



Date: June 23, 2022
To: Planning and Zoning (P&Z) Board
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Interim City Clerk
Drew Smith, City Attorney
Allen Lane, CPH Engineering, City Engineering Consultant
Brett Sollazzo, Administrative Assistant
Re: Suncoast Special Exceptions Condition Modification – Operating Hours

I. Subject Property

The subject property is located on the north side of Mary Jess Road, west of the railroad tracks as shown in Exhibit 1. The property address is 101 Mary Jess Road. It is the location of Suncoast Building Material and is zoned C-3, with special exceptions approved in 2016 for outdoor storage of merchandise, parts or other equipment; building material storage and sales; and storage and wholesale distribution warehouse adjacent to a residential zoning district including those across a right-of-way.

Exhibit 1 – Subject Property



II. Request

The applicant is requesting modification to Condition 11 of the 2016 special exceptions. Condition 11 limits hours of operation to 6 A.M. to 6 P.M. Monday through Saturday. The

requested change is to allow the hours of operation to be limited from 5 A.M. to 8 P.M. Monday through Saturday.

III. Analysis

The approval of these special exceptions included 13 conditions to ensure land use compatibility with the residential uses adjacent to the north, which include two-story homes, as well as the residential uses along Mary Jess Road. The complete list of conditions is included in the appendix of this report. These conditions were based on the staff recommendations as well as residents in the area who spoke at the public hearings. The applicant accepted these conditions.

In the past, the residents have contacted City Hall voicing complaints of the business operations under the currently restricted hours. Expanded operational hours will likely exacerbate the negative impacts experienced by these residents.

The applicant's justification for the expanded business operation hours ,as included in the application submitted to City Hall, is as follows.

- As part of the Special Exception approval in 2016, it was the applicant's understanding that the hours of operation meant the hours when their business is open to the public (i.e., when the doors are open to customers). The applicant agreed to the Condition limiting the hours based on that understanding; however, this condition has severely limited their ability to operate their business as City staff is interpreting it to limit any work on the site during these hours including work by employees inside the buildings. The applicant needs time each day before their "doors are open" to prepare for conducting their business, stage materials, load trucks, and other related functions. In addition, in the afternoon after the applicant's delivery trucks return from various jobsites, the applicant needs time to load the trucks for the next day's deliveries. Given traffic constraints and the nature of the construction business, the delivery trucks frequently do not return to the site until after 6 P.M.
- Covid-19 has impacted the applicant's workforce and driver status, and they are having to operate with less employees (drivers) than they did prior to the pandemic. As such, they are doing more or the same work with less people to meet their customers' needs, which requires more operating time.
- There are times when their customers such as Disney World, Universal Studios and others require that the applicant delivers and unload the material then leave the site before their customer opens for business or in some instances make deliveries after their customer's workforce has left. Serving these customers is not feasible under the current hours of operation constraint.
- The applicant has a fuel service that fills up their delivery trucks each evening Monday thru Friday. The fuel service provider needs to be able to service all the delivery trucks after their return to the site. In some cases, the delivery trucks are not able to return to the site by 6 P.M. due to jobsite related delays or traffic delays, which creates uncertainty for the fuel service delivery and as such extending the hours until 8 P.M. would allow proper scheduling of fuel service.

- Supply chain issues have impacted the applicant’s business to a large degree, which is also causing them to strive harder to meet the demands of the market with less equipment and less product availability. Thus, more time is needed to operate their business and meet these added demands.
- The current constraint on the hours of operation is restricting the applicant to properly conduct their business, and the City has not placed similar restriction on other similar businesses in the same C-3 Zoning District with similar conditions. Thus, the applicant is being limited in their ability to compete with other similar businesses due to the hour of operation constraint.

The reference to similar businesses in the area without operation constraints, is assumed to be Rosen Building Materials on the adjacent property to the west. This is a legal nonconforming use and should not be used as justification for modifying the hours of operation for the subject property. It should be noted that the operating hours currently listed for Rosen Building Materials (7 a.m. to 4 p.m., Monday through Saturday) are more restrictive than that currently allowed for operation on the subject property (6 A.M. to 6 P.M. Monday through Saturday).

Furthermore, Condition 11’s operating hours currently are also less restrictive than those generally accepted for noise generating uses adjacent to residential areas. Code Section 134-919 establishes noise standards to protect the health, safety and general welfare of residents of the City, with noise particularly limited during the hours of 9 p.m. and 7 a.m.

It should be noted that the adjacent residential uses pre-existed the current use of the subject property. Whereas the former use of the property, Cemex cement mixing plant, existed at the time of many of the adjacent residential uses were constructed, that use was nonconforming and eventually would be eliminated. The adjacent residents relied on the established conditions of the current use to minimize land use compatibility issues.

IV. Staff Recommendation

As stated in Code Section 134-104, a special exception can only be approved with a finding that the approval shall not adversely affect the public interest and shall not negatively impact the character of the neighborhood in which the proposed use is to be located and the value of surrounding lands. The conditions of approval attached to the 2016 special exceptions were part of the City Council’s required finding in granting the special exception.

There have been no changes to the adjacent properties or land use in the area to warrant a change in the conditions of the special exception. The applicant’s justification for the modification may be valid; however, the applicant has not addressed the potential increased negative impacts to the adjacent residential uses and residential uses along Mary Jess Road if the expanded hours are authorized. Staff recommends denial.

ESH

**Confirmation of Special
Exception approval on subject
property with conditions**



September 29, 2016

Sam Sebaali, PE
President
FEG
5127 S. Orange Avenue, Ste. 200
Orlando, FL 32809

SSebaali@feg-inc.us

RE: 2016-SE-03 Code 134-405 (b)(10) Outdoor storage of merchandise, parts or other equipment

2016-SE-04 Code 134-405 (b)(11) Building material storage and sales (new, no junk or used material)

2016-SE-05 Code 134-405(b)(14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

Sam:

This correspondence serves to confirm that on September 12, 2016, the City of Edgewood's Planning & Zoning Board considered your client(s) application for the variances noted above. The Planning & Zoning Board forwarded a recommendation for approval with eight (8) conditions to the City Council. In their regular City Council meeting held on September 20, 2016, City Council approved the Planning & Zoning Board's recommendation along with their conditions, and added four conditions. The following conditions were included in the approval of the above referenced conditions:

- 1) A "Type A" landscape buffer shall be provided along the northern property line, adjacent to lots of Lake Jessamine Estates, Phase 2. This buffer is required to include a masonry wall. The existing wall along the north property line can be used to satisfy the masonry wall requirement.

Landscaping adjacent to the wall shall include planting large, non-deciduous trees or shrubs that will achieve a dense continuous visual screening from eight feet to at least 25 feet in height. Shade trees for each 40 lineal feet or fraction thereof shall be planted within the buffer area.

The buffer area may be used for stormwater management, provided that the buffer yard screening requirements are maintained. Vehicular use areas, storage of materials, and accessory structures are prohibited within the buffer area.

- 2) Buildings onsite shall be limited to one story and a maximum of 35 feet in height.
- 3) Stacked material and equipment stored onsite shall be limited to a maximum height of 25 feet.

405 Bagshaw Way • Tel: 407-851-2920 • Fax: 407-851-7361 • www.edgewood-fl.gov

- 4) A six (6) feet wide landscape buffer shall be planted and maintained along the property's Mary Jess Road frontage.* One understory, non-deciduous shade tree shall be planted within the Mary Jess Road buffer for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet. The buffer shall also include a continuous hedge at least three feet high, and 50 percent opaque at planting of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months. *This condition was modified by City Council November 17, 2020.
- 5) A continuous hedge at least three feet high and 50 percent opaque at planting, of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months shall be planted and maintained along the east property line south of the existing wall.
- 6) Water efficient plants in the onsite landscaping are encouraged. A permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is required.
- 7) If the wall along Mary Jess Road remains, the wall shall be re-painted in earth tones to blend in with the landscaping.
- 8) Truck traffic is prohibited on Mary Jess Road west of Chenault Avenue.
- 9) Applicant shall install appropriate signage on the property to indicate no truck traffic west bound on Mary Jess Road.
- 10) Storage located within 50 feet of the north and south lines of the property shall be limited to 10 feet in height.
- 11) Hours of operations shall be limited to 6 a.m. to 6p.m.; Monday through Saturday.
- 12) In addition to being painted, the wall shall be restored to good repair
- 13) Limited to one vehicular access curb cut from the public right-of-way.

Please let me know if you have any questions.

Sincerely,

Bea L. Meeks, MMC, CPM, CBTO
City Clerk
bmeeks@edgewood-fl.gov