



PLANNING AND ZONING BOARD MEETING (AMENDED 11/7/2025)

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, November 10, 2025 at 6:30 PM

Ryan Santurri
Chair

David Nelson
Vice-Chair

David Gragg
Board Member

Todd Nolan
Board Member

Angie Sharp
Board Member

AGENDA

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.

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

B. ROLL CALL AND DETERMINATION OF QUORUM

C. APPROVAL OF MINUTES

1. September 8, 2025 Planning & Zoning Meeting Minutes

D. NEW BUSINESS

1. Variance 2025-05: After-the-Fact Variance Requests – 4045, 4053 & 4061 Forrestal Ave
2. Ordinance 2025-12: Recovery Residences
3. Ordinance 2025-13: Street Repaving Gated Communities

E. UNFINISHED BUSINESS

F. COMMENTS/ANNOUNCEMENTS

G. ADJOURNMENT

UPCOMING MEETINGS & EVENTS

Tuesday, November 18, 2025.....City Council Meeting 6:30 PM
Friday, December 5, 2025.....Santa Fly-In Event 6:00-8:30 PM
Monday, December 8, 2025.....Planning & Zoning Meeting 5:30 PM (tentative)
Tuesday, December 16, 2025.....City Council Meeting 6:30 PM

General Rules of Order

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

We ask that all electronic devices (i.e. 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. Per **Section 286.0105**, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceeding and may need to ensure that a verbatim record is made.

Americans with Disabilities Act

In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the **City Clerk at (407) 851-2920**.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL & DETERMINATION OF QUORUM

APPROVAL OF MINUTES



PLANNING AND ZONING BOARD MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, September 8, 2025 at 6:30 PM

Ryan Santurri
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Vice-Chair

David Gragg
Board Member

Todd Nolan
Board Member

Angie Sharp
Board Member

MINUTES

These minutes provide a summary of the key discussions and decisions made during the September 8, 2025 Planning & Zoning Board Meeting. A complete audio recording of the meeting is available for public review for one year. After one year, the City will dispose of the recording in accordance with applicable regulations. To access the recording, please contact Edgewood City Hall at 407-851-2920.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chair Santurri called the meeting to order at 6:30 pm and led everyone in the Pledge of Allegiance.

ROLL CALL AND DETERMINATION OF QUORUM

Administrative Project Manager Sollazzo confirmed a quorum with all five (5) board members present.

BOARD MEMBERS PRESENT

Chair Ryan Santurri
Vice Chair David Nelson
Board Member David Gragg
Board Member Todd Nolan
Board Member Angie Sharp

STAFF PRESENT

Brett Sollazzo, Administrative Project Manager
Holli New, City Attorney
Ellen Hardgrove, City Planner
Michael Fraticelli, Police Sergeant

APPROVAL OF MINUTES

August 11, 2025 Planning & Zoning Meeting Minutes

Vice Chair Nelson made a motion to approve the August 11, 2025 Planning and Zoning meeting minutes as presented. The motion was seconded by Board Member Gragg. Approved (5/0) by voice vote.

NEW BUSINESS

1. ORDINANCE 2025-06: SMALL SCALE COMP PLAN AMENDMENT WATERWITCH

Planner Hardgrove presented the proposed small-scale amendment to the City of Edgewood's Future Land Use (FLU) Map. The amendment seeks to correct a historical mapping error originating from Comprehensive Plan Amendment 93S1 (Ordinance No. 93-391) and align the Waterwitch Cove Subdivision with the appropriate land use density consistent with surrounding properties and the City's Comprehensive Plan.

Planner Hardgrove explained that the subdivision was annexed into the City via Ordinance No. 93-388, and the subsequent 1993 Comprehensive Plan Amendment assigned a "Medium Density Residential" designation for Tract 4 (15.6 acres). This designation was applied in error, as the "Medium Density" category was mistakenly interpreted from an existing land use classification ("Single Family Medium Density, 2–6 units per acre") rather than the proper future land use designation.

Had the correct Future Land Use definitions been applied, the property would have been designated "Low Density Residential," defined as "not exceeding 4 dwelling units per acre." The current "Medium Density Residential" category (greater than 4 but not exceeding 7 dwelling units per acre) is inconsistent with both the 1993 description and the prevailing low-density character of the area.

Staff recommended approval of the small-scale comprehensive plan amendment to change the Future Land Use Map designation for the Waterwitch Cove Subdivision from *Medium Density Residential* to *Low Density Residential*.

PUBLIC COMMENT

Tina Demostene, an Edgewood resident, spoke in support of the proposed amendment. She thanked City Staff for identifying the historical error and working to correct it.

There was a brief discussion amongst Board Members prior to a motion and roll call vote.

MOTION & ROLL CALL VOTE

Chair Santurri made a motion to recommend approval of Ordinance 2025-06 as presented. The motion was seconded by Board Member Gragg and approved (5/0) by roll call vote.

The motion was approved by roll call vote.

Chair Santurri	Favor
Vice Chair Nelson	Favor
Board Member Gragg	Favor
Board Member Nolan	Favor
Board Member Sharp	Favor

2. ORDINANCE 2025-08: ECD MIXED USE AND ACTIVITY NODE BONUS

Planner Hardgrove presented Ordinance 2025-08, a proposed amendment to Edgewood Central District (ECD) standards. The ordinance aims to clarify “Mixed Use Residential” by defining multi-dwelling buildings within mixed-use site plans and to refine the Activity Node Density Bonus, supporting the City’s vision for vibrant, walkable mixed-use nodes along Orange and Hansel Avenues. The ordinance also introduces Live/Work Units as a qualifying non-residential use.

The ordinance defines the permitted use Mixed Use Residential as residential with at least one non-residential use, such as retail, restaurant, personal service, entertainment venue, office, lodging, or live/work units. The ordinance adds a definition for “Entertainment Venue” referencing the ECD’s Neighborhood Entertainment, Arts, and Recreation permitted use table.

Minimum Non-Residential Requirements: The ordinance proposed projects of up to 25 units per acre must dedicate at least 3% of total site area to non-residential uses, located on the ground floor along Orange Avenue or a public plaza to ensure pedestrian activity. For example, a 5.08-acre site would require roughly 6,639 sq. ft. of non-residential floor area.

Activity Node Density Bonus: The minimum qualifying size for Activity Nodes is reduced from 7.5 acres to 5.0 acres. Two density tiers are defined: up to 60 units per acre with 4% non-residential and a 0.25-acre public plaza, and up to 80 units per acre with 7% non-residential. Maximum height is 65 feet or five stories. Public plazas must be privately owned but publicly accessible, connected to the People Space along Orange Avenue, and include landscaping, seating, water features, and transparent ground-floor façades.

Restaurant Incentive: The proposed ordinance included an incentive for providing a restaurant. Qualifying restaurants could count 1.5 times toward non-residential requirements.

Live/Work Units: Must be on the ground floor with a primary street or plaza frontage. At least 50% of the unit must be dedicated to workspace at the front, with a separate storefront-style entrance. Units must be owner-occupied, operated at least 20 hours per week, and short-term rentals are prohibited. Live/work units may constitute no more than 65% of the required non-residential area.

Excluded from the nonresidential square footage: Any amenity that only residents of the could have access to. However, a shared co-workspace may count toward non-residential totals if at least 2,000 sq. ft.

BOARD DISCUSSION AND PUBLIC COMMENT

Edgewood resident Tina Demostene participated in the discussion along with Planner Hardgrove and the Planning & Zoning Board members. Below is a synopsis of these discussions.

Ms. Demostene expressed support for allowing a single non-residential use but preferred encouraging a broader mix of uses. She suggested explicitly excluding resident-only or accessory spaces—such as leasing offices, game rooms, and private personal service areas—from counting toward the non-residential requirement, emphasizing that only publicly accessible uses should qualify. Vice Chair Nelson recommended requiring at least two non-residential uses in Activity Node projects to ensure a more diverse mix.

Planner Hardgrove agreed, noting that the key test is whether a use is open to the public and contributes to active street or plaza activity. She confirmed that a formal definition for “Entertainment Venue” would be added to distinguish public amenities from resident-only spaces.

Ms. Demostene also raised concerns that the 3% non-residential minimum was too low, citing higher standards in nearby jurisdictions. Planner Hardgrove suggested raising the minimum to 8–10%, with a temporary 5% waiver for projects submitted before 2027. She noted that standard mixed-use projects outside Activity Nodes could retain the single-use minimum at 3%, while Activity Node projects would require at least two uses and the higher minimum.

Vice Chair Nelson raised a technical concern about 350-foot building frontage breaks, recommending that the rule apply to the full building mass, not just ground level.

Hardgrove explained the proposed ordinance also provided an option to the People Space/Build-to-Line standard, including an 18-foot build-to line (down from 25 feet) while maintaining a 6-foot sidewalk buffer, and the Board discussed ADA compliance and pedestrian flow.

Regarding density bonuses, the Board agreed that qualifying for 60 units per acre should require a minimum of 4% non-residential and 4% public plaza area (0.25 acres minimum). If density increased to 80 units per acre, non-residential percentages would increase proportionally. Ms. Demostene suggested that each non-residential use meet its own minimum square footage, except when one is a grocery. Base thresholds for standard projects under 5 acres were proposed at 6%, 8%, and 10%, with higher standards for Activity Node developments with multiple uses.

For public plazas, the Board supported standards emphasizing transparency, accessibility, and active frontage. They also agreed to remove the restaurant 1.5x multiplier incentive and establish a minimum footprint of 2,000 sq. ft. for all qualifying non-residential uses, excluding live/work units.

On live/work units, Planner Hardgrove emphasized preventing misuse as purely residential apartments. Ms. Demostene and Planner Hardgrove noted the importance of closing potential loopholes by clarifying operational and design standards. Board Member Nolan recommended reducing the maximum live/work contribution toward non-residential totals from 65% to 35%, and Chair Santurri concurred, ensuring that any excess would not count toward non-residential requirements. The Board agreed this change protects the commercial integrity of mixed-use developments.

MOTION & ROLL CALL VOTE

Chair Santurri made a motion to recommend approval of Ordinance 2025-08 with the following revisions:

Minimum Square Footage

- Established minimum square footage requirements for permitted uses that count toward required non-residential space (2000 square feet).
- Clarified that uses ancillary to residential (e.g., leasing areas) or intended exclusively for residents do not qualify as non-residential square footage.

Permitted Uses

- Removed the incentive for providing a restaurant; it would be counted at a 1:1 ratio.
- Limit the “Entertainment Venue” use to motion picture theaters and live performance theaters only.

Live/Work Provisions

- Reduced the maximum percentage of Live/Work units from 65% to 35% of the required non-residential square footage.
- Revised Live/Work leasing language to clarify it pertains only to the commercial portion of the unit.

Non-Residential Requirement Increases

- Adjusted the minimum non-residential requirement as follows:
 - From 3% to 6% for developments with 25 units/acre or less
 - From 4% to 8% for developments with 26–60 units/acre
 - From 7% to 10% for developments with 61–80 units/acre

Plaza Standards

- Increased the minimum plaza size from 0.25 to 0.30 acre.
- Required plazas to be provided at a rate of 0.30 acre per 10 acres, distributed so that each 10-acre section is served by a plaza.

Building Frontage Breaks

- Amended the final sentence to add the phrase “open to the sky” as follows: When a site’s arterial frontage exceeds 350 feet from a street intersection, as measured at the right-of-way line, a passage must be created for both cars and pedestrians. This passage, which may be a public street or private drive, must connect to another street and be open to the sky.

The motion was seconded by Vice Chair Nelson and approved (5/0) by roll call vote.

The motion was approved by roll call vote.

Chair Santurri	Favor
Vice Chair Nelson	Favor
Board Member Gragg	Favor
Board Member Nolan	Favor
Board Member Sharp	Favor

3. ORDINANCE 2025-11: OFF-STREET PARKING REGULATIONS

Due to time constraints, the Board decided to table Ordinance 2025-11 to a later meeting. This was approved via voice vote (5/0).

ADJOURNMENT

The meeting was adjourned at 8:15 PM.

Ryan Santurri, Chair

Brett Sollazzo, Administrative Project Manager

NEW BUSINESS

Variance 2025-05:

After-the-Fact Variance Requests – 4045, 4053 & 4061 Forrestal Ave



Date: October 27, 2025
To: Planning and Zoning Board/City Council
From: Ellen Hardgrove, City Planning Consultant
XC: Brett Sollazzo, Administrative & Permitting Manager
Drew Smith, City Attorney
Sandy Riffle, City Clerk
Re: After-the-fact Variances at 4045, 4053, and 4061 Forrestal Avenue

This agenda item is a request for the approval of several “after the fact” variances to establish “legal conforming status” for the development on a 3 acre parcel (tax parcel 11-23-29-3668-00-590) at addresses 4045, 4053, and 4061 Forrestal Avenue. Three buildings, constructed in 1986 and used for warehouse distribution/flex space, exist on the property.

The subject property was annexed into the City of Edgewood with Ordinance Number 299 on August 20, 1985. There is no record of the property being rezoned to a City zoning district. Thus, the zoning in effect is County C-3.

A site plan, dated 7/26/1985 was approved by the City 9/17/1985 which allowed for the construction of three buildings totaling 50,750 square feet. A 2025 survey showed several existing Code nonconformities on the property, specifically related to building setbacks, parking, open space, and landscaping. These nonconformities appear to stem from the original building construction.

Building Setbacks

Comparison of the approved site plan and the recent survey shows the building setbacks of the site plan were not adhered to. Furthermore, comparing the current survey to the minimum required setbacks shows nonconforming west, north and east setbacks. Approval of the current buildings’ locations could not be found. The table below provides the comparison.

Setback	Approved Site Plan	Current Survey	County C-3 Minimum Required
Front (West)	25’ (north building)	24.2’	25’
Side (North)	7’6”	4.6’	5’
Rear (East)	15’	6.7’ (north bldg) 9.1’ (south bldg)	15’
Side (South)	7’ 6”	7’4”	5’

Front (West) Setback

The west setback inconsistency could be a surveying issue. The criteria for variance approval (found in the appendix of this report) can be justified. If the Planning and Zoning Board agrees with the justification, staff recommends the variance be conditioned on the requirement that any new construction meet the minimum required setbacks per the zoning district.

Side (South) Setback

The south side setback inconsistency could also be a surveying issue. Even though the south building is closer to the side than the approved site plan, a variance isn't needed since the building is setback farther than the minimum 5 feet. To correct the discrepancy, the owner could do a site plan amendment if desired, but is not necessary.

Rear (East) Setback

Part of the reason for the east setback nonconformity is that the depth of the property has been reduced. The property depth (east to west) has changed since the buildings were constructed. The plat approved in 1980 shows the property depth as 328.82' (along the north boundary). The 1985 site plan, the 1986 "As-Built" drawing, and a 1995 site modification plan show that same dimension as 328'. However, the 2025 survey shows the same boundary as 321.17'.

	1980 Plat	Site Plan	2025 Survey
North Dimension of Property	328.82'	328'	321.17'

Documentation on the loss of ± 7 feet was not submitted to the City; however, research shows that there was a right-of-way reservation in the original deed or an agreement that granted the land to the railroad (Commitment H9 on FDOT right-of-way maps). This was discovered when FDOT was changing the track configuration to accommodate commuter rail. These types of agreements "run with the land" and must be honored by the property owner.

Complicating this reduced depth is the fact that the buildings were built longer than approved on the 1985 site plan. A theory for the length discrepancy is the foundation was not inspected and the As-Built drawings were not verified. The building locations on the As-Built drawings and approved site plan are identical; however, according to the 2025 survey, the north and south buildings are actually longer than the approved site plan and as-built plans. There have been no approvals to allow easterly extensions of these buildings since the original construction.

Length of building	Approved Site Plan/As Built Drawing	Existing Condition	Differential
North building	266'	275.3'	Building 9.3 feet longer than approved
South building	243'	249.9'	Building is 6.9 feet longer than approved

Given the practicality of requiring conformance to the approved site plan for building length and the undiscovered railroad right-of-way commitment at the time of site plan approval, **the criteria for a variance approval of a rear yard setback can be justified. If the Planning and Zoning Board agrees with the justification, the variance approval should be conditioned on any new construction shall meet the minimum Code requirement.**

Side (North) Setback

An inspection of the building foundation and verification of the 1986 As-Built drawings would have revealed the placement of the north building 3 feet closer to the north property line than approved. That being said, the current setback (4.6 feet) is six inches less than the minimum 5-foot required setback. This variance can be considered a de minimis dimensional variance. The variance can be justified. **If the Planning and Zoning Board agrees with the justification, the variance should be conditioned on any new construction shall meet the minimum Code requirement.**

Parking

Parking lot landscaping: Number of spaces in a row without a landscape break and interior to the vehicular use area

Code limits the number of parking spaces in a row without a landscape island to ten. The 1985 site plan met this requirement. However, the landscape islands in the rows of parking shown on the site plan were not constructed. It appears the City accepted this modification as the “As-Built” drawing showed the landscape islands were eliminated. No modification to the site plan nor a variance approval between site plan approval and As-Built drawings were found.

Given the elimination of the landscaped island breaks, the landscaping within the parking/vehicular use area also is inconsistent with Code requirements. Code requires at least ten (10) percent of the interior vehicular use to be landscaped. The quantity of interior landscaping at the original site plan stage had not been quantified, but with the elimination of the approved landscaped islands, the percentage surely does not meet the Code required 10%.

Since the As-Built drawings were accepted by the City in 1986, retrofitting the parking lot would not be reasonable nor practical. **A variance approved to allow continuous parking spaces without a landscape break and no landscaping within the interior of the vehicular use area can be justified. Should the Planning and Zoning Board agree with this justification, the variance should be conditioned on the vehicular use area shall not be expanded unless in conformance with Code requirements.**

Parking quantity and design

The most recent site plan approved for this property, for the truck well (December 1995), showed the minimum parking required onsite was 80 spaces. Code requires one space for each bay, plus one space for each 1,000 square feet. With 52,505 square feet of building area and 27 bays, 80 would still be required.

The 2025 survey shows the minimum number of required spaces continues to be met, with 85 spaces on the property. However, none of the parking spaces are striped to meet code requirements; this includes standard and handicapped spaces.

Most of the parking width violations are where the buildings have bay doors. The spaces have been striped between the limits of the bay doors, as shown in Exhibit 1.

Exhibit 1



Due to the bay door locations, the applicant is requesting the minimum width of the non-ADA spaces to be 8.4 feet. Requiring the standard minimum width of 9 feet would result in the loss of at least 7 spaces, resulting in a quantity deficiency. **For the parking spaces adjacent to the north building and the south building, where the bay door configuration would limit the width of parking, staff can support the minimum width of 8.4 feet for standard parking spaces. The variance approval can be justified.**

Should the Planning and Zoning Board agree with this justification, the variance should be conditioned on the required minimum width must be provided in all other locations and for all handicapped spaces. The required parking space dimensions for non-ADA spaces are either 9'x20' or 10'x18'. ADA compliant dimensions are 12'x18' plus a 5' wide adjacent access aisle. This will likely result in the loss of two standard spaces on the west side of the middle building; however, the minimum number of spaces will still be met.

Open Space Minimum

The elimination of the landscape islands in the parking area and the elongation of the buildings has resulted in decreased open space. In addition, the south building was extended to the west, estimated at 2,875 square feet (the site plan not found), further decreasing the open space. The open space is currently at 10% of the site area based on an impervious surface calculation of 119,594/133,315 square feet. The County's current minimum is 20% open space unless it qualifies as "industrial," which requires a minimum of 15%. The original site plan was approved at 18% open space.

Again, there is little practicality of demolishing building area that has existed since 1986 and (assumed to be) 1995. The variance approval can be justified. **Should the Planning and Zoning Board agree with this justification, the variance should be conditioned on no further impervious area shall be approved on this property. Redevelopment shall require code compliance.**

Building	Approved/As Built dimensions (Square Feet)	2025 Survey dimensions (Square Feet)
North	70x266 (18,620)	70.1x275.3 (19,299)
Middle	70x200 (14,000)	70.1x200.2 (14,034)
South	70x243 (17,010)	70x249.9 (17,493)+approved addition (total 19,172)
Total building square feet on property	49,630	52,505

Road Landscape Buffer

The City Attorney has opined that the County's landscape regulations (County Code Section 24-4) would apply. This includes landscaping where a vehicular use area is adjacent to right-of-way/roadway. The County code, among others, requires the following.

1. Groundcover must be used on this landscape strip; however, turf, turf grass or sod shall not be permitted for use as a groundcover.
2. One (1) shade tree for each forty (40) lineal feet, or fraction thereof must be provided.
3. A continuous hedge at least thirty (30) inches high at planting of a species capable of growing to at least thirty-six (36) inches in height within eighteen (18) months must be provided. The hedge shall be maintained at a height not less than thirty-six (36) inches. The height of the hedge shall be measured from parking lot grade.

The City's landscape architect reviewed the landscaping in this buffer in November 2021 and signed off on the landscaping proposed to be planted, including waiving the groundcover requirement since the City does not have this requirement. At that time, he stated that the existing trees (queen palms) in the buffer do not qualify as replacements for the required shade trees, however, the palms could remain since they were healthy. The landscape architect did note, though, that should any of the palms become diseased or die, they must be replaced with understory trees chosen from the City's tree list. Understory trees were recommended due to the presence of overhead utilities along the front property line.

For formality, a variance to allow turf as groundcover and the use of palms instead of shade trees should be approved to memorialize the City's 2021 decision. However, this should be conditioned on the requirement that should any of the palms become diseased or die, they must be replaced with understory trees chosen from the City's tree list.

RECOMMENDED MOTIONS

Approval of a variance to allow a front yard setback of 24.2 feet in lieu of 25 feet conditioned on any new construction shall meet the Code required minimum setbacks.

Approval of a variance to allow a rear yard setback of 6'7" in lieu of 15 feet conditioned on any new construction shall meet the minimum Code requirement.

Approval of variance to allow a side yard setback (North) of 4'6" in lieu of 5 feet conditioned on any new construction shall meet the minimum Code requirement.

Approval of a variance to allow continuous parking spaces without a landscape break and no landscaping within the interior of the vehicular use area conditioned on the vehicular use area shall not be expanded unless in conformance with Code requirements.

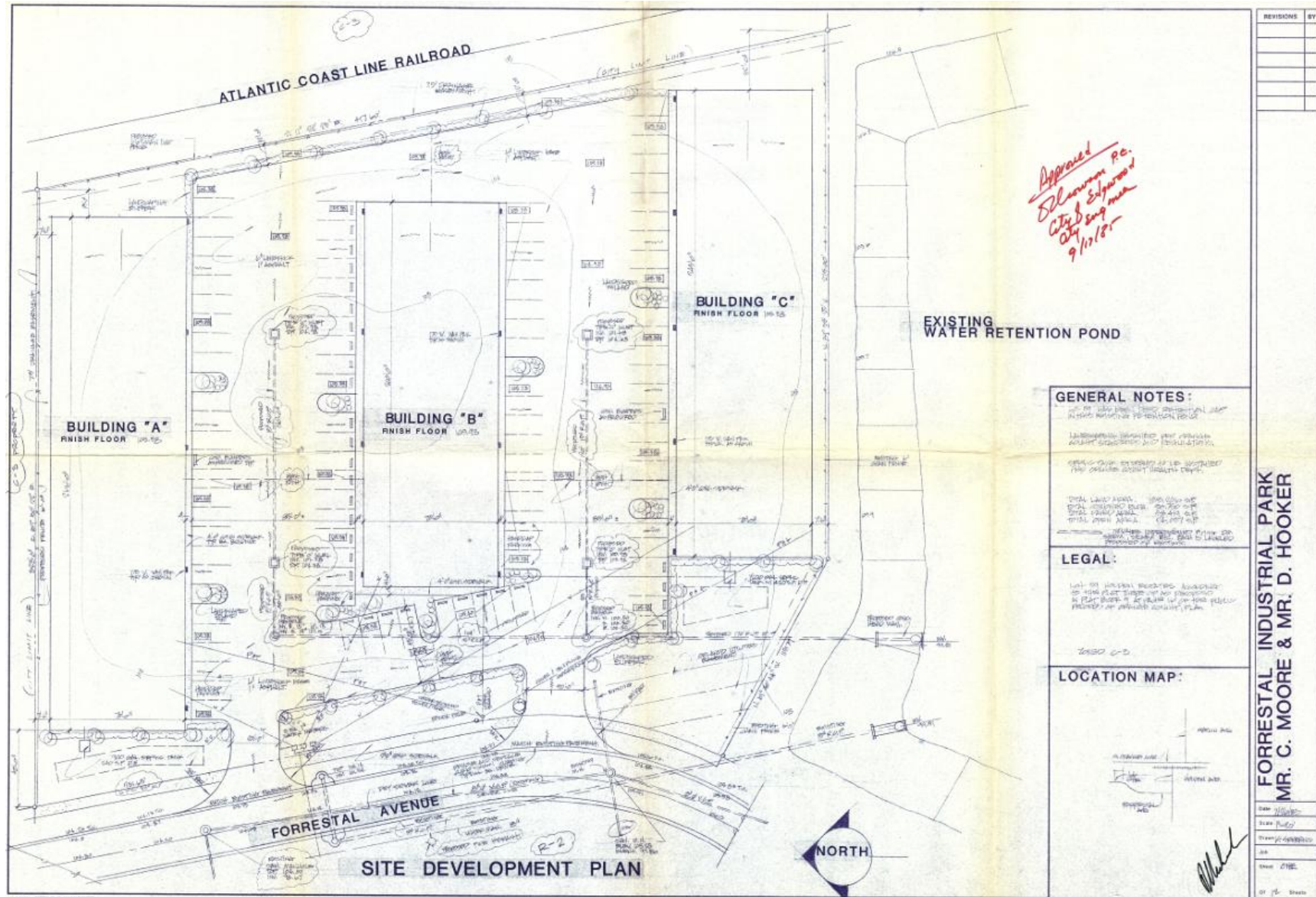
Approval of a variance to allow for standard parking spaces to be a minimum width of 8.4 feet adjacent to the north building and the south building where the bay door configuration would limit the width of parking spaces. Standard parking spaces in all other locations onsite shall meet the Code requirements for width and length. All handicapped spaces shall be ADA compliant, including parking space and adjacent aisle dimensions.

Approval of a variance to allow 10% open space in lieu of 15% conditioned on no further impervious area shall be approved on this property. Redevelopment shall require code compliance.

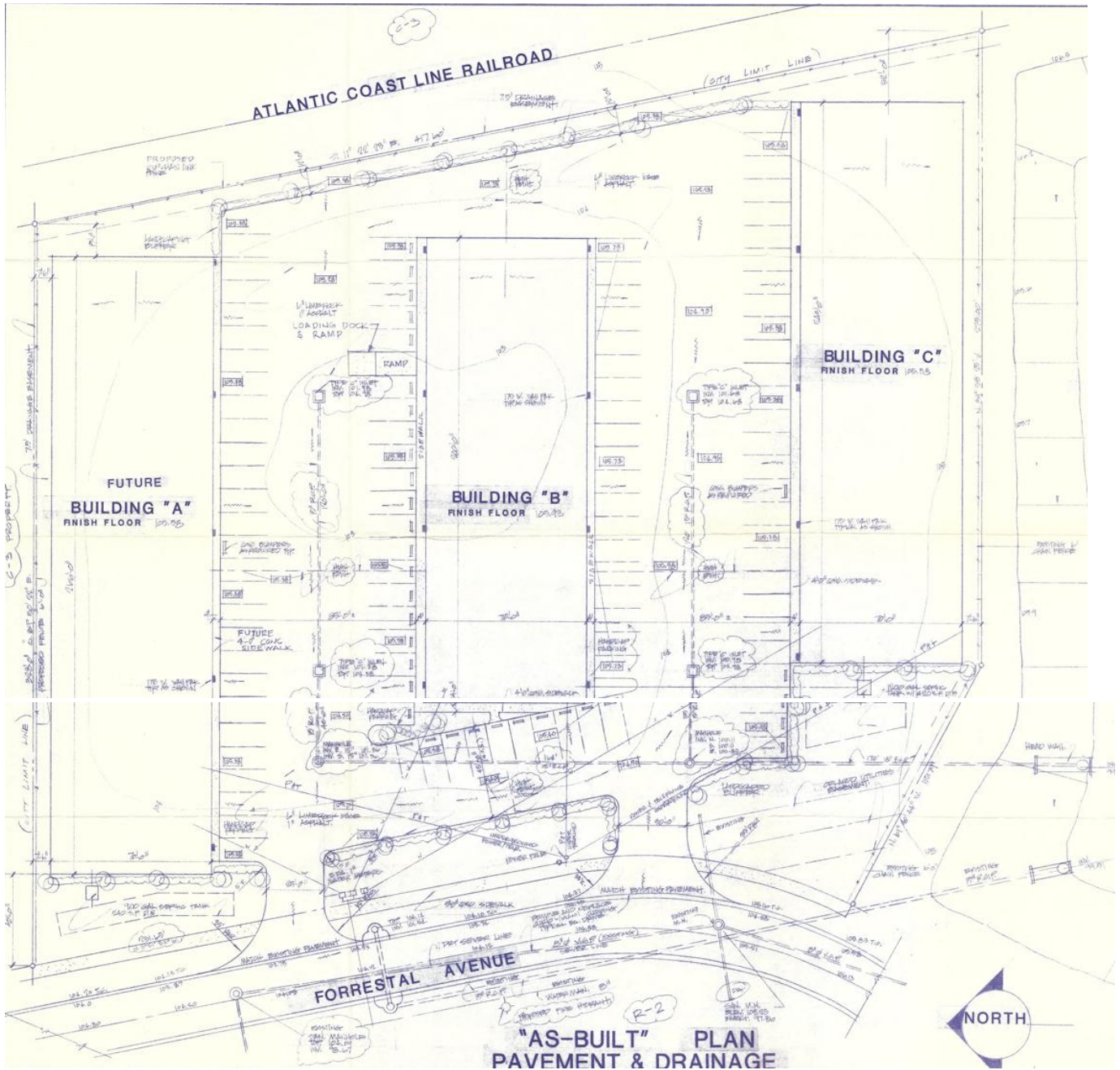
Approval of a variance to allow turf as ground cover and the use of palms instead of shade trees in the road buffer conditioned on should any of the palms become diseased or die, they must be replaced with understory trees chosen from the City's tree list.

To Note: The hedge in the road buffer is not healthy. To avoid a code enforcement action, several plants need to be replaced and irrigation needs to be checked to ensure it is in proper function.

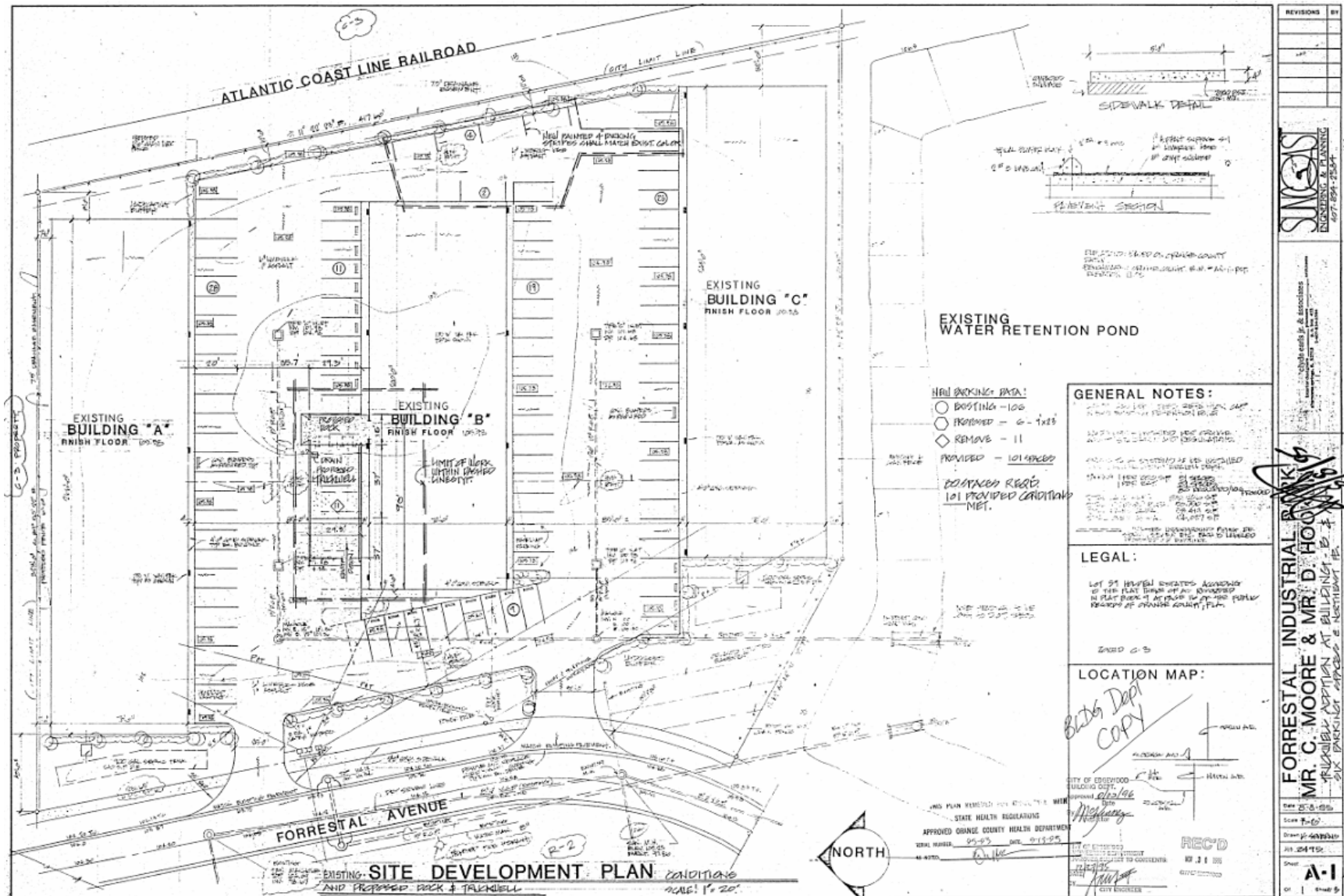
Original Site Plan Approval 9.17.85



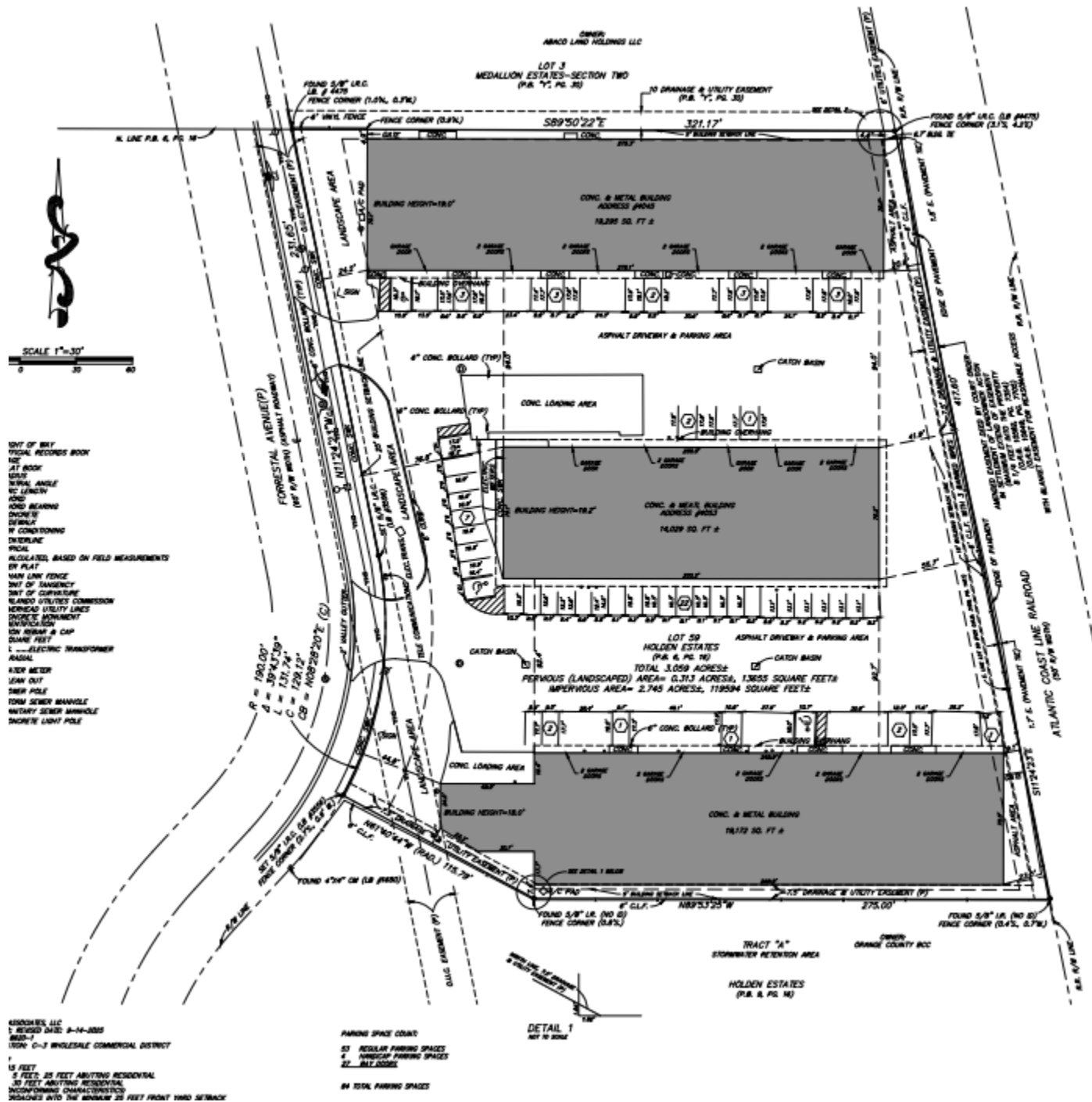
1986 As Built Drawing



1995 Truck Well Modification (1.2.1996)

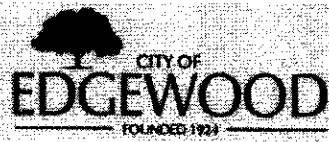


2025 Survey



Variance Approval Criteria

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



APPLICATION FOR VARIANCE

Reference: Code Sections 134-103 through 134-109

**REQUIRED FEES: \$750.00 (Commercial) or \$350 (Residential) Application Fee +
Pass-Through Fees Initial Deposit (Ordinance 2013-01)**

Please note the application fee is non-refundable. Additional pass-through fees may be required throughout the project. If any pass-through balance remains at project completion, it will be reimbursed.

IMPORTANT: A COMPLETE application with all required attachments must be submitted to City Staff 30 days before the next Planning & Zoning meeting. 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. You can submit all documents electronically to info@edgewood-fl.gov.

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

Applicant Name: William Oleyar, Manager Owner Name: Forrestal Ave Business Center LLC

Email: bill.realtyadvisors@gmail.com Email: bill.realtyadvisors@gmail.com

Phone: 407-928-6002 Phone: 407-928-6002

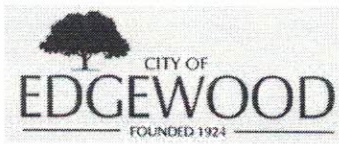
Property Address: 4045 Forrestal Avenue

Legal Description: Orange county Appraiser, Parcel Number 11-23-29-3668-00-590

Property Zoning: C-3 Wholesale Commercial Existing on site: Yes

Section of Code Variance is being requested: Div 9 C-3 Wholesale, Sec 134-406 Site & Bldg Requirements (4) and (5); and Chapter 114, Art 1, Section 114.4 (1) c.4

Variance Request: After-the-fact variances are requested for setbacks on the property, as well as parking lot landscaping requirements and parking space dimensions.



PROVIDE THE FOLLOWING INFORMATION WITH YOUR APPLICATION:

- 1) A signed and notarized Agent Authorization form if the applicant IS NOT the subject property owner.
- 2) Provide a Letter of Explanation which must outline the specifics of the proposed Variance request and include the justification for the subject request. To justify the Variance, the applicant must demonstrate the following:
 - That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
 - That the special conditions and circumstances do not result from the actions of the applicant
 - That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
 - That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
 - That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - That the variance sought will be consistent with the Edgewood Comprehensive Plan
- 3) Each application for a Variance shall be accompanied by a site plan. Details of the site plan depend on what section of code you are requesting the Variance for. Please work with City Staff to confirm.

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

Applicant Name: William Oleyar, Manager Forrestal Ave Business Center LLC

Applicant Signature: *William Oleyar*

Date: 10/15/2025

Owner Name: Forrestal Ave Business Center LLC

Owner Signature: *William Oleyar / Manager*

Date: 10/15/25



Office Use Only:

Received by: Brett Sollazzo Date Received: 10/21/2025

Forwarded to: Ellen Hardgrove (Planner) Date Forwarded: 10/21/2025

P&Z Meeting Date: 11/10/2025 City Council Meeting Date: 11/18/2025

Notes: This is for multiple after the fact variances for the three (3) buildings on site.

Need for variances found after a zoning verification from the new owner.

AUTHORIZATION LETTER

For Variance Application – 4045 Forrestal Avenue, Edgewood, FL

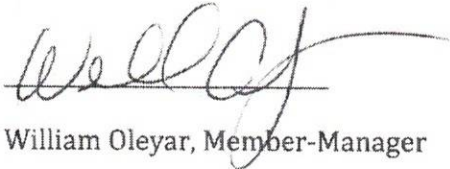
Date: October 19, 2025

To Whom It May Concern,

I, William Oleyar, as the managing member of Forrestal Ave Business Center, LLC, and current owner of the property located at 4045 Forrestal Avenue, Edgewood, Florida, hereby grants permission to Jamie Selby, member of previous property owner, AB Management, LLC, and also Charlie Martin, Attorney with C. Martin Law, who represents me and Forrestal Ave Business Center, LLC, to appear and speak before both the City of Edgewood Planning and Zoning Commission and the City of Edgewood City Council in support of this variance request.

This authorization is made voluntarily and with full understanding of its intent and effect.

Sincerely,



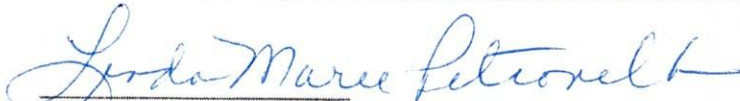
William Oleyar, Member-Manager

Forrestal Ave Business Center, LLC

Property Owner – 4045 Forrestal Avenue, Edgewood, FL

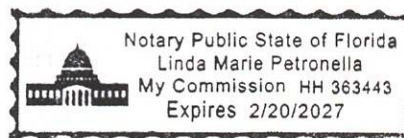
~~~~~  
State of Florida  
County of Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 19th day of October, 2025, by William Oleyar, Manager for Forrestal Ave Business Center, LLC, who is personally known to me ☐ or who has produced \_\_\_\_\_ as identification.

  
(Signature of Notary Public)

Linda Petronella  
(Print Name of Notary Public)

Notary Public, State of Florida  
Commission No.: HH 363443



My Commission Expires: 02/20/2027

## Letter of Explanation – After-the-Fact Variance Request

City of Edgewood, Florida

Property Address: 4045 Forrestal Avenue, Edgewood, FL

Owner/Applicant: Bill Oleyar, Managing Member, Forrestal Ave Business Center, LLC (see Attached Closing Statement)

### Variances Summary

| Code Section                                     | Requirement                                                        | Existing Condition                                                                                                                                                                                                                                                        | Variance Requested                            |
|--------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| §134-406 – Front, Side and Rear Yard Setbacks    | Front yard: 25 ft minimum                                          | Front yard less than 25 ft; Northern bldg encroachment of approx. .8 ft along Forrestal Ave                                                                                                                                                                               | Recognition of as-built setback condition     |
|                                                  | Side yard: 5 ft minimum                                            | Side yard less than 5 ft; encroachment of approx. .4 ft on North property line                                                                                                                                                                                            | Recognition of as-built setback condition     |
|                                                  | Rear yard: 15 ft minimum                                           | Rear yard 9.1 ft; encroachment of approx. 5.9 (south bldg.) and Rear yard 6.7 ft; encroachment of approx. 8.3 ft (north bldg.)                                                                                                                                            | Recognition of as-built setback condition     |
| §134.608 – Parking Space Minimum width and depth | Minimum Width of 9 ft for standard, and 18-20' depth               | Parking spots of varying widths, many over 9', but about 18 between 8.5' to 8.9', and varying striped depths under 19'                                                                                                                                                    | Recognition of existing parking configuration |
| §134.608(b) – Parking Space Minimum width        | Minimum Width of 12 ft for ADA w/ 5ft adjacent loading             | It is believed that no ADA parking spaces were built when the property was initially constructed. In 2021, 4 existing parking spaces were modified to ADA spots in an attempt to bring closer to code. They are just under 11' with adjacent loading areas 4' to 5' wide. | Recognition of existing parking configuration |
| §114.4 – Parking Lot Landscaping                 | No more than 10 parking spaces in a row without a landscape island | Parking islands - it is believed that the parking islands were never built when the property was constructed                                                                                                                                                              | Recognition of existing parking configuration |

## Introduction

The new owner, Forrestal Avenue Business Center, LLC, of the property at 4045 Forrestal Avenue, supported by the immediately previous owners, AB Management, LLC, respectfully submits this letter of explanation of the request for after-the-fact variances pertaining to the above code sections. These variances address conditions that date back several decades. Both current and previous owners have worked cooperatively and in good faith to ensure the property remains in compliance with all known City and State requirements.

## Prior Corrective Actions by Previous Owner

During the 2021 purchase process by the previous owner, the lender required the AB Management, LLC to address two items raised in their survey report: insufficient number of parking spaces and landscaping along Forrestal Avenue, both of which had been raised by the City of Edgewood. The previous owner took immediate action, and the additional parking spaces, including 4 ADA spots, were added at that time in 2021. Eighty-four spots in total exist now, which is 3 more than were required. Additionally, a hedge along Forrestal Avenue was installed.

## Supporting Explanation

### Setbacks

These buildings were constructed about 40 years ago and a few of the set back issues could be related to poor surveying. There is also a possibility that the rear property – the railroad area -- was changed from 50 ft to 60 ft at some previous time. Additionally, somehow 1 side of the property appears to have lost 7 feet compared to a previous survey, so a few old problems. But one of the main issues is that both the approved 1985 Construction Design Plan and the Sealed "As Built" Survey show 2 of the buildings as shorter than what was actually constructed. Edgewood City Planning Consultant Ms. Hardgrove noted that the rear setbacks, where the buildings extend approximately 5.9 and 8.3 feet into the required 15 feet setback, require an after-the-fact variance due to the discrepancies between the site plan and the current survey measurements, and we would like all the setback issues (minor front and side yard also) included in this variance.

1. The North Building
  - a. The north building is 9 feet longer than the original construction Survey and "Sealed" As built Survey depicts (266 vs. 275). Building encroaches into the Minimum 25 Feet Front Yard Setback along Forrestal Avenue by 0.8 Feet.
  - b. Building encroaches into the Minimum 15 Feet Rear Yard Setback along the East property line by approx. 8.3 Feet.
  - c. Building encroaches into the Minimum 5 Feet Side Yard Setback along the North property line by approx. 0.4 Feet.
2. The South Building
  - a. Building encroaches into the Minimum 15 Feet Rear Yard Setback along the East property line by approx. 5.9 Feet.

### Parking Landscaping Breaks

Relative to the parking lot landscaping breaks, the Originally Approved Site Plan (attached) included landscaping islands, however none were shown on the "As Built" Survey (attached). Historic site photos from 2006, 2012, 2015, and 2021 (attached) show no landscaping in the parking lot. City Planning Consultant Ellen Hardgrove suggested that the landscaping islands may have been paved over at some point by a previous owner, but we believe, since the parking islands were removed-deleted on the "As Built" Sealed Survey, they most likely were never constructed in the first place.

Another concern was noted by Planning Consultant Ellen Hardgrove that the lack of landscaping islands could raise an issue with the ratio of permeable to impermeable surface on the property. The surveyor recently performed a calculation, which shows a ratio of approximately 10% permeable surface. Further research shows that *Section 114 - 4 deals with General Design* relative to landscaping within parking lots, rather than stormwater management. Also, according to the C-3 Wholesale Commercial zoning and Article V Supplemental District Regulations, Division 4, Bulk Regulations and Major Street Setbacks, Section 134.579 - Table of bulk regulations and setbacks for C-3, **there is no maximum impervious surface coverage specified**, so this seems a non-issue for this property.

### Parking Space Dimensions

Parking spaces have existed on the property but in 2021 were noted as deficient in number as only 46 were formally striped when counted as part of a zoning report conducted during the purchase process for the previous owner. Additional Spaces were added to increase the total to 84 today, including 4 ADA spaces. There are variations in the dimensions of the spaces, with about 18 of them being slightly below the 9 ft width, and 4 spaces were striped-converted to ADA spaces at about 10.7", which is less than today's 12' width requirement, although open space exists next to all spaces. None of the 84 spaces are striped to 18 or 20' deep, although there is plenty of open space to accommodate such depth.

The nature of this property, is such that the parking lot is never full. It is C-3 Wholesale Commercial with 27 bays. Employees park typically right in front of their bays or nearby. There is plenty of parking available for suppliers who stop by, and customer traffic is extremely light, simply due to the nature of the businesses. Even the ADA spaces are rarely if ever used.

### Justification for Variance Request

The applicant respectfully submits that the requested variances meet the City of Edgewood's criteria for approval as follows:

- Special conditions exist that are unique to this property. The building's current configuration and the 40 years of history of use on this parcel, the ways in which the original design and "As Built" surveys were done (appears to be some outright fraud or just terrible errors committed in measuring the length of 2 of the buildings) and signed and sealed with- zoning interpreted and plan approvals, all of these predate the previous and current ownership.

Further, the property abuts an active railroad line to the east, limiting options for site expansion or adjustment.

- The current conditions did not result from any actions by the applicant. Both the current and previous owners have acted in good faith, making site improvements consistent with City requests and correcting known deficiencies.

- Approval of these variances will not confer any special privilege denied to other properties in the same zoning district. The encroachments are minor, and the parking lot configuration remains largely consistent with the intent of the code for buildings of this type.
- Literal enforcement of the setback, parking landscaping and parking dimension provisions would impose unnecessary hardship, requiring substantial structural modification or parking reconfiguration without corresponding benefit to the community.
- The requested variances represent the minimum necessary to allow continued reasonable use of the property.
- Granting the variances will maintain harmony with the intent of the zoning code and will not be injurious to the neighborhood or detrimental to the public welfare.
- The requested variances are consistent with the Edgewood City Code by supporting compatible wholesale commercial use, maintaining existing site functionality, and preserving the property's contribution to the local economic landscape.

### **Conclusion**

For the reasons outlined above, the applicant/owner respectfully requests approval of the after-the-fact variances for the front, side, and rear yard setbacks and for the parking lot landscaping and dimensional conditions. These adjustments will ensure that the property remains in compliance with the City's intent while recognizing existing, long-standing site conditions. Thank you for your consideration. Please let us know if any additional information or documentation would be helpful prior to the hearing.

Respectfully submitted,



William Oleyar, Member-Manager

Forrestal Ave Business Center, LLC

### **Supporting Attachments:**

Forrestal - Closing Statement – Final

Forrestal - Originally Approved Site Plan – 1985

Forrestal – “Sealed” As-Built Plan

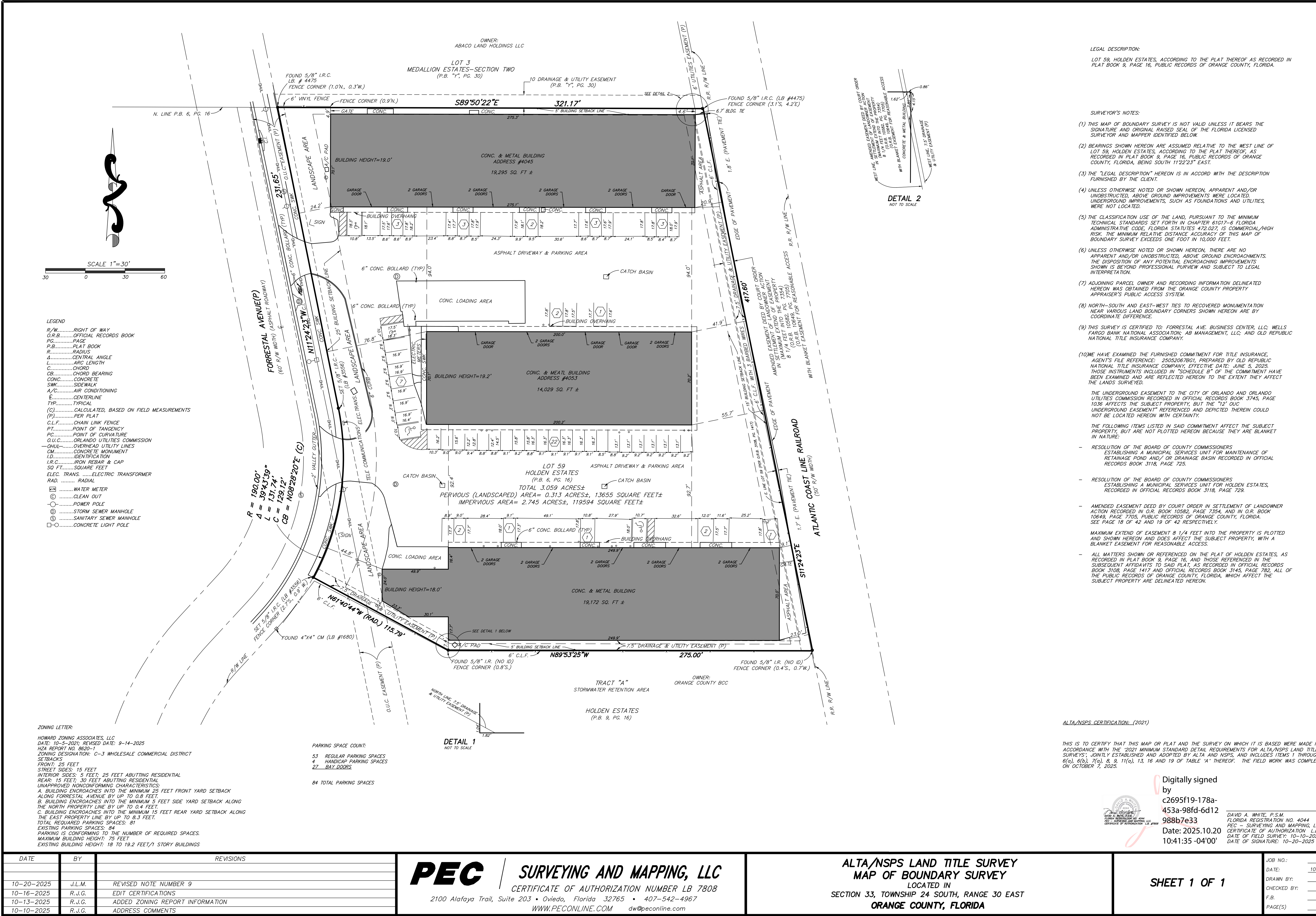
Forrestal - 2021 Property Survey

Forrestal - 2025 Property Survey

Forrestal – 2025 Aerial Photo

Forrestal - Site Photos – No Parking Islands

Forrestal - Hedge Photos



LEGAL DESCRIPTION:  
LOT 59, HOLDEN ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

- SURVEYOR'S NOTES:
- (1) THIS MAP OF BOUNDARY SURVEY IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER IDENTIFIED BELOW.
  - (2) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST LINE OF LOT 59, HOLDEN ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING SOUTH 11°22'23" EAST.
  - (3) THE "LEGAL DESCRIPTION" HEREON IS IN ACCORD WITH THE DESCRIPTION FURNISHED BY THE CLIENT.
  - (4) UNLESS OTHERWISE NOTED OR SHOWN HEREON, APPARENT AND/OR UNOBSTRUCTED, ABOVE GROUND IMPROVEMENTS WERE LOCATED. UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATIONS AND UTILITIES, WERE NOT LOCATED.
  - (5) THE CLASSIFICATION USE OF THE LAND, PURSUANT TO THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, FLORIDA STATUTES 472.021, IS COMMERCIAL/HIGH RISK. THE MINIMUM RELATIVE DISTANCE ACCURACY OF THIS MAP OF BOUNDARY SURVEY EXCEEDS ONE FOOT IN 10,000 FEET.
  - (6) UNLESS OTHERWISE NOTED OR SHOWN HEREON, THERE ARE NO APPARENT AND/OR UNOBSTRUCTED, ABOVE GROUND ENCROACHMENTS. THE DISPOSITION OF ANY POTENTIAL ENCROACHING IMPROVEMENTS SHOWN IS BEYOND PROFESSIONAL PURVIEW AND SUBJECT TO LEGAL INTERPRETATION.
  - (7) ADJOINING PARCEL OWNER AND RECORDING INFORMATION DELINEATED HEREON WAS OBTAINED FROM THE ORANGE COUNTY PROPERTY APPRAISER'S PUBLIC ACCESS SYSTEM.
  - (8) NORTH-SOUTH AND EAST-WEST TIES TO RECOVERED MONUMENTATION NEAR VARIOUS LAND BOUNDARY CORNERS SHOWN HEREON ARE BY COORDINATE DIFFERENCE.
  - (9) THIS SURVEY IS CERTIFIED TO: FORRESTAL AVE. BUSINESS CENTER, LLC; WELLS FARGO BANK NATIONAL ASSOCIATION; AB MANAGEMENT, LLC; AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
  - (10) WE HAVE EXAMINED THE FURNISHED COMMITMENT FOR TITLE INSURANCE, AGENT'S FILE REFERENCE: 250520678C1, PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, EFFECTIVE DATE: JUNE 5, 2025. THOSE INSTRUMENTS INCLUDED IN "SCHEDULE B" OF THE COMMITMENT HAVE BEEN EXAMINED AND ARE REFLECTED HEREON TO THE EXTENT THEY AFFECT THE LANDS SURVEYED.

- THE UNDERGROUND EASEMENT TO THE CITY OF ORLANDO AND ORLANDO UTILITIES COMMISSION RECORDED IN OFFICIAL RECORDS BOOK 3745, PAGE 1036 AFFECTS THE SUBJECT PROPERTY, BUT THE "12" OUC UNDERGROUND EASEMENT" REFERENCED AND DEPICTED THEREIN COULD NOT BE LOCATED HEREON WITH CERTAINTY.
- THE FOLLOWING ITEMS LISTED IN SAID COMMITMENT AFFECT THE SUBJECT PROPERTY, BUT ARE NOT PLOTTED HEREON BECAUSE THEY ARE BLANKET IN NATURE:
- RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ESTABLISHING A MUNICIPAL SERVICES UNIT FOR MAINTENANCE OF RETAINAGE POND AND/OR DRAINAGE BASIN RECORDED IN OFFICIAL RECORDS BOOK 3118, PAGE 725.
  - RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ESTABLISHING A MUNICIPAL SERVICES UNIT FOR HOLDEN ESTATES, RECORDED IN OFFICIAL RECORDS BOOK 3118, PAGE 729.
  - AMENDED EASEMENT DEED BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION RECORDED IN D.R. BOOK 10582, PAGE 7354, AND IN D.R. BOOK 10649, PAGE 7705, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. SEE PAGE 18 OF 42 AND 19 OF 42 RESPECTIVELY.
- MAXIMUM EXTEND OF EASEMENT 8 1/4 FEET INTO THE PROPERTY IS PLOTTED AND SHOWN HEREON AND DOES AFFECT THE SUBJECT PROPERTY, WITH A BLANKET EASEMENT FOR REASONABLE ACCESS.
- ALL MATTERS SHOWN OR REFERENCED ON THE PLAT OF HOLDEN ESTATES, AS RECORDED IN PLAT BOOK 9, PAGE 16, AND THOSE REFERENCED IN THE SUBSEQUENT AFFIDAVITS TO SAID PLAT, AS RECORDED IN OFFICIAL RECORDS BOOK 3108, PAGE 1417 AND OFFICIAL RECORDS BOOK 3145, PAGE 782, ALL OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, WHICH AFFECT THE SUBJECT PROPERTY ARE DELINEATED HEREON.

ALTA/NSPS CERTIFICATION: (2021)

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS. JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1 THROUGH 4, 6(a), 6(b), 7(a), 8, 9, 11(a), 13, 16 AND 19 OF TABLE "A" THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 7, 2025.

Digitally signed by  
c2695f19-178a-453a-98fd-6d12-988b7e33  
Date: 2025.10.20 10:41:35 -04'00'



DAVID A. WHITE, P.S.M.  
FLORIDA REGISTRATION NO. 4044  
PEC SURVEYING AND MAPPING, LLC.  
CERTIFICATE OF AUTHORIZATION: L.B. #7808  
DATE OF FIELD SURVEY: 10-10-2025  
DATE OF SIGNATURE: 10-20-2025

ZONING LETTER:  
HOWARD ZONING ASSOCIATES, LLC  
DATE: 10-5-2021, REVISED DATE: 9-14-2025  
HZA REPORT NO. 8620-1  
ZONING DESIGNATION: C-3 WHOLESALE COMMERCIAL DISTRICT SETBACKS  
FRONT: 25 FEET  
STREET SIDES: 15 FEET  
INTERIOR SIDES: 5 FEET; 25 FEET ABUTTING RESIDENTIAL  
REAR: 15 FEET; 30 FEET ABUTTING RESIDENTIAL  
UNAPPROVED NONCONFORMING CHARACTERISTICS:  
A. BUILDING ENCLOSED INTO THE MINIMUM 25 FEET FRONT YARD SETBACK ALONG FORRESTAL AVENUE BY UP TO 0.8 FEET.  
B. BUILDING ENCLOSED INTO THE MINIMUM 5 FEET SIDE YARD SETBACK ALONG THE NORTH PROPERTY LINE BY UP TO 0.4 FEET.  
C. BUILDING ENCLOSED INTO THE MINIMUM 15 FEET REAR YARD SETBACK ALONG THE EAST PROPERTY LINE BY UP TO 8.3 FEET.  
TOTAL REQUIRED PARKING SPACES: 81  
EXISTING PARKING SPACES: 84  
PARKING IS CONFORMING TO THE NUMBER OF REQUIRED SPACES.  
MAXIMUM BUILDING HEIGHT: 75 FEET  
EXISTING BUILDING HEIGHT: 18 TO 19.2 FEET/1 STORY BUILDINGS

PARKING SPACE COUNT:  
53 REGULAR PARKING SPACES  
4 HANDICAP PARKING SPACES  
27 BAY DOORS  
84 TOTAL PARKING SPACES

DETAIL 1  
NOT TO SCALE

| DATE       | BY     | REVISIONS                       |
|------------|--------|---------------------------------|
| 10-20-2025 | J.L.M. | REVISED NOTE NUMBER 9           |
| 10-16-2025 | R.J.G. | EDIT CERTIFICATIONS             |
| 10-13-2025 | R.J.G. | ADDED ZONING REPORT INFORMATION |
| 10-10-2025 | R.J.G. | ADDRESS COMMENTS                |

**PEC**

**SURVEYING AND MAPPING, LLC**  
CERTIFICATE OF AUTHORIZATION NUMBER LB 7808  
2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967  
WWW.PECONLINE.COM dw@peconline.com

ALTA/NSPS LAND TITLE SURVEY  
MAP OF BOUNDARY SURVEY  
LOCATED IN  
SECTION 33, TOWNSHIP 24 SOUTH, RANGE 30 EAST  
ORANGE COUNTY, FLORIDA

SHEET 1 OF 1

|             |            |
|-------------|------------|
| JOB NO.:    | 25-094     |
| DATE:       | 10-09-2025 |
| DRAWN BY:   | R.J.G.     |
| CHECKED BY: | D.A.W      |
| F.B.        | 2574       |
| PAGE(S)     | 72-77      |



# OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

1410 N. Westshore Blvd. Ste. 800  
Tampa, FL 33607  
Phone: 813-228-0555

## CLOSING STATEMENT

File No.: 25052067  
CLOSING DATE: September 30, 2025

Lender: WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR THE BENEFIT OF THE HOLDERS OF BENCHMARK 2021-B30 MORTGAGE TRUST COMMERCIAL MORTGAGE PASS-THROUGH

Property Address: 4045, 4053, 4061 Forrester Ave., Orlando, FL 32806  
3312-14 S Cicero Avenue, Cicero, IL 60804

Purchaser(s): Forrester Ave Business Center, LLC, a Delaware limited liability company,  
Cicero Retail, LLC, a Delaware limited liability company  
Seller(s): First American Exchange as QI for:  
ABM-FL LLC, a Delaware limited liability company,  
ABM-IL LLC, a Delaware limited liability company

|                                                                                            | Seller(s)       |             | Purchaser(s) |                 |
|--------------------------------------------------------------------------------------------|-----------------|-------------|--------------|-----------------|
|                                                                                            | Credits         | Debits      | Credits      | Debits          |
| Sales Price                                                                                | \$12,000,000.00 |             |              | \$12,000,000.00 |
| <b>Recording Fees To Orange County Clerk of Court</b>                                      |                 |             |              |                 |
| Record Warranty Deed                                                                       |                 |             |              | \$27.00         |
| Documentary Stamp Taxes on Deed                                                            |                 | \$56,000.00 |              |                 |
| Record Mortgage                                                                            |                 |             |              | \$103.50        |
| Mortgage Documentary Stamp Tax                                                             |                 |             |              | \$11,975.25     |
| Record LLC Affidavit                                                                       |                 |             |              | \$27.00         |
| Recording Reserve                                                                          |                 |             |              | \$100.00        |
| Simplifile Fee (\$4.75 per document)                                                       |                 |             |              | \$38.00         |
| Record UCC3                                                                                |                 |             |              | \$22.50         |
| <b>Recording Fees for Cicero Property To OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY</b> |                 |             |              |                 |
| Transfer taxes                                                                             |                 | \$6,000.00  |              |                 |
| Cicero Transfer Tax                                                                        |                 | \$40,000.00 |              |                 |
| Recording Mortgage                                                                         |                 |             |              | \$107.00        |
| Recording UCC                                                                              |                 |             |              | \$107.00        |

|                                                                                                                            | Seller(s)  |              | Purchaser(s) |             |
|----------------------------------------------------------------------------------------------------------------------------|------------|--------------|--------------|-------------|
|                                                                                                                            | Credits    | Debits       | Credits      | Debits      |
| Recording Assignment & Assumption of Rents                                                                                 |            |              |              | \$107.00    |
| <b>Title and Escrow Fees for Forrestal Property (Florida) To Old Republic National Title Company</b>                       |            |              |              |             |
| Owner Policy on \$8,000,000.00                                                                                             |            | \$21,825.00  |              |             |
| Mortgagee Loan Policy                                                                                                      |            |              |              | \$500.00    |
| Endorsements (ALTA 8.1, FF9 and Survey)                                                                                    |            |              |              | \$2,932.50  |
| Escrow Closing Fee                                                                                                         |            | \$1,250.00   |              |             |
| Title Search Fee                                                                                                           |            | \$250.00     |              |             |
| <b>Title &amp; Escrow Fees for Cicero Avenue (Illinois) To OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY</b>               |            |              |              |             |
| Gap Risk Update                                                                                                            |            | \$350.00     |              |             |
| Recording Service Fee                                                                                                      |            | \$100.00     |              |             |
| Municipal Stamp Processing Fee                                                                                             |            | \$100.00     |              |             |
| Owner's Policy Premium on \$4,000,000.00                                                                                   |            | \$5,000.00   |              |             |
| Lender Policy Premium                                                                                                      |            |              |              | \$575.00    |
| Endorsements ALTA 1, 9,9.6,8.2,3.1,17.1,17.2,18.2,19,20,24,25,26,27, 28,28.1,37,39 & Deletion of Arbitration               |            |              |              | \$3,800.00  |
| <b>Closing Fees To CWCapital Asset Management LLC</b>                                                                      |            |              |              |             |
| Assumption Fee (1%)                                                                                                        |            | \$30,615.00  |              | \$30,615.00 |
| Resilience Insurance Review                                                                                                |            | \$2,000.00   |              | \$2,000.00  |
| Scanning/Coding                                                                                                            |            | \$135.52     |              | \$135.52    |
| DISA Background Check                                                                                                      |            | \$212.00     |              | \$212.00    |
| Lien Search To PropLogix                                                                                                   |            | \$350.00     |              |             |
| Attorney's Fees To Harter Secrest & Emery LLP                                                                              |            | \$2,472.35   |              |             |
| Inspection Report Cicero Elect-Plum Inspection                                                                             | \$2,110.00 |              |              | \$2,110.00  |
| 2025 Taxes and Insurance Cicero Property \$96,581.03 1/1/25 to 9/30/25                                                     |            | \$72,435.77  | \$72,435.77  |             |
| 2025 Cicero taxes past due 8/1/25 for yr 2024 Estimated \$87,800.94 -\$44,091.25 pd 1st install to buyer 1/1/25 to 9/30/25 |            | \$43,709.69  | \$43,709.69  |             |
| Real Estate Commission To Matthews Real Estate Investment Services                                                         |            | \$240,000.00 |              |             |
| Cogency Global Invoices No. 102118421 and 102177948 To Cogency Global Inc.                                                 |            |              |              | \$1,291.00  |

|                                                                                    | Seller(s) |                | Purchaser(s)   |             |
|------------------------------------------------------------------------------------|-----------|----------------|----------------|-------------|
|                                                                                    | Credits   | Debits         | Credits        | Debits      |
| Attorney's Fee To Gould & Ratner LLP                                               |           | \$8,273.00     |                |             |
| Attorney Fees To Miller Troiano PA                                                 |           |                |                | \$27,500.00 |
| Attorney Fees To Richard Layton & Finger                                           |           |                |                | \$7,500.00  |
| New buyer Insurance (Cicero Retail LLC) To IOA                                     |           |                |                | \$10,527.00 |
| New Buyer Insurance (Forrestal Ave Business Center, LLC) To IOA                    |           |                |                | \$67,163.75 |
| EXISTING ASSUMABLE PRINCIPAL MTG BALANCE                                           |           | \$6,123,000.00 | \$6,123,000.00 |             |
| Lenders legal fees To Kilpatrick Townsend & Stockton LLP POC \$30,000.00           |           | \$39,000.00    |                | \$9,000.00  |
| Seller's Attorney Fees To Phelps Dunbar LLP                                        |           | \$43,418.56    |                |             |
| New York Attorney's Fee To O'Halloran Ryan LLP                                     |           |                |                | \$5,000.00  |
| Legal Services Illinois Opinion Letter To Dinsmore & Shohl LLP                     |           |                |                | \$8,700.00  |
| Seller 1031 Exchange To First American Exchange Company, LLC                       |           | \$5,500,000.00 |                |             |
| 2025 Forrestal Property Taxes 1/1/25 to 9/30/25                                    |           | \$76,500.00    | \$76,500.00    |             |
| EARNEST MONEY DEPOSIT From Miller Troiano PA                                       |           |                | \$300,000.00   |             |
| SELLER CREDIT FOR ASSUMABLE LOAN FEE PER CONTRACT ADDENDUM                         |           | \$5,000.00     | \$5,000.00     |             |
| COMMISSION CREDIT FOR ASSUMABLE LOAN From Matthews Real Estate Investment Services |           |                | \$22,500.00    |             |
| SECURITY DEPOSIT CREDIT FOR UNIT 3312-B                                            |           | \$10,248.00    | \$10,248.00    |             |
| SECURITY DEPOSIT CREDIT FOR UNIT 3314-A                                            |           | \$4,795.00     | \$4,795.00     |             |
| RENT CREDIT ADJ FOR UNIT 3314-B THRU 09/30/2025                                    |           | \$331.54       | \$331.54       |             |
| RENT CREDIT ADJ FOR UNIT 3312-A THRU 09/30/2025                                    |           | \$433.54       | \$433.54       |             |
| RENT CREDIT ADJ FOR UNIT 3312-B THRU 09/30/2025                                    |           | \$175.82       | \$175.82       |             |
| RENT CREDIT ADJ FOR UNIT 3314-A THRU 09/30/2025                                    |           | \$240.07       | \$240.07       |             |
| TOTAL TENANT SECURITY DEPOSIT CREDITS FOR 4045, 4053 & 4061 FORRESTAL AVE          |           | \$33,749.76    | \$33,749.76    |             |

|                                                                                                                                                                                                                                                                                              | Seller(s)              |                        | Purchaser(s)           |                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------|------------------------|------------------------|
|                                                                                                                                                                                                                                                                                              | Credits                | Debits                 | Credits                | Debits                 |
| TOTAL CAM CREDIT FOR 4045, 4053 & 4061 FORRESTAL AVE GOOD THRU 09/30/2025                                                                                                                                                                                                                    |                        | \$629.21               | \$629.21               |                        |
| TOTAL RENT ADJ CREDITS FOR 4045, 4053 & 4061 FORRESTAL AVE GOOD THRU 09/30/2025                                                                                                                                                                                                              |                        | \$1,397.40             | \$1,397.40             |                        |
| SEPT INETREST IN ARREARS TO BUYER<br>9/1/25 through 9/29/25<br>\$19,389.50/30=646.32 x 29                                                                                                                                                                                                    |                        | \$18,743.28            | \$18,743.28            |                        |
| SELLER PAID SURVEY BUYER OWES HALF (TOTAL \$4750)                                                                                                                                                                                                                                            | \$2,375.00             |                        |                        | \$2,375.00             |
| LENDERS ESCROW AND RESERVES CREDIT<br>1.) Escrow taxes \$78,821.45, 2.) Escrow Insurance \$83,481.71, 3.) Reserves-Replacement \$191,378.59<br>Tenant Improvement/Commissions \$277,101.80 ,<br>4.) Misc Excess Balance "Excess Cash" \$268,725.02 "Reserves-Lockbox Receipts" - \$45,177.18 | \$944,085.75           |                        |                        | \$944,085.75           |
| <b>Sub Totals:</b>                                                                                                                                                                                                                                                                           | <b>\$12,948,570.75</b> | <b>\$12,388,740.51</b> | <b>\$6,713,889.08</b>  | <b>\$13,141,398.77</b> |
| <b>Net Proceeds Due Seller</b>                                                                                                                                                                                                                                                               |                        | <b>\$559,830.24</b>    |                        |                        |
| <b>Funds Due From Buyer</b>                                                                                                                                                                                                                                                                  |                        |                        | <b>\$6,427,509.69</b>  |                        |
| <b>Totals:</b>                                                                                                                                                                                                                                                                               | <b>\$12,948,570.75</b> | <b>\$12,948,570.75</b> | <b>\$13,141,398.77</b> | <b>\$13,141,398.77</b> |

|  | Seller(s) |        | Purchaser(s) |        |
|--|-----------|--------|--------------|--------|
|  | Credits   | Debits | Credits      | Debits |

The undersigned approve this statement and do hereby direct, authorize and instruct the Company to deposit the funds received, or to be received, from or on behalf of the undersigned, in an account for the benefit of the undersigned in a depository insured by the FDIC. Cost, expense and any benefits derived from the funds deposited therein shall be paid by or utilized by, as the case may be, the Company.

**PURCHASER(S):**

**Forrestal Ave Business Center, LLC, a  
Delaware limited liability company**

By:   
Name: William O'Neal 9/30/25  
Title: Manager

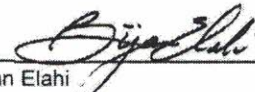
**Cicero Retail, LLC, a  
Delaware limited liability company**

By:   
Name: William O'Neal 9/30/25  
Title: Manager

**SELLER(S):**

**First American Exchange Co. as QI for  
ABM-FL LLC, a Delaware limited liability company**

By: **AB Management LLC, a Washington limited  
liability company**

By:   
Name: Bijan Elahi  
Title: Managing

**First American Exchange Co. as QI for  
ABM-IL LLC, a Delaware limited liability company**

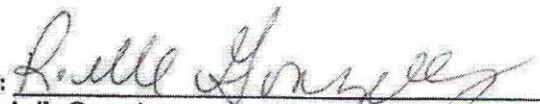
By: **AB Management LLC, a Washington limited  
liability company**

By:   
Name: Bijan Elahi  
Title: Managing

**A**

To the best of my knowledge, the foregoing statement is a true and accurate account of the funds which were received and will be disbursed as part of the settlement of this transaction.

**Old Republic National Title Insurance Company**

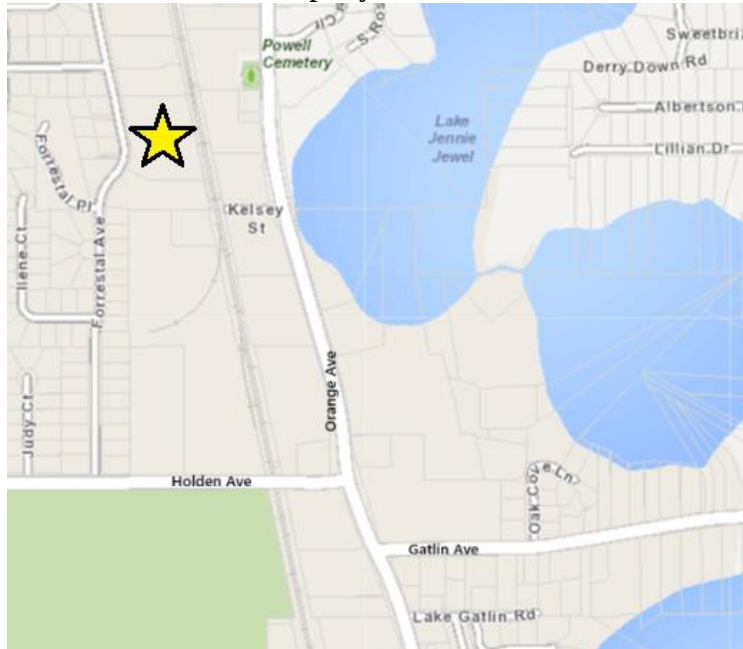
By:   
Rochelle Gonzales  
Commercial Escrow Officer



## NOTICE OF PUBLIC HEARING

**Notice is hereby given** that public hearings will be held to consider a request for Variance 2025-05, which includes multiple **after-the-fact variances** for the property located at **4045, 4053, and 4061 Forrestal Avenue**.

Property Location



No changes or new construction are proposed on the site. These variances were identified after a zoning inquiry was submitted to the City prior to the sale of the property. The current survey identified several existing site conditions found to be in conflict with current code. To be formally recognized as **legally conforming**, variances must be approved.

The requested variances are as follows:

1. **Front Yard Setback:** To allow a front yard setback of 24.2 feet in lieu of 25 feet
2. **Rear Yard Setback:** To allow a rear yard setback of 6 feet 7 inches in lieu of 15 feet
3. **Side Yard Setback (North):** To allow a side yard setback of 4 feet 6 inches in lieu of 5 feet
4. **Parking Area Landscaping:** To allow continuous parking spaces without a landscape break and no interior landscaping within the vehicular use area
5. **Parking Space Width:** To allow standard parking spaces with a minimum width of 8.4 feet adjacent to the north and south buildings where the bay door configuration limits space
6. **Open Space:** To allow a minimum of 10% open space in lieu of a minimum of 15%
7. **Landscape Buffer:** To allow turf as ground cover and the use of palms instead of shade trees in the required road buffer

**Public Hearing Location:** All hearings will be held at Edgewood City Hall council chambers, located at 405 Bagshaw Way, Edgewood, Florida 32809.

**Public Hearing Dates and Times:**

- Planning & Zoning Board Meeting - Monday, November 10, 2025 at 6:30 PM
- City Council Meeting - Tuesday, November 18, 2025 at 6:30 PM

405 Bagshaw Way • Tel: 407-851-2920 • Fax: 407-851-7361 • [www.edgewood-fl.gov](http://www.edgewood-fl.gov)



### How to Participate:

- Review the application and staff reports by contacting or visiting City Hall.
  - Email: [info@edgewood-fl.gov](mailto:info@edgewood-fl.gov)
  - Phone: 407-851-2920
  - Hours: Monday-Thursday: 8 AM to 4 PM; Friday: 8 AM to noon.
- Attend the public hearings and be heard (11/10/2025 & 11/18/2025)
- If you are unable to attend the public hearings, you may submit your comments by email to [info@edgewood-fl.gov](mailto:info@edgewood-fl.gov) or in writing to Edgewood City Hall at 405 Bagshaw Way.
- All written comments will become part of the official public record for the project. Please ensure your comments are received **no later than 12:00 PM (noon)** on the day of the scheduled public hearing.

### Accessibility:

If you require accommodations under the Americans with Disabilities Act, please notify the City Clerk's Office in writing at least **48 hours prior** to the meeting.

### Continuations:

Any or all of the public hearings may be continued to a later date. The date, time, and location of any continuation will be announced at the scheduled hearing.

Dated: October 30, 2025

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

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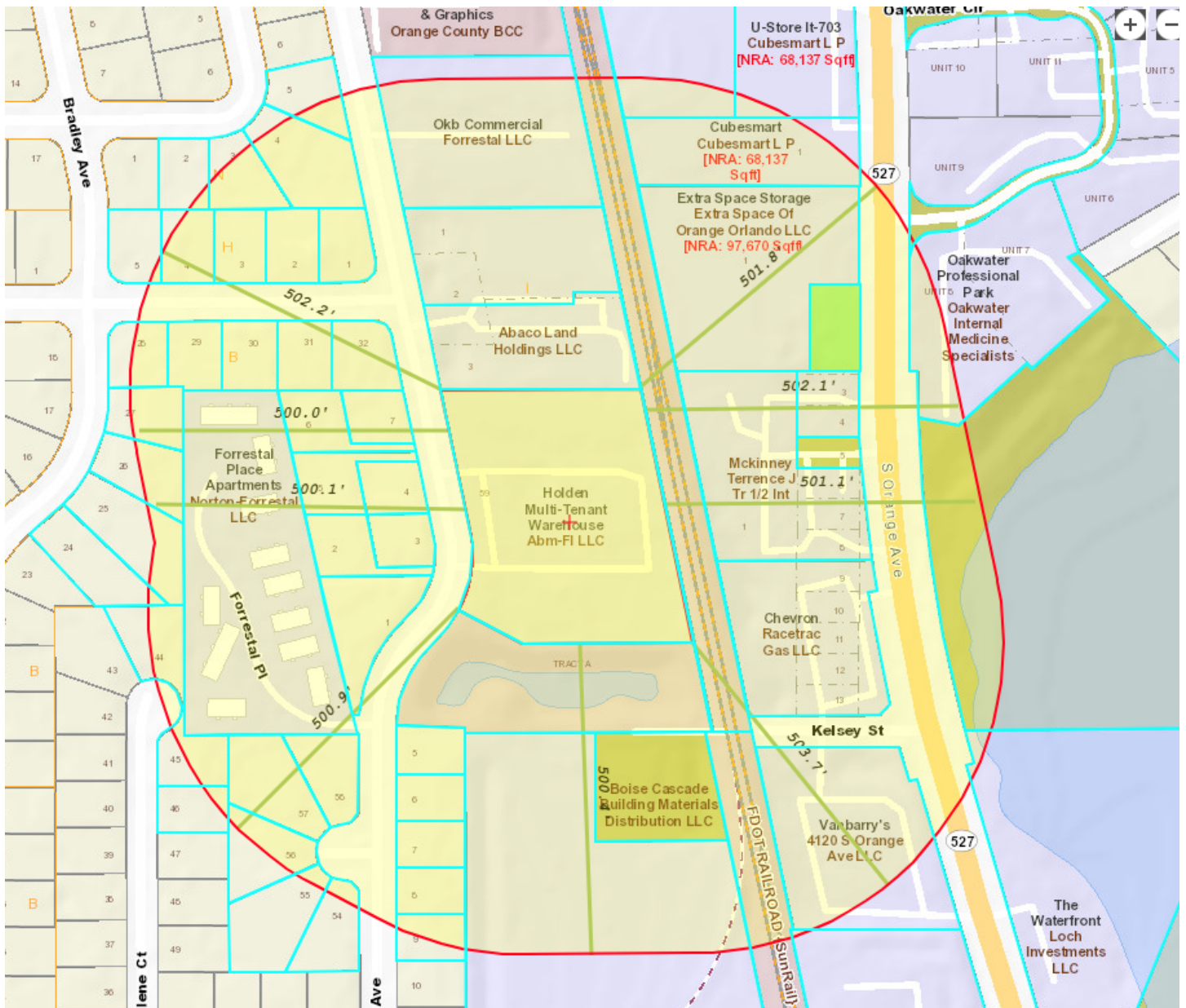
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# **Ordinance 2025-12: Recovery Residences**

ORDINANCE NO. 2025-12

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 134 TO ADD CODE OF ORDINANCES SECTION 134-40 ESTABLISHING A PROCESS FOR THE REVIEW OF REASONABLE ACCOMMODATION REQUESTS FOR CERTIFIED RECOVERY RESIDENCES PURSUANT TO FLORIDA STATUTES SECTION 397.487; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Section 397.487(15)(a), Florida Statutes, mandates that each municipality and county in the State of Florida must adopt an ordinance establishing procedures for the review and approval of certified recovery residences; and

**WHEREAS**, Section 397.487(15)(a), Florida Statutes, further mandates the inclusion within such ordinance of a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

**WHEREAS**, Section 397.487(15)(b), Florida Statutes, provides that the regulation of the establishment of certified recovery residences must be consistent with the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 et seq.); and

**WHEREAS**, the City of Edgewood Planning and Zoning Board held a public hearing, with all required public notice, to provide recommendations to the City Council on this Ordinance to amend the Land Development Code and recommend that the City Council adopt the Ordinance; and

**WHEREAS**, adoption of this Ordinance ensures that the City of Edgewood complies with Section 397.487(15), Florida Statutes, and that the best interest of the public health, safety, and welfare is served.

**NOW THEREFORE, BE IT ENACTED BY THE CITY OF EDGEWOOD FLORIDA:**

**Section 1.** The findings set forth in the recitals above are adopted and fully incorporated herein by reference.

**Section 2.** Chapter 134, Article I, Section 134-40, “Requests for Accommodations by Certified Recovery Residences” of the City of Edgewood Code of Ordinances, is hereby created to read as follows (Note: additions indicated by underscore; deletions indicated by ~~striketrough~~; and text that shall remain unaltered that is not reproduced here is indicated by ellipses (\*\*\*)):

47  
48 **134-40. - REQUESTS FOR ACCOMMODATIONS BY CERTIFIED RECOVERY**  
49 **RESIDENCES.**  
50

- 51 (A) Purpose and applicability. The purpose of this section is to establish procedures for  
52 review and approval of reasonable accommodation requests to the City's land use and  
53 zoning ordinances, rules, regulations, policies, and procedures that may prohibit  
54 establishment of certified recovery residences pursuant to section 397.487, Florida  
55 Statutes. Facilitating reasonable accommodation requests ensures that individuals with  
56 a disability and/or handicap have equal opportunity to use and enjoy dwellings,  
57 buildings or structures, or to provide accessibility in another manner, as provided by  
58 the Federal Fair Housing Amendments Act (42 U.S.C. §§ 3601 et seq. ("FHA")) and  
59 Title II of the Americans with Disabilities Amendments Act (42 U.S.C. §§ 12131 et  
60 seq. ("ADA")). For purposes of this section, a "disabled" person is an individual who  
61 qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who  
62 is disabled (or qualifying entities) may request a reasonable accommodation with  
63 respect to the City's Land Development Code, Code of Ordinances, rules, regulations,  
64 policies, or procedures as provided by the FHA and the ADA pursuant to the procedures  
65 set out in this section.  
66
- 67 (B) Applicant. Any person who is disabled or a provider of services to disabled individuals  
68 qualifying for a reasonable accommodation, collectively referred to as "Applicant" in  
69 this subsection, may request a reasonable accommodation to the City's land use and  
70 zoning ordinances, rules, regulations, policies, and procedures that prohibit  
71 establishment of certified recovery residences. It is the responsibility of the Applicant  
72 to establish that they, or those who are being provided recovery services, are protected  
73 individuals under the FHA and/or ADA by demonstrating that the proposed  
74 accommodation is reasonable and necessary to afford the Applicant, or those who are  
75 being provided services, an equal opportunity to use and enjoy a residential dwelling.  
76
- 77 (C) Application Procedure. A request for reasonable accommodation shall be made to the  
78 City Clerk. An application for reasonable accommodation must, at a minimum, provide  
79 the following:  
80
- 81 (1) Name and contact information of the Applicant or the Applicant's authorized  
82 representative;
  - 83 (2) Property address and parcel identification number of where the reasonable  
84 accommodation is being requested. If the Applicant is not the owner of the  
85 property, then the contact information for the owner and an owner's  
86 authorization form is also required;
  - 87 (3) A description of the accommodation and the specific regulation(s) and/or  
88 procedures from which the accommodation is sought;
  - 89 (4) Reasons the accommodation may be necessary for the Applicant or those who  
90 are being provided services;
  - 91 (5) A description of the qualifying disability or handicap;

- 92 (6) A certification signed by the Applicant stating: I CERTIFY UNDER PENALTY  
93 OF PERJURY THAT THE INFORMATION PROVIDED IN THIS REQUEST  
94 IS TRUE AND CORRECT. I UNDERSTAND THAT IF I KNOWINGLY  
95 PROVIDE FALSE INFORMATION WITH THIS REQUEST, MY REQUEST  
96 SHALL BECOME NULL AND VOID;  
97 (7) A verification of disability status form executed by someone with personal  
98 knowledge of the Applicant's, or those who are being provided services',  
99 disability, such as a medical or social services professional;  
100 (8) Any additional information or documentation the Applicant feels is necessary  
101 to supplement the request for reasonable accommodation.  
102 (9) Signature of the Applicant and date.  
103

104 The City Clerk will date-stamp the application upon receipt and notify the Applicant,  
105 in writing, within 30 days if additional information is required. The Applicant must  
106 provide the additional information within 30 days. Failure of the Applicant to provide  
107 a response within 30 days will result in the application being denied, unless the  
108 Applicant requests an extension of time in writing.  
109

- 110 (D) Review. Within 60 days of receiving a completed application, the City Clerk, or  
111 designee, shall review the request for reasonable accommodation and make a  
112 determination consistent with the FHA and/or ADA, after considering all of the  
113 following:  
114

- 115 (1) Whether the Applicant has established that they are protected under the FHA  
116 and/or ADA by demonstrating that they or those being provided recovery  
117 services, are handicapped or disabled, as defined in the FHA and/or ADA. To  
118 do this, the following must be shown:  
119  
120 (a) A physical or mental impairment which substantially limits one (1) or  
121 more major life activities;  
122 (b) That they are regarded as having such impairment; and  
123 (c) A record of having such impairment.  
124  
125 (2) Whether the requested accommodation is reasonable and necessary to afford  
126 the Applicant an equal opportunity to use and enjoy the dwelling, building or  
127 structure, or provides accessibility in another manner.  
128 (3) Whether the requested accommodation would impose an undue financial or  
129 administrative burden on the City.  
130 (4) Whether the requested accommodation would require a fundamental alteration  
131 in the nature of the land use and zoning regulations of the City.  
132

133 If the City Clerk, or designee, finds that the requested accommodation will impose an  
134 undue financial or administrative burden on the City or will require a fundamental  
135 alteration in the nature of the City's land use and zoning regulation, they may consider  
136 whether an alternative reasonable accommodation exists which would effectively meet  
137 the disability-related need. An alternative reasonable accommodation may be the

requested accommodation with conditions. In conducting the review, the City Clerk, or designee, may make a site visit to the property where the reasonable accommodation is being requested.

(E) Determination. Once review of the request is complete, the City Clerk, or designee, will make a determination in writing to:

- (1) Approve the reasonable accommodation request in whole or in part, with or without conditions; or
- (2) Deny the reasonable accommodation request, in accordance with state and federal law, and state the objective evidence-based reasons for denial and identify any deficiencies or actions necessary for reconsideration.

The written determination by the City Clerk, or designee, shall also include the Applicant's right and method to appeal the determination. If the written determination is not issued within 60 days after receipt of the completed application, the reasonable accommodation request is deemed approved unless the parties agree in writing to a reasonable extension of time.

(F) Appeals. Applicant shall have 30 days from the date of the City Clerk or designee's, written determination to appeal the determination or any conditions included therein, to the City Clerk. Appeals must be made in writing and include the name of the Applicant, address and contact information, a written summary of the reason for the appeal, and an explanation of why the determination or condition is in error. Appeals shall be submitted to the City Clerk. The City Clerk shall issue a final decision on the appeal within 45 days of submitting the appeal to City Clerk.

(G) No Fee. There shall be no fee imposed by the City for the reasonable accommodation request process outlined in this section.

(H) Stay of Enforcement. While a request for reasonable accommodation, or its appeal, is pending, the City will not enforce any applicable land use and zoning ordinances, rules, regulations, policies, and procedures against the Applicant.

(I) Expiration of Approvals. Approval of requests for reasonable accommodation shall expire within one hundred eighty (180) days if not implemented.

(J) Revocation of Reasonable Accommodation. Any reasonable accommodation received shall be deemed revoked if the Applicant or the property upon which the accommodation is granted is found in violation of any conditions of the approval granting the reasonable accommodation by a court of law or by the special magistrate hearing code enforcement cases. Failure to obtain state certification or a required state license, or failure to maintain state certification or a required state license or alternate certification permitted by this section, shall result in revocation of the reasonable accommodation and cessation of operations within sixty (60) days of termination of the license or certification.

(K) Confidential Information. Should the information provided by the Applicant to the City include medical information or records, including records indicating the medical condition, diagnosis, or medical history of the disabled individual(s), such individual(s) may, at the time of submitting such medical information, request that the City, to the extent allowed by law, treat such medical information as confidential information of the disabled individual(s).

(L) General Provisions. The following general provisions are applicable to all reasonable accommodation requests:

- (1) The Applicant may apply for a reasonable accommodation on their own behalf or may be represented at all stages of the reasonable accommodation process by an attorney, legally appointed guardian, or other person designated by Applicant as a power of attorney.
- (2) In the event that a reasonable accommodation is granted, the Applicant shall continue to comply with any and all other applicable building and/or permitting processes required by the City's Code of Ordinances and Land Development Code and all other state and federal laws.
- (3) A reasonable accommodation is specific to the Applicant and does not run with the subject property.

**Section 3. Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 4. Codification.** The City Clerk shall cause the Code of Ordinances of the City of Edgewood to be amended as provided by this Ordinance and may renumber, re-letter, and rearrange the codified parts of this Ordinance if necessary to facilitate the finding of the law.

**Section 5. Severability.** Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

**FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2025.

**SECOND READING** and adoption this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Richard A. Horn, Council President

230 ATTEST:

231

232

233 

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Sandra Riffle

234 City Clerk

235

# **Ordinance 2025-13:**

## **Street Repaving**

## **Gated Communities**

## ORDINANCE NO. 2025-13

### AN ORDINANCE OF THE CITY OF EDGEWOOD, AMENDING CHAPTER 126, SUBDIVISIONS, OF THE CODE OF ORDINANCES, CITY OF EDGEWOOD, TO REVISE THE MANDATORY REPAVING REQUIREMENT FOR PRIVATE STREETS IN GATED NEIGHBORHOODS TO A MANDATORY PAVING NEEDS ASSESSMENT REQUIREMENT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

**WHEREAS**, the City Council of Edgewood finds it in the best interest of the public health, safety, and welfare to update maintenance standards for private streets within the gated communities of the city; and

**WHEREAS**, the current requirement for mandatory repaving every fifteen (15) years may not always align with the actual engineering needs and condition of the private street infrastructure; and

**WHEREAS**, a requirement for a mandatory professional engineering assessment will ensure the continued maintenance of private streets to acceptable standards based on current condition, while providing Home Owner Associations (HOA) and property owners with a more financially flexible and condition-based maintenance schedule.

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

**SECTION ONE.** The findings set forth in the recitals above are hereby adopted as legislative findings of the City Council pertaining to this Ordinance.

**SECTION TWO.** The City of Edgewood Code of Ordinances Chapter 126 “Subdivisions,” Article V, “Improvements,” Division 7, “Gated Communities” is hereby amended as set forth as follows (note: additions are indicated by underline, deletions are indicated by strikethrough, and portions of the Code that remain unchanged and which are not reprinted here are indicated by ellipses (\*\*\*):

#### **Sec. 126-560. - Mandatory repaving.**

- (a) Every 15 years, the HOA must repave all private streets. This requirement may be waived ~~on a year-to-year basis~~ if the HOA can provide a professional engineer's opinion to the city engineer stating the existing roads are in acceptable condition.
- (b) The professional engineer's report may recommend an extension for a period of up to five (5) years before the next mandatory engineering review is due, provided the engineer justifies that the current condition of the roads is not expected to degrade below acceptable standards during that period.
- (c) The City Engineer shall review the submitted engineer's opinion, corrective action plan, and

timeline. The City Engineer retains the authority to reject the submitted professional engineer's opinion if it is found to be incomplete, inaccurate, or in conflict with acceptable engineering practices or city standards, and may require a new assessment or specific maintenance actions.

(d) If a waiver is granted under subsection (a), the professional engineer's opinion must also explicitly establish the date (month and year), not to exceed five (5) years from the date of the current assessment, when one of the following mandatory actions must occur:

1. A new professional engineer's opinion assessing the road condition must be submitted to the City Engineer; OR
2. Repaving, milling, or overlay or other major pavement maintenance must commence.

**SECTION THREE.** Severability Clause. In the event that any term, provision, clause, sentence or section, or Exhibit of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence or section did not exist.

**SECTION FOUR.** Ordinances in Conflict. All ordinances or parts thereof, which may be determined to be in conflict herewith, are hereby repealed and superseded by this Ordinance, to the extent of such conflict.

**SECTION FIVE.** Effective Date. This Ordinance shall become effective on the date adopted by City Council.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

CITY OF EDGEWOOD, FLORIDA  
CITY COUNCIL

\_\_\_\_\_  
Richard A. Horn, Council President

ATTEST:

\_\_\_\_\_  
Sandy Riffle, City Clerk

# UNFINISHED BUSINESS

# COMMENTS & ANNOUNCEMENTS

# ADJOURNMENT