

**APOPKA CITY COUNCIL AGENDA**  
**December 21, 2016 7:00 PM**  
**APOPKA CITY HALL COUNCIL CHAMBERS**  
**Agendas are subject to amendment through**  
**5:00pm on the day prior to City Council Meetings**

**CALL TO ORDER**

**INVOCATION - Pastor Joe Bankson of Victory Church**

**PLEDGE**

**APPROVAL OF MINUTES:**

1. City Council workshop November 30, 2016.
2. Groundbreaking MMI Marden Road Interchange December 1, 2016

**AGENDA REVIEW**

**PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT**

Public Comment Period:

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

**CONSENT (Action Item)**

1. Authorize a Capital Facility Fees Payment Agreement with Emerson North Townhomes (136 Units).
2. Authorize the closure of roads for the annual Martin Luther King Parade.
3. Approve the sale of alcohol at City events.
4. Authorize an expenditure from Federal Law Enforcement Trust Fund for an Annual National Conference.
5. Approve a part-time Accounting Clerk position in the Finance Department.
6. Authorize the purchase of an EMC Storage Array and appliance for the City's virtual environment.
7. Authorize the purchase of four Pumps for sanitary sewer pumping stations.
8. Authorize the purchase of vehicles for the Construction, Water Maintenance and Sewer Maintenance Divisions.
9. Authorize the purchase of a vactor truck for the Sewer Maintenance Division.
10. Award a bid to Providence Construction and Development for the Ocoee Apopka Road Reclaimed Water System extension.
11. Authorize a Reclaimed Water Main Oversizing Agreement with the Silver Oak subdivision developer.

**BUSINESS (Action Item)**

1. Master Plan/Preliminary Development Plan – Vistas at Water's Edge – Quasi-Judicial David Moon
2. Final Development Plan – Tractor Supply – Quasi-Judicial David Moon

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

1. Ordinance No. 2499 – Second Reading – Large Scale Future Land Use Amendment - Legislative Kyle Wilkes
2. Ordinance No. 2510 – Second Reading – Code of Ordinances, Chapter 74 "Business Tax Receipts" – Legislative James Hitt
3. Ordinance No. 2511 – Second Reading - Code of Ordinances, Chapter 86 "Vehicles for Hire." – Legislative James Hitt
4. Ordinance No. 2531 – Second Reading – Annexation - Legislative David Moon
5. Ordinance No. 2532 – Second Reading – Small Scale Future Land Use Amendment - Legislative Elizabeth Florence
6. Ordinance No. 2533 – Second Reading – Change of Zoning - Quasi-Judicial Elizabeth Florence
7. Ordinance No. 2534 – Second Reading – Comp Plan Amendment – Capital Improvements Element – Legislative Kyle Wilkes
8. Ordinance No. 2535 – Second Reading – Change of Zoning - Quasi-Judicial Kyle Wilkes
9. Ordinance No. 2536 – Second Reading – Small Scale Future Land Use Amendment – Legislative Elizabeth Florence
10. Ordinance No. 2537 – Second Reading – Change of Zoning - Quasi-Judicial Elizabeth Florence
11. Ordinance No. 2538 – Second Reading – Small Scale Future Land Use Amendment - Legislative Kyle Wilkes

- [12.](#) Ordinance No. 2539 – Second Reading – Change of Zoning - Quasi-Judicial
- [13.](#) Ordinance No. 2540 – Second Reading – Change of Zoning - Quasi-Judicial
- [14.](#) Ordinance No. 2541 – Second Reading – Right-of-Way Vacate – Quasi-Judicial

Kyle Wilkes  
Elizabeth Florence  
David Moon

**CITY COUNCIL REPORTS**

**MAYOR’S REPORT**

**ADJOURNMENT**

**MEETINGS AND UPCOMING EVENTS**

DATE	TIME	EVENT
December 23, 2016	–	Holiday – City Offices Closed
December 26, 2016	–	Holiday – City Offices Closed
December 26, 2016	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
January 2, 2016	–	Holiday – City Offices Closed
January 4, 2016	1:30pm –	Council Meeting
January 5, 2016	5:30pm – 9:00pm	Food Truck Round Up
January 10, 2016	5:30pm – 6:00pm	Planning Commission Meeting
January 18, 2016	7:00pm –	Council Meeting
January 23, 2016	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden

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

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

**Backup material for agenda item:**

1. City Council workshop November 30, 2016.

## CITY OF APOPKA

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### **Minutes of the City Council Workshop held on November 30, 2016, at 1:30 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Doug Bankson  
Commissioner Kyle Becker  
City Attorney Cliff Shepard  
City Administrator Glenn Irby

**PRESS PRESENT:** John Peery - The Apopka Chief  
Reggie Connell, The Apopka Voice

Mayor Kilsheimer called the meeting to order and led in the Pledge of Allegiance.

### **DISCUSSION**

#### **COPS Grant presentation:**

Mike McKinley, Chief of Police, reviewed the COPS Grant and funding, as well as how they plan to proceed with implementation from a budgetary standpoint. He advised there is a match for the grant. The Apopka Police Department has been awarded a grant to hire five new police officers through the 2016 COPS Hiring Program (CHP). He stated the estimated federal funds to be awarded is \$625,000 with a local match of approximately \$339,800 over the three year grant period. He affirmed the City will be required to retain all sworn officer positions for a minimum of twelve months following the thirty-six month federal grant period. These retained positions must be added to the law enforcement budget over and above the number of locally funded positions that would exist in the absence of the grant. He explained that these five officers cannot be used to supplant the budgeted five officers approved during the budget process. He further affirmed five vehicles for the new positions will be financed along with the approved vehicle allotment for this fiscal year. The vehicle budget impact will be in FY 2017-2018. Chief McKinley said by staggered hiring, hiring the five grant funded officers in January, with a \$75,485 match, and hiring the budgeted officers in March and June, there will be a personnel savings of \$172,838.

Mayor Kilsheimer stated with no objections, the consensus of the Council is to direct staff to move forward with the COPS Grant.

#### **John Land Statues:**

Glenn Irby, City Administrator, discussed the two statues of Mayor Land that are in the process of being fabricated and delivered. He said the first statue to be delivered is to be placed on the front lawn of City Hall. The artist reviewed the grounds and provided suggestions of placement. One suggestion is to place the statue in front of the flags facing S.R. 441, and the other



suggestion is to the west side of the lawn facing east looking toward the flags and the area the Masonic Lodge is located. He explained staff concerns of placement in front of the flags due to the speed of vehicles and not being able to see the statue. He said staff suggested the west lawn area may be the better location. He explained with this location, there are two cedar trees that should be removed.

Discussion ensued regarding the two suggested locations as well as the type of base. It was the consensus of the Council that the Land family should be contacted regarding their preference.

### **Recreation Master Plan:**

David Burgoon, Recreation Director, provided a review of the Recreation Master Plan. He stated the Mission statement is:

*“To provide a variety of safe, wholesome, innovative, and diverse recreation programs, activities and facilities to enrich the quality of life for citizens and visitors of Apopka, through quality leadership, fiscal stability, and responsible planning.”*

In addition, the Vision statement is:

*“Our vision is to provide recreational facilities and programs that are inclusive, affordable, diverse, and nurture a healthy lifestyle. We will embrace and build upon the city’s history and natural assets as a leader in recreation and outdoor activities. We will offer services that enhance quality of life. We will promote the equitable distribution of resources throughout the Apopka community.”*

Mr. Burgoon advised the Master Plan involves a long term document that establishes community goals and visions for the future. The 2030 Comprehensive Plan requires a Parks and Recreation Master Plan to be completed by Policy 3.3 of the Recreation and Open Space Element. He reviewed the existing recreation facilities and explained they were broken down into three classifications to include Neighborhood Parks, Community Parks, and Special Use Facilities. He reviewed a map showing where all of the Parks are located within the Apopka area. He advised the next step is to determine what we need. He explained the current level of service standards are set by Policy 1.1 of the Recreation Open Space Element and the adopted level of service is 3.0 acres per 1,000 residents. The current population of 45,587 gives us a level of service for 136 acres. Our current park acreage is 233.56 which is approximately 96.8 acres above our level of service standard. He declared to keep in mind that 78% of the park acreage is at the NW complex. He reviewed future park recommendations and existing plans for the same. The master plan recommendations for all parks is to improve landscaping and beautification, increase the number of benches, picnic and grilling options, use consistent signage, bench tables in other facilities to create a sense of place, and a brand for Apopka parks, use materials that promote a theme for Apopka as a leader in outdoor recreation. He reviewed specific recommendations for Alonzo Williams Park, and a plan for creating a centralized park area at Kit Land Nelson, Edwards Field, and Fran Carlton. Program recommendations include Adopt a Park, Playful City, and Get Active.

Following discussion, it was the consensus of Council for staff to continue working on a central park concept, but to receive input or feedback from the community. Mayor Kilsheimer said they could have formal input at a Council meeting, however, the Council can take informal input

individually. The consensus was to maintain the splash pad as an item on the next workshop meeting and be prepared to vote at a future Council meeting.

Council recessed at 3:09 p.m. and reconvened at 3:19 p.m.

**Recreation Impact Fees:**

Henry Thomas, PRMG, reviewed a PowerPoint presentation to provide an overview of the analysis for the recreation impact fee study. It was recommended to do away with the hotel/motel recreation impact fee as the study does not show a lot of major growth in this area for the near future. He affirmed the current fees have been in place since 1991. The recommendations in 2006 were not adopted at that time. The existing rates are \$241.05 for residential impact fee and \$50.00 for hotel/motel impact fee. The proposed rates are \$1,060 for residential impact fee, and making the hotel/motel impact fee not applicable. He advised staff proposed impact fee levels at 80% of the full fee level, which would be \$848 for the residential parks and recreation impact fee. He advised the fees can be incrementally phased-in to the full level over time.

Following discussion, it was the consensus of the Council to provide direction to staff to move forward with 100% of the proposed fee amount, as well as the full proposed fee amount for police and fire impact fees.

**ADJOURNMENT** – There being no further business the meeting adjourned at 4:07 p.m.

ATTEST;

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

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

**Backup material for agenda item:**

2. Groundbreaking MMI Marden Road Interchange December 1, 2016

**CITY OF APOPKA**

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**Minutes of the December 1, 2016, MMI Marden Road Interchange Groundbreaking at 11:00 a.m.**

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

The City Council attended and participated in the Marden Road Interchange groundbreaking on December 1, 2016.

Angel de la Portilla welcomed everyone and said this was a very exciting project. He recognized members of their team and he thanked the City Council and staff for their support and work on this project.

Mike Wright, MMI, said they have been working on this project over the past five years. He recognized their partners on this project and thanked them, as well as members of their team. He thanked the City and spoke of how the City has worked with them to accomplish this.

Mayor Kilsheimer said it takes bold vision and courage, as well as creativity to pull together and partnership on a project such as this.

At this time members of the MMI Development team, Mayor Kilsheimer, Commissioners Dean, Velazquez, Bankson, and Becker, and City Administrator Glenn Irby participated in the groundbreaking.

ATTEST;

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

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

**Backup material for agenda item:**

1. Authorize a Capital Facility Fees Payment Agreement with Emerson North Townhomes (136 Units).



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Vicinity Map  
 Agreement

**SUBJECT: EMERSON NORTH TOWNHOMES (136 UNITS))**

**REQUEST: AUTHORIZE CAPITAL FACILITY FEES PAYMENT AGREEMENT**

**SUMMARY:**

The City’s standard Capital Facility Fees Payment Agreement has been prepared for Emerson North Townhomes, located at 1701 Ocoee Apopka Road, south of S.R. 414 and west of Marden Road.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Authorize the Mayor or his designee to execute the Capital Facility Fees Payment Agreement for Emerson North Townhomes.

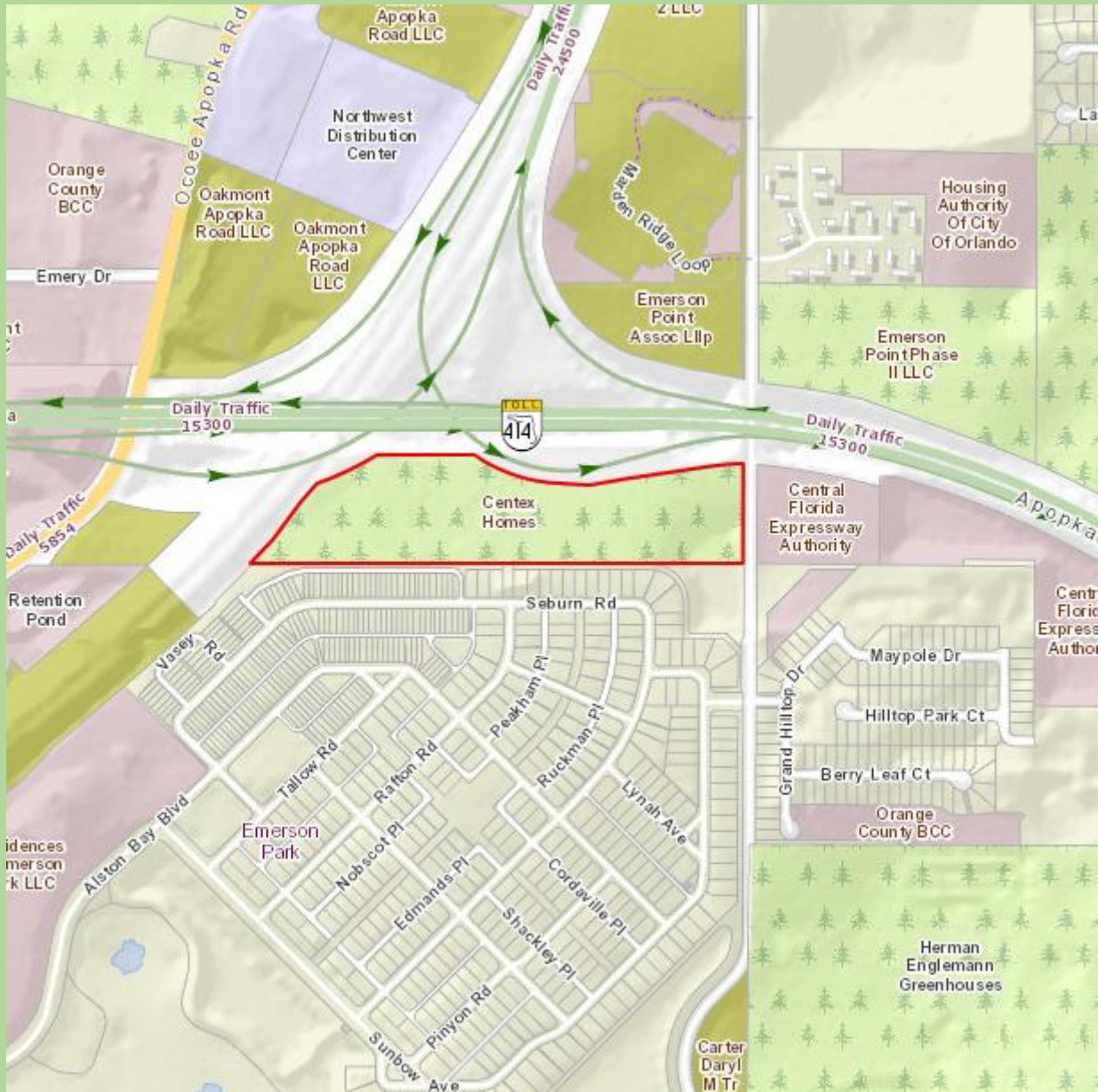
**DISTRIBUTION**

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



**EMERSON NORTH TOWNHOMES**  
21.42 +/- Acres (17.1 acres residential\4.24 future R.O.W)  
Proposed Number of Units: 136  
Parcel ID#: 20-21-28-0000-00-001

### VICINITY MAP



**CAPITAL FACILITY FEES PAYMENT AGREEMENT**

**CITY OF AOPKA**

Project: EMERSON NORTH TOWNHOMES

THIS AGREEMENT made as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
by and between the City of Apopka, a municipal corporation, hereinafter after  
sometimes referred to as "CITY"; and

Pulte Home Corporation

4901 Vineland Road, Suite 500

Orlando, FL 32811

sometimes hereinafter referred to as "OWNER".

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

WHEREAS, the Owner controls lands located at 1701 Ocoee Apopka Road as  
described in Exhibit "A" attached hereto and made a part hereof as is fully set out in this  
paragraph and hereinafter referred to as the "Property" and Owner or its successors or  
assigns intends to construct Emerson North Townhomes per plans on file in the  
Community Development Department located in City Hall as of this date; and

WHEREAS, Owner has officially requested that the City provide sewer and water  
service to the development located on the property herein described in Exhibit "A"; and

WHEREAS, the City is willing to provide, in accordance with the provisions of this  
Agreement, water service to the development thereafter operate applicable facilities so  
that the development will receive adequate sewer service and water supply from the  
City; and



WHEREAS, Owner is obligated to pay certain Capital Facility Fees in conjunction with this commitment for capacity and do desire to execute a Payment Agreement with the City.

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. Compliance. The Owner agrees that both it and its successors and assigns will abide by the provisions of this Agreement and the relevant ordinances of the City and that it will install or have installed the improvements required by the City in accordance with the provisions of this Agreement and of said ordinances. The Owner further understands and agrees that, in the development of subject property, failure to abide by the terms of this Agreement, the provisions of the City's ordinance, or any other applicable regulations, ordinances, or laws from time to time existing, shall constitute ground for refusal by the City, or the appropriate authority thereof, to allow such development to obtain further inspections, to institute utility services, or to permit occupancy of completed improvements.

Section 2. Capital Facility Fee. Owner hereby agrees to pay the City the following Capital Facility Fees:

- A. Sewer Capital Facility Fee: Based on estimated flows, Owner agrees to pay the City \$649,400.00 for 40,800 Sewer ERU's at \$4,775.00 per ERU.
- B. Water Capital Facility Fee: Based on estimated flows, Owner agrees to pay the City \$130,152.00 for 40,800 Water ERU's at \$957.00 per ERU.

Section 3. Payment of Capital Facility Fees. The total amount of Capital Facility Fees due and payable by the Owner to City is \$779,552.00.

A. On November 28, 2016, the Owner paid the City an amount of \$233,865.60 which represents 30% of the total Capital Facility Fees due.

B. Thirty-five (35) per cent of all capital facility fees at the time of receiving the Department of Environmental Protection (DEP) approval/permit, or, if no such permit is required, sixty (60) days after the date of issuance of a City building permit.

C. All remaining capital facility fees are due at the time the final building inspection is called for or, if more than one building permit is involved, at the time the first final building inspection is called for on any permit in the development, no matter how many days have elapsed since issuance of DEP permit.

The capital facilities fees shall be based on the fee schedule in effect at the time payment is actually made to the City.

Section 4. Repayment of Capital Facility Fees. If no DEP permit is obtained or if a DEP permit expires and DEP has released all permitted capacity back to the City and no construction has been commenced, then applicant shall be entitled to a refund of the capital facility fees paid as a condition for issuance, except that the City shall retain three (3) per cent of the refunded funds as a fee to offset the costs of collection and refund.

Section 5. Binding Effect of Agreement. This Agreement shall be binding upon and shall inure to the benefit of the Owner, the City and their respective assigns and successors by merger, consolidation, conveyance or otherwise, subject to the terms of this Agreement, as contained herein. Once these funds are paid in full this Agreement is satisfied and no longer in effect.

Section 6. City shall be entitled to any attorney's fees and costs incurred in the enforcement of this Agreement.

WITNESSES:

THE CITY OF APOPKA

\_\_\_\_\_

\_\_\_\_\_

Print Name

Glenn Irby  
City Administrator

\_\_\_\_\_

Print Name

STATE OF FLORIDA  
COUNTY OF ORANGE

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

(NOTARY'S SEAL)

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

\_\_\_\_\_  
Print Name  
Commission No. \_\_\_\_\_

WITNESSES AS TO OWNER:

[Signature]

Neil Kleproth  
Print Name

JENNIFER JERMAN  
Print Name

OWNER:

By: [Signature]

Name

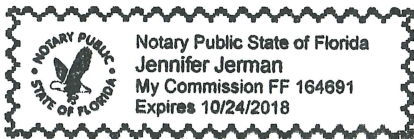
VP of Law Dev. + Entitlements  
Title

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 28 day of NOVEMBER, 2016 by DOUG HOFFMAN  
(Name of officer or agent) of PULTE HOME CORPORATION  
(Name of corporation acknowledging), a MICHIGAN  
(state or place of corporation) Corporation, on behalf of the corporation. He/She/They  
is/are personally known to me or has produced nil  
(type of identification) as identification and did (did not) take an oath.

(NOTARY'S SEAL)



[Signature]  
Notary Public

JENNIFER JERMAN  
Print Name  
Commission No. FF164691

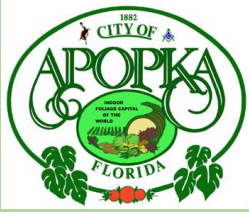
**EXHIBIT "A"**

Legal Description

N1/2 OF NE1/4 OF SEC 20-21-28 LYING SELY OF SR 429 & S OF SR 414

**Backup material for agenda item:**

2. Authorize the closure of roads for the annual Martin Luther King Parade.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Recreation  
 EXHIBITS: Map

**SUBJECT: SOUTH APOPKA MINISTERIAL ALLIANCE – MARTIN LUTHER KING JR., PARADE.**

**Request: AUTHORIZE THE CLOSURE OF ROADS.**

**SUMMARY:**

South Apopka Ministerial Alliance is requesting the City Council approve road closures for the annual Martin Luther King Parade being held on Monday, January 16th, 2017 beginning at 2:00pm. The Parade is to begin at 519 South Central Ave, traveling west on W. Station St, traveling south on S. Lake Ave, then traveling west on W. 13th Street, and ending at John Bridges Community Center at 445 W. 13<sup>th</sup> Street.

Street closures are requested for the following streets: the intersection of S. Central Ave & E. 5<sup>th</sup> St, W. Station St, and all intersections on Marvin C. Zanders from 5<sup>th</sup> Street to 10<sup>th</sup> St. The Development Review Committee has reviewed the special events permit application and has found it to be consistent with the Land Development Code.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Authorize the closure of the roads associated with the South Apopka Ministerial Alliance Parade on Monday, January 16, 2017.




**DISTRIBUTION**

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





**A** 519 S Central Ave, Apopka, FL 32703

- 
- 1. Head **south** on **County Road 437A** toward **W Station St** go 118 ft  
total 118 ft
  -  2. Take the 1st right onto **W Station St** go 0.2 mi  
total 0.2 mi
  -  3. Turn left onto **S Lake Ave**  
About 3 mins go 0.7 mi  
total 0.9 mi
  -  4. Turn right onto **W 13th St**  
Destination will be on the right  
About 2 mins go 0.4 mi  
total 1.3 mi

**B** **John Bridges Community Center**  
445 West 13th Street, Apopka, FL 32703

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2013 Google

Directions weren't right? Please find your route on [maps.google.com](http://maps.google.com) and click "Report a problem" at the bottom left.

**Backup material for agenda item:**

3. Approve the sale of alcohol at City events.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Recreation  
 EXHIBITS:

**SUBJECT: ALCOHOL SALES AT CITY EVENTS**

**REQUEST: APPROVAL**

**SUMMARY:**

Ordinance No. 2376 which requires City Council approval for the sale, consumption and carrying of alcoholic beverages on City-owned property during events or programs.

Staff is requesting approval for sale of alcoholic beverages at the following City sponsored events being held at the Northwest Recreation Complex during fiscal year 2017.

- February 10 & 11 – Old Florida Outdoor Festival: Activities include live local and national country music performers, great food from local restaurant partners and kids entertainment area.
- May 6 – Farm to Feast: A food & wine event
- July 4 – Fireworks at the Amphitheater: Second annual family event that will have fireworks, live music, vendors and rides.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Approve the sale of alcohol at the Old Florida Outdoor Festival, Farm to Fest, & Fireworks at the Amphitheater events.

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief

**Backup material for agenda item:**

4. Authorize an expenditure from Federal Law Enforcement Trust Fund for an Annual National Conference.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Police Department  
 EXHIBITS: Request Memo  
 Letter from Sheriff Demings

**SUBJECT: EXPENDITURE FROM LAW ENFORCEMENT TRUST FUNDS.**

**REQUEST: AUTHORIZE AN EXPENDITURE FOR THE 31<sup>st</sup> ANNUAL NATIONAL CONFERENCE ON PREVENTING CRIME IN THE BLACK COMMUNITY.**

**SUMMARY:**

The Apopka Police Department requests City Council approval for the expenditure of funds from the Federal Law Enforcement Trust Fund in the amount of \$3,000 for the 31<sup>st</sup> annual National Conference on Preventing Crime in the Black Community sponsored by Attorney General Pam Bondi. This annual conference is designed to foster communication and action among practitioners through the sharing of innovative ideas and prevention strategies that have been successful. The local hosts include the Orange County Sheriff’s Office and the Orlando Police Department. This expenditure will be used to ensure this conference will be a success and to defray local agency costs.

**FUNDING SOURCE:**

Federal Law Enforcement Trust Fund

**RECOMMENDATION ACTION:**

Authorize the Finance Department to disburse \$3,000 from the Federal Law Enforcement Trust Fund.

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief



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

**Memorandum**

Date: December 21, 2016  
To: Honorable Joseph E. Kilsheimer and Commissioners  
RE: LAW ENFORCEMENT TRUST FUNDS

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The Police Department requests City Council approval for the expenditure of funds from the Federal Law Enforcement Trust Fund in the amount of **\$3,000.00** for the 31<sup>st</sup> annual National Conference on Preventing Crime in the Black Community sponsored by Attorney General Pam Bondi. This annual conference is designed to foster communication and action among practitioners through the sharing of innovative ideas and prevention strategies that have been successful. The local hosts include the Orange County Sheriff's Office and the Orlando Police Department. This expenditure will be used to ensure this conference will be a success and to defray local agency costs.

Respectfully,

Michael McKinley  
Chief of Police



*Sheriff Jerry L. Demings*

# ORANGE COUNTY SHERIFF'S OFFICE

TELEPHONE: 407.254.7000 ❖ P.O. BOX 1440, ORLANDO, FLORIDA 32802-1440 ❖ WWW.OCSO.COM

November 23, 2016

Chief Michael L. McKinley  
Apopka Police Department  
112 E. Sixth Street  
Apopka, Florida 32703

Dear Chief McKinley:

The 31<sup>st</sup> National Conference on Preventing Crime in the Black Community is scheduled May 31 through June 2, 2017, at the Rosen Centre Hotel located at 9840 International Drive, Orlando. This conference is a collaborative effort sponsored by Pam Bondi, Florida's Attorney General.

The Orange County Sheriff's Office and the Orlando Police Department are the host agencies and share the responsibility of organizing and staffing this conference. The mission of the National Conference on Preventing Crime in the Black Community is to showcase successful programs and promote a positive exchange of ideas and strategies for preventing crime in the black community. In recent years, the conference has centered heavily on efforts to prevent youth violence and delinquency. The focal points of the conference include presentations by national and state leaders, motivational speakers, workshops on notable efforts to curb drug abuse and youth violence, community crime prevention, and program models that are transferable to other communities. The conference includes plenary sessions, luncheons and break-out sessions for both adults and teens.

To guarantee the success of this conference, each local law enforcement agency is asked to contribute \$3,000 from forfeiture or other funds. Your assistance will help ensure a positive learning experience for all participants. The 2017 conference is expected to attract over 2,100 attendees from across the country.

Thank you for your consideration. If you have any questions, please contact Major Michael Doby or me at 407 254-7420.

Sincerely,

Jerry L. Demings  
Sheriff of Orange County

Major Denise L. Demps, Chairman  
Preventing Crime in the Black Community Conference

DLD/ddm



*The First Agency in Orange County to Receive Both  
International and State Accreditation.*



**Backup material for agenda item:**

5. Approve a part-time Accounting Clerk position in the Finance Department.





# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Finance Dept.  
 EXHIBITS:

**SUBJECT: PART TIME POSITION – ACCOUNTING CLERK**

**REQUEST: APPROVE THE POSITION IN THE FINANCE DEPARTMENT**

**SUMMARY:**

During 2016 two city functions, purchasing and payroll, were absorbed by the Finance Department. This provided additional staff to the department but also additional workload for existing staff when either of these employees were out of the office. Phone calls increased as well as coverage responsibilities.

In September, one of the long tenured Finance Department employees left the city. At the same time, the City was implementing their new financial software package and changing the bank deposit methodology. With the vacancy and the learning curve involved with working in the new system, many of the accounting duties were reassigned and the department was somewhat reorganized. Temporarily the bank deposit was moved to the Utility Billing division [UB]. With the implementation of the new Utility Billing software, the UB staff no longer has the time to perform the bank deposit so this duty must return to the Finance Department.

The addition of a part time employee is necessary. The Finance Department would like to hire an Accounting Clerk to perform the daily deposit, answer the phones, and provide cross training within several divisions in the department. The position would be a grade 108 starting at \$15 per hour and work between 25 and 30 hours per week. Total cost for FY17 is estimated to be \$22,000.

Personnel cost savings resulted from the September vacancy will provide ample coverage for the cost of this position.

**FUNDING SOURCE:**

Funding is available in the FY17 Finance Budget resulting from a vacancy of a higher paid position.

**RECOMMENDATION ACTION:**

Approve the additional part time position in the Finance Department for an Accounting Clerk.

**DISTRIBUTION**

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

**Backup material for agenda item:**

6. Authorize the purchase of an EMC Storage Array and appliance for the City's virtual environment.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Information Technology  
 EXHIBITS:

**SUBJECT: CAPITAL EQUIPMENT PURCHASE**

**REQUEST: EMC STORAGE ARRAY FOR THE CITY’S VIRTUAL COMPUTING ENVIRONMENT.**

**SUMMARY:**

The Information Technology Department supports over 300 virtual computers and servers in our highly virtualized environment. We seek to expand our current storage solution with a high performance All Flash Storage Array. It is highly scalable for future expansion needs avoiding wholesale replacement and eliminating CAPEX expenditures every three years. This hardware platform lies within the manufacturer’s product road map for at least the next decade.

The proposal provides for a storage array that replicates the City’s mission critical servers and desktop environments into a secondary, hyper-converged infrastructure appliance providing a solution to our current deficiency as it relates to BCDR (Business Continuity and Disaster Recovery).

This hardware will be purchased off of the State of Florida Alternate Source Contract and the EMC NASPO ValuePoint Master Price Agreement in the amount of \$189,831.97.

**FUNDING SOURCE:**

Included in the 2016/2017 FY Information Technology budget.

**RECOMMENDATION ACTION:**

Authorize the purchase of capital equipment in the amount of \$189,831.97 to CDWG.

**DISTRIBUTION**

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

**Backup material for agenda item:**

7. Authorize the purchase of four Pumps for sanitary sewer pumping stations.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: PUMP REPLACEMENT AT TWO SANITARY SEWER PUMPING STATIONS**

**REQUEST: AUTHORIZE THE PURCHASE OF FOUR (4) PUMPS FROM XYLEM WATER SOLUTIONS USA, INC.**

**SUMMARY:**

Staff has obtained a proposal from Xylem Water Solutions USA, Inc., for the purchase of four (4) new 23hp Flygt pumps at the Clear Lake Estates and Lake Heiniger sanitary sewer pumping stations. The cost is \$14,200 per pump for a total of \$56,800. Due to growth and increases in capacity in the western segment of the utility service area, it is necessary to replace these pumps to provide the correct pump design conditions to adequately serve this segment of the service area.

**FUNDING SOURCE:**

\$55,500 is included in the Water and Wastewater Fund FY 16/17 Budget. Actual cost of the equipment is \$56,800 and cost savings from other budgetary items within the account line will be used to fund the difference.

**RECOMMENDATION ACTION:**

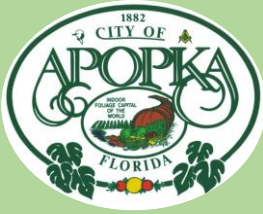
Authorize the Purchase of four (4) 23HP Flygt Pumps for sanitary sewer pumping stations from Xylem Water Solutions USA, Inc., for \$56,800.

**DISTRIBUTION**

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

**Backup material for agenda item:**

8. Authorize the purchase of vehicles for the Construction, Water Maintenance and Sewer Maintenance Divisions.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 7, 2016  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: CAPITAL EQUIPMENT**

**REQUEST: AUTHORIZE THE PURCHASE OF NEW EQUIPMENT FROM PALMETTO FORD TRUCK SALES, INC.**

**SUMMARY:**

The purchase of new capital equipment for the Public Services Departments Construction, Water Maintenance, and Sewer Maintenance Divisions. This Capital Equipment will replace inoperable equipment that will be surplus. Pricing is made available from Palmetto Ford Truck Sales; Inc. through the Florida Sheriffs Association Contract is as follows:

Truck	Division	Budgeted	Price
F-550 4X4	Construction	\$56,550	\$ 54,355
F-550 4X2	Water Maint.	\$45,000	\$ 48,095
F-550 4X2	Sewer Maint.	\$52,500	\$ 48,095
<b>Total</b>		<b>\$154,050</b>	<b>\$150,545</b>

The additional cost over budget for the Water Maintenance truck will be paid with additional savings experienced from the construction and sewer maintenance vehicles shown above.

**FUNDING SOURCE:**

Reclaimed Water Impact Fees Fund FY16/17.

**RECOMMENDATION ACTION:**

Authorize the purchase of capital equipment in the amount of \$150,545.

**DISTRIBUTION**

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

**Backup material for agenda item:**

9. Authorize the purchase of a vector truck for the Sewer Maintenance Division.





# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: CAPITAL EQUIPMENT**

**REQUEST: AUTHORIZE THE PURCHASE OF NEW EQUIPMENT FROM SOUTHERN SEWER EQUIPMENT SALES AND LOU BACHRODT FREIGHTLINER**

**SUMMARY:**

A vital piece of equipment in maintaining our sewer system is a vactor truck. The current vactor truck is a Vac Con, which was obtained in 1994. The typical life span of a vactor truck is 10 years. The current vactor truck is inoperable. A new Vac Con is made available from Southern Sewer Equipment Sales and Lou Bachrodt Freightliner through the Florida Sheriffs Association Contract. The pricing is as follows: Vac Con \$252,812.03 and the Chassis for the Vac Con is \$94,800 for a total of \$347,612.03.

**FUNDING SOURCE:**

\$375,000.00 is included in the Water Wastewater Fund FY 16/17 Budget. Actual cost of the equipment is \$347,612.03.

**RECOMMENDATION ACTION:**

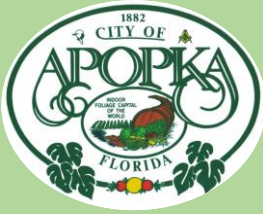
Authorize the purchase of capital equipment in the amount of \$347,612.03.

**DISTRIBUTION**

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

**Backup material for agenda item:**

10. Award a bid to Providence Construction and Development for the Ocoee Apopka Road Reclaimed Water System extension.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: OCOEE APOPKA ROAD RECLAIMED WATER SYSTEM (RWS) EXTENSION FROM HARMON ROAD TO ALSTON HAY BOULEVARD.**

**REQUEST: AWARD THE BID TO PROVIDENCE CONSTRUCTION AND DEVELOPMENT.**

**SUMMARY:**

On November 3, 2016, the City received three (3) sealed bids for the Ocoee Apopka Road Reclaimed Water System (RWS) Extension from Harmon Road to Alston Bay Boulevard. The bids are as follows

<u>Company</u>	<u>Bid</u>
McKenzie Contracting, LLC	\$208,305
Providence Construction and Development	\$236,580
C E James, Inc.	\$323,200

McKenzie Contracting, LLC did not comply with the requirements of prior work as stated in Section 00020 of the Bid Documents and was notified by Staff on November 17, 2016.

Subsequent to the rejection of the lowest bidder referenced above, Providence Construction and Development complied with the requirements of the bid document and submitted the lowest qualified bid.

**FUNDING SOURCE:**

\$412,500 is included in the Reclaimed Water System Impact Fee Fund FY16/17 Budget. Actual cost of the bid is \$236,580.

**RECOMMENDATION ACTION:**

Award the bid To Providence Construction and Development for \$236,580 for the Ocoee Apopka Road RWS extension from Harmon Road to Alston Bay Boulevard.

**DISTRIBUTION**

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

**Backup material for agenda item:**

11. Authorize a Reclaimed Water Main Oversizing Agreement with the Silver Oak subdivision developer.



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: SILVER OAK SUBDIVISION**

**REQUEST: AUTHORIZE A RECLAIMED WATER MAIN OVERSIZING AGREEMENT**

**SUMMARY:**

The City’s Reclaimed Water Master Plan calls for the installation of a 12-inch diameter reclaimed water main (RWM) across the parcel being developed as the Silver Oak subdivision. The development requires only a 6-inch diameter RWM to serve the subdivision. The installation of the 12-inch RWM will provide the infrastructure needed to develop the city’s reclaimed water distribution system in the area of the Silver Oak subdivision. Article 6.04.01.D. of the Land Development Code (LDC) allows the city to pay the developer the difference in material costs for the oversizing of utility mains installed in accordance with the main sizing guidelines provided in our utility master plans. The oversizing agreement material cost reimbursement to the developer will involve the installation of approximately 2,422 feet of RWM with approximately 12 valves. The initial oversizing agreement approximate cost will be \$35,896.56.

**FUNDING SOURCE:**

Reclaimed Water Impact Fee Fund FY16/17.

**RECOMMENDATION ACTION:**

Authorize the City Administrator to enter into a Reclaimed Water Main Oversizing Agreement with the Silver Oak subdivision developer.

**DISTRIBUTION**

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

**Backup material for agenda item:**

1. Master Plan/Preliminary Development Plan – Vistas at Water's Edge – Quasi-Judicial Moon

David



**CITY OF APOPKA  
CITY COUNCIL**

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Preliminary Dev. Plan

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Vicinity/Aerial Maps  
 Site Plan  
 Landscape Plan  
 Wall Details  
 Recreation Plan

**SUBJECT: MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN – VISTAS AT WATERS EDGE RESIDENTIAL SUBDIVISION**

**REQUEST: APPROVAL OF THE MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN FOR VISTAS AT WATERS EDGE RESIDENTIAL SUBDIVISION; AND ISSUE THE PRELIMINARY DEVELOPMENT ORDER.**

**SUMMARY:**

OWNER/APPLICANT: Vistas at Waters Edge, LLC  
 PROJECT ENGINEER: Madden, Moorhead & Stokes, Inc. c/o David Stokes, P.E.  
 LOCATION: South of Hooper Farms Road and West of Binion Road  
 EXISTING USE: Vacant land  
 FUTURE LAND USE: Mixed - Use (Max.15 du/ac)  
 ZONING: M-EC  
 PROPOSED DEVELOPMENT: Single-Family Residential Subdivision (147 Lots; typical lots widths range from 60 ft. to 75 ft.; lots range from a min. of 7,500 sq. ft. to 24,000 sq. ft.)  
 PROPOSED DENSITY: 1.97 du/ac  
 TRACT SIZE: 75.24 +/- acres  
 DEVELOPABLE AREA: 74.54 +/- acres  
 OPEN SPACE: 21.52 acres

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed Use	M-EC	Hooper’s Landscape Nursery
East (City)	Mixed Use	M-EC	Vacant land
South (City)	Institutional/Public Use	PO/I	Vacant Land
West (County)	Rural	A-2	St Johns River Water Mgt. District

Project Use: The Vistas at Water’s Edge- Master Site Plan/Preliminary Development Plan proposes the development of 147 single family residential lots and 21.52 acres of active and passive recreation space. Located within the Mixed-EC zoning district, the Vistas provides a diversity of lot widths and lots sizes as follows:

<b>Lot Widths (Typical)</b>	<b>Number</b>	<b>Percentage</b>
60	101	68.03
65	3	2.04
70	39	27.21
75	4	2.72

The proposed minimum living area, in aggregate of 2,000 square feet, with a no individual unit being less than 1,600 square feet as set forth in Section 2.02.20.B.4 of the Land Development Code. At the time of the final development plan, developer will be requested to establish criteria to assure a 2,000 sq. ft. aggregate is monitored and maintained during the building permit application cycle.

The minimum setbacks applicable to this project are:

<b>Setback</b>	<b>Min. Standard</b>
Front*	25’
Side	5’
Rear	20’
Corner	25’

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

Access: Ingress/egress access points for the development will be via full access onto Binion Road with a secondary gated emergency and pedestrian access point west of lot 115 connecting to Binion Road.

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

Recreation: Per Section 2.02.20.H.4a of the Land Development Code, developments made up of less than 300 units shall be required to construct a minimum total of 2,000 sq. ft. of facility or facilities for a Neighborhood Activity Center. The developer is providing 21.52 acres of active and passive recreation space and is proposing to construct a 1,720 s.f. clubhouse with swimming pool, picnic area and yoga la



within the active recreational space. Up to 25% of the Neighborhood Activity Center may be in open type facilities. The developer agreed to place a 30-foot wide landscape buffer along Binion Road and to construct an 11-foot wide multi-use trail. The trail will be dedicated to the City as part of the East Shore Trail System. Furthermore, the Master Plan\PDP included passive parks (aka landscaped focal points) at strategic locations to break up long rows of homes and also provide views of Lake Apopka.

Buffer/Tree Program: The applicant has provided a thirty (30) feet wide landscape buffer along Binion Road with an eleven (11) feet wide multi-use trail. The applicant has proposed to use a combination of decorative precast and wrought-iron style fence material Binion Road.

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

Total inches on-site:	2592
Total number of specimen trees:	29
Total inches removed:	1725
Total inches retained:	867
Total inches replaced:	1725
Total Inches (Post Development):	2592

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 zoned to receive students from this community are the following: Apopka Elementary School, Wolf Lake Middle School and Wekiva High School.

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

**PUBLIC HEARING SCHEDULE:**

December 13, 2016 - Planning Commission, 5:30 p.m.  
December 21, 2016 - City Council, 7:00 p.m.

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the Vistas at Waters Edge – Master Site Plan/Preliminary Development Plan, subject to the findings of the staff report.

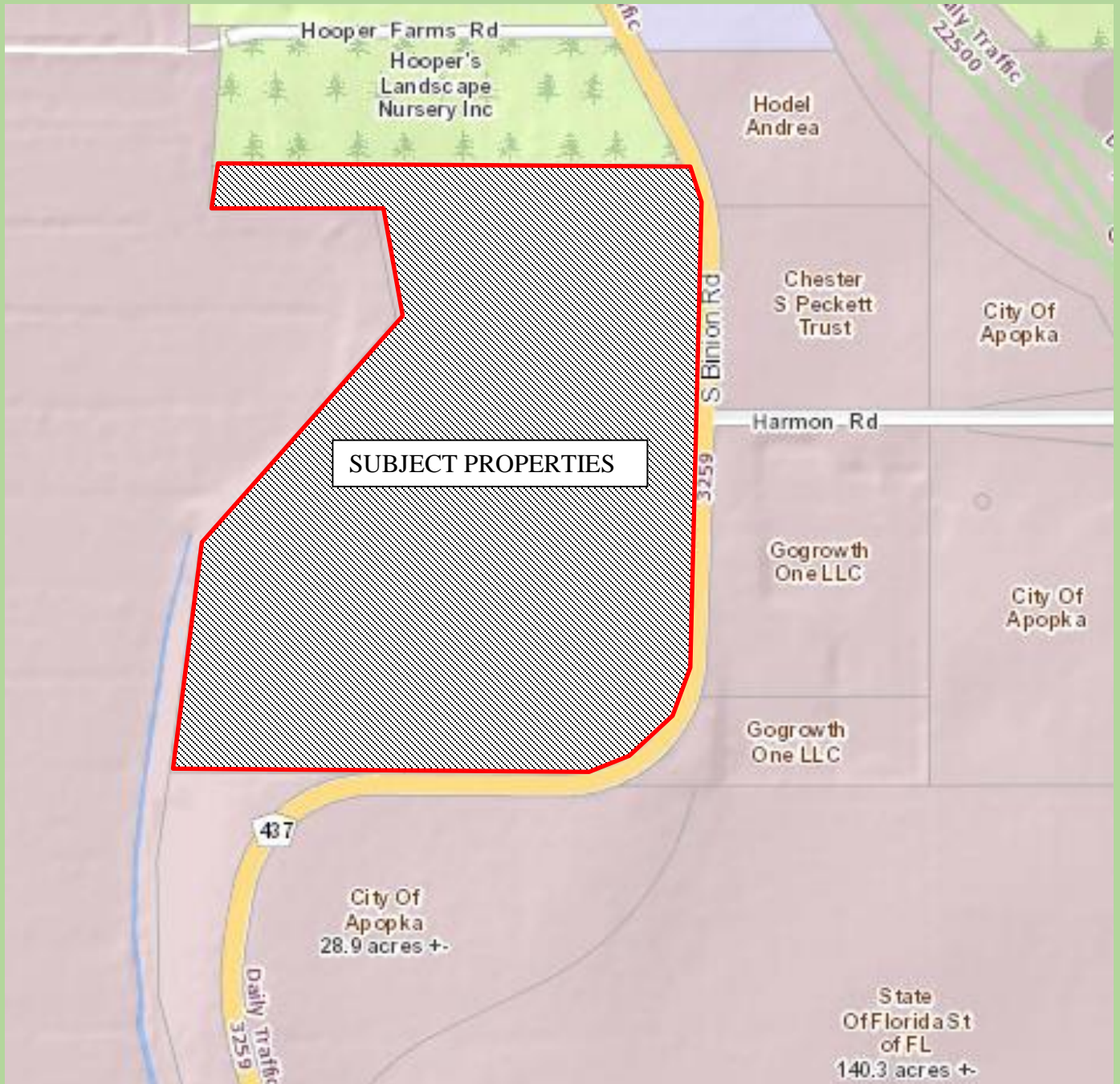
The **Planning Commission**, at its meeting on December 13, 2016, recommended approval (5-1) of the Vistas at Waters Edge - Master Site Plan/Preliminary Development Plan, subject to the findings of the staff report.

Approve the Master Site Plan/Preliminary Development Plan for Vistas at Waters Edge Subdivision, and issue the Preliminary Development Order.

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

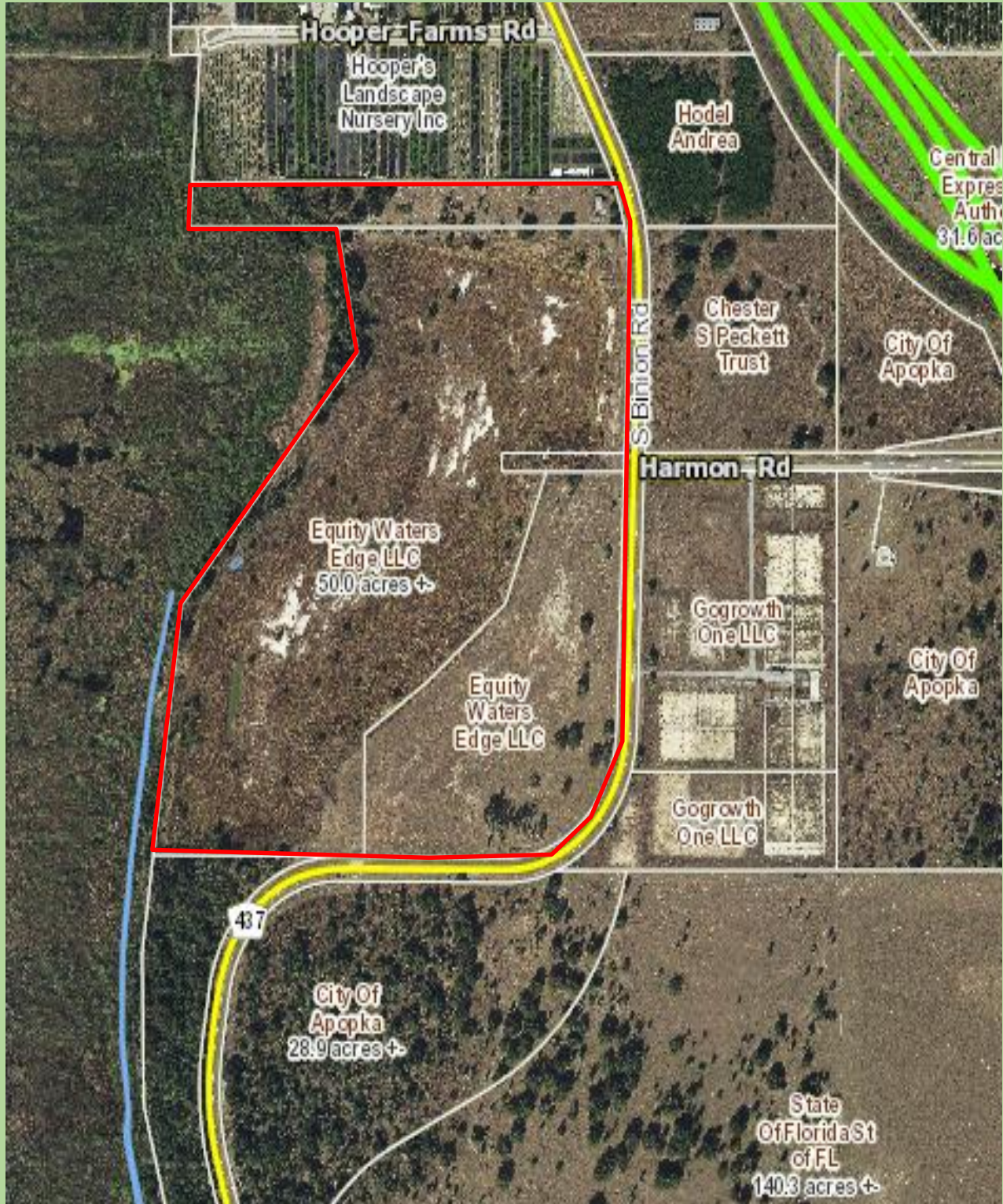
**Application:** Vistas at Waters Edge - Master Site Plan/Preliminary Development Plan  
**Owner Applicant:** Vistas at Waters Edge, LLC  
**Project Engineer:** Madden, Moorhead, Stokes, Inc., c/o David A. Stokes, P.E.  
**Parcel ID No.s:** 19-21-28-0000-00-011, 19-21-28-0000-00-021 & 19-21-28-0000-022  
**Total Acres:** 75.24 +/-

### VICINITY MAP





AERIAL MAP





# MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN

## VISTAS AT WATERS EDGE

SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST,  
APOPKA, FLORIDA

PARCEL ID NO.: 19-21-28-0000-00-011  
19-21-28-0000-00-021  
19-21-28-0000-00-022

FOR  
**EQUITY WATERS EDGE, LLC**  
2255 GLADES RD., SUITE 324 EAST  
BOCA RATON, FL 33431  
PH: (321) 624-4725

**PROJECT TEAM MEMBERS:**

**OWNER / DEVELOPER**  
EQUITY WATERS EDGE, LLC  
2255 GLADES RD., SUITE 324 EAST  
BOCA RATON, FL 33431  
PHONE: (321) 624-4725  
EMAIL: TRIPP@EQUITYLAND.COM

**SURVEYOR**  
ALLEN & COMPANY  
16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
PHONE: (407) 654-5355  
EMAIL: JIM@ALLEN-COMPANY.COM

**ENGINEER**  
MADDEN, MOORHEAD, & STOKES, INC.  
431 E. HORATIO AVE., SUITE 260  
MAITLAND, FLORIDA 32751  
PHONE: (407) 629-8330  
EMAIL: DSTOKES@MADDEN-ENG.COM

**GEOTECHNICAL ENGINEER**  
UNIVERSAL ENGINEERING SCIENCES  
3532 MADRID BLVD.  
ORLANDO, FLORIDA 32811  
PHONE: (407) 423-0204  
EMAIL: GRABENS@UNIVERSALENGINEERING.COM

**ENVIRONMENTALIST**  
AUSTIN ENVIRONMENTAL CONSULTANTS, INC.  
316 CHURCH STREET  
KISSIMEE, FLORIDA 34741  
PHONE: (407) 835-0535  
EMAIL: NATHAN@AUSTIN-CONSULTANTS.COM

**LANDSCAPE ARCHITECT**  
MAGLEY DESIGN  
1817 E. WASHINGTON ST.  
ORLANDO, FLORIDA 32803  
PHONE: (407) 898-0223  
EMAIL: RMAGLEY@MAGLEYDESIGN.COM

**UTILITY COMPANIES**

**TELEPHONE**  
CENTURY LINK  
33 N. WALK STREET  
WINTER GARDEN, FL 34787  
PHONE: (407) 814-5379  
ATTN: DAVID BYRNES

**WATER AND SEWER**  
CITY OF APOPKA  
748 E. CLEVELAND STREET  
APOPKA, FL 32704  
PHONE: (407) 703-1731

**GAS**  
LAKE APOPKA NATURAL GAS  
1320 WINTER GARDEN VLnELAND RD.  
WINTER GARDEN, FL 34787  
PHONE: (407) 656-2734  
ATTN: RICK GULLETTI, EXT. 108

**LEGAL DESCRIPTION**

Parcel 1:

From the North 1/4 corner of Section 19, Township 21 South, Range 28 East, Orange County, Florida, run thence South 00°35'40" West along the North-South mid-section line, a distance of 563.67 feet; thence North 89°28'10" West a distance of 650 feet; thence South 101°16'10" East 419.70 feet; thence South 41°00'00" West a distance of 1075.00 feet; thence South 08°30'00" West, a distance of 824.28 feet to a point on the Westerly extension of the North right of way line of State Road 437, as it existed on the 25th day of September, 1998; thence South 88°52'56" East along said North right of way line and the Westerly extension thereof 832.70 feet to a point of beginning; thence North 00°37'08" East 400.00 feet; thence North 50°38'03" East 296.52 feet; thence North 50°38'57" East 400.37 feet; thence North 20°48'03" East 468.63 feet; thence North 89°57'57" East 300.00 feet to a point on the West right of way line of State Road 437; thence South 07°43'14" West along said right of way line 720.20 feet; thence continue South 02°43'14" West along said right of way line 122.85 feet to a point of curvature of said West right of way line of State Road 437; thence continuing along said West right of way line Southwesterly on a curve, said curve concave to the Northwest, having a radius of 440.91 feet through a central angle of 87°30'31" and an arc distance of 675.97 feet to the point of tangency thereof; thence continuing along the aforesaid North right of way line of State Road 437, North 89°52'56" West 556.28 feet to the point of beginning and point of terminus.

Parcel 2:

Commencing at the North 1/4 corner of Section 19, Township 21 South, Range 28 East, Orange County, Florida, run thence South 00°35'40" West along the North-South mid-section line, a distance of 563.67 feet to the point of beginning; thence North 89°28'10" West, a distance of 650 feet; thence South 101°16'10" East, 419.70 feet; thence South 41°00'00" West, a distance of 1075.00 feet; thence South 08°30'00" West, a distance of 824.28 feet; thence South 88°52'56" East, a distance of 740.89 feet to a point on the Northernly right-of-way line of State Road 437, from said point, run thence South 88°52'56" East along said Northernly right-of-way line 91.82 feet, departing said right-of-way, run thence North 01°07'04" East, 400.00 feet; thence North 56°08'02" East, 299.52 feet; thence North 51°08'36" East, 400.37 feet; thence North 21°18'02" East, a distance of 461.80 feet to a point on the Southernly right-of-way line of Harmon Road, from said point, run thence South 89°21'38" East along the Southernly right-of-way line of Harmon Road, a distance of 307.55 feet to a point on the Westernly right-of-way line of State Road No. 437, from said point, run thence North 02°43'14" East along said Westernly right-of-way line, a distance of 582.17 feet; thence along said right-of-way line on a curve to the left having a radius of 909.00 feet, a central angle of 13°45'43" and an arc distance of 218.34 feet; thence North 89°23'10" West and parallel with the North boundary of said Section 19, a distance of 485.74 feet to the point of beginning, less right-of-way, as recorded in Deed Book 765, Page 113, Public Records of Orange County, Florida.

Also described as commencing at a 6" square concrete monument, no identification, at the Northeast corner of Section 19, Township 21 South, Range 28 East, Orange County, Florida, run thence North 89°23'10" West along the North boundary of said Section 19, a distance of 2857.02 feet to the North 1/4 corner as called for in Official Records Book 3712, Page 1401 of the Public Record of Orange County, Florida, run thence South 00°35'40" West along the North-South mid-section line, a distance of 563.67 feet to the point of beginning of this description. From said point of beginning, run thence North 89°23'10" West parallel with the North boundary of said Section 19, a distance of 650.00 feet to a found 4" square concrete monument, no identification, on the Eastern boundary of the St. John's River Management District Land Acquisition as found to be monumented; thence South 101°14'38" East along said Eastern boundary, a distance of 419.51 feet to a found 4" square concrete monument, no identification; thence South 40°59'41" West along said Eastern boundary, a distance of 1074.86 feet to a found 4" square concrete monument marked "L.S. 8669"; thence South 08°28'50" West along said Eastern boundary a distance of 824.43 feet to a point on the Southernly boundary of the property described in Official Records Book 4387, Page 2991, of the Public Records of Orange County, Florida, from said point run thence South 88°52'56" East along said Southernly boundary, a distance of 740.76 feet to a point on the Northernly right-of-way line of State Road 437, from said point, run thence South 88°52'56" East along said Northernly right-of-way line 91.82 feet, departing said right-of-way, run thence North 01°07'04" East, 400.00 feet; thence North 56°08'02" East, 299.52 feet; thence North 51°08'36" East, 400.37 feet; thence North 21°18'02" East, a distance of 461.80 feet to a point on the Southernly right-of-way line of Harmon Road, from said point, run thence South 89°21'38" East along the Southernly right-of-way line of Harmon Road, a distance of 307.55 feet to a point on the Westernly right-of-way line of State Road No. 437, from said point, run thence North 02°43'14" East along said Westernly right-of-way line, a distance of 582.17 feet to the point of curvature of a curve concave Southwesterly, having a radius of 909.00 feet; thence Northwesterly along the arc of said right-of-way through a central angle of 13°45'43" an arc distance of 218.34 feet to a point to which a radial line bears North 78°57'38" East, from said point, departing said right-of-way, run thence North 89°23'10" West, parallel with the North boundary of said Section 19, a distance of 485.82 feet to the point of beginning.

Parcel 3:

The South 147.85 feet of the North 563.64 feet of the Northwest 1/4 of the Northeast 1/4, West of road and the South 147.85 feet of the North 563.64 feet of the East 1187.22 feet of the Northeast 1/4 of the Northwest 1/4 (less road) in Section 19, Township 21 South, Range 28 East, Orange County, Florida.

Parcels 1, 2 and 3 contain 3,277,311 square feet, or 75.24 acres, more or less.

**INDEX OF SHEETS**

COV	COVER SHEET
1 of 2 & 2 of 2	BOUNDARY SURVEY
PDP-1	PRELIMINARY DEVELOPMENT PLAN
PUT-1 & PUT-2	PRELIMINARY DRAINAGE & UTILITY PLAN
T101 & T102	TREE MITIGATION PLAN
MP101	NEIGHBORHOOD ACTIVITY CENTER PLAN
MP102	LANDSCAPED FOCAL POINT PLANS
L101 - L103	LANDSCAPE PLAN
L201	LANDSCAPE SCHEDULE & DETAILS
L301 - L303	IRRIGATION PLAN
L401	IRRIGATION NOTES
L402	IRRIGATION DETAILS



**MADDEN**  
**MOORHEAD & STOKES, INC.**  
**CIVIL ENGINEERS**

431 E. HORATIO AVENUE, SUITE 260  
MAITLAND, FLORIDA 32751  
PHONE (407) 629-8330  
FAX (407) 629-8336

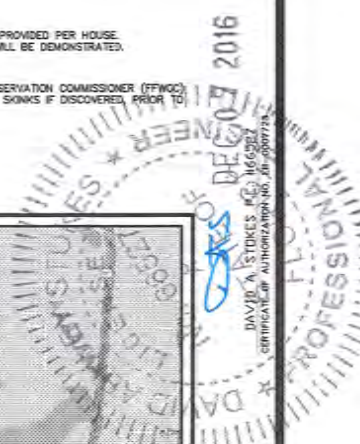
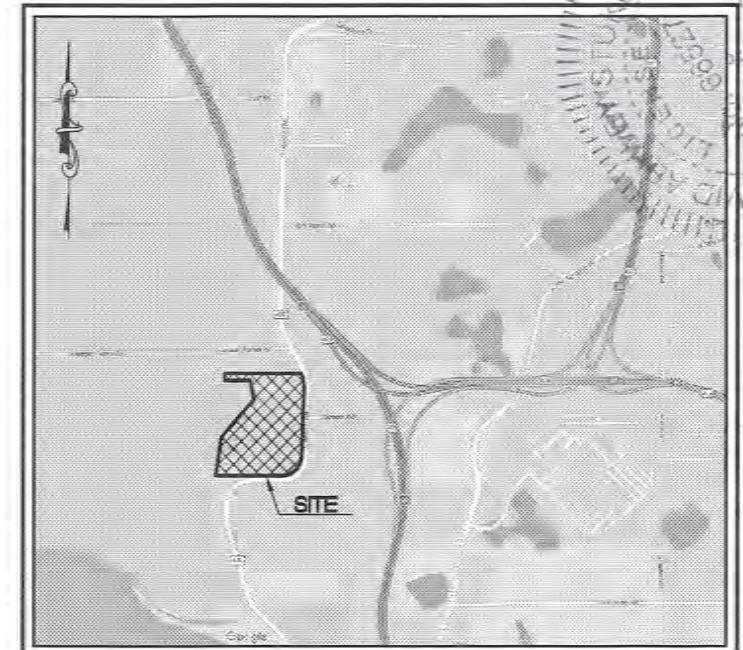


**DEVELOPMENT DESIGN GUIDELINES**

- RESIDENTIAL ARCHITECTURE (SEC. 2.02.20.8.28.)**
- ARCHITECTURAL RENDERINGS OF BUILDINGS WILL BE PROVIDED TO MEET THE INTENT OF SECTION 2.02.20.8 AND THE CITY'S DEVELOPMENT DESIGN STANDARDS AT THE TIME OF FINAL DEVELOPMENT PLAN.
  - A MINIMUM OF TWENTY-FIVE (25) PERCENT OF THE RESIDENTIAL UNITS WILL HAVE A PORCH AT THE FRONT BUILDING ENTRANCE.
  - EXTERIOR HOUSE RENDERINGS WILL BE PROVIDED AT THE TIME OF FINAL DEVELOPMENT PLAN. THESE RENDERINGS WILL REFLECT THE FOLLOWING STANDARDS:
    - EACH HOUSE WILL HAVE A PROMINENT PORTICO OR COVERED PORCH AT THE FRONT OF THE HOUSE AT THE MAIN ENTRANCE. A COVERED PORCH MAY ENCOMPASS THE FRONT SETBACK BY UP TO SIX FEET.
    - HOUSE DESIGN WILL MEET THE INTENT OF THE DEVELOPMENT DESIGN GUIDELINES MANUAL.
    - THE FOLLOWING HOUSE DESIGN WILL BE ALLOWED:
      - ONE-STORY HOMES: FRONT-ENTRY GARAGE WILL NOT COMPRISE MORE THAN SIX PERCENT OF THE FRONT BUILDING FACADE. TWO CAR DOORS ALLOWED.
      - TWO-STORY HOMES: THREE CAR DOORS ALLOWED FOR THE FRONT-ENTRY GARAGE AS LONG AS AN OCCUPIED FLOOR AREA IS LOCATED ABOVE GARAGE OR DORMERS ARE INCLUDED IN THE ROOF ABOVE GARAGE.
      - FRONT-ENTRY GARAGE WILL BE SET-BACK 30 FEET FROM THE FRONT LOT LINE.
      - NO BOOK-END FRONT-ENTRY GARAGES ON OPPOSITE SIDES OF THE HOUSE UNLESS AT LEAST ONE GARAGE IS A CARRIAGE ENTRY GARAGE.
      - ANY SIDE ENTRY GARAGE WILL HAVE WINDOWS FACING THE STREET.
- ADDITIONAL GARAGE DESIGN REQUIREMENTS**
- PER CODE SECTION 2.02.20.8.29.A, A MINIMUM TWO-CAR GARAGE WILL BE PROVIDED PER HOUSE.
  - PER CODE SECTION 2.02.20.8.29.B AND C, A MIXTURE OF GARAGE TYPES WILL BE DEMONSTRATED.

NOTE: A LETTER MUST BE OBTAINED FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSIONER (FFWC) REGARDING WILDLIFE MANAGEMENT PLAN FOR THE GOPHER TORTOISES AND SAND SKINKS IF DISCOVERED PRIOR TO ANY GRADING, CLEARING OR CONSTRUCTION ACTIVITIES OCCURRING ON SITE.

**VICINITY MAP**





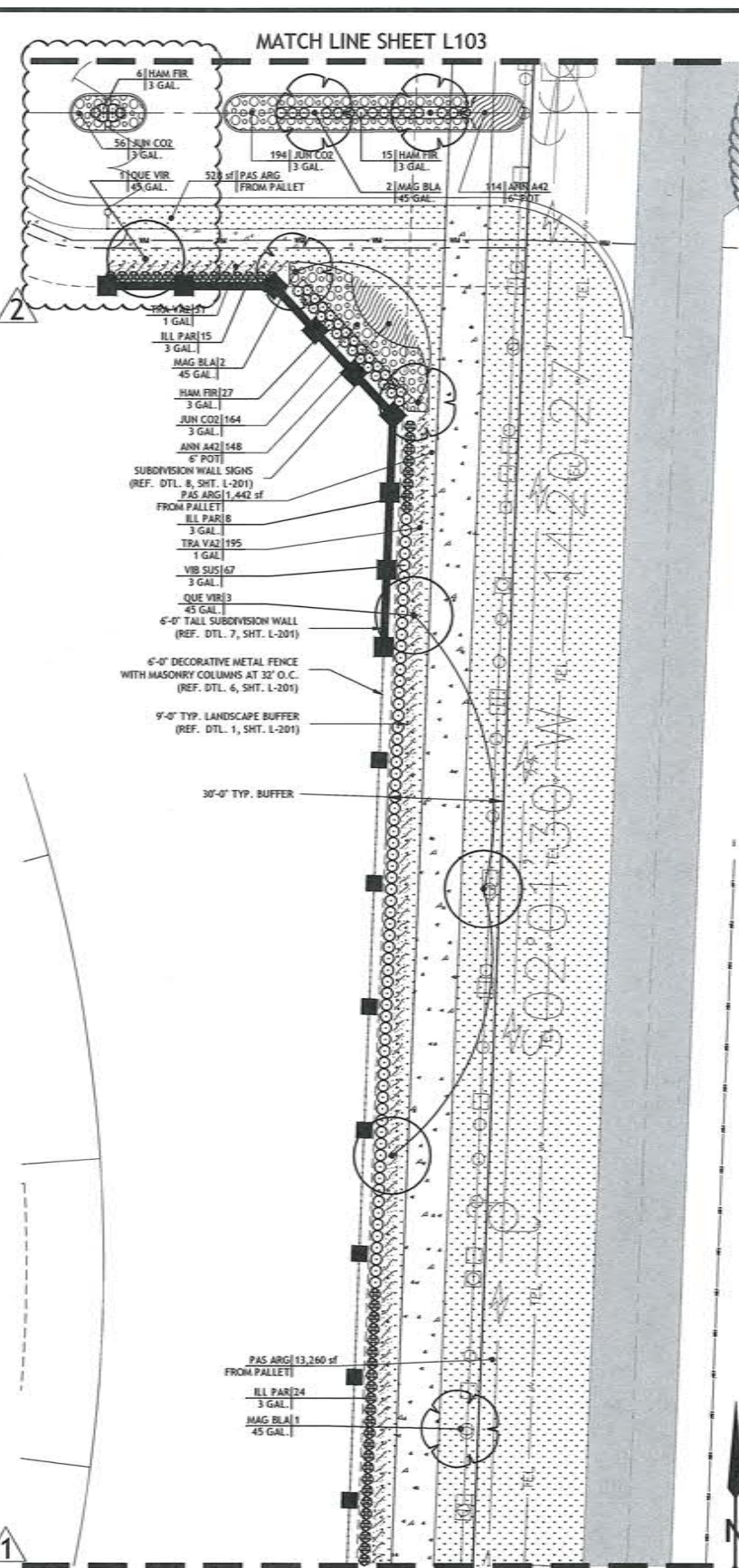
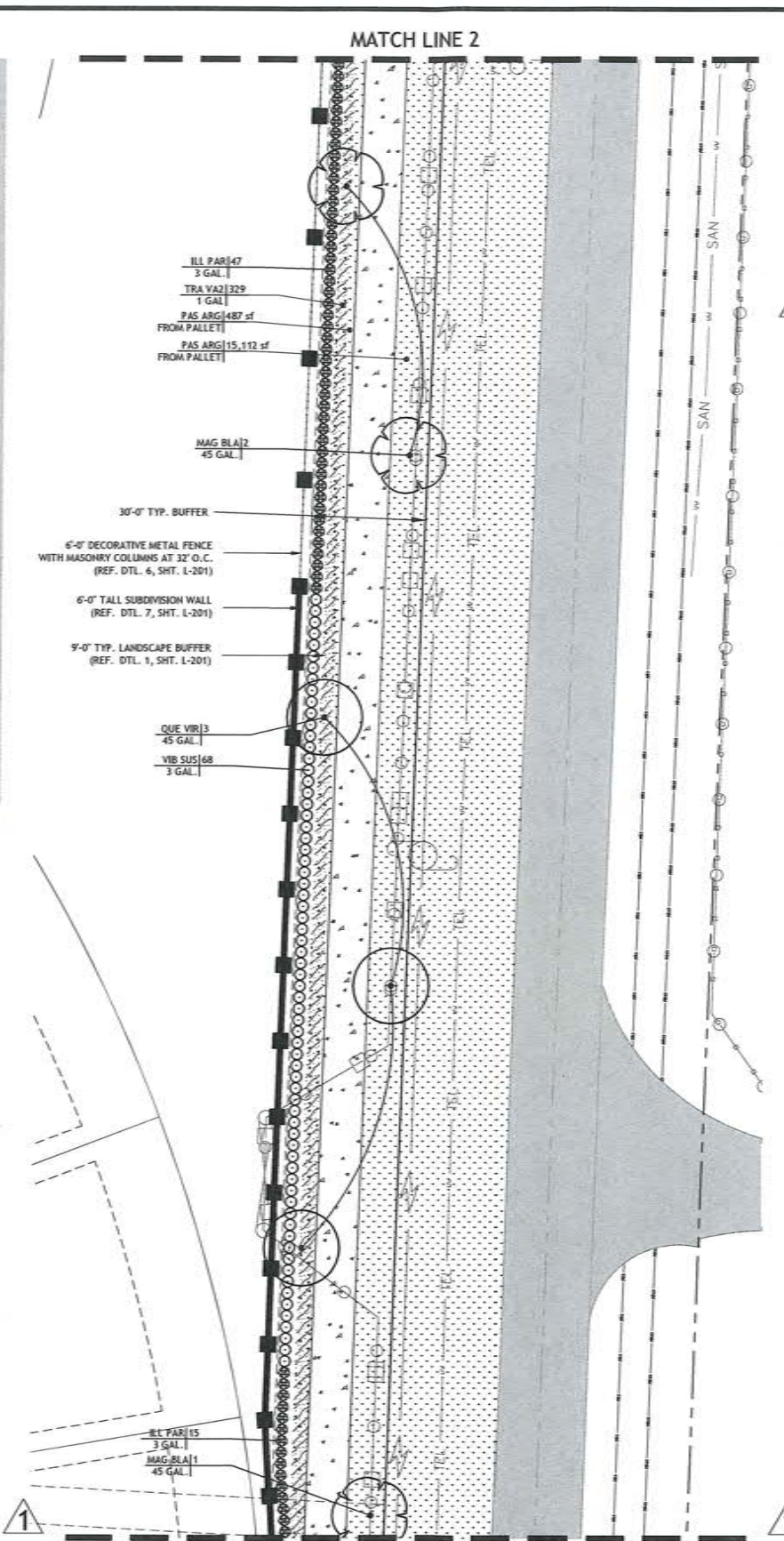
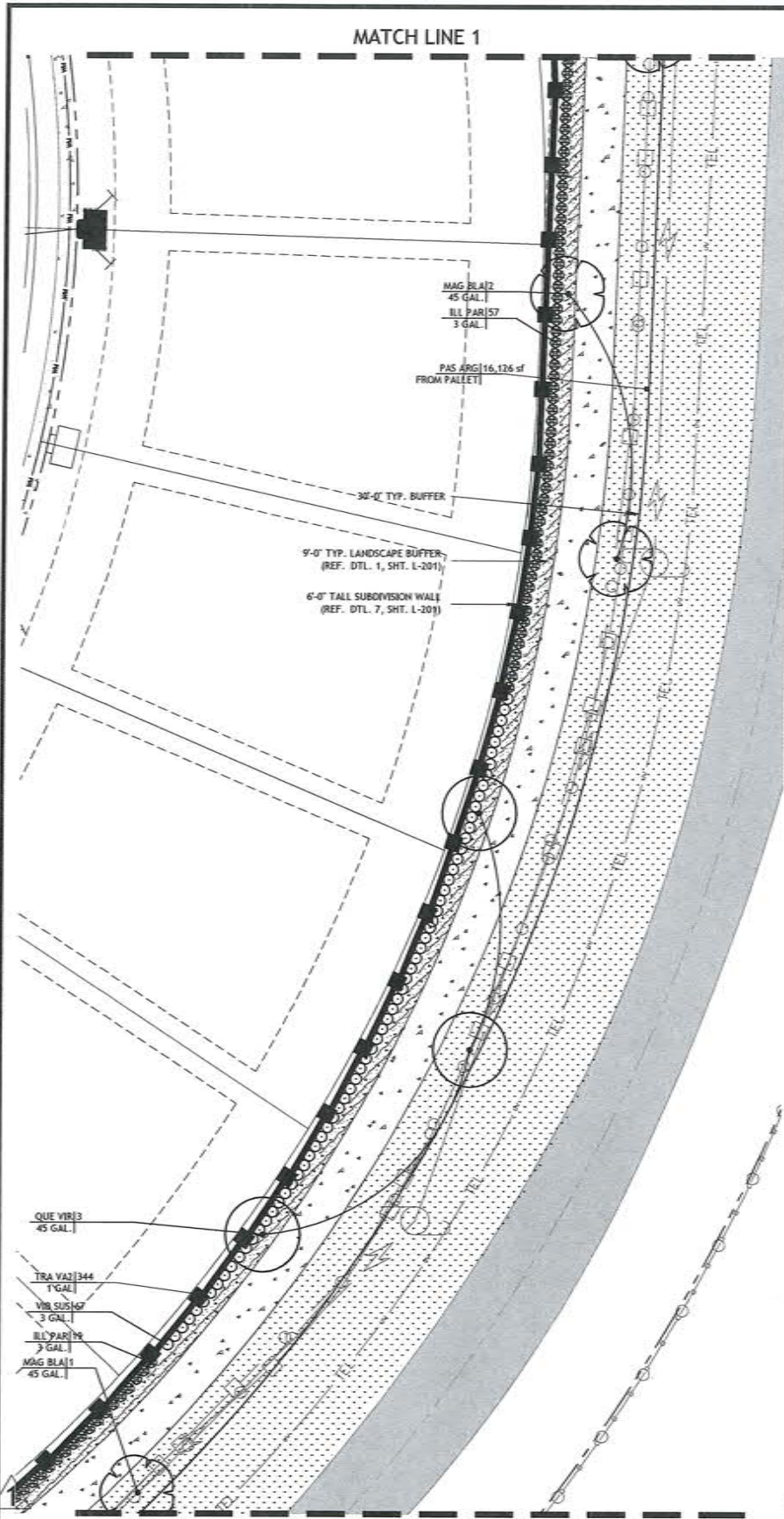








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# VISTAS AT WATERS EDGE

Apopka, Florida

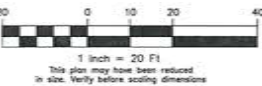


Revisions:	
No.	Date:
1	10/19/2016
2	11/4/2016

Date: 09/28/2016  
 Scale: As Shown  
 Project Number: 1636

Sheet Title:  
**LANDSCAPE PLAN**

Sheet Number:  
**L102**

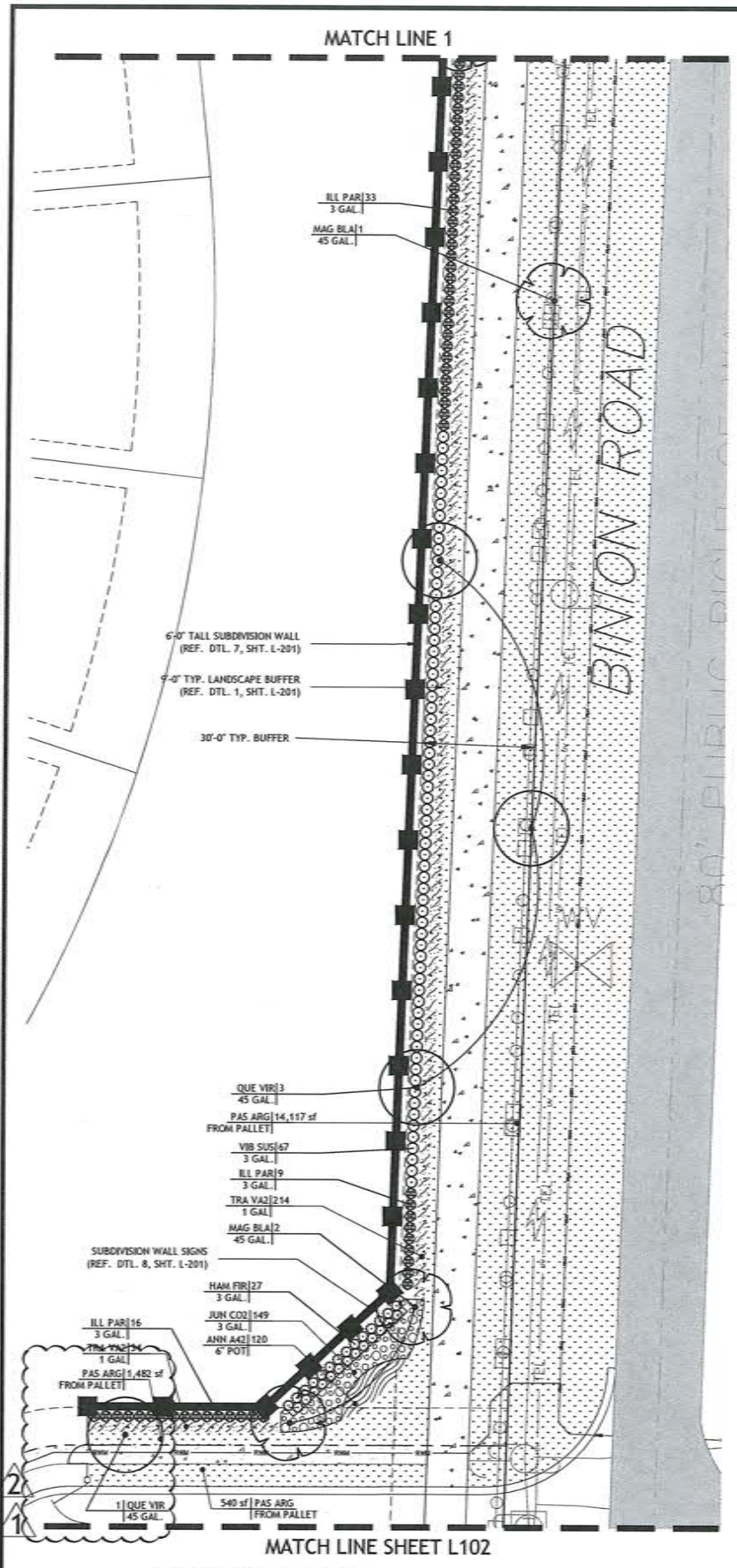


I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2009 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_



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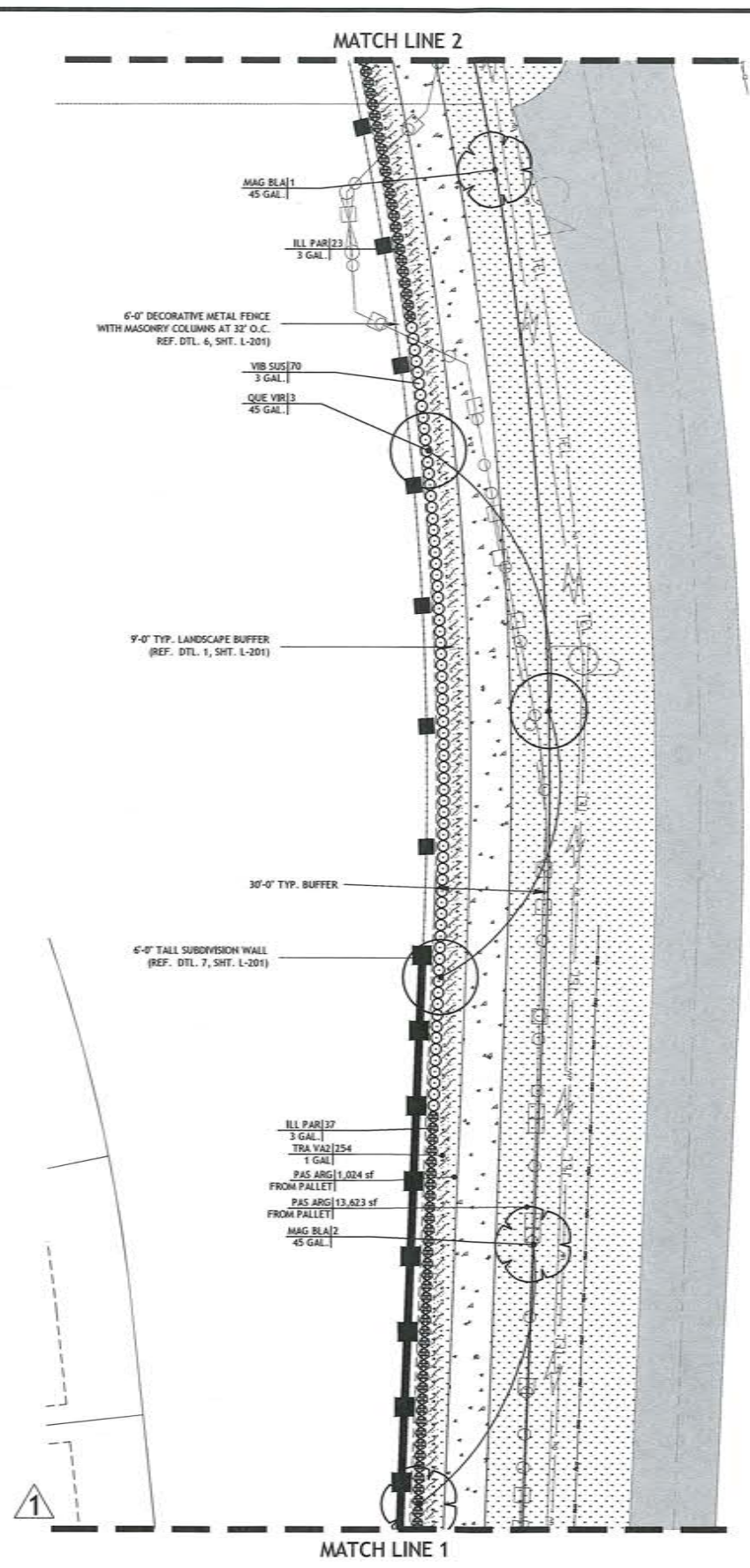


MATCH LINE SHEET L102

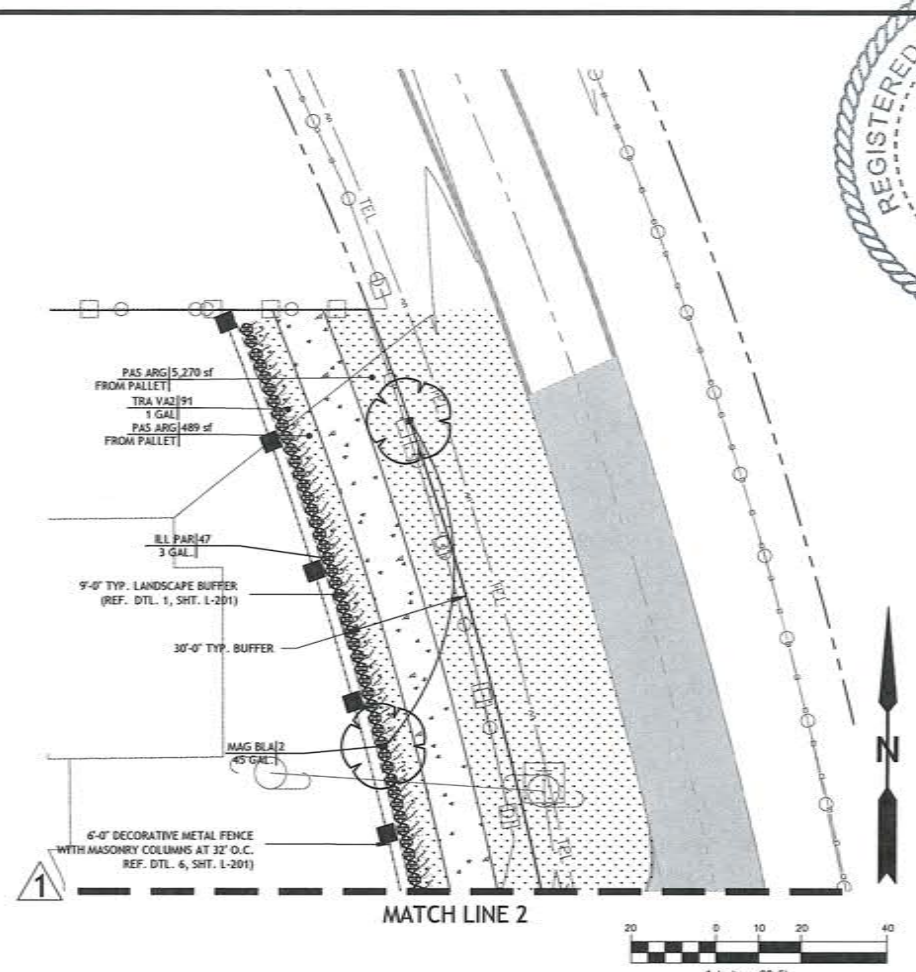
LANDSCAPE AND IRRIGATION DESIGN

I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2089 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_



MATCH LINE 1



MATCH LINE 2

- TYPICAL LANDSCAPE NOTES:**
1. ALL TREE CALIPER SIZES NOTED ARE MINIMUM. INCREASE SIZE OR ANY OTHER SPECIFICATIONS AS REQUIRED, PROVIDING MINIMUM PLANT SIZE AND SPECIFICATIONS.
  2. ALL CONTAINER SIZES NOTED ARE MINIMUM. INCREASE SIZE OF POT AS REQUIRED, PROVIDING MINIMUM PLANT SIZE AND SPECIFICATIONS. ALL HEIGHT AND SPREAD SPECIFICATIONS ARE MINIMUM.
  3. SHRUB AND GROUND COVER BED QUANTITIES ARE INDICATED FOR EACH PLANT BED. ALL PLANT QUANTITIES FOR PROPOSALS SHALL BE DERIVED SOLELY FROM DRAWINGS AND SPECIFICATIONS.
  4. SHRUB AND GROUND COVER SPACING IS INDICATED ON THE PLANT LIST AND SHALL APPLY FOR ALL "MASS PLANTING" BEDS.
  5. OWNERS REPRESENTATIVE MUST TAG AN EXAMPLE OF EACH PALM SPECIES ACCORDING TO THE SPECIFICATIONS IN THE PLANT LIST.
  6. SEE PLANT LIST DETAILS AND SPECIFICATIONS FOR FURTHER PLANTING INFORMATION.
  7. LOCATION OF ALL UTILITIES AND BASE INFORMATION IS APPROXIMATE. CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES AND OBSTRUCTIONS AND COORDINATE WITH OWNERS REPRESENTATIVE PRIOR TO INITIATING INSTALLATION WORK. CONTRACTOR SHALL BE RESPONSIBLE TO REPAIR OR REPLACE ANY DAMAGE COMMITTED TO EXISTING ELEMENTS ABOVE OR BELOW GROUND TO ITS ORIGINAL CONDITION AND TO THE SATISFACTION OF THE OWNERS REPRESENTATIVE.
  8. CONTRACTOR SHALL FIELD ADJUST LOCATION OF PLANT MATERIAL AS NECESSARY TO AVOID DAMAGE TO EXISTING UNDERGROUND UTILITIES AND/OR EXISTING ABOVE GROUND ELEMENTS. ALL CHANGES REQUIRED SHALL BE COMPLETED AT THE CONTRACTORS EXPENSE AND SHALL BE COORDINATED WITH THE OWNERS REPRESENTATIVE.
  9. CONTRACTOR SHALL FIELD STAKE THE LOCATION OF ALL PLANT MATERIAL PRIOR TO INITIATING INSTALLATION FOR THE REVIEW AND APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNERS REPRESENTATIVE. THE LOCATION OF ALL PLANT MATERIAL IS SUBJECT TO FIELD CHANGE.
  10. LANDSCAPE CONTRACTOR SHALL COORDINATE THEIR WORK WITH THE IRRIGATION CONTRACTOR AND ALL OTHER TRADES.
  11. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HAND WATERING AS REQUIRED UNTIL PLANT MATERIALS ARE WELL ESTABLISHED, TO SUPPLEMENT IRRIGATION WATERING AND RAINFALL.
  12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HAND WATERING IN ALL LANDSCAPE AREAS WHERE THE EXISTING OR PROPOSED IRRIGATION IS FOR WHATEVER REASON NOT OPERATING OR NOT OPERATING CORRECTLY.
  13. CONTRACTOR SHALL CLEAN THE WORK AREAS AT THE END OF EACH WORKING DAY. RUBBISH AND DEBRIS SHALL BE COLLECTED AND DEPOSITED AS DIRECTED DAILY. ALL MATERIALS, PRODUCTS, AND EQUIPMENT SHALL BE STORED IN AN ORGANIZED FASHION AS DIRECTED BY THE OWNER OR OWNERS REPRESENTATIVE.
  14. ALL PLANT MATERIAL SHALL BE IN FULL AND STRICT ACCORDANCE WITH FLORIDA NO. 1 GRADE, ACCORDING TO THE "GRADES AND STANDARDS FOR NURSERY PLANTS" PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, CURRENT EDITION.
  15. CONTRACTOR SHALL REMOVE EXISTING SOD AND/OR VEGETATION IN ALL AREAS TO BE PLANTED WITH SHRUB/GROUNDCOVERS AND/OR ALL AREAS TO BE MULCHED.
  16. CONTRACTOR SHALL REPLACE SOD IN ALL AREAS WHERE EXISTING VEGETATION IS REMOVED OR RELOCATED, WHERE EXISTING LAWN AREAS ARE DAMAGED BY HIS WORK, AND WHERE NEW VEGETATION IS INSTALLED (UNLESS OTHERWISE NOTED ON PLANS) WITH SAME GRASS SPECIES TO THE SATISFACTION OF THE OWNERS REPRESENTATIVE. CONTRACTOR SHALL BE RESPONSIBLE FOR FINISH GRADING ALL SUCH AREAS TO BLEND BOTH ELEVATIONS AND SOD INTO EXISTING SURROUNDING LAWN AREAS.
  17. THE CONTRACTOR SHALL BEAR ALL COSTS OF TESTING OF SOILS, AMENDMENTS, ETC. ASSOCIATED WITH THE WORK AND INCLUDED IN THE SPECIFICATIONS. PRIOR TO COMMENCEMENT OF THE LANDSCAPING WORK, FOR EVERY BLOCK SECTION OF STREET THE CONTRACTOR SHALL PROVIDE COMPLETE SOIL TESTS FOR AT LEAST THREE AREAS UNDISTURBED BY PREVIOUS WORK AND TWO AREAS DISTURBED AND/OR REFILLED. SEE SPECIFICATIONS FOR ADDITIONAL TESTING REQUIREMENTS.
  18. THE CONTRACTOR SHALL PROVIDE UNIT PRICES AS REQUESTED WHICH INCLUDE THE TOTAL COST OF THE WORK INCLUDING BUT NOT LIMITED TO ANY AND ALL COSTS FOR EQUIPMENT, MATERIAL, PRODUCTS, OVERHEAD, PROFIT, GUARANTEES, LABOR, INSTALLATION, ETC. TO PROVIDE A COMPLETE JOB AS OUTLINED ON THE DRAWINGS. THE OWNER SHALL HAVE THE OPTION TO ADD OR DEDUCT FROM THE LUMP SUM BID CONTRACT AMOUNT, BASED ON THE QUOTED UNIT PRICES FOR ANY OR THE ITEMS LISTED IN THE "PLANT LIST".
  19. CONTRACTOR SHALL PROTECT EXISTING VEGETATION TO REMAIN BY MEANS APPROVED BY THE OWNER/OWNERS REPRESENTATIVE AND AS DETAILED IN THE DRAWINGS.
  20. CONTRACTOR SHALL CLEAN, PRUNE, AND SHAPE EDGES OF EXISTING VEGETATION AS DIRECTED BY OWNERS REPRESENTATIVE. CREATE SMOOTH BED LINES AROUND EXISTING VEGETATION.
  21. CONTRACTOR AND EMPLOYEE VEHICLE PARKING SHALL BE COORDINATED WITH THE OWNER OR OWNERS REPRESENTATIVE. SHUTTLING OF EMPLOYEES TO THE PROJECT AREAS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL NOT DISRUPT OR CONFLICT IN ANY MANNER WITH EXISTING TRAFFIC.
  22. CONSTRUCTION ACCESS SHALL BE INDICATED BY THE OWNER. COORDINATION OF HEAVY EQUIPMENT AND MATERIALS SHALL BE THE CONTRACTORS RESPONSIBILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SCHEDULING AND COORDINATION OF WORK WITH OTHER TRADES AND THE OWNER OR OWNERS REPRESENTATIVE.
- THE CONTRACTOR SHALL TAKE WHATEVER MEANS THAT MAY BE NECESSARY TO FULLY UNDERSTAND ALL THE ACCESS ROUTES AND CONSTRUCTION SCHEDULES IN ORDER TO PROVIDE A COMPLETE AND FINISHED PROJECT ON SCHEDULE.
- PINE STRAW MULCH OR APPROVED EQUAL SHALL BE USED (CYPRESS MULCH NOT ALLOWED).



# VISTAS AT WATERS EDGE

Apopka, Florida



Revisions:

No.	Date
1	10/19/2016
2	11/4/2016

Date: 05/28/2016  
Scale: As Shown  
Project Number: 1636

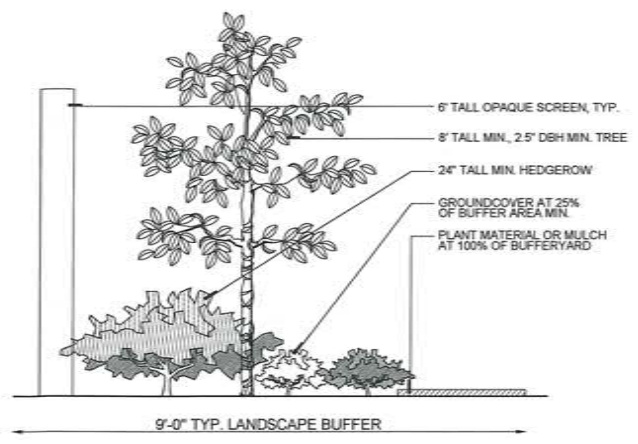
Sheet Title:  
**LANDSCAPE PLAN**

Sheet Number:  
**L103**

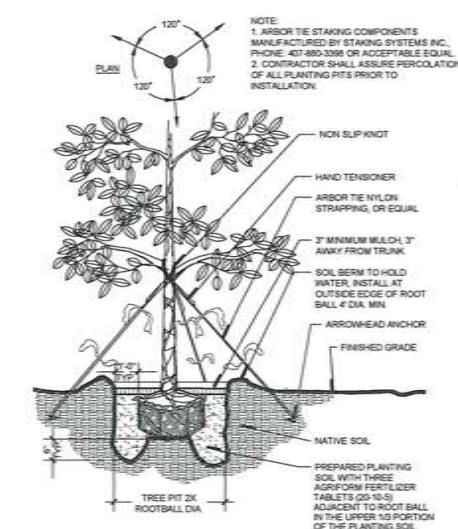


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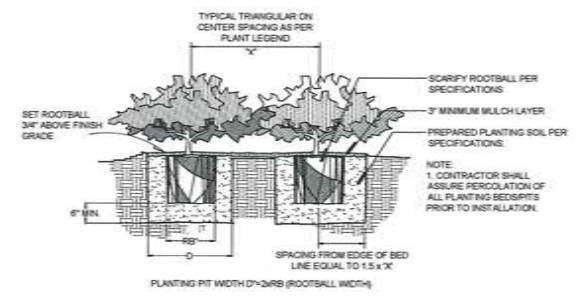
PLANT SCHEDULE										
TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT.	CAL	SPECIFICATION	WATER USAGE	NATIVE	REMARKS	
LAG MUS	6	LAGERSTROEMIA X "MUSKOGEE"	LAVENDER CRAPE MYRTLE	25 GAL.	1" CAL	6' H X 4" S	LOW-MEDIUM	NO	MULTI-TRUNK, FULL	
MAG BLA	29	MAGNOLIA GRANDIFLORA "D.D. BLANCHARD" TM	SOUTHERN MAGNOLIA	45 GAL.	3" CAL	12' H X 4" S	LOW-MEDIUM	YES	SINGLE, STRAIGHT TRUNK, FULL	
QUE VIR	28	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	45 GAL.	3" CAL	13' H X 6" S	LOW-MEDIUM	YES	SINGLE, STRAIGHT TRUNK, FULL	
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT.	-	SPECIFICATION	WATER USAGE	NATIVE	REMARKS	
HAM FIR	167	HAMELIA PATENS	FIRE BUSH	3 GAL.	-	18" H X 18" S	LOW-MEDIUM	YES	FULL	
ILL PAR	526	ILICUM PARVIFLORUM	YELLOW ANISE	3 GAL.	-	18" H X 18" S	LOW	NO	FULL	
VIB SUS	541	VIBURNUM SUSPENSUM	SANDANKWA YBURNUM	3 GAL.	-	18" H X 18" S	LOW	NO	FULL	
ZAM PUM	34	ZAMIA PUMILA	COONTIE	3 GAL.	-	12" H X 12" S	LOW	YES	FULL	
SHRUB AREAS	QTY	BOTANICAL NAME	COMMON NAME	CONT.	-	SPECIFICATION	WATER USAGE	NATIVE	SPACING	REMARKS
HAM FIZ	38	HAMELIA PATENS "COMPACTA"	DWARF FIRE BUSH	3 GAL.	-	16" H X 16" S	LOW-MEDIUM	YES	24" o.c.	FULL
JUN CO2	563	JUNPERUS CONFERTA "BLUE PACIFIC"	BLUE PACIFIC SHORE JUNIPER	3 GAL.	-	12" H X 12" S	LOW	NO	18" o.c.	FULL, 3 TRAILING RUNNERS MIN.
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT.	-	SPECIFICATION	WATER USAGE	NATIVE	SPACING	REMARKS
AGA AFR	159	AGAPANTHUS AFRICANUS	LILY OF THE LILE	1 GAL.	-	12" O.A.	LOW-MED	NO	18" o.c.	FULL
ANN A42	382	ANNUALS (SELECTED BY OWNER)	ANNUALS	6" POT	-	6" O.A.	MEDIUM-HIGH	NO	12" o.c.	FULL
MUR CA3	85	MULLENBERGIA CAPILLARIS	PINK MURLY	1 GAL.	-	12" H X 12" S	LOW	YES	24" o.c.	FULL
TRA VA2	2,234	TRACHELOSPERMUM ASIATICUM "VAREGATA"	VAREGATED DWARF JASMINE	1 GAL.	-	10" H X 12" S	LOW-MED	NO	24" o.c.	FULL, 5 RUNNERS MIN.
SOD/SEED	QTY	BOTANICAL NAME	COMMON NAME	CONT.	-	SPECIFICATION	WATER USAGE	NATIVE	SPACING	REMARKS
PAS ARG	128,430 SF	PASPALUM NOTATUM "ARGENTINE"	BAHIA GRASS	FROM PALLET	-	SOD	N/A	NO	-	CLEAN AND WEED FREE



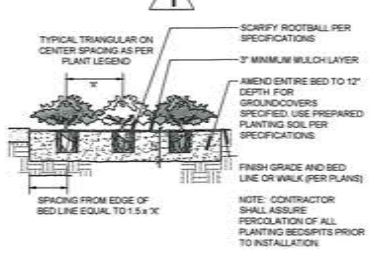
1 9' TYPICAL LANDSCAPE BUFFER Scale: N.T.S.



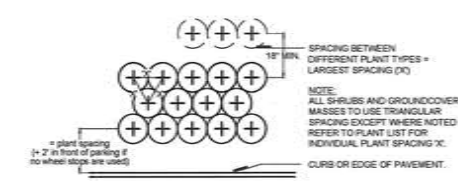
2 LARGE TREE PLANTING DETAIL Scale: N.T.S.



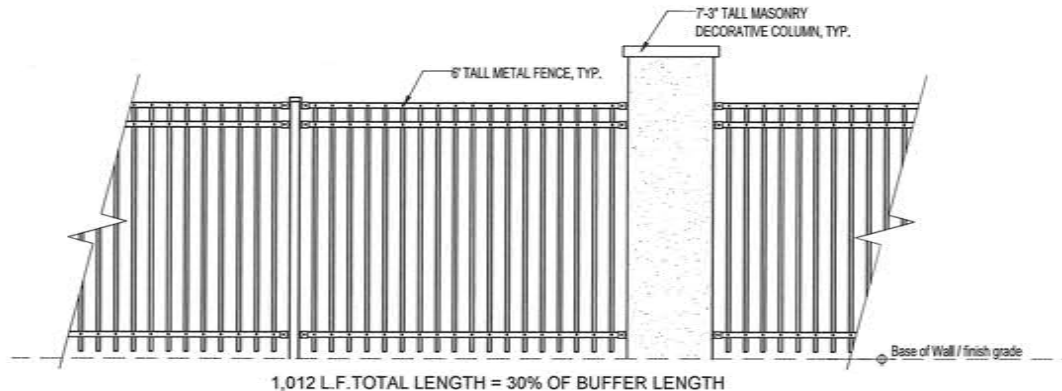
3 SHRUB PLANTING DETAIL Scale: N.T.S.



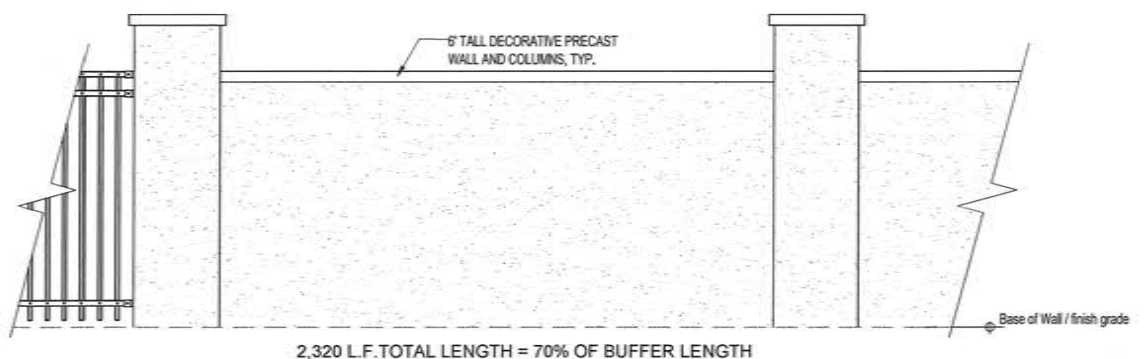
4 GROUNDCOVER PLANTING DETAIL Scale: N.T.S.



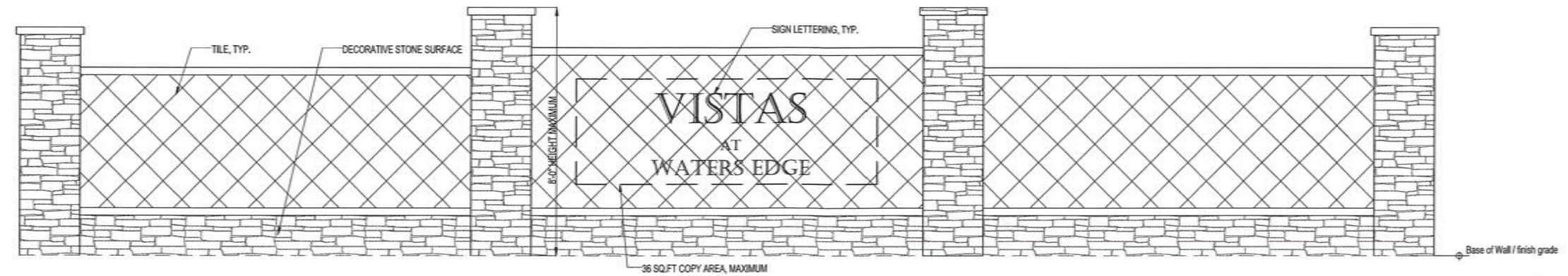
5 PLANT SPACING DETAIL Scale: N.T.S.



6 SUBDIVISION FENCE ELEVATION Scale: N.T.S.



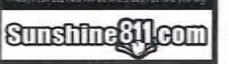
7 SUBDIVISION WALL ELEVATION Scale: N.T.S.



8 SUBDIVISION WALL SIGN ELEVATION Scale: N.T.S.



VISTAS AT WATERS EDGE  
Apopka, Florida



Revisions:  
No. 1 Date: 10/19/2016

Date: 09/28/2016  
Scale: As Shown  
Project Number: 1636

Sheet Title:  
LANDSCAPE SCHEDULE & DETAILS

Sheet Number:

L201

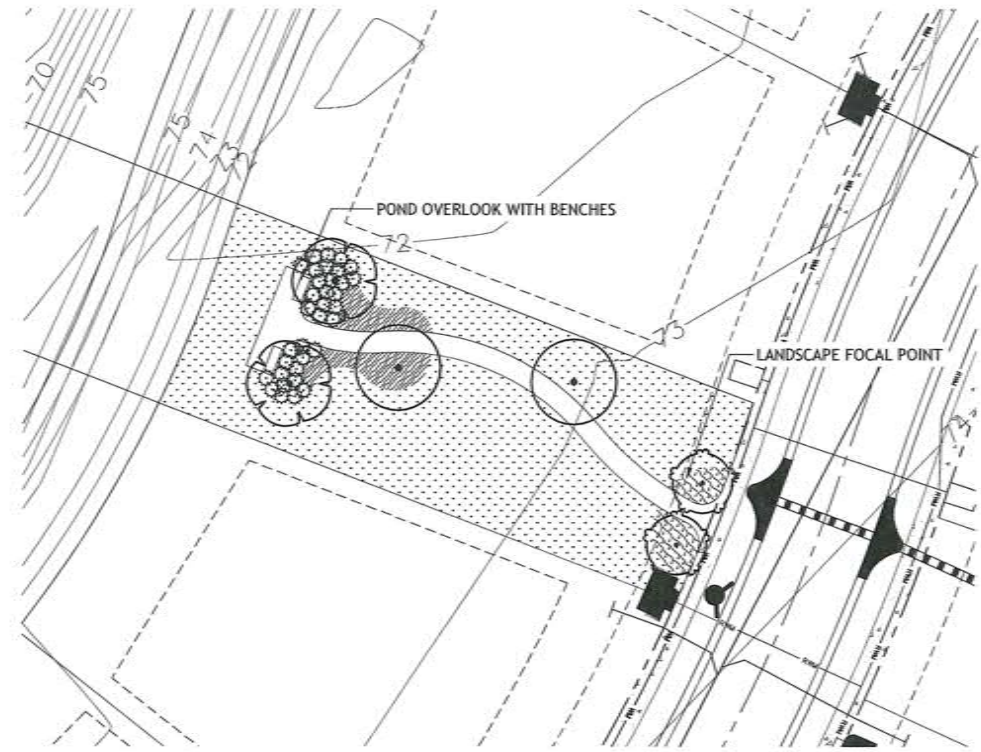
NOTE: CONTRACTOR TO PROVIDE SHOP DRAWINGS SIGNED AND SEALED BY A FLORIDA CERTIFIED STRUCTURAL ENGINEER IN A SEPARATE PERMIT FOR ALL HARDSCAPE FEATURES, TYP.



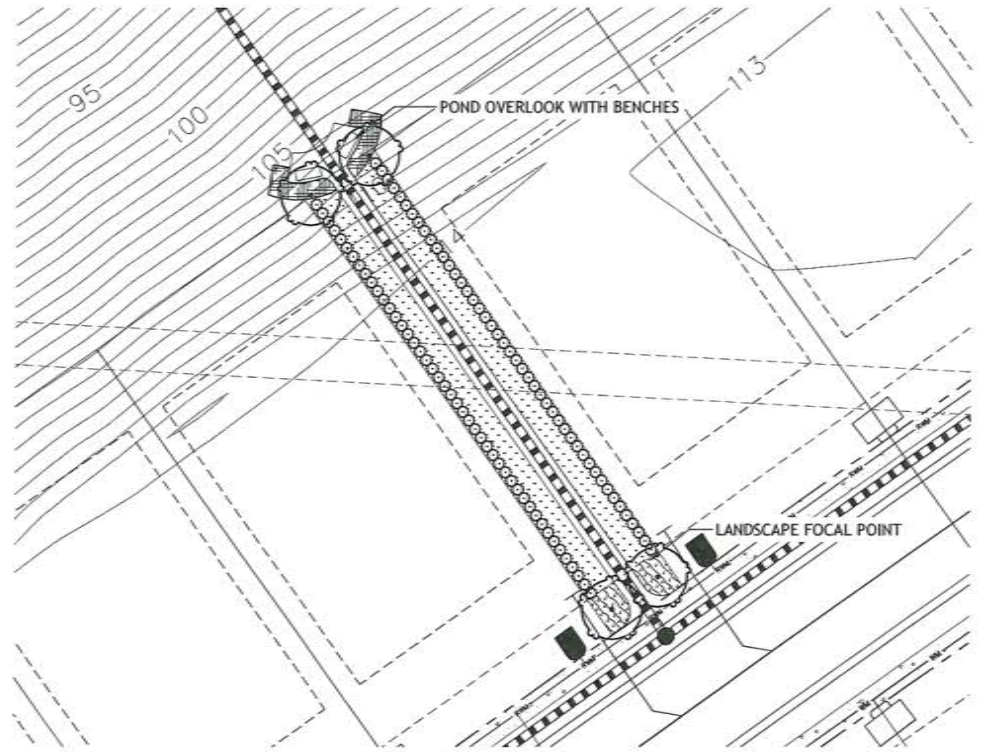




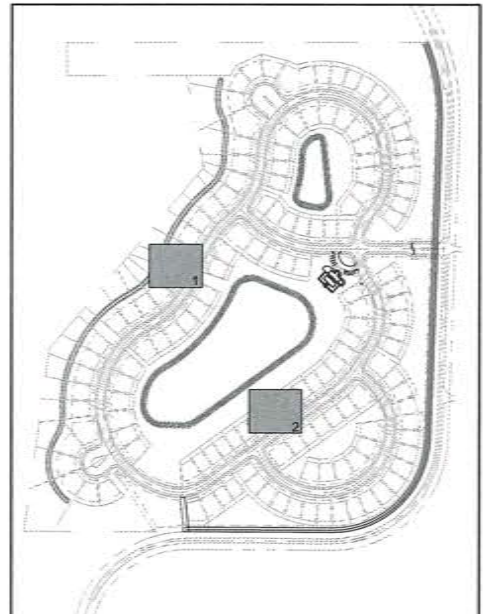
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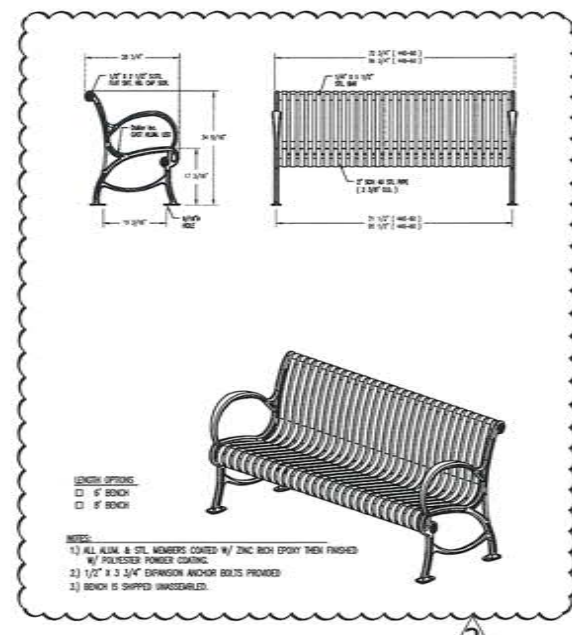
1 NEIGHBORHOOD OVERLOOK PARK #1



2 NEIGHBORHOOD OVERLOOK PARK #2



KEY MAP SCALE: N.T.S.



3 DuMOR SERIES 446 6' BENCH, OR APPROVED EQUAL

Scale: N.T.S.



VISTAS AT WATERS EDGE  
 Apopka, Florida

Sunshine811.com

Revisions:

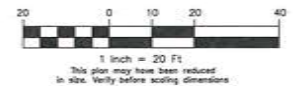
No.	Date
1	10/19/2016

Date: 05/28/2016  
 Scale: As Shown  
 Project Number: 1636

Sheet Title:  
 LANDSCAPED FOCAL POINT PLANS

Sheet Number:

MP102



**Backup material for agenda item:**

2. Final Development Plan – Tractor Supply – Quasi-Judicial Moon

David



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Final Development Plan

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Vicinity/Aerial Maps  
 Site/Landscape Plans  
 Color Rendering  
 Building Elevations  
 Photometric Plan

**SUBJECT: TRACTOR SUPPLY APOPKA – FINAL DEVELOPMENT PLAN**

**REQUEST: APPROVAL OF THE FINAL DEVELOPMENT PLAN FOR TRACTOR SUPPLY APOPKA; AND ISSUANCE OF THE FINAL DEVELOPMENT ORDER.**

**SUMMARY:**

OWNER: Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP.  
 ENGINEER: Hanlex Civil, LLC, c/o Nathan Bullard, MBA P.E.  
 ARCHITECT: Rabits and Romano Architecture  
 LOCATION: 180 West 1<sup>st</sup> Street (South of 1<sup>st</sup> Street and East of Washington Avenue)  
 PARCEL ID #: 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122  
 LAND USE: Commercial  
 ZONING: C-2  
 EXISTING USE: Horticultural Nursery  
 PROPOSED USE: Retail Center  
 TRACT SIZE: 3.90 +/- Acres (169,884 S.F.)  
 BUILDING SIZE: 19,027 S.F. and 18,000 S.F. Outdoor Display Area  
 BUILDING HEIGHT: 30 Feet Max.  
 FLOOR AREA RATIO: 0.11

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief

**RELATIONSHIP TO ADJACENT PROPERTIES:**

Direction	Future Land Use	Zoning	Present Use
North (City)	Office	PO/I	Office Building and Residential Duplex
East (City)	Commercial	C-2	SFR (4)
South (City)	Commercial	C-2	Gas Station and Automotive Repair
West (City)	Commercial	C-2	Retail and Warehouse Buildings

**ADDITIONAL COMMENTS:** The Tractor Supply- Apopka – Final Development Plan proposes 19,027 square feet of commercial retail space with and 18,000 square feet outdoor display area. The 3.9 acres site is located south of West 1st Street and East of Washington Ave.

**PARKING:** A total of 89 parking spaces are being proposed (113 required by code) of which four (4) are reserved as handicapped parking spaces. In accordance with LDC 6.03.02, the number of proposed parking spaces are 24 less the required amount. The applicant is requesting a waiver to adjust the parking requirements in accordance with LDC 6.03.01.H. Traffic & Mobility Consultants (TMC), the applicant’s transportation consultant, has prepared a parking analysis in response to the applicant’s parking waiver request.

**EXTERIOR ELEVATIONS:** The design of the building exterior meets the intent of the City’s Development Design Guidelines and are consistent with the elevations submitted with the Preliminary Development Plan.

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

**BUFFER/TREE PROGRAM:** A minimum ten foot landscape buffer is provided along 1<sup>st</sup>, Washington Ave and 2<sup>nd</sup> Street. 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.

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

Total inches on-site:	606
Total number of specimen trees:	8
Total specimen removed:	5
Total specimen inches retained:	130
Total specimen inches removed:	150
Total non-specimen inches removed:	274
Total non-specimen inches retained:	52
Total inches replaced:	243.5
Total inches post development:	485.5

**TREE PROGRAM:** The City’s Land Development Code and Tree Bank policy permit the applicant to make a contribution to the City’s Tree Bank to mitigate the remaining deficient tree inches at \$10.00 per inch. The total amount required to be paid into the Tree Bank will be (\$1700) dollars.

**SIGNS:** On November 14, 2016, Planning Commission approved two (2) sign variance request to allow the following: 1) A ten (10) feet high monument sign with a maximum copy area of 80 square feet located at the southwest corner of the property; 2) A second sign with a maximum height of six (6) feet and a maximum copy area of thirty (30) square feet.

**PUBLIC HEARING SCHEDULE:**

December 21, 2016 - City Council (7:00 pm)

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the Final Development Plan to be consistent with the approved Preliminary Development Plan and Land Development Code, recommending approval of the Tractor Supply Apopka - Final Development Plan subject to the findings of this staff report.

Approve the Tractor Supply-Apopka Final Development Plan and issue a final development order, subject to the findings of this staff report.

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



**Application:** Tractor Supply Apopka - Final Development Plan  
**Owner:** Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP.  
**Applicant:** Hanlex First Street, LLC  
**Engineer:** Hanlex Civil, LLC. c/o Nathan Bullard, MBA P.E.  
**Architect:** Rabits and Romano Architecture  
**Parcel I.D. No's:** 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122  
**Location:** 180 West 1<sup>st</sup> Street  
**Total Acres:** 3.90 +/- Acres



## VICINITY MAP

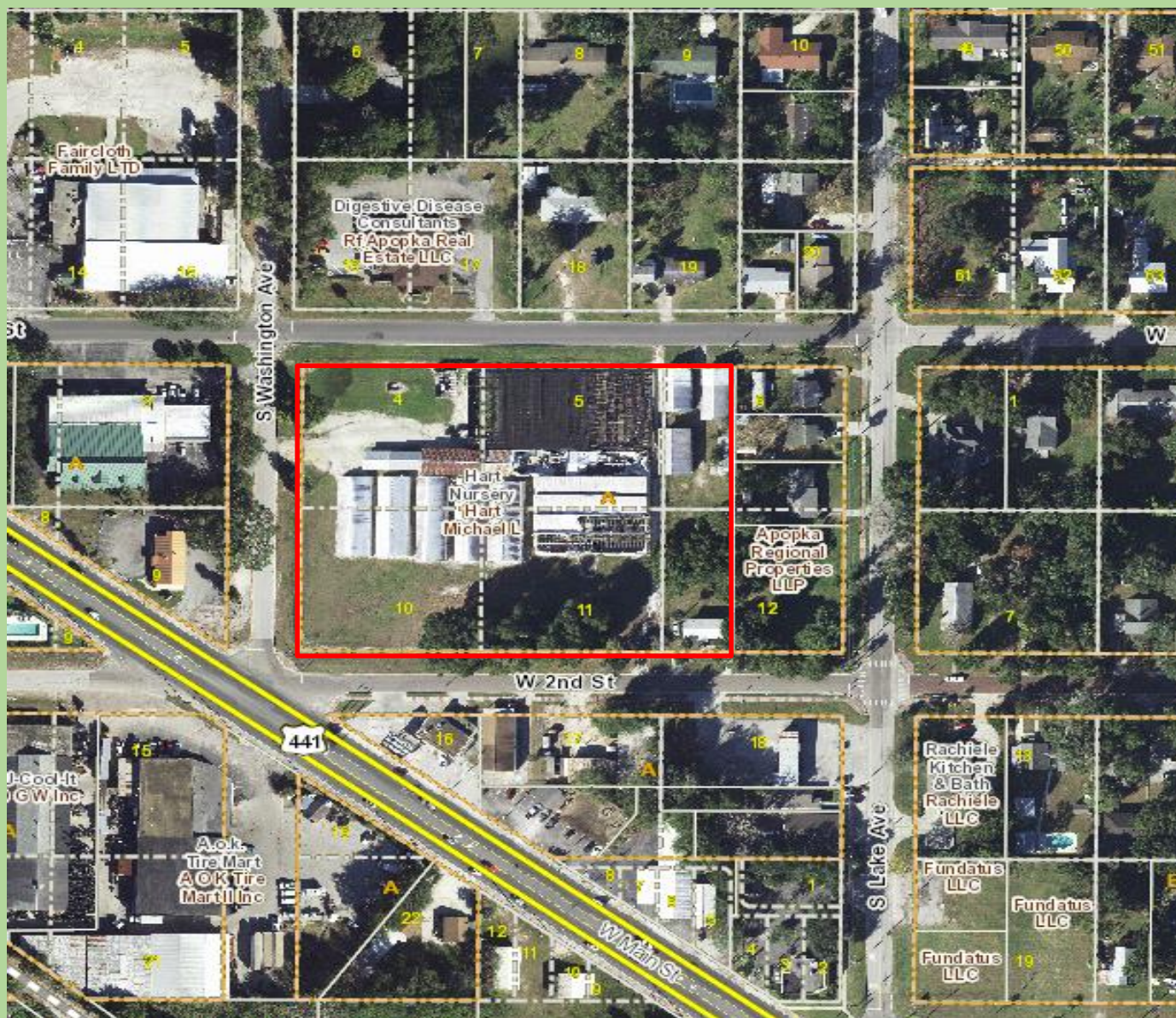




**Application:** Tractor Supply Apopka - Final Development Plan  
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**Location:** 180 West 1<sup>st</sup> Street  
**Total Acres:** 3.90 +/- Acres



### AERIAL MAP





**PROJECT DIRECTORY**

**DEVELOPER:** HANLEX FIRST STREET, LLC  
1000 COLOR PLACE  
APOPKA, FL 32703  
PHONE: (407) 889-9400  
FAX: (407) 889-8328

**CIVIL ENGINEER:** HANLEX CIVIL, LLC  
1000 COLOR PLACE  
APOPKA, FL 32703  
PHONE: (407) 889-9400  
FAX: (407) 889-8328

**GEOTECH ENGINEER:** PROFESSIONAL SERVICE INDUSTRIES, INC.  
1748 33RD STREET  
ORLANDO, FL 32839  
PHONE: (407) 304-5580  
FAX: (407) 304-5581

**SURVEYOR:** L & S DIVERSIFIED  
405 LAKE HOWELL ROAD SUITE 1001  
MAITLAND, FLORIDA, 32751  
PHONE: (407) 681-6541

**ARCHITECT:** RABITS & ROMANO ARCHITECTURE  
5127 S. ORANGE AVENUE SUITE 10  
ORLANDO, FLORIDA 32809  
PHONE: (407) 490-0350  
FAX: (407) 232-6000

# FINAL DEVELOPMENT PLAN

TRACTOR SUPPLY COMPANY AT APOPKA

180 W. 1st STREET

APOPKA, FL 32703

PARCEL # 09-21-28-0196-10-040,

09-21-28-0196-10-064, & 09-21-28-0196-10-122

SECTION 9, TOWNSHIP 21 SOUTH, RANGE 28 EAST

**PLAN SHEET INDEX**

CO.0	COVER SHEET
	SURVEY PAGE 1
	SURVEY PAGE 2
	ARCHITECTURAL ELEVATIONS
	ARCHITECTURAL FLOOR PLAN
CO.1	GENERAL NOTES
CO.2	DEMOLITION PLAN
C1.0	GEOMETRY PLAN
C1.1	GEOMETRY DETAILS
C1.2	GEOMETRY DETAIL
C1.3	M.O.T. PLAN
C1.4	TRUCK MOVEMENT
C1.5	PARCEL 'A' PLAN
C2.0	DRAINAGE PLAN
C2.1	DRAINAGE DETAIL
C2.2	DRAINAGE DETAILS
C2.3	S.W.P.P.P DETAILS
C2.4	S.W.P.P.P DETAILS
C3.0	UTILITY PLAN
C3.1	UTILITY DETAIL
CP1.0	PHOTOMETRIC PLAN
L1.0	LANDSCAPE PLAN
L2.0	IRRIGATION PLAN
L3.0	TREE DEMOLITION PLAN



1000 COLOR PLACE  
APOPKA, FL 32703  
P: (407) 889-9400  
F: (407) 889-8328  
CS: 2890

**UTILITY PROVIDERS**

**POWER:** DUKE ENERGY  
452 E CROWN POINTE ROAD  
WINTER GARDEN, FL 33787  
CONTACT: SHARON DEAR  
P: (407) 905-3321

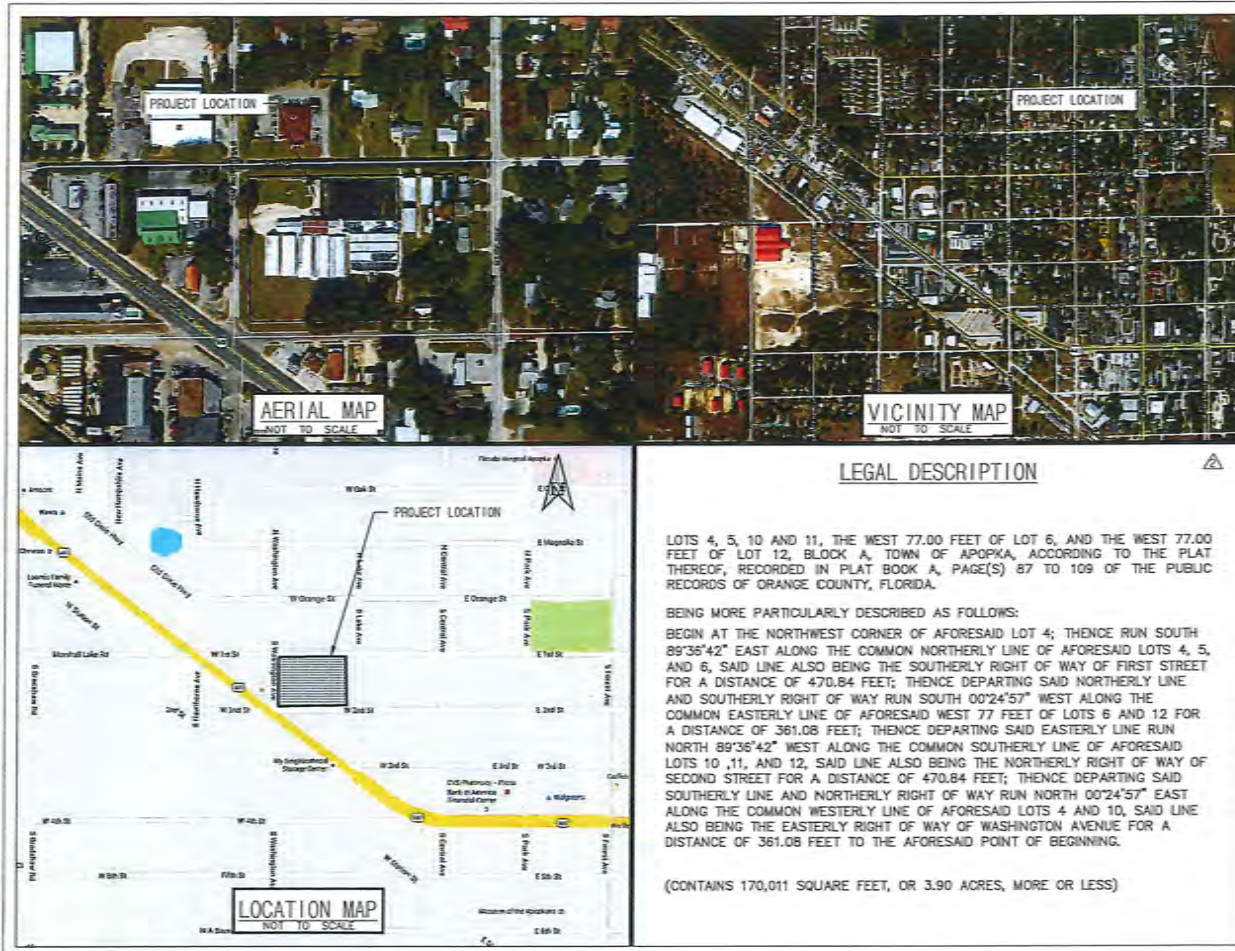
**WATER:** CITY OF APOPKA  
748 E CLEVELAND STREET  
APOPKA, FL 32703  
CONTACT: BRIAN BISHOP  
P: (407) 703-1685

**SEWER:** CITY OF APOPKA  
748 E CLEVELAND STREET  
APOPKA, FL 32703  
CONTACT: BRIAN BISHOP  
P: (407) 703-1685

**TELEPHONE:** CENTURY LINK  
33 N. MAIN STREET ROOM 144  
WINTER GARDEN, FL 34787  
P: (407) 814-5293

**CABLE TELEVISION:** BRIGHT HOUSE NETWORKS  
3787 ALL AMERICAN BLVD  
ORLANDO, FL 32810  
CONTACT: MARVIN USRY  
P: (407) 532-8509

**GAS:** LAKE APOPKA NATURAL GAS DISTRICT  
1320 WINTER GARDEN - VINELAND RD  
WINTER GARDEN, FL 34778  
CONTACT: ALEX WOSSIGEN  
P: (407) 656-2734



**GENERAL REVISION LOG**

NO.	DATE	REVISION/ISSUE	SHEETS REVISED	BY:
1	08-04-16	CITY OF APOPKA COMMENTS	C1.0, C2.0, C3.0	FG
2	09-02-16	CITY OF APOPKA 2ND DRC COMMENTS	C1.0, C2.0, C3.0	FG
3	11-24-16	BID SET		
4	11-16-16	CITY OF APOPKA 3RD DRC COMMENTS	CO.0, C1.0	SPS
5				
6				
7				
8				

**LEGEND:**

- (#) : NO. OF PARKING SPACES
- # / CX.X : DETAIL NO. / SHEET
- [Symbol] : HEAVY DUTY ASPHALT PAVEMENT
- [Symbol] : PROPOSED CONCRETE SURFACE
- W — : WATER LINE
- UGE — : ELECTRIC LINE
- SS — : WASTEWATER LINE
- UGT — : TELEPHONE LINE
- [Symbol] : FIRE HYDRANT
- [Symbol] : VALVE
- [Symbol] : WATER METER
- [Symbol] : BACKFLOW PREVENTER WITH CONCRETE PAD
- 75.40 : SPOT ELEVATION (TO TOP OF PAVEMENT UNLESS SPECIFIED OTHERWISE)
- [Symbol] : FLOW ARROW
- [Symbol] : REVISION NUMBER
- (FDC) : FIRE DEPARTMENT CONNECTION

**NOTICE TO GENERAL CONTRACTORS:**  
THE STANDARD NOTES ON SHEET CO.1 SHALL APPLY TO ALL SHEET HEREIN. A COPY OF SHEET CO.1 SHALL BE PROVIDED TO ALL BIDDERS AND SUB-CONTRACTORS

SIGN VARIANCE APPROVAL DATE:  
NOVEMBER 14, 2016

BY:	FG	SPS
DATE:	08-04-16	11-16-16
REVISION/ISSUE:	CITY OF APOPKA 2ND DRC COMMENTS	CITY OF APOPKA 3RD DRC COMMENTS
NO.	2	4
ENGINEER'S NAME & FEE		
JASON D. BULLARD, P.E. P.E. LICENSE NO. 73803		
PROJECT #	215.016	
DATE	02/18/2016	SHEET
SCALE	NTS	CO.0
COVER SHEET		



# TRACTOR SUPPLY AT APOPKA

## SITE SPECIFIC INFORMATION

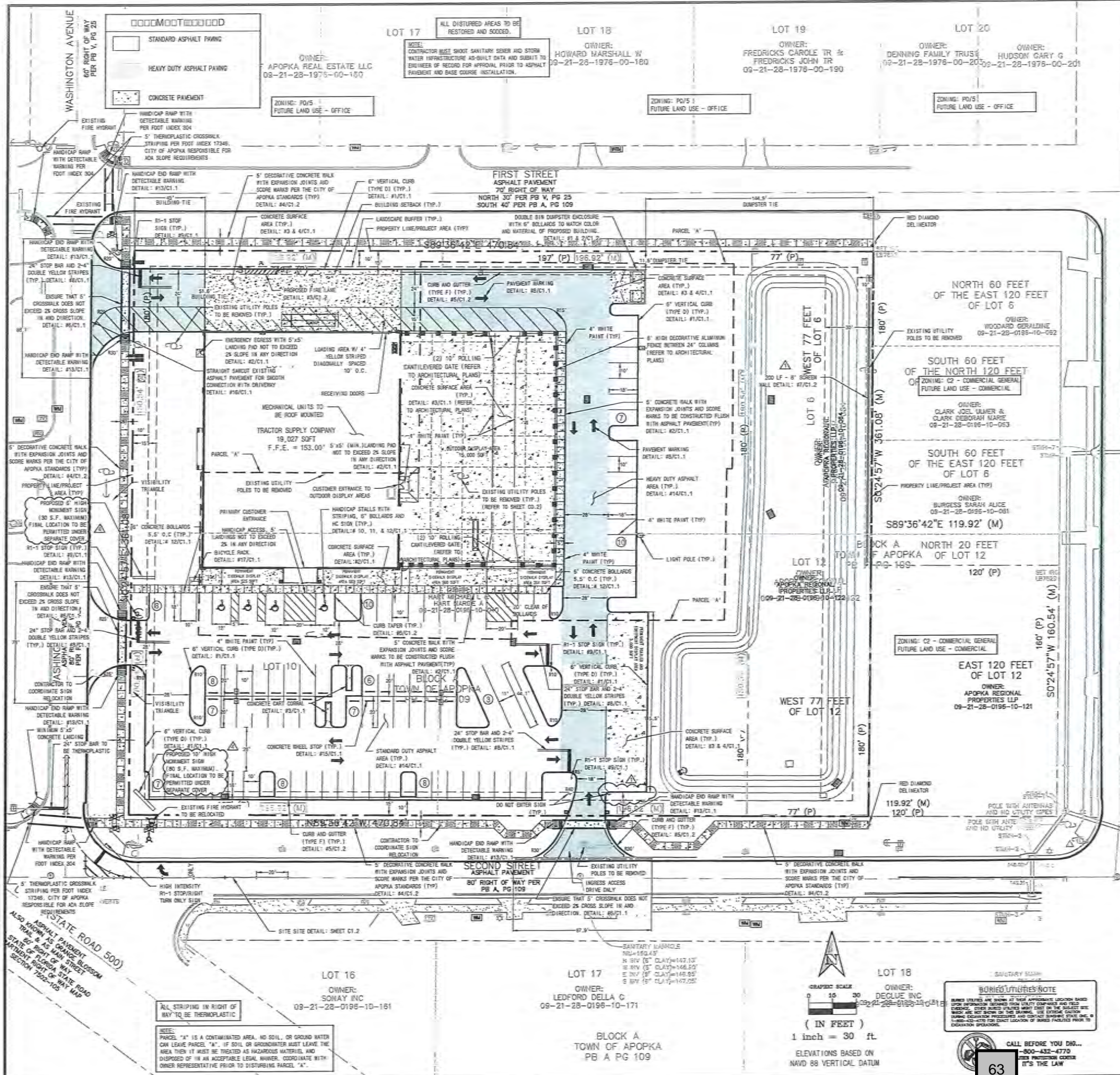
<b>PARCEL NUMBER</b>	09-21-28-0195-10-041; 09-21-28-0195-10-042; 09-21-28-0195-10-043
<b>PROPERTY AREA</b>	#1.30 ACRES
<b>EXISTING USE</b>	COMMERCIAL TRACTOR SUPPLY COMPANY
<b>PROPOSED USE</b>	
<b>ZONING CLASSIFICATION</b>	C-2 (COMMERCIAL) P-1 (PROFESSIONAL OFFICE) C-2 (COMMERCIAL) C-2 (COMMERCIAL) C-2 (COMMERCIAL)
<b>PARKING REQ.</b>	1 SPACE PER 300 SF OF GFA 10,057 SF = 34 SPACES TOTAL = 34 REQUIRED
<b>PARKING PROPOSED</b>	35 (REGULAR) + 4 (HANDICAP) = 39 (TOTAL)
<b>BUILDING SETBACKS</b>	
<b>REQUIRED</b>	FRONT 150' SIDE 25' REAR 150'
<b>PROPOSED</b>	FRONT 150' SIDE 200' REAR 150'
<b>LANDSCAPE BUFFER</b>	
<b>REQUIRED</b>	FRONT 150' SIDE 10' REAR 10'
<b>PROPOSED</b>	FRONT 150' SIDE 10' REAR 10'
<b>MAX BUILDING HEIGHT</b>	REQUIRED: 30' PROPOSED: 30'
<b>MAX FLOOR AREA RATIO</b>	REQUIRED: 0.30 PROPOSED: 0.11
<b>GROSS FLOOR AREA</b>	± 145,000 SF
<b>REMARKS</b>	THE SUBJECT PROPERTY LIES IN FLOOD ZONE A, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL 205 OF 750, MAP NUMBER 12050C0202P FOR INDIAN RIVER COUNTY, FLORIDA, DATED SEPTEMBER 25, 2005, TO BE VERIFIED BY LOCAL FLOOD OFFICIAL.

## PUBLIC RIGHTS OF WAY/FDOT GENERAL NOTES

- THE CONTRACTOR SHALL COORDINATE ALL WORK WITHIN PUBLIC RIGHTS-OF-WAY WITH THE RESPECTIVE LOCAL AGENCY HAVING JURISDICTION (CITY, TOWN OR COUNTY). IN ADDITION, ANY WORK WITHIN A STATE ROAD RIGHTS-OF-WAY MUST BE APPROVED AND COORDINATED WITH THE FOOT THROUGH THE LOCAL MAINTENANCE OFFICE FOR EACH DISTRICT.
- PRIOR TO PERFORMING ANY WORK WITHIN ANY PUBLIC OR UTILITY RIGHTS-OF-WAY, CONTRACTOR SHALL OBTAIN AUTHORIZATION AND PERMIT FROM ALL JURISDICTIONS RESPONSIBLE FOR SUCH RIGHTS-OF-WAY.
- PRIOR TO PERFORMING ANY WORK WITHIN ANY PUBLIC RIGHTS-OF-WAY, CONTRACTOR SHALL DEVELOP AND SUBMIT A MAINTENANCE OF TRAFFIC PLAN TO THE LOCAL AGENCY HAVING JURISDICTION OVER SAID ROAD FOR THEIR APPROVAL. THIS PLAN MUST MEET THE MINIMUM REQUIREMENTS AS OUTLINED IN THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" PUBLISHED BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION AND THE FLORIDA DEPARTMENT OF TRANSPORTATION DESIGN STANDARDS.
- ALL WORK PERFORMED IN THE RIGHTS OF WAY SHALL BE DONE IN ACCORDANCE WITH THE MOST CURRENT EDITIONS OF:
  - 2015 F.D.O.T. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
  - 2015 F.D.O.T. DESIGN STANDARDS FOR DESIGN, CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATIONS OF THE STATE HIGHWAY SYSTEM.
  - 2015 F.D.O.T. ROADWAY PLANS PREPARATION MANUAL VOLUME 1, CHAPTER 2 AND/OR 2S.
  - 2010 F.D.O.T. FLEXIBLE PAVEMENT DESIGN MANUAL FOR NEW CONSTRUCTION AND PAVEMENT REHABILITATION.
- ALL AREAS IN THE RIGHTS OF WAY DISTURBED DURING CONSTRUCTION SHALL BE RESTORED, COMPACTED, SEDED, AND WATERED IN CONFORMANCE WITH FOOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, SECTION 515 AND 561 AND DESIGN STANDARDS INDEX 105.
- DURING WORK ONLY, THE ROAD MAINTENANCE ENGINEER MUST APPROVE NIGHT WORK AND LANE CLOSURES AT LEAST 48 HOURS IN ADVANCE. THE APPLICANT MUST NOTIFY THE LOCAL JURISDICTION OFFICE 48 HOURS IN ADVANCE OF STARTING ANY PROPOSED WORK.
- ALL TRAFFIC STRIPES AND PAVEMENT MARKINGS ARE TO BE LEAD FREE, NON-SOLVENT BASED THERMOPLASTIC. THE PERMITTEE SHALL FURNISH THE MATERIAL TO THE MANUFACTURER'S CERTIFICATION THAT THE THERMOPLASTIC IS "LEAD FREE". REWORK OF EXISTING STRIPING SHALL BE DONE BY MILLING AND RECONSTRUCTION OF THE PAVEMENT SURFACE COURSE TO ELIMINATE ABSOLUTE PAVEMENT MARKINGS.
- ALL PROPOSED TRAFFIC SIGNS AND PAVEMENT MARKINGS SHALL BE IN CONFORMANCE WITH AND CONSTRUCTED TO THE FOOT DESIGN STANDARDS INDEX SERIES 11000 AND 17000 SERIES. THE PROPERTY OWNER SHALL MAINTAIN THE TRAFFIC SIGNS AND MARKINGS FOR THE DURATION.
- THE LOCAL JURISDICTION REQUIRES DOCUMENTATION FOR SUCCESSFUL COMPLETION OF AN APPROVED WORK ZONE TRAFFIC CONTROL TRAILING COURSE FOR THE AGENCY. UTILITY OR CONTRACTOR EMPLOYEES, INSTALLING AND/OR MAINTAINING THE APPROVED MAINTENANCE OF TRAFFIC PLAN, DOCUMENTATION IS TO BE FURNISHED TO THE DEPARTMENT AT THE PRE-CONSTRUCTION MEETING OR BEFORE OCCUPANCY RIGHT OF WAIS.
- MAINTENANCE OF TRAFFIC PLAN FOR WORK ZONES SHALL BE IN CONFORMANCE WITH ALL APPLICABLE INDICES OF THE FOOT DESIGN STANDARDS INDEX 800 SERIES ACCORDING TO THE TYPE OF WORK AND TYPE OF WORK BEING PERFORMED.
- SHIFT FENCE FOR EROSION CONTROL, IN CONFORMANCE WITH DESIGN STANDARDS INDEX 1001 IS REQUIRED FOR ALL AREAS OF CONSTRUCTION WITHIN RIGHTS OF WAIS PERPENDICULAR TO AND PARALLEL WITH THE ROAD.
- SIDEWALK SHALL BE CONSTRUCTED PER FOOT INDEX 304 AND 210. DETECTABLE WARNING STRIPS, A.K.A. TRICATED DOMES, CONSTRUCTION AND MAINTENANCE SHOULD BE EITHER INSET OR EMBLEMIC TILES OR THERMOPLASTIC DETECTABLE WARNING STRIPS.
- MAINTENANCE OF TRAFFIC PLAN MUST INCLUDE FOOT DESIGN STANDARDS INDEX 660 PEDESTRIAN CONTROL FOR CLOSURE OF SIDEWALKS.
- REMOVAL OF EXISTING STRIPING SHALL BE VIA THE "THROW-BLAST" METHOD. IF THIS PROCESS DAMAGES/SCARS THE PAVEMENT, THEN THE PAVEMENT SHALL BE RE-MILLED AND REFINISHED FOR FOOT OR THE GOVERNING JURISDICTION'S STANDARDS.
- BURNING OF ANY MATERIAL OR DEBRIS SHALL BE PROHIBITED IN THE PUBLIC RIGHTS-OF-WAY.

## PAVING NOTES

- ALL PAVING ACTIVITIES SHALL CONFORM TO FOOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, UNLESS NOTED OTHERWISE.
- THE PLACEMENT OF PERMANENT PAVEMENT SHALL NOT OCCUR UNTIL ALL SLEEVING FOR IRRIGATION, ELECTRIC, GAS, TELEPHONE, CABLE TV, ETC. HAS BEEN INSTALLED. IT SHALL BE THE PAVING CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL SLEEVING IS IN PLACE PRIOR TO PLACING PERMANENT PAVEMENT.
- CURING SHALL BE PLACED AT THE SIDES OF ALL PAVEMENT, UNLESS OTHERWISE NOTED.
- SUBGRADE AND BASE COURSE MATERIALS SHALL BE INSTALLED WITHIN 48 HOURS OF THE REMOVAL/OPEN CUTTING OF EXISTING PAVEMENT WHICH CONSIST OF STREETS, DRIVEWAYS, OR SIDEWALKS. INSTALL FINAL SURFACE COURSES WITHIN 14 DAYS AFTER REMOVAL OF EXISTING PAVEMENT.
- AREAS TO RECEIVE ASPHALT SHALL RECEIVE EROSION CONTROL MEASURES NO LATER THAN 48 HOURS AFTER ACCEPTANCE OF BASE COURSE. TEMPORARY EROSION CONTROL, CONSIST OF PLACEMENT OF A STABILIZED PRIME COAT AND SAVING THE SURFACE. PERMANENT EROSION CONTROL, CONSIST OF PLACEMENT OF THE STRUCTURAL COURSE. AREAS TO RECEIVE CONCRETE PAVING SHALL BE EITHER PROTECTED WITH A LAYER OF FOOT COURSE AGGREGATE MATERIAL OR SHALL BE PAVED WITHIN 48 HOURS AFTER REMOVAL OF EXISTING PAVEMENT.
- AREAS TO RECEIVE CONCRETE PAVING SHALL BE EITHER PROTECTED WITH A LAYER OF FOOT COURSE AGGREGATE MATERIAL OR SHALL BE PAVED WITHIN 48 HOURS AFTER REMOVAL OF EXISTING PAVEMENT.
- APPLY PRIME AND TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50 DEG F (10 DEG C) AND WHEN TEMPERATURES HAS NOT BEEN BELOW 35 DEG F (1 DEG C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY TACK OR PRIME IF SET OR CONTAINS AN EXCESS OF MOISTURE.
- CONTRACT HOT-MIXED ASPHALT SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40 DEG F (4 DEG C) AND WHEN THE BASE IS DRY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30 DEG F (1 DEG C) AND HUMIDITY IS 70% OR HIGHER.
- ALTERNATIVE BASE COURSE MATERIALS ARE LISTED WITHIN FOOT INDEX 514. IF AN ALTERNATIVE BASE OR SUB-BASE MATERIAL IS PROPOSED THE CONTRACTOR SHALL ENSURE THE ALTERNATIVE IS EQUIVALENT TO THE PERMITTED DESIGN SPECIFIED. CONTRACTOR SHALL PROVIDE THE SPECIFIED MATERIAL AND STRUCTURAL NUMBER FOR THE ENGINEER OF RECORD AND PROFESSIONAL ENGINEER TO REVIEW/RECOMMEND PRIOR TO INSTALLATION. THE STRUCTURAL NUMBER SHOULD EQUAL OR EXCEED THAT OF THE SPECIFIED PAVEMENT SECTION.
- PLACE LIFTERS IN EXCESS OF 6" LIFTS AND COMPACT EACH LIFT TO WITHIN DRY DENSITY OF 98% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY. (LATEST 7-1-03)
- CEMENT CHLORIDE SHALL NOT BE USED IN ANY FORM.
- ADDITION OF WATER TO CONCRETE AT THE JOB SITE SHALL BE PROHIBITED.
- ALL CONCRETE WORK SHALL COMPLY WITH PROVISIONS OF ACI 318, 315, AND 301, LATEST EDITIONS, UNLESS OTHERWISE NOTED.
- PRIOR TO CONSTRUCTING CONCRETE PAVEMENT, THE CONTRACTOR IS TO SUBMIT A PROPOSED JOINTING PATTERN TO THE SOILS ENGINEER FOR REVIEW/RECOMMENDATION.
- SEAL CONCRETE PER ASTM C930 OR ASTM C1315 (TYPE 1) PRIOR TO SAW CUTTING JOINTS.

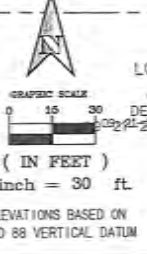


BY:	DATE:	REVISION/ISSUE:	ENGINEER'S NAME & P&E
FG	09-02-10	CITY OF APOPKA, INC COMMENTS	JASON W. SULLARD, P.E.
SPS	11-18-10	CITY OF APOPKA, INC COMMENTS	P.E. LICENSE NO. 73800
NO.	1		
2			
3			
4			

PROJECT #	215.016
DATE	02/18/2016
SHEET	C1.0
SCALE	1:30
GEOMETRY PLAN	

**BORINGS/LIMITS NOTE**  
BORINGS UTILIZED ARE SHOWN AT APPROXIMATE LOCATIONS BASED UPON INFORMATION OBTAINED FROM UTILITY COMPANIES AND FIELD SURVEY. OTHER BORINGS MAY BE PRESENT ON THE SUBJECT SITE WHICH ARE NOT SHOWN ON THIS DRAWING. USE EXTREME CAUTION DURING CONSTRUCTION OPERATIONS AND CONTACT BORING SERVICE, INC. A LICENSED CONTRACTOR FOR EXACT LOCATION OF BORES FACILITIES PRIOR TO CONSTRUCTION OPERATIONS.

CALL BEFORE YOU DIG...  
800-432-4770  
OR 407-666-6666  
IT'S THE LAW



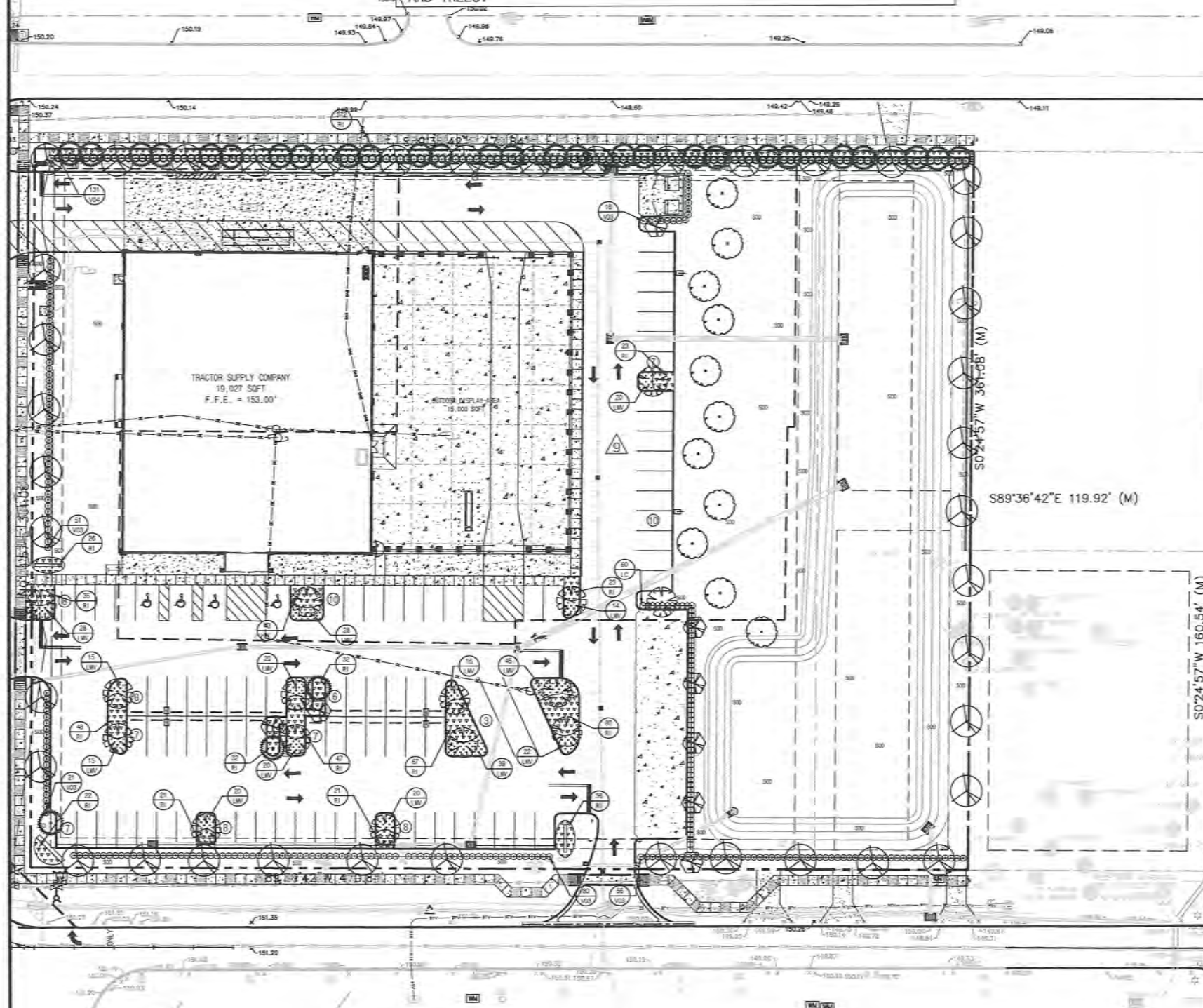
STATE ROAD 500  
ASPHALT PAVEMENT  
TRUCK & BUS LANE USE CLASSIFICATION  
START 60' RIGHT OF WAY STATE ROAD  
SECTION 7502-105

ALL STRIPING IN RIGHT OF WAY TO BE THERMOPLASTIC

NOTE:  
PARCEL "A" IS A CONTAMINATED AREA. NO SOIL, OR GROUND WATER CAN LEAVE PARCEL "A". IF SOIL OR GROUNDWATER MUST LEAVE THE AREA THEN IT MUST BE TREATED AS HAZARDOUS MATERIAL AND DISPOSED OF IN AN ACCEPTABLE LEGAL MANNER. COORDINATE WITH OWNER REPRESENTATIVE PRIOR TO DISTURBING PARCEL "A".



JURISDICTIONAL NOTES: ALL EQUIPMENT (INCLUDING ROOF TOP) AND UTILITY BOXES MUST BE FULLY SCREENED. (INCLUDING BACK OF BUILDING) TREES MEASURED AT DIAMETER AT BREAST HEIGHT (D.B.H.) HEDGE ROW SHALL BE PLACED TO THE REAR OF THE 10 F.T. LANDSCAPE BUFFER. MULCH SHOULD NOT EXTEND BEYOND DRIP LINE OF THE PLANTS AND TREES.

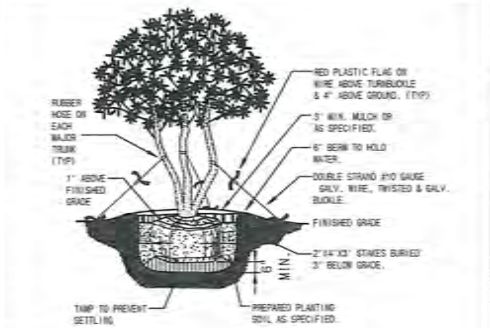


### TRACTOR SUPPLY AT APOPKA

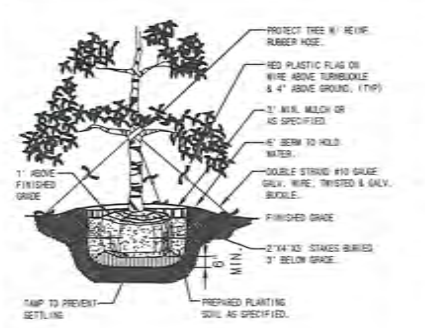
#### PLANT LIST

SYMBOL	BOTANICAL NAME (COMMON NAME)	MINIMUM SIZE/SPACING	DROUGHT TOLERANCE	NATIVE FLORIDA	QUANTITY
QV	QUERCUS VIRGINIANA (LIVE OAK)	8"-12" MIN. HT. 6" MIN. SPREAD 2.5" DBH.	YES	YES	41
MG	MAGNOLIA GRANDIFLORA (SOUTHERN MAGNOLIA)	8"-12" MIN. HT. 5" MIN. SPREAD 2.5" DBH.	YES	YES	15
TD	TAXIDODIUM DISTICHUM (BALD CYPRRESS)	8"-12" MIN. HT. 5" MIN. SPREAD 2.5" DBH.	YES	YES	11
LI	LAGERSTROMIA INDICA (GREPE WYRTLE)	7" MIN. HT. 2" CAL. SINGLE TRUNK 3" MIN. SPREAD.	YES	NO	8
IV	ILEX VOMITORIA (YALPOON HOLLY)	7" MIN. HT. 2" CAL. 5" MIN. SPREAD.	YES	NO	30
LW	LIRIOPE MUSCARI (VARIGATED LIRIOPE)	12"-14" MIN. HT. 1 GAL. 24" O.C.	YES	NO	322
RI	RAPIHOLEPIS INDICA (INDIAN HARTHORNE)	12" MIN. HT. 3 GAL. 24" O.C.	YES	NO	902
LC	LOREPETALUM 'RUBRUM' (LOREPETALUM)	24" MIN. HT. 24" SPREAD 3 GAL. 30" O.C.	YES	NO	60
V03	VIBURNUM ODORATISSIMUM (SWEET VIBURNUM)	36" MIN. HT. 24" SPREAD 7 GAL. 36" O.C.	YES	NO	224
V04	VIBURNUM ODORATISSIMUM (SWEET VIBURNUM)	48" MIN. HT. 30" SPREAD 10 GAL. 42" O.C.	YES	NO	131
S00	BARIA	QUANTITY TO BE CALCULATED BY CONTRACTOR	YES	YES	

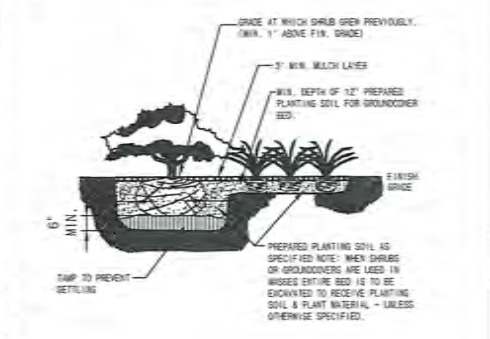
NOTE: WHERE GALLON REFERENCES MAY CONFLICT WITH HEIGHT/SPREAD AND CALIPER MEASUREMENTS, THE HEIGHT/SPREAD AND CALIPER MEASUREMENTS SHALL GOVERN.



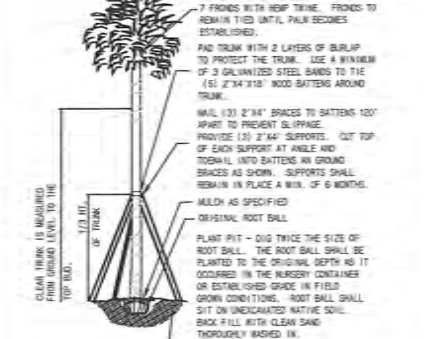
1 MULTI-TRUNK DETAIL NTS



2 TREE PLANTING DETAIL NTS



3 SHRUB AND GROUND COVER DETAIL NTS



4 PALM PLANTING DETAIL NTS

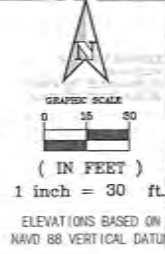
- GENERAL LANDSCAPE NOTES**
- ALL PLANTS TO BE FLORIDA INCL. 1 OR BETTER AS OUTLINED UNDER GRADES AND STANDARDS FOR NURSERY PLANTS, PART 1, 1993 AND PART 8, STATE OF FLORIDA DEPARTMENT OF AGRICULTURE, TALLAHASSEE, FLORIDA, AND ANY AMENDMENTS THEREOF.
  - ALL TREES AND PLANT MATERIAL SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS DESCRIBED IN THE STATE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, "TREE PROTECTION MANUAL FOR BUILDERS AND DEVELOPERS", OCTOBER, 1998.
  - THE LANDSCAPE CONTRACTOR (CONTRACTED BY OWNER, N.L.C.) SHALL BE RESPONSIBLE FOR ALL MATERIALS AND ALL WORK AS CALLED FOR ON THE LANDSCAPE PLANS. THE LIST OF PLANT QUANTITIES ACCOMPANYING THE PLANS SHALL BE USED AS A GUIDE ONLY. IF A VARIATION OCCURS BETWEEN THE PLANS AND THE PLANT LIST, THE PLANS SHALL CONTROL.
  - ALL TREES, SHRUBS AND GROUND COVERS SHALL BE PLANTED USING A SOIL MIXTURE CONSISTING OF EXISTING SOIL, 10% PEAT, 10% COMPOST, 10% SAND, 10% PERLITE, 10% VERMICULITE, 10% COCOPEAT, 10% BARK, 10% FERTILIZER, 10% GROUND COVER MULCH, 10% REDDED CYPRESS MULCH.
  - CONTRACTOR SHALL INSURE ADEQUATE VERTICAL DRAINAGE IN ALL PLANTERS. VERTICAL DRILLING THROUGH ANY COMPACTED FILL TO BE ACCOMPLISHED TO AID DRAINAGE.
  - LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OCCURRING ON SITE OR ADJACENT AREAS, INCLUDING BUT NOT LIMITED TO BUILDINGS, PAVING, UTILITIES, ETC., WHICH IS CAUSED BY PREPARING OR INSTALLING ANY AND ALL PLANT MATERIAL.
  - NO TREES SHALL BE PLANTED CLOSER THAN 3 FEET (3') FROM THE EDGE OF PAVEMENT TO ALLOW ADEQUATE TREE TRUNK PROTECTION.
  - LANDSCAPE CONTRACTOR SHALL BE WHOLLY RESPONSIBLE FOR STABILITY AND PLUMB CONDITION OF ALL TREES AND SHALL BE LEGALLY LIABLE FOR ANY DAMAGE CAUSED BY THE INSTABILITY OF ANY PLANT MATERIAL.
  - ALL LAWN AREAS TO RECEIVE SOO SHALL BE DEBRIS FOUNRI TO 600N INCHES AND GRADGED TO ESTABLISH A LEVEL FINISH GRADE. ALL DEBRIS TO BE REMOVED FROM THE SITE.
  - SOO SHALL BE FREE OF WEEDS AND PESTS. IT SHALL BE LAID EVENLY AND ROLLED, WITH TIGHT FITTING JOINTS. THE SOO SHALL CONTAIN MOST SOO WHICH DOES NOT FALL APART OR TEAR WHEN LIFTED. ALL AREAS NOT RAYED OR OTHERWISE LANDSCAPED SHALL BE SOOED. SOO SHALL BE ARGENTINE BARK OR EQUAL.
  - ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SYSTEM WITH 100% COVERAGE, BACKFLOW PREVENTOR, & RAIN SENSOR DEVICE. DIRECT SPRAY HEADS AWAY FROM ANY NATURAL AREAS AND PAVED SURFACES.
  - THE TREE CALIPER OF ALL CANOPY TREES SPECIFIED ON THE PLANT LIST SHALL BE MEASURED AT 6 IN. BY INCHES ABOVE GRADE.
  - LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OCCURRING ON SITE OR ADJACENT AREAS, INCLUDING BUT NOT LIMITED TO BUILDINGS, PAVING, UTILITIES, ETC., WHICH IS CAUSED BY PREPARING OR INSTALLING ANY AND ALL PLANT MATERIAL.

**LANDSCAPE AND IRRIGATION DESIGN**  
I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

RICK ABT  
252 KINGS HWY.  
DECATUR, GA 30030  
404-909-2735

**BURIED UTILITIES NOTE**  
BURIED UTILITIES ARE SHOWN AT THEIR APPROXIMATE LOCATION BASED UPON INFORMATION OBTAINED FROM UTILITY COMPANIES AND FIELD SURVEY. OTHER BARRIERS (UTILITY BOXES, ETC.) ARE NOT SHOWN ON THIS PLAN. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF BURIED UTILITIES FROM THE DESIGN PROVIDER.

**CALL BEFORE YOU DIG...  
1-800-432-4770  
UNLAWFUL TO IGNORE  
IT'S THE LAW**



NO.	DATE	REVISION/ISSUE



ENGINEER'S NAME & FEE  
RICK ABT  
FLORIDA #12503

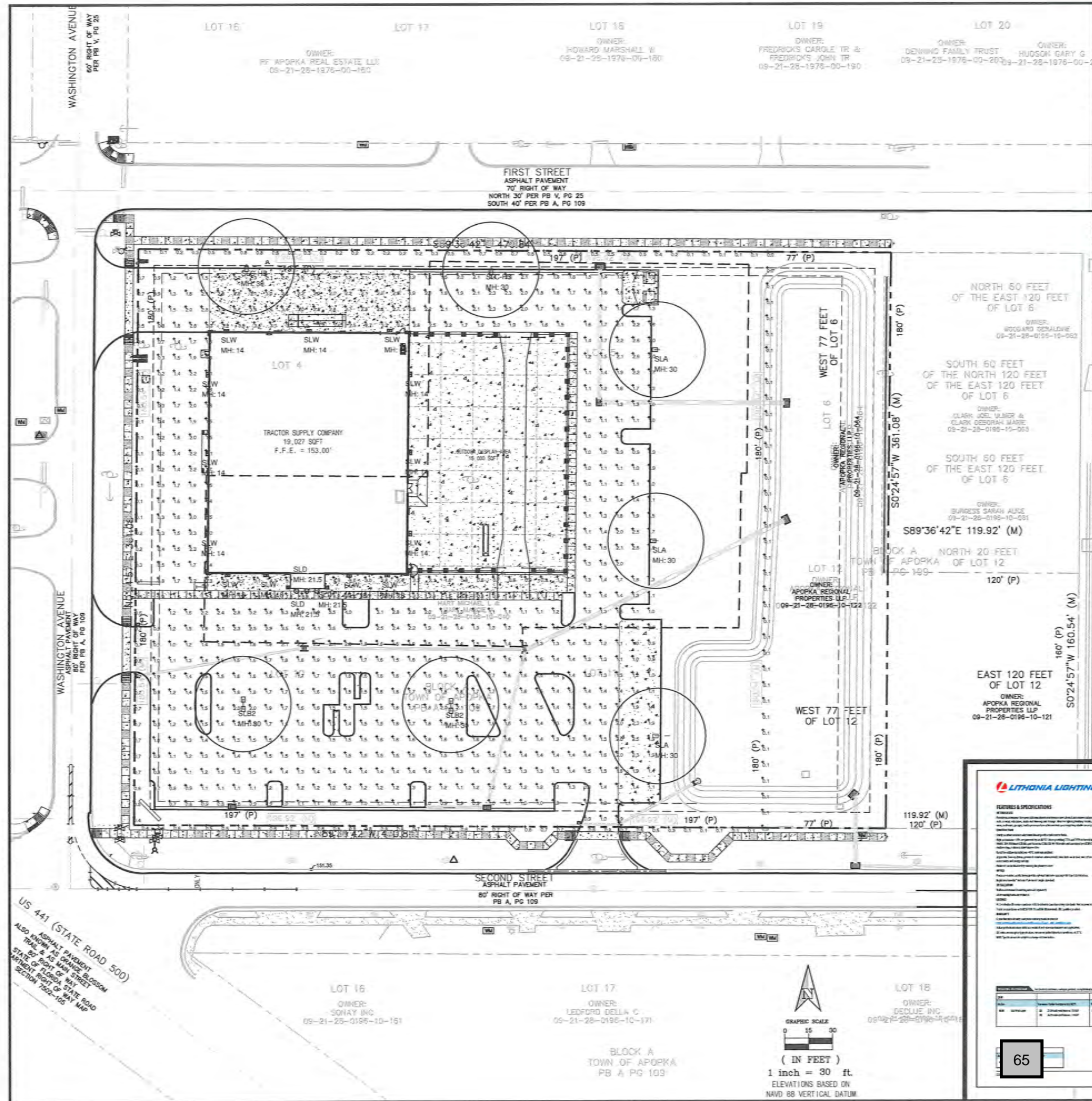
PROJECT # 215\_016

DATE 02/18/2016 SHEET L1.0

SCALE 1:30

LANDSCAPE PLAN





# TRACTOR SUPPLY COMPANY AT APOPKA



Arlen 20"  
Diameter: 20"  
Height: 1'-11"  
6"-8" Butt Diameters

Specifications WS20

Model: WS20

Material: 304 Stainless Steel

Finish: Polished

Weight: 15.00 lbs

Dimensions: 20" Dia x 1'-11" H

Lead Time: 4-6 Weeks

Manufacturer: ALEN BOLLARDS

RTA RTA30C7BE

RTA30C7BE Specifications

Model: RTA30C7BE

Material: Aluminum

Finish: Anodized

Weight: 12.00 lbs

Dimensions: 30" Dia x 7" H

Lead Time: 4-6 Weeks

Manufacturer: HANLEX CIVIL

LITHONIA LIGHTING

OLW

OLW Specifications

Model: OLW

Material: Aluminum

Finish: Anodized

Weight: 12.00 lbs

Dimensions: 12" Dia x 12" H

Lead Time: 4-6 Weeks

Manufacturer: LITHONIA LIGHTING

D-Series Size 0 LED Area Luminaire

D-Series Specifications

Model: D-Series

Material: Aluminum

Finish: Anodized

Weight: 12.00 lbs

Dimensions: 12" Dia x 12" H

Lead Time: 4-6 Weeks

Manufacturer: HANLEX CIVIL



PROJECT: TRACTOR SUPPLY - APOPKA

BY: \_\_\_\_\_

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

REVISION/ISSUE: \_\_\_\_\_

NO. \_\_\_\_\_

ENGINEER'S NAME & PER \_\_\_\_\_

PROJECT # 215.016

SITE 02/18/2016

SHEET CP1.0

SCALE 1:30

PHOTOMETRIC















**Backup material for agenda item:**

1. Ordinance No. 2499 – Second Reading – Large Scale Future Land Use Amendment - Legislative Wilkes

Kyle



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Land Use Report  
 Vicinity Map  
 Future Land Use Map  
 Adjacent Zoning Map  
 Adjacent Uses Map  
 Existing Uses Map  
 State Agencies Letters  
 Ordinance No. 2499

**SUBJECT: ORDINANCE NO. 2499 - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – JACK & JOYCE CRAVEY**

**REQUEST: SECOND READING OF ORDINANCE NO. 2499 - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – JACK & JOYCE CRAVEY, FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC); (PARCEL ID NUMBERS 24-20-27-0000-00-056 & 24-20-27-0000-00-112)**

**SUMMARY:**

OWNER/APPLICANT: Jack & Joyce Cravey

LOCATION: West of Phils Lane, east of Golden Gem Road (3815 Phils Ln. and 3827 Hideaway Road)

EXISTING USE: Manufactured home

CURRENT ZONING: “City” A-1 (ZIP)

PROPOSED DEVELOPMENT: Single-family residence

PROPOSED ZONING: “City” AG (Agriculture) (Note: this Future Land Use amendment request is being processed along with a request to change the zoning classification from “County” A-1 (ZIP) to “City” AG (Agriculture)).

TRACT SIZE: 15.04 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit / PROPOSED: 3 Units

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief

**ADDITIONAL COMMENTS:** The subject parcels were annexed into the City of Apopka on May 4, 2016 through Ordinance 2495. The applicant requests a future land use designation of Rural Settlement (0-1du/5 ac). The request is compatible with surrounding future land use designations and adjacent uses. As a “Large-Scale” Future Land use Amendment (i.e., ten or more acres), this application was transferred to State agencies for consistency review with State policies. A notice dated August 5, 2016, from the Department of Economic Opportunity found that no comment related to important state resources and facilities within the Department’s authorized scope of review that will be adversely impacted by the amendment if adopted.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed use of the property is compatible with the character of the surrounding area, which is predominantly rural in nature and has both agricultural and single-family residential uses. The Wekiva Parkway, which is currently under construction, abuts the east boundary of the subject site. Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning staff determines that the policies below support a Rural Settlement FLUM designation at the subject site:

*Future Land Use Element*

1. **Policy 3.1.s** This land use designation to apply within that area defined as the “Northern Area” in the Joint Planning Area Agreement between the City of Apopka and Orange County adopted on October 26, 2004...The district is designed to facilitate single-family dwelling units and associated infrastructure which maximize the preservation of open space and promote the clustering of developments to both preserve and enhance the natural environment. This land use designation shall also include an agricultural component.”

The applicant’s intent to use the property for a single-family home is consistent with the intent of this Future Land Use Element policy. The proposed use and future land use designation is compatible with the surrounding land uses and, therefore, the proposed future land use amendment is consistent with Policy 3.1.s.

2. **Policy 3.2** Development and redevelopment shall be integrated with the adjacent land uses through: (1) the creation of like uses; or (2) creation of complementary uses; or (3) mitigation of adverse impacts.

The proposed use for the subject property for single-family residential within the Rural Settlement future land use designation is compatible with the land uses and general character of the surrounding area. The future land use designation of surrounding properties predominantly is “City” Rural Settlement or “County” Rural, making the requested future land use change is consistent with Policy 3.2.

**SCHOOL CAPACITY REPORT:** The request for a future land use designation of Rural Settlement will result in a number of potential units that will be considered de minimus; therefore, school capacity determination is not required.

**ORANGE COUNTY NOTIFICATION:**

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on May 13, 2016.

**PUBLIC HEARING SCHEDULE:**

June 14, 2016 – Planning Commission (5:30 pm)  
July 6, 2016 – City Council (1:30 pm) - 1<sup>st</sup> Reading & Transmittal  
December 21, 2016 – City Council (7:00 pm) – 2<sup>nd</sup> Reading & Adoption

**DULY ADVERTISED:**

May 27, 2016 – Public Notice and Notification  
December 9, 2016 – Ordinance Heading & Public Notice ¼ Page Ad w/Map

**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval to transmit a 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 Jack & Joyce Cravey, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on June 14, 2016, recommended approval (5-0) of the change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Jack & Joyce Cravey, subject to the information and findings in the staff report; and transmittal to the Florida Department of Economic Opportunity.

The **City Council**, at its meeting on July 6, 2016, accepted the First Reading of Ordinance No. 2499; and authorized transmittal to the Florida Department of Economic Opportunity.

Adopt Ordinance No. 2499.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0-1 du/10)	A-1	Limited Access R-O-W (SR 429)
East (County)	Rural (0-1 du/10 ac)	A-2	Limited Access R-O-W (SR 429)
South (County)	Rural (0-1 du/10 ac)	A-2	Vacant
West (City)	Rural Settlement (0-1 du/5 ac)	AG	Vacant

The properties have access to local roadways (Phils Lane and Hideaway Road).

**II. LAND USE ANALYSIS**

The subject properties are located within an area with land uses that permit both residential and agricultural uses, which makes the request for a Rural Settlement future land use designation consistent with the Comprehensive Plan policies listed above, as well as the general future land use character of the surrounding area.

Property to the west has a future land use designation of Rural Settlement and the other surrounding “county” future land use designations are Rural (0-1 du/10 ac) with single-family and agricultural uses.

The proposed “City” Rural Settlement future land use designation is consistent with the general future land use character of the surrounding area.

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

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the “Northern Area” of the JPA. Orange County government has been notified of the proposed FLUM amendment and has not objected.

Transportation: Road access to the site is from Phils and Hideaway Lanes, which connect to Ponkan Road to the south.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

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

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental

Protection shows that there are karst features on this property.

Analysis of the character of the Property: The current use of the Property is for a manufactured home. The dominant soil, Candler Fine Sand, has a 5-12 percent slope.

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on May 4, 2016 via Ordinance 2495. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population if developed.

**CALCULATIONS:**

ADOPTED: 1 Unit(s) x 2.659 p/h = 2 persons

PROPOSED: 3 x 2.659 p/h = 8 persons

Housing Needs: This proposed Future Land Use Designation of “Rural” will at most have a net increase of two residential units, placing a small or deminimus impact on the City’s population.

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 196 GPD

3. Projected total demand under proposed designation: 588 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 81 GPD/Capita

6. Projected LOS under proposed designation: 81 GPD/Capita

7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None ; 177 GPCD;  
177 GPD

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

2. Projected total demand under existing designation: 210 GPD

3. Projected total demand under proposed designation: 630 GPD

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

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: 8 lbs./person/day
4. Projected LOS under proposed designation: 32 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

**CITY COUNCIL – DECEMBER 21, 2016**  
**JACK & JOYCE CRAVEY – LARGE SCALE FUTURE LAND USE AMENDMENT**  
**PAGE 7**

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.006 AC
3. Projected facility under proposed designation: 0.024 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None.

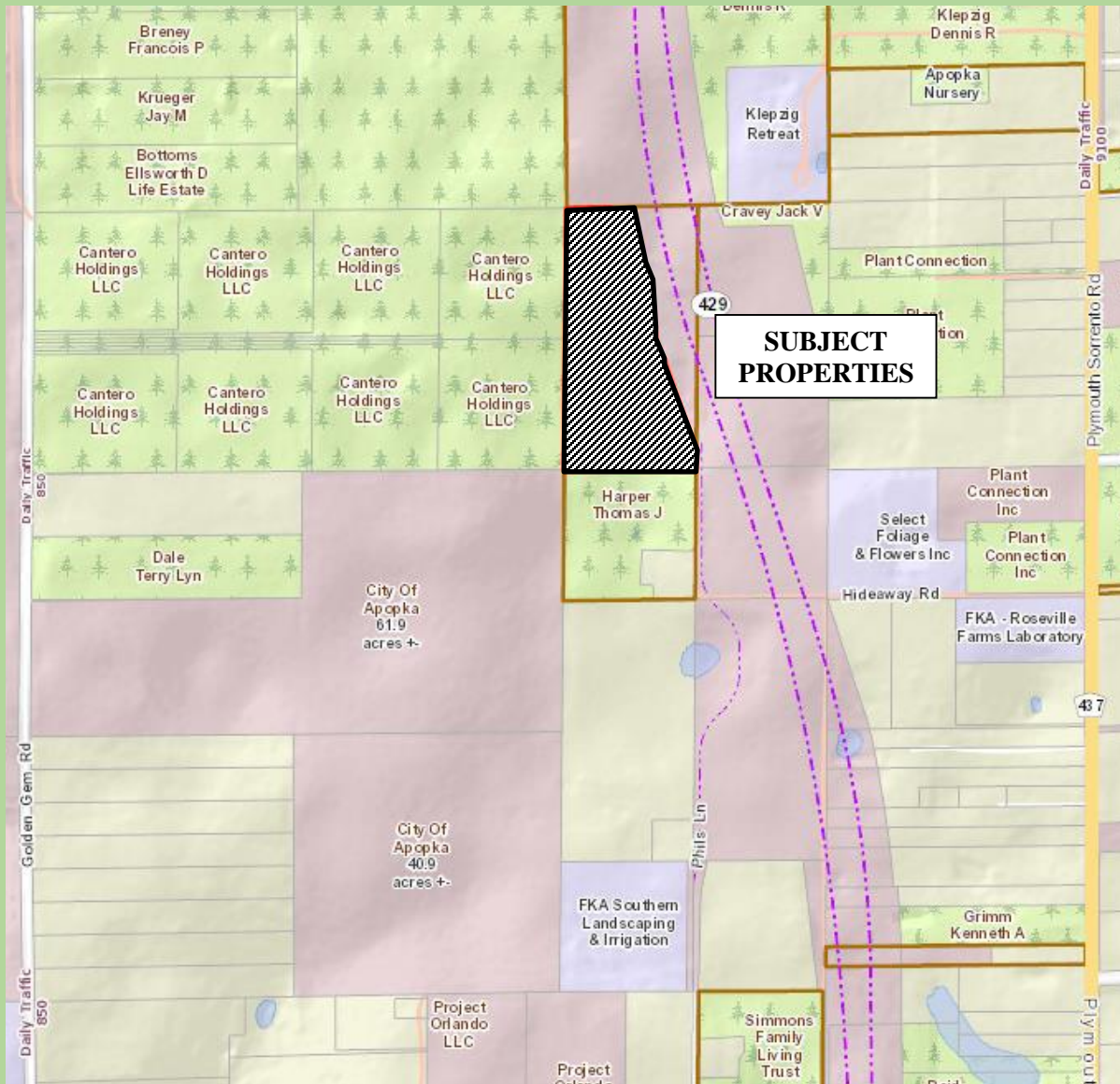
This initial review does not preclude conformance with concurrency requirements at the time of development approval.



**Jack & Joyce Cravey**  
**15.04 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: "County" Rural (0 – 1 du/10 ac)**  
**To: "City" Rural Settlement (0 – 1 du/5 ac)**  
**Proposed Change of Zoning:**  
**From: "County" A-1 (ZIP)**  
**To: "City" AG**  
**Parcel ID #s: 24-20-27-0000-00-056 & 24-20-27-0000-00-112**



### VICINITY MAP



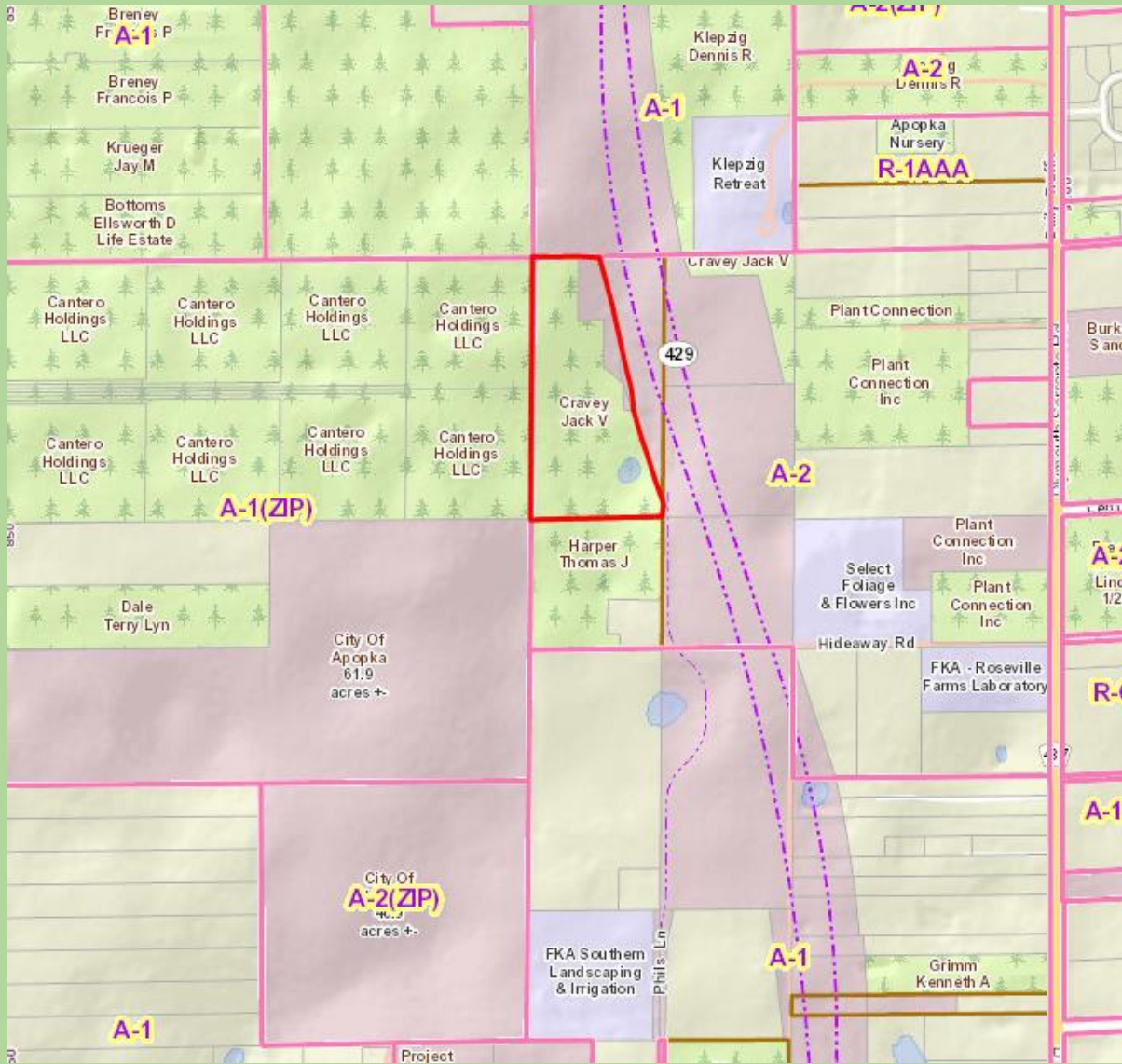


### FUTURE LAND USE MAP





### ADJACENT ZONING







ADJACENT USES







**EXISTING USES**



Rick Scott  
GOVERNOR



Cissy Proctor  
EXECUTIVE DIRECTOR

August 5, 2016

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

Dear Mayor Kilsheimer:

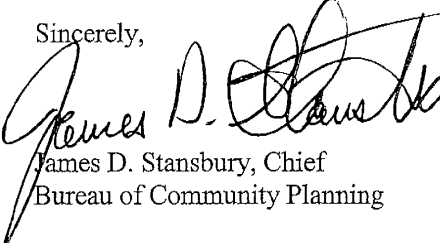
The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Apopka (Amendment No. 16-4ESR), which was received on July 19, 2016. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

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

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

If you have any questions concerning this review, please contact Erin Schaefer, at (850) 717-8498, or by email at [Erin.Schaefer@deo.myflorida.com](mailto:Erin.Schaefer@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning

JDS/es

Enclosure: Procedures for adoption of comprehensive plan amendments

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

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](http://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

## SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

### FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Kyle Wilkes

---

**From:** David Moon  
**Sent:** Tuesday, August 16, 2016 3:28 PM  
**To:** Kyle Wilkes  
**Subject:** FW: Apopka 16-4ESR Proposed

**From:** Ray, Suzanne E. [mailto:Suzanne.E.Ray@dep.state.fl.us]  
**Sent:** Tuesday, August 16, 2016 2:12 PM  
**To:** David Moon; DCPexternalagencycomments  
**Subject:** Apopka 16-4ESR Proposed

To: David Moon, Planning Manager

Re: Apopka 16-4ESR – Expedited Review of Proposed Comprehensive Plan Amendment

**\*Please note the new contact information below.**

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at [Suzanne.e.ray@dep.state.fl.us](mailto:Suzanne.e.ray@dep.state.fl.us) or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to [plan.review@dep.state.fl.us](mailto:plan.review@dep.state.fl.us) or

Florida Department of Environmental Protection  
Office of Intergovernmental Programs, Plan Review  
2600 Blair Stone Rd. MS 47  
Tallahassee, Florida 32399-2400



## Kyle Wilkes

---

**From:** David Moon  
**Sent:** Thursday, July 21, 2016 1:15 PM  
**To:** Kyle Wilkes  
**Subject:** FW: Apopka 16-4ESR

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please print for the file and have state agency comments grouped together. Thanks.

**From:** Suber, Tracy [mailto:Tracy.Suber@fldoe.org]  
**Sent:** Thursday, July 21, 2016 1:08 PM  
**To:** David Moon  
**Cc:** Smith, Tyrone K.; DCPexternalagencycomments; adam.biblio@deo.myflorida.com  
**Subject:** Apopka 16-4ESR

Dear Mr. Moon –

Thank you for the opportunity to review the City of Apopka's proposed 16-4ESR amendment package, which the Florida Department of Education received on July 20, 2016. According to the department's responsibilities under Section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of Chapter 163, Part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create adverse effects on public school facilities.

The amendment relates to the annexation of a 15.04-acre parcel and proposes a future land use map amendment to apply the city's Rural Settlement designation to the parcel. The maximum allowable development that would be permitted is three dwelling units, which is considered to be *de minimus* under the Interlocal Agreement for School Planning. Because the proposal does not appear to adversely affect public educational facilities or sites, I offer no comment.

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

Sincerely,  
Tracy Suber

Tracy D. Suber  
Growth Management and Facilities Policy Liaison  
Office of Educational Facilities  
325 West Gaines Street, Suite 1014, Tallahassee, Florida 32399-0400  
850-245-9312 Office





**Florida Department of Transportation**

**RICK SCOTT  
GOVERNOR**

719 S. Woodland Boulevard  
DeLand, Florida 32720-6834

**JIM BOXOLD  
SECRETARY**

August 8, 2016

David Moon  
City of Apopka  
P.O. Box 1229  
Apopka, Florida 32704-1229

**Sent Via Email**

**SUBJECT: JACK & JOYCE COVEY FUTURE LAND USE AMENDMENT**  
**LOCAL GOVERNMENT: CITY OF APOPKA**  
**DEO #: 16-4 ESR**

Dear Mr. Moon:

The Department of Transportation has completed its review of the above Comprehensive Plan Amendment as requested in your memorandum dated July 15, 2016. We appreciate the opportunity to participate in this review process and we offer our comments attached to this letter. This review includes one (1) proposed amendment.

The proposed amendment changes the future land use of an approximately 15.04-acre property from "County" Rural (0-1 DU/ 10 Acres) to "City" Rural Settlement (0-1 DU/5 Acres). The proposed amendment is anticipated to generate a small increase in the number of trips that could be generated by the property. During its review, the Department found that the proposed amendment did not appear to have significant adverse impacts to the State Highway System (SHS) or the Strategic Intermodal System (SIS). Therefore, the Department does not have any recommendations at this time.

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

Sincerely,

David J. Cooke  
Transportation Planning Manager

**Attachment**

- |                                    |                     |
|------------------------------------|---------------------|
| C: R. Jay Davoll, City of Apopka   | Carmen Monroy, FDOT |
| Alberto Vargas, Orange County      | Dana Reiding, FDOT  |
| Renzo Nastasi, Orange County       | Dennis Smith, FDOT  |
| Anganie Durbal-Mohammed, Orange Co | Adam Biblo, DEO     |
| Fred Milch, ECFRPC                 | Ray Eubanks, DEO    |

File: \\D5.Dot.State.Fl.U.S\D5dfs\OOC\Planning\Growth Management\CPA Project Files\Apopka\_Orange\Review\2016\16-4ESR\Proposed\Apopka\_16-4ESR\_Cvr\lr.Doc



**COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS**

**Local Government:** City of Apopka  
**DEO Amendment #:** 16-4 ESR  
**Date Amendment Received FDOT:** 7/17/2016  
**Review Comments Deadline:** 8/19/2016  
**Today's Date:** 8/8/2016

**GENERAL BACKGROUND INFORMATION:**

The proposed comprehensive plan amendment package contains one (1) amendment that proposes to amend the future land use of an approximately 15.04-acre property from "County" Rural (0-1 DU/ 10 Acres) to "City" Rural Settlement (0-1 DU/5 Acres).

The City of Apopka Planning Commission serving as the Local Planning Agency, held a public hearing to consider the proposed amendment on June 14, 2016 and recommended approval of the amendment. The City of Apopka City Council held a transmittal hearing on July 6, 2016 and voted to transmit the amendment to the Department of Economic Opportunity for review. The City anticipates that the proposed amendment will be considered for adoption in November 2016.

**AMENDMENT 1: Jack & Joyce Cravey**

**Elements:** Future Land Use

**Statutory Reference:** Chapter 163.3177, F.S., Required and Optional Elements of the Comprehensive Plan  
Chapter 163.3184, F.S., Process for Adoption of Plan Amendment

**Background:**

The proposed amendment changes the Future Land Use Map for an approximately 15.04-acre property from "County" Rural (0-1 DU/ 10 Acres) to "City" Rural Settlement (0-1 DU/5 Acres). The subject property is located south and west of Hideaway Lane, north of Ponkan Road, and east of Golden Gem Road. The surrounding properties to the north, east, and south have a rural future land use designation (0-1 DU/10 Acres). Property to the west has a Rural Settlement Future Land Use designation. Property to the north and east is currently used for limited access right-of-way for SR429. The remaining property surrounding the subject property is currently vacant. The subject property is adjacent to an expansion of SR 429.

The maximum allowable intensity of development is expected to increase under the new "City" Rural Settlement future land use designation. Table 1 below outlines the projected demand based on the maximum allowable development.

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<b>FDOT Contact:</b>	Todd Davis, P.E. FDOT District 5 Project Manager In-house	<b>Reviewed by:</b>	Franco Saraceno, AICP Renaissance Planning Group
<b>Telephone:</b>	386-943-5422		407.487.0061 x208
<b>Fax:</b>	386-943-5713		407.487.0058
<b>E-mail:</b>	<a href="mailto:Todd.Davis@dot.state.fl.us">Todd.Davis@dot.state.fl.us</a>		<a href="mailto:fsaraceno@citiesthatwork.com">fsaraceno@citiesthatwork.com</a>
<b>File:</b>	H:\OOC\Planning\Growth Management\CPA Project Files\Apopka_Orange\Review\2016\16-4ESR\Proposed\Apopka_16-4ESR_Review.docx		

**COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS**

**Local Government:** City of Apopka  
**DEO Amendment #:** 16-4 ESR  
**Date Amendment Received FDOT:** 7/17/2016  
**Review Comments Deadline:** 8/19/2016  
**Today's Date:** 8/8/2016

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

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code [Daily Rate/Peak Rate]	Size of Development		Daily Trips	Peak Hour Trips
				Acres	Allowed Development		
Adopted	"County" Rural	1 DU per 10 Acres	210 [9.52/1]	15.04	1 DU	10	1
Proposed	"City" Rural Settlement	1 DU per 5 Acres	210 [9.52/1]	15.04	3 DU	29	3
Change in Trips						+19	+2

Table 1 indicates that the proposed future land use amendment may increase potential trips if adopted. The subject property is located adjacent to a future extension of SR 429, a Strategic Intermodal System (SIS) facility. The proposed amendment is not located near any other SIS or State Highway System (SHS) facility. Due to the negligible increase in potential trips generation by the development, the amendment is not anticipated to adversely affect the LOS on any SIS or SHS facilities.

**Review:**

Pursuant to F.S. 163.3184(3)(b), the Florida Department of Transportation (FDOT) has the following no comments regarding the proposed amendment at this time.

**Recommendations:**

The Department has no recommendations at this time.

**Review Comments:**

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

FDOT Contact: Todd Davis, P.E. FDOT District 5 Project Manager In-house Telephone: 386-943-5422 Fax: 386-943-5713 E-mail: <a href="mailto:Todd.Davis@dot.state.fl.us">Todd.Davis@dot.state.fl.us</a> File: H:\OOC\Planning\Growth Management\CPA Project Files\Apopka_Orange\Review\2016\16-4ESR\Proposed\Apopka_16-4ESR_Review.docx	Reviewed by: Franco Saraceno, AICP Renaissance Planning Group 407.487.0061 x208 407.487.0058 <a href="mailto:fsaraceno@citiesthatwork.com">fsaraceno@citiesthatwork.com</a>
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# St. Johns River Water Management District

Ann B. Shortelle, Ph.D., Executive Director

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

August 3, 2016

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

Re: City of Apopka Proposed Comprehensive Plan Amendment #16-4ESR

Dear Mr. Moon:

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

### Technical assistance

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

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

Sincerely,

Steve Fitzgibbons, AICP  
Intergovernmental Planner  
Governmental Affairs Program

cc: Ray Eubanks, Florida Department of Economic Opportunity

### GOVERNING BOARD

John A. Milkos, CHAIRMAN  
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Carla Yetter, TREASURER  
FERNANDINA BEACH

Ron Howse  
COCOA

**ORDINANCE NO. 2499**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PHILS LANE AND EAST OF GOLDEN GEM ROAD, COMPRISING 15.04 ACRES, MORE OR LESS AND OWNED JACK & JOYCE CRAVEY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2496; and

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

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

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

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

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

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

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

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

**ORDINANCE NO. 2499**  
**PAGE 2**

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this  
\_\_\_\_ day of \_\_\_\_\_, 2016.

READ FIRST TIME: July 6, 2016

READ SECOND TIME  
AND ADOPTED: \_\_\_\_\_

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: May 27, 2016



**EXHIBIT "A"**



**Jack & Joyce Cravey**  
**Property Owner**  
**15.04 +/- Acres**  
**Proposed Large Scale Future Land Use Amendment:**  
**From: "County" Rural (0 – 1 du/10 ac)**  
**To: "City" Rural Settlement (0 – 1 du/5 ac)**  
**Proposed Change of Zoning:**  
**From: "County" A-1 (ZIP)**  
**To: "City" AG**

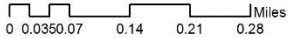
**Parcel ID #s: 24-20-27-0000-00-056 & 24-20-27-0000-00-112**



**City of Apopka  
 Future Land Use Map**



- Legend**
- Subject Site
  - City Boundary
  - Apopka\_Parceles\_022315 selection
  - Apopka\_Parceles\_022315
  - Res. Low
  - JPA Boundary
  - Future Land Use**
  - Agriculture
  - Agriculture Estates
  - Agriculture Homestead
  - Rural Settlement
  - Res. Estates
  - Res. Very Low Suburban
  - Res. Low Suburban
  - Res. Low
  - Res. Medium Low
  - Res. Medium
  - Res. High
  - Mixed Use
  - Mixed Use\*
  - Office
  - Commercial
  - Commercial\*
  - Industrial
  - Industrial\*
  - Institutional/Public Use
  - Conservation
  - Parks/Recreation
  - ANNEX



Source: City of Apopka and Orange County Property Appaisor  
 Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.  
 The City of Apopka does not assume responsibilities for errors or omissions contained herein.

**Backup material for agenda item:**

2. Ordinance No. 2510 – Second Reading – Code of Ordinances, Chapter 74 “Business Tax Receipts” – Legislative Hitt James



# CITY OF APOPKA CITY COUNCIL

<input type="checkbox"/>	CONSENT AGENDA	MEETING OF:	December 21, 2016
<input checked="" type="checkbox"/>	PUBLIC HEARING	FROM:	Community Development
<input type="checkbox"/>	SPECIAL REPORTS	EXHIBIT(S):	Ordinance No. 2510
<input checked="" type="checkbox"/>	OTHER: Ordinance		

**SUBJECT:      ORDINANCE NO. 2510 - AMENDING THE CODE OF ORDINANCES.**

**REQUEST:    SECOND READING OF ORDINANCE NO. 2510 – TO ALLOW ADMINISTRATIVE APPROVAL OF VEHICLE FOR HIRE PERMITS.**

**SUMMARY:**

Currently, the process to review a Vehicle for Hire Permit application requires a public hearing before the City Council to make a determination of approval, approval with conditions, or denial. Review by City Council has produced little or no public benefit for having the extended review process. These processes are costly and time consuming for the City as well as permit applicants. Staff is requesting that Chapter 74, Article IV, Section 74-104 pertaining To “Vehicles for Hire” be amended by removing language indicating that City Council approval is required for Vehicle for Hire permits.

**PUBLIC HEARING SCHEDULE:**

September 7, 2016 - City Council 1<sup>st</sup> Reading (1:30 pm)  
September 21, 2016 – City Council 2<sup>nd</sup> Reading (7:00 pm) – Postponed to October 5, 2016  
October 5, 2016 - City Council 2<sup>nd</sup> Reading (1:30 pm) – Postponed to November 2, 2016  
November 2, 2016 - City Council 2<sup>nd</sup> Reading (1:30 pm) – Postponed to December 7, 2016  
December 7, 2016 - City Council 2<sup>nd</sup> Reading (1:30 pm) – Postponed to December 21, 2016  
December 21, 2016 – City Council 2<sup>nd</sup> Reading (7:00 pm)

**DULY ADVERTISED:**

August 19, 2016 – Public Hearing Notice  
September 9, 2016 – Ordinance Heading

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

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

**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the amendment to the City of Apopka, Code of Ordinances, amending Chapter 74, Article IV, Section 74-104, pertaining To “Vehicles for Hire” by removing language indicating that City Council approval is required for drivers.

The **City Council**, at its meeting on September 21, 2016, postponed the Second Reading of Ordinance No. 2510 due to concerns expressed by the transportation network company, Lyft, and held it over for Second Reading and Adoption on October 5, 2016.

The **City Council**, at its meeting on October 5, 2016, postponed the Second Reading of Ordinance No. 2510; and held it over for Second Reading and Adoption on November 2, 2016 to allow the new Community Development Director time to acquaint himself with the amendment.

The **City Council**, at its meeting on November 2, 2016, postponed the Second Reading of Ordinance No. 2510; and held it over for Second Reading and Adoption on December 7, 2016.

The **City Council**, at its meeting on December 7, 2016, postponed the Second Reading of Ordinance No. 2510; and held it over for Second Reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2510

**Note: This item is considered legislative and establishes general policy. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ORDINANCE NO. 2510**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 74, ARTICLE IV, SECTION 74-104 OF THE CITY OF APOPKA CODE OF ORDINANCES PERTAINING TO “VEHICLES FOR HIRE” BY REMOVING LANGUAGE INDICATING THAT CITY COUNCIL APPROVAL IS REQUIRED FOR DRIVERS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka believes that it is necessary and in the best interest of the City to remove requirements for City Council approval of drivers for “vehicles for hire.”

**LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of Apopka Code of Ordinances, ~~strike through~~ constitutes deletions from the original, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

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

**SECTION 1. Section 74-104 of the City of Apopka Code of Ordinances is hereby amended as follows:**

Sec. 74-104. - Schedule.

There is hereby assessed, levied and imposed upon every business, trade, occupation and profession carried on within the city an annual business tax in the following amounts:

\*\*\*

Vehicle for hire. (with driver) Must comply with requirements of City Code Chapter 86.

~~(City council approval required)~~

(1) 1 to 6 passengers, first vehicle .....61.00

(2) 7+ passengers, first vehicle .....61.00

(3) Each additional vehicle .....24.00

\*\*\*

**SECTION 2. CODIFICATION.** It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to " chapter ", "section ", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

**SECTION 3. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 5. EFFECTIVE DATE.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

READ FIRST TIME: September 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

---

Joseph E. Kilsheimer, Mayor

ATTEST:

---

Linda G. Goff, City Clerk

APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.

---

Cliff B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: August 19, 2016  
September 9, 2016

**Backup material for agenda item:**

3. Ordinance No. 2511 – Second Reading - Code of Ordinances, Chapter 86 “Vehicles for Hire.” – Legislative Hitt

James





**CITY OF APOPKA  
CITY COUNCIL**

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

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBIT(S): Ordinance No. 2511  
 TNC Comments

**SUBJECT: ORDINANCE NO. 2511 - AMENDING THE CODE OF ORDINANCES.**

**REQUEST: SECOND READING OF ORDINANCE NO. 2511 – UPDATING THE VEHICLE FOR HIRE REQUIREMENTS.**

**SUMMARY:**

The current process for review and approval of a Vehicle for Hire Permit (VHP) is to have an applicant submit the appropriate application and back up documentation, submit for a criminal background check, schedule to have the application reviewed by the Development Review Committee (DRC) and finally scheduled for review by the City Council. This process has caused difficulties and angst among the applicants which is inevitably directed toward administrative staff. This has increased with the popularity of Transportation Network Application companies such as Uber and Lyft. A review of the VHP process revealed that there were greater efficiencies that could be achieved if the process were administratively based. This would allow transportation service providers to receive their permits in approximately one week versus the current process which can take 1-2 months dependent upon the timing of the application submittal as it relates to DRC and City Council schedules.

Initially it was determined that a simple ordinance revision would be required to remove the DRC and City Council from the process. However as staff and the City Attorney reviewed the Chapter 86 of the Code of Ordinances it became evident that the code was so outdated that a complete revision was necessary. This is primarily based upon the fact that when the code was written, the only option available to hire a vehicle was through a taxi company. This has changed drastically based upon the advent of digitally based companies.

The City Attorney conducted a preliminary review of the current requirements to identify possible amendments to address the emerging technologies and practices in the provision of passenger transportation services. Based on this preliminary review, it was determined that the current chapter be repealed and replaced it in its entirety.

Many of the vehicle for hire permitting requirements relate directly to ensuring public safety, including a satisfactory criminal background check, and proof of insurance. Such requirements are important for any type of vehicle for hire service, whether it is a traditional taxicab company or a network of independent contractors providing transportation services through a transportation network company.

The proposed ordinance is based upon models in Orlando and Tallahassee which have proven successful.

**PUBLIC HEARING SCHEDULE:**

- September 7, 2016 - City Council 1<sup>st</sup> Reading (1:30 pm)
- September 21, 2016 – City Council 2<sup>nd</sup> Reading (7:00 pm) – Postponed to October 5, 2016
- October 5, 2016 - City Council 2<sup>nd</sup> Reading (1:30 pm) – Postponed to November 2, 2016
- November 2, 2016 - City Council 2<sup>nd</sup> Reading (1:30 pm) – Postponed to December 7, 2016
- December 7, 2016 - City Council 2<sup>nd</sup> Reading (1:30 pm) – Postponed to December 21, 2016
- December 21, 2016 – City Council 2<sup>nd</sup> Reading (7:00 pm)

**DISTRIBUTION**

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

**DULY ADVERTISED:**

August 19, 2016 – Public Hearing Notice  
September 9, 2016 – Ordinance Heading

---

**FUNDING SOURCE:**

N/A

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the amendment to the City of Apopka, Code of Ordinances, amending the City of Apopka, Code of Ordinances, Chapter 86 – Vehicle for Hire - vacating and deleting the provisions of chapter 86 of the city code as currently written, adopting new provisions in said chapter amending the permitting and regulation of taxicabs and creating regulations for transportation services and transportation network application companies and operators.

The **City Council**, at its meeting on September 7, 2016, accepted the First Reading of Ordinance No. 2511 and held it over for Second Reading and Adoption on September 21, 2016.

The **City Council**, at its meeting on September 21, 2016, postponed the Second Reading of Ordinance No. 2511 due to concerns expressed by the transportation network company, Lyft, and held it over for Second Reading and Adoption on October 5, 2016.

The **City Council**, at its meeting on October 5, 2016, postponed the Second Reading of Ordinance No. 2511; and held it over for Second Reading and Adoption on November 2, 2016 to allow the new Community Development Director time to acquaint himself with the amendment.

The **City Council**, at its meeting on November 2, 2016, postponed the Second Reading of Ordinance No. 2511; and held it over for Second Reading and Adoption on December 7, 2016 to allow the new Community Development Director to coordinate with the City Attorney to address the transportation network companies concerns.

The **City Council**, at its meeting on November 2, 2016, postponed the Second Reading of Ordinance No. 2511; and held it over for Second Reading and Adoption on December 7, 2016.

The **City Council**, at its meeting on December 7, 2016, postponed the Second Reading of Ordinance No. 2511; and held it over for Second Reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2511.

**Note: This item is considered legislative and establishes general policy. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

## ORDINANCE NO. 2511

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, VACATING AND DELETING THE PROVISIONS OF CHAPTER 86 OF THE CITY CODE OF ORDINANCES AS CURRENTLY WRITTEN, ADOPTING NEW PROVISIONS IN SAID CHAPTER AMENDING THE PERMITTING AND REGULATION OF TAXICABS AND CREATING REGULATIONS FOR TRANSPORTATION SERVICES AND TRANSPORTATION NETWORK APPLICATION COMPANIES AND OPERATORS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka believes that it is necessary and in the best interest of the City to update its regulations for vehicles for hire in recognition of changes and advances in modern business models of private automobile transportation.

**LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of Apopka Code of Ordinances, ~~strike through~~ constitutes deletions from the original, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

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

**SECTION 1.** The provisions of CHAPTER 86, VEHICLES FOR HIRE, shall be vacated and deleted in its entirety, and the following shall be adopted in their place. The provisions to be vacated and deleted are attached as Exhibit "A."

### **Chapter 86 - VEHICLES FOR HIRE**

#### **ARTICLE I. - IN GENERAL**

##### **Sec. 86-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Company* means any person, association, corporation or other organization which operates or intends to engage in the business of operating vehicles for hire or operate as a TNC.

*Conviction* means the conviction by a court including an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

*Digital platform* means any online or smartphone enabled application that allows passengers to request transportation network vehicle services.

*Digital credential* means the permission or access given to a driver to operate on a company's digital platform.

*Driver* means an individual permitted to drive a vehicle for hire.

*Fees* mean nonrefundable payments required in this chapter.

*Limousine* means a specialized vehicle not equipped with a taximeter and for hire only by prearrangement at a rate charged per hour, or fixed in advance, and provided also that each such vehicle for hire is: (1) chauffeured, (2) a luxury class passenger vehicle built or modified for the purpose of a limousine as defined and recognized by the limousine industry; and (3) operated on a reserved, hourly



basis for a continuous period. A vehicle which is held out to be a limousine or which has an appearance deceptively similar to a limousine is a limousine for the purposes of this chapter.

*Narcotic drugs, barbituric acid derivatives and central nervous system stimulants.* The term "narcotic drugs" as used in this chapter shall mean coca leaves, opium, cannabis, marijuana, isonipocaine and every synthetic substance known to have narcotic action. The term "barbituric acid derivative" means each of the salts and derivatives of barbituric acid, also known as malonyl urea, and derivatives, compounds, mixtures or preparations thereof. "Barbiturate" or "barbiturates" shall include all hypnotic or somnifacient drugs, whether or not derivatives of barbituric acids. The term "central nervous system stimulants" means amphetamine and desocycophedrine, and any derivative, compounds, mixture or preparation thereof.

*Permit* means the authority granted to companies to operate, or persons who qualify to drive, vehicles for hire.

*Revocation* means the rescinding of a permit. A person or entity whose permit is revoked shall not be entitled to reinstatement or an opportunity to reapply for such permit for a period of two years except as provided in subsection 86-61(5).

*Shuttle bus* means a vehicle with a capacity of at least eight persons, including the driver, that is operated on a fixed route, or owner and operated directly by a motel or hotel and limited to registered guests thereof.

*Suspension* means the temporary rescinding of a permit or license. The suspension may be for a time certain or indefinite pending compliance with the terms of this chapter.

*Taxicab* means a vehicle for hire with a capacity of not more than eight persons, including the driver, equipped with a taximeter operated under a company and vehicle permit required by this article, which is routed under the direction of the person hiring the vehicle.

*Taximeter* means an instrument or device attached to a vehicle and designed to measure mechanically or electronically the distance traveled by such vehicle, to record the times such vehicle travels or is in waiting, and to indicate the fare to be obtained.

*Transportation service* means a vehicle for hire with a capacity of not more than eight persons, including the driver, which is not equipped with a taximeter, which charges passengers a fare generally based on a flat fee, and does not operate over a fixed or defined route but routed under the direction of the person hiring the vehicle.

*Transportation network application company ("TNC company")* means any company operating in the city that uses a digital network or software application to connect a passenger to transportation network services provided by a transportation network operator.

*Transportation network operator* means any driver or operator who operates a personal vehicle that utilizes any digital platform to arrange transportation of a passenger between points chosen by the passenger and that is in connection with a digital platform controlled by a TNC company.

*Transportation network service* means the provision of transportation by a transportation network operator to a rider, beginning when the transportation network operator accepts a ride requested through a digital platform controlled by a TNC company, continuing while the transportation network operator transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle.

*Use of narcotic drugs.* The word "use" as employed in this chapter in relation to the drugs described in this chapter shall apply to any person who uses one or more of the narcotic drugs or barbituric acid derivatives or central nervous system stimulants as defined this section to any extent, with or without medical need or authority or prescription.

*Vehicle for hire* means any vehicle, whether owned by the driver or company, that is operated by a taxicab driver, transportation service driver, transportation network operator, any other motor vehicle

with driver transporting passengers for a fare, fee, or other charge in the city. The term vehicle for hire, by definition, excludes:

- (1) School, church, college or university buses;
- (2) Sightseeing cars and buses;
- (3) Ambulances;
- (4) Funeral home vehicles;
- (5) Interstate buses;
- (6) Limousines;
- (7) Shuttle buses.

*Vehicle for hire administrator* means the City Administrator or his/her designee.

## **ARTICLE II. - COMPANY PERMIT**

### **Sec. 86-31. - Application; contents.**

- (a) No taxicab company, transportation service, or TNC company shall operate or engage in the business of operating vehicles for hire or operating a TNC within the city without having first obtained a company permit from the vehicle for hire administrator or designee. An application shall be submitted on forms furnished by the vehicles for hire administrator or designee containing appropriate information which is reasonably related to the business of operating vehicles for hire.
- (b) In order to secure or renew a company permit, the company applicant shall file an application with the vehicles for hire administrator or designee, and such application shall be verified under oath and shall furnish the following information:
  - (1) The name and address of the company. If the company is a corporation or partnership, the name and address of all officers, shareholders, partners or any principals or owners with an interest greater than twenty percent of the company must be listed.
  - (2) The color scheme and insignia to be used to designate the vehicles of any taxicab company.
  - (3) No company permit shall be granted to a taxicab company operating less than five vehicles. The vehicles must be currently operating, licensed, and inspected as required by this chapter. Each vehicle must conform to the United States Department of Transportation (USDOT) maximum passenger standards allowed for the vehicle to operate.
  - (4) Proof of proper amount of insurance coverage as provided in section 86-93, with the insurance coverage being filed with vehicle for hire administrator and approved by the City.
  - (5) Such other information as the vehicle for hire administrator may require.
- (c) Payment of an annual company permit fee of \$250.00.

### **Sec. 86-32. - Maintaining a company permit.**

- (a) In order to maintain a company permit to operate or engage in the business of operating vehicles for hire or operating a TNC, the company must:
  - (1) Obtain and hold a current business tax receipt from the city as required by chapter 74, if applicable.
  - (2) Maintain a telephone number that is monitored 24 hours a day for emergency contact by the vehicle for hire administrator or designee or law enforcement, and an e-mail address for citizen complaints or concerns.

- (3) Maintain the name, home address, and telephone number of each driver affiliated with the company.
- (4) Maintain a log listing the year, make, model, license plate number of all vehicles in the company's fleet or that operate on a company's platform.
- (5) Maintain proper amount of insurance as provided in section 86-93.
- (6) Maintain records available for inspection, upon request by the vehicle for hire administrator or designee, pursuant to a complaint received or if the vehicle for hire administrator has a reasonable basis to suspect that a company or driver is violating the requirements of this chapter. The records shall include, but not be limited to, records pertaining to permitted/certified drivers, vehicle inspection records, daily logs, and that the maximum rate charged in compliance with section 86-95. Unless otherwise agreed to by the company and the vehicle for hire administrator, such records shall be made available for inspection to the vehicle for hire administrator at a permit holder's place of business or a mutually agreed location in the city.
- (7) Each company shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to all drivers, and provide notice of the policy to all company drivers and to the public through its website, if applicable. In addition, the company shall provide notice to the public on the procedure for reporting a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride. The company shall cooperate with the vehicle for hire administrator or designee during the pendency of the investigation pursuant to subsection 86-63(b)(3).
- (8) The vehicle for hire administrator or police chief is authorized to conduct annual audits of any company authorized to operate under this chapter. The company shall provide to the vehicle for hire administrator, on request, up to 250 unique identification numbers, each of which has been assigned to an individual driver affiliated with the company. The vehicle for hire administrator may send to the company a list of up to ten driver identification numbers and request copies of records held by the company for those ten drivers. Within five business days of receiving a request seeking records, the company shall make available to the vehicle for hire administrator at a company's place of business or a mutually agreed setting in the city, records to verify that the company has properly screened drivers in accordance with section 86-61; provided, that the company may redact any records it provides access to in order to protect the privacy and identifying information of the driver.

**Sec. 86-33. - Revocation or suspension of a company permit; grounds; right of appeal.**

- (a) *Revocation or suspension of company permit; grounds.* Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any company permit which has been granted or which may hereinafter be granted by the city. Prior to suspension or revocation, the company shall be served notice by certified mail or hand delivery of the proposed action to be taken and shall have an opportunity to present to the vehicle for hire administrator or designee evidence as to why the company permit should not be revoked or suspended.
- (b) *Causes for revocation or suspension.* Due cause for revocation or suspension of a company permit shall include but shall not be limited to the following:
  - (1) The failure of the company to maintain any of the general qualifications applicable to the initial granting of the company permit as set forth in section 86-31 or maintaining a company permit as set forth in section 86-32.
  - (2) Obtaining a company permit by providing false information.



- (3) Conviction by a court of competent jurisdiction of any shareholder, officer, partner, member, principal or owner of any corporation, partnership, firm or association holding a five percent interest or more in the entity, of any of the following: criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants if such violation or violations are related to operation of the company, or violation of any ordinance of the city governing the conduct of a company.
  - (4) Allowing any person to operate a company's designated vehicle for hire, or operate on the company's digital platform, without an active driver permit or credential, or when said person's permit or credential has been suspended or revoked because of a positive drug test pursuant to section 86-63.
- (c) *Right of appeal.* Any company whose permit is revoked or suspended by the vehicle for hire administrator or designee may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof, in duplicate, with the city administrator's office within five days after the decision of the vehicles for hire administrator or designee. The notice of the appeal shall contain the grounds for the appeal and shall contain information that either the finding is contrary to the law or is not supported by competent substantial evidence. The vehicle for hire administrator or designee shall forthwith transmit copies of the appeal to the City Council along with all papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness of any suspension or revocation.

### **ARTICLE III. - VEHICLE FOR HIRE DRIVERS**

#### **Sec. 86-60. - Prohibition against unauthorized operation.**

- (a) It shall be unlawful for any person to drive or operate on behalf of a taxicab company, transportation service, or other vehicle for hire for the transportation of passengers within the city, or on a TNC's digital platform, or to cause or permit any other person to drive or operate a vehicle for hire:
  - (1) Without first obtaining a written permit for the operation of a motor vehicle for hire from the vehicle for hire administrator or designee;
  - (2) Without having been certified to operate a motor vehicle for hire on behalf of a company or on the company's digital platform; or
  - (3) When the company permit has previously been revoked pursuant to section 86-33.
- (b) Any person found to have violated this section shall be punished by the following:
  - (1) A fine \$150.00 for the first citation;
  - (2) A fine of \$250.00 for the second citation; and
  - (3) A fine of \$500.00 for the third or subsequent citation.

#### **Sec. 86-61. - Application for driver's permit.**

- (a) In order to secure a driver permit or to obtain certification from a company, an applicant must:
  - (1) Be at least 18 years of age;
  - (2) Possess a valid state driver's license;
  - (3) For a period of three years prior to the date of application not have been convicted of:
    - a. Driving under the influence of intoxicating beverages or drugs; or

- b. Violation of any ordinance or law, other than minor traffic offenses, in connection with the operation of a motor vehicle.
- (4) For a period of three years prior to the date of application not have more than three moving violations;
- (5) Not have been convicted within the seven years previous to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: aggravated battery, burglary, aggravated assault, kidnapping, robbery, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the offenses listed in this subsection, or been convicted within the last seven years of any felony in the commission of which a motor vehicle was used, perjury or false swearing in making any statement under oath in connection with application for a driver's permit, any felony involving theft, or possession, sale or distribution of narcotic drugs, barbituric acid derivative and/or central nervous system stimulants. Applicants who have been convicted or served any time, probation, or parole for a criminal offense of homicide, rape, sexual battery, or child molestation must have their complete criminal history reviewed and approved by the vehicle for hire administrator;
- (6) Be able to communicate in the English language.
- (b) An applicant may apply for a permit or credential by completing a form provided by the vehicle for hire administrator establishing that the applicant meets the requirements of subsection.
- (c) Upon approval by the vehicle for hire administrator or designee, or certification by the taxicab company, transportation service, or TNC company, the driver shall be issued:
  - (1) A permit from the vehicle for hire administrator or designee; or
  - (2) Credentials from the taxicab company, transportation service, or TNC company, which may be digital credentials, indicating that the driver was certified by the company, and the credential shall include the following information:
    - a. The name or logo of the company;
    - b. The name of the driver;
    - c. The license plate number associated with the vehicle that the driver has been authorized to use.
  - (3) The driver shall display the permit or credential in a manner that it is visible to the passengers of the vehicle while the vehicle is operating, or make available at a minimum the driver's first name, photograph, and make, model, and license plate number to the passenger through the company's digital platform. The driver shall present the permit or credential upon request to a law enforcement officer, the vehicle for hire administrator or designee, or designated airport personnel upon request. If the driver maintains a digital credential, upon a traffic stop, a driver shall provide law enforcement with access to a device containing the information required to be maintained as part of the driver's digital credential and an electronic record sufficient to establish that the trip in question was prearranged through a digital platform.
- (d) An applicant must pay an annual driver application fee of \$100.00.

**Sec. 86-62. - Maintaining driver's permit.**

In order to maintain a valid permit or credential to drive a taxicab, transportation service, or other vehicle for hire, a driver must:

- (1) Wear proper dress while operating a vehicle for hire.
- (2) Maintain a neat appearance.

- (3) Not smoke while carrying passengers.
- (4) Maintain a log upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. Such logs must be maintained by the company or the vehicle owner, if not maintained by the driver, and shall be made available to the vehicle for hire administrator or designee for a compliance inquiry if the administrator has a reasonable basis to suspect that a company or driver is violating the requirements of this chapter.
- (5) Renew his driver's permit or credential during the month of the driver's permit or credential expiration date.
- (6) Wear a seatbelt at all times while operating a vehicle for hire or providing transportation network services.

**Sec. 86-63. - Revocation or suspension of driver's permits; grounds; right of appeal.**

- (a) *Revocation or suspension of driver's permits or credential.* Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any driver's permit or credential which has been issued or which may hereinafter be issued by the city. Before a driver's permit or credential shall be denied, suspended or revoked, notice of intention thereof shall be served upon the driver either by registered mail or personal service; however, such notice shall not be necessary for a denial of an original permit or credential. However, any such applicant or driver shall be given an opportunity to be heard by the vehicle for hire administrator or designee.
- (b) *Causes for revocation or suspension.* Due cause for revocation or suspension of a driver's permit or credential shall include but shall not be limited to the following:
  - (1) The failure of the driver to maintain any and all of the general qualifications as applicable to the initial issuance of a permit as set forth in section 86-61;
  - (2) Obtaining a permit or credential by providing false information;
  - (3) Violation by a driver of any of the following offenses:
    - a. Driving under the influence of intoxicating beverages or drugs. A driver shall be required to submit to a drug and/or alcohol test at the request of the vehicle for hire administrator or designee;
    - b. Where reasonable suspicion exists that a driver is abusing alcohol or misusing prescription drugs or controlled substances; or
    - c. Where a driver has been involved in a crash with serious injury or serious property damage while operating a vehicle for hire or providing transportation network services. "Serious injury" is defined as a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. "Serious property damage" is defined as one or more of the motor vehicles involved in the crash is "totaled", or one or more of the vehicles sustains significant disabling damage to public and/or private property which equals or exceeds an apparent damage of \$5,000.00 or more as estimated by the law enforcement officer who conducts the investigation at the scene of the traffic crash; or
    - d. Refusing or failing to submit to a drug test at the request of the vehicle for hire administrator or designee shall be due cause for revocation of the driver's permit or credential with no reapplication for one year. Failing a drug or alcohol test shall be due cause for revocation of the driver's permit or credential with no reapplication for one year.
    - e. Criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing,



carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants, violation of any ordinance of the city governing the conduct of drivers of a vehicle for hire.

- (4) Charging a fare contrary to any fares established and approved by the city commission pursuant to section 86-95;
- (5) Violation of any ordinances or law, other than minor traffic offenses, in connection with the operation of a taxicab, transportation service, TNC company, or other vehicle for hire;
- (6) Whenever it shall appear that a driver has disorders characterized by lapses of consciousness or other mental or physical disabilities affecting his or her ability to drive safely;
- (7) Accumulating nine or more points within a six-month period as outlined in F.S. § 322.27(3)d.
- (8) Violating the requirements of section 86-96.

**Sec. 86-64. - Duration of driver permit.**

Each driver permit or credential issued pursuant to section 86-61 above shall be valid for one year from the date of issuance.

**ARTICLE IV. - VEHICLES FOR HIRE**

**Sec. 86-91. - Identifying signs, monograms and insignias.**

*(a) Taxicabs.*

Each taxicab shall be readily identifiable as a taxicab and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the franchise is issued. Each such taxicab shall also be numbered consecutively, with such numbers being placed conspicuously on each vehicle, with such numerals being not less than four and one-half inches nor more than six inches in height.

*(b) Transportation services.*

- (1) Each vehicle operated by a transportation service shall be readily identifiable as a transportation service and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the vehicle is owned or operated by.
- (2) No transportation service shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab.

*(c) Transportation network application (TNC) company/transportation network operator.*

- (1) Each vehicle operated by a TNC company or transportation network operator shall display a consistent signage or emblem on the transportation network operator's personal vehicle at all times while the transportation network operator is active on the TNC company's network. The signage or emblem shall be sufficiently large or color-contrasted to be readable during daylight hours from a distance of 50 feet, reflective, illuminated, or otherwise visible in darkness, and capable of sufficiently identifying a personal vehicle as being associated with the TNC company.
- (2) No transportation network operator vehicle shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab, or otherwise give the impression that the operator is available to solicit passengers other than through the digital platform.
- (3) No transportation network operator vehicle shall place any type or form of light device or other device on the roof, commonly known as a top light or top hat, whether or not permanently or temporarily affixed to the vehicle, or have within the interior of the vehicle.

**Sec. 86-92. - Taximeter.**

- (a) All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in a manner so that the face thereof shall be visible and readable to passengers at all times both day and night. The face of the taximeter shall be set so that it will register and compute on a mileage basis while such taxicab is moving and on a time basis while such taxicab is standing and while the service is being rendered the fare to be charged. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism.
- (b) No vehicle for hire other than a taxicab is authorized to install or be equipped with a taximeter.

**Sec. 86-93. - Liability insurance required.**

No vehicle for hire shall be placed in service unless such vehicle is in compliance with Florida law for liability insurance purposes. Proof of such insurance coverage, which may be provided on a blanket basis, shall be filed annually with and approved by the vehicle for hire administrator or designee for the carrying of passengers.

**Sec. 86-94. - Seat belts required.**

All vehicles for hire covered by this chapter shall be equipped with operational seat belts for each passenger.

**Sec. 86-95. - Authority of city commission to establish rates and charges; displaying rate cards.**

- (a) Taxicabs.
  - (1) The city commission may by ordinance establish maximum rates and charges for the transportation of persons and their baggage within the corporate limits of the city and suburban territory adjacent thereto. Any ordinance establishing rates as provided by this section shall become effective 24 hours after its adoption.
  - (2) Every taxicab operating under this chapter shall have posted in a conspicuous place therein a schedule of rates for the transportation of person within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.
  - (3) There is hereby established a schedule of the maximum rates which can be charged by all taxicab drivers operating taxicabs within the city. A taximeter may be set so that it will register and compute on a mileage or other basis at less than the maximum rates set forth in this section.
- (b) Transportation service.
  - (1) All fares as agreed to between any transportation service operator and any passenger must be agreed upon prior to leaving the point of origin. No transportation service operator may increase the agreed upon fare after leaving the point of origin.
  - (2) No transportation service shall be authorized to charge for wait time, or to charge any other rates or fees except for mileage.
  - (3) Every transportation service vehicle shall have cards displayed visibly from the outside of the vehicle on the passenger side and on the inside of the right rear window at the eye level of a seated passenger that state the following: "RATE OF TRANSPORT IS BY FLAT FEE ONLY".
- (c) Transportation network application (TNC) company or transportation network operator.
  - (1) All TNC companies shall disclose the fare calculation method, the applicable rates being charged, and the option for an estimated fare to a passenger before the passenger arranges or books a trip with the transportation network application company or transportation network operator.

- (2) Upon completion of the trip, a TNC company shall transmit an electronic receipt to the passenger's e-mail or mobile application that lists the: origin and destination of the trip; the total time and distance of the trip; and a breakdown of the total fare paid, if any.

**Sec. 86-96. - Miscellaneous regulations and other penalties.**

- (a) It shall be unlawful for any driver or operator of a vehicle for hire to drive or operate or be on duty or on call for the operation of a vehicle for hire for more than 12 hours within any 24-hour period.
- (b) A driver shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.
- (c) No driver shall refuse to accept a passenger unless the passenger is obviously disorderly, dangerous, or otherwise a threat to the safety or welfare of the driver.
- (d) It shall be unlawful for the driver operating in the city to permit any person to accompany or use such vehicle for hire for the purpose of prostitution, or to direct, take or transport any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution.
- (e) No vehicle for hire shall be permitted to carry nonpaying passengers while transporting a paying passenger or passengers except for the purpose of driver training.
- (f) No vehicle for hire shall solicit or carry a paying passenger while in the process of carrying another paying passenger except when requested to do so by the latter passenger.
- (g) Transportation network operators shall exclusively accept passengers booked through a transportation network company's digital platform, and shall not solicit or accept street-hails.
- (h) No TNC company may provide personal information about a passenger to a transportation network operator, including a passenger's full name, e-mail address, or telephone number.

**Sec. 86-97. - Enforcement.**

The city police department and the vehicles for hire administrator shall be authorized to enforce the regulations contained in this chapter, including the promulgation of rules consistent with this chapter and the setting of fees.

**SECTION 2. CODIFICATION.** It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

**SECTION 3. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.



**SECTION 5. EFFECTIVE DATE.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

READ FIRST TIME: September 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda G. Goff, City Clerk

APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.

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Cliff B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: August 9, 2016  
September 19, 2016

EXHIBIT "A"

~~Sec. 86-39. Liability insurance.~~

- ~~(a) It shall be unlawful for the owner, operator, driver or chauffeur of any taxicab to drive or operate the taxicab or to permit the taxicab to be driven or operated upon the public streets, unless such owner, operator, driver or chauffeur shall have first procured and filed with the city clerk a liability insurance policy issued by a good and responsible surety company, which insurance company or surety company must have authority to do business as such in the state and must be acceptable to and approved by the city council. The amount of liability insurance or surety bond for each taxicab shall be the minimum required by the state for liability insurance, or, if liability insurance is not required by state law, the minimum financial responsibility requirements of the Financial Responsibility Law, F.S. ch. 324.~~
- ~~(b) Such policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each taxicab, or may be in the form of a fleet policy covering all taxicabs operated by such owner, operator, driver or chauffeur, in which latter event such policy of insurance or surety bond shall provide the same liability for each taxicab operated in service as specified in subsection (a) of this section. Every taxicab hired in service shall have conspicuously displayed therein or thereon some sign evidencing the fact that the provisions of this section have been complied with, with the form thereof to be prescribed by the chief of police.~~
- ~~(c) No policy of insurance or surety bond as provided for in this section shall be cancelled until the expiration of five days after notice of intended cancellation thereof has been given in writing to the city clerk by registered mail or personal delivery of such notice, and a provision therefor shall be embodied in the policy or surety bond.~~

~~Sec. 86-40. Use of streets for transacting business.~~

~~Except as provided in this article, no taxicab shall occupy space on the streets for the transaction of business other than the picking up of passengers. All places of business of taxicabs shall be maintained off the streets.~~

~~Sec. 86-41. Use of improper vehicles.~~

~~It shall be unlawful for any person to operate or drive, as a taxicab, in or upon any street, any motor-driven vehicle, unless the vehicle is a taxicab as defined in this article.~~

~~Sec. 86-42. Name of owner or operator to be displayed on vehicle.~~

~~It shall be unlawful for any taxicab to be driven upon the streets unless the name of the person either owning or operating such taxicab, or the trade name under which such taxicab is operated, is conspicuously painted on such taxicab in letters not less than two inches in height.~~

~~Sec. 86-43. Meters.~~

- ~~(a) All taxicabs shall be equipped with mechanical devices, commonly called taxicab meters, for registering the fare to be charged.~~

- ~~(b) Every meter in use shall be placed in such taxicabs at a location that will be plainly visible at all times to the occupants of such taxicabs. Between the hours of sunset and sunrise, the dial of the meter shall be illuminated whenever it is in use.~~
- ~~(c) Whenever a taxicab is not in service, the meter shall show no fare and the flag shall be in the upright position. When a taxicab is in service, the flag or indicator on the meter shall be lowered and the meter shall be in the calculating position.~~
- ~~(d) Upon the completion of service by a taxicab, the flag or indicator on the meter shall be raised and the meter shall be returned to the noncalculating position and its dials cleared.~~
- ~~(e) It shall be unlawful for the operator or driver of any taxicab to operate the taxicab on the streets of the city with any occupant in such taxicab other than the driver when the flag or indicator on the taxicab meter is upright and in the noncalculating position, except when operating on an hourly or trip rate.~~
- ~~(f) When the hourly rate or the special trip rate is used, an appropriate sign indicating that the cab is on a trip or hourly rate shall be exhibited.~~
- ~~(g) It shall be the duty of the person owning and operating taxicabs to have the meter in good working condition and operating accurately as to the registration of mileage and fare. Such meters shall be sealed in a manner that will prevent any person from tampering with or changing the adjustment of the meter. It shall be unlawful for any person to tamper with or change the adjustment of a meter, except the owner operating the taxicab to which such meter is affixed, or a person duly designated by the owner, or a meter mechanic.~~
- ~~(h) It shall be unlawful for any person owning and operating taxicabs with meters affixed thereto to permit the taxicabs to be operated on the streets of the city when such meters do not accurately register the mileage and the rate as set forth by the ordinances of the city. All meters shall be subject to inspection and test by any police officer at all times when cabs are not carrying passengers.~~

~~Sec. 86-44. Rates and charges.~~

- ~~(a) *Posting.* Each taxicab shall have posted in a conspicuous place therein a schedule of rates for the transportation of persons within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.~~
- ~~(b) *Determination.* All rate charges or fees for the use of taxicabs using meters shall be determined by a meter rate, hourly rate or special trip rate and by no other method. All charges are for the exclusive use of the taxicab, and shall apply regardless of the number of passengers transported.~~

~~Sec. 86-45. Fare receipts; right to demand payment of fare in advance.~~

~~If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the taxicab, at the time of such payment, a receipt therefor in legible writing, containing the name of the owner and the city license or permit number, showing upon such receipt all items for which a charge is made, the total amount paid and the date of payment. Every driver of any such taxicab shall have the right to demand payment of the legal fare in advance, and may refuse employment unless so prepaid.~~

~~Sec. 86-46. Soliciting passengers near intersection.~~



~~It shall be unlawful for any person owning or operating one or more vehicles for hire in the city to operate such motor vehicles over and upon the streets of the city for the purpose of soliciting patronage, picking up passengers or delivering passengers at any point within 100 feet of any intersecting street corner along such street. It is the purpose and intent of this section to prohibit such practice within 100 feet in all directions from such intersections. Such distance in all cases shall be measured from the center of the intersection. Nothing in this subsection shall be construed as prohibiting the driver of any taxicab or vehicle operated for hire from responding to any specific request for passage from any person seeking the services offered by such taxi or motor vehicle or from stopping at any point within the city for the purpose of delivering a passenger who has been picked up at any part of the city in a manner not prohibited by law. This section shall not apply to any buses or motor vehicles owned or operated by any bus or transit company under an exclusive franchise from the city.~~

~~Sec. 86-47. — Soliciting passengers by preceding or following scheduled bus.~~

~~It shall be unlawful for any person operating motor vehicles for hire in the city to operate such motor vehicle over and upon the streets of the city for the purpose of soliciting the patronage of passengers by immediately preceding or following any duly scheduled bus or motor vehicle operated for such purpose by any bus or transit company under an exclusive franchise from the city along the streets of the city. Nothing contained in this section shall be construed as prohibiting the driver of any duly licensed taxi from responding to any specific request for passage from any patron seeking the services offered by such duly licensed taxi.~~

~~Sec. 86-48. — Smoking by driver.~~

~~It shall be unlawful for any driver, operator or chauffeur of any taxicab to smoke while the taxicab is occupied by a passenger.~~

~~Sec. 86-49. — Use for immoral purposes.~~

~~It shall be unlawful for the driver of a taxicab to permit any person to accompany or use such taxicab for the purpose of prostitution, lewdness or assignation, or to direct, take or transport, or to offer or agree to direct, take or transport, any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution, lewdness or assignation.~~

~~Sec. 86-50. — Display of political advertisements.~~

~~It shall be unlawful for any person licensed by the city to operate or drive a taxicab upon any street within the city with a political ad displayed for anyone seeking public office at any time.~~

## ~~DIVISION 2. — BUSINESS PERMIT~~

~~Sec. 86-66. — Required.~~

~~It shall be unlawful to operate or cause to be operated any taxicab business unless a permit for the operation thereof shall have been first issued by the city council in the manner provided in this division.~~

~~Sec. 86-67. — Application and investigation.~~

~~(a) — An application for the permit required by this division shall be made in writing to the city council. Such application shall set forth the name, residence address, and address of place of business of the applicant and the kind, make and model of the vehicle to be used in the business. If the applicant is~~

~~a copartnership, the application shall give the names and residence addresses of the copartners. If the application is a corporation, the application shall set forth the name of the corporation and the residence address of its officers and board of directors. The application shall set forth the trade name, if any, under which the applicant does or proposes to do business.~~

~~(b) Upon the filing of an application, the city clerk shall make an investigation, including any hearing deemed necessary, as to each application for a permit for the operation of taxicabs. In determining whether a permit shall be issued, the city council shall investigate the fitness of the applicant to engage in the business of operating taxicabs and the fitness of the equipment to be used, and shall also consider and determine whether the demands of public convenience, necessity and safety justify the issuance of such permit.~~

~~Sec. 86-68. — Issuance or denial.~~

~~If the city council finds favorably to the applicant and decides to grant a permit for the operation of taxicabs, a permit as provided in this division shall be issued to the applicant. If the city council finds against the applicant and decides that the public convenience, necessity and safety do not justify the issuance of such permit or that the applicant is not fit to conduct the taxicab business or the equipment is not fit for such business, then no permit shall be issued, and notice of the action of the city council shall be given to the applicant, setting forth the reason for the refusal of such permit.~~

~~Sec. 86-69. — Occupational license required.~~

~~Prior to the issuance of a permit for the operation of taxicabs, the applicant shall obtain an occupational license.~~

~~Sec. 86-70. — Transfer.~~

~~A permit for the operation of taxicabs shall not be transferable, except upon application to and consent of the city council.~~

~~Sec. 86-71. — Suspension or revocation.~~

~~Whenever any person engaged in the taxicab business is found to be in violation of the provisions of this article or the traffic ordinances of the city or of any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such person to appear at a fixed time and place for investigation. If the city council is satisfied, after such hearing, that such person is guilty of the violations charged, it may, in its discretion, suspend for a fixed period or revoke entirely the permit issued to such person.~~

### ~~DIVISION 3. — DRIVER'S PERMIT~~

~~Sec. 86-91. — Required.~~

~~No person shall operate or drive a taxicab upon any street unless he has obtained a permit pursuant to the provisions of this division.~~

~~Sec. 86-92. — Application and investigation.~~

~~Any person having resided continuously in the state for not less than six months immediately preceding the making of application for a permit to operate a taxicab and being 18 years of age or over may make application to the city clerk for a permit to operate a taxicab. A verbal or written examination,~~

~~or both, may be given by the chief of police to each applicant to determine knowledge of city streets, locations and environs.~~

~~Sec. 86-93.— Issuance; contents.~~

~~It shall be the duty of the chief of police, if the applicant for a permit under this division is knowledgeable of the provisions of this article and of the traffic ordinance of the city, and the applicant pays the required fee and otherwise complies with this division for the initial year, to issue such person a written permit, which permit shall be signed by the city clerk and sealed with the corporate seal of the city, and shall bear the name, address, sex, age, signature, photograph and fingerprints of the applicant. The chief of police shall procure the fingerprints and a photograph of the applicant and shall keep the fingerprints and photograph on permanent file in his office. The fingerprints and photograph shall be voluntarily furnished by the applicant at the time of filing his application.~~

~~Sec. 86-94.— State commercial license required.~~

~~No person shall be issued a taxicab driver's permit unless he holds a commercial license issued by the state.~~

~~Sec. 86-95.— Alteration or destruction prohibited.~~

~~It shall be unlawful for any person holding a taxicab driver's permit to wilfully alter, deface, obliterate or destroy the permit, or to cause the permit to be defaced, obliterated or destroyed.~~

~~Sec. 86-96.— Display.~~

~~Every driver or operator of any taxicab operated shall have his driver's permit displayed in such taxicab in a conspicuous place so as to be easily observed by any person occupying such taxicab.~~

~~Sec. 86-97.— Suspension or revocation.~~

~~Whenever any operator or driver of a taxicab is found to be violating the provisions of this article, or the traffic ordinances of the city, or any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such operator or driver to appear at a fixed time and place for investigation. If the city council shall be satisfied after such hearing of the violation as charged, it may, in its discretion, suspend for a fixed period, or revoke entirely, the driver's permit issued.~~

~~Sec. 86-98.— Appeals.~~

~~Any person whose taxicab driver's permit is refused, suspended or revoked by the chief of police may appeal, by filing notice thereof with the city clerk within 30 days from the time of such refusal, revocation or suspension. Such appeal as filed shall not act as a supersedeas until such time as the city council shall take final action on such appeal.~~





September 21, 2016

Mayor Joe Kilsheimer  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Doug Bankson  
Commissioner Kyle Becker  
120 East Main Street, First Floor  
Apopka, FL 32703

**RE: LYFT TESTIMONY AND PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

Dear Mayor Kilsheimer and Commissioners,

Thank you for the opportunity to provide testimony on Proposed Ordinance 2511 for consideration by the full Council. We at Lyft believe in working collaboratively towards developing an appropriate regulatory framework to allow for the successful continuing operation of Lyft, other ridesharing platforms, and existing industry.

While Lyft supports many of the changes made to the City’s Vehicle for Hire Code in Proposed Ordinance 2511, Lyft believes that there are still ways in which the Proposed Ordinance should be improved. As such, we respectfully request the Council to consider delaying any action on Proposed Ordinance until the next full Council meeting.

While we appreciate the Council’s work in updating the City’s Vehicle for Hire Code, Lyft respectfully suggests that some areas of the Proposed Ordinance be reconsidered, and that the Council considers eliminating some of the burdens placed on individual drivers.

Please find attached our suggested amendments to Proposed Ordinance 2511, which we hope will be given fair consideration with an opportunity for both public and City Council input.

Thank you for your consideration.

Sincerely,

Timothy Alborg  
Public Policy Manager

**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

**ORDINANCE NO. 2511**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, VACATING AND DELETING THE PROVISIONS OF CHAPTER 86 OF THE CITY CODE OF ORDINANCES AS CURRENTLY WRITTEN, ADOPTING NEW PROVISIONS IN SAID CHAPTER AMENDING THE PERMITTING AND REGULATION OF TAXICABS AND CREATING REGULATIONS FOR TRANSPORTATION SERVICES AND TRANSPORTATION NETWORK APPLICATION COMPANIES AND OPERATORS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka believes that it is necessary and in the best interest of the City to update its regulations for vehicles for hire in recognition of changes and advances in modern business models of private automobile transportation.

**LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of Apopka Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

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

**SECTION 1.** The provisions of CHAPTER 86, VEHICLES FOR HIRE, shall be vacated and deleted in its entirety, and the following shall be adopted in their place. The provisions to be vacated and deleted are attached as Exhibit "A."

**Chapter 86 - VEHICLES FOR HIRE**

**ARTICLE I. - IN GENERAL**

**Sec. 86-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Company* means any person, association, corporation or other organization which operates or intends to engage in the business of operating vehicles for hire or operate as a TNC.

*Conviction* means the conviction by a court including an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

*Digital platform* means any online or smartphone enabled application that allows passengers to request transportation network vehicle services.

*Digital credential* means the permission or access given to a driver to operate on a company's digital platform.

*Driver* means an individual permitted to drive a vehicle for hire.

*Fees* mean nonrefundable payments required in this chapter.

*Limousine* means a specialized vehicle not equipped with a taximeter and for hire only by prearrangement at a rate charged per hour, or fixed in advance, and provided also that each such vehicle for hire is: (1) chauffeured, (2) a luxury class passenger vehicle built or modified for the purpose of a limousine as defined and recognized by the limousine industry; and (3) operated on a reserved, hourly

**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

**ORDINANCE NO. 2511**

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basis for a continuous period. A vehicle which is held out to be a limousine or which has an appearance deceptively similar to a limousine is a limousine for the purposes of this chapter.

*Narcotic drugs, barbituric acid derivatives and central nervous system stimulants.* The term "narcotic drugs" as used in this chapter shall mean coca leaves, opium, cannabis, marijuana, isonipecaine and every synthetic substance known to have narcotic action. The term "barbituric acid derivative" means each of the salts and derivatives of barbituric acid, also known as malonyl urea, and derivatives, compounds, mixtures or preparations thereof. "Barbiturate" or "barbiturates" shall include all hypnotic or somnifacient drugs, whether or not derivatives of barbituric acids. The term "central nervous system stimulants" means amphetamine and desocyphehdrine, and any derivative, compounds, mixture or preparation thereof.

*Permit* means the authority granted to companies to operate, or persons who qualify to drive, vehicles for hire.

*Revocation* means the rescinding of a permit. A person or entity whose permit is revoked shall not be entitled to reinstatement or an opportunity to reapply for such permit for a period of two years except as provided in subsection 86-61(5).

*Shuttle bus* means a vehicle with a capacity of at least eight persons, including the driver, that is operated on a fixed route, or owner and operated directly by a motel or hotel and limited to registered guests thereof.

*Suspension* means the temporary rescinding of a permit or license. The suspension may be for a time certain or indefinite pending compliance with the terms of this chapter.

*Taxicab* means a vehicle for hire with a capacity of not more than eight persons, including the driver, equipped with a taximeter operated under a company and vehicle permit required by this article, which is routed under the direction of the person hiring the vehicle.

*Taximeter* means an instrument or device attached to a vehicle and designed to measure mechanically or electronically the distance traveled by such vehicle, to record the times such vehicle travels or is in waiting, and to indicate the fare to be obtained.

*Transportation service* means a vehicle for hire with a capacity of not more than eight persons, including the driver, which is not equipped with a taximeter, which charges passengers a fare generally based on a flat fee, and does not operate over a fixed or defined route but routed under the direction of the person hiring the vehicle.

*Transportation network application company ("TNC company")* means any company operating in the city that uses a digital network or software application to connect a passenger to transportation network services provided by a transportation network operator.

*Transportation network operator* means any driver or operator who operates a personal vehicle that utilizes any digital platform to arrange transportation of a passenger between points chosen by the passenger and that is in connection with a digital platform controlled by a TNC company.

*Transportation network service* means the provision of transportation by a transportation network operator to a rider, beginning when the transportation network operator accepts a ride requested through a digital platform controlled by a TNC company, continuing while the transportation network operator transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle.

*Use of narcotic drugs.* The word "use" as employed in this chapter in relation to the drugs described in this chapter shall apply to any person who uses one or more of the narcotic drugs or barbituric acid derivatives or central nervous system stimulants as defined this section to any extent, with or without medical need or authority or prescription.

*Vehicle for hire* means any vehicle, whether owned by the driver or company, that is operated by a taxicab driver, transportation service driver, transportation network operator, any other motor vehicle

**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

**ORDINANCE NO. 2511**

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with driver transporting passengers for a fare, fee, or other charge in the city. The term vehicle for hire, by definition, excludes:

- (1) School, church, college or university buses;
- (2) Sightseeing cars and buses;
- (3) Ambulances;
- (4) Funeral home vehicles;
- (5) Interstate buses;
- (6) Limousines;
- (7) Shuttle buses.

*Vehicle for hire administrator* means the City Administrator or his/her designee.

**ARTICLE II. - COMPANY PERMIT**

**Sec. 86-31. - Application; contents.**

- (a) No taxicab company, transportation service, or TNC company shall operate or engage in the business of operating vehicles for hire or operating a TNC within the city without having first obtained a company permit from the vehicle for hire administrator or designee. An application shall be submitted on forms furnished by the vehicles for hire administrator or designee containing appropriate information which is reasonably related to the business of operating vehicles for hire.
- (b) In order to secure or renew a company permit, the company applicant shall file an application with the vehicles for hire administrator or designee, and such application shall be verified under oath and shall furnish the following information:
  - (1) The name and address of the company. If the company is a corporation or partnership, the name and address of all officers, shareholders, partners or any principals or owners with an interest greater than ~~five~~twenty percent of the company must be listed.
  - (2) The color scheme and insignia to be used to designate the vehicles of any taxicab company.
  - (3) No company permit shall be granted to a taxicab company operating less than five vehicles. The vehicles must be currently operating, licensed, and inspected as required by this chapter. Each vehicle must conform to the United States Department of Transportation (USDOT) maximum passenger standards allowed for the vehicle to operate.
  - (4) Proof of proper amount of insurance coverage as provided in section 86-93, with the insurance coverage being filed with vehicle for hire administrator and approved by the City.
  - (5) Such other information as the vehicle for hire administrator may require.
- (c) Payment of an annual company permit fee of \$250.00.

**Sec. 86-32. - Maintaining a company permit.**

- (a) In order to maintain a company permit to operate or engage in the business of operating vehicles for hire or operating a TNC, the company must:
  - (1) Obtain and hold a current business tax receipt from the city as required by chapter 74, if applicable.
  - (2) Maintain a telephone number that is monitored 24 hours a day for emergency contact by the vehicle for hire administrator or designee or law enforcement, and an e-mail address for citizen complaints or concerns.



**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

**ORDINANCE NO. 2511**

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- (3) Maintain the name, home address, and telephone number of each driver affiliated with the company.
- (4) Maintain a log listing the year, make, model, license plate number ~~, and vehicle identification number (serial number) and ownership status~~ of all vehicles in the company's fleet or that operate on a company's platform.
- (5) Maintain proper amount of insurance as provided in section 86-93.
- (6) Maintain records available for inspection, upon request by the vehicle for hire administrator or designee, pursuant to a complaint ~~received or if the vehicle for hire administrator has a reasonable basis to suspect~~ that a company or driver is violating the requirements of this chapter. The records shall include, but not be limited to, records pertaining to permitted/certified drivers, vehicle inspection records, daily logs, and that the maximum rate charged in compliance with section 86-95. Unless otherwise agreed to by the company and the vehicle for hire administrator, such records shall be made available for inspection to the vehicle for hire administrator at a permit holder's place of business or a mutually agreed location in the city.
- (7) Each company shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to all drivers, and provide notice of the policy to all company drivers and to the public through its website, if applicable. In addition, the company shall provide notice to the public on the procedure for reporting a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride. The company shall cooperate with the vehicle for hire administrator or designee during the pendency of the investigation pursuant to subsection 86-63(b)(3).
- (8) The vehicle for hire administrator or ~~police chief~~ is authorized to conduct annual audits of any company authorized to operate under this chapter. The company shall provide to the vehicle for hire administrator, on request, up to 250 unique identification numbers, each of which has been assigned to an individual driver affiliated with the company. The vehicle for hire administrator may send to the company a list of up to ten driver identification numbers and request copies of records held by the company for those ten drivers. Within five business days of receiving a request seeking records, the company shall make available to the vehicle for hire administrator at a company's place of business or a mutually agreed setting in the city, records to verify that the company has properly screened drivers in accordance with section 86-61; provided, that the company may redact any records it provides access to in order to protect the privacy and identifying information of the driver.

**Sec. 86-33. - Revocation or suspension of a company permit; grounds; right of appeal.**

- (a) *Revocation or suspension of company permit; grounds.* Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any company permit which has been granted or which may hereinafter be granted by the city. Prior to suspension or revocation, the company shall be served notice by certified mail or hand delivery of the proposed action to be taken and shall have an opportunity to present to the vehicle for hire administrator or designee evidence as to why the company permit should not be revoked or suspended.
- (b) *Causes for revocation or suspension.* Due cause for revocation or suspension of a company permit shall include but shall not be limited to the following:
  - (1) The failure of the company to maintain any of the general qualifications applicable to the initial granting of the company permit as set forth in section 86-31 or maintaining a company permit as set forth in section 86-32.
  - (2) Obtaining a company permit by providing false information.

**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

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- (3) Conviction by a court of competent jurisdiction of any shareholder, officer, partner, member, principal or owner of any corporation, partnership, firm or association holding a five percent interest or more in the entity, of any of the following: criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants if such violation or violations are related to operation of the company, or violation of any ordinance of the city governing the conduct of a company.
- (4) Allowing any person to operate a company's designated vehicle for hire, or operate on the company's digital platform, without an active driver permit or credential, or when said person's permit or credential has been suspended or revoked because of a positive drug test pursuant to section 86-63.
- (c) *Right of appeal.* Any company whose permit is revoked or suspended by the vehicle for hire administrator or designee may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof, in duplicate, with the city administrator's office within five days after the decision of the vehicles for hire administrator or designee. The notice of the appeal shall contain the grounds for the appeal and shall contain information that either the finding is contrary to the law or is not supported by competent substantial evidence. The vehicle for hire administrator or designee shall forthwith transmit copies of the appeal to the City Council along with all papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness of any suspension or revocation.

**ARTICLE III. - VEHICLE FOR HIRE DRIVERS**

**Sec. 86-60. - Prohibition against unauthorized operation.**

- (a) It shall be unlawful for any person to drive or operate on behalf of a taxicab company, transportation service, or other vehicle for hire for the transportation of passengers within the city, or on a TNC's digital platform, or to cause or permit any other person to drive or operate a vehicle for hire:
  - (1) Without first obtaining a written permit for the operation of a motor vehicle for hire from the vehicle for hire administrator or designee;
  - (2) Without having been certified to operate a motor vehicle for hire on behalf of a company or on the company's digital platform; or
  - (3) When the company permit has previously been revoked pursuant to section 86-33.
- (b) Any person found to have violated this section shall be punished by the following:
  - (1) A fine \$150.00 for the first citation;
  - (2) A fine of \$250.00 for the second citation; and
  - (3) A fine of \$500.00 for the third or subsequent citation.

**Sec. 86-61. - Application for driver's permit.**

- (a) In order to secure a driver permit or to obtain certification from a company, an applicant must:
  - (1) Be at least 18 years of age;
  - (2) Possess a valid state driver's license;
  - (3) For a period of three years prior to the date of application not have been convicted of:
    - a. Driving under the influence of intoxicating beverages or drugs; or

**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

**ORDINANCE NO. 2511**

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b. Violation of any ordinance or law, other than minor traffic offenses, in connection with the operation of a motor vehicle.

(4) For a period of three years prior to the date of application not have more than three moving violations;

(5) Not have been convicted within the seven years previous to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: aggravated battery, burglary, aggravated assault, kidnapping, robbery, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the offenses listed in this subsection, or been convicted within the last seven years of any felony in the commission of which a motor vehicle was used, perjury or false swearing in making any statement under oath in connection with application for a driver's permit, any felony involving theft, or possession, sale or distribution of narcotic drugs, barbituric acid derivative and/or central nervous system stimulants. ~~Applicants who have been convicted or served any time, probation, or parole for a criminal offense of homicide, rape, sexual battery, or child molestation must have their complete criminal history reviewed and approved by the vehicle for hire administrator;~~

~~(6) Be able to communicate in the English language.~~

~~(b)~~ An applicant may apply for a permit or credential by completing a form provided by the vehicle for hire administrator establishing that the applicant meets the requirements of subsection.

~~(c)~~ Upon approval by the vehicle for hire administrator or designee, or certification by the taxicab company, transportation service, or TNC company, the driver shall be issued:

(1) A permit from the vehicle for hire administrator or designee; or

(2) Credentials from the taxicab company, transportation service, or TNC company, which may be digital credentials, indicating that the driver was certified by the company, and the credential shall include the following information:

a. The name or logo of the company;

b. The name of the driver;

c. The license plate number associated with the vehicle that the driver has been authorized to use.

(3) The driver shall display the permit or credential in a manner that it is visible to the passengers of the vehicle while the vehicle is operating, or make available at a minimum the driver's first name, photograph, and make, model, and license plate number to the passenger through the company's digital platform. The driver shall present the permit or credential upon request to a law enforcement officer, the vehicle for hire administrator or designee, or designated airport personnel upon request. If the driver maintains a digital credential, upon a traffic stop, a driver shall provide law enforcement with access to a device containing the information required to be maintained as part of the driver's digital credential and an electronic record sufficient to establish that the trip in question was prearranged through a digital platform.

~~An applicant must pay an annual driver application fee of \$100.00.~~

**Sec. 86-62. - Maintaining driver's permit.**

In order to maintain a valid permit or credential to drive a taxicab, transportation service, or other vehicle for hire, a driver must:

(4) Wear proper dress while operating a vehicle for hire.

(5) Maintain a neat appearance.

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**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

**ORDINANCE NO. 2511**

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- (6) Not smoke while carrying passengers.
- (7) Maintain a log upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. Such logs must be maintained by the company or the vehicle owner, if not maintained by the driver, and shall be made available to the vehicle for hire administrator or designee for a compliance inquiry if the administrator has a reasonable basis to suspect that a company or driver is violating the requirements of this chapter.
- (8) Renew his driver's permit or credential during the month of the driver's permit or credential expiration date.
- (9) Wear a seatbelt at all times while operating a vehicle for hire or providing transportation network services.

**Sec. 86-63. - Revocation or suspension of driver's permits; grounds; right of appeal.**

- (a) *Revocation or suspension of driver's permits or credential.* Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any driver's permit or credential which has been issued or which may hereinafter be issued by the city. Before a driver's permit or credential shall be denied, suspended or revoked, notice of intention thereof shall be served upon the driver either by registered mail or personal service; however, such notice shall not be necessary for a denial of an original permit or credential. However, any such applicant or driver shall be given an opportunity to be heard by the vehicle for hire administrator or designee.
- (b) *Causes for revocation or suspension.* Due cause for revocation or suspension of a driver's permit or credential shall include but shall not be limited to the following:
  - (1) The failure of the driver to maintain any and all of the general qualifications as applicable to the initial issuance of a permit as set forth in section 86-61;
  - (2) Obtaining a permit or credential by providing false information;
  - (3) Violation by a driver of any of the following offenses:
    - ~~a. Driving under the influence of intoxicating beverages or drugs. A driver shall be required to submit to a drug and/or alcohol test at the request of the vehicle for hire administrator or designee, upon receipt of a passenger complaint.;~~
    - ~~b.a. Where reasonable suspicion exists that a driver is suspected of abusing alcohol or misusing prescription drugs or controlled substances; or,~~
    - ~~0. Where a driver has been involved in a crash with serious injury or serious property damage while operating a vehicle for hire or providing transportation network services. "Serious injury" is defined as a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. "Serious property damage" is defined as one or more of the motor vehicles involved in the crash is "totaled", or one or more of the vehicles sustains significant disabling damage to public and/or private property which equals or exceeds an apparent damage of \$5,000.00 or more as estimated by the law enforcement officer who conducts the investigation at the scene of the traffic crash; or~~
    - ~~d.b. Refusing or failing to submit to a drug test at the request of the vehicle for hire administrator or designee shall be due cause for revocation of the driver's permit or credential with no reapplication for one year. Failing a drug or alcohol test shall be due cause for revocation of the driver's permit or credential with no reapplication for one year.~~
    - ~~e.c. Criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault,~~





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kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants, violation of any ordinance of the city governing the conduct of drivers of a vehicle for hire.

- (4) Charging a fare contrary to any fares established and approved by the city commission pursuant to section 86-95;
- (5) Violation of any ordinances or law, other than minor traffic offenses, in connection with the operation of a taxicab, transportation service, TNC company, or other vehicle for hire;

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- (6) ~~Whenever it shall appear~~Upon receipt of a passenger complaint alleging that a driver has disorders characterized by lapses of consciousness or other mental or physical disabilities affecting his or her ability to drive safely;
- (7) Accumulating nine or more points within a six-month period as outlined in F.S. § 322.27(3)d.
- (8) Violating the requirements of section 86-96.

**Sec. 86-64. - Duration of driver permit.**

Each driver permit or credential issued pursuant to section 86-61 above shall be valid for one year from the date of issuance.

**ARTICLE IV. - VEHICLES FOR HIRE**

**Sec. 86-91. - Identifying signs, monograms and insignias.**

*(a) Taxicabs.*

Each taxicab shall be readily identifiable as a taxicab and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the franchise is issued. Each such taxicab shall also be numbered consecutively, with such numbers being placed conspicuously on each vehicle, with such numerals being not less than four and one-half inches nor more than six inches in height.

*(b) Transportation services.*

- (1) Each vehicle operated by a transportation service shall be readily identifiable as a transportation service and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the vehicle is owned or operated by.
- (2) No transportation service shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab.

*(c) Transportation network application (TNC) company/transportation network operator.*

- (1) Each vehicle operated by a TNC company or transportation network operator shall ~~bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the vehicle is owned or operated by, or any symbol or insignia approved by the vehicle for hire administrator~~display a consistent signage or emblem on the transportation network operator's personal vehicle at all times while the transportation network operator is active on the TNC company's network. The signage or emblem shall be sufficiently large or color-contrasted to be readable during daylight hours from a distance of 50 feet, reflective, illuminated, or otherwise visible in darkness, and capable of sufficiently identifying a personal vehicle as being associated with the TNC company.

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- (2) No transportation network operator vehicle shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab, or otherwise give the impression that the operator is available to solicit passengers other than through the digital platform.
- (3) No transportation network operator vehicle shall place any type or form of light device or other device on the roof, commonly known as a top light or top hat, whether or not permanently or temporarily affixed to the vehicle, or have within the interior of the vehicle.

**Sec. 86-92. - Taximeter.**

- a. All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in a manner so that the face thereof shall be visible and readable to passengers at all times both

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day and night. The face of the taximeter shall be set so that it will register and compute on a mileage basis while such taxicab is moving and on a time basis while such taxicab is standing and while the service is being rendered the fare to be charged. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism.

- a. No vehicle for hire other than a taxicab is authorized to install or be equipped with a taximeter.

**Sec. 86-93. - Liability insurance required.**

No vehicle for hire shall be placed in service unless such vehicle is in compliance with Florida law for liability insurance purposes. Proof of such insurance coverage, which may be provided on a blanket basis, shall be filed annually with and approved by the vehicle for hire administrator or designee for the carriage of passengers.

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**Sec. 86-94. - Seat belts required.**

All vehicles for hire covered by this chapter shall be equipped with operational seat belts for each passenger.

**Sec. 86-95. - Authority of city commission to establish rates and charges; displaying rate cards.**

- (a) Taxicabs.
  - (1) The city commission may by ordinance establish maximum rates and charges for the transportation of persons and their baggage within the corporate limits of the city and suburban territory adjacent thereto. Any ordinance establishing rates as provided by this section shall become effective 24 hours after its adoption.
  - (2) Every taxicab operating under this chapter shall have posted in a conspicuous place therein a schedule of rates for the transportation of person within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.
  - (3) There is hereby established a schedule of the maximum rates which can be charged by all taxicab drivers operating taxicabs within the city. A taximeter may be set so that it will register and compute on a mileage or other basis at less than the maximum rates set forth in this section.
- (b) Transportation service.
  - (1) All fares as agreed to between any transportation service operator and any passenger must be agreed upon prior to leaving the point of origin. No transportation service operator may increase the agreed upon fare after leaving the point of origin.
  - (2) No transportation service shall be authorized to charge for wait time, or to charge any other

**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

rates or fees except for mileage.

- (3) Every transportation service vehicle shall have cards displayed visibly from the outside of the vehicle on the passenger side and on the inside of the right rear window at the eye level of a seated passenger that state the following: "RATE OF TRANSPORT IS BY FLAT FEE ONLY".
- (c) Transportation network application (TNC) company or transportation network operator.
  - (1) All TNC companies shall disclose the fare calculation method, the applicable rates being charged, and the option for an estimated fare to a passenger before the passenger arranges or books a trip with the transportation network application company or transportation network operator.

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- (2) Upon completion of the trip, a TNC company shall transmit an electronic receipt to the passenger's e-mail or mobile application that lists the: origin and destination of the trip; the total time and distance of the trip; and a breakdown of the total fare paid, if any.

**Sec. 86-96. - Miscellaneous regulations and other penalties.**

- (a) It shall be unlawful for any driver or operator of a vehicle for hire to drive or operate or be on duty or on call for the operation of a vehicle for hire for more than 12 hours within any 24-hour period.
- (b) A driver shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.
- (c) No driver shall refuse to accept a passenger unless the passenger is obviously disorderly, dangerous, or otherwise a threat to the safety or welfare of the driver.
- (d) It shall be unlawful for the driver operating in the city to permit any person to accompany or use such vehicle for hire for the purpose of prostitution, or to direct, take or transport any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution.
- (e) No vehicle for hire shall be permitted to carry nonpaying passengers while transporting a paying passenger or passengers except for the purpose of driver training.
- (f) No vehicle for hire shall solicit or carry a paying passenger while in the process of carrying another paying passenger except when requested to do so by the latter passenger.
- (g) Transportation network operators shall exclusively accept passengers booked through a transportation network company's digital platform, and shall not solicit or accept street-hails.
- (h) No TNC company may provide personal information about a passenger to a transportation network operator, including a passenger's full name, e-mail address, or telephone number.

**Sec. 86-97. - Enforcement.**

The city police department and the vehicles for hire administrator shall be authorized to enforce the regulations contained in this chapter, including the promulgation of rules consistent with this chapter and the setting of fees.

**SECTION 2. CODIFICATION.** It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

**SECTION 3. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.



**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

**ORDINANCE NO. 2511**

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**SECTION 5. EFFECTIVE DATE.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

READ FIRST TIME: September 7, 2016

READ SECOND TIME  
AND ADOPTED: September 21, 2016

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

ATTEST:

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

APPROVED as to form and legality for  
use and reliance by the City of Apopka,  
Florida.

\_\_\_\_\_  
Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: August 19, 2016  
September 9, 2016

**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

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**EXHIBIT "A"**

~~Sec. 86-39. Liability insurance.~~

- ~~(a) It shall be unlawful for the owner, operator, driver or chauffeur of any taxicab to drive or operate the taxicab or to permit the taxicab to be driven or operated upon the public streets, unless such owner, operator, driver or chauffeur shall have first procured and filed with the city clerk a liability insurance policy issued by a good and responsible surety company, which insurance company or surety company must have authority to do business as such in the state and must be acceptable to and approved by the city council. The amount of liability insurance or surety bond for each taxicab shall be the minimum required by the state for liability insurance, or, if liability insurance is not required by state law, the minimum financial responsibility requirements of the Financial Responsibility Law, F.S. ch. 324.~~
- ~~(b) Such policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each taxicab, or may be in the form of a fleet policy covering all taxicabs operated by such owner, operator, driver or chauffeur, in which latter event such policy of insurance or surety bond shall provide the same liability for each taxicab operated in service as specified in subsection (a) of this section. Every taxicab hired in service shall have conspicuously displayed therein or thereon some sign evidencing the fact that the provisions of this section have been complied with, with the form thereof to be prescribed by the chief of police.~~
- ~~(c) No policy of insurance or surety bond as provided for in this section shall be cancelled until the expiration of five days after notice of intended cancellation thereof has been given in writing to the city clerk by registered mail or personal delivery of such notice, and a provision therefor shall be embodied in the policy or surety bond.~~

~~Sec. 86-40. Use of streets for transacting business.~~

~~Except as provided in this article, no taxicab shall occupy space on the streets for the transaction of business other than the picking up of passengers. All places of business of taxicabs shall be maintained off the streets.~~

~~Sec. 86-41. Use of improper vehicles.~~

~~It shall be unlawful for any person to operate or drive, as a taxicab, in or upon any street, any motor-driven vehicle, unless the vehicle is a taxicab as defined in this article.~~

~~Sec. 86-42. Name of owner or operator to be displayed on vehicle.~~

~~It shall be unlawful for any taxicab to be driven upon the streets unless the name of the person either owning or operating such taxicab, or the trade name under which such taxicab is operated, is conspicuously painted on such taxicab in letters not less than two inches in height.~~

~~Sec. 86-43. Meters.~~

- ~~(a) All taxicabs shall be equipped with mechanical devices, commonly called taxicab meters, for registering the fare to be charged.~~

**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

**ORDINANCE NO. 2511**

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- ~~(b) Every meter in use shall be placed in such taxicabs at a location that will be plainly visible at all times to the occupants of such taxicabs. Between the hours of sunset and sunrise, the dial of the meter shall be illuminated whenever it is in use.~~
- ~~(c) Whenever a taxicab is not in service, the meter shall show no fare and the flag shall be in the upright position. When a taxicab is in service, the flag or indicator on the meter shall be lowered and the meter shall be in the calculating position.~~
- ~~(d) Upon the completion of service by a taxicab, the flag or indicator on the meter shall be raised and the meter shall be returned to the noncalculating position and its dials cleared.~~
- ~~(e) It shall be unlawful for the operator or driver of any taxicab to operate the taxicab on the streets of the city with any occupant in such taxicab other than the driver when the flag or indicator on the taxicab meter is upright and in the noncalculating position, except when operating on an hourly or trip rate.~~
- ~~(f) When the hourly rate or the special trip rate is used, an appropriate sign indicating that the cab is on a trip or hourly rate shall be exhibited.~~
- ~~(g) It shall be the duty of the person owning and operating taxicabs to have the meter in good working condition and operating accurately as to the registration of mileage and fare. Such meters shall be sealed in a manner that will prevent any person from tampering with or changing the adjustment of the meter. It shall be unlawful for any person to tamper with or change the adjustment of a meter, except the owner operating the taxicab to which such meter is affixed, or a person duly designated by the owner, or a meter mechanic.~~
- ~~(h) It shall be unlawful for any person owning and operating taxicabs with meters affixed thereto to permit the taxicabs to be operated on the streets of the city when such meters do not accurately register the mileage and the rate as set forth by the ordinances of the city. All meters shall be subject to inspection and test by any police officer at all times when cabs are not carrying passengers.~~

~~Sec. 86-44. Rates and charges.~~

- ~~(a) Posting. Each taxicab shall have posted in a conspicuous place therein a schedule of rates for the transportation of persons within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.~~
- ~~(b) Determination. All rate charges or fees for the use of taxicabs using meters shall be determined by a meter rate, hourly rate or special trip rate and by no other method. All charges are for the exclusive use of the taxicab, and shall apply regardless of the number of passengers transported.~~

~~Sec. 86-45. Fare receipts; right to demand payment of fare in advance.~~

~~If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the taxicab, at the time of such payment, a receipt therefor in legible writing, containing the name of the owner and the city license or permit number, showing upon such receipt all items for which a charge is made, the total amount paid and the date of payment. Every driver of any such taxicab shall have the right to demand payment of the legal fare in advance, and may refuse employment unless so prepaid.~~

~~Sec. 86-46. Soliciting passengers near intersection.~~

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~~It shall be unlawful for any person owning or operating one or more vehicles for hire in the city to operate such motor vehicles over and upon the streets of the city for the purpose of soliciting patronage, picking up passengers or delivering passengers at any point within 100 feet of any intersecting street corner along such street. It is the purpose and intent of this section to prohibit such practice within 100 feet in all directions from such intersections. Such distance in all cases shall be measured from the center of the intersection. Nothing in this subsection shall be construed as prohibiting the driver of any taxicab or vehicle operated for hire from responding to any specific request for passage from any person seeking the services offered by such taxi or motor vehicle or from stopping at any point within the city for the purpose of delivering a passenger who has been picked up at any part of the city in a manner not prohibited by law. This section shall not apply to any buses or motor vehicles owned or operated by any bus or transit company under an exclusive franchise from the city.~~

~~Sec. 86-47. — Soliciting passengers by preceding or following scheduled bus.~~

~~It shall be unlawful for any person operating motor vehicles for hire in the city to operate such motor vehicle over and upon the streets of the city for the purpose of soliciting the patronage of passengers by immediately preceding or following any duly scheduled bus or motor vehicle operated for such purpose by any bus or transit company under an exclusive franchise from the city along the streets of the city. Nothing contained in this section shall be construed as prohibiting the driver of any duly licensed taxi from responding to any specific request for passage from any patron seeking the services offered by such duly licensed taxi.~~

~~Sec. 86-48. — Smoking by driver.~~

~~It shall be unlawful for any driver, operator or chauffeur of any taxicab to smoke while the taxicab is occupied by a passenger.~~

~~Sec. 86-49. — Use for immoral purposes.~~

~~It shall be unlawful for the driver of a taxicab to permit any person to accompany or use such taxicab for the purpose of prostitution, lewdness or assignation, or to direct, take or transport, or to offer or agree to direct, take or transport, any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution, lewdness or assignation.~~

~~Sec. 86-50. — Display of political advertisements.~~

~~It shall be unlawful for any person licensed by the city to operate or drive a taxicab upon any street within the city with a political ad displayed for anyone seeking public office at any time.~~

~~DIVISION 2. — BUSINESS PERMIT~~

~~Sec. 86-66. — Required.~~

~~It shall be unlawful to operate or cause to be operated any taxicab business unless a permit for the operation thereof shall have been first issued by the city council in the manner provided in this division.~~

~~Sec. 86-67. — Application and investigation.~~

~~(a) — An application for the permit required by this division shall be made in writing to the city council. Such application shall set forth the name, residence address, and address of place of business of the~~



**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

**ORDINANCE NO. 2511**

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~~applicant and the kind, make and model of the vehicle to be used in the business. If the applicant is a copartnership, the application shall give the names and residence addresses of the copartners. If the application is a corporation, the application shall set forth the name of the corporation and the residence address of its officers and board of directors. The application shall set forth the trade name, if any, under which the applicant does or proposes to do business.~~

- (b) ~~Upon the filing of an application, the city clerk shall make an investigation, including any hearing deemed necessary, as to each application for a permit for the operation of taxicabs. In determining whether a permit shall be issued, the city council shall investigate the fitness of the applicant to engage in the business of operating taxicabs and the fitness of the equipment to be used, and shall also consider and determine whether the demands of public convenience, necessity and safety justify the issuance of such permit.~~

~~Sec. 86-68. — Issuance or denial.~~

~~If the city council finds favorably to the applicant and decides to grant a permit for the operation of taxicabs, a permit as provided in this division shall be issued to the applicant. If the city council finds against the applicant and decides that the public convenience, necessity and safety do not justify the issuance of such permit or that the applicant is not fit to conduct the taxicab business or the equipment is not fit for such business, then no permit shall be issued, and notice of the action of the city council shall be given to the applicant, setting forth the reason for the refusal of such permit.~~

~~Sec. 86-69. — Occupational license required.~~

~~Prior to the issuance of a permit for the operation of taxicabs, the applicant shall obtain an occupational license.~~

~~Sec. 86-70. — Transfer.~~

~~A permit for the operation of taxicabs shall not be transferable, except upon application to and consent of the city council.~~

~~Sec. 86-71. — Suspension or revocation.~~

~~Whenever any person engaged in the taxicab business is found to be in violation of the provisions of this article or the traffic ordinances of the city or of any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such person to appear at a fixed time and place for investigation. If the city council is satisfied, after such hearing, that such person is guilty of the violations charged, it may, in its discretion, suspend for a fixed period or revoke entirely the permit issued to such person.~~

**DIVISION 3. — DRIVER'S PERMIT**

~~Sec. 86-91. — Required.~~

~~No person shall operate or drive a taxicab upon any street unless he has obtained a permit pursuant to the provisions of this division.~~

~~Sec. 86-92. — Application and investigation.~~

~~Any person having resided continuously in the state for not less than six months immediately preceding the making of application for a permit to operate a taxicab and being 18 years of age or over may make application to the city clerk for a permit to operate a taxicab. A verbal or written examination,~~

**LYFT PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511**

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~~or both, may be given by the chief of police to each applicant to determine knowledge of city streets, locations and environs.~~

~~Sec. 86-93.— Issuance; contents.~~

~~It shall be the duty of the chief of police, if the applicant for a permit under this division is knowledgeable of the provisions of this article and of the traffic ordinance of the city, and the applicant pays the required fee and otherwise complies with this division for the initial year, to issue such person a written permit, which permit shall be signed by the city clerk and sealed with the corporate seal of the city, and shall bear the name, address, sex, age, signature, photograph and fingerprints of the applicant. The chief of police shall procure the fingerprints and a photograph of the applicant and shall keep the fingerprints and photograph on permanent file in his office. The fingerprints and photograph shall be voluntarily furnished by the applicant at the time of filing his application.~~

~~Sec. 86-94.— State commercial license required.~~

~~No person shall be issued a taxicab driver's permit unless he holds a commercial license issued by the state.~~

~~Sec. 86-95.— Alteration or destruction prohibited.~~

~~It shall be unlawful for any person holding a taxicab driver's permit to wilfully alter, deface, obliterate or destroy the permit, or to cause the permit to be defaced, obliterated or destroyed.~~

~~Sec. 86-96.— Display.~~

~~Every driver or operator of any taxicab operated shall have his driver's permit displayed in such taxicab in a conspicuous place so as to be easily observed by any person occupying such taxicab.~~

~~Sec. 86-97.— Suspension or revocation.~~

~~Whenever any operator or driver of a taxicab is found to be violating the provisions of this article, or the traffic ordinances of the city, or any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such operator or driver to appear at a fixed time and place for investigation. If the city council shall be satisfied after such hearing of the violation as charged, it may, in its discretion, suspend for a fixed period, or revoke entirely, the driver's permit issued.~~

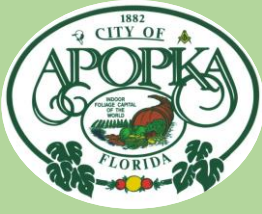
~~Sec. 86-98.— Appeals.~~

~~Any person whose taxicab driver's permit is refused, suspended or revoked by the chief of police may appeal, by filing notice thereof with the city clerk within 30 days from the time of such refusal, revocation or suspension. Such appeal as filed shall not act as a supersedeas until such time as the city council shall take final action on such appeal.~~

**Backup material for agenda item:**

4. Ordinance No. 2531 – Second Reading – Annexation - Legislative Moon

David



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Exhibit "A" – Summary  
 Ordinance No. 2531  
 Vicinity Map

**SUBJECT: 2016 ANNEXATION – CYCLE NO. 4**

**REQUEST: SECOND READING OF ORDINANCE NO. 2531 – ANNEXATION – WON CHUL LEE, MYONG SEA LEE, BONG JIN CHOE AND CHONG SOON CHOE**

**SUMMARY:**

OWNERS: Won Chul Lee, Myong Sea Lee, Bong Jin Choe and Chong Soon Choe

LOCATION: 2309 and 2405 West Kelly Park Road

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 39.48 +/- acres

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

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on October 14, 2016.

**DULY ADVERTISED:**

October 21, 2016 - 1/4 Page Public Hearing Advertisement  
 October 28, 2016 - 1/4 Page Public Hearing Advertisement  
 November 4, 2016 - Ordinance Headings Advertisement

**PUBLIC HEARING SCHEDULE:**

November 2, 2016 (1:30 pm) - City Council 1<sup>st</sup> Reading  
 November 16, 2016 (7:00 pm) - City Council 2<sup>nd</sup> Reading and Adoption

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief



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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the 2016 Annexation – Cycle No. 4

The **City Council**, at its meeting on November 2, 2016, accepted the First Reading of Ordinance No. 2531, and held it over for Second Reading and Adoption on November 16, 2016.

The **City Council**, at its meeting on November 16, 2016, postponed the Second Reading and adoption of Ordinance No. 2531 until December 21, 2016.

Adopt Ordinance No. 2531.

**EXHIBIT "A"**  
**CITY OF APOPKA**  
**2016 ANNEXATION CYCLE # 4**

**TOTAL ACRES: 53.67 +/-**  
**ANNEXATION ORDINANCE NO.: 2528-2531**

**Adopted this 21st day of December, 2016**

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2528 (ADOPTED)	1	ADAMS BROTHERS CONSTRUCTION COMPANY, INC	644 EAST 13 <sup>TH</sup> STREET 656 EAST 13 <sup>TH</sup> STREET 738 EAST 13 <sup>TH</sup> STREET	15-21-28-0000-00-044 15-21-28-0000-00-210 15-21-28-0000-00-142 15-21-28-0000-00-073	0.25 1.37 0.73 0.59 2.94	VACANT LAND SFR (1)	INDUSTRIAL
2529 (ADOPTED)	2	SHIRLEY L. LITTLE LIFE ESTATE	17 W. OAK STREET	04-21-28-4836-00-680	0.58	SFR	LOW DENSITY REIDENTIAL MAX. 4DU/AC
2530 (ADOPTED)	3	JERRY OWENS LINDA S. OWENS	2604 MARDEN ROAD	29-21-28-0000-00-030	10.67	SFR MANF. HOME	RURAL SETTLEMENT 1DU/5 ACRES
2531	4	WON CHUL LEE MYONG SEA LEE BONG JIN CHOE CHONG SOON CHOE	2309 West Kelly Park Road 2405 West Kelly Park Road	07-20-28-0000-00-048 07-20-28-0000-00-011	9.82 29.66 39.48	VACANT LAND	RURAL 1DU/10 ACRES AGRICULTURAL

g:\Shared\4020\PLANNING\_ZONING\Annexations\2016 Cycle 4 Spreadsheet

**ORDINANCE NO. 2531**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY WON CHUL LEE, MYONG SEA LEE, BONG JIN CHOE AND CHONG SOON CHOE LOCATED EAST OF PLYMOUTH SORRENTO ROAD AND NORTH OF KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

WHEREAS, Won Chul Lee, Myong Sea Lee, Bong Jin Choe And Chong Soon Choe, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located east of Plymouth Sorrento Road and north of Kelly Park Road; and

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

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

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

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

Legal Descriptions:

E1/3 OF W3/4 OF SW1/4 OF SE1/4 OF SEC 07-20-28 Containing 10.67 Acres;  
and THE NW1/4 OF SE1/4 & THE W1/2 OF SW1/4 OF SE1/4 (LESS W 503.05 FT THEREOF) OF SEC 07-20-28 Containing: 29.66 Acres  
Total Acres: 39.48

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

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

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





**ANNEXATION**  
**WON CHUL LEE & MYONG SEA LEE**  
**BONG JIN CHOE & CHONG SOON CHOE**



Exhibit "A"  
Ord. # 2531  
Parcel ID: 07-20-28-0000-00-048  
07-20-28-0000-00-011

Total Acres: 39.48 +/-

**VICINITY MAP**



**Backup material for agenda item:**

5. Ordinance No. 2532 – Second Reading – Small Scale Future Land Use Amendment - Legislative  
Elizabeth Florence



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Land Use Report  
 Vicinity Map  
 Adjacent Zoning Map  
 Adjacent Use Map  
 Existing Uses Map  
 Ordinance No. 2532

**SUBJECT: ORDINANCE NO. 2532 – SMALL SCALE - FUTURE LAND USE AMENDMENT – CENTRAL FLORIDA EXPRESSWAY AUTHORITY**

**REQUEST: SECOND READING OF ORDINANCE NO. 2532 – SMALL SCALE – FUTURE LAND USE AMENDMENT – CENTRAL FLORIDA EXPRESSWAY AUTHORITY, FROM “COUNTY” RURAL (1 DU/ 10 AC) TO “CITY” RESIDENTIAL LOW SUBURBAN (3.5 DU/AC); (PARCEL I.D. NO. 36-20-27-0000-00-126 & 36-20-27-0000-00-124.**

**SUMMARY:**

OWNER/APPLICANT: Central Florida Expressway Authority – Joseph A. Berenis, P.E.

LOCATION: Plymouth Sorrento Rd.

EXISTING USE: Vacant Land

CURRENT ZONING: “County” A-1 (ZIP)

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

PROPOSED DEVELOPMENT: Right of way

TRACT SIZE: 0.302 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: vacant; 1 dwelling unit per 10 acres  
 PROPOSED: right of way; 1 dwelling unit per 3.5 acres

**FUNDING SOURCE:**  
 N/A

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Residential Low Suburban (3.5 DU/AC) to the property.

City Council approved the annexations on September 21, 2016, through the adoption of Ordinance No. 2513. 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 Suburban is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 0.302 acres.

The applicant intends to develop the property for use as a right of way. The proposed future land use and use for the property is compatible with the general character of the surrounding neighborhood. The Residential Low Suburban Future Land Use Designation and right of way would serve as a use for the adjacent properties road access.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential Low Suburban (3.5 DU/AC) Future Land Use designation and the City’s proposed Residential Zoning so long as dwelling units are not expanded on the existing land area comprising the subject site.

**SCHOOL CAPACITY REPORT:** Because this Change of Zoning represents a change in density that will not yield more than nine (9) residential units, development of the subject property is considered “deminimus” and exempt from School Capacity Enhancement review. However, at the time of a Preliminary Development Plan application for residential development, school concurrency review through Orange county Public Schools may be required.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 7, 2016.

**PUBLIC HEARING SCHEDULE:**  
November 14, 2016 - Planning Commission (5:30 pm)  
December 7, 2016 - City Council (1:30 pm) - 1st Reading  
December 21, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**  
October 28, 2016 – Public Notice and Notification  
December 9, 2016 – Ordinance Heading ¼ Page w/Map Ad



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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from “County” Rural (1 du/ 10 ac) to “City” Residential Low Suburban (3.5 du/ac) for the property owned by Central Florida Expressway Authority and located at Plymouth Sorrento Rd., contingent upon the annexation of the property into the City of Apopka.

The **Planning Commission**, at its meeting on November 14, 2016, found that the proposed Small Scale Future Land Use Amendment consistent with the Comprehensive Plan and Land Development Code; and recommended adoption (7-0) of the Small Scale Future Land Use Amendment from “County” Rural (1 du/ 10 ac) to “City” Residential Low Suburban (3.5 DU/AC) for the property owned by Central Florida Expressway Authority and located at Plymouth Sorrento Road.

The **City Council**, at its meeting on December 7, 2016, accepted the First Reading of Ordinance No. 2532 and held it over for Second Reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2532.

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

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	R-1AA	Stanton Ridge residential plat owned by Central Florida Expressway Authority
East (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	S.R. 429-Wekiva Parkway
South (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	Single family residence
West (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	Single family residence

**II. LAND USE ANALYSIS**

The general character of the area surrounding the subject property is compatible with the development of residential uses. The property is west of Plymouth Sorrento Rd. and south of Yothers Rd.

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

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

Redevelopment: Policy 3.13. No non-conforming structure shall be substantially expanded.

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 karst features on this property.

Analysis of the character of the Property: The property fronts no road but is west of Plymouth Sorrento Rd. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.d Low Density Residential Suburban 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 Residential Low Suburban (3.5 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

**CALCULATIONS:**

ADOPTED (County designation): 2 Unit(s) x 2.659 p/h = 5.3 persons  
PROPOSED (City designation): 2 Unit(s) x 2.659 p/h = 5.3 persons

Housing Needs: This amendment will not impact the housing needs as projected in the Comprehensive Plan. One single family home is the maximum development anticipated for the subject property.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. 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.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 53,054 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: 210 GPD
3. Projected total demand under proposed designation: 210 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita

6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: None
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: 4 lbs./person/day
4. Projected LOS under proposed designation: 4 lbs./day/1000 sf
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

- Water treatment plant permit number: CUP No. 3217
- Permitting agency: St. John's River Water Management District
- Permitted capacity of the water treatment plant(s): 21,981 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: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 25 hour design storm
3. Projected LOS under proposed designation: 100 year - 25 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

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

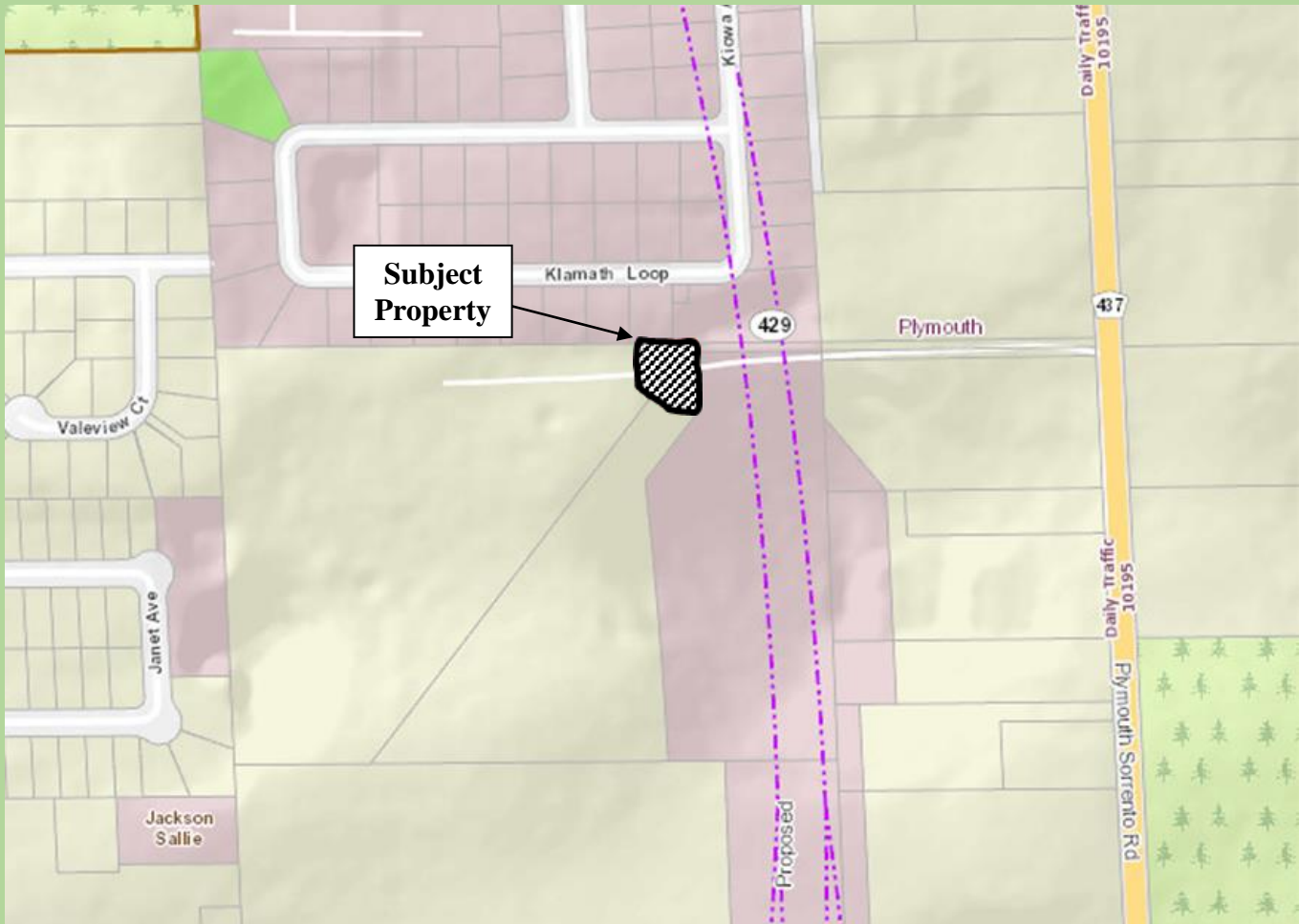
This initial review does not preclude conformance with concurrency requirements at the time of development approval.





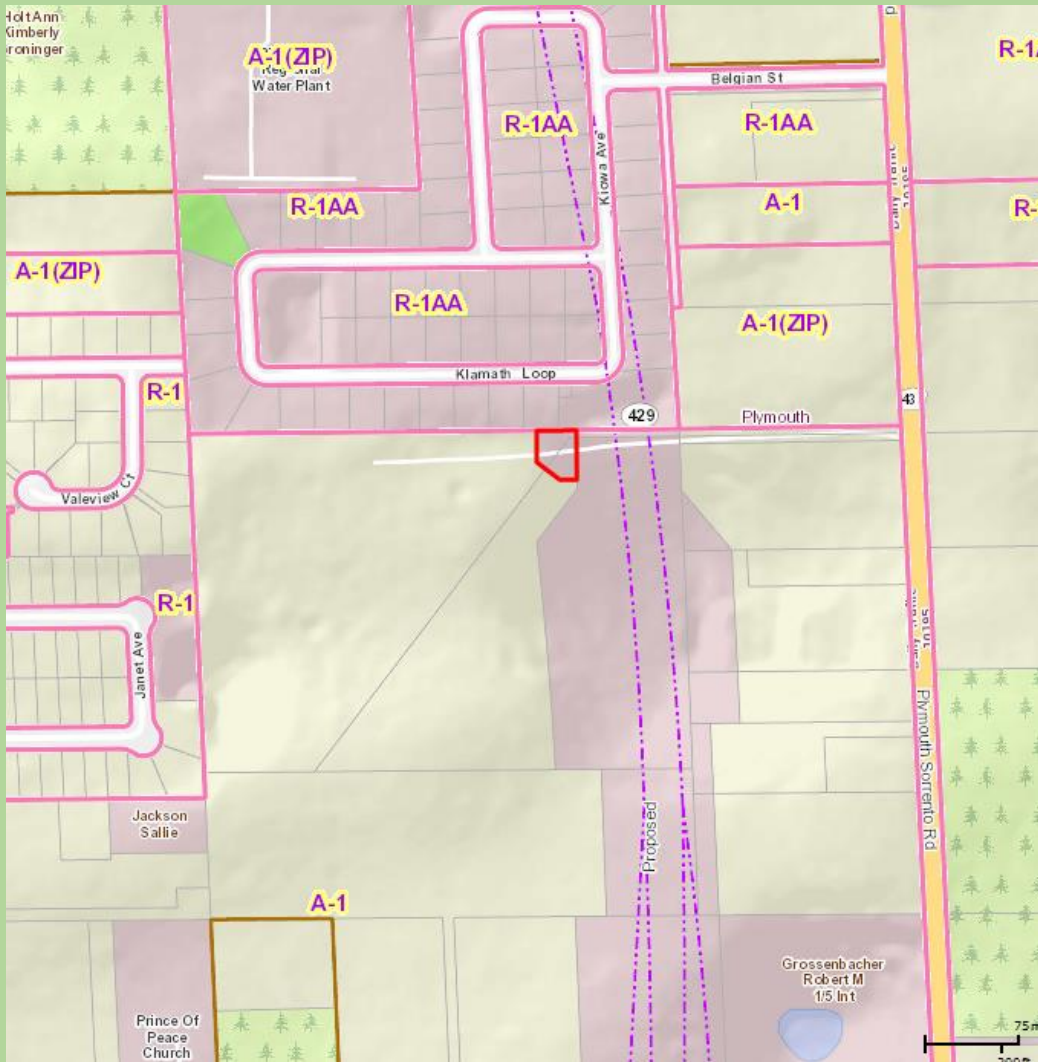
Central Florida Expressway Authority  
Plymouth Sorrento Rd.  
0.302 +/- Acres  
Existing Maximum Allowable Development: 1 dwelling unit  
Proposed Maximum Allowable Development: 1 dwelling unit  
Proposed Small Scale Future Land Use Change  
From: "County" Rural (1 du/10 ac)  
To: "City" Residential Low Suburban (3.5 du/ac)  
Proposed Zoning Change  
From: "County" A-1  
To: "City" R-1A  
Parcel ID #: 36-20-27-0000-00-126 & 36-20-27-0000-00-124

**VICINITY MAP**





### ADJACENT ZONING





ADJACENT USES







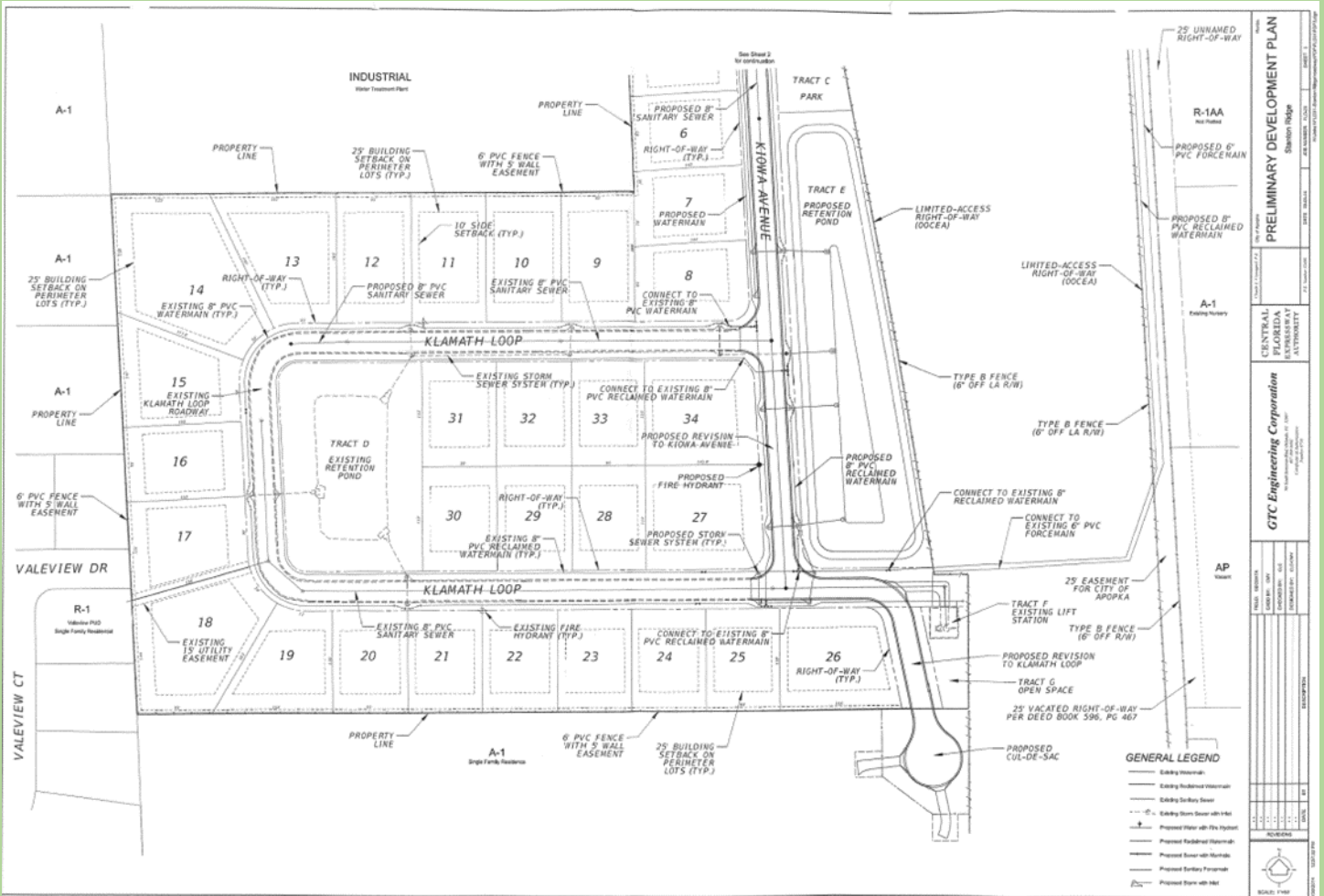
**EXISTING USES**







**STANTON RIDGE PRELIMINARY DEVELOPMENT PLAN**



## ORDINANCE NO. 2532

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL (1 DU/10 AC) TO “CITY” RESIDENTIAL LOW SUBURBAN (3.5 DU/AC) FOR CERTAIN REAL PROPERTY LOCATED AT PLYMOUTH SORRENTO RD., COMPRISING 0.302 ACRES MORE OR LESS, AND OWNED BY CENTRAL FLORIDA EXPRESSWAY AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2524 adopted on November 16, 2016; and

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

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

### **Section I. Purpose and Intent.**

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

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

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2524, is amended in its entirety to change the land use from “County” Rural (1 du/10 ac) to “City” Residential Low Suburban (3.5 DU/AC), for certain real property located at Plymouth Sorrento Rd., comprising 0.302 acres more or less, (Parcel No. 36-20-27-0000-00-126 & 36-20-27-0000-00-124); as further described in Exhibit “A” attached hereto.

### **Section III. Applicability and Effect.**

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

### **Section IV. Severability.**

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

**ORDINANCE NO. 2532**  
**PAGE 2**

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

**Section VI. Effective Date.**

This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

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

ATTEST:

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

DULY ADVERTISED FOR HEARING: October 28, 2016  
December 9, 2016



# EXHIBIT "A"

Central Florida Expressway Authority  
 Plymouth Sorrento Rd.  
 0.302 +/- Acres

Existing Maximum Allowable Development: 1 dwelling unit  
 Proposed Maximum Allowable Development: 1 dwelling unit

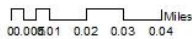
Proposed Small Scale Future Land Use Change  
 From: "County" Rural/Agricultural (1 du/10 ac)  
 To: "City" Residential Low Suburban (3.5 du/ac)

Proposed Zoning Change  
 From: "County" A-1  
 To: "City" R-1A

Parcel ID #: 36-20-27-0000-00-126 & 36-20-27-0000-00-124



## City of Apopka Future Land Use Map



Source: City of Apopka and Orange County Property Appraiser  
 Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.  
 The City of Apopka does not assume responsibility for errors or omissions contained herein.

### Legend

	Apopka_Parcel_072218		Res. Low
	Apopka_Parcel_072218 selection		Res. Medium Low
	City Boundary		Res. Medium
	UPA Boundary		Res. High
<b>Future Land Use</b>			Mixed Use
<b>LAND_USE</b>			Office
	Agriculture		Commercial
	Agriculture Estates		Industrial
	Agriculture Homestead		Institutional/Public Use
	Rural Settlement		Conservation
	Res. Estates		Parks/Recreation
	Res. Very Low Suburban		ANNEX
	Res. Low Suburban		





**Backup material for agenda item:**

6. Ordinance No. 2533 – Second Reading – Change of Zoning - Quasi-Judicial  
Elizabeth Florence



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Zoning Report  
 Vicinity Map  
 Adjacent Zoning Map  
 Adjacent Use Map  
 Existing Uses Map  
 Ordinance No. 2533

**SUBJECT: ORDINANCE NO. 2533 – CHANGE OF ZONING – CENTRAL FLORIDA EXPRESSWAY AUTHORITY**

**REQUEST: SECOND READING OF ORDINANCE NO. 2533 – CHANGE OF ZONING – CENTRAL FLORIDA EXPRESSWAY AUTHORITY, FROM “COUNTY” A-1 (RURAL) TO “CITY” R-1A (RESIDENTIAL) (PARCEL I.D. NO. 36-20-27-0000-00-126 & 36-20-27-0000-00-124).**

**SUMMARY:**

**OWNER/APPLICANT:** Central Florida Expressway Authority – Joseph A. Berenis, P.E.  
**LOCATION:** Plymouth Sorrento Rd.  
**EXISTING USE:** Vacant Land  
**CURRENT ZONING:** “County” A-1 (ZIP)  
**PROPOSED FLUM DESIGNATION:** Residential Low Suburban (3.5 DU/AC) (NOTE: This change of zoning application is being processed in conjunction with a large scale FLUM amendment requesting Residential Low Suburban (3.5 DU/AC).  
**PROPOSED DEVELOPMENT:** residential City has received a Preliminary Development Plan for a single family development.  
**TRACT SIZE:** Residential Development/Right of Way  
**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING: vacant; 1 dwelling unit per 10 acres  
 PROPOSED: right of way; 1 dwelling unit per 3.5 acres

**FUNDING SOURCE:**  
N/A

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Residential Low Suburban (3.5 DU/AC) to the property.

Applicant is requesting the City to assign a zoning classification of R-1A (Residential) to the property, consistent with the proposed Residential Low Suburban (3.5 DU/AC) future land use designation.

A request to assign a change of zoning to R-1A (Residential) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the R-1A (Residential) zoning classification to accommodate the use of the property to have the potential to be single family residential and road access to create access to parcels to the south. The subject properties abut S.R. 429 to the east and the Stanton Ridge residential plat to the north, which is also owned by the Central Florida Expressway Authority. City staff supports this change of zoning request subject to the construction of a highway interchange for S.R. 429 at Plymouth Sorrento Road. This change of zoning application is being processed in conjunction with a small scale future land use amendment for Residential Low Suburban (3.5 DU/AC). The proposed use is consistent with the proposed future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately .302 acres.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential Low Suburban (3.5 DU/AC) Future Land Use designation and the City’s proposed Residential Zoning so long as dwelling units are not expanded on the existing land area comprising the subject site. Site development cannot exceed the intensity allowed by the Future Land Use policies. School concurrency may occur at the time of a final development plan applicable to the subject property.

**SCHOOL CAPACITY REPORT:** The request is for a residential zoning classification that will only yield two residential units. A rezoning that creates a net increase equal to nine or fewer residential units is exempt from School Capacity Enhancement. School concurrency review may apply at the time a Preliminary Development Plan for residential development is submitted to the City.

**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 October 7, 2016.

**PUBLIC HEARING SCHEDULE:**

- November 8, 2016 - Planning Commission (5:30 pm)
- December 7, 2016 - City Council (7:00 pm) - 1st Reading
- December 21, 2016 – City Council (1:30 pm) - 2nd Reading

**DULY ADVERTISED:**

- October 28, 2016 – Public Notice and Notification
- December 9, 2016 – Ordinance Heading ¼ Page w/Map Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in zoning from County A-1(Agriculture) to R-1A (Residential) for the property owned by Central Florida Expressway Authority.

The **Planning Commission**, at its meeting on November 14, 2016, found that the proposed Change of Zoning consistent with the Comprehensive Plan and Land Development Code; and recommended adoption (7-0) of the Change of Zoning from “County” A-1(Agriculture) to “City” R-1A (Residential) for the property owned by Central Florida Expressway and located at Plymouth Sorrento Road.

The **City Council**, at its meeting on December 7, 2016, accepted the First Reading of Ordinance No. 2533 and held it over for Second Reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2533.

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



**LAND USE REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Suburban (0-3.5 du/ac)	R-1AA	Stanton Ridge residential plat owned by the Central Florida Expressway Authority.
East (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	S.R. 429
South (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	Single family residence
West (County)	Rural/Agricultural (1 du/ 10 ac)	A-1	Single family residence

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The assigned zoning will be compatible to the residential zoned properties to the north and the subject property will have access through the Stanton Ridge residential plat, which is owned by the same property owner.

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed R-1A (Residential) zoning is consistent with the City’s Residential Low Suburban (3.5 DU/AC) Future Land Use designation and with the character of the surrounding area. The R-1A (Residential) zoning classification is one of the acceptable zoning categories allowed within the proposed Residential Low Suburban Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**MIXED USE-EC DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: 1,600 sq. ft.
- Minimum Site Area: 10,000 sq. ft.
- Minimum Lot Width 85 ft.
- Setbacks: Front: 25 ft. (From property line)
- Rear: 10 ft. (30 ft. from residential)
- Side: 20 ft.
- Corner 25 ft.

Based on the above zoning standards, the subject parcels do comply with code requirements for the R-1A (Residential) district.

**BUFFERYARD  
 REQUIREMENTS:**

1. Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways within a minimum ten-foot landscaped bufferyard.
2. Areas adjacent to agricultural and residential uses or districts shall provide a minimum five-foot bufferyard and six-foot high brick, stone or decorative block finished wall.

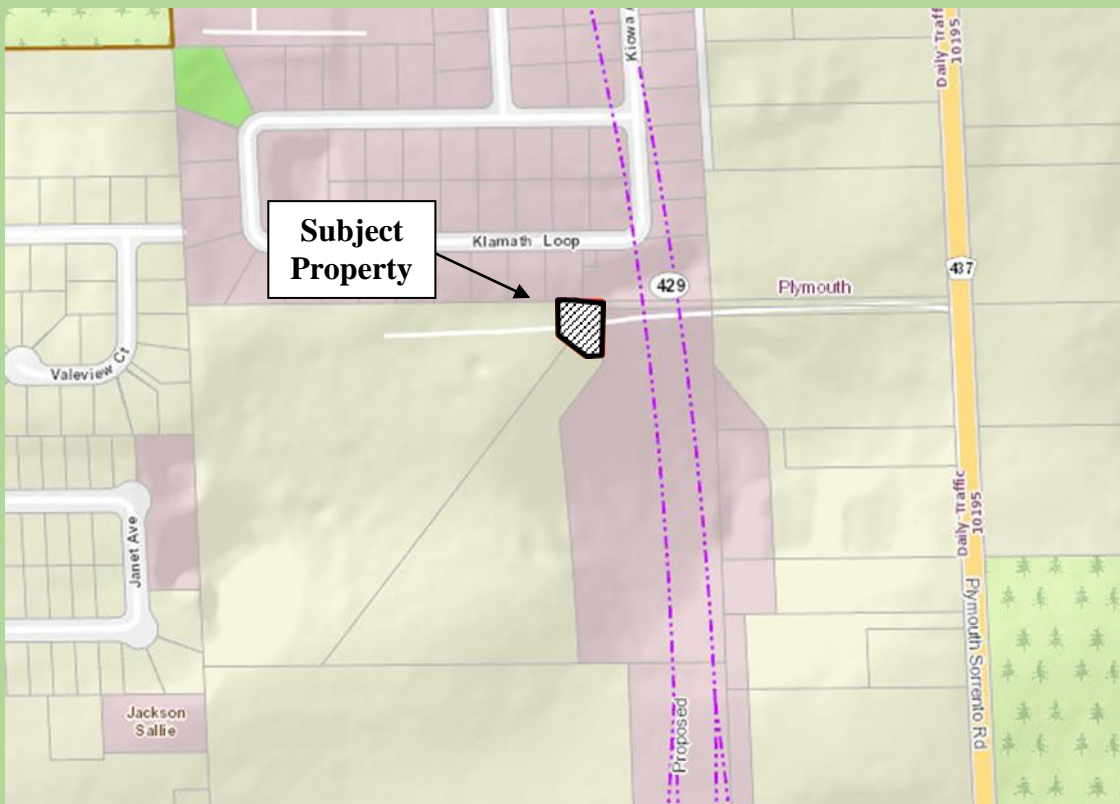
**ALLOWABLE  
 USES:**

Single-family dwellings and their customary accessory structures and u Supporting infrastructure and public facilities of less than five acres.

Central Florida Expressway Authority  
Property Owner  
0.302 +/- Acres  
Proposed Large Scale Future Land Use Amendment:  
From: "County" Rural/Agricultural (1 du/10 ac)  
To: "City" Residential Low Suburban (3.5 du/ac)  
Proposed Change of Zoning:  
From: "County" A-1  
To: "City" R-1A  
Parcel ID #s: 36-20-27-0000-00-126 & 36-20-27-0000-00-124

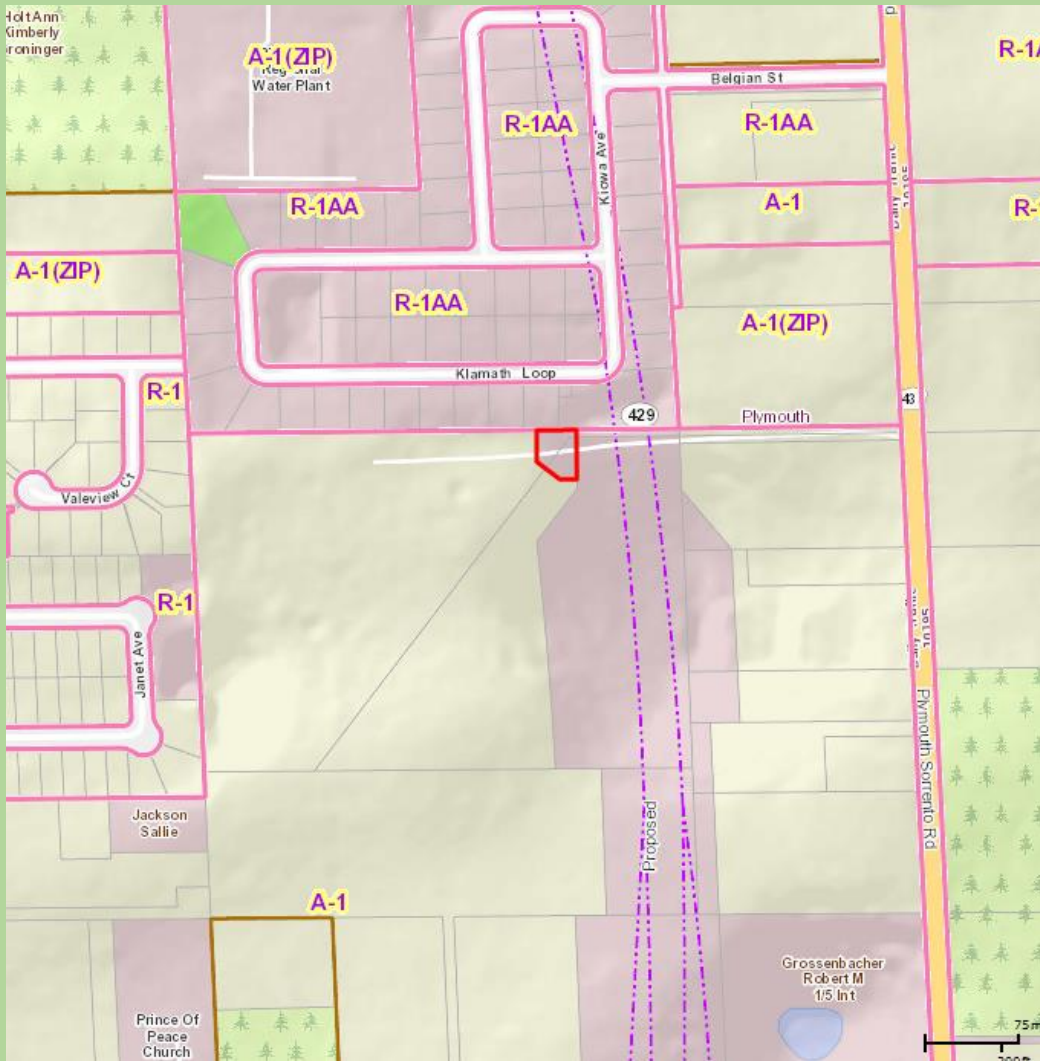


### VICINITY MAP





### ADJACENT ZONING







### ADJACENT USES







**EXISTING USES**



**ORDINANCE NO. 2533**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” R-1A FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT PLYMOUTH SORRENTO RD., COMPRISING 0.302 ACRES MORE OR LESS, AND OWNED BY CENTRAL FLORIDA EXPRESSWAY AUTHORITY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

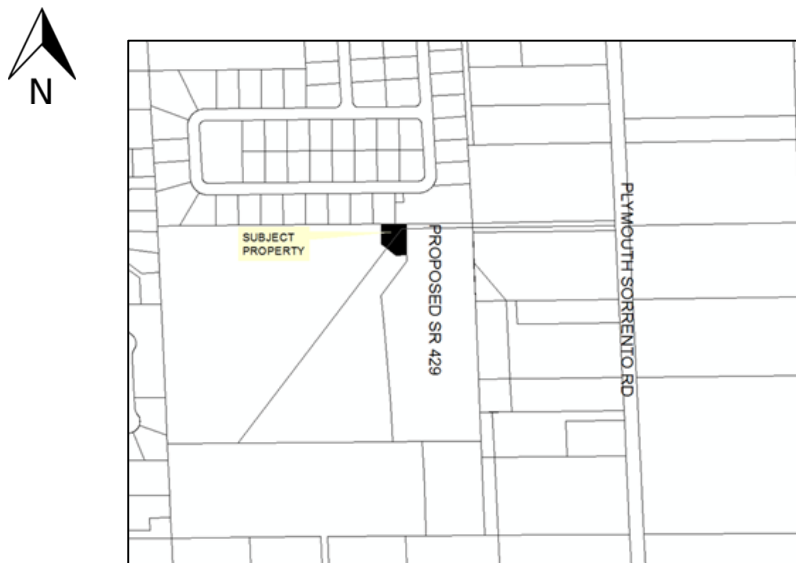
**WHEREAS**, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

**WHEREAS**, the proposed R-1A (3.5 du/ac) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

**Section I.** That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby R-1A (3.5 du/ac), as defined in the Apopka Land Development Code.

Legal Description: COMM AT NE COR OF SE1/4 OF SEC 36-20-27 TH S02-14-21E 20.01 FT TO PT ON S LINE OF N 20 FT OF E 300 FT OF NE1/4 OF SE1/4 TH S89-27-24W 279.34 FT TO POB TH S00-27-45E 114.23 FT TH S89-31-59W 46.60 FT TH N52-36-26W 49.54 FT TO PT ON WLY LINE OF LANDS DESC IN OR 8943/2342 TH N37-23-29E 106.13 FT TO A PT ON AFORESAID S LINE TH N89-27-24E 20.58 FT TO POB and COMM AT NE COR OF SE1/4 OF SEC 36-20-27 T S89-28-38W 278.71 FT ALONG N LINE OF NE1/4 OF SE1/4 TO POB TH S00-27-45E 20.1 FT TO PT ON S LINE OF N 20 FT OF E 300 FT OF NE1/4 OF SE1/4 TH S89-27-24W 20.58 FT TH S37-23-29W 106.13 FT ALONG ELY LINES OF LANDS DESC IN 6077/2248 TH N52-36-26W 29.99 FT TH N00-31-19W 85.41 FT TO PT ON AFORESAID N LINE TH N89-28-38E 109.48 FT TO POB



Parcel I.D.: 36-20-27-0000-00-124 & 36-20-27-0000-00-126  
Contains: 0.302 +/- Acres

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

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

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

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

**Section VI.** That this Ordinance shall take effect upon the effective date of adoption of Ordinance No. 2533.

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

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

ATTEST:

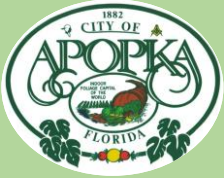
\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED:      October 21, 2016  
   December 11, 2016

**Backup material for agenda item:**

7. Ordinance No. 2534 – Second Reading – Comp Plan Amendment – Capital Improvements Element – Legislative  
Wilkes Kyle





**CITY OF APOPKA  
CITY COUNCIL**

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

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Ordinance No. 2534  
 Appendix 7-1, CIE

**SUBJECT:** ANNUAL UPDATE TO THE CITY’S FIVE-YEAR CAPITAL IMPROVEMENTS PLAN, AND INCORPORATING INTO THE CITY OF APOPKA, COMPREHENSIVE PLAN, CAPITAL IMPROVEMENTS ELEMENT.

**REQUEST:** SECOND READING OF ORDINANCE NO. 2534 - ANNUAL UPDATE TO THE CITY OF APOPKA, FIVE-YEAR CAPITAL IMPROVEMENTS PLAN AND INCORPORATE INTO THE CITY OF APOPKA COMPREHENSIVE PLAN, CAPITAL IMPROVEMENT ELEMENT.

**SUMMARY:**

Policy 1.4 of the Apopka Comprehensive Plan’s Capital Improvements Element directs the City to update its five-year Capital Improvements Program (CIP) on an annual basis. Exhibit “A” of ordinance 2534 provides an updated list of infrastructure and other projects that are necessary to implement the City’s long-range Comprehensive Plan. Only large-scale capital projects necessary to support the Future Land Use, Transportation, Conservation, Infrastructure (i.e., potable water, sanitary sewer, reclaimed water, solid waste, stormwater), and Recreation Elements of the Comprehensive Plan are addressed within this five-year Capital Improvements Program. Other municipal services, such as Law Enforcement and Fire Protection, are not addressed in the Comprehensive Plan but are addressed in other capital improvement programs as part of the City’s fiscal management and budget process. Annual review and preparation of the City’s budget will be consistent with the City’s Five-year Capital Improvement Program.

This annual update of the five-year CIP is intended to schedule capital projects that are necessary to meet accepted levels of service (LOS), to maintain and repair failing facilities, and to provide additional infrastructure facilities and roads to meet demands generated by new growth and development. The Five-Year Capital Improvement Program only addresses major public facilities, infrastructure and road that are addressed within the City’s Comprehensive Plan – transportation, potable water, sanitary sewer, reclaimed water, recreation and parks, stormwater management and solid waste.

The proposed annual update of the City’s Five-Year CIP incorporates capital facility maintenance and capacity upgrades for the Public Services and Recreation Departments. Exhibit ‘A’ included with Ordinance No. 2534 includes the updated CIP to be incorporated as Appendix 7-1 of the Capital Improvements Element (CIE). This appendix identifies the proposed improvements, proposed financial outlays for each project, as well as funding sources.

**FUNDING SOURCE:** N/A

**DISTRIBUTION**

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

Furthermore, the City of Apopka submitted a Florida Recreation Development Assistance Program grant (FRDAP) for recreation improvements to Alonzo Williams and Kit Land Nelson parks. As part of the grant submittal requirements, the City indicated support for these proposed improvements, through approval of Resolutions 2015-14 & 2015-15. The City was awarded the FRDAP grant, and as a condition of receiving funding disbursement, the City must incorporate the Kit Land Nelson and Alonzo Williams Park grant-funded improvements into the Five-Year CIP as a requirement of the FRDAP grant funding process. In addition, additional FRDAP grant funding has been requested for renovations and new construction at the Apopka Athletic Complex (AAC) in the amount of \$50,000. These proposed improvements have been incorporated into this annual update, per the aforementioned FRDAP grant application requirements.

Legislative changes in 2011 to Chapter 163, Florida Statutes allow local governments to update their five-year CIP without transmitting the amendment to the Florida Department of Economic Opportunity prior to adoption, as is required for other policy amendments or Future Land Use amendment to the Comprehensive Plan.

**PUBLIC HEARING SCHEDULE:**

- November 14, 2016 – Planning Commission (5:30 pm)
- December 7, 2016 – City Council 1<sup>st</sup> Reading (1:30 pm)
- December 21, 2016 – City Council 2<sup>nd</sup> Reading (7:00 pm)

**DULY ADVERTISED:**

- October 28, 2016 – Public Hearing Notice
- December 9, 2016 – Ordinance Adoption Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the annual update of the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

The **Planning Commission**, at its meeting on November 14, 2016, recommended approval (5-1) of the annual update of the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

The **City Council**, at its meeting on December 7, 2016, accepted the first reading of Ordinance 2534, and held it over for Second Reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2534.

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

**ORDINANCE NO. 2534**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; INCORPORATING THE ANNUAL UPDATE TO THE CITY'S FIVE YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2524; and

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

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

SECTION I: The City of Apopka hereby amends the Capital Improvements Element of the adopted Comprehensive Plan as follows:

The Capital Improvements Element is hereby amended to incorporate annual updates to the Five Year Capital Improvements plan and replaced in its entirety by Exhibit "A" of this Ordinance, and incorporated herein by reference.

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

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

SECTION IV: This Ordinance shall become effective upon adoption.

**ORDINANCE NO. 2534**  
**PAGE 2**

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this  
\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: \_\_\_\_\_

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Cliff B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: October 28, 2016  
December 9, 2016



APPENDIX 7-1: FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS - RECREATION

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Concession, bathrooms, building and sidewalks at NWRC	General Fund		\$300,000					\$300,000
Parking Lot-NWRC Little League Fields			\$510,000					\$510,000
Picnic Pavilions			\$100,000		\$100,000		\$100,000	\$300,000
NWRC Ball Field Renovations		\$23,900	\$50,000	\$50,000	\$50,000			\$173,900
Fitness Equipment for Kit Land Nelson Park (with grant)								\$23,900
Bleacher Covers Over Quad 3			\$60,000					\$60,000
Tennis Court Resurfacing – NWRC						\$50,000		\$50,000
Basketball Resurfacing – NWRC						\$50,000		\$50,000
Lk. Ave. Park – Playground, Pavilion, Shade Structure					\$350,000			\$350,000
Old Little League Fields New Park						\$200,000		\$200,000
NWRC Scoreboards for (1) Quad				\$30,000	\$30,000			\$60,000
New ball fields (Baseball, soccer, etc.)					\$2,200,000			\$2,200,000
Alonzo Williams Park Improvements (Contingent upon CDBG grant award)				\$50,000				\$50,000
<b>TOTAL GENERAL FUND</b>		<b>\$23,900</b>	<b>\$1,100,000</b>	<b>\$2,630,000</b>	<b>\$450,000</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$3,205,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Recreation Splash Pad at NWRC	Recreation Impact Fund					\$400,000		\$400,000
Skate Park			\$300,000					\$300,000
Playground at Apopka Athletic Complex (AAC)			\$75,000					\$75,000
Splash Pad w/ Restrooms (Kit Land Nelson Park)		\$750,000						\$750,000
Park Lot - NWRC				\$267,000	\$865,000		\$1,165,000	\$2,297,000
<b>TOTAL RECREATION IMPACT FUND</b>		<b>\$750,000</b>	<b>\$375,000</b>	<b>\$267,000</b>	<b>\$865,000</b>	<b>\$400,000</b>	<b>\$1,650,000</b>	<b>\$4,307,000</b>
Alonzo Williams Community Center Bldg.	CDBG		\$750,000					\$750,000
<b>TOTAL CDBG</b>			<b>\$750,000</b>					<b>\$750,000</b>
Alonzo Williams Park <sup>1</sup> Renovations	FRDAP Grant	\$28,000						\$28,000
Alonzo Williams Park New Construction <sup>2</sup>		\$22,000						\$22,000
Kit Land Nelson Park Renovations <sup>3</sup>		\$3,700						\$3,700
Kit Land Nelson Park New Construction <sup>4</sup>		\$42,500						\$42,500
AAC Renovations <sup>5</sup>			\$17,000					\$17,000
AAC New Construction <sup>6</sup>			\$33,000					\$33,000
Old Little League Fields New Park Construction						\$200,000		
<b>TOTAL FRDAP GRANT FUNDS</b>		<b>\$96,200</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$346,200</b>

<sup>1</sup> Resurfacing, irrigation, drinking fountain, picnic facilities

<sup>2</sup> Playground, security lighting

<sup>3</sup> Resurfacing, tennis court maintenance, drinking fountain, picnic facilities, miscellaneous maintenance

<sup>4</sup> New playground, bike rack, picnic facilities

<sup>5</sup> Restrooms, playground surface materials, baseball dugout shelters, drinking fountain & picnic facilities

<sup>6</sup> Playground, landscaping, picnic facilities

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Gymnasium/Aquatic Center (GO Bond)	Other Funds		\$20,000,000					\$20,000,000
Fitness Equipment for Kit Land Nelson Park/Outdoor Fitness Grant		\$9,560						\$9,560
<b>TOTAL OTHER FUNDS</b>		<b>\$9,560</b>	<b>\$20,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$20,009,560</b>

**APPENDIX 7-1 (CONT'D) : FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS - PUBLIC SERVICES**

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Downtown Parking Lot	CRA	\$200,000						\$200,000
Downtown Park Lot Upgrades			\$500,000					\$500,000
<b>TOTAL CRA FUND</b>								<b>\$700,000</b>
Brick Streets, Repair & Restoration	Street Improvement Fund		\$500,000					\$500,000
Equipment (3412 Streets-6400)		\$60,000	\$60,000	\$60,000	\$50,000	\$50,000	\$50,000	\$330,000
New Sidewalk & Curb Construction (3412 Streets-6304)		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$300,000
Paving & Resurfacing (3412 Streets-6304)		\$600,000	\$600,000	\$600,000	\$600,000	\$600,000		\$3,000,000
8 <sup>th</sup> Street Complex (Renovation/or Relocate) Split with 3412/3513/3181)		\$300,000						\$300,000
<b>TOTAL STREET IMPROVEMENT FUND</b>		<b>\$1,010,000</b>	<b>\$1,410,000</b>	<b>\$710,000</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$100,000</b>	<b>\$4,630,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
6 <sup>th</sup> Street Reconstruction & Downtown Related Street Improvements, Central Ave to US 441	Traffic Impact Fee	\$500,000	\$500,000	\$1,000,000				\$2,000,000
Bradshaw Rd US 441 Traffic Signal		\$400,000						\$400,000
Peterson Rd (End of pavement to Hermit Smirth Rd) 2 lanes				\$750,000				\$750,000
Maine Ave, Martin St to Old Dixie Hwy (2 lanes)					\$1,000,000			\$1,000,000
Martin St, Maine Ave between Park Ave					\$1,600,000			\$1,600,000
Marden Rd (Keene Rd to CR 437A) 2 lanes, Urban Section Improvement		\$500,000	\$500,000					\$100,000
New Sidewalks		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000		\$250,000
Rogers Rd, Lester Rd to Ponkan Rd				\$1,400,000				\$1,400,000
Old Dixie (Hawthorne Ave to Schopke Lester Rd) turn lane, curb, gutter		\$1,000,000						\$1,000,000
Sheeler Ave/Cleveland St Intersection Improvement (turn lanes/traffic light)				\$500,000				\$500,000
Plymouth Rd/Yothers Rd Intersection Improvements		\$500,000						\$500,000



<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Piedmont-Wekiwa Rd/Greenacres Rd (Traffic Light)	Traffic Impact Fee (Cont'd)			\$350,000				\$350,000
<b>TOTAL TRAFFIC IMPACT FUND</b>		<b>\$2,950,000</b>	<b>\$1,550,000</b>	<b>\$3,550,000</b>	<b>\$2,650,000</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$9,850,000</b>
Drainage Upgrading – Citywide (6308)	Stormwater Fund	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$2,100,000
<b>TOTAL STORMWATER FUND</b>		<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$2,100,000</b>
Miscellaneous Water Mains (2)	Water Impact Fund	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000
<b>TOTAL WATER IMPACT FUND</b>		<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$600,000</b>
Binion Rd RWM, IFAS to Ocoee Apopka Rd, 5,329 LF,	Reclaim Fund				\$511,584			\$511,584
16" Golden Gem Reuse Station HSP						\$6,500,000		\$6,500,000
Keene Rd RWM, Marden Rd to Ocoee Apopka Rd, 4,413 LF, 36"		\$794,340						\$794,340
Kelly Park Rd RMW II, Jason Dwelley Pkwy to Rock Springs Rd 16", 8,801 LF (2)				\$705,000				\$705,000
Kelly Park Rd RWM, Golden Gem Rd to Round Lake Rd 24"			\$371,400					\$371,400

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Miscellaneous RWM (5)	Reclaim Fund (Cont'd)	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$600,000
Northwest Reclaim Water Pump Station, 2 @ \$3,000			\$700,000					\$700,000
Northwest Reclaim Water Pond 2 & 3		\$250,000						\$250,000
Ocoee Apopka Rd, RWM, Harmon Rd to Alston Bay Blvd, 2,500 LF, 30"		\$412,500						\$412,500
Ocoee Apopka Rd RWM, Keene Rd to Alston Bay Blvd, 4,000 LF 30"		\$660,000						\$600,000
Plymouth Sorrento Rd RWM, Yothers Rd to Ponkan Rd, 4,654 LF 24" (2)			\$670,176					\$670,176
Ocoee Apopka Rd RWM, Keene Rd to Binion Rd, 3,500 LF 30"		\$308,000						\$308,000
Plymouth Sorrento Rd RWM, Ponkan Rd to Kelly Park Rd 2,745 LF, 20" (2)			\$645,000					\$645,000
<b>TOTAL RELAIM FUND</b>		<b>\$2,524,840</b>	<b>\$2,486,576</b>	<b>\$805,000</b>	<b>\$611,584</b>	<b>\$6,600,000</b>	<b>\$100,000</b>	<b>\$13,128,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Grossenbacher WTP, Replace Well	Water Impact Fee				\$910,000			<b>\$910,000</b>
Haas Rd WM, Mt. Plymouth Rd to Round Lake Rd, 22,708 LF 12" (1)					\$1,634,976			<b>\$1,634,976</b>
Kelly Park Rd WM, Golden Gem Rd to Round Lake Rd, 4,035 LF 16" (1)			\$387,360					<b>\$387,360</b>
Kelly Park Rd WM, Plymouth Sorrento Rd to Golden Gem, 6,672 LF 12" (1)		\$400,320						<b>\$400,320</b>
Miscellaneous Water Mains (2)		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	<b>\$600,000</b>
Mt. Plymouth Water Plant (Well #1) modifications and improvements		\$700,000						<b>\$700,000</b>
Mt. Plymouth Water Plant (Well #4) modifications and improvements			\$900,000					<b>\$900,000</b>
NW WTP (1 MG Storage Tank) (1)				\$850,000				<b>\$850,000</b>
Plymouth Sorrento Rd WM Ponkan Rd to Kelly Park Rd, 10,720 LF 16" (1)				\$1,030,000				<b>\$1,030,000</b>

<b>Comprehensive Plan Element/Project</b>	<b>Source of Funding</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>	<b>FY 21-22</b>	<b>Totals</b>
Plymouth Sorrento Rd WM, Yothers Rd to Ponkan Rd, 5,423 LF 12" (1)	Water Impact Fund (Cont'd)	\$390,456						\$390,456
Plymouth Regional Water Plant, modifications and improvements Wells #1 & 2			\$900,000					\$900,000
Ponkan Rd, Ponkan Pines to Golden Gem 8,271 LF 12"			\$595,572					\$595,572
Sheeler Oaks WTP 65T .75 MG (1)			\$750,000					\$750,000
Southwest Water Plant (1)							\$4,500,000	\$4,500,000
US 441 WM, Roger Williams Rd to Sheeler Rd (1)					\$240,000			\$240,000
<b>TOTAL WATER IMPACT FUND</b>			<b>\$1,590,776</b>	<b>\$2,245,572</b>	<b>\$2,220,000</b>	<b>\$2,644,976</b>	<b>\$4,600,000</b>	<b>\$100,000</b>
Martin's Pond Improvements	Other Funds (TBD)							TBD
<b>TOTAL OTHER FUNDS</b>								<b>TBD</b>



**Backup material for agenda item:**

8. Ordinance No. 2535 – Second Reading – Change of Zoning - Quasi-Judicial Wilkes

Kyle



**ADDITIONAL COMMENTS:** The subject parcels were annexed into the City of Apopka on May 4, 2016, through adoption of Ordinance 2495.

The applicant requests a change of zoning to assign an AG (Agriculture) zoning classification to the properties. The requested AG zoning classification compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the AG zoning classification to accommodate the use of the property for existing manufactured and proposed single-family and/or manufactured home residences. The applicant intends to split the lot for two residences. This use is consistent with the existing future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 15.04 acres.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Rural Settlement (0-1 du/5 ac) Future Land Use designation and the City’s proposed AG Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The request for a change of zoning to AG (Agriculture) will result in a number of potential units that will be considered de minimus; therefore, school capacity determination is not required.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016

**PUBLIC HEARING SCHEDULE:**

- November 14, 2016 - Planning Commission (5:30 pm)
- December 7, 2016 - City Council (7:00 pm) - 1st Reading
- December 16, 2016 – City Council (1:30 pm) - 2nd Reading

**DULY ADVERTISED:**

- October 28, 2016 – Public Notice and Notification
- December 9, 2016 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed change of zoning consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommends adoption of the change in zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Jack & Joyce Cravey.

The **Planning Commission**, at its meeting on November 14, 2016, found the proposed change of zoning consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommended adoption of the change in zoning from “County” A-1 (ZIP) to “City” AG (Agriculture) for the property owned by Jack & Joyce Cravey, and subject to City Council adopting a Future Land Use Designation of “Rural Settlement” for this property.

The **City Council**, at its meeting on December 7, 2016, accepted the First Reading of Ordinance No. 2535 and held it over for Second Reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2535.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0-1 du/10)	A-1	Limited Access R-O-W (SR 429)
East (County)	Rural (0-1 du/10 ac)	A-2	Limited Access R-O-W (SR 429)
South (County)	Rural (0-1 du/10 ac)	A-2	Vacant
West (City)	Rural Settlement (0-1 du/5 ac)	AG	Vacant

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property has access to local roadways (Phils Lane and Hideaway Lane).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed I-1 zoning is consistent with the City’s Rural Settlement (0-1 du/5 ac) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (Single-family)  
 400 sq. ft. (Mobile home)
- Minimum Site Area: 5 acres
- Minimum Lot Width: NA
- Setbacks: Front: 25 ft.
- Rear: 25 ft.
- Side: 25 ft.
- Corner: 25 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the AG district.

**BUFFERYARD  
 REQUIREMENTS:**

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



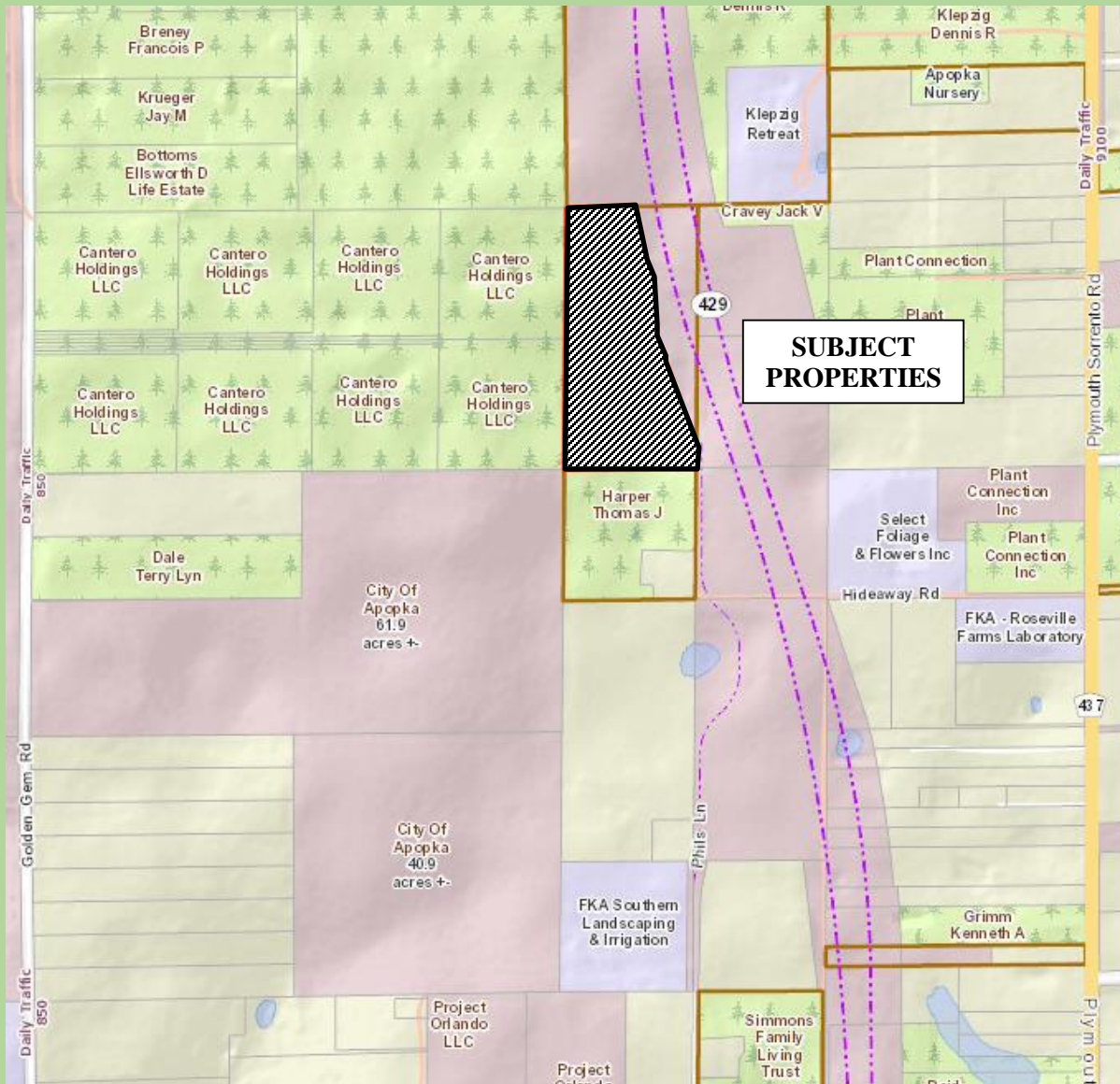
**ALLOWABLE  
USES:**

Single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code, Apiaries, crop and animal production (and the buildings and structures necessary to support such production). Livestock barns and stables, kennels, commercial wholesale foliage plant production nursery, kennels, office building and accessory buildings in conjunction with commercial agriculture uses for packing, shopping, and storage purposes.

Jack & Joyce Cravey  
Property Owner  
15.04 +/- Acres  
Proposed Large Scale Future Land Use Amendment:  
From: "County" Rural (0 – 1 du/10 ac)  
To: "City" Rural Settlement (0 – 1 du/5 ac)  
Proposed Change of Zoning:  
From: "County" A-1 (ZIP)  
To: "City" AG  
Parcel ID #s: 24-20-27-0000-00-056 & 24-20-27-0000-00-112

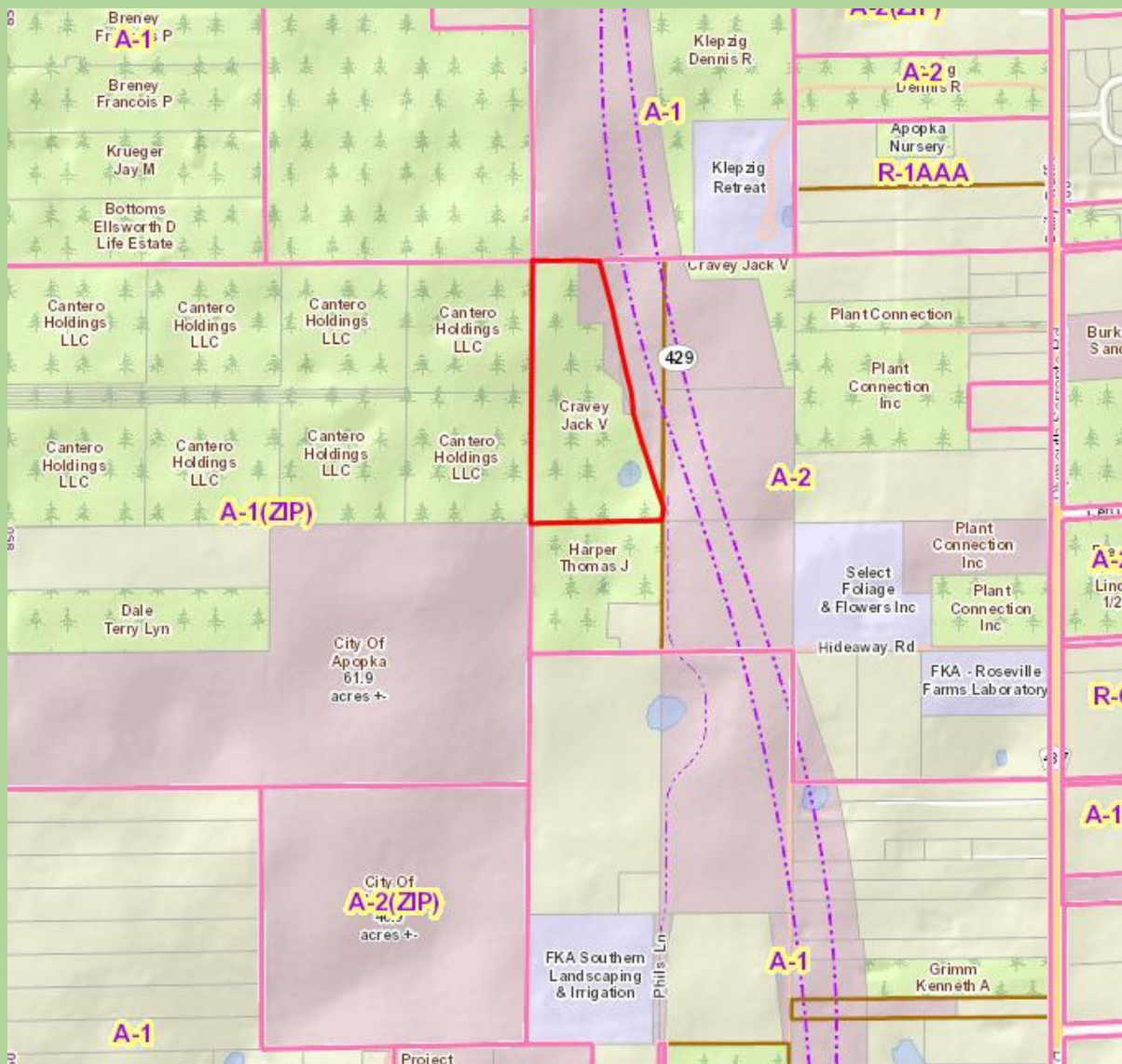


VICINITY MAP





### ADJACENT ZONING







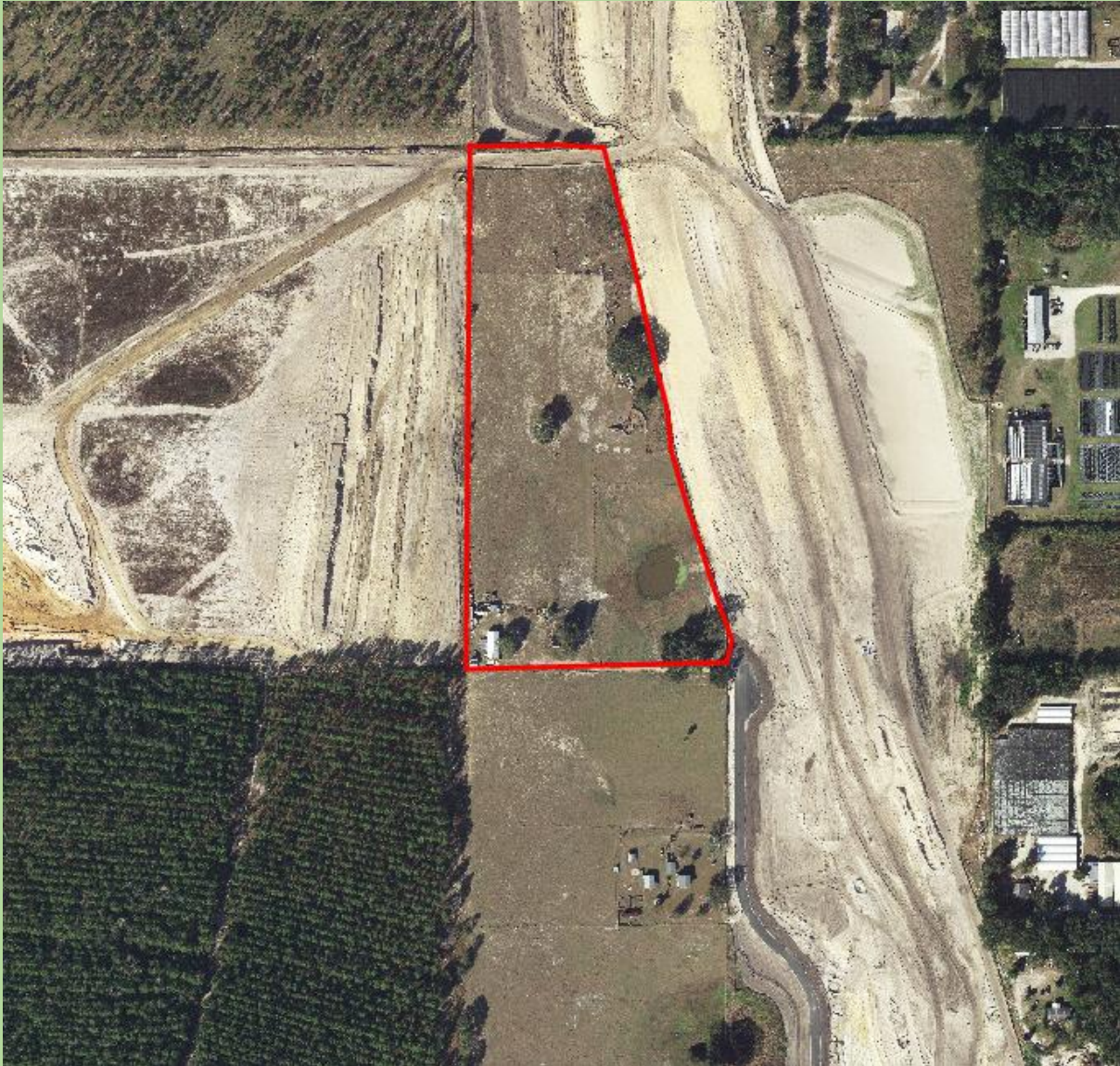
### ADJACENT USES







**EXISTING USES**





**ORDINANCE NO. 2535**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PHILS LANE, EAST OF GOLDEN GEM ROAD, COMPRISING 15.04 ACRES MORE OR LESS, AND OWNED BY JACK AND JOYCE CRAVEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

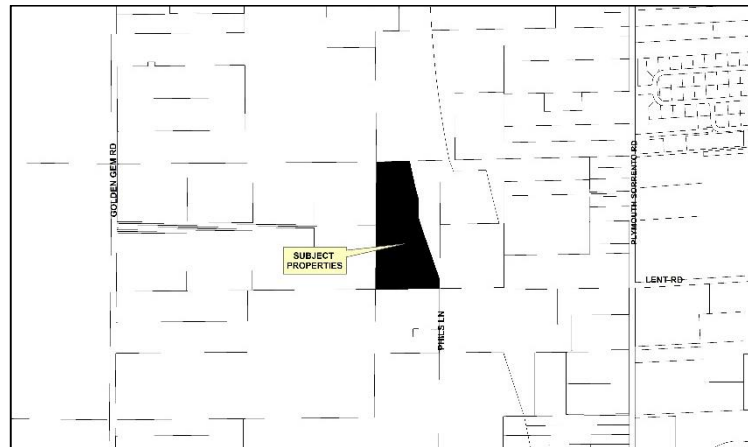
**WHEREAS**, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

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

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

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

Legal Description:



Parcel I.D.s: 24-20-27-0000-00-056; 24-20-27-0000-00-112  
Contains: 15.04 +/- Acres

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

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

**ORDINANCE NO. 2535**

**PAGE 2**

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

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

**Section VI.** That this Ordinance shall take effect upon the effective date of adoption of Ordinance No. 2499.

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED:      October 21, 2016  
   December 11, 2016

**Backup material for agenda item:**

9. Ordinance No. 2536 – Second Reading – Small Scale Future Land Use Amendment - Legislative  
Elizabeth Florence



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Land Use Report  
 Vicinity Map  
 Adjacent Zoning Map  
 Adjacent Use Map  
 Existing Uses Map  
 Ordinance No. 2536

**SUBJECT: ORDINANCE NO. 2536 – SMALL SCALE - FUTURE LAND USE AMENDMENT – MARSHALL HOWARD**

**REQUEST: SECOND READING OF ORDINANCE NO. 2536 – SMALL SCALE – FUTURE LAND USE AMENDMENT – MARSHALL HOWARD – FROM RESIDENTIAL HIGH (0-15 DU/AC) TO COMMERCIAL (MAX. 0.25 FAR) (PARCEL ID NO. 13-21-28-5300-03-100).**

**SUMMARY:**

OWNER/APPLICANT: Marshall Howard c/o Khaled Akkawi

LOCATION: 1351 Tropical Circle (generally located north of Kenneth Street, east of S Orange Blossom Trail).

EXISTING USE: Mobile Home Park (Tropicana Mobile Home Park)

CURRENT ZONING: R-3 (Residential)

PROPOSED ZONING: “City” C-1 (Retail Commercial) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from R-3 (Residential) to C-1 (Retail Commercial).

PROPOSED DEVELOPMENT: Expansion of commercial space for the Shoot Straight business

TRACT SIZE: 3.8 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 58 residential units  
 PROPOSED: 41,382 Sq. Ft.

**FUNDING SOURCE:**  
 N/A

**DISTRIBUTION**

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



**ADDITIONAL COMMENTS:** The subject parcel was annexed into the City of Apopka on December 16, 1992, through the adoption of Ordinance No. 751. 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 C-1 (Restricted Industrial) zoning category to the Property is being processed in conjunction with this future land use amendment request for an Industrial designation. The FLUM amendment application covers approximately 3.8 acres and the current use of the property is for a mobile home park. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting Shoot Straight C-1 (Retail Commercial) to the west, which is consistent with the allowable uses within the C-1 zoning district.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing use of a mobile home park is a legal, non-conforming use with the current land use and zoning categories. However, the proposed use of the property is consistent with the proposed Commercial Future Land Use designation and the proposed C-1 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

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

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016.

**PUBLIC HEARING SCHEDULE:**

November 14, 2016 – Planning Commission (5:30 pm)  
December 7, 2016 - City Council (1:30 pm) - 1st Reading  
December 21, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

October 28, 2016 – Public Notice and Notification  
December 9, 2016 – Ordinance Heading & ¼ Page w/Map Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends adoption of the change in Future Land Use Residential High (0-15 du/ac) to Commercial (0.25 FAR) for the property owned by Marshall Howard.

The **Planning Commission**, at its meeting on November 14, 2016, found that the proposed Small Scale Future Land Use Amendment consistent with the Comprehensive Plan and Land Development Code; and recommended adoption of the Small Scale Future Land Use Amendment from Residential High (0 - 15 du/ac) to Commercial (max 0.25 FAR) for the properties owned Marshall Howard.

The **City Council**, at its meeting on December 7, 2016, accepted the First Reading of Ordinance No. 2536 and held it over for second reading and Adoption on December 21, 2016

Adopt Ordinance No. 2536.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Medium (0-10 du/ac)	A-1 (ZIP)	Vacant
East (County)	Rural (0-1 du/10 ac)	A-1	Vacant
South (City)	Commercial (max 0.25 FAR)	C-2	R-O-W, Retail & Billboard
West (City)	Commercial (max 0.25 FAR)	C-1	Retail & Gun Range (Shoot Straight)

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is commercial and residential. Lands to the east have single-family residential, which lands to the north are vacant. Properties to the south and west have a Future Land Use Designation of Commercial. The properties to the south contain retail uses and a billboard; abutting properties to the west are used presently for the Shoot Straight indoor gun range and firearm sales. The proposed future land use request is consistent with the adjacent future land use designations, as well as consistent with uses in the surrounding area.

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

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

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

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

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

Analysis of the character of the Property: The subject property has access to a city residential roadway (Kenneth Street), which has access to S Orange Blossom Trail. A mobile home park is located on the subject property. The vegetative communities present are urban; the soils present are St. Lucie and Zolfo-Urban Land Complex.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on August 23, 1983. The Orange County Comprehensive Plan anticipated this property being developed with potential of up to fifty-seven residential units. Because this proposed land use change is to a non-residential development, this amendment will impact the population projections in the City's Comprehensive Plan.

**CALCULATIONS:**

ADOPTED (City designation): 57 Unit(s) x 2.659 p/h = 285 persons  
PROPOSED (City designation): 0 Unit(s) x 2.659 p/h = 0 persons

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

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

1. Roadways. The subject property has access to Kenneth St, which intersects with S Orange Blossom Tr (US 441).

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 11,172 GPD
3. Projected total demand under proposed designation: 6,207 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: 25878 GPD
3. Projected total demand under proposed designation: 8276 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: 628 lbs./person/day
4. Projected LOS under proposed designation: 83 lbs./day/1000 SF
5. Improved/expansions already programmed or needed as a result of the proposed amendment:  
None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

1. Facilities serving the site: Lake Page
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.456 AC
3. Projected facility under proposed designation: N/A AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

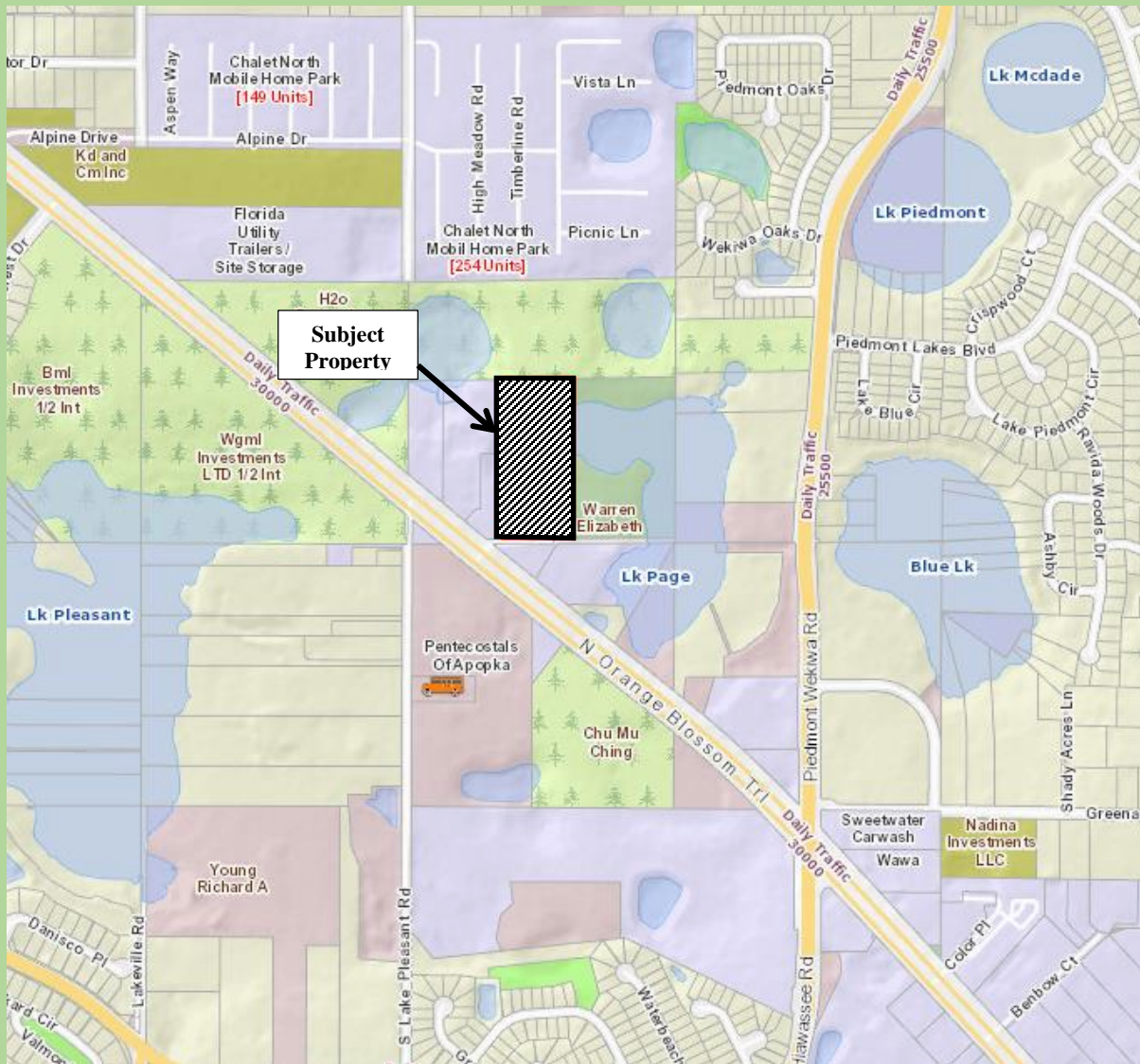
This initial review does not preclude conformance with concurrency requirements at the time of development approval.



**Marshall Howard**  
**3.8 +/- Acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: Residential High (0-15 du/ac)**  
**To: Commercial (0.25 max FAR)**  
**Proposed Change of Zoning:**  
**From: R-3 (Residential)**  
**To: C-1 (Retail Commercial)**  
**Parcel ID #: 13-21-28-5300-03-100**

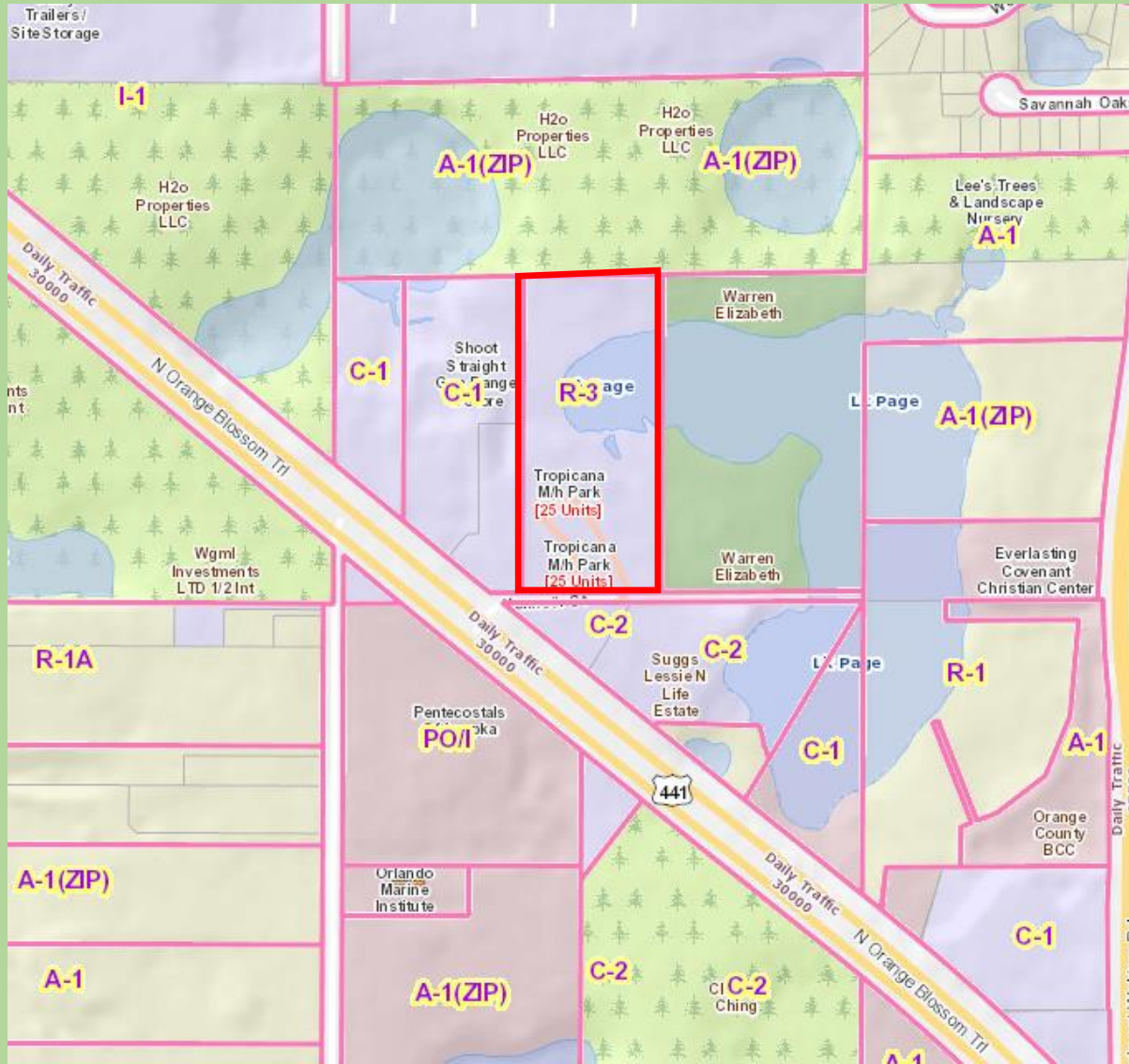


**VICINITY MAP**





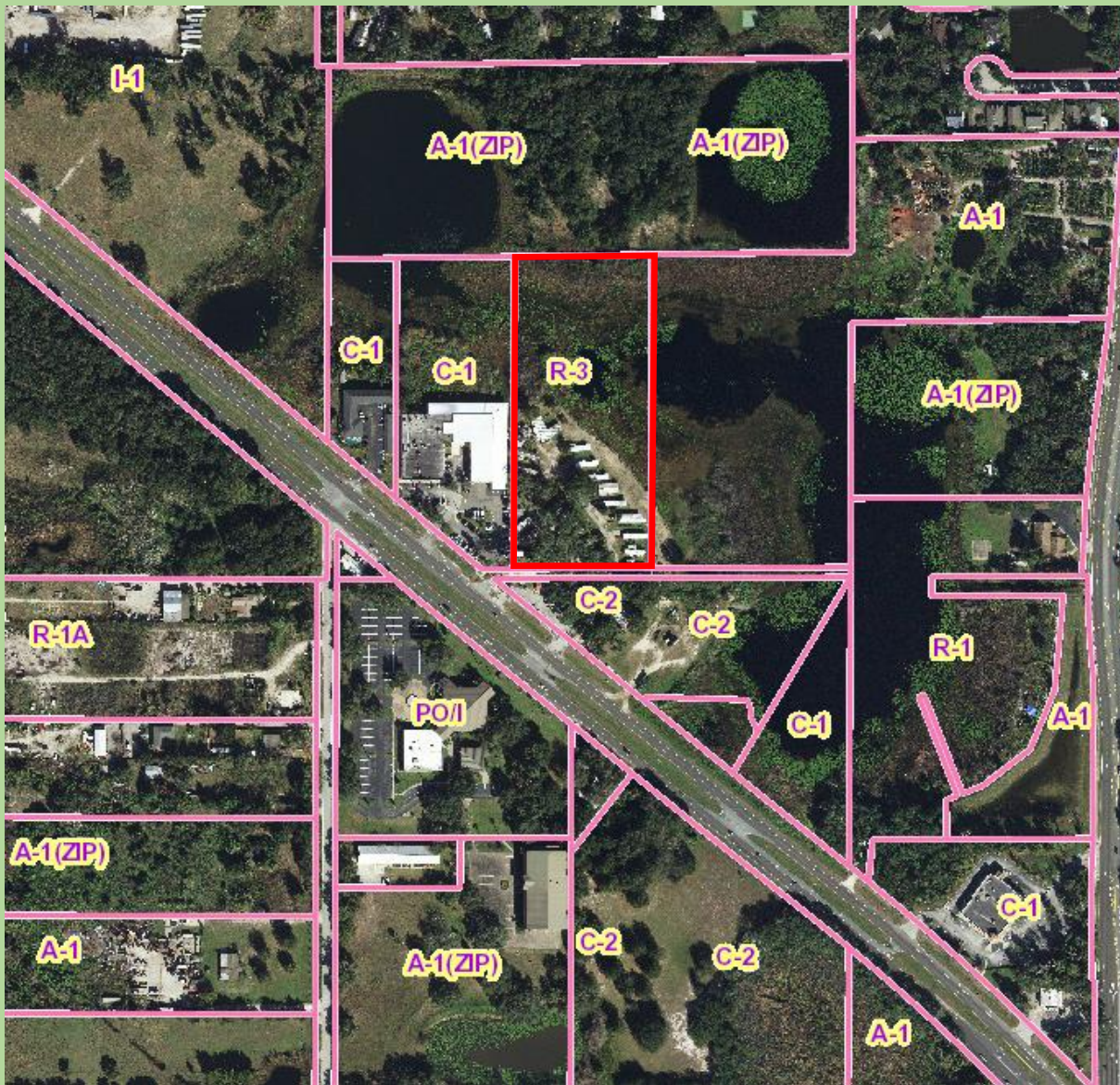
### ADJACENT ZONING







ADJACENT USES







**EXISTING USES**



**ORDINANCE NO. 2536**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL HIGH (0-15 DU/AC) TO COMMERCIAL (MAX 0.25), FOR CERTAIN REAL PROPERTY LOCATED AT 1351 TROPICANA CIRCLE, COMPRISING 3.8 ACRES MORE OR LESS, AND OWNED BY MARSHALL HOWARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2524 on November 16, 2016; and

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

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

**Section I. Purpose and Intent.**

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

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

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2524, is amended in its entirety to change the land use from Residential High (0-15 du/ac) to Commercial (Max. 0.25 FAR), for certain real property located at 1351 Tropicana Circle, comprising 3.8 acres more or less, (Parcel No. 13-21-28-5300-03-100); as further described in Exhibit "A" attached hereto.

**Section III. Applicability and Effect.**

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

**Section IV. Severability.**

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



**ORDINANCE NO. 2536**  
**PAGE 2**

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

**Section VI. Effective Date.**

This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

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

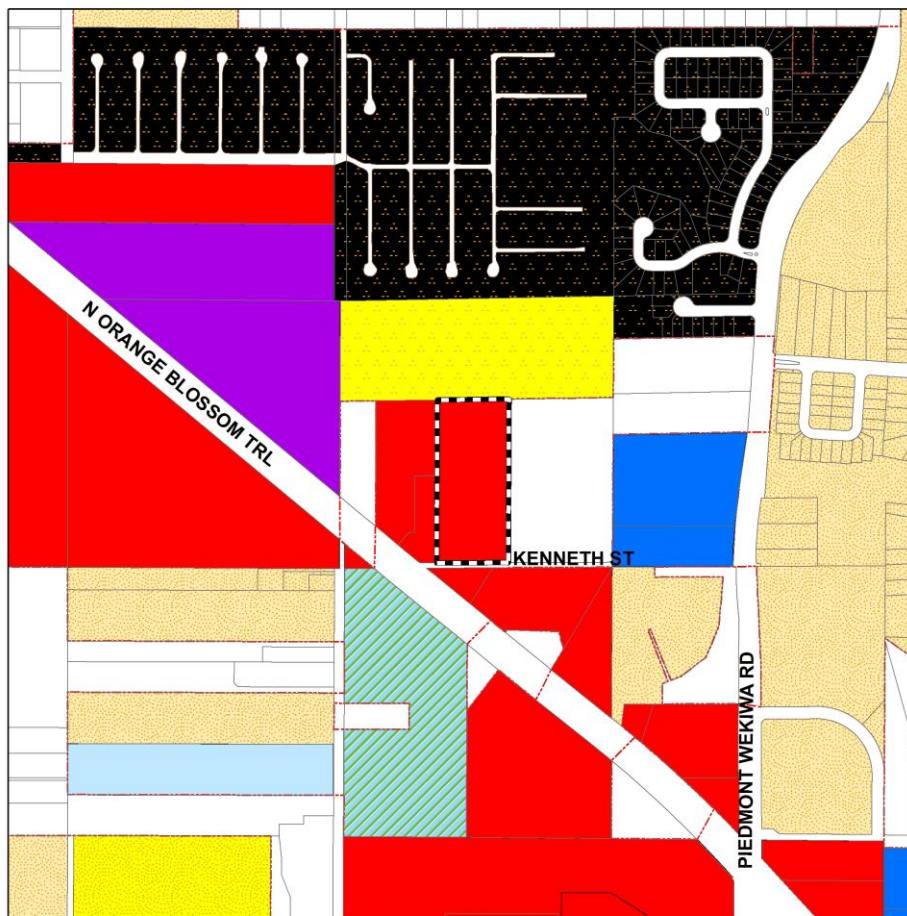
ATTEST:

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

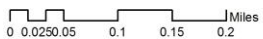
DULY ADVERTISED FOR HEARING: October 28, 2016  
December 9, 2016

ORDINANCE NO. 2536

Marshall Howard  
 3.8 +/- Acres  
 Proposed Small Scale Future Land Use Amendment:  
 From: Residential High (0-15 du/ac)  
 To: Commercial (0.25 max FAR)  
 Proposed Change of Zoning:  
 From: R-3 (Residential)  
 To: C-1 (Retail Commercial)  
 Parcel ID #: 13-21-28-5300-03-100



City of Apopka  
 Future Land Use Map



Source: City of Apopka and Orange County Property Appaisor  
 Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.  
 The City of Apopka does not assume responsibilities for errors or omissions contained hereon.

Legend	
	Subject Site
	City Boundary
	Res. Low
	JPA Boundary
Future Land Use	
	Agriculture
	Agriculture Estates
	Agriculture Homestead
	Rural Settlement
	Res. Estates
	Res. Very Low Suburban
	Res. Low Suburban
	Res. Low
	Res. Medium Low
	Res. Medium
	Res. High
	Mixed Use
	Mixed Use*
	Office
	Commercial
	Commercial*
	Industrial
	Industrial*
	Institutional/Public Use
	Conservation
	Parks/Recreation
	ANNEX



**Backup material for agenda item:**

10. Ordinance No. 2537 – Second Reading – Change of Zoning - Quasi-Judicial  
Elizabeth Florence



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: Ordinance

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Zoning Report  
 Vicinity Map  
 Adjacent Zoning Map  
 Adjacent Use Map  
 Existing Uses Map  
 Ordinance No.2537

**SUBJECT: ORDINANCE NO. 2537 – CHANGE OF ZONING – MARSHALL HOWARD**

**REQUEST: SECOND READING OF ORDINANCE NO. 2537 – CHANGE OF ZONING – MARSHALL HOWARD, FROM R-3 RESIDENTIAL) TO C-1 COMMERCIAL; (PARCEL I.D. NO. 13-21-28-5300-03-100.**

### **SUMMARY**

**OWNER/APPLICANT:** Marshall Howard c/o Khaled Akkawi  
**LOCATION:** 1351 Tropical Circle (generally located north of Kenneth Street, east of S Orange Blossom Trail).  
**EXISTING USE:** Mobile Home Park (Tropicana Mobile Home Park)  
**PROPOSED FLUM DESIGNATION:** Commercial (Max. 0.25 FAR) (NOTE: This change of zoning application is being processed in conjunction with a small scale FLUM amendment requesting Commercial (Max. 0.25 FAR).  
**CURRENT ZONING:** R-3 (Residential)  
**PROPOSED DEVELOPMENT:** Expansion of Shoot Straight indoor gun range & firearm sales (stocking space)  
**TRACT SIZE:** 3.8 +/- acres  
**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING: 58 Units  
 PROPOSED: 41,382 Sq. Ft.

### **FUNDING SOURCE:**

N/A

### **DISTRIBUTION**

Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Community Development Director

Finance Director  
 HR Director  
 IT Director  
 Police Chief

Public Services Director  
 Recreation Director  
 City Clerk  
 Fire Chief



**ADDITIONAL COMMENTS:** The subject parcel was annexed into the City of Apopka on December 16, 1992 through the adoption of Ordinance No. 751.

The applicant is requesting the City to assign a zoning classification of C-1 (Retail Commercial) to the property, consistent with the proposed Commercial (Max. 0.25 FAR) future land use designation.

A request to assign a change of zoning to C-1 (Retail) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the C-1 (Retail Commercial) zoning classification to accommodate the use of the property for the expansion of the Shoot Straight indoor gun range and firearm sales immediately adjacent to the west of the subject site. The subject properties abut a limited access highway (S.R. 414) with a planned interchange at Marden Road. This change of zoning application is being processed in conjunction with a small scale future land use amendment for Commercial (Max. 0.25 FAR). The proposed use is consistent with the proposed future land use, proposed zoning district and compatible with the general character of surrounding zoning and uses (see Land Use & Traffic Compatibility below).

The change of zoning application covers approximately 3.8 acres.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Commercial (Max. 0.25 FAR) Future Land Use designation and the City’s proposed C-1 (Retail Commercial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The request is for a non-residential zoning classification; therefore, a school capacity enhancement agreement is not required.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016.

**PUBLIC HEARING SCHEDULE:**

- November 14, 2016 – Planning Commission (5:30 pm)
- December 7, 2016 - City Council (1:30 pm) - 1st Reading
- December 21, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

- October 28, 2016 – Public Notice and Notification
- December 9, 2016 – Ordinance Heading & ¼ Page w/Map Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed change of zoning amendment consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommends adoption of the change in zoning from R-3 (Residential) to C-1 (Retail Commercial) for the property owned by Marshall Howard.

The **Planning Commission** at its meeting on November 14, 2016, recommended approval (6-0) of the Change of Zoning from R-3 (Residential) to C-1 (Retail Commercial) for property owned by Marshall Howard located at 1351 Tropical Circle, subject to the findings of the staff report.

The **City Council**, at its meeting on December 7, 2016, accepted the First Reading of Ordinance No. 2537 and held it over for second reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2537.

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

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Medium (0-10 du/ac)	A-1 (ZIP)	Vacant
East (County)	Rural (0-1 du/10 ac)	A-1	Vacant
South (City)	Commercial (max 0.25 FAR)	C-2	R-O-W, Retail & Billboard
West (City)	Commercial (max 0.25 FAR)	C-1	Retail & Gun Range (Shoot Straight)

**LAND USE & TRAFFIC  
 COMPATIBILITY:**

The subject property fronts and is accessed by a local roadway (Kenneth Street), which has access to S Orange Blossom Trail.

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed C-1 (Retail Commercial) zoning is consistent with the City’s Commercial (Max. 0.25 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The C-1 (Retail Commercial) zoning classification is one of the acceptable zoning categories allowed within the proposed Commercial Future Land Use Designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**C-1 DISTRICT  
 REQUIREMENTS:**

- Minimum Living Area: NA
- Minimum Site Area: 10,000 sq. ft.
- Minimum Lot Width 100 ft.
- Setbacks: Front: 10 ft. (From property line)
- Rear: 10 ft. (30 ft. from residential)
- Side: 10 ft.
- Corner 15 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the C-1 (Retail Commercial) district.

**BUFFERYARD  
 REQUIREMENTS:**

1. Areas adjacent to all road rights-of-way shall provide a minimum ten-foot landscaped bufferyard.
2. Areas adjacent to agricultural and residential uses or districts shall provide a minimum six-foot-high masonry wall within a ten-foot landscaped bufferyard.
3. Areas adjacent to nonresidential uses or districts shall provide a minimum five-foot landscaped bufferyard.

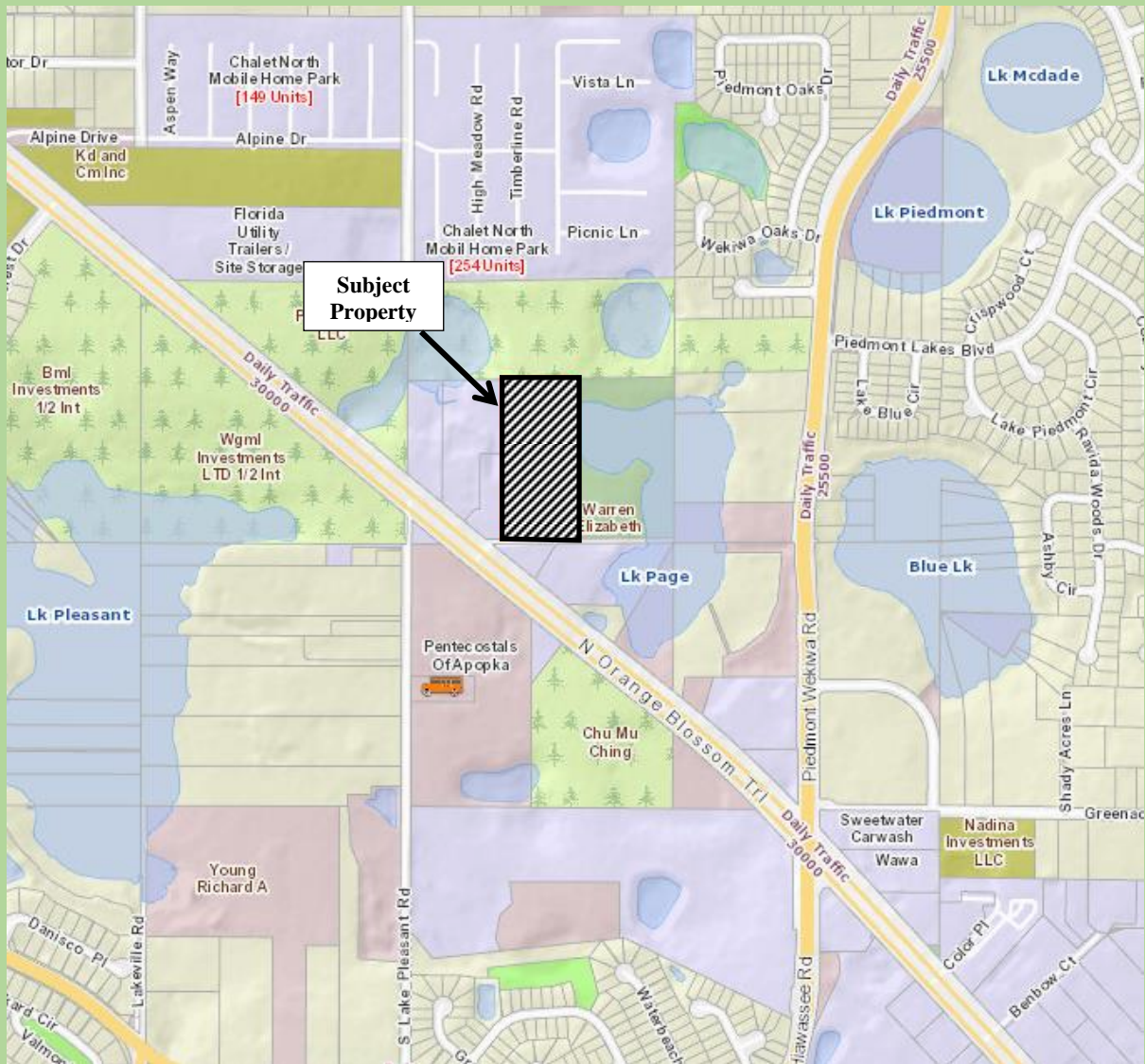
**ALLOWABLE  
USES:**

Any nonresidential permitted use in the PO/I or CN districts. Retail establishments, banks, savings and loan and other financial institutions. Bowling alleys, skating rinks, billiard parlors and similar amusement centers, provided such activities and facilities are enclosed within a sound-proof building. Churches and schools, day nurseries, kindergartens and other child care centers. Restaurants, hotels/motels, bed and breakfast facilities and other uses which are similar and compatible to the uses permitted herein which adhere to the intents of the district and which are not prohibited.

**Marshall Howard**  
**3.8 +/- Acres**  
**Proposed Small Scale Future Land Use Amendment:**  
**From: Residential High (0-15 du/ac)**  
**To: Commercial (0.25 max FAR)**  
**Proposed Change of Zoning:**  
**From: R-3 (Residential)**  
**To: C-1 (Retail Commercial)**  
**Parcel ID #: 13-21-28-5300-03-100**



**VICINITY MAP**

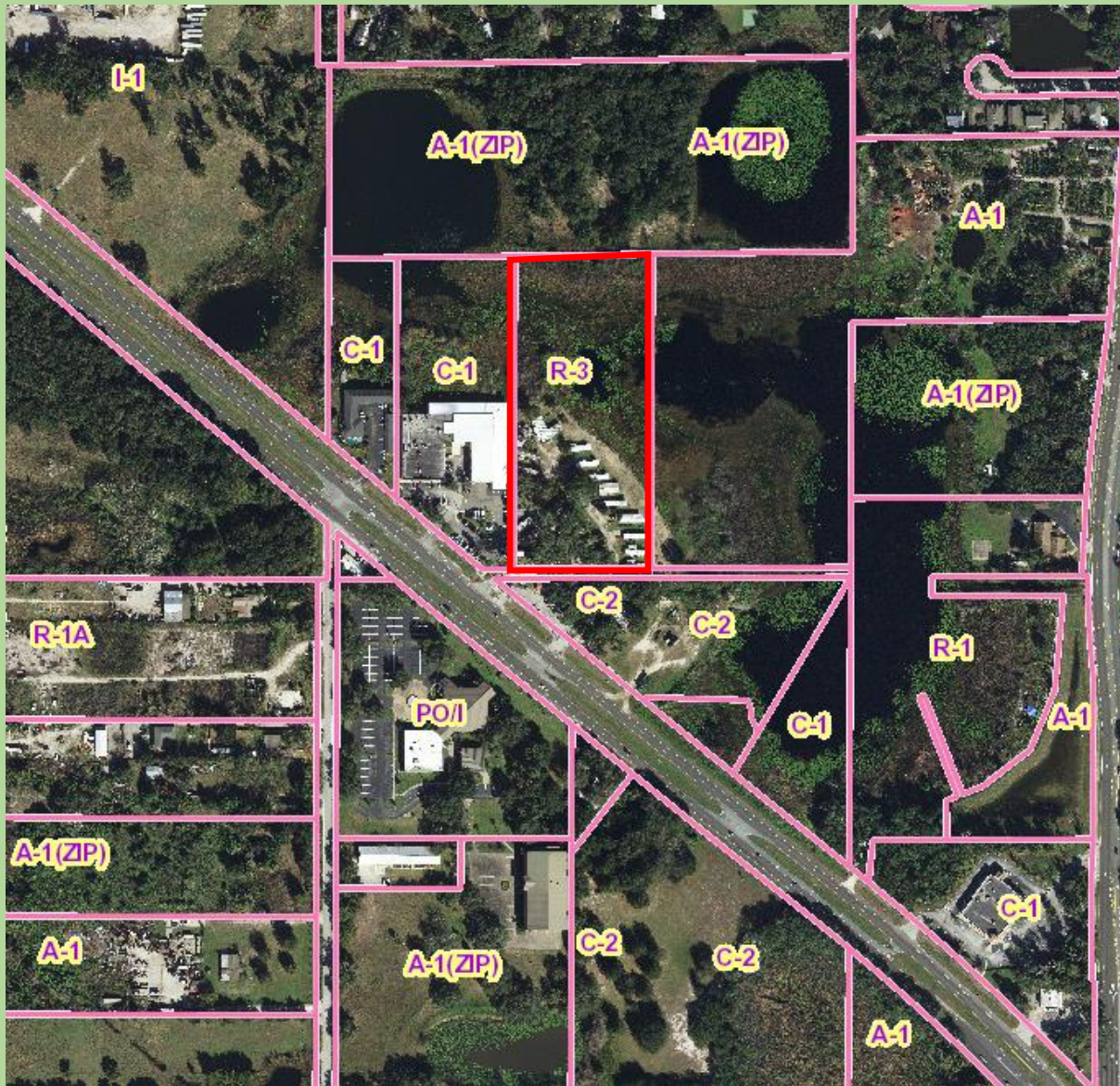








### ADJACENT USES







**EXISTING USES**



**ORDINANCE NO. 2537**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-3 (RESIDENTIAL) TO C-1 (RETAIL COMMERCIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF ORANGE BLOSSOM TRAIL, NORTH OF KENNETH STREET, COMPRISING 3.8 ACRES MORE OR LESS, AND OWNED BY MARSHALL HOWARD; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the proposed C-1 (Retail Commercial) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

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

Legal Description:

F B LYNCHS SUB H/88 LOTS 10 THROUGH 16 & UNPLATTED PORTION  
LYING N OF SAID LOTS BLK C Parcel I.D: 13-21-28-5300-01-100  
Contains: 3.8 +/- Acres

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

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

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

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

**Section VI.** That this Ordinance shall take effect upon adoption of Ordinance No. 2536.

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

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

ATTEST:

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

DULY ADVERTISED:      October 28, 2016  
   December 9, 2016



**Backup material for agenda item:**

11. Ordinance No. 2538 – Second Reading – Small Scale Future Land Use Amendment - Legislative Wilkes

Kyle



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Land Use Report  
 Vicinity Map  
 Adjacent Zoning Map  
 Adjacent Uses Map  
 Existing Uses Map  
 Ordinance No. 2538

**SUBJECT:**           **ORDINANCE NO. 2538 – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – PROPERTY INDUSTRIAL ENTERPRISES, LLC**

**REQUEST:**           **SECOND READING OF ORDINANCE NO. 2538 – SMALL SCALE – FUTURE LAND USE AMENDMENT – PROPERTY INDUSTRIAL ENTERPRISES, LLC – FROM “COUNTY” LOW-MEDIUM DENSITY RESIDENTIAL (0-10 DU/AC) TO “CITY” INDUSTRIAL (MAX. 0.6 FAR) (PARCEL ID NOS. 09-21-28-0868-01-230; 09-21-28-0868-01-240).**

**SUMMARY:**

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

LOCATION:                   202 South Hawthorne Ave & 300 West 2<sup>nd</sup> Street (South of West 2<sup>nd</sup> Street, west of South Hawthorne Avenue, and south of West Orange Blossom Trail/CSX Railroad Line)

EXISTING USE:             Vacant

CURRENT ZONING:        “County” R-2 (ZIP)

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

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

TRACT SIZE:              0.74 +/- acre

MAXIMUM ALLOWABLE DEVELOPMENT:   EXISTING: 2 Residential Units (subject properties are platted as 2 lots)  
 PROPOSED: 10,977 Sq. Ft.

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** The subject parcel was annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinances No. 241 and 2462. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign an I-1 (Restricted Industrial) zoning category to the Property is being processed in conjunction with this future land use amendment request for an Industrial designation. The FLUM amendment application covers approximately 0.74 acres, exceeding the minimum development site area of 15,000 sq. ft. Abutting lands to the north, west and south are already owned by the same property owner as the applicant and assigned an Industrial FLUM designation. After a Future Land Use Designation and Zoning Category are assigned to the subject property, property owner intends to incorporate them into the abutting industrial park under the same ownership. The property owner intends to use the subject site for industrial, commercial or office development consistent with Industrial FLUM designation and I-1 zoning category.

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

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

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

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016.

**PUBLIC HEARING SCHEDULE:**

- November 14, 2016 – Planning Commission (5:30 pm)
- December 7, 2016 - City Council (1:30 pm) - 1st Reading
- December 21, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

- October 28, 2016 – Public Notice and Notification
- December 9, 2016 – Ordinance Heading & ¼ Page w/Map Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (0.6 FAR) for the property owned by Property Industrial Enterprises, LLC, and located at 202 South Hawthorne Avenue and 300 West 2<sup>nd</sup> Street.

The **Planning Commission**, at its meeting on November 14, 2106, found that the future land use amendment consistent with the Comprehensive Plan and recommended adoption of the small scale future land use amendment from “County” Low Medium Residential (0-10 du/ac) to “City” Industrial (max 0.60 FAR), for properties owned by Property Industrial Enterprises, LLC and located at 202 South Hawthorne Avenue and 300 West 2<sup>nd</sup> Street.

The **City Council**, at its meeting on December 7, 2016, accepted the First Reading of Ordinance No. 2538 and held it over for Second Reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2538.

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



**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Industrial	I-1	Vacant Industrial\railroad tracks
East (City)	Commercial (max 0.25 FAR)	C-2	Hawthorne Ave. & Church
South (City)	Industrial	I-1	Vacant Industrial
West (City)	Industrial	I-1	Vacant Industrial

**II. LAND USE ANALYSIS**

The general character of the area surrounding the subject property is industrial and commercial. Lands on the east side of Hawthorne Avenue are assigned a Commercial FLUM designation. A Future Land Use Designation of Industrial (0.6 FAR) is assigned to the properties on the north, south and west sides, making the proposed Future Land Use Designation of Industrial (0.6 FAR) compatible with adjacent land uses and the general character of the surrounding area.

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

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

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

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

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

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

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

**CALCULATIONS:**

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

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

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

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

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 392 GPD
3. Projected total demand under proposed designation: 1647 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: 908 GPD
3. Projected total demand under proposed designation: 2195 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: 20 lbs./person/day
4. Projected LOS under proposed designation: 22 lbs./day/1000 SF
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.063 AC
3. Projected facility under proposed designation: 0.015 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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

**Property Industrial Enterprises, LLC**  
**0.74 +/- Acre**  
**Existing Maximum Allowable Development: 2 residential dwelling units**  
**Proposed Maximum Allowable Development: 10,977 Sq. Ft.**  
**Proposed Small Scale Future Land Use Change**  
**From: “County” Low-Medium Density Residential (0-10 du/ac)**  
**To: “City” Industrial (0.30 FAR)**  
**Proposed Zoning Change**  
**From: “County” R-2 (ZIP)**  
**To: “City” I-1 (Restricted Industrial)**  
**Parcel ID #s: 09-21-28-0868-01-230 & 09-21-28-0868-01-240**

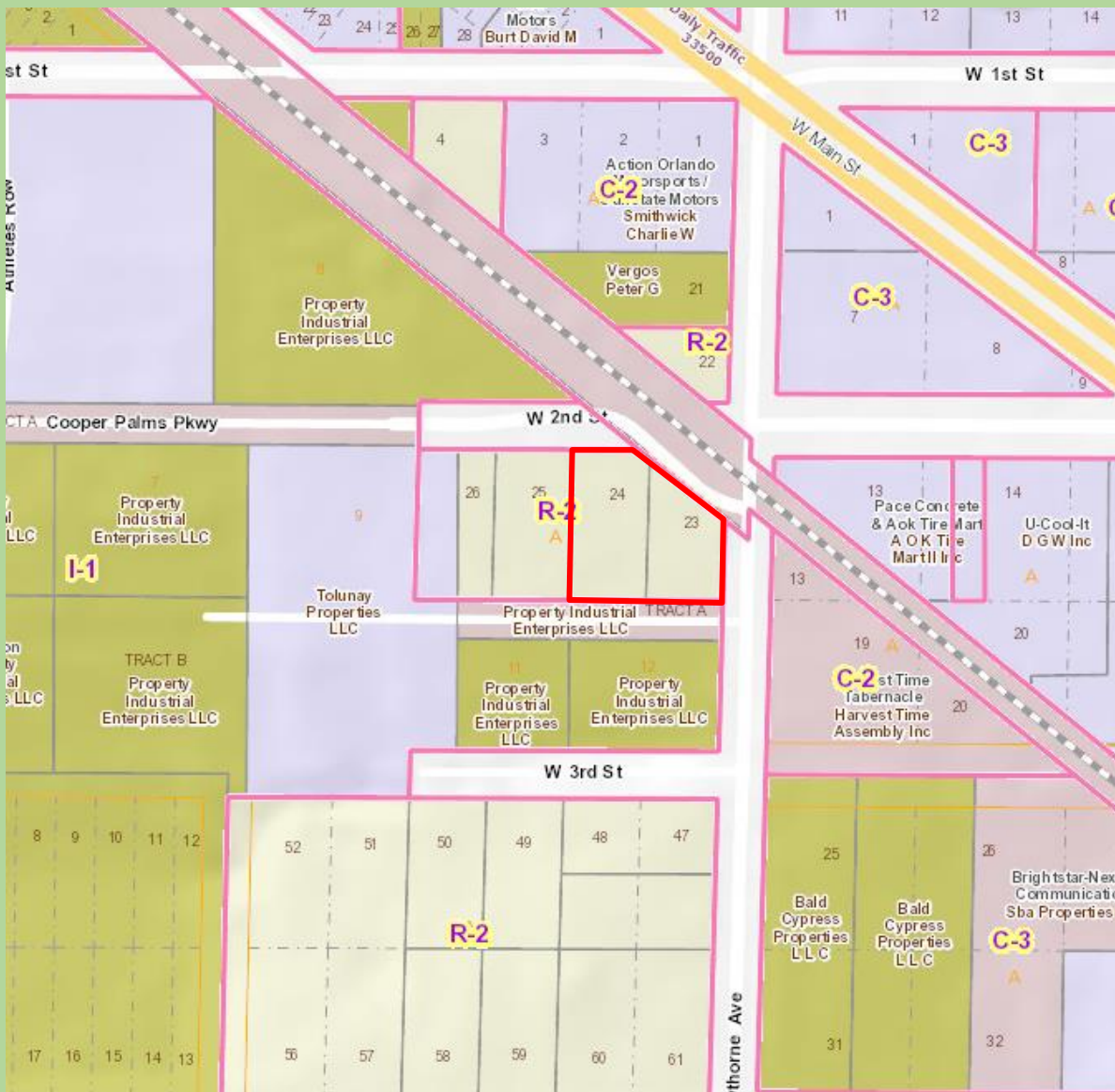
### VICINITY MAP





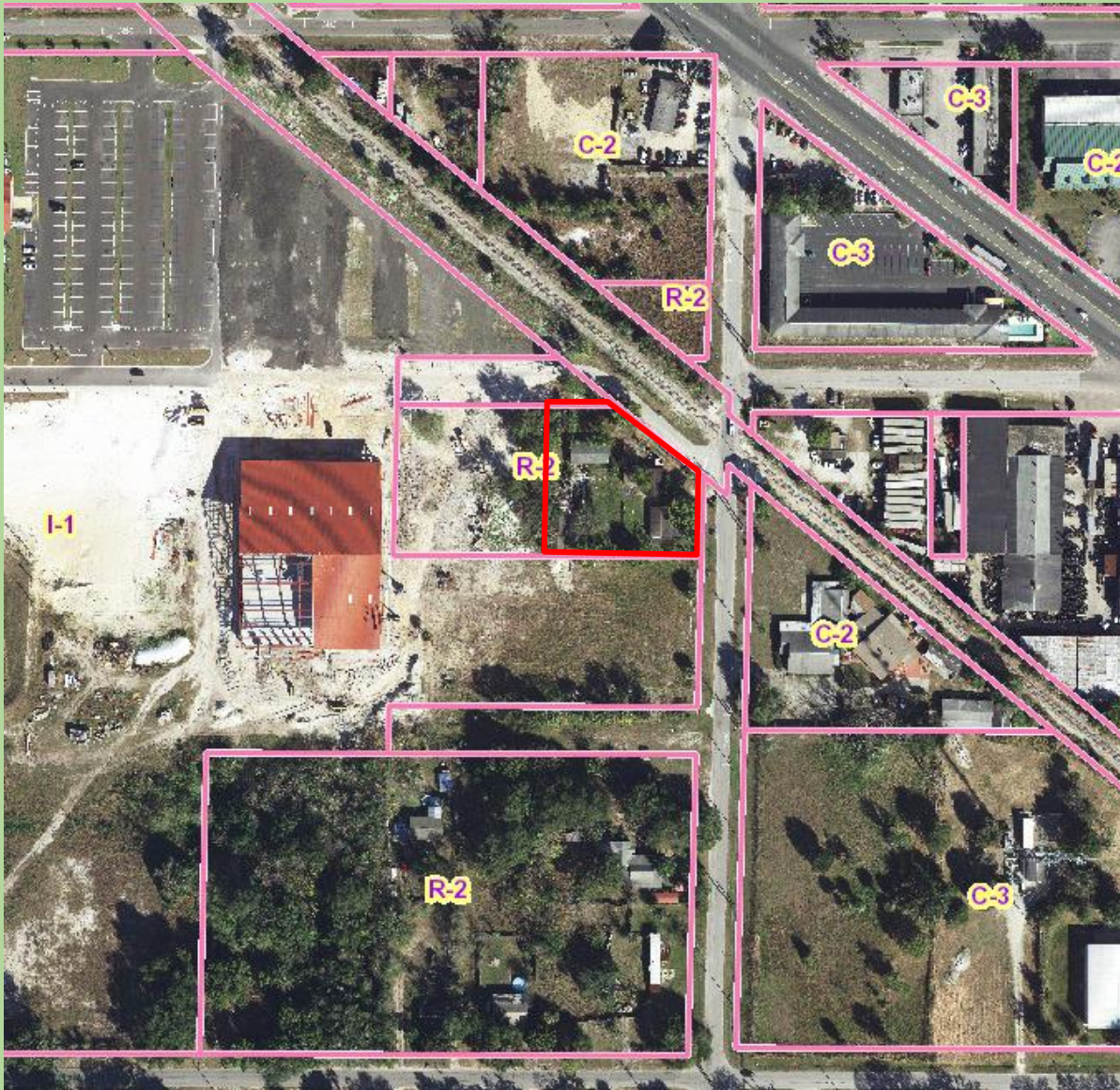


## ADJACENT ZONING





### ADJACENT USES







## EXISTING USES



**ORDINANCE NO. 2538**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” LOW-MEDIUM DENSITY RESIDENTIAL (0-10 DU/AC) TO “CITY” INDUSTRIAL (MAX 0.6), FOR CERTAIN REAL PROPERTY LOCATED AT 202 S HAWTHORNE AVE AND 300 W 2<sup>ND</sup> STREET, COMPRISING 0.74 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2524 on November 16, 2016; and

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

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

**Section I. Purpose and Intent.**

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

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

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2524, is amended in its entirety to change the land use from “County” Low-Medium Density Residential (0-10 du/ac) to “City” Industrial (Max. 0.6 FAR), for certain real property located at 202 South Hawthorne Ave & 300 W West 2<sup>nd</sup> Street, comprising 0.74 acres more or less, (Parcel No. 09-21-28-0868-01-230 & 09-21-28-0868-01-240); as further described in Exhibit “A” attached hereto.

**Section III. Applicability and Effect.**

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

**Section IV. Severability.**

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

**ORDINANCE NO. 2538**  
**PAGE 2**

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

**Section VI. Effective Date.**

This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

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

ATTEST:

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

DULY ADVERTISED FOR HEARING: October 28, 2016  
December 9, 2016



ORDINANCE NO. 2538

Property Industrial Enterprises, LLC  
0.74 +/- Acre

Existing Maximum Allowable Development: 2 residential dwelling units

Proposed Maximum Allowable Development: 10,977 Sq. Ft.

Proposed Small Scale Future Land Use Change

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

To: "City" Industrial (0.60 FAR)

Proposed Zoning Change

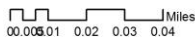
From: "County" R-2 (ZIP)

To: "City" I-1 (Restricted Industrial)

Parcel ID #s: 09-21-28-0868-01-230 & 09-21-28-0868-01-240



City of Apopka  
Future Land Use Map



Source: City of Apopka and Orange County Property Appaisor  
Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.  
The City of Apopka does not assume responsibilities for errors or omissions contained hereon.

Legend

- Subject Site
- City Boundary
- JPA Boundary
- LAND USE
- Agriculture
- Agriculture Estates
- Agriculture Homestead
- Rural Settlement
- Res. Estates
- Res. Very Low Suburban
- Res. Low Suburban
- Res. Low
- Res. Medium Low
- Res. Medium
- Res. High
- Mixed Use
- Mixed Use\*
- Office
- Commercial
- Commercial\*
- Industrial
- Industrial\*
- Institutional/Public Use
- Conservation
- Parks/Recreation
- ANNEX



**Backup material for agenda item:**

12. Ordinance No. 2539 – Second Reading – Change of Zoning - Quasi-Judicial  
Wilkes

Kyle



# CITY OF APOPKA CITY COUNCIL

       CONSENT AGENDA  
  X   PUBLIC HEARING  
       SPECIAL REPORTS  
  X   OTHER: Ordinance

MEETING OF: December 21, 2016  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Use Map  
Existing Uses Map  
Ordinance No.2539

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**SUBJECT:           ORDINANCE NO. 2539 – CHANGE OF ZONING – PROPERTY INDUSTRIAL ENTERPRISES, LLC**

**REQUEST:           SECOND READING OF ORDINANCE NO. 2539 – CHANGE OF ZONING – PROPERTY INDUSTRIAL ENTERPRISES, LLC, FROM “COUNTY” R-2 (ZIP) TO “CITY” I-1 (RESTRICTED INDUSTRIAL); (PARCEL I.D. NOS. 09-21-28-0868-01-230 & 09-21-28-0868-01-240.**

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**SUMMARY**

OWNER/APPLICANT:       Property Industrial Enterprises, LLC, c/o Michael Cooper  
LOCATION:                   202 S Hawthorne Street & 300 W 2<sup>nd</sup> Street  
EXISTING USE:             Vacant Residential  
PROPOSED LAND USE:       Industrial (max 0.60 FAR)  
CURRENT ZONING:         “County” R-2 (ZIP)  
PROPOSED DEVELOPMENT:   Industrial, Commercial or Office Development consistent with I-1 (Restricted Industrial) zoning  
TRACT SIZE:              0.74 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:   2 Residential Units (subject properties are platted as two lots)  
PROPOSED:                14,505 Sq. Ft.

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**FUNDING SOURCE:**

N/A

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**DISTRIBUTION**

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

**CITY COUNCIL – DECEMBER 21, 2016**  
**PROPERTY INDUSTRIAL ENTERPRISES, LLC – CHANGE OF ZONING**  
**PAGE 2**

**ADDITIONAL COMMENTS:** The subject parcels were annexed into the City of Apopka on December 2, 2015, through the adoption of Ordinances No. 2461 and 2462.

The proposed change of zoning is being requested by the owner/applicant. Presently, the subject property has not yet been assigned a “City” zoning category. Applicant is requesting the City to assign a zoning classification of I-1 (Restricted Industrial) to the property.

A request to assign a change of zoning to I-1 (Restricted Industrial) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the I-1 zoning classification to accommodate the use of the property for light industrial, commercial or office development allowed under the I-1 zoning district. This use is consistent with the proposed Industrial Future Land Use Designation, proposed zoning district and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 0.74 acres.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed use of the property is consistent with the Industrial (max 0.60 FAR) Future Land Use designation and the City’s proposed I-1 (Restricted Industrial) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed rezoning is to a non-residential zoning district and, therefore, a capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016

**PUBLIC HEARING SCHEDULE:**

- November 14, 2016 – Planning Commission (5:30 pm)
- December 7, 2016 - City Council (1:30 pm) - 1st Reading
- December 21, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

- October 28, 2016 – Public Notice and Notification
- December 9, 2016 – Ordinance Heading & ¼ Page w/Map Ad



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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and the Land Development Code recommends adoption of the change in Zoning from “County” R-2 (ZIP) to “City” I-1 (Restricted Industrial), subject to the adoption of the associated small scale future land use amendment, for the property owned by Property Industrial Enterprises, LLC, c/o Michael Cooper.

The **Planning Commission**, at its meeting on November 14, 2016, found the change of zoning to “City” I-1 (Restricted Industrial) consistent with the Comprehensive Plan and Land Development Code; and recommended adoption (6-0); subject to adoption of the Proposed Future Land Use Designation.

The **City Council**, at its meeting on December 7, 2016, accepted the First Reading of Ordinance No. 2539 and held it over for Second Reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2539.

**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)	Industrial	I-1	Vacant Industrial\railroad tracks
East (City)	Commercial (max 0.25 FAR)	C-2	Hawthorne Ave. & Church
South (City)	Industrial	I-1	Vacant Industrial
West (City)	Industrial	I-1	Vacant Industrial

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (W 2<sup>nd</sup> Street) and a city minor collector (S Hawthorne Avenue). The proposed I-1 (Restricted Industrial) zoning district is consistent and compatible with the adjacent zoning classifications and uses within the surrounding area. Properties owned by the same owner to the, north, west and south are zoned I-1, and properties to the east, across S Hawthorne Ave., are used for an institutional use (church) and zoned C-3 (Wholesale Commercial).

**COMPREHENSIVE  
 PLAN COMPLIANCE:**

The proposed I-1 zoning is consistent with the City’s Industrial (max 0.60 FAR) Future Land Use designation and with the character of the surrounding area and future proposed development. The I-1 zoning classification is one of the acceptable zoning categories allowed within the Industrial Land Use category. 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. (30 ft. to residential)
- Side: 10 ft.
- Corner 25 ft.

Based on the above zoning standards, the subject parcels comply with code requirements for the I-1 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 50-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.

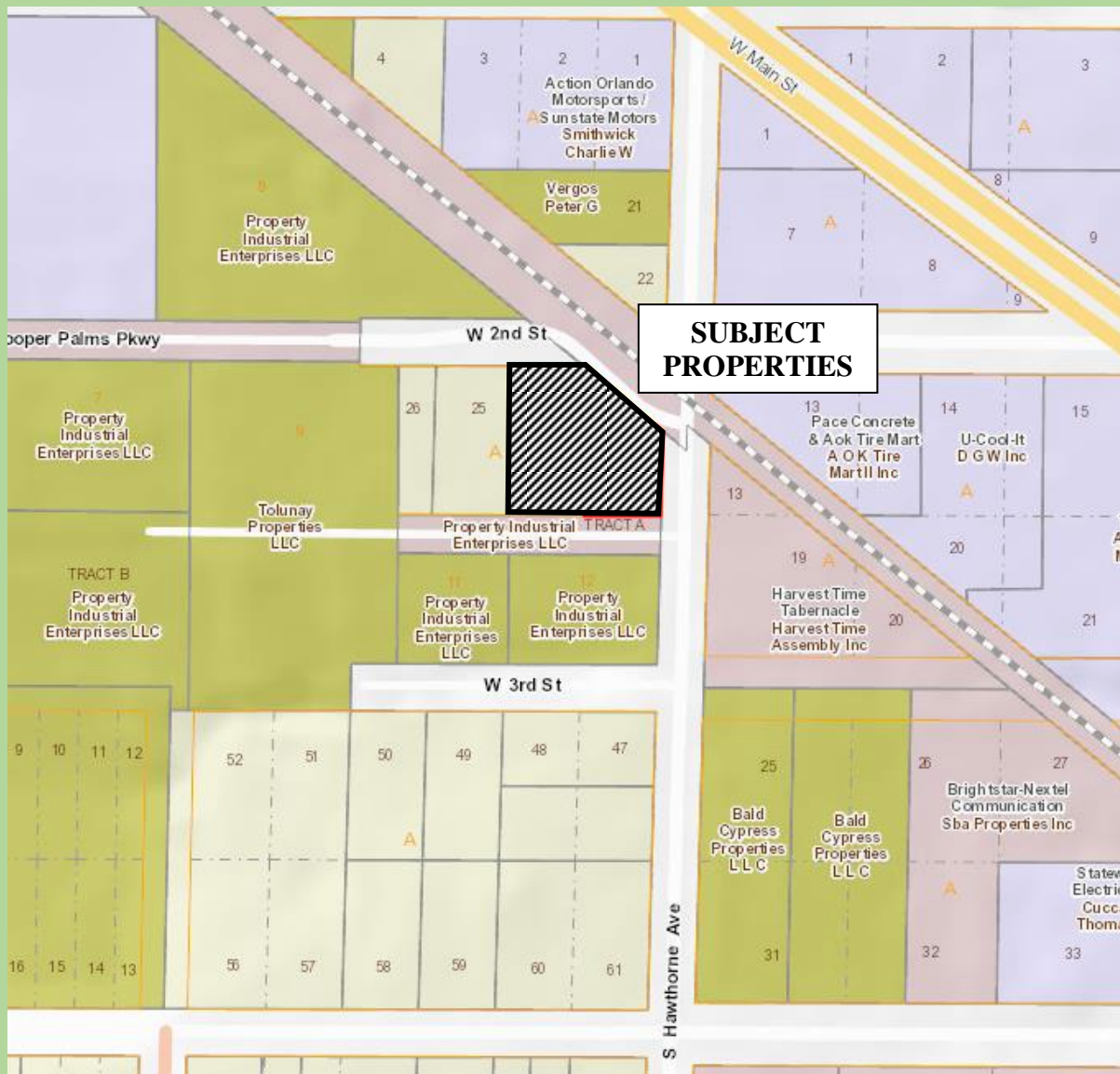
**ALLOWABLE  
USES:**

Any C-3 Commercial District permitted use and wholesale distribution, storage and light manufacturing, including: manufacture and processing of novelties, bakery and confectionary products, garments, scientific, electrical, instruments or equipment. Bus, cab and truck repair. Dyeing, dry cleaning and laundering. Machinery sales and machine shops. Cold storage and frozen food lockers. All other uses not prohibited, and similar and compatible to those within the I-1 Restricted Industrial Zoning District.

Property Industrial Enterprises, LLC  
0.74 +/- Acre  
Existing Maximum Allowable Development: 2 residential dwelling units  
Proposed Maximum Allowable Development: 10,977 Sq. Ft.  
Proposed Small Scale Future Land Use Change  
From: "County" Low-Medium Density Residential (0-10 du/ac)  
To: "City" Industrial (0.30 FAR)  
Proposed Zoning Change  
From: "County" R-2 (ZIP)  
To: "City" I-1 (Restricted Industrial)  
Parcel ID #s: 09-21-28-0868-01-230 & 09-21-28-0868-01-240



VICINITY MAP





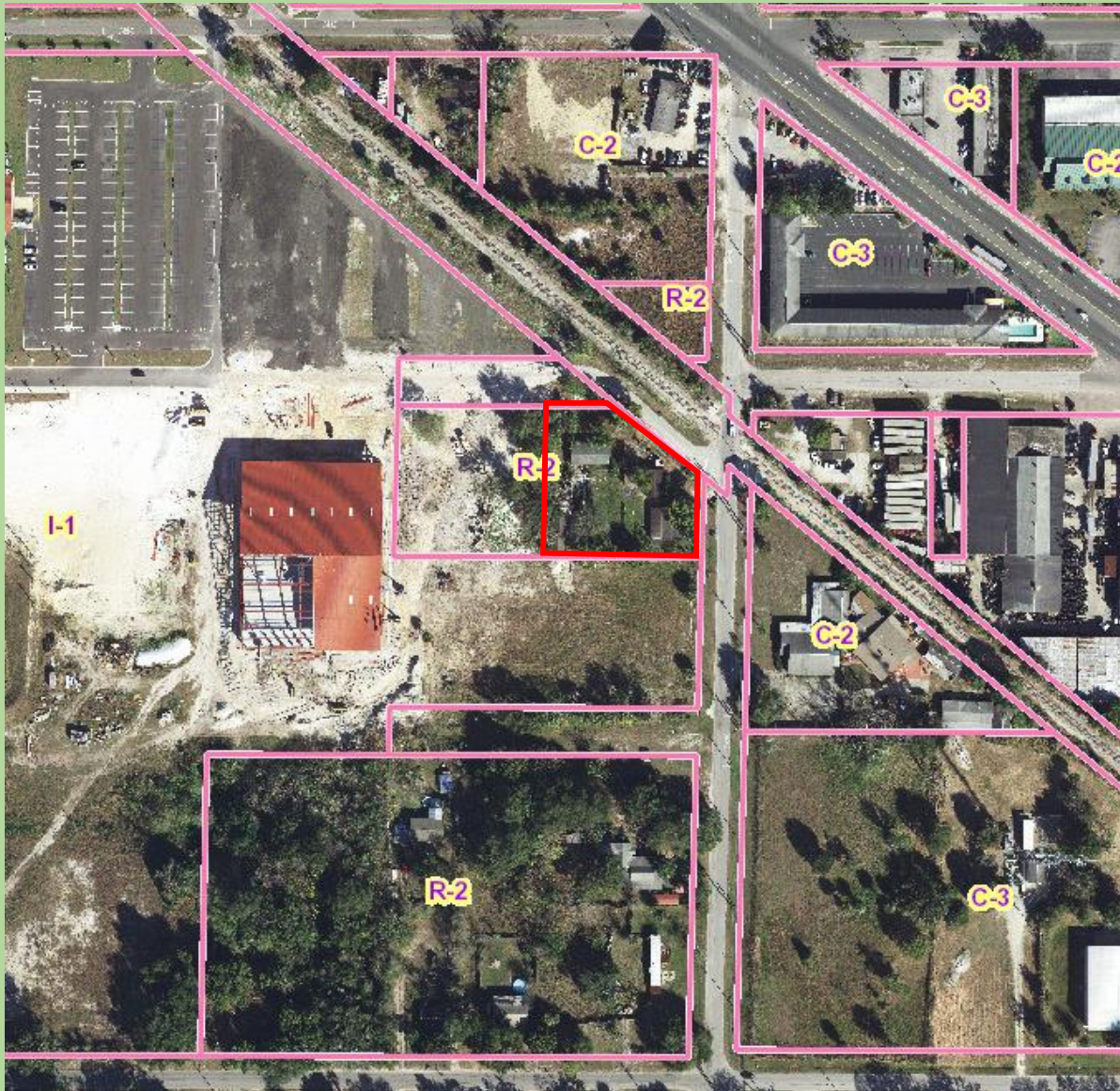
**ADJACENT ZONING**







### ADJACENT USES







**EXISTING USES**



**ORDINANCE NO. 2539**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-2 (ZIP) TO I-1 (RESTRICTED INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HAWTHORNE AVENUE, SOUTH OF 2<sup>ND</sup> STREET, COMPRISING 0.74 ACRES MORE OR LESS, AND OWNED BY PROPERTY INDUSTRIAL ENTERPRISES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the proposed I-1 (Restricted Industrial) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

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

Legal Description:

BRADSHAW AND THOMPSONS ADDITION TO APOPKA CITY B/25 LOT 23 (LESS RR R/W) BLK A; AND BRADSHAW AND THOMPSONS ADDITION TO APOPKA CITY B/25 LOT 24 BLK A (LESS R/W  
Parcel I.D: 09-21-28-0868-01-230 & 09-21-28-0868-01-234  
Contains: 0.74 +/- Acres

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

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

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

**ORDINANCE NO. 2539**

**PAGE 2**

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

**Section VI.** That this Ordinance shall take effect upon adoption of Ordinance No. 2538.

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

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

ATTEST:

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

DULY ADVERTISED:      October 28, 2016  
   December 9, 2016

**Backup material for agenda item:**

13. Ordinance No. 2540 – Second Reading – Change of Zoning - Quasi-Judicial  
Elizabeth Florence





# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21, 2016  
 FROM: Community Development  
 EXHIBITS: Zoning Report  
 Vicinity Map  
 Adjacent Zoning  
 Adjacent Uses  
 Existing Uses  
 Ordinance No. 2540

**SUBJECT: ORDINANCE NO. 2540 – CHANGE OF ZONING – SOUTH PASS LLC**

**REQUEST: SECOND READING OF ORDINANCE NO. 2540 – CHANGE OF ZONING – SOUTH PASS LLC, FROM “COUNTY” A-1 (RURAL) TO “CITY” RCE-1 (RESIDENTIAL) (PARCEL I.D. NO. 29-20-28-0000-00-034).**

**SUMMARY:**

OWNER/APPLICANT: South Pass LLC

LOCATION: 2228 Vick Rd.

EXISTING USE: Vacant

CURRENT LAND USE: Residential Low Suburban (0-3.5 du/ac)

CURRENT ZONING: “County” A-1 (ZIP)

PROPOSED ZONING: “City” RCE-1 (Residential Country Estates 1)

PROPOSED DEVELOPMENT: Single-family residential

TRACT SIZE: 4.77 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Dwelling Unit  
 PROPOSED: 4 Dwelling Units

**FUNDING SOURCE:**

N/A

**DISTRIBUTION**

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

**ADDITIONAL COMMENTS:** Presently, the subject property has not yet been assigned a “City” zoning category. The applicant is requesting the City to assign a zoning classification of RCE-1 (Residential Country Estates 1) to the property.

The subject property was annexed into the City of Apopka on August 6, 2008, through the adoption of Ordinance No. 2042.

A request to assign a change of zoning to RCE-1 (Residential Country Estates 1) is compatible to the adjacent zoning classifications and with the general character of abutting properties and surrounding area. The property owner is requesting the RCE-1 zoning classification to split the lot and develop two single-family residences. The proposed use is consistent with the existing Residential Low Suburban FLUM designation and compatible with the general character of surrounding zoning and uses.

The change of zoning application covers approximately 4.77 +/- acres.

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

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed use of the property is consistent with the proposed Residential Low Suburban (0-3.5 du/ac) Future Land Use designation and the City’s proposed RCE-1 (Residential Country Estates 1) Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** The proposed change of zoning will not result in additional units above the number required for school capacity determination and, therefore, is considered de minimus.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 14, 2016.

**PUBLIC HEARING SCHEDULE:**

- November 14, 2016 - Planning Commission (5:30 pm)
- December 7, 2016 - City Council (1:30 pm) - 1st Reading
- December 21, 2016 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

- October 28, 2016 – Public Notice and Notification
- December 9, 2016 – Ordinance Heading Ad w/Map/¼ Page w/Map Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan, Land Development Code and compatible with the character of the surrounding area, and recommends approval of the change in zoning from “County” A-1 (ZIP) to “City” RCE-1 (Residential County Estates 1) for the property owned by South Pass LLC and located at 2228 Vick Road.

The **Planning Commission**, at its meeting on November 14, 2106, found the proposed rezoning consistent with the Comprehensive Plan and Land Development Code and recommended adoption of the change of zoning from “County” A-1 (ZIP) to “City” RCE-1 (Residential Country Estates 1), for property owned by South Pass LLC and located at 2228 Vick Road.

The **City Council**, at its meeting on December 7, 2016, accepted the First Reading of Ordinance No. 2540 and held it over for Second Reading and Adoption on December 21, 2016.

Adopt Ordinance No. 2540.

**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)	Institutional/Public Use	PO/I	City Retention Pond
East (County)	Rural (0-1 du/10 ac)	A-1	Vacant
South (City)	Residential Low (0-5 du/ac)	PUD	Spring Ridge HOA easement and open space
West (City)	Residential Low (0-5 du/ac)	PUD	Single-family homes (Spring Ridge subdivision)

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a city collector (Vick Rd). The proposed RCE-1 zoning district is consistent with the existing Future Land Use designation, and is compatible with the zoning and uses in the surrounding area. The subject property is adjacent to R-O-W (Vick Rd.) and vacant “County” A-1 rural zoning to the east, and PUD zoning and the Spring Ridge subdivision to the west. The subject parcel abuts a City retention pond with PO/I zoning to the north and a Spring Ridge HOA easement and retention pond to the south. The proposed RCE-1 zoning classification, which requires a minimum lot size of one (1) acre, as well as the proposed use for two single-family residences would serve as a transition from the rural zoning to the east and single-family residential to the west.

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed RCE-1 (Residential Country Estates 1) zoning is consistent with the existing Residential Low Suburban (0-3.5 du/ac) Future Land Use designation and with the character of the surrounding area and future proposed development. The proposed RCE-1 (Residential Country Estates 1) zoning classification is one of the acceptable zoning categories allowed within the Residential Low Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**RCE-1 DISTRICT REQUIREMENTS:**

- Minimum Living Area: 2,200 sq. ft.
- Minimum Site Area: 1 acre
- Minimum Lot Width 130 ft.
- Setbacks: Front: 35 ft.
- Rear: 30 ft.
- Side: 15 ft.
- Corner 35 ft.

Based on the above zoning standards, the subject parcel complies with code requirements for the RCE-1 zoning district.



**BUFFERYARD  
REQUIREMENTS:**

1. Developments shall have a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis.
2. Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

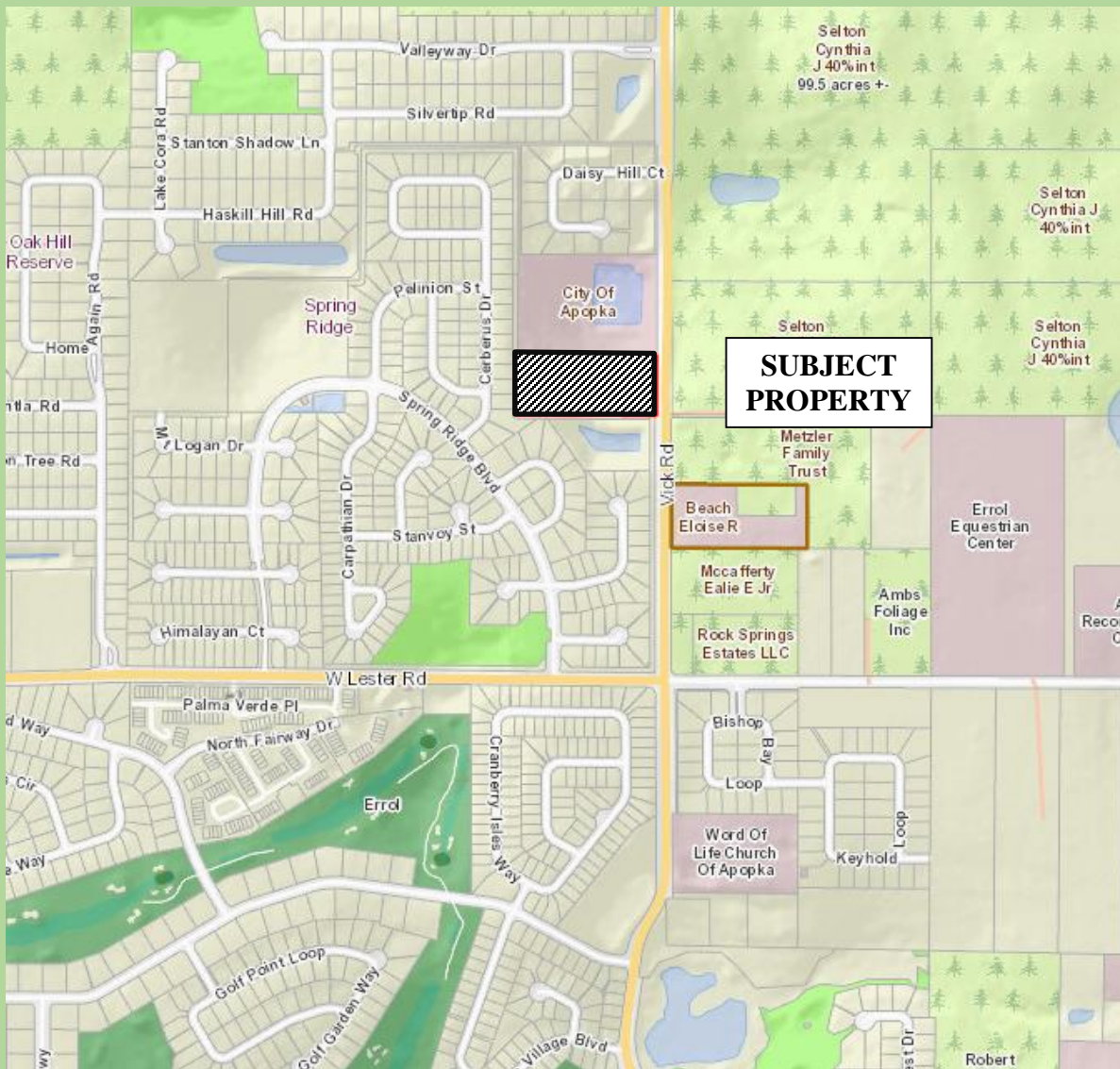
**ALLOWABLE USES:**

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



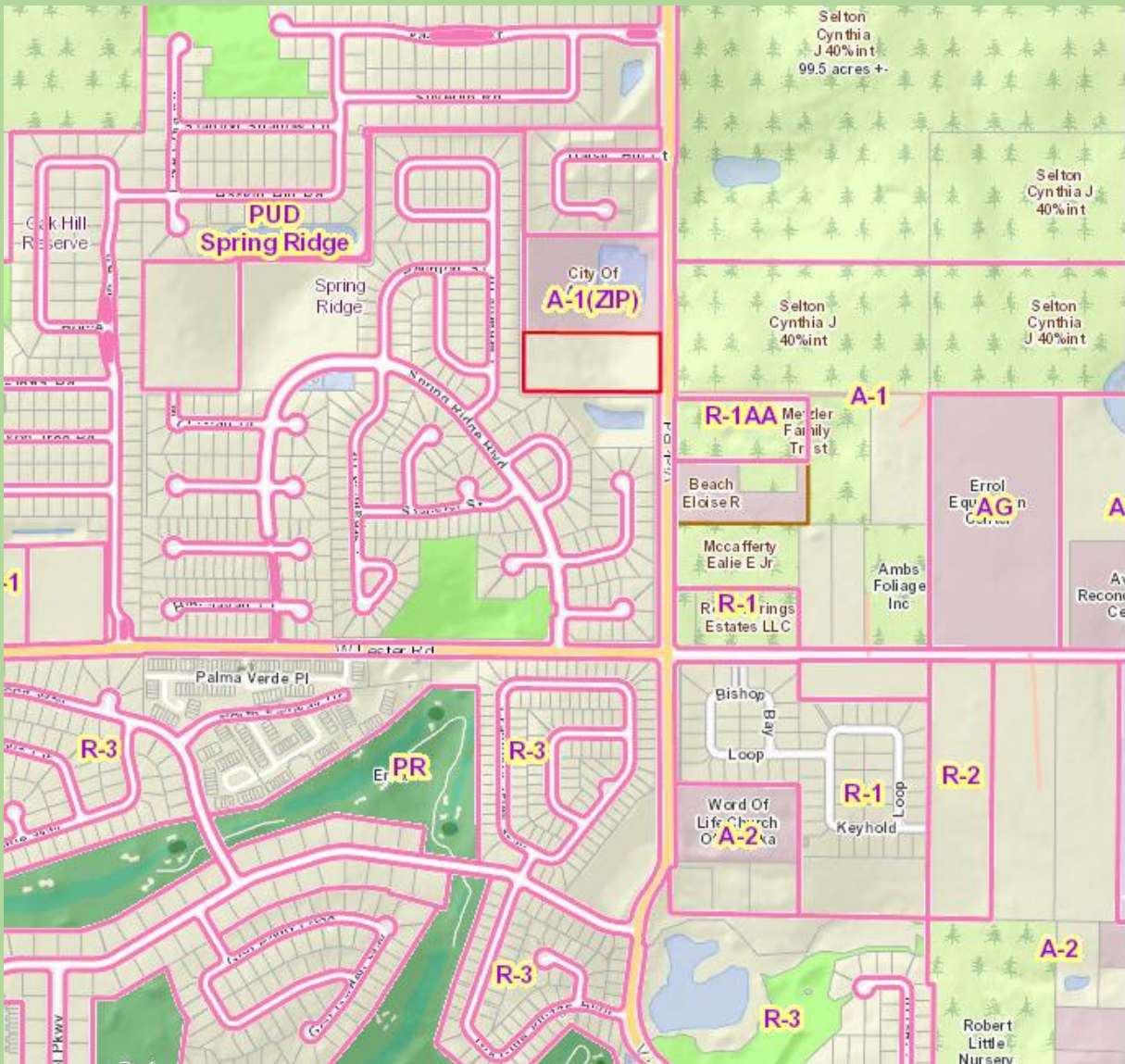
**South Pass LLC**  
**4.77 +/- Acres**  
**Proposed Change of Zoning:**  
**From: "County" A-1 (ZIP)**  
**To: "City" RCE-1 (Residential)**  
**Parcel ID #: 29-20-28-0000-00-034**

**VICINITY MAP**





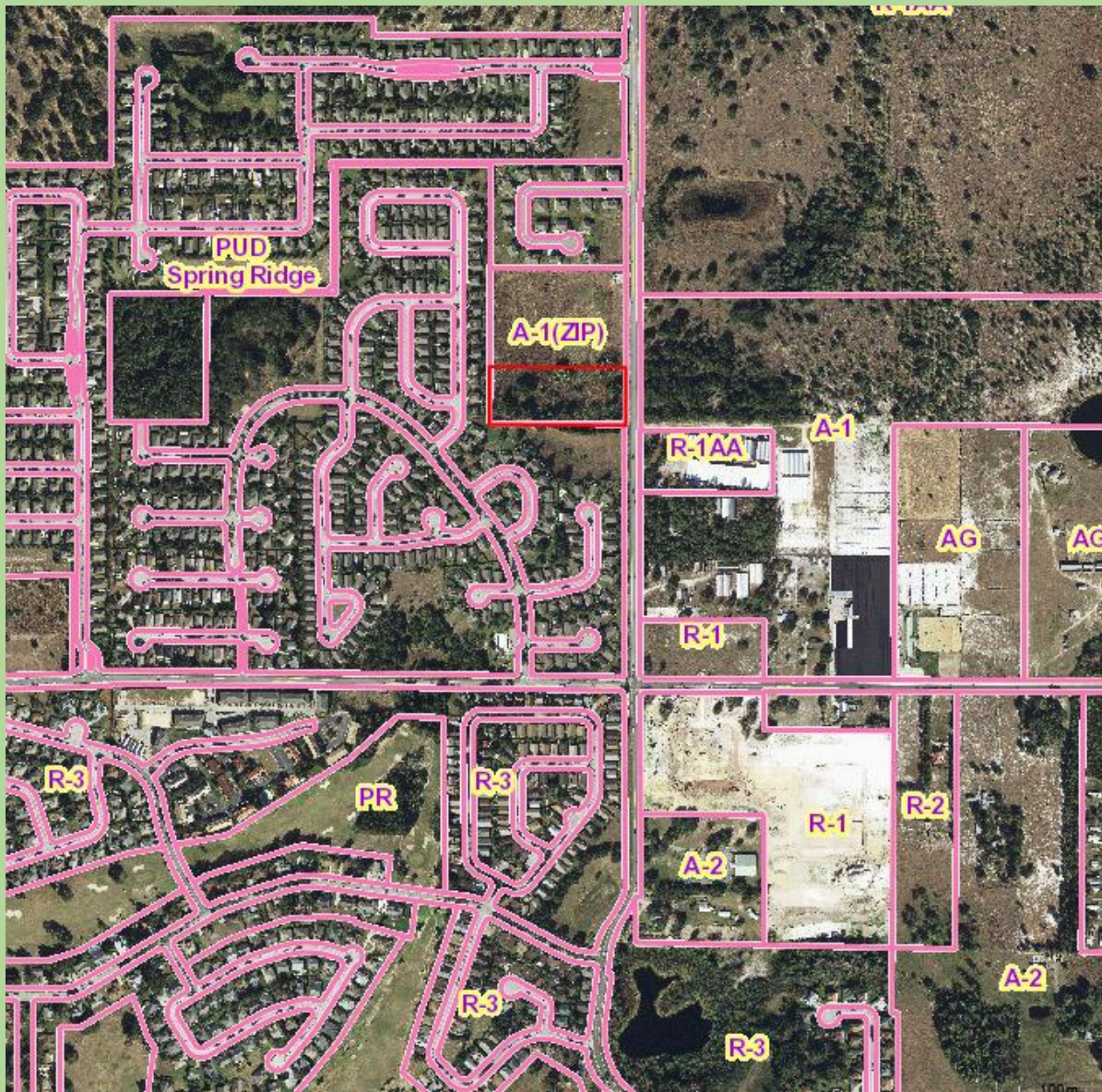
### ADJACENT ZONING







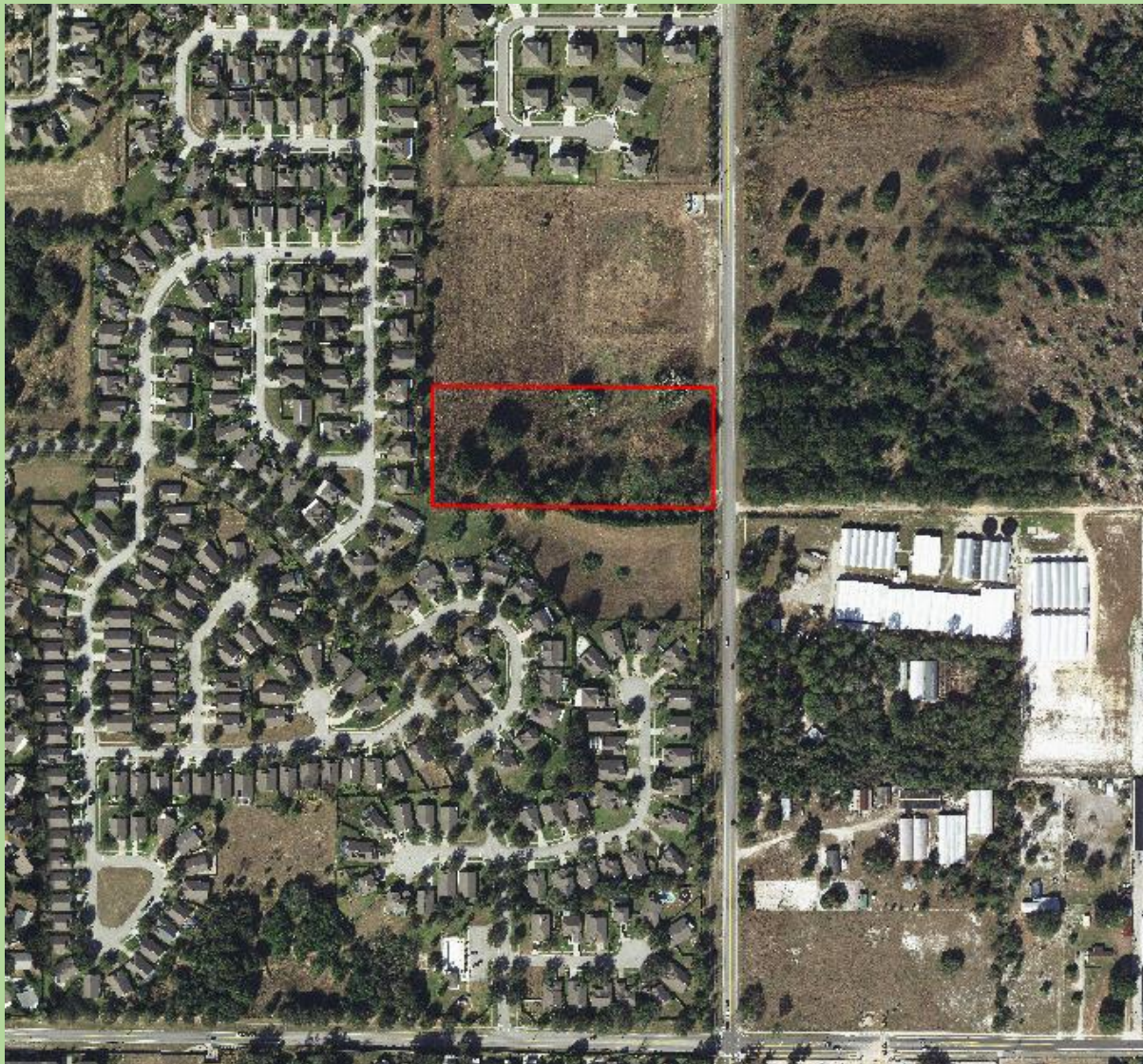
### ADJACENT USES







**EXISTING USES**





**ORDINANCE NO. 2540**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” RCE-1 (RESIDENTIAL COUNTRY ESTATES) FOR CERTAIN REAL PROPERTY LOCATED AT 2228 VICK ROAD, COMPRISING 4.77 ACRES MORE OR LESS, AND OWNED BY SOUTH PASS, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the proposed RCE-1 (Residential Country Estates) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

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

Legal Description:

S 298 FT OF E1/2 OF NE1/4 OF SE1/4 & E 60 FT OF W1/2 SAID NE1/4 OF SE1/4 (LESS E 30 FT FOR RD R/W) & (LESS PT TAKEN ON E FOR R/W PER OR 4950/2909) OF SEC 29-20-28  
Parcel I.D: 29-20-28-0000-00-034  
Contains: 4.77 +/- Acres

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

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

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

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

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

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

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

ATTEST:

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

DULY ADVERTISED:      October 28, 2016  
   December 9, 2016

**Backup material for agenda item:**

14. Ordinance No. 2541 – Second Reading – Right-of-Way Vacate – Quasi-Judicial Moon

David



# CITY OF APOPKA CITY COUNCIL

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

MEETING OF: December 21 , 2016  
 FROM: Community Development  
 EXHIBITS: Vicinity/Aerial Map  
 Utility Letters  
 Ordinance No. 2541  
 Survey/Legal Description  
 Development Agreement

**SUBJECT: ORDINANCE NO. 2541 - MID FLORIDA FREEZER WAREHOUSES, LTD - VACATING PORTIONS OF UNNAMED RIGHT-OF-WAY**

**REQUEST: SECOND READING OF ORDINANCE NO. 2541 - MID FLORIDA FREEZER WAREHOUSES, LTD - VACATING PORTIONS OF UNNAMED RIGHT-OF-WAY.**

**SUMMARY:**

APPLICANT: Mid Florida Freezer Warehouses, LTD  
 LOCATION: South of General Electric Road and East of Hermit Smith Road  
 LAND USE: Right of Way  
 ZONING: Right of Way  
 EXISTING USE: Unimproved Right of Way  
 AREA TO BE VACATED: 2.11 +/- Acres (92,097 +/- Sq. Ft.)

**RELATIONSHIP TO ADJACENT PROPERTIES:**

Direction	Land Use	Zoning	Present Use
North - City	Industrial	I-1	Vacant Land
East - City	Industrial	I-1	Vacant Land
South - City	Industrial	I-1	Vacant Land
West - City	Industrial	I-1	Vacant Land

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

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



**CITY COUNCIL – DECEMBER 21, 2016**  
**MID FLORIDA FREEZER WAREHOUSES, LTD – VACATE**  
**PAGE 2**

**ADDITIONAL COMMENTS:** The applicant is seeking to vacate a two sections of unimproved right-of-way located east of Hermit Smith Road and south of General Electric Road. This right-of-way vacate was authorized by City Council through the Wekiva Parkway Industrial Park Development Agreement, which was approved by City Council at its meeting held on October 5, 2016. The portions of right-of-way that will be vacated is described within the legal description. Vacating this portion of the road right-of-way will not affect any abutting property owners.

Our Public Services department has evaluated the site and has agreed to the vacate request. Additionally, all local utility providers have been contacted by the applicant and have provided the letters received from each utility provider indicating no objection to this vacate request.

**PUBLIC HEARING SCHEDULE:**

December 7, 2016 - City Council - 1st Reading (1:30 p.m.)  
December 21, 2016 - City Council - 2nd Reading (7:00 p.m.)

**DULY ADVERTISED:**

November 18, 2016 - Public Hearing Notice  
December 9, 2016 - Ordinance Heading Ad

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the request to vacate portions of unnamed right-of-way as described in the legal descriptions.


The **City Council**, at its meeting on December 7, 2016, accepted the First Reading of Ordinance No. 2541 and held it over for Second Reading and Adoption on December 21, 2016.

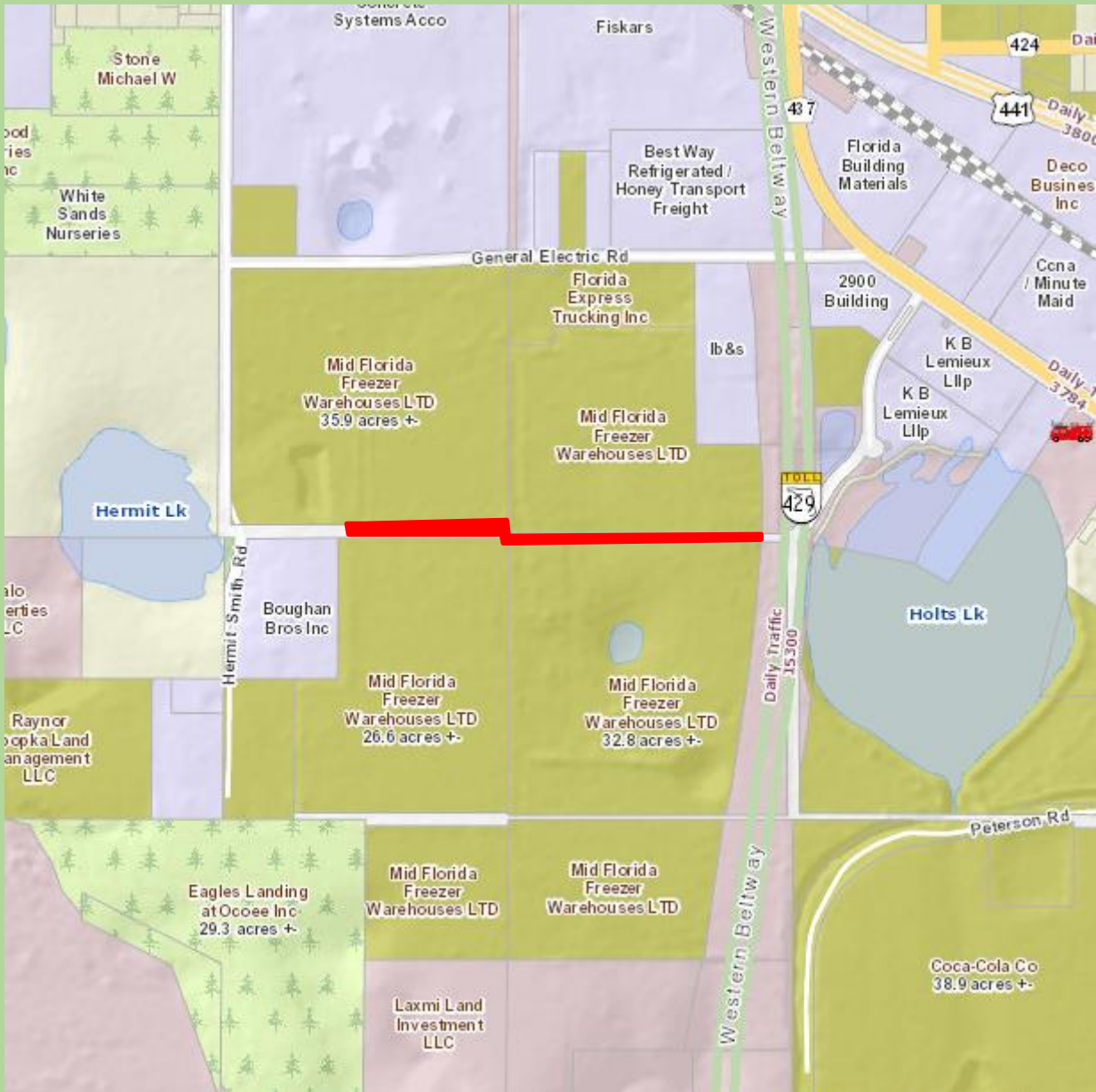
Adopt Ordinance No. 2541.

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

PROPOSED VACATE PORTIONS OF UNNAMED RIGHT OF WAY

VICINITY MAP

 Vacate Area







# AERIAL MAP



Construction Department  
3767 All American Blvd  
Orlando Fl. 32810



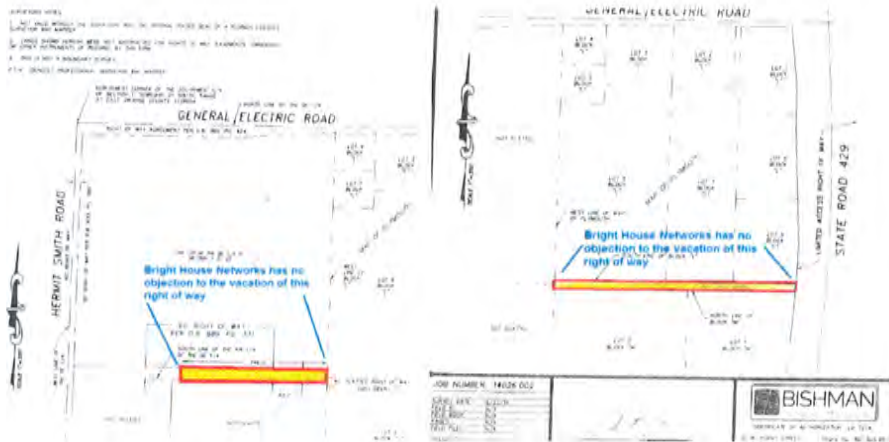
October 10, 2016

Jimmy Dunn  
June Engineering Consultants, Inc.  
32 West Plant Street  
Winter Garden, FL 34787

Re: Request for a Vacate of Right of Way along  
Parcels- 01-21-27-0000-00-030 12-21-27-0000-00-018

Dear Mr. Dunn:

Bright House Networks has reviewed your request to vacate of the unopened right of way along Parcels of 01-21-27-0000-00-030 & 12-21-27-0000-00-018 and no objection to the vacation as shown in this drawing below.



If you need and additional information, please contact me at my office 407-532-8511.

Sincerely,

*Tracey Domostoy*

Tracey Domostoy  
Construction Supervisor  
Bright House Network

Cc: PJ King  
E-mailed- ovidio.sanchez@ibigroup.com





October 18, 2016

Jimmy Dunn  
3004 General Electric Road  
Apopka, FL

***RE: Vacate of Un-Named Right of Way located South of 3004 General Electric Road, Apopka, FL which is 746.00 feet by 40.00 feet Right of Way area***

Dear Mr. Dunn:

Please be advised that after researching your request, DUKE ENERGY FLORIDA, LLC, dba DUKE ENERGY does not have facilities located in the Un-Named Right of Way located South of your property located at 3004 General Electric Road, Apopka, Florida which is an area 746.00 by 40.00 feet. So because of this Duke Energy Distribution and Transmission has "No Objections" to the vacate and abandon of this Un-Named Right of Way. This "No Objection" letter should be considered as approval from both Duke Energy, Florida Distribution and Transmission Departments.

If I can be of further assistance, please do not hesitate to contact me at [benita.rostel@duke-energy.com](mailto:benita.rostel@duke-energy.com) or by phone at (407) 942-9657.

Best regards,

A handwritten signature in blue ink that reads "Benita Rostel". The signature is fluid and cursive.

Benita Rostel  
Research Support Specialist  
Distribution Right of Way - Florida



## LETTER OF NO OBJECTION

October 11, 2016

Mr. Jimmy Dunn  
June Engineering Consultants, Inc.  
32 West Plant Street  
Winter Garden, FL 34787

**SUBJECT: PROPOSED VACATE OF 40' PLATTED AND UNOPENED RIGHT OF WAY, LYING BETWEEN BLOCK M AND BLOCK L, MAP OF PLYMOUTH, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK B, PAGE 17, AND PORTION OF 60' RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 889 ON PAGE 331; ALL IN PUBLIC RECORDS, ORANGE COUNTY, FLORIDA; PRN 777800.**

Dear Mr. Dunn:

Please be advised that Embarq Florida, Inc. D/B/A CenturyLink ("CenturyLink") has no objection to the proposed vacation and abandonment of that certain right of way described, as follows:

THE 40.00' RIGHT OF WAY LYING BETWEEN BLOCK M, AND BLOCK L, MAP OF PLYMOUTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 17, PUBLIC RECORDS O ORANGE COUNTY FLORIDA, BEING BOUND ON THE WEST BY THE WEST LINE OF SID MAP OF PLYMOUTH AND BOUND ON THE EASEMENT BY STATE ROAD NO. 429, LYING IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; AND

THE EAST 746.00 FEET OF THE SOUTH 60.00 FEET OF THE NORTHWEST ¼ OF THE SOUTH EAST ¼ OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

Both parcels are more particularly shown on the attached Sketches of Description prepared by Bishman Surveying and Mapping Drawing File 14026-2.DWG and dated June 23, 2016.

Should there be any questions or concerns, please contact me at 407-814-5318 or by email at [Victoria.bucher@centurylink.com](mailto:Victoria.bucher@centurylink.com).

Sincerely,

EMBARQ FLORIDA, INC., D/B/A/ CENTURYLINK

*Victoria S. Bucher*

Victoria S. Bucher, SR/WA, R/W-NAC, R/W-NAC  
Network Real Estate

C: D. Byrnes

33 North Main Street  
Winter Garden, FL 34787  
Tel: 407-814-5318  
Victoria.bucher@centurylink.com  
[www.centurylink.com](http://www.centurylink.com)



1320 Winter Garden-Vineland Rd. Winter Garden, Florida 34787  
P: 407.656.2734 F: 407.656.9371 | [www.langd.org](http://www.langd.org)

October 13, 2016

City of Apopka  
748 East Cleveland St.  
Apopka, FL 32703

Jimmy,

Upon review of our records, the subject parcel is within our service area. We do not have any facilities within easement/right of way. We do not have any objection to the vacation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Antonio Gibson", with a long horizontal line extending to the right.

Antonio Gibson  
Engineering Technician

**ORDINANCE NO. 2541**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF A RIGHT-OF-WAY; LOCATED EAST OF HERMIT SMITH ROAD AND SOUTH OF GENERAL ELECTRIC ROAD; IN SECTION 01, TOWNSHIP 21, RANGE 27 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to provisions of Florida Statutes, Section 336.10, a Petition has been filed by Mid Florida Freezer Warehouses, LTD to vacate, abandon, discontinue, renounce and disclaim a portion of unnamed right of way as shown in Exhibit "A"; and

**WHEREAS**, Century Link (f/k/a Embarq), Spectrun\Bright House Network (f/k/a Time Warner Cable), Duke Energy (f/k/a Progress Energy), and Lake Apopka Natural Gas District have no objection to the abandonment of a portion of the existing utility easement; and

**WHEREAS**, the City Council has determined that under the proposed circumstances there exists no public need for this existing right-of-way; and

**WHEREAS**, after public notice in accordance with Florida Statute 336.10, the City Council has determined that it is not contrary to public interest to vacate and abandon said existing right-of-way.

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

**Section 1.** That the following lands, and graphically depicted by the attached Exhibit "A," shall be officially closed, discontinued, and vacated:

**LEGAL DESCRIPTION:**

THE EAST 746.00 FEET OF THE SOUTH 60.00 FEET OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA. CONTAINING: 44,760 SQUARE FEET (1.03 ACRES +/-)

AND

THE 40.00 RIGHT OF WAY LYING BETWEEN BLOCK M, BLOCK L, MAP OF PLYMOUTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 17, PUBLIC RECORDS OF ORANGE COUNTY FLORIDA, BEING BOUND ON THE WEST BY THE WEST LINE OF SAID MAP OF PLYMOUTH AND BOUND ON THE EAST BY STATE ROAD NO. 429, LYING IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA. CONTAINING: 47,337 SQUARE FEET (1.08 ACRES +/-)

TOTAL COMBINED ACREAGE: 92,097 SQUARE FEET, (2.11 ACRES +/-)

**Section II. NOTICE.** That notice of the adoption of this Ordinance be published and the Ordinance be filed with the Clerk of the Circuit Court of Orange County, Florida, and duly recorded among the Public Records of Orange County, Florida.



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

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

**Section V. EFFECTIVE DATE.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: December 7, 2016

READ SECOND TIME  
AND ADOPTED: December 21, 2016

---

Joseph E. Kilsheimer, Mayor

ATTEST:

---

Linda F. Goff, City Clerk

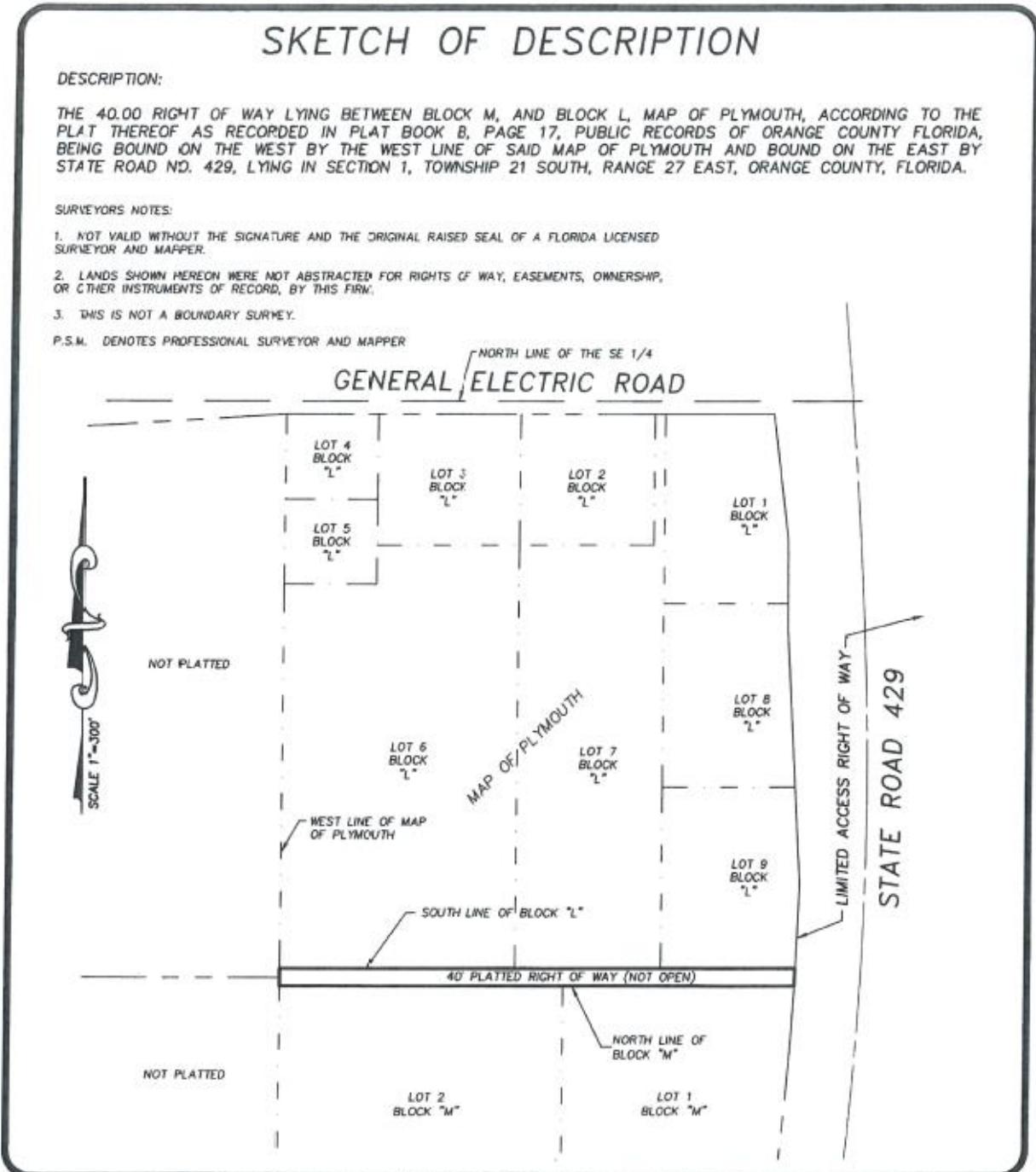
APPROVED AS TO FORM:

---

Cliff Shepard, Esq., City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 18, 2016  
December 9, 2016

EXHIBIT "A"



JOB NUMBER: 14026.002

SURVEY DATE:	6/23/16
FIELD BY:	N/A
FIELD BOOK:	N/A
PAGES:	N/A
FIELD FILE:	N/A
DRAWING FILE:	14026--2.DWG

ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5668

CERTIFICATE OF AUTHORIZATION LB 7274

32 W. PLANT STREET Phone No. 407.905.8877  
WINTER GARDEN, FL 34787 Fax No. 407.905.8875

EXHIBIT "A"

SKETCH OF DESCRIPTION

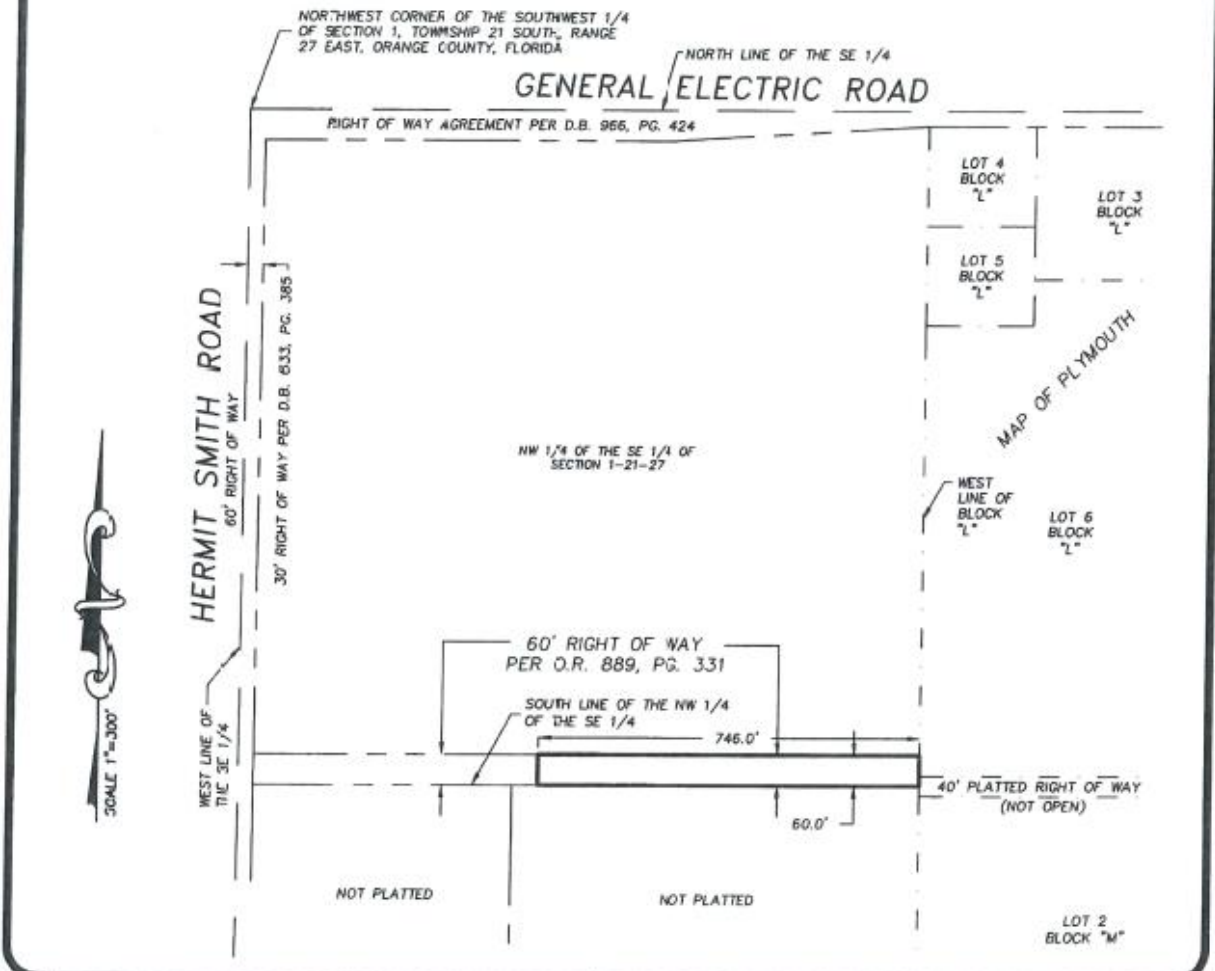
DESCRIPTION:

THE EAST 746.00 FEET OF THE SOUTH 60.00 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

SURVEYORS NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD BY THIS FIRM.
3. THIS IS NOT A BOUNDARY SURVEY.

P.S.M. DENOTES PROFESSIONAL SURVEYOR AND MAPPER



JOB NUMBER: 14026.002	
SURVEY DATE:	6/23/16
FIELD BY:	N/A
FIELD BOOK:	N/A
PAGES:	N/A
FIELD FILE:	N/A
DRAWING FILE:	14026-2.DWG

  
 ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5668



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



**DEVELOPER'S AGREEMENT**

THIS DEVELOPER'S AGREEMENT is made this 5<sup>th</sup> day of October, 2016 by and between the City of Apopka Florida, a Florida municipal corporation whose address for the purpose of this Agreement is 120 E. Main Street, Apopka, Florida 32703 ("City") and Mid Florida Freezer Warehouses, Ltd, a Florida limited partnership whose address for the purpose of this Agreement is 2560 West Orange Blossom Trail, Apopka, Florida 32712 ("Owner").

**RECITALS**

- A. The Owner owns approximately 140.47 acres of property more particularly described on attached Exhibit "A" (the "Property").
- B. The Owner is currently in the process of applying for approval of a mass grading plan from the City of Apopka to allow the excavating, removal and sale of excess fill dirt from the Property known as the Wekiva Parkway Industrial Mass Grading Plan.
- C. If the Wekiva Parkway Industrial Mass Grading Plan is approved, Owner desires to develop the Property into an industrial park consistent with the City of Apopka's Comprehensive Plan and Land Development Code upon completion of the removal of the fill dirt consistent with such plan.
- D. The City is desirous of obtaining certain rights of ways from the Owner to assist in the general public transportation needs of the City.
- E. The Owner is in need of other rights of ways to be vacated by the City to allow Owner to develop the Property in the future.
- F. The Parties are desirous of entering into this Agreement in the spirit of cooperation for mutual benefit.

**NOW THEREFORE**, in and for consideration of the foregoing recitals, the mutual covenants and benefits herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Owner agree as follows:

- 1. Recitals. The foregoing recitals are true and correct and are hereby incorporated as terms of this Agreement.

State of FLORIDA, County of ORANGE  
I hereby certify that this is a true copy of  
the document as recorded in the Official Records.  
MARTHA O. HAYNIE, COUNTY COMPTROLLER  
By: C Sampson  
Deputy Comptroller  
Dated: 10-13-16





2. Authority. This Agreement is entered into by the City under the home rule powers granted to it by the Florida Constitution (including Article VIII, Section 2(b) thereof), the general powers conferred upon municipalities by statute and otherwise (including Chapters 163 and 166, Florida Statutes), and the City's Municipal Code. This Agreement does not constitute a "development agreement" under the Florida Local Government Development Agreement Act or under the City's Land Development Regulations.

3. Mass Grading Plan. Owner has made an application to the City for approval of the Wekiva Parkway Industrial Mass Grading Plan, which, if approved, will allow the removal and sale of excess fill dirt. Owner agrees to perform the obligations set forth below in relation to the Wekiva Parkway Industrial Mass Grading Plan:

(a) Vacation of Public Right of Way. Owner will file with the City a Petition to vacate that portion of an un-named publicly dedicated right of way traversing west from S.R. 429 Western Beltway, which bisects the Owner's Property, all more particularly described in attached Exhibit "B." The Owner shall file a Petition to Vacate in substantially the same form as set forth in attached Exhibit "C," within thirty (30) days of execution of this Agreement. The City will process the Petition in accordance with its ordinances and applicable law.

(b) Peterson Road.

i) If City approves the Wekiva Parkway Industrial Mass Grading Plan, then, within 30 days of such approval, Owner shall provide to City additional road footage on that portion of Peterson Road lying west of S.R. 429, Western Beltway by deed of conveyance. Presently, Peterson Road exists as a publicly dedicated roadway west of S.R. 429, as shown in Exhibit "D," but currently does not have a roadway width of 80'. The city will allow the existing 60' Peterson Road right of way, together with the additional conveyances by Owner to achieve the 80' width required, to be reduced in grade to match the new elevation of the surrounding property. Owner agrees to convey by general warranty deed to the City additional footage along Peterson Road west of S.R. 429 necessary to allow the roadway to obtain an 80' width – for which the centerline of same shall align with Peterson Road right-of-way at the existing opening under the S.R. 429 overpass bridge. Attached hereto and marked Exhibit "E" is a survey sketch of the additional footage and legal description of right of way for Peterson Road west of S.R. 429.

ii) Furthermore, if vacation of the right-of-way in paragraph 3 (a), excavation and grading of the Peterson Road right-of-way described in paragraph 3 (b), and the mass grading plan are all approved by City, Owner will pay to the City ten percent (10%) of the dollar amount received by the Owner for the excavation material removed from the original City right-of-way that was in place prior to the execution of this Agreement. The cubic yards estimated to be removed from this City right-of-way area shall be submitted to the City Engineer for review and acceptance

prior to any clearing or grading activity associated with the Phasing Plan approved within the Wekiva Parkway Industrial Park Mass Grading Plan.

4. North - South Road Extension. The City is aware of the possibility to extend a north-south road conceptually aligned across Owner's Property as described in attached Exhibit "F." If the City determines that obtaining this extension is necessary to allow smoother transportation and access from Peterson Road to Highway 437, West Orange Avenue, the City may request dedication of the 80' right of way from Owner. Accordingly, at City's request, Owner agrees to convey to City an 80' right of way extending from the southern terminus of Peterson Road located at the south border of Owner's Property extending continuous through Owner's Property to the northern border comprising 80' in width for the purposes set forth herein. Owner shall execute and deliver to City a general warranty deed for the 80' right of way within thirty (30) days upon written request by City to Owner. Attached hereto and marked Exhibit "G" is a general sketch of the 80' right of way.

The above conveyance (paragraph 4) is expressly contingent upon the occurrence of the following actions within five (5) years of the date hereof: (a) the City vacating King Street as set forth in paragraph 5 below; (b) the City obtaining the necessary additional roadway property from other third party property owners necessary to complete the entire north-south road extension as planned; (c) the City obtaining necessary transportation studies indicating location of intersection with Highway 437, West Orange Avenue; and (d) completion of all planning and construction in accordance and in compliance with the requirements of all applicable jurisdictions. The proposed roadway is more particularly described by sketch attached hereto as Exhibit "H."

5. Vacation of King Street. The City will seek to vacate a publicly dedicated right of way known as King Street more particularly described in Exhibit "H" within thirty (30) days after construction of the north-south road as described in paragraph 4 above. Timing of the vacation of King Street shall be subject to the completed construction of the north-south road from the south end of Owner's Property to Highway 437, West Orange Avenue. Completion of the North-South extension will be determined in writing by the City Engineer.

6. Binding Effect. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by Owner without the need for consent by the City. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assigns. The Parties hereby covenant that they will enforce this Agreement and that it is a legal, valid and binding agreement.

7. Notices. All notices or payments required to be made hereunder shall be made at the following addresses:

To City: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

With a Copy to: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To Owner: Patrick Lee  
2560 West Orange Blossom Trail  
Apopka, Florida 32712  
ptlee@mffreezer.com

With a Copy to: Phil Tatich  
P.O. Box 2545  
Winter Park, Florida 32790  
ptatichlaw@gmail.com

8. Entire Agreement. This Agreement constitutes the entire agreement of the parties with respect to the transactions contemplated herein, and it supersedes all prior understandings or agreements between the parties relating to this Agreement. No amendment to the terms of this Agreement shall be effective unless it is in writing signed by all parties hereto. Amendments to this Agreement will take effect and will be binding against the City only if approved by a vote of the City Council.

9. Waiver. The failure of any party hereto to insist upon or enforce any right or privilege granted hereunder shall not constitute or operate as a waiver thereof and nothing shall constitute a waiver of any party's right to insist upon strict compliance with the terms hereof. Provided however, any party may, in writing, waive the benefit of any provision or condition for its benefit which is contained herein. Waivers of material provisions of either this Agreement or the City's Land Development Regulations will be valid and binding against the City only if approved by a vote of the City Council.

10. Governing Law. This Agreement shall be governed by the law of the State of Florida. Venue for any judicial proceeding pertaining to this Agreement shall be in the Ninth Judicial Circuit of Florida in Orange County Florida.

11. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected thereby and shall remain enforceable to the greatest extent permitted by law.

12. Attorney's Fees. In the event of any dispute hereunder for any action to interpret or enforce this Agreement, any provision hereof or any matter arising herefrom, the prevailing party shall be entitled to recover its reasonable cost, fee, expenses, including, but not limited to, witness fees, expert fees, consultant fees, attorney, paralegal and legal assistant fees, costs and expenses and other professional fees, costs, and expenses, whether suit be brought or not, and whether in settlement, in any declaratory action, at trial or on appeal.

13. Recording. This Agreement shall be recorded in the Public Records of Orange County, Florida by the Owner at its expense.

14. Effective Date. This Agreement shall become effective after approval by the City Council and execution of this Agreement by all parties.

[SIGNATURES ARE ON THE FOLLOWING PAGE]



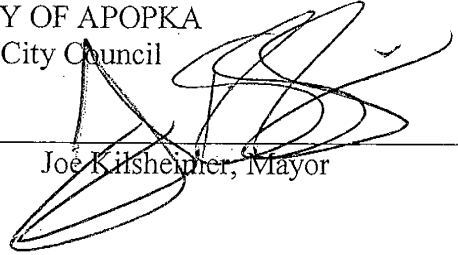
WITNESS WHEREOF, the parties have set their hands and seals on the date first written above.

CITY OF APOPKA

By: City Council

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

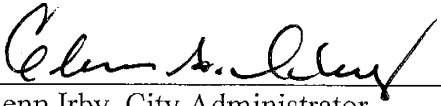
Joe Kilsheimer, Mayor



Attest:

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

Glenn Irby, City Administrator



Approved as to form and correctness:

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

Clifford B. Shepard, City Attorney

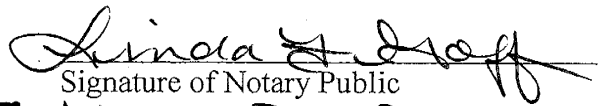
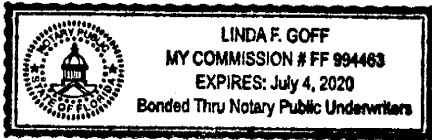
R. Andrew Smith



STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was executed, sworn to and acknowledged before me this 5<sup>th</sup> day of October 2016 by Joseph E Kilsheimer as Mayor of the City of Apopka.

(SEAL)



Signature of Notary Public

Linda F Goff  
Name of Notary Public

(typed, printed or stamped)

Personally known X or produced \_\_\_\_\_ as identification.

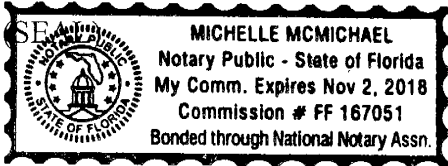
"OWNER"  
Mid Florida Freezer Warehouses, Ltd.

By: *Patrick T. Lee*  
Printed Name: PATRICK T. LEE  
Its: PARTNER

*Anthony Dyal*  
Printed name: Anthony Dyal  
*Jeannette Acosta*  
Printed name: Jeannette Acosta

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was executed, sworn to and acknowledged before me this 12 day  
of OCTOBER 2016 by PATRICK T. LEE as  
OWNER of Mid-Florida Freezer Warehouses, Ltd.



*Michelle McMichael*

Signature of Notary Public

MICHELLE MCMICHAEL

Name of Notary Public

(typed, printed or stamped)

Personally known  or produced \_\_\_\_\_ as identification.

**Exhibit "A"**  
**Owner's Property (Mass Grading Plan)**

*DESCRIPTION:*

*PARCEL 01-21-27-0000-00-060*

*THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA. LESS ROAD RIGHT OF WAY.*

*PARCEL 01-21-27-0000-00-030*

*THE EAST 3/4 OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER. LESS THE WEST 200 FEET OF THE NORTH 660 FEET AND LESS THE SOUTH 30 FEET FOR RIGHT-OF-WAY, SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA*

*PARCEL 06-21-28-7172-12-060*

*LOTS 2, 3, 4, 5 6, 7, AND 9 OF BLOCK L, TOWN OF PLYMOUTH, AS PER RECORDED PLAT IN PLAT BOOK B, PAGES 17-18, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.*

*PARCEL 06-21-28-7172-13-000*

*ALL OF BLOCK "M", TOWN OF PLYMOUTH, AS PER RECORDED PLAT THEREOF RECORDED IN PLAT BOOK "B", PAGES 17-18, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.*

*PARCEL 12-21-27-0000-00-010*

*THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER. LESS THE NORTH 30 FEET FOR RIGHT-OF-WAY, SECTION 12, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.*

*PARCEL 12-21-27-0000-00-018*

*THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 12, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.*

*L.YING WEST OF STATE ROAD 429 (WESTERN BELTWAY)*

**Exhibit "B"**  
**Un-Named Public Right of Way to be Vacated**

**SKETCH OF DESCRIPTION**

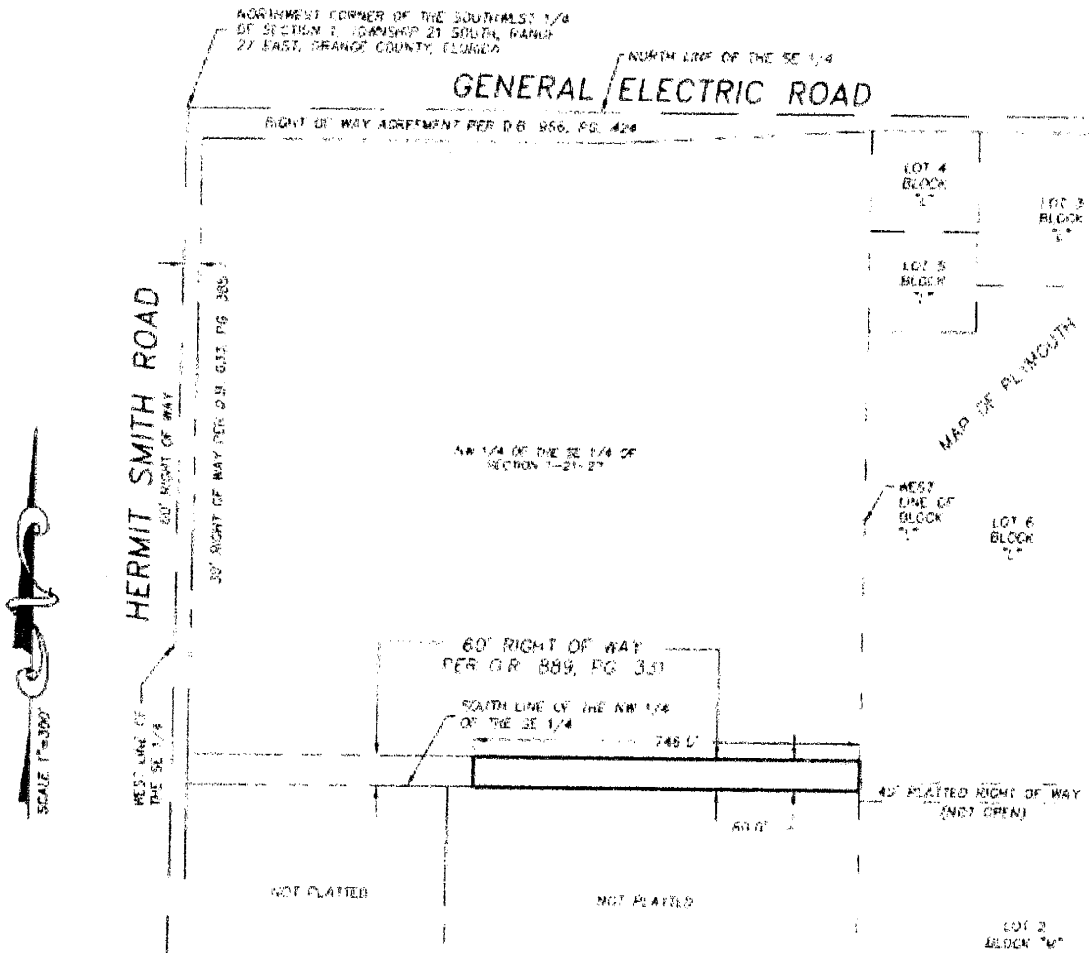
**DESCRIPTION:**



THE EAST 746.00 FEET OF THE SOUTH 60.00 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

**SURVEYORS NOTES:**

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS PARTY.
3. THIS IS NOT A BOUNDARY SURVEY.

P.C.M. DENOTES PROFESSIONAL SURVEYOR AND MAPPER



JOB NUMBER: 14026.002		 ARON D. RESMAN, F.S.M.    FLORIDA REGISTRATION NO. 3608	 BISHMAN CERTIFICATE OF AUTHORIZATION LB 7274 32 W. PLANT STREET    Phone No. 407.905.8877 WINTER GARDEN, FL 34787    Lic. No. 402.600.8875
SURVEY DATE	6/25/16		
DRAWN BY	N/A		
FIELD BOOK	N/A		
PAGES	N/A		
FIELD NO.	N/A		
QUANTITY	14026.2002		



**Exhibit "B"**  
**Un-Named Public Right of Way to be Vacated**

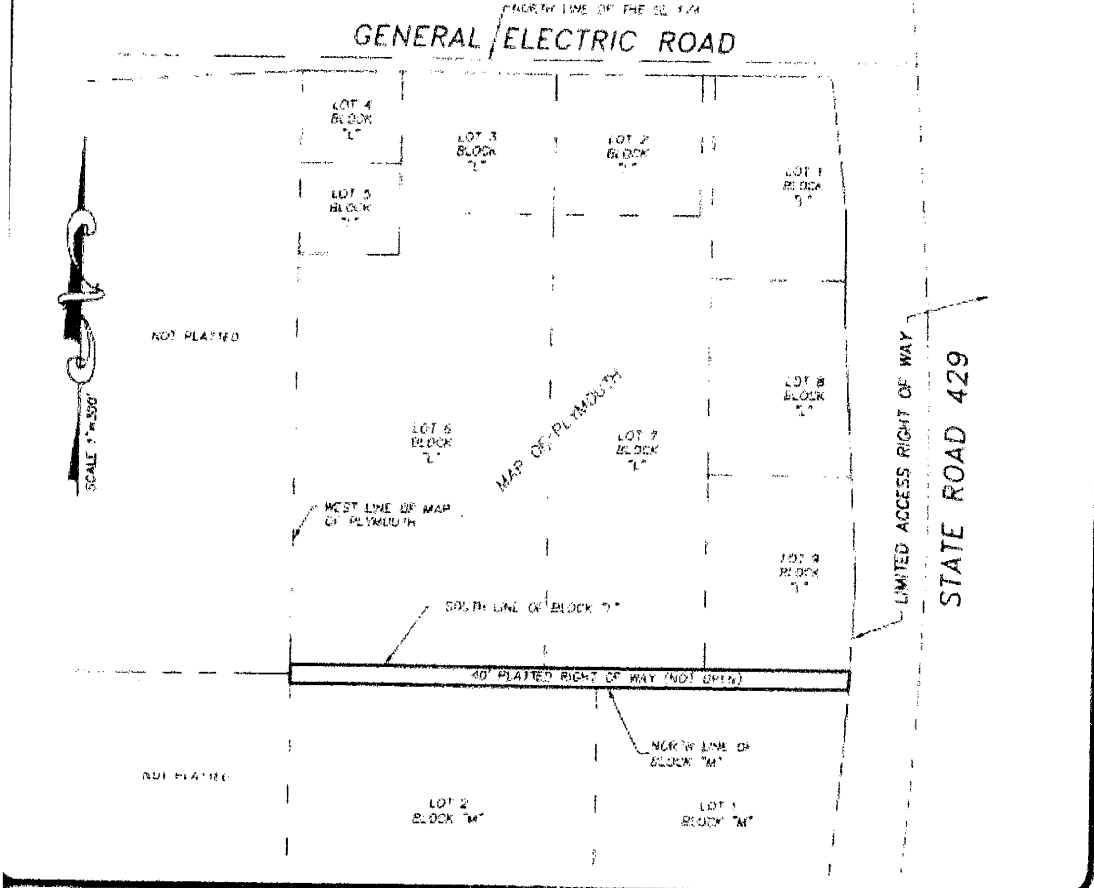
**SKETCH OF DESCRIPTION**

**DESCRIPTION:**

THE 40.00 RIGHT OF WAY LYING BETWEEN BLOCK M, AND BLOCK L, MAP OF PLYMOUTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 17, PUBLIC RECORDS OF ORANGE COUNTY FLORIDA, BEING BOUND ON THE WEST BY THE WEST LINE OF SAID MAP OF PLYMOUTH AND BOUND ON THE EAST BY STATE ROAD NO. 429, LYING IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

**SURVEYORS NOTES:**

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
  3. THIS IS NOT A BOUNDARY SURVEY.
- P.S.M. DENOTES PROFESSIONAL SURVEYOR AND MAPPER




**JOB NUMBER: 14026.002**

SURVEY DATE	6/22/76
FIELD BY	N/A
FIELD BOOK	N/A
PAGES	N/A
FIELD FILE	N/A
DRAWING P.P.	14026-2.DWG

*[Signature]*

ARON D. BISHMAN, P.S.M.      FLORIDA REGISTRATION NO. 2568



CERTIFICATE OF AUTHORIZATION LB 2074

52 W. PLANT STREET      Phone No. 407 905 8677  
 MAJER GARDEN, FL 34787      Fax No. 407 905 8676

**Exhibit "C"**  
 Petition to vacate public right of way Mid Florida Freezer



**City of Apopka**  
**Community Development Department**  
 120 E. Main Street  
 P. O. Box 1229  
 Apopka, Florida 32704-1229  
 407-703-1739 - Phone -- 407-703-1791 - Fax

**APPLICATION FOR VACATING A PLAT, ALLEY  
 EASEMENT, STREET, PUBLIC RIGHT-OF-WAY**  
 Application Fee: \$200.00

	Vacating Alley
	Vacating Easement
	Vacating Plat
X	Vacating Street

<b>-- FOR OFFICIAL USE ONLY--</b>	
DATE SUBMITTED:	
FEE PAID: \$	
CHECK #:	
RECEIPT #:	

<b>Owner(s) Information: Mid Florida Freezer Warehouse, LTD</b>			
Street Address: P.O. Box 572			
City: Cape Canaveral		State: FL	Zip: 32902
Phone: 407-886-1971	Fax:	E-mail: Ptlee@mffreezer.com	
<b>Property Information</b>			
Location of Property: 445 Hermit Smith Road Apopka, FL			
Legal Description of Property to be Vacated:			
Parcel I.D. No.: 01-21-27-0000-00-060, 06-21-28-7172-12-060; 01-21-0000-00-030; 06-21-28-7172-13-000			
Identify Abutting Roads: Hermit Smith Road to the West and General Electric Road to the north			
Size (acres):			
<b>REASON FOR REQUEST:</b>			

**Exhibit "C"**  
 Petition to vacate public right of way Mid Florida Freezer

Prior to the 429 Toll Road this right of way connected to Superior Commerce Blvd. Since the construction of the 429 the right of way now dead ends into the embankment and no longer connects to Superior Commerce Blvd on the eastern side.

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Application for Vacating  
 Page 2

\_\_\_\_\_  
 Owner/Applicant's Name

ADJACENT PROPERTY:					
Direction	Jurisdiction		Zoning	Land Use	Present Use
	City	County			
North	X		I-1	Industrial	Vacant
East	X		I-1	Industrial	Vacant
South	X		I-1	Industrial	Vacant
	X		I-2	Industrial	Shop and warehouse
West	X		R-1AA	Res Very Low Suburban	Vacant
CURRENT LAND USE:		Industrial		CURRENT ZONING:	I-1

GENERAL INFORMATION:	
1.	Submittal deadline, first working day of each month.
2.	This Petition requires a Public Hearing and is reviewed as per the Land Development Code. A representative <b>must</b> be present for plat vacating requests at the City Council hearings.
3.	Public Hearing procedures shall be followed as set forth in Land Development Code.
4.	No portion of the \$200.00 submittal fee will be refunded after petition has been submitted.
5.	Costs incurred in addition to established fees for advertising, City Attorney, postage or consultant expenses must be paid to the City.
6.	Cancellation of public hearing by Applicant will necessitate Applicant paying all re-advertising costs.
ITEMS REQUIRED FOR SUBMITTAL:	

**Exhibit "C"**  
Petition to vacate public right of way Mid Florida Freezer

1.	Completed application (typed).
2.	Submittal fee: \$200.00
3.	Proof of ownership and taxes paid.
4.	Current survey.
5.	Location map.
6.	Letter from adjacent property owner(s) or affected property owners, confirming that there is no objection to vacating (street), if required.
7.	Letter of Authorization if representation by other than property owner.
8.	For vacating street right-of-way, alley-way and Easement: One typed list of all adjacent property owners from the latest County Tax Assessment Roll, with Orange County Tax Map identifying property (format proved by City).
9.	Notice of adjacent property owner(s) (certified mail/return receipt requested) at least 15 days in advance of hearing.

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**Application for Vacating**  
**Page 3**

\_\_\_\_\_  
**Owners/Applicant's Name**

LETTER OF RELEASE MUST BE SUBMITTED FROM THE FOLLOWING UTILITY COMPANIES	
1.	Power Company
2.	Telephone Company
3.	Cable Television Company
4.	Gas Company
5.	Any other utility company within the area
<p><b>I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate.</b></p> <p>_____</p> <p style="text-align: center;">Signature of Owner/Applicant <span style="margin-left: 200px;">Date</span></p>	

Rev. 02-17-14

# EXHIBIT "D"

## Existing Peterson Road Right-Of-Way

### SKETCH OF DESCRIPTION

**DESCRIPTION:**

THE SOUTH 30.00 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AND THE NORTH 30.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 12, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AND THE 20.00 FOOT RIGHT OF WAY LYING SOUTH OF LOTS 3 AND 4, BLOCK "M", PLAT OF PLYMOUTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "B", PAGE 17, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING WEST OF STATE ROAD NO. 429.

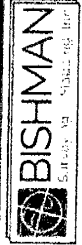
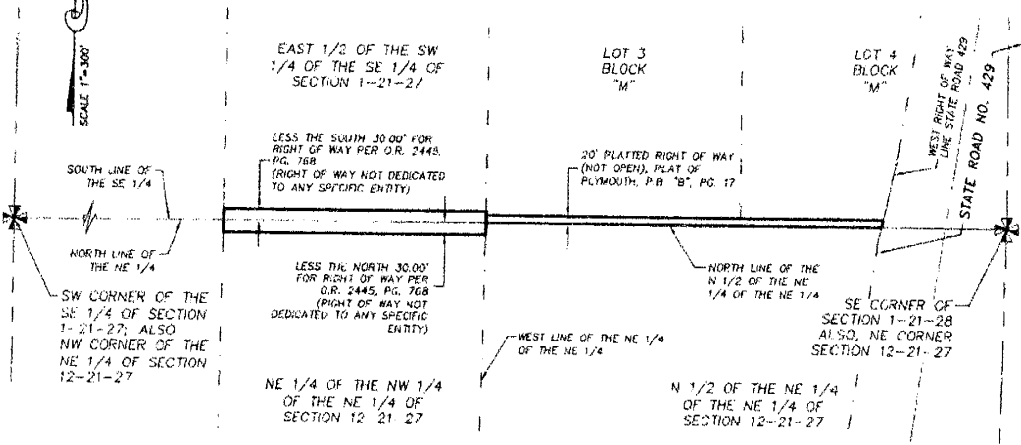


**SURVEYORS NOTES**

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, CASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. THIS IS NOT A BOUNDARY SURVEY.

**ABBREVIATIONS:**

- O.R. OFFICIAL RECORDS
- P.B. PLAT BOOK
- P.G. PAGE
- P.S.M. DENOTES PROFESSIONAL SURVEYOR AND MAPPER



CERTIFICATE OF AUTHORIZATION CB 7274  
 12 W. PLANT STREET  
 WINTER GARDEN, FL 34786  
 Phone No. 407-898-8877  
 Fax No. 407-898-8853

JOB NUMBER: 14026 004

SURVEY DATE:	5/26/18
FIELD BY:	M/A
PLATTED BY:	M/A
FILED BY:	M/A
FIELD FILE:	M/A
DRAWING FILE:	14026-4.DWG

ARON C. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5568



**EXHIBIT "E"**  
**Peterson Road 80' Wide Right-Of-Way Alignment**

**SKETCH OF DESCRIPTION**

**DESCRIPTION:**

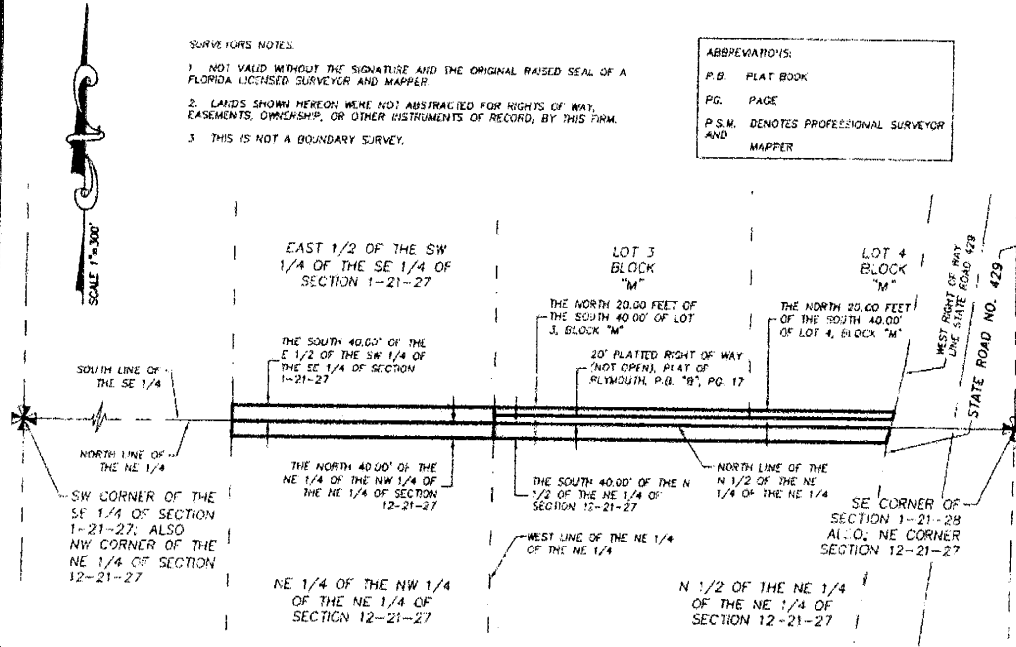
THE SOUTH 40.00 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTH 20.00 FEET OF THE SOUTH 40.00 FEET OF LOTS 3 AND 4, BLOCK "M", PLAT OF PLYMOUTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "B", PAGE 17, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING WEST OF STATE ROAD NO. 429, LYING IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AND THE NORTH 40.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTH 40.00 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4, LYING WEST OF STATE ROAD NO. 429, LYING IN SECTION 12, TOWNSHIP 21 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

**SURVEYOR'S NOTES:**

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. THIS IS NOT A BOUNDARY SURVEY.

**ABBREVIATIONS:**

P.B. PLAT BOOK  
 PG. PAGE  
 P.S.M. DENOTES PROFESSIONAL SURVEYOR AND MAPPER



**BISHMAN**  
 PROFESSIONAL SURVEYOR & MAPPER  
 CERTIFICATE OF AUTHORIZATION LB 7274  
 52 W. PLANT STREET  
 WINTER GARDEN, FL 34787  
 Phone No. 407.805.9872  
 Fax No. 407.253.8975

ADONIS 0 BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5628

JOB NUMBER: 14026-004

ISSUE DATE	9/22/10
FIELD BOOK	N/A
PAGES	3/4
FIELD FILE	N/A
DRAWING FILE	14026-004.DWG

## Exhibit "F"

### Owner's Property for North-South Road Dedication

PLYMOUTH CITRUS GROWERS ASSOCIATION REPLAT Y/38 LOT 14 (LESS BEG NW COR LOT 14 TH RUN E 316.21 FT S 55 DEG E 780.75 FT TO NLY MOST COR LOT 1 TH SWLY ALONG W LINES OF LOTS 1 & 15 TO WLY MOST COR LOT 15 TH RUN N 78 DEG W 383.02 FT TO W LINE LOT 14 TH N 1300 FT TO POB) & (LESS COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 6 THENCE NORTH 89-38-45 WEST 2622.61 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SECTION 6 THENCE NORTH 00-12-27 WEST 192.68 FEET ALONG THE WEST LINE OF SAID SECTION 6 THENCE DEPARTING SAID WEST SECTION LINE NM NORTH 89-47-33 EAST 29.90 FEET TO THE EXISTING EASTERLY RIGHT OF WAY LINE OF SORRENTO AVENUE AND TO POB THENCE NORTH 00-12-19 WEST 1116.54 FEET ALONG SAID EXISTING EASTERLY RIGHT OF WAY LINE OF SORRENTO AVENUE TO A POINT ON THE SOUTHERLY LINE OF SUPERIOR COMMERCE PARK AS RECORDED IN PLAT BOOK 55 PAGE 50 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA THENCE DEPARTING SAID RIGHT OF WAY LINE RUN SOUTH 78-31-42 EAST 66.05 FEET ALONG SAID SOUTHERLY LINE TO A POINT ON A NON-TANGENT CURVE (CONCAVE NORTHWESTERLY) THENCE DEPARTING SAID SOUTHERLY LINE FROM A CHORD BEARING OF SOUTH 05-10-54 WEST RUN SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 5143.54 FEET FOR AN ARC DISTANCE OF 576.55 FEET THROUGH A CENTRAL ANGLE OF 06-25-21 TO END OF CURVE THENCE SOUTH 17-07-07 EAST 160.89 FEET THENCE SOUTH 06-24-36 WEST 134.98 FEET THENCE SOUTH 09-37-33 WEST 245.05 FEET TO POB) SEE 6133/4719 & (LESS PLYMOUTH CITRUS GROWERS ASSOCIATION SUB Q/143 SOUTH 50 FT OF BLOCK F & G PER DB883/144)

#### Subject Site:

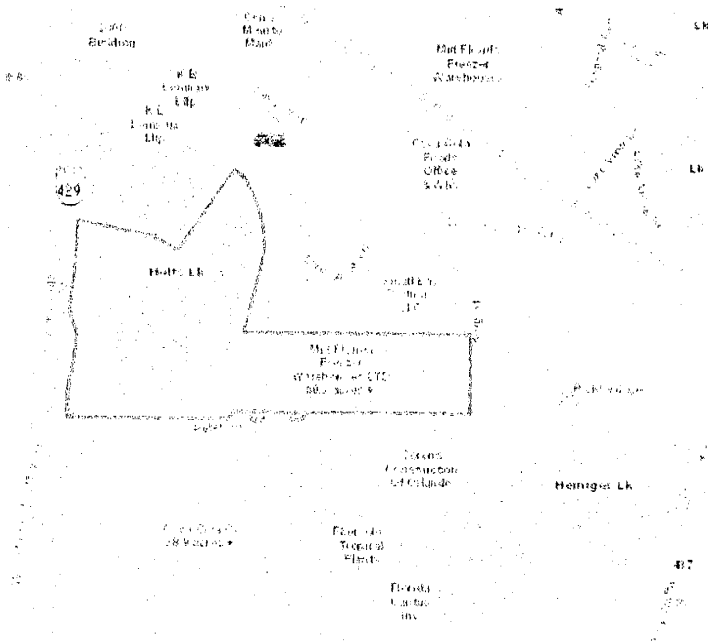


EXHIBIT "G"

North-South Road Conceptual Alignment and Design

