



Date: January 11, 2022
To: City Council
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Deputy City Clerk
Bea Meeks, City Clerk
Allen Lane, CPH Engineering, City Engineering Consultant
Jim Winter, CPH Engineering, City Landscape Architect Consultant
Drew Smith, City Attorney
Re: Review of Mecatos Bakery and Café Site Plan/Waiver/Variance Application

This agenda item is related to the proposed site plan for the Mecatos Bakery and Café on the 0.917-acre parcel located at the northeast corner of Hansel and Hoffner Avenues, within the ECD. The proposal is an expansion of an existing 1,443 square feet building to 2412.5 square feet and a retrofit of the site to meet most of the ECD site design standards. Waivers are being requested where site standards are not met; a variance is also requested.

The proposed site plan is still under staff review; however, it is at a completion state where it is practical to consider approval of the proposed waivers and variance. According to Code Section 134-474, City Council may authorize waivers from the minimum standards 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. The Planning and Zoning Board (P&Z) reviewed and made recommendations on the requested waivers and variances at their January 10, 2022 hearing.

The following table provides a summary of the requested waivers and variance with the recommendations of staff and P&Z. The rationale and more details on the recommendations follow the table. The green color coding reflects a recommendation for approval; red reflects a recommendation for denial, and blue reflects a conditional approval.

MECATOS REQUESTED WAIVER AND VARIANCE SUMMARY

Subject	Code Section	Staff Recommendation	P&Z Recommendation
Architecture Design	Waiver of Code Section 134-469(1)f, which requires a three-dimensional cornice, at least 2.5 feet in height, along all flat or parapet roof portions.	Approve	Approve
	Waiver of Code Section 134-469(1)c.4 to allow the required building's vertical change to not be hung between 13-15 feet above the grade.	Approve	Approve
Parking Location	Waiver of Code Section 134-474(c)(4)(a) which requires parking to be behind the imaginary line extended from the front building façade.	Approve	Approve
Hansel Avenue Buffer	Waiver of Code Section 134-471(2)e, which requires the street wall to be located at the build line (Hansel).	Approve	Approve
	Waiver of Code Section 134-474(c)(4)a, which requires the street wall to be placed two feet from the drive aisle and not within the required buffer width.	Approve	Approve
Hoffner Avenue People Space	Waiver of Code Sections 134-471(1)a and 134-471(2)i. to eliminate the Road View requirements on the Hoffner Avenue side of the building.	Approve	Approve
	Waiver of Code Section 134-471(2)e, which requires a street wall to screen the parking spaces (Hoffner Avenue).	Approve	Approve conditioned on the Hansel Ave street wall continued around the corner along the Hoffner Ave side in front of the two westernmost parking spaces plus columns at top and bottom of stairs on Hoffner

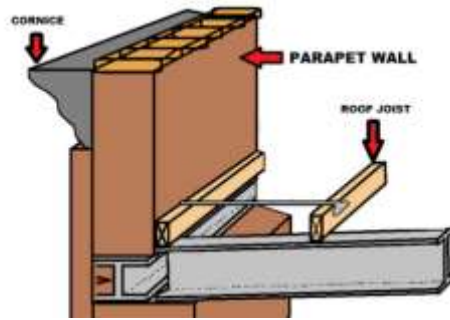
Trees	Waiver of Code Section 134-468(h)(2), which would require Highrise Oaks with 5” caliper along the Hansel and Hoffner Avenues frontage.	Approve	Approve conditioned on the minimum caliper being 3 inches
	Waiver of Code Section 134-471(2)h, which requires the width of landscape islands in parking lots to be a minimum of fifteen (15) feet in width in order to provide a sustainable space for trees.	Approve conditioned on the Hoffner Ave driveway narrowed	Approve the reduction in island width for that at the western end of the parking along the northern property line Approve the reduction of island width for that at the eastern end of the parking along the southern property line conditioned on replacing the required parking island tree with a ground cover that would grow to and be maintained at two (2) feet in height to ensure driver sight visibility.
Drive Up Window	Waiver of Code Section 134-472(b), which requires drive-up windows to be on the building’s rear side.	Approve with conditions	Approve conditioned on landscaping to be provided in general conformance with the landscape plan submitted by the applicant at the hearing.
Lighting	Waiver of Code Section 134-470(f), which requires a minimum foot candle of 2.0 where pedestrians will be present.	Approve conditioned on providing a minimum of 1.0 foot candle	Approve conditioned on providing a minimum of 1.0 foot candle
	Waiver of Code Section 134-470(f)), which requires lighting fixtures to be decorative, at a maximum height of 16 feet, and located at least 15 feet from trees.	Deny	Deny except for the existing fixtures: one along the Hoffner frontage, one along the east property line

Fences	Waiver of Code Section 134-470(c)(3), which limits height of fences anywhere in the ECD to a maximum of 48 inches.	Approve conditioned on construction of the wall if the former Brickwood Drive is incorporated into the property	Approve conditioned on construction of the wall if the former Brickwood Drive is incorporated into the property
Withdrawn By Applicant	Waiver of Code Section 134-468 (g)(1) a to allow a seven-foot high opaque vinyl fence in lieu of the seven-foot high opaque brick wall where property is adjacent to Low Density Residential designated property.		
	Waiver of Code Section 134-472(b, which requires a drive up lane of a minimum of 120 feet in length as measured at the first stopping point.		
Cross Access	Variance in Code Section 134-142 to eliminate the requirement for a cross access easement.	Approve	Approve

RATIONALES AND RECOMMENDATIONS

ARCHITECTURE DESIGN

REQUEST: **Waiver of Code Section 134.469(1)f to allow the elimination of the required three-dimensional cornice, which is required to be at least 2.5 feet in height or as needed to conceal mechanical equipment (whichever is taller), when the proposed building roof is either flat (less than 3:12 pitch) or has parapet roof portions. The cornice is not proposed.**



Rationale: Architect's preferred design.

Recommendation:

Staff: The architect that assisted with the ECD creation supports the proposed waiver, **approval.**

Granting of the proposed waiver from Code Section 134.469(1)f to not require the 2.5 feet high cornice in the building design will,

- not have the effect of nullifying the intent and purpose of the standard that is the subject of the requested waiver;
- the size and current parapet design is sufficient to meet the design objective of the ECD; and,
- Requiring the addition of a 2.5 feet in height cornice to the design is illogical, impractical, and unreasonable given the proposed building design.

P&Z: **Approval**

REQUEST: **Waiver of Code Section 134.469 (1)c.4 to allow the required vertical change to not be hung between 13-15 feet above the grade. A building height more than 20 feet requires a vertical change in 75% of the front façade between 13 to 15 feet above the adjacent sidewalk grade to ensure a human scale. This can include a step back or step forward of the building, a material change, or awnings/canopies.**

Rationale: For the subject building, the requirement for a vertical change is accomplished with the use of a covered patio. However, technically, the covered patio does not meet code as it is not “hung.” It extends from the façade 12 feet above the grade

Recommendation:

Staff: **Approval.** The architect that assisted with the ECD creation supports the proposed waiver.

The waiver will not have the effect of nullifying the intent and purpose of the standard;

- granting of the proposed waiver will not be detrimental to the health, safety and welfare of the city;
- Requiring the patio canopy to be 13 feet above the adjacent sidewalk grade is unreasonable given the window design of the adjacent wall.

P&Z: **Approval**

PARKING LOCATION

REQUEST: Waiver of Code Section 134-474(c)(4)(a) to allow parking in front of the imaginary line extended from the front building façade. As shown on the site plan, three parking spaces and a fraction of a fourth are in front of the imaginary line extended from the front façade of the building.

Rationale: These four spaces will be on existing pavement. Currently, the area is used as a drive aisle with parking on the north side of the drive aisle. The proposed parking layout was designed meet the minimum parking space quantity as well meet the minimum drive aisle length for the drive up window. To retain this area as a drive aisle instead of parking would result in the same condition: pavement adjacent to the front landscaped area.

Recommendation:

Staff: **Staff supports this waiver** and makes a finding that,

- 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; the People Space is still provided;
- no new asphalt is being poured to accommodate the parking spaces; and
- allowing four spaces in the proposed location is the minimum waiver that will reasonably eliminate or reduce the illogical, impossible, impractical, or unreasonable result caused the applicable standard.

P&Z: **Approval**

HANSEL AVENUE BUFFER

REQUEST: Waiver of Code Sections 134-471(2)e and 134-474(c)(4)a to allow the required street wall on the Hansel Avenue side of the property to be closer than 25 feet from the front property line, thus resulting in less than 25 feet wide of landscaped yard in front of the wall. As proposed, the southern ¾ of the wall is proposed to be located ±21 feet from the property line and the northern ¼ is proposed to be 8 feet from the front property line.

Rationale: For the southern ¾ of the wall, the placement is to allow passenger doors to fully open without hitting the wall. For the northern ¼ segment, the rationale is to provide security for the bike parking. The bike parking location was chosen for its proximity to the crosswalk and minimal conflict with vehicles.

Recommendation:

Staff: If the waiver for parking in front of the front building elevation is granted, staff supports the southern wall segment location in that it is impractical to place the wall at the required location. If the applicant can demonstrate that there is no other practical location for the bike rack, staff can support the northern segment location.

P&Z: Approval. P&Z endorsed the location of the bike rack finding the location would promote bike riding as an alternative form of transportation and the proposed wall location provides security for parked bikes.

NOTE TO COUNCIL: If Council supports P&Z’s recommendation, staff recommends modification for clarity: Approve the Hansel Ave buffer width and street wall location as shown on the site plan presented at the hearing.

HOFFNER AVENUE PEOPLE SPACE

REQUEST: Waiver of Code Sections 134-471(1)a,134-471(2)i, and Section 134.471(2)e to eliminate the Road View requirements on the Hoffner side of the building; i.e., a six feet wide impervious area adjacent to the road curb, then an eight feet wide sidewalk, then a 25 feet wide landscaped area extending to the build to line, and a street wall when parking is adjacent to the road

Rationale: Since this is an expansion of an existing building, it is impossible to meet the Road View requirements and meet the minimum parking requirements. Conformance with the ECD requirements would eliminate all parking on the south side of the building.

Recommendation:

Staff: Approval. The Road View/People Space application along Hoffner Avenue was primarily intended for the segment between Orange and Hansel Avenues.

Approval of this request is a policy decision: whether this segment of Hoffner Avenue should reflect the ECD design given the ECD will not extend east of this parcel. On other side streets in the ECD, City landscape requirements of Chapter 114 are required. The proposed landscaping meets the Chapter 114 requirements when parking is adjacent to a road: minimum 7 feet wide buffer width, one shade tree for each 40 linear feet, or fraction thereof, and a continuous hedge at least 30 inches high at planting of a species capable of growing to at least 36 inches in height within 18 months, with the height of the hedge measured at grade of the adjacent parking lot.

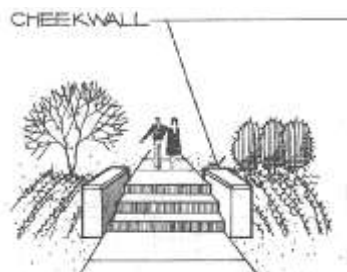
To be noted, the proposed design is an improvement of the existing condition. The site plan shows an expansion of the existing five feet wide landscape buffer between the sidewalk and vehicular use area to 8.5 feet and the addition of a non-required parking island in the adjacent row of parking.

Staff supports all these waivers finding that,

- granting of the proposed waivers will not have the effect of nullifying the intent and purpose of the standard that is the subject of the requested waiver; and,
- granting of the proposed waivers will not be detrimental to the health, safety and welfare of the city.

P&Z: Approval, conditioned on continuing the Hansel Avenue street wall around the corner along the Hoffner Avenue side in front of the two westernmost parking spaces, plus constructing columns at the top and bottom on both sides of the stairs that are proposed to connect the sidewalk along Hoffner into the property. The intent is to unify the look on both sides of the property.

Other treatments were discussed to unify the look of the Hoffner and Hansel People Spaces including the construction of cheekwalls at the stairs location, though, was not part of the motion.



NOTE TO COUNCIL: Staff would recommend an additional condition for clarity; i.e., landscaping along the Hoffner Avenue side shall meet Code Chapter

114 related to the minimum requirements for landscaping where parking lots are adjacent to public rights-of-way, with flexibility of plantings in proximity to the wall as recommended by the City's Landscape Architect.

TREES

REQUEST: Waiver of Code Section 134-468(h)(2) to allow trees other than Highrise Oaks with 5" caliper.

Rationale: Highrise Oaks are not available and growers may have stopped growing the trees because of the unexpected poor structural growth of the trees. The City's landscape architect recommends Chinese Elms and single stemmed Japanese Blueberries as alternatives. However, 5" caliper of these species are not available. The only 5" caliper trees currently available are species that will grow too large for the space. With the construction market booming as it is, it will be likely that 5" caliper trees will continue to be difficult to find. A 3" caliper tree will match the size of a 5" caliper tree in about 3 years, as the 5" tree takes several more years to establish a root system capable of supporting growth. The main advantage of the 5" caliper is you have a larger tree for the first 3 years.

Recommendation:

Staff: **Approval**

- granting of the proposed waiver will not be detrimental to the health, safety and welfare of the city; and,
- the requirement is currently impractical to meet.

P&Z: **Approval conditioned on the minimum caliper being 3 inches.**

REQUEST: A waiver to Code Section 134-471(2)h, to allow less than fifteen (15) feet wide landscaped islands in parking lots. Such is proposed at the east end of the parking adjacent to Hoffner Avenue and at the west end of the parking along the northern property line.

Rationale: In order to comply with staff's recommended one-way traffic circulation around the building and in order to provide the minimum drive aisle length for the pick-up window, the parking spaces on the south side of the building needed to be converted to angled parking. The change from perpendicular to angled parking resulted in the loss of one parking space if the standard island width was provided. Along the north property line, the notched northern property line created a design hardship.

Recommendation:

Staff: **Staff can support the reduction at the west end of the parking along the northern property line in that there is green space on the other side of the property line that provides the space needed to sustain the required tree's growth.**

For the island at the east end of the parking adjacent to Hoffner Avenue, staff can support the waiver conditioned on reducing the adjacent (east) driveway entrance width to the minimum required to accommodate emergency vehicles; the resulting land area will be sufficient to sustain a small tree, such as a Tonto Crape Myrtle. Staff's draft drawing of a reduced driveway width showed the tree could be situated outside the driver's sight visibility triangle if the stop bar is moved east, which it should be.

P&Z: **Approval of a waiver to reduce the island width for the western end of the parking along the northern property line; and,**

Approval of a wavier to reduce the island width for that at the eastern end of the parking along the southern property line conditioned on replacing the required parking island tree with a ground cover that would grow to and be maintained at two (2) feet in height to ensure driver sight visibility.

DRIVE UP WINDOW

REQUEST: Waiver of Code Section 134-472(b), which requires drive-up windows to be on the building's rear side. The intent of the ECD is to focus on people/pedestrians rather than vehicular travel. The proposed drive up window is on the side.

Rationale: Due to using an existing building, the most practical location for a pick up window is on the north side. It would be impractical to locate the window in the rear. Staff can support this location with a condition for redesign of the front elevation with a faux wall or landscaping to "hide" the vehicle centered feature from Hansel Avenue (see illustration on below).



Recommendation:

Staff: **Staff supports approval with the condition of screening the drive through lane/window from Hansel Avenue.** The condition will help to,

- preserve the intent and purpose of the standard that is the subject of the requested waiver;
- serve the health, safety and welfare of the city; and,
- would reasonably mitigate the impractical application of the standard with the use of this existing building.

P&Z **Approval conditioned on landscaping to be provided in general conformance with the landscape plan submitted by the applicant at the hearing. P&Z noted that given Hansel Avenue is one way northbound, the drive-up window would not be noticed particularly given the proposed street wall and landscaping,**

LIGHTING REQUEST:

Waiver of Code Section 134-470(f) to allow a minimum foot candle of 1.0 where pedestrians will be present instead of 2.0.

Rationale: The minimum of 2.0 may be unreasonable and a regulation change should be considered. The ECD lighting standard was taken from other jurisdictions’ codes. The Illuminating Engineering Society (IES) recommends average maintained foot candle levels of 1.0 for uncovered suburban parking lots. Chief Freeburg agreed that 1.0 provides reasonable lighting coverage.

Recommendation:

Staff: **Approval** and makes a finding that,

- 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;
- granting of the proposed waiver will serve the health, safety and welfare of the city;
- the waiver is the minimum that will reasonably eliminate or reduce the illogical, impossible, impractical, or unreasonable result caused the applicable standard.

P&Z **Approve**

REQUEST: Waiver of Code Section 134-470(f)) to allow three, potentially non-decorative, light fixtures that are taller than 16 feet. A new 20 feet high light fixture is proposed along the north property line and two 28 feet tall existing light poles are proposed to be retained: one along Hoffner Avenue and one along the parking area east of the building. Illustration of the light fixtures has not been submitted to determine if decorative.

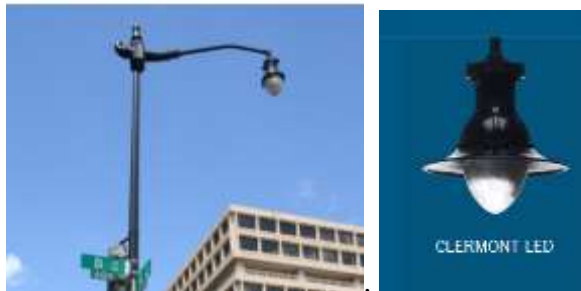
Rationale The applicant is requesting waivers from fixture height and/or decorative requirements claiming an increased height is necessary for lighting coverage.

Recommendation:

Staff: **Non-decorative light fixtures would be contrary to the envisioned ECD is not supported by staff. Additional information is needed related to height.**

Relative to the proposed light fixture on the north property line, unless there is objection from adjacent property owners, or other relevant information is presented at the public hearing to show that such lighting will be detrimental to the purpose and intent of the ECD, **staff has no objection to the height, conditioned on the fixture is decorative and coordinated with the fixture design along the Hansel Avenue side of the building.** The following provides decorative examples compared with that previously proposed by the applicant.

Decorative



Previously Proposed by Applicant



Code allows for deviation for fixture heights on a case by case basis where it is shown not to be detrimental to the purpose and intent of the ECD.

More information is needed related to retaining the existing light fixture proposed to remain along Hoffner Avenue. The fixture is shown on the next page.



In order to take advantage of the 1,000 square feet expansion of existing buildings, Code Section 134-474(c) requires utility lines such as electric, telephone, cable TV, fiber optics and other utilities to be placed underground, with existing utility service poles that are no longer utilized removed.

It may be unreasonable to require jack and bore under Hoffner Avenue to provide electricity to fixtures on this side of the property; however, with other lighting being required to provide the minimum foot candle throughout the parking lot, electricity from a different direction is likely to be available making elimination of this light pole and the overhead wires possible. Additional information is necessary to determine if elimination of this fixture is unreasonable.

The same information is needed for the second existing light pole proposed to be retained. This fixture, which is in the rear/eastern portion of the property, is shown below. The photo provides a good example for the rationale for meeting the Code standard lighting fixture maximum height and spacing: the light fixture is totally within the tree canopy.



At a minimum the lighting fixture should be replaced to meet the decorative standard and any additional lighting to meet the minimum foot candle along the east side of the parking area should meet the ECD height and decorative standards.

P&Z: **Approval of a waiver from Code Section 134-470(f) only for the existing light fixture along the Hoffner Avenue side of the property and the existing light fixture along the east side of the property; those existing light fixtures may remain. All other light fixtures shall conform with Code Section 134-470(f)**

FENCES

REQUEST: Waiver of Code Section 134-470(c)(3), which limits height of fences anywhere in the district to a maximum of 48 inches. The applicant is proposing a 7 feet high fence along a portion of the east property line as shown below.



Rationale: ECD requires a 7 feet high brick wall where the ECD is adjacent to property with a Low Density Residential future land use designation. The site plan is consistent with this requirement; however, there is a segment of the east property line that is contiguous to what is known as Brickwood Drive. This “road” is in fact private property that the applicant is pursuing to acquire, but such purchase is complicated by the history of ownership. “Brickwood Drive” has a Commercial future land use designation; thus, the wall is technically not required. Regardless, the applicant would like to screen the adjacent residential property, but do so with a more temporary material than a wall until the “Brickwood Drive” property is acquired.

Recommendation:

Staff: **Approval, conditioned on the fence being replaced with a wall consistent with ECD standards along the segment adjacent to the Low Density**

Residential future land use designated land once the “Brickwood Drive” property is acquired by the subject property’s owner. Allowing the waiver provides for a logical solution to existing conditions.

- Granting of the proposed waiver with the condition will not have the effect of nullifying the intent and purpose of the standard that is the subject of the requested waiver and,
- granting of the proposed waiver will be not detrimental to the health, safety and welfare of the city.

P&Z: Approval of a waiver of Code Section 134-470(c)(3) to allow a 7 feet high fence as shown on the site plan presented at the hearing conditioned on the fence being replaced with a wall consistent with ECD standards along the segment adjacent to the Low Density Residential future land use designated land if the “Brickwood Drive” property is acquired by the subject property’s owner.

VARIANCE REQUEST FOR CROSS ACCESS

REQUEST: The request is to eliminate the Code Section 134-142 requirement to provide vehicular cross access between adjacent parcels.

Rationale: To the east is residential land where cross access is inappropriate. To the north is a nonresidential parcel; however, there is no benefit to connecting that parking area to that on the subject property given the one-way circulation on the subject property. In addition, there is a significant grade difference between the two nonresidential parcels.

Variances are allowed where there are practical difficulties or unnecessary hardships in complying with the strict letter of Code, and the following criteria are met.

1. There are special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. That approval of the variance requested will not confer on the applicant any special privilege that would be denied to other lands, buildings or structures in the same situation.
4. The literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
5. The variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. The approval of the variance will be in harmony with the general intent and

purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Recommendation

Staff: **The City's engineer has determined it is not practical to require the vehicular cross access on the subject property.**

P&Z: **Approval**

ESH

5645 HANSEL AVE, EDGEWOOD, FL
C/O NELSON LERMA, JR
1073 CAMPBELL ST
Orlando, Florida
32806

Revisions:

No.	Date	Description
1		
2		
3		
4		
5		
6		
7		
8		

SITE AND GEOMETRY PLAN

Scale: SEE SHEET
Date: 2021-09-03
Project No: 7381000

Design: DWT
Drawn: CT
Checked: DWT

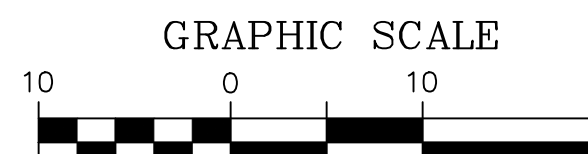
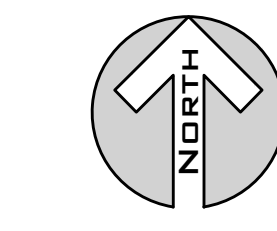
This item has been digitally signed and sealed by David Taylor, P.E., on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

David W. Taylor, PE
FL PE # 60928

Release:

C-100

RECEIVED
12/20/2021
CITY OF EDGEWOOD

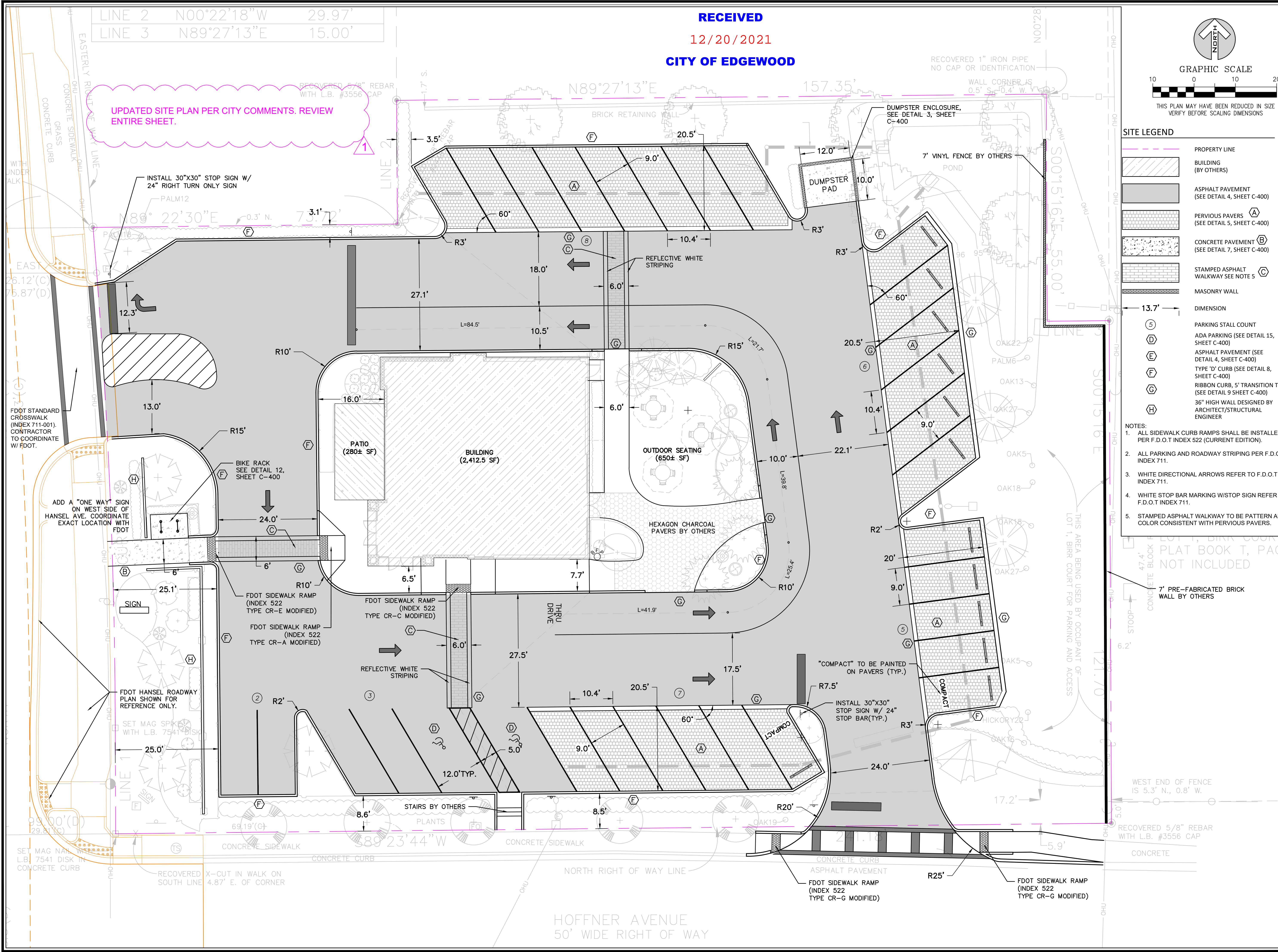


THIS PLAN MAY HAVE BEEN REDUCED IN SIZE
VERIFY BEFORE SCALING DIMENSIONS

SITE LEGEND

- PROPERTY LINE
- BUILDING (BY OTHERS)
- ASPHALT PAVEMENT (SEE DETAIL 4, SHEET C-400)
- PERVIOUS PAVERS (SEE DETAIL 5, SHEET C-400)
- CONCRETE PAVEMENT (SEE DETAIL 7, SHEET C-400)
- STAMPED ASPHALT WALKWAY SEE NOTE 5
- MASONRY WALL
- DIMENSION
- PARKING STALL COUNT
- ADA PARKING (SEE DETAIL 15, SHEET C-400)
- ASPHALT PAVEMENT (SEE DETAIL 4, SHEET C-400)
- TYPE 'D' CURB (SEE DETAIL 8, SHEET C-400)
- RIBBON CURB, 5' TRANSITION TYP. (SEE DETAIL 9 SHEET C-400)
- 36" HIGH WALL DESIGNED BY ARCHITECT/STRUCTURAL ENGINEER

- NOTES:
- ALL SIDEWALK CURB RAMPS SHALL BE INSTALLED PER F.D.O.T INDEX 522 (CURRENT EDITION).
 - ALL PARKING AND ROADWAY STRIPING PER F.D.O.T INDEX 711.
 - WHITE DIRECTIONAL ARROWS REFER TO F.D.O.T INDEX 711.
 - WHITE STOP BAR MARKING W/STOP SIGN REFER TO F.D.O.T INDEX 711.
 - STAMPED ASPHALT WALKWAY TO BE PATTERN AND COLOR CONSISTENT WITH PERVIOUS PAVERS.



LINE 2 N00°22'18"W 29.97'
LINE 3 N89°27'13"E 15.00'

HOFFNER AVENUE
50' WIDE RIGHT OF WAY

COPYRIGHT © 2021 ALL BLOCK ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THE DRAWING ARE OWNED BY AND THE PROPERTY OF HARRIS CIVIL ENGINEERS, LLC AND WERE CREATED, DEVELOPED AND DEVELOPED FOR USE WITH THE SPECIFIED PROJECT. HARRIS CIVIL ENGINEERS RESERVE COPYRIGHTS AND OTHER RIGHTS RESTRICTING THE DRAWING TO THE ORIGINAL PROJECT OR PURPOSE FOR WHICH THEY WERE PREPARED. REPRODUCTIONS, CHANGES OR ASSIGNMENTS ARE PROHIBITED WITHOUT THE WRITTEN PERMISSION OF HARRIS CIVIL ENGINEERS.



Orange County Division of Building Safety
201 South Rosalind Avenue
Reply To: Post Office Box 2687 • Orlando, Florida 32802-2687
Phone: 407-836-5550
www.ocfl.net/building

09 / 13 / 2021
Date
Building Permit Number

APPLICATION FOR BUILDING/LAND USE PERMIT*

* All Applications Must Comply with Concurrency Requirements

WARNING TO OWNER: "YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

PLEASE PRINT:

The undersigned hereby applies for a permit to make building improvements as indicated below on property.

Project Address: 5645 Hansel Ave.
(Must match address on plans)

Suite/Unit #: _____ Bldg #: _____ City: Edgewood Zip Code: 32809

Subdivision Name: _____

Parcel ID Number: Section ____ Township ____ Range ____ Subdivision ____ Block ____ Lot ____
(15 Digit Parcel ID Number & Legal Description must be on plans)

Owner Name: CNBM Investments/Nelson Lerma Phone No.: (352) 262 - 8955

Owner Address: 1073 Campbell Street City: Orlando State: FL Zip Code: 32806

Tenant Name: BEMI Investments Phone No.: (352) 262 - 8955

Nature of Business: Cafe/Bakery

Architect Name: Rabits & Romano License No.: AR99846 Phone No.: (407) 490 - 350

Civil Engineer Name: Harris Civil Eng. License No.: 9814 Phone No.: (407) 629 - 4777

Nature of Proposed Improvements: site improvement/ expansion

Demolition Permit #: _____ Site Work Permit #: _____

PROPERTY ON SEWER or SEPTIC

Permit valuation greater than \$2500 requires a notarized Page 2. and Notice of Commencement prior to the first inspection.

Is Notice of Commencement Recorded? Yes No

If there were comments on this project, how would you like to receive them?

Pick them up E-Mail (Customer shall access Web Page)

Is proposed work in response to a Notice of Code Violation written by an Orange County Inspector? Yes No

Is proposed work in response to an unsafe abatement notice? Yes No

Has project had a pre-review? Yes No If Yes, Commercial Plans Examiner(s): _____

Is building fire sprinklered? Yes No

Detached Garage? Yes No Valuation for Detached Garage Only: \$0.00

Required work: Plumbing Electrical Mechanical Gas Roofing None

Alterations Only:

Is this a new tenant? Yes No If yes, state previous use: _____

Intended use of space: _____

List use of adjoining tenant space(s): Side: _____ Above: _____

Rear: _____ Side: _____ Below: _____

Total Job Valuation: \$ 400,000.

I hereby make Application for Permit as outlined above, and if same is granted I agree to conform to all Division of Building Safety Regulations and County Ordinances regulating same and in accordance with plans submitted. The issuance of this permit does not grant permission to violate any applicable Orange County and/or State of Florida codes and/or ordinances. I hereby certify that the above is true and correct to the best of my knowledge.

PLEASE PRINT: (Check one) Owner: Contractor:

Name of License Holder/Agent: David Santiago Zuleta/Qualis Concrete

Contractor License Number (if applicable): CGC1530041

Contact Phone Number: (813) 376 6305 E-Mail Address: Santiagoz@qualisconcrete.com

Authorized Signature:

Para más información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

Permit Number

Permit Application Information - Page Two

Permit Number _____

Owner's Name CNBM Investments/Nelson Lerma

Owner's Address 1073 Campbell Street

Fee Simple Titleholder's Name (If other than owner's) _____

Fee Simple Titleholder's Address (If other than owner's) _____

City Orlando State FL Zip Code 32806

Contractor's Name David Santiago Zuleta

Contractor's Address 275 Lakay Place

City Longwood State FL Zip Code 32779

Job Name Mecatos Bakery & Cafe

Job Address 5645 Hansel Ave. SUITE/UNIT _____

City Edgewood State FL Zip Code 32809

Bonding Company Name _____

Bonding Company Address _____

City _____ State _____ Zip Code _____

Architect/Engineer's Name Rabits & Romano Architecture/Harris Civil Engineers

Architect/Engineer's Address 5127 S. Orange Ave., Suite 110, Orlando/1200 Hillcrest St.

Mortgage Lender's Name _____

Mortgage Lender's Address _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL, PLUMBING, GAS, MECHANICAL, ROOFING, SIGNS, POOLS, ETC.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning. _____

WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. A Notice of Commencement must be recorded and posted on the job site before the first inspection. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

Owner Signature [Signature]
The foregoing instrument was acknowledged before me this 9/14/21 by Nelson Lerma who is personally known to me and who produced FL DL as identification and who did not take an oath.

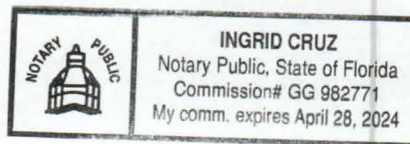
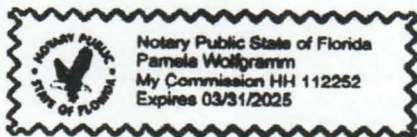
Contractor Signature [Signature]
The foregoing instrument was acknowledged before me this 9/14/21 by Zuleta David Santiago who is personally known to me and who produced FL DL as identification and who did not take an oath.

Notary as to Owner [Signature]
Commission No. HH 112252
State of FL, County of Orange
My Commission expires: 03-31-2025

Notary as to Contractor [Signature]
Commission No. GG 982771
State of FL, County of Orange
My Commission expires: APRIL 28, 2024


(SEAL)

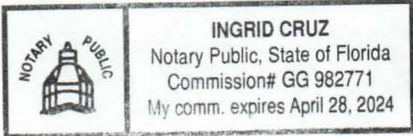
(SEAL)



Para más información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

COMMERCIAL SITE PLAN CHECKLIST AND APPLICATION – Page Two

<p>Owner Signature <u><i>[Signature]</i></u> The foregoing instrument was acknowledged before me this <u>9/14/24</u> by <u>Nelson Lerma</u> who is personally known to me and who produced <u>FL DL</u> as identification and who did not take an oath.</p>	<p>Contractor Signature <u><i>[Signature]</i></u> The foregoing instrument was acknowledged before me this <u>9/14/21</u> by <u>Zuleta DAVIDO santiaGO</u> who is personally known to me and who produced <u>PL DL</u> as identification and who did not take an oath.</p>
<p>Notary as to Owner <u><i>[Signature]</i></u> Commission No. <u>417 2252</u> State _____ of FL County of <u>Orange</u> My _____ Commission expires <u>03-31-2025</u> (SEAL) </p>	<p>Notary as to Contractor <u><i>[Signature]</i></u> Commission No. <u>GG 982771</u> State _____ of FL County of <u>Orange</u> My _____ Commission expires: <u>April 28, 2024</u> (SEAL)</p>



October 29, 2021

City of Edgewood
Ms. Ellen Hardgrove, City Planner
405 Bagshaw Way
Edgewood, FL 32809

RE: 5645 Hansel Ave. Waiver Request

Dear Ms. Hardgrove,

Thank you for your assistance with the review process for the development of the Mecatos Bakery & Cafe. The redevelopment of 5645 Hansel Avenue will be a wonderful addition to the corridor while carrying out the vision of the ECD “to establish land use pattern that includes creation of activity nodes, where the primary focus is a high energy mix of live/work/play uses around well-designed public spaces...” In order to develop this neighborhood bakery, we are asking for several waivers to comply with the ECD Ordinances.

Sec. 134-142 Cross Access Easements (Ordinance No. 2002-04)

Vehicular and pedestrian cross access shall be provided between adjacent parcels consistent with sound and generally accepted engineering practices and principles.

A waiver is being requested for the vehicular and pedestrian cross due to space limitations. With the provided site plan, adding the access would compromise the site’s parking spaces, as the site is already at limit in meeting the required parking spaces. Adding the access would further take away from the space needed to meet the parking requirement.

Sec. 134-468g, (1)a Site Design (Ordinance 2018-09)

Where EC District is adjacent to property with a low density residential future land use designation, a seven-foot high opaque brick wall, of colors normally found in manufactured fired brick, shall be constructed five feet from the property line adjacent to a low density residential future land use designation and ECD zoned property.

A waiver is being requested for the opaque brick wall. In lieu of the brick wall, a beige vinyl fence will be used due to the fact that the road where the fence will be installed might be needed for electrical servicing by the utility companies since power lines flow above. A modular fence that can be moved or removed is best suited for electrical access to the power lines. Furthermore, the site has existing oak trees and vegetation that provide sufficient separation from the adjacent properties, and a beige six foot vinyl fence is ideal as it will blend with the environment and further provide sufficient separation.

Sec. 134-470(c)(3) Other Design Standards-Fences (Ordinance 2018-09)

Maximum height of fences anywhere in the district shall be 48 inches.

A vinyl fence has been requested for wall in between the site and the adjacent residential property. As such, we are requesting this waiver to allow for this fence to be six feet in height.

Sec. 134-468g.(1)b.3 Minimum side yard/building setback width and use

On lots abutting SR 527, Holden, Hoffner, or Gatlin Avenue, development within the side yard shall conform to the road view site standards and the standards of the People Space. Abutting other side streets, the minimum building setback shall be 25 feet and shall conform to the city's code for building perimeter landscaping.

A waiver is requested for the people space along Hoffner Ave. A provision for the street trees along Hoffner Avenue has been accommodated by adding two 14-foot islands along Hoffner in addition to an 8.5-foot space for shrubs and additional trees.

Sec. 134-468 (h)(2) People Space

Trees shall be provided in the People Space-according to the following standards; provided, however, alternative species may be approved during the site plan review process when the proposed species of tree can fulfill the intended design intent, and at the same time achieve full growth and form. Alternating more than two species is strongly discouraged as it will detract from the goal of a recognizable, cohesive development pattern:

Street Trees	Characteristics	Minimum Requirements
Highrise Live Oak Quercus virginiana***	Once established, Live Oak will thrive in almost any location including narrow spaces and sidewalk to street applications. Once established a live oak will grow about 2—4 feet and 1 inch of caliper per year. Semi-evergreen Mature Height: 30—40' Mature Spread: 16-25'	Minimum 5" caliper per Florida Grades and Standards, Florida Grade #1

We are requesting a waiver for the minimum 5” caliper requirement. Due to the difficulty in finding a high rise live oak with a 5” caliper, we request this waiver to use a live oak with a 3” caliper.

Sec. 134.469 (1)b Building Design-First floor façade transparency

At least 60 percent of the width of the ground floor road frontage façade shall contain clear (transparent) or spectrally selective glazings (minimum VLT of 60 percent) considered as "non-reflective" glass.

To be in compliance, we are proposing to use clear glazings for the storefront and doors.

Sec. 134.469(1)f Building Design- Design of buildings within the road view portion of the site.

A three-dimensional cornice, at least 2.5 feet in height or as needed to conceal mechanical equipment (whichever is taller), shall be used along all flat (less than 3:12 pitch) or parapet roof portions.

We are requesting a waiver from this requirement based on the size and current parapet design.

Sec. 134.469 (1)c.4 Building Design-Façade Horizontal Variation

Non-continuous cantilevered window treatments no more than 40 feet wide, occupying 50—70 percent of the building's length, placed 13—15 feet above the adjacent sidewalk grade, with a minimum eight feet clear height.

The design meets the requirements under the canopy exemption except for the height at which the canopy and front door overhang are “hung,” which is 10 feet (the top of the glazing). They are below the 13 foot minimum height.

The canopy and front door overhang are “hung” at 10 feet (the top of the glazing). We are requesting a waiver because the canopy is not “hung” from the building. It is supported on columns, and the door overhang is created by recessing the front doors.

Sec. 134-470(f)(3) Other Design Standards-Exterior Lighting (Ordinance 2018-09)

The height of an outdoor lighting fixture (inclusive of the pole and light source/luminaire) shall be pedestrian in scale, a maximum height of 16 feet. Height shall be measured from the finished

grade to the top of the light fixture. Deviation for heights of fixtures will be considered on a case by case basis where it is shown not to be detrimental to the purpose and intent of this division.

The lighting fixtures on the site are previously installed Duke Energy poles. The existing poles provide sufficient lighting to the site, and the main power supply provided from the poles needs to be sturdy enough to cross Hoffner Avenue. Therefore, we are requesting a waiver for the height requirement of the outdoor lighting fixtures.

A drive thru restaurant from an engineering perspective requires sufficient illumination to ensure the safety of pedestrians and drive thru cars at the same time. The current 30-foot pole provides sufficient illumination to ensure pedestrian safety at the site. The site will also have added decorative lighting in the people space and along Hoffner to illuminate the trees and vegetation. In addition, the seating area east of the property will have decorated lighting at 12 feet of height to ensure sufficient lighting is provided.

Sec. 134-471(1)a Access/Parking Design (Ordinance 2018-09)

A minimum 14-foot pedestrian zone shall be provided adjacent to the back curb of Hoffner Avenue. The pedestrian zone shall include an unobstructed eight-foot wide straight (not curvilinear) sidewalk separated from the curb by at least a six-foot wide grassed strip.

The 14-foot pedestrian zone along Hoffner cannot be fully met, but an 8-foot people space will be provided and will be populated with vegetation and trees to ensure proper shade for the sidewalk along Hoffner Ave. In addition, a six-foot connection from the Hoffner sidewalk to the site will be provided to accommodate pedestrian traffic along Hoffner.

Sec. 134-471(2)e

If a parking lot is provided on the side of a building, the vehicular area shall be screened from the road by a street wall, which is intended to screen the vehicle use area and ensure that lights from parked vehicles do not shine into the right-of-way or adjacent pedestrian way.

We are requesting a waiver for the street wall along Hoffner Ave. The site will provide sufficient shrubs that will be three feet in height as well as sufficient trees which will serve the same function as the street wall of screening the vehicle use area.

Sec. 134-471(2)h

The landscape break shall be a minimum of fifteen (15) feet in width with the length equal to the adjacent parking space, and include one broadleaf evergreen shade tree of an acceptable species.

We request this waiver to have a landscape break reduced by one foot, for a total width of 14 feet. The reduced width of the landscape break is needed in order to accommodate the addition

of the second island. Both islands will be populated with trees and will provide sufficient space for growth.

Sec. 134-472(b) Drive-up windows/facilities (Ordinance 2018-09)

(1) Drive-up windows shall be designed on the rear of the building.

(4) Drive-up aisles shall have adequate on-site queuing distance to accommodate six cars (120 feet) before the first stopping point (e.g., order window, teller window, atm machine).

We kindly request a waiver for the queuing distance for the drive-up window. The current design will accommodate two cars (40 feet) before the first stopping point. The total length of the drive thru will accommodate six cars, with a total distance of 120 feet. The drive-up window on the building has been positioned west to provide additional space for cars to pull forward once the order has been placed, minimizing the amount of cars that must remain in cue at the first stopping point.

Sec. 134-474(c)(4)(a) Expansion of Existing Building

All parking is configured so as to be located 1) behind the imaginary line extended from the front façade of the building and a street wall, that meets the standards set forth in subsection 134-470(f)(6), including landscaping, is provided on the edge of the vehicular use area or 2) behind the imaginary line extended from the rear of the building with landscaping screening the parking area from views from the road/sidewalk.

A waiver is requested for the parking located in front of the façade of the building along Hoffner Ave. Additional parking spaces were needed in order to provide adequate parking to meet the ECD standards. In order to accommodate the additional parking spaces required, a secondary island was included along with a reduction of the Hoffner entrance. Furthermore, a 25-foot people space and screening wall is provided along Hansel in accordance with the ECD to block any visual of the parking from Hansel Ave. In addition, we have been working with FDOT to add an additional 10 feet of green space along Hansel Ave. in addition to an 8-foot side walk.



RECEIVED
NOV 29 2021
 CITY OF EDGEWOOD

APPLICATION FOR VARIANCE

Reference: City of Edgewood Code of Ordinances, Section 126-588

REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL
(Plus Applicable Pass-Through Fees - Ordinance 2013-01)

Please note this fee is non-refundable

Office Use Only:		Variance Application #:	2021-01-VAR
Received Date:	1/29/2021	Received by:	JJ Reibel
P&Z Meeting Date:	1/10/2022	City Council Meeting Date:	2/15/2022

IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk _____ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for. Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	CNBM Investments, LLC	Owner's Name:	Nelson Lerma
Address:	5645 Hansel Ave.	Address:	5645 Hansel Ave.
Phone Number:	352-262-8955	Phone Number:	352-262-8955
Fax:	-	Fax:	-
Email:	nelson-lerma@hotmail.com	Email:	nelson-lerma@hotmail.com
Legal Description:	Sub of Harney Homestead C/53 Beg SW Cor 1st & 1 Run N 147 FT E 99 FT S 147 FT W 99 FT + LOT 4 of Hansel w in 2nd replat 4/74 + LOTS 1 2 + 3 of Hansel		
Zoned:	Edgewood Central District		
Location:	5645 Hansel Ave. Edgewood, FL 32809		
Tract Size:	24-23-29-3400 -w- 014		
City section of the Zoning Code from which Variance is requested:	134-142		
Request:	To eliminate the requirement for a cross access easement		
Existing on Site:	Bank/commercial property with no access easement		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property. **Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.**



To justify this variance, applicant must demonstrate the following (Sec. 134-104 (3)(b):

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. That the variance sought will be consistent with the Edgewood Comprehensive Plan.

Applicant must agree that:

1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

AGREE:	✓	DISAGREE:	
---------------	---	------------------	--

2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	✓	DISAGREE:	
---------------	---	------------------	--

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	<i>Nelson Lerma</i>	Date:	11-22-2021
Applicant's Printed Name:	Nelson Lerma		
Owner's Signature:	<i>Nelson Lerma</i>	Date:	11-22-2021
Owner's Printed Name:	Nelson Lerma		

Please submit your completed application to City Hall via email at bmeeks@edgewood-fl.gov or sriffle@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Bagshaw Way. For additional questions, please contact City Hall at 407-851-2920.

RECEIVED

NOV 29 2021

CITY OF EDGEWOOD

**Purpose for the Variance
5645 Hansel Ave.**

Code Section 134-142 requires vehicular and pedestrian cross access be provided between adjacent parcels. However, a variance is being requested because there are special conditions and circumstances that exist which are peculiar to the property involved which are not applicable to other lands, structures or buildings in the same zoning district.

These special conditions and circumstances do not result from the actions of the applicant. To the east is residential land. To the north is a non-residential parcel. A cross access is not necessary in connecting the parking area to that on the subject property given the one-way circulation of the traffic of the subject property. In addition, there is a significant grade difference between the two non-residential parcels. The grade difference is a minimum of three feet, making it improbable to have a cross access between the two properties.

The variance sought is consistent with the Edgewood Comprehensive Plan. The City's engineer has determined it is not practical to require the cross access on the subject property, and this variance is being requested to allow elimination of the code requirement for a cross access easement.

Approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures in the same zoning district; and approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sandy Riffle

From: phil garris <phillipearl@outlook.com>
Sent: Friday, December 10, 2021 1:58 PM
To: Sandy Riffle
Subject: RE: Mecatos 5645 Hansel Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Sandy Riffle
City of Edgewood
405 Bagshaw Way
Edgewood Fl 32809
12/9/2021

Dear Ms. Riffle and Board Members,

For years 5645 Hansel has been a problem for the residents on Birr Ct. This property has been a hangout for the homeless who travel across my and other residents' property to Lake Conway to washup.

In the past, I have installed a wood stockade fencing only to have the homeless kick it down and continue travels to Lake Conway, this mainly happens at night. I am sure if vinyl fencing is installed, we will have the same problem. This is one of the reasons I oppose a vinyl fencing.

The residents on Birr Ct deserve a strong brick wall for safety. Frankly there is no comparison between a 7' brick wall and vinyl fencing. Please find more of my concerns:

- Vinyl fencing is susceptible to algae, mold, and mildew.
- Vinyl fencing will become brittle over time.
- Vinyl fencing is a lightweight material susceptible to physical and weather damage.
- Vinyl fencing is temporarily compared to brick which is permanent.
- Vinyl fencing is not eco-friendly it's a synthetic product made from petroleum.
- Vinyl fencing has no natural attractiveness, vinyl is a type of plastic.
- Most importantly Vinyl fencing does not offer the physical protection that is needed for residents on Birr Ct.

Thank you in advance for voicing my concerns

Regards

Phillip Garris

Phillip Garris

Sent from [Mail](#) for Windows