

**Planning & Zoning Board
July 14, 2014**

Attendees:

Regina Dunay, Chairwoman
Susan Lomas, Board Member
Marion Rayburn, Board Member

Absent:

Jon Van Voorhis, Board Member
Wade Fischer, Board Member

Staff:

Cinnamon Wild, Administrative Assistant
Ray Bagshaw, Mayor
Ellen Hardgrove, Planner
Chris Francisco, Police Chief
Drew Smith, City Attorney

CALL TO ORDER

Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. Administrative Assistant Wild confirmed for Chairwoman Dunay that there is a quorum.

APPROVAL OF MINUTES

- There were no minutes to be approved

NEW BUSINESS

Chairwoman Dunay noted that the Board will be considering the three applications submitted by Boise Cascade, located at 75 W. Holden Avenue (Application #2014-04 for Lot Split, Rezoning and Special Exception).

Planner Hardgrove came forward and presented her report, she noted that this request is for additional storage for Boise Cascade. Planner Hardgrove noted that the subject property is Fellowship Baptist Church. Planner Hardgrove explained to the Board and audience, in order for Boise to obtain the

additional outdoor storage, the Board will review and consider the following three (3) applications for approval:

- (1) Subdivision of church property (so Boise can purchase the new lot)
- (2) Rezoning of the new lot to C-3
- (3) Special Exception of C-3 lot for approval of outdoor storage.

Planner Hardgrove said that all three applications will be considered in this evening's meeting. Planner Hardgrove referred to a map in the P&Z packet, she provided an explanation of the map. Planner Hardgrove said that Staff is recommending approval of all three (3) requests subject to specific conditions of approval. Planner Hardgrove noted that the new lot must be used jointly with the adjacent property to provide standard access, because the new lot provides no access per subdivision regulations.

Below are the list of conditions of approval for the C-3 Approval, the rezoning application:

- (1) Staff recommends that the property is to be used with adjacent C-3 zoned land.
- (2) Staff recommends an 8' high wall to provide a permanent physical barrier and help maintain property value of the homes. Plus the recommendation of a wall of vegetation, one (1) shade tree per every 40' and an infill of shrubs that can archive a 25' height.
- (3) Recommendation for specific building setbacks, 30' from west property line (homes), 25' from south property line (church). Also that stored equipment shall not one (1) story in height, to protect the adjacent property owners (homeowners).

Planner Hardgrove noted that all these conditions that go with the C-3 zoning will be documented in the Memorandum of Understanding (MOU). The MOU is signed by the property owner, applicant and the city. The MOU is to document the understanding and conditions for approval, for future use in the event that the property is sold.

Planner Hardgrove said the last request is the Special Exception, and that applicant is requesting outdoor storage for use of the new lot. She also stated that staff is recommending approval of this request, but they cannot exceed 35' in height within 100' of residentially zoned property.

Chris Mello from Boise Cascade came forward to speak, and he noted that they are requesting a 35' high storage area with the roof. He noted they usually don't exceed 24'. Mr. Mello explained that due to the building being fire sprinklered, anything higher, the fire suppression system would not work.

Administrative Assistant Wild called the first person to speak.

The following resident's filled out speaker cards to address their concerns to the P&Z Board:

- David Slaten
 - His name was called but he declined to speak, and he deferred his Randy Sumner.
- Randall Sumner – 305 Kruegor St., Orlando, 32839 ~ President of South Lake Holden HOA
- Denver Bass – 4515 Forrestal Ave
 - His name was called to speak, but he declined to speak.
- Doris Click – 228 Doolittle St.
 - Her name was called to speak, but she declined to speak and deferred her time to Jim Worthen.

- Billie Marie Fitzhugh – 4516 Forrestal Ave
- David Nesbit – 4360 Ilene Ct.
- Jim Worthen ~ HAINC – P.O. BOX 568412, Orlando, 32856

Jim Worthen provided the conditions that the HOA would like to see, because as he stated “they (HAINC) felt that the conditions as provided in the Planner’s report were inadequate and not complete”. Mr. Worthen also provided a news article for the P&Z Board related to “bedroom communities” like Edgewood.

Chairwoman Dunay questioned the difference between Planner Hardgrove conditions for approval and HAINC’s requested conditions. Mr. Worthen compared the conditions as provided by Planner Hardgrove and HAINC. Chairwoman Dunay thanked Mr. Worthen for his comments.

Attorney Smith noted that Boise Cascade can come and speak and comment on what was commented on previously.

Chris Mello, representative of Boise Cascade came forward and referenced how a resident had noted that a retention pond is full of water. He noted that SJRWMD comes out and monitors and cleans out the drain. He said that their landscape staff does maintain and take care of grass and weeds when they can.

He also noted the building height as referred to by another resident that they would need a minimum storage height of 24’. Mr. Mello confirmed for Chairwoman Dunay that the 24’ inside storage would equate to a 35’ high building.

Mr. Mello noted that 8’ high masonry wall could be installed, and that Boise Cascade is agreeable to following the requirements per the City code.

Chairwoman Dunay questioned the operational hours. Mr. Mello noted that there are no limits that he is aware of. He said they probably could operate 24 hours/7 days a week, but noted that they currently do not. He also said that he wasn’t aware that they had any restrictions on their hours of operation. Mr. Mello noted for Chairwoman Dunay that they usually start around 5 a.m., and are done by 7 or 8 p.m. He noted that there are occasions where they work as late as 9 or 10 p.m. He said that Boise is close to a 24 hour operational facility.

Board Member Lomas questioned Mr. Mello about the tractor trailers. Mr. Mello noted that he is aware that there is no thru traffic on Holden. He noted that, there is no through traffic from their trucks on Holden Ave. Mr. Mello stated that their trucks use the entrance on Holden and are not in violation of the law. Board Member Lomas noted that she remembered when Boise took over the property that no trucks were allowed on Holden Avenue, and that they would only enter and exit onto Orange Avenue. Mr. Mello noted that may have been before his time because in the two and a half years being with Boise, he has not been made aware of that. He stated if that is something they need to change to let them know.

Jim Worthen provided a letter for the record dated 06/20/2001 from Boise addressing the concerns of “No Right Turn”. Mayor Bagshaw noted that Holden is a county road and not a city road so he would need to confirm with the County on the policy for the road. It was decided to re-address at a later time.

Chairwoman Dunay asked if there were questions or comments from the Board. Board Member Lomas noted that if there is room from where the retention pond, move the building over. She suggested that she would like to see it as far away from residential as possible. Mr. Mello said that it is approximately 70’.

Planner Hardgrove said that where the retention pond is on the north, there is no visual buffer for the residents.

Chairwoman Dunay confirmed for resident Billie Fitzhugh, that the City can look into her concerns regarding traffic.

Planner Hardgrove came forward and went over the different zoning districts in the city and the building height allowed. She noted that any use is allowed to be 35' in height. She also noted that the City would need to be very specific, and possibly allow 35' for the whole property.

Planner Hardgrove referred to HAINC comments and she stated her recommendations of their concerns.

Chairwoman Dunay questioned if Mr. Worthen would like to come forward to speak, and he noted the hours of operation that are posted on the Boise Cascade gate. Attorney Smith confirmed for Board Member Lomas that if they operate outside of their hours of operation it would become a Code Enforcement issue. Chairwoman Dunay questioned Attorney Smith about limiting their hours of operation; Attorney Smith confirmed for Chairwoman Dunay that any restrictions for Boise would only be limited to the new portion of Boise property.

Chairwoman Dunay questioned if there was any further discussion or questions. Attorney Smith reminded Chairwoman Dunay on the motions that will be required.

Recommendation 1: Approve the subdivision with the following condition:

Joint use of the "north lot" with an adjacent parcel that provides standard public road access to the property.

Board Member Lomas made the motion to recommend approval based on conditions; Seconded by Chairwoman Dunay. Unanimously approved 3/0.

Recommendation 2: Approve C3 zoning on the north 194.4 feet of the church property (1.19 acres) with the following conditions:

- (1) The property is to be used with adjacent C-3 zoned land;
- (2) An 8 feet high masonry wall shall be constructed along the west property boundary;
- (3) A landscape buffer shall be provided along the west property boundary to include irrigated, large non-deciduous trees and/or shrubs adjacent to the wall that will achieve a dense visual screening from 8 feet to at least 25 feet in height;
- (4) Building setback shall be 30 feet from residential zoned land west of the property and 25 feet from residential zoned land south of the property. Use of the specified setbacks shall be limited to landscaping and storm water management. Structures, including accessory buildings, shall not be allowed within the building setback;
- (5) Buildings shall be limited to one story and a maximum of 35 feet in height;
- (6) Operational hours shall be limited to 6:00 a.m. to 6:00 p.m.;
- (7) No cutting or sawing activities shall occur outside of a completely enclosed building; and,

(8) The conditions of approval shall be notated on the City of Edgewood Zoning Map and shall run with the Subject property as documented in a Memorandum of Understanding (MOU) executed by the Owner, Applicant, and City. The Owner/Applicant shall cause the Memorandum of Understanding (MOU) to be recorded in order to place subsequent purchasers on notice of the additional zoning restrictions placed upon the Subject Property.

Board Member Rayburn made the motion to approve based on conditions; Seconded by Chairwoman Dunay. Unanimously approved 3/0.

Recommendation 3: Approve a Special Exception in the C3 district for Outdoor Storage of merchandise, parts or other equipment with the following conditions:

- (1) No materials, equipment or other goods stored outdoors shall exceed 24 feet in height.
- (2) Per Section 134-104, the special exception shall expire 12 months after the effective date of the approval unless the rights of the special exception granted have been exercised prior to the expiration date. Acquisition of necessary building permits/interior alterations, installation of required equipment or initiation of the activity granted shall be considered adequate exercising of the special exception rights. If the use is abandoned for a period of six months, such special exception is terminated.

Board Member Lomas made the motion to approve based on conditions; Seconded by Chairwoman Dunay. Unanimously approved 3/0.

Attorney Smith confirmed with Ellen Hardgrove that the re-zoning will go before the City Council meeting tomorrow evening. He said that the Lot Split and Special Exception application will be heard at the next City Council meeting in August. He noted that this is due to the rezoning requiring two (2) readings before adoption. All three (3) applications will be on the August City Council Agenda.

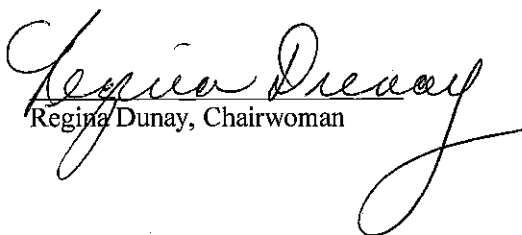
Administrative Assistant Wild confirmed for Chairwoman Dunay that there is no other business just the upcoming meetings as noted on the Agenda. Chairwoman Dunay announced the meetings and that they will be posted on the website.

COMMENTS/ANNOUNCEMENTS


None.

ADJOURNMENT:

With no further business or discussion, the Planning and Zoning Board meeting adjourned at 8:13 p.m.


Regina Dunay, Chairwoman

ATTEST


Bea L. Meeks, MMC, CPM
City Clerk