

PLANNING & ZONING BOARD MEETING MINUTES

February 10, 2020

Planning and Zoning Board Members:

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

Staff:

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

Applicants:

Brent Spain, Theriaque & Spain Law Firm for Cornerstone Pace
Kim Fischer, Cycorp for Bailey's Medical

CALL TO ORDER

Chair Rayburn called the Planning & Zoning Board meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

Deputy City Clerk Riffle announced that there was a quorum with Board Member Santurri absent.

APPROVAL OF MINUTES

- *January 13, 2020*

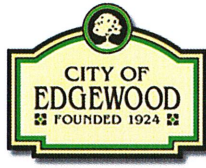
Changes were submitted by Chair Rayburn – page 8 should say “Variance 2020-02” with the addition of “2” at the end.

Deputy City Clerk made a change to the appearance of the votes that were taken by roll call for housekeeping purposes. A copy of the revisions was provided to each Board Member.

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

NEW BUSINESS

- Commercial Review – 5565 S Orange Avenue Cornerstone Pace



Engineer Lane introduced the application that was before the Board for commercial review. Plans included a drive aisle for loading and unloading and a small patio area off to the side. The architectural sheets show the proposed work, including grading and parking. CPH has no objections to the proposed work and recommends approval.

Board Member Gragg asked about the impact of the canopy's build height and access for emergency vehicles as the canopy does not meet the minimum of 13 feet in height. The applicant said that emergency vehicles would stop on Gem Street because it is within a reasonable distance to the back door. Engineer Lane confirmed to Board Member Gragg that the canopy would not impede rescue efforts.

Board Member Kreidt said that it looks like a nice addition.

Engineer Lane added that it would clean up the area a bit.

Public Comment:

Tina Demostene – said that this looks like a marked improvement. In response to Ms. Demostene, Engineer Lane noted that the setback for the structure was reviewed during the special exception process. Ms. Demostene asked why this does not require a variance request.

Engineer Lane said he will go back and check the setback.

Brent Spain - spoke on behalf of Cornerstone for the commercial review. He said that a variance on the back side of the building is not needed.

Board Member Trivedi made a motion to recommend approval of the commercial development for Cornerstone Pace; second by Board Member Gragg. The motion passed (4/0).

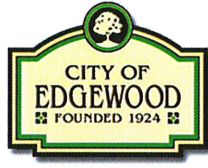
- **Commercial Review, Waivers, and Variance Request – 5156 S Orange Avenue Bailey's Medical**

Planner Hardgrove introduced the proposed waivers for Bailey's Medical. She referred to the site plan, which meets requirements and design standards, except for three new waivers and a variance. Staff recommends approval of all waivers.

Requested Waivers

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 two cars (40 feet) before the first stopping point in lieu of six cars (120 feet).**

The ECD requires a length of 120 feet for a queuing distance. This use does not need such a long length. Staff recommends that approval is specifically for the use of a drive-up window as accessory to a pharmacy; a change in use that will use the drive-up window shall be conditioned upon documentation of adequate queue length for such user approved by City Council.



Board Member Kreidt made the motion to recommend approval with staff recommendations; second by Board Member Gragg. The motion passed (4/0).

- 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 explained that this waiver corresponds to and supports the waiver to allow a 15-foot build-to line that was previously approved for this property. Adequate distance from the building is necessary to sustain the viability of a shade tree, and the applicant requests a minimum of 12.5 feet.

Chair Rayburn moved to recommend approval; second by Board Member Kreidt. The motion passed (4/0).

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

Council approved a waiver in the November 19, 2019 meeting, to allow a different driveway cross-section design. During the site plan review, staff recommended the driveway width be widened from what was initially proposed; and the City's landscape architect recommended modifying the landscaping to sustain the changes. The following is supported by staff to be in the buffer:

- Northside of driveway buffer: Minimum 6 feet in width with a continuous hedge of shrubs.
- Southside of driveway buffer: Minimum 2 feet 8 inches in width continuous hedge and small trees.
- The remaining conditions of the prior approval will continue to apply related to the primary entrance and sidewalk width, with the building entrance for the general population and handicapped accessible.
- A minimum of eight-foot wide sidewalk shall connect the public sidewalk within the road right-of-way to the building entrance on the east side.

Board Member Kreidt made a motion to recommend approval; second by Board Member Gragg. The motion passed (4/0).

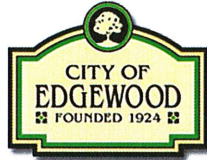
Requested Variance

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).

Per Planner Hardgrove, there is a big tree in the back that needs to be allowed to live. Code allows the approval of a variance to preserve a historic tree that would otherwise have to be removed, and the six standards for variance approval are not applicable.

CPH Engineering staff recommends the following condition of approval to minimize any impacts the parking may cause to the tree:

- 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. 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.
 - The landscape plan will be amended for City Council.
 - Add light to the back parking area, due to the concern that the one light is not sufficient for the whole area.

Public Comment:

Kim Fischer, engineer for Cycorp, on behalf of the applicant, said that she appreciates the time and effort from City staff.

Tina Demostene, Edgewood resident, said that staff did a good job with accommodations and providing alternatives to meet the intention of the ECD.

Board Member Trivedi made the motion to approve with staff recommendations; second by Board Member Gragg. (4/0) motion passed.

Commercial Review Bailey’s Medical

Board Member Kreidt made the motion to approve commercial review with the addition of lighting as a condition of approval; second by Board Member Gragg. (4/0) motion passed.

ORDINANCE NO. 2020-01

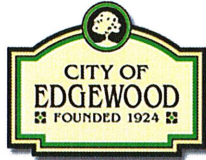
AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, “ZONING,” SECTIONS 134-606 AND 134-607 OF THE CODE OF ORDINANCES RELATED TO THE USE OF OFF-SITE PARKING SPACES TOWARD REQUIRED OFF-STREET PARKING CALCULATIONS AND THE USE OF SHARED PARKING AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

The proposed ordinance was introduced by Attorney Smith, which would change the distance for off-site parking from 300 feet to ¼ mile. This eliminates multiple demands on a site. Requirements will become more stringent, and if there is redevelopment, spaces can go away.

Per Planner Hardgrove, 300 feet was an arbitrary number. A ¼ mile is an accepted practice, across the industry for how far people are willing to walk.

Public Comment:

Paul Jaszczenski, applicant for the proposed Boozehounds Bar at 5501 S Orange Avenue, said that this would be a deal-breaker for him, and they cannot develop under these conditions. He stated that we are moving toward a shared society using services such as Uber, VRBO, and renting private vehicles with TURO.



He and his business partner, Lainie Pekich, are developing an outdoor, social environment. They have agreements with other businesses with opposite hours, and 30 days is sufficient notice. He does not see that a property owner should have to agree if the property is sold.

Lainie Pekich, applicant for Boozehounds Bar at 5501 S Orange Avenue, said she thought they received approval to go to City Council next week and that this is a bombshell

Tina Demostene, Edgewood resident, said she has sympathy, but they (Mr. Jaszczenski and Ms. Pekich) have known about the ECD requirement for onsite parking. She does not think that 1,320 feet is a reasonable distance and asked how many people would walk that far.

Ms. Demostene referenced the City of Altamonte Springs, where extra parking is no longer an option for some businesses. She asked if the City is prepared to shut down a business if another easement is not available. This will put a strain on other businesses and have a ripple effect. This will go to Council if there is a problem if a business cannot renew their BTR.

Attorney Smith responded that if there is inadequate parking, it is a violation of their BTR.

Board Member Kreidt asked if it is the market that decides if something stays in business, and Attorney Smith responded that is true, but there are Code requirements, and people will begin parking in neighborhoods.

In response to Board Member Trivedi, Attorney Smith said the parking variance has not gone to Council yet. He noted that the variance will proceed regardless of the ordinance. Any agreement after the March 17, 2020 reading, would have to meet the ordinance requirements.

Further discussion ensued regarding permanency and conditions of shared parking agreements as it relates to possible redevelopment in the City.

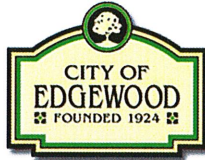
Board Member Kreidt asked if there is any other way to help this business; Planner Hardgrove responded that there was discussion to put parking on the road, but it is not used to meet the minimum requirements.

Mr. Jaszczenski discussed parking options such as those on Bagshaw Way and unused spaces during their business hours. A walk to the dog park would give dogs time to acclimate.

Attorney Smith reminded the Board that the proposed ordinance is not just about the dog park.

Board Member Kreidt asked if the applicant would be able to move forward with the application if there is no decision on the ordinance. Attorney Smith responded that the variance would still be in progress as it has not been heard in Council. Planner Hardgrove added that there is a possibility of an appeal, resulting in a delay.

Planner Hardgrove confirmed to Board Member Gragg that a distance of 1,320 feet is a more up-to-date number. Board Member Kreidt said that the ITE (trip generation) manual has not been updated in a long time.



Attorney Smith repeated that the ordinance is not about specific development. He would not condition an ordinance on an application.

Engineer Lane said that there is a traffic engineer at CPH, with whom he can consult.

Board Member Kreidt stated that he is inclined to table while information is gathered.

Planner Hardgrove said that parts of the ordinance could go forward, and Attorney Smith said that provisions could be struck, but some give and take could be lost, and permanency is a big issue.

Board Member Kreidt said that he works for DOT, and they are moving away from traffic at high speeds down Orange Avenue. Rideshare will change things dramatically. He can't make a decision tonight on this ordinance.

Planner Hardgrove responded to Board Member Trivedi's question about the current Code, which allows businesses to give away their extra spaces, based on the other company's business hours. The current Code will not allow a business to open without available parking. True shared parking originated with easements. Buildings are there for decades, and the City does not want an empty shell

Board Member Trivedi said she is leaning towards voting to recommend tabling the vote.

Board Member Kreidt moved to table until staff is prepared to respond to questions; Second by Board Member Trivedi. The motion passed (4/0).

COMMENTS/ANNOUNCEMENTS

Chair Rayburn moved to adjourn; second by Board Member Kreidt. The motion passed (4/0).

The meeting adjourned at 8:05 p.m.

Marion Rayburn, Chair

Sandra Riffle, Deputy City Clerk