

PLANNING & ZONING BOARD MEETING MINUTES

Monday, July 11, 2016

Planning and Zoning Board Members:

Chairwoman Dunay, Chairperson (Quorum)

Marion Rayburn, Board Member

Board Member Rader, Board Member

Absent:

Susan Lomas, Vice-Chair

Ben Pierce, Board Member

Staff:

Sandy Repp, Administrative Assistant

City Attorney Smith, City Attorney

City Planner Hardgrove, City Planner

David Mahler, City Engineer

Sgt. Vince Jackson, Edgewood Police Dept.

Debbie Cabales, Code Enforcement

Contractor:

Endrina Palmar, Stephens Barrios for Doughnut Peddler

Carlos Barrios, Stephens Barrios for Doughnut Peddler

Khaled Hussein for Holden Ave PD

Rick Baldocchi, AVCON, Inc for Holden Ave PD

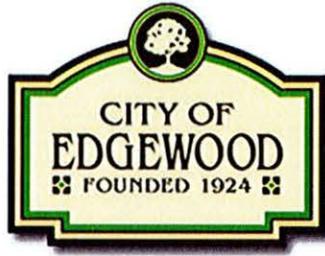
CALL TO ORDER

Chairperson Chairwoman Dunay called the Planning & Zoning Board meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced the absence of Board Member Susan Lomas and Ben Pierce; however, there was a quorum.

APPROVAL OF MINUTES

- June 13, 2016 – Regular P&Z Meeting

Board Member Board Member Rader made the Motion to approve the June 13, 2016 minutes with correction; Seconded by Board Member Rayburn. Unanimously approved (3/0)



NEW BUSINESS

- 1. Chairwoman Dunay introduced Variance Application 2016-Se-03 [Variance in C-3 minimum lot width (Sec. 134-406): 100 feet on a major road in lieu of 125 feet.] for the Doughnut Peddler and then deferred to City Planner Ellen Hardgrove.**

Planner Hardgrove described the undeveloped property at 5262 S. Orange Avenue, in a C-3 zoning district and surrounding properties and the criteria for a variance. Planner Hardgrove stated that staff recommends approval of the variance. In response to Chairwoman Dunay, Planner Hardgrove said that anyone at this location will need a variance due to the size.

Chairwoman Dunay opened comments at the podium regarding the Variance application.

Bob Harrell said he will wait to comment until the discussion for the Special Exception.

William Klein from Pine Castle Animal Hospital asked if there have been previous requests on this property that have been denied earlier.

City Planner Hardgrove said there were two conditions for the variance: The first is that a vehicular ingress/egress easement for property owners to the north and south. This is required by code. The second condition is that the variance will expire if not acted on within 12 months.

Board Member Rayburn moved to recommend that City County approve variance without conditions. Chairwoman Dunay seconded. The motion was unanimously approved (3/0).

- 2. City Planner Ellen Hardgrove introduced Special Exception application 2016-SE-01 for The Doughnut Peddler to allow a wholesale product distribution in a C-3 district and deferred to Planner Ellen Hardgrove for the Staff Report.**

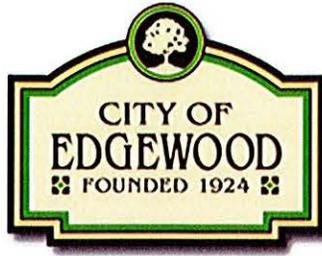
Planner Hardgrove said that there were considerations to review: Character of the neighborhood, effect on value of the surrounding land, and the area of the site as it relates to the required open space and off-street parking facilities.

Planner Hardgrove introduced City Engineer David Mahler for the site plan and discussion ensued regarding parking, emergency vehicles and Orange Avenue truck traffic. In response to Chairwoman Dunay's question asked about code, City Planner Hardgrove said that code says there needs to be adequate parking and loading/unloading onsite. Engineer Mahler said that the applicant needs to prove that there is adequate room for parking, trash pickup and emergency vehicle access.

In response to Board Member Rader, Planner Hardgrove said that the applicant cannot store merchandise without another special exception.

In response to Chairwoman Dunay, City Attorney Smith said that the hours that the delivery gates can be a condition of the approval and code enforcement would monitor.

City Attorney Smith reminded the Board that now we are talking about the land use and not the site plan. The site plan needs to follow the conditions set. City Planner Hardgrove looked at code and said staff site plan approval goes to city council for approval and not to P&Z.



Bob Harrell stated his opposition as planned and is concerned about the two large oak trees on property and doesn't see a reason to take out the trees.

Dr. Klein came to podium and stated his opposition as he believes this use will cut his property value in half.

Edward Rice came to the podium and stated his opposition.

Jim Worthen came to the podium and stated his opposition and referred to a past study about use on the Orange Avenue corridor.

Chairwoman Dunay said that Board will discuss the Special Exception and the three considerations for approval which includes character of the neighborhood in which the proposed use is to be located, its effect on the value of surrounding lands, and the area of the site as it relates to the required open spaces and off-street parking facilities.

- 1) Immediate neighborhood in which the proposed use is to be located. All three board members do not agree that this is within the character of the neighborhood. Mr. Barrios says they are not auto repair and they do meet the character of the neighborhood. Board Member Rader says the nature of the neighborhood doesn't have one easy black and white answer. The character of the neighborhood has an historic nature which the City is trying to change and automotive is not the intent for the future of the City. He is looking at how this affects the property that is immediate adjacent long term and Council's direction of not having this type of use.
- 2) Effect of surrounding lands. Board member Rayburn referred to the City Planner's report which reads "should not have negative impacts on the surrounding land values" which seemed vague to Board Member Rayburn. Without appraisals it would be difficult to know the effect of the value on the surrounding properties. Board Member Rader does not consider it to be an appreciating value but it is not possible to say for certain.
- 3) Area of the site as it relates to the required open spaces and off- street parking facilities – The plans meet the ISR requirement. Mr. Barrios reminded the Board that each bay can accommodate two trucks which opens up at least 5 spaces and the bays can accommodate 10 trucks inside. Board member Rader disagrees that two trucks with doors would work.

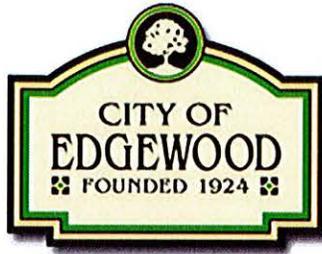
Mr. Barrios asked if it could be a condition to go to 12 trucks. Chairwoman Dunay appreciates the concession but Chairwoman Dunay said that does not meet the other two considerations. Mr. Barrios said that there has not been a qualified assessment of property value.

Board Member Rader moved to recommend denial of the Special Exception based on failure to meet all conditions. Board Member Rayburn seconded. The motion was unanimously approved (3/0).

3. HOLDEN AVE PLANNED DEVELOPMENT (PD)

Chairwoman Dunay introduced rezoning application 2016-RZ-01 and deferred to City Planner Ellen Hardgrove for presentation of information. City Planner Hardgrove explained the location and property description and presentation.

City Planner Hardgrove presented the 3 steps to approve a PD and the zoning conditions.



Per Planner Hardgrove, staff's recommendation is to approve if the applicant can prove that they can meet the conditions. City Planner Hardgrove explained that this is almost a typical R-2 zoning of lots but they need a PD because of side and rear setbacks and flexibility of design. The question is if they meet intent and purpose of PD zoning district. Planner Hardgrove opened the floor to the applicant.

Per Mr. Baldocchi, representing AVCON, originally this was just the straight east west space but after DRC, they have made concessions with the plan which were then discussed.

More discussion ensued regarding zoning, the purpose of a PD, and details of lot sizes, elevations and materials used for the homes and the wall.

Chairwoman Dunay opened the podium for discussion from the public. Administrative Assistant, Sandy Repp, stated that there were two comments that were received by email after the agenda was prepared.

The first, from Arthur Baker of Baker & Hostetler, was present as a legal representative for Randall Knives. Randall Knives does not object to the use but would like a masonry wall, with uniform conformity around perimeter of the PD.

Administrative Assistant Repp read Brian Langley's concerns that were submitted by email.

Sandy DePorter stated that the property at the south end belonging to the Randall family and there is a chain link fence there. Chairwoman Dunay asked Arthur Baker and he said Randall Knives is primarily concerned with the uniformity of the wall.

Jim Worthen stated his concerns including property values, a sufficient application and park space. Mr. Worthen requested to table this request with time to resubmit a revised plan.

Bob Harrell stated his support and referred to previous applications, the possibility of the space developed into separate parcels with three entrances on to Holden Ave. as well as compatibility with the surrounding neighborhood.

Kim Russell said there needs to be a turn lane in the middle of Holden and that the entrance needs to be moved to the east, towards Telfair, and there is too much traffic and the speed limit is ignored.

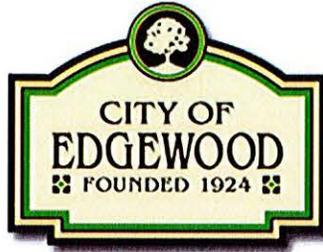
Joe Boy, representing Holden Park Community Association, said that a center turn lane is needed for people from Tinsley to get out.

Per City Planner Hardgrove Holden is a County road. Engineer Mahler says Mr. Baldocchi from AVCON proposed turn lanes and he doesn't know how the County will be receptive to that.

Bob Harrell said that Orange County had a plan to widen all of Holden to a 4 lane road from SOBT to Orange Ave. that has been shelved due to objection from the neighborhoods.

Mr. Hussein restated his position. City Attorney Smith asked Mr. Hussein about tabling and working on enhancements and preferred a vote versus tabling. City Attorney Smith says the reality is that there are two more hearings after this.

Board Member Rader suggested 3 items for the applicant to consider bringing back to the Board:



1. Addressing community member present and their concerns (HAINC and Legacy)
2. Details including minimal architectural requirements for the community – model landscapes, building materials, type of sidewalks, perhaps giving up some spaces for green space and
3. Mixing lots sizes to better meet the requirements of a PD.

Mr. Hussein requested a 5 minute recess which was granted by Chairwoman Dunay.

Chairwoman Dunay gave two options. The Board could vote tonight or table this as the attorney suggested and address the concerns at the next meeting. Attorney Smith said this could be part of the tabled discussion. Mr. Hussein is agreeable to table for 30 days.

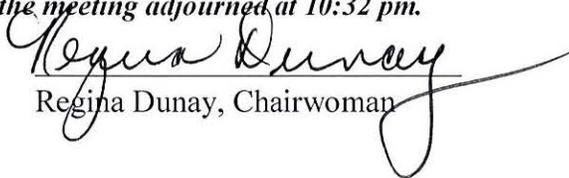
Board Member Rader moved to table to for further discussion until August 8th at 6:30 pm. Board Member Marion Rayburn seconded. Motion passed unanimously (3/0).

COMMENTS/ANNOUNCEMENTS

Future Meetings are August 8, 2016 and September 12 at 6:30 pm.

ADJOURNMENT:

With no further business or discussion, Board Member Rayburn made the Motion to adjourn the Planning and Zoning Board meeting; Seconded by Board Member Rader; the meeting adjourned at 10:32 pm.


Regina Dunay, Chairwoman

ATTEST


Sandra Repp, Administrative Assistant