



City of Edgewater

104 N. Riverside Drive
Edgewater, FL 32132

Meeting Minutes - Draft Planning and Zoning Board

Wednesday, May 10, 2023

6:30 PM

Council Chambers

1. CALL TO ORDER, ROLL CALL

Present 7 - George Kennedy, Robert Andrejkovics, Paul Wright, Thomas Duane, Albert Amalfitano, Eric Rainbird, Paul Wright, and Chris Hatcher

Also Present 1 - Development Services Director Darren Lear

Present 8 - Albert Amalfitano, Robert Andrejkovics, Thomas Duane, George Kennedy, Eric Rainbird, Paul Wright, Chris Hatcher and Darren Lear

2. APPROVAL OF MINUTES

approve

a. [AR-2023-203](#)

Attachments: [MeetingMinutes 2-8-2023](#)

A motion was made by Paul Wright, second by Amalfitano, to approve Minutes No. AR-2023-203. The MOTION was APPROVED by the following vote:

approve

Yes: 7 - Albert Amalfitano, Robert Andrejkovics, Thomas Duane, George Kennedy, Eric Rainbird, Paul Wright and Chris Hatcher

b. [AR-2023-202](#)

Attachments: [MeetingMinutes 3-8-2023](#)

A motion was made by Andrejkovics, second by Hatcher, to approve Minutes No. AR-2023-202. The MOTION was APPROVED by the following vote:

approve

Yes: 7 - Albert Amalfitano, Robert Andrejkovics, Thomas Duane, George Kennedy, Eric Rainbird, Paul Wright and Chris Hatcher

3. OLD BUSINESS-PUBLIC HEARING

4. NEW BUSINESS - PUBLIC HEARING

- a. [VA-2302](#) VA-2302 - Mike Saxton, requesting a variance from the Land Development Code for property located at 607 North Ridgewood Avenue.

Attachments: [SP 7450-05-00-0310](#)

[Aerial 7450-05-00-0310](#)

[Site Plan](#)

[607 N Ridgewood Ave - Survey](#)

[street pic](#)

[VA-2302 Staff Report - Findings](#)

Mr. Lear provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Michael Saxton, Deland, FL, Contractor for Southeast Petro Enterprises, provided additional details regarding the reason for the requested variance; the way the canopy currently stands, it is no longer structurally safe.

Eric Carter, 757 Dreamers Loop, New Smyrna Beach, FL. Representing the owner, explained that they are proposing to only replace the top portion of the canopy. The hardship is the underground piping, the tanks have already been upgraded; to move the footers would be costly.

Chairman Kennedy inquired as to when the underground gas tanks had been upgraded. Mr. Carter stated, that while he did not know the exact year; it was prior to the year 2009 when they regulated double wall tanks.

Chairman Kennedy clarified that the proposed use was to bring back to fuel pumps, and have a small convenience store inside; Mr. Carter confirmed.

Mr. Andrejkovics stated that if the footers had to be moved, new tanks and pipes; and the uprights would have to be dug up.

Mr. Saxton explained that if the footers are in jeopardy, they would have to go into the same space because of the way the piping is lined up.

Mr. Andrejkovics inquired what other improvements being proposed.

Mr. Saxton advised that it would be a Shell Gas Station; stating that Shell Oil has specific requirements.

Summit Shaw, Southeast Petro, 402 High Point Dr., Coco, FL, owner, confirmed that there would be improvements to the driveway, either asphalt or concrete; as well as improvements to the inside of the store.

Mr. Hatcher felt that the intersection is dangerous because of the turn at Magnolia, and inquired if there was a study performed on that. Mr. Lear stated that no traffic study has been performed at the intersection of Ridgewood Avenue & Magnolia; Chairman Kennedy added that a traffic study is not necessary for what they are doing.

Mr. Hatcher inquired about possibly expanding the canopy in a tiered effect to overlap the store in lieu of moving the posts; Mr. Carter stated this cannot be done due to the fueling process.

Chairman Kennedy reiterated that the new canopy would be very close to the same size as what is already there. Mr. Carter clarified that it is a bit smaller.

City Attorney Wolfe stated that granting of the variance would be opposed to the intent of the Land Development Code, and he does not recommend approval; based on staff findings, and the applicable Land Development Code sections.

Chairman Kennedy expressed concerns regarding the cost to the business owner in efforts to meet the required 10' setback for the canopy, and questioned the enforcement of the required 10' setback.

Mr. Andrejkovics disagreed with City Attorney Wolfe's recommendation to disapprove the variance; based on the environmental upgrade to the underground tanks, and the revenue the business would bring into the City.

Mr. Amalfitano questioned the cost of redoing everything underground compared to replacing just the canopy. Mr. Shaw explained that the cost to replace just the fueling systems would be over \$400,000.00. He also advised that moving the other pieces back would not be feasible, as the pumps would be in front of the store, not allowing access to the store, and pumping would only be from one side. They would have to knock down the store, and that would add another \$500,000-\$600,000 to put the building back.

Mr. Rainbird asked City Attorney Wolfe the difference between law & code; which Mr. Wolfe explained.

Mr. Hatcher confirmed the size of the proposed canopy is 25' and inquired if the applicant could reduce it to 20', and if the canopy could be narrower. Mr. Carter responded that the canopy is pretty narrow already. Mr. Saxton, advised that the canopy could be 22' currently, (existing) is 24'.

Mr. Andrejkovics confirmed with applicant that the canopy will be up to 22' x 78'.

Mr. Hatcher asked City Attorney Wolfe if this would require the applicant to do the entire process again, or if they could make a motion to approve, up to a certain size for this variance.

City Attorney Wolfe advised the Board they could make a motion to approve .

There being no further discussion Chairman Kennedy closed the public hearing.

A motion was made by Mr. Andrejkovics, second by Mr. Rainbird to approve VA-2302 with the stipulation that the canopy will now be up to 22ft by up to 78 ft.

approve

Yes: 7 - George Kennedy, Paul Wright, Thomas Duane, Chris Hatcher, Darren Lear, Albert Amalfitano, Eric Rainbird and Robert Andrejkovics

- b. [AN-2301](#) AN-2301 - Jack Lawson, requesting annexation of 2.12± acres of land located at 1890 Old Mission Rd.

Attachments: [SP 7344-11-00-0040](#)
[Aerial 7344-11-00-0040](#)
[Survey](#)

Mr. Lear provided a staff report, recommendation, and confirmed that the acreage is now +/- 2.12.

Chairman Kennedy opened the public hearing & closed the public hearing.

A motion was made by Mr. Wright, second by Mr. Hatcher to recommend approval for AN-2301.

recommend for approval

Yes: 7 - Albert Amalfitano, Robert Andrejkovics, Thomas Duane, George Kennedy, Eric Rainbird, Paul Wright, Chris Hatcher and Darren Lear

- c. [CPA-2302](#) CPA-2302 - Jack Lawson, requesting an amendment to the Comprehensive Plan Future Land Use Map to include 2.12± acres of land located at 1890 Old Mission Road as Low Density Transition with Conservation Overlay

Attachments: [SP 7344-11-00-0040](#)
[Aerial 7344-11-00-0040](#)
[FLU 7344-11-00-0040-2](#)
[Survey](#)

Mr. Lear provided a staff report and recommendation.

Chairman Kennedy opened the public hearing and closed the public hearing.

A motion was made by Mr. Andrejkovics, second by Mr. Wright to recommend approval of CPA-2302

recommend for approval

- d. [RZ-2302](#) RZ-2302 - Jack Lawson, requesting an amendment to the Official Zoning Map to include 2.12± acres of land located at 1890 Old Mission Road as RT (Rural Transitional).

Attachments: [SP_7344-11-00-0040](#)
[Aerial_7344-11-00-0040](#)
[Zoning_7344-11-00-0040](#)
[Survey](#)

Mr. Lear provided a staff report.

Chairman Kennedy opened the public hearing and closed the public hearing.

A motion was made by Mr. Wright, second by Mr. Hatcher to approve RZ-2302.

approve

Yes: 7 - Albert Amalfitano, Robert Andrejkovics, Thomas Duane, George Kennedy, Eric Rainbird, Paul Wright, Chris Hatcher and Darren Lear

5. DISCUSSION ITEMS

- a. Department Director's Report

Mr. Lear stated that he did not have one.

6. ADJOURN

With no further business to discuss, Chairman Kennedy adjourned the meeting at 7:02 p.m.

Pursuant to Chapter 286, F.S., if an individual decides to appeal any decision made with respect to any matter considered at a meeting or hearing, that individual will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made. The City does not prepare or provide such record.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact City Clerk Bonnie Zlotnik, CMC, 104 N. Riverside Drive, Edgewater, Florida, telephone number 386-424-2400 x 1101, 5 days prior to the meeting date. If you are hearing or voice impaired, contact the relay operator at 1-800-955-8771

One or more members of City Council or other advisory boards may be present.