



AGENDA

Edgewood City Council Meeting Minutes Tuesday, January 19, 2021

CALL TO ORDER

Council President Horn called the Edgewood City Council meeting to order at 6:30 pm. He asked for a moment of silence, followed by leading the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

Deputy City Clerk Riffle announced a quorum with the Mayor and all five Council Members present.

Attendees

John Dowless, Mayor
Richard Alan Horn, Council President
Ben Pierce, Council President Pro-Tem
Lee Chotas, Council Member
Chris Rader, Council Member
Susan Lomas, Council Member

Staff

Bea L. Meeks, City Clerk
Sandra Riffle, Deputy City Clerk
John Freeburg, Police Chief
City Attorney, Drew Smith
City Planner, Ellen Hardgrove
City Engineer, Allen Lane
City Landscape Architect, Jim Winter

Applicants:

John and Samantha Koroshetz
Rick Baldocchi, P.E., AVCON
Dustin Bowersett, Toll Brothers
Marc McIntosh, Toll Brothers
Todd Refling, Toll Brothers
Carolyn Haslam, Attorney, Akerman LLP

PRESENTATIONS

None.

CONSENT AGENDA

Approval of Minutes from Previous Meeting(s)

- December 15, 2020 City Council Meeting
Councilmember Chotas made the motion to approve the minutes as presented; second by Councilmember Rader. The motion was approved (5/0).

The motion was approved by a roll call vote.

Council President Horn	Favor
Council President Pro-Tem Pierce	Favor
Councilmember Chotas	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor

- Addendum to Solid Waste Agreement - FCC Environmental Services FL, LLC
There were no changes to the agreement.

Councilmember Chotas made the motion to approve the addendum to the solid waste agreement; second by Councilmember Rader. The motion was approved (5/0).

The motion was approved by a roll call vote:

Council President Pro-Tem Pierce	Favor
Councilmember Chotas	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Horn	Favor

BOARDS AND COMMITTEES

a. 509 Gatlin Boat Dock Variance 2020-16

Council President Horn changed the order of business to move the proposed boat dock variance request to the first item of new business.

- 509 Gatlin Avenue – Variance Request**

Engineer Lane said the applicant requests a setback of 3-feet on the eastern side of the dock in lieu of 15-feet. There is an existing dock in that location. Allowing a dock in that location would not present a navigational hazard, and there would be adequate depth at the end of the dock. The Planning and Zoning Board (P&Z) recommended approval of the variance.

In response to Councilmember Lomas, Engineer Lane confirmed that all existing pylons or other existing dock support post will need to be removed as part of this work as stated on page 2 of his report.

The owners plan to rebuild the dock in the same place. He added that he spoke with the contractor, who explained that they would remove the existing pylons and install new ones but save what pylons they can. He said that it might be an issue of dimensions, and the new dock may not match up to the location of the existing pylons.

Councilmember Lomas asked about the disturbance this will cause on the lake. Engineer Lane responded that there might be a disturbance in the immediate vicinity of the existing dock. During the construction process, they must put in a floating turbidity barrier to contain any disturbances around the work area.

Councilmember Lomas referred to CPH report's verbiage relating to causing the least negative impact to the lake's natural vegetation. Engineer Lane said that they would build in the existing footprint. If they move the dock location to the other side of the lot and construct a new dock, existing vegetation would also be disturbed. They want to avoid disturbing any vegetation beyond the location of the existing dock.

In response to Councilmember Rader, Engineer Lane confirmed that the new dock is in the same location as the present dock with the same dimensions.

The applicant, Mr. Koroshetz, said there is a slightly different design, and they are adding a boat lift.

In response to Councilmember Lomas regarding moving the boat dock to be in compliance without a variance, Engineer Lane said the minimum side setback is 15 feet, which would move the dock into a new area where vegetation is growing in the lake.

They are trying to maintain the same location with the least amount of impact along the shoreline. He agreed with Councilmember Lomas that additional cost and labor do not meet the criteria for a hardship. If this were a new dock, the location would not quantify as an answer. Keeping the location minimizes the impact to the shoreline.

Mayor Dowless said that he recalled that this is a better location for navigation because the dock will not project as far out.

In response to Councilmember Chotas, Attorney Smith said that Council has to determine if the applicant has met the criteria. Attorney Smith agreed that there was substantial evidence that, based on requirements, the record was sufficient to support P&Z's recommendation.

Councilmember Chotas made the motion to approve variance request 2020-16 as recommended by Planning and Zoning; second by Council President Pro-Tem Pierce. The motion was approved (4/1).

The motion was approved by a roll call vote.

Councilmember Lomas	Oppose
Council President Horn	Favor
Council President Pro-Tem Pierce	Favor

Councilmember Chotas	Favor
Councilmember Rader	Favor

PROPOSED ORDINANCES

- a. **ORDINANCE NO. 2020-07** – AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA REZONING CERTAIN LANDS GENERALLY LOCATED ON THE SOUTH SIDE OF HOLDEN AVENUE NEAR THE INTERSECTION OF HOLDEN AVENUE AND RED FERN DRIVE COMPRISING APPROXIMATELY 13.68 ACRES +/- FROM R1A AND R1AA (SINGLE FAMILY DWELLING) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR A PLANNED DEVELOPMENT ON SAID LANDS AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH DEVELOPMENT; PROVIDING THAT THE OFFICIAL ZONING MAP BE MODIFIED ACCORDINGLY; PROVIDING FOR CONFLICTS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Smith read proposed Ordinance 2020-07 in title only.

Planner Hardgrove said this is a request to rezone from R1A and R1AA to a Planned Development (PD) and showed the location with surrounding neighborhoods on a map.

It is a two-step process, the first step is the Land Use Plan (LUP) with rezoning, and the second step is the subdivision plan. Typically, the development plan is more detailed than the LUP.

There are 43 lots proposed. The LUP was revised from what P&Z reviewed as they thought there were compatibility issues with the 50-foot lots. Planner Hardgrove proceeded to explain the layout of the lots and the recreation area.

The applicant requests three waivers:

1. Allow for cul-de-sac on a street exceeding 500 feet. The waiver is being requested as the cul-de-sac is the only way for the entire property to be developed.
2. Waive the requirement for street stub-outs to adjoining unplatted areas to allow the development to be gated and surrounded by the architectural precast concrete wall.
3. Allow for a maximum 70% impervious surface area ratio of 70% for residential lots within the Holden Avenue PD.

All requests from P&Z are included in the Development Agreement (DA). Planner Hardgrove added that the DA is important because Edgewood needs commitments in case another builder comes in. She reviewed the highlights of the DA.

Some of the highlights of the DA include:

1. 1,800 square foot homes, under air conditions, which is consistent with R-1A zoning;
2. 13 lots are 2200 square feet, consistent with R-1AA zoning;
3. bury overhead lines on Holden;
4. a tree on every lot to give the appearance of a tree-lined street;

5. home model and various elevations;
6. minimum 8-foot-high front doors;
7. no more that 50% of the front of the house will be the garage;
8. landscaped buffer on each lot;
9. all infrastructure will be privately owned; removing responsibility from the City.
10. will emphasize shade trees and try to save as many historic trees as possible.

The next stage is the tree survey; trees are important, but the trees in the proposed recreation area are in poor condition.

There is a thriving live oak at the entrance. Planner Hardgrove commented that Mr. Winter did a nice design and moved the recreation area to the south, away from the busy area.

City Planner Hardgrove proposed that the lot layout be approved after the Development Review Committee incorporates the trees. She explained that when Council approves the LUP, the preliminary site plan (PSP) may differ.

Council President Pro-Tem Pierce suggested that the layout being reviewed is for illustrative purposes. Councilmember Rader responded that he did not want to minimize the collaboration that has been put into the LUP. He suggested that there can be language to emphasize the current concept with some flexibility.

Attorney Smith crafted some rough language so that the developer shall conform to the LUP. Lot size count and minimum size will control the layout.

Councilmember Rader said that the curbs and streets view are concerns, as well as having one long, straight road.

Planner Hardgrove responded that the PSP can have the flexibility to move lots and the recreation area to maximize tree preservation on site.

She added that the Holden buffer is technically 9.5 feet and City Landscape Architect Winter is concerned there is not enough room for the trees to thrive with the buried utility lines and the sidewalk. If everything is shifted downward, there can be a 35-foot-wide buffer from the property line to the ROW along Holden Avenue.

In response to Councilmember Lomas, Planner Hardgrove said a PD allows for new dimensions, including side yard setbacks. Accessory equipment can be permitted on side yards.

Engineer Baldocchi, representing the builder, came to the podium and introduced the Toll Brothers team. He said there were several DRC reviews, and the builder has responded with changes from the beginning of the process. They are willing to work with the City.

Engineer Baldocchi said there are six conditions from P&Z. The primary item of concern is the 30-foot buffer on Holden Avenue instead of the 10-foot buffer. They have not checked the geometry, and they have concerns about the fit as they have not had time to complete a full review.

They would like to propose a condition that for every ten feet taken from Holden, give them two 50-foot lots to allow a shift.

Attorney Smith said that the Ordinance requires two readings. They do not have to impose conditions of approval at this meeting. He suggested that they look more broadly to move the process forward and not get bogged down.

Engineer Baldocchi acknowledged this and said he wanted to put the conditions on the table.

In response to Councilmember Rader, Engineer Baldocchi said the concept of flexibility seems to be amenable, and they will look at the proposal. He added that their team also went out and looked at the trees on the perimeter.

Mr. McIntosh said they are trying to save approximately 40 trees. There may be other trees they can work around.

Discussion ensued between Councilmember Chotas and Engineer Baldocchi. Engineer Baldocchi said they would look at moving the recreation area to the south end of the PD to save the trees.

Councilmember Chotas said that he likes the compromise of the 50-foot lots but that some uncertainty needs to be worked out.

Planner Hardgrove added the new condition could give both parties flexibility when the tree survey is done. This is really done at the next phase.

Attorney Smith said that timing is critical for the developer and Mr. McIntosh said they would like to move forward with approval tonight.

In response to City Clerk Meeks regarding a commitment to removing the houses already on the property, Mr. McIntosh said that Toll Brothers does not own the land. They are under contract with Mr. Hussein, the property owner; however, this would be the first thing they will do when they go to the site. Ms. Haslam added that this is the only legal commitment they can give without the owner's permission.

Discussion ensued regarding the proposed waiver for 70% ISR. It was noted that city-wide, ISR is 55%.

Councilmember Rader said the 70% is double-dipping with credit for the pools. Engineer Baldocchi responded that they have considered the pools as 100% ISR.

Public Comment:

Tina Demostene, Edgewood resident, said that Toll Brothers did a good job with responses. She shared her list of suggestions including:

- Street trees do not count as understory trees.
- Should add clarity for the fifty-foot lots.
- Ms. Demostene showed comparable walls and said that if they do not have a brick wall, then at least get the understory trees. Edgewood standards should be no less than a Sanford PD.
- The proposed wall is better than shaped brick.
- Update the DA and exhibit, and make it as good as it is in Sanford, with details.

- Toll Brothers builds a great house, but the exhibits they provided do not show measurable, specific criteria. A lesser developer could come in with these standards, and this would not be the product. She asked for specifics into exhibit C to show their great product line. Shutters and window sills make everything classier.
- Two different models can look exactly the same; expand the DA to get the desired product and avoid monotony.
- Base treatments need specifics, particularly if a lesser builder comes in.
- Elevation clarification. For example, explaining what an upgraded garage door means,
- An 18-foot driveway will not allow two people out of a car. Add it now as we are at 70% ISR.
- She thinks Engineer Baldocchi had an excellent idea for allowing the 50-foot lots. The advantage of a buffer on Holden Avenue will say a lot.

Planner Hardgrove said that street trees are important and canopy trees are not viable. Understory trees are located in certain areas. This was a compromise with burying utilities and getting the street view.

In response to Councilmember Rader, Planner Hardgrove said she was referring only to the lot trees. The DA calls for the shade trees along Holden Avenue.

City Landscape Architect Winter said space for planting is an issue, especially if they have to bury the lines between the sidewalk and the wall.

In response to Councilmember Rader, Landscape Architect Winter said there are small shade trees, not understory trees. He listed maples, winged elms, and sweet bay magnolias. The smallest tree is the Simpson Stopper. There is only 15 feet by the sidewalk, and they need that smaller tree.

Jim Worthen, representative for HAINC, discussed the Land Use Plan (LUP). His comments included the following:

- There is no mention of the lift station except on the LUP.
- Trees can be removed and replaced somewhere more appropriate, so he is not sure where some trees would be an impediment.
- The front yard trees should have a guarantee to survive at least a year; otherwise, they will lose a tree-lined street.
- Add the wall to the list of items to be inspected by the engineer. There has been a wall problem on Holden Ave in the past.
- He suggested the money used for burying lines on Holden Avenue be used for something else in the PD. There are no buried lines on Holden, and it is the only portion where it will be done.

Councilmember Lomas responded that there are trees down Holden Avenue with huge cutouts. Council President Horn added he commends them for burying the lines. City Attorney Smith said getting lines buried is a long process.

Bret Barner, Edgewood resident, said for four years, no one ever addressed and counted the trees until now. There are dozens of enormous trees in the city that need to be saved and preserved. The tree code says they have to show a tree survey.

Mr. Barner said this is R-2 zoning with some variances. The house and lot sizes are less and it is not compatible with surrounding neighborhoods. There is no justification for 70% ISR and it will be a concrete jungle. He suggested that the dry ponds be placed in the middle and landscape them. It will be green and break up the neighborhood.

He urged Council to have them redo some drawings and save some trees. There are more than 40 trees on the perimeter for people's backyards with hawks, woodpeckers, and other wildlife.

In response to Councilmember Lomas, Mr. Barner said he has requested this for four years. He doubts the builder's sincerity. A PD should be unique and innovative.

Councilmember Rader responded, saying that trees were discussed at many meetings. There were observations, but the tree survey was not mandated at that point in the timeline. Saving the best trees is the point. He requested that it be on that record that the City Planner, Staff, and P&Z have discussed the value of the trees many times.

Councilmember Rader referred to the email that he sent to Attorney Smith regarding his concerns with the DA. Attorney Smith said that the developer has already agreed to incorporate most of the comments into the next draft. Councilmember Rader can review his substantive comments.

There is a footnote referencing the setback for the porch. Attorney Smith said Council suggests there be no more than one story over the porch.

Planner Hardgrove said that in some of Ms. Demostene's illustrations, there is a level built over the porch. The porches are beneficial as they provide some articulation to the house. She suggested having a height limitation and specifically say no living accommodations, to which Councilmember Rader agreed.

City Attorney Smith said that at some point Council might want to direct the City Planner and attorney to address these issues with the builder so that it can be moved to second reading. They can speak through the issues, and as a group, let everyone have a sense of their direction.

- Councilmember Rader says there is a requirement for a no objection letter before approval of the LUP that should be received by the next hearing. He added that it might not be necessary if they get the additional landscape buffer.
- A PD benefit would be to retain certain trees. If a 60-foot tree dies, it cannot be replaced with a comparable tree, but if large historic trees are part of justifying the PD, the City should get a 12-inch replacement and not a 4-foot tree. This is a detail that should be worked out before the second reading.
- There is a requirement under landscaping that addresses a milestone installation of landscaping before the certificate of completion is issued. Residential lots need to be completed, and he wants to be sure that it is consistent with the intent. He thinks this may apply to the Holden Avenue buffer.

Attorney Smith asked if Council is amenable to add language for the landscape plan for all common areas and tracts to be submitted with the development plan.

- The green strip is in common grounds and is defined in the tract. The lot owner typically provides irrigation and maintenance. The sidewalks are a safety issue and provided by the HOA. The documents need to be very clear, designating the appropriate responsibility. This is for the protection of future residents.

Councilmember Lomas stated her concerns about air handlers and mechanical equipment in side yards with a 5-foot setback. Councilmember Rader said there is a mandate for staggering to allow for lawn equipment. Councilmember Lomas asked if a pad for an air conditioner should be located in the back of the home. City Planner Hardgrove said that the DA allows air handlers, etc., other than generators, may be located on the side yard.

Mr. Refling said that there are 10 to 20 feet between the homes on the 40 and 50 foot lots. Only a few lots have homes set ten feet apart.

In response to Council President Horn, Mr. Refling said that they could do that. Council President Horn said he would like to put in writing where the location can be.

City Clerk Meeks mentioned that there could be security concerns with equipment in the backyard. If a dog is behind a fence, equipment cannot be fixed until the homeowner is home.

Councilmember Chotas said that the issues raised require balancing. He hopes that the gamble of passing the first reading will result in a meaningful compromise and establish priorities.

Ms. Haslam said they have to work on the added DA and requirements and will commit to look at the site geometry and additional tree species for the Holden Avenue buffer. ISR of 55% will be met in the overall plan and also address in the DA.

There was discussion regarding an HOA fund for debris. Attorney Smith said just because they have a budget account does not mean the City will not provide them the benefit.

In response to Councilmember Rader, Councilmember Chotas said funding is calculated in the declaration and funded based on need. They would need an ordinance for reimbursement to the City, and there is no obligation in the code.

Attorney Smith said that counties and cities got agreements so that FEMA would reimburse them. The City did clean private streets.

Mr. McIntosh said Toll Brother is a good neighbor and will do the right thing. The City will be proud of the final product. This is a team effort with the City and their attorney. They will do everything possible to save the trees. Toll Brothers will do their best to exceed the city expectations and when completed they intend to buy the property and develop it.

Councilmember Rader said this is the west entrance to the City and he is hoping to see a commitment for the name of the community that will reflect that it is Edgewood. Attorney Smith said it can be put into the DA that the City can reject a proposed name.

In response to Planner Hardgrove, Attorney said February 5th is the agenda cutoff to receive changes; we have our direction.

Councilmember Chotas made a motion to approve the first reading of Ordinance 2020-07; Second by Councilmember Rader. The motion was approved (5/0).

The motion was passed with a roll call vote.

Councilmember Chotas	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Horn	Favor
Council President Pro-Tem Pierce	Favor

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Appointment of Canvassing Board

City Clerk Meeks said there will be an election this year. The Canvassing Board is comprised of the City Clerk, a Councilmember and a resident. She spoke to Shay Harold who said that he would be happy to serve. Both Council President Horn and Councilmember Lomas volunteered, with Councilmember Lomas being chosen as the Councilmember on the Board.

Councilmember Chotas made the motion to approve Canvassing Board with members City Clerk Meeks, Councilmember Lomas and Edgewood resident, Shay Harold.; Second by Council President Horn. The motion was approved (5/0).

GENERAL ANNOUNCEMENTS

None

REPORTS

Police Chief & City Clerk Reports

- a. Chief's Report – Chief Freeburg said that he went to a conference and that the first responder vaccines should be in March.
In response to Councilmember Lomas he said that several members of staff and their family members have had the virus. All agencies are getting hit hard.
- b. City Clerk's Report

- There will be an election with two incumbents. Resident Todd Nolan also qualified. The City has to pay for everything including poll workers and the equipment.
- The City is still in the middle of the FY 19/20 audit. It has been burdensome on staff and staff understands the process will be the same every year.
- City Hall is working through the transition of the new garbage.
- City Hall has a new employee, Laura Bartkovsky who was with the police department and is now at City Hall. She is fitting in well and can be the designee to go to EOC because her minor in college was Emergency Management/Homeland Security.

c. Mayor & Council Reports

- Mayor Dowless
 - Mayor Dowless asked if Council would be open to some changes in Planning and Zoning processes in cases when the process can be expedited, particularly in terms of redevelopment. One example is the subdivision process that requires the application to go to P&Z twice.
 - Attorney Smith said that he can put together a list with the rationale and show to Council for input. Councilmember Chotas said that he wants a statewide opt-in.
 - Oakwater Professional Park
Resurfacing is completed, except for some patching, which puts the City at budget for roads and streets. City Clerk Meeks has been working with FDOT throughout the project.
 - There will be a drive-up shredding event at City Hall this Saturday beginning at 9:00 am.
 - The City is moving forward to annex some lakefront houses.
 - Orange County has prematurely issued some approvals and would like to consider moving to a private firm for engineering and permitting. Edgewood is small and things can be overlooked. Attorney Smith said that Maitland hired Universal and City Clerk Meeks said that Windermere also uses them.
Council President Horn said they may be spread thin and asked about an exclusive agreement. There were no objections.
- Councilmember Pierce – no report.
- Councilmember Chotas – no report.
- Councilmember Rader – no report.
- Councilmember Lomas – no report.
- Council President Horn – no report.

ADJOURNMENT

Having no further business, Councilmember Chotas made the motion to adjourn; second by Council President Allen Horn. The meeting adjourned at 9:09 pm.



Richard A Horn
Council President



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

Approved in February 16, 2021 Council Meeting