



City of Edgewater

104 N. Riverside Drive
Edgewater, FL 32132

Meeting Minutes Planning and Zoning Board

Wednesday, September 13, 2023

6:30 PM

Council Chambers

1. CALL TO ORDER, ROLL CALL

Present 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent 1 - Albert Amalfitano

Also Present 3 - Tammy Watkins, Ryan Solstice and Aaron Wolfe

2. APPROVAL OF MINUTES

Regular Meeting May 10, 2023

A motion was made by Mr. Wright, second Mr. Andrejkovics, to approve the Minutes of May 10, 2023. The MOTION was APPROVED by the following vote: `

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

3. OLD BUSINESS-PUBLIC HEARING

None at this time.

4. NEW BUSINESS - PUBLIC HEARING

- a.** VA-2306: Request for a variance to allow a 2 foot setback in lieu of 50 foot mean high water line setback and to allow an in ground swimming pool within 3 feet from the primary structure instead of the required setback of 5 feet for the property at 21 Pelican Lane.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Franklin Dell Kelly, 21 Pelican Lane, applicant, presented additional information to support his request for a pool. He also supplied a new set of plans to the board.

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

During voting, Mr. Andrejkovics requested clarification regarding the motion and the vote.

Chairman Kennedy stated he disagreed with the motion to "deny" confirming his vote was a "no", meaning he voted to approve.

A motion was made by Mr. Andrejkovics, second by Mr. Duane, to deny Planning Item No. VA-2306 to be Denied according to what the City has stated. The MOTION FAILED by the following vote:

Yes: 2 - Robert Andrejkovics and Paul Wright

No: 4 - Thomas Duane, George Kennedy, Eric Rainbird and Chris Hatcher

Absent: 1 - Albert Amalfitano

- b.** VA-2308: Request for a variance to allow a rear setback of 20 feet in lieu of the required 50 foot setback; eliminate the 15 foot vehicle backup area; eliminate the requirement of dumpster enclosure for the property at 2715 Guava Drive.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Carol Barnum, 2706 Fern Palm Drive, spoke in opposition of the request, and requested the developer be required to place a 6' fence around the dumpster.

Robert Clinton, 4210 Liza Clinton Road, was confused on the voting for the previous agenda item VA-2306. Mr. Clinton requested that the board be more clear on their voting. Chairman Kennedy clarified the outcome of the vote.

Cliff Shover, 601 McKenzie Road, Port Orange, contractor for the applicant stated that he has completed three similar projects, and provided additional detail to support the need for the 20-foot setback.

Mr. Hatcher asked to see the site plan, he stated that the variance request is for a 20-foot setback, in lieu of 50-feet and asked why the site plan indicates a 30.2-foot setback. Mr. Shover was uncertain.

There was further discussion regarding the maintenance buffer behind the lots. Mr. Wright asked for clarification of what setback is being requested, a 20-foot or a 30-foot setback. Chairman Kennedy clarified that the request is for a 20-foot setback, and that the site plan indicates they have an additional 10-feet, and advised that the variance was previously approved but has expired.

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

A motion was made by Mr. Hatcher, second by Mr. Rainbird, to approve VA-2308 with the addition of a 6-foot privacy fence along the rear. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- c. VA-2309: Request for a variance to allow a 20 foot rear setback in lieu of the required 50 foot setback; eliminate the fifteen foot vehicle backup area requirement; eliminate the dumpster enclosure requirement for the property located at 2611 Guava Drive.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Name inaudible 2706 Fern Palm Drive advised his interest of keeping fencing along Guava Drive.

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

A motion was made by Mr. Hatcher, second by Mr. Rainbird, to approve VA-2309 with the addition of a 6-foot privacy fence along the rear. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- d. VA-2310: Request for a variance to allow a Class A rear landscape buffer and a Class A side yard landscape buffer in lieu of a Class C landscape buffer for the property located at 403 S Ridgewood Avenue.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Carlos Ardila, 108 Sutton Place, stated he is in opposition of the proposed variance.

Michelle Sanville, 102 Merrimac Street, voiced concerns regarding zero lot line, patron head lights, traffic, hours of operation, and dumpster placement.

Tim Loomis, 509 Canal Street, spoke on behalf of the applicant, and explained that the variance is to allow for employee parking, and a bypass lane. He further advised that the applicant is willing to work with the public, and confirmed operation hours would be 5:00 a.m. to 6:00 p.m.

Chairman Kennedy asked Mr. Solstice to confirm that the request is not to eliminate the buffer entirely, which he did.

Dr. Christopher Murphy, 107 Merrimac Street spoke of his concerns of traffic, stacking of cars in relation to the school, and stormwater.

Mr. Andrejkovics addressed stormwater and deferred to Mr. Solstice who advised that Mr. Coslow, Director of Environmental Services will address stormwater concerns once a complete set of plans have been submitted to the City.

Mr. Hatcher inquired on the location of dumpster. Mr. Loomis advised there would be limited trash and a trash receptacle used. Mr. Solstice confirmed that a dumpster is not required and regular trash receptacles would be sufficient.

Michelle Sanville, 102 Merrimac Street, asked about access to Sutton Road, a private dirt road. Mr. Solstice advised the trash would be in the right of way.

Chairman Kennedy advised that the fence will be the recommendation of the Planning and Zoning board.

Ms. Sanville, voiced concerns about stacking of cars and traffic.

Robert Clinton, 4210 Liza Clinton Road, voiced concerns regarding the stacking of cars off of Ridgewood Avenue.

Mr. Andrejkovics questioned the placement of the fence. Chairman Kennedy stated that the fence would be placed on the east and north sides.

Ms. Sanville voiced additional concerns with the proposed project.

Chairman Kennedy advised Ms. Sanville to approach the property owners of her concerns at the time of construction, should the variance be approved.

Mr. Loomis stated the owners will work with the public to address all their concerns.

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

A motion was made by Mr. Andrejkovics, second by Mr. Wright, to approve VA-2310 with the stipulation that a fence is put up on the east side, and the north side fence/shrubbery that would be appropriate for addressing the issue that we just discussed. The MOTION was APPROVED by the following vote:

Yes: 5 - George Kennedy, Robert Andrejkovics, Thomas Duane, Paul Wright and Chris Hatcher

No: 1 - Eric Rainbird

Absent: 1 - Albert Amalfitano

- e. VA-2311: Request for a variance from the land development code to allow a 20 foot front setback in lieu of the required 25 foot setback for the MH-2 zoning district and a request for a variance to allow a maximum building coverage of 50 percent in lieu of the allowable 30 percent for the MH-2 zoning district for the property at 603

Starboard Avenue.

Mr. Solstice provided a staff report and recommendation. He advised after speaking with the applicant, that letter "a" does not need to be considered as there was an oversight by staff, the 25' setback is being met, and that only letter "b" will need to be considered.

Chairman Kennedy opened the public hearing.

Dennis McCarthy, 603 Starboard Avenue, stated he wants to make the carport look better, and provide sidewalk coverage for safety reasons, and that he has no drainage problems.

Mr. Wright asked if Mr. McCarthy had submitted his request to the Architectural Control Committee (ACC) within his HOA. Mr. McCarthy stated yes, he believed so.

Mr. Wright stated he received a call from an ACC member who stated the request they approved was to enclose the carport as a garage, but not extending the carport. Mr. McCarthy responded, the extension of the carport is part of the garage. Mr. Wright asked if the ACC approval was a requirement for board approval. Chairman Kennedy advised that the board can approve with the condition that the ACC approve the requests.

Mr. Andrejkovics asked Mr. McCarthy if he is going to put a new carport in as the plans were not clear. Mr. McCarthy stated that he wants to put a new roof on the existing carport and extend it. Mr. Solstice added that the expansion is beyond the 30% of the max building coverage.

Sybil McCartney, 712 Navigators Way, President of Edgewater Landings HOA, had concerns regarding setbacks. She stated that the application has expired and he will need to reapply, and requested that the board table the request until it is approved by the ACC.

Chairman Kennedy suggested that they approve with the condition that Mr. McCarthy must apply and obtain approval from the ACC.

John Zino, 718 Navigators Way, voiced concerns with development in the community and requested this be tabled until Mr. McCarthy receives approval from the ACC.

Mr. Rainbird asked if there is an HOA with an ACC who have language that they are not allowed, should the variance even come to the board. Chairman Kennedy advised that they do not have such language, and deferred to the City Attorney. City Attorney Wolfe advised that the City does not enforce HOA covenants and restrictions.

Chairman Kennedy suggested to the board that they make a conditional approval and require approval by the ACC.

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

A motion was made by Mr. Wright, second by Mr. Hatcher, to approve VA-2311 conditional

on the approval of the Architectural Control Committee for Edgewater Landings. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- f. VA-2313: Request for a variance to allow a Class A landscape buffer yard of 10 feet in lieu of a Class C landscape buffer yard of 30 feet for the eastern and northern property line abutting single family residential lots as described within Article V, Table V-4, Buffer Yard Classifications for the property at 601 N Ridgewood Avenue.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Timothy Kuhnley, 3154 Eels Grove Road, applicant explained that the previous Planning and Zoning staff mentioned no requirement of buffers and the plan was then approved by TRC. Subsequently, the property was purchased and now requires a variance for landscape buffers.

Mr. Hatcher asked if the food trucks would be permanent at the site, or would they come and go. Mr. Kuhnley advised they would not be permanent, but would set up in the morning and leave in the evening.

Bonnie Venebil, 104 Sanchez Avenue, voiced concerns with noise, the 10-foot buffer, and motors making noise. Mr. Kuhnley addressed Ms. Venebil's concerns.

Thomas Mulligan, 109 E. Knapp Avenue, voiced concerns about people, noise, and trash, which Mr. Kuhnley addressed.

Mr. Andrejkovics asked the board if they need to consider a fence along the east/southeast and northeast corner of the property lines. Mr. Kuhnley stated that there are already privacy fences on both the east and north property lines.

Chairman Kennedy closed the public hearing.

A motion was made by Mr. Wright, second by Mr. Hatcher, to approve VA-2313. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- g. VA-2314: Request for a variance from Article V, Table V-4, to allow a Class C landscape buffer with a width of 30 feet without a wall in lieu of a Class C landscape buffer yard with a width of 30 feet with a wall for the property at 2830 Hibiscus

Drive.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Joe Pellarin, 189 South Orange Avenue, Engineer of Record, confirmed a 35-foot buffer was provided to get the 50-foot buffer from the residential lot line.

Mr. Hatcher asked for clarification on the plantings. Mr. Solstice stated the applicant has proposed more plantings in lieu of a masonry wall. Mr. Andrejkovics also requested clarification on the plantings, including the types, which Mr. Solstice explained.

Chairman Kennedy closed the public hearing.

Meeting went into recess at 7:51 p.m.

Meeting reconvened at 7:53 p.m.

Chairman Kennedy reopened the public hearing.

A motion was made by Mr. Andrejkovics, second by Mr. Hatcher, to approve Planning Item No. VA-2314. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- h.** 2023-R-27: Request for abandonment and vacation of a portion of Indian River Boulevard for the Deering Park North PUD entrance.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Glenn Storch, 4220 Boy Scout Camp Road., New Smyrna Beach, FL provided additional information on Deering Park North PUD, previous plans, Indian River Boulevard and the new plan, and the agreement to dedicate and connect the new right of way to the City of Edgewater.

Mr. Andrejkovics asked Mr. Storch about the water park project and a previous discussion regarding traffic that the Deering Park North project would bring, and possibly interfere with the property for the water park. Mr. Storch stated the water park is still moving forward, and that there would be no interference to the water park entrance.

Mr. Hatcher asked about the Williamson connection and New Smyrna Beach Utilities. Mr. Storch advised that New Smyrna Beach Utilities Commission dedicated their alignment from Pioneer Trail,

and advised that two more will also be dedicated by two other property owners.

Mr. Andrejkovics inquired about a proposed traffic circle, which Mr. Storch explained.

Mr. Wright asked if the board approves an abandonment or is it a motion to send recommendation to Council. Mr. Solstice advised the board will send a recommendation to Council.

Chairman Kennedy closed the public hearing.

A motion was made by Mr. Hatcher, second by Mr. Rainbird, to send a favorable recommendation for AB-2302 to City Council for approval. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- i. AB-2303: Request to abandon, vacate, and relocate a 10 foot utility and 15 foot drainage easement, and vacate emergency access easement on the cul-de-sac at Massey Ranch Boulevard near 1040 Flying M Court.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

There being no public comment or board comment, Chairman Kennedy closed the public hearing.

A motion was made by Mr. Andrejkovics, second by Mr. Rainbird, to send a favorable recommendation to City Council for AB-2303, subject to the following conditions, to follow recommendations provided by the Environmental Services Department in this staff report. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- j. SD-2301: To approve the major site plan for two industrial buildings for 291,830 square feet on 27 + acres.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Glenn Storch, 420 South Nova Road., Daytona Beach, expressed his appreciation to staff in assisting with the project.

Mr. Hatcher requested a stop light at Parktowne and Park Avenue, additional discussion determined

it to be the responsibility of the Department of Transportation.

Mr. Solstice stated that staff worked with the applicant and a secondary access road off of Dale Street will be provided.

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

A motion was made by Mr. Hatcher, second by Mr. Andrejkovics, to recommend SD-2301 to approve a major site plan. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- k.** AN-2302, CPA-2303 and RZ-2302: Request for annexation; rezoning from Volusia County A-3 to City of Edgewater Rural Transition (RT); and for a small-scale comprehensive plan amendment from Volusia County Urban Low Density to City of Edgewater Low Density Transition for Parcel ID 842400000070 generally found near Clinton Cemetery Road.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Mr. Andrejkovics asked how would someone get to the subject property. Mr. Solstice stated through an easement that allows access to Clinton Cemetery Road.

Robert Clinton, 4210 Liza Clinton Road, Chairman of Clinton Cemetery Association spoke in favor of the request.

Mr. Hatcher asked about the flagged wetland on Volco Road that cuts the easement in half, and how a road can be built over a flagged wetland. Mr. Solstice stated that was why he placed them in Rural Transition, with only two homes, and the low number of trips the road will not require improvement.

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

A motion was made by Mr. Wright, second by Mr. Andrejkovics, to make a motion to send a favorable recommendation to City Council for AN-2302, CPA-2303, and RZ-2302. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- l.** RZ-2115: To approve the rezoning request from Volusia County B-6, A-3, and A-2 to City of Edgewater Mixed Use Planned Unit Development (MUPUD).

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Jessica Gow, Cobb Cole Law Firm, 148 S. Ridgewood Avenue, Daytona Beach, representing the applicant, spoke of wetland preservation with low impacts to the city.

Mr. Andrejkovics asked if the location would start at Cow Creek Road, up to the 95 service road. Ms. Gow confirmed it would.

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

A motion was made by Mr. Andrejkovics, second by Mr. Rainbird, to send a favorable recommendation to City Council for RZ-2115. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

- m.** RZ-2305: To approve the rezoning from City of Edgewater B-4, Tourist Commercial to City of Edgewater, R-1, Single-Family Residential.

Mr. Solstice provided a staff report and recommendation.

Chairman Kennedy opened the public hearing.

Mr. Andrejkovics stated a residential home could not be built at this location. Mr. Solstice stated that the residential home is non-conforming in the zoning designation, he then explained the Future Land Use and what it dictates, what zoning categories should be there, and that it was determined that R1 was the more appropriate zoning designation due to similar adjacent zoning categories along the river.

McGregor Love, Esq., Lowndes Law Firm, 215 North Eola Drive, Orlando advised he is available for questions.

Mr. Andrejkovics asked if Mr. McGregor is involved with the marina project. Mr. Love stated no.

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

A motion was made by Mr. Wright, second by Mr. Rainbird, to send a favorable recommendation to City Council approving RZ-2305. The MOTION was APPROVED by the following vote:

Yes: 6 - George Kennedy, Robert Andrejkovics, Thomas Duane, Eric Rainbird, Paul Wright and Chris Hatcher

Absent: 1 - Albert Amalfitano

5. DISCUSSION ITEMS

a. Department Director's Report

Mr. Solstice announced that he has accepted the role of Development Services Director, beginning October 3, 2023. Stated he is happy with his staff and is looking forward to working on the PUD's in order to get the City some amenities, and he is looking forward to getting fully staffed and the next Special Meeting.

Mr. Andrejkovics advised Mr. Solstice of some of the similar variance requests on Guava, and asked if the duplication of variance requests could be avoided in the future. Mr. Solstice advised there are a number of variances such as the class C landscape buffer that come up continuously, he agreed it is an issue. He further stated that variances should be unique, and that this will be addressed through the review of the text amendment changes in the future.

Chairman Kennedy stated that he would like to see less recurring items come before the board, and that he would like the Development Services Director, City Manager, and City Council to collaborate and figure out how to update the Land Development Code, as it is antiquated.

Mr. Rainbird stated he felt Mr. Kelley left thinking that the variance for a pool at 21 Pelican Land was denied. Mr. Hatcher reiterated the motion and vote for VA-2306. The motion was to deny, the board voted "no" against the motion to deny, which means Mr. Kelly does get his variance, and that it was approved. Mr. Solstice advised the board the he would contact Mr. Kelly immediately following the meeting.

6. ADJOURN

There being no further business, the meeting adjourned at 8:32 p.m.

Minutes Respectfully submitted by:

Tammy M. Watkins, Board Coordinator