

PLANNING & ZONING BOARD MEETING MINUTES
January 13, 2020

Planning and Zoning Board Members:

Marion Rayburn, Chair (absent)
David Gragg, Vice-Chair
Steve Kreidt, Board Member
Ryan Santurri, Board Member
Aileen Trivedi, Board Member

(Quorum)

Staff:

Drew Smith, City Attorney
Allen Lane, City Engineer
Ellen Hardgrove, City Planner
Sandra Riffle, Deputy City Clerk
David Ireland, Police Sergeant

Applicant:

Paul Jaszczenski, Boozehounds Bar
Lainie Pekich, Boozehounds Bar
Solange Dao, Dao Consultants

CALL TO ORDER

Vice-Chair Gragg called the Planning & Zoning Board meeting to order at 6:30 pm and led the Pledge of Allegiance.

Deputy City Clerk Riffle announced that there was a quorum with Chair Rayburn absent.

APPROVAL OF MINUTES

- *December 9, 2019*

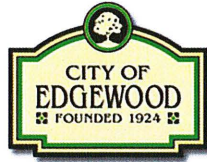
Changes were submitted by Board Member Gragg before the meeting. A copy of the revisions was provided to each Board Member.

Board Member Santurri moved to approve the minutes with corrections; second by Board Member Trivedi. The motion passed (4/0).

NEW BUSINESS

- **Waiver and Variance Requests – 5501 S Orange Avenue Boozehounds Bar**

Planner Hardgrove introduced the applications for waivers and variances and noted that while this is not site plan review, a site plan is provided. Planner Hardgrove explained the layout of the bar and dog park and discussed each of the waiver requests.



Building Height (ECD Ordinance Section 134-459(a) (4))

The use of shipping containers prohibits the ability to meet the 13 feet height requirement for the first level. The shipping container height is 9 feet 6 inches. The applicant is proposing to elevate the containers 2 feet above grade as an attempt to meet the 13-foot height requirement and to create an illusion that the first floor is 11 feet 6 inches. There will be a recessed second story.

Horizontal Variation (ECD Ordinance Section 134-459(a)(3))

The ECD requires the building facade to vary horizontally at least every 40 feet, and current plans do not fulfill these requirements. Planner Hardgrove stated that there are options to offer more variation, and it is possible to meet the standards. They are not meeting full height variation even though they meet the transparency requirements.

Window Placement (ECD Ordinance Section 134-459(a)(2))

Proposal for a waiver from window placement on the west building elevation; however, Planner Hardgrove’s report reflects that this standard can be met.

Façade Vertical Variation (ECD Ordinance Section 134-459(a) (5))

The applicant is requesting a waiver from the required vertical variation because of the proposed substandard height of the first floor. This standard requires buildings higher than 20 feet, regardless of the number of stories, to have a 3-dimensional horizontal change at least 12 inches in height across at least 75% of the building, placed between 13 to 15 feet above ground to ensure a human scale.

Decorative Elements (ECD Ordinance Section 134-459(a)(6))

Planner Hardgrove said that she would not take the time to discuss this waiver as she expects the applicant to withdraw the application.

Rooflines (ECD Ordinance Section 134-459(a)(7));

The ECD requires a 3-dimensional cornice at least 2.5 feet in height, or as needed to conceal mechanical equipment. Planner Hardgrove’s report states that meeting this standard is not illogical, impossible, impractical, or unreasonable.

Fence Waivers (ECD Ordinance Section 134-460(c) (3) and Section 134-460(c) (1));

Planner Hardgrove said that she recommends denial of all waivers and conditions of the fence.

Discussion ensued between Board Members and the City Planner regarding ECD requirements, including the acceptability of using shipping containers, tree furnishing zone, and fencing.

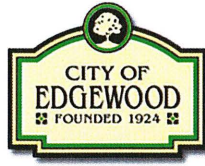
Board Member Kreidt said that it is important to maintain the standard of the ECD and setting precedents for additional development. He noted that Edgewood is in transition and likes the concept.

Solange Dao of Dao Consultants came to the podium and introduced herself. She said that they want to uphold the ECD standards and that they are filling the need for play in the community with an open safe dog park using unique material design. She explained that their activity is primarily exterior as they are a dog park first.

Ms. Dao reviewed the waiver requests and explained the reasons for the requests.

Applicants Paul Jaszczenski and Lainie Pekich approached the podium and explained the location of the fence and said that it would not cause blockage and that it would allow the cross access in case that lot was redeveloped.

Mr. Jaszczenski responded to Board Member Gragg that there are a handful of dog bars in the country and it is becoming trendy to use the containers.



Board Member Kreidt asked if there is a compromise to get the look intended by the ECD. Mr. Jaszczenski expressed that they are willing to negotiate. There is also a cost perspective and they are a small business.

Attorney Smith reminded that Board’s review is to decide if the applicant is meeting the criteria for a waiver, not whether the Board likes the proposal.

Public Comments

Tina Demostene -- stated that it is important to uphold the standards of the ECD. She supports the package but is mindful of the aesthetics and precedents. Ms. Demostene also discussed architectural elements of the proposed development.

Erin Sterk -- loves the idea and supports the project; she is opposed to certain variances. Ms. Sterk questioned architectural elements, including vertical elevation and said that future use should also be considered.

Neil Boris -- stated his concerns for adequate fence height. As a dog owner, he loves the concept and is supportive of the creative solution process.

Heather Papoulis – is an animal behaviorist and advocated for the 6-foot fence to ensure safety and to lower the chance of a dog jumping the fence.

Planner Hardgrove reviewed the requirements for a waiver with the Planning and Zoning Board.

Building Height (ECD Ordinance Section 134-459(a) (4))

Board Member Kreidt said that he did not believe that the request meets the criteria to justify approval, with which Board Member Trivedi agreed.

Board Member Kreidt moved to recommend denial of a waiver request for building height because it is feasible to achieve the standard and will not create a hardship; seconded by Board Member Trivedi. The motion passed (4/0).

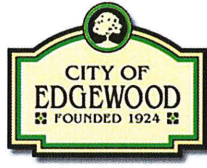
The motion was approved by the following roll call vote:

<i>Board Member Trivedi</i>	<i>Yes</i>
<i>Board Member Gragg</i>	<i>Yes</i>
<i>Board Member Kreidt</i>	<i>Yes</i>
<i>Board Member Santurri</i>	<i>Yes</i>

- **Façade Vertical Variation** (ECD Ordinance Section 134-459(a) (5));
Board Member Santurri made the motion to recommend denial of waiver request for vertical façade variation based on the fact that with conformance with the building height standard, vertical variation is possible to achieve; seconded by Board Member Kreidt. The motion passed (4/0).

The motion was approved by the following roll call vote:

<i>Board Member Trivedi</i>	<i>Yes</i>
<i>Board Member Gragg</i>	<i>Yes</i>
<i>Board Member Kreidt</i>	<i>Yes</i>
<i>Board Member Santurri</i>	<i>Yes</i>



- **Façade Horizontal Variation** (ECD Ordinance Section 134-459(a)(3));
Board Member Santurri made a motion to recommend denial of the waiver for horizontal variation as the owner said they could meet this requirement; seconded by Board Member Trivedi. The motion passed (4/0).

The motion was approved by the following roll call vote:

<i>Board Member Trivedi</i>	<i>Yes</i>
<i>Board Member Gragg</i>	<i>Yes</i>
<i>Board Member Kreidt</i>	<i>Yes</i>
<i>Board Member Santurri</i>	<i>Yes</i>

- **Window Placement Waiver** (ECD Ordinance Section 134-459(a)(2);
Planner Hardgrove said that the application still requires a waiver, in spite of the illusion.
Board Member Kreidt made a motion to approve a waiver to allow the window height to be 5 feet 6 inches above grade due to the need for the windows to be at 3 feet 6 inches from the deck floor due to the standard counter height for the proposed use; seconded by Board Member Gragg. The motion passed (4/0).

The motion was approved by the following roll call vote:

<i>Board Member Trivedi</i>	<i>Yes</i>
<i>Board Member Gragg</i>	<i>Yes</i>
<i>Board Member Kreidt</i>	<i>Yes</i>
<i>Board Member Santurri</i>	<i>Yes</i>

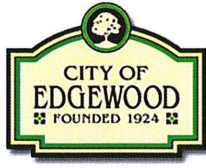
- **Decorative Elements** (ECD Ordinance Section 134-459(a)(6));
The applicant withdrew the waiver.
- **Rooflines** (ECD Ordinance Section 134-459(a)(7));
The applicant withdrew the waiver.
- **Fences in the Road View Area** (ECD Ordinance Section 134-460(c) (1);
The Board discussed choices and combinations for the fence. In response to Board Member Gragg, Planner Hardgrove said that if this were a regular park, there would not be a fence requirement; there could be 100 feet of green space and the building in the back.

Board Member Kreidt asked if there could be a compromise as there is a struggle to achieve the ECD look. Attorney Smith suggested a compromise with space and columns, which was supported by Mr. Jaszczenski.

To Ms. Dao, Attorney Smith said that the ECD is not specific with whether it has to be masonry or just opaque.

In response to Board Member Trivedi, Planner Hardgrove said she would recommend a 3-foot hedge.

Ms. Dao stated that the fence is 15 feet back from the sidewalk. They want to maintain openness to be more like a park.



Board Member Kreidt moved to recommend allowing a 6 feet high fence in the road view area for a dog-park; seconded by Board Member Trivedi. The motion passed (3/1).

The motion was approved by the following roll call vote:

<i>Board Member Gragg</i>	<i>Yes</i>
<i>Board Member Kreidt</i>	<i>Yes</i>
<i>Board Member Santurri</i>	<i>Yes</i>
<i>Board Member Trivedi</i>	<i>No</i>

- **Fence anywhere in the ECD** (ECD Ordinance Section 134-460(c) (3))
Board Member Santurri moved to recommend granting the waiver to allow a 6-foot high fence within the road view area, with conditions, since such height is necessary for the security of the dogs in the proposed use; the conditions are for the fence in all areas to be a black omega fence with architectural embellishments, except along the south property line from the westernmost edge of the structure on the adjacent property to the parking area so as to not block cross access, where such fence can be opaque; seconded by Board Member Gragg. The motion passed (3/1).

The motion was approved by the following roll call vote:

<i>Board Member Trivedi</i>	<i>Yes</i>
<i>Board Member Gragg</i>	<i>Yes</i>
<i>Board Member Kreidt</i>	<i>Yes</i>
<i>Board Member Santurri</i>	<i>Yes</i>

There was a short recess from 8:22 pm to 8:30 pm.

The Board began a discussion of the variance requests.

- **Variance 2020-01 Parking Quantity** (Code Section 134-605(a)) to allow off-street parking calculation to be based on a modified formula for a restaurant/bar and a dog kennel.

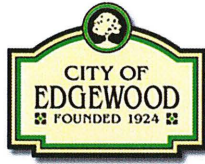
Planner Hardgrove said that her recommendation is for denial on the first part and to make modifications to the second part of the request.

- **Variance 2020-02 Parking Location** (Code Section 134-606) to allow off-site parking to be within ¼ mile rather than 300 feet of the principal entrance as measured along the most direct pedestrian route. Planner Hardgrove said that the request does not involve crossing an arterial road but that the issue is with the permanency of the agreements. Using the property to the north is not supported; the city does not know how many spaces there are. The property to the south is supported if there is a signed agreement. There are parking overflows issues elsewhere in Edgewood. The only way to guarantee parking is to own the property.

Planner Hardgrove recommended that all ADA parking be located on the subject property.

Planner Hardgrove reviewed variance criteria with the Board members.

Ms. Dao approached the podium. She said that they are well below an acceptable distance to walk. The proposed parking locations, even in comparison to the bus stop locations, are a very safe and reasonable distance.



Discussion ensued amongst the Board regarding parking alternatives and quantity. City Attorney Smith said that the proposed agreement with Lighthouse is terminable at will. Planner Hardgrove added that if they lose their parking requirements and there are not enough spaces, the city would shut it down.

Mr. Jaszczenski said there is another agreement available as Nationwide Roofing leaves, which is an option until they know how many spaces they need.

Ms. Dao said that the parking agreement would be complementary hours to the businesses.

In response to Board Member Kreidt on transportation options, Mr. Jaszczenski said most Edgewood residents can walk. Uber has offered pet-friendly cars, which is a good option, especially with the bar.

Public comment

Erin Sterk – stated her concerns about the parking calculations and that she does not think that the information regarding offsite parking lines up. Attorney Smith reminded the Board that this is not site plan review.

Tina Demostene – discussed that she had a big concern for redevelopment, particularly as there are all these waivers for one use versus permanency. The hours may provide conflict in the future with offsite parking. This is new development and should meet the code.

Susan Lomas – said that she agrees with Ms. Demostene and Ms. Sterk. Edgewood wants development, but the right development on the right sized property. This sets up for problems down the road.

- **Variance 2020-02 Parking Location** (Code Section 134-606) to allow off-site parking to be within ¼ mile rather than 300 feet of the principal entrance as measured along the most direct pedestrian route.

Board Member Trivedi said that it is a desirable business and restated her concern about parking.

Mr. Jaszczenski responded that Edgewood is trying to become walkable. Yes, they are limited on public parking, but the point is to share and to use the cross access. For redevelopment, the whole space can be a parking lot. There cannot be a building on the street because they need a single point of access for the dogs.

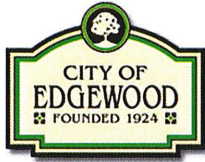
Board Member Kreidt asked Planner Hardgrove when it was that the parking equations were updated. She said that she does not know but acknowledged that there are issues. Board Member Kreidt responded that there a lot of new trends with mobility.

Attorney Smith recommended that there could be conditions that the variance would go away with the use.

Planner Hardgrove recommended basing the parking calculations for the bar on the existing formula for restaurants, which includes any area to be used for patrons, including decks, and that that the fenced-in area calculated by standards for veterinarians and clinics.

Planning and Zoning voted for the variance requests as follows:

- **Variance 2020-01 Parking Quantity** (Code Section 134-605(a)) to allow off-street parking calculation to be based on a modified formula for a restaurant/bar and a dog kennel.



Board Member Santurri made the motion for Variance request 2020-01, to recommend that off-street parking calculations pertaining to restaurants, grills, bars, and dining establishments be applied to the bar areas and all seating areas and space other than the dog run. Parking calculations for the fenced in areas of the dog run to be based on kennel/vet clinics; seconded by Board Member Trivedi. The motion passed (4/0).

The motion was approved by the following roll call vote:

<i>Board Member Trivedi</i>	<i>Yes</i>
<i>Board Member Gragg</i>	<i>Yes</i>
<i>Board Member Kreidt</i>	<i>Yes</i>
<i>Board Member Santurri</i>	<i>Yes</i>

- **Variance 2020-02 Parking Location** (Code Section 134-606) to allow off-site parking to be within ¼ mile rather than 300 feet of the principal entrance as measured along the most direct pedestrian route.

Attorney Smith pointed out that Discovery Church, The Waterfront, and VanBarry’s are not variance situations. This proposal would be farther than 300 feet away.

Board Member Santurri added that those restaurants are not using offsite parking. It is not analogous.

Planner Hardgrove said that ¼ mile gives walkability, and there is flexibility.

Board Member Santurri moved to recommend approval of Variance 2020-02; seconded by Board Member Kreidt. The motion passed (4/0).

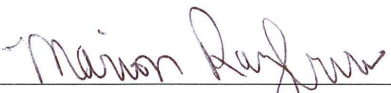
The motion was approved by the following roll call vote:

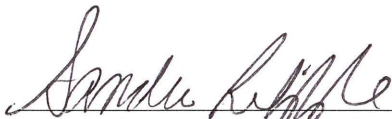
<i>Board Member Trivedi</i>	<i>Yes</i>
<i>Board Member Gragg</i>	<i>Yes</i>
<i>Board Member Kreidt</i>	<i>Yes</i>
<i>Board Member Santurri</i>	<i>Yes</i>

COMMENTS/ANNOUNCEMENTS

Board Member Santurri made the motion to adjourn; seconded by Board Member Gragg. The motion passed (4/0).

The meeting adjourned at 9:31 pm.


Marion Rayburn, Chair


Sandra Riffle, Deputy City Clerk