

**City of Apopka
Planning Commission
Meeting Agenda
August 11, 2015
5:01 PM @ CITY COUNCIL CHAMBERS**

I. CALL TO ORDER

II. OPENING AND INVOCATION

If you wish to appear before the Planning Commission, please submit a "Notice of Intent to Speak" card to the Recording Secretary.

III. APPROVAL OF MINUTES:

[Approve](#) minutes of the Planning Commission meeting held July 14, 2015, at 5:01 p.m.

[2](#) Approve minutes of the Planning Commission special meeting held July 28, 2015, at 5:01 p.m.

IV. PUBLIC HEARING:

- [1.](#) VARIANCE – LOAVES & FISHES - 206 E. 8th Street – A variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.01.A. to allow for a reduction in the rear yard setbacks to allow a portion of a building to encroach 5' into the required 10' setback.
- [2.](#) SPECIAL EXCEPTION – Ponkin Road Properties, LLC – Cell Tower – In accordance with the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.19.C.2(C) To Allow A Unipole Telecommunication Tower Within The Ag-E Zoning District.
- [3.](#) CHANGE OF ZONING – Property Industrial Enterprises, LLC, c/o Michael R. Cooper, from I-1 (Restricted) to Planned Unit Development (PUD/I-1), for

property located North of Marshall Lake Road, west of North Hawthorne Road. (Parcel ID #s: 08-21-28-0000-00-029; 09-21-28-0000-00-011)

- 4. CHANGE OF ZONING – Yergey and Yergey, P.A., from “County” A-1 (ZIP) (Agriculture) to “City” I-1 (Industrial), for property located at 203 and 215 West Keene Road. (Parcel ID #s: 21-21-28-0000-00-025; 21-21-28-0000-00-024)

V. SITE PLANS:

- 1. PLAT – Marden Ridge Apartments – owned by Emerson Point Associates, LLLP; Applicant MMI Development, Inc., c/o Michael E. Wright, Esq.; Engineer GAI Consultants, Inc., c/o Anthony Call, P.E., property located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No.: 17-21-28-0000-00-029)
- 2. FINAL DEVELOPMENT PLAN – CELL TOWER - Ponkin Road Properties, LLC, c/o James L. Gissy, for property located south of West Ponkan Road, west of Plymouth Sorrento Road. (Parcel ID #: 25-20-27-0000-00-003)

VI. OLD BUSINESS:

VII. NEW BUSINESS:

VIII. 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.

Backup material for agenda item:

Approve minutes of the Planning Commission meeting held July 14, 2015, at 5:01 p.m.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JULY 14, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler

ABSENT: Orange County Public Schools (Non-voting)

OTHERS PRESENT: R. Jay Davoll, P.E. - Community Development Director/City Engineer, David Moon, AICP - Planning Manager, Rogers Beckett - Special Projects Coordinate, Kyle Wilkes - Planner II, Robert Sargent - Public Information Officer, Andrew Hand, Esq., Amy Hunter, Michael Voll, Christian Walter, Anthony Call, Nicole Gargas, Jim Hall, Ericka Hughes, Tenita Reid, Bobby Reid, William Hoechst, Jean Hoechst, Ed Velazquez, Linda Feld, Ed Feld, Suzanne Kidd, Don E. Beiger, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

OPENING AND INVOCATION: Chairperson Greene called the meeting to order and asked for a moment of silent prayer. The Pledge of Allegiance followed.

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the June 9, 2015, at 5:01 p.m. minutes.

Chairperson Greene asked for a motion to approve the minutes, with the following correction, of the Planning Commission meeting held on June 9, 2015, at 5:01 p.m.

Page 3: MOTION: ~~Jasper~~ Jeremiah Jaspon made a motion to recommend approval...

Motion: Tony Foster made a motion to approve the revised Planning Commission minutes from the regular meeting on June 9, 2015, meeting at 5:01. Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (7-0).

SWEARING-IN - Mr. Hand swore-in staff, the petitioners, and affected parties.

CHANGE OF ZONING - PONKIN ROAD PROPERTIES, LLC – Mr. Greene stated this is a request to recommend approval of the change of zoning for Ponkin Road Properties, LLC, from “County” A-1 (ZIP) (Agriculture) to “City” AG-E (Agricultural Estates), for property located south of West Ponkan Road, west of Plymouth Sorrento Road. (Parcel ID #: 25-20-27-0000-00-003)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: David, Moon, Planning Manager, stated this is a request to recommend approval of the Change in Zoning from “County” A-1 (ZIP) (Agriculture) to “City” AG-E (Agricultural Estate) for the property owned by Ponkin Road Properties, LLC. The Applicant is Ponkin Road Properties, LLC. The property is located south of West Ponkan Road, west of Plymouth Sorrento Road. The land use is Residential Low Suburban (0-2 du/ac). The existing use is a single-family residence and the proposed use is a cellular telecommunication tower. The existing maximum allowable development is 1 residential unit and the proposed maximum allowable development is 3 residential units. The tract size is 7.28 +/- acres.

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. The proposed zoning change is compatible with the character of the surrounding area the subject parcels are vacant. The applicant has requested the AG-E zoning to assure that the 7.28-acre

parcel can be consistent with the Residential Low Suburban future land use designation. The property owner intends to use the property for a cellular telecommunications tower, which will require a separate special exception application to address the site and other requirements for a telecommunications tower within the AG-E zoning district, pursuant to Sec. 75-27 of the Apopka Code of Ordinances.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change as depicted in the Zoning Report.

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

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

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

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

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.

Petitioner Presentation: Don C. Beiger, P.E., Avcon, Inc., 5555 E. Michigan Street, Suite 200, Orlando, stated that they concur with staff and he was available to answer any questions.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Pam Toler made a motion to recommend approval of the Change in Zoning from “County” A-1 (ZIP) (Agriculture) to “City” AG-E (Agricultural Estates) for the property owned by Ponkin Road Properties, LLC located south of West Ponkan Road, west of Plymouth Sorrento Road; subject to the information and findings in the staff report; and Robert Ryan seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - VSI CUSTOM HOMES – Mr. Greene stated this is a request to recommend approval of the future land use amendment for VSI Custom Homes, from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5 du/ac), for property located south of East 6th Street, west of Orange Blossom Trail. (Parcel ID #: 10-21-28-8652-07-010 & 10-21-28-8652-08-060)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak.

Bill Hoechst, 647 Vine Court, stated that he resides in proximity to the subject property and is in opposition to the increase in density, the condition of 6th Street and the added traffic impacts.

The Commission unanimously agreed to accept Mr. Hoechst as an affected party.

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JULY 14, 2015, AT 5:01 P.M.

Ed Feld, 631 Vince Court, stated that his property abuts the subject property and is in opposition to the proposed density, the condition of 6th Street and the added traffic impacts.

The Commission unanimously agreed to accept Mr. Feld as an affected party.

Jay Davoll, P.E., Community Development Director/City Engineer, stated that the City's Public Services Department has completed the first phase of the Martin Pond project. The second phase includes the redesign of 6th Street to two-lanes to U.S. 441; however, the second phase was put on hold due to a lack of funds. Completion of the second phase will be contingent upon approval of the budget.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Comprehensive Plan Small Scale Future Land Use amendment from "County" Low Density Residential (0-4 du/ac) to "City" Residential Low (0-5 du/ac). The owner is VSI Custom Homes and the applicant is Vanasse Hangen Brustlin (VSB), Inc., c/o Jim Hall. The property is located south of East 6th Street, west of Orange Blossom Trail. The current zoning is "County" R-2 (ZIP) and a request for a change of zoning to "City" R-2 is being processed in conjunction with the land use amendment. The existing use is vacant land and the proposed use is a single-family home or a duplexes. The existing maximum allowable development is 14 units and the proposed maximum allowable development is 18 units. The tract size is 3.6 +/- acres.

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

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

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

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

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

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

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

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.

6 e general character of the area surrounding the subject property is compatible with this development of

low density residential. The property lies south of East 6th Street and west of Orange Blossom Trail.

Wekiva River Protection Area: No

Area of Critical State Concern: No

DRI / FQD: No

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

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

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

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

Analysis of the character of the Property: The Property fronts East 6th St. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope. The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.e Residential Low Future Land Use designation.

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

CALCULATIONS:

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

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

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

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

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

Sanitary Sewer Analysis:

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

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

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

Potable Water Analysis:

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

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

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

Solid Waste:

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 148 lbs./person/day
4. Projected LOS under proposed designation: 192 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information:

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 21.981 GPD

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis:

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

Recreation:

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

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

Petitioner Presentation: Erica Hughes, VHB, 225 E. Robinson Street, Suite 300, Orlando, stated that the Residential Low Density is the lowest the City allows. She stated that the applicant has no intention of building duplexes on the site.

In response to a question by Mr. Laurendeau, Ms. Hughes stated that Residential Low Density and the R-2 zoning being requested is compatible with the current County future land use and zoning designations. She stated their original application was to request a change to R-1; however, the applicant chose to apply for the compatible R-2 designation.

Affected Party Presentations:

Mr. Hoechst stated his opposition to the increase in density and expressed his concerns regarding the possibility of duplexes being built, the condition of 6th Street and additional traffic impacts.

Mr. Feld stated his opposition to the increase in density and expressed his concerns regarding the possibility of duplexes being built, the condition of 6th Street and additional traffic impacts.

In response to a question by Chairperson Greene, Mr. Moon stated that a duplex would count as 2 residential units.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Linda Laurendeau made a motion to recommend approval of the Future Land Use amendment from “County” Low Density Residential (0-4 du/ac) to “City” Residential Low (0-5/ac) for the property owned by VSI Custom Homes and located south of East 6th Street, west of Orange Blossom Trail, subject to the information and findings in the staff report; and Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

CHANGE OF ZONING - VSI CUSTOM HOMES – Mr. Greene stated this is a request to recommend approval of the change of zoning for VSI Custom Homes, from “County” R-2 (ZIP) to “City” R-2, for property located south of East 6th Street, west of Orange Blossom Trail. (Parcel ID #: 10-21-28-8652-07-010 & 10-21-28-8652-08-060)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. (Refer to the VSI Custom Homes Future Land Use Request)

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Moon stated this is a request to recommend approval of the Change in Zoning from “County” R-2 (ZIP) to “City” R-1. The owner is VSI Custom Homes and the applicant is Vanasse Hangen Brustlin (VSB), Inc., c/o Jim Hall. The property is located south of East 6th Street, west of Orange Blossom Trail. The current future land use is “County” Low Density Residential (0-4 du/ac) and a request to change the future land use to “City” Residential Low (0-5 du/ac) is being processed in conjunction with the change of zoning. The existing use is vacant land and the proposed use is a single-family home or a duplexes. The existing maximum allowable development is 14 units and the proposed maximum allowable development is 18 units. The tract size is 3.6 +/- acres.

The subject properties were annexed into the City of Apopka on December 7, 2007, through the adoption of Ordinance No. 1898. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the R-2 zoning to assure that the property can be developed for single-family or duplex residential. The property comprises approximately 3.6 acres.

The subject properties are located within the Downtown Development Overlay district. Any future residential development would be subject to the development design standards for this overlay district as depicted in Exhibit A of the staff report.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change.

The proposed R-2 rezoning is consistent with the proposed Future Land Use Designation of Residential Low (up to five units per acre) for this property. Minimum lot size for property assigned the R-2 zoning category is 7,500 sq. ft. for single-family homes and 15,000 sq. ft. for duplex development.

The proposed rezoning will result in a minimal increase in the number of residential units which could be developed at the subject property. Because increase is considered de minimus (i.e., net increase of 9 or fewer units), the School Planning Agreement designates the school impact as de minimus, exempting this application from School Capacity Enhancement review. A preliminary or final development plan will be subject to school concurrency review.

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

The Development Review Committee recommends approval of the change in Zoning from “County” R-2 (ZIP) to “City” R-2 for the parcel owned by VSI Custom Homes.

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 & Traffic Compatibility: The subject property fronts and is accessed by a local roadway (E 6th Street). The zoning application covers approximately 3.6 acres. The property owner intends to use the property for residential development.

Comprehensive Plan Compliance: The proposed R-2 zoning is consistent with the City’s Residential Low (0-5 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, R-2 zoning is one of the acceptable zoning districts allowed within the Residential Low Density Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

R-2 District Requirements:

Minimum Living Area:	1,350 sq. ft. (Single-family or Duplex)
Minimum Site Area:	7,500 sq. ft. (Single-family) 15,000 sq. ft. (Duplex)
Minimum Lot Width	70 ft. (Single-family) 140 ft. (Duplex)
Setbacks:	Front: 25 ft. Rear: 20 ft. Side: 7.5 ft. (Single-family) 10 ft. (Duplex) Corner 25 ft.

Based on the above zoning standards, the existing 3.6 acre parcels comply with code requirements for the R-2 district.

Bufferyard Requirements: Developments shall provide a six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick, or decorative block finish.

Allowable Uses: One and two-family dwelling structures, including customary accessory structures and Uses in accordance with article VII of Land Development Code. One-family garage apartment providing the principal building is a one-family dwelling unit.

In response to questions by Mr. Jaspon, Mr. Moon stated that the requested zoning category would allow for duplexes. The applicant has not submitted a request to build duplexes. The properties to the west and south are comprised of single family residences.

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In response to a question by Ms. Laurendeau, Mr. Moon stated that an application to change the ZIP zoning to the south of the subject property has not been submitted.

Petitioner Presentation: Jim Hall, VSB, 225 E. Robinson Street, Suite 300, Orlando, stated that the applicant has no intention of building duplexes. He stated the applicant was also willing to change the zoning to Planned Unit Development with a special condition that duplexes would not be allowed.

In response to a question by Ms. Toler, Mr. Moon stated that the Planning Commission could recommend denial of the R-2 zoning change and recommend approval of a change of zoning to Planned Unit Development (PUD/R-2) with the condition that duplexes would not be allowed.

In response to a question by Mr. Foster, Mr. Hoechst stated he did not want the density to change.

Mr. Hall stated that the proposed future land use and zoning changes are an appropriate transition between adjacent commercially zoned properties and the adjacent residentially zoned properties.

In response to a question by Mr. Jaspon, Mr. Hall stated the owner purchased the property and decided to move forward with the future land use and zoning changes before marketing the property.

In response to a question by Ms. Laurendeau, Mr. Hall stated they are not ready to turn dirt. He stated that to make the property more marketable, the owner has taken on the land use and zoning changes. He said if the changes weren't taken and the property was purchased by someone else, the entire process from the future land use changes to the site plan approval could take as long as nine (9) months.

In response to a question by Chairperson Greene, Mr. Moon stated that the Commission could recommend approval of the Planned Unit Development (PUD/R-2) with the conditions that duplexes would not be permitted and the density be restricted to four (4) units per acre.

Affected Party Presentation: (Refer to the VSI Custom Homes Future Land Use Request)

Chairperson Greene opened the meeting for public hearing.

In response to a question by Jean Hoechst, 647 Vine Court, Apopka, Mr. Moon stated that a Planned Unit Development allows a flexible, alternative zoning procedure which, due to location, environmental resources or other features, would otherwise benefit from the coordinated development of tracts of land within the overall density and land use guidelines established in the Comprehensive Plan.

With no one else wishing to speak, Chairperson Greene closed the public hearing.

Motion: Robert Ryan made a motion to recommend denial of the Change in Zoning from "County" R-2 (ZIP) to "City" R-2; and to recommend approval of the Change in Zoning from "County" R-2 (ZIP) to "City" Planned Unit Development (PUD/R-2) subject to the condition that duplexes are to be prohibited and the density be limited to four (4) units per acre; and the information and findings in the staff report, for the property owned by VSI Custom Homes and located south of East 6th Street, west of Orange Blossom Trail. Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, Robert Ryan and Pam Toler (7-0). (Vote taken by poll.)

FINAL DEVELOPMENT PLAN - MARDEN RIDGE APARTMENTS - Mr. Greene stated this is a request to recommend approval of the Final Development Plan for Marden Ridge Apartments, owned by Emerson Point Associates, LLLP. The Applicant is MMI Development, Inc., c/o Michael E. Wright, Esq. and the Engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The property is located Between S.R. 451

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and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Davoll stated this is a request to recommend approval of the Final Development Plan for Marden Ridge Apartments, owned by Emerson Point Associates, LLLP. The Applicant is MMI Development, Inc., c/o Michael E. Wright, Esq. and the Engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The property is located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. The land use is Residential Low (0-5 du/ac) and the zoning is R-2. The existing use is vacant land and the proposed use is a single-family subdivision with 48 lots. The proposed maximum allowable development is 2.73 units per gross acre. The tract size is 17.36 +/- acres.

The Marden Ridge Apartments Phase 1B - Final Development Plan proposes 272 apartment units located on approximately 18.05 acres within 42.17 +/- acres site. The overall site is comprised of 6.43 acres being designated for Commercial (C-1) use and 35.74 acres of the property designated for Residential High (PUD/R-3) use. Development of the remaining 17.69 acres of residential land will occur at a later date through a separate Preliminary Development Plan application, as will development of the 6.43 acres of land assigned the C-1 commercial zoning category. The developer has proposed five (5), four (4) story buildings at approximately fifty-eight (58) feet in height; with a projected population of 784 people. The PUD/R-3 zoning district allows for the construction of apartments with a minimum living area of 750s.f. per unit.

Exterior Elevations: The design of the building exterior meets the intent of the City's Development Design Guidelines.

Parking: The developer has proposed 544 parking spaces which meet the City's Land Development Code, Section 6.03.02, which requires two (2) parking spaces per residential single-family, duplex, and multi-family dwelling unit.

Access: Ingress/egress for the development will be via two (2) full access points from Marden Road.

Stormwater: The stormwater management system includes on-site retention ponds. The developer has provided three (3) dry retention ponds designed to meet the City's Land Development Code requirements.

Recreation: The developer is proposing 2.98 acres (129,809 sq. ft.) of passive and active recreation space. Some of the proposed amenities: clubhouse (6,183s.f.), swimming pool and tot lot. At the time of the final development plan application, details of active and passive recreation equipment and facilities will be submitted for the City's review.

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

Open Space: The developer is proposing 12.89 acres of open space to meet the thirty (30) percent PUD zoning standards.

Tree Program: The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. The maximum tree stock formula requires a total of 2,752 tree inches to be replanted onto the site. The applicant will be required to demonstrate the site meets this tree

stock requirement on the final development plan or contribute into the tree bank mitigation program.

School Capacity Report: No development activity can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The schools designated to serve this community are the following: Wheatley Elementary, Wolf Lake Middle and Apopka High School.

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

Buffers: The applicant is requesting a waiver to install a six-foot high wrought iron fence between brick columns for the perimeter wall, erected inside a ten foot landscaped buffer along Marden Road and State Road 451.

Waiver Request: The applicant is requesting a waiver from LDC 2.20.07.H.1a which requires a six-foot-high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. The applicant is proposing a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to external roads. Staff does not object to this waiver request.

Two questions were sent via e-mail to staff for discussion. The first question was concerning clarification of the unit access right-of-way and a concern about additional traffic on Marden Road. In response, Mr. Davoll clarified the issue of the right-of-way and provided a summary of the results of the traffic impact analysis conducted for this site. The second question was concerning the site lighting and possible need for additional lighting. In response, Mr. Davoll stated that the lighting met the City standards; however, the applicant will address the light issue during their presentation.

The Development Review Committee recommends approval of the Marden Ridge Apartments Ph.1B Final Development Plan subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

The role of the Planning Commission for this development application is to advise the City Council to approve, deny, or approve with conditions based on consistency with the Comprehensive Plan and Land Development Code

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.

In response to questions by Ms. Toler, Mr. Davoll stated the proposed wrought iron fencing would run along Marden Road to the south, along the east and the north sides of the project. The main entrance and a second entrance will be on Marden Road.

In response to a question by Mr. Foster, Mr. Davoll affirmed that staff did not have any objections to the applicant's waiver request for wrought iron fencing. He stated the Planning Commission has the ability to recommend requiring a masonry wall be installed.

Upon Mr. Ryan's request, Mr. Davoll stated a rendering of the wrought iron fence can be seen on the hardscape plan sheets attached to the staff report.

Petitioner Presentation: Anthony Call, GAI Consultants, Inc., 618 E. South Street, Suite 700, Orlando, stated that the applicant has three waiver requests. The wrought iron fencing that Mr. Davoll mentioned and then just prior to the meeting they submitted plans that contained two more waiver requests. The second one is to allow partial fencing along the western property boundary and the third one is to allow them to use "box"

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type lighting fixtures rather than the decorative ones required by the Code. Mr. Call provided some additional insight into the lighting issue.

Discussion ensued.

In response to a question by Ms. Toler, Andrew Hand, Commission Attorney, stated the Commission has the several options including recommending approval of the final development plan and the waivers; recommending approval of the final development plan and denial of the waivers; recommending denial of the final development plan and the waivers; or to table or continue the item.

Chairperson Greene opened the meeting for public hearing.

Bobby Reid, 651 Oleary Court, Apopka, expressed his opposition to the wrought iron fencing due to possible security issues and stated that the developer should be required to follow the code that requires walls.

Tenita Reid, 651 Oleary Court, Apopka, expressed her opposition to the wrought iron fencing and stated that, to be fair since other developers are required to put up a wall that this developer put up a wall.

With no one else wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission to vote.

Motion: Linda Laurendeau made a motion to postpone the Final Development Plan for Marden Ridge Apartments until the special July 28, 2015, Planning Commission meeting to allow staff time to review all of the waiver requests and to prepare a recommendation to the Commission. Robert Ryan seconded the motion. Aye votes were cast by James Greene, Robert Ryan, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (7-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:26 p.m.

James Greene, Chairperson

R. Jay Davoll, P.E.
Community Development Director

Backup material for agenda item:

- 2 Approve minutes of the Planning Commission special meeting held July 28, 2015, at 5:01 p.m.

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON JULY 28, 2015, AT 5:01 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler

ABSENT: Robert Ryan, Orange County Public Schools (Non-voting)

OTHERS PRESENT: R. Jay Davoll P.E. - Community Development Director/City Engineer, Cliff Shepard, Esq., Rogers Beckett - Special Projects Coordinate, Kyle Wilkes - Planner II, Mike Brown – Computer Support Specialist, Jimmy Crawford, Jose Cantero, Geoff Summit, Danna Hoffman, Carol Hoffman, Joyce Heck, Brenedette Hardy-Holt, Solomon Holt, Nicole Gargas, Anthony Call, Michael R. Cooper, Suzanne Kidd, and Jeanne Green – Community Development Department Office Manager/Recording Secretary.

OPENING AND INVOCATION: Chairperson Greene called the meeting to order and asked for a moment of silent prayer. The Pledge of Allegiance followed.

SWEARING-IN - Ms. Green swore-in staff, the petitioners, and affected parties.

FINAL DEVELOPMENT PLAN - ELRO PROPERTIES, LLC - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for Elro Properties, LLC. The owner/applicant is Elro Properties, LLC and the Engineer is Ali Tehrani, P.E. The property generally located north of Marshall Lake Road and west of Bradshaw Road (511 Marshall Lake Road). (Parcel ID No. 09-21-28-0000-00-011)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: R. Jay Davoll, P.E., Community Development Director/City Engineer stated that this is a request to recommend approval of the Final Development Plan – Elro Properties, LLC – Owner/applicant Elro Properties, LLC; Engineer Ali Tehrani, P.E., property located at 511 Marshall Lake Road (north of Marshall Lake Road and west of Bradshaw Road.) The land use is Industrial and the zoning is I-1. The existing use is vacant land and the proposed use is an Industrial Warehouse (18,000 S.F.) w/ Office Complex (11,340 sq. ft.). The overall site area is 26.64 +/- . The tract size for this project is 6.46 +/- acres and the proposed building size is 29,340 sq. ft.

The Elro Properties, LLC - Final Development Plan proposes a 29,340 square foot industrial warehouse and office complex. Prior to commencement of any clearing or grading of the subject property, a parcel split must be submitted to the Orange County Property Appraiser’s office.

A total of 82 parking spaces are provided, of which four are reserved as a handicapped parking space. Access to the site is provided by a driveway cut along Bradshaw Road and Marshall Lake Road.

Design of the building exterior meets the intent of the City’s Development Design Guidelines. Height of the building is presently 35 feet. The property owner has submitted a zoning application to allow maximum building height not to exceed 50 feet.

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Stormwater run-off and drainage will be accommodated by an off-site retention pond through a cross access easement agreement. The off-site stormwater management system will be designed according to standards set forth in the Land Development Code. All cross-access easement documents must be recorded prior to issuance of a certificate of occupancy.

A twenty-five foot landscape buffer is provided along Bradshaw Road and Marshall Lake Road. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

Total inches on-site:	176
Total number of specimen trees:	0
Total inches removed	132
Total inches retained:	44
Total inches required:	132
Total inches replaced:	171
Total inches post development:	215

The Development Review Committee (DRC) recommends approval of the Elro Properties, LLC – Final Development Plan and waiver request, subject to the findings of this staff report.

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.

Petitioner Presentation: Michael R. Cooper, Property Industrial Enterprises, LLC, 517 Cooper Oaks Court, Apopka, stated that they enhanced the landscaping for the project to reflect what is across the street at the Cooper Palms Sports Complex.

In response to a question by Mr. Jaspon, Mr. Cooper stated that the client is a large outfit from Africa who will be manufacturing the same type of aluminum clad panels that the outside of the building will be comprised of.

In response to a question by Mr. Foster, Mr. Cooper stated that access to and from the site will be on Bradshaw Road or Marshall Lake Road.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Pam Toler made a motion to recommend approval of the Final Development Plan for Elro Properties, LLC, subject to the conditions and information in the staff report. Tony Foster seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

MASS GRADING PLAN - GOLDEN GEM ESTATES, PHASE 1 A - Mr. Greene stated this is a request to recommend approval of the Mass Grading Plan - Golden Gem Estates, Phase 1A, The owner/applicant is Cantero Holdings, LLC, c/o Jose Cantero. The engineer is GL Summit, c/o Geoffrey Summit, P.E. The

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property is generally located south of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road. (Parcel ID Nos.: 24-20-27-0000-00-097, 24-20-27-0000-00-98, 24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102, 24-20-27-0000-00-100-103, 24-20-27-0000-00-104, 24-20-27-0000-00-105)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak.

Danna Hoffman, 4311 Golden Gem Road, stated that his property is close to the subject property and expressed concerns regarding the property being used as a borrow pit or a landfill and the gopher tortoises.

The Commission unanimously agreed that Mr. Hoffman was an affected party.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Davoll stated that this is a request to recommend approval of the Mass Grading Plan for Golden Gem Estates, Phase 1A. The owner/applicant is Cantero Holdings, LLC, c/o Mr. Jose Cantero and the engineer is GL Summit., c/o Geoffrey Summit, P.E. The property is located south of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road. The existing use is planted pine and the proposed use is a single-family residential subdivision with 12 lots. The future land use is Rural Settlement (1du/ac) and the zoning is AG. The applicant has submitted a change of zoning application to change the zoning to AG-E. The existing maximum allowable development is 80 units and the proposed maximum allowable development is 12 units in Phase 1B. The tract size is 80.0 +/- Acres.

The proposed mass grading plan allows site grading to occur consistent with the ground elevations and contours established within the Golden Gem Estates - Phase 1B Preliminary Development Plan. All required permits from the St. Johns Water Management District and other state agencies must be obtained by the applicant prior to commencing any grading activities. Planted pine has already been harvested from the subject property, leaving few canopy trees.

There has been a temporary access easement agreement established with the abutting property owner to the east, granting direct access to Wekiva Parkway (S.R. 429) as illustrated on Sheet 4, of the Mass Grading Plan.

A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any grading or further site construction activity.

The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. Pine trees have already been harvested from the site. The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program, if applicable.

Per city code, a six-foot brick wall within a ten-foot landscape buffer is required along Golden Gem Road; however, a brick wall will be out of character with the surrounding landscape and environment. In lieu of a brick wall, a 50-foot wide landscape buffer is proposed. The City owns acres to the south; the landfill is located to the west, and large lot residential uses occur to the south and north along Golden Gem Road. Further north along Golden Gem Road, the Wekiva Parkway Interchange Vision Plan Area is just to the north along Golden Gem Road, and it promotes a pedestrian-oriented development theme. Further, it is unreasonable to believe that a 12 lot residential development, which could be trailer homes, can financially support maintenance and replacement of a brick wall at such time it deteriorates or is damaged.

No development activity beyond the grading activities approved within the Mass Grading Plan can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The developer has submitted a school capacity determination application to OCPS. The schools designated to serve this community are the following: Zellwood Elementary, Wolf Lake Middle and Apopka High School.

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.

The Development Review Committee recommends approval of the Golden Gem Estates Ph.1A Mass Grading Plan for the property owned by Cantero Holding, LLC

The role of the Planning Commission for this development application is to advise the City Council to approve or deny based on the consistency with the Comprehensive Plan and Land Development Code.

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.

In response to a question by Mr. Jaspon, Mr. Davoll stated that property was used for silvaculture and those trees have been removed. The applicant is now grading the property and selling the dirt for the S.R. 429 project.

In response to a question by Ms. Laurendeau, Mr. Davoll stated that the proposed AG-E zoning would prohibit the property from being used as a landfill.

In response to questions by Ms. Toler, Mr. Davoll stated that the AG zoning would allow mobile homes; however, the proposed change of zoning to AG-E would prohibit mobile homes. The applicant is requesting a 50' landscape buffer along Golden Gem Road.

Petitioner Presentation: Jimmy Crawford, Esq., 1201 W. Highway 50, Clermont, Florida, stated he was representing the owner. He said the proposed haul road from the subject property to the S.R. 429 location would not be disruptive to the local properties because the trucks would stay off of the surrounding roadways. He affirmed that the applicant has no intention of opening a landfill on the site and has no intention of installing mobile homes on the site. The lots are five (5) acres and the homes they are planning will be at least 2,000 square feet under air.

Affected Party Presentation: Danna Hoffman, 4311 Golden Gem Road, stated that his property is close to the subject property and he expressed concerns regarding the property being used as a borrow pit or a landfill and the gopher tortoises.

In response to a question by Mr. Foster, Mr. Crawford stated that he understood Mr. Hoffman's concern about the dirt being removed and then the property not being developed as what happened with the previous owner.

In response to a question by Mr. Foster, Mr. Hoffman stated that if the applicant does build the 12 homes he would have no objection to the project.

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Jose Cantero, Cantero Holdings, LLC, 12601 Avalon Road, Winter Garden, FL, stated that he is available to meet with the neighbors regarding their concerns. He stated that he is committed to building the twelve homes and assured the Commission that he has no intention of turning the property into any kind of landfill.

In response to concerns expressed by Carol Hoffman, 4311 Golden Gem Road regarding other property Mr. Cantero may be purchasing in the area and the fate of the gopher tortoises, Mr. Davoll stated that the only property being discussed is what is before the Commission.

Mr. Cantero stated that he is looking into purchasing the adjacent property to the north of this site; however, he does not believe that property will fit into this site. He added that they have hired an ecological consultant for the removal of the gopher tortoises.

Mr. Crawford stated that the State regulations only allow the relocation of gopher tortoises.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Linda Laurendeau made a motion to recommend approval of the Mass Grading Plan for Golden Gem Estates, Phase 1A, subject to the conditions and information in the staff report. Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

FINAL DEVELOPMENT PLAN - GOLDEN GEM ESTATES, PHASE 1B - Mr. Greene stated this is a request to recommend approval of the Final Development Plan for Golden Gem Estates, Phase 1B. The owner/applicant is Cantero Holdings, LLC, c/o Jose Cantero. The engineer is GL Summit, c/o Geoffrey Summit, P.E. The property is generally located south of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road. (Parcel ID Nos.: 24-20-27-0000-00-097, 24-20-27-0000-00-98, 24-20-27-0000-00-100, 24-20-27-0000-00-101, 24-20-27-0000-00-102, 24-20-27-0000-00-100-103, 24-20-27-0000-00-104, 24-20-27-0000-00-105)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. (Refer to the Golden Gem Estates, Phase 1A – Mass Grading Plan Request)

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item. No one spoke.

Staff Presentation: Mr. Davoll stated that this is a request to recommend approval of the Final Development Plan for Golden Gem Estates, Phase 1B. The owner/applicant is Cantero Holdings, LLC, c/o Mr. Jose Cantero and the engineer is GL Summit, c/o Geoffrey Summit, P.E. The property is located south of Kelly Park Road, north of the Ponkan Road and east of Golden Gem Road. The existing use is planted pine and the proposed use is a single-family residential subdivision with 12 lots. The future land use is Rural Settlement (1du/ac) and the zoning is AG. The existing maximum allowable development is 80 units and the proposed maximum allowable development is 12 units in Phase 1B. The tract size is 80.0 +/- Acres.

The proposed mass grading plan allows site grading to occur consistent with the ground elevations and contours established within the Golden Gem Estates-Phase 1B Preliminary Development Plan. All required permits from the St. Johns Water Management District and other state agencies must be obtained by the

applicant prior to commencing any grading activities. Planted pine has already been harvested from the subject property, leaving few canopy trees.

The stormwater has been designed to meet City standards.

There has been a temporary access easement agreement established with the abutting property owner to the east, granting direct access to Wekiva Parkway (S.R. 429) as illustrated on Sheet 4, of the Mass Grading Plan.

A habitat management plan was submitted by the applicant. Based on the results of this study, the developer must obtain approval from the Florida Department of Environmental Protection prior to commencing any grading or further site construction activity.

The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. Pine trees have already been harvested from the site. The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program, if applicable.

Per city code, a six-foot brick wall within a ten-foot landscape buffer is required along Golden Gem Road. However, a brick wall will be out of character with the surrounding landscape and environment. In lieu of a brick wall, a 50-foot wide landscape buffer is proposed. The City owns acres to the south; the landfill is located to the west, and large lot residential uses occur to the south and north along Golden Gem Road. Further north along Golden Gem Road, the Wekiva Parkway Interchange Vision Plan Area is just to the north along Golden Gem Road, and it promotes a pedestrian-oriented development theme. Further, it is unreasonable to believe that a 12 lot residential development, which could be trailer homes, can financially support maintenance and replacement of a brick wall at such time it deteriorates or is damaged.

No development activity beyond the grading activities approved within the Mass Grading Plan can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The developer has submitted a school capacity determination application to OCPS. The schools designated to serve this community are the following: Zellwood Elementary, Wolf Lake Middle and Apopka High School.

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.

Waiver Request #1: Section 2.02.02.F, LDC. Request to waive requirement for a 1,400 foot long, six foot high brick wall along Golden Gem Road. Applicant requests a waiver to allow a planted 50' landscape buffer in lieu of the construction of a screen wall. DRC supports this waiver request for the following reasons: (a) A homeowners association with only twelve homes is unlikely to financially maintain or replace a 1,400 foot long brick wall; (b) a 50 foot wide landscape buffer will be provided in lieu of a 10 foot wide buffer, and will suffice to provide sufficient screen and distance from the road, and residential setbacks will be measured from the buffer easement or tract line; and (c) an active landfill is located to the west of Golden Gem Road.

Waiver Request #2: Section 6.02.07, LDC. Request to waive the requirement for subdivision roadways to have "F" curb and closed drainage systems. Applicant requests a waiver to allow for the use of a "Rural" roadway section utilizing swale drainage and no raised curb. DRC supports the waiver because the character

of the subdivision is large-lot and this waiver has been applied to other similar residential developments such as Bluegrass Estates.

Waiver Request #3: Section 6.04.01., LDC. Request to waive the requirement for all development to connect to City water and sewer. Applicant requests a waiver to allow the use of individual lot wells and septic systems in lieu of connecting to the City system. DRC does not support this waiver because policy within the City's Comprehensive Plan requires that central water and sewer must be provided to the site, consistent with the intent of the outcome of regional actions emerging from the Wekiva River Basin Protection Study. While the Land Development Code allows for the use of septic tanks, the standard is inconsistent with the below Policies of the Comprehensive Plan:

Policy 1.5.5 - Infrastructure Element of the Comprehensive Plan states:

The permanent use of septic tanks shall only occur for residential developments and neighborhood commercial uses if the following conditions apply:

- a) the septic tanks serve a lot of one acre or larger in size;
- b) a residential development within the City that is located more than one mile from the City's wastewater collection system. The one-mile distance shall be measured from the nearest lot line where the facilities are located; and
- c) it can be demonstrated through soil analysis, subdivision layout, or the use of enhanced technology that comparable groundwater protection can be achieved with small lots.

Exceptions to this policy may be granted by the City for infill projects. For the purposes of this exception provision, infill development shall be considered the development of vacant or underutilized parcels within the City's urbanized areas which are already largely developed. Designation as an infill project shall be done at the sole discretion of the city's Community Development Department and in compliance with Policy 1.5.9.

Policy 1.5.9, Infrastructure Element of the Comprehensive Plan states:

“The use of septic tanks for new development may be undertaken on an interim basis, not to exceed five years, in cases where central sewer improvements necessary to serve the proposed development are scheduled for construction in the adopted Capital Improvements Program within that five year timeframe. The approval for and conditions of the use of septic tanks on an interim basis shall be at the sole discretion of the City.”

The Development Review Committee recommends approval of the Golden Gem Estates Ph.1A – Preliminary Development Plan for the property owned by Cantero Holding, LLC

The role of the Planning Commission for this development application, is to advise the City Council to approve or deny based on the consistency with the Comprehensive Plan and Land Development Code which includes the following items: (1.) Recommend approval of Waiver Request # 1; (2.) Recommend approval of Waiver Request # 2; (3.) Recommend denial of Waiver Request # 3; and (4.) Recommend approval of the Golden Gem Estates, Phase 1B, property owned by Cantero Holding, LLC.

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.

Petitioner Presentation: Mr. Crawford stated that they were in agreement with staff's recommendations with the exception of Waiver #3. He stated that they meet the three requirements because their lots are five (5) acres in size; the proposed development is more than a mile from the nearest sewer and water lines; and a soil analysis of the site indicated that there would be comparable groundwater protection.

In response to questions by Mr. Jaspon, Mr. Davoll stated that currently the sewer lines are not within one mile of the site. He spoke with the Public Services Director who stated that before the end of the year the sewer lines will be within one mile of this property. He stated that, once the Preliminary Development Plan was approved, the applicant would need to submit the Final Development Plan for review, and if they have the appropriate permits, the turnaround time for review of the Final would be approximately six (6) months.

In response to questions by the Commission, Cliff Shepard, City Attorney, stated that Policy 1.5.9 states that the City Council has sole discretion for the approval and conditions of the use of septic tanks on an interim basis. He questioned the practicality of approving septic tanks and then requiring the applicant, at some later date, to connect to city sewer.

Mr. Crawford suggested the Commission approve Waiver Request No. 3 with the stipulation that it would be reconsidered at the time that Final Development Plan is submitted.

Chairperson Greene suggested the Commission recommend denial of Waiver Request No. 3 and, if the sewer lines are not within a mile of the site at the time of the Final Development Plan the applicant can ask for the waiver.

Mr. Jaspon stated that a wall would look better along Golden Gem Road rather than the wrought iron fencing the applicant is requesting. He stated that he went through Winter Garden over the weekend and was impressed with the beautiful walls around the subdivisions in that area.

Mr. Cantero stated that with only twelve homes in the proposed subdivision, having to maintain the road and the wall would be too costly to the home owners association. He stated that they were trying to provide the best product for property that is directly across from a Class III landfill. He stated that the 50' landscaping with the big trees would block the view of the landfill from the homeowners and would still look very nice. He stated that they would be replanting several trees on the south side of the property. He stated that from the outside, residents will see woods that are older than 20 years that will run along the entire frontage of the site.

Affected Party Presentation: Refer to the Golden Gem Estates, Phase 1A – Mass Grading Plan Request. Mr. Hoffman had no additional comments or questions.

Chairperson Greene opened the meeting for public hearing.

Suzanne Kidd, 1260 Lexington Parkway, Apopka, stated that upon review of the preliminary development plan, the homes are to be 2,000 square feet and at least 30% of them would be non-stucco. It is her belief that anyone who could afford to purchase a five acre lot with a 2,000 square foot home would rather be connected to the City's water and sewer.

Mr. Davoll stated that the proposed AG-E zoning would require the homes to be 2,200 square feet.

Ms. Laurendeau stated that this area is in the Wekiva Study Area. The landscape buffer along Golden Gem Road will also help clean the air. She agreed with Ms. Kidd that anyone who could afford to purchase a five acre lot with a 2,000 square foot home would rather be connected to the City's water and sewer.

With no one else wishing to speak, Chairperson Greene closed the public hearing.

Motion: Tony Foster made a motion to recommend approval of Waiver Request No. 1 to allow a planted 50' landscape buffer in lieu of the construction of a screen wall for Golden Gem Estates, Phase 1A, subject to the conditions and information in the staff report. Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler; Jeremiah Jaspon voted nay (5-1). (Vote taken by poll.)

Motion: Tony Foster made a motion to recommend approval of Waiver Request No. 2 to allow for the use of a "Rural" roadway section utilizing swale drainage and no raised curb for Golden Gem Estates, Phase 1A, subject to the conditions and information in the staff report. Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler; Jeremiah Jaspon voted nay (5-1). (Vote taken by poll.)

Motion: Tony Foster made a motion to recommend denial of Waiver Request No. 3 to allow the use of individual lot wells and septic systems in lieu of connecting to the City system for Golden Gem Estates, Phase 1A, subject to the conditions and information in the staff report. Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler; Jeremiah Jaspon voted nay (6-0). (Vote taken by poll.)

Motion: Tony Foster made a motion to recommend approval of the Final Development Plan for Golden Gem Estates, Phase 1A, subject to the conditions and information in the staff report. Linda Laurendeau seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Linda Laurendeau, and Pam Toler; Jeremiah Jaspon voted nay (6-0). (Vote taken by poll.)

The meeting recessed at 6:05 p.m.

The meeting reconvened at 6:08 p.m.

FINAL DEVELOPMENT PLAN - MARDEN RIDGE APARTMENTS - Chairperson Greene stated this is a request to recommend approval of the Final Development Plan for Marden Ridge Apartments. The owner is Emerson Point Associates, LLLP. The Applicant is MMI Development, Inc., c/o Michael E. Wright, Esq. and the Engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The property is located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. (Parcel ID No. 17-21-28-0000-00-029)

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No affected parties were identified.

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON JULY 28, 2015, AT 5:01 P.M.

Chairperson Greene asked if the Commission members had any ex parte communications to divulge regarding this item.

Staff Presentation: Mr. Davoll stated this is a request to recommend approval of the Final Development Plan for Marden Ridge Apartments, owned by Emerson Point Associates, LLLP. The Applicant is MMI Development, Inc., c/o Michael E. Wright, Esq. and the Engineer is GAI Consultants, Inc., c/o Anthony Call, P.E. The property is located Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the Apopka Expressway. The land use is Residential Low (0-5 du/ac) and the zoning is R-2. The existing use is vacant land and the proposed use is a single-family subdivision with 48 lots. The proposed maximum allowable development is 2.73 units per gross acre. The tract size is 17.36 +/- acres.

The Marden Ridge Apartments, Phase 1B, Final Development Plan proposes 272 apartment units located on approximately 18.05 acres within 42.17 +/- acres site. The overall site is comprised of 6.43 acres being designated for Commercial (C-1) use and 35.74 acres of the property designated for Residential High (PUD/R-3) use. Development of the remaining 17.69 acres of residential land will occur at a later date through a separate Preliminary Development Plan application, as will development of the 6.43 acres of land assigned the C-1 commercial zoning category. The developer has proposed five (5), four (4) story buildings at approximately fifty-eight (58) feet in height; with a projected population of 784 people. The PUD/R-3 zoning district allows for the construction of apartments with a minimum living area of 750s.f. per unit.

The design of the building exterior meets the intent of the City's Development Design Guidelines.

The developer has proposed 544 parking spaces which meet the City's Land Development Code.

Pursuant to the Land Development Code, Section 6.03.02, the number of parking spaces required for Residential dwelling units, single-family, duplex, multifamily is 2 spaces per dwelling unit.

Ingress/egress for the development will be via two (2) full access points from Marden Road.

The stormwater management system includes on-site retention ponds. The developer has provided three (3) dry retention ponds designed to meet the City's Land Development Code requirements.

The developer is proposing 2.98 acres (129,809 sq. ft.) of passive and active recreation space. Some of the proposed amenities: clubhouse (6,183s.f.), swimming pool and tot lot. At the time of the final development plan application, details of active and passive recreation equipment and facilities will be submitted for the City's review.

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.

The developer is proposing 12.89 acres of open space to meet the thirty (30) percent PUD zoning standards.

The planted pine located on this site is exempt from the arbor mitigation requirements and was harvested for silviculture purposes. The maximum tree stock formula requires a total of 2,752 tree inches to be replanted onto the site. The applicant will be required to demonstrate the site meets this tree stock requirement on the final development plan or contribute into the tree bank mitigation program.

MINUTES OF THE PLANNING COMMISSION SPECIAL MEETING HELD ON JULY 28, 2015, AT 5:01 P.M.

No development activity can occur until such time that a concurrency mitigation agreement or letter has been approved by OCPS. The applicant has applied to OCPS for this agreement. The schools designated to serve this community are the following: Wheatley Elementary, Wolf Lake Middle and Apopka High School.

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.

The applicant is requesting a waiver to install a six-foot high wrought iron fence between brick columns for the perimeter wall, erected inside a ten foot landscaped buffer along Marden Road and State Road 451.

Waiver Request No. 1: The applicant is requesting a waiver from LDC 2.02.07.H.1a, which requires a six-foot-high brick, stone or decorative block finished wall to be placed within a 10 foot wide buffer adjacent to Marden Road, erected inside a minimum ten-foot landscaped bufferyard. The applicant is proposing a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to external roads. DRC reviewed the waiver request and can support it because the nearest building is setback at least 60 feet from the road; additional landscaping is provided; the apartment buildings are 58 feet high and four stories, preventing a wall from screening buildings form adjacent properties; and the parking lot will be screened by the buffer landscaping. Attached illustrations provided by the applicant support the DRC recommendation.

Waiver Request No. 2: The applicant is requesting a waiver from LDC 2.02.07.H.1a, which requires a six-foot-high brick, stone or decorative block finished wall adjacent to S.R. 451, erected inside a minimum ten-foot landscaped bufferyard. The applicant is requesting to eliminate portions of the perimeter fencing along the western property boundary, in lieu of an earth berm with landscaping. DRC reviewed the waiver request and can support it because S.R. 451 is elevated and additional landscaping and a berm are provided. Attached illustrations provided by the applicant support the DRC recommendation.

The Development Review Committee recommends approval of the Marden Ridge Apartments, Phase 1B, Final Development Plan subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

The Planning Commission, at its meeting on July 14, 2015, tabled the Marden Ridge Apartments, Phase 1B, Final Development Plan until the July 28, 2015 meeting.

The role of the Planning Commission for this development application is to advise the City Council to approve or deny based on consistency with the Comprehensive Plan and Land Development Code which includes the following items:

1. Recommend approval of Waiver Request number 1.
2. Recommend approval of Waiver Request number 2.
3. Recommend approval of the Marden Ridge Apartments, Phase 1B, property owned by Emerson Point Associates, LLLP.

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.

In response to questions by Mr. Jaspon, Mr. Davoll stated that having a wrought iron fence with a double row of landscape adjacent to the parking lot would provide additional security.

In response to a question by Chairperson Greene, Mr. Davoll stated that the development directly across the street uses the wrought iron fencing with brick columns.

In response to a question by Mr. Foster, Mr. Davoll stated the buildings in the development across the street are one-story and the proposed apartment buildings will be four-story.

Petitioner Presentation: Anthony Call, GAI Consultants, Inc., 618 E. South Street, Suite 700, Orlando, stated that this was the same request brought before the Commission at their July 14, 2015, meeting with the exception of the requests for two waivers. The first waiver request is to allow a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to Marden Road; and the second waiver request is to allow them to eliminate portions of the perimeter fencing along the western property boundary (S.R. 451), in lieu of an earth berm with landscaping.

In response to questions by Ms. Toler, Mr. Davoll stated that whether the wall is required or the fence allowed, it will run the entire length of the property adjacent to Marden Road. He stated that the wrought iron fence is allowed around retention ponds in single family residence projects. The proposed wrought iron fencing with the brick columns would make it easier to the police to check on the property.

In response to a comment by Mr. Foster, Mr. Davoll stated that works to balance the higher standards that the City wants with the needs of developers. Staff looks at a project from the character of the land and what the approved land use is for a property.

Mr. Jaspon expressed his concerns regarding the number of developers requesting the use of wrought iron fences rather than constructing walls. He is concerned about continuing to allow developers waivers. He stated that they should continue to work to improve the City.

Affected Party Presentation: None.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing and asked the members of the Commission to vote.

Motion: Linda Laurendeau made a motion to recommend approval of the waiver request to allow a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to Marden Road. Tony Foster seconded the motion. Aye votes were cast by James Greene, Tony Foster, Linda Laurendeau; Melvin Birdsong, Jeremiah Jaspon and Pam Toler voted nay. (3-3). *Motion Failed.*

Motion: Jeremiah Jaspon made a motion to recommend denial of the waiver request to allow a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to Marden Road. Melvin Birdsong seconded the motion. Aye votes were cast by Melvin Birdsong, Tony Foster, Jeremiah Jaspon and Pam Toler; Tony Foster, James Greene and Linda Laurendeau voted nay. (3-3). *Motion Failed.*

Discussion ensued.

Motion: Jeremiah Jaspon made a motion to recommend denial of the waiver request to allow a six-foot high wrought iron fence between brick columns with additional landscaping adjacent to Marden Road. Melvin Birdsong seconded the motion. Aye votes were cast by Melvin Birdsong, Tony Foster, Jeremiah Jaspon and Pam Toler; James Greene and Linda Laurendeau voted nay. (4-2).

Motion: Linda Laurendeau made a motion to recommend approval/denial of the waiver request to eliminate portions of the perimeter fencing along the western property boundary where there is an earthen berm with landscaping (S.R. 451). Jeremiah Jaspon seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

Motion: Jeremiah Jaspon made a motion to recommend approval of the Final Development Plan for Marden Ridge Apartments, subject to the findings and information in the staff report and the waiver recommendations of the Planning Commission. Melvin Birdsong seconded the motion. Aye votes were cast by James Greene, Melvin Birdsong, Tony Foster, Jeremiah Jaspon, Linda Laurendeau, and Pam Toler (6-0). (Vote taken by poll.)

OLD BUSINESS: None.

NEW BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 6:37 p.m.

James Greene, Chairperson

R. Jay Davoll, P.E.
Community Development Director

Backup material for agenda item:

1. VARIANCE – LOAVES & FISHES - 206 E. 8th Street – A variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.01.A. to allow for a reduction in the rear yard setbacks to allow a portion of a building to encroach 5' into the required 10' setback.



CITY OF APOPKA PLANNING COMMISSION

<input type="checkbox"/>	CONSENT AGENDA	MEETING OF:	August 11, 2015
<input checked="" type="checkbox"/>	PUBLIC HEARING	FROM:	Community Development
<input type="checkbox"/>	SPECIAL REPORTS	EXHIBITS:	Vicinity Map
<input type="checkbox"/>	OTHER:		Aerial Map
			Applicant's Response to Criteria
			Site Plan

SUBJECT: LOAVES AND FISHES, INC. VARIANCE REQUEST

Request: A VARIANCE OF THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II, SECTION 2.02.01.A. TO ALLOW FOR A REDUCTION IN THE REAR YARD SETBACKS

SUMMARY:

OWNER: Loaves and Fishes, Inc., c/o Dino Rachiele, Senior Director

ENGINEER: Unroe Engineering, Inc. c/o Darcy Unroe

LOCATION: 206 East 8th Street at the corner of Robinson Ave.

LAND USE: Industrial

ZONING: I-1

EXISTING USE: Public Use - Food Pantry

PROPOSED USE: Public Use - Food Pantry

VARIANCE REQUEST: The applicant requests a variance to allow apportion of the proposed building addition to encroach up to 5 feet into the required 10 feet rear yard setback.

TRACT SIZE: 0.48 +/- acre

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	

VARIANCE REQUEST: Applicant requests up to a 5 feet reduction in the required 10 feet rear yard setbacks. The applicant is proposing to construct an additional 156 square feet of storage space on to the existing food pantry. As appearing in the exhibit, the proposed 12'x 13' storage room will encroach 5 feet into the required 10 feet setback along rear of the property abutting the CSX/FCEN railroad right-of-way. If approved and constructed per the attached exhibit, the variance will leave a 5 feet building setback rear property.

APPLICABLE CITY CODE: City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Section 2.02.01.A., Minimum rear setback of 10 feet.

SPECIAL EXCEPTION PROCEDURES\PLANNING COMMISSION:

Planning Commission follows the below procedures, as set forth in the City Land Development Code, reviewing a request for a variance:

1. Section 10.02.02.A. *Initial Determination.* The Planning Commission shall first determine if the proposed variance arises out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved.
2. If Planning Commission determines that the variance arises out of the physical and environmental conditions described above, then it must make the following required finds, assets forth in Section 10.02.02.B.

APPLICANT’S RESPONSE TO SEVEN VARIANCE REQUIRED FINDINGS:

When evaluating a variance application, the Planning Commission shall not vary from the requirements of the code unless it makes a positive finding, based on substantial competent evidence on each of the following required findings (Section 10.02.02.B):

1. (Initial Determination). There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner. (Does the proposed variance arises out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved.)

Applicant Response: The lot is triangular in shape with an existing warehouse building. The rear setback is adjacent to a railroad ROW. The proposed variance is for an encroachment into the rear of 5'. The strict implementation of the rear setback would serve no practical purpose and would restrict the ability of the non-profit from serving the needs of the community.

Staff Response: DRC finds that the variance request is supported by the shape of the parcel and physical surroundings, creating a valid hardship that supports a variance. DRC does not object to the Applicant’s Response. The south property line abuts CSX/FCEN railroad right-of-way, preventing an ability to acquire additional contiguous land to the south. Further, encroachment into the setback will not place the building addition near another building or structure, creating no further risk to other nearby buildings.

If Planning Commission supports that Initial Determination, then it must address variance criteria 2 through 7.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Applicant's Response: No reduction in cost is anticipated with the granting of this variance.

Staff Response: A hardship is created by the odd triangular shape of the lot, inability to expand land area to the south because of the CSX/FCEN railroad right-of-way. DRC does not object to the Applicant's Response.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

Applicant's Response: The proposed construction will not increase the traffic on adjacent streets. The granting of the variance will have no effect on the amount of additional traffic generated.

Staff Response: DRC does not object to the Applicant's Response. Traffic impacts created by an encroachment of a small portion of the building into the setback will have a de minimus (minor or un-noticable) impact on nearby roads.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Applicant's Response: The proposed encroachment into the rear setback is not visible to the surrounding property and will have no impact on the character of the surrounding property.

Staff Response: DRC does not object to the Applicant's Response. Expansion of the existing building and the proposed variance will not interfere with the ability of abutting property owners to use their property.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

Applicant's Response: The setback requirements are intended to allow for sufficient open space. The proposed variance will result in 60 s.f. of additional building on a 1/2 acre site.

Staff Response: The subject property is assigned an I-1 Industrial zoning category. Properties to the south and west are assigned I-1 zoning category. DRC does not object to the Applicant's Response.

6. Special conditions and circumstances do not result from the actions of the applicant.

Applicant's Response: The proposed addition will "square off" the existing building. The existing building was constructed before the current owner purchased the property.

Staff Response: DRC finds that a valid hardship occurs and does not object to the Applicant's Response. The southern property line abuts CSX/FCEN railroad right-of-way, preventing an ability to acquire additional land to the south.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

Applicant’s Response: The proposed variance is behind the existing building and will not impact the public in any way.

Staff Response: DRC does not object to the Applicant’s Response.

PUBLIC HEARING SCHEDULE:

August 12, 2014 - Planning Commission (5:01 p.m.)

RECOMMENDED ACTION:

The **Development Review Committee** finds that a valid hardship exists and does not object to the variance request to allow the proposed building addition to encroach 5 feet into the 10 feet rear setback.

Planning Commission Recommendation: Authorize the approval of a variance to Sections 2.02.01.A., of the Land Development Code, to allow a portion of the building addition, as shown in the site plan, to encroach no more than five feet into the ten foot rear yard setback.

As per the Land Development Code, Article XI - 11.05.00.A. - The Planning Commission has been established as a citizen board to review and approve variances.

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.

LOAVES AND FISHES, INC.
Applicant: Dino Rachiele, Vice President
Engineer: Unroe Engineering, Inc. c/o Darcy Unroe
206 East 8th Street
0.48 +/- Acre
Parcel ID #: 15-21-28-7540-00-211

AERIAL MAP



Backup material for agenda item:

2. SPECIAL EXCEPTION – Ponkin Road Properties, LLC – Cell Tower – In accordance with the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.02.19.C.2(C) To Allow A Unipole Telecommunication Tower Within The Ag-E Zoning District.



CITY OF AOPKA PLANNING COMMISSION

PUBLIC HEARING
 SPECIAL REPORTS
 PLAT APPROVAL
 OTHER:

DATE: August 11, 2015
FROM: Community Development
EXHIBITS: Vicinity Map
Adjacent Zoning Map
W/S Conditions Map
COO, Ch. 75, Sec. 75-27
Signal Range Map
Site Plan

**SUBJECT: PONKAN ROAD CELL TOWER – PONKIN ROAD PROPERTY, LLC.
TELECOMMUNICATION TOWER SPECIAL EXCEPTION**

PARCEL ID NUMBER: 25-20-27-0000-00-003

- REQUESTS:**
- 1. APPROVE THE REQUEST FOR A SPECIAL EXCEPTION IN ACCORDANCE WITH THE APOPKA CODE OF ORDINANCES, PART II, CHAPTER 75, SECTION 75-26.B.3.C, PART III, LAND DEVELOPMENT CODE, ARTICLE II, SECTION 2.02.19 TO ALLOW A MONOPOLE TELECOMMUNICATION TOWER WITHIN THE AG-E ZONING DISTRICT.**
 - 2. APPROVE THE REQUEST FOR A VARIANCE IN ACCORDANCE OF THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II, SECTIONS 2.02.19.G. TO ALLOW FOR A REDUCTION IN THE REAR YARD SETBACKS**

SUMMARY:

OWNER: Ponkin Road Property, LLC
APPLICANT: GM2 Communications, LLC. c/o Michael Voll
ENGINEER: Avcon, Inc. c/o Donald C. Bieger, P.E.
LOCATION: 3320 West Ponkan Road
LAND USE: Residential Low Suburban (0-3.5 du/ac)
CURRENT ZONING: A-1/ZIP
PROPOSED ZONING: AG-E
EXISTING USE: Vacant Land
PROPOSED USE: Installation of a 150 foot high telecommunication monopole tower
TRACT SIZE: 7.28 +/- acres (Parent Parcel)
0.14 +/- acre (Tower Site)

DISTRIBUTION:

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

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural Settlement (1 du/10 ac)	A-1	Manufactured Home
North (City)	Residential Low Suburban (3.5 du/ac)	AG-E	Vacant Land
East (County)	Rural Settlement (1 du/10 ac)	A-1	Warehouse
South (County)	Rural Settlement (1 du/10 ac)	A-1	Vacant Land
West (City)	Residential Low Suburban (3.5 du/ac)	A-1/ZIP	Vacant Land

STAFF REPORT: The applicant is proposing a 150 foot tall monopole telecommunications tower located at the southwest end of parcel number 25-20-27-0000-00-003, as depicted in the Vicinity Map. The tower will allow for the future co-location of additional users. A special exception approval from the Planning Commission must be obtained by the applicant before a telecommunication tower can be installed site. The applicant has obtained a contract with a telecommunication company desiring to use the tower. A final development plan has been submitted by the applicant and will be reviewed by the Planning Commission.

Staff has determined the following:

1. The proposed tower site complies with the distance separation requirements between other telecommunications towers. Based on location of existing towers, the nearest tower is 6,785 feet (1.285) miles from the proposed monopole site. City standards require a minimum distance of 1,500 (0.28 miles) linear feet between monopole towers.
2. The tower will accommodate up to four (4) telecommunication antennae.
3. Access to the property will occur through a cross-access easement agreement to Ponkan Road.

The parent parcel may experience future residential development either within its boundaries or at adjacent parcels.

Typically, the main issue associated with telecommunication towers is the separation distance from residential areas, particularly existing home and established neighborhoods. Based on the location of the proposed site for the telecommunications tower, the nearest existing residential neighborhood – Wekiva Run – more than 1700 feet to the southeast and situated on the east side of Plymouth Sorrento Road. Individual single family homes or mobile homes do occur on abutting parcels, the nearest single family home is approximately 428 feet from the tower site.

The extensive requirements for a telecommunications tower Special Exception are presented in Chapter 75 of the Apopka Code of Ordinances. Excerpts from this chapter, particularly section 75-27 are provided for reference. A final development plan must appear before the Planning Commission, at which time all applicable requirements of the telecommunications ordinance and Land Development Code must be met. The Planning Commission has the authority to grant or deny this Special Exception request.

VARIANCE REQUEST: Applicant requests a fifteen (15) foot reduction in the required fifty (50) feet rear yard setback. The applicant is proposing to construct a 150 feet high telecommunication tower. As appearing on the Final Development Plan, the proposed 80’x 80’ tower site will encroach into the rear yard setback. If approved and constructed per the Final Development Plan, the variance would provide a thirty-five (35) foot rear yard buffer between the tower and the abutting parcel.

Process Procedures\Planning Commission: Planning Commission follows the below procedures, as set forth in the City Land Development Code, reviewing a request for a variance:

1. Section 10.02.02.A. *Initial Determination.* The Planning Commission shall first determine if the proposed variance arises out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved.
2. If Planning Commission determines that the variance arises out of the physical and environmental conditions described above, then it must make the following required finds, assets forth in Section 10.02.02.B.

Applicable City Code: City of Apopka, Code of Ordinances, Part III - Land Development Code, Article II, Section 2.02.19.G., minimum rear yard setback of 50 feet.

Applicant’s Response To Seven Variance Criteria: When evaluating a variance application, the Planning Commission shall not vary from the requirements of the code unless it makes a positive finding, based on substantial competent evidence on each of the following:

1. (Initial Determination). There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner. (Does the proposed variance arise out of the physical surroundings, shape, topographical conditions or other physical or environmental conditions that are unique to the specific property involved?)

Applicant Response: The applicant proposes to decrease the south setback requirement to minimize the removal of existing trees and native vegetation and to leave more open space for future development of the parent property.

Staff Response: DRC determines that the physical surroundings abutting the west and south side of the subject parcel support the variance request. A future retention pond for S.R. 429 (Wekiva Parkway) and right-of-way for S.R. 429 abut the south and west sides of the parcel. Placement of the tower and equipment further to the south and west places them a little bit further away from existing and future residential homes to the north and east and places no impacts on abutting future highway development to the west and south.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Applicant’s Response: The variance request is based on minimizing the removal of the existing oak trees and native vegetation.

Staff Response: Staff supports the applicant’s response and includes reasons addressed in the Initial Determination.

3. The proposed variance will not substantially increase congestion on surrounding public streets.

Applicant’s Response: The project proposes to build a cell phone tower and the necessary infrastructure to serve it. It has a very low impact to the traffic on the public roads surrounding the project.

Staff Response: Staff supports the applicant’s response and includes reasons addressed in the Initial Determination.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Applicant’s Response: The applicant will lease 0.14 acres of land from the parent property increasing the revenue and value for the property owner. Also, this project requires a low land area footprint, it is

design to blend to the surrounding area and not change the essential characteristics of the properties around it.

Staff Response: Staff supports the applicant’s response and includes reasons addressed in the Initial Determination.

5. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject area(s) of the code.

Applicant’s Response: This project requires a low land area footprint and it is design to minimize the impact on the rural and agriculture surroundings.

Staff Response: Staff supports the applicant’s response and includes reasons addressed in the Initial Determination.

6. Special conditions and circumstances do not result from the actions of the applicant.

Applicant’s Response: This site is heavily wooded mainly composed of old oak trees. The applicant is proposing to reduce the rear lot setback to minimize the impact on the existing land and the removal of the existing native vegetation.

Staff Response: Staff supports the applicant’s response and includes reasons addressed in the Initial Determination.

7. That the variance granted is the minimum variance which will make possible the reasonable use of the land, building or structure. The proposed variance will not create safety hazards and other detriments to the public.

Applicant’s Response: The proposed rear lot setback variance will leave more developable area on the parent property for future development and it is design to blend to the surrounding environment minimizing the impact on the properties around it and not creating any safety hazard and other detriments to the public.

Staff Response: Staff supports the applicant’s response and includes reasons addressed in the Initial Determination.

ORANGE COUNTY NOTIFICATION: The City notified Orange County on July 9, 2015. The City has not received any correspondence from Orange County in regards to this Special Exception.

DULY ADVERTISED:
July 24, 2015 – Public Notice and Notification

RECOMMENDATION:

The **Development Review Committee** recommends approval of the Ponkan Road Cell Tower – Ponkin Road Property, LLC., Tower Special Exception for the location and height of a telecommunications tower in the AG-E zoning district for the property owned by Ponkin Road Property, LLC and the Variance Request subject to the City Council approval of the AG-E zoning ordinance and the following conditions:

- 1.) The Special Exception shall expire one year from the effective date, which shall be the date that the Planning Commission approves the Special Exception or the date that an appeal is approved by City Council, whichever occurs first. If a final development plan for the telecommunication tower is approved prior to the expiration of the special exception, the special exception shall remain in effect until the final development plan expires.

The role of the Planning Commission is to approve, deny, or approve with conditions the Special Exception requests made by the Applicant.

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.



PONKAN ROAD CELL TOWER

Owner: Ponkin Road Property, LLC.

Applicant: GM2 Communications, LLC.

Engineer: Avcon, Inc. C/o Donald C. Bieger, P.E.

Proposed Special Exception to allow a telecommunications tower

With a height of 150 feet in a AG-E (Residential) District

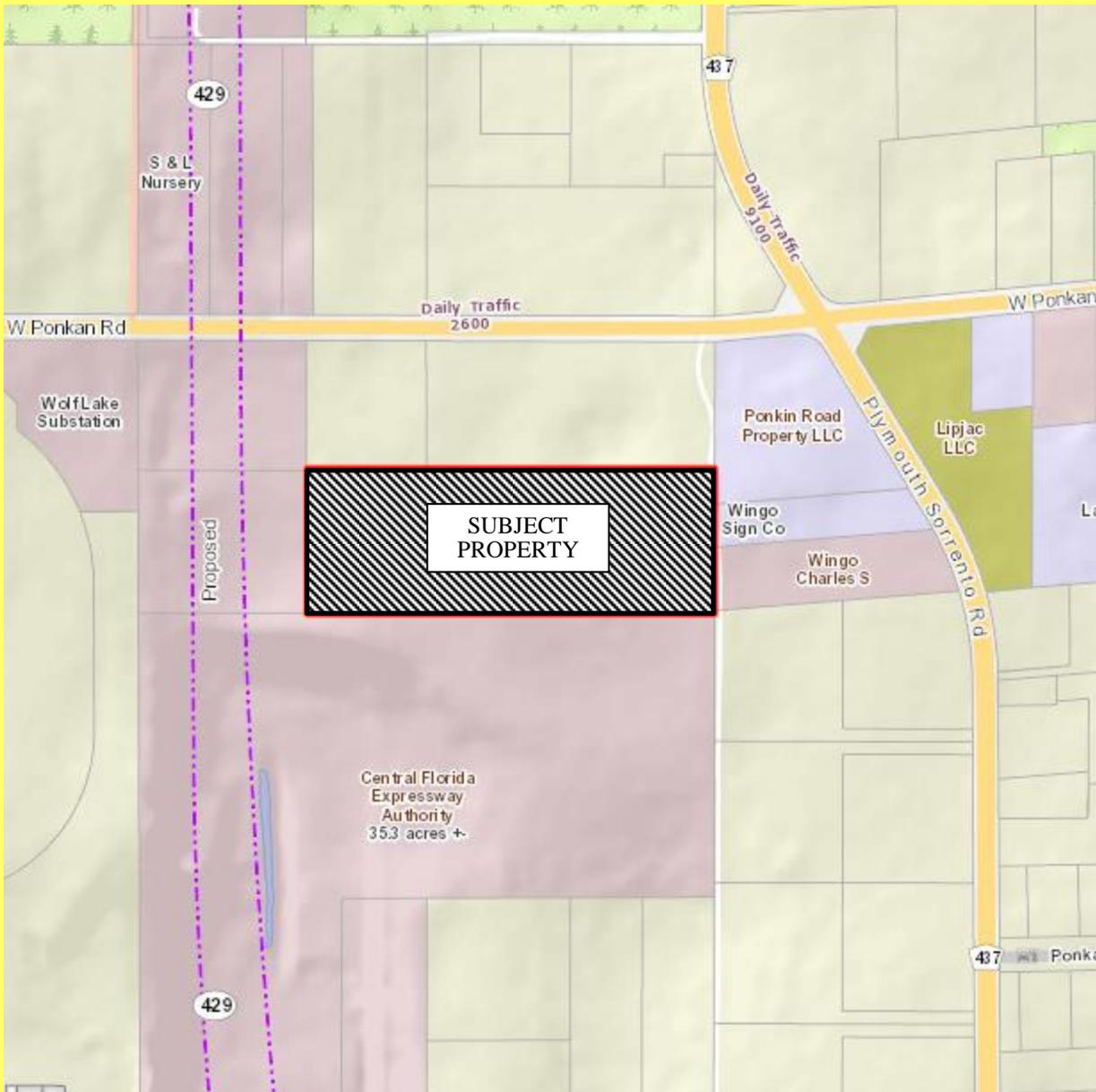
Proposed Tower Height: 150 feet

Proposed Tower Type: Monopole

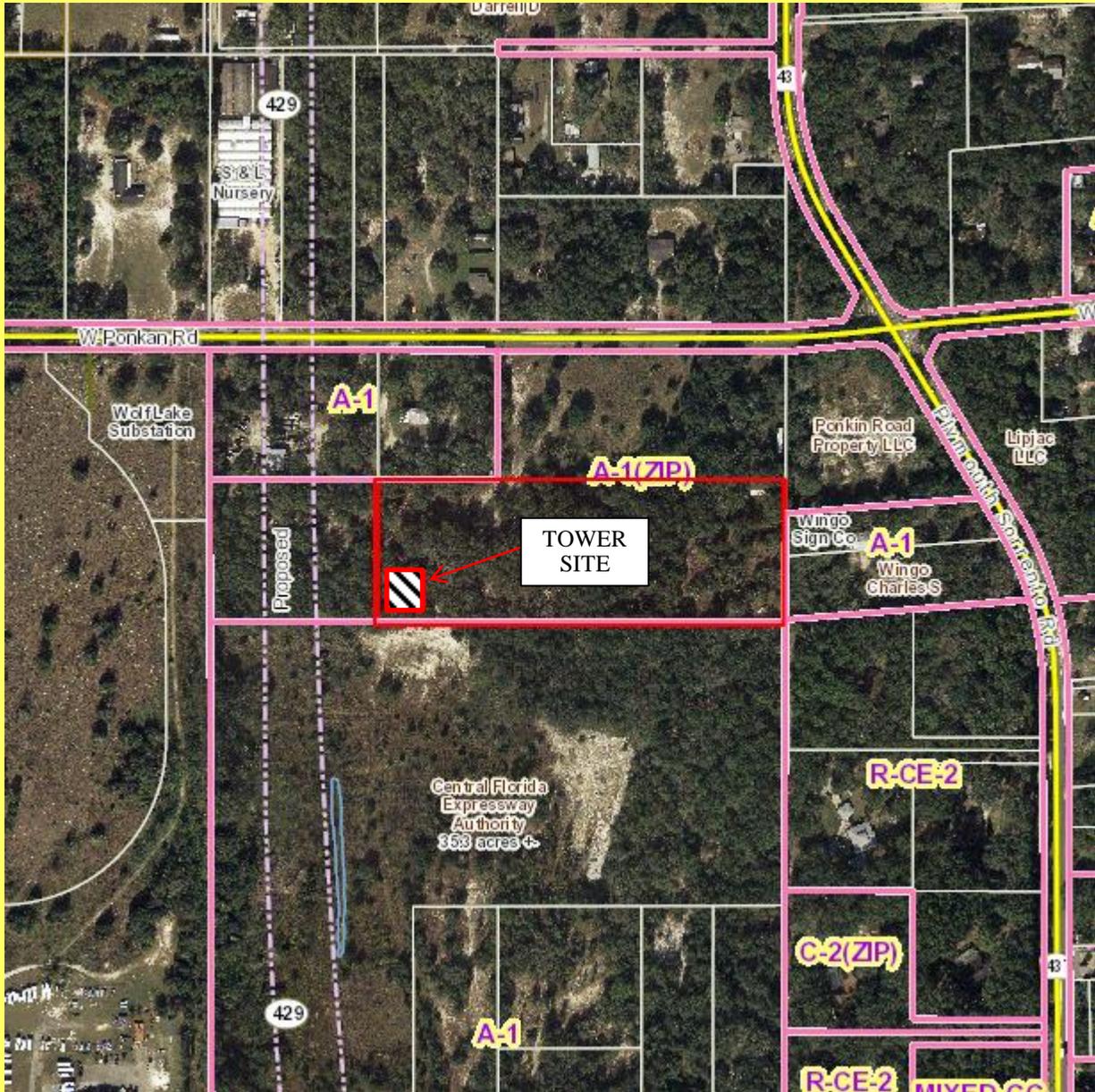
Parcel ID #: 25-20-27-0000-00-003

0.14 +/- acre

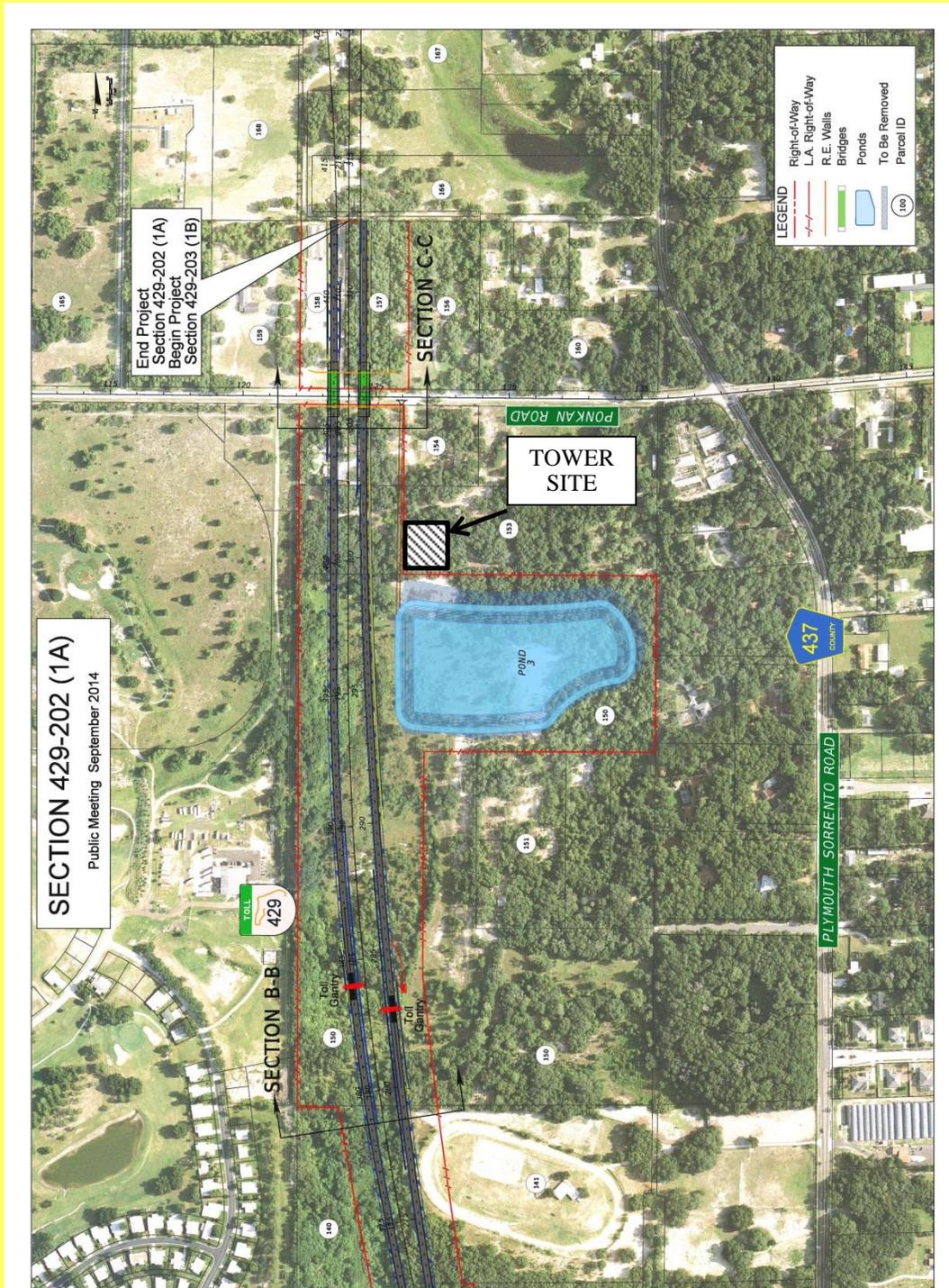
VICINITY MAP



ADJACENT ZONING



Adjacent Western and Southern Physical Surroundings and Other Physical Conditions



City of Apopka – Code of Ordinances – Chapter 75 – Section 75-27

Sec. 75-27. - Special exceptions.

- (a) *Generally.* The following provisions shall govern the issuance of special exceptions for towers or antennas by the planning commission:
- (1) If the tower or antenna is not a permitted use under [section 75-25](#) of this article or permitted to be approved administratively pursuant to [section 75-26](#) of this article, then a special exception shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - (2) Applications for special exceptions under this section shall be subject to the procedures and requirements of articles II, XI and XII of the Apopka Land Development Code, except as modified in this section.
 - (3) In granting a special exception, the planning commission may impose conditions to the extent the planning commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 - (5) An applicant for a special exception shall submit the information described in this section and a nonrefundable fee as established by Ordinance No. 725 to reimburse the city for the costs of reviewing the application.
- (b) *Towers:*
- (1) *Information required.* Applicants for a special exception for a tower shall submit the following information:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), future land use classification of the site and all properties within the applicable separation distances set forth in subsection 75-27(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the development review committee to be necessary to assess compliance with this article.
 - b. Legal description of the parent tract and leased parcel (if applicable).
 - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection [75-24\(c\)](#) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - e. A landscape plan showing specific landscape materials.
 - f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

- g. A description of compliance with subsections 75-24(c), (d), (e), (f), (g), (j), (l), and (m), 75-27(b)(4), (5) and all applicable federal, state or local laws.
 - h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - k. A description of the feasible locations of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (2) *Factors considered in granting special exceptions for towers.* In addition to any standards for consideration of special use permit applications pursuant to the Apopka Land Development Code, the planning commission shall consider the following factors in determining whether to issue a special exception:
- a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection 75-27(b)(3) of this article.
- (3) *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the development review committee or the planning commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (4) *Setbacks.* The following setback requirements shall apply to all towers for which a special exception is required:
- a. Towers must be set back in accordance with the applicable zoning district and the separation distances referenced in Table 1.
 - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) *Separation.* The following separation requirements shall apply to all towers and antennas for which a special exception is required:
- a. *Separation from off-site uses/designated areas:*
 1. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 2. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units in residentially zoned districts ¹	200 feet or 300% height of tower, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired ²	200 feet or 300% height of tower, whichever is greater
Vacant unplatted residentially zoned lands ³	100 feet or 100% height of tower, whichever is greater
Existing multifamily residential units greater than duplex units	100 feet or 100% height of tower, whichever is greater
Residential units existing in nonresidential zoning districts ¹	100 feet or 100% height of tower, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

¹Includes modular homes and mobile homes used for living purposes. Separation is measured from the base of the tower to the closest primary dwelling structure.

²Separation measured from base of tower to closest building setback line.

³Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

- b. *Separation distances between towers.* Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

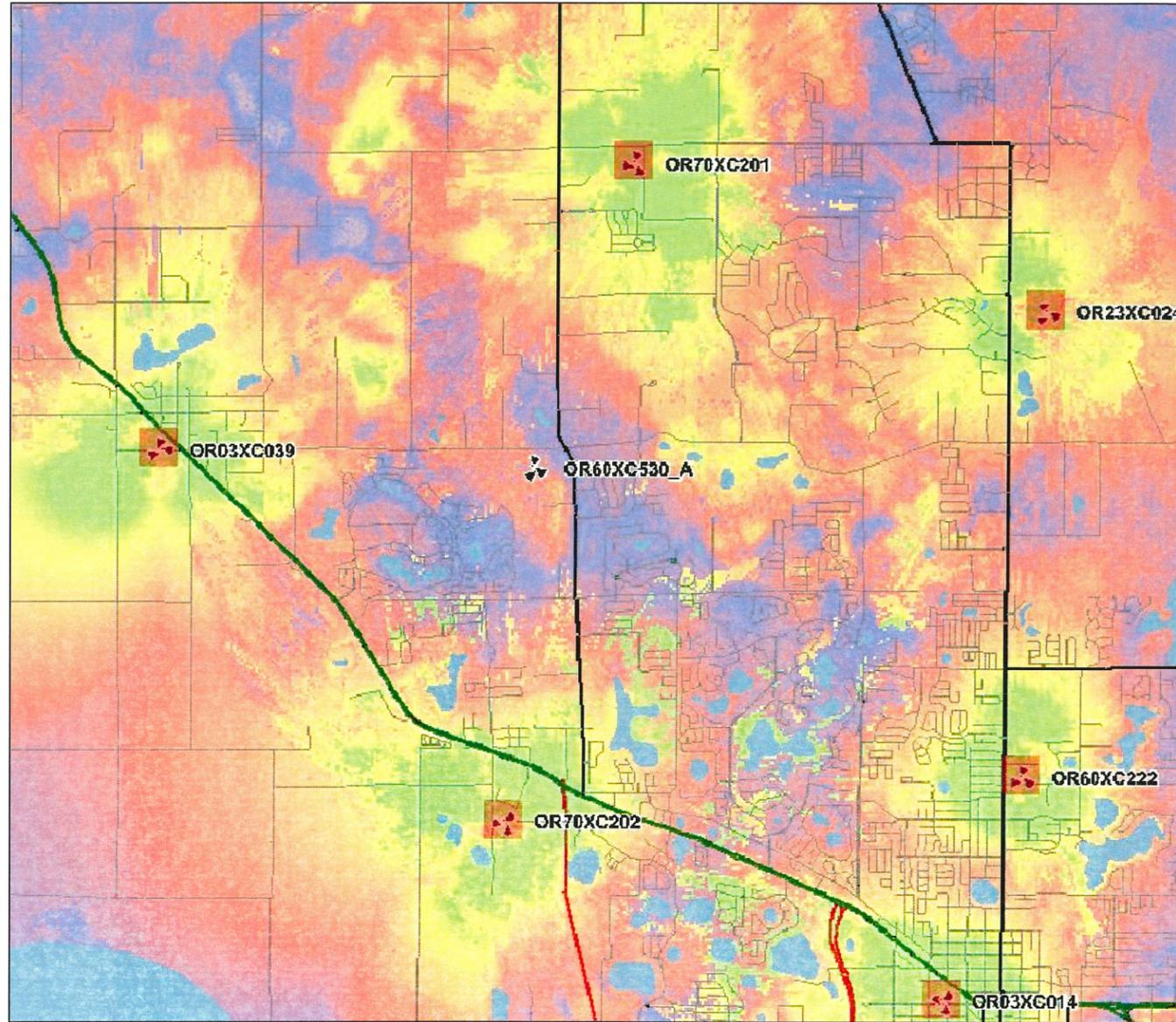
	Existing Towers—Types			
	Lattice	Guyed	Monopole 75;ft; in Height or Greater	Monopole Less than 75;ft; in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft in height or greater	1,500	1,500	1,500	750
Monopole less than 75 ft in height	750	750	750	750

- (6) *Security fencing.* Towers shall be enclosed by security fencing not less than eight feet in height and shall also be equipped with an appropriate anti-climbing device.
- (7) *Landscaping.* The following landscaping and buffering shall be required around the perimeter of communication tower sites except that the standards may be waived by the planning commission or the development review committee for those sides of the proposed tower that are located adjacent to undevelopable lands or lands not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting the landscaping requirements.

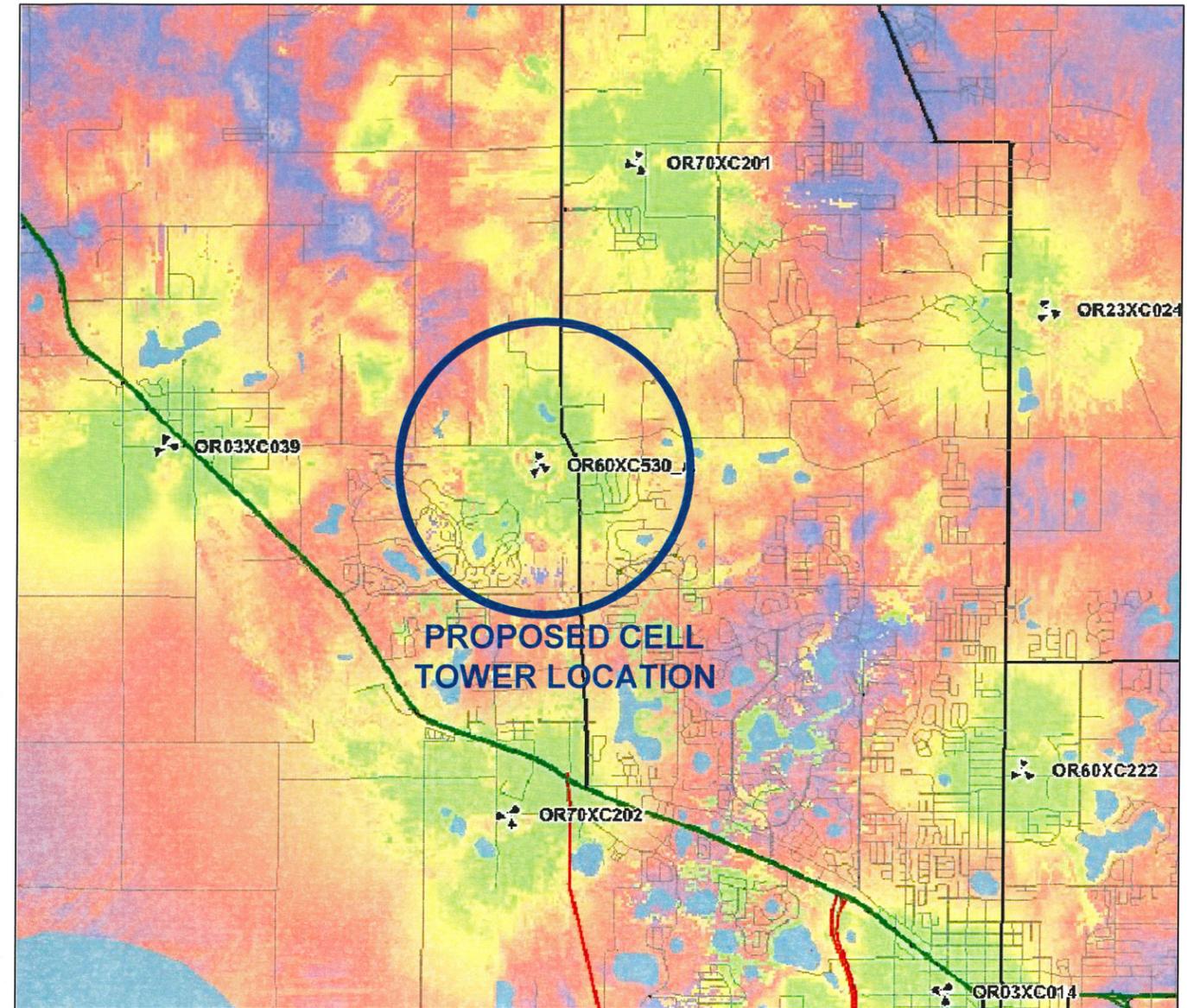
- a. A row of shade trees a minimum of eight feet tall and a maximum of ten feet apart shall be planted around the perimeter of the fence.
- b. A continuous hedge at least 30 inches in height at planting and capable of growing to at least 36 inches in height within 18 months shall be planted on the outside of the perimeter fence and tree line referenced above.
- c. All landscaping shall be of the evergreen variety.
- d. All landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and viability.

(Ord. No. 1042, § 7, 4-16-97)

L:\2015\2015.099.16 - Zellwood Cell Tower\CAD\Exhibits\EX-01 - Cell Tower Range.dwg Jun 09, 2015 - 2:09pm



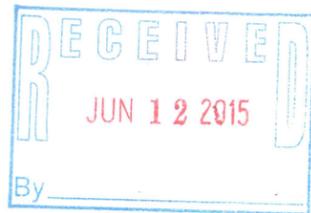
PONKAN ROAD "WITHOUT" SOLUTION



PONKAN ROAD "WITH" SOLUTION

LEGEND

	Value
	-120.00
	-104.47
	-95.87
	-87.17
	-74.97
	-69.97



AVCON, INC.
 ENGINEERS & PLANNERS
 5555 EAST MICHIGAN ST., SUITE 200 - ORLANDO, FL 32822
 OFFICE: (407) 599-1122 - FAX: (407) 599-1133
 CORPORATE CERTIFICATE OF AUTHORIZATION NO. 5057
 WWW.AVCONINC.COM

CELL TOWER SIGNAL RANGE

DATE: 06-09-15
 SOURCE: N/A
 SEC-TWP-RNG: 25-20-27
 AVCON PROJECT NO. 2015.099.17

EXHIBIT
 01

LINE NE 1/4, SECTION 25-20-27

W. PONKAN ROAD

EXISTING CONCRETE DRIVEWAY

NE CORN
SEC 25-
FIP 1"
CCR #478

N89°49'59"W(M)

N89°49'59"W(M)

674.33'(M)

SIR 5/8"
"LB 7821"

S'LY R/W LINE

SEE DETAIL 'A'

PROPOSED CELL TOWER ACCESS TO
MATCH EXISTING CONCRETE DRIVEWAY

ZONING A-1

-20-27-0000-00-002

EXISTING
HOUSE

PARCEL ID#25-20-27-0000-00-030

N 1/2, NE 1/4, NE 1/4, NE 1/4
SEC 25-20-27

S00°01'06"E(M)
302.58'(M)

195.26'
S00°01'06"E

20.0' INGRESS/EGRESS ESM'T

4' HWF
0.5' E
0.5' S

SOUTH LINE N 1/2, NE 1/4, NE 1/4, NE 1/4

/4, NE 1/4

FIR 5/8"
"FDOT"

N89°57'29"W(M)
279.44'(M)

57°29"E(M)
56°51"E(D)

279.45' N 89°57'29" W
20.0' INGRESS/EGRESS ESM'T

00-00-038

CENTRAL FLORIDA
EXPRESSWAY AUTHORITY
LANDS

S00°02'39"E(D)
333.73'(D)
S00°00'20"E(M)
334.21'(M)

N00°00'20"W
214.22'
N00°00'20"W

428.08'
214.22'

S89°56'16"E
80.00'

80.00'
N00°00'20"W

80.00'
N00°00'20"W

DIRT
TRAN
80' x 80'
CELL TOWER
SITE

PARCEL ID#25-20-27-0000-00-003

S 1/2, N 1/2, NE 1/4, NE 1/4
SEC 25-20-27
LESS PARCEL 153

59°56"W(D)
56°16"W(M)

SIR 5/8"
"LB 7821"

80.00'
S89°56'16"E

150.00'

PARCEL ID#25-20-27-0000-00-039

CENTRAL FLORIDA
EXPRESSWAY AUTHORITY
LANDS

NORTH LINE S 1/2, NE 1/4, NE 1/4

952.64'(M)
952.60'(D)

S89°56'16"E(M)
S89°59'56"W(D)

EAST LINE NE 1/4

635.66'(M)
663.89'(D)

S00°05'23"W(M)
S00°06'25"W(D)

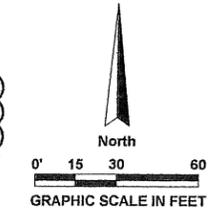
PARC

PARC

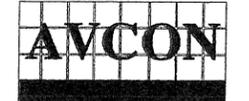
FND 4"
W/BRAS
"ORANG
ENGR. C

S00°05'23"W(M)
1996.72'

NOTE:
PRIOR TO ANY CONSTRUCTION ACTIVITIES OCCURRING ON-SITE A COPY OF
THE RECORDED CROSS ACCESS AGREEMENT SHALL BE FILED WITH THE
CITY OF APOPKA COMMUNITY DEVELOPMENT DEPARTMENT.



GM2
COMMUNICATIONS,
LLC.



AVCON, INC.
ENGINEERS & PLANNERS
5555 E. MICHIGAN ST., SUITE 200 - ORLANDO, FL 32822-2779
OFFICE: (407) 594-1122 - FAX: (407) 599-1133
CORPORATE CERTIFICATE OF AUTHORIZATION NUMBER: 5057
www.avconinc.com

DONALD BIEGER
P.E. #60857

PONKAN ROAD
CELL TOWER

CELL TOWER

OVERALL SITE
PLAN

ATTENTION:
THIS DOCUMENT CONTAINS PRIVILEGED AND PROPRIETARY
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WITHOUT THE EXPRESS WRITTEN CONSENT OF AVCON, INC. ANY
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WHOLE OR IN PART, IS STRICTLY PROHIBITED.

SCALE: AS NOTED

REVISIONS:			
NO.	DATE	BY	DESCRIPTION
△	07/01/15	DB	CITY OF APOPKA - COMMENTS
△	07/22/15	DB	CITY OF APOPKA - COMMENTS

DESIGNED BY: DB
DRAWN BY: CFS
CHECKED BY: DB
APPROVED BY: DB
DATE: 06-04-15

AVCON PROJECT No. 2015.099.16

SHEET NUMBER

C200

Backup material for agenda item:

3. CHANGE OF ZONING – Property Industrial Enterprises, LLC, c/o Michael R. Cooper, from I-1 (Restricted) to Planned Unit Development (PUD/I-1), for property located North of Marshall Lake Road, west of North Hawthorne Road. (Parcel ID #s: 08-21-28-0000-00-029; 09-21-28-0000-00-011)



CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

DATE: August 11, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: PROPERTY INDUSTRIAL ENTERPRISES, LLC

PARCEL ID NUMBERS: 09-21-28-0000-00-011 & 08-21-28-0000-00-029

Request: CHANGE OF ZONING
FROM: I-1 (Restricted Industrial)
TO: PUD/I-1 (Planned Unit Development)

SUMMARY

OWNER/APPLICANT: Property Industrial Enterprises, LLC
LOCATION: North of Marshall Lake Road, west of N Hawthorne Road
EXISTING USE: Vacant
FUTURE LAND USE: Industrial (max 0.60 FAR)
ZONING: I-1 (Restricted Industrial)
PROPOSED ZONING: PUD/I-1. The purpose of the rezoning is to allow a maximum building height of fifty (50) feet.
PROPOSED DEVELOPMENT: Office and light industrial development
TRACT SIZE: 35.59 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 930,180 sq. ft.
PROPOSED ZONING: 930,180 sq. ft.

DISTRIBUTION

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

ADDITIONAL COMMENTS: Applicant desires to have industrial and office buildings that may accommodate a maximum height of fifty (50) feet.

The subject property was annexed into the City of Apopka on July 18, 1990. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the PUD/I-1 zoning to assure that the 35.59-acre parcels are consistent with the Industrial future land use designation, yet allow for flexibility on the maximum height of proposed development. The property owner intends to use the property for a professional office and light industrial development.

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

PUD RECOMMENDATIONS: That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be those permitted within the I-1 zoning district.
- B. All development standards set forth in the Land Development Code and Development Design Guidelines shall apply to development within the PUD unless as otherwise allowed and defined as follows:
 - 1. Building Height. Maximum building height is fifty (50) feet above ground elevation.
 - 2. Building Separation. A building shall be no closer than twenty feet to another building whether located on the same lot or parcel or an abutting lot or parcel. However, the City may require a greater building separation distance if determined that a public health or safety risk may potentially occur from the construction of an industrial building or use next to a commercial, office or institutional building or use, or vice versa.
 - 3. Signage shall comply with the City’s sign codes unless otherwise approved through a master sign plan.
- C. The I-1 zoning standards shall apply to the development of the subject property unless otherwise established herein this ordinance.

COMPREHENSIVE PLAN COMPLIANCE: The proposed PUD/I-1 rezoning is consistent with the proposed Future Land Use Designation of Industrial (with a maximum FAR of 0.60) for this property.

SCHOOL CAPACITY REPORT: A capacity enhancement agreement with OCPS is not necessary because the proposed change of zoning is to a non-residential zoning district.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on July 10, 2015.

PUBLIC HEARING SCHEDULE:

- August 11, 2015 - Planning Commission (5:01 pm)
- August 19, 2015- City Council (7:00 pm) - 1st Reading
- September 2, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

June 26, 2015 – Public Notice and Notification

August 7, 2015 – Ordinance Heading Ad/¼ Page Ad w/Map

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from I-1 to PUD/I-1 for the parcel owned by Property Industrial Enterprises LLC.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial	C-1 & C-3	Vacant Commercial & Warehousing
East (City)	Commercial	C-3	Vacant Commercial
South (City)	Industrial (max. 0.60 FAR)	I-1	Vacant Industrial
West (City)	Industrial (max. 0.60 FAR)	I-1	R-O-W

**LAND USE & TRAFFIC
 COMPATIBILITY:**

The subject property fronts and is accessed by a local roadway (Marshall Lake Road).

The zoning application covers approximately 35.59 acres. The property owner intends to use the property for a professional office and light industrial development.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed I-1 zoning is consistent with the City’s Industrial (0.60 max FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, I-1 zoning is one of the acceptable zoning districts allowed within the Industrial Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**I-1 DISTRICT
 REQUIREMENTS:**

Minimum Living Area:	NA
Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 25 ft.
	Rear: 10 ft.
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the existing 35.59 acre parcels comply with code requirements for the I-1 zoning district.

**BUFFERYARD
 REQUIREMENTS:**

1. Areas adjacent to all road rights-of-way shall provide a minimum 25-foot landscaped bufferyard.
2. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall.
3. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 500-foot landscaped bufferyard.

4. Industrial uses adjacent to nonresidential, nonindustrial uses or districts shall provide one of the following:
 - a. A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or
 - b. A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

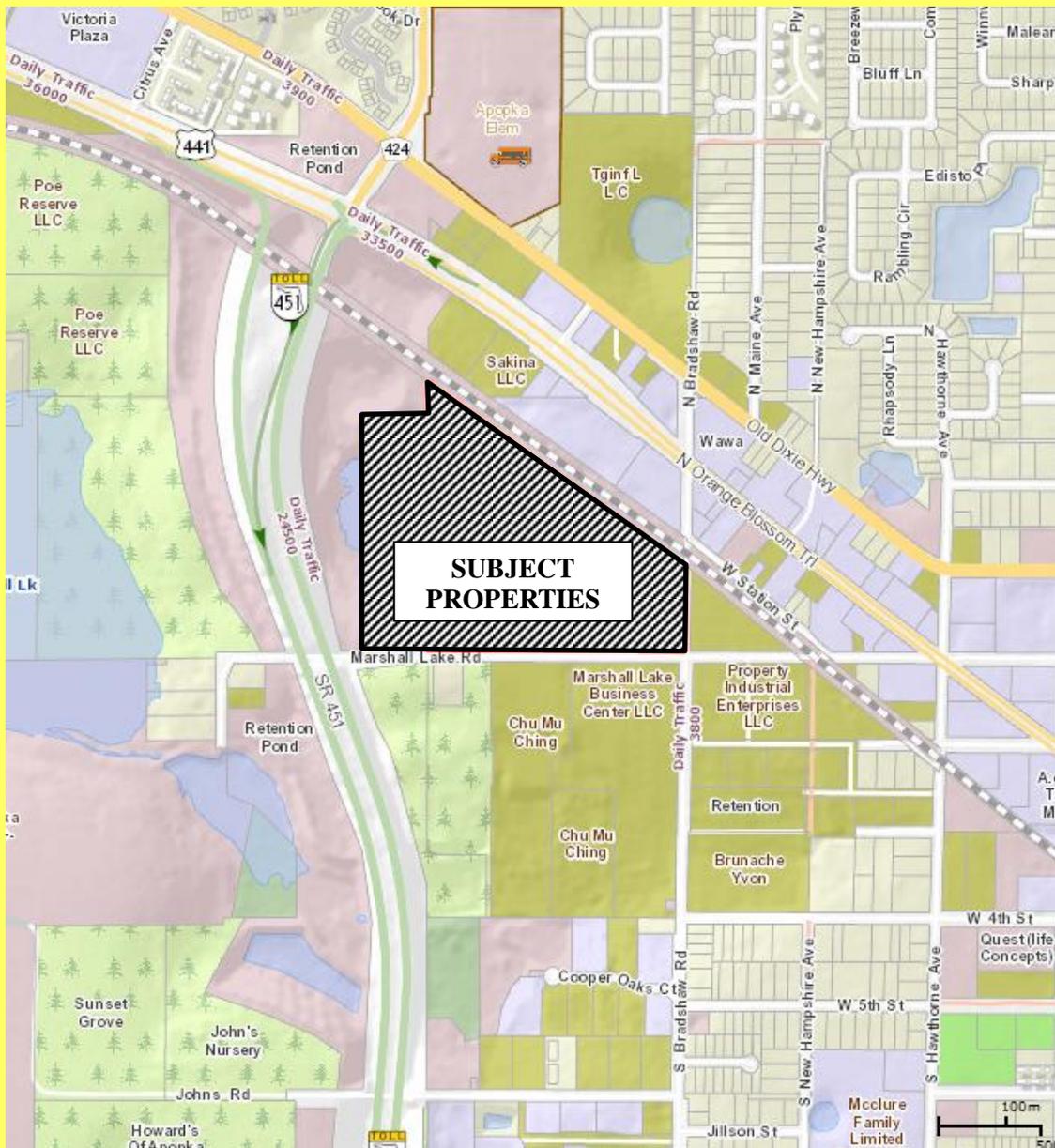
ALLOWABLE USES:

Wholesale distribution, storage, and light manufacturing uses and other similar and compatible uses.



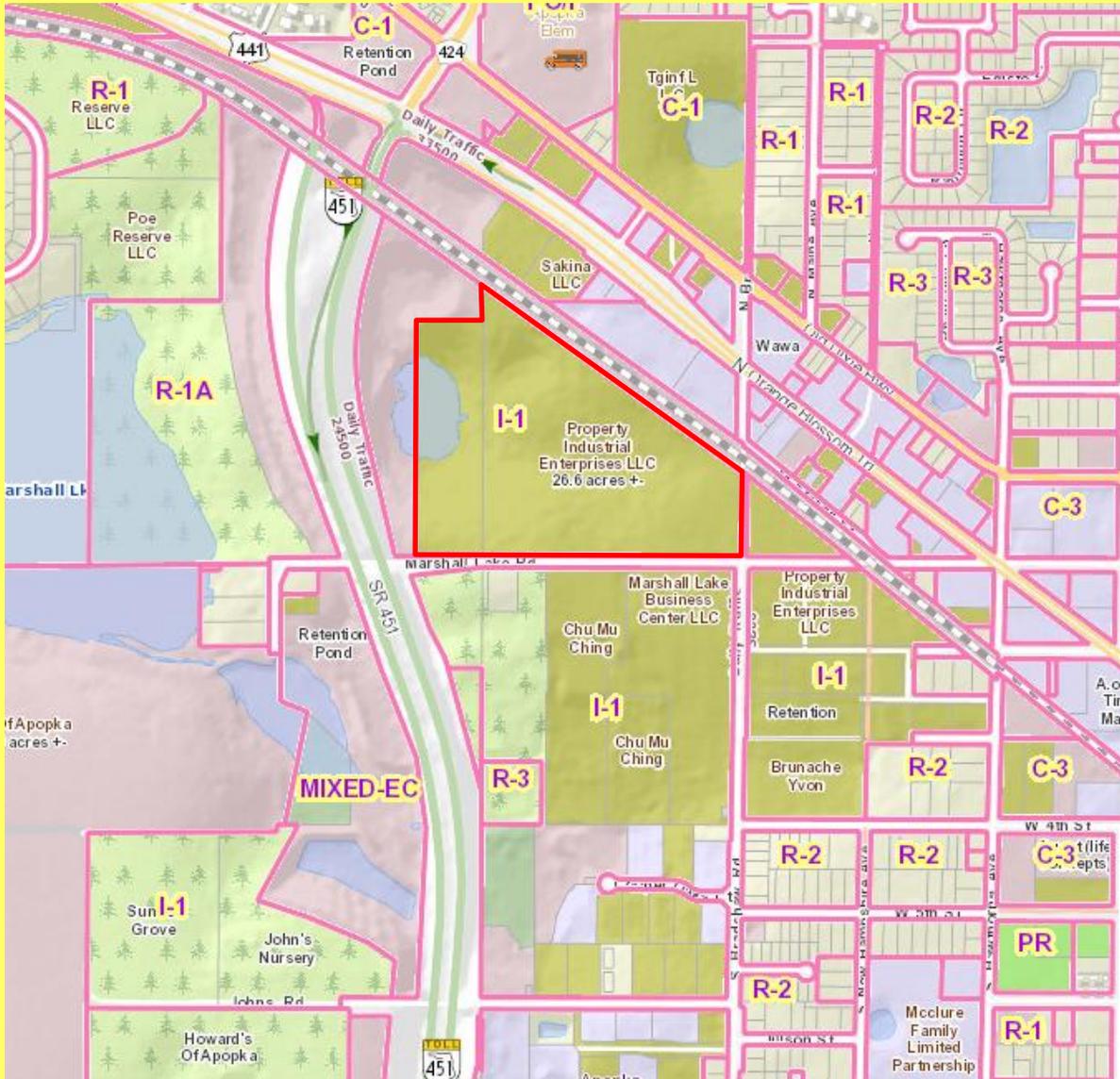
Property Industrial Enterprises, LLC
35.59 +/- Acres
Existing Maximum Allowable Development: 930,180 sq. ft.
Proposed Maximum Allowable Development: 930,180 sq. ft.
Proposed Zoning Change
From: I-1
To: PUD/I-1
Parcel ID #s: 09-21-28-0000-00-011 & 08-21-28-0000-00-029

VICINITY MAP



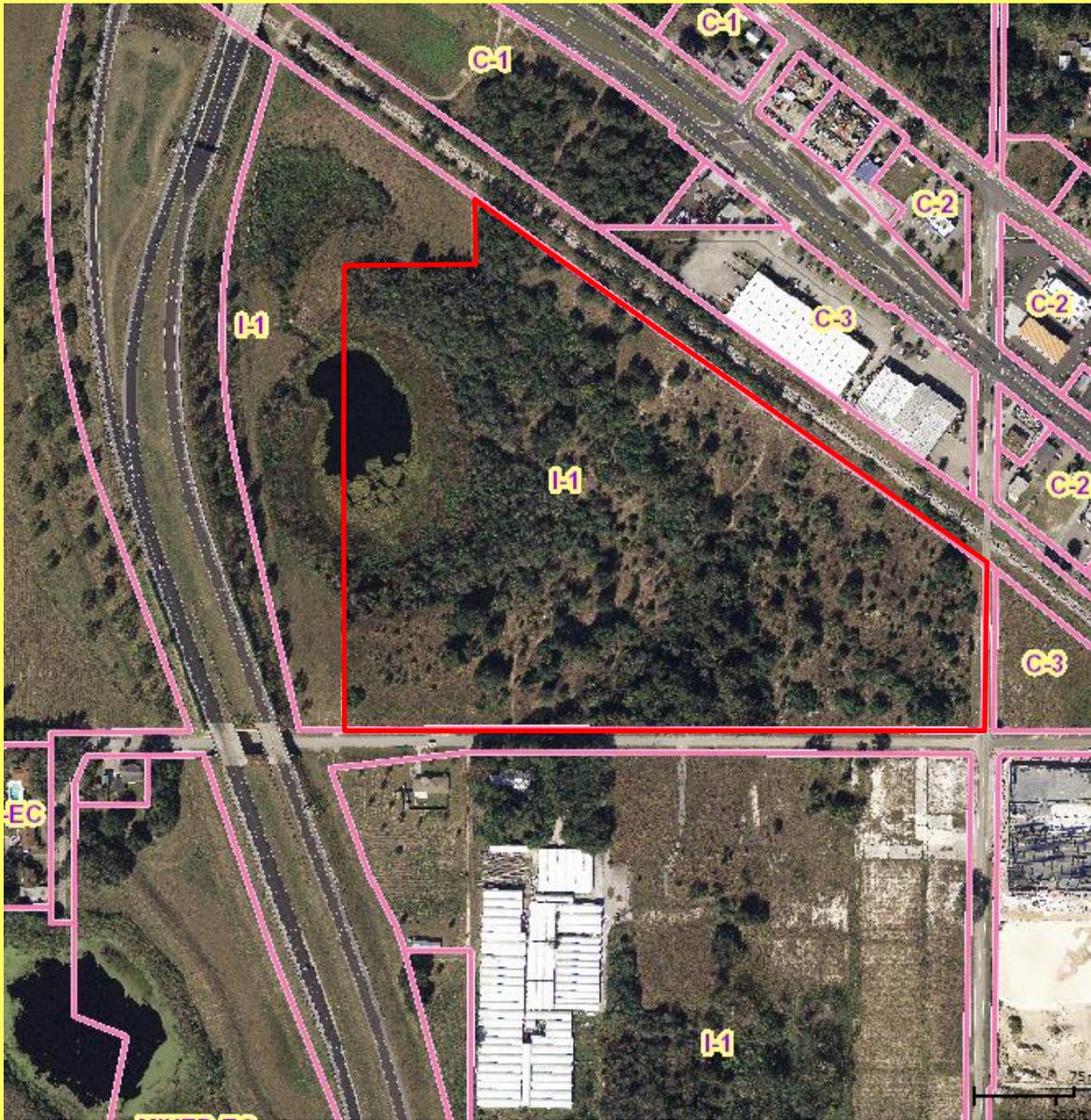


ADJACENT ZONING





ADJACENT USES



Backup material for agenda item:

4. CHANGE OF ZONING – Yergey and Yergey, P.A., from “County” A-1 (ZIP) (Agriculture) to “City” I-1 (Industrial), for property located at 203 and 215 West Keene Road. (Parcel ID #s: 21-21-28-0000-00-025; 21-21-28-0000-00-024)



CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	August 11, 2015
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Zoning Report
<input type="checkbox"/> OTHER:		Vicinity Map
		Adjacent Zoning Map
		Adjacent Uses Map

SUBJECT: D. ARTHUR YERGEY TRUST

PARCEL ID NUMBERS: 21-21-28-0000-00-024 & 21-21-28-0000-00-025

Request: CHANGE OF ZONING
FROM: "COUNTY" A-1 (ZIP) (AGRICULTURE)
TO: "CITY" I-1 (INDUSTRIAL)

SUMMARY

OWNER/APPLICANT: D. Arthur Yergey Trust

LOCATION: North of West Keene Road, south of State Road 414

EXISTING USE: Small runway for model airplanes & ancillary structures

FUTURE LAND USE: Industrial (max 0.60 FAR)

ZONING: "County" A-1 (ZIP) (Agriculture)

PROPOSED ZONING: I-1 (min. lot size of 15,000 sq. ft.)

PROPOSED DEVELOPMENT: To be determined; consistent with the I-1 zoning district

TRACT SIZE: 50.77 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	max. of 5 residential units
PROPOSED ZONING:	max. of 1,326,924 sq. ft.

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on November 7, 2008 through the adoption of Ordinance No. 2049. Since annexation into the City, a “City” zoning category has not been assigned to the subject parcels. The property owner is requesting the City to assign a zoning category compatible with the Industrial Future Land Use Designation assigned to the property. Planning staff has determined that an I-1 zoning category is the most suitable for the subject parcel.

The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the I-1 zoning to assure that the 50.77-acre parcel is consistent with the Industrial Future Land Use Designation. The property owner is asking for the change of zoning to market the property for future uses permissible within the I-1 zoning district.

Pursuant to Florida Statute, an interlocaal agreement agreement with between the City and Orange County government, and policy set forth in the City’s Comprehensive Plan, a City zoning category must be assigned to property after it annexes into a municipality. The subject property is assigned an Industrial Future Land Use Designation, and I-1 is the least intensive zoning category compatible with the assigned Future Land Use Designation.

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 I-1 rezoning is consistent with the proposed Future Land Use Designation of Industrial (with a maximum FAR of 0.60) for this property. Minimum lot size for property assigned the I-1 zoning category is 15,000 sq. ft.

SCHOOL CAPACITY REPORT: A capacity enhancement agreement with OCPS is not necessary because the proposed change of zoning to a non-residential zoning district. Such rezoning will not result in an increase in the number of residential units.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on July 10, 2015.

PUBLIC HEARING SCHEDULE:

August 11, 2015 - Planning Commission (5:01 pm)
August 19, 2015- City Council (7:00 pm) - 1st Reading
September 2, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

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

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” I-1 for the parcel owned by the D. Arthur Yergey Trust.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City) (County)	Agriculture (0-1 du/5 acres) Rural (0-1 du/10 ac)	A-1 (ZIP) A-1	S.R. 414 ROW & Vacant
East (City) (County)	Agriculture (0-1 du/5 acres) Rural (0-1 du/10 ac)	AG A-1	Horse Farm & Ornamental Nursery
South (City)	Agriculture (0-1 du/5 ac)	A-1 (ZIP)	Former Landfill
West (County)	Rural (0-2 du/ac)	A-1 (ZIP)	Former Landfill

**LAND USE & TRAFFIC
COMPATIBILITY:**

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

The zoning application covers approximately 50.77 acres. The property owner intends to use the property for ancillary buildings related to a model airplane airport/air field.

**COMPREHENSIVE
PLAN COMPLIANCE:**

The proposed I-1 zoning is consistent with the City’s Industrial (0.60 max FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, I-1 zoning is one of the acceptable zoning districts allowed within the Industrial Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**I-1 DISTRICT
REQUIREMENTS:**

Minimum Living Area:	NA
Minimum Site Area:	15,000 sq. ft.
Minimum Lot Width	100 ft.
Setbacks:	Front: 25 ft.
	Rear: 10 ft.
	Side: 10 ft.
	Corner 25 ft.

Based on the above zoning standards, the existing 50.77 acre parcels comply with code requirements for the I-1 zoning district.

**BUFFERYARD
REQUIREMENTS:**

1. Areas adjacent to all road rights-of-way shall provide a minimum 25-foot landscaped bufferyard.
2. Areas adjacent to agricultural uses or districts shall provide a minimum of ten feet abutting the property line with landscaping and a six-foot-high masonry wall.

3. Areas adjacent to residential uses or districts shall provide a six-foot-high masonry wall within a minimum of 500-foot landscaped buffer-yard.
4. Industrial uses adjacent to nonresidential, nonindustrial uses or districts shall provide one of the following:
 - a. A minimum of 25 feet abutting the property with landscaping and an earth berm, measuring three feet with a 3:1 slope; or
 - b. A minimum six-foot-high masonry wall within a minimum of ten-foot landscaped bufferyard.

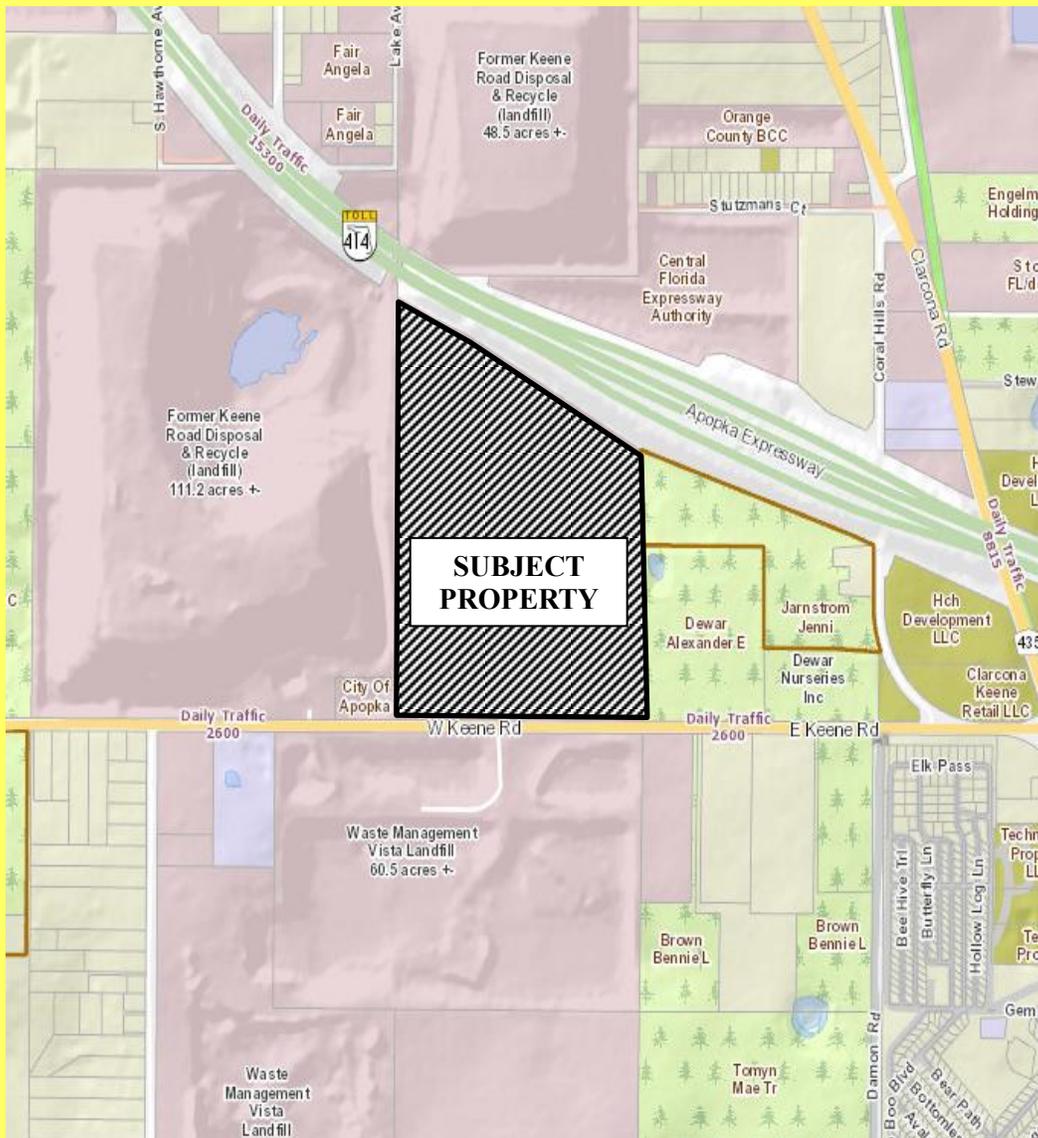
ALLOWABLE USES:

Wholesale distribution, storage, and light manufacturing uses and other similar and compatible uses.



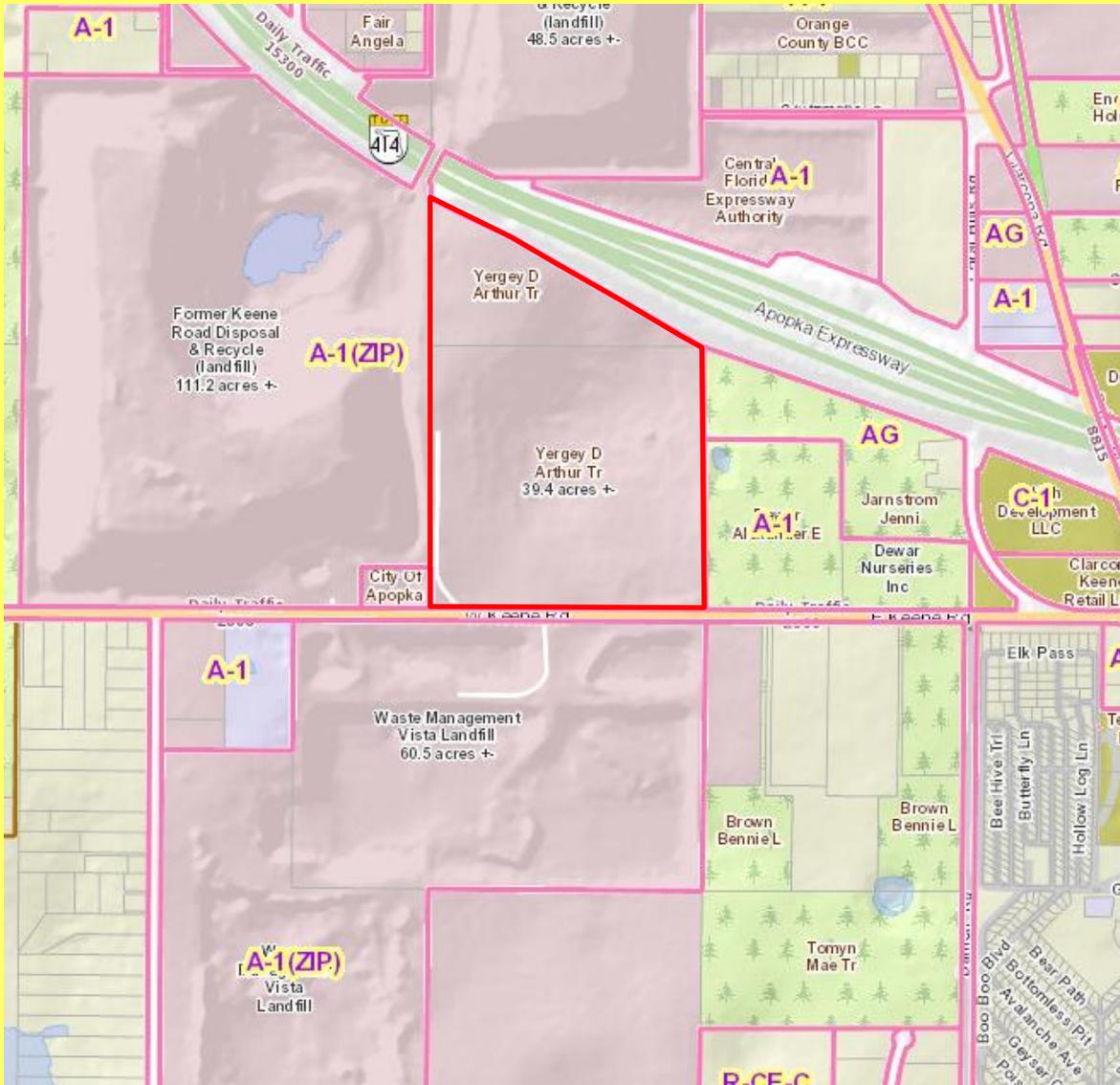
D. Arthur Yergey Trust
50.77 +/- Acres
Existing Maximum Allowable Development: 5 dwelling units
Proposed Maximum Allowable Development: 1,326,924 sq. ft. dwelling units
Proposed Zoning Change
From: "County" A-1 (ZIP)
To: "City" I-1
Parcel ID #s: 21-21-28-0000-00-024 & 21-21-28-0000-00-025

VICINITY MAP



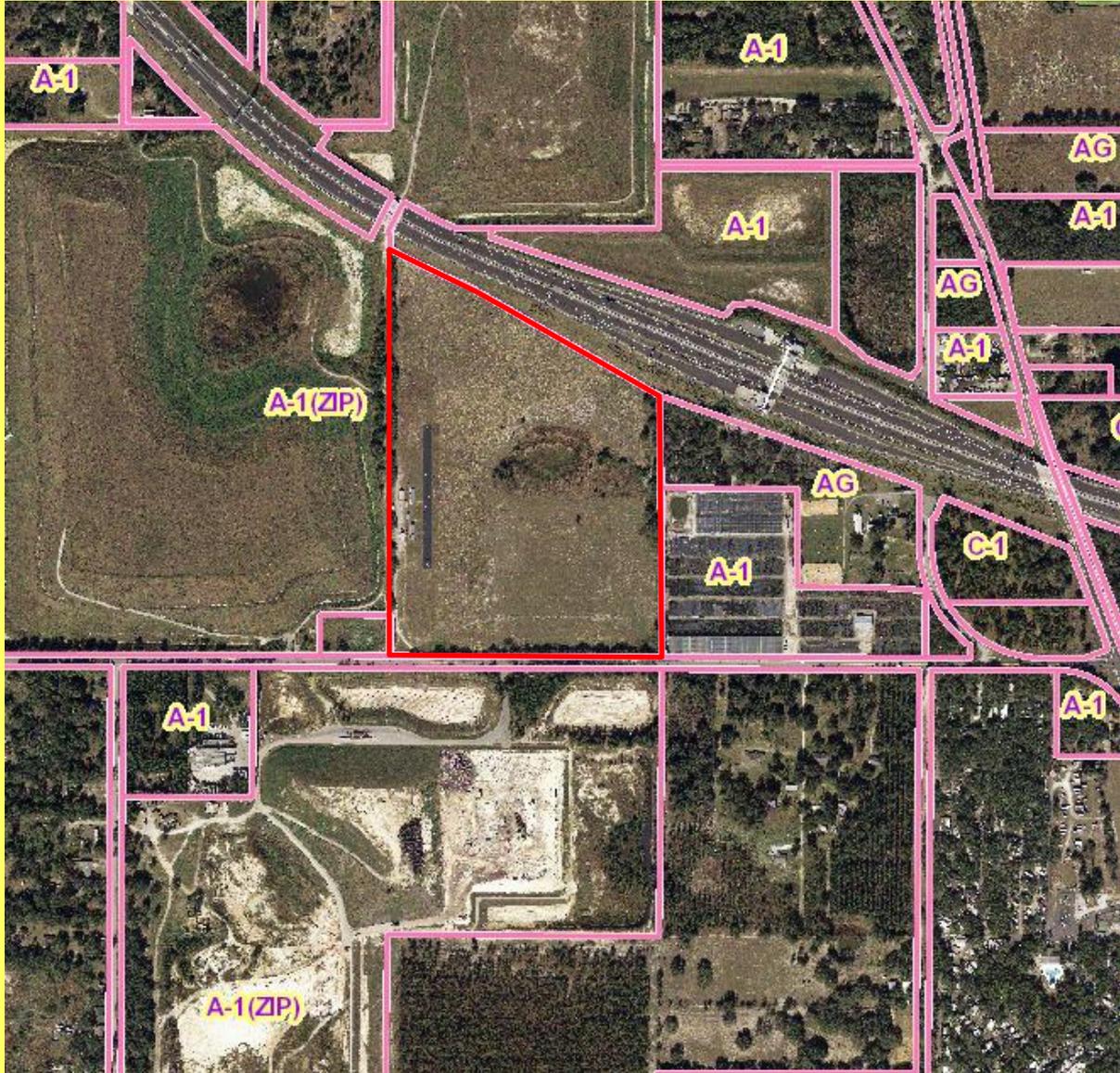


ADJACENT ZONING





ADJACENT USES



Backup material for agenda item:

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



CITY OF APOPKA PLANNING COMMISSION

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE:	August 11, 2015
<input type="checkbox"/> ANNEXATION	FROM:	Community Development
<input checked="" type="checkbox"/> PLAT APPROVAL	EXHIBITS:	Vicinity Map
<input type="checkbox"/> OTHER:		Plat

SUBJECT: MARDEN RIDGE PLAT – EMERSON POINT ASSOCIATES, LLLP

Request: RECOMMEND APPROVAL OF THE MARDEN RIDGE PLAT – EMERSON POINT ASSOCIATES, LLLP; (PARCEL ID NUMBER: 17-21-28-0000-00-029)

SUMMARY

OWNERS: Emerson Point Associates, LLLP

APPLICANT: MMI Development, Inc., c/o Michael E. Wright, Esq.

ENGINEER: GAI Consultants, Inc., c/o Anthony Call, P.E.

LOCATION: Between S.R. 451 and Marden Road, south of Ocoee Apopka Road, and north of the S.R. 414

EXISTING USE: Planted Pine

FUTURE LAND USE: Commercial and Residential High Density (0-15du/ac)

ZONING: PUD/C-1/R-3

PROPOSED DEVELOPMENT: Four lot subdivision; Lot 1— C-1 commercial; Lots 2 – 4 multi-family residential

TRACT SIZE: 42.17 +/- 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	

ADDITIONAL COMMENTS: The Marden Ridge Plat proposes a total of 4 lots with 17 dedicated tracts located on approximately 42.17 +/- acres. The overall site is comprised of 6.43 acres being designated for Commercial (C-1) use and 35.74 acres of the property designated for Residential High (PUD/R-3) use.

PUBLIC HEARING SCHEDULE:

August 11, 2015 - Planning Commission (5:01 pm)

August 19, 2015- City Council (1:30 pm)

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the Marden Ridge Plat subject to the information and comments in the staff report for the property owned by Emerson Point Associates, LLLP.

Planning Commission Recommendation: The role of the Planning Commission for this development application is to advise the City Council to approve, deny, or approve with conditions based on consistency with the Comprehensive Plan and Land Development Code.

Recommend approval of the Marden Ridge Plat.

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



Marden Ridge Plat
Emerson Point Associates, LLLP
MMI Development, Inc. c/o Michael E. Wright, Esq.
42.17 +/- Acres
Parcel ID #: 17-21-28-0000-00-029

VICINITY MAP



MARDEN RIDGE

SHEET 1 OF 4 SHEETS

A PORTION OF LAND LYING WITHIN THE NORTHEAST 1/4 OF IN SECTION 20 AND THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA.



LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTIONS 17 AND 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, THENCE RUN NORTH 07°15'48" EAST, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 20, FOR A DISTANCE OF 2177.83 FEET; THENCE RUN NORTH 89°44'14" WEST, FOR A DISTANCE OF 30.00 FEET, TO THE POINT OF BEGINNING, SAID POINT ALSO BEING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF MARDEN ROAD AND THE NORTH LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD 414, PER ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS, PROJECT NUMBER 429-200; THENCE RUN THE FOLLOWING NINE (9) COURSES ALONG THE SAID NORTH LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD 414 AND THE EAST LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD 451, PER ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS, PROJECT NUMBER 429-200; THENCE RUN NORTH 72°21'15" WEST, FOR A DISTANCE OF 200.77 FEET; THENCE RUN NORTH 78°17'33" WEST, FOR A DISTANCE OF 271.86 FEET, TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 28°48'44", AN ARC LENGTH 350.53 FEET, A CHORD LENGTH OF 347.35 FEET AND A CHORD BEARING OF NORTH 56°02'30" WEST TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 725.00 FEET, A CENTRAL ANGLE OF 27°58'31", AN ARC LENGTH OF 353.89 FEET, A CHORD LENGTH OF 350.48 FEET AND A CHORD BEARING OF NORTH 24°02'58" WEST TO A POINT ON A NON TANGENT CURVE CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG SAID CURVE HAVING A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF 22°06'35", AN ARC LENGTH OF 535.20 FEET, A CHORD LENGTH OF 532.36 FEET AND A CHORD BEARING OF NORTH 08°28'48" EAST TO A POINT OF TANGENCY; THENCE RUN NORTH 18°42'06" EAST, FOR A DISTANCE OF 158.98 FEET, TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 2828.44 FEET, A CENTRAL ANGLE OF 3°02'40", AN ARC LENGTH OF 889.32 FEET, A CHORD LENGTH OF 889.10 FEET AND A CHORD BEARING OF NORTH 21°38'28" EAST; THENCE RUN NORTH 13°07'18" EAST, FOR A DISTANCE OF 200.88 FEET, TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHWESTERLY; THENCE RUN NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 7808.44 FEET, A CENTRAL ANGLE OF 3°51'28", AN ARC LENGTH OF 525.83 FEET, A CHORD LENGTH OF 525.78 FEET AND A CHORD BEARING OF NORTH 19°01'21" EAST, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 437-A (DOCKE-APOPKA ROAD) PER ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT OF WAY MAPS, PROJECT NUMBER 429-200 AND 75550-6480-804; THENCE RUN NORTH 80°33'45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 437-A, FOR A DISTANCE OF 186.20 FEET; THENCE RUN NORTH 75°22'14" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 437-A, FOR A DISTANCE OF 182.72 FEET, TO A POINT ON A NON TANGENT CURVE CONCAVE WESTERLY; THENCE RUN SOUTH 07°08'37" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF MARDEN ROAD, FOR A DISTANCE OF 2270.20 FEET; THENCE RUN SOUTH 07°15'48" W, ALONG SAID WESTERLY RIGHT OF WAY LINE OF MARDEN ROAD, FOR A DISTANCE OF 482.54 FEET TO THE POINT OF BEGINNING.

CONTAINS 42.17 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, BEING AN ASSUMED BEARING BEING NORTH 07°15'48" EAST.
- TRACT A (FUTURE COMMERCIAL) WILL BE OWNED AND MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.
- TRACTS B, D AND J (STORMWATER POND) WILL BE OWNED AND MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.
- TRACT C (MULTI-FAMILY SITE) WILL BE OWNED AND MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.
- TRACT E (RECREATION/CLUBHOUSE) WILL BE OWNED AND MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.
- TRACTS F, H AND P (RECREATION/OPEN SPACE) WILL BE OWNED AND MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.
- TRACT G (LIFT STATION) IS DEDICATED TO AND SHALL BE MAINTAINED BY THE CITY OF APOPKA.
- TRACT I (RECREATION/TOT LOT) WILL BE OWNED AND MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.
- TRACT K AND L (FUTURE DEVELOPMENT) WILL BE OWNED AND MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.
- TRACTS M, N, O AND Q (RIGHT-OF-WAY DEDICATION) ARE DEDICATED TO AND SHALL BE MAINTAINED BY THE CITY OF APOPKA.
- A CROSS-ACCESS EASEMENT OVER LOTS 1 AND 2 IS DEDICATED TO AND SHALL BE MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.
- A CROSS-ACCESS EASEMENT OVER LOTS 2 AND 3 IS DEDICATED TO AND SHALL BE MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.
- MONUMENT SIGN EASEMENT IS DEDICATED TO AND SHALL BE MAINTAINED BY EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS.

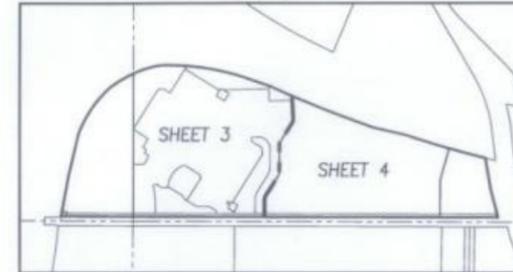
SHEET INDEX:

- SHEET 1 OF 4 - LEGAL DESCRIPTION, DEDICATION, SURVEYOR'S NOTES, LEGEND & VICINITY MAP
- SHEET 2 OF 4 - BOUNDARY
- SHEETS 3 AND 4 OF 4 - GEOMETRY

VICINITY MAP
NOT TO SCALE



KEY MAP
NOT TO SCALE



LEGEND:

- - DENOTES SET 4"x4" PERMANENT REFERENCE MONUMENT WITH DISK STAMPED "LB 7931"
- CCR# - DENOTES CERTIFIED CORNER RECORD NUMBER
- ORB - DENOTES OFFICIAL RECORDS BOOK
- PB - DENOTES PLAT BOOK
- PG - DENOTES PAGE
- P.O.C. - DENOTES POINT OF COMMENCEMENT
- P.O.B. - DENOTES POINT OF BEGINNING
- DOCEA - DENOTES ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY
- ROW - DENOTES RIGHT OF WAY
- NO. - DENOTES NUMBER
- PC - DENOTES POINT OF CURVATURE
- PT - DENOTES POINT OF TANGENCY
- PRC - DENOTES POINT OF REVERSE CURVATURE
- PC - DENOTES POINT OF COMPOUND CURVATURE
- R - DENOTES RADIUS
- D - DENOTES CENTRAL ANGLE
- L - DENOTES ARC LENGTH
- CH - DENOTES CHORD LENGTH
- CB - DENOTES CHORD BEARING
- XX-XX-XX - DENOTES SECTION XX-TOWNSHIP XX SOUTH- RANGE XX EAST

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREON 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.

CERTIFICATE OF APPROVAL BY CITY ENGINEER

Examined and Approved _____ Date _____
City Engineer

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, that I the undersigned, being a licensed surveyor and mapper, do hereby certify that this plat is a true and correct representation of the lands surveyed and plotted and was prepared under my responsible direction and supervision; that permanent reference monuments have been placed as shown hereon; and this plat complies with all of the survey requirements of Chapter 177, Florida Statutes and that said land is located in Orange County, Florida.

By: Corey A. Hopkins, LS #6743 Date: _____
On the Mark Surveying, LLC
Licensed Business Number LB 7931
143 Meadow Boulevard
Sanford, Florida 32771

PLAT BOOK

PAGE

MARDEN RIDGE

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned Emerson Point Association, LLLP, a Florida Limited Liability Limited Partnership, named below, 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.

IN WITNESS WHEREOF, the undersigned, Emerson Point Association, LLLP, a Florida Limited Liability Limited Partnership, has caused these presents to be executed and acknowledged by its undersigned, Michael E. Wright, Manager thereunto duly authorized on this _____ day of _____ 2015.

Signed and Sealed in the presence of: _____
Emerson Point Association, LLLP, a Florida Limited Liability Limited Partnership

Signature of Witness _____ By: Michael E. Wright
Title: Manager

Printed Name of Witness _____

Signature of Witness _____

Printed Name of Witness _____



I HEREBY CERTIFY, that the foregoing instrument was acknowledged before me on this _____ day of _____ 2015, by Michael E Wright, as Manager of Emerson Point Association, LLLP, a Florida Limited Liability Limited Partnership, who before me personally appeared and who is () personally known to me or () produced _____ as identification.

IMPRINT NOTARY PUBLIC RUBBER STAMP SEAL BELOW

Signature of Notary Public _____

Printed Name of Notary Public _____

My commission number: _____

Notary Public in and for the county and state of Florida

My commission expires: _____

CERTIFICATE OF REVIEW BY CITY SURVEYOR

This plat has been reviewed for conformity with Chapter 177, Florida Statutes.

City Surveyor _____ Date _____

CERTIFICATE OF APPROVAL BY APOPKA PLANNING COMMISSION

Examined and Approved _____
Chairman _____ Date _____

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, that on _____ the foregoing plat was approved by the City Council of the City of Apopka.

Signed: _____
Mayor, City of Apopka

Printed Name: _____

Signed: _____
City Clerk, City of Apopka

Printed Name: _____

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: _____



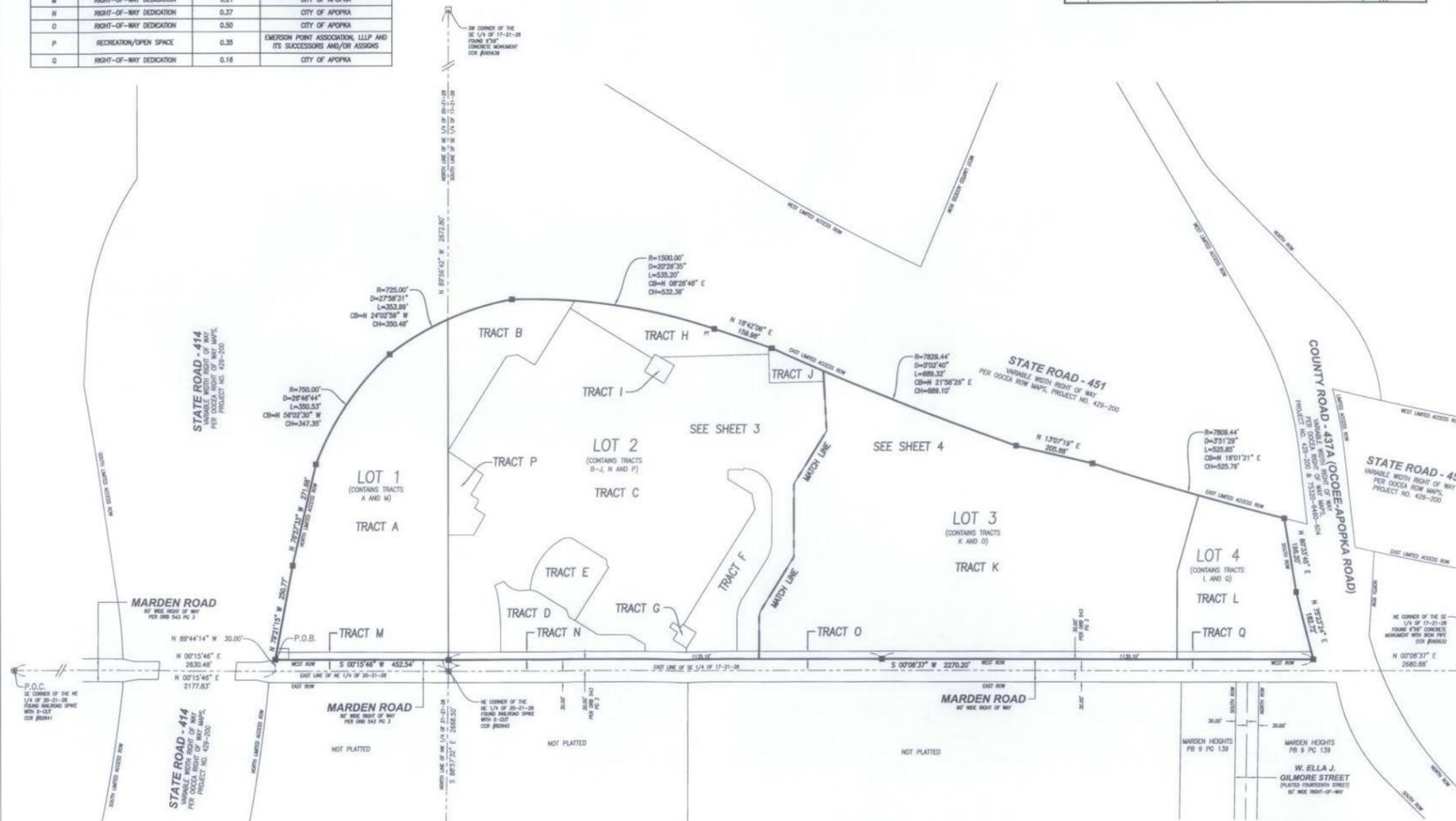
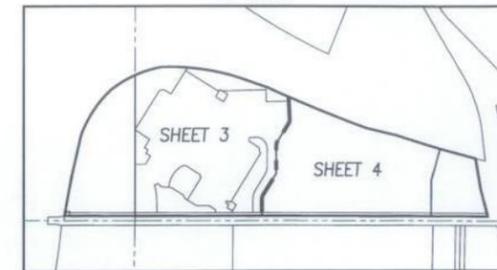
On the Mark Surveying, LLC
LB 7931
143 Meadow Boulevard
Sanford, Florida 32771
Ph: (321)626-6376
Email: OTMSurveying@gmail.com

MARDEN RIDGE

A PORTION OF LAND LYING WITHIN THE
NORTHEAST 1/4 OF IN SECTION 20 AND THE
SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP
21 SOUTH, RANGE 28 EAST,
CITY OF APOPKA, ORANGE COUNTY, FLORIDA.

TRACT TABLE			
TRACT	DESCRIPTION	AREA (ACRES)	OWNERSHIP
A	FUTURE COMMERCIAL	6.44	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
B	STORMWATER POND	1.35	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
C	MULTI-FAMILY SITE	12.97	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
D	STORMWATER POND	0.85	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
E	RECREATION/CLUBHOUSE	0.80	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
F	RECREATION/OPEN SPACE	1.08	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
G	LIFT STATION	0.05	CITY OF APOPKA
H	RECREATION/OPEN SPACE	0.86	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
I	RECREATION/TOT LOT	0.07	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
J	STORMWATER POND	0.20	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
K	FUTURE DEVELOPMENT	13.45	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
L	FUTURE DEVELOPMENT	2.64	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
M	RIGHT-OF-WAY DEDICATION	0.21	CITY OF APOPKA
N	RIGHT-OF-WAY DEDICATION	0.37	CITY OF APOPKA
O	RIGHT-OF-WAY DEDICATION	0.50	CITY OF APOPKA
P	RECREATION/OPEN SPACE	0.35	EMERSON POINT ASSOCIATION, LLLP AND ITS SUCCESSORS AND/OR ASSIGNS
Q	RIGHT-OF-WAY DEDICATION	0.16	CITY OF APOPKA

KEY MAP
NOT TO SCALE



On the Mark Surveying, LLC
LB 7931
143 Meadow Boulevard
Sanford, Florida 32771
Ph: (321)626-6376
Email: OTMSurveying@gmail.com

SHEET INDEX:

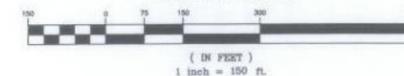
- SHEET 1 OF 4 - LEGAL DESCRIPTION, DEDICATION, SURVEYOR'S NOTES, LEGEND & VICINITY MAP
- SHEET 2 OF 4 - BOUNDARY
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NOTICE:

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GRAPHIC SCALE



Backup material for agenda item:

2. FINAL DEVELOPMENT PLAN – CELL TOWER - Ponkin Road Properties, LLC, c/o James L. Gissy, for property located south of West Ponkan Road, west of Plymouth Sorrento Road. (Parcel ID #: 25-20-27-0000-00-003)



CITY OF APOPKA PLANNING COMMISSION

PUBLIC HEARING
 SPECIAL REPORTS
 PLAT APPROVAL
 OTHER: Final Development Plan

Date: August 11, 2015
FROM: Community Development
EXHIBITS: Vicinity Map
Aerial Map
Signal Range Map
Site Plan

**SUBJECT: FINAL DEVELOPMENT PLAN - PONKAN ROAD CELL TOWER –
PONKIN ROAD PROPERTY, LLC.**

PARCEL ID NUMBER: 25-20-27-0000-00-003

**REQUESTS: RECOMMEND APPROVAL OF THE (MINOR) FINAL DEVELOPMENT
PLAN FOR THE PONKAN ROAD CELL TOWER OWNED BY PONKIN
ROAD PROPERTY, LLC**

SUMMARY:

OWNER: Ponkin Road Property, LLC
APPLICANT: GM2 Communications, LLC. c/o Michael Voll
ENGINEER: Avcon, Inc. c/o Donald C. Bieger, P.E.
LOCATION: 3320 West Ponkan Road
LAND USE: Residential Low Suburban (0-3.5 du/ac)
CURRENT ZONING: A-1/ZIP
PROPOSED ZONING: AG-E
EXISTING USE: Vacant Land
PROPOSED USE: Installation of a max. 150 foot high telecommunication monopole tower
TRACT SIZE: 7.28 +/- acres (Parent Parcel)
0.14 +/- acre (Tower Site)

DISTRIBUTION:

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

Finance Director
HR Director
IT Director
Police Chief

Public Ser. Director
City Clerk
Fire Chief

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural Settlement (1 du/10 ac)	A-1	Manufactured Homes
North (City)	Residential Low Suburban (3.5 du/ac)	ZIP	SFR
East (County)	Rural Settlement (1 du/10 ac)	A-1	Warehouse
South (County)	Rural Settlement (1 du/10 ac)	A-1	Vacant Land
West (City)	Residential Low Suburban (3.5 du/ac)	A-1/ZIP	Vacant Land

STAFF REPORT: The applicant is proposing a 150 foot tall monopole telecommunications tower located at the southwest end of parcel number 25-20-27-0000-00-003, as depicted in the Vicinity Map. The tower will allow for the future co-location of four (4) telecommunication users.

Staff has determined the following:

1. The proposed tower site complies with the distance separation requirements between other telecommunications towers. Based on location of existing towers, the nearest tower is 6,785 feet (1.285) miles from the proposed monopole site. City standards require a minimum distance of 1,500 (0.28 miles) linear feet between monopole towers.
2. The tower will accommodate up to four (4) telecommunication antennae.
3. Access to the property will occur through a cross-access easement agreement to Ponkan Road.

The parent parcel may experience future residential development either within its boundaries or at adjacent parcels.

Typically, the main issue associated with telecommunication towers is the separation distance from residential areas, particularly existing home and established neighborhoods. Based on the location of the proposed site for the telecommunications tower, the nearest existing residential neighborhood – Wekiva Run – more than 1700 feet to the southeast and situated on the east side of Plymouth Sorrento Road. Individual single family homes and mobile homes do occur on abutting parcels, the nearest single family home is approximately 428 feet from the tower site.

PARKING AND ACCESS: Access to the site is provided by a 20’ feet wide cross access easement agreement extending to Ponkan Road. Prior to any construction activities occurring on-site a copy of the recorded cross access agreement shall be filed with the Community Development Department. The site will include parking for service trucks.

STORMWATER: Stormwater run-off and drainage will be accommodated by on-site retention. The on-site stormwater management system is designed according to standards set forth in the Land Development Code

BUFFER: The applicant is requesting a waiver to eliminate the installation of the landscaping around the perimeter if the site.

TREE PROGRAM: The applicant has committed to pay \$10.00 per deficient tree inch (totaling \$1,090) 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:	356
Total number of specimen trees:	35
Total inches removed:	273
Total inches retained:	83
Total inches replaced:	0
Total inches (Post Development):	<u>83</u>
Tree inches mitigated:	190

WAIVER REQUEST:

Code of Ordinances, Chapter 75 – Telecommunications, Section 75-27.B.7 requires a landscape buffer around the perimeter of communication tower sites. The applicant is requesting not to install a landscape buffer around the perimeter of the site. The applicant’s justification is that the property will be adjacent to the proposed S.R. 429 extension and stormwater facilities. The other two sides are blocked from public view by several hundred feet of existing wooded conditions

DRC recommendation -- DRC supports this waiver request.

ORANGE COUNTY NOTIFICATION: The City notified Orange County on July 9, 2015. The City has not received any correspondence from Orange County.

DULY ADVERTISED:
July 24, 2015 – Public Notice and Notification

RECOMMENDATION:

The **Development Review Committee** recommends approval of the Ponkan Road Cell Tower – Ponkin Road Property, LLC, (Minor) Final Development Plan subject to the following conditions:

1. Prior to any construction activities occurring on-site a letter must be obtained from the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding wildlife management plan for the Gopher Tortoises.
2. Prior to any construction activities occurring on-site a copy of the recorded cross access agreement shall be filed with the Community Development Department.

Planning Commission Recommendation: The role of the Planning Commission is to approve, deny, or approve with conditions the Special Exception requests made by the Applicant.

Recommend approval of the Ponkan Road Cell Tower - Ponkin Road Property, LLC, Final Development Plan.

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



PONKAN ROAD CELL TOWER

Owner: Ponkin Road Property, LLC.

Applicant: GM2 Communications, LLC c/o Michael Voll

Engineer: Avcon, Inc. c/o Donald C. Bieger, P.E.

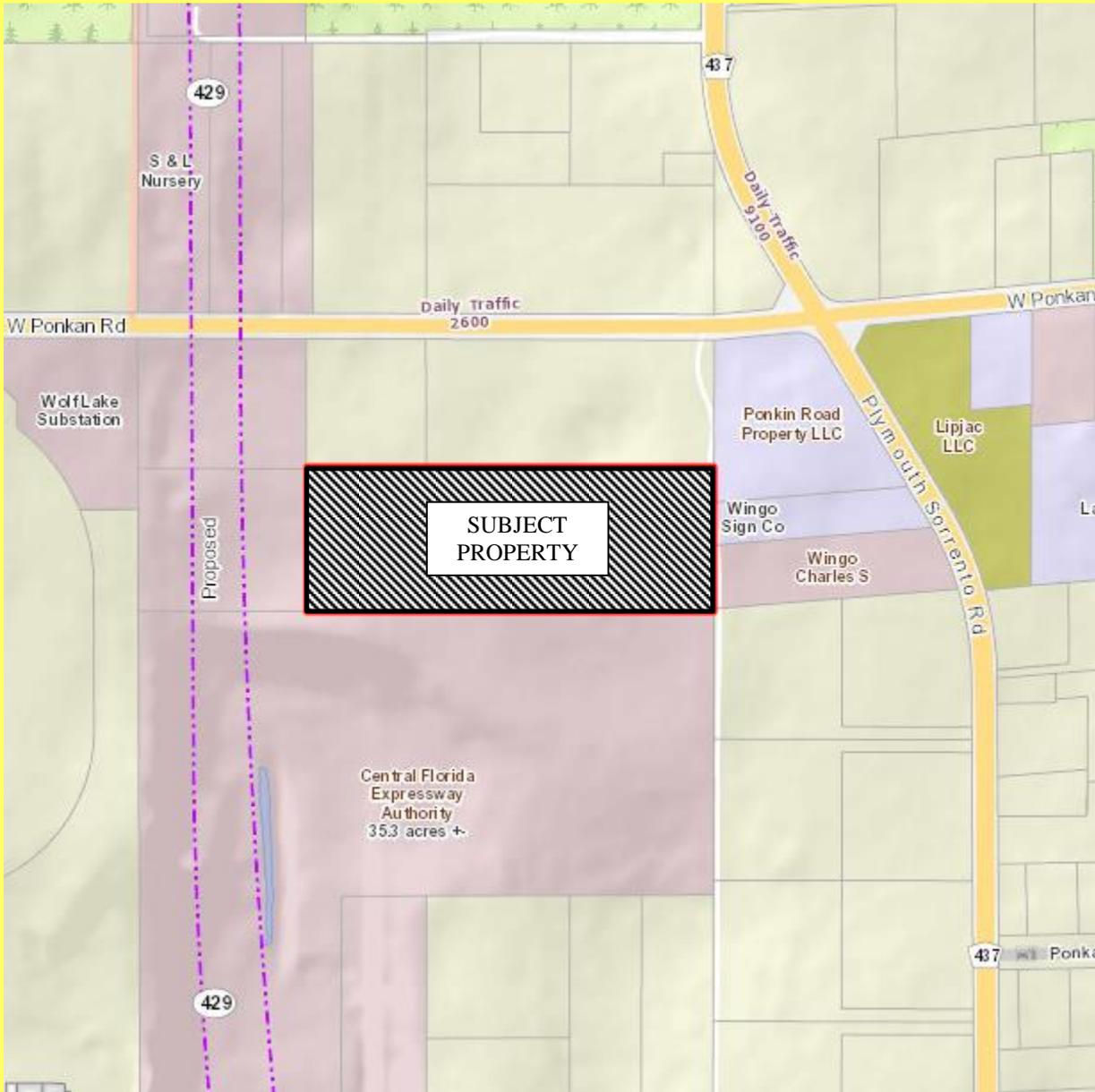
Proposed Tower Height: 150 feet

Proposed Tower Type: Monopole

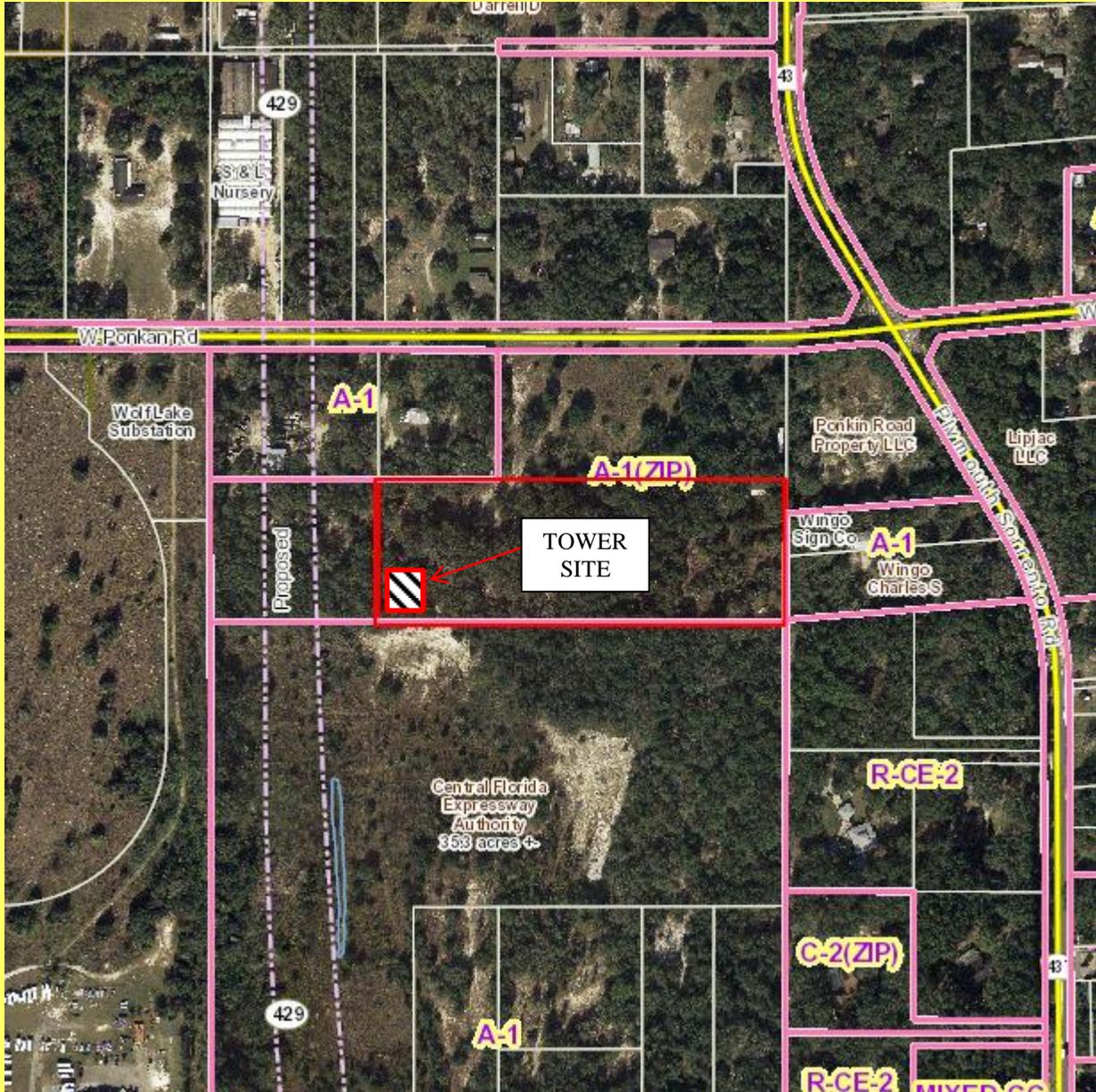
Parcel ID #: 25-20-27-0000-00-003

0.14 +/- acre

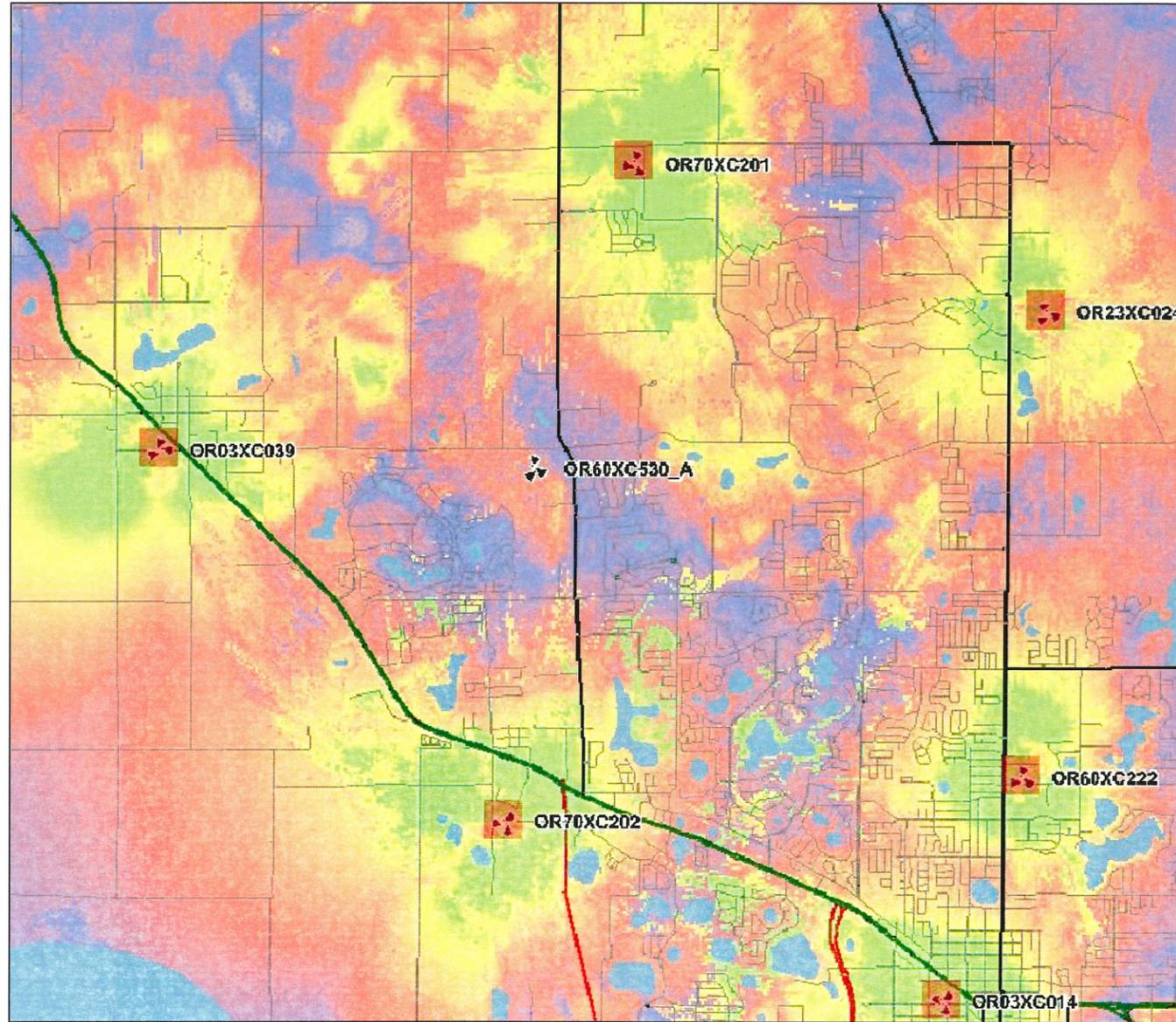
VICINITY MAP



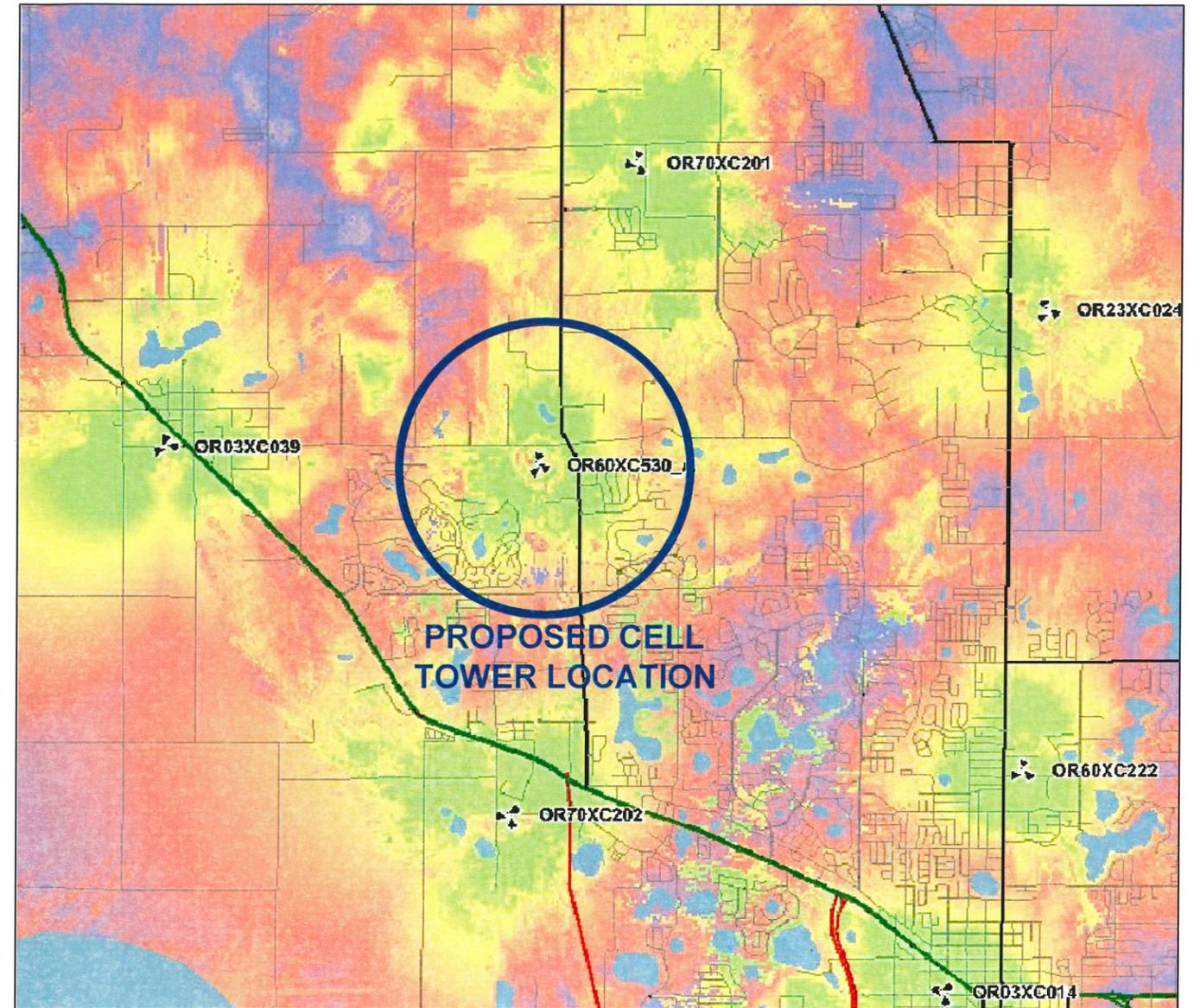
AERIAL MAP



L:\2015\2015.099.16 - Zellwood Cell Tower\CAD\Exhibits\EX-01 - Cell Tower Range.dwg Jun 09, 2015 - 2:09pm



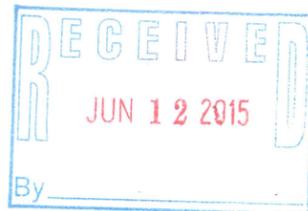
PONKAN ROAD "WITHOUT" SOLUTION



PONKAN ROAD "WITH" SOLUTION

LEGEND

	Value
	-120.00
	-104.47
	-95.87
	-87.17
	-74.97
	-69.97



AVCON, INC.
 ENGINEERS & PLANNERS
 5555 EAST MICHIGAN ST., SUITE 200 - ORLANDO, FL 32822
 OFFICE: (407) 599-1122 - FAX: (407) 599-1133
 CORPORATE CERTIFICATE OF AUTHORIZATION NO. 5057
 WWW.AVCONINC.COM

CELL TOWER SIGNAL RANGE

DATE: 06-09-15
 SOURCE: N/A
 SEC-TWP-RNG: 25-20-27
 AVCON PROJECT NO. 2015.099.17

EXHIBIT
 01

PONKAN ROAD CELL TOWER



**PONKIN ROAD PROPERTY, LLC.
APOPKA, FL
JUNE 08, 2015**

LEGAL DESCRIPTION

PARENT TRACK

THE S1/2 OF N1/2 OF NE1/4 OF NE1/4 SEC 25-20-27 (LESS COMM AT NE COR RUN S00-06-25W 663.89 FT TO PT ON S1/2 OF NE1/4 OF NE1/4 TH S89-59-56W 952.6 FT TO POB TH CONT S89-59-56W 393.39 FT TO PT ON W LINE OF E1/2 OF NE1/4 TH N00-11-22W 334.1 FT TO PT ON S LINE OF N1/2 OF NW1/4 OF NE1/4 OF NE1/4 TH S89-56-51E 394.23 FT TH S00-02-39E 333.73 FT TO POB PER 10780/6579)

LEASED AREA

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST.

TOGETHER WITH:

THE SOUTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST,

LESS: (PARCEL 153)

ALL THAT TRACT OR PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; BEING A PORTION OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND 1" IRON PIPE, NO IDENTIFICATION; THENCE SOUTH 00°08'25" WEST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, A DISTANCE OF 663.89 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°59'56" WEST ALONG SAID NORTH LINE, A DISTANCE OF 952.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°59'56" WEST ALONG SAID NORTH LINE, A DISTANCE OF 393.39 FEET TO A POINT, ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID NORTH LINE, RUN NORTH 00°11'22" WEST ALONG SAID WEST LINE, A DISTANCE OF 334.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°56'51" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 394.23 FEET TO A POINT; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 00°02'39" EAST, A DISTANCE OF 333.73 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW TO, FROM OR ACROSS ANY STATE ROAD 429 RIGHT OF WAY PROPERTY WHICH MAY OTHERWISE ACCRUE TO ANY PROPERTY ADJOINING SAID RIGHT OF WAY, CONTAINING 3.019 ACRES, MORE OR LESS.

OWNERS:

**PONKIN ROAD PROPERTY, LLC.
9259 POINT CYPRESS DRIVE
ORLANDO, FL. 32836**

APPLICANT

**GM2 COMMUNICATIONS, LLC.
MICHAEL VOLL
1130 BUSINESS CENTER DR
LAKE MARY, FL 32746
(407) 280-3787**

LOCATION MAP:



INDEX OF DRAWINGS

Sheet Number	Sheet Name
CS000	Cover Sheet
G001	General Notes
V100	Project Survey
C100	Demolition & Erosion Control Plan
C200	Overall Site Plan
C201	Site & Geometry Plan
C210	Turning Plan
C300	Grading & Drainage Plan
C500	Civil Details

PROJECT TEAM:

**CIVIL ENGINEER
AVCON, INC.
5555 EAST MICHIGAN STREET, SUITE 200
ORLANDO, FL 32822
(407) 599-1122**

**SURVEYOR
H&H SURVEY CONSULTANTS
5630 S. LAKE BURKETT LANE
WINTER PARK, FL 32792
(407) 637-5571**

**AVCON PROJECT NO. 2015.099.16
DATE 06-11-2015**

REVISIONS

NO.	DATE	DESCRIPTION	SHEETS
⚠	07-01-15	City of Apopka - Comments	
⚠	07-22-15	City of Apopka - Comments	



**AVCON, INC.
ENGINEERS & PLANNERS**

5555 EAST MICHIGAN ST., SUITE 200 - ORLANDO, FL. 32822
OFFICE: (407) 599-1122 - FAX: (407) 599-1133
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WWW.AVCONINC.COM

ENGINEER OF RECORD:

**DONALD BIEGER
FL P.E. #60857**

VARIANCE (V)/WAIVER (W) TABLE

CODE #	CODE REQUIREMENT	(V/W)	REQUEST	JUSTIFICATION
2.0218G		V	SETBACK REDUCTION (15' REDUCTION TO THE 50' SETBACK)	(1) TO MOVE TOWER AND EQUIPMENT FURTHER FROM EXISTING AND FUTURE RESIDENTIAL DEVELOPMENT AND (2) TO ALLOW MORE LAND AREA FOR FUTURE DEVELOPMENT OF THE EXISTING PARCEL.
CHAPTER 75 SECTION 75-27.B.7		W	ELIMINATE THE LANDSCAPE AND IRRIGATION REQUIREMENTS	THE PROPERTY IS ADJACENT TO MAJOR HWY AND STORM WATER FACILITIES. THE OTHER TWO SIDES ARE BLOCKED FROM PUBLIC VIEW BY SEVERAL HUNDRED FEET OF EXISTING WOODED CONDITIONS

NOTE: PRIOR TO ANY CONSTRUCTION ACTIVITIES OCCURRING ON SITE A LETTER MUST BE OBTAIN FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSIONER (FFWCC) REGARDING WILDLIFE MANAGEMENT PLAN FOR THE GOPHER TORTISES.

CONTRACTOR NOTES

- CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE RULES AND REGULATIONS AS SET FORTH BY THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA). CONTRACTOR FURTHER AGREES TO COMPLY WITH ALL STATE AND LOCAL LAWS AND REGULATIONS PERTAINING TO JOB SITE SAFETY.
- CONTRACTOR SHALL BE AWARE OF, AND FOLLOW, ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, ORDINANCES, BUILDING CODES, AND SAFETY CODES.
- CONTRACTOR SHALL OBTAIN, FROM THE OWNER, COPIES OF ALL PERMITS ISSUED BY THE GOVERNING AUTHORITIES FOR THIS PROJECT. CONTRACTOR SHALL ABIDE BY ALL TERMS, CONDITIONS, REQUIREMENTS, AND LIMITATIONS CONTAINED WITHIN SAID PERMITS. A COPY OF ALL PERMITS SHALL BE KEPT ONSITE AND AVAILABLE FOR REVIEW AT ANY TIME.
- CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION ACTIVITY FOR DIG PERMITS, ELECTRICAL PERMITS OR OTHER REQUIRED PERMITS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED CONSTRUCTION PERMITS PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES.
- THE LOCATION OF EXISTING UTILITY SERVICES AND SITE IMPROVEMENTS IS BASED ON THE BEST AVAILABLE DATA DURING THE DESIGN PHASE OF THIS PROJECT. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING TOPOGRAPHIC DATA, LOCATION OF EXISTING UTILITIES AND ALL OTHER SITE CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- THE CONTRACTOR IS ADVISED THAT UNCHARTED UTILITIES MAY BE FOUND TO EXIST WITHIN THE CONSTRUCTION AREA AND THAT CONSTRUCTION OPERATIONS SHOULD BE CONDUCTED WITH CAUTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL AREAS WITHIN THE PROJECT LIMITS UNTIL THE PROJECT IS ACCEPTED BY THE OWNER.
- ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL BE RETURNED TO ORIGINAL CONDITION OR BETTER.
- ALL WORK PERFORMED BY THE CONTRACTOR, OR THEIR DESIGNEES, SHALL BE IN REASONABLE CONFORMANCE WITH THE CONSTRUCTION DOCUMENTS.
- PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTRACTOR IS RESPONSIBLE FOR PRODUCING A MAINTENANCE OF TRAFFIC (M.O.T.) PLAN AND HAVING IT APPROVED BY ORANGE COUNTY FOR ANY LOCATIONS WHERE CONSTRUCTION CAUSES AN OBSTRUCTION TO THE NORMAL FLOW OF TRAFFIC OR POSES A THREAT, IN ANY WAY, TO THE WELL-BEING OF THE PUBLIC.
- CONTRACTOR IS RESPONSIBLE FOR FURNISHING AND MAINTAINING EVERYTHING REQUIRED TO EXECUTE THE M.O.T. PLAN.
- IF THE CONTRACTOR BELIEVES THAT THERE ARE ERRORS AND/OR OMISSIONS IN THE CONSTRUCTION DOCUMENTS, THEY SHALL CONTACT THE OWNER, OR OWNERS DESIGNEE, IMMEDIATELY.
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SURVEY MONUMENTATION. IF EXISTING SURVEY MONUMENTATION IS DISTURBED AS A RESULT OF CONSTRUCTION ACTIVITIES, IT SHALL BE RESTORED BY A LICENSED FLORIDA LAND SURVEYOR, SELECTED BY THE OWNER, AT THE CONTRACTOR'S EXPENSE.
- THE OWNER, OWNER'S REPRESENTATIVES AND GOVERNING AUTHORITIES HAVING JURISDICTION OVER THE PROJECT, SHALL BE GRANTED ACCESS TO THE SITE, BY THE CONTRACTOR, AT ANY TIME THROUGHOUT THE DURATION OF THE PROJECT. CONTRACTOR SHALL PROVIDE THE NECESSARY FACILITIES FOR SUCH ACCESS.
- CONTRACTOR SHALL ENSURE THAT THE SITE IS SECURE FROM UNAUTHORIZED ACCESS. MEASURES TAKEN MAY INCLUDE, BUT ARE NOT LIMITED TO, PERIMETER FENCING, SIGNAGE, AND/OR SECURITY GUARDS.
- UNTIL FINAL ACCEPTANCE BY THE OWNER, CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL COMPLETED WORK THAT MAY BE SUBJECT TO DAMAGE BY SUBSEQUENT CONSTRUCTION ACTIVITIES, INCLIMATE WEATHER, OR ANY OTHER CAUSE. ANY WORK THAT IS DAMAGED SHALL BE REPAIRED OR REPLACED PRIOR TO THE OWNER'S FINAL ACCEPTANCE, AT THE CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL NOT PERFORM ANY WORK LOCATED BEYOND THE LIMITS OF CONSTRUCTION AS REPRESENTED IN THE CONSTRUCTION DOCUMENTS.
- CONTRACTOR SHALL VERIFY ALL QUANTITIES AND/OR LENGTHS OF MATERIALS DEPICTED THROUGHOUT THE CONSTRUCTION DOCUMENTS. ALL QUANTITY AND LENGTH CALL-OUTS THROUGHOUT THE CONSTRUCTION DOCUMENTS ARE MERELY FOR REFERENCE AND SHALL NOT BE USED AS CONTRACTOR'S BASIS OF BIDDING THE PROJECT.
- IT IS THE ENGINEER'S INTENT TO HAVE CONSTRUCTED WHAT IS REPRESENTED ON THE ENGINEER'S PLANS. IF THE CONTRACTOR DISCOVERS A DISCREPANCY BETWEEN ANY CALL-OUT ON THE PLANS VERSUS WHAT IS SHOWN ON THE PLANS, IT SHOULD BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO BIDDING THE PROJECT. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR BEING FULLY RESPONSIBLE FOR ALL ERRORS AND NECESSARY CORRECTIONS THAT ARISE.
- WHEN BIDDING THE PROJECT, THE CONTRACTOR SHALL BID OFF-SITE WORK SEPARATELY FROM ON-SITE WORK. THE BID SHALL BE VERY CLEAR AS TO WHAT IS BEING BID AS OFF-SITE WORK AND WHAT IS BEING BID AS ON-SITE WORK AND SHALL INCLUDE PRICES AND QUANTITIES FOR EACH.
- CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR REVIEW BY THE ENGINEER PRIOR TO PROCUREMENT OF MATERIALS.
- CONTRACTOR SHALL SUBMIT COPIES OF ALL TESTING REPORTS TO THE OWNER AND ENGINEER FOR REVIEW PRIOR TO THE ENGINEER CERTIFICATION LETTERS AND ACCEPTANCE BY THE OWNER.

GENERAL NOTES

- PER THE FEMA FLOOD INSURANCE RATE MAPS (FIRM'S), THE SITE IS CLASSIFIED AS FLOOD ZONE X ON MAP PANEL NUMBER 12095C0110F, DATED SEPTEMBER 25, 2009.
- THE HORIZONTAL AND VERTICAL LAYOUT OF THIS PROJECT IS DESIGNED BASED ON THE BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY H&H SURVEY CONSULTANTS, DATED JUNE 11, 2015.
- THE VERTICAL DATUM FOR WHICH ALL ELEVATIONS ARE IN REFERENCE TO, UNLESS OTHERWISE NOTED, IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN A COPY OF THE PROJECT GEOTECHNICAL REPORT FROM THE PROJECT OWNER PRIOR TO COMMENCING WORK.
- THE SUBSURFACE INFORMATION CONTAINED IN THE GEOTECHNICAL REPORT WAS OBTAINED FOR DESIGN PURPOSES AND MAY NOT BE AN ACCURATE REPRESENTATION OF THE ACTUAL FIELD CONDITIONS. ALL INFORMATION IS SPECIFIC TO THE LOCATION OF THE BORING BEING REFERENCED.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MOST CURRENT VERSION OF THE FOLLOWING CODES, STANDARDS, AND SPECIFICATIONS, UNLESS SPECIFICALLY NOTED OTHERWISE WITHIN THIS PLAN SET:
 A. CITY OF APOPKA
 B. WATER MANAGEMENT DISTRICT
- IF ANY OF THE STANDARDS, SPECIFICATIONS, OR CODES ARE IN CONFLICT WITH EACH OTHER OR IN CONFLICT WITH THE DESIGN AS DEPICTED WITHIN THIS PLAN SET, THE ENGINEER OF RECORD SHALL BE NOTIFIED IMMEDIATELY. THE MORE STRINGENT CRITERIA SHALL BE FOLLOWED AT THE DISCRETION OF THE ENGINEER OF RECORD.
- THE BOUNDARY & TOPOGRAPHIC SURVEY, GEOTECHNICAL REPORT, ALL STANDARDS & SPECIFICATIONS LISTED HEREIN, AND ALL PLAN SHEETS PREPARED BY AVCON, INC., ARE HEREBY INCORPORATED AS THE "COMPLETE CIVIL ENGINEERING CONSTRUCTION DOCUMENTS", HERINAFTER REFERRED TO AS "CONSTRUCTION DOCUMENTS".
- IF ANY ITEMS ARE DISCOVERED WITHIN THE CONSTRUCTION LIMITS THAT APPEAR TO BE HISTORICAL OR ARCHEOLOGICAL ARTIFACTS, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, ENGINEER OF RECORD, AND THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, BUREAU OF HISTORIC PRESERVATION.

SITE DATA	
PARCEL ID#	25-20-27-0000-00-030 & 25-20-27-0000-00-003
OWNER	PONKIN ROAD PROPERTY, LLC.
PROPERTY ADDRESS	3320 W. PONKAN ROAD, APOPKA, FL 32712
MUNICIPALITY	APOPKA, FL
FUTURE LAND USE	RESIDENTIAL LOW SUBURBAN
CURRENT ZONING	A-1
PROPOSED ZONING	AG-E
ADJACENT LAND USE:	NORTH: RESIDENTIAL LOW SUBURBAN - RURAL EAST: RESIDENTIAL LOW SUBURBAN - RURAL SOUTH: RURAL WEST: RESIDENTIAL LOW SUBURBAN - ROW FOR SR-429
ADJACENT ZONING	NORTH: A-1/AG-E; EAST: A-1/AG-E; SOUTH: A-1 EXPRESSWAY; WEST: S: A-1 EXPRESSWAY
SQUARE FOOTAGE/ACREAGE:	317,117 SF - 7.28 A.C.
CELL TOWER SITE AREA	80'X80' = 6,400 S.F. ~ 0.14 AC.
BUILDING HEIGHT	N/A
DENSITY	PROPOSED: _____ MAX.: _____
BUILDING SETBACK	NORTH - 100'
	EAST - 100'
	SOUTH - 35'
	WEST - 35'
FEMA FLOOD ZONE DESIGNATION:	ZONE "X"
SEPARATION REQUIREMENT	200' OR 300% OF THE HEIGHT OF THE TOWER FROM A SINGLE FAMILY OR DUPLEX RESIDENTIAL IN RESIDENTIAL ZONED LANDS (RC-E-2 OVER 1,000' TO THE EAST)
TREE BANK MITIGATION FEE	\$1,090 (\$10 PER INCHES NOT REPLACED)
TOWER HEIGHT	PROPOSED: 150' MAX.: 150'
PARKING SPACES	PROPOSED: 1 REQUIRED: 1
NUMBER OF EMPLOYEES	N/A
AG-E REQUIREMENTS	FRONT: 45'; SIDE: 35'; REAR: 50'; CORNER: 35'
WAIVER REQUEST	YES: X NO: _____
VARIANCE REQUEST	YES: X NO: _____

CLOSEST CELL TOWER

THE CLOSEST TOWER TO OUR SITE IS 1.285 MILES TO THE NORTHWEST. IT IS A CROWN CASTLE OWNED, 199' (ACCORDING TO FAA APPLICATION) MONOPOLE THAT APPEARS TO HAVE BEEN BUILT IN 2000. THE PARCEL IT IS LOCATED ON (272023000000039) IS A 103.68 ACRE PARCEL THAT IS ZONED A-1 AND IS OWNED BY THE NORTHWEST ORANGE COUNTY IMPROVEMENT ASSOCIATION, INC. THERE IS ONE ARRAY ON THIS TOWER AND IT IS AT&T.

TREE DATA

- * TOTAL INCHES ON-SITE: 356 INCHES
- * TOTAL NUMBER OF SPECIMEN TREES: 35
- * TOTAL INCHES REMOVED: 273 INCHES
- * TOTAL INCHES RETAINED: 83 INCHES
- * TOTAL SPECIMEN INCHES RETAINED: 83 INCHES
- * TOTAL INCHES REQUIRED: 264 INCHES
- * TOTAL INCHES REPLACED: 0 THE AMOUNT OF EXISTING TREES ON SITE SHOULD ALLOW FOR NO ADDITIONAL TREE PLANTINGS
- * TOTAL INCHES POST DEVELOPMENT: _____
- * MAXIMUM TREE STOCK FORMULA AND CALCULATIONS _____
- * SITE CLEARING AREA IN SQUARE FEET AND ACRES 23,897.4 SF/0.549 ACRES.

GM2 COMMUNICATIONS, LLC.



AVCON, INC.
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5555 S. MICHIGAN ST., SUITE 200 - ORLANDO, FL 32822-2779
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CORPORATE CERTIFICATE OF AUTHORIZATION NUMBER: 5057
www.avconinc.com

DONALD BIEGER
P.E. #60857

PONKAN ROAD CELL TOWER

CELL TOWER

GENERAL NOTES

ATTENTION:
THIS DOCUMENT CONTAINS PRIVILEGED AND PROPRIETARY INFORMATION, ALL OF WHICH IS EXPRESSLY PROVIDED BY AVCON, INC. FOR USE BY THE INTRODUCED RECIPIENT, AND FOR A SPECIFIC PURPOSE. WITHOUT THE EXPRESS WRITTEN CONSENT OF AVCON, INC., ANY DISTRIBUTION, REPRODUCTION, OR OTHER USE OF THIS DOCUMENT, IN WHOLE OR IN PART, IS STRICTLY PROHIBITED.

SCALE: AS NOTED

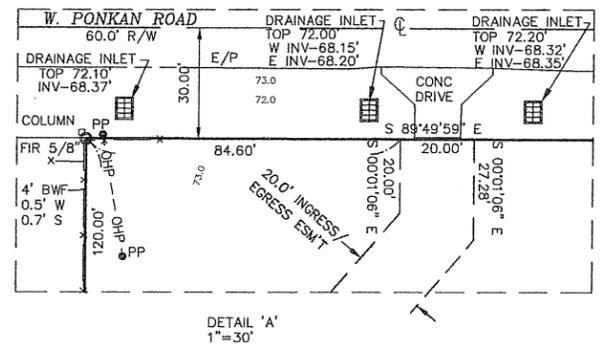
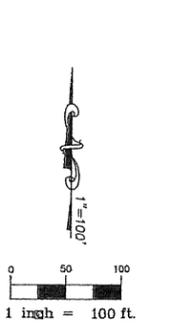
REVISIONS:		
NO.	DATE	DESCRIPTION
1	07/01/15	DB CITY OF APOPKA - COMMENTS
2	07/22/15	DB CITY OF APOPKA - COMMENTS

DESIGNED BY: DB
 DRAWN BY: CFS
 CHECKED BY: DB
 APPROVED BY: DB
 DATE: 06-04-15

AVCON PROJECT No. 2015.099.16

SHEET NUMBER

G001



LEGEND & ABBREVIATIONS

FND	= FOUND
FIR	= FOUND IRON ROD
FIP	= FOUND IRON PIPE
N/D	= NAIL & DISK
CMON	= CONCRETE MONUMENT
CCR	= CERTIFIED CORNER RECORD
PSM	= PROFESSIONAL SURVEYOR & MAPPER
LB	= LICENSED BUSINESS
ESM'T	= EASEMENT
FPC	= FLORIDA POWER CORPORATION
R/W	= RIGHT OF WAY
E/P	= EDGE OF PAVEMENT
(D)	= DEED DISTANCE
(C)	= CALCULATED DISTANCE
(M)	= MEASURED DISTANCE
PP	= POWER POLE
OR	= OFFICIAL RECORDS (BOOK)
PG	= PAGE
OHP	= OVERHEAD POWER LINES
HWF	= HOG WIRE FENCE
BWF	= BARBED WIRE FENCE

SURVEYOR'S NOTES:

1. THE LEGAL DESCRIPTION WAS TAKEN FROM THE LAST DEED OF RECORD, RECORDED IN OFFICIAL RECORDS BOOK 8369, PAGE 2682 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THE LESS OUT FROM THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10780, PAGE 6579 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
2. BASIS OF BEARING - THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS BEING NORTH 89°49'59" WEST.
3. DATE OF LAST FIELD SURVEY: JUNE 9, 2015.
4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
5. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING BUILDING TIES.
6. PROPERTY ADDRESS: 3100 & 3320 W. PONKAN ROAD, APOPKA FLORIDA.
7. BASED UPON MY REVIEW OF THE "FLOOD INSURANCE RATE MAP" OF ORANGE COUNTY, FLORIDA, COMMUNITY PANEL NO. 12095C0110F, EFFECTIVE DATE SEPTEMBER 25, 2009, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X", DEFINED AS AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL FLOOD CHANCE FLOODPLAIN.
8. SURVEY FILE NUMBER: 15-05-017.
9. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), AND MORE SPECIFICALLY TO ORANGE COUNTY BENCHMARK S1302044, A SQUARE CUT IN C/L CONCRETE, H/W NORTH SIDE PONKAN RD. AT ADDRESS # 2823 HAVING AN ELEVATION OF 95.874 FEET AND ORANGE COUNTY BENCHMARK S1374010 A RAILROAD SPIKE IN N. FACE OF P.P. # 790058; ON S.E. CORNER OF PLYMOUTH SORRENTO RD. AND PONKAN PINES RD. HAVING AN ELEVATION OF 71.448 FEET.

LEGAL DESCRIPTION:

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST.

TOGETHER WITH:
THE SOUTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST,

LESS: (PARCEL 153)
ALL THAT TRACT OR PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; BEING A PORTION OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND 1" IRON PIPE, NO IDENTIFICATION; THENCE SOUTH 00°06'25" WEST ALONG THE EAST LINE .OF THE NORTHEAST 1/4 OF SAID SECTION 25, A DISTANCE OF 663.89 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°59'56" WEST ALONG SAID NORTH LINE, A DISTANCE OF 952.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°59'56" WEST ALONG SAID NORTH LINE, A DISTANCE OF 393.39 FEET TO A POINT. ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID NORTH LINE, RUN NORTH 00°11'22" WEST ALONG SAID WEST LINE, A DISTANCE OF 334.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°56'51" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 393.39 FEET TO A POINT; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 00°02'39" EAST, A DISTANCE OF 333.73 FEET TO THE POINT OF BEGINNING. TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW TO, FROM OR ACROSS ANY STATE ROAD 429 RIGHT OF WAY PROPERTY WHICH MAY OTHERWISE ACCRUE TO ANY PROPERTY ADJOINING SAID RIGHT OF WAY. CONTAINING 3.019 ACRES, MORE OR LESS.

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 427.027 FLORIDA STATUTES.

FAUN M. HOFFMEIER, P.S.M. LS 6552
H&H SURVEY CONSULTANTS, LLC LB 7821
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR
DATE OF SURVEY: JUNE 11, 2014

V100

GENERAL EROSION AND SEDIMENT CONTROL NOTES:

- AN EROSION CONTROL PLAN SHALL BE PREPARED BY THE CONTRACTOR AND APPROVED BY VOLUSIA COUNTY PRIOR TO SCHEDULING OF PRE-CONSTRUCTION CONFERENCE. THE CONTRACTOR SHALL EXECUTE ALL MEASURES NECESSARY TO LIMIT THE TRANSPORT OF SEDIMENTS OUTSIDE THE LIMITS OF THE PROJECT TO THE VOLUME AND AMOUNT AS ARE EXISTING PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THIS CONDITION WILL BE SATISFIED FOR THE TOTAL ANTICIPATED CONSTRUCTION PERIOD. PROVISION MUST BE MADE TO PRESERVE THE INTEGRITY AND CAPACITY OF CHECK WEIRS, SEDIMENTS BASINS, SLOPE DRAINS, GRADING PATTERNS, ETC. REQUIRED TO MEET THIS PROVISION THROUGHOUT THE LIFE OF THE CONSTRUCTION. CONTRACTOR SHALL PROVIDE SYNTHETIC HAY BALES, TEMPORARY GRASSING ETC. AS REQUIRED TO FULLY COMPLY WITH THE INTENT OF THIS SPECIFICATION.
- STOCKPILING MATERIAL:**
NO EXCAVATED MATERIAL SHALL BE STOCKPILED IN SUCH A MANNER AS TO DRAIN DIRECTLY OFF THE PROJECT SITE OR INTO ANY ADJACENT WATER BODY OR STORMWATER COLLECTION FACILITY.
 - EXPOSED MATERIAL:**
THE SURFACE AREA OF OPEN, RAW ERODIBLE SOIL EXPOSED BY CLEARING AND GRUBBING, OPERATIONS OR EXCAVATION AND FILLING OPERATIONS SHALL NOT EXCEED 40 ACRES SO LONG AS THIS OPERATION WILL NOT SIGNIFICANTLY AFFECT OFF-SITE DEPOSIT OF SEDIMENTS.
 - INLET PROTECTION:**
THE CONSTRUCTION OF SWALES AND THE STORMWATER COLLECTION SYSTEM SHALL BE PERFORMED PRIOR TO CONSTRUCTION OF IMPERVIOUS AREAS. INLETS AND CATCH BASINS SHALL BE PROTECTED FROM SEDIMENT LADEN STORM RUNOFF UNTIL THE COMPLETION OF ALL CONSTRUCTION OPERATIONS THAT MAY CONTRIBUTE SEDIMENT TO THE INLET.
 - TEMPORARY SEEDING:**
AREAS OPENED BY CONSTRUCTION OPERATIONS AND THAT ARE NOT ANTICIPATED TO BE DRESSED AND RECEIVE FINAL GRASSING TREATMENT WITHIN SEVEN DAYS, SHALL BE SEEDED WITH A QUICK GROWING GRASS SPECIES WHICH WILL PROVIDE AN EARLY COVER DURING THE SEASON IN WHICH IT IS PLANTED AND WILL NOT LATER COMPETE WITH THE PERMANENT GRASSING. THE RATE OF SEEDING SHALL BE AS RECOMMENDED BY THE MANUFACTURER.
 - TEMPORARY GRASSING:**
SLOPES STEEPER THAN 6:1 THAT FALL WITHIN THE CATEGORY ESTABLISHED IN 4 ABOVE, SHALL ADDITIONALLY RECEIVE MULCHING OF APPROXIMATELY 2 INCHES LOOSE MEASURE OF MULCH MATERIAL CUT INTO THE SOIL OF THE SEEDED AREA TO A DEPTH OF FOUR INCHES.
 - TEMPORARY GRASSING:**
THE SEEDED OR SEEDED AND MULCHED AREA(S) SHALL BE ROLLED AND WATERED AS REQUIRED TO ASSURE OPTIMUM GROWING CONDITIONS FOR COVER.
 - TEMPORARY RE-GRASSING:**
IF AFTER FOURTEEN DAYS, THE TEMPORARY GRASSED AREAS HAVE NOT ATTAINED A MINIMUM OF 75% COVERAGE, AREAS WILL BE REWORKED AND ADDITIONAL SEED APPLIED SUFFICIENT TO ESTABLISH THE DESIRED VEGETATION COVER.
 - MAINTENANCE:**
ALL FEATURES OF THE PROJECT WILL BE CONSTRUCTED TO PREVENT EROSION AND SEDIMENT AND SHALL BE MAINTAINED DURING THE LIFE OF THE CONSTRUCTION SO AS TO FUNCTION PROPERLY WITHOUT THE TRANSPORT OF SEDIMENTS OUTSIDE THE LIMITS OF THE PROJECT.
 - DUST ABATEMENT:**
DUST SHALL BE CONTROLLED WITH USE OF WATER AND CALCIUM CHLORIDE.
 - STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE, BUT IN NO CASE MORE THAN SEVEN DAY, IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED.**

EROSION CONTROL NOTES:

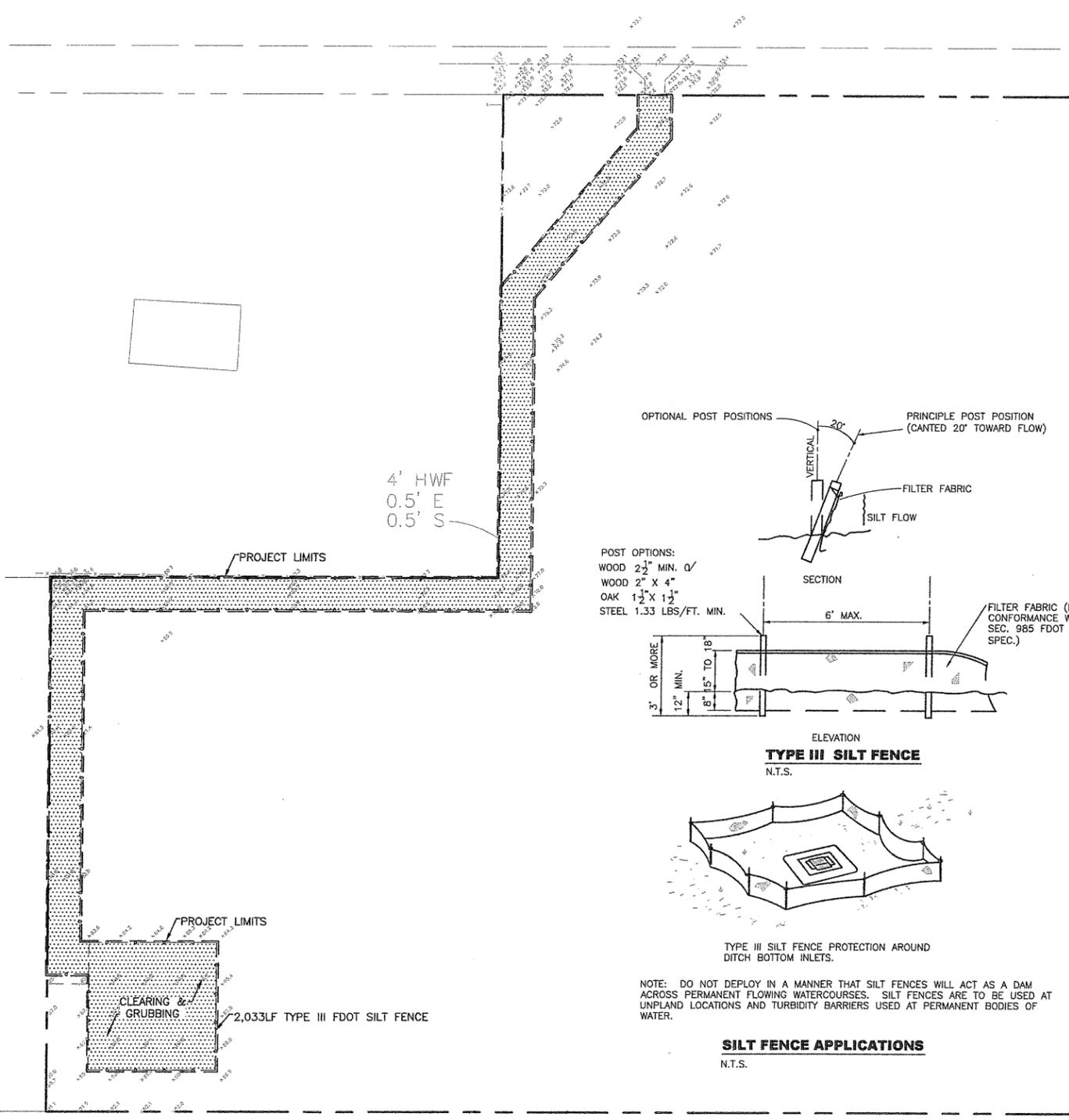
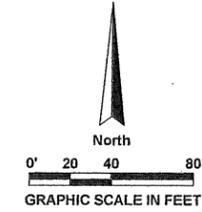
- THE CONSTRUCTION OF SWALES AND THE STORM SEWER SYSTEM SHALL BE PERFORMED PRIOR TO CONSTRUCTION OF IMPERVIOUS AREAS.
- INLET OPENINGS SHALL BE COVERED WITH FILTER FABRIC OR SURROUNDED BY SYNTHETIC HAY BALES.
- THE CONTRACTOR SHALL MINIMIZE THE AERIAL EXTENT OF EXPOSED EARTH AT ONE TIME DURING CONSTRUCTION AND UTILIZE WATERING TRUCKS TO WET THE EARTH DURING DRY MONTHS TO MINIMIZE EROSION DUE TO WIND.
- SILT FENCE MUST REMAIN IN PLACE AND BE MAINTAINED IN GOOD CONDITION AT ALL LOCATIONS SHOWN UNTIL CONSTRUCTION IS COMPLETE, SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED.
- THE EROSION CONTROL MEASURES SHOWN HEREON ARE INTENDED AS MINIMUM STANDARDS. ANY EROSION CONTROL REQUIRED BEYOND THAT SPECIFIED SHALL BE CONSIDERED AS INCLUDED WITHIN THIS CONTRACT.
- ALL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TO THE LOCAL WATER MANAGEMENT DISTRICT AND FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION STANDARDS.
- EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR TO, OR AS THE FIRST STEP IN CONSTRUCTION. SEDIMENT CONTROL PRACTICES WILL BE APPLIED AS A PERIMETER DEFENSE AGAINST ANY TRANSPORTATION OF SILT OFF THE SITE.
- SEDIMENT MATERIALS FROM WORK ON THIS PROJECT SHALL BE CONTAINED AND NOT ALLOWED TO COLLECT ON ANY OFF-PERIMETER AREAS OR IN WATERWAYS. THESE INCLUDE BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES, AND PONDS.
- DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE THE EFFECTIVENESS OF EROSION/SEDIMENT CONTROL EFFORTS. ANY NECESSARY REMEDIES SHALL BE PERFORMED WITHOUT DELAY.
- ALL MUD, DIRT OR OTHER MATERIALS TRACKED OR SPILLED ONTO EXISTING PUBLIC ROADS AND FACILITIES, DUE TO CONSTRUCTION SHALL BE PROMPTLY REMOVED AND NOT ALLOWED TO REMAIN ON THE ROADWAY OVERNIGHT BY THE CONTRACTOR.
- ALL PERMANENT SOIL EROSION CONTROL MEASURES FOR ALL SLOPES, CHANNELS, AND ANY DISTURBED LAND AREAS SHALL BE COMPLETED WITHIN 7 CALENDAR DAYS AFTER FINAL GRADING. ALL TEMPORARY PROTECTION SHALL BE MAINTAINED UNTIL PERMANENT MEASURES ARE IN PLACE AND ESTABLISHED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR:
 - PREPARING FDEP NOTICE OF INTENT APPLICATIONS. (NOI & NOT)
 - FDEP NOTICE OF INTENT APPLICATION FEES.
 - PREPARING THE FDEP STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
 - SUBMITAL OF THE FDEP NOTICE OF INTENTS APPLICATIONS (NOI & NOT)
- THE SUBMITAL OF THE FDEP NOI MUST BE DONE PRIOR TO COMMENCING WORK FOR THIS PROJECT.
- PRIOR TO EARTH WORK OR CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE A COPY OF THE COMPLETED FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NPDES NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGE FROM CONSTRUCTION ACTIVITIES TO THE ENGINEER OF RECORD.
- THE CONTRACTOR SHALL OBTAIN WATER MANAGEMENT DISTRICT PERMITS PRIOR TO COMMENCING WORK FOR THIS PROJECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL DEWATERING PERMITS.
- UPON COMPLETION OF CONSTRUCTION ALL DISTURBED AREAS, AS A MINIMUM, SHALL BE SEEDED AND MULCHED AND COMPACTED EQUIVALENT TO THAT OF NATIVE SURROUNDING EARTH.

SEDIMENT CONTROL NOTES:

- ALL SEDIMENT CONTROL MEASURES SHOWN ON THESE PLANS SHALL BE ADJUSTED TO MEET FIELD CONDITIONS AT THE TIME OF CONSTRUCTION AND SHALL BE CONSTRUCTED PRIOR TO ANY GRADING OR DISTURBANCE OR EXISTING SURFACE MATERIAL ON THE BALANCE OF THE SITE.
- PERIODIC INSPECTION AND MAINTENANCE OF ALL SEDIMENT CONTROL DEVICES SHALL BE PROVIDED TO INSURE INTENDED PURPOSE IS ACCOMPLISHED.
- ALL TEMPORARY EARTH BERMS AND DIVERSIONS SHALL BE MACHINE COMPACTED, SEEDED, AND MULCHED FOR TEMPORARY VEGETATIVE COVER WITHIN 10 DAYS AFTER GRADING.
- CONSTRUCTED BERMS, DIKES, ETC., SHALL BE COMPACTED BY SEVERAL PASSES WITH CONSTRUCTION EQUIPMENT (BULLDOZER, BACKHOE, OR OTHER HEAVY EQUIPMENT, OR BY USE OF A SUITABLE ROLLER).
- AFTER ANY SIGNIFICANT RAINFALL, SEDIMENT CONTROL STRUCTURES SHALL BE INSPECTED FOR INTEGRITY, ANY DAMAGED DEVICES SHALL BE CORRECTED IMMEDIATELY.
- THE IN PLACE SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED ON A CONTINUING BASIS UNTIL THE SITE IS PERMANENTLY STABILIZED AND ALL PERMIT REQUIREMENTS ARE MET.

DEMOLITION NOTES:

- CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION ACTIVITY FOR DIG PERMITS, ELECTRICAL PERMITS OR OTHER PERMITS AS APPLICABLE. CONTRACTOR IS TO COORDINATE FULLY WITH UTILITY COMPANIES ON EXACT LOCATION OF UNDERGROUND UTILITIES PRIOR TO EXCAVATION.
- ALL DEBRIS AND WASTE MATERIALS GENERATED BY DEMOLITION OR SUBSEQUENT CONSTRUCTION ACTIVITIES SHALL BE DISPOSED OFF-SITE IN A LEGAL MANNER AT AN APPROVED DISPOSAL FACILITY. THE CONTRACTOR SHALL OBTAIN ANY AND ALL PERMITS REQUIRED FOR DEMOLITION, CONSTRUCTION WORK AND HAULING WASTE MATERIAL. ALL ASSOCIATED COSTS AND PERMIT FEES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ASPHALT RESURFACING TO ALL EXISTING ROADS WHICH ARE SAW-CUT OR DAMAGED DURING CONSTRUCTION. ALL REPAIRS TO BE MADE IN ACCORDANCE WITH FDOT REQUIREMENTS.
- ANY ENCOUNTERED CONTAMINATED MATERIALS SHALL BE DISPOSED OF IN A MANNER APPROVED BY THE ENGINEER IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS.
- THE CONTRACTOR IS ADVISED THAT UNCHARTED UTILITIES MAY BE FOUND TO EXIST WITHIN THE CONSTRUCTION AREA AND THAT CONSTRUCTION OPERATIONS SHOULD BE CONDUCTED WITH CAUTION.
- ANY MISCELLANEOUS GARBAGE, YARD WASTE AND CONSTRUCTION DEBRIS PRESENTLY ON-SITE DUE TO ILLEGAL DUMPING SHALL BE DISPOSED OF OFF-SITE ACCORDING TO THE SOLID WASTE AND HAZARDOUS WASTE REGULATIONS. USE CAUTION IF ANY HAZARDOUS WASTE IS PRESENT.
- EXISTING IRRIGATION SYSTEMS ADJACENT TO CONSTRUCTION ACTIVITIES SHALL BE PROTECTED. ANY IRRIGATION SYSTEM COMPONENTS REMOVED DUE TO CONSTRUCTION ACTIVITIES SHALL BE RESTORED AS QUICKLY AS POSSIBLE.



GM2 COMMUNICATIONS, LLC.



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DONALD BIEGER
 P.E. #60857

PONKAN ROAD CELL TOWER

CELL TOWER

DEMOLITION & EROSION CONTROL PLAN

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DRAWN BY: CFS
CHECKED BY: DB
APPROVED BY: DB
DATE: 06-04-15

AVCON PROJECT No. 2015.099.16

SHEET NUMBER

C100

LINE NE 1/4, SECTION 25-20-27

W. PONKAN ROAD

EXISTING CONCRETE DRIVEWAY

N89°49'59"W(M)

NE CORN
SEC 25-
FIP 1"
CCR #47E

674.33'(M)

N89°49'59"W(M)

SIR 5/8"
"LB 7821"

S'LY R/W LINE

SEE DETAIL 'A'

PROPOSED CELL TOWER ACCESS TO
MATCH EXISTING CONCRETE DRIVEWAY

ZONING A-1

-20-27-0000-00-002

EXISTING
HOUSE

PARCEL ID#25-20-27-0000-00-030

N 1/2, NE 1/4, NE 1/4, NE 1/4
SEC 25-20-27

300°01'06"E(M)
302.58'(M)

195.26'
S00°01'06"E

20.0' INGRESS/EGRESS ESM'T

4' HWF
0.5' E
0.5' S

SOUTH LINE N 1/2, NE 1/4, NE 1/4, NE 1/4

1/4, NE 1/4

FIR 5/8"
"FDOT"

N89°57'29"W(M)
279.44'(M)

279.45' N 89°57'29" W

20.0' INGRESS/EGRESS ESM'T

57°29"E(M)
56°51"E(D)

S00°05'23"W(M)
S00°06'25"W(D)

PAI

DONALD BIEGER
P.E. #60857

PONKAN ROAD
CELL TOWER

CELL TOWER

OVERALL SITE
PLAN

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△	07/22/15	DB	CITY OF APOPKA - COMMENTS

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 APPROVED BY: DB
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AVCON PROJECT No. 2015.099.16

SHEET NUMBER

C200

00-00-038

CENTRAL FLORIDA
EXPRESSWAY AUTHORITY
LANDS

S00°02'39"E(D)
333.73'(D)
S00°00'20"E(M)
334.21'(M)

N00°00'20"W
234.22'
428.08'

80°00'20"W
80.00'

80°00'20"W
80.00'

80°00'20"W
80.00'

80°00'20"W
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80.00'

80°00'20"W
80.00'

80°00'20"W
80.00'

PARCEL ID#25-20-27-0000-00-003

S 1/2, N 1/2, NE 1/4, NE 1/4
SEC 25-20-27
LESS PARCEL 153

NORTH LINE S 1/2, NE 1/4, NE 1/4

952.64'(M)
952.60'(D)

S89°56'16"E(M)
S89°59'56"W(D)

59°56'W(D)
56°16'W(M)

SIR 5/8"
"LB 7821"

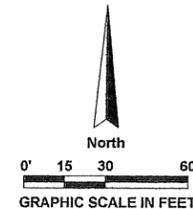
150.00'

PARCEL ID#25-20-27-0000-00-039

CENTRAL FLORIDA
EXPRESSWAY AUTHORITY
LANDS

△

NOTE:
PRIOR TO ANY CONSTRUCTION ACTIVITIES OCCURRING ON-SITE A COPY OF
THE RECORDED CROSS ACCESS AGREEMENT SHALL BE FILED WITH THE
CITY OF APOPKA COMMUNITY DEVELOPMENT DEPARTMENT.



EAST LINE NE 1/4

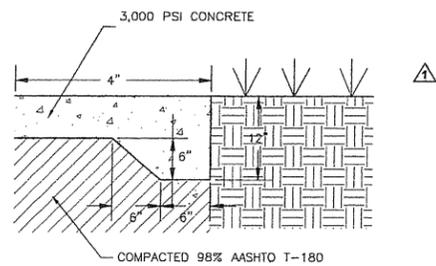
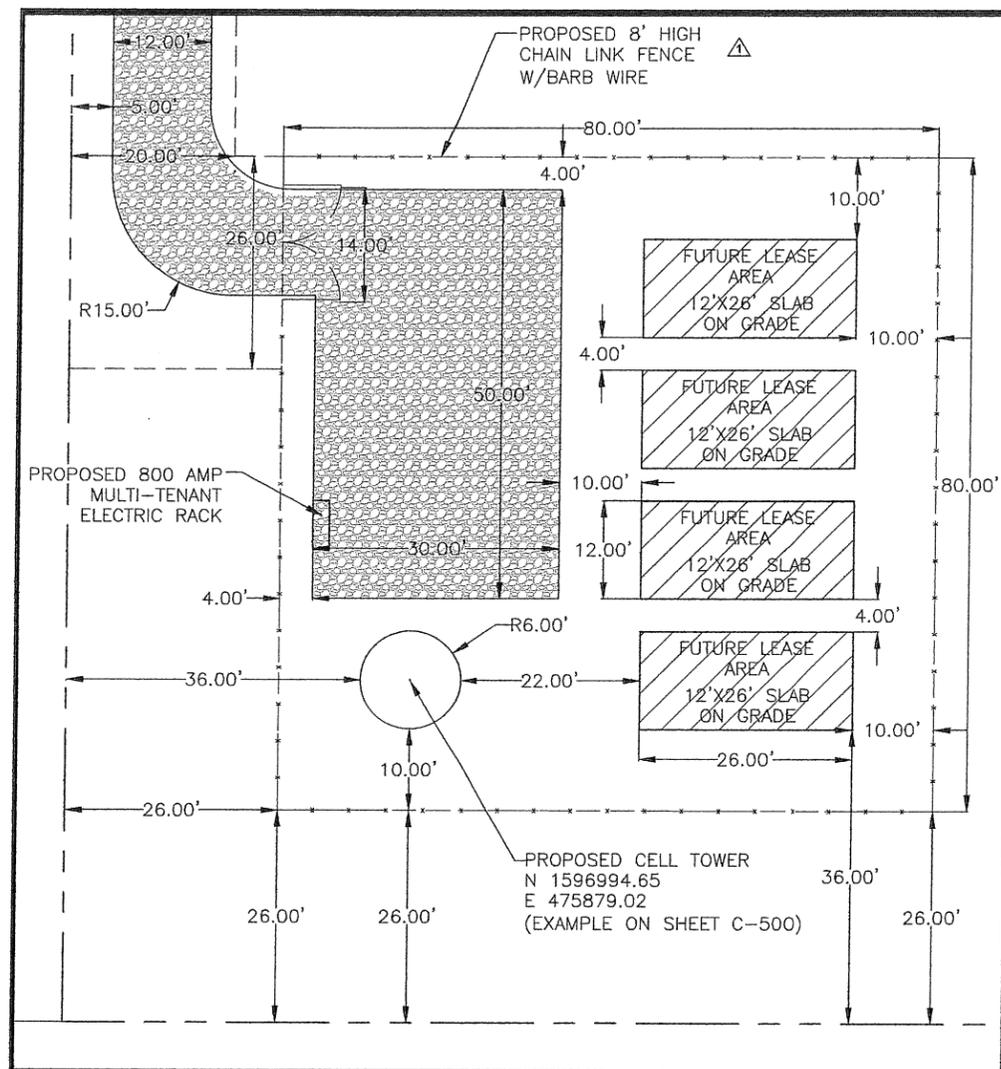
635.66'(M)
663.89'(D)

PARC

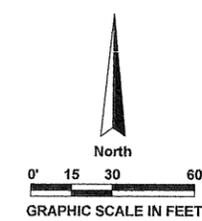
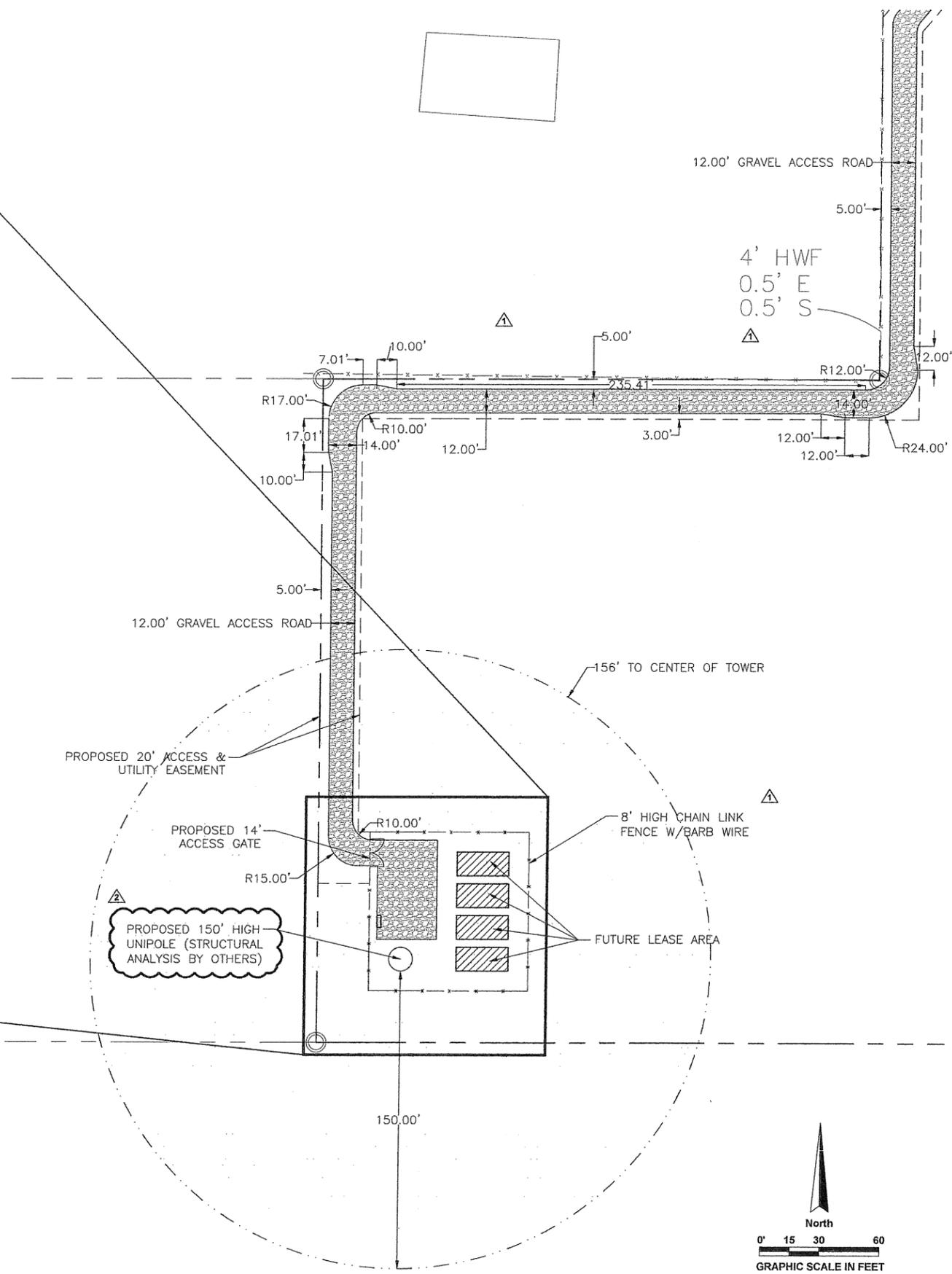
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S00°05'23"W(M)
1996.72'

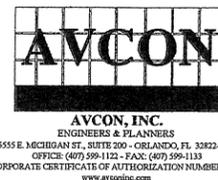
PROJECT SITE DETAIL
SCALE 1"=10'



CONCRETE SLAB DETAIL
N.T.S.



GM2 COMMUNICATIONS, LLC.



DONALD BIEGER
P.E. #60857

PONKAN ROAD CELL TOWER

CELL TOWER

SITE & GEOMETRY PLAN

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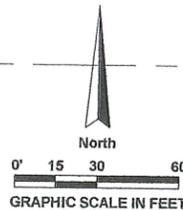
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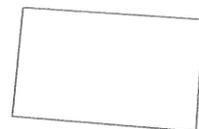
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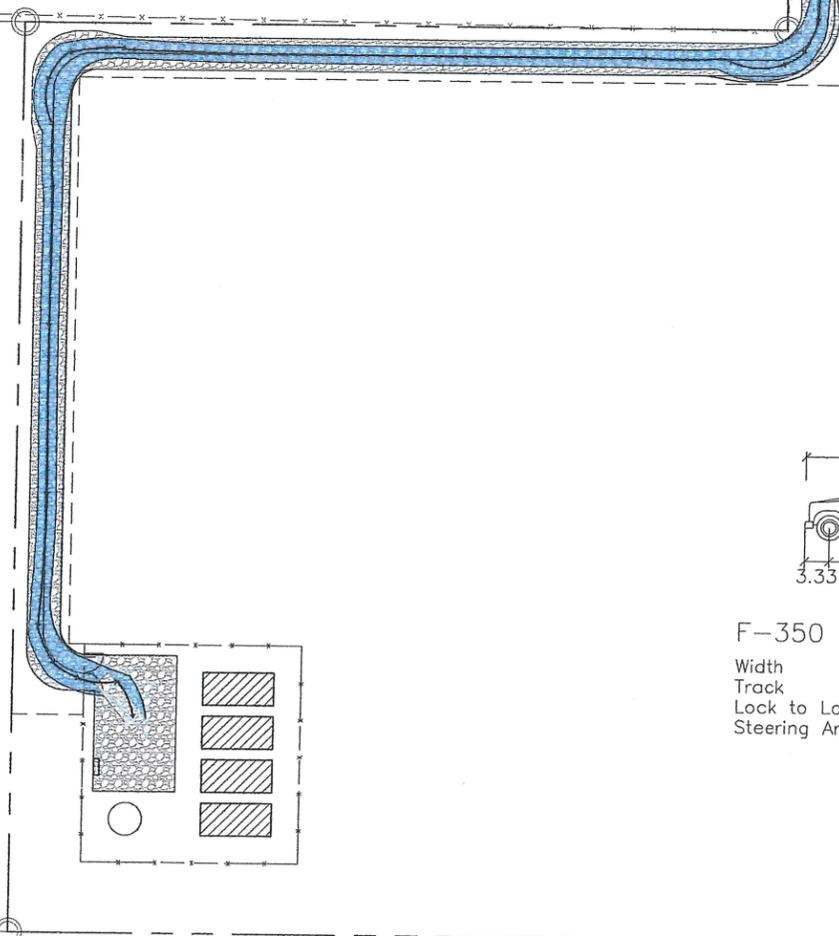
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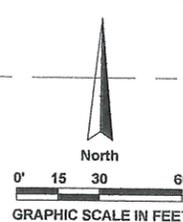
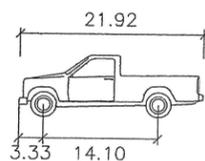
ZONING A-1



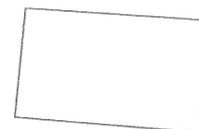
4' HWF
0.5' E
0.5' S



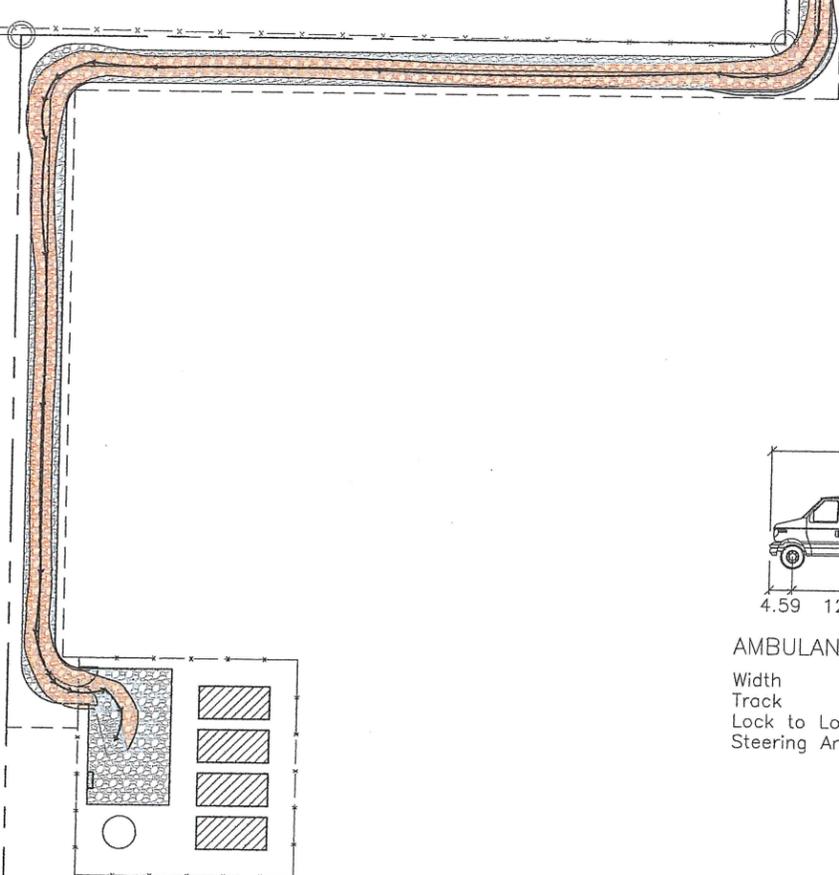
F-350 feet
Width : 6.67
Track : 6.25
Lock to Lock Time : 4.0
Steering Angle : 40.0



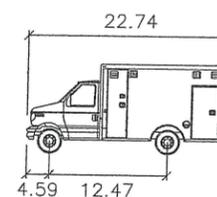
ZONING A-1



4' HWF
0.5' E
0.5' S



AMBULANCE feet
Width : 7.71
Track : 7.71
Lock to Lock Time : 6.0
Steering Angle : 47.8



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DONALD BIEGER
P.E. #60857

PONKAN ROAD
CELL TOWER

CELL TOWER

TURNING PLAN

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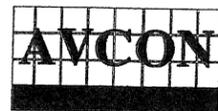
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AVCON PROJECT No. 2015.099.16

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LLC.



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DONALD BIEGER
P.E. #60857

PONKAN ROAD
CELL TOWER

CELL TOWER

GRADING &
DRAINAGE PLAN

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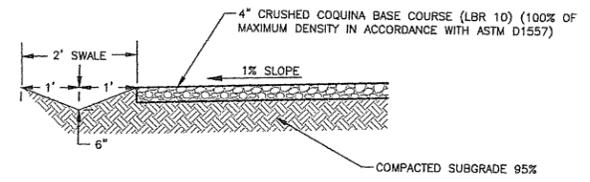
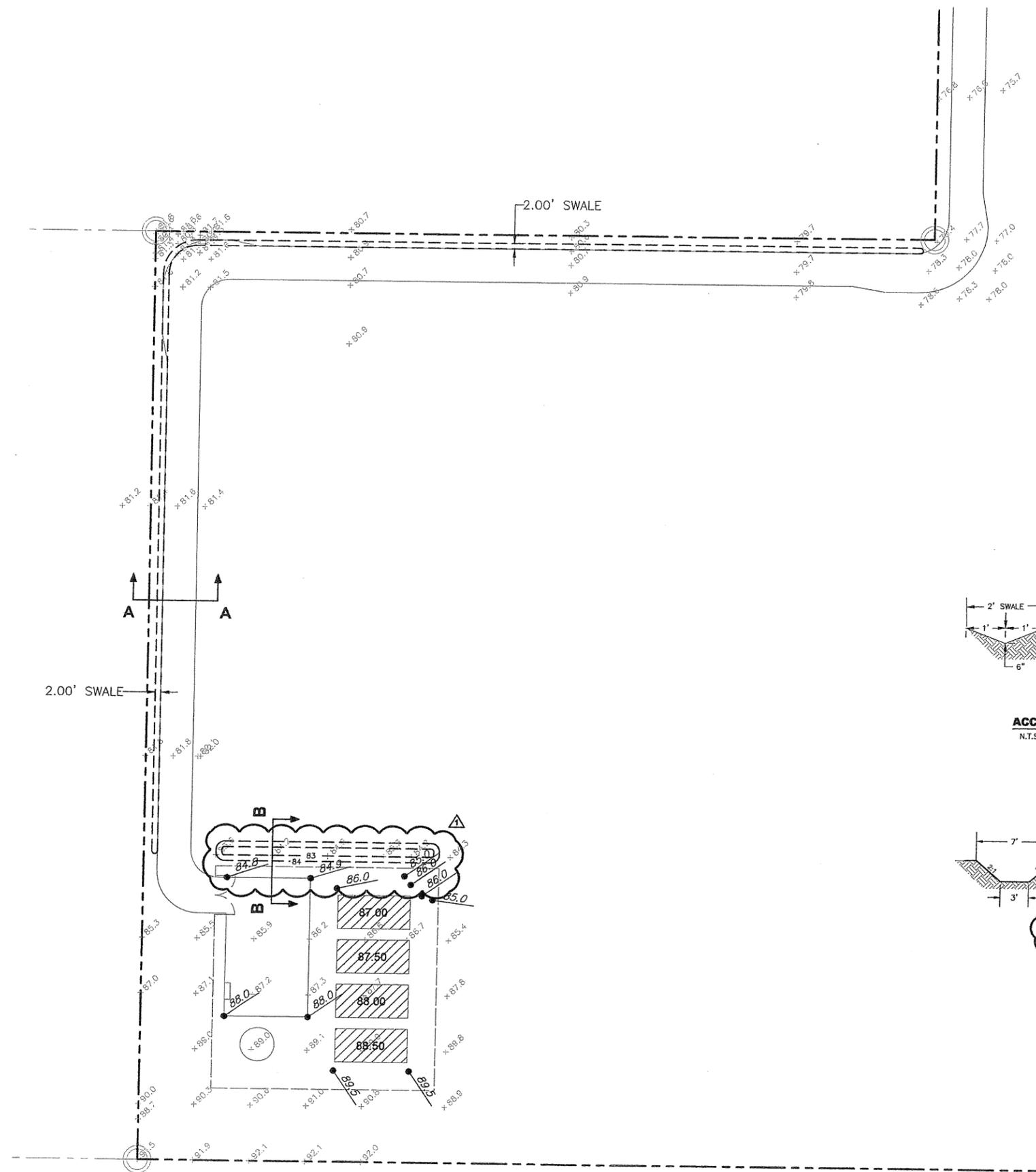
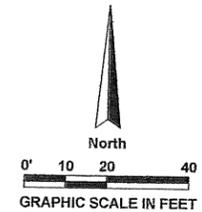
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CHECKED BY: DB
APPROVED BY: DB
DATE: 06-04-15

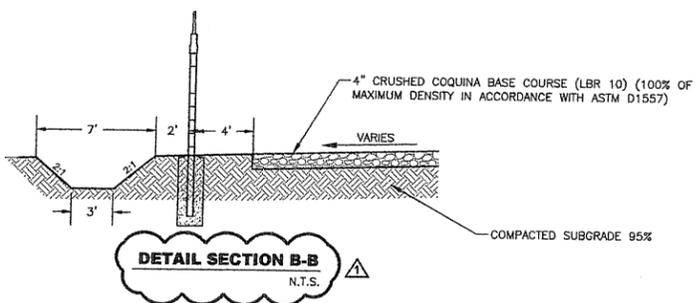
AVCON PROJECT No. 2015.099.16

SHEET NUMBER

C300



ACCESS ROAD DETAIL SECTION A-A
N.T.S.



DETAIL SECTION B-B
N.T.S.

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COMMUNICATIONS,
LLC.

AVCON

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DONALD BIEGER
P.E. #60857

PONKAN ROAD
CELL TOWER

CELL TOWER

CIVIL DETAILS

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SCALE: AS NOTED

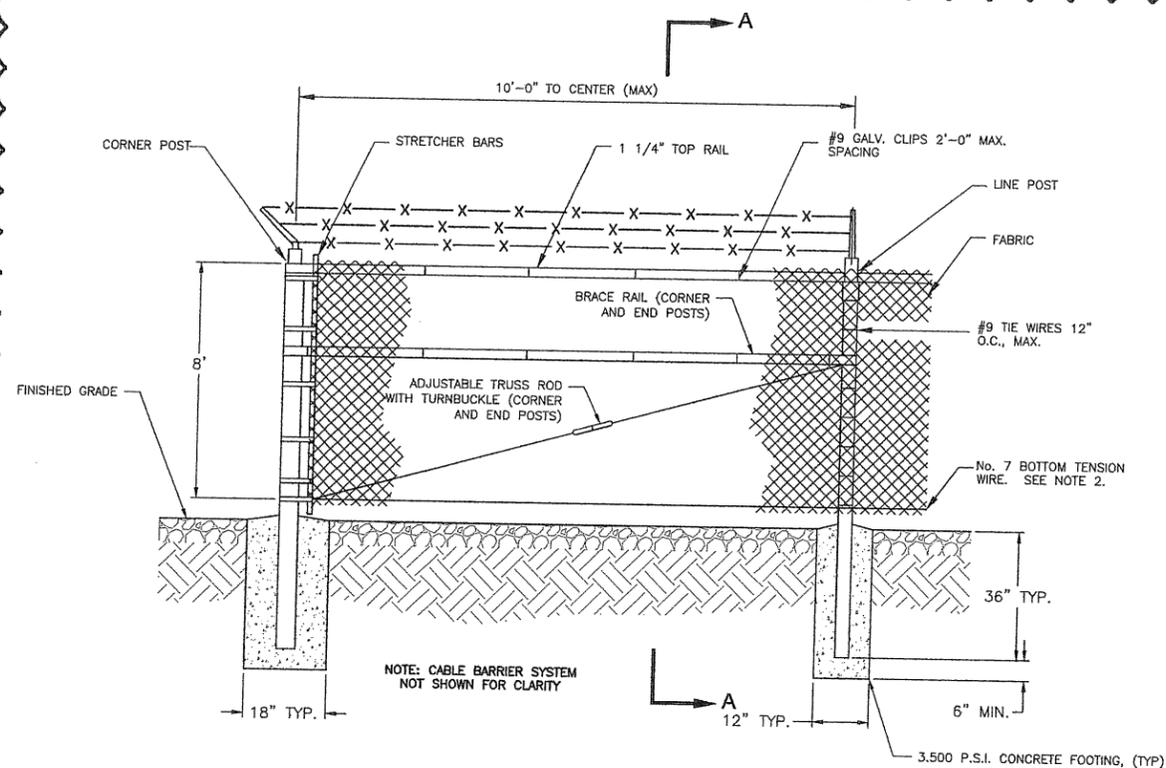
REVISIONS:		
NO.	DATE	BY DESCRIPTION
1	07/01/15	DB CITY OF APPROVA - COMMENTS

DESIGNED BY: DB
DRAWN BY: CFS
CHECKED BY: DB
APPROVED BY: DB
DATE: 06-04-15

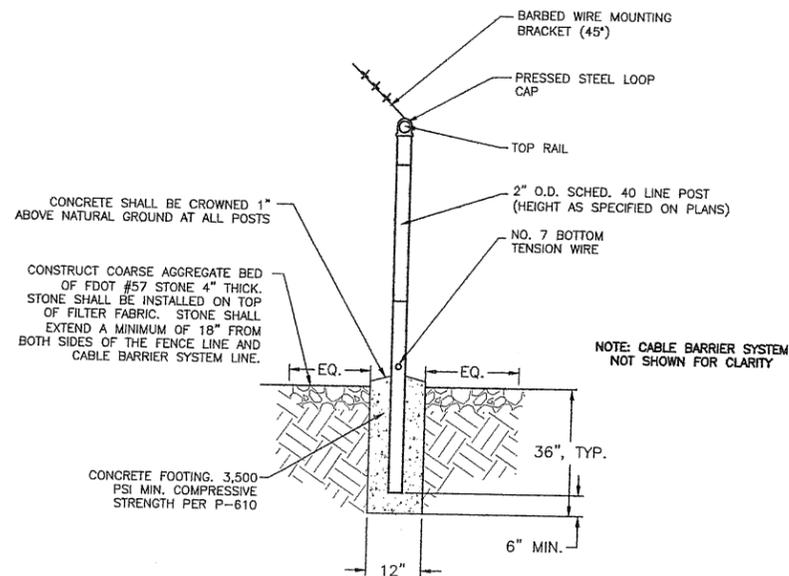
AVCON PROJECT No. 2015.099.16

SHEET NUMBER

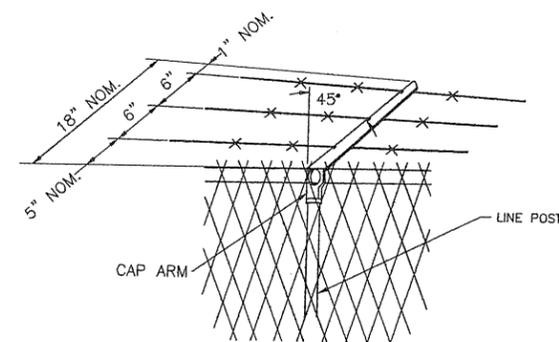
C500



2" WIRE MESH SECURITY FENCE AND POST SETTING DETAIL
N.T.S.



SECTION A-A
N.T.S.



BARBED WIRE ATTACHMENT
N.T.S.

