

Regina Dunay
Chairwoman

Chris Rader
Co-Chair

David Gragg
Board Member

Marion Rayburn
Board Member

Dr. Aileen Trivedi
Board Member

PUBLIC NOTICE
PLANNING AND ZONING BOARD MEETING – February 12, 2018

WELCOME! We are very glad you have joined us for today's Planning and Zoning meeting. The Planning and Zoning Board is an advisory board to City Council comprised of citizen members who voluntarily and without compensation devote their time and talents to a variety of zoning and land development issues in the community. All P&Z recommendations are subject to final action by City Council. The results of today's meeting will be presented at the noted City Council meeting for approval of recommended actions. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. **CAUTION:** Untimely filing by any appellant shall result in an automatic denial of the appeal.

The Planning and Zoning Board as the Local Planning Agency for the City of Edgewood will meet at 405 Larue Avenue, Edgewood, Florida, to consider the items of business listed herein at the time and date indicated below.

Monday, February 12, 2018 at 6:30 pm

1. Call To Order
2. Pledge of Allegiance
3. Roll Call and Determination of Quorum
4. Administer Oath of Office
 - o Marion Rayburn
 - o Dr. Aileen Trivedi
5. Approval of Minutes
 - o December 11, 2017 – Regular P&Z Meeting
6. New Business
 - o Select Planning and Zoning Chair and Co-Chair
 - o Variance 2018-01 Boat Dock Variance at Lake Harbor Circle
 - o Ordinance No 2018-04 Rezoning property on Holden Avenue to a Proposed Planned Development for Elementary School

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA REZONING CERTAIN LANDS GENERALLY LOCATED ON THE SOUTH SIDE OF HOLDEN AVENUE NEAR THE INTERSECTION OF HOLDEN AVENUE AND HOLDEN RIDGE AVENUE COMPRISING APPROXIMATELY 13.46 ACRES +/- FROM RIA AND RIAA (SINGLE FAMILY DWELLING) TO PD

(PLANNED DEVELOPMENT); PROVIDING FOR A PLANNED DEVELOPMENT ON SAID LANDS AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH DEVELOPMENT; PROVIDING THAT THE OFFICIAL ZONING MAP BE MODIFIED ACCORDINGLY; PROVIDING FOR CONFLICTS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- Ordinance No 2018-05 – Allowing Bars within the C-1 Zoning District

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, “ZONING,” OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-1 ZONING DISTRICT TO ALLOW BARS; PROVIDING A DEFINITION OF THE TERM BAR; AMENDING THE DEFINITION OF THE TERM RESTAURANT; AMENDING SECTION CHAPTER 6, “ALCOHOLIC BEVERAGES,” OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO ALLOW FOR ON-PREMISES OUTDOOR CONSUMPTION OF ALCOHOLIC BEVERAGES RELATED TO BARS AND RESTAURANTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

- Ordinance No 2018-06 – Dog Friendly Dining

AN ORDINANCE OF THE CITY EDGEWOOD, ORANGE COUNTY, FLORIDA, CREATING SECTION 10-10. “CITY OF EDGEWOOD DOG FRIENDLY DINING PROGRAM”; PROVIDING FOR ALLOWANCE OF PATRONS’ DOGS AT CERTAIN OUTDOOR SEATING AREAS OF RESTAURANTS; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS AND REQUIREMENTS RELATED TO ALLOWANCE OF DOGS AT OUTDOOR SEATING AREAS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- Discussion: Sec. 134-606 off-street parking - Consideration of location of shared parking

7. Old Business

- Discussion of the Edgewood District

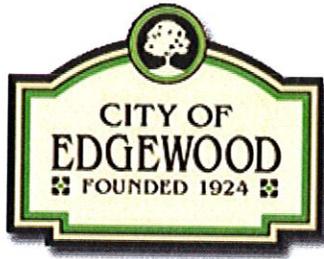
8. Comments/Announcements

FUTURE MEETINGS: *(SCHEDULE CONTINGENT UPON SUBMITTAL OF ITEMS THAT REQUIRE CONSIDERATION OF THE PLANNING & ZONING BOARD AS THE LOCAL PLANNING AGENCY FOR THE CITY OF EDGEWOOD)*

- March 12, 2018
- April 16, 2018

GENERAL RULES OF ORDER

The Board is pleased to hear non-repetitive comments related to business before the Board; however, a five (5) minute time limit per person has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request Registration Form and give it to the City Clerk. When recognized, state your name and speak directly into the microphone. The City is guided by ROBERTS RULES OF ORDER in governing the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at 407-851-2920 at least 24 hours in advance of the meeting.



Regina Dunay
Chairwoman

Chris Rader
Co-Chair

David Gragg
Board Member

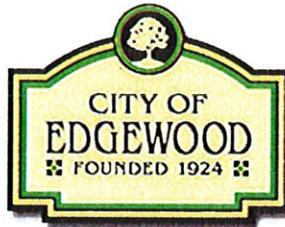
Marion Rayburn
Board Member

Dr. Aileen Trivedi
Board Member

WE ASK THAT ALL ELECTRONIC DEVICES (IE. CELL PHONES, PAGERS) BE SILENCED DURING OUR MEETING!

Thank you for participating in your government!

APPEALS: According to Edgewood City Code Section 26-24 (2), "any person aggrieved by any recommendation of the Board acting either under its general powers or as a Board of Adjustment may file a notice of appeal to the City Council within seven (7) days after such recommendation is filed with the City Clerk.



Planning and Zoning Draft Minutes
December 11, 2017

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Chris Rader, Board Member
Marion Rayburn, Board Member
Wade Fischer, Board Member (absent)
David Gragg, Board Member

Staff:

Drew Smith, City Attorney
Vince Jackson, Police Lieutenant
Sandy Repp, Deputy City Clerk

CALL TO ORDER

Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. Deputy City Clerk, Sandy Repp, announced that there was a quorum with Board Member Fischer absent.

ADMINISTRATION OF OATH OF OFFICE

Deputy City Clerk Repp administered oath of office to instate Planning and Zoning Board Member David Gragg.

David Gragg is now seated at the dais.

APPROVAL OF MINUTES

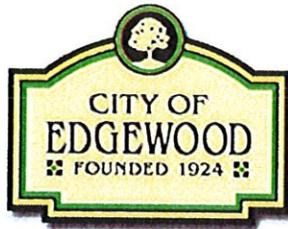
- **October 9, 2017**
Page 2 - the word “requires” was changed to “required” in the last paragraph of New Business #1.
Page 2 - Under Sign Ordinance, paragraph 4, “a” deleted and following verbiage was deleted: “that would be allowed if the sign was within code at the time it was permitted and erected.”
- **November 13, 2017**
Page 1 - Paragraph 1, line 1 under Unfinished Business added the word “were”. Paragraph 2, deleted the word “size” and replaced with “signs”.

Deputy City Clerk Repp noted corrections that were made to the minutes that were provided before the meeting.

Board Member Rayburn made the Motion to approve the October 9, 2017 and November 13, 2017 minutes with corrections; seconded by Board Member Rader. The motion was unanimously approved (4/0).

NEW BUSINESS

1. Ordinance 2018-01 Extension of Moratorium of Uses



Chairwoman Dunay introduced Ordinance 2018-01. The original moratorium ordinance was passed in August 2017.

Per Chairwoman Dunay, Mayor Bagshaw announced in the last City Council meeting that the two shopping centers at the corner of Holden and Orange Avenue have been sold and new development will go in there. Extending the moratorium will ensure there will not be new occurrences of these uses. There will be a report from Little which will be a summary of the questionnaires that were sent to Edgewood businesses and residents and that will determine how the City will go forward with uses in the Orange Avenue District.

Per Attorney Smith, this is a continuation for another 180 days or until the Orange Ave overlay is created, at which time the moratorium would expire because the zoning would be accomplished.

Chairwoman Dunay asked if there was further comment, and asked Board Member Gragg if he was informed about the zoning district along Orange Avenue. Per Attorney Smith, the new zoning district will be created and then the rezoning will occur to the district; it is a two-step process.

Chairwoman Dunay asked for a motion.

Chairwoman Dunay made the Motion to recommend approval of Ordinance 2018-01 to extend the moratorium for 180 days; second by Board Member Rayburn. The motion was unanimously approved (4/0).

The proposed ordinance will go to Council for first reading on December 19, 2017.

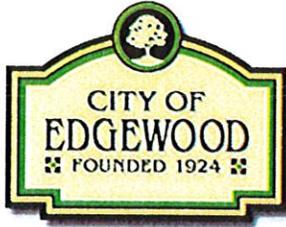
COMMENTS/ANNOUNCEMENTS

In response to Board Member Rayburn regarding Airbnb rentals, Attorney Smith, said that code regulates boarding houses the same way as Airbnb. In response to Board Member Dunay, Attorney Smith explained that Airbnb and short term rentals cannot be treated differently than long term rentals per State Law. Planner Hardgrove added unless you had code in place already, which is the case for the City of Edgewood.

The application for Rezoning for Orange County Public Schools should be on January's Planning and Zoning agenda. In response to Board Member Rader's question about using a Special Exception, Attorney Smith explained that a Planned Development (PD) gives the City more latitude on how the City interacts with the applicant. Per Attorney Smith, the standard on the rezoning portion of the PD would be about the same as the Special Exception, and both are quasi-judicial, but the PD gives the City more authority because of the developer's agreement. OCPS cannot get rezoning unless the City agrees to the developer's agreement.

Further discussion included that the City is waiting for the final Developer's agreement, which creates the criteria for the City's approval. In response to Board Member Rader, City Planner Hardgrove said that the Board will be presented with a recommendation from staff. After recommendation for approval or denial, or adding conditions of approval, the application will go to Council.

Chairwoman Dunay asked Deputy City Clerk, Repp for the next meetings who confirmed that the next Planning and Zoning dates would be January 8, 2018 and February 12, 2018



ADJOURNMENT:

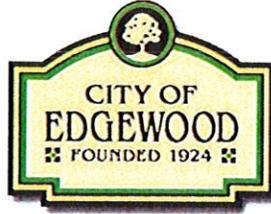
With no further business or discussion, Chairwoman Dunay asked for a motion to adjourn the meeting.

Board Member Rayburn made the Motion to adjourn the Planning and Zoning Board meeting; second by Board Member Gragg. Motion unanimously approved (4/0). The meeting adjourned at 6:58 pm

Regina Dunay, Chairwoman

ATTEST

Sandra Repp, Deputy City Clerk



Memo

To: Planning and Zoning Board Members
From: Sandy Repp, Deputy City Clerk
Date: February 7, 2018
Re: New Business Items

The following applications are provided in your agenda packet for your review:

1. Variance: 667 Lake Harbor Circle - 2018-VAR-01 Boat Dock

- Staff report from City Engineering Firm CPH dated January 22, 2018
- Application for Variance 2018-VAR-01, including justification of variance. Requesting to allow a boat dock that exceeds the allowable 65 feet in length.
- Application for Boat Dock
- Supporting documentation
 - Agent Authorization
 - Justification of Variance Request submitted by Streamline Permitting (contractor)
 - Notice of Public Hearing dated January 30, 2018 sent to property owners within 500 feet (Addresses with address and map matrix were generated from Orange County Property Appraiser Website).
 - Sign Affidavit dated January 31, 2018
 - Boundary survey provided in gold envelope

Deputy City Clerk Comments:

There were 37 letters mailed. No letters were returned to City Hall as undeliverable. No objections or comments were received at City Hall as of the date of this memo.

2. Application for Rezoning 2018-RZ-01

- Application for Rezoning
- Agent Authorization Form dated January 5, 2018

New Business Items

- Notice of Public Hearing dated January 30, 2018 sent to property owners within 500 feet (Addresses with address and map matrix were generated from Orange County Property Appraiser Website).
- Sign Affidavit dated February 2, 2018
- Ordinance 2018-04 for Rezoning property on Holden Avenue to a Proposed Planned Development for Elementary School
- Staff Reports
 - Memo from Drew Smith dated December 6, 2017
 - Staff Report from CPH dated January 10, 2018
 - Staff Report from Ellen Hardgrove dated February 6, 2018
- Planned Development Agreement (draft)
- Approved Minutes from November 15, 2017 and Draft minutes from February 2, 2018 DRC meetings
- Notes:
 - Land Use Plan is provided in gold envelope
 - Traffic and Pedestrian Analysis will be provided for review, but is not included in this package

Deputy City Clerk Comments:

There were 148 letters mailed. As of the date of this memo, four (4) letters were returned to City Hall as undeliverable. City Hall has received one (1) comment via email as of the date of this memo, which will be submitted for Public Comment.

3. **Ordinance 2018-05 for Allowing Bars within the C-1 Zoning District**
4. **Ordinance 2018-06 for Allowing Bars within the C-1 Zoning District**



1117 East Robinson St.
Orlando, FL 32801
Phone: 407.425.0452
Fax: 407.648.1036

January 22, 2018

Ms. Sandy Repp
Administrative Assistant
City of Edgewood
405 Laure Avenue
Edgewood, FL 32809-3406

**RE: 667 Lake Harbor Circle – Boat Dock Application Review
CPH Project Number E7601**

Dear Ms. Repp;

We are in receipt of a Variance application, revised Page 2 of the original application, revised plans and additional information for the above listed boat dock application. The applicant is proposing to remove an existing dock and construct a new dock in the same general location. Included with the application, the Applicant is requesting a variance to construct the dock to a length greater than the allowable length. A variance application has been submitted, dated January 18, 2018.

The City code, Chapter 14, states the maximum permitted length of a boat dock shall not exceed 65 feet as measured from the normal high water line. The City code also states a variance from the maximum length may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation. The revised plans included a lake bottom elevation of 83.06 near the center of the boat house portion of the dock. The dimension on the plan indicates the water depth is 3'-10".

The variance application provided is requesting a dock length of 94 feet in lieu of the allowable 65 feet. The new site plan, superimposed over the Boundary Survey shows the proposed dock length of 94 feet beyond the normal high water line, which matches the application.

The total square footage of the dock, including the boat house is less than 1,000 square feet. The new dock plan view states the dock area is 930 square feet. This matches the revised Page 2 of the application.

The applicant included summary page stating justification for a variance. The summary addressed the seven items listed in the City Code, Section 14-11, (d), variances. We reviewed the summary page and verified the summary addresses each of the items listed in the City Code.

Based on our review, we have no objections with the City moving forward with the variance review and approval through City Council.



Please be reminded, approval of this application by the City of Edgewood does not grant authority to alter other portions of this property, nor does it waive any permits that may be required by Federal, State, or County agencies which may have jurisdiction.

Sincerely,
CPH, Inc.

A handwritten signature in blue ink, appearing to read 'Allen C. Lane, Jr.', is written over a faint, light blue grid background.

Allen C. Lane, Jr., P.E.
Project Engineer

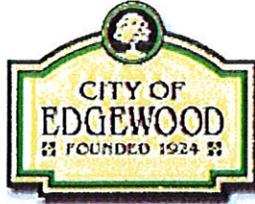
CC: David Mahler, P.E., file

J:\E7601\Civil\Documents\Letter\667 Lake Circle - Boat Dock plan approval 1-22-18.docx

RECEIVED

JAN 18 2018

CITY OF EDGEWOOD



APPLICATION FOR VARIANCE

Reference: City of Edgewood Code of Ordinances, Section 126-588
REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL
(+Applicable Pass-Through Fees - Ordinance 2013-01)
Please note this fee is non-refundable

PLANNING AND ZONING MEETING DATE:	February 18, 2018
CITY COUNCIL MEETING DATE:	March 20, 2018

IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk ___ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for.

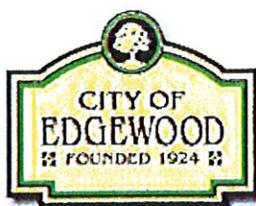
Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

EXEMPT

Applicant's Name:	Sheila Cichra	Owner's Name:	
Address:	2154 Oak Beach Blvd, Sebring, FL 33875	Address:	667 Lake Harbor Circle
Phone Number:	(407) 450-4241	Phone Number:	(321) 663-5947
Fax:		Fax:	
Email:	sheilacichra@gmail.com	Email:	JohnAntoon11@gmail.com
Legal Description:	EDGEWOOD VILLAGE ON LAKE CONWAY 30/80 LOT 11		
Zoned:	R-3		
Location:	rear of sfr at 667 Lake Harbor Circle		
Tract Size:	.38 acres		
City section of the Zoning Code from which Variance is requested:	14-11.(b)(3) Length of boat docks		
Request:	total length of 94' in lieu of 65' allowed		
Existing on Site:	boat dock that is currently 83.8' long from NHWE		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property. Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.



To justify this variance, applicant must demonstrate the following:

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do no result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

Applicant must agree that:

1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

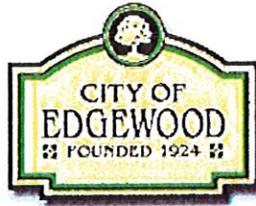
AGREE:	✓	DISAGREE:	
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2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	✓	DISAGREE:	
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The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	<i>Sheila Cichra</i>	Date:	01/18/2018
Applicant's Printed Name:	Sheila Cichra		
Owner's Signature:		Date:	
Owner's Printed Name:			



Please submit your completed application to City Hall via email at bmeeks@edgewood-fl.gov or srepp@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
Received Date	11/18/2018
Received By:	Sydney
Forwarded To:	CPA
Notes:	

Revised 06/13/2016

Page 4 of 4

405 Larue Avenue, Edgewood, Florida, 32809-3406
Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov

Justification of Variance Request – Submitted by Streamline Permitting, Inc.
667 Lake Harbor Circle
Sec. 14-11 (b)(3) Length of boat docks

Water depth is the reason for the additional dock length.

- a. Average length of other docks in the surrounding 300-foot area;

The applicant wants to rebuild the boathouse just 10' longer than the existing. This dock is quite a bit shorter than **several** of the docks in the same area. (See aerial).

- b. The reasonable use of the property by the owner;

The proposed boat dock needs to **extend far enough** for a water depth so that the boat slip is usable. This is evident from the '**edge of water**' shown on the survey.

- c. The effects the dock will have on navigation and safety of boaters;

The proposed boat dock will **project less and still** be shorter than docks on either side of it.

- d. The overall general welfare of the neighborhood;

It is not anticipated that the proposed boat dock will have a negative impact upon the general welfare of the neighborhood; it is **proposed to still** be shorter than docks on either side.

- e. Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;

At a length of 65', the water elevation is **too low** and the boat slip is unusable.

- f. The effect of the proposed variance on abutting shoreline property owners;

There are no anticipated negative impacts to the navigation of or view for the adjacent property owners.

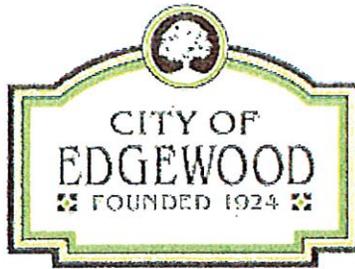
- g. Whether the granting of the variance would be contrary to the intent and purpose and this article;
and

The proposed boat dock needs to **extend far enough** for a water depth so that the boat slip is usable. This is evident from the '**edge of water**' shown on the survey.

- h. A variance from the maximum length of 65 feet may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation.

At the proposed length, the water depth will be 4.5' at the end of the proposed boathouse, which is a minimal usable depth.

Exempt



RECEIVED
DEC 20 2017
CITY OF EDGEWOOD

BOAT DOCK APPLICATION

Reference: [City of Edgewood Code of Ordinances, Section 14-11](#)

Please note the fee of \$350 is non refundable

Complete applications must be received by the City on or before 4 P.M. of the posted deadline date.

AN APPLICATION IS CONSIDERED COMPLETE BASED ON THE CITY ENGINEER'S DETERMINATION AND WHEN THE FEE IS PAID AT EDGEWOOD CITY HALL.

APPLICATIONS DEEMED INCOMPLETE AND/OR UNACCOMPANIED BY FEES WILL BE DEFERRED TO THE NEXT POSTED DEADLINE DATE.

NOTE: THE APPLICATION WILL NOT BE CONSIDERED BY THE PLANNING AND ZONING BOARD UNLESS THE APPLICANT OR REPRESENTATIVE IS IN ATTENDANCE.

The applicant is advised that individual board members can only be addressed during board proceedings.

Applicant's Name:	Sheila Cichra	Owner's Name:	
Address:	2154 Oak Beach Blvd Sebring, FL 33875	Address:	667 Lake Harbor Circle Edgewood, FL 32809
Telephone:	(863) 314-6711	Telephone:	(321) 663-5947
Cell:	(407) 450-4241	Cell:	
Fax:		Fax:	
Email:	sheilacichra@gmail.com	Email:	JohnAntoon11@gmail.com
Name of Lake or Body of Water:	Lake Conway	NHWE:	86.9
Parcel ID/ 24-23-29-2446-00-110			
Legal description: EDGEWOOD VILLAGE ON LAKE CONWAY 30/80 LOT 11			

Revised 4/1/08

1 of 5

405 Larue Avenue, Edgewood, Florida, 32809-3406
Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov

JAN 18 2018

CITY OF EDGEWOOD

Names and Addresses of adjoining property owners:	
1.	South (left side) - Chris Schroeder - 138 S 33rd Ave, Jacksonville Beach, FL 32250-6043
2.	North (right side) - Joe and Kristine Sharley - 661 Lake Harbor Circle, Edgewood 32809
3.	
4.	
5.	
6.	
7.	
Notarized consent forms shall be provided from adjoining property owners if the side setback is less than 15 feet	
1. Exact distance of setbacks from adjacent property lines:	
A. (side):	15'
B. (side):	
C. (Rear):	
NOTE: IF REAR SETBACK IS LESS THAN 25 FEET, A VARIANCE IS REQUIRED	
2. Brief description of work to be done (dock and site plans must be attached):	
3. Electric Power to dock:	
Yes:	No: <input checked="" type="checkbox"/>
If yes, an electrical permit must be obtained by Orange County Building Department	
4. Total area of structure: (Area lake ward of NHWL; 1,000 sq. ft. maximum allowed)	
930	Square feet
24' x 25'+ 50 sq. ft. roof overhang + 4' x 70' dock (16' of dock upland of the NHWE)	
5. Length extending lake ward from NHWE shoreline: (65 feet maximum allowed)	
94	Feet
6. Depth of water <u>on date of application</u> at end of proposed dock:	
3' 10"	
7. Height of structure above NHWE contour:	
13'	Feet

8. Is width of water body less than 200 feet?

Yes:		No:	✓
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If yes, width of water body (from the NHWL) at proposed dock:

	Feet
--	------

9. Type of materials to be used:

6x6 PT Pine pilings, 2x8 PT Pine framing, 1x6 Azek decking. Shingle roof.

I have complied with all requirements and procedures and proclaim this application to be complete. I understand that an incomplete application will be deferred to the next posted deadline date.

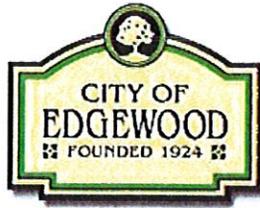
I also understand that following the administrative approval by the City Council (when applicable), an approved building permit from the Orange County Building Department is required **before any construction shall commence**.

The application fees are established by the City Council. The application fee does not, in any way, ensure the applicant a favorable decision. All applications will be reviewed on the merits of the request alone, regardless of the application fee. All fees are non refundable.

Following approval from the City Engineer and the City Council (when applicable), the following must be submitted for zoning stamp approval from the City of Edgewood

- Completed building permit application
- Recorded notice of commencement
- Proof of contractor's worker's compensation, naming the City of Edgewood as certificate holder

Applicant's Signature:		Date:	12/12/2017
Applicant's Printed Name:	Sheila Cichra		
Owner's Signature:		Date:	12/13/2017
Owner's Printed Name:	John Antoon		



BOAT DOCK APPLICATION PROCESS

1. Submit application with:
Three (3) site plans **AND** Three (3) sets of engineered construction plans (note: plans will be retained by City Hall and consultants)
2. Application will be forwarded to the City Engineer
3. If a variance from the provisions is requested or required, the City Engineer is not authorized to approve the application.
4. Notices will be mailed to the neighboring property owners who have a legal interest in the shoreline within 300' of the property via mail
5. Written comments from neighboring property owners are due within 15 calendar days after mailing.
6. If **NO** written objections are received, it shall be deemed that property owners have given consent and have waived their right to object to the construction to the dock. The application is then approved based on recommendation by the City Engineer 15 calendar days from the date notices are sent as long as the application is complete in all other aspects.
7. If one written objection is received, or if the City Engineer believes the application should be approved by City Council, the Council will consider the application during a regularly scheduled council meeting with: **Additional site plans and engineered construction plans with quantify specified by City Clerk's office.**
8. When City Council must decide the application, it shall approve, deny or approve with conditions taking into consideration comments or objections from all parties who were previously notified and staff's review of the proposed boat dock.
9. Copies of City Council's decision shall be sent to the applicant and those who filed written objections with the date of the decision.
10. If **NO** objections have been filed and City Council approves the application, the application will be effective immediately.
11. Following City Council's action and within 15 days, applicant or parties who have submitted written objections may submit written Notice of Appeal to the City Clerk.
12. If a Notice of Appeal is filed, it shall be heard by City Council during a regular council meeting. Notice of Appeal shall be provided to the applicant and parties who previously objected in writing.
13. During Notice of Appeal hearing, City Council may affirm, reverse or modify their previous decision.
14. If **NO** Notice of Appeal is received, City Council's ruling is final
15. City Council's decision on appeal is final.

BOAT DOCK VARIANCE APPLICATION PROCESS

1. Applicant must apply for a variance to the Edgewood Planning and Zoning Board, simultaneous with the submission of the Boat Dock Application and the required processing fee
2. When a variance is requested the applicant shall submit to the City Clerk's office
 - a. 9 site plans
 - b. 3 sets of engineered construction plans as submitted by the applicant
3. Applications for a variance shall follow the variance procedures as outlined in the Code (See Chapter 126, Section 126-588)
4. Following the approval of a boat dock application, either by the City engineer or by the City Council, the applicant is also required to obtain a building permit prior to commencing construction
5. In the event electricity is run to the boat dock, the proper electrical permit must also be obtained from Orange County.
6. All construction must be commenced, or completed, or both within the guidelines established by the City of Edgewood
7. The applicant is responsible for all fees associated with the procurement of necessary permits
8. Approval of a boat dock permit by the City of Edgewood does not eliminate the applications of any other government requirements or the necessity for required other permits or fees

Please submit your completed application to City Hall via email at cityhallstaff@egdeewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
	Three (3) Site Plans
	A survey of the property with the normal high water elevation (NHWE) as established by Orange County and performed by a Florida Registered Surveyor or mapper
	Three (3) sets of engineered construction plans (signed and sealed)
	Non refundable application fee of \$350.00
Rec'd Date:	12/20/2017
Rec'd By:	ASamp
Forwarded to:	CAH
Notes:	

DOCK, DECK & BOATHOUSE PLANS

667 Lake Harbor Circle, Edgewood

Prepared For

REYNCO CONSTRUCTION, INC
via
Streamline Permitting, Inc.

Prepared By

Jennifer L. Teliga, P.E.

#64621

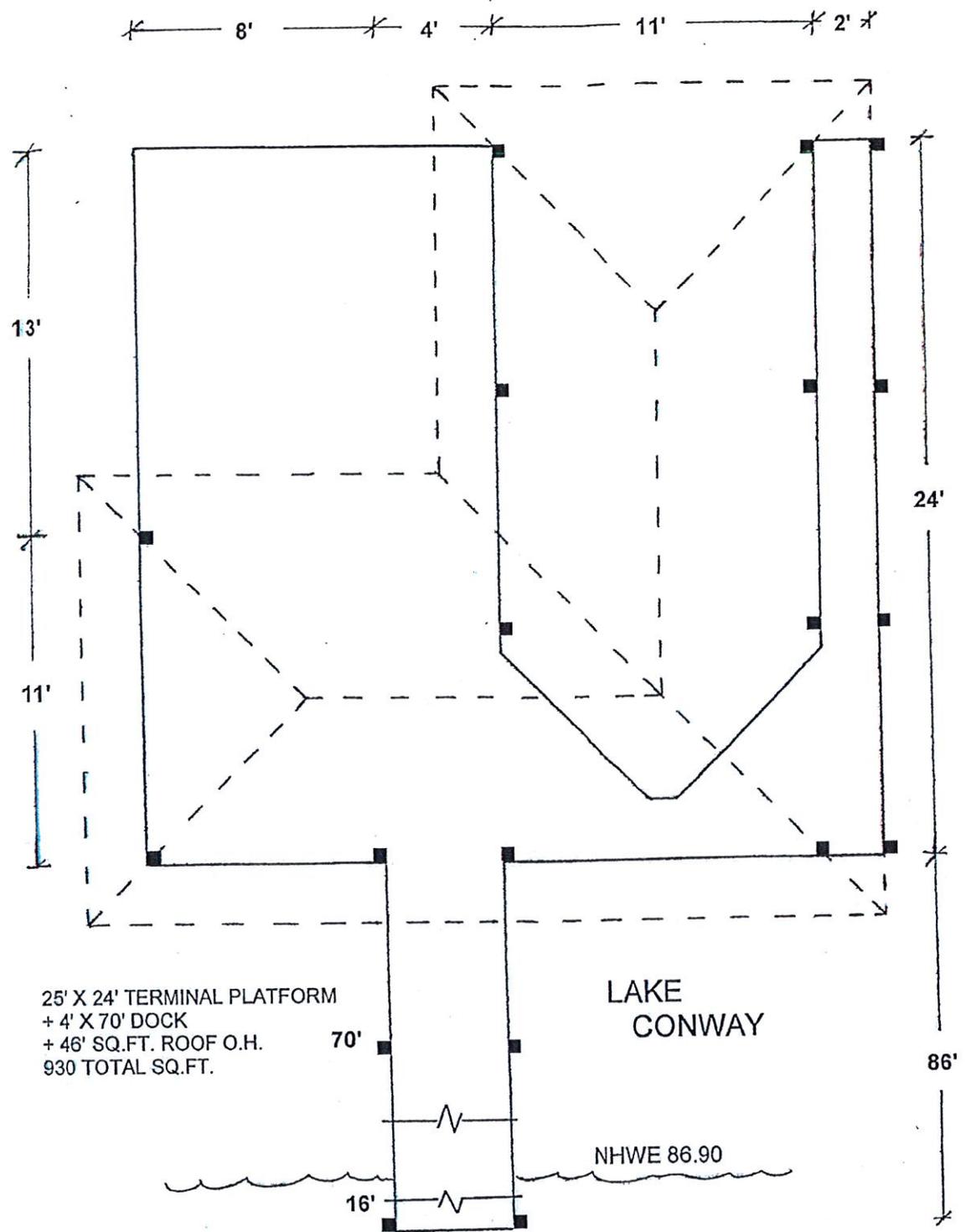
11534 Briar Hollow Lane

Clermont, Florida 34711

Phone (321) 662 7503

December 2017

Plan View



667 Lake Harbor Circle, Edgewood

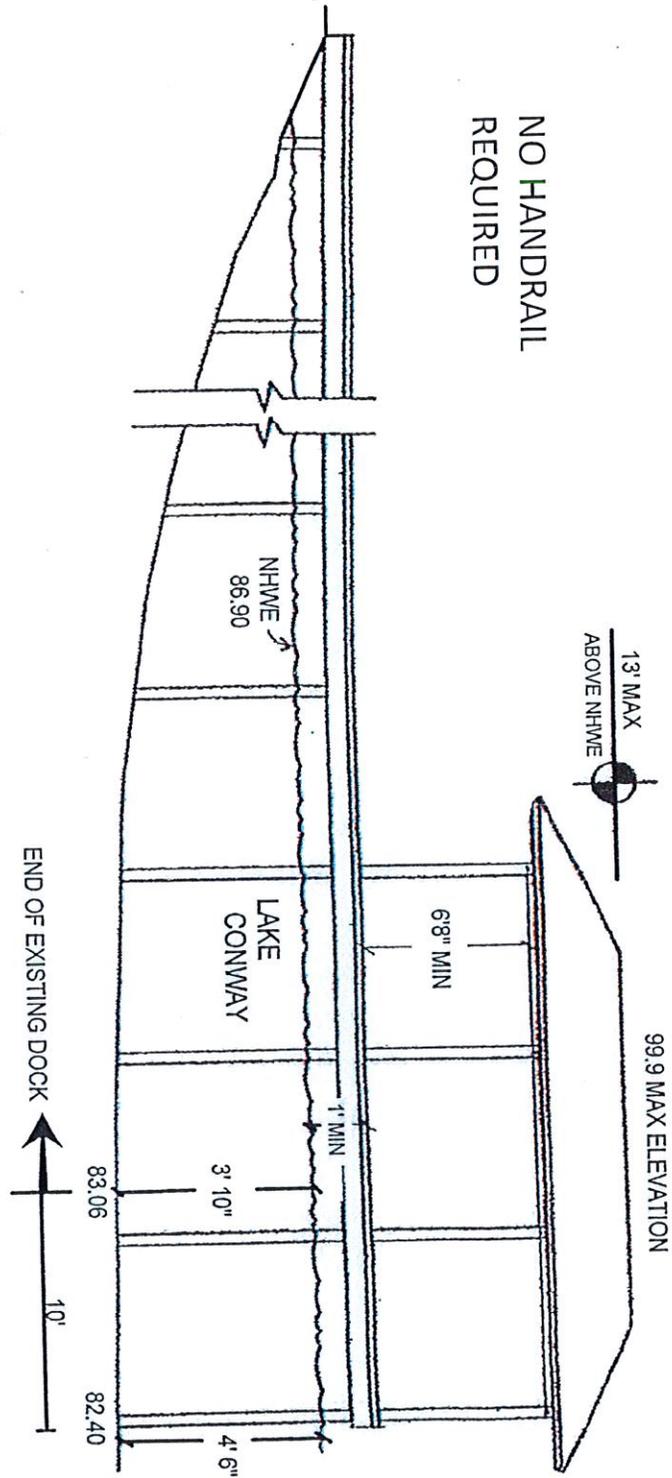
Jennifer L. Teliga, P.E. #64621 11534 Briar Hollow Lane, Clermont, Florida 34711 (321) 662-7503

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JAN 18 2018

CITY OF EDGEWOOD

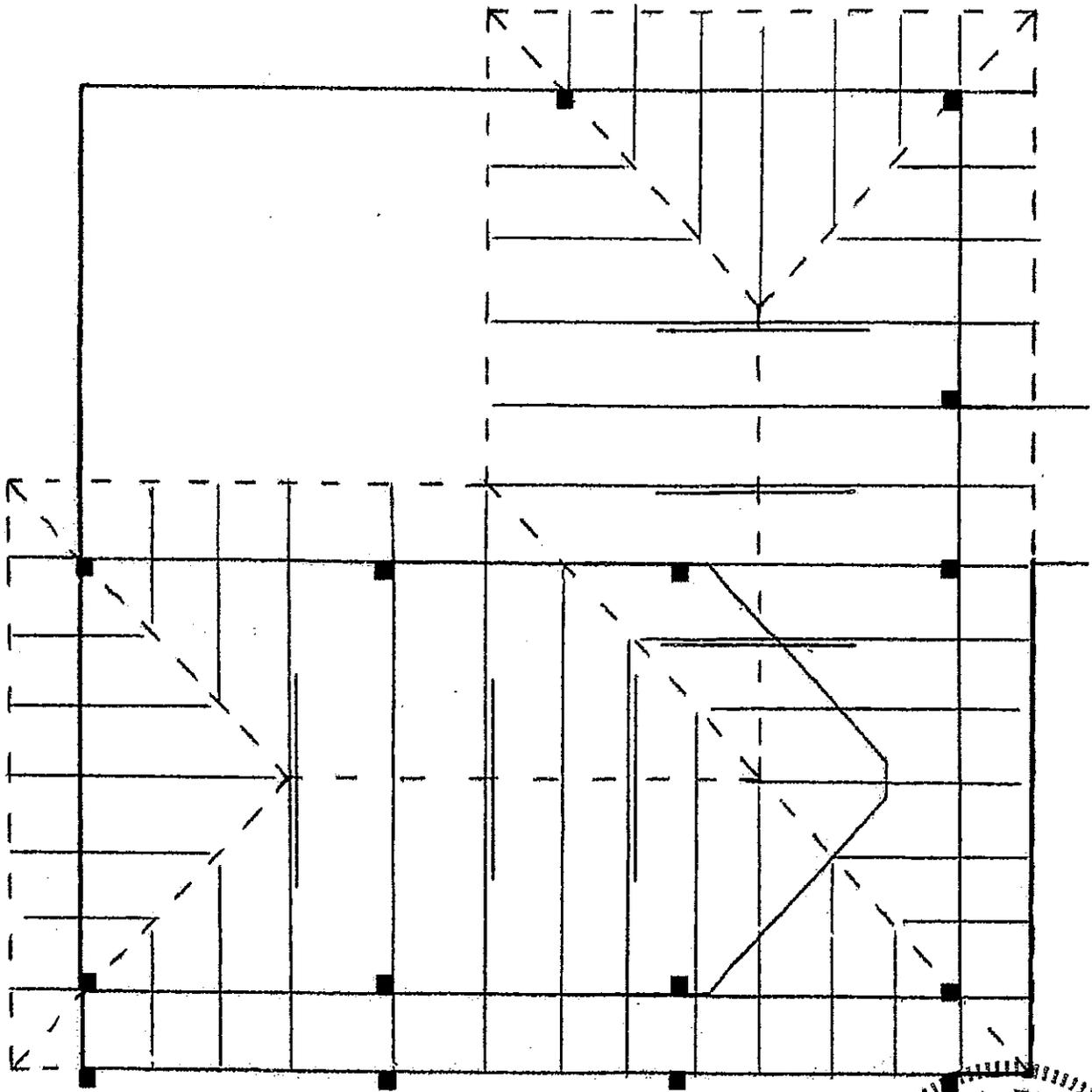
Elevation



667 Lake Harbor Circle, Edgewood

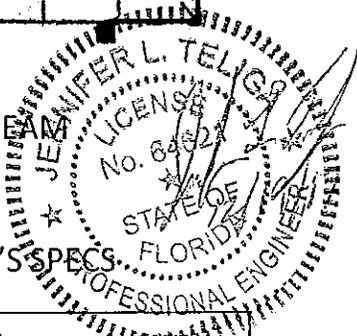
Jennifer L. Teliga, P.E. #64621 11534 Briar Hollow Lane, Clermont, Florida 34711 (321) 662-7503

Roof Framing



2X6 FASCIA W/ 1X2 DRIP
 2X6 COLLAR TIES 4' O.C.
 2X8 HIPS, RIDGES & VALLEYS
 ARCHITECTURAL SHINGLES INSTALLED PER MANUFACTURER'S SPECS

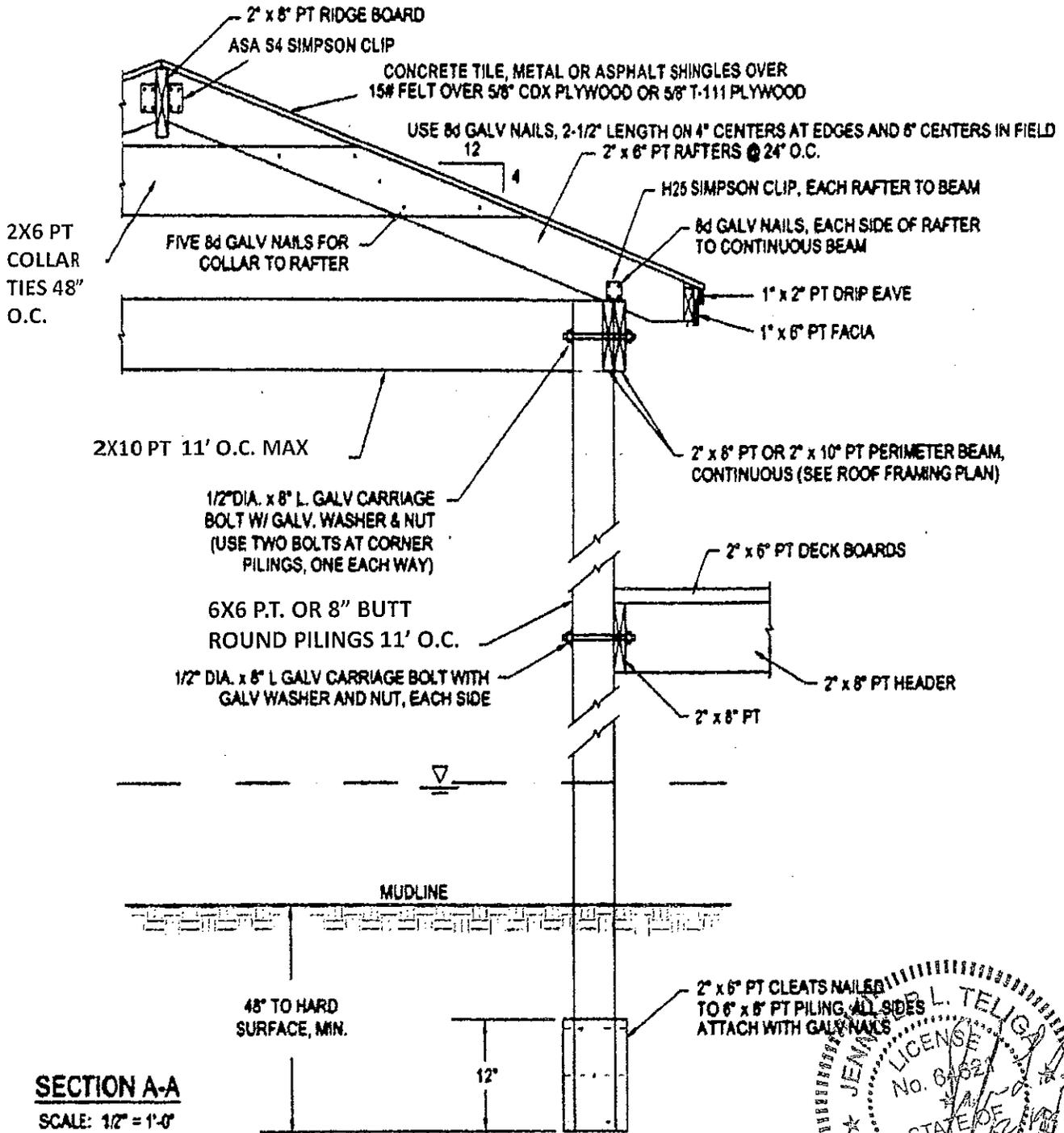
(2) 2X10 PERIMETER BEAMS
 2X6 RAFTERS 2' O.C.
 6X6 PILINGS 11' O.C.



667 Lake Harbor Circle, Edgewood

Jennifer L. Teliga, P.E. #64621 11534 Briar Hollow Lane, Clermont, Florida 34711 (321) 662-7503

Details and Specifications – Cross Section



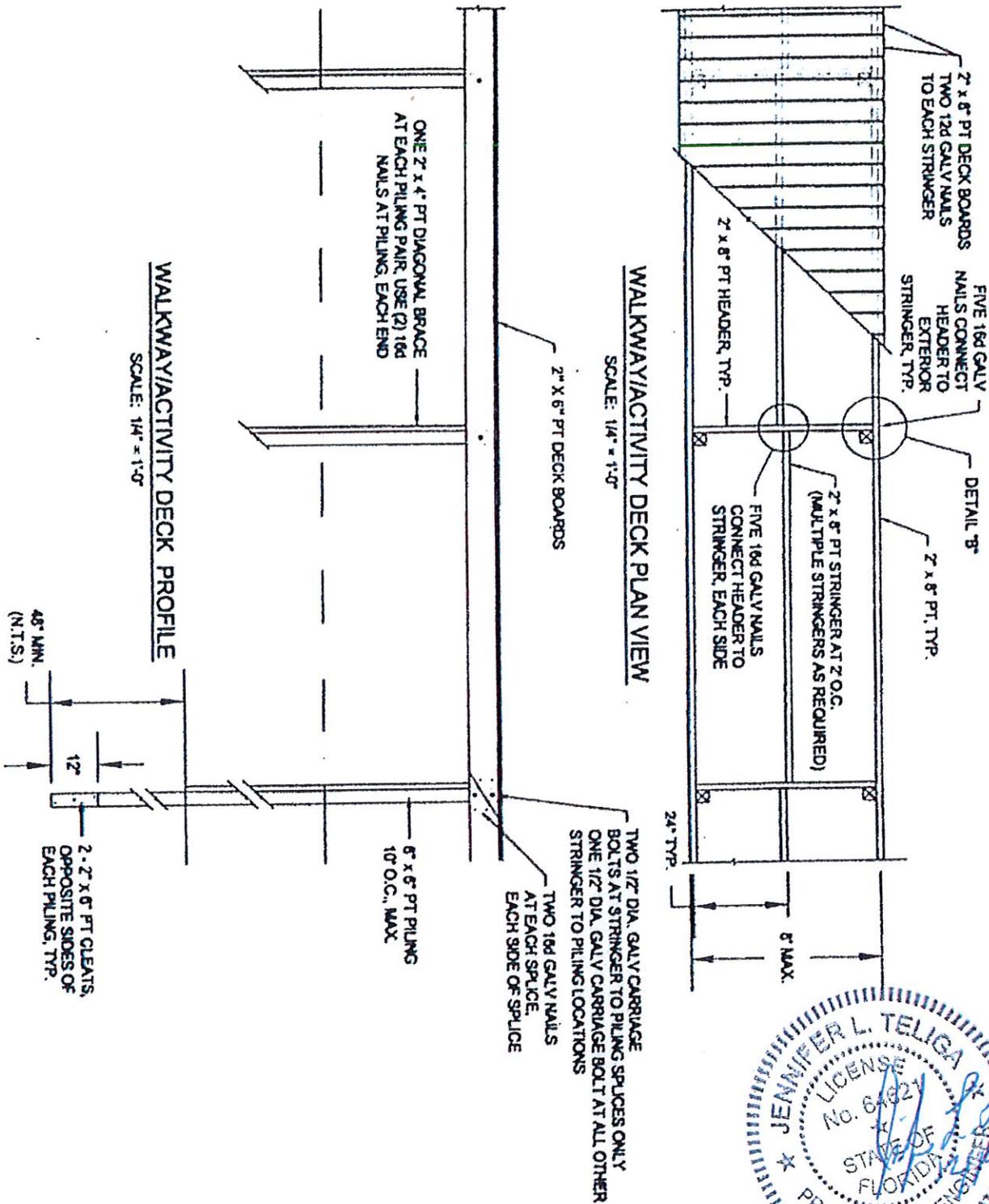
SECTION A-A
SCALE: 1/2" = 1'-0"



667 Lake Harbor Circle, Edgewood

Jennifer L. Teliga, P.E. #64621 11534 Briar Hollow Lane, Clermont, Florida 34711 (321) 662-7503

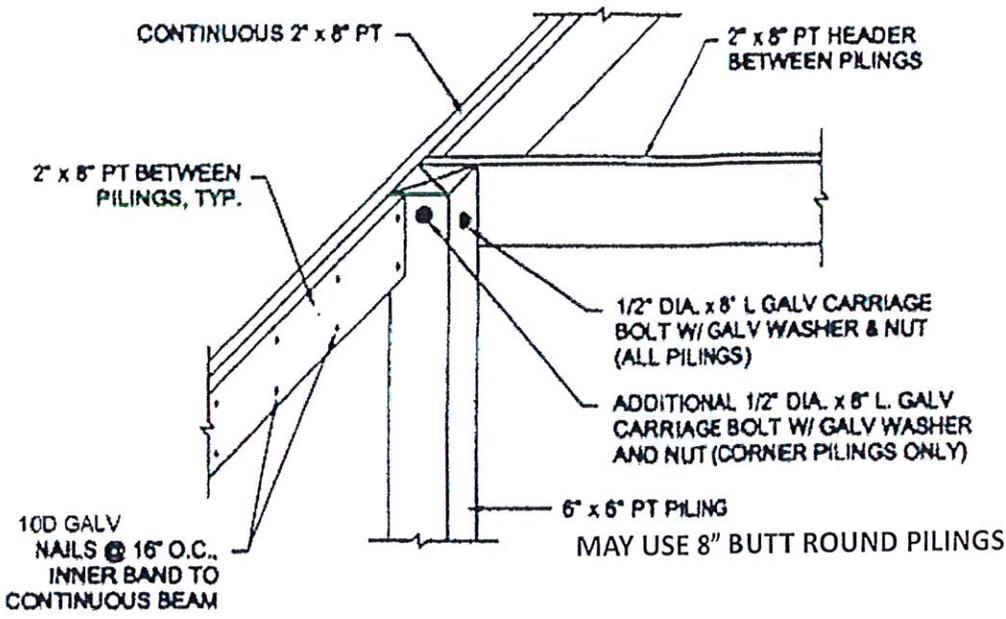
Details and Specifications – Dock/Deck Plan View and Profile



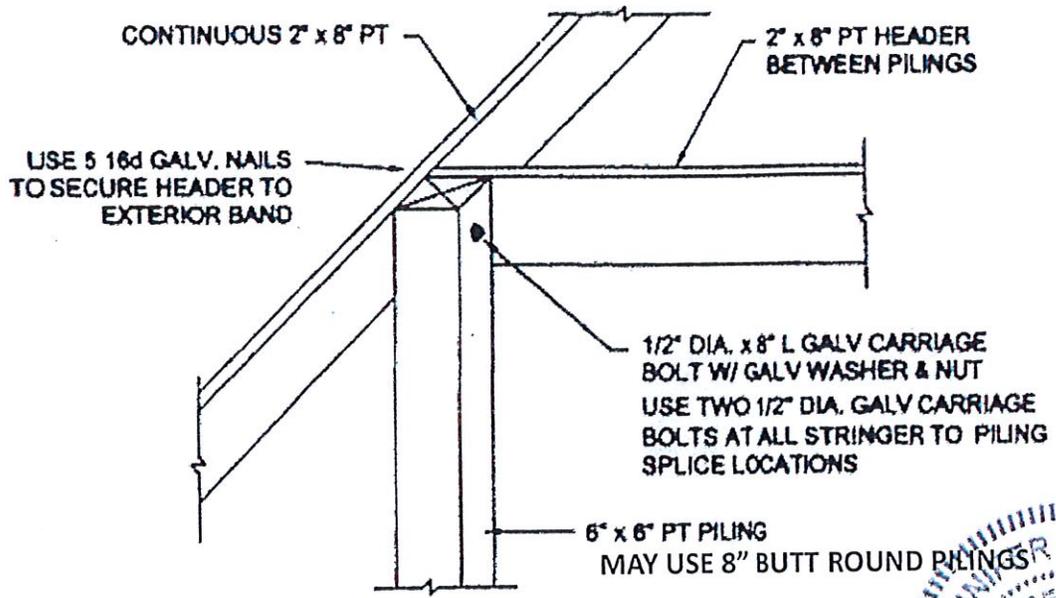
667 Lake Harbor Circle, Edgewood

Jennifer L. Teliga, P.E. #64621 11534 Briar Hollow Lane, Clermont, Florida 34711 (321) 662-7503

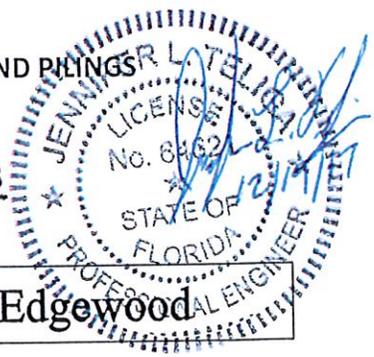
Details and Specifications – Deck Beam and P. Beam to Piling



DETAIL "A" - TOP BAND
NOT TO SCALE



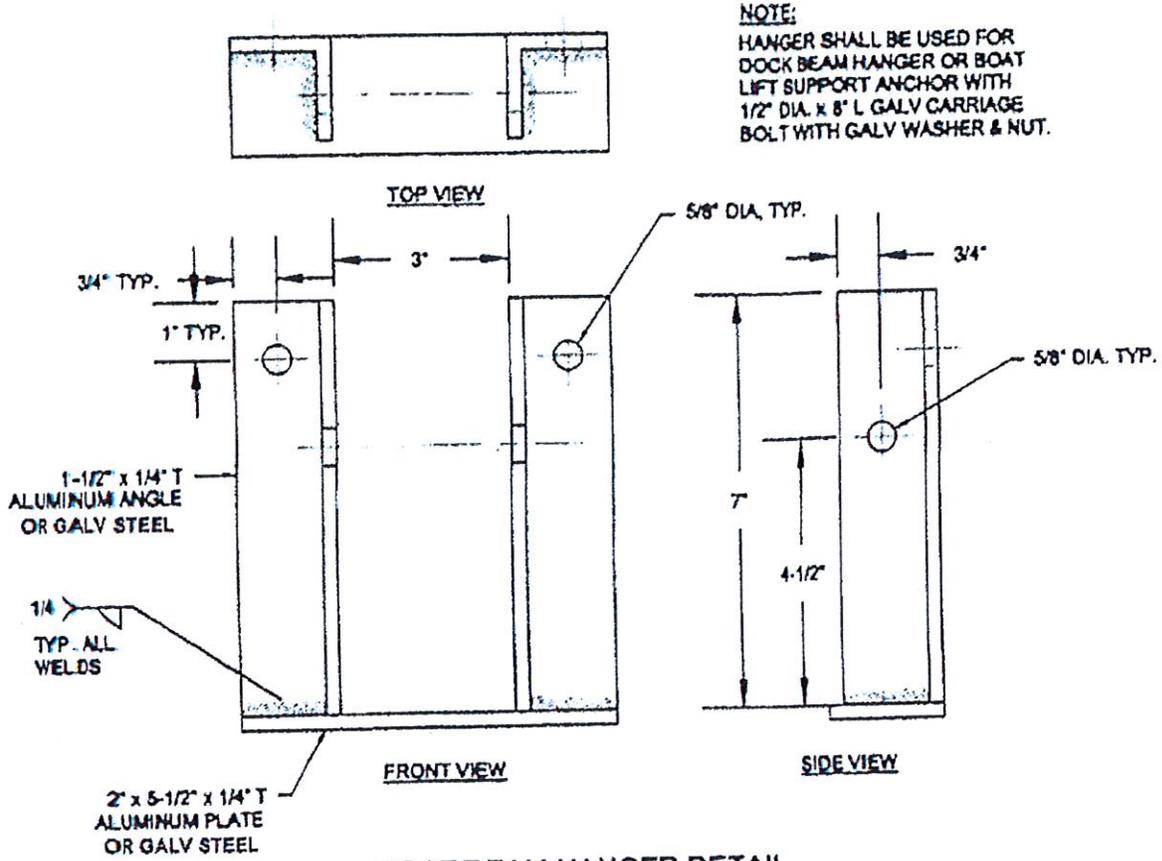
DETAIL "B" - WALKWAY BEAM TO PILING
NOT TO SCALE



667 Lake Harbor Circle, Edgewood

Jennifer L. Teliga, P.E. #64621 11534 Briar Hollow Lane, Clermont, Florida 34711 (321) 662-7503

Details and Specifications – Boat Hoist Beam Hanger



BOAT/BEAM HANGER DETAIL
SCALE: 1:4

- NOTES:**
- Bolts; ASTM A572
 - All nails shall be common wire nails
 - Simpson straps shall be ZMAX or galvanized
 - Lumber shall be #2 P.T. SYP or as noted
 - Roof rafters and fascia shall be #2 PT

- NAILING SCHEDULE:**
- Wall and Roof sheathing – 1/2" CDX APA rated plywood w/8d sinker nails @ 4" O.C. at supported PNL edges & 8" O.C. in the field
 - Simpson H2.5 - four 8d x 1 1/2" nails to rafters and plates

THIS STRUCTURE HAS BEEN DESIGNED TO MEET THE 2017 FLORIDA BUILDING CODE 6TH EDITION AND ASCE 7- 10 AND 2014 NATIONAL ELECTRIC CODE.

1. BASIC WIND SPEED (V_{asd}) = 108 MPH, ULTIMATE WIND SPEED (V_{ult}) = 140 MPH
2. CONSTRUCTION TYPE = R2
3. WIND EXPOSURE = CATEGORY D
4. OPEN STRUCTURE WITH A ZERO PRESSURE COEFFICIENT



667 Lake Harbor Circle, Edgewood

Jennifer L. Teliga, P.E. #64621 11534 Briar Hollow Lane, Clermont, Florida 34711 (321) 662-7503

Design Standards

The following are general design standards. More stringent design standards may be noted on the plans.

General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design.

All aluminum shall be 6061-T6 (E= 10,000 ksi; Fy= 35 ksi)

Design Loads:

Pursuant to Chapter 1609 LL (-Table 1607; WL- Section 1609)

Ultimate Wind: 140 mph at 3 second gust (30 psf minimum)

Risk Category II (Table 1604.5)

Exposure Category: "D" (FBC 1609.4.3 & ASCE 7-10, Section 26.7.2)

Deck Live Load: 60 psf Dead Load: 10 psf

Roof Live Load: 20 psf Guardrails and handrails: 200 psf

Guardrail in-fill components: 50psf

Components and cladding, design wind pressures + 38psf/-38psf

Timber:

Design in accordance with the National Design specification for wood construction, with loading in accordance with the Florida Building Code. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

Minimum bending stress = 1250 psi (No. 1 Dense So. Pine)

Young Modulus = 1600 ksi

Maximum of 15% moisture content

Contractor may use Southern Yellow Pine No. 2 or U.O.N.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

Galvanized Bolts:

All bolts shall be galvanized be ASTM A572, grade 50 threaded round stock with a minimum yield stress of 50,000 psi.

Concrete

Conform to ACI 318, latest edition and ACI 301

Compressive Ultimate Strength (Minimum at 28 days) shall be 3,000 psi

Exposed chamfer edges shall be ¾"

Reinforcing Steel:

Conform to ACI 318 and 315, Latest edition

All reinforcement steel shall be ASTM A615 Grade 60. Min footing cover 3"

Smooth dowels & ties shall be ASTM A185

Structural Steel:

Conform to latest edition of AISC "Specification for structural steel building" and AISC "Code of standard practice for steel buildings and bridges".

All structural steel shall be ASTM A36, (E= 29,000 ksi; Fy = 36 ksi)

Splicing prohibited without prior approval as to location and type.

Burning of holes in steel members is prohibited. Any member with burned holes must be replaced.

Welding:

Conformed to "code for welding in building construction" by the American Welding Society, latest edition.

Steel Weld IAW AWS D1.1 (latest edition) -E70XX electrodes
Aluminum Weld IAW AWS D1.2 (lasts edition) Filler Alloy 5356 or equal.

Connection welds to be sized for forces and reactions indicated.

All steel welds shall be E70XX low hydrogen, 250 degrees min.

Welds shall be full penetration welds at all points of contact

667 Lake Harbor Circle, Edgewood

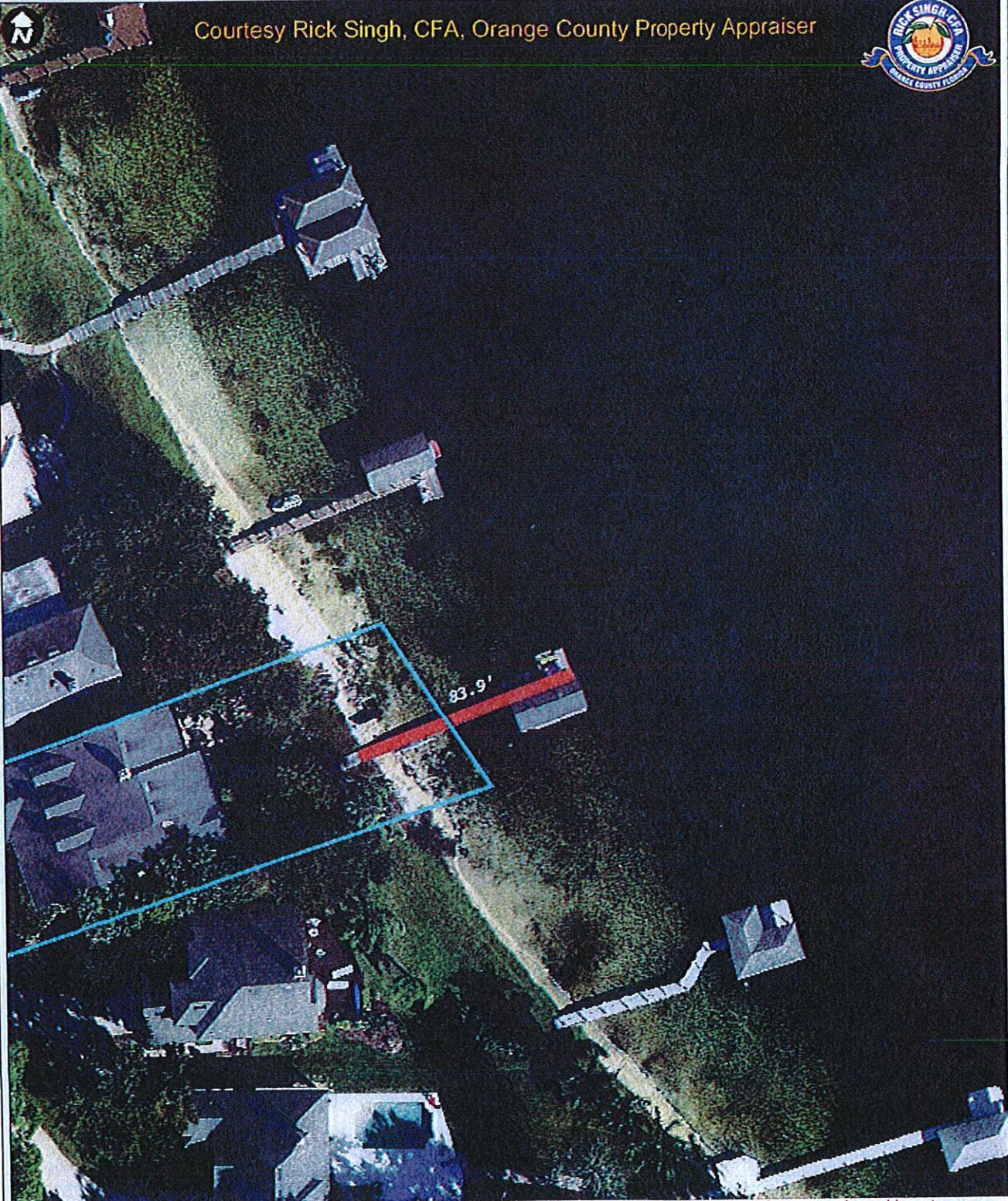
Jennifer L. Teliga, P.E. #64621 11534 Briar Hollow Lane, Clermont, Florida 34711 (321) 662-7503

JAN 18 2018

CITY OF EDGEWOOD

OCPA Web Map		Major Roads	Proposed Road	Residential	Commercial/Industrial/Vacant Land	Parks	6 Lot Number
Florida Turnpike	Public Roads	Brick Road	Agriculture	Agricultural/Courtyards	Lakes and Rivers	Parcel Number	06060
Interstate 4	Gated Roads	Block Line	Commercial/Institutional	Hydro	Building	Parcel Address	3106
Toll Road	Road Under Construction	Lot Line	Governmental/Institutional/Misc.	Waste Land	Block Number	Parcel Dimensions	111.9

Courtesy Rick Singh, CFA, Orange County Property Appraiser



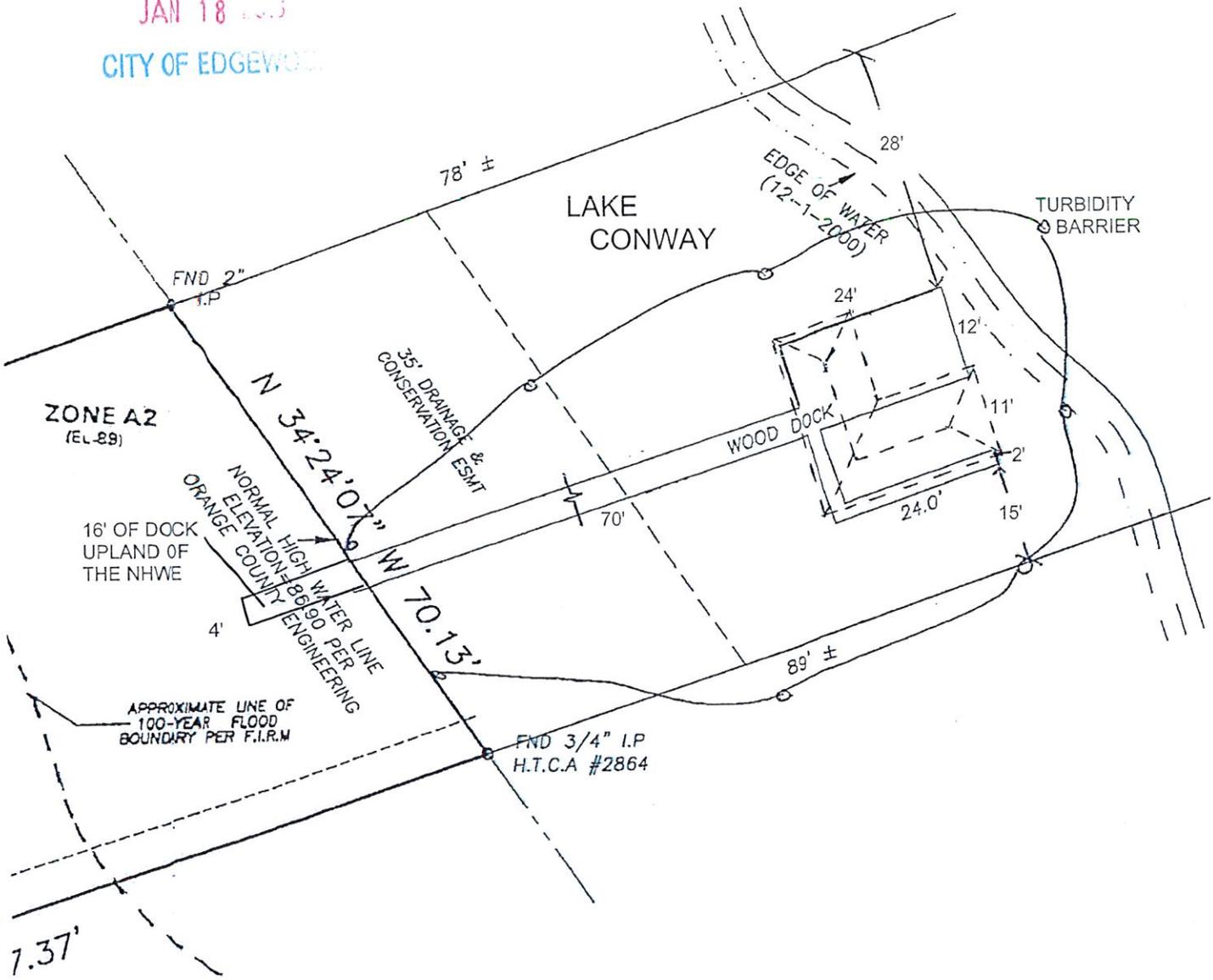
Created: Thu Jan 18 2018 14:57:12 GMT-0500 (Eastern Standard Time)

This map is for reference only and is not a survey

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JAN 18 2000

CITY OF EDGEWOOD

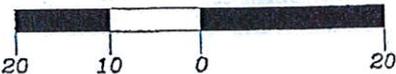


NOTES:

- >FLOOD ZONE DETERMINATION SHOWN HEREON IS SUBJECT TO FINAL APPROVAL BY F.E.M.A.
- >SURVEY IS BASED UPON THE LEGAL DESCRIPTION SUPPLIED BY CLIENT.
- >UNDERGROUND UTILITIES AND FOOTERS HAVE NOT BEEN LOCATED UNLESS OTHERWISE NOTED.
- >SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS OF RECORD.
- >THIS BUILDING/LOT IS NOT IN A FLOOD PRONE AREA, ZONE ' A2 & C', BASED ON FLOOD INSURANCE RATE MAP 120179 PANEL NO. 0400-C DATED: 8-5-1986
- >BEARING STRUCTURE IS BASED UPON THE LINE DENOTED WITH "BB".

- *HOUSE STAKE 3-10-93
- *FOUNDATION 3-18-93
- *ADDED SETBACK LINES 3-25-93
- *FINAL SURVEY 11-5-93
- *RECERTIFICATION 12-1-00

GRAPHIC SCALE



I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION ON THE DATE SHOWN, BASED ON INFORMATION FURNISHED TO ME AS NOTED AND CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA IN ACCORDANCE WITH CHAPTER 61G17-5, FLORIDA ADMINISTRATIVE CODE.

[Signature]
 JAMES P. IRELAND PLS 4200 LB 5687

THIS SURVEY IS INTENDED ONLY FOR THE USE OF SAID CERTIFIED PARTIES.
 THIS SURVEY NOT VALID UNLESS SIGNED AND EMBOSSED WITH SURVEYOR'S SEAL.

BOUNDARY SURVEY PREPARED FOR:

SCALE: 1"=20'

FIELD DATE: 12-1-2000

APPROVED BY:

JPI

DRAWN BY: BC

REVISED BY: JPI

BOUNDARY SURVEY CERTIFIED TO: JOHN & NANCY ANTOON;
 DEVINE & ESTES; IVANHOE FINANCIAL, INC;
 ATTORNEYS' TITLE INSURANCE FUND, INC.

FILE NO.

357 (93)



Agent Authorization Form

FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD

Please type or print in **BLACK INK**. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

I/WE, (PRINT PROPERTY OWNER NAME) _____, AS
THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 667 Lake Harbor Circle
Edgewood, FL 32809, DO HEREBY AUTHORIZE TO ACT AS MY/OUR
AGENT (PRINT AGENT'S NAME) Sheila Cichra, TO EXECUTE ANY PETITIONS OR

OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS AND TO APPEAR ON MY /OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION. BY SIGNING THIS AUTHORIZATION, THE OWNER AGREES TO BE BOUND BY THE ACTIONS OF THE AUTHORIZED AGENT AND THE PROVISIONS OF CHAPTER 101, ARTICLE I, ENTITLED "PASS-THROUGH FEES" AND ACKNOWLEDGE AND AGREES THAT A LIEN MAY BE PLACED ON THE PROPERTY FOR NON-PAYMENT OF PASS-THROUGH FEES AS PROVIDED IN THE CITY CODE.

Date: 12/13/2017

Signature of Property Owner Print Name Property Owner

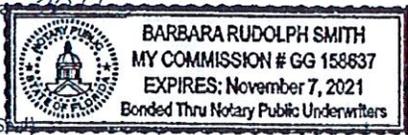
Date: _____

Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA: COUNTY OF ORANGE

I certify that the foregoing instrument was acknowledged before me this 13th day of December, 2017
by _____ (He/she is personally known to me
or has produced _____ as identification and did/did not
take an oath.

Witness my hand and official seal in the county and state stated above on the 13th day of December
in the year 2017

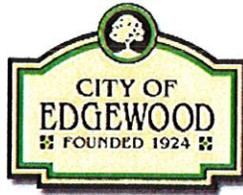


Barbara Rudolph Smith
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: _____

Legal Description(s) or Parcel Identification Number(s) are required:	
PARCEL ID#:	<u>24-23-29-2446-00-110</u>
LEGAL DESCRIPTION:	<u>Lot 11, Edgewood Village on Lake Conway, as per Plat Book 30, page 80,</u> <u>OC public records</u>

Please hand deliver to Edgewood City Hall at 405 Larue Avenue. For additional questions, please contact Edgewood City Hall at (407) 851-2920, or send email to bmeeks@edgewood-fl.gov or srepp@edgewood-fl.gov. Revised: 10/4/2016

405 Larue Avenue, Edgewood, Florida 32809 Phone: 407.851.2920 / Fax: 407.851.7361
Email: bmeeks@edgewood-fl.gov Website: www.edgewood-fl.gov

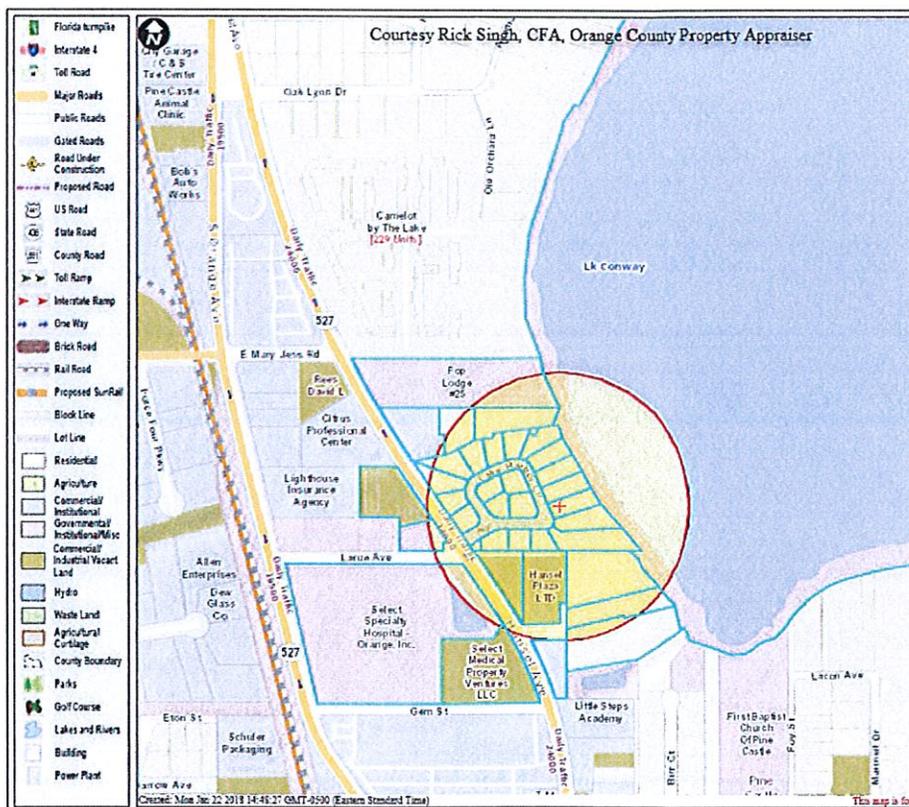


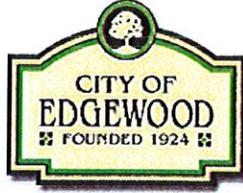
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday February 12, 2018**, the Planning and Zoning Board of the City of Edgewood, will consider **Variance Application No. 2018-01** to allow the construction of a boat dock that exceeds the allowable length of 65' [Sec. 14-11(b)(3) length of boat docks] located at 667 Lake Harbor Circle which is currently in R-3 zoning district (City of Edgewood Resolution 2005-RO02 City Code of Ordinances, Reference Section 134-104 [Variance]). The meeting will be held in the Council Chambers of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.** or as soon as possible thereafter.

The Planning and Zoning Board's recommendation will be forwarded to City Council on Tuesday, March 20, 2018 at 6:30 p.m. for final action.

The subject property for variance is legally described as EDGEWOOD VILLAGE ON LAKE CONWAY 30/80 LOT 11





Interested parties may attend this meeting and be heard with respect to this Variance application. In addition, the application(s) may be inspected by the public at the City Clerk’s Office, 405 Larue Avenue, Edgewood, Florida. You may reach City Hall at 407-851-2920; City Hall is open Monday – Thursday 8 a.m. to 4 p.m. and Friday 8 a.m. to noon. Should you have any questions or concerns please do not hesitate to come to City Hall to review the file.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the Planning and Zoning Board and City Council on this topic to properly noticed hearings or to written communication to the City Clerk’s Office.

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the city clerk.

The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the meeting to the City Clerk’s Office.

This public hearing may be continued to a future date or dates. Any interested party is advised that the date, time, and place of any continuation shall be announced during the public hearing and that no further notices regarding this matter will be published.

Should you desire additional information, regarding this application, please feel free to contact the City Clerk’s Office at 407-851-2920, or e-mail at bmeeks@edgewood-fl.gov.

Bea L. Meeks, City Clerk
Dated: January 30, 2018

You may either mail in your comments and concerns on the space provided below or submit directly to City Hall. Please see above our hours of operation. We thank you for your participation.

Application: VAR-2018-01

Owner/Applicant Name: Streamline Permitting

Public Hearing Date: 2/12/2018

This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

Before me, the undersigned authority, personally appeared Sheila Cichra to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and dated of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 1/31/2018
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such will be officially filed with the City of Edgewood, Florida.

Sheila Cichra

Signature of owner or authorized representative

Sworn to and subscribed before me this 31 day of January, 20 18.

Print, type, or stamp commissioned name of Notary Public

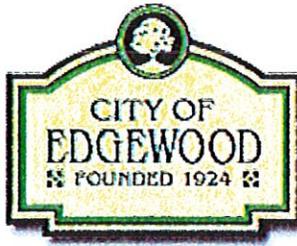
Sandra J. Repp
Notary Public, State of Florida

Personally Known OR Produced Identification
Type of I.D. Produced _____

rev. 07.21.11



RECEIVED
AUG 18 2017
CITY OF EDGEWOOD



RZ-2018-01

Application for Rezoning

Reference: City of Edgewood Code of Ordinances, Section 134-121
REQUIRED FEE: \$750.00 + Applicable Pass-Through Fees (Ordinance 2013-01)
 (Please note this fee is non-refundable)

PLANNING & ZONING MEETING DATE:	<i>2/12/2018</i>
CITY COUNCIL MEETING DATE:	<i>2/20/2018</i>

IMPORTANT: Except where the requirements of a particular zoning district specify otherwise, the property owner(s) of 51% or more of the area involved (whether the same be one lot/parcel or a larger area) shall submit an application for review in accordance with Section 134-121 rezoning property owner(s) of the Edgewood code.

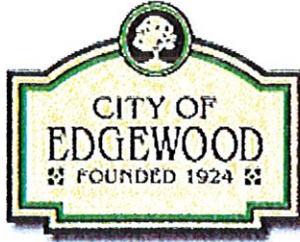
A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk 40 days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for.

Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	<i>Tyrone K. Smith</i>	Owner's Name:	
Address:	<i>6501 Magic Way Orlando, FL 32809</i>	Address:	
Phone Number:	<i>407 317 3700 xt 202392</i>	Phone Number:	
Fax:		Fax:	
Email:	<i>tyrone.smith@cps.net</i>	Email:	
Legal Description:	<i>See attached</i>		
Zoned:	<i>R-1A and P-1AA</i>		
Location:	<i>South side of Holden Avenue</i>		
Tract Size:	<i>15.15 ac.</i>		
Existing on Site:	<i>Single-family homes</i>		

405 Larue Avenue, Edgewood, Florida 32809
 Phone: 407.851.2920 / Fax: 407.851.7361
 Email: bmeeks@edgewood-fl.gov Website: www.edgewood-fl.gov



The following statement set forth the specific rezoning proposed, including:

Existing zoning districts and boundaries for all land within the subject area	R-1A & R-1AA
Proposed zoning districts and boundaries	PD (Planned Development)
Purpose of request:	To build an elementary school

Applicant/owner hereby states that the above request for rezoning does not violate any deed restrictions on the property.

Applicant's Signature		Date:	8/17/2017
Applicant's Printed Name	Tyrone K. Smith, AICP	Date:	8/17/2017
Owner's Signature			
Owner's Printed Name			

(Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached)

THE APPLICANT OR OWNER MUST BE PRESENT TO ANSWER QUESTIONS OR PRESENT HIS CASE AT BOTH MEETINGS.
THE FOLLOWING MUST BE SUBMITTED WITH THE APPLICATION:

Please see attached "Rezoning Process"

AT LEAST TEN (10) DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING BEFORE THE BOARD, THE PERSON FILING THE APPLICATION SHALL PLACE IN A CONSPICUOUS AND EASILY VISIBLE LOCATION ON THE PROPERTY A SIGN FURNISHED BY THE CITY.

Please submit completed application to City Hall via email at bmeeks@edgewood-fl.gov or to srepp@edgewood-fl.gov, via facsimile at (407) 851-7361, or hand delivered to Edgewood City Hall located at 405 Larue Avenue. For additional questions, please contact Edgewood City Hall at (407) 851-2920.

OFFICE USE ONLY			
Received Date:	8/18/2017	Rec'd By:	Bep Meeks
Forwarded To:	City Hall Staff, E.P.D., Mayor, City Clerk		
Notes:			

Revised: 12-8-2015

405 Larue Avenue, Edgewood, Florida 32809
 Phone: 407.851.2920 / Fax: 407.851.7361
 Email: bmeeks@edgewood-fl.gov Website: www.edgewood-fl.gov

LEGAL DESCRIPTION OF THE PROPERTY

Orange County Tax Parcel Identification No.

14-23-29-0000-00-004

The West 165 feet of the following tract: Beginning at a point 440 Feet East of the Northwest corner of the NW ¼ of the NW ¼ of Section 14, Township 23 South, Range 29 East, run thence East 352 Feet; thence South 1,320 Feet to the South Line of the said NW ¼ of the NW ¼; thence West along the South line of the said NW ¼ of the NW ¼ 352 Feet; thence North 1,320 Feet to the Point of Beginning.

AND

Orange County Tax Parcel Identification No.

14-23-29-0000-00-005

The East 187 feet of the following tract: Beginning at a point 440 Feet East of the Northwest corner of Section 14, Township 23 South, Range 29 East, run thence East 352 Feet; thence South 1,320 Feet; thence West 352 Feet; thence North 1,320 Feet to the Point of Beginning, Orange County, Florida (Less the North 30 Feet for Right-of-Way).

AND

Orange County Tax Parcel Identification Nos.

14-23-29-0000-00-062, 14-23-29-0000-00-063, 14-23-29-0000-00-064, and 14-23-29-0000-00-042

North 155 Feet of the West 125 Feet of the East 248.7 Feet of the NW ¼ of the NW ¼ (Less the North 30 Feet for Right-of-Way) of Section 14, Township 23 South, Range 29 East, Orange County, Florida

AND

North 380 Feet of the West 100 Feet of the East 526.7 Feet of the NW ¼ of the NW ¼ (Less the North 30 Feet for Right-of-Way) of Section 14, Township 23 South, Range 29 East, Orange County, Florida

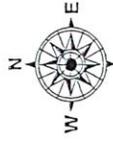
AND

North 155 Feet of the West 128 Feet of the East 426.7 Feet of the NW ¼ of the NW ¼ (Less the North 30 Feet for Right-of-Way) of Section 14, Township 23 South, Range 29 East, Orange County, Florida

AND

North 380 Feet of the West 303 Feet of the East 426.7 Feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ (Less the North 155 Feet of the East 125 Feet and Less the North 155 Feet of the West 128 Feet and Less the North 30 Feet for Road) of Section 14, Township 23 South, Range 29 East, Orange County, Florida

FUTURE LAND USE MAP FOR THE CITY OF EDGEWOOD FLORIDA



Legend

Edgewood Future Land Use (Feb 19, 2008)

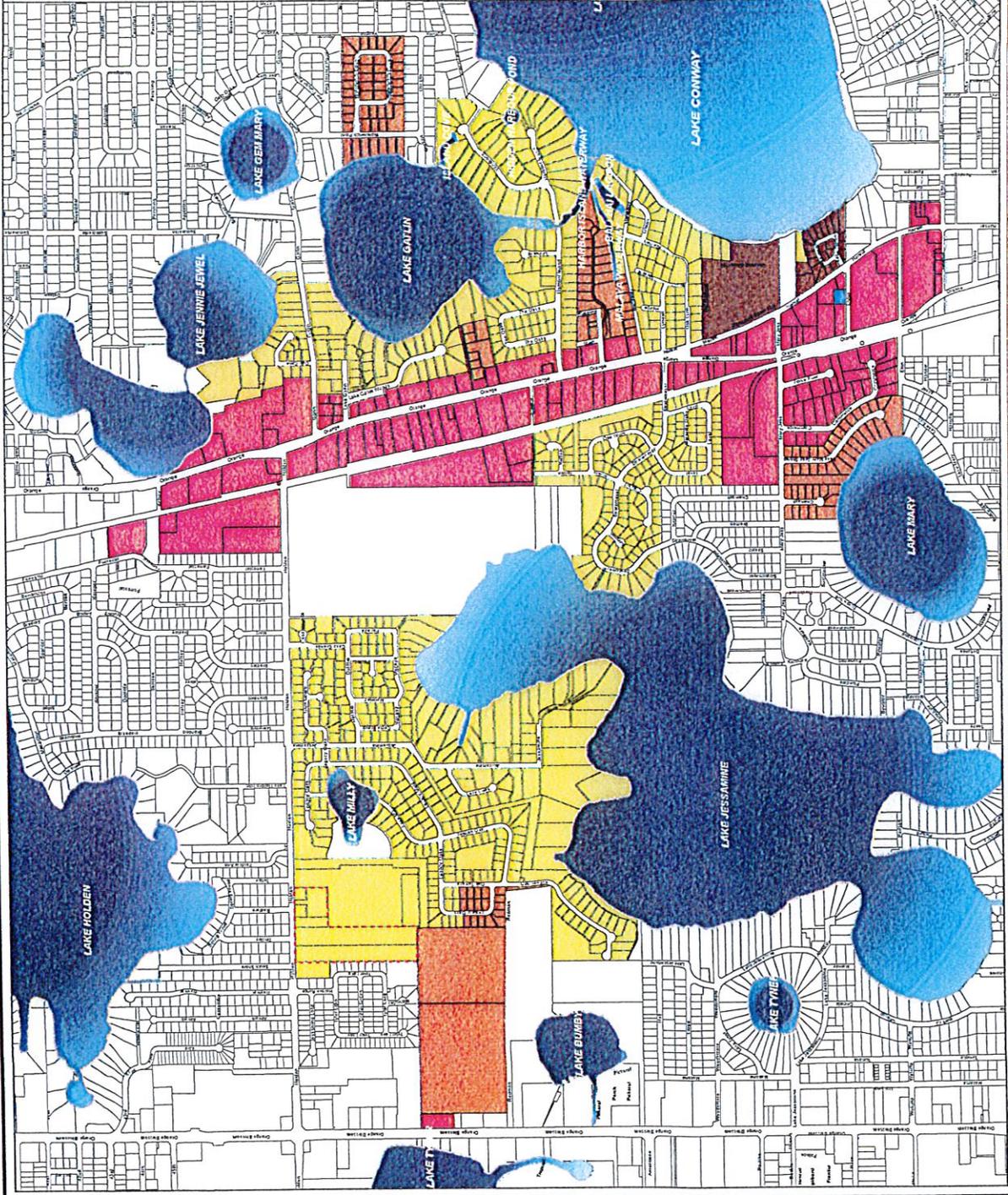
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Commercial
-  Institutional
-  Other Jurisdiction
-  Lake

PREPARED BY:

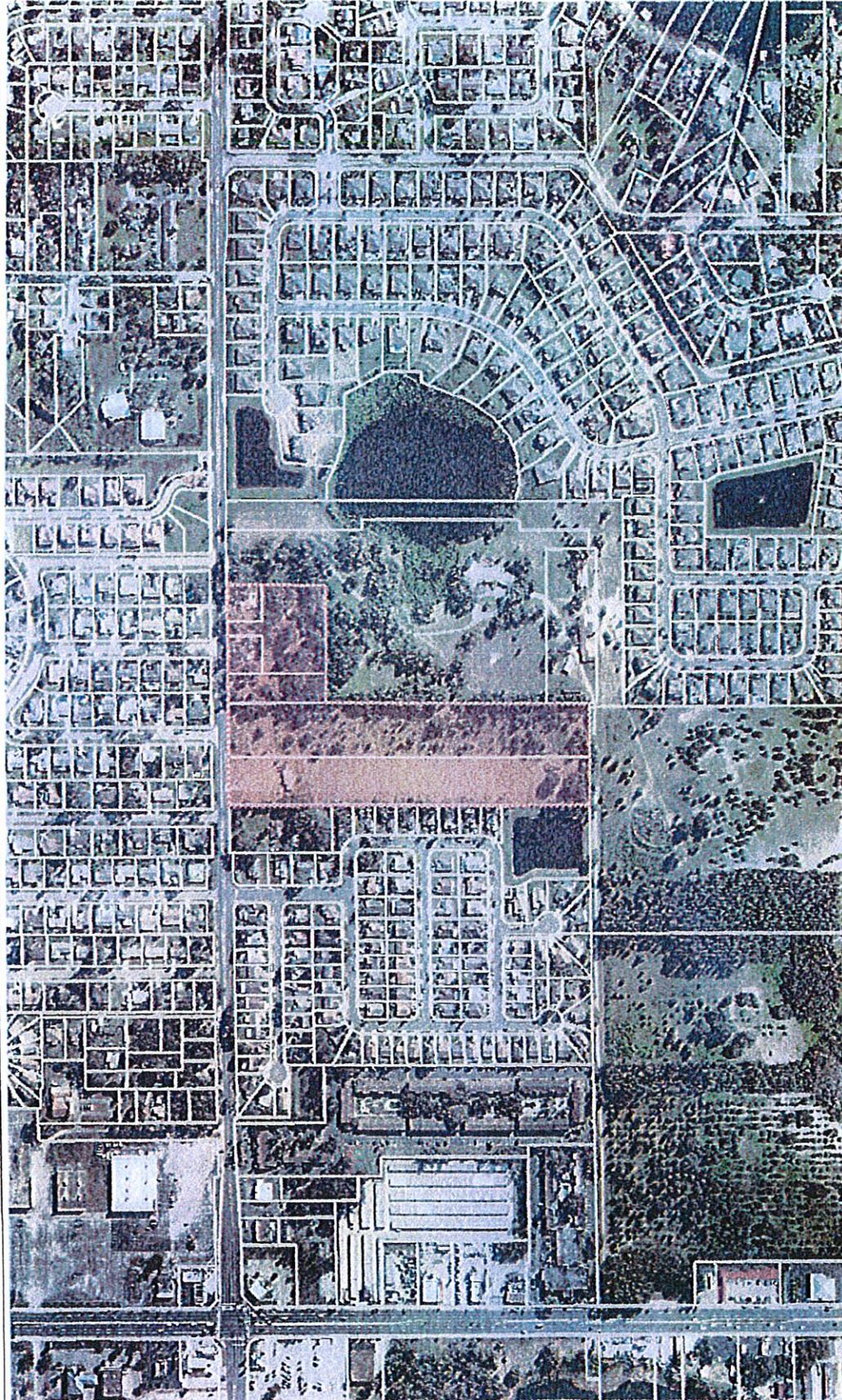


Planning Design Group, LLC
930 Woodcock Road, Suite 224
Orlando, Florida 32803
Tel: 407-207-9001 Fax: 407-207-0054
www.pdgfla.com

© 2007 - 2009 Planning Design Group, LLC



Site 118 - Aerial Map



- Legend**
- Parcel Outline
 - Aerial Imagery
 - Red Band_1
 - Green Band_2
 - Blue Band_3
 - Primary Streets (~ 8,000)

- Florida Turnpike
- Florida Turnpike On Ramp N
- I-4
- State Road 408
- State Road 414
- State Road 417
- State Road 429
- State Road 429 Off Ramp N
- State Road 528
- Major Streets (~ 8,000)
- Streets (~ 4,000)

- Railroads
- Parcels
- Water Bodies
- Florida Counties
- Water Values
- ORFNGE
- Coastal Waters

1:4,000



NAD_1983_StatePlane_Florida_East_FIPS_0901_Feet
© Latitude Geographics Group Ltd.

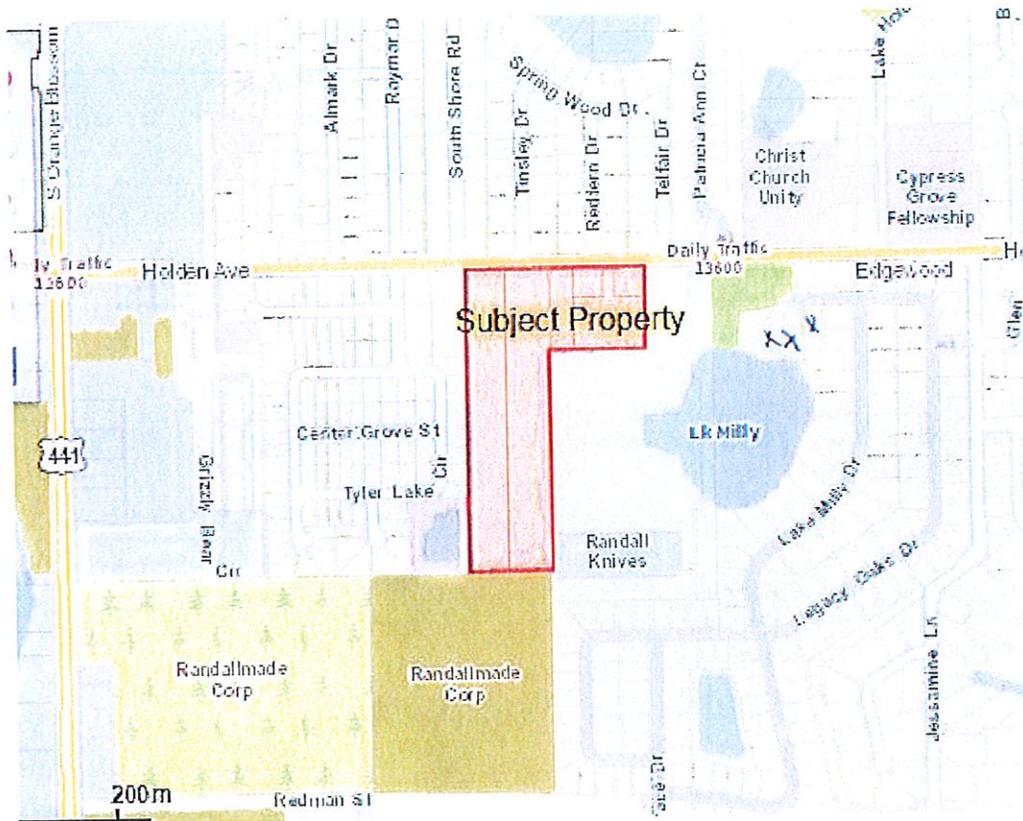
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
This map was automatically generated using Geocortex Essentials.

CITY OF EDGEWOOD
NOTICE OF HEARING

PLEASE TAKE NOTICE that at its regular meeting on **Monday, February 12, 2018**, the Planning and Zoning Board of the City of Edgewood, will consider Rezoning Application No. 2018-01, Chapter 134, Section 121-122, Rezoning. The application was submitted by the Orange County School board on behalf of Bavaria Holdings, LLC, for property located at 1090, 1098, 1100, 1103, 1110 and 1130 Holden Avenue. The meeting will be held in the Council Chamber of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.**

The Planning and Zoning Board's recommendation will be forwarded to City Council for consideration on February 20, 2018 (6:30 p.m.) and final action on March 20, 2018 (6:30 p.m.).



The subject property is legally described as

DESCRIPTION:

(Per Title Commitment):

A portion of Section 14, Township 23 South, Range 29 East, lying in Orange County, Florida, being more particularly described as follows:

1290.82 feet along said Southerly projection and East line of aforementioned Holden Ridge to the POINT OF BEGINNING.

Interested parties may attend this meeting and be heard with respect to Rezoning Application No. 2018-01. In addition, the application may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida. (407-851-2920)

This matter is subject to quasi-judicial rules of procedure. Interested parties should avoid making comments to members of the Planning and Zoning Board and City Council on this topic until the public hearing(s) and can send written communication to the City Clerk's Office.

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the city clerk pursuant to Section 134-108(b) of the *Code of Ordinances*.

Any person who wishes to appeal the final decision of City Council with respect to this matter will need to ensure that a verbatim record of the proceedings is made (both of the Planning and Zoning Board meeting and City Council meeting), which record includes the testimony and evidence upon which the appeal is made. Such appeals shall be made to the Circuit Court.

The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, *Florida Statutes*, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the meeting to the City Clerk's Office.

Dated: 1/30/2018

Application: REZONING-2018-01

Owner/Applicant Name: Orange County School Board

Public Hearing Date: 2/12/2018

This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

Before me, the undersigned authority, personally appeared Julie Salvo to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and dated of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 2/1/18.
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such will be officially filed with the City of Edgewood, Florida.

Julie Salvo
Signature of owner or authorized representative

Sworn to and subscribed before me this 2 day of February, 2018.

Print, type, or stamp commissioned name of Notary Public Notary Public, State of Florida

Personally Known OR Produced I.D. Produced I.D.
Type of I.D. Produced



rev. 07.21.11

Application: REZONING-2018-01

Owner/Applicant Name: Orange County School Board

Public Hearing Date: 2/12/2018

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Julie C. Salvo

Signature of owner or authorized representative

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Print, type, or stamp commissioned name of Notary Public

[Signature]
Notary Public, State of Florida

Personally Known OR Produced Identifying Information
Type of I.D. Produced _____



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Print, type, or stamp commissioned name of Notary Public.

Notary Public, State of Florida

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rev. 07.21.11

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 Owner/Applicant Name: Orange County School Board
 Public Hearing Date: 2/12/2018

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 ORANGE COUNTY

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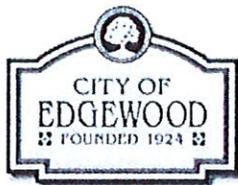
[Signature]
 Notary-Public, State of Florida

Personally Known OR Produced Identifying Information
 Type of I.D. Produced _____



rev. 07.21.11

1130*



Agent Authorization Form

FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD

Please type or print in **BLACK INK**. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

I/WE, (PRINT PROPERTY OWNER NAME) Baveria Holdings LLC, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, Parcel ID 14-23-29-0000-00-004/005/063/064/042/062 DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) Tyrone R Smith, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, School Approval, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 1/5/18 [Signature] Suresh Gupta
Signature of Property Owner Print Name Property Owner

Date: _____ Signature of Property Owner Print Name Property Owner

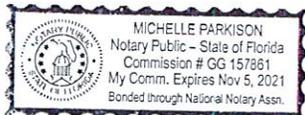
STATE OF FLORIDA:

COUNTY OF Orange

I certify that the foregoing instrument was acknowledged before me this 5th day of January, 2018 by Suresh Gupta (He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 5th day of January in the year 2018.

(Notary Seal)



[Signature]
Signature of Notary Public

Notary Public for the State of Florida

My Commission Expires: 11-5-2021

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID#: <u>14-23-29-0000-00-004/005/063/064/042/062</u>
LEGAL DESCRIPTION: <u>13.72 acres on south side of Holden Avenue</u>

Please hand deliver to Edgewood City Hall at 405 Larue Avenue. For additional questions, please contact Edgewood City Hall at (407) 851-2920, or send email to bmeeks@edgewood-fl.gov or srepp@edgewood-fl.gov

Revised: 12-8-2015

405 Larue Avenue, Edgewood, Florida 32809
Phone: 407.851.2920 / Fax: 407.851.7361
Email: bmeeks@edgewood-fl.gov Website: www.edgewood-fl.gov

47 **Section 2: Adoption of Land Use Plan and Development Plan.**
48

49 The Land Use Plan, attached hereto as Exhibit "B" for the property
50 described above is approved and adopted subject to the additional
51 conditions contained herein.
52

53 **Section 3: Terminology.**
54

55 For the purposes of this Ordinance, the term "Developer" shall refer
56 to any person, corporation or entity, which carried out any building
57 activity, makes any natural change in the use or appearance of any structure
58 or land, or divides the property into two or more parcels in connection with
59 the development of the subject property as contemplated herein.
60

61 **Section 4: Development.**
62

63 Development and use of the subject property shall be subject to and
64 in accordance with the Land Use Plan, attached hereto as Exhibit "B" and
65 the Developer's Agreement, attached hereto as Exhibit "C" and
66 incorporated herein by reference.
67

68 **Section 5: Zoning map.**
69

70 The Official City Zoning Map shall be amended to conform to the
71 zoning assigned as described in Section 2 of this Ordinance.
72

73 **Section 6: Conflicts.**
74

75 All ordinances or part of ordinances in conflict with this Ordinance
76 are hereby repealed. In the event of any conflict between the terms of this
77 Ordinance and the Developer's Agreement entered between the City and
78 the Developer, the terms of the Developer's Agreement shall control.
79

80 **Section 7: Severability.**
81

82 Should any section or part of this Ordinance be declared invalid by
83 any court of competent jurisdiction, such adjudication shall not apply or
84 affect any other provision of this Ordinance, except to the effect that the
85 entire section or part of the section may be inseparable in meaning and
86 effect from section to which such holding shall apply.
87

88 **Section 9: Effective date.**
89

90 This ordinance shall take effect immediately upon its final adoption
91 by the City Council of the City of Edgewood, Florida.
92

93 PASSED ON FIRST READING THIS _____ DAY OF
94 _____, 2018.

95
96 PASSED AND ADOPTED THIS _____ DAY OF _____,
97 2018.

98
99
100 CITY OF EDGEWOOD, FLORIDA
101 CITY COUNCIL

102
103 _____
104 John Dowless, Council President

105 ATTEST:
106
107 _____
108 Bea Meeks, City Clerk

MEMORANDUM

TO: Mayor and Council
FROM: Drew Smith 
DATE: 12/6/2017
RE: Review of school district zoning applications

Currently, an application for Planned Development zoning submitted by Orange County Public Schools is pending before the City. The City Council has requested a memorandum addressing the City Council's authority when considering a zoning application submitted by a school district. Below is a description of the general authority related to school site zoning as well as comments related to the differences between existing zoning (i.e. if a school district were to seek a special exception under existing zoning) and the Planned Development review process.

School Districts are subject to local government comprehensive plans and land development regulations. While the Florida Legislature has exempted school districts from local amendments to building and fire codes, that exemption does not extend to zoning requirements. In the City of Edgewood, school use is a special exception in each of the commercial zoning districts. Under existing zoning, a school would have to apply for a special exception to operate a school. The review and analysis of such special exception would proceed like any other special exception. The matter is a quasi-judicial matter so the City Council would be sitting "like a judge" and evaluating the application on the facts and evidence presented to it during its hearings on the matter. If competent substantial evidence¹ established that all required elements of the

¹ Competent substantial evidence is real, fact based, material evidence that tends to establish the matters at issue and which a reasonable mind would accept as reliable to support a conclusion. Reports by planners, engineers, architects, etc. usually will meet the standard of competent substantial evidence. Lay comments also frequently meet this standard but a critical ear is required. "Traffic is bad on I-4 and it takes me 45 minutes each day to drive three miles," may be competent and substantial if traffic were a material issue under consideration in an application. The witness would be presenting testimony well within his level of expertise and knowledge. Conversely, if the witness has no background in traffic engineering or related field and no scientific evidence to support the claim were to say, "This development will add eight hundred trips a day to this stretch of I-4," that testimony is likely not

comprehensive plan and land development regulations were met by the application and such evidence was not rebutted by contrary competent substantial evidence, the Council would approve the application. If competent substantial evidence did not establish that all requirements of the comprehensive plan and land development regulations were met, then the City could deny the application or approve it with conditions that would address any deficiencies identified in the application.

The applicant in a quasi-judicial matter bears the burden of proof. That means it is the applicant's responsibility to present competent substantial evidence that the application meets all requirements of the comprehensive plan and land development regulations. Once that burden is met, the question then becomes whether there is competent substantial evidence to show that the application does not meet the Comprehensive Plan or Zoning Code. So, in a case where an applicant presents its application and presents competent substantial evidence that it meets all requirements and there is no evidence presented in contradiction, the deciding board has little option but to grant approval. Alternatively, if after the applicant's presentation, countervailing evidence is presented, whether by members of the public or City staff², the Council must then weigh its decision and approve, approve with conditions, or deny the application. As long as the

competent and substantial as the witness has no background with which to make such a statement. Finally, though, if the witness was a resident traffic engineer who had performed his own study and analysis and presented such analysis to the Council to support the eight hundred trips a day number, the needle shifts back toward competent and substantial evidence.

² It is important for councilmembers to remember that they are acting "like a judge" in a quasi-judicial review and to not become witnesses. As such, it is much better to ask questions rather than make statements. Members of boards sitting in a quasi-judicial capacity are allowed to bring their own knowledge and expertise to their review but must hear the evidence as impartial reviewers. I can best explain this through examples. "I drive by this site everyday and there's no way you can add eight hundred more trips to this road way without it becoming a disaster," tends to sound like a statement of fact and such phrasing should be avoided in quasi-judicial hearings as much as possible. However, if the same topic were addressed by, "Please explain to me how you are going to add eight hundred trips to this road way without degrading the level of service required in the comprehensive plan," the councilmember has not made any statement of fact but rather has, as a hearer of evidence, asked for factual evidence to be presented to him or her. The latter statement creates a much better record if there were a challenge of that hypothetical council's decision.

decision of the Council is supported by competent substantial evidence, it will be upheld by a reviewing court in the event of a challenge.

With all that in mind, what then would be the items the City Council could base its decisions upon in a special exception application for a school within the City? First, we look to the City's Code. In order to be approved, a special exception must consider the character of the neighborhood in which the proposed use is to be located, the impact of the proposed use on the value of surrounding lands, and how the location and development of the site relates to open spaces and off-street parking. In conjunction with and in addition to the aforementioned items specifically referenced by the Code's special exception language, the City Council would consider how the proposed development would meet all provisions of the City's Land Development Regulations.³ How will the site be landscaped? How much open space is there? How are stormwater retention requirements being met? How will parking be configured? How many parking spaces will there be? How does that number relate to the square footage of the site? Where will road access points be located? How will the interior traffic flow be managed? How will buildings be massed? How will the character of the surrounding areas be protected and preserved? Finally, we add the City's Comprehensive Plan to the mix because any development approved must be consistent with the Comprehensive Plan. The most significant Comprehensive Plan concurrency standard when considering school uses is traffic. How is the Comprehensive Plan's required level of service for area streets impacted? What measures are being taken to ensure the development does not cause area streets to fall below the required level of service? Often such questions may have already been answered by the applicant's team and/or by City staff's report. Many times City staff in its

³ While in other forms of zoning consideration, the ultimate site design is not considered until site plan review, in special exception review it is necessary to consider how the site will be developed to determine if and how the development will be in harmony with the surrounding areas.

review of applications has identified points at which an application is weak or fails in compliance and concurrency. Usually, a great deal of attention is paid to those items where City staff identifies deficiencies. When such staff conclusions are supported by competent analysis, competent substantial evidence already exists to support denial or approval with conditions. For this reason, most applicants work very hard in the preapproval process to address all staff concerns with a development. When unresolved issues remain at the quasi-judicial hearing, though, that board must weigh the evidence and render a decision. Such board should not defer to one side or the other. A board should never say, "Well this is what our staff said, so we'll go with that." When there is competing competent substantial evidence the most important thing for a board to do is engage in a fair and impartial review of all the evidence. In a similar vein, remember the board always has the ability to ask questions and explore facts with any of the witnesses, City or applicant. Just because City staff has not identified a required element of code as a deficiency in the application does not mean a member of a decision making board should not ask a question about that element if he or she has concerns. "Mr. City Traffic Engineer, you have opined that the addition of eight hundred additional peak trips will not impact the level of service on Avenue A. Can you please go over how you arrive at that conclusion?" While not frequent, I have seen boards determine that their own staff's analysis in favor of approval was not sufficient to support an approval. Likewise, I have seen projects approved over staff's recommendations for denial.

Because conditional approval is an option, it is appropriate to engage the applicant in dialogue regarding any potential solutions. Again, I will resort to hypothetical examples. "Applicant, your engineer has opined that at maximum allowed density this development will generate eight hundred additional peak hour trips. The City's traffic engineer has opined that such increase would drop the traffic level of service below that set by the comp plan. While your

engineer has a different opinion about the impact on level of service, I find the evidence presented by the City's engineer more persuasive. If, however, we could be assured that the site would only be developed to three quarters of the maximum allowed density, I would be satisfied that the project would be consistent with our requirements for traffic flow. Would you accept a condition of approval that the site density will be capped at three quarters the maximum allowed density for the zoning?" In that scenario, the applicant might say yes. Even if staff had asked for the same condition of approval prior to the hearing, some developers will wait until the question is asked by the decision makers before conceding. If the applicant says no, the board may deny the application or may grant it subject to conditions, even conditions the developer has refused. The key question is: is there competent substantial evidence to show that the proposed project as proposed would fail to meet standards of the comprehensive plan and land development regulations? If conditions are imposed over the applicant's objections, the next question is: are these conditions the minimum necessary to make the proposal consistent with the comprehensive plan and land development regulations?

Review of a special exception application by a school district would proceed just like a special exception for any other applicant. A school district has to check all the same boxes. There is not a specific list of items that are fair game or not fair game to require as conditions because it is all driven by the evidence presented at the hearings. The purpose of the hearings, though, is to ensure that the proposed development would be consistent, compatible, and concurrent. So, I would encourage members of a board sitting in such review to raise any questions that go to consistency, compatibility, and concurrency and allow the applicant and City staff to answer those questions. If at the conclusion of the hearing the board does not believe the competent substantial

evidence tends to establish that all requirements of the comprehensive plan and land development regulations are met, the board may table, deny, or approve the application with conditions.

OCPS has not, however, submitted an application for a special exception. Rather, OCPS has applied to rezone the property to PD, Planned Development. That makes a significant difference in the review and ultimately gives the Council much more freedom in how they interact with the applicant. While the zoning portion of the PD consideration is still quasi-judicial and, therefore, technically subject to all of the same considerations I discussed related to special exceptions. A Planned Development zoning is ultimately based on a developer's agreement, the review of which is legislative.⁴ So, the Council can negotiate, express its own point of view, consider and speak on policy concerns or goals, etc., in the context of consideration of the developer's agreement. When discussing the developer's agreement, the Council is sitting as a legislative body not "like a judge." This does not mean that the Council could impose arbitrary or capricious standards on a developer. All negotiation points should have a rational connection to identifiable standards, objectives, or impacts. Because of the back and forth negotiation inherent in the developer's agreement, though, the Council has much more ability to engage with the applicant to make requests than it would in a special exception consideration.

The standard of review is also lower. The Council's decision on whether to approve or deny a developer's agreement is the fairly debatable standard. On review of a challenged legislative decision a trial court can only consider whether the decision was fairly debatable. Could reasonable people disagree? Returning to the hypothetical traffic trip scenario: "It's obvious your

⁴ Even though everyone thinks of the developer's agreement and rezoning as being one item, they really are two. The rezoning of a parcel of property is quasi-judicial. So, the standard to approve or deny the rezoning is still: is there competent substantial evidence to approve or deny this rezoning? The PD zoning, however, is based upon and incorporates a developer's agreement that outlines how the property will be developed and what requirements will be imposed. The determination on that item is purely legislative and a council has complete authority to bargain and negotiate it like they would any other agreement and the standard of review is fairly debatable (could reasonable minds disagree) rather than competent substantial evidence.

development is going to increase traffic in the area. We have to address and mitigate those impacts in this developer's agreement. What do you propose?" In a legislative dialogue, this is a fair comment and request. Assuming, the facts were such that reasonable people could disagree as to whether there would be traffic impacts, the councilmember was within the council's authority to attempt to address that issue. While the latitude of the Council in a Developer's Agreement discussion is not unfettered, as long as requests made for the developer's agreement are not arbitrary and have a reasonable connection to mitigating identifiable impacts (as could be supported by the lower fairly debatable standard) it is unlikely a court would overturn the refusal to enter a developer's agreement. The list of concerns may be much the same as discussed above in the special exception context: compatibility with surrounding areas, open space, landscaping, massing and site configuration, parking, traffic (internal and external), access points, but the level of proof on which the Council could deny approval of a developer's agreement is much lower than that required to deny a special exception application.

Moving on to the actual rezoning part of the PD, two threshold questions must be answered. First, does the proposal meet the intent and purpose of the PD district as described in the Code? If not, a PD should not be approved. If so, then are the City and applicant prepared to agree to the terms contained within the developer's agreement. If not, the PD zoning cannot be approved. So, even though the actual rezoning is quasi-judicial and subject to all the same commentary above regarding the special exception process, you do not get to those quasi-judicial questions until the Council is prepared to approve a developer's agreement.

In conclusion, a school district has to meet zoning and comprehensive plan requirements. In a strict quasi-judicial review, the Council must rely upon the testimony and evidence presented to it and make a determination based on competent substantial evidence. If the evidence

establishes that an application meets all requirements of the Comprehensive Plan and Land Development Regulations and there is no countervailing evidence, such application must be approved. If there is competent substantial countervailing evidence, the application can be denied or conditions of approval imposed to the extent such conditions are necessary to correct those deficiencies identified in the evidence. In the blended legislative/quasi-judicial review of a PD based on a developer's agreement, the City Council has a great deal of latitude in requesting or even requiring certain measures be taken in the context of the developer's agreement to mitigate impacts that are reasonably expected to be caused by the proposed development (regardless of whether or not those impacts can be proved to the competent substantial evidence standard).



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January 10, 2018

Ms. Sandy Repp
Administrative Assistant
City of Edgewood
405 Laure Avenue
Edgewood, FL 32809-3406

**RE: Orange County Public Schools – Rezoning Application
CPH plan review
Project number E7601**

Dear Ms. Repp;

We have had additional conversations with the City with respect to the possible rezoning for the proposed Orange County School on Holden Avenue. The plans we received were for rezoning only and were not construction plans. There was limited details on the plans. However, there was more information within the traffic study that was not reflected on the plans, such as road widening for turn lanes, sidewalks and cross walks.

Should the City Council approve the zoning change, we would recommend that conditions be included with an approval that would require the School Board provide construction plans to the City for review, documenting the design for the proposed turn lanes to the school, any sidewalks that may be constructed, and collection of the storm water runoff from the Holden Avenue and the storm water runoff from the site. These improvements will have an impact on Holden Avenue and the residents of the developments both across the street from the site as well as the homes and developments and businesses on Holden Avenue.

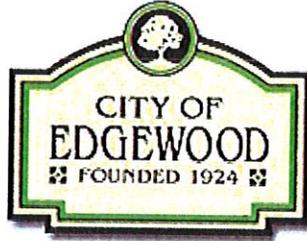
We would also like the opportunity to review the site storm water design and calculations to verify the proposed work will not have a negative impact on the surrounding properties.

Sincerely,
CPH, Inc.

Allen C. Lane, Jr., P.E.
Project Engineer

CC: David Mahler, P.E., file

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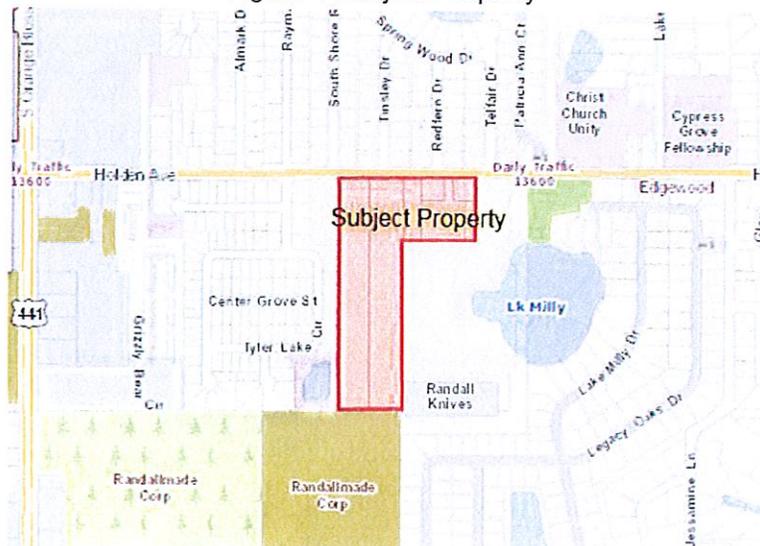
To: Planning and Zoning Board Members
XC: Mayor Bagshaw
Sandy Repp, Deputy City Clerk
Bea Meeks, City Clerk
Drew Smith, City Attorney
David Mahler, City Engineering Consultant
From: Ellen Hardgrove, AICP, City Planning Consultant
Date: February 6, 2018
Re: Consideration of a Rezoning Request R1A and R1AA to PD (Holden Avenue School)

I. Introduction - Holden Avenue School Planned Development (PD)

A request has been made by Orange County Public Schools (OCPS) to establish PD zoning on 13.72 acres located on the south side of Holden Avenue as shown in Figure 1. The request is made for the construction of a public elementary and ancillary uses; ancillary uses are defined by the applicant as “uses as it pertains to functions and events related to schools and community-orientated occasions,” such as church services, public meetings, after school sports programs, summer camp, and head start programs.

The subject property is currently zoned R1A and R1AA; a school in these districts requires approval of a Special Exception (Code Section 134-220(c)1). Instead of a Special Exception, Orange County Public Schools (OCPS) is proposing to rezone the property to the PD district.

Figure 1 Subject Property



III. Process for Approving Development using the Planned Development District

- Development Review Committee (DRC) = Staff level meetings with applicant and applicant's representatives
Pre-application Conference (held 8/29/17)
Land Use Plan Review (held 11/15/17 and 2/1/18)
- Approval of the Land Use Plan = The rezoning public hearings: requires public notice
Planning and Zoning Board Public Hearing
Two City Council Public Hearings
- Approval of the Development Plan = Detailed site plan (or subdivision plan):
no public notice required
Planning and Zoning Board Hearing
City Council Hearing

IV. Standards for Approval

Section 134-121(f) of the City Code lists the factors that must be deliberated when considering a rezoning.

- (1) *Comprehensive plan.* Whether the proposal is consistent with all applicable policies of the city's adopted comprehensive plan.
- (2) *Conformance with Chapter 134 of the City Code.* Whether the proposal is in conformance with all applicable substantive requirements of Chapter 134 of the City Code.
- (3) *Changed conditions.* Whether and the extent to which land use and development conditions have changed since the effective date of the existing zoning district regulations involved which are relevant to the property.
- (4) *Land use compatibility.* Whether and the extent to which the proposal would result in any incompatible land uses.
- (5) *Adequate public facilities.* Whether and the extent to which the proposal would result in demands on public facilities and services (both on-site and off-site), exceeding the capacity of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services and similar necessary facilities and services.

As stated above, pursuant to Section 1013.33(4), F.S., these considerations apply to the OCPS proposal. If City Council finds that the rezoning is consistent with the comprehensive plan and land development regulations, the city may apply conditions to the approval related to the site plan's effects on the environment; the health, safety and welfare of the general public; and adjacent property.

V. Analysis of the Proposal Considering the Standards for Approval

A. *Comprehensive plan.* Whether the proposal is consistent with all applicable policies of the city's adopted comprehensive plan.

Four comprehensive plan policies and one objective are particularly relevant to the subject request: Future Land Use Policy 1.1.8, Future Land Use Policy 1.1.6, Future Land Use Policy 1.1.4, Transportation Policy 2.2.3, and Transportation Objective 2.1.

- *Future Land Use Policy 1.1.8: "Public and private kindergarten through 12th grade (K-12) schools meeting standards for property size and location consistent with the Orange County School District standards shall be permitted in all Future Land Use classifications."*

The subject request is consistent with this policy.

- *Future Land Use Policy 1.1.6: "Institutional: Activities within land areas that are predominantly connected with government, schools, hospitals, and medically related facilities. Institutional land uses will be at a relatively low to moderate intensity, consistent with existing uses. Maximum institutional intensity will be 0.50 F.A.R. (floor area ratio)."*

A condition of approval can limit the floor area ratio of the development onsite to provide consistency with this policy.

- *Future Land Use Policy 1.1.4: "New development shall be reviewed to ensure its compatibility with surrounding existing land uses and with the overall character of the community, such as:*
 - 1. Providing adequate buffers to reduce the impact of more intense development on existing less intense development,*
 - 2. Placing conditions or restrictions on development to improve compatibility of a proposed new use,*
 - 3. Establishing development standards for new development that maintain the overall character of the community, and*
 - 4. Ensuring architectural design and site planning efforts produce development that is compatible and attractive to surrounding uses."*

Compatibility of the proposed school with surrounding land use is difficult to determine based on the submitted land use plan and information. Although the Code's minimum requirements for a Land Use Plan have been met, the level of detail provided is not sufficient to adequately assess land use compatibility.

The only design details that were presented to the DRC pertain to a perimeter fence and buffer and building setbacks. As stated at the DRC meeting, the OCPS proposes to submit the detailed site plan for the school during the Development Plan phase of the PD

development process. Conditions can be established as part of the rezoning approval, as suggested below, to direct the creation of the detailed site plan and to ensure land use and area character compatibility.

Future Land Use Policy 1.1.4.1: Buffers to reduce the impact of more intense development on existing less intense development

As identified on the submitted Land Use Plan, seven feet wide buffers are proposed along all sides of the property. This width may be insufficient to ensure compatibility between the school and the adjacent and planned residential uses, particularly given the proposed building side setback is 10 feet. As a gauge, Orange County's school siting ordinance requires a minimum 25-foot side setback.

Furthermore, whereas the minimum width of the buffer is identified on the Land Use Plan, the details of the buffer's contents are not. From discussion at the DRC meetings, OCPS will only accept minimal landscape requirements within the buffer due to security concerns.

Minimal buffering coupled with the proposed building setback will likely cause incompatibility issues, particularly as it relates to the proposed building height. Whereas the proposed minimum building setbacks and proposed maximum height are identical to the current zoning of the property, these development standards are for single family houses, which differ in scale of the proposed school. The OCPS is anticipating a two-story building will be within 100 feet of an adjacent single family district.

In other zoning districts, buildings in excess of one story in height within 100 feet of a side or rear lot line of any single-family residential district must be considered as a Special Exception, thus affording the ability to establish design standards such as increased setbacks, landscape buffers or walls, and architectural features to ensure land use compatibility. As would be established if the approval of the school were to be pursued via the Special Exception process, staff recommends conditions to guide the placement of a two story structure.

A potential development layout, as was provided in the traffic analysis prepared for the school, is shown in Figure 3. This layout shows the building on the north end of the property. In this location, a two-story building would have the least impact on existing and planned adjacent uses. The OCPS will not commit to this layout. Consequently, staff recommends a condition of approval to minimize the impact to the existing houses along the west property line: Two-story structures shall be setback at least 75 feet from the west side property line,, and a minimum side setback of 25 feet on the east side.

For one story structures, staff recommends a minimum side setback of 15 feet. This dimension relates to the side yard requirement for commercial districts where adjacent to residential uses.

Furthermore, staff recommends at least a minimum 10 feet wide buffer adjacent to all property lines, except along Holden Avenue where the minimum width can be 7 feet. This buffer width relates to the City's code buffer width required between office and residential uses -Type D buffer Section 114-5 (1)d). It should be noted that the Type D buffer is required to be completely opaque from the ground up to a height of at least six feet, minimum three feet high/50 percent opaque at planting and be capable of attaining full height and opacity within three years.

Since OCPS is proposing minimal landscaping within the buffer, another type buffer may be more appropriate. Section 114-5 of the Code lists the following buffers.

Type A, opaque buffer. This buffer is used to separate industrial uses from all residential uses. This buffer is a minimum of 50 feet wide and requires a masonry wall.

Type B, opaque buffer. This buffer is used to separate community (general) commercial (C-2) or C-3 [wholesale commercial district] uses from all residential uses. This buffer is a minimum of 25 feet wide.

Type C, opaque buffer. This buffer is used to separate neighborhood (retail) commercial (C-1) uses from all residential uses. This buffer is a minimum of 15 feet wide.

Regardless of the width, given minimal landscaping will be provided within the buffers, the buffers should be maintained as open space. Impervious structures/pavement, including all pavers, should not be permitted within the buffers.

Future Land Use Policy 1.1.4.2-4: Maintain overall community character and land use compatibility through site planning efforts

Conditions of approval can provide compatibility with the community character and surrounding neighborhood. These conditions can include, in addition to buffer width and setbacks, requirements for landscaping, fencing, lighting, and architectural features.

Landscaping

Landscaping is typically used to provide promote aesthetic development. OCPS has voiced security concerns related to adding landscaping to the site. Planting of shrubs and trees can be arranged and maintained to avoid security issues, while still providing the aesthetic value, helping to emphasize the elementary school as a city focal point, and ensuring the school is attractive to surrounding uses and users of the Holden Avenue corridor. This could include keeping hedges low and clustering trees to maintain clear lines of sight from the road; avoiding plantings that cover or obstruct windows, doors, and security cameras; and placement of trees to avoid the ability to climb atop buildings.

To this end staff recommends the following:

Landscaping along Holden Avenue

1. A continuous hedge of at least 30 inches high at planting, within a 7 feet wide buffer parallel to Holden Avenue. The height of the hedge shall be measured from road grade.

2. One understory tree for each 25 linear feet of road frontage, to be clustered and arranged at the applicant's option. Shade tree can be swapped for the understory trees at a rate of 1:2 if the shade trees are planted where interference with the overhead utility lines will not occur.
3. Ground cover shall be maintained in areas of the buffer not covered with trees and shrubs.
4. Wheel stops or curbing shall be used to protect plantings.

Parking area landscaping

1. At least ten percent of the interior vehicular use area [area used for employee and customer parking and maneuvering] shall be pervious, which would include breaks and end caps within the parking lot and adjacent pervious areas outside of the required buffers. Pervious pavers will be considered impervious since the intent is to provide green open space.
2. Each separate pervious area shall be a minimum of 25 square feet. All pervious areas adjacent to parking areas shall be protected from vehicle encroachment by curbing or wheel stops.
3. A maximum of ten continuous parking spaces shall be permitted without a pervious area break. The break shall be a minimum of eight feet in length and eight feet in width. Pervious breaks that are head-to-head shall be eight feet by 16 feet.
4. A pervious break (singular or head-to-head) shall be required at the ends of each row of parking spaces.
5. Shade trees shall be planted adjacent to the parking areas where such is adjacent to a residential zoned property at a rate of at least one shade tree every 50 feet of common lot line or fraction thereof.

Bus/Carpool loading and driveways landscaping - Landscaping would be particularly necessary where a bus/carpool loading area is adjacent to existing houses. Code requires the landscaping be completely opaque from the ground to height of at least six feet and at least seven feet in width. Shade trees are also required to be planted at a 50-foot interval, on center, between the vehicular use area and adjacent property. Staff recommends OCPS follow at least the tree requirement where the vehicular use area and bus/carpool loading driveways perimeters face existing homes.

Building perimeter landscaping - Code requires landscaping along buildings that face public right-of-way. Components of that landscaping include a hedge and trees. Trees adjacent to the building may create security issues; low hedges can provide aesthetic value while preventing crime. Staff recommends at least compliance of the hedge requirement with the height of the hedge allowed to be maintained below the window level.

Solid waste storage areas landscaping - Code requires that a solid waste refuse facility be screened on three sides by a six-foot high masonry wall if it is located within the building setback area or located in an area visible to customers or from a public right-of-way. For land use compatibility with the adjacent residential uses and the safety of the students,

staff recommends that any dumpster/solid waste refuse facility on the school site comply with the wall requirement. The walls should match the principal structure, and the open side should be gated.

Fencing

OCPS has proposed six (6) feet high black vinyl chain link fencing along most of the perimeter. Per code, fences in front of the building cannot exceed 4 feet in height; staff recommends this be a condition of approval. An exception to this would be if stormwater ponds were placed between the building and the road; for safety purpose the fence may need to be higher.

Lighting

Lighting details have not been provided. A recommended condition of approval is that the Development Plan shall demonstrate that the location and arrangement of exterior lighting is designed and installed to minimize adverse impacts to adjacent residential property.

Parking

Despite the OCPS stating, "all parking needs shall be met onsite," adequate parking is of concern, particularly given the inability to establish a maximum enrollment/employment. The number of parking spaces proposed, as identified on the Land Use Plan, is 133. 133 spaces may not be sufficient for "functions and events related to schools and community-orientated occasions;" i.e., the "ancillary uses." A plan for overflow parking needs to be submitted to the City to ensure an increased work load on the City's police department resulting from illegal parking along Holden Avenue or other nearby roads does not occur. If the overflow parking plan is not presented at the rezoning public hearing, staff recommends approval be conditioned upon such plan being submitted for review/approval during the Development Plan phase.

Signage

A waiver from Chapter 122-4 is being requested to permit an electronic public message center for public school uses. Given the City's recent efforts pertaining to signs, staff cannot support any waivers to the sign regulations. A programmable electronic message sign is prohibited at this time.

Architectural Features

Architectural features such as a specific building color palette, building design, and roof line treatment can help to improve land use compatibility.

- ***Transportation Policy 2.2.3, "The City shall support Safe Routes to School Planning, to ensure safe pedestrian and bicyclist access to schools." Assurance of public safety is of utmost importance.***

The submitted information only addresses pedestrian safety on and very close to the subject property. This information would suffice if no pedestrian/bicyclist travel to the school were anticipated; however, a significant number of children are anticipated to be walking along Holden Avenue, a minor arterial road with a continuous trend for increased traffic volume.

The sidewalks along this unavoidable path to school, where they exist, can be narrow and sometimes very close to vehicle travel lanes; the cross section of Holden is often without curb and gutter. Furthermore, street lights do not exist along the Holden Avenue corridor. The combination can easily create a hazardous situation, particularly for elementary-age children. An elementary school would be better sited where pedestrian/cyclists access is available on local streets instead of an arterial road.

It is understood that the School Board is not the provider of off-site sidewalks. According to the County's Traffic Engineering staff, OCPS's sidewalk needs receive priority for funding. At a minimum, a coordination plan/position statement from Orange County will be essential and should be identified prior to Development Plan approval. As a note, even with adequate paths along Holden Avenue, City police responsibilities will increase as a result of a school in this location.

- ***Objective 2.1: "The City shall adopt roadway facility capacities and level of service standards to ensure the operation of a safe, convenient and efficient traffic circulation transportation system. The City does not control roadways within the City other than those classified as local roads. Due to this, the City recognizes the authority of FDOT and Orange County over such roads within the City. The City adopts the Metropolitan Planning Organization (MPO) Long-Range Transportation Plan (LRTP) or most current annual update by reference as the City's 20-year roadway improvement program, as related to the City of Edgewood. This Plan includes the 10-year Capital Improvement Schedule, a 5-year Capital Improvement Program, state roadway projects, and other needed city/county transportation improvement projects inclusive of proposed partnership projects."***

Consistent with Objective 2.1, which recognizes that the City does not control Holden Avenue, review of the school's traffic impacts, including access to the site and internal vehicular circulation, as well as impacts to the external road network, should be a collaborative effort between the City and Orange County. The review would include, but in no way be limited to, ensuring safe and adequate access to the site as well as adequate capacity for on-site vehicle stacking to facilitate safe and efficient pick-up and drop-off of students on-site. If the traffic and operational impact study warrants turn lanes at the entrances and/or exits to the school, turn lanes of sufficient length, as determined by the traffic impact study, should be installed at the OCPS's expense.

B. Conformance with the Zoning Code

The following identifies the intent and purpose of the City's PD Zoning District. Of these nine criteria, the proposed development meets two, #4 and 8, which focus on flexibility in zoning site standards. Using the PD district to only provide flexibility in design standards may not meet the intent and purpose of the district.

Intent and Purpose of PD Zoning District (Excerpt from Code Sec. 134-456(b))

1. To provide for planned residential communities, containing a variety of residential structures and diversity of building arrangements, with complementary and compatible residential and nonresidential uses developed in accordance with an approved Development Plan.
2. To allow diversification of uses, structures, and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
3. To reduce public facility and energy costs through a more efficient use of land design and smaller networks of utilities and streets than is possible through application of other conventional Euclidean zoning districts and subdivision requirements.
4. To ensure that development will occur according to limitations of use, design, density, coverage and phasing stipulated on an approved Development Plan.
5. To preserve the natural amenities and environmental assets of lands by encouraging the preservation and improvement of scenic and functional open areas.
6. To encourage an increase in the amount and use of open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional Euclidean zoning districts.
7. To provide maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size, shape and location.
8. To provide for the flexibility in site design and technical requirements that is not available in conventional Euclidean zoning districts.
9. To provide an appropriate balance between the intensity of development and the ability to provide adequate capacity with regard to the public services and facilities available or committed to be available as a binding development condition.

C. *Changed conditions.* Whether and the extent to which land use and development conditions have changed since the effective date of the existing zoning district regulations involved which are relevant to the property.

According to the OCPs, school age population in the area has created a need for a new elementary school.

D. *Land use compatibility.* Whether and the extent to which the proposal would result in any incompatible land uses, considering the type and location of uses involved.

See above in Section V.A. of the report.

E. *Adequate public facilities.* Whether and the extent to which the proposal would result in demands on public facilities and services (both on-site and off-site), exceeding the capacity of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services and similar necessary facilities and services.

The significant concern with level of public facilities and services relates to transportation issues, which are more appropriately addressed by the City's engineer.

VI. Effect of Approval

Pursuant to 1013.371(1)(a), F.S., the OCPS is not required to process the construction documents according to the established building permit process. However, pursuant to 1013.33(6) F.S., the OCPS must, at least 90 days before commencing construction, request written notification that the proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations; this written confirmation is not satisfied with approval of the PD zoning.

Per Code Section 134.458(3)c, the DRC must review the Development Plan and evaluate it for consistency with the Land Use Plan and all applicable city ordinances, regulations and policies. The DRC will either recommend approval of the Development Plan or recommend denial of the Development Plan based upon specific findings, which shall be stated in writing. The DRC's recommendation is then considered by the Planning and Zoning Board at its next regularly scheduled meeting, followed by City Council review.

It should be noted that if the OCPS proposes to expand the school once it is built, the city may only impose development standards and conditions on the expansion. Furthermore, Local government review or approval is not required for,

- (a) The placement of temporary or portable classroom facilities; or
- (b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity.

VII. Recommendation

If the Planning and Zoning Board's recommendation is for approval, staff recommends the following conditions be attached to the approval.

1. Land Use Plan Consistency

Development onsite shall be consistent with the Land Use Plan dated "created 06-19-2017"/ "Received October 27, 2017" and the following conditions of approval, which shall be considered an integral part of the Land Use Plan. OCPS shall obtain all necessary state or federal approvals, to the extent applicable to the School Board, prior to the development of the Subject Property. A Development Plan, consistent with Section 134-461 of the City Code and the conditions of approval, shall be submitted to the City no later than 90 days before commencing construction. Approval of such will be considered the written notification that the proposed educational facility is consistent with the local comprehensive plan pursuant to 1013.33(6) F.S.

2. Use of School Site

The approved land use for the site is an elementary school and its ancillary uses, defined as "uses as it pertains to functions and events related to schools and community-orientated

occasions." No school buses shall be stored onsite.

3. Changes to Land Use

Any change to the use of the Subject Property as identified by the approved Land Use Plan, including a change in type of school (elementary vs other), or results in a greater than 5 percent increase in student capacity, excluding use of portable classroom facilities, shall require a new or amended land use plan application, subject to the requisite meetings and public hearings outlined in the City's land development regulations. The maximum number of portable classroom facilities shall be established at the Development Plan approval.

4. Maximum Intensity

The maximum intensity of development onsite shall be 0.50 F.A.R.

5. Building Height and Setbacks

Maximum height of structures on site shall be 35 feet, not exceeding two stories.

Two-story structures shall be setback at least 75 feet from the west side property line, and 25 feet from the east side property lines.

For one story structures, the minimum side setback shall be 15 feet.

Setback from Holden Avenue – 30 feet

Setback from any southern property boundary – 35 feet

6. Buffers

A minimum 10 feet wide buffer shall be maintained adjacent to all property lines, except along Holden Avenue. The buffer width along Holden shall be a minimum width of 7 feet. The buffers shall be maintained as open space. Impervious structures/pavement, including all pavers, pedestrian/bike path and sidewalks located parallel to Holden Avenue, shall not be permitted within the buffers.

7. Landscaping

No later than 90 days before commencing construction, a landscape plan shall be submitted for review and shall be consistent with the following standards. The landscape plan shall include method of irrigation and maintenance of the landscaped areas. Approval of the landscape plan shall follow the Development Plan process established in City Code.

7. a. Landscaping adjacent to Holden Avenue

1. A minimum seven (7) feet wide buffer width shall be maintained adjacent to Holden Avenue.
2. A continuous hedge at least 30 inches high at planting, within the 7 feet wide buffer parallel to Holden Avenue. The height of the hedge shall be measured at road grade.

3. One understory tree for each 25 linear feet of road frontage, to be clustered and arranged at the applicant's option. Shade tree can be swapped for the understory trees at a rate of 1:2 if the shade trees are planted where interference with the overhead utility lines will not occur.
4. Ground cover shall be maintained in areas of the buffer not covered with trees and shrubs.
5. Wheel stops or curbing shall be used to protect plantings.

7. b. Landscaping within Parking Areas

1. At least ten percent of the interior vehicular use area [area used for employee and customer parking and maneuvering] shall be pervious to include ground cover planting. These areas would include breaks and end caps within the parking area and adjacent pervious areas outside of the required buffers. Pervious pavers will be considered impervious.
2. Each separate pervious area shall be a minimum of 25 square feet. All pervious areas adjacent to parking areas shall be protected from vehicle encroachment by curbing or wheel stops.
3. A maximum of ten continuous parking spaces shall be permitted without a pervious area break. The break shall be a minimum of eight feet in length and eight feet in width. Pervious breaks that are head-to-head shall be eight feet by 16 feet.
4. A pervious island (singular or head-to-head) shall be required at the ends of each row of parking spaces.
5. Shade trees shall be planted proximate to the parking area where the parking area is adjacent to a residential district, and planted at a rate of one tree/50-feet of vehicular use area facing the residentially zoned property. Trees can be clustered at the option of the OCPS. Such trees shall be a minimum of ten feet in height with a two-inch caliper at the time of planting
6. Curbing or wheel stops shall be used to protect the plantings. Where wheel stops are not used, the required plantings shall not be planted within two feet of the curb, to allow for vehicle overhang.

7. c. Landscaping along Bus/Carpool Loading Driveways

Shade trees shall be required along the bus/carpool loading driveways where such is adjacent to residential property. Such trees, at planting, shall be a minimum of ten feet in height with a two-inch caliper and planted at an interval of one tree/50-feet, on center.

7. d. *Landscaping along building perimeter facing Holden Avenue*

Continuous hedge required along building façade, height allowed to be maintained below the window level.

7. e. *Solid Waste Storage Area Screening*

All dumpsters and trash compactors shall be screened with solid walls to match the principal structure, with gates on the entry side.

7. f. *Maintenance*

If the landscaping appears to be under stress, City staff shall notify OCPS. If the landscaping is not viable, notice shall be given to OCPS, and OCPS shall be responsible for restoring the landscaping within a time period acceptable to the city.

8. **Lighting Onsite**

No later than 90 days before commencing construction, a lighting plan shall be submitted to the City that demonstrates onsite lighting, including security lighting, will not create adverse impacts on adjacent residential zoned land. The lighting plan shall identify the fixture type, lamp type and wattage or LED luminaire wattage, and fixture mounting height. Approval of the lighting plan shall follow the Development Plan process established in City Code.

9. **Overflow Parking**

An overflow parking plan shall be submitted for review/approval no later than 90 days prior to commencing construction. Such plan shall demonstrate that adequate area onsite is available to accommodate the parking needs for functions and events related to schools and community-orientated occasions. Approval of the overflow parking plan shall follow the Development Plan process established in City Code.

10. **Fencing**

A black vinyl chain link fence no greater than six feet in height shall be constructed around the entire perimeter of the Subject Property except that portion of the perimeter between the building and Holden Avenue. Any fencing constructed between Holden Avenue and the front building line of any building shall be limited to four feet in height except where such fencing is necessary to secure a stormwater management facility, in which case such fencing necessary to secure the retention area shall be allowed to be a maximum of six feet in height. OCPS shall allow the City to install decorative fencing in addition to any fencing installed by School Board at City's option subject to approval by School Board.

11. **Signage**

A sign plan shall be submitted to the city for approval no later than 90 days prior to commencing construction. Approval of such plan shall follow the Development Plan process established in City Code. Any signage onsite shall be consistent with City sign regulations in place at time of construction.

12. Safety of Pedestrians and Bicyclists

OCPS shall retain a pedestrian/bicycle path, at least 7 feet in width, for the entire length of the property frontage along Holden Avenue. Where sidewalks or internal walkways cross vehicular access drives, special pedestrian treatment that demarcates the continuation of the pedestrian zone across the driveway shall be installed, such as the use of colored/stamped concrete.

No later than 90 days before commencing construction, a plan that details the needs and coordination of provision of safe and adequate travel to the school for those students whose primary mode of transportation is other than public school bus transport shall be submitted to the City for consideration of approval. Such plan shall also address lighting needs along Holden Avenue and the projected number of crossing guards needed to ensure the walkers/cyclists have safe passage to school. Approval of such plan shall follow the Development Plan process established in City Code.

13. Traffic Impacts

No later than 90 days before commencing construction, construction documents and a traffic impact report shall be submitted to the City of Edgewood and reviewed in collaboration with Orange County Traffic Engineering and Development Engineering. Such shall address, but is not necessarily limited to, ensuring safe and adequate access to the site as well as adequate capacity for on-site vehicle stacking to facilitate safe and efficient pick-up and drop-off of students on-site. If the traffic and operational impact study warrants turn lanes at the entrances and/or exits to a school, turn lanes of sufficient length, as determined by the traffic impact study, shall be installed at the OCPS's expense.

14. Access Permit

No later than 90 days before commencing construction, an access permit application shall be submitted to Orange County. Such shall be approved by the County prior to connection to Holden Avenue.

15. Utilities

Central sewer and water service are required for sewage disposal and potable water for the use.

ESH

Prepared by:

Return to:
Bea Meeks, City Clerk
City of Edgewood
405 Larue Avenue
Edgewood, Florida 32809-3406
407/ 851-2920

RE: APPLICATION OF THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA

PLANNED DEVELOPMENT AGREEMENT

The application of The School Board of Orange County, Florida (hereinafter referred to as “School Board”) and Ordinance XXXX-XX for rezoning was heard by and before the City Council of the City of Edgewood, Florida (hereinafter referred to as “City”) on the XX day of MONTH, YEAR, for second and final reading. Based upon the application and other supporting documents, the land use plan, maps, and other instruments, and based upon the advice, reports and recommendations of the City Engineer, and City Planner of the City of Edgewood and the first reading of the Ordinance by City Council on MONTH XX, YEAR, the City Council does hereby find and determine as follows:

GENERAL FINDINGS

- a. That School Board initially filed with the City on October 23, 2017 an application for rezoning to Planned Development (“Application”) with a proposed Land Use Plan (hereinafter defined), as required by City Code of Ordinance (“Code”).
- b. That the Application to rezone involves parcels of land containing 13.72 acres, more or less, situated in the City of Edgewood, Orange County, Florida. This parcel of land is described more particularly in the legal description which is attached hereto as **Exhibit “A”** (hereinafter referred as the “Subject Property”) and incorporated herein.
- c. That School Board warrants it or its affiliates have contracted to purchase all of the parcels comprising the Subject Property and the owners of said parcels have authorized the School Board to pursue the Application.
- d. That the City’s Development Review Committee held a public meeting wherein it considered the Application and proposed Land Use Plan and moved the Application and proposed Land Use Plan forward to the City’s Planning and Zoning Committee.
- e. That on MONTH XX, YEAR at a public hearing the City’s Planning and Zoning Committee reviewed and considered the Application and proposed Land Use Plan, input from the public, and reports and recommendations of the City Engineer and the City Planner, and after considering the testimony of School Board, the proposed conditions of approval and other documents, the Planning and Zoning Committee made its recommendations to City Council.

f. That pursuant to the City's Code, the City Council held public hearings to review and consider the Application for rezoning and proposed Land Use Plan and recommendations of the Planning and Zoning Committee relative to proposed conditions of approval. City Council heard testimony and received evidence from the School Board, and School Board's expert and members of the public.

g. That School Board intends to construct a non-residential development consisting an elementary school and ancillary facilities as more particularly described in the proposed land use plan attached hereto as **Exhibit "B"** and made a part hereof ("Land Use Plan").

h. That School Board hereby affirms and acknowledges that everything contracted for, negotiated, acknowledged and affirmed herein by School Board is done freely and voluntarily.

i. That School Board was granted home rule powers and may exercise any power for school purposes in the operation, control and supervision of free public schools.

j. That pursuant to Section 1013.33(7), Florida Statutes, a local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by s. 163.31777.

k. That when planning, designing and constructing public educational facilities, School Board, as a public corporate body, is required to comply with the restrictions set forth in the State Requirements for Educational Facilities, State of Florida in Section 1013.51, F.S., related to the expenditure of public funds for infrastructure and Section 1013.64, F.S., setting a maximum cost per student station.

l. That pursuant to Section 1013.51(b), F.S., School Board, as a public corporate body tasked with providing public educational facilities, is exempt from the concurrency requirements set forth in Section 163.3180, Florida Statutes.

m. That pursuant to Section 1013.33(9), F.S., local government review is not required for (a) the placement of temporary or portable classroom facilities; or (b) proposed renovation or construction on existing school site, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed upon, pursuant to an interlocal agreement adopted in accordance with s. 163.31777.

n. That pursuant to Section 1013.38(2), Florida Statutes, School Board provides review services for any onsite building permit issuance and inspections to determine compliance with the State Requirements for Educational Facilities through the School Board's Building Code and Compliance Office ("BCCO").

o. That Ordinance **XXXX-XX** to which a copy of this Planned Development Agreement ("Agreement") is attached, relating to the rezoning of Subject Property to Planned Development has been properly publicly noticed under the statutes of the State of Florida and the City's Code of Ordinances.

p. That the rezoning to PD (Planned Development) is consistent and complies with the City's Comprehensive Plan and Land Development Regulations.

q. The City and School Board enter this Agreement pursuant to their Home Rule Powers given to them under the Florida Constitution and the Florida Statutes.

NOW THEREFORE, in consideration of the covenants set forth below and the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the School Board, on behalf of itself, its agents, successors and assigns, hereby agree as follows:

1. **Incorporation of general findings.** The general findings set forth above are true and correct and incorporated herein as if fully set out below.

2. **Compliance.**

a. The School Board shall conform to the Land Use Plan submitted by School Board and attached hereto as **Exhibit "B"** and with all conditions and requirements of Ordinance **XXXX-XX**, which rezoned the Subject Property to Planned Development.

b. To the extent permit by the law, the School Board shall comply with all City laws, codes, ordinances, and regulations now in effect, which are incorporated herein by reference, except to the extent the applicable laws, codes, ordinances and regulations are expressly waived and modified by this Agreement or by action approved by City Council or to which the School Board is otherwise exempt pursuant to its home rule powers or Florida Statutes.

c. The School Board shall comply with all applicable Federal, State, and County laws, and all City laws, codes, ordinances and regulations hereinafter adopted which are not inconsistent with the specific terms and agreements set forth herein, except to the extent that School Board is otherwise exempt pursuant to its home rule powers or Florida Statutes. In the event of a conflict between requirements of two or more governmental entities having jurisdiction over the Subject Property the more restrictive requirement shall apply.

d. The School Board shall comply with the terms of this Agreement as it may be amended from time to time.

e. The School Board shall comply with the City's Comprehensive Plan, except to the extent the School is otherwise exempt pursuant to home rule powers or Florida Statutes.

f. In the event that this Agreement fails to address a particular permit, condition, term, or restriction that School Board would otherwise be required to comply with, School Board shall not be relieved of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

3. **Power to bind.** School Board hereby covenants and warrants that this Agreement has been approved by the School Board and the individual executing this Agreement has the right, authority and capacity to enter into this Agreement, and School Board acknowledges that the City relied upon the School Board's covenants in connection with the decision to enter into this Agreement. If the School Board or City do not approve this Agreement it shall be null, void and without further effect.

4. **Growth management plan.** The City attests that the future land use designation to the Subject Property allows non-residential use such as an elementary school and the PD (Planned Development) zoning and Land Use Plan are consistent with the City's Comprehensive Plan and City's Code.

5. **Land Use Plan.** The School Board and City agree to the following conditions of approval, which shall be applicable to the development of the Subject Property:

a. **Consistent with Land Use Plan and Applicable Regulations:** Development of the Subject Property shall be consistent with the Land Use Plan dated X, conditions of approval as listed herein, all codes and ordinances of the City of Edgewood, except as specifically waived by the Land Use Plan or conditions of approval, the State of Florida, and all other applicable regulatory agencies, or to the extent School Board is otherwise exempt. All applicable state or federal permits must be obtained before commencing development. School Board shall be required to secure all local building permits for any proposed construction for Subject Property through the School Board's BCCO and will obtain all necessary state or federal approvals, to the extent applicable to the School Board, prior to the development of the Subject Property. A Development Plan, consistent with Section 134-461 of the City Code and the conditions of approval, shall be submitted to the City no later than 90 days before commencing construction.

b. **Use of School Site:** The Property may be developed as an elementary school with ancillary uses. No school buses shall be stored on-site.

c. **Changes to Land Use Plan:** Any change to the use of the Subject Property as identified by the approved Land Use Plan, including a change in type of school (elementary vs other), or results in a greater than 5 percent increase in student capacity, excluding use of portable classroom facilities, shall require a new or amended land use plan application, subject to the requisite meetings and public hearings outlined in the City's land development regulations.

d. Maximum Intensity: The maximum intensity of development onsite shall be 0.50 F.A.R.

e. Building Height and Setbacks: The maximum height of structures on site shall be 35 feet, not exceeding two stories. Two-story buildings shall be setback at least 75 feet from all west side property lines and 25 feet from all east side property lines. One story buildings shall be set back a minimum of 15 feet from all side property lines. All buildings shall be set back from Holden Avenue a minimum of 30 feet. All buildings shall be set back from all southern property lines a minimum of 35 feet.

f. Buffers: A minimum 10 foot wide buffer shall be maintained adjacent to all property lines, except along Holden Avenue. The buffer width along Holden Avenue shall be a minimum width of 7 feet. All buffers shall be maintained as open space. Impervious structures and pavement, including pavers, shall not be permitted within said buffers.

g. Landscaping: No later than 90 days prior to commencing construction OCPS shall submit to City for review and approval. Approval of the landscape plan shall follow the Development Plan review process established in the City Code.

h. Lighting Onsite: No later than 90 days prior to commencing construction, School Board shall submit to City a lighting plan that demonstrates onsite lighting, including security lighting, will not create adverse impacts on adjacent residential zoned land. The lighting plan shall identify the fixture type, lamp type and wattage or LED luminaire wattage, and fixture mounting height. Approval of the lighting plan shall follow the Development Plan review process established in the City Code.

i. Parking: An overflow parking plan shall be submitted by School Board to City for review and approval no later than 90 days prior to commencing construction. Said plan shall demonstrate that adequate onsite parking is available to accommodate the parking needs for functions and events related to school and community-oriented activities. The overflow parking area can be of stabilized materials. Approval of the overflow parking plan shall follow the Development Plan review process established in the City Code.

j. Fencing Along Perimeter Except Holden: A black vinyl chain link fence no greater than six feet in height shall be constructed around the entire perimeter of the Subject Property except that portion of the perimeter between the building and Holden Avenue. Any fencing constructed between Holden Avenue and the front building line of any building shall be limited to four feet in height except where such fencing is necessary to secure a stormwater management facility, in which case such fencing necessary to secure the retention area shall be allowed to be a maximum of six feet in height. School Board shall allow City to install decorative fencing in addition to any fencing installed by School Board at City's option subject to approval by School Board of the design plan for such decorative fencing. School Board may install temporary fencing up to six feet in height around the entire perimeter of the Subject Property for the purpose of pre-construction and construction securing of the Subject Property.

k. Safety of Pedestrians and Bicyclists: School Board shall retain the existing seven foot wide pedestrian/bike path located adjacent to Holden Avenue on the Subject Property for the entire length of the property frontage along Holden Avenue. Where sidewalks or internal walkways cross vehicular access drives, special pedestrian treatment that demarcates the continuation of the pedestrian zone across the driveway through the use of colored or stamped concrete shall be installed. No later than 90 days prior to commencing construction, School Board shall submit to City a plan that details the needs and coordination of provision of safe and adequate travel to the school for those students whose primary mode of transportation is other than public school bus transport. Such plan shall also address lighting needs along Holden Avenue and the projected number of crossing guards needed to ensure walkers and cyclists have safe passage to the Subject Property. Approval of said plan shall follow the Development Plan process established in the City Code.

l. Traffic Impacts: No later than 90 days prior to commencing construction, School Board shall submit to City construction documents and a traffic impact report which shall be reviewed in collaboration with Orange County Traffic Engineering and Development Engineering. Said report shall address, but is not limited to, ensuring safe and adequate access to the Subject Property as well as adequate capacity for on-site vehicle stacking to facilitate safe and efficient pick-up and drop-off of students on-site. If the traffic and operational impact study warrants turn lanes at the entrances and/or exits to the Subject Property, turn lanes of sufficient length, as determined by the traffic impact study, shall be installed by School Board at School Board's expense.

m. Access Permit: No later than 90 days prior to commencing construction, an access permit application shall be submitted to Orange County. Such permit shall be approved by the County prior to opening vehicular access points to Holden Avenue.

n. Utilities: Central sewer and waste services are required for sewage disposal and potable water on the Subject Property.

o. Dumpsters: All dumpsters and trash compactors shall be screened with solid walls to match the principal structure.

p. Signage: Signage onsite shall be consistent with City sign regulations.

6. Recordation of Agreement. Upon execution of this Agreement, the School Board shall reimburse the cost of recording this Agreement in Orange County, Florida.

7. Fees. School Board is exempt from paying any and all impact fees (including, without limitation, transportation, school, electric, fire, police, water and sewer impact fees) and all City review, legal, inspection, and permitting fees associated with the design, engineering, construction, and operation of the Planned Development.

8. Legislative act. This Agreement is deemed a quasi-legislative act of the City of Edgewood.

9. **Force majeure.** The parties shall each use reasonable diligence to ultimately accomplish the purposes of this Agreement and the subsequent Development Plan as approved but shall not be liable to each other, or their successors or assigns, for damages, costs, or attorneys' fees, for breach of contract or otherwise, for failure, suspension, diminution, or other variations of services occasioned by any cause beyond the control and without the fault of the parties. Such causes may include but shall not be limited to acts of God or of a public enemy, fires, floods, or failure or breakdown of transmission or other facilities.

10. **Binding effect.** This Agreement shall run with the land, shall be binding upon and inure to the benefit of the School Board and its assigns and successors in interest and the City and its assigns and successors in interest.

11. **Third party beneficiary.** This Agreement is solely for the benefit of the City of Edgewood and the School Board and no right, nor any cause of action, shall accrue to or for the benefit of any third party.

12. **Captions.** The captions used in this Agreement are for convenience only and shall not be relied upon in construing the terms of this Agreement.

13. **Severability.** If any part of this Agreement is found invalid or unenforceable by any Court, such invalidity or enforceability shall not affect the other parts of this Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and the intentions of the parties can remain unaffected. To that end, this Agreement is declared severable.

14. **Governing law and venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Venue shall lie in Orange County, Florida.

15. **Amendments to Development Agreement.** This Development Agreement may be amended in a manner consistent with the City's Code and Section 163.3237, Florida Statutes.

16. **Indemnification and hold harmless.** City and School Board are prohibited from indemnifying or insuring the other party in accordance with Section 768.28(19), Florida Statutes. It is specifically understood by the parties that the City is not guaranteeing the quality of the use or development of the Subject Property, including but not limited to drainage or sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.

17. **Entire agreement.** This instrument constitutes the entire Agreement between the parties as of the time of rezoning and supercedes any previous discussions, understandings and agreements. Modifications to and waivers of the provision herein may be made only by the parties hereto and in writing.

18. **Notice.** Any notice to be given in accordance with this Agreement shall be in writing and shall be sent by hand delivery, overnight mail, or certified mail, return receipt requested, to the party being noticed at the addresses set forth below:

As to Edgewood: City of Edgewood, Florida
Attn: Bea Meeks, City Clerk
405 Larue Avenue
Edgewood, Florida 32809-3406

As to School Board: School Board of Orange County, Florida
Attn: Facilities Planning Department
6501 Magic Way, Building 200
Orlando, Florida 32809

With a copy to: School Board of Orange County, Florida
Attn: Office of Legal Services
6501 Magic Way, Building 200
Orlando, Florida 32809

Should any party identified above change, it shall be that party's obligation to notify the other party of the change in a fashion as is required for notices herein.

19. **Effective date.** This Agreement shall become effective upon recordation of this Agreement in the public records of Orange County, Florida in accordance with Section 163.3239, Florida Statutes.

20. **Counterparts.** This Agreement may be executed in two counterparts, each of which if properly executed by both parties shall be considered an original.

21. **Duration of Agreement.** This Agreement shall begin on the Effective Date and shall exist for thirty (30) years following the date thereof. This Agreement may be extended by mutual consent of the City and School Board, subject to a public hearing in accordance with the requirements of Section 163.3225, Florida Statutes, as allowed under Section 163.3229, Florida Statutes.

IN WITNESS WHEREOF, the School Board and the City have executed this Agreement as of the day and year last signed by those parties.

[SIGNATURE PAGES TO FOLLOW]

Signed and sealed in the presence of:

“SCHOOL BOARD”

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

Print Name: _____

By: _____
William E. Sublette, its Chairman

Print Name: _____

Date: _____

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

The foregoing instrument was acknowledged before me this ___ day of _____, 2018, by William E. Sublette, Chairman of The School Board of Orange County, Florida, a public 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: _____
Commission No.: _____
Expires: _____

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

Signed and sealed in the presence of:

Print Name: _____

Print Name: _____

Attest: _____
Barbara M. Jenkins, Ed.D.,
as its Superintendent

Dated: _____

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Barbara M. Jenkins as Superintendent of The School Board of Orange County, Florida, a public 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.

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

AFFIX NOTARY STAMP

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

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

John T. Morris
Chief Facilities Officer

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

Date: _____, 2018

Date: _____, 2018

Attest:

CITY OF EDGEWOOD, FLORIDA

By: _____
Fay Craig, City Clerk

By: _____
Ray Bagshaw
Mayor, City of Edgewood

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Ray Bagshaw, Mayor, City of Edgewood, to me known to be the person described in or who provided _____ as proof of identification and who executed the foregoing and he acknowledged before me that he executed same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2018.

Notary Public

EXHIBIT "A"

DESCRIPTION:

(Per Title Commitment):

A portion of Section 14, Township 23 South, Range 29 East, lying in Orange County, Florida, being more particularly described as follows:

PARCEL 1

The West 165 feet of the following tract: Beginning at a point 6 $\frac{2}{3}$ chains East of the Northwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 23 South, Range 29 East, Orange County, Florida, run thence East 5 $\frac{1}{3}$ chains; thence South 20 chains to the South line of the said Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; thence West along the South line of the said Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, 5 $\frac{1}{3}$ chains; thence North 20 chains to the point of beginning.

PARCEL 2

THE EAST 187 FEET OF THE FOLLOWING: BEGIN 440 FEET EAST OF THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, RUN EAST 352 FEET; THENCE SOUTH 1320 FEET; THENCE WEST 352 FEET; THENCE NORTH 1320 FEET TO THE POINT OF BEGINNING, ORANGE COUNTY, FLORIDA (LESS THE NORTH 30 FEET FOR RIGHT OF WAY).

ALSO DESCRIBED AS THE EAST 187 FEET TO THE FOLLOWING: BEGINNING AT A POINT 6 $\frac{2}{3}$ CHAINS EAST OF THE NW CORNER OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, RUN THENCE EAST 5 $\frac{1}{3}$ CHAINS, THENCE SOUTH TO THE SOUTH LINE OF THE SAID FORTY 20 CHAINS; THENCE WEST ALONG THE SAID SOUTH LINE OF THE SAID FORTY 5 $\frac{1}{3}$ CHAINS, THENCE NORTH 20 CHAINS TO THE POINT OF BEGINNING (LESS THE NORTH 30 FEET FOR RIGHT OF WAY).

PARCEL 3

THE NORTH 380 FEET OF THE WEST 303 FEET OF THE EAST 426.7 FEET OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ (LESS N 155 FEET OF E 125 FEET, AND LESS N 155 FEET OF W 128 FEET, AND LESS N 30 FEET FOR ROAD), SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, OF ORANGE COUNTY, FLORIDA.

AND

THE NORTH 155 FEET OF THE WEST 125 FEET OF THE EAST 248.7 FEET OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ (LESS NORTH 30 FEET FOR ROAD) OF SECTION 14 TOWNSHIP 23 SOUTH RANGE 29 EAST, OF ORANGE COUNTY, FLORIDA.

AND

THE NORTH 155 FEET OF THE WEST 128 FEET OF THE EAST 426.7 FEET OF THE NW 1/4 OF THE NW 1/4 OF SECTION 14 TOWNSHIP 23 SOUTH RANGE 29 EAST, ORANGE COUNTY, FLORIDA, LESS THE NORTH 30 FEET THEREOF FOR ROAD RIGHT OF WAY.

AND

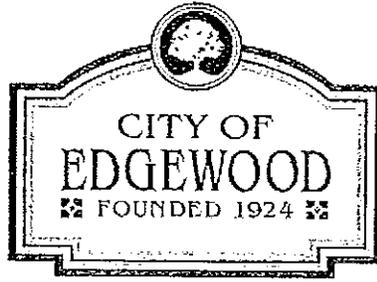
THE NORTH 380 FEET OF THE WEST 100 FEET OF THE EAST 526.7 FEET OF THE NW 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, LESS THE NORTH 30 FEET THEREOF FOR ROAD RIGHT OF WAY.

PARCELS 1 THRU 3 MORE PARTICULARLY DESCRIBED AS:
(BY THIS SURVEYOR)

A portion of Section 14, Township 23 South, Range 29 East, lying in Orange County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Holden Ridge, according to the Plat thereof, as recorded in Plat Book 27, Pages 80 and 81, Public Records of Orange County, Florida, said point lying on the South right of way line of Holden Avenue per Deed Book 338, Page 527 of the Public Records of Orange County, Florida; thence N89°33'14"E, a distance of 165.31 feet along said South right of way line to the POINT OF BEGINNING; thence continue N89°33'14"E, a distance of 761.10 feet along said South right of way line; thence departing said South right of way line, S00°05'55"E a distance of 350.01 feet; thence S89°33'14"W, a distance of 406.96 feet; thence S00°26'56"E, a distance of 941.14 feet to the South line of the Northwest quarter of the Northwest quarter of Section 14, Township 23 South, Range 29 East, Orange County, Florida; thence S89°36'31"W, a distance of 360.04 feet along said South line to a point on the Southerly projection of the East line of aforementioned Holden Ridge; thence N00°05'33"W a distance of 1290.82 feet along said Southerly projection and East line of aforementioned Holden Ridge to the POINT OF BEGINNING.

EXHIBIT "B"



November 15, 2017
Development Review Committee Meeting
(Not Recorded)

ATTENDEES:

Staff: Mayor Bagshaw, City Clerk Meeks, Lt. Jackson, Ellen Hardgrove, AICP and David Mahler, PE

Orange County Public School: Rob Staglino – Project Manager for OCPS, Tyrone Smith, AICP and Laura Kelly, Staff Attorney

City Clerk Meeks opened the meeting at 2:00 p.m. The following are abbreviated notes from the 11/15/2017 DRC meeting with OCPS:

Ellen Hardgrove, AICP

1. Plan sheet can be revised prior to P&Z meeting if changes are made after this meeting.
2. As long as information is accounted for as project continues. Attorney Laura Kelly said the “school is not projected to go over capacity”.
3. OCPS will get with Orange County with a request for sidewalks; however, it doesn’t mean Orange County will approve. The School Board will put a sidewalk on Holden that is the length of the school.
4. Engineer Mahler said he wants actual calculations
5. Discrepancy of sidewalk size

RE: Traffic Study – Engineer Mahler said this goes back to his concerns with sidewalks. He said the bus turning lane needs to be done to correct turning radius. He suggested having an interlocal agreement with Orange County for a “joint pond”.

Planner Hardgrove shared a discussion she had with Attorney Smith regarding the use of a PD. She said the intent of the PD district is mixed use. It should not be used to circumvent the special exception process. She said be prepared to address how the proposal meets the intent of the PD district as this came up in another proposed PD.

OCPS Planner Tyrone Smith said Orange County’s policy is to have zoning first (“properly entitled”). He said there are no funds at this time for a site plan because this is a future school. He indicated the Holden properties will be part of OCPS’ “land bank”.

He explained how there will be three community meetings prior to construction of the school.

Ellen Hardgrove, AICP

- Lack of detail “is it compatible or not” Although the minimum requirements have been met, the level of detail provided on the Land Use Plan is not sufficient to adequately address land use compatibility and public safety/general welfare concerns. The detail is needed to determine consistency with the comprehensive plan. Details, such as building placement, stormwater management, and access plans for bus, car, delivery vehicles have been provided in a Traffic Report submitted with the application; however, such is not binding.
- Identify what the buffer will consist of.
 - Planner Smith said that the OCPS does not do buffers
 - OCPS fence is required and will be 1 foot off the property and be a 6 feet high black chain link fence
 - No opaque or screening
- Planner Hardgrove said OCPS will need to ask for a waiver from buffer, then noted that code doesn’t address schools and decided that a waiver is not required.
 - Planner Smith was to provide Planner Hardgrove with language as to why there will not be a buffer
- Lighting plan will be on development plan
- Planner Hardgrove asked about “beefing” up landscaping
- Planner Hardgrove said include fencing on LUP
- Planner Hardgrove said parking will be a problem with 133 parking spaces and staff will consist of 85 to 100 staff members. She said be prepared to address.
- Mayor Bagshaw said that you need to look at percentage of bus riders versus parents driving
- Planner Hardgrove said signs are a big issue. She confirmed that Attorney Kelly’s sign was okay except for the digital portion. Planner Hardgrove said a waiver is likely to be needed to have a digital sign.

Planner Hardgrove asked if OCPS can get a commitment from Orange County for sidewalks due to concerns about pedestrian safety. Planner Smith said no and confirmed that street infrastructure is Orange County.

Attorney Kelly explained “hazardous busing”.

Mayor Bagshaw asked City Clerk Meeks to schedule a meeting with Chris Testerman, Assistant County Administrator regarding the pedestrian safety at this site.

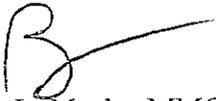
Planner Hardgrove asked if OCPS can have a plan before the development plan is approved. She said City Council will need assurance of safety.

Planner Smith confirmed that the City will have to provide crossing guards.

Brief discussion was held regarding the conditions. Planner Hardgrove said she will get with Attorney Smith for the conditions needed in the Ordinance.

Having no further discussion, the meeting adjourned.

Respectfully Submitted



Bea L. Meeks, MMC, CPM, CBTO
City Clerk

Approved in February 1, 2018 DRC Meeting

DEVELOPMENT REVIEW COMMITTEE

Meeting Minutes

February 2, 2018

Attendees:

Ray Bagshaw, Mayor

Bea L. Meeks, City Clerk

Sandy Repp, Deputy City clerk

John Freeburg, Police Chief

Scott Breitenstein, P.E.

Ellen Hardgrove, AICP

Applicants:

Laura Kelly, OCPS

Bob Stagliano, OCPS

Julie Salvo, OCPS

City Clerk Meeks opened the meeting at 10:00 am and confirms attendees, including staff and Orange County Public Schools (OCPS) representatives. City Clerk Meeks clarified that the purpose of this meeting is to address Use and Rezoning, which was confirmed by City Attorney Smith. City Clerk Meeks asked that all public comments and questions be held until discussion was completed.

City Clerk Meeks provided corrections to minutes from Planner Hardgrove. Mayor Bagshaw moved to approve the minutes of the November 15, 2017 DRC meeting, with correction; second by Planner Hardgrove. The minutes were approved.

Planner Hardgrove began review and conditions of approval. Per Attorney Smith the Conditions of Approval will go into the Developers Agreement. In response to Planner Hardgrove, Attorney Smith said that Council will decide if a decision cannot be made for an agreement.

Maximum Intensity: Planner Hardgrove began discussion of the Developer's Agreement in regards to the number of permanent students and regulating student portables. City Clerk Meeks referenced Ms. Kelly's statement that 835 students is the number prepared for capacity. Ms. Kelly said that they cannot regulate student portables and will need to provide student stations and OCPS cannot agree to not put in portables. Mayor Bagshaw said he would like to be able to project the greatest impact for student capacity, which was agreed by Attorney Smith because a maximum number would indicate where the risk ends. Ms. Kelly said that OCPS is fine with stating the maximum intensity.

Building Height and Setbacks: Discussion included establishing setbacks versus asking for a waiver. Attorney Smith said that if the zoning amendment is made then the conditions don't apply and there is no need for a waiver.

Discussion also included the style and placement of the building and minimizing the impact of the setbacks on the existing residents on the west side. Ms. Kelly said that the building will actually be located closer to the rear of the property, which raises concerns for how this will become compatible for the existing residents on the west or their property line. In response to Planner Hardgrove, Ms. Kelly

said that it is being pushed back for parking and queuing in the front and that they will have to go to a different prototype. Planner Hardgrove asked if it is pushed to the east could it been 100 feet? Ms. Kelly responded that it could be 75 feet and 25 from east and Planner Hardgrove agreed that is a good compromise. Ms. Kelly confirmed for Mayor Bagshaw that this allows the “s” queuing.

In response to Planner Hardgrove and Attorney Smith, Ms. Kelly said that they cannot agree to the condition that there be no bus loading adjacent to the homes or behind the residential and OCPS needs something within that 75 feet to make it work. City Engineer Breitenstein said that the pond could be a buffer behind that area. Planner Hardgrove’s recommendation would be that buses not line up in the back yards of the homes and Attorney Smith added that these houses back right up to the property line. Planner Hardgrove stated her concern this location may not be functional due to turning radius. Planner Hardgrove said that the single family residences are a huge concern and Ms. Kelly responded that OCPS is restricted by the site’s narrow shape. Attorney Smith agreed with Mayor Bagshaw’s request to review the OCPS prototypes so that OCPS would know the City’s concerns.

OCPS agreed with Planner Hardgrove to keep 10 feet maintained as open space.

Buffers: Ms. Kelly is in agreement with the 7 foot buffer on Holden Avenue.

Landscaping: In response to Ms. Kelly’ concern regarding the irrigation, Attorney Smith said the plan just has to show the irrigation.

In response to Planner Hargrove, Ms. Kelly says the school cannot have hedges or understory trees due to security concerns. In response to Planner Hardgrove, new schools comply with the results of a safety and security study. Chief Freeburg added that you need to be able to see where people can come in. Discussion included canopy trees such as oaks, and how they would impact the seatbacks and power lines.

In response to Planner Hardgrove’s concern with how the school can be consistent with beautification, Ms. Kelly said that OCPS can work with City when they have the plan. Mr. Stagliano said there is landscaping if you look at other schools. Planner Hardgrove suggested that P&Z be shown what landscaping will be used for the Board’s discussion.

Lighting Onsite - Ms. Kelly said that OCPS is in agreement.

Parking –Planner Hardgrove stated concerns about the original agreement regarding overflow for parking and that only the minimum would be provided for parking. Ms. Kelly suggested stabilized parking for overflow which was agreed with by Attorney Smith and Planner Hardgrove.

Fencing along Perimeter– Ms. Kelly stated that the fences are built for security purposes, including for retention pond, which requires a 6 foot chain link fence. In response to Mayor Bagshaw, Ms. Kelly said that the front gate is dependent upon the location of the building. Decorative fencing could be put up by the City in front of the chain link around the retention pond. Attorney Smith offered suggestions of a 4 foot fence, except by retention area and Planner Hardgrove agreed, adding 4 foot high maximum fence in front of the building.

Signage – Ms. Kelly said that OCPS would use an electronic sign. Planner Hardgrove said that would have to go to P&Z as there is new sign code which, at present, does not allow electronic signage. City Council has said that the topic of electronic signs will be revisited in the near future by City Council. Ms.

Kelly said that she would send Attorney Smith their regulations. Per Attorney Smith, the sign would be part of the PD and Mayor Bagshaw said that it is consistent with other schools.

Safety of Pedestrians and bicyclists – OCPS is in agreement that Orange County shall retain the 7 foot sidewalk width.

Per Chief Freeburg, safety and security is a primary concern and sidewalks are needed on the north site. Ms. Salvo said it is still in design and will be reviewed.

Mayor Bagshaw discussed crossing guards as children are not primarily coming from Edgewood. He noted the proposed school would be located in Edgewood but on an Orange County road. He said that some information is not provided and it will affect the budget.

Per Ms. Kelly, construction would begin in 2019 for an opening of August 2020.

Attorney Smith said that he will make changes where there is consensus for a new draft.

Planner Hardgrove said that her concerns include building height and setbacks, and all of the section 7 fence.

City Clerk Meeks said that the ads will be published on 2/8/2018 and 3/8/2018 for the meetings on 2/20/2018 and 3/20/2018 and there is language to set time certain to change a meeting. Signs are ready to be posted and Ms. Kelly said they have personnel to post the Public Notice signs.

Attorney Smith said that P&Z will make their recommendation to City Council and City Council will make their own decision.

Ms. Kelly said it is a school building and there will be ancillary uses and rezoning as a PD will give OCPS flexibility. Attorney Smith suggested to be prepared to explain why the City would view it as a PD and how it meets the criteria.

Planner Hardgrove discussed conditions of use of the school site. Ms. Kelly confirmed as did Mayor Bagshaw, that the school can be leased for a church. Ms. Kelly said it can also be leased to Headstart, PeeWee football, tutoring, summer camp, and other uses. In response to Mayor Bagshaw, Ms. Kelly said that the City has the right to request the use of the facility with a minimal charge. Ms. Kelly said that OCPS can look into incorporating this into the Developer's Agreement and Attorney Smith said that it can be part of joint use agreement.

Planner Hardgrove stated concerns with community oriented occasions. Ms. Kelly said that Headstart is in portables and is an all day program. In regards to the use of portables, Ms. Kelly said the headstart program is evaluated each year for program approval.

City Clerk Meeks clarified that the lines showing on the agenda are due to a copier problem. This is not a strike out or omissions.

Discussion:

Sandra DePorter (Edgewood resident at property adjacent to OCPS location)

- Stated her concerns that there was only one traffic survey which was performed on a Wednesday and Thursday. Ms. DePorter doesn't feel that it was adequate due to the Wednesday school schedule.

- For some neighborhoods, Holden Avenue is the only way out to the road and there is no alternative exits.
 - OCPS needs to be responsible for the removal of the present damaged fence that was put there by the grove owners and maintain the area around the fence. Ms. Kelly responded that fences on the property will be removed.
 - Concerned that the property will not be maintained. Ms. Kelly responded that OCPS won't own the property until after approval. There is a walkthrough before closing and they will identify structures to be removed. If there are issues of trespassing, Ms. Kelly said that typically there can be action on demolition and the situation will be assessed.
- In response to Planner Hardgrove, Ms. Kelly said that the budget is available in 2019 to fence the area in before construction. As for maintenance of site, there is language for OCSP to comply with Code.
- Attorney Smith stated that it is necessary to take a look at what needs to be done to conform to code before closing.
- In response to Planner Hardgrove, Attorney Smith said there needs to be a condition for the construction of the 6 foot temporary fence before construction and there needs to be a condition for the construction fence.
- In response to Ms. DePorter regarding the Randall owned portion of the fence, if a fence is not on the OCPS property, then the OCPS builds their own fence.
 - Ms. DePorter requested a "classy building that is attractive" and that is not pink or purple. Attorney Attorney Smith asked if it is possible to work with color palettes consistent with this area. Ms. Kelly responded that OCPS has a neutral palette they work with. Attorney Smith – can that palette be made available to provide comfort. It can be attached in the exhibit.

Jim Worthen (representing HAINC) – stated his concerned about going to P&Z with so many open ending issues.

- In response to Mr. Worthen, if it serves the community to sell the property and approve a successor, Attorney Smith said that the PD is for a school use.
- Ms. Kelly responded to Mr. Worthen about the responsibility for the traffic and said that turn lane studies are made and OCPS is responsible for what is in front of the school. This decision is made during the design and development process phase. Per Mr. Worthen, the sidewalk is oversized because it is for pedestrian and bikes. Ms. Salvo walked the entire length of the sidewalk on 1/31/2018 for assessment.
- Asked about the City paying for crossing guards and a traffic school zone. Ms. Kelly said that comes later in the process and they will work with the City and County. Mr. Worthen mentioned the early reference from OCPS that children would not be crossing South Orange Blossom Trail because it is not safe and Ms. Kelly responded that the crossing guards would be provided by the jurisdiction of the crossing area.
- Stated that there are designs with more compatible roof structures that HAINC feels would be more compatible with roof designs of the neighborhoods. He would like the school to be a good neighbor and build design that is compatible to the neighborhood similar to how some of the churches along Holden Avenue have built.
- Per Mr. Worthen, FL Statute 1013 does require consistency and he is concerned that there are some sections, such as the buffer, that OCPS can't meet.

- The property is close to South Orange Blossom Trail and there are issues for semi trucks and criminal activity, particularly if the property is not gated, and the Police Department will need jurisdiction for the property. Ms. Kelly said it is gated and it comes by the prototype OCPS will use. If it's not secure there needs to be approval for the City to enter the property routinely. Chief Freeburg said that the City already has jurisdiction because the school is located in the City. Mr. Worthen said the Sheriff's Office feels differently. Chief Freeburg said that is the County not the City. Ms. Kelly said cattle gates will be installed.

Mayor Bagshaw commented that he would like to see the prototypes that would be suitable for the property and Ms. Kelly said that she understands the issue of compatibility. She also mentioned that OCPS is regulated by state on their budget for a school. The budget is set and they can lose funding if they exceed the budget. This is public tax dollars and will make every effort to be good neighbors.

Attorney Smith said that the point of Comprehensive Plan is how to make this compatible and if it can't be done under budget, is this the right site? It is important to show the people how it will be done. There are a lot of gaps and will have to be addressed. There is some information that P&Z and Council will need to know now.

- Mr. Worthen asked about an electronic messaging board and Ms. Kelly said that OCPS is retrofitting schools to electronic signs. Ms. Kelly also stated that the City has a say regarding the standards and colors for lighting.

City Clerk Meeks repeated the purpose of the meeting, which is for Use and Rezoning.

Planner Hardgrove asked for a selection of prototypes to incorporate into the agreement and Attorney Smith added that that would help with the analysis of compatibility. Mayor Bagshaw added that it would be fair if OCPS could look at the site and narrow down the prototypes and show options for an overlay.

In response to Mr. Worthen, regarding separation of auto and bus traffic, Ms. Kelly said there has to be separate entrances for the two types of vehicles.

In response to Sandy DePorter, Ms. Kelly confirmed that OCPS is aware that many streets only have one way out from the neighborhoods.

City Clerk Meeks said that draft minutes of this meeting will be in the P&Z agenda package for February 12, 2018, so that they and council are aware of the results of this meeting.

Having no more discussion, the DRC Meeting was adjourned at 12:02 pm.

Bea L. Meeks, MMC, CPM, CBTO
City Clerk

Approval Date: _____

ORDINANCE NO. 2018-05

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-1 ZONING DISTRICT TO ALLOW BARS; PROVIDING A DEFINITION OF THE TERM BAR; AMENDING THE DEFINITION OF THE TERM RESTAURANT; AMENDING SECTION CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO ALLOW FOR ON-PREMISES OUTDOOR CONSUMPTION OF ALCOHOLIC BEVERAGES RELATED TO BARS AND RESTAURANTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood finds and determines that bars, when compliant with the location standards of Section 6-3 of the Code of Ordinances are a consistent and compatible use within the C-1 Zoning District; and

WHEREAS, the City Council of the City of Edgewood finds and determines it appropriate to amend existing definitions and regulations related to open containers to clarify that on-premises consumption in outdoor areas of restaurants and bars is permitted; and

WHEREAS, the City Council of the City of Edgewood finds that the adoption of this Ordinance is consistent with the City's Comprehensive Plan and that it is in the best interest of the public health, safety and welfare; and

WHEREAS, the Planning and Zoning Board of the City of Edgewood, sitting as the Local Planning Agency, has reviewed the proposed amendment, found it consistent with the City's Comprehensive Plan, and recommended approval by the City Council; and

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewood, Florida as follows:

NOTE: Underlined words constitute additions to the City of Edgewood Code of Ordinances, strikethrough constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this ordinance.

47 **Section 2.** Chapter 134, Section 134-1 of the City of Edgewood Code of Ordinances
48 shall be amended as follows:

49
50 Sec. 134-1. - Definitions.

51
52 Except where specific definitions are used within a specific article or section of this
53 chapter, the following terms, phrases, words and their derivation shall have the meanings given
54 herein where not inconsistent with the context. Words used in the present tense include the
55 future, words in the plural number include the singular number and words in the singular number
56 include the plural number. The word "lot" includes the words "plot" and "tract." The word
57 "building" shall include the word "structure." The words "used for" shall include the meaning
58 "designed for." The word "person" shall include the words "firm, association, organization,
59 partnership, trust, company, corporation," as well as "an individual." The word "shall" is
60 mandatory. Whenever in this chapter a term, phrase or word is not defined, then in that event the
61 city council shall define the same.

62 * * *
63 Bar means an establishment other than a restaurant, licensed to sell alcoholic beverages
64 for consumption on premises; that limits patronage to adults of legal age for the consumption of
65 alcohol; and in which food service may be an accessory to the service of alcoholic beverages. A
66 bar may include an area outside of an enclosed building provided a wall or fence delineates the
67 limits of that outdoor area, and such area is included in the licensed premises description in the
68 vendor's license certificate.

69 * * *
70 Restaurant means any establishment where food is served for consumption off the
71 premises or within an enclosed building. Outdoor seating areas in conjunction with the
72 restaurant shall be considered part of the restaurant.

73 * * *
74 **Section 3.** Chapter 134, Section 134-345 of the City of Edgewood Code of
75 Ordinances shall be amended as follows:

76 Sec. 134-345. - Uses permitted.

77 Only the following principal uses and structures shall be permitted within any C-1 retail
78 commercial districts:

- 79 (1) Shopping centers, comprised of uses consistent with those described herein.
- 80 (2) Personal service establishments such as, barbershops, beauty parlors, dental
81 offices, restaurants, bars, financial institutions, professional and other offices, traditional
82 physician staffed medical offices, dry cleaning pickup stations, shoe repair, tailoring, watch and
83 clock repair, locksmiths, printing (copy) shops and tailor and alteration establishments.
- 84 (3) Retail businesses, such as drug, hardware stores, book, stationery, china and
85 luggage shops, newsstands, photographic supplies and studios, ladies', men's and children's
86 apparel stores, confectionery stores, but expressly excluding pawnshops, adult bookstores,

87 motion picture theaters and dancing establishments or other similar uses which shall be
88 prohibited in all commercial zoning categories.

89 (4) Florist shops.

90 (5) Grocery, fruit, vegetable and meat market stores.

91 (6) Interior decorating, home furnishings and furniture stores.

92 (7) Music conservatory, dancing schools and art studios.

93 (8) Music, radio and television shops.

94 (9) Retail paint and wallpaper stores.

95 (10) Structures for public use, such as community centers, libraries and museums.

96 (11) Funeral parlors.

97 (12) Dry cleaning establishments using equipment which emits no smoke or escaping
98 steam, and which use nonflammable synthetic cleaning agents (perchloroethylene,
99 trichloroethylene, etc.) but expressly excluding coin laundries which shall be prohibited in all
100 commercial zoning categories.

101 (13) Bakeries, retail and wholesale, as long as at least 50 percent of the net proceeds
102 are derived from the retail sale on the premises.

103 (14) Nursing homes.

104 (15) Other uses which are similar or compatible to the uses permitted herein, which
105 would promote the intent and purposes of this district. Determination shall be made by authority
106 and directive of city council which shall be without public notice or public hearing.

107 **Section 4.** Chapter 6, Section 6-5 of the City of Edgewood Code of Ordinances shall
108 be amended as follows:

109 Sec. 6-5. - Open containers.

110 (a) *Classifications and definitions.* The classifications and definitions contained in
111 F.S. chs. 561—565 are hereby adopted as the classifications and definitions for this section.

112 (b) *Consumption in general.* It is unlawful for any person to purchase, use, offer for
113 sale, possess, consume or carry in any cup, glass, can or other open or unsealed container, any
114 alcoholic beverage on the streets, sidewalks, alleys or rights-of-way within the city and on any
115 city owned property; provided, however, that:

116 (1) The city council may permit consumption and carrying of alcoholic beverages on
117 streets, sidewalks, alleys and rights-of-way within the city and on any city owned property
118 during and at events or programs held by any individual, corporation, association or
119 organization, subject to such terms and conditions as the city council may impose for the
120 protection of the public health, safety and welfare.

121 (2) Any individual, corporation, association or organization which shall have
122 received permission from the city council pursuant to subsection (b)(1) of this section is further
123 authorized to provide alcoholic beverages for consumption at the particular event or program,
124 subject to all other requirements of law.

125 (c) *Consumption in vehicle.* It is unlawful for any person to consume any alcoholic
126 beverage or any mixture containing an alcoholic beverage on any city-owned property while
127 such person, as operator or passenger, is in or on any vehicle, whether moving or stopped, and
128 such consumption is open to public view.

129 (d) *Consumption in parking and other like areas.* It is unlawful for any vendor or for
130 any agent, servant or employee of any such vendor to permit the consumption of any alcoholic
131 beverages in or upon any parking or other area outside of the building or room or the outdoor
132 delineated area mentioned in said vendor's license certificate as the address thereof, when any
133 part of such parking or area is adjacent to the building or premises in which the business license
134 is operated and when such parking or other area is owned, rented, leased, regulated, controlled or
135 provided, directly or indirectly, by such licensed vendor or by any agent, servant or employee of
136 such licensed vendor.

137 (1) If such licensed vendor shall post and maintain a legible, painted or
138 printed sign in at least two separate prominent places on such parking or other areas, with
139 sufficient light directed thereon to be visible during the hours of darkness while such
140 place of business is open, in letters of not less than one inch nor more than three inches in
141 height, stating:

142 WARNING
143 DRINKING ALCOHOLIC BEVERAGES
144 ON THIS LOT PROHIBITED
145 \$500.00 FINE OR 60 DAYS IN JAIL
146 CITY ORDINANCE

147 (2) Such posting of said signs shall constitute prima facie evidence that such
148 vendor is not operating in violation of this subsection.

149 (3) It is unlawful for any person to consume an alcoholic beverage in or upon
150 any parking area outside of and adjacent to a vendor's licensed premises when such

151 parking or other area is owned, rented, leased, regulated, controlled or provided, directly
152 or indirectly, by such vendor.

153 (4) If any licensed vendor mentioned herein is a corporation, then the officers
154 of such corporation shall be regarded as the owners thereof, for the purposes of
155 enforcement of this section.

156 (e) *Vendors sales.* It is unlawful for any vendor or his agents or employees licensed
157 to sell beer, wine, liquor or other alcoholic beverages within the city, to knowingly allow any
158 person to take from the licensed premises any opened beer, wine, liquor or other alcoholic
159 beverage container, or to knowingly allow any person to take from the licensed premises any
160 glass or other open or unsealed containers containing an alcoholic beverage or any mixture
161 containing an alcoholic beverage.

162 **Section 5.** Any lawfully existing use which is inconsistent with the amended uses
163 allowed within this Ordinance shall be allowed to continue as provided within Section 134-38 of
164 the City of Edgewood Code of Ordinances.

165 **Section 6.** The provisions of this Ordinance shall be codified as and become and be
166 made a part of the Code of Ordinances of the City of Edgewood.

167
168 **Section 7.** If any section, sentence, phrase, word or portion of this ordinance is
169 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
170 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
171 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

172
173 **Section 8.** All ordinances that are in conflict with this Ordinance are hereby repealed.

174
175 **Section 9.** This Ordinance shall become effective immediately upon its passage and
176 adoption.

177
178 **PASSED AND ADOPTED** this _____ day of _____, 2018, by the City
179 Council of the City of Edgewood, Florida.

180
181 PASSED ON FIRST READING: _____

182
183 PASSED ON SECOND READING: _____

184
185 _____
186 John Dowless, Council President

187
188 *ATTEST:*
189 _____
190
191 Bea L. Meeks
192 City Clerk

34 "Division" means the Division of Hotels and Restaurants of the State of Florida
35 Department of Business and Professional Regulation.

36 "Dog" means an animal of the subspecies Canis lupus familiaris.

37 "Outdoor area" means an open air area adjacent to a public food service
38 establishment. An outdoor area shall not be enclosed on more than two sides.
39 For purposes of this definition, partial walls and railings shall not be considered
40 enclosures.

41 "Patron" has the meaning given to "guest" by section 509.013, Florida Statutes.

42 "Public food service establishment" has the meaning given it by section 509.013,
43 Florida Statutes.

44 (b) Permit Required; Submittals.

45 In order to protect the health, safety, and general welfare of the public, a public food
46 service establishment is prohibited from having any dog on its premises unless it
47 possesses a valid permit issued in accordance with this part. The City shall establish a
48 reasonable fee to cover the cost of processing the initial application and renewals.
49 Applications for a permit under this part shall be made to the Building & Zoning
50 Department, on a form provided for such purpose by the City, and shall include, along
51 with any other such information deemed reasonably necessary by the City in order to
52 implement and enforce the provisions of this part, the following:

53 (i) The name, location, and mailing address of the subject public food service
54 establishment.

55 (ii) The name, mailing location, and telephone contact information of the permit
56 applicant.

57 (iii) A diagram and description of the outdoor area to be designated as available to
58 patrons' dogs including dimensions of the designated area; a depiction of the
59 number and placement of tables, chairs, and restaurant equipment, if any; the
60 entryways and exits to the designated outdoor area; the boundaries of the
61 designated area and of any other areas of outdoor dining not available for patrons'
62 dogs; any fences or other barriers; surrounding property lines and public rights-of-
63 way, including sidewalks and common pathways; and such other information
64 reasonably required by the City. The diagram or plan shall be accurate and to
65 scale but need not be prepared by a licensed design professional.

66 (iv) A description of the days of the week and hours of operation that patrons'
67 dogs will be permitted in the designated outdoor area.

68 (v) All application materials shall contain the appropriate division issued license
69 number for the subject public food service establishment.

70
71 (vi) All applications shall be accompanied by an application fee in an amount as
72 set by Resolution of the City Council.

73 (c) General Regulations; Cooperation; Enforcement.

74 In order to protect the health, safety, and general welfare of the public, and pursuant to
75 section 509.233, Florida Statutes, all permits issued pursuant to this part are subject to the
76 following requirements:

77 (i) All public food service establishment employees shall wash their hands
78 promptly after touching, petting, or otherwise handling any dog. Employees shall
79 be prohibited from touching, petting, or otherwise handling any dog while serving
80 food or beverages or handling tableware or before entering other parts of the
81 public food service establishment.

82 (ii) Patrons in a designated outdoor area shall be advised by the food service
83 establishment that they should wash their hands before eating. Waterless hand
84 sanitizer shall be provided at all tables in the designated outdoor area.

85 (iii) Employees and patrons shall be instructed by the food service establishment
86 that they shall not allow dogs to come into contact with serving dishes, utensils,
87 tableware, linens, paper products, or any other items involved in food service
88 operations.

89 (iv) Patrons shall keep their dogs on a leash at all times and shall keep their dogs
90 under control.

91 (v) Dogs shall not be allowed on chairs, tables, or other furnishings.

92 (vi) All table and chair surfaces shall be cleaned and sanitized with an approved
93 product between seating of patrons. Spilled food and drink shall be removed from
94 the floor or ground between seating of patrons.

95 (vii) Accidents involving dog waste shall be cleaned immediately and the area
96 sanitized with an approved product. A kit with the appropriate materials for this
97 purpose shall be kept near the designated outdoor area.

98 (viii) At least one sign reminding employees of the applicable rules, including
99 those contained in this part, and those additional rules and regulations, if any,
100 included as further conditions of the permit by the City, shall be posted in a
101 conspicuous location frequented by employees within the public food service
102 establishment. The mandatory sign shall be not less than eight and one-half inches

103 in width and eleven inches in height (8½ x 11) and printed in easily legible
104 typeface of not less than twenty (20) point font size.

105 (ix) At least one sign reminding patrons of the applicable rules, including those
106 contained in this part, and those additional rules and regulations, if any, included
107 as further conditions of the permit by the City, shall be posted in a conspicuous
108 location within the designated outdoor portion of the public food service
109 establishment. The mandatory sign shall be not less than eight and one-half inches
110 in width and eleven inches in height (8½ x 11) and printed in easily legible
111 typeface of not less than twenty (20) point font size.

112 (x) At all times while the designated outdoor portion of the public food service
113 establishment is available to patrons and their dogs, at least one sign shall be
114 posted in a conspicuous and public location near the entrance to the designated
115 outdoor portion of the public food service establishment, the purpose of which
116 shall be to place patrons on notice that the designated outdoor portion of the
117 public food service establishment is currently available to patrons accompanied
118 by their dog or dogs. The mandatory sign shall be not less than eight and one-half
119 inches in width and eleven inches in height (8½ x 11) and printed in easily legible
120 typeface of not less than twenty (20) point font size.

121 (xi) Signs required under subsections (ix) and (x) herein are considered on-site
122 non-commercial signs, shall be approved as part of the permitting application
123 process described by this section, and will not be subject to the application
124 process for signs under Article VII of the Land Development Regulations. Such
125 signs may be window signs, freestanding signs, or wall signs, and their copy area
126 shall not be calculated as part of the premises' total allowable number of signs or
127 allowable sign copy area. However, such signs shall not be located in any setback
128 or in a location which impedes pedestrian traffic or presents any other safety
129 hazard and shall not be prohibited signs described in Section 7.05.00.

130 (xii) Dogs shall not be permitted to travel through indoor or undesignated outdoor
131 portions of the public food service establishment, and ingress and egress to the
132 designated outdoor portions of the public food service establishment shall not
133 require entrance into or passage through any indoor or undesignated outdoor
134 portion of the public food service establishment.

135 (d) Non-Transferability of Permits.

136 A permit issued pursuant to this Section shall not be transferred to a subsequent owner
137 upon the sale or transfer of a public food service establishment, but shall expire
138 automatically upon such sale or transfer. The subsequent owner shall be required to

139 reapply for a permit pursuant to this part if such owner wishes to continue to
140 accommodate patrons' dogs.

141 (e) Complaints and Reporting.

142 In accordance with section 509.233(6), Florida Statutes, the Code Enforcement Officer
143 shall accept and document complaints related to the Dog Friendly Dining Program within
144 the City of Edgewood, Florida, and shall timely report to the Florida Division of Business
145 & Professional Regulation all such complaints and the City's enforcement response to
146 such complaint. The City Manager or designee shall also timely provide the Florida
147 Division of Business & Professional Regulation with a copy of all approved applications
148 and permits issued pursuant to this part.

149 (f) Enforcement

150 Any public food service establishment that fails to comply with the requirements of this
151 Section shall be guilty of violating this Section of the City of Edgewood Code of
152 Ordinances and shall be subject to any and all enforcement proceedings consistent with
153 the applicable provisions of this Code and general law. Each day a violation exists shall
154 constitute a distinct and separate offense. The City shall have the authority to revoke a
155 permit issued pursuant to this Section for repeated violations of the requirements of this
156 Section.

157 **SECTION 3.** Chapter 10, Section 10-4 of the City of Edgewood Code of Ordinances shall be
158 amended as follows:

159

160 **Sec. 10-4. - Commercial kennels, animal breeding or boarding facilities.**

161

162 It shall be unlawful for any person, firm or corporation to erect or use any building or yard
163 for the commercial keeping, breeding, boarding or sale of live animals anywhere within the city,
164 except as might be specifically authorized by the council in general commercial districts or
165 properly zoned areas. This Section shall not prohibit a properly registered dog friendly dining
166 establishment which is operating in compliance with Section 10-10 herein.

167

168

169 **SECTION 3: Codification:** Section 2 of this Ordinance shall be codified and made part of the
170 City of Edgewood Code of Ordinances.

171 **SECTION 4: Severability:** It is the intent of the City Council of the City of Edgewood, and is
172 hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this
173 Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such
174 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the
175 remaining provisions of this Ordinance.

176 **SECTION 5: Effective Date:** This Ordinance shall become effective upon adoption.

177 **PASSED AND ADOPTED** this _____ day of _____, 2018, by the City
178 Council of the City of Edgewood, Florida.

179
180 PASSED ON FIRST READING: _____

181
182 PASSED ON SECOND READING: _____

183
184 _____
185 John Dowless, Council President

186
187 *ATTEST:*

188
189 _____
190 Bea L. Meeks
191 City Clerk