

PLANNING & ZONING BOARD MEETING MINUTES
October 8, 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, Sr. Project Engineer, CPH
Sandra Riffle, Deputy City Clerk

Applicant:

Leslie Griffith, JWB Architects
Ryan Davis, Loch Investments
Sam Sebaali, FEG
Kevin Graham, Suncoast Building Materials

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, Riffle, announced that there was a quorum with all Board Members present.

APPROVAL OF MINUTES

- *September 10, 2018*

The following changes were requested to the September 10, 2018 minutes - Page 3 removed the redundant word "that" and also on page 3, changed "The shopping center" to "VanBarry's across the street."

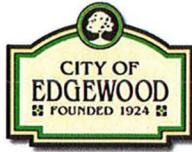
Chairwoman Dunay asked for a motion

Board Member Rader moved to approve the minutes with changes; Second by Board Member Rayburn. The motion was unanimously approved (5/0).

NEW BUSINESS

1. Variance requests for The Waterfront 4201 S Orange Avenue

- Variance 2018-07 Landscape buffer Sec. 114-4 (1)(a)(1)



- Variance 2018-08 Tree placement Sec. 114-4(1)(a)(2)
- Variance 2018-09 Building setback from the Normal High Water Elevation (NHWE) Sec. 134-348(e)

The applications for the variance requests were originally heard in the September 10, 2018 Planning and Zoning meeting. The Board voted to table the discussion until October 8, 2018 meeting in order for the applicant to provide additional details. Engineer Mahler approached the podium and said that the applicant requested to table the variance applications again until the next Board meeting of November 12, 2018.

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

Board Member Rayburn made the motion to table the three proposed variances until the November 12h meeting; second by Board Member Gragg. The motion was unanimously passed (5/0).

2. Suncoast Building Materials at 101 Mary Jess Road.

Planner Hardgrove introduced the Public Hearing for the approval of the site plan for Suncoast Building Materials. This is a commercial review for Phase I of construction, which is the area south of the railroad spur. This property is subject to conditions of a Special Exception that was approved for the entire property by City Council August 16, 2016. Per Planner Hardgrove, the conditions of approval are being met. Staff recommends approval of the site plan.

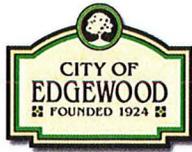
Chairwoman Dunay invited Engineer Sebaali, from FEG who represents Suncoast Materials, to the podium. Engineer Sebaali said that the project is meeting Code, even though they are not developing the property to the north, and they are providing the landscaping adjacent to the property. Chairwoman Dunay asked for a timeline for Phase II. Engineer Sebaali explained that they are pursuing a legal matter regarding the railroad spur. Development now is for Phase I until the issues of the railroad are resolved.

Board Member Rader stated his concerns about the location of outdoor storage placement and how it would be code enforced. Planner Hardgrove said that she discussed storage with Engineer Sebaali and the conditions of the special exception did not specify where the outdoor storage has to be. Board Member Rader says site plan review would include meeting the requirements. Engineer Sebaali stated that the notes on the plan, were discussed with staff, and conditions of approval were that locations of storage are subject to height limitations. The intent is to comply with the conditions of approval. Engineer Sebaali added that they could state specific zones on the plans for City Council.

Board Member Rader asked about truck traffic signage on Mary Jess Road. Engineer Sebaali said there would be a sign, prohibiting truck turns on Chenault Ave.

Board Member Rader asked how Code addresses gravel for temporary parking and noted there is a substantial gravel area. Engineer Sebaali responded that they are not proposing any parking in that area; it is an operation area for outdoor storage and loading/unloading. The formal parking is shown on the east side and is paved per Engineer Sebaali. Planner Hardgrove referred to Sec. 134-609 of Code which addresses off-street loading and unloading requirements of commercial vehicles.

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



Board Member Rader made the motion to recommend approval with the condition that the setbacks for storage area be marked on the site plan before it goes to City Council on November 20 2018; Second by Board Member Trivedi. The motion was unanimously passed (5/0).

3. Ordinance 2018-12 - Rezoning Commercial along SR 527 to the Edgewood Central District (ECD) zoning district

Planner Hardgrove introduced Ordinance 2018-12 with the purpose to consider rezoning the parcels along the Orange Avenue corridor to the Edgewood Central District (ECD). The intent of the ECD is to attract commercial and people-oriented mixed use, such as retail and entertainment, and to discourage heavy industrial uses, such as what is currently predominates. The ECD standards will steer the achievement of the vision that has been brought forward since 2000. Per Planner Hardgrove, 134-121(f) of the City Code, includes five factors to be considered during rezoning:

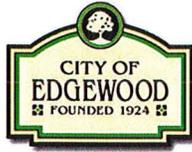
1. Be consistent with the Comprehensive Plan. Policies direct the City to amend regulations to support the vision of the Orange Avenue beautification and the encouragement of mixed-use development. The district was approved last month by City Council and this is the implementation of those policies. The ECD is intended to be a catalyst for redevelopment.
2. Conformance of the intent of the zoning regulations. Rezoning of all the parcels is consistent with the zoning regulations.
3. Changed conditions since the effective date of the present zoning district. The conditions have changed in the city since the early 1960's when the zoning was established. The west side has historically been industrial as Edgewood was on the outskirts of Orlando, where industrial uses were expected. When the economy changed, many of those uses moved out. As residential areas developed, there was a conflict of uses.
4. Land Use Compatibility. The creation of the ECD includes that development be compatible with adjacent uses.
5. Adequate Public Facilities. Adequate public services are available to support this kind of environment, including sewer and water. Road capacity is not under the City's control as it is a state road. The ECD promotes alternative modes of transportation and establishes design standards which may help.

In response to Chairwoman Dunay's question, Planner Hardgrove said that the bike paths would be with the restriping of Orange Avenue

Chairwoman Dunay asked for discussion amongst the Board.

As there was no further discussion, Chairwoman Dunay asked for public comment.

Andy Hansen, Discovery Church at 4400 Orange Avenue – Mr. Hansen spoke on behalf of the church to represent their interests during the ECD rezoning. Discovery Church has purchased a new facility on Sand Lake Road for relocation in fall 2019, and they have concerns about the parking agreement that they have with Water's Edge Shopping Center for a new owner.



Board Member Dunay asked about the Ordinance that was passed regarding off-site parking. Attorney Smith said that off-site parking has to be on the same side of the road. This would not affect Discovery Church at present, but could in the future if they have a new agreement.

Mr. Hansen said there was a variance that was approved by the Board and it is his understanding that even in the new code, pre-existing uses and structures would stay the same as the agreement goes with the land and would be passed with the new purchaser.

Planner Hardgrove asked if another church moves in would they need a new special exception. Attorney Smith responded that if they are operating the building in the same way then they operate under the same special exception.

Sam Sebaali with FEG spoke representing John Winter who owns South Orange Shopping Center 5416 Hansel Avenue. Engineer Sebaali said that Mr. Winter has concerns about the rezoning; particularly of thrift stores as they are not an allowable use and for standards for outdoor truck parking. Per Engineer Sebaali, these parcels are heavily impacted because State Road 527 (Orange and Hansel Avenues) runs on both sides and it may be difficult to for significant redevelopment. He has had discussions with Planner Hardgrove, and he hopes that the City can work through these items and that Ordinance 2018-09 will come back with some corrections. Engineer Sebaali said that they understand that the idea is to encourage redevelopment, but if it is too difficult or does not make sense financially, the property will just sit. Board Member Rader said the current pattern up Orange Avenue is to redevelop.

Attorney Smith said that this goes to City Council for first reading on October 16th with a potential second reading in November. He intends to have the “glitch” ordinance, with the changes, ready for November P&Z and timed with City Council’s second reading. He said that there is already some direction on changes to the Ordinance and it will be presented to P&Z.

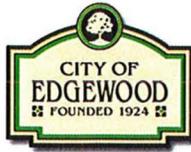
As there was no further discussion, Chairwoman Dunay asked for a motion.

Board Member Rayburn made the motion to recommend approval of Ordinance 2018-12; Second by Board Member Rader. The Motion was unanimously approved (5/0). This will go to Council for 1st reading October 16, 2018.

COMMENTS/ANNOUNCEMENTS

Chairwoman Dunay began discussion of the repeal of the sign ordinance for electronic changeable message (ECM) signs. Attorney Smith replied that a new ordinance will come forward so that lawfully nonconforming uses, as it applies to electronic signage, will have the code to regulate what is there. Dr. Klein’s application for an ECM became subject to the code when he permitted it. Dr. Klein’s sign is a potentially lawfully nonconforming sign because it was permitted before the petition.

Chairwoman Dunay asked if it is possible to have it apply to Dr. Klein and not to the property. Attorney Smith replied that a lawfully nonconforming use belongs to the land unless it is torn down; it is separate from ownership. If the sign is torn down it cannot be put back up.



Board Member Rader asked what would happen if there was unintended destruction to the sign and Attorney Smith said that the damage had to be more than 50% of the sign's replacement cost before it could not be replaced.

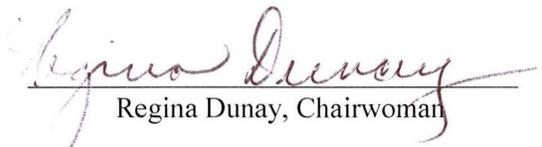
Chairwoman Dunay asked if Dr. Klein is aware of the petition to eliminate ECM signs and of the overwhelming opposition to electronic signs. Deputy City Clerk Riffle confirmed that Dr. Klein is aware of this.

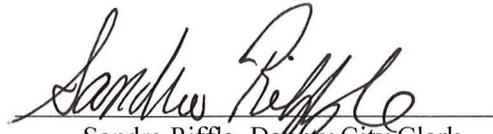
Chairwoman Dunay asked Deputy City Clerk, Sandy Riffle for the next P&Z Board meetings and she confirmed that the next Planning and Zoning dates would be

- November 12, 2018
- December 10, 2018

ADJOURNMENT:

With no further business or discussion, Board Member Rader made the Motion to adjourn the Planning and Zoning Board meeting; second by Board Member Rayburn. The motion was unanimously approved (5/0). The meeting adjourned at 7:30 pm.


Regina Dunay, Chairwoman


Sandra Riffle, Deputy City Clerk