

CITY OF APOPKA

Minutes of the regular City Council meeting held on May 16, 2018, at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alice Nolan
Commissioner Alexander Smith
City Attorney Cliff Shepard
City Administrator Glenn Irby
City Administrator Edward Bass

PRESS PRESENT: Teresa Sargeant - The Apopka Chief
Reggie Connell, The Apopka Voice

INVOCATION: - Mayor Nelson introduced Reverend John Fisher, First Methodist Church of Apopka, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson called on Dixie Kepler, Lovell Elementary School student who led in the Pledge of Allegiance. She said May 16, 1866, the U.S. Congress approved the Shield Nickel. It was called the Shield nickel because of its design and being made out of copper-nickel. The Shield nickel came into circulation because of gold and silver coins being hoarded or exported after the Civil War.

APPROVAL OF MINUTES:

1. City Council special meeting March 27, 2018.
2. City Council regular meeting May 2, 2018.

Commissioner Nolan noted a correction to the May 2, 2018, minutes wherein Commissioner Nolan moved to appoint Commissioner Bankson as the Vice Mayor.

MOTION by Commissioner Nolan and seconded by Commissioner Smith to approve the minutes of March 27, 2018, and May 2, 2018, with the correction as noted. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

AGENDA REVIEW – City Administrator Irby advised there were no changes.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Proclamations:

1. National Police Week Proclamation presented to Chief Mike McKinley.
Mayor Nelson read a proclamation recognizing National Police Week and presented it to Chief McKinley.

Presentations:

1. Police Department Certificate of Appreciation.
Chief McKinley and Deputy Chief Fernandez recognized Makayla Kepler for painting Cops Rock rocks and handing them out to police. He said her small token of support has reached officers from several agencies. She dreams of becoming a K-9 handler one day and he was sure she would reach that goal. He then presented her with a Certificate of Appreciation.

Public Comment Period: There were no speakers.

CONSENT

1. Approve the re-appointment of James Greene & Linda Laurendeau to the Planning Commission.

MOTION by Commissioner Bankson and seconded by Commissioner Nolan to approve one item on the Consent Agenda. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

BUSINESS

1. PLAT – Binion Reserve Subdivision - Project: Gail W. Brown – Location: 1078 South Binion Road

Jean Sanchez, Planner, presented the Binion Reserve Subdivision Plat. She reviewed the location on a map and aerial photo. There are 44 single family residential lots proposed. The proposed PLAT/FDP meets the Land Development Code. The developer proposes active/passive recreation space and an 11-foot wide walking/bike trail adjacent to Binion Road that will connect to the regional trail system. The Planning Commission met on March 13, 2018 and recommended approval.

Randy June, June Engineering, was present for any questions.

MOTION by Commissioner Becker, and seconded by Commissioner Smith to approve the Binion Reserve Subdivision Final Development Plan and Plat as presented. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2591 – Second Reading – Comp Plan Amendment - Large Scale
Project: Chul Lee Et. Al. – Located at 2309 & 2405 West Kelly Park Road. The City Clerk read the title as follows:

ORDINANCE 2591

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE

FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL TO “CITY” MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD AND WEST OF JASON DWELLEY PARKWAY, OWNED BY WON CHUL LEE; BONG JIN CHOE; SOON CHONG; WON CHUL LEE; AND SEA MYOG; COMPRISING 39.48 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner, provided a brief lead-in and reviewed the location. He advised this was a request to change the future land use designation from “County” Rural to “City” Mixed Use Interchange. The subject property straddles the one-mile radius from Wekiva Parkway interchange at Kelly Park Road and is eligible to be within the Kelly Park Crossing Form Based Code Area. He advised the property is compatible with the character of the surrounding area and consistent with the Mixed Use Interchange Land Use designation. This ordinance was before Council for a First Reading on December 6, 2017, and was transmitted to the state. There were no comments or objections from the state agencies. It is now back for Second Reading and adoption.

Geoff Summit, applicant, was present for any questions.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Becker to adopt Ordinance No. 2591. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

2. Ordinance No. 2611 – Second Reading – Comp Plan Amendment - Large Scale
Project: AHIFO-18 LLC – Located on the north side of West Kelly Park Road, west of Plymouth Sorrento Road. The City Clerk read the title as follows:

ORDINANCE 2611

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL SETTLEMENT TO “CITY” MIXED USE - INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND EAST OF THE PROPOSED 429, OWNED BY AHIFO-18 LLC; COMPRISING 51.0 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez provided a brief lead-in for Ordinance 2611, explaining that this was before Council on December 6, 2017 for First Reading and transmittal to the state. There were no objections from the state. There have been no changes since the First Reading and the recommendation is to adopt Ordinance No. 2611.

Jim Hall, representing the applicant, said this will be back before Council in June with details. This ordinance is for the future land use and they request approval.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to adopt Ordinance No. 2611. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

3. Ordinance No. 2644 – Second Reading - Change of Zoning - Project: Spirit SPE Portfolio CA C-Stores, LLC – Location: 1305 West Orange Blossom Trail. The City Clerk read the title as follows:

ORDINANCE NO. 2644

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE 2292, WHICH AMENDS THE ADOPTED “RACETRAC PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN” FOR CERTAIN REAL PROPERTY LOCATED AT 1305 WEST ORANGE BLOSSOM TRAIL, COMPRISING 2.94 ACRES MORE OR LESS; OWNED BY SPIRIT SPE PORTFOLIO CA C-STORES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Bobby Howell, Senior Planner, advised Ordinance No. 2644 was before Council May 2, 2018 for First Reading and there have been no changes. The recommendation is to approve at Second Reading and adoption.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Becker to adopt Ordinance No. 2644. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

4. Ordinance No. 2645 – First Reading - Comp Plan Amendment – Large Scale - Project: Kent Greer – Location: South of West Kelly Park Road, East of Round Lake Road. The City Clerk read the title as follows:

ORDINANCE NO. 2645

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 RURAL SETTLEMENT TO MIXED USE – INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST KELLY PARK ROAD AND EAST OF ROUND LAKE ROAD, OWNED BY KENT GREER; COMPRISING 39.6 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez provided a brief lead-in reviewing the location of the project. He reviewed the surrounding land uses and advised this is in compliance with the comprehensive plan. The Planning Commission and DRC recommend approval of the First Reading and authorize transmittal to the state agencies.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve Ordinance No. 2645 at First Reading and authorize transmittal to the state. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

5. Ordinance No. 2646 – First Reading - Comp Plan Amendment – Small Scale - Project: Lynn R. Fontaine – Location: 4353 McDonald Gley Road. The City Clerk read the title as follows:

ORDINANCE 2646

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL TO “CITY” RESIDENTIAL LOW SUBURBAN FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF CHANDLER ESTATES DRIVE AND EAST OF WEST ORANGE BLOSSOM TRAIL, COMPRISING 5.2 ACRES, MORE OR LESS AND OWNED BY LYNN R. FONTAINE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez advised this was amending the future land use designation from County Rural to City Residential Low Suburban for property north of Chandler Estates Drive and east of West Orange Blossom Trail. He reviewed the surrounding land use and advised this is in compliance with the comprehensive plan. Planning Commission and DRC recommend approval at First Reading and carry it over for a Second Reading and adoption.

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

MOTION by Commissioner Becker, and seconded by Commissioner Nolan, to approve Ordinance No. 2646 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

6. Ordinance No. 2647 – First Reading – Change of Zoning - Project: Lynn R. Fontaine – Location: 4353 McDonald Gley Road. The City Clerk read the title as follows:

ORDINANCE 2647

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 AGRICULTURE TO “CITY” RESIDENTIAL COUNTRY ESTATES FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF CHANDLER ESTATES DRIVE AND EAST OF WEST ORANGE BLOSSOM TRAIL, COMPRISING 5.2 ACRES MORE OR LESS, AND OWNED BY LYNN R. FONTAINE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez advised this Ordinance was in conjunction with the prior ordinance wherein this ordinance changes the zoning from “County” Agriculture to “City” Residential Country Estates. The recommendation is to approve at First Reading and carry it over for a Second Reading and adoption.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to approve Ordinance No. 2647 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

7. Ordinance No. 2648 – First Reading - Comp Plan Amendment – Small Scale - Project: Janine and Richard Edmondson – Location: 3904 Plymouth Sorrento Road. The City Clerk read the title as follows:

ORDINANCE 2648

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL TO “CITY” RESIDENTIAL VERY LOW SUBURBAN FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD AND SOUTH OF WEST KELLY PARK ROAD, COMPRISING 1.0 ACRES, MORE OR LESS AND OWNED BY JANINE AND RICHARD

EDMONDSON; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Moon, Planning Manager said Ordinance 2648 and Ordinance 2649 are on the same property and will be presented together. Ordinance 2648 changes the future land use designation to City Residential Very Low Suburban. This property was recently annexed in to the City of Apopka. The next case involves the same property to change zoning to “City” R-1AA. The intent is to use the property for residential. He advised this property is in transition as Apopka grows in the future. The recommendation is to approve at First Reading and carry over for Second Reading and adoption.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to approve Ordinance No. 2648 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

8. Ordinance No. 2649 – First Reading - Change of Zoning - Project: Project: Janine and Richard Edmondson – Location: 3904 Plymouth Sorrento Road. The City Clerk read the title as follows:

ORDINANCE 2649

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 AGRICULTURE TO “CITY” R-1AA FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF PLYMOUTH SORRENTO ROAD AND SOUTH OF WEST KELLY PARK ROAD, COMPRISING 1.0 ACRES MORE OR LESS, AND OWNED BY JANINE AND RICHARD EDMONDSON; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Smith, and seconded by Commissioner Bankson, to approve Ordinance No. 2649 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

9. Ordinance No. 2650 – First Reading – Comp Plan Amendment – Small Scale - Project: SunTrust Bank – Location: 920 East Semoran Boulevard. The City Clerk read the title as follows:

ORDINANCE 2650

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” COMMERCIAL TO “CITY” COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SOUTH SHEELER ROAD AND SOUTH OF EAST SEMORAN BOULEVARD, COMPRISING 0.37 ACRES, MORE OR LESS AND OWNED BY SUNTRUST BANK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez advised this was the same situation where this ordinance and the next are on the same property, this one being the future land use amendment from “County” Commercial to “City” Commercial. The next ordinance is the zoning ordinance changing from “County” R-2 to “City” C-1. The Planning Commission recommends approval and the DRC recommends approval at First Reading and carry it over for a Second Reading.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve Ordinance No. 2650 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

10. Ordinance No. 2651 – First Reading – Change of Zoning - Project: SunTrust Bank – Location: 920 East Semoran Boulevard. The City Clerk read the title as follows:

ORDINANCE 2651

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-2 TO “CITY” C-1 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SOUTH SHEELER ROAD AND SOUTH OF EAST SEMORAN BOULEVARD, COMPRISING 0.37 ACRES, MORE OR LESS AND OWNED BY SUNTRUST BANK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to approve Ordinance No. 2651 at First Reading and carry it over for a Second Reading. Motion

carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

11. Ordinance No. 2653 – First Reading – Change of Zoning - Project: Laura R. Murphy – Location: 359 W. Lester Road. The City Clerk read the title as follows:

ORDINANCE 2653

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM AGRICULTURE TO R-1 SINGLE FAMILY RESIDENTIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST LESTER ROAD AND EAST OF VICK ROAD, COMPRISING 19.94 ACRES MORE OR LESS, AND OWNED BY LAURA R. MURPHY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Martinez reviewed the location on a map and advised this was a request to change the zoning from Agriculture to R-1 Single Family Residential. The proposed zoning is compatible with the surrounding land use. The recommendation is to approve at First Reading and carry it over for a Second Reading and adoption.

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

MOTION by Commissioner Becker, and seconded by Commissioner Nolan, to approve Ordinance No. 2653 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Nelson, and Commissioner Bankson, Becker, Nolan, and Smith voting aye.

CITY COUNCIL REPORTS

Commissioner Bankson said the Firefighter Challenge was a great success, in spite of the weather, and the Apopka firefighters did a great job.

Mayor Nelson had a banner that was presented to the Apopka Fire Department for the second annual Scott's Safety Firefighter Challenge drawing over 80 participants from all over. He said Apopka did very well placing second and third in many categories. The Apopka Fire Department Explorers took overall first and second place.

Commissioner Smith inquired what the appropriate action or steps were to name a street after someone, stating he would like to have a street or portion of a street names after Commissioner Bill Arrowsmith and Commissioner Billie Dean.

Mayor Nelson said he was supportive but they needed to first research as to the appropriate steps required.

Commissioner Smith said with the budget workshops, he would like them to be setup so that the public can have input.

MAYOR'S REPORT

1. Appointment of two representatives to the Lake Apopka Natural Gas District Board.

Commissioner Nolan said Bill Arrowsmith has served on the LANGD board and is interested in being a representative.

Commissioner Becker said he was interested in serving on the LANGD board and felt his financial background would serve well in this capacity.

MOTION: Commissioner Nolan nominated Bill Arrowsmith to be a representative to the LANGD board, seconded by Commissioner Bankson. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

MOTION: Commissioner Nolan moved to appoint Commissioner Becker to the LANGD board, seconded by Commissioner Bankson. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

ADJOURNMENT – There being no further business the meeting adjourned at 7:57 p.m.

_____/s/_____
Bryan Nelson, Mayor

ATTEST;

_____/s/_____
Linda F. Goff, City Clerk