



CITY COUNCIL REGULAR MEETING
City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, May 17, 2022 at 6:30 PM

DRAFT MEETING MINUTES

CALL TO ORDER

Council President Horn called the meeting to order at 6:30 pm. He asked for a moment of silence, followed by leading everyone in the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

Councilmember Chotas made a motion to excuse Councilmember Pierce's absence; seconded by Councilmember Rader. Approved (4/0).

PRESENT

Mayor John Dowless
Council President Horn
Councilmember Chotas
Councilmember Lomas
Councilmember Rader

ABSENT

Councilmember Pierce

STAFF

Sandra Riffle, Interim City Clerk
John Freeburg, Police Chief
Shannon Patterson, Police Department Chief of Staff
Stacey Salami, Code Enforcement Officer
Drew Smith, City Attorney
Ellen Hardgrove, City Planner
Galen Pugh, PLA, AICP Director Landscape Architecture, CPH
David Mahler, P.E. Chief Operations Officer, CPH
Michelle Tanner, Sr. Land Planner

Applicants and Other Attendees

Scott Howat, President, Foundation for OCPS
Wellington Goulart, Art Stone Surfaces
Rick Baldocchi, P.E., AVCON
Tom Daly – Daly Design Group

PRESENTATION AND PROCLAMATIONS

- **Orange County Public Schools, One-mill Ad Valorem Millage**

Scott Howat, President for the Foundation for OCPS, gave a PowerPoint presentation to Council regarding the August 23, 2022 primary ballot proposal supporting the continuation of the current one-mill ad valorem millage. The presentation was followed by a short discussion with City Council.

Councilmember Chotas explained to Mr. Howat that during the review of the proposed school on Holden Avenue, the Orange County School Board was exempt from fees that the Edgewood taxpayers had to pay. He suggested that the school board should consider absorbing the fees.

APPROVAL OF MINUTES

- **April 19, 2022 meeting minutes**

The following corrections were made to the April 19, 2022 minutes: Page 5 – The last two lines on the roll call vote: changed “Favor” to “Absent, and the last line changed “Lomas” to “Chotas”.

Councilmember Rader made a motion to approve the April 19, 2022 meeting minutes with corrections; seconded by Councilmember Lomas

ORDINANCES FIRST READING

- **Ordinance 2022-03 - Comprehensive Plan Amendment**

Attorney Smith read Ordinance 2022-03 in title only.

The Ordinance is a proposed comprehensive plan amendment to add a new future land use designation for uses that require site specific development standards to ensure land use and environmental compatibility. The proposed amendment adds a sixth future land use designation, Site Specific Plan, to Future Land Use Policy 1.1.6. to help the city plan for future growth and development. The proposed policy also requires that development on a property with this designation be rezoned to a new zoning district.

Planner Hardgrove said that during the April 19, 2022 meeting, Council voted not to transmit the amendments and tabled the Ordinance.

She said to use the new designation there needs to be a specific policy, a development agreement and rezoning. The Planning and Zoning Board has started to consider the creation of the new zoning district.

Discussion ensued regarding the approval procedure. City Hall will receive an application which will go to staff review. The applicant will then have a community meeting prior to the

Planning and Zoning meeting. The staff report will be submitted to Planning and Zoning and then to Council. A development agreement will also be required.

Councilmember Chotas requested additional information about the definitions of environmental compatibility and environmental sustainability. Planner Hardgrove said she could add those definitions and that the verbiage resulted from Planning and Zoning considering the need for sustainable development including using techniques such as for water conservation, LEED building design, and use of electric vehicles.

Attorney Smith said that Planning and Zoning was looking at potential bonuses. They wanted the ability to incorporate environmental sustainability into development. He added that what Council is currently considering is not Code; it is the Comprehensive Plan to allow the Code to be written.

Councilmember Chotas said he wanted words such as “environmental sustainability and compatibility” to have meaning. He said he would like to approve the transmittal but would like those terms to be deleted.

Councilmember Rader said he does not think there is a need to transmit the amendment. He said the concept is good, but does not like legislating to a single property; i.e., the Randall Knives property adjacent to Legacy. He understands flexibility. He does not see a benefit for other properties.

Councilmember Rader also stated his concerns about noise and traffic resulting from a commercial property on the Randall Knives property location.

Mayor Dowless said he thought this type of ordinance would benefit the City in more than one area. He said the City needs more commercial development to improve revenue.

Further discussion ensued regarding compatibility with abutting properties. Councilmember Rader said that putting C-3 zoning next to residential is not being a good neighbor. Councilmember Lomas expressed concern about controlling commercial noise close to a residential neighborhood. She is also concerned about trucks turning out of Orange Blossom Trail and then onto Holden Avenue. She said that she also understands that this could be a good tool to add some control.

Planner Hardgrove said another part of the proposed amendment is to clarify the listed densities/intensities of the future land use designations are not an entitlement; but instead a maximum.

There was no public comment.

Councilmember Chotas made a motion to transmit the proposed amendment to the DEO as proposed in Ordinance 2022-03 with the deletion of “environmental compatibility” on line 24, “and/or environmental compatibility” on line 102, “and to provide environmental sustainability” on line 106, and “and environmental compatibility” on line 110.

The motion was seconded by Councilmember Lomas. Approved (3/1).

The motion was approved by roll call vote.

Councilmember Rader	Oppose
Councilmember Chotas	Favor
Council President Horn	Favor
Councilmember Lomas	Favor
Councilmember Pierce	Absent

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- **Ordinance 2022-01 - County Zoning to City Zoning**

Attorney Smith read Ordinance 2022-01 in title only.

Planner Hardgrove said this Ordinance would create new zoning districts for properties annexed from Orange County into the City. The purpose is to maintain the site standards of the County to avoid nonconforming development standards of existing uses, while providing the City with permitted use control.

She said most County comparisons are similar to the City’s standards, but there are some differences such as the City’s R-1AA requires a minimum floor area of 2,200 square feet, and R-1A requires a minimum 1,800 square feet versus the County’s requirement of 1,200 square feet. In changing the minimum requirement, there is a possibility for legally nonconforming properties.

Planner Hardgrove confirmed to Councilmember Chotas that a legally nonconforming situation might not be allowed to rebuild if the County standards were changed to 1,800 or 2,200 square feet. She said the Ordinance, as written, avoids the probability of nonconformity.

Councilmember Chotas stated his reluctance to impose burdens without knowing the effect on homesteads.

There was no public comment.

Councilmember Chotas made a motion to approve Ordinance 2022-01; Seconded by Councilmember Rader. Approved (4/0).

The motion was approved with a roll call vote.

<i>Councilmember Lomas</i>	<i>Favor</i>
<i>Council President Horn</i>	<i>Favor</i>
<i>Councilmember Chotas</i>	<i>Favor</i>
<i>Councilmember Rader</i>	<i>Favor</i>

UNFINISHED BUSINESS - none

NEW BUSINESS

- **Resolution 2022-04 2nd Quarter Budget Amendment**

Interim City Clerk Riffle explained the budget amendments for Resolution 2022-04.

- Exhibit A - Adjusted to show the use of Restricted Funds.
- Exhibit B - Updated revenues not budgeted for receipt of payments for red light citations.
- Exhibit C - Adjusted the expense budget to show actual allocation from moving funds from interest to principal.
- Exhibit D - Moving unspent funds from the 2020/2021 Neighborhood Partnership Grants Program to the current budget. This was money set aside for the Harbour Island Association to install thirteen new light poles and underground wiring along Harbour Island Road, which is completed.

There was no public comment.

Councilmember Rader made a motion to approve Resolution 2022-04; seconded by Councilmember Lomas. Approved (4/0).

The motion was approved with a roll call vote:

Council President Horn	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Councilmember Chotas	Favor
Councilmember Pierce	Absent

CITIZEN COMMENTS - none

BOARDS & COMMITTEES

- **Special Exception 2022-02 - 169 Jamaica Ln. - Art Stone Granite**

Planner Hardgrove described the proposal to locate a granite and other stone showroom and manufacturing business, Art Stone Surfaces, at 169 Jamaica Lane. The business would entail storage of stone slabs, clientele visiting the site for material selection and ordering, and manufacturing (cut, fabricate, and polish) the product. Per Code Section 134-405, these uses are only allowed as a special exception within the C-3 district.

She said that Staff and Planning and Zoning recommended approval.

The surrounding properties consist of the railroad tracks to the east, heavy commercial to the west, heavy commercial to the north, and single family homes to the south on the other side of Jamaica Lane. She stated there is no access from Jamaica Lane to the residential neighborhood and that a fence was constructed along the residential property lines at the

time of the home construction. The existing heavy commercial uses on the north side of Jamaica Lane preceded the construction of the residential neighborhood.

She said there is sufficient parking for the proposed use, and according to the applicant, operating hours are 7 am to 7 pm, Monday through Friday.

Business owner Wellington Goulart said they would like to expand their operation in Georgia to Edgewood.

Mr. Goulart confirmed to Council President Horn that most of the product would be stored inside the warehouse, but remnant pieces would be stored outside for reuse.

Discussion ensued regarding height restriction or site attractiveness. Councilmember Rader proposed a landscape buffer in front of the property and Planner Hardgrove responded that the landscaping needed to be designed taking into consideration of delivery trucks and the need for irrigation. Mayor Dowless agreed with incorporating landscaping on the south side of the property.

There was no public comment.

Councilmember Rader made a motion to approve Special Exception 2022-02 to allow the use of granite/stone sales and manufacturing, including outdoor storage of merchandise, parts, and other equipment, building material storage and sales (new, no junk), storage and wholesale warehouse adjacent to a residential zoning district or property with a residential future land use designation including those across a right-of-way with the following conditions:

- ***specific use of granite/stone sales and manufacturing***
- ***outdoor storage of materials to be kept rear of the front building elevation,***
- ***allowable delivery hours of Monday through Friday, 8 am to 5 pm, and***
- ***incorporate additional irrigated landscaping at the front, subject to staff approval.***

The motion was seconded by Councilmember Lomas.

The motion was approved with a roll call vote.

Council President Horn	Favor
Councilmember Chotas	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Councilmember Pierce	Absent

3. Holden Avenue PD/Haven Oaks Development Plan/Preliminary Subdivision Plan

Planner Hardgrove said the Haven Oaks Planned Development (PD) was approved on February 16, 2021, and the Development Agreement (DA) was recorded on March 22, 2021.

The applicant has submitted the “Holden Avenue PD – Haven Oaks Development Plan/ Preliminary Subdivision Plan and landscape plans, which includes a comprehensive sign plan. The Planning and Zoning Board (P&Z) reviewed the submitted documents and recommended approval subject to several conditions, including some that required revision before the City Council’s public hearing. The revisions relative to Planning Staff review have been met.

The comprehensive sign plan would give the PD flexibility with the sign code. Code allows for one sign, and the PD requested an 8.5-foot-tall sign on both sides of the entrance road in front of the 6-foot-high wall.

Planning staff’s recommendation is approval of the plan received 4/7/2022 and the landscape plan dated 4/19/2022 conditioned on the following:

- A requirement that the DP/PSP be revised and resubmitted through the approval process should the preliminary construction drawings demonstrate the need to a) reduce the recreation areas below the minimum required per the Development Agreement or b) reduce the number of parking spaces shown on the Land Use Plan;
- A requirement to amend the DP/PSP to extend Tract J (lift station) to the west property line eliminating the “open space” of Tract F between Tract J and the west property line before final construction plan approval (without need for Council approval);
- Any other conditions the City Council would recommend related to issues identified in the City Engineer’s and Landscape Architect’s reports, which may include but are not limited to, a) a landscape buffer between the parking lot and Lot 21; and b) replacement trees for proposed tree removal; and, c) fire truck access through the front gate.

Discussion ensued regarding the configuration of the lots and green space.

Landscape Architect Galen Pugh CPH said the landscape plan on sheet L-102 and H-201 showed a 5’ separation between the parking lot sidewalk and lot 21. As a condition of approval, he requested the applicant shift the parking lot south to allow for a 10’ wide landscape buffer between the sidewalk and lot 21, to include a continuous 6’ high solid vinyl fence and evergreen understory trees, 20’ on center.

He also explained that for tree replacement, the applicant decided to replace inch for inch rather than tree for tree as required by Code. The applicant will need to ask the City Council to consider the inch per inch calculation they are proposing because the code does not allow for it.

He noted a scrivener’s error showing that tree #76 was saved, but it is located in the middle of the pond and was removed. This should be corrected on the plan sheet.

Public Comment:

Sandra DePorter, an Edgewood resident, said she had three concerns. She would like the gap by her property closed as she does not want people walking on her property, she would like to have the existing fence removed, and she would like the survey corrected to show her property in her name as the owner. Councilmember Rader reminded the applicant that the fence removal was mentioned several times during DRC and they promised Mrs. DePorter it would be removed. Mr. Daly said he will work with Mrs. DePorter.

Rick Baldocchi, with AVCON representing Toll Brothers, explained the need for the five feet space between Tract J and the property line: to maintain the wall easement. He also clarified there is no post planned in the middle of the gate and it will not be in the way of fire and rescue vehicles.

Further discussion ensued regarding tree replacement. Mr. Daly said they are saving 78 trees on 13 acres. Tom Daly with Daly Design Group said the replacement trees would be bigger than Code requirements, which will have a greater impact and benefits.

City Planner's conditions 2, 3a, 3b, and 3c were withdrawn.

Mr. Daly confirmed to Councilmember Rader the viburnums behind the sign would be maintained.

Councilmember Rader requested modification of the entrance area as he was concerned about incoming traffic cutting over to the exit lane, allowing for vehicles to sneak in the exit side of the gate. Mr. Daly confirmed they would do their best to rework the entrance. Councilmember Rader requested a condition for a mitigating measure to minimize the use of the exit for front entry.

Planner Hardgrove also included CPH's condition to shift the parking lot south 5 feet to allow a 10-foot landscape buffer between the sidewalk and lot 21.

Councilmember Rader made a motion for approval of Haven Oaks Planned Development Preliminary Subdivision Plan with the following conditions:

- ***A requirement that the DP/PSP be revised and resubmitted through the approval process should the preliminary construction drawings demonstrate the need to a) reduce the recreation areas below the minimum required per the Development Agreement or b) reduce the number of parking spaces shown on the Land Use Plan;***
- ***Condition for a mitigating measure during construction plan review to minimize the use of the exit for front entry;***
- ***Correct the scrivener's error on plan sheets to show that tree #76 was removed;***
- ***Avoid using the street trees and rear yard trees as replacement trees, or provide the same one-year warranty for all trees used for replacement trees on lots as provided for the common area/subdivision trees;***

- ***As a condition of approval, shift the parking lot to allow for the a 10’ wide landscape buffer between the sidewalk and lot 21 to a continuous 6’ high solid vinyl fence to begin at the front building setback of lot 21 extending to the west property line. The landscape buffer shall include evergreen understory trees, 20’ on center.***
- ***Preservation of the property boundary, at the wall, from the northernmost 30 feet of the west property line.***

The motion was seconded by Councilmember Lomas. Approved (4/0).

The motion was approved by a roll call vote.

Councilmember Rader	Favor
Councilmember Chotas	Favor
Council President Horn	Favor
Councilmember Lomas	Favor
Councilmember Pierce	Absent

- **School Concurrency Mitigation Agreement**

Attorney Smith referred to the interlocal agreement between the developer and the School Board.

Councilmember Chotas made a motion to approve the Orange County Public School Mitigation Agreement; seconded by Councilmember Rader. Approved (4/0).

The motion was approved by a roll call vote.

Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Favor
Councilmember Chotas	Favor
Councilmember Pierce	Favor

STAFF REPORTS

- City Planner Hardgrove – said that in 2005, Council approved a resolution to create a a simple subdivision process known as a lot split process. This is for a lot to be split into two without new roads or stormwater. The resolution was not followed up with an Ordinance.

She said creating the legislation for a lot split would avoid the need for the platting process. Attorney Smith said the Statute regarding platting is for more than two lots. She asked for direction from Council, and there was no objection.

- City Attorney Smith – no report
- Police Chief Freeburg

- He sent his officers for active shooter training with other agencies. The Committee of 100 is assisting in funding the training.
- Councilmember Rader said that Florida Attorney General Ashley Moody complimented Chief Freeburg.
- The Police Department will receive its accreditation on June 16, 2022.
- Holden already seeing an increase in traffic due to the expansion on the west side of Orange Blossom Trail.
- The ARP annual report was submitted and accepted.
- The Code Enforcement truck is no longer serviceable and it will be sold at auction.

- **Interim City Clerk Riffle** – no report

MAYOR AND CITY COUNCIL REPORTS

- Mayor Dowless – no report
- Council Member Chotas – no report
- Council Member Pierce - absent
- Council Member Rader – no report
- Council Member Lomas – no report
- Council President Horn – Thanked Council for excusing his absence from the May 17, 2022 meeting. He said his daughter’s team made to the State Finals and won the Championship.

ADJOURNMENT

Councilmember Rader made a motion to adjourn the meeting; seconded by Councilmember Chotas. Approved (4/0).

The meeting was adjourned at 9:25 pm.

Richard A. Horn
Council President

Attest:

Sandra Riffle, CMC, CBTO
Interim City Clerk

Approved in the _____ Council meeting.