

Marion Rayburn  
Chair

David Gragg  
Vice-Chair

Steve Kreidt  
Board Member

Ryan Santurri  
Board Member

Dr. Aileen Trivedi  
Board Member

**PUBLIC NOTICE**  
**PLANNING AND ZONING BOARD MEETING – March 9, 2020**

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**WELCOME!** We are very glad you have joined us for today's Planning and Zoning meeting. The Planning and Zoning Board is an advisory board to City Council comprised of citizen members who voluntarily and without compensation devote their time and talents to a variety of zoning and land development issues in the community. All P&Z recommendations are subject to final action by City Council. The results of today's meeting will be presented at the noted City Council meeting for approval of recommended actions. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. **CAUTION:** Untimely filing by any appellant shall result in an automatic denial of the appeal.

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The Planning and Zoning Board as the Local Planning Agency for the City of Edgewood will meet at 405 Bagshaw Way, Edgewood, Florida, to consider the items of business listed herein at the time and date indicated below.

**Monday, February 10, 2020 at 6:30 pm**

- Call to Order
- Pledge of Allegiance
- Roll Call and Determination of Quorum
- Approval of Minutes  
February 10, 2020 – Regular P&Z Meeting
- New Business
  - **Waiver Request:**  
5655 S Orange Ave – Cornerstone Pace
  - **ORDINANCE NO. 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.**

- Comments/Announcements
- **FUTURE MEETINGS:** *(SCHEDULE CONTINGENT UPON SUBMITTAL OF ITEMS THAT REQUIRE CONSIDERATION OF THE PLANNING & ZONING BOARD AS THE LOCAL PLANNING AGENCY FOR THE CITY OF EDGEWOOD)*
  - April 13, 2020
  - May 11, 2020

**GENERAL RULES OF ORDER**

You are welcome to attend and express your opinion. The Board is pleased to hear non-repetitive comments related to business before the Board; however, a five (5) minute time limit per person has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request Registration Form and give it to the City Clerk. When recognized, state your name and speak directly into the microphone. The City is guided by ROBERTS RULES OF ORDER in governing the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at 407-851-2920 at least 24 hours in advance of the meeting.

WE ASK THAT ALL ELECTRONIC DEVICES (IE. CELL PHONES, PAGERS) BE SILENCED DURING OUR MEETING!

Thank you for participating in your government!

APPEALS: According to Edgewood City Code Section 26-24 (2), "any person aggrieved by any recommendation of the Board acting either under its general powers or as a Board of Adjustment may file a notice of appeal to the City Council within seven (7) days after such recommendation is filed with the City Clerk. Per Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceeding and may need to ensure that a verbatim record is made.



PLANNING & ZONING BOARD DRAFT 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

**Applicant:**

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

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**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**

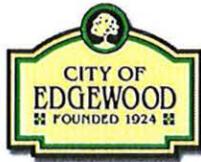
- *January 13, 2020*  
Changes were submitted by Chair Rayburn – page 8 should say “Variance 2020-02” with the addition of “2” at the end.

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).*

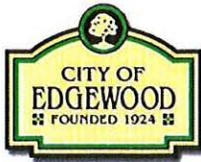
- **Commercial Review, Waivers, and Variance Request – 5156 S Orange Avenue Bailey's Medical**

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 queueing 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).*

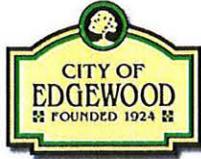
#### **Requested Variance**

**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**

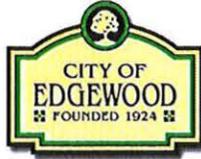
**AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," SECTIONS 134-606 AND 134-607 OF THE CODE OF ORDINANCES RELATED TO THE USE OF OFF-SITE PARKING SPACES TOWARD REQUIRED OFF-STREET PARKING CALCULATIONS AND THE USE OF SHARED PARKING AGREEMENT; PROVIDING FOR SEVERABILITY;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

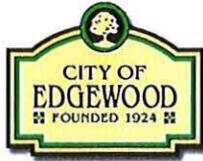
Board Member Kreidt asked if there is any other way to help this business; Planner Hardgrove responded that there was discussion to put parking on the road, but it is not used to meet the minimum requirements.

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).***

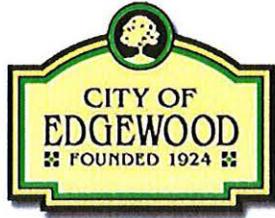
The meeting adjourned at 8:05 p.m.

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Marion Rayburn, Chair

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Sandra Riffle, Deputy City Clerk



**Memo**

**To:** Planning and Zoning Board Members  
**CC:** Drew Smith, Allen Lane, David Mahler, Ellen Hardgrove  
**From:** Sandy Riffle, Deputy City Clerk  
**Date:** March 5, 2020  
**Re:** New Business Items

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There are two items of business for the March 9, 2020 Planning and Zoning Board meeting. The following items been included for your review.

**1. 5655 S Orange Avenue Cornerstone Pace Waiver Request**

- Letter from Brent Spain of Theriaque & Spain requesting waiver
- Staff report from City Planner Ellen Hardgrove, dated February 20, 2020

A legal advertisement was placed in the Orlando Sentinel with publication dates of February 28, 2020 and Monday, March 9, 2020 to advertise the requested waivers, as required by City Code.

The City Planner is prepared to respond to any questions you may have regarding the waiver requests. The applicant/representative for Cornerstone Pace will also be in attendance.

**2. ORDINANCE NO. 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.

- Staff report from City Planner Ellen Hardgrove, dated March 5, 2020



REPLY TO: WINDERMERE

March 2, 2020

**VIA ELECTRONIC MAIL**

Sandy Riffle, Deputy City Clerk  
City of Edgewood  
405 Larue Avenue  
Edgewood, Florida 32809

**Re: *Cornerstone Hospice/PACE – Waiver Request***

Dear Ms. Riffle:

As you are aware, our firm represents Cornerstone Health Services (“Cornerstone”) with regard to the Cornerstone Hospice/PACE medical facility at 5655 S. Orange Avenue in Edgewood, Florida. This letter is to confirm our client’s request originally submitted via electronic mail on February 20, 2020, for a waiver from the 25’ ECD side street setback to allow for the installation of the awnings associated with the drop-off and covered patio areas shown on the commercial development plans that the City Council reviewed and approved for Cornerstone’s PACE facility at its meeting on February 18, 2020.

To better depict the requested waiver, our client has prepared the attached sketch – which shows the awning for the drop-off area being 13’ from the rear property line and the covered patio awning being approximately 8’ from the rear property line. Based upon such sketch, our client seeks a waiver to reduce the side street setback to 13’ for the drop-off area awning and 8’ for the covered patio awning.

Our client respectfully submits that application of a 25’ side street setback would create an illogical, impractical, and unreasonable result – effectively preventing our client from being able to provide a drop-off area and an outdoor siting area for its clientele which are shielded from the elements. Our client submits that the requested waiver will have no adverse impact on the adjacent property, which consists of Gem Street. Further, given the unique layout of the property – *i.e.*, being bounded on all four sides by roads – our client submits that the requested waiver is warranted. Additionally, the requested waiver for the installation of the subject awnings is consistent with and furthers the spirit and intent of the ECD regulations to enhance building facades within the district.

**TALLAHASSEE**  
433 NORTH MAGNOLIA DRIVE  
TALLAHASSEE, FLORIDA 32308  
(850) 224-7332  
FAX: (850) 224-7662

**WINDERMERE**  
9100 CONROY WINDERMERE ROAD, SUITE 200  
WINDERMERE, FLORIDA 34786  
(407) 258-3733  
FAX: (407) 264-6132

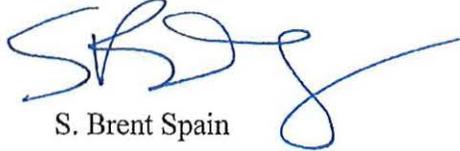
[www.theriaquelaw.com](http://www.theriaquelaw.com)

Sandy Riffle, Deputy City Clerk  
City of Edgewood  
March 2, 2020  
Page 2

Lastly, our client respectfully submits that the subject awnings do not constitute an “expansion” of the existing shopping center building for purposes of the ECD regulations, as the awnings do not increase the building square footage of one or more existing buildings on the property. *See* § 134-463(c), Edgewood Land Development Code. As such, the requested waiver and installation of the subject awnings should not trigger or cause other portions of the shopping center site to be governed by the ECD standards at this juncture, including, but not limited to, any fleet vehicle requirements or limitations.

Our client appreciates the City Staff’s assistance and support of the requested waiver. As always, please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

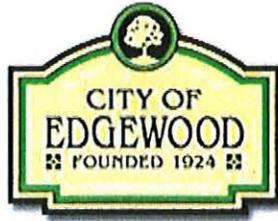


S. Brent Spain

Enclosure

cc: Cornerstone Health Services





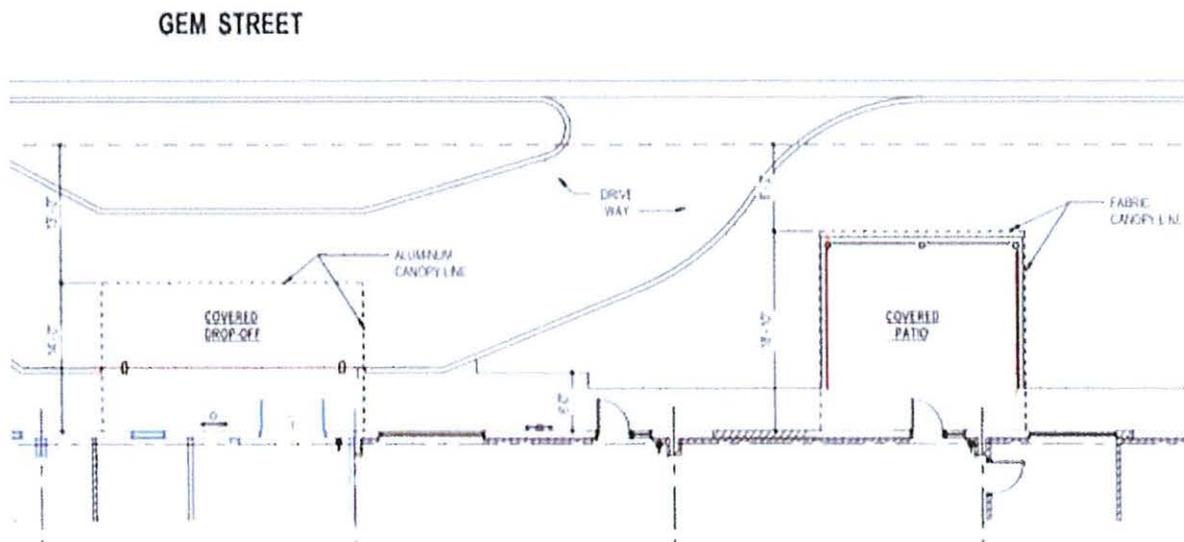
Date: February 20, 2020  
To: Planning and Zoning (P&Z) Board  
From: Ellen Hardgrove, City Planning Consultant  
XC: Sandy Riffle, Deputy City Clerk  
Bea Meeks, City Clerk  
Drew Smith, City Attorney  
Allen Lane, CPH Engineering, City Engineering Consultant  
Re: Cornerstone PACE facility at 5655 South Orange Avenue

### **Request**

City Council has recently approved a special exception to permit an adult day care within the Cornerstone Hospice leased space in the Edgewood Isle Shopping Center as well modifications to the building to include a rear drop off entrance and outdoor patio for the clients. The current request is for setback waivers in the ECD to allow the approved driveway drop off area and the patio to be covered.

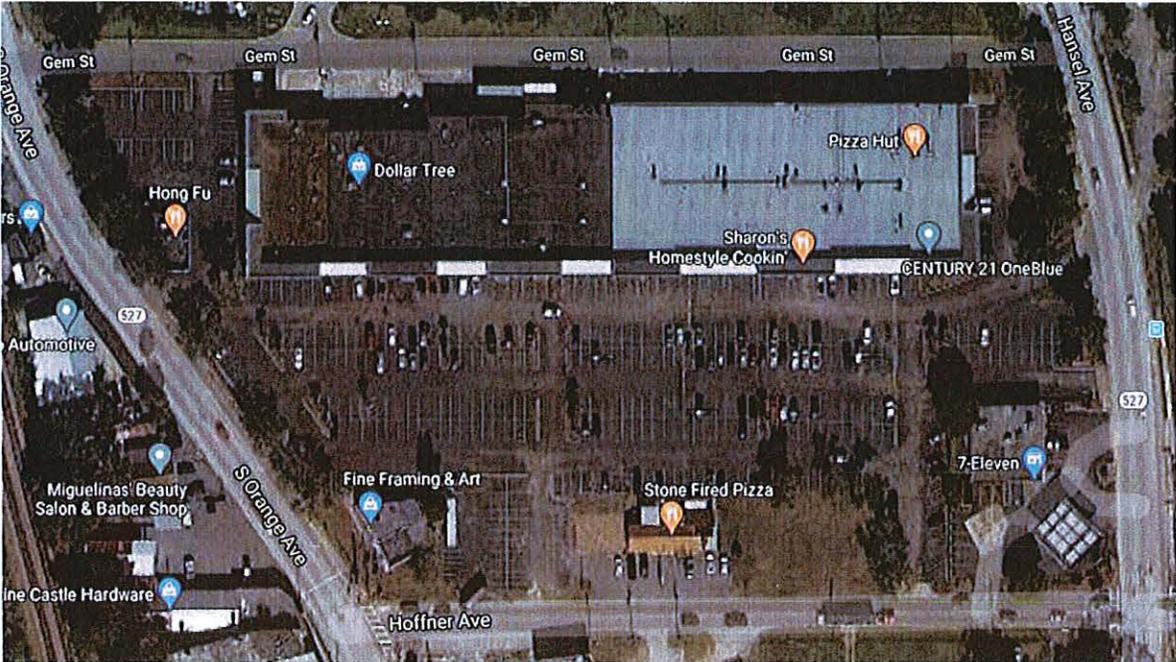
As shown on Exhibit 1, the awning over the drop-off area is proposed to be located 13' from the Gem Street property line and the patio awning is proposed to be located  $\pm 8'$  from the Gem Street property line. ECD Ordinance Section 134-458(g)(1)b.3 requires a 25' setback from Gem Street.

Exhibit 1

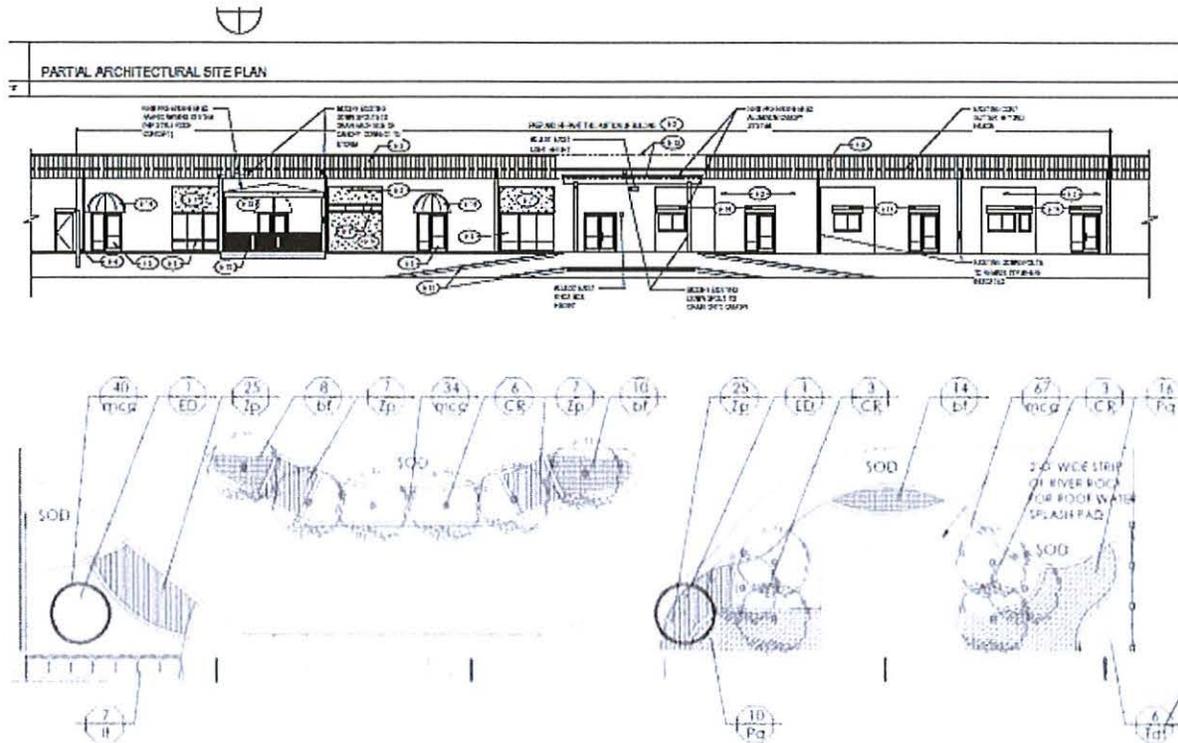


The covered areas are essential for this permitted use to provide a drop-off area and outdoor seating area for its clientele which are shielded from the elements. Given the position of the existing building and property's location abutting streets on all sides (see Exhibit 2), compliance with the ECD's 25 feet setback would eliminate the ability to have the covered drop off area and outdoor seating area.

Exhibit 2



The requested waiver can be considered consistent with the ECD goals. Gem Street, a side street, is an appropriate location for vehicle use areas within the setback. The outdoor seating area brings people activity toward the street as intended in the ECD. The additions will enhance the building façade which has been, up until this point, only a back to a shopping center, bringing the building more into conformity with the goal of avoiding flat wall surfaces with articulation, varying rooflines, and decorative elements. Furthermore, as approved by Council and shown below, landscaping will be planted adjacent to the driveway and patio area, increasing the aesthetics along Gem Street.



**Staff Recommendation**

Staff recommends approval of a waiver to allow the awning/cover for the drop-off area to be 13 feet from the Gem Street property line and the awning/cover for the outdoor seating area to be 8 feet from the Gem Street property line. There has been substantial competent evidence presented that strict application of the ECD side street setback would create an illogical, impossible, impractical or unreasonable result on the applicant. Granting the proposed waiver will not have the effect of nullifying the intent and purpose of the ECD standards; it will serve the health, safety and welfare of the city; is the minimum waiver that will reasonably eliminate or reduce the illogical, impossible, impractical, or unreasonable result caused the required side street setback; and will not adversely impact the use or property values of adjacent properties.

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**ORDINANCE NO. 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.**

19           **WHEREAS**, Section 134-606 of the Code of Ordinances provides that required off-street  
20 parking spaces must be provided on the same lot where the principal use is located or within 300  
21 feet from the pedestrian entrance as measured along the most direct pedestrian route; and  
22

23           **WHEREAS**, the City desires to promote development and redevelopment within the  
24 City's commercial corridor; and  
25

26           **WHEREAS**, the City Council recognizes the tension between configuration of existing  
27 lots and site development proposing to maximize use of the land can, from time to time, create  
28 challenges in the provision of adequate off-stree parking; and  
29

30           **WHEREAS**, the City Council also recognizes that a properly implemented shared  
31 parking program can alleviate some of the challenges site development can present and create  
32 opportunities for greater efficiency of development; and  
33

34           **WHEREAS**, the City Council also recognizes, though, that without necessary  
35 protections shared parking arrangements can negatively impact future development; and  
36

37           **WHEREAS**, the City currently allows off-site off-street parking when the parking spaces  
38 so provided are within three hundred feet of the principal entrance of the building for which the  
39 parking is required provided that such spaces are not on the opposite side of an arterial road from  
40 the building for which the parking is required; and  
41

42           **WHEREAS**, the City currently allows shared parking agreements to be used to count  
43 parking spaces that fall within the above referenced requirements and which are located on a  
44 separate developed lot provided such spaces are not required for the building or buildings located  
45 on the donor lot or if the uses on the donor and donee lot occur at such different times that there  
46 is not overlap of the demand for the spaces; and  
47

48           **WHEREAS**, the City Council desires to extend the allowed distance between the  
49 building needing parking spaces and the off-site off-street parking spaces while also providing  
50 more protections related to the use of shared parking agreements; and

51  
52           **WHEREAS**, the City Council finds that playgrounds, and dog parks that are accessory to  
53 a commercial business are unlikely to drive the same parking demand as they would when  
54 standalone uses; and

55  
56           **WHEREAS**, the City Council finds it appropriate to amend the Code of Ordinances to  
57 provide different minimum parking requirements for playgrounds, and dog parks depending  
58 upon whether the amenity is accessory to a commercial business or standalone; and

59  
60           **WHEREAS**, a proposal has been made to amend the method by which minimum parking  
61 is calculated for open air seating areas; and

62  
63           **WHEREAS**, the City Council finds it appropriate to define “open air seating areas” and  
64 amend the method by which required parking is calculated for such areas.

65  
66           **WHEREAS**, the City Council of the City of Edgewood finds that this Ordinance is in the  
67 best interest of the health, safety, and welfare of citizens, businesses, and visitors to the City of  
68 Edgewood.

69  
70           **NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of  
71 Edgewood, Florida as follows:

72  
73           **NOTE:**        Underlined words constitute additions to the City of Edgewood Code of  
74 Ordinances, ~~strike through~~ constitutes deletions from the original Code of Ordinances, and  
75 asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain  
76 unchanged.

77  
78           **Section 1.**    Chapter 134, Sections 134-605 134-606 and 134-607 of the City of  
79 Edgewood Code of Ordinances shall be amended as follows:

80  
81    **Sec. 134-1. - Definitions.**

82           Except where specific definitions are used within a specific article or section of this chapter,  
83 the following terms, phrases, words and their derivation shall have the meanings given herein  
84 where not inconsistent with the context. Words used in the present tense include the future,  
85 words in the plural number include the singular number and words in the singular number  
86 include the plural number. The word "lot" includes the words "plot" and "tract." The word  
87 "building" shall include the word "structure." The words "used for" shall include the meaning  
88 "designed for." The word "person" shall include the words "firm, association, organization,  
89 partnership, trust, company, corporation," as well as "an individual." The word "shall" is  
90 mandatory. Whenever in this chapter a term, phrase or word is not defined, then in that event the  
91 city council shall define the same.

92           \*        \*        \*

93           *Odor* means that property of a substance which affects the sense of smell; any smell; scent;  
94 fragrance.

95 Open air dining area means a seating or dining area of a restaurant, grill, bar, lounge, or  
96 similar dining or drinking establishment with or without a roof that is open on at least two sides;  
97 for the purpose of this definition an area shall be considered open on a side if there is no barrier  
98 between the seating area and the exterior environment or if any barrier is pervious and nonrigid  
99 such as, but not limited to, canvas or screening.

100 *Open space* means an area of land, excluding rights-of-way, not covered by an impervious  
101 surface.

102 \* \* \*

103

104 **Sec. 134-605. - Quantity of off-street parking.**

105 (a) *Number of required spaces.* Off-street parking spaces shall be provided for any use  
106 hereafter established or at the time of the erection of any main building or structure or at the  
107 time any main building, structure or occupational use is enlarged or increased in capacity by  
108 adding dwelling units, guestrooms, floor area, seats, or by increasing employment,  
109 according to the following minimum requirements:

110 \* \* \*

111 (16) *Office building, including business, commercial and government.* One space for each  
112 200 square feet of floor area used for office purposes.

113 (17) *Playground and dog park accessory to a commercial business.* No minimum.

114 (18) *Playground and dog park, standalone.* 1 space per 10,000 square feet. 1 per 500 sq. ft.  
115 of GFA for buildings and enclosed structures.

116 (19) *Restaurants, grills, bars, lounges, similar dining and/or drinking establishments.* One  
117 space for each four fixed seats provided for patron use, plus one space for each ~~75~~ 100  
118 square feet of air conditioned floor area provided for patron use which does not  
119 contain fixed seats. In lieu of the above, required parking for open air dining, as  
120 defined herein, shall be provided at the ratio of one space for each 200 square feet of  
121 open air dining area. provided that ~~no~~ use covered by this sub-paragraph shall have  
122 less than four spaces.

123

124 \* \* \*

125 **Sec. 134-606. - Location of off-site off-street parking.**

126 The parking spaces provided for herein shall be provided on the same lot where the principal  
127 use is located or within ~~300~~ 1,320 feet from the principal entrance as measured along the most  
128 direct pedestrian route from each space to the principal entrance of the building for which the  
129 space is to be used as required parking; provided, however, that parking spaces provided across  
130 an arterial road from the lot where the principal use is located shall not be counted toward the  
131 parking spaces required herein. Off-site off-street parking shall also be subject to following:

132 (a) At least thirty percent (30%) of the required parking shall be provided on-site.

133 (b) No required Americans With Disabilities Act accessible parking spaces may be provided  
134 off-site;

- 135 (c) If valet parking is proposed, an on-site vehicle drop-off and pick-up lane shall be  
136 provided and included on the site-plan;
- 137 (d) Off-site off-street parking spaces may only be counted toward required parking if such  
8 spaces are located on a paved and lined parking area which has been approved by the  
139 City for use as a parking area;
- 140 (e) Off-site off-street parking spaces may not be counted toward required parking if such  
141 spaces are part of the required parking calculation of any other use unless approved by  
142 the City Council based on competent, substantial evidence that the different uses occur  
143 at such different times that there would not be overlap of demand for the shared spaces;
- 144 (f) If shared parking agreements are proposed for new development or redevelopment of an  
145 existing site, fully executed agreements contingent upon approval by the City shall be  
146 submitted to the City no later than submission of an application for site plan review; and
- 147 (g) With the exception of shared parking agreements approved prior to effective date of this  
148 ordinance, all shared parking agreements and any amendments thereto shall be submitted  
149 to the City for approval and must include all of the following:
- 150 (1) Provision for which party is responsible for the maintenance of parking area;
- 151 (2) Specificity as to the days and/or hours when the shared parking spaces may be used  
152 by the party granted use of the shared parking spaces (note: when shared parking  
153 spaces are used to satisfy required parking, site plan approval may include a  
154 condition that hours of operation are restricted to the hours of availability of the  
155 parking spaces);
- 156 (3) Provision that the agreement shall not be terminated for convenience, the number of  
57 shared parking spaces shall not be reduced, nor shall the hours of availability of the  
158 shared parking spaces be changed without at least twelve (12) months' notice in  
159 writing delivered to all parties including the City;
- 160 (4) Provision that the agreement shall benefit and be binding on any subsequent  
161 purchaser of either parcel;
- 162 (5) Provision that the agreement shall be recorded in the Official Records of Orange  
163 County, Florida;
- 164 (6) Acknowledgement by the grantor of the shared parking spaces that it understands the  
165 granting of shared parking spaces may impact future requests for expansion or  
166 change of use during the term of the shared parking agreement; and
- 167 (7) Acknowledgment and agreement by the grantee of the shared parking spaces that if  
168 such shared parking spaces become unavailable for any reason the grantee must  
169 immediately reduce its use of the property benefitted by the shared parking  
170 agreement in a manner that existing available parking shall be sufficient to meet the  
171 parking requirements of this Code. The grantee shall acknowledge that it  
172 understands the loss of shared parking spaces may have negative financial impacts to  
173 it and that it accepts the risk of such impacts and shall hold the City harmless from  
174 any lawful action taken by the City to cause compliance;
- 175 (8) Inclusion of the City as a party to the agreement for the purpose of enforcing any of  
176 the above required provisions;
- 177 (9) Notarized or attested signatures of all parties.

179 **Sec. 134-607. -- Joint use of off-street parking space. (Reserved).**

180 No part of an off-street parking area required for any building or use for the purpose of  
181 complying with the provisions of this chapter shall be included as part of any off-street parking  
182 area similarly required for another building or use, except in the case where the parking demands  
183 of different uses occur at different times. The following requirements must be satisfied in order  
184 to comply with this exception:

185 (1) ~~A notarized statement from all property owners involved indicating that the activities~~  
186 ~~of each separate building or use which creates a demand for parking shall occur at~~  
187 ~~different times. Such statement must include an agreement between the parties involved~~  
188 ~~indicating responsibility for maintenance of the parking area.~~

189 (2) ~~Such agreement shall run with the duration of the occupational licenses of all~~  
190 ~~buildings or uses involved in the agreement and shall be required to be renewed at the~~  
191 ~~time of occupational license renewal. Where an occupational license is not required,~~  
192 ~~then the agreement shall run with the duration of the uses. Nothing in this chapter shall~~  
193 ~~be construed to prevent the joint use of off-street parking space by two or more~~  
194 ~~buildings or uses, if the total of such spaces, when used together, shall not be less than~~  
195 ~~the sum of the requirements for the various individual uses of buildings computed~~  
196 ~~separately.~~

197  
198 **Section 2.** The provisions of this Ordinance shall be codified as and become and be  
199 made a part of the Code of Ordinances of the City of Edgewood.  
200

201 **Section 3.** If any section, sentence, phrase, word or portion of this ordinance is  
202 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to  
203 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or  
204 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.  
205

206 **Section 4.** All ordinances that are in conflict with this Ordinance are hereby repealed.  
207

208 **Section 5.** This Ordinance shall become effective immediately upon its passage and  
209 adoption.  
210

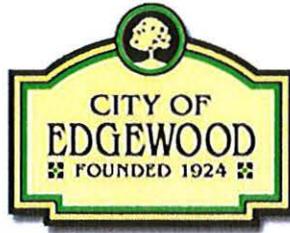
211 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City  
212 Council of the City of Edgewood, Florida.  
213

214 PASSED ON FIRST READING: \_\_\_\_\_  
215

216 PASSED ON SECOND READING: \_\_\_\_\_  
217

218  
219 \_\_\_\_\_  
Richard A. Horn, Council President

220 *ATTEST:*  
221 \_\_\_\_\_  
222  
223 Bea L. Meeks  
224 City Clerk



Date: March 5, 2020  
To: Planning and Zoning (P&Z) Board  
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 change is shown in strike through and underline below.

*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 this proposed change, 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 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.

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.

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 of 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.

With the differentiated formula, the outside seating area would be calculated on ½ that required of the 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.

	Indoor A/C'd gross building square footage	Outdoor dining area square footage	Required with the indoor/outdoor formula	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 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.

ESH