

PLANNING & ZONING BOARD MEETING MINUTES
July 10, 2017

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Chris Rader, Board Member
Marion Rayburn, Board Member
Ben Pierce, Board Member
Wade Fischer, Board Member

Staff:

Drew Smith, City Attorney
Ellen Hardgrove, City Planner
Lieutenant Vince Jackson
Sandy Repp, Administrative Assistant

CALL TO ORDER

Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum with all Board Members present.

APPROVAL OF MINUTES

- **June 12, 2017**

Chairwoman Dunay noted corrections that were made to the minutes that she provided before the meeting.

Board Member Rader made the Motion to approve the June 12, 2017 minutes with corrections; seconded by Board Member Fischer. The motion was unanimously approved (5/0).

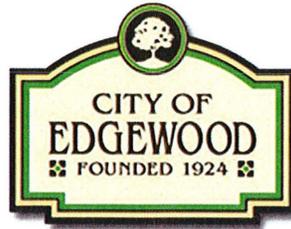
NEW BUSINESS

1. Ordinance 2017-02 Moratorium on certain uses within the C-1, C-2, and C-3 Zoning Districts of the City

Attorney Smith addressed Section 3 of the moratorium, which covers existing uses and changes of uses during the moratorium period. The change of uses would be only those in the existing zoning district. This is a temporary moratorium so we are not concerned with abandonment.

Chairwoman Dunay opened the floor for public comment.

Scott Baker, attorney with Zimmerman, spoke on behalf of 16 different commercial businesses in the City of Edgewood and commented on land use, property value and sales for new uses. He stated his opinion is that the city doesn't have the density to foster a high degree of pedestrian use and that this is an auto dependent commercial city and there is a place for automotive uses.



~~Per Attorney Smith there can be language about repair under the same use.~~

Blair Howard, owner of Howard Wholesale stated his concerns about restrictions about the moratorium particularly during the visioning process and suggested that the visioning be completed first. He is concerned about future use and is struggling with future restrictions and future tenants.

Board Member Rader explained that the moratorium will not cause businesses to leave the City.

Chairwoman Dunay explained previous studies and presentation and that The City is picking up on that for future land uses.

Fran Pignone, owner of Ft. Gatlin Shopping Center discussed Edgewood's utility plan and requested to see the sewer and utility plan. She stated her concern regarding the effect of the moratorium on property sales.

John Moccio, owner of two commercial parcels SMD Automotive and 4954 S. Orange Avenue, spoke about taking uses from businesses. He asked what requires a site plan review and if everything will require a site plan review.

Ivan Smith stated his concern is doing away with uses so that another tenant can't come in and this devalues rental property.

Board Member Rader reiterated that businesses can change to any of the uses during the moratorium within their district and there is no effect to continue a same use with a different tenant. The goal is to stop extending these uses and not to create new businesses with these uses.

Sue Fulford, business owner at 4822 S. Orange Avenue spoke about property values, the low ranking of the local schools and the difficulty of getting into the charter school. Ms. Fulford suggested a different vision and compared to SODO and the presence of Orlando Health, and to think outside the moratorium.

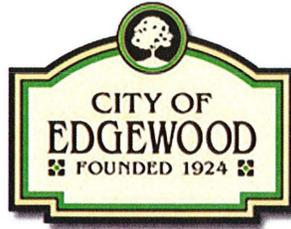
Board Member Rayburn clarified statements from the City Council meeting. She said that values are just not going up as they are in the surrounding areas, not that they are going down.

John Stokes, business owner of Grovigation, asked if change in ownership is permitted. Attorney Smith said that change in ownership does not have impact; it is the uses.

Chairwoman Dunay asked for discussion from the board

Conversation amongst the Board and Attorney Smith included permitting with increasing habitable space and changes of uses with interior work within the uses listed in the moratorium as well as discussion regarding site plan review. Board Member Rader stated his concern about changes that could result in a 20 year business and that the intention is not just to improve appearances and continue the use. The consensus of the board is that renovations should be limited to the same use.

Per Attorney Smith, all districts are affected but not all uses are in all of the districts. The C-1 uses are largely not affected; some of C-2, but for the most part, the C-3 uses were affected.



In response to Sue Fulford, Attorney Smith said that trade shops are included unless you need an improvement on the property. The moratorium maintains status quo on development while the City considers potential land use but limits new inconsistent uses.

Attorney Smith said that he doesn't have an issue striking site plan review, which is Code section 134-377 and also 349. He recommended language to council; exempting from the moratorium building permits for continuation of use that do not affect habitable space when the use is changing and is permitted by the current zoning.

Chairwoman Dunay asked for a motion:

Board Member Rader made the motion to recommend to City Council to approve Ordinance 2017-02 with two modifications:

- 1) The inclusion in Section 3 in the last line after "Section 2", add "and permitted by the current zoning"**
- 2) and also exempting permits that do not increase habitable space when the use is not changing.**

This Board finds this Ordinance to be consistent with the City's Comprehensive Plan.

The motion was seconded by Board Member Rayburn and was approved (5/0).

2. Discussion of City Code Sec. 10-5 and 10-6 Maintenance of Certain Animals

Chairwoman Dunay introduced and mentioned that there were children in her neighborhood with a petition to have a pot belly pig in the neighborhood. Chairwoman Dunay's understanding is that current code allows hoofed animals as well as chicken and ducks with nothing to prohibit unless there is a nuisance.

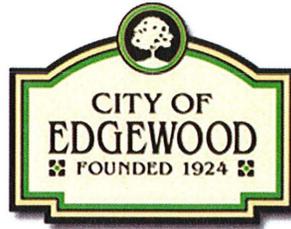
Attorney Smith said that he reads it that way for poultry, not for hoofed animals and read aloud Section 10 -5 (Maintenance of certain animals prohibited) of the Code.

It shall be unlawful for any person, firm or corporation to keep or maintain any animal with solid or split hoofs or any species of animals normally considered as wild or to allow any animals to remain within the city when such action constitutes a hazard to the residents or a nuisance to the neighborhood.

Discussion ensued amongst the Board Members and City Attorney regarding Section 10-5 and 10-6 and the allowance of hoofed wild animals. Discussion also included poultry concerns and the allowance of roosters, which is not mentioned in the Code and is an open provision.

Per Attorney Smith, a recommendation to Council would be the next step and Planner Hardgrove mentioned that City Hall staff has said that there will be no changes to Code until the other work is done. Board Member Rader's concern is that the Council will have to focus on the chickens and not the zoning or other issues.

Lieutenant Jackson said that there have been businesses with chickens in the past and there was suspicion of them being used for sacrifices. Attorney Smith reminded Planning and Zoning that if they bring this to



Council, it will bring the topic to the attention of the public and that this is more of a regulatory ordinance and not use issue.

The Board decided that this topic can be tabled until other issues are done.

OLD BUSINESS

- **Orange Avenue District – City Planner Ellen Hardgrove**

Per Planner Hardgrove, the Orange Avenue District was tabled because of the visioning exercise but has been directed to put attention back to the Orange Avenue District. Per Planner Hardgrove, her recommendation is to not bring the Orange Avenue district to the Board until the visioning is done as the visioning exercise that Little is doing will give a foundation

In response to Board Member Rader, Planner Hardgrove said that that Little may be given the zoning district as part of due diligence but peer review has not happened yet. She explained that the steps to complete the visioning could be as simple as a workshop and Little issuing a report or could be as much as adopting a master plan and incorporating into the comprehensive plan.

In response to Chairwoman Dunay, Planner Hardgrove explained the first step in the process is the zoning district and then the question will be if you rezone the whole corridor or just keep it in the land development code. Planner Hardgrove said that the hope is that Little will be able to get the word out and there will be a good response on the survey.

COMMENTS/ANNOUNCEMENTS

Chairwoman Dunay asked Administrative Assistant, Repp for the next meetings who confirmed that the next Planning and Zoning dates would be August 14, 2017 and September 11, 2017. Repp said that she expects sign code and a possible boat dock variance for August and September meetings.

ADJOURNMENT:

With no further business or discussion, Chairwoman Dunay asked for a motion to adjourn the meeting.

Board Member Fischer made the Motion to adjourn the Planning and Zoning Board meeting; seconded by Board Member Rayburn. Motion unanimously approved (5/0). The meeting adjourned at 8:34 pm.


Regina Dunay, Chairwoman

ATTEST

Sandra Repp, Administrative Assistant