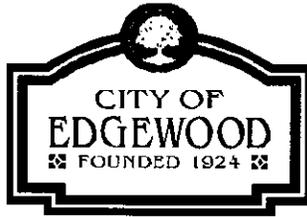




THE AGENDA ITEMS FOR UNFINISHED BUSINESS AND NEW BUSINESSES ARE IN THE CORRECT ORDER IN YOUR AGENDA NOTEBOOK HOWEVER, THEY ARE NUMERICALLY IN REVERSE ORDER, AS THEY WERE COPIED OUT-OF-ORDER.



Ray Bagshaw
Mayor

Pam Henley
Council Member

Susan Fortini
Council Member

John Dowless
Council President

Neil Powell
Council Member

Lee Chotas
Council Member

CITY COUNCIL AGENDA
Regular Meeting
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, September 20, 2016
6:30 p.m.

WELCOME! We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert's Rules of Order guide the conduct of the meeting. **PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING.** "THANK YOU" for participating in your City Government.

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Review and Approval of Minutes

➤ **(Pg. 1)** Memo

- **(Pgs. 2 - 3)** August 10, 2016 City Council Workshop
- **(Pgs. 4 - 13)** August 23, 2016 Regular City Council Meeting
- **(Pgs. 14 - 16)** September 6, 2016 City Council Special Meeting

2. **(Pgs. 17 - 47)** Special Exception applications submitted by William Johns on behalf of Suncoast Building Materials, Inc. to allow for construction of a facility with the following Special Exception requests:

- a. **2016-SE-03** Code 134-405 (b)(10) Outdoor storage of merchandise, parts or other equipment
- b. **2016-SE-04** Code 134-405 (b)(11) Building material storage and sales (new, no junk or used material)
- c. **2016-SE-05** Code 134-405(b)(14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

3. **(Pgs. 48 - 78)** **2016-VAR-06** – Variance application submitted by William (Hal) Valdes on behalf of First American Land Trust, LLC/Abel Carbaja as trustee to enclose all components of an existing restaurant (Julie's Waterfront) currently located within the Normal High Water Elevation setback.

(Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.)

E. PRESENTATIONS

1. **(Pg. 79)** Mayor's Proclamation – Red Ribbon Week (Support a drug free environment)
2. Chris Francisco, Police Chief

F. ORDINANCES

G. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- **(Pg. 80)** Memo

1. **(Pgs. 81 - 93)** **ORDINANCE 2016-08** - 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 R1A AND R1AA (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.

- **(Pgs. 94 - 105)** Planned Development Agreement
- **(Pg. 106)** Land Use Plan
- **(Pgs. 107 – 121)** Revised Ordinance

2. **(Pg. 122)** Memo

(Pgs. 123 - 124) **ORDINANCE NO. 2016-09:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES UPON THE ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS FOR FISCAL YEAR 2016/2017, BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **(Pg. 125)** **RESOLUTION 2016-09A** RESOLUTION OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2016/2017, BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; AND PROVIDING FOR AN EFFECTIVE DATE

- **(Pgs. 126 142)** FY 2016/2017 Budget

H. UNFINISHED BUSINESS1. **(Pg. 143)** Memo

(Pgs. 144 – 145) Khaled Hussein, 1090, 1098, 1100, 1103, 1110, 1130 Holden Avenue – Rezoning Application 2016 RZ-01

2. **(Pgs. 146 - 147)** **Special Exception 2016-SE-02** The Doughnut Peddler located at 5262 South Orange Avenue in the C3 zoning district to allow “wholesale products distribution”.**I. NEW BUSINESS**1. **(Pgs. 148 - 149)** Recommendation for Appointment to Planning & Zoning Board – Mayor Bagshaw**J. GENERAL INFORMATION (No action required)**

None.

K. CITIZEN COMMENTS**L. BOARDS & COMMITTEES**

1. **(Pgs. 150 - 205)** Variance applications to allow a boat dock at 5221 Alleman Drive. The applications were submitted by Summertime Deck & Dock on behalf of Bill and Beth Seabrook with the following variance requests:
 - a. **2016-VAR-02** Code 14-11 (b)(3) – length of boat dock beyond 65’
 - b. **2016-VAR-04** Code 14-11 (b)(1) – build within setback distance
 - c. **2016-VAR-05** Code 14-11 (b)(6) – square footage greater than 1,000 square feet

M. STAFF REPORTS**City Attorney:**

-

Police Chief:

- Monthly report

City Clerk:**N. MAYOR & COUNCIL REPORTS**

- Mayor Bagshaw
- Council President Dowless

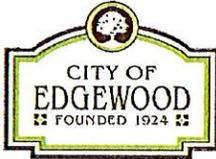
- Council Member Powell
- Council Member Henley
- Council Member Chotas
- Council Member Fortini

O. ADJOURNMENT

UPCOMING MEETINGS:

Tuesday, October 18, 2016.....City Council Regular Meeting (6:30 p.m.)

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

TO: Mayor Bagshaw, Council President Dowless, Council
Members, Powell, Henley, Fortini and Chotas

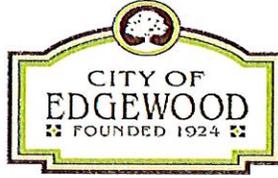
DATE: September 14, 2016

RE: Consent Agenda

In addition to the Minutes related to a City Council workshop, regular meeting and special meeting, I have included two land use matters on the consent agenda. You will note that the items are as follows:

1. Special Exception applications submitted by William Johns on behalf of Suncoast Building Materials, Inc. to allow for construction of a facility with the following Special Exception requests (**subject location a/k/a CEMEX**):
 - a. **2016-SE-03** Code 134-405 (b)(10) Outdoor storage of merchandise, parts or other equipment
 - b. **2016-SE-04** Code 134-405 (b)(11) Building material storage and sales (new, no junk or used material)
 - c. **2016-SE-05** Code 134-405(b) (14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.
2. **2016-VAR-06** – Variance application submitted by William (Hal) Valdes on behalf of First American Land Trust, LLC/Abel Carbaja as trustee to enclose all components of an existing restaurant (**Julie’s Waterfront**) currently located within the Normal High Water Elevation setback.

I had reservations in putting these items on the consent agenda because they are quasi-judicial matters. However, I discussed my concerns with our City Attorney and learned that the City Code allows me to put these items on the consent agenda. Regarding the reason why the items are on the consent agenda; both the City Planner and Engineer recommend approval and so did the Planning & Zoning Board. Your agenda packet includes the reports related to the redevelopment of these properties, along with the recommendation for approval. As you know, you can pull any or all of your consent agenda items for further discussion.



August 10, 2016 – City Council Budget Workshop

CALL TO ORDER

On Tuesday, August 10, 2016, Council President Dowless called the Edgewood City Council workshop to order at 6:30 p.m., and dispensed with the formalities. City Clerk Meeks announced a quorum with the following attendance:

Attendees:

Ray Bagshaw, Mayor
John Dowless, Council President
Pam Henley, Council Member
Neil Powell, DDS, Council Member
Susan Fortini, Council Member
Lee Chotas, Council Member (via telephone)

Staff: City Clerk Meeks, Chief Francisco, Sgt. Freeburg, Shannon Patterson, Police Clerk/Accreditation Manager, Sandy Repp, Administrative Assistant

City Clerk Meeks announced that Council Member Chotas' will be attending the workshop by telephone. She said the conference call was discussed with the City Attorney, who confirmed Council Member Chotas can attend by phone.

Council Member Henley said she wanted to make it clear that the Mayor prepares the budget and Council approves it. She said that she does not make any recommendations and only approves the budget.

Mayor Bagshaw explained the revisions from the first workshop.

Mayor Bagshaw confirmed for Council Member Fortini that the Code Enforcement personnel will be in City Hall.

In response to Council Member Henley, City Clerk Meeks explained the City's liability for workers' compensation and those payroll funds being added to the worker's comp audit, as a result of off duty pay. Council Member Henley stated that she is not in favor of providing off duty officers and equipment. Chief Francisco explained his concerns of not being able to control his officers if the City doesn't support off duty work under the current process. Chief Francisco said the payroll for off duty work does not apply to the employer's contribution for FRS. (6:51 p.m. recording now working). Mayor Bagshaw suggested talking to Tom Reilly, CPA, about Council Member Henley's concerns. Council Member Henley said she does not believe that the City should pick up any additional costs.

Mayor Bagshaw said that he and the Chief did some recalculations to red light cameras and may be able to make some upward adjustments.

Brief discussion was held regarding funds not used in the prior year referenced in Holland & Reilly's audit. Mayor Bagshaw said he thought it was at least \$140,000

Council President Dowless said that he and Mayor Bagshaw met with Jim Sellin, ULI, regarding the study they did for the City. He said they discussed ULI continuing the process which ULI said would cost \$80,000. Council President Dowless said they would like to phase the study to keep the costs down. He said the City may want to make some land use changes to the land use map. Mayor Bagshaw referenced land uses and the challenges the City has been having with developers. He noted that Council Members would be good to assist with this; Council Member Chotas agreed to help.

Council Member Powell questioned the postage expenditure in the Police Department's Budget. Mayor Bagshaw explained the reimbursement is made to the City for mailing red light camera violations. Mayor Bagshaw confirmed for Council Member Powell that the budget is based on 4.9500 mills.

Brief discussion was held to add ULI to the budget under planning.

Council Member Fortini said she would like to see a placeholder for a City Administrator. Mayor Bagshaw explained the costs associated with this position. Mayor Bagshaw said his preference is to let the Charter Review Committee bring their recommendation forward, he said you can always amend the budget.

Recap by Council President Dowless

1. Assurance regarding off duty hours, including worker's compensation and FRS
2. Update the General Ledger
3. Add \$80,000 under planning for ULI.

ADJOURNMENT

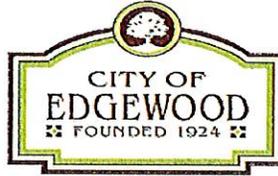
Having no further business or discussion, Council President Dowless motioned to adjourn the meeting at 7:42 p.m.; seconded by Council Member Chotas.

ATTEST:

John Dowless
Council President

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

Approved by Council on _____



CITY COUNCIL AGENDA
Regular Meeting - Tuesday, August 16, 2016
6:30 p.m.

CALL TO ORDER

On Tuesday, August 16, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. Council President Dowless called for a moment of silence followed by Mayor Bagshaw leading everyone in the Pledge of Allegiance.

City Clerk Meeks announced a quorum with the following attendance:

Attendees

Ray Bagshaw, Mayor
John Dowless, Council President
Lee Chotas, Council Member
Neil Powell, DDS, Council Member
Susan Fortini, Council Member

Absent

Pam Henley, Council Member

Staff

Bea L. Meeks, City Clerk
Chris Francisco, Police Chief
Drew Smith, City Attorney
David Mahler, City Engineer
Ellen Hardgrove, City Planner

City Clerk Meeks requested Council Member Henley be excused from the meeting.

Council President Dowless made the Motion to excuse Council Member Henley from the Council meeting; Seconded by Council Member Powell. Unanimously approved (4/0).

CONSENT AGENDA

1. Review and Approval of Minutes
 - July 19, 2016 Regular City Council Meeting
 - August 1, 2016 City Council Budget Workshop

Council Member Fortini noted a correction on Page 8, Paragraph 5 of the budget workshop minutes. She requested that the minutes reflect that confirmation was given that a job description would be written and the job would be posted for the proposed full-time position.

CORRECTION TO BE MADE: *Mayor Bagshaw explained the proposed personnel staffing/position changes. He confirmed for Council Member Fortini that the part-time position in City Hall would be eliminated if the proposed changes are approved. It was also confirmed that a job description would be written and posted.*

Council Member Chotas made the Motion to approve the Consent Agenda, with the correction noted for the August 1, 2016 Council budget workshop minutes; Seconded by Council Member Fortini. Unanimously approved (4/0).

Council President Dowless requested to change the order of the agenda and move to Item L-2 Special Exception 2016-SE-02, The Doughnut Peddler; there were no objections.

Special Exception 2016-SE-02 The Doughnut Peddler located at 5262 South Orange Avenue in the C3 zoning district to allow “wholesale products distribution”.

Variance 2016-VAR-03 The Doughnut Peddler located at 5262 South Orange Avenue in the C3 Zoning district to allow a minimum lot width of 100 feet on a major road in lieu of 125 feet.

Planner Hardgrove gave a PowerPoint presentation (included in the agenda notebook). She explained the request for a special exception and variance for the Doughnut Peddler. She said the Planning & Zoning Board recommended denial of the Special Exception, and explained their reasons for their recommendation to deny. Planner Hardgrove said the Planning & Zoning Board recommended approval of the variance for the 100 foot lot width. She said the Planning & Zoning Board did not consider the use in the variance.

Applicant Comments

Allison Yurko, Attorney for the applicant said the applicant took the comments from the Planning & Zoning Board and made revisions based on their comments. Attorney Yurko introduced Jason Duffey (owner), Chris Stevens and Carlos Barrios (Engineer of Record). A PowerPoint presentation was given wherein they addressed the retention area, the landscape buffer including the buffer from the residential area. Council was told that most of the trees are live oak tree and the trees by Pine Castle Animal Hospital will remain. Engineer Barrios described the trees and landscape vegetation that they are proposing in all landscaped areas. He said the site plan being presented varies from what the Planning & Zoning Board saw. The site plan includes a cross access. Jason Duffey described the business including maintenance to the trucks, which he said is not the primary use of the business. He said that employees stagger their time, as to when they arrive, park their vehicle and pick up their delivery van. Jason presented a picture of the actual delivery van and clarified that they are not trucks but step vans. In response to Council Member Chotas, Attorney Yurko said they were directed by staff to apply for a Special Exception for wholesale distribution. Planning & Zoning Board member Chris Rader said that either use has the same issues that caused the Planning & Zoning Board to recommend denial. Planner Hardgrove said the way the business was presented resulted in discussion as to being considered wholesale distribution. She said if the City’s goal is beautification, the use should be consistent with the goal. City Attorney Smith said the Code does not incorporate stand-alone parking garages in C-3 zoning. Jason Duffey confirmed for Mayor Bagshaw that the business is 24/7 however the hours vary. Attorney

Yurko introduced Chris Stevens, who continued on with the PowerPoint presentation. Mr. Stevens showed properties along Orange Avenue that utilize large trucks. He concluded by saying that the use is compatible and will enhance the area.

Public Comments and Applicant Responses

Bob Harrell: Mr. Harrell said he owns the office building south of the subject property. He said he supports the variance for the 100 foot lot. Mr. Harrell said he had a different impression of the business operations from what was presented. He said he thought they were delivering doughnuts. City Clerk Meeks said that staff had the same impression which is what led her to question Planner Hardgrove about wholesale distribution and the need for a special exception.

Regina Dunay (Planning & Zoning Board Chair): Planning & Zoning Board Chair Dunay said two things were not discussed with the Planning & Zoning Board. She said the Planning & Zoning Board was told there would be eighteen parking spaces, with four cars arriving at 4:30 in the morning. She said the drivers would pick up doughnuts and deliver. She said what is being presented to Council is not the same and needs to be clarified. Planning & Zoning Board Chair Dunay used the illustration on the easel and pointed out her concerns with the stacking-up of traffic on Orange Avenue and asked for it to be addressed.

Les Slesnick: Resident Les Slesnick said he and his wife did not think the plan was within the keeping of what the City wants on Orange Avenue. He said there is nothing pretty about box trucks. Resident Slesnick said he thinks the look of the building is not relevant; what is going on at the property is relevant and that it is not keeping with the view they want on Orange Avenue. He said he is opposed to the plan.

Chris Rader: (Planning & Zoning Board Member) - Planning & Zoning Board Member Rader said you can give a designated time for delivery but if you do not stick to that time, it is unenforceable. He commended the aesthetics. He said the Planning & Zoning Board members felt that the development would affect the future land values.

Attorney Allison Yurko provided a handout and noted that item number (4) answers Chairwoman Dunay's concerns. She said the doughnuts are loaded up at another site. She said the conditions from the Planning & Zoning Board have been enhanced.

Jason Duffey, owner said the doughnuts can be made at any time during the day. He said there is no loading at the subject site, and that this is not a heavy use site, it is a supplemental site.

Les Slesnick said he would not mind the Doughnut Peddler coming to Edgewood but not on Orange Avenue. He said there is no benefit of a sales tax coming into Edgewood.

Glade Smith, applicant, said the subject site is only for an office.

Bob Harrell said he heard them say they were going to work on trucks and not working on trucks which is why there is confusion. **Jason Duffey** apologized and said there would be light vehicle maintenance. Mayor Bagshaw said he is concerned about the façade fronting Orange Avenue.

Allison Yurko, Attorney provided Council Members and the City Clerk with Exhibit A. She said they would remove the gate if it is an issue, and noted 18 parking spaces.

City Attorney Smith confirmed for Council President Dowless that delivery time is not enforceable. City Attorney Smith confirmed for Council Member Fortini that the special exception is appropriate, and that the evidence presented to Council supports the use.

Council Member Chotas suggested light truck repair as the use. Attorney Yurko said that light truck repair requires a Special Exception approval and the applicant is okay with that. Planner Hardgrove said if you approve for light maintenance, it goes against what Council has planned for Orange Avenue. She reminded Council what is approved as a Special Exception runs with the land. In response to Mayor Bagshaw, Jason Duffey said the corporation is listed as a wholesale company.

Council Member Chotas said the City is considering an Ordinance to grant a special exception for a garage that looks nice. He said details have to be provided to grant the special exception. He said he does not think Council should approve something under standards that the Planning & Zoning Board did not have.

Council Member Powell made the Motion to accept the variance; Seconded by Council Member Chotas. Unanimously approved (4/0).

Planner Hardgrove addressed the conditions specifically, the applicant will not install a security gate. Council Member Chotas said he is okay with wholesale product distribution as the use. Council President Dowless said he is not sure the plan can be made good enough for him to approve; at minimum, it should go back to the Planning & Zoning Board. City Attorney Smith confirmed that a tie vote means the Motion fails. Attorney Yurko said the owner is amenable to adding the condition that the Doughnut Peddler only has this use. Jason Duffey said he is amenable to going back to the Planning & Zoning Board.

Council Member Fortini made the Motion to accept the Planning & Zoning Board's recommendation to deny the Special Exception; Seconded by Council President Dowless.

<i>The Motion failed (2/2):</i>	
<i>Council Member Powell</i>	<i>No</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>No</i>

Council Member Chotas made the Motion to refer the matter back to the Planning & Zoning Board and suspend discussion tonight; Seconded by Council Member Powell.

<i>The Motion unanimously approved:</i>	
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council Member Powell</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>

Council President Dowless called for a brief recess 8:17 p.m.

Council President Dowless reconvened the meeting at 8:25 p.m.

Khaled Hussein, 1090, 1098, 1100, 1103, 1110, 1130 Holden Avenue – Rezoning Application 2016 RZ-01

Planner Hardgrove gave a PowerPoint presentation (included in the agenda).

In response to Council Member Fortini, Planner Hardgrove read from the City code the intent of a planned development. Planner Hardgrove said that you do not have to meet all the criteria however, you cannot use R-2 zoning because of the minimum side yard setback.

Planning & Zoning Board Member Chris Rader said that the Planning & Zoning Board did not say “we do not want a subdivision”. He said compatibility goes to zoning. Also, what was brought to the Planning & Zoning Board members was taking an R1-A land use to Planned Development but building size R1-A houses. He said lot width was the concern because of larger houses on smaller lots. Planning & Zoning Board member Rader said that P & Z has heard the plan twice, with improvements on the second plan. He thinks the land supports three to thirty-five houses. He provided an aerial of the PD site, with lines showing a proposed layout of the parcels.

Engineer Rick Baldocchi noted the changes made since the first meeting with P&Z, and explained the changes. He said the applicant is okay with the 6 foot wall being a conditioned in the staff report. He said the applicant met four of the nine conditions. He said the applicant is willing to commit to 25% of the homes being 2200 sq.ft. Developer, Kal Hussein said they have repeatedly accommodated what the Planning & Zoning Board and residents want, and believes what they are proposing is the optimum use on the site.

Jim Worthen: Representing HAINC – Jim Worthen said HAINC is okay with the development but they support the City’s standards. He said they concur with P&Z and staff and request denial. He said if it is not denied, HAINC has some conditions to discuss later.

Resident Sandy DePorter gave a brief history of when apartments were proposed at the subject site and it didn’t happen; instead Holden Ridge was developed. She said if the development is approved, she would like the wall to be something besides a PVC fence. She requested consideration for a better wall.

Arthur Baker, Attorney – Represents Randall Knives (Gary Randall). Attorney Baker said his client is not against the proposed use but agrees with staff and P&Z. He said the development does not meet the purpose of PD zoning. If approved, he wanted to reaffirm his client’s request for a uniform masonry wall. Attorney Baker referenced some other subdivisions that have a wall.

Tina Demostene- Resident Demostene said the plan is not consistent, compliant or compatible for a Planned Development. She said the lot sizes are not consistent and the applicant wants to put R-2 zoning in a Planned Development. She said the development does not meet the intent of a PD. She noted an SUV will be in the sidewalk, and referenced the rear setbacks and the problems with having a swimming pool.

Mike Teague- Resident Teague said the applicant is trying to get around R-2 zoning.

P&Z Chair Regina Dunay- Chairwoman Dunay said a lot of what she wanted to say has been said. She noted that the site plan came to P&Z twice. She said it came to Council with 51 lots and no open

space basically, no changes with some elevations. She said this is the first that she heard of the fifty one lots and open space.

Brett Barner- Resident Barner said he agrees with most comments and agrees that the developer is trying to circumvent the zoning. He noted the setbacks and the effect on property value. He said it is the most incomplete plan he has ever seen. He noted that the subject site is in excess of 100 oak trees, 14 feet in circumference. He said the average age of the trees is 250 to 300 years old.

Chris Rader- Planning & Zoning Board member Rader said he lives in Legacy, which is close to the subject property. He said this is the right type of project, and noted the advantages of a Planned Development; flexibility. He said P&Z did not even get to the point of the conditions. He suggested a precast wall, forty-one lots and other conditions to provide more open space.

Les Slesnick: Resident Slesnick said he was curious about 1-car garages versus the 2-car garage. He presumed there would be no 3-car garages. He said he thinks the five foot setback is minimal and the project sounds cheap. He said he thinks the project demeans the overall ambiance of the City and will lower property values.

Engineer Baldocchi addressed the concerns of what is a PD zoning. He noted that there was a huge focus on lot width when Holden Ridge lot depth is less than what is being proposed for Holden. He said the setback is 25 feet front and rear. Engineer Baldocchi said the applicant is fine with staff's recommendation for a solid wall. Developer Kal Hussein said they would have to look at costs for a precast wall, and said he is willing to share costs with Randall property.

Council Member Fortini said that it seems like more work needs to be done, and that the applicant and the City are too far apart. Developer Kal Hussein asked what did the City want him to do. Council President Dowless replied larger lots and provide some more open space. Developer Hussein asked if the issue is the number of lots or the size of the lots. Council President Dowless said they go hand-in hand.

Mayor Bagshaw said the City keeps extending their decision. He said the Developer needs to know the minimum size lot and what is acceptable to the City.

Council Member Chotas noted that the Developer and the residents are being straight with Council. Council Member Chotas recognized that the Developer does not want to undercut quality. He said the Developer is trying to meet the market demand of homebuilders. He said negotiations for the City 's position has not been reached. Council Member Chotas said the City does not want to chase the market and force the City to settle for a development that in five years that will not fit. Developer Hussein suggested forty-five lots, and requested five minutes to discuss with engineer to see if the numbers crunch. Council Member Chotas said that he would rather not make a decision tonight. City Attorney Smith said if you get too focused on the numbers you get away from the PD, and suggested that the developer, a P&Z member, the City Planner and the Mayor sit down and discuss what can support the project so they can advocate.

Council Member Chotas made a Motion to continue consideration of the Holden PD application pending discussion with the Mayor, Mayor's Designee, Planning & Zoning Member Chris Rader, Planner Hardgrove, the Developer and Developer's staff and/or consultant; Seconded by Council Member Fortini.

Discussion

Planning & Zoning Chairwoman Regina Dunay asked for clarification. She said that when the Planning & Zoning Board's first looked at the plan there were 53 lots. She said in the next review there were 51 lots. She said that when she looked at the recreation area, it did not affect the size of the lots or number of lots. Chairwoman Dunay asked "what are we trying to negotiate if the Developer says there is no negotiation, I need fifty lots to make the development financially feasible?" Council President Dowless said this will be discussed in the negotiation meeting.

The Motion was unanimously approved (5/0).

ORDINANCES

ORDINANCE 2016-08 - 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 R1A AND R1AA (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.

City Attorney Smith gave first reading of Ordinance 2016-08 in title only

Public Comment:

Resident **Brett Barner** said for transparency reasons, the Ordinance should go to the Development Review Committee. City Attorney Smith said the process has been followed. Resident Barner said the perception is "they are going into private meetings".

Tina Demostene – Resident Demostene said her recommendations are larger lots, larger setbacks and improve aesthetics.

Jim Worthen - Resident Worthen said there have been considerable changes in the Ordinance and asked what is Exhibit A & B. He asked Council to continue the first reading and bring the Ordinance up-to-date.

Arthur Baker, Esquire-Referenced his client's letter dated August 4, 2016 letter for consideration.

Council Member Powell said he wants to continue the first reading of Ordinance 2016-08, and Council Member Fortini agreed.

MOVER: Council Member Chotas
SECONDER: Council Member Fortini

The Motion to approve the first reading of Ordinance 2016-08 passed with the following roll-call vote (4/0):

<i>Council Member Powell</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

1. Lam Ky, Property Manager, Versailles, III – Code Enforcement Order 16500083

Chief Francisco provided his report regarding a request to waive code enforcement fees applied by the Special Magistrate. Chief Francisco said the Code Enforcement Officer confirmed that the property owner did come into compliance after the required date. He said to be in concert with what the Council wants, the City is following Code. In response to the Council President, City Attorney Smit explained the code enforcement process.

Property owner (Dong) addressed the Council. He said landscape company was there July 14th and then quit without notice.

Council Member Chotas made the Motion not to waive the fines; Second by Council President Dowless. Unanimously approved (4/0).

GENERAL INFORMATION (No action required)

CITIZEN COMMENTS

Planning & Zoning Board member Chris Rader said it is an honor to serve. He said P&Z would like to have a joint workshop with City Council regarding zoning. He said the City might want to consider a moratorium on special exceptions. Council Member Chotas said he concurs with holding a Joint workshop. The City Attorney said that they can also look at permitted uses and tie into where the City wants to go.

STAFF REPORTS

City Attorney:

-

Police Chief:

- Monthly report

Chief Francisco gave his monthly PowerPoint presentation.

Brief discussion was held regarding a joint workshop. The Mayor said the City Attorney can address quasi-judicial proceedings. *It was the consensus of Council to hold a joint workshop with the Planning & Zoning Board on October 10, 2016 5 p.m.*

City Clerk:

City Clerk Meeks said she will send out the budget workshop agenda following the Council meeting.

MAYOR & COUNCIL REPORTS

- **Mayor Bagshaw:**

Mayor Bagshaw reported that there may be some potential redevelopment at Julie's Waterfront. He also reported that the Orange Avenue Corridor study should be available in February. Also, the Holden/Gatlin improvement project is still on schedule to begin in September.

- **Council President Dowless:**

No report.

- **Council Member Powell:**

No report.

- **Council Member Henley:**

Absent

- **Council Member Chotas:**

No report

- **Council Member Fortini:**

No report.

ADJOURNMENT

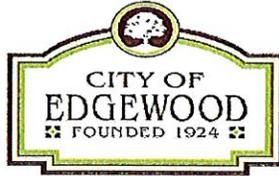
Having no further business or discussion, Council Member Henley motioned to adjourn the meeting at 11:22 p.m.; seconded by Council Member Chotas.

ATTEST:

John Dowless
Council President

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

Approved by Council on _____



September 6, 2016 – City Council Special Meeting

CALL TO ORDER

On Tuesday, September 6, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. Council President Dowless dispensed with the formalities.

City Clerk Meeks announced a quorum with the following attendance:

Attendees

Ray Bagshaw, Mayor
John Dowless, Council President
Lee Chotas, Council Member
Susan Fortini, Council Member
Pam Henley, Council Member

Absent

Neil Powell, DDS, Council Member

Staff

Bea L. Meeks, City Clerk
Chris Francisco, Police Chief
Andrew Hand, City Attorney

City Clerk Meeks requested that Council Member Powell's absence be approved.

Council President Dowless made the Motion to approve Council Member Powell's absence from the meeting; Seconded by Council Member Henley. Unanimously approved (4/0).

CONSENT AGENDA

- Approval of August 22, 2016 Budget Workshop Minutes

Council Member Chotas made the Motion to approve the August 22, 2016 budget workshop minutes with correction; Seconded by Council Member Fortini. Unanimously approved (4/0).

Council Member Chotas agreed to address the City's concerns with Duke Energy and request an audit review contractually required documentation. Consensus of Council that Council Member Chotas review contractually required documentation related to the City's franchise fee Agreement with Duke Energy.

ORDINANCES – FIRST READING & PUBLIC HEARING

- Memo – RE: Millage Levy and Tentative Budget

1. **ORDINANCE NO. 2016-09:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES UPON THE ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS FOR FISCAL YEAR 2016/2017, BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Andrew Hand read Ordinance 2016-09 in title only.

Mayor Bagshaw noted that \$80,000 was added to the budget for the revitalization of Orange Avenue, as discussed in the August 22, 2016 budget workshop.

Council Member Chotas congratulated Mayor Bagshaw and staff for all their hard work.

No public comments.

Council President Dowless Made the following Motion:

I move to adopt Ordinance No. 2016-09 setting the City of Edgewood’s millage rate for Fiscal Year 2016/2017 at 4.9500 mills which represents a 3.97 percent increase over the roll-back rate of 4.7608 mills.

Seconded by Council Member Henley.

The Motion to approve the first reading of Ordinance 2016-09 passed with the following roll-call vote (4/0):

<i>Council Member Henley</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>

- 2, **Public Hearing/Adoption of the Tentative Budget – FY 2016/2017**

No public comments.

Council Member Henley made the Motion to approve the FY 2016/2017 tentative budget as presented; Seconded by Council Member Fortini.

The Motion to approve the with the following roll-call vote (4/0):

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council President Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Henley</i>	<i>Favor</i>

OTHER BUSINESS:

Mayor Bagshaw confirmed that the Doughnut Peddler withdrew their Special Exception application. The City Clerk was asked to find out the status of the variance due to the withdrawal of the Special Exception.

ADJOURNMENT

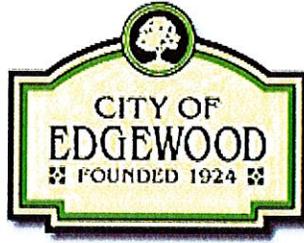
Having no further business or discussion, Council President Dowless made the Motion to adjourn the meeting at 6:40 p.m.; seconded by Council Member Henley.

ATTEST:

John Dowless
Council President

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

Approved by Council on _____



405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

To: City Council
XC: Ms. Bea Meeks, City Clerk
Drew Smith, City Attorney
David Mahler, City Engineering Consultant
From: Ellen Hardgrove, AICP, City Planning Consultant
Date: September 13, 2016
Re: Special Exception Application Suncoast Building Materials, Inc.

P&Z Recommendation

On August 8, 2016, the Planning and Zoning Board recommended approval (4-1) of the following special exceptions for the subject property:

- Outdoor storage of merchandise, parts, or other equipment, and
- Building material storage and sales (new, no junk or used materials), and
- Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way;

subject to the following conditions.

- 1) A "Type A" landscape buffer shall be provided along the northern property line, adjacent to lots of Lake Jessamine Estates, Phase 2. This buffer is required to include a masonry wall. The existing wall along the north property line can be used to satisfy the masonry wall requirement.

Landscaping adjacent to the wall shall include planting large, non-deciduous trees or shrubs that will achieve a dense continuous visual screening from eight feet to at least 25 feet in height. Shade trees for each 40 lineal feet or fraction thereof shall be planted within the buffer area.

The buffer area may be used for stormwater management, provided that the buffer yard screening requirements are maintained. Vehicular use areas, storage of materials, and accessory structures are prohibited within the buffer area.

- 2) Buildings onsite shall be limited to one story and a maximum of 35 feet in height.
- 3) Stacked material and equipment stored onsite shall be limited to a maximum height of 25 feet.

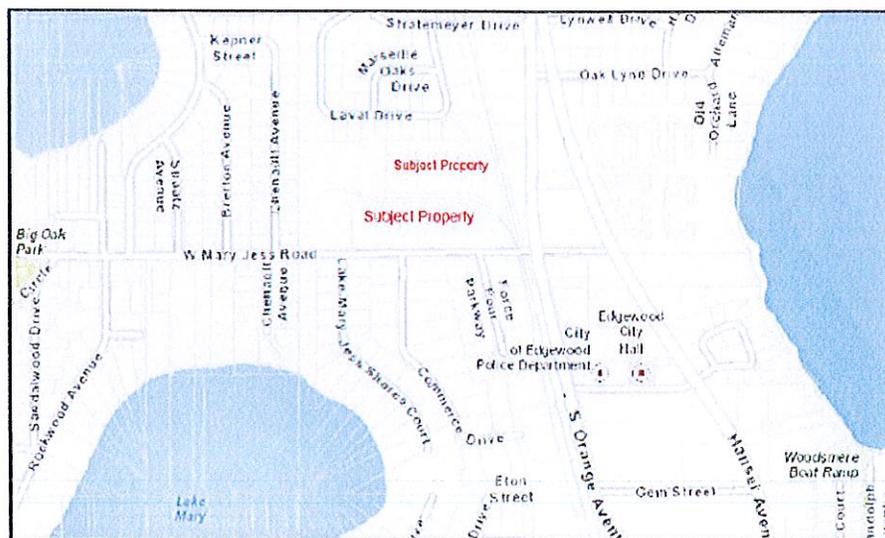
- 4) A six (6) feet wide landscape buffer shall be planted and maintained along the property's Mary Jess Road frontage. One understory, non-deciduous shade tree shall be planted within the Mary Jess Road buffer for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet.
- 5) A continuous hedge at least three feet high and 50 percent opaque at planting, of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months shall be planted and maintained along the east property line south of the existing wall.
- 6) Water efficient plants in the onsite landscaping are encouraged. A permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is required.
- 7) If the wall along Mary Jess Road remains, the wall shall be re-painted in earth tones to blend in with the landscaping.
- 8) Truck traffic is prohibited on Mary Jess Road west of Chenault Avenue.

Staff Report

Request: Special Exception in the C3 zoning district per Code Section 134-405: (C-3 Special Exceptions) to allow the following uses on the subject property at 101 Mary Jess Road.

- Outdoor storage of merchandise, parts, or other equipment
- Building material storage and sales (new, no junk or used materials)
- Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

Location: North side Lake Mary Jess Road, 100 feet west of South Orange Avenue



Property Owner: Cemex

Site size: 9.46 acres, the railroad spur is not part of this application and is not owned by Cemex

Proposal: This is a proposed redevelopment of the Cemex property. The proposed user, Suncoast Building Materials, is a wholesale building material supplier that provides product and delivery service to builders and subcontractors in the Central Florida area. The main products they sell are drywall, metal framing, acoustical ceilings, insulation, and lumber; however, they are not limited to only these products. Typical hours of operation at their current location in Orlando are 6:00 a.m. until 5:00 p.m., Monday through Friday.

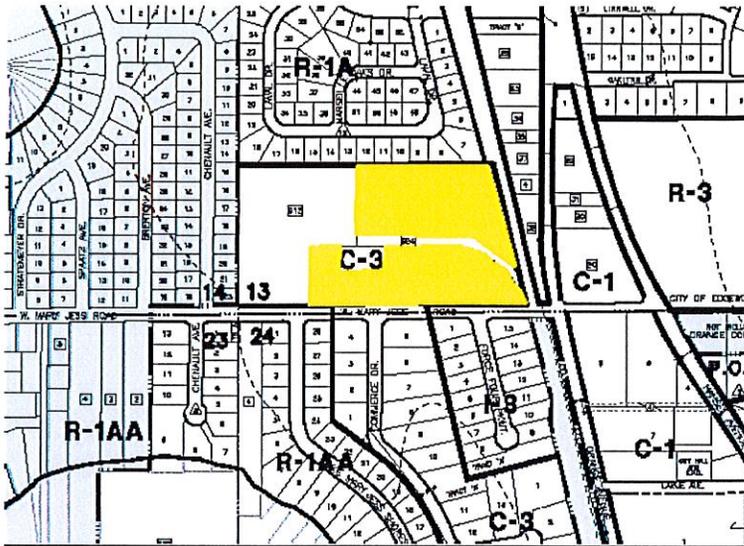
The proposed redevelopment will be in at least four phases, with the first phase located on the portion of the property north of the railroad spur known as "Parcel A." Parcel A is proposed to be developed in three phases. Parcel B, that portion between the railroad spur and Mary Jess Road, will be reserved for future development. Note that the requested special exception is for the entire property, Parcels A and B.

Existing on site: Remnants from the previous cement mixing use

Surrounding uses: North - Lake Jessamine Estates Phase 2
South - Force Four and Mary Jess Commerce Parks and Lake Mary Jess Shores residential subdivision
West - Rosen Building Materials
East - Railroad, mini storage



Surrounding Zoning: North - R1A
 South - R1AA, C3, I3
 West - C3
 East - C3



Consideration for approval by Planning and Zoning Board

The Planning and Zoning Board is to consider the following when making a decision related to the request (Section 134-405, Edgewood City Code):

- Character of the neighborhood in which the proposed use is to be located,
- Its effect on the value of surrounding lands, and
- The area of the site as it relates to the required open space and off-street parking facilities.

Considerations

Neighborhood Character/History

The subject property is on the north side of Mary Jess Road, west of Orange Avenue. The land use along Mary Jess Road can be described in two segments. The eastern segment is industrial; the western segment is single family residential.

Both uses were established about the same time. In the mid-1950s this area was citrus groves. In 1954, the Atlantic Land Improvement Company (ALICO) purchased the subject property and the land currently occupied by Rosen Building Materials. The use that was constructed was industrial in nature, likely related to shipping given the property’s proximity to the railroad and access to a spur line. In 1959, the Rockwood Estates subdivision was platted on the land directly west of the ALICO property and construction of single family homes on the lots ensued. In 1963, the Lake Mary Court subdivision, on the south side of Mary Jess Road, was platted and home construction followed. Next came the homes of the Lake Mary Jess Shores subdivision, east of the Lake Mary Court. Two industrial subdivisions were built in the early to mid-1980s (Force Four and Mary Jess Commerce Centers) directly south of the subject property, on the south side of Mary Jess Road.

Also in the mid-1980s, ALICO sold the western portion of their property to Furman Lumber and the eastern portion (less the railroad spur) to Florida Mining and Materials Corporation, which would become Cemex. The property to the north was developed into the Lake Mary Jessamine Estates Phase 2 single family neighborhood in 2002.

The Cemex business of cement production was a legal nonconforming use in the C3 zoning district. However, in early 2008, it lost its legal nonconforming status since the business had been discontinued for a period of six months.

The City's comprehensive plan continues to reflect commercial use of the site.

Effect on Value of Surrounding Land

An appraisal has not been submitted for the subject property or surrounding properties to establish the effect on the value of the surrounding land; however, it would seem that redevelopment of this now abandoned, overgrown site would improve adjacent property values.

While redevelopment may improve the property value of the adjacent residential lots, there are potential negative effects from the proposed use on the residents of these lots, including noise and aesthetics.

Code requires buffer "Type B" between C3 and residential uses, however, additional buffering would be appropriate for this use given the significant amount of outdoor activities proposed. The site plan submitted with the special exception application shows the Type B buffer along the north property line adjacent to Lake Jessamine Estates, Phase 2.; i.e., a 25 feet wide buffer, with part of it used for stormwater management. (Stormwater management areas may be located within buffer yards, provided that the buffer yard width and screening requirements are maintained.)

By Code requirement, Type B buffer is required to be completely opaque from the ground up to a height of at least eight feet and be a minimum of 25 feet wide. The Type B buffer may utilize a masonry wall, berm, planted, and/or existing vegetation or any combination thereof that maintains a completely opaque buffer.

Staff recommends a buffer superior to a Type B in this location since most of the activity on the subject use will take place outdoors. A "Type A" buffer is used to separate industrial (I) uses from residential uses. This buffer is required to be completely opaque from the ground up to a height of at least eight feet and be a minimum of 50 feet wide. A masonry wall is also required. (There is an existing wall along the north property line).

Recommended landscaping within the buffer includes planting large, non-deciduous trees or shrubs adjacent to the wall that will achieve a dense continuous visual screening from eight feet to at least 25 feet in height. Shade trees for each 40 lineal feet or fraction thereof should also be planted. Water efficient plants are

encouraged; although, a permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is always required.

Other conditions that can protect the value of the adjacent residential use include the following.

- Use of the northern building setback should be limited to landscaping and stormwater management. Vehicular use areas or accessory structures should not be located within the setback adjacent to the north property line.
- Buildings, stacked material, and equipment stored onsite should be limited to one story and a maximum of 35 feet in height.

Aesthetic improvements along the property's Mary Jess Road frontage will also serve to maintain, if not improve, adjacent properties accessing Mary Jess Road. At a minimum, conformance with Code should be forced. Currently a 6.5-7 feet high cement block wall, painted green, lines the right-of-way. Section 134-517 requires fences or walls beyond the front building line (which is 25 feet for C3) to be a maximum height of four feet. Staff would recommend demolition of the wall and replacement of the wall with landscaping consistent with that used to screen open storage of materials.

The following is recommended with the initial first phase construction: installation of a seven feet wide landscape buffer running contiguous to Mary Jess Road. Given above ground utility lines exist along Mary Jess Road, staff recommends an alternative to the required one shade tree for each 40 linear feet, or fraction thereof. Staff recommends one understory, non-deciduous shade tree for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet. The buffer shall also include a continuous hedge at least three feet high and 50 percent opaque at planting of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months.

Parking/Access/Loading/Unloading of Merchandise

The property is large enough to accommodate onsite parking and loading/unloading merchandise. For informational purposes, according to the as-built signal design plans from Phase 1 improvements for Sunrail, the Mary Jess Road/Orange Avenue signal does have simultaneous preemption when the crossing gates are activated. When the flashers begin operating, the traffic signal is interrupted.

Conclusion and Recommendation

Unless additional information is presented at the public hearing that reveals new information not considered as part of the staff review, staff finds the requested Special Exceptions,

- Outdoor storage of merchandise, parts or other equipment;
- Building material storage and sales (new, no junk or used materials); and,

- Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way, on the subject property consistent with the character of the neighborhood. With the following conditions of approval, the use will not have a negative effect on the value of surrounding lands.

- 1) A "Type A" landscape buffer shall be provided along the northern property line, adjacent to lots of Lake Jessamine Estates, Phase 2. This buffer is required to include a masonry wall. The existing wall along the north property line can be used to satisfy the masonry wall requirement.

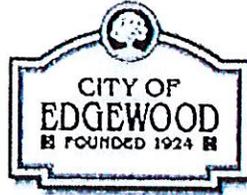
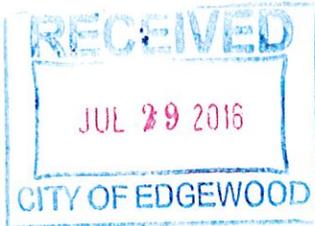
Landscaping adjacent to the wall shall include planting large, non-deciduous trees or shrubs that will achieve a dense continuous visual screening from eight feet to at least 25 feet in height. Shade trees for each 40 lineal feet or fraction thereof shall be planted within the buffer area.

The buffer area may be used for stormwater management, provided that the buffer yard screening requirements are maintained. Vehicular use areas, storage of materials, and accessory structures are prohibited within the buffer area.

- 2) Buildings, stacked material, and equipment stored onsite should be limited to one story and a maximum of 35 feet in height.
- 3) The existing wall along Mary Jess Road shall be removed.
- 4) A 10 feet wide landscape buffer shall be installed along the property's Mary Jess Road frontage. One understory, non-deciduous shade tree shall be planted within the Mary Jess Road buffer for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet. The buffer shall also include a continuous hedge at least three feet high, and 50 percent opaque at planting of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months.
- 5) Water efficient plants in the onsite landscaping are encouraged. A permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is required.

Per Section 134-104, the special exception shall expire 12 months after the effective date of the approval unless the rights of the special exception granted have been exercised prior to the expiration date. Acquisition of necessary building permits/interior alterations, installation of required equipment, or initiation of the activity granted shall be considered adequate exercising of the special exception rights. If the use is abandoned for a period of six months, such special exception is terminated.

ESH



2016-5E-03
2016-5E-04
2016-5E-05

APPLICATION FOR SPECIAL EXCEPTION

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)

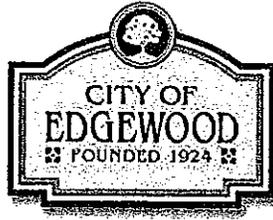
PLANNING AND ZONING MEETING DATE:	8/31/2016
CITY COUNCIL MEETING DATE:	9/10/2016

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.

Applicant's Name:	William Johns Suncoast Building Materials, Inc.	Owner's Name:	CEMEX Construction Materials Florida, LLC
Address:	102 West Illiana Street Orlando, FL 32806	Address:	1501 Belvedere Road West Palm Beach, FL 33406
Phone Number:	586-469-3404	Phone Number:	561-820-8443
Fax:	586-469-2084	Fax:	
Email:	marylyn@wrjco.com	Email:	mange.pidlaws@cemex.com
Legal Description:	Please see attached.		
Zoned:	Wholesale Commercial District (C-3)		
Location:	101 Mary Jess Road, Orlando, FL 32893 The property is located north of W. Mary Jess Road and west of S. Orange Avenue.		
Tract Size:	412,063 S.F. (+/-)		
City section of the Zoning Code from which Special Exception is requested:	Section 134-405 (10) & (11) & (14)		
Request:	A special exception to allow for construction of a facility with the following uses: (10) Outdoor storage of merchandise, parts or other equipment. (11) Building material storage and sales (new, no junk or used material). (14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.		
Existing on Site:	There is a railroad right-of-way through the center of the site with existing buildings for a vacant mineral processing plant in the northern parcel and a vacant lot in the southern parcel.		



SPECIAL EXCEPTION APPLICATION

1. Provide the legal description (include street address).

101 Mary Jess Road, Orlando, FL 32893
Please see attached Legal Description.

2. If you are not the owner of the subject property, provide written acknowledgement and authorization from property owner that they do not object to the use requested in the Special Exception Application, and give their authorization for the use if approved.

Please see attached Letter of Authorization form.

3. SURROUNDING ZONING DESIGNATIONS:

DIRECTION	ZONING
NORTH	R-1A
SOUTH	R-1AA, C-3, I-3
EAST	C-3
WEST	C-3

4. Describe the proposed use you; including conditions on the use, hours of operation, required parking and loading spaces, and number of employees. If proposed use is a training/vocational school, provide the number of anticipated students/clients.

Please see attached Special Exception Narrative.

5. If applicable, please provide: Please see attached Site Plan.

• Dimensions of the property (see attached example)	• Existing and proposed adjacent rights-of-way, showing widths and centerlines
• Existing and proposed location of structure(s) on the property	• Distances between buildings
• Vehicular access ways, driveways, circulation areas (include widths)	• Interior and terminal landscape islands
• Off-street parking and loading areas	• All existing and proposed sidewalks.
• Refuse and service areas	• Landscape plan.
• Required setbacks; landscape or buffer areas; and other open spaces	



5127 S. Orange Avenue, Suite
200 Orlando, FL 32809
Phone: 407-895-0324



LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 23 SOUTH, RANGE 29 EAST, AND RUNNING NORTHWARDLY ALONG THE WEST LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13, A DISTANCE OF 632.15 FEET TO THENCE EASTWARDLY, PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF SW 1/4 OF SAID SECTION 13, A DISTANCE OF 1069.40 FEET TO A POINT 24 FEET SOUTHWESTERLY , MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE ATLANTIC COAST LINE RAILROAD COMPANY'S MAIN TRACK; THENCE SOUTHEASTERLY, PARALLEL WITH SAID CENTER LINE, 652.2 FEET TO THE SOUTH LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13 THENCE WESTWARDLY ALONG SAID SOUTH LINE 1218.38 FEET TO THE BEGINNING CORNER. LESS AND EXCEPT RIGHT OF WAY FOR MARY JESS ROAD.

AND LESS AND EXCEPT LANDS DESCRIBED IN AND CONVEYED BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 3716, PAGE 2022, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



SPECIAL EXCEPTION NARRATIVE

SUNCOAST BUILDING MATERIALS

101 MARY JESS ROAD, EDGEWOOD

Parcel "A" I.D. No.: 13-23-29-0000-00-009;

Parcel "B" I.D. No.: 13-23-29-0000-00-005

JULY 25, 2016

This letter provides a narrative for the special exception request for the proposed uses on the subject site as part of the proposed Suncoast Building Materials development and future proposed development. Specifically, the following uses are proposed on the subject site (Parcels "A" and "B"):

Outdoor storage of merchandise, building material storage and sales, equipment, and storage and wholesale distribution warehousing adjacent to a residential zoning. These uses are only allowed by Special Exception within the City of Edgewood in a C-3 Zoning District.

The subject site is zoned C-3; thus, these uses by Special Exception pursuant to Section 134-405 of the City of Edgewood Zoning Code:

- (10) Outdoor storage of merchandise, parts or other equipment.
- (11) Building material storage and sales (new, no junk or used material).
- (14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

Project Location: The project site is located at 101 Mary Jess Road within the City of Edgewood. There are two (2) parcels which are included in the overall development as follows: Parcel "A" ID No. is 13-23-29-0000-00-009 and Parcel "B" ID No. is 13-23-29-0000-00-005. The two parcels are separated by a third parcel, Parcel ID No. 13-23-29-0000-00-024, which is not part of the ownership, but will serve the project. Specifically Parcel "A", 4.47 Acres, is proposed for development with Parcel "B" being future development, and the third parcel located in between them contains an existing railroad spur.

Existing and Surrounding Zoning: The existing site is Zoned C-3 (Wholesale Commercial District) in the City of Edgewood. The surrounding Zoning includes R-1A to the north, C-3 to the east and to the west, and R-1AA, C-3 and I-3 to the southwest, south and southeast respectively.

Existing Use: The subject property has been used for a mineral processing plant by Cemex for about 56 years. This mineral processing plant is no longer in use, and the site is currently abandoned. The site is accessed from the vacant Parcel "B" which has an existing driveway and curb-cut connection to the south on Mary Jess Road. A railroad spur runs between Parcel "A" and Parcel "B" splitting the proposed Southeast Materials and future development parcels. There is also railroad right-of-way (R.O.W.) along the eastern side of Parcel "A". There is an existing warehousing facility to the west side of the development, single-family residential development on the north side, a commercial storage facility on the east side across the railroad R.O.W., and various commercial and industrial use facilities on the

south and southeast sides across the Mary Jess Road R.O.W., as well as single-family residential development on the southwest side across the Mary Jess Road R.O.W.

Proposed Operation: Suncoast Building Materials is a wholesale building material supplier that provides product and delivery service to builders and subcontractors in the Central Florida area. The main products they sell are drywall, metal framing, acoustical ceilings, insulation and lumber; however, they are not limited to these products only. They currently have 11 trucks in the fleet and their hours of operation are typically from 6:00 A.M. until 5:00 P.M., Monday through Friday. They intend to use the property at 101 Mary Jess to relocate their current operations from the City of Orlando to this property in the City of Edgewood that is larger in size and will accommodate the company's growth. Suncoast Building Materials currently has approximately 25-30 employees in the Central Florida area.

Proposed Development: The proposed development of Parcel "A" will include three (III) phases as depicted on the Site Phasing Plan, Sheet C-4, which is included with this submittal. Phase I will include the demolition of a portion of the existing building on the west side of the parcel and construction of a 1,800 S.F. building expansion (Building 1). Phase II will include the demolition and removal of the two (2) small existing buildings at the south and southwest areas of the site, removal of existing concrete areas, the construction of two (2) new buildings (Building 2, 15,625 S.F. and Building 3, 18,000 S.F.) new parking and loading areas, drainage and utility infrastructure. Phase III will include the construction of Building 4, which is 18,000 S.F.

Proposed Future Development: Parcel "B" will remain undeveloped at this time; however, future development of this parcel will include uses allowed in C-3 zoning district and/or uses, which are requested as part of this Special Exception. A site plan would be submitted in the future to show the proposed development of this parcel. Approval of the proposed uses on Parcel "B" is being requested as part of this Special Exception request.

Development Requirements: The submitted site plan complies with the City Code as depicted on the Site Data of the Overall Site Plan, Sheet C-5, included with this submittal. The following is a brief summary of the key site development data:

Parking – There are 68 total parking spaces provided for this development which is greater than the 66 parking spaces required for the total of 65,165 S.F. at one (1) space per thousand square feet (1,000 S.F.) of manufacturing and warehousing uses as specified by Section 134-605(a)(9) of the City Code.

Open Space – The proposed development meets the open space requirement of the C-3 Wholesale Commercial District with the proposed 20 percent open space provided including retention areas.

Buffer yards – The proposed development meets or exceeds the buffer yard requirements for the City; in particular a 25 foot wide buffer yard and drainage swale is provided on the north side where the subject site abuts a residential use. There is also an existing block wall along the entire length abutting the residential use on the north side. A minimum 7 foot wide buffer yard is proposed on all other sides, which do not abut a residential use.

Compatibility with Surrounding Uses: The proposed development abuts similar manufacturing and industrial uses to the west and southwest sides of the subject site along with other comparable commercial and industrial uses to the south and southeast sides of the subject site. Also, the proposed development is compatible with the City's existing zoning and future land use plan. The residential use to the north is buffered from this site by an existing block wall as discussed above. Furthermore, the



FLORIDA
ENGINEERING
GROUP

5127 S. Orange Avenue, Suite
200 Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325

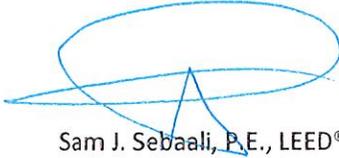


proposed development of Parcel "A" proposes to orient the inactive portions of the buildings toward the north to minimize noise in the area adjacent to the residential development.

Please do not hesitate to contact me should you have any questions or need additional clarification regarding this request. I can be reached by phone at 407-895-0324 or by email at SSebaali@feg-inc.us.

Sincerely,

Florida Engineering Group, Inc.



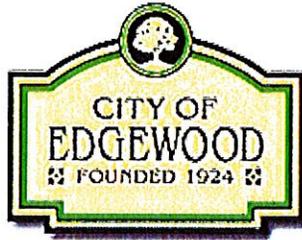
Sam J. Sebaali, P.E., LEED®AP
President

cc: Mr. Williams Johns, Suncoast Building Materials, Inc.



5127 S. Grange Avenue, Suite
200 Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325





405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

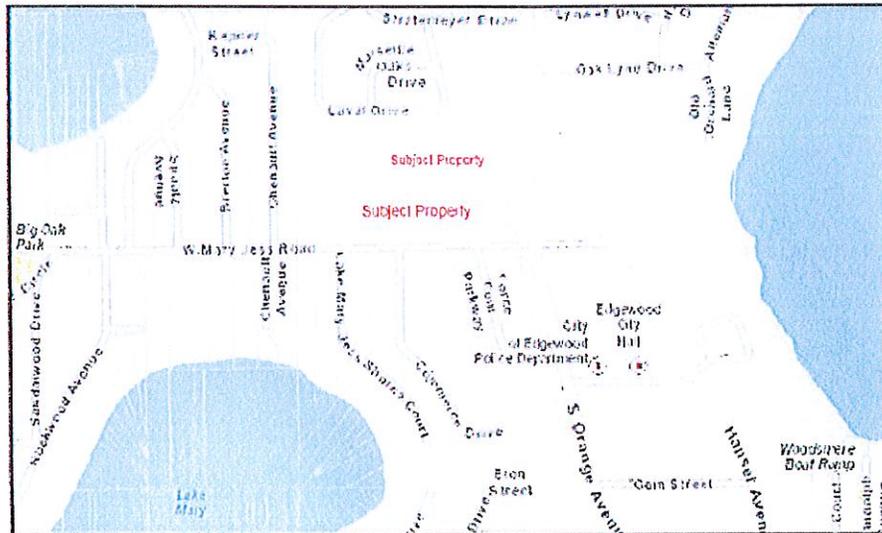
To: Planning and Zoning Board Members
XC: Sandy Repp, Administrative Assistant
Ms. Bea Meeks, City Clerk
Drew Smith, City Attorney
David Mahler, City Engineering Consultant
From: Ellen Hardgrove, AICP, City Planning Consultant
Date: July 25, 2016
Re: Special Exception Application Suncoast Building Materials, Inc.

Introduction

Request: Special Exception in the C3 zoning district per Code Section 134-405: (C-3 Special Exceptions) to allow the following uses on the subject property at 101 Mary Jess Road.

- Outdoor storage of merchandise, parts, or other equipment
- Building material storage and sales (new, no junk or used materials)
- Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

Location: North side Lake Mary Jess Road, 100 feet west of South Orange Avenue



Property Owner: Cemex

Site size: 9.46 acres, the railroad spur is not part of this application and is not owned by Cemex

Proposal: This is a proposed redevelopment of the Cemex property. The proposed user, Suncoast Building Materials, is a wholesale building material supplier that provides product and delivery service to builders and subcontractors in the Central Florida area. The main products they sell are drywall, metal framing, acoustical ceilings, insulation, and lumber; however, they are not limited to only these products. Typical hours of operation at their current location in Orlando are 6:00 a.m. until 5:00 p.m., Monday through Friday.

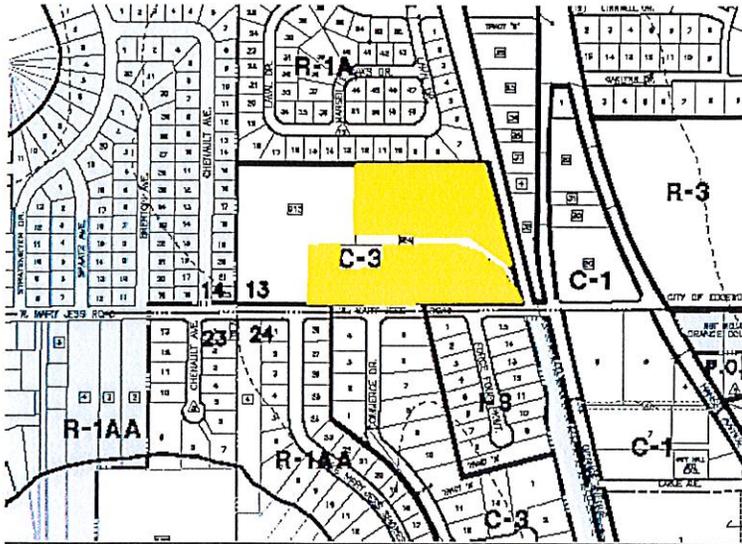
The proposed redevelopment will be in at least four phases, with the first phase located on the portion of the property north of the railroad spur known as "Parcel A." Parcel A is proposed to be developed in three phases. Parcel B, that portion between the railroad spur and Mary Jess Road, will be reserved for future development. Note that the requested special exception is for the entire property, Parcels A and B.

Existing on site: Remnants from the previous cement mixing use

Surrounding uses: North - Lake Jessamine Estates Phase 2
South - Force Four and Mary Jess Commerce Parks and Lake Mary Jess Shores residential subdivision
West - Rosen Building Materials
East - Railroad, mini storage



Surrounding Zoning: North - R1A
South - R1AA, C3, I3
West - C3
East - C3



Consideration for approval by Planning and Zoning Board

The Planning and Zoning Board is to consider the following when making a decision related to the request (Section 134-405, Edgewood City Code):

- Character of the neighborhood in which the proposed use is to be located,
- Its effect on the value of surrounding lands, and
- The area of the site as it relates to the required open space and off-street parking facilities.

Considerations

Neighborhood Character/History

The subject property is on the north side of Mary Jess Road, west of Orange Avenue. The land use along Mary Jess Road can be described in two segments. The eastern segment is industrial; the western segment is single family residential.

Both uses were established about the same time. In the mid-1950s this area was citrus groves. In 1954, the Atlantic Land Improvement Company (ALICO) purchased the subject property and the land currently occupied by Rosen Building Materials. The use that was constructed was industrial in nature, likely related to shipping given the property's proximity to the railroad and access to a spur line. In 1959, the Rockwood Estates subdivision was platted on the land directly west of the ALICO property and construction of single family homes on the lots ensued. In 1963, the Lake Mary Court subdivision, on the south side of Mary Jess Road, was platted and home construction followed. Next came the homes of the Lake Mary Jess Shores subdivision, east of the Lake Mary Court. Two industrial subdivisions were built in the early to mid-1980s (Force Four and Mary Jess Commerce Centers) directly south of the subject property, on the south side of Mary Jess Road.

Also in the mid-1980s, ALICO sold the western portion of their property to Furman Lumber and the eastern portion (less the railroad spur) to Florida Mining and Materials Corporation, which would become Cemex. The property to the north was developed into the Lake Mary Jessamine Estates Phase 2 single family neighborhood in 2002.

The Cemex business of cement production was a legal nonconforming use in the C3 zoning district. However, in early 2008, it lost its legal nonconforming status since the business had been discontinued for a period of six months.

The City's comprehensive plan continues to reflect commercial use of the site.

Effect on Value of Surrounding Land

An appraisal has not been submitted for the subject property or surrounding properties to establish the effect on the value of the surrounding land; however, it would seem that redevelopment of this now abandoned, overgrown site would improve adjacent property values.

While redevelopment may improve the property value of the adjacent residential lots, there are potential negative effects from the proposed use on the residents of these lots, including noise and aesthetics.

Code requires buffer "Type B" between C3 and residential uses, however, additional buffering would be appropriate for this use given the significant amount of outdoor activities proposed. The site plan submitted with the special exception application shows the Type B buffer along the north property line adjacent to Lake Jessamine Estates, Phase 2.; i.e., a 25 feet wide buffer, with part of it used for stormwater management. (Stormwater management areas may be located within buffer yards, provided that the buffer yard width and screening requirements are maintained.)

By Code requirement, Type B buffer is required to be completely opaque from the ground up to a height of at least eight feet and be a minimum of 25 feet wide. The Type B buffer may utilize a masonry wall, berm, planted, and/or existing vegetation or any combination thereof that maintains a completely opaque buffer.

Staff recommends a buffer superior to a Type B in this location since most of the activity on the subject use will take place outdoors. A "Type A" buffer is used to separate industrial (I) uses from residential uses. This buffer is required to be completely opaque from the ground up to a height of at least eight feet and be a minimum of 50 feet wide. A masonry wall is also required. (There is an existing wall along the north property line).

Recommended landscaping within the buffer includes planting large, non-deciduous trees or shrubs adjacent to the wall that will achieve a dense continuous visual screening from eight feet to at least 25 feet in height. Shade trees for each 40 lineal feet or fraction thereof should also be planted. Water efficient plants are

encouraged; although, a permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is always required.

Other conditions that can protect the value of the adjacent residential use include the following.

- Use of the northern building setback should be limited to landscaping and stormwater management. Vehicular use areas or accessory structures should not be located within the setback adjacent to the north property line.
- Buildings, stacked material, and equipment stored onsite should be limited to one story and a maximum of 35 feet in height.

Aesthetic improvements along the property's Mary Jess Road frontage will also serve to maintain, if not improve, adjacent properties accessing Mary Jess Road. At a minimum, conformance with Code should be forced. Currently a 6.5-7 feet high cement block wall, painted green, lines the right-of-way. Section 134-517 requires fences or walls beyond the front building line (which is 25 feet for C3) to be a maximum height of four feet. Staff would recommend demolition of the wall and replacement of the wall with landscaping consistent with that used to screen open storage of materials.

The following is recommended with the initial first phase construction: installation of a seven feet wide landscape buffer running contiguous to Mary Jess Road. Given above ground utility lines exist along Mary Jess Road, staff recommends an alternative to the required one shade tree for each 40 linear feet, or fraction thereof. Staff recommends one understory, non-deciduous shade tree for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet. The buffer shall also include a continuous hedge at least three feet high and 50 percent opaque at planting of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months.

Parking/Access/Loading/Unloading of Merchandise

The property is large enough to accommodate onsite parking and loading/unloading merchandise. For informational purposes, according to the as-built signal design plans from Phase 1 improvements for Sunrail, the Mary Jess Road/Orange Avenue signal does have simultaneous preemption when the crossing gates are activated. When the flashers begin operating, the traffic signal is interrupted.

Conclusion and Recommendation

Unless additional information is presented at the public hearing that reveals new information not considered as part of the staff review, staff finds the requested Special Exceptions,

- Outdoor storage of merchandise, parts or other equipment;
- Building material storage and sales (new, no junk or used materials); and,

- Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way, on the subject property consistent with the character of the neighborhood. With the following conditions of approval, the use will not have a negative effect on the value of surrounding lands.

- 1) A "Type A" landscape buffer shall be provided along the northern property line, adjacent to lots of Lake Jessamine Estates, Phase 2. This buffer is required to include a masonry wall. The existing wall along the north property line can be used to satisfy the masonry wall requirement.

Landscaping adjacent to the wall shall include planting large, non-deciduous trees or shrubs that will achieve a dense continuous visual screening from eight feet to at least 25 feet in height. Shade trees for each 40 lineal feet or fraction thereof shall be planted within the buffer area.

The buffer area may be used for stormwater management, provided that the buffer yard screening requirements are maintained. Vehicular use areas, storage of materials, and accessory structures are prohibited within the buffer area.

- 2) Buildings, stacked material, and equipment stored onsite should be limited to one story and a maximum of 35 feet in height.
- 3) The existing wall along Mary Jess Road shall be removed.
- 4) A 10 feet wide landscape buffer shall be installed along the property's Mary Jess Road frontage. One understory, non-deciduous shade tree shall be planted within the Mary Jess Road buffer for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet. The buffer shall also include a continuous hedge at least three feet high, and 50 percent opaque at planting of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months.
- 5) Water efficient plants in the onsite landscaping are encouraged. A permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is required.

Per Section 134-104, the special exception shall expire 12 months after the effective date of the approval unless the rights of the special exception granted have been exercised prior to the expiration date. Acquisition of necessary building permits/interior alterations, installation of required equipment, or initiation of the activity granted shall be considered adequate exercising of the special exception rights. If the use is abandoned for a period of six months, such special exception is terminated.

ESH



1117 East Robinson Street
Orlando, Florida 32801
Phone: 407.425.0452

July 25, 2016

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

RE: CEMEX Construction Materials – Special Exception
CPH plan review

Dear Ms. Repp,

We are in receipt of the civil site plans and supporting documents, dated July 13, 2016, for the above listed project. We have reviewed the documents for general information related to the site and the proposed activities for the property in conjunction with the request for special exception. The comments on these documents are limited as they are not engineer site plans and only contain basic information as it relates to the proposed use and the need for a special exception for this use. Below are our review comments as related to the plan and the special exception request.

Plans review:

C-3 - Site Demolition Plan

- The plan sheet depicts that a portion of the wall is to be removed south and west of the tanks that are indicated to have already been removed. The removal of the portion of the wall should be properly identified.

C-4 - Site Phasing Plan

- Remove the small block outlining the text for each of the buildings 2, 3 & 4 locations. Only show text for size in the building footprint.
- The square footage for the building that is remaining on the west side of the property does not appear to be correct. Please check dimensions or area.
- The plans depict that the rail spur is being relocated outside of the existing easement/tract. Why is this being done?
- The new alignment of the spur line is shown to be going into the building on the property to the west. Is this correct?

C-5 - Site Geometry Plan

- The plan should show the location of the utility connections for water and sanitary.
- The parking space dimension should be shown on the drawing.



- The plans indicate the existing Railroad Spur is being relocated approximately 30 feet north as measured from the center line of the existing spur to the center line of the proposed spur. Is this Railroad Spur the property of the Owner and can this be relocated without coordination from the Railroad having jurisdiction (Atlantic Coastline / Seaboard Systems)?
- The proposed Railroad Spur easement width appears to be less than the existing width. No new dimensions were provided for the new Spur easement. These will need to be shown on the plans. The new easement line will also need to be shown on the plans.
- The proposed location for the new Railroad Spur will be positioned in such a manner that the spur line will terminate at the rear of the existing building. Has this been coordinated with the property owner to the west?
- The plans Site Data table includes the Proposed Building Setback distances. The front setback is shown as 27 feet (south). Building 4 will be approximately 5 feet from the new easement line for the Railroad Spur. This does not meet the required setback as shown on the plans.
- The square footage for the small building on the far west side of the site does not match the area listed on the plans. Please verify the area of the existing building to remain.
- The parking on the northwest portion of the site is within the 30 foot setback line. Is this intended to be included in the special exception?

Informational comments:

- Site specific plans will need to be submitted for all development activities on the site.
- Handicap spaces may need to be adjusted based on final building layout, entrance locations and ADA requirements for access.

Please review the above listed comments and contact us with any questions or clarifications.

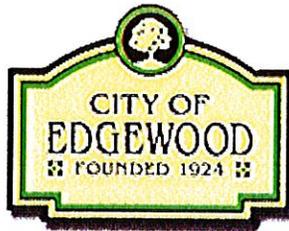
Sincerely,

CPH, Inc.

A handwritten signature in blue ink, appearing to read "Allen C. Lane, Jr.", is written over a light blue horizontal line.

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

CC: David Mahler, P.E., CPH
File



NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday, August 8, 2016**, the Planning and Zoning Board of the City of Edgewood, will consider the following Special Exception Applications to allow for construction of a facility located at 101 Mary Jess Road which is currently in C-3 zoning district (City of Edgewood Resolution 2005-R002 City Code of Ordinances, Reference Section 134-405 (C-3 Special Exceptions), with the following uses:

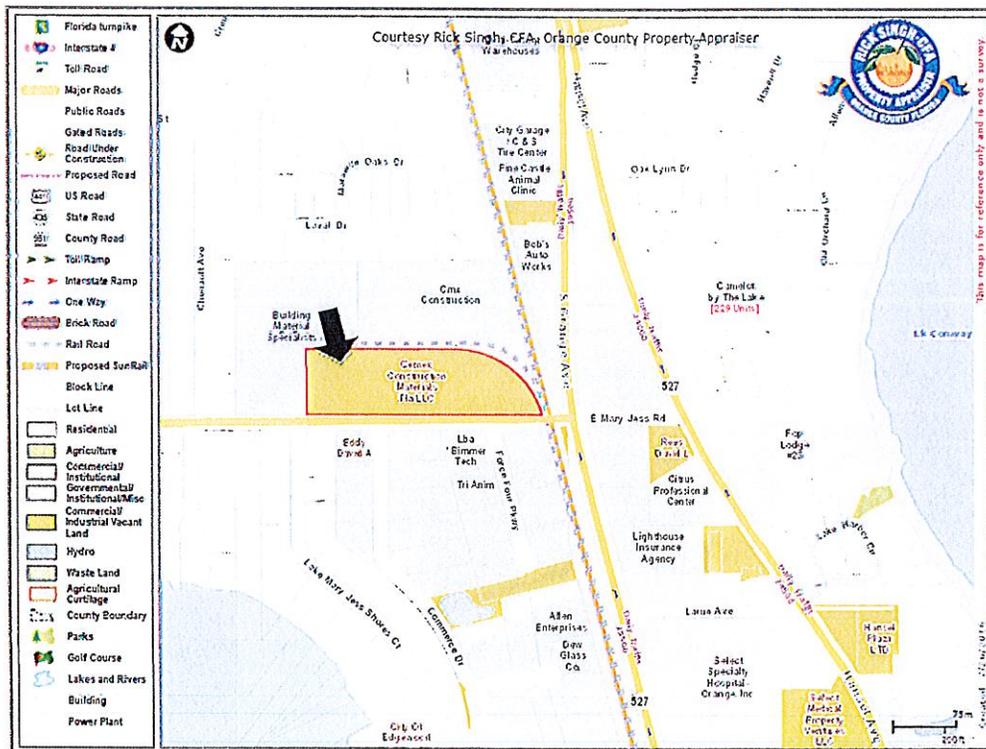
Special Exception Application No. 2016-SE-03: Outdoor storage of merchandise, parts or other equipment. *Section 134-405 (10)*

Special Exception Application No. 2016-SE-04: Building material storage and sales (new, no junk or used material. *Section 134-405 (11)*

Special Exception Application No. 2016-SE-05: Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way. *Section 134-405 (14)*

The application was submitted by Williams Johns of Suncoast Building Materials, Inc. The meeting will be held in the Council Chambers 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 on **Tuesday, September 20, 2016 at 6:30 p.m.**, or as soon thereafter as possible, for final action.

The subject property for special exception is legally described as COMM SW COR OF SEC 13-23-29 TH E 290.94 FT N 30 FT FOR POB TH CONT N 257.92 FT E 590.54 FT SELY 455.87 FT TO NLY R/W E MARY JESS RD TH W 928 FT TO POB



PELOSO ARTHUR S
PELOSO RHONDA J 50% INT
437 HORIZON CT
BELLE ISLE, FL. 32809

RIEDERICH DANIEL J
RIEDERICH SHARON
4007 TERIWOOD AVE
ORLANDO, FL. 32812

REES DAVID L
REES MARIA V
3306 S SUMMERLIN AVE
ORLANDO, FL. 32806

RODRIGO MARTA
2003 WATER KEY DR
WINDERMERE, FL. 34786

ZIMMER POSTER SERVICE
PO BOX 623276
OVIEDO, FL. 32762

BLANTON RENEE R
5515 S ORANGE AVE
ORLANDO, FL. 32809

BROWN ROBERT L
BROWN JANET E
5519 LAKE MARY JESS SHORES CT
ORLANDO, FL. 32839

CONFIDENTIAL
CONFIDENTIAL
CONFIDENTIAL

PAUL LANCE COMMERCIAL PROPERTIES
3401 TRENTWOOD BLVD
BELLE ISLE, FL. 32812

BECKNER BEN
BECKNER CYNTHIA
5535 LAKE MARY JESS SHORES CT
ORLANDO, FL. 32839

ZEITLER MARK T
13826 MARINE DR
ORLANDO, FL. 32832

GEFROH ISIDORE
GEFROH RUTH
5510 LAKE MARY JESS SHORES CT
ORLANDO, FL. 32839

HOOKER DOUGLAS P
HOOKER BRITTA J 10% INT
5511 HANSEL AVE
ORLANDO, FL. 32809

TRIPLE S SERVICES LLC
470 SOUTHGATE RD
DOTHAN, AL. 36301

HOOKER DOUGLAS P 22.5% INT
HOOKER BRITTA J 22.5% INT
5511 HANSEL AVE
ORLANDO, FL. 32809

5508 COMMERCE DRIVE LLC
5528 COMMERCE DR
ORLANDO, FL. 32839

FORD JAMES S TR
FORD ROBBIE J TR
1533 CONWAY ISLE CIR
BELLE ISLE, FL. 32809

ECKHART RAYMOND ANDREW TR
4210 WOODLYNNE LN
ORLANDO, FL. 32812

EDDY DAVID A
EDDY GWENDOLYN J
6072 HIBISCUS RD
ORLANDO, FL. 32807

WOLTERS TERRY L
WOLTERS PAMELA R
900 S 3RD ST STE 101
FORT PIERCE, FL. 34950

CONFIDENTIAL
CONFIDENTIAL
CONFIDENTIAL

HOOKER HOLDINGS LLLP
5511 HANSEL AVE
ORLANDO, FL. 32809

FORD JAMES S TR
FORD ROBBIE J TR
1533 CONWAY ISLE CIR
BELLE ISLE, FL. 32809

HARGRAVE VERNON L
HARGRAVE BRENDA J
5605 LAKE MARY JESS SHORES CT
ORLANDO, FL. 32839

CAFFRO ROBERT S
5507 CHENAULT AVE
ORLANDO, FL. 32839

DORGELUS ANIE
5513 CHENAULT AVE
ORLANDO, FL. 32839

DAJ PROPERTIES LLC
3155 NEWFOUND HARBOR DR
MERRITT ISLAND, FL. 32952

MCDANIEL ANGELA
5414 CHENAULT AVE
ORLANDO, FL. 32839

SWAY 2014-1 BORROWER LLC
8665 E HARTFORD DR STE 200
SCOTTSDALE, AZ. 85255

TORO BLANCA I
TORO ELISEO
5320 CHENAULT AVE
ORLANDO, FL. 32839

JEFFREY L RECKER AND KATHRYN A R
C/O JEFFREY AND KATHRYN RECKER T
ORLANDO, FL. 32839

HUMPHREYS WILLIAM T
HUMPHREYS LAURA E
5423 CHENAULT AVE
ORLANDO, FL. 32839

LOPEZ RODRIGUEZ JORGE M
MARADIAGA LOPEZ MIGDIA A
1119 NANA AVE
ORLANDO, FL. 32809

GREGORY ANNA M
5410 CHENAULT AVE
ORLANDO, FL. 32839

WILSON BRENDA
5415 CHENAULT AVE
ORLANDO, FL. 32839

WRIGHT JOHN W
WRIGHT LABRI
5419 CHENAULT AVE
ORLANDO, FL. 32839

LAND BARON IX LLC
1371 SAWGRASS CORPORATE PKWY
SUNRISE, FL. 33323

ATLANTIC LAND AND IMPROVEMENT CO
TAX DEPT C910 | 500 WATER ST
JACKSONVILLE, FL. 32202

CENTRAL FLORIDA EDUCATORS FEDEF
1200 WEBER ST
ORLANDO, FL. 32803

MALIVERT GASNER
MALIVERT JUDITHE
5226 LAVAL DR
EDGEWOOD, FL. 32839

WOZNACK MARY M
5214 LAVAL DR
ORLANDO, FL. 32839

PIERRE SMITH
SAINTLINA DAMISE
5208 LAVAL DR
ORLANDO, FL. 32839

MAHMOUD-BACHA MUSTAPHA
MAHMOUD-BACHA MILUSKA D
5250 LAVAL DR
ORLANDO, FL. 32839

VALLES JERRY
5238 LAVAL DR
ORLANDO, FL. 32839

CEMEX CONSTRUCTION MATERIALS FL
ATTN: SHARED SERVICES-AFS | 1501 BI
WEST PALM BEACH, FL. 33406

ALTIDOR JOSEPH C
ALTIDOR RACHEL
5190 LAVAL DR
ORLANDO, FL. 32839

DONAWA CORDELLA V
DONAWA STANPHILL
5184 LAVAL DR
ORLANDO, FL. 32839

JACKSON SOFIA B
JACKSON DAVID M
5166 LAVAL DR
ORLANDO, FL. 32839

BILBOW ALAN G
BILBOW YOLANDA
5178 LAVAL DR
ORLANDO, FL. 32839

TORRES ITALIA
802 HONOLULU WOODS LN
ORLANDO, FL. 32824

PORT-A-PIT BARBEQUE OF ORLANDO II
5509 COMMERCE DR
ORLANDO, FL. 32839

HOOKE DOUGLAS P
HOOKE BRITTA J
5511 HANSEL AVE
ORLANDO, FL. 32809

POWELL JUSTIN LEE
POWELL SALLY MCCANN
5525 CHENAULT AVE
ORLANDO, FL. 32839

ZHYVITSKI YAUHEN
5220 LAVAL DR
ORLANDO, FL. 32839

DORN CHARLES E
DORN CHERYL S
5172 LAVAL DR
ORLANDO, FL. 32839

DAU PHU
LE LAN
5502 LAKE MARY JESS SHORES CT
ORLANDO, FL. 32839

DAWSON WALLCOVERINGS AND CARPI
4925 S FERN CREEK AVE
ORLANDO, FL. 32806

RECKER JEFFREY L LIFE ESTATE
RECKER KATHRYN A LIFE ESTATE
5534 LAKE MARY JESS SHORES CT
ORLANDO, FL. 32839

LUDDY LLC
4948 OAK ISLAND RD
BELLE ISLE, FL. 32809

WARD KATHLEEN R TR
516 LINSON CT
ORLANDO, FL. 32809

LEBLANC ASTRIDE LIFE ESTATE
REM: SASHY G JEAN FRANCOIS
128 STRATEMEYER DR
ORLANDO, FL. 32839

PROVENZANO DELORES
5305 CHENAULT AVE
ORLANDO, FL. 32839

DARROW STEPHEN M
DARROW CYNTHIA L
5422 CHENAULT AVE
ORLANDO, FL. 32839

NGUYEN TU
VO HONG
5244 LAVAL DR
ORLANDO, FL. 32839

I B GOLF ASSOCIATES
407 COMMERCE WAY STE 10A
JUPITER, FL. 33458

YATES RICHARD L
YATES ILONA I
5503 LAKE MARY JESS SHORES CT
ORLANDO, FL. 32839

HOOKEER HOLDINGS LLLP
5511 HANSEL AVE
ORLANDO, FL. 32809

LE VEQUE WINCHEL
LE VEQUE MARGARETH E
5501 CHENAULT AVE
ORLANDO, FL. 32839

GONZALEZ GLORIA
5430 LAKE JESSAMINE DR
ORLANDO, FL. 32839

CACERES ARMANDO D
CACERES NANCY T
5321 CHENAULT AVE
ORLANDO, FL. 32839

BIGNA THEODORE C III
5418 CHENAULT AVE
ORLANDO, FL. 32839

HARRELL SMITH & WARREN CORP
5300 S ORANGE AVE
ORLANDO, FL. 32809

ORTEGA SAUL
SANITAGO WANDA
5232 LAVAL DR
ORLANDO, FL. 32839

ADAMOPOULOS WAYNE
ADAMOPOULOS CATHERINE JEANA
5511 LAKE MARY JESS SHORES CT
ORLANDO, FL. 32839

QUIGLEY BRIAN
QUIGLEY KIMBERLY
5527 LAKE MARY JESS SHORES CT
ORLANDO, FL. 32839

QCB PROPERTIES LLC NO 8 SERIES LL
QCB PROPERTIES LLC NO 8 SERIES LL
DEERFIELD, IL. 60015

COPELAND JEANETTA J
5411 CHENAULT AVE
ORLANDO, FL. 32839

YIANILOS DEAN C TR
YIANILOS KATHERINE A TR
2180 N PARK AVE STE 204
WINTER PARK, FL. 32789

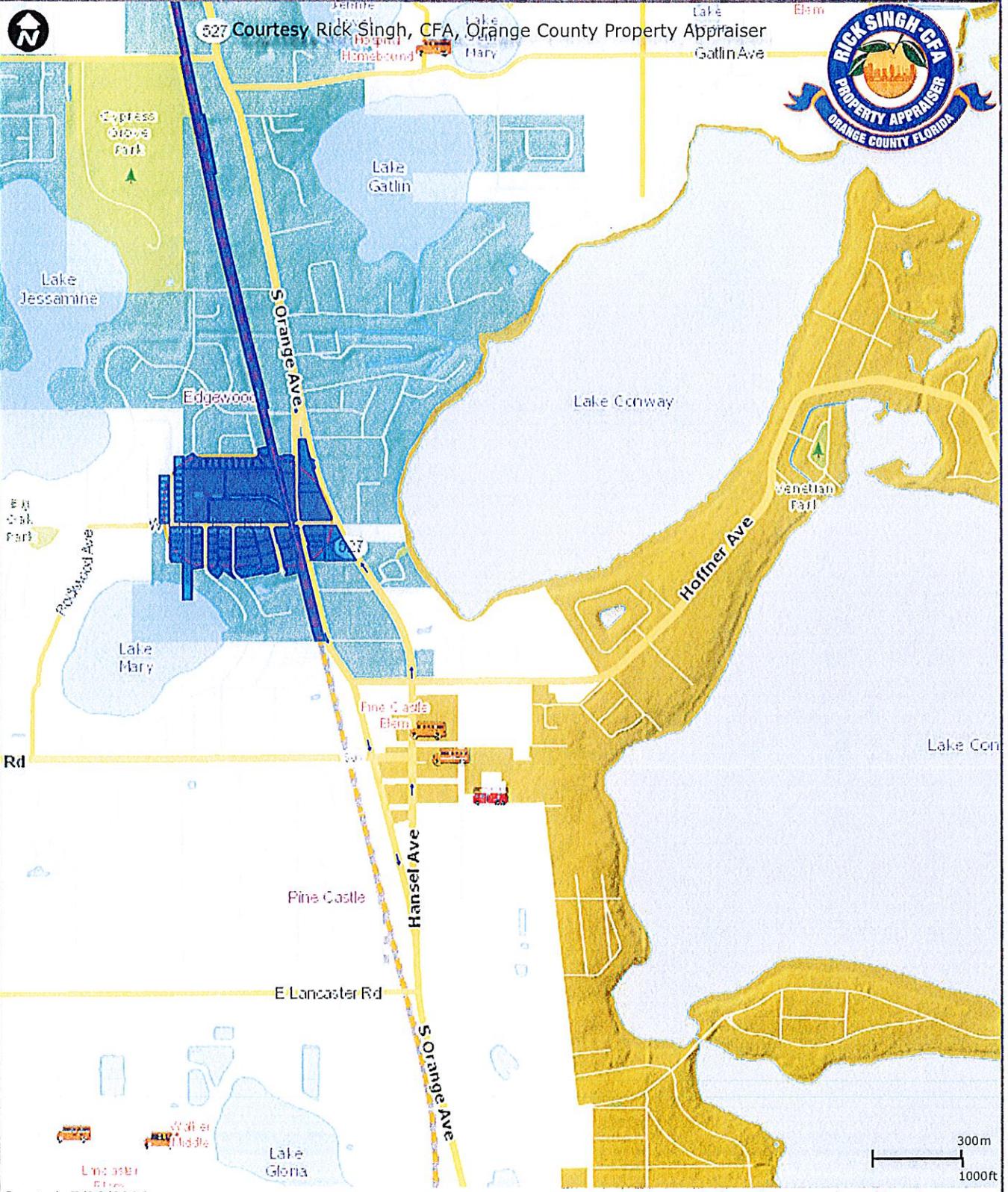
CEMEX CONSTRUCTION MATERIALS FL
ATTN: SHARED SERVICES-AFS | 1501 BI
WEST PALM BEACH, FL. 33406

SCOTT JOHN B
SCOTT LAURA LEE
220 MARY JESS RD
ORLANDO, FL. 32839

DOT/STATE OF FLORIDA
719 S WOODLAND BLVD
DELAND, FL. 32720

OCA Web Map

- | | | | | | | |
|------------------|-------------------------|------------------|-----------------|------------------|--------------------|-------------------|
| Major Roads | State Road | One Way | Block Line | Lot Line | County Boundary | Point of Interest |
| Interstate 4 | Road Under Construction | County Road | Brick Road | Rail Road | Parks | Public School |
| Florida turnpike | Proposed Road | Toll Ramp | Interstate Ramp | OIA | Golf Course | Fire Station |
| Toll Road | US Road | Proposed SunRail | OEA | Lakes and Rivers | Urgent Care Center | |



Created: 7/26/2016

This map is for reference only and is not a survey.

Application: 2016-SE-03
 Owner/Applicant Name: William Johns
 Public Hearing Date: 8/8/2016 and 9/20/2016

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 Jared Maddison Hahn, 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 date 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: 7/27/2016.
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.

[Signature]
 Signature of owner or authorized representative

STATE OF FLORIDA
 COUNTY OF Orange

The foregoing instrument was acknowledged before me this 27 day of July, 2016, by

Sandra J. Repp

(Notary Signature) [Signature]

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced FL Drivers License



Application: 2016-SE-05

Owner/Applicant Name: William Johns

Public Hearing Date: 8/8/2016 and 9/20/2016

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

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

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[Signature]
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STATE OF FLORIDA
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Sandra J Repp

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(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced FL Drivers License



Application: 2016-SE-04
Owner/Applicant Name: William Johns
Public Hearing Date: 8/8/2016 and 9/20/2016

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

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STATE OF FLORIDA
ORANGE COUNTY

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[Signature]
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STATE OF FLORIDA
COUNTY OF Orange

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Sandra J Repp

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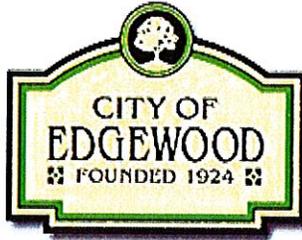
(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License





405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

TO: City Council
XC: Bea Meeks, City Clerk
Drew Smith, City Attorney
David Mahler, P.E., City Engineering Consultant
FROM: Ellen Hardgrove, AICP, City Planning Consultant
DATE: September 12, 2016
SUBJECT: Julie's on the Waterfront Variance request

P&Z Recommendation

On September 12, 2016, the P&Z Board recommended approval of a variance in the Code's Normal High Water Elevation Setback to

- 1) Enable enclosing the four components of Julies on the Waterfront restaurant; and,
- 2) Enable the roof of the renovated structure to project an additional six (6) feet where the new structure is contiguous to the boardwalk;

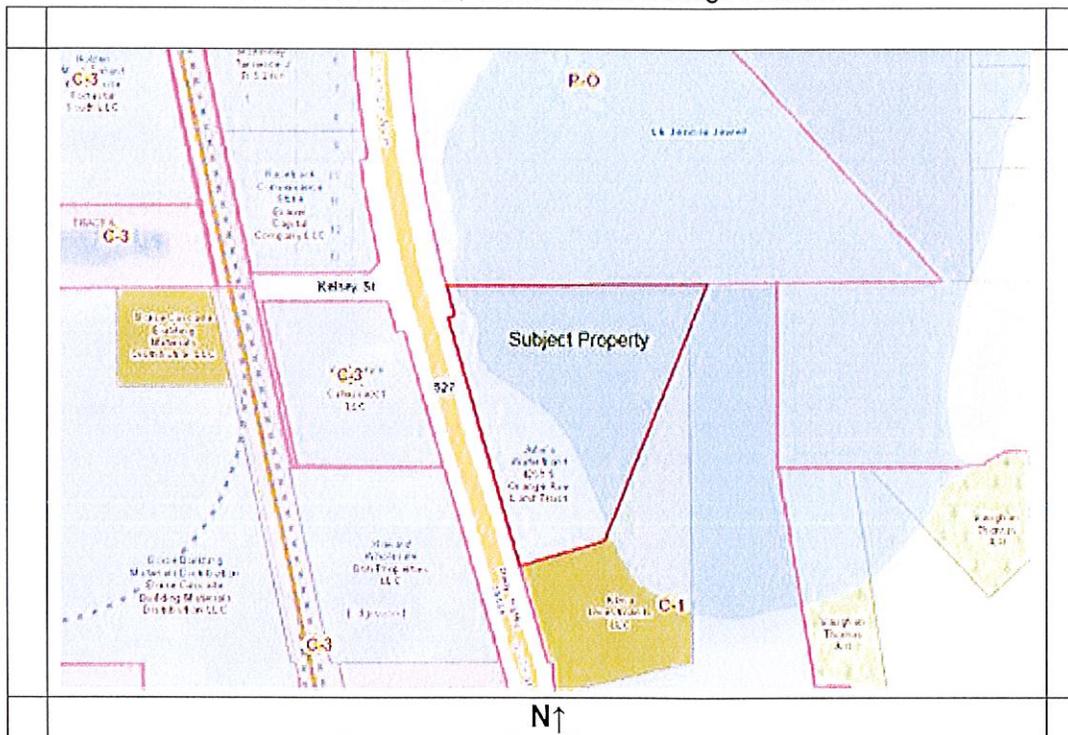
finding the six criteria for variance approval have been met with the following conditions.

1. All finished floor elevations of the building constructed within the 50-foot setback shall meet the minimum elevation required for construction within the 100-year FEMA flood plain elevation.
2. Roof projection from the building shall be cantilevered, not be supported by posts or walls extending from the ground, and in no case shall a roof projection drip line extend beyond the normal high water elevation line.
3. The eastern edge of the roof shall include a gutters and downspout system to provide enclosed drainage to discharge into the site's stormwater management system.

4. Final design of the site plan shall include a barrier along the easterly side of the parking lot to prevent wind-blown debris in the lake and to provide drainage to discharge into the site's stormwater management system.
5. Any vegetation planted within the 50-foot normal high water elevation setback shall be native lakeshore trees, shrubs and grasses.
6. A 7 feet wide landscape buffer shall be provided between the parking lot and Orange Avenue right-of-way. Non-deciduous trees compatible with the overhead utility lines within the Orange Avenue right-of-way at mature height shall be substituted for the tree requirement.
7. Any mechanical equipment to be located on the roof shall be screened from view of the street.

Findings of Fact

Location: Julies Waterfront, 4201 South Orange Avenue



Property Owner:	First American Land Trust Co, LLC Tr (Abel Carbajal)
Agent:	William (Hal) Valdes
Tax Parcel:	12-23-29-0000-00-037
Existing Zoning:	C1

Minimum C1 Setbacks: Front – 25 feet
Side – 0 feet
Rear – 50 feet from Normal High Water

Existing on site: Restaurant and billboard

Surrounding uses: North - Office
South - Undeveloped
West - Vanbarry's restaurant, across Orange Ave.
East - Lake Jennie Jewel, single family residential along the east shore

Surrounding Zoning: North - PO
South - C1
West - C3
East - R1AA

Request Description Summary

The request is made to revitalize the current restaurant onsite by enclosing all components of the existing restaurant and completely renovating the interior. (See Exhibit A attached). The components of the existing restaurant are,

- a 2494 square feet building;
- a 454 square feet covered porch;
- a 286 square feet fenced in a/c equipment yard; and
- an 876 square feet stone patio.

The restaurant was built in 1956, prior to modern land development regulations and as such exists within the normal high water elevation setback. The building with the attached covered porch is currently situated ±35.5 feet into the normal high water setback. The stone patio abuts the building, extending toward the lake. The eastern edge of the patio is ±42.5 feet within the Normal High Water Elevation setback.

Remodeling/renovating the current structure vs. demolition and reconstruction is favored by the applicant for the following reasons:

- 1) To take advantage of the lake location;
- 2) To save the historic trees onsite;
- 3) Provision of sufficient parking for the targeted seating capacity;
- 4) Adequate onsite circulation of vehicles, including emergency vehicles; and,
- 5) Provision of a suitable location for a dumpster.

In addition to the four areas to be fully enclosed, the requested variance is also to allow an additional 6 feet of roof projection in areas where the boardwalk is contiguous to the building. The roof overhang is proposed to not be supported by posts or walls extending from the ground and not overhang beyond the normal

high water elevation line. In this location, the roof overhang is proposed to include a gutter and downspout system to provide enclosed drainage, to discharge into a retention area.

Considerations for Variance Approval

As stated in Code Section 134-104, where there are practical difficulties or unnecessary hardships in complying with the strict letter of the Code, the Planning and Zoning Board may recommend to the City Council approval of a variance so that the spirit of this chapter will be observed. Per Section 134-104(3)b., prior to recommending approval, the Board and City Council must find:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The subject property is 3.22 acres; 2/3 of the property is within Lake Jennie Jewel, leaving only about one acre landward. The upland portion of the property is of unique shape, long and narrow wedged in between Orange Avenue and Lake Jennie Jewel. The property was further narrowed by a strip acquisition for widening Orange Avenue. In addition to the narrow depth, the lakefront setback restricts the standard building envelope to a depth no more than 73 feet (on the south), with it tapering to zero 240 feet from the southern border.

If the site were vacant, and without a variance, the most efficient use of the land would be to place the building at the southern end of the property where the building envelope is the widest. While this is a development option, it creates

significant site limitations including limiting the building size/number of restaurant seats due to the quantity of parking possible on the remaining portion of the site.

In addition, provision of a loading space and an approachable dumpster enclosure would be limited to directly in front of the building entrance if a building were positioned on the southern end of the site.

Furthermore, the proposed developer favors the existing building remodel in an attempt to save two historic trees in the southern end of the property and to take full advantage of the waterfront location.

That the special conditions and circumstances do not result from the actions of the applicant.

The shape of the property, the reduction in depth of the property due to an eminent domain action, and the building constructed prior to modern land development regulations did not result from actions of the applicant.

That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district; and,

That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

According to the applicant's calculations, the largest restaurant that could be developed on the property without a variance is 3000 square feet. A 3000 square foot restaurant represents a 6.9% floor area ratio, significantly less than typical commercial property. The variance would allow a ±6000 square foot building, more consistent with typical commercial floor area ratios.

That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

The request is the minimum necessary for reasonable use of the property.

That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

This request is an opportunity to improve the Julie's on the Waterfront property and the entrance into the City. Not only will the building renovation improve the property's visual appeal along Orange Avenue, the proposed renovation also includes construction of a new parking lot, which will require conformance with landscape requirements. The renovation will also include a new sign that will be in conformance with the City's sign regulations.

The purpose of the normal high water elevation setback is to protect buildings from the flooding potential of an abnormal lake elevation. It also serves to protect shoreline vegetation. With a condition of approval that all finished floor elevations of the building are constructed at the minimum elevation required for construction within the 100-year FEMA flood plain elevation, the proposed variance will not be injurious to the public welfare.

Staff Recommendation

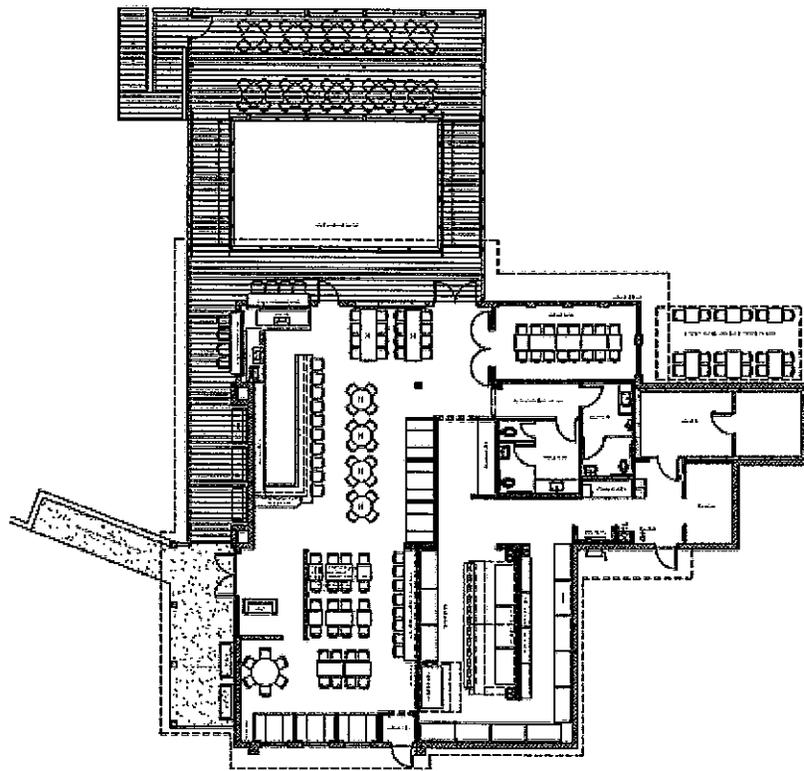
Staff recommends approval of the ability to enclose the four components of the existing restaurant into one building and the ability to extend the roof projection an additional six (6) feet where the boardwalk is contiguous to the building finding the six criteria for variance approval have been met with the following conditions.

1. All finished floor elevations of the building constructed within the 50-foot setback shall meet the minimum elevation required for construction within the 100-year FEMA flood plain elevation.
2. Roof projection from the building shall be cantilevered, not be supported by posts or walls extending from the ground, and in no case shall a roof projection drip line extend beyond the normal high water elevation line.
3. The eastern edge of the roof shall include a gutters and downspout system to provide enclosed drainage to discharge into the site's stormwater management system.
4. Final design of the site plan shall include a barrier along the easterly side of the parking lot to prevent wind-blown debris in the lake.
5. Any landscaping within the 50-foot normal high water elevation setback shall be native lakeshore trees, shrubs and grasses.

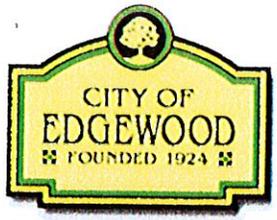
6. A 7 feet wide landscape buffer shall be provided between the parking lot and Orange Avenue right-of-way. Non-deciduous trees compatible with the overhead utility lines within the Orange Avenue right-of-way at mature height shall be substituted for the tree requirement.
7. Any mechanical equipment to be located on the roof shall be screened from view of the street.

ESH

EXHIBIT A: Proposed Restaurant Floor Plan



RECEIVED
AUG 16 2011
CITY OF EDGEWOOD



2016-VAR-02

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:	9/20/2016
CITY COUNCIL MEETING DATE:	9/20/2016

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.

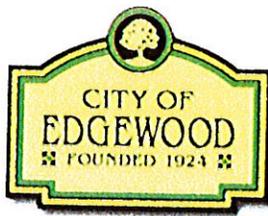
Applicant's Name:	William (Hal) Valdes	Owner's Name:	First American Land Trust, LLC Abel Carbajal as trustee
Address:	1333 Windsong Road Orlando, FL 32809	Address:	4201 South Orange Ave. Orlando, FL 32806
Phone Number:	407.761.2576	Phone Number:	407.914.4577
Fax:		Fax:	
Email:	Halvaldes3@gmail.com	Email:	Julieswaterfront@yahoo.com

Legal Description: COMM SW COR OF SEC RUN N 852.61 FT S 89 DEG E 330 FT S 74 DEG W 60.74 FT TO E R/W ST RD 527 & POB TH N 74 DEG E 154.54 FT N 22 DEG E 480 FT M/L TO N LINE OF SW1/4 (SW1/4 W TO E R/W ST RD 527 S 16 DEG E TO POB IN SEC 12-23-29

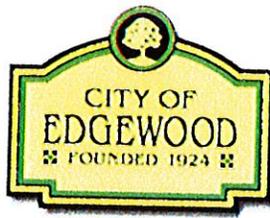
Zoned:	C-1 Retail/Commercial
Location:	4201 South Orange Avenue Orlando, FL 32806
Tract Size:	3.22 - acre
City section of the Zoning Code from which Special Exception is requested:	
Request:	Building construction within the 50' waterfront set back.
Existing on Site:	

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.**

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



To justify this variance, applicant must demonstrate the following:			
<ol style="list-style-type: none"> 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:			
<ol style="list-style-type: none"> 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:	<input style="width: 100%;" type="checkbox"/>
<ol style="list-style-type: none"> 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:	<input style="width: 100%;" type="checkbox"/>
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.			
Applicant's Signature:		Date:	
Applicant's Printed Name:	William (Hal) Valdes		
Owner's Signature:		Date:	
Owner's Printed Name:	Abel Carbajal		



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.

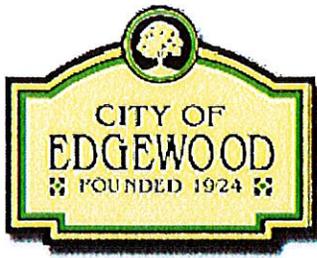
Office Use Only:	
Received Date	8/16/2016
Received By:	A. Repp
Forwarded To:	
Notes:	

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

Rec. 8/16/2016



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) Abel Carbajal, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 4201 South Orange Ave. Orlando, FL 32806, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) William (Hal) Valdes, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Variance for set backs, 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: 8/16/16 Abel Carbajal Abel Carbajal
Signature of Property Owner Print Name Property Owner

Date: _____ _____ _____
Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA:
COUNTY OF ORANGE

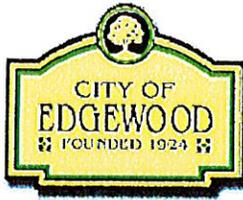
I certify that the foregoing instrument was acknowledged before me this 16th day of Aug, 2016 by ABEL CARBAJAL He/she is personally known to me, or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 16th day of August in the year 2016.

Lesly St. Leger

Abel Carbajal

Rec. 8/16/2016



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) Abel Carbajal, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 4201 South Orange Ave. Orlando, FL 32806, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) William (Hal) Kaldes, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Valance for set backs, 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: 8/16/16 Abel Carbajal Abel Carbajal
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 16th day of Aug, 2016 by ABEL CARBAJAL 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 16th day of August in the year 2016.

(Notary Seal)  **Lesly St. Leger**
Notary Public
State of Florida
My Commission Expires 4/10/2020
Commission No. FF 980563

Lesly St. Leger
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: 4/10/2020

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID#: <u>12-23-29-0000-00-037</u>
LEGAL DESCRIPTION: <u>4201 South Orange Ave Orlando, FL 32806</u>
COMM SW COR OF SEC RUN N 852.61 FT S 89 DEG E 330 FT S 74 DEG W 60.74 FT TO E R/W ST RD 527 & POB TH N 74 DEG E 154.54 FT N 22 DEG E 480 FT M/L TO N LINE OF SW1/4 OF SW1/4 W TO E R/W ST RD 527 S 16 DEG E TO POB IN SEC 12-23-29

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



August 16, 2016

To: The City of Edgewood Planning and Zoning Board, acting as the Board of Adjustment; Appeals and Variances

From: Hal Valdes, Applicant

The following narrative addresses the 6 standards of approval for a Zoning Variance, pursuant to City Code Section 134-104 (3) (b):

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

Response: This 3.22-acre property is uniquely situated in the narrowest strip of land between the west shore of picturesque Lake Jennie Jewel, and the Orange Avenue public right-of-way. At the time this property was platted, the buildable footprint of the site was generally (although minimally) consistent with the other lands in the same zoning district, and construction of a restaurant was feasible. Due to an increase of the required setback from the normal high water elevation line to 50 feet, to the widening of the Orange Avenue right-of-way, and to strengthened requirements for landscaped buffers and stormwater management systems, this site has been uniquely impacted. The resulting reduction of the development opportunity for this uniquely situated property has been more dramatic than the regulatory impact on similarly sized sites in the C-1 district.

2. That the special conditions and circumstances do not result from the actions of the applicant.

Response: The Applicant is a potential purchaser, under a conditional real estate contract, with the goal of enlarging and substantially improving the existing restaurant. The Applicant has had no prior involvement with the property.

3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.

Response: In accordance with the City of Edgewood Zoning Code, a restaurant is a permitted principal use only in a C-1 district. It is otherwise permitted by Special Exception in a P-O (professional office) district. The zoning code clearly intends that restaurants be located in the C-1 district. The requested zoning variance will not confer any privilege to the applicant other than a viable opportunity to revitalize the property for its intended use as a restaurant.

4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

Response: Taking into account current development standards (as previously enumerated), the largest feasible restaurant that could be developed on this property without a zoning variance would be approximately 3,000 sq. ft. With the variance considered, the largest feasible restaurant that can be developed is approximately 6,000 sq. ft.

A 3,000 sq. ft. restaurant represents 2.13% building coverage of the 3.22-acre gross site, and a 6,000 sq. ft. restaurant would represent 4.26% building coverage on the site. Under a maximum development scenario (with variance approved), the footprint of such a restaurant will still be

substantially smaller than the normal footprint that could be achieved on sites of similar size in the C-1 district.

5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

Response: The existing area used by the restaurant consists of an enclosed building, a covered back porch, an open patio and a screened equipment yard. The proposed variance will allow all of these areas to be constructed as a fully enclosed building. However, no additional area beyond these existing elements is proposed to be fully enclosed as a building.

There may be a subsequent permit application for construction of a pier, and related boardwalks. These components will be constructed within existing zoning and permitting guidelines, and are not expected to require a zoning variance.

The applicant is professionally trained and vastly experienced as a restaurant developer and operator. He was a developer and managing partner in several landmark Orlando restaurant families, including Pebbles, Harvey's Bistro and Manuel's on the 28th. Through careful business analysis, the applicant has determined that a substantially improved restaurant of at least 5,000 sq. ft. can be successful at this location. The viability of a smaller restaurant, or one that is not substantially improved, is not supported by the applicant's business analysis. If this property is to be commercially viable and sustainable as a restaurant, the enlargement and substantial improvement represented by this variance request is at the minimum threshold level.

6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Response: The restaurant is situated at center stage of a unique vista, that is nearly inescapable to travelers along Orange Avenue. The restaurant is not neutral in the overall environment, and will either be an intriguing visual asset at the northern boundary of the city, or it will not be. For property in the C-1 zoning district, a visually distinctive restaurant with the stunning backdrop of Lake Jennie Jewel can be an asset that represents the pride of the community.



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

August 4, 2016

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

**RE: Julia's Waterfront Restaurant – redevelopment plan
CPH Project number E7601**

Dear Ms. Repp;

This is a follow up to the meeting between your office and Scott Breitenstein from CPH in reference to the above listed project. The site is an existing waterfront restaurant with both stabilized and paved parking and open space. At the meeting, you provided CPH with a couple of plan sheets with different options for expansion at the restaurant. Specifically, you asked Scott to review plan sheet A-1.2, with Zoning Variance. We have reviewed the plan sheet and provided input below for information that needs to be provided or considered.

We reviewed the Orange County Lake Index, dated June 2009, for the 100 year flood elevation for Lake Jennie Jewel. Per Orange County, the 100 year flood elevation is 92.00 (NGVD), FEMA December 6, 2000. The 100 year flood line will need to be shown on the plans, in addition to the Normal High Water Elevation (NHWE), 89.60 (NGVD). If any development is within the 100 year flood line, the site will need to provide compensating storage on site and outside the 100 year flood line. The compensating storage will be an independent storm pond designed for the volume of water displaced by the new development.

We also reviewed the St. Johns River Water Management District (SJRWMD) to verify if this site has a storm water permit. Based on the GIS map search option on the SJRWMD website, this site has not been issued a storm water permit. The property area appears to be approximately 2.66 acres with no wetlands on site. Based on the area of the site and the total proposed impervious area, this site falls under the SJRWMD "10-2" rule. The site is under 10 acres and has less than 2 acres of proposed impervious area and, based on the provided plans and aerial maps, there do not appear to be wetlands on site. The criteria for the City of Edgewood for storm water treatment and retention will be required to be met. A minimum retention pond will be required for pollution abatement volume or the pre/post volume difference of runoff from the mean annual storm. The City may also require the pond to hold the pre/post volume difference of runoff from the 25 year, 24 hour storm event. This will need to be discussed in detail with the City. The proximity to the lake will need to be taken into consideration for storm water treatment and retention. Please see the City Land Development Code, Division 4 – Stormwater Management for additional information.

Additional comments:

- 1 Provide a topographic survey, signed and sealed by a Florida Licensed Surveyor.
- 2 Provide a data table for the existing and proposed impervious areas (building, parking, sidewalks, etc.). Based on the information provided on the plan sheet, the proposed building area is approximately 3,823.2 SF. The proposed dock area is approximately 750 SF, not including the walkway to the dock. The proposed parking



area is approximately 18,300 SF. These areas will need to be verified and provided on the plans.

- 3 Based on available space, two ponds may be required to collect the runoff from the two parking areas as well as the building impervious area.
- 4 The maximum length of any dock is 65 feet, measured from the NHWE and as located by a registered surveyor and mapper. The maximum height of the dock (dock roof) is 13 feet above the NHWE. The maximum surface area over water, measured from the NHWE, is 1,000 square feet. This area includes the walkway to the dock and the dock platform. This information needs to be included on the plans specifically measured for the proposed covered dock.

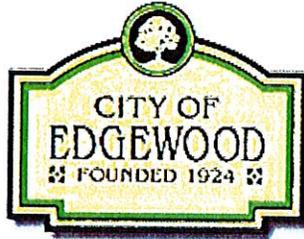
We have provided key items that need to be considered for the renovations to the site with respect to the civil plans review and additional storm water requirements. Once a final set of plans and storm water calculations have been prepared, we will perform a full review and provide comments as necessary.

Sincerely,
CPH, Inc.

A handwritten signature in blue ink, appearing to read 'Allen C. Lane, Jr.', is written over the typed name.

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

CC: Scott Breitenstein, P.E., file



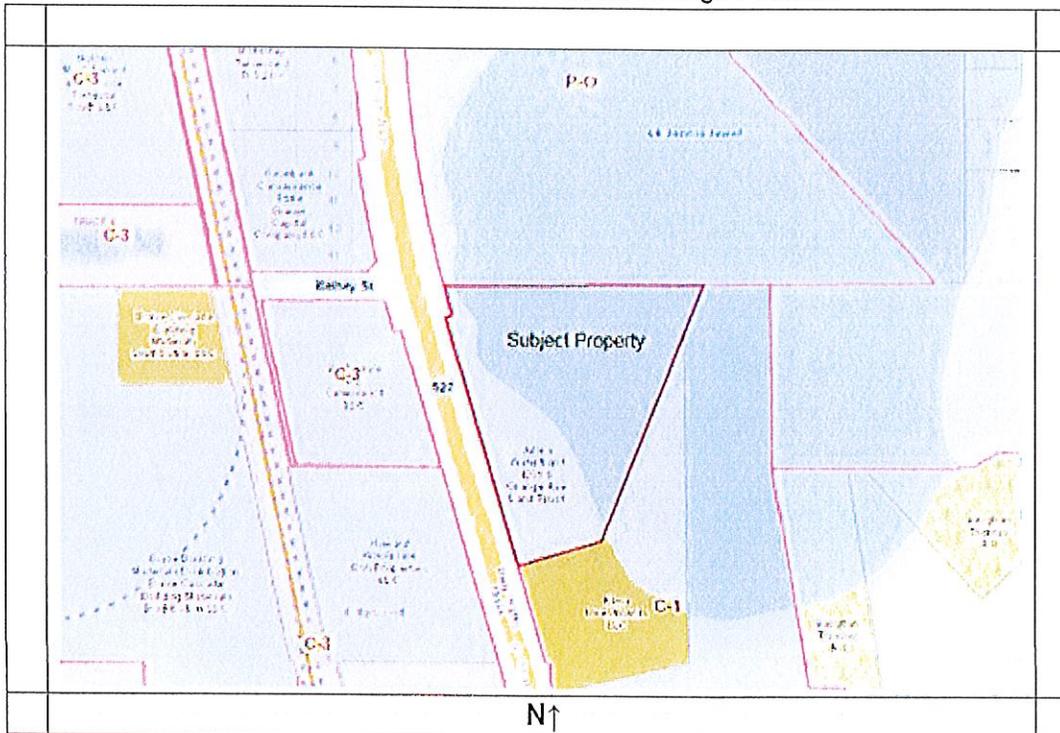
405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

TO: Planning and Zoning Board Members
Sandy Repp, Assistant City Clerk
XC: Bea Meeks, City Clerk
Drew Smith, City Attorney
David Mahler, P.E., City Engineering Consultant
FROM: Ellen Hardgrove, AICP, City Planning Consultant
DATE: August 26, 2016
SUBJECT: Julie's on the Waterfront Variance request

Introduction

Request: Enclose all components of an existing restaurant currently located within the Normal High Water Elevation setback

Location: Julies Waterfront, 4201 South Orange Avenue



In addition to the four areas to be fully enclosed, the requested variance is also to allow an additional 6 feet of roof projection in areas where the boardwalk is contiguous to the building. The roof overhang is proposed to not be supported by posts or walls extending from the ground and not overhang beyond the normal high water elevation line. In this location, the roof overhang is proposed to include a gutter and downspout system to provide enclosed drainage, to discharge into a retention area.

Considerations for Variance Approval

As stated in Code Section 134-104, where there are practical difficulties or unnecessary hardships in complying with the strict letter of the Code, the Planning and Zoning Board may recommend to the City Council approval of a variance so that the spirit of this chapter will be observed. Per Section 134-104(3)b., prior to recommending approval, the Board and City Council must find:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The subject property is 3.22 acres; 2/3 of the property is within Lake Jennie Jewel, leaving only about one acre landward. The upland portion of the property is of unique shape, long and narrow wedged in between Orange Avenue and Lake Jennie Jewel. The property was further narrowed by a strip acquisition for widening Orange Avenue. In addition to the narrow depth, the lakefront setback restricts the standard building envelope to a depth no more than 73 feet (on the south), with it tapering to zero 240 feet from the southern border.

If the site were vacant, and without a variance, the most efficient use of the land would be to place the building at the southern end of the property where the building envelope is the widest. While this is a development option, it creates significant site limitations including limiting the building size/number of restaurant seats due to the quantity of parking possible on the remaining portion of the site.

In addition, provision of a loading space and an approachable dumpster enclosure would be limited to directly in front of the building entrance if a building were positioned on the southern end of the site.

Furthermore, the proposed developer favors the existing building remodel in an attempt to save two historic trees in the southern end of the property and to take full advantage of the waterfront location.

That the special conditions and circumstances do not result from the actions of the applicant.

The shape of the property, the reduction in depth of the property due to an eminent domain action, and the building constructed prior to modern land development regulations did not result from actions of the applicant.

That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district; and,

That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

According to the applicant's calculations, the largest restaurant that could be developed on the property without a variance is 3000 square feet. A 3000 square foot restaurant represents a 6.9% floor area ratio, significantly less than typical commercial property. The variance would allow a ±6000 square foot building, more consistent with typical commercial floor area ratios.

That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

The request is the minimum necessary for reasonable use of the property.

That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

This request is an opportunity to improve the Julie's on the Waterfront property and the entrance into the City. Not only will the building renovation improve the property's visual appeal along Orange Avenue, the proposed renovation also includes construction of a new parking lot, which will require conformance with landscape requirements. The renovation will also include a new sign that will be in conformance with the City's sign regulations.

The purpose of the normal high water elevation setback is to protect buildings from the flooding potential of an abnormal lake elevation. It also serves to protect shoreline vegetation. With a condition of approval that all finished floor elevations of the building are constructed at the minimum elevation required for construction within the 100-year FEMA flood plain elevation, the proposed variance will not be injurious to the public welfare.

Recommendation

Staff recommends approval of the ability to enclose the four components of the existing restaurant into one building and the ability to extend the roof projection an additional six (6) feet where the boardwalk is contiguous to the building finding the six criteria for variance approval have been met with the following conditions.

1. All finished floor elevations of the building constructed within the 50-foot setback shall meet the minimum elevation required for construction within the 100-year FEMA flood plain elevation.
2. Roof projection from the building shall be cantilevered, not be supported by posts or walls extending from the ground, and in no case shall a roof projection drip line extend beyond the normal high water elevation line.
3. The eastern edge of the roof shall include a gutters and downspout system to provide enclosed drainage to discharge into the site's stormwater management system.
4. Final design of the site plan shall include a barrier along the easterly side of the parking lot to prevent wind-blown debris in the lake.
5. Any landscaping within the 50-foot normal high water elevation setback shall be native lakeshore trees, shrubs and grasses.

6. A 7 feet wide landscape buffer shall be provided between the parking lot and Orange Avenue right-of-way. Non-deciduous trees compatible with the overhead utility lines within the Orange Avenue right-of-way at mature height shall be substituted for the tree requirement.
7. Any mechanical equipment to be located on the roof shall be screened from view of the street.

ESH

EXHIBIT A: Proposed Restaurant Floor Plan

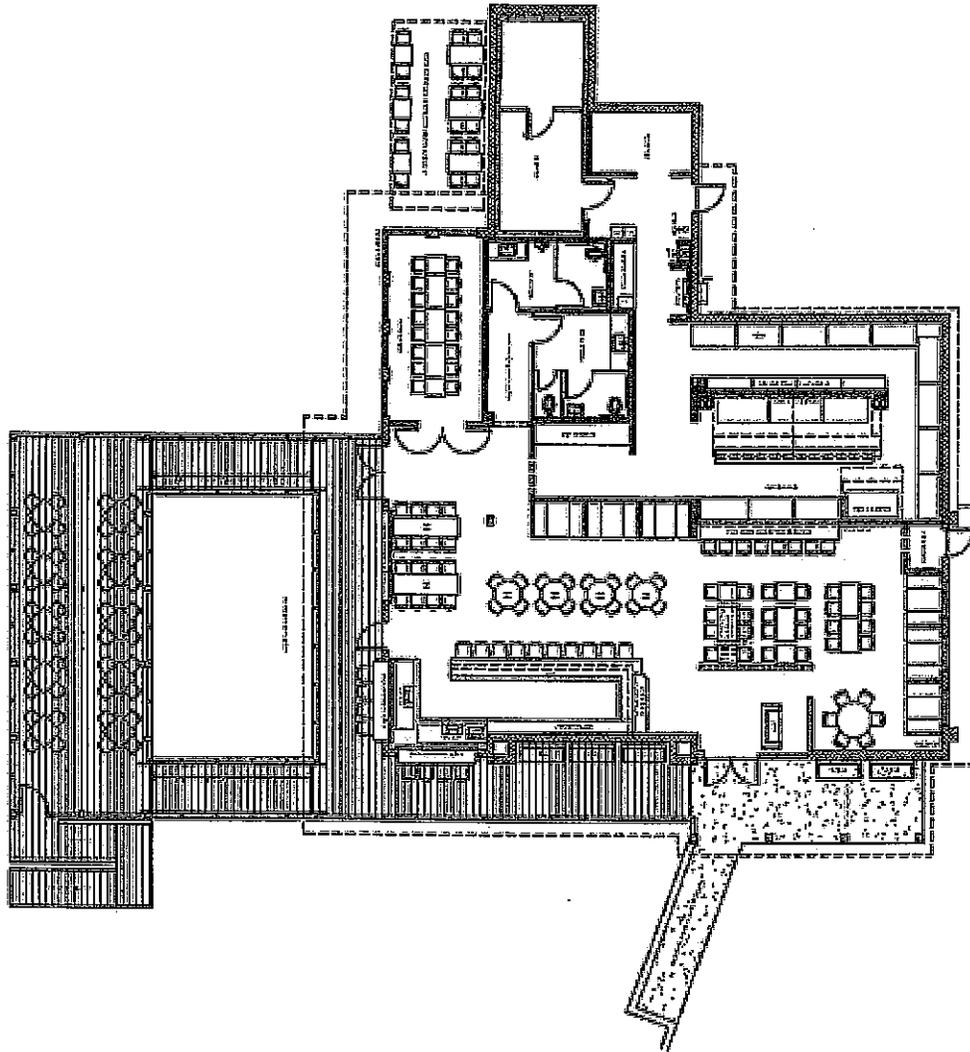
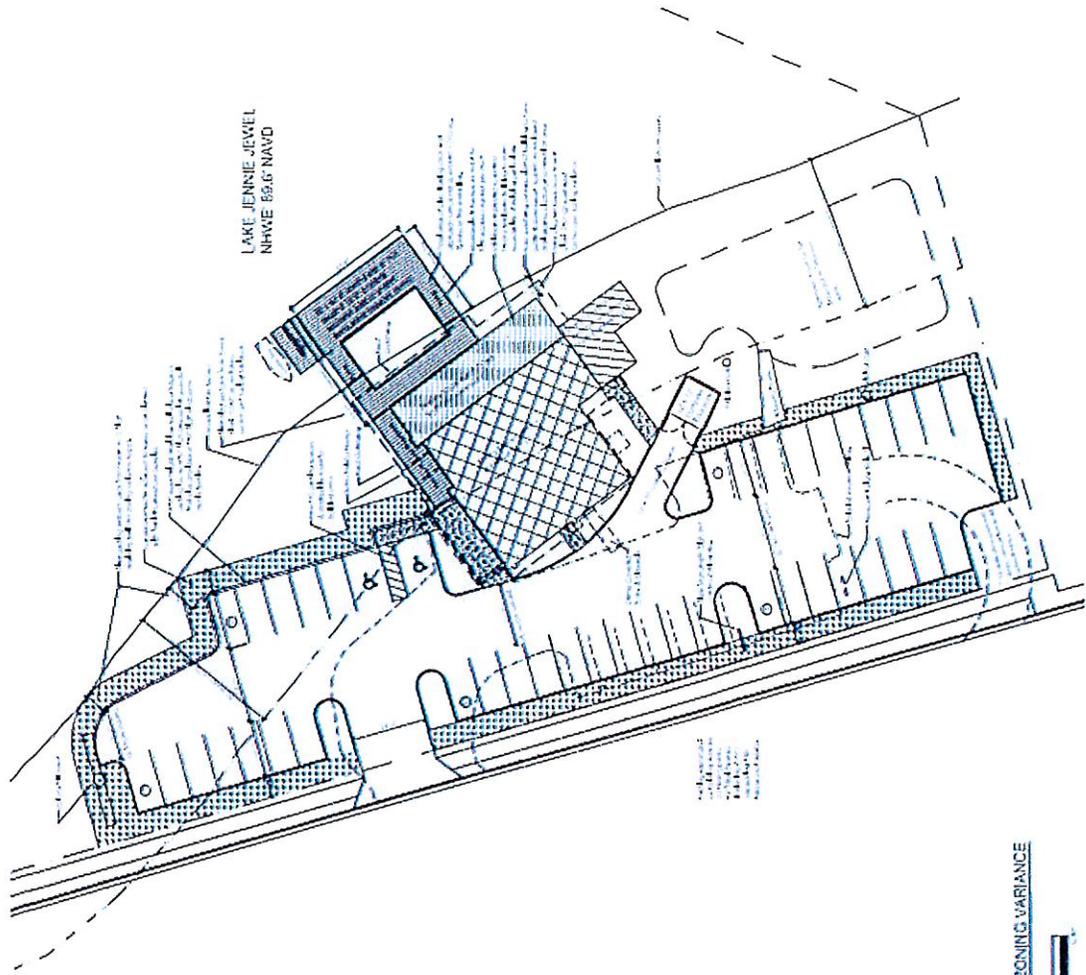
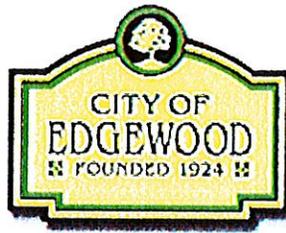


EXHIBIT B: Proposed Site Plan



PROPOSED SITE PLAN WITH ZONING VARIANCE
SCALE: 1" = 10'

Julie's Waterfront Variance



NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday, September 12, 2016**, the Planning and Zoning Board of the City of Edgewood, will consider **Variance Application No. 2016-VAR-06** for a variance to allow construction within the Normal High Water Elevation setback located at **4201 South Orange Avenue (a.k.a. Julie's Waterfront)** which is currently in **C-1 zoning district** (City of Edgewood Resolution 2005-R002 City Code of Ordinances, Reference Section 134-406 [Variance]). The application was submitted by William Valdes on behalf of First American Land Trust, LLC Abel Carbajal as trustee. 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** as the matter may be heard.

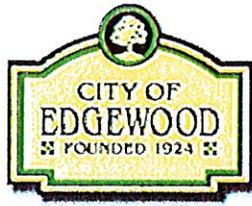
The Planning and Zoning Board's recommendation will be forwarded to City Council on Tuesday, September 20, 2016 at 6:30 p.m. for final action.

The subject property for special exception is legally described as COMM SW COR OF SEC RUN N 852.61 FT S 89 DEG E 330 FT S 74 DEG W 60.74 FT TO E R/W ST RD 527 & POB TH N 74 DEG E 154.54 FT N 22 DEG E 480 FT M/L TO N LINE OF SW₁/₄ OF SW₁/₄ W TO E R/W ST RD 527 S 16 DEG E TO POB IN SEC 12-23-29



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.

405 Larue Avenue • Tel: 407-851-2920 • Fax: 407-851-7361 • www.edgewood-fl.gov



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.

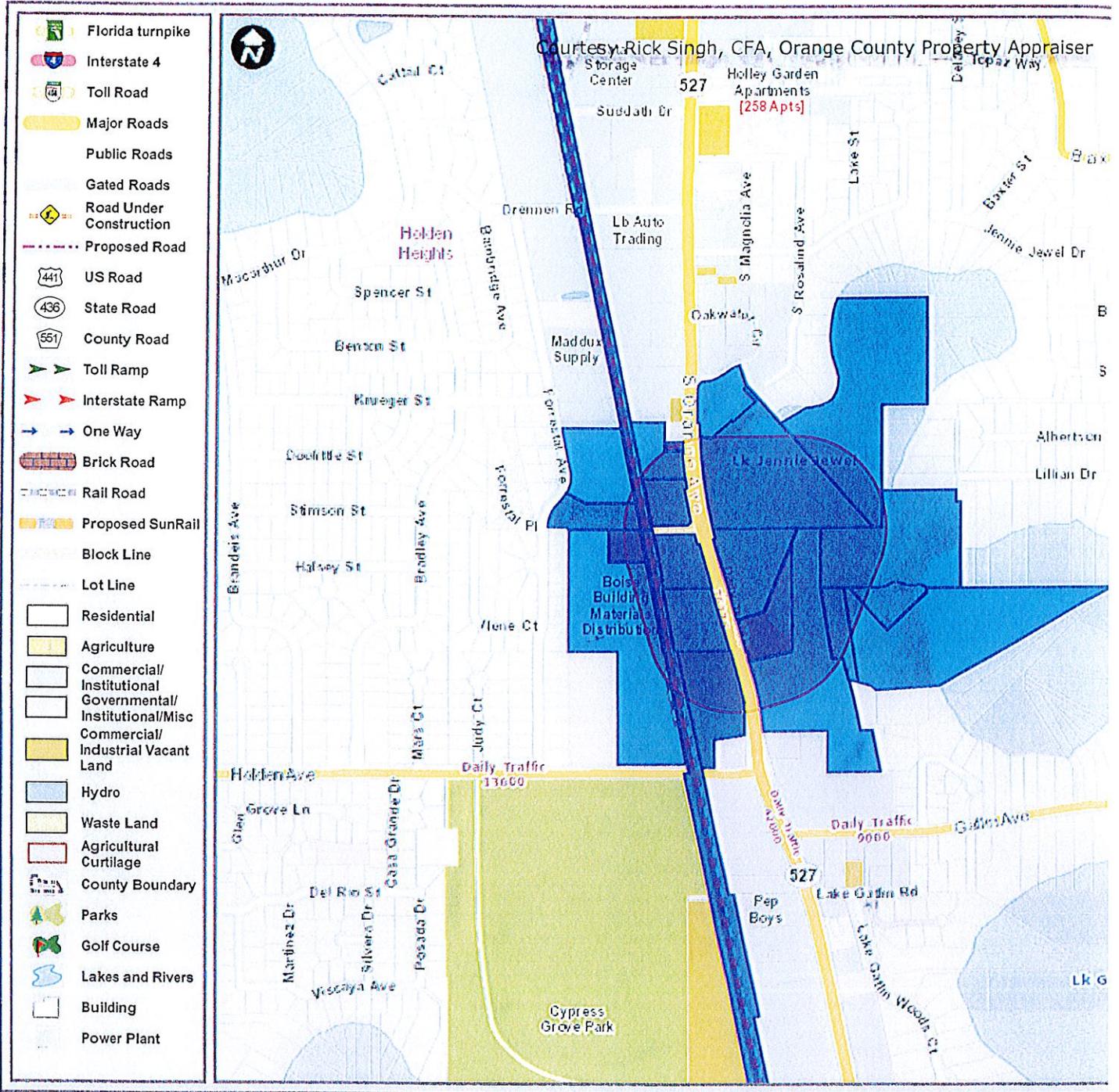
The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, *Florida Statutes*, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the 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, MMC, CPM, CBTO
City Clerk
Dated: August 26, 2016

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.



VAUGHAN THOMAS A
4610 OAK COVE LN
ORLANDO, FL. 32806

KBNA INVESTMENTS LLC
9251 POINT CYPRESS DR
ORLANDO, FL. 32836

VAUGHAN THOMAS A II
121 S ORANGE AVE STE 900
ORLANDO, FL. 32801

BOISE CASCADE BUILDING MATERIALS
ATTN TAX DEPT | PO BOX 50
BOISE, ID. 83728

FORRESTAL SOUTH LLC
250 N ORANGE AVE STE 1500
ORLANDO, FL. 32801

MCKINNEY TERRENCE J TR 1/2 INT
MCKINNEY SUSAN H TR 1/2 INT
3862 S ORANGE AVE
ORLANDO, FL. 32806

BOISE CASCADE BUILDING MATERIALS
ATTN TAX DEPT | PO BOX 50
BOISE, ID. 83728

OAKWATER PROFESSIONAL PARK OWM
3802 OAKWATER CIR STE 2
ORLANDO, FL. 32806

MCKINNEY TERRENCE J TR 1/2 INT
MCKINNEY SUSAN H TR 1/2 INT
3862 S ORANGE AVE
ORLANDO, FL. 32806

ORANGE COUNTY BCC
C/O REAL ESTATE MNGT DEPT | PO BO;
ORLANDO, FL. 32802

SUMMER LAKE-GRACE GROVES
565 GATLIN AVE
ORLANDO, FL. 32806

WHITE L E LIFE ESTATE
WHITE A M LIFE ESTATE
414 LILLIAN DR
ORLANDO, FL. 32806

PALM TREE EDGEWOOD LP
128 THEODORE PL
THORNHILL ONTARIO, XX. L4J (CANADA)

4201 S ORANGE AVE LAND TRUST
C/O FIRST AMERICAN LAND TRUST CO
ORLANDO, FL. 32809

OAKWATER INTERNAL MEDICINE SPEC
3885 OAKWATER CIR
ORLANDO, FL. 32806

VAUGHAN THOMAS A II
121 S ORANGE AVE STE 900
ORLANDO, FL. 32801

ARC CAFEUSA001 LLC
2325 E CAMELBACK RD STE 1100
PHOENIX, AZ. 85016

DOT/STATE OF FLORIDA
719 S WOODLAND BLVD
DELAND, FL. 32720

DOT/STATE OF FLORIDA
719 S WOODLAND BLVD
DELAND, FL. 32720

DISCOVERY CHURCH INC
4400 S ORANGE AVE
ORLANDO, FL. 32806

BBH PROPERTIES LLC
4200 S ORANGE AVE
ORLANDO, FL. 32806

BRAUER CAPITAL COMPANY LLC
3225 CUMBERLAND BLVD SE STE 100
ATLANTA, GA. 30339

Application: 2016-VAR-06

Owner/Applicant Name: William Valdes on behalf of First American Land Trust LLC Abel Carbajal as Trustee

Public Hearing Date: P&Z 9/12/2016
City Council 9/20/2016

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 William Heldon Valdes 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 date 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: 8/29/2016.
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.

W. Heldon Valdes
 Signature of owner or authorized representative

STATE OF FLORIDA
 COUNTY OF Orange

The foregoing instrument was acknowledged before me this 30 day of Aug, 2016, by

 (Notary Signature) Sandra J. Repp

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License



PROCLAMATION

Whereas, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

Whereas, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

Whereas, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

Whereas, the red ribbon has been chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

Whereas, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

Whereas, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

Now, Therefore, I, Ray Bagshaw, Mayor do hereby proclaim October 23-31, 2016 as **RED RIBBON WEEK** in the City of Edgewood, and urge all citizens to join me in this special observance.

Dated this 20th day of September 2016

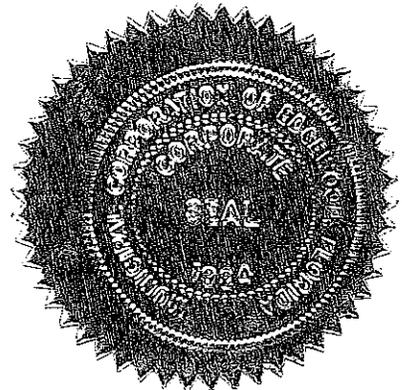
Ray Bagshaw

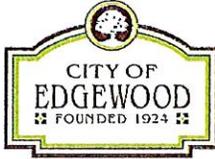
Ray Bagshaw
Mayor

ATTEST:

Bea L. Meeks

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





From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

TO: Mayor Bagshaw, Council President Dowless, Council
Members, Powell, Henley, Fortini and Chotas

DATE: September 14, 2016

RE: Proposed Holden Planned Development

In the August 16, 2016 City Council meeting, Council considered the proposed Planned Development on Holden Avenue, along with the recommendation of the Planning & Zoning Board. After much discussion, you referred the matter to a “negotiations” meeting with the applicant, the Mayor and his designee(s) and Planning & Zoning Board member Chris Rader. The following is what you will be considering regarding the proposed Holden PD

1. Under “Public Hearings”, you will consider Ordinance 2016-08; rezoning the property that is the subject of the proposed Holden PD. Attached to the Ordinance is the Developer’s Agreement and Land Use Plan. Additionally, you will find another Ordinance that is tailored to align with the revisions of the Land Use Plan. City Attorney Smith will explain the mechanics of this Ordinance.
2. Under “Unfinished Business” you will find Planner Hardgrove’s highlight’s of the August 24th and September 14th meetings. You will also find a copy of the arborist report regarding the trees on the subject property. Engineer Mahler and Planner Hardgrove will be able to answer your questions regarding this proposed development. Additionally, Planning & Zoning Board member Chris Rader will present his comments.

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ORDINANCE NO. 2016-08

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 R1A AND R1AA (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.

WHEREAS, the applicant has filed an application for rezoning of those lands described herein to PD (Planned Development); and

WHEREAS, the City Council of the City of Edgewood has received a presentation from the applicant, public input, and recommendations from staff and the Planning and Zoning Board related to the rezoning; and

WHEREAS, the PD (Planned Development) zoning classification is consistent with the City of Edgewood Comprehensive Plan, Future Land Use Map; and

WHEREAS, the City Council of the City of Edgewood finds the PD (Planned Development) zoning classification to be in the best interest of the inhabitants of the City of Edgewood provided certain conditions of development consistent with the PD (Planned Development) zoning classification are satisfied and, accordingly, desires to amend the Official Zoning Map as hereinafter set forth.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA:

Section 1: Property rezoned from R1AA (Single Family Dwelling) to PD (Planned Development).

That certain property described below is hereby rezoned from R1AA (Single Family Dwelling) to PD (Planned Development), subject to the conditions set forth in this ordinance. Said property is more particularly described as:

THE WEST 165.00 FEET OF THE FOLLOWING TRACT:
BEGINNING AT A POINT 440 FET EAST OF THE
NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE
NORTHWEST ¼ OF SECTION 14, TOWNSHIP 23 SOUTH,

45 RANGE 29 EAST, RUN THENCE EAST 352 FEET; THENCE
46 SOUTH 1320 FEET TO THE SOUTH LINE OF THE SAID
47 NORTHWEST ¼ OF THE NORTHWEST ¼ 352 FEET;
48 THENCE NORTH 1320 FEET TO THE POINT OF
49 BEGINNING.
50

51 **Section 2: Property rezoned from R1A (Single Family Dwelling) to PD (Planned**
52 **Development).**
53

54 That certain property described below is hereby rezoned from R1A (Single
55 Family Dwelling) to PD (Planned Development), subject to the conditions set forth in this
56 ordinance. Said property is more particularly described as:
57

58 THE EAST 187.00 FEET OF THE FOLLOWING TRACT:
59 BEGINNING AT A POINT 440 FEET EAST OF THE
60 NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE
61 NORTHWEST ¼ OF SECTION 14, TOWNSHIP 23 SOUTH,
62 RANGE 29 EAST, RUN THENCE EAST 352 FEET; THENCE
63 SOUTH 1320 FEET TO THE SOUTH LINE OF THE SAID
64 NORTHWEST ¼ OF THE NORTHWEST ¼; THENCE WEST
65 ALONG THE SOUTH LINE OF THE SAID NORTHWEST ¼
66 OF THE NORTHWEST ¼ 352 FEET; THENCE NORTH 1320
67 FEET TO THE POINT OF BEGINNING;
58

69 TOGETHER WITH

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71 N 380 FT OF W 100 FT OF E 526.7 FT OF NW ¼ OF NW ¼
72 (LESS N 30 FT RD R/W) OF SEC 14-23-29
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74 TOGETHER WITH

75
76 N 380 FT OF W 303 FT OF E 426.7 FT OF NW ¼ OF NW ¼
77 (LESS N 155 FT OF E 125 FT & LESS N 155 155 FT OF W 128
78 FT & LESS N 30 FT FOR RD) SEC 14-23-29
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80 TOGETHER WITH

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82 N 155 FT OF W 125 FT OF E 248.7 FT OF NW ¼ OF NW ¼
83 (LESS N 30 FT RD R/W) OF SEC 14-23-29
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87 N 155 OF W 128 FT OF E 426.7 FT OF NW ¼ OF NW ¼ (LESS
88 N 30 FT FOR RD R/W) OF SEC 14-23-29

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Section 3: Adoption of Land Use Plan and Development Plan.

The Land Use Plan, attached hereto as Exhibit “A” and the Development Plan, attached hereto as Exhibit “B,” for the property described above is approved and adopted subject to the additional conditions contained herein.

Section 4: Terminology.

For the purposes of this Ordinance, the term “Developer” shall refer to any person, corporation or entity, which carried out any building activity, makes any natural change in the use or appearance of any structure or land, or divides the property into two or more parcels.

Section 5: Development.

The subject property shall be developed in accordance with the Land Use Plan and Development Plan approved herein and shall be subject to the following additional conditions.

- A. The developer shall be allowed to construct fifty-three single family residences on the property.
- B. Subdivision of lots shall comply with all regulations and ordinances in force at the time of subdivision plan approval.
- C. Access to the site shall be provided on Holden Avenue directly opposite Tinsley Drive.
- D. Density shall not exceed 4.0 dwelling units/acre.
- E. Minimum lot size shall be 6000 square feet.
- F. Minimum dwelling size shall be 1800 square feet of livable space.
- G. Minimum lot width shall be 50 feet.
- H. Minimum front yard building setback shall be 25 feet.
- I. Minimum rear yard building setback shall be 20 feet.
- J. Minimum side yard setback shall be 5 feet.

132 A buffer yard of at least 15 feet in width shall be located along the western
133 property perimeter where the property is adjacent to existing residential lots
134 and/or parcels. The buffer yard may not be counted toward the minimum yard
135 setbacks. The buffer area can be used for stormwater management provided:

- 136
- 137 (i) Any such stormwater management consists of a dry bottom stormwater
138 management pond;
- 139 (ii) The stormwater management pond is sodded;
- 140 (ii) The stormwater management pond is designed and constructed to be dry
141 within 72 hours after a 25-year storm event;
- 142 (iii) A skimmer must be provided to minimize the accumulation of trash and
143 pollutants;
- 144 (iv) At least five percent of the area above the peak stage elevation must be
145 landscaped with at least 50 percent of the required area landscaped with
146 plant materials other than ground cover (the use of native plant species is
147 encouraged).
- 148

149 K. A masonry wall or solid low-maintenance fence of consistent material and at least
150 six feet in height shall be constructed around the entire perimeter of the subject
151 property except that portion of the subject property adjacent to Holden Avenue.

152

153 L. A masonry brick wall with equally spaced columns shall be constructed along the
154 Holden Avenue perimeter and along the entry road of subdivision entrance.

155

156 M. Irrigated landscaping shall be placed on the Holden Avenue side of the wall and
157 along the entry road of subdivision entrance. The landscaping shall include a
158 continuous hedge, ground cover, and trees that will not interfere with the
159 overhead utility lines. The continuous hedge shall be at least 30 inches high at
160 planting of a species capable of growing to at least 36 inches in height within 18
161 months, which hedge shall be maintained at a height not less than 36 inches. The
162 height of the hedge shall be measured from site grade. All requisite landscaping,
163 whether preserved or newly planted, must demonstrate health and viability after
164 issuance of the certificate of occupancy/completion. The city may perform a
165 courtesy inspection of the landscaping within 90 days after issuance of the
166 certificate of occupancy/completion. If the landscaping appears to be under stress,
167 staff shall notify the developer/HOA. A compliance inspection will be performed
168 approximately one year after landscape installation. If the landscaping is not
169 viable, notice shall be given to the developer/HOA, and the developer/HOA shall
170 be responsible for restoring the landscaping within a time period acceptable to the
171 city.

172

173 N. A homeowners' association (HOA) shall be created and shall maintain in
174 perpetuity all perimeter walls, common open space, buffer areas, common

- 175 irrigation, streets, sidewalks, street lighting, signage, and retention and drainage
176 systems.
177
- 178 O. The buffer yard and all portions of the subject property upon which perimeter
179 walls are constructed shall be owned by the HOA.
180
- 181 P. The streets, street lighting, signage, and drainage systems within the development
182 are to be private, owned and maintained by the HOA. The City shall not pay for
183 any portion of the cost of constructing or maintaining the private streets, street
184 lighting, signage, and drainage systems. The HOA shall own and be responsible
185 for all costs associated with the maintenance and reconstruction of the private
186 streets, drainage facilities, street lighting, sidewalks, signage, and related
187 appurtenances, and the City has no obligation to maintain the private streets,
188 sidewalks, signage, and drainage systems.
189
- 190 Q. The private streets must be constructed within a separate tract owned by the HOA.
191 This tract must conform to the City's standards for public streets/right-of-way.
192 The City shall have the right to inspect the private streets and related
193 appurtenances at any time, and require the HOA to provide the repairs needed to
194 ensure emergency access and quality of life for residents. The City Council shall
195 be the final judge of whether such repairs are needed.
196
- 197 R. An easement over the platted roadway right-of-way tract must be dedicated or
198 otherwise granted to the owners of each lot within the subdivision and to all their
199 successors in interest. Unrestricted access rights over the platted street tract must
200 also be granted to the City and utility providers providing use of the property for
201 any purpose related to the exercise of a governmental service or function,
202 including but not limited to fire and police protection, inspection and code
203 enforcement. The easement shall permit the City/Orange County to remove any
204 vehicle or obstacle within the private street tract that impairs emergency access.
205
- 206 S. Guard houses, access control gates and cross arms may be constructed. The
207 restricted access entrances must be manned 24 hours every day, or provide an
208 alternative means of ensuring access to the subdivision by the City and other
209 public/utility service providers with appropriate identification.
210
- 211 T. Restricted Access Entrance Design Standards - Any private street that has an
212 access control gate or cross arm must have a minimum uninterrupted pavement
213 width of 20 feet at the location of the access control device. Gate designs may
214 incorporate one or two gate sections to meet the required minimum width of 20
215 feet.
216
- 217 U. Entryway gates must be equipped with an audio (siren) override device to allow
218 emergency access to the subdivision by fire/rescue, police and other emergency-

219 response personnel. The audio-override device must be submitted to the fire and
220 rescue department for inspection and the entrance gates may not be closed unless
221 and until the department determines that the device is acceptable and in good
222 working order. Emergency Responders shall have the right to enter the
223 subdivision and remove any gate or device that is a barrier to access at the sole
224 expense of the HOA, subject to approval by the City Council. The HOA's
225 documents must contain provisions in conformity with this paragraph that must
226 not be amended without the written consent of the City.
227

228 V. The entryway gate must include a box, labeled "City of Edgewood," with a
229 master-keyed padlock, and the box must contain a key, a card-key, a code, a
230 remote-control device, or some other means by which public service and utility
231 workers may gain access to the subdivision. The means of access must be
232 approved by the City, public service/utility providers and the box must be
233 installed prior to the city's issuance of the certificate of completion for the
234 subdivision infrastructure. Any other utilities serving the subdivision must have
235 similar access, and the names of such utilities must be on the outside of the box
236 containing the means of access.
237

238 W. Water, sanitary sewer, storm drainage facilities placed within the private street
239 tract shall be installed to city/utility provider standards. All storm drainage
240 facilities in the subdivision shall remain within the ownership and maintenance
241 responsibilities of the HOA. All city regulations relating to infrastructure
242 financing, performance bonds, developer cost participation and capital cost
243 recovery shall apply to the subject development. Any and all city executable
244 maintenance bonds covering subdivision construction shall be transferred to the
245 HOA upon approval of the private street subdivision by the City Council.
246

247 X. The private street must be equipped for visitor access. In addition to the above
248 Restricted Access Entrance Design Standards, said visitor entrance must be
249 equipped with a call or code box located at least 50 feet from the boundary of the
250 subdivision to provide for visitors calling in and vehicle queuing. The City
251 reserves the right to require the developer to provide a detailed study to determine
252 if the traffic generated by the proposed development will warrant the call or code
253 box to be set back greater than the 50-foot minimum requirement in order to
254 ensure sufficient vehicle storage or queuing space. A turn-around space with a
255 minimum outside radius of 30 feet must be located between any call or code box
256 and access control gate or cross arm to allow vehicles denied access to safely exit
257 onto public streets in a "head out" position. A sign must be erected next to the
258 edge of such turn around space to prohibit vehicle parking in such space.
259

260 Y. Parking for each lot shall be designed to allow two parking spaces in the garage
261 and two spaces in the driveway for a total of four (4) parking spaces per

262 residence. Sidewalks shall be placed to not interfere with the driveway parking
263 spaces required herein.

264
265 Z. Simultaneous with or prior to the recording of the subdivision final plat, the
266 developer must record in the public records of Orange County, Florida, a
267 document or documents ("declaration") that shall govern all platted lots within the
268 subdivision, shall impose requirements and restrictions that run with the land, and
269 shall address the responsibilities for the ongoing maintenance and repair of the
270 subdivision infrastructure. The terms of the declaration shall be, to the city's
271 satisfaction, legally sufficient and enforceable to accomplish or otherwise ensure,
272 at a minimum, the following:

273
274 (i) Require the establishment and maintenance of an HOA budget account for
275 annual routine maintenance and repair of the streets, street lights,
276 landscaping, sidewalks, fence/wall, and drainage system, including
277 stormwater detention and retention areas.

278
279 (ii) Require the establishment and maintenance of an HOA reserve account for
280 major capital repair and replacement of the subdivision's streets.

281
282 (iii) Require the establishment and maintenance of an HOA reserve account for
283 major capital repair and replacement of the subdivision's stormwater
284 retention and detention facilities.

285
286 (iv) Require the establishment and maintenance of an HOA reserve account for
287 major capital repair and replacement of other subdivision infrastructure
288 such as sidewalks, stormwater conveyance systems, curbing, wall/fences,
289 etc.

290
291 (v) Require the establishment and maintenance of an HOA budget account for
292 storm debris clean-up and removal, such as clearing downed trees,
293 landscape, and other storm-created debris from the subdivision's streets,
294 sidewalks and drainage facilities.

295
296 (vi) Provide that:

297
298 a. Until turnover of the HOA to the property owners and/or transfer
299 of control of subdivision infrastructure to the HOA, all
300 maintenance and repair of streets, street lighting, landscaping,
301 walls/fences, sidewalks and the drainage system, including
302 stormwater detention/retention areas, is the responsibility of the
303 developer;

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- b. Prior to turnover of the HOA and/or transfer of control of subdivision infrastructure to the property owners, the developer may expend monies in the routine-infrastructure-maintenance account for such maintenance and repair, but only with the written consent of the board of directors of the HOA; and
 - c. Insufficiency of monies in the routine-infrastructure-maintenance account shall not act to relieve the developer of any responsibility to maintain and repair the streets, sidewalks, streetlights, and drainage system (including stormwater detention/retention areas) properly prior to turnover of the HOA and/or transfer of control of subdivision infrastructure.
- (vii) Require that:
- a. No earlier than one hundred eighty (180) days before turnover of the HOA and/or transfer of control of subdivision infrastructure to the property owners, the developer must retain the services of a Florida registered engineer experienced in subdivision construction (other than the engineer of record for the subdivision as of the date of the city's approval of the subdivision infrastructure construction plans, and engineers who are principals of, employed by, or contractors of the same firm as the engineer of record) to inspect the streets, sidewalks, street lighting, and drainage system, including stormwater detention/retention areas in accordance with the existing approved plans, and prepare a report recommending the amount of scheduled maintenance and unscheduled repair that likely will be needed each year for the streets, sidewalks and drainage system (including stormwater detention/retention areas), in accordance with standards that may be established and revised from time to time by the City Engineer or his or her designee, which recommends the amounts of money that should be deposited each year in the routine-infrastructure-maintenance account, and determining what repairs, if any, are needed prior to turnover of the HOA;
 - b. The report be signed and sealed by the engineer;
 - c. The developer shall pay the cost of this initial engineer's report, which payment may be made from the routine-infrastructure-maintenance account;

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- d. A copy of the initial engineer's report shall be provided to all owners of lots, blocks, and tracts in the subdivision and to the City Engineer within fifteen (15) days after it is completed;
 - e. Any needed repairs or replacements identified by the report be completed by the developer, at the developer's sole expense, prior to either the developer's turnover of the HOA to the property owners of the subdivision or transfer of control of subdivision infrastructure to the HOA, whichever occurs first; and
 - f. If turnover of the HOA and/or transfer of control of subdivision infrastructure occurs and the foregoing requirements have not been fulfilled, the rights of the HOA, any of its members, and any and all owners of land in the subdivision to enforce these requirements against the developer shall survive the turnover of the HOA to the property owners, with the prevailing party to be entitled to attorneys' fees and costs.
- (viii) Require that, after turnover of control of the HOA, or turnover of control of the subdivision infrastructure to the property owners:
- a. The HOA shall obtain an inspection of the streets, sidewalks and drainage systems, including stormwater detention/retention areas, by a Florida-registered engineer experienced in subdivision construction no less frequently than once every three (3) years after the initial engineer's inspection; and
 - b. Using good engineering practice, and in accordance with standards that may be established and revised from time to time by the City Engineer or his or her designee, or in accordance with such other standards as may be adopted from time to time by the HOA, or in accordance with such standards as the HOA's engineer may determine to be appropriate, the inspection determine the level of maintenance and repair (both scheduled and unscheduled) needed, the amounts of funding needed each year for the next three (3) years in the routine-infrastructure-maintenance account to pay for such maintenance and repair, and any repairs then needed;
 - c. That the inspection be written in a report format; and
 - d. A copy of each engineering report be provided to each owner of property in the gated community within fifteen (15) days of completion of the report; and

- 391 e. Within one hundred eighty (180) days of receipt of each tri-annual
 392 engineering report, the HOA complete all remedial work identified
 393 and recommended by the engineer.
 394
- 395 (ix) The developer (so long as the developer retains control of the board of
 396 directors of the HOA) and the HOA expressly indemnify and hold the City
 397 of Edgewood and its officers and employees harmless from any cost of
 398 maintenance, repair, and reconstruction of, or tort liability or award of
 399 damages related to or arising in connection with, the streets, sidewalks,
 400 street lights, walls/fences, drainage system (including stormwater
 401 retention/detention area), and/or any other subdivision infrastructure.
 402
- 403 (x) No contract for the sale and purchase of a residential lot or home in the
 404 subdivision shall be effective until cost disclosure statement ("disclosure
 405 statement") has been provided to and executed by such purchaser.
 406
- 407 (xi) Expressly declare that property owners receive no discount in property or
 408 other taxes because of private streets or drainage system.
 409
- 410 (xii) Require that each initial purchaser of a residential lot in the gated
 411 subdivision for the personal or family use of the purchaser receive a copy
 412 of the declaration at or prior to the time the sales contract is executed,
 413 together with the current budget for the HOA, including a schedule
 414 disclosing the then-existing amounts of the periodic assessments for each
 415 of the HOA accounts and a copy of the most recent year-end financial
 416 statement for the HOA, and if none are then existing, a good faith estimate
 417 of the HOA operating budget, along with a form to be signed by such
 418 initial purchaser acknowledging receipt of a copy of the declaration,
 419 budget, financial statement or good faith estimate, and that the original of
 420 the form acknowledging receipt of a copy of the declaration is to be
 421 attached to the sales contract as an exhibit or appendix. Such schedule
 422 must also state that the periodic assessments for the HOA accounts do not
 423 necessarily include assessments for either the routine maintenance of or
 424 the capital repair and replacement of HOA facilities not related to
 425 subdivision infrastructure (such as common area landscaping, entrance
 426 and exit gates, walls, etc.).
 427
- 428 (xiii) Declare that upon any default by the HOA or the developer in any
 429 requirements of the declaration, the City, at its option and after due notice
 430 of its declaration of a default and a reasonable time to cure, may prohibit
 431 closure of the gates and, upon dedication or conveyance of the rights-of-
 432 way to the City, assume responsibility for maintenance, using all HOA
 433 monies on deposit in the routine-infrastructure-maintenance account and
 434 the several capital-repair accounts or, if no monies exist or if an

- 435 insufficient amount exists, using such other revenues or financing methods
436 as the City may elect, including (but not limited to) special assessments
437 against the subdivision lots, blocks, and tracts.
- 438
- 439 (xiv) Require that enforcement of traffic laws within the gated community, as
440 requested by the HOA, shall be by the City Police Department and that all
441 costs of enforcement incurred by the City shall be paid by the HOA.
442
- 443 (xv) Provide a procedure for nonbinding mediation in the event of a dispute
444 between any homeowner and the developer, or between the HOA and the
445 developer, with respect to the repair and maintenance of the streets,
446 sidewalks, street lighting, drainage system or other subdivision
447 infrastructure or appurtenances and/or funding for such maintenance and
448 repair.
449
- 450 (xvi) Provide that:
- 451 1. The HOA, any member of the HOA, and any and all owners of
452 land in the subdivision shall have the right jointly and severally to
453 enforce against the developer the requirements and provisions of
454 the declaration required hereunder, with the prevailing party being
455 entitled to attorney's fees and costs;
- 456 2. Any member of the HOA and any and all owners of land in the
457 subdivision shall have the right to enforce against the HOA the
'58 requirements and provisions of the declaration required hereunder,
.59 with the prevailing party being entitled to attorneys' fees and costs;
460 and
461 3. Venue for any such enforcement action shall be in the Ninth
462 Judicial Circuit of Florida, in Orange County.
463
- 464 (xvii) Provide that any transfer of subdivision infrastructure (including the
465 property on which the subdivision infrastructure is located) to the City of
466 Edgewood or other governmental entity is prohibited without the
467 concurrence of the owners of two-thirds (2/3) (or such higher percentage
468 as the declaration may provide) of the platted lots.
469
- 470 (xviii) No portion of the association's documents pertaining to the maintenance
471 of the private streets, sidewalks, street lighting, and drainage systems, and
472 assessments thereto shall be amended without the written consent of the
473 City.
- 474 (xix) The Declaration must contain language whereby the HOA, as owner of the
475 private streets, sidewalks and appurtenances, agrees to release, indemnify,
476 defend and hold harmless the City, its officers, agents, licensees, servants
477 and employees, from and against any and all claims or suits for property
478 damage or loss and/or personal injury, including death, to any and all

479 persons, of whatsoever kind of character, whether real or asserted, arising
480 out of or in connection with, directly or indirectly: a) the reasonable use of
481 the private streets and sidewalks, emergency access, utility easements,
482 entrance gate or structure by the City, its officers, agents, licensees,
483 servants and employees; b) the condition of the private streets, sidewalks,
484 private street lights, private entrance gates or structures, private walls or
485 fences, private pedestrian access, private storm drainage systems and
486 emergency access; or c) any use of the subdivision with private streets by
487 the City, County, or Utility provider, its officers, agents, licensees,
488 servants and employees for any purpose related to the exercise of a
489 governmental function or service, whether or not caused, in whole or in
490 part, by alleged negligence of officers, agents, servants, employees,
491 contractors, subcontractors, licensees or invitees of City. The HOA shall
492 be responsible for carrying liability insurance to meet the requirements in
493 this paragraph. Those portions of the HOA's documents pertaining to the
494 subject matter contained in this paragraph must not be amended without
495 the written consent of the City.

496 (xx) The HOA must not be dissolved without the prior written consent of the
497 City.
498

499 **Section 6: Zoning map.**

500
501 The Official City Zoning Map shall be amended to conform to the zoning
502 assigned as described in Section 2 of this Ordinance.
503

504 **Section 7: Conflicts.**

505
506 All ordinances or part of ordinances in conflict with this Ordinance are hereby
507 repealed.
508

509 **Section 8: Severability.**

510
511 Should any section or part of this Ordinance be declared invalid by any court of
512 competent jurisdiction, such adjudication shall not apply or affect any other provision of
513 this Ordinance, except to the effect that the entire section or part of the section may be
514 inseparable in meaning and effect from section to which such holding shall apply.
515

516 **Section 9: Effective date.**

517
518 This ordinance shall take effect immediately upon its final adoption by the City Council
519 of the City of Edgewood, Florida.
520

521 PASSED ON FIRST READING THIS _____ DAY OF _____, 2016.
522

523 PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.

524

525

526 CITY OF EDGEWOOD, FLORIDA

527 CITY COUNCIL

528

529

530 _____
John Dowless, Council President

531 ATTEST:

532

533

534 _____
Bea Meeks, City Clerk, MMC, CPM, CBTO

Prepared by:
D. Andrew Smith, III, Esquire
2300 Maitland Center Pkwy
Suite 100
Maitland, Florida 32751
(407) 622-1772

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

RE: APPLICATION OF KRDK INVESTMENTS, LLC

PLANNED DEVELOPMENT AGREEMENT

The application of KRDK Investments, LLC (hereinafter referred to as “Developer”) and Ordinance 2016-08 for rezoning was heard by and before the City Council of the City of Edgewood, Florida (hereinafter referred to as “City”) on the 20th day of September, 2016, 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 August 16, 2016, the City Council does hereby find and determine as follows:

GENERAL FINDINGS

- a. That the application for rezoning was initially filed with the City on December 23, 2015, as required by City Ordinance.
- b. That all fees and costs which are by law or regulation of the City required to be borne and paid by the applicant for rezoning of property have been paid.
- c. That application to rezone involves parcels of land containing 13.46 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 to as the “Subject Property”) and incorporated herein.
- d. Developer 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 Developer to pursue to instant application.
- e. That the Development Review Committee held a public meeting wherein it considered the application and proposed Land Use Plan and moved the rezoning application and proposed land use plan forward to Planning and Zoning Committee.

f. That on July 11, 2016 at a public hearing the 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 the applicant, the proposed conditions of approval by the applicants and other documents, the Planning and Zoning Committee made its recommendations to City Council.

g. 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 applicant, and applicant's expert and members of the public.

h. Developer intends to construct a residential development consisting of those components described in the Land Use Plan attached hereto as **Exhibit "B"** and made a part hereof.

i. Developer hereby affirms and acknowledges that everything contracted for, negotiated, acknowledged and affirmed herein by Developer is done freely and voluntarily.

j. That Ordinance 2016-08 to which a copy of this 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.

k. That the Planned Development complies with the City's Comprehensive Plan.

l. The City enters this Planned Development Agreement pursuant to its Home Rule Powers given to it 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 Developer, 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 Developer shall conform to the Land Use Plan submitted by Developer and attached hereto as **Exhibit "B"** and with all conditions and requirements of Ordinance 2016-08, which rezoned the Subject Property to Planned Development.

b. The Developer 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.

c. The Developer 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. 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 Developer shall comply with the terms of this Agreement as it may be amended from time to time.

e. The Developer shall comply with the City's Comprehensive Plan.

3. **Power to bind.** The Developer hereby covenants and warrants that its officer executing this Agreement has the right, authority and capacity to enter into this Agreement, and Developer acknowledges that the City relied upon the Developer's covenants in connection with the decision to enter into this Agreement.

4. **Growth management plan.** The City attests that the future land use designation to the property allows single family residential.

5. **Plan of development.**

a. **Maximum units:** The maximum number of units shall be forty-five (45) and all such units shall be single family detached residential.

b. **Minimum lot size:** The minimum lot size shall be 6,000 square feet.

c. **Minimum net living area:** Residential structures of no less than 2,200 square feet shall be constructed on at least twenty-five percent (25%) of the residential lots. Residential structures of no less than 1,800 square feet shall be constructed on the remainder of the residential lots.

d. **Minimum lot width:** The minimum lot width shall be fifty (50) feet.

e. **Setbacks:** The minimum front yard building setback shall be twenty-five (25) feet. The minimum rear yard building setback shall be twenty-five (25) feet. The minimum side yard building setback shall be five (5) feet.

e. **Density:** Density shall not exceed four units per acre.

f. **Parking:** Parking for each lot shall be designed to allow two parking spaces in the garage and two spaces in the driveway for a total of four (4) parking spaces per residence. Driveways shall be of a length to avoid parking over the sidewalk; this may require the garage to be recessed 5 feet behind the building's front facade. All driveways shall be paver driveways.

g. Drainage: All drainage resulting from the Development must be able to be accommodated within the Development's stormwater and drainage system. No fill or runoff shall be allowed to discharge on to nearby properties unless the Developers obtain the necessary easements from nearby property owners.

h. Lighting: All exterior lighting shall be directed away and be shielded from adjacent residential areas and shall not create a hazard to traffic. All installed exterior lighting must be approved prior to the issuance of any certificate of occupancy.

i. Subdivision signage: Proposed signage shall be submitted with the application for Development Plan and must meet all sign requirements of the City's Code of Ordinances. A separate permit for signage shall be required.

j. Tree removal: An application for tree removal must be submitted, and a tree removal permit shall be required before the removal of any existing trees. The tree removal application shall include a replacement schedule as required by the City's Code of Ordinances and shall be reviewed concurrently with the development/site plan. The Developers may be required to submit a report by a professional arborist to justify removal of any existing trees, including and not limited to dead or diseased trees.

k. Landscape plans: Subdivision landscape plans shall be submitted with the development/site plan. The Developer shall comply with all landscaping requirements pursuant to the Code of Ordinances of the City of Edgewood. No certificate of occupancy may be issued until the landscaping has been installed and approved by the City.

l. Residential lot trees: At least one tree from the approved replacement tree stock list as approved by resolution of the City with at least two inch caliper diameter breast height shall be planted upon each residential lot. Developer shall be given credit for any live oak preserved on a residential lot and such tree shall be counted for that lot in lieu of a new planting.

m. Non-uniformity of residential structures: Residential structures constructed shall be of varying elevations and finishes in a manner that no adjacent houses have the same elevation and finish.

n. Irrigation of residential lots: An irrigation system to water the front and back yards of each residential lot shall be installed at time of construction of each residential unit.

o. Utilities and infrastructure: All utilities, including but not limited to electric and telephone, shall be underground, and such costs will be borne completely by the Developer. No certificate of occupancy shall be issued until all improvements, fire protection, street lighting, street and regulatory signage and striping have been installed and approved by the City.

6. **Subdivision entrance**. The Developer shall locate the subdivision entrance on Holden Avenue directly opposite Tinsley Avenue. The Developer shall provide a gated restricted access entrance to the subdivision that allows sufficient holding space for at least three vehicles as

measured from the call box to the Holden Avenue south right-of-way line. The private street must be equipped for visitor access with a call or code box located at least 50 feet from the boundary of the subdivision to provide for visitors calling in and vehicle queuing. The restricted access entrance shall provide a means of ensuring access to the subdivision by the City and other public/utility service providers with appropriate identification.

7. **Wall construction.**

a. A masonry wall, non-white earth-tone high grade vinyl fence, or aluminum picket fence at least six feet in height shall be constructed around the north, east, and west perimeter of the subject property except that portion of the subject property adjacent to Holden Avenue. The wall or fence constructed on each perimeter (i.e., north, east, and west) shall be of a consistent material. Each perimeter wall or fence (i.e., north, east, and west) may utilize different materials than the other perimeter wall or fences.

b. A masonry wall at least eight feet in height shall be constructed along the south perimeter of the subject property.

c. A masonry brick wall with equally spaced columns at least six feet in height shall be constructed along the Holden Avenue perimeter and along the entry road of subdivision entrance.

8. **Landscaping.** Irrigated landscaping shall be placed on the Holden Avenue side of the wall and along the entry road of subdivision entrance. The landscaping shall include a continuous hedge, ground cover, and trees that will not interfere with the overhead utility lines. The continuous hedge shall be at least 30 inches high at planting of a species capable of growing to at least 36 inches in height within 18 months, which hedge shall be maintained at a height not less than 36 inches. The height of the hedge shall be measured from site grade. All requisite landscaping, whether preserved or newly planted, must demonstrate health and viability after issuance of the certificate of occupancy/completion. Trees shall be of evergreen variety and planted at intervals not more than the mature canopy width.

9. **Tree preservation.** The Developer shall make every reasonable effort to save all major live oak trees located upon the Subject Property.

10. **Declarations of Covenants, Conditions, and Restrictions.**

a. Prior to the sale of any platted and developed lot, the Developer shall record in the Public Records of Orange County, Florida, as a covenant running with the land of the Subject Property, a Declaration of Covenants, Conditions, and Restrictions in compliance with Ordinance 2016-08 and providing for:

(i) a mandatory homeowners association which will be an incorporated entity legally authorized and required to, among other things, impose assessments and liens; and

(ii) such other provisions as are compatible with this Agreement and the Land Use Plan as approved by the City; and

(iii) provide for cross-easements to the extent required for access to common areas and facilities; and

(iv) The Developer/homeowners association, through its Declaration of Covenants, Conditions, and Restrictions shall, among other matters, assess costs upon the properties of its members at least sufficient to pay:

(a) The annual cost of maintaining and irrigating the entryway to the Development as well as any land dedicated to common use by the members of the homeowner's association;

(b) The cost associated with maintaining, repairing, or replacing any common area facilities mutually benefitting the association, including but not limited to all walls bounding the Subject Property, all landscaping within common areas, storm drainage infrastructure serving the subdivision, all elements of the restricted access entry, all roads, streets and sidewalks within the subdivision, and all streetlighting within the subdivision.

(v) The Developer shall deed to the homeowners association the lake recreation areas located upon the Subject Property. The Developer/homeowners association shall be responsible to maintain the recreation areas, to limit its use to residents of the Development and their immediate families, guests, and invitees, and to maintain any and all fencing and buffer areas.

11. **Road improvement.** All off-site road improvements shall be performed by the Developer in conjunction with onsite infrastructure construction. The City shall not be obligated to furnish any right-of-way funds or materials whatsoever to the construction of any new streets or roads or widening existing streets or roads upon the Subject Property or for any other improvement of any nature whatsoever.

12. **Recordation of Developer Agreement.** Upon execution of this Agreement, the Developer shall reimburse the cost of recording this Agreement in Orange County, Florida.

13. **Housing certification.** The Developer will not seek nor allow the Subject Property to be designated as a certified affordable project.

14. **Fees.** The Developer agrees to pay 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. The Developer shall pay all capacity reservation fees applicable to the Planned Development (including, without limitation, transportation, water, sewer, solid waste, and parks and recreation) regulated by Orange County.

15. **Legislative act.** This Agreement is deemed a legislative act of the City of Edgewood.

16. **Default.** The following events, if any occur prior to the time Developer turns over the property to the homeowners association, shall be a default by the Developer and shall be a breach of agreement and shall entitle the City to terminate this Agreement upon sixty (60) days written notice to the Developer.

- a. The Developer's adjudication as bankrupt, either voluntary or involuntary;
- b. The institution of any judicial proceeding for reorganization or rearrangement of the Developer's affairs that is not dismissed within sixty (60) days;
- c. Any assignment by the Developer for the benefit of creditors;
- d. The appointment of a receiver for the Developer's assets or property, which appointment is not dismissed within sixty (60) days;
- e. The abandonment of the Planned Development with the intention of not completing the Development or any portion thereof for a period of ninety (90) consecutive days, subject to force majeure.

17. **Force majeure.** The parties shall each use reasonable diligence to ultimately accomplish the purposes of this Agreement and the subsequent Subdivision 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.

18. **Binding effect.** This Agreement shall run with the land, shall be binding upon and inure to the benefit of the Developer and its assigns and successors in interest and the City and its assigns and successors in interest. This Agreement does not, and is not intended to, prevent or impede the City from exercising its legislative authority as the same may affect the Subject Property.

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

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

21. **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 Development Agreement is declared severable.

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

23. **Amendments to Development Agreement.** This Development Agreement may be amended in a manner consistent with the Code of Ordinance of the City of Edgewood.

24. **Indemnification and hold harmless.** The Developer and its assigns and successors in interest shall indemnify and hold harmless the City from and against all claims, demand, disputes, damages, costs, expenses (to include attorneys' fees whether or not litigation is necessary, and if necessary, both at trial and on appeal) incurred by the City as a result, directly or indirectly, of the use or development of the Subject Property except those claims or liabilities caused by or arising from the gross negligence or intentional acts of the City, its employees or agents. 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.

25. **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.

26. **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 Developer:

KRDK Investments, LLC
Attn: Khaled Hussein
8671 Curituck Sound Lane
Orlando, Florida 32829

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.

27. **Effective date.** This Agreement shall become effective on the date when the Agreement is executed by both parties.

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

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

Signed, sealed and delivered
in the presence of:

DEVELOPER

Witness:

Khaled Hussein

Witness:

STATE OF FLORIDA)
COUNTY OF ORANGE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, on behalf of _____ 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 _____, 2016.

Notary Public

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 _____, 2016.

Notary Public

EXHIBIT "A"

THE WEST 165.00 FEET OF THE FOLLOWING TRACT:
BEGINNING AT A POINT 440 FEET EAST OF THE
NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE
NORTHWEST ¼ OF SECTION 14, TOWNSHIP 23 SOUTH,
RANGE 29 EAST, RUN THENCE EAST 352 FEET; THENCE
SOUTH 1320 FEET TO THE SOUTH LINE OF THE SAID
NORTHWEST ¼ OF THE NORTHWEST ¼; THENCE WEST
ALONG THE SOUTH LINE OF THE SAID NORTHWEST ¼ OF
THE NORTHWEST ¼ 352 FEET; THENCE NORTH 1320 FEET
TO THE POINT OF BEGINNING.

TOGETHER WITH

THE EAST 187.00 FEET OF THE FOLLOWING TRACT:
BEGINNING AT A POINT 440 FEET EAST OF THE
NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE
NORTHWEST ¼ OF SECTION 14, TOWNSHIP 23 SOUTH,
RANGE 29 EAST, RUN THENCE EAST 352 FEET; THENCE
SOUTH 1320 FEET TO THE SOUTH LINE OF THE SAID
NORTHWEST ¼ OF THE NORTHWEST ¼; THENCE WEST
ALONG THE SOUTH LINE OF THE SAID NORTHWEST ¼ OF
THE NORTHWEST ¼ 352 FEET; THENCE NORTH 1320 FEET
TO THE POINT OF BEGINNING;

TOGETHER WITH

N 380 FT OF W 100 FT OF E 526.7 FT OF NW ¼ OF NW ¼
(LESS N 30 FT RD R/W) OF SEC 14-23-29

TOGETHER WITH

N 380 FT OF W 303 FT OF E 426.7 FT OF NW ¼ OF NW ¼
(LESS N 155 FT OF E 125 FT & LESS N 155 FT OF W 128 FT &
LESS N 30 FT FOR RD) SEC 14-23-29

TOGETHER WITH

N 155 FT OF W 125 FT OF E 248.7 FT OF NW ¼ OF NW ¼
(LESS N 30 FT RD R/W) OF SEC 14-23-29

TOGETHER WITH

N 155 OF W 128 FT OF E 426.7 FT OF NW ¼ OF NW ¼ (LESS N
30 FT FOR RD R/W) OF SEC 14-23-29

47 THE WEST 165.00 FEET OF THE FOLLOWING
48 TRACT: BEGINNING AT A POINT 440 FEET
49 EAST OF THE NORTHWEST CORNER OF THE
50 NORTHWEST ¼ OF THE NORTHWEST ¼ OF
51 SECTION 14, TOWNSHIP 23 SOUTH, RANGE
52 29 EAST, RUN THENCE EAST 352 FEET;
53 THENCE SOUTH 1320 FEET TO THE SOUTH
54 LINE OF THE SAID NORTHWEST ¼ OF THE
55 NORTHWEST ¼; THENCE WEST ALONG THE
56 SOUTH LINE OF THE SAID NORTHWEST ¼
57 OF THE NORTHWEST ¼ 352 FEET; THENCE
58 NORTH 1320 FEET TO THE POINT OF
59 BEGINNING.
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61 **Section 2: Property rezoned from R1A (Single Family Dwelling) to PD**
62 **(Planned Development).**
63

64 That certain property described below is hereby rezoned from R1A
65 (Single Family Dwelling) to PD (Planned Development), subject to the
66 conditions set forth in this ordinance. Said property is more particularly
67 described as:
68

69 THE EAST 187.00 FEET OF THE FOLLOWING
70 TRACT: BEGINNING AT A POINT 440 FEET
71 EAST OF THE NORTHWEST CORNER OF THE
72 NORTHWEST ¼ OF THE NORTHWEST ¼ OF
73 SECTION 14, TOWNSHIP 23 SOUTH, RANGE
74 29 EAST, RUN THENCE EAST 352 FEET;
75 THENCE SOUTH 1320 FEET TO THE SOUTH
76 LINE OF THE SAID NORTHWEST ¼ OF THE
77 NORTHWEST ¼; THENCE WEST ALONG THE
78 SOUTH LINE OF THE SAID NORTHWEST ¼
79 OF THE NORTHWEST ¼ 352 FEET; THENCE
80 NORTH 1320 FEET TO THE POINT OF
81 BEGINNING;
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83 TOGETHER WITH

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85 N 380 FT OF W 100 FT OF E 526.7 FT OF NW ¼
86 OF NW ¼ (LESS N 30 FT RD R/W) OF SEC 14-
87 23-29
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89 TOGETHER WITH

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91 N 380 FT OF W 303 FT OF E 426.7 FT OF NW ¼
92 OF NW ¼ (LESS N 155 FT OF E 125 FT & LESS

93 N 155 FT OF W 128 FT & LESS N 30 FT FOR
94 RD) SEC 14-23-29

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96 TOGETHER WITH

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98 N 155 FT OF W 125 FT OF E 248.7 FT OF NW ¼
99 OF NW ¼ (LESS N 30 FT RD R/W) OF SEC 14-
100 23-29

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102 TOGETHER WITH

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104 N 155 OF W 128 FT OF E 426.7 FT OF NW ¼ OF
105 NW ¼ (LESS N 30 FT FOR RD R/W) OF SEC 14-
106 23-29

107
108 **Section 3: Adoption of Land Use Plan and Development Plan.**

109
110 The Land Use Plan, attached hereto as Exhibit "A" for the property
111 described above is approved and adopted subject to the additional
112 conditions contained herein.

113
114 **Section 4: Terminology.**

115
116 For the purposes of this Ordinance, the term "Developer" shall refer
117 to any person, corporation or entity, which carried out any building
118 activity, makes any natural change in the use or appearance of any structure
119 or land, or divides the property into two or more parcels in connection with
120 the development of the subject property as contemplated herein.

121
122 **Section 5: Development.**

123
124 The subject property shall be developed in accordance with the
125 Land Use Plan approved herein and shall be subject to the following
126 additional conditions.

- 127
128 A. The developer shall be allowed to construct 45 single family
129 residences on the property.
130
131 B. Subdivision of lots shall comply with all regulations and ordinances
132 in force at the time of subdivision plan approval.
133
134 C. Access to the site shall be provided on Holden Avenue directly
135 opposite Tinsley Drive.
136
137 D. Density shall not exceed 4.0 dwelling units/acre.
138

- 139 E. Minimum lot size shall be 6000 square feet.
40
- 141 F. Residential structures of no less than 2,200 square feet shall be
142 constructed on at least twenty-five percent (25%) of the residential
143 lots. Residential structures of no less than 1,800 square feet shall be
144 constructed on the remainder of the residential lots.
145
- 146 G. Minimum lot width shall be 50 feet.
147
- 148 H. Minimum front yard building setback shall be 25 feet.
149
- 150 I. Minimum rear yard building setback shall be 25 feet.
151
- 152 J. Minimum side yard setback shall be 5 feet. Use of 5 foot side
153 setbacks is conditioned on the location of mechanical equipment,
154 water filtration systems, gas tanks, propane tanks, and any other
155 utility or service equipment being alternated between lots in a
156 manner to ensure that only one set of such mechanical equipment is
157 located between any two buildings.
158
- 159 K. A masonry wall, non-white earth-tone high grade vinyl fence, or
160 aluminum picket fence at least six feet in height shall be constructed
161 around the north, east, and west perimeter of the subject property
162 except that portion of the subject property adjacent to Holden
163 Avenue. The wall or fence constructed on each perimeter (i.e.,
164 north, east, and west) shall be of a consistent material. Each
165 perimeter wall or fence (i.e., north, east, and west) may utilize
166 different materials than the other perimeter wall or fences. A
167 masonry wall at least eight feet in height shall be constructed along
168 the south perimeter of the subject property. Either a separate tract
169 or a recorded easement shall be created to contain the wall and the
170 homeowners' association required herein shall be responsible for
171 the maintenance, repair and replacement of the wall in perpetuity.
172
- 173 L. A masonry brick wall at least six feet in height with equally spaced
174 columns shall be constructed along the Holden Avenue perimeter
175 and along the entry road of subdivision entrance. Either a separate
176 tract or a recorded easement shall be created to contain the wall and
177 the homeowners' association required herein shall be responsible
178 for the maintenance, repair and replacement of the wall in
179 perpetuity.
180
- 181 M. Irrigated landscaping shall be placed on the Holden Avenue side of
182 the wall and along the entry road of subdivision entrance. Trees
183 shall be of evergreen variety and planted at intervals not more than
184 the mature canopy width. The landscaping shall include a

185 continuous hedge, ground cover, and trees that will not interfere
186 with the overhead utility lines. The continuous hedge shall be at
187 least 30 inches high at planting of a species capable of growing to at
188 least 36 inches in height within 18 months, which hedge shall be
189 maintained at a height not less than 36 inches. The height of the
190 hedge shall be measured from site grade. All requisite landscaping,
191 whether preserved or newly planted, must demonstrate health and
192 viability after issuance of the certificate of occupancy/completion.
193 The city may perform a courtesy inspection of the landscaping
194 within 90 days after issuance of the certificate of
195 occupancy/completion. If the landscaping appears to be under
196 stress, staff shall notify the developer or homeowners' association
197 required herein, as applicable. A compliance inspection will be
198 performed approximately one year after landscape installation. If
199 the landscaping is not viable, notice shall be given to the developer
200 or homeowners' association required herein, as applicable, and the
201 developer or homeowners' association shall be responsible for
202 restoring the landscaping within a time period acceptable to the city.
203

204 N. A mandatory homeowners' association ("HOA") including as
205 members all owners of residential lots within the development shall
206 be created and shall maintain in perpetuity all perimeter walls,
207 landscaping in all common areas, common open space, buffer areas,
208 common irrigation, streets, sidewalks, street lighting, signage, and
209 retention and drainage systems.

210
211 O. All portions of the subject property upon which perimeter walls are
212 constructed shall be owned by the HOA.
213

214 P. The streets, sidewalks, street lighting, signage, landscaping,
215 fence/wall, drainage systems and all related appurtenances within
216 the development are to be private, owned in a separate tract where
217 applicable and maintained by the HOA. The City shall not pay for
218 any portion of the cost of constructing, maintaining, replacing or
219 reconstructing the private streets, street lighting, sidewalks, street
220 lighting, signage, landscaping, fence/wall, drainage systems and any
221 related appurtenances. The HOA shall own and be responsible for
222 all costs associated with the maintenance, repair, replacement, and
223 reconstruction of the private streets, drainage facilities, street
224 lighting, sidewalks, signage, landscaping, fence/wall and related
225 appurtenances, and the City has no obligation to maintain the
226 private streets, sidewalks, street lighting, signage, landscaping,
227 fence/wall, drainage systems, or related appurtenances.
228

229 Q. The private streets must be constructed within a separate tract
230 owned by the HOA. This tract must conform to the City's standards

- 231 for public streets/right-of-way. The City shall have the right to
232 inspect the private streets and related appurtenances at any time,
233 and require the HOA to provide the repairs needed to ensure
234 emergency access and quality of life for residents. The City Council
235 shall be the final judge of whether such repairs are needed.
236
- 237 R. An easement over the platted roadway right-of-way tract must be
238 dedicated or otherwise granted to the owners of each lot within the
239 subdivision and to all their successors in interest. Unrestricted
240 access rights over the platted street tract must also be granted to the
241 City and utility providers providing use of the property for any
242 purpose related to the exercise of a governmental service or
243 function, including but not limited to fire and police protection,
244 inspection and code enforcement. The easement shall permit the
245 City/Orange County to remove any vehicle or obstacle within the
246 private street tract that impairs emergency access.
247
- 248 S. Guard houses, access control gates and cross arms may be
249 constructed. The restricted access entrances must be manned 24
250 hours every day, or provide an alternative means of ensuring access
251 to the subdivision by the City and other public/utility service
252 providers with appropriate identification.
253
- 254 T. Restricted Access Entrance Design Standards - Any private street
255 that has an access control gate or cross arm must have a minimum
256 uninterrupted pavement width of 20 feet at the location of the
257 access control device. Gate designs may incorporate one or two gate
258 sections to meet the required minimum width of 20 feet.
259
- 260 U. Entryway gates must be equipped with an audio (siren) override
261 device to allow emergency access to the subdivision by fire/rescue,
262 police and other emergency-response personnel. The audio-override
263 device must be submitted to the fire and rescue department for
264 inspection and the entrance gates may not be closed unless and until
265 the department determines that the device is acceptable and in good
266 working order. Emergency Responders shall have the right to enter
267 the subdivision and remove any gate or device that is a barrier to
268 access at the sole expense of the HOA, subject to approval by the
269 City Council. The HOA's documents must contain provisions in
270 conformity with this paragraph that must not be amended without
271 the written consent of the City.
272
- 273 V. The entryway gate must include a box, labeled "City of Edgewood,"
274 with a master-keyed padlock, and the box must contain a key, a
275 card-key, a code, a remote-control device, or some other means by
276 which public service and utility workers may gain access to the

277 subdivision. The means of access must be approved by the City,
278 public service/utility providers and the box must be installed prior
279 to the city's issuance of the certificate of completion for the
280 subdivision infrastructure. Any other utilities serving the
281 subdivision must have similar access, and the names of such
282 utilities must be on the outside of the box containing the means of
283 access.

284
285 W. Water, sanitary sewer, storm drainage facilities placed within the
286 private street tract shall be installed to city/utility provider
287 standards. All storm drainage facilities in the subdivision shall
288 remain within the ownership and maintenance responsibilities of the
289 HOA. All city regulations relating to infrastructure financing,
290 performance bonds, developer cost participation and capital cost
291 recovery shall apply to the subject development. Any and all city
292 executable maintenance bonds covering subdivision construction
293 shall be transferred to the HOA upon approval of the private street
294 subdivision by the City Council.

295
296 X. The private street must be equipped for visitor access. In addition to
297 the above Restricted Access Entrance Design Standards, said visitor
298 entrance must be equipped with a call or code box located at least
299 50 feet from the Holden Avenue South right of way line of the
300 subdivision to provide for visitors calling in and vehicle queuing.
301 The City reserves the right to require the developer to provide a
302 detailed study to determine if the traffic generated by the proposed
303 development will warrant the call or code box to be set back greater
304 than the 50-foot minimum requirement in order to ensure sufficient
305 vehicle storage or queuing space. A turn-around space with a
306 minimum outside radius of 30 feet must be located between any call
307 or code box and access control gate or cross arm to allow vehicles
308 denied access to safely exit onto public streets in a "head out"
309 position. A sign must be erected next to the edge of such turn
310 around space to prohibit vehicle parking in such space.

311
312 Y. Parking for each lot shall be designed to allow two parking spaces
313 in the garage and two spaces in the driveway for a total of four (4)
314 parking spaces per residence. Driveways shall be of a length to
315 avoid parking over the sidewalk; this may require the garage to be
316 recessed 5 feet behind the building's front facade. All driveways
317 shall be paver driveways.

318
319 Z. Simultaneous with the recording of the subdivision final plat, the
320 developer must record in the public records of Orange County,
321 Florida, a document or documents setting forth covenants,
322 conditions, and restrictions ("declaration") that shall govern all

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platted lots within the subdivision, shall impose requirements and restrictions that run with the land, and shall address the responsibilities for the ongoing maintenance and repair of the subdivision infrastructure, common areas, landscaping and recreation areas. The terms of the declaration shall be, to the city's satisfaction, legally sufficient and enforceable to accomplish or otherwise ensure, at a minimum, the following:

- (i) Require the establishment and maintenance of an HOA budget account for the annual routine maintenance and the repair, replacement and reconstruction of the streets, street lights, landscaping, sidewalks, fence/wall, and drainage system, including stormwater detention and retention areas.
- (ii) Require the establishment and maintenance of an HOA reserve account for major capital repair, replacement and reconstruction of the subdivision's streets.
- (iii) Require the establishment and maintenance of an HOA reserve account for major capital repair, replacement and reconstruction of the subdivision's stormwater retention and detention facilities.
- (iv) Require the establishment and maintenance of an HOA reserve account for major capital repair, replacement and reconstruction of other subdivision infrastructure such as sidewalks, stormwater conveyance systems, curbing, wall/fences, etc.
- (v) Require the establishment and maintenance of an HOA budget account for storm debris clean-up and removal, such as clearing downed trees, landscape, and other storm-created debris from the subdivision's streets, sidewalks and drainage facilities.
- (vi) Provide that:
 - a. Until turnover of the HOA to the property owners and/or transfer of control of subdivision infrastructure to the HOA, all maintenance and repair of streets, street lighting, landscaping, walls/fences, sidewalks and the drainage system, including stormwater detention/retention areas, is the responsibility of the developer;

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b. Prior to turnover of the HOA and/or transfer of control of subdivision infrastructure to the property owners, the developer may expend monies in the routine-infrastructure-maintenance account for such maintenance and repair, but only with the written consent of the board of directors of the HOA; and

c. Insufficiency of monies in the routine-infrastructure-maintenance account shall not act to relieve the developer of any responsibility to maintain and repair the streets, sidewalks, streetlights, and drainage system (including stormwater detention/retention areas), landscaping, recreation areas, and walls/fences properly prior to turnover of the HOA and/or transfer of control of subdivision infrastructure.

(vii) Require that:

a. No earlier than one hundred eighty (180) days before turnover of the HOA and/or transfer of control of subdivision infrastructure to the property owners, the developer must retain the services of a Florida registered engineer experienced in subdivision construction (other than the engineer of record for the subdivision as of the date of the city's approval of the subdivision infrastructure construction plans, and engineers who are principals of, employed by, or contractors of the same firm as the engineer of record) to inspect the streets, sidewalks, street lighting, and drainage system, including stormwater detention/retention areas in accordance with the existing approved plans, and prepare a report recommending the amount of scheduled maintenance and unscheduled repair that likely will be needed each year for the streets, sidewalks and drainage system (including stormwater detention/retention areas), in accordance with standards that may be established and revised from time to time by the City Engineer or his or her designee, which recommends the amounts of money that should be deposited each year in the routine-infrastructure-maintenance account, and determining what repairs, if any, are needed prior to turnover of the HOA;

b. The report be signed and sealed by the engineer;

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- c. The developer shall pay the cost of this initial engineer's report, which payment may be made from the routine-infrastructure-maintenance account;
 - d. A copy of the initial engineer's report shall be provided to all owners of lots, blocks, and tracts in the subdivision and to the City Engineer within fifteen (15) days after it is completed;
 - e. Any needed repairs or replacements identified by the report be completed by the developer, at the developer's sole expense, prior to either the developer's turnover of the HOA to the property owners of the subdivision or transfer of control of subdivision infrastructure to the HOA, whichever occurs first; and
 - f. If turnover of the HOA and/or transfer of control of subdivision infrastructure occurs and the foregoing requirements have not been fulfilled, the rights of the HOA, any of its members, and any and all owners of land in the subdivision to enforce these requirements against the developer shall survive the turnover of the HOA to the property owners, with the prevailing party to be entitled to attorneys' fees and costs.
- (viii) Require that, after turnover of control of the HOA, or turnover of control of the subdivision infrastructure to the property owners:
- a. The HOA shall obtain an inspection of the streets, sidewalks , walls/fences, landscaping, street lighting, recreation areas, and drainage systems, including stormwater detention/retention areas, by a Florida-registered engineer experienced in subdivision construction no less frequently than once every five (5) years after the initial engineer's inspection; and
 - b. Using good engineering practice, and in accordance with standards that may be established and revised from time to time by the City Engineer or his or her designee, or in accordance with such other standards as may be adopted from time to time by the HOA, or in accordance with such standards as the HOA's engineer may determine to be appropriate, the

460 inspection determine the level of maintenance and
461 repair (both scheduled and unscheduled) needed, the
462 amounts of funding needed each year for the next
463 three (3) years in the routine-infrastructure-
464 maintenance account to pay for such maintenance
465 and repair, and any repairs then needed;
466
467 c. That the inspection be written in a report format; and
468
469 d. A copy of each engineering report be provided to
470 each owner of property in the gated community
471 within fifteen (15) days of completion of the report;
472 and
473
474 e. Within one hundred eighty (180) days of receipt of
475 each tri-annual engineering report, the HOA
476 complete all remedial work identified and
477 recommended by the engineer.
478
479 (ix) The developer (so long as the developer retains control of
480 the board of directors of the HOA) and the HOA expressly
481 indemnify and hold the City of Edgewood and its officers
482 and employees harmless from any cost of maintenance,
483 repair, and reconstruction of, or tort liability or award of
484 damages related to or arising in connection with, the streets,
485 sidewalks, street lights, walls/fences, landscaping, recreation
486 areas, drainage system (including stormwater
487 retention/detention area), and/or any other subdivision
488 infrastructure.
489
490 (x) No contract for the sale and purchase of a residential lot or
491 home in the subdivision shall be effective until cost
492 disclosure statement ("disclosure statement") has been
493 provided to and executed by such purchaser.
494
495 (xi) Expressly declare that property owners receive no discount
496 in property or other taxes because of private streets or
497 drainage system.
498
499 (xii) Require that each initial purchaser of a residential lot in the
500 gated subdivision for the personal or family use of the
501 purchaser receive a copy of the declaration at or prior to the
502 time the sales contract is executed, together with the current
503 budget for the HOA, including a schedule disclosing the
504 then-existing amounts of the periodic assessments for each
505 of the HOA accounts and a copy of the most recent year-end

506 financial statement for the HOA, and if none are then
507 existing, a good faith estimate of the HOA operating budget,
508 along with a form to be signed by such initial purchaser
509 acknowledging receipt of a copy of the declaration, budget,
510 financial statement or good faith estimate, and that the
511 original of the form acknowledging receipt of a copy of the
512 declaration is to be attached to the sales contract as an
513 exhibit or appendix. Such schedule must also state that the
514 periodic assessments for the HOA accounts do not
515 necessarily include assessments for either the routine
516 maintenance of or the capital repair and replacement of
517 HOA facilities not related to subdivision infrastructure (such
518 as common area landscaping, entrance and exit gates, walls,
519 etc.).

520
521 (xiii) Declare that upon any default by the HOA or the developer
522 in any requirements of the declaration, the City, at its option
523 and after due notice of its declaration of a default and a
524 reasonable time to cure, may prohibit closure of the gates
525 and, upon dedication or conveyance of the rights-of-way to
526 the City, perform all necessary maintenance, using all HOA
527 monies on deposit in the routine-infrastructure-maintenance
528 account and the several capital-repair accounts or, if no
529 monies exist or if an insufficient amount exists, using such
530 other revenues or financing methods as the City may elect,
531 including (but not limited to) special assessments against the
532 subdivision lots, blocks, and tracts. The lot owners shall be
533 responsible for all costs, administration and attorney fees
534 related to the City's action to maintain, repair, replace,
535 and/or reconstruct development's infrastructure. Payment of
536 costs and assessments will be enforced by lien or
537 foreclosure.

538
539 (xiv) Require that enforcement of traffic laws within the gated
540 community, as requested by the HOA, shall be by the City
541 Police Department and that all costs of enforcement incurred
542 by the City shall be paid by the HOA.

543
544 (xv) Provide a procedure for nonbinding mediation in the event
545 of a dispute between any homeowner and the developer, or
546 between the HOA and the developer, with respect to the
547 repair and maintenance of the streets, sidewalks,
548 landscaping, recreation areas, street lighting, drainage
549 system or other subdivision infrastructure or appurtenances
550 and/or funding for such maintenance and repair.
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- (xvi) Provide that:
 - 1. The HOA, any member of the HOA, and any and all owners of land in the subdivision shall have the right jointly and severally to enforce against the developer or any other member of the HOA the requirements and provisions of the declaration required hereunder, with the prevailing party being entitled to attorney's fees and costs;
 - 2. Any member of the HOA and any and all owners of land in the subdivision shall have the right to enforce against the HOA or any other member of the HOA the requirements and provisions of the declaration required hereunder, with the prevailing party being entitled to attorneys' fees and costs; and
- (xvii) No portion of the association's documents pertaining to the maintenance of the private streets, sidewalks, street lighting, landscaping, recreation areas, and drainage systems, and assessments thereto shall be amended without the written consent of the City.
- (xviii) The Declaration must contain language whereby the HOA, as owner of the private streets, sidewalks and appurtenances, agrees to release, indemnify, defend and hold harmless the City, its officers, agents, licensees, servants and employees, from and against any and all claims or suits for property damage or loss and/or personal injury, including death, to any and all persons, of whatsoever kind of character, whether real or asserted, arising out of or in connection with, directly or indirectly: a) the reasonable use of the private streets and sidewalks, emergency access, utility easements, entrance gate or structure by the City, its officers, agents, licensees, servants and employees; b) the condition of the private streets, sidewalks, private street lights, private entrance gates or structures, private walls or fences, private pedestrian access, recreation areas, landscaping, private storm drainage systems and emergency access; or c) any use of the subdivision with private streets by the City, County, or Utility provider, its officers, agents, licensees, servants and employees for any purpose related to the exercise of a governmental function or service, whether or not caused, in whole or in part, by alleged negligence of officers, agents, servants, employees, contractors, subcontractors, licensees or invitees of City. The HOA shall be responsible for carrying liability insurance to meet the

598 requirements in this paragraph. Those portions of the HOA's
599 documents pertaining to the subject matter contained in this
600 paragraph must not be amended without the written consent
601 of the City.
602

603 (xix) The declaration must include standards and regulations for
604 lot and structure maintenance and repair and use of common
605 areas and infrastructure by owners and residents, a rental
606 limitation to no less than one year, procedures for notice and
607 enforcement and the provisions for HOA governance and
608 administration required by Florida law for mandatory
609 HOAs.

610
611 (xx) The HOA must not be dissolved without the prior written
612 consent of the City.
613

614 **Section 6: Zoning map.**

615
616 The Official City Zoning Map shall be amended to conform to the
617 zoning assigned as described in Section 2 of this Ordinance.
618

619 **Section 7: Conflicts.**

620
621 All ordinances or part of ordinances in conflict with this Ordinance
622 are hereby repealed. In the event of any conflict between the terms of this
623 Ordinance and the Developer's Agreement entered between the City and
624 the Developer, the terms of this Ordinance shall control.
625

626 **Section 8: Severability.**

627
628 Should any section or part of this Ordinance be declared invalid by
629 any court of competent jurisdiction, such adjudication shall not apply or
630 affect any other provision of this Ordinance, except to the effect that the
631 entire section or part of the section may be inseparable in meaning and
632 effect from section to which such holding shall apply.
633

634 **Section 9: Effective date.**

635
636 This ordinance shall take effect immediately upon its final adoption
637 by the City Council of the City of Edgewood, Florida.
638

639 PASSED ON FIRST READING THIS _____ DAY OF
640 _____, 2016.

641
642 PASSED AND ADOPTED THIS _____ DAY OF _____,
643 2016.

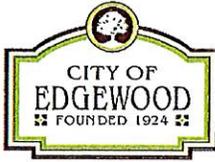
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CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

John Dowless, Council President

ATTEST:

Bea Meeks, City Clerk



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

TO: Mayor Bagshaw, Council President Dowless, Council
Members, Powell, Henley, Fortini and Chotas

DATE: September 14, 2016

RE: Levy and Budget Motions

As you know, there is specific Motion language that must be stated to approve the City's levy and final budget. I have provided the language for you below.

Approval of Millage

I move to adopt Ordinance No. 2016-09 setting the City of Edgewood's millage rate for Fiscal Year 2016/2017 at **4.9500** mills which represents a **3.97** percent increase over the roll-back rate of **4.7608** mills.

Roll Call Vote

Approval of Budget

I move to adopt Resolution No. 2016-09 adopting the City of Edgewood's budget for fiscal year 2016/2017.

Roll Call Vote

ORDINANCE NO. 2016-09

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES UPON THE ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS FOR FISCAL YEAR 2016/2017, BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Edgewood, Orange County, Florida must levy taxes upon all real and business personal property within the City of Edgewood to derive revenue for the operation of the City; and

WHEREAS, October 1, 2016 is the start of the new fiscal year for the City of Edgewood; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within the City of Edgewood, Orange County, Florida has been certified by the Orange County Property Appraiser to the City of Edgewood as \$ 304,432,247; and

WHEREAS, a public hearing was held on September 6, 2016 on the proposed millage rate and all persons desiring to voice objection or make comment upon said millage rate were given an opportunity to do so; and

WHEREAS, on September 20, 2016, a public hearing was held on the final millage rate, as required by *Florida Statute* 200.065 and all persons desiring to voice objections or to make comment upon said millage were given an opportunity to do so.

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

Section 1. The City Council of the City of Edgewood deems it necessary to levy and does hereby levy a tax of 4.9500 mills upon all real and personal property within the City of Edgewood for operational purposes for Fiscal Year 2016/2017.

Section 2. The operating levy of 4.9500 mills represents a 3.97 percent increase over the rolled-back rate of 4.7608 mills.

Section 3. This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED by a simple majority vote of the members of the City Council of the City of Edgewood, Orange County, Florida at a public hearing on the 20th day of September, 2016.

FIRST READING: September 6, 2016

SECOND READING: September 20, 2016

Ray Bagshaw, Mayor

John Dowless, Council President

Pamela Henley
Council Member

Lee Chotas
Council Member

Neil G. Powell, DDS
Council Member

Susan Fortini
Council Member

ATTEST:

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

RESOLUTION NO. 2016-09

A RESOLUTION OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2016/2017, BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Edgewood, Orange County, Florida considered an annual budget for the next ensuing fiscal year beginning October 1, 2016 and ending September 30, 2017; and

WHEREAS, a notice of public hearing on said budget was duly published on September 15, 2016 in the *Orlando Sentinel*; and

WHEREAS, a public hearing was held on September 6, 2016 and September 20, 2016, as required by *Florida Statute* 200.065, to consider the budget and all persons desiring to voice objections or make comments upon said budget were given an opportunity to do so.

WHEREAS, the City of Edgewood, Orange County, Florida set forth the appropriations and revenue estimate for its budget for Fiscal Year 2016/2017 in the amount of \$ 4,133,578.

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

Section 1. The City Council of the City of Edgewood, pursuant to its *Charter* and *Florida Statutes* does hereby adopt the attached annual operating budget for Fiscal Year 2016/2017.

Section 2. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Edgewood, Orange County, Florida at a public hearing on the 20th day of September, 2016.

Ray Bagshaw, Mayor

John Dowless, Council President

Pamela Henley
Council Member

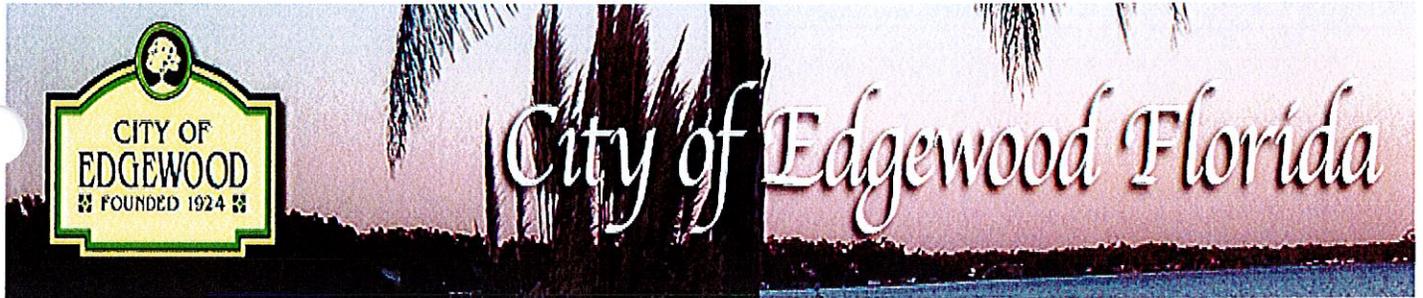
Lee Chotas
Council Member

Neil G. Powell, DDS
Council Member

Susan Fortini
Council Member

ATTEST:

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

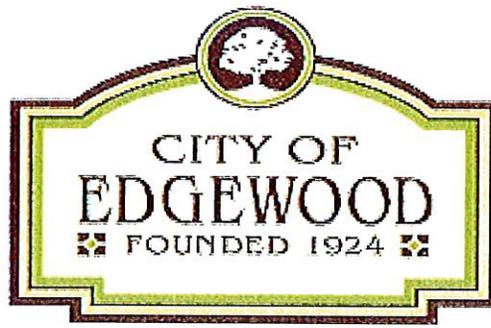


FY 2016/2017
BUDGET

405 Larue Avenue | Edgewood, FL 32809
407-851-2920 (Voice) | 407-851-7361 (Fax)



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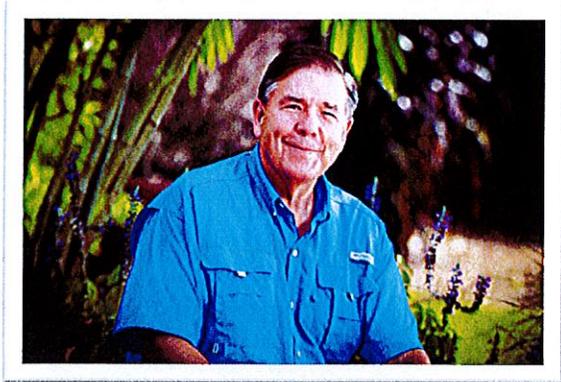


MAYOR AND CITY COUNCIL



Neil G. Powell, DDS	Susan Fortini	John Dowless	Pam Henley	Lee Chotas	Ray Bagshaw
Council Member	Council Member	Council President	Council Member	Council Member	Mayor

*Department Supervisors:
Bea L. Meeks, City Clerk
Chris Francisco, Police Chief*



***Annual Budget Message from the Mayor's Office Fiscal Year 2016/17**

Edgewood's city budget is the blueprint for financial and policy decisions implemented during each fiscal year. As the single most important document we have for establishing control over the direction of operations and plans for the future, it lays the groundwork for what will be our community's goals and accomplishments to ensure appropriate management and future viability.

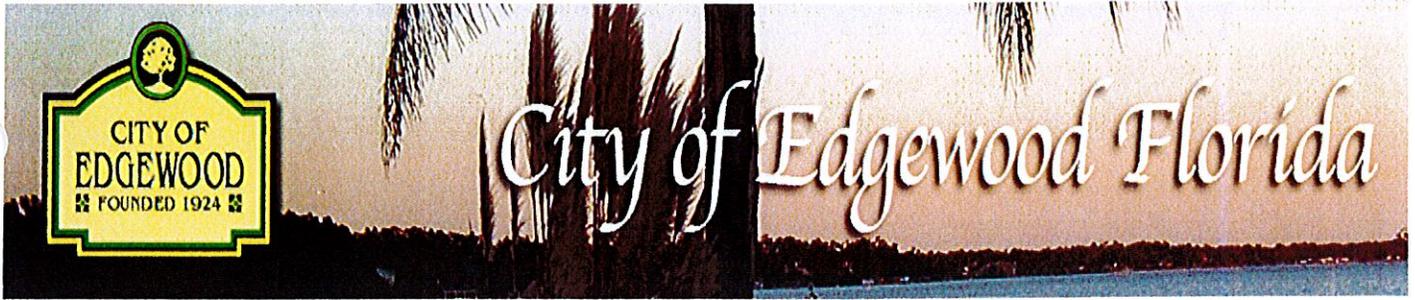
We are very fortunate to be debt free. Management of revenue, combined with accurate forecasting of our city's needs is very important. We must manage the city's finances to assure we do not fall into the unfortunate situation many other cities are facing today.

I invite you, as residents of Edgewood, to attend at least one of our budget workshops as we begin the process of planning the next fiscal year (2016/2017) budget. Workshop dates and times have been posted on the city's website at www.edgewood-fl.gov.

Help plan the future of your city by becoming involved.

*Ray Bagshaw
City of Edgewood – Mayor*

**The Mayor's annual budget message was posted on the City's website August 1, 2016.*



FY 2016/2017
GENERAL REVENUES

<u>GENERAL REVENUES</u>			
4.9500 millage rate			
<i>Dept.</i>	<i>GL #</i>	<i>Account Description</i>	<i>FY 16/17 (4.9500)</i>
<i>General Fund / Revenue Taxes</i>			
City Hall	311100-01	Ad Valorem Taxes (Real Estate) (95%)	\$ 1,335,907
City Hall	311110-01	Tangible Taxes (Property & Centrally Assessed)(95%)	\$ 95,490
City Hall	311120-01	Tangible Taxes (Railroad)	\$ 196
City Hall	313400-01	Utility/Service Tax-Gas (metered/propane)	\$ 3,500
City Hall	314100-01	Utility/Service Tax - Power	\$ 308,000
City Hall	314300-01	Utility Service Tax - Water	\$ 53,000
City Hall	315000-01	Local Communications Service Tax (CST)	\$ 93,881
		<u>Total Taxes</u>	<u>\$ 1,889,974</u>
<i>General Fund / Licenses and Permits Fees</i>			
City Hall	316000-01	Business Tax Receipts	\$ 35,000
City Hall	321200-01	Sign Permits	\$ 300
City Hall	321300-01	Estate Sales	\$ 50
City Hall	322300-01	Bldg. Review Fee/Site-Commercial	\$ 500
City Hall	322400-01	Bldg. Review Fee/Site-Residential	\$ 4,000
City Hall	322500-01	Bldg. Plans Review (DRC)	\$ -
City Hall	322700-01	Tree Permits	\$ 300
City Hall	329000-01	Right of Way Permits	\$ -
City Hall	329020-01	Admin. Service Fee	\$ 2,000
City Hall	339000-01	Tree Replacement Trust	\$ 100
		<u>Total Licenses & Permits</u>	<u>\$ 42,250</u>
<i>General Fund / Intergovernmental Revenue</i>			
City Hall	335120-01	Municipal Revenue Sharing	\$ 115,352
City Hall	335150-01	Alcohol Beverage Licenses	\$ 1,300
City Hall	335180-01	Local Govt. -1/2 Cent Sales Tax	\$ 397,555
Police	334260-01	Justice Administration Grant	
City Hall	335190-01	Gas Tax Rebate	\$ 1,500
		<u>Total Intergovernmental</u>	<u>\$ 515,707</u>
<i>General Fund / Charges for Services</i>			
City Hall	323100-01	Duke Energy Franchise Fee	\$ 240,000
Police	342900-01	Police Reports (Fingerprinting)	\$ 35,000
Police	342901-01	Off Duty Usage Reimbursement	\$ 25,000
City Hall	343400-01	Solid Waste Rev. (Residential)	\$ 235,000
City Hall	343410-01	Solid Waste Rev. (Commercial)	\$ 45,000
City Hall	349000-01	Land Use Fees	\$ 5,000
		<u>Total Charges for Services</u>	<u>\$ 585,000</u>

<i>Dept.</i>	<i>GL #</i>	<i>Account Description</i>	<i>FY 16/17 (4.9500)</i>
General Fund / Fines & Forfeitures			
Police	352100-01	Fines & Forfeitures (GF)	\$ 70,000
Police	352100-05	Fines & Forfeitures (2nd Dollar Fund)	\$ 4,500
Police	352100-04	2nd Dollar Education	
Police	352110-06	LEFT/Seizure Fund	\$ 4,494
Police	354100-01	Code Enforcement Fines	\$ 1,000
Police	354150-01	False Alarms	\$ 1,000
Police	359000-01	Parking Fines	\$ 500
Police	352120-01	Red Light Citations	\$ 550,000
		<u>Total Fines & Forfeitures</u>	\$ 631,494
General Fund /Miscellaneous			
City Hall	361200-01	Interest-SBA General	\$ 95
City Hall	361200-08	Interest-SBA Stormwater	\$ 14
City Hall	361320-01	Interest-Tax Collector	\$ 500
City Hall	361322-01	Interest-Tangible Taxes	\$ 8
City Hall	361325-01	Interest-Center State Bank	\$ 6,300
City Hall	361327-01	Interrest-Old Florida	
City Hall	361328-01	Interest-Garbage/Waste	\$ 80
City Hall	364430-01	Insurance Proceeds-Police Vehicle	
City Hall	366000-01	Donations	\$ 1,000
City Hall	369900-01	Misc. Revenues (Revenues with no designated GL)	\$ 5,000
City Hall	369910-01	City Newsletter	\$ 1,000
City Hall	369800-01	Farmers Market/Food Truck (Include Sponsorship)	\$ 1,500
City Hall	369801-01	Special Events	
Police	367200-01	Postage - Reimbursement	\$ 18,000
		<u>Total Miscellaneous</u>	\$ 33,497
General Fund / Roads and Streets			
City Hall	312410-02	Local Option Gas Tax	\$ 89,434
City Hall	361200-02	Interest SBA Road	\$ 14
City Hall	399900-02	FDOT Reimbursement Agreement-Traffic	\$ 27,151
City Hall	389200-02	Transfer From General Fund	\$ -
		<u>Total Roads & Streets</u>	\$ 116,599
		Revenues	\$ 3,814,521
		Transfer From Reserve	\$ 319,057
		<u>TOTAL REVENUES</u>	\$ 4,133,578

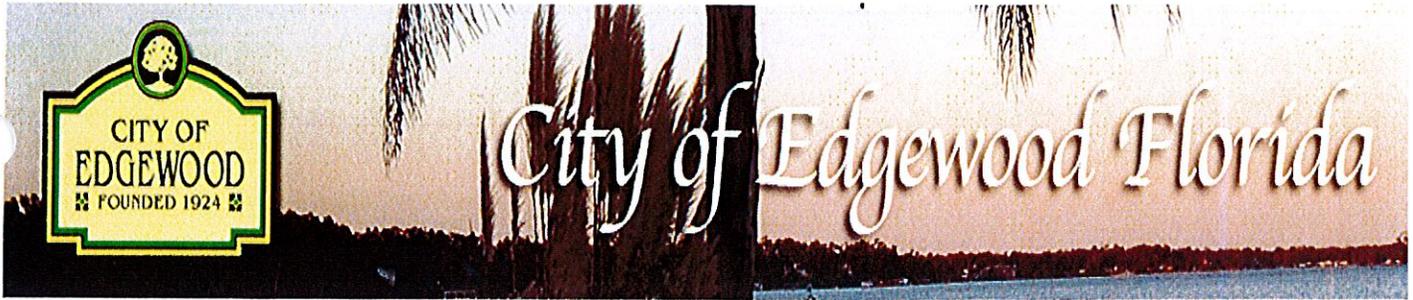


FY 2016/2017

CITY HALL

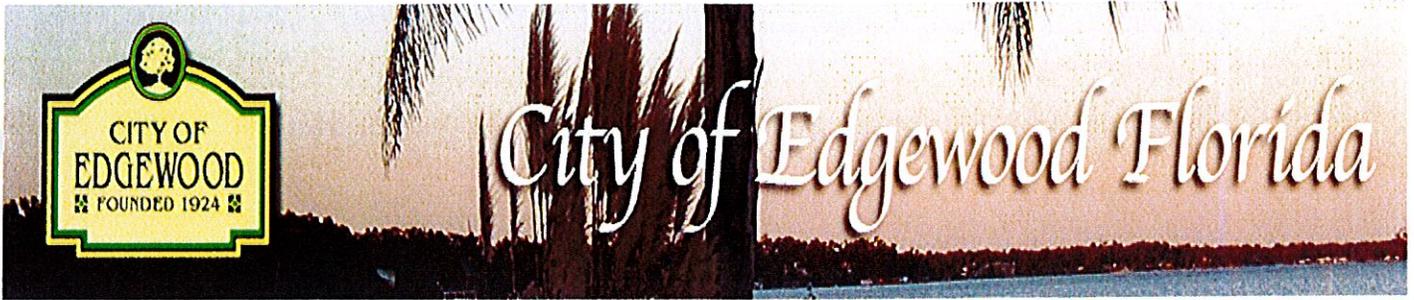
PERSONNEL & OPERATING EXPENDITURES

<i>Dept.</i>	<i>GL #</i>	<i>Account Description</i>	<i>FY 16/17 (4.9500)</i>
<i>General Fund / City Hall Personnel</i>			
City Hall	513120-01	Salary expense	\$ 125,717
City Hall	513130-01	Longevity Pay	\$ 1,000
City Hall	521116-01	Salary Expense -Code Enforcement Officer	\$ 32,000
City Hall	513140-01	Overtime	\$ 1,000
City Hall	513150-01	Holiday Bonus	\$ 600
City Hall	513210-01	Payroll Taxes-FICA	\$ 12,000
City Hall	518220-01	Retirement Contributions	\$ 12,000
City Hall	513230-01	Health Insurance	\$ 35,431
City Hall	513231-01	HRA	\$ 6,000
City Hall	513520-01	Apparel (Uniform)	\$ 1,000
City Hall	513541-01	Education Reimbursement	\$ -
		<i>Total Personnel Expenses</i>	<i>\$ 226,748</i>
<i>General Fund / City Hall Expenses</i>			
City Hall	513410-01	Telephone/Cellular	\$ 2,000
City Hall	513411-01	Postage	\$ 1,000
City Hall	513543-01	Special Events (Includes Farmers Market)	\$ 15,000
City Hall	513400-01	Travel/Training Staff	\$ 2,700
City Hall	513401-01	Travel/Training Council	\$ 3,500
City Hall	513460-01	Equipment Repair/Maintenance	\$ 2,500
City Hall	513542-01	City Newsletter	\$ 8,700
City Hall	513490-01	Miscellaneous	\$ 4,500
City Hall	513510-01	Office Supplies	\$ 3,500
City Hall	513540-01	Dues/Subscriptions/Memberships	\$ 3,452
City Hall	513620-01	Capital Outlay-City Hall Renovations	\$ 12,500
City Hall	513440-01	Office Equipment (Includes Copier Rental)	\$ 3,000
		<i>City Hall Total Operations Expenses</i>	<i>\$ 62,352</i>
<i>General Fund / Governmental Operating Expenditures</i>			
City Hall	513470-01	Printing Expenses	\$ 4,000
City Hall	531430-01	Utilities-Power	\$ 5,500
City Hall	533430-01	Utilities-Water & Sewer	\$ 3,000
City Hall	519460-01	Building Maintenance	\$ 7,500
City Hall	519150-01	Elections	\$ 20,000
City Hall	519461-01	Landscape/Beautification	\$ 10,000
City Hall	519492-01	Legal ADS-New Ordinances/Meetings	\$ 3,000
City Hall	519520-01	Recordings-Public Records	\$ 50
City Hall	574491-01	Donations	\$ 3,000
		<i>Total Governmental Operating Expenses</i>	<i>\$ 56,050</i>
		<i>Total City Hall Expenses</i>	<i>\$ 345,150</i>



FY 2016/2017
POLICE DEPARTMENT
PERSONNEL & OPERATING EXPENDITURES

<i>Dept.</i>	<i>GL #</i>	<i>Account Description</i>	<i>FY 16/17 (4.9500)</i>
<i>General Fund / Police Department Personnel</i>			
Police	521151-01	Salary Expense-Officers	\$ 741,508
Police	521100-01	Personal Leave	
Police	521130-01	Reserve	\$ 10,000
Police	521121-01	Salary Expense-PD Clerk-Admin Staff	\$ 135,555
Police	521116-01	Salary Expense-Code Enforcement Officer	\$ -
Police	521140-01	Overtime Pay (PD)	\$ 15,000
Police	521141-01	Court time	\$ 8,000
Police	521150-01	Incentive Pay-State Mandate	\$ 16,000
Police	521160-01	Holiday Bonus	\$ 4,000
Police	521152-01	Longevity Payments	\$ 19,800
Police	521210-01	Payroll Taxes-FICA	\$ 78,500
Police	521220-01	FRS Admin. Staff	\$ 12,000
Police	521221-01	FRS Officers	\$ 187,000
Police	521230-01	Health Insurance	\$ 163,907
Police	521231-01	HRA	\$ 36,000
Police	521153-01	FTO	\$ 2,000
Police	521154-01	Off Duty	\$ 25,000
Police	521162-01	Holiday Pay (Per LBA)	\$ 45,000
Police	521123-01	Part-time Clerk/Ref. Red Light Cameras	
		<i>Total Personnel Expenses</i>	\$ 1,499,270
<i>General Fund / Police Department Operating</i>			
Police	521310-01	Professional Services-Testing/Evaluations	\$ 20,000
Police	521430-01	Utilities-Water/Sewer	\$ 1,000
Police	521431-01	Utilities-Power	\$ 8,500
Police	521455-01	Statutory Insurance	\$ -
Police	521541-01	Education Reimbursement	\$ 5,000
Police	521462-01	Building Renovations/Maintenance	\$ 20,000
Police	521410-01	Communications	\$ 10,400
Police	521413-01	Postage	\$ 20,500
Police	521530-01	Maintenance Contracts	\$ 32,700
Police	521460-01	Vehicle Repair	\$ 20,000
Police	521461-01	Repair of Department Equipment	\$ 12,200
Police	521463-01	Police Vehicles/Equipment	\$ 36,000
Police	521495-01	Miscellaneous Expenses	\$ 2,500
Police	521510-01	Office Supplies	\$ 8,150
Police	521433-01	Fuel	\$ 31,000
Police	521522-01	Special Police Supplies & Uniforms	\$ 31,550
Police	521543-01	Training (uncommitted)	\$ 15,000
Police	521524-01	Office Equipment	\$ 4,500
Police	521493-01	Special Events	\$ 4,500
		<i>Total Operations Expenses</i>	\$ 283,500
		<i>Total Police Department Expenses</i>	\$ 1,782,770



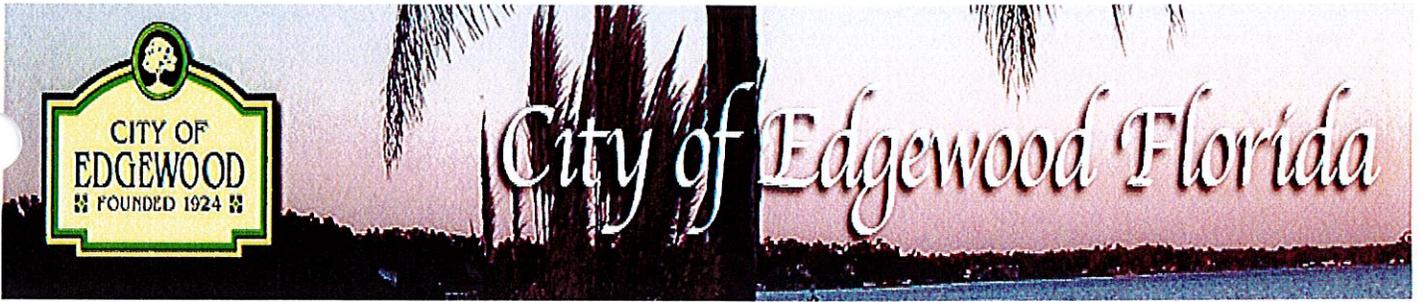
FY 2016/2017

***IT – GRANTS-CAPITAL OUTLAY –
CONTRACTS –CONSULTANTS – UTILITIES
SOLID WASTE EXPENDITURES***

<i>Dept.</i>	<i>GL #</i>	<i>Account Description</i>	<i>FY 16/17 (4.9500)</i>
<i>General Fund /Municipal Insurance</i>			
CH/ PD	519452-01	General / Professional	\$ 35,770
CH/ PD	521458-01	Comprehensive/General Liability	
CH/ PD	519451-01	Property	\$ 4,598
CH/ PD	521457-01	Property	
CH/ PD	519240-01	Worker's Compensation	\$ 18,824
CH/ PD	521240-01	Worker's Compensation (Code Enforcement)	
CH/ PD	521452-01	Vehicles (Liability & Damage)	\$ 4,547
CH/ PD	521455-01	Insurance - Statutory	\$ 910
		Return of premium	\$ (554)
		<i>Total Municipal Insurance Expenses CH & PD</i>	<u>\$ 64,095</u>
<i>General Fund / Information Technology</i>			
IT	516120-01	Salary Expense	\$ 14,450
IT	516150-01	Holiday Bonus	\$ 200
IT	516210-01	Payroll Taxes - FICA	\$ 1,102
IT	516220-01	Florida State Retirement (FRS)	\$ 1,087
IT	513491-01	Computer Consulting/Software/Network	
IT	521521-01	Software/Computer Consulting	
IT/CH/PD	516499-01	Computer (Consult/Software/Network/Internet-CH & PD)	\$ 50,000
		City Hall (14,000)	
		Police (59,028)	
		<i>Total Information Technology</i>	<u>\$ 66,839</u>
<i>General Fund / Grant Expense</i>			
City Hall	521910-01	Neighborhood Partnership Grants Program	\$ 10,000
	521550-01	Justice Administration Grant	
		<i>Total Grant Expenses</i>	<u>\$ 10,000</u>
<i>Capital Outlay - Facilities</i>			
City Hall/Police	513641-01	Security Camera	\$ 25,000
City Hall/Police	513640-01	Capital Outlay-Lan & System Upgrade	
		Total Capital Outlay -Facilities	<u>\$ 25,000</u>
<i>General Fund / Contract - Expense</i>			
City Hall/Police	519490-01	Alarm System	\$ 1,000
		<i>Total Alarm Expenses</i>	<u>\$ 1,000</u>

<i>Dept.</i>	<i>GL #</i>	<i>Account Description</i>	<i>FY 16/17 (4.9500)</i>
<i>General Fund / Legal Services</i>			
City Hall/Police	514310-01	Legal Counsel	\$ 60,000
City Hall/Police	514320-01	Code Enforcement Magistrate	\$ 5,000
City Hall/Police	514330-01	Red Light Hearing Officer	\$ 2,500
		<i>Total Legal Services Expenses</i>	<u>\$ 67,500</u>
<i>General Fund / Contracts and Consultants</i>			
Fire/Rescue	522400-01	Orange County Fire/Rescue Contract Fee's	\$ 592,095
Police	521340-01	Orange County Dispatcher Fee's	\$ 70,229
		<i>Total Fire & Rescue Expenses</i>	<u>\$ 662,324</u>
<i>General Fund / Contracts and Consultants</i>			
City Hall	539310-01	General Engineering	\$ 50,000
		<i>Total Engineering Expenses</i>	<u>\$ 50,000</u>
<i>General Fund / Contracts and Consultants</i>			
City Hall	513320-01	Auditor	\$ 26,000
City Hall	513321-01	Bookkeeping Services	\$ 35,000
City Hall	519340-01	Payroll Services	\$ 3,000
		<i>Total Accounting Expenses</i>	<u>\$ 64,000</u>
<i>General Fund / Contracts and Consultants</i>			
City Hall/Police	513340-01	Janitorial Services	\$ 13,000
		<i>Total Janitorial Expenses</i>	<u>\$ 13,000</u>
<i>General Fund / Contracts and Consultants</i>			
City Hall	515310-01	Planning Fees	\$ 20,000
City Hall	515315-01	Reimbursement - Pass-Thru Fees	\$ 5,000
City Hall	515313-01	Market Analysis	
City Hall	515314-01	Main Street Revitalization	\$ 80,000.00
		<i>Total Planning Services</i>	<u>\$ 105,000</u>

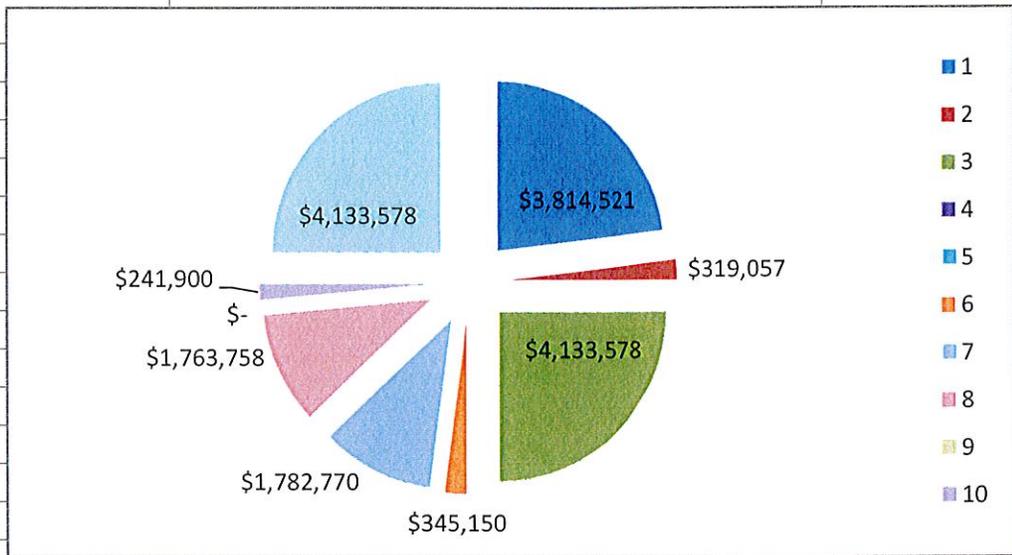
<i>Dept.</i>	<i>GL #</i>	<i>Account Description</i>	<i>FY 16/17 (4.9500)</i>
General Fund/Residential			
City Hall	534130-01	Solid Waste Cost (Residential)	\$ 195,000
		<u>Total Garbage Collection Expenses</u>	<u>\$ 195,000</u>
General Fund / Red Light Camera			
City Hall	513670-01	Red Light Citations	\$ 440,000
		<u>Total Red Light Expenses</u>	<u>\$ 440,000</u>
		<u>Total Contracts/Consultants</u>	<u>\$ 1,622,824</u>
General Fund / Transfer to Roads and Streets			
City Hall	551510-01	Transfer to Roads & Streets	\$ -
		<u>Total Transfers out</u>	<u>\$ -</u>
		<u>Total Neighborhood Grant</u>	<u>\$ 10,000</u>
		<u>Total Capital Outlay/Contracts/Consultants /Utilities/Solid Waste/RLC</u>	<u>\$ 1,622,824</u>
		<u>Total Municipal Insurance</u>	<u>\$ 64,095</u>
		<u>Total Information Technology</u>	<u>\$ 66,839</u>
		Total	\$ 1,763,758
General Fund / Roads and Streets			
Stormwater	541100-08	Stormwater Testing (Watershed)	\$ 1,200
City Hall	541410-01	Tree Removal	\$ 15,000
Roads/Streets	541410-02	Tree Removal	
Roads/Streets	541320-02	Traffic Light Utility (Duke Energy)	\$ 1,500
Roads/Streets	541460-02	Street Maintenance Contract	\$ 45,000
Roads/Streets	541600-02	Traffic Light Maintenance	\$ 20,000
Roads/Streets	549460-02	Rail Road Crossing Maintenance	\$ 10,000
Roads/Streets	549320-02	Street Signs (Safety & Directional)	\$ 1,000
Roads/Streets	541431-02	Street Lights Utility (Duke Energy)	\$ 42,000
Roads/Streets	541530-02	Road Repair (Potholes)	\$ 200
Roads/Streets	541610-02	Sidewalk Repair/Maintenance	\$ 25,000
Roads/Streets	541637-02	Roads & Streets Maintenance/Repair	\$ 75,000
Roads/Streets	541634-02	Storm Drain Cleaning (stormceptors)	\$ 6,000
		<u>Total Roads & Streets Expenses</u>	<u>\$ 241,900</u>

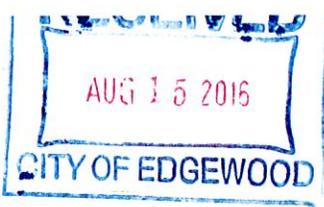


FY 2016/2017

SUMMARY

<u>SUMMARY</u>	
REVENUES	\$ 3,814,521
TRANSFER FROM RESERVE	\$ 319,057
TOTAL REVENUES	\$ 4,133,578
EXPENDITURES	
City Hall	\$ 345,150
Police Department	\$ 1,782,770
Insurance/IT/Grants/Contracts/Consultants	\$ 1,763,758
Transfers	\$ -
Roads/Streets	\$ 241,900
TOTAL EXPENDITURES	\$ 4,133,578





Holden Avenue PD Agenda Item Synopsis

At the last Council meeting, Council tabled the proposed PD to enable further staff discussion with the applicant. Two meetings were held: August 24th and September 14th. The revised Land Use Plan, revised ordinance, and developer's agreement will be discussed at the September 20th Council meeting. The following highlights the Land Use Plan changes from the prior submittal.

1. The number of lots has been reduced from 51 to 45.
2. The lot layout is redesigned to manage the characteristics of the site; i.e.,
 - The 50 feet wide lots are at the south end of the site to provide a transition from the adjacent R3 zoned property,
 - 70 foot wide lots are along Holden Avenue to provide similar lot size as those along the corridor,
 - Recreation areas have been situated to preserve the mature Live Oak trees onsite,
 - The street is now curvilinear to relieve the monotony of a straight row of houses that could result due to the long, narrow shape of the property.
 - A portion of the stormwater management area has been moved to the western edge of the property to provide more space between the existing lots of Holden Ridge and the proposed 50 feet wide lots.
3. Mixture of lot sizes: 75 feet wide (5), 70 feet wide (9), 60 feet wide (9), 50 feet wide (22)
4. A commitment of 25% of the houses will have a floor area of at least 2200 square feet (R1AA standard); the remainder will be at least 1800 square feet (R1A standard).
5. Minimum rear yard setback has been changed from 20 feet to 25 feet.
6. Minimum side setback: 5 feet for 50 feet wide lots; 7.5 feet for other lots. Use of a 5 foot side setback is conditioned on the location of mechanical equipment (a/c etc.) being alternated between lots in a manner to ensure that only one set of such mechanical equipment is located between any two buildings.
7. Developer design commitments
 - Brick wall with columns along Holden Avenue
 - Landscaping with hedge and trees along Holden Avenue side of brick wall
 - Gated entrance, private road
 - Paver driveways
 - 1 tree per lot
 - Front and back yard irrigation
 - Consistent perimeter border



Central Florida Arbor Care

Orlando

407-886-TREE

August 30, 2016

City of Edgewood
405 Larue Ave.
Edgewood, FL 32809

RE: Review of City property @ (2) 5 Acre Parcels and (1) 3 acre parcel of property on south side of Holden Ave.

(1) On two adjacent 5acre tracts of land

After looking at existing trees on property found most trees to be, Wild Cherry, Cherry Laurel and Laurel Oaks. These trees are smaller diameter trees from >20" dbh. Most of these trees would be considered nuisance or undesirable specimens and species. There are a few older Live Oaks on South border of properties on 5 acre tracts that I would recommend pruning for storm preservation.

(2) On one 3 acre tract

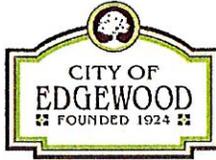
After looking at 3 acre tract of land would recommended removal of large decayed Laurels and (1) Laurel/Live Oak double trunk tree on north end. There are some mature Live Oaks along east property line that I would recommend pruning for storm preservation.

I hope this answers some questions. Call me if any concerns. Thanks and God Bless.

Sincerely,

Steve Ogden

ISA Certified Arborist #SO-1311A



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

B

TO: Mayor Bagshaw, Council President Dowless, Council
Members, Powell, Henley, Fortini and Chotas

DATE: September 14, 2016

RE: Doughnut Peddler

In the August 16, 2016 City Council meeting, you approved **Variance 2016-VAR-03 The Doughnut Peddler** located at 5262 South Orange Avenue in the C3 Zoning district to allow a minimum lot width of 100 feet on a major road in lieu of 125 feet. However you did not approve **Special Exception 2016-SE-02 The Doughnut Peddler** located at 5262 South Orange Avenue in the C3 zoning district to allow “wholesale products distribution”. The Special Exception was referred back to the Planning & Zoning Board. Subsequently, the application for the Special Exception was withdrawn (See attached email).

Regarding the Variance that was approved, it remains with the property for one year (August 16, 2017). If the Variance is not applied within the one year period, the Variance is no longer applicable.

Bea Meeks

From: ayurkolaw@gmail.com
Sent: Friday, August 26, 2016 12:30 PM
To: Bea Meeks; Sandy Repp
Subject: Fw: Doughnut peddler

FYI please see below. Thanks and have a good weekend.

Alison Yurko,
Attorney at Law

ayurkolaw@gmail.com

Office (407) 426-9141

Fax (407) 426-0567

Cell (407) 340-7043

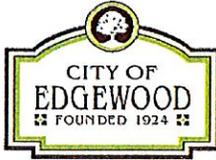
From: [Alison Yurko](#)
Sent: Thursday, August 25, 2016 12:21 PM
To: wrgac@aol.com ; dsmith@shepardfirm.com
Subject: Re: Doughnut peddler

Ellen and Drew - I just got word from the client that they wish to withdraw both the special exception and variance request for the Doughnut Peddler. They are assessing their options in other locations. The professionalism and responsiveness both of you have shown in this process has been most appreciated. Let me know if you need anything else from us and thanks for your assistance.

Sent from my iPhone

On Aug 25, 2016, at 9:55 AM, wrgac@aol.com wrote:

Is a new site plan ready for me for doughnut peddler?



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

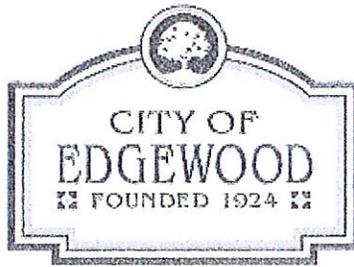
TO: Mayor Bagshaw, Council President Dowless, Council
Members, Powell, Henley, Fortini and Chotas

DATE: September 14, 2016

RE: Recommendation For Appointment To Planning & Zoning
Board

In a previous meeting, Mayor Bagshaw announced that there is a vacancy on the Planning & Zoning Board due to the resignation of Susan Lomas. The resignation was effective immediately (8/17/2016). Included with this memo is the Appointment Information Form submitted by Edgewood resident Keith Farmer, who expresses his interest to be appointed to the Planning & Zoning Board.

Mayor Bagshaw will address the Council regarding this matter.



CITY OF EDGEWOOD
Appointment Information Form

This Appointment Information Form, when completed and filed with the City Clerk, is a PUBLIC RECORD under Chapter 119, F.S. and therefore, is open to public inspection by any person.

You are responsible to keep the information on this form current. Please call or write the City Clerk to advise of any changes.

In submitting this application for a City of Edgewood Board, I understand and acknowledge that if appointed, I will serve at the pleasure of City Council and may be removed from service in accordance with the City Code.

Name:	KEITH FARMER		
Address:	4965 LAKE GATEWAY WOODS CT, Orlando, FL 32836		
Email:	kfarmer1983@hotmail.com		
Phone:		Cell:	404 931-2818
Occupation:	Mediator / Army Officer		
Employer:	Self-employed / US Army		
Position:	OWNER / COMMANDER	How long:	2 wks / 10 yrs

Education-Post Secondary educational institutions attended:		
Name & Location	Dates Attended	Degrees Earned
Florida A&M / Orlando	Aug 2012 - May 2014	Juris Doctor
Univ. of Phoenix / Arizona	Aug 2009 - Dec 2010	

Have you ever held a professional or business license or certificate			
Yes:		No:	X
If yes, please provide the title, issue date and issuing authority. If any disciplinary action has been taken, please state the type and date of the action taken.			

License/certificate title	Issue Date	Issuing Discipline Authority	Action/Dates

Please prioritize Board (s) preferred:			
Planning & Zoning:	<input checked="" type="checkbox"/>	Other:	

Are you a City of Edgewood resident?	Yes:	<input checked="" type="checkbox"/>	No:	
Are you a registered voter?	Yes:	<input checked="" type="checkbox"/>	No:	
Do you own property in Edgewood?	Yes:	<input checked="" type="checkbox"/>	No:	
Are you currently serving on a City Board?	Yes:		No:	<input checked="" type="checkbox"/>
If yes, which Board and since when:	Yes:		No:	
Have you ever served on a City Board?	Yes:		No:	<input checked="" type="checkbox"/>
Are you currently serving on a Board, Authority, or Commission for another governmental agency?	Yes:		No:	<input checked="" type="checkbox"/>
If yes, what Board, etc and since when?				

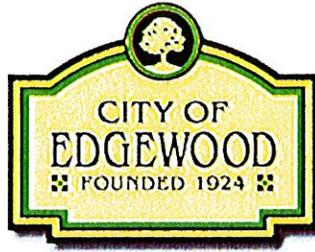
Additional comments:

I currently serve on City of Edgewood Charter Review Committee. I am unaware if this constitutes a conflict of interest however I offer this info as full disclosure of any interest to join the Planning & Zoning Board.

Revised 4/1/08

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

2 of 2



Planning and Zoning Report
Seabrook Boat Dock – 5221 Alleman Drive
September 12, 2016

Variance Requests for a boat dock located at 5221 Alleman Drive (will go before City Council on Tuesday, September 20, 2016)

1. 2016-VAR-02 Code 14-11 (b)(3) – length of boat dock beyond 65'

The motion was made as follows:

Board Member Rader moved that City Council recommend approval of the variance application; seconded by Chairwoman Dunay; motion unanimously approved (4/0).

2. 2016-VAR-04 Code 14-11 (b)(1) – build within setback distance

This application for the variance to build within the side setback was withdrawn by the applicant. After reviewing City Code [14-11 (b)(1)] with the applicant, it was determined that their design met the code and a variance was not necessary.

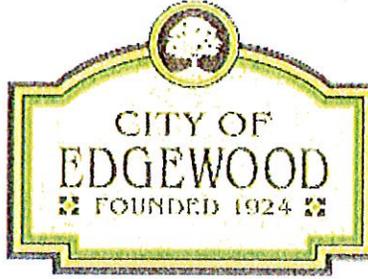
The side setback for this dock is 11.67 feet and this boat dock meets Code. Code setback requirement is 10 feet, not 15 feet as was originally interpreted, and requires a letter of no objection from abutting property rather than a variance. The application package does include a letter of no objection, as required.

3. 2016-VAR-05 Code 14-11 (b)6) – square footage greater than 1,000 square feet

The motion was made as follows:

Board Member Rayburn moved that City Council recommend approval of the variance application to allow a boat dock greater than 1,000 square feet; seconded by Board Member Rader; motion unanimously approved (4/0).

2016-VAR-02



APPLICATION FOR VARIANCE

Reference: [City of Edgewood Code of Ordinances, Section 126-588](#)

PLANNING & ZONING BOARD

MAKE PAYMENTS TO:

CITY OF EDGEWOOD

FEE: \$350 RESIDENTIAL

\$750 COMMERCIAL

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

PLANNING & ZONING MEETING DATE:	8/8/2016 or 9/12/2016
CITY COUNCIL DATE:	9/20/2016 or 10/18/2016

Depending on completion of review

IMPORTANT: FILE BY THE SECOND WEDNESDAY OF THE MONTH FOR FIRST HEARING ON THE SECOND MONDAY OF THE FOLLOWING MONTH

Please note this fee is non refundable.

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

Applicant's Name:	Matt Langbehn	Owner's Name:	Bill & Beth Seabrook
Address:	5968 Lakehurst Dr. Orlando, FL 32819	Address:	5221 Alleman Dr. Edgewood, FL 32809
Telephone:	407.583.6251	Telephone:	407.760.9582
Fax:	866.649.9449	Fax:	
Email:	matt@summertimedocks.com	Email:	weseabrook@gmail.com
Parcel ID/Legal description:	OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE		
Zoned:	0104 - Single Fam Class IV		
Cite section of the Zoning Code from which variance is requested:	14-11(b)(3))		
Existing on site:	Existing dock on site		
Request:	Length of boat dock beyond 65'		

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 pert of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

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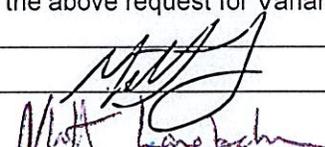
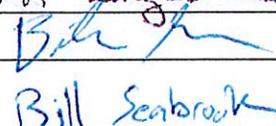
2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	x	DISAGREE:	
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3. Concerning Ex parte communications, the applicant shall not speak to members of the Planning and Zoning Board of the City Council prior to the public hearing related to said variance request in order that said board members shall no prejudice themselves prior to said variance request coming before the City in an open proceeding where the decision making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept

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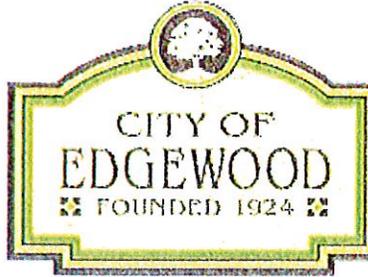
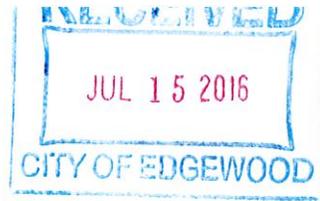
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	7/14/16
Applicant's Printed Name:	Matt Langbehn		
Owner's Signature:		Date:	7-14-16
Owner's Printed Name:	Bill Seabrook		

Please submit your completed application to City Hall via email at cityhallstaff@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:	
Rec'd Date:	7/15/2016
Rec'd By:	JG Rupp
Forwarded to:	CPK 7/18/2016
Notes:	

2012-VAR-04



APPLICATION FOR VARIANCE

Reference: [City of Edgewood Code of Ordinances, Section 126-588](#)

PLANNING & ZONING BOARD

MAKE PAYMENTS TO:

CITY OF EDGEWOOD

FEE: \$350 RESIDENTIAL

\$750 COMMERCIAL

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

PLANNING & ZONING MEETING DATE:	8/8/2016 or 9/12/2016
CITY COUNCIL DATE:	9/12/2016 or 10/19/2016

Depending on completion of review

IMPORTANT: FILE BY THE SECOND WEDNESDAY OF THE MONTH FOR FIRST HEARING ON THE SECOND MONDAY OF THE FOLLOWING MONTH

Please note this fee is non refundable.

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

Applicant's Name:	Matt Langbehn	Owner's Name:	Bill & Beth Seabrook
Address:	5968 Lakehurst Dr. Orlando, FL 32819	Address:	5221 Alleman Dr. Edgewood, FL 32809
Telephone:	407.583.6251	Telephone:	407.760.9582
Fax:	866.649.9449	Fax:	
Email:	matt@summertimedocks.com	Email:	weseabrook@gmail.com
Parcel ID/Legal description:	OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE		
Zoned:	0104 - Single Fam Class IV		
Cite section of the Zoning Code from which variance is requested:	14-11(b)(1)		
Existing on site:	Existing dock on site		
Request:	Build within side setback distance		

Revised 4/1/08

1 of 3

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

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
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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:

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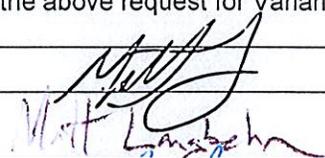
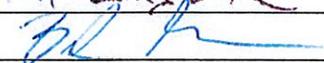
2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	x	DISAGREE:	
---------------	---	------------------	--

3. Concerning Ex parte communications, the applicant shall not speak to members of the Planning and Zoning Board of the City Council prior to the public hearing related to said variance request in order that said board members shall no prejudice themselves prior to said variance request coming before the City in an open proceeding where the decision making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept

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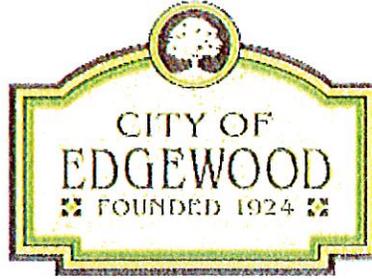
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	7/14/16
Applicant's Printed Name:	Matt Langbehn		
Owner's Signature:		Date	7-14-16
Owner's Printed Name:	Bill Seebrock		

Please submit your completed application to City Hall via email at cityhallstaff@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:	
Rec'd Date:	7/15/2014
Rec'd By:	Sg Repp
Forwarded to:	CPH 7/18/2014
Notes:	

2016-PAR-05



APPLICATION FOR VARIANCE

Reference: [City of Edgewood Code of Ordinances, Section 126-588](#)

PLANNING & ZONING BOARD

MAKE PAYMENTS TO:

CITY OF EDGEWOOD

FEE: \$350 RESIDENTIAL

\$750 COMMERCIAL

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

PLANNING & ZONING MEETING DATE:	8/8/2016
CITY COUNCIL DATE:	9/20/2016

IMPORTANT: FILE BY THE SECOND WEDNESDAY OF THE MONTH FOR FIRST HEARING ON THE SECOND MONDAY OF THE FOLLOWING MONTH

Please note this fee is non refundable.

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

Applicant's Name:	Matt Langbehn	Owner's Name:	Bill & Beth Seabrook
Address:	5968 Lakehurst Dr. Orlando, FL 32819	Address:	5221 Alleman Dr. Edgewood, FL 32809
Telephone:	407.583.6251	Telephone:	407.760.9582
Fax:	866.649.9449	Fax:	
Email:	matt@summertimedocks.com	Email:	weseabrook@gmail.com
Parcel ID/Legal description:	OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE		
Zoned:	0104 - Single Fam Class IV		
Cite section of the Zoning Code from which variance is requested:	14-11(b)(6)		
Existing on site:	Existing dock on site		
Request:	Maximum square footage of 1023'		

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 not 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 not 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:	x	DISAGREE:	
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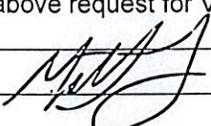
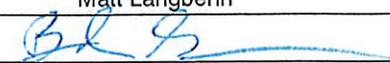
2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	x	DISAGREE:	
---------------	---	------------------	--

3. Concerning Ex parte communications, the applicant shall not speak to members of the Planning and Zoning Board of the City Council prior to the public hearing related to said variance request in order that said board members shall not prejudice themselves prior to said variance request coming before the City in an open proceeding where the decision making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept

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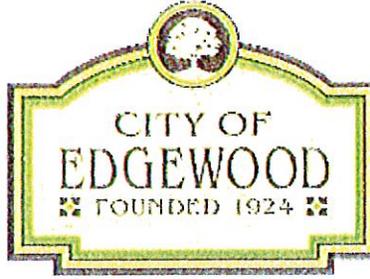
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	7/14/16
Applicant's Printed Name:	Matt Langbehn		
Owner's Signature:		Date	7-14-16
Owner's Printed Name:	Bill Scabrook		

Please submit your completed application to City Hall via email at cityhallstaff@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:	
Rec'd Date:	7/15/2016
Rec'd By:	AG Nepp
Forwarded to:	CPH 7/18/2014
Notes:	

Rec 7/15/2016



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:	Matt Langbehn	Owner's Name:	Bill & Beth Seabrook
Address:	5968 Lakehurst Dr. Orlando, FL 32819	Address:	5221 Alleman Dr. Edgewood, FL 32809
Telephone:	407.583.6251	Telephone:	407.760.9582
Cell:		Cell:	
Fax:	866.649.9449	Fax:	
Email:	matt@summertimedocks.com	Email:	weseabrook@gmail.com
Name of Lake or Body of Water:	Lake Conway	NHWE:	86.4
Parcel ID/ Legal description:	13-23-29-6056-01-122	OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE	

Names and Addresses of adjoining property owners:	
1.	Michael & Marnie Waldrop 5225 Alleman Dr. Orlando, FL 32809
2.	Elizabeth Andrews 512 Linson Ct. Orlando, FL 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):	11'-8" B. (side): 60'-5" C. (Rear): 82'-1"
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): Existing dock removal/ New dock construction	
3. Electric Power to dock:	
Yes: <input checked="" type="checkbox"/>	No: <input 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)	
1023	Square feet
5. Length extending lake ward from NHWE shoreline: (65 feet maximum allowed)	
73'-4"	Feet
6. Depth of water on date of application at end of proposed dock:	
5 feet	
7. Height of structure above NHWE contour:	
12'-2"	Feet

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

Yes:		No: X	
------	--	-------	--

If yes, width of water body (from the NHWL) at proposed dock:

	Feet
--	------

9. Type of materials to be used:

All structural lumber shall be pressure treated (PT) southern lumber #2 grade or better.
 All framing hardware to be hot-dipped galvanized (HDG) steel.
 All decking shall be a plastic composite conforming with ASTM D 7032

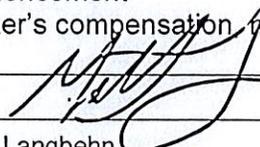
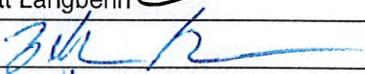
I have complied with all requirements and procedures and proclaim this application to be complete. I understand that an incomplete application will be deferred to the next posted deadline date.

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:	07/15/16
Applicant's Printed Name:	Matt Langbehn		
Owner's Signature:		Date:	7-15-16
Owner's Printed Name:	Bill Serbrack		

BOAT DOCK APPLICATION PROCESS

1. Submit application with
 - a. 3 site plans
 - b. 3 sets of engineered construction plans
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 not to object to the construction of 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 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
 - a. 9 site plans
 - b. 3 sets of engineered construction plans as submitted by the applicant
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
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 approved 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@egdewood-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:	7/15/2016
Rec'd By:	A. J. [Signature]
Forwarded to:	CDH 7/18/2016
Notes:	

Rec. 7/15/16



Orange County Division of Building Safety

201 South Rosalind Avenue

Reply To: Post Office Box 2687 • Orlando, Florida 32802-2687

Phone: 407-836-5550 • Fax 407-836-5492 • Inspections ONLY: 407-836-2825

www.ocfl.net/building

07 15 16

Date

Building Permit Number

APPLICATION FOR BUILDING/LAND USE PERMIT*

* All Applications Must Comply with Concurrence Requirements

WARNING TO OWNER: "YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

PLEASE PRINT:

The undersigned hereby applies for a permit to make building improvements as indicated below on property.

Project Address: 5221 Alleman Dr.

Suite/Unit #: _____ Bldg #: _____ City: Edgewood Zip Code: 32809

Subdivision Name: _____

Parcel ID Number: Section 13 Township 23 Range 29 Subdivision 6056 Block 01 Lot 122 (15 Digit Parcel Number)

Owner Name: Bill & Beth Seabrook Phone No.: (407) 760 - 9582

Owner Address: 5221 Alleman Dr. City: Edgewood State: FL Zip Code: 32809

Tenant Name: _____ Phone No.: (____) _____ - _____

Nature of Business: _____

Architect Name: _____ License No.: _____ Phone No.: (____) _____ - _____

Civil Engineer Name: Stephen Teliga License No.: PE64621 Phone No.: (321) 622 - 7503

Nature of Proposed Improvements: New dock construction

Demolition Permit #: _____ Site Work Permit #: _____

Date First Inspection Desired: _____ / _____ / _____ or will call

Permit valuation greater than \$2500 requires a notarized Page 2, and Notice of Commencement prior to the first inspection.

Is Notice of Commencement Recorded? Yes No

If there were comments on this project, how would you like to receive them?

Pick them up E-Mail (Customer shall access Web Page)

Is proposed work in response to a Notice of Code Violation written by an Orange County Inspector? Yes No

Is proposed work in response to an unsafe abatement notice? Yes No

Has project had a pre-review? Yes No If Yes, Commercial Plans Examiner(s): _____

Is building fire sprinklered? Yes No Required work: Plumbing Electrical Mechanical Gas None

Alterations Only:

Is this a new tenant? Yes No If yes, state previous use: _____

Intended use of space: _____

List use of adjoining tenant space(s): Side: _____ Above: _____

Rear: _____ Side: _____ Below: _____

Total Job Valuation: \$30,000

I hereby make Application for Permit as outlined above, and if same is granted I agree to conform to all Division of Building Safety Regulations and County Ordinances regulating same and in accordance with plans submitted. The issuance of this permit does not grant permission to violate any applicable Orange County and/or State of Florida codes and/or ordinances. I hereby certify that the above is true and correct to the best of my knowledge.

PLEASE PRINT: (Check one) Owner: Contractor:

Name of License Holder/Agent: Robin Lopez

Contractor License Number (if applicable): CGC1511647

Contact Phone Number: (407) 583 - 6251 E-Mail Address: robin@summertimedocks.com

Authorized Signature: [Signature]

Para más información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

Permit Number

Permit Application Information - Page Two

Permit Number _____

Owner's Name Bill & Beth Seabrook

Owner's Address 5221 Alleman Dr.

Fee Simple Titleholder's Name (If other than owner's) _____

Fee Simple Titleholder's Address (If other than owner's) _____

City Edgewood State FL Zip Code 32809

Contractor's Name Robin Lopez, Summertime Deck and Dock

Contractor's Address 5968B Lakehurst Drive

City Orlando State FL Zip Code 32819

Job Name _____

Job Address 5221 Alleman Dr. SUITE/UNIT _____

City Edgewood State FL Zip Code 32809

Bonding Company Name _____

Bonding Company Address _____

City _____ State _____ Zip Code _____

Architect/Engineer's Name Stephen Teliga

Architect/Engineer's Address 11534 Briary Hollow Lane, Clermont, FL 34711

Mortgage Lender's Name _____

Mortgage Lender's Address _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL, PLUMBING, GAS, MECHANICAL, ROOFING, SIGNS, POOLS, ETC.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. A Notice of Commencement must be recorded and posted on the job site before the first inspection. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

Owner Signature Bill Seabrook

The foregoing instrument was acknowledged before me this 7/14/16 by Bill Seabrook who is personally known to me and who produced FL D.L. as identification and who did not take an oath.

Contractor Signature Robin Lopez

The foregoing instrument was acknowledged before me this 7/14/16 by Robin Lopez who is personally known to me and who produced FL D.L. as identification and who did not take an oath.

Notary as to Owner Matt Langbehn

Commission No. FF215375

State of FL, County of ORANGE

My Commission expires: 3/30/2019

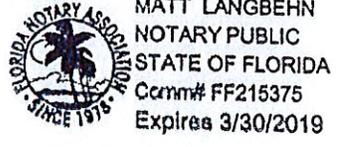
Notary as to Contractor Matt Langbehn

Commission No. FF215375

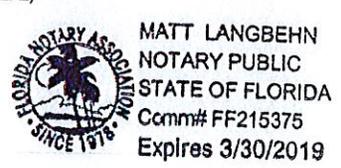
State of FL, County of ORANGE

My Commission expires: 3/30/2019

(SEAL)



(SEAL)



Para más información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

Permit Number: _____
Folio/Parcel Identification Number: 13-23-29-6056-01-122
Prepared by: _____
Matt Langbehn; Summertime Deck and Dock
Return to: Summertime Deck and Dock
5968B Lakehurst Drive, Orlando, FL 32819



NOTICE OF COMMENCEMENT

State of Florida, County of Orange
The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

- Description of property** (legal description of the property, and street address if available)
OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE
- General description of improvement**
New Dock Construction
- Owner information or Lessee information if the Lessee contracted for the improvement**
Name Beth and Bill Seabrook
Address 5221 Alleman Drive, Edgewood, FL 32809
Interest in Property Owners
Name and address of fee simple titleholder (if different from Owner listed above)
Name _____
Address _____
- Contractor**
Name Robin Lopez Telephone Number 407.583.6251
Address 5968B Lakehurst Drive, Orlando, FL 32819
- Surety** (if applicable, a copy of the payment bond is attached)
Name _____ Telephone Number _____
Address _____ Amount of Bond \$ _____
- Lender**
Name _____ Telephone Number _____
Address _____
- Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by §713.13(1)(a)7, Florida Statutes.**
Name _____ Telephone Number _____
Address _____
- In addition to himself or herself, Owner designates the following to receive a copy of the Lienor's Notice as provided in §713.13(1)(b), Florida Statutes.**
Name _____ Telephone Number _____
Address _____
- Expiration date of notice of commencement** (the expiration date may not be before the completion of construction and final payment to the contractor, but will be 1 year from the date of recording unless a different date is specified) _____



State of Florida, County of Orange
I hereby certify that this is a true copy of the document as reflected in the Official Records
MARTHA O. HAYNIE, COUNTY COMPTROLLER
By: Martha O. Haynie
Deputy Comptroller
3/15/16

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

Under penalty of perjury, I declare that I have read the foregoing notice of commencement and that the facts stated in it are true to the best of my knowledge and belief.

Bill Seabrook

Signature of Owner or Lessee, or Owner's or Lessee's Authorized Officer/Director/Partner/Manager _____ Signatory's Title/Office _____

The foregoing instrument was acknowledged before me this 03rd day of 03/16 by Bill Seabrook
monthly/year name of person

as _____ for _____
Type of authority, e.g., officer, trustee, attorney in fact Name of party on behalf of whom instrument was executed

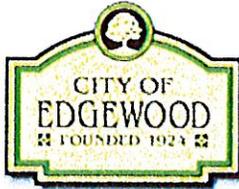
Matt Langbehn
Signature of Notary Public - State of Florida

Print, type _____
MATT LANGBEHN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF215375
Expires 3/30/2019

Personally Known OR Produced ID _____
Type of ID Produced FL D.L.



Received: 3/30/2016



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) Bill Seabrook, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, Oak Lynn Second Plat W/97 THEN 100 FT OF LOT 12 BLK A & LAND INTO LAKE, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) Robin Lopez of Summertime Deck and Dock, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Boat dock application and variance, 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: 3/8/16 Bill Seabrook Bill Seabrook
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 9th day of March, 2016 by Bill Seabrook. He/she is personally known to me or has produced FL DL as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 9th day of March in the year 2016.

(Notary Seal) MATT LANGBEHN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF215375
Expires 3/30/2019

[Signature]
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: 3/30/2019

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID#: <u>13-23-29-6056-01-122</u>
LEGAL DESCRIPTION: <u>OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE</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



AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF
NO OBJECTION TO BOAT DOCK

As required by Section 15-343 of Orange County Code, the Environmental Protection Officer shall send notices by certified mail to the owners of the shoreline properties abutting the property on which the proposed boat dock is to be located.

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code.

I, Elizabeth Andrews, residing at 500 Linson Court, on
(Affected Adjacent Property Owner Name) (Address)

Lake Little Lake Conway, have reviewed my adjacent property owner's proposed
(Name of Lake)
boat dock construction plan and have no objection to the project.

Elizabeth Andrews
(Signature)

3/1/16
(Date)

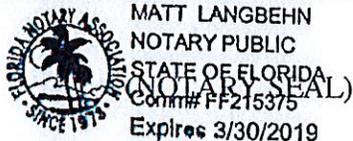
Elizabeth Andrews
(Print Name)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1st day of March 01, by

Elizabeth Andrews



(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification

Type of Identification Produced FL D.L.

Rec. 7/15/2016



Licensed General Contractor: CGC1511647

Summertime Deck and Dock, LLC
5968B Lakehurst Dr, Orlando FL 32819
Phone: 407.583.6251
www.SummertimeDocks.com
info@summertimedocks.com

To Whom It May Concern:

My name is Matt Langbehn from Summertime Deck and Dock. We are currently contracted to construct a new dock for Bill and Beth Seabrook who reside at 5221 Alleman Dr. On behalf of the Seabrooks, we, Summertime Deck and Dock, are requesting a variance to the dock regulations set forth by the City of Edgewood.

The first variance request pertains to zoning code 14-11(b)(3), *Length of Boat Docks*. We are requesting to build the dock beyond the 65' maximum, as measured from the Normal High Water Line. After inspecting the existing dock, and based on conversations with the Seabrooks, we've come to find that 65' does not provide enough length to reach adequate water depth to properly use the equipped boat lift/cradle system. We are requesting to build the dock at a total length of 73'-4" from the Normal High Water Elevation. We believe that this proposed length will put the dock at an optimal depth, not only for safe boat maneuvering and navigation, but also for the prevention of possible lake bottom vegetation damage. Summertime Deck and Dock has worked with the Seabrooks to determine that this is the minimum variance needed to offer relief to the special circumstances that pertain to their property.

The second variance request pertains to zoning code 14-11(b)(1), *Minimum Side Setbacks*. We are requesting to build the dock within the 15' side setback distance of the abutting property lines. There is an existing dock located on Bill and Beth Seabrook's property that currently extends within the aforementioned 15' setback distances (approximately 10'). The existing dock will be removed before construction of the new dock and we are requesting to build the new dock within nearly the same footprint of the existing dock. Not only will occupying nearly the same footprint make the dock more accessible relative to current property conditions, it will also make the overall construction processes and methods less impactful on the lake bottom and surrounding vegetation. We've been granted written permission from the affected neighbor and we look to maintain approximately 12' from the neighboring dock.

The third variance request pertains to zoning code 14-11(b)(6), *Square footage of boat docks*. We are requesting to build at a total 1023 square feet. The additional square footage is as a result of the additional overall boat dock length we are requesting. As requested by the engineer that reviews each boat dock application for the City of Edgewood, Summertime Deck and Dock has obtained an environmental permit from the DEP to help satisfy additional state guidelines.

After thorough review of the City of Edgewood's variance application process, I've determined that the requests made above are justifiable in the fact that they are special conditions/circumstances that pertain uniquely to the property listed, these special conditions/circumstances are not a result of the actions of Summertime Deck and Dock, nor the property owners. In addition, the requests represent the minimum variance that will afford relief to the homeowners and represent the least amount of modification possible for the regulation at issue. It is my understanding that the granting of the requested variance will be in harmony with the general intent and purpose of the City's ordinances, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification. All in all, the variance will be consistent with the Edgewood Comprehensive Plan. Of course, additional information can be provided if the application is found to be insufficient. Please contact Matt Langbehn at 407.583.6251, or matt@summertimedocks.com, if any outstanding items or questions need to be addressed.

Regards, Matt Langbehn

Edgewood Code of Ordinances, Sec. 14-11(d)(2) provides that applicants may request and be granted a variance. Factors to be considered include:

- a. Average length of other docks in the surrounding 300-foot area;**
Referencing the attached supporting document(s), there appears to be several docks within the surrounding area that extend farther than the proposed dock detailed within this application. At the very least, the proposed dock appears to extend in a length very comparable to surrounding docks.
- b. The reasonable use of the property by the owner;**
The current location of the existing dock creates scenarios where the depth of Little Lake Conway is insufficient for the property owners' to have adequate water depth for safe boat navigation and mooring. This variance request would grant the Seabrook's the accessibility needed to enjoy the general intent of a boat dock. The fact that extra length is needed to reach adequate water depth has created a scenario where the dock has slightly exceeded the maximum allowable square footage allowed without the need for additional state permitting. It should be noted that a general-purpose permit has been obtained from the Department of Environmental Protection as requested by the engineer for the City of Edgewood (see attached).
- c. The effects the dock will have on navigation and safety of boaters;**
The desired length and size addition as requested within this variance application would bring the dock out to a length and size that would be consistent with the neighboring docks. In addition, there are several neighboring docks that still would extend further out into the lake than what is being proposed here. It is assumed that if there are longer docks within the same area, the length of the dock being requested would have even less of an impact to the safety of boaters than some of the existing docks constructed on Little Lake Conway.
- d. The overall general welfare of the neighborhood;**
The proposed dock variance would not compromise the general welfare of the neighborhood. The additional square footage being requested is minimal, however it will create the space needed for the enjoyment of family, friends, and pets which makes lake ownership desirable and highlights the essence of family which has made the City of Edgewood one of the more special communities to live within Central Florida.
- 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;**
The additional square footage needed is a result of the additional length needed to achieve adequate water depth for boat usage. Also, the design and dimensions of the dock have been determined by the availability of the size of lumber being used to construct it, while achieving ideal size and budget.
- f. The effect of the proposed variance on abutting shoreline property owners;**
The proposed dock will be built even further away from the abutting property owner to the north and will maintain a distance of about 60' from the property

owner to the south. Documentation has been provided that states the abutting property owner to the North has no issue with the location of the proposed dock. It would be hard to imagine a scenario in which either of the neighboring property owners would be affected by the additional 23 square feet that is being requested.

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

Granting of this variance would not be contrary to the intent and purpose of this article. It would give the applicants the same reasonable lake access and enjoyment that is afforded to the other residents of the lake.

- 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.**

It should be noted that the lake levels in Little Lake Conway vary drastically throughout different times of the year, as evident in the attached document(s).

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**

The additional square footage results from the need for additional dock length as requested in the variance to ordinance 14-11(b)(6).

- 2. The special conditions and circumstances do no result from the action of the applicant**

The additional square footage results from the need for additional dock length as requested in the variance to ordinance 14-11(b)(6).

- 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**

According to the Engineer for the City of Edgewood, any proposed dock that will exceed 1000 sq.ft. will need additional state permitting from the Department of Environmental Protection (see attached). In addition to the variance application, it would seem that these documents would be sufficient for variance consideration.

- 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**

The additional square footage results from the need for additional dock length as requested in the variance to ordinance 14-11(b)(6).

- 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**

The proposed dock will serve the same purpose as the existing dock and each dock located within Lake Conway. This variance request is not intended to seek any other authorization that wouldn't normally be afforded to each homeowner and/or dock owner.

- 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

The proposed dock will continue to be used as an area for boat storage and lake access. There is not a scenario where the additional square footage would be injurious to the area involved or surrounding properties.

7. The variance sought will be consistent with the Edgewood Comprehensive Plan

See supporting documents.

Little Lake Conway West Shore

Legend

- Blue 96.2'
- Green 88'
- Orange Proposed 74.6'
- Pink 92.08'
- Red 108'



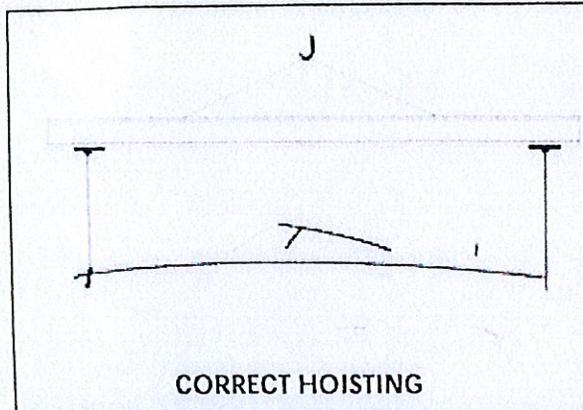






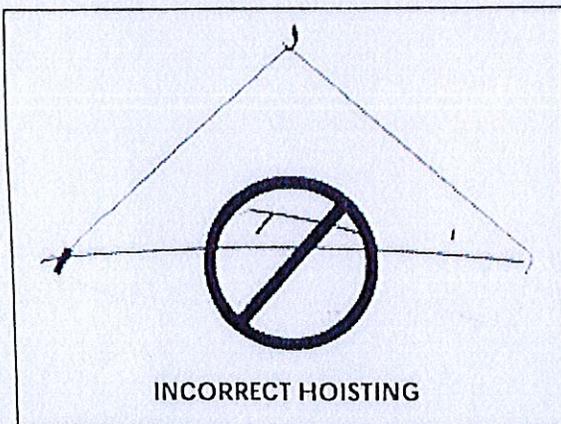


Hoisting



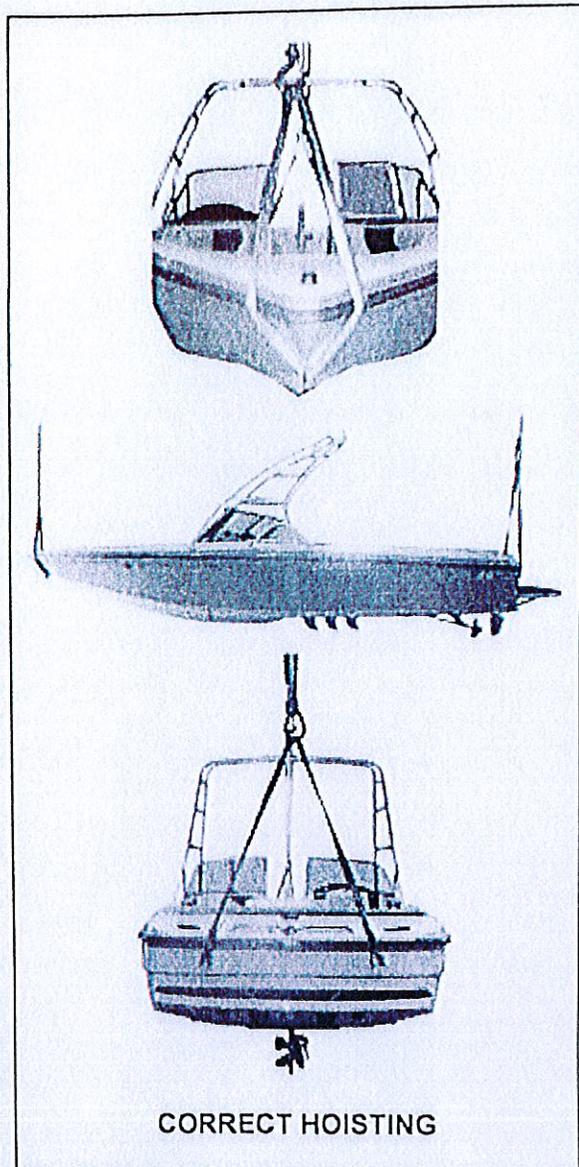
If the boat ever needs to be hoisted, special attention should be given to the following recommendations:

- Hoist the boat using a horizontal lifting bar only.
- Never attempt to lift the boat by means of a cable sling from bow to stern lifting eyes.
- Hoist operator should slowly and smoothly lift the boat without jerking to avoid damage to the lifting eyes.
- Use a clevis inserted through the lifting eye since a hook may damage the lifting eye edges.



WARNING

DO NOT use the ski pylon to hoist the boat. Incorrect hoisting may invalidate the warranty on the boat.



WARNING

Use only a proper sized sling in the designated lifting rings to hoist the boat.

NOTE: For boat houses or other applications where the boat will be lifted and held in that position, Moomba recommends using a cradle. The bunk configuration should mimic the trailer.



August 2, 2016

City of Edgewood
5221 Alleman Drive – boat dock application and variance request
Justification of variance

Zoning code 14-11(b)(3) – length of boat dock

- 1 Special conditions or circumstances – shallow water at a distance of 65 feet from the normal high water elevation (NHWE). Owner is requesting the dock length to be 73' – 4" long as opposed to the code required length of 65'. Per the Applicant, the proposed dock location will provide the proper access for the boat lift. Under conditions with the lake elevation below the NHWE, there may not be sufficient depth to access the dock if it is 65 feet long.
- 2 The depth of the water found in the dock position, at 65', is not a condition which is a result of the applicant.
- 3 Literal interpretation would deprive the applicant of rights commonly enjoyed by other property and dock owners on the same lake. Other docks on this lake and within the proximity of the proposed dock extend 80 or more feet into the lake. The four docks to the north extend on average 90 feet. The range is 64 feet to 108 feet. The four docks to the south of the property extend on average 75 feet. The range for these docks is 65 feet to 90 feet. Literal Interpretation would be a maximum length of 65 feet regardless of water depth. The Applicant has provided supporting documentation in the form of an aerial that shows other docks in this vicinity extending farther into the lake than the 65' length. In addition, the code specifically allows for the length of the dock to be granted a variance as long as the requested length does not have a water depth of 5 feet at the dock. Based upon information submitted by the applicant, the depth would not exceed this limit.
- 4 The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible based on information submitted by the Applicant.
- 5 The variance being sought by the Applicant for the length will also require a boat dock that is larger than 1000 square feet. The Applicant has requested this variance as well. Please see supporting documentation below addressing the size variance.
- 6 General intent of the ordinance is to allow home owners to construct docks of similar size, length and be generally uniform. Certain circumstances occasionally exist that requires variances in order to construct the allowable structures and still be useable by the Applicant. In this case, the Applicant wishes to have the boat lifted from the water when not in use to extend the life of the vessel and their investment.
- 7 Comprehensive Plan – N/A



Zoning code 14-11(b)(1) – setback requirements

- 1 Special conditions or 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. There is an existing dock on the property, which is to be removed. The new dock will be constructed within the same general footprint of the existing dock. The existing dock encroaches in the 15 foot setback, it is 8.7 feet from the property line. The new dock is set off of the property line 11.67 feet. The Owners have received a notarized letter from the adjacent property Owner to the north stating that they have no objection to the encroachment on the 15 foot setback, as required by the City Code.
- 2 This condition of the existing dock meeting the setback is not a condition which was created by the applicant. The Applicant is proposing to use the same general footprint area of the existing dock to minimize the negative impact to the lake bottom and lake vegetation. Literal interpretation would create a larger area of impact to the lake bottom and vegetation. The Applicant has provided a copy of correspondence from FDEP that indicates that the preferred location of the new dock would be in the same location as the existing dock.
- 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. Three out of the four docks to the north all appear to be located less than the minimum 15 foot setback from the property line. Also, three out of the four docks to the South appear to be located less than the minimum 15 foot setback. The two southern most boat docks adjacent to the property are less than 8 feet apart.
- 4 Based upon the information submitted by the Applicant, this variance represents the minimum variance that will afford the property owner the relief from the code when combined with the other variances. The length is requested to get the depth at the location of the dock and the location is requested to minimize the impacts to the existing lake bottom.
- 5 The variance being sought by this and the other two requests will not authorize or extend any non-conforming use or other non-conformity with respect to the structure in question.
- 6 The granting of this variance will not create a situation that is not in harmony with the area or other properties and will allow the intent of the ordinance to be accomplished. This variance does not grant a use that is not permitted by the zoning classification.
- 7 The variance requested would not cause an inconsistency with the comp plan.

Zoning Code 14-11(b)(6) – square footage of dock.

- 1 Special conditions or 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. The Applicant has requested a variance to the



maximum square footage allowed by code. The exceedance of the overall square footage is due to the additional length requested by the applicant to achieve a minimum water depth. The extension in dock length from 65 feet to 73.25 feet results in 32 additional square feet of dock area and the request by the applicant is only for an additional 23 square feet. If the dock length were not required, then the total square footage would meet the code requirements.

- 2 As a result of the initial request for a variance of the length of the dock to achieve a minimum depth resulted in the need for this variance request.
- 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. Literal interpretation would require the applicant to submit for a dock with area less than 1,000 SF. There are other docks on the lake that appear to be larger than the 1000 SF, however, the exact sizes of the docks cannot be determined from the aerial information that is available. The only way to prove this information would be to physically measure the docks or research the permits for the permitted dimensions.
- 4 Based upon the information submitted by the Applicant, this variance represents the minimum variance that will afford the property owner the relief from the code when combined with the other variances.
- 5 The variance being sought by this and the other two requests will not authorize or extend nay non-conforming use or other non-conformity with respect to the structure in question.
- 6 The granting of this variance will not create a situation that is not in harmony with the area or other properties and will allow the intent of the ordinance to be accomplished. This variance does not grant a use that is not permitted by the zoning classification.
- 7 The variance requested would not cause an inconsistency with the comp plan.

The applicant has also submitted supporting documentation and justification for their requested variances. In accordance with Section 14-11(d) (2), we have evaluated the request by the applicant and do not believe that the variances are unique to this property or that they would adversely affect the navigation and safety of boaters and that the dock will be similar to other docks in the immediate area and will not adversely impact the general welfare of the neighborhood. The adjoining property owner has provided a letter indicating that they do not have an objection to the dock. We do not believe that the granting of the variances would go against the intent and purpose of the ordinance based upon the criteria outlined in Section 14-12.



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

May 17, 2016

William Seabrook
5221 Alleman Drive
Orlando, FL 43809
weseabrook@gmail.com

File No. 48-0344144-001 EG, Orange County

Dear Mr. Seabrook:

On May 13, 2016, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a new private, single-family pier on Lake Conway, a Class III Florida waterbody. The project is located at 5221 Alleman Drive, Orlando in Orange County. The construction and operation of the dock shall comply with the attached drawings and conditions.

Your intent to use a general permit has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project qualifies for all three authorizations. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Granted

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached), and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapter 253 of the Florida Statutes (F.S.) and 258, F.S. if located within an aquatic preserve, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, Florida Statutes and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review - Chapter 253 F.S., and Chapter 18-21, F.A.C., F.A.C., and Section 62-330.075, F.A.C. as required.

SPGP REVIEW - APPROVED

Your proposed activity as outlined on your notice and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project. A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit," Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this general permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District

Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact **Lisa Prather** at the letterhead address or at 407-897-2947 and Lisa.Prather@dep.state.fl.us.

Sincerely,



Caroline Shine, Environmental Administrator
Drinking Water/Environmental Resource Permitting
Permitting and Waste Cleanup Program

Date: May 17, 2016

Copies furnished to:

Orange County - neal.thomas@ocfl.net

Christiaan Myburgh, Summertime Docks - Christiaan@summertimedocks.com

Enclosures:

Ch. 62-330.427, F.A.C.

General Conditions for All General Permits, Ch. 62-330.405, F.A.C.

General Consent Conditions for Use of Sovereignty Submerged Lands

General Conditions for Federal Authorization for SPGP IV-R1

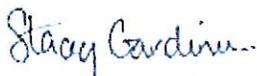
Permit Figures

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies, was mailed before the close of business on May 17, 2016, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk

May 17, 2016

Date

**SWERP – General Permit for Certain Piers and Associated Structures Specific Conditions
62-330.427(2)**

- (a) Construction or extension of the boat house, boat shelter, boat lift, gazebo, boat mooring locations, or terminal platforms, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;
- (b) There shall be no living quarters, or other structures enclosed by walls or doors on all sides;
- (c) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit; and
- (d) This general permit shall not authorize the construction of more than one pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property.

62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under Chapter 373, F.S. These conditions do not apply to the general permit in Section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.

(3) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.

(7) This permit shall not be transferred to a third party except pursuant to Rule 62-330.340, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in this general permit.

(10) A permittee's right to conduct a specific activity under this general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, available at www.dep.state.fl.us/water/wetlands/docs/erp/FLerosionSedimentManual_6_07.pdf, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

- (a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;
- (b) The maximum width of the construction access area shall be limited to 15 feet;
- (c) All mats shall be removed within 72 hours after the work commences; and
- (d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in a general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; or

(16) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at imperiledspecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13.

**GENERAL CONSENT CONDITIONS FOR
USE OF SOVEREIGNTY SUBMERGED LANDS**

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

SPECIAL CONDITIONS FOR USE OF THE SPGP IV-RI

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP IV-RI does not automatically guarantee authorization.
2. No activity is authorized under the SPGP IV-RI which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat.
3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.
4. Failure to comply with all conditions of the Federal authorizations under the SPGP IV- RI would constitute a violation of the Federal authorization.
5. The SPGP IV-RI is not applicable in the geographical boundaries of: Monroe County; the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research/>.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

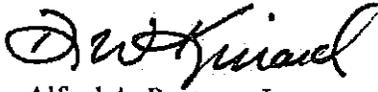
7. No work shall be authorized under the SPGP IV-R1 which proposes the use of refabricated modules for habitat creation, restoration, or enhancement.
8. No activity shall be authorized under the SPGP IV-R1 which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001" (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>). Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP IV-R1 must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002" (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>). *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*

9. Prior to issuance of authorization, the dichotomous key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," dated March 2011, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application. The current version can be found on the Jacksonville District Regulatory Home Page at: <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.*
10. For projects in waters accessible to sea turtles, Small tooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Small tooth Sawfish Construction Conditions" (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*
11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see <http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm> for guidance and clearance. *Note: The preceding should be considered an interim condition, after which, new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*
12. For projects authorized under this SPGP IV-R1 in navigable waters of the U.S., the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP IV-R1 will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP IV-R1 will be evaluated by the Corps.
14. If the SPGP IV-R1 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in

reliance upon the SPGP IV-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP IV-R1 expired or was revoked.

15. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Engineer

From: Beth Seabrook bwseabrook@gmail.com
Subject: Fwd: Environmental Question
Date: July 6, 2016 at 2:12 PM
To: Matt Langbehn mail@summicrimcdocks.com

Begin forwarded message:

From: "Prather, Lisa" <Lisa.Prather@dep.state.fl.us>
Subject: RE: Environmental Question
Date: June 30, 2016 at 1:34:54 PM EDT
To: Beth Seabrook <bwseabrook@gmail.com>

Generally yes. I did not conduct a site review of the dock, because resource impacts were not a concern. The city may have information I am not aware of.

Lisa

-----Original Message-----

From: Beth Seabrook [<mailto:bwseabrook@gmail.com>]
Sent: Thursday, June 30, 2016 11:48 AM
To: Prather, Lisa
Subject: Re: Environmental Question

Thank you Lisa. We agree, however the City of Edgewood is not convinced it is best. We have a Notarized Statement of no Objection to Boat Dock signed by our neighbor. We're curious from an environmental perspective if it is best to build in the same footprint.

Thanks,
Beth

On Jun 30, 2016, at 10:35 AM, Prather, Lisa <Lisa.Prather@dep.state.fl.us> wrote:

Beth/Bill - Your permit depicts the dock is going to be constructed in the same area as the existing dock. If you want to change the location you will need to apply for a new permit. It is probably best to keep it at the location depicted on the approved plans.

Regards,

Lisa

-----Original Message-----

From: Beth Seabrook [<mailto:bwseabrook@gmail.com>]
Sent: Thursday, June 30, 2016 9:58 AM
To: Prather, Lisa
Subject: Environmental Question

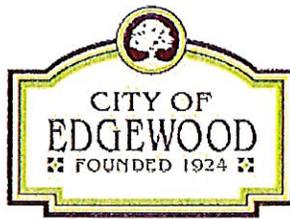
Good Morning Ms. Prather.

I was hoping you could answer a quick question for me. We have been approved for our permit and are very thankful. Out of curiosity we would like to know, from an environmental perspective, is it better to rebuild a dock within the existing footprint or build in adjacent area?

Thank you for your time.
Bill and Beth Seabrook

[Dep Customer Survey]<<http://survey.dep.state.fl.us/?refemail=Lisa.Prather@dep.state.fl.us>>

[Dep Customer Survey]<<http://survey.dep.state.fl.us/?refemail=Lisa.Prather@dep.state.fl.us>>



NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday, September 12, 2016** the Planning and Zoning Board of the City of Edgewood, will consider the following variance requests to allow the construction of a boat dock, located at 5221 Alleman Drive which is currently in R-1AA zoning district (City of Edgewood Resolution 2005-Roo2 City Code of Ordinances, Reference Section 134-104 [Variance]):

- **2016-VAR-02** Length of boat dock beyond 65' [14-11(b)(3)]
- **2016-VAR-04** Build within side setback [14-11(b)(1)]
- **2016-VAR-05** Size exceeding 1,000 square feet in total area [14-11(b)(6)]

The applications were submitted by Summertime Deck and Dock, LLC on behalf of owners Bill and Beth Seabrook. 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 as the matter may be heard.**

The Planning and Zoning Board's recommendation will be forwarded to **City Council on Tuesday, September 20, 2016 at 6:30 p.m.** for final action.

The subject property for special exception is legally described as OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE



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.

405 Larue Avenue • Tel: 407-851-2920 • Fax: 407-851-7361 • www.edgewood-fl.gov

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, MMC, CPM, CBTO
City Clerk
Dated: August 23, 2016

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.

CROSSLEY LUKE JR
CROSSLEY MARTHA E
~218 HAVERILL DR
RLANDO, FL. 32809

BARRACLOUGH BRADLEY
BARRACLOUGH KATHY L
5212 HAVERILL DR
ORLANDO, FL. 32809

GREGORY MICHAEL D
GREGORY ABIGAIL O
5209 HAVERILL DR
ORLANDO, FL. 32809

LEAHY PATRICIA W
429 OAK LYNN DR
ORLANDO, FL. 32809

FOOTE DAVID H
FOOTE CONNIE
5214 ALLEMAN DR
ORLANDO, FL. 32809

HAMMONDS JOE P
MARK PAMELA A
5208 ALLEMAN DR
ORLANDO, FL. 32809

ROBINSON JAMES A
ROBINSON MARNIE B
500 OLD ORCHARD LN
ORLANDO, FL. 32809

JAMES ELLEN L LIFE ESTATE
REM: MICHAEL THOMAS JAMES
515 MANDALAY RD
ORLANDO, FL. 32809

HINES RAYMOND IV
HING-HINES JASARA LEE
414 OAK LYNN DR
ORLANDO, FL. 32809

PETERSON CARL H IV
PETERSON AMY T
428 OAK LYNN DR
ORLANDO, FL. 32809

PETERSON CARL H IV
PETERSON AMY T
428 OAK LYNN DR
ORLANDO, FL. 32809

WALDROP MICHAEL T
WALDROP MARNIE M
5225 ALLEMAN DR
ORLANDO, FL. 32809

VAN VOORHIS CAITLIN
VAN VOORHIS JON THOMAS
500 LINSON CT
ORLANDO, FL. 32809

MEZZINA JOHN C
MEZZINA JULIE B
506 LINSON CT
ORLANDO, FL. 32809

ANDREWS ELIZABETH S TR
512 LINSON CT
ORLANDO, FL. 32809

BEHR COLIN
522 LINSON CT
ORLANDO, FL. 32809

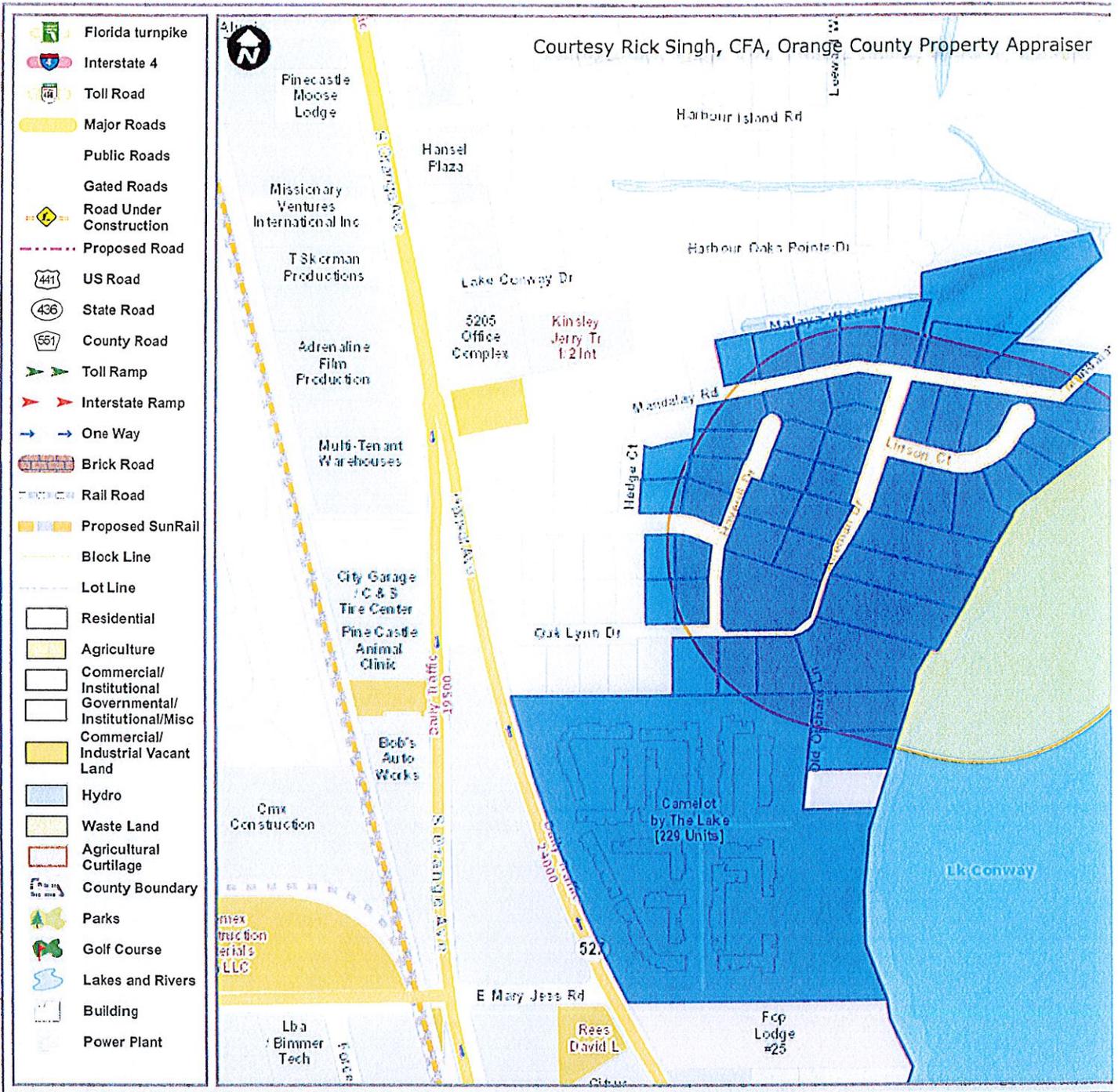
NOLAN TODD MICHAEL
525 LINSON CT
ORLANDO, FL. 32809

LAMBERT RICARDO
2273 SW 6TH ST
MIAMI, FL. 33135

JOHNSON JERREL L
KNOPP DOUGLAS R
933 SAINT GREGORY ST
CORPUS CHRISTI, TX. 78418

CRAY MARK
5200 HAVERILL DR
ORLANDO, FL. 32809

HALL THOMAS M
JACOBS JOHN D
5218 ALLEMAN DR
ORLANDO, FL. 32809



Application: 2016-VAR-02
Owner/Applicant Name: Bill and Beth Seabrook
Public Hearing Date: P&Z 9/12/2016 / City Council 9/20/2016

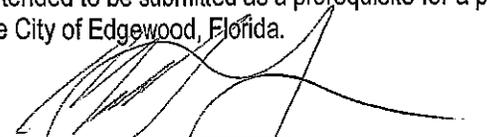
This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

Before me, the undersigned authority, personally appeared Matthew Landwehr, 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 date 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: 8/24/16.
- 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.


Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 24 day of Aug, 2016, by

Sandra J. Repp

(Notary Signature) Sandra J Repp

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known OR Produced Identification

Type of Identification Produced _____



Application: 2016-VAR-04
 Owner/Applicant Name: Bill and Beth Seabrook
 Public Hearing Date: P&Z 9/12/2016 / City Council 9/20/2016

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 Matthew Kosobehn, 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 date 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: 8/24/16.
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.

[Signature]
 Signature of owner or authorized representative

STATE OF FLORIDA
 COUNTY OF Orange

The foregoing instrument was acknowledged before me this 24 day of Aug, 2016, by

Sandra J Repp

(Notary Signature) [Signature]

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known OR Produced Identification

Type of Identification Produced _____



Application: 2016-VAR-05

Owner/Applicant Name: Bill and Beth Seabrook

Public Hearing Date: P&Z 9/12/2016 / City Council 9/20/2016

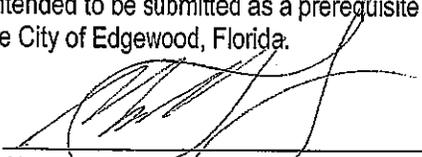
This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

Before me, the undersigned authority, personally appeared Matthew Kanabehn, 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 date 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: 8/24/16.
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.

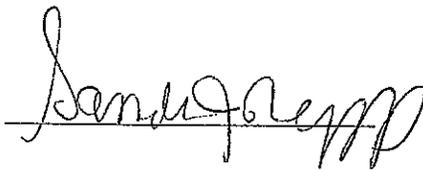


Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 24 day of Aug, 2016, by

Sandra J Repp

(Notary Signature) 

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known OR Produced Identification _____

Type of Identification Produced _____

