

PLANNING & ZONING BOARD MINUTES
April 9, 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
John Freeburg, Police Chief
Sandra Repp, Deputy City Clerk
Mark Hardgrove, Transportation Consultant (City of Edgewood)

Applicants for Variances:

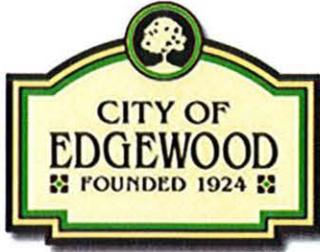
Marc Miller (boat dock variance applicant)
Chris Schroeder (structure variance applicant)

Orange County Public Schools (OCPS) Applicants:

Harold Jenkins, OCPS
Laura Kelly, OCPS
Jessma Lambert, OCPS
Dr. Carol McGowin, OCPS
Woody Rodriguez, OCPS
Tyrone Smith, OCPS
Robert Stagliano, OCPS PM Team
Mohammed Abdallah, Traffic and Mobility Consultants/OCPS
Jeremy Anderson, Hanlex Civil, LLC
Beth Love, Orange Reporting OCPS
Chris Wilson, Marchena and Graham P.A./OCPS
Kal Hussein (property owner)

CALL TO ORDER

Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Deputy City Clerk, Sandy Repp, announced that there was a quorum with all members present.



APPROVAL OF MINUTES

- **February 12, 2018**

The following changes were submitted by Chairwoman Dunay and Board Member Gragg.

Page 2, New Business, paragraph 2 finish the sentence with “ zoning chair”; Page 3, 2nd paragraph needs a period at the end of the last sentence; page 4, 4th paragraph should read “they” instead of “the”; page 6, 5th paragraph should read “how” rather than “now”; page 6, 7th paragraph, line 2, change “to” to “for”, line 3 change comma to semicolon; page 7, 3rd paragraph, line 2, change “qualify” to “quality”; page 9, 1st paragraph, line 2, delete “to”;

The last line of paragraph 2, page 4 was changed to: 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.

Chairwoman Dunay asked for a motion to approve minutes with changes.

Board Member Rader made the Motion to approve the February 12, 2018 minutes with changes; second by Board Member Gragg. The motion was unanimously approved (5/0).

NEW BUSINESS

- **Variance 2018-02 for a boat dock exceeding 1, 000 square feet and Variance 2018-03 for a boat dock exceeding 65 feet in length for 5160 Stratemeyer Drive.**

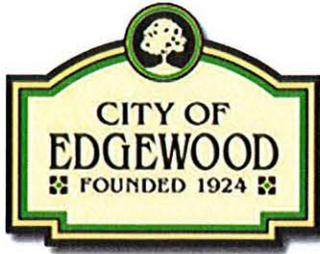
Engineer Mahler introduced Variance applications 2018-VAR-02 and 2018-VAR-03. The applicant is requesting a variance for additional length and square footage. The survey and the letter address the necessity for a variance and provide documentation for the minimum length needed. The additional length impacted the square footage.

Chairwoman Dunay asked for public comments; there were none. Chairwoman Dunay requested a motion for Variance 2018-02 for length exceeding 65 feet.

Board Member Trivedi moved to recommend approval of Variance 2018-02; second by Board Member Rayburn. The motion was unanimously approved (5/0).

Chairwoman Dunay asked for a motion for Variance 2018-03 for square footage exceeding 1,000 square feet.

Board member Rader moved to recommend approval of Variance 2018-03; second by Chairwoman Dunay. The motion was unanimously approved (5/0).



- **Variance 2018-04 Variance to allow a structure within the lake setbacks at 673 Lake Harbor Circle**

Planner Hardgrove introduced the variance request to allow a building and deck to remain within the lake setback, instead of code required 50 feet from the Normal High Water Elevation. The single family residence was built in 2003 and the intrusion into the setbacks was created at the time of construction as the house was not built to the specifications. A swale was required at construction and is determined to still be effective. Staff is recommending approval for the patio as it is a de minimis impact with the condition that it not be livable area.

In response to Board Member Rader, Planner Hardgrove said they did receive a Certificate of Occupancy after an inspection. The actual original plans did meet the requirements and this was a builder error. Planner Hardgrove cannot answer why it was built this way. The deck appears to be an add-on and intrudes into the setback approximately 5 feet.

Per Engineer Mahler, the swale is to slow the drainage to the lake and will catch fertilizer and sediment. In response to Chairwoman Dunay this does not appear to be a problem.

Applicant and property owner, Chris Schroeder, came to the podium and stated that the house has not been altered since they moved in. In response to Chairwoman Dunay, he stated that the deck was built by the contractor, who said it was inspected, and it is the same situation as the corner of the house. Planner Hardgrove said that only a portion of the deck falls within the setback.

Chairwoman Dunay asked for questions from the Board. There were none.

Per the Staff Report, the six criteria per Section 134-104 (3)b. of the City's Code have been met for the house subject to establishing conditions to mitigate potential impacts on the lake and ensuring the intent of the regulation is maintained. Consistency with the six criteria has not been met for the deck.

Tina Demostene, Edgewood resident, spoke as a proponent. Demostene said that the deck is pervious and is confused by the setback because it is a wood deck and, unlike a concrete pad, allows water to go through. Engineer Mahler said that he would have to review that information.

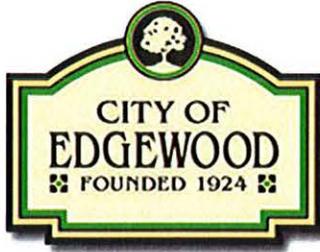
Chairwoman Dunay asked for a motion

Board Member Rayburn moved to recommend that City Council approve Variance 2018-04; second by Chairwoman Dunay; approved 5/0.

UNFINISHED BUSINESS

- **Orange County Public Schools (OCPS) Discussion – 2018-RZ-01**

Mr. Rodriguez and Ms. Kelly from OCPS came to the podium and distributed materials to the Planning and Zoning Board. OCPS has narrowed the model down to one option and described the



site plan for a two-story, 830 student prototype model with proposed setbacks, buffers, landscaping and fencing. Discussion also included transportation and open space.

Mr. Rodriguez introduced OCPS Director of Student Enrollment, Dr. Carol McGowin, to share enrollment information, which is a separate process. Dr. McGowin discussed policy of rezoning and the process of rezoning in 2019 for opening in 2020.

Mr. Abdullah came to podium and discussed the flow of traffic on Holden Ave and queue storage area within the school.

Attorney Wilson came to the podium and said that development must be consistent with the Comprehensive Plan. Per Attorney Wilson, according to Section 1.1.8, Edgewood adopted school board standards, a school "shall be allowed" if it meets OCPS standards. Denial of the application is a violation of the statutes and the Edgewood Comprehensive Plan.

Attorney Smith replied that OCPS cannot impose rules upon Edgewood or say that Edgewood has to give them a rezoning.

Attorney Smith asked if OCPS wants to pull the application. Mr. Rodriguez responded that they have exceeded requirements. Attorney Smith said that the P&Z Board has to give an up or down vote if that is what OCPS asks for.

Board Member Rader expressed that neither Edgewood staff nor the board have had adequate time to prepare and that it is wrong to ask staff to give a comprehensive answer without an opportunity to digest the information that has been presented. Board Member Rader continued that OCPS has had two months to prepare compared to the few minutes that the Board has had to review. Board Member Gragg and Chairwoman Dunay concurred with Board Member Rader.

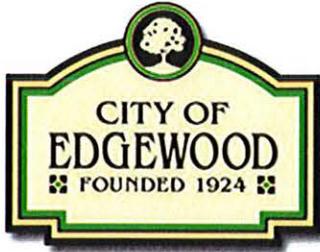
Attorney Smith replied that the Board has to give an up or down vote if that is what the applicant requests.

Mr. Rodriguez confirmed that OCPS is requesting an up or down vote and they will explain why OCPS does not want a continuance.

Discussion continued regarding the Comprehensive Plan and land use compatibility. Planner Hardgrove requested the opportunity to review the information and added that Orange County criteria are that the school cannot be on an arterial road. Per Mr. Rodriguez, Holden is a collector road which was confirmed by Mr. Abdallah. Planner Hardgrove said that it is a minor arterial road.

Planner Hardgrove stated concerns for adequate public utility services and would like more details, particularly the school bus ramp and the existing houses. Per Planner Hardgrove this should have been brought with the Developers' Agreement.

The Board did not meet previous to this meeting to discuss this issue as it would be against Sunshine Laws.



In response to Board Member Rader, Attorney Wilson said they are not required to get a special exception and OCPS was attempting to comply with the City. Attorney Smith asked Planner Hardgrove if the Special Exception requirement is inconsistent with the Comprehensive plan. Planner Hardgrove said yes with a Special Exception.

Attorney Smith asked Mr. Rodriguez if there is any point in asking about the plan. Rodriguez said there is always room for discussion but it is unlikely that the school would make significant changes.

Kal Hussein came to the podium and referred to the previous application for a housing Planned Development (PD) and said that he is making a fraction of what he would have made with that. Delaying this does not serve a purpose and details can be worked out.

Chairwoman Dunay moved the discussion to traffic. Mr. Abdallah said that they received the P&Z Board's memo and will go down the list.

Mr. Hardgrove came to podium with Mr. Abdallah. Mr. Hardgrove spoke on behalf of the City and said he has conducted traffic studies since 1983. Discussion of the traffic study continued including existing and projected conditions, including the widening of the lanes on the west side, which was not taken into account. Mr. Abdallah said the analysis was completed in October and data is consistent with the 9th edition, which was the latest edition of the ITE. Board members Dunay and Rader stated their concerns that Holden Avenue is at capacity.

Per Mr. Rodriguez, Edgewood is not going to be different from other schools. The school is consistent with other schools and how they look at the issues.

Mr. Hardgrove said there are a lot of things that cannot be determined right now, particularly as the prototype changed. Mr. Rodriguez responded that they are focusing on prototype A.

Chairwoman Dunay asked for public comment.

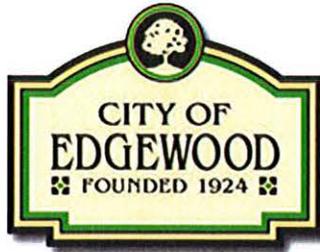
Attorney Miranda Fitzgerald spoke as a proponent on behalf of the sellers. Board Member Rader responded that this is a negotiated process for a new zoning. Attorney Fitzgerald asked if the board approves or recommends approval of the Developers Agreement. Attorney Smith responded that in the normal process that would be ideal as part of the ordinance which incorporated the Developer's Agreement.

Sandy DePorter, Edgewood resident, spoke as an opponent and cited traffic concerns.

Janelle Horn, Edgewood resident, spoke as an opponent, is concerned about traffic.

Philip Weis, Edgewood resident, spoke as an opponent and spoke about traffic and other locations for the school.

Patrick Bozeman, Edgewood resident, spoke as an opponent and spoke about traffic.



Richard Fawcett, Edgewood resident, spoke as an opponent and is concerned about traffic and crime near Orange Blossom Trail.

Emily Gibson, Edgewood resident, spoke as an opponent and stated concerns about the scope of the school and the portables.

Jim Worthen, spoke for HAINC as an opponent, and said the proposal is inconsistent with the Comprehensive Plan.

Brett Barner, Edgewood resident, spoke and said a school is not a PD and is concerned about Edgewood input.

Mike Teague, Edgewood resident, spoke as an opponent regarding traffic and the lost tax base. He suggested that the Board vote it down and send it to Council.

Jon McCormick, Edgewood resident, spoke about the traffic study being obsolete.

Linda Unger-Baldwin, Edgewood resident, spoke as an opponent and discussed traffic and portables.

Claire Smith, Edgewood resident, spoke as an opponent and questioned the location and traffic implications.

Bethanne Baer, Orlando resident and realtor, agrees with the other concerns and discussed making the school a positive for the community.

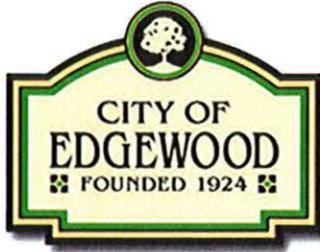
Tina Demostene, Edgewood resident, spoke as an opponent and rebutted OCPS information and said the application should have been found insufficient and not allowed to proceed to P&Z. She discussed consistency with the comprehensive plan, and OCPS consistency with regulations.

Chairwoman Dunay added an email to the public comment that was received from Edgewood resident, Karen Varney who strongly opposes the school.

As there was no further public comment, Mr. Rodriguez returned to the podium. He said that OCPS' function is to look at the immediate impact on traffic. They do not know the population of the school, or where the students will come from. Mr. Rodriguez apologized to those who felt OCPS is arrogant but they feel entitled by the law and their perspective and will look for an appellate resolution.

Board Member Gragg said it doesn't feel as if the standards for approval have been met. February's presentation was vague and with more material at this meeting, it is not unreasonable to ask for more time. He would say no if they have to vote. Chairwoman Dunay agreed with Board Member Gragg.

Board Member Rader said that they have asked for time to rely on staff experts and were told they need an up or down vote. Based on information previously submitted and presented tonight, there is not enough information to determine compatibility. This does not meet intent and purpose of a PD.



Chairwoman Dunay asked for motion.

Board Member Rader made a motion that the Board recommend to City Council to reject the School Board's application for rezoning to a PD on the basis that, based on the information presented, it does not meet the intent and purpose of a PD nor is it compatible, consistent or compliant with Edgewood's Comprehensive Plan and Implementing Regulations; Second by Board Member Gragg. The motion was unanimously approved (5/0).

This will be heard in City Council on May 15, 2018 or June 12, 2018.

COMMENTS/ANNOUNCEMENTS

The Board will meet at City Hall on Saturday, April 21, 2018 from 9 am to Noon to continue discussion of uses and design elements for the new Edgewood District.

Planner Hardgrove said to expect an ordinance for digital signs. She will send a link for electronic messaging to the P&Z Board.

Chairwoman Dunay asked Deputy City Clerk, Sandy Repp for the next meetings who confirmed that the next Planning and Zoning dates would be:

- May 14, 2018
- June 11, 2018

ADJOURNMENT:

With no further business or discussion, Board Member Trivedi made the Motion to adjourn the Planning and Zoning Board meeting; second by Chairwoman Dunay; motion unanimously approved (5/0). The meeting adjourned at 10:20 p.m.


Sandra Repp, Deputy City Clerk


Regina Dunay, Chairwoman