

Date: October 12, 2022
To: City Council
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



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. 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.

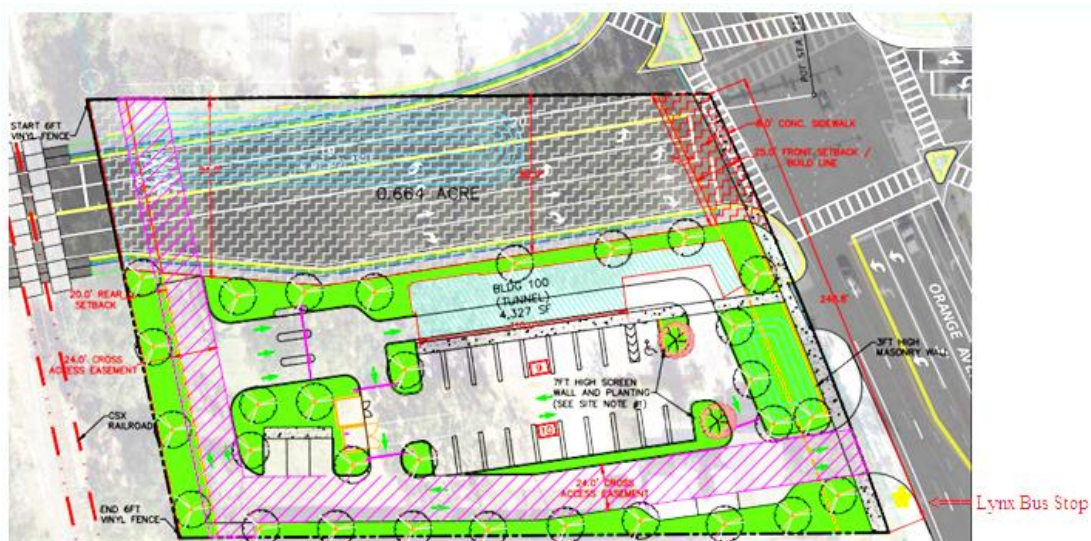
REQUESTED WAIVERS

Waiver #1

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)). According to the applicant, the premise for the waiver is to help achieve the City's goal to provide a solution to the traffic issues created by Holden/Orange/Gatlin Avenues offset intersections by limiting the development to the southern 2/3's of the property to preserve the north 1/3 for a potential Holden Avenue realignment.

With use of the waiver, the applicant would build the car wash tunnel/building perpendicular to Orange Avenue and use the north 1/3 of the property only for stormwater management. If Holden Avenue is realigned, the idea is to accommodate the stormwater from the car wash into the road's stormwater management system. Exhibit 3 shows the proposed site layout with the conceptual alignment for the Holden Avenue realignment as shown in Orange County's Intersection Analysis Study (March 2022) superimposed over the car wash site layout.

Exhibit 3 – Proposed Car Wash Layout



A waiver would still be needed if that portion of the property were already acquired for the realigned road; the proposed building frontage would account for only 16% of the property frontage, still significantly substandard for the ECD requirement.

The Planning and Zoning Board (P&Z) supported this waiver with conditions after discussion relative to a car wash potentially being at a major intersection in the city. However since the P&Z meeting, Orange County BCC eliminated the potential for Holden Avenue to be realigned. Thus the premise for the waiver is negated.

As such, staff recommends denial of the request; a proposed development with only 11.25% of the frontage occupied by a building is contrary to the intended land use pattern and design standards of the ECD. The principal goal of the ECD is to create a land use pattern that encourages interest in walking, transitioning from an auto oriented land use pattern.

Waiver #2

The applicant is also 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 vacuum screen walls are circled in Exhibits 4 and 5.

Exhibit 4 – Proposed Vacuum Screen Wall Locations

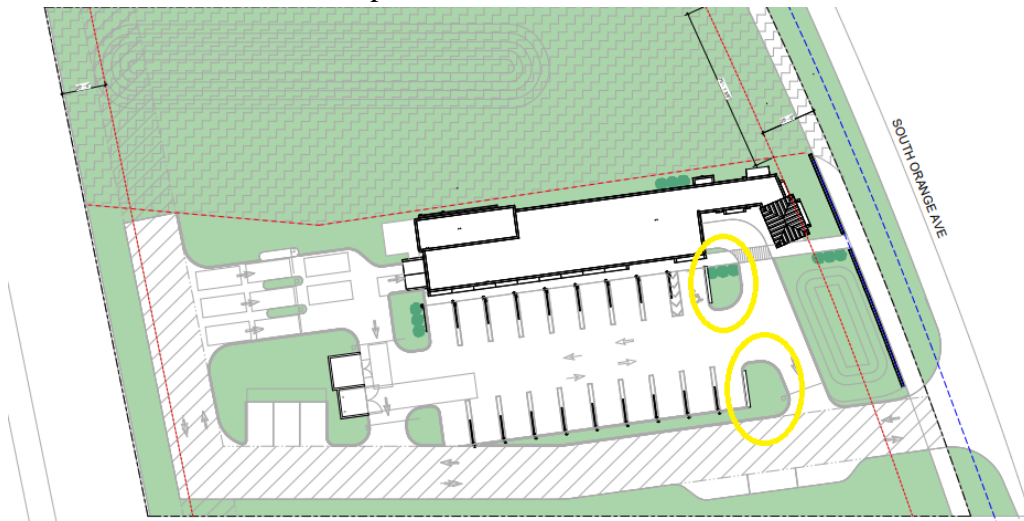
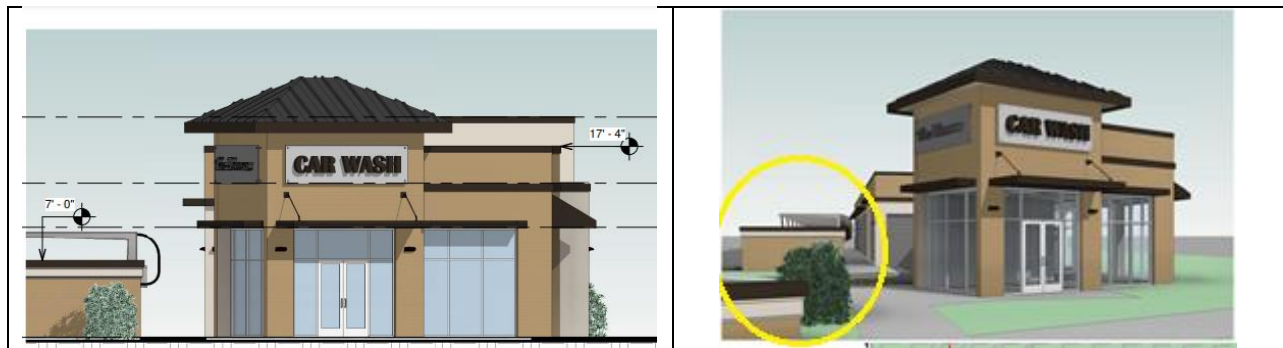


Exhibit 5 – Views from Orange Avenue



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 1/3 of the property for the Holden Avenue realignment.

P&Z recommended approval of this requested waiver with conditions based on the justification to turn the building perpendicular to Orange Avenue. Again, since Orange County BCC eliminated the potential for Holden Avenue to be realigned, the site plan will need to be completely recreated. A new site layout would likely result in the lack of need for this waiver. Thus, at this time, staff recommends denial of the request.

Waivers #3 and 4

These requested waivers are for two different sections of the ECD regulations that both require a seven (7) feet high opaque brick wall along the west property line: Code Sections 134-472(a)(4) and 134-468(g)(1)a). This wall is required since the property is adjacent to Low Density Residential designated land. The applicant is requesting a 6 feet high vinyl fence be used in lieu of the 7 feet high brick wall. Justification is that the adjacent land is railroad and then Cypress Grove Park.

The required ECD brick wall was contemplated in this location even with the presence of the railroad tracks and park. 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.

The applicant also justifies this waiver by stating a fence would be easier to remove if the land eventually became the Holden Avenue alignment.

After discussion related to the potential temporary nature of the fence and the applicant's desire not to mix vinyl fence with a brick wall, P&Z voted to recommend approval of a waiver to allow a six feet high vinyl fence in lieu of a seven feet high brick wall with conditions. However, since the County eliminated the potential Holden Avenue realignment, the temporary nature of a screen between the commercial use and the park can no longer be justified. Furthermore, as stated earlier, the required ECD brick wall was contemplated in this location even with the presence of the railroad tracks and park. 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. Staff recommends denial of the request.

Waiver #5

A waiver is also requested from Code Section 134-472(a)(2) which requires the car wash tunnel entrance/exit to not face Orange Avenue. As shown in Exhibit 6, the proposed design of the tunnel is hidden from Orange Avenue by the design of the building.

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



P&Z’s recommendation to Council is that the proposed building configuration will screen the car wash tunnel and a waiver is not needed. However, if Council requires a waiver, P&Z recommends approval to allow a car wash tunnel be oriented to Orange Avenue as depicted on the site plan submitted with the waiver application. Orange County’s elimination of the potential for Holden Avenue to be realigned, the site plan will need to be completely recreated. A new site layout would likely result in the lack of need for this waiver. Thus, staff recommends denial of the request.

RECOMMENDATION SUMMARY

Criteria for approval

- (1) 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) The granting of the proposed waiver will serve the health, safety and welfare of the city;
- (3) 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) Any waivers granted will not adversely impact the use or property values of adjacent properties.

Staff Recommendation

Denial of all requested waivers: the criteria for waiver approval have not been met.

ESH

APPENDIX – P&Z RECOMMENDATIONS

- Waiver #1

Section 134-468(f): to allow the building frontage to be 11.25% in lieu of 70% of the lot width

P&Z recommended approval with the following two conditions:

- 1) A requirement that the north building elevation, the side that will potentially face the realigned Holden Avenue, meet ECD building design/people standards.
- 2) The parcel's Orange Avenue frontage shall be designed as a park like setting, including the incorporation of the Lynx bus shelter.

The first condition is consistent with the applicant's premise for the waiver: to accommodate a future Holden Avenue realignment. The ECD standards are not met as currently proposed.

The ECD requires buildings facing Holden Avenue to be constructed at the "build line." This provides a 25 feet wide green buffer to accommodate shade trees spaced 35 feet on center for an aesthetic as well as shaded pedestrian path. The proposed building is situated only 5-7 feet from what is shown as the future Holden Avenue right-of-way line; this is not only inconsistent with the ECD requirements, but shade trees in this narrow space would cause future damage to sidewalks and the building.

The ECD also requires buildings adjacent to Holden Avenue to be designed to avoid blank walls; at least 60 percent of the width of the building is to be glass windows and/or doors and the building façade is to vary horizontally at least every 40 feet. As shown in Exhibit A1, the building does not meet these standards.

Exhibit A1 – Proposed Elevation Adjacent to the Proposed Holden Avenue Realignment



As stated in the ECD, the intent of these design standards is to avoid long uninterrupted, monolithic appearance of façade planes, thus enhancing the visual appearance of development within the city and creating a human scale building, which in turn encourages pedestrian activity. Examples of innovative car wash design found on the internet are presented in Exhibit A2.

Exhibit A2: Innovative Designs which could be used along Holden Avenue Realignment





The second condition is an attempt to mitigate the lack of interest in walking a narrow building creates.

An idea for the park-like setting is to set the street wall along the west side of the green space proposed between the driveway and the building and include street furniture, bike parking, and enhanced landscaping in the green space. A Lynx bus shelter could also be incorporated into the green space; the bus stop current location will need to be relocated if this site plan is implemented as the current location would be on edge the driveway's radius connection to Orange Avenue. The shelter could be accommodated within an expanded urban services easement. Based on the estimated distance between the back of Orange Avenue curb and property line, the easement will be needed to accommodate the required minimum six feet grassed strip and the eight feet wide unobstructed sidewalk width along Orange Avenue; thus, there is not a burden to create the easement for the Lynx shelter. Exhibit A3 provides an illustration of this recommendation.

Exhibit A3 – Design along Orange



- Waiver #2
Section 134-472(a)(4): to allow a 7 feet high blank wall in lieu of a wall that meets the ECD front building façade design to screen car wash vacuum stations from street view

P&Z recommended approval with two conditions:

- 1) The walls will complement the building materials/colors; and,
- 2) The trees and other landscaping shall be approved by the City's Landscape Architect, with the trees being a minimum 3" caliper and 12 feet in height at planting unless otherwise stated by the City Landscape Architect.

- Waivers #3 and 4
Sections 134-427(a)(4) and 134-468(g)(1)(a): to allow a 6 feet high vinyl fence in lieu of a 7 feet high brick wall where a property perimeter is adjacent to Low Density Residential designated land

After discussion related to the potential temporary nature of the fence and the applicant's desire not to mix vinyl fence with a brick wall, P&Z voted to recommend approval of a waiver to allow a six feet high vinyl fence in lieu of a seven feet high brick wall with two conditions:

1. If the Holden/Gatlin realignment goes through, the property owner will have to remove the entire vinyl fence and replace with a brick wall consistent with ECD requirements; and,
2. If there is no realignment within seven years from the waiver being granted, the property owner must remove the vinyl fence and replace with a brick wall consistent with ECD requirements.

- Waiver #5
Section 134-472(a)(2) to allow a car wash tunnel entrance/exit to face Orange Avenue

P&Z recommended approval of a waiver to Code Section 134-472(a)(2) to allow a car wash tunnel be oriented to Orange Avenue as depicted on the site plan submitted with the waiver application if Council requires a waiver.