APOPKA PLANNING COMMISSION AGENDA

APRIL 14, 2020 5:30 PM

APOPKA CITY HALL COUNCIL CHAMBERS

APOPKA PLANNING COMMISSION MEETING WILL BE LIVE-STREAMED ON YOUTUBE. TO WATCH, PLEASE VISIT:

https://www.youtube.com/channel/UCJKvoQzZuYfgsqrtkpjYLCw

CALL TO ORDER

OPENING AND INVOCATION

APPROVAL OF MINUTES

1. Approve minutes of the Planning Commission meeting held March 10, 2020

PUBLIC COMMENT PERIOD

TO ACCESS A PUBLIC COMMENT FORM, PLEASE VISIT: http://www.apopka.net/FormCenter/City-Meetings-15/Planning-Commission-Notice-of-Intent-to--81

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.

PUBLIC HEARING

1. Comprehensive Plan – Small Scale – Future Land Use Amendment
   From: "County" Rural
   To: "City" Commercial (Max. 0.25 FAR)
   Owner: 1058 Plymouth, LLC
   Applicant: GL Summit Engineering, Inc., c/o Geoff Summit, P.E.
   Location: South of Southfork Drive, west of Plymouth Sorrento Road
   Project: 5.92 +/- acres; 64,468 sq. ft. non-residential
   Project Manager: Phil Martinez

2. Change of Zoning
   From: T (Transitional)
   To: C-N (Neighborhood Commercial District)
   Owner: 1058 Plymouth, LLC
   Applicant: GL Summit Engineering, Inc., c/o Geoff Summit, P.E.
   Location: South of Southfork Drive, west of Plymouth Sorrento Road
   Project: 5.92 +/- acres; 64,468 sq. ft. non-residential "Commercial"
   Project Manager: Phil Martinez

3. Comprehensive Plan – Large Scale – Future Land Use Amendment
   From: "County" Rural and "County" Industrial
   To: "City" Industrial
   Owners: American Sanford Four, LLC; Steven R. Rubright; JP Holdings, Inc.; Rubright Properties, LLC; Rubright Family, LP; JP Holdings, Inc. and James Scott Pridgen; Douglas & Lisa Surrett and James P. Purdy
   Applicant: Poulos & Bennett, LLC, c/o Kathy Hattaway
   Location: West of North Orange Blossom Trail, north of Hogshead Road
   Project: 349.37 +/- acres; Max. 9,131,134 sq. ft. non-residential
   Project Manager: David Moon

SITE PLANS

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

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 Planning Commission 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 Planning Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Planning Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Planning Commission 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 Planning Commission 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.

Item Attachment Documents:

1. Approve minutes of the Planning Commission meeting held March 10, 2020

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON MARCH 10, 2020, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington

ABSENT: Butch Stanley; Orange County Public Schools (Non-voting)

STAFF PRESENT: Joseph Byrd, Esq. – City Attorney, James Hitt, FRA-RA – Community Development Director, Robert Hippler – IT Director, David Moon, AICP – Planning Manager, Pamela Richmond, AICP – Senior Planner, Jean Sanchez – Planner II, Phil Martinez – Planner II, and Linda Goff – City Clerk

OTHERS PRESENT: Rene Lamagna, Holly Garcia, Zach Heller, Luke Classon, Charles Roper, Jason Searl, James Palm, Tom Sullivan, Dustin Lucas, Geoff Summit, Claude Cassagnol, and Theresa Sargeant

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

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of February 11, 2020, at 5:30 p.m.

Motion: **Howard Washington made a motion to approve the Planning Commission minutes from the regular meeting held on February 11, 2020, at 5:30 p.m. and seconded by William Gusler. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington (6-0)**

PUBLIC COMMENT: Chairperson Greene opened the meeting to Public Comment. No one spoke.

Motions: James Hitt, FRA-RA, Community Development Department Director, reiterated to the Commission members that each of them had the prerogative to make motions. The Chairperson was not solely responsible for making motions.

School Impact Fees Update: Joseph Byrd, City Attorney, briefed the Commission on the legislation having to do with impact fees, and in particular the school impact fees.

Developers whose projects increase impacts to the local schools are required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools in addition to payment of statutory school impact fees. The agreement ensures the developer will pay the difference between the standard school impact fees and the actual cost of the student stations for any particular project.

Legislation was passed in 2019 (HB 7103) that provided that impact fees could not be required before issuance of the building permit related to the developments that create the impact and any payment or mitigation paid prior to the payment of the impact fee must be credited against the impact fee dollar for dollar. This includes the school impact fees. Orange County Public Schools has expressed it could not afford to lose the ability to collect the actual cost of student station impacts through the CEA and stopped processing/approving any CEAs.

Orange County Public Schools has insisted on securing a "legislative fix" which has not materialized to date. This exposes local governments to litigation from developers because local governments have a 180 day time limit to get the applications approved.

There is current legislation that appears to be a compromise. More information will be provided as it becomes available.

LEGISLATIVE – CHANGE OF ZONING – CITY OF APOPKA – Chairperson Greene stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and recommend approval of the proposed Change of Zoning from "T, Transitional District" to "PR, Parks & Recreation District" for the property owned by City of Apopka and located at 2923 Lust Road.

Staff Presentation: Phil Martinez, Planner II, stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and recommend approval of the proposed Change of Zoning from "T, Transitional District" to "PR, Parks & Recreation District" for the property owned by City of Apopka and located at 2923 Lust Road. The future land use is Parks/Recreation. The existing use is a conservation area. The current zoning is T (Transitional District) and the proposed zoning is PR (Parks and Recreation District). The existing and proposed maximum allowable development is 605,484 non-residential sq. ft. Recreation or conservation related uses required by the St. Johns River Water Management District (SJRWMD) agreement. The tract size is 69.5 +/- acres.

The subject parcel was annexed into the city on June 5, 2019 by Ordinance Number 2726. The proposed PR zoning is compatible with the property due to the existing use and the Parks/Recreation Future Land Use designation.

On October 8, 2018 the City Council and the SJRWMD entered into a Memorandum of Agreement for the transfer of ownership of the subject property from the SJRWMD to the City of Apopka. A condition of this Agreement requires the City to use and maintain the subject property for "nature-based recreation and education public use facilities." A copy of this Agreement is provided as an exhibit to this Staff Report.

The proposed Zoning, "PR, Parks and Recreation District" is consistent with the conditions set forth in the Memorandum of Agreement with the SJRWMD.

The proposed PR (Parks & Recreation District) zoning is consistent with the Parks/Recreation (Max. 0.2 FAR) Future Land Use Designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

The proposed zoning change will not result in an increase in school enrollment. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 3, 2020.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and recommended approval of the proposed Change of Zoning from "T, Transitional District" to "PR, Parks & Recreation District" for the property owned by City of Apopka, and located at 2923 Lust Road.

Staff recommended the Planning Commission find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and recommend approval

of the proposed Change of Zoning from "T, Transitional District" to "PR, Parks & Recreation District" for the property owned by City of Apopka and located at 2923 Lust Road.

The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

In response to a question by Commissioner Washington, Mr. Martinez stated that the small parcel on the east side of the subject property is privately owned and the parcel that partially surrounds it is owned by Lust Farms.

Mr. Hitt stated that the privately owned property and the Lust Farms property have separate entrances.

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

Motion: Linda Laurendeau made a motion to find the proposed Change of Zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and recommend approval of the proposed Change of Zoning from "T" (Transitional) to PR (Parks & Recreation District) for the property owned by City of Apopka and located at 2923 Lust Road. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington (6-0)

LEGISLATIVE – CHANGE OF ZONING – BINION ROAD LLC – Chairperson Greene stated this is a request to find the proposed Change of Zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and recommend approval of the proposed Change of Zoning from "T" (Transitional) to "MU-ES-GT" (Mixed Use East Shore Gateway District) subject to the applicant obtaining a School Capacity Enhancement from OCPS prior to City Council adoption of the rezoning application for the property owned by Binion Road, LLC and located north of Harmon Road, east of South Binion Road.

Staff Presentation: Phil Martinez, Planner II, stated this is a request to find the proposed Change of Zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and recommend approval of the proposed Change of Zoning from "T" (Transitional) to "MU-ES-GT" (Mixed Use East Shore Gateway District) subject to the applicant obtaining a School Capacity Enhancement from OCPS prior to City Council adoption of the rezoning application for the property owned by Binion Road, LLC and located north of Harmon Road, east of South Binion Road. The future land use is Mixed Use. The existing use is vacant land. The existing maximum allowable development is 8 dwelling units and the proposed maximum allowable development is 295 dwelling units. The tract size is 19.72 +/- acres.

The subject properties were annexed into the city on September 17, 2003 by Ordinance Number 1605. The subject area consists of approximately 19.72 acres and is vacant. The proposed MU-ES-GT zoning is compatible with the property due to the Mixed-Use Future Land Use, being found in the vicinity.

The proposed MU-ES-GT (Mixed Use East Shore Gateway District) zoning is consistent with the proposed Mixed Use (Max. 15 du/ac; Max. FAR 0.25) Future Land Use Designation. Comprehensive Plan Policy 3.15 restricts the Floor Area Ratio for these properties to a maximum of 0.25. Site development cannot exceed the intensity allowed by the Future Land Use policies.

An executed capacity enhancement agreement or a letter of capacity determination with Orange County Public Schools will be required prior to adoption of the rezoning. A copy of the OCPS Capacity Determination Denial Letter is placed in the support information.
Affected Schools: Apopka ES, Wolf Lake MS, Wekiva HS.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 3, 2020.

The Development Review Committee found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from "T, Transitional District" to "MU-ES-GT, Mixed Use East Shore Gateway District" for the properties owned by Binion Road LLC, and located North of Harmon Road and East of S. Binion Road.

Staff recommended the Planning Commission find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from "T, Transitional District" to "MU-ES-GT, Mixed Use East Shore Gateway District" for the property owned by Binion Road, LLC and located North of Harmon Road and East of S. Binion Road, subject to the applicant obtaining a School Capacity Enhancement from OCPS prior to City Council adoption of the rezoning application.

The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

Geoff Summit, G. L. Summit Engineering, Inc., 3667 Simonton Place, Lake Mary, stated that he did not have a presentation, he concurred with the staff presentation, and was available to answer any questions.

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

Motion: **Mary Norwood made a motion to find the proposed Change of Zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and recommend approval of the proposed Change of Zoning from "T" (Transitional) to "MU-ES-GT" (Mixed Use East Shore Gateway District), subject to the applicant obtaining a School Capacity Enhancement from OCPS prior to City Council adoption of the rezoning application for the property owned by Binion Road, LLC and located North of Harmon Road and East of S. Binion Road. Motion seconded by William Gusler. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington (6-0)**

LEGISLATIVE - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – PMDW VENTURES, LLC - Chairperson Greene stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Small Scale Future Land Use Amendment from Industrial (0.60 FAR) to Mixed-Use (0-15 du/ac and 1.0 FAR) subject to the applicant obtaining a School Capacity Enhancement from OCPS prior to City Council adoption of the small scale FLUM amendment, for the property owned by PMDW Ventures, LLC and located at 2610 Peterson Road.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and to

recommend approval of the Small Scale Future Land Use Amendment from Industrial (0.60 FAR) to Mixed-Use (0-15 du/ac and 1.0 FAR) for the property owned by PMDW Ventures, LLC and located at 2610 Peterson Road. The current zoning is I-L (Light Industrial) and the proposed zoning, submitted in conjunction with the small scale land use amendment, is MU-ES-GT (Mixed Use-East Shore-Gateway). The existing maximum allowable development is Max. 88,078 Nonresidential SF; 0 residential units and the potential maximum allowable development is 146,797 Nonresidential SF Max. 134 residential units. The current use is vacant land and the proposed use is a 15 Single Family Residential (SFR) Units. A total of 58 Single Family Residential Units and 146 Townhome Units, based on Concept Plan and aggregate development site of approximately 41 acres. The applicable code is the 2019 Land Development Code. The tract size is 3.37+/- acres.

The applicant requests the "Mixed Use" Future Land Use designation, with the compatible Mixed Use-East Shore-Gateway zoning designation. The abutting 38.03-acre parcel (Parcel Identification No. 07-21-28-0000-00-027) is also owned by the applicant, whose desire is to combine the two parcels into an aggregate parcel for a single family residential and townhome unit development.

Site development cannot exceed the intensity allowed by the Future Land Use policies. Planning & Zoning Staff determines that the below policies support a Mixed Use Future Land Use Map (FLUM) designation at the subject site:

Future Land Use Element
Policy 3.1.r Mixed-Use

> The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public facilities uses to serve the residential and non-residential needs of special areas of the City. This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses. The intensity of development within the mixed-use land use categories will vary depending on location and surrounding uses. Transit-oriented design elements shall be encouraged to promote multiple modes of transportation in the mixed use categories. The Land Development Code will establish zoning districts and/or zoning overlay areas with standards that define the appropriate location for various intensities/densities. The following maximum gross intensity/density standards shall not be exceeded.

An executed capacity enhancement agreement or a letter of capacity determination with Orange County Public Schools has been obtained by the applicant. Fifteen single family homes are subject to school capacity enhancement. Affected Schools: Zellwood ES, Wolf Lake MS, Wekiva HS.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 10, 2020.

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 Industrial (0.60 FAR) to Mixed-Use (0-15 du/ac and 1.0 FAR) for the property owned by PMDW Ventures, LLC.

Staff recommended the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the Future Land Use Map designation from Industrial (0.60 FAR) to Mixed-Use (0-15 du/ac and 1.0

FAR) for the properties owned by PMDW Ventures, LLC.
The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

Jason Searl, Gray Robinson Law Firm, 301 East Pine Street, Suite 1400, Orlando, stated that he did not have a presentation, he concurred with the staff presentation, and was available to answer any questions.

In response to a question by Commissioner Gusler, Mr. Searl stated that a School Capacity Enhancement has been obtained from Orange County Public Schools.

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

Motion: **William Gusler made a motion to find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area; and to recommend approval of the Small Scale Future Land Use Amendment from Industrial (0.60 FAR) to Mixed-Use (0-15 du/ac and 1.0 FAR for the property owned by PMDW Ventures, LLC and located at 2610 Peterson Road. Motion Seconded by Mary Norwood. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington (6-0)**

LEGISLATIVE – CHANGE OF ZONING – PMDW VENTURES, LLC – Chairperson Greene stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and to recommend approval of the proposed Change of Zoning from I-L (Light Industrial) and C-C (Community Commercial) to MU-ES-GT (Mixed Use – East Shore – Gateway) subject to the applicant obtaining a School Capacity Enhancement from OCPS prior to City Council adoption of the rezoning application for the properties owned by PMDW Ventures, LLC and located at 2600 and 2610 Peterson Road.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and to recommend approval of the proposed Change of Zoning from I-L (Light Industrial) and C-C (Community Commercial) to MU-ES-GT (Mixed Use – East Shore – Gateway) subject to the applicant obtaining a School Capacity Enhancement from OCPS prior to City Council adoption of the rezoning application for the properties owned by PMDW Ventures, LLC and located at 2600 and 2610 Peterson Road. This Change of Zoning request is being processed along with a request to change the Future Land Use for 2610 Peterson Road, Parcel ID No. 07-21-28-0000-00-019, from Industrial to Mixed Use. The existing use is vacant land. The existing maximum allowable development is 88,078 sq. ft. of nonresidential uses and the proposed maximum allowable development is 58 Single Family Residential Units and 146 Townhome Units. This is based on the Concept Plan and aggregate development site of approximately 41 +/- acres. The applicable code is the 2019 Land Development Code. The tract size is 41.4 +/- acres.

The applicant requests the "Mixed Use" Future Land Use designation, with the compatible Mixed Use-East Shore-Gateway zoning designation. The applicant intends to combine the two parcels into an aggregate parcel for a single family residential and townhome unit development. Based on the preliminary review of the concept plan, the applicant is proposing 58 Single Family Residential Units and 146 Townhome Units on a project site with a total area of approximately 41 acres.

The proposed uses of the properties are consistent with the proposed Mixed Use Future Land Use designation and the MU-ES-GT Zoning classification. Site development cannot exceed the intensity

allowed by the Future Land Use policies.

An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment. Fifteen single family homes are subject to school capacity enhancement. Affected Schools: Zellwood ES, Wolf Lake MS, Wekiva HS.

The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 10, 2020.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from I-L and C-C to MU-ES-GT for the properties owned by PMDW Ventures, LLC.

Staff recommended the Planning Commission find the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, and recommend approval of the proposed Change of Zoning from I-L and C-C to MU-ES-GT for the properties owned by PMDW Ventures, LLC, subject to the applicant obtaining a School Capacity Enhancement from OCPS prior to City Council adoption of the rezoning application.

The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

In response to a question by Commissioner Washington, David Moon, Planning Manager, stated the roadway on the eastern side of the property is the Avian Pointe spin road. It runs from Peterson Road south to Lust Road.

Mr. Hitt explained that the western portion of Peterson Road is owned by Central Florida Railroad and the City is looking to have it vacated and donated to the City.

Jason Searl, Gray Robinson Law Firm, 301 East Pine Street, Suite 1400, Orlando, requested that the requirement to obtain a CEA with Orange County Public Schools be stricken from the motion as they have already obtained the CEA.

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

Motion: **William Gusler made a motion to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and to recommend approval of the proposed Change of Zoning from I-L (Light Industrial) and C-C (Community Commercial) to MU-ES-GT (Mixed Use – East Shore – Gateway) for the properties owned by PMDW Ventures, LLC and located at 2600 and 2610 Peterson Road. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington (6-0)**

LEGISLATIVE – PLAT – LEGACY HILLS - Chairperson Greene stated this is a request to find the Plat consistent with the Land Development Code and Ordinance No. 2660; and recommend approval of the Legacy Hills Plat for property owned by JEL Land Development LLC, and located south of Schopke Road, west of Schopke Lester Road.

Staff Presentation: Phil Martinez, Planner II, stated this is a request to find the Plat consistent with the Land Development Code and Ordinance No. 2660; and recommend approval of the Legacy Hills Plat for property owned by JEL Land Development LLC, and located south of Schopke Road, west of Schopke Lester Road. The applicant is GTC Engineering Corporation. The future land use is Residential Low (0-5 du/ac) and the zoning is PD (Planned Development). The current use is vacant land and the proposed use is 48 single family homes. The applicable code is the 1993 Land Development Code and Ordinance No. 2660 adopted August 1, 2018. The tract size is 19.67 acres +/-.

The Planning Commission reviewed the Preliminary Development Plan for Legacy Hills on February 12, 2019 and found it consistent with the approved Master Plan and with the 1993 Land Development Code and recommended approval. City Council reviewed and approved the same Preliminary Development Plan on March 6, 2019. The Plat is consistent with the approved Preliminary Development Plan.

The applicant has submitted a Plat for consideration which details the development of 48 single-family units on an estimated 19.67 acres. The subject property is located south of Schopke Road and west of Schopke Lester Road, specifically at 2400 Schopke Road, and is accessed via Schopke Road. Development is subject to the standards and conditions set forth in PD Ordinance No. 2660 which was adopted on August 1, 2018, includes the following:

- The minimum livable area for a house shall be 1,700 square feet.

- The minimum setbacks applicable to this project are:

Setback	Minimum Standard
Front	25’
Side	7.5’
Rear	25’
Corner	25’
Front Entry Garage	30’

The access point for the proposed subdivision, known as “Legacy Hills”, is proposed off of Schopke Road.

Stormwater is proposed to be discharged into Tract F, which is located at the southern end of the property. Tract F is to be owned and maintained by the Homeowners’ Association.

Consistent with the requirements of Ordinance No. 2660, Tracts B and E, consisting of 0.28 acres and 0.44 acres, respectively, are to be used as recreation. Tract B contains a seating area and Tract E contains a playground and picnic areas.

Live Oaks, Southern Magnolias, and Bald Cypresses are proposed throughout the subdivision. Legacy Hills contains a Northern and Western buffer yard. The Western buffer yard consists of Live Oaks and Mirror Leaf Viburnums. The Northern buffer yard contains Live Oaks, Southern Magnolias, among other flora species. Bald Cypresses are proposed to be planted throughout the southern end of subdivision, near the retention area. In addition, the Northern and Western buffer yards contain a 6’ high masonry wall. Each lot shall have two, 3’’ DBH shade trees at time of individual construction.

The applicant has obtained a Concurrency Management Agreement (CMA) from Orange County Public

Schools (OCPS) and the City Council. Affected Schools: Wolf Lake Elementary, Wolf Lake Middle, and Apopka High.

Orange County was notified at the time of the subdivision plan and plat submittal for this property through the DRC agenda distribution.

The Development Review Committee finds the plat to be consistent with the Preliminary Development Plan and Final Development Plan and recommends approval of the Legacy Hills Plat.

Staff recommended the Planning Commission find the Plat consistent with the Land Development Code and Ordinance No. 2660, and recommend approval of the Legacy Hills Plat.

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

The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

Claude Cassagnol, GTE Engineering Corporation, 98 South Semoran Boulevard, Orlando, stated that he did not have a presentation, he concurred with the staff presentation, and was available to answer any questions.

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

Motion: **Howard Washington made a motion to find the Plat consistent with the Land Development Code and Ordinance No. 2660; and recommend approval of the Legacy Hills Plat for property owned by JEL Land Development LLC, and located south of Schopke Road, west of Schopke Lester Road. Motion seconded by William Gusler. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington (6-0)**

LEGISLATIVE – RE-PLAT – MARDEN RIDGE PUD, LOTS 3 AND 4 - Chairperson Greene stated this is a request to find the Marden Ridge PUD Lot 3 and 4 Replat consistent with the Land Development Code; and recommend approval of the Replat, subject to the findings of this staff report, for the property owned by MRAD Phase II, LLC, c/o Michael D. Niederst, and located at 1438 Marden Ridge Loop.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to find the Marden Ridge PUD Lot 3 and 4 Replat consistent with the Land Development Code; and recommend approval of the Replat, subject to the findings of this staff report, for the property owned by MRAD Phase II, LLC, c/o Michael D. Niederst, and located at 1438 Marden Ridge Loop. The applicant is Appian Engineering, LLC c/o Luke M. Classon, P.E. The future land use is Commercial and the zoning is PUD (Planned Unit Development). The existing use is vacant land and the proposed use is to divide two lots into one lot and two tracts. The tract size is 16.08 +/- acres.

This is a request to approve the Marden Ridge PUD Lot 3 and 4 – Replat, which proposes the division of two lots into one lot and two tracts. Lot 1 has been approved for a preparatory school and the existing Marden Ridge Apartments Phase I is located on Lot 2. The applicant intends for Tract K as recreation/open space and Tract L to serve as the stormwater pond for future development on Lot 3 and will be owned and

maintained by the property owner.

Future development on Lot 3 will have access onto Marden Road. At the site of a major development plan for Lot 3, a cross access easement may be required between Lot 2 and Lot 3.

Tract L is intended to serve as the stormwater pond for future development on Lot 3. The stormwater pond design shall meet the City's Land Development Code requirements at the time of Lot 3 development.

The Development Review Committee recommends approval of the Marden Ridge PUD Lot 3 and 4 – Replat, finding it consistent with the Land Development Code, subject to the findings of this staff report.

Staff recommended the Planning Commission find the Marden Ridge PUD Lot 3 and 4 – Replat consistent with the Land Development Code; and recommend approval of the Replat, subject to the findings of this staff report.

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

The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

Luke Classon, Appian Engineering, 2221 Lee Road, #27, Winter Park, stated that he did not have a presentation, he concurred with the staff presentation, and was available to answer any questions.

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

Motion: **Robert Ryan made a motion to find the Marden Ridge PUD Lot 3 and 4 Replat consistent with the Land Development Code; and recommend approval of the Replat, subject to the findings of this staff report, for the property owned by MRAD Phase II, LLC, c/o Michael D. Niederst, and located at 1438 Marden Ridge Loop. Motion seconded by Howard Washington. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington (6-0)**

QUASI-JUDICIAL - VARIANCE – CENTRAL FLORIDA EXPRESSWAY AUTHORITY – Chairperson Greene stated the following item is "quasi-judicial" for the Commission's consideration. This is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article 3, Section 3.2.3.C - Intensity and Dimensional Standards - To reduce the front yard setback requirement from one hundred feet to twenty-five feet for a communication tower guy wire anchors and wire for the property owned by the Central Florida Expressway Authority and located at 6578 Mount Plymouth Road.

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

In response to the question by Chairperson Greene, no one on the Planning Commission had any ex parte communications regarding this item.

Staff Presentation: Pamela Richmond, AICP, Senior Planner, stated this is a request to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article 3, Section 3.2.3.C - Intensity and Dimensional Standards - To reduce the front yard setback requirement from one hundred feet to twenty-five feet for a communication tower guy wire anchors and wire for the property owned by the Central Florida Expressway Authority and located at 6578 Mount Plymouth Road. The applicant is the City of Apopka. The future land use is Rural Settlement and the zoning is AG (Agriculture). The existing and proposed uses are the toll road and planted pines. The applicable code is the 2019 Land Development Code. The tract size for the tower leased by the City is 4.7 +/- acres; and the total tract size is 142 +/- acres.

Applicant is requesting a variance from Article 3: Section 3.2.3.C. Intensity and Dimensional Standards, Front Yard Setback – 100 feet.

- *Applicant Request* - Allow reduction of front yard setback requirement from one hundred feet to twenty-five feet to accommodate the public safety communication tower guy wires.

- *The 300-foot* high communication tower is needed by the City's emergency response departments (Fire and Law Enforcements) to effectively communicate with emergency staff located in the field in the northern areas of Orange County. Serving a public health and safety purpose, the communication tower is needed to provide efficient emergency response services to residents and property owners in the City of Apopka and Orange County. To improve communications services for emergency response staff, a communication tower is needed on the north side of the City. The proposed location of the communication tower provides the best opportunity to meet this communication need, considering limited land areas that are available. The Central Florida Expressway Authority has been a willing partner to allow the tower on its property.

VARIANCE PROCESS: Per Land Development Code Section 2.5.5(A)(5), the Planning Commission shall make initial determination of the following to approve a variance **(Step 1)**:

1. Section 2.5.5(A)(5)(1). Whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Planning Commission shall make the findings in subsection b., below, based on the granting of the variance for that site alone.

2. Section 2.5.5(A)(5)(2). If the condition is common to numerous sites so that requests for similar variances are likely to be received, the Planning Commission shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

3. Section 2.5.5(A)(5)(3). No nonconforming use of neighboring lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a zoning variance.

APPLICABLE CITY CODES:

- Section 2.5.5(A) - The procedures and standards in this section apply to the review of and decision on an application for a variance.

Nine Variance Criteria Findings (Step 2): If the Planning Commission makes a positive determination of each item in Step 1 above, the second step is to make a finding on the nine criteria below. A zoning variance shall be approved only on a finding the applicant demonstrates there is competent substantial evidence in the record that on each of the following nine criteria:

1. There are practical difficulties in carrying out the strict letter of the regulation [in] that the requested variance relates to a hardship due to characteristics of the land and not solely on the needs of the owner. There are practical difficulties in carrying out the strict letter of the relevant requirements of the LDC in that the requested variance relates to a hardship due to characteristics of the land and not solely the needs of the land owner.

   ***Applicant's Response*:** The building and tower on the site plan meet the 100-foot required setback. This variance is requested for 2 of the 3 guy wires that attach to the tower for stability. The shape of the parcel and the distance of the guy wire footers from the tower makes it necessary to request a variance.

   ***Staff's Response*:** No objection.

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

   ***Applicant's Response*:** Cost does not have a role in this request. Finding a site where a communication tower will provide coverage required by the City's Police Department and Fire Department, along with a zoning designation where a tower is an approved land use are the primary concerns.

   ***Staff's Response*:** No objection.

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

   ***Applicant's Response*:** The proposed land use will generate virtually no traffic. The tower will be behind a locked gate that a select few persons will have access to. Maintenance, which is generally minimal, will generate a few trips annually.

   ***Staff's Response*:** No objection.

4. The proposed variance will not substantially diminish property values in the area surrounding the site.

   ***Applicant's Response*:** A communication tower is an allowable land use in this zoning district and it is surrounded on three sides by state of Central Florida Expressway (CFX) owned property that will not be developed. The parcel to the south, per the Orange County Joint Planning Agreement with the City, allows one unit per acre with clustering required, and 50% - 75% of the land must remain as permanently protected open space.

   ***Staff's Response*:** No objection.

5. The proposed variance will not substantially alter the essential character of, the area surrounding the site.

   ***Applicant's Response*:** The tower site is part of a 142-acre parcel acquired by CFX to construct the Wekiva Parkway and surrounds the 5-acre tower site location on the north and west. State lands are to the east, where there will be no development in the future.

The parcel to the south is planted pines, and per the Orange County JPA with the City, allows 1 unit per acre with clustering required, and 50% - 75% of the land must remain as permanently protected open space.

***Staff Response*:** No objection.

6. The effect of the proposed variance is in harmony with the general intent of the LDC and the specific standards for which the variance is granted;

   ***Applicant's Response*:** The variance is for the guy wires. The building and tower will be setback more than 100 feet from the front property line. To the greatest extent possible, as many of the planted pines on the site will be preserved.

   ***Staff Response*:** No objection.

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

   ***Applicant's Response*:** The applicant has done nothing to the site that caused a need for a variance. Finding a location for a communication tower in this general location that provides the desired radio coverage has been challenge. Numerous sites were vetted by the tower manufacturer prior to the selection of this site and this specific location was the only viable location in a two-year search.

   ***Staff Response*:** No objection.

8. The proposed variance will not create safety hazards and other detriments to the public.

   Applicant's Response: This variance is being requested so a public safety communications tower can be erected on this site for the health, safety and welfare of the public. It has been fully vetted by the tower manufacturer.

   Staff Response: No objection.

9. The variance is the minimum variance which will make possible the reasonable use of the land, building or structure.

   Applicant's Response: There is no other way to fit the tower and guy wires on the property because of the irregular shape. Further, CFX has no plans for this property and has entered into a long-term lease agreement with the City to use the site for a communication tower. CFX prefers to keep development along the right-of-way it controls to a minimum.

   Staff Response: No objection.

Planning Commission Role: The Planning Commission shall review the application at a quasi-judicial hearing and make a decision based on the review standards in Section 2.5.5(A)(5) Standards. The Planning Commission decision shall be one of the following:

1. Approval of the variance;
2. Approval of the variance subject to modification and/or condition; or

3. Denial of the variance.

The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting

In response to a question by Commissioner Ryan, Ms. Richmond stated that the property is zoned Agriculture which requires a 100 foot front setback.

Mr. Moon explained that there are different types of towers. The most common are guyed and monopole towers. Guyed towers are supported by one or more levels of braided or stranded steel guy cables that anchor to the ground. A monopole tower is a single-pole that can be a tubular section design or a formed, tapered pole and do not require guy wires. Setbacks are required to ensure there is distance between the guy wires and the adjacent properties.

In response to questions by Commissioner Gusler, Ms. Richmond stated the site will be fenced and the guy wires will be buffered with landscaping and bollards at the front of the property. This site was chosen after staff had looked at several other sites.

Mr. Moon stated that this site was chosen due to its being north of the City and would provide effective communication for the Emergency Management staff as well as Lake County Emergency Management who will also be utilizing the tower.

Police Chief Michael McKinley stated that originally they had found a site owned by Central Florida Railroad; however, prior to installing the tower an easement issue arose with regard to S.R. 429. Staff attempted to obtain an agreement with Lake County but was not successful. The subject site is more conducive to the needs of emergency management.

In response to a question by Commissioner Laurendeau, Ms. Richmond stated staff had met with the adjacent property owners to the south. A Miss Moss who resides in Lake County stated opposition.

In response to questions by Commissioner Gusler, Ms. Richmond stated that the existing setback is 100 feet and staff is requesting a variance to allow a 25 foot setback. The tower location borders the road right-of-way.

Zach Heller, Heller Brothers Packing Corp., 309 9th Street, Winter Garden, expressed his concerns regarding the size of the tower and adverse impacts to the surrounding properties. He stated he was not opposed to the tower but requested that there be enough landscaping be provided to block the view of the tower and guy wires from the adjacent properties and the road.

In response to a question by Commissioner Gusler, Mr. Heller stated that the rest of the property has planted pine.

Ms. Richmond stated that they will leave as many trees as possible. They plan to install bollards around the guy wires; and can install bushes or something similar.

In response to a question by Commissioner Ryan, Robert Hippler, IT Director, stated that the tower is designed to collapse if there is a catastrophic failure. It is possible that it could fall on the adjacent road; however, it is rated for a Category 5 hurricane. The length of the guy wires have to be 65 % of the height of the tower. That is 195 feet for a 300 foot high tower.

In response to a question by Commissioner Norwood, Ms. Richmond stated the City would install the landscaping and bollards.

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

Motion: **Linda Laurendeau made a motion to find that sufficient information indicates a need for the proposed variance arises out of the physical surroundings, shape topographical conditions, or other physical or environment conditions that are unique to the specific property involved owned by Central Florida Expressway Authority and located at 6578 Mount Plymouth Road. Motion seconded by William Gusler. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington (6-0).**

Joseph Byrd, City Attorney, advised the Commissioners that for the next motion, if they wanted, they could add the condition to require landscaping and bollards.

Motion: **William Gusler made a motion to find that sufficient information occurs to accept each of the nine variance criteria; and to approve a variance of the Apopka Code of Ordinances, Part III, Land Development Code, Article 3, Section 3.2.3.C - Intensity and Dimensional Standards - To reduce the front yard setback requirement from one hundred feet to twenty-five feet for a communication tower guy wire anchors and wire for the property owned by the Central Florida Expressway Authority and located at 6578 Mount Plymouth Road. Motion seconded by Mary Norwood.**

Commissioner Gusler clarified that this has been an ongoing struggle for years. A tower is purchased for 2.4 million dollars without having a location for it. This needs to get done as soon as possible.

Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, and Howard Washington (6-0).

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting was adjourned at 6:27 p.m.

_____

James Greene, Chairperson

_____

James K. Hitt, FRA-RA
Community Development Director

Item Attachment Documents:

1. Comprehensive Plan – Small Scale – Future Land Use Amendment
   From: "County" Rural
   To: "City" Commercial (Max. 0.25 FAR)
   Owner: 1058 Plymouth, LLC
   Applicant: GL Summit Engineering, Inc., c/o Geoff Summit, P.E.
   Location: South of Southfork Drive, west of Plymouth Sorrento Road
   Project: 5.92 +/- acres; 64,468 sq. ft. non-residential
   Project Manager: Phil Martinez

CITY OF APOPKA
PLANNING COMMISSION

X	PUBLIC HEARING	MEETING OF:	April 14, 2020
____	SITE PLAN	FROM:	Community Development
____	SPECIAL REPORTS	EXHIBITS:	Land Use Report
____	OTHER:		Vicinity Map
			Future Land Use Map
			Adjacent Zoning Map
			Adjacent Uses Map

SUBJECT: **COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – 1058 PLYMOUTH, LLC**

REQUEST: **COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – 1058 PLYMOUTH, LLC**
FROM: "COUNTY" RURAL
TO: "CITY" COMMERCIAL (MAX. 0.25 FAR)

SUMMARY:

OWNER:	1058 Plymouth, LLC
APPLICANT:	GL Summitt Engineering, Inc.
LOCATION:	South of Southfork Drive and West of Plymouth Sorrento Road
PARCEL ID NUMBER:	06-21-28-7172-04-060
EXISTING USE:	Vacant
CURRENT ZONING:	"T" (Transitional District)
TRACT SIZE:	5.92 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:	EXISTING: 1 Dwelling Unit PROPOSED: 64,468 non-residential sq. ft.

DISTRIBUTION

Mayor Nelson	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 property was annexed into the city on December 19, 2018 by Ordinance Number 2695. The proposed "Commercial" Future Land Use is compatible with the property due to the "Commercial" Future Land Use, and commercial-oriented uses, being found in the vicinity. This application is being processed simultaneously with an application to rezone the subject property from T (Transitional District) to C-N (Neighborhood Commercial District).

COMPREHENSIVE PLAN COMPLIANCE: The proposed Future Land Use, "Commercial", is consistent with the proposed zoning designation, "C-N, Neighborhood Commercial District". Site development cannot exceed the density allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support an "Industrial" designation at the subject site:

Future Land Use Element

Policy 3.1.i Commercial

Primary uses shall be for business, commerce, and convenience shopping which may be neighborhood or community oriented. The maximum floor area ratio shall be .25 gross floor area. Institutional land uses of less than five acres; and public facilities or utilities of less than five acres.

The expansion of strip commercial areas shall be prohibited except in infill areas.

Special exception uses shall include:

1) Institutional land uses of five acres or more
2) Elementary schools, middle schools and high schools
3) Supporting infrastructure and public facilities of five acres or more

Planned Unit Development uses may include:

1) All primary land uses
2) All special exception uses
3) Multifamily development of up to fifteen dwelling units per acre, when located within a primary use structure
4) Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

SCHOOL CAPACITY REPORT: The proposed future land use amendment will not impact public school enrollment. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

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 March 13, 2020.

PUBLIC HEARING SCHEDULE:
April 14, 2020 - Planning Commission (5:30 pm)
May 6, 2020 - City Council (1:30 pm) - 1st Reading
May 20, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:
March 27, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

The Development Review Committee: finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Future Land Use Designation of "Commercial" for the property owned by 1058 Plymouth, LLC and located at 1058 Plymouth Sorrento Road.

Recommended Motion: Find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from "County" Rural to "City" Commercial, subject to the findings of the Staff Report.

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:

Direction	*Future Land Use*	*Zoning*	*Present Use*
North (County)	"County" Rural	"City" Transitional and "County" A-1	Southfork Drive and Vacant Parcel
East (County & City)	"County" Low Density Residential and "City" Residential Low	"County" A-1 and "City" RTF	Nursery and Plymouth Landing Res. Community
South (County)	"County" Rural	"County" A-1	S.R. 429 Entrance Road and Single-Family Home
West (City)	"City" Residential Low Suburban	"City" Transitional	S.R. 429

II. LAND USE ANALYSIS

The subject property is currently vacant, future development must comply with the Commercial future land use designation & be consistent with the Comprehensive Plan policies listed above.

The proposed Commercial 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 "Core Area" of the JPA. The proposed FLUM Amendment request for a change from "County" Rural to "City" Commercial (Max. 0.25 FAR) is consistent with the terms of the JPA (Second Amendment). 1058 Plymouth, LLC is the property owner, and has been notified of the hearing schedule.

Transportation: Road access to the site is from the S.R. 429 ingress/egress road, Plymouth Sorrento Road, and Southfork Drive. An interchange off of S.R. 429 is adjacent to the subject property.

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 in the vicinity of this property.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Commercial (Max. 0.25 FAR) Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

CALCULATIONS:
ADOPTED: 1 Unit(s) x 2.659 p/h = 2 persons
PROPOSED: 0 Unit(s) x 2.659 p/h = 0 persons (64,468 non-residential sq. ft.)

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

Habitat for species listed as endangered, threatened or of special concern: A habitat study is required for developments greater than ten (10) acres in size. At the time the Master Site Plan or Major 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 GPD/Capita; 90 GPD/1,000sf

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

2. Projected total demand under existing designation: 162 GPD

3. Projected total demand under proposed designation: 5,802 GPD

4. Capacity available: Yes

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

6. Projected LOS under proposed designation: 90 GPD/1,000sf

7. Improvement/expansions already programmed or needed as a result if proposed amendment: Force main extension required

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 174 GPD/Capita; 200 GPD/1,000sf

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

2. Projected total demand under existing designation: 348 GPD

3. Projected total demand under proposed designation: 12,894 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 174 GPD/Capita

6. Projected LOS under proposed designation: 200 GPD/1,000sf

7. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

8. Parcel located within the reclaimed water service area: Yes, extension required.

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 4 lbs/ day /Capita
4. Projected LOS under proposed designation: 4 lbs / day /1,000sf
5. 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.

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): 24.141 MGD

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

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:
2. Projected LOS under existing designation:
3. Projected LOS under proposed designation:
4. Improvement/expansion: On site retention / detention ponds

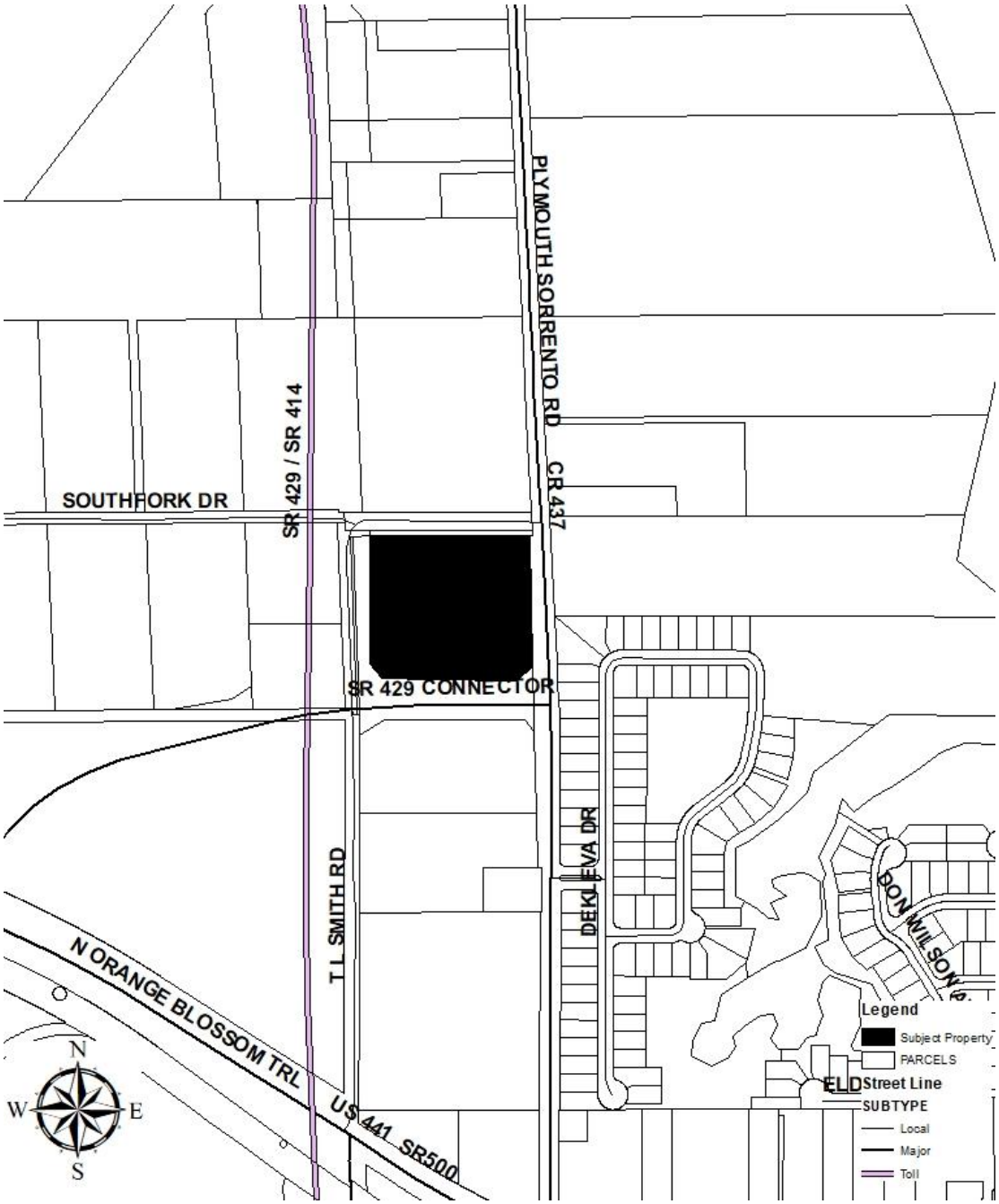
Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0 acres
3. Projected facility under proposed designation: 0 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

N

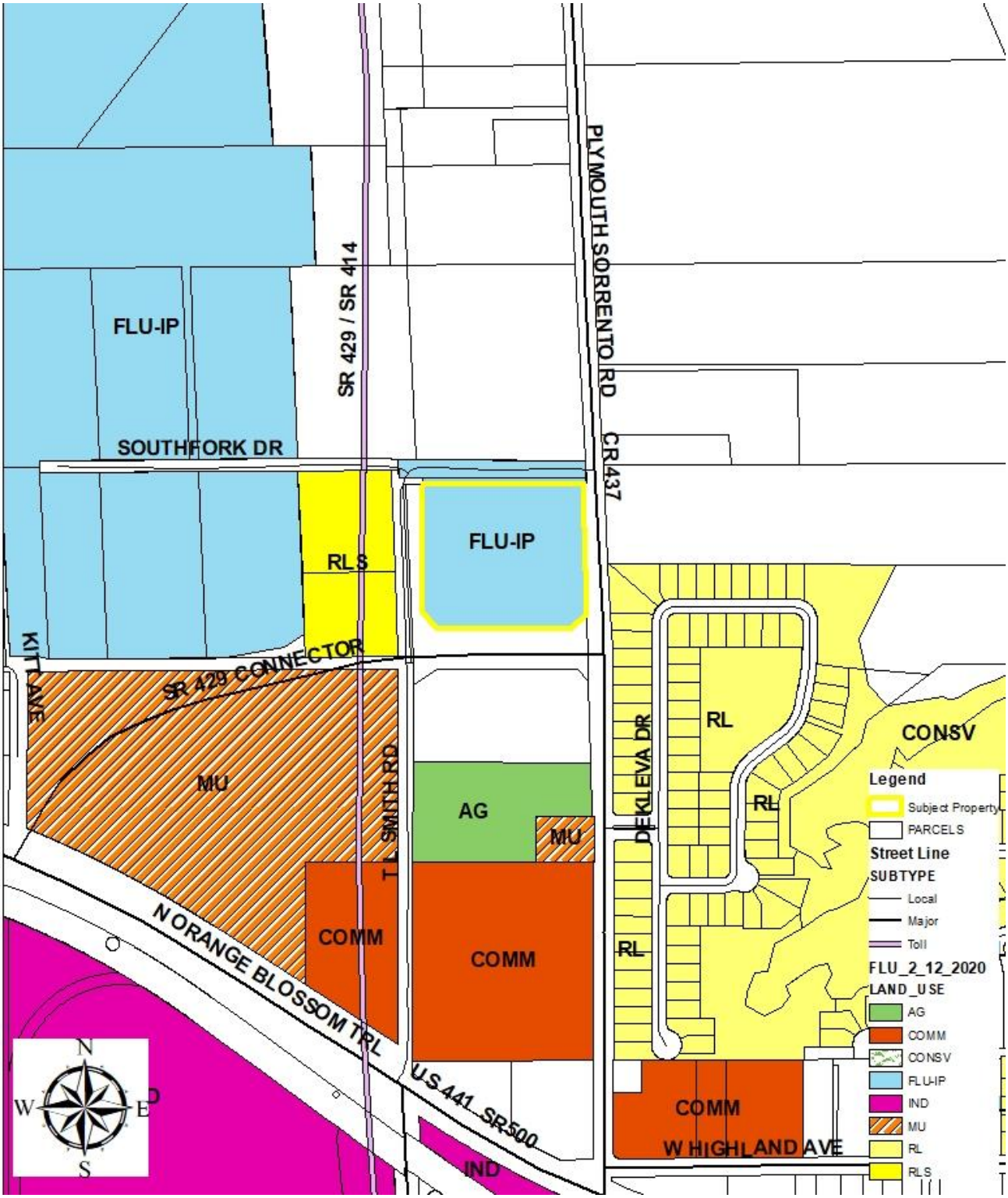
1058 Plymouth, LLC
5.92 +/- acres
Proposed Small-Scale Future Land Use Amendment:
From: "County" Rural
To: "City" Commercial
Parcel ID #: 06-21-28-7172-04-060

VICINITY MAP

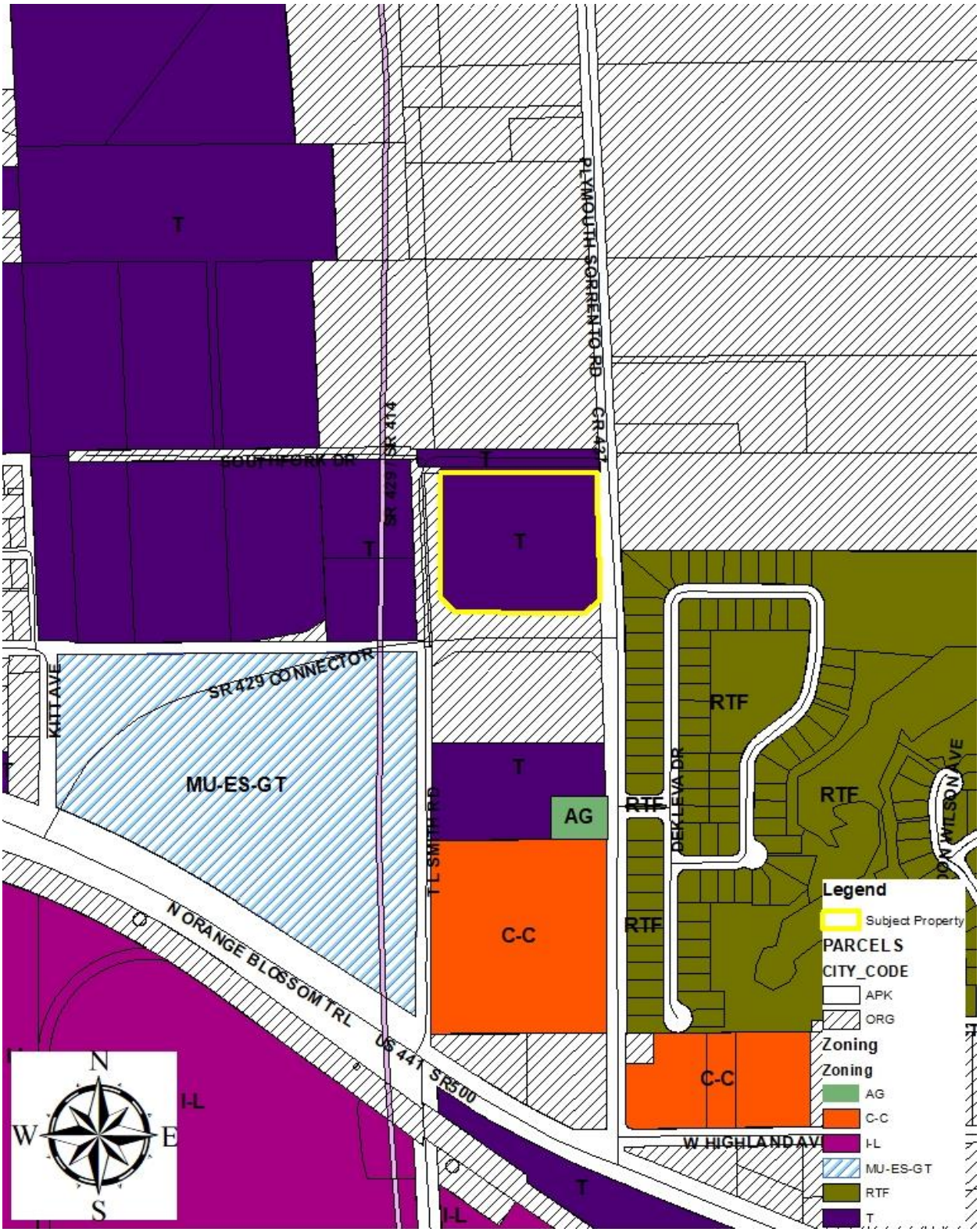


N

FUTURE LAND USE MAP



ADJACENT ZONING



ADJACENT USES

Item Attachment Documents:

2. Change of Zoning
   From: T (Transitional)
   To: C-N (Neighborhood Commercial District)
   Owner: 1058 Plymouth, LLC
   Applicant: GL Summit Engineering, Inc., c/o Geoff Summit, P.E.
   Location: South of Southfork Drive, west of Plymouth Sorrento Road
   Project: 5.92 +/- acres; 64,468 sq. ft. non-residential “Commercial”
   Project Manager: Phil Martinez

CITY OF APOPKA
PLANNING COMMISSION

X	PUBLIC HEARING	MEETING OF:	April 14, 2020
___	SITE PLAN	FROM:	Community Development
___	SPECIAL REPORTS	EXHIBITS:	Zoning Report
___	OTHER:		Vicinity Map
			Future Land Use Map
			Adjacent Zoning Map
			Adjacent Uses Map

SUBJECT: **CHANGE OF ZONING – 1058 PLYMOUTH SORRENTO ROAD**

REQUEST: **CHANGE OF ZONING – 1058 PLYMOUTH SORRENTO ROAD**
FROM: T (TRANSITIONAL DISTRICT)
TO: C-N (NEIGHBORHOOD COMMERCIAL DISTRICT)

SUMMARY:

OWNER:	1058 Plymouth, LLC
APPLICANT:	GL Summitt Engineering, Inc.
PARCEL ID NUMBER:	06-21-28-7172-04-060
LOCATION:	1058 Plymouth Sorrento Road
FUTURE LAND USE:	"County" Rural
EXISTING USE:	Vacant
CURRENT ZONING:	T (Transitional District)
PROPOSED ZONING:	C-N (Neighborhood Commercial District)
TRACT SIZE:	5.92 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:	EXISTING: 1 Dwelling Unit - "Agriculture" FLU (1du/5ac) PROPOSED: 64,468 non-residential sq. ft. - "Commercial" FLU

DISTRIBUTION

Mayor Nelson	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 property was annexed into the city on December 19, 2018 by Ordinance Number 2695. The subject area consists of approximately 5.92 acres and is vacant. The proposed C-N zoning is compatible with the property due to the C-C and C-R zoning, being found in the vicinity. This application is being processed simultaneously with an application for a small-scale future land use amendment from "County" Rural to "City" Commercial.

COMPREHENSIVE PLAN COMPLIANCE: The proposed C-N (Neighborhood Commercial District) zoning is consistent with the proposed Commercial (Max. 0.25 FAR) Future Land Use Designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: The proposed zoning change will not create additional residential units and thus will not have an impact on school enrollment. Therefore, the property is exempt from school capacity enhancement per the School Interlocal Planning Agreement.

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 March 13, 2020.

PUBLIC HEARING SCHEDULE:
April 14, 2020 - Planning Commission (5:30 pm)
May 6, 2020 - City Council (1:30 pm) - 1st Reading
May 20, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:
March 27, 2020 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from "T, Transitional District" to "C-N, Neighborhood Commercial District" for the property owned by 1058 Plymouth, LLC, and located at 1058 Plymouth Sorrento Road.

Recommended Motion: Find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from "T, Transitional District" to "C-N, Neighborhood Commercial District" for the property owned by 1058 Plymouth, LLC and located at 1058 Plymouth Sorrento Road.

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:

Direction	*Future Land Use*	*Zoning*	*Present Use*
North (County)	"County" Rural	"City" Transitional and "County" A-1	Southfork Drive and Vacant Parcel
East (County & City)	"County" Low Density Residential and "City" Residential Low	"County" A-1 and "City" RTF	Nursery and Plymouth Landing Res. Community
South (County)	"County" Rural	"County" A-1	S.R. 429 Entrance Road and Single-Family Home
West (City)	"City" Residential Low Suburban	"City" Transitional	S.R. 429

LAND USE & TRAFFIC COMPATIBILITY:

The property is currently accessed from the S.R. 429 ingress/egress road, Plymouth Sorrento Road, and Southfork Drive. Properties in the vicinity contain a Commercial Future Land Use designation, or are of a commercial character.

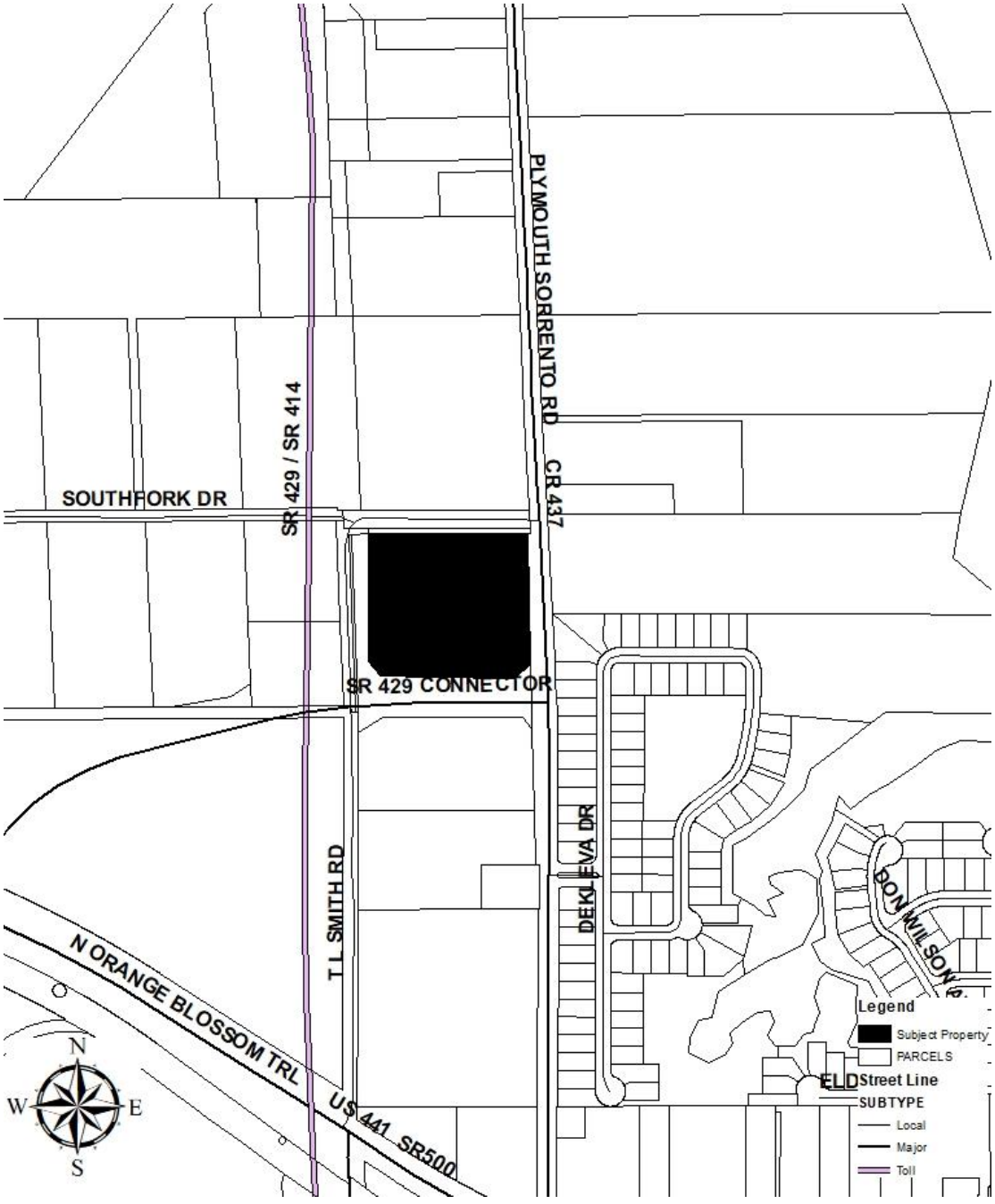
COMPREHENSIVE PLAN COMPLIANCE:

The proposed C-N zoning is consistent with the proposed Future Land Use designation, "Commercial" (Max. 0.25 FAR) and with the character of the surrounding area. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.

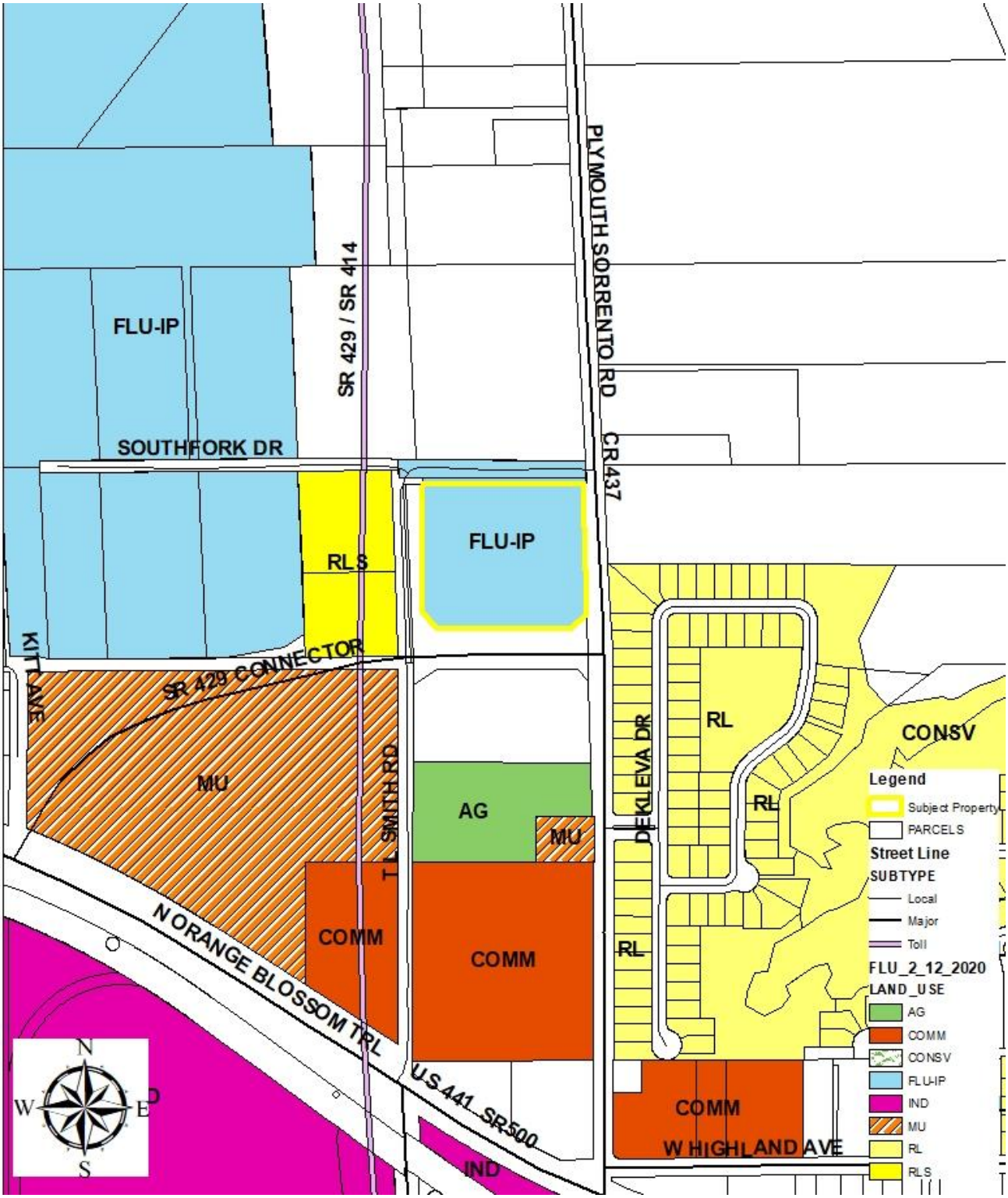
N

1058 Plymouth, LLC
5.92 +/- acres
Proposed Small-Scale Future Land Use Amendment:
From: "County" Rural
To: "City" Commercial
Parcel ID #: 06-21-28-7172-04-060

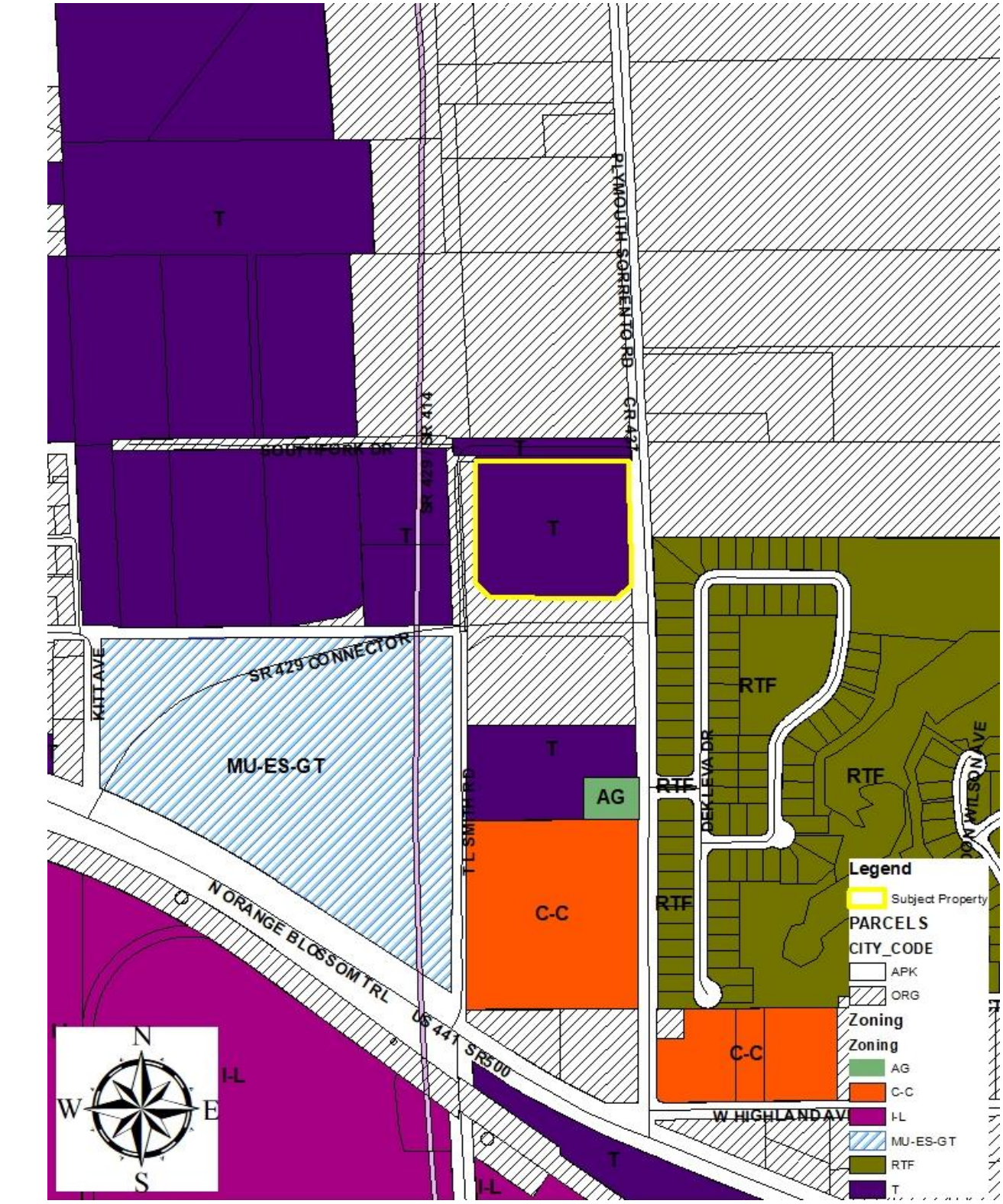
VICINITY MAP



FUTURE LAND USE MAP



ADJACENT ZONING



N

ADJACENT USES

Item Attachment Documents:

3. Comprehensive Plan – Large Scale – Future Land Use Amendment
   From: "County" Rural and "County" Industrial
   To: "City" Industrial
   Owners: American Sanford Four, LLC; Steven R. Rubright; JP Holdings, Inc.; Rubright Properties, LLC; Rubright Family, LP; JP Holdings, Inc. and James Scott Pridgen; Douglas & Lisa Surrett and James P. Purdy
   Applicant: Poulos & Bennett, LLC, c/o Kathy Hattaway
   Location: West of North Orange Blossom Trail, north of Hogshead Road
   Project: 349.37 +/- acres; Max. 9,131,134 sq. ft. non-residential
   Project Manager: David Moon

CITY OF APOPKA
PLANNING COMMISSION

X	PUBLIC HEARING	MEETING OF:	April 14, 2020
____	SITE PLAN	FROM:	Community Development
____	SPECIAL REPORTS	EXHIBITS:	Land Use Report
____	OTHER:		Parcel Table
			Vicinity Map
			Future Land Use Map
			Adjacent Zoning Map
			Adjacent Uses Map
			Applicant's Support Doc.
			Draft Master Site Plan

SUBJECT: **COMPREHENSIVE PLAN – LARGE SCALE - FUTURE LAND USE AMENDMENT – RUBRIGHT AREA PROPERTIES**

REQUEST: **LARGE SCALE - FUTURE LAND USE AMENDMENT**
FROM: "COUNTY" RURAL AND "COUNTY" INDUSTRIAL
TO: "CITY" INDUSTRIAL

SUMMARY:

OWNERS:	See Parcel Table
APPLICANT:	Poulos & Bennett, LLC, c/o Kathy Hattaway
LOCATION:	West of North Orange Blossom Trail, north of Hogshead Road
PARCEL ID #(S):	See Parcel Table
EXISTING USE:	See Parcel Table
CURRENT ZONING:	"City" Transitional (T)
PROPOSED ZONING:	Planned Development
MAXIMUM ALLOWABLE DEVELOPMENT:	EXISTING FLU: 34 Dwelling Units (Orange County Rural, 1 DU/10 AC) PROPOSED FLU: Max. 9,131,134 non-residential sq. ft.
TRACT SIZE:	349.37 +/- acres

DISTRIBUTION

Mayor Nelson	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 properties were annexed into the City on May 15, 2019 via Ordinance Number 2723. The proposed Large-Scale Future Land Use Amendment is being requested for 11 properties, listed on the "Parcel Table". Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

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). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

The applicant, has a desire to develop the Rubright Area properties as a primarily industrial (light and heavy) with commercial and office uses through a Planned Development zoning and master plan. Prior to adoption of the Future Land Use Map amendment, the applicant will prepare a master plan and apply for a complementary zoning category. Additional information supporting the proposed Future Land Use Designation is provided by the applicant and provided in the exhibits.

COMPREHENSIVE PLAN COMPLIANCE: A proposed FLUM Designation of Industrial (Policy 3.1.l, Future Land Use Element) is compatible with the Future Land Use Designation assigned to properties to the south of Airport Road and straddling Hogshead Road, as well as with the Industrial Future Land Use to the north. Through the Planned Development zoning, intensity and pattern of development will be managed to assure compatibility with airport land uses to the east and with environmentally sensitive lands within the SJRMWD lands to the west. An CSXT\Florida Central Rail Road track occurs within close proximity to the subject property, allowing potential for a spur to serve future industrial uses. Industrial Future Land Use is compatible with the airport use (Orlando-Apopka Airport) to the east. Through Planned Development zoning, the type and intensity of uses can be managed to further compatibility with the airport uses to the east and with environmentally sensitive lands to the west.

> Policy 3.1.l. Industrial (Future Land Use)
>
> The Primary use shall be industrial, intensive commercial, agriculture and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor area ratio shall be 0.60.
>
> Planned Unit Development uses may include:
> (1) All primary uses
> (2) Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

SCHOOL CAPACITY REPORT: As the proposed Industrial Future Land Use Designation will not create an additional impact on school enrollment, 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 10, 2019.

PUBLIC HEARING SCHEDULE:
April 14, 2020- Planning Commission (5:30 pm)
April 15, 2020- City Council (7:00 pm) – Transmittal

DULY ADVERTISED:
April 3, 2020 – Public Notice and Notification (Apopka Chief, Letter, Posting)

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 transmittal of the change in Future Land Use from "County" Rural and "County" Industrial to "City" Industrial for the properties owned by American Sanford Four, LLC, Steven R. Rubright, JP Holdings, Inc., Rubright Properties, LLC, Rubright Family, LP, JP Holdings, Inc. & James Scott Pridgen, Douglas & Lisa Surrett & James P. Purdy, subject to City Council adopting the proposed Future Land Use Element text amendment that supports this Future Land Use Designation.

Recommended Motion: Find the proposed Future Land Use Map Designation of Industrial for the Rubright Properties compatible with the character of the surrounding area and consistent with the Comprehensive Plan, and recommend a change in Future Land Use Designation to Industrial for the Rubright Properties, subject to the information and findings in the staff report.

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:

Direction	*Future Land Use*	*Zoning*	*Present Use(s)*
North (County)	"County" Industrial	"County" IND-2 & IND-3	Cowart Mulch Supply & Woodlands
East (City and County)	"City" Industrial & "County" Commercial, Low Density Residential, & Rural Settlement 1/1	"City" AIR & "County" P-D	Orlando-Apopka Airport, Place of Worship, Zellwood Station
South (City & County)	"City" Mixed Use & "County" Rural	"City" PD & "County" A-1	Woodlands
West (County)	"County" Rural	"County" A-1	Lake Apopka Restoration Area (SJRWMD)

II. LAND USE ANALYSIS

North: Abutting the subject properties to the north are unincorporated, industrially-zoned properties and woodlands. Properties to the north within unincorporated Orange County are assigned Industrial Future Land Use and Zoning categories.

West: The Lake Apopka Restoration Area is west-adjacent of the subject properties.

South: To the south are vacant properties.

East: To the east is the Orlando Apopka Airport, the CSX Railroad, S.R. 441, followed by Zellwood Station

The proposed future land use designation "Industrial" is consistent with the surrounding future land use and zoning designations. With proximity to S.R. 441, the CSX/Florida Central Railroad, and the Orlando-Apopka Airport, industrial, commercial, and office uses through Planned Development zoning are suitable for the subject properties. In addition, with proximity to the Lake Apopka Restoration Area (owned by the SJRWMD), a Planned Development can incorporate buffers and development patterns that do not detrimentally impact environmentally sensitive areas.

Therefore, staff supports the proposed future land use changes.

Other Information:

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

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 karst features are within the vicinity of this property. At the time of master plan or development plan application, the developer will need to address soils conditions and evaluate the site for presence of karst features.

Analysis of the character of the Property: The subject properties are primarily undeveloped and consist of woodlands. Currently, the properties are accessed from the north through Wesley Road.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the subject site is Industrial. Under Policy . Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population, but a housing supply is needed to meet the growing population.

CALCULATIONS:

EXISTING: "County" Rural (1 DU/10 AC, 349.37 AC) or "County" Industrial

PROPOSED: Max. 9,131,134 non-residential sq. ft. (60% of 349.37 +/- acres)

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

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments ten (10) acres or more in size. This site is greater than ten acres. A habitat study will 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 City of Apopka service area for potable water, reclaimed water and sanitary service.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPD/Capita; 81 GPD/Capita, 90 GPD/1,000 sf

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

2. Projected total demand under existing designation: 2,754 GPD

3. Projected total demand under proposed designation: 519,885 GPD

4. Capacity available: Yes

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

6. Projected LOS under proposed designation: 81 GPD/Capita, 90 GPD/1,000 sf

7. Improvement/expansions already programmed or needed as a result if proposed amendment: TBD

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 174 GPD/Capita ; 174 GPD/Capita, 200 GPD/1,000 sf

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

2. Projected total demand under existing designation: 4,176 GPD

3. Projected total demand under proposed designation: 1,152,299 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 174 GPD/Capita

6. Projected LOS under proposed designation: 174 GPD/Capita, 200 GPD/1,000 sf

7. Improvement/expansions already programmed or needed as a result of the proposed amendment: TBD

8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka

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

3. Projected LOS under existing designation: 4 lbs/ day /Capita

4. Projected LOS under proposed designation: 4 lbs / day /Capita, 4 lbs / day / 1,000 sf

5. Improvement/expansions already programmed or needed as a result of the proposed amendment: TBD

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): 24.141 MGD

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

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:

2. Projected LOS under existing designation:

3. Projected LOS under proposed designation:

4. Improvement/expansion: On site retention / detention ponds

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita

2. Projected facility under existing designation: n/a acres

3. Projected facility under proposed designation: n/a acres

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.

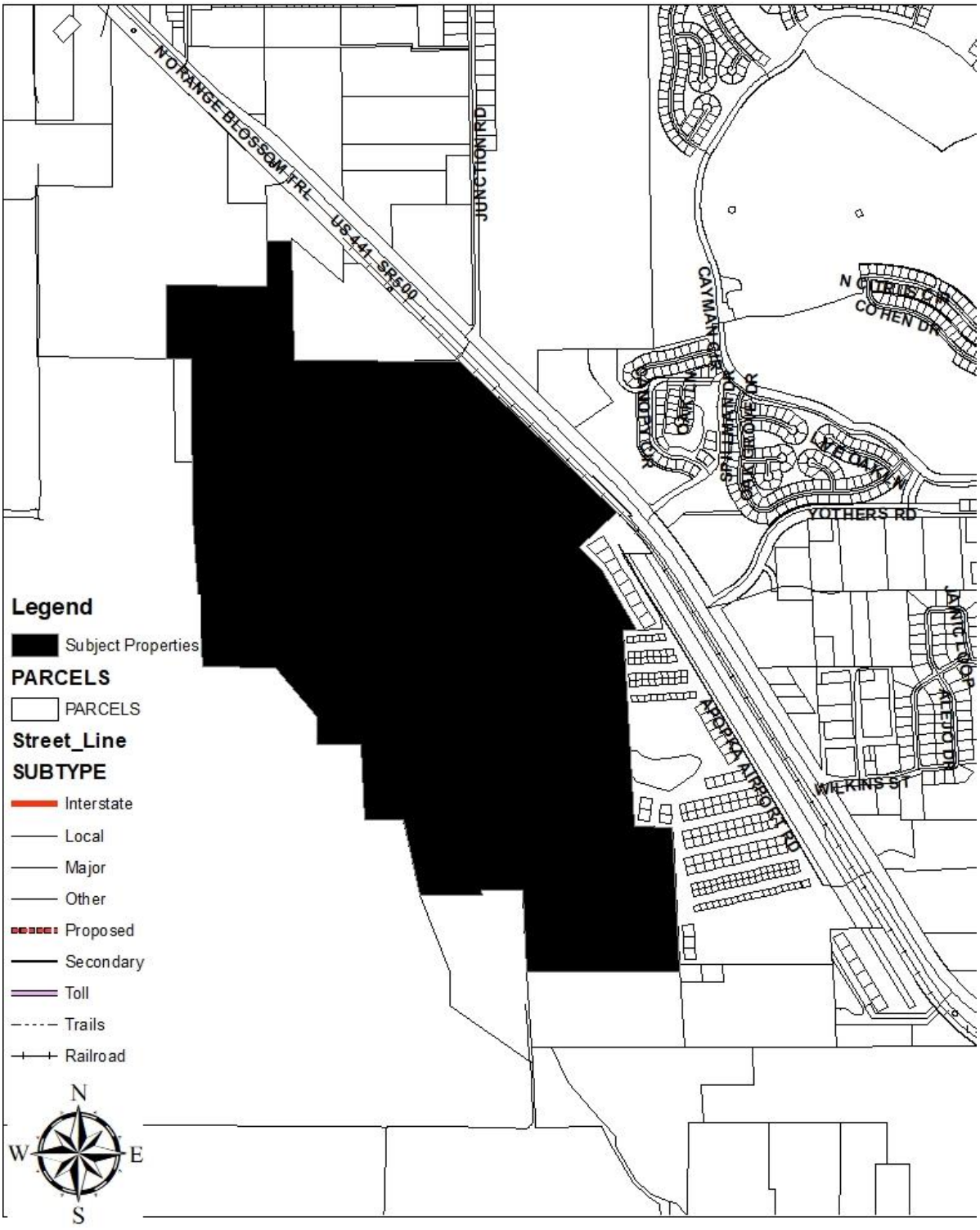
PARCEL OWNERSHIP TABLE

	Parcel ID	Property Owner	Acreage
1	26-20-27-0000-00-027	American Sanford Four, LLC	0.72
2	26-20-27-0000-00-028	Steven R. Rubright	9.24
3	26-20-27-0000-00-042	Steven R. Rubright	1.65
4	26-20-27-0000-00-029	Steven R. Rubright	2.48
5	26-20-27-0000-00-032	Steven R. Rubright	1.49
6	26-20-27-0000-00-030	JP Holdings, Inc.	26.11
7	35-20-27-5220-00-060	Rubright Properties, LLC	226.35
8	34-20-27-0000-00-007	Rubright Family, LP	7.02
9	27-20-27-0000-00-053	JP Holdings, Inc. & James Scott Pridgen	29.76
10	34-20-27-0000-00-005	JP Holdings, Inc. & James Scott Pridgen	14.94
11	27-20-27-0000-00-052	Douglas and Lisa Surrett and James P. Purdy	29.61

N

Rubright Area Properties
Proposed Large Scale Future Land Use Amendment:
From: "County" Rural and "County "Industrial"
To: "City" Industrial

VICINITY MAP



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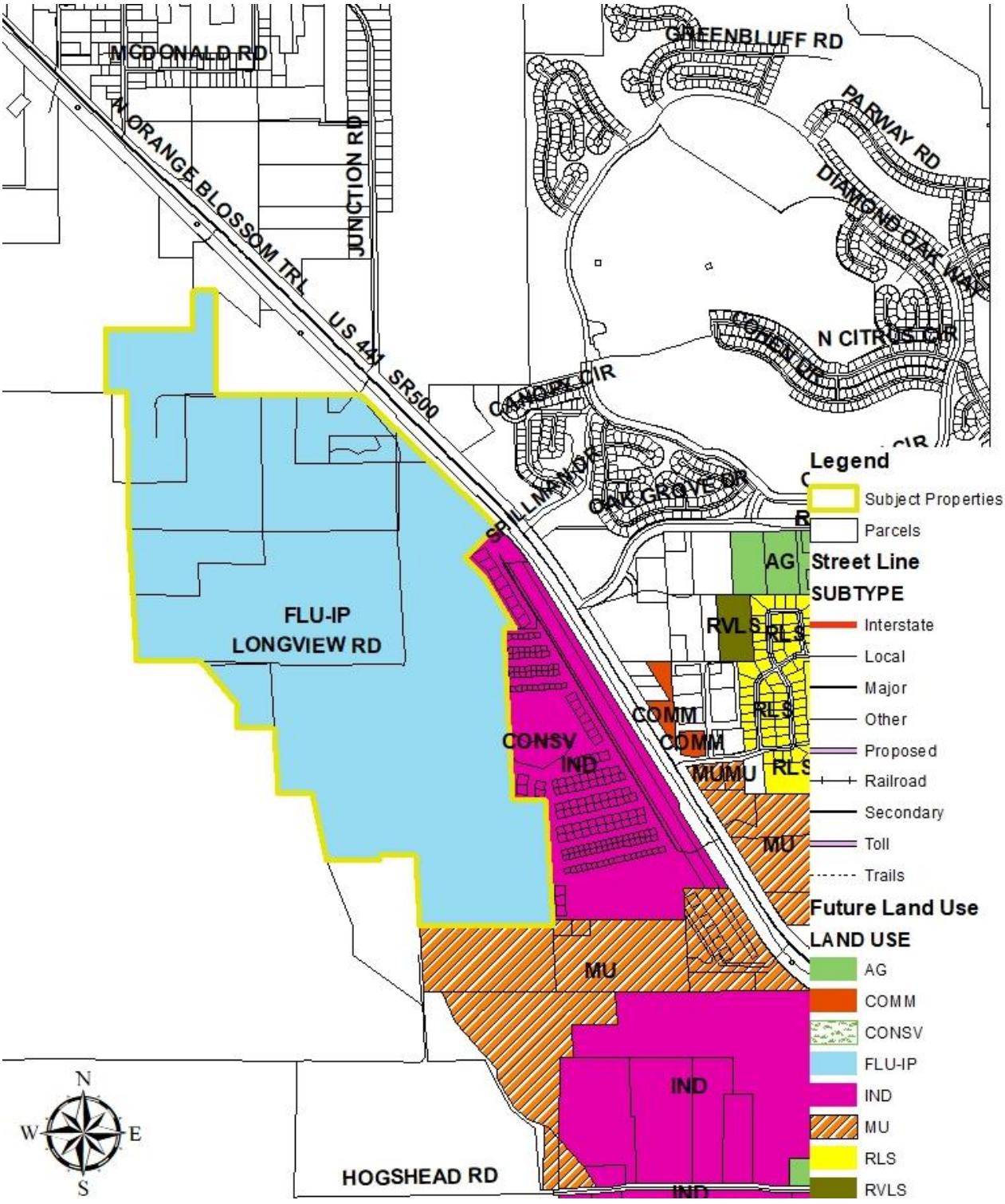
FUTURE LAND USE MAP



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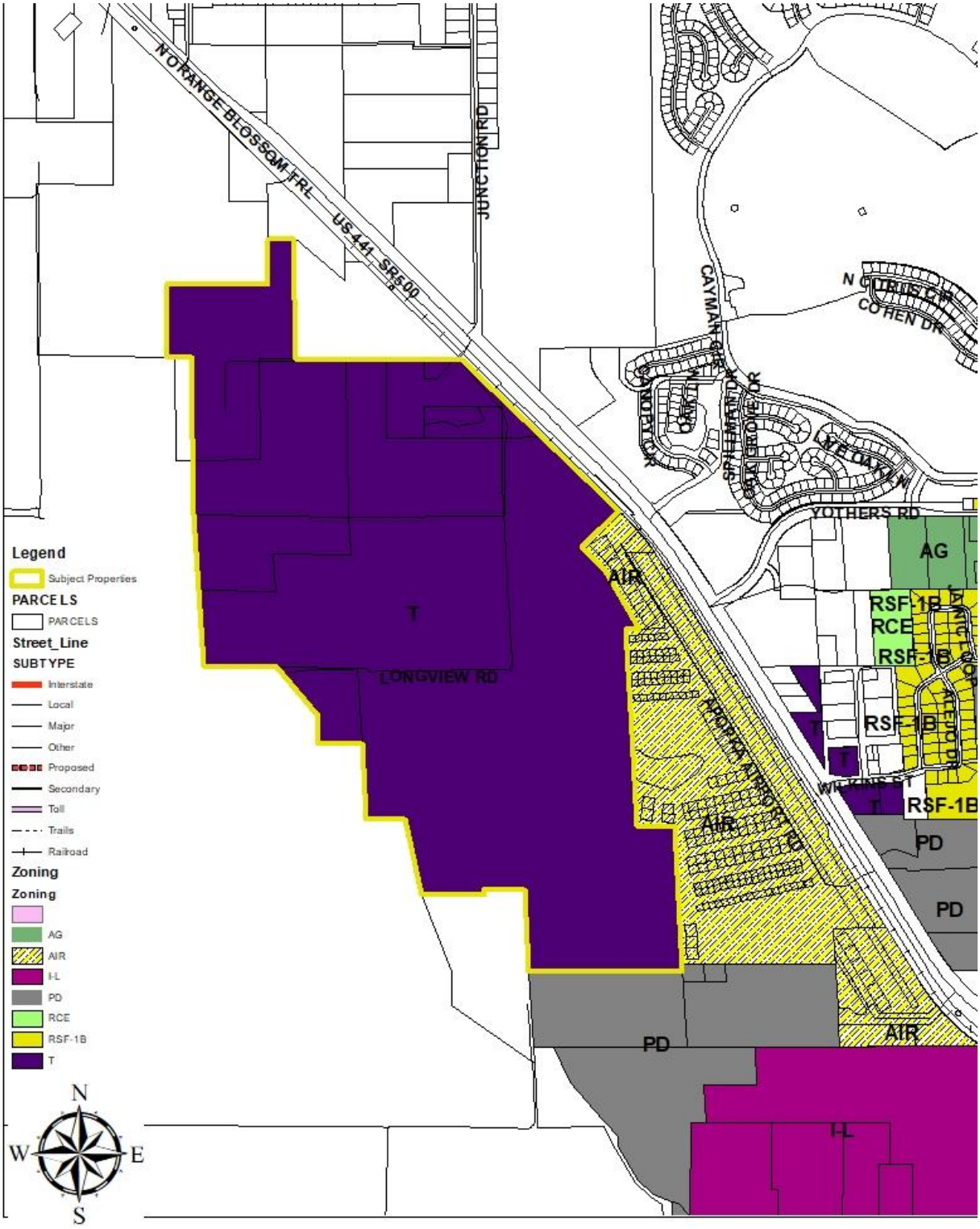

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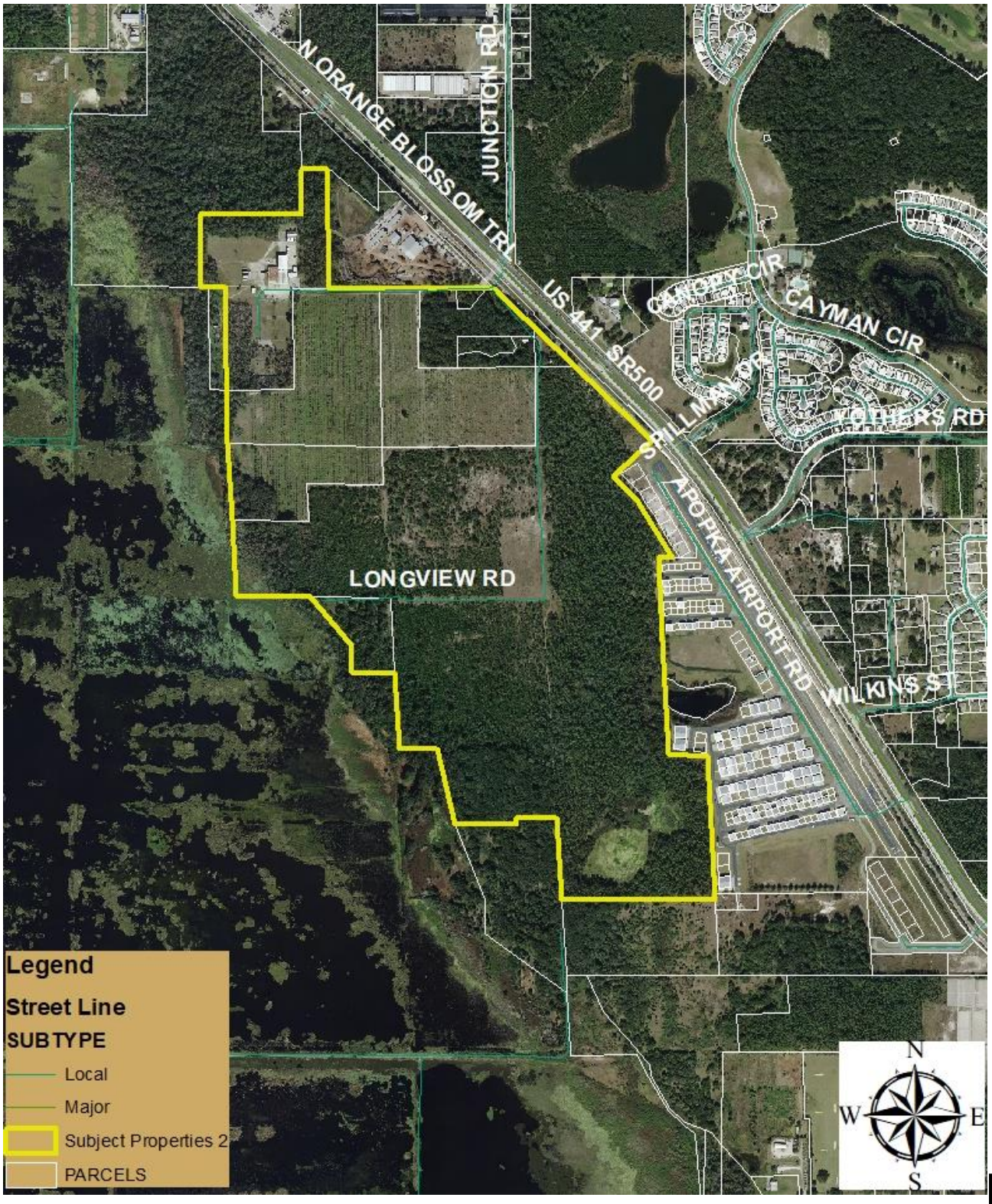

POULOS & BENNETT

Poulos & Bennett, LLC ● 2602 E. Livingston Street ● Orlando, Florida 32803 ● (407) 487-2594 ● www.poulosandbennett.com

March 26, 2020

Mr. James K. Hitt, FRA-RA
City of Apopka
Community Development Director
120 E. Main Street
Apopka, Florida 32703

Subject: Comprehensive Plan Amendment Application

Dear Mr. Hitt:

On behalf of the property owners, Poulos & Bennett is pleased to submit the revised Comprehensive Plan Amendment application that includes the following request:

> Amend the Future Land Use Map for approximately 349.37 acres to assign an Industrial future land use designation.

Included in this submittal package are:

- A complete revised Comprehensive Plan Amendment application package;
- Receipt showing fee of $700 previously paid; and
- CD Rom of All Submitted Documents.

Please do not hesitate to contact me if you have any questions regarding the submittal package or require additional information to process our request.

Sincerely,

K. Hattaway

Kathy Hattaway, AICP
Planning Group Leader

enclosures

NOTES

RECEIPT

DATE 6-7-18 NO. 096297

RECEIVED FROM Robert L. Zlatkiss

ADDRESS Seven hundred dollars no

$ 700. ⓐ

FOR Large Scale FLU ① Rybright Properties LLC.
② Rybright Family LP.
③ Alterna Mortgage Income Fund.
④ Steven K. Rybright

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID	700. ⓐ		CHECK	6369 ④	
BALANCE DUE			MONEY ORDER		

BY Edith Jones

©2001 REDIFORM ® 8L808

Comprehensive Plan Amendment
Revised Package

Apopka, Florida

March 26, 2020

POULOS & BENNETT

2602 E. Livingston Street | Orlando, Florida 32803 | Tel: 407.487.2594 | www.poulosandbennett.com
FBPE Certificate of Authorization No. 2856

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Water/Wastewater

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SECTION 1: APPLICATION DOCUMENTS

1. **Development Applications**
2. **Parcel Records**

Property Information

	Parcel ID	Property Owner	Acreage
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7	35-20-27-5220-00-060	Rubright Properties, LLC	226.35
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10	34-20-27-0000-00-005	JP Holdings, Inc. & James Scott Pridgen	14.94
11	27-20-27-0000-00-052	Douglas and Lisa Surrett and James. P. Purdy	29.61
Total Project Acreage for Apopka Properties			349.37

AMERICAN SANFORD FOUR, LLC. PROPERTY INFORMATION

City of Apopka
Community Development Department
120 E. Main Street, 2nd Floor, Apopka, Florida 32703
407-703-1739 - Phone -- 407-703-1791 - Fax

APPLICATION FOR FUTURE LAND USE AMENDMENT AND/OR ZONING AMENDMENT

-- FOR OFFICIAL USE ONLY--	
DATE SUBMITTED:	
FEE PAID: $	
CHECK #:	
RECEIPT #:	

Check One	REQUEST
	Large Scale Future Land Use (FLU) Change (>10 acres)
	Small Scale Future Land Use (FLU) Change (<10 acres)
	Zoning Amendment

Owner of Record:						
Address:						
City:			**State:**		**Zip:**	
Phone:			**E-Mail:**			

Applicant:						
Address:						
City:			**State:**		**Zip:**	
Phone:			**E-Mail:**			

Subject Property Parcel I.D. #(s):	
Subject Property Address:	
Subject Property Size (acres):	

ADJACENT PROPERTY:

Direction	*Jurisdiction Circle One*		*Future Land Use*	*Zoning*	*Present Use*
North	City	County			
East	City	County			
South	City	County			
West	City	County			

Existing Use:			**Proposed Use:**		
FLU Amendment:	**From:**		**To:**		
Zoning Amendment:	**From:**		**To:**		

Number of Persons Residing on the Subject Property:	
Improvements Existing on Property:	
Additional Conditions Requested by Applicant:	

Circle either YES or NO if the following public improvement(s) are available either on or adjacent to the subject property:

Paved Street Meeting City Standards:		**Yes**		**No**
Curb and Gutter:		**Yes**		**No**
Stormwater Drainage:		**Yes**		**No**
Water:		**Yes**		**No**
Sewer:		**Yes**		**No**
Street Lights:		**Yes**		**No**
Underwriter Approved Fire Hydrant:		**Yes**		**No**

Other:	

Parcel ID No.
26-20-27-0000-00-027

Application for Future Land Use and/or Zoning Amendments
Page 3

I (We) hereby appoint (print name): Kathy Hattaway/Poulos & Bennett, LLC
to serve as representative at all public hearings regarding my (our) property.

I (We), the undersigned owner(s) for the Future Land Use and/or Zoning Amendment of the above described property in the City of Apopka, Florida, do hereby agree to Indemnify and Hold Harmless the City of Apopka, Florida, its elected officials, officers, agents, and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and/or defend its decisions regarding the granting of the above referenced application.

By: _____
Owner(s) of Record (Signature)

ROBERT ZLATKISS
(Print Name)

By: _____
Owner(s) of Record (Signature)

_____
(Print Name)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this 26TH day of MARCH, 2020, by ROBERT ZLATKISS who is personally known to me or has produced FL DRIVER LICENSE as Identification and who did / did not (circle one) take an oath.

_____
Notary Public (Signature)

My Commission Expires: 05/14/2023

GAYLE A COUTANT
Notary Public (Print Name)

Notary Public State of Florida
Gayle A Coutant
My Commission GG 334800
Expires 05/14/2023

Property Record - 26-20-27-0000-00-027

Property Summary as of 10/08/2019

Property Name
4820 Wesley Rd

Names
American Sanford Four LLC

Municipality
APK - Apopka

Property Use
0100 - Single Family

Mailing Address
3911 Orange Lake Dr
Orlando, FL 32817-1637

Physical Address
4820 Wesley Rd
Apopka, FL 32712

QR Code For Mobile Phone

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land		Building(s)		Feature(s)	Market Value	Assessed Value
2019 W MKT	$35,000	+	$23,060	+	$4,860	= $62,920 (78%)	**$62,920** (78%)
2018 ✓ MKT	$10,000	+	$20,570	+	$4,860	= $35,430 (2.0%)	**$35,430** (2.0%)
2017 ✓ MKT	$10,000	+	$19,879	+	$4,860	= $34,739 (2.2%)	**$34,739** (2.2%)
2016 ✓ MKT	$10,000	+	$19,125	+	$4,860	= $33,985	**$33,985**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$62,920	$0	$62,920	3.8610 (-4.69%)	**$242.93**	24 %
Public Schools: By Local Board	$62,920	$0	$62,920	3.2480 (0.00%)	**$204.36**	20 %
Orange County (General)	$62,920	$0	$62,920	4.4347 (0.00%)	**$279.03**	27 %
City Of Apopka	$62,920	$0	$62,920	4.0376	**$254.05**	25 %
Library - Operating Budget	$62,920	$0	$62,920	0.3748 (0.00%)	**$23.58**	2 %
St Johns Water Management District	$62,920	$0	$62,920	0.2414 (-5.78%)	**$15.19**	1 %
				16.1975	**$1,019.14**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

BEG NW COR OF NE 1/4 OF SW 1/4 OF SW 1/4 RUN S 170 FT E 112 FT NELY TO PT 259 FT E OF BEG W TO POB IN SEC 26-20-27

Total Land Area

31,535 sqft (+/-) | 0.72 acres (+/-) GIS Calculated

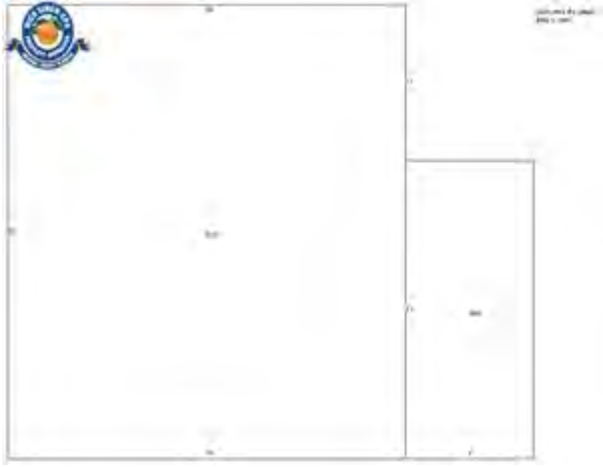
Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	A-1(ZIP)	1 LOT(S)	$35,000.00	$35,000	$0.00	$35,000

Buildings

Model Code	01 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0102 - Single Fam Class II	BAS - Base Area	1085	$54,445
Building Value	$16,334			
Estimated New Cost	$54,445			
Actual Year Built	1930			
Beds	2			
Baths	1.0			
Floors	1			
Gross Area	1085 sqft			

Living Area	1085 sqft
Exterior Wall	Wood.Shthn
Interior Wall	Plywood.Pn



Model Code	02 - Manufactured Home
Type Code	0201 - Manufactured Home
Building Value	$6,726
Estimated New Cost	$22,420
Actual Year Built	1970
Beds	2
Baths	1.0
Floors	1
Gross Area	840 sqft
Living Area	840 sqft
Exterior Wall	Modl.Metal
Interior Wall	Plywood.Pn

Subarea Description	Sqft	Value
BAS - Base Area	840	$22,420

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
AB1 - Accessory Building 1	01/01/1980	440 Square Feet	$10.00	$2,860
CPT1 - Carport 1	01/01/1980	1 Unit(s)	$500.00	$500
FPL1 - Fireplace 1	01/01/1930	1 Unit(s)	$1,500.00	$1,500

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
07/31/2018	$95,000	20180465279	/	Special Warranty	Kerper Austin	American Sanford Four LLC	Improved
04/24/2018	$22,000	20180264129	/	Warranty Deed	Paradice Land Trust	Kerper Austin	Improved
12/15/2017	$19,600	20170682402	/	Tax Deed	Hildreth Mildred J Lunsford	Paradice Land Trust	Improved

City of Apopka
Community Development Department
120 E. Main Street, 2nd Floor, Apopka, Florida 32703
407-703-1739 - Phone -- 407-703-1791 - Fax

APPLICATION FOR FUTURE LAND USE AMENDMENT AND/OR ZONING AMENDMENT

-- FOR OFFICIAL USE ONLY--	
DATE SUBMITTED:	
FEE PAID: $	
CHECK #:	
RECEIPT #:	

Check One	REQUEST
	Large Scale Future Land Use (FLU) Change (>10 acres)
	Small Scale Future Land Use (FLU) Change (<10 acres)
	Zoning Amendment

Owner of Record:						
Address:						
City:			**State:**		**Zip:**	
Phone:			**E-Mail:**			

Applicant:						
Address:						
City:			**State:**		**Zip:**	
Phone:			**E-Mail:**			

Subject Property Parcel I.D. #(s):	
Subject Property Address:	
Subject Property Size (acres):	

ADJACENT PROPERTY:

Direction	*Jurisdiction Circle One*		*Future Land Use*	*Zoning*	*Present Use*
North	City	County			
East	City	County			
South	City	County			
West	City	County			

Existing Use:			**Proposed Use:**		
FLU Amendment:	**From:**		**To:**		
Zoning Amendment:	**From:**		**To:**		

Number of Persons Residing on the Subject Property:	
Improvements Existing on Property:	
Additional Conditions Requested by Applicant:	

Circle either YES or NO if the following public improvement(s) are available either on or adjacent to the subject property:

Paved Street Meeting City Standards:		**Yes**		**No**
Curb and Gutter:		**Yes**		**No**
Stormwater Drainage:		**Yes**		**No**
Water:		**Yes**		**No**
Sewer:		**Yes**		**No**
Street Lights:		**Yes**		**No**
Underwriter Approved Fire Hydrant:		**Yes**		**No**

Other:	

26-20-27-0000-00-028
26-20-27-0000-00-042
26-20-27-0000-00-029
26-20-27-0000-00-032

I (We) hereby appoint (print name): Kathy Hattaway/Poulos & Bennett, LLC
to serve as representative at all public hearings regarding my (our) property.

I (We), the undersigned owner(s) for the Future Land Use and/or Zoning Amendment of the above described property in the City of Apopka, Florida, do hereby agree to Indemnify and Hold Harmless the City of Apopka, Florida, its elected officials, officers, agents, and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and/or defend its decisions regarding the granting of the above referenced application.

By: _____
Owner(s) of Record (Signature)

Steven R. Rubright
(Print Name)

By: _____
Owner(s) of Record (Signature)

_____
(Print Name)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this 21ST day of May, 2018, by STEVEN R. RUBRIGHT who is personally known to me or has produced personally know to me, as Identification and who did (did not (circle one) take an oath.

_____
Notary Public (Signature)

My Commission Expires: _____

BLAIR M. JOHNSON
MY COMMISSION EXPIRES
MARCH 20, 2021
#GG 067556
Bonded thru
Troy Fain Insurance
NOTARY PUBLIC, STATE OF FLORIDA

_____
Notary Public (Print Name)

Property Record - 26-20-27-0000-00-028

Orange County Property Appraiser • http://www.ocpafl.org

Property Summary as of 10/08/2019

Property Name
4813 Wesley Rd

Names
Rubright Steven R

Municipality
APK - Apopka

Property Use
6920 - Fernery

Mailing Address
4814 Wesley Rd
Apopka, FL 32712-5908

Physical Address
4813 Wesley Rd
Apopka, FL 32712

QR Code For Mobile Phone

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land		Building(s)		Feature(s)	Market Value		Ag Benefits	Assessed Value	
2019 W MKT	$143,980	+	$0	+	$0 =	$143,980	(1.4%)	- $29,632 =	**$114,348**	(0%)
2018 ✓ MKT	$142,031	+	$0	+	$0 =	$142,031	(1.9%)	- $27,683 =	**$114,348**	(0%)
2017 ✓ MKT	$139,374	+	$0	+	$0 =	$139,374	(.56%)	- $25,026 =	**$114,348**	(0%)
2016 ✓ MKT	$138,600	+	$0	+	$0 =	$138,600		- $24,252 =	**$114,348**	

Tax Year Benefits	Ag Benefits	Tax Savings
2019 W $ AG	$29,632	**$480**
2018 ✓ $ AG	$27,683	**$454**
2017 ✓ $ AG	$25,026	**$415**
2016 ✓ $ AG	$24,252	**$411**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$114,348	$0	$114,348	3.8610 (-4.69%)	**$441.50**	24 %
Public Schools: By Local Board	$114,348	$0	$114,348	3.2480 (0.00%)	**$371.40**	20 %
Orange County (General)	$114,348	$0	$114,348	4.4347 (0.00%)	**$507.10**	27 %
City Of Apopka	$114,348	$0	$114,348	4.0376	**$461.69**	25 %
Library - Operating Budget	$114,348	$0	$114,348	0.3748 (0.00%)	**$42.86**	2 %
St Johns Water Management District	$114,348	$0	$114,348	0.2414 (-5.78%)	**$27.60**	1 %
				16.1975	**$1,852.15**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

NE1/4 OF SW1/4 OF SW1/4 S OF RY (LESS BEG NW COR RUN S 170 FT E 112 FT NELY TO PT 259 FT E OF BEG W TO BEG & LESS S 269 FT) & E1/2 OF NW1/4 OF SW1/4 OF SW1/4 (LESS STRIP ON W 16.8 FT WIDE ON N & 6 FT WIDE ON S) & (LESS N 15 FT) OF SEC 26-20-27

Total Land Area

402,495 sqft (+/-) | 9.24 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
6920 - Fernery	A-1(ZIP)	1.72 ACRE(S)	$18,128.00	$31,180	$900.00	$1,548
0001 - Vacant Residential	A-1(ZIP)	7.52 ACRE(S)	$15,000.00	$112,800	$0.00	$112,800

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
There are no extra features associated with this parcel				

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
04/11/2011	$100	20110515916	10274 / 5696	Quitclaim Multiple	Rubright W David Rubright Mary Ann	Rubright Steven R	Vacant
04/11/2011	$100	20110515914	10274 / 5691	Quitclaim Multiple	Rubright Properties L L C	Rubright W David Rubright Mary Ann	Vacant
04/21/2004	$4,500	200402727 29	07421 / 4740	Warranty Deed	Rubright W David Rubright Mary Ann	Rubright Properties L L C	Vacant
05/05/2000	$100	200104214 66	06349 / 4755	Quitclaim Deed	Rubright Family LP	Rubright W David Rubright Mary Ann	Vacant
06/16/1999	$90,000	199902777 39	05782 / 2262	Warranty Deed	Whitman Walter Ray Whitman Marian M	Rubright Family LP	Vacant
06/01/1971	$6,000	197104181 40	02070 / 0940	Warranty Deed			Improved

Property Record - 26-20-27-0000-00-042

Property Summary as of 10/08/2019

Property Name
Wesley Rd

Names
Rubright Steven R

Municipality
APK - Apopka

Property Use
6920 - Fernery

Mailing Address
4814 Wesley Rd
Apopka, FL 32712-5908

Physical Address
Wesley Rd
Apopka, FL 32712

QR Code For Mobile Phone

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land		Building(s)		Feature(s)	Market Value		Ag Benefits	Assessed Value
2019 W MKT	$29,911	+	$0	+	$0 =	$29,911 (14%)	-	$28,426 =	**$1,485** (0%)
2018 ✓ MKT	$26,172	+	$0	+	$0 =	$26,172 (10%)	-	$24,687 =	**$1,485** (0%)
2017 ✓ MKT	$23,793	+	$0	+	$0 =	$23,793 (3.0%)	-	$22,308 =	**$1,485** (0%)
2016 ✓ MKT	$23,100	+	$0	+	$0 =	$23,100	-	$21,615 =	**$1,485**

Tax Year Benefits		Ag Benefits	Tax Savings
2019	W $ AG	$28,426	**$460**
2018	✓ $ AG	$24,687	**$405**
2017	✓ $ AG	$22,308	**$370**
2016	✓ $ AG	$21,615	**$367**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$1,485	$0	$1,485	3.8610 (-4.69%)	**$5.73**	24 %
Public Schools: By Local Board	$1,485	$0	$1,485	3.2480 (0.00%)	**$4.82**	20 %
Orange County (General)	$1,485	$0	$1,485	4.4347 (0.00%)	**$6.59**	27 %
City Of Apopka	$1,485	$0	$1,485	4.0376	**$6.00**	25 %
Library - Operating Budget	$1,485	$0	$1,485	0.3748 (0.00%)	**$0.56**	2 %
St Johns Water Management District	$1,485	$0	$1,485	0.2414 (-5.78%)	**$0.36**	1 %
				16.1975	**$24.06**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

(NOTE: AG PORTION OF THE FOLLOWING DESCRIBED PROPERTY) THE S 269.8 FT OF NE1/4 OF SW1/4 OF SW 1/4 OF SEC 26-20-27 2989/1241 & UN RECORDED AG ON FILE

Total Land Area

71,839 sqft (+/-) | 1.65 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
6920 - Fernery	A-1(ZIP)	1.65 ACRE(S)	$18,128.00	$29,911	$900.00	$1,485

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
There are no extra features associated with this parcel				

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
There are no sales for the selected parcel							

Property Record - 26-20-27-0000-00-029

Property Summary as of 10/08/2019

Property Name
4814 Wesley Rd

Names
Rubright Steven R

Municipality
APK - Apopka

Property Use
0100 - Single Family

Mailing Address
4814 Wesley Rd
Apopka, FL 32712-5908

Physical Address
4814 Wesley Rd
Apopka, FL 32712

QR Code For Mobile Phone

272026000000029 01/30/2007

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land		Building(s)		Feature(s)	Market Value	Assessed Value
2019 W MKT	$37,200	+	$24,734	+	$1,326	= $63,260 (-2.1%)	**$57,490** (1.9%)
2018 ✓ MKT	$37,200	+	$26,111	+	$1,326	= $64,637 (.95%)	**$56,418** (2.1%)
2017 ✓ MKT	$37,200	+	$25,500	+	$1,326	= $64,026 (-.27%)	**$55,258** (2.1%)
2016 ✓ MKT	$37,200	+	$25,674	+	$1,326	= $64,200	**$54,121**

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2019 W $ HX CAP	$25,000	$7,490	$0	$5,770	**$566**
2018 ✓ $ HX CAP	$25,000	$6,418	$0	$8,219	**$604**
2017 ✓ $ HX CAP	$25,000	$5,258	$0	$8,768	**$609**
2016 ✓ $ HX CAP	$25,000	$4,121	$0	$10,079	**$633**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$57,490	$25,000	$32,490	3.8610 (-4.69%)	**$125.44**	27 %
Public Schools: By Local Board	$57,490	$25,000	$32,490	3.2480 (0.00%)	**$105.53**	23 %
Orange County (General)	$57,490	$32,490	$25,000	4.4347 (0.00%)	**$110.87**	24 %
City Of Apopka	$57,490	$32,490	$25,000	4.0376	**$100.94**	22 %
Library - Operating Budget	$57,490	$32,490	$25,000	0.3748 (0.00%)	**$9.37**	2 %
St Johns Water Management District	$57,490	$32,490	$25,000	0.2414 (-5.78%)	**$6.04**	1 %
				16.1975	**$458.19**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

(NOTE: HOMESTEAD PORTION OF THE FOLLOWING DESCRIBED PROPERTY) THE S 269.8 FT OF NE1/4 OF SW1/4 OF SW 1/4 OF SEC 26-20-27 2989/1241 & UN RECORDED AG ON FILE

Total Land Area

108,164 sqft (+/-) | 2.48 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	A-1(ZIP)	2.48 ACRE(S)	$15,000.00	$37,200	$0.00	$37,200

Buildings

Model Code	01 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0102 - Single Fam Class II	BAS - Base Area	1224	$58,593
Building Value	$24,734	FSP - F/Scr Prch	160	$2,681
Estimated New Cost	$61,465	UOP - Unf O Prch	24	$191
Actual Year Built	1920			
Beds	3			
Baths	1.0			
Floors	1			
Gross Area	1408 sqft			
Living Area	1224 sqft			
Exterior Wall	Average			
Interior Wall	Wall.Bd/Wd			

Property Record - 26-20-27-0000-00-032

Orange County Property Appraiser • http://www.ocpafl.org

Property Summary as of 10/08/2019

Property Name
4686 W Orange Blossom Trl

Names
Rubright Steven R

Municipality
APK - Apopka

Property Use
6930 - Container Nursery

Mailing Address
4814 Wesley Rd
Apopka, FL 32712-5908

Physical Address
4686 W Orange Blossom Trl
Apopka, FL 32712

QR Code For Mobile Phone

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values		Land		Building(s)		Feature(s)	Market Value	Ag Benefits	Assessed Value
2019	W MKT	$12,663	+	$2,783	+	$3,240 =	$18,686 (1.7%)	- $4,222 =	**$14,464** (.65%)
2018	✓ MKT	$12,441	+	$2,689	+	$3,240 =	$18,370 (2.8%)	- $4,000 =	**$14,370** (.64%)
2017	✓ MKT	$12,038	+	$2,598	+	$3,240 =	$17,876 (1.2%)	- $3,597 =	**$14,279** (.69%)
2016	✓ MKT	$11,920	+	$2,500	+	$3,240 =	$17,660	- $3,479 =	**$14,181**

Tax Year Benefits		Ag Benefits	Tax Savings
2019	W $ AG	$4,222	**$68**
2018	✓ $ AG	$4,000	**$66**
2017	✓ $ AG	$3,597	**$60**
2016	✓ $ AG	$3,479	**$59**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$14,464	$0	$14,464	3.8610 (-4.69%)	**$55.85**	24 %
Public Schools: By Local Board	$14,464	$0	$14,464	3.2480 (0.00%)	**$46.98**	20 %
Orange County (General)	$14,464	$0	$14,464	4.4347 (0.00%)	**$64.14**	27 %
City Of Apopka	$14,464	$0	$14,464	4.0376	**$58.40**	25 %
Library - Operating Budget	$14,464	$0	$14,464	0.3748 (0.00%)	**$5.42**	2 %
St Johns Water Management District	$14,464	$0	$14,464	0.2414 (-5.78%)	**$3.49**	1 %
				16.1975	**$234.28**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

BEG NW COR OF S1/2 OF SE1/4 OF SW1/4 RUN N 363 FT TO RY SELY ALONG SAME TO N BDRY LINE OF S1/2 OF SE1/4 OF OF SW1/4 W 396 FT TO POB IN SEC 26-20-27

Total Land Area

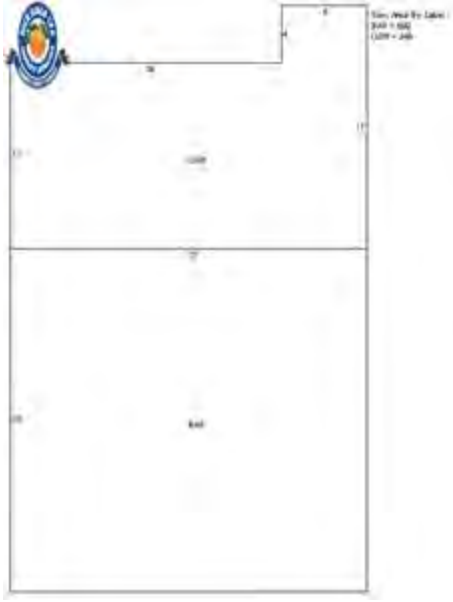
65,063 sqft (+/-) | 1.49 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
6930 - Container Nursery	A-1(ZIP)	0.49 ACRE(S)	$9,517.20	$4,663	$900.00	$441
0100 - Single Family	A-1(ZIP)	1 ACRE(S)	$8,000.00	$8,000	$0.00	$8,000

Buildings

		Subarea Description	Sqft	Value
Model Code	01 - Single Fam Residence			
Type Code	0102 - Single Fam Class II	BAS - Base Area	600	$25,608
Building Value	$2,783	UOP - Unf O Prch	349	$2,219
Estimated New Cost	$27,827			
Actual Year Built	1945			
Beds	2			
Baths	1.0			
Floors	1			
Gross Area	949 sqft			
Living Area	600 sqft			
Exterior Wall	Conc/Cindr			
Interior Wall	Minimum			



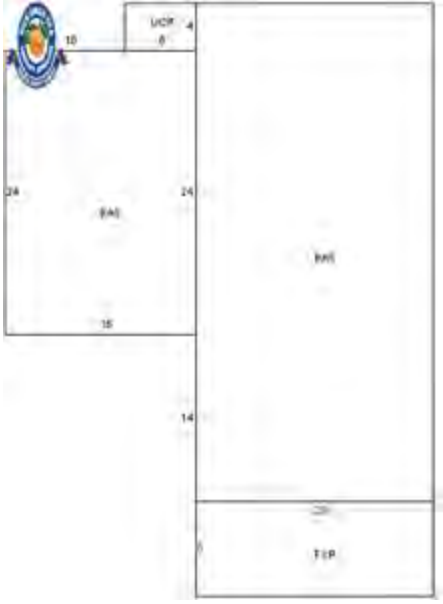
Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
5120 - Pole Building 1	01/01/2002	264 Unit(s)	$1.50	$396
5092 - Greenhouse Metal/Poly 3	01/01/2011	720 Unit(s)	$1.45	$1,044
5120 - Pole Building 1	01/01/2002	200 Unit(s)	$1.50	$300
6450 - Fireplace 1 Basic	01/01/1945	1 Unit(s)	$1,500.00	$1,500

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
04/11/2011	$100	20110515916	10274 / 5696	Quitclaim Multiple	Rubright W David Rubright Mary Ann	Rubright Steven R	Improved
04/11/2011	$100	20110515914	10274 / 5691	Quitclaim Multiple	Rubright Properties L L C	Rubright W David Rubright Mary Ann	Improved
04/21/2004	$26,100	200402726 56	07421 / 4577	Warranty Deed	Rubright W David Rubright Mary Ann	Rubright Properties L L C	Improved
05/05/2000	$100	20010421462	06349 / 4731	Quitclaim Deed	Rubright Family LP	Rubright W David Rubright Mary Ann	Improved
12/07/1999	$24,000	19990541085	05903 / 2768	Personal Representative's Deed	Ulmer L O Estate	Rubright Family LP	Improved



Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
SHED - Shed	01/01/2002	1 Unit(s)	$500.00	$500
AB1 - Accessory Building 1	01/01/2002	486 Square Feet	$10.00	$826

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
04/11/2011	$100	20110515916	10274 / 5696	Quitclaim Multiple	Rubright W David Rubright Mary Ann	Rubright Steven R	Improved
04/11/2011	$100	20110515915	10274 / 5694	Quitclaim Deed	Rubright Family L P	Rubright W David Rubright Mary Ann	Improved
04/11/2003	$60,000	20030219404	06876 / 2989	Warranty Deed	Gaskins Adelbert D Gaskins Cynthia M	Rubright Family L P	Improved
10/31/1996	$100	199658315	6 05152 / 0561	Warranty Deed	Gaskins Adelbert D	Gaskins Adelbert D Gaskins Cynthia M	Improved
03/01/1979	$25,000	19791359705	02989 / 1241	Warranty Deed			Improved

City of Apopka
Community Development Department
120 E. Main Street, 2nd Floor, Apopka, Florida 32703
407-703-1739 - Phone -- 407-703-1791 - Fax

APPLICATION FOR FUTURE LAND USE AMENDMENT AND/OR ZONING AMENDMENT

-- FOR OFFICIAL USE ONLY--	
DATE SUBMITTED:	
FEE PAID: $	
CHECK #:	
RECEIPT #:	

Check One	REQUEST
	Large Scale Future Land Use (FLU) Change (>10 acres)
	Small Scale Future Land Use (FLU) Change (<10 acres)
	Zoning Amendment

Owner of Record:						
Address:						
City:				**State:**	**Zip:**	
Phone:			**E-Mail:**			

Applicant:						
Address:						
City:				**State:**	**Zip:**	
Phone:			**E-Mail:**			

Subject Property Parcel I.D. #(s):	
Subject Property Address:	
Subject Property Size (acres):	

ADJACENT PROPERTY:

Direction	*Jurisdiction Circle One*		*Future Land Use*	*Zoning*	*Present Use*
North	City	County			
East	City	County			
South	City	County			
West	City	County			

Existing Use:			**Proposed Use:**		
FLU Amendment:	**From:**		**To:**		
Zoning Amendment:	**From:**		**To:**		

Number of Persons Residing on the Subject Property:	
Improvements Existing on Property:	
Additional Conditions Requested by Applicant:	

Circle either YES or NO if the following public improvement(s) are available either on or adjacent to the subject property:

Paved Street Meeting City Standards:		**Yes**		**No**
Curb and Gutter:		**Yes**		**No**
Stormwater Drainage:		**Yes**		**No**
Water:		**Yes**		**No**
Sewer:		**Yes**		**No**
Street Lights:		**Yes**		**No**
Underwriter Approved Fire Hydrant:		**Yes**		**No**

Other:	

27-20-27-0000-00-053
34-20-27-0000-00-005

I (We) hereby appoint (print name): Kathy Hattaway/Poulos & Bennett, LLC
to serve as representative at all public hearings regarding my (our) property.

I (We), the undersigned owner(s) for the Future Land Use and/or Zoning Amendment of the above described property in the City of Apopka, Florida, do hereby agree to Indemnify and Hold Harmless the City of Apopka, Florida, its elected officials, officers, agents, and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and/or defend its decisions regarding the granting of the above referenced application.

By: _____
Owner(s) of Record (Signature)

J. Scott PRIDGEN
(Print Name)

By: _____
Owner(s) of Record (Signature)

_____
(Print Name)

CHARLENE WATERS
MY COMMISSION EXPIRES
JULY 13, 2023
#GG 311425
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this 17 day of March, 2020 by J. Scott Pridgen who is personally known to me or has produced _____ as Identification and who did / did not (circle one) take an oath.

Charlene Waters
Notary Public (Signature)

My Commission Expires: July 13, 2023

Charlene Waters
Notary Public (Print Name)

Property Record - 26-20-27-0000-00-030

Property Summary as of 10/08/2019

Property Name
4910 Wesley Rd

Names
Jp Holdings Inc

Municipality
APK - Apopka

Property Use
6613 - Orange Grove

Mailing Address
205 W State Road 434
Winter Springs, FL 32708-5329

Physical Address
4910 Wesley Rd
Apopka, FL 32712

QR Code For Mobile Phone

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land		Building(s)		Feature(s)	Market Value		Ag Benefits	Assessed Value	
2019 W MKT	$473,322	+	$0	+	$0	= $473,322	(6.7%)	- $400,214	= **$73,108**	(0%)
2018 ✓ MKT	$443,739	+	$0	+	$0	= $443,739	(10%)	- $370,631	= **$73,108**	(0%)
2017 ✓ MKT	$403,400	+	$0	+	$0	= $403,400	(3.0%)	- $330,292	= **$73,108**	(0%)
2016 ✓ MKT	$391,650	+	$0	+	$0	= $391,650		- $318,542	= **$73,108**	

Tax Year Benefits	Ag Benefits	Tax Savings
2019 W $ AG	$400,214	**$6,482**
2018 ✓ $ AG	$370,631	**$6,083**
2017 ✓ $ AG	$330,292	**$5,483**
2016 ✓ $ AG	$318,542	**5,402**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$73,108	$0	$73,108	3.8610 (-4.69%)	**$282.27**	24 %
Public Schools: By Local Board	$73,108	$0	$73,108	3.2480 (0.00%)	**$237.45**	20 %
Orange County (General)	$73,108	$0	$73,108	4.4347 (0.00%)	**$324.21**	27 %
City Of Apopka	$73,108	$0	$73,108	4.0376	**$295.18**	25 %
Library - Operating Budget	$73,108	$0	$73,108	0.3748 (0.00%)	**$27.40**	2 %
St Johns Water Management District	$73,108	$0	$73,108	0.2414 (-5.78%)	**$17.65**	1 %
				16.1975	**$1,184.16**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

SE1/4 OF SW1/4 OF SW1/4 & SW1/4 OF SW1/4 OF SW1/4 & W1/2 OF NW1/4 OF SW1/4 OF SW1/4 & BEG 333.2 FT E OF NW COR OF NW1/4 OF SW1/4 OF SW1/4 RUN S 679.5 FT E 6 FT NLY TO PT 16.8 FT E OF BEG W TO POB OF SEC 26-20-27

Total Land Area

1,137,427 sqft (+/-) | 26.11 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
6613 - Orange Grove	A-1(ZIP)	26.11 ACRE(S)	$18,128.00	$473,322	$2,800.00	$73,108

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
There are no extra features associated with this parcel				

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
04/29/2015	$250,000	20150230065	10915 / 1741	Warranty Deed	Keller Outdoor Inc	Jp Holdings Inc	Vacant
01/10/2005	$600,000	20050049688	07789 / 1032	Warranty Deed	Southern Farm & Land LLC	Keller Outdoor Inc	Vacant
12/19/2003	$100	200400641 29	07288 / 4396	Warranty Multiple	Southern Farm & Land Co	Southern Farm & Land LLC	Vacant
08/29/2003	$100	200305852 01	07142 / 1570	Warranty Deed	Zellwin Farms Co	Southern Farm & Land Co	Vacant
09/01/1988	$2,600	198830932 18	04016 / 0144	Warranty Multiple			Vacant
06/01/1976	$110,000	197609934 84	02699 / 1270	Warranty Deed			Vacant

City of Apopka
Community Development Department
120 E. Main Street, 2nd Floor, Apopka, Florida 32703
407-703-1739 - Phone -- 407-703-1791 - Fax

APPLICATION FOR FUTURE LAND USE AMENDMENT AND/OR ZONING AMENDMENT

-- FOR OFFICIAL USE ONLY--	
DATE SUBMITTED:	
FEE PAID: $	
CHECK #:	
RECEIPT #:	

Check One	REQUEST
	Large Scale Future Land Use (FLU) Change (>10 acres)
	Small Scale Future Land Use (FLU) Change (<10 acres)
	Zoning Amendment

Owner of Record:						
Address:						
City:				**State:**	**Zip:**	
Phone:			**E-Mail:**			

Applicant:						
Address:						
City:				**State:**	**Zip:**	
Phone:			**E-Mail:**			

Subject Property Parcel I.D. #(s):	
Subject Property Address:	
Subject Property Size (acres):	

ADJACENT PROPERTY:

Direction	*Jurisdiction Circle One*		*Future Land Use*	*Zoning*	*Present Use*
North	City	County			
East	City	County			
South	City	County			
West	City	County			

Existing Use:			**Proposed Use:**		
FLU Amendment:	**From:**		**To:**		
Zoning Amendment:	**From:**		**To:**		

Number of Persons Residing on the Subject Property:	
Improvements Existing on Property:	
Additional Conditions Requested by Applicant:	

Circle either YES or NO if the following public improvement(s) are available either on or adjacent to the subject property:

Paved Street Meeting City Standards:		**Yes**		**No**
Curb and Gutter:		**Yes**		**No**
Stormwater Drainage:		**Yes**		**No**
Water:		**Yes**		**No**
Sewer:		**Yes**		**No**
Street Lights:		**Yes**		**No**
Underwriter Approved Fire Hydrant:		**Yes**		**No**

Other:	

Application for Future Land Use and/or Zoning Amendments
Page 3

I (We) hereby appoint (print name): Kathy Hattaway/Poulos & Bennett, LLC
to serve as representative at all public hearings regarding my (our) property.

I (We), the undersigned owner(s) for the Future Land Use and/or Zoning Amendment of the above described property in the City of Apopka, Florida, do hereby agree to Indemnify and Hold Harmless the City of Apopka, Florida, its elected officials, officers, agents, and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and/or defend its decisions regarding the granting of the above referenced application.

By: Warren David Rubright
Owner(s) of Record (Signature)

Warren David Rubright
(Print Name)

By: _____
Owner(s) of Record (Signature)

_____
(Print Name)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this 21st day of May, 2018, by Warren David Rubright who is personally known to me or has produced personally known to me as Identification and who did / did not (circle one) take an oath.

Blair M Johnson
Notary Public (Signature)

My Commission Expires: _____

_____
Notary Public (Print Name)

BLAIR M. JOHNSON
MY COMMISSION EXPIRES
MARCH 20, 2021
#GG 067556
Bonded thru
Troy Fain Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Property Record - 35-20-27-5220-00-060

Orange County Property Appraiser • http://www.ocpafl.org

Property Summary as of 10/08/2019

Property Name
4670 W Orange Blossom Trl

Names
Rubright Properties L L C

Municipality
APK - Apopka

Property Use
5420 - Timberland Planted

Mailing Address
3465 Ocoee Apopka Rd
Apopka, FL 32703-8500

Physical Address
4670 W Orange Blossom Trl
Apopka, FL 32712

QR Code For Mobile Phone

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values		Land		Building(s)		Feature(s)		Market Value		Ag Benefits		Assessed Value	
2019	W MKT	$3,675,802	+	$0	+	$0	=	$3,675,802 (6.8%)	-	$3,229,510	=	**$446,292**	(5.6%)
2018	✓ MKT	$3,443,089	+	$0	+	$0	=	$3,443,089 (10.0%)	-	$3,020,326	=	**$422,763**	(8.1%)
2017	✓ MKT	$3,130,261	+	$0	+	$0	=	$3,130,261 (2.9%)	-	$2,739,126	=	**$391,135**	(2.3%)
2016	✓ MKT	$3,041,881	+	$0	+	$0	=	$3,041,881	-	$2,659,682	=	**$382,199**	

Tax Year Benefits		Ag Benefits	Tax Savings
2019	W $ AG	$3,229,510	**$52,310**
2018	✓ $ AG	$3,020,326	**$49,572**
2017	✓ $ AG	$2,739,126	**$45,469**
2016	✓ $ AG	$2,659,682	**5,100**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$446,292	$0	$446,292	3.8610 (-4.69%)	**$1,723.13**	24 %
Public Schools: By Local Board	$446,292	$0	$446,292	3.2480 (0.00%)	**$1,449.56**	20 %
Orange County (General)	$446,292	$0	$446,292	4.4347 (0.00%)	**$1,979.17**	27 %
City Of Apopka	$446,292	$0	$446,292	4.0376	**$1,801.95**	25 %
Library - Operating Budget	$446,292	$0	$446,292	0.3748 (0.00%)	**$167.27**	2 %
St Johns Water Management District	$446,292	$0	$446,292	0.2414 (-5.78%)	**$107.73**	1 %
				16.1975	**$7,228.81**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

LONGVIEW GROVES K/26 THAT PT OF S1/2 OF SE1/4 OF SW1/4 SEC 26-20-27 LYING W OF SCL RR & THAT PT OF NE1/4 OF NW1/4 SEC 35-20-27 LYING W OF SCL RR (LESS S 330 FT OF E 330 FT & LESS THAT PT OF LOTS 6 & 11 & PLATTED R/W ELY OF SAID LOTS LONGVIEW GROVES K/26 DESC AS COMM N1/4 COR SEC 35-20-27 S 408.14 FT FOR POB CONT S 483.08 FT N 27 DEG W 652.95 FT S 86 DEG E 261.8 FT SELY 93.67 FT TO POB) & SW1/4 OF NW1/4 & SE1/4 OF NW1/4 (LESS E 330 FT) & NE1/4 OF SW1/4 & N1/2 OF SW1/4 OF SE1/4 & S 60 FT OF NW1/4 OF SE1/4 & NW1/4 OF NW1/4 & W3/4 OF N1/2 OF NW1/4 OF SW1/4 (LESS PT DESC IN 373/302) & BEG 50 FT N OF SE COR OF N1/2 OF NW1/4 OF SW1/4 W 350 FT N TO 1/4 LINE E TO NE COR OF NW1/4 OF SW1/4 S TO POB ALL IN SEC 35-20-27 & S1/2 OF NE1/4 OF NE1/4 OF NE1/4 & S1/2 OF NE1/4 OF NE1/4 SEC 34-20-27 (LESS THAT PORTION DESC IN 7946/1844) & (LESS N 50 FT OF E 330 FT OF SW1/4 OF SEC 35-20-27) & (LESS THE N1/2 OF SW1/4 OF SE1/4 & THE S 60 FT OF THE NW1/4 OF SE1/4 OF SEC 35-20-27)

Total Land Area

9,859,597 sqft (+/-) | 226.35 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
6999 - Ag Waste	A-1(ZIP)	19.38 ACRE(S)	$100.00	$1,938	$100.00	$1,938
5420 - Timberland Planted	A-1(ZIP)	182.17 ACRE(S)	$18,128.00	$3,302,378	$400.00	$72,868
9900 - Non-Ag Acreage	A-1(ZIP)	20.49 ACRE(S)	$18,128.00	$371,443	$0.00	$371,443
9500 - Submerged	A-1(ZIP)	4.3 ACRE(S)	$10.00	$43	$0.00	$43

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value

There are no extra features associated with this parcel

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
04/21/2004	$116,800	200402601900	07413 / 3880	Warranty Deed	Rubright W David Rubright Mary Ann	Rubright Properties L L C	Vacant
05/05/2000	$100	200104214640	06349 / 4743	Quitclaim Multiple	Rubright Family LP	Rubright W David Rubright Mary Ann	Vacant
06/16/1999	$457,800	199902739100	05780 / 3960	Warranty Multiple	Gills James P Gills Margaret R	Rubright Family LP	Vacant
01/01/1983	$100	198318778280	03339 / 0531	Quitclaim Multiple			Vacant
12/01/1982	$1,000,000	198318755210	03337 / 1360	Warranty Multiple			Vacant
12/01/1979	$762,000	197914701270	03078 / 1729	Warranty Deed			Improved

City of Apopka
Community Development Department
120 E. Main Street, 2nd Floor, Apopka, Florida 32703
407-703-1739 - Phone -- 407-703-1791 - Fax

APPLICATION FOR FUTURE LAND USE AMENDMENT AND/OR ZONING AMENDMENT

-- FOR OFFICIAL USE ONLY--	
DATE SUBMITTED:	
FEE PAID: $	
CHECK #:	
RECEIPT #:	

Check One	REQUEST
	Large Scale Future Land Use (FLU) Change (>10 acres)
	Small Scale Future Land Use (FLU) Change (<10 acres)
	Zoning Amendment

Owner of Record:						
Address:						
City:				**State:**	**Zip:**	
Phone:			**E-Mail:**			

Applicant:						
Address:						
City:				**State:**	**Zip:**	
Phone:			**E-Mail:**			

Subject Property Parcel I.D. #(s):	
Subject Property Address:	
Subject Property Size (acres):	

ADJACENT PROPERTY:

Direction	*Jurisdiction Circle One*		*Future Land Use*	*Zoning*	*Present Use*
North	City	County			
East	City	County			
South	City	County			
West	City	County			

Existing Use:			**Proposed Use:**		
FLU Amendment:	**From:**		**To:**		
Zoning Amendment:	**From:**		**To:**		

Number of Persons Residing on the Subject Property:	
Improvements Existing on Property:	
Additional Conditions Requested by Applicant:	

Circle either YES or NO if the following public improvement(s) are available either on or adjacent to the subject property:

Paved Street Meeting City Standards:		**Yes**		**No**
Curb and Gutter:		**Yes**		**No**
Stormwater Drainage:		**Yes**		**No**
Water:		**Yes**		**No**
Sewer:		**Yes**		**No**
Street Lights:		**Yes**		**No**
Underwriter Approved Fire Hydrant:		**Yes**		**No**

Other:	

Application for Future Land Use and/or Zoning Amendments
Page 3

I (We) hereby appoint (print name): Kathy Hattaway/Poulos & Bennett, LLC
to serve as representative at all public hearings regarding my (our) property.

I (We), the undersigned owner(s) for the Future Land Use and/or Zoning Amendment of the above described property in the City of Apopka, Florida, do hereby agree to Indemnify and Hold Harmless the City of Apopka, Florida, its elected officials, officers, agents, and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and/or defend its decisions regarding the granting of the above referenced application.

By: Warren David Rubright
Owner(s) of Record (Signature)

Warren David Rubright
(Print Name)

By: _____
Owner(s) of Record (Signature)

_____
(Print Name)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this 21 day of May, 2018 by Warren David Rubright who is personally known to me or has produced personally known to me as Identification and who did /did not (circle one) take an oath.

Blair M. Johnson
Notary Public (Signature)

My Commission Expires: _____

BLAIR M. JOHNSON MY COMMISSION EXPIRES MARCH 20, 2021 #GG 057556 Bonded thru Troy Fain Insurance NOTARY PUBLIC, STATE OF FLORIDA

Notary Public (Print Name)

Property Record - 34-20-27-0000-00-007

Property Summary as of 10/08/2019

Property Name
5000 Longview Rd

Names
Rubright Family L P

Municipality
APK - Apopka

Property Use
9900 - Non-Ag Acreage

Mailing Address
1921 Hill Dr
Apopka, FL 32703-9340

Physical Address
5000 Longview Rd
Apopka, FL 32712

QR Code For Mobile Phone

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land		Building(s)		Feature(s)	Market Value	Assessed Value
2019 W MKT	$127,259	+	$0	+	$0	= $127,259 (3.2%)	**$127,259** (3.2%)
2018 ✓ MKT	$123,282	+	$0	+	$0	= $123,282 (10%)	**$123,281** (10%)
2017 ✓ MKT	$112,074	+	$0	+	$0	= $112,074 (3.0%)	**$112,074** (3.0%)
2016 ✓ MKT	$108,810	+	$0	+	$0	= $108,810	**$108,810**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$127,259	$0	$127,259	3.8610 (-4.69%)	**$491.35**	24 %
Public Schools: By Local Board	$127,259	$0	$127,259	3.2480 (0.00%)	**$413.34**	20 %
Orange County (General)	$127,259	$0	$127,259	4.4347 (0.00%)	**$564.36**	27 %
City Of Apopka	$127,259	$0	$127,259	4.0376	**$513.82**	25 %
Library - Operating Budget	$127,259	$0	$127,259	0.3748 (0.00%)	**$47.70**	2 %
St Johns Water Management District	$127,259	$0	$127,259	0.2414 (-5.78%)	**$30.72**	1 %
				16.1975	**$2,061.29**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment

There are no Non-Ad Valorem Assessments

Property Features

Property Description

N1/2 OF SE1/4 OF NE1/4 (LESS COMM AT NE COR OF N1/2 OF SE1/4 OF NE1/4 TH N 88 DEG W 696.74 FT TO POB S 40 DEG E 554.89 FT S OO DEG W 237.03 FT N 89 DEG W 952.75 FT N 03 DEG W 655.74 FT S 88 DEG E 632.03 TO POB) IN SEC 34-20-27

Total Land Area

305,992 sqft (+/-) | 7.02 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
9900 - Non-Ag Acreage	A-1(ZIP)	7.02 ACRE(S)	$18,128.00	$127,259	$0.00	$127,259

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value

There are no extra features associated with this parcel

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
09/29/2004	$35,000	20040647744	07651 / 0807	Warranty Deed	Schaffer Harry R Schaffer Nancy J M	Rubright Family L P	Vacant
04/01/1986	$40,000	19862503998	03773 / 2430	Warranty Deed			Vacant
03/01/1979	$100	19791362110	02991 / 1487	Quitclaim Deed			Vacant
06/01/1971	$1,000	19710448364	02119 / 0008	Warranty Deed			Vacant

City of Apopka
Community Development Department
120 E. Main Street, 2nd Floor, Apopka, Florida 32703
407-703-1739 - Phone -- 407-703-1791 - Fax

APPLICATION FOR FUTURE LAND USE AMENDMENT AND/OR ZONING AMENDMENT

-- FOR OFFICIAL USE ONLY--	
DATE SUBMITTED:	
FEE PAID: $	
CHECK #:	
RECEIPT #:	

Check One	REQUEST
	Large Scale Future Land Use (FLU) Change (>10 acres)
	Small Scale Future Land Use (FLU) Change (<10 acres)
	Zoning Amendment

Owner of Record:						
Address:						
City:				**State:**	**Zip:**	
Phone:			**E-Mail:**			

Applicant:						
Address:						
City:				**State:**	**Zip:**	
Phone:			**E-Mail:**			

Subject Property Parcel I.D. #(s):	
Subject Property Address:	
Subject Property Size (acres):	

ADJACENT PROPERTY:

Direction	*Jurisdiction Circle One*		*Future Land Use*	*Zoning*	*Present Use*
North	City	County			
East	City	County			
South	City	County			
West	City	County			

Existing Use:			**Proposed Use:**		
FLU Amendment:	**From:**		**To:**		
Zoning Amendment:	**From:**		**To:**		

Number of Persons Residing on the Subject Property:	
Improvements Existing on Property:	
Additional Conditions Requested by Applicant:	

Circle either YES or NO if the following public improvement(s) are available either on or adjacent to the subject property:

Paved Street Meeting City Standards:		**Yes**		**No**
Curb and Gutter:		**Yes**		**No**
Stormwater Drainage:		**Yes**		**No**
Water:		**Yes**		**No**
Sewer:		**Yes**		**No**
Street Lights:		**Yes**		**No**
Underwriter Approved Fire Hydrant:		**Yes**		**No**

Other:	

27-20-27-0000-00-053
34-20-27-0000-00-005

I (We) hereby appoint (print name): Kathy Hattaway/Poulos & Bennett, LLC
to serve as representative at all public hearings regarding my (our) property.

I (We), the undersigned owner(s) for the Future Land Use and/or Zoning Amendment of the above described property in the City of Apopka, Florida, do hereby agree to Indemnify and Hold Harmless the City of Apopka, Florida, its elected officials, officers, agents, and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and/or defend its decisions regarding the granting of the above referenced application.

By: _____
Owner(s) of Record (Signature)

J. Scott PRIDGEN
(Print Name)

By: _____
Owner(s) of Record (Signature)

_____
(Print Name)

CHARLENE WATERS
MY COMMISSION EXPIRES
JULY 13, 2023
#GG 311425
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this 17 day of March, 2020 by J. Scott Pridgen who is personally known to me or has produced _____ as Identification and who did / did not (circle one) take an oath.

Charlene Waters
Notary Public (Signature)

My Commission Expires: July 13, 2023

Charlene Waters
Notary Public (Print Name)

Property Record - 34-20-27-0000-00-005

Orange County Property Appraiser • http://www.ocpafl.org

Property Summary as of 10/08/2019

Property Name
Wesley Rd

Names
Jp Holdings Inc 50% Int
Pridgen James Scott Tr 50% Int

Municipality
APK - Apopka

Property Use
6613 - Orange Grove

Mailing Address
205 W State Road 434 Ste A
Winter Springs, FL 32708-5329

Physical Address
Wesley Rd
Apopka, FL 32703

QR Code For Mobile Phone

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land		Building(s)		Feature(s)	Market Value		Ag Benefits	Assessed Value
2019 W MKT	$211,160	+	$0	+	$0	= $211,160 (6.7%)	-	$181,125	= **$30,035** (0%)
2018 ✓ MKT	$197,983	+	$0	+	$0	= $197,983 (10.0%)	-	$167,948	= **$30,035** (0%)
2017 ✓ MKT	$180,015	+	$0	+	$0	= $180,015 (3.0%)	-	$149,980	= **$30,035** (0%)
2016 ✓ MKT	$174,781	+	$0	+	$0	= $174,781	-	$144,746	= **$30,035**

Tax Year Benefits		Ag Benefits	Tax Savings
2019	W $ AG	$181,125	**$2,934**
2018	✓ $ AG	$167,948	**$2,756**
2017	✓ $ AG	$149,980	**$2,490**
2016	✓ $ AG	$144,746	**2,454**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$30,035	$0	$30,035	3.8610 (-4.69%)	**$115.97**	24 %
Public Schools: By Local Board	$30,035	$0	$30,035	3.2480 (0.00%)	**$97.55**	20 %
Orange County (General)	$30,035	$0	$30,035	4.4347 (0.00%)	**$133.20**	27 %
City Of Apopka	$30,035	$0	$30,035	4.0376	**$121.27**	25 %
Library - Operating Budget	$30,035	$0	$30,035	0.3748 (0.00%)	**$11.26**	2 %
St Johns Water Management District	$30,035	$0	$30,035	0.2414 (-5.78%)	**$7.25**	1 %
				16.1975	**$486.50**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

THE NW1/4 OF NE1/4 OF NE1/4 & THE N1/2 OF NE1/4 OF NE1/4 OF NE1/4 SEC 34-20-27

Total Land Area

650,967 sqft (+/-) | 14.94 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
6613 - Orange Grove	A-1(ZIP)	10.2 ACRE(S)	$18,128.00	$184,906	$2,800.00	$28,560
6610 - Orange Grove	A-1(ZIP)	1.43 ACRE(S)	$18,128.00	$25,923	$800.00	$1,144
6999 - Ag Waste	A-1(ZIP)	3.31 ACRE(S)	$100.00	$331	$100.00	$331

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value

There are no extra features associated with this parcel

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
04/06/2009	$102,900	200902615370	09868 / 6917	Warranty Multiple	Southern Farm And Land LLC	Jp Holdings Inc 50% Int Pridgen James Scott Tr 50% Int	Vacant
12/19/2003	$100	200400641290	07288 / 4396	Warranty Multiple	Southern Farm & Land Co	Southern Farm & Land LLC	Vacant
06/27/2003	$69,300	200303961780	07002 / 2623	Warranty Multiple	Zellwin Farms Co	Southern Orange Farm & Land Co	Vacant
11/13/1989	$100	198933870070	04133 / 1846	Warranty Deed			Vacant
09/14/1988	$10,500	198830932180	04016 / 0144	Warranty Multiple			Vacant
06/01/1976	$110,000	197609934840	02699 / 1270	Warranty Deed			Vacant

Property Record - 27-20-27-0000-00-053

Orange County Property Appraiser • http://www.ocpafl.org

Property Summary as of 10/08/2019

Property Name
Wesley Rd

Names
Jp Holdings Inc 50% Int
Pridgen James Scott Tr 50% Int

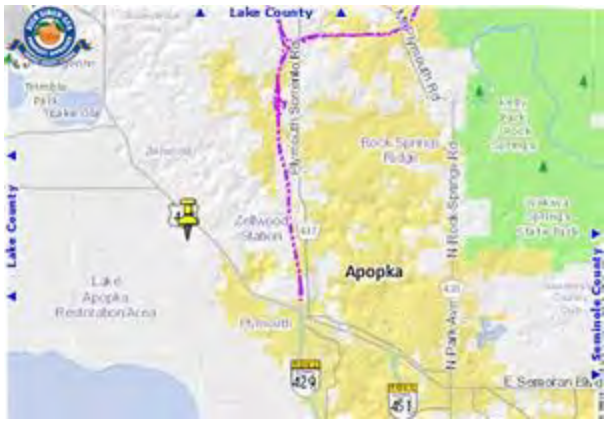
Municipality
APK - Apopka

Property Use
6613 - Orange Grove

Mailing Address
205 W State Road 434 Ste A
Winter Springs, FL 32708-5329

Physical Address
Wesley Rd
Apopka, FL 32712

QR Code For Mobile Phone



Value and Taxes

Historical Value and Tax Benefits

Tax Year Values		Land		Building(s)		Feature(s)	Market Value		Ag Benefits	Assessed Value	
2019	W MKT	$516,053	+	$0	+	$0	= $516,053	(6.7%)	- $439,255	= **$76,798**	(0%)
2018	✓ MKT	$483,807	+	$0	+	$0	= $483,807	(10%)	- $407,009	= **$76,798**	(0%)
2017	✓ MKT	$439,838	+	$0	+	$0	= $439,838	(3.0%)	- $363,040	= **$76,798**	(0%)
2016	✓ MKT	$427,030	+	$0	+	$0	= $427,030		- $350,232	= **$76,798**	

Tax Year Benefits		Ag Benefits	Tax Savings
2019	W $ AG	$439,255	**$7,115**
2018	✓ $ AG	$407,009	**$6,680**
2017	✓ $ AG	$363,040	**$6,026**
2016	✓ $ AG	$350,232	**5,939**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$76,798	$0	$76,798	3.8610 (-4.69%)	**$296.52**	24 %
Public Schools: By Local Board	$76,798	$0	$76,798	3.2480 (0.00%)	**$249.44**	20 %
Orange County (General)	$76,798	$0	$76,798	4.4347 (0.00%)	**$340.58**	27 %
City Of Apopka	$76,798	$0	$76,798	4.0376	**$310.08**	25 %
Library - Operating Budget	$76,798	$0	$76,798	0.3748 (0.00%)	**$28.78**	2 %
St Johns Water Management District	$76,798	$0	$76,798	0.2414 (-5.78%)	**$18.54**	1 %
				16.1975	**$1,243.94**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

BEG SE COR OF SEC RUN N 1360.76 FT W 753.98 FT M/L S 866.70 FT W 578.15 FT S 465 FT E 1331.11 FT TO POB IN SEC 27-20-27

Total Land Area

1,296,149 sqft (+/-) | 29.76 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
6613 - Orange Grove	A-1(ZIP)	26.95 ACRE(S)	$18,128.00	$488,550	$2,800.00	$75,460
6610 - Orange Grove	A-1(ZIP)	1.51 ACRE(S)	$18,128.00	$27,373	$800.00	$1,208
6999 - Ag Waste	A-1(ZIP)	1.3 ACRE(S)	$100.00	$130	$100.00	$130

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
There are no extra features associated with this parcel				

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
04/06/2009	$272,100	200902615370	09868 / 6917	Warranty Multiple	Southern Farm And Land LLC	Jp Holdings Inc 50% Int Pridgen James Scott Tr 50% Int	Vacant
12/19/2003	$100	200400641290	07288 / 4396	Warranty Multiple	Southern Farm & Land Co	Southern Farm & Land LLC	Vacant
06/27/2003	$383,800	200303961780	07002 / 2623	Warranty Multiple	Zellwin Farms Co	Southern Orange Farm & Land Co	Vacant
09/01/1988	$31,000	198830932180	04016 / 0144	Warranty Multiple			Vacant
06/01/1976	$110,000	197609934840	02699 / 1270	Warranty Deed			Vacant

City of Apopka
Community Development Department
120 E. Main Street, 2nd Floor, Apopka, Florida 32703
407-703-1739 - Phone -- 407-703-1791 - Fax

APPLICATION FOR FUTURE LAND USE AMENDMENT AND/OR ZONING AMENDMENT

-- FOR OFFICIAL USE ONLY--	
DATE SUBMITTED:	
FEE PAID: $	
CHECK #:	
RECEIPT #:	

Check One	REQUEST
	Large Scale Future Land Use (FLU) Change (>10 acres)
	Small Scale Future Land Use (FLU) Change (<10 acres)
	Zoning Amendment

Owner of Record:						
Address:						
City:			**State:**		**Zip:**	
Phone:			**E-Mail:**			

Applicant:						
Address:						
City:			**State:**		**Zip:**	
Phone:			**E-Mail:**			

Subject Property Parcel I.D. #(s):	
Subject Property Address:	
Subject Property Size (acres):	

ADJACENT PROPERTY:

Direction	*Jurisdiction Circle One*		*Future Land Use*	*Zoning*	*Present Use*
North	City	County			
East	City	County			
South	City	County			
West	City	County			

Existing Use:			**Proposed Use:**		
FLU Amendment:	**From:**		**To:**		
Zoning Amendment:	**From:**		**To:**		

Number of Persons Residing on the Subject Property:	
Improvements Existing on Property:	
Additional Conditions Requested by Applicant:	

Circle either YES or NO if the following public improvement(s) are available either on or adjacent to the subject property:

Paved Street Meeting City Standards:		**Yes**		**No**
Curb and Gutter:		**Yes**		**No**
Stormwater Drainage:		**Yes**		**No**
Water:		**Yes**		**No**
Sewer:		**Yes**		**No**
Street Lights:		**Yes**		**No**
Underwriter Approved Fire Hydrant:		**Yes**		**No**

Other:	

Doc 20-3-23 E/

27-20-27-0000-00-052

Application for Future Land Use and/or Zoning Amendments
Page 3

I (We) hereby appoint (print name): Kathy Hattaway/Poulos & Bennett, LLC
to serve as representative at all public hearings regarding my (our) property.

I (We), the undersigned owner(s) for the Future Land Use and/or Zoning Amendment of the above described property in the City of Apopka, Florida, do hereby agree to Indemnify and Hold Harmless the City of Apopka, Florida, its elected officials, officers, agents, and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and/or defend its decisions regarding the granting of the above referenced application.

By: _____
Owner(s) of Record (Signature)

Douglas M. Sumnett
(Print Name)

By: _____
Owner(s) of Record (Signature)

_____
(Print Name)

STATE OF ~~FLORIDA~~ TENNESSEE
COUNTY OF ~~ORANGE~~ Loudon

The foregoing instrument was acknowledged before me on this 23rd day of March, 2020, by Douglas M. Sumnett who is personally known to me or has produced _____ as Identification and who did / did not (circle one) take an oath.

_____
Notary Public (Signature)

My Commission Expires: September 14, 2022

Jeff Bennett
Notary Public (Print Name)

JEFFREY W. BENNETT
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF LOUDON

City of Apopka
Community Development Department
120 E. Main Street, 2nd Floor, Apopka, Florida 32703
407-703-1739 - Phone -- 407-703-1791 - Fax

APPLICATION FOR FUTURE LAND USE AMENDMENT AND/OR ZONING AMENDMENT

-- FOR OFFICIAL USE ONLY--	
DATE SUBMITTED:	
FEE PAID: $	
CHECK #:	
RECEIPT #:	

Check One	REQUEST
	Large Scale Future Land Use (FLU) Change (>10 acres)
	Small Scale Future Land Use (FLU) Change (<10 acres)
	Zoning Amendment

Owner of Record:						
Address:						
City:			**State:**		**Zip:**	
Phone:			**E-Mail:**			

Applicant:						
Address:						
City:			**State:**		**Zip:**	
Phone:			**E-Mail:**			

Subject Property Parcel I.D. #(s):	
Subject Property Address:	
Subject Property Size (acres):	

ADJACENT PROPERTY:

Direction	*Jurisdiction Circle One*		*Future Land Use*	*Zoning*	*Present Use*
North	City	County			
East	City	County			
South	City	County			
West	City	County			

Existing Use:			**Proposed Use:**		
FLU Amendment:	**From:**		**To:**		
Zoning Amendment:	**From:**		**To:**		

Number of Persons Residing on the Subject Property:	
Improvements Existing on Property:	
Additional Conditions Requested by Applicant:	

Circle either YES or NO if the following public improvement(s) are available either on or adjacent to the subject property:

Paved Street Meeting City Standards:		**Yes**		**No**
Curb and Gutter:		**Yes**		**No**
Stormwater Drainage:		**Yes**		**No**
Water:		**Yes**		**No**
Sewer:		**Yes**		**No**
Street Lights:		**Yes**		**No**
Underwriter Approved Fire Hydrant:		**Yes**		**No**

Other:	

Doc 20-3-23 E/

27-20-27-0000-00-052

Application for Future Land Use and/or Zoning Amendments
Page 3

I (We) hereby appoint (print name): Kathy Hattaway/Poulos & Bennett, LLC
to serve as representative at all public hearings regarding my (our) property.

I (We), the undersigned owner(s) for the Future Land Use and/or Zoning Amendment of the above described property in the City of Apopka, Florida, do hereby agree to Indemnify and Hold Harmless the City of Apopka, Florida, its elected officials, officers, agents, and assigns for any and all damages, attorney fees and costs incurred by said City in any instance in which the City must expend funds and/or defend its decisions regarding the granting of the above referenced application.

By: _____
Owner(s) of Record (Signature)

Douglas M. Sumrall
(Print Name)

By: _____
Owner(s) of Record (Signature)

_____
(Print Name)

STATE OF ~~FLORIDA~~ TENNESSEE
COUNTY OF ~~ORANGE~~ Loudon

The foregoing instrument was acknowledged before me on this 23rd day of March, 2020, by Douglas M. Sumrall who is personally known to me or has produced _____ as Identification and who did / did not (circle one) take an oath.

_____
Notary Public (Signature)

My Commission Expires: September 14, 2022

Jeff Bennett
Notary Public (Print Name)

JEFFREY W. BENNETT
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF LOUDON

Property Record - 27-20-27-0000-00-052

Property Summary as of 10/08/2019

Property Name

Purdy Brothers Trucking

Names

Surrett Lisa
Surrett Douglas
Purdy James P

Municipality

APK - Apopka

Property Use

4800 - Warehousing

Mailing Address

Attn: Doug Surrett
Po Box 39
Loudon, TN 37774-0039

Physical Address

5101 Wesley Rd
Apopka, FL 32712

QR Code For Mobile Phone

272027000000052 10/22/2006

272027000000052 10/22/2006

272027000000052 10/22/2006

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land		Building(s)		Feature(s)	Market Value	Assessed Value
2019 W MKT	$528,383	+	$687,033	+	$87,763	= $1,303,179 (8.7%)	**$1,118,116** (10%)
2018 ✓ MKT	$503,222	+	$608,145	+	$87,763	= $1,199,130 (17%)	**$1,016,469** (10%)
2017 ✓ MKT	$457,475	+	$510,942	+	$56,875	= $1,025,292 (2.1%)	**$924,063** (10%)
2016 ✓ MKT	$444,150	+	$503,307	+	$56,875	= $1,004,332	**$840,057**

Tax Year Benefits	Tax Savings
2019 W $	**$1,682**
2018 ✓ $	**$1,665**
2017 ✓ $	**$924**
2016 ✓ $	**$1,502**

2019 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	$1,303,179	$0	$1,303,179	3.8610 (-4.69%)	**$5,031.57**	26 %
Public Schools: By Local Board	$1,303,179	$0	$1,303,179	3.2480 (0.00%)	**$4,232.73**	22 %
Orange County (General)	$1,118,116	$0	$1,118,116	4.4347 (0.00%)	**$4,958.51**	26 %
City Of Apopka	$1,118,116	$0	$1,118,116	4.0376	**$4,514.51**	23 %
Library - Operating Budget	$1,118,116	$0	$1,118,116	0.3748 (0.00%)	**$419.07**	2 %
St Johns Water Management District	$1,118,116	$0	$1,118,116	0.2414 (-5.78%)	**$269.91**	1 %
				16.1975	**$19,426.30**	

2019 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF APOPKA	APOPKA STORM - DRAINAGE - (407)703-1731	1.00	$1.00	**$1.00**
				$1.00

Property Features

Property Description

SE COR SE1/4 RUN W 1331.11 FT N 465 FT FOR POB E 578.15 FT N 866.7 FT E 274.51 FT N 1000 FT W 187.28 FT S 358.40 FT W 870 FT S 636.13 FT E 210 FT S 886.44 FT TO POB SEC 27-20-27

Total Land Area

1,292,380 sqft (+/-) | 29.67 acres (+/-) GIS Calculated

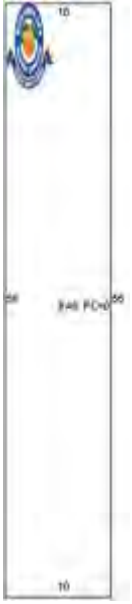
Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
4800 - Warehousing	A-1(ZIP)	29.61 ACRE(S)	$17,844.75	$528,383	$0.00	$528,383

Buildings

Model Code	02 - Manufactured Home	Subarea Description	Sqft	Va
Type Code	0201 - Manufactured Home	BAS - Base Area	560	$16,044
Building Value	$4,813			

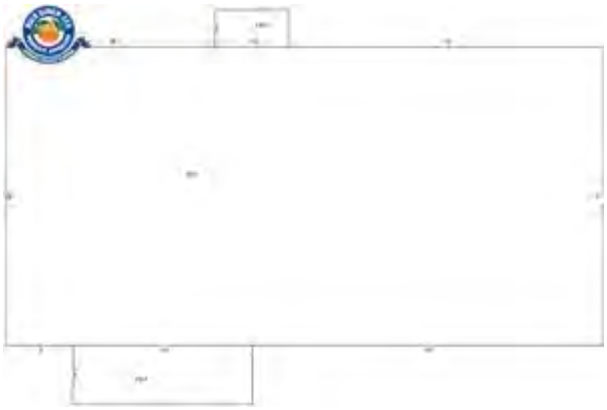
Estimated New Cost	$16,044
Actual Year Built	1973
Beds	3
Baths	1.5
Floors	1
Gross Area	560 sqft
Living Area	560 sqft
Exterior Wall	Modl.Metal
Interior Wall	Plywood.Pn



Model Code	06 - Warehouse	Subarea Description	Sqft	Value
Type Code	4900 - Open Storage	BAS - Base Area	9600	$104,448
Building Value	$48,638	FOP - F/Opn Prch	1120	$6,093
Estimated New Cost	$110,541			
Actual Year Built	1975			
Beds	0			
Baths	0.0			
Floors	1			
Gross Area	10720 sqft			
Living Area	9600 sqft			
Exterior Wall	Modl.Metal			
Interior Wall	None			

Model Code	06 - Warehouse	Subarea Description	Sqft	Value
Type Code	4900 - Open Storage	BAS - Base Area	6972	$51,035
Building Value	$22,455			
Estimated New Cost	$51,035			
Actual Year Built	1975			
Beds	0			
Baths	0.0			
Floors	1			
Gross Area	6972 sqft			
Living Area	6972 sqft			
Exterior Wall	Modl.Metal			
Interior Wall	None			

Model Code	06 - Warehouse	Subarea Description	Sqft	Value
Type Code	4800 - Warehousing	BAS - Base Area	3200	$255,584
Building Value	$220,686	FOP - F/Opn Prch	242	$9,664
Estimated New Cost	$265,248			
Actual Year Built	2006			
Beds				
Baths				
Floors	1			
Gross Area	3442 sqft			
Living Area	3200 sqft			
Exterior Wall	Modl.Metal			
Interior Wall	Drywall			



Model Code	06 - Warehouse	Subarea Description	Sqft	Value
Type Code	4800 - Warehousing	BAS - Base Area	8000	$469,280
Building Value	$390,441			
Estimated New Cost	$469,280			
Actual Year Built	2006			
Beds				
Baths				
Floors	1			
Gross Area	8000 sqft			
Living Area	8000 sqft			
Exterior Wall	Modl.Metal			
Interior Wall	Minimum			

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
5092 - Greenhouse Metal/Poly 3	01/01/1975	10956 Unit(s)	$1.45	$7,943
5230 - Accesory Building 1	12/01/1994	1200 Unit(s)	$10.00	$1,200
6030 - Paved Asphalt	01/01/1980	17544 Unit(s)	$3.50	$61,404
6040 - Paved Concrete	01/01/1975	60960 Unit(s)	$4.50	$13,716
5320 - Canopy Cover Aluminum 1	01/01/2006	1400 Unit(s)	$2.50	$3,500

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
05/03/2000	$275,000	20000194270	06000 / 1319	Warranty Deed	Connell Garry F	Surrett Lisa Surrett Dougla Purdy James E	Improved
12/01/1985	$350,000	19852434742	03725 / 0456	Special Warranty			Improved
03/01/1985	$100	19852283879	03618 / 2144	Certificate of Title			Improved

A. Existing Conditions

Location & Current Use

The subject property consists of 349.37 acres located west of Orange Blossom Trail (US 441), north of Hogshead Road. It is comprised of eleven (11) parcels which are predominantly vacant, but also contain an existing single-family home, container nursery, and a citrus grove.

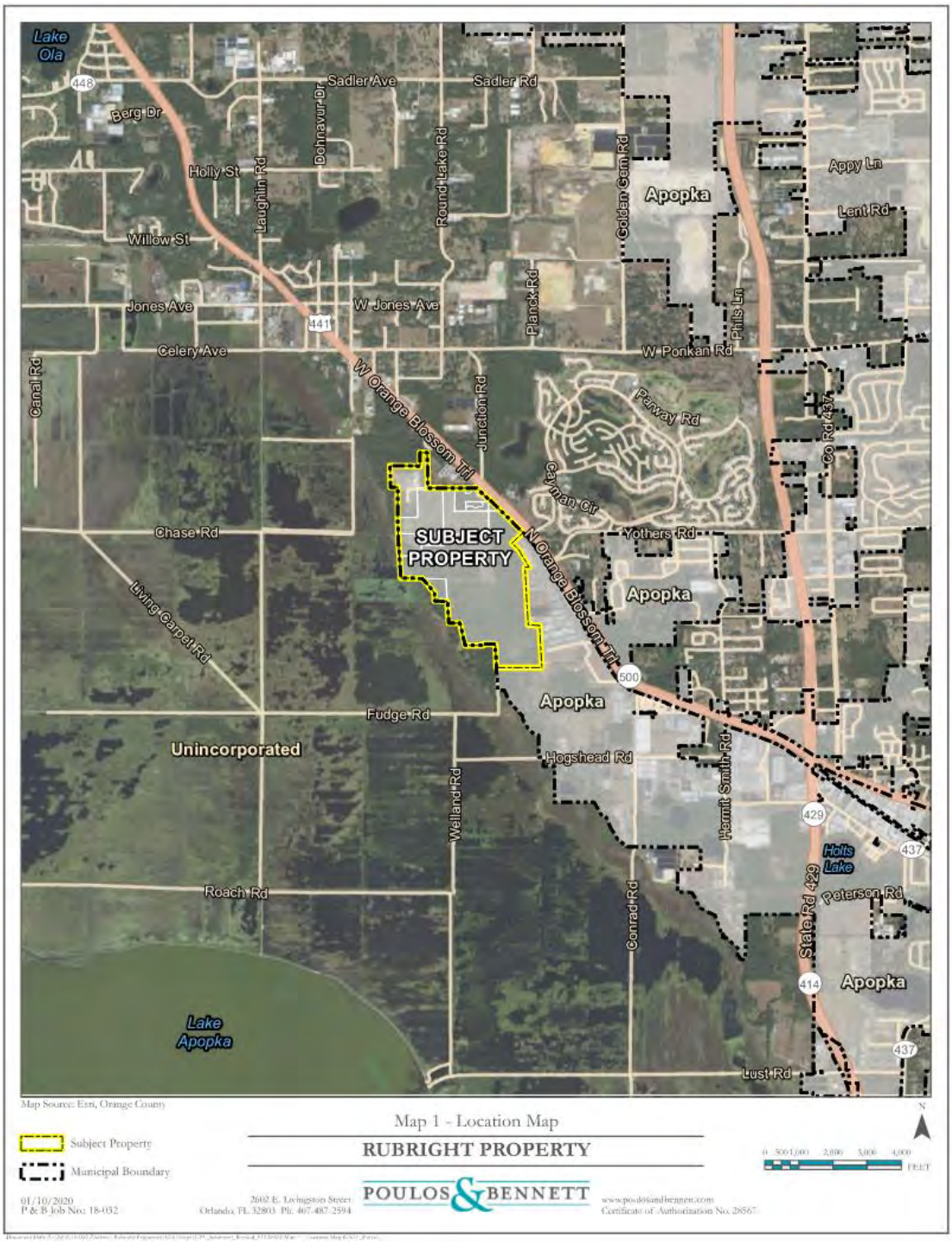


Figure 1: Location Map

Current Use by Parcel

	Parcel ID	Property Owner	Acreage
1	26-20-27-0000-00-027	American Sanford Four, LLC	0.72
2	26-20-27-0000-00-028	Steven R. Rubright	9.24
3	26-20-27-0000-00-042	Steven R. Rubright	1.65
4	26-20-27-0000-00-029	Steven R. Rubright	2.48
5	26-20-27-0000-00-032	Steven R. Rubright	1.49
6	26-20-27-0000-00-030	JP Holdings, Inc.	26.11
7	35-20-27-5220-00-060	Rubright Properties, LLC	226.35
8	34-20-27-0000-00-007	Rubright Family, LP	7.02
9	27-20-27-0000-00-053	JP Holdings, Inc. & James Scott Pridgen	29.76
10	34-20-27-0000-00-005	JP Holdings, Inc. & James Scott Pridgen	14.94
11	27-20-27-0000-00-052	Douglas and Lisa Surrett and James. P. Purdy	29.61
Total Project Acreage for Apopka Properties			349.37

Existing Entitlements

The property currently has no "City" future land use assigned. The existing future land use designation for those surrounding properties, both in the City and Orange County, are outlined in the map and table below.

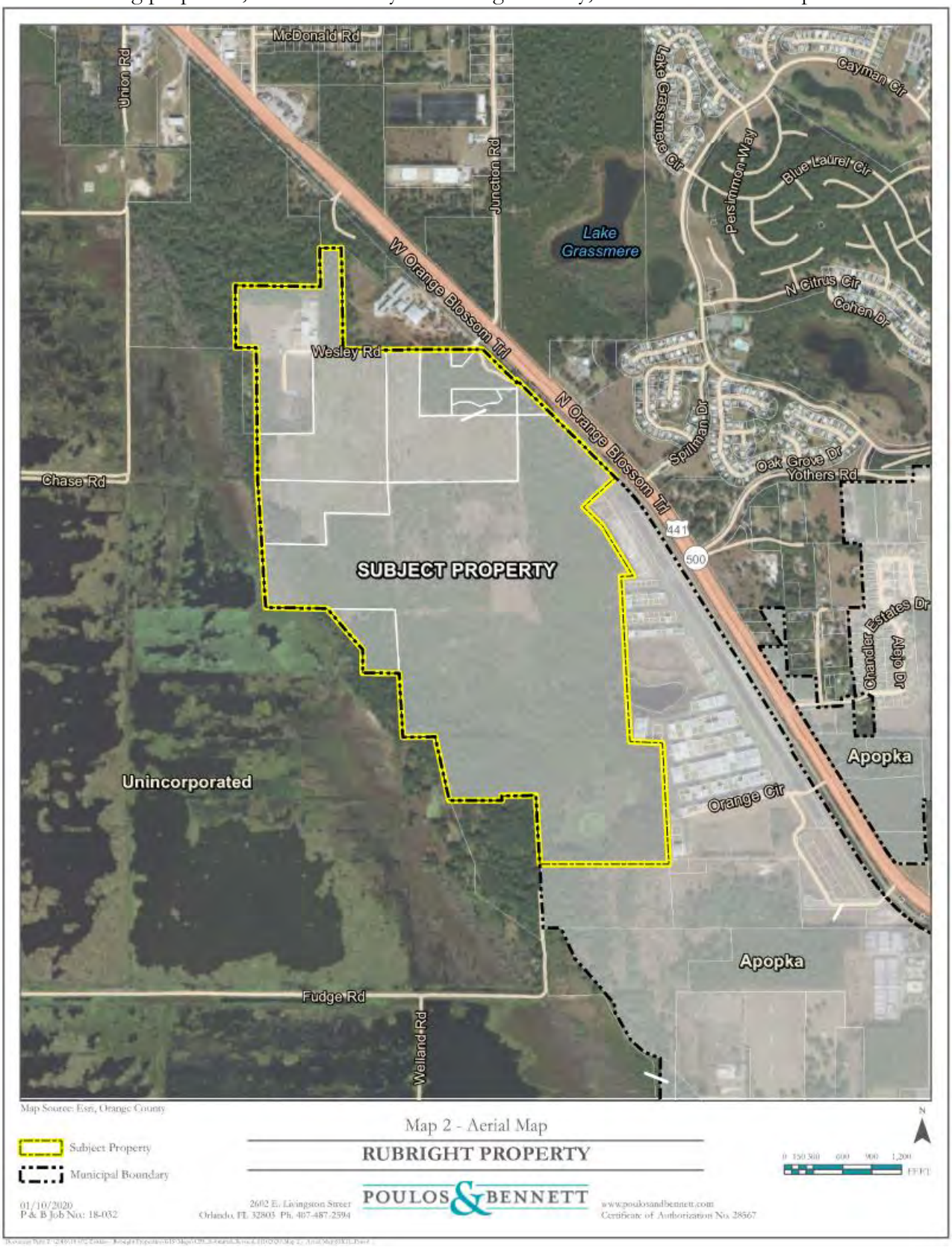


Figure 2: Aerial Map

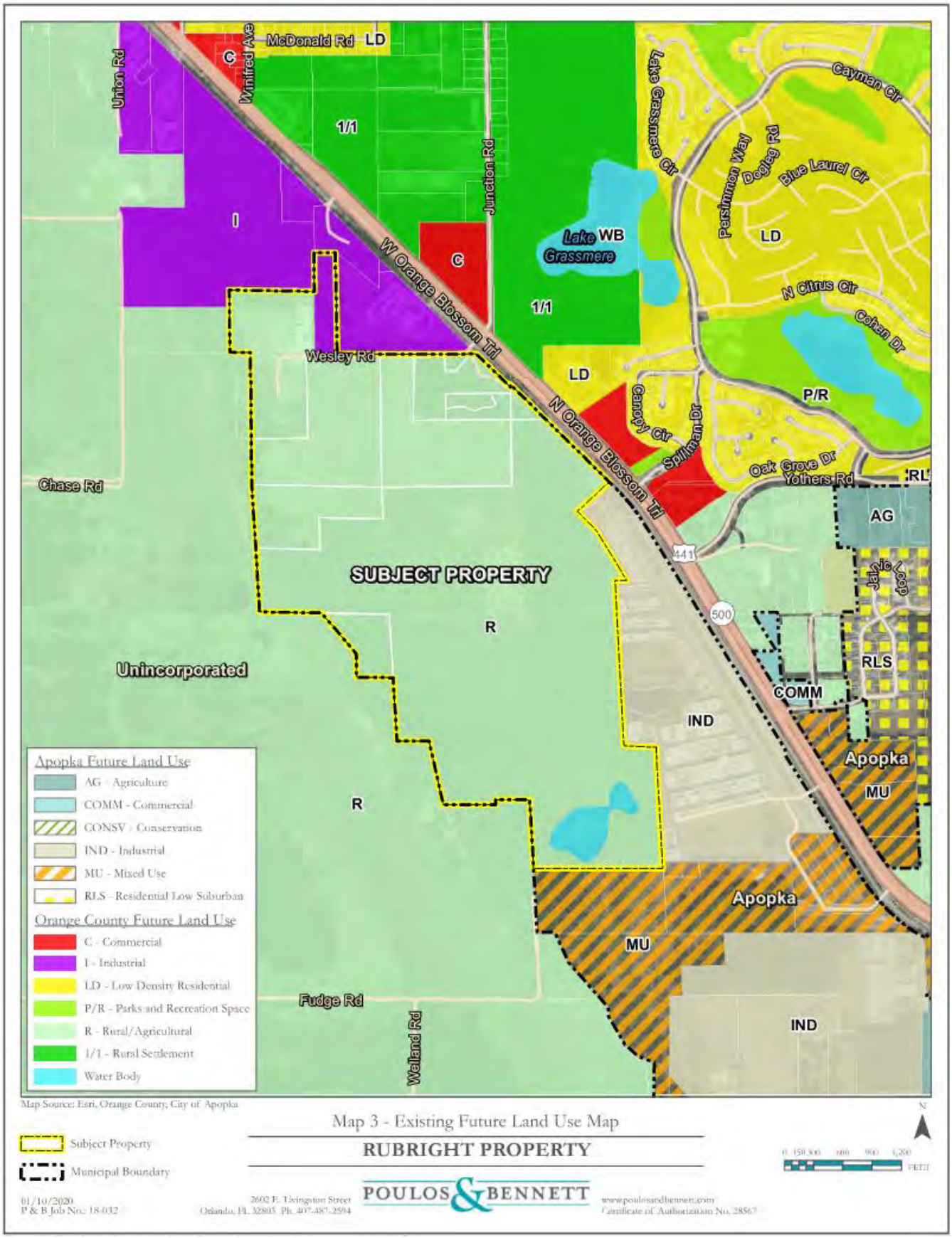


Figure 3: Existing Future Land Use

Surrounding Future Land Use

North	Industrial (County)
East	R-O-W and Industrial (City)
South	Rural (County) and Industrial (City)
West	Rural (County)

B. Statement of Request

The request is to amend the future land use designation for the subject property from "County" Rural and Industrial to "City" Industrial.

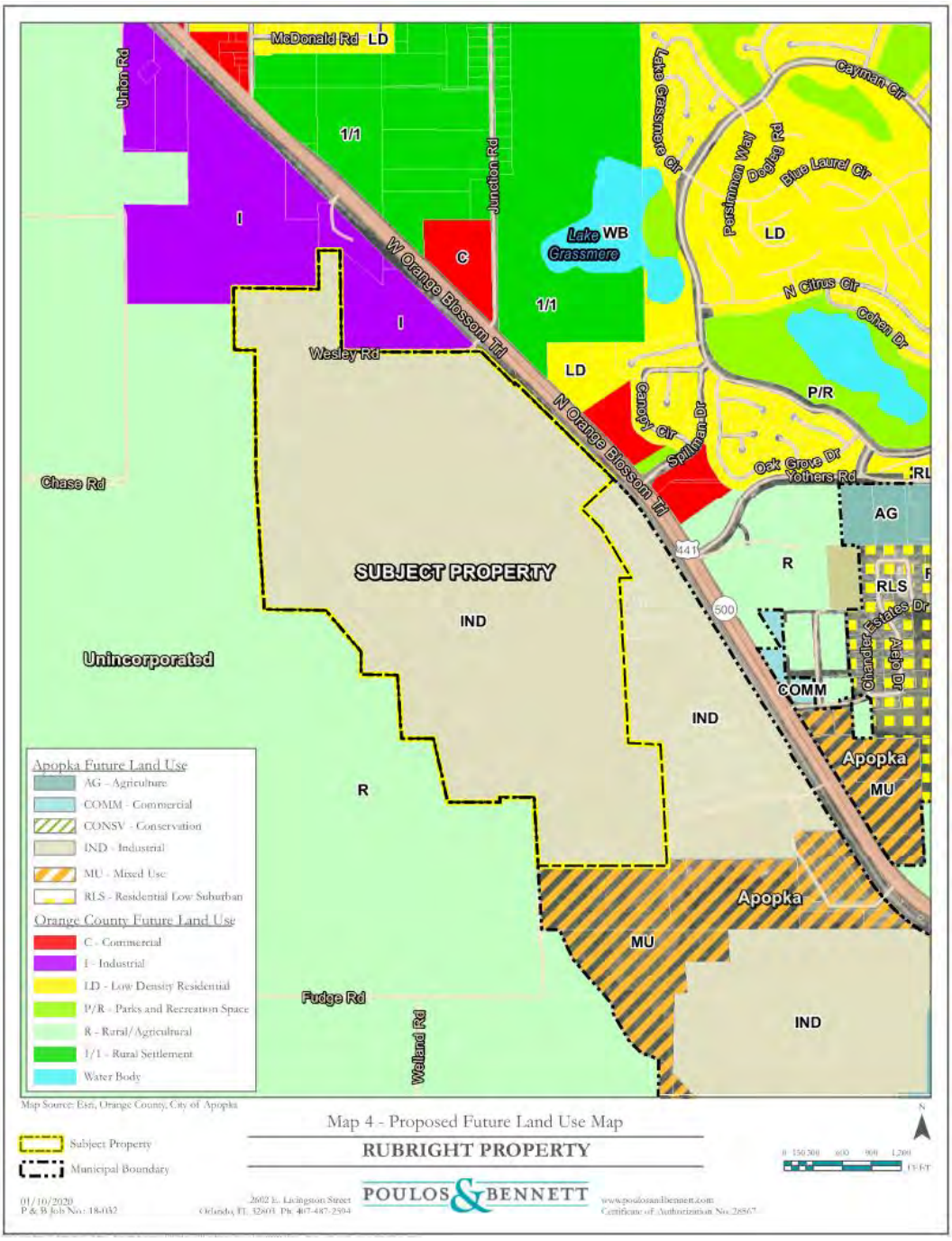


Figure 4: Proposed Future Land Use

SECTION 3: Justification

SECTION 3: JUSTIFICATION

The following section provides justification for the requested Comprehensive Plan.

Future Land Use Element:

1. 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.
   Response: The proposed future land use designation of Industrial will allow for complementary uses to be developed adjacent to the existing non-residential land uses to the north, east and south, to the "County" Rural land use to the west of the subject property.

2. Policy 3.3 New development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all adjacent land uses that are not alike to the proposed development or redevelopment land use classification through requirements adopted as part of the land development regulations.
   Response: The proposed Industrial land use will be accompanied by a Planned Development ("PD") zoning application, which has already been submitted to the City, to be heard concurrently by the City Council. Uses within that PD zoning application will be limited to uses that are not incompatible with the daily use of the Orlando Apopka Airport.

3. Policy 3.1.1 The primary use shall be industrial, intensive commercial, agricultural and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor area ratio shall be .60.

   Planned Unit Development uses may include:
   (1) All primary uses
   (2) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods.

   Response: An application for PD zoning was submitted on 3/23/2020. The application included prohibited uses that may interfere with the daily operations of the Orlando Apopka Airport.

4. Policy 4.3 Where listed species are found, the City of Apopka shall maintain necessary habitat for the protection of listed species pursuant to Rules 68A-27.003, 68A-27.004, and 68A27.005, FAC either through preservation or mitigation or relocation.
   Response: An Environmental Assessment, conducted by Bio-Tech, may be found in Section 6. Please note that this Environmental Assessment included a larger study area than the subject application.

Transportation Element:

1. Policy 4.18 The City shall protect the airport from encroachment of incompatible uses.
   Response: The proposed Industrial land use designation is compatible with the adjacent Orlando-Apopka Airport, and a PD zoning application has been submitted that includes a prohibition on uses so as not to have adverse impact or encroachment on the airport or airport uses.

2. Policy 9.2 Although development is exempt from transportation concurrency, new development or redevelopment must submit a Traffic Analysis Impact Study to determine impacts of the development, if the development is projected to generate 400 or more gross daily trips.
   Response: A revised traffic study will be submitted under separate cover.

Conservation Element:

1. Policy 3.3 New developments shall identify jurisdictional wetland boundary areas and such areas shall be so designated and assigned a Conservation land Use. Those areas designated in the development plan as wetland areas shall be updated in the Future Land Use Map upon each large-scale Comprehensive Plan Amendment.
   Response: Environmental assessments, including wetland identification, were completed by Bio-Tech Consulting, Inc. An analysis showed less than 23 acres of wetlands on the 349.37-acre subject site. Please see Section 6 for a copy of the Environmental Assessment, which included a larger study area than the subject application property. Any wetland impacts proposed for the subject parcels will be permitted concurrent with the Final Site Plan. Once the wetland impacts are known, the Future Land Use Map can be updated to designate the remaining wetlands as Conservation future land use.

2. Policy 4.1 Development habitat studies, based on the evaluation criteria found in Table 5-1 in the Conservation Element support documentation shall be required for all developments of more than 10 acres. Where listed species are found:
   a) and the site achieves a rating of 169 or higher, an area which will sustain a viable population of the species shall be preserved;
   b) and the site achieves a rating of less than 169, mitigation measures which ensure an area which will sustain a viable population of the species present shall be preserved, or the species may be relocated to an area which will sustain a viable population of the species inhabiting the site.
   Response: The environmental assessments conducted by Bio-Tech Consulting showed the presence of Gopher Tortoise burrows on-site. Please see Section 6 for the full environmental assessment findings, including soils and preliminary wetland identification.

The following section identifies those public facilities serving the subject property.

Transportation
The property has access from W. Orange Blossom Trail to the east and Wesley Road to the north. The recorded access easement across the Alterna properties has been included for your information.

Solid Waste
The City of Apopka is the provider of solid waste pickup for commercial properties within the city limits and will serve the property.

Water/Sewer
There is a 16-inch DIP water line and a 12-inch sewer force main along W. Orange Blossom Trail (US 441). Please see below for a copy of the Utility Availability Map provided by the City of Apopka Public Services Department.

(Please note: The Utility Availability map below reflects a project boundary from an earlier request. Please see the revised subject property boundary as shown in the maps above.)

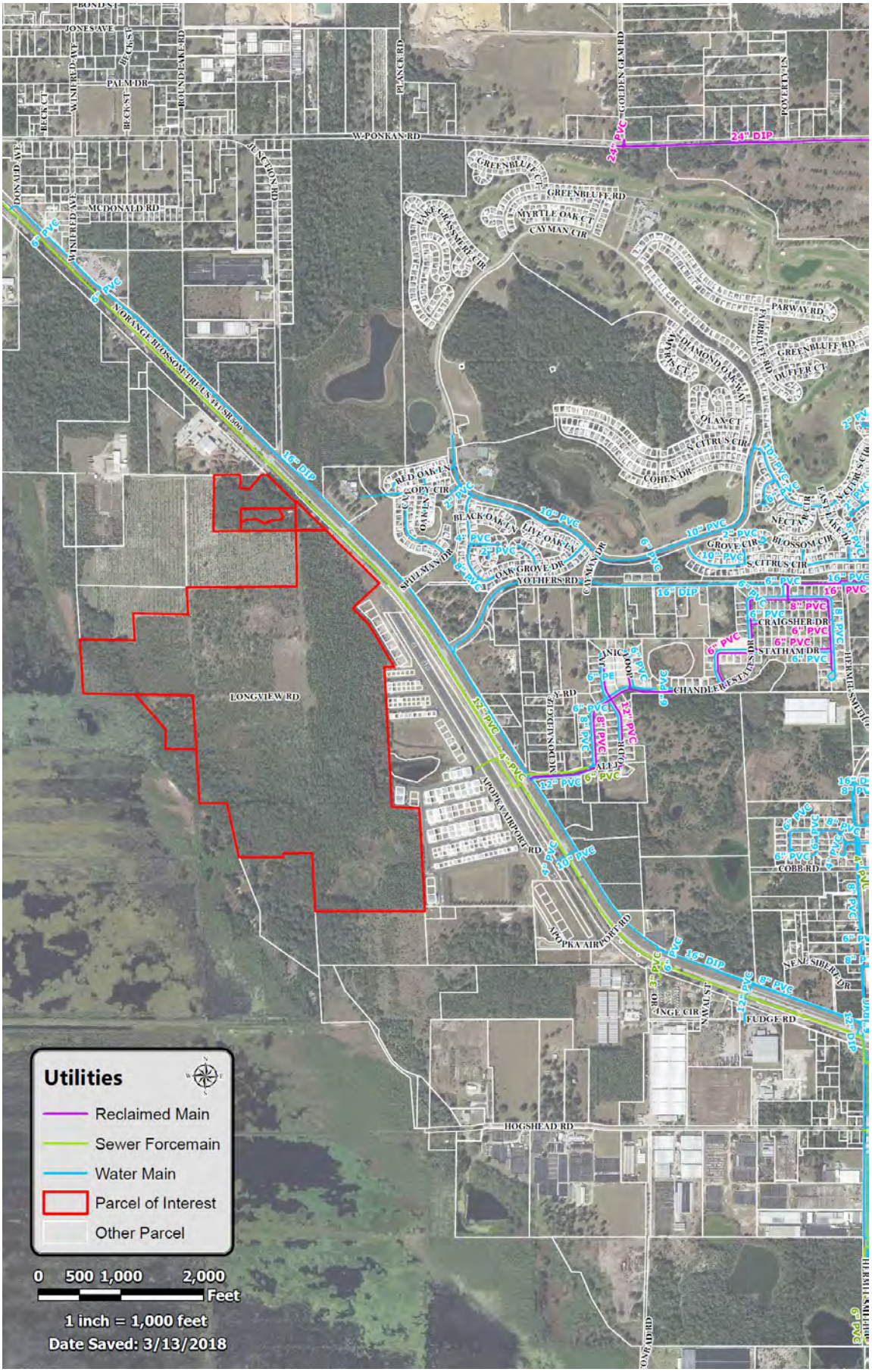
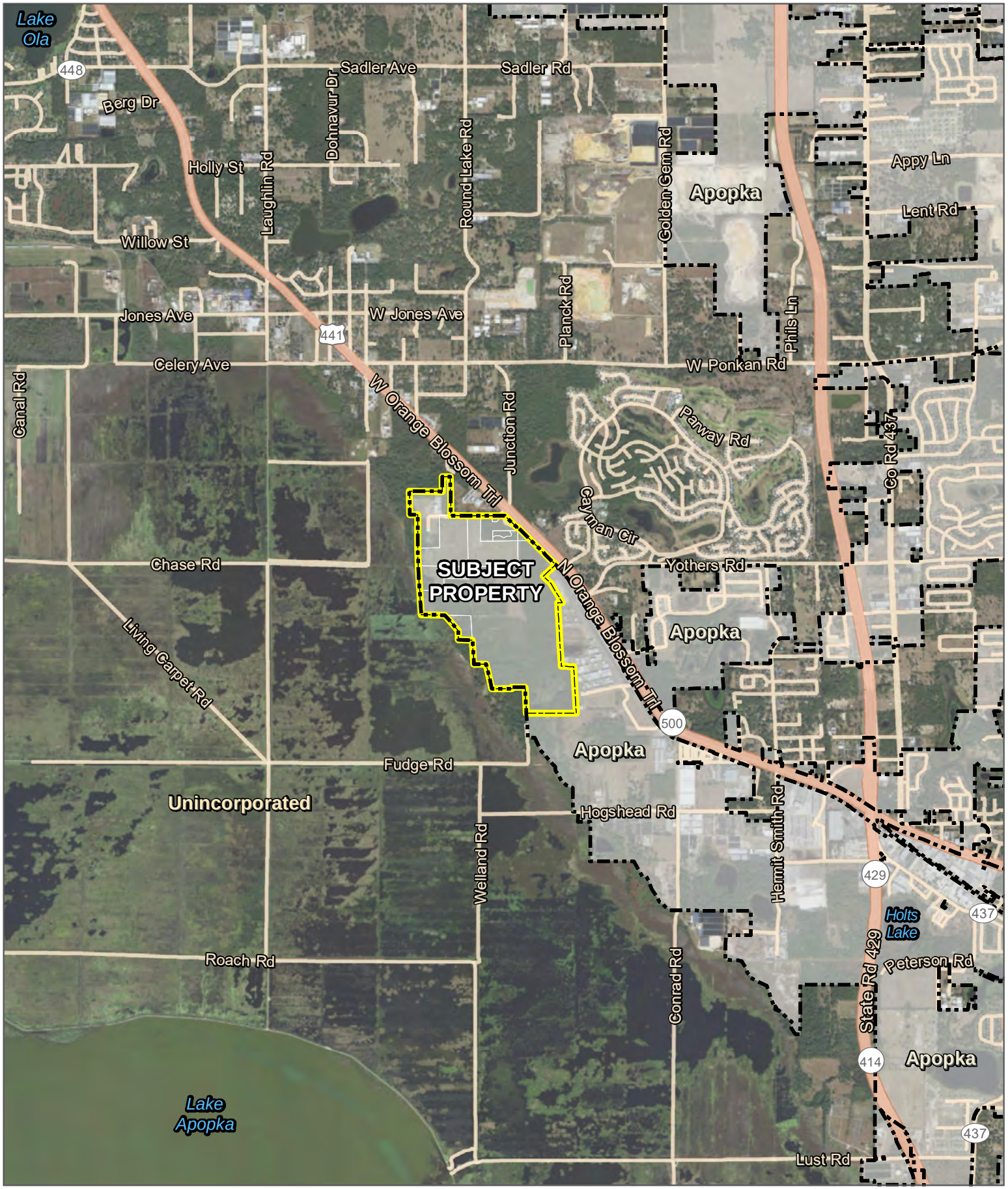


Figure 5: Water and Sewer Availability

SECTION 5: MAPS

Map 1: General Location Map
Map 2: Aerial Map
Map 3: Existing Future Land Use
Map 4: Proposed Future Land Use



Map Source: Esri, Orange County

Map 1 - Location Map

RUBRIGHT PROPERTY

Subject Property

Municipal Boundary

N

0 500 1,000 2,000 FEET

132

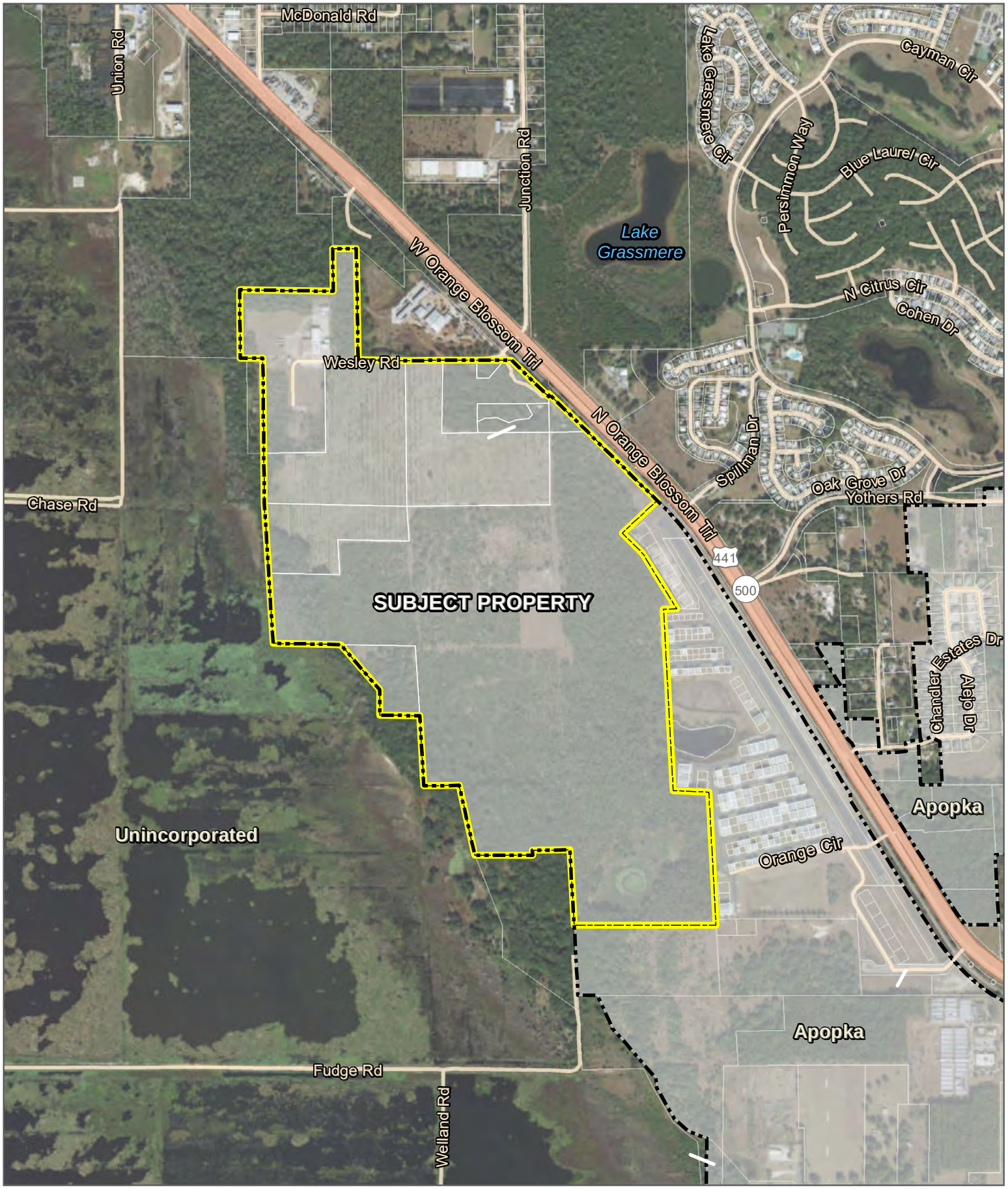
01/10/2020
P & B Job No.: 18-032

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

Document Path: Z:\2018\18-032 Zlatkiss - Rubright Properties\GIS\Maps\CPA_Submittal_Revised_01102020\Map 1 - Location Map 85X11_Pmxd



Map Source: Esri, Orange County

Map 2 - Aerial Map

RUBRIGHT PROPERTY

Subject Property

Municipal Boundary

N

0 150 300 600 FEET

133

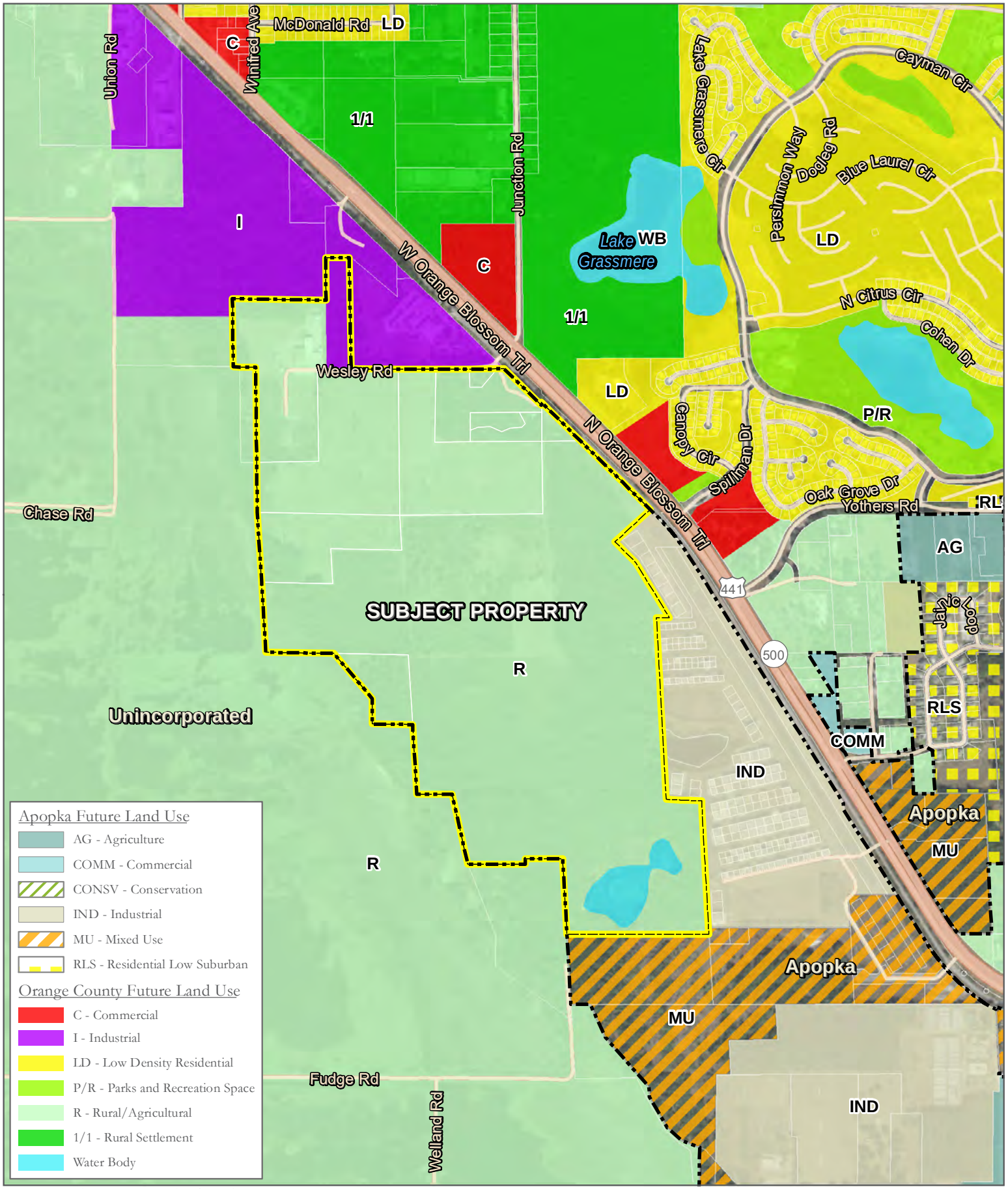
01/10/2020
P & B Job No.: 18-032

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

Document Path: Z:\2018\18-032 Zlatkiss - Rubright Properties\GIS\Maps\CPA_Submittal_Revised_01102020\Map 2 - Aerial Map 85X11_Pmxd



Map Source: Esri, Orange County, City of Apopka

Map 3 - Existing Future Land Use Map

RUBRIGHT PROPERTY

Subject Property

Municipal Boundary

N

0 150 300 600 FEET

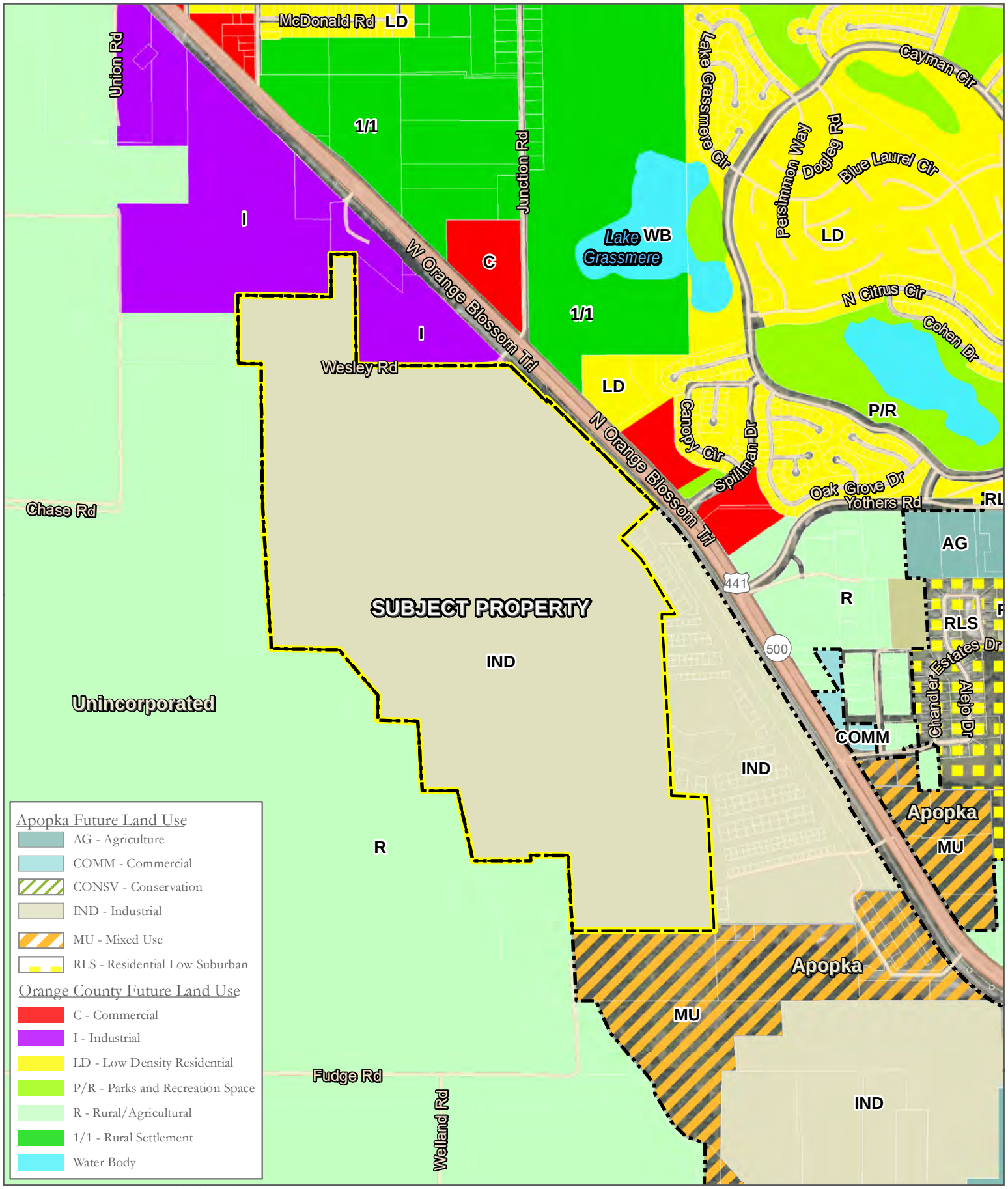
01/10/2020
P & B Job No.: 18-032

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

Document Path: Z:\2018\18-032 Zlatkiss - Rubright Properties\GIS\Maps\CPA_Submittal_Revised_03192020\Map 4 - Existing Future Land Use Map 85X11_Rmxd



Map Source: Esri, Orange County, City of Apopka

Map 4 - Proposed Future Land Use Map

RUBRIGHT PROPERTY

Subject Property

Municipal Boundary

N

0 150 300 600 FEET

01/10/2020
P & B Job No.: 18-032

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

Document Path: Z:\2018\18-032 Zlatkiss - Rubright Properties\GIS\Maps\CPA_Submittal_Revised_03192020\Map 5 - Proposed Future Land Use Map 85X11_P.mxd

Environmental Assessment

Please note that the Environmental Assessment includes a larger study area than the subject application property.

Bio-Tech Consulting Inc.
Environmental and Permitting Services

info@bio-techconsulting.com
www.bio-techconsulting.com

May 3, 2018

Robert Zlatkiss
American Land Development
3911 Orange Lake Drive
Orlando, FL 32817

Proj: Rubright and Alterna Property Sites – Orange County, Florida
Section 2, 26, 27, 34, & 35, Township 20 & 21 South, Range 27 East
(BTC File #672-18)

Re: Environmental Assessment Report

Dear Mr. Zlatkiss:

During May of 2018, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 248.24-acre Rubright property and 75.09-acre Alterna property. The sites are bordered by Orange Blossom Trail to the northeast, Hogshead Road to the south, and Lake Apopka to the southwest within Sections 2, 26, 27, 34, & 35; Township 20 & 21 South; Range 27 East; Orange County, Florida (Figures 1, 2 & 3). This environmental assessment includes the following elements:

- review of soil types mapped within the site boundaries;
- evaluation of land use types/vegetative communities present;
- field review for occurrence of protected flora and fauna, and
- a review for potential development constraints.

SOILS

According to the Soil Survey of Orange County, Florida, prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), eight (8) soil types occur within the subject property boundaries (Figure 4). These soils include the following:

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

- **Archbold fine sand, 0 to 5 percent slopes (#2)**
- **Basinger fine sand, depressional (#3)**
- **Candler-Apopka fine sands, 5 to 12 percent slopes (#6)**
- **Canova muck (#9)**
- **Gator muck (#18)**
- **Okeelanta muck (#25)**
- **Tavares fine sand, 0 to 5 percent slopes (#46)**
- **Tavares-Millhopper fine sands 0 to 5 percent (#47)**

The following presents a brief description of the soil types mapped for the subject property:

Archbold fine sand, 0 to 5 percent slopes (#2) is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the flatwoods. The surface layer of this soil type generally consists of dark gray fine sand about 2 inches thick. In most years, the seasonal high water table for this soil type is at a depth of 42 to 60 inches for about 6 months and recedes to a depth of 60 to 80 inches for the rest of the year. It is at a depth of 24 to 40 inches for about 1 month to 4 months during wet periods. Permeability of this soil type is very rapid throughout.

Basinger fine sand, depressional (#3) are nearly level and very poorly drained. It is shallow depressions and sloughs and along the edges of freshwater marshes and swamps. Typically the surface layer has a surface of layer of black fine sand about 7 inches thick. Under natural conditions, the water table is above the surface for 6 to 9 months or more each year and is within 12-inches of the surface for the rest of the year. The permeability is rapid throughout.

Candler-Apopka fine sands, 5 to 12 percent slopes (#6) are sloping and strongly sloping and excessively drained and well drained. These soils are on the uplands. Candler soil is sloping and excessively drained. Apopka soils are strongly sloping and well drained. The surface layer of Candler soil is very dark grayish brown fine sand about 6 inched thick. The surface layer of Apopka soil is dark grayish brown fine sand about 5 inches thick. A seasonal high water table is at a depth of more than 72 inches in Apopka soil and at a depth of more than 80 inches in Candler soil. The permeability of Candler soil is rapid in surface and subsurface layers, and it is rapid to moderately rapid in the subsoil. The permeability of Apopka soil is rapid in surface and subsurface layers, and it is moderate in the subsoil. A seasonal high water table is at a depth of more than 80-inches.

Canova muck (#9) is a nearly level and very poorly drained soil found in freshwater swamps and marshes that are mainly north of Lake Apopka. Undrained areas are ponded for 6 to 9 months or more each year. Typically, the soil has an organic layer of black muck about 6 inches thick. The surface layer, to a depth of 9 inches, is very dark gray fine sand. The subsurface layer, to a depth of 16 inches, is gray fine sand. Under natural conditions, the water table is above the surface for 6 to 9 months or more each year. The permeability is rapid in the surface and subsurface layers, and is moderate to moderately rapid in the subsoil and substratum.

Gator muck (#18) is a nearly level and very poorly drained soil found in freshwater swamps that are mainly north of Lake Apopka. Undrained areas are ponded for 6 to 9 months or more each year. Typically, this soil has a surface layer of black muck about 28 inches thick. The upper part of the underlying material, to a depth of about 37 inches, is dark olive gray fine sandy loam. The lower part to a depth of 80 inches or more is light gray sandy clay loam that has few to common light gray sand calcium carbonate accumulations. Under natural conditions, the water table is at or above the surface for most of the year except during extended dry periods. The permeability is rapid in the surface layer, and it is moderately slow to slow in the underlying material.

Okeelanta muck (#25) is a nearly level, very poorly drained soil found in freshwater swamps and in drained areas north of Lake Apopka. Typically, the upper part of the surface layer of this soil is black muck about 9 inches thick. Under natural conditions, this soil is ponded for 6 to 9 months or more each year. In most years, a seasonal high water table for this soil type is at or near the surface. In most areas, the soil in this map unit is artificially drained by tile drains and surface ditches. Permeability of this soil type is rapid in the organic layers, and is moderately rapid to moderately slow in the underlying material.

Tavares fine sand, 0 to 5 percent slopes (#46) is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the uplands. The surface layer of this soil type generally consists of very dark gray fine sand about 6 inches thick. The seasonal high water table for this soil type is at a depth of 40 to 80 inches for more than 6 months, and recedes to a depth of more than 80 inches during extended dry periods. Permeability of this soil type is very rapid throughout.

Tavares-Millhopper fine sands, 0 to 5 percent slopes (#47) are nearly level to gently sloping, moderately well drained soils found on low ridges and knolls on the uplands. Typically the surface layer of Tavares soil consists of very dark grayish brown fine sand about 6 inches thick. Typically the surface layer of Millhopper soil consists of gray fine sand about 7 inches thick. The soils in this map unit have a seasonal high table at a depth of 36 to 60 inches for 2 to 6 months. The permeability of Tavares soil is rapid or very rapid. The permeability of Millhopper soil is rapid in the surface and subsurface layers and moderately slow in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considers Basinger fine sand, depressional (#3), Canova muck (#9), Gator muck (#18), and Okeelanta muck (#25) associated with the properties to be a hydric soil type. This information can be found in the Hydric Soils of Florida Handbook, Third Edition (March, 2000).

LAND USE TYPES/VEGETATIVE COMMUNITIES

The Rubright and Alterna properties currently supports nine (9) land use types/vegetative communities (Figure 5). These land use types were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The on-site upland land use types/vegetative communities are classified as Open Land (190),

Unimproved Pastures (212), Other Shrubs and Brush (329), Cabbage Palm (428), Hardwoods-Conifer Mixed (434), Mixed Hardwoods (438), and Roads and Highways (814). The wetland/surface water land use types/vegetative communities found on the sites are classified as Stream and Lake Swamps (615) and Willow and Elderberry (618). The following provides a brief description of the on-site land use types/vegetative communities:

Uplands:

190 – Open Land

There is a small portion of the Rubright property that contains Open Land (190). The dominant vegetation is bahia grass (*Paspalum notatum*), bermudagrass (*Cynodon dactylon*), dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), broomsedge (*Andropogon sp*.), slash pine saplings (*Pinus elliottii*), ragweed (*Ambrosia artemisiifolia*), and blackberry (*Rubus trivialis*).

212 – Unimproved Pastures

A portion of the Alterna property is best described as Unimproved Pasture (212). Vegetation observed within this system includes bahia grass (*Paspalum notatum*), bermudagrass (*Cynodon dactylon*), dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), broomsedge (*Andropogon sp*.), ragweed (*Ambrosia artemisiifolia*), blackberry (*Rubus trivialis*), purple passionflower (*Passiflora incarnata*), coralbean (*Erythrina herbacea*), hairy indigo (*Indigofera hirsuta*), cogon grass (*Imperata cylindrica*) and cabbage palm (*Sabal palmetto*).

329 - Other Shrubs and Brush

There are two (2) areas on the Rubright property that have been disturbed and are now naturally recruiting and best classified as Other Shrubs and Brush (329). The dominant vegetation within this habitat type includes blackberry (*Rubus trivialis*), ragweed (*Ambrosia artemisiifolia*), Caesar weed (*Urena lobata*), slash pine sapling (*Pinus elliottii*), bahia grass (*Paspalum notatum*), bermudagrass (*Cynodon dactylon*), cogon grass (*Imperata cylindrica*), wax myrtle (*Morella cerifera*), Carolina willow (*Salix caroliniana*), elderberry (*Sambucus nigra*), dog fennel (*Eupatorium capillifolium*), lantana (*Lantana strigocamara*), guinea grass (*Panicum maximum*), chinaberry (*Melia azedarach*), winged sumac (*Rhus copallinum*), greenbrier (*Smilax sp.*), Chinese tallow (*Triadica sebifera*), grapevine (*Vitis aestivalis*), burnweed (*Erechtites hieraciifolius*), nightshade (*Solanum americanum*), pokeweed (*Phytolacca americana*), and Virgina pepperweed (*Lepidium virginicum*).

428 - Cabbage Palm

A portion of the Alterna property contains a community that is best described as Cabbage Palm (428). This portion of the site was once used a nursery and a portion of the cabbage palms (*Sabal palmetto*) were planted in rows for retail purposes. This area has been abandoned and the area is recruiting new vegetation, along with additional cabbage palms. Other vegetative species found within this system include bahia grass (*Paspalum notatum*), bermudagrass (*Cynodon dactylon*), saw palmetto (*Serenoa repens*), Virgina pepperweed (*Lepidium virginicum*), dog fennel (*Eupatorium capillifolium*), lantana (*Lantana strigocamara*), guinea grass (*Panicum maximum*), ragweed (*Ambrosia artemisiifolia*), Chinaberry (*Melia azedarach*), grapevine (*Vitis aestivalis*), broomsedge (*Andropogon sp.*), blackberry (*Rubus trivialis*), and purple passionflower (*Passiflora incarnata*).

434 Hardwood-Conifer Mixed

The eastern portion of the Rubright property is best classified as Hardwoods-Conifer Mixed (434). A large portion of the Rubright property was once utilized for a silviculture operation. Vegetation observed within this system includes slash pine (*Pinus elliotti*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), Chinese tallow (*Triadica sebifera*), chinaberry (*Melia azedarach*), cabbage palm (*Sabal palmetto*), camphor tree (*Cinnamomum camphora*), hercules-club (*Zanthoxylum clava-herculis*), persimmon (*Diospyos virginiana*), black cherry (*Prunus serotina*), hickory (*Carya glabra*), citrus (*Citrus sp.*), tread-softly (*Cnidoscolus stimulosus*), bahia grass (*Paspalum notatum*), bermudagrass (*Cynodon dactylon*), saw palmetto (*Serenoa repens*), dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), muscadine grapevine (*Vitis rotundifolia*), and lantana (*Lantana strigocamara*).

438 - Mixed Hardwoods

Both the Rubright and Alterna properties contain habitat most consistent with Mixed Hardwoods (438). Vegetation within these areas included live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), Chinese tallow (*Triadica sebifera*), chinaberry (*Melia azedarach*), cabbage palm (*Sabal palmetto*), camphor tree (*Cinnamomum camphora*), hercules-club (*Zanthoxylum clava-herculis*), persimmon (*Diospyos virginiana*), black cherry (*Prunus serotina*), hickory (*Carya glabra*), citrus (*Citrus sp.*), bahia grass (*Paspalum notatum*), bermudagrass (*Cynodon dactylon*), saw palmetto (*Serenoa repens*), dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), muscadine grapevine (*Vitis rotundifolia*), and lantana (*Lantana strigocamara*).

814 - Roads and Highways

There is a roadway on the east portion of the Alterna site that connects the site to Orange Blossom Trial.

Wetlands:

615 - Stream and Lake Swamp

Both sites border the Lake Apopka Restoration Area on the western boundaries. Small wetland areas best classified as Stream and Lake Swamp (615) are located on each property. Vegetation within these systems include cabbage palm (*Sabal palmetto*), red maple (*Acer rubrum*), sweet gum (*Liquidambar styraciflua*), sweetbay (*Magnolia virginiana*), laurel oak (*Quercus laurifolia*), Virginia chain fern (*Woodwardia virginica*), camphor tree (*Cinnamomum camphora*), elderberry (*Sambucus nigra*), Carolina willow (*Salix caroliniana*), wild taro (*Colocasia esculenta*), ragweed (*Ambrosia artemisiifolia*), nightshade (*Solanum americanum*), broomsedge (*Andropogon sp.*), dog fennel (*Eupatorium capillifolium*), duck potato (*Sagittaria latifolia*), and pokeweed (*Phytolacca americana*).

618 - Willow and Elderberry

There are two (2) small distrubed wetland communities which exhibits the characteristics most consistent with the Willow and Elderberry (618). The dominant vegetation within these areas consists of Carolina willow (*Salix caroliniana*) and elderberry (*Sambucus nigra*). Other species observed include Peruvian primrose (*Ludwigia peruviana*), wax myrtle (*Morella cerifera*), Chinese tallow (*Triadica sebifera*), dotted smartweed (*Persicaria punctata*), blackberry (*Rubus trivialis*), muscadine grapevine (*Vitis rotundifolia*), and burnweed (*Erechtites hieraciifolius*).

PROTECTED SPECIES

Using methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); Wildlife Methodology Guidelines (1988); and Florida Fish and Wildlife Conservation Commission's Gopher Tortoise Permitting Guidelines (revised January 2017); an assessment for "listed" floral and faunal species was conducted at the site on May 2, 2018. This assessment included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations which indicated the presence of species observed. The assessment focused on species that are "listed" by the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (updated May 2017) that have the potential to occur in Orange County.

Reptiles and Amphibians
black racer *(Coluber constrictor)*
gopher tortoise *(Gopherus polyphemus)*
green anole *(Anolis caroliniana)*
pig frog *(Rana grylio)*
southern leopard frog *(Rana utricularia)*
cottonmouth (*Agkistrodon piscivorus*)

rattle snake (*Crotalus adamanteus*)

Birds
Black Vulture *(Coragyps atratus)*
Turkey Vulture *(Cathartes aura)*
Anhinga *(Anhinga anhinga)*
Great egret (*Ardea alba*)
Cattle egret (*Bubulcus ibis*)
Red-shoulder hawk (*Agelaius phoeniceus*)
Common Grackle *(Quiscalus quiscula)*
Mourning Dove *(Zenaida macroura)*
Northern Cardinal *(Cardinalis cardinalis)*
Northern Mockingbird *(Mimus polyglottos)*
Wild Turkey *(Meleagris gallopavo)*
American Crow (*Corvus brachyrhynchos*)

Mammals
Raccoon (*Procyon lotor*)
Opossum (*Didelphis virginiana*)
White-tail deer (*Odocoileus virginianus*)
Coyote (*Canis latrans*)
Eastern gray squirrel *(Sciurus carolinensis)*
Nine-banded armadillo *(Dasypus novemcinctus)*

One (1) of the above wildlife species, Gopher Tortoise (*Gopherus Polyphemus*) is identified on the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (updated May 2017). The following provides a brief description of these species and others as they relate to the development of the site.

Bald Eagle (Haliaeetus leucocephalus)
State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the US Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle *Haliaeetus leuchocephalus*).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. Under FFWCC's new management plans, buffer zones are

recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330 feet of a nest during the nesting season, October 1 through May 15 or when eagles are present at the nest.

In addition to the on-site review for listed species, BTC conducted a review of the FFWCC's recorded Bald Eagle *(Haliaeetus leucocephalus)* nest sites on or in the vicinity of the subject property (See Attached). This review showed one (1) recorded bald eagle nest, through the 2014 nesting season, within one (1.0) mile of the Alterna Site. Bald Eagle Nests OR073 is located south of the site. According to FFWCC, the nest is located beyond the 660-foot buffer zone, as such, it is anticipated that no further action should be required pertaining to Bald Eagle nests.

Gopher Tortoise (*Gopherus polyphemus*)
State Listed as "Threatened" by FFWCC

Currently the gopher tortoise (*Gopherus polyphemus*) is classified as a "Category 2 Candidate Species" by the U.S. Fish and Wildlife Service (USFWS), and as of September 2007 is now classified as "Threatened" by FFWCC, and as "Threatened" by FCREPA. The basis of the "Threatened" classification by the FFWCC for the gopher tortoise is due to habitat loss and destruction of burrows. Gopher tortoises are commonly found in areas with well-drained soils associated with the pine flatwoods, pastures and abandoned orange groves. Several other protected species known to occur in Orange County have a possibility of occurring in this area, as they are gopher tortoise commensal species. These species include the eastern indigo snake (*Drymarchon couperi*), Florida mouse (*Podomys floridanus*) and the gopher frog (*Rana capito*). However, none of these species were observed during the survey conducted.

Burrows were observed within both of the project sites. As such, resolution of the gopher tortoise issue will need to be permitted through the FFWCC prior to any construction activities. A 100% wildlife survey is recommended and the survey would be valid for a period of 90 days. The FFWCC provides three (3) options for developers that have gopher tortoises on their property. These options include: 1) avoidance (i.e., 25-foot buffer around burrow), 2) preservation of habitat, and 3) off-site relocation. As such, resolution of the gopher tortoise issue will need to be permitted through FFWCC prior to any construction activities.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service have established "consultation areas" for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically very regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The following paragraphs include a list of the USFWS Consultations Areas associated with the subject site. Also included, is a brief description of the respective species habitat and potential for additional review:

Everglade Snail Kite *(Rostrhamus sociabilis)*
Federally Listed as "Endangered" by USFWS

The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Everglade Snail Kite is listed as "Endangered" by the USFWS. Everglade Snail Kites are similar in size to Red-shouldered Hawks. All Everglade Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida. They regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John's River marshes and Grassy Waters Preserve.

No Everglade Snail Kites were observed within the site during the wildlife survey conducted by BTC. As such, no further action should be required pertaining to Everglade Snail Kites.

Florida Scrub-Jay *(Aphelocoma coerulescens)*
Federally Listed as "Threatened" by USF
Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90% of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Florida Scrub-Jays were observed during the wildlife survey and no suitable habitat for this species exists within the site boundaries. As such, no further action should be required pertaining to the Florida Scrub-Jay.

Florida Sand Skink *(Neoseps reynoldsi)*
Federally Listed as "Threatened" by USFWS

The Florida sand skink is listed as "Threatened" by the USFWS. The Florida sand skink exists in areas vegetated with sand pine *(Pinus clausa)* - rosemary *(Ceratiola ericoides)* scrub or a long leaf pine *(Pinus palustris)* - turkey oak *(Quercus laevis)* association. Habitat destruction is the primary threat to this species' survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. All properties within the limits of this consultation area that are located at elevations greater than 80' and contain suitable (moderate-to-well drained soils) soils are believed by USFWS to be areas of potential sand skink habitat.

A sand skink survey is in the process of being conducted this season. Results will be provided once completed in a separate report.

DEVELOPMENT CONSTRAINTS

All wetlands on the site have been delineated by BTC in accordance with local, state and federal guidelines utilizing pink "Bio-Tech Consulting" flagging tape (Figure 6). All wetland flag locations will need to be approved by the appropriate regulatory agencies. The on-site wetlands are located within the Southern Ocklawaha River.

City of Apopka

The City of Apopka requires within its Land Development Code a series of environmental evaluation criteria. As stated in the Apopka Land Development Code (5.02.04) when a site containing listed species receives a score of 169 or higher, the city shall require preservation through an easement of an area which will sustain a viable population. If the site ranks below 169, the City shall allow relocation and/or mitigation measures of the identified species on a case by case basis. The subject site does contain listed species and therefore, an evaluation criterion will need to be performed to see if further coordination with the city will be required.

Both properties fall within Joint Planning Area Agreement (JPA) boundary. The JPA agreement was formed to improve the coordination between the City of Apopka and Orange County. The City of Apopka will coordinate existing resource protection plans with Orange County to appropriately conserve and manage natural areas and open space with the project areas.

St. Johns River Water Management District

An Environmental Resource Permit (ERP) will be required through the St. Johns River Water Management District (SJRWMD) for all wetland and/or other surface water impacts (both direct and secondary). Impacts to the project's wetland and/or other surface water communities would be permittable by SJRWMD as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

U.S. Army Corps of Engineers

Permitting may also be required for the project's wetland and/or other surface water impacts by the US Army Corps of Engineers (USACOE). As with the District, it is anticipated that all impacts to the project's wetlands and/or other surface water communities would be permittable by the USACOE as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts. It is our position based upon our preliminary review that the on-site wetlands are regulated by the USACOE. Involvement by the USACOE will have to be resolved prior to site development.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

Mark Ausley
Project Manager

attachments

Bio-Tech Consulting Inc.
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

Rubright and Alterna Property Site
Orange County, Florida
Figure 1
Location Map

0 1,125 2,250 4,500
Feet

Project # 18
Produced By: MKD
Date: 4/30/2018

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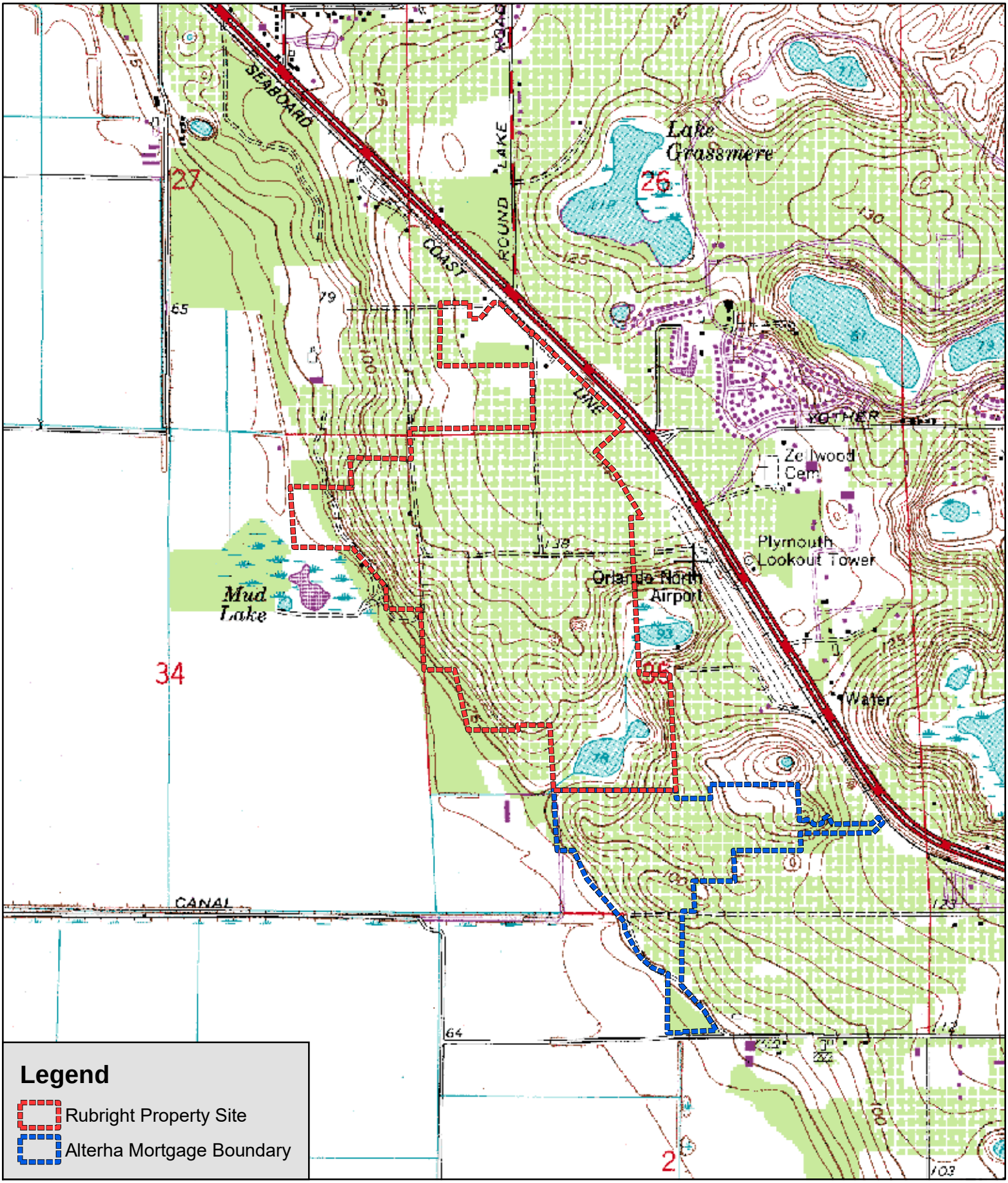
Rubright and Alterna Property Site
Orange County, Florida
Figure 2
Aerial Map

0 375 750
Feet

Project # 18
Produced By: MKD
Date: 4/30/2018



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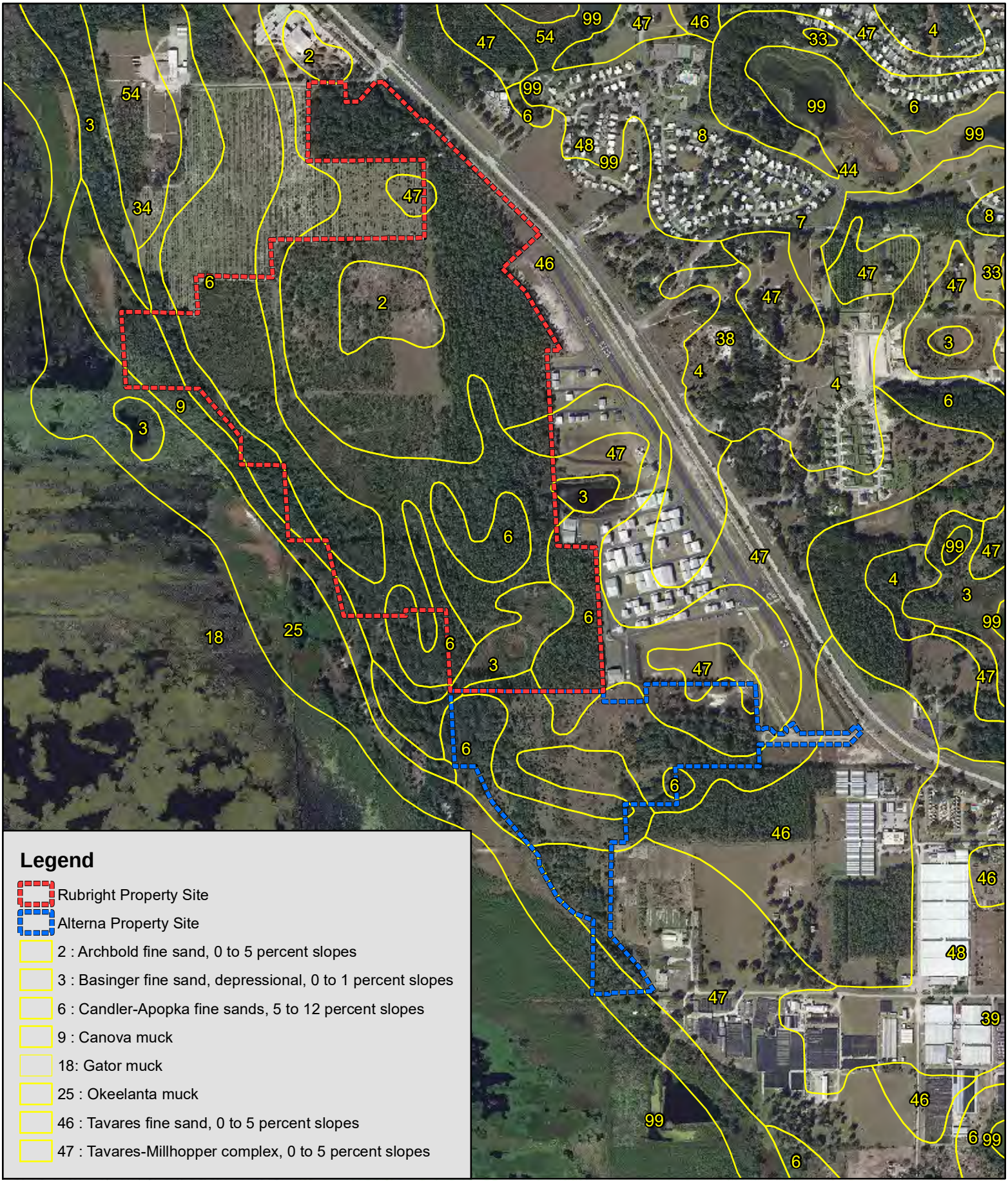
Rubright and Alterna Property Site
Orange County, Florida
Figure 3
Topo Map

0 375 750 1,500
Feet

Project # 150 8
Produced By: MKD
Date: 4/30/2018



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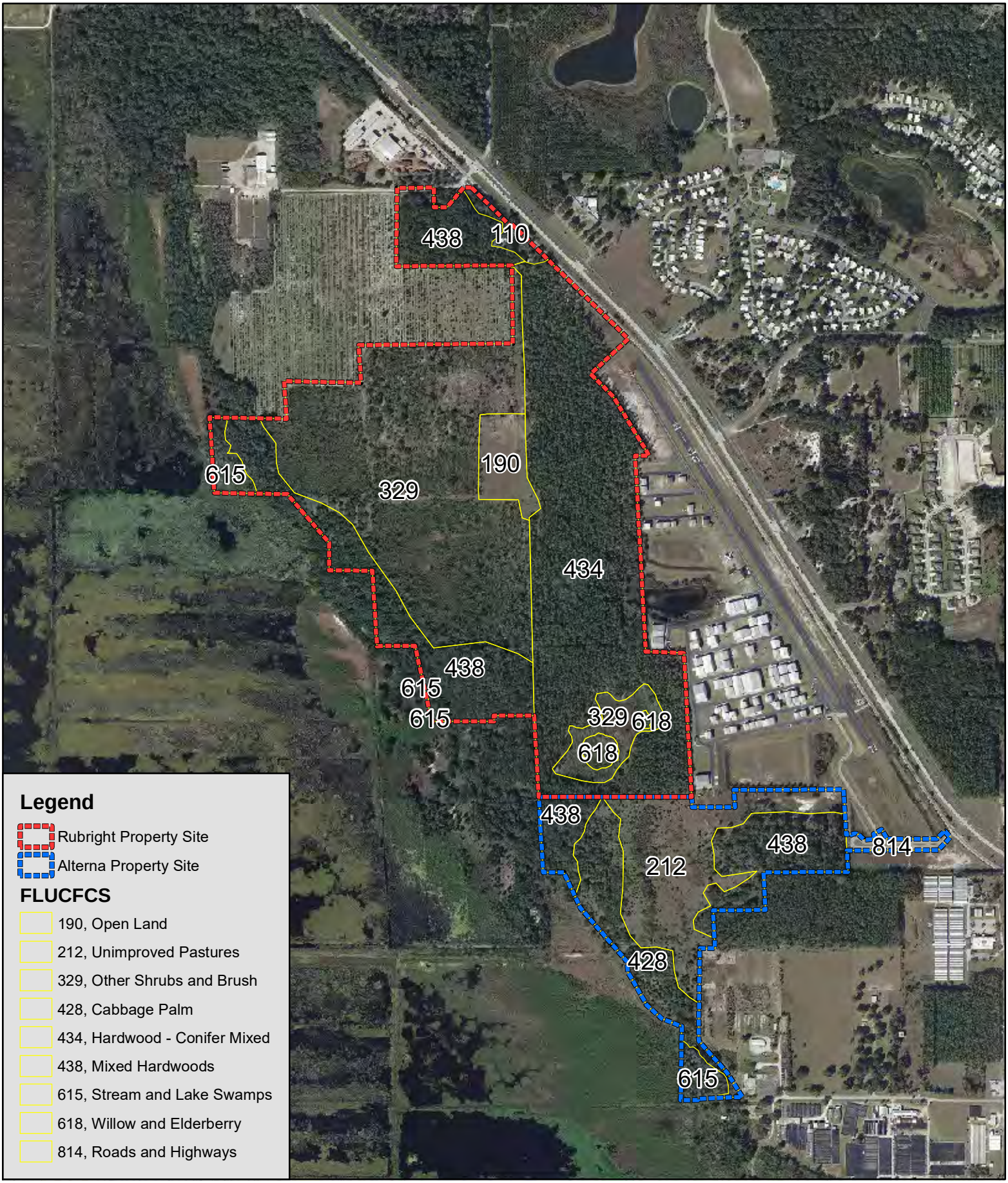
Rubright and Alterna Property Site
Orange County, Florida
Figure 4
Soils Map

0 375 750
Feet

Project # 151
Produced By: MKD
Date: 5/2/2018



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Rubright and Alterna Property Site
Orange County, Florida
Figure 5
FLUCFCS Map

0 375 750
Feet

Project # 152
Produced By: MKD
Date: 5/3/2018

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Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

Rubright and Alterna Property Site
Orange County, Florida
Figure 6
Wetland Map

0 375 750
Feet

Project # 153
Produced By: MKD
Date: 5/2/2018

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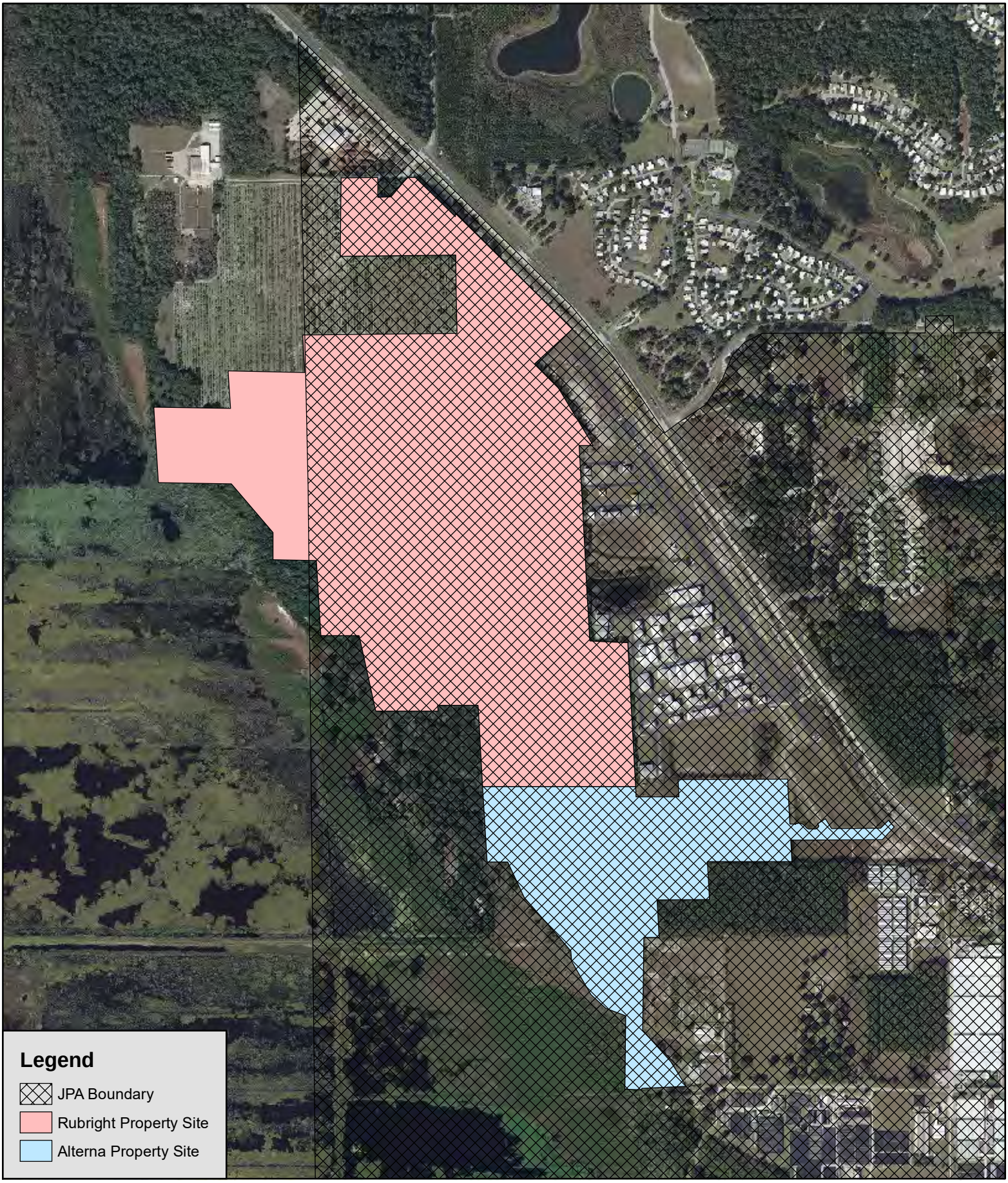
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

Rubright and Alterna Property Site
Orange County, Florida
Consultation Areas

0 375 750 1,500
Feet

Project # 154
Produced By: MKD
Date: 5/4/2018



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Ph: 407-894-5969 Fax: 407-894-5970
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Rubright and Alterna Property Site
Orange County, Florida
JPA Boundary Map

0 375 750
Feet

Project # 155
Produced By: MKD
Date: 5/4/2018

Eagle Nest Locator

Welcome to the Florida Fish and Wildlife Conservation Commission Bald Eagle Nest Locator. The search features below may be used to locate FWC documented bald eagle nesting territories and to view their locations in map and spreadsheet form.

New Survey Protocol: In 2008 the statewide bald eagle nesting territory survey protocol changed. Here is the map showing what counties are being surveyed during the 2015-2016 breeding season. The protocol change reduces annual statewide survey effort and increases the amount of information gained from the nests that are visited during the survey season. Nest productivity is now determined for a sub-sample of the nests that are surveyed annually. Nest activity and productivity information are critical to determining if the goals and objectives of the Bald Eagle Management Plan are being met.

Attention: The information contained within this database is current through the 2016-2017 nesting season; nests were surveyed by FWC from November 2016 to April 2017. Accuracy of the nest locations is estimated to be within 0.1 miles of the true location. Not all eagle nests in Florida have been documented by FWC. Non-documented nests receive the same level of protections as FWC documented nests.

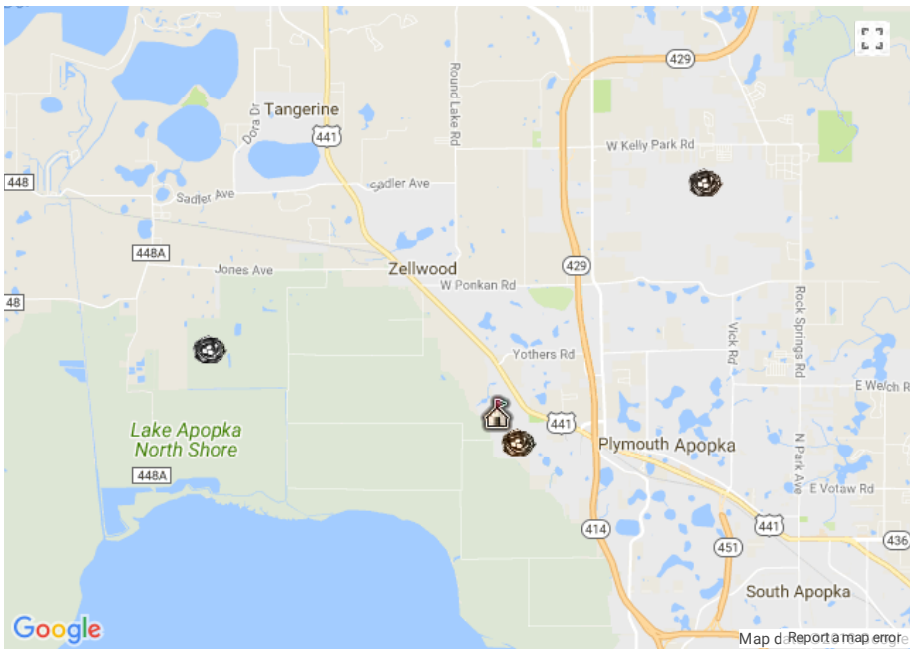
Locate Nests By:

Nested Search | Modify Search | New Search

Nest Map:

3 nests were found that meet the search criteria.

Print



Bald Eagle Nest Data Search Results:

Results per page: 20

	Nest ID	County	Latitude	Longitude	Known Active	Last Survey	Distance
View History	OR035	Orange	28 42.65	81 39.19	2011	2014	4.38
View History	OR058	Orange	28 44.77	81 31.94	2014	2014	4.70
View History	OR073	Orange	28 41.45	81 34.68	2014	2014	0.42

Print Export Page 1 of 1

Please direct any questions, comments, or suggestions about this page to BaldEagle@MyFWC.com. To learn more about eagles in Florida please visit the FWC bald eagle website.

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Table 1:	Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida		
Scientific Name	**Common Name**	**Federal Status**	**State Status**
REPTILES			
Alligator mississippiensis	American alligator	SAT	FT(S/A)
Drymarchon corais couperi	eastern indigo snake	LT	FT
Gopherus polyphemus	gopher tortoise	C	ST
Lampropeltis extenuata	short-tailed snake	N	ST
Pituophis melanoleucus mugitus	Florida pine snake	N	ST
Plestiodon reynoldsi	sand skink	LT	FT
BIRDS			
Aphelocoma coerulescens	Florida scrub-jay	LT	FT
Athene cunicularia floridana	Florida burrowing owl	N	ST
Caracara cheriway	Crested Caracara	LT	FT
Egretta caerulea	little blue heron	N	ST
Egretta tricolor	tricolored heron	N	ST
Falco sparverius paulus	southeastern American kestrel	N	ST
Grus canadensis pratensis	Florida sandhill crane	N	ST
Haliaeetus leucocephalus	bald eagle	N	**
Mycteria americana	wood stork	LT	FT
Pandion haliaetus	osprey	N	SSC*
Picoides borealis	red-cockaded woodpecker	LE	FE
Platalea ajaja	roseate spoonbill	N	ST
Sterna antillarum	least tern	N	ST
MAMMALS			
Sciurus niger shermani	Sherman's fox squirrel	N	SSC
VASCULAR PLANTS			
Bonamia grandiflora	Florida bonamia	LT	E
Calopogon multiflorus	Many-flowered Grass-pink	N	T
Centrosema arenicola	Sand Butterfly Pea	N	E
Chionanthus pygmaeus	Pygmy Fringe Tree	LE	E
Centrosema arenicola	sand butterfly pea	N	N
Coelorachis tuberculosa	piedmont jointgrass	N	N
Deeringothamnus pulchellus	beautiful pawpaw	LE	E
Eriogonum longifolium var *gnaphalifolium*	scrub buckwheat	LT	E
Helianthus debilis ssp *tardiflorus*	beach sunflower	N	N
Ilex opaca var arenicola	scrub holly	N	N
Illicium parviflorum	star anise	N	E
Lechea cernua	nodding pinweed	N	T
Lupinus aridorum	scrub lupine	LE	E
Matelea floridana	Florida spiny-pod	N	E
Monotropa hypopithys	pinesap	N	E
Najas filifolia	Narrowleaf Naiad	N	T
Nemastylis floridana	Celestial Lily	N	E
Nolina atopocarpa	Florida beargrass	N	T
Nolina brittoniana	Britton's beargrass	LE	E
Ophioglossum palmatum	hand fern	N	E
Panicum abscissum	cutthroat grass	N	E
Paronychia chartacea ssp *chartacea*	paper-like nailwort	LT	E
Persea humilis	scrub bay	N	N
Pecluma plumula	Plume Polypody	N	E
Polygonella myriophylla	Small's jointweed	LE	E
Prunus geniculata	scrub plum	LE	E
Pteroglossaspis ecristata	Giant Orchid	N	T
Stylisma abdita	scrub stylisma	N	E
Warea amplexifolia	clasping warea	LE	E
Zephyranthes simpsonii	redmargin lily	N	T

FEDERAL LEGAL STATUS

LE-Endangered: species in danger of extinction throughout all or a significant portion of its range.
LT-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.
SAT-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.
C-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.
XN-Non-essential experimental population.
N-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

STATE LEGAL STATUS - ANIMALS

FE- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service
FT- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service
FXN- Federal listed as an experimental population in Florida
FT(S/A)- Federal Threatened due to similarity of appearance
ST- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for Pandion haliaetus (Osprey) indicates that this status applies in Monroe county only.)

N-Not currently listed, nor currently being considered for listing.

*** State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

STATE LEGAL STATUS - PLANTS

E-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

T-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.
N-Not currently listed, nor currently being considered for listing.

Bio-Tech Consulting Inc.
Environmental and Permitting Services

info@bio-techconsulting.com
www.bio-techconsulting.com

May 7, 2018

Brian Martin
3301 Bellington Drive
Orlando, FL 32835

Proj: JP Holding Property Site – Orange County, Florida
Section 26, 27, & 34, Township 20 South, Range 27 East
(BTC File #271-06)

Re: Environmental Assessment Report

Dear Mr. Martin:

During May of 2018, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 70.81-acre JP Holding property. The site is bordered by Orange Blossom Trail to the northeast and Lake Apopka to the southwest within Sections 26, 27, & 34; Township 20 South; Range 27 East; Orange County, Florida (Figures 1, 2 & 3). This environmental assessment includes the following elements:

- review of soil types mapped within the site boundaries;
- evaluation of land use types/vegetative communities present;
- field review for occurrence of protected flora and fauna, and
- a review for potential development constraints.

SOILS

According to the Soil Survey of Orange County, Florida, prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), six (6) soil types occur within the subject property boundaries (Figure 4). These soils include the following:

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

- **Basinger fine sand, depressional (#3)**
- **Candler-Apopka fine sands, 5 to 12 percent slopes (#6)**
- **Canova muck (#9)**
- **Pomello find sand, 0 to 5 percent slopes**
- **Tavares fine sand, 0 to 5 percent slopes (#46)**
- **Tavares-Millhopper fine sands 0 to 5 percent (#47)**

The following presents a brief description of the soil types mapped for the subject property:

Basinger fine sand, depressional (#3) are nearly level and very poorly drained. It is shallow depressions and sloughs and along the edges of freshwater marshes and swamps. Typically the surface layer has a surface of layer of black fine sand about 7 inches thick. Under natural conditions, the water table is above the surface for 6 to 9 months or more each year and is within 12-inches of the surface for the rest of the year. The permeability is rapid throughout.

Candler-Apopka fine sands, 5 to 12 percent slopes (#6) are sloping and strongly sloping and excessively drained and well drained. These soils are on the uplands. Candler soil is sloping and excessively drained. Apopka soils are strongly sloping and well drained. The surface layer of Candler soil is very dark grayish brown fine sand about 6 inched thick. The surface layer of Apopka soil is dark grayish brown fine sand about 5 inches thick. A seasonal high water table is at a depth of more than 72 inches in Apopka soil and at a depth of more than 80 inches in Candler soil. The permeability of Candler soil is rapid in surface and subsurface layers, and it is rapid to moderately rapid in the subsoil. The permeability of Apopka soil is rapid in surface and subsurface layers, and it is moderate in the subsoil. A seasonal high water table is at a depth of more than 80-inches.

Canova muck (#9) is a nearly level and very poorly drained soil found in freshwater swamps and marshes that are mainly north of Lake Apopka. Undrained areas are ponded for 6 to 9 months or more each year. Typically, the soil has an organic layer of black muck about 6 inches thick. The surface layer, to a depth of 9 inches, is very dark gray fine sand. The subsurface layer, to a depth of 16 inches, is gray fine sand. Under natural conditions, the water table is above the surface for 6 to 9 months or more each year. The permeability is rapid in the surface and subsurface layers, and is moderate to moderately rapid in the subsoil and substratum.

Pomello fine sand, 0 to 5 percent slopes (#34) is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the flatwoods. The surface layer of this soil type generally consists of gray fine sand about 3 inches thick. In most years, the seasonal high water table for this soil type is at a depth of 24 to 40 inches for 1 to 4 months and recedes to a depth of 40 to 60 inches during dry periods. Permeability of this soil type is very rapid in the surface and subsurface layers, moderately rapid in the subsoil, and rapid in the substratum.

Tavares fine sand, 0 to 5 percent slopes (#46) is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the uplands. The surface layer of this soil type generally consists of very dark gray fine sand about 6 inches thick. The seasonal high water table for this soil type is at a depth of 40 to 80 inches for more than 6 months, and recedes to a depth of more than 80 inches during extended dry periods. Permeability of this soil type is very rapid throughout.

Tavares-Millhopper fine sands, 0 to 5 percent slopes (#47) are nearly level to gently sloping, moderately well drained soils found on low ridges and knolls on the uplands. Typically the surface layer of Tavares soil consists of very dark grayish brown fine sand about 6 inches thick. Typically the surface layer of Millhopper soil consists of gray fine sand about 7 inches thick. The soils in this map unit have a seasonal high table at a depth of 36 to 60 inches for 2 to 6 months. The permeability of Tavares soil is rapid or very rapid. The permeability of Millhopper soil is rapid in the surface and subsurface layers and moderately slow in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considers Basinger fine sand, depressional (#3) and Canova muck (#9) associated with the property to be a hydric soil type. This information can be found in the Hydric Soils of Florida Handbook, Third Edition (March, 2000).

LAND USE TYPES/VEGETATIVE COMMUNITIES

The JP Holding property currently supports four (4) land use types/vegetative communities (Figure 5). These land use types were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The on-site upland land use types/vegetative communities are classified as Citrus Groves (221) and Mixed Hardwoods (438). The wetland/surface water land use types/vegetative communities found on the site are classified as Ditch (510) and Stream and Lake Swamps (615). The following provides a brief description of the on-site land use types/vegetative communities:

Uplands:

221 Citrus Groves

The majority of the JP Holding property is comprised of Citrus Groves (221). The dominant vegetation is citrus (*Citrus sp.*). Other species observed included bahia grass (*Paspalum notatum*), bermudagrass (*Cynodon dactylon*), dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), broomsedge (*Andropogon sp.*), ragweed (*Ambrosia artemisiifolia*), blackberry (*Rubus trivialis*), shrub verbena (*Lantana strigocamara*), guinea grass (*Panicum maximum*), burnweed (*Erechtites hieraciifolius*), Virgina pepperweed (*Lepidium virginicum*), and smooth beggarticks (*Bidens laevis*).

438 Mixed Hardwoods

The west boundary contain habitat most consistent with Mixed Hardwoods (438). Vegetation within this area includes live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), Chinese tallow (*Triadica sebifera*), Chinaberry (*Melia azedarach*), cabbage palm (*Sabal palmetto*), camphor tree (*Cinnamomum camphora*), hercules-club (*Zanthoxylum clava-herculis*), persimmon (*Diospyos virginiana*), black cherry (*Prunus serotina*), hickory (*Carya glabra*), citrus (*Citrus sp.*), bahia grass (*Paspalum notatum*), bermudagrass (*Cynodon dactylon*), saw palmetto (*Serenoa repens*), dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), muscadine grapevine (*Vitis rotundifolia*), sword fern (*Nephrolepis exaltata*), and lantana (*Lantana strigocamara*).

Wetlands:

510 Ditch

There is a small surface water system that is best described at Ditch (510). The small ditch contains such vegetation as red maple (*Acer rubrum*), elderberry (*Sambucus nigra*), Carolina willow (*Salix caroliniana*), dog fennel (*Eupatorium capillifolium*), and balsam pear (*Momordica charantia*). The system was dry at the time of the site evaluation.

615 Stream and Lake Swamp

The small wetland area located on the southwest boundary is best classified as Stream and Lake Swamp (615). This area borders the Lake Apopka Restoration Area. Vegetation within these system include cabbage palm (*Sabal palmetto*), red maple (*Acer rubrum*), sweet gum (*Liquidambar styraciflua*), sweetbay (*Magnolia virginiana*), laurel oak (*Quercus laurifolia*), Virginia chain fern (*Woodwardia virginica*), camphor tree (*Cinnamomum camphora*), elderberry (*Sambucus nigra*), Carolina willow (*Salix caroliniana*), wild taro (*Colocasia esculenta*), ragweed (*Ambrosia artemisiifolia*), nightshade (*Solanum americanum*), broomsedge (*Andropogon sp.*), dog fennel (*Eupatorium capillifolium*), duck potato (*Sagittaria latifolia*), and pokeweed (*Phytolacca americana*).

PROTECTED SPECIES

Using methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); Wildlife Methodology Guidelines (1988); and Florida Fish and Wildlife Conservation Commission's Gopher Tortoise Permitting Guidelines (revised January 2017); an assessment for "listed" floral and faunal species was conducted at the site on May 2, 2018. This assessment included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations which indicated the presence of species observed. The assessment focused on species that are "listed" by the FFWCC's Official Lists - Florida's Endangered Species,

Threatened Species and Species of Special Concern (updated May 2017) that have the potential to occur in Orange County.

Reptiles and Amphibians
black racer *(Coluber constrictor)*
gopher tortoise *(Gopherus polyphemus)*
green anole *(Anolis caroliniana)*
pig frog *(Rana grylio)*
southern leopard frog *(Rana utricularia)*
cottonmouth (*Agkistrodon piscivorus*)
rattle snake (*Crotalus adamanteus*)

Birds
Black Vulture *(Coragyps atratus)*
Turkey Vulture *(Cathartes aura)*
Great Egret (*Ardea alba*)
Cattle Egret (*Bubulcus ibis*)
Red-Shoulder hawk (*Agelaius phoeniceus*)
Common Grackle *(Quiscalus quiscula)*
Mourning Dove *(Zenaida macroura)*
Northern Cardinal *(Cardinalis cardinalis)*
Northern Mockingbird *(Mimus polyglottos)*
Wild Turkey *(Meleagris gallopavo)*
American Crow (*Corvus brachyrhynchos*)

Mammals
Raccoon (*Procyon lotor*)
Opossum (*Didelphis virginiana*)
White-tail deer (*Odocoileus virginianus*)
Coyote (*Canis latrans*)
Eastern gray squirrel *(Sciurus carolinensis)*
Nine-banded armadillo *(Dasypus novemcinctus)*

One (1) of the above wildlife species, Gopher Tortoise (*Gopherus Polyphemus*) is identified on the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (updated May 2017). The following provides a brief description of these species and others as they relate to the development of the site.

Bald Eagle (Haliaeetus leucocephalus)
State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In addition to the on-site review for "listed" species, BTC conducted a review of the FFWCC's recorded Bald Eagle *(Haliaeetus leucocephalus)* nest sites on or in the vicinity of the subject property. This review revealed no Bald Eagle nests, through the 2016 nesting season, within one (1.0) mile of the subject site. There are no anticipated development restrictions concerning Bald Eagles on the subject property.

Gopher Tortoise (*Gopherus polyphemus*)
State Listed as "Threatened" by FFWCC

Currently the gopher tortoise (*Gopherus polyphemus*) is classified as a "Category 2 Candidate Species" by the U.S. Fish and Wildlife Service (USFWS), and as of September 2007 is now classified as "Threatened" by FFWCC, and as "Threatened" by FCREPA. The basis of the "Threatened" classification by the FFWCC for the gopher tortoise is due to habitat loss and destruction of burrows. Gopher tortoises are commonly found in areas with well-drained soils associated with the pine flatwoods, pastures and abandoned orange groves. Several other protected species known to occur in Orange County have a possibility of occurring in this area, as they are gopher tortoise commensal species. These species include the eastern indigo snake (*Drymarchon couperi*), Florida mouse (*Podomys floridanus*) and the gopher frog (*Rana capito*). However, none of these species were observed during the survey conducted.

Burrows were observed within the project site. As such, resolution of the gopher tortoise issue will need to be permitted through the FFWCC prior to any construction activities. A 100% gopher tortoise survey is required and the survey would be valid for a period of 90 days. The FFWCC provides three (3) options for developers that have gopher tortoises on their property. These options include: 1) avoidance (i.e., 25-foot buffer around burrow), 2) preservation of habitat, and 3) off-site relocation. As such, resolution of the gopher tortoise issue will need to be permitted through FFWCC prior to any construction activities.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service have established "consultation areas" for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically very regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might

consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The following paragraphs include a list of the USFWS Consultations Areas associated with the subject site. Also included, is a brief description of the respective species habitat and potential for additional review:

Everglade Snail Kite *(Rostrhamus sociabilis)*
Federally Listed as "Endangered" by USFWS

The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Everglade Snail Kite is listed as "Endangered" by the USFWS. Everglade Snail Kites are similar in size to Red-shouldered Hawks. All Everglade Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida. They regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John's River marshes and Grassy Waters Preserve.

No Everglade Snail Kites were observed within the site during the wildlife survey conducted by BTC. As such, no further action should be required pertaining to Everglade Snail Kites.

Florida Scrub-Jay *(Aphelocoma coerulescens)*
Federally Listed as "Threatened" by USF

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90% of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Florida Scrub-Jays were observed during the wildlife survey and no suitable habitat for this species exists within the site boundaries. As such, no further action should be required pertaining to the Florida Scrub-Jay.

Florida Sand Skink *(Neoseps reynoldsi)*
Federally Listed as "Threatened" by USFWS

The Florida sand skink is listed as "Threatened" by the USFWS. The Florida sand skink exists in areas vegetated with sand pine *(Pinus clausa)* - rosemary *(Ceratiola ericoides)* scrub or a long leaf pine *(Pinus palustris)* - turkey oak *(Quercus laevis)* association. Habitat destruction is the primary threat to this species' survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. All properties within the limits of this consultation area that are located at elevations greater than 80' and contain suitable (moderate-to-well drained soils) soils are believed by USFWS to be areas of potential sand skink habitat.

A sand skink survey is in the process of being conducted this season. Results will be provided once completed in a separate report.

DEVELOPMENT CONSTRAINTS

All wetlands on the site have been delineated by BTC in accordance with local, state and federal guidelines utilizing pink "Bio-Tech Consulting" flagging tape (Figure 6). All wetland flag locations will need to be approved by the appropriate regulatory agencies. The on-site wetlands are located within the Southern Ocklawaha River.

City of Apopka

The City of Apopka requires within its Land Development Code a series of environmental evaluation criteria. As stated in the Apopka Land Development Code (5.02.04) when a site containing listed species receives a score of 169 or higher, the city shall require preservation through an easement of an area which will sustain a viable population. If the site ranks below 169, the City shall allow relocation and/or mitigation measures of the identified species on a case by case basis. The subject site does contain listed species and therefore, an evaluation criterion will need to be performed to see if further coordination with the city will be required.

The property falls within Joint Planning Area Agreement (JPA) boundary. The JPA agreement was formed to improve the coordination between the City of Apopka and Orange County. The City of Apopka will coordinate existing resource protection plans with Orange County to appropriately conserve and manage natural areas and open space with the project area.

St. Johns River Water Management District

An Environmental Resource Permit (ERP) will be required through the St. Johns River Water Management District (SJRWMD) for all wetland and/or other surface water impacts (both direct and secondary). Impacts to the project's wetland and/or other surface water communities would

be permittable by SJRWMD as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

U.S. Army Corps of Engineers

Permitting may also be required for the project's wetland and/or other surface water impacts by the US Army Corps of Engineers (USACOE). As with the District, it is anticipated that all impacts to the project's wetlands and/or other surface water communities would be permittable by the USACOE as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts. It is our position based upon our preliminary review that the on-site wetlands are regulated by the USACOE. Involvement by the USACOE will have to be resolved prior to site development.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

Mark Ausley
Project Manager

attachments

Bio-Tech Consulting Inc.
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

JP Holdings
Orange County, Florida
Figure 1
Location Map

N
W E
S

5,700
Feet

Project # [illegible]06
Produced By: MKD
Date: 5/7/2018

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JP Holdings
Orange County, Florida
Figure 2
2017 Orange County Aerial Map

N
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390
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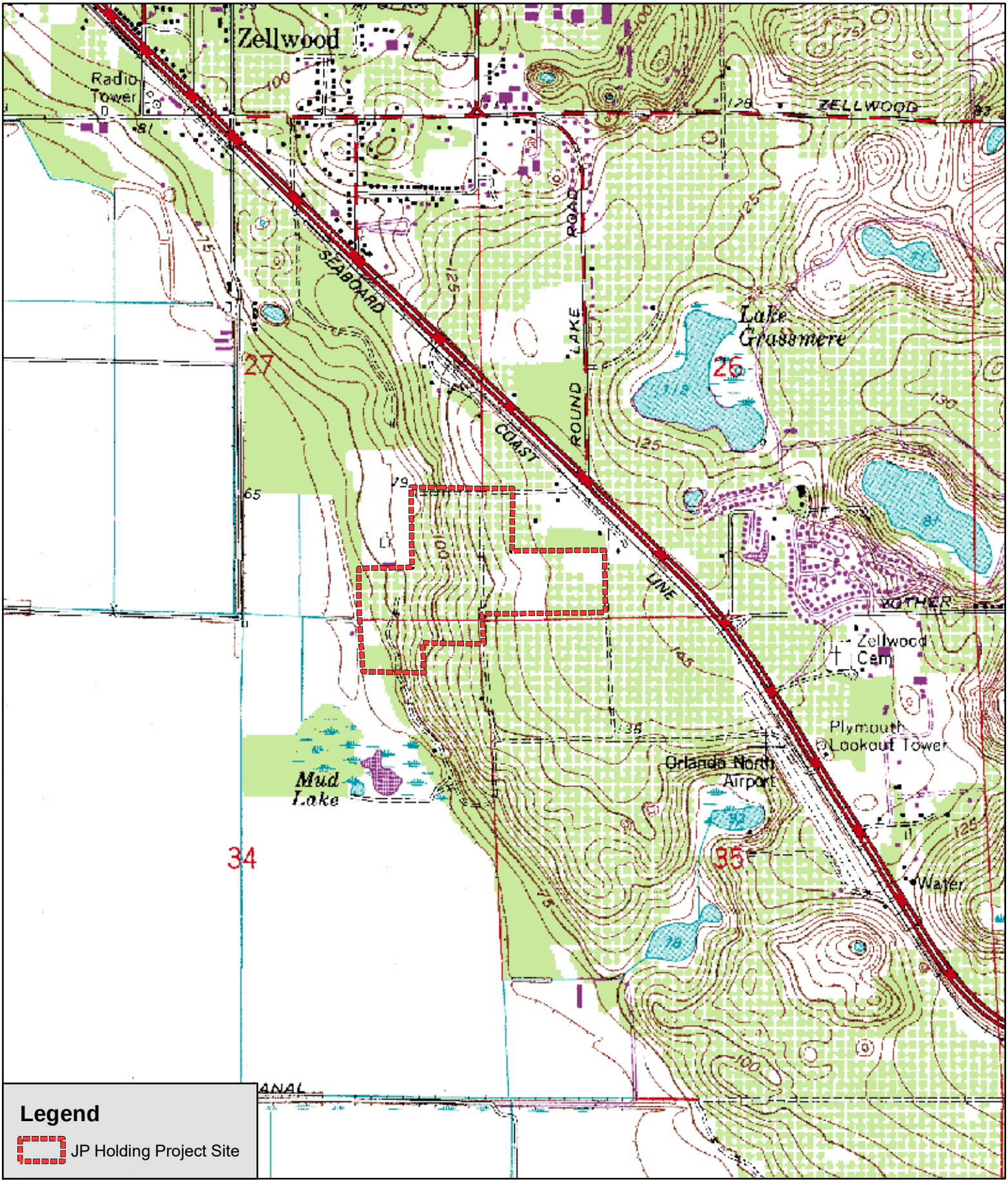
Project #: 06
Produced By: MKD
Date: 5/7/2018



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JP Holdings
Orange County, Florida
Figure 3
USGS Topographic Map

N
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1,400 Feet

Project # 170 06
Produced By: MKD
Date: 5/7/2018

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JP Holdings
Orange County, Florida
Figure 4
USDA - NRCS Soil Map

N
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Feet

Project # 06
Produced By: MKD
Date: 5/7/2018

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JP Holdings
Orange County, Florida
Figure 5
FLUCFCS Map

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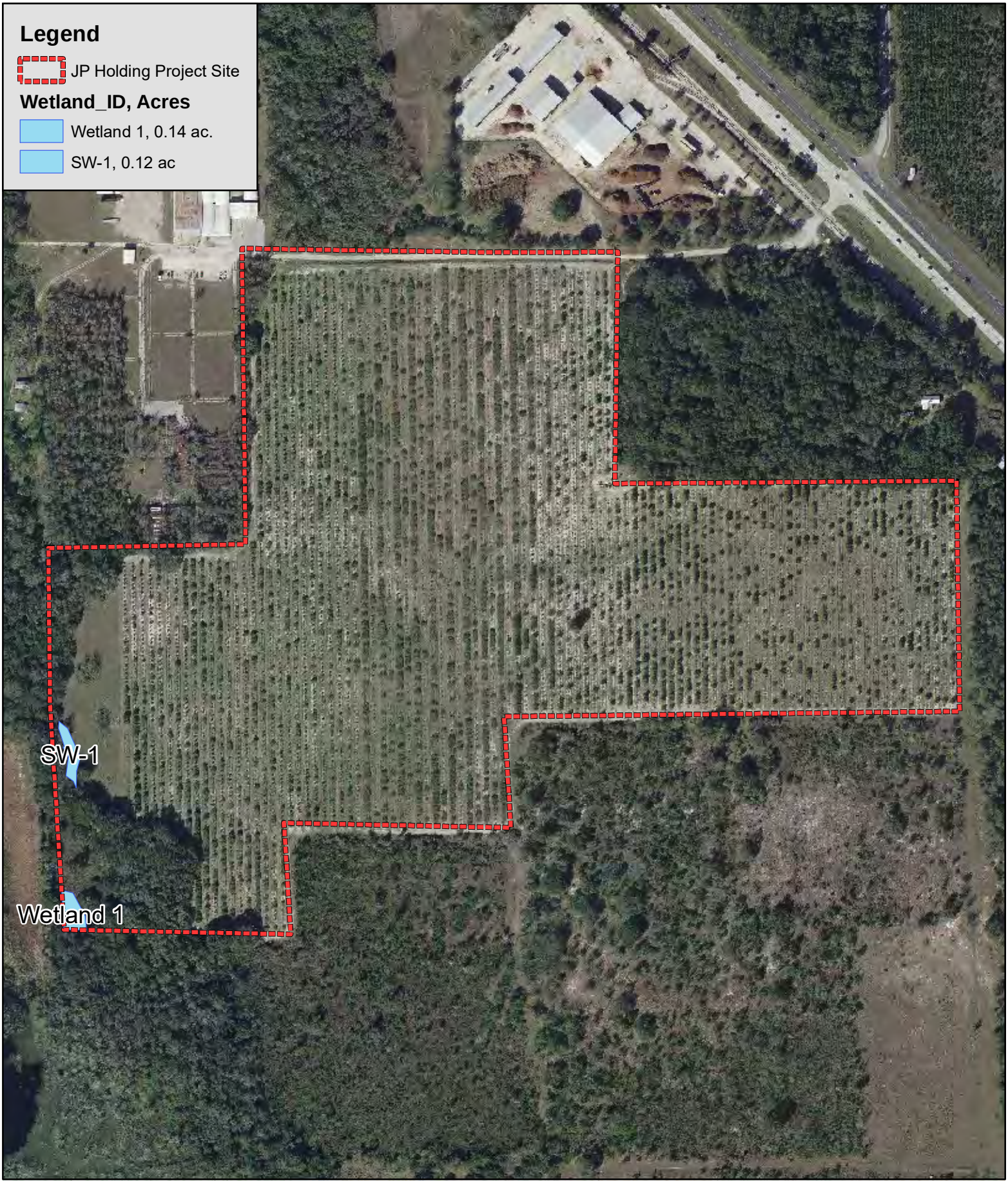
Feet

Project #: 06
Produced By: MKD
Date: 5/7/2018



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JP Holdings
Orange County, Florida
Figure 6
Wetland Map

N
W E
S

380
Feet

Project #: 06
Produced By: MKD
Date: 5/2/2018

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JP Holdings
Orange County, Florida
Consultation Areas

N
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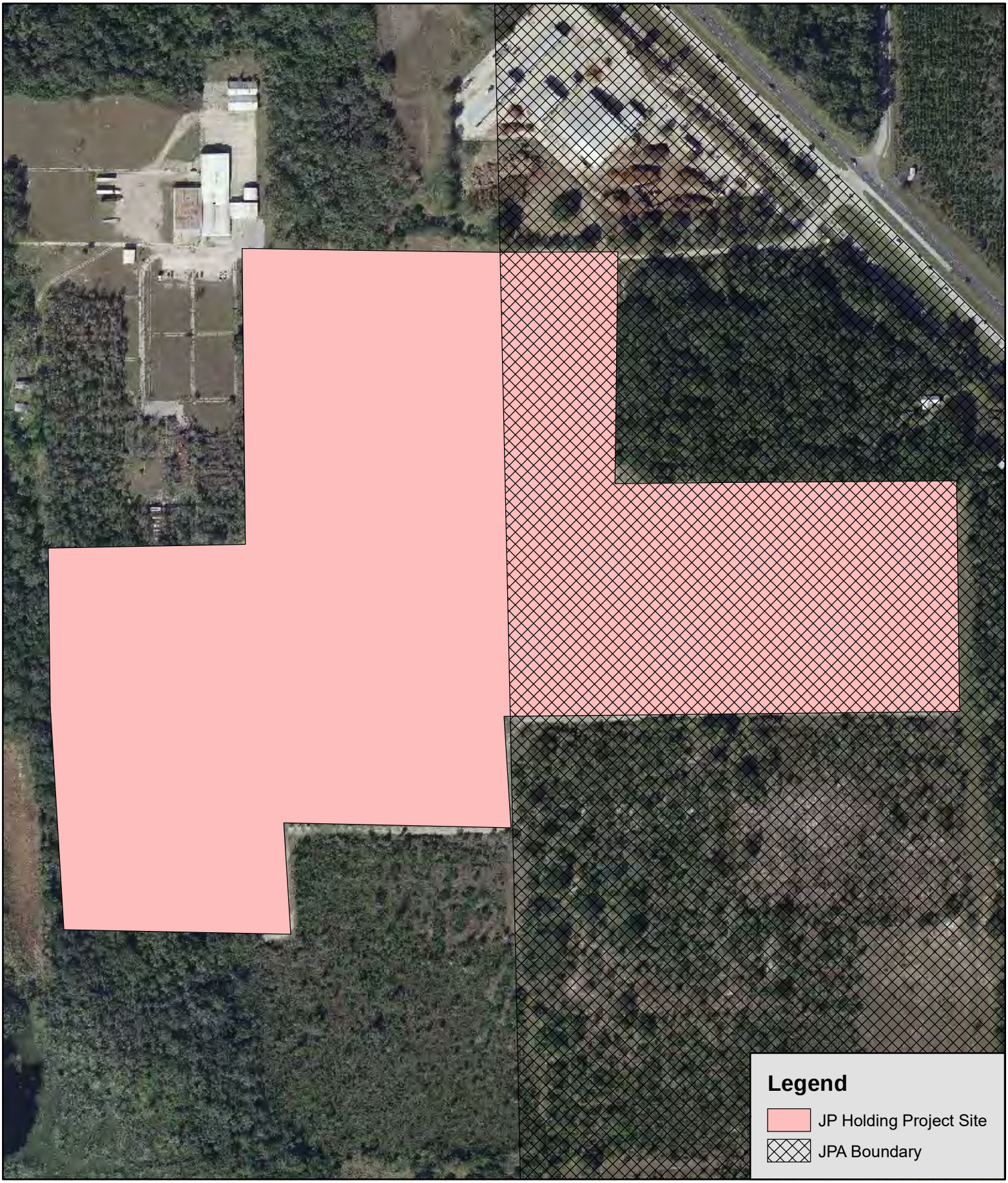
390
Feet

Project #
Produced By: MKD
Date: 5/7/2018



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JP Holdings
Orange County, Florida
JPA Boundary Map

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Feet

Project # [illegible]06
Produced By: MKD
Date: 6/6/2018

Florida Fish and Wildlife Conservation Commission

Eagle Nest Locator

Welcome to the Florida Fish and Wildlife Conservation Commission Bald Eagle Nest Locator. The search features below may be used to locate FWC documented bald eagle nesting territories and to view their locations in map and spreadsheet form.

New Survey Protocol: In 2008 the statewide bald eagle nesting territory survey protocol changed. Here is the map showing what counties are being surveyed during the 2015-2016 breeding season. The protocol change reduces annual statewide survey effort and increases the amount of information gained from the nests that are visited during the survey season. Nest productivity is now determined for a sub-sample of the nests that are surveyed annually. Nest activity and productivity information are critical to determining if the goals and objectives of the Bald Eagle Management Plan are being met.

Attention: The information contained within this database is current through the 2016-2017 nesting season; nests were surveyed by FWC from November 2016 to April 2017. Accuracy of the nest locations is estimated to be within 0.1 miles of the true location. Not all eagle nests in Florida have been documented by FWC. Non-documented nests receive the same level of protections as FWC documented nests.

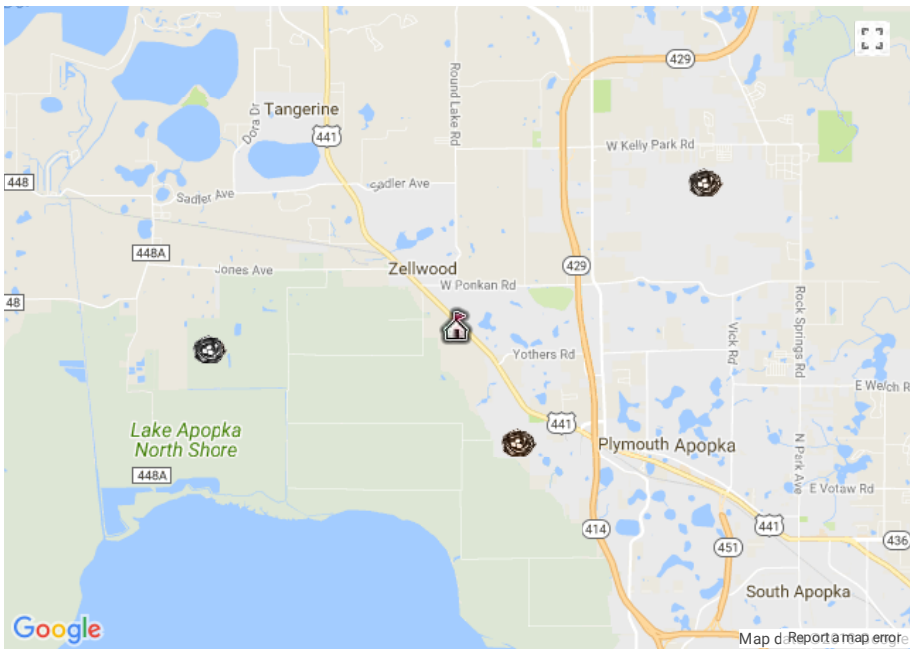
Locate Nests By:

Nested Search | Modify Search | New Search

Nest Map:

3 nests were found that meet the search criteria.

Print



Bald Eagle Nest Data Search Results:

Results per page: 20

	Nest ID	County	Latitude	Longitude	Known Active	Last Survey	Distance
View History	OR035	Orange	28 42.65	81 39.19	2011	2014	3.64
View History	OR058	Orange	28 44.77	81 31.94	2014	2014	4.32
View History	OR073	Orange	28 41.45	81 34.68	2014	2014	1.81

Print Export Page 1 of 1

Please direct any questions, comments, or suggestions about this page to BaldEagle@MyFWC.com. To learn more about eagles in Florida please visit the FWC bald eagle website.

Table 1:	Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida		
Scientific Name	**Common Name**	**Federal Status**	**State Status**
REPTILES			
Alligator mississippiensis	American alligator	SAT	FT(S/A)
Drymarchon corais couperi	eastern indigo snake	LT	FT
Gopherus polyphemus	gopher tortoise	C	ST
Lampropeltis extenuata	short-tailed snake	N	ST
Pituophis melanoleucus mugitus	Florida pine snake	N	ST
Plestiodon reynoldsi	sand skink	LT	FT
BIRDS			
Aphelocoma coerulescens	Florida scrub-jay	LT	FT
Athene cunicularia floridana	Florida burrowing owl	N	ST
Caracara cheriway	Crested Caracara	LT	FT
Egretta caerulea	little blue heron	N	ST
Egretta tricolor	tricolored heron	N	ST
Falco sparverius paulus	southeastern American kestrel	N	ST
Grus canadensis pratensis	Florida sandhill crane	N	ST
Haliaeetus leucocephalus	bald eagle	N	**
Mycteria americana	wood stork	LT	FT
Pandion haliaetus	osprey	N	SSC*
Picoides borealis	red-cockaded woodpecker	LE	FE
Platalea ajaja	roseate spoonbill	N	ST
Sterna antillarum	least tern	N	ST
MAMMALS			
Sciurus niger shermani	Sherman's fox squirrel	N	SSC
VASCULAR PLANTS			
Bonamia grandiflora	Florida bonamia	LT	E
Calopogon multiflorus	Many-flowered Grass-pink	N	T
Centrosema arenicola	Sand Butterfly Pea	N	E
Chionanthus pygmaeus	Pygmy Fringe Tree	LE	E
Centrosema arenicola	sand butterfly pea	N	N
Coelorachis tuberculosa	piedmont jointgrass	N	N
Deeringothamnus pulchellus	beautiful pawpaw	LE	E
Eriogonum longifolium var *gnaphalifolium*	scrub buckwheat	LT	E
Helianthus debilis ssp *tardiflorus*	beach sunflower	N	N
Ilex opaca var arenicola	scrub holly	N	N
Illicium parviflorum	star anise	N	E
Lechea cernua	nodding pinweed	N	T
Lupinus aridorum	scrub lupine	LE	E
Matelea floridana	Florida spiny-pod	N	E
Monotropa hypopithys	pinesap	N	E
Najas filifolia	Narrowleaf Naiad	N	T
Nemastylis floridana	Celestial Lily	N	E
Nolina atopocarpa	Florida beargrass	N	T
Nolina brittoniana	Britton's beargrass	LE	E
Ophioglossum palmatum	hand fern	N	E
Panicum abscissum	cutthroat grass	N	E
Paronychia chartacea ssp *chartacea*	paper-like nailwort	LT	E
Persea humilis	scrub bay	N	N
Pecluma plumula	Plume Polypody	N	E
Polygonella myriophylla	Small's jointweed	LE	E
Prunus geniculata	scrub plum	LE	E
Pteroglossaspis ecristata	Giant Orchid	N	T
Stylisma abdita	scrub stylisma	N	E
Warea amplexifolia	clasping warea	LE	E
Zephyranthes simpsonii	redmargin lily	N	T

FEDERAL LEGAL STATUS

LE-Endangered: species in danger of extinction throughout all or a significant portion of its range.
LT-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.
SAT-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.
C-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.
XN-Non-essential experimental population.
N-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

STATE LEGAL STATUS - ANIMALS

FE- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service
FT- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service
FXN- Federal listed as an experimental population in Florida
FT(S/A)- Federal Threatened due to similarity of appearance
ST- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for Pandion haliaetus (Osprey) indicates that this status applies in Monroe county only.)

N-Not currently listed, nor currently being considered for listing.

*** State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

STATE LEGAL STATUS - PLANTS

E-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

T-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.
N-Not currently listed, nor currently being considered for listing.

Bio-Tech Consulting Inc.
Environmental and Permitting Services

info@bio-techconsulting.com
www.bio-techconsulting.com

July 5, 2018

Robert Zlatkiss
American Land Development
3911 Orange Lake Drive
Orlando, FL 32817

Proj: Lisa Hill Parcels – Orange County, Florida
Sections 2 & 35, Townships 20 & 21 South, Range 27 East
Parcel IDs: 35-20-27-0000-00-035 & 35-20-27-0000-00-009
(BTC File #672-18)
Re: Environmental Assessment Report

Dear Mr. Zlatkiss:

During June of 2018, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 28-acre Lisa Hill Parcels. The site is located at the east end of the abandoned Fudge Road, within Sections 2 and 35, Townships 20 and 21 South, Range 27 East, Orange County, Florida (Figures 1, 2 & 3). This environmental assessment includes the following elements:

- review of soil types mapped within the site boundaries;
- evaluation of land use types/vegetative communities present;
- field review for occurrence of protected flora and fauna, and
- a review for potential development constraints.

SOILS

According to the Soil Survey of Orange County, Florida, prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), five (5) soil types occur within the subject property boundaries (Figure 4). These soils include the following:

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

- **Candler-Apopka fine sands, 5 to 12 percent slopes (#6)**
- **Canova muck (#9)**
- **Gator muck, frequently ponded, 0 to 1 percent slopes (#18)**
- **Okeelanta muck (#25)**
- **Tavares-Millhopper fine sands 0 to 5 percent (#47)**

The following presents a brief description of the soil types mapped for the subject property:

Candler-Apopka fine sands, 5 to 12 percent slopes (#6) are sloping and strongly sloping and excessively drained and well drained. These soils are on the uplands. Candler soil is sloping and excessively drained. Apopka soils are strongly sloping and well drained. The surface layer of Candler soil is very dark grayish brown fine sand about 6 inched thick. The surface layer of Apopka soil is dark grayish brown fine sand about 5 inches thick. A seasonal high water table is at a depth of more than 72 inches in Apopka soil and at a depth of more than 80 inches in Candler soil. The permeability of Candler soil is rapid in surface and subsurface layers, and it is rapid to moderately rapid in the subsoil. The permeability of Apopka soil is rapid in surface and subsurface layers, and it is moderate in the subsoil. A seasonal high water table is at a depth of more than 80-inches.

Canova muck (#9) is a nearly level and very poorly drained soil found in freshwater swamps and marshes that are mainly north of Lake Apopka. Undrained areas are ponded for 6 to 9 months or more each year. Typically, the soil has an organic layer of black muck about 6 inches thick. The surface layer, to a depth of 9 inches, is very dark gray fine sand. The subsurface layer, to a depth of 16 inches, is gray fine sand. Under natural conditions, the water table is above the surface for 6 to 9 months or more each year. The permeability is rapid in the surface and subsurface layers, and is moderate to moderately rapid in the subsoil and substratum.

Gator muck, frequently ponded, 0 to 1 percent slopes (#18) is a nearly level and very poorly drained soil found in freshwater swamps that are mainly north of Lake Apopka. Undrained areas are ponded for 6 to 9 months or more each year. Typically, this soil has a surface layer of black muck about 28 inches thick. The upper part of the underlying material, to a depth of about 37 inches, is dark olive gray fine sandy loam. The lower part to a depth of 80 inches or more is light gray sandy clay loam that has few to common light gray sand calcium carbonate accumulations. Under natural conditions, the water table is at or above the surface for most of the year except during extended dry periods. The permeability is rapid in the surface layer, and it is moderately slow to slow in the underlying material.

Okeelanta muck (#25) is a nearly level, very poorly drained soil found in freshwater swamps and in drained areas north of Lake Apopka. Typically, the upper part of the surface layer of this soil is black muck about 9 inches thick. Under natural conditions, this soil is ponded for 6 to 9 months or more each year. In most years, a seasonal high water table for this soil type is at or near the surface. In most areas, the soil in this map unit is artificially drained by tile drains and surface ditches. Permeability of this soil type is rapid in the organic layers, and is moderately rapid to moderately slow in the underlying material.

Tavares-Millhopper fine sands, 0 to 5 percent slopes (#47) are nearly level to gently sloping, moderately well drained soils found on low ridges and knolls on the uplands. Typically the surface layer of Tavares soil consists of very dark grayish brown fine sand about 6 inches thick. Typically the surface layer of Millhopper soil consists of gray fine sand about 7 inches thick. The soils in this map unit have a seasonal high table at a depth of 36 to 60 inches for 2 to 6 months. The permeability of Tavares soil is rapid or very rapid. The permeability of Millhopper soil is rapid in the surface and subsurface layers and moderately slow in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considered the Canova muck (#9), Gator muck (#18), and Okeelanta muck (#25) soil types associated with the properties to be hydric. This information can be found in the Hydric Soils of Florida Handbook, Third Edition (March, 2000).

LAND USE TYPES/VEGETATIVE COMMUNITIES

The Lisa Hill Parcels currently support three (3) land use types/vegetative communities (Figure 5). These land use types were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The on-site upland land use types/vegetative communities are classified as Mixed Hardwoods (438), and Disturbed Lands (740). The wetland/surface water land use type/vegetative community found on-site is classified as Willow and Elderberry (618). The following provides a brief description of the on-site land use types/vegetative communities:

Uplands:

438 – Mixed Hardwoods

The northern portion of the Lisa Hill Parcels is most consistent with Mixed Hardwoods (438) FLUCFCS classification. Vegetation within this area includes live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), Chinese tallow (*Triadica sebifera*), chinaberry (*Melia azedarach*), sweetgum (*Liquidambar styraciflua*), cabbage palm *(Sabal palmetto*), camphor tree (*Cinnamomum camphora*), hercules-club (*Zanthoxylum clava-herculis*), persimmon (*Diospyos*

virginiana), black cherry (*Prunus serotina*), hickory (*Carya glabra*), citrus (*Citrus* sp.), American elm (*Ulmus americana*), American beautyberry (*Callicarpa americana*), American pokeweed (*Phytolacca americana*), castor bean (*Ricinus communis*), guineagrass (*Panicum maximum*), bahia grass (*Paspalum notatum*), air potato (*Dioscorea bulbifera*), sword fern (*Nephrolepis brownii*), saw palmetto (*Serenoa repens*), dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), elephant ear (*Colocasia gigantea*), Virginia creeper (*Parthenocissus quinquefolia*), muscadine grapevine (*Vitis rotundifolia*), and greenbriar (*Smilax* spp.).

740 – Disturbed Lands

The southern portions of the Lisa Hill Parcels contain areas previously used by the nursery and agricultural industry. This area is currently most consistent with the Disturbed Lands (740) FLUCFCS classification. Vegetation within this area includes castor bean (*Ricinus communis*), guineagrass (*Panicum maximum*), cogon grass (*Imperata cylindrica*), bahia grass (*Paspalum notatum*), maidencane (*Panicum hemitomon*), air potato (*Dioscorea bulbifera*), common ragweed (*Ambrosia artemisiifolia*), dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), elephant ear (*Colocasia gigantea*), blackberry (*Rubus cuneifolius*), Virginia creeper (*Parthenocissus quinquefolia*), muscadine grapevine (*Vitis rotundifolia*), and greenbriar (*Smilax* spp.).

Wetlands:

618 – Willow and Elderberry

The southernmost extent of the Lisa Hill Parcels contains a low-quality shrub system most consistent with the Willow and Elderberry (618) FLUCFCS classification. The dominant vegetation within these areas consists of Carolina willow (*Salix caroliniana*) and elderberry (*Sambucus nigra*). Other species observed include Peruvian primrose (*Ludwigia peruviana*), wax myrtle (*Morella cerifera*), Chinese tallow (*Triadica sebifera*), dotted smartweed (*Persicaria punctata*), blackberry (*Rubus trivialis*), muscadine grapevine (*Vitis rotundifolia*), and burnweed (*Erechtites hieraciifolius*).

PROTECTED SPECIES

Using methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); and Florida Fish and Wildlife Conservation Commission's Gopher Tortoise Permitting Guidelines (revised January 2017); an assessment for "listed" floral and faunal species was conducted at the site on June 29, 2018. This assessment included both direct observations and indirect evidence,

such as tracks, burrows, tree markings and vocalizations which indicated the presence of species observed. The assessment focused on species that are "listed" by the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (updated May 2017) that have the potential to occur in Orange County.

Reptiles and Amphibians
black racer *(Coluber constrictor)*
green anole *(Anolis caroliniana)*
pig frog *(Rana grylio)*

Birds
Black Vulture *(Coragyps atratus)*
Turkey Vulture *(Cathartes aura)*
Anhinga *(Anhinga anhinga)*
Cattle egret (*Bubulcus ibis*)
Red-shoulder hawk (*Agelaius phoeniceus*)
Common Grackle *(Quiscalus quiscula)*
Mourning Dove *(Zenaida macroura)*
Northern Cardinal *(Cardinalis cardinalis)*
Northern Mockingbird *(Mimus polyglottos)*
Wild Turkey *(Meleagris gallopavo)*
American Crow (*Corvus brachyrhynchos*)

Mammals
Raccoon (*Procyon lotor*)
Opossum (*Didelphis virginiana*)
White-tail deer (*Odocoileus virginianus*)
Coyote (*Canis latrans*)
Eastern gray squirrel *(Sciurus carolinensis)*
Nine-banded armadillo *(Dasypus novemcinctus)*

None of the above wildlife species are identified on the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (updated May 2017). The following provides a brief description of relevant species as they relate to the development of the site.

Bald Eagle (Haliaeetus leucocephalus)
State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the US Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus Leuchocephalus*).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. In November of 2017, the FFWCC issued "A Species Action Plan for the Bald Eagle" in response to the sunset of the 2008 Bald Eagle Management Plan. Under the USFWS's management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. As provided within the above referenced Species Action Plan, the USFWS is the regulating body responsible for issuing permits for Bald Eagles. In 2017, the need to obtain a State permit (FFWCC) for the take of Bald Eagles or their nests in Florida was eliminated following revisions to Rule 68A-16.002, F.A.C.. A USFWS Bald Eagle "Non-Purposeful Take Permit" is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330 feet of a nest without a USFWS permit.

In addition to the on-site review for listed species, BTC conducted a review of the FFWCC's recorded Bald Eagle *(Haliaeetus leucocephalus)* nest sites on or in the vicinity of the subject property (See Attached). This review showed one (1) recorded bald eagle nest, through the 2017 nesting season, within one (1.0) mile of the Lisa Hill Parcels. Bald Eagle Nests OR073 is located approximately 2,300 feet south of the site. According to FFWCC, the nest is located beyond the 660-foot buffer zone, as such, it is anticipated that no further action should be required pertaining to Bald Eagle nests.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service have established "consultation areas" for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers.

The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically very regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The following paragraphs include a list of the USFWS Consultations Areas associated with the subject site. Also included, is a brief description of the respective species habitat and potential for additional review:

Everglade Snail Kite *(Rostrhamus sociabilis)*
Federally Listed as "Endangered" by USFWS

The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Everglade Snail Kite is listed as "Endangered" by the USFWS. Everglade Snail Kites are similar in size to Red-shouldered Hawks. All Everglade Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida. They regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John's River marshes and Grassy Waters Preserve.

No Snail Kites were observed within the subject site during the wildlife survey conducted by BTC. However, suitable habitat is located off-site along the edge of Lake Apopka. As such, a formal survey may be required by the USFWS or another agency to determine if any Snail Kites utilize any portions of the site.

Florida Scrub-Jay *(Aphelocoma coerulescens)*
Federally Listed as "Threatened" by USF

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90% of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Florida Scrub-Jays were observed during the wildlife survey and no suitable habitat for this species exists within the site boundaries. As such, no further action should be required pertaining to the Florida Scrub-Jay.

Florida Sand Skink *(Neoseps reynoldsi)*
Federally Listed as "Threatened" by USFWS

The Florida sand skink is listed as "Threatened" by the USFWS. The Florida sand skink exists in areas vegetated with sand pine *(Pinus clausa)* - rosemary *(Ceratiola ericoides)* scrub or a long leaf pine *(Pinus palustris)* - turkey oak *(Quercus laevis)* association. Habitat destruction is the primary threat to this species' survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. All properties within the limits of this consultation area that are located at elevations greater than 80' and contain suitable (moderate-to-well drained soils) soils are believed by USFWS to be areas of potential sand skink habitat.

No Florida sand skinks were observed during the wildlife survey conducted by BTC, however the NE corner of the subject site does contain elevations above 80' and well-drained soils suitable for the sand skink. Further coordination with USFWS may be required pertaining to the Florida sand skink.

DEVELOPMENT CONSTRAINTS

All wetlands on the site have been delineated by BTC in accordance with local, state and federal guidelines utilizing pink "Bio-Tech Consulting" flagging tape (Figure 6). All wetland flag locations will need to be approved by the appropriate regulatory agencies. The on-site wetlands are located within the Southern Ocklawaha River drainage basin.

City of Apopka

The City of Apopka requires within its Land Development Code a series of environmental evaluation criteria. As stated in the Apopka Land Development Code (5.02.04) when a site containing listed species receives a score of 169 or higher, the city shall require preservation through an easement of an area which will sustain a viable population. If the site ranks below 169, the City shall allow relocation and/or mitigation measures of the identified species on a case by case basis. The subject site does contain listed species and therefore, an evaluation criterion will need to be performed to see if further coordination with the city will be required.

Both properties fall within Joint Planning Area Agreement (JPA) boundary. The JPA agreement was formed to improve the coordination between the City of Apopka and Orange County. The City of Apopka will coordinate existing resource protection plans with Orange County to appropriately conserve and manage natural areas and open space with the project areas.

St. Johns River Water Management District

An Environmental Resource Permit (ERP) will be required through the St. Johns River Water Management District (SJRWMD) for all wetland and/or other surface water impacts (both direct and secondary). Impacts to the project's wetland and/or other surface water communities would be permittable by SJRWMD as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

U.S. Army Corps of Engineers

Permitting may also be required for the project's wetland/surface water impacts by the US Army Corps of Engineers (USACOE). As the ERP is no longer a joint application between the SWFWMD and the USACOE, the Corps will not be notified/copied upon submittal of the ERP application to the District. As with the District, it is anticipated that all impacts to the project's wetlands communities would be permittable by the USACOE as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

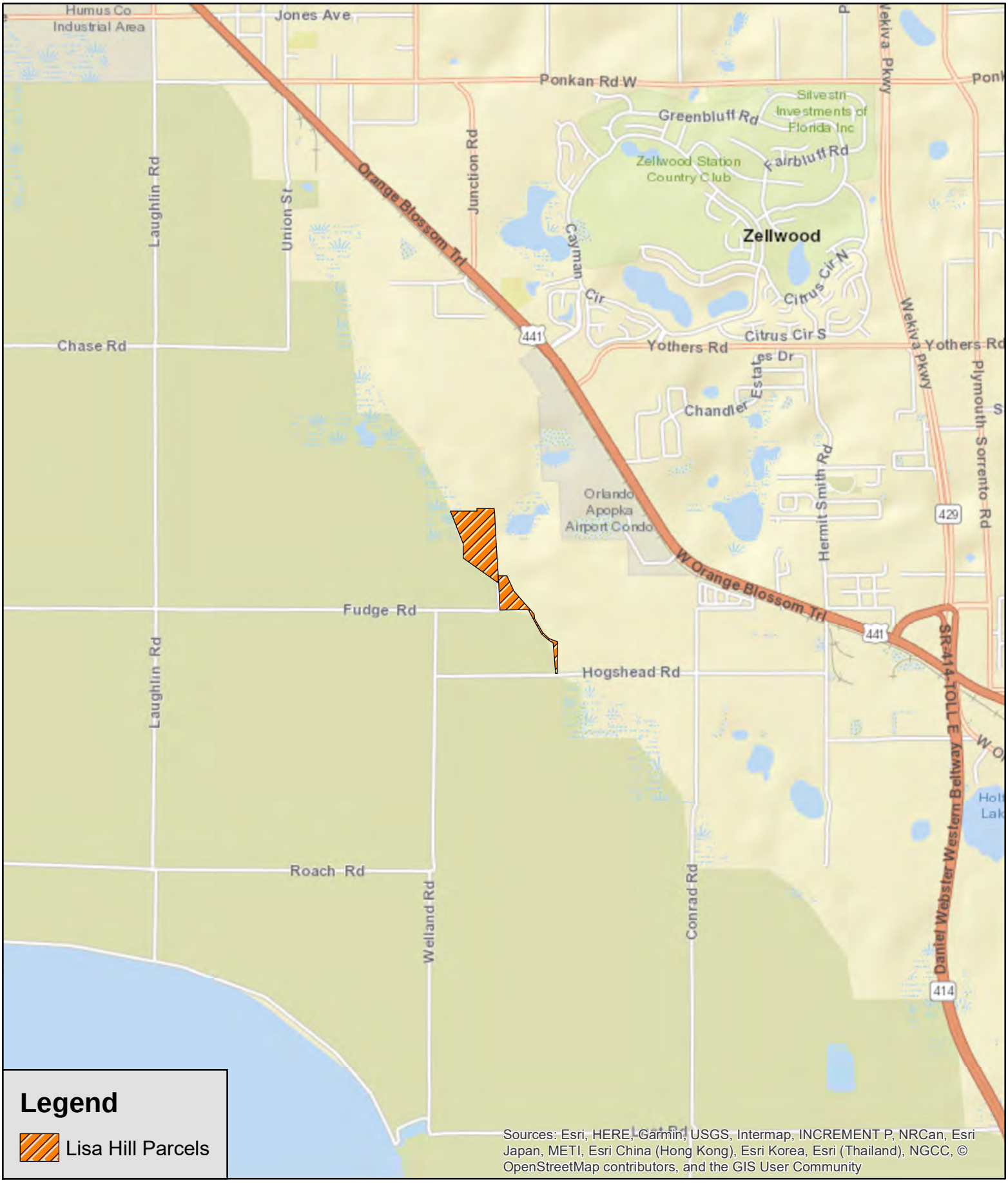
The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

Spencer Clark
Field Biologist

Jay Baker
Project Manager

attachments



Bio-Tech Consulting Inc.
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

Lisa Hill Parcels
Orange County, Florida
Figure 1
Location Map

N
W E
S

0.5
Miles

Project #[illegible]18
Produced by: STC
Date: 6/29/2018

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Lisa Hill Parcels
Orange County, Florida
Figure 2
2017 Aerial Photograph

N
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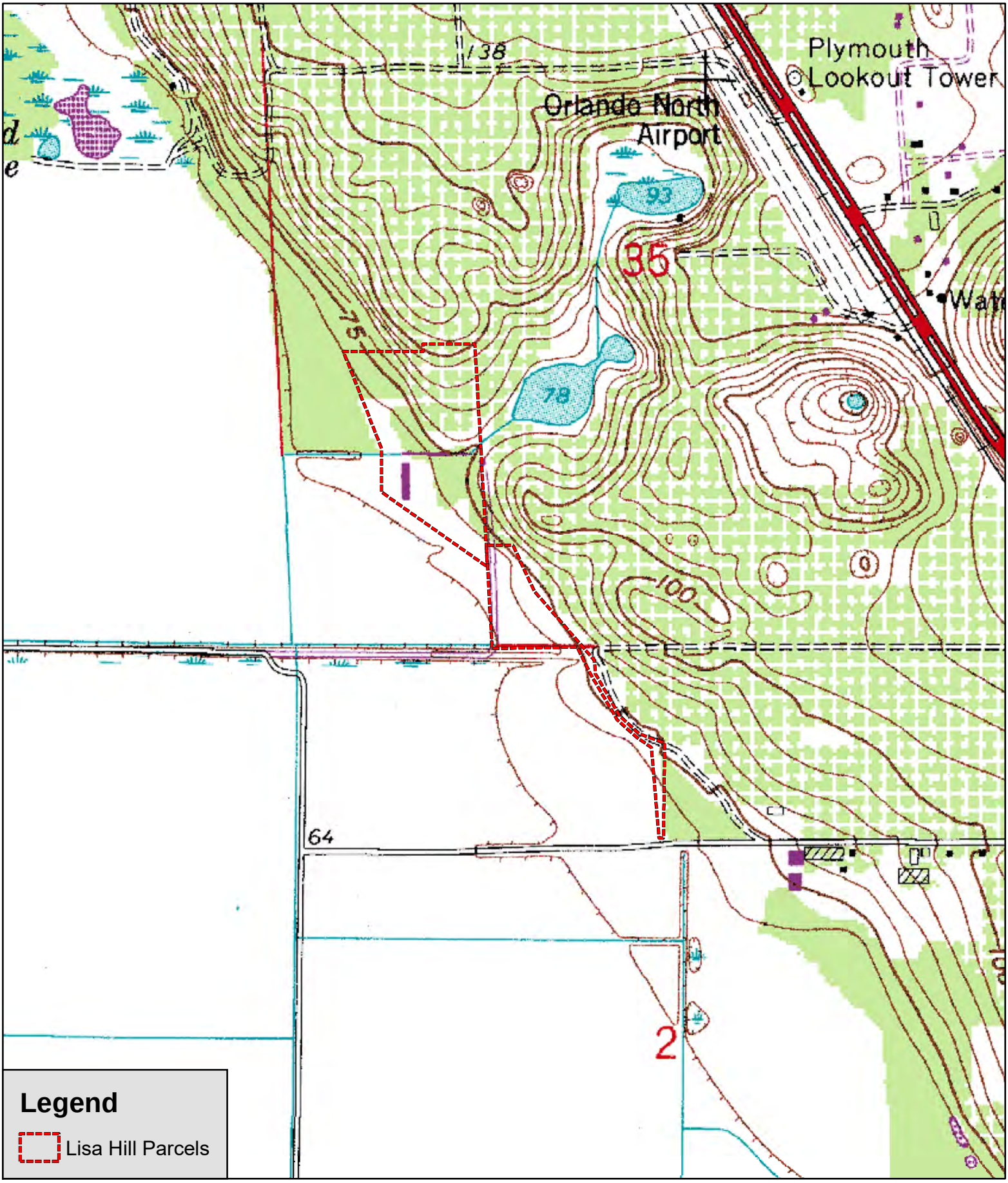
500
Feet

Project # 190 8
Produced By: JTC
Date: 6/29/2018



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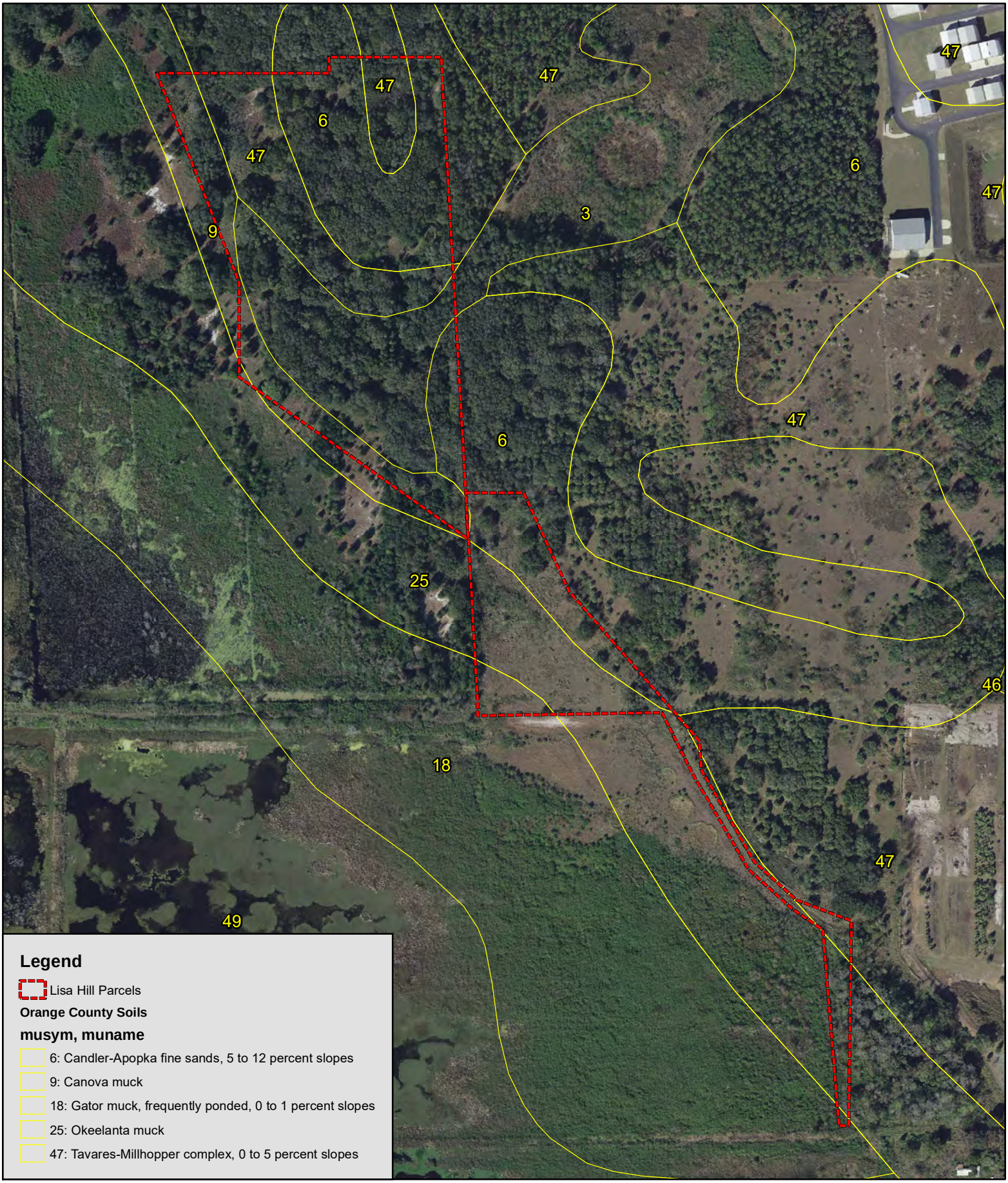
Lisa Hill Parcels
Orange County, Florida
Figure 3
USGS Topographic Map

1,000 Feet

Project #[illegible]18
Produced by: JTC
Date: 6/29/2018



Legend

Lisa Hill Parcels

Orange County Soils

musym, muname

- 6: Candler-Apopka fine sands, 5 to 12 percent slopes
- 9: Canova muck
- 18: Gator muck, frequently ponded, 0 to 1 percent slopes
- 25: Okeelanta muck
- 47: Tavares-Millhopper complex, 0 to 5 percent slopes

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Lisa Hill Parcels
Orange County, Florida
Figure 4
SSURGO Soils Map

N
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Feet

Project #[illegible]8
Produced [illegible]TC
Date: 6/29/2018

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Lisa Hill Parcels
Orange County, Florida
Figure 5
FLUCFCS Map

N
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450
Feet

Project # 193 8
Produced By: BTC
Date: 7/3/2018

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Lisa Hill Parcels
Orange County, Florida
Figure 6
Wetlands Map

N
W E
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450
Feet

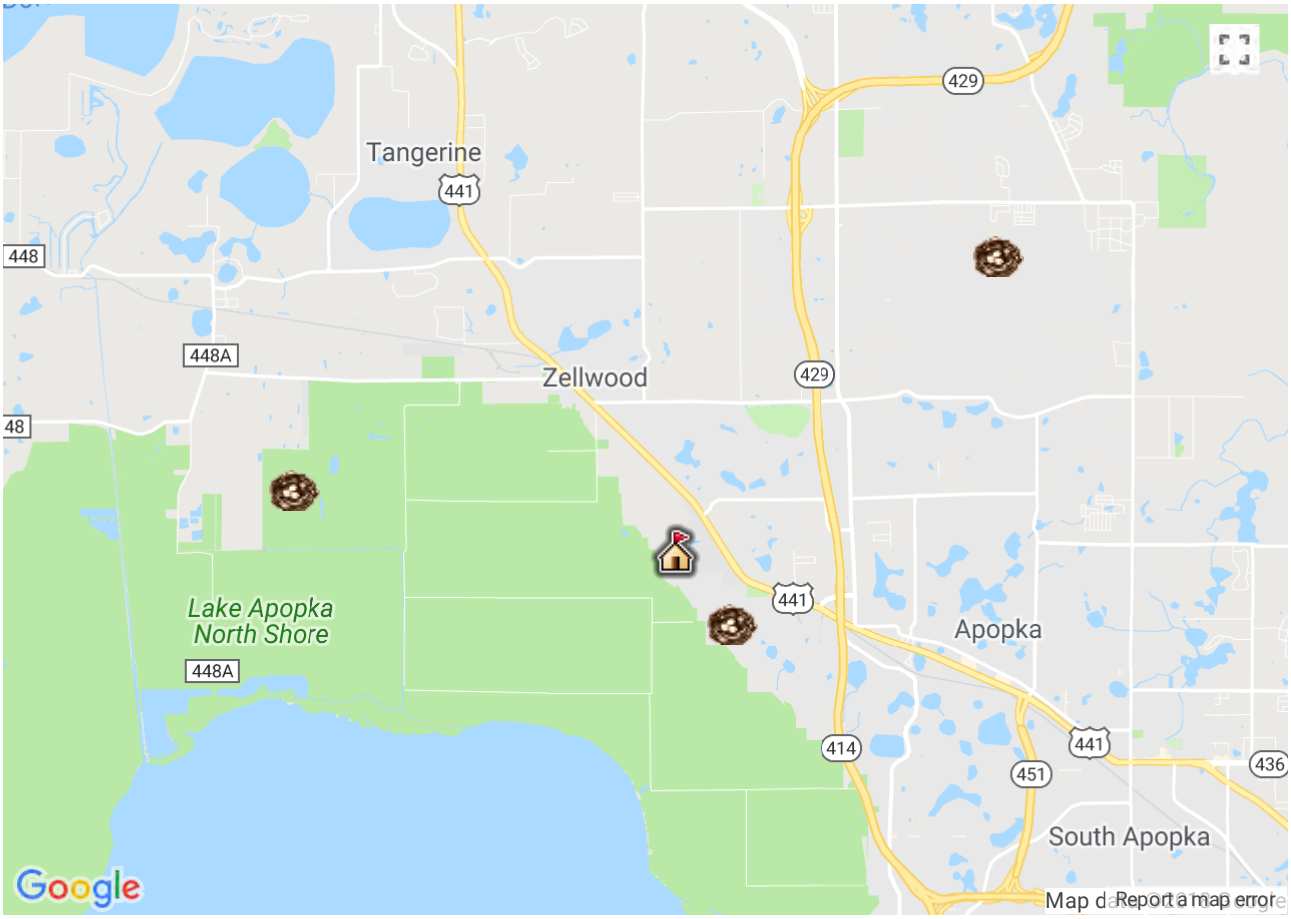
Project # 8
Produced by: TC
Date: 7/3/2018

This report was generated using the bald eagle nest locator at https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx on 7/3/2018 11:03:38 AM.

Search Entered: Within 5 miles of latitude 28.6994444444444 and longitude -81.5875; All Search Results

3 record(s) were found; 3 record(s) are shown

Bald Eagle Nest Map:



Bald Eagle Nest Data Search Results:

Results per page: All

Nest ID	County	Latitude	Longitude	Township	Range	Section	Gaz Page	Last Known Active	Last Surveyed	Act 13	Act 14	Act 15	Act 16	Act 17	Dist. (Mi)
OR035	Orange	28 42.65	81 39.19	20S	27E	31	79	2011	2014	*	*	N	*	*	4.05
OR058	Orange	28 44.77	81 31.94	20S	28E	17	79	2014	2014	*	*	Y	*	*	4.64
OR073	Orange	28 41.45	81 34.68	21S	27E	02	79	2014	2014	*	*	Y	*	*	0.83

"Y" denotes an active nest
"N" denotes an inactive nest
"-" denotes an unobserved nest
"U" denotes a nest that was visited but status was undetermined
"*" denotes a nest that was not surveyed

Table 1:	Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida		
Scientific Name	**Common Name**	**Federal Status**	**State Status**
REPTILES			
Alligator mississippiensis	American alligator	SAT	FT(S/A)
Drymarchon corais couperi	eastern indigo snake	LT	FT
Gopherus polyphemus	gopher tortoise	C	ST
Lampropeltis extenuata	short-tailed snake	N	ST
Pituophis melanoleucus mugitus	Florida pine snake	N	ST
Plestiodon reynoldsi	sand skink	LT	FT
BIRDS			
Aphelocoma coerulescens	Florida scrub-jay	LT	FT
Athene cunicularia floridana	Florida burrowing owl	N	ST
Caracara cheriway	Crested Caracara	LT	FT
Egretta caerulea	little blue heron	N	ST
Egretta tricolor	tricolored heron	N	ST
Falco sparverius paulus	southeastern American kestrel	N	ST
Grus canadensis pratensis	Florida sandhill crane	N	ST
Haliaeetus leucocephalus	bald eagle	N	**
Mycteria americana	wood stork	LT	FT
Pandion haliaetus	osprey	N	SSC*
Picoides borealis	red-cockaded woodpecker	LE	FE
Platalea ajaja	roseate spoonbill	N	ST
Sterna antillarum	least tern	N	ST
MAMMALS			
Sciurus niger shermani	Sherman's fox squirrel	N	SSC
VASCULAR PLANTS			
Bonamia grandiflora	Florida bonamia	LT	E
Calopogon multiflorus	Many-flowered Grass-pink	N	T
Centrosema arenicola	Sand Butterfly Pea	N	E
Chionanthus pygmaeus	Pygmy Fringe Tree	LE	E
Centrosema arenicola	sand butterfly pea	N	N
Coelorachis tuberculosa	piedmont jointgrass	N	N
Deeringothamnus pulchellus	beautiful pawpaw	LE	E
Eriogonum longifolium var *gnaphalifolium*	scrub buckwheat	LT	E
Helianthus debilis ssp *tardiflorus*	beach sunflower	N	N
Ilex opaca var arenicola	scrub holly	N	N
Illicium parviflorum	star anise	N	E
Lechea cernua	nodding pinweed	N	T
Lupinus aridorum	scrub lupine	LE	E
Matelea floridana	Florida spiny-pod	N	E
Monotropa hypopithys	pinesap	N	E
Najas filifolia	Narrowleaf Naiad	N	T
Nemastylis floridana	Celestial Lily	N	E
Nolina atopocarpa	Florida beargrass	N	T
Nolina brittoniana	Britton's beargrass	LE	E
Ophioglossum palmatum	hand fern	N	E
Panicum abscissum	cutthroat grass	N	E
Paronychia chartacea ssp *chartacea*	paper-like nailwort	LT	E
Persea humilis	scrub bay	N	N
Pecluma plumula	Plume Polypody	N	E
Polygonella myriophylla	Small's jointweed	LE	E
Prunus geniculata	scrub plum	LE	E
Pteroglossaspis ecristata	Giant Orchid	N	T
Stylisma abdita	scrub stylisma	N	E
Warea amplexifolia	clasping warea	LE	E
Zephyranthes simpsonii	redmargin lily	N	T

FEDERAL LEGAL STATUS

LE-Endangered: species in danger of extinction throughout all or a significant portion of its range.
LT-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.
SAT-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.
C-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.
XN-Non-essential experimental population.
N-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

STATE LEGAL STATUS - ANIMALS

FE- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service
FT- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service
FXN- Federal listed as an experimental population in Florida
FT(S/A)- Federal Threatened due to similarity of appearance
ST- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for Pandion haliaetus (Osprey) indicates that this status applies in Monroe county only.)

N-Not currently listed, nor currently being considered for listing.

*** State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

STATE LEGAL STATUS - PLANTS

E-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

T-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.
N-Not currently listed, nor currently being considered for listing.

Official Records, Book 9709/Page 6017
Official Records, Book 9749/Page 1360

DOC # 20080338741 B: 9709 P: 6017
06/10/2008 03:00:34 PM Page 1 of 6
Rec Fee: $52.50 Doc Type: EAS
Deed Doc Tax: $0.00
Intangible Tax: $0.00
Mortgage Stamp: $0.00
Martha O. Haynie, Comptroller
Orange County, FL
PU - Ret To: AKERMAN SENTERFITT & EIDS

THIS INSTRUMENT PREPARED BY:
SCOTT M. PRICE, ESQUIRE
AKERMAN SENTERFITT
420 South Orange Avenue, Suite 1200
Orlando, Florida 32801-4904

INGRESS, EGRESS AND ACCESS EASEMENT DEED

THIS INGRESS, EGRESS AND ACCESS EASEMENT DEED (the "Deed"), made and executed as of the 10 day of JUNE, 2008, by **JAMES P.A. THOMPSON** ("Grantor"), whose address is 1320 Northridge Drive, Longwood, FL 32750, in favor of the Benefited Property, as defined below.

W I T N E S S E T H:

WHEREAS, the Benefited Property shall be the real estate located in Orange County, Florida, more particularly described on the attached Exhibit "A" (the "Benefited Property"); and

WHEREAS, Grantor owns land adjoining the Benefited Property and lying between the Benefited Property and U.S. Highway 441 (the "Burdened Property"); and

WHEREAS, Grantor has elected to grant a non-exclusive ingress, egress and access easement over the Burdened Property for the benefit of the Benefited Property.

NOW, THEREFORE, for and in consideration of the premises herein stated, and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereto agree as follows:

1. **Recitals**. The recitals set forth above are true and correct and incorporated herein by reference.

2. **Grant of Easement**. Grantor hereby grants to the owner's of the Benefited Property a non-exclusive easement for ingress, egress, and access purposes over, across and upon the Burdened Property for the use and benefit of the Benefited Property (the "Easement"). The Easement rights herein granted shall include the right of the owner's of the Benefited Property, and their successors, assignees, invitees, customers and guests to enter upon the Burdened Property for vehicular and pedestrian access to and from the Benefited Property.

3. **No Public Rights**. Nothing herein shall create (or be construed to create) any rights in and/or for the benefit of the general public.

4. **Covenants Running with the Land.** All rights, privileges, benefits and burdens created herein are covenants and agreements running with the land as appurtenances thereto and shall be binding upon and inure to the benefit of the parties and their respective successors in title.

5. **Rights Reserved.** The Easement rights granted herein are non-exclusive. Grantor shall have the right to construct improvements upon, and to otherwise use the Burdened Property for any purpose not inconsistent with the full use and enjoyment of the rights established hereby and herein to benefit the Benefited Property. The rights and privileges granted herein shall benefit all improvements now or hereafter located on the Benefited Property and any other parcels which are developed with the Benefited Property.

6. **Termination.** The grant of easement contained herein shall automatically terminate over any portion of the Burdened Property that is dedicated and accepted as a public right of way, upon said dedication and acceptance.

7. **Governing Law.** This Agreement shall be governed by the laws of the State of Florida.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Agreement effective as of the date first set forth above.

Witnesses:

Print Name: Amon Modine

Ron Henderson
Print Name: RON HENDERSON

James P.A. Thompson
JAMES P.A. THOMPSON

P.O. Address: 1320 Northridge Drive, Longwood, FL 32750

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 10th day of June, 2008, by JAMES P.A. THOMPSON. He is personally known to me RNH ~~OR produced identification~~ N/A [~~type of identification produced~~ N/A]

Ron N. Henderson
Printed Name: RON N. HENDERSON
Notary Public State of Florida at Large
My commission expires: 3-27-2012

[Notarial Seal]

RON N. HENDERSON
Notary Public - State of Florida
My Commission Expires Mar 27, 2012
Commission # DD 765633
Bonded Through National Notary Assn.

1011294760.11

EXHIBIT "A"

LEGAL DESCRIPTION

ORLANDO COUNTRY AIRPORT, A CONDOMINIUM
SECTION 35, TOWNSHIP 20 SOUTH, RANGE 27 EAST
THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA

DESCRIPTION:

Commence at the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of Section 35, Township 20 South, Range 27 East, Orange County, Florida and run N 0°54'22"E along the West line of the Northwest 1/4 of the Southeast 1/4 of said Section 35, 60.00 feet to the Point of Beginning: thence continue N 0°54'31" E along said West line, 1251.37 feet to the Northwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 35; thence run N 86°06'12"W along the South line of the Northwest 1/4 of said Section 35, 330.00 feet; thence run N 0°54'18"E 1646.44 feet; thence run S 86°23'29"E 330.02 feet to a point on the West line of the Northeast 1/4 of said Section 35; thence run N 0°54'31"E along said West line, 98.17 feet; thence run N 27°21'14"W 651.26 feet to a point on the North line of Lot II of LAKEVIEW GARDENS, according to the plat thereof as recorded in Plat Book K, Page 26 of the Public Records of Orange County, Florida; thence run S 86°40'18"E along said North line, 261.61 feet to a point on the Westerly right-of-way line of the CSX Railroad, said point being on a curve concave Southwesterly having a radius of 5699.65 feet, a chord of 213.55 feet and a chord bearing of S 29°04'25"E; thence run Southeasterly along said curve and right-of-way line, 213.57 feet to the end of said curve; thence run S 28°00'01"E along said right-of-way line, 2605.64 feet to a point on the East line of the Northwest 1/4 of the Southeast 1/4 of said Section 35; thence run S 0°56'14"W along said East line and right-of-way line, 62.00 feet thence run S 28°00'01"E along said right-of-way line, 931.77 feet; thence leaving said right-of-way line run N 86°09'03"W 451.42 feet to a point on the East line of the Northwest 1/4 of the Southeast 1/4 of said Section 35; thence run S 0°56'14"W along said East line, 306.96 feet; thence run N 86°10'29"W 1320.47 feet to the Point of Beginning: Containing 3869897.98 Square Feet or 88.8406 Acres.

EXHIBIT "A" Continued

A parcel of land situate in Sections 26 and 35, Township 20 South, Range 27 East, Orange County, Florida and being more particularly described as follows:

Begin at the Northeast corner of the South 330.00 feet of the East 330.00 feet of the Northeast 1/4 of the Northwest 1/4 of Section 35, Township 20 South, Range 27 East and run N 00°54'31" E 98.17 feet; thence run N 27°21'14" W 651.26 feet to the South line of lot 12, LONGVIEW GROVES according to the Plat thereof as recorded in Plat Book K, Page 26 of the public records of Orange County, Florida; thence run S 86°40'18" E along the South line of said lot 12, 261.61 feet to the Westerly right-of-way line of C.S.X. railroad; thence run Northwesterly along said Westerly right-of-way line and a curve concave Southwesterly 351.29 feet through a central angle of 11°17'11" to the end of said curve, said curve having a radius of 1783.32 feet, a chord of 350.72 feet, and a chord bearing of N 35°47'25" W; thence run N 41°26'01" W along said right-of-way line 117.11 feet; then leaving said right-of-way line run S 51°07'26" W 445.69 feet; thence run S 41°26'01" E 274.02 feet; thence run S 27°21'14" E 602.83 feet; thence run S 86°23'29" E 208.18 feet to the Point of Beginning. Containing 297581.0576 square feet or 6.83 acres.

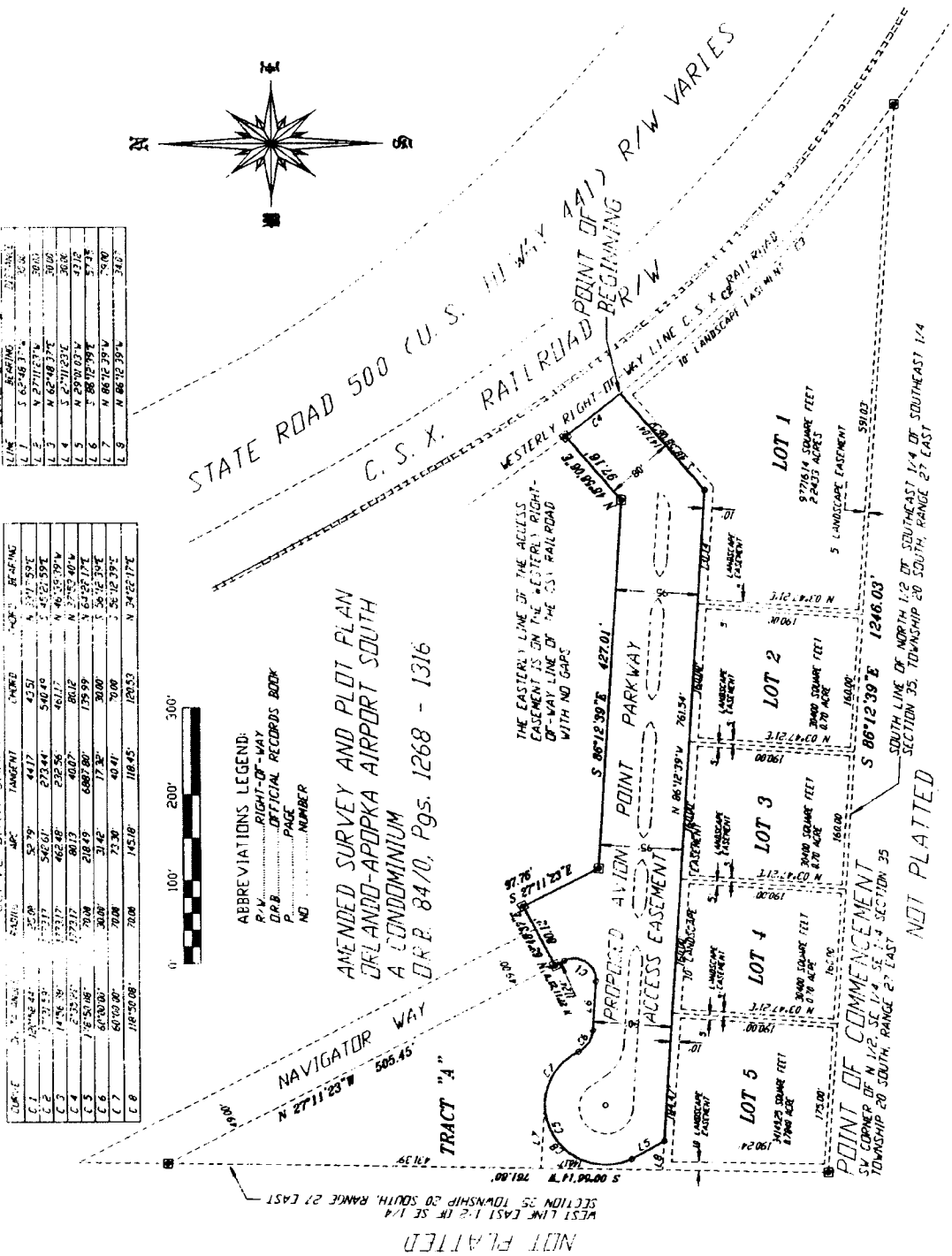
And a parcel of land more particularly described as follows:

Commence at the Southwest corner of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 35, Township 20 South, Range 27 East and run N 00°56'14" E along the West line of said Southeast 1/4 of the Southeast 1/4, 761.80 feet to the Point of Beginning; thence continue N 00°56'14" E along said West line 260.00 feet; thence run S 86°09'03"E 451.42 feet to a point on the Westerly right-of-way line of the C.S.X. Railroad; thence run S 28°00'01" E along said right-of-way line, 531.43 feet to the Point of Curvature of a curve concave Northeasterly having a radius of 1773.17 feet, a chord of 275.97 feet and a chord bearing of S 32°27'48" E; thence run Southeasterly along said curve and right-of-way line 276.24 feet through a central angle of 8°55'34" to the Point of Tangency; thence run S 52°06'15" W 95.45 feet to the Point of Curvature of a curve concave Northwesterly having a radius of 64.50 feet, a chord of 45.90 feet and a chord bearing of S 72°56'48" W; thence run Southwesterly along said curve 46.92 feet through a central angle of 41°41'06" to the Point of Tangency; thence run N 86°12'39" W 532.21 feet to the Point of Curvature of a curve concave Northwesterly having a radius of 35.00 feet, a chord of 60.92 feet and a chord bearing of N 33°17'59" E; thence run Northeasterly along said curve 73.90 feet through a central angle of 120°58'44" to the Point of Tangency; thence run N 27°11'23" W 515.35 feet to the Point of Beginning. Containing 434209.84 square feet or 9.9681 acres.

EXHIBIT "B"
BURDENED PROPERTY

Commence at the Southwest corner of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 35, Township 20 South, Range 27 East and run S 86°12'39"E along the South line of said North 1/2 of the Southeast 1/4 of the Southeast 1/4, 1246.03 feet to a point on the Westerly right-of-way line of the C.S.X. Railroad, said point being on a curve concave Northeasterly having a radius of 1773.17 feet, a chord distance of 461.17 feet and a chord bearing of N 46°39'39"W; thence run Northwesterly, along said C.S.X. Railroad right-of-way line and said curve, 462.48 feet through a central angle of 14°56'38" to the Point of Beginning; thence leaving said curve and right-of-way line run S 48°58'06"W, 147.04 feet; thence run N 86°12'39"W, 761.54 feet; thence run N 29°01'03"W, 43.12 feet to a point of curvature of a curve concave Southeasterly, having a radius of 70.00 feet, a chord distance of 139.99 feet and a chord bearing of N 64°22'17"E; thence run Northeasterly, along said curve, 218.49 feet through a central angle of 178°50'08" to a point of reverse curvature of a curve concave Northeasterly, having a radius of 30.00 feet, a chord distance of 30.00 feet and a chord bearing of S 56°12'39"E; thence run Southeasterly, along said curve, 31.42 feet through a central angle of 60°00'00" to the end of said curve; thence run S 86°12'39"E, 57.43 feet to a point of curvature of a curve concave Northwesterly, having a radius of 25.00 feet, a chord distance of 43.51 feet and a chord bearing of N 33°17'59"E; thence run Northeasterly, along said curve, 52.79 feet through a central angle of 120°58'44" to the end of said curve; thence run N 27°11'23"W, 11.24 feet; thence run N 62°48'37"E, 80.12 feet; thence run S 27°11'23"E, 97.76 feet; thence run S 86°12'39"E, 427.01 feet; thence run N 48°58'06"E, 97.16 feet to said Westerly right-of-way line of the C.S.X. railroad and a curve concave Northeasterly, having a radius of 1773.17 feet, a chord distance of 80.12 feet and a chord bearing of S 37°53'40"E; thence run Southeasterly, along said curve, 80.13 feet through a central angle of 02°35'21" to the Point of Beginning.

SKETCH OF BURDENED PROPERTY



THIS INSTRUMENT PREPARED BY:
SCOTT M. PRICE, ESQUIRE
AKERMAN SENTERFITT
420 South Orange Avenue, Suite 1200
Orlando, Florida 32801-4904

DOC # 20080506261 B: 9749 P: 1360
08/28/2008 11:53:50 AM Page 1 of 9
Rec Fee: $78.00 Doc Type: EAS
Deed Doc Tax: $0.00
Intangible Tax: $0.00
Mortgage Stamp: $0.00
Martha O. Haynie, Comptroller
Orange County, FL
PU - Ret To: AKERMAN SENTERFITT & EIDS

INGRESS, EGRESS AND ACCESS EASEMENT DEED

THIS INGRESS, EGRESS AND ACCESS EASEMENT DEED (the "Deed"), made and executed as of the 20 day of August, 2008, by **JAMES P.A. THOMPSON and ORLANDO COUNTRY AVIATION SERVICES, INC., a Florida corporation** (collectively "Grantor"), whose address is 1320 Northridge Drive, Longwood, FL 32750, in favor of the Benefited Property, as defined below.

W I T N E S S E T H:

WHEREAS, the Benefited Property shall be the real estate located in Orange County, Florida, more particularly described on the attached Exhibit "A" (the "Benefited Property") which is attached hereto and incorporated by reference; and

WHEREAS, Grantor owns land adjoining the Benefited Property and lying between the Benefited Property and U.S. Highway 441 (the "Burdened Property") described on the attached Exhibit "B" which is attached hereto and incorporated by reference; and

WHEREAS, Grantor has elected to grant a non-exclusive ingress, egress and access easement over the Burdened Property for the benefit of the Benefited Property.

NOW, THEREFORE, for and in consideration of the premises herein stated, and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereto agree as follows:

1. **Recitals.** The recitals set forth above are true and correct and incorporated herein by reference.

2. **Grant of Easement.** Grantor hereby grants to the owner's of the Benefited Property a non-exclusive easement for ingress, egress, and access purposes over, across and upon the Burdened Property for the use and benefit of the Benefited Property (the "Easement"). The Easement rights herein granted shall include the right of the owner's of the Benefited Property, and their successors, assignees, invitees, customers and guests to enter upon the Burdened Property for vehicular and pedestrian access to and from the Benefited Property.

3. **No Public Rights.** Nothing herein shall create (or be construed to create) any rights in and/or for the benefit of the general public.

4. **Covenants Running with the Land.** All rights, privileges, benefits and burdens created herein are covenants and agreements running with the land as appurtenances thereto and shall be binding upon and inure to the benefit of the parties and their respective successors in title.

5. **Rights Reserved.** The Easement rights granted herein are non-exclusive. Grantor shall have the right to construct improvements upon, and to otherwise use the Burdened Property for any purpose not inconsistent with the full use and enjoyment of the rights established hereby and herein to benefit the Benefited Property. The rights and privileges granted herein shall benefit all improvements now or hereafter located on the Benefited Property and any other parcels which are developed with the Benefited Property.

6. **Termination.** The grant of easement contained herein shall automatically terminate over any portion of the Burdened Property that is dedicated and accepted as a public right of way, upon said dedication and acceptance.

7. **Relocation of Easement.** Grantor, and its successors in interest, shall retain the right to relocate the easement granted herein, so long as the relocated easement area provides access from US 441 and Hogs Head Road to the boundary of the Benefited Property

8. **Governing Law.** This Agreement shall be governed by the laws of the State of Florida.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Agreement effective as of the date first set forth above.

Signed, sealed and delivered
in the presence of:

Print Name: SCOTT M. PRICE

Print Name: Jan Tucker

JAMES P.A. THOMPSON

ORLANDO COUNTRY AVIATION SERVICES, INC., a Florida corporation

Print Name: SCOTT M. PRICE

Print Name: Jan Tucker

By: JAMES P.A. THOMPSON, President

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 20 day of August, 2008, by JAMES P.A. THOMPSON individually and as President of ~~ORLANDO~~ COUNTRY AVIATION SERVICES, INC., a Florida corporation, on its behalf, who is personally known to me or produced _____ as identification, and did not take an oath.

Scott Price
_____
Notary Public, State of Florida
Printed Name:_____
Commission No.:_____
My Commission Expires:_____

(Notary Seal)

My commission expires: _____

SCOTT PRICE
Commission DD 765252
Expires March 18, 2012
Bonded Thru Troy Fain Insurance 800-385-7019

{O1321980;1}

EXHIBIT "A"

TRACT 1-Orange County Grove
(All of Tract 1 is located in Orange County, Florida)

Desc. #1 That part of the South ½ of the Southeast ¼ of the Southwest ¼. Section 26, Township 20 South, Range 27 East, lying West of the Seaboard Coast Line Railroad.

Desc. #2 That part of the Northeast ¼ of the Northwest ¼ of Section 35, Township 20 South, Range 27 East, lying West of the Seaboard Cost Line Railroad, (LESS: The South 330 feet of the East 330 feet thereof; AND ALSO LESS: That part of Lots 6 and 11 and the platted right of way Easterly of said Lots 6 and 11, LONGVIEW GROVES, as recorded in Plat Book K, page 26, Public Records of Orange County, Florida, described as follows: From the North ¼ corner of Section 35, Township 20 South, Range 27 East, run South 00" 54'31" West 408.14 feet along the East boundary of the Northwest ¼ of Section 35 for the point of beginning, said point being on the Westerly right of way line of the Seaboard Coast Line Railroad: thence continue South 00" 54'31" West 483.08 feet along said East boundary of the Northwest ¼; thence run North 27" 21'14" West 652.95 feet to a point on the North boundary of the aforesaid lot 11; thence South 86" 36'12" East 261.80 feet along the North boundary of Lot 11 to a point on the aforesaid Westerly right of way Line of the Seaboard Coast Line Railroad, said point being on the arc of a curve, concave Southwesterly and having a radius of 5699.65 feet; thence run Southeasterly 93.67 feet along the arc of said curve, through a central angle of
00" 56'30" to the point of beginning).

Desc. #3 The Southwest ¼ of the Northwest ¼ of Section 35, Township 20 South, Range 27 East.

Desc. #4 The Southeast ¼ of the Northwest ¼ (LESS: the East 330 feet thereof), Section 35, Township 20 South, Range 27 East.

Desc. #5 The Northeast ¼ of the Southwest ¼ of Section 35, Township 20 South, Range 27 East.

ALSO:

South ½ of the Northeast ¼ of the Northeast ¼ of the Northeast ¼ and South ½ of the Northeast ¼ of the Northeast ¼ of Section 34, Township 20 South, Range 27 East, Orange County, Florida.

The Northwest ¼ of the Northwest ¼ (less beginning 210 feet East of the Southwest corner of the Northwest ¼ of the Northwest ¼, run North 448 feet, thence East to the East boundary of said Northwest ¼ of the Northwest ¼; run thence South 428 feet; run thence West to the point of beginning) being in Section 35, Township 20 South, Range 27 East, Orange County, Florida.

PARCEL NUMBER: 35-20-27-5220-00060

EXHIBIT "B"
BURDENED PROPERTY

A 50 foot wide easement situate in Section 35, Township 20 South, Range 27 East and Section 2, Township 21 South, Range 27 East, Orange County, Florida, said 50 foot easement being 25 feet perpendicular to, left and right of, and running parallel with a centerline being more particularly described as follows:

Commence at the Southwest corner of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 35, Township 20 South, Range 27 East and run N 00°56'14"E, along the West line of the Southeast 1/4 of said Section 35, 225.41 feet; thence leaving said West line, run N 86°12'39"W, 130.15 feet to a point of curvature of a curve concave Northeasterly, having a radius of 465.00 feet, a chord distance of 241.54 feet and a chord bearing of N 71°09'25"W; thence run North-westerly along said curve 244.35 feet through a central angle of 30°06'27" to the end of said curve; thence run N 56°06'12"W, 13.35 feet to a point of curvature of a curve concave South-westerly, having a radius 465.00 feet, a chord distance of 241.54 feet and a chord bearing of N 71°09'25"W; thence run Northwesterly, along said curve 244.35 feet through a central angle of 30°06'27" to the end of said curve; thence run N 86°12'39"W, 190.74 feet to a point of curvature of a curve concave Northwesterly, having a radius of 535.00 feet, a chord distance of 100.60 feet and a chord bearing of S 88°23'39"W; thence run Southwesterly, along said curve 100.75 feet through a central angle of 10°47'24" to the end of said curve; thence run N 86°12'39"W, 59.25 feet for a point of beginning of said 50 foot wide easement; thence continue N 86°12'39" W, 600.00 feet; thence run N 03°47'21" E, 335.50 feet to the South line of the Northeast 1/4 of the Southwest 1/4 of Section 35, Township 20 South, Range 27 East, and the end of said 50 foot wide easement centerline; The lines 25 feet right of and 25 feet left of said centerline should be shortened or lengthened as necessary to terminate on the South line of said Northeast 1/4 of the Southwest 1/4 of Section 35, Township 20 South, Range 27 East.

Also the following parcel of property:

Commence at the Southwest corner of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 35, Township 20 South, Range 27 East and run S 86°12'39"E along the South line of said North 1/2 of the Southeast 1/4 of the Southeast 1/4, 1246.03 feet to a point on the Westerly right-of-way line of the C.S.X. Railroad, said point being on a curve concave Northeasterly having a radius of 1773.17 feet, a chord distance of 461.17 feet and a chord bearing of N 46°39'39"W; thence run Northwesterly, along said C.S.X. Railroad right-of-way line and said curve, 462.48 feet through a central angle of 14°56'38" to the Point of Beginning; thence leaving said curve and right-of-way line run S 48°58'06"W, 147.04 feet; thence run N 86°12'39"W, 761.54 feet; thence run N 29°01'03"W, 43.12 feet to a point of curvature of a curve concave Southeasterly, having a radius of 70.00 feet, a chord distance of 139.99 feet and a chord bearing of N 64°22'17"E; thence run Northeasterly, along said curve, 218.49 feet through a central angle of 178°50'08" to a point of reverse curvature of a curve concave Northeasterly, having a radius of 30.00 feet, a chord distance of 30.00 feet and a chord bearing of S 56°12'39"E; thence run Southeasterly, along said curve, 31.42 feet through a central angle of 60°00'00" to the end of said curve; thence run S 86°12'39"E, 57.43 feet to a point of curvature of a curve concave Northwesterly, having a radius of 25.00 feet, a chord distance of 43.51 feet and a chord bearing of N 33°17'59"E; thence run Northeasterly, along said curve, 52.79 feet through a central angle of 120°58'44" to the end of said curve; thence run N 27°11'23"W, 11.24 feet; thence run N 62°48'37"E, 80.12 feet; thence run S 27°11'23"E, 97.76 feet; thence run S 86°12'39"E, 427.01 feet; thence run N 48°58'06"E, 97.16 feet to said Westerly right-of-way line of the C.S.X. railroad and a curve concave Northeasterly, having a radius of 1773.17 feet, a chord distance of 80.12 feet and a chord bearing of S 37°53'40"E; thence run Southeasterly, along said curve, 80.13 feet through a central angle of 02°35'21" to the Point of Beginning.

EXHIBIT "B"
BURDENED PROPERTY

50 FOOT WIDE EASEMENT DESCRIPTION:

A 50 foot wide easement situate in Section 35, Township 20 South, Range 27 East and Section 2, Township 21 South, Range 27 East, Orange County, Florida, said 50 foot easement being 25 feet perpendicular to, left and right of, and running parallel with a centerline being more particularly described as follows:

Commence at the Southwest corner of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 35, Township 20 South, Range 27 East and run N 00°56'14"E, along the West line of the Southeast 1/4 of said Section 35, 225.41 feet to the centerline of said 50 foot wide easement and a Point of Beginning; thence leaving said West line, run N 86°12'39"W, 130.15 feet to a point of curvature of a curve concave Northeasterly, having a radius of 465.00 feet, a chord distance of 241.54 feet and a chord bearing of N 71°09'25"W; thence run Northwesterly along said curve 244.35 feet through a central angle of 30°06'27" to the end of said curve; thence run N 56°06'12"W, 13.35 feet to a point of curvature of a curve concave Southwesterly, having a radius 465.00 feet, a chord distance of 241.54 feet and a chord bearing of N 71°09'25"W; thence run Northwesterly, along said curve 244.35 feet through a central angle of 30°06'27" to the end of said curve; thence run N 86°12'39"W, 190.74 feet to a point of curvature of a curve concave Northeasterly, having a radius of 535.00 feet, a chord distance of 100.60 feet and a chord bearing of S 88°23'39"W; thence run Southwesterly, along said curve 100.75 feet through a central angle of 10°47'24" to the end of said curve; thence run N 86°12'39"W, 59.25 feet; thence run S 00°54'31"W, 60.34 feet to a point of curvature of a curve concave Northwesterly, having a radius of 465.00 feet, a chord distance of 397.82 feet and a chord bearing of S 26°14'04"W; thence run Southwesterly, along said curve 411.08 feet through a central angle of 50°39'05" to the end of said curve; thence run S 51°33'36"W, 186.13 feet to a point of curvature of a curve concave Southeasterly, having a radius of 465.00 feet, a chord distance of 371.99 feet and a chord bearing of S 27°58'58"W; thence run Southwesterly, along said curve 382.69 feet through a central angle of 47°09'16" to the end of said curve; thence run S 04°24'21"W, 288.57 feet to a point of curvature of a curve concave Northeasterly, having a radius of 465.00 feet, a chord distance of 323.68 feet and a chord bearing of S 15°57'46"E; thence run Southeasterly, along said curve, 330.60 feet through a central angle of 40°44'07" to a point of reverse curvature of a curve concave Southwesterly, having a radius of 465.00 feet, a chord distance of 185.54 feet and a chord bearing of S 24°49'17"E; thence run Southeasterly, along said curve, 186.79 feet through a central angle of 23°00'58" to a point of reverse curvature of a curve concave Northeasterly, having a radius of 465.00 feet, a chord distance of 166.98 feet and a chord bearing of S 23°39'24"E; thence run Southeasterly, along said curve, 167.89 feet through a central angle of 20°41'11" to the end of said curve; thence run S 33°59'59"E, 230.67 feet to a point of curvature of a curve concave Southwesterly, having a radius of 465.00 feet, a chord distance of 284.28 feet and a chord bearing of S 16°12'02"E; thence run Southeasterly, along said curve, 288.91 feet through a central angle of 35°35'54" to the end of said curve; thence run S 01°35'55"W, 25.01 feet, to a point on the North Right-of-Way line of that certain agreement for Right-of-Way as recorded in Official Records Book 2775, Page 1189 of the Public Records of Orange County, Florida and end of said 50' wide easement centerline. Containing 186398.87 square feet or 4.2791 acres.

Said line being 25 feet perpendicular to, right of, and running parallel with said centerline, said line should be lengthened to begin on a line bearing N 00°56'14"E from the Point of Beginning.
Said line being 25 feet perpendicular to, left of, and running parallel with said centerline should be shortened to begin on a line bearing S 00°56'14"W from the Point of Beginning.

JOINDER AND CONSENT BY MORTGAGE HOLDER

The undersigned, RJB VENTURES, INC., a New Jersey corporation, (the "**Mortgagee**"), being the owner and holder of the following described loan documents (collectively the "**Mortgage Documents**"):

That certain Mortgage from ORLANDO COUNTRY AVIATION SERVICES, INC. to RJB VENTURES, INC., dated February 17, 2006, filed March 1, 2006, in O.R. Book 8505, Page 4188, in the original principal amount of $4,428,000.00; together with Modification Agreements filed in O.R. Book 8855, Page 4984 and O.R. Book 9158, Page 1435, Public Records of Orange County, Florida.

Mortgagee does hereby join in and consent to the foregoing Ingress, Egress and Access Easement Deed ("Easement"), for the purpose of subordinating the lien of the Mortgage Documents to the Easement and rights therein granted.

IN WITNESS WHEREOF, the Mortgagee has executed this Consent as of 21st day of AUG, 2008.

Signed, sealed and delivered
in the presence of:

MORTGAGEE:

RJB VENTURES, INC., a New Jersey corporation

By: _____
ROBERT BAUER, President

_____
Print Name: _____

_____
Print Name: _____

STATE OF NEW JERSEY
COUNTY OF UNION

The foregoing instrument was acknowledged before me this 21st day of August, 2008, by ROBERT BAUER, as President of RJB VENTURES, INC., a New Jersey corporation, on its behalf, and that I relied upon the following form of identification of the above-named person: (X) Personally Known, **OR** ( ) Produced _____ as identification.

_____
Notary Signature
Notary Name: Shirley M. Vella
Commission Number: _____
My Commission Expires: May 26, 2012

SHIRLEY M. VELLA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 26, 2012

{O1324155;1}

JOINDER AND CONSENT BY MORTGAGE HOLDER

The undersigned, JAMES H. SCHLURAFF, as Trustee of the James H. Schluraff Trust under Trust dated August 3, 1987 and restated October 24, 2001, (the "**Mortgagee**"), being the owner and holder of the following described loan documents (collectively the "**Mortgage Documents**"):

That certain Mortgage and Security Agreement from ORLANDO COUNTRY AVIATION SERVICES, INC. to JAMES H. SCHLURAFF, as Trustee of the James H. Schluraff Trust under Trust dated August 3, 1987 and restated October 24, 2001, dated November 30, 2004, filed December 1, 2004, in O.R. Book 7721, Page 82, in the original principal amount of $400,000.00; together with Future Advance Acknowledgement and Modification of Mortgage filed in O.R. Book 8100, Page 3727; Future Advance Acknowledgement and Mortgage Modification Agreement filed in O.R. Book 9429, Page 2286; and Assignment of Leases, Rents and Profits filed in O.R. Book 7721, Page 92, Public Records of Orange County, Florida.

Mortgagee does hereby join in and consent to the foregoing Ingress, Egress and Access Easement Deed ("Easement"), for the purpose of subordinating the lien of the Mortgage Documents to the Easement and rights therein granted.

IN WITNESS WHEREOF, the Mortgagee has executed this Consent as of 21st day of August, 2008.

Signed, sealed and delivered
in the presence of:

W Thomas Lovett
Print Name: W THOMAS LOVETT

Audrey R Sicks
Print Name: Audrey R. Sicks

MORTGAGEE:

JAMES H. SCHLURAFF, as Trustee of the James H. Schluraff Trust under Trust dated August 3, 1987 and restated October 24, 2001

By: James H. Schluraff
James H. Schluraff, Trustee

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 21st day of August, 2008, by JAMES H. SCHLURAFF, as Trustee of the James H. Schluraff Trust under Trust dated August 3, 1987 and restated October 24, 2001, and that I relied upon the following form of identification of the above-named person: (X) Personally Known, **OR** ( ) Produced _____ as identification.

W Thomas Lovett
Notary Signature
Notary Name: _____
Commission Number: _____
My Commission Expires: _____

Notary Public State of Florida
W Thomas Lovett
My Commission DD565685
Expires 08/15/2010

JOINDER AND CONSENT BY MORTGAGE HOLDER

The undersigned, JOEMAR CAPITAL INVESTMENTS, LTD., a Florida limited partnership, (the "**Mortgagee**"), being the owner and holder of the following described loan documents (collectively the "**Mortgage Documents**"):

That certain Mortgage from ORLANDO COUNTRY AVIATION SERVICES, INC. to JOEMAR CAPITAL INVESTMENTS, LTD., dated April 4, 2007, filed April 12, 2007, in O.R. Book 9208, Page 3191, Public Records of Orange County, Florida, in the original principal amount of $453,259.86.

Mortgagee does hereby join in and consent to the foregoing Ingress, Egress and Access Easement Deed ("Easement"), for the purpose of subordinating the lien of the Mortgage Documents to the Easement and rights therein granted.

IN WITNESS WHEREOF, the Mortgagee has executed this Consent as of 21 day of August, 2008.

Signed, sealed and delivered
in the presence of:

Print Name: LYNN MALEY

Print Name: CHARLES W VOGELEY

MORTGAGEE:

JOEMAR CAPITAL INVESTMENTS, LTD., a Florida limited partnership

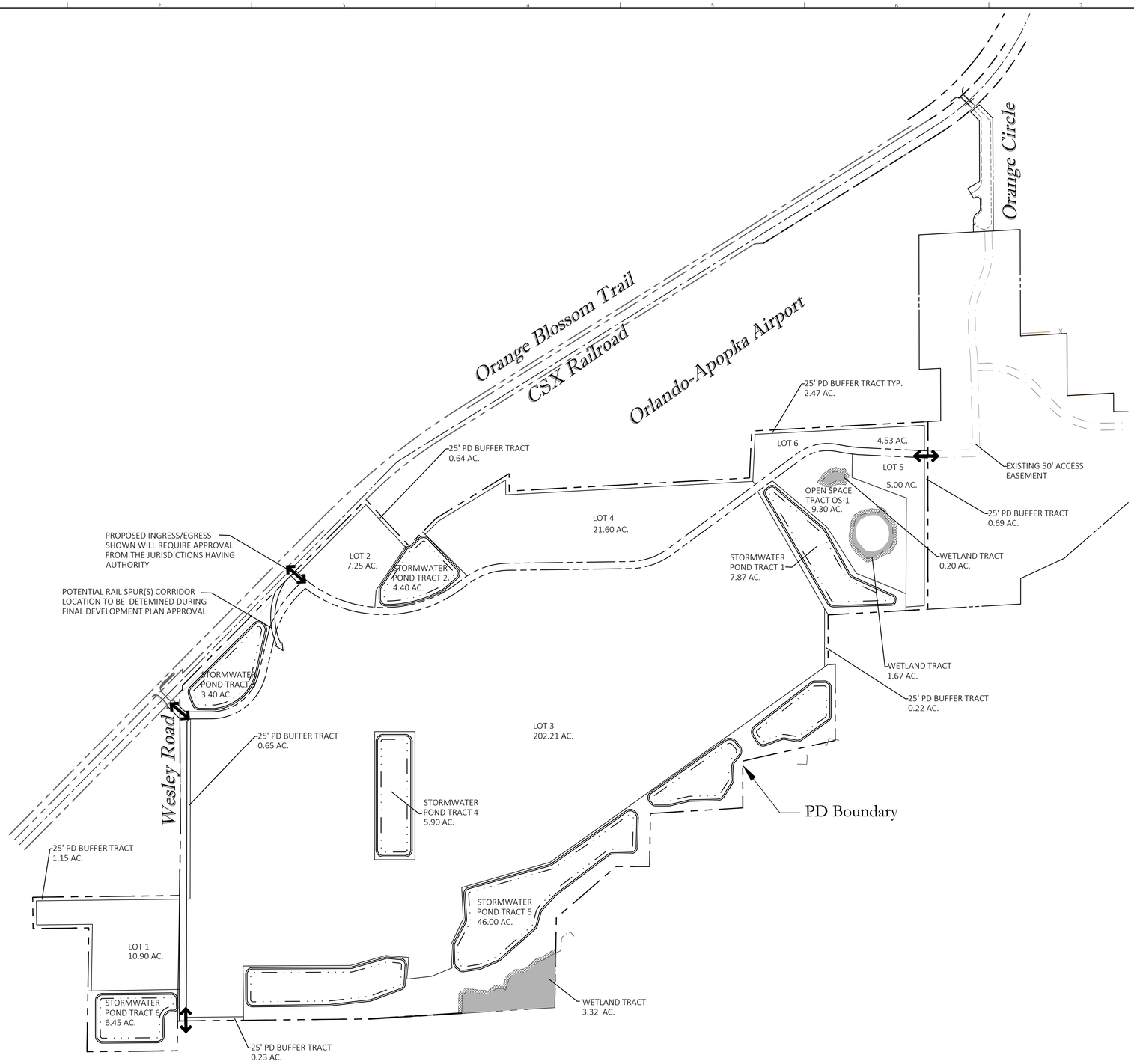
By: _____
RONALD J. MILLER, President

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

The foregoing instrument was acknowledged before me this 21 day of August, 2008, by RONALD J. MILLER, as President of JOEMAR CAPITAL INVESTMENTS, LTD., a Florida limited partnership, on its behalf, and that I relied upon the following form of identification of the above-named person: (X) Personally Known, **OR** ( ) Produced _____ as identification.

Notary Signature
Notary Name: Cheryl H RAIKEN
Commission Number: 1230263
My Commission Expires: 1-9-2011

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
CHERYL H. RAIKEN, Notary Public
Tredyffrin Twp., Chester County
My Commission Expires January 9, 2011



200 0 400 800
SCALE IN FEET

LEGEND

- SURVEY BOUNDARY
- ROW
- TRACT LINES
- WETLANDS
- 25' MIN. UPLAND BUFFER
- STORMWATER PONDS
- FULL ACCESS

Consultant:

NO.	DATE:	DESCRIPTIONS:
01	03/27/2020	RESUBMIT TO CITY OF APOPKA
00	03/23/2020	SUBMIT TO CITY OF APOPKA

SUBMISSIONS/REVISIONS

VERTICAL DATUM:	NAVD 88
JOB NO.:	18032
DESIGNED BY:	GM
DRAWN BY:	HAL
CHECKED BY:	HI
APPROVED BY:	KH
SCALE IN FEET:	1"=400'

Project Name:

PLANNED DEVELOPMENT/ MASTER PLAN RUBRIGHT PROPERTIES

Jurisdiction:

APOPKA, FLORIDA

Sheet Title:

MASTER SITE PLAN

Sheet No.:

C2.00

Seal:

DATE: April 3, 2020

POULOS & BENNETT

Poulos & Bennett, LLC
2602 E. Livingston St., Orlando, FL 32803
Tel. 407.487.2594 www.poulosandbennett.com
Eng. Bus. No. 28567

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