



CITY COUNCIL REGULAR MEETING MINUTES
Tuesday, February 18, 2020
6:30 p.m.

CALL TO ORDER

Council President Horn called the Edgewood City Council meeting to Order at 6:30 p.m. Council President Horn asked for a moment of silence, followed by leading everyone in the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

City Clerk Meeks announced a quorum, with all Council Members present.

Attendees

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

Staff

Bea L. Meeks, City Clerk
John Freeburg, Police Chief
Drew Smith, City Attorney
Ellen Hardgrove, Planner
Allen Lane, Engineer (CPH)

PRESENTATION

Robert Grimaldi, Legal Advisor for the Orange County Property Appraiser (OCPA) gave a PowerPoint presentation regarding the history of the City's non-ad valorem assessment process, as it relates to providing unit counts to OCPA. The purpose of the presentation was to answer questions that the Mayor and Council Members had in a previous meeting regarding the omission of the assessment on some Edgewood resident's tax bill. Attorney Grimaldi was accompanied by Beth Watson, OCPA Manager, Communications and External Affairs. There were no public comments/questions and no comments or questions from the Mayor and Council Members.

CONSENT AGENDA

1. Review and Consideration of City Council Meeting Minutes
 - January 21, 2020 Regular City Council Meeting

Mayor Dowless noted a clerical correction on Page 3, Paragraph 2: ... *Mayor Dowless replied that he believes that the City needs to be upfront about whether or not short-term rentals are allowed or not, and make it clear they ~~would~~ should be hosted stays only...*

Council Member Rader made the Motion to approve the January 21, 2020 minutes with correction; Second by Council Member Fortini. Approved (5/0)

ORDINANCES

None.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None.

UNFINISHED BUSINESS

None.

I. NEW BUSINESS

None.

GENERAL INFORMATION (No action required)

None

CITIZEN COMMENTS

None.

BOARDS & COMMITTEES

[EACH WAIVER WILL BE PROVIDED INDIVIDUALLY WITH THEIR VOTE, AS WILL THE SITE PLAN; HOWEVER PLANNER HARDGROVE EXPLAINED ALL IN ONE REPORT, FOLLOWED BY PUBLIC COMMENT AND THEN INDIVIDUAL MOTIONS PER WAIVER AND THE SITE PLAN. PER REQUEST, A RECORDING OF THE MEETING WILL BE PROVIDED FOR ANYONE PREFERRING A VERBATIM OF THE PROCEEDINGS]

5156 S. Orange Avenue – Bailey’s Pharmacy

1. Waiver in ECD Ordinance Section 134-461(b)(4) (Specific Design Standards for Drive Up Windows) to allow the queuing distance for a drive-up window to accommodate 2 cars (40 feet) before the first stopping point in lieu of 6 cars (120 feet).

Edgewood Planner Ellen Hardgrove provided her report regarding the waivers that Bailey Pharmacy’s requested. She referred Council to her report and explained the first waiver is to allow the queuing distance for a drive-up window to accommodate two cars before the first stopping point. Planner Hardgrove said

staff recommended approval, which includes a condition for City Council’s approval. The condition is for a use other than a pharmacy’s use of the drive-up window, with such approval based on documentation of adequate queue length for a new use. Planner Hardgrove’s report confirmed that the Planning & Zoning Board recommended approval, including staff’s recommendation.

Motion by Council Member Chotas to approve the waiver in ECD Ordinance Section 134-461(b)(4), as recommended in the Staff approval; Second by Council Member Pierce.

<i>The Motion was approved by the following roll call vote (5/0):</i>	
<i>Council President Horn</i>	<i>- Yes</i>
<i>Council Member Fortini</i>	<i>- Yes</i>
<i>Council Member Chotas</i>	<i>- Yes</i>
<i>Council Member Pierce</i>	<i>- Yes</i>
<i>Council Member Rader</i>	<i>- Yes</i>

- 2. Waiver in ECD Ordinance Section 134-458(h)(2)b. (Site Design-Tree Location) to allow the trees in the Tree/Furnishing/Sign Area to be located on the property line in lieu of a 12.5 feet offset.

Planner Hardgrove said the Planning and Zoning Board recommended of approval of site-design-tree location as presented.

Motion by Council Member Chotas to approve waiver in ECD Ordinance Section 134-458(h)(2)b as set forth in the Staff recommendation; Second by Council Member Pierce.

<i>The Motion was approved by the following roll call vote (5/0):</i>	
<i>Council Member Chotas</i>	<i>- Yes</i>
<i>Council Member Fortini</i>	<i>- Yes</i>
<i>Council President Horn</i>	<i>- Yes</i>
<i>Council Member Pierce</i>	<i>- Yes</i>
<i>Council Member Rader</i>	<i>- Yes</i>

- 3. Modification of conditions for previously approved waiver to ECD Ordinance Section 134-460(f)(3) related to driveway design.

Planner Hardgrove referred Council to her report, in particular, the modification of conditions, provided as follows:

- A. North side of driveway buffer: Minimum 6 feet in width with a continuous hedge of shrubs to be at least 30 inches high at planting of a species capable of growing to at least 3 feet in height within 6 months and at least 6 feet in height at maturity, to be maintained at a height of at least 6 feet, shrubs planted at 30 inches on center.
- B. South side of driveway buffer: Minimum 2 feet 8 inches in width continuous hedge and small trees. Trees to be planted 35 feet on center, to be multi-stem/tree form, with a

minimum of three (3) stems, each stem a minimum 1.5 inch caliper and 4 feet spread. The continuous hedge shall be of plants at least 30 inches high at planting, planted 30 inches on center, of a species capable of growing to at least 3 feet in height within 6 months, and maintained at a height of not less than 36 inches.

- C. The remaining conditions of the November 2019 approval continue to apply related to the primary entrance (i.e., east side) and sidewalk width connecting the public sidewalk to primary entrance:
 - 1. The building entrance on the building’s east side shall be designed and maintained for the general population (not employees only) and is handicapped accessible.
 - 2. A minimum eight feet wide sidewalk shall connect the public sidewalk within the road right-of-way to the building entrance (east side).

Planner Hardgrove said the Planning & Zoning Board recommended approval of the waiver with the modifications presented.

Motion by Council Member Chotas to approve the modification of landscaping conditions for the previously approved waiver to the ECD Ordinance Section 134-460(f)(3) related to driveway design as set forth in the Staff recommendations; Second by Council Member Pierce.

<i>The Motion was approved by the following roll call vote (5/0):</i>	
<i>Council Member Rader</i>	<i>- Yes</i>
<i>Council Member Pierce</i>	<i>- Yes</i>
<i>Council Member Chotas</i>	<i>- Yes</i>
<i>Council Member Fortini</i>	<i>- Yes</i>
<i>Council President Horn</i>	<i>- Yes</i>

Requested Variances

- 4. A request for a variance in Code Section 134-608(a) to allow two grassed parking spaces on either side of the historic tree adjacent to the north property line in lieu of the required durable all-weather surface (a total of 4 grass spaces).

Planner Hardgrove referred Council to her report explaining that Staff’s recommendations which includes the grass parking, shall be constructed using a polypropylene or recycled plastic product produced for the function of stabilizing grass overflow parking spaces such as Grass Pave 2, Core Grass, or True Grid. She said a stabilized base for the grass parking constructed of compacted aggregate will not be acceptable. The stabilization must allow for permeability plus structural support for vehicles and pedestrians. The sod used for this area shall be Geo Zoysia or Empire Zoysia. Planner Hardgrove said the Planning & Zoning Board recommended approval with the recommendations presented.

Motion by Council Member Chotas to approve variance in Code Section 134-608(a) to allow two grassed parking spaces, as set forth in the Staff recommendations; Second by Council Member Pierce.

The Motion was approved by the following roll call vote (5/0):

<i>Council Member Fortini</i>	-	<i>Yes</i>
<i>Council Member Chotas</i>	-	<i>Yes</i>
<i>Council Member Pierce</i>	-	<i>Yes</i>
<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council President Rader</i>	-	<i>Yes</i>

Site Plan

Planner Hardgrove explained the change in the site plan from the receipt date of January 31, 2020 and as amended on February 11, 2020. She explained that the amended site plan included the requirements for the addition of lighting to cover all areas of the parking, and pedestrian areas consistent with Section 102-23. She said the Planning & Zoning Board recommended approval as presented.

Motion by Council Member Chotas to approve, subject to the comments set forth in the Staff report provided by CPH Engineering, the site development plan package dated receipt January 31, 2020, and as amended on February 11, 2020; Second by Council Member Pierce.

The Motion was approved by the following roll call vote (5/0):

<i>Council Member Rader</i>	-	<i>Yes</i>
<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council Member Fortini</i>	-	<i>Yes</i>
<i>Council Member Pierce</i>	-	<i>Yes</i>
<i>Council Member Chotas</i>	-	<i>Yes</i>

At the conclusion of her report and before any Motions and vote was taken, Planner Hardgrove confirmed for Council Member Chotas that the applicant accepted the changes and that detailed lighting will be provided at a later time.

Council President Horn opened for public comment.

Public Comment

Lisa Harrison Cain, Nathaniel Hope, Inc. - Ms. Cain said she noticed the applicant is showing the fence at the cross access is to be removed. She said they just repaved this area and have dumpsters and their trucks are there. In response to Ms. Cain's request for more information regarding the ingress/egress, Planner Hardgrove explain that the Code requires cross access. She explained that if Nathaniel's Hope doesn't agree to the cross access, it stops at the property line. Planner Kim Fisher said the fence Ms. Harrison is talking about is on Bailey's property. Planner Hardgrove said the fence is required to be taken down because it is in the ECD. Council Member Rader confirmed that the survey shows the fence is on the applicant's side.

Tina Demostene – Ms. Demostene said staff did a great job in making compromises so that the intent of the district was met.

5655 South Orange Avenue – Cornerstone Pace Commercial Site Plan Review

City Engineer Allen Lane, CPH, presented the staff report regarding Cornerstone's site plan review. He said the plan shows the existing plan and the proposed plan. He said the Planning & Zoning Board recommended approval however after meeting, Engineer Lane said CPH revisited the site with regards to the overhang in the rear and found it encroached into the side setback. For this reason, Engineer Lane said a waiver will be required for the encroachment. He said the waiver request will come back to the Planning and Zoning Board and Council.

The applicants' Attorney, Brent Spain, explained why Cornerstone is back before Council for approval of the site plan. He said one of the overhangs is for patient drop-off. The other awning is a covered patio and will be protected from the elements. Attorney Spain said the project was approved in 2016 and Cornerstone did not proceed because of funding. Attorney Spain requested approval of the commercial site plan with the condition that the awnings will not be installed without an approved waiver. Engineer Lane confirmed for Council Member Rader that the encroachment is approximately 10 feet into the side setback. He said staff has no objections to Council approving the site plan with the stipulation that a waiver is approved.

Public Comment

Tina Demostene –

Resident Demostene said staff did a good job of approving the aesthetics of the back of the building, which is creating a front.

Motion by Council member Chotas to approve the site plan, subject to the conditions of the awnings not being installed, unless waivers are approved to allow the encroachment into the setback; Second by Council Member Rader.

The Motion was approved by the following roll call vote (5/0):

<i>Council Member Pierce</i>	<i>- Yes</i>
<i>Council Member Chotas</i>	<i>- Yes</i>
<i>Council Member Fortini</i>	<i>- Yes</i>
<i>Council President Horn</i>	<i>- Yes</i>
<i>Council Member Rader</i>	<i>- Yes</i>

5501 S. Orange Avenue – Boozehounds Bar

City Planner Ellen Hardgrove presented the staff report. She said that Council is not approving the site plan; the site plan is for illustration purposes only. She said the proposed use is permissible in the ECD. She explained that the applicant has chosen to build in the rear area and there is a road view and a rear view, which is 100 feet back. Planner Hardgrove said the 100 feet would accommodate an out parcel in the future. Planner Hardgrove explained that the application that went before the Planning & Zoning Board was for eight waivers and two variances. Now the

applicant is only seeking three waivers and one variance. Planner Hardgrove used a screen presentation to explain the waivers and variance requests.

Planner Hardgrove explained that the applicant is using containers which affect elevation. She said that the waivers are given for an impossible situation; however, staff said this is not an impossible situation and windows could be placed all the way around the structure. Planner Hardgrove said the Planning & Zoning Board recommended approval because they felt the applicant showed the intent. (transparency requirement). The applicant's planner, Solange Dao, answered questions regarding the garage door and how it becomes a window when it is down to meet transparency. Council Member Rader explained why he thought there could be issues with the transparency. Planner Hardgrove confirmed the bar will face Orange Avenue. Planner Hardgrove explained that the next two waivers are related to fencing. She said the fence in the dog park needs to be higher than three feet, and on the Orange Avenue side the fence needs to be higher than forty-eight inches. She said the applicant is proposing an Omega fence along the Orange Avenue and Mary Jess Road side; a metal fence is being proposed along the southern property line. Planner Hardgrove said neither fence meets ECD requirements. She said she had an architect look at the plan and there was a suggestion of a street wall with a fence as an option. The second option is another street wall with Omega fencing; the fence would be the whole height and include landscape. Another option was a decorative fence with a second fence (decorative railing and chain link) but the ECD does not allow a chain link fence. Planner Hardgrove said the Planning & Zoning Board found the six feet height acceptable but recommended architectural embellishments. Planner Hardgrove said her recommendation is that if Council approves the fence, that at least add landscaping if the applicant does not want a street wall. Council Member Pierce noted placing a double row of landscaping in front of the fence. Planner Hardgrove said the City needs to be specific with fencing. She said the Planning & Zoning Board recommended opaque fencing on the south wall but must be set back from Orange Avenue, the same distance as the building on the adjacent property (Dan's Saw). Council Member Rader spoke favorably for the Omega fence. Planner Hardgrove said architectural embellishments were non-specific and can be presented during site plan review. She explained the variance which is to allow off-site parking within ¼ mile of the principal entrance. Planner Hardgrove explained the six criteria for variance approval. She said the six criteria have not been demonstrated but staff discussed this and thought a change was needed leading City Attorney Smith to provide parking regulations. She explained that City Attorney Smith drafted a parking Ordinance; however, the Planning & Zoning Board did not like the Ordinance. Planner Hardgrove continued through the criteria and said they might meet criteria #5. At Council Member Rader's request, Planner Hardgrove explained the parking calculation for a dog park. She said the parking calculations was acceptable to the applicant, which is why the variance application was removed. She confirmed all ADA parking will be onsite. The current plan shows 13 parking spaces but might be decreased to 11 depending on the final calculation. In response to Council President Horn, City Attorney Smith said you cannot control where patrons park but can control the applicant's approved parking. If offsite parking is no longer available, the applicant's use goes away. Planner Hardgrove said parking is measured from the front door to the parking space; measured as the pedestrian walks.

Solange Dao (Applicant Representative)

The applicants' Planner Solange Dao said the applicants are in favor of the ECD. She said they are a dog park, not just a bar. She said the activity of the business is the dog park in the front. She said the ECD prefers windows to be full height. Planner Dao pointed out that the Omega fence is not seen, which is why the applicant chose the Omega fence and because of the closed fence pickets. She said the opaque fence is to work as a noise barrier from Dan's Saw. The proposed dog run is 11,8800 sq. ft. Solange explained parking calculations and researched three nearby parks and described their parking versus dog park area. The applicants' suggestion of one parking space per 1000 sq. ft. which equals eleven parking spaces. Planner Dao explained what she found in the Code that also helped to minimize the parking spaces. City Attorney Smith asked if Planner Dao wanted to offer testimony regarding the six criteria. Planner Dao said they believe that the Code is incorrect with regards to parking, and asked for approval of a Code that might be amended.

Paul Jaszczenski

Applicant Paul Jaszczenski said if the intent of Edgewood is to become a walkable community, the dog park meets the intent. He said Council agreed over 2 ½ years ago that Edgewood wanted the park. Applicant Jaszczenski said he used Planner Hardgrove's map regarding parking and found there were 625 parking spaces in Edgewood. He explained why they prefer the Omega fence; citing safety.

Lainie Pekich-Co-founder of Boozehounds

Ms. Pekich addressed parking and questioned parking based on public transportation and ride sharing. She said if you do this, you implement no onsite parking requirements, or at the very least there would be an onsite minimum of parking.

COUNCIL PRESIDENT HORN CALLED FOR A RECESS 8:35-8:40

Council President Horn reconvened the meeting then asked for a show of hands from those who were not in favor of the dog park. No hands were raised.

PUBLIC COMMENTS**Bob Leland (Paul Jaszczenski father) –**

Mr. Leland said he is an expert witness and said Edgewood is already known for the dog park. Favored the park.

James Guthrie –

Mr. Guthrie introduced his service dog. He said it would be a disservice to take away the dog park even for those who do not have a service dog. Favored the park.

Chris Lerch –

Mr. Lerch read from his notes stating the park would be space to gather and share common interest. Favored the park.

Tony Aslanian –

Mr. Aslanian explained his reasons for having the dog park, including greater uses of a lifestyle. Favored the park.

Tina Baker –

Ms. Baker read two letters regarding the need for the dog park. Favored the park.

Ross Santore-

Favored the park.

Heather Papoulis –

Ms. Papoulis noted this is an area of her expertise. She said at minimum, a 6-foot-high fence should be in place. She said running space is needed for the dogs. She said dogs are not going away and this is an industry that has been increasing every year. Ms. Papoulis said the Omega fence is the state of the art fence. Favored the park.

Lea Reynolds –

Favored the park.

Andrew Keiser –

Mr. Keiser said he is excited for the dog bar/park. He addressed the windows, fence and the variances, including the criteria. Favored the park.

Paula Clifton –

Ms. Clifton said she is the HOA president in Camelot and said the Camelot residents have a lot of dogs and they have no place to run. She said they are excited and they do not have to worry about parking because they can walk to the park. Favored the park.

Erin Sterk – (provided handouts)

Ms. Sterk said she has been a planner for eight years. She provided a handout to follow her screen presentation. She said she is trying to convey that the development will affect all the other sites in this corridor. Ms. Sterk said she is not opposed to the bar/dog park; however, she is trying to convey there is an alternative idea. She said staff is trying to make the case that doesn't meet the intent of the ECD. Ms. Sterk proposed a redesign to bring to the front of the street. She said her biggest concern is if insurance goes up, the applicants cannot convert to anything else. She said you cannot add another building because there is no parking. Ms. Sterk showed her alternative solution.

Tina Demostene – (provided handouts)

Ms. Demostene said she is in support of the bar/dog park but wants it to look good and meet the intent of the ECD. She said there is a need to pay attention to the aesthetics of the fence. She said it is not clear in the staff report that the applicants are proposing a zero lot line. Ms. Demostene

said she is not opposed to any other waivers and variance. Ms. Demostene addressed the parking variance. She said she has been a planner for 25 years and that the variance criteria are nationwide. She said if Council says no to any of the variances, they cannot approve. Ms. Demostene referenced the criteria, and said the applicants do not meet the variance criteria and it needs to be denied.

Paul Jaszczenski and Lainie Pekich

Ms. Pekich said she feels they have addressed all the requirements. Council Member Chotas if there would be a fee, Mr. Jaszczenski said yes. He explained the membership requirements wherein proof of dog vaccinations is required. Council Member Chotas asked about the required parking for food and beverage other than the grass area. He said you may be able to show similar and compatible use. Ms. Pekich said the size of the dog park is critical. It was confirmed there are twenty-six food seats and thirty-one parking spaces without dog park. Council member Fortini referenced Discovery Church's parking agreements and Planner Hardgrove said the bar/dog park is not on an arterial road.

City Attorney Smith confirmed for Council President Horn that if the parking ordinance passes, the bar/dog park will have their 1320 feet. He said they can pass the variance now but if Ordinance passes the variance is moot.

In response to Council Member Pierce, Mr. Jaszczenski said that he prefers the Omega fence and explained why.

Mayor Dowless said he does not care if the fence is five or six feet; he just wants aesthetics. He said he believes there should be a buffer along the fence to the sidewalk. Mayor Dowless said the building to the front was to get parking to the rear so that parking was not along Orange Avenue. Mayor Dowless said he agrees with Council Member Chotas; he wants to see a condition that if the business loses parking, the use is gone. Mr. Jaszczenski said that this is not a problem. Council Member Chotas said he agrees that the applicants are being asked to have too many parking spaces, and that he favors an Ordinance that is clear about parking. Council Member Chotas also suggested a preliminary site plan to show all of the proposed site.

Brief discussion was held regarding on-street parking. City Attorney Smith confirmed for Council Member Chotas that this can be worked into the Ordinance.

Council Member Rader said he supports the dog park. He said he was part of the Edgewood Central District (ECD) process, and part of the discussion regarding placement of the building. Council Member Rader said aesthetics is needed and he favors the Omega fence. He said they need a pedestrian scale that creates a buffer, and that a six-foot sidewalk is important. He noted pedestrian interaction and creating an entrance on the southern edge with the same orientation. Council Member Rader said he is in favor of parking changes. He said the purpose and intent of the ECD did not consider windows. Council Member Rader said he said that going through process and changing code is not just for the applicants' benefit; it also is a benefit to the City.

Motion by Council Member Chotas to approve a waiver to ECD Ordinance Section 134-459(a)(2) to allow windows to be placed 5 feet 6 inches above grade in lieu of the maximum 3 feet; Second by Council Member Pierce.

The Motion was approved by the following roll call vote (5/0):

- Council Member Rader - Yes*
- Council Member Fortini - Yes*
- Council Member Chotas - Yes*
- Council Member Pierce - Yes*
- Council President Horn - Yes*

Motion by Council Member Rader to approve a waiver to ECD Ordinance Section 134.460 (c)(3) to allow for the dog park use a 6-foot high fence on the property as associated with the dog park, and only as long as that use continues on the property; Second by Council Member Chotas.

The Motion was approved by the following roll call vote (5/0):

- Council Member Chotas - Yes*
- Council Member Pierce - Yes*
- Council Member Rader - Yes*
- Council Member Fortini - Yes*
- Council President Horn - Yes*

Motion by Council Member Rader to approve a waiver to ECD Ordinance Section 134-460 (c)(1) to allow a six-foot-high black omega fence within the road view area, with a three-foot high opaque landscape buffer, and decorative treatments, to break up the fence, to be reviewed and approved by the City at the time of site plan; Second by Council Member Fortini.

The Motion was approved by the following roll call vote (5/0):

- Council Member Chotas - Yes*
- Council Member Pierce - Yes*
- Council Member Rader - Yes*
- Council President Horn - Yes*
- Council Member Fortini - Yes*

Motion by Council Member Rader to approve a waiver to ECD Ordinance Section 134-460 (c)(1) to allow an opaque fence on the minimum portion of the southern property line to create the necessary screening from sound/noise pollution; materials and location to be reviewed for ECD consistency at the time of site plan approval; Second by Council Member Fortini.

The Motion was approved by the following roll call vote (5/0):

- Council President Horn - Yes*
- Council Member Pierce - Yes*
- Council Member Chotas - Yes*
- Council Member Fortini - Yes*
- Council Member Rader - Yes*

Variance

Council Member Chotas made the Motion to table the request for the parking variance; Second by Council Member Rader. Approved (5/0).

STAFF REPORTS

No staff reports were given.

MAYOR & COUNCIL REPORTS

No Mayor or Council Member Reports were given.

ADJOURNMENT

Having no further business, the City Council meeting adjourned at 11:00 p.m. on the Motion of Council Member Rader; Second by Council Member Fortini.



Richard A. Horn
Council President



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

Approved in March 24, 2020 Council meeting.