



PLANNING AND ZONING BOARD MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, December 12, 2022 at 6:30 PM

Ryan Santurri
Vice-Chair

David Gragg
Board Member

David Nelson
Board Member

Melissa Gibson
Board Member

Todd Nolan
Board Member

MINUTES

CALL TO ORDER & PLEDE OF ALLEGIANCE

Vice Chair Santurri called the meeting to order at 6:30 pm and led everyone in the Pledge of Allegiance.

ROLL CALL AND DETERMINATION OF QUORUM

Administrative and Permitting Manager Sollazzo confirmed there was a quorum with four board members present; Board Member Gragg was absent.

BOARD MEMBERS PRESENT

Vice Chair Ryan Santurri
Board Member Melissa Gibson
Board Member David Nelson
Board Member Todd Nolan

STAFF PRESENT

Brett Sollazzo, Administrative & Permitting Manager
Mike Fratacelli, Police Sergeant
Drew Smith, City Attorney
Ellen Hardgrove, City Planner

BOARD MEMBERS ABSENT

Board Member David Gragg

APPROVAL OF MINUTES

November 14, 2022 Planning & Zoning Meeting Minutes

Board Member Gibson made a motion to approve the November 14, 2022 Planning and Zoning meeting minutes as presented. The motion was seconded by Vice Chair Santurri. Approved (3/0) with Board Member Nelson abstaining due to not being at previous meeting.

NEW BUSINESS

1. Ordinance 2022-09: Small Scale Comp Plan Amendment for County to City Zoning

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, TO AMEND THE FUTURE LAND USE MAP OF THE EDGEWOOD COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION ON TWO PARCELS: 1) FROM COUNTY COMMERCIAL AND OFFICE TO CITY COMMERCIAL ON THE APPROXIMATELY 8.79 ACRE OAKWATER PROFESSIONAL PARK AND 2) FROM HIGH DENSITY RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 0.78 ACRE LOCATED AT 5517 HANSEL AVENUE; FINDING THAT SUCH CHANGE IN THE FUTURE LAND USE MAP ARE SMALL SCALE AMENDMENTS UNDER SECTION 163.3187, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Planner Hardgrove began by giving a brief overview of the proposed ordinance, explaining that amending the future land use at Oakwater Professional Park and 5517 Hansel Avenue are the first steps towards the County to City rezoning process. Planner Hardgrove went on to say that it is necessary to establish a City future land use designation on the Oak Water property and to change the future land use designation on the Hansel property in order to establish the proposed city zoning districts for the properties. Because both properties

are less than fifty acres, state law says it can be a small scale amendment, which City Council can approve with only one hearing; i.e., a transmittal hearing to send the proposed amendments to the Department of Economic Opportunity is not needed.

Vice-Chair Santurri made a motion to recommend that City Council approve Ordinance 2022-09 to amend the Future Land Use Map as proposed; the motion was seconded by Board Member Nelson. Approved (4/0).

The motion was approved by roll call vote.

Vice-Chair Santurri	Favor
Board Member Gibson	Favor
Board Member Nelson	Favor
Board Member Nolan	Favor
Board Member Gragg	Absent

2. Ordinance 2022-10: CIE Annual Amendment Transmittal

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, ADOPTING THE 2022/2023 FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE ANNUAL UPDATE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Planner Hardgrove began by giving a brief overview of the proposed ordinance to adopt the 2022/2023 five-year capital improvement schedule, which is another part of the comprehensive plan. The capital improvement element summarizes the level of service standard for primary infrastructure for current and future population. In addition to including the level of service standards, the Capital Improvement Element must show financially how the city is going to maintain said level of service.

Planner Hardgrove went on to explain the primary infrastructure includes sanitary sewer, potable water, solid waste, drainage, and roads. The only financial responsibility the City has is drainage. Other infrastructure improvements are the responsibility of other agencies such as Orange County, City of Orlando, Department of Transportation, etc. Regardless of who is responsible, the City is required to have financial costs listed in the five-year capital improvement schedule. The city has no responsibilities during the next five years, but other agencies do.

Planner Hardgrove continued by stating this is an annual administrative item, and without it you cannot amend the comprehensive plan. She recommended that the Board recommend City Council to approve the updated capital improvement schedule.

Board Member Gibson asked if this tells the City what to spend money on, to which Attorney Smith replied that Council ultimately is in control of what to spend money on. Planner Hardgrove followed up by stating that if a level of service is not maintained, then City cannot approve new development.

Board Member Nelson made a motion to recommend that City Council approve Ordinance 2022-10 as proposed for the five-year Capital Improvement Schedule; the motion was seconded by Vice Chair Santurri. Approved (4/0).

The motion was approved by roll call vote.

Vice-Chair Santurri	Favor
Board Member Gibson	Favor
Board Member Nelson	Favor
Board Member Nolan	Favor
Board Member Gragg	Absent

3. Ordinance 2022-11: Boat Docks

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Smith began by giving a brief overview of the proposed ordinance, explaining that City Council asked for this ordinance due to Orange County updating theirs and wanting to keep ours in line with the County to assist contractors. The biggest regulatory change is with the setback. The City currently allows a 15-foot side setback, but with updated ordinance if the property is less than 100 feet of width then a 10-foot setback is allowed; if the property is over 100 feet, then a minimum 15-foot side setback is required.

Board Member Nelson noted a text error in Section 14-4 line 120 where the word “hour” was missing. Attorney Smith said he will make the correction.

Board Member Nolan asked if the ordinance will help limit variance requests. Attorney Smith said yes, and confirmed that even though the County ordinance has more detail, our ordinance is set so everything we regulate matches the County.

Discussion ensued between Board members and Attorney Smith. Board Member Nolan brought up some concern regarding Section 14-11 line 193 of the ordinance that talks about a mitigation plan for adverse impacts to surface waters and how that is vague. Attorney Smith clarified that the City Engineer would be the one to decide if any mitigation is needed. Board Member Nolan suggested removing the words “surface waters” for clarity purposes.

Continued discussion ensued with no other changes recommended.

Vice-Chair Santurri made a motion to recommend that City Council approve Ordinance 2022-11 with the following changes:

- ***Correct the typographical error in Sec. 14-4 on line 120 by adding the word “hour” after ten miles per***
- ***Remove the words “surface waters” from Sec. 14-11 line 193***

The motion was seconded by Board Member Gibson. Approved (4/0).

The motion was approved by roll call vote.

Vice-Chair Santurri	Favor
Board Member Gibson	Favor
Board Member Nelson	Favor
Board Member Nolan	Favor
Board Member Gragg	Absent

4. Ordinance 2022-12: Rezoning Process

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," SECTION 134-121, "REZONING PROCESS," SUBSECTION (d) RELATING TO NOTICE REQUIREMENTS FOR REZONINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

Attorney Smith began by giving a brief overview of the proposed ordinance, explaining that the ordinance was created to help with the future County to City rezoning process and its notice requirements. Current code states you would treat the public notice requirement the same as a variance, which requires notices to be delivered to all impacted by rezoning, along with properties within 500 feet. The change in ordinance will match state law regarding public notice for rezoning.

Vice-Chair Santurri made a motion to recommend that City Council approve Ordinance 2022-12 as proposed; the motion was seconded by Board Member Nelson. Approved (4/0).

The motion was approved by roll call vote.

Vice-Chair Santurri	Favor
Board Member Gibson	Favor
Board Member Nelson	Favor
Board Member Nolan	Favor
Board Member Gragg	Absent

5. Ordinance 2022-13: ECD Wall Location (8:25 remaining)

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES RELATED TO THE EDGEWOOD CENTRAL DISTRICT TO CORRECT SCRIVENERS' ERRORS, PROVIDE CLARIFICATION OF ADOPTED REGULATIONS AND STANDARDS, AMEND CERTAIN DESIGN GUIDELINES AND STANDARDS, AND TO PROVIDE AMENDED REGULATIONS RELATED TO LOCATION OF WALLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

Planner Hardgrove began by giving a brief overview of the proposed ordinance, stating that it is for a scriveners' error regarding the buffer wall between residential and ECD being five feet from the property line. Council approved that the required wall could be on the property line in 2021. The change was made to the side yard, but inadvertently not changed for the rear. This ordinance proposes to correct that error.

The error was found when dealing with an issue with the Mecato's property (5645 Hansel Ave); Orange County is requiring the establishment of a utility easement along the rear property line and will not allow a wall to be constructed five feet from the property line within the easement. Discussion ensued amongst the board members and staff and Attorney Smith recommended line 36 of the proposed ordinance be amended

to state that the buffer wall shall be constructed within five feet from the property line, as opposed to having it be on the property line, providing flexibility if necessary.

No other recommendations were made.

Board Member Nelson made a motion to recommend that City Council approve Ordinance 2022-13 to correct the scrivener's errors with the following provisions:

- ***Amend line 36 to state a wall shall be constructed within five feet from the property line.***
- ***In addition to the proposed change to the rear yard setback, the Board recommends making the same change to the wall setback for side yards; i.e., within five feet.***

The motion was seconded by Vice Chair Santurri. Approved (4/0).

The motion was approved by roll call vote.

Vice-Chair Santurri	Favor
Board Member Gibson	Favor
Board Member Nelson	Favor
Board Member Nolan	Favor
Board Member Gragg	Absent

ADJOURNMENT

The meeting was adjourned at 7:16PM.

Ryan Santurri, Vice Chair

Brett Sollazzo, Administrative and Permitting Manager