



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue
Held the 4th Tuesday of Every Month
Tuesday, February 23, 2021, * 6:30 pm
MINUTES

The Belle Isle City Council met in a regular session on January 26, 2021, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Chairman Holihan
Board member Woods
Board member Lane
Board member Shenefelt
Board member Thompson
Board member Hobbs

Absent was:

District 3 - OPEN

Also present was City Manager Bob Francis, City Planner April Fisher, Attorney Dan Langley, and City Clerk Yolanda Quiceno.

1. Call to Order, Confirmation of Quorum
Chairman Holihan called the meeting to order at 6:30 pm. City Clerk confirmed quorum.
2. Invocation and Pledge to the Flag
Board member Woods gave the invocation and led the Pledge to the Flag.
3. Approval of P&Z Meeting minutes – January 26, 2021
 - a. P&Z Meeting minutes – January 26, 2021
Chairman Holihan called for a motion to approve the minutes of January 26, 2021.
Board member Woods moved to approve the minutes as presented.
Board member Lane seconded the motion, which passed unanimously 6:0.
4. **Public Hearings**
 - a. Public Hearing Case #2021-02-003 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 52-33 (5) (C) to allow two illuminated wall signs taller than 30 feet in height, to be located within 200 yards of the residentially zoned property, submitted by applicant THIRUMALA HOTELS, LLC, located at 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.

City Planner April Fisher said the applicant is requesting a variance for two wall signs to be illuminated that will be taller than 30 feet in height; prohibited by Code. Staff is recommending approval with conditions of the request, which meets all the variance criteria outlined by Code. The front of the building faces McCoy. The other sign is on the building's side and is not visible to the residences in that area. The conditions are,

1. A new lighting photometric plan be provided with the sign permit application to ensure there is no spillover onto the residential properties; and
2. The plan set is part of the approval process showing the location of the signs.

John Herbert with American Civil Engineering, representing the applicant, said he concurs with staff conditions. Mr. Herbert said typically, a photometric plan is submitted once the project is completed. The Board agreed that the photometric report could be submitted before the start of the installation.

Chairman Holihan asked for clarification on the submitted plans; one set shows a 30-inch stack, and the second shows a 24-inch stack. Mr. Herbert said the plans should reflect the 30-inch stack and submit a revised set of plans to the City.

Board member Woods said the issue with signage facing residents is not the lumens that it puts out but that it is the glare from a light that was not there before which is the annoyance. He believes there is a substantial tree buffer from the building to the residences. It would have been appropriate to provide a simple illustration showing the height of the signs, the trees, and the highest residences that establish a line of sight between the two places. Mr. Herbert said he walked the entire perimeter and said he could only see the roofs of two homes to the north (2500 and 2504 Trentwood).

Chairman Holihan opened for public comment. There being none, he closed public comment.

Board member Woods moved SEC. 42-64 AND Sec. 52-33 (5) (C) of the Belle Isle Land Development Code having been met to approve the requested variance to allow two illuminated wall signs, taller than 30 feet in height, to be located within 200 yards of the residentially zoned property, submitted by applicant Thirumala Hotels, LLC, located at 2635 McCoy Road, Belle Isle FL 32809, also known as Parcel #30-23-30-0000-00-005 subject to

- 1. The signs being located per the submitted plans**
- 2. Photometric be submitted with the permit**
- 3. Revision of the correction of the sign**

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

b. Public Hearing Case #2021-02-006- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence with a gate in the front yard of a residential property, submitted by applicant Paul Lopez located at 5811 LaBelle Street, Belle Isle FL 32809 also known as Parcel# 19-23-30-0000-00-002.

April Fisher presented the variance and said the applicant is requesting a four-foot-high fence and gate in the front yard of the single-family residence. The primary concern is security and safety. It is adjacent to the pedestrian lake, with access to Lake Conway. Currently, the property is not fenced and has had security issues and others walking white dogs on the property. The application indicated that they are seeking the same materials as the fence installed by the City. Based on their concerns, the staff is recommending approval of the requested variance as presented in the package. The City received some comments and a petition opposing the variance from the surrounding residents for the record.

Paul Lopez, the applicant, residing at 5811 LaBelle Street, said he is seeking the variance because that side of the home appears to be part of the open space. He had many people walking their dogs on his property and a documented case when a stranger slept on his property. The gate on his property is not part of the variance because it is existing and is located behind the front line of the house. The fence he is proposing does not impede in any way, the shape, or form of the lake view. He said the fence would not be visible, as noted in the pictures he provided. He is conceding the setback to accommodate the existing power pole in the property. The idea is to place the fence 3-4 feet high to discourage others from walking and entering his property for his family's safety.

Board member Woods asked if the applicant ever considered placing hedges instead of a 4-foot fence. Mr. Lopez said he currently has hedges on the left side of the house. Unfortunately, that is where they found the trespasser.

Board member Woods asked if the applicant is aware of the Petition that has been circulated in opposition. Mr. Lopez said he is aware of the Petition and has addressed some of the concerns.

Discussion ensued on the images provided for the record and placement of the fence.

Chairman Holihan opened for public comment.

- Chairman Holihan acknowledged the Petition that was submitted for the record opposing public hearing case #2021-02-006.
- April Rosenbloom residing at 1415 Waltham Avenue, spoke in opposition of the variance.
- Mercedes Blanca residing at 5812 LaBelle, spoke in opposition of the variance.
- Alexander Malinsky residing at 1438 Belle Vista Drive, spoke in opposition of the variance.
- Mary McNutt residing at 3411 Warren Park Drive, spoke in support of the variance.

There being no further comment, Chairman Holihan closed public comment.

Board member Woods said approximately 22 of the 44 households in the neighborhood signed the Petition that was submitted. The Petition establishes validity to Section G that it is not met. On that basis, he is not in favor of approval. Board members mentioned that if the applicant connected the existing fence to the existing gate, he would have installed a fence without a need of a variance. Mr. Lopez said, because of the home location, it will not take care of people walking their dogs in the front of his property. Discussion ensued.

Board member Thompson asked for a definition of "injurious to the neighborhood." April Fisher said it is quantitative. Attorney Langley said it is difficult to define a certain way. It is based on the evidence presented by the applicant. Mr. Thompson asked the applicant if he is willing to amend his application showing the elevation, type of fence, and location to make an informed decision. In the interim, the applicant should speak with neighbors.

City Manager Francis asked the public audience if installing a pet waste station and small trash cans near the front gate of the public lake access would help with the applicant's concerns and the neighborhood. Those in attendance were in agreement. Mr. Francis said he would communicate with the neighborhood residents before placement to establish an appropriate location.

The Board noted the applicant has a willingness to speak with the neighbors, and it might make sense to table the public hearing to let the applicant work on a solution. The applicant agreed to a continuance.

**Board member Woods moved to table Public Hearing 2021-02-006 to a date certain of April 27, 2021.
Board member Hobbs seconded the motion, which passed unanimously 6:0.**

- c. 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.

April Fisher, City Planner, asked the Board if the Public Hearing for Case 2020-09-007 be continued to a date certain at the March 23rd meeting. Mr. Francis said the City is the applicant, and several items need to be finalized for submittal. The staff would also prefer to have a light agenda to allow the community ample time for discussion.

**Board member Shenefelt moved to table and delayed the Wallace Field hearing's presentation to the date certain of March 23, 2021.
Board member Lane seconded the motion, which passed unanimously 6:0.**

- d. Public Hearing Case #2021-01-009 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE CITY'S SIGN REGULATIONS UNDER CHAPTER 52 OF THE CITY CODE; PROVIDING DEFINITIONS; AMENDING AND ADDING REGULATIONS RELATED TO TEMPORARY SIGNS, PROTECTION OF FIRST AMENDMENT RIGHTS, AND OTHER MATTERS RELATED TO SIGNS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

April Fisher said the request is a City-initiated amendment concerning revising sign regulations for temporary signs. This request is a continuance from last month.

Chairman Holihan opened for public comment.

Mike Mannix III residing at Montmart Drive, disclosed that he has been working with Mr. Francis on the proposed request. He is opposed to the changes as written. He and his wife owners of a Card My Yard business. The changes to the ordinance will impact his business to the point of closure. He has never been cited before and would like the Board to clarify the size and location and intend purpose and be inclusive to his type of business. Mr. Mannix said his signs are typically up for 24-48 hours for a Birthday or 7-days for commercial business, i.e., schools. The dimensions can be 25-characters long, 18 feet in length (approximately 75sq ft), and staggered with an appearance of high/low. His company does not offer illumination for his displays; however, some residents may illuminate them independently.

Mr. Francis said one of the solutions briefly discussed with the City Attorney is that the City does not control or permit Holiday signs for special events. The Board may consider under the sign exemption the Board exempts holiday signs and similar signs alike. He further added that the staff has never received a complaint from that type of business.

Attorney Langley said the City is attempting not to regulate signs on content. He will work with the City Manager on an acceptable solution. Mr. Francis said he has contacted other cities and has not found any regulations on Yard Cards. Discussion ensued on exemptions, size, and violations.

Chairman Holihan opened for public comment. There being none, he closed public comment.

Board member Woods recommends the following limitations,

- Displayed for no more than a week
- The maximum area of 100 sq ft
- No greater than 6ft in height
- One-month between displays
- Un-illuminated
- One per property

Board member Woods spoke of the obscurity of what can be done with a flag. The attempt is not to regulate flags; however, it is defined in the definitions but not in use. Mr. Francis said flags are exempt from the sign code 50-31(a)(2). Attorney Langley read the Section of the Code for the record.

Board member Woods spoke on election signs and posting 30-days before the election date. He shared his concerns and said it should be before early voting starts, and the limitation should be longer to allow the signs to serve their purpose which is to encourage thought on the elections. Discussion ensued.

Board member Hobbs moved to recommend approval of the requested Ordinance 21-02 as discussed. Board member Shenefelt seconded the motion, which passed unanimously 5:1 with Board member Woods, nay.

Board member Lane left the meeting for another appointment.

5. Other Business

April Fisher said she had received a request from an applicant who requires a special exception. The applicant needs to meet their due diligence date of 30-days and asked if the Board can accommodate a meeting on March 10, 2021.

The Board consensus was to schedule the Special meeting for March 10, 2021.

6. Adjournment

There being no further business, Chairman Holihan called for a motion to adjourn the meeting, unanimously approved 5:0.