



city council minutes

MINUTES **December 28, 2018 * 9:00 a.m.** **City Council Workshop Session**

The Belle Isle City Council met in a City Council Workshop Session on December 28, 2018, at 9:00 a.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present:

Mayor Pisano
Commissioner Gold
Commissioner Carugno
Commissioner Weinsier
Commissioner Sims
Commissioner Partin
Commissioner Nielsen

Absent:

Commissioner Readey

Also present: City Manager Bob Francis, City Planner April Fisher and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website at www.cityofbelleislefl.org and City Hall.

CALL TO ORDER

Mayor Pisano called the meeting to order at 9:00 am and opened for the discussion on the proposed changes to the lot split application process and requirements. Mayor Pisano noted that she would allow for public comment after Council discussion.

PRESENTATION OVERVIEW

City Manager Bob Francis provided a power point presentation and gave a brief overview of the current code and the proposed changes. Mr. Francis presented and briefly discussed as part of the proposed changes following the 90-day moratorium on a single family lot subdivision that was put into place to provide the City Staff time to conduct a study on the impact of the proposed changes. Mr. Francis noted that lot splits are one of the more important issues to be discussed because it also determines the vision of the City and its development over the next few years.

Mr. Francis said the scope of work included,

- Appropriate dimensions of a single family lot and shape (width, depth, and area)
- Should there be a uniform standard throughout the community or should they vary to reflect other lots in their proximity
- Revise or create other single-family lot standards
- Increase/decrease lot sizes in certain areas

He further added that the limitation of the study was the staff time. The cost of a consultant was very high, so the majority of the research was completed by the City Manager and the City Planner within the 90-days of the moratorium. They found reoccurring themes during the research that included,

- Open space, trees, and wildlife
- Ability to bring new families to Belle Isle
- Density issues
- Impact on the lake and water quality
- Utilities: water and stormwater

- Property values
- Increase in traffic

The staff further researched and discussed contextual issues that are fundamental to lot splits which included,

- Property owner rights vs. Neighborhood expectations
- The character of the neighborhood
- The challenge of change

Mr. Francis gave an overview of the analysis and findings of specific issues associated with the current subdivision and zoning code requirements. He further provided a list of Central Florida Cities: Lot Size Requirements for Single-Family Residential Zoning Districts and stated that Belle Isle's code is right in the middle and pretty much in range with the other cities.

Staff discussed a variety of other issues associated with zoning district regulation. They further researched a community-wide code covering lot shape, lot lines, flag lots, design flexibility, density, and housing stock. He asked, for example, how someone measures an 85 feet lot line. It was recommended that lots be measured from the street frontage which will eliminate the creation of flag lots.

After the presentation, Mr. Francis provided a list of staff's recommendations to approve, change or amend as follows,

A. General Single-Family Residential Subdivision Policy

1. The City Council should continue to allow single-family residential lots to be subdivided or split if they meet the standards set by the City Code.

B. Subdivision Code

1. The council should consider criteria for a standard shaped lot.
2. The City Council should prohibit the creation of flag lots within the City.

C. Zoning Code

1. The City Council should designate three levels of single-family residential zoning districts, which include the following districts: (Consensus Recommendation)
 - Small lot single-family residential, which would have standards less than the current standards;
 - Standard single-family residential, which would have the same standards as the current R1 district; and
 - Lakeshore single-family residential, which would have standards greater than that currently in the City's standard Single-Family Residential District.
2. If a small lot single-family residential zoning district is designated, the City Council should review the standards in the Zoning Code for this district to ensure appropriate building size, height and setbacks requirements.
3. In addition to the new zoning districts, the City Council should consider maximum lot criteria to avoid "McMansions" on standard lots.
4. Within the Shoreline, and Storm Water Management Code, development standards set for lots within a Shoreline Overlay District, which include those lots within at "shoreline areas" as designated in the Code. These requirements of this overlay would increase the minimum lot area and front yard width to 15,000 square feet and 100 feet respectively.
5. The City Council should amend the preamble of the Zoning Code with the following language: "...Said restrictions and regulations are to protect and enhance the character, stability, and vitality of residential neighborhoods."

6. The staff recommends that the City Council should create new small-lot zoning criteria that have requirements less than those for the standard R-1AA Zoning District.

D. Other City Standards and Ordinances

1. The City Council should consider creating incentives for environmentally friendly development practices.
2. The City Council should consider tree preservation and replacement ordinance

Mayor Pisano opened for Council discussion.

Comm Carugno shared his concern with not allowing variances for lot splits and does not agree to a standard lot size 85' due to the difference of property shapes throughout the City. He stated that the decisions made today would affect the future residents of the City. There are rules in place, however; the decisions made by the Planning & Zoning Board need to be addressed because this is an ongoing process affecting property owners rights.

Comm Sims spoke on how will the recommended changes impact current, underdevelopment and new developments.

Comm Weinsier shared his concern of what is the next step, where is development headed in the City and the decisions made on the subjective standards presented. He is in favor of clearer rules and equal development standards across the board.

Comm Gold said the point that it is only affecting new development the conversation should also be modified to include architectural changes.

Comm Nielsen would like to include the discussion on design flexibility and agree with the recommendations as discussed. Comm Nielsen said there is a balance between property owner's rights and neighborhood rights. The hardship criteria used in the variance process is so nebulous it can never be pinned down to approve or disapprove a variance request.

April Fisher said the hardship test is a planning term and consideration and is not based on an economic test. Decision making can be very fluid regarding property rights, the code and zoning districts set up the legal expectation of the character of a neighborhood. When there are continued variances for lot splits creating substandard lots sizes, in effect, it is changing the established zoning district. In her opinion, if there are many variances submitted to the Planning & Zoning Board, it might be that the code is broken. Staff should have confidence in the code that the standards established can be upheld except for those extreme cases.

Comm Weinsier said he does not know how staff can enforce architectural taste. The City will do a disservice to include architectural changes/design with the lot split discussion. Also, the Lake Shore district may be treated differently in the code because of the concerns with the number of boats on the water and the impact on the lake with the illegal clearing of the beach areas after new development. Comm Weinsier said he is in agreement with the recommendations and would like to see the changes in ordinance form. He does not believe the code requires a huge substantive change however he would like to see a new focus on the procedure and have a specific definition of the criteria's for approval.

April Fisher, City Planner said to help on the immediacy of the discussion she receives a couple of calls on the lot split process and what the viability of doing so is. Many calls because they are interested in purchasing the property but not necessarily interested in the house. There is a big interest in Belle Isle to apply for lot splits, and it is an important topic.

After Council discussion, Mayor Pisano opened for citizen comments.

- Richard Weinsier residing at 6824 Seminole Drive asked if Council will have other discussions on the exchange of property for something else and wanted to know it is going to be part of the thought process.
- Greg Gent residing at 2924 Nela shared his concern of the same fight over and over being fought. He asked if the discussion on not allowing a lot split variances be allowed or granted. He agrees that some of the problems

were started by the Planning & Zoning Board, however; City Council should not have approved the last lot split for the reasons stated, and both should bear some of the responsibility.

- Rick Miller residing at 2001 Nela Avenue commented on the necessary changes on the description of the lot line frontage, rear, and side. He asked historically, how many of the current lots would have been affected by the proposed change and how it would look like today and to apply one standard across the board is not going to work as a whole throughout the City.
- Cindy Lance residing at 6615 Matchett Road said the character/color of a home is very restrictive, and Council should be careful about restricting such a criteria, and a “neighborhood” should be clearly defined because there are many homes in Belle Isle not in a neighborhood; and the decisions made today can change the future development and create other scenarios.
- Holly Bobrowski residing at 2400 Hoffner Avenue said the City should not limit the color of a home but regulate how many colors can be used on a home. Belle Isle is not a cookie cutter town, and Council should only look at the extreme cases.

After citizen comments, Bob Francis said asked Council if the criteria for the variance not strict enough, should it be strengthened or is it too ambiguous.

There being no further comments Mayor Pisano closed public comment.

Council consensus was to have the City Manager draft an ordinance with the proposed changes as discussed.

ADJOURNMENT

There being no further business the workshop adjourned at 10:00 a.m.

Yolanda Quiceno
CMC-City Clerk