

PLANNING & ZONING BOARD MEETING MINUTES
August 8, 2016

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Susan Lomas, Vice-Chair
Marion Rayburn, Board Member
Chris Rader, Board Member
Ben Pierce, Board Member

Staff:

Sandy Repp, Administrative Assistant
Drew Smith, City Attorney
Chief Francisco, Police Chief
Ellen Hardgrove, City Planner
David Mahler, City Engineer

Contractor/Applicants:

Sam Sebaali, FEG (for Suncoast Building Materials)
William R. Johns, President Suncoast Building Materials, Inc.
Kevin Graham, Vice President Suncoast Building Materials, Inc.
Khaled Hussein for Holden Ave PD
Rick Baldocchi, AVCON, Inc (for Holden Ave PD)
Ashley Burlson, A and M Homes (for Holden Ave PD)

CALL TO ORDER

Chairperson Regina Dunay called the Planning & Zoning Board meeting to order at 6:31 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum.

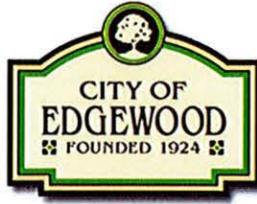
APPROVAL OF MINUTES

- July 11, 21016

Board Member Marion Rayburn made the Motion to approve the July 11, 2016 minutes with corrections; seconded by Board Member Ben Pierce. Unanimously approved (5/0)

NEW BUSINESS

1. **VARIANCE REQUESTS FOR SEABROOK BOAT DOCK LOCATED AT 5221 ALLEMAN DRIVE**



Administrative Assistant, Sandy Repp announced that the proposed boat dock will be heard at the P&Z meeting on September 12, 2016 and will go to City Council on September 20, 2016

2. HOLDEN AVENUE PLANNED DEVELOPMENT (PD) (2016-RZ-01)

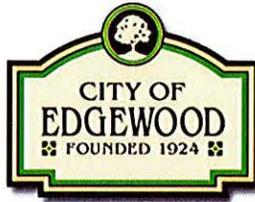
Chairwoman Regina Dunay introduced City Planner Ellen Hardgrove who explained that this is a continuation from July 11th P&Z proposal for the Holden Ave Planned Development. There were questions by the Board and the proposal was tabled until tonight's meeting. Planner Hardgrove explained the surrounding area and general character of the zoned areas.

The original submittal had 53 lots and the new submittal has been reduced to 51 lots; highlights of the modifications include the location of the access point, the location of the stormwater, and lot sizes are now a combination of 51' to 60' versus all 50' lots. The applicant submitted elevations; elevations are not tied to a condition of approval but they give an idea of what the houses will look like.

Discussion ensued regarding the planned development and other requirements including buffers, setbacks, stormwater, landscaping, average house size in the adjacent neighborhoods, and open space. Discussion also involved the intent of a planned development, which is to implement innovative design vs. standard Euclidean design.

Rick Baldocchi, representing AVCON, Inc. came to the podium and thanked the Board for the opportunity to come back. Mr. Baldocchi listed the changes to the Land Use Plan, including the following:

- Moved the entranceway to line up with Redfern. Redfern had more traffic than the adjacent street and moving the entrance would be a positive change and adding a third lane would be beneficial to the neighborhoods.
 - The builder is willing to go to a 25 foot setback in the rear to match existing zoning.
 - Mr. Baldocchi discussed the turn lane and while they are willing to discuss the bi-directional he doesn't feel it is the safest choice. They would be willing to hear suggestions from the engineer and the city to find a geometry that works. Mr. Baldocchi thinks that having dual left turn lanes is the safest option.
 - Mr. Baldocchi said the conditions of the gate and turnaround can be worked out. He showed the road with the left turn lane into the subdivision.
 - There are varying lot widths throughout the subdivision
 - The planned development may be able to use the existing lift station with Holden Ridge. The lift station may need an upgrade but they are willing to do that and working with Orange County.
 - The Power Point showed samples of materials and the type of product that is being proposed
- According to the applicant, they have met four of the requested items:
- To reduce energy cost, etc. vs. conventional Euclidean zoning district. The gated community and smaller lots are more efficient use and also tie into the existing lift station. The turn lane will provide a safer and more efficient use of public facility.
 - The development will occur according to the limitations stipulated on an approved development plan. The applicant is providing a concept plan developed within the density coverage



- To provide the maximum opportunity for innovative concepts for aesthetically pleasing living. The applicant is willing to accept the conditions for the landscaping on Holden and around the retention ponds.
- To provide an appropriate balance between intensity of development and capacity of public facilities and services.

Mr. Baldocchi presented using Power Point and discussed materials, sample architecture and typical landscaping. Mr. Baldocchi is comfortable with a uniform wall vs. residents putting up their own fences and suggested a colored vinyl fence. The applicants are not comfortable with proposing a masonry wall around the entire planned development.

Mr. Baldocchi answered questions from the Board regarding the retention pond, starting home prices, the entrance wall.

In response to Chairwoman Dunay, Planner Hardgrove said that change conditions are one of the five criteria to consider for any rezoning. City Code says the applicant needs to identify which conditions have changed to warrant a rezoning. Mr. Baldocchi said they are responding to market trends; the lot sizes of 50 foot lots are in high demand and meet market conditions. They have modified the lots to make it more palatable for the city.

In response to Chairwoman Dunay's question about the Planner Hardgrove's report, Attorney Drew Smith said this is not like a variance and that not all conditions have to be met to be approved.

Chairwoman Dunay opened for comments from the public.

Sandy DePorter, Edgewood resident – spoke about regarding open space and trees growing into the fencing.

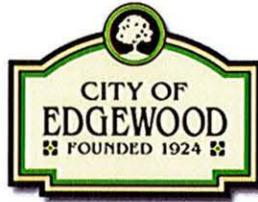
Arthur Baker, on behalf of Gary Randall/Randall Made Knives from Baker Hostetler Law Firm – stated their opposition and requested a uniform wall of masonry around the perimeter and on Holden Avenue. Board Member Rader asked if this was about safety or aesthetics and Mr. Baker answered that it was both.

Forrest Arnold, Edgewood resident –said that six families would need to be displaced in addition to him. The wall adjacent to the east does look nice and that would look nice on the west side. In response to Chairwoman Dunay, Mr. Arnold said that he rented the house and confirmed that the house is historical. Mr. Arnold said the trees on his property are large and historical and close to 150 years old and they would be leveled.

Jim Worthen, Edgewood resident, spoke as a proponent on behalf of HAINC. Mr. Worthen discussed standards of the community and the planned development amenities as well as conditions of the HOA and the developer and the importance of the conditions as it pertains to zoning and the rezoning ordinance.

Board Member Rader asked if the Board can agree to the concept and then asked to see the conditions.

City Attorney Smith said they can recommend approval based on conditions. City Attorney Smith can make the recommendation and leave it to council to determine if conditions are met.



Michael Teague, Edgewood resident – spoke as an opponent and said that the Board should not pass the buck to the Council. Mr. Teague also stated his concerns about the density compared to the FLUM and the Comp plan as well as compatibility with the surrounding community.

Brett Barner, Edgewood resident - is adamantly opposed and said it looks like the Planned development is being used to circumvent low density zoning codes of R-1A and R-1AA standards. Mr. Barner stated his concern for the preservation of the trees, lack of green space for kids to play in and lack of engineering and traffic studies and the plan is incomplete. He compared the proposed dry retention pond to the Holden Ridge retention area which is always wet.

John Hendricks, Edgewood resident - asked if the endangered species located on the property have been mentioned. Chairwoman Dunay said that this this issue has not been brought up.

In response to Chairwoman Dunay, City Planner Hardgrove explained that this is the Land Use Plan, next is the subdivision plan. If this is approved with City Council, then the details will be met such as the lift station, utilities and traffic. City Attorney Smith confirmed this needs to be added to the ordinance and more is put into the ordinance, which is adopted by City Council.

Further discussion ensued between the Board and City Consultants regarding the planned development's conditions including the setbacks, density, lot size, buffers, and the possibility of endangered species.

The Board continued discussion of the proposed wall. Mr. Hussein said he would prefer a vinyl wall over masonry but the opinion of the Board was that a vinyl wall is not up to standards and not of the character of the neighborhood. Vinyl gets moldy and there would be the question of maintenance.

Bob Harrell, Edgewood business owner came to the podium. He owns the middle tract of land and stated that a subdivision coming together would be better quality than separate houses even if the individual houses were better quality. This will be one street in, instead of three separate streets, and it is a great deal with a turn lane onto Holden Ave.

Brett Barner, Edgewood resident - came to the podium and repeated his opposition with and emphasized traffic and the character of the neighborhood.

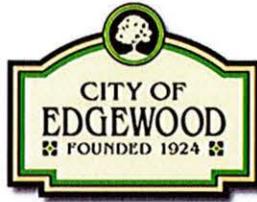
Chairwoman Dunay asked for questions or discussion and there were none.

Chairwoman Dunay said that the first part of a planned development is for mixed use and open space and that none of this is present here. In her opinion this does not meet the definition of a planned development. Board Member Lomas agreed.

Chairwoman Dunay asked for a motion.

Mr. Hussein spoke; he addressed the lot sizes and the entrances and he feels he is back to square one as he changed things which they did. He asked if he missed something. Chairwoman Dunay said that P&Z wanted to see what the developer was going to do in terms of meeting the planned development. The only thing that was done was that the entrance was moved and a couple lots were dropped. There is no open space.

Discussion ensued between Mr. Hussein and the Board between the benefits of green space versus donating money to the City for a City park for the community. Discussion from the board also included a



request for larger lots or at least a mixture of lot sizes to meet a Planned Development's requirement of mixed form.

Chairwoman Dunay said that it is time for a motion. Attorney Smith recommended that the Board be specific in the motion so that Council will know why the P&Z Board is making the recommendation.

Chairwoman Dunay asked the Board for the reason for the motion:

1. **It is not a mixed size and/or use.**
2. **It is not compatible with surrounding uses under current zoning of R1A and R1AA**
3. **Lack of open space and recreational area**
4. **Impact of traffic on Holden Ave compared to current zoning**
5. **Preservation of natural resources**

Chairwoman Dunay recommended denial of the Rezoning application

Board Member Lomas moved to recommend denial of the rezoning application based on the reasons read by Chairwoman Dunay; board member Rayburn seconded; motion unanimously approved (5/0).

This will come before City Council on August 16, 2016.

3. REZONING ORDINANCE NO: 2016-08 PROPOSING REZONING FOR HOLDEN AVENUE

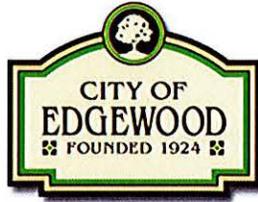
Board Member Rader moved to deny the Ordinance 2016-08; the board finds the Ordinance to be consistent with the comprehensive plan, however not consistent with the City Code based on the same criteria. Board member Lomas seconded; motion unanimously approved (5/0).

4. SUNCOAST BUILDING MATERIALS – Special Exception applications submitted by William Johns on behalf of Suncoast Building Materials, Inc. to allow for construction of a facility with the following Special Exception requests:

- **2016-SE-03** Code 134-405 (b)(10) Outdoor storage of merchandise, parts or other equipment
- **2016-SE-04** Code 134-405 (b)(11) Building material storage and sales (new, no junk or used material)
- **2016-SE-05** Code 134-405(b) (14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

City Planner Hardgrove explained the Special Exceptions and the nature of the property and surrounding areas. The proposed plan is in 4 phases. The current project is north of the railroad track and later will be on parcel B south of the track. This property is Commercial use. CEMEX was a legal nonconforming use but they have vacated and cannot keep that use.

Staff recommends approval with conditions of land use compatibility. Similar conditions were put to Boise Cascade. The site is large enough to meet the requirements.



Discussion ensued regarding the wall, screening requirements for outdoor storage and the residential area and access for vehicular traffic. Further discussion involved the business hours of 8 am to 6 pm with freight delivered at night by rail, which is already occurring for other businesses nearby.

Sam Sebaali, with Florida Engineering Group (FEG) came to the podium. Mr. Sebaali was in attendance with Bill Johns, President and Kevin Graham, Vice President of Suncoast Building Materials. They supply drywall, acoustical ceiling material, some metal framing and building material.

Mr. Sebaali described the site and surrounding areas and how the proposed site is compatible. The City Code provides for a Special Exception in C-3. **Per Planner Hardgrove there will need to be a variance for a setback and the applicant will come back for that.**

There was further discussion regarding the buffer on the north and south side of the property as well as the wall. The applicant proposes to paint it and add a distance of 17 ft. on east side and 6 ft. on the west side with a landscape hedge to soften the wall so is not overbearing.

Per Planner Hardgrove the wall can only be 4 foot high, even in nonresidential zoning. This would also require a variance for a 6 foot wall in the front.

In response to Chairwoman Dunay, Mr. Sebaali said he is not that familiar with the operations but there will be loading, unloading, forklift machinery. This is similar to the property adjacent who does not have a wall.

Discussion ensued about use and ownership of the railroad spur.

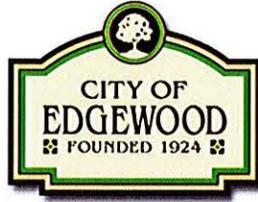
Chairwoman Dunay summarized that the issues are the buffers and the wall and asked for the CPH report.

David Mahler of CPH said he is mostly concerned about the setbacks and utility access. Almost everything else is straightforward. In response to Board Member Rader Engineer Mahler said railroad jurisdiction are items that will ultimately be addressed in the site plan.

Chairwoman Dunay opened the floor for questions

Jim Muszynski, Edgewood resident, said he has an issue with the wall on Mary Jess as it is an existing asset for screening. A) He suggested conditions for wall color, irrigation, a hedge and making Mary Jess to be a “no through zone”. B) He had a concern about the spur; cars may be stuck at a gate with only one spur. C) He requested to lower the outdoor storage height as 35 feet is quite high and down lighting. Chairwoman Dunay said this is addressed in the site plan.

Mark Garner, Edgewood resident - said he petitioned CEMEX 12 years ago to raise the wall to 8 feet. He planted the trees on the south side of Mary Jess Rd. CEMEX did put irrigation but it was not



maintained. Chairwoman Dunay asked Mr. Garner about the approval of the wall. Mr. Garner went to all the meetings and does not remember there being a variance and said that the City simply met and approved raising the wall to 8 feet.

Cindy McCurry, Orlando resident – said she would like to keep that wall as it keeps the dust down and plants cannot grow with that. It's not just irrigation. She suggests a test of the soil for plants. If the wall comes down, the cement will make it difficult to grow, especially a high growing plant. The walls contain the dust better than plants can do alone.

Michael Teague, Edgewood resident - asked about operating hours and operating days. Chairwoman Dunay said that the hours are 6 am to 5 pm Monday through Friday as existing. William Johns said the rails are delivered at night and truck/train traffic will double as their business would be similar to Rosen. With the double tracks, Rosen and Suncoast can come at the same time. The rule would be no traffic to the right and not go through the neighborhood. The only lights would be security lights and nothing glaring.

Richard Yates, Edgewood resident – said he built his house 30 years ago and he is concerned about the hours and the noise of the trucks. There is dirt built up on Mary Jess Road and dust in the house and the wall is a priority.

Board Member Rader talked about future land use and the best use of the land and gave examples of development to the north such as SODO that are not industrial uses.

Sig Bo (did not fill out comment card) came to podium and explained that the north is landlocked. The north parcel has to go with the south parcel or you cannot get through the parcel.

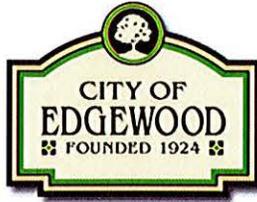
Sam Sebaali from FEG returned to the podium and spoke about being in compliance with zoning and said this is compatible with all sides except north.

Chairwoman Dunay asked for more questions and there was further discussion between Board members regarding the landscape buffer and maximum storage height requirements so that it cannot be seen from the road.

Approval of subject's Special Exception will meet the following conditions.

1) A "Type A" landscape buffer shall be provided along the northern property line, adjacent to lots of Lake Jessamine Estates, Phase 2. This buffer is required to include a masonry wall. The existing wall along the north property line can be used to satisfy the masonry wall requirement.

Landscaping adjacent to the wall shall include planting large, non-deciduous trees or shrubs that will achieve a dense continuous visual screening from eight feet to at least 25 feet in height. Shade trees for each 40 lineal feet or fraction thereof shall be planted within the buffer area.



The buffer area may be used for stormwater management, provided that the buffer yard screening requirements are maintained. Vehicular use areas, storage of materials, and accessory structures are prohibited within the buffer area.

- 2) Buildings onsite shall be limited to one story and a maximum of 35 feet in height.
- 3) Stacked material and equipment stored onsite shall be limited to a maximum height of 25 feet.
- 4) A six (6) feet wide landscape buffer shall be planted and maintained along the property's Mary Jess Road frontage. One understory, non-deciduous shade tree shall be planted within the Mary Jess Road buffer for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet. The buffer shall also include a continuous hedge at least three feet high, and 50 percent opaque at planting of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months.
- 5) A continuous hedge at least three feet high and 50 percent opaque at planting, of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months shall be planted and maintained along the east property line south of the existing wall.
- 6) Water efficient plants in the onsite landscaping are encouraged. A permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is required.
- 7) If the wall along Mary Jess Road remains, the wall shall be re-painted in earth tones to blend in with the landscaping.
- 8) Truck traffic is prohibited on Mary Jess Road west of Chenault Avenue.

Board Member Lomas made a motion to recommend approval (4-1) special exceptions for the subject property with conditions; motion seconded by Chairwoman Dunay. Motion passed (4/1):

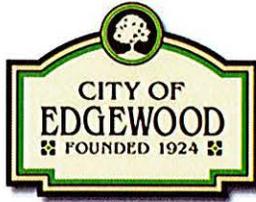
COMMENTS/ANNOUNCEMENTS

Board Member Lomas said there used to be signs about truck traffic. Chief said that the signs have been put back up and are being enforced.

Administrative Assistant Sandy Repp announced that there will be a Planning and Zoning meeting on Monday, September 12, 2016

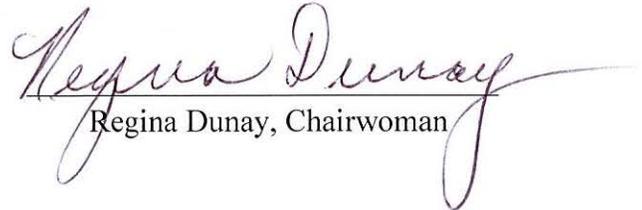
Jim Worthen came to the podium and stated his concerns about market studies done by the City and future land use.

Chairwoman Dunay moved that there be a meeting to discuss the marketing study with Planning and Zoning, City Council and staff. Board member seconded. Request a meeting with council to discuss future use



ADJOURNMENT:

With no further business or discussion, Board Member Lomas made the Motion to adjourn the Planning and Zoning Board meeting; Seconded by Chairwoman Dunay; the meeting adjourned at 10:25 p.m.


Regina Dunay, Chairwoman

ATTEST

Sandra Repp, Administrative Assistant