

PUBLIC NOTICE

PLANNING AND ZONING BOARD MEETING – July 11, 2016

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

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

Monday, June 13, 2016 at 7:00 pm

1. Call To Order
2. Pledge of Allegiance
3. Roll Call and Determination of Quorum
4. Approval of Minutes
 - June 13, 2016– Regular P&Z Meeting
5. New Business
 - **(City Council Meeting 8-16-2016) Special Exception (2016-SE-02) for The Doughnut Peddler** located at 5262 South Orange Avenue in the C3 zoning district to allow “wholesale products distribution”.
 - **(City Council Meeting 8-16-2016) Variance Application (2016-VAR-03) for 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.
 - **(City Council Meeting 7-19-2016) Rezoning Application (2016-RZ-01)** for property located at 1090, 1098, 1100, 1103, 1110, 1130 Holden Avenue from its present single family residential (R-1A and R-1AA) classification in order to allow a single Planned Development (PD) classification of 13.36 acres. The application was submitted by Khaled Hussein.

- **ORDINANCE NO: 2016-08 – PROPOSING REZONING FOR HOLDEN AVENUE**

6. Comments/Announcements

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

- August 8, 2016
- September 12, 2016

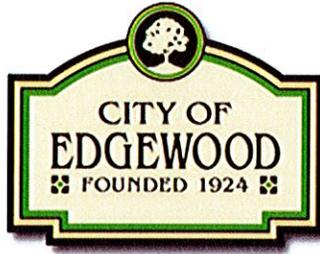
GENERAL RULES OF ORDER

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

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

Thank you for participating in your government!

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



PLANNING & ZONING BOARD MEETING MINUTES
June 13, 2016

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Susan Lomas, Vice-Chair
Marion Rayburn, Board Member
Chris Rader, Board Member

Absent:

Susan Lomas, Vice-Chair

Staff:

Sandy Repp, Administrative Assistant
Drew Smith, City Attorney
Chief Francisco, Police Chief
Allen Lane, City Engineer

Contractor:

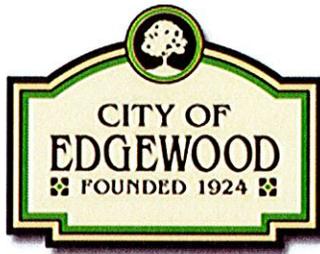
Matt Langbehn, Summertime Deck & Dock

CALL TO ORDER

Chairperson Regina Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance and a Moment of Silence. Administrative Assistant, Sandy Repp, announced the absence of Board Member Susan Lomas; however, there was a quorum.

ADMINISTRATION OF OATH OF OFFICE

Board Member Chris Rader was administered the Oath of Office by Administrative Assistant, Sandy Repp.



APPROVAL OF MINUTES

- May 9, 2016 – Regular P&Z Meeting

Board Member Ben Pierce made the Motion to approve the May 9, 2016 minutes; Seconded by Chairwoman Regina Dunay. Unanimously approved (4/0)

NEW BUSINESS

Chairwoman Regina Dunay introduced Variance Application 2016-VAR-02; a boat dock at 5221 Alleman Drive requesting a variance in dock length and setbacks.

Chairwoman Dunay introduced Allen Lane, the City Engineer from CPH. Mr. Lane gave a description of the address and the request for the variances. The property owner is asking for length 75' 6" from the NHWE. The second part of the request is to build within the setbacks of 10 feet instead of 15 feet. The proposed boat dock is in the same location as the existing dock and all criteria have been met.

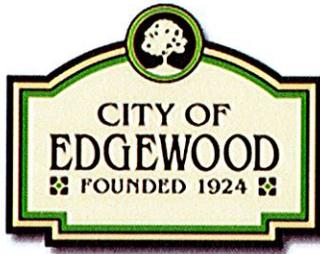
Discussion ensued regarding the two variance requests. In response to Chairwoman Dunay's request for questions from the Board, Board Member Rader asked about the history of CPH comments. Engineer Lane stated that there were some dimensional issues with the original application. Board Member Rayburn asked about other docks and Allen said this is consistent with other docks.

In response to Chairwoman Dunay, Engineer Lane said that Shannon Surveying provided a survey with spot elevations for the lake bottom to verify depth from shoreline. Chairwoman Dunay asked about impeding boat traffic and asked if the lake is wide enough. Engineer Lane said this is a large portion of the lake and there is no small area of encroachment.

In response to Board Member Rader, Engineer Lane explained the circumstance for the setback request. The property owner and designer suggested the current location for the least impact on the environment and lake area. In response to Chairwoman Dunay, Engineer Lane said that he is not sure whether they will use the same or new pilings. Matt Langbehn, contractor for Summertime Deck and Dock approached the podium and stated that they will not use any existing structure. The existing boat dock would be removed and per the Seabrook's request they would like to build the proposed dock in the same location.

Chairwoman Dunay asked if there was a variance for the existing boat dock. Contractor Langbehn said he did not have a record of a previous variance and that reducing environmental impact is the main reason for the location. Langbehn added that the Seabrooks have built everything around the existing dock which is the secondary reason for retaining the same location. There is an existing seawall and gate to the dock.

In response to Chairwoman Dunay, Attorney Smith said that the Board will decide if the variance request meets the burden of the required criteria. Chairwoman Dunay went through the list of criteria and it was agreed that all of the justification for the setbacks were met except for the third item. Chairwoman Dunay



said that she is of a mixed opinion whether moving the boat dock would deprive the Seabrooks of their rights. Board Member Rader was in agreement with Chairwoman Dunay.

There being no further discussion, Board Member Rayburn moved to recommend acceptance of the variance for proposed length and to deny the variance request for the proposed setbacks based on not meeting criteria #3. The motion was seconded by Board Member Chris Rader. The motion was unanimously approved (4/0).

Administrative Assistant, Sandy Repp, stated that the boat dock will be heard at City Council on Tuesday, July 19, 2016.

COMMENTS/ANNOUNCEMENTS

Administrative Assistant Sandy Repp announced that there is likely to be a Planning and Zoning meeting on Monday, July 11, 2016 to discuss a Planned Development.

In response to Board Member Rader's schedule conflict the Board discussed changing the meeting on July 11, 2016 from 6:30 pm to 7:00 pm. Board Member Pierce will be unable to attend the July 11, 2016 meeting.

Board Member Rader moved that the Planning and Zoning meeting scheduled for July 11, 2016 be changed from a start time of 6:30 pm to a start time of 7:00 pm; seconded by Board Member Rayburn. The motion was unanimously approved (4/0).

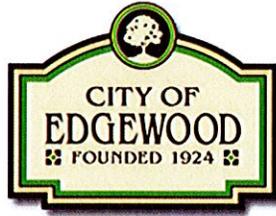
ADJOURNMENT:

With no further business or discussion, Board Member Rayburn made the Motion to adjourn the Planning and Zoning Board meeting; Seconded by Board Member Rader; the meeting adjourned at 7:22 p.m.

Regina Dunay, Chairwoman

ATTEST

Sandra Repp, Administrative Assistant



Memo

To: Planning and Zoning Board Members
From: Sandy Repp, Administrative Assistant
Date: July 6, 2016
Re: New Business Items

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

1. Special Exception 2016-SE-02 – The Doughnut Peddler

The documents provided for your review are as follows:

- Application for Special Exception and Summarized Specifications received from The Doughnut Peddler on May 26, 2016
- Signed Owner's Authorization Form May 26, 2016
- Copy of memo from City Planner dated June 15, 2016

2. Variance 2016-VAR-03 – The Doughnut Peddler

The documents provided for your review are as follows:

- Application For Variance received May 26, 2016
- Signed Owner's Authorization Form May 26, 2016
- Copy of memo from City Planner dated June 15, 2016
- Copy of Notice of Public Hearing, along with address matrix for Special Exception and Variance Applications dated: June 29, 2016
- Executive copies of sign affidavits from contractor

Administrative Assistant's Comments:

- There were ninety five (95) notices mailed regarding the Application for Special Exception and the Application for Variance. As of the date of this memo there were no responses returned to City Hall, provided to staff or made by email.

3. Rezoning 2016-RZ-01 -- Holden Avenue PD

The documents provided for your review are as follows:

- Application for Rezoning - received from Khaled Hussein on June 16, 2016 at 2:24 pm
- Narrative of Project Qualifications from AVCON Engineers & Planners
- Signed Owner's Authorization Forms
- Staff Report Dated 6/21/2016
- Copy of Notice of Public Hearing, along with address matrix for Special Exception and Variance Applications dated: June 24, 2016
- Executive copy of sign affidavit from contractor
- Letter of written objection received from property owner within 500 feet
- Land Use Plan and Surveys of Properties

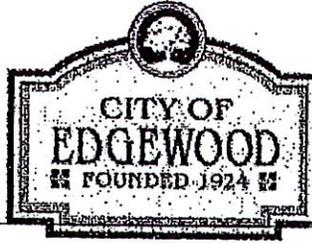
Administrative Assistant's Comments: There were 167 notices mailed regarding the Application for Variance. As of the date of this memo there was one written objection returned to City Hall via U.S. Mail.

4. Ordinance 2016-08 – Rezoning

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.

MAY 26 2016

CITY OF EDGEWOOD



APPLICATION FOR SPECIAL EXCEPTION

Reference: City of Edgewood Code of Ordinances, Section 134-103
PLANNING & ZONING BOARD
MAKE PAYMENTS TO: CITY OF EDGEWOOD
FEE: \$750.00

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

PLANNING & ZONING MEETING DATE: _____

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

Please note this fee is non refundable.

Applicant's Name:	Parsons Engineering LLC	Owner's Name:	Tdp Fl Orange Ave LLC
Address:	605 Delaney Ave Suite C, Orlando FL 32801	Address:	450 N McClintock Dr ste 102 Chandler, AZ 85226-2562
Phone:	407-286-2610	Phone:	
Legal Description:	From NE Cor of SW 1/4 of SW 1/4 of section 11 S 450 FT W to W R/W ST RD 247 FOR 100 FT NLY 220 FT TO E R/W OF RD 514 along R/W R/W 100 FT E to W R/W ST RD 521 TH NLY 100 FT TO 705 IN SEC: 13-23 2E1		
Zoned:	C-3		
Location:	5262 S Orange Ave, Orlando FL 32809		
Tract Size:	19,237.69 SF		
Cite section of the Zoning Code from which variance is requested:	Chapter 134, Article IV, Division 9, Sec 134-403		
Request:	A special exception to chapter 134, Article IV, Division 9, Sec 134-403, is requested to allow the use of an office building with truck maintenance and storage area		
Existing on Site:	Vacant lot		

in a wholesale commercial district

The applicant hereby states that the above request for Special Exception does not violate any deed restrictions on the property.

Applicant's Signature:	<i>[Signature]</i>	Date:	5/25/16
Applicant's Printed Name:	Charles A. Sanchez	Date:	5-24-2016
Owner's Signature:	<i>[Signature]</i>	Date:	
Owner's Printed Name:	S GLACE SMITH	Date:	

[Handwritten notes]

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:	5/18/2014
Rec'd By:	J. Rep...
Forwarded to:	
Notes:	



Summarized Specifications

Project: The Doughnut Peddler

Parcel ID: 13-23-29-0000-00-034

Property name:

5262 S Orange Ave

Site Area: 19,237.69 SF- 0.45 AC

Legal Description:

FROM NE COR OF SW1/4 OF SW1/4 OF SEC TH S 450 FT W TO W R/W ST RD 527 FOR POB TH W 220 FT TO E R/W OF RR SLY ALONG RR R/W 100 FT E TO W R/W ST RD 527 TH NLY 100 FT TO POB IN SEC 13-23-29 (LESS THE W 95 FT OF THE E 117 FT OF THE S 12.5 FT THEREOF)

Zoning: C-3

Proposed use, including conditions on the use:

PROPOSED 3,000 SF BUILDING WITH 500 SF OF OFFICE AREA AND 2,500 SF FOR STORAGE AND MAINTENANCE BAYS FOR DELIVERY VEHICLES.

APPROXIMATE NUMBER OF EMPLOYEES WILL BE 15 INCLUDING DELIVERY DRIVERS AND OFFICE STAFF. HOURS OF OPERATION WILL BE FROM 8:00 AM TO 5:00 PM. HOWEVER, SECURITY GATE WILL BE OPERATIONAL 24 HOURS TO ALLOW DRIVERS TO DROP OFF DELIVERY VEHICLES AFTER SHIFT

Hours of operation:

From: 8:00 am

To: 5:00 pm

Note: security gate will be operational 24 hours to allow drivers to drop off delivery vehicles after shift

Vehicles:

Weight: 12,300-14,200

Size:

- Height: 82.90 in
- Length: 266.70 in
- Overhang Front: 39.70 in

Employees:

- 3 in the Building from 8:00 am to 5:00 pm
- 15 Drivers

MAY 26 2015

OWNER'S AUTHORIZATION FORM

Date: May 23, 2016
To: City of Edgewood/ To Whom it may Concern
From: S. Glade Smith, TDP FL ORANGE AVE LLC.
Property Reference: 0.45 Acre Project Area
Address / Parcel ID: 5262 S Orange Ave Orlando, FL 32809
Re: Design of a 3,000 SF office building with maintenance and storage area for Doughnut Peddler delivery trucks.

Please be advised that we, the Owner of Record, have been properly notified and provide this written permission for Carlos Barrios of Barrios Engineering, LLC., to act as my/our Agent and to execute any petitions or other documents necessary to affect the application approval requested.

Owner of Record - S. Glade Smith, TDP FL ORANGE AVE LLC.

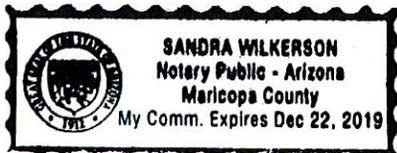
Signature of Property Owner: [Signature] Date: 5-24-2016
Print Name of Property Owner: S. GLADE SMITH

Notary Public

STATE OF ARIZONA
COUNTY OF MARICOPA

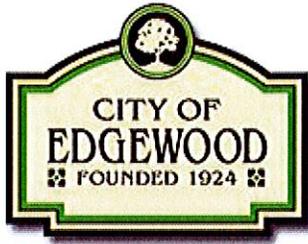
The foregoing instrument was acknowledged before me this 24th day of MAY, 2016, by S. Glade Smith as Owner of the above referenced parcel. Said person (check one): [] is personally known to me, [X] produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or [] produced other identification, to wit:

[Signature of Sandra Wilkerson]



Print Name: Sandra Wilkerson
Notary Public, State of ARIZONA
Commission No.: 499838
My Commission Expires: 12-22-2019

Date: 5-24-2016



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: June 15, 2016
Re: Special Exception Application Doughnut Peddler

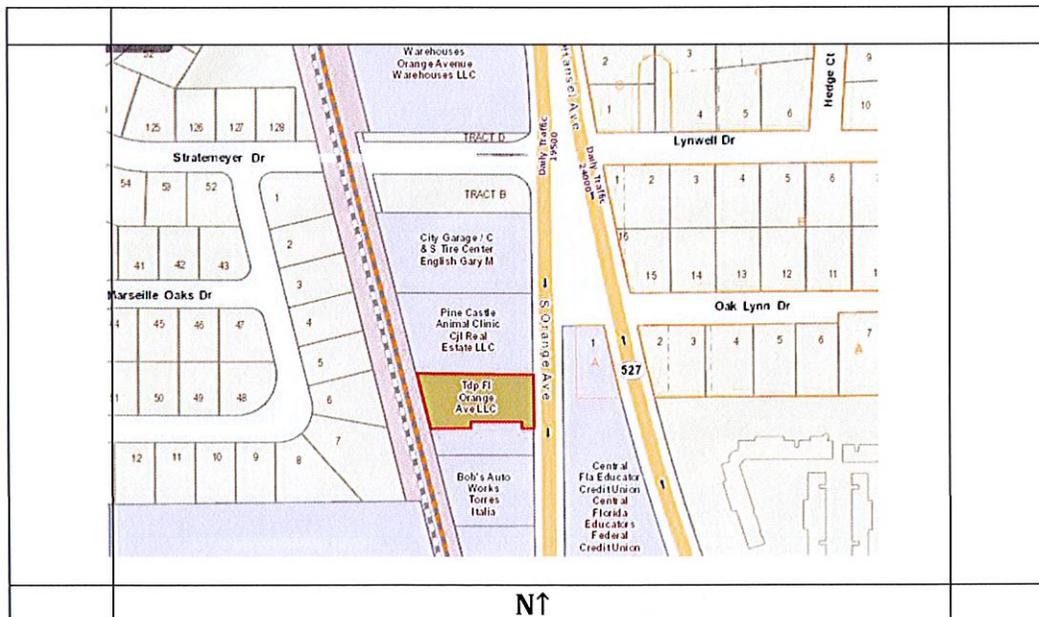
Introduction

Request: Special Exception in the C3 zoning district per Code Section 134-405: (C-3 Special Exceptions) to allow “wholesale products distribution” at 5262 South Orange Avenue.

Property Owner: Tdp Fl Orange Ave LLC

Site size: 0.45 acres

Location: West side of South Orange Avenue, ± 400 feet south of Stratemeyer Drive



Existing on site: Vacant/Undeveloped

Surrounding uses: North - Pine Castle Animal Clinic
South - Office
West - The CSX railroad line, then single family houses
East - Across Orange Avenue, parking lot for Credit Union

Surrounding Zoning: North - C3
South - C3
West - R1A
East - C1

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

The subject property is on the west side of Orange Avenue where the uses have been historically heavy commercial given the adjacency to the railroad. The layout shown on the site plan submitted as part of the special exception application provides for land use compatibility.

The building activity is oriented to the south, away from the animal clinic, which also provides 24 hour boarding services. An opaque landscape buffer is shown on the site plan along the northern boundary, which should also help to minimize any noise impact from the use.

The building is proposed to be placed toward Orange Avenue, placing it as far away as possible from the adjacent residential uses. The house at 5250 Laval Drive would be the residential use most affected by the proposed use. As the site is proposed to be designed, the building will be ±165 feet from the residential lot line and ±215 feet from the house.

The stormwater management pond is proposed to be located adjacent to the railroad, thus eliminating the potential for any commercial activity directly adjacent to the residential lot. The placement of the building and the stormwater pond should help to minimize any noise impact to the adjacent residential uses.

An eight (8) feet high solid wall or fence is required by Code (Section 134-406(10)), which will help to screen and minimize any noise impact from the proposed use on the adjacent residential use

Effect on Value of Surrounding Land

As designed, the subject property should not have negative impacts on the surrounding land values.

Parking/Access/Loading/Unloading of Merchandise

Storage of merchandise will not occur onsite.

The City's engineer has the following comments related to parking/access. The company's vehicles will be parked and serviced onsite with access from Orange Avenue

- There are only 18 spaces, not counting the handicapped space, and 18 employees. As indicated on the site plan, the proposal includes 15 drivers and 3 office workers. This creates the potential for 33 vehicles onsite. Discussion as to how parking will be managed onsite is needed.
- The parking spaces depth identified on the site plan appears to be of insufficient size to accommodate the trucks; 20 feet deep, with trucks noted as being 22.23 feet in length.
- The utilization of the parking spaces in the northwest corner of the site by delivery trucks may not be possible due to lack of sufficient area to maneuver the vehicles.
- The distance from the roadway to the proposed security gate will only allow for the stacking of one vehicle. If more than one vehicle enters the property at the same time, the others will stack into Orange Avenue, which will be very problematic.
- The ability to effectively maneuver a trash collection vehicle may not be possible onsite. Code Section 134-609 requires off-street maneuvering space provided so that no backing onto or from a public street is required.

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 Exception for a "Wholesale Product Distribution" 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, and will have sufficient area to provide the required open space and off-street parking facilities.

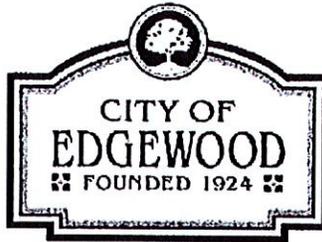
- 1) Development shall be generally consistent with the site plan dated "received" May 26, 2016 submitted with the special exception application.
- 2) All Code site development standards shall be reflected on the site plan submitted with the building permit application including, but not limited to, off-

street loading and unloading requirements of commercial vehicles, landscaping, and future cross access to the property north and south of the subject property.

- 3) A vehicular ingress/egress easement to benefit adjacent property owners shall be recorded in Orange County public records prior to submittal of a building permit application. When similar cross access easement is established on the adjacent property, fencing on the subject property shall be removed to facilitate the cross accessibility.
- 4) If a security gate is to be used, the gate shall be placed at a distance from Orange Avenue that will avoid blocking free-flow of traffic on Orange Avenue, as determined by the City Engineer.
- 5) Adequate parking shall be provided onsite to accommodate employee and business vehicles.
- 6) An irrigated and maintained landscape buffer shall be provided along the north side of the property. The buffer shall be completely opaque from the ground to a height of at least six feet and shall be a minimum of five feet in width. The buffer may utilize a masonry wall, berm, planted and/or existing vegetation, or any combination thereof that maintains the minimum requirements. The buffer shall be four feet in height and 70 percent opaque at planting and be capable of attaining full height and opacity within three years.
- 7) Servicing and/or repair of vehicles unrelated to the approved use shall be prohibited
- 8) Warehousing and storage of merchandise shall require approval of another special exception
- 9) 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

MAY 26 2016



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:	
CITY COUNCIL DATE:	

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:	Burns Engineering LLC	Owner's Name:	Tdp Fl Orange Ave LLC
Address:	605 Delaney Ave, Suite 102 Coral Gables, FL 33134	Address:	450 N MacIntosh Dr Ste 102 Chandler, AZ 85326-2562
Telephone:	407-286-2610	Telephone:	(602) 620-2611
Fax:		Fax:	
Email:	epulman@stephenstone.com	Email:	steve@landworksaz.com
Parcel ID/Legal description:		13-23-29-0000-00-034	
Zoned:		C-3	
Cite section of the Zoning Code from which variance is requested:		Chapter 134, Article V, Division 4, Sec 134-406. Minimum lot width shall be 125 feet on major streets, 100 feet for all other streets.	
Existing on site:		100 feet	
Request:	A variance to chapter 134, Article V, Division 4, section 134-406 is requested to allow the minimum lotwidth of 100 LF instead of 125 LF as requested per code.		

Revised 6/16/2015

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

1 of 3

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: <i>UM</i>	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: <i>UM</i>	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 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: <i>UM</i>	DISAGREE:
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The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	<i>[Signature]</i>	Date:	<i>5-25-16</i>
Applicant's Printed Name:	<i>CAROL A. BAVIA</i>		
Owner's Signature:	<i>[Signature]</i>	Date:	<i>5-24-2016</i>
Owner's Printed Name:	<i>S. GLADE SMITH</i>		

Please submit your completed application to City Hall via email at bmeeks@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:	3/14/2014
Rec'd By:	[Signature]
Forwarded to:	
Notes:	

MAY 26 2016

OWNER'S AUTHORIZATION FORM

Date: May 23, 2016
To: City of Edgewood/ To Whom it may Concern
From: S. Glade Smith, TDP FL ORANGE AVE LLC. ("Owner of Record")
Property Reference: 0.45 Acre Project Area
Address / Parcel ID: 5262 S Orange Ave Orlando, FL 32809
Orange County Parcel ID: 13-23-29-0000-00-034
Re: Design of a 3,000 SF office building with maintenance and storage area for Doughnut Peddler delivery trucks.

Please be advised that we, the Owner of Record, have been properly notified and provide this written permission for Carlos Barrios of Barrios Engineering, LLC., to act as my/our Agent and to execute any petitions or other documents necessary to affect the application approval requested.

Owner of Record - S. Glade Smith, TDP FL ORANGE AVE LLC.

Signature of Property Owner: [Signature]
Print Name of Property Owner: S. GLADE SMITH

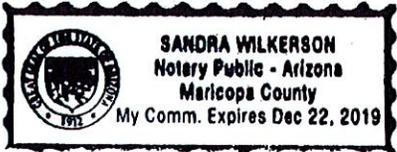
Date: 5-24-2016

Notary Public

STATE OF ARIZONA
COUNTY OF MARICOPA

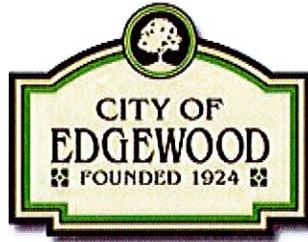
The foregoing instrument was acknowledged before me this 24th day of MAY, 2016, by S. Glade Smith as Owner of the above referenced parcel. Said person (check one): [] is personally known to me, [X] produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or [] produced other identification, to wit:

[Signature of Sandra Wilkerson]



Print Name: Sandra Wilkerson
Notary Public, State of ARIZONA
Commission No.: 499838
My Commission Expires: 12-22-2019

Date: 5-24-2016



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: June 15, 2016
Re: Variance Application Doughnut Peddler

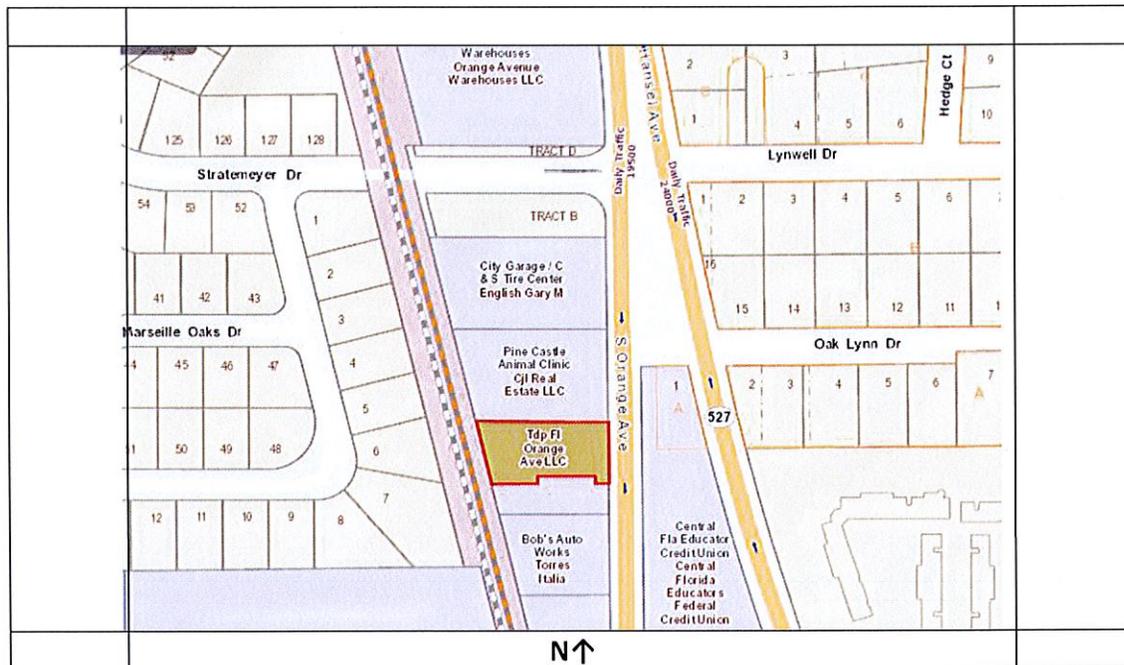
Introduction

Request: Variance in C3's minimum lot width (Section 134-406): 100 feet on a major road in lieu of 125 feet.

Property Owner: Tdp Fl Orange Ave LLC

Site size: 0.45 acres with 100 feet of Orange Avenue frontage

Location: West side of South Orange Avenue, ± 400 feet south of Stratemeyer Dr.



Existing on site: Vacant/Undeveloped

Surrounding uses: North - Pine Castle Animal Clinic
South - Office
West - The CSX railroad line, then single family houses
East - Across Orange Avenue, parking lot for Credit Union

Surrounding Zoning: North - C3
South - C3
West - R1A
East - C1

Consideration for approval by Planning and Zoning Board

Variances are allowed where there are practical difficulties or unnecessary hardships in complying with the strict letter of the site requirements of the City Code. Prior to recommending approval of any variance from the requirements of this chapter and prior to the granting of the variance, the board and city council shall 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 has had its physical size and dimensions since 1972, with three owners since. This was determined via the sales information from the Orange County Property Appraiser's website and the Official Records of Orange County, Florida. All other parts of the pre-1972 land configuration have developed and are in different ownership.

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

Given that the land was subdivided in 1972, the substandard lot width was not created by the applicant.

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.

Of the 34 C3 zoned tax parcels on west side of Orange Avenue in the City of Edgewood, 10 have a lot width less than that required.

12-23-29-7312-00-192 South Orange Avenue Warehouse (104 feet)

13-23-29-1228-00-020 Strickland Realty Group (57 feet)

13-23-29-1228-00-030 Approved Electric Company of Florida (103 feet)

13-23-29-8700-00-120 Bo's Towing (117 feet)

13-23-29-8700-00-140 Imperial Building (109 feet)

13-23-29-8700-00-160 Tropical Canvas (109 feet)

13-23-29-8700-00-191 John Moccio (70 feet)

13-23-29-0000-00-007 Skorman Production (114 feet)

13-23-29-0000-00-008 Hooker property (117 feet)

13-23-29-0000-00-035 Property directly south of subject property (50 feet)

Minimum lot width can be used to achieve goals of minimizing traffic congestion, and increasing safety for motorized vehicles and bike riders on the road, as well as pedestrians on sidewalks. These narrow lots with their frequent curb cuts create potential safety conflicts between vehicles and between vehicles and pedestrians, as well as slow traffic. That being said, the property could be rezoned to C2 where a variance in lot width would not be required since the minimum lot width is 100 feet on major roads. Thus, the negative impacts of narrow lots would not be avoided. The City's cross access easement requirement intends to provide for future access management while allowing for continued use and redevelopment of the current parcel configuration. A condition to ensure future cross access with adjacent property can be established with approval of this request.

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.

With nearly 1/3 of the C3 zoned lots along the west side of Orange Avenue substandard in lot width, denial of this request would deny the property owner rights commonly enjoyed by similar properties.

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

The property owner is not proposing to further subdivide this property, thus, using the entire lot width available and asking for the minimum variance from Code's lot width requirement.

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.

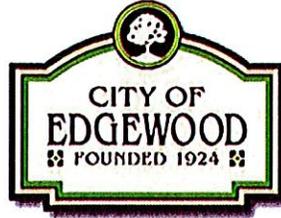
Given nearly 1/3 of the C3 zoned lots along the west side of Orange Avenue are substandard in lot width, the variance will not be injurious to the neighborhood. A condition of approval can ensure the provision of a cross access easement to enable achieving the goal of access management in the future, particularly minimizing the frequency of curb cuts along Orange Avenue.

Recommendation

Unless additional information is presented at the public hearing that reveals new information not considered as part of this staff review, staff finds the criteria for variance approval has been met and recommends approval of a lot width of 100 feet with the following conditions:

- 1) A vehicular ingress/egress easement to benefit the adjacent property owners to the north and south of the subject property shall be recorded in Orange County public records prior to submittal of a building permit application. When similar cross access easement is established on the adjacent/benefitting property, fencing on the subject property shall be removed to facilitate the cross accessibility.
- 2) Per Section 134-104, the variance for a 100 feet wide lot shall expire 12 months after the effective date of the approval unless the rights of the variance 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



NOTICE FOR PUBLIC HEARING AGENDA DETAILS

The City of Edgewood will consider a Special Exception Application and a Variance Application at 5262 S. Orange Avenue. The applications were submitted by Barrios Engineering, LLC on behalf of TDP FL Orange Ave LLC.

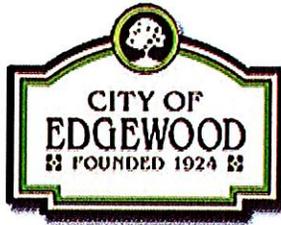
Both applications will be heard during the following Public Hearings at Edgewood City Hall at 405 Larue Avenue:

- Planning and Zoning Meeting will be held on Monday, July 11, 2016 at 7:00 p.m.
- City Council Meeting will be held on Tuesday, August 16, 2016 at 6:30 pm. for final action

Please refer to the two (2) Public Hearing Notices that are enclosed, for more information.

Should you desire additional information, regarding these applications, please feel free to contact the City Clerk's Office at 407-851-2920, or send an e-mail to bmeeks@edgewood-fl.gov.

Bea L. Meeks, MMC, CPM, CPTO
City Clerk
Dated: June 29, 2016

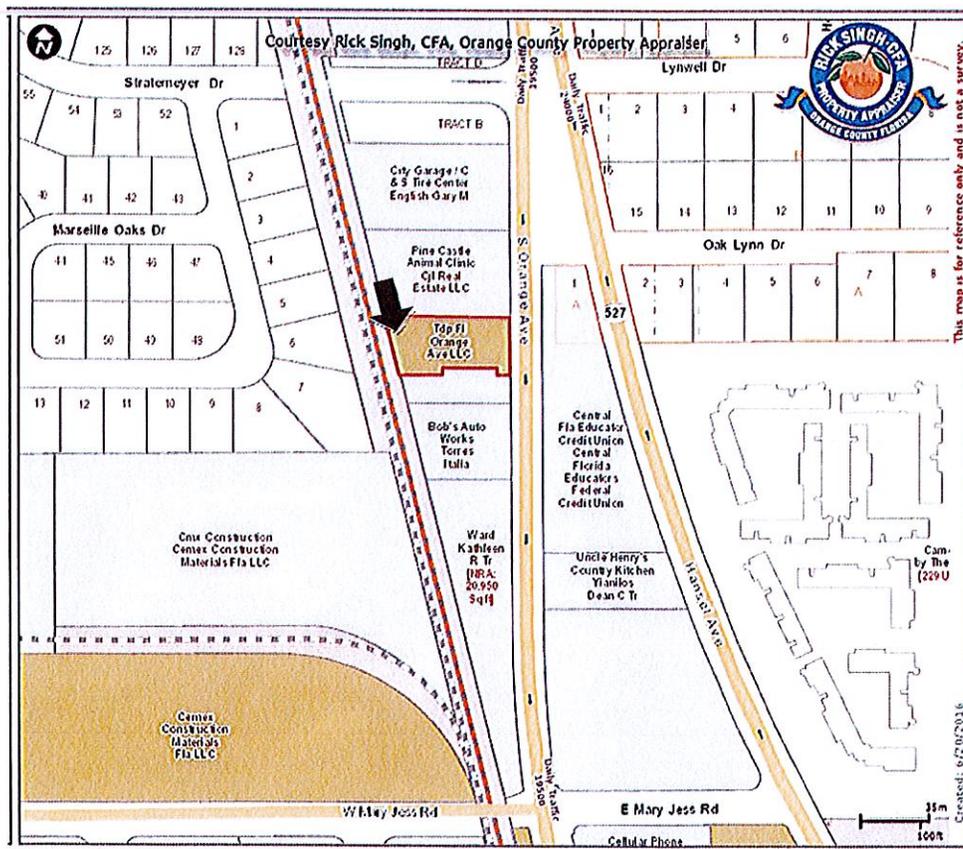


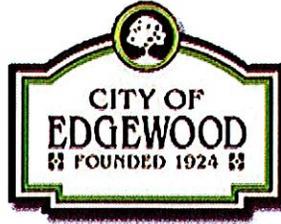
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday, July 11, 2016**, the Planning and Zoning Board of the City of Edgewood, will consider **Special Exception Application No. 2016-SE-02** to allow a **wholesale products distribution**, located at **5262 S. Orange Avenue** 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). The application was submitted by Barrios Engineering, LLC on behalf of TDP FL Orange Ave LLC. The meeting will be held in the Council Chambers of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **7:00 p.m.**

The Planning and Zoning Board's recommendation will be forwarded to City Council on Tuesday, August 16, 2016 at 6:30 p.m. for final action.

The subject property for special exception is legally described as FROM NE COR OF SW1/4 OF SW1/4 OF SEC TH S 450 FT W TO W R/W ST RD 527 FOR POB TH W 220 FT TO E R/W OF RR SLY ALONG RR R/W 100 FT E TO W R/W ST RD 527 TH NLY 100 FT TO POB IN SEC 13-23-29 (LESS THE W 95 FT OF THE E 117 FT OF THE S 12.5 FT THEREOF)



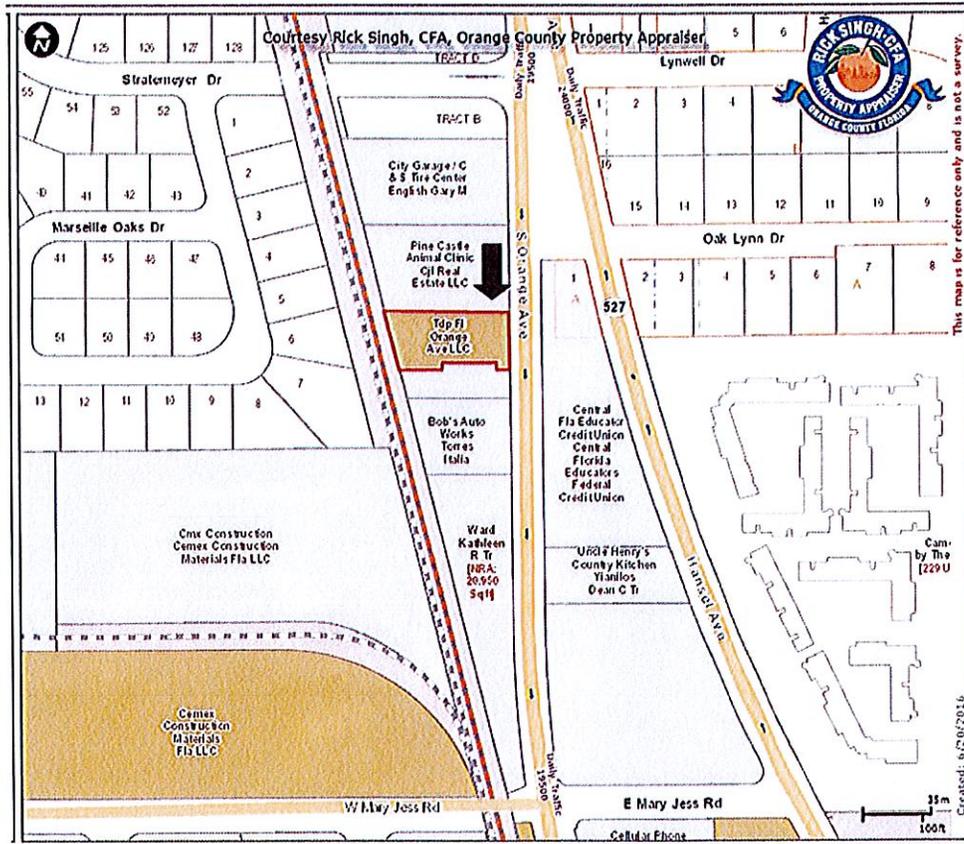


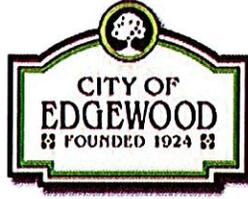
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday, July 11, 2016**, the Planning and Zoning Board of the City of Edgewood, will consider **Variance Application No. 2016-VAR-03** to allow variance in C-3's minimum lot width, 100 feet on a major road in lieu of 125 feet, located at 5262 S. Orange Avenue which is currently in C-3 zoning district (City of Edgewood Resolution 2005-R002 City Code of Ordinances, Reference Section 134-406 [Variance]). The application was submitted by Barrios Engineering, LLC on behalf of TDP FL Orange Ave LLC. The meeting will be held in the Council Chambers of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **7:00 p.m.**

The Planning and Zoning Board's recommendation will be forwarded to City Council on **Tuesday, August 16, 2016** at 6:30 p.m. for final action.

The subject property for special exception is legally described as FROM NE COR OF SW1/4 OF SW1/4 OF SEC TH S 450 FT W TO W R/W ST RD 527 FOR POB TH W 220 FT TO E R/W OF RR SLY ALONG RR R/W 100 FT E TO W R/W ST RD 527 TH NLY 100 FT TO POB IN SEC 13-23-29 (LESS THE W 95 FT OF THE E 117 FT OF THE S 12.5 FT THEREOF)





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

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

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

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

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

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

Bea L. Meeks, MMC, CPM, CBTO
City Clerk
Dated: June 29, 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.

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Misc
- Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curdlidge
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building
- Power Plant



Courtesy Rick Singh, CFA, Orange County Property Appraiser

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

Created: 6/21/2016

Application: 2016-SE-02
Owner/Applicant Name: Doughnut Peddler
Public Hearing Date: 7/11/2016 + 8/16/2016

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 Endrina Palmar to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

- 1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and dated of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
- 2. That said posted notice also contained the relevant facts pertaining to the application.
- 3. That said notice was posted was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 6.24.16.
- 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.

Endrina Palmar

Signature of owner or authorized representative

Sworn to and subscribed before me this 26th day of June, 2016.

Bea L. Meeks
Print, type, or stamp commissioned name of Notary Public

Bmeeks
Notary Public, State of Florida

Personally Known OR Produced Identification
Type of I.D. Produced FL DL

Application: 2016-YAR-03
Owner/Applicant Name: Douglas Redder
Public Hearing Date: 7/11/2016 - 8/16/2016

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 Zdrina Palmar
to me well known and known to me to be the person described in and who executed the foregoing
affidavit, after being first duly sworn, says:

- 1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and dated of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
- 2. That said posted notice also contained the relevant facts pertaining to the application.
- 3. That said notice was posted was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 6-24-16.
- 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.

Zdrina Palmar
Signature of owner or authorized representative

Sworn to and subscribed before me this 27th day of June, 2016.

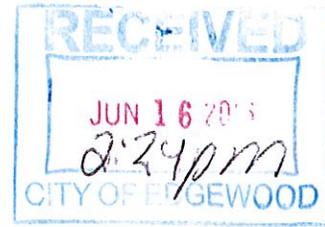
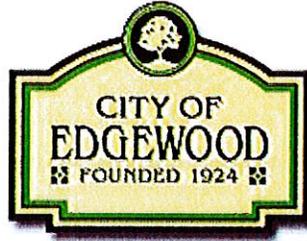
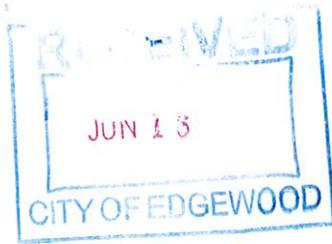
Bea L Meeks
Print, type, or stamp commissioned name of Notary Public

Bmeeks
Notary Public, State of Florida

Personally Known OR Produced Identification
Type of I.D. Produced FL DL

rev. 07.21.11





2016-RZ 01

Application for Rezoning

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

PLANNING & ZONING MEETING DATE:	7-1-2016
CITY COUNCIL MEETING DATE:	7-19-2016

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

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

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

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

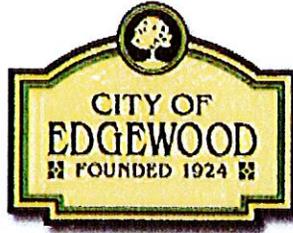
Applicant's Name:	Khaled Hussein	Owner's Name:	Karen Jane Thornton and First Equity Development Group, Inc Hickey John Patrick
Address:	8671 Currituck Sound Ln. Orlando, FL 32829	Address:	2920 Biron Rd., Saint Cloud, FL 34772 2255 Glades Rd., 524A, Boca Raton, FL
Phone Number:	321.695.7772	Phone Number:	352.343.2225 (Attorney)/321.624.4726
Fax:	407.599.1133	Fax:	
Email:	kal007@aol.com	Email:	bill@CFLegal.com reed@gentryland.com
Legal Description:	W 165 FT OF BEG 440 FT E OF NW COR OF SEC RUN E 352 FT S 1320 FT W 352 FT N TO POB IN SEC 14-23-29 E 187 FT OF FOLLOWING DESC AS BEG 440 FT E OF NW COR OF SEC RUN E 352 FT S 1320 FT W 352 FT N 1320 FT TO POB (LESS N 30 FT FOR R/W) IN SEC 14-23-29 (see below for continuation)		
Zoned:	R1A & R1AA		
Location:	1090, 1098, 1100, 1103, 1110 & 1130 Holden Ave., Orlando Fl 32939		
Tract Size:	6 parcels for a total of 13.46 ac.		
Existing on Site:	Single Family Residential		

N 380 FT OF W 100 FT OF E 526.7 FT OF NW1/4 OF NW1/4 (LESS N 30 FT RD R/W) OF SEC 14-23-29
N 380 FT OF W 303 FT OF E 426.7 FT OF NW1/4 OF NW1/4 (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
N 155 FT OF W 125 FT OF E 248.7 FT OF NW1/4 OF NW1/4 (LESS N 30 FT RD R/W) OF SEC 14-23-29
N 155 FT OF W 128 FT OF E 426.7 FT OF NW1/4 OF NW1/4 (LESS N 30 FT FOR RD R/W) OF SEC 14-23-29

405 Larue Avenue, Edgewood, Florida 32809

Phone: 407.851.2920 / Fax: 407.851.7361

Email: bmeeks@edgewood-fl.gov Website: www.edgewood-fl.gov



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

Existing zoning districts and boundaries for all land within the subject area	RIA & RIAA
Proposed zoning districts and boundaries	(PD) Planned Development
Purpose of request:	To provide a consistent zoning for both parcels that will allow residential development that meets current market trends

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

Applicant's Signature		Date:	6/15/16
Applicant's Printed Name	Khaled Hussein	Date:	6/15/16
Owner's Signature			
Owner's Printed Name			

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

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

Please see attached "Rezoning Process"

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

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

OFFICE USE ONLY	
Received Date:	Rec'd By:
Forwarded To:	
Notes:	

Revised: 12-8-2015

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



AVCON, INC.
Engineers & Planners

5555 E. Michigan St., Suite 200
Orlando, Florida 32822
Phone: (407) 599-1122
Fax: (407) 599-1133
www.avconinc.com

May 28th 2016

City of Edgewood
405 Larue Ave
Edgewood, FL 32809
c/o Sandy Repp

Dear Sandy,

The last planning meeting that was held at City Hall addressed many aspects of the proposed Holden Avenue PD development. The Committee felt the need for the developer to memorialize some of the aspects of the project to give the City a level of comfort as to what the buildout of the project would be. This narrative and list of project qualifications will seek to give the City the descriptive level of comfort it desires;

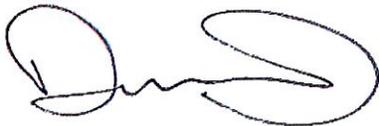
1. The project will have a mixture of single family only housing types that will be market driven. The developer anticipates houses at or above the 1800 square foot range. The lots will be 50 feet wide by approximately 120 feet deep. The Architectural Style of the Community will be similar to the surrounding neighborhoods and priced at or above the current market prices.
2. The project will have a private road, designed to current, accepted design standards and meet all access requirements for Safety Vehicles of Fire and Ambulatory Standards. The pavement section will be approved, compacted sub-base under crushed rock base with the finished top layer(s) being of 24 feet of Bituminous Asphalt between the standard Miami-type rolled curbing for a smooth, easy transition from the roadway to the Homeowners driveway.
3. Access to the community will be through an aesthetically correct Security Gate on the Holden Road Property Line integrated to a Variable Height Privacy Wall that will be designed to all applicable standards. Appropriate entry codes will be provided for all Fire, Safety, City, and County personnel for emergency and maintenance if so needed. The entire property will be fenced per applicable City, County, and State regulations and be aesthetically pleasing to the eye.
4. The Orlando Utility Commission will be supplying Water. Orange County will be providing the Wastewater service to the project. There may be a wastewater pumping

station required on-site and the developer will attempt locate it in an area where it is both functional and out of the view of the public eye, with appropriate landscaping to shield the above ground mechanical aspects. There is an adjacent subdivision with an Orange County Pumping Station. The Developer's Engineer will contact Orange County to see if it is feasible to connect to the existing station.

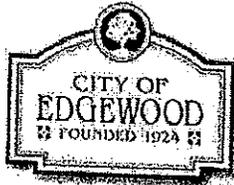
5. The front setbacks will sufficient enough to allow two parking spaces in the garage and two spaces in the driveway for a total of Four (4) Parking Spaces per dwelling unit.
6. There was much discussion about a community park in the project. The developer concurs with the Mayor and agrees to pay the appropriate share of this projects pro-rata share as spelled out in the City's Land Use Plan.
7. The developer agrees to follow the City's Approved Land Use plan that was referenced in the meeting with respect to the City's desired small streetscape guidelines.
8. A traffic report will be provided to see if turn lanes, etc are warranted.

The developer hopes this narrative brings a level of comfort to the City that allows the project to be approved and become an asset to the City and look forward to working with the City on this and other projects in the future if they become available. In the interest of time, the developer has submitted the original 40 lot project and, as discussed and recommended by the City, has submitted the site plan for the adjacent 3.2 Acres to the East for an additional 13 lots. The developer is finalizing the purchase agreement for such and commits to this narrative as a description of that additional acreage also.

Thank you very much for your consideration

A handwritten signature in black ink, appearing to read 'Darin A. Lockwood', written in a cursive style.

Darin A. Lockwood, P.E., NCEES



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.

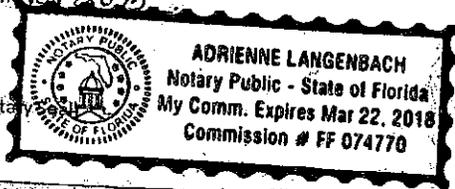
I/WE, (PRINT PROPERTY OWNER NAME) FIRST EQUITY DEVELOPMENT GROUP, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 110 HOLDEN AVE ORLANDO, FL 32806, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) Khaled Hussein, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, PID/REZONING, 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: 12-9-15 [Signature] Signature of Property Owner Robert S. Harrell Print Name Property Owner
Date: _____ [Signature] Signature of Property Owner V. Pries Print Name Property Owner

STATE OF FLORIDA:
COUNTY OF Orange

I certify that the foregoing instrument was acknowledged before me this 9 day of December, 2015 by Robert Harrell. 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 9 day of December in the year 2015.



[Signature]
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: 3-22-2018

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID#:

LEGAL DESCRIPTION:

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



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) Karen Jane Thornton, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, PID 14-23-29-0000-00-004, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) Khaled Hussein, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, PID/Rezoning, 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 12-10-15 X Karen J. Thornton Karen Jane Thornton
Signature of Property Owner Print Name Property Owner

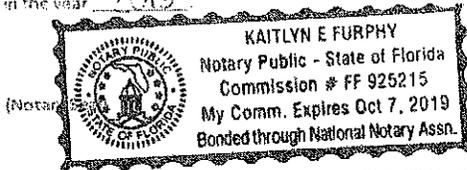
Date: _____ Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA

COUNTY OF OSCEOLA

I certify that the foregoing instrument was acknowledged before me this 10 day of December, 2015 by Karen Thornton. He/she is personally known to me or has produced FLDL 7653510 575840 as identification and did/did not take an oath

Witness my hand and official seal in the county and state stated above on the 10 day of December in the year 2015.



X Kaitlyn E Furphy
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires October 7, 2019

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID#: _____
LEGAL DESCRIPTION: _____

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 bruce@edgewood-fl.gov or arpp@edgewood-fl.gov

Revised: 12-8-2015

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) John P. Hickey, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, PD 14-2329-0000-00(062), (064), (064), (063), DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) KHALED HUSSEIN, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, PD / ReZONE, 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: 6-9-2016 John P. Hickey John P. Hickey
 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 June, 2016 by _____ He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 9th day of June, in the year 2016.

[Signature]
 Signature of Notary Public

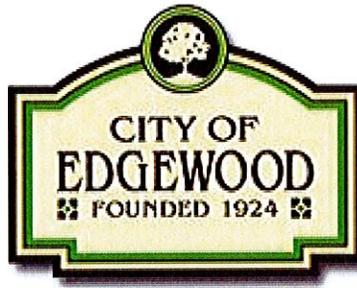
Notary Public for the State of Florida

My Commission Expires: Aug 22, 2019



Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID#: <u>14-23-29-0000-00-062</u>
<u>14-23-29-0000-00-042</u>
<u>14-23-29-0000-00-064</u>
<u>14-23-29-0000-00-063</u>
LEGAL DESCRIPTION:
<u>(062) N155 FT OF 128 FT OF E 48.1 FT OF NW 1/4 OF NW 1/4 LESS N 30 FT Rd R/W of sec 14-23-29</u>
<u>(042) N 380 FT of NW 300 ft of E 426.7 FT OF NW 1/4 OF NW 1/4 (less 128 FT of W 128 FT of less N 30 FT of sec 14-23-29)</u>
<u>(064) N155 FT of W 128 FT of E 426.7 FT of NW 1/4 OF NW 1/4 (less N 30 FT for Rd R/W of sec 14-23-29</u>
<u>(063) N 380 FT of W 100 FT of E 526.7 FT of NW 1/4 OF NW 1/4 (less N 30 FT Rd R/W) of sec 14-23-29</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

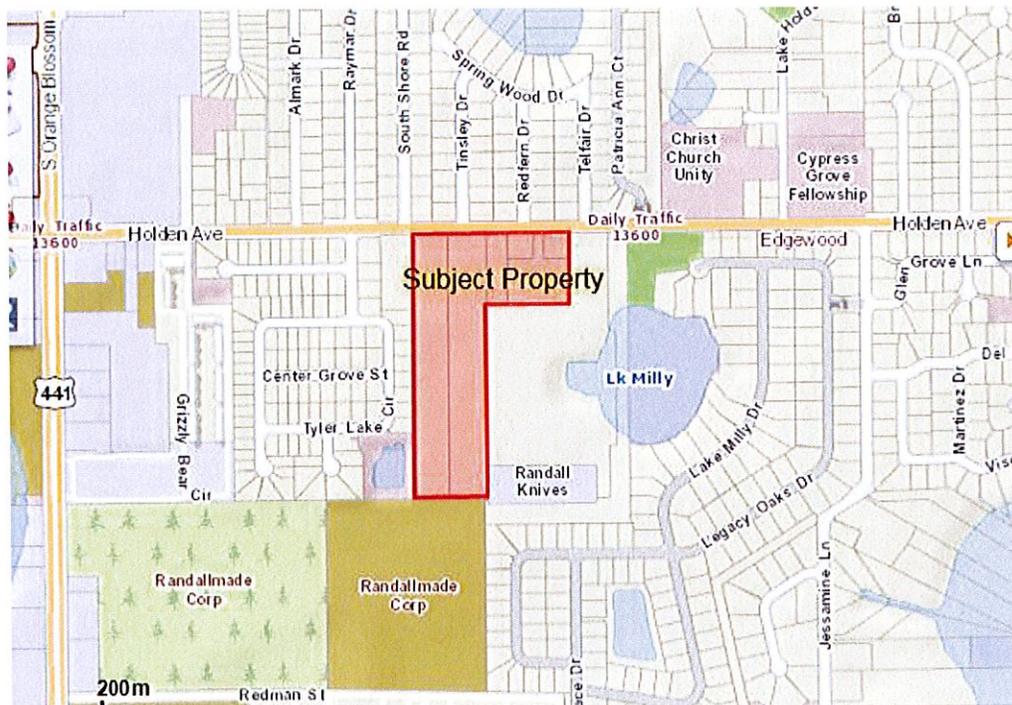


405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

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: June 17, 2016
Re: Consideration of a Rezoning Request R1A and R1AA to PD

I. INTRODUCTION - HOLDEN AVENUE PLANNED DEVELOPMENT (PD)

Subject Location: South side of Holden Avenue; the following current tax parcels
14-23-29-0000-00-004
14-23-29-0000-00-005
14-23-29-0000-00-042
14-23-29-0000-00-062
14-23-29-0000-00-063
14-23-29-0000-00-064



Action: The Planning and Zoning Board can either recommend approval of PD zoning with one or more conditions, or recommend denial of the request. In review of the request, the Planning and Zoning Board shall consider the factors stated in Section 134-121 (f) of the City Code, as listed below.

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

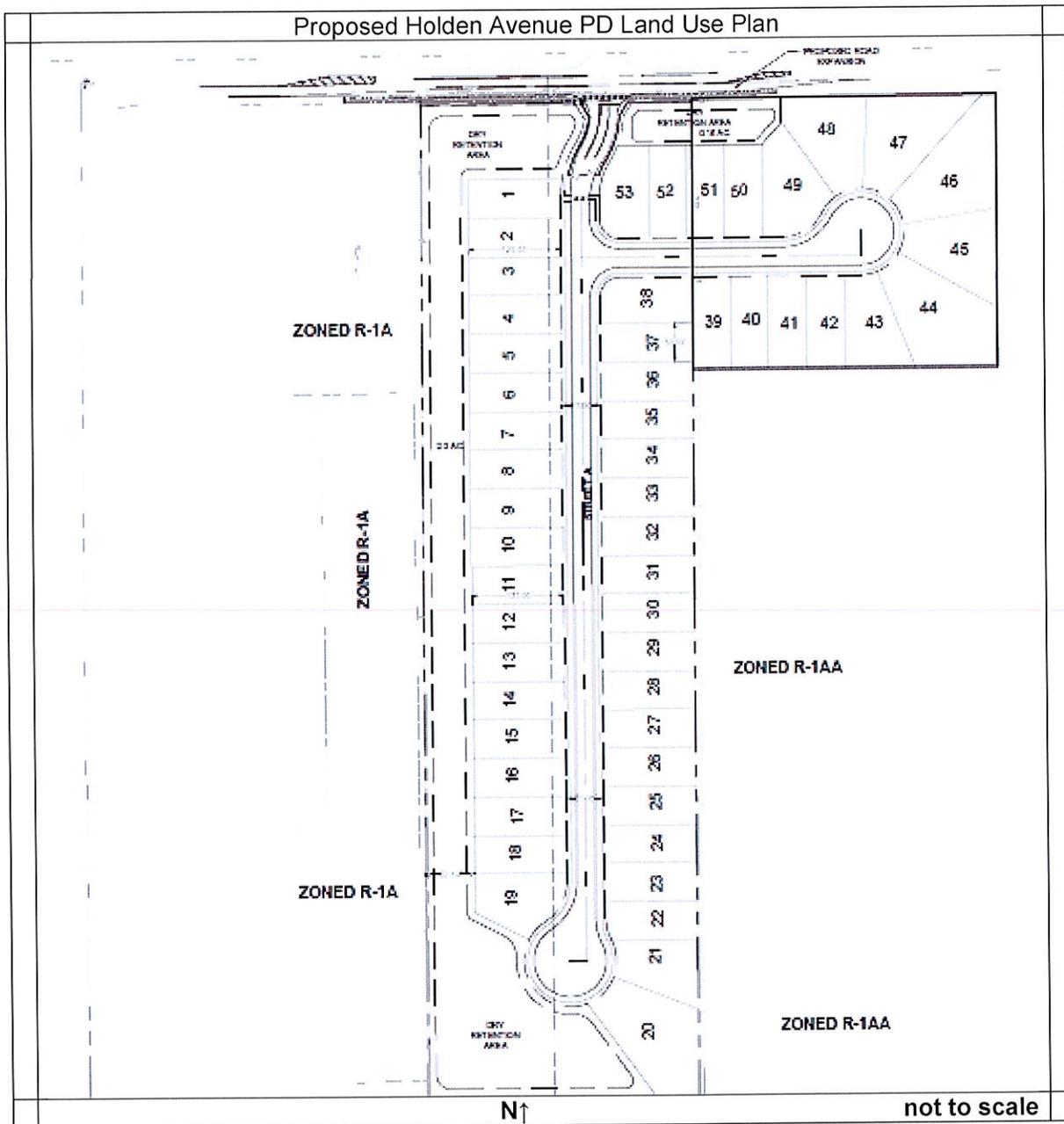
II. PROCESS FOR APPROVING A PLANNED DEVELOPMENT

Development Review Committee = staff level meetings with applicant and applicant's representatives

Approval of the Land Use Plan = the rezoning

Approval of a Development Plan = can be a subdivision plan

III. PROPOSED LAND USE PLAN EXCERPT



The proposed land use plan includes 53 lot on 13.46 acres. It is intended to be a gated community with private streets and infrastructure. The entrance road is proposed to connect to Holden Avenue directly across the street from Tinsley Drive.

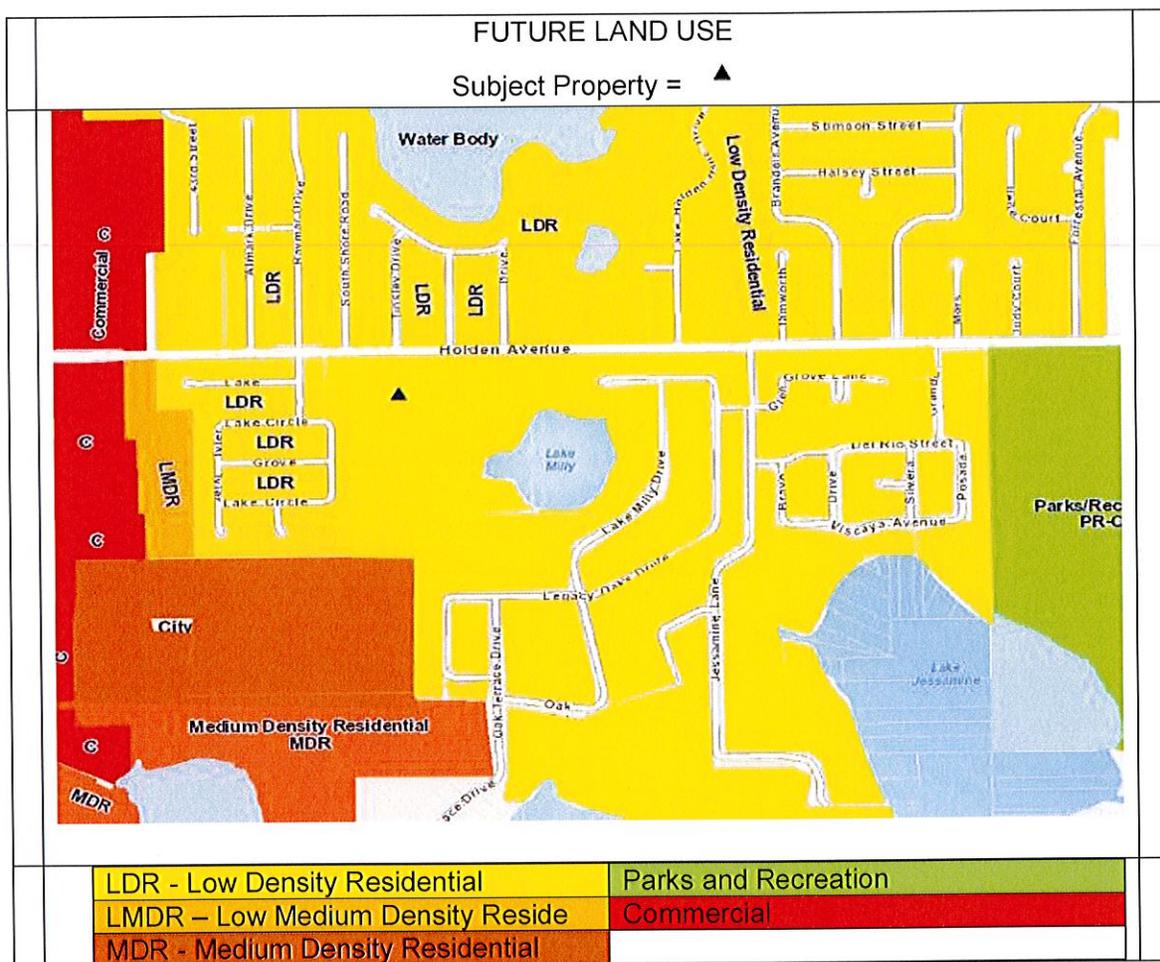
IV. CODE REQUIRED FACTORS WHEN CONSIDERING REZONING

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

Three comprehensive plan policies are particularly relevant to the subject request: Future Land Use Policy 1.1.6, Future Land Use Policy 1.1.4, and Housing Policy 3.1.1.

1. *Future Land Use Policy 1.1.6: Development orders shall only be approved consistent with the adopted Future Land Use Map.*

Below is an excerpt from the City's future land use map and since the property is on the edge of the city limits, the adjacent Orange County future land use is shown.



The subject property is designated and surrounded by Low Density Residential future land use designated property (maximum 4 dwelling units/acre), except to the south where it is contiguous to Medium Density Residential designated land (4 to 7 dwelling

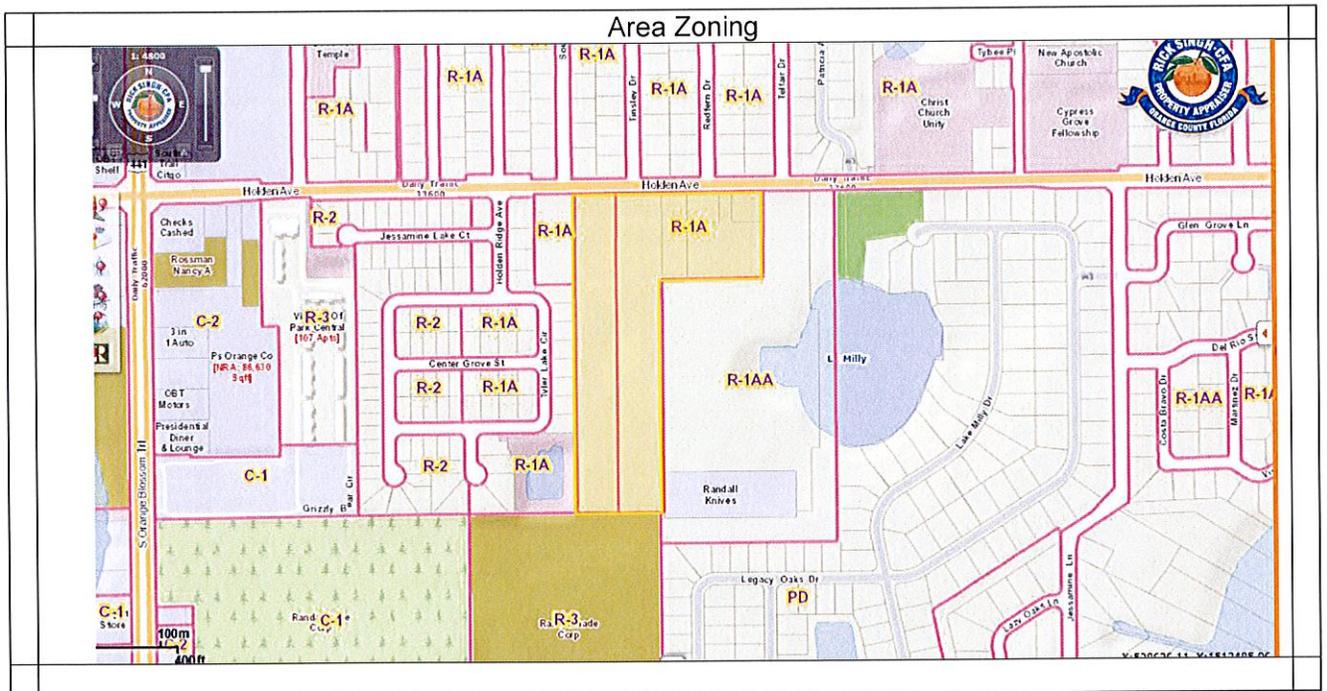
units/acre). At 3.94 units per acre (53 single family home lots/13.46 acres), the proposed land use plan is consistent with the Low Density Residential future land use designation.

2. *Future Land Use Policy 1.1.4: New development shall be reviewed to ensure its compatibility with surrounding existing land uses and with the overall character of the community, such as:*

1. *Providing adequate buffers to reduce the impact of more intense development on existing less intense development,*
2. *Placing conditions or restrictions on development to improve compatibility of a proposed new use,*
3. *Establishing development standards for new development that maintain the overall character of the community, and*
4. *Ensuring architectural design and site planning efforts produce development that is compatible and attractive to surrounding uses.*

Compatibility with surrounding existing land use and overall character of the community

Consistent with the surrounding land use, the proposed land use is single family homes. As shown on the map below, the majority of the land along the Holden Avenue corridor is zoned for single family residential uses. The R2 district west of the subject property contains single family residences.



The following table provides a comparison of conventional zoning district requirements and that of the subject Land Use Plan dated "Received June 15, 2016" and a letter to the

City of Edgewood from Darin A. Lockwood dated "May 28th 2016." The proposed land use plan correlates to a mixture of R1 and R2 site standards while maintaining the minimum house size of the predominate zoning district along Holden Avenue (R1A).

Comparison of Proposed PD and City Euclidean Zoning Districts					
	Proposed	R1AA	R1A	R1	R2
Min Lot Area	6000*	10,890	9000	7500	5000
Min House size	1800	2200	1800	1500	500
Min Lot Width	50	90	85	75	50
Min Front yard	25	30	30	25	25
Min Rear Yard	20	35	35	30	25
Min Side Yard	5	10	10	7.5	6
*This is a general note in the narrative letter and not a firm commitment from the applicant					

If the Planning and Zoning Board (Board) considers approval of the request, staff recommends the following minimum site standards apply to the subject PD.

- Minimum lot size: 6000 square feet
- Minimum house size: 1800 square feet
- Minimum lot width: 50 feet
- Minimum front yard building setback: 25 feet
- Minimum rear yard building setback: 20 feet
- Minimum side yard building setback: 5 feet, or 10 feet between structures

Providing adequate buffers to reduce the impact on existing less intense development

If the Board considers approval of the request, staff recommends the following in order to buffer the adjacent property: a buffer along the western perimeter and a wall/fence along the entire perimeter, as detailed below.

- Buffer: A buffer yard of at least 15 feet in width shall be located along the western property perimeter where adjacent to existing residential lots/parcels. The recommended minimum width will re-establish the appearance of an R1A rear yard setback for the residents located to the west of the subject property; as such, the buffer yard may not be counted toward the minimum yard setbacks. The buffer can be used for stormwater management provided it is designed to meet the following requirements:
 - (i) To be only dry bottom stormwater management ponds;
 - (ii) Sodded;
 - (iii) Must be dry within 72 hours after a 25-year storm event;
 - (iv) A skimmer must be provided to minimize the accumulation of trash and pollutants; and

- (v) At least five percent of the area above the peak stage elevation must be landscaped with at least 50 percent of the required area landscaped with plant materials other than ground cover (the use of native plant species is encouraged).

The buffer yard shall be placed in common ownership and a HOA shall be created to maintain, in perpetuity, the perimeter wall/fencing and common open space/buffer area.

- Wall/Fence: A masonry wall or solid low-maintenance fence of consistent material and at least 6 feet in height shall be constructed around the entire PD perimeter, with the exception of the perimeter along Holden Avenue.

Establishing development standards for new development that maintain the overall character of the community, ensuring architectural design and site planning efforts produce development that is compatible and attractive to surrounding uses.

In order to buffer the new residential lots from Holden Avenue and to ensure an architectural design compatible and attractive to surrounding uses, if the Board considers approval, staff recommends the following conditions.

- A masonry brick wall with equally spaced columns shall be constructed along the Holden Avenue perimeter.
- Irrigated landscaping shall be placed on the Holden Avenue side of the wall and around the entrance of the subdivision. 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. The city may perform a courtesy inspection of the landscaping within 90 days after issuance of the certificate of occupancy/completion. If the landscaping appears to be under stress, staff shall notify the home owners' association/developer. A compliance inspection will be performed approximately one year after landscape installation. If the landscaping is not viable, notice shall be given to the developer/HOA, and the developer/HOA shall be responsible for restoring the landscaping within a time period acceptable to the city.
- 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. The applicant has included this design in the submitted narrative of the letter to the City of Edgewood from Darin A Lockwood dated "May 28th 2016."
- The sidewalk shall be placed where it will not conflict with parking in the driveway.

3. *Housing Policy 3.1.1: Establish or maintain future land use designations and zoning classifications that allow for flexibility in land use design and housing types.*

One of the intentions of the PD zoning district is to provide for the flexibility in site design and technical requirements that is not available in conventional Euclidean zoning districts. Whereas the subject site plan has mixed the site standards of the conventional Euclidean zoning district, the design represents a typical R2 subdivision with a restricted house size and less than standard rear and side yard building setbacks. See below for the intent and purpose of the PD Zoning District.

B Conformance with the Zoning Code

The following identifies the intent and purpose of the City's PD Zoning District. Narrative of how the proposed PD meets the intent of purpose listed below has not been received. Staff recommends the applicant discuss this at the public hearing.

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

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

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

The applicant notes on the application that market trends have changed and the request will provide a consistent zoning on the property that will allow development in response to market demand. The house size along the Holden Avenue has fluctuated over the decades. In the 1960's, houses were built on the north side of Holden Avenue predominantly ranging in size between 2200-2400 square feet. The 1970's brought the development of Granada Woods where the house size was similar to that built in the 1960's: 2300 – 2400 square feet. The typical house in the 1980's subdivision of Jessamine Glen was 2500-2600 square feet. The 1990's brought the approval of Holden Ridge, which is just west of the subdivision and zoned R2 and R1A and has house ranging from 1700 to 2400. In 2009, Legacy was built where house size ranges from 2600 to over 4000 square feet. The most recent subdivision along Holden Avenue is Holden Cove where the house size is 4000+ square feet.

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

See Section "IV.A." above

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

Off-site public services and facilities are assumed to be available to accommodate the subject proposal of 53 homes. Verification of such shall be presented at the time of subdivision plan submittal.

The applicant is requesting a gated community. A list of conditions found under the staff recommendation would relate to any gated community.

V. STAFF RECOMMENDATION

Unless the applicant can explain how the proposed PD meets the intent of the PD zoning district as outlined in Code Section 134-456(b), staff recommends denial. To date, the intent and purpose of establishing the PD district has not been proven. It is inconsistent with the intent and purpose of the PD Zoning District listed in Code Section 134-456(b)), specifically the following subsections.

- "1." The proposed land use plan will not contain a variety of residential structures or diversity of building arrangements AND nonresidential uses.
- "2." The proposed land use plan will not provide for a diversification of uses, structures, and open spaces.

- "3." The proposed land use is not designed to reduce public facility and energy costs through a more efficient use of land design and smaller networks of utilities and streets. It represents what is possible through application of conventional Euclidean zoning districts and subdivision requirements.
- "5." The proposed land use plan will not result in the preservation or improvement of scenic and functional open areas.
- "6." The proposed land use layout does not concentrate building areas. It represents a typical subdivision permissible by conventional Euclidean zoning districts.
- "7." The proposed land use does not include innovative concepts of site planning.

If the applicant can explain to the satisfaction of the Planning and Zoning Board that the PD meets the intent of the PD zoning district, staff recommends the following conditions be attached to the approval.

- 1) Development on site shall be generally consistent with the Land Use Plan dated "Received June 15, 2016." Subdivision plan approval shall comply with all regulations and ordinances in force at the time of subdivision plan approval.

- 2) Development shall meet the following site standards

- Density shall not exceed 4.0 dwelling units/acre
- Minimum lot size: 6000 square feet
- Minimum house size: 1800 square feet
- Minimum lot width: 50 feet
- Minimum front yard building setback: 25 feet
- Minimum rear yard building setback: 20 feet
- Minimum side yard building setback: 5 feet, or 10 feet between structures

- 3) A buffer yard of at least 15 feet in width shall be located along the western property perimeter where adjacent to existing residential lots/parcels.

The buffer area can be used for stormwater management provided

- (i) It is a dry bottom stormwater management pond
- (ii) It is sodded;
- (ii) It must be dry within 72 hours after a 25-year storm event;
- (iii) A skimmer must be provided to minimize the accumulation of trash and pollutants;
- (iv) At least five percent of the area above the peak stage elevation must be landscaped with at least 50 percent of the required area landscaped with plant materials other than ground cover (the use of native plant species is encouraged).

The buffer yard may not be counted toward the minimum yard setbacks.

- 4) A masonry wall or solid low-maintenance fence of consistent material and at least six feet in height shall be constructed around the entire PD perimeter, with the exception of the perimeter along Holden Avenue.
- 5) The buffer yard shall be placed in common ownership and a home owners' association (HOA) shall be created to maintain, in perpetuity, the perimeter wall/fencing and common open space/buffer area.
- 6) A masonry brick wall with equally spaced columns shall be constructed along the Holden Avenue perimeter and along the entry road of subdivision entrance.
- 7) 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. The city may perform a courtesy inspection of the landscaping within 90 days after issuance of the certificate of occupancy/completion. If the landscaping appears to be under stress, staff shall notify the developer/HOA. A compliance inspection will be performed approximately one year after landscape installation. If the landscaping is not viable, notice shall be given to the developer/HOA, and the developer/HOA shall be responsible for restoring the landscaping within a time period acceptable to the city.
- 8) 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.
- 9) Sidewalks shall be placed to not interfere with driveway parking.
- 10) A Homeowners Association (HOA) shall be created.
- 11) The streets, street lighting, signage, and drainage systems within the development are to be private, owned and maintained by the HOA. The City shall not pay for any portion of the cost of constructing or maintaining the private streets, street lighting, signage, and drainage systems. The HOA shall own and be responsible for all costs associated with the maintenance and reconstruction of the private streets, drainage facilities, street lighting, sidewalks, signage, and related appurtenances, and the City has no obligation to maintain the private streets, sidewalks, signage, and drainage systems.
- 12) The private streets must be constructed within a separate tract owned by the HOA. This tract must conform to the City's standards for public streets/right-of-way. The City shall have the right to inspect the private streets and related appurtenances at any time, and require the HOA to provide the repairs needed to ensure emergency access and quality of life for residents. The City Council shall be the final judge of whether such repairs are needed.

- 13) Access-easement rights over the platted roadway right-of-way tract must be dedicated or otherwise granted to the owners of each lot within the subdivision and to all their successors in interest. Unrestricted access rights over the platted street tract must also be granted to the City and utility providers providing use of the property for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the City/Orange County to remove any vehicle or obstacle within the private street tract that impairs emergency access.
- 14) Guard houses, access control gates and cross arms may be constructed. The restricted access entrances must be manned 24 hours every day, or provide an alternative means of ensuring access to the subdivision by the City and other public/utility service providers with appropriate identification.
- 15) Restricted Access Entrance Design Standards - Any private street that has an access control gate or cross arm must have a minimum uninterrupted pavement width of 20 feet at the location of the access control device. Gate designs may incorporate one or two gate sections to meet the required minimum width of 20 feet.
- 16) Emergency Responder Access to Private Street - Entryway gates must be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, police and other emergency-response personnel. The audio-override device must be submitted to the fire and rescue department for inspection and the entrance gates may not be closed unless and until the department determines that the device is acceptable and in good working order.

Emergency Responders shall have the right to enter the subdivision and remove any gate or device that is a barrier to access at the sole expense of the HOA, subject to approval by the City Council. The HOA's documents must contain provisions in conformity with this paragraph that must not be amended without the written consent of the City.
- 17) City/Utility Provider Access to Private Streets - The entryway gate must include a box, labeled "City of Edgewood," with a master-keyed padlock, and the box must contain a key, a card-key, a code, a remote-control device, or some other means by which public service and utility workers may gain access to the subdivision. The means of access must be approved by the City, public service/utility providers and the box must be installed prior to the city's issuance of the certificate of completion for the subdivision infrastructure. Any other utilities serving the subdivision must have similar access, and the names of such utilities must be on the outside of the box containing the means of access.
- 18) Water, sanitary sewer, storm drainage facilities placed within the private street tract shall be installed to city/utility provider standards. All storm drainage facilities in the subdivision shall remain within the ownership and maintenance responsibilities of the HOA. All city regulations relating to infrastructure financing, performance bonds, developer cost participation and capital cost recovery shall apply to the subject development. Any and all

city executable maintenance bonds covering subdivision construction shall be transferred to the HOA upon approval of the private street subdivision by the City Council.

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

- 20) Simultaneous with or prior to the recording of the subdivision final plat, the developer must record in the public records of Orange County, Florida, a document or documents ("declaration") that shall govern all 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. 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:
 - (a) Require the establishment and maintenance of a HOA account for annual routine maintenance and repair of the streets, street lights, landscaping, sidewalks, fence/wall, and drainage system, including stormwater detention/retention areas.
 - (b) Require the establishment and maintenance of an HOA account for major capital repair and replacement of the subdivision's streets.
 - (c) Require the establishment and maintenance of an HOA account for major capital repair and replacement of the subdivision's stormwater retention/detention facilities.
 - (d) Require the establishment and maintenance of an HOA account for major capital repair and replacement of other subdivision infrastructure such as sidewalks, stormwater conveyance systems, curbing, wall/fences, etc.
 - (e) Require the establishment and maintenance of an HOA 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.
 - (f) Establish the point at which the developer must turn over control of the HOA to the property owners. Turnover may occur no sooner than the point in time at which certificates of occupancy have been issued for seventy (70) percent of the platted lots in the project, and must occur no later than the point in time at which certificates of occupancy have been issued for ninety (90) percent of the platted lots in the project.

(g) Establish the point at which the developer must turn over control of the subdivision infrastructure to the property owners. The date of transfer of control of subdivision infrastructure may occur no sooner than the point in time at which certificates of occupancy have been issued for seventy (70) percent of the platted lots in the subdivision, and must occur no later than the point in time at which certificates of occupancy have been issued for ninety (90) percent of the platted lots in the subdivision.

(h) Provide that:

1. 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;
2. 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
3. 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.

(i) Require that:

1. 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;
2. The report be signed and sealed by the engineer;

3. The developer shall pay the cost of this initial engineer's report, which payment may be made from the routine-infrastructure-maintenance account;
 4. 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;
 5. 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
 6. 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.
- (j) Require that, after turnover of control of the HOA, or turnover of control of the subdivision infrastructure to the property owners:
1. 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
 2. 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;
 3. That the inspection be written in a report format; and
 4. 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
 5. Within one hundred eighty (180) days of receipt of each tri-annual engineering report, the HOA complete all remedial work identified and recommended by the engineer.

- (k) The developer (so long as the developer retains control of the board of directors of the HOA) and the HOA expressly indemnify and hold the City of Edgewood and its officers and employees harmless from any cost of maintenance, repair, and reconstruction of, or tort liability or award of damages related to or arising in connection with, the streets, sidewalks, street lights, walls/fences, drainage system (including stormwater retention/detention area), and/or any other subdivision infrastructure.
- (l) No contract for the sale and purchase of a residential lot or home in the subdivision shall be effective until cost disclosure statement ("disclosure statement") has been provided to and executed by such purchaser.
- (m) Expressly declare that property owners receive no discount in property or other taxes because of private streets or drainage system.
- (n) Require that each initial purchaser of a residential lot in the gated subdivision for the personal or family use of the purchaser receive a copy of the declaration at or prior to the time the sales contract is executed, together with the current budget for the HOA, including a schedule disclosing the then-existing amounts of the periodic assessments for each of the HOA accounts and a copy of the most recent year-end financial statement for the HOA, and if none are then existing, a good faith estimate of the HOA operating budget, along with a form to be signed by such initial purchaser acknowledging receipt of a copy of the declaration, budget, financial statement or good faith estimate, and that the original of the form acknowledging receipt of a copy of the declaration is to be attached to the sales contract as an exhibit or appendix. Such schedule must also state that the periodic assessments for the HOA accounts do not necessarily include assessments for either the routine maintenance of or the capital repair and replacement of HOA facilities not related to subdivision infrastructure (such as common area landscaping, entrance and exit gates, walls, etc.).
- (o) Declare that upon any default by the HOA or the developer in any requirements of the declaration, the City, at its option and after due notice of its declaration of a default and a reasonable time to cure, may prohibit closure of the gates and, upon dedication or conveyance of the rights-of-way to the City, assume responsibility for maintenance, using all HOA monies on deposit in the routine-infrastructure-maintenance account and the several capital-repair accounts or, if no monies exist or if an insufficient amount exists, using such other revenues or financing methods as the City may elect, including (but not limited to) special assessments against the subdivision lots, blocks, and tracts.
- (p) Require that enforcement of traffic laws within the gated community, as requested by the HOA, shall be by the City Police Department and that all costs of enforcement incurred by the City shall be paid by the HOA.
- (q) Provide a procedure for nonbinding mediation in the event of a dispute between any homeowner and the developer, or between the HOA and the developer, with respect to

the repair and maintenance of the streets, sidewalks, street lighting, drainage system or other subdivision infrastructure or appurtenances and/or funding for such maintenance and repair.

(r) 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 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 the requirements and provisions of the declaration required hereunder, with the prevailing party being entitled to attorneys' fees and costs; and
3. Venue for any such enforcement action shall be in the Ninth Judicial Circuit of Florida, in Orange County.

(s) Provide that any transfer of subdivision infrastructure (including the property on which the subdivision infrastructure is located) to the City of Edgewood or other governmental entity is prohibited without the concurrence of the owners of two-thirds (2/3) (or such higher percentage as the declaration may provide) of the platted lots.

(t) No portion of the association's documents pertaining to the maintenance of the private streets, sidewalks, street lighting, and drainage systems, and assessments thereto shall be amended without the written consent of the City.

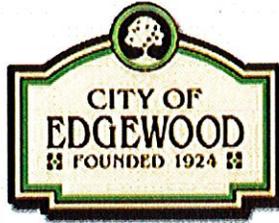
(u) The Declaration must contain language whereby the HOA, as owner of the private streets, sidewalks and appurtenances, agrees to release, indemnify, defend and hold harmless the City, its officers, agents, licensees, servants and employees, from and against any and all claims or suits for property 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, 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 requirements in this paragraph. Those portions of the HOA's documents pertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

(v) The HOA must not be dissolved without the prior written consent of the City.

21) The declaration must be in a form acceptable to the City and in substance consistent with and in compliance with the minimum requirements of this development order. The declaration must be submitted for review by the City prior to or concurrent with submittal of the final plat to the City for review. Nothing in this development order precludes the declaration from addressing other matters so long as the substance of each part of the declaration is consistent with the requirements of this article.

22) That lot deeds must convey membership in the HOA and provide for the payment of dues and assessments required by the HOA.

esh



**CITY OF EDGEWOOD
NOTICE OF HEARING**

PLEASE TAKE NOTICE that at its regular meeting on **Monday, July 11, 2016**, the Planning and Zoning Board of the City of Edgewood, will consider Rezoning Application No. 2016-01, Chapter 134, Section 121-122, Rezoning. The application was submitted by Khaled Hussein on behalf of Karen Jane Thornton, First Equity Development Group, Inc. and John Patrick Hickey, for property located at 1090, 1098, 1100, 1103, 1110 and 1130 Holden Avenue. The meeting will be held in the Council Chamber of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.**

The Planning and Zoning Board's recommendation will be forwarded to City Council for final action.

The subject property is legally described as

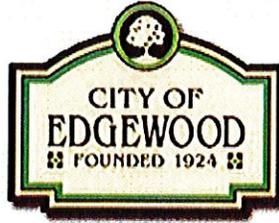
THE WEST 165.00 FEET OF THE FOLLOWING TRACT: BEGINNING AT A POINT 440 FET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, RUN THENCE EAST 352 FEET; THENCE SOUTH 1320 FEET TO THE SOUTH LINE OF THE SAID NORTHWEST ¼ OF THE NORTHWEST ¼ 352 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 155 155 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

Interested parties may attend this meeting and be heard with respect to the variance application 2016-01. In addition, the application may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida. (407-851-2920)

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

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

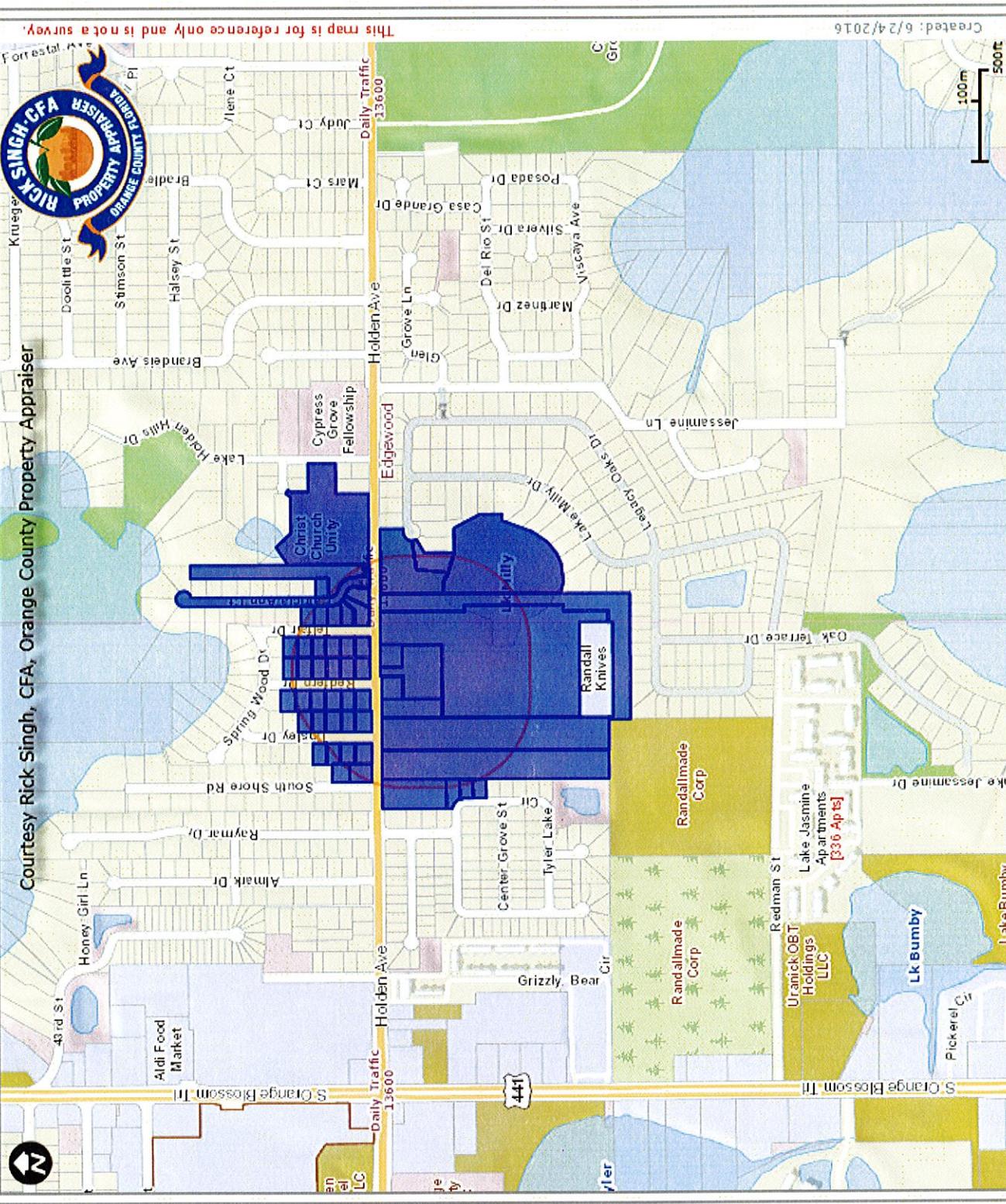
Any person who wishes to appeal the final decision of City Council with respect to this matter will need to ensure that a verbatim record of the proceedings is made (both of the Planning and Zoning Board meeting and City Council meeting), which record includes the testimony and evidence upon which the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

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

Dated: June 24, 2016

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

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building
- Power Plant



Courtesy Rick Singh, CFA, Orange County Property Appraiser

Created: 6/24/2016

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

RANDALLMADE CORP
C/O GARY T RANDALL OMBI | PO BOX 11
ORLANDO, FL. 32802

HICKEY JOHN PATRICK
609 MACARTHUR DR
ORLANDO, FL. 32839

HICKEY JOHN PATRICK
609 MACARTHUR DR
ORLANDO, FL. 32839

FIRST EQUITY DEVELOPMENT GROUP I
5300 S ORANGE AVE
ORLANDO, FL. 32809

THORNTON KAREN JANE
2920 BIRON RD
SAINT CLOUD, FL. 34772

DEPORTER THOMAS J
DEPORTER SANDRA L
1140 W HOLDEN AVE
ORLANDO, FL. 32839

LEWIS WADE B
LEWIS CYNTHIA H
4609 HOLDEN RIDGE AVE
ORLANDO, FL. 32839

RIVERA SERRANO YARITZA
MALDONADO MARIN PEDRO JUAN
5316 MILLENIA BLVD APT 10405
ORLANDO, FL. 32839

HICKEY JOHN PATRICK
609 MACARTHUR DR
ORLANDO, FL. 32839

MUSSI JORGE LUIS
1109 JESSAMINE LAKE CT
ORLANDO, FL. 32839

THERLANGE LUCKNER
THERLANGE JULIENNE PIERRE
1125 JESSAMINE LAKE CT
ORLANDO, FL. 32839

PHAN DIEU
1153 CENTER GROVE ST
ORLANDO, FL. 32839

RANDALL GARY THOMSON
RANDALL JANICE R
PO BOX 1988
ORLANDO, FL. 32802

DAVIS JAMES JR
DAVIS TAMMIE M
1141 JESSAMINE LAKE CT
ORLANDO, FL. 32839

SIERRA ELSIE
1108 JESSAMINE LAKE CT
ORLANDO, FL. 32839

NGUYEN DAT DUYN
NGUYEN JESSICA
9472 WALNUT CREST DR
ORLANDO, FL. 32832

PHAM DAVID DZUNG
VO DIEP THI
1124 JESSAMINE LAKE CT
ORLANDO, FL. 32839

BARRIOS EDWIN
BARRIOS SANDRA
1100 TYLER LAKE CIR
ORLANDO, FL. 32839

HICKEY JOHN PATRICK
609 MACARTHUR DR
ORLANDO, FL. 32839

LOZADA INGRID
LOZADA EDWIN
HC 1 BOX 7578
CABO ROJO, PR. 00623

MELENDEZ LUCIA I
1117 JESSAMINE LAKE CT
ORLANDO, FL. 32839

LEGACY AT LAKE JESSAMINE HOMEOWN
5955 T G LEE BLVD STE 300
ORLANDO, FL. 32822

CLAITOR JEFFERY K
CLAITOR MAICHU
1316 TYLER LAKE CIR
ORLANDO, FL. 32839

PATEL MUKESH
12744 TOPSFIELD DR
ORLANDO, FL. 32837

JEAN REBECCA
1130 CENTER GROVE ST
ORLANDO, FL. 32839

JAMES MICHAEL L
1106 TYLER LAKE CIR
ORLANDO, FL. 32839

SAINT HILAIRE FRANCIA
SAINT HILAIRE VEDETTE
1112 TYLER LAKE CIR
ORLANDO, FL. 32839

MARCELIN JACQUES
LOUIS JULCINA
1118 TYLER LAKE CIR
ORLANDO, FL. 32839

CORDING JO ANN
1334 TYLER LAKE CIR
ORLANDO, FL. 32839

RANDALLMADE KNIVES PROPERTY LLC
PO BOX 1988
ORLANDO, FL. 32802

WILLIAMS DOROTHY J
1101 TYLER LAKE CIR
ORLANDO, FL. 32839

BIEN-AIME FAIDHERBE
DIMANCHE VENITA
1107 TYLER LAKE CIR
ORLANDO, FL. 32839

JEROME JODEL
1119 TYLER LAKE CIR
ORLANDO, FL. 32839

RIVERA HERMAN
DUPREY DIMARIEL
9113 OAK FERN DR
ORLANDO, FL. 32832

KIRKLAND RUTH H
PO BOX 555863
ORLANDO, FL. 32855

JACKSON MARIE
1145 CENTER GROVE ST
ORLANDO, FL. 32839

NGUYEN HUY
PHAM THI NGOC
1322 TYLER LAKE CIR
ORLANDO, FL. 32839

LITTLE JAMES
1146 CENTER GROVE ST
ORLANDO, FL. 32839

VALDEZ GEOVANNY
1261 TYLER LAKE CIR
ORLANDO, FL. 32839

CELENCIEUX JEAN C
1255 TYLER LAKE CIR
ORLANDO, FL. 32839

GUZMAN ROBERTO
PEREZ CARMEN R
4803 HIGHRIDGE CT
ORLANDO, FL. 32839

HARP LARRY D
1132 JESSAMINE LAKE CT
ORLANDO, FL. 32839

PIERRE AUGUSTIN
BEN SONIA
1124 TYLER LAKE CIR
ORLANDO, FL. 32839

WYATT ROLAND J
WYATT JANICE M
1340 TYLER LAKE CIR
ORLANDO, FL. 32839

BAKER TIMOTHY WAYNE
1106 CENTER GROVE ST
ORLANDO, FL. 32839

JOSEPH ROSETTE
1122 CENTER GROVE ST
ORLANDO, FL. 32839

BRENNAN RICHARD
BRENNAN PAULINE
1310 TYLER LAKE CIR
ORLANDO, FL. 32839

PIERRE ROSE ARMELLE
PIERRE RAYMOND
1267 TYLER LAKE CIR
ORLANDO, FL. 32839

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

POTTS GERARD A
4825 TYLER LAKE CT
ORLANDO, FL. 32839

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

TRAN LENA
LE THU
4818 HIGHRIDGE CT
ORLANDO, FL. 32839

LEMLEY ROBERT L
LEMLEY KATHARINA C
4817 HIGHRIDGE CT
ORLANDO, FL. 32839

RANDALLMADE CORP
C/O GARY T RANDALL OMBI | PO BOX 11
ORLANDO, FL. 32802

ASFAW ZEWDITU
1244 TYLER LAKE CIR
ORLANDO, FL. 32839

FRASER ANDREE
4825 HIGHRIDGE CT
ORLANDO, FL. 32839

LUX KELLY
5030 LEGACY OAKS DR
ORLANDO, FL. 32839

CHADWICK ANGIE S
5048 LEGACY OAKS DR
ORLANDO, FL. 32839

MOIR WILLIAM WALTER TR
8109 CANYON LAKE CIR
ORLANDO, FL. 32835

LEE CHARLES J
LEE RAQUEL T
1123 W HOLDEN AVE
ORLANDO, FL. 32839

MATEY ROBERT JOHN
5109 LEGACY OAKS DR
ORLANDO, FL. 32839

BROWN DAVID B
5024 LEGACY OAKS DR
ORLANDO, FL. 32839

MAXWELL JOHN D
MAXWELL LAUREN
5036 LEGACY OAKS DR
ORLANDO, FL. 32839

2015-2 IH2 BORROWER L P
C/O INVITATION HOMRS-TAX DEPT | 171
DALLAS, TX. 75201

RODRIGUEZ SAMUEL
5204 OAK TERRACE DR
ORLANDO, FL. 32839

JOHNSTON MATTHEW ALAN
JOHNSTON RACHAEL EDDINS
2533 INNISFAIL LN
CLEMMONS, NC. 27012

YUEN DOUGLAS RONALD
YUEN GWENDOLYN SUE
5120 LEGACY OAKS DR
ORLANDO, FL. 32839

2012-C PROPERTY HOLDINGS LLC
5586 S FORT APACHE RD STE 100
LAS VEGAS, NV. 89148

BARRICK MARK E
BARRICK TAMARA M
5103 LEGACY OAKS DR
ORLANDO, FL. 32839

IVEY JASON B
337 E 4TH AVE APT 72
ANCHORAGE, AK. 99501

PEREZ LUIS F
PEREZ CARMEN D
4618 RAYMAR DR
ORLANDO, FL. 32839

HUGHES NORMA R
1601 PERKINS RD
BELLE ISLE, FL. 32809

HOWELL MARY E TR
4702 RAYMAR DR
ORLANDO, FL. 32839

FAWCETT LYMAN
4709 RAYMAR DR
ORLANDO, FL. 32839

TERESA K ROTH REVOCABLE TRUST
C/O TERESA K ROTH TRUSTEE | 4641 S
ORLANDO, FL. 32839

RADUAZZO KENNETH M
WHITE TERESA K
1614 SHELBY AVE
NASHVILLE, TN. 37206

NGUYEN THOMAS B
5822 CEDAR FIELD WAY
HOUSTON, TX. 77084

CAMERON LAWRENCE E
CAMERON DAWN
4626 REDFERN DR
ORLANDO, FL. 32839

BROWN CYNTHIA J ROUX
4646 S SHORE RD
ORLANDO, FL. 32839

BUCHANAN VALERIE JEAN
4720 RAYMAR DR
ORLANDO, FL. 32839

BOBEK PATRICIA LIFE ESTATE
REM: MARK ALBERT BOBEK
1115 W HOLDEN AVE
ORLANDO, FL. 32839

ABRAHAM KHALIEB
4630 S SHORE RD
ORLANDO, FL. 32839

WILLIAMS LYNN
WILLIAMS KAREN K
4615 REDFERN DR
ORLANDO, FL. 32839

HUNTER JOHN C
HUNTER NANCY LEE
4620 REDFERN DR
ORLANDO, FL. 32839

BOY JOSEPH M LIFE ESTATE
REM: DANIELLE M BOY
4619 TINSLEY DR
ORLANDO, FL. 32839

PAULINE PROPERTIES LLC
3201 ALAMO DR
ORLANDO, FL. 32805

LANGLEY BRIAN J
4625 TINSLEY DR
ORLANDO, FL. 32839

PETIT-FRERE WILBERT
PETIT-FRERE ROSELHENE AUGUSTIN
4624 TELFAIR DR
ORLANDO, FL. 32839

OSTEEN VERA M LIFE ESTATE
REM: CAROL SUE OSTEEN
4627 REDFERN DR
ORLANDO, FL. 32839

RUSSELL BRYAN E
RUSSELL KIMBERLY
4624 TINSLEY DR
ORLANDO, FL. 32839

HUYNH RYAN CUONG
LUP-FAN JOYCE FAN
37 WILDMOOR ST
MARKHAM ON, XX. L6B (CANADA)

KOCH DANIEL
4703 REDFERN DR
ORLANDO, FL. 32839

PATTI RAYMOND J
4700 REDFERN DR
ORLANDO, FL. 32839

WAY NOEL T IV
WAY PAMELA MCKINNEY
4701 TINSLEY DR
ORLANDO, FL. 32839

BULLION LISA
BULLION ALISON
4727 RAYMAR DR
ORLANDO, FL. 32839

LAVEUS FRANKLIN
LAVEUS MARIE
4726 RAYMAR DR
ORLANDO, FL. 32839

ARIES EDMUND R
ARIES HEMOWATTIE
9675 SUNDERSON ST
ORLANDO, FL. 32825

INGALSBE BETTY A
4601 TINSLEY DR
ORLANDO, FL. 32839

STAFFORD CHARLES E
STAFFORD CAROLYN L
4628 S SHORE RD
ORLANDO, FL. 32839

NARCISSE EDELINE
4703 RAYMAR DR
ORLANDO, FL. 32839

WINSLOW BETTY J
4612 TINSLEY DR
ORLANDO, FL. 32839

PUCKETT DOUGLAS E
PUCKETT SARA M
1300 LAKE WILLISARA CIR
ORLANDO, FL. 32806

PANTOJAS JEANETTE
4714 RAYMAR DR
ORLANDO, FL. 32839

BALES THOMAS D
BALES BARBARA B
4647 S SHORE RD
ORLANDO, FL. 32839

SAUNDERS ELFRIEDE
4721 RAYMAR DR
ORLANDO, FL. 32839

BURROWS MORRIS A
4702 TINSLEY DR
ORLANDO, FL. 32839

DESENCLOS GLADIMIR
LAFORTUNE WASMAN
4650 S SHORE RD
ORLANDO, FL. 32839

PULVER MELISSA A
4706 REDFERN DR
ORLANDO, FL. 32839

VOLCY RECILHOMME
1129 CENTER GROVE ST
ORLANDO, FL. 32839

BEAUPLAN ERNEST
BEAUPLAN YLAZENIE
1125 TYLER LAKE CIR
ORLANDO, FL. 32839

CELESTIN FINFILS
LUXAMA PHARA MARIE
1105 CENTER GROVE ST
ORLANDO, FL. 32839

ARLP REO IV LLC
402 STRAND ST
FREDERIKSTED, VI. 00840

GILL JOSEPHINE
4620 S SHORE RD
ORLANDO, FL. 32839

PARKER HANNAH L
4613 TINSLEY DR
ORLANDO, FL. 32839

RANIERI MARIE ELENA
VENEZIA NICHOLAS A
64 LAREDO AVE
STATEN ISLAND, NY. 10312

RAMOS MIGUEL A
PEREZ MARIA M
4708 TINSLEY DR
ORLANDO, FL. 32839

AYALA VIRGINIA
AYALA JOSE LOPEZ
1279 TYLER LAKE CIR
ORLANDO, FL. 32839

SCOTT MARVIN B
SCOTT MARY M
4811 HIGHRIDGE CT
ORLANDO, FL. 32839

SPELLERS TIA
5042 LEGACY OAKS DR
ORLANDO, FL. 32839

COLON REINALDO
LAURIENO ANADELIA
1133 JESSAMINE LAKE CT
ORLANDO, FL. 32839

HARDIN KEVIN WILLIAM 99% INT
HARDIN CAROLYN R 1% INT
1328 TYLER LAKE CIR
ORLANDO, FL. 32839

NARVAEZ FLAVIO
1138 CENTER GROVE ST
ORLANDO, FL. 32839

LUKE BARRYMORE
ROLA WENDY
1250 TYLER LAKE CIR
ORLANDO, FL. 32839

LE THUY THI
4810 HIGH RIDGE CT
ORLANDO, FL. 32839

BELL JESSE T JR
BELL TONYA C
4819 TYLER LAKE CT
ORLANDO, FL. 32839

WOODS JOHNNY LEROY
1347 TYLER LAKE CIR
ORLANDO, FL. 32839

POUNCEY KIMBERLY K
5114 LEGACY OAKS DR
ORLANDO, FL. 32839

TRUONG BONG VAN
VO THU THI KIM
1154 CENTER GROVE ST
ORLANDO, FL. 32839

SISON ROSEMARIE
SISON MIGUEL
5055 LEGACY OAKS DR
ORLANDO, FL. 32839

SANDERS THOMAS B
SANDERS JOAN M
4614 REDFERN DR
ORLANDO, FL. 32839

BOYD CORTECIA
BOYD CORY
4707 TINSLEY DR
ORLANDO, FL. 32839

PAGAN ELIZABETH LIFE ESTATE
REM: MICHELLE DAVIS 1/3 INT
1113 CENTER GROVE ST
ORLANDO, FL. 32839

BUKKAPATNAM JAYASRI
2225 FAIRHAVEN CIR NE
ATLANTA, GA. 30305

HO DAT QUOC PHAM 1/2 INT
HO TUAN HOANG 1/2 INT
1113 TYLER LAKE CIR
ORLANDO, FL. 32839

GUTIERREZ JOSE FRANCISCO
SAUCEDO GLORIA A
4826 HIGH RIDGE CT
ORLANDO, FL. 32839

PERDUE JEFFREY E
PERDUE KAREN L
4606 TINSLEY DR
ORLANDO, FL. 32839

BROUGHMAN ROBERT J III
4708 RAYMAR DR
ORLANDO, FL. 32839

HIGHT STELLA L
1304 TYLER LAKE CIR
ORLANDO, FL. 32839

JEAN ROBERT
JEAN JULIA
4713 ALMARK DR
ORLANDO, FL. 32839

PALMER DAVID ALLEN
PALMER MARGARET RUTH
4607 S SHORE RD
ORLANDO, FL. 32839

STEWART DEBORAH A GIBBONEY
4611 S SHORE RD
ORLANDO, FL. 32839

DARDEN LANE J
DARDEN DABNEY C
4625 S SHORE RD
ORLANDO, FL. 32839

RANDALLMADE KNIVES PROPERTY LLC
PO BOX 1988
ORLANDO, FL. 32802

IRVIN TERRI LYNN
1280 TYLER LAKE CIR
ORLANDO, FL. 32839

BEDMINSTER ANTOINETTE M
PAUL MALCIA
1256 TYLER LAKE CIR
ORLANDO, FL. 32839

SALICRUP FERDINAND V
NIEVES MAYRA
1273 TYLER LAKE CIR
ORLANDO, FL. 32839

LAINÉ SONY
AUGUSTIN GINA
4813 TYLER LAKE CT
ORLANDO, FL. 32839

TORRES VICENTA
1353 TYLER LAKE CIR
ORLANDO, FL. 32839

BARKER DONNA P
BARKER DAMON D
5102 LEGACY OAKS DR
ORLANDO, FL. 32839

RODNEY GRACELIA Y
4615 HOLDEN RIDGE AVE
ORLANDO, FL. 32839

CAPPS EDNA M
4709 ALMARK DR
ORLANDO, FL. 32839

PAGE GARY D TR
PAGE GAIL D TR
4607 TINSLEY DR
ORLANDO, FL. 32839

RUSSO RICHARD J
RUSSO DOROTHY L
4600 TINSLEY DR
ORLANDO, FL. 32839

HOLDEN COVE HOMEOWNERS ASSN
PO BOX 568582
ORLANDO, FL. 32856

CHRIST CHURCH UNITY INC771
W HOLDEN AVE
ORLANDO, FL. 32839

SNYDER LINDSAY 4646
PATRICIA ANN CT
ORLANDO, FL. 32839

LIFESTYLE BUILDERS OF ORLANDO INC
1 DRENNAN RD
ORLANDO, FL. 32806

ORANGE COUNTY BCC
C/O REAL ESTATE MNGT DEPTPO BOX
ORLANDO, FL. 32802

LUSHER JEFFERY I
LUSHER EMILY P
4612 TELFAIR DR
ORLANDO, FL. 32839

COTNER CATHERINE I TR
300 E CHURCH ST APT 1410
ORLANDO, FL. 32801

PAULINE PROPERTIES LLC
3201 ALAMO DR
ORLANDO, FL. 32805

HUYNH RYAN CUONG
LUP-FAN JOYCE FAN
37 WILDMOOR ST
MARKHAM ON, XX L6B (CANADA)

WAY NOEL T IV
WAY PAMELA MCKINNEY
4701 TINSLEY DR
ORLANDO, FL. 32839

MCDONALD THERESA L
4634 PATRICIA ANN CT
ORLANDO, FL. 32839

BRYAN THOMAS E
4640 PATRICIA ANN CT
ORLANDO, FL.32839

MANN HERMAN S
4609 REDFERN DR
ORLANDO, FL. 32839

WESTFALL CHRISTOPHER
CIAVARRA JEREMY M
4700 LEGACY OAKS DR
ORLANDO, FL. 32839

Application: <u>Rezoning 2016-01</u> <u>2016-RZ-01</u>
Owner/Applicant Name: <u>Khaled Hussein on behalf of First Equity Development, Karen Thornton & John P. Hickey</u>
Public Hearing Date: <u>July 11, 2016</u>

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 **Khaled Hussein**, 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 notices (6) 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 on each parcel (6) 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: **June 28, 2016** on properties legally 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, 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 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 155 155 FT OF W 128 FT & LESS N 30 FT FOR RD) SEC 14-23-29

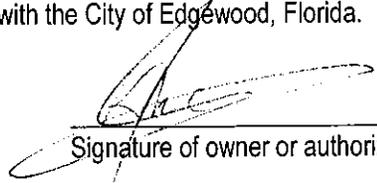
TOGETHER WITH

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

- 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.



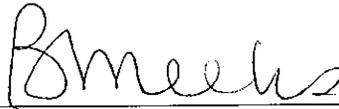
 Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this 28th day of June, 2016, by

Khaled Hussein

(Notary Signature)



(NOTARY SEAL)



(Name of Notary Typed, Printed, or Stamped)

Personally Known OR Produced Identification N/A

Type of Identification Produced NA

From: Gary & Gail Page
4607 Jansley Dr
Orlando, FL 32839

We are against more housing
being built across the street on Holden
Traffic is horrible now. Takes forever
to pull out on Holden now. Not
to mention all the overloaded trucks
that continue to cut through on
Holden to O.B.T. or I Orange

Please consider our request to
revoke request. Leave us with no
more unnecessary congestion & our roads
being broken up anymore.

Thank you
G & G Page

44 the conditions set forth in this ordinance. Said property is more particularly
45 described as:

46
47 THE WEST 165.00 FEET OF THE FOLLOWING
48 TRACT: BEGINNING AT A POINT 440 FET
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 352 FEET; THENCE NORTH
56 1320 FEET TO THE POINT OF BEGINNING.

57
58 **Section 2: Property rezoned from R1A (Single Family Dwelling) to PD**
59 **(Planned Development).**

60
61 That certain property described below is hereby rezoned from R1A
62 (Single Family Dwelling) to PD (Planned Development), subject to the
63 conditions set forth in this ordinance. Said property is more particularly
64 described as:

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

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79 TOGETHER WITH

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81 N 380 FT OF W 100 FT OF E 526.7 FT OF NW ¼
82 OF NW ¼ (LESS N 30 FT RD R/W) OF SEC 14-
83 23-29

84
85 TOGETHER WITH
86

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

91
92 TOGETHER WITH

93
94 N 155 FT OF W 125 FT OF E 248.7 FT OF NW ¼
95 OF NW ¼ (LESS N 30 FT RD R/W) OF SEC 14-
96 23-29

97
98 TOGETHER WITH

99
100 N 155 OF W 128 FT OF E 426.7 FT OF NW ¼ OF
101 NW ¼ (LESS N 30 FT FOR RD R/W) OF SEC 14-
102 23-29

103
104 **Section 3: Adoption of Land Use Plan and Development Plan.**

105
106 The Land Use Plan, attached hereto as Exhibit “A” and the
107 Development Plan, attached hereto as Exhibit “B,” for the property
108 described above is approved and adopted subject to the additional
109 conditions contained herein.

110
111 **Section 4: Terminology.**

112
113 For the purposes of this Ordinance, the term “Developer” shall refer
114 to any person, corporation or entity, which carried out any building
115 activity, makes any natural change in the use or appearance of any structure
116 or land, or divides the property into two or more parcels.

117
118 **Section 5: Development.**

119
120 The subject property shall be developed in accordance with the
121 Land Use Plan and Development Plan approved herein and shall be subject
122 to the following additional conditions.

- 123
124 A. The developer shall be allowed to construct fifty-three single family
125 residences on the property.
126
127 B. Subdivision of lots shall comply with all regulations and ordinances
128 in force at the time of subdivision plan approval.

129

- 130 C. Access to the site shall be provided on Holden Avenue directly
131 opposite Tinsley Drive.
132
133 D. Density shall not exceed 4.0 dwelling units/acre.
134
135 E. Minimum lot size shall be 6000 square feet.
136
137 F. Minimum dwelling size shall be 1800 square feet of livable space.
138
139 G. Minimum lot width shall be 50 feet.
140
141 H. Minimum front yard building setback shall be 25 feet.
142
143 I. Minimum rear yard building setback shall be 20 feet.
144
145 J. Minimum side yard setback shall be 5 feet.
146

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

- 152
153 (i) Any such stormwater management consists of a dry bottom
154 stormwater management pond;
155 (ii) The stormwater management pond is sodded;
156 (ii) The stormwater management pond is designed and
157 constructed to be dry within 72 hours after a 25-year storm
158 event;
159 (iii) A skimmer must be provided to minimize the accumulation
160 of trash and pollutants;
161 (iv) At least five percent of the area above the peak stage
162 elevation must be landscaped with at least 50 percent of the
163 required area landscaped with plant materials other than
164 ground cover (the use of native plant species is encouraged).
165

- 166 K. A masonry wall or solid low-maintenance fence of consistent
167 material and at least six feet in height shall be constructed around
168 the entire perimeter of the subject property except that portion of
169 the subject property adjacent to Holden Avenue.
170
171 L. A masonry brick wall with equally spaced columns shall be
172 constructed along the Holden Avenue perimeter and along the entry
173 road of subdivision entrance.

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- M. 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. The city may perform a courtesy inspection of the landscaping within 90 days after issuance of the certificate of occupancy/completion. If the landscaping appears to be under stress, staff shall notify the developer/HOA. A compliance inspection will be performed approximately one year after landscape installation. If the landscaping is not viable, notice shall be given to the developer/HOA, and the developer/HOA shall be responsible for restoring the landscaping within a time period acceptable to the city.
- N. A homeowners' association (HOA) shall be created and shall maintain in perpetuity all perimeter walls, common open space, buffer areas, common irrigation, streets, sidewalks, street lighting, signage, and retention and drainage systems.
- O. The buffer yard and all portions of the subject property upon which perimeter walls are constructed shall be owned by the HOA.
- P. The streets, street lighting, signage, and drainage systems within the development are to be private, owned and maintained by the HOA. The City shall not pay for any portion of the cost of constructing or maintaining the private streets, street lighting, signage, and drainage systems. The HOA shall own and be responsible for all costs associated with the maintenance and reconstruction of the private streets, drainage facilities, street lighting, sidewalks, signage, and related appurtenances, and the City has no obligation to maintain the private streets, sidewalks, signage, and drainage systems.
- Q. The private streets must be constructed within a separate tract owned by the HOA. This tract must conform to the City's standards for public streets/right-of-way. The City shall have the right to inspect the private streets and related appurtenances at any time, and require the HOA to provide the repairs needed to ensure

218 emergency access and quality of life for residents. The City Council
219 shall be the final judge of whether such repairs are needed.

220
221 R. An easement over the platted roadway right-of-way tract must be
222 dedicated or otherwise granted to the owners of each lot within the
223 subdivision and to all their successors in interest. Unrestricted
224 access rights over the platted street tract must also be granted to the
225 City and utility providers providing use of the property for any
226 purpose related to the exercise of a governmental service or
227 function, including but not limited to fire and police protection,
228 inspection and code enforcement. The easement shall permit the
229 City/Orange County to remove any vehicle or obstacle within the
230 private street tract that impairs emergency access.

231
232 S. Guard houses, access control gates and cross arms may be
233 constructed. The restricted access entrances must be manned 24
234 hours every day, or provide an alternative means of ensuring access
235 to the subdivision by the City and other public/utility service
236 providers with appropriate identification.

237
238 T. Restricted Access Entrance Design Standards - Any private street
239 that has an access control gate or cross arm must have a minimum
240 uninterrupted pavement width of 20 feet at the location of the
241 access control device. Gate designs may incorporate one or two gate
242 sections to meet the required minimum width of 20 feet.

243
244 U. Entryway gates must be equipped with an audio (siren) override
245 device to allow emergency access to the subdivision by fire/rescue,
246 police and other emergency-response personnel. The audio-override
247 device must be submitted to the fire and rescue department for
248 inspection and the entrance gates may not be closed unless and until
249 the department determines that the device is acceptable and in good
250 working order. Emergency Responders shall have the right to enter
251 the subdivision and remove any gate or device that is a barrier to
252 access at the sole expense of the HOA, subject to approval by the
253 City Council. The HOA's documents must contain provisions in
254 conformity with this paragraph that must not be amended without
255 the written consent of the City.

256
257 V. The entryway gate must include a box, labeled "City of Edgewood,"
258 with a master-keyed padlock, and the box must contain a key, a
259 card-key, a code, a remote-control device, or some other means by
260 which public service and utility workers may gain access to the
261 subdivision. The means of access must be approved by the City,

262 public service/utility providers and the box must be installed prior
263 to the city's issuance of the certificate of completion for the
264 subdivision infrastructure. Any other utilities serving the
265 subdivision must have similar access, and the names of such
266 utilities must be on the outside of the box containing the means of
267 access.
268

269 W. Water, sanitary sewer, storm drainage facilities placed within the
270 private street tract shall be installed to city/utility provider
271 standards. All storm drainage facilities in the subdivision shall
272 remain within the ownership and maintenance responsibilities of the
273 HOA. All city regulations relating to infrastructure financing,
274 performance bonds, developer cost participation and capital cost
275 recovery shall apply to the subject development. Any and all city
276 executable maintenance bonds covering subdivision construction
277 shall be transferred to the HOA upon approval of the private street
278 subdivision by the City Council.
279

280 X. The private street must be equipped for visitor access. In addition to
281 the above Restricted Access Entrance Design Standards, said visitor
282 entrance must be equipped with a call or code box located at least
283 50 feet from the boundary of the subdivision to provide for visitors
284 calling in and vehicle queuing. The City reserves the right to require
285 the developer to provide a detailed study to determine if the traffic
286 generated by the proposed development will warrant the call or
287 code box to be set back greater than the 50-foot minimum
288 requirement in order to ensure sufficient vehicle storage or queuing
289 space. A turn-around space with a minimum outside radius of 30
290 feet must be located between any call or code box and access
291 control gate or cross arm to allow vehicles denied access to safely
292 exit onto public streets in a "head out" position. A sign must be
293 erected next to the edge of such turn around space to prohibit
294 vehicle parking in such space.
295

296 Y. Parking for each lot shall be designed to allow two parking spaces
297 in the garage and two spaces in the driveway for a total of four (4)
298 parking spaces per residence. Sidewalks shall be placed to not
299 interfere with the driveway parking spaces required herein.
300

301 Z. Simultaneous with or prior to the recording of the subdivision final
302 plat, the developer must record in the public records of Orange
303 County, Florida, a document or documents ("declaration") that shall
304 govern all platted lots within the subdivision, shall impose
305 requirements and restrictions that run with the land, and shall

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address the responsibilities for the ongoing maintenance and repair of the subdivision infrastructure. 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 annual routine maintenance and repair 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 and replacement of the subdivision's streets.
- (iii) Require the establishment and maintenance of an HOA reserve account for major capital repair and replacement of the subdivision's stormwater retention and detention facilities.
- (iv) Require the establishment and maintenance of an HOA reserve account for major capital repair and replacement 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;
 - 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

350 routine-infrastructure-maintenance account for such
351 maintenance and repair, but only with the written
352 consent of the board of directors of the HOA; and

353
354 c. Insufficiency of monies in the routine-infrastructure-
355 maintenance account shall not act to relieve the
356 developer of any responsibility to maintain and
357 repair the streets, sidewalks, streetlights, and
358 drainage system (including stormwater
359 detention/retention areas) properly prior to turnover
360 of the HOA and/or transfer of control of subdivision
361 infrastructure.

362
363 (vii) Require that:

364
365 a. No earlier than one hundred eighty (180) days before
366 turnover of the HOA and/or transfer of control of
367 subdivision infrastructure to the property owners, the
368 developer must retain the services of a Florida
369 registered engineer experienced in subdivision
370 construction (other than the engineer of record for
371 the subdivision as of the date of the city's approval of
372 the subdivision infrastructure construction plans, and
373 engineers who are principals of, employed by, or
374 contractors of the same firm as the engineer of
375 record) to inspect the streets, sidewalks, street
376 lighting, and drainage system, including stormwater
377 detention/retention areas in accordance with the
378 existing approved plans, and prepare a report
379 recommending the amount of scheduled maintenance
380 and unscheduled repair that likely will be needed
381 each year for the streets, sidewalks and drainage
382 system (including stormwater detention/retention
383 areas), in accordance with standards that may be
384 established and revised from time to time by the City
385 Engineer or his or her designee, which recommends
386 the amounts of money that should be deposited each
387 year in the routine-infrastructure-maintenance
388 account, and determining what repairs, if any, are
389 needed prior to turnover of the HOA;

390 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 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

- 437 inspection determine the level of maintenance and
438 repair (both scheduled and unscheduled) needed, the
439 amounts of funding needed each year for the next
440 three (3) years in the routine-infrastructure-
441 maintenance account to pay for such maintenance
442 and repair, and any repairs then needed;
443
- 444 c. That the inspection be written in a report format; and
445
- 446 d. A copy of each engineering report be provided to
447 each owner of property in the gated community
448 within fifteen (15) days of completion of the report;
449 and
450
- 451 e. Within one hundred eighty (180) days of receipt of
452 each tri-annual engineering report, the HOA
453 complete all remedial work identified and
454 recommended by the engineer.
455
- 456 (ix) The developer (so long as the developer retains control of
457 the board of directors of the HOA) and the HOA expressly
458 indemnify and hold the City of Edgewood and its officers
459 and employees harmless from any cost of maintenance,
460 repair, and reconstruction of, or tort liability or award of
461 damages related to or arising in connection with, the streets,
462 sidewalks, street lights, walls/fences, drainage system
463 (including stormwater retention/detention area), and/or any
464 other subdivision infrastructure.
465
- 466 (x) No contract for the sale and purchase of a residential lot or
467 home in the subdivision shall be effective until cost
468 disclosure statement ("disclosure statement") has been
469 provided to and executed by such purchaser.
470
- 471 (xi) Expressly declare that property owners receive no discount
472 in property or other taxes because of private streets or
473 drainage system.
474
- 475 (xii) Require that each initial purchaser of a residential lot in the
476 gated subdivision for the personal or family use of the
477 purchaser receive a copy of the declaration at or prior to the
478 time the sales contract is executed, together with the current
479 budget for the HOA, including a schedule disclosing the
480 then-existing amounts of the periodic assessments for each

481 of the HOA accounts and a copy of the most recent year-end
482 financial statement for the HOA, and if none are then
483 existing, a good faith estimate of the HOA operating budget,
484 along with a form to be signed by such initial purchaser
485 acknowledging receipt of a copy of the declaration, budget,
486 financial statement or good faith estimate, and that the
487 original of the form acknowledging receipt of a copy of the
488 declaration is to be attached to the sales contract as an
489 exhibit or appendix. Such schedule must also state that the
490 periodic assessments for the HOA accounts do not
491 necessarily include assessments for either the routine
492 maintenance of or the capital repair and replacement of
493 HOA facilities not related to subdivision infrastructure (such
494 as common area landscaping, entrance and exit gates, walls,
495 etc.).

496
497 (xiii) Declare that upon any default by the HOA or the developer
498 in any requirements of the declaration, the City, at its option
499 and after due notice of its declaration of a default and a
500 reasonable time to cure, may prohibit closure of the gates
501 and, upon dedication or conveyance of the rights-of-way to
502 the City, assume responsibility for maintenance, using all
503 HOA monies on deposit in the routine-infrastructure-
504 maintenance account and the several capital-repair accounts
505 or, if no monies exist or if an insufficient amount exists,
506 using such other revenues or financing methods as the City
507 may elect, including (but not limited to) special assessments
508 against the subdivision lots, blocks, and tracts.

509
510 (xiv) Require that enforcement of traffic laws within the gated
511 community, as requested by the HOA, shall be by the City
512 Police Department and that all costs of enforcement incurred
513 by the City shall be paid by the HOA.

514
515 (xv) Provide a procedure for nonbinding mediation in the event
516 of a dispute between any homeowner and the developer, or
517 between the HOA and the developer, with respect to the
518 repair and maintenance of the streets, sidewalks, street
519 lighting, drainage system or other subdivision infrastructure
520 or appurtenances and/or funding for such maintenance and
521 repair.

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523 (xvi) Provide that:

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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 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 the requirements and provisions of the declaration required hereunder, with the prevailing party being entitled to attorneys' fees and costs; and
 3. Venue for any such enforcement action shall be in the Ninth Judicial Circuit of Florida, in Orange County.
- 540 (xvii) Provide that any transfer of subdivision infrastructure
541 (including the property on which the subdivision
542 infrastructure is located) to the City of Edgewood or other
543 governmental entity is prohibited without the concurrence of
544 the owners of two-thirds (2/3) (or such higher percentage as
545 the declaration may provide) of the platted lots.
546
- 547 (xviii) No portion of the association's documents pertaining to the
548 maintenance of the private streets, sidewalks, street lighting,
549 and drainage systems, and assessments thereto shall be
550 amended without the written consent of the City.
- 551 (xix) The Declaration must contain language whereby the HOA,
552 as owner of the private streets, sidewalks and appurtenances,
553 agrees to release, indemnify, defend and hold harmless the
554 City, its officers, agents, licensees, servants and employees,
555 from and against any and all claims or suits for property
556 damage or loss and/or personal injury, including death, to
557 any and all persons, of whatsoever kind of character,
558 whether real or asserted, arising out of or in connection
559 with, directly or indirectly: a) the reasonable use of the
560 private streets and sidewalks, emergency access, utility
561 easements, entrance gate or structure by the City, its
562 officers, agents, licensees, servants and employees; b) the
563 condition of the private streets, sidewalks, private street
564 lights, private entrance gates or structures, private walls or
565 fences, private pedestrian access, private storm drainage
566 systems and emergency access; or c) any use of the
567 subdivision with private streets by the City, County, or

568 Utility provider, its officers, agents, licensees, servants and
569 employees for any purpose related to the exercise of a
570 governmental function or service, whether or not caused, in
571 whole or in part, by alleged negligence of officers, agents,
572 servants, employees, contractors, subcontractors, licensees
573 or invitees of City. The HOA shall be responsible for
574 carrying liability insurance to meet the requirements in this
575 paragraph. Those portions of the HOA's documents
576 pertaining to the subject matter contained in this paragraph
577 must not be amended without the written consent of the
578 City.

579 (xx) The HOA must not be dissolved without the prior written
580 consent of the City.

581
582 **Section 6: Zoning map.**

583
584 The Official City Zoning Map shall be amended to conform to the
585 zoning assigned as described in Section 2 of this Ordinance.

586
587 **Section 7: Conflicts.**

588
589 All ordinances or part of ordinances in conflict with this Ordinance
590 are hereby repealed.

591
592 **Section 8: Severability.**

593
594 Should any section or part of this Ordinance be declared invalid by
595 any court of competent jurisdiction, such adjudication shall not apply or
596 affect any other provision of this Ordinance, except to the effect that the
597 entire section or part of the section may be inseparable in meaning and
598 effect from section to which such holding shall apply.

599
600 **Section 9: Effective date.**

601
602 This ordinance shall take effect immediately upon its final adoption by the
603 City Council of the City of Edgewood, Florida.

604 PASSED ON FIRST READING THIS _____ DAY OF
605 _____, 2016.

606
607 PASSED AND ADOPTED THIS _____ DAY OF _____,
608 2016.

612 CITY OF EDGEWOOD, FLORIDA
613 CITY COUNCIL

614
615 _____
616 John Dowless, Council President

617 ATTEST:

618
619 _____
620 Bea Meeks, City Clerk