

Date: Updated Report: August 30, 2022
 To: Planning and Zoning Board (P&Z)
 From: Ellen Hardgrove, City Planning Consultant
 XC: Sandy Riffle, Interim City Clerk
 Brett Sollazzo, Administrative Assistant
 Drew Smith, City Attorney
 Allen Lane, City Engineering Consultant
 Re: ECD Waivers Related to Proposed Car Wash at 4800 South Orange Avenue.

INTRODUCTION/BACKGROUND

This agenda item is a request for waivers to ECD standards for a proposed car wash at 4800 South Orange Avenue, the current location of the Coq Au Vin Restaurant as shown in Exhibit 1.

Exhibit 1 – Subject Property



The building on the property has been there since 1973 according to Orange County Property Appraiser records and the Coq Au Vin opened in 1976. It is positioned along the southern property line, with the north 2/3's of the site either undeveloped or a parking lot as shown in Exhibit 2. The proposal is to demolish the building and redevelop the site for a car wash.

Exhibit 2 – Aerial of Subject Property



Code Section 134-475 authorizes City Council to approve waivers to ECD regulations when it finds, based upon substantial competent evidence presented to it, that strict application of such standards would create an illogical, impossible, impractical or unreasonable result on an applicant. In order to grant the waivers, City Council must find:

- (1) That the granting of the proposed waiver will not have the effect of nullifying the intent and purpose of the standard that is the subject of the requested waiver;
- (2) That the granting of the proposed waiver will serve the health, safety and welfare of the city;
- (3) That any waiver granted is the minimum waiver that will reasonably eliminate or reduce the illogical, impossible, impractical, or unreasonable result caused the applicable standard contained in this division; and
- (4) That any waivers granted will not adversely impact the use or property values of adjacent properties.

REQUESTED WAIVERS

The primary waiver requested is to allow the building to only face 11.25% of the Orange Avenue frontage (28 feet building frontage with 248.8 feet lot width) instead of the required 70% (Code Section 134-468(f)). The premise for the waiver, according to the applicant, is to help achieve the City's goal to provide a solution to the traffic issues created by Holden/Orange/Gatlin Avenues offset intersections by limiting the development to the southern 2/3's of the property to preserve the north 1/3 for a potential Holden Avenue realignment.

With use of the waiver, the applicant would build the car wash tunnel/building perpendicular to Orange Avenue and use the north 1/3 of the property only for stormwater management. If Holden Avenue is realigned, the idea is to accommodate the stormwater from the car wash into the road's stormwater management system. Exhibit 3 shows the proposed site layout with the conceptual alignment for the Holden Avenue realignment as shown in Orange County's Intersection Analysis Study (November 2021) superimposed over the car wash site layout.

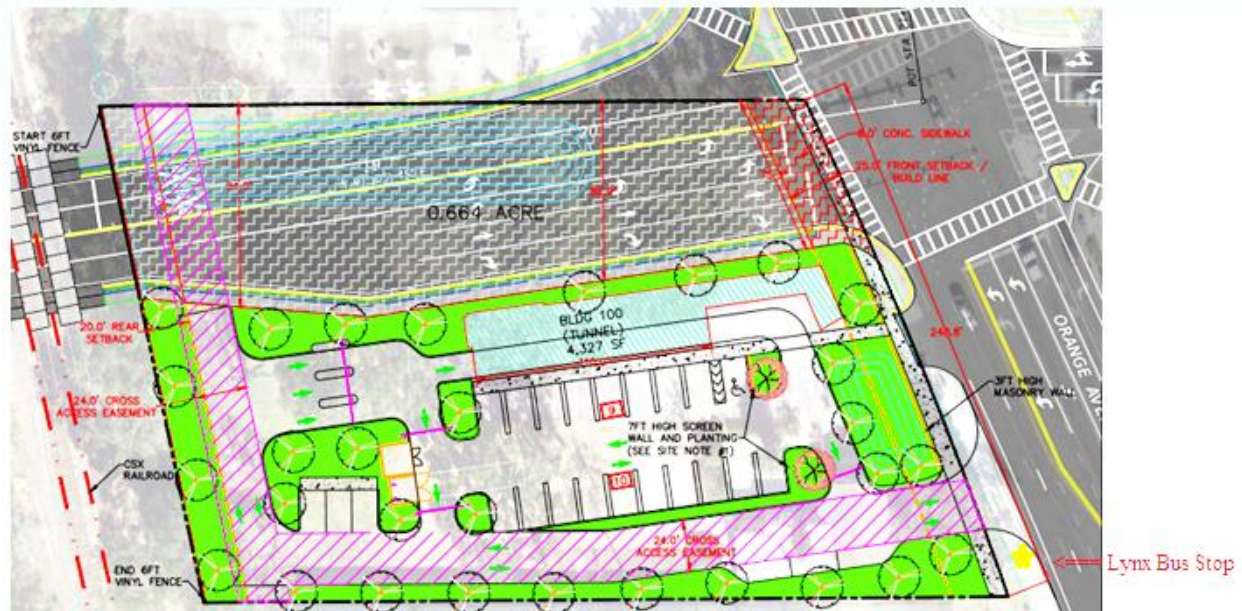
A waiver would still be needed if that portion of the property were already acquired for the realigned road; the proposed building frontage would account for only 16% of the property frontage, still significantly substandard for the ECD requirement.

Any consideration of approval of this requested waiver should be conditioned on preservation of obtaining the ECD goal of creating interest for pedestrian activity. There are likely many creative ideas.

One idea could be creating a park like setting in the ±45x70 feet green space proposed between the driveway and the building, setting back the street wall along the west side of that green space and providing street furniture, bike parking, and enhanced landscaping. A Lynx bus shelter could be incorporated into the green space; the bus stop current location will need to be relocated if this site plan is implemented as the current location would be on edge the driveway's radius connection to Orange Avenue. The shelter could be accommodated within an expanded urban services easement. Based on the estimated distance between the back of Orange Avenue curb

and property line, the easement will be needed to accommodate the minimum six feet grassed strip and the eight feet wide unobstructed sidewalk width along Orange Avenue; thus, there is not a burden to creating the easement for the Lynx shelter.

Exhibit 3 – Proposed Car Wash Layout



Furthermore, given the premise of the waiver is to accommodate a future Holden Avenue realignment, the north side of the site/building should be required to be designed in anticipation of the new road. The ECD standards including the People Space and building design are not met as currently proposed.

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

The ECD also requires buildings adjacent to Holden Avenue to be designed to avoid blank walls; at least 60 percent of the width of the building is to be glass windows and/or doors and the building façade is to vary horizontally at least every 40 feet. As shown in Exhibit 4, the building does not meet these standards.

Exhibit 4 – Proposed Elevation Adjacent to the Proposed Holden Avenue Realignment



As stated in the ECD, the intent of these design standards is to avoid long uninterrupted, monolithic appearance of façade planes, thus enhancing the visual appearance of development within the city and creating a human scale building, which in turn encourages pedestrian activity. Examples of innovative car wash design found on the internet are presented in Exhibit 5.

Exhibit 5: Innovative Designs which could be used along Holden Avenue Realignment





The applicant is also requesting the following two (2) waivers.

- **A waiver to allow the vacuum stations to be screened from Orange Avenue with an alternate design than that required by Code Section 134-472(a)(4).** The applicant is proposing a 7 feet high masonry stucco wall matching the colors of the building at the east end of each row of vacuum parking stalls as shown in Exhibits 6 and 7. ECD design standards require those walls to be consistent with ECD front elevation standards such as, but limited to, window transparency and avoidance of blank walls. The applicant justifies the need for this waiver as a consequence to turning the building in order to preserve the northern 1/3 of the property for the Holden Avenue realignment.

To minimize the blank wall aesthetic, the applicant is proposing a magnolia tree, 3 inch caliper/12 feet high at planting, to be placed in front of each wall plus a hedge along the entire length. It should be noted that the City's Landscape Architect has concerns related to the viability of the hedges in this location: the hedges will not receive enough sunlight with a wall blocking all the afternoon sun and magnolia trees blocking most of the morning sun.

Exhibit 6 – Proposed Vacuum Screen Wall Locations

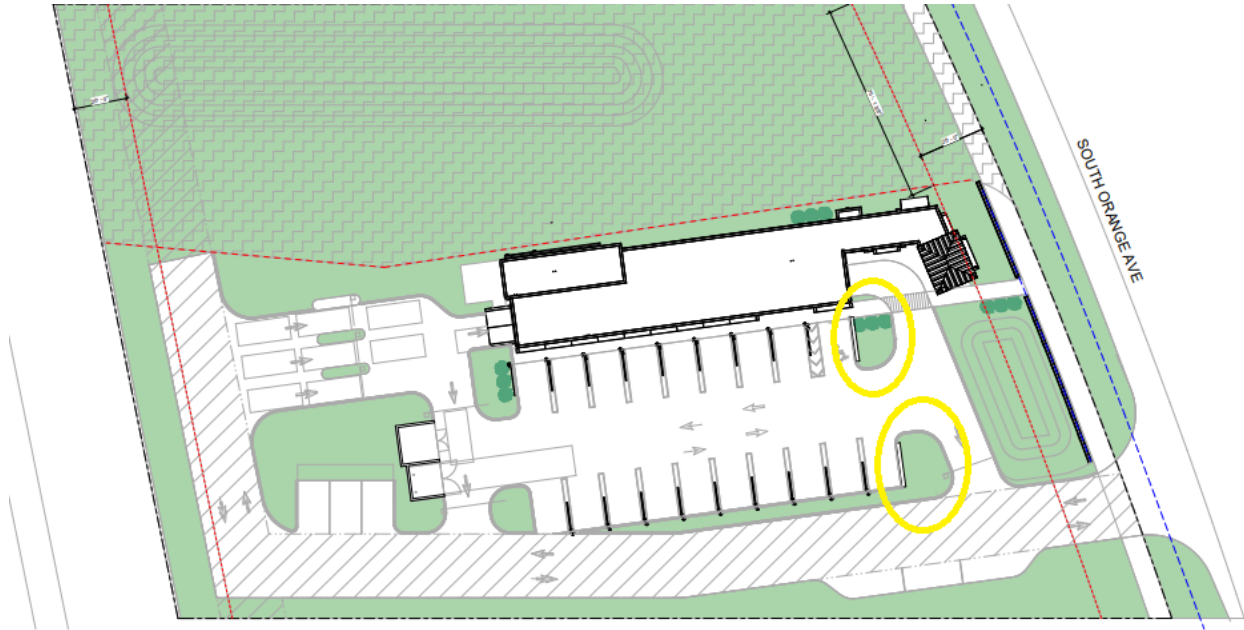
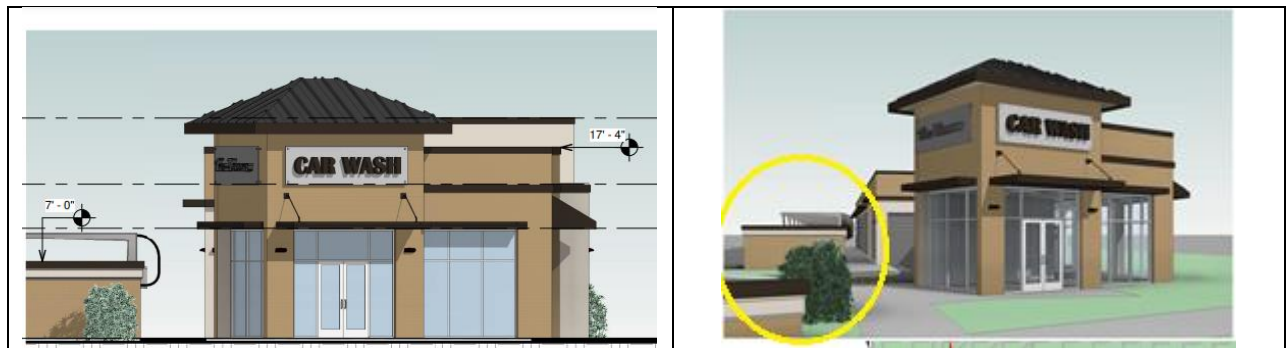


Exhibit 7 – Views from Orange Avenue



- A waiver to allow the vacuum stations to be screened from adjacent Low Density Residential Future Land Use (LDR FLU) designated land (west property line) with a six feet high beige vinyl fence instead of a seven (7) feet high opaque brick wall as required by Code Section 134-472(a)(4). This wall is also required for all ECD development adjacent to Low Density Residential Development, not just to screen the vacuum stations (Code Section 134-468(g)(1)a); a waiver to this code section has also been requested. The applicant's justification for the vinyl fence is that the adjacent land is the railroad and then Cypress Grove Park, not residential used land.

The required ECD brick wall was contemplated in this location even with the presence of the railroad tracks and park. Deviation from this ECD design standard in this location should be viewed as a policy change that would be applied in other locations adjacent to the railroad track and park.

A second justification for this waiver is a fence would be easier to remove if the land eventually became the Holden Avenue alignment. As stated above the County's conceptual design for the realignment is the northern 1/3 of the property, while the

applicant is requesting the less permanent screen (fence vs wall) along the entire perimeter.

The application is also requesting a waiver to Code Section 134-472(a)(2) which requires the car wash tunnel entrance/exit to not face Orange Avenue. A Council decision on the need for this waiver is requested by staff. Staff's opinion is that the proposed design of the tunnel as shown in Exhibit 8 provides for conformance with the ECD car wash design standard; it is hidden from Orange Avenue by the design of the building.

Exhibit 8 – Tunnel Design for Conformance with Code Section 134-472(a)(2)



STAFF RECOMMENDATION

P&Z's public hearing for these waivers should be used to gain evidence and testimony as to verifying the four criteria are met.

- (1) The granting of the proposed waiver will not have the effect of nullifying the intent and purpose of the standard that is the subject of the requested waiver;
- (2) The granting of the proposed waiver will serve the health, safety and welfare of the city;
- (3) Any waiver granted is the minimum waiver that will reasonably eliminate or reduce the illogical, impossible, impractical, or unreasonable result caused the applicable standard contained in this division; and
- (4) Any waivers granted will not adversely impact the use or property values of adjacent properties.

Of primary issue is demonstration as to how the applicant intends to meet the ECD goals, particularly the principal goal of the ECD to create a land use pattern that encourages pedestrian activity along Orange Avenue and how the northern building elevation design will be modified to meet the design standards, including building design and the 25 foot buffer for the People Space/shade trees along the potential Holden Avenue realignment.

Staff strongly recommends that if P&Z contemplates a recommendation for approval, that approval should include a condition that development shall be in general conformance with the site plan and elevation drawings dated “received August 23, 2022” to ensure the site is developed consistent with the applicant’s premise for the waiver of not developing the area shown in the conceptual Holden Avenue alignment.

The reference to general conformance with the site should not be viewed as a staff site plan approval. Modifications to the site plan will surely be necessary prior to final approval in order to meet ECD and other city standards, including but not limited to additional building perimeter landscaping along Orange Avenue; a raised directional island at the driveway entrance to force “right-in/right-out only” access; efficient and effective trash pickup/dumpster location; and, safe pathways connecting employee parking spaces to the building. Also for the applicant to note, the proposed ADA accessible vacuum station will be required to be converted into an ADA accessible employee parking space. There will also be a recommendation to convert one of the other vacuum stations into an ADA accessible vacuum space for a disabled customer’s use as well as incorporation of brick into the building façade as the ECD requires that the street wall include brick or cultured stone as well as complement the finish of the primary building. Also, only one sign on the building will be allowed until the Holden Avenue frontage becomes a reality.

Another strong staff recommendation if P&Z recommends approval is to attach conditions detailing 1) the development will meet the goal of creating pedestrian interest along the Orange Avenue frontage such as provision of a park-like setting along the Orange Avenue frontage between the building and the driveway and incorporation of the Lynx bus shelter, and 2) how the north elevation, along the potential future Holden Avenue alignment, will be innovatively designed to meet the ECD building design/People Space standards as discussed within this report.

If the waiver for screening the vacuum stations from Orange Avenue is approved by P&Z, staff recommends a condition of approval be attached to 1) require the walls compliment the building materials/colors and 2) the trees and the other landscaping be approved by the City’s Landscape Architect, with the trees being a minimum 3” caliper/12 feet in height at planting unless otherwise allowed by the City’s Landscape Architect.

The staff recommendation is for denial of the requested waiver for the substitution of the brick wall for a vinyl fence unless the recommendation of the P&Z is to change the ECD design standard for the brick wall for all property abutting the railroad.

Staff also recommends that P&Z make a recommendation to Council related to whether the building’s design needs or does not need a waiver to the ECD requirement that the tunnel entrance/exit shall not be oriented toward Orange Avenue.

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