

**CITY OF EDGEWOOD
PLANNING AND ZONING BOARD MINUTES
March 12, 2012**

Chairwoman, Regina Dunay, called to order at 6:30 p.m. the Planning & Zoning Board meeting on Monday, March 12, 2012 in the Council Chambers of City Hall, 405 Larue Avenue, at 6:30 p.m., followed by the Pledge of Allegiance. Administrative Assistant Wild noted those members in attendance and confirmed a quorum was present.

Attendees:

Regina Dunay, Chairwoman
Debbie Younglove
Frank Aguilar
Brian Leahy

Absent:

Susan Lomas

Staff:

Admin Asst Cinnamon Wild
City Attorney Drew Smith
City Engineer Art Miller
City Planner Ellen Hardgrove

APPROVAL OF MINUTES FROM THE DECEMBER 12, 2011 MEETING

Planning & Zoning Board Member Younglove made the Motion to approve the Minutes, with Second by Board Member Leahy. Unanimously approved.

Engineer Miller announced that City Council approved FEG, as the City's new engineering firm; led by Engineer Sam Sebaali. The Board thanked Engineer Miller for his years of service to the City.

REVIEW AND CONSIDERATION OF REQUEST FOR VARIANCE:

1. Ballentine Electric – 5262 S. Orange Avenue
 - 1) Variance in minimum lot width in C3 zoning district and Variance from requirement to unite two parcels in same ownership to create a standard size parcel. Section 134-482

Planner Hardgrove gave a history of the lots and ownership, noting that it is not a legal non-conforming lot. Planner Hardgrove's report referenced how there was a lot split and then another lot split. It was split recently in 1997 when they carved out another portion of the property. The lot to the South has an

office on it, and the subject property has remained vacant. Planner Hardgrove said that for someone to develop the lot to a 5,000 sq ft lot, they will need a variety of variance as shown in her report.

Motion by Council Member Leahy to approve the variance as presented, with Second by Council Member Aguilar. Unanimously approved.

- 2) Variance in minimum building setback from side (south) property line. Section 134-406(4)

Planner Hardgrove stated "to put a commercial development on this property is it reasonable". She said if the notch wasn't carved out of parcel it would be reasonable for the variance. Planner Hardgrove confirmed for Chairwoman Dunay that no notch was cut out in the land was for parking for the adjoining lot.

Chairwoman Dunay questioned how the notch was cut out of property, and Planner Hardgrove clarified that it was previously sold.

Motion by Board Member Leahy, Aguilar disagrees, Motion dies for lack of Second. Motion to deny by Board Member Aguilar, with Second by Chairwoman Dunay. Approved 3/1 Leahy opposed.

- 3) Variance in requirement to erect an 8 feet high masonry wall on C3 property where adjacent to residential zoning. Section 134-406(9)

Planner Hardgrove questioned "do we want a duplicate of wall", she thought it seemed unreasonable. She said the City would have a railroad track alley and questioned if the City would want that situation. Engineer Miller mentioned how the City currently has that problem. He said there will be a barrier and not just a wall; the applicants are proposing a fence for security reasons.

Motion by Board Member Younglove to approve, with Second by Board Member Aguilar. Unanimously approved.

- 4) Variance in requirement to have opaque landscape buffer at least 8 feet high and 25 feet wide where C3 uses abut residential. Section 114-5(2)

Per Planner Hardgrove's report, the Site Plan indicates there isn't a lot of room for landscape a buffer. Planner Hardgrove said the buffer is supposed to be 25' wide, and the applicants are proposing the buffer to be 5' wide. The applicants are proposing to install one (1) shade tree; there should be three (3) shade trees, plus an 8' high hedge. There is some flexibility in the Landscape Code that doesn't have to come before the Board but due to the number of variances, Planner Hardgrove believes the Board should have full picture.

Motion by Board Member Leahy to approve, with Second by Board Member Younglove. Unanimously approved.

- 5) Variance in requirement to provide trees 1 per 50 lf where adjacent to nonresidential property (minimum 7 feet standard width of buffer)

Planner Hardgrove said the plan shows shade trees along all property lines on both the north and south side, and this cannot be done because of where the building is located on the property. She also noted a conflict with the location of the Septic Tank and retention pond. Chairwoman Dunay questioned tapping into sewer, and Planner Hardgrove that it is addressed in Engineer Miller's report.

Motion by Board Member Aguilar that there be four shade trees on north side of property, along with 2 understory trees, with, Second by Board Member Younglove. Unanimously approved.

- 6) Variance in requirement to provide an 8 feet wide landscape area between building and right-of-way. Section 114-4(4)

Planner Hardgrove said that the applicants are putting in a retention pond and it is more of a pit in front of on the east side of building. The code requires 8' with 50% of it being landscaped, so they will have 8' from the right-of-way. She said along the front there will be five (5) understory trees. She said there can be 5.5' of landscape, since there are overhead power lines, they can install two (2) understory trees. They can meet code requirements because of the trees.

Chairwoman Dunay questioned the buffer and how that relates to the cross access easement, Planner Hardgrove clarified the need for the buffer and cross access easement. Engineer Miller mentioned how cross access would line up with the driveway, Chairwoman Dunay mentioned how this would affect the location of the building on the lot. Planner Hardgrove explained the buffer, cross access, and landscaping that would be required of the applicant per the Code.

After discussion the Board decided to skip down to variance seven (7) to vote on prior to going forward with their vote on variance six (6).

Planner Hardgrove discussed the buffers required to meet code, to reduce the size of the building fourteen (14) feet. If the applicant does this then there would be no place for the retention pond. The applicant mentioned the cross-access and driveway and how the traffic along Orange Avenue goes one-way only, the Board clarified to the applicant the need for the cross-access.

Motion by Board Member Aguilar to deny with second by Chairwoman Dunay. Unanimously approved.

- 7) Variance in requirement to provide cross access between parcels. Section 134-142

Engineer Miller, stated that the City has been adamant about requiring cross access easements for the future. That is a part of the City Code and the Master Plan requirements, for the future of the City. Engineer Miller noted that given the location of the pond, it does not make sense and it is not doable. Engineer Miller said it is his recommendation to reserve that area for cross-access.

Chairwoman Dunay questioned the cross-access, and stated that there is already a retention pond so that would not permit cross-access. Engineer Miller said it could possibly be at another location. The Board discussed the location of the cross-access easement with Engineer Miller. He reminded the Board that the applicant will need to come in with Final Engineering plans where this will be addressed.

Board Member Leahy mentioned the septic tie-in. Per Engineer Miller as long as they have permit approval it is doable to tie-in to sewer and to avoid installing a Septic Tank.

Motion by Board Member Aguilar to deny, with second by Board Member Younglove. Motion failed with 3/1 favor, Board Member Leahy opposed.

8) Variance in the number of parking spaces provided. Section 134-605(a)17

According to Planner Hardgrove, per the Code the applicants would be required to have sixteen (16) parking spaces. She said the problem with this is that there is not a type in the Code that fits the occupation as an electrical contractor. They don't necessarily need that many parking spaces, but for future use of the property should they sell the property. She said the City may need to contact Attorney Smith and get his opinion on placing those types of restrictions on the property. Planner Hardgrove researched what other city codes require for a similar situation, and the City of Orlando only requires eight (8) parking spaces, and Seminole County's requires five (5).

Engineer Miller shared his findings with reviewing the plans and variances, for the parking he said that it could pose a problem in the future. There would not be enough parking and he believes the building is too large for the site. He also noted some inconsistencies in the plan, and how the page is labeled. He discussed the layout of the Site Plan, and the location of the septic. According to Engineer Miller he believed it to be inconsistent to what the City has been requiring of properties along Orange Avenue to connect to sewer. He listed businesses along Orange Avenue that were required to connect to sewer, and reminded the Board that this is a variance approval and not Site Plan approval. This is only approval of variances and Site Plan Approval will be reviewed at a later time.

In response to Board Member Younglove, the applicant said the limited parking is because his office will not require the additional parking spaces since their service trucks go to the job site, which is where inventory is delivered. He said their service vehicles would rarely park at the office, they go home with the staff to prevent break-in of vehicles.

Chairwoman Dunay stated that there would be a question regarding future use and to put a condition on any future use. Per Attorney Smith it would be a condition on future use and to tie in the existing variance to run with the existing/proposed use of the property. The variance would expire upon change of use. Chairwoman Dunay clarified that the limited parking on this development would have a negative impact on the applicant and could possibly prevent them from selling the building in the future.

Chairwoman Dunay and Planner Hardgrove mentioned that in Seminole County this development would be following their code as it relates to this variance.

Motion by Board Member Leahy to approve variance to reduce parking, with five (5) parking space to include one (1) handicap space, with the condition that the variance that falls in use, with Second by Board Member Aguilar with condition that the variance expire upon transfer of property.

NEW BUSINESS:

Board Member Aguilar questioned Engineer Miller about requiring businesses to connect to Sewer. According to Attorney Smith the Code states if they are within 200' of sewer they are required to connect, and only with the approval of a Special Exception would they be allowed to install Septic. Engineer Miller explained how they could connect to sewer. The applicant discussed with the Board about the possibility of connecting to sewer.

Chairwoman Dunay questioned if there was any new business, and then she brought up the connection to sewer. She brought this up to the Mayor, and questioned who is connected to sewer. Engineer Miller mentioned there being a map that shows the sewer and who is connected. Chairwoman Dunay asked Engineer Miller to provide the map. Engineer Miller mentioned that Mandalay Road is on sewer, and Oak Cove is on sewer. Board Member Younglove questioned availability for Gatlin Avenue to connect to sewer Engineer Miller mentioned how most of the homes along Gatlin Avenue are on Septic but someone could come along and install grinder pumps and tie into the County Force Main. Along Orange and Hansel there are some sewer lines. Engineer Miller mentioned that nearly two (2) years ago how the city was on septic and a lift station was installed and it was tied into sewer. The new commercial developments have been required to connect into sewer.

Engineer Miller mentioned the status of Bo's Towing, it was tabled and there was discussion on the Septic located at this business. They poured concrete over the Septic. Engineer Miller address Chairwoman Dunay and noted that the cost to connect the City to sewer would be a huge expense. Chairwoman Dunay questioned the sewer for a future planning issue for the City, and to do away with Septic in the residential districts. Engineer Miller mentioned how the Septic systems will start failing when the water table starts to decline. The Board mentioned the Gibbeney's who live in Edgewood and how they have had issues with swales, and there was a Septic issue as well.

Board Member Debbie Younglove announced this is her last meeting, as she has tendered her resignation.

GENERAL APPEARANCES:

ROB BALLENTINE, 1036 ISLAND POINTE DR, WINTER GARDEN, BALLENTINE ELECTRIC;

Mr. Ballentine came before the Board and spoke about why he is requesting the variances. He mentioned that the site may not meet all the requirements but they have the property under contract and believe it is a nice lot and location and would like to develop the lot.

Chairwoman Dunay questioned why such a big building, and Mr. Ballentine's reply was that he once had a building close to the same size before the down turn of the economy, and is working to get back where he once was with his business. He also mentioned that he may use some of it for personal storage. He noted that he would like to have a nice looking building and not a steel building.

There was discussion on a tie-in into sewer verses installing a septic tank. Engineer Miller mentioned to the applicant that the Applicant's Engineer should know that information and be able to assist the applicant with that information on what would be required to connect to sewer. There was further discussion between the P&Z Board and Engineer Miller to connect to sewer.

Board Member Aguilar asked if deliveries will be made to the office, and the applicant responded stating that there will be some deliveries. The only deliveries they will be receiving will be from the regular size

UPS trucks and no semis will be delivering to the office. Chairwoman Dunay questioned why the need for the size of the building if no deliveries will be made to the office, the applicant explained that it would be more beneficial to have them be at the job site than at the office.

The applicant mentioned about the property and how he believes it is an unmarketable piece of property as it stands now. Board Member Aguilar mentioned how a smaller building would be more beneficial to the development.

There was discussion with the Board and Applicant regarding cross-access easement.

Craig Lautenschlager, 5250 S. Orange Ave, Owner of Pine Castle Animal Clinic:

Mr. Lautenschlager owns the property to the north of the subject property, he is in agreement with everything except the south lot line variance. He feels it would create a burden such as excess noise during construction, and he believes there should be a 5' buffer zone. Planner Hardgrove, explained to Mr. Lautenschlager the revised plan submitted by the applicant and some changes that were made to developing the vacant lot. Mr. Lautenschlager was in agreement with the setback, and made a recommendation about shrubs to be put along lot line

Having no further business or comments, the meeting adjourned at 8:14 p.m.


Regina Dunay, Chairwoman

ATTEST


Bea L. Meeks, MMC, CPM
City Clerk