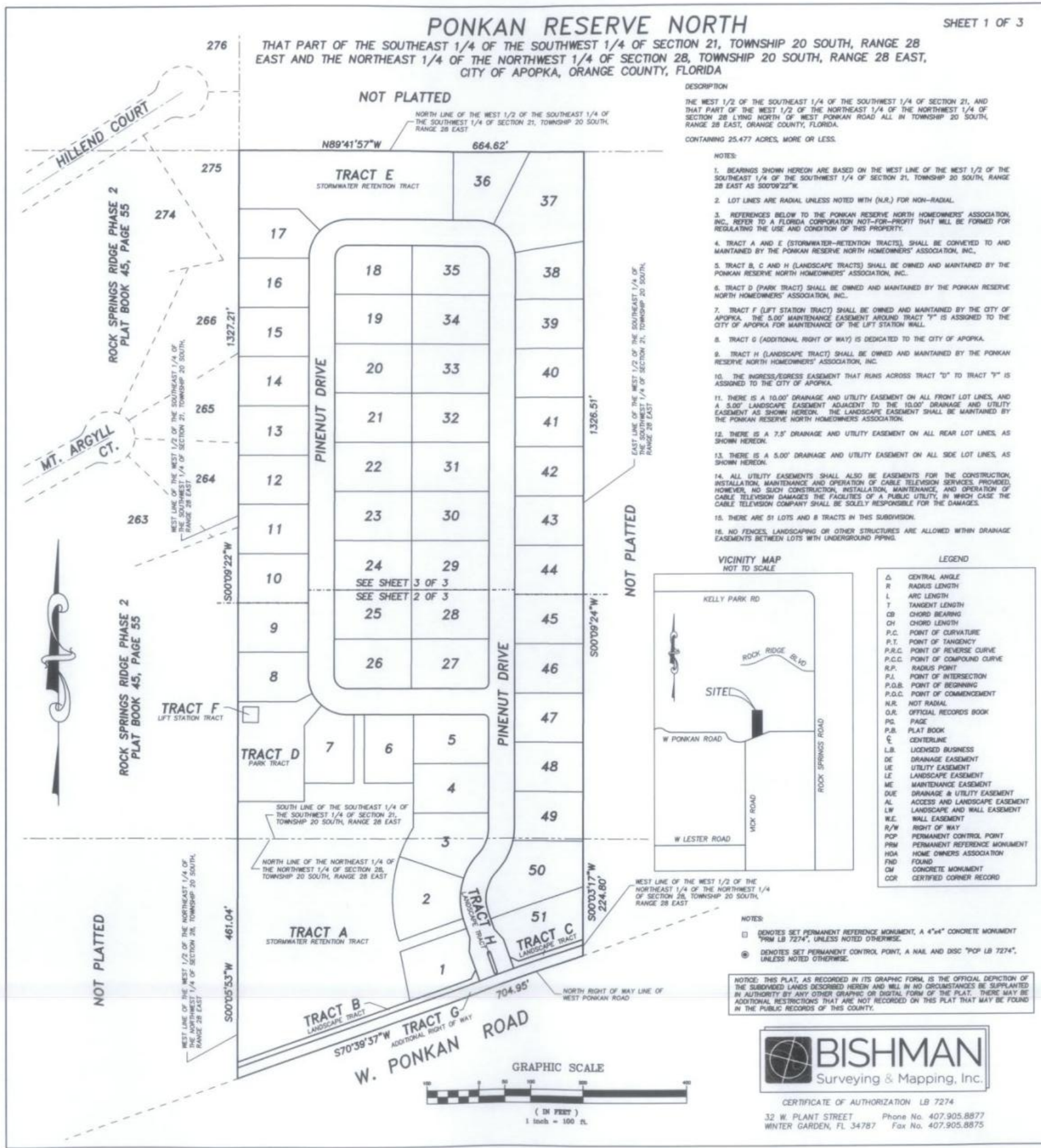
QUANTITY	KEY	BOTANICAL NAME	COMMON NAME	SIZE
160	OV	Quercus Virginiana	Live Oak	10'-12' HL, 8'-10' Spd., 65 gal, 3" DBH 6' Cr. Trk.
2	MG	Magnolia Grandiflora	Southern Magnolia	10'-12' HL, 8'-10' Spd., 65 gal, 3" DBH 6' Cr. Trk.
13	LI	Lagerstroemia Indica	Crape Myrtle	8' HL, Multi Trunk
55	VO	Viburnum Ocarrotissimum	Sweet Viburnum	Min. 30" HL, 30" o.c.

JEC June engineering consultants, inc. 32 W. Plant Street Winter Garden, FL 34787 Ph. 407-905-8180 Fax 407-905-6232  
 Certificate of Authorization #00008507  
 DRAWN BY: CLA CHECKED BY: RAJ SCALE: 1" = 50'  
 DATE: 4/24/14 DATE: 4/24/14  
 JEFFREY A. SEDOFF PE# 51506  
 JOB NO. 12-0451 SHEET L-1 OF 17

# PONKAN RESERVE NORTH

SHEET 1 OF 3

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 28 EAST AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA



DESCRIPTION  
 THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, AND THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28 LYING NORTH OF WEST PONKAN ROAD ALL IN TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA.  
 CONTAINING 25.477 ACRES, MORE OR LESS.

- NOTES:
- BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 28 EAST AS S00°09'22"W.
  - LOT LINES ARE RADIAL UNLESS NOTED WITH (N.R.) FOR NON-RADIAL.
  - REFERENCES BELOW TO THE PONKAN RESERVE NORTH HOMEOWNERS' ASSOCIATION, INC., REFER TO A FLORIDA CORPORATION NOT-FOR-PROFIT THAT WILL BE FORMED FOR REGULATING THE USE AND CONDITION OF THIS PROPERTY.
  - TRACT A AND E (STORMWATER-RETENTION TRACTS), SHALL BE CONVEYED TO AND MAINTAINED BY THE PONKAN RESERVE NORTH HOMEOWNERS' ASSOCIATION, INC.
  - TRACT B, C AND H (LANDSCAPE TRACTS) SHALL BE OWNED AND MAINTAINED BY THE PONKAN RESERVE NORTH HOMEOWNERS' ASSOCIATION, INC.
  - TRACT D (PARK TRACT) SHALL BE OWNED AND MAINTAINED BY THE PONKAN RESERVE NORTH HOMEOWNERS' ASSOCIATION, INC.
  - TRACT F (LIFT STATION TRACT) SHALL BE OWNED AND MAINTAINED BY THE CITY OF APOPKA. THE 5.00' MAINTENANCE EASEMENT AROUND TRACT "F" IS ASSIGNED TO THE CITY OF APOPKA FOR MAINTENANCE OF THE LIFT STATION WALL.
  - TRACT G (ADDITIONAL RIGHT OF WAY) IS DEDICATED TO THE CITY OF APOPKA.
  - TRACT H (LANDSCAPE TRACT) SHALL BE OWNED AND MAINTAINED BY THE PONKAN RESERVE NORTH HOMEOWNERS' ASSOCIATION, INC.
  - THE INGRESS/EGRESS EASEMENT THAT RUNS ACROSS TRACT "D" TO TRACT "F" IS ASSIGNED TO THE CITY OF APOPKA.
  - THERE IS A 10.00' DRAINAGE AND UTILITY EASEMENT ON ALL FRONT LOT LINES, AND A 5.00' LANDSCAPE EASEMENT ADJACENT TO THE 10.00' DRAINAGE AND UTILITY EASEMENT AS SHOWN HEREON. THE LANDSCAPE EASEMENT SHALL BE MAINTAINED BY THE PONKAN RESERVE NORTH HOMEOWNERS' ASSOCIATION.
  - THERE IS A 7.5' DRAINAGE AND UTILITY EASEMENT ON ALL REAR LOT LINES, AS SHOWN HEREON.
  - THERE IS A 5.00' DRAINAGE AND UTILITY EASEMENT ON ALL SIDE LOT LINES, AS SHOWN HEREON.
  - ALL UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES. PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IN WHICH CASE THE CABLE TELEVISION COMPANY SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.
  - THERE ARE 51 LOTS AND 8 TRACTS IN THIS SUBDIVISION.
  - NO FENCES, LANDSCAPING OR OTHER STRUCTURES ARE ALLOWED WITHIN DRAINAGE EASEMENTS BETWEEN LOTS WITH UNDERGROUND PIPING.



NOTES:

- DENOTES SET PERMANENT REFERENCE MONUMENT, A 4"x4" CONCRETE MONUMENT FROM LB 7274\*, UNLESS NOTED OTHERWISE.
- ⊙ DENOTES SET PERMANENT CONTROL POINT, A NAIL AND DISC "POP LB 7274", UNLESS NOTED OTHERWISE.

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**BISHMAN**  
 Surveying & Mapping, Inc.  
 CERTIFICATE OF AUTHORIZATION LB 7274  
 32 W PLANT STREET Phone No. 407.905.8877  
 WINTER GARDEN, FL 34787 Fax No. 407.905.8875

PLAT BOOK PAGE

## PONKAN RESERVE NORTH DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT FLORIDAY PROPERTIES, LLC, BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE FOREGOING CAPTION TO THIS PLAT, HEREBY DEDICATES SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED AND DEDICATES THE STREETS AND THE EASEMENTS SHOWN HEREON TO THE PERPETUAL USE OF THE PUBLIC, UNLESS OTHERWISE NOTED.

IN WITNESS WHEREOF, THE LIMITED LIABILITY CORPORATION NAMED BELOW, HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO BY THE OFFICER NAMED BELOW

FLORIDAY PROPERTIES, LLC  
 P.O. BOX 770809  
 WINTER GARDEN, FLORIDA 34777

BY: \_\_\_\_\_  
 ROHLAND A. JANE, MANAGING MEMBER

SIGNED AND SEALED IN THE PRESENCE OF:  
 \_\_\_\_\_  
 PRINT NAME: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

STATE OF FLORIDA  
 COUNTY OF ORANGE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ BY ROHLAND A. JANE, MANAGING MEMBER OF FLORIDA LAND HOLDINGS X, LLC ON BEHALF OF THE COMPANY. HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC  
 MY COMMISSION EXPIRES: \_\_\_\_\_

### QUALIFICATION AND STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING A PROFESSIONAL SURVEYOR AND MAPPER CERTIFIES THAT I HAVE PREPARED THE FOREGOING PLAT AND IT WAS MADE UNDER MY DIRECTION AND SUPERVISION AND THAT THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND THAT SAID LAND IS LOCATED IN THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_  
 BISHMAN SURVEYING AND MAPPING, INC. ARON D. BISHMAN, P.S.M.  
 32 W. PLANT STREET, Florida Registration No. 5658  
 WINTER GARDEN, FLORIDA 34787 Licensed Business No. 7274

### CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, THAT ON \_\_\_\_\_, THE CITY COUNCIL OF APOPKA APPROVED THE FOREGOING PLAT.

ATTEST:  
 \_\_\_\_\_  
 JOE KILSHEIMER, MAYOR CITY CLERK

### CERTIFICATE OF APPROVAL BY CITY ENGINEER

THIS IS TO CERTIFY, THAT ON \_\_\_\_\_, THE FOREGOING PLAT WAS EXAMINED AND APPROVED BY

\_\_\_\_\_  
 R. JAY DAVOLL, CITY ENGINEER

### CERTIFICATE OF APPROVAL BY APOPKA PLANNING COMMISSION

THIS IS TO CERTIFY, THAT ON \_\_\_\_\_, THE FOREGOING PLAT WAS APPROVED BY THE APOPKA PLANNING COMMISSION OF THE CITY OF APOPKA.

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

### CERTIFICATE OF APPROVAL BY REVIEWING SURVEYOR

PURSUANT TO SECTION 177.081, FLORIDA STATUTES, I HAVE REVIEWED THIS PLAT FOR CONFORMITY TO CHAPTER 177 PART 1 OF THE FLORIDA STATUTES AND THAT SAID PLAT COMPLIES WITH THE TECHNICAL REQUIREMENTS OF THAT CHAPTER, PROVIDED HOWEVER, THAT MY REVIEW DOES NOT INCLUDE FIELD VERIFICATION OF ANY OF THE COORDINATES, POINTS OR MEASUREMENTS AS SHOWN ON THIS PLAT.

SIGNED: \_\_\_\_\_ DATE \_\_\_\_\_  
 RALPH A. NETO P.S.M.  
 NETO WHITTAKER SURVEYING, LLC  
 REGISTRATION NUMBER 6025

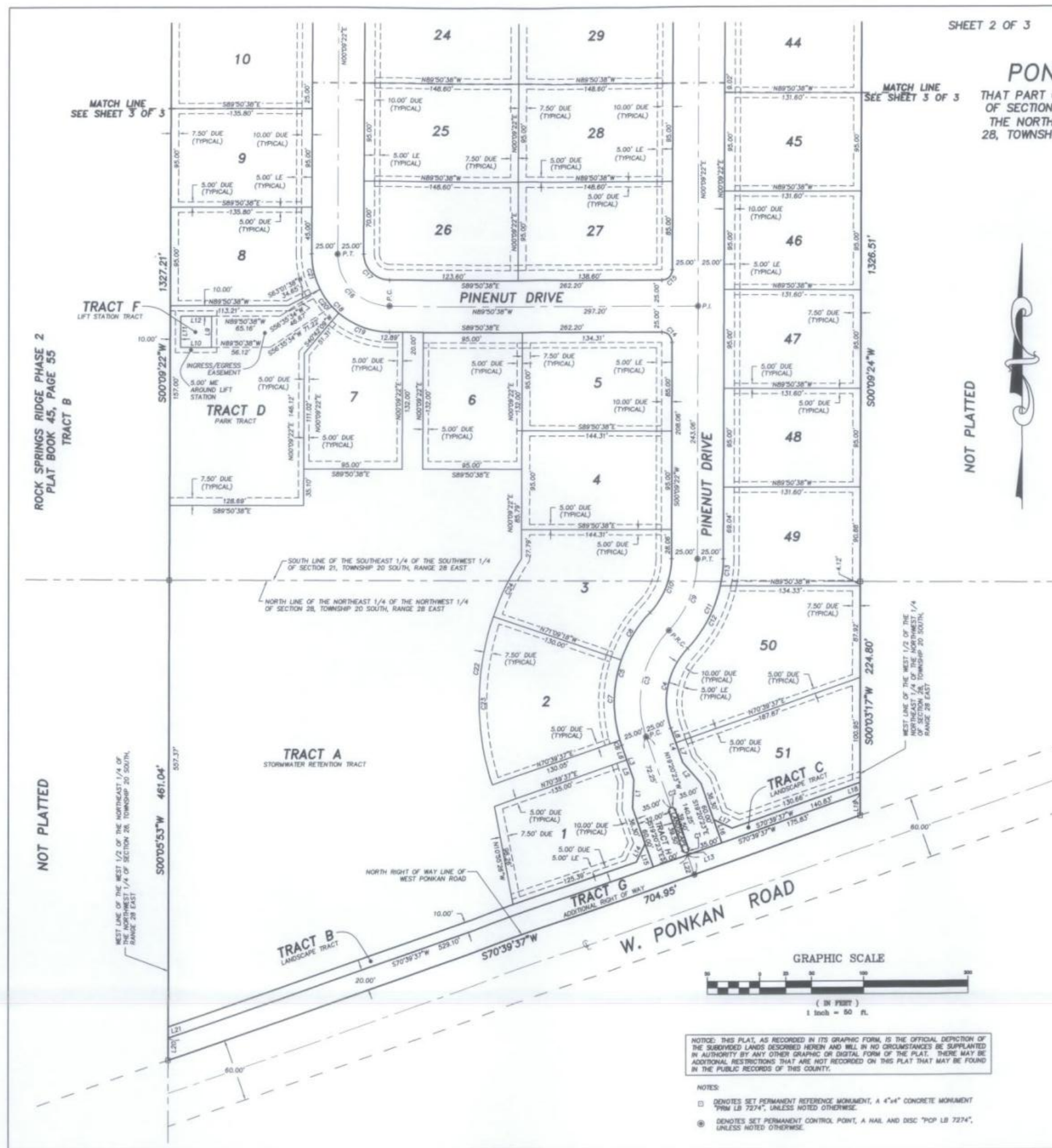
### CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY THAT THE FOREGOING PLAT WAS RECORDED IN THE ORANGE COUNTY OFFICIAL RECORDS ON \_\_\_\_\_ AS FILE NO. \_\_\_\_\_ COUNTY COMPTROLLER IN AND FOR ORANGE COUNTY, FLORIDA

BY \_\_\_\_\_

# PONKAN RESERVE NORTH

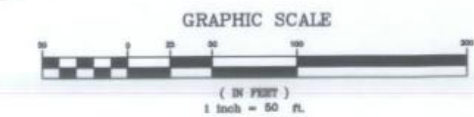
THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 28 EAST AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA



CURVE	CENTRAL ANGLE	RADIUS	LENGTH	CHORD	CH. BEARING
C1	180.0000°	3.00'	8.42'	6.00'	N70°26'37"E
C2	180.0000°	3.00'	8.42'	6.00'	S70°26'37"W
C3	62°33'02"	100.00'	109.75'	104.33'	S12°08'08"W
C4	62°33'02"	75.00'	82.31'	78.25'	S12°08'08"W
C5	92°23'09"	125.00'	137.18'	130.41'	S12°08'08"W
C6	27°36'38"	125.00'	4.97'	4.97'	S18°32'04"E
C7	30°24'22"	125.00'	78.34'	77.06'	S00°53'29"W
C8	24°41'37"	125.00'	53.89'	53.47'	S31°11'41"W
C9	43°23'17"	100.00'	75.77'	73.93'	N21°51'01"E
C10	43°23'17"	75.00'	56.79'	55.45'	N21°51'01"E
C11	43°23'17"	125.00'	24.66'	22.41'	N21°51'01"E
C12	31°21'58"	125.00'	68.50'	67.85'	N27°50'40"E
C13	11°59'19"	125.00'	26.18'	26.11'	N06°09'01"E
C14	80°00'00°	10.00'	10.71'	14.14'	N44°50'28"W
C15	80°00'00°	10.00'	10.71'	14.14'	N44°50'28"W
C16	80°00'00°	50.00'	78.54'	70.71'	S44°50'28"E
C17	80°00'00°	25.00'	39.27'	35.36'	S44°50'28"E
C18	80°00'00°	75.00'	117.81'	106.07'	S44°50'28"E
C19	40°32'47"	75.00'	53.08'	51.97'	S89°24'14"E
C20	22°32'28"	75.00'	78.27'	28.04'	S32°08'00"E
C21	37°07'44"	75.00'	35.51'	35.18'	S13°24'30"E
C22	51°03'05"	255.00'	227.21'	219.77'	S07°18'07"W
C23	37°14'08"	255.00'	164.85'	162.12'	S00°16'38"W
C24	13°58'57"	255.00'	62.23'	62.08'	S25°50'11"W

LINE	BEARING	LENGTH
L1	S02°27'42"W	26.83'
L2	S41°08'28"E	26.83'
L3	S19°20'23"E	35.25'
L4	S19°20'23"E	35.25'
L5	N19°20'23"W	20.22'
L6	N19°20'23"W	15.03'
L7	N19°20'23"W	20.22'
L8	N19°20'23"W	15.03'
L9	N00°09'22"E	30.00'
L10	N89°50'38"W	30.00'
L11	S00°09'22"W	30.00'
L12	N89°50'38"W	30.00'
L13	N19°20'23"W	2.50'
L14	N25°39'37"E	19.97'
L15	S19°20'23"E	23.70'
L16	N19°20'23"W	23.69'
L17	S64°20'23"E	19.36'
L18	S00°03'17"W	10.60'
L19	S00°03'17"W	21.20'
L20	N00°09'22"E	21.21'
L21	N00°05'33"E	10.60'
L22	N19°20'23"W	20.00'

- LEGEND**
- Δ CENTRAL ANGLE
  - R RADIUS LENGTH
  - L ARC LENGTH
  - T TANGENT LENGTH
  - CB CHORD BEARING
  - CH CHORD LENGTH
  - P.C. POINT OF CURVATURE
  - P.T. POINT OF TANGENCY
  - P.R.C. POINT OF REVERSE CURVE
  - P.C.C. POINT OF COMPOUND CURVE
  - R.P. RADIUS POINT
  - P.I. POINT OF INTERSECTION
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCEMENT
  - N.R. NOT RADIAL
  - O.R. OFFICIAL RECORDS BOOK
  - PG. PAGE
  - P.B. PLAT BOOK
  - CL CENTERLINE
  - L.B. LICENSED BUSINESS
  - DE DRAINAGE EASEMENT
  - UE UTILITY EASEMENT
  - LE LANDSCAPE EASEMENT
  - ME MAINTENANCE EASEMENT
  - DUE DRAINAGE & UTILITY EASEMENT
  - AL ACCESS AND LANDSCAPE EASEMENT
  - LW LANDSCAPE AND WALL EASEMENT
  - W.E. WALL EASEMENT
  - R/W RIGHT OF WAY
  - PCP PERMANENT CONTROL POINT
  - PRM PERMANENT REFERENCE MONUMENT
  - HOA HOME OWNERS ASSOCIATION
  - FND FOUND
  - CM CONCRETE MONUMENT
  - CCR CERTIFIED CORNER RECORD



NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

- NOTES:**
- DENOTES SET PERMANENT REFERENCE MONUMENT, A 4"x4" CONCRETE MONUMENT "PRM LB 7274", UNLESS NOTED OTHERWISE.
  - ⊙ DENOTES SET PERMANENT CONTROL POINT, A NAIL AND DISC "POP LB 7274", UNLESS NOTED OTHERWISE.

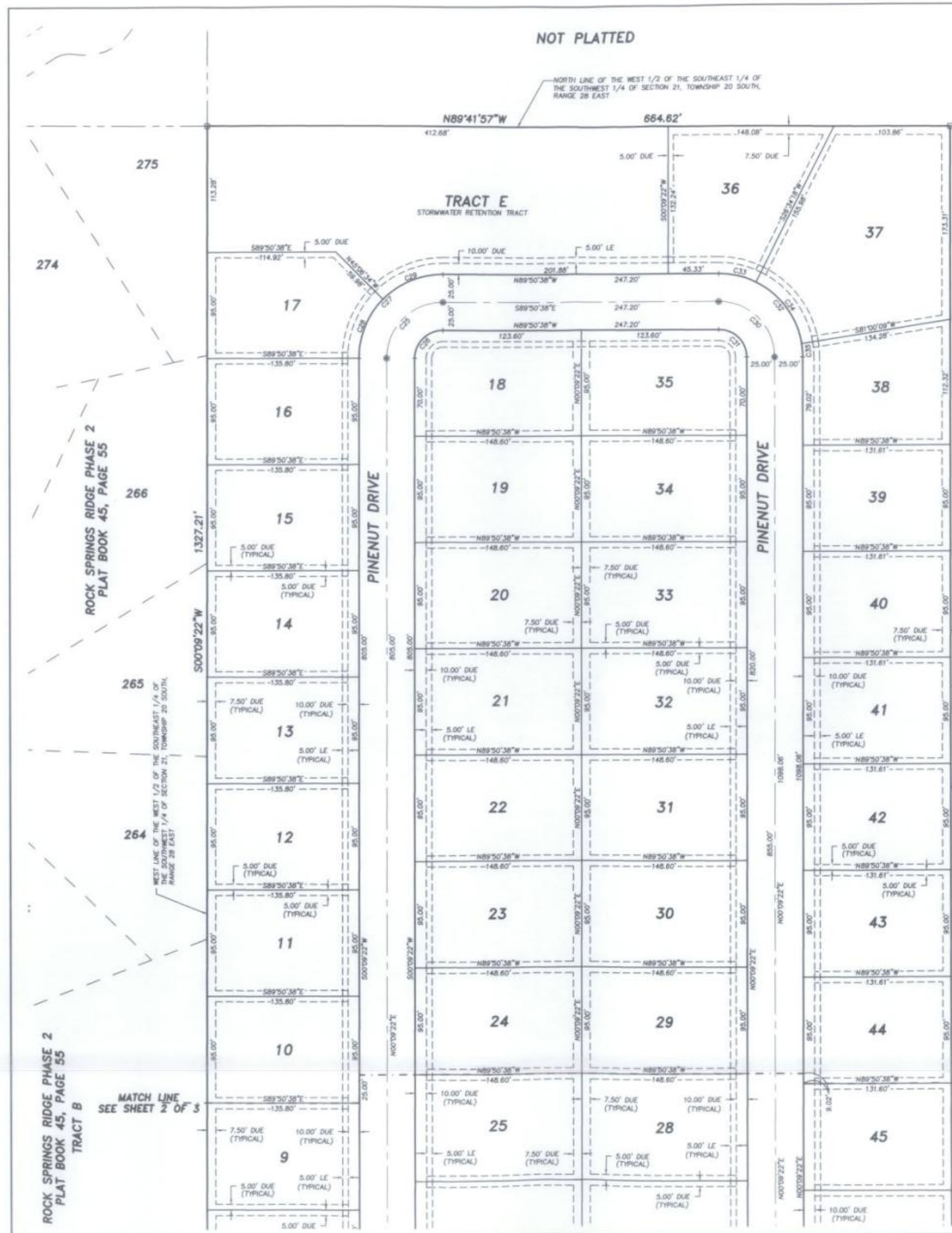


CERTIFICATE OF AUTHORIZATION LB 7274  
32 W. PLANT STREET Phone No. 407.905.8877  
WINTER GARDEN, FL 34787 Fax No. 407.905.8875



### PONKAN RESERVE NORTH

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 28 EAST AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA



CURVE	CENTRAL ANGLE	RADIUS	LENGTH	CHORD	CH. BEARING
C25	80°00'00"	50.00'	78.84'	70.71'	S45°09'22"W
C26	80°00'00"	25.00'	39.42'	35.36'	S45°09'22"W
C27	80°00'00"	75.00'	117.81'	106.07'	S45°09'22"W
C28	44°44'04"	75.00'	56.96'	57.98'	S22°31'24"W
C29	45°12'56"	75.00'	56.25'	57.72'	S27°31'24"W
C30	80°00'00"	50.00'	78.84'	70.71'	N44°50'38"W
C31	80°00'00"	25.00'	39.42'	35.36'	N44°50'38"W
C32	80°00'00"	75.00'	117.81'	106.07'	N44°50'38"W
C33	28°24'56"	75.00'	34.28'	34.27'	N78°38'10"W
C34	54°28'32"	75.00'	71.25'	68.60'	N36°12'46"W
C35	8°09'17"	75.00'	11.88'	11.87'	N68°22'14"W

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

- NOTES:
- DENOTES SET PERMANENT REFERENCE MONUMENT, A 4"x4" CONCRETE MONUMENT "PIM LB 7274", UNLESS NOTED OTHERWISE.
  - ⊙ DENOTES SET PERMANENT CONTROL POINT, A NAIL AND DISC "POP LB 7274", UNLESS NOTED OTHERWISE.

- LEGEND
- Δ CENTRAL ANGLE
  - R RADIUS LENGTH
  - L ARC LENGTH
  - T TANGENT LENGTH
  - CB CHORD BEARING
  - CH CHORD LENGTH
  - P.C. POINT OF CURVATURE
  - P.T. POINT OF TANGENCY
  - P.R.C. POINT OF REVERSE CURVE
  - P.C.C. POINT OF COMPOUND CURVE
  - R.P. RADIUS POINT
  - P.I. POINT OF INTERSECTION
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCEMENT
  - N.R. NOT RADIAL
  - O.R. OFFICIAL RECORDS BOOK
  - PS. PAGE
  - P.B. PLAT BOOK
  - CL. CENTERLINE
  - L.B. LICENSED BUSINESS
  - DE DRAINAGE EASEMENT
  - UE UTILITY EASEMENT
  - LE LANDSCAPE EASEMENT
  - ME MAINTENANCE EASEMENT
  - DUE DRAINAGE & UTILITY EASEMENT
  - AL ACCESS AND LANDSCAPE EASEMENT
  - LW LANDSCAPE AND WALL EASEMENT
  - WE WALL EASEMENT
  - R/W RIGHT OF WAY
  - POP PERMANENT CONTROL POINT
  - PIM PERMANENT REFERENCE MONUMENT
  - HOA HOME OWNERS ASSOCIATION
  - FND FOUND
  - CM CONCRETE MONUMENT
  - CCR CERTIFIED CORNER RECORD



MATCH LINE  
SEE SHEET 2 OF 3



CERTIFICATE OF AUTHORIZATION LB 7274  
32 W. PLANT STREET Phone No. 407.905.8877  
WINTER GARDEN, FL 34787 Fax No. 407.905.8875

**Backup material for agenda item:**

1. Administrative Report - Glenn Irby - City Administrator



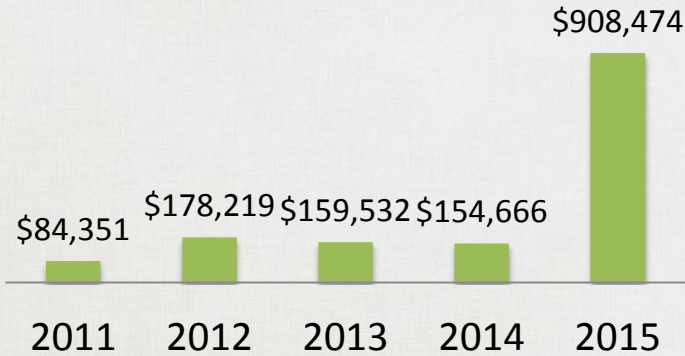
# Administrative Report

March 18, 2015

To: Mayor and City Council  
From: Glenn Irby, City Administrator

# Finance - February

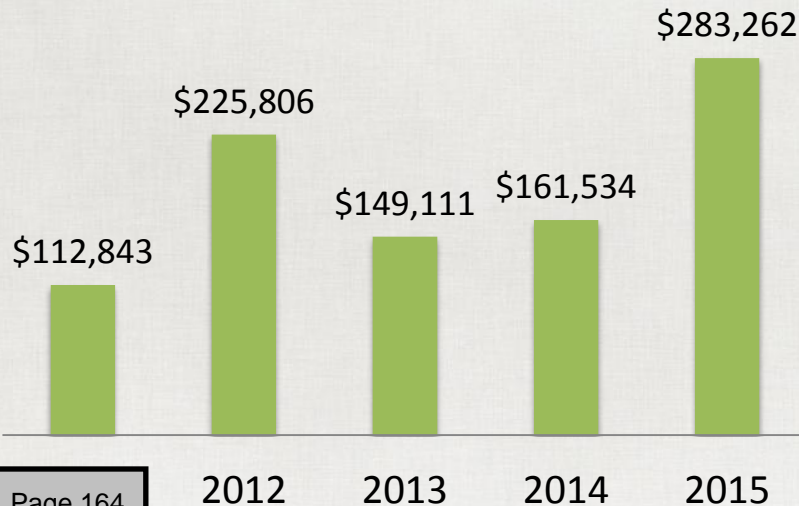
## Sewer Impact



## Water Impact



## Transportation Impact



## School Impact

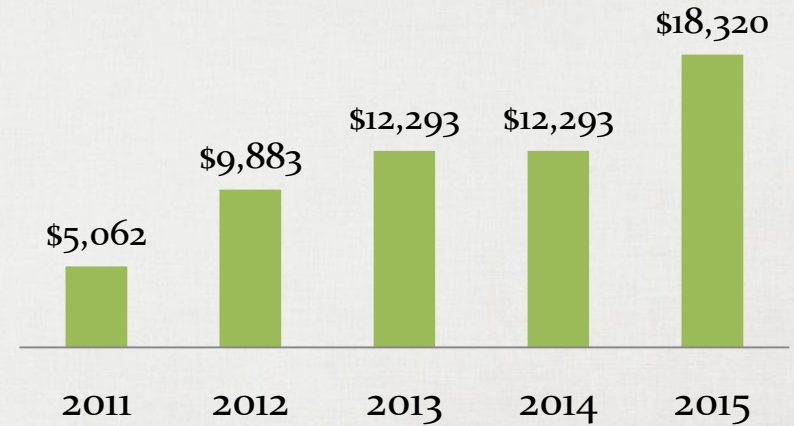


# Finance - February

## Reuse Impact



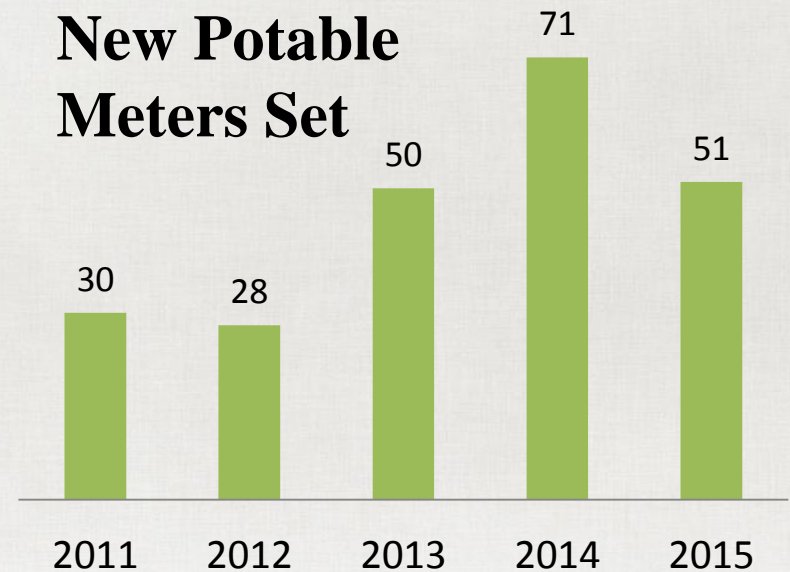
## Recreation Impact



## Average Potable Water Billed

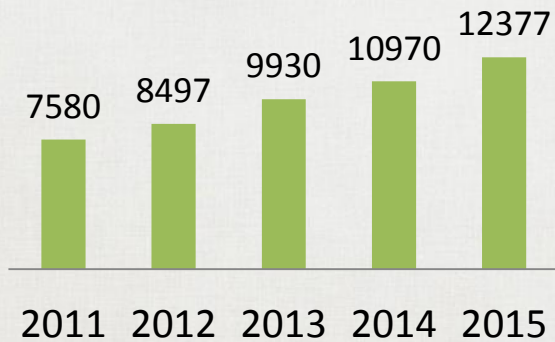


## New Potable Meters Set



# Finance / Utility Billing - February

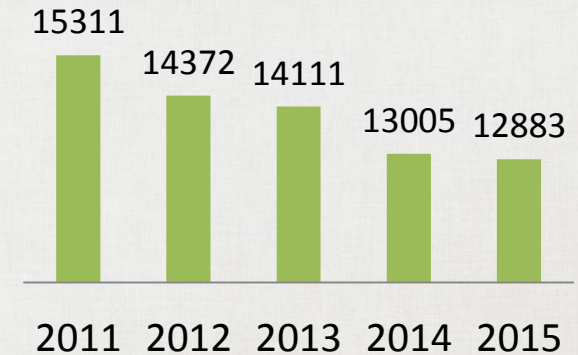
## Web



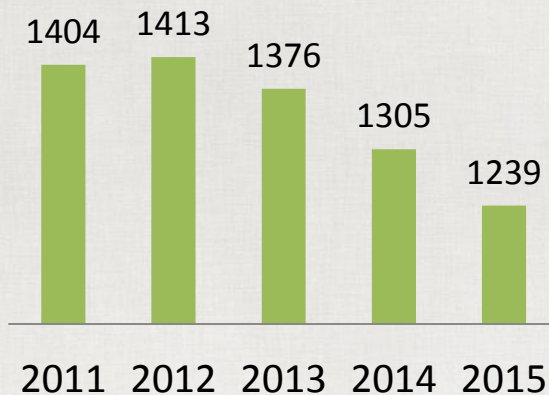
## Office Window



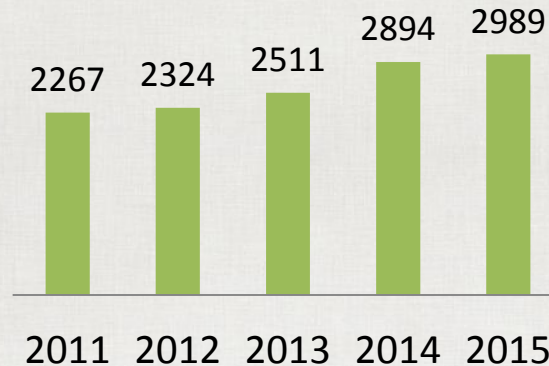
## Mailed



## Drop Box



## ACH

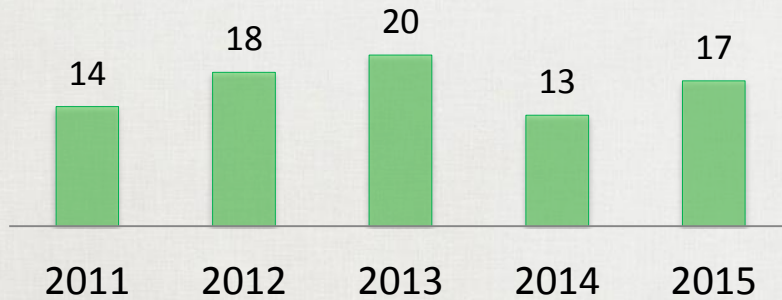


## Drive-Up Window

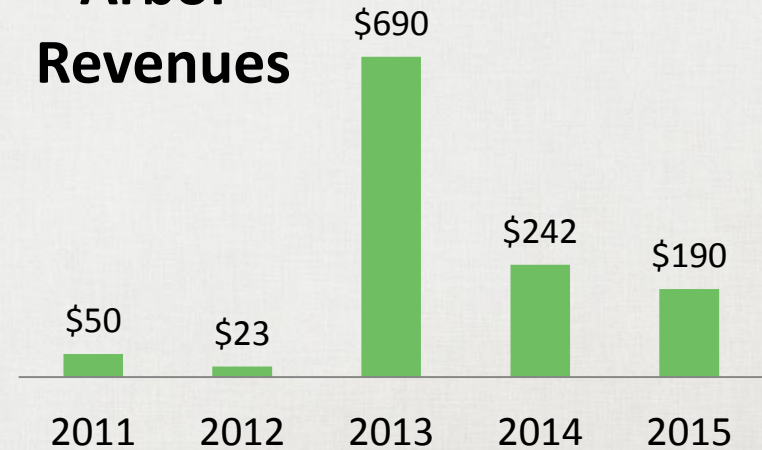


# Community Development - February

## Arbor Permits



## Arbor Revenues



## Tree Bank Revenues

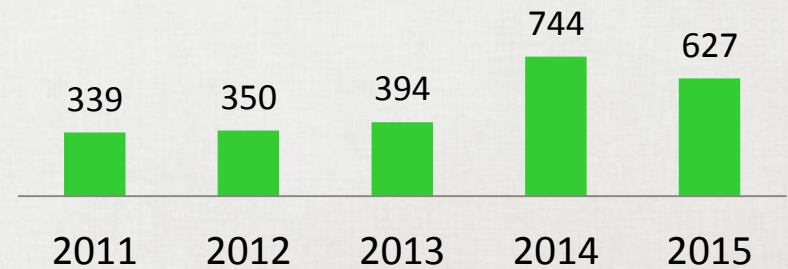


# Community Development / Building- February

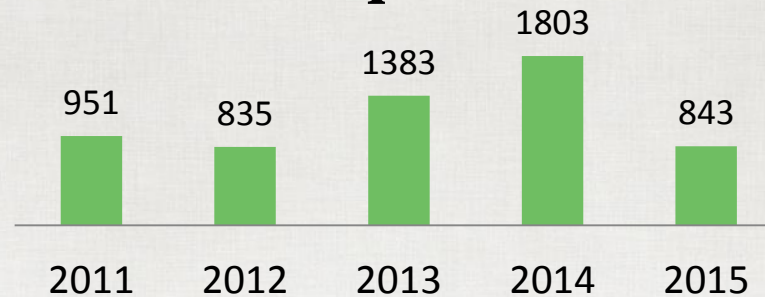
## Automated Phone System Requests



## Internet Inspection Requests



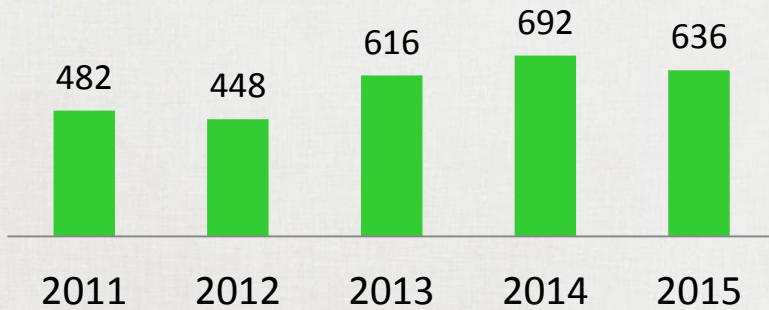
## Office Inspection Requests





# Community Development / Building- February

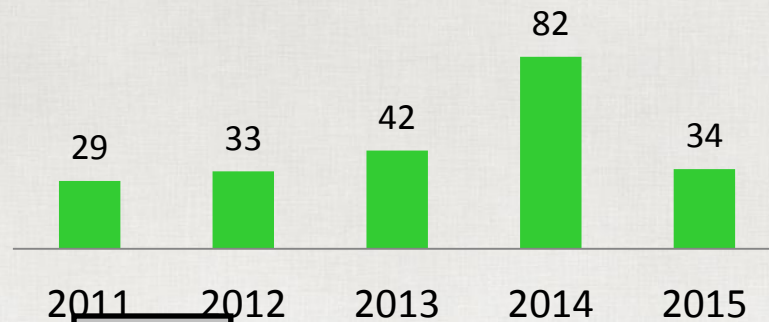
## Permits Issued



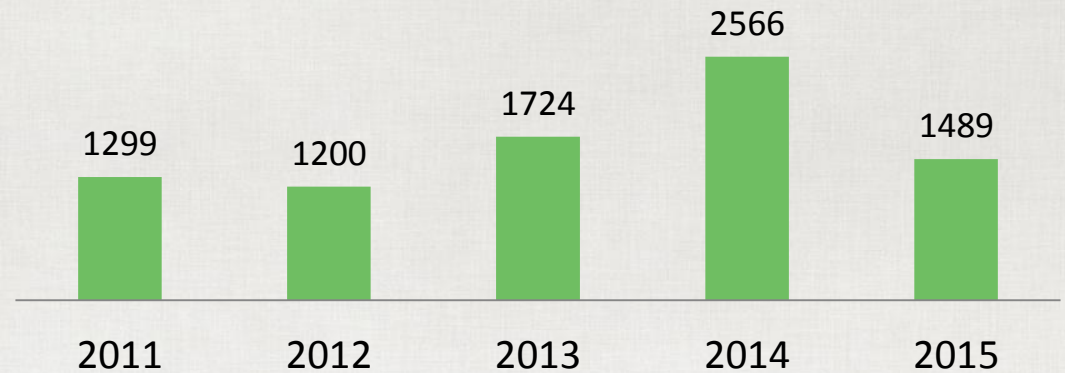
## Value of Construction



## Certificates of Occupancy Issued



## Inspections Performed



# Public Services / Water Plants - February

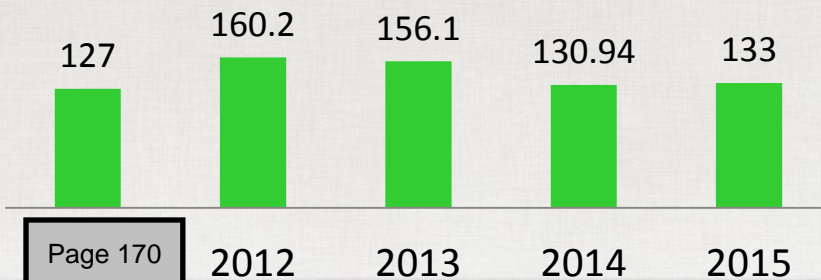
## Water Plant – Average Daily Flow



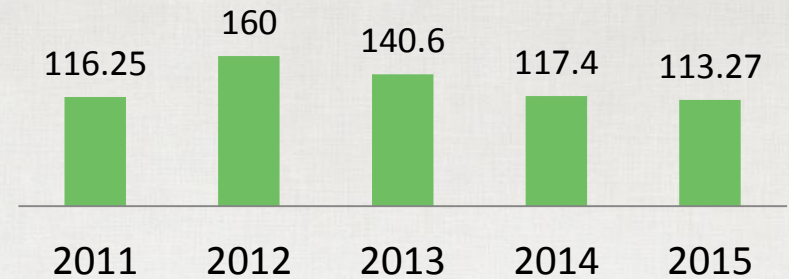
## Wastewater Plant Average Daily Flow



## Reclaimed Gallons Produced



## Reclaimed Gallons Used



# Public Services / Water Plants - February

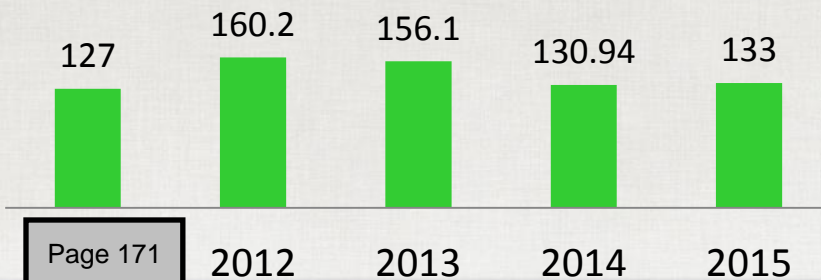
## Water Plant – Average Daily Flow



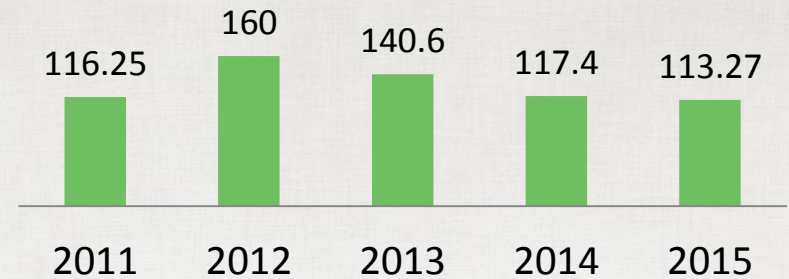
## Wastewater Plant Average Daily Flow



## Reclaimed Gallons Produced

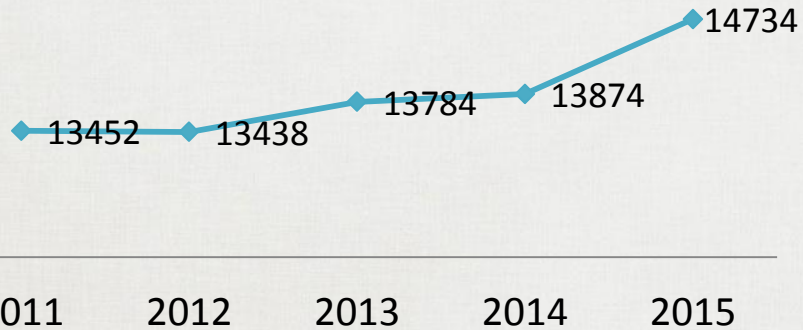


## Reclaimed Gallons Used

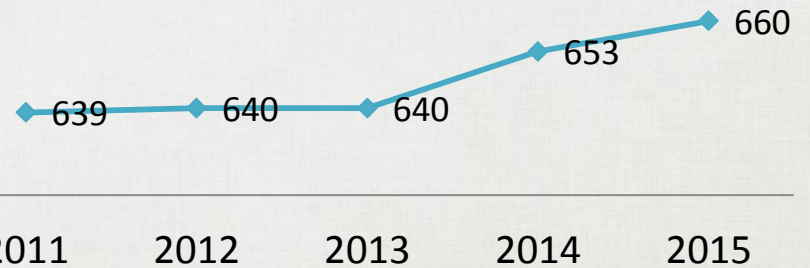


# Public Services / Sanitation - February

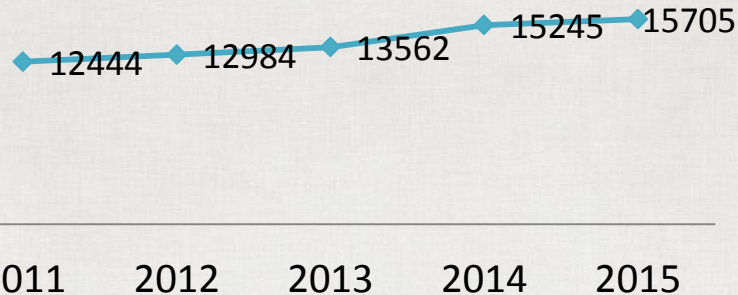
## Residential Customers



## Commercial Customers



## Recycling Customers

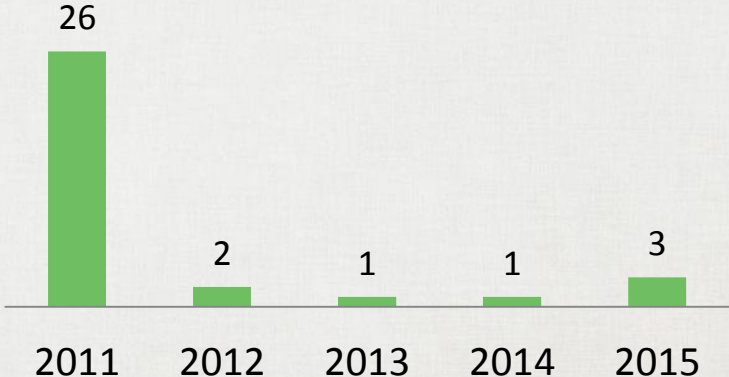


# Public Services / Water Conservation - February

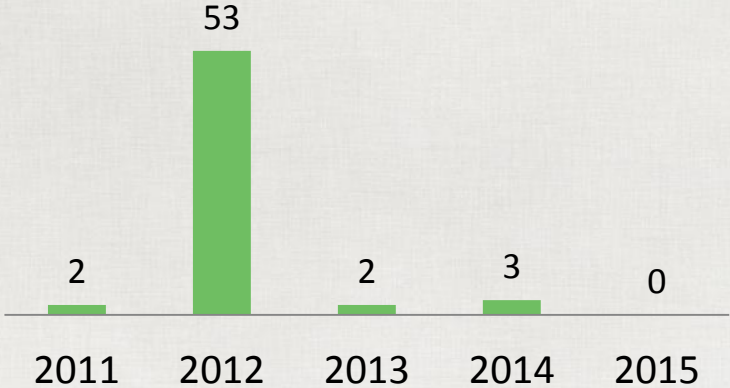
## System Evaluations



## Rain Sensors Issued



## Program Rebates



## Rebate Value



# Public Services / Recreation - February

## Program Events



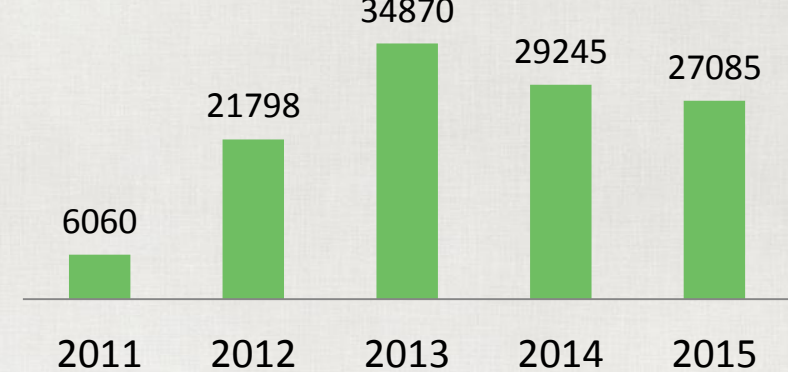
## Senior Programs



## Facility Rentals

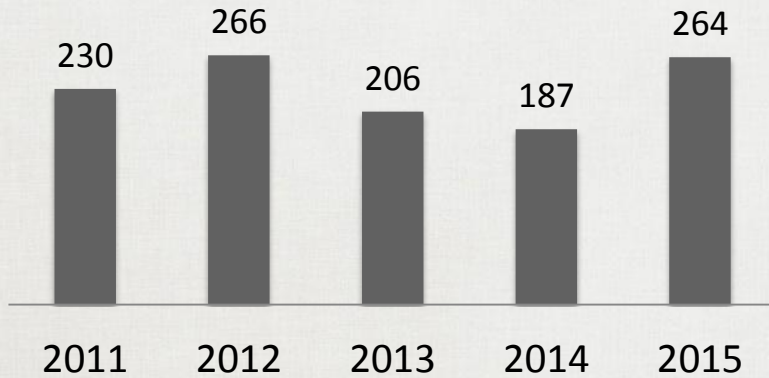


## Event Attendees

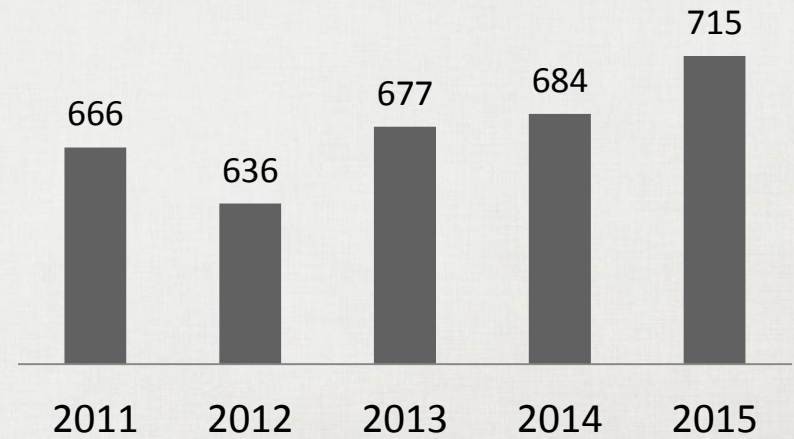


# Fire - February

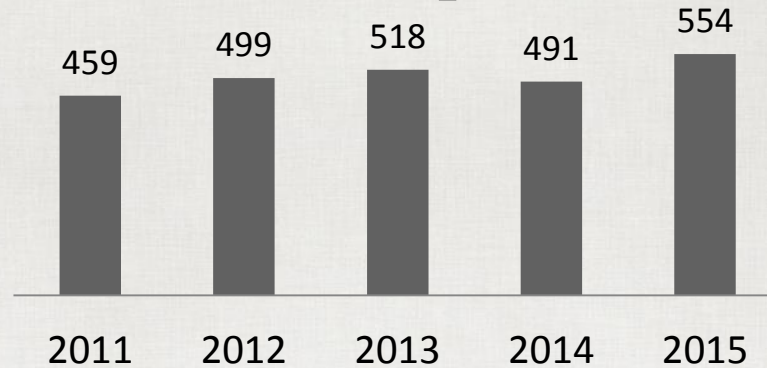
## NFIRS Calls For Service



## EMS Calls For Service

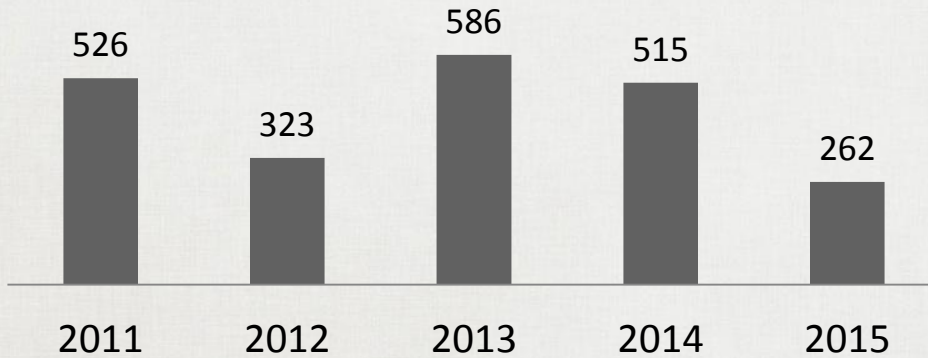


## Annual Inspections

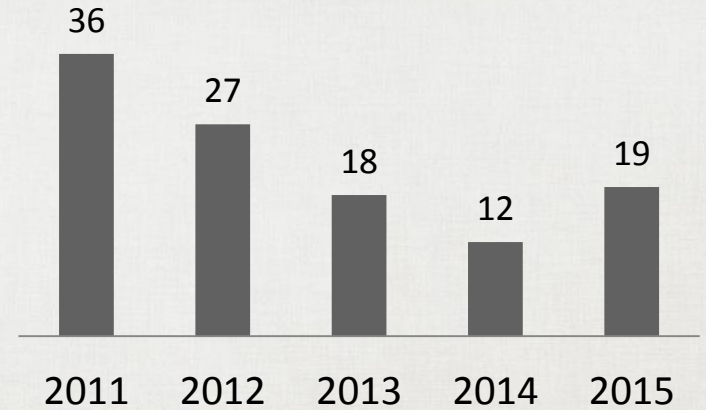


# Police - February

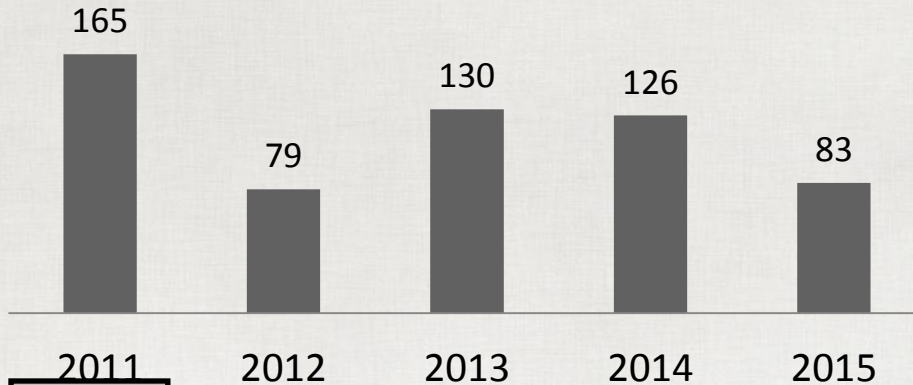
## Uniform Traffic Citations



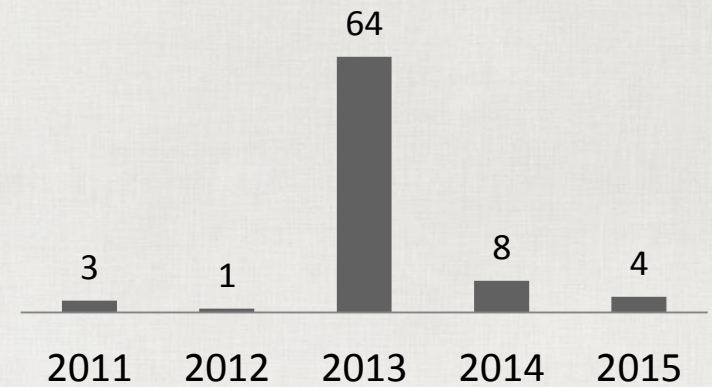
## DUI Arrests



## Warning Citations



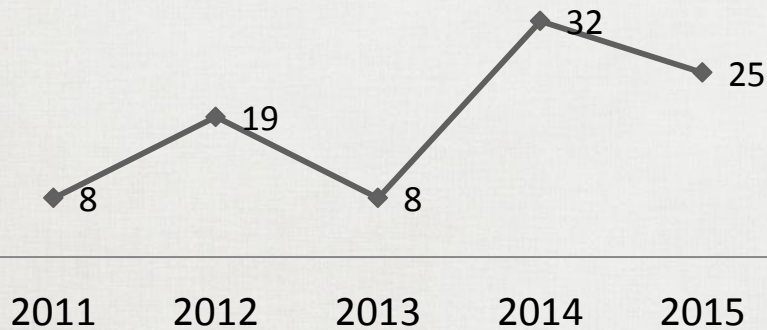
## Parking Citations



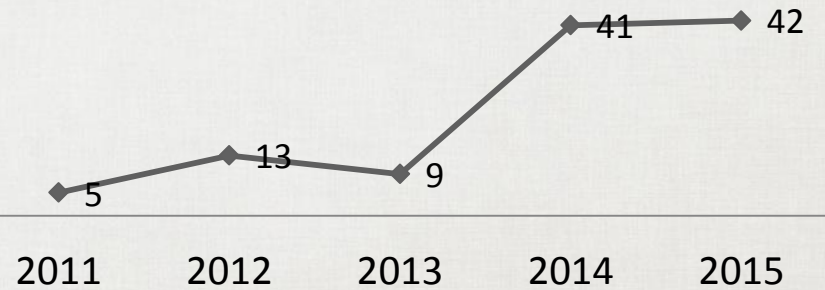


# Police / Code Enforcement - February

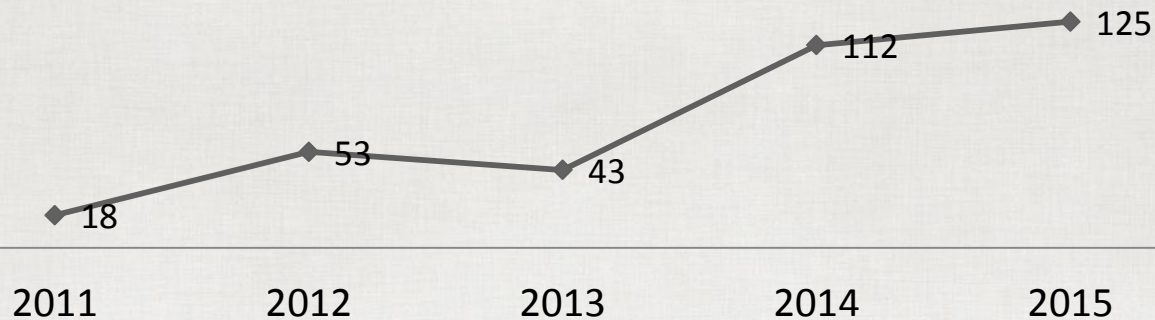
## Unkempt Cases



## Disabled Vehicle Cases

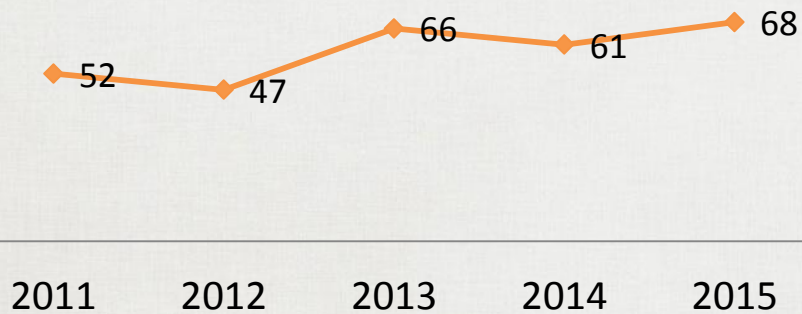


## Total Code Enforcement Cases

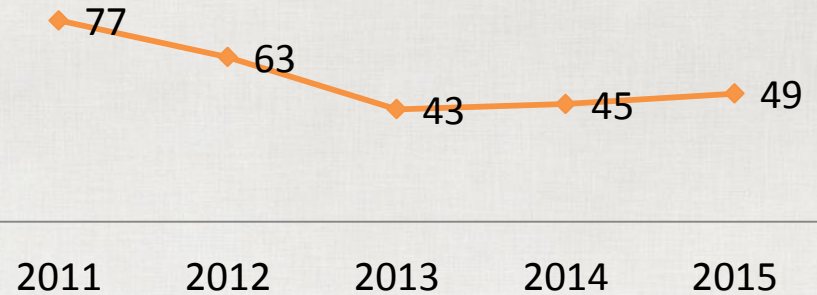


# Administrative Services - February

## New Business Tax



## Business Tax Renewals

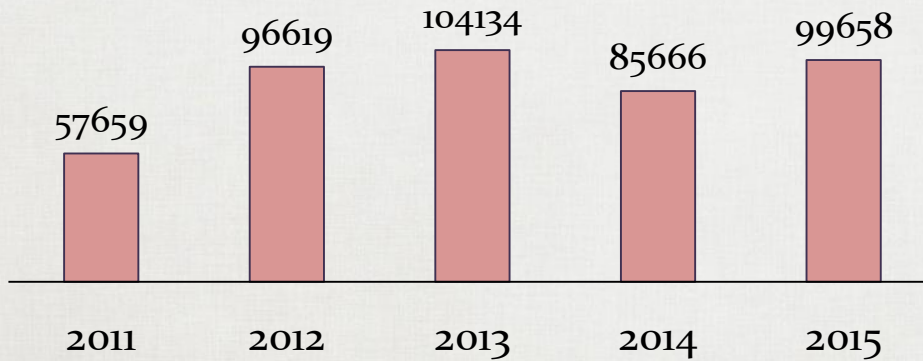


# A.S.K. Apopka Service Kiosk January - February

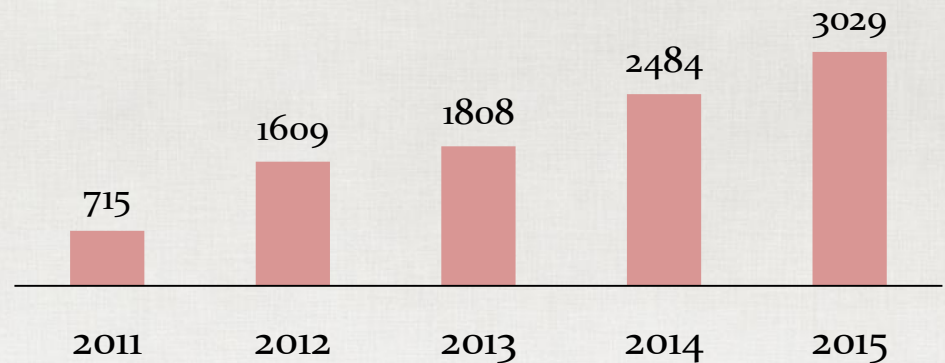


# Information Technology - February

## Homepage Visits



## Building Webpage Visits



# Thank You

For questions, call (407) 703-1750

**Backup material for agenda item:**

1. RESOLUTION NO. 2015-08 - Supporting "One Apopka For Progress".



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 18, 2015  
 FROM: Administration  
 EXHIBITS: \_\_\_\_\_

**SUBJECT: RESOLUTION NO. 2015-08 – SUPPORTING “ONE APOPKA FOR PROGRESS”**

**Request: ADOPT RESOLUTION NO. 2015-08**

**SUMMARY:**

The City Council shall support and promote “One Apopka For Progress”, whereby no person or community is left behind in the economic development process.

The primary outcome of “One Apopka For Progress” shall be justice, jobs and a joyful and safe quality of life for all people residing within the city limits of Apopka, Florida.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Adopt Resolution No. 2015-08

**DISTRIBUTION**

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

**RESOLUTION NO. 2015-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA SUPPORTING “ONE APOPKA FOR PROGRESS”, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Apopka is the second largest city in Orange County, Florida; and

**WHEREAS**, the City of Apopka has a diverse population of nearly 46,000 people; and

**WHEREAS**, the City of Apopka is a city of and for children, seniors, families, businesses, and tourists; and

**WHEREAS**, the City of Apopka belongs to all people residing within the city limits; and

**WHEREAS**, the City of Apopka has a transparent city government/

**NOW THEREFORE, BE IT RESOLVED THAT THE MAYOR AND THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA:**

SECTION 1. The City Council shall support and promote “ONE APOPKA FOR PROGRESS” WHEREBY NO PERSON OR COMMUNITY is LEFT BEHIND in the ECONOMIC DEVELOPMENT PROCESS (i.e., jobs, contracts, business/program development) for a better quality of life in a caring, fair, inclusive, and safe environment.

SECTION 2. Let it be further resolved, that the primary outcomes of “ONE APOPKA FOR PROGRESS” shall be JUSTICE, JOBS, and a JOYFUL and SAFE QUALITY of LIFE for ALL PEOPLE residing within the city limits of Apopka, Florida.

Passed and Adopted by the City Council of the City of Apopka this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF APOPKA, FLORIDA

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

Attest:

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



**Backup material for agenda item:**

2. City Council discussion and determination on the hiring of 30 summer positions through the Professional Opportunities Program for Students, Inc.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 18, 2015  
 FROM: Administration  
 EXHIBITS: \_\_\_\_\_

**SUBJECT: PROFESSIONAL OPPORTUNITIES PROGRAM FOR STUDENTS, INC.**

**Request: COUNCIL DISCUSSION AND DETERMINATION ON THE HIRING OF 30 STUDENT POSITIONS DURING SUMMER BREAK, AT A COST OF \$65,277.00**

**SUMMARY:**

In the past there has been discussion, at various times, having to do with hiring teenagers during summer break to do work within the city. Some believe 100 teens would be a good number, while others believe less would be good. To that end, staff has tried to determine what jobs would be suitable but come to the same conclusion: many of the jobs are dangerous if someone is not properly trained and/or closely supervised and this is not possible in most cases. Other thoughts are to employ teens in office environments where filing and other clerical tasks need to be done. However, the conclusion is there are not many needs for this, especially for 100 positions. However, an organization called Professional Opportunities Program for Students, Inc. [POPS] may be able to help.

For a total fee of \$2,175.90 per teen, POPS will find employment for a minimum of 30 teens. They each will work a total of 31 hours per week for a total of six [6] weeks over the summer and POPS will place them in jobs suitable to their abilities. If the city has 30 positions, POPS will place all 30 within those jobs. If it does not, they will be placed in businesses willing to take on a teen during the summer. The fee per teen pays their wages, payroll taxes and workers' compensation, professional dress fund and transportation stipend, background check on the teen and POPS will keep an administration fee of \$485 per teen. The program is akin to a temporary employment agency except this program is geared toward helping teenagers find summer employment. The cost to the city for 30 teens would be \$65,277.

**FUNDING SOURCE:**

General Fund Reserves

**RECOMMENDATION ACTION:**

---

**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