

**ITEM 6
MEMORANDUM**

TO: Planning and Zoning Board

DATE: February 12, 2021

Public Hearing Case #2020-09-007 - Pursuant to Belle Isle Code Sec. 54-84 (G) (2) the Board shall consider and take action on a requested site plan for Wallace Park Improvements, submitted by applicant CITY OF BELLE ISLE, located at E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

Background:

1. On February 13, 2021, City of Belle Isle submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, February 13, 2021, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on February 12, 2021.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **SEC. 54-84 (G) (2)** of the Belle Isle Land Development Code having been met **TO APPROVE** the site plan for Wallace Park Improvements *(STATE WITH OR WITHOUT CONDITIONS)*, submitted by applicant CITY OF BELLE ISLE, located at E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **SEC. 54-84 (G) (2)**, the justifying criteria of the Belle Isle Land Development Code, **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of, Subsections: *[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]* **having NOT been met; [may be used in addition to above or alone] TO DENY** the site plan for Wallace Park Improvements, submitted by applicant CITY OF BELLE ISLE, located at E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



April Fisher, AICP
PRESIDENT
407.494.8789
fisherpds@outlook.com

February 12, 2021

Site Plan Review: Wallace Park Improvements

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 54-84 (G) (2) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SITE PLAN FOR WALLACE PARK IMPROVEMENTS, SUBMITTED BY APPLICANT CITY OF BELLE ISLE, LOCATED AT E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

This is a City owned property purchased in 2016. The City rezoned the property from single-family to an open space zoning designation in 2018. In partnership with Cornerstone Charter School, the City is seeking approval to develop the property as a public park with a practice athletic field for Cornerstone.

Existing Zoning/Use: Open Space/ City Park

Application Overview

The proposed application is for development of a public park that will also include practice fields for the Cornerstone Charter School. The property is located within the jurisdiction of the City of Belle Isle and is owned by the City, with a zoning designation of Open Space.

Sec. 54-84 of the City Code identifies requirements for the Open Space zoning district. Active recreational uses are allowed through a special exception process (Sec. 54-84 (d)). The special exception previously approved by the Board was appealed to City Council. At their February 2, 2021 meeting, City Council upheld the Board's approval of the special exception.

Site plan review and approval by the Planning and Zoning Board is also required before a building permit may be issued (Sec. 54-84(g)(2)).

Staff Review

The following development standards apply to the Open Space zoning district:

1. No parking shall be located within 25 feet of any residentially zoned property nor within 15 feet of any right-of-way line.
2. No building, or structure, except fences or walls, shall be located within 50 feet of any residentially zoned property line or right-of-way line.
3. Impervious surfaces shall not cover more than 35 percent of the lot area.
4. Maximum building height is restricted to 20 feet.

Staff Recommendations

The proposed site plan is consistent with the development standards for the Open Space zoning district, with two considerations for further review: 1.) the Code does not provide parking space requirements for parks. The site plan proposes ten spaces. The Board can decide to define an

adequate number based on review of the site plan and proposed activities (active/passive components). 2.) Impervious data is not provided with the site plan. An artificial turf field is proposed for a large portion of the site. The applicant will need to provide specific data regarding whether the artificial turf is pervious or impervious to determine if the impervious surface ratio standard is met.

For the Board's consideration, it is within the Board's purview to require conditions applicable to approval of a proposed site plan. Staff recommends that the following considerations as conditions to be placed upon an approval of the proposed site plan:

1. Specifications on the artificial turf must be provided to verify whether it is pervious or impervious to determine if the impervious surface ratio standard is met. If this can not be substantiated or is not pervious, the application will be required to come back to the Board for formal review again.
2. Stormwater management plans consistent with the requirement of Sec. 50-74 and Sec. 54-84 (g) (1) shall be provided for review with the building permit application.
3. A restriction that lighting of the practice field is not permitted to prevent light pollution on adjacent residential properties.
4. A prohibition on any private business or commercial enterprise running a business from the property such as, but not limited to, private lessons or outdoor classes such as yoga, group events, or non-profit special events not approved by the City.
5. An executed Memorandum of Understanding or other Agreement, as approved by City Council, between the City of Belle Isle and Cornerstone Charter School regarding each party's responsibilities and authorities regarding development of the park, and operation of the park such as hours available for public use and access coordinated with use by the School, including property maintenance, gate operations, field maintenance, and authorized use of the proposed building.
6. A detailed parking/traffic plan be provided indicating how the applicant anticipates handling additional park traffic on E. Wallace Street and Matchett Road with users accessing the park or field practice operation, whether there is any impact; and,
7. A detailed plan identifying how the park will be accessed by the public and hours of daily availability for public use. This plan should also address how the park will be secured, monitored, and restricted during closed hours.

The Board may consider any of these conditions or apply others as deemed appropriate by the Board. Please note that if additional plans or agreements are requested, the Board may want to review these prior to granting approval of a site plan.

Next Steps

The Board may approve the proposed site plan application as it is, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application.