

CITY OF APOPKA

Minutes of the regular City Council meeting held on May 21, 2014, at 8:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth

PRESS PRESENT: Roger Ballas - The Apopka Chief
John Peery - The Apopka Chief

INVOCATION AND PLEDGE OF ALLEGIANCE – The Invocation was given by Pastor Jason Henderson of Grace Pointe Church. Mayor Kilsheimer said on Monday we will celebrate Memorial Day. He stated on May 5, 1866, the first Memorial Day was observed in Waterloo, NY, to honor local veterans who fought in the Civil War. Flags were flown at half-mast and businesses were closed in honor of the occasion. Around the same time throughout the country many other communities held memorial services to honor soldiers who had given their lives in the Civil War. A common practice among memorial observances was to decorate soldiers' graves with flowers which led to the day being commonly referred to Decoration Day. On May 5, 1868, Major General John A Logan of the Grand Army of the Republic, an organization of Union Veteran's established May 30th as Decoration Day and the first large observance that year was held in Arlington National Cemetery. After World War I, the day was expanded to honor soldiers who died in all American wars, and in 1971 Memorial Day was declared a National holiday by an act of congress and designated to be on the last Monday in May. He reminded everyone that this Monday, May 26th at 11:00 a.m. we will gather in Edgewood Cemetery to honor those service members who made the ultimate sacrifice for our freedom. He urged all to reflect on those who have given their ultimate in service to our country as he led in the Pledge of Allegiance.

PRESENTATIONS

1. Legislative Update – Senator Geraldine Thompson, Senator Alan Hays, Representative Bryan Nelson and Representative Randolph Bracy.

Senator Thompson gave a brief post session review and discussed some of her priorities with regards to legislation. She advised her senate district is District 12 which now includes Apopka following the redistricting. She said she introduced a bill that makes sure it is clear in the State of Florida that it is unlawful to discriminate against pregnant women, which prior to coming to the floor of the House, the Florida Supreme Court ruled that pregnancy was indeed covered. She also had a bill that provided for Farmer's Markets to accept EBT cards. She also introduced a bill that stipulated if convicted prior to 1980 you would not have to produce DNA to prove you are not guilty. She discussed the case of James Joseph Richardson as an example, and advised this bill

did pass. She affirmed she worked with Representative Nelson on the South Apopka Adult Community Education Center. The State of Florida is also working on agritourism, marketing farms and allowing people to come and gather crops, as well as marketing ecotourism and space tourism. She advised there was another attempt this year to repeal red light cameras. She stated she feels they are a deterrent, they change behavior causing people to slow down and there are fewer accidents. She further discussed the Florida Retirement System, as well as a bill that allows students who have attended Florida schools to receive in state tuition and not be penalized because of the immigration status of their parents, and budget appropriations for District 12.

Senator Hays said it was a privilege to serve the people of North Orange County and Apopka. He stated the proposed Springs bill did not pass, although they had a lot of amendments and rewrites, laying a good platform to pursue next year. He sponsored the Foreign Law American Courts bill that no foreign law will be imposed that will violate constitutional rights which passed. Another important bill he supported had to do with the evaluation of instructional materials by the school boards which passed and was signed by the Governor. Legislation was passed that significantly changes the Orlando, Orange County Expressway Authority as well as changing the name. Fee increased imposed several years ago on automobile registrations were also rolled back. He advised he serves on the Appropriation Committee and is very proud of the budget, which he gave an overview. He discussed a bill that protects the sovereign immunity of dentists treating indigent people.

Representative Nelson said he was elected in 2006 and this is the first budget since then that has been higher than when he first started. He stated as the economy worsened they could only afford critical needs and now government has become very efficient and there is money for projects. In the House they had \$400 million requests for water projects with only \$100 million to spend. He said as moving forward, he feels water projects will be based on water quantity, quality, or environment. He discussed an amendment to a medical bill with regards to treatment of indigent patients. He stated last year an issue that was vetoed by the Governor is the bike trail and in the budget this year is \$15 million to cover the gaps between Lake and Brevard counties, allowing for a continuous bike path. He sponsored the Expressway Authority Bill that will combine the Osceola Expressway Authority with Orange County Expressway Authority, and adding Lake and Seminole counties. This will make the Expressway Authority a more regional basis, as well as covering ethics issues. He said he was very proud to sponsor the Aaron Cohen bill which will increase penalties for those who leave the scene of an accident involving death or injury.

Representative Bracy said he represents South Apopka, Ocoee, portions of Winter Garden, and portions of Pine Hills. He discussed in-state tuition for folks who were not born here, but grew up here. He further discussed the "Charlotte's Web" bill with regards to the treatment of epilepsy in children by the treatment with cannabidiol. He said there was a film tax credit incentive program that didn't get funded and hopefully it will be revisited next year. He sponsored a 12 Juror bill for major felony cases which passed the first committee, but was not heard in the second committee. He affirmed he will be advocating this again next year. He declared that this year he turned his focus more toward the budget and worked with Representative Nelson on items that would help our district. He advised he will be holding a job fair for District 12 only on August 12th and he will be sending out more information on this at a later time.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on May 7, 2014, at 1:30 p.m.
2. Authorize the disposal of surplus equipment/property and removal of the surplus property from the fixed asset list.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the two items on the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

Mayor Kilsheimer said Ordinance Nos. 2359 - 2363 meet the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.

1. **ORDINANCE NO. 2359 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Jeffrey B. Randazzo, from "County" Rural (1 du/1 ac) to "City" Residential high (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2359

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" RURAL (1 DU/1 AC) TO "CITY" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES, MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to Adopt Ordinance No. 2359. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

2. **ORDINANCE NO. 2360 - SECOND READING & ADOPTION - CHANGE OF ZONING - Jeffrey B. Randazzo, from "County" A-1 to "City" R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2360

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES, MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Dean, and seconded by Commissioner Ruth, to adopt Ordinance No. 2360. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

3. **ORDINANCE NO. 2361 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Robert Roach, from "County" Rural (1 du/10 ac) to "City" Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue (Parcel ID #: 22-21-28-0000-00-114)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2361

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" RURAL (1 DU/10 AC) TO "CITY" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES, MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2361. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 4. ORDINANCE NO. 2362 - SECOND READING & ADOPTION - CHANGE OF ZONING - Robert Roach, from "County" A-1 to "City" R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2362

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES, MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Velasquez, and seconded by Commissioner Ruth, to adopt Ordinance No. 2362. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

- 5. ORDINANCE NO. 2363 - SECOND READING & ADOPTION - CHANGE OF ZONING - Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey, from R-1AA (0-5 du/ac) (Residential) and Planned Unit Development (PUD/R-2) (0-5 du/ac)(Residential) to Planned Unit Development (PUD/R-2) (0-5 du/ac)(Residential), for properties located east of Plymouth Sorrento Road, south of Schopke Road. (Parcel ID #: 06-21-28-7172-15-090 & 06-21-28-7172-15-130)**

The City Clerk read the title, as follows:

ORDINANCE NO. 2363

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA AND PLANNED UNIT DEVELOPMENT (PUD/R2) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED EAST OF

PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 14.7 ACRES, MORE OR LESS, AND OWNED BY DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting for a public hearing.

Ron Landon inquired how this worked stating he did not understand how the PUD worked. He asked when this would be coming back to the city for development and how far away do they notify property owners. He further asked if a traffic study would be required.

City Administrator Anderson advised anyone within 300 feet of the development receives notice. The property is posted, as well as being advertised in the local newspaper. He explained PUD and the zoning allows additional requirements on the land. He affirmed this was already zoned for 56 units and will only be increased by 6 units.

Jerry Jones said she was the president of Plymouth Landings HOA, and they were concerned with the growth and the impact this will have on their community, especially with traffic.

City Administrator Anderson advised Plymouth Sorrento Road is regulated by the County and the city will be working with the County on improvements.

Jay Davoll, Community Development Director, advised part of the reason they went to PUD was due to the County requesting additional right-of-way for all projects being built along Plymouth Sorrento Road and this project is setting aside 30 feet for the future widening and sidewalk improvements.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to adopt Ordinance No. 2363. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

6. ORDINANCE NO. 2364 – FIRST READING – CHANGE OF ZONING – Country Crossings, LLC, c/o Mark Crone, from R-1AA (Residential) to Planned Unit Development (PUD/R-1AA) (Residential), for properties located north of West Lester Road, west of Vick Road. (Parcel ID # 29-20-28-0000-00-028).

Mayor Kilsheimer announced Ordinance No. 2364 does not meet the requirements for adoption, and will be held over for a Second Reading. The City Clerk read the title, as follows:

ORDINANCE NO. 2364

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA TO PLANNED UNIT DEVELOPMENT

(PUD/R-1AA) 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.

Mayor Kilsheimer opened the meeting for a public hearing.

Bob Curry said he was with the Oak Hill Reserve HOA which surrounds this proposed parcel and expressed concerns with the additional growth and overcrowding of Wolf Lake Elementary. He also asked to take into account the homes that do surround this being built are comparable to the property values of homes already there.

DJ Denmark spoke of concerns of this being a wooded area if any of the green will remain and if there will be a barrier or privacy fence.

Mayor Kilsheimer advised this will be addressed during the final development plan rather than the rezoning.

Belva Peterson spoke of concerns regarding the entrance to the subdivision being the small street she lives on, as well as privacy and the wildlife. She stated one of the Gopher turtle burrows appeared to have been purposely covered. She notified Fish and Wildlife who came out and will be writing a report on the area. She submitted her written comments requesting they be made a part of the record.

Eric Coleman spoke of traffic pattern concerns. He stated there was already a tremendous amount of traffic traveling on Lester Road and stated he understood there would be a traffic light going in at Lester and Vick Roads. He inquired if there had been a traffic study done of this area.

Mr. Davoll discussed the Lester Road improvements and advised in 2013 the daily traffic count of Lester Road was just over 3,000 with a capacity of 15,900. He advised each project is required to provide a traffic report and they keep track of the daily trips.

TJ Lewis said he was former president of the Country Crossings LLC, and he had met with the builders a few years ago regarding this zoning. At that time they were comfortable with it as they were going to develop 19 houses in a gated community. He also spoke of traffic concerns. He stated many of his neighbors received no notification. He expressed concerns regarding the Gopher tortoises, birds and wildlife.

Mayor Kilsheimer said he lives in Oak Hill Reserve and is also concerned with traffic on Lester Road. He affirmed the notice is required of anyone living within 300 feet of the affected area. He advised this is the first reading of the ordinance and it will be held over for a second reading.

Alison Buchanan said being raised in Apopka, she has seen a lot of change through the years. She also spoke of concern of the Gopher tortoises, traffic, and the beautiful panoramic view that will disappear.

Lisa Damino said this was not the Apopka she knows and remembers. She stated she was concerned with overcrowding of schools, traffic, and notification of the surrounding area. She said they needed a break on the building.

Stuart Harris said he was shocked at the requirement of notification being only 300 feet.

Nancy Davis said she lived in Country Crossings and she was not use to the zoning laws here. She inquired if this was going to be houses, apartments, or condominiums.

City Administrator Anderson advised this was a single family home development, maximum allowance of 25 homes under this zoning on 85 foot wide lots. He affirmed their initial development plan was for 19 homes.

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

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2364, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

7. RESOLUTION NO. 2014-05 – Amending Ordinance No. 2109, Chapter 82-38, addressing Industrial and Commercial Pretreatment Guidelines.

The City Clerk read the title, as follows:

RESOLUTION NO. 2014-05

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE NO.2109, ARTICLE II, DIVISION I, CHAPTER 82, COMMERCIAL AND INDUSTRIAL PRETREATMENT GUIDELINES, SECTION 38.03, GENERAL SEWER USE REQUIREMENTS, PARAGRAPH 5(B), LOCAL POLLUTANT LIMITS, TABLE 3-1, LOWERING THE MAXIMUM UNIFORM CONCERNTRATION FOR CHLORIDE, TOTAL NITROGEN, AND pH; AND SECTION 38.07, REPORTING REQUIREMENTS, PARAGRAPH 4(C), PERIODIC COMPLIANCE REPORTS, TABLE 7-1, AMENDING THE MAXIMUM ALLOWABLE HEADWORKS LOADING FOR CHLORIDE AND TOTAL NITROGEN; AND PROVIDING FOR AN EFFECTIVE DATE.

City Administrator Anderson explained these were new requirements by the Florida Department of Environmental Protection the City must comply with.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to adopt Resolution No. 2014-05. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

SITE APPROVALS

- 1. REVISED DEVELOPMENT PLAN – Belmonte Reserve Subdivision, owned by K. Hovnanian Belmonte Reserve, LLC, c/o Heather Himes, Esq., Akerman, LLP and the engineer is The Civil Design Group, Inc., c/o William C. Fogle, property located south of Lester Road and east of Stoneywood Way at North Fairway Drive. (Parcel ID No. 32-20-28-0000-00-006)**

Jay Davoll, Community Development Director, gave an overview of the project with requested variances. He advised the Development Review Committee recommends approval of Belmonte Reserve along with variances, and the Planning Commission voted 5/1 to recommend approval of the revised Belmonte Reserve plan. (The staff report is incorporated into, and made a part of these meeting minutes.)

Mayor Kilsheimer opened the meeting for a public hearing.

Bob Curry inquired if this was a Town Home community or apartments. He also asked for consideration of the impact to schools.

Mayor Kilsheimer affirmed these were Town Homes.

Heather Himes, Attorney for the applicant, requested approval of the staff recommendation, and said they were present to answer any questions.

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

MOTION was made by Commissioner Dean, and seconded by Commissioner Arrowsmith, to approve the Revised Development Plan for the Belmonte Reserve Subdivision, as recommended. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

- 2. FINAL DEVELOPMENT PLAN – Taco Bell, owned by Special K Enterprises, LLC, c/o James P. Whelan, the engineer is Cornelison Engineering & Design, Inc., c/o Craig L. Cornelison, P.E., property located at 1154 Rock Springs Road (formerly Brusters Ice Cream) (Parcel ID # 33-20-28-0000-00-117)**

Jay Davoll, Community Development Director, gave a brief overview of the project stating this building has been empty since 2009. He advised they are requesting a waiver request for hours of operation. He advised the Development Review Committee recommends approval of the Final Development Plan and the Planning Commission voted 6/0 approval with waiver and variance request. (The staff report is incorporated into, and made a part of these meeting minutes.)

In response to questions from Commissioners Arrowsmith and Ruth, Mr. Davoll advised there were inlets in place to catch overflow, but they would check into this. He further advised the site lighting was in place and street lighting was not required.

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

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve the Final Development Plan for Taco Bell, as recommended. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

DEPARTMENT REPORTS AND BIDS - City Administrator Richard Anderson said his report was before the Council. He pointed out the EMS calls are up approximately 10% over last year. He reported he and the Mayor met with Mr. Deck of Congressman Mica's office and continues to work with them. There have been discussions with the County on expansion of the Enterprise Zone on Bradshaw Road and on the east side of 451. He advised they are also going to try and include the Town Center area and around Martin's pond.

MAYOR'S REPORT - Mayor Kilsheimer reported the following:

- Received a thank you note from Betty Land for the bouquet of flowers presented to her at the Council meeting April 16, 2014.
- The first Mayor's Task Force meeting was held on May 15, 2014 with 13 members attending in an advisory capacity to create a feedback loop regarding issues facing Apopka. The next meeting is scheduled for June 12, 2014 at 9:00 a.m. One of the topics discussed was Sunday alcohol sells. There will be a Community Forum held June 24, 2014, 7:00 p.m. at the VFW Community Center.

OLD BUSINESS

1. **COUNCIL** - There was no old business from the Council.

2. **PUBLIC** – Suzanne Kidd said she waited to speak tonight to see if anything was going to be said regarding the question of progress toward the salary for our Mayor. Having heard none, she stated at the last Council meeting the City Attorney said there was nothing in the City Charter that prohibits the Mayor from voting on the salary. She further stated Florida Statute 112.313 also states public officers are not prohibited from voting on a matter affecting their salary. She said the City Attorney did recommend contacting the State Ethics Commission with regards to this matter. She inquired what date the letter was sent and have they responded.

City Attorney Kruppenbacher said it was his opinion that the Mayor had the right under Florida Law to vote on a salary issue. He advised the Mayor, that because there had not been an opinion rendered by the Ethics Commission or their staff on this topic, he could not shield him from someone filing a complaint to the Ethics Commission which is why he suggested this. He advised today they released staff's draft opinion saying he was legally right. This will go on to be voted as a formal issued opinion from the Commission on Ethics on June 6, 2014. He suggested it could be on the agenda for June 4th.

Isadora Dean applauded the Mayor for establishing the Mayor's Task Force. However, she asked if the meetings were open to the public and inquired when and where they were held.

Mayor Kilsheimer spoke in the affirmative, advising the next meeting is scheduled for June 12, 2014 at 9:00 a.m., if possible, in the conference room.

City Administrator Anderson advised the meeting will be posted the same as other meetings and it will also be on the city website.

Ms. Dean inquired if members of the Council were asked to nominate someone to be on the committee as a way to promote unity.

Mayor Kilsheimer stated this is the Mayor's Task Force, which he initiated on his own to advise the Mayor of strategic issues facing the City. He affirmed he did go about trying to choose a broad section of representatives from the Apopka community. He reviewed the makeup of the committee.

Ms. Dean discussed committees/boards she would like to see established.

Ray Shackelford said the bottom line is that if concerned about unity, then it must start at the top. He declared it would have been nice to have reached out to all commissioners for representation on the task force. He thanked the City Attorney for making every effort to clear the Mayor of any potential concerns regarding his salary, which he believes he deserves.

NEW BUSINESS

1. PUBLIC – Ron Landon said it was stated several times tonight that 300 feet notice is ridiculously small. He inquired how we can change that and make it more.

Mayor Kilsheimer said this discussion can start at staff level and a recommendation be brought to the Council to be discussed in public.

City Administrator Anderson advised these were state guidelines required to be followed.

Mr. Landon affirmed they have done a great job with getting the agenda on the internet and inquired if the budget information would be posted as well.

Mayor Kilsheimer advised Mr. Anderson has the budget process well underway at staff level and will be forthcoming to the Council.

Joe Washington inquired when Plymouth would be fully annexed into the City.

Mayor Kilsheimer advised land must be contiguous to the boundaries of the city in order to be annexed.

Trevor Walfall said diversity was spoken about earlier and one reason Mayor Kilsheimer became Mayor is the diversity of Apopka. He stated he would like to see a few of the Caribbean people appointed to the Task Force.

Mayor Kilsheimer said with the Mayor's Task Force he desired to create a group that was effective and conclusive at the same time. He stated it is hard to create one body that represented everybody, yet at the same time was small enough to have effective discussions. He affirmed that clearly the theme throughout is that more people want to have a say in what is going on in the City of Apopka. He said they need to create more opportunity for public input and feels it is great that more people are taking an active, passionate, interest in what is going on here.

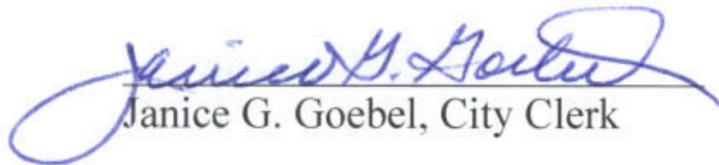
2. COUNCIL – Commissioner Dean expressed a concern of the red light at Bradshaw and 441 asking Chief Manley to check into a turn signal at that intersection.

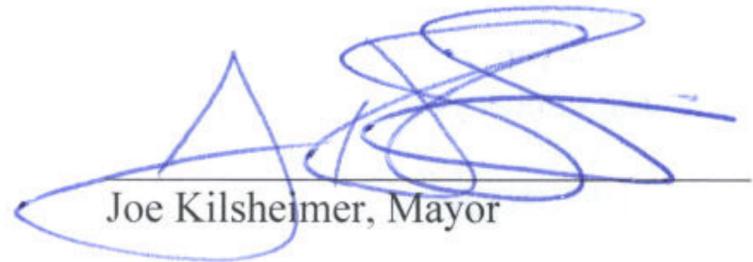
Commissioner Ruth said navigating the city's website was easier to maneuver and made some suggested improvements.

Mayor Kilsheimer advised he and City Administrator Anderson will be working on the website.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 10:35 p.m.

ATTEST:


Janice G. Goebel, City Clerk


Joe Kilsheimer, Mayor



**CITY OF APOPKA
CITY COUNCIL**

<input type="checkbox"/>	CONSENT AGENDA	MEETING OF:	May 21, 2014
<input checked="" type="checkbox"/>	PUBLIC HEARING	FROM:	Community Development
<input type="checkbox"/>	SPECIAL REPORTS	EXHIBITS:	Vicinity Map
<input type="checkbox"/>	OTHER:		Revised Final Development Plan
			Landscape Plan
			Building Elevations

SUBJECT: BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN

Request: APPROVAL OF THE BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN; AND ISSUANCE OF THE FINAL DEVELOPMENT ORDER

SUMMARY:

OWNER: K Hovnanian Belmont Reserve, LLC
c/o Heather Himes, Esq., Akerman, LLP

ENGINEER: The Civil Design Group, Inc., c/o William C. Fogle

LOCATION: South of Lester Road and Northeast of Stoneywood Way and North Fairway Drive

LAND USE: Residential High (0-15 du/ac)

ZONING: R-3

EXISTING USE: Vacant land

PROPOSED USE: Attached multi-family town-home development: 14 buildings/78 fee-simple ownership lots

TRACT SIZE: 8.27 total site acres

DENSITY: 9.33 du/ac

RELATIONSHIP TO ADJACENT PROPERTIES:

DIRECTION	LAND USE	ZONING	PRESENT USE
North (City)	Residential Low Suburban (0-3.5 du/ac)	PUD	SFR – Spring Ridge
East (City)	Residential High (0-15 du/ac)	R-3	Retention – Cambridge Commons
South (City)	Residential High (0-15 du/ac)	R-3	Townhomes
West (City)	Residential High (0-15 du/ac)	R-3	SFR – Stoneywood Subdivision

DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir (2)
Commissioners (4)	HR Director	City Clerk
CAO Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

ADDITIONAL COMMENTS:

The Final Development Plan for BELMONTE RESERVE, which consisted of 78 townhomes units, was approved by City Council on October 4, 2006. A pre-construction meeting was convened on February 5, 2007, at which time construction began on the site. A final walk through was conducted on January 28, 2009, to review the construction activity and created a small list of items that needed to be completed in order to accept the project. This list of items was never completed and a Certificate of Acceptance was not issued. Until recently, the site remained in the same condition as noted in the January 28, 2009, final walkthrough punch list letter.

The applicant has submitted the BELMONTE RESERVE Revised Final Development Plan with the following changes: name of owner; addition of hardship criteria table and variance requests; revised parking and open space calculations; lot sizes; and changes to building footprint.

The BELMONTE RESERVE proposes to continue the development of 78 attached townhome units/lots. Each unit/lot will be sold as “fee-simple,” i.e., title goes to the resident for the lot and building unit, but the overall community (internal roads, club house, retention, etc.) is owned and governed by the Homeowner’s Association. The project is to be developed in a single phase. This proposed development will have no affiliation or involvement with the existing Greenbrook Villas town homes to the south.

The Project Site Details Include:

- Proposed minimum living area of 1,670 square feet (1,350 square feet required by code)
- Maximum 2-story building height.
- Of the proposed town home buildings, 4 will be designed with 4-units, the remaining buildings will contain 6-units.
- No outside storage of RV, boats, trailers, etc. will be allowed.
- A community pool and club house will be provided for the residents.

Each unit will provide 2 parking spaces for resident/guest parking. The parking for the units will be via a single car garage and one driveway space. A total of 281 parking spaces have been proposed (156 required by code). Individual golf carts will not be allowed, a condition that is self-imposed by the developer.

The project is planned as a gated community with access off Lester Road and North Fairway Drive. The entrance gates will be equipped with OPTICON devices for emergency vehicle access.

A six-foot high brick wall with columns and landscaping is already in place along Lester Road and Stonewood Way. A six-foot high ornamental metal fence with brick columns is North Fairway Drive.

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

Total inches on-site:	99
Total inches removed:	56
Total inches replaced:	446

LANDSCAPE PLANS: The applicant will revise the landscape plan to add cathedral oak along the interior side of the Lester Road brick wall and Stoneywood subdivision, to achieve a spacing of a canopy tree every 35 linear feet.

SCHOOL CAPACITY REPORT: The property is exempt from school concurrency as the infrastructure has already been substantially completed within a previously approved project.

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

VARIANCE REQUEST: The applicant has proposed the following variance request:

1. LDC Section 2.02.07.G.a) – Five-foot encroachment into 25 Setback. Multifamily dwelling units for front, side, corner, and rear yards shall all be a minimum of 25 feet from the property line. The applicant requests a variance for all perimeter lots to allow the encroachment of covered porches and second (2nd) floor building extensions into the 25’ setback. Buildings will meet the 25 foot setback. The City previously approved the Belmont Reserve final development plan with the buildings lot lines set back 20 feet the property line. The five foot variance previously approved by the City is being documented within the final development plan. The applicant has agreed to prohibit metal or vinyl covered patios, and to require any covered patios facing Lester Road to be constructed of materials and colors compatible with those used for the building. **Staff does not object to this variance.**
2. LDC Section 2.02.07 G(3)(a). Lot 68 was previously approved with a seven foot encroachment into the 25 foot building set back. The proposed plan revisions recognize the variance that was previously approved with the original final development plan. **Staff does not object to this variance.**
3. LDC 2.02.07G(3)(a). The pool location was previously approved at current location. The plan revisions documents the variance needed to accommodate the approved pool location. **Staff does not object to this variance.**
4. LDC 2.02.07.H.(5). The proposed dumpster enclosure is located within the required ten (10) feet wide landscape buffer yard. The applicant is requesting a variance of nine (9) feet to place the dumpster enclosure within one (1) foot of the western property line abutting Stoneywood subdivision. **Staff does not object to this variance request.**

PUBLIC HEARING SCHEDULE:

May 13, 2014 - Planning Commission, 5:01 p.m.

May 21, 2014 - City Council, 8:00 p.m.

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN, subject to approval of the four variances requests.

The **Planning Commission**, at its meeting on May 13, 2014, recommended approval (5-1) of the (1) BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN; (2) to allow the following variance requests: (a.) Land Development Code (LDC), Section 2.02.07.G.(a) to allow a five-foot encroachment into 25 Setback for all perimeter lots to allow covered porches and second floor building extensions into the 25’ setback; (b.) LDC Section 2.02.07.G(3)(a) to allow the previously approved seven foot encroachment into the 25 foot building setback for Lot 68; and (c.) LDC 2.02.07G(3)(a) to allow the previously approved location of the pool; (3) LDC 2.02.07.H.(5) to allow the proposed dumpster enclosure to be located within the required ten (10) feet wide landscape buffer yard; and (4) the findings in the staff report.

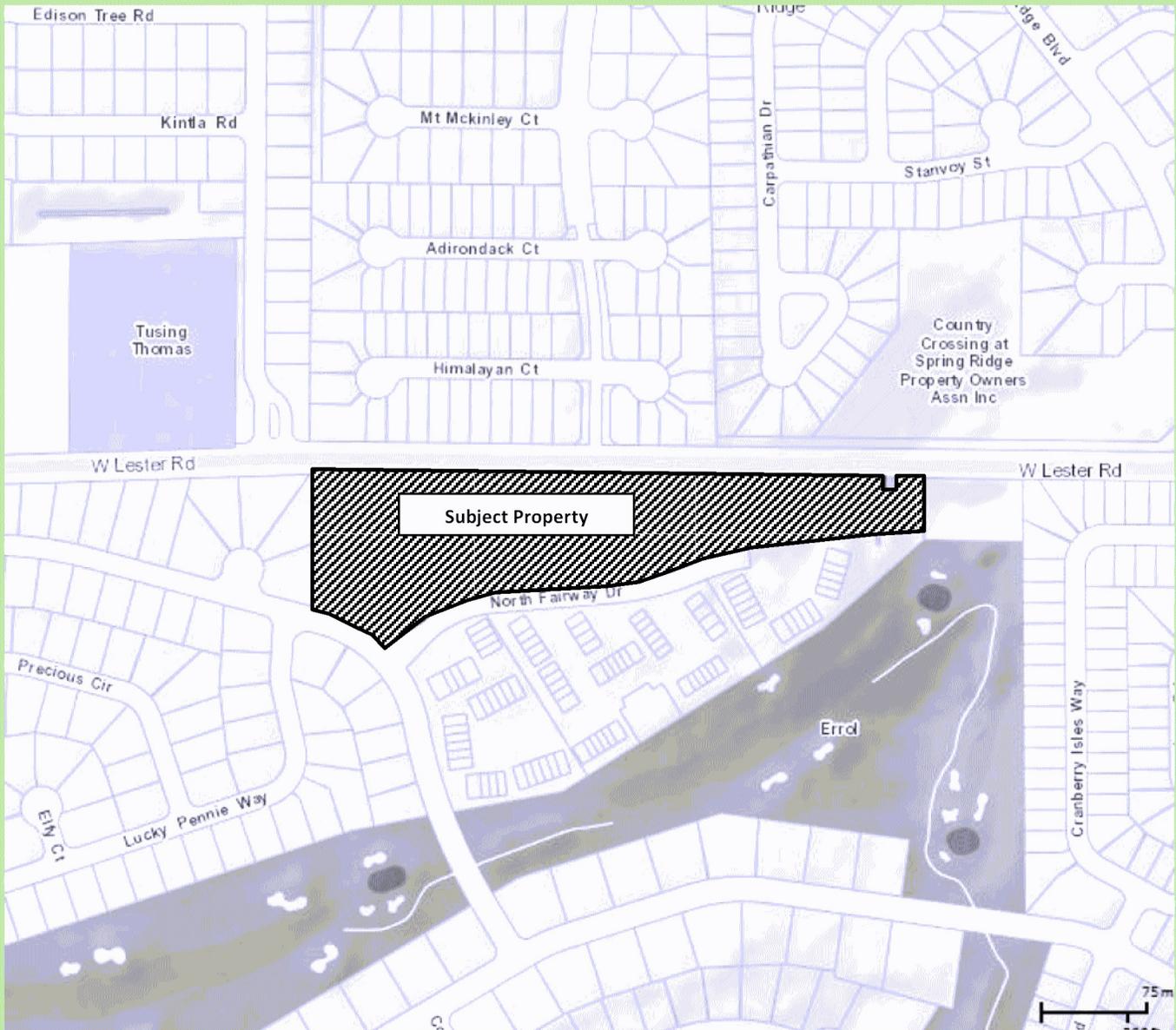
Approve the BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN; and to allow the following variance requests: (a.) Land Development Code (LDC), Section 2.02.07.G.(a) to allow a five-foot encroachment into 25 Setback for all perimeter lots to allow covered porches and second floor building extensions into the 25’ setback; (b.) LDC Section 2.02.07.G(3)(a) to allow the previously approved seven foot encroachment into the 25 foot building setback for Lot 68; and (c.) LDC 2.02.07G(3)(a) to allow the previously approved location of the pool; LDC 2.02.07.H.(5) to allow the proposed dumpster enclosure to be located within the required ten (10) feet wide landscape buffer yard; and issuance of the Final Development Order.

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

K Hovnanian Belmont Reserve, LLC, c/o Heather Himes, Esq., Akerman, LLP
The Civil Design Group, Inc., c/o William C. Fogle
BELMONTE RESERVE
8.27 +/- Acres
14 buildings/78 fee-simple ownership lots
Parcel ID #s: 32-20-28-0000-00-006



VICINITY MAP



Rev	By	Date	Description
1	7/21/2008	7/21/2008	Revised notes items 1 & 2 per local ordinance to meet City request
2	7/21/2008	7/21/2008	Revised notes alignment sheet, lower flood per request from City

Phone (407) 878-3996
Fax (407) 878-4278

CD
CIVIL DESIGN GROUP
ENGINEERS SURVEYORS PLANNERS
8909 ORLANDO, FLORIDA
CHUCK E. LIMPURU, P.E.
CHUCK E. LIMPURU, P.E.
CHUCK E. LIMPURU, P.E.

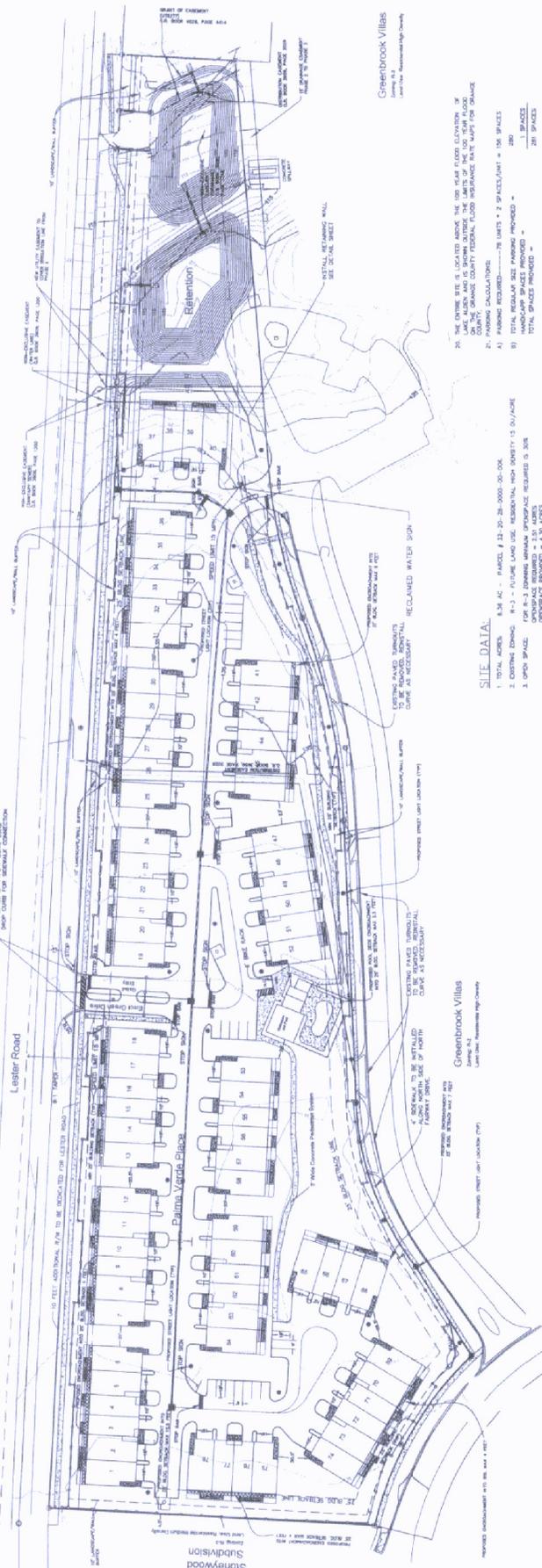
BELMONT RESERVE
SITE PLAN
City of Apopka, Florida

WILLIAM C. FOOTE
LICENSED PROFESSIONAL ENGINEER
No. 121781
STATE OF FLORIDA
Professional Engineer
No. 121781
STATE OF FLORIDA
Professional Engineer

3 of 19

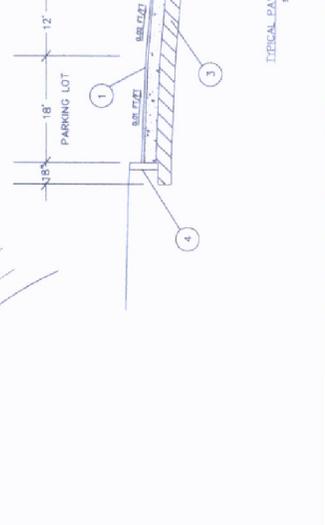
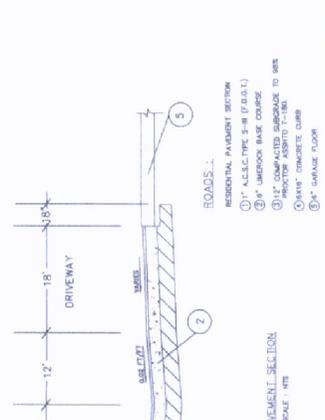
GENERAL NOTES:

1. ALL EQUIPMENT (INCLUDING ROOF TOP) WATER MANS, BACKFLOW PREVENTERS, AND UTILITY BOXES MUST BE FULLY SCREENED (INCLUDING BACK OF BUILDINGS)
2. A metal screen room or metal covered porch shall not be affixed to any dwelling. A screened room or roof of a covered porch shall have materials and colors compatible with the architecture of the dwelling.



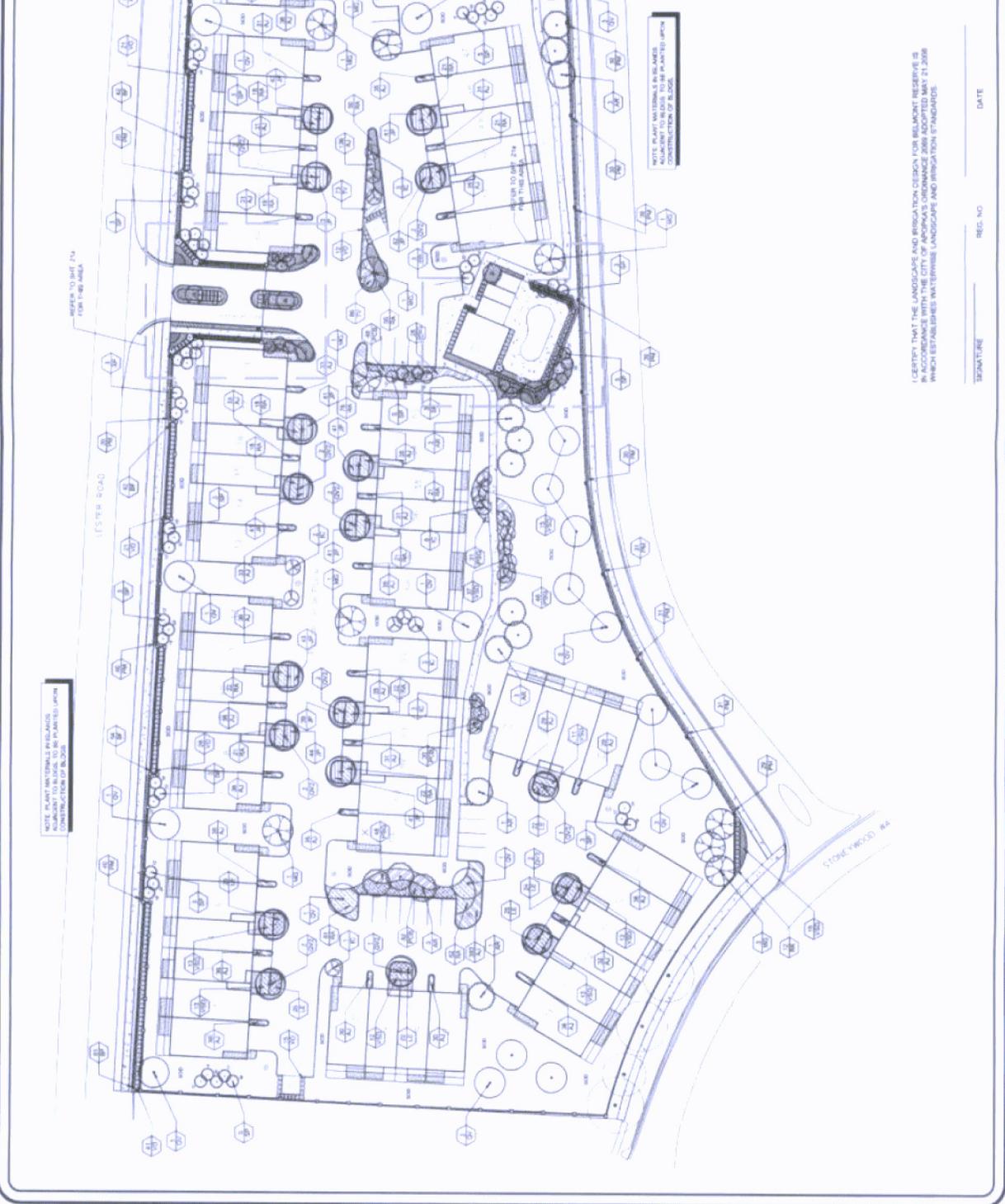
- 20. THE ENTIRE SITE LOCATED WITHIN THE 100 YEAR FLOOD PLAIN SHALL BE CONSIDERED AS A 1% ANNUAL CHANCE FLOOD PLAIN. THE DEVELOPER SHALL PROVIDE A FLOOD DAMAGE RATE MAP FOR GRADE.**
- 21. PARKING CALCULATIONS:**
- A) TOTAL REQUIRED SPACES = 78 UNITS x 2 SPACES/UNIT = 156 SPACES
 - B) TOTAL REQUIRED SPACES PROVIDED = 200 SPACES
 - C) TOTAL SPACES PROVIDED = 200 SPACES
- 22. SITE LIGHTING IS PROPOSED TO BE DESIGNED AND INSTALLED BY PROGRESS ENERGY.**
- 23. FIRE FLOOD DETERMINATION:**
- 1. FIRE FLOOD DETERMINATION: COMPATIBLE
 - 2. FIRE FLOOD DETERMINATION: V
 - 3. FIRE FLOOD DETERMINATION: V
 - 4. FIRE FLOOD DETERMINATION: V
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 - 50. FIRE FLOOD DETERMINATION: V

- 24. SEE DEVELOPER FOR LOCATION OF ALL UTILITIES DEEPER THAN 4' QUANTER.**
- 25. SEE DEVELOPER FOR LOCATION OF ALL UTILITIES DEEPER THAN 4' QUANTER.**
- 26. SEE DEVELOPER FOR LOCATION OF ALL UTILITIES DEEPER THAN 4' QUANTER.**
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- 50. SEE DEVELOPER FOR LOCATION OF ALL UTILITIES DEEPER THAN 4' QUANTER.**



REV	DATE	DESCRIPTION

PROJECT NO: 1408
 SCALE: 1/8" = 1'-0"
 DATE: MAY 2014
 SHEET: 21



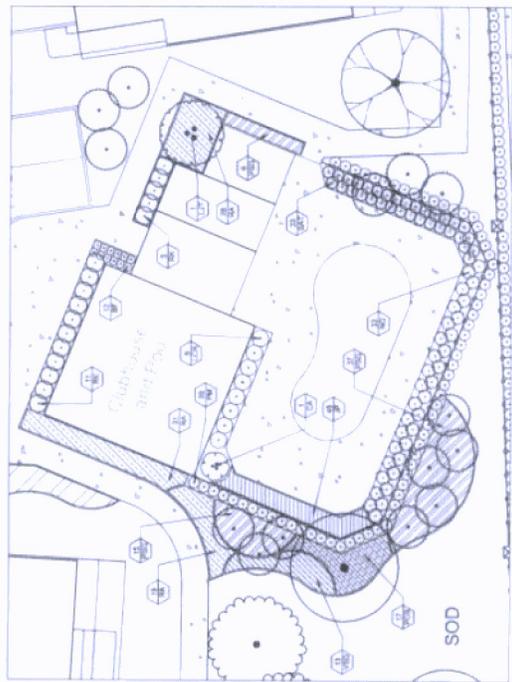
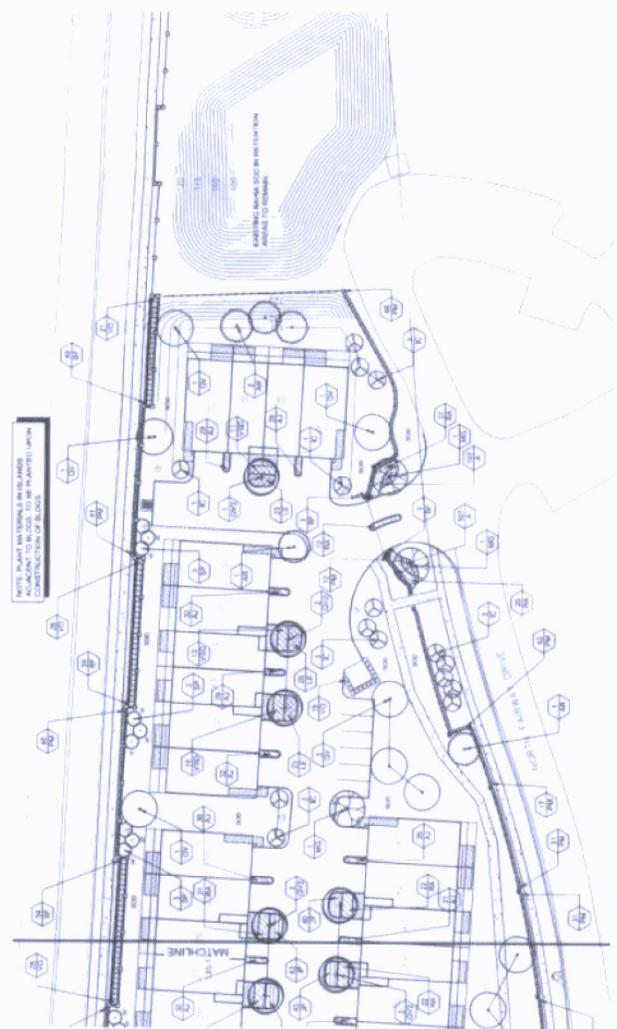
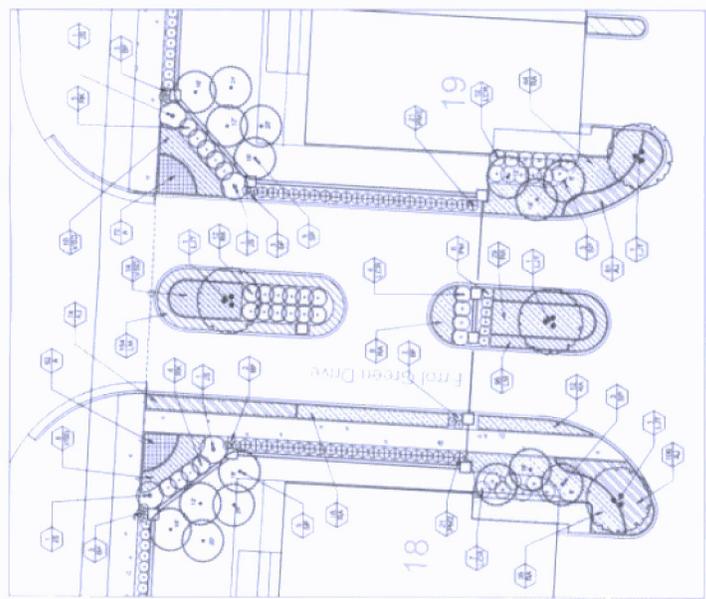
I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR BELMONT RESERVE IS IN ACCORDANCE WITH THE CITY OF APOLOA'S ORDINANCE 2009 ADOPTED MAY 21 2009 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE: _____ REG. NO. _____ DATE: _____

REV	DATE	DESCRIPTION



PROJECT NO	17-007
DATE	May 2014
SCALE	1:100



I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR BELMONT RESERVE IS IN ACCORDANCE WITH THE CITY OF APOLLO ADAPTED MAY 17, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE _____ REG. NO. _____ DATE _____



FRONT ELEVATION

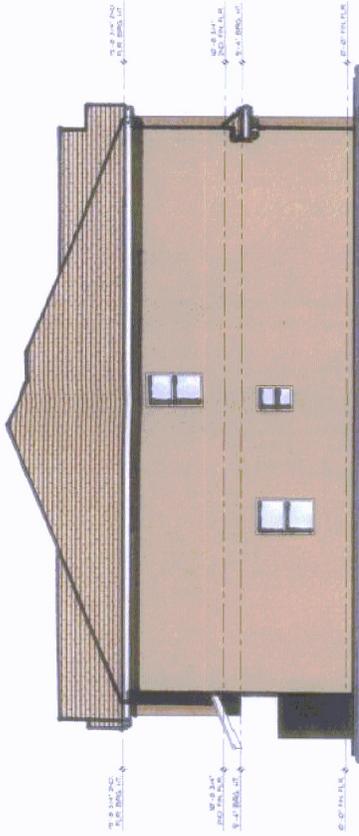


REAR ELEVATION

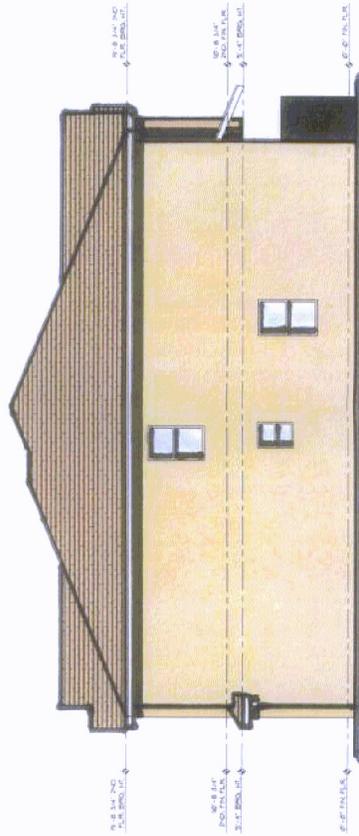
Belmont Reserve: Multi-Family Model



Corporate Product Development 02/28/14



LEFT ELEVATION



RIGHT ELEVATION



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER:

MEETING OF: May 21, 2014
FROM: Community Development
EXHIBITS: Vicinity Map
Site/Landscape Plans
Window/Speaker Exhibit
Building Elevations

PROJECT: TACO BELL – 1154 ROCK SPRINGS ROAD

REQUEST: APPROVAL OF THE TACO BELL – 1154 ROCK SPRINGS ROAD - FINAL DEVELOPMENT PLAN AND ISSUANCE OF THE FINAL DEVELOPMENT ORDER.

SUMMARY:

OWNER/APPLICANT: Special K Enterprises, LLC, c/o James P. Whelan
ENGINEER: Cornelison Engineering & Design, Inc., c/o Craig L. Cornelison, P.E.
LOCATION: 1154 Rock Springs Road
(West of Rock Springs Road, north of Nancy Lee Lane)
PARCEL ID #: 33-20-28-0000-00-117
LAND USE: Commercial
ZONING: C-1
EXISTING USE: Vacant ice cream shop (formerly Bruster’s Ice Cream Shop)
PROPOSED USE: Drive-Thru Restaurant
TRACT SIZE: 0.76 +/- acre (33,158 sq. ft.)
BUILDING SIZE: 2,153 sq. ft.

DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir (2)
Commissioners (4)	HR Director	City Clerk
CAO Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial	C-1	Warehouse
East (City)	Res. Very Low Suburban (0-2 du/ac)	R-1AAA	Vacant Land
South (City)	Commercial	C-1	Shopping Center/Bank
West (City)	Res. Low-Medium (0-10 du/ac)	A-1 (ZIP)	Single Family Residence

ADDITIONAL COMMENTS:

The TACO BELL – 1154 ROCK SPRINGS ROAD Final Development Plan proposes a 2,153 square foot restaurant with a drive-thru. To accommodate the new restaurant, the existing 1,366 square foot building will be demolished. Access to the site will use the same driveway access to Rock Springs Road that was used for the former Bruster’s Ice Cream.

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

BUFFER/TREE PROGRAM: A ten foot landscape buffer is provided along Rock Springs Road, and the landscape buffers along the north and south parcel lines follow the previous buffers approved for the Bruster’s Ice Cream store.

PARKING AND ACCESS: A total of 23 parking space are provided, of which two are handicapped parking space. A single driveway to Rock Springs Road uses the same access created for the former Bruster’s Ice Cream store.

EXTERIOR ELEVATIONS: Design of the building exterior meets the intent of the City’s Development Design Guidelines.

SIGNAGE: The monument sign proposed near the driveway entrance meets the City’s sign code but must be moved to three to four feet towards the interior of the parcel to accommodate the necessary line-of-sight at the driveway cross bar at Rock Springs Road. Prior to commencing site construction, the applicant’s engineer shall certify that the monument sign location meets an acceptable line-of-site distance and sight triangle.

Menu board signs shall not exceed six feet in height nor 30 square feet of sign area. The menu board signs shall be supported from the grade to the bottom of the sign having or appearing to have a solid base similar to and complementary to the development's monument sign. The design, materials, and finish of a menu board sign shall match those of the buildings on the same lot. One menu board sign is permitted per drive-thru lane or drive-in station. No other commercial or promotional signs, including snipe-type signs, shall be located along the drive-thru lanes. The Taco Bell Logo’s shown on the post supporting the clearance bar and drive –thru canopy will need to be removed. Applicant must resubmit menu board plans that are consistent with the City code.

WAIVER REQUEST: The Brewster’s Ice Cream Store was approved with the condition that operating hours were limited to 6:30 a.m. to 1:30 a.m. The drive-through service was previously not allowed to operate after 12:00 am (midnight) and open at 6:30 am. All customer service for the Brewster’s Ice Cream Store occurs through exterior service windows and did not include interior seating. As the Taco Bell proposes all interior customer seating, conditions no longer warrant a limitation on the hours of operation. Staff supports removal of the operating hour limitation. Further, a residential home existing adjacent to the subject parcel, but has been converted to an office use.

- **Staff does not object to this waiver request.**

VARIANCE REQUEST: The Brewster’s Ice Cream Store received a variance to allow a drive-through service area less than 200 feet from a residential area. Since the construction of the Brewster’s store, a residential home to the west of the subject parcel was converted to an office use. Property on the east side of Rock Springs Road is assigned a residential future land use and zoning, but is undeveloped. This residentially zoned, undeveloped property is within 200 feet of the Taco Bell site, measured property line to property line. The City previously approved the variance for the Brewster’s store. Moving the drive-through further to the west will impact the applicant’s ability to provide adequate driveway width and buffer width to the rear of the property.

- **Staff does not object to this variance request as it was previously approved for the Brewster’s Ice Cream Store.**

PUBLIC HEARING SCHEDULE:

May 13, 2014 - Planning Commission (5:01 pm)
May 21, 2014 - City Council (8:00 pm)

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the TACO BELL – 1154 ROCK SPRINGS ROAD Final Development Plan, the waiver request for hours of operation and the variance for the drive-through distance to a residentially zoned property, subject to the findings of this staff report.

The **Planning Commission**, at its meeting on May 13, 2014, recommended approval (6-0) of the TACO BELL – 1154 ROCK SPRINGS ROAD Final Development Plan, the waiver request for hours of operation and the variance for the drive-through distance to a residentially zoned property, subject to the findings of this staff report.

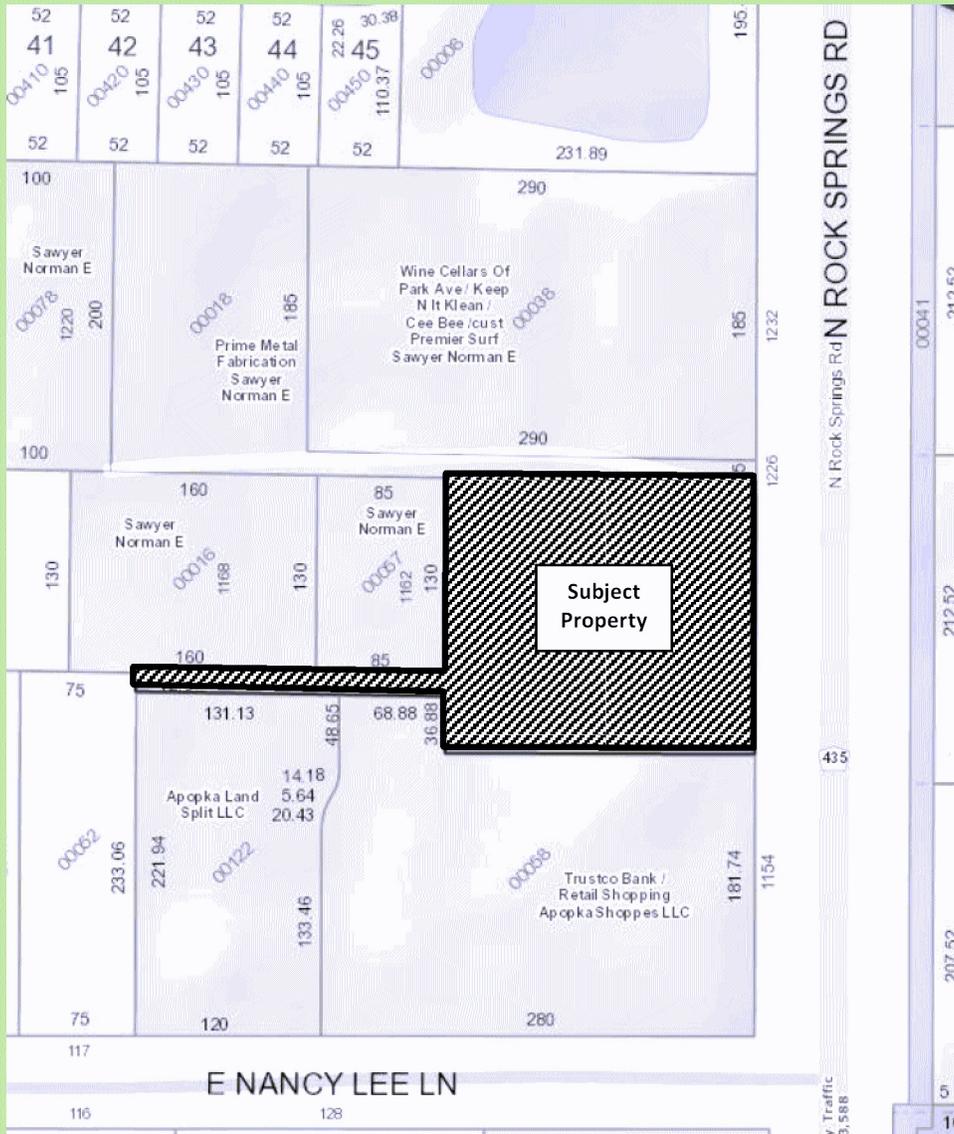
Approve the the TACO BELL – 1154 ROCK SPRINGS ROAD Final Development Plan, the waiver request for hours of operation and the variance for the drive-through distance to a residentially zoned property, subject to the findings of this staff report.

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

Application: Final Development Plan
Owner: Special K Enterprises, LLC, c/o James P. Whelan
Engineer: Cornelison Engineering & Design, Inc., c/o Craig L. Cornelison, P.E.
Parcel I.D. No: 33-20-28-0000-00-117
Location: 1154 Rock Springs Road
Total Acres: 0.87 +/- Acre



VICINITY MAP



SYMBOL QUANTITY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
GV	GORGES VIRGINIANA SOD	CATHEDRAL LIVE OAK	10' HT X 1" SPD, 4" DBH, RPB
UA	ULMUS ALATA	WINKED ELM	14' HT X 1" SPD, 3" DBH, RPB
LA	LAGERSTROMIA NOVA	GAFFE MYRTLE "MESQUITE"	10' HT X 5" SPD, MULTI-TRUNK, 5 STEPS @ 7" CALIPER EACH STEP, 40 GALLON
LJ	LEUCOSTRUM JAPONICA	TREE-FORM LIMONSTUM	10' HT X 5" SPD, MULTI-TRUNK, 5 STEPS @ 7" CALIPER EACH STEP, 40 GALLON
AA	AGAVE AMERICANA VASINATA	VAR. CENTURY PLANT	36" HT X 36" SPD, 1 BALLON
YA	YUCCA ALOPFLA	SPANISH BAYONET	36" HT X 36" SPD, 1 BALLON
66	GALPHERIA GRACILIS	THRIFT	36" HT X 30" SPD, 1 BALLON
ZF	ZANIA FLORIDANA	COONITE	18" HT X 18" SPD, 1 BALLON
LF	LEUCOPYLLUM FRUTICOSUM	TEXAS SAGE	36" HT X 36" SPD, 1 BALLON
MC	MULLENBERGIA CAPILLARIS	MILLY GRASS	24" HT X 24" SPD, 8 BALLON
TF	TRIPSACUM DACTYLOIDES	PACAWATCHEE GRASS	24" HT X 24" SPD, 8 BALLON
MF	MYRTANTHES FRAGRANS	SHIFFON'S STOPPER	24" HT X 24" SPD, 8 BALLON
BF	BULBINE FRUTICOSUM	DESERT CANDLES	8" HT X 8" SPD, 1 BALLON
DV	DIETES VEGETA	WHITE AFRICAN IRIS	10" HT X 10" SPD, 1 BALLON
54	RED GRANITE BOULDER		DESERT SAND COLOR, 12" - 36"
3,000 SF	BROWN RIVER ROCK		3" AGGREGATE GRAVEL

NOTE: ALL PROPOSED TREES ARE MEASURED AT 24" ABOVE THE SOIL.

LANDSCAPE INSTALLATION NOTES

- 1) ALL PLANT MATERIALS SHALL BE FLORIDA #1 OR BETTER AS GIVEN IN GRADES AND STANDARDS FOR NURSERY PLANTS, FEBRUARY 1940 EDITION, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
- 2) LOCATION OF PLANTS ON THE PLAN ARE DIAGRAMMATIC - SEE THE LANDSCAPE ARCHITECT FOR QUESTIONS ON EXACT LOCATIONS. THE PLANT MATERIALS LIST IS PROVIDED FOR THE CONVENIENCE OF THE LANDSCAPE CONTRACTOR. SHOULD THERE BE ANY DISCREPANCY BETWEEN THE PLANT LIST AND THE PLAN, THE PLAN SHALL PREVAIL.
- 3) IT IS THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL PLANT BED AREAS HAVE PROPER DRAINAGE FOR OPTIMUM GROWTH OF LANDSCAPE MATERIAL BEFORE INSTALLATION BEGINS.
- 4) THE CONTRACTOR SHALL INSURE THAT ALL PLANTING ISLANDS AND OTHER AREAS SHALL BE CLEAN OF TRASH, CONSTRUCTION DEBRIS, OR OTHER WASTE MATERIALS TO A DEPTH OF 24" PRIOR TO LANDSCAPE INSTALLATION.
- 5) ALL PLANT BEDS AND TREE RINGS SHALL BE TREATED WITH A PRE-EMERGENT HERBICIDE AND THEN TOP-DRESSED WITH 3" DEEP FLOBI MULCH OR BROWN RIVER ROCK AS SHOWN. ALL NEW TREES SHALL HAVE A TREE RING WITH A MINIMUM OF 24" RADIUS, ALL NEW TREES AND SHALL BE STAKED.
- 6) NEW SOD SHALL BE ARGENTINE BAHIA SOD @ 6,000 SF IN THE LOCATIONS SHOWN ON THE PLAN. CONTRACTOR SHALL DETERMINE EXACT QUANTITIES IN THE FIELD. SOD AREAS SHALL BE MAINTAINED BY THE CONTRACTOR FROM THE TIME OF INSTALLATION TO THE TIME OF FINAL ACCEPTANCE.
- 7) TREES, SHRUBS, AND GROUND COVER SHALL BE INSTALLED USING THE FOLLOWING PROCEDURE: PLANT PITS SHALL BE EXCAVATED TO TWICE THE DIAMETER OF THE PLANT ROOT BALL. AGGREGATE EXISTING SOIL BEFORE BACKFILLING PIT. ADD AGRIFORM FERTILIZER TABLETS TO EACH PLANT PIT, AS PER THE SPECIFICATIONS.
- 8) TREE INSTALLATION: ALL REQUIRED TREES SHALL BE INSTALLED 1" - 2" ABOVE FINISH GRADE. TREES INSTALLED OR BURIED TOO DEEP SHALL BE RESET TO THIS STANDARD. REMOVE THE TOP 1/3 OF THE WIRE BASKETS ON ALL B & B STOCK.

LANDSCAPE REQUIREMENTS

- MINIMUM TREE REQUIREMENT
 1 TREES PER 9,000 SF OF SITE
 35/45 / 9,000 = 4 TREES
- FOUNDATION REQUIREMENT
 650 SF PROVIDED
- INTERIOR REQUIREMENT
 5 - 1 EXISTING TREES + 4 TREES REQUIRED
 4 TREES PROVIDED
- PERIMETER REQUIREMENTS
 WEST - CONTINUOUS HEDGE 36" OC, 24" HT.
 140 LF/90 = 5 TREES
 6 TREES PROVIDED
- NORTH - CONTINUOUS HEDGE 36" OC, 24" HT.
 160 LF/90 = 5 TREES - 0 EXISTING = 0 TREES
- EAST - CONTINUOUS HEDGE 36" OC, 24" HT.
 122 LF/90 = 4 TREES
 1 TREES PROVIDED
- SOUTH - CONTINUOUS HEDGE 36" OC, 24" HT.
 120 LF/90 = 4 TREES
 4 TREES PROVIDED
- TOTAL TREES REQUIRED = 17 @ 3" CALIPER = 51 INCHES

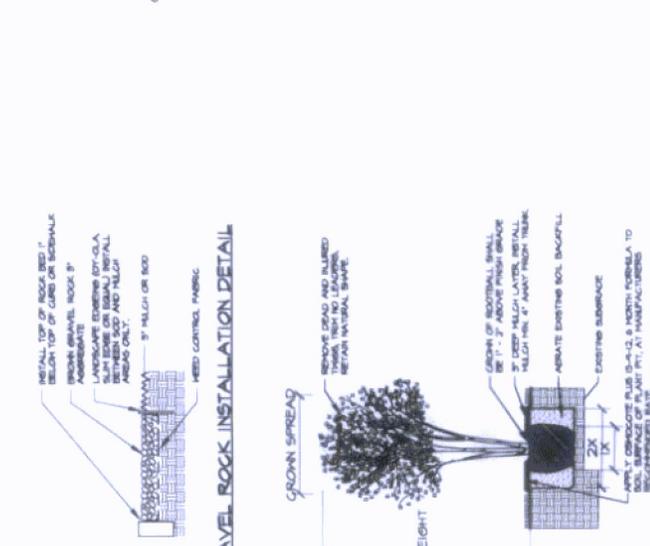
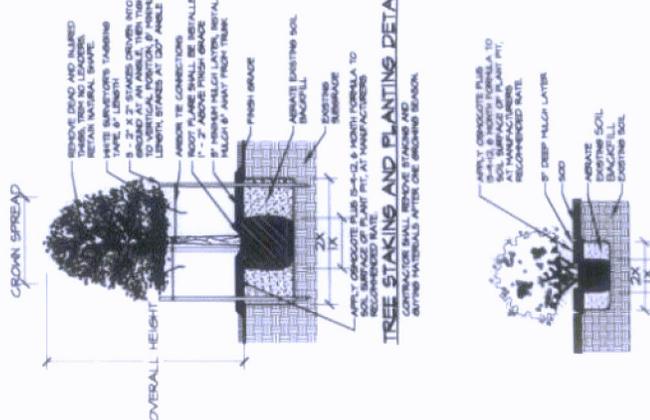
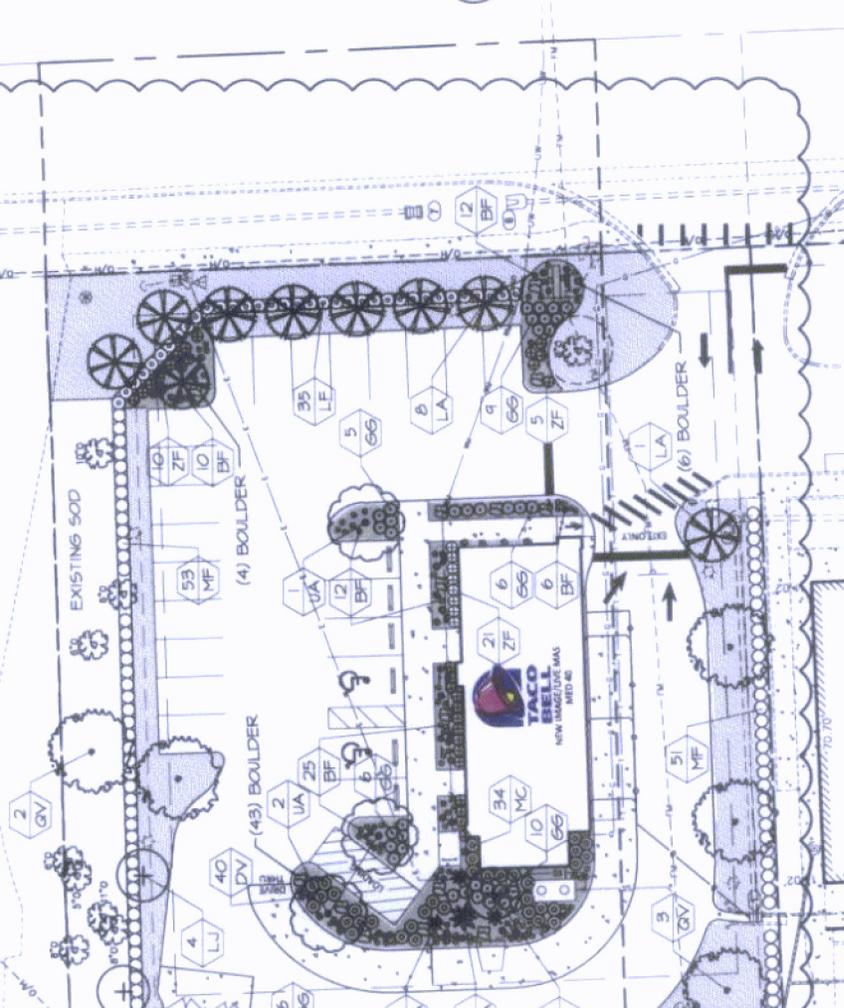
PROPOSED TREES

- 5 LIVE OAK, 4" DBH @ 20"
- 3 RINGED ELM, 3" DBH @ 4"
- 4 GAFFE MYRTLE, 3" CALIPER @ 21"
- ILLINOIS STAR, 3" CALIPER @ 30"
- 20 TREES, 64" CALIPER PROVIDED
- 84 @ 31" - 36" TOWARD TREE REPLACEMENT INCHES.

TREE MITIGATION

- REPLACEMENT TREES
- 8" OAK @ 6" CALIPER
- 54 REPLACEMENT INCHES REQUIRED.
- 30 INCHES PROVIDED

SYMBOL LEGEND



LANDSCAPE AND IRRIGATION DESIGN

I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2064 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERSHED LANDSCAPE AND IRRIGATION STANDARDS



MADE AND PROPERTY LINE SOURCE
ORANGE COUNTY PROPERTY APPRAISER



GLM Architecture
1222 S. Orange Avenue, Suite 201
Orlando, FL 32801
Tel: 407.836.7800
www.glm.com

12144.120

12/14/2014

1154 ROCK SPRINGS ROAD
APOPA, FLORIDA 32712

CONTRACT DATE:	01/30/2014
BUILDING TYPE:	MED-40-NI
PLAN VERSION:	DEC 13A
SITE NUMBER:	10100
UTILITY NUMBER:	42880

TACO BELL
1154 ROCK SPRINGS ROAD
APOPA, FLORIDA 32712

MEDIUM/40-NI
D/T WINDOW/
SPEAKER
EXHIBIT

D/701
PLOT DATE: 4-17-14

APOPKA CITY COUNCIL MEETING
May 21, 2014

The following written comments we made to the City Council
by
Velva Peterson, 1247 Mount Logan Drive, Apopka FL 32712
regarding Ordinance No. 2364, and heard under:

ORDINANCES AND RESOLUTIONS

- 6. ORDINANCE NO. 2364 – FIRST READING – CHANGE OF ZONING – Country Crossings, LLC, c/o Mark Crone, from R-1AA (Residential) to Planned Unit Development (PUD/R-1AA) (Residential), for properties located north of West Lester Road, west of Vick Road. (Parcel ID # 29-20-28-0000-00-028).**

May 21, 2014

Velva Peterson

1247 Mount Logan Drive

APopka, FL 32712

The Proposed subdivision would affect me greatly. My house is the last one on this street.

Had I known that there was ever any chance of my dead end road becoming the entrance to another

subdivision, I would never have built here.

I work from home. This has caused me great stress and depression and interfered with my work.

Previous construction from the subdivision next door Oak Hill Reserve went on for an eternity.

The noise of the trucks and then the hammering 7 days a week. And now it would be even closer.

All over again. Peace and quiet will vanish. Privacy will be gone. And worry of break ins.

The view of the trees and the wildlife will be gone. screech owls that sit in the

bird bath at night and migratory birds return year after year. Birds of prey are struggling

to survive due to loss havitat. We have to stop clear cutting all the trees. Their is no place left

for the wildlife to go.

The gopher tortoises would have to be relocated safely.

REcently, I contacted Fish and Wildlife to search to see if the builder had a permit to relocated

the gopher tortoises. They could not locate one. It is required by law to have them safely removed

relocated. The state biologist suggested I take photos of the burrows for these meetings. I went to do that and discovered one of the largest tortoise burrows had been covered over. The biologist said to call Fish and Wildlife Law Enforcement immediately and have an officer come out.

The responded promptly and were very concerned and are in the process of filing a report that I will

provide to the City Council as soon as it is ready.

crime rates go up during construction and houses sitting empty.

Increased traffic, at least 50 plus cars per day driving by would now add to the noise pollution if 25 more houses are built.

I request my written comments be included in the formal record for this hearing. Thank you.