



**Monday, March 14, 2022
Planning and Zoning Meeting Minutes**

CALL TO ORDER

Board Member Nelson called the meeting to order at 6:30 pm and led everyone in the Pledge of Allegiance.

ROLL CALL AND DETERMINATION OF QUORUM

The following Planning and Zoning and staff members were present.

Board Members:

David Gragg, Board Member
David Nelson, Board Member
Melissa Gibson, Board Member

Absent:

Steve Kreidt, Chair
Ryan Santurri, Vice-Chair

Staff:

Sandra Riffle, Deputy City Clerk
Brett Sollazzo, Administrative Assistant
John Freeburg, Police Chief
Drew Smith, City Attorney
Jim Winter, RLA, CPH
Ellen Hardgrove, AICP, City Planner

Applicants:

Natalia Balic, Architect, 535 Mandalay Road
John Mezzina, 506 and 512 Linson Court
Rick Baldocchi, AVCON
Tom Daly, Daly Design Group
Stuart McDonald, Toll Brothers

APPROVAL OF MINUTES

February 14, 2022 P&Z Meeting Minutes

Board Member Nelson made a motion to accept the February 14, 2022 Planning and Zoning Board meeting minutes as presented; second by Board Member Gragg.

NEW BUSINESS

- **Variance 2022-02 - 535 Mandalay Road - Home Addition**

Engineer Lane introduced the request for a variance to construct an addition to an existing single-family home zoned R-1AA. The addition would encroach into the side setback by 1'-1", leaving 8'-11' from the corner of the addition to the side lot line. Engineer Lane said that because the applicant is now working at home, they need the extra space.

Engineer Lane said he reviewed the applicant's justifications for the variance request, and CPH has no objection to the request.

Natalia Balic, the applicant's architect, said she represents the homeowner if the board had questions.

There was no public comment.

Board Member Nelson said that he was familiar with the property and did not think that passersby would be able to easily see the addition.

In response to Attorney Smith, Engineer Lane said that all of his comments were addressed, and there were no outstanding issues.

Board Member Nelson made a motion to recommend approval of Variance 2022-02 as presented. The motion was seconded by Board Member Gibson. The motion was approved (3/0).

The motion was approved by roll call vote.

Board Member Gragg	Favor
Board Member Nelson	Favor
Board Member Gibson	Favor
Chair Kreidt	Absent
Board Member Santurri	Absent

- **506 & 512 Linson Court
Proposed Replat and Variance Request 2022-01**

Planner Hardgrove began her review of the requested replat of 506 and 512 Linson Court, Lots 14 and 15 of the Oak Lynn Second Plat, respectively. The lots are zoned R-1AA. No additional lots are proposed, but the applicant has requested a change in the shared lot line to provide lake access to Lot 14.

Planner Hardgrove explained that the applicant proposes to demolish the existing house and rebuild a single-family residence on Lot 15 while the home on Lot 14 will remain the same. The demolition of the house will eliminate a nonconforming side yard setback created if the house remained. Lot 15 will meet R-1AA requirements, but the resident requested a variance from Code Section 126 (subdivisions) to have the standard 30-foot front yard R-1AA setback. She said the request is consistent with the neighborhood.

CPH also reviewed the plat, and they support the new lot configurations and the variance request with recommended changes to the plat that can be provided before the City Council meeting on April 19, 2022.

John Mezzina, the owner of both properties, spoke to the Board and said that the existing house on Lot 15 is in poor condition, and the neighborhood is eager to see improvement.

In response to Board Member Nelson, Mr. Mezzina said he would not build on Lot 15, but there is an interested party, and the proposed plans will work on the lot.

There was no public comment.

Planner Hardgrove said part of the recommendation is to delay recording the plat until after the demolition of the existing structure to avoid the nonconforming situation.

Board Member Nelson made a motion to recommend approval of the Subdivision Plan and Plat, subject to the City consultants' recommended changes, including a delay in the recording of the final plat until the existing house on existing Lot 15 (new Lot 2) is demolished to avoid creating a nonconforming side setback and encroachment into new Lot 1. The motion was seconded by Board Member Gibson. The motion was approved (3/0).

The motion was approved by roll call vote:

Board Member Gibson	Favor
Board Member Gragg	Favor
Board Member Nelson	Favor
Chair Kreidt	Absent
Board Member Santurri	Absent

Board Member Nelson made a motion to recommend the approval of Variance 2022-01 to Code Section 126-168(8). The motion was seconded by Board Member Gibson. The motion was approved (3/0).

The motion was approved by roll call vote:

Board Member Gragg	Favor
Board Member Gibson	Favor
Board Member Nelson	Favor
Chair Kreidt	Absent
Board Member Santurri	Absent

- **Holden Avenue Planned Development
Haven Oaks Development Plan and Preliminary Subdivision Plan**

Planner Hardgrove began her review of a request for approval of the Preliminary Subdivision Plan and Development Plan for the proposed Holden Avenue Planned Development, the subdivision is to be known as Haven Oaks. The review was based on the approval of the approved PD's Land Use Plan (LUP) and the Development Agreement (DA).

Planner Hardgrove noted that there was a significant change to the lot size composition. When the LUP was approved, there were three 50-foot-wide lots, and there are now twenty. The DA allows the addition of 50-foot-wide lots if there is evidence that the reduction of lot size is for the preservation of historic or specimen trees that would not otherwise be preserved or for expansion of the recreation area.

She said there is a recreation area with a playground and another with a pavilion near a dry stormwater pond. They meet the requirements for recreation space, but there has been discussion about whether it is open space or recreation space.

Planner Hardgrove said that from a planning perspective, she recommends approval with the conditions contained in her report including that revisions will be made before Council's public hearing to Sheet C-300 Note 9 related to the correct number of permissible 50 feet and 60 feet wide lots. Also, conditioned on requiring that the DP/PSP be revised and resubmitted through the approval process should the preliminary construction drawings demonstrate the need to a) reduce the recreation areas below the minimum required per the Development Agreement or b) reduce the number of parking spaces shown on the Land Use Plan.

Engineer Lane, with CPH, questioned whether there was adequate turning movement for fire and rescue vehicles in the cul-de-sac. He said that it appears that it would be difficult to make a complete turn without driving over curbing. He also noted his concern for emergency vehicle access at the subdivision's exit, he suggested softening the curb and following the radius of the sidewalk to allow for vehicles to exit without grazing the curb or hitting the gate. Engineer Lane said the fire department prefers a 20-foot wide travel lane.

Board Member Nelson stated his concern about the trees near the contours of the dry retention pond at the front of the site. He does not see a preservation area around the trees and is concerned that the grading may damage the root structure.

Landscape Architect Winter responded and said they looked at the distance from the trees to the top of the bank, and there is an allowance of 6 inches per caliper foot of tree trunk.

Engineer Baldocchi, with AVCON, representing the property owner and Toll Brothers, said they met with staff, including Councilmember Rader. They created additional 50-foot-wide lots in order to save additional trees and provide more open space.

Engineer Baldocchi said they accept Planner Hardgrove's conditions of approval.

Landscape Architect Winter said that as per the DA 5.0, the tree removal application must be submitted concurrently with the Development/Subdivision plan. This is yet to be submitted, and staff needs adequate time for review.

Landscape Architect Winter noted that he does not want the recreation areas to be separated.

In response to Board Member Gibson, Engineer Baldocchi said they were able to manipulate the configuration of the lots to save healthy, historic trees. This resulted in more 50-foot-wide lots.

Public Comment

Jim Worthen, representing HAINC, spoke about the proposed light poles and the wall and stated concerns about the turn lanes on Holden Avenue.

Engineer Baldocchi said the light poles would be decorative, and the wall will have a brick design. He believes that the colored portion of the wall is dyed concrete with added striping but could not say for certain. The concern was potential peeling paint in the long run.

Planner Hardgrove said that the format for the turn lanes would be up to Orange County since Holden Avenue is a County maintained road.

Planner Hardgrove began a discussion of the proposed sign for the subdivision. As currently proposed, the copy area exceeds the code limit. The applicant, however, has submitted a comprehensive sign plan which allows flexibility in the copy area in exchange for creativity. The proposed signage is on both sides of the entrance road each 12 feet wide x 8 feet high, with backlit signs in front of the 6-foot high wall.

There was no public comment regarding the proposed signage.

Discussion ensued relative to the tot lot being separated from the pavilion. Board Member Gibson stated concerns about the need for a shaded area in the tot lot. Stuart McDonald responded that his experience is that customers prefer a playground that is pushed back rather than located at the front of the neighborhood.

Planner Hardgrove added that a shelter for the tot lot was discussed during DRC but hasn't been included in the proposed recreation area. Board Member Gibson said she would support a covered area. Board Member Nelson agreed that shade was needed and said there are three trees there that can provide shade and provide a workable solution.

Board Member Nelson said he is concerned about the lack of adequate area for fire trucks to turn in the cul-de-sac. He also asked how parking on one side of the road will be policed because fire trucks may have difficulty getting to the end of the road if cars are parked on both sides of the road.

Board Member Nelson expressed his disappointment in the PD layout, commenting that innovative design is required to qualify for a PD. He appreciates the efforts for lot lines and trees but is concerned about 50-foot lots with 3-car garages fronting the street. Board Member Gragg agreed with these comments.

Board Member Nelson made a motion to recommend approval of the Haven Oaks development plan and subdivision plan subject to the conditions enumerated by staff, including approval of the comprehensive sign plan but not including a covered tot lot. The motion was seconded by Board Member Gragg and was approved (2/1).

The motion was approved by roll call vote:

Board Member Nelson	Oppose
Board Member Gragg	Favor
Board Member Gibson	Favor
Chair Kreidt	Absent
Board Member Santurri	Absent

- **Ordinance 2022-01 - County Zoning to City Zoning**

This agenda item relates to the creation of new zoning districts for annexed land. Planner Hardgrove explained that when properties were annexed into Edgewood, excepting the Legacy at Lake Jessamine PD and the ECD, the City did not establish city zoning for the annexed land. She said that according to Code Section 134-172, all annexed areas retain their original zoning classification unless the City changes it. The lack of establishing a city zoning district has created confusion amongst staff regarding development application standards.

Planner Hardgrove said that staff recommends rezoning most of the annexed land to the newly created zoning district to provide the property owner use of the same development standards as allowed in the County while providing the City the control of the permitted uses. Generally, the new districts would apply to land that was zoned R1AA, R1A, R3, and Ind-3 at the time of annexation. The proposed new districts are R1AA-CA, R1A-CA, R3-CA, and Ind-CA; the CA signifies "County Annexed."

Planner Hardgrove said the rationale for maintaining the County site is to avoid creating legally nonconforming situations.

Planner Hardgrove reviewed each of the proposed districts. Staff recommended a change to line 79 making the R3CA Special Exceptions the same as that allowed in the R3 district (Code Section 134-282)

Further discussion included impervious surface ratio requirements, including for single-family homes in the R3 district. The consensus was to provide consistency with the city standards of a maximum 45% for the residential districts.

Planner Hardgrove also reported that annexed land that was zoned PO, C1 or C3 could be rezoned to the city's PO, C1 and C3 since these districts' site standards are the same as the County's or would not create adverse impacts on those properties; thus no need to create new districts for these zones.

There was no public comment.

Board Member Nelson made a motion to recommend approval of Ordinance 2022-01 to create new zoning districts including the suggested amendments from staff. The motion was seconded by Board Member Gibson.

The motion was approved by roll call vote:

Board Member Gragg	Favor
Board Member Nelson	Favor
Board Member Gibson	Favor
Chair Kreidt	Absent
Board Member Santurri	Absent

- **Ordinance 2022-02 - Window Sign Change**

Planner Hardgrove discussed a proposal to revise Code for window signage since architecture changes include more glass and current regulations could have an aesthetic impact on the city. The proposed change is to allow one window sign no larger than five (5) square feet in the copy area. She showed examples of existing window signage in the City and their square footage. This change is also more easily enforced.

Planner Hardgrove explained that glass doors are considered to be windows.

Board Member Nelson asked about the hours that are frequently listed on doors and suggested a cut-out for informational content. Attorney Smith said that due to free speech copy cannot be regulated but the actual address number is required and does not count towards the allowed copy.

Further discussion ensued regarding double doors and how to regulate transparent signage.

Planner Hardgrove said she can conduct more research.

There was no public comment. A letter was submitted by John Moccio on behalf of the Edgewood Business and Property Owners Association which voiced opposition to the proposed ordinance.

The Board decided to table further discussion of Ordinance 2022-02 until the April 11, 2022 meeting.

UNFINISHED BUSINESS

None

COMMENTS/ANNOUNCEMENTS

None

ADJOURNMENT

Board Member Nelson made a motion to adjourn the meeting at 8:07 pm; seconded by Board Member Gragg.



Steve Kreidt, Chair



Sandra Riffle, Interim City Clerk