

**CITY COUNCIL AGENDA**  
**Regular Meeting - Tuesday, August 16, 2016**  
**6:30 p.m.**

**CALL TO ORDER**

On Tuesday, August 16, 2016, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. Council President Dowless called for a moment of silence followed by Mayor Bagshaw leading everyone in the Pledge of Allegiance.

City Clerk Meeks announced a quorum with the following attendance:

**Attendees**

Ray Bagshaw, Mayor  
John Dowless, Council President  
Lee Chotas, Council Member  
Neil Powell, DDS, Council Member  
Susan Fortini, Council Member

**Absent**

Pam Henley, Council Member

**Staff**

Bea L. Meeks, City Clerk  
Chris Francisco, Police Chief  
Drew Smith, City Attorney  
David Mahler, City Engineer  
Ellen Hardgrove, City Planner

City Clerk Meeks requested Council Member Henley be excused from the meeting.

***Council President Dowless made the Motion to excuse Council Member Henley from the Council meeting; Seconded by Council Member Powell. Unanimously approved (4/0).***

**CONSENT AGENDA**

1. Review and Approval of Minutes
  - July 19, 2016 Regular City Council Meeting
  - August 1, 2016 City Council Budget Workshop

Council Member Fortini noted a correction on Page 8, Paragraph 5 of the budget workshop minutes. She requested that the minutes reflect that confirmation was given that a job description would be written and the job would be posted for the proposed full-time position.

**CORRECTION TO BE MADE:** *Mayor Bagshaw explained the proposed personnel staffing/position changes. He confirmed for Council Member Fortini that the part-time position in City Hall would be eliminated if the proposed changes are approved. It was also confirmed that a job description would be written and posted.*

*Council Member Chotas made the Motion to approve the Consent Agenda, with the correction noted for the August 1, 2016 Council budget workshop minutes; Seconded by Council Member Fortini. Unanimously approved (4/0).*

Council President Dowless requested to change the order of the agenda and move to Item L-2 Special Exception 2016-SE-02, The Doughnut Peddler; there were no objections.

**Special Exception 2016-SE-02** The Doughnut Peddler located at 5262 South Orange Avenue in the C3 zoning district to allow “wholesale products distribution”.

**Variance 2016-VAR-03** The Doughnut Peddler located at 5262 South Orange Avenue in the C3 Zoning district to allow a minimum lot width of 100 feet on a major road in lieu of 125 feet.

Planner Hardgrove gave a PowerPoint presentation (included in the agenda notebook). She explained the request for a special exception and variance for the Doughnut Peddler. She said the Planning & Zoning Board recommended denial of the Special Exception, and explained their reasons for their recommendation to deny. Planner Hardgrove said the Planning & Zoning Board recommended approval of the variance for the 100 foot lot width. She said the Planning & Zoning Board did not consider the use in the variance.

### **Applicant Comments**

**Allison Yurko, Attorney for the applicant** said the applicant took the comments from the Planning & Zoning Board and made revisions based on their comments. Attorney Yurko introduced Jason Duffey (owner), Chris Stevens and Carlos Barrios (Engineer of Record). A PowerPoint presentation was given wherein they addressed the retention area, the landscape buffer including the buffer from the residential area. Council was told that most of the trees are live oak tree and the trees by Pine Castle Animal Hospital will remain. Engineer Barrios described the trees and landscape vegetation that they are proposing in all landscaped areas. He said the site plan being presented varies from what the Planning & Zoning Board saw. The site plan includes a cross access. Jason Duffey described the business including maintenance to the trucks, which he said is not the primary use of the business. He said that employees stagger their time, as to when they arrive, park their vehicle and pick up their delivery van. Jason presented a picture of the actual delivery van and clarified that they are not trucks but step vans. In response to Council Member Chotas, Attorney Yurko said they were directed by staff to apply for a Special Exception for wholesale distribution. Planning & Zoning Board member Chris Rader said that either use has the same issues that caused the Planning & Zoning Board to recommend denial. Planner Hardgrove said the way the business was presented resulted in discussion as to being considered wholesale distribution. She said if the City’s goal is beautification, the use should be consistent with the goal. City Attorney Smith said the Code does not incorporate stand-alone parking garages in C-3 zoning. Jason Duffey confirmed for Mayor Bagshaw that the business is 24/7 however the hours vary. Attorney

Yurko introduced Chris Stevens, who continued on with the PowerPoint presentation. Mr. Stevens showed properties along Orange Avenue that utilize large trucks. He concluded by saying that the use is compatible and will enhance the area.

**Public Comments and Applicant Responses**

**Bob Harrell:** Mr. Harrell said he owns the office building south of the subject property. He said he supports the variance for the 100 foot lot. Mr. Harrell said he had a different impression of the business operations from what was presented. He said he thought they were delivering doughnuts. City Clerk Meeks said that staff had the same impression which is what led her to question Planner Hardgrove about wholesale distribution and the need for a special exception.

**Regina Dunay (Planning & Zoning Board Chair):** Planning & Zoning Board Chair Dunay said two things were not discussed with the Planning & Zoning Board. She said the Planning & Zoning Board was told there would be eighteen parking spaces, with four cars arriving at 4:30 in the morning. She said the drivers would pick up doughnuts and deliver. She said what is being presented to Council is not the same and needs to be clarified. Planning & Zoning Board Chair Dunay used the illustration on the easel and pointed out her concerns with the stacking-up of traffic on Orange Avenue and asked for it to be addressed.

**Les Slesnick:** Resident Les Slesnick said he and his wife did not think the plan was within the keeping of what the City wants on Orange Avenue. He said there is nothing pretty about box trucks. Resident Slesnick said he thinks the look of the building is not relevant; what is going on at the property is relevant and that it is not keeping with the view they want on Orange Avenue. He said he is opposed to the plan.

**Chris Rader:** (Planning & Zoning Board Member) - Planning & Zoning Board Member Rader said you can give a designated time for delivery but if you do not stick to that time, it is unenforceable. He commended the aesthetics. He said the Planning & Zoning Board members felt that the development would affect the future land values.

**Attorney Allison Yurko** provided a handout and noted that item number (4) answers Chairwoman Dunay's concerns. She said the doughnuts are loaded up at another site. She said the conditions from the Planning & Zoning Board have been enhanced.

**Jason Duffey, owner** said the doughnuts can be made at any time during the day. He said there is no loading at the subject site, and that this is not a heavy use site, it is a supplemental site.

**Les Slesnick** said he would not mind the Doughnut Peddler coming to Edgewood but not on Orange Avenue. He said there is no benefit of a sales tax coming into Edgewood.

**Glade Smith, applicant,** said the subject site is only for an office.

**Bob Harrell** said he heard them say they were going to work on trucks and not working on trucks which is why there is confusion. **Jason Duffey** apologized and said there would be light vehicle maintenance. Mayor Bagshaw said he is concerned about the façade fronting Orange Avenue.

Allison Yurko, Attorney provided Council Members and the City Clerk with Exhibit A. She said they would remove the gate if it is an issue, and noted 18 parking spaces.

City Attorney Smith confirmed for Council President Dowless that delivery time is not enforceable. City Attorney Smith confirmed for Council Member Fortini that the special exception is appropriate, and that the evidence presented to Council supports the use.

Attorney Yurko said that light truck repair requires a Special Exception approval and the applicant is okay with that. Planner Hardgrove said if you approve for light maintenance, it goes against what Council has planned for Orange Avenue. She reminded Council what is approved as a Special Exception runs with the land. In response to Mayor Bagshaw, Jason Duffey said the corporation is listed as a wholesale company.

Council Member Chotas said the City is considering an Ordinance to grant a special exception for a garage that looks nice. He said details have to be provided to grant the special exception. He said he does not think Council should approve something under standards that the Planning & Zoning Board did not have.

**Council Member Powell made the Motion to accept the variance; Seconded by Council Member Chotas. Unanimously approved (4/0).**

Planner Hardgrove addressed the conditions specifically, the applicant will not install a security gate and strike the rest. Council Member Chotas said he is okay with wholesale product distribution as the use. Council President Dowless said he is not sure the plan can be made good enough for him to approve; at minimum, it should go back to the Planning & Zoning Board. City Attorney Smith confirmed that a tie vote means the Motion fails. Attorney Yurko said the owner is amenable to adding the condition that the Doughnut Peddler only has this use. Jason Duffey said he is amenable to going back to the Planning & Zoning Board.

**Council Member Fortini made the Motion to accept the Planning & Zoning Board's recommendation to deny the Special Exception; Seconded by Council President Dowless.**

***The Motion failed (2/2):***

<i>Council Member Powell</i>	<i>No</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>No</i>

**Council Member Chotas made the Motion to refer the matter back to the Planning & Zoning Board and suspend discussion tonight; Seconded by Council Member Powell.**

***The Motion unanimously approved:***

<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council Member Powell</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>

**Council President Dowless called for a brief recess 8:17 p.m.**

**Council President Dowless reconvened the meeting at 8:25 p.m.**

**Khaled Hussein, 1090, 1098, 1100, 1103, 1110, 1130 Holden Avenue** – Rezoning Application 2016 RZ-01

Planner Hardgrove gave a PowerPoint presentation (included in the agenda).

In response to Council Member Fortini, Planner Hardgrove read from the City code the intent of a planned development. Planner Hardgrove said that you do not have to meet all the criteria however, you cannot use R-2 zoning because of the minimum side yard setback.

**Planning & Zoning Board Member Chris Rader** said that the Planning & Zoning Board did not say “we do not want a subdivision”. He said compatibility goes to zoning. Also, what was brought to the Planning & Zoning Board members was taking an R1-A land use to Planned Development but building size R1-A houses. He said lot width was the concern because of larger houses on smaller lots. Planning & Zoning Board member Rader said that P & Z has heard the plan twice, with improvements on the second plan. He thinks the land supports three to thirty-five houses. He provided an aerial of the PD site, with lines showing a proposed layout of the parcels.

**Engineer Rick Baldocchi** noted the changes made since the first meeting with P&Z, and explained the changes. He said the applicant is okay with the 6 foot wall being a conditioned in the staff report. He said the applicant met four of the nine conditions. He said the applicant is willing to commit to 25% of the homes being 2200 sq.ft. Developer, Kal Hussein said they have repeatedly accommodated what the Planning & Zoning Board and residents want, and believes what they are proposing is the optimum use on the site.

**Jim Worthen:** Representing HAINC – Jim Worthen said HAINC is okay with the development but they support the City’s standards. He said they concur with P&Z and staff and request denial. He said if it is not denied, HAINC has some conditions to discuss later.

**Resident Sandy DePorter** gave a brief history of when apartments were proposed at the subject site and it didn’t happen; instead Holden Ridge was developed. She said if the development is approved, she would like the wall to be something besides a PVC fence. She requested consideration for a better wall.

**Arthur Baker, Attorney** – Represents Randall Knives (Gary Randall). Attorney Baker said his client is not against the proposed use but agrees with staff and P&Z. He said the development does not meet the purpose of PD zoning. If approved, he wanted to reaffirm his client’s request for a uniform masonry wall. Attorney Baker referenced some other subdivisions that have a wall.

**Tina Demostene-** Resident Demostene said the plan is not consistent, compliant or compatible for a Planned Development. She said the lot sizes are not consistent and the applicant wants to put R-2 zoning in a Planned Development. She said the development does not meet the intent of a PD. She noted an SUV will be in the sidewalk, and referenced the rear setbacks and the problems with having a swimming pool.

**Mike Teague-** Resident Teague said the applicant is trying to get around R-2 zoning.

**P&Z Chair Regina Dunay-** Chairwoman Dunay said a lot of what she wanted to say has been said. She noted that the site plan came to P&Z twice. She said it came to Council with 51 lots and no open

space basically, no changes with some elevations. She said this is the first that she heard of the fifty one lots and open space.

**Brett Barner**- Resident Barner said he agrees with most comments and agrees that the developer is trying to circumvent the zoning. He noted the setbacks and the effect on property value. He said it is the most incomplete plan he has ever seen. He noted that the subject site is in excess of 100 oak trees, 14 feet in circumference. He said the average age of the trees is 250 to 300 years old.

**Chris Rader**- Planning & Zoning Board member Rader said he lives in Legacy, which is close to the subject property. He said this is the right type of project, and noted the advantages of a Planned Development; flexibility. He said P&Z did not even get to the point of the conditions. He suggested a precast wall, forty-one lots and other conditions to provide more open space.

**Les Slesnick**: Resident Slesnick said he was curious about 1-car garages versus the 2-car garage. He presumed there would be no 3-car garages. He said he thinks the five foot setback is minimal and the project sounds cheap. He said he thinks the project demeans the overall ambiance of the City and will lower property values.

**Engineer Baldocchi** addressed the concerns of what is a PD zoning. He noted that there was a huge focus on lot width when Holden Ridge lot depth is less than what is being proposed for Holden. He said the setback is 25 feet front and rear. Engineer Baldocchi said the applicant is fine with staff's recommendation for a solid wall. Developer Kal Hussein said they would have to look at costs for a precast wall, and said he is willing to share costs with Randall property.

**Council Member Fortini** said that it seems like more work needs to be done, and that the applicant and the City are too far apart. Developer Kal Hussein asked what did the City want him to do. Council President Dowless replied larger lots and provide some more open space. Developer Hussein asked if the issue is the number of lots or the size of the lots. Council President Dowless said they go hand-in hand.

**Mayor Bagshaw** said the City keeps extending their decision. He said the Developer needs to know the minimum size lot and what is acceptable to the City.

**Council Member Chotas** noted that the Developer and the residents are being straight with Council. Council Member Chotas recognized that the Developer does not want to undercut quality. He said the Developer is trying to meet the market demand of homebuilders. He said negotiations for the City 's position has not been reached. Council Member Chotas said the City does not want to chase the market and force the City to settle for a development that in five years that will not fit. Developer Hussein suggested forty-five lots, and requested five minutes to discuss with engineer to see if the numbers crunch. Council Member Chotas said that he would rather not make a decision tonight. City Attorney Smith said if you get too focused on the numbers you get away from the PD, and suggested that the developer, a P&Z member, the City Planner and the Mayor sit down and discuss what can support the project so they can advocate.

***Council Member Chotas made a Motion to continue consideration of the Holden PD application pending discussion with the Mayor, Mayor's Designee, Planning & Zoning Member Chris Rader, Planner Hardgrove, the Developer and Developer's staff and/or consultant; Seconded by Council Member Fortini.***

**Discussion**

Planning & Zoning Chairwoman Regina Dunay asked for clarification. She said that when the Planning & Zoning Board's first looked at the plan there were 53 lots. She said in the next review there were 51 lots. She said that when she looked at the recreation area, it did not affect the size of the lots or number of lots. Chairwoman Dunay asked "what are we trying to negotiate if the Developer says there is no negotiation, I need fifty lots to make the development financially feasible?" Council President Dowless said this will be discussed in the negotiation meeting.

*The Motion was unanimously approved (5/0).*

**ORDINANCES**

**ORDINANCE 2016-08** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA REZONING CERTAIN LANDS GENERALLY LOCATED ON THE SOUTH SIDE OF HOLDEN AVENUE NEAR THE INTERSECTION OF HOLDEN AVENUE AND HOLDEN RIDGE AVENUE COMPRISING APPROXIMATELY 13.46 ACRES +/- FROM R1A AND R1AA (SINGLE FAMILY DWELLING) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR A PLANNED DEVELOPMENT ON SAID LANDS AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH DEVELOPMENT; PROVIDING THAT THE OFFICIAL ZONING MAP BE MODIFIED ACCORDINGLY; PROVIDING FOR CONFLICTS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith gave first reading of Ordinance 2016-08 in title only

**Public Comment:**

Resident **Brett Barner** said for transparency reasons, the Ordinance should go to the Development Review Committee. City Attorney Smith said the process has been followed. Resident Barner said the perception is "they are going into private meetings".

**Tina Demostene** – Resident Demostene said her recommendations are larger lots, larger setbacks and improve aesthetics.

**Jim Worthen** - Resident Worthen said there have been considerable changes in the Ordinance and asked what is Exhibit A & B. He asked Council to continue the first reading and bring the Ordinance up-to-date.

**Arthur Baker, Esquire**-Referenced his client's letter dated August 4, 2016 letter for consideration.

Council Member Powell said he wants to continue the first reading of Ordinance 2016-08, and Council Member Fortini agreed.

**MOVER:** Council Member Chotas  
**SECONDER:** Council Member Fortini

*The Motion to approve the first reading of Ordinance 2016-08 passed with the following roll-call vote (4/0):*

<i>Council Member Powell</i>	<i>Favor</i>
<i>Council President Dowless</i>	<i>Favor</i>
<i>Council Member Fortini</i>	<i>Favor</i>
<i>Council Member Chotas</i>	<i>Favor</i>

#### **PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

None.

#### **UNFINISHED BUSINESS**

None.

#### **NEW BUSINESS**

**1. Lam Ky, Property Manager, Versailles, III – Code Enforcement Order 16500083**

Chief Francisco provided his report regarding a request to waive code enforcement fees applied by the Special Magistrate. Chief Francisco said the Code Enforcement Officer confirmed that the property owner did come into compliance after the required date. He said to be in concert with what the Council wants, the City is following Code. In response to the Council President, City Attorney Smit explained the code enforcement process.

Property owner (Dong) addressed the Council. He said landscape company was there July 14<sup>th</sup> and then quit without notice. .

*Council Member Chotas made the Motion not to waive the fines; Second by Council President Dowless. Unanimously approved (4/0).*

#### **GENERAL INFORMATION (No action required)**

#### **CITIZEN COMMENTS**

Planning & Zoning Board member Chris Rader said it is an honor to serve. He said P&Z would like to have a joint workshop with City Council regarding zoning. He said the City might want to consider a moratorium on special exceptions. Council Member Chotas said he concurs with holding a Joint workshop. The City Attorney said that they can also look at permitted uses and tie into where the City wants to go.

#### **STAFF REPORTS**

**City Attorney:**

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**Police Chief:**

- Monthly report

Chief Francisco gave his monthly PowerPoint presentation.

Brief discussion was held regarding a joint workshop. The Mayor said the City Attorney can address quasi-judicial proceedings. *It was the consensus of Council to hold a joint workshop with the Planning & Zoning Board on October 10, 2016 5 p.m.*

**City Clerk:**

City Clerk Meeks said she will send out the budget workshop agenda following the Council meeting.

<b>MAYOR &amp; COUNCIL REPORTS</b>
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- **Mayor Bagshaw:**

Mayor Bagshaw reported that there may be some potential redevelopment at Julie's Waterfront. He also reported that the Orange Avenue Corridor study should be available in February. Also, the Holden/Gatlin improvement project is still on schedule to begin in September.

- **Council President Dowless:**

No report.

- **Council Member Powell:**

No report.

- **Council Member Henley:**

Absent

- **Council Member Chotas:**

No report

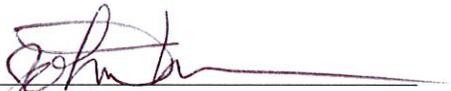
- **Council Member Fortini:**

No report.

**ADJOURNMENT**

Having no further business or discussion, Council Member Henley motioned to adjourn the meeting at 11:22 p.m.; seconded by Council Member Chotas.

**ATTEST:**

  
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John Dowless  
Council President

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

**Approved by Council on September 20, 2016.**