

## **MEMORANDUM**

**TO: Residents of Rock Springs Ridge**

**FROM: Asima M. Azam, Esq.  
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Attorneys for Rock Springs Ridge HOA**

**DATE: 2-12-19**

**RE: DENIAL OF FLUM AMENDMENT TO INCREASE DENSITY ON  
HAMRICK PARCEL**

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The Board of Directors of the Rock Springs Ridge Homeowner's Association, Inc., has requested that we provide the residents with a factual summary of the issues surrounding the proposed development of the parcels owned by Carol Hamrick, the outcome of the 2/6/19 City of Apopka Council Meeting, and possible scenarios that residents can expect going forward for development of the Property.

The purpose of this Memo is educate its residents so that they are adequately equipped with the information needed to voice their concerns to the City. The Association has no legal right as the "Association" to approve or disapprove the development proposed by Hamrick, and it takes no official position on which path of development would be best for the community and its residents. What follows is a summary of what has transpired to date, and what the residents can expect to occur in the future.

### **A summary of the events to date:**

1. In October 2018, Carol Hamrick ('Hamrick'), the owner of Parcels 21-20-28-0000-00-019 and 21-20-28-0000-00-022 ("Property") submitted an application to the City of Apopka to amend the Future Land Use Map ("FLUM") designation of the subject Property to increase the density from 1 dwelling unit per acre to 2 dwelling units per acre.
2. The Property is approximately 35 acres, so the existing zoning allowed Hamrick to build 35 dwelling units on the Property. They sought a change to allow construction of 70 dwelling units on the Property.
3. The Property is located to the east of Rock Springs Ridge as shown on the attached map. Access to the subject property can be gained through Mt. Stirling Rd. to the west of the Property and Pittman Rd. to the east of the Property. Both roads are owned by the City of Apopka.
4. In November 2018, the City's Planning and Zoning committee reviewed the Hamrick request and approved it as being consistent with the surrounding area (Rock Springs Ridge has a similar density) and the comprehensive plan. It further determined that the existing infrastructure and schools could support the proposed development.
5. Procedurally, the next step is for the matter to be reviewed by the City Council. In December 2018, the City Council voted to postpone its review of the request and asked Hamrick to hold a community meeting to seek input from adjacent properties.
6. A Community meeting was held in January 2019 by Hamrick, and residents from Rock Springs Ridge attended. They expressed concerns regarding the negative

- impact of the increase of traffic on Mt. Stirling Rd., if the density was increased and the additional 70 persons used Mt. Stirling as a “cut thru.”
7. On February 6, 2019, the request was brought by Hamrick before the City Council for review. In its presentation, Hamrick offered to alleviate the concern of the residents of Rock Springs Ridge by eliminating the proposed development's use of Mt. Stirling Rd. for access, in exchange for the increase in density they requested. The proposal offered to improve Pittman Rd. and utilize it for access instead.
  8. Many residents from Rock Springs Ridge attended the February 6, 2019 and expressed displeasure with the request to increase density on the Property.
  9. In a unanimous decision of 5-0 the City Council voted against allowing the FLUM amendment to increase allowable density on the Property.

### **What Happens Next?**

10. Since the FLUM request was denied Hamrick has three options:
  - a. It can accept the denial and proceed with development of the Property under the existing rights assigned to the Property. This would include building 35 homes on the Property and using Mt. Stirling as a point of access into its development. Mt. Stirling is a public road and Hamrick does not need approval to do this.
  - b. It can file suit against the City of Apopka, asking a Court to determine that the denial of its FLUM request was improper. Because the City's Planning division determined that the request was consistent with the surrounding area and there was sufficient infrastructure and school capacity to support it, there is a possibility that the City decision could be overturned. It appears that the record does not discuss in great detail why the Council members chose to part with the decision to approve of the Planning division. If it was over turned, Hamrick could build 70 homes and use Mt. Stirling as an access point.
  - c. Hamrick, a resident or a City Council Member could file a Motion for re-hearing or re-consideration to bring the application back to the table for additional review, due to defects in the original meeting. At this time, it's possible that the development plan could be shaped further to address resident's concerns regarding use of Mt. Stirling, the access points that construction vehicles would use during development, and possibly entertain again the opportunity to eliminate the use of Mt. Stirling for access altogether. The residents should carefully consider which concern places the greater burden on them: the increase of density or the use of Mt. Stirling for access.
11. Based on the threads posted on social media there does not appear to be consensus among the residents regarding which option would better serve the residents of Rock Springs Ridge. Some residents believe that it is possible to prevent the increase of density AND the use of Mt. Stirling. Some others believe that use of Mt. Stirling was denied by the City Council. Neither of these “rumors” is accurate.
12. The Association is exploring the idea of hosting a community meeting with its residents to help explore a path forward. The attorneys for the HOA can be made available at the meeting to answer questions regarding the legal rights of the residents and Hamrick.