



**Planning and Zoning Meeting Draft Minutes
January 10, 2022 at 6:30 pm**

Call to Order

Chair Kreidt called the meeting to order at 6:30 pm and led the Pledge of Allegiance, followed by an invocation.

Roll Call and Determination of Quorum

Deputy City Clerk Riffle announced a quorum; Board Member Gibson was absent.

The following Planning and Zoning and staff members were present.

Board Members: (Quorum)

Steve Kreidt, Chair
Ryan Santurri, Vice-Chair
David Gragg, Board Member
David Nelson, Board Member

Absent:

Melissa Gibson, Board Member

Staff:

Sandra Riffle, Deputy City Clerk
Brett Sollazzo, Administrative Assistant
Mike Fraticelli, Police Sergeant
Drew Smith, City Attorney
Allen Lane, P.E. CPH, City Engineer
Jim Winter, RLA, CPH, City Landscape Architect
Ellen Hardgrove, AICP, City Planner

Applicants:

Nelson Lerma, Mecato's Bakery and Café
Edwin Lurduy, Mecato's Bakery and Café
Jim Krantz, Allair Homes
Nicholas Hidalgo, Allair Homes

Administer Oath of Office

Deputy City Clerk Riffle administered the Oath of Office to Board Members Steve Kreidt, Ryan Santurri, and David Gragg,

Election of Chair and Vice-Chair

Board Member Gragg made a motion to re-elect Board Member Kreidt as Chair; seconded by Board Member Nelson. The motion was approved (4/0).

Board Member Gragg made a motion to re-elect Board Member Santurri as Vice-Chair; seconded by Chair Kreidt. The motion was approved (4/0).

Approval of Minutes

- **December 13, 2021 Planning and Zoning Meeting Minutes.**

Vice-Chair Santurri made a motion to approve the December 13, 2021 minutes as presented; seconded by Board Member Gragg. The motion was approved (4/0).

New Business

- **Mecato's Bakery and Café
Variance 2021-01 and Waiver Requests**

Planner Hardgrove introduced the requested waivers where the proposed bakery plans cannot meet the criteria for the Edgewood Central District (ECD). She stated the waivers will be used to finalize the site plan, expected to be on the P&Z agenda in February.

Waiver for Architectural 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.

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.

There was a brief discussion regarding the two architectural waiver requests that were asked for due to the proposed architectural design of the building and how the awning was proposed to be constructed instead of "hung." Planner Hardgrove stated the waivers would not be contrary to the intent of the ECD. She confirmed that there would be a parapet wall to screen equipment on the roof.

There was no public comment.

Vice-Chair Santurri made a motion to recommend approval of a waiver of Code Sections 134-469(1)f to allow the elimination of the required three-dimensional cornice and Code Section 134-469 (1)c.4 to allow the required vertical change to not be hung between 13-15 feet above the grade; seconded by Chair Kreidt. The motion was approved (4/0).

The motion was approved by roll call vote.

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| Chair Kreidt | Favor |
| Board Member Gragg | Favor |
| Board Member Nelson | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Gibson | Absent |

Parking Location

Waiver of Code Section 134-474(c)(4)(a), which requires parking to be behind the imaginary line extending from the front building façade.

Planner Hardgrove said that Staff supports this request since it is an expansion of an existing building, the parking spaces will be on existing pavement and the ECD screen wall will be provided

In response to Chair Kreidt, Planner Hardgrove confirmed the traffic flow would be counterclockwise, which was a Staff recommended change during the site plan review.

There was no public comment.

Chair Kreidt made a motion to recommend approval of a Waiver of Code Section 134-474(c)(4)(a) to allow parking in front of the imaginary line extending from the front building façade; seconded by Vice-Chair Santurri. The motion was approved (4/0).

The motion was approved by roll call vote.

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| Board Member Nelson | Favor |
| Board Member Gragg | Favor |
| Vice-Chair Santurri | Favor |
| Chair Kreidt | Favor |
| Board Member Gibson | Absent |

Hansel Avenue Buffer

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.

Planner Hardgrove requested that the Board postpone their consideration of these waivers for Sections 134-471(2)e and 134-474(c)(4)a until discussion of a related waiver later in the meeting.

Hoffner Ave 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.

Waiver of Code Section 134-471(2)e, which requires a street wall to screen the parking spaces (Hoffner Avenue).

Planner Hardgrove said Code requires a 25-foot buffer from the property line to the build line. The applicant requests to reduce the landscape buffer to 8.5 feet. Planner Hardgrove said the ECD requires the People Space be provided along Hoffner Avenue. The consideration of this request is more of a policy decision: should the People Space be required on this segment of Hoffner. The intent of this part of the regulation was for the portion of Hoffner between Hansel and Orange. Planner Hardgrove said Staff's opinion was that this segment of Hoffner is more like a side street and other side streets are required to meet Chapter 114 landscaping requirements.

The applicant is requesting instead of the People Space, that only the landscaping requirements of Chapter 114 be required including not requiring the 8-foot-wide sidewalk. The rationale was the retrofit of the site, including providing necessary parking, and keeping the existing 5-foot-wide sidewalk would help to increase the existing landscape buffer from 5 feet to 8.5 feet. The hedge and trees would meet the landscape code.

Discussion ensued regarding landscaping and the need for the People Space street wall to hide the parking.

Chair Kreidt suggested the street wall along Hansel be turned to the east at the south end of the wall for a short section and have two short sections of the wall on either side of the sidewalk. It would not be costly but would provide a unifying feel to the site and provide a more defined space.

Landscape Architect Winter stated his concern that this would make the buffer along Hoffner even more narrow for the trees and suggested that the wall could be used instead of the shrubs. He suggested that columns could be added on each side of the stairs.

Planner Hardgrove asked if the stairs require a railing and Landscape Architect Winter suggested cheek walls parallel to the stairs with a connecting handrail.

There was no public comment.

Vice-Chair Santurri made a motion to recommend approval of a waiver in Code Sections 134-471(1)a and 134-471(2)i and Code Section 134-471(2)e, subject to the street wall continuing in front of the first two westernmost parking spaces plus columns at the top and bottom of both sides of the stairs on Hoffner Avenue, with the intent of unifying the look from Hansel; seconded by Board Member Gragg. The motion was approved (4/0).

The motion was approved by roll call vote.

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| Board Member Gragg | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Nelson | Favor |
| Chair Kreidt | Favor |
| Board Member Gibson | Absent |

Trees

Waiver of Code Section 134-468(h)(2), which would require Highrise Oaks with 5" caliper along the Hansel and Hoffner Avenues frontage.

Planner Hardgrove said that per her conversation with Landscape Architect Winter, Highrise Oaks and other trees of a 5” caliper are very difficult to obtain. Staff recommends approval to use alternative trees with a minimum caliper of 3”.

In response to Board Member Nelson, Planner Hardgrove said Staff proposes that the Chinese Elm, Japanese blueberry, or Alee be substituted for the Highrise Oaks.

There was no public comment.

Board Member Nelson made a motion to recommend a Waiver of Code Section 134-468(h)(2) to allow trees with 3” caliper in lieu of 5” caliper Highrise Oaks; seconded by Board Member Gragg. The motion was approved (4/0).

The motion was approved by roll call vote.

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| Board Member Gragg | Favor |
| Chair Kreidt | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Nelson | Favor |
| Board Member Gibson | Absent |

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 to provide a sustainable space for trees.

Planner Hardgrove said Staff recommends approval for two parking island locations: at the east end of the row of parking adjacent to Hoffner and at the west end of the row adjacent to the northern property line. She stated that the rationale for the width is sustainability of the tree that is required in the island. Staff supported the request along the north property line since the island was adjacent to the property line and there was green space on the other side property line giving the tree sufficient area. For the island along Hoffner, staff recommends the driveway be narrowed from 24-foot-wide to the minimum needed for emergency vehicle access to allow an increase in island width. This driveway is a only right in/ right out driveway due to the solid yellow line on Hoffner Avenue.

In response to Chair Kreidt question whether they have the required number of parking spaces, Planner Hardgrove said they have 31 parking spaces, including two for compact parking. They are required to have 29 spaces.

Conversation ensued regarding traffic flow and accessibility.

In response to Board Member Gragg, Planner Hardgrove said the proposed island width would not sustain even an understory tree Engineer Lane said sight visibility needs to be maintained as demonstrated by the sign visibility triangle to provide a driver with an unobstructed view of vehicles and pedestrians to pull out of the lot safely.

Discussion continued regarding landscaping and the use of groundcover on the parking island instead of a tree.

There was no public comment.

Vice-Chair Santurri made a motion to recommend approval of a waiver to Code Section 134-471(2)h for a reduction in island width for the island at the western end of the parking along the northern property line, and approve the reduction of island width for the island 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; seconded by Board Member Gragg. The motion was approved (4/0).

The motion was approved by roll call vote.

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| Board Member Gragg | Favor |
| Chair Kreidt | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Nelson | Favor |
| Board Member Gibson | Absent |

Drive-up Window

Waiver of Code Section 134-472(b), which requires drive-up windows to be on the building’s rear side.

Planner Hardgrove said the drive-up window is proposed to be on the north side of the building as it would be difficult to place on the rear side of the building as required by ECD. Staff recommends approval conditioned on the applicant screening the drive-up window from Hansel Avenue. In being people-oriented, one of the ECD's objectives was not to be able to see drive-up windows.

Discussion ensued regarding the flow of traffic utilizing the drive-up window.

The property owner, Mr. Lerma, explained the intent is to beautify that area of the property with landscaping and cover the view of the drive-up window. He does not support staff’s proposed landscaping at the front end of the drive-through lane. He does not want to bottle-neck traffic on the property.

Discussion ensued related to what landscaping is proposed as shown on the applicant’s landscape plan. Also, the view of drive-up window would be blocked by the fact that Hansel is a one way north street. Attorney Smith commented that if the Board does not accept Staff’s recommendation, they could approve the waiver conditioned upon installing landscape screening in general conformance with the applicant’s presented landscape plan. This would be a way to mitigate the impact of the drive-thru on the side of the building.

There was no public comment.

Vice-Chair Santurri made a motion to recommend approval of a waiver to Code Section 134-472(b), to allow a drive-up window to be on the side of the building conditioned on landscaping to be provided in general conformance with the landscape plan submitted by the applicant at the hearing; seconded by Board Member Gragg. The motion was approved (4/0).

The motion was approved by roll call vote.

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| Board Member Gragg | Favor |
| Chair Kreidt | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Nelson | Favor |
| Board Member Gibson | Absent |

Hansel Ave Buffer

Waiver of Code Section 134-471(2)e, which requires the street wall to be located at the build line (Hansel).

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.

Planner Hardgrove explained as proposed, the southern $\frac{3}{4}$ of the wall is proposed to be located ± 21 feet from the property line and the northern $\frac{1}{4}$ is proposed to be 8 feet from the front property line. For the southern $\frac{3}{4}$ of the wall, the placement is to allow passenger doors to fully open without hitting the wall. Planner Hardgrove said since P&Z Board voted to recommend approval of the waiver for parking in front of the front building elevation, Staff supports the southern wall segment location as it is impractical to place the wall at the required location.

For the northern $\frac{1}{4}$ 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. Staff supported the request if the applicant demonstrated that there is no other practical location for the bike rack.

Discussion ensued about placing the bike rack where it was more obvious that it was available and that the wall would provide additional security for the bikes.

Chair Kreidt commented that he likes the bike rack located behind with the wall. Board Members Gragg and Nelson concurred that the bike rack's visibility may encourage bicycling.

Board Member Santurri said locating the rack behind the wall would provide a good barrier from the traffic and passersby.

There was no public comment.

Vice-Chair Santurri made a motion to recommend approval of a Waiver of Code Sections 134-471(2)e and 134-474(c)(4)a to approve the requested Hansel Avenue buffer; seconded by Board Member Gragg. The motion was approved (4/0).

The motion was approved by roll call vote.

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|---------------------|--------|
| Board Member Gragg | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Nelson | Favor |
| Chair Kreidt | Favor |
| Board Member Gibson | Absent |

Lighting

Waiver of Code Section 134-470(f), which requires a minimum foot-candle of 2.0 where pedestrians will be present.

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.

Planner Hardgrove said that lighting requirements in the back of properties was added to the ECD with a minimum foot-candle of 2.0 to ensure lighting in the parking lot since the parking is to be behind the building and street lights would not be present. Based on this proposed waiver, she consulted with Chief Freeburg on the appropriate level of lighting, and his opinion was that a 1.0 foot-candle should be acceptable for crime prevention and pedestrian safety. The change will be made in the Code, but at this time, a 1.0 foot-candle requires a waiver.

Planner Hardgrove explained that the ECD height limitation for light poles is on a lower scale for pedestrians. The applicant requests new 20-foot-high poles along the north property line and to retain two existing 28-foot poles, one along Hoffner and the other in the rear.

She said that after research, the ECD's 16 feet limit is a reasonable maximum height. Staff strongly recommends that the lights in front along Hansel Avenue be at 16 feet and recommends denial of anything higher.

Planner Hardgrove further explained that the two existing poles are the typical old-fashioned concrete light poles with the cobra head design. The light is inside the tree canopy on the east side of the property showing why the height limitation is needed.

The applicant also requested that some poles not be decorative, with shoebox lights. The shoebox provides a lot of light which would require fewer poles. The ECD specifically requires decorative lighting.

Mr. Lerma said that there is conflict in meeting this requirement from an engineering perspective. He said the poles on the north side could be 16 feet. They have been talking to Duke Energy about the electrical and trenching underground to the building and that Duke Energy would provide the poles with different options. He said they are willing to work through it and added that the trees would have up-lighting.

Board Member Gragg commented that if the poles are decorative at the front of the property, he would not have an issue with a 20-foot pole or shoebox lights. Mr. Lerma responded that Hansel Avenue would have four decorative lights.

Conversation continued regarding choices for the light poles.

There was no public comment.

Vice-Chair Santurri made a motion to recommend approval of a Waiver of 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)); and to allow a minimum foot candle of 1.0 where pedestrians will be present instead of 2.0; seconded by Board Member Gragg. The motion was approved (4/0).

The motion was approved by roll call vote.

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|---------------------|--------|
| Board Member Gragg | Favor |
| Chair Kreidt | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Nelson | Favor |
| Board Member Gibson | Absent |

Fences

Waiver of Code Section 134-470(c)(3), which limits the height of fences anywhere in the ECD to a maximum of 48 inches.

Planner Hardgrove said that a wall is required for properties adjacent to residential zoning, but a short segment of the east property line is not adjacent to residential zoning since what was Brickwood Drive has been discovered to still be owned by the late Mr. Hansel. The once thought to be public right-of-way has a Commercial Future Land Use designation. Regardless, the applicant would like to create a barrier between his property and the residential to the east. Because the applicant is attempting to purchase this small strip of the property he would prefer to have a more temporary barrier, the fence, rather than the wall. The applicant proposed to erect a 6-foot-high fence, but the ECD does not allow a fence over 4-feet high.

In response to Chair Kreidt, Planner Hardgrove said the wall to the south is 7-feet high. Mr. Lerma said, to be consistent, they could make the fence 7-feet high.

Planner Hardgrove said if the applicant can acquire the property to the east, his property would then be next to residential, but the City could not require a wall in that location as there would be nothing to trigger the requirement.

Planner Hardgrove said that Staff recommends approval with a condition that if the applicant purchases the former Brickwood Drive, a wall consistent with the ECD requirements would be required.

In response to the waiver request, the City received a letter from a resident on the other side of Brickwood Drive. The letter, included in the agenda packet, stated concerns regarding the fence and debris in the area.

There was no public comment.

Vice-Chair Santurri made a motion to recommend approval of the Waiver of Code Section 134-470(c)(3), to allow a seven-foot-high fence conditioned on that it will be replaced with a wall if the abutting former Brickwood Drive to the east is acquired; seconded by Chair Kreidt. The motion was approved (4/0).

The motion was approved by a roll call vote.

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| Board Member Gragg | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Nelson | Favor |
| Chair Kreidt | Favor |
| Board Member Gibson | Absent |

Variance Request

Variance 2021-01 Cross -Access

The request is to eliminate the Code Section 134-142 requirement to provide vehicular cross access between adjacent parcels. Planner Hardgrove explained, the ECD requires cross-access between adjacent properties. To the east is residential land where cross access is inappropriate. To the north is a non-residential 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 non-residential parcels.

She said the City’s engineer has determined it is not practical to require the vehicular cross access on the subject property as Hansel Avenue is a one-way road.

Staff recommends approval.

Chair Kreidt made a motion to recommend approval of Variance 2021-01 in Code Section 134-142 to eliminate the requirement for a cross access easement; the motion was seconded by Vice-Chair Santurri. The motion was approved (4/0).

The motion was approved by a roll call vote

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| Board Member Gragg | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Nelson | Favor |
| Chair Kreidt | Favor |
| Board Member Gibson | Absent |

Planner Hardgrove said this application will go to City Council the next Tuesday. Board Member Gragg said he is looking forward to seeing that vacant corner revitalized.

- **Special Exception 2021-01
Guest Cottage 1078 Harbour Island Road**

Engineer Lane reviewed the application requesting a Special Exception per Section 134-220(c)(5) of the City’s Code to allow a guest cottage at 1078 Harbour Island Road, currently in the R-1AA

zoning district. The subject property is 54,908 SF (1.26 acres) and contains a two-story single-family, canal-front home residence.

He said the applicant requests a Special Exception to construct a guest cottage of approximately 1,724 square feet on the same lot. The proposed structure would not be connected to the residence and would not have a full kitchen or kitchenette. Code prohibits guest cottages from having paying guests or kitchen facilities.

Engineer Lane confirmed to Chair Kreidt that the proposed 7.5-foot side setback meets Code for an accessory structure.

In response to Board Member Nelson, applicant Jim Krantz said that it appears that there are no pipes in the drainage easement. Engineer Lane added that the purpose of a drainage easement is to prevent one property from discharging drainage onto another, and the proposed structure is outside of the easement.

Engineer Lane noted that a carport is included in the submittal. It is adjacent to the structure and is within the allowable limits of Impervious Surface Ratio (ISR) and setbacks. They have approximately 23% ISR.

Engineer Lane said Staff does not have any objections to this Special Exception.

Mr. Krantz, with Allair Homes, spoke on behalf of the applicant. He said the application is motivated by the property owners' necessity to care for their two elderly parents.

In response to Chair Kreidt, Engineer Lane said the neighbor to the east has a guest cottage. The applicant talked to the neighbor on the west side, and there have been no comments.

In response to Board Member Santurri, Mr. Krantz said they are adding a carport because they already have an enclosed garage.

Board Member Santurri noted that he is not aware of any other carports in the neighborhood. The garage is not visible from the street, but the proposed carport faces the road and is open all the way through.

Mr. Krantz responded that one of the ideas is to have access to the backyard with lawnmowers and other equipment.

Further discussion ensued regarding the details of the carport design.

There was no public comment.

Board Member Nelson made a motion to recommend approval of Special Exception 2021-01 as presented: seconded by Board Member Gragg. The motion was approved (4/0).

The motion was approved by roll call vote.

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| Board Member Gragg | Favor |
| Vice-Chair Santurri | Favor |
| Board Member Nelson | Favor |
| Chair Kreidt | Favor |
| Board Member Gibson | Absent |

Deputy City Clerk Riffle said this would go to City Council on February 15, 2022.

Board Member Gragg made a motion to adjourn the meeting; seconded by Chair Kreidt. The motion was approved (4/0).

The meeting adjourned at 8:20 pm.

Steve Kreidt, Chair

Sandra Riffle, Interim City Clerk