



Date: July 27, 2022
To: Planning and Zoning Board (P&Z)
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Interim City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
Allen Lane, City Engineering Consultant
Re: ECD Waivers Related to Proposed Car Wash at 4800 South Orange Avenue.

INTRODUCTION/BACKGROUND

This agenda item is a request for waivers to ECD standards for a proposed car wash at 4800 South Orange Avenue, the current location of the Coq Au Vin Restaurant as shown in Exhibit 1.

Exhibit 1 – Subject Property



The building on the property has been there since 1973 according to Orange County Property Appraiser records and the Coq Au Vin opened in 1976. It is positioned along the southern property line, with the north 2/3's of the site either undeveloped or a parking lot as shown in Exhibit 2. The proposal is to demolish the building and redevelop the site for a car wash.

Exhibit 2 – Aerial of Subject Property



A proposed car wash in this location would not only have to comply with the standard ECD design standards, but also those specifically for car washes; the applicant is asking for waivers to some of these design standards. Code Section 134-475 authorizes City Council to approve waivers to ECD regulations when it finds, based upon substantial competent evidence presented to it, that strict application of such standards would create an illogical, impossible, impractical or unreasonable result on an applicant.

Per Code Section 134-475, in order to grant the waivers, City Council must find:

- (1) That the granting of the proposed waiver will not have the effect of nullifying the intent and purpose of the standard that is the subject of the requested waiver;
- (2) That the granting of the proposed waiver will serve the health, safety and welfare of the city;
- (3) That any waiver granted is the minimum waiver that will reasonably eliminate or reduce the illogical, impossible, impractical, or unreasonable result caused the applicable standard contained in this division; and
- (4) That any waivers granted will not adversely impact the use or property values of adjacent properties.

REQUESTED WAIVERS

The primary waiver requested is to allow the building to only face 11.25% of the Orange Avenue frontage (28 feet building frontage with 248.8 feet lot width) instead of the required 70% (Code Section 134-468(f)) in order to help achieve the City’s goal to provide a solution to the traffic issues created by Holden/Orange/Gatlin Avenues offset intersections. As shown in Exhibit 3, with use of the waiver, the applicant is proposing to reserve the north 50 feet of the property for future acquisition to accommodate a conceptual Holden/Gatlin Avenue realignment known as Orange County’s Intersection Analysis Study Alternative 1, which is shown in Exhibit 4.

Exhibit 3 – Proposed Car Wash Layout

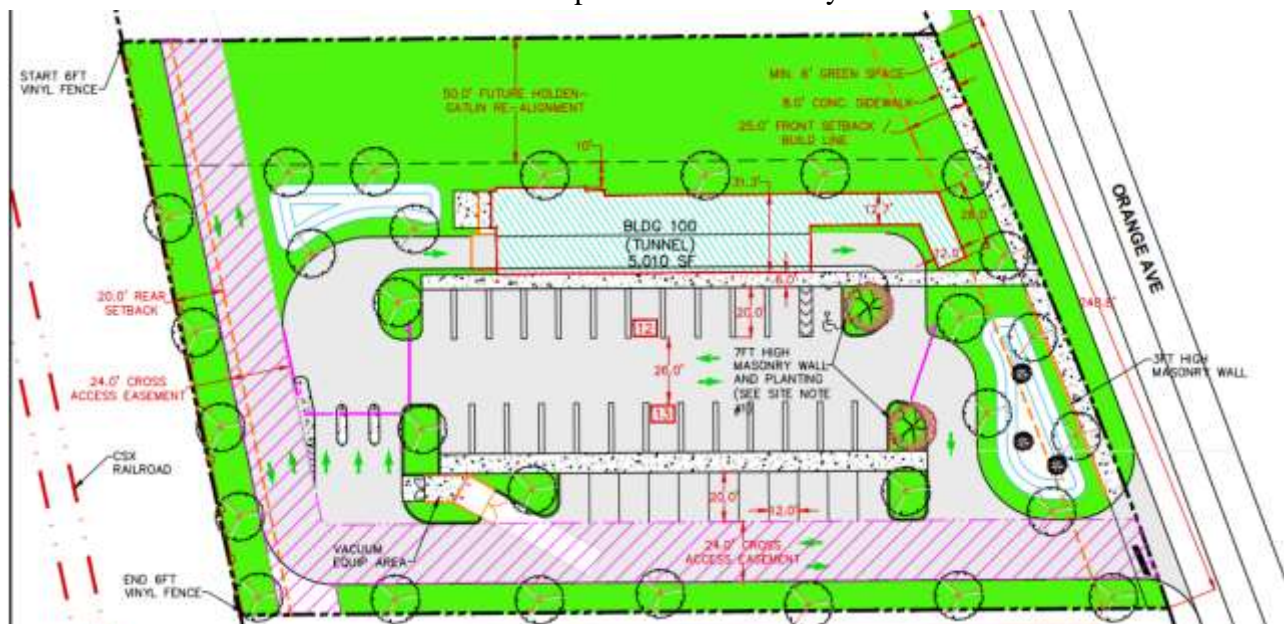


Exhibit 4 – Alternative 1 Holden/Gatlin Realignment

Figure 14: Design Concept – Future Alternative 1



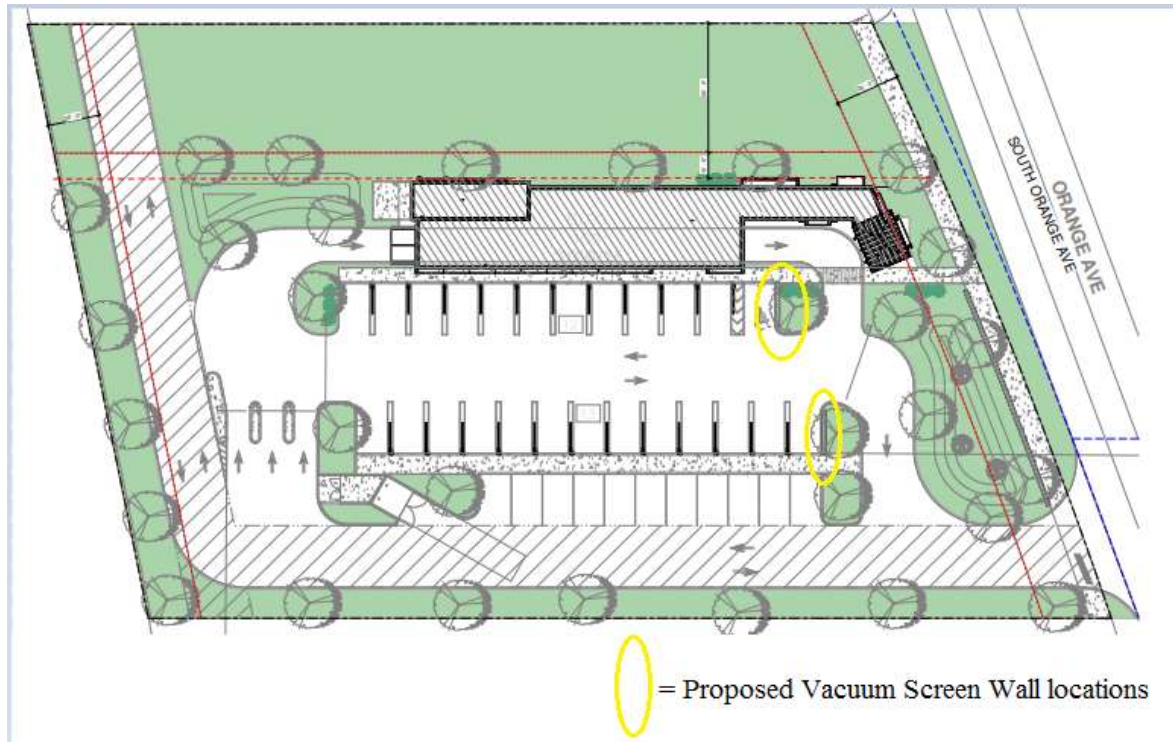
While the applicant states, "...the future cost to acquire the needed property to realign Holden/Orange and Gatlin would be much greater if the property is developed in accordance [with ECD standards]," granting the waiver would not eliminate the need to acquire developed land. The proposed car wash tunnel encroaches into the area that would be needed for Alternative 1; that alignment occupies the northern 100± feet of the subject property.

The applicant is also requesting the following two (2) waivers:

- The applicant is requesting a waiver to allow the vacuum stations to be screened from Orange Avenue with an alternate design than that required by Code Section 134-472(a)(4). The applicant is proposing a 7 feet high masonry stucco wall matching the colors of the building at the east end of each row of vacuum parking stalls as shown in Exhibit 5. ECD design standards require those walls to be consistent with ECD front elevation standards, such as, but limited to window transparency and avoidance of blank walls. The applicant justifies the need for this waiver as a consequence to turning the building in order to preserve the northern 50 feet for the Holden Avenue realignment.

A magnolia tree, 3 inch caliper/12 feet high at planting, is proposed to be placed in front of each wall along with a hedge along the entire length. It should be noted that the City's Landscape Architect has concerns related to the viability of the hedges in this location: the hedges will not receive enough sunlight with a wall blocking all the afternoon sun and magnolia trees blocking most of the morning sun.

Exhibit 5 – Proposed Vacuum Screen Wall Locations



- The applicant is requesting a waiver to allow the vacuum stations to be screened from adjacent Low Density Residential Future Land Use (LDR FLU) designated land (west property line) with a six feet high beige vinyl fence instead of a seven (7) feet high opaque brick wall as required by Code Section 134-472(a)(4). The applicant's justification for this screen waiver is that the adjacent land is the railroad and then Cypress Grove Park, not residential used land.

The required ECD brick wall was contemplated in this location even with the presence of the railroad tracks and park. It should be noted that this wall is required for all ECD development adjacent to Low Density Residential Development, not just to screen the vacuum stations. Deviation from this ECD design standard in this location should be viewed as a policy change that would be applied in other locations adjacent to the railroad track and park.

A second justification for this waiver is a fence would be easier to remove if the land eventually became the Holden Avenue alignment. As stated above the County's conceptual design for the realignment is the northern 100+ feet, while the applicant is requesting the less permanent screen (fence vs wall) along the entire perimeter.

The application also includes a waiver to Code Section 134-472(a)(2) which requires the car wash tunnel entrance/exit to not face Orange Avenue. A Council decision on the need for this waiver is requested by staff. Staff's opinion is that the proposed design of the tunnel as shown in Exhibit 6 provides for conformance with the ECD car wash design standard.

Exhibit 6 – Tunnel Design for Conformance with Code Section 134-472(a)(2)



NORTHEAST ELEVATION
1/8" = 1'-0"



STAFF RECOMMENDATION

The staff recommendation is denial of all requested waivers based on Staff's finding that the applicant has not yet presented sufficient competent substantial evidence to justify disregarding the ECD intended land use pattern and design standards, particularly the principal goal of the ECD to create a land use pattern that encourages interest in walking as well as line Orange Avenue with buildings instead of parking lots.

P&Z's public hearing for these waivers will be used to gain evidence and testimony. After reviewing the recommendation from P&Z and any testimony/evidence provided at City Council's public hearing, City Council will act upon the request either to approve, approve with conditions, deny, or approve in part and deny in part the request made by the applicant.

ESH