



**CITY COUNCIL MINUTES**  
**Regular Meeting Tuesday, April 21, 2020**  
**(Virtual Meeting – ZOOM)**

**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 the Mayor and 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 Lomas, Council Member

**Staff**

Bea L. Meeks, City Clerk  
Deputy City Clerk Sandy Riffle  
John Freeburg, Police Chief  
PD Chief of Staff Shannon Patterson  
Drew Smith, City Attorney  
Ellen Hardgrove, Planner

**PRESENTATION**

• **Tom Reilly, Holland & Reilly, CPA - FY 2018/2019 Annual Audit**

Auditor Reilly gave a PowerPoint presentation of the City's 2018/2019 fiscal year audit. He said the audit went smoothly again this year, with the cooperation of staff and accounting staff, McDermit ≈ Davis. He said there were no delays and that everything was done on a timely basis. Auditor Reilly said there was an extensive amount of work to do with the Florida State Retirement System, as it related to GASB 68. Auditor Reilly said an unmodified opinion of the Financial Statement was rendered and prepared in accordance with the Generally Accepted Accounting Principles and no exceptions were noted.

Auditor Reilly proceeded through his PowerPoint presentation; answering and responding to comments and questions throughout his presentation.

*Council Member Pierce made the Motion to accept the Audit/Financial Statement as presented; Second by Council President Horn.*

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

<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 Lomas</i>	<i>- Yes</i>
<i>Council President Horn</i>	<i>- Yes</i>

- **Mayoral Proclamation – Women’s Lung Health Week May 11, 2020 through May 17, 2020**

Mayor Dowless referred Council to the Proclamation in the agenda packet.

#### CONSENT AGENDA

##### 1. Review and Approval of Minutes

- March 24, 2020

City Clerk Meeks said she received corrections from Council Member Rader and Planner Hardgrove. The corrections were as follows:

#### **Council Member Rader (Page 4 of the Minutes)**

- Change “circle” to distance
- Add the word square - “plus 1 space per 40 square feet”

#### **Planner Hardgrove (Pages 4, 5 and 7 of the Minutes)**

- Page 4 of the Minutes, last paragraph should read “Planner Hardgrove explained the difference and that the distinction is that children or dogs would not be driving to the park, whereas the outdoor area for the Waterfront is being used by patrons who drive there...”
- Page 5 of the Minutes, first paragraph, on the third line, delete the word “of”; the line should read “and one space for each...”
- Page 7 of the Minutes, the recommendation should have the same correction that was made on Page 4; the line should read “and one space for each...”

*Council Member Rader made the Motion to approve the March 24, 2020 minutes, with corrections; Second by Council Member Lomas.*

Council President Horn asked for public comments; there were none.

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

<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council Member Lomas</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>

## ORDINANCES

None.

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

**ORDINANCE 2020-01** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," SECTIONS 134-1, 134-605, 134-606, AND 134-607 OF THE CODE OF ORDINANCES; INCLUDING A DEFINITION FOR OPEN AIR SEATING AREAS; PROVIDING FOR MINIMUM PARKING REQUIREMENTS FOR PLAYGROUNDS, AND DOG PARKS ACCESSORY TO COMMERCIAL BUSINESSES; AMENDING PROVISIONS RELATED TO THE USE OF OFF-SITE PARKING SPACES TOWARD MEETING REQUIRED OFF-STREET PARKING AND THE USE OF SHARED PARKING AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

City Attorney Smith gave the second and final reading of Ordinance 2020-01 in title only. He noted a correction in the Ordinance on agenda page number 83, line 117 (~~space for each four fixed seats provided for patron use, plus one space for each 75 100~~) the line should read as follows:

~~“space for each four fixed seats provided for patron use, plus one space for each 75~~  
100”

City Attorney Smith said that “for each” should not have been stricken from the paragraph. He confirmed that the revisions made in the March meeting were incorporated into the Ordinance.

City Attorney Smith said the question was asked that if a developer improves the street to provide for on-street off-site parking, would credit be given for the parking spaces. City Attorney Smith said the Ordinance does not include this policy.

Council President Horn said that the City is considering an Ordinance to correct something for a particular business. He said that this could put the City in a position to make a decision, at some point in time, that if something goes wrong with the off-site parking agreement, at a 50% parking

capacity, the City may have to make the decision to reduce a business' ability to operate, or put a business out of business. Council President Horn said that he wants to make sure that everyone is aware of this, understands it and is okay with enforcing. Council President Horn said he is okay with this, but he wants it to be known and understood that there are risks. City Attorney Smith confirmed for Mayor Dowless that the Agreement requires an acknowledgement that if anyone is developing based on shared parking agreements, they understand and acknowledge that if they lose those parking spaces, they have to find other parking spaces or reduce capacity.

Council Member Chotas noted lines 139 through 142 of the Ordinance, which states the following:

- (a) Off-site off-street parking spaces may not be counted toward required parking if such spaces are part of the required parking calculation of any other use unless approved by the City Council based on competent, substantial evidence that the different uses occur at such different times that there would not be overlap of demand for the shared spaces;

Council Member Chotas questioned why the City would have to make a finding if it is already in the agreement and is the predicate for the approval.

City Attorney Smith said the fact is that they have to at least present that they are not going to conflict with other uses of the same parking space. He said if the finding portion of the subparagraph (e) is removed, it would read as follows:

“Off-site off-street parking spaces may not be counted towards required parking if such fixed spaces are part of the required parking calculation of any other use unless the different uses occur at such different times that there would be no overlap.”

City Attorney Smith said the Ordinance would include the requirement; however, you take Council out of being bound to make a determination. Council Member Chotas said he liked the revision.

Planner Hardgrove said that reference is being made to 50% of the required parking is off-site; however, if you look at line 130 in the Ordinance, it reads at least 30%. She said she wanted to make sure it was clear and that everyone is aware that if 100 spaces are required, only 33 spaces have to be on the property.

Council Member Rader asked if they should consider having a cap. Discussion was held about assigning the number of off-site parking spaces, as opposed to percentages. No change was made.

Discussion regarding parking agreement staying current and tie into the Business Tax Receipts for annual confirmation that the agreement is current. Council member Rader said he likes the administrative benefit and would like to bring the language forward from the current Code.

Council Member Rader asked the City Attorney to discuss the email from Attorney Alex Mestdagh. Council Member Rader said he understands the gist of what is being asked; however,

the four reasons Attorney Mestdagh proposes, become valid reasons to reduce the use. City Attorney Smith said in discussion with Attorney Mestdagh, he learned that Attorney Mestdagh was looking for specificity. He said he asked Attorney Mestdagh what is not covered that could possibly happen. City Attorney Smith said the only thing he could think of is catastrophic loss. He said he prefers the language in the subject Ordinance because if a massive tree falls and destroys that portion of the parking lot, those spaces are gone and capacity would have to be reduced until those parking spaces are replaced. In response to Council Member Rader, he said that Attorney Mestdagh felt more comfortable if there were specific reasons for why capacity would have to be reduced.

### **Public Comments:**

Solange Dao – (Represents Boozehounds)

Ms. Dao thanked City Council for their discussion on the matter. She said she appreciate the flexibility. Ms. Dao said it is always the developer's risk to enter into an Agreement. She asked what is the avenue for the on-street parking particularly, parallel parking in a public right-of-way, should Boozehounds want to create this. City Attorney Smith said make the request to Council now or present it in writing. Ms. Dao said she will provide in writing.

### **Tina Demostene, Resident (AICP), 5106 Leeward Way**

Ms. Demostene said the Ordinance is extremely generous and helps one business. She referred to the following comments that she emailed to City Clerk Meeks:

Thank you for considering modification to the City's Parking Ordinance as presented in Ordinance 2020-01. This Ordinance has been EXTREMELY generous to help specific business achieve their personal business goals, while setting the City up for potential headaches in the future.

Line 130: The proposed ordinance with only thirty (30%) on premise parking, will allow SEVENTY (70%) of the parking to be offsite. **That is absurd.** Thirty percent off-site is a more-realistic number, but if you desire to continue to give away the farm, at least fifty (50%) should be provided onsite.

- The code started with all parking required on site. This is normal for all jurisdictions in the state of Florida. Then the code allowed for some limited offsite parking, which is reasonable and allows flexibility. Now it is proposing to letting 70% be offsite? Wow?!? Why would anyone every make a plan that meets code, when they can go half the distance within the City and put 70% of their parking offsite.
- We are not an urban city with urban densities that facilitate this much offsite parking. We are a suburban little town. Please keep us that way.

- Someone please answer the question: What are you going to do when a property owner loses 70% of their off-site parking because their easement goes away?
- Remember this is a city-wide ordinance and you will see this with EVERY single site plan that comes forward from here on out.
- If the parking fails, the negative impact will be on all the side streets and nearby residential streets.

Line 155: Please do not reduce the agreement provisions to be lower than 180 days (as provided in the ordinance before you today). One (1) year is a better/safer time frame to protect the City if someone desires to change their easement. Remember this started with the requirement for a permanent easement and has been whittled away with every public hearing.

Mayor Dowless said he supports enforcement. Mayor Dowless also addressed the unique characteristics of the City, with the railroad to West of the City and residential to the East, which is why the City is trying to do some things in a different way. Mayor Dowless said he has no problem letting business owners know the risks they are taking and if they lose capacity, they lose business space.

Council Member Rader said he supports enforcement and he would like to hear from all Council Members that they are willing to support. He also referenced the dog owners who attended a Council meeting and supported flexibility. Council Member Rader told Council that these same dog owners will show up if a business is closed and they will be angry. He said he is not averse to a 50% requirement for on-site parking.

Council Member Lomas asked how did Council reach 30%. City Attorney Smith said he believes the change from 50% to 30% occurred after the first reading of the Ordinance. He said the evidence of surplus parking led to the change in the percentage. Council member Lomas said she agrees with Council Member Rader, and she is more comfortable with the 50% and supports enforcement. She asked is this what the Council wants to do. Council Member Lomas asked if the Council wants to deal with unhappy clientele, and is the City prepared to spend money for enforcement, such as attorney fees. She said this is something that Council needs to look at. Council President Horn said he is in agreement with this too.

Planner Hardgrove said that when she listens to the City Attorney talk about enforcement she said it is easy to take away seats from a restaurant so that you have enough parking on site to have "this many seats". She said that both things are based on square footage. She asked how do you take off part of the retail space, restaurant space or office space and enforce that part. Planner Hardgrove said it is easy to say you have it and you are open, or you do not have it and you are closed. She said to decrease capacity on how much parking you have, how do you make someone close off part of the restaurant, or part of the retail space. There were no comments or discussion regarding this statement.

**Paul Jaszczenski, 1732 Indiana Street, Orlando, Florida (Boozehounds applicant)**

Mr. Jaszczenski said we continue to get stuck in the fact if we continue to do what we have always done in the City of Edgewood, you are not going to grow and flourish and become what we want to be. He said you needs to allow the business owners to make their own decision and follow the rules. Mr. Jaszczenski said "I can promise you from our business perspective that if an agreement is going away, we are going to fill those spots with somebody else. The 30% is an absolute necessity for his business to develop on his property. Mr. Jaszczenski said if they have to expand beyond the 30%, it will diminish the ability to put a dog park on our property and will not develop. No business is going to invest money into their property in the City of Edgewood, or any other City and not have a backup plan. Mr. Jaszczenski said he is in a position to have the agreements. He said he has zero concerns about filling the amount of parking spaces that he will need for his customers. He said it needs to be left to the business owners to make the decision as well; if they fail, take it to Code Enforcement and allow them an opportunity to fix. He said if the business owner does not fix the problem then "kick them out".

City Attorney Smith addressed Planner Hardgrave's question saying that it is challenging but that it is the same scenario, the business owner will have to present a plan to reduce the capacity of their business to meet what parking they have available.

In response to Council Member Pierce, City Attorney Smith said that through the Code Enforcement process, the business owner would have to show the number of parking spaces they have that equate to the square footage they have and how they plan to mediate the parking.

Council Member Chotas said he is in agreement with the Ordinance, as presented with the 30%. He said he is willing to enforce it as long as he is on Council. Council Member Chotas said he would like to call the matter to an end and take a vote.

City Attorney Smith provided a summary of the changes to the Ordinance made during discussion, as follows:

***Lines 140-141***

- (a) Off-site off-street parking spaces may not be counted toward required parking if such spaces are part of the required parking calculation of any other use unless ~~approved by the City Council based on competent, substantial evidence that the~~ different uses occur at such different times that there would not be overlap of demand for the shared spaces;

***In-between Lines 145 and 146***

Add the provision that any property owner utilizing off-site off-street shared parking agreement shall verify that such parking agreement remains in full force and effect upon renewing its local business tax receipt.

***Line 117***

Undo the strikethrough of the words "for each"

“space **for each** ~~four fixed seats provided for patron use, plus one space for each 75~~  
100”

***Motion by Council Member Chotas to approve the first reading of Ordinance 2020-01 with the changes the City Attorney presented.***

Council President Horn said he would like to see 50% maximum. He said he will not be in favor of the Ordinance with the 70%.

***Second by Council Member Pierce.***

***The Motion was approved by the following roll call vote (4/1):***

<b><i>Council Member Chotas</i></b>	<b><i>- Yes</i></b>
<b><i>Council Member Lomas</i></b>	<b><i>- Yes</i></b>
<b><i>Council President Horn</i></b>	<b><i>- No</i></b>
<b><i>Council Member Pierce</i></b>	<b><i>- Yes</i></b>
<b><i>Council President Rader</i></b>	<b><i>- Yes</i></b>

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**Resolution 2020 – 01** - A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA AMENDING THE CITY’S BUDGET FOR THE 2019/2020 FISCAL YEAR; AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney gave the reading of Resolution 2020-01 in title only. Council Member Chotas asked for a change in language on the second line of Section 1 of the resolution. City Attorney Smith confirmed the change as “amends the Fiscal Year 2019-2020 budget to add and formally adopt the Roads & Streets budget”.

***Council Member Chotas made the Motion to approve Resolution 2020-01 with revision; Second by Council President Horn.***

There were no public comments.

In response to Council Member Lomas, City Clerk Meeks confirmed that the amendment is to include the Roads & Streets budget that was separated from the General Fund.

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

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

**GENERAL INFORMATION (No action required)**

None.

**CITIZEN COMMENTS**

None.

**BOARDS & COMMITTEES**

- **5655 S. Orange Avenue – Cornerstone Paec Waiver Request**

City Engineer Allen Lane presented his report regarding Cornerstone's waiver request. Engineer Lane said Council has seen this before when Cornerstone requested modifications to their building. Engineer Lane explained the covered area for drop-off and patio area on Gem Street. He said the 25-foot setback from the right-of-way line of Gem Street came into question. Engineer Lane said the plans were revised and presented to the Planning & Zoning Board, who recommended approval.

City Clerk Meeks announced that Attorney Brent Spain is in attendance and may want to address his letter that was included in the agenda packet. Attorney Spain said he is in attendance in case Council has any questions. He said his clients are appreciative of staff's report in their request. He confirmed that the waiver request that the patio awning be eight feet from the Gem Street property line and the drop-off awning be thirteen feet from the Gem Street property line.

City Clerk Meeks confirmed she had no requests to speak on this matter.

Planner Hardgrove said she wanted to make sure that everyone is aware that the request is consistent with the rationale for the waiver in the Edgewood Central District.

No Council discussion.

No public comments.

*Council President Horn made the Motion to approve the waiver as presented; Second by Council Member Lomas.*

*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 President Horn</i>	-	<i>Yes</i>
<i>Council Member Rader</i>	-	<i>Yes</i>
<i>Council President Lomas</i>	-	<i>Yes</i>

City Clerk Meeks confirmed for Attorney Spain that he will receive a letter confirming the approval of the waiver request.

## STAFF REPORTS

### City Attorney Smith:

City Attorney Smith asked if there were any questions for him; there were none. City Attorney Smith thanked IT Manager Scott Zane and City Clerk Meeks for setting-up the meeting. He said for the first virtual meeting for the City, it ran smoothly and he was very impressed.

### Police Chief Freeburg:

Chief Freeburg updated Council on how his department is responding to COVID-19. He explained the supplies purchased, i.e., masks, sanitizers. He said there has been a 32% decrease in activity. He said the City purchased COVID-19 rapid tests and thanked Mayor Dowless for supporting this purchase. Chief Freeburg said there will be volunteer testing of employees, who are non-symptomatic. He reported that fingerprint services will remain suspended; however, he will review this service in May.

### City Clerk Meeks:

City Clerk Meeks explained to Council that the City is in need of updating their Ordinance codification. She said that given the amount of Ordinances to be codified, and the estimates she has received from MuniCode, the codification will exceed the current budget. City Clerk Meeks requested that Council allow her to move forward with the codification, as it will help staff and potential developers, who use the online service to ensure compliancy with the City Code. *It was the consensus of Council that City Clerk Meeks move forward with the Codification.*

## MAYOR & COUNCIL REPORTS

- **Mayor Dowless**

Mayor Dowless reported that New Horizons is working on improvements to Bagshaw Park and the island that separates Orange Avenue and Hansel Avenue. He said New Horizon's installed a battery powered irrigation system at the island.

Mayor Dowless reported on his participation in conference calls with Mayor Demings regarding COVID-19. He referenced his email to Council regarding creating a task force with Belle Isle

and South Orange Chamber of Commerce to address opening the doors for some non-essential businesses.

Mayor Dowless said he is getting some bids for the resurfacing of Stratemeyer. He said this road was reported to be the worse.

Mayor Dowless reminded Council that the Waste Management contract is coming up for renewal. He said that in discussion with Jose Boscan, the City is looking at automated services for garbage and recycle containers. He said the City's service will change to once a week. He said yard waste pick-up will still be on Monday. Mayor Dowless said he may have Waste Management come and make a presentation to Council. He said the City will see an increase in costs for this service, and noted that there is not a market for recycling.

- **Council Member Chotas**

No report.

- **Council Member Pierce**

No report.

- **Council Member Rader**

Council Member Rader said he had no report but did want to thank the Mayor for the update on COVID-19.

- **Council Member Lomas**

No report.

- **Council President Horn**

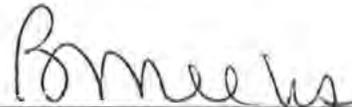
No report.

## ADJOURNMENT

Having no further business, on the Motion of Council Member Pierce; Second by Council Member Rader, the meeting adjourned at 8:32 p.m.



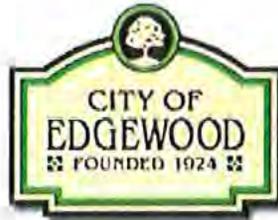
Richard A. Horn  
Council President



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

*Approved in May 19, 2020 Council meeting.*

*Planner Hardgrove report attached regarding Ordinance 2020-01*



Date: March 24, 2020  
To: City Council  
From: Ellen Hardgrove, City Planning Consultant  
XC: Sandy Riffle, Deputy City Clerk  
Bea Meeks, City Clerk  
Drew Smith, City Attorney  
Allen Lane, CPH Engineering, City Engineering Consultant  
Re: Parking Regulation Change Ordinance No. 2020-XXXX

In my absence, I am submitting my comments on the proposed changes to the City's parking regulations to be considered by the Planning and Zoning Board on March 9, 2020, specifically as it relates to the revision of the parking formula calculation for *Restaurants, grills, bars, lounges, similar dining and/or drinking establishments*. The proposed ordinance change is as follows: (in strike through and underline form).

*One space for each four fixed seats provided for patron use, plus one space for each 75 100 square feet of air conditioned floor area provided for patron use which does not contain fixed seats. In lieu of the above, required parking for open air dining, as defined herein, shall be provided at the ratio of one space for each 200 square feet of open air dining area. provided that ~~no use covered by this sub-paragraph shall have less than four spaces.~~*

There is some merit in changing the City's parking formula for restaurants. However, it is important to understand the implications of what is being proposed. The proposed change deals with two different issues: 1) the basis for the parking formula (square footage vs. seats) and 2) a differentiation between indoor and outdoor seating.

#### Basis for Parking Formula

During research for my comments, I have found many jurisdictions are changing their parking regulations for restaurants, with many of the changes using square footage of the building as the basis for the calculation versus seats. Using square footage is viewed as easily identified and permanent as opposed to seats, which can be added after the site plan approval; furniture layouts are easily manipulated. Similarly, using employees in the calculation is difficult to verify.

A comparison of Orange County jurisdictions is in the table below.

Jurisdiction	Eating and Drinking Parking Requirement	
Apopka	Restaurant	1/4 seats
	Brewpub	1/100 seating area
	Bar	0.8/100 seating area
Belle Isle	Same as Edgewood	
Lake Buena Vista	1/5 seats + 1 per 35 sq. ft. with no fixed seats + 1 per employee; minimum 10 spaces total	
Maitland	1/3 seats, plus 1 per 2 employees	
Ocoee	Same as Edgewood	
Orange County	Same as Edgewood	
Orlando	Min: 1/200 sf gross building area Max: 1/50 sf gross floor area	
Windermere	Same as Edgewood	
Winter Garden	1/4 seats+1/3 employees	
Winter Park	1:50 sf patron use area or 1/3 seats whichever is greater except in CBD where it is 1/4 seats	

The question with using gross square feet becomes “what is the appropriate ratio?”.

As seen, in the table below, the existing parking spaces/gross square feet of restaurants within and near Edgewood varies from 1/59 to 1/320, with the median very close to the accepted industry standard (ULI and ITE) of 1/100, which is based on gross building area; non-patron use areas, e.g., kitchens, are not excluded.

Parking as Physically Provided at Nearby Restaurants			
Restaurant	Existing Square footage including outdoor area	Number of Spaces on site	Spaces/gross square feet
Dixie Belle’s with adjacent lot	2940	50	1/59
Vanbarry’s	5566	83	1/67
Freddy’s	3744	40	1/94
Le Coq Au Vin	3230	34	1/95
McGinnty’s	3888	36	1/108
Panera	6063	52	1/117
Dixie Belle’s	2940	25	1/118
Hungry Pants	4005	24	1/167
Proposed Dog Bar if only the building area was counted	2240	13	1/172
Beth’s Burger Bar	1350	6	1/225
Stone Fire Pizza	2728	11	1/248
Proposed Dog Bar if the 2 decks (960 sqft each) are added to the building square footage	4160	13	1/320

The table below can give an understanding of the required parking if the 1/100 formula were applied to restaurants in and near Edgewood, compared to the existing spaces onsite.

Restaurant	Existing Square footage including outdoor area	Existing Number of Spaces	Number of spaces if required @1/100
Beth's Burger Bar	1350	6	14
Dixie Belle's	2940	25	29
Dixie Belle's with adjacent lot	2940	50	29
Dog Bar (proposed)	4160	13	42
Freddy's	3744	40	37
Hungry Pants	4005	24	40
Le Coq Au Vin	3230	34	32
McGinnty's	3888	36	39
Panera	6063	52	61
Stone Fire Pizza (does not include patio area since hasn't been permitted)	2728	11	27
Vanbarry's (includes patio area)	5566	83	56

As seen, Vanbarry's, where every parking space is typically occupied at peak periods, would not have sufficient parking if the parking was calculated at 1 space/100 square feet. The popularity of a restaurant directly affects the parking demand; however, does the jurisdiction's parking formula need to account for popularity, or would the market/business plan account for the anticipated need and provide more than the minimum required?

The table below shows three other parking/square foot formulas used by local governments (1/75, 1/150 and 1/200) and the resulting parking that would be required on the sample restaurants used above for each ratio.

Restaurant	Existing Square footage including outdoor area	Existing Number of Spaces	Number of spaces if required @1/75	Number of spaces if required @1/150	Number of spaces if required @1/200
Beth's Burger Bar	1350	6	18	9	7
Dixie Belle's	2940	25	39	20	15
Dixie Belle's w/adjacent lot	2940	50	39	20	15
Freddy's	3744	40	50	25	19
Hungry Pants	4005	24	53	27	20

Le Coq Au Vin	3230	34	43	22	16
McGinnty's	3888	36	52	26	19
Panera	6063	52	81	40	30
Stone Fire Pizza	2728	11	36	18	14
Vanbarry's	5566	83	74	37	28

Some jurisdictions using the building square footage as the base for the parking formula do exclude non-patron use areas, e.g., the kitchen and storage areas. The consequences of this method in Edgewood would take additional research; the square footage of such areas is not readily available to provide the same analysis presented above. Such a formula would complicate the calculation. Using gross square footage is straightforward, as well as easy to interpret and enforce.

An option could be to use the existing code and build in flexibility to allow an applicant to submit a parking demand study by a traffic engineer if the calculated parking required is thought to be higher than the business model. It should be emphasized, however, that a parking code that allows less parking than the industry standard is more appropriate in areas with an effective transit system or dense urban environment such as downtown Orlando.

Whereas the ECD is attempting to create a more walkable community, the intensity of downtown Orlando, or even downtown Winter Park, is likely never to occur in Edgewood. The intensity standards allowed in the ECD are balanced with the available transportation network, specifically one major road and no grid system; the resulting future land use pattern will most likely be at suburban intensities, with more intensity in large mixed use redevelopment proposals or around a future commuter rail station.

It should be noted that the ECD already allows a reduction in parking for mixed use development proposals and when a business is in proximity to a transit: The minimum number of parking spaces may be reduced by up to 5% for within a 1/4 of a mile from a bus stop, and a 20% reduction when within 1/4 of a mile of a commuter rail or bus transfer station.

Differentiation Between Indoor And Outdoor Seating

Related to the second part of the proposed change, there are pros and cons to this differentiation.

Con: The demand for parking does not change whether or not a seat is inside an air conditioned area. Technology has provided innovations to make outdoor seating comfortable year round, e.g. with misting machines or heaters. A reduced calculation for outdoor dining/seating, would not adequately account for all areas that may generate activity within a restaurant.

As included in the proposed ordinance, the outside seating area would be calculated on ½ the required industry standard (1/100). Current restaurants in the city that would qualify include Stone Fire Pizza, Waterfront and Vanbarry’s. The proposed dog bar would also qualify for the indoor/outdoor calculation. The table below provides a comparison of existing parking onsite and the amount that would be required if the differentiation model was used, with the indoor area calculated based on 1 space per 100 gross square feet.

	Indoor A/C'd gross building square footage	Outdoor dining area square footage	Required with (1/100 inside & 1/200 outside)	Calculated with 1/100 of total indoor and outdoor areas	Existing parking spaces onsite
Vanbarry's	4516	1050	50	56	83
Dog Bar*	2240	1920	32	42	13
Stone Fire Pizza with the patio	2728	1164	33	39	11
Waterfront*	1421	1120	20	26	10
*Does not include the lake front or dog park area					

Pro: The differentiation may create an incentive for outdoor dining in the City, which is promoted by the ECD. Stone Fire Pizza would be a good example. Using a 1/100 requirement for the entire building area, 27 parking spaces would be required. If the proposed patio seating was permitted, which would nearly increase the seating capacity 75%, only 6 additional spaces would be needed.

Recommendation

One space for each 100 square feet of gross building area plus one space for each 200 square feet of open air dining area, provided that no use covered by this sub-paragraph shall have less than four spaces.

~~One space for each four fixed seats provided for patron use, plus one space for each 75 per 100 square feet of gross floor area provided for patron use which does not contain fixed seats and of one space for each 200 gross square feet of open air dining area. provided that no use covered by this sub-paragraph shall have less than four spaces.~~

ESH