



**City Council Meeting Draft Minutes
January 18, 2022 at 6:30 pm**

CALL TO ORDER – INVOCATION & PLEDGE OF ALLEGIANCE

Council President Pro-Tem Pierce called the meeting to order at 6:30 by leading everyone in the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

Deputy City Clerk Riffle announced there was a quorum. Council President Horn could not attend and requested to be excused.

President Pro-Tem Pierce made a motion to excuse Council President Horn; seconded by Councilmember Rader. The motion was approved (4/0).

Attendees

John Dowless, Mayor
Ben Pierce, Council President Pro-Tem
Lee Chotas, Council Member
Susan Lomas, Council Member
Chris Rader, Council Member

Absent

Richard Alan Horn, Council President

Staff

Bea Meeks, City Clerk
Sandra Riffle, Deputy City Clerk
John Freeburg, Police Chief
Shannon Patterson, Police Dept. Chief of Staff
Stacey Salemi, Code Compliance Officer
City Attorney, Drew Smith
Ellen Hardgrove, AICP City Planner
Allen Lane, P.E. CPH City Engineer
Jim Winter, RLA, CLARB, CPH Landscape Architect

PRESENTATIONS

- **School Choice Week Proclamation**
A proclamation was issued to recognize January 23 - 29, 2022 as School Choice Week.
- **Lt. Frank D. Harrison Proclamation**
Mayor Dowless read a proclamation honoring World War II Veteran and Edgewood resident Lt. Frank D. Harrison in honor of his 100th birthday.

- **Presentations to City Clerk Bea Meeks**

- Pat Burke, FACC District Director, addressed Council and presented FACC Resolution 2021-12 to City Clerk Meeks to congratulate her on her retirement and recognize her career and service over the years.
- Chief Freeburg presented City Clerk Meeks with a plaque of appreciation from the Edgewood Police Department.
- Mayor Dowless read Resolution 2022-02 and declared January 28, 2022 to be Bea Meeks Day.

Council President Pro-Tem Pierce made a motion to approve Resolution 2022-02; seconded by Councilmember Chotas. The motion was approved (4/0).

A roll call vote was taken.

Councilmember Chotas	Favor
Councilmember Pierce	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Council President Horn	Absent

APPROVAL OF MINUTES

- December 21, 2021, City Council Meeting Minutes

Councilmember Chotas made a motion to approve the December 21, 2021 meeting minutes as presented; seconded by Councilmember Rader. The motion was approved (4/0).

CONSENT AGENDA

- **Resolution 2022-01 Orange County Local Mitigation Strategy**
Attorney Smith read Resolution 2022-01 in title only.
- **Recommendation for Deputy City Clerk Riffle to Interim Clerk**

There was no public comment for the Consent Agenda.

Councilmember Chotas made a motion to approve both items on the Consent Agenda; seconded by Councilmember Rader. The motion was approved (4/0).

PUBLIC HEARINGS (Ordinances – Second Readings & Related Action)
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None

UNFINISHED BUSINESS

None

NEW BUSINESS

Business for the Canvassing Board was pulled from the agenda as there will be no municipal election on March 8, 2022.

GENERAL INFORMATION (No action required)

None

CITIZEN COMMENTS

None

GENERAL ANNOUNCEMENT

None

BOARDS & COMMITTEES

**Mecato's Bakery and Café Waiver and Variance Requests
5645 Hansel Avenue**

Planner Hardgrove presented her report for Mecato's Bakery and Café and their request for waivers where the applicant would not meet Edgewood Central District (ECD) site standards and the requested variance. The proposed bakery is located at the old bank building at the northeast corner of Hansel and Hoffner Avenues, within the ECD. She stated the waivers would be used to finalize the site plan, expected to be on Council's agenda in March.

Councilmember Rader noted the long list of waiver requests. He said he recognizes the unique nature of the site plan, and he requested that Planner Hardgrove point out where something else could be possible instead of the waiver.

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.

Planner Hardgrove explained that the ECD requires a cornice to be attached to parapets. The architect that assisted with ECD requirements reviewed the waiver request and felt that the design would be awkward with a cornice, and the intent of the ECD was met. Both staff and Planning and Zoning recommended approval.

Architecture Design 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. Planner Hardgrove said buildings in the ECD are required to have a vertical transition that could be provided with an awning. The architect reviewed the proposed building elevation and felt it met the ECD intent to provide the vertical change. Both Staff and Planning and Zoning recommended approval.

In response to Councilmember Rader, Attorney Smith said this is not a site plan review, but the illustration shown could be incorporated into a motion as a general reference for the concept.

Councilmember Rader made a motion for approval of waivers to Code Section 134-469(1)f, and Code Section 134-469 (1)c 4 for architectural design standards, to be generally consistent rendering presented at the January 18, 2022, City Council meeting; seconded by Councilmember Lomas. The motion was approved (4/0).

There was no public comment.

A roll call vote was taken.

Councilmember Rader	Favor
Councilmember Lomas	Favor
Councilmember Pierce	Favor
Councilmember Chotas	Favor
Council President Horn	Absent

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.

Planner Hardgrove explained that parking is required to be behind the front elevation line. Without a waiver, the applicant would lose approximately three and a half parking spaces in front of that line. They cannot add any more spaces in other locations.

Planner Hardgrove said the ECD requires a landscape buffer, called the People Space, which requires a street wall where adjacent to the pavement. Discussion ensued related to the required street walls and the required wall on the Hoffner Road side not being provided. She pointed out that the required width of the buffer is 25 feet, but the wall along the Hansel Avenue side is proposed to be set approximately two feet in, resulting in approximately 23 feet instead of the required 25 feet. The wall along Hansel also is proposed to jog forward in front of the proposed area for bicycle parking. The applicant wants to offer some security for the bike parking from traffic and passersby. Planning and Zoning thought the visibility of the bike rack would encourage more bicycling.

In response to Councilmember Rader, Planner Hardgrove said Planning and Zoning recommended the continuation of the Hansel Avenue street wall along the Hoffner Road side to hide the westernmost spaces and create continuity. She said the approval could be conditioned on the turning of the wall.

Councilmember Rader made a motion to approve the waiver for parking location conditioned on approval of Planning and Zoning's recommendations for the continuation of the wall adjacent to the entire length of the Hoffner Avenue pavement. There was no second.

Discussion ensued regarding details and requirements for the Hoffner Avenue buffer.

Planner Hardgrove questioned if, as a policy, this portion of Hoffner Avenue should be required to provide the People Space as required on Gatlin and Holden Avenues. The alternative is to treat it like all the other side streets in the ECD, which are required to meet Chapter 114 for landscaping requirements. She recommended that in addition to granting the waiver to not require the People Space along Hoffner, they must follow Chapter 114.

In response to Councilmember Chotas, Planner Hardgrove said the recommendation would be to allow parking in front of the imaginary line extending from the front building façade conditioned on the street wall on Hansel Avenue continuing in front of the first two parking spaces.

Before the vote on parking, Planner Hardgrove moved forward to discuss the Hoffner Avenue People Space.

Hoffner Ave People Space

a) 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.

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

The implications of the waivers were discussed. Planner Hardgrove said that Planning and Zoning wanted to unify the two sides by recommending continuation of the Hansel Avenue street wall around the corner along Hoffner Avenue in front of the two westernmost parking spaces plus providing columns at the top and bottom of both sides of the stairs. She said that Landscape Architect Winter also recommended a cheek wall at the proposed steps to the sidewalk.

In response to Councilmember Rader, Planner Hardgrove explained the Planning and Zoning Board only recommended the wall along the first two parking spaces, not along the entire buffer, because the resulting width would be insufficient for the street trees. Councilmember Rader said the wall could be the boundary of the parking lot and that the tree, hedge, and the wall are feasible.

Planner Hardgrove requested that if approved, Council should condition that the landscaping along Hoffner Avenue meets Code Chapter 114 related to the minimum requirements for landscaping.

Councilmember Rader said he agrees that this is the only property on this short segment of Hoffner Avenue that is affected but was concerned that a waiver there would set a precedent for development along Holden and Gatlin Avenues. Attorney Smith said each property would have to stand on its own with a site-specific presentation. Councilmember Rader responded that the site-specific condition is that they are using an existing building.

City Clerk Meeks left the meeting at 7:20 pm.

Further discussion ensued regarding the location and dimensions of the wall.

Councilmember Chotas suggested they could structure the motion so there is flexibility when they discuss with their engineer and could address the details during site plan approval.

Councilmember Rader said that Code should not be changed just for this one property, and he wants them to meet the most ECD code as possible. The applicant needs to show why it is not possible without the waiver.

Mr. Lurduy said he would not mind if they have to build the wall but is also concerned about trucks hitting the wall. Aesthetically, he believes greenery would look better without the wall.

Councilmember Chotas said bakeries and coffee shops are not usually open after dark, so they may not need a wall for this business, but this use could eventually go away.

Mr. Lerma said they are open to a short wall segment after turning the corner from Hansel Avenue.

Attorney Smith advised that if the consensus is not to approve the waiver, thus, requiring the street wall portion along Hoffner Avenue, then deny the request to give the applicant clear direction for their site plan design and request the waiver again if necessary. They can then explain why the site plan won't work without a waiver.

Councilmember Pierce thought that there was potential for vehicles to hit the wall, which would look worse than not having the wall.

Councilmember Lomas said she does not have a problem with there not being a wall. She noted that hedges that are not maintained are addressed by Code Enforcement.

Councilmember Pierce made a motion to approve a 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.

Planner Hardgrove recommended that the motion be conditioned on the provision that landscaping be consistent with Chapter 114, with the required trees be a minimum of 3" caliper.

Councilmember Rader made a friendly amendment to Councilmember Pierce's motion to incorporate Chapter 114 of the landscaping code as well as a minimum 3" caliper trees.

Councilmember Rader made a motion to approve of a Waiver of Code Sections 134- 471(1)a and 134-471(2)i. as it relates to the Hoffner Avenue People Space and eliminate the Road View requirements on the Hoffner Avenue side of the building, with the friendly amendment to incorporate Chapter 114 of the landscaping code as well as requiring trees with a minimum 3" caliper; seconded by Councilmember Lomas. The motion was approved (4/0).

There was no public comment.

A roll call vote was taken.

Councilmember Pierce	Favor
Councilmember Rader	Favor
Councilmember Lomas	Favor
Councilmember Chotas	Favor
Council President Horn	Absent

Councilmember Rader made a motion for denial, without prejudice, of a waiver of Code Section 134- 471(2)e, which requires a street wall to screen the parking spaces on Hoffner Avenue based on lack of evidence that compliance is impractical; seconded by Councilmember Chotas. The motion for denial was approved (3/1).

There was no public comment.

A roll call vote was taken.

Councilmember Chotas	Favor
Councilmember Rader	Favor
Councilmember Lomas	Oppose
Councilmember Pierce	Favor
Council President Horn	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.

Councilmember Rader made a motion to approve a Waiver of Code Section 134- 474(c)(4)(a), which requires parking to be behind the imaginary line extending from the front building façade; seconded by Councilmember Chotas. The motion was approved (4/0).

There was no public comment.

A roll call vote was taken.

Councilmember Rader	Favor
Councilmember Lomas	Favor
Councilmember Pierce	Favor
Councilmember Chotas	Favor
Council President Horn	Absent

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

Councilmember Rader made a motion to approve a Waiver of Code Section 134-468(h)(2), which would require Highrise Oaks along the Hansel and Hoffner Avenues frontage, conditioned on the minimum caliper being 3 inches due to the unavailability of large caliper trees under current market conditions; seconded by Councilmember Chotas. The motion was approved (4/0).

There was no public comment.

A roll call vote was taken.

Councilmember Rader	Favor
Councilmember Lomas	Favor
Councilmember Pierce	Favor
Councilmember Chotas	Favor
Council President Horn	Absent

Hansel Avenue Buffer

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

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.

Councilmember Chotas made a motion to approve a waiver of Code Section 134-471(2)e and of Code Section 134- 474(c)(4)a conditioned on the site plan to be generally in conformance to the landscape plan presented at the January 18, 2022 Council meeting; seconded by Councilmember Rader. The motion was approved (4/0).

A roll call vote was taken.

Councilmember Lomas	Favor
Councilmember Rader	Favor
Councilmember Chotas	Favor
Councilmember Pierce	Favor
Council President Horn	Absent

Trees (Part B)

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 sustainable space for trees.

Planner Hardgrove said the ECD requires landscape islands located at the end of parking rows to be 15 feet wide. The request is to waive the width of two parking islands: one at the western end of the parking along the northern property line; the other at the east end of the row along the Hoffner Avenue frontage. Without the waiver, they will lose two parking spaces. Staff and the Planning and Zoning

Board 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.

The other island is located at the eastern end of the parking along the southern property line, and the applicant requests the waiver so that they can maintain a 24-foot-wide driveway. Planning and Zoning discussed narrowing the drive from 24 feet to 20 feet. They decided to retain the 24-foot width and approve the waiver 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.

In response to Councilmember Rader, Planner Hardgrove said they meet parking requirements and provide two additional compact car spaces.

Councilmember Rader said the applicant meets the minimum requirements, and he thinks this sets a precedent where the waiver is unnecessary. They could give up two parking spaces and meet Code requirements.

Councilmember Chotas made a motion to approve 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 for the island at the east end of the southern row of parking with a ground cover that would grow to and be maintained at two (2) feet in height to ensure driver sight visibility; second by Councilmember Lomas. The motion was approved (3/1).

There was no public comment.

A roll call vote was made.

Councilmember Chotas	Favor
Councilmember Lomas	Favor
Councilmember Pierce	Favor
Councilmember Rader	Oppose
Council President Horn	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 ECD requires drive-up windows to be located at the rear of a building. Because this is an existing building, it will be difficult to locate the drive-up window on the rear side. The drive-up is proposed on the north side, which is the side of the building.

She said the applicant met Staff's strong recommendation that the site's circulation be one-way all the way around. Planning and Zoning thought they met the intent of the Code, and since Hansel Avenue is a one-way road, the window would not be visible from the road.

In response to Councilmember Rader, Planner Hardgrove said Planning and Zoning did not include the recommendation of a condition for a redesign of the front elevation with a faux wall or landscaping to “hide” the vehicle centered feature from Hansel Avenue. In response to Councilmember Chotas, Planner Hardgrove said the applicant does not agree with that suggested condition of approval.

Attorney Smith explained the waiver standard is more liberal than a variance standard because the intent is to give developers an opportunity and to present alternative design plans.

Mr. Lerma said the design began with two-way traffic for easy in and out of the site. They are agreeable to a one-way traffic flow if the traffic does not bottle-neck inside the property. Councilmember Rader noted that the City Planner’s concept does have a return.

In response to Mayor Dowless, Planner Hardgrove confirmed the goal is to not see the drive-thru. Mayor Dowless thought it would require a head-turn to be able to see the window.

Planner Hardgrove said Planning and Zoning agreed, and that is why they conditioned approval on providing landscaping in general conformance with the landscape plan presented at the meeting.

Councilmember Rader said the one-way street gives him comfort in this modification because the window does not face the traffic.

Councilmember Chotas made a motion to approve a waiver of Code Section 134- 472(b), to allow a drive-up on the side of the building conditioned on landscaping to be provided in general conformance with the landscape plan presented at the meeting; seconded by Councilmember Lomas.

There was no public comment.

A roll call vote was taken.

Councilmember Lomas	Favor
Councilmember Rader	Favor
Councilmember Pierce	Favor
Councilmember Chotas	Favor
Council President Horn	Absent

Lighting

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

Planner Hardgrove said that a 2.0 foot-candle lighting requirement was added to the ECD when it was realized that lighting would be needed for rear parking. She discussed the waiver request with Chief Freeburg, and he felt that 1.0 would be sufficient. She stated this would be a code change in the near future.

Staff and Planning and Zoning recommended approval of a 1.0 foot-candle.

In response to Councilmember Lomas, Planner Hardgrove said a foot-candle is a measurement of the brightness of a light.

Councilmember Rader made a motion to approve a waiver of Code Section 134-470(f) to allow a minimum foot-candle of 1.0 for the site; seconded by Councilmember Lomas. The motion was approved (4/0).

There was no public comment.

A roll call vote was taken.

Councilmember Lomas	Favor
Councilmember Rader	Favor
Councilmember Pierce	Favor
Councilmember Chotas	Favor
Council President Horn	Absent

A 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 there is existing lighting on the property, most of which is a typical 28-foot-high cobra head lights on concrete poles. The applicant has agreed to remove the pole that is along Hansel Avenue. The applicant would like to keep the other two existing light poles.

Planner Hardgrove said that Planning and Zoning recommended denial except for the existing fixture along the Hoffner frontage and the other along the east property line. The other lights should conform to ECD standards.

Mr. Lerma said he would provide decorative 16-foot high lighting for the other lights. They prefer the pendant-style light.

In response to Councilmember Rader, Mr. Lerma said they need a sturdy pole on the Hoffner Avenue side because of the transformer across the street. They request a waiver from the height requirement specifically for that pole.

Councilmember Rader said the height restriction is to prevent light pollution to nearby properties.

Mr. Lerma explained that power to the building runs through one that light pole. Councilmember Rader said it is a power pole with a fixture.

Attorney Smith reviewed Planning and Zoning's recommendation to recommend approval 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) with a height of 16 feet.

Further discussion ensued regarding the options for lighting on the property.

Councilmember Rader made a motion to approve a waiver of Code Section 134-470(f)), in accordance with Planning and Zoning’s recommendation to approve only 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)) with a maximum height of 16 feet; seconded by Councilmember Lomas. The motion was approved (4/0).

A roll call vote was taken.

Councilmember Pierce	Favor
Councilmember Lomas	Favor
Councilmember Chotas	Favor
Councilmember Rader	Favor
Council President Horn	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 explained that a wall is required when a property abuts future residential land use in the ECD. The property to the east is zoned and designated for low-density residential, except the short segment of the east property line adjacent to what was Brickwood Drive. “Brickwood Drive” was recently discovered to be still 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 7-foot-high fence, but the ECD does not allow a fence over 4-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. She recommended having this be part of the conditions of approval.

Mr. Lerma said the residential properties are encroaching onto the Brickwood Road property. They do not want to erect a wall until there is a permanent solution.

Councilmember Rader made a motion to approve a waiver Code Section 134-470(c)(3) with the recommendation from Planning and Zoning 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 by the subject property owner; seconded by Councilmember Lomas. The motion was approved (4/0).

There was no public comment.

The motion was approved by roll call vote.

Councilmember Lomas	Favor
Councilmember Chotas	Favor
Councilmember Pierce	Favor
Councilmember Rader	Favor
Council President Horn	Absent

Variance 2021-01 Request for 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 and the Planning and Zoning Board recommended approval.

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

A roll call vote was taken.

Councilmember Chotas	Favor
Councilmember Pierce	Favor
Councilmember Lomas	Favor
Councilmember Rader	Favor
Council President Horn	Absent

STAFF REPORTS

- **City Attorney Smith**

No report

- **Police Chief Freeburg:**

Chief Freeburg presented his monthly report.

- The Police Department is in the process of mock assessment for accreditation.
- He is working with Mayor Dowless for signs on Orange Avenue
- Fingerprinting was shut down for a couple of weeks due to a surge in Covid.

- **Deputy City Clerk Riffle:**

There is no election as both incumbents qualified and there no other candidates. Mayor Dowless and Council President Horn will be sworn in during the business meeting in the March City Council meeting.

MAYOR AND COUNCIL REPORTS

- **Mayor Dowless**

- Chief Freeburg received some prices for repairing the lift station. It will be less than \$10,000 and will come from the ARP money.
- He is getting more details on the advisory committee for ARP funds and expenditures. He spoke to Planning and Zoning Board Member Steve Kreidt who is willing to serve on the committee.
- He heard back from Orange County regarding the City's comments on the road realignment report, and they want to plan a date and time for the public meeting. He is trying to find out if the City can participate in the meeting and not just be a spectator. The subject still requires education, and he will need support from Council. This still requires education and support from the Council.

- **Council President Horn**

No report.

- **Councilmember Rader**

No report

- **Councilmember Chotas**

No report

- **Councilmember Pierce**

No report

- **Councilmember Lomas**

No report

ADJOURNMENT

Councilmember Pierce made a motion to adjourn the meeting; seconded by

The meeting adjourned at 8:38 pm.

Richard A Horn
Council President

Attest:

Sandra Riffle, CMC, CBTO
Interim City Clerk

Approved in the _____ Council Meeting.