

Ray Bagshaw
Mayor

Pam Henley
Council Member

Susan Fortini
Council Member

John Dowless
Council President

Neil Powell
Council Member

Lee Chotas
Council Member

CITY COUNCIL AGENDA
Regular Meeting
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, August 16, 2016
6:30 p.m.

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

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Review and Approval of Minutes

- (Pgs. 1 - 6) July 19, 2016 Regular City Council Meeting
- (Pgs. 7 - 9) August 1, 2016 City Council Budget Workshop

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

E. PRESENTATIONS

F. ORDINANCES

1. (Pgs. 19 - 22) **ORDINANCE 2016-08** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA REZONING CERTAIN LANDS GENERALLY LOCATED ON THE SOUTH SIDE OF HOLDEN AVENUE NEAR THE INTERSECTION OF HOLDEN AVENUE AND HOLDEN RIDGE AVENUE COMPRISING APPROXIMATELY 13.46 ACRES +/- FROM R1A AND R1AA (SINGLE FAMILY DWELLING) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR A PLANNED DEVELOPMENT ON SAID LANDS AND PROVIDING FOR THE

TERMS AND CONDITIONS OF SUCH DEVELOPMENT; PROVIDING THAT THE OFFICIAL ZONING MAP BE MODIFIED ACCORDINGLY; PROVIDING FOR CONFLICTS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

H. UNFINISHED BUSINESS

I. NEW BUSINESS

1. **(Pgs. 23 - 32)** Lam Ky, Property Manager, Versailles, III – Code Enforcement Order 1650083

J. GENERAL INFORMATION (No action required)

K. CITIZEN COMMENTS

L. BOARDS & COMMITTEES

1. **(Pg. 33 - 104)** Khaled Hussein, 1090, 1098, 1100, 1103, 1110, 1130 Holden Avenue – Rezoning Application 2016 RZ-01
2. **(Pg. 105 - 131)** **Special Exception 2016-SE-02** The Doughnut Peddler located at 5262 South Orange Avenue in the C3 zoning district to allow “wholesale products distribution”.

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

M. STAFF REPORTS

City Attorney:

-

Police Chief:

- Monthly report

City Clerk:

N. MAYOR & COUNCIL REPORTS

- Mayor Bagshaw

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.

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City Attorney:

-

Police Chief:

- Monthly report

City Clerk:

N. MAYOR & COUNCIL REPORTS

- Mayor Bagshaw

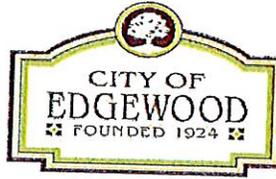
- Council President Dowless
- Council Member Powell
- Council Member Henley
- Council Member Chotas
- Council Member Fortini

O. ADJOURNMENT

UPCOMING MEETINGS:

- Monday, August 22, 2016.....City Council Budget Workshop (#3) - 6:30 p.m.
- Tuesday, August 23, 2016.....Charter Review Committee Meeting – 6:00 p.m.
- Tuesday, September 6, 2016.....Special Council Meeting (approve tentative millage/budget) – 6:30 p.m.
- Monday, September 12, 2016.....Planning & Zoning Board Meeting – 6:30 p.m.
- Tuesday, September 20, 2016.....City Council Meeting – 6:30 p.m.

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



CITY COUNCIL MINUTES
Regular Meeting
Tuesday, July 19, 2016

CALL TO ORDER

On Tuesday, July 19, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. Council President Dowless gave the invocation followed by leading everyone in the Pledge of Allegiance.

City Clerk Meeks announced a quorum with the following attendance:

Attendees

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

Staff

Bea L. Meeks, City Clerk
Chris Francisco, Police Chief
Cliff Shepard, City Attorney
David Mahler, City Engineer

CONSENT AGENDA

1. Review and Approval of Minutes
 - June 21, 2016 Regular City Council Meeting

Ivan Smith requested a correction regarding his comments during the presentation of Beth and Bill Seabrook's boat dock. After discussion regarding the request, it was agreed to strike the entire paragraph.

~~*Ivan Smith:* Mr. Smith noted a designated landing strip on the lake that is no longer in use. Mayor Bagshaw said that the landing strip used to be a designated fuel station.~~

Council Member Chotas requested the following correction(s):

City Clerk Meeks presented her report regarding the non-ad valorem assessment for waste disposal for the 2016/2017 fiscal year. She referred to Mayor Bagshaw for a recommendation. Mayor Bagshaw said that the City's non-ad valorem assessment is not in a deficit; for this reason, the assessment should remain the same.

Council President Dowless made the Motion to keep the non-ad valorem assessment for waste disposal the same (\$292.96); Seconded by Council Member Henley. Unanimously approved (4/0).

Council President Dowless requested to change the order of the Agenda and give consideration to Jorge Alvarez' boat dock application; there were no objections.

City Clerk Meeks reported that pursuant to the City Code, letters were sent to shoreline property owners within 300 feet of the Alvarez' property. She explained that if there are no objections, the City Engineer is authorized to approve the application. City Clerk Meeks said that staff received one objection, which was rescinded however, the rescission was from the spouse of the neighbor who made the objection. City Clerk Meeks confirmed that the neighbors who objected and then rescinded were not in attendance.

City Engineer David Mahler confirmed that the boat dock met City Code.

Public Comments:

Resident, **Charlie McCannless**, gave some history regarding the subject property. He talked about the drainage easement on the plat and noted a pipe that is by the boat dock. Engineer Mahler said that Mr. Alvarez agreed to place a mooring buoy by the pipe.

Council Member Chotas made the Motion to approve Jorge Alvarez' boat dock application; Seconded by Council Member Fortini. The Alvarez' boat dock application was unanimously approved (4/0).

Resolution 2016-08 - A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA, APPROVING QUIET ZONE IMPROVEMENT AGREEMENT AMENDMENT NUMBER 1 WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF QUIET ZONES; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Shepard read Resolution 2016-08 in title only. Council President Dowless explained the background related to the Resolution and said that he and Mayor Bagshaw disagreed with the request for additional funds. Council President Dowless said some calls were made to Mayor Jacobs' office and after some discussion and more phone calls, FDOT agreed to pay the additional funds. The Resolution approves the amendment to the original Agreement.

Council Member Chotas made the Motion to approve Resolution 2016-08; Seconded by Council Member Powell. Unanimously approved (5/0).

ORDINANCES

ORDINANCE 2016-08 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA REZONING CERTAIN LANDS GENERALLY LOCATED ON THE SOUTH SIDE OF HOLDEN AVENUE NEAR THE INTERSECTION OF HOLDEN AVENUE AND HOLDEN RIDGE AVENUE COMPRISING APPROXIMATELY 13.46 ACRES +/- FROM R1A AND R1AA (SINGLE FAMILY DWELLING) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR A PLANNED DEVELOPMENT ON SAID LANDS AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH DEVELOPMENT; PROVIDING THAT THE OFFICIAL ZONING MAP BE MODIFIED ACCORDINGLY; PROVIDING FOR CONFLICTS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Meeks explained that application submitted for the proposed planned development on Holden was rescinded in the July Planning & Zoning Board meeting so that the applicant could make some revisions.

Council President Dowless made the Motion that Ordinance 2016-08 would be heard time certain in the August 16, 2016 City Council meeting to begin at 6:30 p.m. or as soon thereafter as possible; Seconded by Council Member Henley. Unanimously approved (5/0).

NEW BUSINESS

- 1. Set FY 16/17 Tentative Millage Rate

Mayor Bagshaw referred to City Clerk Meeks to explain the tentative millage rate. City Clerk Meeks referred to the information provided in her memo to Council. She reminded Council Members that the tentative millage rate can be reduced but not increased after the tentative millage rate is approved.

Council Member Chotas made the following Motion:

I move to set the City of Edgewood's tentative millage rate for Fiscal Year 2016/2017 at 5.2000 mills; Seconded by Council Member Powell. Unanimously approved by the following roll-call vote:

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

RESOLUTION 2016-06 - A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY'S BUDGET FOR THE 2015-2016 FISCAL YEAR; AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Shepard read Resolution 2016-06 in title only.

City Clerk Meeks explained that the budget amendment was being presented at the request of Council to provide funds for the new police vehicle.

In response to Council Member Powell, Chief explained that the amendment shows money went to miscellaneous funds and is being moved to police vehicle / equipment.

Council Member Fortini made the Motion to approve Resolution 2016-06; Seconded by Council Member Henley. Unanimously approved (5/0).

RESOLUTION 2016-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING RESOLUTION NO. 2007-02 AMENDING THE FEE SCHEDULE RELATED TO COPIES OF ZONING MAPS, ZONING CODE REPRINTS, AND BOUND CODE OF ORDINANCES; AMENDING THE FEES FOR COPIES OF AUDIO RECORDINGS AND ACCIDENT REPORTS; REMOVING FEES FOR SERVICES NO LONGER PROVIDED; ESTABLISHING NEW FEES FOR LIVE SCAN FINGERPRINTING AND ESTABLISHING A FEE FOR FINGER PRINTING WITH AHCA PHOTO; PROVIDING FOR RETURNED CHECK FEE; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Shepard read Resolution 2016-07 in title only.

City Clerk Meeks explained that AHCA photos were added to the Police Department's services. She said that the amendment included removing some fees and replacing with "at cost to the City".

Council Member Chotas made the Motion to approve Resolution 2016-07; Seconded by Council Member Henley. Unanimously approved (5/0).

CITIZEN COMMENTS

Betty Brown, who operates a business in the Fort Gatlin Shopping Center, said she received two code enforcement violations regarding a light in the window at her business. Ms. Brown said she thought the concern had been resolved. It was confirmed for Ms. Brown that she cannot encase the window at her business with lights.

It was confirmed for Fran Pignone, owner of Fort Gatlin Shopping Center, that Ms. Brown will be called before a hearing officer, and she may be fined.

STAFF REPORTS

City Attorney:

- 5637 Lake Mary Jess Shores - Court Order

Attorney Cliff Shepard reported on Code Enforcement Order (CDB: 16500076). The subject property is located at 5637 Lake Mary Jess Shores Court. Attorney Shepard requested to abate the conditions and allow Code Enforcement to access property to put shock in the pool.

Mayor Bagshaw said that Jerry Reynolds can perform this work. Attorney Shepard said the City can recoup costs associated to the abatement. In response to Council Member Henley, Chief Francisco said the Police Department has been putting zip ties on the fence and they keep getting removed.

Council Member Chotas made the Motion to authorize Chief Francisco to take the appropriate action to comply with the Order up to and including securing the screen enclosure, through whatever method is appropriate, in shocking the pool as frequently as necessary to keep it in a more safe condition; Seconded by Council Member Fortini. Unanimously approved (5/0)

Police Chief:

- Monthly report

Chief Francisco gave his monthly activity PowerPoint presentation.

City Clerk:

City Clerk Meeks said Council Members will be receiving an updated calendar for the budget workshops and hearings.

MAYOR & COUNCIL REPORTS

- **Mayor Bagshaw**

Mayor Bagshaw reported on the following:

- Announced that the Police Department is accredited again. He said changes have been made that have been very beneficial to the Police Department. Mayor Bagshaw said that Officer Adam Lafan and Police Clerk Accreditation Manager, Shannon Patterson put the Department in good shape in maintaining the accreditation. He said every three years there are costs built into maintaining the accreditation. Mayor Bagshaw's announcement closed with applause.
- Granada Woods and Jessamine Glen curbing and ADA work will be done "this week". In response to Council President Dowless, the Mayor said Stratemeyer is the last large subdivision on the City's Capital Improvement Plan (CIP) to have work completed. He said this should put the City in a position to start setting money aside next year. In response to Council Member Henley, Mayor Bagshaw explained the shaving process for lifted sidewalk areas.
- Gatlin-Holden Avenue improvement project is getting ready to begin.
- Announced that he will be serving on the Florida League of Cities Board of Directors for another year.
- Talking to resident about starting a tree trust fund.

• **Council President Dowless**

Council President Dowless said that when he came onto Council, as did some of the other Council Members, things were found in a mess. He referenced the status of City records, unpaid debt of approximately \$800,000, no CIP in place. He noted the steps that have been taken to make correction and improvements. Council President Dowless complimented the leadership and staff for their work in correcting the deficiencies and making the improvements. Council President Dowless' statement closed with applause.

• **Council Member Powell:**

No report

• **Council Member Henley**

Council Member Henley said she tried to contact Tammy at McDermit-Davis regarding the budget format however, Tammy is on vacation. She recommended Council Members get with Chief Francisco to review his budget.

• **Council Member Chotas**

Council Member Chotas said he had no report but wanted to thank the Mayor and Council President Dowless for their work regarding the quiet zones.

• **Council Member Fortini**

No report

ADJOURNMENT

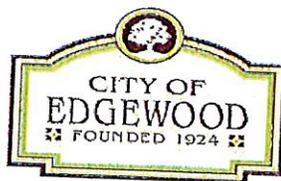
Having no further business or discussion, Council Member Chotas motioned to adjourn the meeting at 8:13 p.m.; seconded by Council Member Henley.

ATTEST:

John Dowless
Council President

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

Approved by Council on _____.



CITY COUNCIL MINUTES
Budget Workshop
Monday, August 1, 2016

CALL TO ORDER

On Monday, August 1, 2016, Council President Dowless called the Edgewood City Council workshop to order at 9:00 a.m., and dispensed with the formalities.

City Clerk Meeks announced a quorum with the following attendance:

Attendees

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

Staff

Bea L. Meeks, City Clerk
Chris Francisco, Police Chief
Shannon Patterson, Police Clerk/Accreditation Manager
Sgt. Vince Jackson

Council President Dowless referred to Mayor Bagshaw. Mayor Bagshaw noted that he reduced the funds for road repair from \$275,000 to \$75,000, which was not reflected in the budget variance that McDermit-Davis prepared. *9:03 a.m. City Clerk Meeks announced for the record that Council Member Chotas is in attendance*

Council Member Henley said that she wants to work off of 'McDermit-Davis' budget variance. Council Member Henley said that for the next budget workshop, she would like to have the following included in the budget:

1. FY 14/15 actuals
2. FY 15/16 and 16/17 variance

Mayor Bagshaw confirmed that the state revenues can change. City Clerk Meeks confirmed that she continues to check through the final budget approval. In response to Council Member Chotas, Chief Francisco explained "Off Duty Equipment" revenues and expenditures. A brief discussion was held regarding who provided the workers' compensation coverage for off duty work, and the effect that off

duty work might have on the City's workers' comp audit. City Clerk Meeks said she would get this information for Council.

Mayor Bagshaw explained the farmer's market/special event revenues/expenses. Council Member Fortini said that she feels the City needs a marketing/PR person for these events. Mayor Bagshaw said it would help if there was a committee put together for the special events/farmer's market.

In response to Council President Dowless, Mayor Bagshaw and Chief Francisco explained the proposed expenditures for IT particularly, as it relates to State/Federal requirements.

In response to Council member Henley, Chief Francisco explained the alarm expenditure, which includes the expense to upgrade the security cameras. Council Member Henley requested that the expense for the security cameras be moved to Capital Outlay.

Mayor Bagshaw explained the proposed personnel staffing/position changes. He confirmed for Council Member Fortini that the part-time position in City Hall would be eliminated if the proposed changes are approved.

Council Member Henley requested that utilities for City Hall and the Police Department remain separate in the budget.

In response to Council Member Fortini, Chief Francisco said that in his budget discussion with Council member Henley, the fuel expenditure was reduced at her request and if needed, a budget amendment will be done.

Chief Francisco confirmed for Council Member Fortini that he and the Mayor have discussed placing a red light camera at Gatlin when the straight-through light is removed.

In response to Council President Dowless, Mayor Bagshaw said that in their last discussion, Council thought 60% to 62% was a good reserve amount. He said that he did not want to go below 50%. Mayor Bagshaw said there is 2.1 million dollars in the City's money market.

Mayor Bagshaw confirmed for Council Member Fortini that there are no funds in the budget for a City Manager/City Administrator or for the Mayor to be paid.

Council Member Henley asked to reduce insurance from 20% to 10%. City Clerk Meeks said she anticipated the FMIT renewal rates will be made available before the next workshop and the budget will reflect the renewal rates.

In response to Council Member Henley, Chief Francisco said renovations to his building will be interior/exterior painting, flooring and rewiring in the computer server room.

Council President Dowless requested that "Janitorial" be reduced from \$15,000 to \$13,000.

Council President Dowless said that he would like to revisit the market analysis.

Council Member Chotas complimented Mayor Bagshaw, Chief Francisco and City Clerk Meeks for the transparent budget and for a smooth process. Mayor Bagshaw said it helped that Council Member Henley was involved early in the process and working with McDermit~Davis.

ADJOURNMENT

Having no further business or discussion, Council Member Chotas motioned to adjourn the meeting at 10:25 a.m.; seconded by Council Member Fortini.

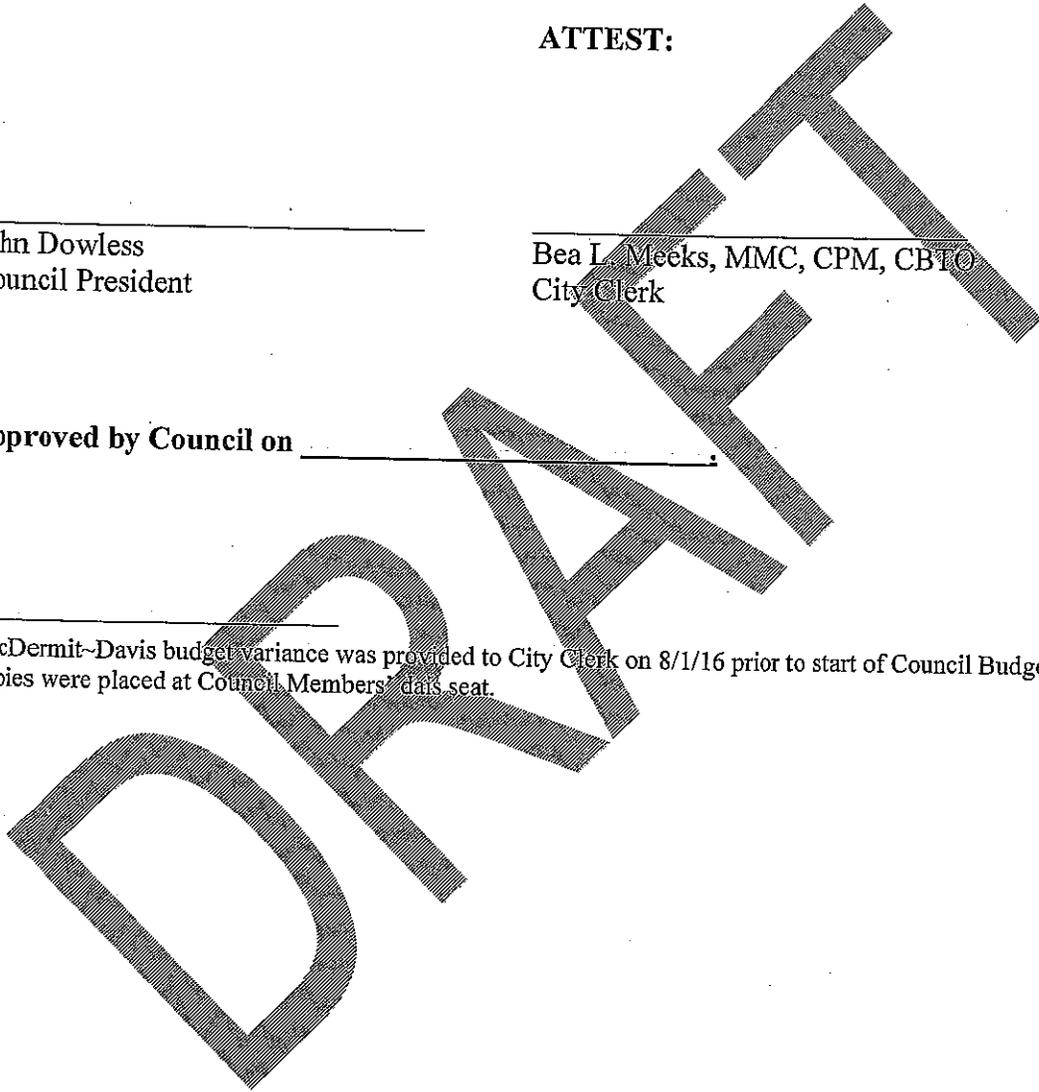
ATTEST:

John Dowless
Council President

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

Approved by Council on _____

¹McDermitt-Davis budget variance was provided to City Clerk on 8/1/16 prior to start of Council Budget Workshop. Copies were placed at Council Members' dais seat.



ORDINANCE NO. 2016-08

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2
3 AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA
4 REZONING CERTAIN LANDS GENERALLY LOCATED ON THE
5 SOUTH SIDE OF HOLDEN AVENUE NEAR THE INTERSECTION OF
6 HOLDEN AVENUE AND HOLDEN RIDGE AVENUE COMPRISING
7 APPROXIMATELY 13.46 ACRES +/- FROM R1A AND R1AA (SINGLE
8 FAMILY DWELLING) TO PD (PLANNED DEVELOPMENT);
9 PROVIDING FOR A PLANNED DEVELOPMENT ON SAID LANDS
10 AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH
11 DEVELOPMENT; PROVIDING THAT THE OFFICIAL ZONING MAP
12 BE MODIFIED ACCORDINGLY; PROVIDING FOR CONFLICTS;
13 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
14

15 WHEREAS, the applicant has filed an application for rezoning of those lands described
16 herein to PD (Planned Development); and
17

18 WHEREAS, the City Council of the City of Edgewood has received a presentation from
19 the applicant, public input, and recommendations from staff and the Planning and Zoning Board
20 related to the rezoning; and
21

22 WHEREAS, the PD (Planned Development) zoning classification is consistent with the
23 City of Edgewood Comprehensive Plan, Future Land Use Map; and
24

25 WHEREAS, the City Council of the City of Edgewood finds the PD (Planned
26 Development) zoning classification to be in the best interest of the inhabitants of the City of
27 Edgewood provided certain conditions of development consistent with the PD (Planned
28 Development) zoning classification are satisfied and, accordingly, desires to amend the Official
29 Zoning Map as hereinafter set forth.
30

31 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
32 EDGEWOOD, FLORIDA:
33

34 **Section 1: Property rezoned from R1AA (Single Family Dwelling) to PD (Planned
35 Development).**
36

37 That certain property described below is hereby rezoned from R1AA (Single
38 Family Dwelling) to PD (Planned Development), subject to the conditions set forth in this
39 ordinance. Said property is more particularly described as:
40

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

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

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

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

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

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69 TOGETHER WITH

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

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

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

86
87 N 155 OF W 128 FT OF E 426.7 FT OF NW ¼ OF NW ¼ (LESS
88 N 30 FT FOR RD R/W) OF SEC 14-23-29

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

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

Section 4: Terminology.

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

Section 5: Development.

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

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

132 A buffer yard of at least 15 feet in width shall be located along the western
133 property perimeter where the property is adjacent to existing residential lots
134 and/or parcels. The buffer yard may not be counted toward the minimum yard
135 setbacks. The buffer area can be used for stormwater management provided:
136

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

148
149 K. A masonry wall or solid low-maintenance fence of consistent material and at least
150 six feet in height shall be constructed around the entire perimeter of the subject
151 property except that portion of the subject property adjacent to Holden Avenue.
152

153 L. A masonry brick wall with equally spaced columns shall be constructed along the
154 Holden Avenue perimeter and along the entry road of subdivision entrance.
155

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

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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 emergency access and quality of life for residents. The City Council shall be the final judge of whether such repairs are needed.
- R. An easement 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.
- S. 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.
- T. 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.
- U. 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-

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

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

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

247 X. The private street must be equipped for visitor access. In addition to the above
248 Restricted Access Entrance Design Standards, said visitor entrance must be
249 equipped with a call or code box located at least 50 feet from the boundary of the
250 subdivision to provide for visitors calling in and vehicle queuing. The City
251 reserves the right to require the developer to provide a detailed study to determine
252 if the traffic generated by the proposed development will warrant the call or code
253 box to be set back greater than the 50-foot minimum requirement in order to
254 ensure sufficient vehicle storage or queuing space. A turn-around space with a
255 minimum outside radius of 30 feet must be located between any call or code box
256 and access control gate or cross arm to allow vehicles denied access to safely exit
257 onto public streets in a "head out" position. A sign must be erected next to the
258 edge of such turn around space to prohibit vehicle parking in such space.
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260 Y. Parking for each lot shall be designed to allow two parking spaces in the garage
261 and two spaces in the driveway for a total of four (4) parking spaces per

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

Z. 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:

- (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;

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

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

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- e. 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.

- (ix) 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.

- (x) 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.

- (xi) Expressly declare that property owners receive no discount in property or other taxes because of private streets or drainage system.

- (xii) 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.).

- (xiii) 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

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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.

- (xiv) 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.
- (xv) 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.
- (xvi) Provide that:
 - 1. The HOA, any member of the HOA, and any and all owners of land in the subdivision shall have the right jointly and severally to enforce against the developer 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.
- (xvii) 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.
- (xviii) 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.
- (xix) 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

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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.

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

Section 6: Zoning map.

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

Section 7: Conflicts.

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

Section 8: Severability.

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

Section 9: Effective date.

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

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

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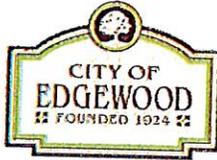
PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

John Dowless, Council President

ATTEST:

Bea Meeks, City Clerk, MMC, CPM, CBTO



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

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

DATE: August 11, 2016

RE: Versailles III Plaza

Lam Ky, property manager for Versailles III, requested to address Council regarding the Code Enforcement Order against Versailles, III, located at 4945 S. Orange Avenue, Edgewood, FL 32806. The Order for CEB Case No.: 16500083 was signed by William E. Reischmann, Jr., Esquire, Code Enforcement Hearing Officer for the City of Edgewood. The Order was recorded with the Orange County Comptroller's office on July 20, 2016 (see attached).

Your review of the Order will review that a daily fine in the amount of \$100.00 per day is imposed for the (27) days of repeat violations, for a total fine of \$2,700. Additionally, the Respondent was given (10) days from the date of the hearing to bring the property into full compliance or the fine will start to run again. Mr. Ky will be requesting that Council waive this fine.

Staff Recommendation: Staff recommends **denial** based on the fact that this is a repeated violation. Further, the attached photos taken on August 11, 2016 will show that the property has not come into compliance. Chief Francisco is prepared to respond to questions and/or comments regarding this request.

Attachments: (6) photos taken 8/11/2016

Prepared by: William E. Reischmann, Jr., Esq.
Post Office Box 2873
Orlando, Florida 32802-2873

DOCH 20160373230
07/20/2016 01:06:38 PM Page 1 of 3
Rec Fee: \$27.00
Martha O. Haynie, Comptroller
Orange County, FL
MB - Ret To: CODE ENFORCEMENT OFFICE

Return to: Debbie Cabales, CBTO
Code Enforcement Office
City of Edgewood
5565 S. Orange Avenue
Edgewood, Florida 32809



**BEFORE THE CODE ENFORCEMENT HEARING OFFICER
OF THE CITY OF EDGEWOOD, FLORIDA**

**CITY OF EDGEWOOD
FLORIDA**, a municipal corporation,

Petitioner,

vs.

CEB CASE NO.: 16500083

**VERSAILLES III
THANH VAN DUONG
HOANG NHUNG T. NGUYEN.**

Respondents/Owners.

**FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER
OF REPEAT VIOLATION**

THIS CAUSE came on for hearing before the undersigned Hearing Officer on July 13, 2016, after due notice, pursuant to Chapter 162, Florida Statutes, to the Respondents and public hearing. The Property Manager, Ky Lam, was present on behalf of the property owners; and the undersigned, having heard testimony under oath, received evidence, considered stipulations, and heard argument(s), thereupon issues his **FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER OF REPEAT VIOLATION**, as follows:

I. FINDINGS OF FACT:

The Respondents are the owners of the property located at: 4945 S. Orange Ave, Edgewood, Florida 32806, with legal description of:

Gatlin with Hobbs Sub MISC 4/177 Beginning N 11 Deg, W 453 Ft of SW Cor Lot 11 LAKE GATLIN WOODS 7/16/ Run S 78 Deg W 200 Ft S 11 Deg E 293 Ft N 78 Deg E 200 Ft N 11 Deg W 293 Ft to Point of Beginning.

Parcel ID #13-23-29-2964-00-250.

FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER
OF REPEAT VIOLATION – PAGE 2

A Findings of Fact, Conclusions of Law and Order regarding the violation described below was issued on May 26, 2016. The same violation was observed at the above-described property on June 18, 2016.

The Respondents were given a Notice of Repeat Code Violation by Regular Mail and Certified Mail and by Posting on June 27, 2016 that the condition exists and were notified to correct the violation and to contact the Code Enforcement Officer, since a fine of up to \$500.00 could be assessed for each day the violation continues to exist.

The property was in violation of City Code 30-24 (Excessive growth of grass, weeds and brush) at the time of this hearing. The property, therefore, was in repeat violation for a period of 27 days and still is not in compliance. The fine per day is \$100.00.

II. CONCLUSIONS OF LAW:

The Respondents, by reason of the foregoing, were in violation of the Code of the City of Edgewood, Florida, 30-24 (Excessive growth of grass, weeds and brush), in that Respondents failed to take the required action.

III. ORDER:

It is the Order of the Hearing Officer that Respondents were in **REPEAT VIOLATION** of City Code, Section 30-24 (Excessive growth of grass, weeds and brush), pursuant to the Hearing Officer's original Order of May 25, 2016, for a period of 27 days and still are in violation of said Code. A daily fine in the amount of **\$100.00 per day** is hereby imposed for the 27 day(s) of repeat violation, for a total fine of **\$2,700.00**. In addition, the Respondents will have ten (10) days from the date of the hearing, or on or before **July 23, 2016**, to bring the property into full compliance or the fine will start to run again. **The fine will continue to accrue for each and every day thereafter that there continues to be non-compliance with the City Code.**

A Certified copy of this Order may be recorded in the Public Records of Orange County and shall constitute notice to any subsequent purchasers, successors in interest, or assigns of all real and personal property owned by the violator(s), and the findings herein shall be binding upon the violator(s) and any subsequent purchasers, successors in interest, or assigns.

This Order may be appealed to the Circuit Court within thirty (30) days of its execution.

FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER
OF REPEAT VIOLATION - PAGE 3

DONE AND ORDERED this 14th day of July, 2016.

CITY OF EDGEWOOD, FLORIDA

WR

William E. Reischmann, Jr., Esquire
Code Enforcement Hearing Officer

STATE OF FLORIDA)
COUNTY OF ORANGE)

SUBSCRIBED AND AFFIRMED before me this 14th day of July, 2016, by William E. Reischmann, Jr., Esquire, Code Enforcement Hearing Officer, for and on behalf of the City of Edgewood, Florida, who is personally known to me.

Melanie R. Kelly
Notary Public Signature



Name typed, printed or stamped
Commission No.:

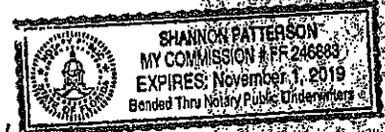
C. Shannon Patterson
Notary

July 20, 2016
Date

COPIES TO:

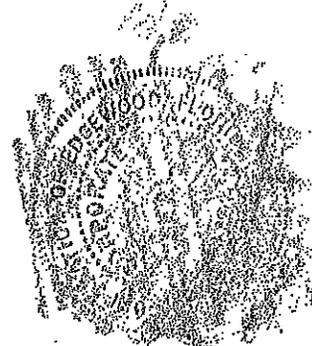
Copies to: Versailles III
Thanh Van Duong
Hoang Nhung T. Nguyen
2270 Lincoln Highway E
Lancaster, PA 17602

via Certified Mail, RRR and by U.S. Mail



Debbie Cabales, Code Enforcement Officer
D. Andrew Smith III, City Attorney

G:\Docs\Reischmann\MRS\FILES\WER\Cities\Edgewood\Versailles Finding of Fact-Were in Repeat.doc



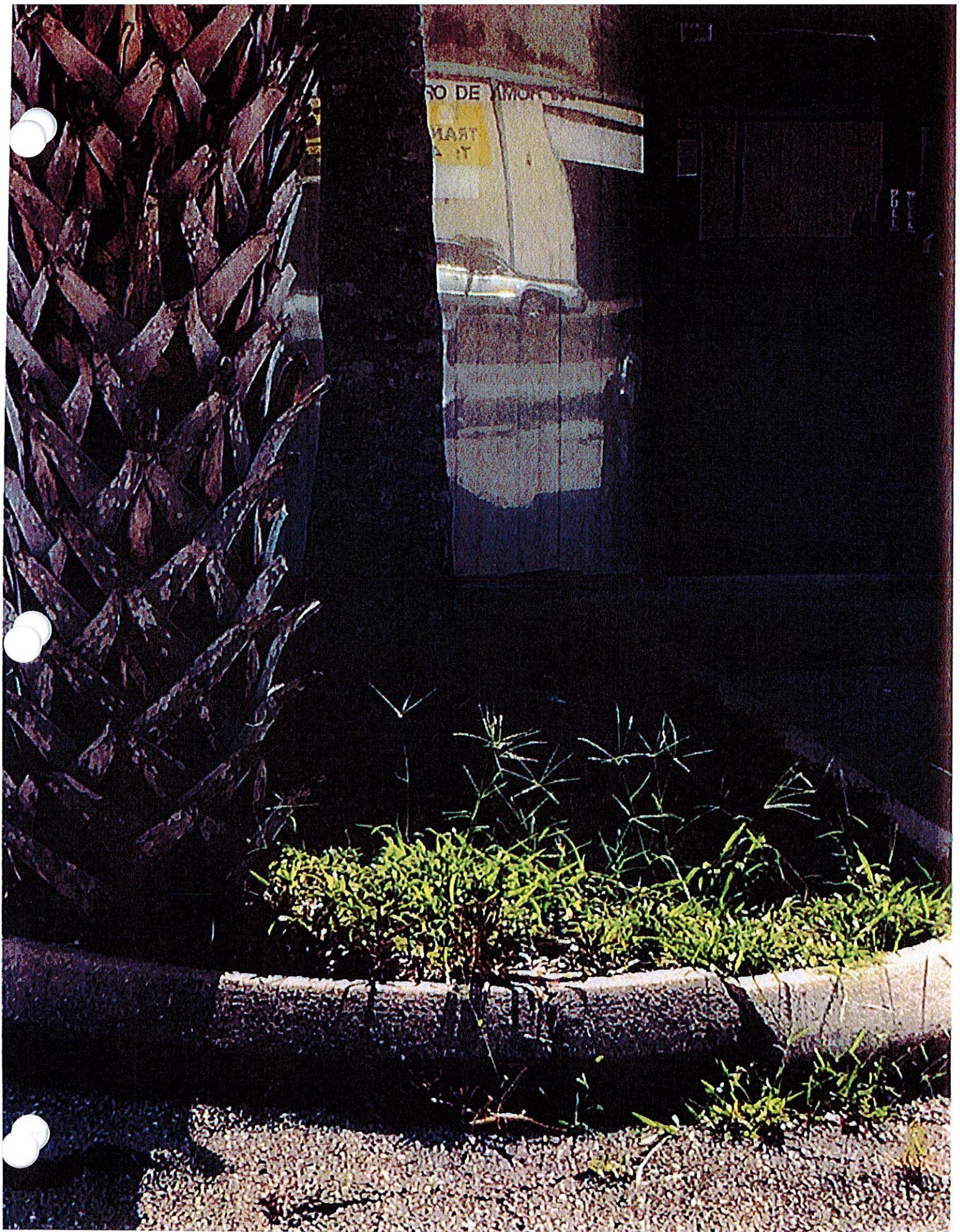


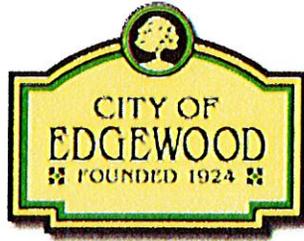












Planning and Zoning Report
August 8, 2016

1. Proposed Holden Ave PD 2016-RZ-01 (will go before City Council on Tuesday, August 16, 2016)

Chairwoman Dunay recommended denial of the proposed Holden Ave PD due to:

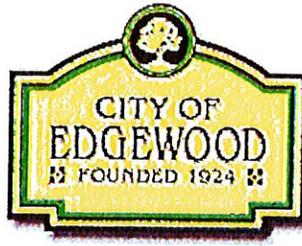
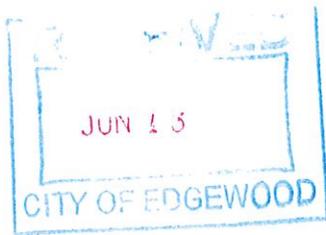
1. Lack of mixed size and use
2. Incompatible with surrounding areas
3. Lack of open space
4. Impact of traffic on Holden Ave compared to current zoning
5. Preservation of natural resources

Board Member Lomas moved to recommend denial of the rezoning application based on the reasons read by Chairwoman Dunay; board member Rayburn seconded; motion unanimously approved (5/0).

2. Proposed Ordinance 2016-08 (will go before City Council on Tuesday, August 16, 2016)

Rezoning Ordinance 2016-08 decision:

Board Member Rader moved to recommend denial of proposed Ordinance 2016-08; the board finds the Ordinance to be consistent with the comprehensive plan, however not consistent with the City Code. Board member Lomas seconded; motion unanimously approved (5/0).



2016-01

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:	7-11-2016
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.

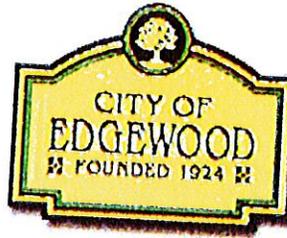
Applicant's Name:	Khaled Hussein	Owner's Name:	Karen Jane Thornton and First Equity Development Group, Inc Hickey John Patrick
Address:	8671 Currituck Sound Ln. Orlando, FL 32829	Address:	2920 Biron Rd., Saint Cloud, FL 34772 2255 Glades Rd., 524A, Boca Raton, FL
Phone Number:	321.695.7772	Phone Number:	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:	RIA & RIAA		
Location:	1090, 1098, 1100, 1103, 1110 & 1130 Holden Ave., Orlando Fl 32839		
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 bmeeeks@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: bmeeeks@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) John P. Hickey, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, PD 14-23-29-0000-00-062, (062), (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

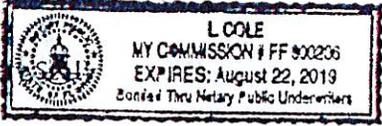
I certify that the foregoing instrument was acknowledged before me this 9th day of JUNE, 2016 by _____ He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

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

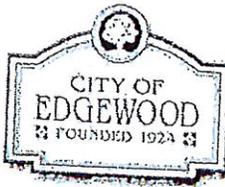
Notary Public for the State of Florida

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)</u>	<u>N 155 FT OF 100 FT OF E 48.7 FT OF NW 1/4 OF NW 1/4 LESS N 80 FT Rd R/W OF SEC 14-23-29</u>
<u>(042)</u>	<u>N 580 FT OF NW 3/8 FT OF E 48.7 FT OF NW 1/4 OF NW 1/4 LESS 128 FT OF W 128 FT LESS 70 FT FOR Rd</u>
<u>(064)</u>	<u>N 155 FT OF W 128 FT OF E 48.7 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)</u>	<u>N 370 FT OF W 100 FT OF E 48.7 FT OF NW 1/4 OF NW 1/4 (LESS N 50 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



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.

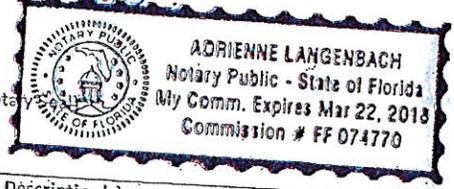
I/WE, (PRINT PROPERTY OWNER NAME) FIRST EQUITY DEVELOPMENT GROUP, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 1110 HOLDEN AVE ORLANDO, FL 32806, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) Khaled Hussein, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, PD/CC Zoning, 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: 12-2-15 Signature of Property Owner: [Signature] Print Name Property Owner: Robert S. Harrell
Date: _____ Signature of Property Owner: _____ Print Name Property Owner: V. Price

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.



Adrienne Langenbach
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, PD/ 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 FL ID # 8356 575846 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.

(Notary Seal) KAITLYN E FURPHY
Notary Public - State of Florida
Commission # FF 925215
My Comm. Expires Oct 7, 2019
Bonded through National Notary Assn.

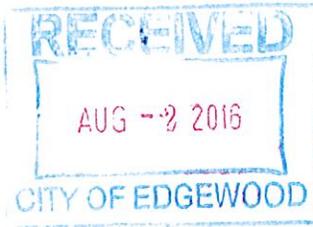
X Kaitlyn E Furphy
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires October 7, 2019

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 bmcske@edgewood-fl.gov or frepp@edgewood-fl.gov

Revised: 12-8-2015

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



Holden Avenue Planned Development
Project Re-submittal Narrative
July 26, 2016

City of Edgewood

General

Since the first hearing at the Planning & Zoning Commission, the concept has been revised to include the following changes:

1. The entrance has been moved to the east to align with Redfern Dr.
2. The number of lots has been reduced to 51 (down from 53) to accommodate the new geometry and provide some varying lot widths.

Miscellaneous Items

1. We are showing a similar left turn lane as the previous submittal and believe it is the safest and most efficient design. We are willing to consider a bi-directional center turn lane if the turn lane to the east is also converted. We would need to discuss and get concurrence with the City Engineer.
2. We have contacted Orange County and it appears to be their preference for this development to tie the sanitary system into the existing lift station in Holden Ridge (east of the project). We therefore have not shown a lift station tract in our concept plan.
3. We have provided some sample homes and landscaping photographs that have been constructed on 50 foot lots by the proposed builder. We are willing to include conditions that similar types of homes and landscape packages will be provided (photos are provided at end of narrative).
4. Recreation Space – The Developer would like to work with the City to provide a payment in lieu of land within the development.

Meeting the Intent and Purpose of the PD Zoning District (Code Sec 134-456(b))

1. Item 3 of the code section states: “To reduce public facility and energy cost 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.

The project will include a gated private roadway which will reduce public facility. By allowing some smaller lots than allowed in the current Euclidean zoning district, the design provides a more efficient use of utilities and streets. By tying into the existing lift station, we will be making efficient use of existing public facilities. In addition, the proposed turn lane into the subdivision will also provide a turn lane into the exiting neighborhood north of Holden Ave. and provide for safer and efficient turning movements on the public roadway.

2. Item 4 of the code section states: “To ensure that development will occur according to limitations of use, design, density coverage stipulated on an approved development plan”

By submitting the concept plan included the PD Zoning, we are ensuring that the development will occur according to the limitation of use, design and density coverage shown in the plan.

3. Item 7 of the code section state: "To provide maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and work environments.

The gated and walled community provides an opportunity to provide aesthetically pleasing living areas through the provision of a brick wall along Holden Ave. with heavy landscaping as outlined in the staff conditions in the original staff report. In addition, the dry ponds have been dispersed around the community and will be landscaped per staff's conditions providing aesthetically pleasing areas throughout the development.

4. Item 9 of the code section states: "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".

The proposed development will provide a balance by limiting the impacts to the public service facilities and improving others. The use of the existing lift station will take available capacity and balance it with development. The addition of turn lanes in both directions on Holden Ave. will increase the efficiency of turning movements and potentially increase level of service on Holden Ave. in front of the development.

Sample Architecture and Landscaping



Transforming Today's Ideas into Tomorrow's Reality

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.

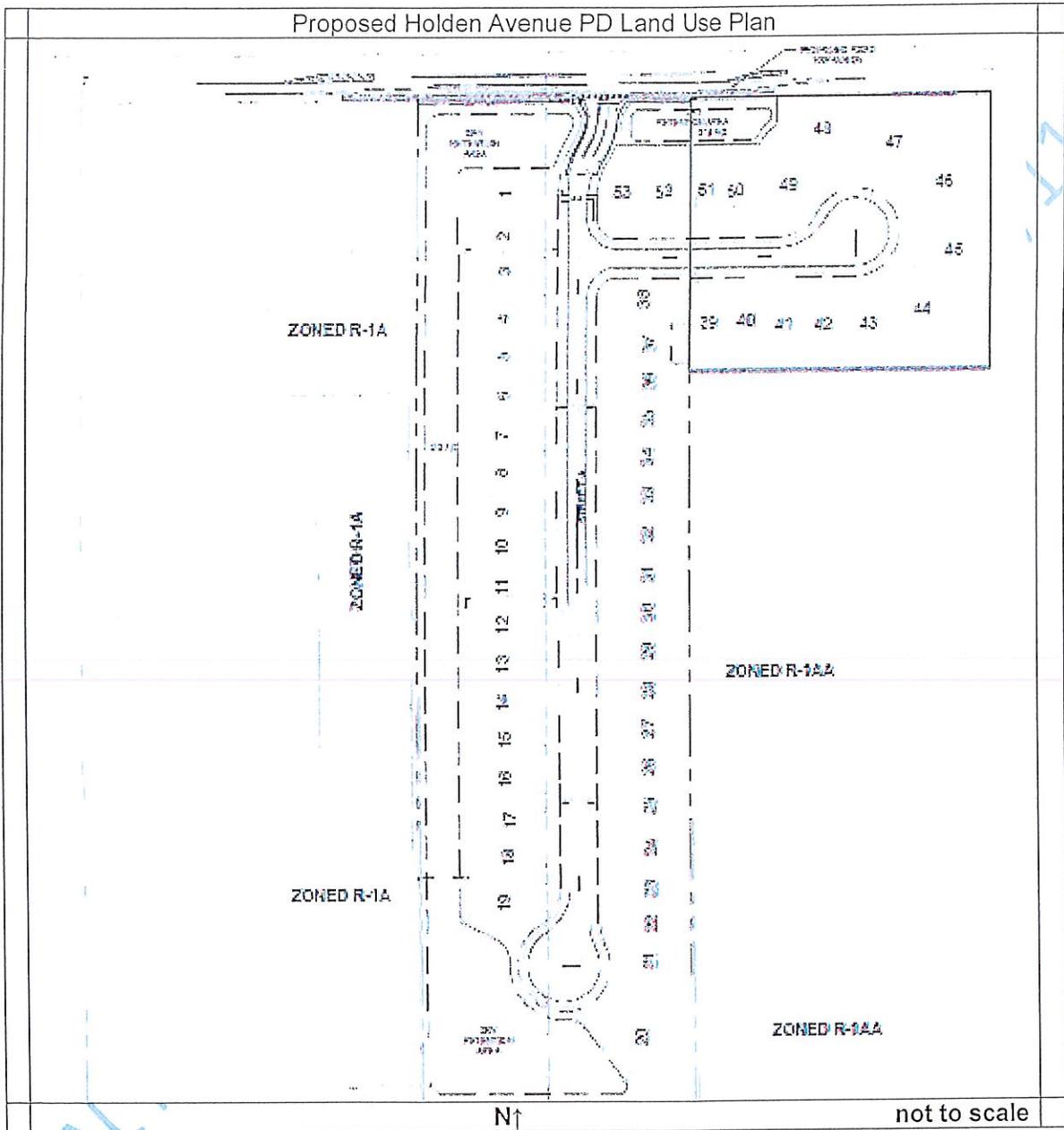
II. PROCESS FOR APPROVING A PLANNED DEVELOPMENT

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.

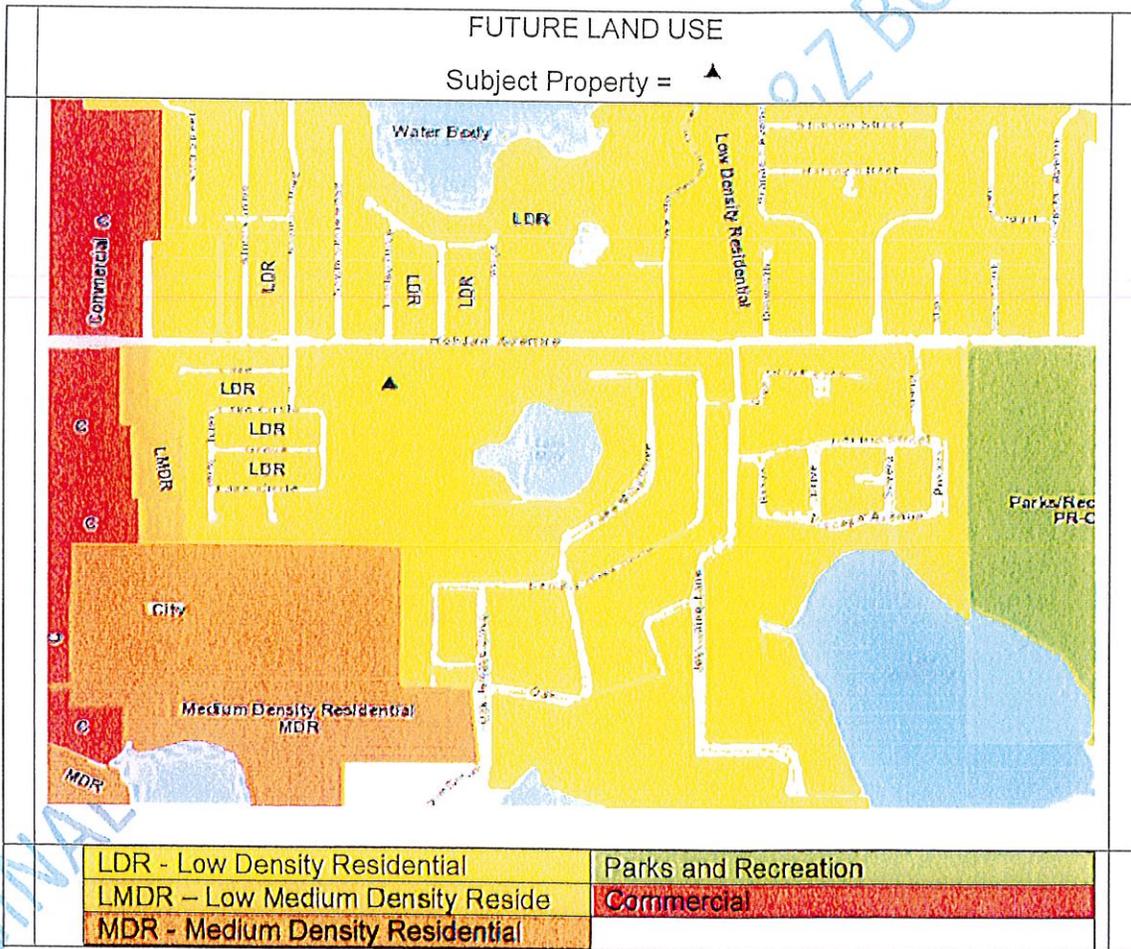
IV. CODE REQUIRED FACTORS WHEN CONSIDERING REZONING

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

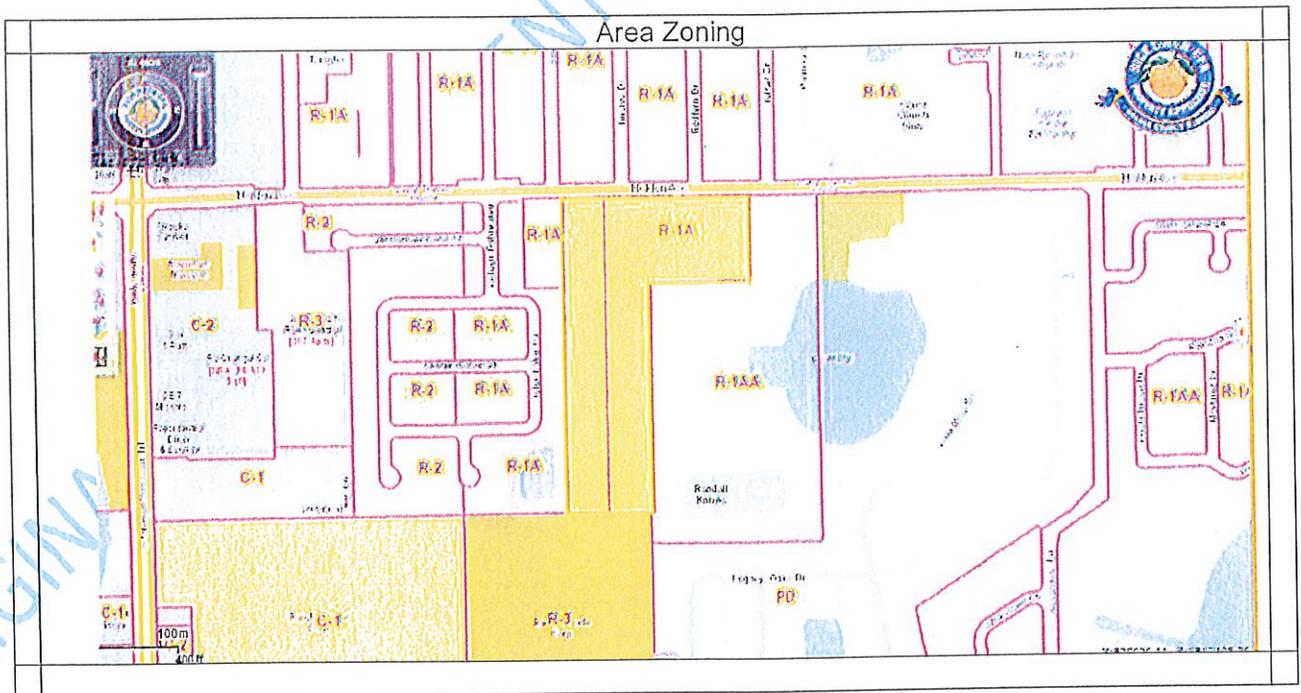
units/acre). At 3.94 units per acre (53 single family home lots/13.46 acres), the proposed land use plan is consistent with the Low Density Residential future land use designation.

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.

- 11/16
- (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.

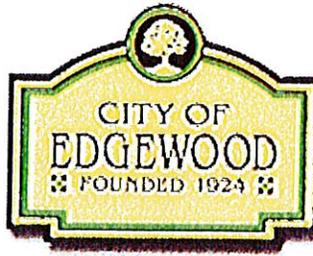
(v) The HOA must not be dissolved without the prior written consent of the City.

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

ORIGINAL REPORT PRESENTED TO P&Z BOARD 7/11/16



**CITY OF EDGEWOOD
NOTICE OF HEARING**

PLEASE TAKE NOTICE that at its regular meeting on **Monday, August 8, 2016**, the Planning and Zoning Board of the City of Edgewood, will consider Rezoning Application No. 2016-RZ-01, requesting the below described property to be rezoned from R-1-A and R-1-AA to a PD with residential uses, pursuant to 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.**, or as soon thereafter as possible.

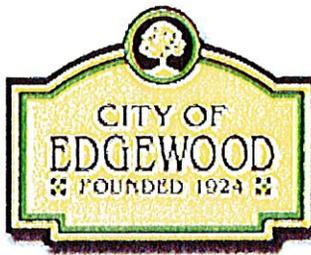
The Planning and Zoning Board's recommendation will be forwarded to City Council for final action.

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
WEST ALONG THE SOUTH LINE OF THE SAID NORTHWEST
¼ OF THE NORTHWEST ¼ 352 FEET; THENCE NORTH 1320
FEET TO THE POINT OF BEGINNING.

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

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



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

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

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

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.

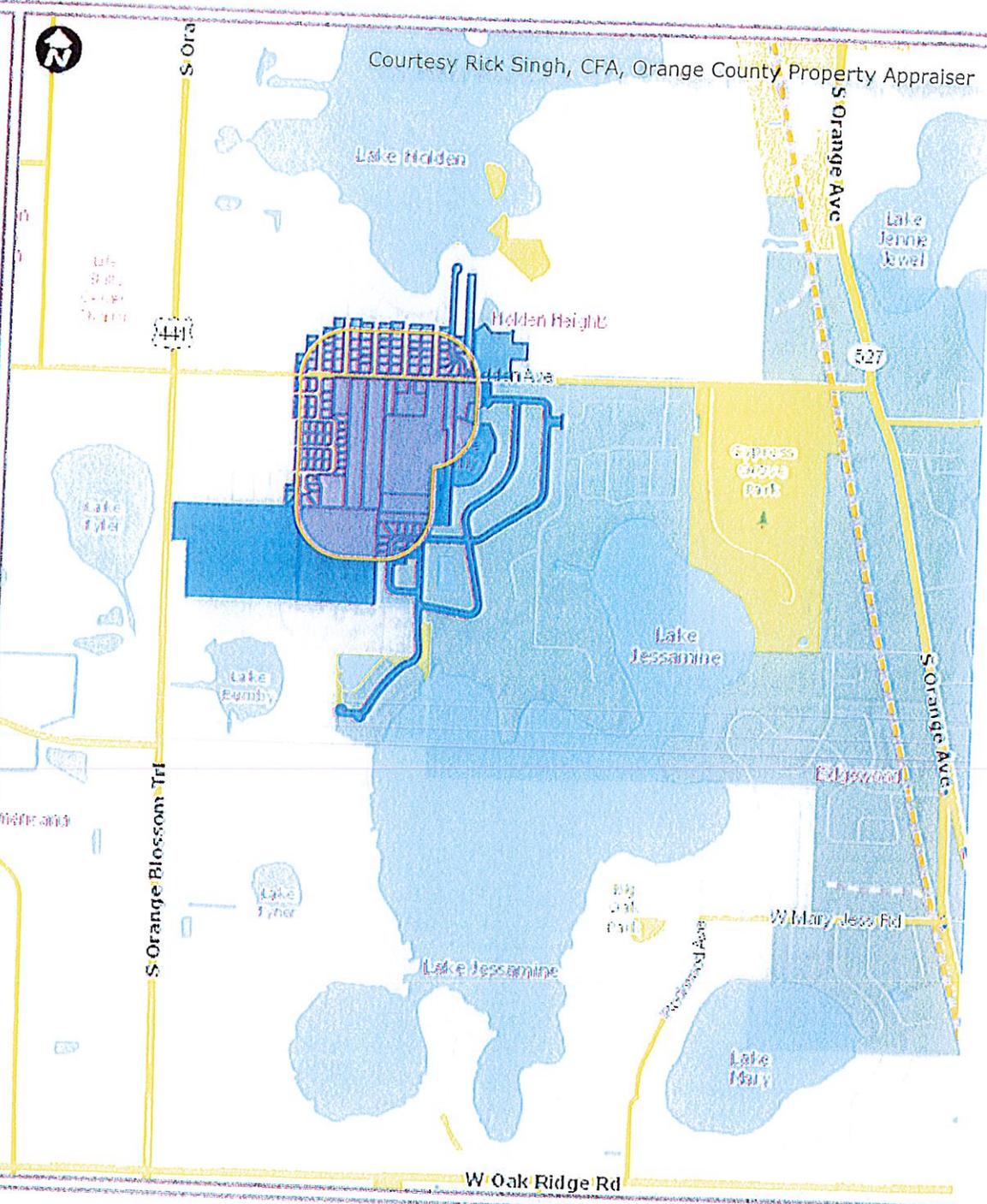
The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, *Florida Statutes*, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the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

Dated: July 18, 2016
Bea L. Meeks

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser

-  Florida Turnpike
-  Interstate 4
-  Toll Road
-  Major 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
-  OIA
-  OEA
-  County Boundary
-  Parks
-  Golf Course
-  Lakes and Rivers
-  Point of Interest
-  Public School
-  Fire Station
-  Hospital
-  Urgent Care Center
-  Power Plant



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609 MACARTHUR DR
ORLANDO, FL. 32839

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FIRST EQUITY DEVELOPMENT GROUP I
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ORLANDO, FL. 32809

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

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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
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LOZADA EDWIN
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ORLANDO, FL. 32822

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

PATEL MUKESH
12744 TOPSFIELD DR
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CORDING JO ANN
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NGUYEN HUY
PHAM THI NGOC
1322 TYLER LAKE CIR
ORLANDO, FL. 32839

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

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WYATT JANICE M
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ORLANDO, FL. 32839

BAKER TIMOTHY WAYNE
1106 CENTER GROVE ST
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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 BO:
ORLANDO, FL. 32802

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LEMLEY KATHARINA C
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RANDALLMADE CORP
C/O GARY T RANDALL OMBI | PO BOX 1:
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SUERO FELIX JUANA E
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LUX KELLY
5030 LEGACY OAKS DR
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CHADWICK ANGIE S
5048 LEGACY OAKS DR
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

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5204 OAK TERRACE DR
ORLANDO, FL. 32839

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

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

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

FAWCETT LYMAN
4709 RAYMAR DR
ORLANDO, FL. 32839

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

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WHITE TERESA K
1614 SHELBY AVE
NASHVILLE, TN. 37206

NGUYEN THOMAS B
17620 LAS BRISAS CT
WINTER GARDEN, FL. 34787

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

BROWN CYNTHIA J ROUX
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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

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

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

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

WINSLOW BETTY J
4612 TINSLEY DR
ORLANDO, FL. 32839

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

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

CELESTIN FINFILS
LUXAMA PHARA MARIE
1105 CENTER GROVE ST
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

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

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

POUNCEY KIMBERLY K
5114 LEGACY OAKS DR
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

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

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

HAROLD SHAY JOHN
HAROLD KRISTINA ELISE
5210 OAK TERRACE DR
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

SALICRUP FERDINAND V
NIEVES MAYRA
1273 TYLER LAKE CIR
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

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

Application: 2016-RZ-01
Owner/Applicant Name: Khaled Hussein
Public Hearing Date: 8/8/2016

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

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and date of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 7/26/2016.
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such, will be officially filed with the City of Edgewood, Florida.

[Signature]
Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 26 day of July, 2016, by

Sandra J Repp



(NOTARY SEAL)

(Notary Signature) Sandra Repp

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification FL Drivers License

Type of Identification Produced FL Drivers license

Application: 2016-RZ-01
 Owner/Applicant Name: Khaled Hussein
 Public Hearing Date: 8/8/2016

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 Richard Vern Baldocchi 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:

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R V M
 Signature of owner or authorized representative

STATE OF FLORIDA
 COUNTY OF Orange

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Sandra J Repp

(Notary Signature) Sandra J Repp



(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced FL Drivers License

Application: 2016-RZ-01
Owner/Applicant Name: Khaled Hussein
Public Hearing Date: 8/8/2016

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SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

Before me, the undersigned authority, personally appeared Richard Van Baldorchi, 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:

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Richard Van Baldorchi
Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 26 day of July, 2016 by

Sandra J. Kemp

(Notary Signature) Sandra J. Kemp

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL. DMV License

Application: 2016-RZ-01
Owner/Applicant Name: Khaled Hussein
Public Hearing Date: 8/8/2016

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SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

Before me, the undersigned authority, personally appeared Richard Ven Baldeschi, 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:

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3. That said notice was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 7/20/2016
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[Signature]
Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 8 day of July, 2016, by

[Signature]

(Notary Signature) [Signature]

(NOTARY SEAL)



(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License

Application: 2016-RZ-01
Owner/Applicant Name: Khaled Hussein
Public Hearing Date: 8/8/2016

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SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

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Richard Vern Baldocchi
Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 26 day of July, 2016, by

Salina J. Repp

(Notary Signature) Salina J. Repp

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License

Application: 2016-RZ-01
Owner/Applicant Name: Khaled Hussein
Public Hearing Date: 8/8/2016

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

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

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[Signature]
Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 26 day of July, 2016, by

Sandra J Repp

(Notary Signature) [Signature]

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)



Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License

1/27/16

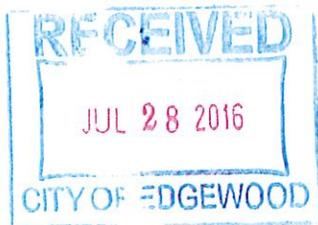
Once again, we are against more
development in our area. We
cannot get out of our street with
ease now. Also, too many heavy
duty vehicles that should not be
cutting through Holden.

Thank for your consideration

Hail & Tracy Page

4607 Insley Dr

Dallas TX 75239



Baker&Hostetler LLP

SunTrust Center, Suite 2300
200 South Orange Avenue
Orlando, FL 32801-3432

T 407.649.4000
F 407.841.0168
www.bakerlaw.com

Arthur J. R. Baker
direct dial: 407.649.3011
abaker@bakerlaw.com

August 4, 2016

VIA E-MAIL

City of Edgewood Planning & Zoning Board
Members
c/o Regina Dunay, Chairperson
Council Chamber of City Hall
405 Larue Avenue
Edgewood, Florida 32809

Re: *Rezoning Application (2016-RZ-01) – Holden Avenue PD and corresponding Ordinance No. 2016-08 effecting such rezoning (collectively, the “Rezoning Application”)*

Dear Chairperson:

We represent Randallmade Knives Property, LLC and Randallmade Corp (collectively, “Randall”), the owner of the properties located at 4857 and 4881 South Orange Blossom Trail, Orlando, FL 32839, and which generally lie just south of the property subject to the Rezoning Application.

As we previously stated in our July 8, 2016 letter to you and discussed at the last Planning and Zoning Board meeting on July 11, 2016, we are writing again to place on record Randall’s continuing concerns regarding the manner in which the Rezoning Application and the associated Staff recommendations address the proposed perimeter wall.

The letter to the City of Edgewood from the Applicant’s representative, Darin A. Lockwood, dated May 28, 2016, which was included within the initial published agenda materials notes that the Applicant has agreed to a “Variable Height Privacy Wall that will be designed to all applicable standards.” Further, the letter to the City of Edgewood from the Applicant’s representative AVCON, Inc., dated July 26, 2016 and the re-submitted Holden Avenue PD Land Use Plan dated July 26, 2016 (collectively, the “Re-Submittal”) include minor changes and did not address Randall’s concerns of the perimeter wall as the revised narrative only notes that “[t]he gated and walled community provides an opportunity to provide aesthetically pleasing living areas through the provision of a brick wall along Holden Ave. with heavy landscaping as outlined in the staff conditions in the original staff report.”

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

Randall believes the commitments of the Applicant remain inadequate and that the additional wall specifications provided in the City Staff's initial recommended conditions of development (with the minor proposed change noted below) remain necessary to protect the safety, security, and property interests of Randall and other neighboring property owners and tax payers.

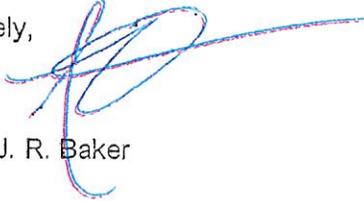
Accordingly, Randall's request remains the same. Specifically, if the Rezoning Application is approved, Randall respectfully requests that the conditions of development set forth in Section V(4) and V(6) of the initial Staff Report (and also found within the proposed Ordinance) be adopted by the Board with a revision that requires that the perimeter wall be of masonry construction. This change would eliminate any ambiguity regarding the type of fencing material required. To effect this change, Staff's proposed condition must be amended as follows to delete the language which is struck through:

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

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

We greatly appreciate your attention to this matter. We will be attending the Planning and Zoning Board meeting on Monday, August 8, 2016 to formally present this letter to the Board. Please do not hesitate to contact me at 407-649-3011 or abaker@bakerlaw.com should you have any questions in the meantime.

Sincerely,



Arthur J. R. Baker

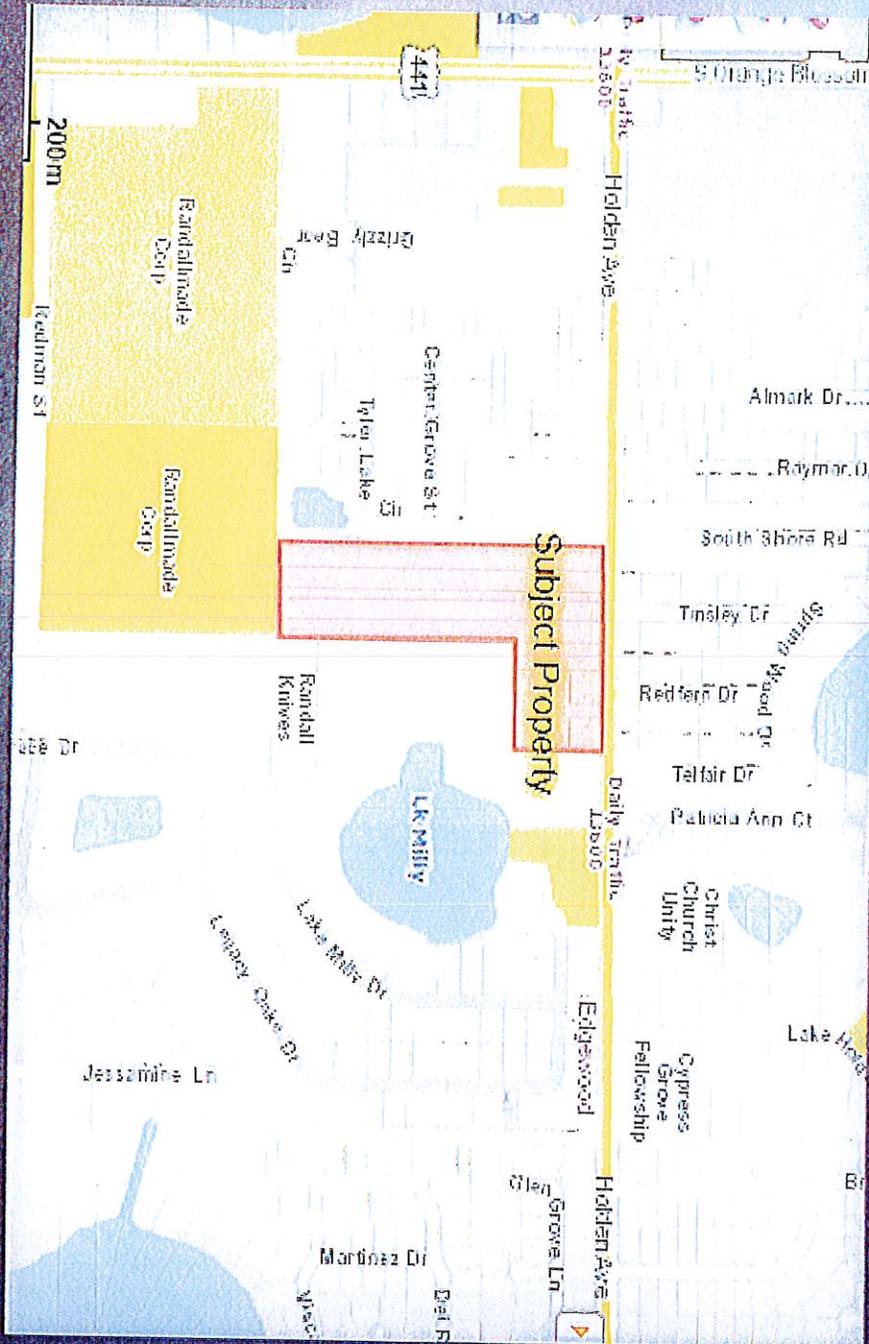
cc: Chris Rader, P&Z Board Member
Marion Rayburn, P&Z Board Member
Susan Lomas, P&Z Board Member
Ben Pierce, P&Z Board Member
Ms. Bea Meeks, City Clerk
Drew Smith, City Attorney
David E. Mahler, City Engineering Consultant
Ellen Hardgrove, AICP, City Planning Consultant
Sandy Repp, Administrative Assistant
Gary T. Randall

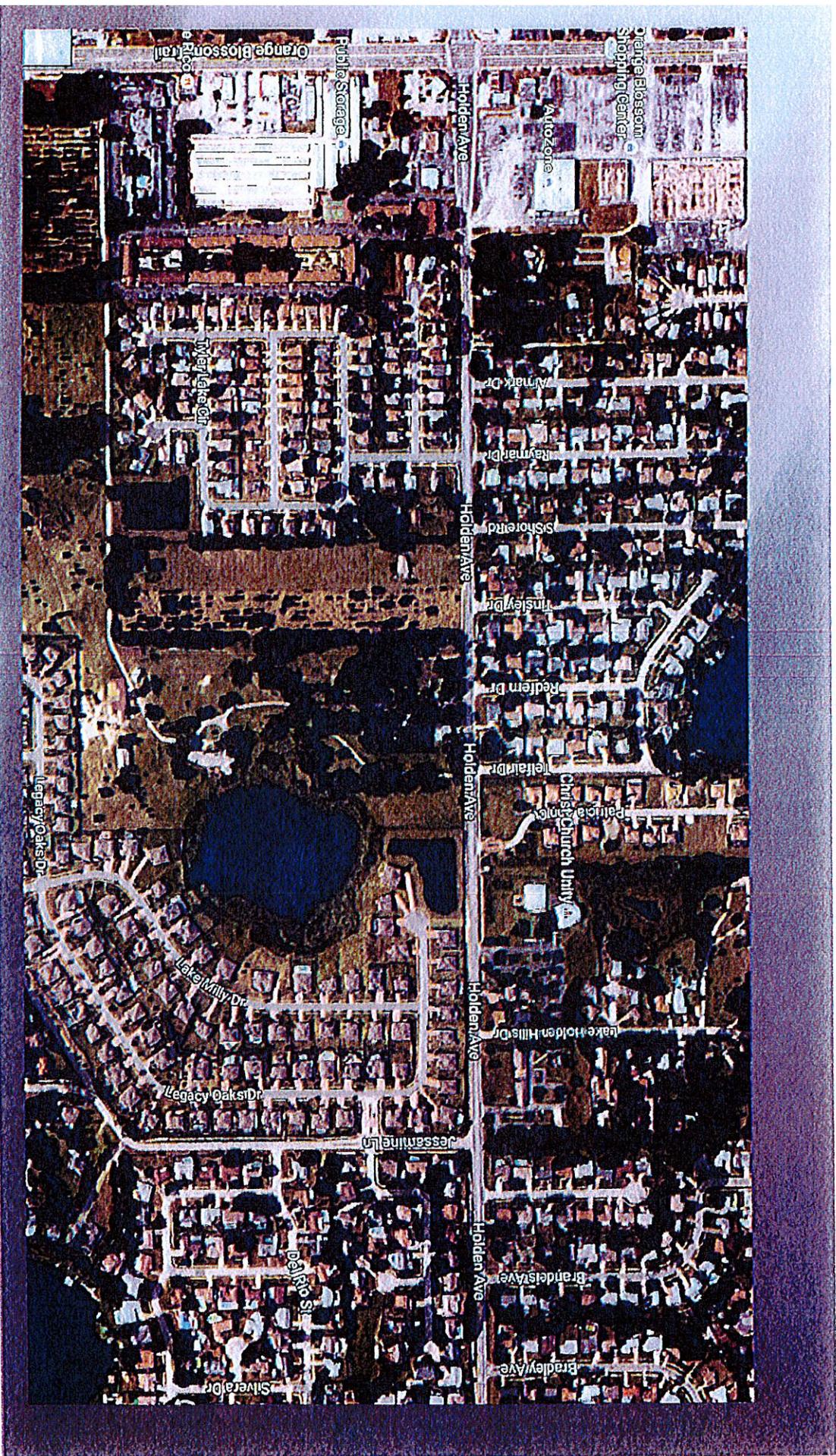
CITY OF EDGEWOOD

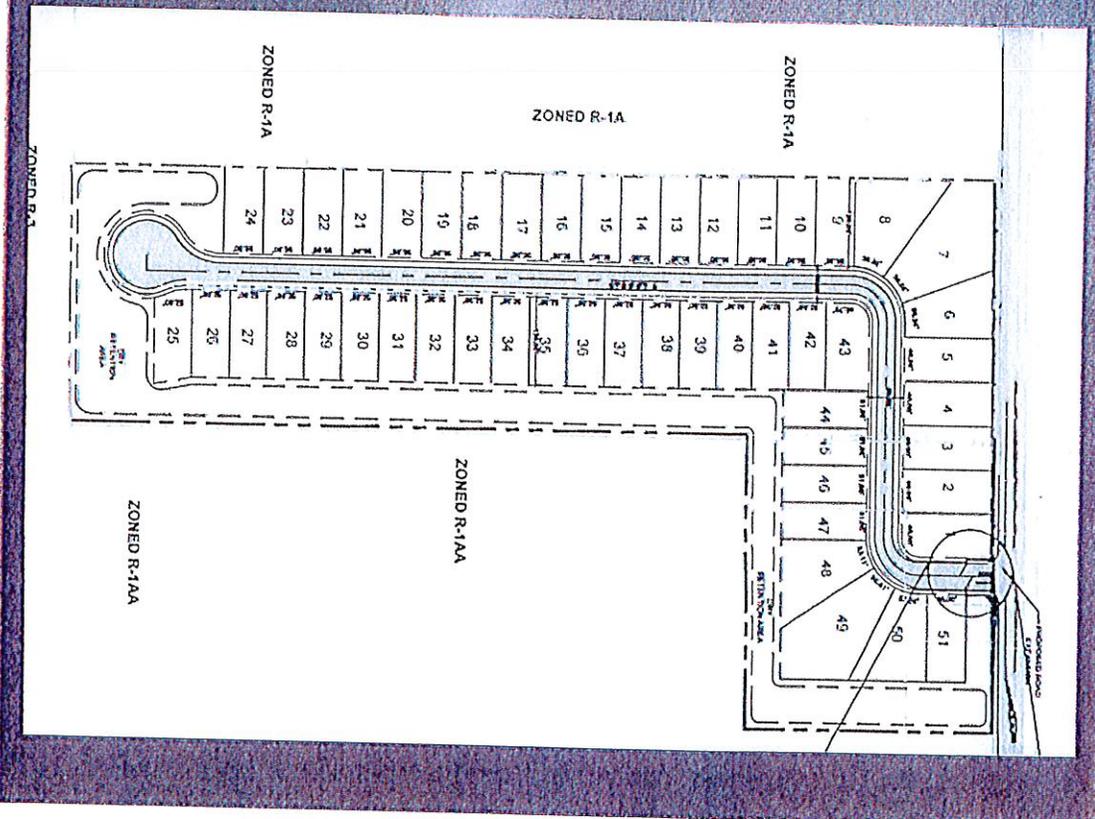
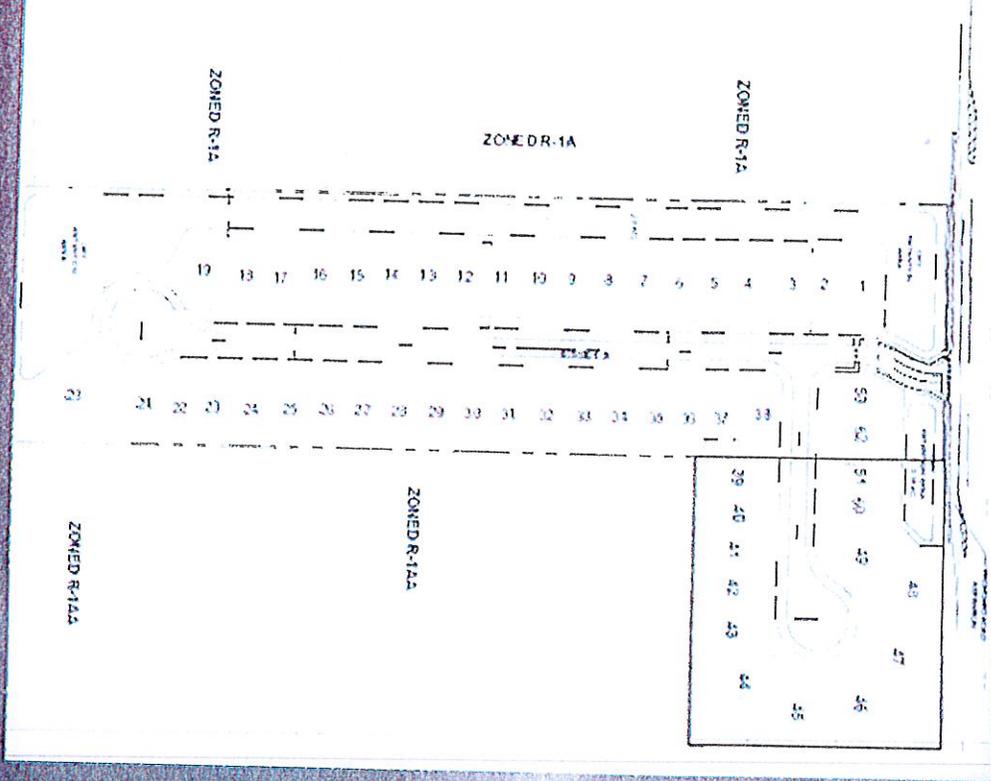
AUG - 7 2016

Proposed Holden Avenue PD

Location







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	51	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 a narrative letter and not a firm commitment from the applicant

Rezoning Considerations

- ▣ Consistent with the comprehensive plan.
- ▣ Conformance with Chapter 134 (Zoning) of the City Code.
- ▣ Changed conditions.
- ▣ Surrounding Land use compatibility.
- ▣ Adequate public facilities available.

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

- 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.
- To allow diversification of uses, structures, and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
- 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.
- To ensure that development will occur according to limitations of use, design, density, coverage and phasing stipulated on an approved development plan.

Intent and Purpose of PD Zoning District (Continued)

To preserve the natural amenities and environmental assets of lands by encouraging the preservation and improvement of scenic and functional open areas.

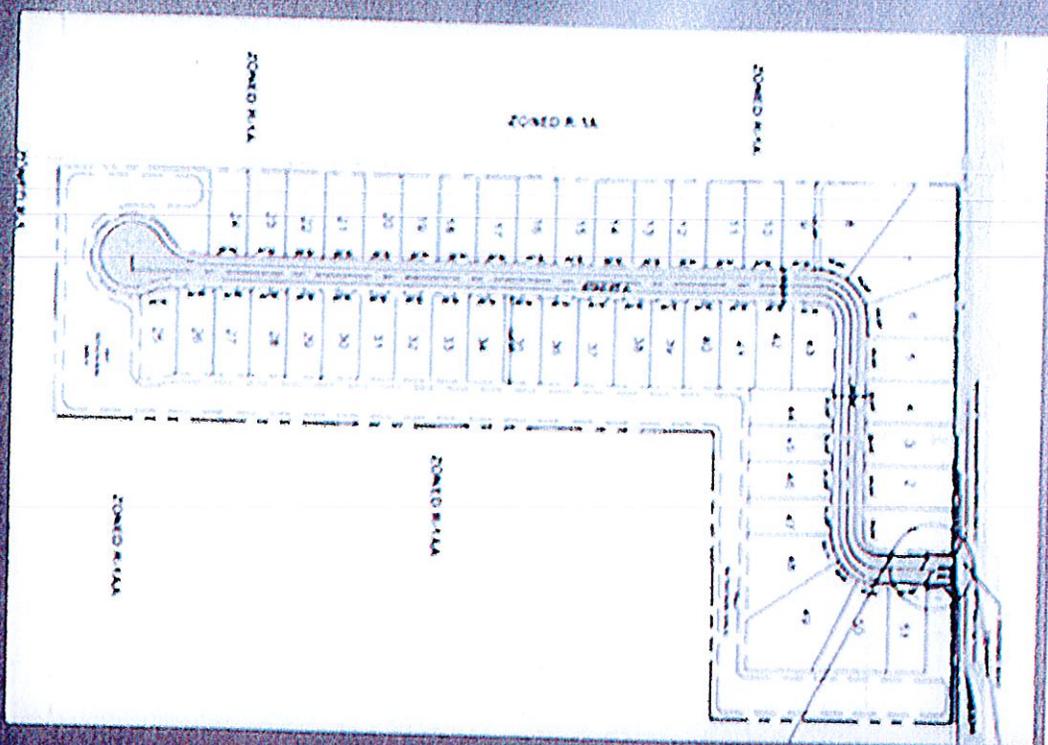
To encourage an increase in the amount and use of open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional Euclidean zoning districts.

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.

To provide for the flexibility in site design and technical requirements that is not available in conventional Euclidean zoning districts.

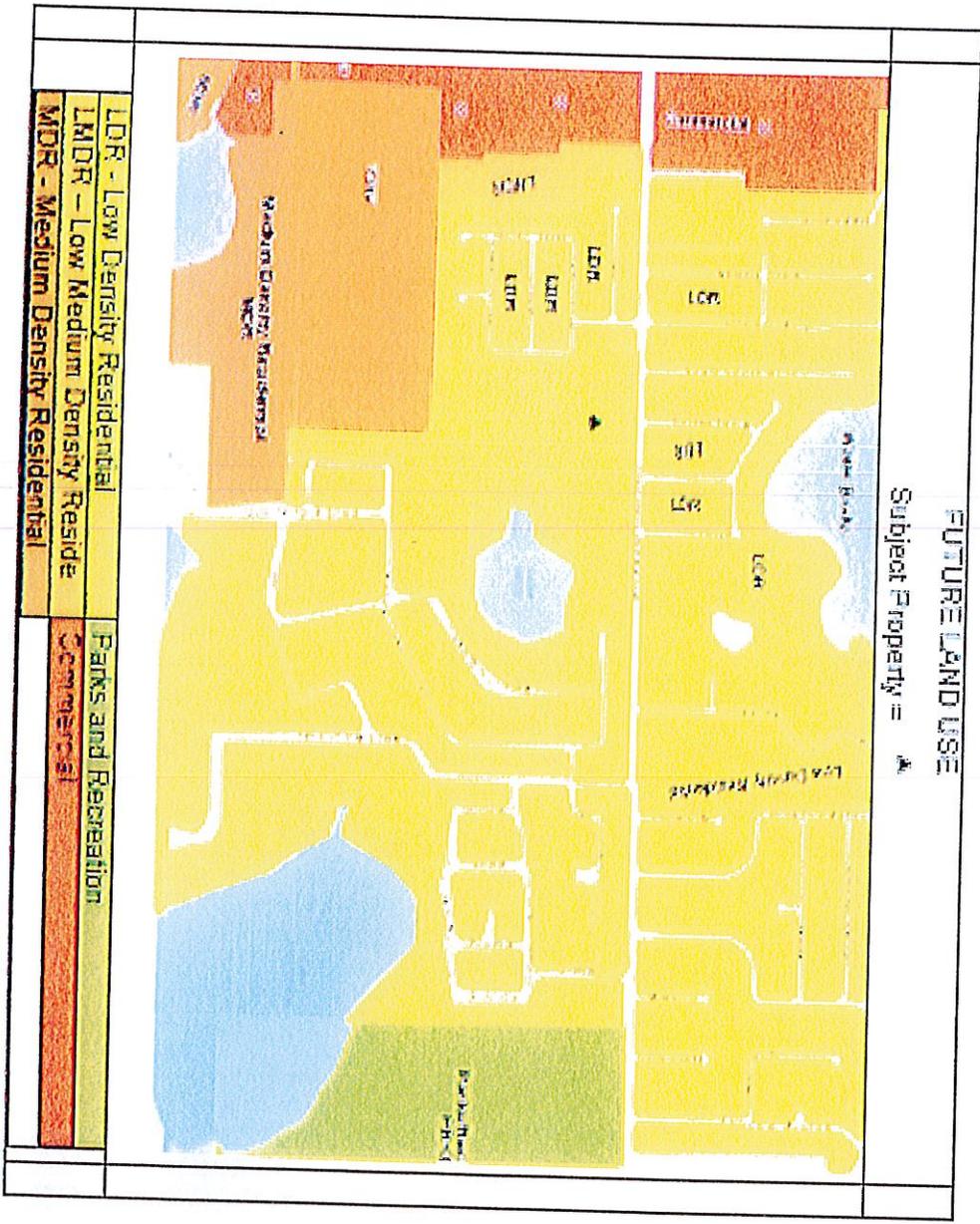
To provide an appropriate balance between the intensity of development and the ability to provide adequate capacity with regard to the public services and facilities available or committed to be available as a binding development condition.

Revised Land Use Plan



uture 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.



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ORDINANCE NO. 2016-08

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA REZONING CERTAIN LANDS GENERALLY LOCATED ON THE SOUTH SIDE OF HOLDEN AVENUE NEAR THE INTERSECTION OF HOLDEN AVENUE AND HOLDEN RIDGE AVENUE COMPRISING APPROXIMATELY 13.46 ACRES +/- FROM R1A AND R1AA (SINGLE FAMILY DWELLING) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR A PLANNED DEVELOPMENT ON SAID LANDS AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH DEVELOPMENT; PROVIDING THAT THE OFFICIAL ZONING MAP BE MODIFIED ACCORDINGLY; PROVIDING FOR CONFLICTS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

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

That certain property described below is hereby rezoned from R1AA (Single Family Dwelling) to PD (Planned Development), subject to

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;

78
79 TOGETHER WITH

80
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.
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- C. Access to the site shall be provided on Holden Avenue directly opposite Tinsley Drive.
- D. Density shall not exceed 4.0 dwelling units/acre.
- E. Minimum lot size shall be 6000 square feet.
- F. Minimum dwelling size shall be 1800 square feet of livable space.
- G. Minimum lot width shall be 50 feet.
- H. Minimum front yard building setback shall be 25 feet.
- I. Minimum rear yard building setback shall be 20 feet.
- J. Minimum side yard setback shall be 5 feet.

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

 - (i) Any such stormwater management consists of a dry bottom stormwater management pond;
 - (ii) The stormwater management pond is sodded;
 - (ii) The stormwater management pond is designed and constructed to 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).
- K. A masonry wall or solid low-maintenance fence of consistent material and at least six feet in height shall be constructed around the entire perimeter of the subject property except that portion of the subject property adjacent to Holden Avenue.
- L. A masonry brick wall with equally spaced columns shall be constructed along the Holden Avenue perimeter and along the entry 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

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

- R. An easement 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.
- S. 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.
- T. 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.
- U. 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.
- V. 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,

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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.

- W. 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.

- X. 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.

- Y. 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. Sidewalks shall be placed to not interfere with the driveway parking spaces required herein.

- Z. 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

306 address the responsibilities for the ongoing maintenance and repair
307 of the subdivision infrastructure. The terms of the declaration shall
08 be, to the city's satisfaction, legally sufficient and enforceable to
09 accomplish or otherwise ensure, at a minimum, the following:
310

311 (i) Require the establishment and maintenance of an HOA
312 budget account for annual routine maintenance and repair of
313 the streets, street lights, landscaping, sidewalks, fence/wall,
314 and drainage system, including stormwater detention and
315 retention areas.
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317 (ii) Require the establishment and maintenance of an HOA
318 reserve account for major capital repair and replacement of
319 the subdivision's streets.
320

321 (iii) Require the establishment and maintenance of an HOA
322 reserve account for major capital repair and replacement of
323 the subdivision's stormwater retention and detention
324 facilities.
325

326 (iv) Require the establishment and maintenance of an HOA
327 reserve account for major capital repair and replacement of
328 other subdivision infrastructure such as sidewalks,
329 stormwater conveyance systems, curbing, wall/fences, etc.
330

331 (v) Require the establishment and maintenance of an HOA
332 budget account for storm debris clean-up and removal, such
333 as clearing downed trees, landscape, and other storm-created
334 debris from the subdivision's streets, sidewalks and drainage
335 facilities.
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337 (vi) Provide that:
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339 a. Until turnover of the HOA to the property owners
340 and/or transfer of control of subdivision
341 infrastructure to the HOA, all maintenance and
342 repair of streets, street lighting, landscaping,
343 walls/fences, sidewalks and the drainage system,
344 including stormwater detention/retention areas, is the
345 responsibility of the developer;
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347 b. Prior to turnover of the HOA and/or transfer of
348 control of subdivision infrastructure to the property
349 owners, the developer may expend monies in the

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

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

(vii) Require that:

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

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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

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inspection determine the level of maintenance and repair (both scheduled and unscheduled) needed, the amounts of funding needed each year for the next three (3) years in the routine-infrastructure-maintenance account to pay for such maintenance and repair, and any repairs then needed;

- c. That the inspection be written in a report format; and
 - d. A copy of each engineering report be provided to each owner of property in the gated community within fifteen (15) days of completion of the report; and
 - e. 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.
- (ix) 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.
- (x) 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.
- (xi) Expressly declare that property owners receive no discount in property or other taxes because of private streets or drainage system.
- (xii) 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

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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.).

- (xiii) 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.
- (xiv) 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.
- (xv) 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.
- (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.
- (xvii) 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.
- (xviii) 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.
- (xix) 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

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

605 PASSED ON FIRST READING THIS _____ DAY OF
606 _____, 2016.
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608 PASSED AND ADOPTED THIS _____ DAY OF _____,
609 2016.
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612 CITY OF EDGEWOOD, FLORIDA
613 CITY COUNCIL

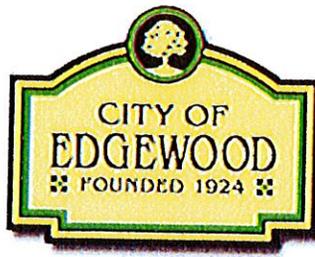
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616 _____
John Dowless, Council President

617 ATTEST:

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Bea Meeks, City Clerk



Planning and Zoning Report
July 11, 2016

THE DOUGHNUT PEDDLER

Board recommendation for Variance Application 2016-VAR-03 The Doughnut Peddler

The Planning and Zoning Board recommended that City Council accept the variance request to approve a minimum lot width of 100 feet on a major road in lieu of 125 feet.

The motion was made as follows:

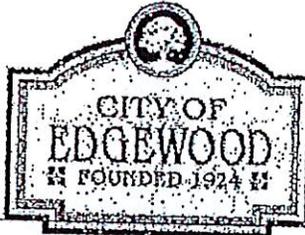
Board Member Rayburn moved to recommend that City Council approve the variance without conditions. The motion was seconded by Chairwoman Dunay. The motion was unanimously approved (3/0)

Board recommendation for Special Exception Application 2016-SE-02 The Doughnut Peddler

The Planning and Zoning Board recommended that City Council deny the variance request to allow wholesale products distribution based on the opinion that the applicant does not meet all of the criteria.

The motion was made as follows:

Board Member Rader moved to recommend denial of the Special Exception based on failure to meet all conditions. Board Member Rayburn seconded. The motion was unanimously approved (3/0).



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:	Parines Engineering LLC	Owner's Name:	Tdp Fl Orange Ave LLC
Address:	603 Delaney Ave Suite C, Orlando FL 32801	Address:	450 N McClintock St 10% 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 RW ST RD 521 TH 100 FT W 220 FT E to E RW of PA SLY along PA RW 100 FT E to W RW ST RD 521 TH NLY 100 FT to 700 in sec: 13-23 2P		
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 13A, Article IV, Division 9, Sec 13A-403		
Request:	A special exception to chapter 13A, Article IV, Division 9, Sec 13A-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:	5/15/16
Applicant's Printed Name:	Charles A. Parines		
Owner's Signature:	<i>[Signature]</i>	Date:	5-24-2016
Owner's Printed Name:	S. CLARE SMITH		

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:	5/18/08
Rec'd By:	[Signature]
Forwarded to:	[Signature]
Notes:	

Revised 4/1/08

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

2 of 2



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

Vehicules:

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 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.

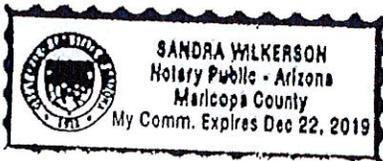
Signature of Property Owner: [Signature]
Print Name of Property Owner: S. GLADE SMITH

Date: 5-24-2016

Notary Public

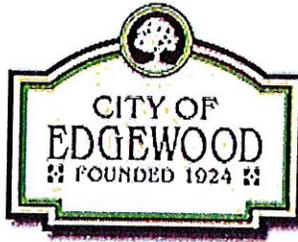
STATE OF ARIZONA
COUNTY OF MARICOPA

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, [] 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]
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

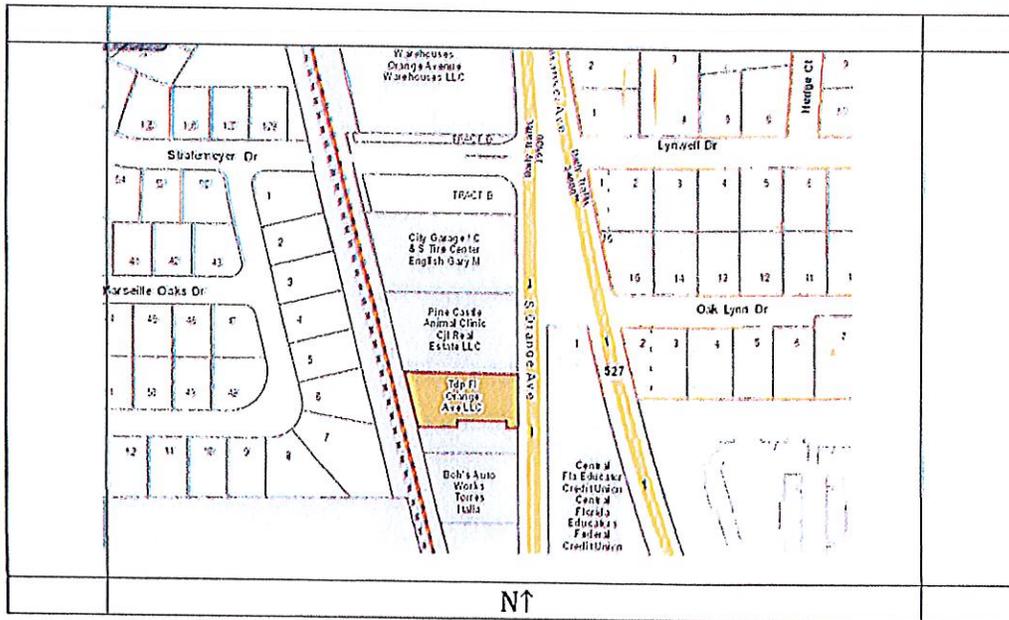
Introduction

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.

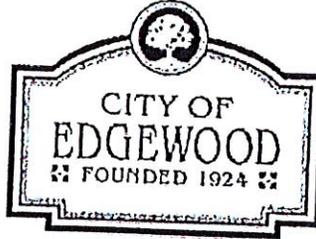
- 1) Development shall be generally consistent with the site plan dated "received" May 26, 2016 submitted with the special exception application.
- 2) All Code site development standards shall be reflected on the site plan submitted with the building permit application including, but not limited to, 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:	Bainis Engineering LLC	Owner's Name:	Tdp Fl Orange Ave LLC
Address:	605 Delaney Ave, Suite C Coral Gables, FL 33131	Address:	450 N Meadlinton Dr Ste 102 Chandler, AZ 85226-2562
Telephone:	407-286-2610	Telephone:	(602) 620-2611
Fax:		Fax:	
Email:	epulmar@stephensbar.com	Email:	steve@landworksaz.com
Parcel ID/Legal description:	B3-23-29-0000-00-03A		
Zoned:	C-3		
Cite section of the Zoning Code from which variance is requested:	Chapter 13A, Article V, Division 4, Sec 13A-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 13A, Article V, Division 4, section 13A-406 is requested to allow the minimum lotwidth of 100LF instead of 125LF 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 no result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non conforming use or other non conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

Applicant must agree that:

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

AGREE: <input checked="" type="checkbox"/>	DISAGREE: <input type="checkbox"/>
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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).

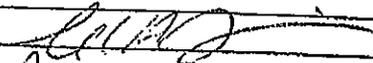
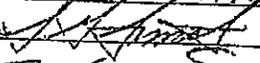
AGREE: <input checked="" type="checkbox"/>	DISAGREE: <input type="checkbox"/>
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3. Concerning Ex parte communications, the applicant shall not speak to members of the Planning and Zoning Board of the City Council prior to the public hearing related to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

AGREE: <input checked="" type="checkbox"/>	DISAGREE: <input type="checkbox"/>
---	---

4.

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

Applicant's Signature:		Date:	5-25-16
Applicant's Printed Name:	Carlos A. Barria		
Owner's Signature:		Date:	5-24-2016
Owner's Printed Name:	S. GLADE SMITH		

Please submit your completed application to City Hall via email at bmeeeks@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:	3/16/2016
Rec'd By:	[Signature]
Forwarded to:	
Notes:	

Revised 06/16/2015

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

3 of 3

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.

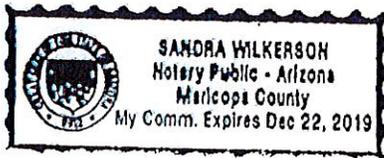
Signature of Property Owner: [Signature]
Print Name of Property Owner: S. GLADE SMITH

Date: 5-24-2016

Notary Public

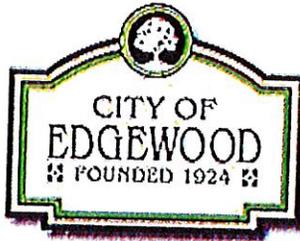
STATE OF ARIZONA
COUNTY OF MARICOPA

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, [] 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]
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

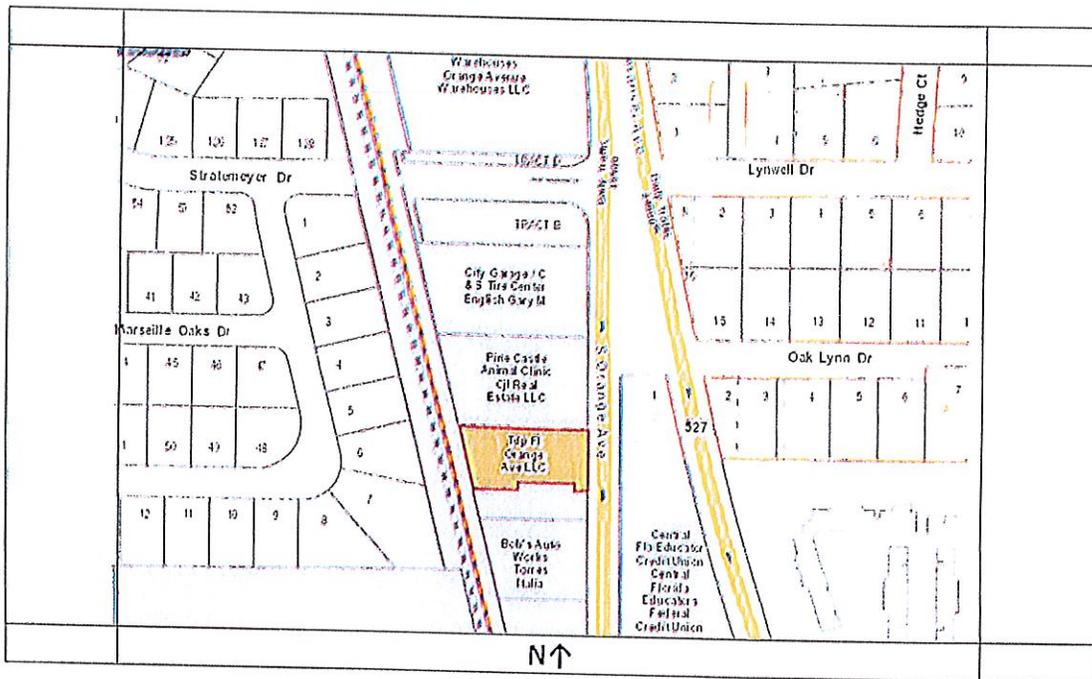
Introduction

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.

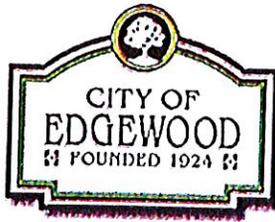
Given nearly 1/3 of the C3 zoned lots along the west side of Orange Avenue are substandard in lot width, the variance will not be injurious to the neighborhood. A condition of approval can ensure the provision of a cross access easement to enable achieving the goal of access management in the future,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

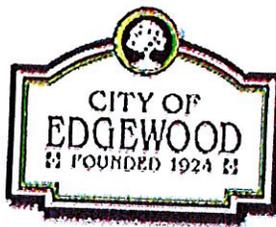
Both applications will be heard during the following Public Hearings at Edgewood City Hall at 405 Larue Avenue:

- 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, CBO
City Clerk
Dated: June 29, 2016

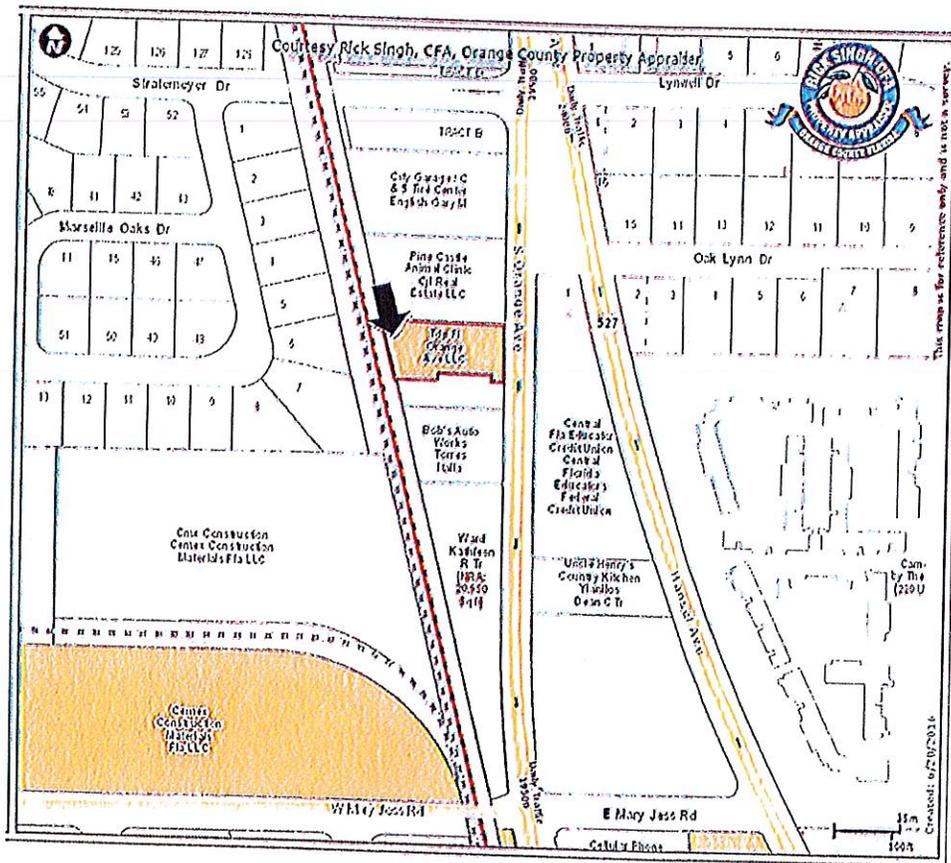


NOTICE OF PUBLIC HEARING

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)



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

Interested parties may attend this meeting and be heard with respect to this Special Exception 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.

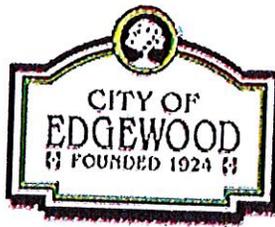
Bea L. Meeks, MMC, CPM, CBTO

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.

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

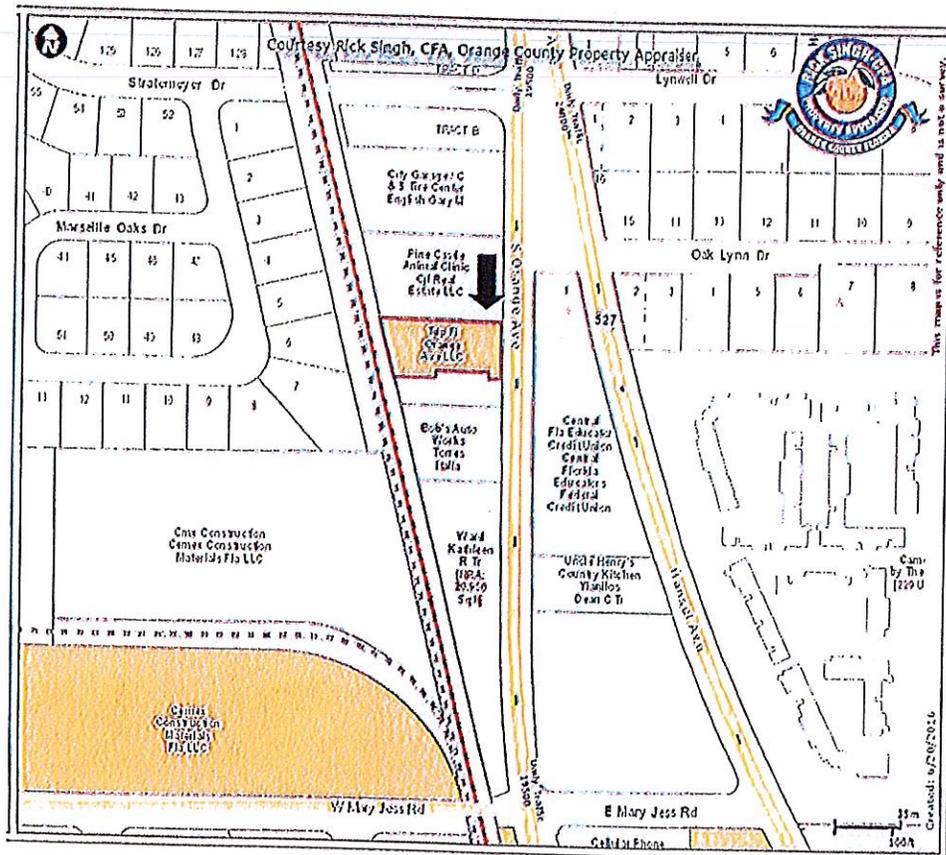


NOTICE OF PUBLIC HEARING

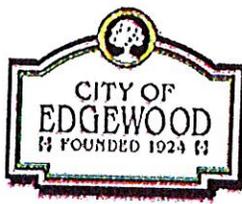
PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday, July 11, 2016**, the Planning and Zoning Board of the City of Edgewood, will consider **Variance Application No. 2016-VAR-03** to allow variance in C-3's minimum lot width, 100 feet on a major road in lieu of **125 feet**, located 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)



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



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.

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser
Edgewater



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

Created: 6/21/2016

	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



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

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 Andrina Palmer 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.

Andrina Palmer

Signature of owner or authorized representative

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

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

Bmerks
 Notary Public, State of Florida

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

rev. 07.21.11

Application: 2016-YAR-03
Owner/Applicant Name: Douglas Reddler
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 Lindina Palmer 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.

Lindina Palmer

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

