

PLANNING & ZONING BOARD MINUTES
February 12, 2018

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Chris Rader, Co-Chair
David Gragg, Board Member
Marion Rayburn, Board Member
Aileen Trivedi, Board Member

Staff:

Drew Smith, City Attorney
Ellen Hardgrove, City Planner
David Mahler, City Engineer
Bea Meeks, City Clerk
John Freeburg, Police Chief
Sandra Repp, Deputy City Clerk

Applicants:

Sheila Cichra, Streamline Permitting (boat dock)
Kat Gordon, OCPS School Board District 5
Tyrone Smith, OCPS
Laura Kelly, OCPS
Robert Stagliano, OCPS
Jeremy Anderson, OCPS
Mohammed Abdallah, Traffic and Mobility Consultants/OCPS

CALL TO ORDER

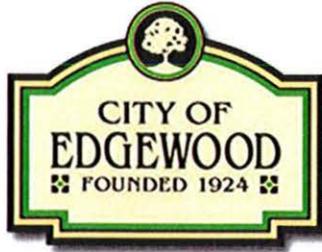
Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m. Chairwoman Dunay requested a moment of silence in respect to the Orange County Deputy shooting event earlier in the day followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum with all members present.

ADMINISTER OATH OF OFFICE

Administration of oath of office

- Marion Rayburn
- Dr. Aileen Trivedi

Board Members Rayburn and Trivedi are now seated at the dais.



APPROVAL OF MINUTES

- December 11, 2017

Chairwoman Dunay asked for a motion to approve minutes as presented.

Board Member Rayburn made the Motion to approve the January 8, 2018 minutes; second by Board Member Trivedi. The motion was unanimously approved (5/0).

NEW BUSINESS

- **Select Planning and Zoning Chair and Co-Chair**

Attorney Smith explained the process for nominations for chair and co-chair. Chairwoman Dunay asked for a motion to nominate the Planning and Zoning Chair.

Board Member Rayburn made a motion to nominate Chairwoman Dunay; second by Board Member Rader. The motion was unanimously approved (5/0).

Chairwoman Dunay made a motion to nominate Board Member Rader for co-chair; second by Board Member Gragg. The motion was unanimously approved (5/0).

- **Variance 2018-01 Boat Dock Variance at 667 Lake Harbor Circle**

City Engineer Mahler introduced the proposed boat dock for which the applicant is requesting a variance to exceed the allowable 65 foot length due to water depth. This is a replacement boat dock. City Engineer Mahler confirmed that CPH has received the appropriate documentation to justify the water elevations to show the length needed for the water depth of 4.5 feet. The proposed boat dock would not change the navigational impacts in the area as there are longer docks in the area. The applicant has addressed the conditions for approval of the request extended length. The proposed dock meets the square footage and height requirements as required by Code.

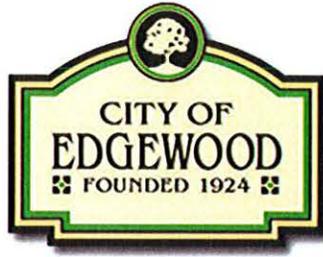
Discussion ensued amongst Board Members regarding the application including verification of adequate water depth. In response to Board Member Trivedi, City Engineer Mahler said that dredging, if it were allowed, would be only a short term solution as the sediment would resettle.

Deputy City Clerk Repp confirmed that there were no returned letters and no comments about the proposed boat dock received at City Hall.

Contractor Sheila Cichra with Streamline Permitting came to the podium and said that they are requesting the length to make the boat slip functional. In response to Chairwoman Dunay, Ms. Cichra said that the present dock was taken down by the hurricane.

As there was no further discussion, Chairwoman Dunay asked for a motion.

Board Member Rader made the motion to recommend approval of the variance request to City Council; second by Chairwoman Dunay. The motion was unanimously approved (5/0).



Per Deputy City Clerk Repp, the variance will be heard at City Council on March 20, 2018.

Chairwoman Dunay changed the order of New Business so that consideration of Ordinance 2018-05 and Ordinance 2018-06 could be heard before the OCPS presentation.

- ***Ordinance No 2018-05 – Allowing Bars within the C-1 Zoning District and Ordinance No 2016-06 – Dog Friendly Dining***

Planner Hardgrove introduced proposed Ordinance No 2018-05 to allow a standalone bar in C-1 zoning district. It is recommended to add “bar” to definitions and as a permitted use. Outdoor seating is not permitted with restaurants and language will have to be added to change the definition of a restaurant. Consumption and parking in a designated area outside of a building will also need to be added. Per Planner Hardgrove, with these changes a dog bar can be allowed. “Dog” bar as a specific use should not have to be added to the language. A playground for dogs would be an accessory to the bar.

Discussion included, noise restrictions, operating hours and requirements of delineating the outdoor areas for the purposes of licensing to serve alcohol. City Clerk Meeks said that it is a requirement for licensing by the State for a liquor license to have a delineated area and to show where they are actually serving; it will be part of the inspection area. A special event permit would be pulled by the city and DBPR for events in parking lots, which is required even if you have a liquor license.

Chairwoman Dunay asked if there was further comment. Seeing as there was none, Planner Hardgrove introduced Ordinance 2018-06 which is for “Doggie Dining”, allowing dogs to be in the outdoor areas of restaurants. Attorney Smith said that under state law this is an opt-in for local jurisdictions.

In response to Chairwoman Dunay, Attorney Smith said that the dog bar came before council in order to determine how this use would be allowed. An application will depend on what is allowed under the code to determine how the Board receives the site plan with the permitted use.

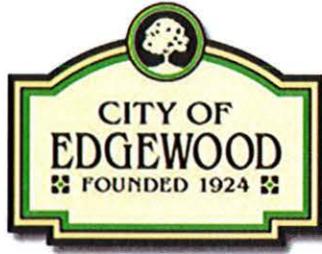
In response to Board Member Rayburn, Planner Hardgrove said there would be a site plan review for a dog park and the Board would review based on topics including land use compatibility, stormwater management, screening and demarcation of the area, landscaping.

Attorney Smith responded to Board Member Rader by confirming that requirements for health and safety will be part of a site plan but an existing restaurant does not have to come for site plan review.

Chairwoman Dunay opened the floor for public comment:

City Clerk Meeks left the meeting.

Lainie Pekich and Paul Jaszczenski – spoke in support of the ordinances as potential dog bar applicants. Per Mr. Jaszczenski, the goal is to have a friendly place for people and dogs to gather and



enjoy Florida outdoor weather. Ms. Pekich added that it is a great social environment and that people drive all the way to St. Petersburg in order to have this experience.

The motions were made as follows:

Ordinance No 2018-05 - Bars in C-1 Zoning

Board Member Rayburn moved that the Planning and Zoning Board recommend approval of Ordinance 2018-05 to allow bars within the C-1 Zoning District; second by Board Member Gragg. The motion was unanimously passed (5/0).

Ordinance No 2018-06 – Dog Friendly Dining

Board Member Rader moved that the Planning and Zoning Board recommend approval of Ordinance 2018-06, City of Edgewood Dog Friendly Dining program; second by Board Member Rayburn. The motion was unanimously passed (5/0).

- **Ordinance No 2018-04 - Rezoning property on Holden Avenue to a Proposed Planned Development for Elementary School**

Planner Hardgrove opened the discussion of the proposed ordinance and said by State Statute, all development approvals must be in compliance with the Comprehensive Plan. Planner Hardgrove listed the items that set the direction to guide development approvals. This is a request to establish PD zoning on 13.72 acres located on the south side of Holden Ave.

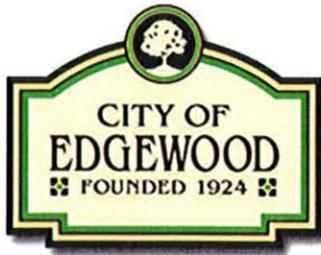
The PD would not change the low density population designation as specified by the Future Land Use Map (FLUM). Per Planner Hardgrove, the policies that are in the comprehensive plan guide the development of that map. The school has a residential low density zoning by a policy that says a school is allowed in every future land use designation. A school is allowed in a low density residential category.

Planner Hardgrove explained the parcel/lot area with R-1A and R-1AA to be rezoned to a PD. All use area except to the south is low density, to the south it is medium density residential.

This application is a Planned Development (PD) request for an elementary school with ancillary uses as they pertain to functions and events that are related to schools and community occasions including but not limited to after school events, Head Start, churches, sports, and summer camp. It is projected that in the physical school building there will be 830 school children with approximately 85 employees; this is not a maximum because OCPS has the ability to put in portables.

Planner Hardgrove explained the 3 stages of how a PD is approved: Staff review, approval of the Land Use Plan (LUP) and site plan approval. Planner Hardgrove also explained the standards of approval that must be considered for approval or denial per City Code. The Board can attached conditions of approval to make it compatible.

Planner Hardgrove reviewed the relevant policies for standards for approval. Standards of approval include: schools are allowed in all zoning districts, institutional activities are low to moderate intensity,



and new development must be compatible with the overall character of the community, transportation and a safe traffic system.

As the LUP does not contain a lot of detail, the compatibility was difficult to assess with adjacent land uses. Orange County government (not schools) will provide where there is a lack of sidewalks, to correct the sidewalk or add curbs. Orange County government has confirmed with Planner Hardgrove that OCPS' requests for Orange County will become a priority.

Planner Hardgrove continued to standards of approval and conformance with requirements of the zoning code. She said that there are nine purposes for using a PD and said that the question is if they meet the standards for a PD.

Board Member Rader requested information from City Engineer Mahler. Per Engineer Mahler, all details are not yet available. The size and capacity of the school will dictate what needs to be done on the roadway to accommodate the students. The final study will be done if they get approval of the land use. CPH general recommendations on items, such as sidewalks, turn lanes, parking, and bus stacking areas will come down to the final site plan review.

Chairwoman Dunay invited the applicants to the podium.

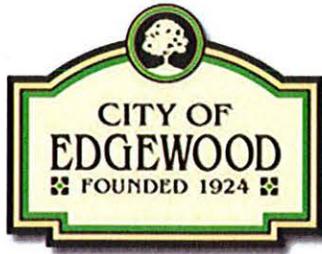
Tyrone Smith from OCPS came to the podium and introduced District 5 School Board Member Kat Gordon, and the OCPS staff in attendance. Mr. Smith referred to a PowerPoint presentation with development data. Mr. Smith discussed the timeline and requested two waivers from the City Code: electronic messaging and greater setback requirement.

Mr. Smith explained the timeline for an August 2020 opening, the proposed conditions of approval, factors supporting the request, changed conditions, conformance with City Code, Land Use Plan consistency with the comprehensive plan, land use compatibility, prototypes and impact on setbacks, buffers, landscaping, exterior finishes, bus loop, portables, adequate public facilities, transportation and queuing.

Mr. Smith discussed why OCPS decided to go with a PD application as this provides for a framework and gives the city more negotiation and influence and a Developer's Agreement. Mr. Smith showed some school concepts and how they would fit on the property as well as other local school designs. A prototype will be refined.

Discussion included estimating the percentage of students that will be bused, walkers and personal drop-offs. Other points of conversation included parking of buses, palette, fencing and landscaping.

There is no maximum or restrictions on portables. They do not require municipal permission and school sites are all evaluated for capital improvement needs annually. If the school gets too many students then OCPS would look for a solution. The Board stated concerns about traffic, particularly during morning rush.



Mr. Smith invited Mohammed Abdallah, of Traffic and Mobility Consultants, to the podium who discussed the traffic study and recommendations to Holden Avenue. Discussion included student capacity and east west trips on Holden Avenue, turn lanes, impact of the trains and student crossing.

In response to Chairwoman Dunay regarding peak hour in the morning and relationship to 1200 students, Mr. Abdallah projected the morning would be at 88% of capacity with current projected growth. The school related traffic would add 15-20% of the road's capacity in the morning.

Mr. Smith explained that crossing guards are privately hired. Law enforcement would run the program.

Board Member Trivedi stated her concern that the change of conditions is not because of Edgewood or about Edgewood demographics. Mr. Smith responded that there would be no schools if that is how they operated or if it were just about Edgewood students. Board Member Trivedi stated that the Board looks at how this affects the residents and OCPS is asking Edgewood to make sacrifices with no gain. Mr. Smith responded that based on the zones, this is where the school is needed.

Chairwoman Dunay called for a recess. Meeting resumed at 8:55 pm,

Further discussion included sidewalks and safety and adequate crossing as well as parking overflow. Planner Hardgrove replied that because it is a PD that condition can be written into the developer's agreement. Mr. Smith responded that the need for overflow parking is rare; they would stabilize the play fields. Laura Kelly said it is uncommon for elementary schools to host churches because of the lack of facilities.

OCPS is requesting a waiver from code so that they can use an electronic sign. Per Planner Hardgrove, this would be a condition of approval as the sign would be part of the PD. Signage will not be used for advertising; no animation or blinking and it can be turned off from 9 pm to 6 am.

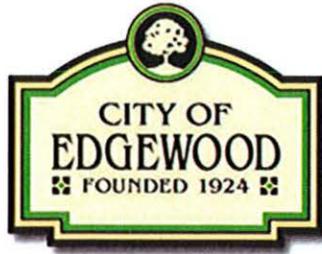
Chairwoman Dunay opened the floor for public comment.

Sandy DePorter –Edgewood resident, asked that the school blend in with the neighborhood and if the Edgewood Police will patrol the school property. She stated concerns about debris and the existing fence.

Linda Baldwin – Edgewood resident, spoke about the impact on traffic, the turn lane on Holden Ave, and traffic issues while the bus is turning back to Orange Blossom Trail. She expressed concern about school population, portable maximum and that there will be no tax dollars for Edgewood.

Jim Worthen – with HAINC that represents neighborhoods along Holden Ave, spoke about the impact on the area including loss of trees, traffic safety, congestion, pedestrian safety, compatibility and buses. Per Mr. Worthen, the PD meets 2 of 9 required points for a PD and the LUP is insufficient.

Mike Teague – Edgewood resident, spoke about the reasons Orange County is using a PD, including maximizing the use of the property, allowing for negotiation, adherence to Edgewood's zoning requirements, landscaping, and additional traffic that will handicap Holden Avenue.



Board Member Rader asked for clarification regarding zoning requirements and that he understands that they are exempt from building permit requirements but that zoning resides with the municipality. They are not exempt from any zoning requirements.

Brett Barner – Edgewood resident, spoke about how a special exception could work and that the City and OCPS needs to loop in Orange County for sidewalks, improvements and beautification down Holden Avenue.

Chairwoman Dunay read public comment from an email received by Edgewood resident, Brian Darkes. Mr. Darkes stated his concern regarding the traffic and the need to protect quality of life for residents.

Mr. Smith responded to the concerns which included information that OCPS has a uniformed service with a security package coordinated with OCSO and Edgewood Police Department. Edgewood Police Department has jurisdiction. A fence would be removed that is on the property and replaced. OCPS tried to get access from Randall but was unsuccessful.

Per Attorney Smith, there is no level of detail yet as the school has to be designed. It is not uncommon for a school to rezone as a PD. The Developmental Review Committee found the LUP to be complete.

Chairwoman Dunay asked for discussion from the Board.

Board Member Trivedi stated her concerns about traffic and compared traffic from events at Cypress Grove Park that have caused backups on Holden Avenue.

Board Member Rader stated his concerns for the lack of detail and reducing standards in R-1AA zoning. Planner Hardgrove responded that OCPS does meet the checklist in City Code for a PD.

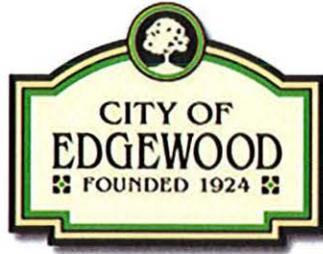
School Board Member Gordon for District 5 approached the podium. She understands that Edgewood was blindsided and asked if there is a way to postpone a vote tonight. She expressed her concern about the children in this community as they have a right to an education and they need to stop being bused out of the neighborhood. She continued that there are policies and plan for every step but it is the residents' tax dollars. She reminded the Board that they have the right to meet with the staff regardless of how they will vote. School Board Member Gordon said the Board does not have all the information.

Further discussion included the potential actual attendance and where students reside, lack of details about portables and not meeting the standards of a PD per the Comprehensive Plan. Landscaping is not included in the Developers Agreement.

Board Member Rader said that he would make a motion for a continuance in order to receive more information and Chairwoman Dunay expressed her concern that this is not possible due to the timeline.

Chairwoman Dunay asked for a motion; a motion was not made.

Board Members discussed the lack of benefits for Edgewood and conditions of the Developer's Agreement. Board Member Trivedi asked if Holden Avenue would be at 88% capacity, then what would



100% be when the traffic is not moving. Per Attorney Smith, Board can give OCPS the opportunity to provide more details.

Chairwoman Dunay asked for a motion; a motion was not made.

Resident Mike Teague said that engineering is based on averages. Holden has been impacted negatively due to construction projects.

Attorney Smith explained that if the Board recommends denial it goes to City Council and if the School Board changes information, P&Z and Council will make a decision without the benefit of P&Z's review. Board Member Dunay said that it sounds like P&Z is torn. Gragg responded that it is black and white. If it does not meet the comprehensive plan then it is likely that Council will not approve it.

Board Member Rader moved for a continuance to move further discussion of Ordinance 2018-04 to the March 12th Planning and Zoning meeting at 6:30 pm; second by Board Member Rayburn. Chairwoman Dunay opposed. Motion passed (4/1).

Attorney Smith said this will be on March agenda and has to be re-noticed.

Board Member Rader made a motion to reconsider the previous motion; second by Board Member Rayburn. Chairwoman Dunay opposed. Motion passed (4/1).

To give OCPS time to respond, Board Member Rader made a motion.

Board Member Rader moved for a continuance to the P&Z meeting on April 9, 2018 at 6:30 pm; second by Board Member Gragg. Chairwoman Dunay opposed. Motion passed (4/1).

- **Discussion: Section 134-606 off-street parking - Consideration of location of shared parking**

Planner Hardgrove explained that Edgewood's off street parking allows for satellite parking if it is within 300 feet. Staff is requesting direction to see if P&Z would like to consider amending this section of Code and adding additional criteria for satellite parking to become safer.

Board Member Dunay agreed with an amendment; particularly as Discovery Church is changing hands it would prohibit continued crossings. Planner Hardgrove said that was the precursor but it will apply to anyone with satellite parking.

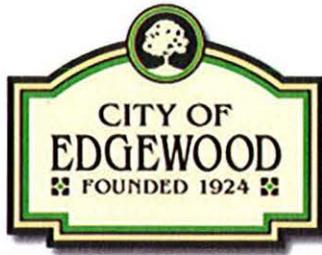
Chairwoman Dunay asked for a motion.

Board Member Rayburn moved that staff produce an ordinance change for satellite parking; second by Chairwoman Dunay. Motion passed (5/0).

UNFINISHED BUSINESS

- **Discussion of the Edgewood District**

Planner Hardgrove reviewed that the City is working on development regulations for development along Orange Ave as well as Hoffner, Gatlin and Holden Avenues. The work stopped in April 2017 because the City hired the Little Group who provided a survey and charrette with resident and



business input for Orange Avenue beautification. The report is complete and Mayor Bagshaw has asked that the Board return to work on the Orange Ave District. Planner Hardgrove asked how the Board would like to proceed.

Board Member Rader said that the point of this is to provide tools that do not exist in our current code and encourage a different development pattern

Hardgrove's recommendation is to set up a meeting with the Little group and the details they have. A workshop setting may be more beneficial to complete the design criteria. She would like to publish what she has so that the Board can go through it and then go to workshop format.

Attorney Smith suggested that staff coordinate the availability for a joint workshop with City Council and Little. Little will still make their presentation.

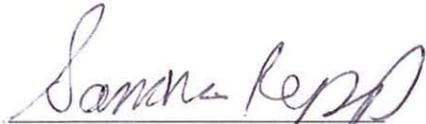
COMMENTS/ANNOUNCEMENTS

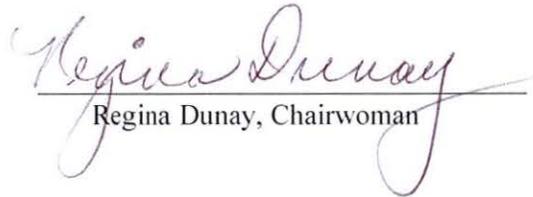
Chairwoman Dunay asked Administrative Assistant, Sandy Repp for the next meetings who confirmed that the next Planning and Zoning dates would be

- March 12, 2018
- April 9, 2017

ADJOURNMENT:

With no further business or discussion, Board Member Gragg made the Motion to adjourn the Planning and Zoning Board meeting; seconded by Board Member Trivedi; motion unanimously approved (5/0). The meeting adjourned at 10:35 p.m.


Sandra Repp, Deputy City Clerk


Regina Dunay, Chairwoman