

PLANNING & ZONING BOARD MINUTES
September 9, 2019

Planning and Zoning Board Members:

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

Staff:

Attorney Smith, City Attorney
Planner Hardgrove, City Planner
David Mahler, City Engineer
Allen Lane, City Engineer
Sandra Riffle, Deputy City Clerk
John Freeburg, Police Chief

Applicants

Sam Sebaali, P.E. FEG
Jose Neto, applicant for 302 Mandalay Road
Kim Fischer, P.E., Cycorp Engineering, Inc.
Keith Eaker, Manager, Comtek Construction, LLC.

CALL TO ORDER

Chair Rayburn 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 all Board Members present.

ADMINISTER OATH OF OFFICE

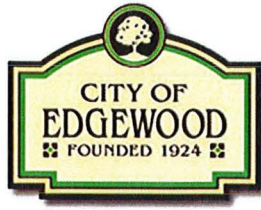
- **Oath of Office**
Steve Board Member Kreidt was sworn in as a new board member.

Board Member Kreidt took his seat at the dais.

- **Selection of Board Chair and Vice-Chair**

Board Member Gragg made the motion to nominate Chair Rayburn as Chair; second by Board Member Trivedi. The motion approved (5/0).

Board Member Trivedi nominated Board Member Gragg as Vice-Chair; second by Board Member Santurri. Motion approved 5/0).



APPROVAL OF MINUTES

- **March 11, 2019**
Vice-Chair Gragg moved to approve the minutes as presented; second by Board Member Trivedi. The motion passed (5/0).
- **August 12, 2019**
Board Member Santurri moved to approve the minutes as presented; second by Board Member Trivedi. The motion passed (5/0).

NEW BUSINESS

- **5156 S Orange Avenue – Edgewood Central District (ECD)**

Planner Hardgrove explained to the Board that this review is not for site approval, but the proposed site layout needs to be considered due to the proposal of waivers and a variance from ECD standards.

Waiver Requests:

- Code Section 134-458(g)(2) a. Building Placement in the Road View Area
- Code Section 134-458(h)(2) b. Tree location/on center spacing
- Code Section 134-458(f) Minimum percentage of lot width occupied by building at build line
- Code Section 134-460(f)(3) Access/Parking design
- Code Section 134-461 (b) Drive up windows designed on the rear of the building

Variance Request:

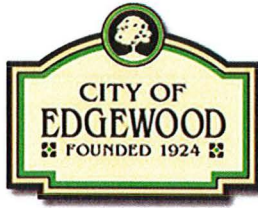
Variance Application No. 2019-01 [Sec. 134-460(f) Access/Parking Design]. To not comply with the Edgewood Central District's requirement for the public sidewalk width and location

Planner Hardgrove reviewed the history of the ECD, which was put in effect in 2018. The ECD is a design-zoned district to revitalize Orange Avenue while making it more pedestrian-friendly and architecturally aesthetic.

The applicant is proposing to demolish and rebuild a pharmacy with medical equipment. The driveways are to remain for the new development.

The proposed new building includes a drive-up window on the south side, which is not in the rear of the building as required by the Code. Per Planner Hardgrove, a waiver for a side drive-thru is a reasonable request as it is not a fast-food restaurant with a lot of traffic, but the intent of the ECD is to be pedestrian-oriented with parking in the rear, and this creates a domino effect with two driveways.

In addition to the driveway location, there was a waiver request for minimum width building to lot ratio. The other issue is the tree location requirement, and two one-way driveways will not allow that count. The applicant is also requesting a variance in the provision of the ECD standard sidewalk, which is required to include an 8-foot wide sidewalk separated from the curb by 6 feet, which the proposed driveway would not allow. As it is a complete redevelopment, there is no reason why the ECD standards cannot be met.



Planner Hardgrove showed a sample of ECD standards diagram of proposed development. Planner Hardgrove summarized that staff is recommending denial of the waiver applications except for allowing the 15-foot build to line instead of 25 feet.

Discussion ensued amongst the Board regarding the sidewalk connection, green space and the possibility of FDOT support of streetscaping.

Chair Rayburn asked the applicants to the podium.

Engineer Kim Fischer and Keith Eaker approached the podium and explained the needs of the applicant. Issues center on meeting emergency vehicle circulation, lack of frontage. Engineer Fischer expressed concerns about the pharmacy issues and the potential for loitering in the rear. Board Member Kreidt said Edgewood's ability to enforce would be higher than other localities.

Engineer Fisher responded said she was surprised at the recommendation of denial by staff. They could not keep the existing building because it could not come close to meeting ECD standards, and this was the best iteration. She said the queuing is not like a Walgreens, and the design can support the six-car queuing requirement. It's not high traffic, but they have to provide enough for six cars to meet Code.

Further discussion included possible cures for two-way movement and circulation, curb cut requirements, location, and angle of the drive-thru window. Board Member Kreidt asked about issues of connecting the sidewalks, and Attorney Smith gave the example that in other cities, there would be an escrow account for future sidewalk work.

Chair Rayburn asked for public comments:

Susan Lomas – a resident, asked for clarification that this might bring transients and if this is something the City wants to bring in.

Jim Worthen, a resident, said that the City spent a lot of time and effort approving the ECD. If something is not unfair, then there are standards and regulations. The City needs to move forward.

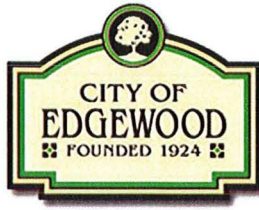
Engineer Fischer responded that there is not a transient community. All Code can't apply to everyone. This property is a small site, and they have to work with the constraints. They have worked with staff throughout the project.

Planner Hardgrove came back to the podium and reviewed the waiver requests. Chair Rayburn asked if the Board was ready to make motions on the waiver and variance requests.

○ **A REQUEST FOR A WAIVER TO Code Section 134-458(h)(2) b. Tree location on center spacing.**

Board Member Kreidt moved to recommend denial of this waiver because it does not meet the intent and design standards of the Edgewood Central District, and it is the most effective way to eliminate two driveways. Second by Board Member Trivedi because the design would not be illogical to maintain the tree spacing. Motion passed (4/1 with Board Member Santurri voting against denial.

Before the roll call vote, Engineer Fischer said they could increase number of trees. Roll call was as follows:



<i>Board Member Trivedi</i>	<i>Favor</i>
<i>Board Member Kreidt</i>	<i>Favor</i>
<i>Chair Rayburn</i>	<i>Favor</i>
<i>Board Member Santurri</i>	<i>Against</i>
<i>Vice-Chair Gragg</i>	<i>Favor</i>

- **A REQUEST FOR A WAIVER TO Code Section 134-458(f). Minimum percentage of lot width occupied by building at build line.**

Attorney Smith reminded the Board that they are charged to enforce the Code as it is written and if it would be impossible or illogical to develop and apply the ECD standards? Staff recommends allowing a 15-foot build-to line.

Board Member Kreidt made the motion to recommend denial because it is inconsistent with the required criteria to grant a waiver as stated in Code Section 134-464; second by Chair Rayburn. Motion passed (4/1) with Board Member Santurri voting against denial.

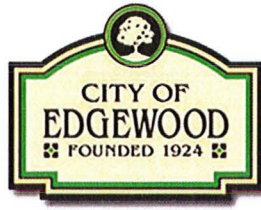
<i>Vice-Chair Gragg</i>	<i>Favor</i>
<i>Board Member Santurri</i>	<i>Against</i>
<i>Chair Rayburn</i>	<i>Favor</i>
<i>Board Member Kreidt</i>	<i>Favor</i>
<i>Board Member Trivedi</i>	<i>Favor</i>

- **A REQUEST FOR A WAIVER TO Code 134-460(f) 3. Access/parking Design.**

Planner Hardgrove reminded the Board that the purpose is to look like a street with trees with a separation for pedestrian safety. The applicant is requesting no adjacent landscaping and only 5 feet of separation. Staff is recommending denial.

Board Member Kreidt moved to recommended approval to allow a 5 feet wide sidewalk on only one side of the driveway and no tree zone; second by Vice-Chair Gragg. Motion passed (5/0).

Chair Rayburn	Favor
Board Member Kreidt	Favor
Board Member Trivedi	Favor
Board Member Santurri	Favor



Vice-Chair Gragg	Favor
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- **A REQUEST FOR A WAIVER TO CODE 134-461(b).** Drive-up windows designed on the rear of the building.

Attorney Smith reminded that a use may change in a building over time and that this use may not apply with a future owner. Board Member Trivedi said that rear windows were a cornerstone of the ECD, and it seems possible.

Chair Rayburn moved to recommend denial for the request to place drive-up windows on the rear of the building as it is not consistent with the Edgewood Central District requirements, and the criteria to grant a waiver are not met; second by Board Member Kreidt. Motion passed (5/0).

Board Member Santurri	Favor
Vice-Chair Gragg	Favor
Board Member Trivedi	Favor
Board Member Kreidt	Favor
Chair Rayburn	Favor

- **Variance Application No. 2019-01 [Sec. 134-460(f) Access/Parking Design].** To not comply with the Edgewood Central District's requirement for the public sidewalk width and location.

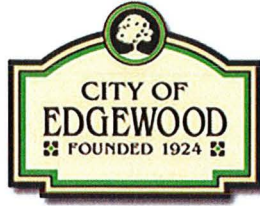
Planner Hardgrove read the justifications for a variance. Approval of the request would keep the 5-foot sidewalk on Orange Avenue where it is.

Board Member Kreidt made the motion to recommend denial based on not meeting the intent of the Edgewood Central District nor criteria for approval of a variance as stated in Sec. 134-104(3)(b); second by Chair Rayburn. Motion passed (5/0).

Board Member Kreidt	Favor
Board Member Trivedi	Favor
Chair Rayburn	Favor
Vice-Chair Gragg	Favor
Board Member Santurri	Favor

- **A REQUEST FOR A WAIVER TO Code Section 134-458(g)(2) a.** Building placement in the road view area.

Board Member Kreidt made a motion to recommend approval of the proposed waiver for building placement in the road view area; second by Board Member Gragg. Motion passed (5/0).



Vice Chair Gragg	Favor
Board Member Santurri	Favor
Chair Rayburn	Favor
Board Member Kreidt	Favor
Board Member Trivedi	Favor

The Board requested a short recess at 8:30 pm.
Back on the record at 8:40 pm.

○ **Ordinance No. 2019-03 Small Scale Comprehensive Plan Amendment for 302 Mandalay Road**

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, TO AMEND THE FUTURE LAND USE MAP OF THE EDGEWOOD COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 0.28 ACRES LOCATED AT 302 MANDALAY ROAD; FINDING THAT SUCH CHANGE IN THE FUTURE LAND USE MAP IS A SMALL SCALE AMENDMENT UNDER SECTION 163.3187, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

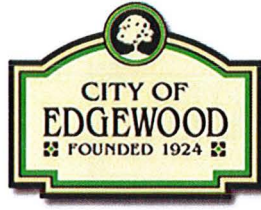
Planner Hardgrove introduced the proposed amendment and history of the property. She said that staff recommended approval based on the changes since the original subdivision was platted.

Per Planner Hardgrove, 302 Mandalay Road is oriented to face commercial in two directions. From a Use compatibility perspective, there are public facilities, compatibility with surrounding land use, and they would have to have ECD standards that are set up to be compatible with residential use. This request is ECD consistent with and meets the intent of the Comprehensive Plan. The Future Land Use (FLUM) is the basis for zoning on the property, which would not be changed tonight.

Attorney Smith said that rezoning is quasi-judicial. The comprehensive plan change is a lower standard of review.

The discussion began amongst the Board, including proximity and uses of the lots on all sides of the property. Planner Hardgrove said a resident would most likely require a variance to build on this property.

Engineer Sam Sebaali, with FEG, came to the podium and discussed the challenges of the lot, which he said is not a good location for a single-family residence and has been vacant for a long time. He described the applicant's business, which is cybersecurity. He proposes to build a two-story office building, on the same scale as a residence, with about a 1,700 square-foot footprint. The ECD provides protection for the residents. Orange Avenue is all commercial except for five lots. This lot is challenged by access, and a residence on a principal road is not suitable.



Jose Neto, the owner, came to the podium. He has a cybersecurity business, and there would be no additional traffic as there is not face-to-face clientele.

Chair Rayburn asked for public comment.

Sandy McMillan – a resident directly to the east of the property, spoke as an opponent. Ms. McMillan stated concerns about privacy, law enforcement, and the devaluation of her home.

Tina Baker – 6-year resident spoke as an opponent. Ms. Baker said that this is against the FLUM and is concerned about the dangerous intersection and the potential of the changing use.

Mark Crain – a resident, spoke as an opponent. Mr. Crain spoke about traffic concerns with only one outlet.

Tim Lavey – a resident spoke as an opponent. He stated concerns about the location and the danger for children on the street.

Jose Neto – said that his business is remote.

Nathan Horton – a resident, spoke as an opponent. He said that commercial use would ruin the neighborhood.

Christopher Pashley - a resident, spoke as an opponent. He agreed with previous speakers and has safety concerns about the intersection.

Dan Drummond – resident since 1973 spoke as an opponent. Mr. Drummond does not want a commercial neighbor. He has concerns about impervious surface requirements, lack of a contingency clause, and the sensitivity of the proposed use.

In response to Mr. Drummond, Planner Hardgrove said the comprehensive plan is under 7-year evaluation and can be updated twice a year. Attorney Smith added that it is a living document.

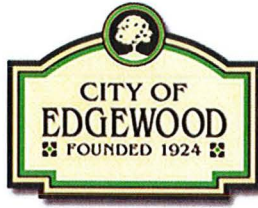
David Cohen – a resident for 16 years, spoke as an opponent. Mr. Cohen discussed the quaint character of the neighborhood and the dangerous intersection. He suggested that a commercial use could move to the lot on Oak Lynn.

Kelly Rodda – a resident, spoke as an opponent. Ms. Rodda said the lot is meant to be residential, and trees need to be preserved.

Randy Baker – a resident, spoke as an opponent. Mr. Baker said there would be no room for trees on this lot and that the lot to the north should not be commercial either. He stated concerns about the power grid and intersection, and offered a class action lawsuit if this happens.

Jenn Fine – a resident, spoke as an opponent. This use would not be the intention of the former owners who passed away, and there are concerns for children and pets. She suggested a park.

Gregory Levan – a resident, spoke as an opponent. Mr. Levan asked the Board to think about it as if it were their neighborhood.



Jim Worthen, a resident, said this shifts responsibility and safety traditionally by City. Tree maintenance should remain public works and proposed changes.

Board Member Kreidt asked about maintenance in the right-of-way maintenance. Mr. Worthen said he is talking about arterial roads and trees over roads. Attorney Smith said he understands the request and can incorporate the changes.

Vice-Chair Gragg agreed with the changes but he is not sure about the proposed verbiage about the property line.

With no further discussion, Board Member Santurri made the motion to recommend approval of Ordinance 2019-04, with proposed language; second by Board Member Trivedi. Motion passed (5/0).

- **Ordinance No. 2019-XX**

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 134 – “ZONING” BY CLARIFYING LOCATION STANDARDS FOR ACCESSORY STRUCTURES, INCLUDING SCREEN ENCLOSURES AND POOLS; DEFINING TERMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Planner Hardgrove introduced the proposed ordinance and that there is a question on if there is a difference for a screen with or without a pool. She suggested changing the Code so that it does not distinguish between whether or not there is a pool on the property.

Deputy City Clerk Riffle gave a current example of two residences that have requested screen covers. One property has a pool, and the other does not.

Attorney Smith asked what difference would it make whether or not people wanted to put up screens without pools. Board Member Kreidt said he was inclined to agree with that.

As there was no further discussion, Chair Rayburn moved to recommend that City Council approve Ordinance 2019-06 to amend Chapter 134; second by Board Member Santurri. Motion passed (5/0).

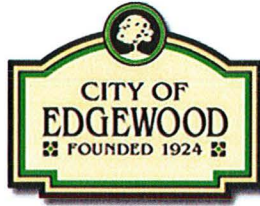
- **Ordinance No. 2019-XX**

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Planner Hardgrove introduced the proposed ordinance, and Attorney Smith explained striking of the rear setback for lots that back to canals and whose rear yard is the edge of the water. The purpose was to keep the navigability of the canals. However, there is still code to protect the navigability with a required open area of 25% of the width of canals.

Attorney Smith said that you cannot build on someone else's property. This pulls Code out of the way, and an easement can be granted.

There was no public comment.



Board Member Santurri made the motion to approve Ordinance 2019-07 and amend Chapter 14-11; second by Chair Rayburn. Motion was passed (5/0).

COMMENTS/ANNOUNCEMENTS

None

ADJOURNMENT

As there was no further discussion, Chair Rayburn asked for a motion to adjourn:

Board Member Trivedi made the motion to adjourn the meeting; Second by Vice-Chair Gragg. The motion passed (5/0).

The meeting adjourned at 10:25 pm.


Marion Rayburn, Vice Chair


Sandra Riffle, Deputy City Clerk