



APOPKA PLANNING COMMISSION AGENDA

JANUARY 14, 2020 5:30 PM
APOPKA CITY HALL COUNCIL CHAMBERS

CALL TO ORDER

OPENING AND INVOCATION

ELECTION OF OFFICERS

1. Chairperson
2. Vice-Chairperson

APPROVAL OF MINUTES

1. Approve minutes of the Planning Commission meeting held December 10, 2019

PUBLIC COMMENT PERIOD

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

LEGISLATIVE:

Public Hearing

1. Comprehensive Plan – Small Scale - Administrative – Future Land Use Amendment – Dream Lake Park
From: Residential Low (0-5 du/ac)
To: Parks & Recreation (Max. 0.2 FAR)
Project: City of Apopka
Location: South of Laurel Street, west of North Park Avenue
Project Manager: Phil Martinez
2. Change of Zoning – Administrative – Dream Lake Park
From: RSF-1B (Residential Single Family – Large Lot District)
To: PR (Parks & Recreation District)
Project: City of Apopka
Location: South of Laurel Street, west of North Park Avenue
Project Manager: Phil Martinez
3. Comprehensive Plan – Small Scale – Future Land Use Amendment
From: Residential Low & Residential High
To: Industrial (Max. 0.6 FAR)
Project: Marshall Lake Properties, LLC
Location: 780 Marshall Lake Road
Project Manager: Phil Martinez

4. Change of Zoning
From: RSF-1B (Residential Single Family – Large Lot District) & RMF (Residential Multi-Family District)
To: I-L (Light Industrial District)
Project: Marshall Lake Properties, LLC
Location: 780 Marshall Lake Road
Project Manager: Phil Martinez
5. Change of Zoning
From: T (Transitional District)
To: AG (Agriculture District)
Project: SMK Properties, LLC
Location: South of West Hammon Drive, north of S.R. 414
Project Manager: Phil Martinez

Site Plans

1. Plat – Country Crossing Estates
Project: Holston Properties and Development, LLC and Phillips Park XVI, LLC
Location: North of West Lester Road, west of Vick Road (2580 Vick Road)
Project Manager: Bobby Howell
2. Preliminary Development Plan - Faircloth Lakes Subdivision
Project: Holston Properties and Development, LLC
Location: West of SR 451, east of Marshall Lake, south of Ralph Poe Drive, north of Marshall Lake Road
Project Manager: Bobby Howell

QUASI-JUDICIAL

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.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON DECEMBER 10, 2019, AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

ABSENT: Orange County Public Schools (Non-voting)

STAFF PRESENT: Joseph Byrd – City Attorney, James Hitt, FRA-RA – Community Development Director, David Moon, AICP – Planning Manager, Jean Sanchez – Planner II, and Jeanne Green – Recording Secretary.

OTHERS PRESENT: Jonathan Huels, W. B. O'Donoghue, Teresa Sargeant, Marie Blandine, Jean Blandine, Jordan Strasberg

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

ANNOUNCEMENT: Commissioner Laurendeau commended Jeanne Green on her 25 years and Officer Wiggins' 20 years service with the City.

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of November 12, 2019, at 5:30 p.m.

Motion: Howard Washington made a motion to approve the Planning Commission minutes from the regular meeting held on November 12, 2019, 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, Butch Stanley, and Howard Washington (7-0)

Chairperson Greene asked if there were any corrections or additions to the workshop minutes of November 12, 2019, at 8:00 p.m.

Motion: Howard Washington made a motion to approve the Planning Commission minutes from the workshop held on November 12, 2019, at 8:00 p.m. and seconded by William Gusler. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, Butch Stanley, and Howard Washington (7-0)

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

LAND DEVELOPMENT CODE AMENDMENT – “GLITCHES” – Chairperson Greene stated this is a request to recommend approval of the City of Apopka Land Development Code Glitch Amendments.

Staff Presentation: James Hitt, FRA-RA, Community Development Director, stated that on December 11, 2018, the Planning Commission recommended adoption to the City Council of the update to the Land Development Code. On March 6, 2019, the Apopka City Council formally adopted Ordinance No. 2700 approving the update for the Land Development Code (LDC).

Staff had presented this as the first major rewrite for the LDC and that minor updates or “glitch” amendments would be needed to help clarify some of the new text, graphics and content. This is the first set of amendments that staff has identified to help with those clarifications. The amendments effect five of the 10 Articles and Appendix A – Kelly Park Interchange Form-Based Code, and about 19 Sections within those Articles. Because of the length of each section and sub-section being recommended for amendments, staff has provided within the staff report a Glitch Amendment Summary List and the full Ordinance No. 2745 for reference.

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

Motion: Butch Stanley made a motion to recommend approval of the City of Apopka Land Development Code Glitch Amendments. Motion seconded by William Gusler. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, Butch Stanley, and Howard Washington (7-0)

LEGISLATIVE - COMPREHENSIVE PLAN – TEXT AMENDMENT – FUTURE LAND USE ELEMENT – POLICY 3.1.h - Chairperson Greene stated this is a request to recommend transmittal of the proposed text amendment of the City of Apopka Comprehensive Plan, Future Land Use Element, Policy 3.1.h that would allow higher density residential development where transportation facilities and infrastructure can support the residential density increase.

Staff Presentation: David Moon, AICP, Planning Manager, stated this is a request to recommend transmittal of the proposed text amendment of the City of Apopka Comprehensive Plan, Future Land Use Element, Policy 3.1.h that would allow higher density residential development where transportation facilities and infrastructure can support the residential density increase.

A text amendment to the Comprehensive Plan, per Florida Statute 163, is processed similar to a large-scale future land use amendment. After recommendation from the Planning Commission, the City Council transmits the amendment to the Florida Department of Economic Opportunity and other State agencies for a determination of consistency with State planning policies.

Based on development trends and market demands for multi-family development, particularly multi-story apartment buildings, a need exists for higher density residential development where transportation facilities and infrastructure can support the residential density increase. Presently, the Comprehensive Plan limits the maximum density to 15 residential units per acre within the Residential High Density Future Land Use Designation. Planning staff recommends an amendment to Policy 3.1.h of the Future Land Use Element, Residential High Density to accommodate a maximum of 25 units per acres for strategic areas of Apopka. These strategic areas are delineated within the maps provided in Exhibit “A”.

Policy 3.1.h will be divided into two subcomponents – HDR-15 and HDR-25. The HDR-15 designation will continue to allow a maximum of 15 dwelling units per acre while the new HDR-25 will allow a minimum of 15 dwelling units per acre and a maximum of 25 dwelling units per acres. A property owner interested in pursuing the HDR-25 designation, must meet the location criteria set forth in the amendment to Policy 3.1.h.

Exhibit “A” provides the proposed amendment to Policy 3.1.h. of the Future Land Use Element and Exhibit “B” illustrates the five strategic areas where the HDR-25 Designation can be assigned subject to a Future Land Use Map Amendment approved by City Council.

Staff recommended the Planning Commission recommend approval of the amendment to Policy 3.1.h of the Future Land Use Element, Apopka Comprehensive Plan; and recommend transmittal to the Florida Department of Economic Opportunity.

In response to question by Commissioner Gusler, Mr. Moon stated that a special exception would be required for structures that exceed the height restrictions in the Code.

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

Motion: Linda Laurendeau made a motion to recommend approval of the proposed text amendment of the City of Apopka Comprehensive Plan, Future Land Use Element, Policy 3.1.h that would allow higher density residential development where transportation facilities and infrastructure can support the residential density increase; and transmittal to the Florida Department of Economic Opportunity. Motion seconded by Robert Ryan. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, Butch Stanley, and Howard Washington (7-0)

LEGISLATIVE – PUD MASTER PLAN – OAK POINTE - Chairperson Greene stated this is a request by the applicant to recommend approval of an amendment to the Oak Pointe PUD Master Plan Master Landscape Plan to modify the western perimeter landscape buffer yard to replace the wall with a fence and to change landscape plantings for the property owned by Thompson Hills Estates, LLC, c/o Malcolm Jones and located east of Ocoee-Apopka Road, north of McCormick Road.

Staff Presentation: Mr. Moon stated this is a request by the application to recommend approval of an amendment to the Oak Pointe PUD Master Plan Master Landscape Plan to modify the western perimeter landscape buffer yard to replace the wall with a fence and to change landscape plantings for the property owned by Thompson Hills Estates, LLC, c/o Malcolm Jones and located east of Ocoee-Apopka Road, north of McCormick Road. The applicant is Jonathon Huels, Esquire. The existing use is an approved Oak Pointe PUD Master Plan. The future land use designation is Residential Low (0–5 units per acre). The current zoning is Orange County A-1 and City of Apopka PUD. The affected area is approximately 2,900 linear feet along S.R. 429 and the entire PUD area consists of 69.38 +/- acres.

On December 20, 2017 the City Council approved Ordinance 2584, which approved a PUD Master Plan for a 69 +/- acre residential development known as Oak Pointe with 118 single family homes and 106 townhomes, and subsequently approved an amendment in 2018 to amend the PUD Master Plan to add an additional enclave parcel to the project area and to increase the number of residential units to comprise 118 single family homes and 120 townhomes. The Oak Pointe Master Plan includes two community parks – a community pool facility and a community park to be shared by both the townhome and single-family communities.

The current approved Master Landscape Plan incorporated into the PUD Master Plan has continued to remain the same in the original MUP Master Plan and the amendment approved in 2018. Within the Master Landscape Plan for Oak Pointe, the eastern perimeter buffer abutting S.R. 429 is comprised of a ten-foot wide buffer yard with a brick or masonry wall and canopy trees. A diagram of the approved wall is provided in the exhibits together with the approved Master Landscape Plan for Oak Pointe.

The applicant is requesting an amendment to the eastern buffer yard to replace the brick or mason wall with a vinyl-type fence and to modify the tree plantings and to modify the landscape ground plantings.

The proposed modification to the Master Landscape Plan is not consistent with the existing approved Master Plan, necessitating an amendment to the it. In the case of the Binion Reserve residential subdivision, located west of Binion Road and abutting S.R. 4429 the City did not support the replacement of a brick wall with a fence and additional landscaping.

Situated abutting S.R. 429, the western perimeter landscape buffer extends a length of approximately 2,900 lineal feet. The reason the applicant provided for a need to replace the wall with a fence was related to a cost savings. While the eastern edge of the pavement for S.R. 429 is 85 to 93 feet from the western-most perimeter of the Oak Pointe PUD project boundary line, regional long-term growth could result in S.R. 429 expanding from four-lanes to six-lanes in the future.

The amended PUD Master Plan includes 120 townhomes and 118 single family homes within a gated community with private streets. A single master homeowners association will serve both the single-family homes and townhomes. The following development standards are proposed:

- Single family lots typically have a minimum width of 70 feet and a minimum lot area of 8,400 sq. ft., a minimum house livable area of 1,500 sq. ft., and a minimum two-car enclosed garage. A small percentage of single-family lots (6.8% totaling 8 lots) have a minimum typical lot width of 65 feet and a minimum lot area of 7,800 sq. ft., also with a minimum house livable area of 1,500 sq. ft. and a minimum two-car enclosed garage. No three-car garages are allowed.
- Townhomes will have a minimum lot width of 23 feet and a minimum lot area of 2,530 sq. ft. All townhome units offer a one-car enclosed garage. No two-car enclosed garages are proposed by the developer. Seventy-five (75) units have a one-car driveway; 31 units have a two-car driveway. On-Street parking and a parking lot are provided for the townhomes and community park (Tract K-6).
- Two parks are provided and will be accessible to all residents. Tract N-1 provides a community swimming pool and a cabana with a parking lot. A second community park provides outdoor recreation on 2.03 acres (Tract K-6) and includes a fenced-in dog park.
- Access to the Oak Pointe Community will occur through a road connection to McCormick Road and a future road connection to Ocoee-Apopka Road. A gate will be located at both the north and south entrances. An emergency gate will be located on the eastern boundary, connecting to Pelock Drive within the Apopka Woods community.
- Perimeter buffers include: a ten-foot buffer with a six-foot high brick wall along the western property line adjacent to S.R. 429, a six-foot high vinyl fence within a ten-foot buffer next to the Apopka Woods community and next to the County's Northwest Reclamation facility.

Amenities: The Master Plan includes two recreation tracts:

1. Tract N-1 – 0.8 acres

- Swimming Pool.
- Pool area surrounded by a 36" viburnum hedge, crepe myrtles, magnolia trees, live oak trees, and approved ground cover.
- Pool parking lot - 13 parking plus one handicap parking space.
- Bike rack located adjacent to parking lot.

- 2,200 +/- SF Cabana located next to the pool surrounded by landscaping that blends with the pool landscaping.
- The cabana will be partially open, with the open area surrounded by a four-foot metal guardrail/ fence.
- A paved sidewalk from the Cabana connects to the sidewalk along Street I.
- An outdoor shower will be placed on both the east and west sides of the building.
- The pool and cabana are appropriately located near the center of the development, easily accessible to both the single-family residential units and the townhome.

2. Tract K-6 – 2.05 acres

- Two multi-purpose playing fields.
- Mulched walking trail around the perimeter of the Tract.
- Paved sidewalk will be placed along the west side of the park, connecting Street I with the Tot Lot, Dog Park, and parking lot.
- Paved sidewalk will connect the parking lot at Tract O-1 with the paved sidewalk along the west side of the park.
- Three picnic tables.
- Litter receptacle - 24" X 30" size.
- Eight benches, each with armrests.
- Tot Lot with playground equipment – slides, climbing equipment.
- Dog park with five-foot-high vinyl coated chain link fence, screened with a viburnum hedge.
- Dogipot aluminum pet station with pet waste receptacle.
- Dog park will be handicap accessible.
- Bike rack located in Tract K-5, between the parking lot and sidewalk along the west side of the park.
- Pedestrian level lighting
- Park area surrounded by a viburnum hedge, sabal palms, crepe myrtles, magnolia trees, live oak trees, and approved ground cover.

The proposed amendment does not conflict with any policy of the Comprehensive Plan.

The proposed PUD Master Plan amendment does not create any additional residential units or increase in student enrollment, creating no additional impact on public schools.

Notification to Orange County occurred through the DRC agenda distribution.

The Development Review Committee reviewed the amendment to the western bufferyard and found that the change is a policy decision to be addressed by the Planning Commission and City Council. If approved by City Council, the amendment leaves an opportunity for other proposed development applications to make a similar request. Planning staff does not support the request because it establishes a precedent that may be requested by other developments proposed along State highways or other major roadways.

This is a policy decision to be made by City Council with recommendation from the Planning Commission.

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.

In response to questions by Commissioner Ryan, Mr. Moon stated Planned Unit Developments allow for flexible standards and procedures but is not meant to circumvent the variance process. It allows specific standards; however, those standards must meet the intent of the buffer requirements within the Land Development Code. Another issue is, if this is approved, this will set a precedence for other developers with projects along the major roadways.

Jonathan Huels, Lowndes Law Firm, 215 N Eola Dr, Orlando, stated he represented the developer and noted that the Development Review Committee did not make a recommendation on the master plan amendment. He presented sections of the type of fencing being proposed and noted that the Bridlewood development off of Lester Road was approved to use this same type of buffer.

Commissioner Laurendeau commented that the Bridlewood development was adjacent to the Avian Reconditioning Center.

Commissioner Gusler stated that using this type of buffer for a development next to agricultural land was completely different from along a major highway. He said this request was strictly a cost containment effort and the applicant has not provided a compelling reason to amend the Master Plan to allow this type of fencing rather than a brick/masonry wall.

Mr. Huels agreed that there would be a financial impact. He added that the primary reason for a wall is security and noise abatement; however, the proposed fencing would provide the same security and noise abatement. He said the required wall is purely aesthetic.

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

Motion: William Gusler made a motion to recommend denial of the applicant's request to amend the Oak Pointe PUD Master Plan Master Landscape Plan to modify the western perimeter landscape buffer yard to replace the wall with a fence and to change landscape plantings for the property owned by Thompson Hills Estates, LLC, c/o Malcolm Jones and located east of Ocoee-Apopka Road, north of McCormick Road. Motion seconded by Robert Ryan.

In response to a question by Commissioner Ryan, Mr. Moon stated that staff did not make a formal recommendation.

Commissioner Ryan stated there did not appear to be any hardship on the owner.

Commissioner Gusler stated the staff report states "Planning staff does not support the request because it establishes a precedent that may be requested by other developments proposed along State highways or other major roadways."

Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, Butch Stanley, and Howard Washington (7-0)

LEGISLATIVE – PLAT – ALTA EAST SHORE - Chairperson Greene stated this is a request to find the Alta East Shore Plat consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Alta East Shore Plat, subject to the findings of the staff report for the property owned by Go Growth One, LLC, c/o Michael Kirchner, and located at 2001 and 2209 South Binion Road.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to find the Alta East Shore Plat consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Alta East Shore Plat, subject to the findings of the staff report for the property owned by Go Growth One, LLC, c/o Michael Kirchner, and located at 2001 and 2209 South Binion Road. The applicant is WP South Acquisitions, LLC, c/o Bryan F. Borland, Vice President. The engineering firm is Madden, Moorhead & Stokes, Inc., c/o David Stokes, P.E. The future land use is Mixed-Use and the zoning is MU-ES-GT (Mixed-Use East Short Gateway subdistrict). The existing use is vacant land and the proposed use is multi-family Development and Commercial. The multi-family development, a future development, is 19.39 +/- acres; Commercial Outparcel 1, also a future development, is 2.66 +/- acres; and Commercial Outparcel 2 is 2.18 +/- acres; and the entire tract size is 24.23 +/- acres. The applicable code is the 2019 Land Development Code.

The Alta East Shore – Major/Preliminary Development Plan is a mixed-use development within the Mixed-Use East Shore-Gateway (MU-ES-GT) zoning district. The project consists of 285-unit multi-family residential gated community and two commercial outparcels. The commercial outparcels are located in the northern portion of the site and are proposed as future developments. The commercial outparcels will be developed under separate submittals in the future.

Access to this project and the future outparcels is via Harmon Road with intent of pedestrian cross access to future commercial outparcels. There is also right-in and right-out access proposed on Binion Road.

The Development Review Committee recommended approval of the Alta East Shore Plat, finding it consistent with the approved Alta East Shore Major Development Plan and Construction Site Plan.

Staff recommended the Planning Commission find the Alta East Shore Plat consistent with the Land Development Code, subject to the Alta East Shore Major Development Plan and 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 Plat based on consistency with the Comprehensive Plan and Land Development Code, and the approved Alta East Shore – Major Development Plan and Construction Site Plan.

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 find the Alta East Shore Plat consistent with the Comprehensive Plan and Land Development Code; and recommend approval of the Alta East Shore Plat, subject to the findings of the staff report for the property owned by Go Growth One, LLC, c/o Michael Kirchner, and located at 2001 and 2209 South Binion Road. Motion seconded by Howard Washington. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, Butch Stanley, and Howard Washington (7-0)

QUASI-JUDICIAL - VARIANCE – ELI DOS SANTOS, c/o JORDAN STRASBERG – Chairperson Greene stated the following item is “quasi-judicial” for the Commission’s consideration. This is a request to approve a variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article X, Section 10.2.4(B), to reduce the rear yard setback requirement from fifteen feet to five feet for the property owned by Eli Dos Santos c/o Jordan Strasberg and located at 727 Bay Bridge Circle in the Clear Lake Landing Subdivision.

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: Mr. Martinez stated this is a request to approve a variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article X, Section 10.2.4(B), to reduce the rear yard setback requirement from fifteen feet to five feet for the property owned by Eli Dos Santos c/o Jordan Strasberg and located at 727 Bay Bridge Circle in the Clear Lake Landing Subdivision. The future land use is Residential Low and the zoning is RSF-1B (Residential Single-Family– Large Lot). The existing and proposed use is a single family residence. The tract size is 0.21 +/- acre. The applicable code is the 2019 Land Development Code.

Applicant is requesting a variance from Section 10.2.4(B) –Attached screen room, screen enclosure, and/or decks shall be restricted to the rear yard as accessory structure in accordance with the following:

A. Decks, porches (screened or unscreened), stoops, or exterior stairways may extend up to five feet into any required minimum yard (required minimum yard within the RSF-1B zoning district is twenty feet).

- *Applicant Request* - Allow reduction of rear yard accessory setback requirement from fifteen feet to five feet.

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 10.2.4(B) – Decks, porches (screened or unscreened), stoops, or exterior stairways may extend up to five feet into any required minimum yard.
- 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.

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 land allows pools with screens into this setback so it should allow a screened patio for outdoor seating.

Staff's Response: No objection. The 1993 Land Development Code allowed for a screen room to have a rear yard five foot wide setback and the 2019 Land Development Code permits a screen room to extend up to five feet into any required minimum yard. In this case, the required minimum yard within the RSF-1B zoning district is twenty feet.

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

Applicant's Response: This costs the homeowner more money. Will increase the value and aesthetics of the property

Staff's Response: No objection.

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

Applicant's Response: Area in question is in the rear so it will not cause congestion on any surrounding public streets.

Staff's Response: No objection.

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

Applicant's Response: The proposed area will only add aesthetic value and match other homes in the surrounding area.

Staff's Response: City staff does not hold professional expertise to address property values.

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

Applicant's Response: Same as above. The proposed area will only add aesthetic value and match other homes in the surrounding area.

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 proposed variance is in harmony with the general intent of the LDC because it matches other homes in the area with screened in pools.

Staff Response: No objection. The subject property abuts Tract H, a fifteen-foot wide open space/landscape buffer. The proposed screen room location would be setback twenty feet from the Lust Road right-of-way, if variance application is granted.

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

Applicant's Response: No special conditions/circumstances are in play here. Again, this is a basic screened in patio that will match other surrounding homes with screened in pools.

Staff Response: No objection.

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

Applicant's Response: Screened in patio will protect the outside from coming into the patio. No hazards or detriments will exist.

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: Very basic screened in patio which is common amongst most homes within this area and within the entire State of Florida.

Staff Response: No objection.

The role of the Planning Commission is to review the application at a quasi-judicial hearing and to decide, based on the review standards in Section 2.5.5(A)(5) Standards, 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.

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.

Jordan Strasberg, General Contractor, 55 West Church Street, #3019, Orlando, stated he was the contractor for the deck installation. When the deck permit was submitted, Planning and Zoning erroneously approved the permit even though the deck encroached into the setback. Now that the owner wants to screen in the deck a variance is being required.

In response to questions by Commissioner Gusler, Mr. Strasberg stated the screen room is being installed by another general contractor. The deck was designed for a screen room and not a structure. Decks or slabs for structures have more stringent requirements.

Mr. Hitt stated there is no approval required by the homeowner's association.

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 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 Eli Dos Santos c/o Jordan Strasberg and located at 727 Bay Bridge Circle. Motion seconded by Linda Laurendeau. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, Butch Stanley, and Howard Washington (7-0).

Motion: Mary Norwood made a motion to find that sufficient information occurs to accept each of the nine variance criteria and to approve a variance of the City of Apopka Code of Ordinances, Part III, Land Development Code, Article X, Section 10.2.4(B), to reduce the rear yard setback requirement from fifteen feet to five feet for the property owned by Eli Dos Santos c/o Jordan Strasberg and located at 727 Bay Bridge Circle in the Clear Lake Landing Subdivision. Motion seconded by William Gusler. Aye votes were cast by James Greene, Linda Laurendeau, William Gusler, Mary Norwood, Robert Ryan, Butch Stanley, and Howard Washington (7-0).

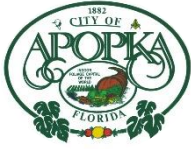
OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting was adjourned at 7:15 p.m.

James Greene, Chairperson

James K. Hitt, FRA-RA
Community Development Director



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ SITE PLAN
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: January 14, 2020
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: COMPREHENSIVE PLAN – SMALL SCALE – ADMINISTRATIVE FUTURE
LAND USE AMENDMENT – CITY OF APOPKA

REQUEST: COMPREHENSIVE PLAN – SMALL SCALE – ADMINISTRATIVE FUTURE
LAND USE AMENDMENT – CITY OF APOPKA
FROM: RESIDENTIAL LOW (0-5 DU/AC)
TO: PARKS & RECREATION (MAX. 0.2 FAR)

SUMMARY:

OWNER/APPLICANT: City of Apopka
LOCATION: South of Laurel Street & West of N. Park Avenue
PARCEL ID NUMBERS: 04-21-28-4836-00-100; 04-21-28-2208-00-010; 04-21-28-4836-00-004
EXISTING USE: Dream Lake Park
CURRENT ZONING: RSF-1B (Residential Single Family – Large Lot District)
PROPOSED ZONING: PR (Parks & Recreation District)
TRACT SIZE: 4.34 +/- acres
MAXIMUM ALLOWABLE
DEVELOPMENT: EXISTING: 21 Dwelling Units
PROPOSED: 37,810 non-residential sq. ft.

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: The subject parcels were annexed into the city on December 16, 1992 & May 1, 1996 by Ordinance Numbers 749 & 933, respectively. Presently, the subject property has RSF-1B (Residential Single Family – Large Lot). The City is proposing a rezoning, to “PR, Parks & Recreation District” with this small-scale future land use amendment. The proposed Future Land Use, “Parks/Recreation” is compatible with the property due to the existing use, Dream Lake Park.

COMPREHENSIVE PLAN COMPLIANCE: The proposed Future Land Use, “Parks/Recreation”, is consistent with the proposed zoning designation, “PR, Parks & Recreation District”. Site development cannot exceed the density allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support a “Commercial” designation at the subject site:

Future Land Use Element

Policy 3.1.n

Parks/Recreation

Public and private recreation sites are the primary land use in this category. Public recreation sites shall be permitted by right or by special exception in all future land use categories. Commercial recreation shall be permitted in the commercial land use category. The maximum floor area ratio shall be .20.

Special exception uses shall include:

Elementary schools; middle schools, high schools

SCHOOL CAPACITY REPORT: The proposed future land use amendment will not generate additional students and thus 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 December 12, 2019.

PUBLIC HEARING SCHEDULE:

January 14, 2020 - Planning Commission (5:30 pm)

February 5, 2020 - City Council (1:30 pm) - 1st Reading

February 19, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

December 27, 2019 – Public Notice and Notification (Apopka Chief)

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 Parks/Recreation for the properties owned by City of Apopka, and located at 358, 364, 368 N. Park Avenue.

Planning Commission 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 Residential Low to Parks/Recreation, 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:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low & Office	RSF-1B & O	Single Family Homes & Office Building
East (City)	Institutional/Public Use	O	Apopka Middle School
South (City)	Residential Low	RSF-1B	Single Family Homes
West (County)	“County” Water Body	“County” R-1	Dream Lake

II. LAND USE ANALYSIS

The subject properties currently contain Dream Lake Park, future development must comply with the Parks/Recreation future land use designation & be consistent with the Comprehensive Plan policies listed above.

The proposed Parks/Recreation 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 Residential Low to Parks/Recreation (Max. 0.20 FAR) is consistent with the terms of the JPA (Second Amendment).

Transportation: Road access to the site is from N. Park Avenue & E. Laurel Street.

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 character of the property: Dream Lake Park contains a single-family home, picnic areas and open space.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Parks/Recreation (Max. 0.20 FAR) Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

CALCULATIONS:

ADOPTED: 21 Unit(s) x 2.659 p/h = 55 persons

PROPOSED: 0 Unit(s) x 2.659 p/h = 0 persons (37,810 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 Preliminary Development Plan is submitted to the City, the development applicant must conduct a species survey and submit a habitat management plan if any threatened or endangered species are identified within the project site.

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

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 90 GPD/1,000sf; 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: ____ GPD
3. Projected total demand under proposed designation: ____ GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 90 GPD/1,000sf
6. Projected LOS under proposed designation: 90 GPD/1,000sf
7. Improvement/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

3. Projected total demand under proposed designation: ____GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 200 GPD/1,000sf
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

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: ____lbs/ day
4. Projected LOS under proposed designation: ____lbs / day
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): ____ MGD

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

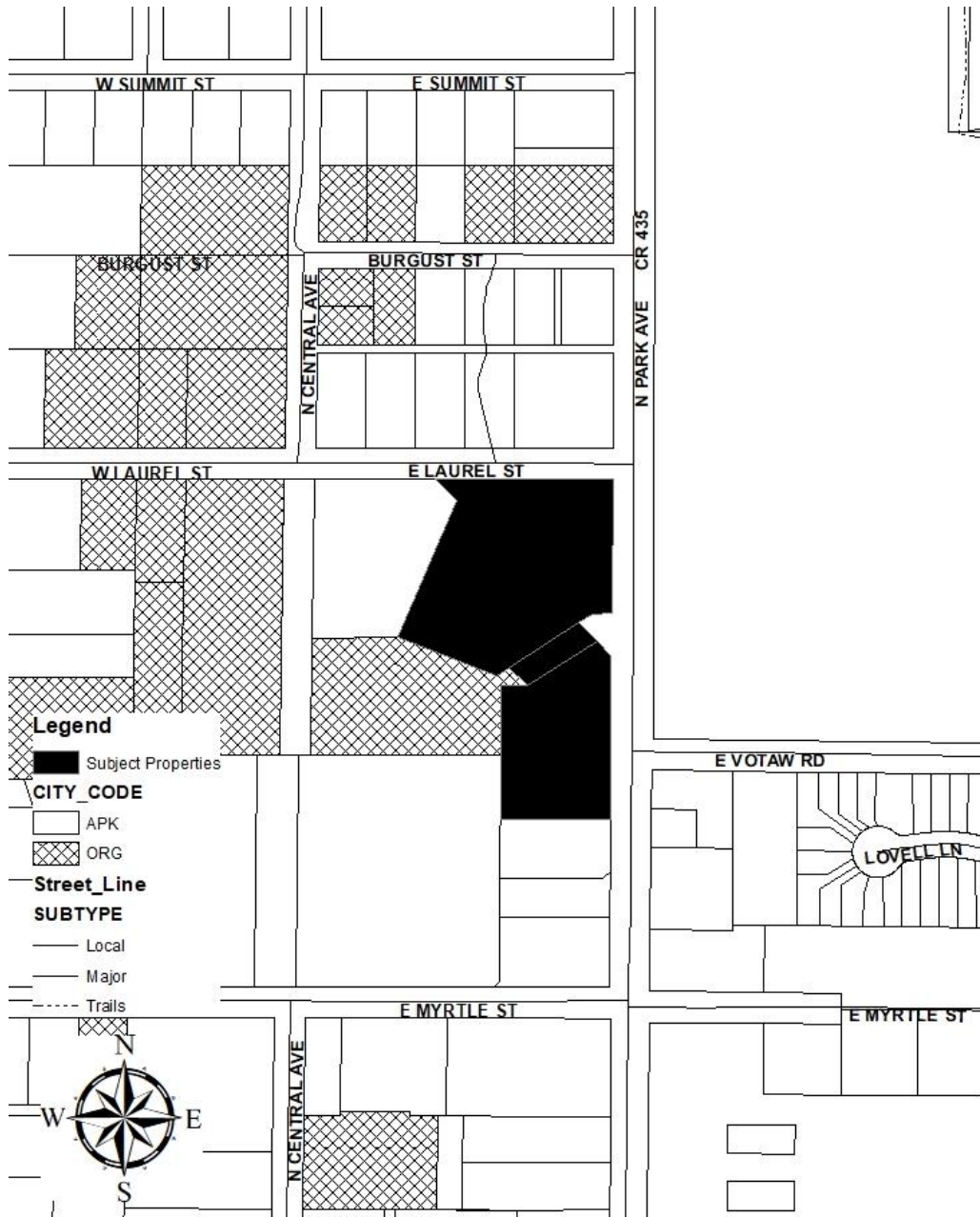
Recreation

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



City of Apopka
4.34 +/- acres
Proposed Change of Zoning:
From: RSF-1B (Residential Single Family)
To: PR (Parks & Recreation District)
Parcel ID #: 04-21-28-4836-00-100, 04-21-28-2208-00-010, & 04-21-28-4836-00-004

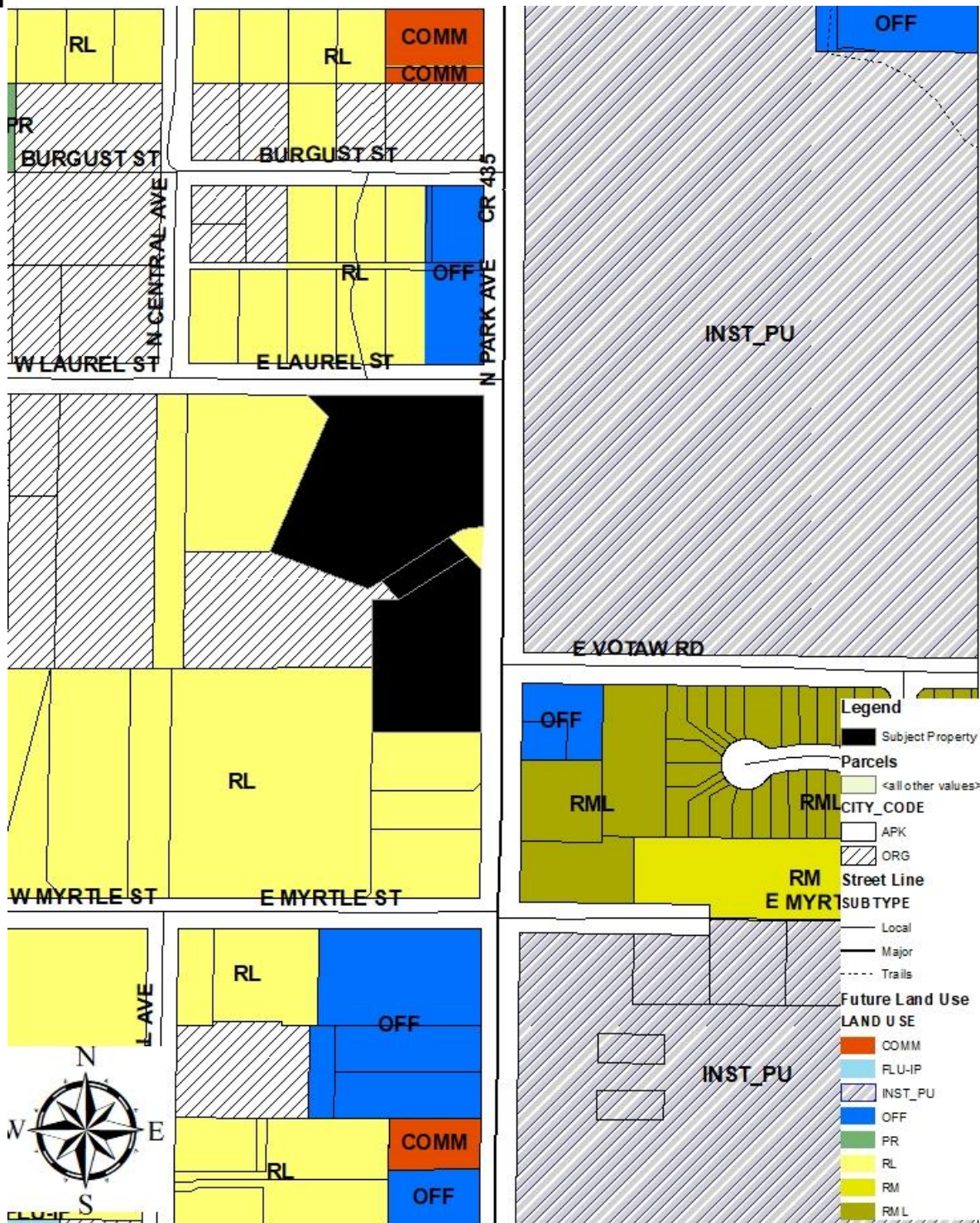
VICINITY MAP



Prepared by: Apopka Community Dev. Dept., December 2019

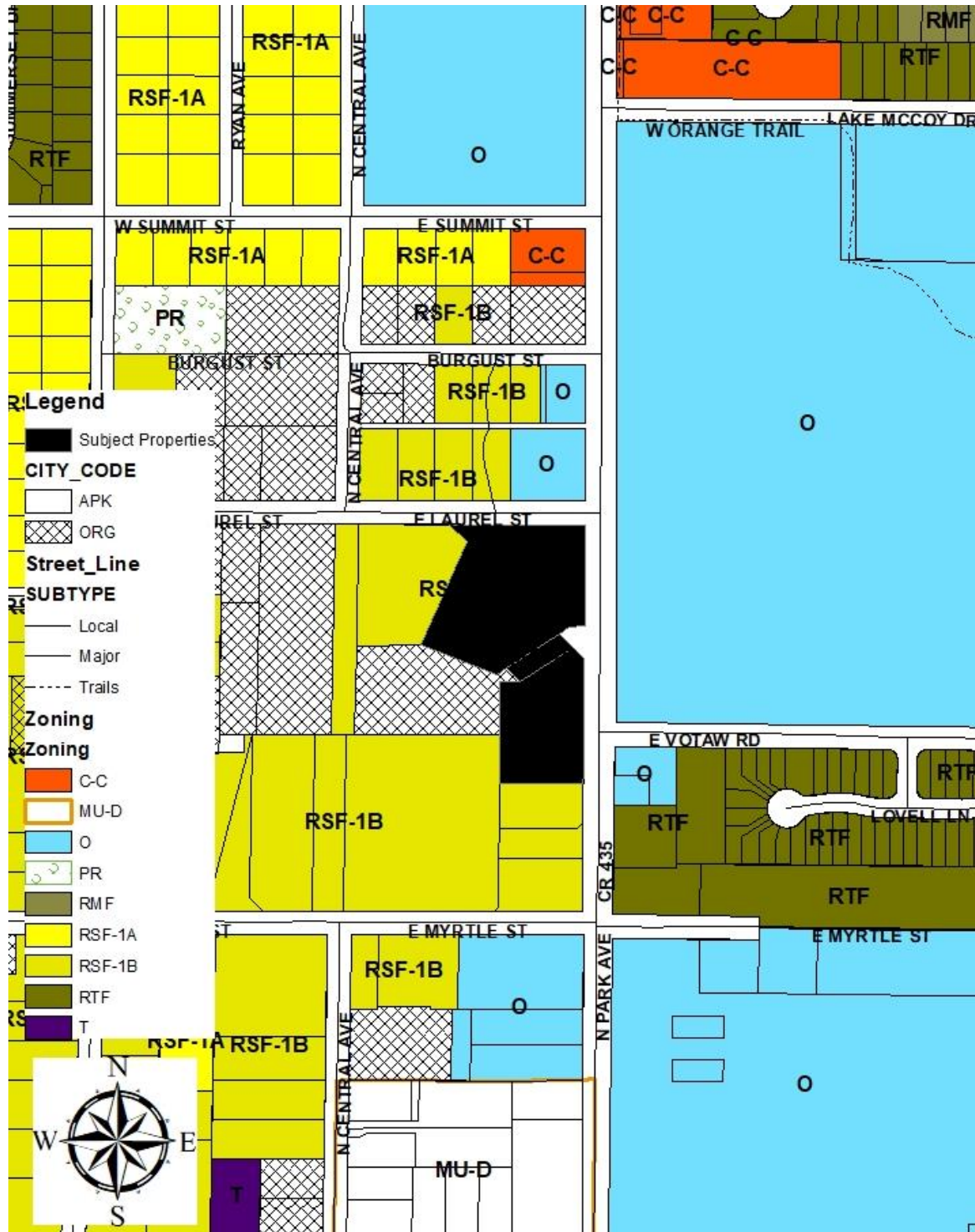


FUTURE LAND USE MAP





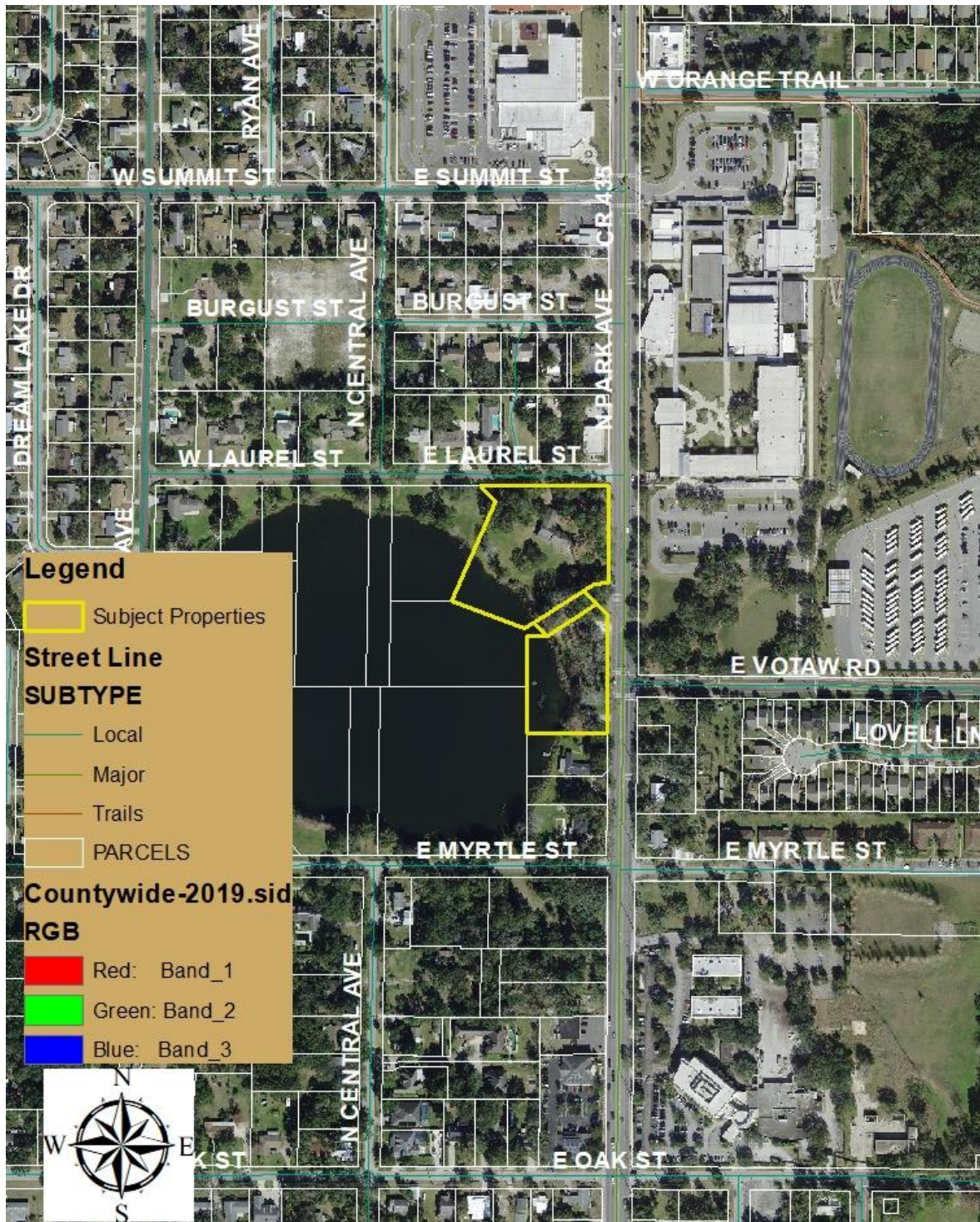
ADJACENT ZONING



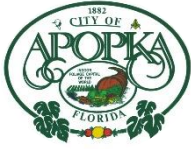
Prepared by: Apopka Community Dev. Dept., December 2019



ADJACENT USES



Source: Orange County Property Appraiser Aerial, December 2019



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ SITE PLAN
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: January 14, 2020
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: CHANGE OF ZONING – ADMINISTRATIVE – CITY OF APOPKA

**REQUEST: CHANGE OF ZONING – ADMINISTRATIVE – CITY OF APOPKA
FROM: RSF-1B (RESIDENTIAL SINGLE FAMILY – LARGE LOT DISTRICT)
TO: PR (PARKS & RECREATION DISTRICT)**

SUMMARY:

OWNER/APPLICANT: City of Apopka
PARCEL ID NUMBER: 04-21-28-4836-00-100; 04-21-28-2208-00-010; 04-21-28-4836-00-004
LOCATION: South of Laurel Street & West of N. Park Avenue
FUTURE LAND USE: Residential Low
EXISTING USE: Dream Lake Park
CURRENT ZONING: RSF-1B (Residential Single Family – Large Lot District)
PROPOSED ZONING: PR (Parks & Recreation District)
TRACT SIZE: 4.34 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 21 Dwelling Units - “Residential Low” FLU
PROPOSED: 37,810 non-residential sq. ft. - “Parks/Recreation” FLU

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: The subject parcels were annexed into the city on December 16, 1992 and on May 1, 1996 by Ordinance Numbers 749 & 933, respectively. The proposed PR zoning is compatible with the property due to the existing use, Dream Lake Park. This application is being processed simultaneously with an application for a small-scale future land use amendment from Residential Low to Parks/Recreation.

COMPREHENSIVE PLAN COMPLIANCE: The proposed PR (Parks & Recreation District) zoning is consistent with the proposed Parks/Recreation (Max. 0.2 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 no result in an increase in 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 December 12, 2019.

PUBLIC HEARING SCHEDULE:

Planning Commission, January 14, 2020 (5:30 pm)
City Council, February 5, 2020 (1:30 pm) - 1st Reading
City Council, February 19, 2020 (7:00 pm) - 2nd Reading

DULY ADVERTISED:

December 27, 2019 -- Public Notice and Notification- (Apopka Chief, letter to property owner)

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 “RSF-1B, Residential Single Family – Large Lot” to “PR, Parks & Recreation District” for the properties owned by City of Apopka, and located at 358, 364, 368 N. Park Avenue.

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 “RSF-1B, Residential Single Family – Large Lot” to “PR, Parks & Recreation District” for the properties owned by City of Apopka and located at 358, 364, 368 N. Park Avenue.

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.

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low & Office	RSF-1B & O	Single Family Homes & Office Building
East (City)	Institutional/Public Use	O	Apopka Middle School
South (City)	Residential Low	RSF-1B	Single Family Homes
West (County)	“County” Water Body	“County” R-1	Dream Lake

LAND USE & TRAFFIC COMPATIBILITY:

The properties are currently accessed from N. Park Avenue and Laurel Street. The subject properties currently contain Dream Lake Park, which hosts a picnic area and open space.

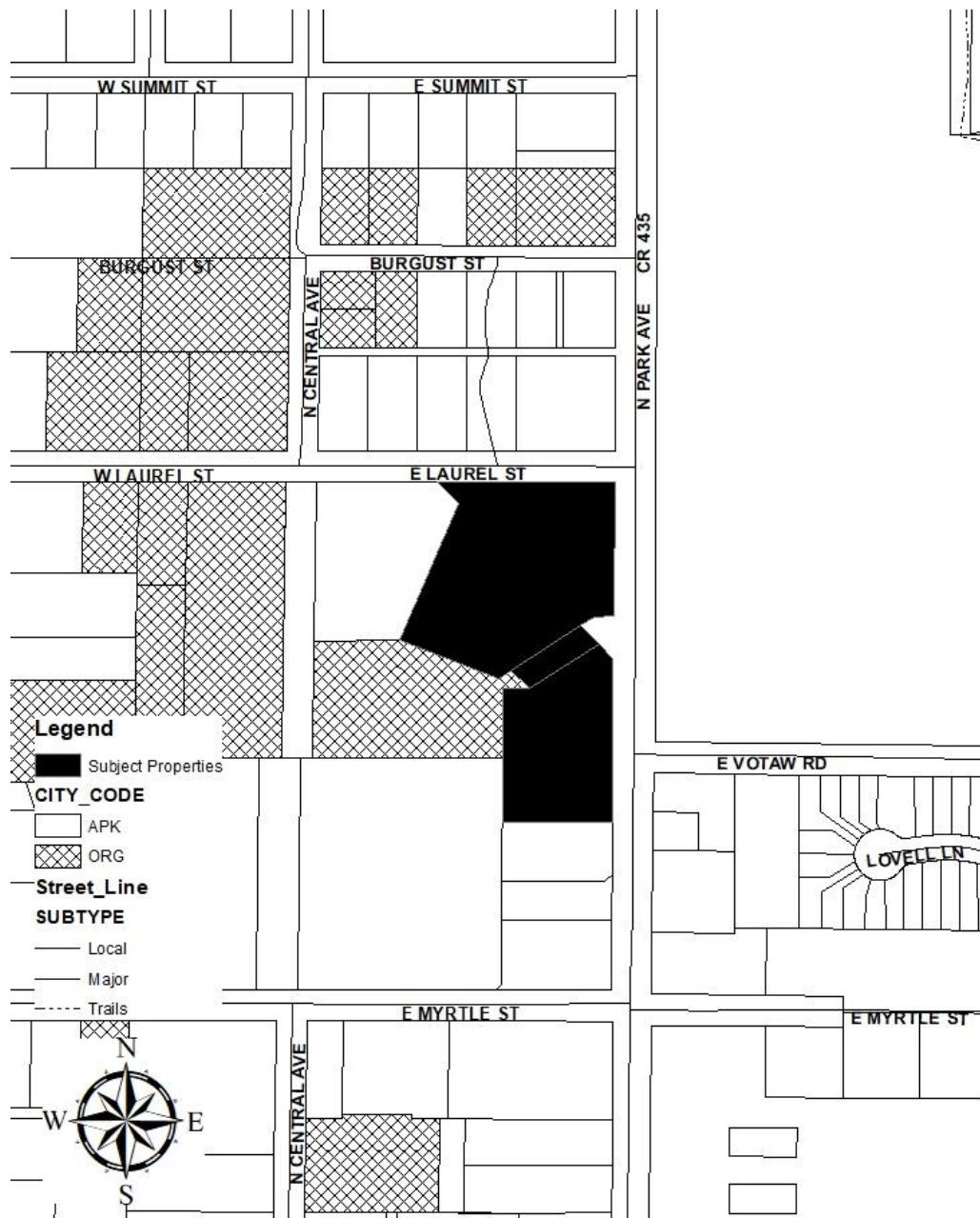
COMPREHENSIVE PLAN COMPLIANCE:

The proposed PR zoning is consistent with the proposed Future Land Use designation, “Parks/Recreation” (Max. 0.20 FAR) and with the character of the surrounding area. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



City of Apopka
4.34 +/- acres
Proposed Change of Zoning:
From: RSF-1B (Residential Single Family)
To: PR (Parks & Recreation District)
Parcel ID #: 04-21-28-4836-00-100, 04-21-28-2208-00-010, & 04-21-28-4836-00-004

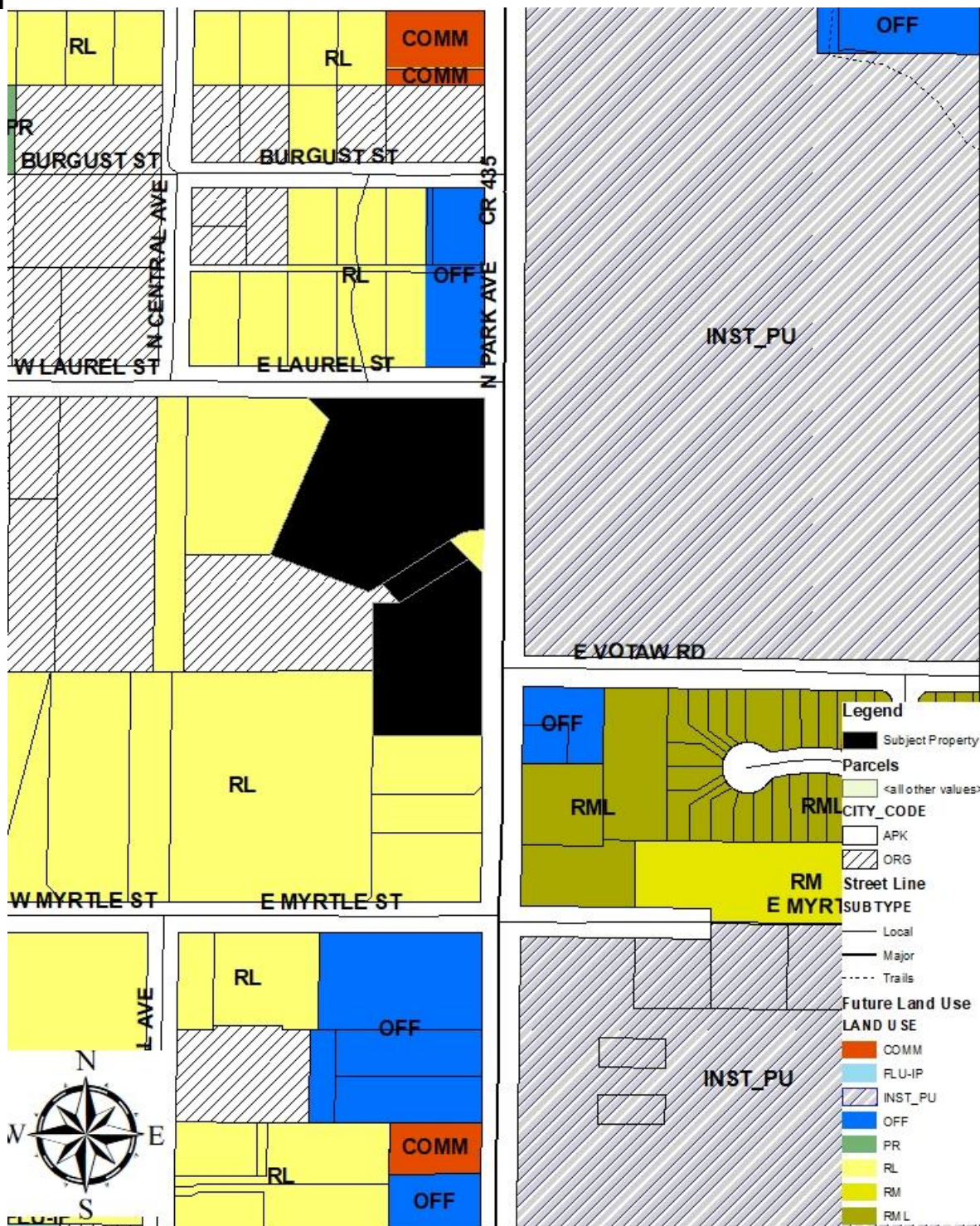
VICINITY MAP



Prepared by: Apopka Community Dev. Dept., December 2019



FUTURE LAND USE MAP



Legend

- Subject Properties**: Black outline
- CITY_CODE**:
 - APK: White box
 - ORG: Cross-hatched box
- Street_Line**:
 - Local: Solid line
 - Major: Double line
 - Trails: Dashed line
- SUBTYPE**:
 - Local: Solid line
 - Major: Double line
 - Trails: Dashed line
- Zoning**:
 - C-C: Orange box
 - MU-D: White box with black border
 - O: Light blue box
 - PR: Green box with circles
 - RMF: Brown box
 - RSF-1A: Yellow box
 - RSF-1B: Yellow box with black border
 - RTF: Dark green box
 - T: Purple box

Map Labels

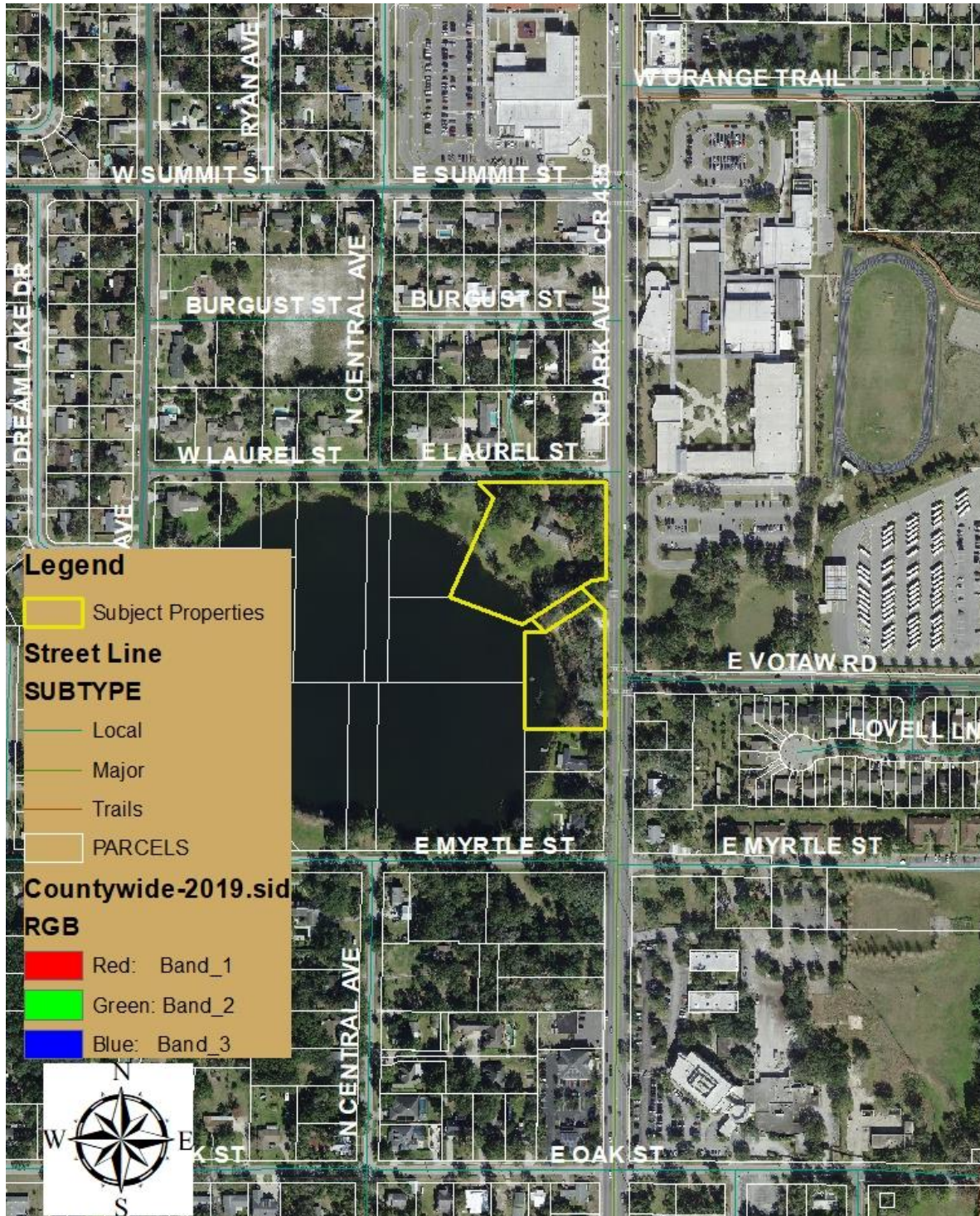
- Streets**: N CENTRAL AVE, E SUMMIT ST, BURGUST ST, E LAUREL ST, E MYRTLE ST, N PARK AVE, W ORANGE TRAIL, E VOTAW RD, LOVELL LN.
- Zoning Districts**: RSF-1A, RSF-1B, C-C, O, PR, RMF, RTF, MU-D, T.
- Other Labels**: LAKE MCCOY DRIVE, W ORANGE TRAIL, E VOTAW RD, LOVELL LN.

Compass Rose: Shows North (N), South (S), East (E), and West (W).

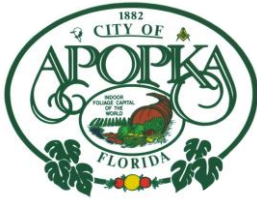
30



ADJACENT USES



Source: Orange County Property Appraiser Aerial, December 2019



CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ SITE PLAN
☐ SPECIAL REPORTS
☐ OTHER:

MEETING OF: January 14, 2020
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Land Use Map
Zoning Map
Adjacent Uses Map

SUBJECT: **COMPREHENSIVE PLAN – SMALL SCALE FUTURE LAND USE
AMENDMENT – 780 MARSHALL LAKE ROAD**

REQUEST: **COMPREHENSIVE PLAN – SMALL SCALE FUTURE LAND USE
AMENDMENT – 780 MARSHALL LAKE ROAD**
FROM: RESIDENTIAL LOW AND RESIDENTIAL HIGH
TO: INDUSTRIAL (MAX. 0.6 FAR)

SUMMARY:

OWNER: Marshall Lake Properties, LLC

APPLICANT: Omar Gaud

LOCATION: 780 Marshall Lake Road

PARCEL ID NUMBER: 08-21-28-0000-00-010

EXISTING USE: Office Building

CURRENT ZONING: RSF-1B & RMF

PROPOSED
DEVELOPMENT: Vacant

TRACT SIZE: 3.39 +/- acres

MAXIMUM ALLOWABLE
DEVELOPMENT: EXISTING: 38 Dwelling Units
PROPOSED: 88,601 non-residential sq. ft.

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: The subject area was annexed into the city on December 16, 1992 & December 20, 1995 by Ordinance Numbers 750 and 900 respectively. The subject area consists of approximately 3.39 acres and is part of a larger parcel, consisting of approximately 6.42 acres. The remainder of the subject parcel has “Industrial” Future Land Use. The proposed “Industrial” Future Land Use, for the southern 3.39 acres, is compatible with the property due to the “Industrial” Future Land Use being found in the vicinity. This application is being processed simultaneously with an application to rezone the southern 3.39 acres from RSF-1B (Residential Single Family – Large Lot) and RMF (Residential Multi-Family) to I-L (Light Industrial).

COMPREHENSIVE PLAN COMPLIANCE: The proposed Future Land Use, “Industrial”, is consistent with the proposed zoning designation, “I-L, Light Industrial District”. Site development cannot exceed the density allowed by the Future Land Use policies. Planning & Zoning staff determines that the below policies support a “Commercial” designation at the subject site:

Future Land Use Element

Policy 3.1.1 Industrial

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 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 with additional students. 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 December 12, 2019.

PUBLIC HEARING SCHEDULE:

January 14, 2020 - Planning Commission (5:30 pm)

February 5, 2020 - City Council (1:30 pm) - 1st Reading

February 19, 2020 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

December 27, 2019 – 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 Industrial for the property owned by Marshall Lake Properties, LLC, and located at 780 Marshall Lake Road.

Planning Commission 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 Residential Low and Residential High to Industrial, 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:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	“City” Industrial	“City” I-L	Vacant
East (City)	“City” Industrial	“City” I-L	Nursery
South (City)	“City” Industrial	“City” I-L	Vacant
West (County)	“County” ROW	“County” ROW	S.R. 451

II. LAND USE ANALYSIS

The subject property currently contains an office building, future development must comply with the Industrial future land use designation & be consistent with the Comprehensive Plan policies listed above.

Properties to the north, south, and east contain Industrial Future Land Use and Light Industrial Zoning, while the west adjacent property is S.R. 451.

The proposed Industrial 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 Residential Low and Residential High to Industrial (Max. 0.60 FAR) is consistent with the terms of the JPA (Second Amendment). Marshall Lake Properties LLC is the property owner, and has been notified of the hearing schedule.

Transportation: Road access to the site is from Marshall Lake Road.

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 character of the property: The subject area is currently vacant, while the greater property contains an office building.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the property is Industrial (Max. 0.60 FAR) Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

CALCULATIONS:

ADOPTED: 38 Unit(s) x 2.659 p/h = 101 persons

PROPOSED: 0 Unit(s) x 2.659 p/h = 0 persons (88,601 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; 90 GPD/1,000sf; 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: ____GPD
3. Projected total demand under proposed designation: ____GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 90 GPD/1,000sf
6. Projected LOS under proposed designation: 90 GPD/1,000sf
7. Improvement/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 200 GPD/1,000sf; 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: ____GPD
3. Projected total demand under proposed designation: ____GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 200 GPD/1,000sf
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

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: ____lbs/ day
4. Projected LOS under proposed designation: ____lbs / day
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

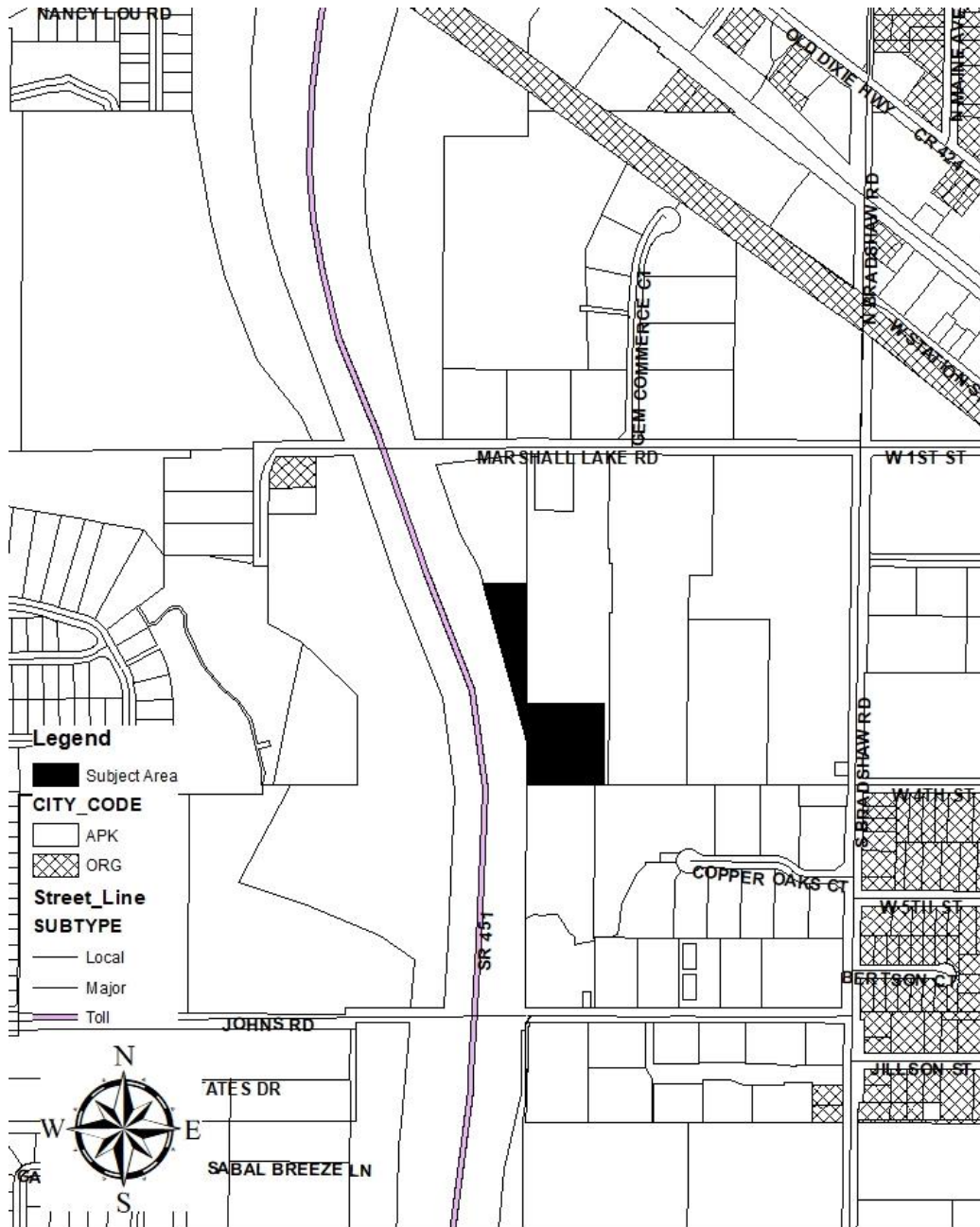
1. Facilities serving the site: ____

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

Recreation

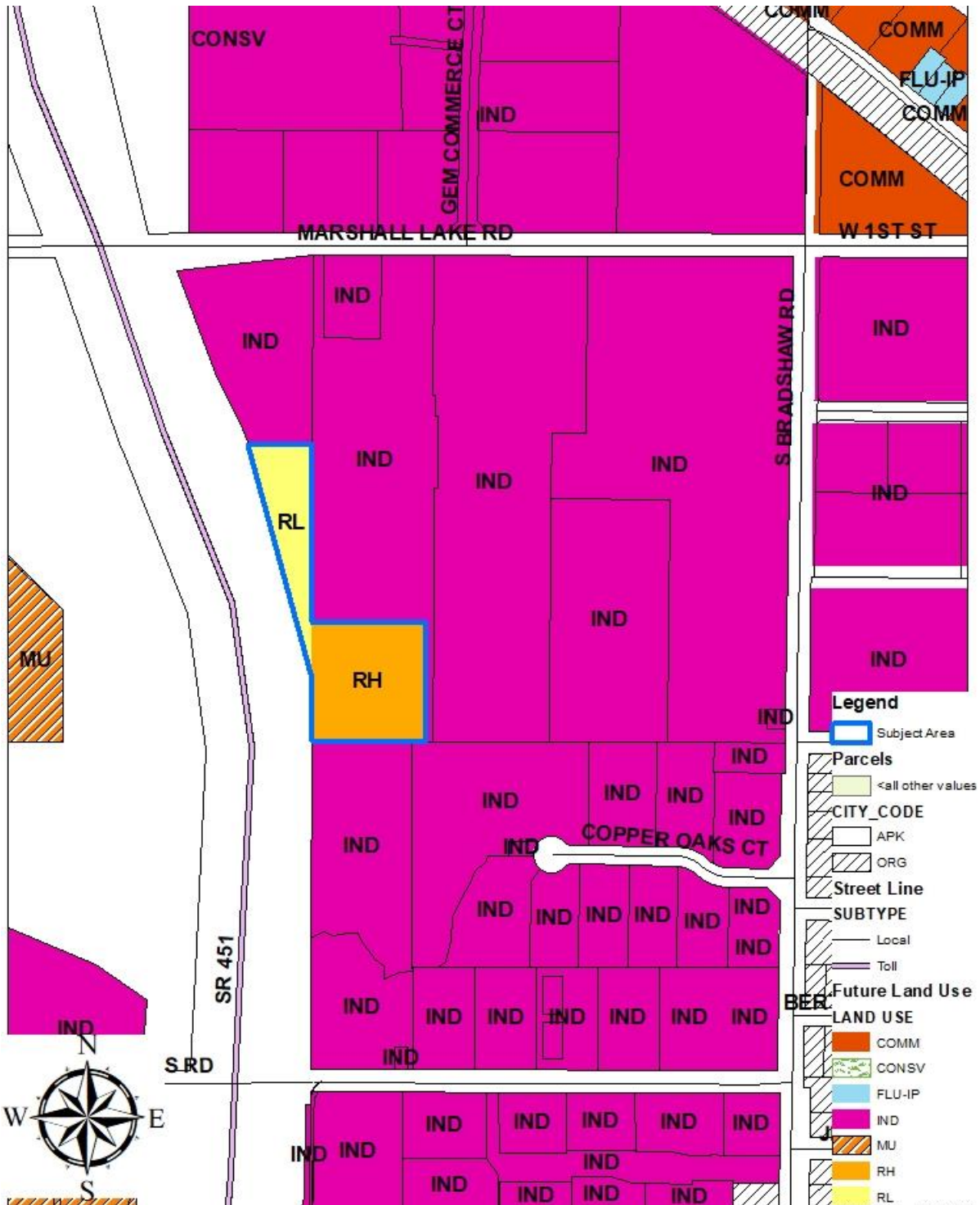
1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0 acres
3. Projected facility under proposed designation: 0 acres
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: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

VICINITY MAP



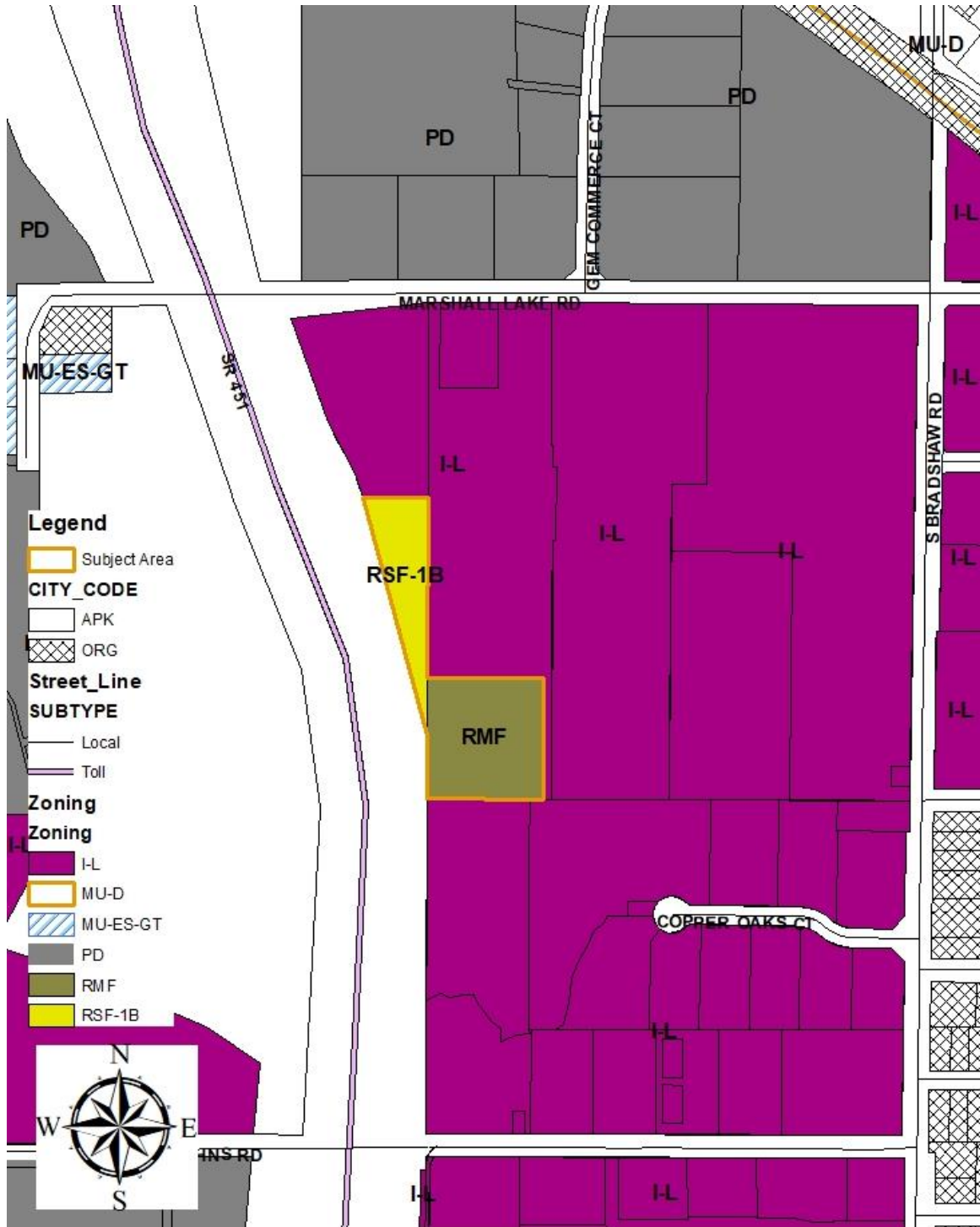


FUTURE LAND USE MAP



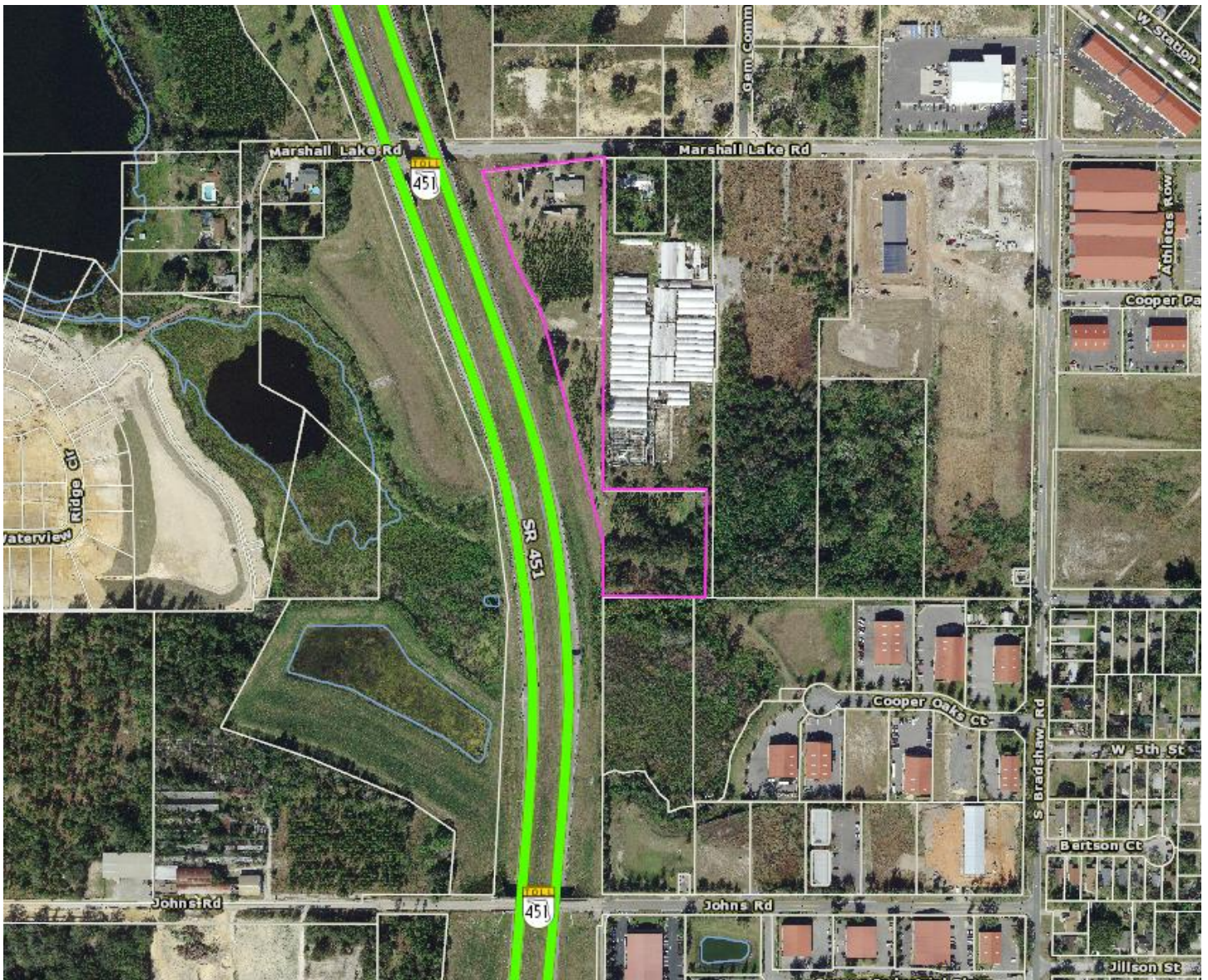


ADJACENT ZONING





ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

☒ PUBLIC HEARING
☐ SITE PLAN
☐ SPECIAL REPORTS
☐ OTHER:
☐

MEETING OF: January 14, 2020
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: CHANGE OF ZONING – 780 MARSHALL LAKE ROAD

REQUEST: CHANGE OF ZONING – 780 MARSHALL LAKE ROAD
FROM: RSF-1B (RESIDENTIAL SINGLE FAMILY – LARGE LOT DISTRICT) & RMF (RESIDENTIAL MULTI-FAMILY DISTRICT)
TO: I-L (LIGHT INDUSTRIAL DISTRICT)

SUMMARY:

OWNER: Marshall Lake Properties, LLC
APPLICANT: Omar Gaud
PARCEL ID NUMBER: 08-21-28-0000-00-010
LOCATION: 780 Marshall Lake Road
FUTURE LAND USE: Residential Low & Residential High
EXISTING USE: Office Building
CURRENT ZONING: RSF-1B & RMF
PROPOSED ZONING: I-L (Light Industrial District)
TRACT SIZE: 3.39 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 38 Dwelling Units - “Residential Low & Residential High” FLU
PROPOSED: 88,601 non-residential sq. ft. - “Industrial” FLU

DISTRIBUTION

Mayor Nelson
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

ADDITIONAL COMMENTS: The subject area was annexed into the city on December 16, 1992 & December 20, 1995 by Ordinance Numbers 750 and 900 respectively. The subject area consists of approximately 3.39 acres and is part of a larger parcel, consisting of approximately 6.42 acres. The remainder of the subject property has I-L, Light Industrial Zoning. The proposed I-L zoning, for the southern 3.39 acres, is compatible with the property due to the I-L zoning being found in the vicinity. This application is being processed simultaneously with an application for a small-scale future land use amendment from Residential Low & Residential High to Industrial.

COMPREHENSIVE PLAN COMPLIANCE: The proposed I-L (Light Industrial District) zoning is consistent with the proposed Industrial (Max. 0.6 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 December 12, 2019.

PUBLIC HEARING SCHEDULE:

Planning Commission, January 14, 2020 (5:30 pm)
City Council, February 5, 2020 (1:30 pm) - 1st Reading
City Council, February 19, 2020 (7:00 pm) - 2nd Reading

DULY ADVERTISED:

December 27, 2020 -- Public Notice and Notification- (Apopka Chief, letter to property owner)

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 “RSF-1B, Residential Single Family – Large Lot” & “RMF, Residential Multi-Family District” to “I-L, Light Industrial District” for the property owned by Marshall Lake Properties, LLC, and located at 780 Marshall Lake 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 “RSF-1B, Residential Single Family – Large Lot” & “RMF, Residential Multi-Family District” to “I-L, Light Industrial District” for the property owned by Marshall Lake Properties, LLC and located at 780 Marshall Lake Road.

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.

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	“City” Industrial	“City” I-L	Vacant
East (City)	“City” Industrial	“City” I-L	Nursery
South (City)	“City” Industrial	“City” I-L	Vacant
West (County)	“County” ROW	“County” ROW	S.R. 451

LAND USE & TRAFFIC COMPATIBILITY:

The property is currently accessed from Marshall Lake Road. The subject property, along with other properties in the vicinity that are located off of Marshall Lake Road, contain an Industrial Future Land Use designation and Light Industrial Zoning.

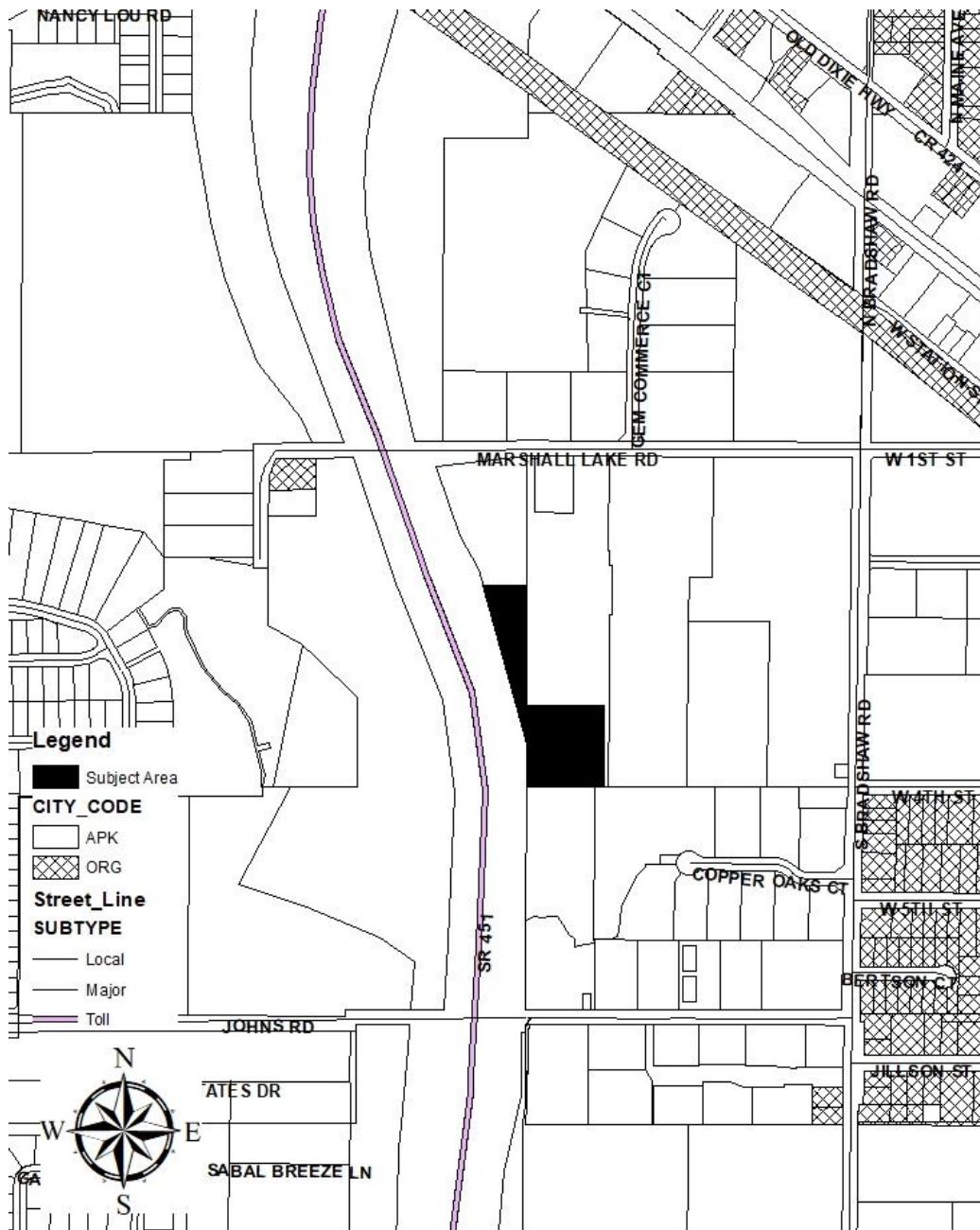
COMPREHENSIVE PLAN COMPLIANCE:

The proposed I-L zoning is consistent with the proposed Future Land Use designation, “Industrial” (Max. 0.60 FAR) and with the character of the surrounding area. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.

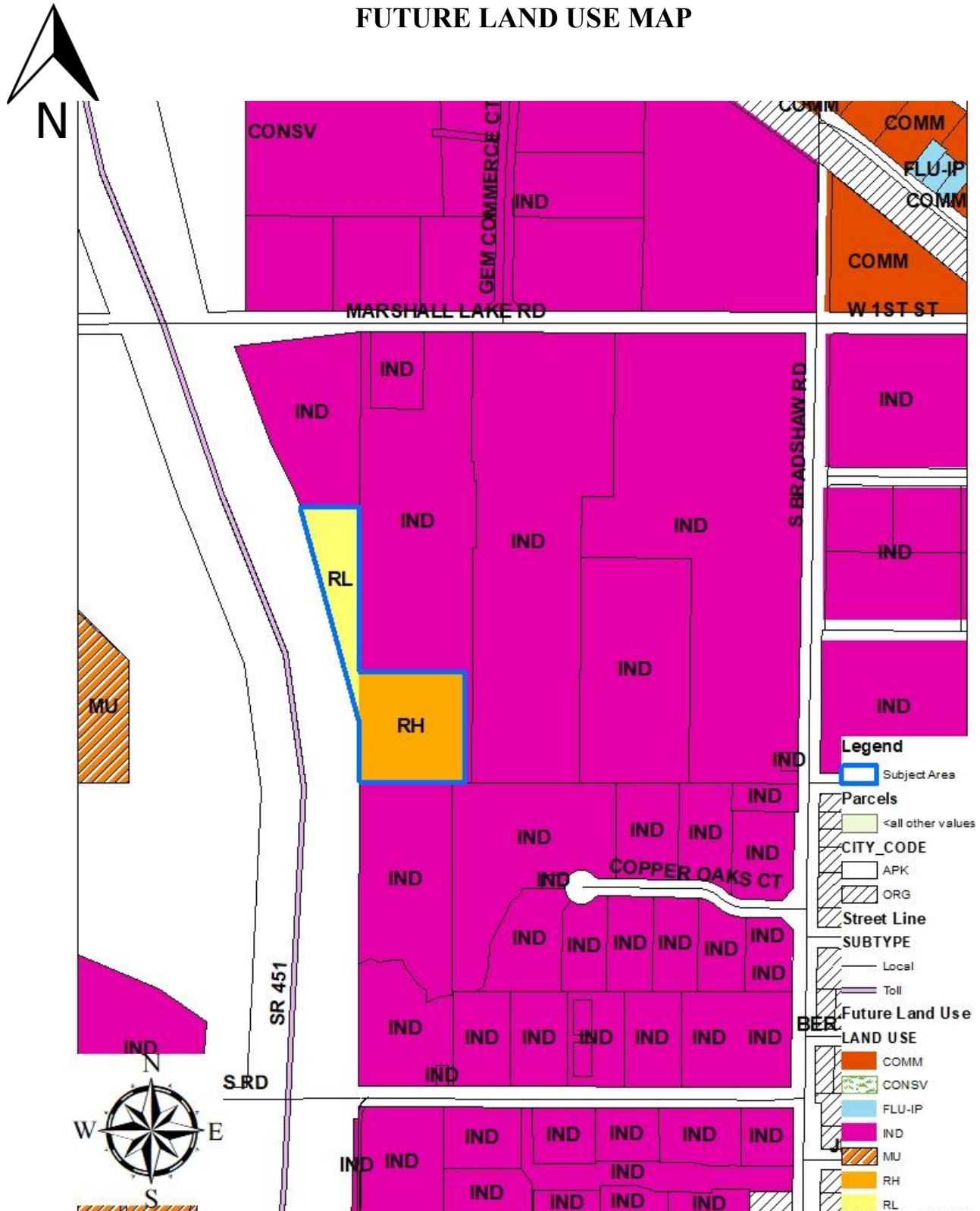


Marshall Lake Properties LLC
3.39 +/- acres
Proposed Small Scale Future Land Use Amendment:
From: Residential Low & Residential High
To: Industrial
Parcel ID #: 08-21-28-0000-00-010

VICINITY MAP

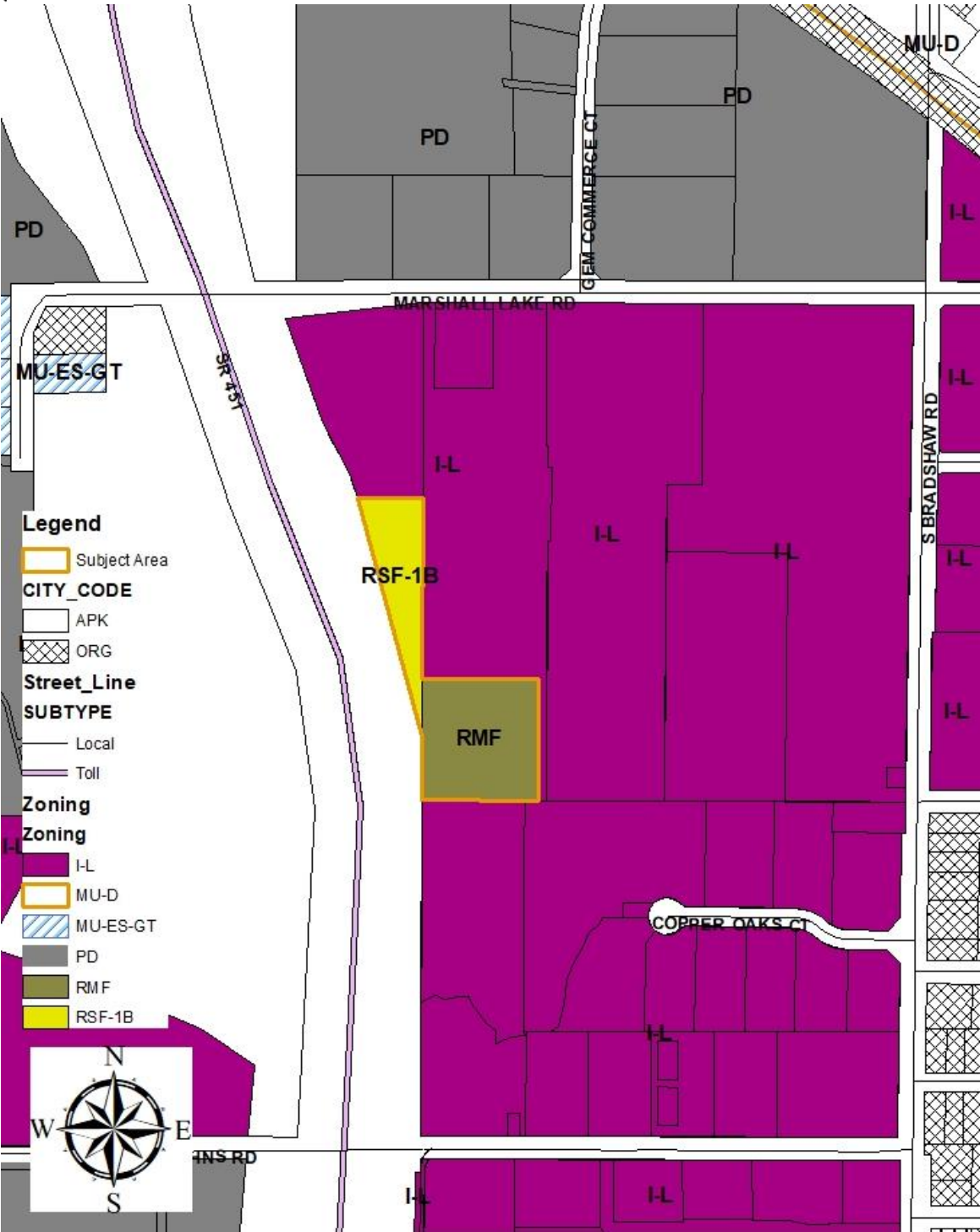


FUTURE LAND USE MAP

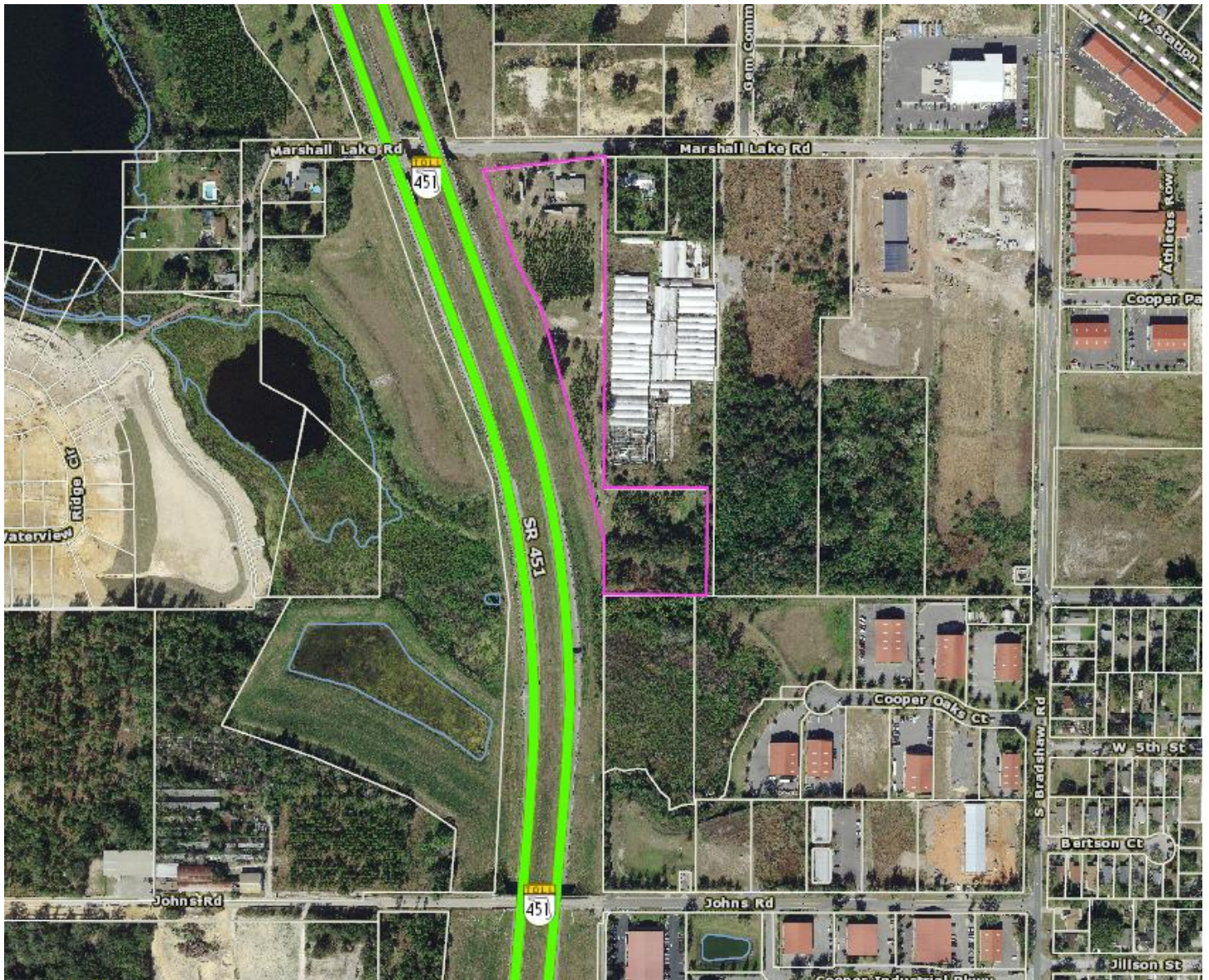


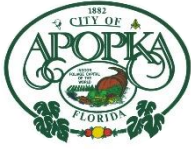


ADJACENT ZONING



ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

<u>X</u>	PUBLIC HEARING	MEETING OF:	January 14, 2020
<u> </u>	SITE PLAN	FROM:	Community Development
<u> </u>	SPECIAL REPORTS	EXHIBITS:	Zoning Report
<u> </u>	OTHER:		Vicinity Map
			Future Lane Use Map
			Adjacent Zoning Map
			Adjacent Uses Map

SUBJECT: CHANGE OF ZONING – SMK PROPERTIES, LLC

REQUEST: CHANGE OF ZONING – SMK PROPERTIES, LLC
FROM: T (TRANSITIONAL DISTRICT)
TO: AG (AGRICULTURE DISTRICT)

SUMMARY:

OWNER:	SMK Properties, LLC
APPLICANT:	Steve Kreidt
PARCEL ID NUMBER:	21-21-28-0000-00-026
LOCATION:	South of W. Hammon Drive & North of State Route 414.
FUTURE LAND USE:	Agriculture (1 Dwelling Unit/5 acres)
EXISTING USE:	Vacant
PROPOSED USE:	Horticulture Nursery
CURRENT ZONING:	T (Transitional District)
PROPOSED ZONING:	AG (Agriculture District)
TRACT SIZE:	48.5 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:	EXISTING: 9 Dwelling Units - “Agriculture” FLU PROPOSED: 9 Dwelling Units - “Agriculture” 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 February 5, 2003 by Ordinance Number 1564. The subject area consists of approximately 48.5 acres and is part of the former Keene Road Disposal & Recycle Landfill. The proposed AG zoning is compatible with the property due to the Agriculture Future Land Use that is designated on the property. Both the Agriculture Zoning and Future Land Use is found within the vicinity.

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG (Agriculture District) zoning is consistent with the Agriculture (1 DU/5 AC) 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 result in an insignificant increase (less than 9) in the number of residential units which could be developed at the subject property. 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 December 12, 2019.

PUBLIC HEARING SCHEDULE:

Planning Commission, January 14, 2020 (5:30 pm)
City Council, February 5, 2020 (1:30 pm) - 1st Reading
City Council, February 19, 2020 (7:00 pm) - 2nd Reading

DULY ADVERTISED:

December 27, 2019 -- Public Notice and Notification- (Apopka Chief, letter to property owner)

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 “AG, Agriculture District” for the property owned by SMK Properties, LLC and located south of W. Hammon Drive & North of State Route 414.

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 “AG, Agriculture District” for the property owned by SMK Properties, LLC and located south of W. Hammon Drive & North of State Route 414.

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.

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	“County” Low Density Residential	“County” R-1	Lake Jewell Heights Subdivision
East (County)	“County” Low Density Residential	“County” A-1	Single Family Homes
South (County)	“County” Rural	“County” R-T	Retention Pond
West (County)	“County” Low Density Residential	“County” A-1	Single Family Homes

LAND USE & TRAFFIC COMPATIBILITY:

The property is currently accessed from Grimke Avenue, Stutzmans Court and Keene Road. The subject property, along with other properties in the vicinity that are located off of Keene Road, contain an Agriculture Future Land Use designation and Agriculture Zoning.

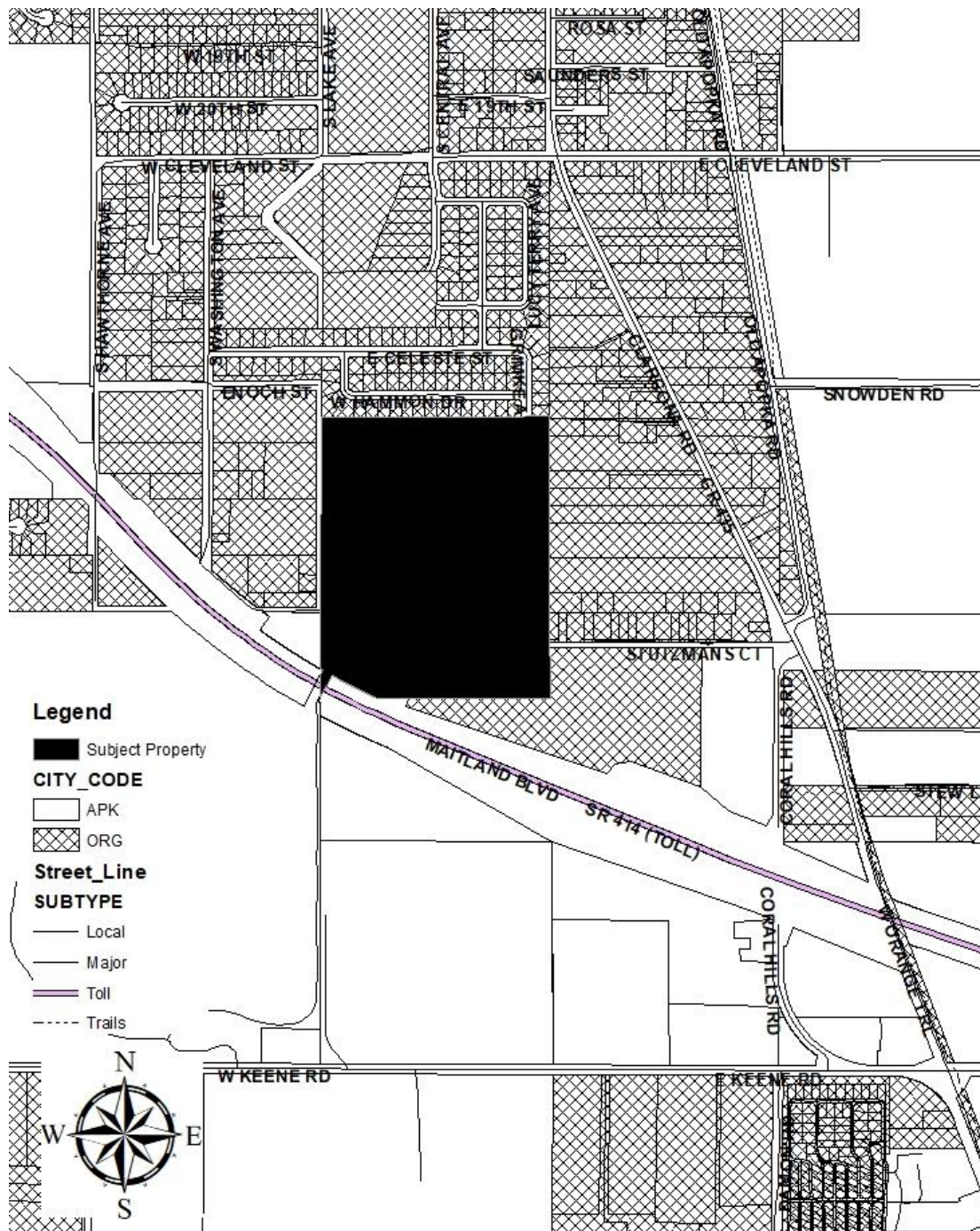
COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the existing Future Land Use designation, “Agriculture” (1 DU/5 AC) and with the character of the surrounding area. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation.



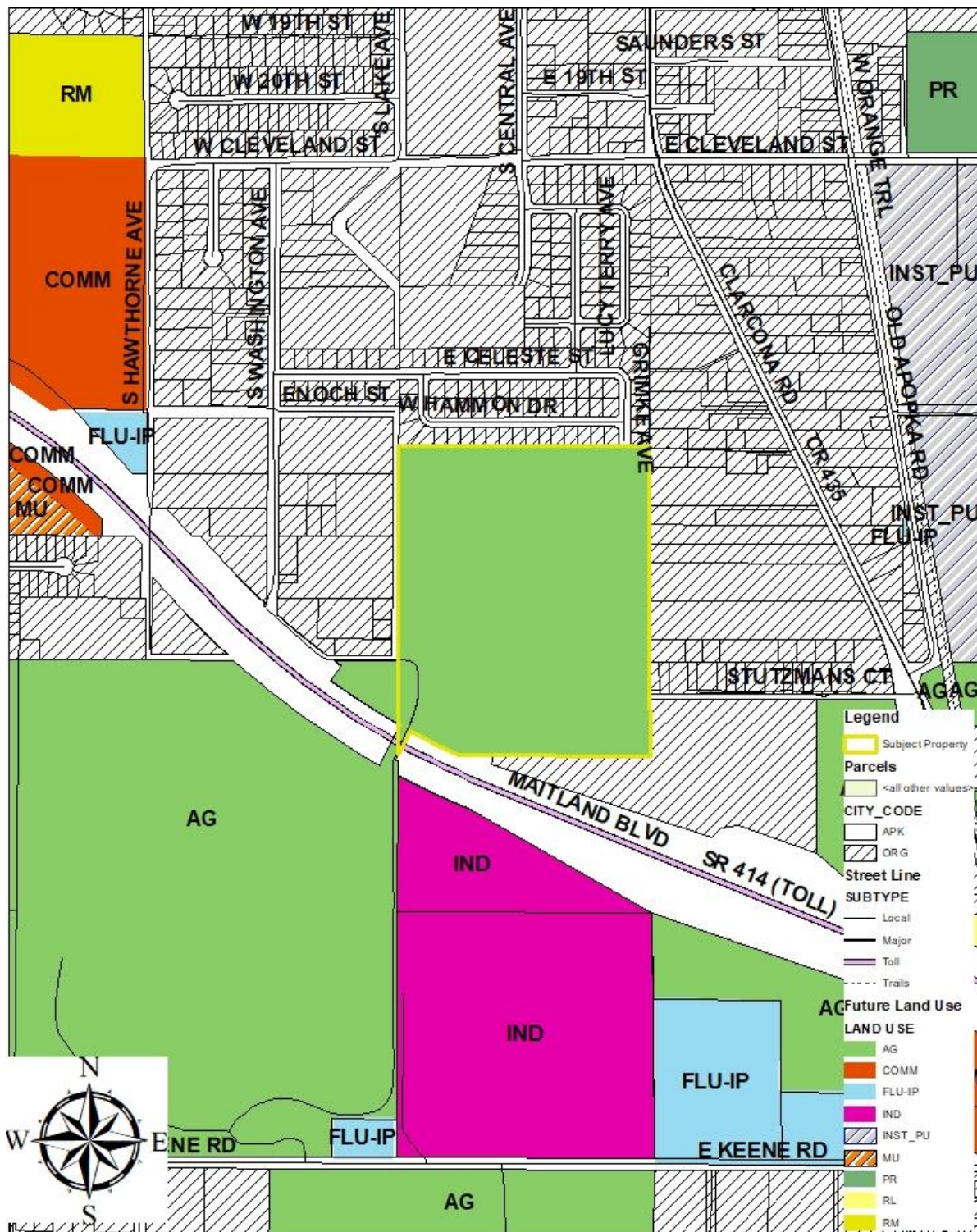
SMK Properties LLC
48.5 +/- acres
Proposed Rezoning:
From: T (Transitional District)
To: AG (Agriculture District)
Parcel ID #: 21-21-28-0000-00-026

VICINITY MAP



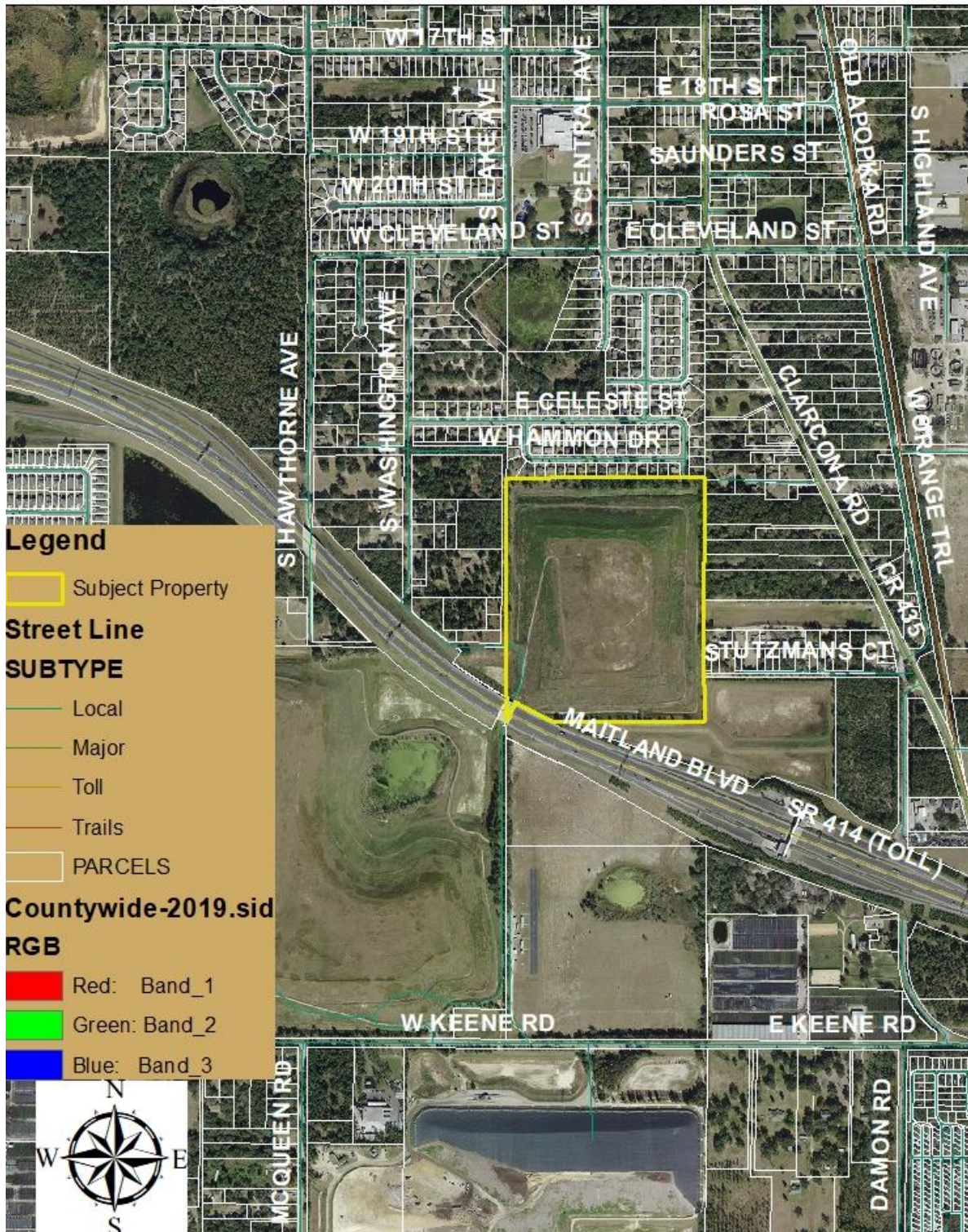


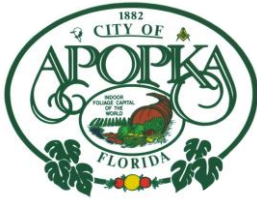
FUTURE LAND USE MAP





ADJACENT USES





CITY OF APOPKA PLANNING COMMISSION

☐ PUBLIC HEARING	MEETING OF:	January 14, 2020
☐ SITE PLAN	FROM:	Community Development
☐ SPECIAL REPORTS	EXHIBITS:	Vicinity Map
☒ OTHER: Plat		Final Development Plan
		PD Ordinance No. 2364

SUBJECT: COUNTRY CROSSING ESTATES – PLAT

REQUEST: RECOMMEND APPROVAL OF THE COUNTRY CROSSING ESTATES PLAT

SUMMARY:

OWNER: Holston Properties and Development, LLC and Phillips Park XVI, LLC

APPLICANT: James A. Fraser, P.E.

LOCATION: North of W. Lester Road, west of Vick Road (address: 2580 Vick Road)

PARCEL ID NUMBER: 29-20-28-0000-00-028 and 29-20-28-8263-00-001

EXISTING USE: Vacant

FLUM DESIGNATION: Low Density Suburban Residential (0-3.5 du/ac)

CURRENT ZONING: PD (Planned Development)

PROPOSED DEVELOPMENT: 22 single family homes

TRACT SIZE: 16.015 acres +/-

APPLICABLE LDC/ORDINANCE: 1993 Land Development Code, Planned Unit Development Ordinance No. 2364 - adopted June 4, 2014

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

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Low Density Suburban Residential (0-3.5 du/ac)	PD (Planned Development)	Oak Hill Reserve, Phase 2 single-family residential subdivision
East	Low Density Suburban Residential (0-3.5 du/ac)	PD (Planned Development)	Retention Tract, Spring Ridge single-family residential subdivision
South	Low Density Suburban Residential (0-3.5 du/ac)	PD (Planned Development)	Spring Ridge, Phase 1 single-family residential subdivision
West (City)	Low Density Suburban Residential (0-3.5 du/ac)	PD (Planned Development)	Oak Hill Reserve, Phase 2 single-family residential subdivision

Previous Review: Planning Commission reviewed the Preliminary Development Plan for Country Crossings Estates on May 14, 2019 and found it consistent with the 1993 Land Development Code and recommended approval. City Council reviewed and approved the same Preliminary Development Plan on June 5, 2019. The Plat is consistent with the approved Preliminary Development Plan.

Project Use: The applicant has submitted a Plat for consideration which details the development of 22 single-family units on 16.015 acres. The subject property is located north of W. Lester Road and west of Vick Road, specifically at 2580 Vick Road, and is accessed via Mt. Logan Drive through the Spring Ridge subdivision. Development is subject to the standards and conditions set forth in PD Ordinance No. 2364 which was adopted on June 4, 2014, and requires the following:

- The R-1AA zoning standards will apply to the subject property per the applicable PUD Ordinance.
- Any lot abutting an existing platted lot that has a width of 85-feet or greater, shall have a minimum lot width standard of 85-feet and a minimum lot area standard of 10,200 square feet.
- Any lot abutting an existing platted lot with a width less than 85-feet, and for all interior lots within the PUD, the minimum lot width standard is 75-feet and the minimum lot standard is 8,250 square feet. Interior lots are those which do not abut the western or northern boundaries of the PUD.
- Any portion of a proposed lot that has 50-percent or more of its rear lots line abutting an existing platted lot with a width of 85-feet or greater, the minimum lot width shall be no less than 85-feet.
- The minimum livable area for a house shall be 1,700 square feet.
- A compact park area not less than 8,250 square feet shall be included with the master site plan.
- The minimum setbacks applicable to this project are:

Setback	Minimum Standard
Front	25'
Side	10'
Rear	20'
Corner	25'

Consistent with the requirements of Ordinance No. 2364, lots 4-11 are a minimum of 85-feet in width and abut lots within Oak Hill Reserve that are in excess of 85-feet in width. A minimum lot width of 75-feet is provided in the remaining portions of the subdivision. All other design elements are consistent with the R-1AA zoning district standards as detailed in the 1993 Land Development Code.

Access: The only point of vehicular access into the proposed subdivision is via Mt. Logan Drive, which is located within the Spring Ridge subdivision. There are no other access points to the subject property, and access to the property is dependent upon connection to Mt. Logan Drive. The plat details the extension of Mt. Logan Drive into the subdivision and having it end in a cul-de-sac adjacent to lots 11 and 12. A second road extending eastward is proposed and measures approximately 250-feet in length and will terminate in a cul-de-sac adjacent to lots 19 and 20. A 5-foot wide sidewalk will be constructed on both sides of each street.

Stormwater: Stormwater is proposed to be discharged into Tract A-1 (aka Tract A, Spring Ridge Phase 1 Plat) which is located to the east of the subject property. This tract is owned by the property owner of Country Crossing Estates, and developer of, Country Crossing Estates, but under a different ownership name – Phillips Park XVI, LLC. The Country Crossing owner has stated that he has met with the Spring Ridge Homeowners Association and has an agreement with them to turn over the ownership of Tract A-1 to the Spring Ridge HOA. When Spring Ridge Phase I was developed, the owner and developer of Spring Ridge never turned ownership of Tract A-1 over to the Spring Ridge Homeowners Association. Tract A-1 also includes an existing park for Spring Ridge Phase 1.

Recreation: Consistent with the requirements of Ordinance No. 2364, an 8,250 square foot park tract labeled on the plat as Tract P-1 is provided. The park tract consists of passive and active recreation amenities. This tract will be owned and maintained by the homeowners association. The long narrow portion of the property extending eastward from the northeast corner of the subject property will be placed in a tract that is owned and maintained by the homeowners association.

Buffer/Tree Program: The site is heavily wooded, with Oak trees constituting the majority of vegetation on site. A tree mitigation payment to the Arbor fund in the amount of \$41,580.00 will be required to be paid prior to the issuance of a site clearing permit. All specimen trees are required to be replaced on site at a 1:1 ratio. Street trees will be provided that are spaced 50-feet on center. The landscape plan proposes the planting of 69 Live Oaks, 16 Magnolias, 14 Red Maples, and 16 Sycamore trees. The property is surrounded on all sides by residential uses. The Land Development Code does not require a buffer when a residential development abuts another residential development.

CONDITONS OF APPROAL

1. Note 7 on the plat shall be amended prior to recording to read: “15’ UE dedicated to the City of Apopka and maintained by the Country Crossing Homeowners Association.”
2. Applicant submits written letter from Spring Ridge Phase 1 HOA acknowledging that they have accepted ownership and maintenance of Tract A-1.

SCHOOL CAPACITY REPORT: The applicant has obtained a Concurrency Management Agreement (CMA) from Orange County Public Schools (OCPS) and the City Council. The subject property is served by the following schools: Wolf Lake Elementary, Wolf Lake Middle, and Apopka High.

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

PUBLIC HEARING SCHEDULE:

January 14, 2020 - Planning Commission, 5:30 pm

February 5, 2020 - City Council, 1:30 pm

RECOMMENDATION ACTION:

The **Development Review Committee** finds the plat to be consistent with the Preliminary Development Plan and Final Development Plan and recommends approval of the Country Crossings Estates Plat subject to the following condition from Public Services being resolved prior the plat being presented to the City Council: Note 7 on the plat shall read “15’ UE dedicated to the City of Apopka and maintained by the Homeowners Association.”

Recommended Motion: Find the Plat consistent with the Land Development Code and Ordinance No. 2364, and recommend approval of the Country Crossing Estates Plat subject to the Conditions of Approval within the Staff Report.

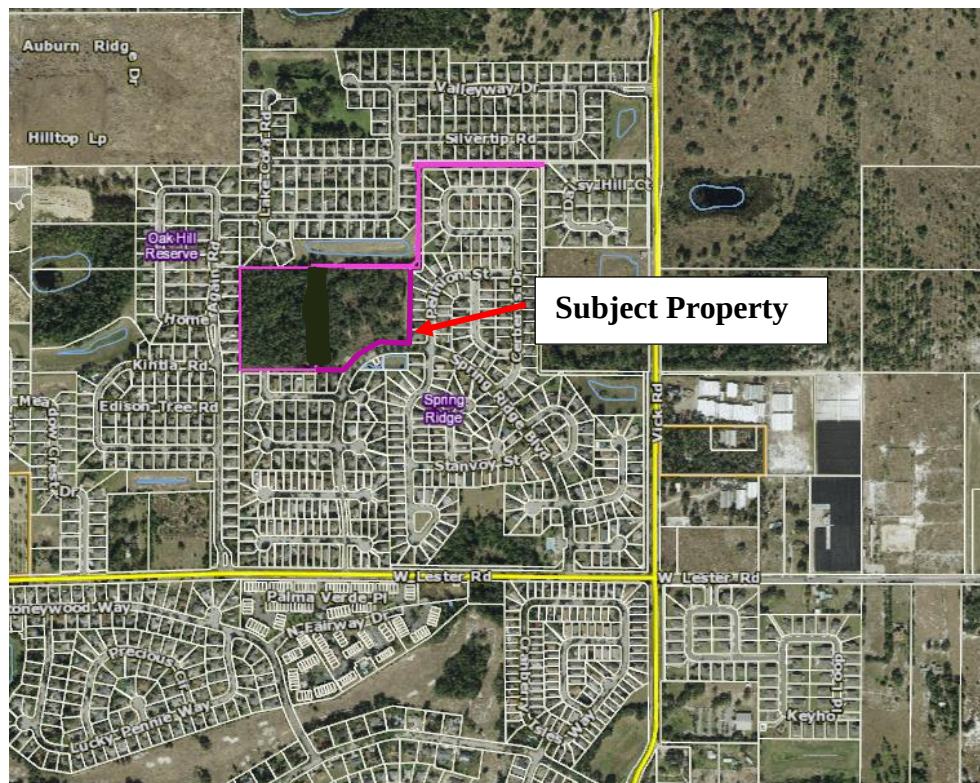
Planning Commission Role: The role of the Planning Commission for this development application is to advise the City Council to approve or deny based on consistency with the Comprehensive Plan and Land Development Code and PD Ordinance.

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.

Project: COUNTRY CROSSING ESTATES
Owned by: Holston Properties and Development, LLC and Phillips Park XVI, LLC
Location: North of W. Lester Road, west of Vick Road (address: 2580 Vick Road)
Parcel ID#: 29-20-28-0000-00-028



VICINITY MAP



COUNTRY CROSSINGS

A REPLAT OF TRACT A, SPRING RIDGE PHASE 1, UNIT 2, PLAT BOOK 54, PAGES 52–54
AND A PORTION OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 1 OF 3

LEGAL DESCRIPTION:

Tract A, Spring Ridge Phase 1, Unit 2, according to the plat thereof, as recorded in Plat Book 54, Pages 52, 53 and 54, Public Records of Orange County, Florida and that part of Section 29, Township 20 South, Range 28 East, Orange County, Florida and being more particularly described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of Section 29, Township 20 South, Range 28 East; thence run S89°40'34"W along the South line of said Northeast 1/4, a distance of 720.00 feet for a Point of Beginning; thence continue S89°40'34"W along said South line of the Northeast 1/4, a distance of 799.96 feet to the East line of the West 1155 feet of the North 1/2 of the Northwest 1/4 of the Southeast 1/4 of said Section 29; thence run S00°08'27"W along said East line, a distance of 660.00 feet; thence run S89°40'34"W along the North line of Spring Ridge Phase 4, Unit 2, according to the plat thereof as recorded in Plat Book 47, Pages 119 and 120, Public Records of Orange County, Florida, a distance of 60.04 feet; thence run S00°19'30"E along the West line of said plat, a distance of 481.66 feet; thence run S89°40'30"W along the North right of way line of Spring Ridge Boulevard, a distance of 94.28 feet to the beginning of a curve, concave to the Southeast, having a radius of 385.00 feet; thence continue Southwesterly along said North right of way line and the arc of said curve through a central angle of 57°17'52", an arc distance of 385.01 feet, having a chord bearing of S61°01'34"W and a chord distance of 369.17 feet; thence run N89°54'46"W along the South line of the Northwest 1/4 of the Southeast 1/4 of said Section 29, a distance of 682.10 feet to the Southwest corner of said Northwest 1/4 of the Southeast 1/4 of Section 29; thence run N00°08'24"E along the West line of said Northwest 1/4 of the Southeast 1/4, a distance of 653.79 feet; thence the next 8 courses run along the perimeter of Oak Hill Reserve, Phase 2, according to the plat thereof as recorded in Plat Book 65, Pages 1 through 6, Public Records of Orange County, Florida: run N89°40'34"E, a distance of 465.03 feet; thence run N00°08'27"E, a distance of 15.00 feet; thence run N89°40'34"E, a distance of 645.04 feet; thence run N44°54'31"E, a distance of 42.60 feet; thence run N00°08'27"E, a distance of 585.00 feet; thence run S89°40'34"W, a distance of 15.00 feet; thence run N00°08'27"E, a distance of 45.00 feet; thence run N89°40'34"E, a distance of 829.91 feet; thence departing said perimeter of Oak Hill Reserve, Phase 2, run S00°03'02"E, a distance of 15.00 feet to the Point of Beginning.

Contains 16.015 Acres, more or less.

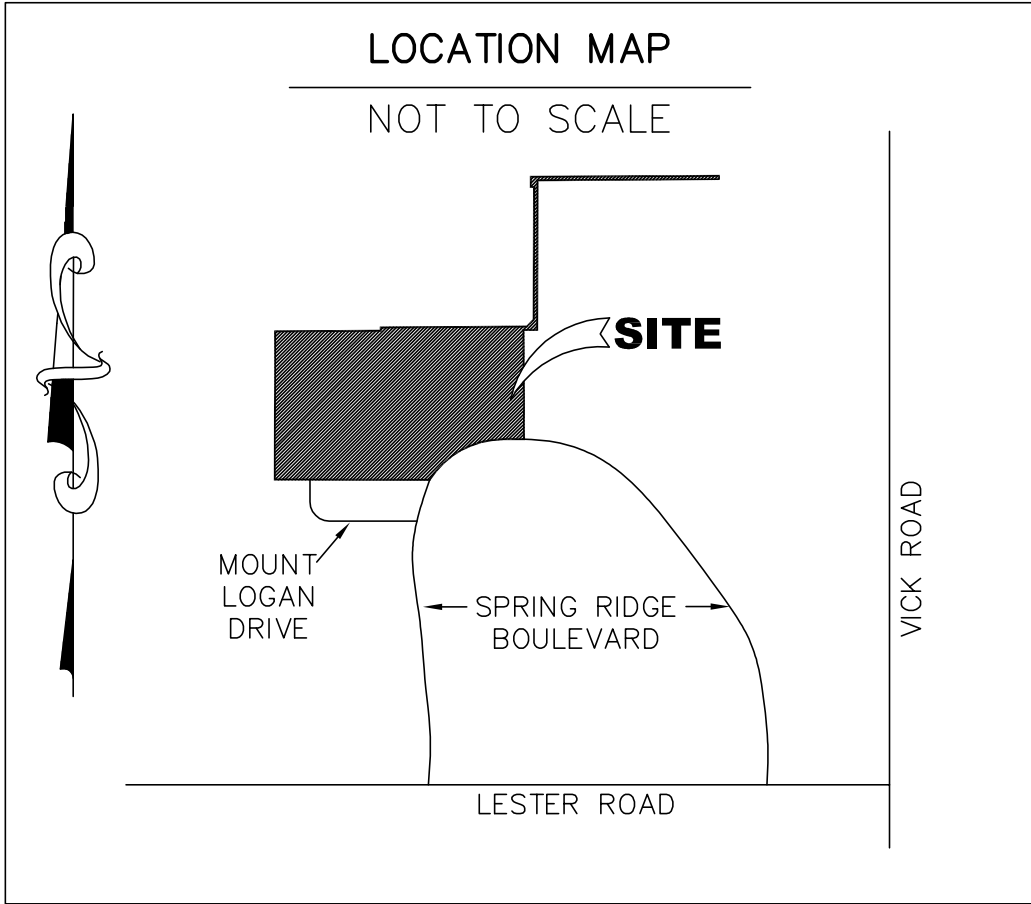
GENERAL NOTES:

- Bearing structure based on the South line of the Northwest 1/4 of the Southeast 1/4 OF Section 29–20–28 as shown on the Plat of Spring Ridge Phase 1, Unit 2, as recorded in Plat Book 54, Pages 52 through 54, Public Records of Orange County, Florida as being N89°54'46"W.
- All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages.
- Tract A–1 is a Stormwater Tract to be owned and maintained by the Spring Ridge Phase 1, Unit 2 Homeowners Association.
- Tract C–1 is a Column Tract to be owned and maintained by the Country Crossings Homeowners Association.
- Tract D–1 is a Drainage and Access Tract to be owned and maintained by the Country Crossings Homeowners Association.
- Tract P–1 is a Recreational Park to be owned and maintained by the Country Crossings Homeowners Association.
- The 15.00' Utility Easement is to be owned and maintained by the City of Apopka.
- The 5.00' Landscape Easement is to be owned and maintained by the Spring Ridge Phase 1, Unit 2 Homeowners Association.

LEGEND:

- – SET 4"x4" CM PRM #4671, UNLESS OTHERWISE NOTED
- – SET NAIL & DISK PRM #4671, UNLESS OTHERWISE NOTED
- ▣ – RECOVERED 4"x4" CM #3778
- – RECOVERED AS NOTED
- – ANGLE
- ⊙ – INDICATES CENTERLINE
- # – NUMBER
- Δ – DELTA
- CM – CONCRETE MONUMENT
- COR – CERTIFIED CORNER RECORD
- LB – LICENSED BUSINESS CERTIFICATION
- NE – NORTHEAST
- SE – SOUTHEAST
- SW – SOUTHWEST
- NW – NORTHWEST
- ORB – OFFICIAL RECORDS BOOK
- PB – PLAT BOOK
- PG – PAGE
- PRM – PERMANENT REFERENCE MONUMENT
- R/W – RIGHT-OF-WAY

SHANNON SURVEYING, INC.
499 NDRTH S.R. 434 – SUITE 2045
ALTAMONTE SPRINGS, FLORIDA, 32714
(407) 774-8372 LB # 6898



NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.

NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

CERTIFICATE OF APPROVAL BY REVIEWING SURVEYOR

Pursuant to Section 177.081, Florida Statutes, I have reviewed this plat for conformity to Chapter 177 Part 1 of the Florida Statutes and that said plat complies with the technical requirements of that chapter; Provided however, that my review does not include field verification of any of the coordinates, points or measurements shown on this plat.

Ralph A. Nieto, P.S.M.
Nieto Whittaker Surveying, LLC
Registration No. 6025

PLAT BOOK _____ PAGE _____

COUNTRY CROSSINGS

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Holston Properties and Development, LLC, a Florida limited liability company, being the owner in fee simple of the lands described in the foregoing caption to this plat, hereby dedicates said lands and plat for the uses and purposes therein expressed as shown hereon and dedicates the Streets and the 10.00' Utility Easement to the perpetual use of the public.

IN WITNESS THEREOF, has caused these presents to be signed and attested to by the officers named below on this _____ day of, _____ 2019.

Holston Properties and Development, LLC, a Florida limited liability company

By: _____

Printed Name: _____

Title: _____

Signed in the presence of:

By: _____ By: _____

Printed Name: _____ Printed Name: _____

COUNTY OF _____ STATE OF _____

THIS IS TO CERTIFY, that on this _____ day of _____, 2019, before me, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared _____ as _____ of the above named limited liability company who is personally known to me or produced the following identification _____ and did/did not take an oath that they are the person described in and who executed the foregoing dedication and severally acknowledges the execution thereof to be their free act and deed as such officer thereto duly authorized; and that said dedication is the act and deed of said LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

Notary Public: _____

Printed Name: _____

Commission Number: _____

My Commission Expires: _____

CERTIFICATE OF APPROVAL BY MUNICIPALITY

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

Mayor _____ City Clerk _____

CERTIFICATE OF REVIEW BY CITY SURVEYOR

THIS IS TO CERTIFY, that on _____, the foregoing plat was examined and approved by:

City Engineer _____

CERTIFICATE OF APPROVAL BY APOPKA PLANNING COMMISSION

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

Chairman _____ Date _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a professional surveyor and mapper that has prepared the foregoing plat and was made under my direction and supervision and that the plat complies with all the requirements of chapter 177 and that said land is located in the City of Apopka, Orange County, Florida.

JAMES R. SHANNON JR. PSM REGISTRATION No. 4671 _____ Date _____
SHANNON SURVEYING, INC. – LB No.6898
499 North S.R. 434 – SUITE 2045 ALTAMONTE SPRINGS,
FLORIDA, 32714, (407) 774-8372

CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY that the foregoing plat was recorded in Orange County Official Records

on _____ as Doc No. _____

County Comptroller in and for Orange County, Florida

By: _____

PLAT _____
BOOK _____ PAGE _____

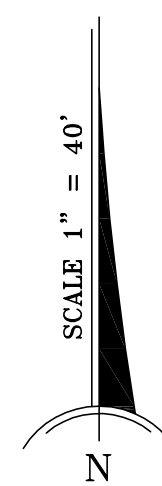
63

COUNTRY CROSSINGS

A REPLAT OF TRACT A, SPRING RIDGE PHASE 1, UNIT 2, PLAT BOOK 54, PAGES 52-54
AND A PORTION OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 3 OF 3

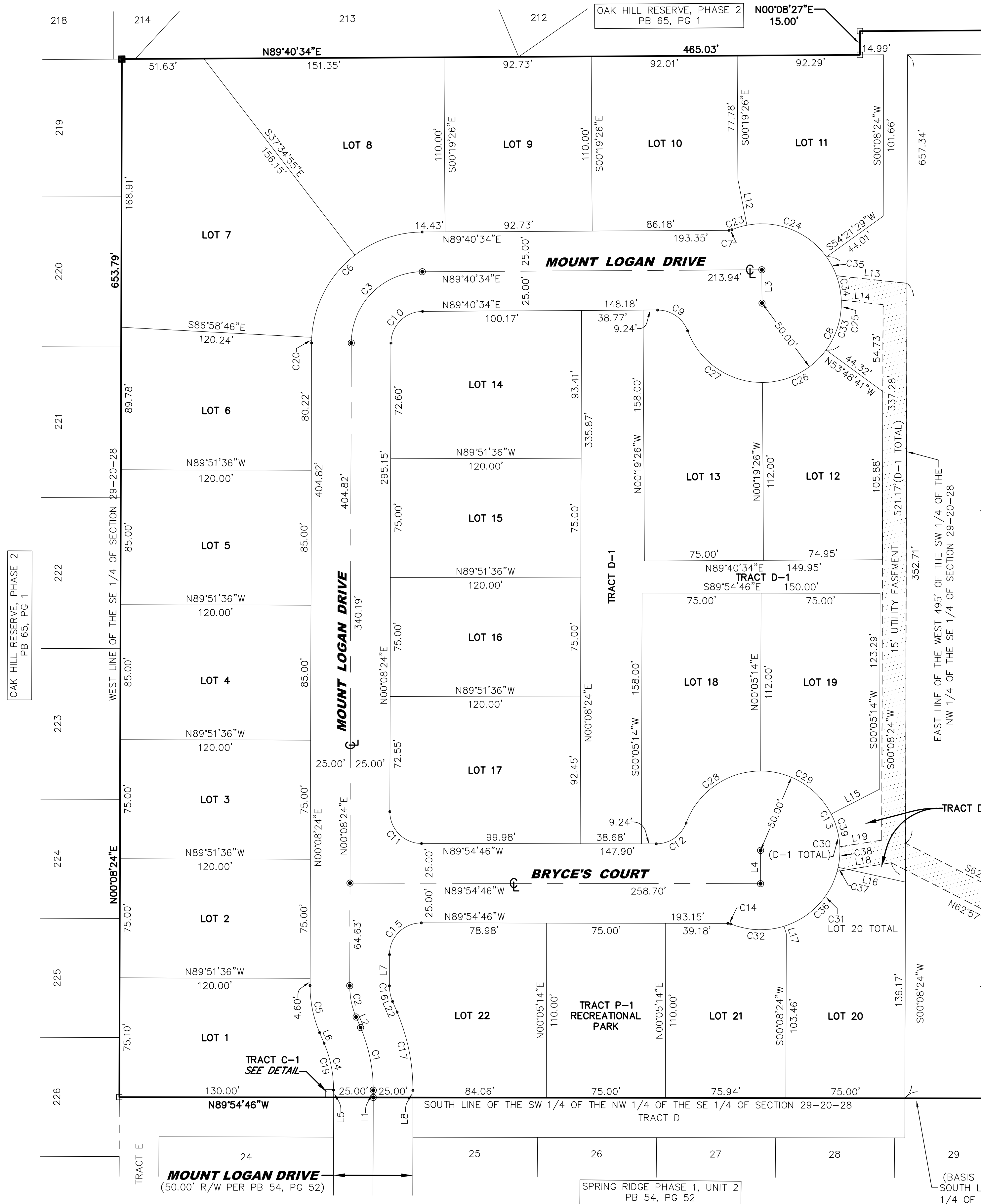
PLAT BOOK _____ PAGE _____



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



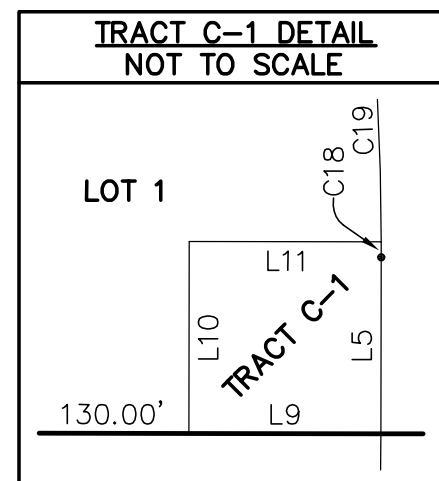
LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°08'28"W	4.57'
L2	N23°04'19"W	7.25'
L3	N00°19'26"W	21.00'
L4	S00°05'14"W	21.00'
L5	S00°08'28"W	4.60'
L6	N23°04'19"W	7.25'
L7	N00°08'24"E	19.67'
L8	S00°08'28"W	4.55'
L9	N89°54'46"W	5.00'
L10	S00°08'28"W	5.00'
L11	N89°54'46"W	5.00'
L12	S11°00'38"E	29.60'
L13	S83°53'26"E	44.62'
L14	N83°53'26"W	26.45'
L15	S62°47'24"W	34.40'
L16	N77°39'33"W	43.43'
L17	N17°07'04"W	5.00'
L18	N81°01'53"E	34.58'
L19	N81°01'53"E	26.71'
L20	N74°03'23"E	59.32'
L21	N74°03'23"E	22.30'
L22	N23°04'19"W	7.25'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CH. BEARING	CHORD
C1	100.00'	23°12'47"	40.51'	N11°27'56"W	40.24'
C2	50.00'	23°12'43"	20.26'	S11°27'58"E	20.12'
C3	45.00'	89°32'10"	70.32'	S44°54'29"W	63.38'
C4	75.00'	23°12'47"	30.39'	N11°27'56"W	30.18'
C5	75.00'	23°12'43"	30.38'	S11°27'58"E	30.18'
C6	70.00'	89°32'10"	109.39'	S44°54'29"W	98.59'
C7	5.00'	21°59'11"	1.92'	N78°40'58"E	1.91'
C8	50.00'	271°56'07"	237.31'	N23°39'27"E	69.51'
C9	20.00'	69°56'56"	24.42'	N55°20'58"W	22.93'
C10	20.00'	89°32'10"	31.25'	S44°54'29"W	28.17'
C11	20.00'	90°03'10"	31.43'	S44°53'11"E	28.30'
C12	20.00'	69°56'56"	24.42'	N55°06'46"E	22.93'
C13	50.00'	271°56'07"	237.31'	N23°33'39"W	69.51'
C14	5.00'	21°59'11"	1.92'	N78°55'10"W	1.91'
C15	20.00'	89°56'50"	31.40'	S45°06'49"W	28.27'
C16	25.00'	23°12'43"	10.13'	S11°27'58"E	10.06'
C17	125.00'	23°12'47"	50.64'	N11°27'56"W	50.30'
C18	75.00'	0°18'32"	0.40'	N00°00'48"W	0.40'
C19	75.00'	22°54'16"	29.98'	N11°37'12"W	29.78'
C20	70.00'	2°52'50"	3.52'	S01°34'49"W	3.52'
C21	70.00'	49°23'51"	60.35'	S27°43'09"W	58.50'
C22	70.00'	37°15'29"	45.52'	S71°02'50"W	44.72'
C23	50.00'	11°17'59"	9.86'	S73°20'23"W	9.84'
C24	50.00'	65°22'07"	57.04'	N68°19'34"W	54.00'
C25	50.00'	71°49'50"	62.68'	N00°16'24"E	58.66'
C26	50.00'	53°29'15"	46.68'	N62°55'57"E	45.00'
C27	50.00'	69°56'56"	61.04'	S55°20'58"E	57.32'
C28	50.00'	69°56'56"	61.04'	S55°06'46"W	57.32'
C29	50.00'	62°42'10"	54.72'	N58°33'41"W	52.03'
C30	50.00'	39°33'03"	34.51'	N07°26'04"W	33.83'
C31	50.00'	60°32'29"	52.83'	N42°36'42"E	50.41'
C32	50.00'	39°11'29"	34.20'	S87°31'19"E	33.54'
C33	50.00'	38°18'31"	33.43'	N17°02'04"E	32.81'
C34	50.00'	18°04'29"	15.77'	N11°09'26"W	15.71'
C35	50.00'	15°26'50"	13.48'	N27°55'06"W	13.44'
C36	50.00'	57°35'32"	50.26'	N44°05'10"E	48.17'
C37	50.00'	2°56'57"	2.57'	N13°48'56"E	2.57'
C38	50.00'	14°56'41"	13.04'	N04°52'06"E	13.00'
C39	50.00'	24°36'22"	21.47'	N14°54'25"W	21.31'
C40	385.00'	18°41'13"	125.57'	S41°43'15"W	125.01'
C41	385.00'	6°38'02"	44.58'	S54°22'52"W	44.55'

LEGEND:

- SET 4"x4" CM PRM #4671, UNLESS OTHERWISE NOTED
- SET NAIL & DISK PRM #4671, UNLESS OTHERWISE NOTED
- RECOVERED 4"x4" CM #3778
- RECOVERED AS NOTED
- Δ ANGLE
- INDICATES CENTERLINE
- CM CONCRETE MONUMENT
- CCR CERTIFIED CORNER RECORD
- LB LICENSED BUSINESS CERTIFICATION
| N | NORTHEAST |
| S | SOUTHEAST |
| SW | SOUTHWEST |
| NW | NORTHWEST |
| ORB | OFFICIAL RECORDS BOOK |
| PB | PLAT BOOK |
| PG | PAGE |
| PRM | PERMANENT REFERENCE MONUMENT |
| R/W | RIGHT-OF-WAY |

SHANNON SURVEYING, INC.
499 NORTH S.R. 434 - SUITE 2045
ALTAMONTE SPRINGS, FLORIDA, 32714
(407) 774-8372 LB # 6898



ORDINANCE NO. 2364

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA TO PLANNED UNIT DEVELOPMENT (PUD/RESIDENTIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST LESTER ROAD, WEST OF VICK ROAD, COMPRISING 8.16 ACRES, MORE OR LESS AND OWNED BY COUNTRY CROSSING, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

WHEREAS, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

WHEREAS, the proposed Planned Unit Development (PUD/Residential) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described properties be designated as Planned Unit Development (PUD/Residential, as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1AA zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary Development Plan submitted in association with the PUD district.
- C. If a preliminary Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
 1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 3. Rezone the property to a more appropriate zoning classification.
- D. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:
 1. The maximum number of single family homes allowed in this PUD is twenty-five (25).

2. Any lot abutting an existing platted lot that has a width of eighty-five (85) feet or greater, shall have a minimum lot width standard of eighty-five (85) feet and a minimum lot area standard of 10,200 square feet.
3. Any lot abutting an existing platted lot with a width less than eighty-five (feet), and for all interior lots within the PUD, the minimum lot width standard is seventy-five (75) feet and the minimum lot area standard is 8,250 square feet. An interior lot for purposes of this PUD is one that does not abut the western or northern boundary of the PUD.
4. Pertaining to paragraph 2 and 3, any portion of a proposed lot that has fifty (50) percent or more of its rear lot line abutting an existing platted lot with a width of eight-five (85) feet or greater, the minimum lot width shall be no less than eighty-five (85) feet.
5. The minimum livable area for a house shall be 1,700 square feet.
6. Unless otherwise addressed within the PUD development standards, the R-1AA zoning standards will apply to the subject property.
7. The long narrow tract extending eastward from the northeast corner of the PUD shall be owned and maintained by the property owner association.
8. If the PUD property is incorporated into the Spring Ridge property owners association, the park requirement will be waived. Otherwise, a compact park area not less than 8,250 square feet shall be included within the master site plan.

Section II. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/Residential) as defined in the Apopka Land Development Code.

Legal Description:

Commencing at the Southeast corner of the Northeast $\frac{1}{4}$ of Section 29, Township 20 South, Range 28 East, run north $87^{\circ}52'56''$ west along the south line of said Northeast $\frac{1}{4}$, a distance of 720.00 feet for a point of beginning; thence continue north $87^{\circ}52'56''$ west 799.96 feet to the east line of the west 1155 feet of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 29; thence run south $02^{\circ}34'57''$ west, along said east line, a distance of 660.00 feet; thence run north $87^{\circ}52'56''$ west 660.00 feet to the east line of the west 495 feet of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29; thence run south $02^{\circ}34'54''$ west along said east line, a distance of 657.34 feet to the south line of said Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29; thence run north $87^{\circ}28'16''$ west along said south line, a distance of 495.00 feet to the southwest corner of said Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29; thence run north $02^{\circ}34'54''$ east along the west line of said Southeast $\frac{1}{4}$, a distance of 653.79 feet; thence run south $87^{\circ}52'56''$ east 465.03 feet; thence run north $02^{\circ}34'57''$ east, 15 feet; thence south $87^{\circ}52'56''$ east, 645.04 feet; thence north $47^{\circ}21'01''$ east, 42.60 feet; thence north $02^{\circ}34'57''$ east, 585.00 feet; thence north $87^{\circ}52'56''$ west, 15.00 feet; thence north $02^{\circ}34'57''$ east, 45.00 feet; thence south $87^{\circ}52'56''$ east, 829.91 feet; run south $02^{\circ}23'28''$ west, a distance of 15.00 feet to the point of beginning. All lying and being situate in Orange County, Florida.

Parcel No. 29-20-28-0000-00-028
Containing 8.16 +/- Acres

Section III. That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

Section IV. That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

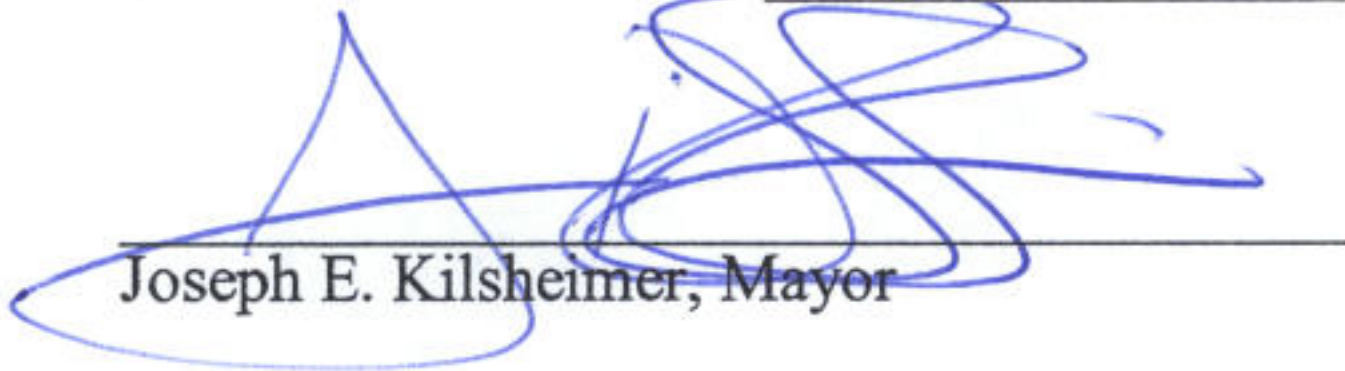
Section V. That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

Section VI. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section VII. That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: May 21, 2014

READ SECOND TIME
AND ADOPTED: June 4, 2014



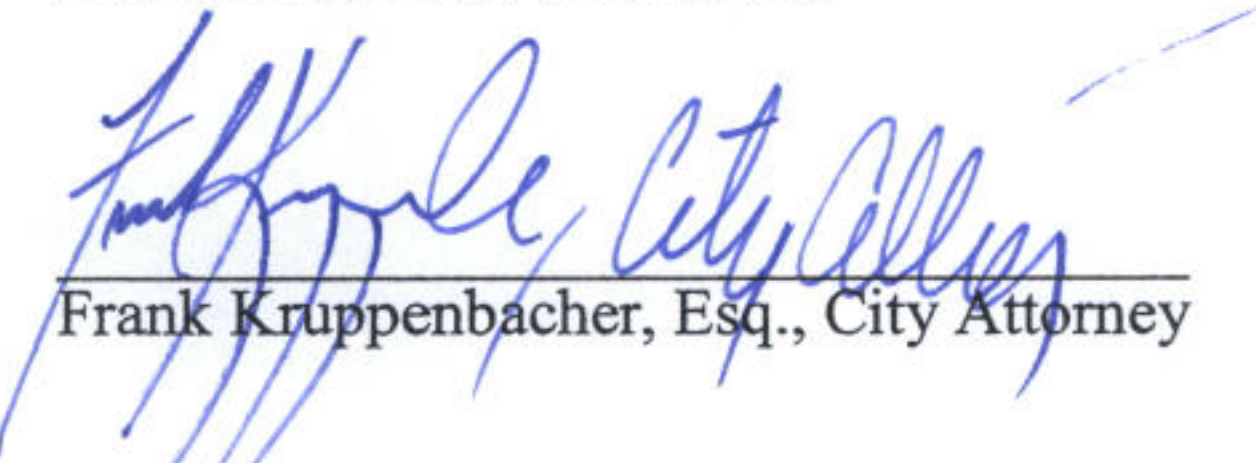
Joseph E. Kilsheimer, Mayor

ATTEST:



Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

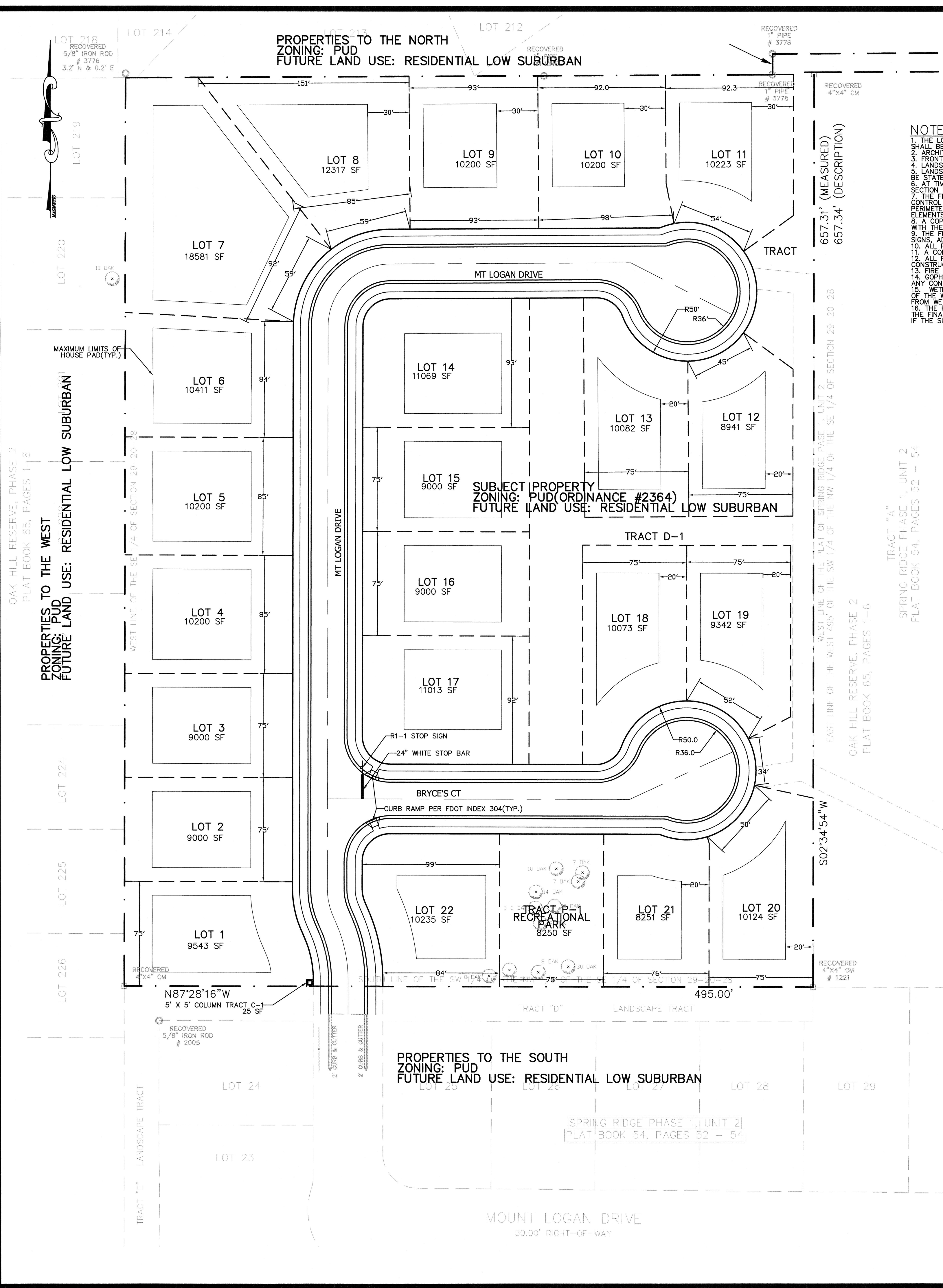


Frank Kruppenbacher, Esq., City Attorney

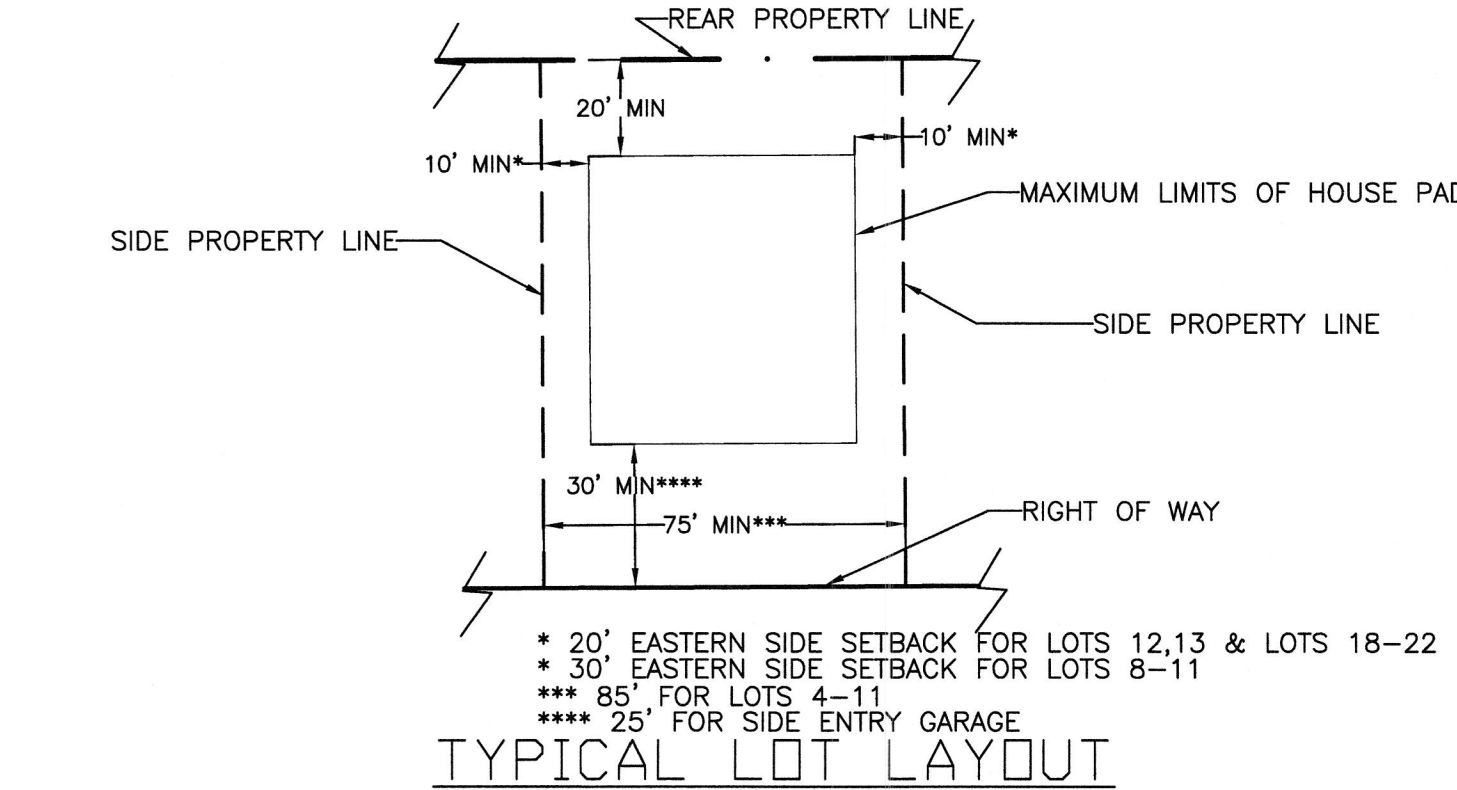
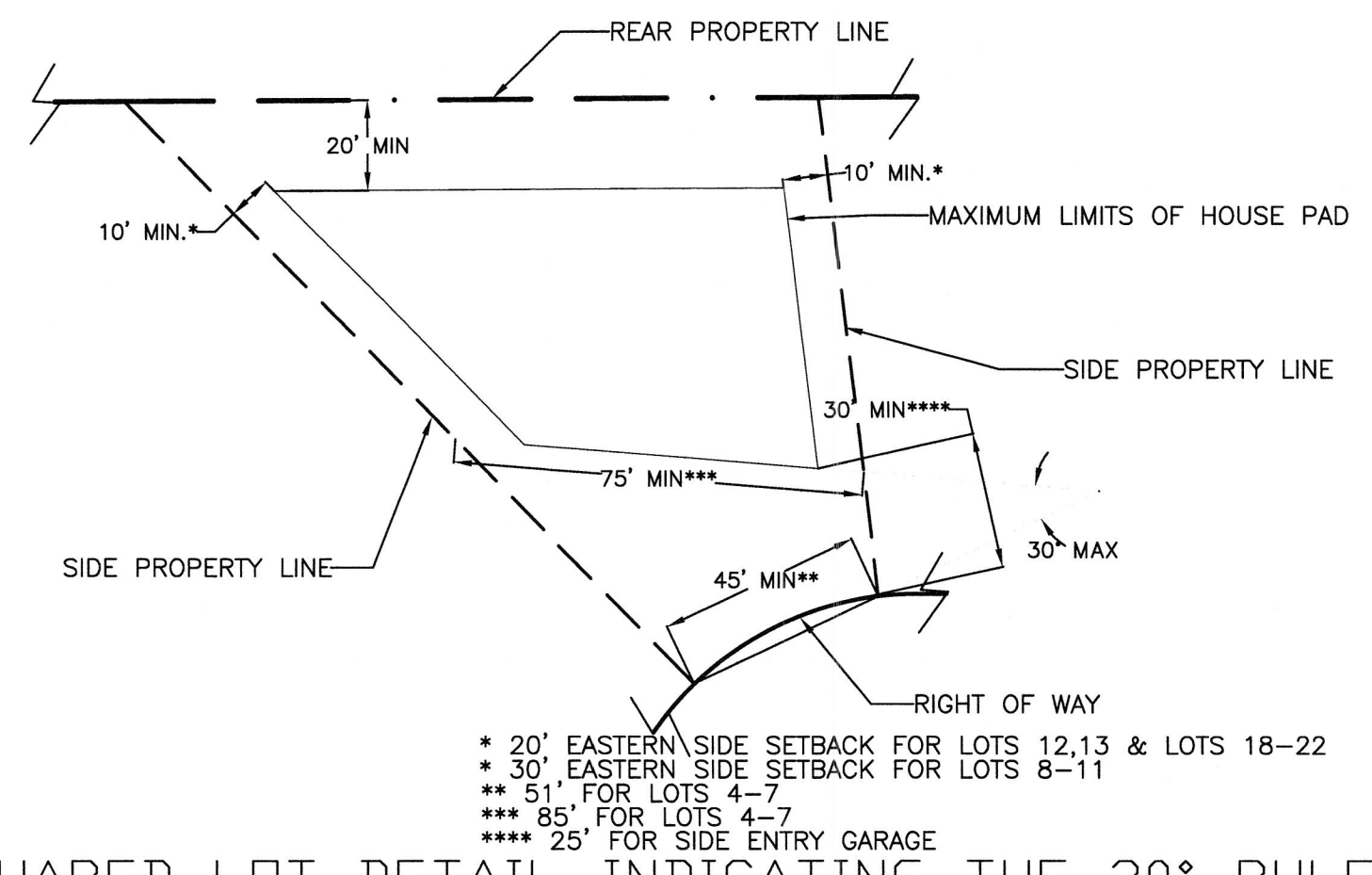
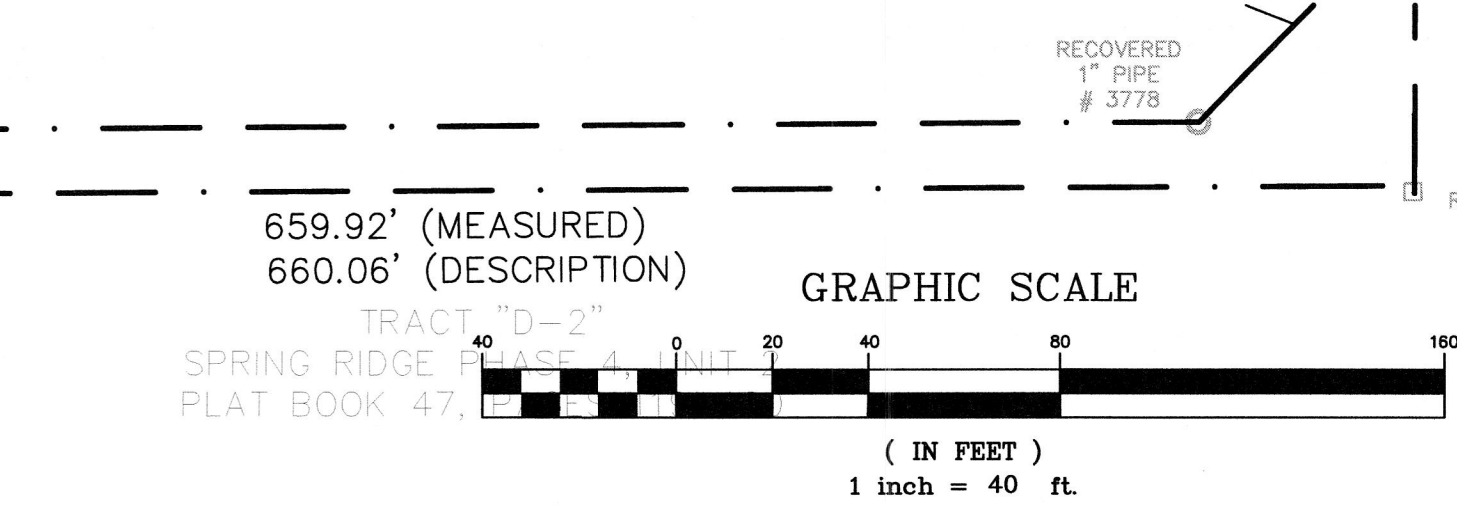
DULY ADVERTISED FOR TRANSMITTAL HEARING:

April 25, 2014

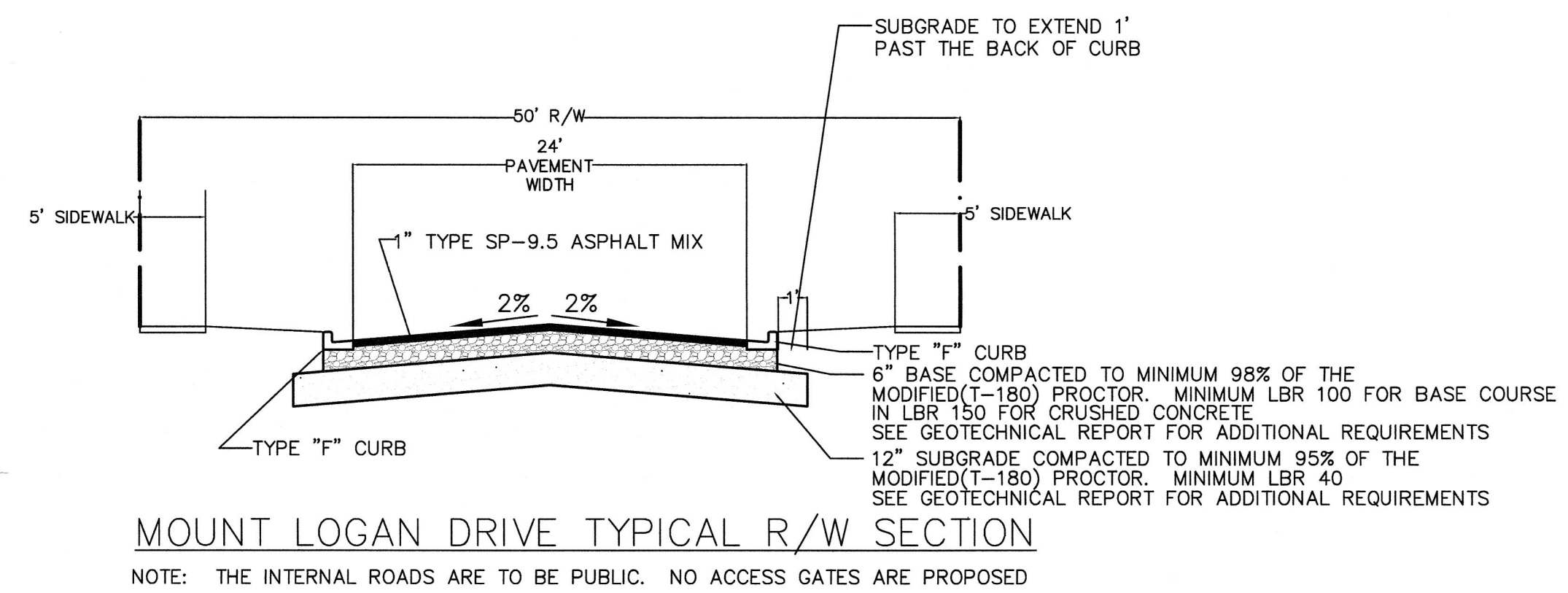
May 23, 2014



- NOTES**
1. THE LONG NARROW TRACT EXTENDING EASTWARD FROM THE NORTHEAST CORNER OF THE PUD SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER ASSOCIATION.
 2. ARCHITECTURAL DESIGN MUST MEET ARTICLE VI OF THE CITY'S LDC AND DEVELOPMENT DESIGN GUIDELINES.
 3. FRONT-ENTRY GARAGES MUST BE SET BACK AT LEAST 50 FEET FROM THE FRONT LOT LINE.
 4. LANDSCAPING AND IRRIGATION PLANS MUST BE CONSISTENT WITH SECTION 5.01 OF THE LDC.
 5. LANDSCAPING AND IRRIGATION PLAN SHALL BE IN COMPLIANCE WITH WATER WISE ORDINANCE 2069 AND MUST BE STATED ON THE PLAN AS SUCH.
 6. AT TIME OF FDP, AN OUTDOOR LIGHTING PLAN IS REQUIRED AND MUST MEET DEVELOPMENT DESIGN GUIDELINES SECTION 3.10.
 7. THE FINAL DEVELOPMENT PLAN (FDP) SUBMITTAL SHALL INCLUDE THE NPDES MANDATED EROSION AND SEDIMENT CONTROL PLAN AND STORMWATER POLLUTION PREVENTION PLAN IN ACCORDANCE WITH FDP'S GUIDELINES. PERIMETER CONTROL, SOURCE CONTROL, SPILL PREVENTION, SECONDARY CONTAINMENT, AND OTHER REQUIRED PLAN ELEMENTS SHALL BE DETAILED AS APPLICABLE.
 8. A COPY OF THE APPROVED SURVIVOR PERMIT OR A DETERMINATION OF NO PERMIT REQUIRED SHALL BE PROVIDED WITH THE FDP.
 9. THE FDP SUBMITTAL SHALL INCLUDE SIGNING AND MARKING DETAILS INCLUDING BUT NOT LIMITED TO STOP SIGNS, ADA CROSSINGS, STOP BARS AND SPEED LIMIT SIGNS.
 10. ALL POWER SERVICES WILL HAVE TO BE PROVIDED UNDERGROUND. NO OVERHEAD SERVICE WILL BE ALLOWED.
 11. A COPY OF THE PLAT WILL BE INCLUDED IN THE FINAL DEVELOPMENT PLAN (FDP) SUBMITTAL.
 12. ALL ROADWAYS, WATER LINE INFRASTRUCTURE AND FIRE HYDRANTS SHALL BE IN PLACE BEFORE BUILDING CONSTRUCTION MAY BEGIN.
 13. FIRE HYDRANTS SHALL BE MARKED WITH A BLUE ROAD REFLECTOR.
 14. GOPHER TORTOISE RELOCATION PERMITS TO BE REQUIRED PRIOR TO BEGINNING ANY CONSTRUCTION OPERATIONS. A COPY OF SAID PERMIT WILL BE PROVIDED TO THE CITY.
 15. WETLAND BUFFER SHALL BE AN AVERAGE MIN 25' WIDTH BEYOND THE PERIMETER OF THE WETLAND WITH A MIN WIDTH OF 15'. ALL STRUCTURES SHALL BE SETBACK 50' FROM WETLAND'S EDGE.
 16. THE FDP SUBMITTAL SHALL INCLUDE A SIGNED AND SEALED PRELIMINARY GEOTECHNICAL DESIGN REPORT. THE FINAL GEOTECHNICAL ANALYSIS MAY BE REQUIRED TO EVALUATE POSSIBLE KARST CONDITIONS, IF THE SITE IS MAPPED TO BE WITHIN A KARST AREA PER THE CITY COMPREHENSIVE PLAN.



SYMBOL LEGEND	
	MITERED END SECTION
	CURB INLET
	DITCH BOTTOM INLET
	STORM PIPE
	DRAINAGE MANHOLE
	SANITARY MANHOLE
	PIPE BEND
	TEE
	GATE VALVE
	WATER MAIN
	RECLAIMED WATER MAIN



CENTRAL
FLORIDA
ENGINEERING

CIVIL ENGINEERING CONSULTANT
3586 ALONIA AVE #14
WINTER PARK, FL 32792
PHONE: (407) 719-6040
EMAIL: jfraserpe@earthlink.net
CERTIFICATE OF AUTHORIZATION #55899

COUNTRY CROSSINGS
ESTATES
CITY OF APOPKA

SITE PLAN

REVISIONS

No.	Date	Description
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

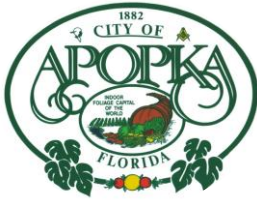
DESIGNED BY: JAF
DRAWN BY: JAF
CHECKED BY: JAF

DATE: 10/24/19
PROJECT NO. 057-002
SCALE: 1"=40'

SHEET NO.

C-4

James A. Fraser
10/24/19
JAMES A. FRASER, P.E. #58030



CITY OF APOPKA PLANNING COMMISSION

☐	PUBLIC HEARING	MEETING OF:	January 14, 2020
☐	SITE PLAN	FROM:	Community Development
☐	SPECIAL REPORTS	EXHIBITS:	Vicinity Map
☒	OTHER: Preliminary Development Plan		Preliminary Dev. Plan
☐			Ordinance No. 2344
			Recorded CMA

SUBJECT: FAIRCLOTH LAKES SUBDIVISION – PRELIMINARY DEVELOPMENT PLAN

REQUEST: RECOMMEND APPROVAL OF THE FAIRCLOTH LAKES SUBDIVISION PRELIMINARY DEVELOPMENT PLAN

SUMMARY:

OWNER: Holston Properties and Development, LLC

APPLICANT: James A. Fraser, P.E.

LOCATION: West of SR 451, east of Marshall Lake, south of Ralph Poe Drive, and north of Marshall Lake Road

PARCEL ID NUMBER: 08-21-28-0000-00-050

EXISTING USE: Vacant (planted Pines)

FLUM DESIGNATION: Residential Low Density (0-5 du/ac)

CURRENT ZONING: PD (Planned Development)

PROPOSED DEVELOPMENT: 31 single family homes

TRACT SIZE: 25.38 +/- acres

APPLICABLE LDC/ORDINANCE: 1993 Land Development Code, Planned Development Ordinance No. 2344

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

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low Density (0-5 du/ac)	RMF (Residential Multi-Family)	Poe Reserve single-family residential subdivision
East	None assigned (SR 451 right-of-way)	None assigned	SR 451 right-of-way
South	Mixed-Use (0-15 du/ac)	MU-ES-GT: Mixed-Use Gateway	Single-family residential, Marshall Lake Road
West (City)	Residential Low Density (0-5 du/ac)	RMF (Residential Multi-Family)	Marshall Lake

Project Use: The applicant has submitted a Preliminary Development Plan (PDP) for consideration which details the development of 31 single-family units on 25.38 acres. The subject property is located west of SR 451, east of Marshall Lake, south of Ralph Poe Drive, and north of Marshall Lake Road, and is proposed to have a vehicular connection into the Poe Reserve subdivision located to the north of the subject property. Development is subject to the standards and conditions set forth in PD Ordinance No. 2344 which was adopted on February 5, 2014. The minimum typical lot width is 70 feet with a minimum lot size of 8,000 square feet, and a minimum unit size of 1,350 square feet which is consistent with Ordinance No. 2344. The minimum setbacks applicable to this project are:

Setback	Minimum Standard
Front	25'
Side	7.5'
Rear	20'
Wetland	50'
Corner	25'

Access: The PDP proposes two ingress/egress access points for the development. The northern access point is located on Ralph Poe Drive which will connect into the Poe Reserve subdivision. This road is proposed to be an extension of Ralph Poe Drive and will connect to and allow access to Marshall Lake Road. The southern access point is located on Marshall Lake Road. The internal roadway network of the proposed subdivision is comprised of a 50-foot wide public right-of-way. A 5-foot wide sidewalk is proposed on both sides of the street.

Stormwater: Two tracts for stormwater retention are located within the development and are labeled Stormwater Management Tracts D-1 and D-2. Both stormwater management tracts are proposed dry retention ponds. These ponds will be owned and maintained by the homeowners association.

Recreation: A 12,600 square foot park tract labeled on the PDP as Park Tract P-1 is provided. The park tract will consist of passive and active recreation amenities. This tract will be owned and maintained by the homeowners association. Recreational facilities and equipment will be proposed with the Final Development Plan.

Buffer/Tree Program: A buffer tract will be provided adjacent to the south side of Lot 1 which will be owned and maintained by the homeowners association. This tract will consist of a 6-foot masonry wall with subdivision identification signage provided on it. Viburnum and Crepe Myrtle will be planted adjacent to the sign in the buffer. Street trees will be provided that are spaced 50-feet on center.

SCHOOL CAPACITY REPORT: A School Concurrency Management Agreement (CMA) was approved by the Orange County Public Schools (OCPS) and the City Council. A recorded copy is included as an exhibit to this staff report. The property is zoned for the following schools: Apopka Elementary, Apopka Middle, and Apopka High.

ORANGE COUNTY NOTIFICATION: Orange County was notified at the time of the subdivision plan submittal for this property through the DRC agenda distribution.

PUBLIC HEARING SCHEDULE:

January 14, 2020 - Planning Commission, 5:30 pm

February 5, 2020- City Council, 1:30 pm

RECOMMENDATION ACTION:

The **Development Review Committee** finds the Preliminary Development Plan consistent the 1993 Land Development Code and recommends approval of the Faircloth Lakes Subdivision Preliminary Development Plan.

Recommended Motion: Find the Preliminary Development Plan consistent with the Land Development Code, and recommend approval of the Faircloth Lakes Subdivision Preliminary Development Plan.

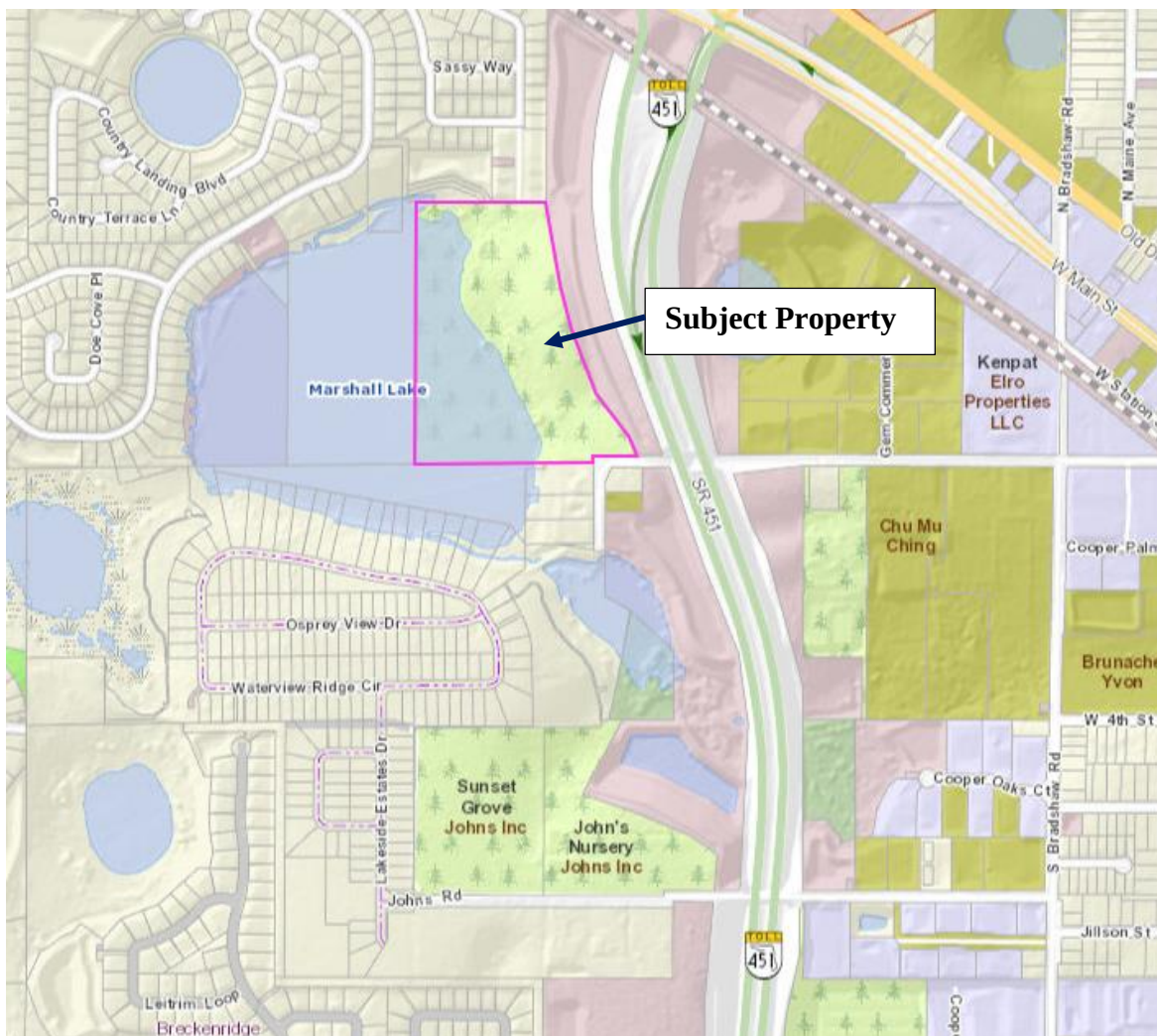
Planning Commission Role: The role of the Planning Commission for this development application is to advise the City Council to approve or deny based on consistency with the Comprehensive Plan and Land Development Code and PD Ordinance No. 2344.

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.

Project: FAIRCLOTH LAKES SUBDIVISION
Owned by: Holston Properties and Development, LLC
Located: West of SR 451, east of Marshall Lake, south of Ralph Poe Drive, and north of Marshall Lake Road
Parcel ID#: 08-21-28-0000-00-050



VICINITY MAP



PRELIMINARY DEVELOPMENT PLAN

FOR

FAIRCLOTH LAKES

SUBDIVISION

CENTRAL FLORIDA ENGINEERING, INC.

CIVIL ENGINEERING CONSULTANT

3586 ALOMA AVE. SUITE 14 WINTER PARK, FL. 32792

PHONE: (407)719-6040 EMAIL: jfraserpe@earthlink.net

PROJECT INFORMATION

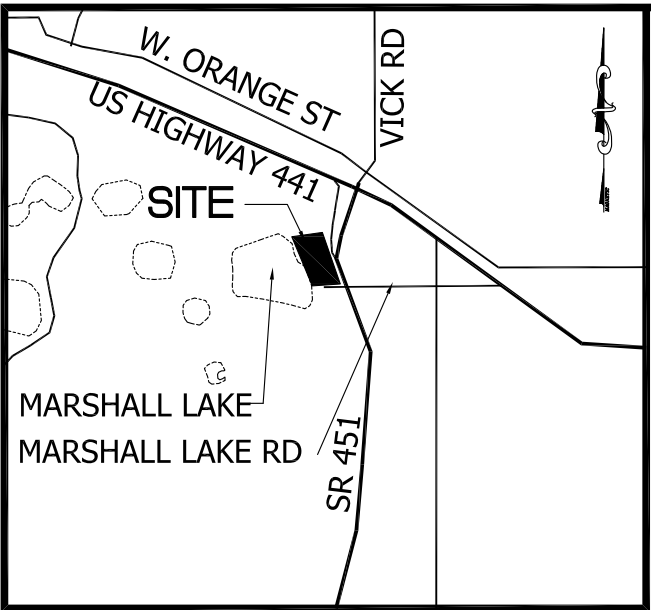
DEVELOPER: HOLSTON PROPERTIES AND DEVELOPMENT
7575 DR PHILLIPS BLVD #245
ORLANDO, FL 32819
PHONE: (407)481-0002
E-MAIL:rhodev@yahoo.com

CIVIL ENGINEER: CENTRAL FLORIDA ENGINEERING, INC.
3586 ALOMA AVE. SUITE 14
WINTER PARK, FL. 32792
PHONE: (407)719-6040
FAX: (407)275-5431
E-MAIL:jfraserpe@earthlink.net

LANDSCAPE ARCHITECT: LANDSCAPE DYNAMICS, CC, INC
2431 ALOMA AVENUE, # 284
WINTER PARK, FL 32792
PHONE: 407-579-1811
E-MAIL:randeyebuchanan@gmail.com

SURVEYOR: BISHMAN SURVEYING AND MAPPING, INC.
32 W PLANT ST
WINTER GARDEN, FLORIDA 34787
PHONE: (407)905-8877
FAX: (407)905-8875
E-MAIL:aron@bishmansurveying.com

GEOTECHNICAL ENGINEER: ECS FLORIDA, LLC
2815 DIRECTORS ROW SUITE 500
ORLANDO, FL. 32809
PHONE: (407)859-8378
FAX:(407)641-8977
E-MAIL:RMixon@ecslimited.com



LOCATION MAP
NTS

INDEX OF DRAWINGS

SHT. NO.	DESCRIPTION
CVR	COVER SHEET
C-1	PRELIMINARY DEVELOPMENT PLAN
C-2	EXISTING CONDITION/DEMOLITION AND TREE REMOVAL/REPLACEMENT PLAN
TP-1	TREE PRESERVATION PLAN
L-1	LANDSCAPE PLAN
L-2	LANDSCAPE DETAILS AND SPECS
IR-1	IRRIGATION PLAN
IR-2	IRRIGATION DETAILS

SITE INFORMATION

PARCEL ID: 08-21-28-0000-00-050
PROPERTY ADDRESS: MARSHALL LAKE RD
TOTAL ACREAGE: 25.38 AC.
TOTAL DEVELOPABLE ACREAGE: 11.15 AC (UPLAND OF THE WETLANDS)
EXISTING ZONING: R-2
FUTURE LAND USE DESIGNATION: RESIDENTIAL LOW
ZONING TO THE NORTH: R-3
ZONING TO THE EAST: SR 451 R/W
ZONING TO THE WEST: R-3
ZONING TO THE SOUTH: PUD-MIXED EC
LAND USE TO THE NORTH: SINGLE FAMILY DEVELOPMENT
LAND USE TO THE EAST: SR 451 R/W
LAND USE TO THE WEST: SINGLE FAMILY DEVELOPMENT
LAND USE TO THE SOUTH: SINGLE FAMILY DEVELOPMENT
OF LOTS PROPOSED: 31
RESIDENTIAL DENSITY: 31 DWELLING UNITS/ 11.15 ACRES = 2.8 UNITS PER DEVELOPABLE ACRE
PROPOSED PHASING: 1-PHASE
EXISTING USE: OPEN SPACE
POTABLE WATER, RECLAIMED WATER, AND SEWER PROVIDER: CITY OF APOPKA
FLOOD PLAIN: ELEVATION 70.3

SITE REQUIREMENTS

MINIMUM FRONT YARD SETBACK: 25' FOR SIDE ENTRY GARAGE AND 30' FOR FRONT ENTRY GARAGE
MINIMUM REAR YARD SETBACK: 20'
MINIMUM SIDE YARD SETBACK: 7.5'
MINIMUM CORNER YARD SETBACK: 25'
MINIMUM LIVING AREA(UNDER HEATING AND AIR CONDITIONING): 1,350 SQ.FT.(REQUIRED)
MAXIMUM DENSITY: 5.0 UNITS PER ACRE
DEVELOPMENT STANDARDS TO BE IN ACCORDANCE WITH THE R-2 ZONING DISTRICT
MINIMUM LOT WIDTH: 70'
MINIMUM LOT AREA: 8,000 SF
MINIMUM WIDTH OF LOT ON CURVE AT R/W: 42'(+ 60% X 70')
TERMS AND CONDITIONS OF ORDINANCE NO. 2344:
1. MINIMUM LOT AREA FOR A SINGLE FAMILY HOME SHALL BE 8,000 SQ. FT.
2. MINIMUM LIVABLE AREA FOR A SINGLE FAMILY DWELLING UNIT IS 1,350 SQ. FT.
OR AS OTHERWISE DETERMINED BY CITY COUNCIL AT ITS REVIEW OF THE MASTER SITE PLAN.
3. MINIMUM LOT WIDTH FOR A SINGLE FAMILY HOME SHALL BE 70 FT.
4. THE STANDARD SETBACKS FOR THE R-2 ZONING DESIGNATION WILL APPLY.
5. OPEN SPACE STANDARDS ESTABLISHED FOR THE R-2 ZONING CATEGORY SHALL APPLY TO THE PROPERTY.
6. NO DUPLEXES WILL BE ALLOWED TO BE BUILT ON THE PROPERTY.
7. UNLESS OTHERWISE ADDRESSED WITHIN THE PLANNED UNIT DEVELOPMENT STANDARDS DESCRIBED HEREIN, THE R-2 ZONING STANDARDS WILL APPLY TO THE SUBJECT PROPERTY.
8. AN APPLICATION FOR A PRELIMINARY DEVELOPMENT PLAN OR MASTER SITE PLAN SHALL NOT BE APPROVED BY THE CITY UNTIL SCHOOL CAPACITY ENHANCEMENT DETERMINATION OR MITIGATION AGREEMENT HAS BEEN OBTAINED FROM ORANGE COUNTY PUBLIC SCHOOLS.

SITE DATA TABLE			
PARCEL ID NUMBER	08-21-28-0000-00-050		
FUTURE LAND USE	RESIDENTIAL LOW(RL)		
ZONING	R-2		
ADJACENT FUTURE LAND USE	NORTH RL	SOUTH RL	EAST WEST R/W RL
ADJACENT ZONING	NORTH R-4	SOUTH PUD-MIXED EC	EAST WEST R/W R-3
ACREAGE SQUARE FOOT	1,105,647		
BUILDING HEIGHT	PROPOSED 35' MAX. 35'		
FLOOR AREA RATIO	PROPOSED N/A MAX. N/A		
BUILDING SETBACKS	PROPOSED: FRONT SIDE REAR CORNER 25' 7.5' 20' 25' REQUIRED: FRONT SIDE REAR CORNER 25' 7.5' 20' 25'		
PARKING SPACES	N/A		
NUMBER OF EMPLOYEES	N/A		
PROPOSED NUMBER OF BEDS	N/A		
WAIVER REQUEST	YES NO ELIMINATE THE NEED FOR BUFFER AND WALL		
VARIANCE REQUEST	YES NO		

NOTE

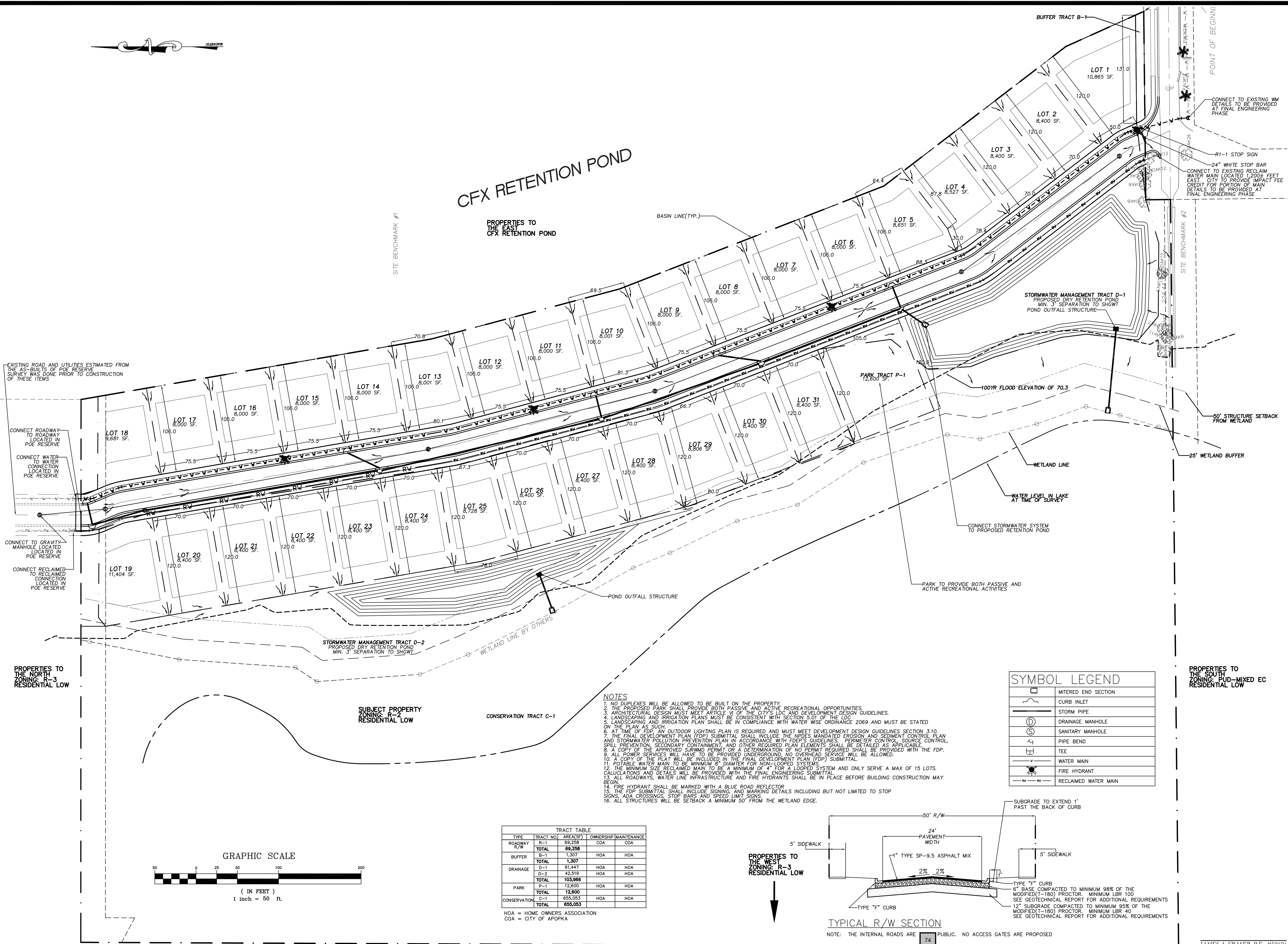
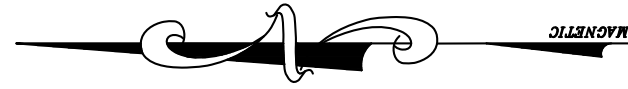
A LETTER MUST BE OBTAINED FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSIONER (FFWCC) REGARDING WILDLIFE MANAGEMENT PLAN FOR ENDANGERED SPECIES, PRIOR TO ANY CONSTRUCTION ACTIVITIES OCCURRING ON SITE

LEGAL DESCRIPTION (PER BISHMAN SURVEY, INC.):

(OFFICIAL RECORDS BOOK 3252, PAGE 447)

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 21 SOUTH, RANGE 28 EAST; THENCE RUN NORTH 00 DEGREES 10 MINUTES 51 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MARSHALL LAKE ROAD; THENCE RUN SOUTH 89 DEGREES 23 MINUTES 53 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 842.14 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 23 MINUTES 53 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 227.98 FEET TO THE NORTHWESTERLY CORNER OF SAID RIGHT-OF-WAY; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 09 SECONDS WEST ALONG THE WESTERLY LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 8; THENCE RUN SOUTH 89 DEGREES 23 MINUTES 53 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 906.35 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 8; THENCE RUN NORTH 00 DEGREES 15 MINUTES 54 SECONDS EAST ALONG THE WEST LINE OF EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 8 A DISTANCE OF 1330.25 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 8, SAID POINT ALSO BEING A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 8; THENCE RUN SOUTH 89 DEGREES 58 MINUTES 25 SECONDS EAST ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 A DISTANCE OF 658.12 FEET TO THE NORTHEAST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 8; THENCE LEAVING SAID NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 RUN SOUTH 09 DEGREES 47 MINUTES 14 SECONDS EAST A DISTANCE OF 430.95 FEET; THENCE RUN SOUTH 14 DEGREES 54 MINUTES 18 SECONDS EAST A DISTANCE OF 235.52 FEET; THENCE RUN SOUTH 21 DEGREES 13 MINUTES 28 SECONDS EAST A DISTANCE OF 343.75 FEET; THENCE RUN SOUTH 37 DEGREES 28 MINUTES 46 SECONDS EAST A DISTANCE OF 278.31 FEET; THENCE RUN SOUTH 24 DEGREES 13 MINUTES 21 SECONDS EAST A DISTANCE OF 103.56 FEET TO A POINT ON THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF MARSHALL LAKE ROAD AND THE POINT OF BEGINNING.

CONTAINS 25.384 ACRES MORE OR LESS.



**CENTRAL
FLORIDA
ENGINEERING**
CIVIL ENGINEERING CONSULTANT
3586 ALOMA AVE #14
WINTER PARK, FL 32792
PHONE: (407) 719-6040
EMAIL: jfraserpe@earthlink.net
CERTIFICATE OF AUTHORIZATION #25899

**FAIRCLOTH LAKES
SUBDIVISION
CITY OF APOPKA**

PRELIMINARY DEVELOPMENT PLAN

REVISIONS

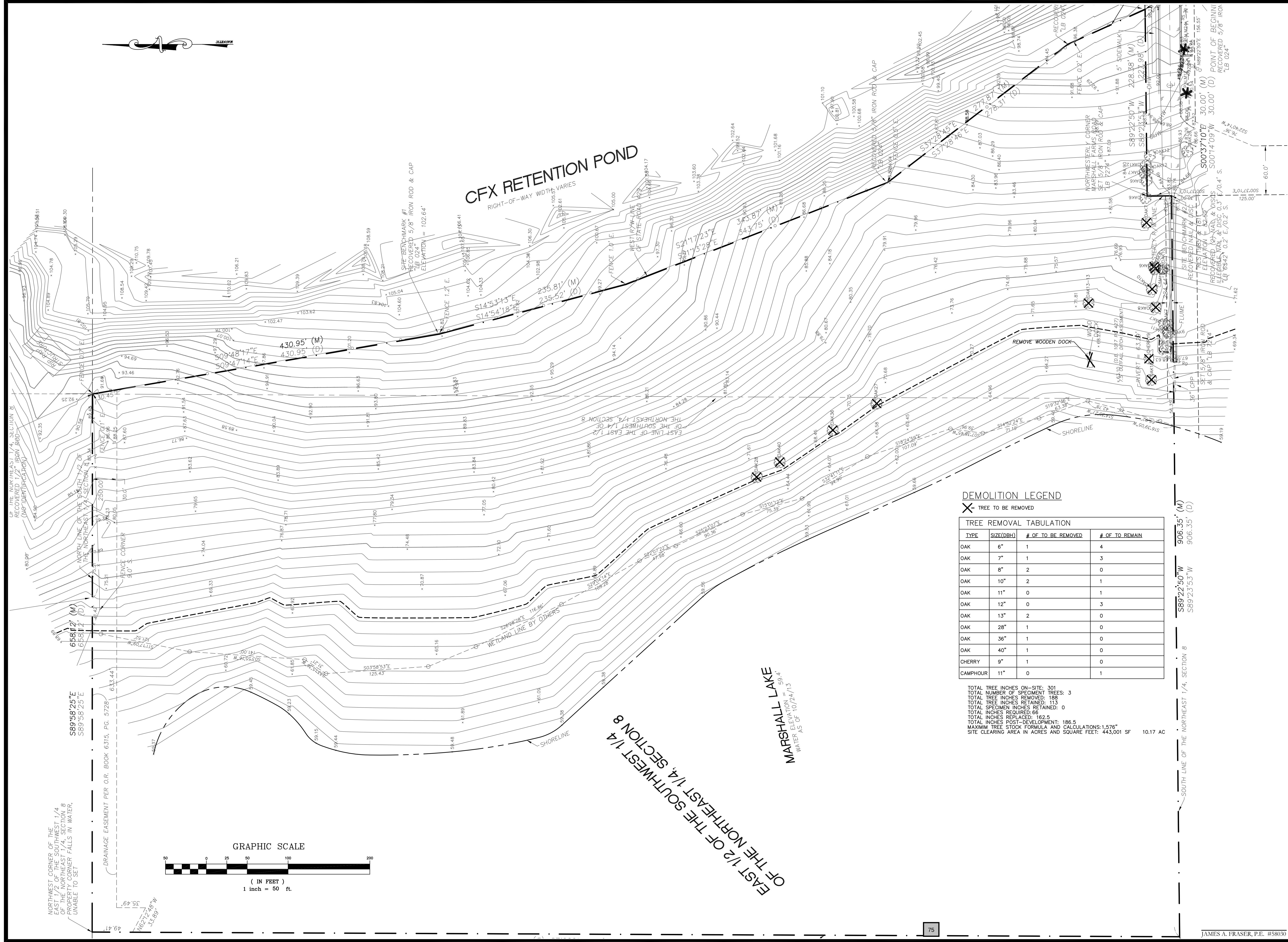
No.	Date	Description
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2.		
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8.		
9.		
10.		

DESIGNED BY: JAF
DRAWN BY: JAF
CHECKED BY: JAF

DATE: 07/22/19
PROJECT NO. 061-002
SCALE: 1"=40'

SHEET NO.

C-1



CENTRAL
FLORIDA
ENGINEERING

CIVIL ENGINEERING CONSULTANT
3586 ALOMA AVE #14
WINTER PARK, FL 32792
PHONE: (407) 719-6040
EMAIL: jfraserpe@earthlink.net
CERTIFICATE OF AUTHORIZATION #25899

FAIRCLOTH LAKES
SUBDIVISION
CITY OF APOPKA

EXISTING CONDITION/DEMOLITION
AND TREE REMOVAL/REPLACEMENT PLAN

REVISIONS

No.	Date	Description
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

DESIGNED BY: JAF

DRAWN BY: JAF

CHECKED BY: JAF

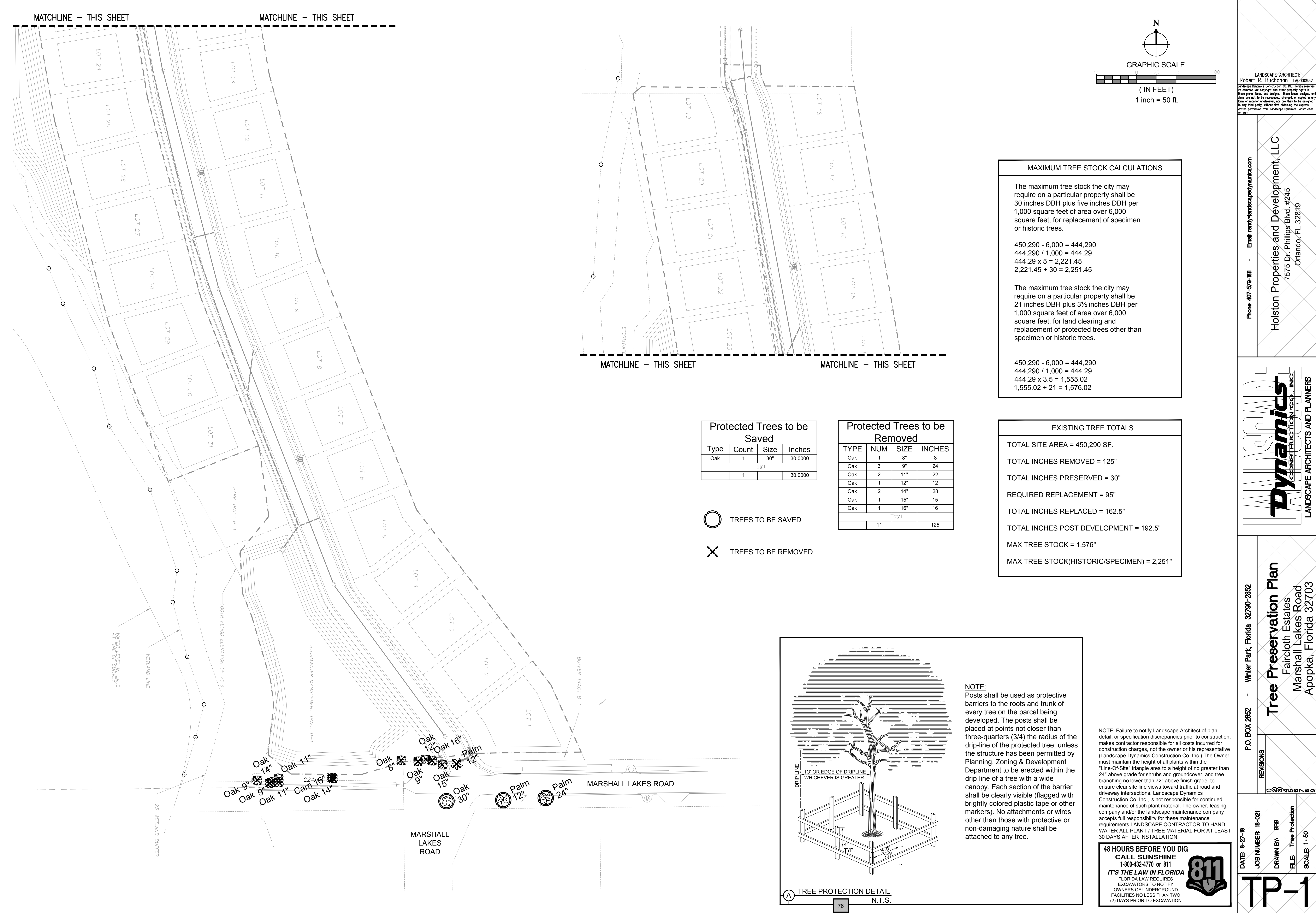
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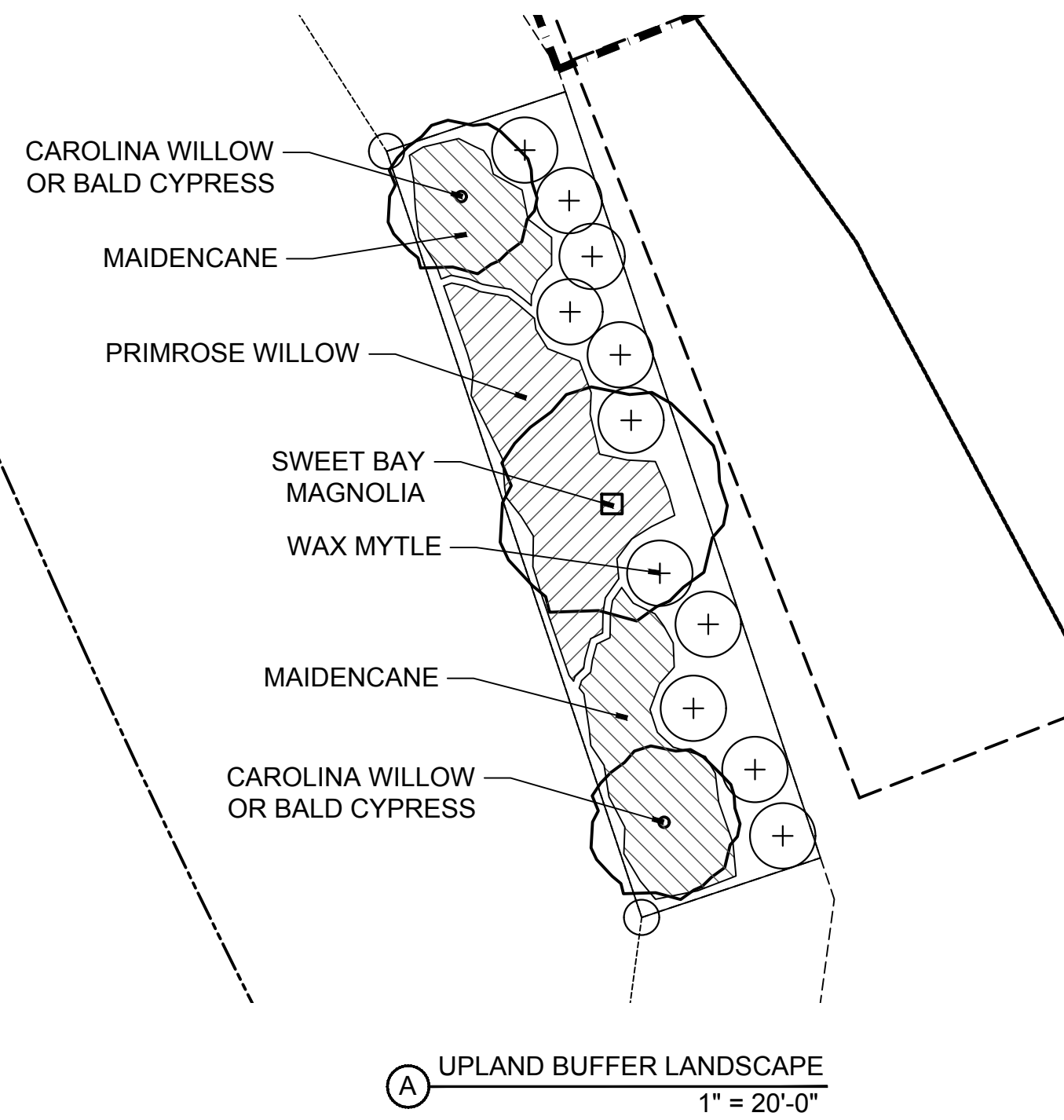
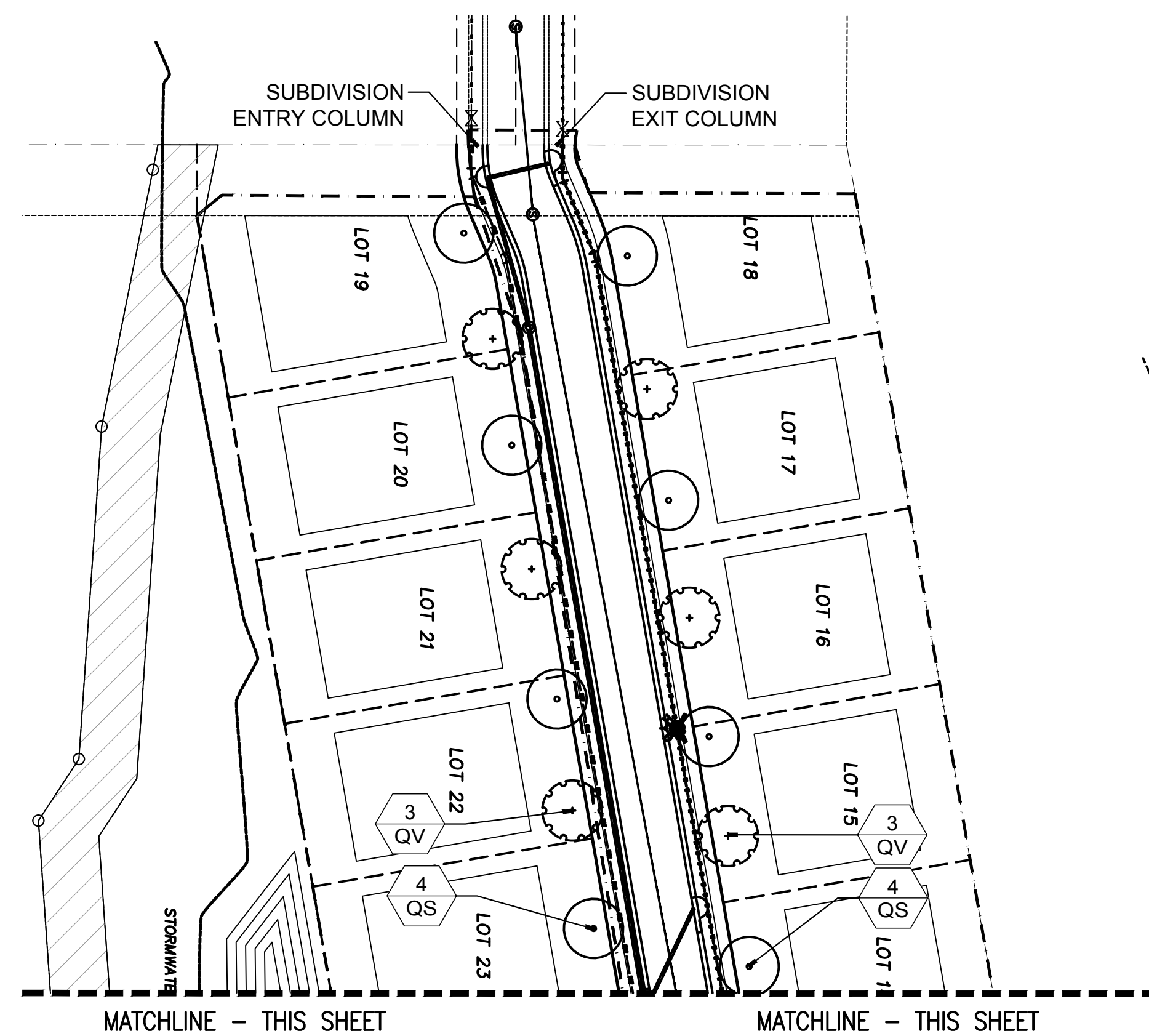
PROJECT NO. 061-002

SCALE: 1"=40'

SHEET NO.

C-2





Faircloth Lakes - Upland Buffer Plant List

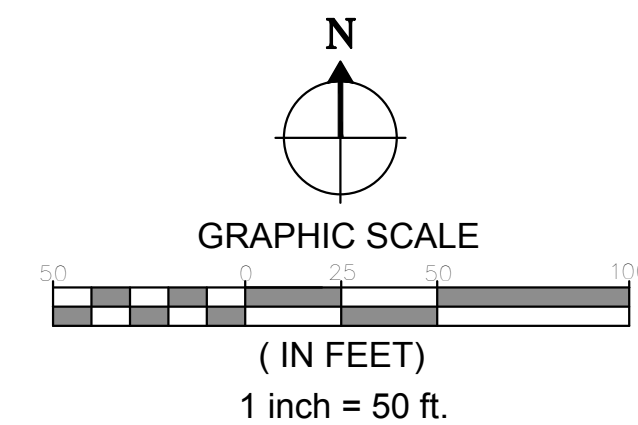
Count	SYM	BOTANICAL	COMMON	SPECIFICATIONS
Trees				
13	MG	Magnolia virginiana	Sweet Bay Magnolia	6-8' ht., 3-4" spr., 2" cal., 15 gal.
144	MC	Myrica cerifera	Wax Myrtle	2" cal., 5 gal.
13	SC	Salix caroliniana	Carolina willow	4-6' ht., 3-4" spr., 2" cal., 15 gal.
13	TD	Taxodium distichum	Bald Cypress	6-8' ht., 3-4" spr., 2" cal., 15 gal.
Shrubs & Groundcover				
1488	PH	Panicum hemitomon	Maidencane	1 gal., 30" o.c.
1330	LS	Ludwigia species	Primrose Willow	1 gal., 30" o.c.

Faircloth Lakes - Plant List

Count	SYM	BOTANICAL	COMMON	SPECIFICATIONS
Trees				
19	AR	Acer rubrum	Red Maple	8' ht. min., 2.5" cal., 45 gal.
4	LI	Lagerstroemia indica	Crape Myrtle	6' ht., 2" cal., std., 30 gal.
22	QS	Quercus shumardii	Shumard Oak	8' ht. min., 2.5" cal. 45 gal.
24	QV	Quercus virginiana	Live Oak	8' ht. min., 2.5" cal. 45 gal.
Shrubs				
34	VS	Viburnum suspensum	Sandankwa Viburnum	30-36" ht., 3 gal., 36" o.c.
Sod & Mulch				
	MULCH		Mini Pine Bark	3" Depth
	SOD	Paspalum notatum	Bahia Sod	solid sod, weed free, count by contractor

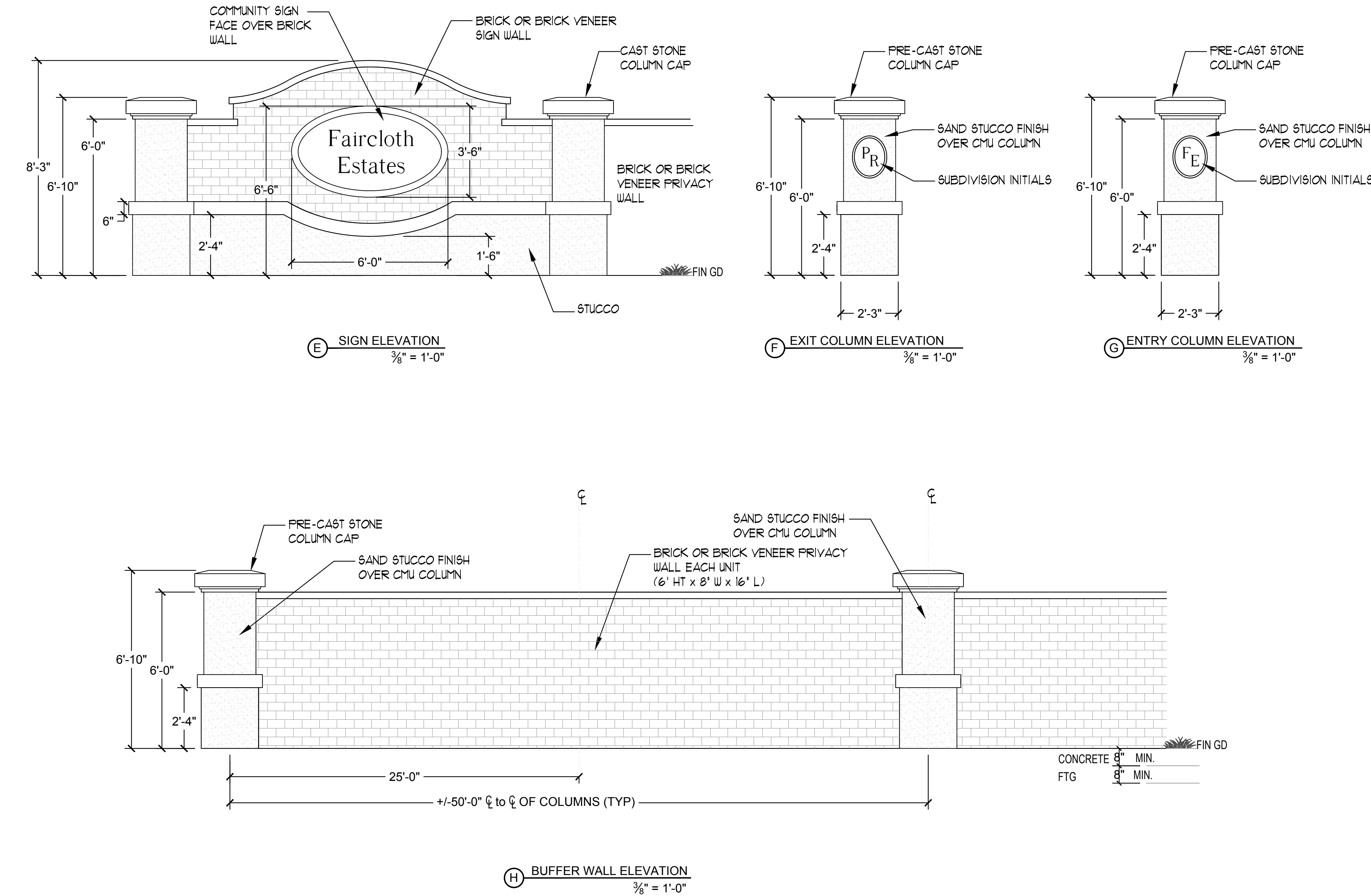
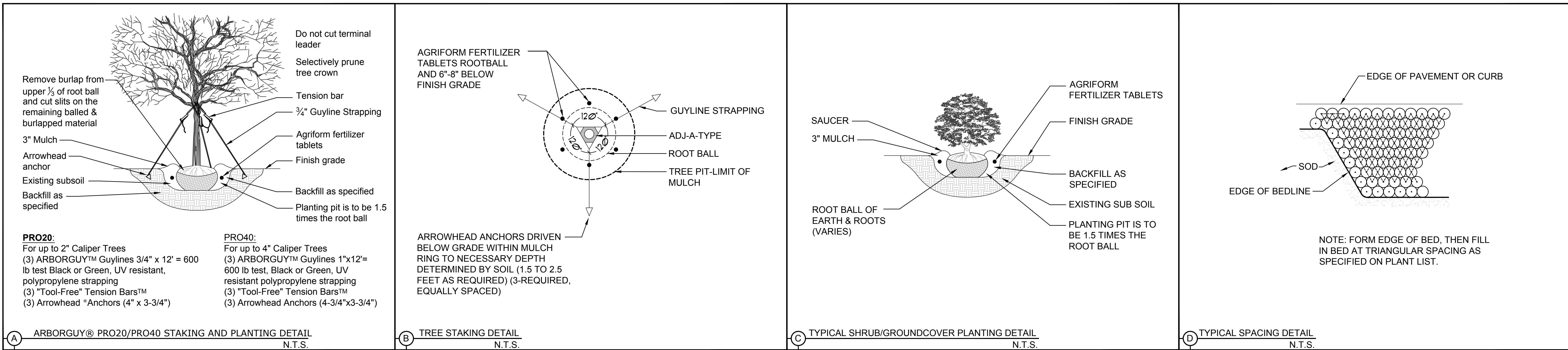
LANDSCAPE NOTES:

1. SOD ALL DISTURBED AREAS.
2. ALL PLANTING BEDS SHALL RECEIVE A 3" LAYER (1" OVER ROOT BALL) OF MINI PINE BARK MULCH.
3. SEE SHEET L-2 FOR ADDITIONAL LANDSCAPE NOTES.
4. IRRIGATION PLAN WILL BE PROVIDED WITH THE FINAL DEVELOPMENT PLAN.
5. PROJECT WILL BE 100% IRRIGATED WITH HEAD TO HEAD COVERAGE. SYSTEM WILL BE EQUIPPED WITH AN AUTOMATIC RAIN CUT-OFF-SWITCH.
6. RISERS ARE NOT ALLOWED.



NOTE: Failure to notify Landscape Architect of plan, detail, or specification discrepancies prior to construction makes contractor responsible for all costs incurred for construction charges, not the owner or his representative (Landscape Dynamics Construction Co. Inc.) The Owner must maintain the height of all plants within the "Line-Of-Site" triangle area to a height of no greater than 4' for trees and 2' for shrubs and groundcover and free branching no lower than 72" above finish grade, to ensure clear site line views toward traffic at road and driveway intersections. Landscape Dynamics Construction Co. Inc., is not responsible for continued maintenance of such plant material. The owner, leasing company and/or the landscape maintenance company accept responsibility for the ongoing maintenance requirements. LANDSCAPE CONTRACTOR TO HAND WATER ALL PLANT / TREE MATERIAL FOR AT LEAST 30 DAYS AFTER INSTALLATION.

48 HOURS BEFORE YOU DIG
CALL SUNSHINE
1-800-432-4770 or 811
IT'S THE LAW IN FLORIDA
FLORIDA LAW REQUIRES
EXCAVATORS TO NOTIFY
OWNERS OF UNDERGROUND
FACILITIES NO LESS THAN TWO
(2) DAYS PRIOR TO EXCAVATION



GENERAL LANDSCAPE NOTES:

- Landscape contractor (LC) shall be responsible for all materials and work called for on the landscape plans and in the landscape notes and legend. Plant specifications are minimum acceptable sizes. Plans shall rule if there are any quantity discrepancies between the legend and plans. Final quantity takeoffs are the responsibility of the LC. Notify the Landscape Architect of any discrepancies.
- LC shall comply with all local codes and ordinances and obtain all permits and bonds necessary to construct the project.
- LC shall coordinate their work with other contractors to assure efficient and timely completion of the work.
- LC shall be responsible for supplying all materials, labor, and equipment for the performance of their portion of the work.
- LC to verify all existing grades, dimensions, adequate drainage, suitable planting soil and field conditions and notify owner of discrepancies before proceeding with work. Per FL Statutes, LC to call Sunshine State One (811) 72 hours prior to digging to have all utilities located.
- LC to protect existing utilities, structures, surfaces, and vegetation noted to be saved and be responsible for repair/replacement.
- Protect trees to be saved per detail. Vehicle parking, material storage, or soil removal/addition is not permitted within driplines.
- Round-Up shall be applied twice at ten day intervals onto all existing vegetation, sod, and groundcover areas that are to be replanted. Extreme care shall be taken to prevent overspray and/or drift onto existing plant material to be saved. Mfr's recommendations shall be followed. Remaining weeds and their roots shall be removed by hand prior to installation of plants. Resprouting weeds and plants are the responsibility of the LC through the one year warranty period.
- All plant materials shall be graded Florida No. 1 or better as outlined under current Grades and Standards for Nursery Plants, Division of Plant Industry, State of Florida, unless otherwise noted. All plants not listed shall conform to a Florida No. 1 or better as to: (1) health and vitality, (2) condition of foliage, (3) root system, (4) freedom from pest or mechanical damage, (5) heavily branched and densely foliated according to the accepted normal shape of the species. LC to obtain written certification from nurseries that plant materials are Florida No. 1 or better. Trees up to 4" caliper measured at 6" above soil line and over 4" caliper at 12" above soil line unless otherwise noted. All specifications to be met or exceeded unless otherwise noted. All rootballs and containers to be free of weeds and their roots.
- Planting soil of Fla. peat mixed 1/2 with clean topsoil for the backfilling of plant pits and beds shall be required only if existing soil is unsuitable for planting and/or contains lime rock or construction debris (to be removed).
- Trees and palms shall be installed so their top main root at the trunk is visible and 2" above finished grade. If root is buried, remove soil from the top of the rootball prior to installation. Do not apply the 1 1/2" of mulch to the top of the rootball until after inspection of each tree or palm.
- Landscape Architect is not responsible for adverse soil or drainage conditions, determining sub-surface soil conditions, underground objects/utilities or the accuracy of property lines or information portrayed on surveys or on documents or plans provided by others. Owner or their agent is solely responsible for future maintenance of all plantings to maintain safe visibility within all visibility sight triangles and vehicular use and pedestrian areas within and immediately adjacent to the site.
- Finished grade prior to mulching or sodding to be 3" below top of adjacent surfaces such as walks, curbs and driveways extending perpendicularly from the surface edge for a minimum distance of 18". See detail.
- All palms, trees, shrubs, and groundcovers shall be fertilized with Agriform 20-10-5 or SierraTabs 16-8-12 planting tablets. One tablet/ 1 gal, 2 tablets/ 3 gal, 3 tablets/ 5 or 7 gal, 4 tablets/ 10 gal and one tablet/ each 1/2" of tree trunk diameter. Application shall be as per the details and mfr's recommendation.
- All planting beds (except for annuals) and trees to receive med. pine bark mulch. Due to environmental concerns, cypress mulch shall NOT be used. All tree rootballs (which require 4 foot wide mulch rings in turf areas) shall be mulched to a maximum 1 1/2" depth (to aid water penetration) following inspection. All other planting beds to receive a 3" depth. Mulch shall not touch trunks or stems or be applied within the crowns of groundcovers or over their branches or foliage. Mulch is to be applied by hand and shall not be "blown in".
- LC to maintain all plant material in a plumb, upright and stable condition. All trees/palms to be guyed/staked as per details.
- LC to remove all bags (unless biodegradable), tags, ties, wires, ropes, stakes and nursery attachments from all plant material.
- LC shall be responsible to keep plant material in a healthy, watered, insect/pest free condition until owner's final acceptance.
- LC to provide a one-year warranty for trees/palms, shrubs, groundcovers, and vines and thirty days for sod. Warranty period shall start with final acceptance by owner. All plant material shall be alive and in satisfactory growth at the end of the warranty period.
- Replacement plant material shall be warranted for ninety days (sod for thirty days) from replacement date.
- Warranty shall apply only to material that dies due to poor quality, improper handling, or installation practices. Generally, material transplanted on-site shall not be warranted. Adverse weather conditions shall not apply. Proper watering and maintenance are the owner's responsibility during the warranty period.
- Provide 100% coverage of all landscape areas using automatic underground irrigation system with rain sensor.

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(2) DAYS PRIOR TO EXCAVATION

811

LANDSCAPE ARCHITECT:
Robert R. Buchanan LA0000932

LANDSCAPE DYNAMICS CONSTRUCTION CO., INC. is not responsible for the use of these plans, ideas, and designs. These ideas, designs, and plans are not to be reproduced, changed, or used in any form or manner whatsoever, nor are they to be assigned to any third party without first obtaining the express written permission from Landscape Dynamics Construction Co., Inc.

Phone 407-579-8811 - Email randy@landscape-dynamics.com

Holston Properties and Development, LLC
7575 Dr. Phillips Blvd. #245
Orlando, FL 32819

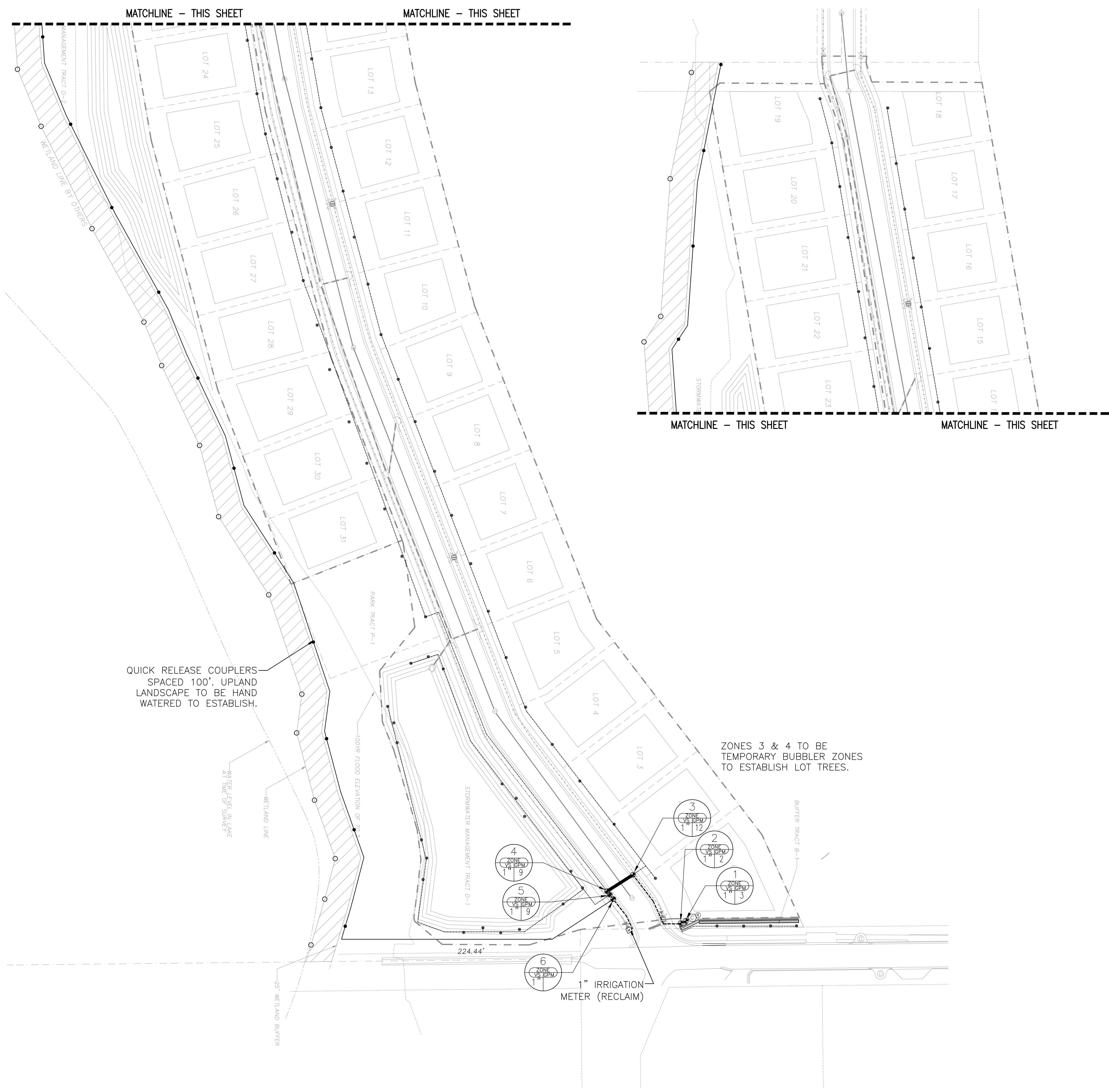
Landscape Details and Specs.
Faircloth Estates
Marshall Lakes Road
Apopka, Florida 32703

P.O. BOX 2852 - Winter Park, Florida 32790-2852

REVISIONS

DATE: 8-27-18
JOB NUMBER: 18-021
DRAWN BY: BRB
FILE: Landscape
SCALE: N.T.S.

L-2



IRRIGATION SYMBOLS:

- QUICK RELEASE COUPLER (PURPLE)
- ⊗ (2) XERI-BUBBLER ON 1/4" TUBING (PURPLE)
- ◐ PEB SERIES ELECTRIC REMOTE-CONTROL VALVE (PURPLE)
- ◑ CONTROL ZONE KIT WITH PRESSURE REGULATING BACKFLUSH FILTER (PURPLE)
- ⬡ RAINBIRD ESP-MC PLASTIC WALL-MOUNT (CONTROLLER) (PURPLE)
- Ⓡ RAINBIRD RSD-CEx ROOF CONDUIT (RAIN SENSOR) (PURPLE)
- ⌞ BACKFLOW PREVENTER
- Ⓜ 1" WATER METER (PURPLE)
- CLASS 200 PVC LATERAL LINE (PURPLE)
- - - POLYETHYLENE TUBING BUBBLER LINE (PURPLE)
- ▨ LANDSCAPE DRIP AREA (PURPLE) (TUBING AND EMITTERS 12" O.C.)
- 1½" PVC LATERAL MAINLINE (PURPLE)
- NOTE: (PIPE TO BE SIZED NOT TO EXCEED A VELOCITY OF 5 FPS / MAX. PSI LOSS IN ZONE LINES NOT TO EXCEED 10% OF OPERATING PSI) MINIMUM PIPE SIZE TO BE ¾"
- █ PVC SCH 40 SOLVENT WELD SLEEVE PIPE (SL.) - SIZE TO BE DOUBLE THAT OF THE LATERAL LINE (PURPLE)

Zones		
Zone	Type	Notes
1	Drip	Permanent
2	Bubbler	Permanent
3	Bubbler	Temporary
4	Bubbler	Temporary
5	Bubbler	Permanent
6	Coupler	Temporary

QUICK RELEASE COUPLERS
SPACED 100'. UPLAND
LANDSCAPE TO BE HAND
WATERED TO ESTABLISH.

ZONES 3 & 4 TO BE
TEMPORARY BUBBLER ZONES
TO ESTABLISH LOT TREES.

1" IRRIGATION
METER (RECLAIM)

VALVE DESIGNATION GUIDE

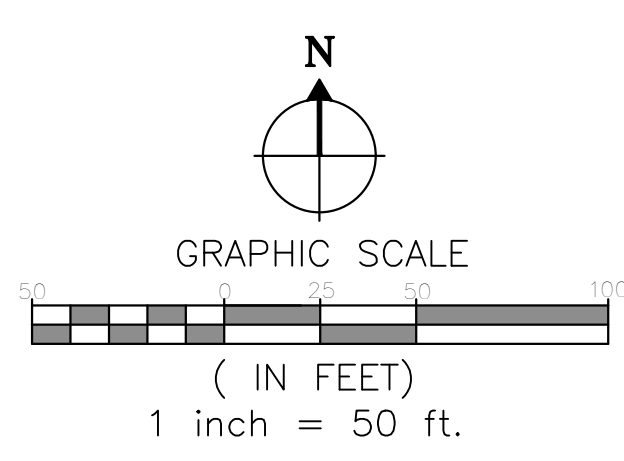
STATION NUMBER

VALVE SIZE

GALLONS PER MINUTE (GPM)

SPRAY PATTERN LEGEND

F	Q
TQ	ES
H	CS
T	SF
	SH
	SQ



NOTE: Failure to notify Landscape Architect of plan, detail, or specification discrepancies prior to construction, makes contractor responsible for all costs incurred for construction charges, not the owner or his representative (Landscape Dynamics Construction Co. Inc.) The Owner must maintain the height of all plants within the "Line-Of-Site" triangle area to a height of no greater than 24" above grade for shrubs and groundcover, and tree branching no lower than 72" above finish grade, to ensure clear site line views toward traffic at road and driveway intersections. Landscape Dynamics Construction Co. Inc., is not responsible for continued maintenance of such plant material. The owner, leasing company and/or the landscape maintenance company accepts full responsibility for these maintenance requirements. LANDSCAPE CONTRACTOR TO HAND WATER ALL PLANT / TREE MATERIAL FOR AT LEAST 30 DAYS AFTER INSTALLATION.

48 HOURS BEFORE YOU DIG
CALL SUNSHINE
1-800-432-4770 or 811

IT'S THE LAW IN FLORIDA
FLORIDA LAW REQUIRES
EXCAVATORS TO NOTIFY
OWNERS OF UNDERGROUND
FACILITIES NO LESS THAN TWO
(2) DAYS PRIOR TO EXCAVATION

LANDSCAPE ARCHITECT
Robert R. Buchanan LA0000932

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Phone 407-579-881 - Email randy@landscape-dynamics.com

Holston Properties and Development, LLC
7575 Dr. Phillips Blvd. #245
Orlando, FL 32819

LANDSCAPE
Dynamics
CONSTRUCTION CO., INC.

LANDSCAPE ARCHITECTS AND PLANNERS

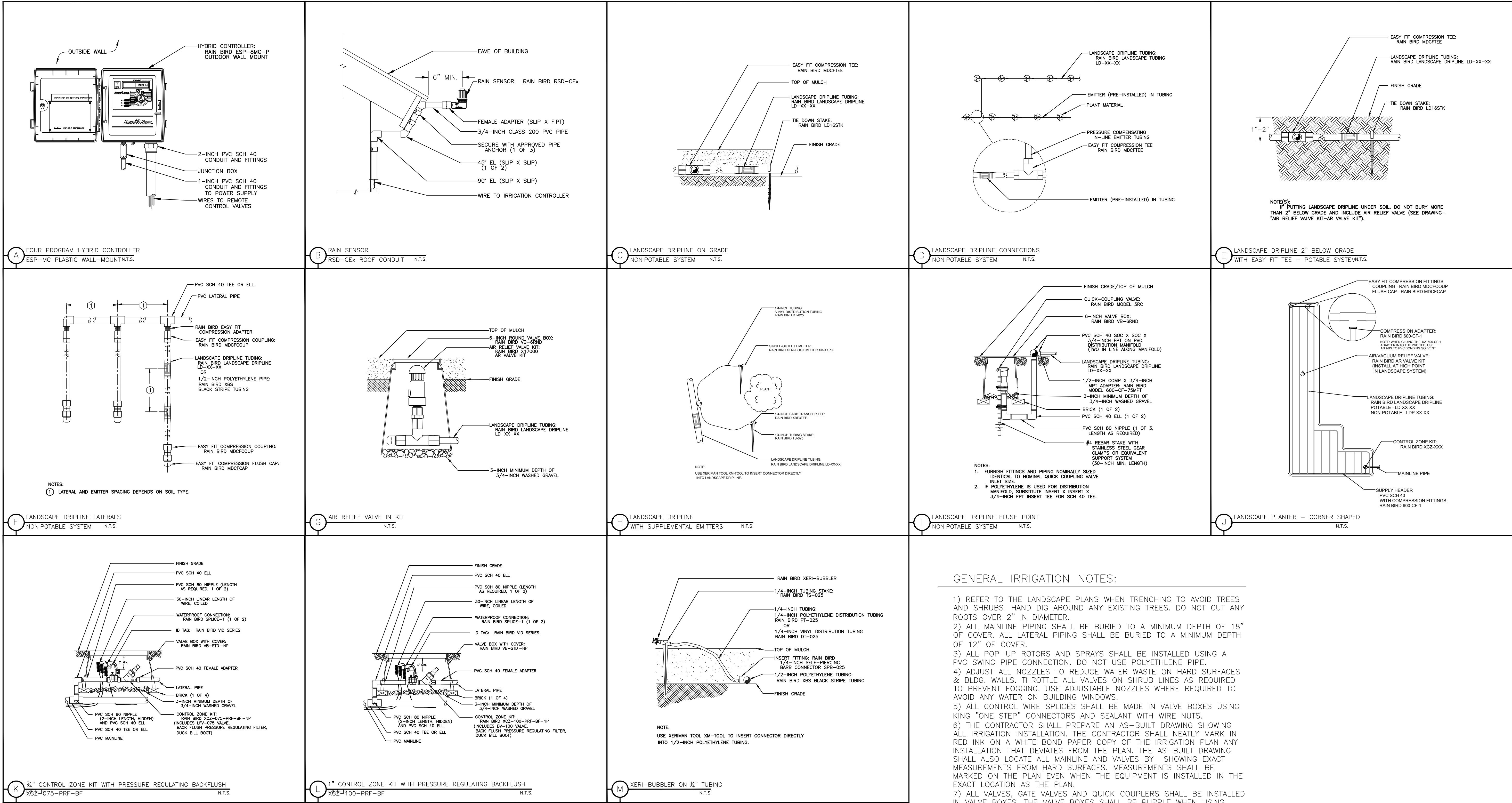
P.O. BOX 2852 - Winter Park, Florida 32790-2852

REVISIONS

DATE: 6-27-18
JOB NUMBER: 18-021
DRAWN BY: BBG
FILE: Irrigation
SCALE: 1:50

Irrigation Plan
Faircloth Estates
Marshall Lakes Road
Apopka, Florida 32703

IR-1



GENERAL IRRIGATION NOTES:

- 1) REFER TO THE LANDSCAPE PLANS WHEN TRENCHING TO AVOID TREES AND SHRUBS. HAND DIG AROUND ANY EXISTING TREES. DO NOT CUT ANY ROOTS OVER 2" IN DIAMETER.
- 2) ALL MAINLINE PIPING SHALL BE BURIED TO A MINIMUM DEPTH OF 18" OF COVER. ALL LATERAL PIPING SHALL BE BURIED TO A MINIMUM DEPTH OF 12" OF COVER.
- 3) ALL POP-UP ROTORS AND SPRAYS SHALL BE INSTALLED USING A PVC SWING PIPE CONNECTION. DO NOT USE POLYETHYLENE PIPE.
- 4) ADJUST ALL NOZZLES TO REDUCE WATER WASTE ON HARD SURFACES & BLDG. WALLS. THROTTLE ALL VALVES ON SHRUB LINES AS REQUIRED TO PREVENT FOGGING. USE ADJUSTABLE NOZZLES WHERE REQUIRED TO AVOID ANY WATER ON BUILDING WINDOWS.
- 5) ALL CONTROL WIRE SPLICES SHALL BE MADE IN VALVE BOXES USING KING "ONE STEP" CONNECTORS AND SEALANT WITH WIRE NUTS.
- 6) THE CONTRACTOR SHALL PREPARE AN AS-BUILT DRAWING SHOWING ALL IRRIGATION INSTALLATION. THE CONTRACTOR SHALL NEATLY MARK IN RED INK ON A WHITE BOND PAPER COPY OF THE IRRIGATION PLAN ANY INSTALLATION THAT DEVIATES FROM THE PLAN. THE AS-BUILT DRAWING SHALL ALSO LOCATE ALL MAINLINE AND VALVES BY SHOWING EXACT MEASUREMENTS FROM HARD SURFACES. MEASUREMENTS SHALL BE MARKED ON THE PLAN EVEN WHEN THE EQUIPMENT IS INSTALLED IN THE EXACT LOCATION AS THE PLAN.
- 7) ALL VALVES, GATE VALVES AND QUICK COUPLERS SHALL BE INSTALLED IN VALVE BOXES. THE VALVE BOXES SHALL BE PURPLE WHEN USING REUSE WATER.
- 8) ANY PIPING SHOWN OUTSIDE THE PROPERTY LINE OR RUNNING OUTSIDE A LANDSCAPE AREA IS SHOWN THERE FOR CLARITY ONLY. ALL LINES SHALL BE INSTALLED ON THE PROPERTY AND INSIDE THE LANDSCAPE AREAS OR INSIDE A SCH. 40 SLEEVE.
- 9) THE EXACT HEIGHT OF ANY 12" POP-UP THAT IS SHOWN IN A SHRUB BED SHALL BE DETERMINED BY THE OWNER'S REPRESENTATIVE IN THE FIELD.
- 10) THE CONTRACTOR SHALL EXERCISE CARE SO AS NOT TO DAMAGE ANY EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE REPAIRS AND COST OF ANY DAMAGE CAUSED BY THEIR WORK.
- 11) ALL WORK SHALL BE GUARANTEED FOR ONE YEAR FROM THE DATE OF FINAL ACCEPTANCE AGAINST ALL DEFECTS IN EQUIPMENT AND WORKMANSHIP. (OR AS OUTLINED IN THE WRITTEN SPECIFICATIONS)
- 12) ELECTRICAL SERVICE TO LOCATION OF THE CONTROLLER, WELL OR PUMP SHALL BE PROVIDED TO A JUNCTION BOX OR DISCONNECT AT THE EQUIPMENT LOCATION BY THE ELECTRICAL CONTRACTOR OR BY OWNER WHEN IT IS NOT PART OF THE BID PACKAGE.
- 13) IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO SCALE THE PLAN AND CHECK NOZZLE TYPES TO DETERMINE THE CORRECT SPACING OF THE HEADS. THE CONTRACTOR SHALL NOT SPACE THE HEADS FURTHER APART OR USE LESS HEADS THAN SHOWN ON THE PLAN. ANY CHANGES TO THE HEAD SPACING OR LAYOUT, WITHOUT THE CONSENT OF THE LANDSCAPE ARCHITECT OR OWNER, SHALL HOLD THE IRRIGATION CONTRACTOR RESPONSIBLE FOR WARRANTY OF THE PLANTS AND OR SOD IN THESE AREAS.
- 14) IRRIGATION SYSTEM DESIGN REQUIREMENTS: 60 GPM @ A MINIMUM OF 60 PSI AT EACH POINT OF CONNECTION. THE IRRIGATION CONTRACTOR SHALL VERIFY THE AVAILABLE GPM AND PSI PRIOR TO INSTALLATION OF THE SYSTEM.
- 15) 48 HOURS BEFORE DIGGING, CALL 1-800-432-4770 (SUNSHINE STATE ONE CALL CENTER)

NOTE: Failure to notify Landscape Architect of plan, detail, or specification discrepancies prior to construction, makes contractor responsible for all costs incurred for construction charges, not the owner or his representative (Landscape Dynamics Construction Co. Inc.) The Owner must maintain the height of all plants within the "Line-Of-Site" triangle area to a height of no greater than 24" above grade for shrubs and groundcover, and tree branching no lower than 72" above finish grade, to ensure clear site line views toward traffic at road and driveway intersections. Landscape Dynamics Construction Co. Inc., is not responsible for continued maintenance of such plant material. The owner, leasing company and/or the landscape maintenance company accepts full responsibility for these maintenance requirements. LANDSCAPE CONTRACTOR TO HAND WATER ALL PLANT / TREE MATERIAL FOR AT LEAST 30 DAYS AFTER INSTALLATION.

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811

LANDSCAPE ARCHITECT:
Robert R. Buchanan LA0000932
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Phone 407-579-8811 - Email randy@landscape-dynamics.com

Holston Properties and Development, LLC
7575 Dr. Phillips Blvd. #245
Orlando, FL 32819

LANDSCAPE ARCHITECT:
Landscape Dynamics Construction Co., Inc.
CONSTRUCTION CO., INC.

LANDSCAPE ARCHITECTS AND PLANNERS

P.O. BOX 2852 - Winter Park, Florida 32790-2852

REVISIONS

1 2 3 4 5 6 7 8 9

DATE: 8-27-18
JOB NUMBER: 18-021
DRAWN BY: BRB
FILE: Irrigation
SCALE: N.T.S.

IR-2

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ORDINANCE NO. 2344

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1A TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF S.R. 451 (f.k.a. S.R. 429), NORTH OF LAKE MARSHALL ROAD, COMPRISING 25.4 ACRES, MORE OR LESS AND OWNED BY FAIRCLCOTH FAMILY LTD.; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

WHEREAS, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

WHEREAS, the proposed Planned Unit Development (PUD/R-2) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

WHEREAS, the City acknowledges that a hardship occurs with the development of the property because of its proximity between Lake Marshall and S.R. 451.

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

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD/R-2), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: detached single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-2 zoning category except where otherwise addressed in this ordinance.
- B. Planted pine currently existing on the subject property may be harvested for silviculture purposes. If harvested for timber product, planted pine shall not be subject to the City's arbor mitigation standards.
- C. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary Development Plan submitted in association with the PUD district.
- D. If a Preliminary Development Plan or Master Site Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Site Plan provisions, the approval of the Master Site Plan provisions shall expire. If a school capacity enhancement determination has not been approved by Orange County Public Schools within six months of the effective date of this ordinance, the Master Plan provisions shall expire. At such time, the City Council may:
 1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;

2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
 3. Rezone the property to a more appropriate zoning classification.
- E. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:
1. Minimum lot area for a single family home shall be 8,000 sq. ft.
 2. Minimum livable area for a single family dwelling unit is 1,350 sq. ft. or as otherwise determined by City Council at its review of the Master Site Plan.
 3. Minimum Lot Width for a single family home shall be 70 ft.
 4. The standard setbacks for the R-2 zoning designation will apply.
 5. Open spaces standards established for the R-2 zoning category shall apply to the property.
 6. No duplexes will be allowed to be built on the property.
 7. Unless otherwise addressed within the Planned Unit Development standards described herein, the R-2 zoning standards will apply to the subject property.
 8. An application for a preliminary development plan or master site plan shall not be approved by the City until school capacity enhancement determination or mitigation agreement has been obtained from Orange County Public Schools.

Section II. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/R-2) as defined in the Apopka Land Development Code.

Legal Description:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST ¼ RUN NORTH 00 DEG EAST 30 FEET SOUTH 89 DEG WEST 842.14 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 89 DEG WEST 227.98 FEET SOUTH 00 DEG WEST 30 FEET SOUTH 89 DEG WEST 906.35 FEET NORTH 00 DEG EAST 1330.25 FEET SOUTH 89 DEG EAST 658.12 FEET SOUTH 09 DEG EAST 430.95 FEET SOUTH 14 DEG EAST FOR 235.52 FEET SOUTH 21 DEG E 343.75 FEET SOUTH 37 DEG EAST 278.31 FEET SOUTH 24 DEG EAST 103.56 FEET TO POINT OF BEGINNING, SEE 6315/5728 ACCORDING TO THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Parcel ID No.: 08-21-28-0000-00-050

Total Acreage: 25.4 +/- Acres (11.15 developable Acres)

Section III. That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

Section IV. That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

Section V. That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

Section VI. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section VII. That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME:

December 18, 2013

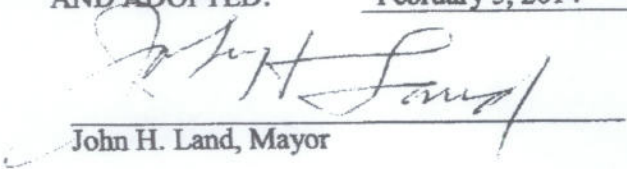
READ SECOND TIME:

January 15, 2014

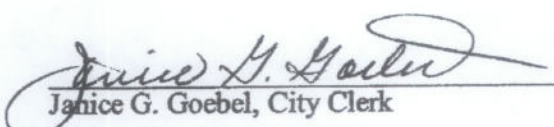
READ THIRD TIME

AND ADOPTED:

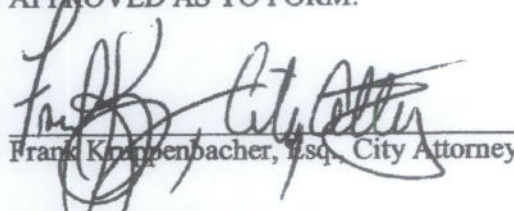
February 5, 2014


John H. Land, Mayor

ATTEST:


Janice G. Goebel, City Clerk

APPROVED AS TO FORM:


Frank Kruppenbacher, Esq., City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING:

November 22, 2013
December 27, 2013
January 24, 2014

After recording return to:

Jamie Boerger, AICP
Orange County Public Schools
6501 Magic Way, Building 200
Orlando, Florida 32809

DOC# 20190732372
11/20/2019 11:06:39 AM Page 1 of 17
Rec Fee: \$146.00
Deed Doc Tax: \$0.00
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Phil Diamond, Comptroller
Orange County, FL
SA - Ret To: ORANGE COUNTY PUBLIC SCHO


-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

**SCHOOL CONCURRENCY
MITIGATION AGREEMENT
APK-19-005
Faircloth Lakes Estates
Parcel ID 08-21-28-0000-00-050**

THIS SCHOOL CONCURRENCY MITIGATION AGREEMENT ("Agreement"), is entered into by **THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA** a body corporate and political subdivision of the State of Florida, ("School Board"), **CITY OF APOPKA**, a municipal corporation of the State of Florida, ("City") and **HOLSTON PROPERTIES AND DEVELOPMENT, LLC**, a Florida limited liability company, whose address is 7575 Dr. Phillips Boulevard, Suite 245, Orlando, Florida 32819 ("Applicant"), collectively referred to herein as the "Parties."

RECITALS:

WHEREAS, the School Board, Orange County, City of Apopka, City of Belle Isle, City of Ocoee, City of Orlando, City of Winter Garden, Town of Oakland and Town of Windermere have entered into that certain "Amended Interlocal Agreement For Public School Facility Planning and Implementation of Concurrency" dated 2008 (the "Interlocal Agreement"); and

WHEREAS, pursuant to Section 16.6 of the Interlocal Agreement, an applicant submitting a School Concurrency Determination Application for approval of a Site Plan that will generate additional students in a School Concurrency Service Area in which there is insufficient Available School Capacity to accommodate the anticipated additional students must enter into a Proportionate Share Mitigation Agreement to prevent school overcrowding attributable to the anticipated additional students generated by the Residential Development as specified in the Interlocal Agreement;

WHEREAS, an Applicant must submit the School Concurrency Determination Application along with a Development Analysis which identifies the proposed location of the Residential Development, the number of Residential Units that will be created, a phasing schedule (if applicable), a map demonstrating land use and zoning classifications for the Applicant's property, as well as all other information required pursuant to Section 16.5 of the Interlocal Agreement, to the City; and

WHEREAS, Applicant is the fee simple owner of that certain tract of land, as more particularly described on Exhibit "A," attached hereto and incorporated herein by reference (the "Property"), the location of which is illustrated by a map attached hereto as Exhibit "B," and incorporated herein by reference; and

WHEREAS, the Applicant has submitted a School Concurrency Determination Application and Development Analysis (PR18-34) to the City in connection with a proposal to obtain approval for a plat in order to develop 31 single family Residential Units on the Property (the "Project") and the City has forwarded the School Concurrency Determination Application and Development Analysis to the School Board; and

WHEREAS, the School Board has reviewed and evaluated the Applicant's School Concurrency Determination Application and Development Analysis as required by Section 16.6 of the Interlocal Agreement, and has determined that based on the current adopted Level of Service standards for the School Concurrency Service Areas within which the Property is located and the anticipated new School Capacity that will be available in the first three (3) years of the current District Facilities Work Program to serve the proposed Residential Development, there is insufficient Available School Capacity at the middle school level to serve the new single-family Residential Units within the School Concurrency Service Areas for the Project or within adjacent School Concurrency Service Areas as determined by an Adjacency Review; and

WHEREAS, approving the School Concurrency Determination Application without requiring Proportionate Share Mitigation for the impacts of the proposed Project will either create or worsen school overcrowding in the applicable School Concurrency Service Areas; and

WHEREAS, the Applicant has agreed to enter into this Agreement with the School Board and City to provide Proportionate Share Mitigation proportionate to the demand for Public School Facilities to be created by the Project, as more particularly set forth herein.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, agree as follows:

1. INCORPORATION OF RECITALS. The foregoing recitals are true and correct and are hereby incorporated into this Agreement by reference as if fully set forth herein.

2. DEFINITION OF MATERIAL TERMS. Any capitalized terms used herein but not defined shall have the meaning attributed to such term in the Interlocal Agreement.

3. LEGALLY BINDING COMMITMENT. This Agreement constitutes a legally binding commitment by the Applicant to mitigate for the impacts of the new Residential Units for which the Applicant is seeking approval pursuant to the School Concurrency Determination Application and is intended to satisfy the requirements of Florida law and the Orange County Code.

4. PROPORTIONATE SHARE MITIGATION. The Parties hereby agree that the Applicant shall provide Proportionate Share Mitigation in order to meet the demand for School Capacity created by the Project and to provide additional capacity for middle school students, as follows, in accordance with Section 17.2 of the Interlocal Agreement:

Payment in the amount of SEVENTY-NINE THOUSAND SIX HUNDRED SEVENTY-ONE AND 09/100 DOLLARS (\$79,671.09) to cover the Proportionate Share Mitigation associated with providing the necessary school capacity to complete the Project (the "Proportionate Share") to the School Board. Such payment shall be due and payable at the time the plat is approved by the City at a public hearing and has been calculated in accordance with the formula found in Section 17.2 of the Interlocal Agreement. To the extent the Applicant's proposed Residential Development is subject to a Capacity Enhancement Agreement, any capacity enhancement mitigation paid pursuant to such agreement will be applied as a credit to the Proportionate Share Mitigation required for the Project. Such credit will be subtracted from the total Proportionate Share Mitigation required pursuant to this Agreement and the Interlocal Agreement.

5. USE OF PROPORTIONATE SHARE. The School Board shall direct the Proportionate Share to a School Capacity improvement identified in the capital improvement schedule in the five (5) year district work plan of the School Board's District Facilities Work Program which satisfies the demands from the proposed Residential Development. If such a School Capacity improvement does not exist in the District Facilities Work Program, the School Board may, in its sole discretion, add a School Capacity improvement to its District Facilities Work Program to mitigate the impacts from the Project, as provided in Section 17.6 of the Interlocal Agreement.

6. IMPACT FEE CREDIT. The Proportionate Share Mitigation paid pursuant to Section 4 of this Agreement shall be credited against the School Impact Fee on a dollar for dollar basis at fair market value, up to the amount of the School Impact Fee Credit (hereinafter defined).

Upon payment of the Proportionate Share Mitigation, the School Board shall notify the City to establish a School Impact Fee credit account in the amount of SIXTY-TWO THOUSAND THIRTY-SIX AND 12/100 DOLLARS (\$62,036.12), based upon 7.06 Equivalent Residential Units (as defined in Section 30-622 of the Orange County Code)("Impact Fee Credit Amount"). Applicant shall not be entitled to a credit or refund for any portion of the Proportionate Share Mitigation in excess of the Impact Fee Credit Amount.

Applicant and School Board hereby agree and acknowledge that Applicant submitted an application for a School Concurrency Management Agreement for the Project in accordance with Sections 16 and 17 of the Interlocal Agreement prior to July 1, 2019, and as such, Applicant, its successors and assigns, hereby expressly waives and relinquishes any and all rights, claims, entitlements, or privileges against School Board or the Applicable Local Government to any credit against impact fees for the payment of the Proportionate Share Mitigation in excess of the Impact Fee Credit Amount as a result of the enactment of any statutory provisions amending Sections 163.3180 or 163.31801, Florida Statutes on or after July 1, 2019. Applicant represents and warrants that this waiver has been entered into freely and voluntarily by Applicant, without coercion, duress, or undue influence, and with full understanding and awareness of the circumstances, consequences, and ramifications of such waiver. Applicant hereby agrees to indemnify, defend, and hold harmless School Board, the Applicable Local Government, or the School Board's or Applicable Local Government's board members, commission members, employees, and representatives from and against all claims, damages, losses, and expenses, including but not limited to, economic loss, reasonable attorney's fees and expenses, arising out of, in connection with, or as a result of the exercise by Applicant or any individual or entity

claiming by, through or under Applicant, of its rights and obligations set forth in this Agreement or related to any claim for impact fee credits for the Proportionate Share Mitigation in excess of the Impact Fee Credit Amount resulting from the enactment of any statutory provisions amending Section 163.31801, Florida Statutes on or after July 1, 2019. Applicant understands and acknowledges that the School Board has bargained for this consideration and both the School Board and Applicable Local Government substantially relied on this section to School Board's detriment in the School Board's approval of this Agreement, and to the Applicable Local Government's detriment in approval of the Project in reliance on the approval of the Agreement. In the event this provision is declared invalid or unenforceable by a court of competent jurisdiction or Applicant otherwise elects to assert any rights to impact fee credits against the Proportionate Share Mitigation in excess of the Impact Fee Credit Amount, in addition to the indemnification rights set forth above, School Board has the right, but not the obligation, to immediately terminate this Agreement, to request the Applicable Local Government discontinue the issuance of any development permits, certificates of occupancy, or plat approval for the Project or otherwise discontinue the process for any other approvals for the Project, or any other remedy available at law.

7. ISSUANCE OF SCHOOL CONCURRENCY RECOMMENDATION. Upon final execution of this Agreement by all Parties hereto, this Agreement will serve as the Applicant's Capacity Encumbrance Letter in accordance with Section 16.7 of the Interlocal Agreement.

8. SCHOOL CAPACITY ENCUMBRANCE AND RESERVATION. Upon final execution of this Agreement by all Parties hereto, this Agreement will serve as the Applicant's Capacity Encumbrance Letter that School Capacity will be available for the Project. This is in accordance with Section 16.6(g) of the Interlocal Agreement.

At such time as Applicant has prepaid the School Impact Fees further described in Section 6 of this Agreement, and paid the applicable installment(s) of the School Capacity Reservation Fee described in Section 9 below, School Capacity shall be reserved for the Project Units reflected on the application; if the Applicant fails to make any of the required School Capacity Reservation Fee payments described in Paragraph 9 below or if this Agreement is terminated, such reserved School Capacity shall lapse and be returned to the applicable Concurrency Service Area.

9. CAPACITY RESERVATION FEE. The Applicant shall be required to pay a School Capacity Reservation Fee for the Project in accordance with Section 30-599 of the Orange County Code. The Applicant shall pay the School Capacity Reservation Fee further described below.

- a. 1st Installment due within six (6) months of the Effective Date of this Agreement:
\$ 90,768.00
- b. 2nd Installment due 18 months from the Effective Date of this Agreement:
\$90,768.00
- c. 3rd Installment due 30 months from the Effective Date of this Agreement:
\$90,768.00

Notwithstanding the schedule provided by this Section, Applicant may prepay any or all of the School Capacity Reservation Fees in advance. School Capacity Reservation Fees paid

pursuant to this Agreement shall be credited towards School Impact Fees as provided in Section 30-599 of the County Code.

10. TERMINATION. School Board may, in its sole and absolute discretion, elect to terminate this Agreement by delivering written notice to the Applicant under the following circumstances and upon such termination, Applicant shall forfeit any administrative application fees, Capacity Reservation Fees or Proportionate Share Mitigation if any, paid to School Board, except as otherwise set forth herein:

a. The Applicable Local Government does not approve a plat for the Project within one hundred eighty (180) days of the Effective Date of this Agreement.

b. The Applicant, by failure to proceed in good faith in a diligent and timely manner, fails to secure at least one Building Permit for a unit other than a model home within three (3) years of the recording of the plat for the Project. In such case, this Agreement shall be terminated and any encumbered or reserved school capacity shall be returned to the applicable capacity bank. The Applicant will not be entitled to a refund of any portion of the Proportionate Share Mitigation paid under this Agreement, and will only be entitled to receive a 90% refund of the Capacity Reservation Fee assuming all other applicable conditions are met.

c. The Applicant is in default under the terms and conditions of this Agreement and has failed to cure such default within the cure period set forth in Section 11 of this Agreement. In the event of termination as provided for in this subsection, School Board may in its sole and absolute discretion, record a termination of the Agreement and request the Applicable Local Government discontinue the issuance of any building permits, certificates of occupancy or plat approval for the Project or otherwise discontinue the process for any other approvals for the Project.

d. The Applicant has satisfied any and all terms and conditions of this Agreement to the reasonable satisfaction of the School Board.

11. DEFAULT.

a. Rights Upon Default. To the extent permitted by law and without waiving any rights under Section 768.28, Florida Statutes, a default by either Party under this Agreement shall entitle the non-defaulting party to all remedies available at law or in equity, including, without limitation, the right of School Board to terminate this Agreement as provided in Section 10 hereof. Prior to declaring a default and exercising the remedies described herein, the non-defaulting party shall issue written notice of default to the defaulting party describing the event or condition of default in sufficient detail to enable a reasonable person to determine the action necessary to cure the default. If the default is the non-payment of money, the defaulting Party shall have fifteen (15) days from receipt of the notice in which to cure the default. If the default is other than for the non-payment of money, the defaulting party shall have thirty (30) days from receipt of the notice to cure such default; provided, however, if such default cannot be reasonably cured within such thirty (30) day period, the defaulting party shall have a longer period of time to cure such default, so long as the defaulting party commences to cure such default within said thirty (30) day period and diligently and continuously proceeds to final cure of such default. If the default has not been cured

within the period provided above, or in the case of a default other than for the non-payment of money, if the cure is not commenced within the period provided above or is not diligently and continuously pursued to completion, the non-defaulting party may exercise the remedies described in this Section 11. Notwithstanding the foregoing, immediately upon the default of the Applicant, School Board may request the Applicable Local Government discontinue the issuance of any building permits, certificates of occupancy or plat approval for the Project or otherwise discontinue the process for any other approvals for the Project until all amounts due and unpaid under this Agreement have been paid to the School Board.

b. Waiver. Applicant hereby waives any right of Applicant, its successors and assigns, to contest the Applicable Local Government's power and authority to discontinue the issuance of any building permits or certificates of occupancy for the Project, discontinue any plat approval or discontinue the process for any other approvals for the Project upon Applicant's breach and failure to cure any of its obligations under this Agreement, nor shall Applicant and its successor(s) and/or assign(s) under this Agreement, claim in any future litigation that the Applicable Local Government's enforcement of such power and authority is illegal, improper, unconstitutional, or a violation of Applicant's or its successor(s) and/or assign(s) rights. Applicant represents and warrants to School Board and the Applicable Local Government that this waiver has been entered into freely and voluntarily by Applicant, without coercion, duress, or undue influence, and with full understanding and awareness of the circumstances, consequences in ramifications of such waiver.

12. COVENANTS RUNNING WITH THE LAND. This Agreement shall be binding, and shall inure to the benefit of the heirs, legal representatives, successors, and assigns of the parties, and shall be a covenant running with the Property and be binding upon the successors and assigns of the Owner and upon any person, firm, corporation, or entity who may become the successor in interest to the Property.

13. NOTICES. Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the person at the address set forth opposite the party's name below, or to such other address or other person as the party shall have specified by written notice to the other party delivered in accordance herewith:

School Board School Board of Orange County, Florida
 Attn: Superintendent
 445 West Amelia Street
 Orlando, Florida 32801

With a Copy to: Orange County Public Schools
 Attn: Facilities Planning Department
 6501 Magic Way, Building 200
 Orlando, Florida 32809

Applicant: Holston Properties and Development, LLC
 Attn: Robert Holston
 7575 Dr. Phillips Boulevard, Suite 245

Orlando, Florida 32819

City: City of Apopka
Attn: Planning Department
120 E. Main Street
Apopka, Florida 32703

14. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only. They in no way define, describe, extend or limit the scope or intent of this Agreement.

15. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing, and signed by the party against whom it is asserted. Any such written waiver shall only be applicable to the specific instance to which it relates, and shall not be deemed to be a continuing or future waiver.

16. EXHIBITS. All Exhibits attached hereto are a part of this Agreement and are fully incorporated herein by this reference.

17. AMENDMENTS. No modification, amendment, or alteration to the terms or conditions contained herein shall be binding upon the parties hereto unless in writing and executed by all the Parties to this Agreement. School Board does hereby confer upon the Superintendent, or Superintendent's designee, the authority to amend this Agreement, provide any consent, notice or approval set forth herein or otherwise exercise any right or election of the School Board granted or reserved herein, without formal approval from School Board, provided such amendment or consent does not substantially alter or modify the terms herein. Further, the Superintendent, or Superintendent's designee, shall have the authority, without further approval from the School Board, to finalize the form of all agreements, assignments, and similar documents set forth in this Agreement, and the School Board's signature of those agreements, assignments, and similar documents is hereby authorized. The extension of any payment or deadline required hereunder for less than one (1) year shall not be considered to substantially alter or modify the terms herein. If, in the sole judgment of School Board, such amendment or consent does substantially alter or amend this Agreement, then School Board shall have the option of declaring the amendment or consent void *ab initio*, thus rendering the amendment or consent without any legal force and effect.

18. ASSIGNMENT, TRANSFER OF RIGHTS. The Applicant may assign its rights, obligations and responsibilities, including the capacity reserved for the Property, under this Agreement to a third-party purchaser of all or any part of fee simple title to the Property, with the School Board's prior written consent. Applicant shall submit its request for consent of an assignment and/or transfer under the terms of this Section 18, in writing to the School Board prior to such assignment and/or transfer. The School Board shall have fifteen (15) days after receipt of said request to approve or deny the request, which approval shall not be unreasonably withheld. The School Board hereby authorizes the Superintendent or his/her designee to consent to all assignments and/or transfers of rights described in this Section 18. In the event the Superintendent or his/her designee fails to deny or object to an Applicant's request within the time period prescribed herein, such assignment and/or transfer request shall be deemed denied. Such consent may be conditioned upon the receipt by the other parties hereto of the written agreement of the

assignee to comply with conditions and procedures to aid in the monitoring and enforcement of the assignee's performance of the Applicant's obligations with regard to Mitigation under this Agreement. Such assignment and/or transfer shall be promptly recorded in the Public Records of Orange County, Florida at Applicant's or assignor's expense.

19. COUNTERPARTS AND ELECTRONIC SIGNATURES. This Agreement may be signed in counterparts, including facsimile and electronic mail signatures, each of which may be deemed an original, and all of which together constitute one and the same original agreement.

20. RECORDING OF THIS AGREEMENT. The School Board agrees to record this Agreement, at Applicant's expense, in the Public Records of Orange County, Florida.

21. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement among the Parties with respect to the subject matter addressed herein, and it supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, among the Parties.

22. SEVERABILITY. If any provision of this Agreement is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision will be stricken from the Agreement, and the balance of the Agreement will remain in full force and effect as long as doing so would not affect the overall purpose or intent of the Agreement.

23. APPLICABLE LAW. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida and in accordance with the Orange County Code and venue for any action to enforce the provisions of this Agreement shall be in the Ninth Judicial Circuit Court in and for Orange County, Florida.

24. ATTORNEY'S FEES. In the event any party hereto brings an action or proceeding, including any counterclaim, cross-claim, or third party claim, against any other party hereto arising out of this Agreement, each party in such action or proceeding, including appeals therefrom, shall be responsible for its own attorney fees.

25. EFFECTIVE DATE. The effective date of this Agreement shall be the date when the last one of the parties has properly executed this Agreement as determined by the date set forth immediately below their respective signatures (the "Effective Date").

26. PRE-PAYMENT, MITIGATION & CAPACITY RESERVATION FORMS. This Agreement requires the Applicant to pay a Capacity Reservation Fee and Proportionate Share Mitigation prior to the recording of a Plat. The form attached hereto as Exhibit "C," must be completed and returned to the School Board's Facilities Planning Department with all fees due hereunder, including, but not limited to, Capacity Reservation Fees and Proportionate Share Mitigation. This form must be completed and returned to the Facilities Planning Department, in addition to all fees payable pursuant to the terms of this Agreement, to satisfy Sections 4 and 9 of this Agreement.

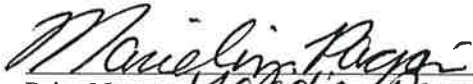
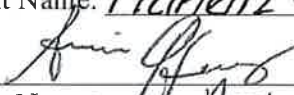
[SIGNATURE PAGES TO FOLLOW]

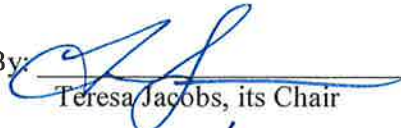
IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives on the dates set forth below each signature.

"SCHOOL BOARD"

Signed and sealed in the presence of:

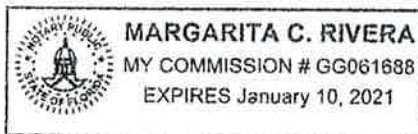
THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA, a body corporate and political subdivision of the State of Florida


Print Name: Marieliz Pagan

Print Name: Arabia Herley

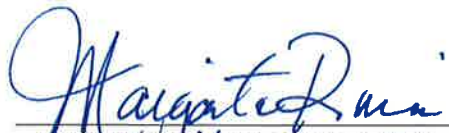
By: 
Teresa Jacobs, its Chair
Date: 9/16/19

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 16th day of September, 2019, by Teresa Jacobs, Chair of The School Board of Orange County, Florida, a body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or had produced _____ (type of identification) as identification.



AFFIX NOTARY STAMP


NOTARY PUBLIC OF FLORIDA
Print Name: Margarita Rivera
Commission No.: _____
Expires: _____

[ADDITIONAL SIGNATURE PAGES TO FOLLOW]

THE SCHOOL BOARD OF ORANGE
COUNTY, FLORIDA, a body corporate
and political subdivision of the State of Florida

Signed and sealed in the presence of:


Print Name: Susan M. Adams


Print Name: Mendir Pagan

Attest:


Barbara M. Jenkins, Ed.D., as its
Superintendent

Date:

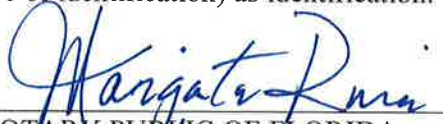
9/16/19

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 16th day of September, 2019, by Barbara M. Jenkins, Ed.D., as Superintendent of The School Board of Orange County, Florida, a body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or has produced (type of identification) as identification.



AFFIX NOTARY STAMP


NOTARY PUBLIC OF FLORIDA
Print Name: Margarita Rivera
Commission No.: _____
Expires: _____

Reviewed and approved by Orange County
Public School's Chief Facilities Officer


John T. Morris
Chief Facilities Officer

Date: SEPT 13, 2019

Approved as to form and legality by legal
counsel to The School Board of Orange
County, Florida, exclusively for its use and
reliance.

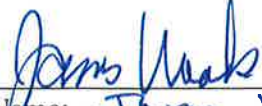

Laura L. Kelly, Staff Attorney III/Planning
and Real Estate

Date: Sept 12, 2019

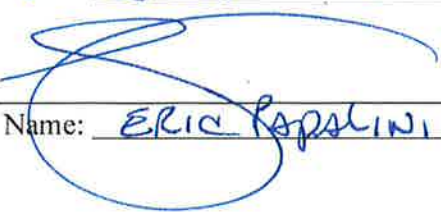
"APPLICANT"

Signed and sealed in the presence of:

**HOLSTON PROPERTIES AND
DEVELOPMENT, LLC**, a Florida limited
liability company


Print Name: Jimmy Woods

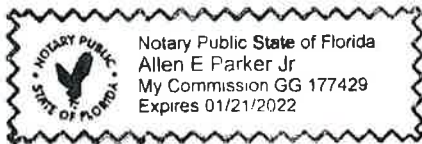
By: 
Robert W. Holston, as its Manager


Print Name: ERIC RAPPALINI

Date: 8-14-19

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 14 day of Aug,
2019, by Robert W. Holston as Manager of Holston Properties and Development, LLC, a Florida
limited liability company, on behalf of the organization. He/she is personally known to me or has
produced DL (type of identification) as identification.



AFFIX NOTARY STAMP


NOTARY PUBLIC OF FLORIDA
Print Name: Allen Parker
Commission No.: 177429
Expires: 1/21/2022

"CITY"

CITY OF APOPKA, FLORIDA, a municipal
corporation of the State of Florida.

By: Mayor

Print Name

Title:

Date:

Bryan Nelson
Bryan Nelson

Mayor

10-17-19

ATTEST:

By:

Linda J. Goff

City Clerk

{Seal}

Date:

10/17/2019



Exhibit "A" – Legal Description

That part of those certain tracts of land as described and recorded in Official Records Book 3252, Page 447, of the Public Records of Orange County, Florida, being described as follows:

Commence at the Southeast corner of the Northeast 1/4 of Section 8, Township 21 South, Range 28 East; thence run North 00 degrees 10 minutes 51 seconds East along the East line of said Northeast 1/4 a distance of 30.00 feet to a point on the Northerly right-of-way line of Marshall Lake Road; thence run South 89 degrees 23 minutes 53 seconds West along said Northerly right-of-way line a distance of 842.14 feet for the POINT OF BEGINNING; thence continue South 89 degrees 23 minutes 53 seconds West along said Northerly right-of-way line a distance of 227.98 feet to the Northwestern corner of said right-of-way; thence run South 00 degrees 14 minutes 09 seconds West along the Westerly line of said right-of-way a distance of 30.00 feet to a point on the South line of the Northeast 1/4 of said Section 8; thence run South 89 degrees 23 minutes 53 seconds West along said South line a distance of 906.35 feet to the Southwest corner of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of said Section 8; thence run North 00 degrees 15 minutes 54 seconds East along the West line of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of said Section 8 a distance of 1330.25 feet to the Northwest corner of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of said Section 8, said point also being a point on the North line of the South 1/2 of the Northeast 1/4 of said Section 8; thence run South 89 degrees 58 minutes 25 seconds East along said North line of the South 1/2 of the Northeast 1/4 a distance of 658.12 feet to the Northeast corner of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of said Section 8; thence leaving said North line of the South 1/2 of the Northeast 1/4 run South 09 degrees 47 minutes 14 seconds East a distance of 430.95 feet; thence run South 14 degrees 54 minutes 18 seconds East a distance of 235.52 feet; thence run South 21 degrees 13 minutes 28 seconds East a distance of 343.75 feet; thence run South 37 degrees 28 minutes 46 seconds East a distance of 278.31 feet; thence run South 24 degrees 13 minutes 21 seconds East a distance of 103.56 feet to a point on the aforesaid

Northerly right-of-way line of Marshall Lake Road and the Point of Beginning.



Orange County
Public Schools

Schools
ES: Apopka
MS: Apopka
HS: Apopka

Jurisdiction: Apopka
School Board Dist.: # 7
Parcel ID: 08-21-28-0000-00-050
Acreage: +/- 25.38 ac

APK-19-005
Faircloth Lakes Estates

Exhibit "C"-Forms



CAPACITY RESERVATION FEE & MITIGATION FORM

DEPARTMENT OF FACILITIES PLANNING

6501 MAGIC WAY, BUILDING 200, ORLANDO, FL 32809

TEL: 407-317-3974 / FAX: 407-317-3263 / WEBSITE: <http://planning.ocps.net>

A Concurrency Mitigation Agreement (CMA) or Capacity Encumbrance Letter (CEL) may require property owners and developers to pay a Capacity Reservation Fee (CRF) and/or Proportionate Share Mitigation at some point in the development process prior to issuance of a building permit. This form must be completed and returned to the Department of Facilities Planning at Orange County Public Schools (OCPS) along with a check for the estimated Capacity Reservation Fees, and/or Proportionate Share Mitigation. This form must be completed and returned to the Department of Facilities Planning at Orange County Public Schools. Any questions regarding this form should be directed to the following:

Contact: Jamie Boerger, AICP
(407) 317-3700 x2022391
Jamie.DiLuzioBoerger@ocps.net

SECTION 1: CMA/CEL INFORMATION	CMA \ CEL #:
	CMA \ CEL Title:
	Jurisdiction:
	Parcel ID(s): ¹
	General Location:
	Development Permit Type: ²

SECTION 2: APPLICANT INFORMATION	Date:
	Applicant Name:
	Company:
	Address:
	Phone #:
	Email:

Exhibit "C"-Forms

CAPACITY RESERVATION FEE & MITIGATION FORM

SECTION 3: DEVELOPMENT PROFILE	Plat/Site Plan Title: ³
	Project Title:
	Phase:
	# Single Family Units:
	# Multi-Family Units:
	# Townhome Units:
	Total # of Units:
Local Governmental Approval date of Plat/Site Plan:	

SECTION 4: PAYMENT SUMMARY	Capacity Reservation Fee Amount (payable to the applicable local government)		
	Installment: ☐ 1 st ☐ 2 nd ☐ 3 rd ☐ Remaining Balance \$ _____		
	Proportionate Share Mitigation Amount (payable to Orange County School Board)		
	\$ _____		
	<i>A check made payable to OCPS must accompany this form. If the prepayment amount is correct and the form complete and sufficient, a Letter of Authorization will be prepared by OCPS to inform the Applicable Local Government to create a credit account. OCPS will forward the Letter of Authorization to the Applicable Local Government and copy the Applicant.</i>		
	Single Family	Multi-Family	Townhome
	\$8,784/unit	\$5,919/unit	\$6,930/unit
	Does this CMA / CEL require an additional contribution? Yes ☐ No ☐		
Identify the section of the CMA / CEL that requires the mitigation payment?			

Applicant Checklist:	
☐	Capacity Reservation Fee check, payable to the applicable <u>Local Government</u> . (Deliver to OCPS)
☐	Proportionate Share Mitigation check, payable to the <u>Orange County Public Schools</u> . (Deliver to OCPS)
☐	11 X 17 copy of the site plan/plat associated with this request. (Attach to email)

Signature of Applicant

Print Name of Applicant

Date

Exhibit "C"-Forms

CAPACITY RESERVATION FEE & MITIGATION FORM

For OCPS Use Only:	
Reviewer : _____ Date Reviewed: _____	Received Stamp
☐	Application Sufficient
☐	Letter of Authorization Approved

Footnotes:

1. List all parcel identification numbers assigned to the parcels within the Preliminary Subdivision Plan (PSP), site plan, or plat boundaries that apply to this application. List parcel IDs in a separate attachment, if necessary.
2. Development permit type – state whether the credit will be applied to a plat, PSP, site plan, or other type of permit required by local government. Only one development permit type should apply. A separate Prepaid School Impact Fee Form must be completed for each development permit application.
3. State the title of the PSP, site plan or plat exactly as it appears on that document.