



City of Belle Isle
Planning & Zoning Board Regular Session Minutes
February 26, 2019 – 6:30 pm

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Randy Holihan District 4	Rainey Lane District 5	Russell Cheezum District 6	Nicholas Fouraker Chairman District 7
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On Tuesday, February 26, 2019, the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers. Present was Chairman Fouraker, Vice Chairman Woods, Board member Lane, Board Member Cheezum, Board member Holihan, Board member Jervis. Also present was Attorney Dan Langley, City Manager Francis, City Planner April Fisher and City Clerk Yolanda Quiceno.

Absent was Board member Shenefelt.

1. CALL TO ORDER

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

Chairman Fouraker announced that Board member Shenefelt would not be able to attend and requested a motion for an excused absence.

Board member Lane motioned the approved absence for Board member Shenefelt.

Board member Cheezum seconded the motion, which passed 6:0.

2. APPROVAL OF MINUTES

a. Approval of the January 22, 2019 minutes

Board member Jervis motioned to approve the minutes as presented.

Chairman Fouraker seconded the motion, which passed 6:0.

3. Public Hearing Case #2019-01-034- 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 24-foot long by 4 feet high white vinyl fence in the front yard of a residential property to protect the drain field and to place a 57-foot long white vinyl fence down one side of the front yard (24 feet by 6 feet high and 35 feet by 4 feet high), submitted by applicant Darren West, located at 2218 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel #18-23-30-8856-05-640.

Chairman Fouraker read by title.

Darren West applicant residing at 2218 Hoffner Avenue gave a brief overview of his request. He said when the fence was built late last year he was not aware of the permitting requirements. He said the previous owners had placed a paver driveway on top of the drain field causing it to be damaged. Because the driveway is only 50 feet wide with a small 5ft wide concrete wall in the front, random people drive on top of his drain field and have caused it to be unserviceable. He has replaced the drain field and had to remove the pavers and move the u-shape driveway to one side. Also, he placed a hedge to discourage people from driving on his drain field. The fence is consistent with the existing surrounding fence. The fence between the two houses runs down the existing property line and obscures the view of the existing communication wall.

Board member Holihan asked if the fence on the side of the house, going up to the back of the curb be allowed where it currently is. April Fisher said the fence entering into the front yard plain is subject to the variance and does not seem to block any line of sight. Vice Chairman Woods said coming from the east the fence is not very visible and does not block any line of sight from that direction.

Vice Chairman noted that currently the new drain field is covered with grass. He further made mention to the applicant's presentation of adding additional pavers in various areas on the property. Mr. Woods said the impervious surface ratio for a residential property is 35% and the property is already at 35.89%. Mr. Woods said if the applicant is looking to add additional pavers he will need to create a retention pond to compensate for the required ratio.

April Fisher noted that the applicant is diminishing the amount of impervious surface by removing the pavers that were on the drain field. The Board discussed impervious surface materials. April Fisher said the Board might want to look at the imperious ratio and materials during code revisions because the code is a bit antiquated.

There being no further questions for the applicant, Chairman Fouraker opened for public comment. There being none he closed the public comment and opened for Board discussion.

Chairman Fouraker read an email, for the record, from Nancy Rodgers residing at 2209 Hoffner Avenue in favor of the variance request. Mr. Fouraker said he spoke with Ms. Rogers and discussed previously after the fact permits issues the Board has received in the past.

Chairman Fouraker stated that the Board should consider taking a tougher stance with after the fact permit fees and shared his concerns with the hodgepodge fencing on Hoffner. April Fisher said there is no availability to impose a different penalty or fee than what is in the adopted fee schedule because it is established by ordinance by the City Council.

Attorney Langley said in granting a variance the Board could place a condition however it must address mitigating the impact/harm of the variance. The Board has to be careful to not "pay to play." Attorney Langley does not recommend placing a condition to impose a fine because it is not within the scope of the variance. The P&Z Board does not have the jurisdiction to impose fines. The Code Enforcement Board could have levied a fine of \$250-\$500 a day if this matter had been issued through the Code Enforcement process. Discussion ensued.

After discussion, the Board discussed reoccurring variances and changes to the Land Development Code.

Mr. Francis said after-the-fact fees are different depending on the type of offense that was committed. A cease work order will be placed on the property once these fees are imposed until the proper permits can be obtained. After review, if the violation is not allowed the applicant will have to remove any work completed.

Board member Holihan moved the criteria of Chapter 42, Article III, Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a 24-foot long by 4 feet high white vinyl fence in the front yard of a residential property to protect the drain field and to place a 57-foot long white vinyl fence down one side of the front yard (24 feet by 6 feet high and 35 feet by 4 feet high), submitted by applicant Darren West, located at 2218 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel #18-23-30-8856-05-640.

Board member Jervis seconded the motion, which passed 6:0.

April Fisher said the applicant should wait for 15-days from approval for any appeals before submitting for a permit.

4. Public Hearing Case #2018-08-057 (CONTINUED FROM JANUARY 22, 2019) - Pursuant to Belle Isle Code Sec. 42-64 the Board shall consider and take action on a requested variance from Sec. 50-73, to allow a maximum building height of 33 feet instead of the standard maximum allowed building height in the C-1 zoning district of 30 feet, and take action on a requested variance from Sec. 50-72 (d) (1), to allow the widths of interior driveways to be 22 feet instead of 25 feet, and take action on a requested variance from Sec. 50-72 (a) (1) to allow a parking space ratio of 0.7 spaces for every Hotel room instead of the required 1 space for every hotel room plus 1 for every 100 square feet of office/ lobby area submitted by applicant Capital Lodging, LLC, Located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel # 30-23-30-0000-00-012.
5. Public Hearing Case #2018-08-062 (CONTINUED FROM JANUARY 22, 2019) - 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 APPLICANT Capital Lodging, LLC, located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel # 30-23-30-0000-00-012.

April Fisher said the applicant and property owner for 1853 McCoy Road has submitted for a continuance for Public Hearing Case #2018-08-057 and 2018-08-062 for a date certain of March 26, 2019. April Fisher asked for Board action to approve the continuance.

Vice Chairman Woods moved Public Hearing Case 2018-08-057 and Public Hearing Case 2018-08-062 which were continued to February 26th be continued to a date certain of March 26, 2019.

Board member Holihan seconded the motion, which passed 6:0.

OTHER BUSINESS

Board member Holihan asked how the Board can start the process for discussion on Land Development changes.

April Fisher said the Board knows of specific issues that have come forward and can tackle those first. Mr. Francis said the Board could schedule a workshop and bring forward the prioritized list of changes to Council for consideration.

Vice Chairman Woods suggested that the Board individually come up with a punch list and submit for discussion at the following P&Z Board meeting. Under Section 42-33(3)(b) it states that the Board establishes code and is advisory to the Council. He recommends that the Board present the issues with an explanation to the Council to ensure that they understand the motivation for the recommendations.

Attorney Langley clarified that the Boards function is to make changes to the land development code and do not need Council permission to start a discussion. However, he recommends that the Board make certain recommendations for Council consideration and direction to staff. Discussion ensued on the process.

Chairman Fouraker shared his concerns with the disconnect between the Board and the City Council. He said he would like to approach the land development changes with a dialogue with Council before committing to scheduling Board workshops. Mr. Francis suggested having a joint meeting with the Council and the Board before moving forward with a review of the land development code to ensure everyone is moving in the same direction.

April said the code allows for Council to employ experts for the Board. In her capacity as a consultant would she be able to provide items to the Board to consider for the workshop. Mr. Francis said yes, however, he clarified that staff direction comes from City Council.

After discussion, Board consensus was to close the March meeting to new applications and add land development code changes for discussion. The Board discussed possible items for discussion,

- Excluding commercial drainage in any of the R's (R-1-A, AA, AAA) – All infrastructure in a particular use be supported in the same zoning classification
- Elevation - artificially raising the height of the land (berm)
- Fence, walls and perimeter buffering - maximum height of a fence off the ground, and fence type (corrugated, decorative aluminum, metal fencing) and Hoffner overlay standards

- Boat docks issues
- Minimum lot split width, measurement of flag lots and overlays districts
- Definition of extended stay in a hotel

Vice Chairman Woods moved to close the March meeting to any new applications to allow for a workshop discussion. Board member Holihan seconded the motion, which passed 6:0.

Board member Lane moved for discussion on potential Land Development Code changes involving two items:

- 1. Site infrastructure for development within the same zoning classification or higher intensity; and**
- 2. Fences, walls, and perimeter buffering**

Board member Holihan seconded the motion, which passed 6:0.

Chairman Fouraker welcomed and recognized Mayor Lydia Pisano. Mayor Pisano thanked the Board for all their hard work and volunteerism.

ADJOURNED

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 8:05 pm.

Yolanda Quiceno
City Clerk, CMC