CITY OF APOPKA

Minutes of the regular City Council meeting held on March 6, 2019, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alice Nolan
Commissioner Alexander Smith
City Attorney Joseph Byrd
City Administrator Edward Bass

PRESS PRESENT: John Peery - The Apopka Chief

INVOCATION & PLEDGE OF ALLEGIANCE: - Mayor Nelson called on resident Linda Laurendeau, who gave the invocation and led in the Pledge of Allegiance. She said on the cold snowy night of March 5, 1770, a mob of American colonist gathered at the customs House in Boston and began taunting British soldiers guarding the building. British soldiers shot and killed five of the American protesters who called themselves Patriots. Some historians regard these five men as the first fatalities of the American Revolutionary War.

APPROVAL OF MINUTES:
1. City Council regular meeting February 20, 2019.

   MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the minutes of February 20, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Nolan voting aye.

AGENDA REVIEW – City Administrator Bass said Ordinance 2700, on the Land Development Code was being moved to the end of the agenda.

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

PROCLAMATIONS:
1. Art & Foliage Festival Weekend Proclamation presented to Apopka Woman's Club.

Mayor Nelson read a proclamation recognizing the GFWC Apopka Woman's Club for hosting the 58th Annual Art & Foliage Festival on April 27 & 28, 2019 in Kit Land Nelson Park. He then presented the proclamation to Theresa Mott and Diane Velazquez, Co-Chairman, and members of the Woman's Club.

PRESENTATIONS:
1. Youth Council.

Kathy Till gave a presentation on a youth program she worked on while here. It was the Apopka Chamber Leadership Program set up to get youth involved and taken a step further by providing opportunities with successful business leaders in the community. Youth were matched with professions for which they were interested. She said the leaders went to the schools and spoke in the classrooms. Students interested in the program had to fill out an application, provide references, and write an essay. The program was limited to juniors and seniors and offered at both Apopka High School and Wekiva High School. Each semester there was a limit of ten students and the students had to follow all rules or they were out of the program. There was also a scholarship opportunity each semester. She declared the opportunity for the City of Apopka to educate individuals about leadership, degrees, and job shadowing was a great idea and it takes someone who is dedicated to the program ready to make a commitment to coordinate the logistics.

PUBLIC COMMENT:
Rod Olson expressed concerns with all of the residential developments and school concurrency. He stated every proposed development has the statement of *"the request is consistent with the surrounding area and there is sufficient infrastructure in school capacity to support it."* He said Apopka elementary schools represents only 8% of all Orange County Schools, yet we house 37% of the overcapacity for the entire County. He stated all the Orange County Schools are over capacity and portables are not a way to educate students. He affirmed that Orange County Public Schools indicates the earliest possible school built in Apopka is in 2026.

Commissioner Bankson advised of a meeting on Tuesday morning at Victory Church, Chamber of Commerce Morning Mingle and Melissa Byrd, our Orange County School Board representative would be present.

CONSENT
1. Authorize Support Services for the 58th Annual Apopka Art & Foliage Festival.
2. Authorize the Police Chief to sign new mutual aid agreement with West Orange Narcotics Task Force.
3. Authorize the Police Chief to sign the revised mutual aid agreement with the Orange County Sheriff's Office.
4. Authorize the issuance of blanket purchase orders.

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

BUSINESS
1. Amendment No. 3 to the Water Reclamation Facility Expansion Engineering and Construction Administration Contract with Tetra Tech, Inc.
   Kevin Becotte, Public Services Director, said this was Amendment 3 to the original contract with Tetra Tech, Inc. approved by City Council on February 3, 2016. Amendment 3 includes additional construction administration services related to changes in the implementation of the project and additional design engineering services. The recommendation is to authorize the City Administrator to execute Amendment 3 to the Water Reclamation Facility expansion engineering and construction administration services in the amount of $229,991.21.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve Amendment No. 3 to the Water Reclamation Facility Expansion engineering and construction contract with Tetra Tech, Inc. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Joint Planning Agreement with Orange County -Third Amendment
James Hitt, Community Development Director, said this is a Third Amendment to the JPA and came about following applicants wanting to annex property to the west and north of the existing Orlando Apopka Airport. The properties were not within the JPA area and must be in order to annex. He advised this is the only area that will be changed on the map to provide for any proposed development adjacent to the airport.

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

MOTION by Commissioner Bankson and seconded by Commissioner Nolan to approve the third amendment to the JPA. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Final Development Plan/Plat – Oak Pointe South
Project: Thompson Hills Estates, LLC
Location: East of SR 429, north of McCormick Road
Bobby Howell, Senior Planner advised having received an email from CFX laying claim to some underlying rights-of-way on this property, specifically Irmalee Lane. He stated if the Council so chooses to approve this item, it could be approved contingent upon the satisfaction of this right-of-way issue being handled. He reviewed the Oak Pointe South Final Development Plan/Plat for a 238 unit residential development consisting of 118 single-family homes, and 120 townhome units within a 69.3 acres PUD. Of this, 8.88 acres are reserved for commercial uses and not subject to this application. He reviewed the location of the project on a map and the surrounding land uses. This will be a gated community with private streets. He advised Irmalee Lane is the main street within the community. Minimum living areas for the single-family units is 1,500 square feet and 1,350 square feet for the townhomes. The DRC and Planning Commission recommended approval. Staff recommends approval subject to the caveat with the CFX on the right-of-way.

City Attorney Byrd advised Council could approve subject to the issues of ownership claim of the right-of-ways by CFX being satisfied. He advised having talked with the attorney for CFX, there are some options to explore.

Commissioner Becker said for the record and validation confirmation that the boundaries north of Major Oak Boulevard, on the perimeter of that particular development, the City does not plan to have any monetary interest in improving that roadway up to Ocoee Apopka and it will be solely dependent upon any future development. Mr. Howell responded in the affirmative.

Adam Dionna, Urban Land Resources, representing the applicant, said they can work through this matter with the Expressway Authority, asked that they be allowed to work through this, and not postpone another month.

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

MOTION by Commissioner Bankson and seconded by Commissioner Nolan to approve the Final Development Plan/Plat for Oak Pointe South subject to issues of ownership by CFX right-of-way worked out. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Final Development Plan – Ramirez Car Sales
Project: Francisco Ramirez & Juana Nuesi, c/o Ken Ehlers
Location: 124 West Main Street
David Moon, Planning Manager, said this is the Final Development Plan for Ramirez Car Sales. He reviewed the location of the site on a map and reviewed the surrounding uses. The site is zoned C-3 Commercial that allows for the sale of new and used vehicles. The proposal is for a 1,960 square foot building that will have offices in the front facing Main Street and the south will have two enclosed bays for maintenance and repair of the vehicles. The parking spaces along Main Street are for display, employee and customer parking is to the southeast corner and storage areas are to the southwest. The handicap space is at the northwest corner. There is a brick wall to screen the storage area. The project meets the requirements of the landscape code, and land development code. The Planning Commission recommends approval.

Ken Ehlers is the engineer of record for the project and available to answer any questions.

Commissioner Nolan inquired if they could move the accessible parking space over to make it easier for van parking.

Mr. Ehlers responded in the affirmative.

Mayor Nelson opened the meeting to a public hearing.
Michelle Chase expressed concerns regarding dollar stores, tires, and tacos along Main Street stating it needs a major facelift and now they are looking at another used car business. She asked Council to reconsider stating she is aware there are legalities with regards to what they can approve or deny. She provided information to the City Administrator that she downloaded from Tulsa, Oklahoma with regard to what they did to restrict and control growth of retail.

No one wishing to speak, Mayor Nelson closed the public hearing.

MOTION by Commissioner Smith, and seconded by Commission Nolan to approve the Final Development Plan of Ramirez Car Sales. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. Final Development Plan – Zaxby's Restaurant
Project: Fletcher MCO, LLC, c/o Kevin Pomet
Location: 920, 928, and 936 East Semoran Boulevard
Jean Sanchez provided a brief lead-in for the Zaxby's Final Development Plan reviewing the location and surrounding uses on an aerial map. They are allowing a longer drive-thru aisle to allow up to 17 cars to stack. This will avoid cars lining up out on Semoran Boulevard. There will be additional landscape buffering to screen the drive aisle and service window. There are

29 parking spaces and 2 ADA compliant spaces. Full access to the site will be provided from S.R. 436 and to further efforts for connectivity there is a cross access easement. Planning Commission recommends approval.

Commissioner Nolan said the accessible parking spaces are up against the building making it safer and easier access. She asked if the accessible parking spaces could be moved.

Commissioner Becker said there was discussion at the Planning Commissioner meeting regarding the disabled parking. He inquired if the accessible requirements on slant parking spaces was worked out. He suggested moving the accessible spaces.

Daniel Young with CHW is here to represent the project explained they did not want to create a safety issue by backing up on S.R. 436 with the drive-thru and this was the reasoning for rotating the building. He reiterated they added landscaping to buffer the drive-thru and have met the intent of the code based on the design guidelines. He stated parking spaces up against the building are difficult to get to and this is why they have the parking on the outside. He said they have added signs not to block the crosswalk and a van accessible sign. He declared this site is extremely constrained and they feel it is in the best interest not to add parking against the building.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve the Final Development Plan for Zaxby's with the understanding they will move the accessible parking. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

6. Master Plan/Preliminary Development Plan – Gateway Plaza
Project: VBRO Enterprises LLC c/o Ashish Kapadia
Location: 2006, 2014, 2022, 2030 and 2038 Rock Springs Road; 41 East Lester Road
Ms. Sanchez reviewed the Master Plan and Preliminary Development Plan (PDP) for Gateway Plaza stating there were 179 proposed parking spaces and 6 accessible spaces. Access will be provide by Rock Springs Road and Lester Road. She reviewed the landscape buffers and said a 6-foot masonry wall will be to the north boundary line. She reviewed renderings of the proposed buildings. The recommendation is to approve the Master Plan and PDP for Gateway Plaza. The Planning Commissioner and DRC recommend approval,

Bill Berkett, Berkett Engineering, Inc., representing the applicant advised they have sent an alternation location for the dumpster for staff to review and they are open to what best works. He advised there will be full access right and left on Lester Road. They did have a traffic study done that documents that traffic movement will work. The traffic study also documented the access to Rock Springs Road should have dedicated right and left exit lanes and this will be worked in the final plans.

Commissioner Becker inquired if there could be something done about the threshold going from Lester Road onto Rock Springs Road due to how traffic slows to cross over.

Mayor Nelson opened the meeting to a public hearing.

Ed Werner inquired what vendors are considered at this location to which Mayor Nelson advised that has not yet been determined.

No one wishing to speak, Mayor Nelson closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to approve the Gateway Plaza Master Plan and Preliminary Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

7. Final Development Plan/Plat - Bridle Path Residential Subdivision
   Project: BB Bridle Path, LLC
   Location: West of Plymouth-Sorrento Road and east of SR 429, approximately one-half mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road
   Bobby Howell gave a presentation on the Bridle Path Residential Subdivision Final Development Plan and Plat for a 152 unit, single-family detached subdivision. He reviewed the location on an aerial map, as well as the character of the surrounding area. This is located within the one-mile radius of State Road 429, Kelly Park Road Interchange. The DRC and Planning Commission recommend approval.

   David Moon advised there is a development agreement underway that will be before Council on March 20, 2019.

   Jimmy Hoffman was present on behalf of the developer and available to answer any questions.

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

   MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve the Bridle Path Plat. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

8. Preliminary Development Plan – Legacy Hills Subdivision
   Project: JEL Land Development, LLC c/o Dustin Lucas
   Location: South of Schopke Road and West of Schopke Lester Road
   Mr. Martinez reviewed the Preliminary Development Plan (PDP) for Legacy Hills for a 48 lot single-family subdivision and reviewed the location on a map. He reviewed the surrounding area and advised the PDP is in accordance with the PUD zoning and Master Plan approved by Council on August 1, 2018. The Planning Commission and DRC recommend approval.

   Mayor Nelson opened the meeting to a public hearing.
   Michelle Chase expressed concern regarding schools and overcrowding and asked if impact fees can be increased and the developers donate money to our schools.

Commissioner Becker said in terms of impact fees, the City does not have the ability to raise fees directly in terms of schools. He stated this conversation needed to be held with our school board member.

Commissioner Bankson reiterated School Board Member Melissa Byrd will be at the Morning Mingle held at Victory Church next Tuesday morning.

No one wishing to speak, Mayor Nelson closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve the Legacy Hills Preliminary Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

9. Preliminary Development Plan – Ponkan Reserve Residential Subdivision
Project: Ponkan Reserve South, LLC, c/o Chuck Hiott, P.E.
Location: 318 and 326 West Ponkan Road
Ms. Sanchez reviewed the Preliminary Development Plan for Ponkan Reserve Residential Subdivision and the location of the property. The PDP proposes a development of 14 single-family residential lots with a minimum typical lot width of 95 feet with a typical lot size of 13,500 square feet. The required minimum living area is 1,700 square feet. Ingress/egress will be via Ponkan Road. She reviewed proposed plan and landscape plan. DRC and Planning Commission recommend approval.

Brett Tobias is present representing the applicant and is available for any questions.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve the Preliminary Development Plan for Ponkan Reserve. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

2. Ordinance No. 2713 – Second Reading Annexation
Project: Mary F. Reid Estate
Location: 1506 Rock Springs Road
The City Clerk read the title as follows:

ORDINANCE NO. 2713

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY MARY F. REID ESTATE; LOCATED AT 1506 ROCK SPRINGS ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Bobby Howell. Planner, advised there have been no changes since the first reading.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to adopt Ordinance No. 2713. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Ordinance No. 2690 – Reconsideration of the First Reading - Comprehensive Plan – Large Scale – Future Land Use Amendment
   From Residential Estates to Residential Very Low Suburban
   Project: Carrol M. and Patricia A. Hamrick
   Location: North of West Ponkan Road and west of Mount Sterling Avenue
   The City Clerk read the title as follows:

ORDINANCE NO. 2690

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL ESTATES TO RESIDENTIAL VERY LOW SUBURBAN FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST PONKAN ROAD AND WEST OF MOUNT STERLING AVENUE, OWNED BY CARROL M. HAMRICK; COMPRISING 35.21 ACRES MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

David Moon, Planning Manager, said City Council at their meeting on December 5, 2018, voted to postpone the reading of this ordinance to February 6, 2019. At the February 6, 2019, meeting Council decided to deny, then on February 20, 2019, Council voted to reconsider Ordinance 2690. The ordinance is back before Council for reconsideration.

City Attorney Byrd said the applicant determined after the initial denial that they would proceed under the current zoning and current code with the intention to build and connect to Mt. Stirling Avenue as their primary access point. He opined that a landowner has the right to have reasonable access to a public road. In order to try and make sure that would not be the case, as we have heard from the residents of Rock Springs Ridge they do not want. He disclosed he is officially a resident of Rock Springs Ridge. He advised he met with the HOA board and several residents from Rock Springs Ridge and stated their attorney produced a memorandum that outlined the rights of the developer, which included they have the right to reasonable access to the public road. He declared Council concluded if an agreement could be reached with the developer that they would not connect to Mt. Stirling Avenue, Council would reconsider the denial for approval and at the same time approve a development agreement. He and Mr. Searl worked together on a draft development agreement and pointed out a revision of instead of a 10-foot minimum buffer, there will be a 25-foot buffer between Mt. Stirling and the development. He shared this agreement with the attorney for the residents and there was concern regarding whether an emergency connection to Mt. Stirling Avenue would be a future connection, which he stated it would not be a connection, and only for emergency purposes.

In response to Commissioner Bankson as to how far it would have to be developed for them to have a Pittman Road access, Mr. Moon advised it was approximately 3/4 of a mile.

Commissioner Becker inquired if we had to have the emergency access to Mt. Stirling to which City Attorney Byrd advised it was not, that it was vaguely mentioned in the agreement so that it could be used if the stub out to the south is not going to be used. He stated the purpose of the agreement was to make sure there was not connectivity to Mt. Stirling.

Jason Searls, representing the applicant, said he concurred with the staff report and excited for the opportunity. He and Mr. Summit are present to answer any questions and would request time to respond after public input.

Mayor Nelson opened the meeting to a public hearing.
Jimmy Crawford, Attorney representing approximately 20 residents in Rock Springs Ridge, and said they appreciate the pause and thoughtful deliberation this Council has given this project. He stated their main concerns are addressed by this agreement, but they do have a couple of tweaks to ask for. He said the residents believe this is the first step in trying to close off the potential access to the south via Mt. Stirling as contemplated in the Comprehensive Plan. They all believe this not to be a great idea and request no emergency access. He stated there was plenty of room to put two accesses off of Pittman Road and this is much closer to the Fire Station. Secondly they appreciate the 25 foot buffer and request a clause be added to allow existing vegetation be left where feasible.

Hank Dunn said he was directly affected by this development. He stated there seems to be some things that were resolved prior to this meeting. He said he did not understand why the use of Mt. Stirling for an emergency exit would be an issue when there were other areas that could be utilized. He reiterated that he and the residents that live on Mt. Stirling prefer no exit, emergency or nonemergency. Other concerns expressed was how the road was wide upon entering Rock Springs Ridge, but then it narrows as it reaches their area. He said they were concerned the buffer was going to be clear cut and appreciate the tree boundary being left there. He also expressed concern regarding impact fee credits attached to this. He stated he appreciated the help in working through this.

Michelle Chase said the proposal goes from 35 units to 70 units and she asked how many units were required before you need a secondary entrance, to which Commissioner Becker advised the current code does not have a specific number. She stated this was such a small subdivision and that entrance needs to be protected at all costs.

Glen Chancy thanked Council and staff for their work on this. They appreciate the fact there will be a written agreement. He acknowledge the Council did not represent themselves as individual citizens of Apopka or Orange County they represented the interest of the City of Apopka. He said the citizens did not have good access to Orange County or the School Board, but they did have access to the City Council. He said the purpose of democracy is to diffuse conflict, which is what is being done here and those interests are needed to be represented at higher levels of government.

No one else wishing to speak, Mayor Nelson closed the public hearing.

City Attorney Byrd said he discussed with Mr. Searls and they are in agreement to strike from the agreement the phrase *"for nonemergency vehicle access to or from the property."* He stated they were willing to do their best to leave the natural vegetation.

Jason Searls acknowledged discussions with Mr. Byrd and Mr. Crawford and making sure this is feasible.

MOTION by Commissioner Smith, and seconded by Commissioner Nolan to approve Ordinance 2690 at first reading and approve transmittal to the state subject to the developer agreement. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to approve the Land Development Agreement as presented with a 25-foot buffer maintaining as much existing foliage as possible, and closing the emergency ingress/egress to Mt. Stirling. Motion carries unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Ordinance No. 2703 – First Reading – Comprehensive Plan – Small Scale – Future Land Use Amendment
From "County" Rural (FLU-IP) to "City" Mixed Use
Project: CHS Management Corp.
Location: East of Plymouth Sorrento Road, north of Ponkan Pines Drive
The City Clerk read the title as follows:

ORDINANCE NO. 2703

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDMENT THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING tTHE FUTURE LAND USE DESIGNATION FROM "COUNTY" RURAL TO "CITY" MIXED USE FOR CERTAIN REAL PROPERTY GENERALL LOCATED EASST OF PLYMOUTH SORRENTO ROAD AND NORTH OF PONKAN PINES DRIVEM COMPRISING 6.97 ACRES, MORE OR LESS AND OWNED BY CHS MANAGEMENT CORP.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION by Commissioner Smith and seconded by Commissioner Bankson to postpone Ordinance No 2703 to Aril 3 & 17, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. Ordinance No. 2708 - First Reading - Change of Zoning – Springs Ridge Gardens Subdivision
From "County" A-1 (ZIP) to "City" KPI-MU
Project: Landco Development Group, LLC
Location: 2309 and 2405 West Kelly Park Road

The City Clerk read the title as follows:

ORDINANCE NO. 2708

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" KELLY PARK INTERCHANGE MIXED-USE (KPI-MU), AND ASSIGNING A KELLY PARK CROSSING NEIGHBORHOOD OVERLAY DISTRICT, FOR CERTAIN REAL PROPERTY LOCATED AT 2405 AND 2309 W. KELLY PARK ROAD, COMPRISING 39.47 ACRES MORE OR LESS, AND OWNED BY LANDCO DEVELOPMENT GROUP, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Howell presented the change of zoning for Spring Ridge Garden advising this is in the Kelly Park Interchange area. The property never received a zoning change after annexation. This will be a single-family subdivision subject to the Form Base Code. He reviewed the location and surrounding properties. The recommendation is to approve the first reading of Ordinance 2708 and carry it over for a second reading. The DRC and Planning Commission recommend approval.

Jeff Summit is representing the applicant and said they agree with the staff report and are present to answer any questions.

Mayor Nelson opened the meeting to a public hearing.
Chip Henry said he lives within 400 feet of the development and he is here representing himself and his neighbors. He raises cattle, his neighbors have horses and there is no partitions, only shrubs on the plan next to their properties. He met with city staff regarding this matter to look for a resolution. They came up with requiring a wrought iron fence spanning the entire 800-foot length of the rear of this property. He asked if this could be a 6-foot fence. He said this would be a proactive measure to prevent future issues.

Mr. Summitt said the applicant did not object to putting in a wrought iron fence.

No one else wishing to speak, Mayor Nelson closed the public hearing.

MOTION by Commissioner Smith, and seconded by Commissioner Nolan to approve Ordinance 2708 at first reading and carry over for a second reading with the caveat that the applicant will install a fence adjacent to the agriculture properties. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

6. Ordinance No. 2711 – First Reading - Comprehensive Plan – Large Scale – Future Land Use Amendment from Commercial (Max. FAR 0.25) & Residential Medium (0-10 DU/AC) to Mixed Use
   Project: Emerson Point Phase II, LLC, c/o Mike Wright

Location: North of S.R. 414 & East of Marden Road

ORDINANCE NO. 2711

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL AND RESIDENTIAL MEDIUM TO MIXED USE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF MARDEN ROAD AND NORTH OF STATE ROUTE 414, OWNED BY EMERSON POINTE PHASE II, LLC; COMPRISING 69.88 ACRES MORE OR LESS PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Martinez reviewed the Large Scale Comprehensive Plan Amendment and the location of the project, as well as surrounding properties. The properties are within proximity of S.R. 429 and multi-family uses. The Planning Commission recommends approval and transmittal.

Luke Clauson, representing the applicant said today is only the future land-use amendment. They are looking to do the rezoning as PUD in the future.

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

MOTION by Commissioner Smith, and seconded by Commissioner Nolan to approve Ordinance 2711 at first reading and approve transmittal to the state. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

1. Ordinance No. 2700 – Second Reading – Land Development Code Update (moved under agenda review)
   Project: City of Apopka
   The City Clerk read the title as follows:

ORDINANCE NO. 2700

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ADOPTING AND ENACTING A NEW CODE FOR THE LAND DEVELOPMENT CODE, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Jim Hitt, Community Development Director, reviewed the proposed Land Development Code (LDC) going over the proposed revisions. He advised the major and minor development changes was brought down to 25 units and 25,000 square feet. The other change, mixed-use projects of 25 residential dwelling units and 25,000 square feet changed to and/or so it will come to Council. He reviewed the Planned Development percentages so that it is 75% of residential lots for the phase shall not be 50-feet or less, and also added in any increase or decrease will be at Council's discretion.

Commissioner Becker said he wanted this to be Council's right to consider and he suggested the following language: "Any increase or decrease in lot width or percentage may be requested for City Council to consider. "

City Attorney Byrd said it has been suggested that rather than saying "may", to use the language "may accept, deny, or accept the plan with condition" and this should cover this issue.

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

MOTION by Commissioner Becker, and seconded by Commissioner Nolan, to adopt Ordinance No. 2700 as per the language on record for Section 3.7.2 Planned Development District, Section F, Section 1, and Section E as it relates to council discretion. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

7. Resolution 2019-07 – State Board of Administration Investment Account Update
The City Clerk read the title as follows:

RESOLUTION NO. 2019-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AUTHORIZING THE MAYOR, CITY ADMINITRATOR, OR FINANCE DIRECTOR TO INVEST CITY FUNDS WITH THE STATE BOARD OF ADMINISTRATION ACCORDING TO APPLICABLE LAWS OF THE STTATE OF FLORIDA; ESTABLISHING AN FFECTIVE DATE.

Jamie Roberson. Finance Director reviewed the State Board of Administration Investment Account stating this brings the account up to date with current signatures. The recommendation is to approve Resolution 2019-05.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve Resolution No. 2019-07. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

CITY COUNCIL REPORTS

Commissioner Nolan reported she would not be in attendance at the next Council meeting.

Commissioner Bankson expressed concerns regarding the Taurus agreement with Dubsdread and the effect of the main entrance with the construction.

City Attorney Byrd said he would look more specifically into this, but the City would be limited.

Commissioner Bankson asked how Council can approach and get Orange County to focus on our school needs.

Mayor Nelson said he would put together a letter for all of Council to sign.

CITY ADMINISTRATOR'S REPORT – No report

CITY ATTORNEY'S REPORT – No report

MAYOR'S REPORT – Mayor Nelson announced the concert for May 4, 2019, is looking good and the seats are sold out, but general admission is still available. He reported Rotary's Apopka Fair starts Thursday night and will run through the weekend.

Mayor Nelson reported staff from Rick Scott's office are utilizing his back conference room until they can obtain office space.

ADJOURNMENT: There being no further business the meeting adjourned at 4:23 p.m.

ATTEST:

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Bryan Nelson, Mayor

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Linda F. Goff, City Clerk