

**City of Belle Isle**  
**Planning & Zoning Board Regular Session Minutes**  
**November 28, 2017 – 6:30pm**

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| Kurt Ardaman<br>City Attorney | David Woods<br>Vice Chairman<br>District 1 | Chris<br>Shenefelt<br>District 2 | Shawn<br>Jervis<br>District 3 | Gregg<br>Templin<br>District 4 | Rainey<br>Lane<br>District 5 | Russell<br>Cheezum<br>District 6 | Nicholas Fouraker<br>Chairman<br>District 7 |
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On Tuesday, November 28, 2017 the Belle Isle Planning & Zoning Board met in a regular session at 6:30pm in the Belle Isle City Hall Council Chambers. Present was Chairman Fouraker, Vice Chairman Woods, Board member Cheezum, Board member Lane, Board member Templin, Board member Jervis and Board member Shenefelt, City Manager Bob Francis, Attorney Richard Geller and City Clerk Yolanda Quiceno. Absent were: na.

**CALL TO ORDER**

Chairman Fouraker called the meeting to order at 6:30pm and opened with the Pledge of Allegiance.

Chairman Fouraker asked for Board approval to rearrange the order of the agenda items. He requested Board approval to rearrange the agenda items as follows,

- Public Hearing Case #2017-10-013
- Public Hearing Case #2017-11-007
- Public Hearing Case #2017-07- 023

**Board member Templin motioned to rearrange the agenda items as requested.**  
**Board member Cheezum seconded the motion, which passed unanimously 7:0.**

**APPROVAL OF MINUTES**

- Approval of Planning & Zoning minutes for August 22, 2017.
- Approval of Planning & Zoning minutes for September 26, 2017.

Vice Chairman Woods addressed a few scrivener’s errors and requested for approval with the corrections as noted.

**Board member Jervis motioned to approve the minutes as corrected.**  
**Board member Lane seconded the motion, which passed 7:0.**

1. **Public Hearing Case #2017-10-013** - Pursuant to Belle Isle Code Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence in the front yard of a residential property, submitted by applicant John W. Holloway located at 6201 Matchett Road, Belle Isle, FL 32809 also known as Parcel #24-23- 29-3400- 00-162.

David Terry representing the applicant with offices at 120 Minnehaha Circle Maitland, FL said staff has made the recommendation to approve the variance. The peculiarities of this property are that it is a very long piece of land. The improvements on the property are all set well back from the road. Mr. Holloway’s distance from his home to the road is 600ft. He shared Mr. Holloway’s concerns about trespassers on his property and the safety of his family. The applicant would like the ability of placing a fence on the northern part of the property to indicate that it is private and provide additional security.

Vice Chairman Woods said from the southern line up to the very north end there are no intervening fences and chain link fences are known for not looking very nice over a period of time. It seems a little anomalous to place a chain link fence in the mix of high end homes. Mr. Terry stated that the applicant is trying to reduce

the impact of the fence visibility by not adding a solid wall but still creating separation. The proposed material is vinyl coated galvanized wire and will look nicer.

Mr. Woods further asked if the applicant has any written support in favor of the fence from the neighbors to the north. Mr. Terry said no, part of the issue is generated by the occupants of that property.

April Fisher, City Planner based the recommendation for approval on the criteria established in Sec 50-102(b)(16)(3) and the required criteria in Sec 42-64(1) with the support of the issues of safety and privacy on the property. City Manager Francis said this area, in our City, is an area that shows great estates in our City and one of the reasons why fences have not been installed. He asked the applicant if he has any other issues of animals or dogs entering his property and if an electric fence was considered as an option.

John Holloway residing at 6201 Matchett Road shared his concerns with the neighbor's dog and child running through his property. For her safety, he has suggested an electric fence to the neighbor and nothing has been done. The trespass has occurred on numerous occasions and a privacy fence seems to be the best solution to keep them safe from his pets. It will also address the concern of the continued use of the newly purchased City property [on E Wallace Street] overflowing into his private residence.

Chairman Fouraker asked if the City has an alternative solution other than the fence. Mr. Francis stated that Mr. Holloway can call in the nuisance to the Belle Isle Police Department who may assist to resolve the problem. He further added that he has had the Chief of Police research the calls to service and there are only five reports made and are not close to the Mr. Holloways property.

Chairman Fouraker opened for public comment.

- Gary Meloon residing at 6101 Matchett Road spoke in opposition of approval of the fence.
- Cecil Glass residing at 6115 Matchett Road spoke in opposition of approval of the fence.
- Jason Lemoine residing at 6135 Matchett Road spoke in opposition of approval of the fence.
- Carol Crawford residing at 6320 Matchett Road spoke in favor of the variance and said it should be a wrought iron fence and be respectful of the decorative nature of the neighborhood.
- David Terry said with regards to the materials the chain link was proposed to have the least minimal intrusion and can be changed to a more decorative fence if it is the pleasure of the Board. The main issue is to keep small children and animals safe from being hurt from his dogs on the property.

There being no further comments, Chairman Fouraker closed public comment and opened for Board discussion.

Chairman Fouraker asked if the applicant would be willing to seek a compromise solution with his neighbor and withdraw his application for a variance and meet as a community to resolve this issue. Mr. Holloway respectfully withdrew his request to allow the opportunity for an open discussion in a more private forum with his neighbors.

2. **Public Hearing Case #2017-11-007** - Pursuant to Belle Isle Code Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a wall with gate in the front yard of a residential property, submitted by applicant Dina Janicke located at 2221 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel #18-23- 30-5120- 00-320.

Dina Janicke property owner of 2221 Hoffner Avenue spoke of the variance and said it is based on the safety, security and privacy for her family. Her front yard is used as her back yard and her home sits at the bend on Hoffner Avenue. The traffic is hard to control and there have been many documented accidents throughout the years. The wall helps protect her family from oncoming traffic. Her neighbors have given her written

support for the aesthetics of the wall and the gate. She was not aware of the permit process and apologized for the oversight in building the wall.

Vice Chairman Woods stated that the traffic count on Hoffner Avenue is approx 18,000 cars per day and understands the need for the wall. He asked if the applicant has been charged with after-the-fact fees for building without a permit. April Fisher said yes, the applicant has been charged the after-the-fact fees.

April Fisher stated based on the applicant's identification of the security and safety for her children and pets she is recommending approval of the variance.

Chairman Fouraker opened for public comment. There being none he closed public comment for Board discussion.

**Vice Chairman Woods moved**, the criteria of Code Section 50-102(b)(16) and Sec. 42-64 of the Belle Isle Land Development Code having been met to approve this request for a variance to place a wall with gate in the front yard of a residential property, submitted by applicant Dina Janicke located at 2221 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel #18-23- 30-5120- 00-320.

**Board member Lane seconded the motion, which passed unanimously 7:0.**

Chairman Fouraker called for a 15 minute break.

3. **Public Hearing Case #2017-07- 023** - Proposed Development Site Plan. Pursuant to Belle Isle Code Sec. 54-79 (f) (4), the Board shall review and take action on the proposed site plan, submitted by Thirumala Property's, LLC c/o American Civil Engineering, Co. for a proposed commercial development at 2635 McCoy Road, Belle Isle FL 32809, also known as Parcel #30-23- 30-0000- 00-005. (continued from the August 22, 2017 meeting)

Randall Smith, Attorney, spoke on behalf of the applicant, with offices at 5333 Versailles Drive, Maitland, FL said he and the applicant has met with the City Attorney and has addressed each of the concerns raised at the August 22<sup>nd</sup> meeting. In regards to the staff memo dated November 16<sup>th</sup>, 2017, it does not present any major issues and the applicant can comply with findings as conditions of approval. He addressed the dual zoning and said they have redesigned the facility based on the findings by City staff of the 150 ft from the sub boundary to the Trentwood Blvd lots. In addition, they have submitted a significant reduction of the parking spaces and the current plans should comply with the City findings.

With regards to the access easement, there is a recorded document from 1980 that made provisions for the adjacent property owner to have access to McCoy Road through that easement. He is not going to dispute the City Attorney's conclusion however; he does believe it is a sufficient recorded document.

John Herbert, Engineer with American Civil Engineering Company spoke on the parking, transportation analysis and retention drainage concerns. He referenced the staff report and the additional information requested by the Board and noted that their responses and the design are in conformance with the Land Development Code of the City of Belle Isle. He would like to reserve the right to answer any questions/issues on the design elements with the Board and the public. Chairman Fouraker stated due to the time frame he would like to address the questions on a case by case basis before opening an open dialogue. Mr. Herbert stated he would then prefer to go through each question and responses on the November 16, 2017 staff report in order to be heard on all the issues.

Vice Chairman Woods said he did a cursory review of the plans and have found no less than 16 errors and mistakes on the submittal and begs the question on how many have yet to be found. **After review of some of**

**the errors and corrections, Board member Jervis motioned to continue the meeting to a later date to allow the applicant time to correct the plans for approval.**

Attorney Geller stated that the Board can open for public comment before the passing of a motion to second.

The Board discussed the option of scheduling a workshop to allow the applicant and the public to dedicate time to discuss some of the issues important all parties. Board consensus was to schedule a workshop at a later date.

Bob Harrell residing at 2800 Trentwood Blvd said he has some ideas to provide for consideration before approval of the proposed plan. He proposed leaving the residential portion alone and placing an eight foot masonry wall on the edge of the commercial property.

Mike Sims residing at 2606 Trentwood said in preparation of the workshop he would like to present some ideas for consideration. He made the Board aware of a recent traffic study that was completed and included the areas of McCoy, Via Flora, Flowertree and Trentwood. The results include a level of service grade of F for the intersection of McCoy and Via Flora. Mr. Francis said the City commissioned the traffic study for another project and adding additional trips can create massive backups during the morning and in the evening. He stated if this project moves forward the applicant will be required, upon the conditions of approval, to initiate a traffic study with FDOT to review the problems and provide solutions they would be incurred with the additional added traffic.

Mr. Sims said he has obtained a petition with over 30 signatures that were against this proposal. For the record, and in addition to the petition, there were approximately 15 residents present who were opposed to this project. Mr. Sims spoke on Section 54-75 Sub Part B and Section 54-32 of the zoning codes that are not silent on the permissible uses. He further asked that the applicant provide written documentation on a continuing duty to maintain the retention pond. In conclusion, he asked for the Board to deny to proposal based upon all the reasons discussed, it does not provide an adequate buffer and is not consistent with the surrounding area.

Greg Gent residing at 2924 Nela Avenue asked, if there is a workshop, will public comment be allowed. He further added that the Board should consider a noise study before approval.

Andrew Thompson residing at 4058 Isle Vista Avenue asked if the Board can consider a lighting plan for the residential areas and the impact the removal of the trees would cause.

There being no further public comment, Chairman Fouraker closed public comment for Board discussion.

Vice Chairman Woods gave a Power Point presentation that reflects some of the public's sentiment of the proposed project.

**Board member Jervis motioned to have the City Manager organize a workshop to be continued to a later date to allow the applicant time to correct the plans for approval.**

**Board member Rainey seconded the motion which passed unanimously.**

**OTHER BUSINESS**

Vice Chairman Woods brought to light a prevalent issue on Hoffner that most homeowners on Hoffner would like to have a wall in their front yards. There are approximately 17,000 vehicles a day going through Hoffner with a 4-lane extension to the east of Conway. He would like the Board to considered codification of a Hoffner overlay which allows fences and walls on the properties along Hoffner. April Fisher stated that it can be added to a future agenda for discussion and recommended requesting the City Manager to bring the idea forward to Council for consensus.

**ADJOURNED**

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 9:07pm.

Yolanda Quiceno

City Clerk, CMC

DRAFT