

PUBLIC NOTICE

PLANNING AND ZONING BOARD MEETING – August 8, 2016

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

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

Monday, August 8, 2016 at 7:00 pm

1. Call To Order
2. Pledge of Allegiance
3. Roll Call and Determination of Quorum
4. Approval of Minutes
 - July 11, 2016– Regular P&Z Meeting
5. New Business
 - **(City Council Meeting 9/20/2016)** Variance applications to allow a boat dock at 5221 Alleman Drive. The applications were submitted by Summertime Deck & Dock on behalf of Bill and Beth Seabrook with the following variance requests:
 - **2016-VAR-02** Code 14-11 (b)(3) – length of boat dock beyond 65'
 - **2016-VAR-04** Code 14-11 (b)(1) – build within setback distance
 - **2016-VAR-05** Code 14-11 (b)(6) – square footage greater than 1,000 square feet
 - **(City Council Meeting 8/16/2016) Rezoning Application (2016-RZ-01)** for property located at 1090, 1098, 1100, 1103, 1110, 1130 Holden Avenue from its present single family residential (R-1A and R-1AA) classification in order to allow a single Planned Development (PD) classification of 13.36 acres. The application was submitted by Khaled Hussein.
 - **(City Council Meeting 8/16/2016) ORDINANCE NO: 2016-08 – Proposing rezoning for Holden Avenue**

- **(City Council Meeting 9/20/2016)** Special Exception applications submitted by William Johns on behalf of Suncoast Building Materials, Inc. to allow for construction of a facility with the following Special Exception requests:
 - **2016-SE-03** Code 134-405 (b)(10) Outdoor storage of merchandise, parts or other equipment
 - **2016-SE-04** Code 134-405 (b)(11) Building material storage and sales (new, no junk or used material)
 - **2016-SE-05** Code 134-405(b)(14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

6. Comments/Announcements

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

- September 12, 2016
- October 10, 2016

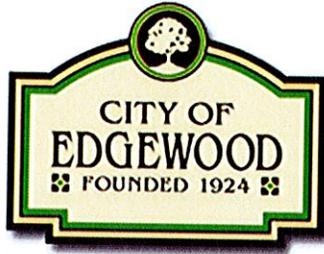
GENERAL RULES OF ORDER

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

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

Thank you for participating in your government!

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



PLANNING & ZONING BOARD MEETING MINUTES

June 13, 2016

Planning and Zoning Board Members:

Chairwoman Dunay, Chairperson (Quorum)

Marion Rayburn, Board Member

Board Member Rader, Board Member

Absent:

Susan Lomas, Vice-Chair

Ben Pierce, Board Member

Staff:

Sandy Repp, Administrative Assistant

City Attorney Smith, City Attorney

City Planner Hardgrove, City Planner

David Mahler, City Engineer

Sgt. Vince Jackson, Edgewood Police Dept.

Debbie Cabales, Code Enforcement

Contractor:

Endrina Palmar, Stephens Barrios for Doughnut Peddler

Carlos Barrios, Stephens Barrios for Doughnut Peddler

Khaled Hussein for Holden Ave PD

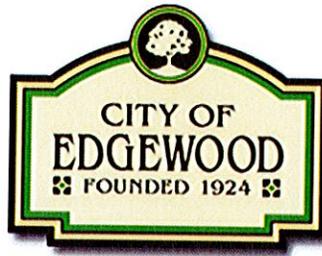
Rick Baldocchi, AVCON, Inc for Holden Ave PD

CALL TO ORDER

Chairperson Chairwoman Dunay called the Planning & Zoning Board meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced the absence of Board Member Susan Lomas and Ben Pierce; however, there was a quorum.

APPROVAL OF MINUTES

- June 13, 2016 – Regular P&Z Meeting



Board Member Board Member Rader made the Motion to approve the June 13, 2016 minutes with correction; Seconded by Board Member Rayburn. Unanimously approved (3/0)

NEW BUSINESS

Chairwoman Dunay introduced Variance Application 2016-Se-03 for the Doughnut Peddler and then deferred to City Planner Ellen Hardgrove.

Planner Hardgrove described the undeveloped property at 5262 S. Orange Avenue, in a C-3 zoning district and surrounding properties and the criteria for a variance. Planner Hardgrove stated that staff recommends approval of the variance. In response to Chairwoman Dunay, Planner Hardgrove said that anyone at this location will need a variance due to the size.

Chairwoman Dunay opened comments at the podium regarding the Variance application.

Bob Harrell said he will wait to comment until the discussion for the Special Exception.

William Klein from Pine Castle Animal Hospital asked if there have been previous requests on this property that have been denied earlier.

City Planner Hardgrove said there were two conditions for the variance: The first is that a vehicular ingress/egress easement for property owners to the north and south. This is required by code. The second condition is that the variance will expire if not acted on within 12 months.

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

2. City Planner Ellen Hardgrove introduced Special Exception application 2016-SE-01 for The Doughnut Peddler to allow a wholesale product distribution in a C-3 district and deferred to Planner Ellen Hardgrove for the Staff Report.

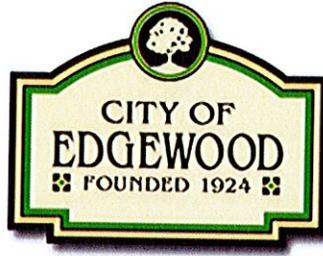
Planner Hardgrove said that there were considerations to review: Character of the neighborhood, effect on value of the surrounding land, and the area of the site as it relates to the required open space and off-street parking facilities.

Planner Hardgrove introduced City Engineer David Mahler for the site plan and discussion ensued regarding parking, emergency vehicles and Orange Avenue truck traffic. In response to Chairwoman Dunay's question asked about code, City Planner Hardgrove said that code says there needs to be adequate parking and loading/unloading onsite. Engineer Mahler said that the applicant needs to prove that there is adequate room for parking, trash pickup and emergency vehicle access.

In response to Board Member Rader, Planner Hardgrove said that the applicant cannot store merchandise without another special exception.

In response to Chairwoman Dunay, City Attorney Smith said that the hours that the delivery gates can be a condition of the approval and code enforcement would monitor.

City Attorney Smith reminded the Board that now we are talking about the land use and not the site plan. The site plan needs to follow the conditions set. City Planner Hardgrove looked at code and said staff site plan approval goes to city council for approval and not to P&Z.



Bob Harrell stated his opposition as planned and is concerned about the two large oak trees on property and doesn't see a reason to take out the trees.

Dr. Klein came to podium and stated his opposition as he believes this use will cut his property value in half.

Edward Rice came to the podium and stated his opposition.

Jim Worthen came to the podium and stated his opposition and referred to a past study about use on the Orange Avenue corridor.

Chairwoman Dunay said that Board will discuss the Special Exception.

- 1) Immediate neighborhood. All three board members do not agree that this is within the character of the neighborhood. Mr. Barrios says they are not auto repair and they do meet the character of the neighborhood. Board Member Rader says the nature is historic and automotive is not in the future plans.
- 2) Effect of surrounding lands. Marion says it says "should not". Without appraisals it would be difficult to know the effect of the value on the surrounding properties. Board Member Rader does not consider it to be an appreciating value
- 3) Off- street parking – The plans meet the ISR requirement. Mr. Barrios reminded that each bay can accommodate two trucks which opens up at least 5 spaces and the bays can accommodate 10 trucks inside. Board member Rader disagrees that two trucks with doors would work.

Mr. Barrios asked if it could be a condition to go to 12 trucks. Chairwoman Dunay appreciates the concession but Chairwoman Dunay said that does not meet the other two considerations. Mr. Barrios said that there has not been a qualified assessment of property value.

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).

3. HOLDEN AVE PLANNED DEVELOPMENT (PD)

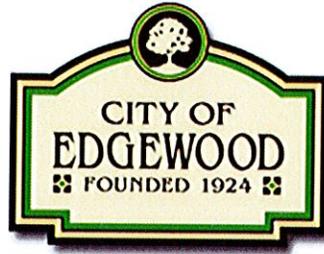
Chairwoman Dunay introduced rezoning application 2016-RZ-01 and deferred to City Planner Ellen Hardgrove for presentation of information. Planner Hardgrove explained the location and property description and presentation.

Planner Hardgrove presented the 3 steps to approve a PD and the zoning conditions.

Per Planner Hardgrove, staff's recommendation is to approve if the applicant can prove that they can meet the conditions. City Planner Hardgrove explained that this is almost a typical R-2 zoning of lots but they need a PD because of side and rear setbacks and flexibility of design. The question is if they meet intent and purpose of PD zoning district. Planner Hardgrove opened the floor to the applicant.

Mr. Baldocchi of AVCON per Mr. Baldocchi, originally this was just the straight east west space but after DRC, they have made concessions with the plan which were then discussed.

More discussion ensued regarding zoning, the purpose of a PD, and details of lot sizes, elevations and materials used for the homes and the wall.



Chairwoman Dunay opened the podium for discussion from the public. Administrative Assistant, Sandy Repp, stated that there were two comments that were received by email after the agenda was prepared.

The first, from Arthur Baker of Baker & Hostetler, was present as a legal representative for Randall Knives. Randall Knives does not object to the use but would like a masonry wall, with uniform conformity around perimeter of the PD.

Administrative Assistant Repp read Brian Langley's concerns that were submitted by email.

Sandy DePorta stated that the property at the south end belonging to the Randall family and there is a chain link fence there. Chairwoman Dunay asked Arthur Baker and he said Randall Knives is primarily concerned with the uniformity of the wall.

Jim Worthen stated his concerns including property values, a sufficient application and park space. Mr. Worthen requested to table this request with time to resubmit a revised plan.

Bob Harrell stated his support and referred to previous applications, the possibility of the space developed into separate parcels with three entrances on to Holden Ave. as well as compatibility with the surrounding neighborhood.

Kim Russell said there needs to be a turn lane in the middle of Holden and that the entrance needs to be moved to the east, towards Telfair, and there is too much traffic and the speed limit is ignored.

Joe Boy, representing Holden Park Community Association, said that a center turn lane is needed for people from Tinsley to get out.

Per City Planner Hardgrove Holden is a County road. Engineer Mahler says Mr. Baldocchi from AVCON proposed turn lanes and he doesn't know how the County will be receptive to that.

Bob Harrell said that Orange County had a plan to widen all of Holden to a 4 lane road from SOBT to Orange Ave. that has been shelved due to objection from the neighborhoods.

Mr. Hussein restated his position. City Attorney Smith asked Mr. Hussein about tabling and working on enhancements and preferred a vote versus tabling. City Attorney Smith says the reality is that there are two more hearings after this.

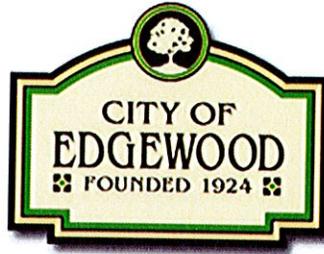
Chairwoman Dunay gave two options. The Board could vote tonight or table this as the attorney suggested and address the concerns at the next meeting. Attorney Smith said this could be part of the tabled discussion. Mr. Hussein is agreeable to table for 30 days.

Board Member Rader moved to table to for further discussion until August 8th at 6:30 pm. Board Member Marion Rayburn seconded. Motion passed unanimously (3/0).

COMMENTS/ANNOUNCEMENTS

Future Meetings are August 8, 2016 and September 12 at 6:30 pm.

ADJOURNMENT:



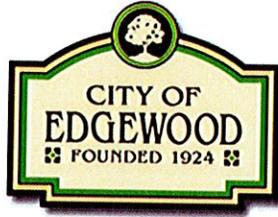
With no further business or discussion, Board Member Rayburn made the Motion to adjourn the Planning and Zoning Board meeting; Seconded by Board Member Rader; the meeting adjourned at 10:32 pm.

Regina Dunay, Chairwoman

ATTEST

Sandra Repp, Administrative Assistant

DRAFT



Memo

To: Planning and Zoning Board Members
From: Sandy Repp, Administrative Assistant
Date: August 4, 2016
Re: New Business Items

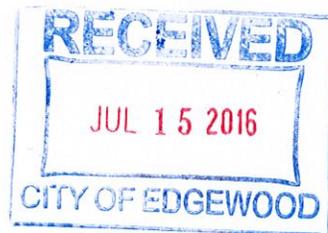
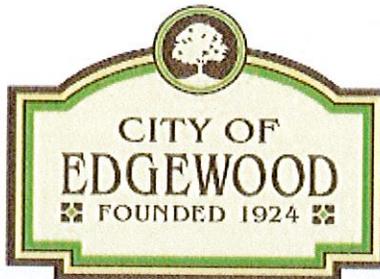
The following applications are provided in your agenda packet for your review:

**1. Variances: 2016-VAR-02, 2016-VAR-04, 2016-VAR-05 – Seabrook Boat Dock
5221 Alleman Drive**

The documents provided for your review are as follows:

- Applications For Variance 2016-VAR-02 for length of dock beyond 65' received July 15, 2016
- Applications For Variance 2016-VAR-04 to build within side setback distance received July 15, 2016
- Applications For Variance 2016-VAR-05 for square footage exceeding 1,000 square feet received July 15, 2016
- Edgewood Application For Boat Dock received July 15, 2016
- Orange County Building/Land Use Permit Application and Notice of Commencement
- Affidavit indicating no objection from abutting property owner, Elizabeth Andrews at 500 Linson Court
- Agent Authorization Form signed by Bill Seabrook dated March 8, 2016
- Memo from engineer dated August 2, 2016 stating that CPH does not believe granting of variances would go against the intent and purpose of the ordinance based upon the criteria for a variance.

2016-VAR-02



APPLICATION FOR VARIANCE

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

PLANNING & ZONING BOARD

MAKE PAYMENTS TO:

CITY OF EDGEWOOD

FEE: \$350 RESIDENTIAL

\$750 COMMERCIAL

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

| | |
|---------------------------------|-------------------------|
| PLANNING & ZONING MEETING DATE: | 8/3/2016 or 9/12/2016 |
| CITY COUNCIL DATE: | 9/20/2016 or 10/18/2016 |

Depending on completion of review

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

Please note this fee is non refundable.

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

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

To justify this variance, applicant must demonstrate the following:

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

Applicant must agree that:

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

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

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

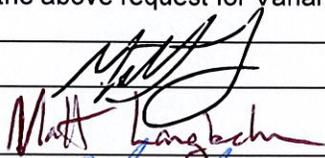
| | | | |
|---------------|---|------------------|--|
| AGREE: | x | DISAGREE: | |
|---------------|---|------------------|--|

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

4.

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

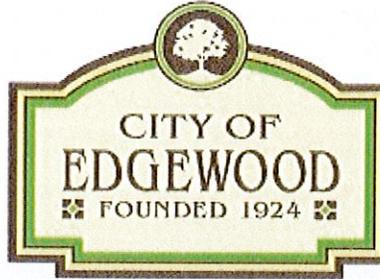
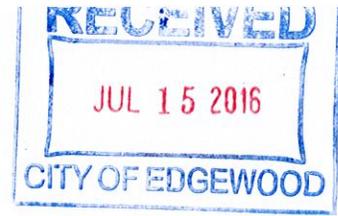
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

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

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

| Office Use Only: | |
|------------------|---------------|
| Rec'd Date: | 7/15/2016 |
| Rec'd By: | DJ Rupp |
| Forwarded to: | CPK 7/18/2016 |
| Notes: | |

2016-VAR-04



APPLICATION FOR VARIANCE

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

PLANNING & ZONING BOARD

MAKE PAYMENTS TO:

CITY OF EDGEWOOD

FEE: \$350 RESIDENTIAL

\$750 COMMERCIAL

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

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

Depending on completion of review

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

Please note this fee is non refundable.

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

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

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: | x | DISAGREE: | |
|---------------|---|------------------|--|

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

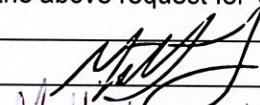
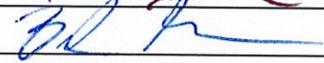
| | | | |
|---------------|---|------------------|--|
| AGREE: | x | DISAGREE: | |
|---------------|---|------------------|--|

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

4.

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

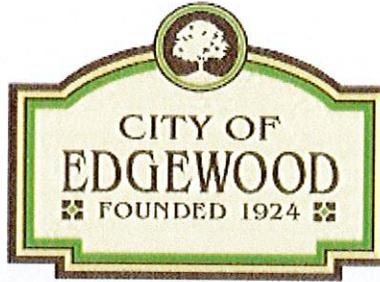
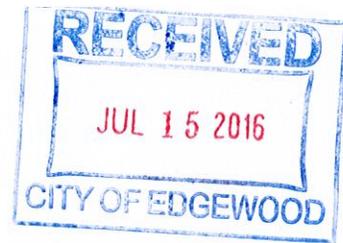
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

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

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

| Office Use Only: | |
|------------------|---------------|
| Rec'd Date: | 7/15/2014 |
| Rec'd By: | Sg Repp |
| Forwarded to: | CPH 7/18/2014 |
| Notes: | |

2016-VAR-05



APPLICATION FOR VARIANCE

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

PLANNING & ZONING BOARD

MAKE PAYMENTS TO:

CITY OF EDGEWOOD

FEE: \$350 RESIDENTIAL

\$750 COMMERCIAL

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

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

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

Please note this fee is non refundable.

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

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

To justify this variance, applicant must demonstrate the following:

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do 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: | x | DISAGREE: | |
|---------------|---|------------------|--|

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

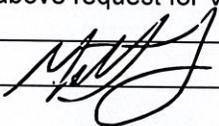
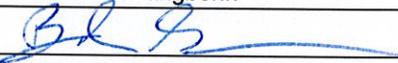
| | | | |
|---------------|---|------------------|--|
| AGREE: | x | DISAGREE: | |
|---------------|---|------------------|--|

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

4.

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

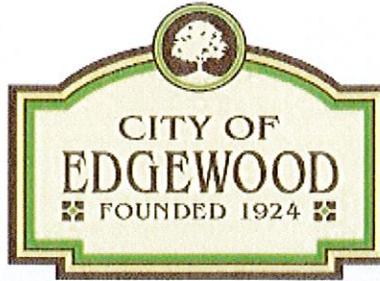
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

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

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

| Office Use Only: | |
|------------------|---------------|
| Rec'd Date: | 7/15/2016 |
| Rec'd By: | SG Nepp |
| Forwarded to: | CPH 7/18/2016 |
| Notes: | |

Rec. 7/15/2016



BOAT DOCK APPLICATION

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

Please note the fee of \$350 is non refundable

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

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

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

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

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

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

Revised 4/1/08

1 of 5

Names and Addresses of adjoining property owners:

| | |
|----|---|
| 1. | Michael & Marnie Waldrop 5225 Alleman Dr. Orlando, FL 32809 |
| 2. | Elizabeth Andrews 512 Linson Ct. Orlando, FL 32809 |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| 7. | |

Notarized consent forms shall be provided from adjoining property owners
if the side setback is less than 15 feet

1. Exact distance of setbacks from adjacent property lines:

| | | | | | |
|------------|--------|------------|--------|------------|--------|
| A. (side): | 11'-8" | B. (side): | 60'-5" | C. (Rear): | 82'-1" |
|------------|--------|------------|--------|------------|--------|

NOTE: IF REAR SETBACK IS LESS THAN 25 FEET, A VARIANCE IS REQUIRED

2. Brief description of work to be done (dock and site plans must be attached):

Existing dock removal/ New dock construction

3. Electric Power to dock:

| | | | |
|--|--------------------------|------------------------------|--------------------------|
| Yes: <input checked="" type="checkbox"/> | <input type="checkbox"/> | No: <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|------------------------------|--------------------------|

If yes, an electrical permit must be obtained by Orange County Building Department

4. Total area of structure:

(Area lake ward of NHWL; 1,000 sq. ft. maximum allowed)

| | |
|------|-------------|
| 1023 | Square feet |
|------|-------------|

5. Length extending lake ward from NHWE shoreline:

(65 feet maximum allowed)

| | |
|--------|------|
| 73'-4" | Feet |
|--------|------|

6. Depth of water on date of application at end of proposed dock:

| |
|--------|
| 5 feet |
|--------|

7. Height of structure above NHWE contour:

| | |
|--------|------|
| 12'-2" | Feet |
|--------|------|

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

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

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

| | |
|--|------|
| | Feet |
|--|------|

9. Type of materials to be used:

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

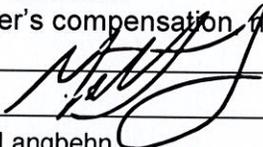
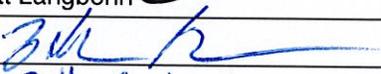
I have complied with all requirements and procedures and proclaim this application to be complete. I understand that an incomplete application will be deferred to the next posted deadline date.

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

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

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

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

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

BOAT DOCK APPLICATION PROCESS

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

BOAT DOCK VARIANCE APPLICATION PROCESS

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

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

| Office Use Only: | |
|----------------------|---|
| | Three (3) Site Plans |
| | A survey of the property with the normal high water elevation (NHWE) as established by Orange County and performed by a Florida Registered Surveyor or mapper |
| | Three (3) sets of engineered construction plans (signed and sealed) |
| | Non refundable application fee of \$350.00 |
| Rec'd Date: | 7/15/2016 |
| Rec'd By: | A. J. Lopez |
| Forwarded to: | CPH 7/18/2016 |
| Notes: | |



Orange County Division of Building Safety

201 South Rosalind Avenue

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

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

www.ocfl.net/building

07 15 16

Date

Building Permit Number

APPLICATION FOR BUILDING/LAND USE PERMIT*

* All Applications Must Comply with Concurrency Requirements

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

PLEASE PRINT:

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

Project Address: 5221 Alleman Dr.

Suite/Unit #: _____ Bldg #: _____ City: Edgewood Zip Code: 32809

Subdivision Name: _____

Parcel ID Number: Section 13 Township 23 Range 29 Subdivision 6056 Block 01 Lot 122 (15 Digit Parcel Number)

Owner Name: Bill & Beth Seabrook Phone No.: (407) 760 - 9582

Owner Address: 5221 Alleman Dr. City: Edgewood State: FL Zip Code: 32809

Tenant Name: _____ Phone No.: (____) _____ - _____

Nature of Business: _____

Architect Name: _____ License No.: _____ Phone No.: (____) _____ - _____

Civil Engineer Name: Stephen Teliga License No.: PE64621 Phone No.: (321) 622 - 7503

Nature of Proposed Improvements: New dock construction

Demolition Permit #: _____ Site Work Permit #: _____

Date First Inspection Desired: _____ / _____ / _____ or will call

Permit valuation greater than \$2500 requires a notarized Page 2, and Notice of Commencement prior to the first inspection.

Is Notice of Commencement Recorded? Yes No

If there were comments on this project, how would you like to receive them?

Pick them up E-Mail (Customer shall access Web Page)

Is proposed work in response to a Notice of Code Violation written by an Orange County Inspector? Yes No

Is proposed work in response to an unsafe abatement notice? Yes No

Has project had a pre-review? Yes No If Yes, Commercial Plans Examiner(s): _____

Is building fire sprinklered? Yes No Required work: Plumbing Electrical Mechanical Gas None

Alterations Only:

Is this a new tenant? Yes No If yes, state previous use: _____

Intended use of space: _____

List use of adjoining tenant space(s): Side: _____ Above: _____

Rear: _____ Side: _____ Below: _____

Total Job Valuation: \$30,000

I hereby make Application for Permit as outlined above, and if same is granted I agree to conform to all Division of Building Safety Regulations and County Ordinances regulating same and in accordance with plans submitted. The issuance of this permit does not grant permission to violate any applicable Orange County and/or State of Florida codes and/or ordinances. I hereby certify that the above is true and correct to the best of my knowledge.

PLEASE PRINT: (Check one) Owner: Contractor:

Name of License Holder/Agent: Robin Lopez

Contractor License Number (if applicable): CGC1511647

Contact Phone Number: (407) 583 - 6251 E-Mail Address: robin@summertimedocks.com

Authorized Signature:

Para más información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

Permit Number

Permit Application Information - Page Two

Permit Number _____

Owner's Name Bill & Beth Seabrook

Owner's Address 5221 Alleman Dr.

Fee Simple Titleholder's Name (If other than owner's) _____

Fee Simple Titleholder's Address (If other than owner's) _____

City Edgewood State FL Zip Code 32809

Contractor's Name Robin Lopez, Summertime Deck and Dock

Contractor's Address 5968B Lakehurst Drive

City Orlando State FL Zip Code 32819

Job Name _____

Job Address 5221 Alleman Dr. SUITE/UNIT _____

City Edgewood State FL Zip Code 32809

Bonding Company Name _____

Bonding Company Address _____

City _____ State _____ Zip Code _____

Architect/Engineer's Name Stephen Teliga

Architect/Engineer's Address 11534 Briary Hollow Lane, Clermont, FL 34711

Mortgage Lender's Name _____

Mortgage Lender's Address _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL, PLUMBING, GAS, MECHANICAL, ROOFING, SIGNS, POOLS, ETC.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning. _____

WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. A Notice of Commencement must be recorded and posted on the job site before the first inspection. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

Owner Signature Bill Seabrook

The foregoing instrument was acknowledged before me this 7/14/16
 by Bill Seabrook who is personally known to me
 and who produced FL D.L.
 _____ as identification and who
 did not take an oath.

Contractor Signature Rob Lopez

The foregoing instrument was acknowledged before me this 7/14/16
 by Robin Lopez who is personally known to me
 and who produced FL D.L.
 _____ as identification and who
 did not take an oath.

Notary as to Owner Matt Langbehn

Commission No. FF215375

State of FL. County of ORANGE

My Commission expires: 3/30/2019

Notary as to Contractor Matt Langbehn

Commission No. FF215375

State of FL. County of ORANGE

My Commission expires: 3/30/2019

(SEAL)

 MATT LANGBEHN
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# FF215375
 Expires 3/30/2019

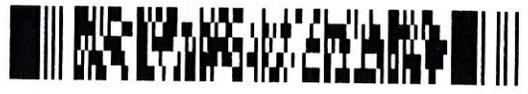
(SEAL)

 MATT LANGBEHN
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# FF215375
 Expires 3/30/2019

Para más información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

Permit Number: _____
 Folio/Parcel Identification Number: 13-23-29-6056-01-122
 Prepared by: _____
 Matt Langbehn; Summertime Deck and Dock

 Return to: Summertime Deck and Dock
5968B Lakehurst Drive, Orlando, FL 32819



NOTICE OF COMMENCEMENT

State of Florida, County of Orange
 The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. **Description of property** (legal description of the property, and street address if available)
OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE
2. **General description of improvement**
New Dock Construction
3. **Owner information or Lessee information if the Lessee contracted for the improvement**
 Name Beth and Bill Seabook
 Address 5221 Alleman Drive, Edgewood, FL 32809
 Interest in Property Owners
Name and address of fee simple titleholder (if different from Owner listed above)
 Name _____
 Address _____
4. **Contractor**
 Name Robin Lopez Telephone Number 407.583.6251
 Address 5968B Lakehurst Drive, Orlando, FL 32819
5. **Surety** (if applicable, a copy of the payment bond is attached)
 Name _____ Telephone Number _____
 Address _____ Amount of Bond \$ _____
6. **Lender**
 Name _____ Telephone Number _____
 Address _____
7. **Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by §713.13(1)(a)7, Florida Statutes.**
 Name _____ Telephone Number _____
 Address _____
8. **In addition to himself or herself, Owner designates the following to receive a copy of the Lienor's Notice as provided in §713.13(1)(b), Florida Statutes.**
 Name _____ Telephone Number _____
 Address _____
9. **Expiration date of notice of commencement** (the expiration date may not be before the completion of construction and final payment to the contractor, but will be 1 year from the date of recording unless a different date is specified)



State of Florida, County of Orange
 I hereby certify that this is a true copy of the document as reflected in the Official Records
 MARTHA O. HAYNIE, COUNTY COMPTROLLER
 By: M. Haynie
 Deputy Comptroller
 Date: 3/15/16

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

Under penalty of perjury, I declare that I have read the foregoing notice of commencement and that the facts stated in it are true to the best of my knowledge and belief.

Bill Seabook
 Signature of Owner or Lessee, or Owner's or Lessee's Authorized Officer/Director/Partner/Manager Signatory's Title/Office

The foregoing instrument was acknowledged before me this 8th day of 03/16 by Bill Seabook
 as _____ for _____
 Type of authority, e.g., officer, trustee, attorney in fact Name of party on behalf of whom instrument was executed

Matt Langbehn
 Signature of Notary Public - State of Florida
 Print, type MATT LANGBEHN
 Notary Public of Notary Public
 STATE OF FLORIDA
 Comm# FF215375
 Expires 3/30/2019

Personally Known OR Produced ID _____
 Type of ID Produced FL D.L.





AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF
NO OBJECTION TO BOAT DOCK

As required by Section 15-343 of Orange County Code, the Environmental Protection Officer shall send notices by certified mail to the owners of the shoreline properties abutting the property on which the proposed boat dock is to be located. In cases where the nature of the shoreline is such that additional property owners will be affected, the environmental protection officer may send notices to those property owners as well. In the alternative, the applicant, at his option, may supply notarized letters of no objection from each of the affected adjacent property owners.
The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code.

I, Elizabeth Andrews, residing at 500 Linson Court, on Lake Little Lake Conway, have reviewed my adjacent property owner's proposed boat dock construction plan and have no objection to the project.
[Signature] (Signature) 3/1/16 (Date)
Elizabeth Andrews (Print Name)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1st day of March 01, by

Elizabeth Andrews

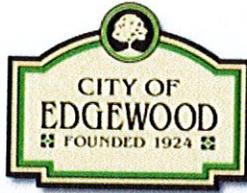


[Signature]
(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification [X]

Type of Identification Produced FL D.L.

Received: 3/30/2016



Agent Authorization Form

FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD

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

I/WE, (PRINT PROPERTY OWNER NAME) Bill Seabrook, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, Oak Lynn Second Plat W/97 THEN 100 FT OF LOT 12 BLK A & LAND INTO LAKE, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) Robin Lopez of Summertime Deck and Dock, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Boat dock application and variance, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 3/8/16 Bill Seabrook Signature of Property Owner Bill Seabrook 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 8th day of March, 2016 by Bill Seabrook. He/she is personally known to me or has produced FL. DL as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 8th day of March in the year 2016.

(Notary Seal)  **MATT LANGBEHN**
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF215375
Expires 3/30/2019

Matt Langbehn Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: 3/30/2019

| |
|---|
| Legal Description(s) or Parcel Identification Number(s) are required: |
| PARCEL ID#: <u>13-23-29-6056-01-122</u> |
| |
| LEGAL DESCRIPTION: <u>OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE</u> |
| |
| |
| |
| |

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

Revised: 12-8-2015



1117 East Robinson Street
Orlando, Florida 32801
Phone: 407.425.0452

August 2, 2016

City of Edgewood
5221 Alleman Drive – boat dock application and variance request
Justification of variance

Zoning code 14-11(b)(3) – length of boat dock

- 1 Special conditions or circumstances – shallow water at a distance of 65 feet from the normal high water elevation (NHWE). Owner is requesting the dock length to be 73' – 4" long as opposed to the code required length of 65'. Per the Applicant, the proposed dock location will provide the proper access for the boat lift. Under conditions with the lake elevation below the NHWE, there may not be sufficient depth to access the dock if it is 65 feet long.
- 2 The depth of the water found in the dock position, at 65', is not a condition which is a result of the applicant.
- 3 Literal interpretation would deprive the applicant of rights commonly enjoyed by other property and dock owners on the same lake. Other docks on this lake and within the proximity of the proposed dock extend 80 or more feet into the lake. The four docks to the north extend on average 90 feet. The range is 64 feet to 108 feet. The four docks to the south of the property extend on average 75 feet. The range for these docks is 65 feet to 90 feet. Literal Interpretation would be a maximum length of 65 feet regardless of water depth. The Applicant has provided supporting documentation in the form of an aerial that shows other docks in this vicinity extending farther into the lake than the 65' length. In addition, the code specifically allows for the length of the dock to be granted a variance as long as the requested length does not have a water depth of 5 feet at the dock. Based upon information submitted by the applicant, the depth would not exceed this limit.
- 4 The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible based on information submitted by the Applicant.
- 5 The variance being sought by the Applicant for the length will also require a boat dock that is larger than 1000 square feet. The Applicant has requested this variance as well. Please see supporting documentation below addressing the size variance.
- 6 General intent of the ordinance is to allow home owners to construct docks of similar size, length and be generally uniform. Certain circumstances occasionally exist that requires variances in order to construct the allowable structures and still be useable by the Applicant. In this case, the Applicant wishes to have the boat lifted from the water when not in use to extend the life of the vessel and their investment.
- 7 Comprehensive Plan – N/A



Zoning code 14-11(b)(1) – setback requirements

- 1 Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification. There is an existing dock on the property, which is to be removed. The new dock will be constructed within the same general footprint of the existing dock. The existing dock encroaches in the 15 foot setback, it is 8.7 feet from the property line. The new dock is set off of the property line 11.67 feet. The Owners have received a notarized letter from the adjacent property Owner to the north stating that they have no objection to the encroachment on the 15 foot setback, as required by the City Code.
- 2 This condition of the existing dock meeting the setback is not a condition which was created by the applicant. The Applicant is proposing to use the same general footprint area of the existing dock to minimize the negative impact to the lake bottom and lake vegetation. Literal interpretation would create a larger area of impact to the lake bottom and vegetation. The Applicant has provided a copy of correspondence from FDEP that indicates that the preferred location of the new dock would be in the same location as the existing dock.
- 3 Literal interpretation or enforcement of the provisions of the Ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning classification. Three out of the four docks to the north all appear to be located less than the minimum 15 foot setback from the property line. Also, three out of the four docks to the South appear to be located less than the minimum 15 foot setback. The two southern most boat docks adjacent to the property are less than 8 feet apart.
- 4 Based upon the information submitted by the Applicant, this variance represents the minimum variance that will afford the property owner the relief from the code when combined with the other variances. The length is requested to get the depth at the location of the dock and the location is requested to minimize the impacts to the existing lake bottom.
- 5 The variance being sought by this and the other two requests will not authorize or extend any non-conforming use or other non-conformity with respect to the structure in question.
- 6 The granting of this variance will not create a situation that is not in harmony with the area or other properties and will allow the intent of the ordinance to be accomplished. This variance does not grant a use that is not permitted by the zoning classification.
- 7 The variance requested would not cause an inconsistency with the comp plan.

Zoning Code 14-11(b)(6) – square footage of dock.

- 1 Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification. The Applicant has requested a variance to the



maximum square footage allowed by code. The exceedance of the overall square footage is due to the additional length requested by the applicant to achieve a minimum water depth. The extension in dock length from 65 feet to 73.25 feet results in 32 additional square feet of dock area and the request by the applicant is only for an additional 23 square feet. If the dock length were not required, then the total square footage would meet the code requirements.

- 2 As a result of the initial request for a variance of the length of the dock to achieve a minimum depth resulted in the need for this variance request.
- 3 Literal interpretation or enforcement of the provisions of the Ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning classification. Literal interpretation would require the applicant to submit for a dock with area less than 1,000 SF. There are other docks on the lake that appear to be larger than the 1000 SF, however, the exact sizes of the docks cannot be determined from the aerial information that is available. The only way to prove this information would be to physically measure the docks or research the permits for the permitted dimensions.
- 4 Based upon the information submitted by the Applicant, this variance represents the minimum variance that will afford the property owner the relief from the code when combined with the other variances.
- 5 The variance being sought by this and the other two requests will not authorize or extend any non-conforming use or other non-conformity with respect to the structure in question.
- 6 The granting of this variance will not create a situation that is not in harmony with the area or other properties and will allow the intent of the ordinance to be accomplished. This variance does not grant a use that is not permitted by the zoning classification.
- 7 The variance requested would not cause an inconsistency with the comp plan.

The applicant has also submitted supporting documentation and justification for their requested variances. In accordance with Section 14-11(d) (2), we have evaluated the request by the applicant and do not believe that the variances are unique to this property or that they would adversely affect the navigation and safety of boaters and that the dock will be similar to other docks in the immediate area and will not adversely impact the general welfare of the neighborhood. The adjoining property owner has provided a letter indicating that they do not have an objection to the dock. We do not believe that the granting of the variances would go against the intent and purpose of the ordinance based upon the criteria outlined in Section 14-12.

Rec. 7/15/2016



Licensed General Contractor: CGC1511647

Summertime Deck and Dock, LLC
5968B Lakehurst Dr, Orlando FL 32819
Phone: 407.583.6251
www.SummertimeDocks.com
info@summertimedocks.com

To Whom It May Concern:

My name is Matt Langbehn from Summertime Deck and Dock. We are currently contracted to construct a new dock for Bill and Beth Seabrook who reside at 5221 Alleman Dr. On behalf of the Seabrooks, we, Summertime Deck and Dock, are requesting a variance to the dock regulations set forth by the City of Edgewood.

The first variance request pertains to zoning code 14-11(b)(3), *Length of Boat Docks*. We are requesting to build the dock beyond the 65' maximum, as measured from the Normal High Water Line. After inspecting the existing dock, and based on conversations with the Seabrooks, we've come to find that 65' does not provide enough length to reach adequate water depth to properly use the equipped boat lift/cradle system. We are requesting to build the dock at a total length of 73'-4" from the Normal High Water Elevation. We believe that this proposed length will put the dock at an optimal depth, not only for safe boat maneuvering and navigation, but also for the prevention of possible lake bottom vegetation damage. Summertime Deck and Dock has worked with the Seabrooks to determine that this is the minimum variance needed to offer relief to the special circumstances that pertain to their property.

The second variance request pertains to zoning code 14-11(b)(1), *Minimum Side Setbacks*. We are requesting to build the dock within the 15' side setback distance of the abutting property lines. There is an existing dock located on Bill and Beth Seabrook's property that currently extends within the aforementioned 15' setback distances (approximately 10'). The existing dock will be removed before construction of the new dock and we are requesting to build the new dock within nearly the same footprint of the existing dock. Not only will occupying nearly the same footprint make the dock more accessible relative to current property conditions, it will also make the overall construction processes and methods less impactful on the lake bottom and surrounding vegetation. We've been granted written permission from the affected neighbor and we look to maintain approximately 12' from the neighboring dock.

The third variance request pertains to zoning code 14-11(b)(6), *Square footage of boat docks*. We are requesting to build at a total 1023 square feet. The additional square footage is as a result of the additional overall boat dock length we are requesting. As requested by the engineer that reviews each boat dock application for the City of Edgewood, Summertime Deck and Dock has obtained an environmental permit from the DEP to help satisfy additional state guidelines.

After thorough review of the City of Edgewood's variance application process, I've determined that the requests made above are justifiable in the fact that they are special conditions/circumstances that pertain uniquely to the property listed, these special conditions/circumstances are not a result of the actions of Summertime Deck and Dock, nor the property owners. In addition, the requests represent the minimum variance that will afford relief to the homeowners and represent the least amount of modification possible for the regulation at issue. It is my understanding that the granting of the requested variance will be in harmony with the general intent and purpose of the City's ordinances, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification. All in all, the variance will be consistent with the Edgewood Comprehensive Plan. Of course, additional information can be provided if the application is found to be insufficient. Please contact Matt Langbehn at 407.583.6251, or matt@summertimedocks.com, if any outstanding items or questions need to be addressed.

Regards, Matt Langbehn

Edgewood Code of Ordinances, Sec. 14-11(d)(2) provides that applicants may request and be granted a variance. Factors to be considered include:

- a. **Average length of other docks in the surrounding 300-foot area;**
Referencing the attached supporting document(s), there appears to be several docks within the surrounding area that extend farther than the proposed dock detailed within this application. At the very least, the proposed dock appears to extend in a length very comparable to surrounding docks.
- b. **The reasonable use of the property by the owner;**
The current location of the existing dock creates scenarios where the depth of Little Lake Conway is insufficient for the property owners' to have adequate water depth for safe boat navigation and mooring. This variance request would grant the Seabrook's the accessibility needed to enjoy the general intent of a boat dock. The fact that extra length is needed to reach adequate water depth has created a scenario where the dock has slightly exceeded the maximum allowable square footage allowed without the need for additional state permitting. It should be noted that a general-purpose permit has been obtained from the Department of Environmental Protection as requested by the engineer for the City of Edgewood (see attached).
- c. **The effects the dock will have on navigation and safety of boaters;**
The desired length and size addition as requested within this variance application would bring the dock out to a length and size that would be consistent with the neighboring docks. In addition, there are several neighboring docks that still would extend further out into the lake than what is being proposed here. It is assumed that if there are longer docks within the same area, the length of the dock being requested would have even less of an impact to the safety of boaters than some of the existing docks constructed on Little Lake Conway.
- d. **The overall general welfare of the neighborhood;**
The proposed dock variance would not compromise the general welfare of the neighborhood. The additional square footage being requested is minimal, however it will create the space needed for the enjoyment of family, friends, and pets which makes lake ownership desirable and highlights the essence of family which has made the City of Edgewood one of the more special communities to live within Central Florida.
- e. **Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;**
The additional square footage needed is a result of the additional length needed to achieve adequate water depth for boat usage. Also, the design and dimensions of the dock have been determined by the availability of the size of lumber being used to construct it, while achieving ideal size and budget.
- f. **The effect of the proposed variance on abutting shoreline property owners;**
The proposed dock will be built even further away from the abutting property owner to the north and will maintain a distance of about 60' from the property

owner to the south. Documentation has been provided that states the abutting property owner to the North has no issue with the location of the proposed dock. It would be hard to imagine a scenario in which either of the neighboring property owners would be affected by the additional 23 square feet that is being requested.

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

Granting of this variance would not be contrary to the intent and purpose of this article. It would give the applicants the same reasonable lake access and enjoyment that is afforded to the other residents of the lake.

- h. A variance from the maximum length of 65 feet may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation. It should be noted that the lake levels in Little Lake Conway vary drastically throughout different times of the year, as evident in the attached document(s).**

To justify this variance, applicant must demonstrate the following:

- 1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification**

The additional square footage results from the need for additional dock length as requested in the variance to ordinance 14-11(b)(6).

- 2. The special conditions and circumstances do no result from the action of the applicant**

The additional square footage results from the need for additional dock length as requested in the variance to ordinance 14-11(b)(6).

- 3. Literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance**

According to the Engineer for the City of Edgewood, any proposed dock that will exceed 1000 sq.ft. will need additional state permitting from the Department of Environmental Protection (see attached). In addition to the variance application, it would seem that these documents would be sufficient for variance consideration.

- 4. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue**

The additional square footage results from the need for additional dock length as requested in the variance to ordinance 14-11(b)(6).

- 5. The variance sought will not authorize or extend any non conforming use or other non conformity with respect to the land or structures in questions**

The proposed dock will serve the same purpose as the existing dock and each dock located within Lake Conway. This variance request is not intended to seek any other authorization that wouldn't normally be afforded to each homeowner and/or dock owner.

- 6. The granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area**

involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification

The proposed dock will continue to be used as an area for boat storage and lake access. There is not a scenario where the additional square footage would be injurious to the area involved or surrounding properties.

7. The variance sought will be consistent with the Edgewood Comprehensive Plan

See supporting documents.

Little Lake Conway West Shore

Legend

- Blue 96.2'
- Green 88'
- Orange Proposed 74.6'
- Pink 92.08'
- Red 108'



400 ft

Google earth

© 2016 Google

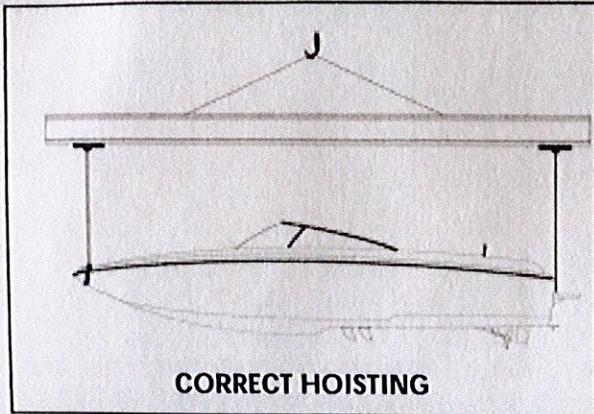






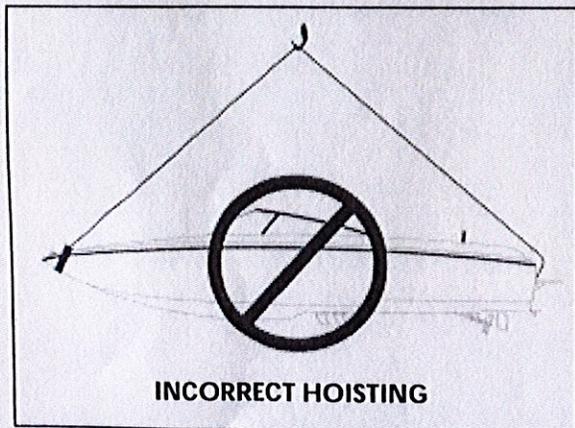


Hoisting



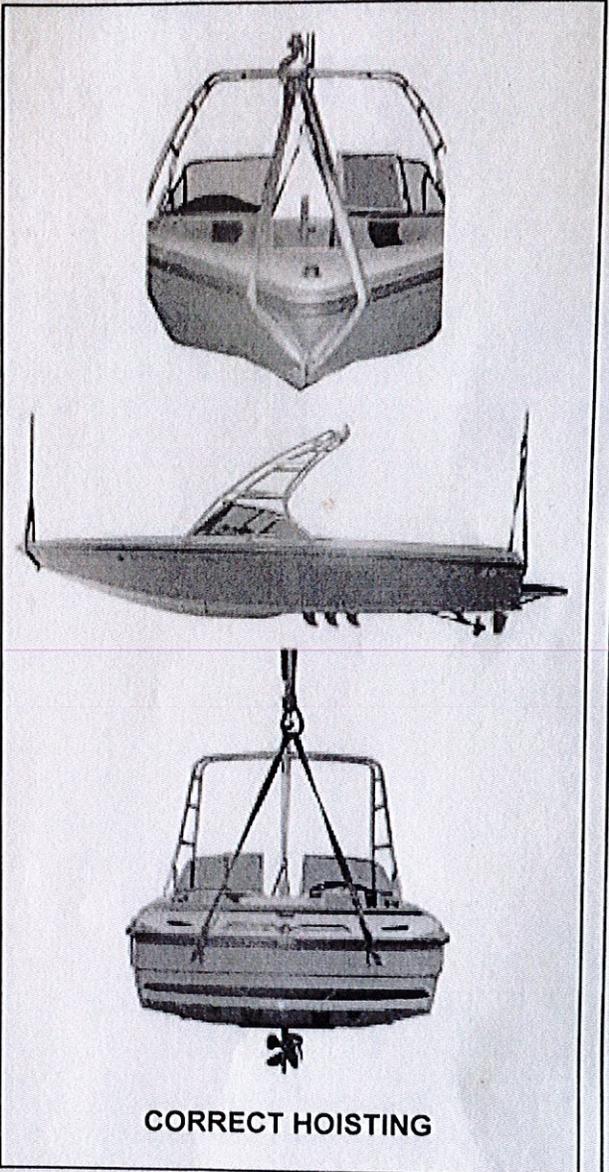
If the boat ever needs to be hoisted, special attention should be given to the following recommendations:

- Hoist the boat using a horizontal lifting bar only.
- Never attempt to lift the boat by means of a cable sling from bow to stern lifting eyes.
- Hoist operator should slowly and smoothly lift the boat without jerking to avoid damage to the lifting eyes.
- Use a clevis inserted through the lifting eye since a hook may damage the lifting eye edges.



WARNING

DO NOT use the ski pylon to hoist the boat. Incorrect hoisting may invalidate the warranty on the boat.



WARNING

Use only a proper sized sling in the designated lifting rings to hoist the boat.

NOTE: For boat houses or other applications where the boat will be lifted and held in that position, Moomba recommends using a cradle. The bunk configuration should mimic the trailer.



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

May 17, 2016

William Seabrook
5221 Alleman Drive
Orlando, FL 43809
weseabrook@gmail.com

File No. 48-0344144-001 EG, Orange County

Dear Mr. Seabrook:

On May 13, 2016, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a new private, single-family pier on Lake Conway, a Class III Florida waterbody. The project is located at 5221 Alleman Drive, Orlando in Orange County. The construction and operation of the dock shall comply with the attached drawings and conditions.

Your intent to use a general permit has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project qualifies for all three authorizations. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Granted

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached), and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapter 253 of the Florida Statutes (F.S.) and 258, F.S. if located within an aquatic preserve, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, Florida Statutes and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review - Chapter 253 F.S., and Chapter 18-21, F.A.C., F.A.C., and Section 62-330.075, F.A.C. as required.

SPGP REVIEW - APPROVED

Your proposed activity as outlined on your notice and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project. A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit," Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this general permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District

Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact **Lisa Prather** at the letterhead address or at **407-897-2947** and Lisa.Prather@dep.state.fl.us.

Sincerely,



Caroline Shine, Environmental Administrator
Drinking Water/Environmental Resource Permitting
Permitting and Waste Cleanup Program

Date: May 17, 2016

Copies furnished to:

Orange County - neal.thomas@ocfl.net

Christiaan Myburgh, Summertime Docks - Christiaan@summertimedocks.com

Enclosures:

Ch. 62-330.427, F.A.C.

General Conditions for All General Permits, Ch. 62-330.405, F.A.C.

General Consent Conditions for Use of Sovereignty Submerged Lands

General Conditions for Federal Authorization for SPGP IV-R1

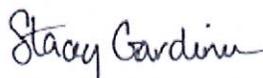
Permit Figures

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies, was mailed before the close of business on May 17, 2016, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk

May 17, 2016
Date

**SWERP – General Permit for Certain Piers and Associated Structures Specific Conditions
62-330.427(2)**

- (a) Construction or extension of the boat house, boat shelter, boat lift, gazebo, boat mooring locations, or terminal platforms, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;
- (b) There shall be no living quarters, or other structures enclosed by walls or doors on all sides;
- (c) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit; and
- (d) This general permit shall not authorize the construction of more than one pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property.

62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under Chapter 373, F.S. These conditions do not apply to the general permit in Section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.

(3) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.

(7) This permit shall not be transferred to a third party except pursuant to Rule 62-330.340, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in this general permit.

(10) A permittee's right to conduct a specific activity under this general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, available at www.dep.state.fl.us/water/wetlands/docs/erp/FLerosionSedimentManual_6_07.pdf, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed within 72 hours after the work commences; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in a general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; or

(16) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at imperiledspecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13.

**GENERAL CONSENT CONDITIONS FOR
USE OF SOVEREIGNTY SUBMERGED LANDS**

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

SPECIAL CONDITIONS FOR USE OF THE SPGP IV-RI

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP IV-RI does not automatically guarantee authorization.
2. No activity is authorized under the SPGP IV-RI which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat.
3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.
4. Failure to comply with all conditions of the Federal authorizations under the SPGP IV- RI would constitute a violation of the Federal authorization.
5. The SPGP IV-RI is not applicable in the geographical boundaries of: Monroe County; the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research/>.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

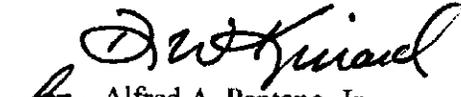
7. No work shall be authorized under the SPGP IV-R1 which proposes the use of refabricated modules for habitat creation, restoration, or enhancement.
8. No activity shall be authorized under the SPGP IV-R1 which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "**Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat** U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001" (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>). Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP IV-R1 must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "**Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*)** National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002" (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>). *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*

9. Prior to issuance of authorization, the dichotomous key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," dated March 2011, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application. The current version can be found on the Jacksonville District Regulatory Home Page at: <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.*
10. For projects in waters accessible to sea turtles, Small tooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Small tooth Sawfish Construction Conditions" (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*
11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see <http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm>) for guidance and clearance. *Note: The preceding should be considered an interim condition, after which, new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*
12. For projects authorized under this SPGP IV-R1 in navigable waters of the U.S., the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP IV-R1 will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP IV-R1 will be evaluated by the Corps.
14. If the SPGP IV-R1 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in

reliance upon the SPGP IV-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP IV-R1 expired or was revoked.

15. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Engineer

From: **Beth Seabrook** bwseabrook@gmail.com
Subject: Fwd: Environmental Question
Date: July 6, 2016 at 2:12 PM
To: **Matt Langbehn** matt@summertimcdocks.com



Begin forwarded message:

From: "Prather, Lisa" <Lisa.Prather@dep.state.fl.us>
Subject: RE: Environmental Question
Date: June 30, 2016 at 1:34:54 PM EDT
To: Beth Seabrook <bwseabrook@gmail.com>

Generally yes. I did not conduct a site review of the dock, because resource impacts were not a concern. The city may have information I am not aware of.

Lisa

-----Original Message-----

From: Beth Seabrook [<mailto:bwseabrook@gmail.com>]
Sent: Thursday, June 30, 2016 11:48 AM
To: Prather, Lisa
Subject: Re: Environmental Question

Thank you Lisa. We agree, however the City of Edgewood is not convinced it is best. We have a Notarized Statement of no Objection to Boat Dock signed by our neighbor. We're curious from an environmental perspective if it is best to build in the same footprint.
Thanks,
Beth

On Jun 30, 2016, at 10:35 AM, Prather, Lisa <Lisa.Prather@dep.state.fl.us> wrote:

Beth/Bill - Your permit depicts the dock is going to be constructed in the same area as the existing dock. If you want to change the location you will need to apply for a new permit. It is probably best to keep it at the location depicted on the approved plans.

Regards,

Lisa

-----Original Message-----

From: Beth Seabrook [<mailto:bwseabrook@gmail.com>]
Sent: Thursday, June 30, 2016 9:58 AM
To: Prather, Lisa
Subject: Environmental Question

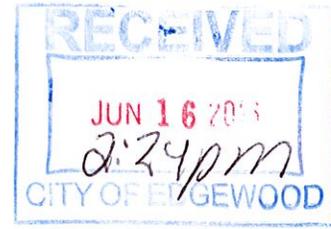
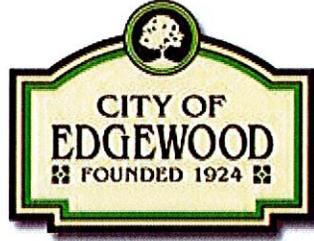
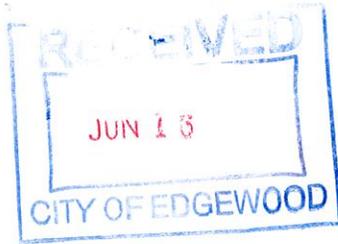
Good Morning Ms. Prather.

I was hoping you could answer a quick question for me. We have been approved for our permit and are very thankful. Out of curiosity we would like to know, from an environmental perspective, is it better to rebuild a dock within the existing footprint or build in adjacent area?

Thank you for your time.
Bill and Beth Seabrook

[Dep Customer Survey]<<http://survey.dep.state.fl.us/?refemail=Lisa.Prather@dep.state.fl.us>>

[Dep Customer Survey]<<http://survey.dep.state.fl.us/?refemail=Lisa.Prather@dep.state.fl.us>>



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: | 7-1-2016 |
| CITY COUNCIL MEETING DATE: | 7-19-2016 |

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

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

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

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

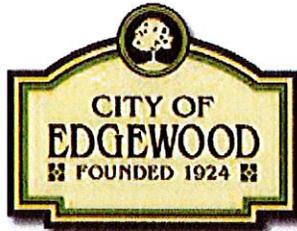
| | | | |
|--------------------|---|---------------|---|
| Applicant's Name: | Khaled Hussein | Owner's Name: | Karen Jane Thornton and First Equity Development Group, Inc Hickey John Patrick |
| Address: | 8671 Currituck Sound Ln. Orlando, FL 32829 | Address: | 2920 Biron Rd., Saint Cloud, FL 34772 2255 Glades Rd., 524A, Boca Raton, FL |
| Phone Number: | 321.695.7772 | Phone Number: | 352.343.2225 (Attorney)/321.624.4726 |
| Fax: | 407.599.1133 | Fax: | |
| Email: | kal007@aol.com | Email: | bill@CFLegal.com reed@gentryland.com |
| Legal Description: | W 165 FT OF BEG 440 FT E OF NW COR OF SEC RUN E 352 FT S 1320 FT W 352 FT N TO POB IN SEC 14-23-29 E 187 FT OF FOLLOWING DESC AS BEG 440 FT E OF NW COR OF SEC RUN E 352 FT S 1320 FT W 352 FT N 1320 FT TO POB (LESS N 30 FT FOR R/W) IN SEC 14-23-29 (see below for continuation) | | |
| Zoned: | R1A & R1AA | | |
| Location: | 1090, 1098, 1100, 1103, 1110 & 1130 Holden Ave., Orlando Fl 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 | R1A & R1AA |
| Proposed zoning districts and boundaries | (PD) Planned Development |
| Purpose of request: | To provide a consistent zoning for both parcels that will allow residential development that meets current market trends |

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

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

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

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

Please see attached "Rezoning Process"

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

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

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

Revised: 12-8-2015

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, (042), (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

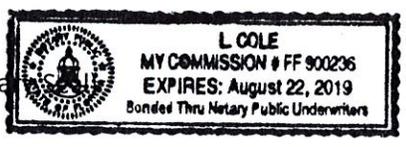
Date: _____ Signature of Property Owner Print Name Property Owner

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.

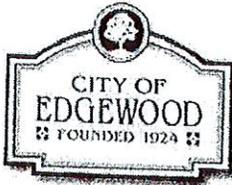
Witness my hand and official seal in the county and state stated above on the 9th day of June, in the year 2016.

[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) NISSFT OF 128 FT OF E 48.7 FT OF NW 1/4 OF NW 1/4 LESS N 30 FT Rd R/W OF SEC 14-23-29</u> | |
| <u>(042) N 380 FT OF NW 303 FT OF E 426.7 FT OF NW 1/4 OF NW 1/4 LESS NISS FT OF W 128 FT LESS N 30 FT FOR Rd</u> | |
| <u>(064) NISS FT OF W 128 FT OF E 426.7 FT OF NW 1/4 OF NW 1/4 LESS N 30 FT FOR Rd / R/W OF SEC 14-23-29</u> | |
| <u>(063) N 380 FT OF W 100 FT OF E 526.7 FT OF NW 1/4 OF NW 1/4 (LESS N 30 FT Rd / R/W) OF SEC 14-23-29</u> | |

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



Agent Authorization Form

FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD

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

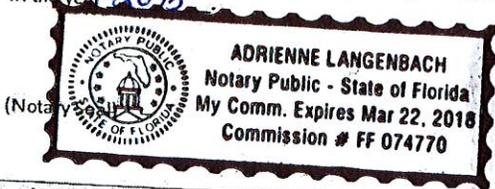
I/WE, (PRINT PROPERTY OWNER NAME) FIRST EQUITY DEVELOPMENT GROUP, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 110 HOLDEN AVE ORLANDO, FL 32806, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) Khaled Hussein, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT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

STATE OF FLORIDA:
COUNTY OF Orange

I certify that the foregoing instrument was acknowledged before me this 9 day of December, 2015 by Robert Harrell. He/she is personally known to me or has produced 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. Answer all questions and attach all relevant 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) Khaleel Hussain, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, PLS/CCZ/MS, 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.

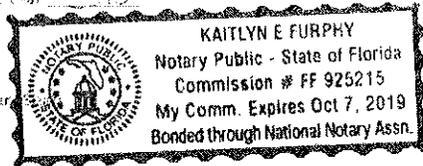
Date: 11-10-15 X Karen J. Thornton Karen Jane Thornton
Signature of Property Owner Print Name Property Owner

Date: _____ Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA
COUNTY OF OSCEOLA

I certify that the foregoing instrument was acknowledged before me this 10 day of December, 2015 by Karen Thornton. He/she is personally known to me or has produced FLDL T453516 515349 as identification and did/did not take an oath.

Witness my hand and official seal this day to and to be stated before of the 10 day of December, in the year 2015.



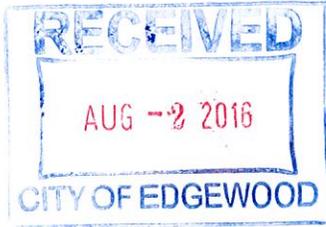
X Kaitlyn E Furphy
Signature of Notary Public

Notary Public for the State of Florida
My Commission Expires October 7, 2019

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

Please hand deliver to Edgewood City Hall at 405 Torus Avenue. For additional questions, please contact Edgewood City Hall at (407) 851-2820, or send email to torus@edgewood-fl.gov or info@edgewood-fl.gov.

Revised: 12-8-2011



**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.

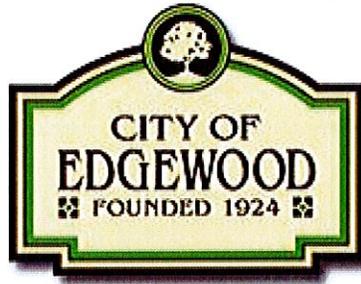
The gated and walled community provides an opportunity to provide aesthetically pleasing living areas through the provision of a brick wall along Holden Ave. with heavy landscaping as outlined in the staff conditions in the original staff report. In addition, the dry ponds have been dispersed around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





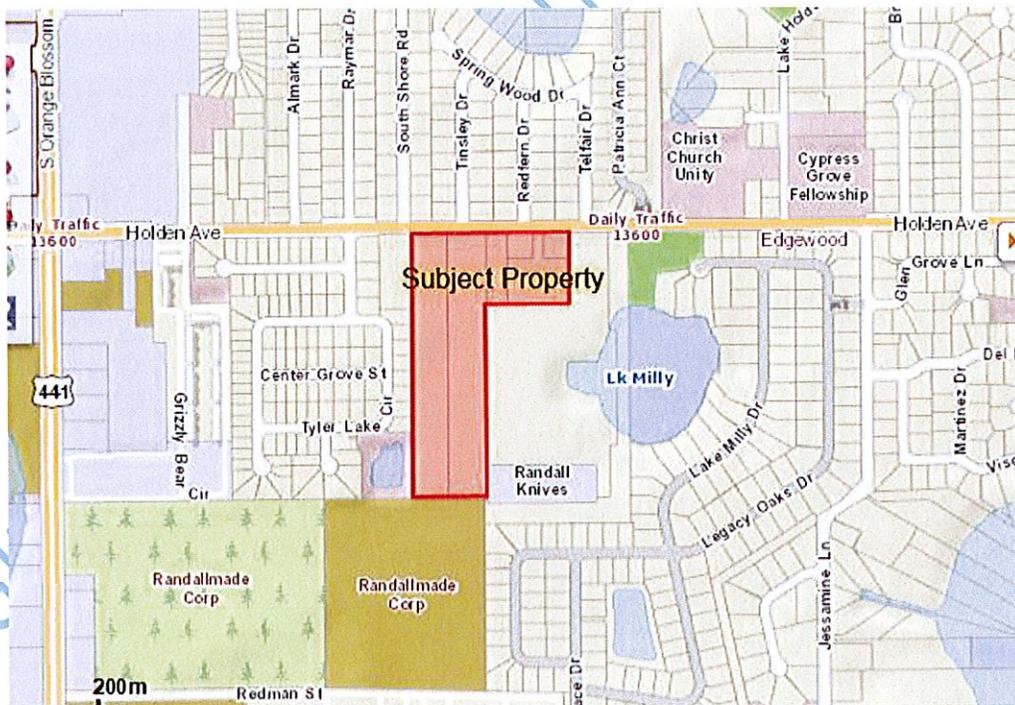
405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

To: Planning and Zoning Board Members
XC: Sandy Repp, Administrative Assistant
Ms. Bea Meeks, City Clerk
Drew Smith, City Attorney
David Mahler, City Engineering Consultant
From: Ellen Hardgrove, AICP, City Planning Consultant
Date: June 17, 2016
Re: Consideration of a Rezoning Request R1A and R1AA to PD

I. INTRODUCTION - HOLDEN AVENUE PLANNED DEVELOPMENT (PD)

Subject Location: South side of Holden Avenue; the following current tax parcels

- 14-23-29-0000-00-004
- 14-23-29-0000-00-005
- 14-23-29-0000-00-042
- 14-23-29-0000-00-062
- 14-23-29-0000-00-063
- 14-23-29-0000-00-064



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

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

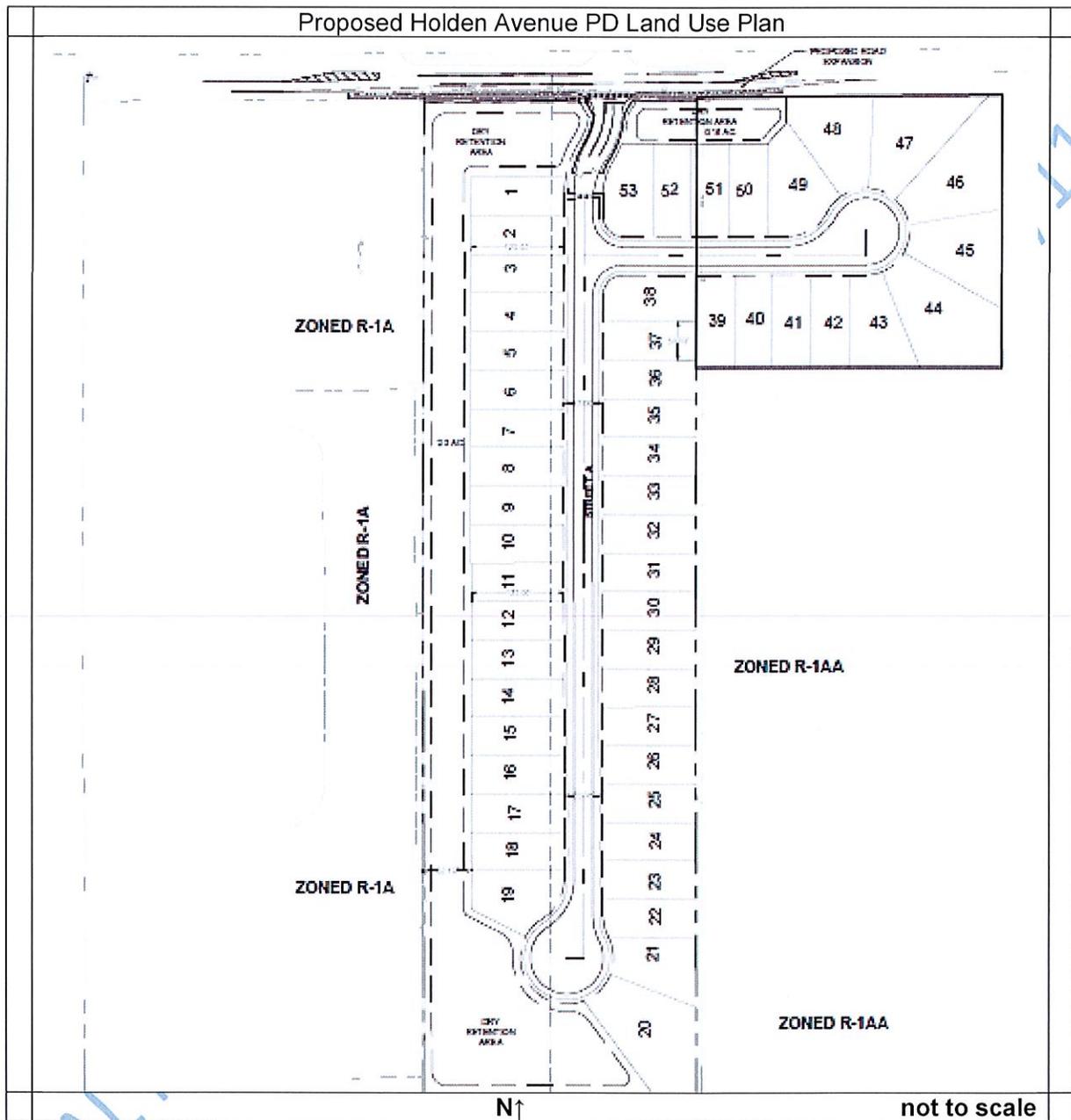
II. PROCESS FOR APPROVING A PLANNED DEVELOPMENT

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

Approval of the Land Use Plan = the rezoning

Approval of a Development Plan = can be a subdivision plan

III. PROPOSED LAND USE PLAN EXCERPT



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

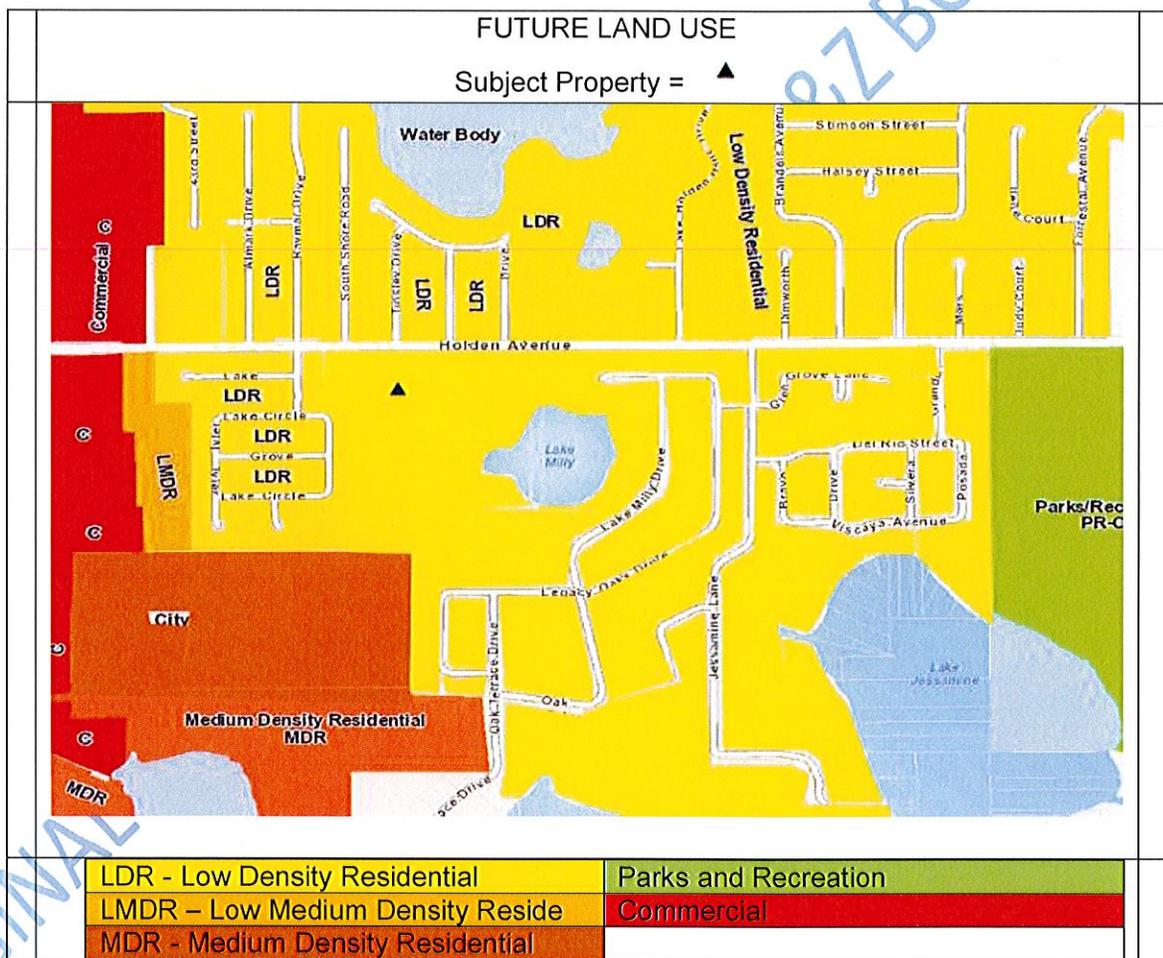
IV. CODE REQUIRED FACTORS WHEN CONSIDERING REZONING

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

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

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

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



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

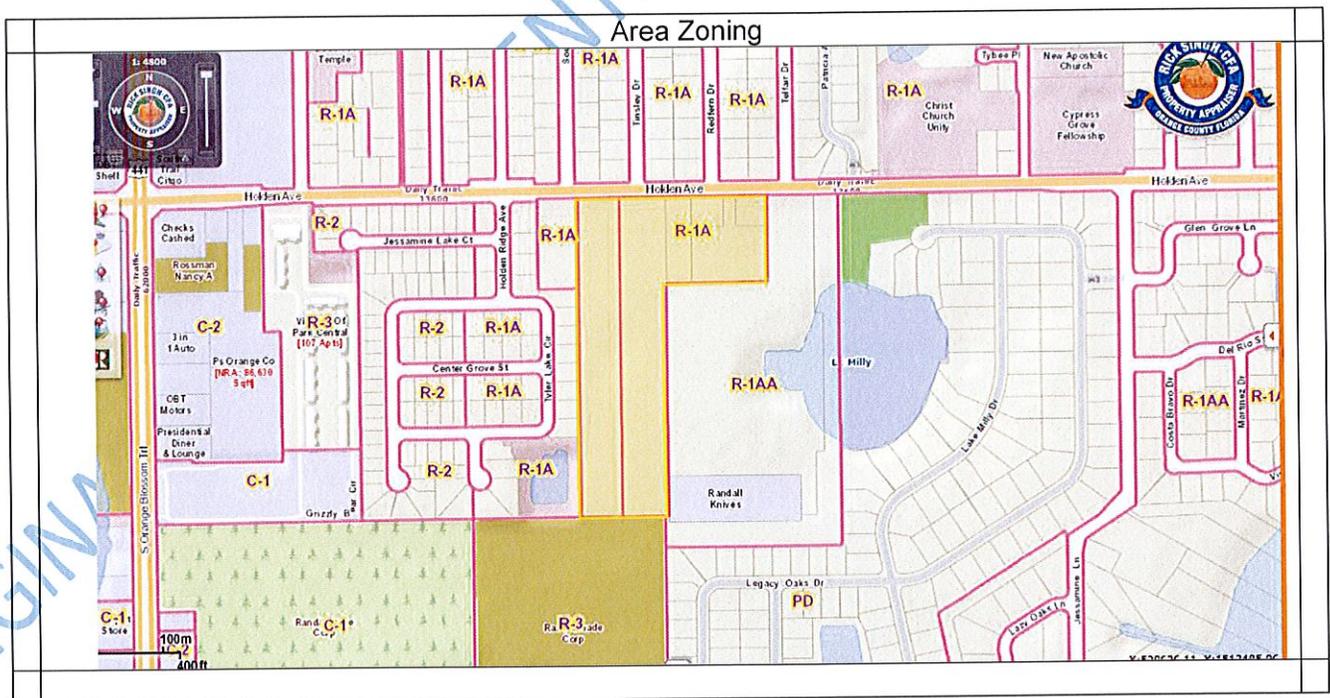
units/acre). At 3.94 units per acre (53 single family home lots/13.46 acres), the proposed land use plan is consistent with the Low Density Residential future land use designation.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

- A masonry brick wall with equally spaced columns shall be constructed along the Holden Avenue perimeter.
- Irrigated landscaping shall be placed on the Holden Avenue side of the wall and around the entrance of the subdivision. The landscaping shall include a continuous hedge, ground cover, and trees that will not interfere with the overhead utility lines. The continuous hedge shall be at least 30 inches high at planting of a species capable of growing to at least 36 inches in height within 18 months, which hedge shall be maintained at a height not less than 36 inches. The height of the hedge shall be measured from site grade. All requisite landscaping, whether preserved or newly planted, must demonstrate health and viability after issuance of the certificate of occupancy/completion. The city may perform a courtesy inspection of the landscaping within 90 days after issuance of the certificate of occupancy/completion. If the landscaping appears to be under stress, staff shall notify the home owners' association/developer. A compliance inspection will be performed approximately one year after landscape installation. If the landscaping is not viable, notice shall be given to the developer/HOA, and the developer/HOA shall be responsible for restoring the landscaping within a time period acceptable to the city.
- Parking for each lot shall be designed to allow two parking spaces in the garage and two spaces in the driveway for a total of four (4) parking spaces per residence. The applicant has included this design in the submitted narrative of the letter to the City of Edgewood from Darin A Lockwood dated "May 28th 2016."
- The sidewalk shall be placed where it will not conflict with parking in the driveway.

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

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

B Conformance with the Zoning Code

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

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

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

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

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

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

See Section "IV.A." above

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

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

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

V. STAFF RECOMMENDATION

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

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

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

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

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

- 2) Development shall meet the following site standards

Density shall not exceed 4.0 dwelling units/acre

Minimum lot size: 6000 square feet

Minimum house size: 1800 square feet

Minimum lot width: 50 feet

Minimum front yard building setback: 25 feet

Minimum rear yard building setback: 20 feet

Minimum side yard building setback: 5 feet, or 10 feet between structures

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

The buffer area can be used for stormwater management provided

(i) It is a dry bottom stormwater management pond

(ii) It is sodded;

(ii) It must be dry within 72 hours after a 25-year storm event;

(iii) A skimmer must be provided to minimize the accumulation of trash and pollutants;

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

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

- 4) A masonry wall or solid low-maintenance fence of consistent material and at least six feet in height shall be constructed around the entire PD perimeter, with the exception of the perimeter along Holden Avenue.
- 5) The buffer yard shall be placed in common ownership and a home owners' association (HOA) shall be created to maintain, in perpetuity, the perimeter wall/fencing and common open space/buffer area.
- 6) A masonry brick wall with equally spaced columns shall be constructed along the Holden Avenue perimeter and along the entry road of subdivision entrance.
- 7) Irrigated landscaping shall be placed on the Holden Avenue side of the wall and along the entry road of subdivision entrance. The landscaping shall include a continuous hedge, ground cover, and trees that will not interfere with the overhead utility lines. The continuous hedge shall be at least 30 inches high at planting of a species capable of growing to at least 36 inches in height within 18 months, which hedge shall be maintained at a height not less than 36 inches. The height of the hedge shall be measured from site grade. All requisite landscaping, whether preserved or newly planted, must demonstrate health and viability after issuance of the certificate of occupancy/completion. The city may perform a courtesy inspection of the landscaping within 90 days after issuance of the certificate of occupancy/completion. If the landscaping appears to be under stress, staff shall notify the developer/HOA. A compliance inspection will be performed approximately one year after landscape installation. If the landscaping is not viable, notice shall be given to the developer/HOA, and the developer/HOA shall be responsible for restoring the landscaping within a time period acceptable to the city.
- 8) Parking for each lot shall be designed to allow two parking spaces in the garage and two spaces in the driveway for a total of four (4) parking spaces per residence.
- 9) Sidewalks shall be placed to not interfere with driveway parking.
- 10) A Homeowners Association (HOA) shall be created.
- 11) The streets, street lighting, signage, and drainage systems within the development are to be private, owned and maintained by the HOA. The City shall not pay for any portion of the cost of constructing or maintaining the private streets, street lighting, signage, and drainage systems. The HOA shall own and be responsible for all costs associated with the maintenance and reconstruction of the private streets, drainage facilities, street lighting, sidewalks, signage, and related appurtenances, and the City has no obligation to maintain the private streets, sidewalks, signage, and drainage systems.
- 12) The private streets must be constructed within a separate tract owned by the HOA. This tract must conform to the City's standards for public streets/right-of-way. The City shall have the right to inspect the private streets and related appurtenances at any time, and require the HOA to provide the repairs needed to ensure emergency access and quality of life for residents. The City Council shall be the final judge of whether such repairs are needed.

- 13) Access-easement rights over the platted roadway right-of-way tract must be dedicated or otherwise granted to the owners of each lot within the subdivision and to all their successors in interest. Unrestricted access rights over the platted street tract must also be granted to the City and utility providers providing use of the property for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the City/Orange County to remove any vehicle or obstacle within the private street tract that impairs emergency access.
- 14) Guard houses, access control gates and cross arms may be constructed. The restricted access entrances must be manned 24 hours every day, or provide an alternative means of ensuring access to the subdivision by the City and other public/utility service providers with appropriate identification.
- 15) Restricted Access Entrance Design Standards - Any private street that has an access control gate or cross arm must have a minimum uninterrupted pavement width of 20 feet at the location of the access control device. Gate designs may incorporate one or two gate sections to meet the required minimum width of 20 feet.
- 16) Emergency Responder Access to Private Street - Entryway gates must be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, police and other emergency-response personnel. The audio-override device must be submitted to the fire and rescue department for inspection and the entrance gates may not be closed unless and until the department determines that the device is acceptable and in good working order.
- Emergency Responders shall have the right to enter the subdivision and remove any gate or device that is a barrier to access at the sole expense of the HOA, subject to approval by the City Council. The HOA's documents must contain provisions in conformity with this paragraph that must not be amended without the written consent of the City.
- 17) City/Utility Provider Access to Private Streets - The entryway gate must include a box, labeled "City of Edgewood," with a master-keyed padlock, and the box must contain a key, a card-key, a code, a remote-control device, or some other means by which public service and utility workers may gain access to the subdivision. The means of access must be approved by the City, public service/utility providers and the box must be installed prior to the city's issuance of the certificate of completion for the subdivision infrastructure. Any other utilities serving the subdivision must have similar access, and the names of such utilities must be on the outside of the box containing the means of access.
- 18) Water, sanitary sewer, storm drainage facilities placed within the private street tract shall be installed to city/utility provider standards. All storm drainage facilities in the subdivision shall remain within the ownership and maintenance responsibilities of the HOA. All city regulations relating to infrastructure financing, performance bonds, developer cost participation and capital cost recovery shall apply to the subject development. Any and all

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

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

- 20) Simultaneous with or prior to the recording of the subdivision final plat, the developer must record in the public records of Orange County, Florida, a document or documents ("declaration") that shall govern all platted lots within the subdivision, shall impose requirements and restrictions that run with the land, and shall address the responsibilities for the ongoing maintenance and repair of the subdivision infrastructure. The terms of the declaration shall be, to the city's satisfaction, legally sufficient and enforceable to accomplish or otherwise ensure, at a minimum, the following:
 - (a) Require the establishment and maintenance of a HOA account for annual routine maintenance and repair of the streets, street lights, landscaping, sidewalks, fence/wall, and drainage system, including stormwater detention/retention areas.
 - (b) Require the establishment and maintenance of an HOA account for major capital repair and replacement of the subdivision's streets.
 - (c) Require the establishment and maintenance of an HOA account for major capital repair and replacement of the subdivision's stormwater retention/detention facilities.
 - (d) Require the establishment and maintenance of an HOA account for major capital repair and replacement of other subdivision infrastructure such as sidewalks, stormwater conveyance systems, curbing, wall/fences, etc.
 - (e) Require the establishment and maintenance of an HOA account for storm debris clean-up and removal, such as clearing downed trees, landscape, and other storm-created debris from the subdivision's streets, sidewalks and drainage facilities.
 - (f) Establish the point at which the developer must turn over control of the HOA to the property owners. Turnover may occur no sooner than the point in time at which certificates of occupancy have been issued for seventy (70) percent of the platted lots in the project, and must occur no later than the point in time at which certificates of occupancy have been issued for ninety (90) percent of the platted lots in the project.

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

(h) Provide that:

1. Until turnover of the HOA to the property owners and/or transfer of control of subdivision infrastructure to the HOA, all maintenance and repair of streets, street lighting, landscaping, walls/fences, sidewalks and the drainage system, including stormwater detention/retention areas, is the responsibility of the developer;
2. Prior to turnover of the HOA and/or transfer of control of subdivision infrastructure to the property owners, the developer may expend monies in the routine-infrastructure-maintenance account for such maintenance and repair, but only with the written consent of the board of directors of the HOA; and
3. Insufficiency of monies in the routine-infrastructure-maintenance account shall not act to relieve the developer of any responsibility to maintain and repair the streets, sidewalks, streetlights, and drainage system (including stormwater detention/retention areas) properly prior to turnover of the HOA and/or transfer of control of subdivision infrastructure.

(i) Require that:

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

3. The developer shall pay the cost of this initial engineer's report, which payment may be made from the routine-infrastructure-maintenance account;
 4. A copy of the initial engineer's report shall be provided to all owners of lots, blocks, and tracts in the subdivision and to the City Engineer within fifteen (15) days after it is completed;
 5. Any needed repairs or replacements identified by the report be completed by the developer, at the developer's sole expense, prior to either the developer's turnover of the HOA to the property owners of the subdivision or transfer of control of subdivision infrastructure to the HOA, whichever occurs first; and
 6. If turnover of the HOA and/or transfer of control of subdivision infrastructure occurs and the foregoing requirements have not been fulfilled, the rights of the HOA, any of its members, and any and all owners of land in the subdivision to enforce these requirements against the developer shall survive the turnover of the HOA to the property owners, with the prevailing party to be entitled to attorneys' fees and costs.
- (j) Require that, after turnover of control of the HOA, or turnover of control of the subdivision infrastructure to the property owners:
1. The HOA shall obtain an inspection of the streets, sidewalks and drainage systems, including stormwater detention/retention areas, by a Florida-registered engineer experienced in subdivision construction no less frequently than once every three (3) years after the initial engineer's inspection; and
 2. Using good engineering practice, and in accordance with standards that may be established and revised from time to time by the City Engineer or his or her designee, or in accordance with such other standards as may be adopted from time to time by the HOA, or in accordance with such standards as the HOA's engineer may determine to be appropriate, the inspection determine the level of maintenance and repair (both scheduled and unscheduled) needed, the amounts of funding needed each year for the next three (3) years in the routine-infrastructure-maintenance account to pay for such maintenance and repair, and any repairs then needed;
 3. That the inspection be written in a report format; and
 4. A copy of each engineering report be provided to each owner of property in the gated community within fifteen (15) days of completion of the report; and
 5. Within one hundred eighty (180) days of receipt of each tri-annual engineering report, the HOA complete all remedial work identified and recommended by the engineer.

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

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

(r) Provide that:

1. The HOA, any member of the HOA, and any and all owners of land in the subdivision shall have the right jointly and severally to enforce against the developer the requirements and provisions of the declaration required hereunder, with the prevailing party being entitled to attorney's fees and costs;
2. Any member of the HOA and any and all owners of land in the subdivision shall have the right to enforce against the HOA the requirements and provisions of the declaration required hereunder, with the prevailing party being entitled to attorneys' fees and costs; and
3. Venue for any such enforcement action shall be in the Ninth Judicial Circuit of Florida, in Orange County.

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

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

(u) The Declaration must contain language whereby the HOA, as owner of the private streets, sidewalks and appurtenances, agrees to release, indemnify, defend and hold harmless the City, its officers, agents, licensees, servants and employees, from and against any and all claims or suits for property damage or loss and/or personal injury, including death, to any and all persons, of whatsoever kind of character, whether real or asserted, arising out of or in connection with, directly or indirectly: a) the reasonable use of the private streets and sidewalks, emergency access, utility easements, entrance gate or structure by the City, its officers, agents, licensees, servants and employees; b) the condition of the private streets, sidewalks, private street lights, private entrance gates or structures, private walls or fences, private pedestrian access, private storm drainage systems and emergency access; or c) any use of the subdivision with private streets by the City, County, or Utility provider, its officers, agents, licensees, servants and employees for any purpose related to the exercise of a governmental function or service, whether or not caused, in whole or in part, by alleged negligence of officers, agents, servants, employees, contractors, subcontractors, licensees or invitees of City. The HOA shall be responsible for carrying liability insurance to meet the requirements in this paragraph. Those portions of the HOA's documents pertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

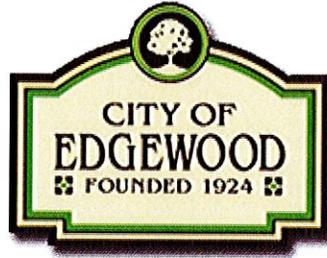
(v) The HOA must not be dissolved without the prior written consent of the City.

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

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

esh

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.

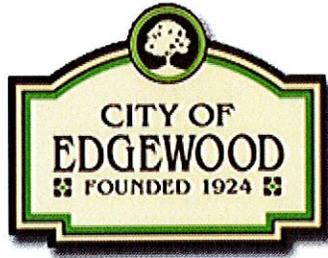
The Planning and Zoning Board's recommendation will be forwarded to City Council for final action.

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 R/W) OF SEC 14-23-29



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

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

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

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.

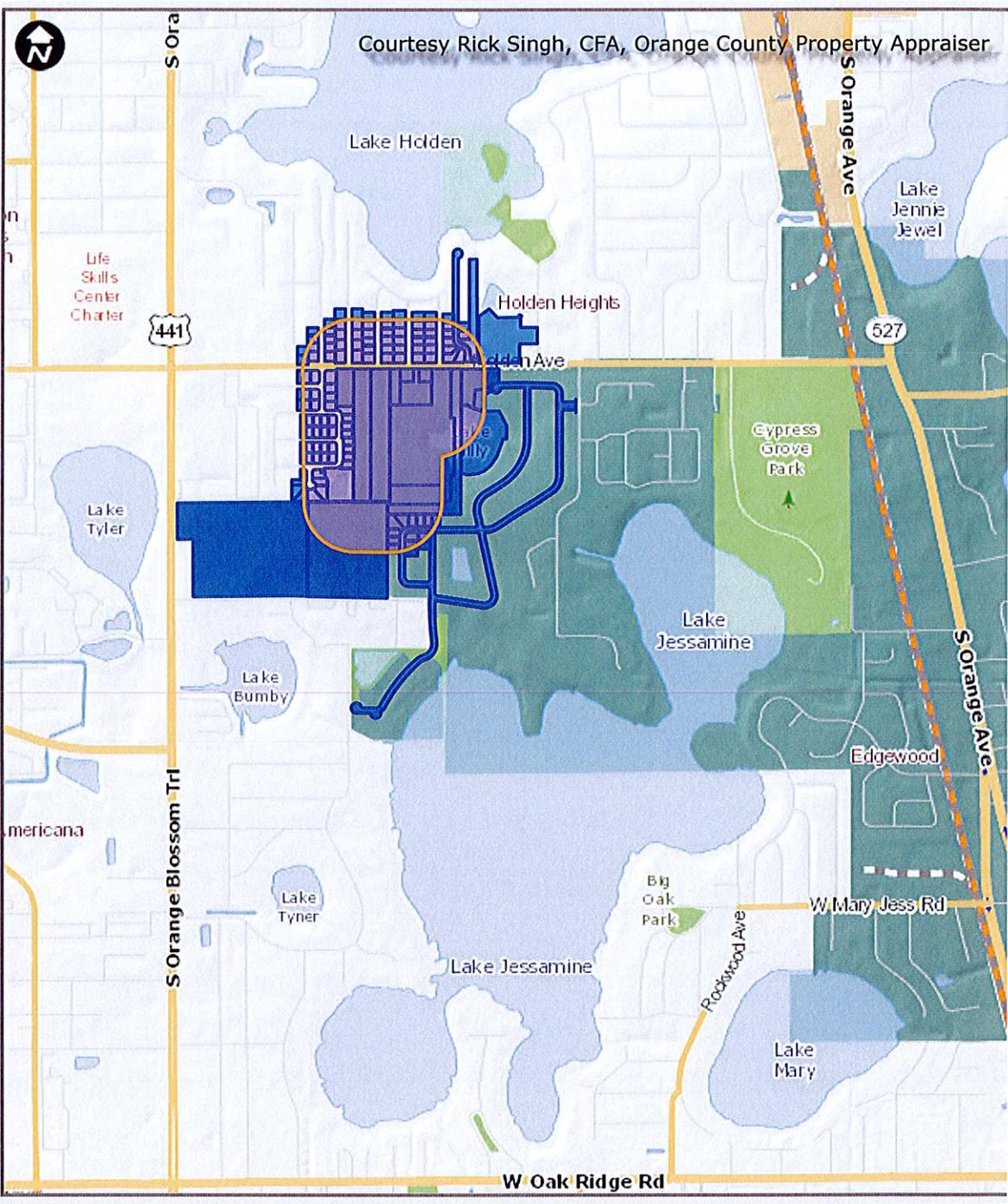
The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, *Florida Statutes*, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the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

Dated: July 18, 2016


Bea L. Meeks, 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 (441)
- State Road (436)
- County Road (551)
- 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



HICKEY JOHN PATRICK
609 MACARTHUR DR
ORLANDO, FL. 32839

HICKEY JOHN PATRICK
609 MACARTHUR DR
ORLANDO, FL. 32839

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

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

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

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

RIVERA SERRANO YARITZA
MALDONADO MARIN PEDRO JUAN
4623 HOLDEN RIDGE AVE
ORLANDO, FL. 32839

HICKEY JOHN PATRICK
609 MACARTHUR DR
ORLANDO, FL. 32839

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

HICKEY JOHN PATRICK
609 MACARTHUR DR
ORLANDO, FL. 32839

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

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

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

PATEL MUKESH
12744 TOPSFIELD DR
ORLANDO, FL. 32837

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

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

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

RIVERA HERNAN
9113 OAK FERN DR
ORLANDO, FL. 32832

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

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

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

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

JOSEPH ROSETTE
1122 CENTER GROVE ST
ORLANDO, FL. 32839

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

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

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

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

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

RANDALLMADE CORP
C/O GARY T RANDALL OMBI | PO BOX 1:
ORLANDO, FL. 32802

FRASER ANDREE
4825 HIGHRIDGE CT
ORLANDO, FL. 32839

FELIX ANTONIO
SUERO FELIX JUANA E
5018 LEGACY OAKS DR
ORLANDO, FL. 32839

LUX KELLY
5030 LEGACY OAKS DR
ORLANDO, FL. 32839

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

RODRIGUEZ SAMUEL
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

RADUAZZO KENNETH M
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
4646 S SHORE RD
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 Baldoqui, 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:

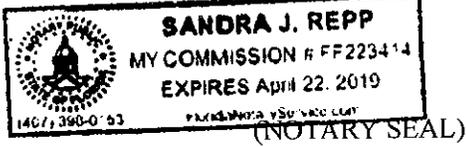
- 1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and date of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
- 2. That said posted notice also contained the relevant facts pertaining to the application.
- 3. That said 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 Signature) [Signature]

(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:

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.

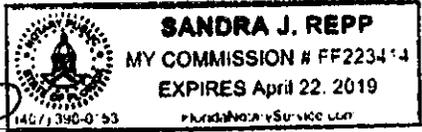
R V M
Signature of owner or authorized representative

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) 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

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 Vein 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: 7/18/2016
- 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.

Richard Vein 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

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 Driver's 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 Baldacchi, 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: 7/20/2016
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

[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

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:

- 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: 7/24/2016
- 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.

R V 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 Sandra J Repp.

(Notary Signature) [Signature]

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License

Application: 2016-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:

- 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: 7/20/2016
- 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 20 day of July, 2016, by

Sandra J Repp
(Notary Signature) [Signature]

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)



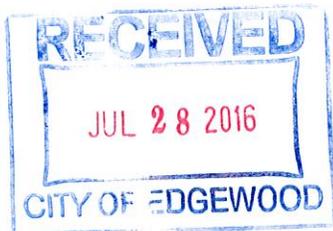
Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License

7/27/16

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.

Thanks for your consideration
Dail & Gary Page
4607 Insley Dr
Orlando FL 32839



BakerHostetler

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.

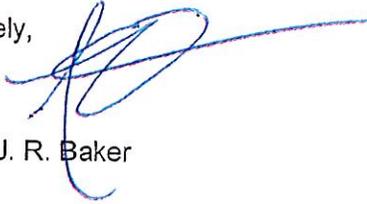
Accordingly, Randall's request remains the same. Specifically, if the Rezoning Application is approved, Randall respectfully requests that the conditions of development set forth in Section V(4) and V(6) of the initial Staff Report (and also found within the proposed Ordinance) be adopted by the Board 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

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.
129

- 130 C. Access to the site shall be provided on Holden Avenue directly
131 opposite Tinsley Drive.
132
- 133 D. Density shall not exceed 4.0 dwelling units/acre.
134
- 135 E. Minimum lot size shall be 6000 square feet.
136
- 137 F. Minimum dwelling size shall be 1800 square feet of livable space.
138
- 139 G. Minimum lot width shall be 50 feet.
140
- 141 H. Minimum front yard building setback shall be 25 feet.
142
- 143 I. Minimum rear yard building setback shall be 20 feet.
144
- 145 J. Minimum side yard setback shall be 5 feet.
146
- 147 A buffer yard of at least 15 feet in width shall be located along the
148 western property perimeter where the property is adjacent to
149 existing residential lots and/or parcels. The buffer yard may not be
150 counted toward the minimum yard setbacks. The buffer area can be
151 used for stormwater management provided:
152
- 153 (i) Any such stormwater management consists of a dry bottom
154 stormwater management pond;
155 (ii) The stormwater management pond is sodded;
156 (ii) The stormwater management pond is designed and
157 constructed to be dry within 72 hours after a 25-year storm
158 event;
159 (iii) A skimmer must be provided to minimize the accumulation
160 of trash and pollutants;
161 (iv) At least five percent of the area above the peak stage
162 elevation must be landscaped with at least 50 percent of the
163 required area landscaped with plant materials other than
164 ground cover (the use of native plant species is encouraged).
165
- 166 K. A masonry wall or solid low-maintenance fence of consistent
167 material and at least six feet in height shall be constructed around
168 the entire perimeter of the subject property except that portion of
169 the subject property adjacent to Holden Avenue.
170
- 171 L. A masonry brick wall with equally spaced columns shall be
172 constructed along the Holden Avenue perimeter and along the entry
173 road of subdivision entrance.

174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217

- M. Irrigated landscaping shall be placed on the Holden Avenue side of the wall and along the entry road of subdivision entrance. The landscaping shall include a continuous hedge, ground cover, and trees that will not interfere with the overhead utility lines. The continuous hedge shall be at least 30 inches high at planting of a species capable of growing to at least 36 inches in height within 18 months, which hedge shall be maintained at a height not less than 36 inches. The height of the hedge shall be measured from site grade. All requisite landscaping, whether preserved or newly planted, must demonstrate health and viability after issuance of the certificate of occupancy/completion. The city may perform a courtesy inspection of the landscaping within 90 days after issuance of the certificate of occupancy/completion. If the landscaping appears to be under stress, staff shall notify the developer/HOA. A compliance inspection will be performed approximately one year after landscape installation. If the landscaping is not viable, notice shall be given to the developer/HOA, and the developer/HOA shall be responsible for restoring the landscaping within a time period acceptable to the city.
- N. A homeowners' association (HOA) shall be created and shall maintain in perpetuity all perimeter walls, common open space, buffer areas, common irrigation, streets, sidewalks, street lighting, signage, and retention and drainage systems.
- O. The buffer yard and all portions of the subject property upon which perimeter walls are constructed shall be owned by the HOA.
- P. The streets, street lighting, signage, and drainage systems within the development are to be private, owned and maintained by the HOA. The City shall not pay for any portion of the cost of constructing or maintaining the private streets, street lighting, signage, and drainage systems. The HOA shall own and be responsible for all costs associated with the maintenance and reconstruction of the private streets, drainage facilities, street lighting, sidewalks, signage, and related appurtenances, and the City has no obligation to maintain the private streets, sidewalks, signage, and drainage systems.
- Q. The private streets must be constructed within a separate tract owned by the HOA. This tract must conform to the City's standards for public streets/right-of-way. The City shall have the right to inspect the private streets and related appurtenances at any time, and require the HOA to provide the repairs needed to ensure

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

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

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

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

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

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

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

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

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

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

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

306 address the responsibilities for the ongoing maintenance and repair
307 of the subdivision infrastructure. The terms of the declaration shall
308 be, to the city's satisfaction, legally sufficient and enforceable to
309 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.

316
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.

336
337 (vi) Provide that:

338
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;

346
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

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

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

362
363 (vii) Require that:

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

390
391 b. The report be signed and sealed by the engineer;

392

- 393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
- c. The developer shall pay the cost of this initial engineer's report, which payment may be made from the routine-infrastructure-maintenance account;
 - d. A copy of the initial engineer's report shall be provided to all owners of lots, blocks, and tracts in the subdivision and to the City Engineer within fifteen (15) days after it is completed;
 - e. Any needed repairs or replacements identified by the report be completed by the developer, at the developer's sole expense, prior to either the developer's turnover of the HOA to the property owners of the subdivision or transfer of control of subdivision infrastructure to the HOA, whichever occurs first; and
 - f. If turnover of the HOA and/or transfer of control of subdivision infrastructure occurs and the foregoing requirements have not been fulfilled, the rights of the HOA, any of its members, and any and all owners of land in the subdivision to enforce these requirements against the developer shall survive the turnover of the HOA to the property owners, with the prevailing party to be entitled to attorneys' fees and costs.
- (viii) Require that, after turnover of control of the HOA, or turnover of control of the subdivision infrastructure to the property owners:
- a. The HOA shall obtain an inspection of the streets, sidewalks and drainage systems, including stormwater detention/retention areas, by a Florida-registered engineer experienced in subdivision construction no less frequently than once every three (3) years after the initial engineer's inspection; and
 - b. Using good engineering practice, and in accordance with standards that may be established and revised from time to time by the City Engineer or his or her designee, or in accordance with such other standards as may be adopted from time to time by the HOA, or in accordance with such standards as the HOA's engineer may determine to be appropriate, the

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

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

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

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

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

522
523 (xvi) Provide that:

- 524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
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.

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

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.

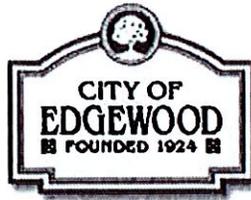
607
608 PASSED AND ADOPTED THIS _____ DAY OF _____,
609 2016.
610
611

612 CITY OF EDGEWOOD, FLORIDA
613 CITY COUNCIL

614
615 _____
616 John Dowless, Council President

617 ATTEST:

618
619 _____
620 Bea Meeks, City Clerk



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

APPLICATION FOR SPECIAL EXCEPTION

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

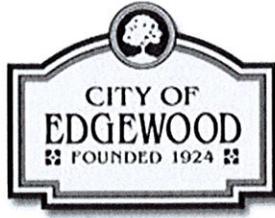
| | |
|--|-----------|
| PLANNING AND ZONING MEETING DATE: | 8/9/2016 |
| CITY COUNCIL MEETING DATE: | 9/20/2016 |

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

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

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

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



SPECIAL EXCEPTION APPLICATION

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

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

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

Please see attached Letter of Authorization form.

3. SURROUNDING ZONING DESIGNATIONS:

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

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

Please see attached Special Exception Narrative.

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

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



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



LEGAL DESCRIPTION

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

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



SPECIAL EXCEPTION NARRATIVE

SUNCOAST BUILDING MATERIALS 101 MARY JESS ROAD, EDGEWOOD Parcel "A" I.D. No.: 13-23-29-0000-00-009; Parcel "B" I.D. No.: 13-23-29-0000-00-005

JULY 25, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

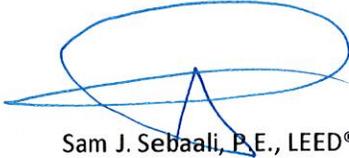


proposed development of Parcel "A" proposes to orient the inactive portions of the buildings toward the north to minimize noise in the area adjacent to the residential development.

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

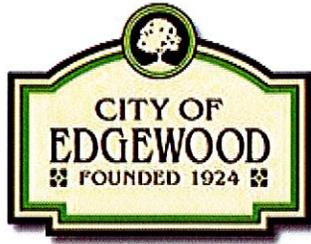
Sincerely,

Florida Engineering Group, Inc.



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

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



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

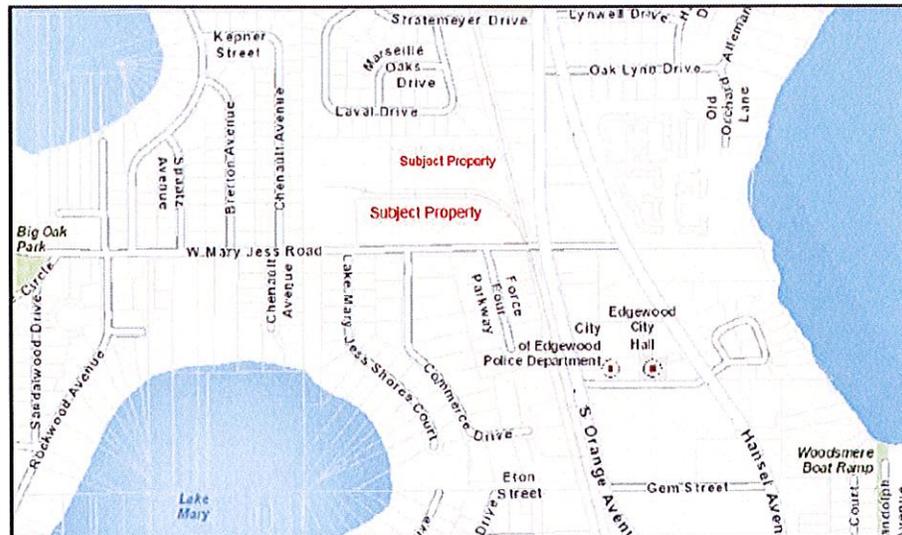
To: Planning and Zoning Board Members
XC: Sandy Repp, Administrative Assistant
Ms. Bea Meeks, City Clerk
Drew Smith, City Attorney
David Mahler, City Engineering Consultant
From: Ellen Hardgrove, AICP, City Planning Consultant
Date: July 25, 2016
Re: Special Exception Application Suncoast Building Materials,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

Introduction

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

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

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



Property Owner: Cemex

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

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

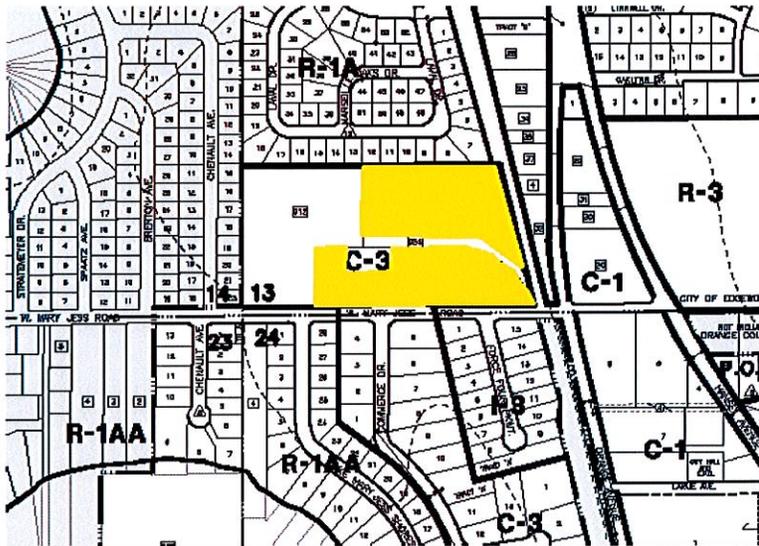
The proposed redevelopment will be in at least four phases, with the first phase located on the portion of the property north of the railroad spur known as "Parcel A." Parcel A is proposed to be developed in three phases. Parcel B, that portion between the railroad spur and Mary Jess Road, will be reserved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

Existing on site: Remnants from the previous cement mixing use

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



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



Consideration for approval by Planning and Zoning Board

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

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

Considerations

Neighborhood Character/History

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

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

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

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

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

Effect on Value of Surrounding Land

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

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

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

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

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

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

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

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

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

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

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

Parking/Access/Loading/Unloading of Merchandise

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

Conclusion and Recommendation

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

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

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

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

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

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

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

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

ESH

Sandy Repp

From: wrgac@aol.com
Sent: Tuesday, July 26, 2016 12:55 PM
To: Sandy Repp
Subject: Re: Cemex Suncoast Staff Report

how 'bout this...

Staff has reviewed the three considerations for approval of a special exception in light of the requested uses/location, and recommends approval with the following conditions.

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

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

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

2) Buildings, stacked material, and equipment stored onsite should be limited to one story and a maximum of 35 feet in height.

3) The existing wall along Mary Jess Road shall be removed.

4) A 10 feet wide landscape buffer shall be installed along the property's Mary Jess Road frontage. One understory, non-deciduous shade tree shall be planted within the Mary Jess Road buffer for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet. The buffer shall also include a continuous hedge at least three feet high, and 50 percent opaque at planting of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months.

5) Water efficient plants in the onsite landscaping are encouraged. A permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is required.

-----Original Message-----

From: Sandy Repp <srepp@edgewood-fl.gov>
To: Ellen Hardgrove <Wrgac@aol.com>; Lane, Allen C. (P.E.) (P.E.) <alane@cphcorp.com>
Cc: Bea Meeks <bmeeks@edgewood-fl.gov>
Sent: Tue, Jul 26, 2016 12:40 pm
Subject: FW: Cemex Suncoast Staff Report

Allen and Ellen,

Can you please summarize (in layman's terms) what your recommendations are? I have read through both of your reports but I would like to be more confident of what you are saying.



July 25, 2016



1117 East Robinson Street
Orlando, Florida 32801
Phone: 407.425.0452

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

RE: CEMEX Construction Materials – Special Exception
CPH plan review

Dear Ms. Repp,

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

Plans review:

C-3 - Site Demolition Plan

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

C-4 - Site Phasing Plan

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

C-5 - Site Geometry Plan

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



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

Informational comments:

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

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

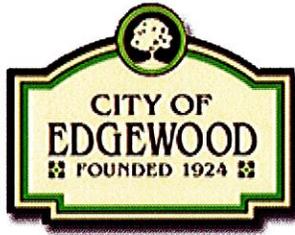
Sincerely,

CPH, Inc.

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

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

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



NOTICE OF PUBLIC HEARING

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

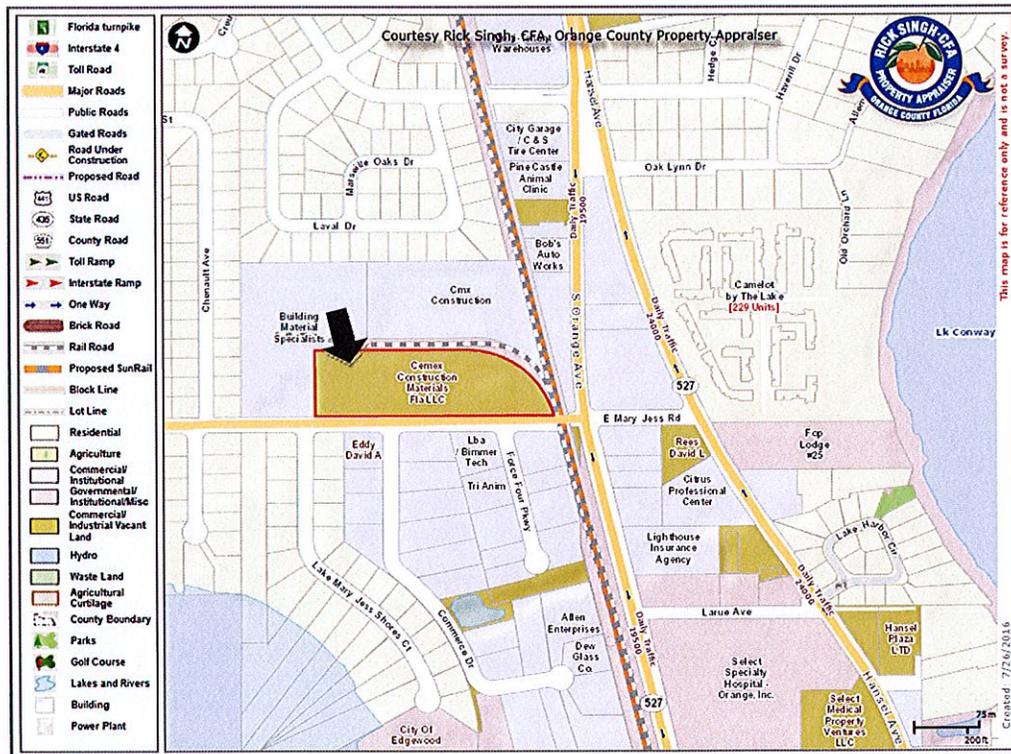
Special Exception Application No. 2016-SE-03: Outdoor storage of merchandise, parts or other equipment. *Section 134-405 (10)*

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

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

The application was submitted by Williams Johns of Suncoast Building Materials, Inc. The meeting will be held in the Council Chambers of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.** The Planning and Zoning Board's recommendation will be forwarded to City Council on **Tuesday, September 20, 2016 at 6:30 p.m.**, or as soon thereafter as possible, for final action.

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



PELOSO ARTHUR S
PELOSO RHONDA J 50% INT
1437 HORIZON CT
BELLE ISLE, FL. 32809

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

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

RODRIGO MARTA
2003 WATER KEY DR
WINDERMERE, FL. 34786

ZIMMER POSTER SERVICE
PO BOX 623276
OVIEDO, FL. 32762

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

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

CONFIDENTIAL
CONFIDENTIAL
CONFIDENTIAL

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

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

ZEITLER MARK T
13826 MARINE DR
ORLANDO, FL. 32832

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

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

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

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

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

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

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

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

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

CONFIDENTIAL
CONFIDENTIAL
CONFIDENTIAL

HOOKE HOLDINGS LLLP
5511 HANSEL AVE
ORLANDO, FL. 32809

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

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

CAFFRO ROBERT S
5507 CHENAULT AVE
ORLANDO, FL. 32839

DORGELUS ANIE
5513 CHENAULT AVE
ORLANDO, FL. 32839

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

MCDANIEL ANGELA
5414 CHENAULT AVE
ORLANDO, FL. 32839

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

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

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

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

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

GREGORY ANNA M
5410 CHENAULT AVE
ORLANDO, FL. 32839

WILSON BRENDA
5415 CHENAULT AVE
ORLANDO, FL. 32839

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

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

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

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

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

WOZNACK MARY M
5214 LAVAL DR
ORLANDO, FL. 32839

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

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

VALLES JERRY
5238 LAVAL DR
ORLANDO, FL. 32839

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

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

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

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

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

TORRES ITALIA
802 HONOLULU WOODS LN
ORLANDO, FL. 32824

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

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

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

ZHYVITSKI YAUHEN
5220 LAVAL DR
ORLANDO, FL. 32839

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

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

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

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

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

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

LEBLANC ASTRIDE LIFE ESTATE
REM: SASHY G JEAN FRANCOIS
5128 STRATEMEYER DR
ORLANDO, FL. 32839

PROVENZANO DELORES
5305 CHENAULT AVE
ORLANDO, FL. 32839

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

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

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

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

HOOKEE HOLDINGS LLLP
5511 HANSEL AVE
ORLANDO, FL. 32809

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

GONZALEZ GLORIA
5430 LAKE JESSAMINE DR
ORLANDO, FL. 32839

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

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

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

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

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

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

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

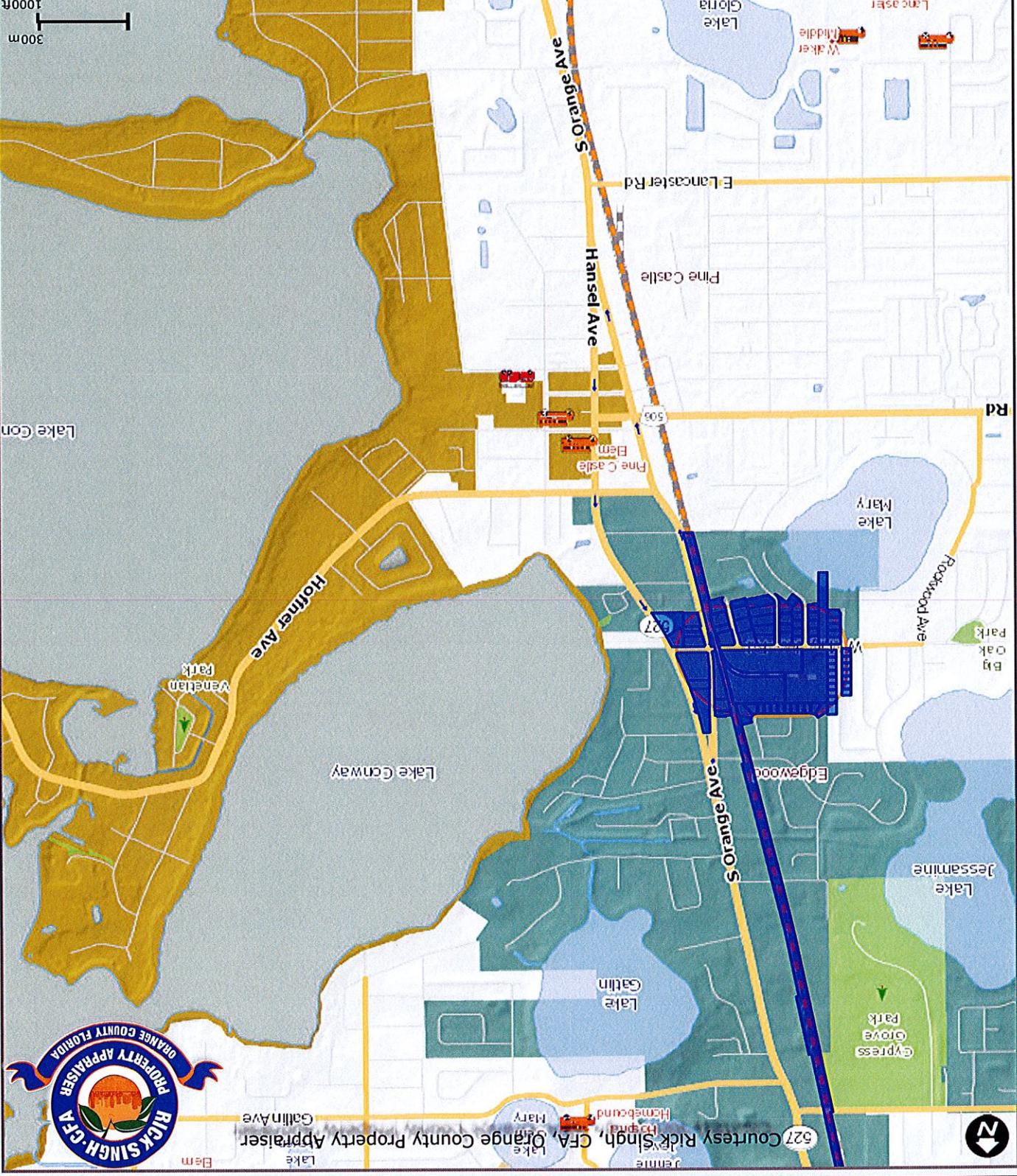
COPELAND JEANETTA J
5411 CHENAULT AVE
ORLANDO, FL. 32839

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

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

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

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



CCPA Web Map

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

RICK SINGH - CFA
 ORANGE COUNTY FLORIDA
 PROPERTY APPRAISER

Courtesy Rick Singh, CFA, Orange County Property Appraiser

Application: 2016-SE-03

Owner/Applicant Name: William Johns

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

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

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

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

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and date of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 7/27/2016.
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such, will be officially filed with the City of Edgewood, Florida.

[Signature]
Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF Orange

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

Sandra J. Repp

(Notary Signature) [Signature]

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License



Application: 2016-SE-05
Owner/Applicant Name: William Johns
Public Hearing Date: 8/8/2016 and 9/20/2016

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

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

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

- 1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and date of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
- 2. That said posted notice also contained the relevant facts pertaining to the application.
- 3. That said notice was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 7/27/2016.
- 4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such, will be officially filed with the City of Edgewood, Florida.

[Signature]
Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF Orange

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

Sandra J Repp

(Notary Signature) [Signature]

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License



Application: 2016-SE-04

Owner/Applicant Name: William Johns

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

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

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

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

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and date of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 7/27/2016.
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such, will be officially filed with the City of Edgewood, Florida.

Jared Maddison Hohn
Signature of owner or authorized representative

STATE OF FLORIDA
COUNTY OF Orange

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

Sandra J Repp

(Notary Signature) Sandra J Repp

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License

