



City of Belle Isle
Planning & Zoning Board Regular Session Minutes
September 22, 2020 – 6:30 pm

Dan Langley City Attorney	David Woods Vice-Chairman District 1	Chris Shenefelt District 2	OPEN District 3	Randy Holihan Chairman District 4	Rainey Lane District 5	Andrew Thompson District 6	Leonard Hobbs District 7
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On Tuesday, September 22, 2020, the Belle Isle Planning & Zoning Board met in a Zoom virtual conference at 6:30 pm in the Belle Isle City Hall Council Chambers

<https://us02web.zoom.us/j/81264896578?pwd=K1JOT24rczhZlOGN4bkErVkNPdz09> - Passcode: 151859

Board members present were: Board member Woods, Board member Shenefelt, Board member Thompson, Board member Hobbs, and Board member Lane. Also present was Attorney Langley, City Manager Bob Francis, City Planner April Fisher, and City Clerk Yolanda Quiceno. Absent was Chairman Holihan.

Open Seat – District 3

1. Call to Order

Vice-Chairman Woods called the meeting to order at 6:30 pm. Board member Hobbs gave the invocation and Pledge of Allegiance.

2. Public Hearing Case #2020-08-006 - (Continued) Pursuant to Belle Isle Code Sec. 48-33, the Board shall consider and take action on a requested variance from Sec. 48-32 (A) (1) and Sec. 48-34 to allow an expansion of the dock to extend the roof of an existing nonconforming dock, allow replacement of pilings and decking on the nonconforming dock, and allow a variance from the required side setback for the existing dock, submitted by applicant Jeffrey Giles, located at 5842 Cove Drive, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1660-00-090.

Jeffrey Giles, the applicant, spoke on his proposed variance and briefly spoke on his boat dock's permitted work approximately 3-4 years ago. He was aware of the concerns when the neighbor was upset once he removed a fence on his property. He stated that the dock roofline and the setback encroachment were 20 years before the composite decking repair. He provided a letter for the record from his neighbor Dale Robinson who expressed no opposition with the dock and its location.

Vice-Chairman Woods said the pilings for the roof appear unattached to the dock and the new deck extends beyond the piling by about 18 inches, which indicated the dock was widened. Mr. Giles said he does not believe the improvement was more than 20% of the dock. Vice-Chairman Woods stated after reviewing the OCPA aerals online, he can confirm that the docks have been adjacent to each other as they are since before Mr. Giles owned the property.

April Fisher said if someone is proposing to reconstruct an existing dock it must be evaluated ahead of time by staff. Regardless of that, coming into conformity, docks are not allowed to touch. The basis of a variance request is how it fits into the surrounding community and is harmonious or injurious to a neighbor. The plans that were submitted with the original application did not show the two docks touching. With the new evidence of what has been constructed, we have to work with it now. In order to do the current work completed by the applicant, Mr. Francis said there are three references in the Code that would have applied to require a new permit. Mr. Francis provided a memorandum on his findings and additional photos for review.

Chairman Wood opened for public comment.

Laray Williams, daughter of Dale Robinson, spoke in opposition to the variance and submitted an email that was read for the record as follows, "Even if the boathouses have a history of touching and this is not accurate. Is that good construction practice? Is this according to any code? And would Belle Isle allow this to continue as a dock is rebuilt or repaired? Would a reputable contractor complete a project in this manner? Was this allowed in 1996 when the dock was first converted from an enclosed flat roof boathouse to an open, hipped roof boathouse? One boat house touching another boathouse is unacceptable, and one questions how a city code would allow this."

There being no further comments, Vice Chairman Woods closed citizen comment and opened for Board discussion.

Vice-Chairman Woods said the purpose of the Code is to improve our neighborhoods over time. This is a situation where the applicant made the modifications without a permit thus avoiding the process. Discussion ensued.

Attorney Langley spoke on code enforcement fines and maximum amounts. The City's code enforcement remedies are extensive. The nature of the violation could be fined so that a daily penalty can be accrued until the violation is corrected. There are also other remedies afforded to the City in the Code, which can include obtaining a court order to require the removal of noncompliance structure in the form of a Junction Relief.

Board member Shenefelt moved to deny all variances requested and to accept the recommendations as highlighted in the staff report pursuant to Belle Isle Code Sec. 48-33, the justifying criteria of the Belle Isle Land Development Code, having NOT been met the requirements of Section 48-32 (A) (1) and Sec. 48-34, TO DENY an expansion of the dock to extend the roof of an existing nonconforming dock, allow replacement of pilings and decking on the nonconforming dock, and allow a variance from the required side setback for the existing dock, submitted by applicant Jeffrey Giles, located at 5842 Cove Drive, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1660-00-090.)

**Board member Hobbs seconded the motion, which passed unanimously 5:0.
April Fisher stated that the applicant would have 14 days to appeal to City Council.**

3. Public Hearing Case #2020-06-050 – (Continued) Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 50-72 (a) (1) to allow a variance from the required number of parking spaces, take action on a requested variance from Sec. 50-73 (a) to allow a variance from the required building setbacks, and take action on a requested variance from Sec. 50-73 (d) (1), Sec. 50-76 (3) (b) (1) and Sec. 50-76 (5) (b), to allow for a reduced screening and buffer, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle FL 32812, also known as Parcel # 17-23-30-0000-00-008.

Dean Blankenship, the representative for Hosanna Building Contractors, said he has submitted a narrative in response to the August 2020 hearing and has responded to the Board's comments based on the existing conditions.

Vice-Chairman Woods shared and reviewed several comments upon review of the site plan as follows,

1. Does the garbage truck have sufficient ingress/egress access
2. The addition to the building is shown with no dimensions (approximately 4,122 sqft-500 ft more than shown)
3. Parking Space Dimensions:
 - 50-72-d-1-a Parking dimensions 9'x20'
 - 50-72-d-1-c allows 2' beyond curb or wheels top so long as it does not encroach on sidewalks or landscaping.
 - Oddball parking width? Would it be better to go 9' and use the balance for landscaping?
4. No hedge showed in any of the landscape areas
5. Are the dimensions to the east accurate? The drawings show non-tangent arcs?
6. We need to make sure the sight triangle is clear. FDOT detail 546 <https://www.fdot.gov/docs/default-source/roadway/ds/06/idx/546.pdf>
7. Where is the cross access agreement to allow the south west entrance
8. Vice-Chairman Woods stated the impact of any future change of use, which could increase retail space also needs to be considered?

Chairman Woods opened for public comment. The City Clerk stated that she had not received any public comments for this Public hearing. There being no further comments, Vice Chairman Woods closed citizen comment and opened for Board discussion.

After Board discussion, Board member Thompson moved, the criteria of Section 42-64 of the Belle Isle Land Development Code having been met TO APPROVE the requested variance from Sec. 50-72 (a) (1) to allow a variance from the required number of parking spaces, take action on a requested variance; Sec. 50-73 (a) to allow a variance from the required building setbacks, and take action on a requested variance; Sec. 50-73 (d) (1),

Sec. 50-76 (3) (b) (1) and Sec. 50-76 (5) (b), to allow for a reduced screening and buffer, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle FL 32812, also known as Parcel # 17-23-30-0000-00-008.

Board member Lane seconded the motion, which passed unanimously 5:0.

4. Public Hearing Case #2020-06-061 – (Continued) 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 Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle, FL 32812, also known as Parcel # 17-23-30-0000-00-008.

Vice-Chairman Woods reads code 50-73 (d) (1), Section 50-76 (3) (b) (1) and Section 50-76 (5) (b) for the record. Vice-Chairman Woods said the main issue to consider for the approval of a site plan in compliance with the 8ft solid wall and 15ft side landscaping buffer. He noted that dimensions were not provided on the site plan. There is an existing aluminum fence and some landscaping that is not in compliance. The land to the north is essentially a parking lot. Vice-Chairman Woods said he would like to see a visually opaque hedge buffer at least 6ft in height. Also, as long as the building use justifies the parking submitted, there is no need for a variance for that. Discussion ensued on visual landscaping buffer requirements.

April Fisher also added that it might be necessary to have the Shopping Center Owners signature on the final drawing (access) plans.

After further discussion, Board member Thompson moved, pursuant to Belle Isle Code Sec. 54-79 (f) (4), TO RECOMMEND APPROVAL of the proposed site plan, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle, FL 32812, also known as Parcel # 17-23-30-0000-00-008 subject to the following conditions,

- **Conditions as stated in the staff report,**
 - **A separate dumpster permit shall be required as part of the building permit process that meets the design standards provided in the Code. The applicant has indicated the dumpster's proposed location and provided information on the size of the dumpster proposed.**
 - **The applicant seeks to close the existing curb cut abutting Conway Road, as indicated on the site plan. The applicant has provided a copy of the communication with the FDOT showing the procedure to effectuate this. As a condition of approval, the applicant must provide approval from the FDOT to close the curb cut prior to receiving building permit approval.**
 - **A landscaping plan consistent with Sec. 50-76 shall be provided for review with the building permit application. This shall include an irrigation plan.**
 - **Stormwater management plans consistent with the requirement of Sec. 50-74 and Sec. 54-79 (f) (2) shall be provided for review with the building permit application.**
 - **A lighting plan with foot-candle information shall be required as part of the building permit application process, if new exterior lighting is proposed, to ensure no light pollution occurs onto adjacent residential properties.**
 - **A separate sign permit application is required.**
- **A hedge at least 2 ½ feet in depth to mature to 6ft in height within 2-years.**
- **Approval of a driveway entrance not to encroach on the property parking area to the west.**

Board member Shenefelt seconded the motion, which passed unanimously 5:0.

Board member Lane excused herself from the remainder of the meeting.

5. PUBLIC HEARING CASE #2020-09-007 - PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-84 (D) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW ACTIVE RECREATIONAL USES ON PROPERTY ZONED OPEN SPACE DISTRICT AND 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

The applicant, City Manager Bob Francis, said this is part of a Use Agreement with Cornerstone Charter Academy (CCA). In this agreement, CCA will be the City agent and have submitted all the technical work.

Brian Leahy, Construction Manager for CCA, Rolando Llanes, Sara Garaulet from Civica Group, and Jimmy Palm from Appian Engineering were present. He provided a response summary dated September 21, 2020, addressing the staff comments and a copy of the Use Agreement for the record. An overview of the responses was discussed.

April Fisher spoke on the staff report stating that the setback requirement has been met for Open Space zoning.

City Manager Francis said this property is a public park and falls under the same regulations as all public parks in the Code. The parks are opened sunup/sundown, opened and closed by City staff, and open to all Belle Isle residents. Discussion ensued in park use and Use Agreement guidelines on hours of use. Mr. Francis said CCA has the responsibility for the maintenance and installation of the proposed astroturf.

Vice-Chairman Woods gave a summary of his site plan review as follows,

- The site plan does not provide sufficient trees to be used as shade trees.
- Provisions for additional future parking by relocating the swale to the southeast corner should be considered.
- The land's general slope is west to east and recommends a pollution abatement swale along the east property line to catch the small rainfall runoff.
- He noted inconsistent labeling of the existing 6' brick wall or block wall.

Brian Leahy said he would have the Engineers review the design plans per the comments.

Vice-Chairman Woods opened for citizen comments.

The city clerk stated that she has a few comments and read the following for the record,

1. Donella Altice residing at 1309 E Wallace Street, said, "Regarding the site plan to be reviewed by the planning and zoning board tonight, I would like to see Wallace Park kept as an open space for the enjoyment of our citizens. I would like to see the football practice area removed. This area benefits only the School, not the entire community. Perhaps it would be a better idea for the City of Belle Isle to do the beautification of Wallace Park rather than the school getting involved."
2. Gary Meloon residing at 6101 Matchett Road, said, 1) what is the actual number of acres in Green Space or Open Areas that the City of Belle Isle is deficient based on the City's Charter? And, 2) how does the proposed site plan allow for the field to fit into the City's Charter for Green Space or Open Areas?
3. Ardis Meloon residing at 6101 Matchett Road, spoke as a Panelist and asked if the Board is aware of the current impact of the light pollution on the field. Mrs. Meloon shared her concerns and said the surrounding residents have already been impacted by some of the things happening at the School. Does the Board take into consideration the impact of their decisions on the local community? What will happen at the park with weekend activities of parties and loud music? Will the City have additional resources to oversee the weekend activities? Also, she shared her concern with the current challenge with unleashed dogs in the park, excessive stereo/party noise, and recurring drainage issues.
4. Jeff & Hillary Maul residing at 1130 Waltham Avenue spoke as a Panelist and shared her immediate concerns on the drainage and run off to her property, which is already an enormous issue. She said she and the residents were promised by the Board and Council that there will be no scoreboards, permanent fixtures, bleachers on the property. In 2013, 2016, and 2019, bleachers, lights, a scoreboard, and a press board was added. She wants to protect her property and privacy and wants the City to commit and hold the School to proper permitting and approvals.

- a. Jimmy Palm, Appian Engineering, said they had engaged technical engineers to gauge and determine where the problem areas prevent any adverse drainage from traveling offsite. He stated that they would be held to the standards set by St. Johns Water Management. Vice-Chairman Woods said a swale along the north portion could help capture the runoff and direct it to another location on the site. Mr. Palm said he does not see a problem looking at the request.
5. John Hronek resided at 1320 Waltham Avenue, spoke as a Panelist, and shared his concerns on the property's added lights. They have been subject to a lot of flooding to the north from the school runoff. He further shared his concern with high school traffic, which does not allow him to get in and out of his home during the end of school hours. He further noticed that the new building will be branded with the CCA logo and how it can now be perceived as a City property. CCA has placed their footprint so deep, and he feels this is going to be another impact on our small City. He further shared his concern with the additional flooding issues that may occur with the proposed astroturf.

Jimmy Palm spoke on installing the artificial turf and said there is not a large amount of water to the north that travels offsite to cause further issues. He said St Johns Water Management regulates the permit, and they will not be allowed to discharge direct stormwater in a more significant amount than is currently being discharged.

There being no further comments, Vice-chairman Woods closed public comment and opened for Board discussion.

Board member Thompson asked does the drainage rating of >40 inches an hour remain no matter what soil type is underneath? Mr. Palm said it would depend on whether the drains percolate under the ground or are connected to a swale system. They are waiting for more information on the parameters.

Board member Shenefelt shared his concern with the astroturf and the amount of activity that it will bring to the park – (in Vice-Chairman Woods' words, "an attractive nuisance". Mr. Leahy said the astroturf would help reduce the use of fertilizer and upkeep. The CCA staff would also like to have the students practice on the same surface as the football field. Discussion ensued on the stormwater drainage issue on Wilks, Marinell, Hoffner.

Mr. Francis said City is working on a project with the County to be able to capture all the water under the Wallace Field and repurpose the water as irrigation or drain out into the County pipe on Wallace. He is not sure if this plan would be approved before construction on the Wallace field. There have been several meetings on these issues with the neighbors with staff, and the City Council. Mr. Francis said the City Council has no plans to change the classification; it will remain a park. Discussion ensued on vehicle parking.

Attorney Langley said the Board could condition the Special Exception by adding the resident's concerns, i.e., park lighting not reflected in the site plan. The City will not be able to restrict the park's use for Belle Isle residents only – it would be very problematic. It is an issue local governments wrestle with. Attorney Langley said the Board could Approve, Deny or Approve with conditions. Discussion ensued.

After Board discussion, Board member Shenefelt moved pursuant to Belle Isle Code Sec. 48-33, the justifying criteria of the Belle Isle Land Development Code, SEC. 42-63 AND SEC. 54-84 (D), Sub Sections: G, having NOT been met **TO DENY** A REQUESTED SPECIAL EXCEPTION TO ALLOW ACTIVE RECREATIONAL USES ON PROPERTY ZONED OPEN SPACE DISTRICT AND 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.

The motion dies for lack of a second.

Board member Thompson moved, pursuant to Belle Isle Code SEC. 42-63 AND SEC. 54-84 (D) of the Belle Isle Land Development Code having been met **TO APPROVE** A REQUESTED SPECIAL EXCEPTION TO ALLOW ACTIVE RECREATIONAL USES ON PROPERTY ZONED OPEN SPACE DISTRICT 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.

Board member Hobbs seconded the motion, which passed 3:1 with Board member Shenefelt, nay.

Vice-Chairman Woods moved, pursuant to Belle Isle Code 54-84 (G) (2) of the Belle Isle Land Development Code having been met **TO APPROVE** 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 with the following exceptions,

- Install canopy trees between the walkway and the park's boundaries—minimum planting size about 12' height.
- Staff recommendations on the staff report 1-7 as follows,
 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 cannot be substantiated or impervious, the application will be required to come back to the Board for a formal review.
 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 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 the 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.
- Restrict runoff from the north, and east sides of the property with discharge to the storm drain in Wallace Ave.
- Consider provisions for possible future increase in parking spaces.
- No lights to be installed in the park at any time.

Board member Hobbs seconded the motion failed 2:2 with Board member Shenefelt and Board member Thompson, nay. Board member Shenefelt shared his concern with the proposed use of astroturf.

Vice-chairman Woods called for another motion.

There being none, the applicant requested to table the motion to the next scheduled meeting.

Board member motioned to table Public Hearing #2020-09-007 to a date certain of October 27, 2020.

Board member Shenefelt seconded the motion, which passed unanimously 4:0.

Vice-Chairman Woods excused Board member Holihan from tonight's meeting

Board member Shenefelt seconded the motion, which passed unanimously 4:0.

ADJOURNED

There being no further business, Vice Chairman Woods adjourned the meeting at 10:52 pm.

Yolanda Quiceno

City Clerk, CMC