

# CITY OF APOPKA

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**Minutes of a regular City Council meeting held on November 16, 2011, at 8:00 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor John H. Land  
Commissioner Bill Arrowsmith  
Commissioner Billie Dean  
Commissioner Marilyn U. McQueen  
Commissioner Kathy S. Till

PRESS PRESENT: John Peery - The Apopka Chief

**INVOCATION AND PLEDGE OF ALLEGIANCE** – Mayor Land called the meeting to order and gave the Invocation. He said George Washington, in the first Thanksgiving Proclamation, designated Thursday, November 23<sup>rd</sup> to honor the adoption of the Constitution, “a form of government that would make for safety and happiness”. He asked everyone to reflect on our great Nation and the Constitution that serves our Nation as he led in the Pledge of Allegiance.

Mayor Land recognized Boy Scout Reide Wilson, of Troop 10 at Wolf Lake Middle School, present at the meeting as a requirement to earn his Citizenship in the Community Merit Badge.

Elizabeth Duncan spoke in opposition to the Vista Landfill conversion from a Class III to a Class I landfill. She presented the City Clerk with petitions with 202 signatures in opposition to the conversion.

## **CONSENT AGENDA**

1. Approve the minutes from the regular City Council Meeting held on November 2, 2011, at 1:30 p.m.
2. Award the contract, in the amount of \$63,846.00, to K&B Rosetta for the construction of a right turn lane at the Shoot Straight entrance along US Highway 441.
3. Authorize the purchase of fourteen (14) vehicles from Don Reid Ford, in the amount of \$345,927.00, and three (3) vehicles from Mullinax Ford, in the amount of \$108,193.56, for the Fire, Police, and Public Services Departments.

**MOTION was made by Commissioner Till, and seconded by Commissioner McQueen, to approve the three (3) items of the Consent Agenda. Motion carried unanimously, with Mayor Land and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

## **PRESENTATIONS**

**1. National Hospice and Palliative Care Month Proclamation – Jacqueline Kazimer.** – Mayor Land read the Proclamation and presented it to Ms. Kazimer.

**2. Certificates of Appreciation to Sign Committee Members – Jay Davoll** – Mayor Land said this item will be heard following the public hearing on Ordinance No. 2232.

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

## **ORDINANCES AND RESOLUTIONS**

**1. ORDINANCE NO. 2232 – FOURTH READING & ADOPTION – LAND DEVELOPMENT CODE AMENDMENT – Amending Article VIII – Signs in its entirety. – Mayor Land said Ordinance No. 2232 meets the requirements for adoption, being duly advertised in The Apopka Chief on October 7, 2011. The City Clerk read the title as follows:**

### **ORDINANCE NO. 2232**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE VIII – SIGNS IN ITS ENTIRETY; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY, CONFLICTS; AND AN EFFECTIVE DATE.**

Mayor Land 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 Arrowsmith, to adopt Ordinance No. 2232 on Fourth Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**CERTIFICATES OF APPRECIATION TO SIGN COMMITTEE MEMBERS – JAY DAVOLL -** Community Development Director Jay Davoll presented Certificates of Appreciation to Sign Committee members: Steve Hooks, Chairman; James Greene; Bill Speigel; David Chase; Doug Bankson; and Suzanne Kidd. Unable to attend were: Jimmie Howard, Chuck Vavrek, and Tom Cunningham.

**2. ORDINANCE NO. 2230 – FIRST READING – KELLY PARK CROSSING DEVELOPMENT OF REGIONAL IMPACT (DRI) – The Development Order is for a mixed use project located on approximately 564 acres within the City of Apopka. – Mayor Land said, as a member of the East Central Florida Regional Planning Council (ECFRPC), he was submitting into the Official Record of this meeting the following: the ECFRPC Meeting Agenda of September 21, 2011 (Approval of Minutes of the August 17, 2011 ECFRPC Meeting); August 17, 2011 ECFRPC Meeting Agenda and Minutes (Motion and Vote to approve the Kelly Park Crossing DRI); and the Meeting Packet of the August 17, 2011 ECFRPC regarding the Kelly Park Crossing Development of Regional Impact (DRI).**

Community Development Director Davoll gave an overview of the project and explained that there were a number of scrivener's errors contained in the previously distributed meeting packet, so a correct packet was provided to the City Council just prior to the beginning of this meeting. He gave an overview of the changes and reported the correct ordinance is consistent with the report of the ECFRPC.

Following some discussion regarding the changes, the title was read by the City Clerk, as follows:

**ORDINANCE NO. 2230**

**KELLY PARK CROSSING  
DEVELOPMENT OF REGIONAL IMPACT**

**THIS DEVELOPMENT ORDER IS MADE AND ENTERED INTO AS OF THIS \_\_\_ DAY OF DECEMBER, 2011, BY AND BETWEEN THE CITY OF APOPKA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, WHOSE ADDRESS IS 120 EAST MAIN STREET, APOPKA, FLORIDA, 32703, HEREINAFTER REFERRED TO AS THE "CITY", AND PROJECT ORLANDO, LLC, A FLORIDA LIMITED LIABILITY CORPORATION, WHOSE ADDRESS IS 1900 SUMMIT TOWER BOULEVARD, SUITE 820, ORLANDO, FLORIDA. PROJECT ORLANDO, LLC IS HEREINAFTER REFERRED TO AS THE "APPLICANT"**

Mayor Land opened the meeting for a Public Hearing.

Randy Morris, representing the project applicant, said this will be the largest employment center on the west side of Orange County. He commented that working with City of Apopka management and staff has been a very positive process.

Bob Webster said he could not identify where Rock Springs or Plymouth Sorrento Roads were on the project maps, and requesting these areas be pointed out on the map, Mr. Morris and Mr. Davoll pointed out the landmark roads.

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

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Till, to accept the First Reading of Ordinance No. 2230, and hold it over for a Second Reading. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**3. ORDINANCE NO. 2237 - FIRST READING - ZONING CHANGE - Lowe's Home Centers, Inc., from C-1 to C-2, for property located north of U.S. Highway 441 and south of Old Dixie Highway. NOTE: This item was tabled on November 2, 2011, per the applicant's request. –** Community Development Director Davoll gave an overview of the request. He said the proposed use is an automotive repair/maintenance business. He said the Planning Commission denied the request from C-1 to C-2. He advised that staff recommended accepting the First Reading with revisions designating a PUD. He reviewed the allowable provisions.

In response to a recommendation by Commissioner Arrowsmith for a cross easement to help with traffic flow, Mr. Davoll advised that Progress Energy had an easement the full length of the property.

The City Clerk read the title as follows:

**ORDINANCE NO. 2237**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING THE ZONING AS C-2 FOR THE HEREINAFTER DESCRIBED LANDS WITHIN THE CITY OF APOPKA, FLORIDA, OWNED BY LOWE'S HOME CENTERS, INC., LOCATED NORTH OF U.S. HIGHWAY 441 AND SOUTH OF OLD DIXIE HIGHWAY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE**

Mayor Land opened the meeting for a public hearing.

Harry Newkirk, Engineer of Record, said they request approval of this rezoning request and he was available for any questions. He acknowledged there was a 100 foot easement by Progress Energy and advised that Lowe's would consider a cross access.

The following individuals spoke regarding the positioning of the bays, a full elevation drawing showing the façade, and concerns regarding the impact on existing residential development. Other comments and concerns included this location not being the best use for the property, and with C-2 zoning it had been determined that Firestone would be too close in proximity. It was requested the Council strongly consider the recommendation of the Planning Commission: Suzanne Kidd, Kathryn D Young, Bill Spiegel, and Jim Thompson.

Andrew Davies said he was the Project Applicant and advised the current Tire Kingdom will be closed and relocated. He discussed the project and stated the traffic was low impact at approximately 40 trips per day. He provided a sampling of the elevations of the proposed Tire Kingdom store, a copy of which is attached hereto and made a part of these meeting minutes. In response to an inquiry from Commissioner Dean, Mr. Davies advised there would be ten (10) full-time employees that would relocate from the current store.

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

CAO Anderson stated when Lowe's was developed, the original design gave access off of Old Dixie Highway and at the request of the residents, that consideration was removed from the plan. He advised that if the Council desired to move in the direction of the PUD, they would need to deny the C-2 request and approve a PUD request with the noted restrictions.

Commissioner Till spoke in opposition of a cross easement.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner McQueen, to deny the C-1 to C-2 rezoning and approve staff's recommendation under section one (1) to change this to a PUD, with noted restrictions. Motion carried 4-1, with Mayor Land, Commissioners Arrowsmith, Dean, and McQueen voting aye, and Commissioner Till voting nay.**

## SITE APPROVALS

**1. RACETRAC GAS STATION AND CONVENIENCE STORE – SEMORAN BOULVDARD – FINAL DEVELOPMENT PLAN – Property located on the southeast corner of Semoran Boulevard and Semoran Commerce Place.** - Community Development Director Davoll gave an overview of the project, and answered questions of the City Council. He said this item is considered quasi-judicial and requested the staff report and its findings be incorporated into and made a part of the minutes of this meeting.

Mr. Davoll explained that the applicant is requesting two (2) waivers. The first waiver request is approval to add the Company logo striping to the canopy over the gas pumps. The second waiver request is that the designs located on the yellow awnings on the front of the building be considered as artwork or graphic, and not as signage, thereby complying with the City Land Development Code.

Mr. Davoll further explained the striping on the canopy is addressed in the Land Development Code, and the determination of whether the designs on the awnings are that of signage or artwork. He said the Planning Commission considered it signage and denied the request.

Tom Hardy, the applicant, gave a PowerPoint presentation, a copy which is attached to and made a part of the meeting minutes. He explained the white stripe on the canopy as the corporate identification. He added they are requesting an allowance for a waiver from the design guidelines, and he referenced these within the code.

There was considerable discussion by the City Council regarding current signage throughout the City, the Sign Ordinance adopted earlier in the meeting, and the potential for setting precedents.

Mayor Land 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 Till, to approve the Final Development Plan for the RaceTrac Gas Station and Convenience Store – Semoran Boulevard, with granting the waiver of the striping on the canopy, and denying the waiver request for signage on the awnings. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**2. RACETRAC GAS STATION AND CONVENIENCE STORE – SEMORAN BOULEVARD – FINAL DEVELOPMENT PLAN – Property located on the southeast corner of Orange Blossom Trail (U.S. Highway 441) and Sheeler Avenue.** - Community Development Director Davoll gave an overview of the project, and answered questions of the City Council. He said this item is considered quasi-judicial and requested the staff report and its findings be incorporated into and made a part of the minutes of this meeting.

Mr. Davoll explained the same waivers are requested for this location as that on Semoran Boulevard.

Mayor Land 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 Till, to approve the Final Development Plan for the RaceTrac Gas Station and Convenience Store – Orange Blossom Trail, with granting the waiver of the striping on the canopy, and denying the waiver request for signage on the awnings. Motion carried unanimously, with Mayor Land, and Commissioners Arrowsmith, Dean, McQueen, and Till voting aye.**

**DEPARTMENT REPORTS AND BIDS** – CAO Anderson reported there will be a luncheon at the VFW on Monday, November 21<sup>st</sup>, for a sharing of the purpose and plan of the Apopka Community Trust with Club Presidents and a couple of Club members of Rotary, Sertoma, Chamber of Commerce, Woman's Club, etc.

CAO Anderson also reported that the Orange County Expressway Authority and the Florida Department of Transportation have finally reached an agreement regarding the Wekiva Parkway.

**MAYOR'S REPORT** - Mayor Land reminded everyone of the Jack Christmas book signing to be held in the City Hall Atrium on Sunday, November 20<sup>th</sup>, 3:30 p.m. to 5:00 p.m., immediately following the Apopka Historical Society Membership Meeting being held at the Museum.

### **OLD BUSINESS**

1. **Council** - There was no old business from the Council.
2. **Public** - There was no old business from the public.

### **NEW BUSINESS**

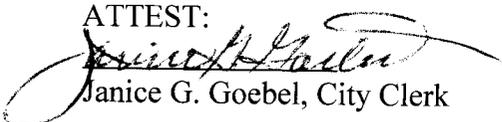
1. **Council** - There was no new business from the Council.
2. **Public** - Bob Webster commended Mayor Land, City Attorney Kruppenbacher, and Chief Manley on efforts to resolve the Red Light Camera issues in a legal manner.

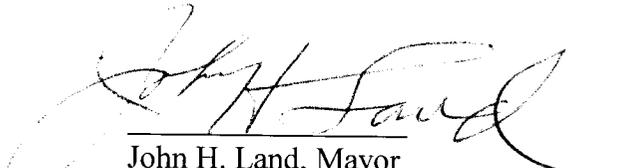
Mr. Webster said regarding the Charter, he will have a solution by the next two meetings.

Mr. Webster complimented Mayor Land and the City Council on their patience and loyalty to citizens speaking at the meetings, and the progressiveness brought to Apopka.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 9:49 p.m.

ATTEST:

  
Janice G. Goebel, City Clerk

  
John H. Land, Mayor