



## CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, March 23, 2021, \* 6:30 pm

### MINUTES

#### Planning and Zoning Board Members

District 1 member – David Woods, VChair | District 2 member – Christopher Shenefelt | District 3 member – OPEN SEAT  
District 4 member – Randy Holihan, Chair | District 5 member – Rainey Lane | District 6 member – Andrew Thompson |  
District 7 member – Dr. Leonard Hobbs

The Belle Isle Planning & Zoning Board met in a regular session on March 23, 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 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 and Confirmation of Quorum

Chairman Holihan called the meeting to order at 6:30 pm. City Clerk confirmed quorum.

#### 2. Invocation and Pledge to Flag – Board Member, Shenefelt

Board member Shenefelt gave the invocation and led the Pledge to the Flag.

#### 3. Approval of Minutes

a. Approval of February 23, 2021 minutes

**Board member Woods moved to approve the minutes as presented**

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

Board member Lane joined the meeting.

#### 4. Public Hearings

a. PUBLIC HEARING CASE#2021-02-032 – PURSUANT TO BELLE ISLE CODE SEC. 42-64, AND SEC. 30-82, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 30-133, TO ALLOW A CAMPER TRAILER TO BE PARKED IN THE DRIVEWAY OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT SEAN S. EDSON, LOCATED AT 1614 OVERLOOK ROAD, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #25-23-29-5884-11-060.

Chairman Holihan opened the Public Hearing and read aloud the rules of the meeting.

April Fisher, City Planner, said the applicant seeks a variance to park a camper trailer in the driveway of the owner's single-family residential lot. The Code (Sec. 30-133) does not allow recreational vehicles to be parked in the driveway or the front yard of houses. The applicant submitted support for the application that is included in the packet.

Ms. Fisher spoke on the staff analysis based on the Code, which included the following,

- The camper trailer is a 2013 Coachmen Catalina Deluxe 27fbck. The dimension of the camper trailer is 30 feet long, 9 feet wide, and 12 feet high.

- Recreational vehicles are required to be parked in an enclosed garage or structure or the side or rear yards. The applicant cannot park per Code and seeks relief from this restriction due to the lack of access to and space in their side or rear yards to park the recreational vehicle.
- The code requirements for parking on residential lots vary by the type of vehicle being parked. Sec. 30-133 (b) and (c) (4) and Sec 30-82 identifies that no recreational vehicles may be parked in the front yards of single-family residential properties.

Staff does not find that all the criteria have been met by this application and recommends denial of the variance for the following reasons:

1. Although access to this property's rear and side yards may be limited for the camper trailer, it is not due to an unusual property configuration. The subject property is zoned R-1-A, a smaller configuration than the R-1-AA zoning district by the lot size requirements. The subject property and layout of the home existed before the current owner purchasing the property. The lot lines of the property are perpendicular and parallel, forming a standard rectangular lot configuration.
2. Granting of this variance is not in harmony with the Code nor the character of the neighborhood. The Code expressly prohibits the parking of recreational vehicles in the front yards. This can be interpreted as existing to preserve the neighborhood character where no other recreational vehicles are parked in front yards. The subject property abuts other properties zoned R-1-A with similar lot configurations. If this application is granted, the proposed camper trailer will occupy over 50% of the property's driveway. This is not in keeping with the neighborhood character of Overlook Road.
3. This request may be the minimum variance possible for the location of the recreational vehicle on the subject site; however, off-site options exist for storing recreational vehicles when they cannot comply with Belle Isle Code requirements.

Chairman Holihan opened for public comment.

Sean Edson, the applicant residing at 1614 Overlook Road, said he is seeking the variance because the configuration of the side yard and where the home sits does not allow him the space to park his camper trailer. It will also block a screen door that is used as fire access and two windows. He said he has not been working since March and cannot continue to pay for the outside parking accommodations. Mr. Edson clarified that he does not intend to use the trailer as an Airbnb or to live in it at any time.

Chairman Woods asked if he has any written documentation from the neighbors in favor of or opposed to his variance. He said no, he does not have any written documentation.

R.D. Philips, residing at 1602 Overlook, spoke in favor of the request and said he does not have any problems with the variance request.

Charlotte Brown, residing at 1511 Nela Avenue, spoke in opposition of the request and said it is an invitation for use as an Airbnb and a short-term rental. There are already limitations to space on this property, and his request does not qualify as a hardship. Approval of the request can affect property values, charm and appeal of the community, and general welfare.

Jeanine Hollingsworth, residing at 2229 Nela Avenue, spoke in opposition of the variance request and said the Code is clear and does not allow such use. If recreational vehicles do not fit on the property, they should be stored elsewhere.

Board member Woods said he does not see a unique situation that makes it necessary to approve the variance. If the trailer is 9ft wide, it is not street legal and may fit the side yard with some adjustments. Discussion ensued.

Board member Thompson asked if there was a temporary use that can be allowed. April Fisher said this came about through a Code Enforcement issue, and the Code does not specify a temporary approval process.

**Board member Woods moved, pursuant to Belle Isle Code SEC. 42-64, SEC 30-82 and SEC 30-133, having not been met under all the Subsections: TO DENY A CAMPER TRAILER TO BE PARKED IN THE DRIVEWAY OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT SEAN S. EDSON, LOCATED AT 1614 OVERLOOK ROAD, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #25-23-29-5884-11-060.**

**Board member Shenefelt seconded the motion, which passed 5:1 with Board member Thompson, nay.**

**Chairman Holihan stated that the applicant could appeal the decision to City Council within 15 days of the motion.**

- b. 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 THE 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, said the proposed application has been in front of the Board before and was continued. The application is to develop a public park that will also include practice fields for the Cornerstone Charter School. The property is located within the jurisdiction and owned by the City of Belle Isle, with a zoning designation of Open Space. Previously the Board had considered a Special Exception to allow active components on the park. Subsequent to that, it was appealed to City Council, and the Board decision was upheld, allowing the Site Plan to move forward for consideration. The staff report has not changed since the last report indicating the conditions. There is no discussion on the general use, just about the Site Plan and how it will be used and how it will be carried out on the property.

City Manager Francis spoke on the changes since the last hearing meeting as follows,

- CCA and Academica submitted 3-change sheets to include 13-additional trees on the property. On the previous site plan, the School did not add the existing trees along the fence on the Southside and are now listed on the revised sheets;
- One of the issues addressed was the flooding in the park. The plans call for a swale on three sides of the park then between the roadways. There is a retention pond by the parking spaces, with overflow routed to the County's 18" reinforced pipe.
- If AstroTurf is approved, it will have its drainage system. The School is placing artificial turf on the football field permitted through St. Johns Water Management. The same system will be used if artificial turf is allowed on Wallace field.
- NAV Board has completed their study on the Lake. One of the projects they have planned is an underground up flow (Baffle Box) in the right-of-way on East Wallace Street, on the Northside, to treat all of the runoff coming from the sub-basin CON0460-approximately 30.7 acres. The City said it had shared its interest in partnering with the NAV Board on the project.
- The flooding on Matchett has been addressed and belongs to the County. A few years ago, the City asked the County to hold on to a drainage project because the neighborhood residents did not want to move forward with the proposed plan.

Board member Woods asked for clarification on the following items,

- Retention Pond - He said he is unsure how the retention pond project would work because the pond's outlet is half a foot higher than the berm.
- Parking – The demand for parking has not been addressed. Board member Woods proposed the School be responsible for overflow parking and added it to the operating agreement.
- Handicap spaces – The current plan shows two handicap spaces. The building requirement is to provide one space per 25-regular spaces.
- Emergency Vehicles – The outline shows contact with the gates on the property. Accordingly, to the drawings, an emergency vehicle will not have any wiggle room for turning on the road, and their wheels will be essentially on the pavement/swales.
- Septic tank – The location of a septic system is not designated on the plans.
- PlayGround – He would like to see a playground in the park for younger children.

City Manager Francis said he would address the concerns with the Engineer.

Board member Shenefelt stated that he continues to have a concern with the proposed AstroTurf because it will become an attractive nuisance in a public park.

Board member Lane addressed the maintenance of the park facilities and vandalism. She believes the School should be responsible for the overflow parking. Discussion ensued. Mr. Francis said the park would be managed similarly to Warren Park with open/close down to dusk. As part of the Use Agreement, the School will be responsible for maintaining the park facilities. He further added that the City would prioritize the use of the park for special events and maintain the calendar schedule. He clarified that the School would be responsible for all construction aspects, i.e., landscaping, building, and drainage

Chairman Holihan opened for public comment.

Alexa Dowlen, residing at 3306 Quando Drive, spoke in favor of the proposed site plan. She would like to see the project move forward after so many years of discussion. The Astroturf is very durable and drains immediately. She submitted a petition with 246 names in favor of the site plan.

Hilary Maul and Jeff Maul, residing at 1130 Waltham, shared their concerns, including the following issues with the site plan and the existing drainage design, septic, bathrooms, parking, and weekend use of the park, disturbing their peace and tranquility of their home. She clarified that neither she nor her husband is opposed to the School for the record. She asks that the City be transparent with all construction, considers the surrounding residents, and construct a wall.

David Evertsen, residing at 5131 St Michael, spoke in favor of the site plan and asked that the Board move forward for the residents of Belle Isle and CCA students. He said Astroturf is a consistent surface year-round, easy to maintain, and safe material for all purposes.

James Koontz, residing at 1309 E Wallace Street, said he favors the School and the park. He shared his concerns with the non-transparent proposed developments, parking, CCA Use Agreement, and park and public use control. In addition, he said public restrooms would create a safety issue and become a hot spot for transients and the homeless.

Ardis Meloon residing at 6101 Matchett Road, shared her concerns with the proposed plan and asked for clarification on the use of the park, policing hours, dogs, CCA activities, increased noise, and parking.

Gary Meloon, residing at 6101 Matchett, shared his concerns and said they have never been against the school use. However, there are concerns with the attractive nuisance of Astroturf and, most importantly, the quality of the water and the Football Field and Wallace field outflow. He said he would like to see a drainage plan before any construction on the Field.

Alexander Muszynski, residing at 1438 Belle Vista Drive, said he also shares the same concerns as Mr. Meloon, including the onsite parking. He is also greatly concerned that the issues made by the surrounding neighbors haven't been worked out with the City.

Larry Miles, residing on 6110 Matchett Road, spoke on the use of the Field and said it appears that the area is being designed for sports creating several problems, i.e., amplified music, overflow parking, additional trees, and aesthetics of the proposed buildings. He would like to see the School enforce and provide parking on their grounds.

Jim McCrae, residing at 1303 E Wallace, said the proposed site plan is a half-baked idea with no drainage detail and raises more questions than answers. It is consistent with the lack of transparency. He further asked for Council approval for the extension of the brick wall along the north and east boundaries for the privacy of the surrounding residents.

Mike Jennings, residing at 3512 Edlingham Court, spoke in favor of the proposed plan. He said the park is unusable in its current form and urged the Council to approve the site plan.

Mike Stuart, residing at 1307 E Wallace Street, spoke on the proposed drainage and said he agrees with the concerns shared by others. He favored the landscape buffer and said the site plan should be approved with conditions addressing the drainage. He submitted a letter to the City for the record and said it represents all the residents adjacent to the property.

Jason Hunter, residing at 5130 St Michael, spoke in support of the project. He addressed some of his concerns and asked that Council should consider some amenities for young children, such as a playground with swings.

Mary McNutt, residing at 3411 Warren Park, spoke in support of the site plan. She said Orange County and the City had been well maintained and would like to ease the neighbors' concerns. Ms. McNutt favors the landscape wall for the residents' privacy and is opposed to the artificial turf. She favors expanding the facilities for the school children as long as it does not take away the privacy from the surrounding homes.

Amy Garcia, residing at Monet Avenue, spoke in support of the proposed site plan. She asked for consideration of a track run around the football field to promote additional school sports.

The resident at 1438 Belle Vista Drive spoke in opposition to the proposed site plan. She admires the open space and urges Council to maintain the green area.

Jen Barnes, residing at 5405 Pasadena Drive, said she is in support of the site plan. She has seen many families leave the School because of the lack of space for athletics and would like to see the park developed for the safe use of students and residents. She further said she is in support of the landscape wall.

Tammy Franklin, residing at 1038 Waltham Avenue, spoke in opposition to the site plan and said she was not happy. The School has not treated the surrounding area residents nicely. She shared her concerns with the existing amenities at the football field and the flooding to her property that has not been addressed.

There being no further comment, Chairman Holihan closed public comment and opened for Board discussion.

Board member Woods said if the site plan is approved, the project will move forward. Attorney Langley noted the Board could approve the site plan with conditions, deny the application, or continue the hearing and specify the reason to bring more information or correct some of the concerns.

Board member Woods said one of the significant issues that have not been addressed is the noise and resident privacy and security. He said a wall is very costly and asked who will be responsible for the cost.

Chairman Holihan said installing a wall is approximate \$150,000-200,000 and is a huge ask. He does have concerns about the drainage and the parking, especially if there was a scheduled event.

The Board discussed the park use and asked if the City can restrict access. Mr. Francis said he is not sure if the City can limit the public. Attorney Langley said it might cause an enforcement issue. In addition, to make the limited park access, the City will have to have the school control and operate the facility and give lease arrangements to the City for events.

The Board also discussed the possibility of controlled use of outside team sport athletic practice and if anyone can use the Field without notice. Discussion ensued.

Board member Lane asked if stadium-type lighting will be permitted on Wallace field. April Fisher said the Board could approve the site plan with conditions not to allow such use. Once approved, if the applicant wants to allow any other Use in the future, they must come back to the Planning & Zoning Board for approval.

Board member Shenefelt said he is not in favor of artificial turf and a motion to approve or deny is pure subjectivity. The Board has heard that many favor the site plan; however, the opposition has a stronger argument. Mr. Shenefelt said he believes that artificial turf will impact the use of the property.

Attorney Langley said the use had been decided, which allows active recreation. The P&Z Board is looking at the layout and addresses the site plan's technical requirements under the Code. The Board can factor in concerns that mitigate impact to the neighborhood. The motion is unique because there is a condition in the open space zoning that requires before a building permit is pulled that the board review and provide approval of a site plan. In their professional opinion, the Board should consider that the motion does not violate any code provision, have adequate parking and stormwater, and meets the buffering requirements.

Board member Woods asked if the rules applied to the park after construction can be applied to the site plan approval to mitigate concerns (i.e., dog park allowed, radios allowed, large gatherings).

April Fisher said the conditions in the staff report are established from the staff analysis. The Board discussed the review process of the building permit submittal. Ms. Fisher said the review process is a team effort. Ms. Fisher said she handles the zoning and land use review and any documents that need to be provided. Harris Engineering reviews the engineering portion, and Universal Engineering conducts the building structure review.

Chairman Holihan shared his concern with water pollution. April Fisher said Harris Engineering would ensure compliance with the water management before approval. Board member Woods said the trouble is we have existing drainage problems in the area. Generally, it takes land to solve those problems, and we are consuming land without solving an overall problem. We have this opportunity to make better use of the land without impacting the use as delineated in the site plan. Discussion ensued.

Mr. Francis said he is concerned that most of the inadequate drainage comments stating that Wallace Field is the only park polluting the Lake. He reminded the Board that 30 acres contribute to the 48" pipe that runs through the Meloon property. The main problem is not Wallace Field; it is everything beyond Wallace Field. He stated that he submitted a project to Orange County and a grant to St. John Water Management for an underground storage system on Wallace Field to capture all the runoff and irrigate the Field. Unfortunately, the timing was not right to continue with the grant. If it takes a combined effort to take care of the 30+ acres, he will move on to that project. It may take one year to eighteen months, and we would have to see if CCA can use the Field in the interim. Discussion ensued.

Chairman Holihan favored the staff report's approval and asked April Fisher to read the conditions for the record.

For the Board's consideration, April Fisher read the conditions applicable to the approval of a proposed site plan 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 is not pervious, the application will be required to return 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 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.

Board member Woods asked if there is an opportunity to involve the community in completing the operating agreement. Chairman Holihan said that it would be up to the staff to decide and implement. Attorney Langley noted the approval of the agreement would have to go to Council for approval and would give the additional public time to participate in a public hearing setting.

Attorney Langley said some individuals are asking for a wall. If the applicant is not offering it up as a condition, the staff is not showing it as a condition, and the Code does not require it, then should it be imposed on the applicant? If there is no code basis for the condition and the Board is not mitigating an impact deriving from the Code, it should not be imposed.

Board member Woods said a compromise for the wall is a hedge that doesn't include a considerable amount of maintenance and creates a very nice visual dense buffer; however, it will do nothing for the sound. Mr. McCrae said he and his neighbor have already planted a hedge along the entire north side of the fence at their expense. As part of the sale to the City, the City planted a hedge on the north side by Mrs. Altice's property; however, it will not address the noise and other concerns, which is why they have a request for a wall.

Mr. Francis said, accordingly, a wall would convey a "special" benefit for the neighbors because of the noise. The City had no intention of putting up a wall because the fence serves the purpose that the neighbors wanted to keep people off their property and not block the view. The wall will create a special benefit because the neighbors were initially concerned with blocking the lake view and now want an 8-ft wall on ¾ of the park blocking the view mitigating the noise. He asked if the neighbors would be willing to share the cost of the wall? The majority of the neighbors present were in agreement.

Mr. McCrae shared his concern and said he is not in accord with the request. He believes the request for the wall should be treated like any other commercial development. Discussion ensued.

**Board member Woods moved, 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 Field Improvements with the conditions outlined by staff 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 is not pervious, the application will be required to return 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 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.**

**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 Woods asked if the technical issues he addressed earlier would also be addressed in the review process. April Fisher said yes.**

**Board member Hobbs seconded the motion, which passed 4:2 with Board member Lane and Thompson, nay.**

**5. Other Business – No report.**

**6. Adjournment**

There being no further business, Chairman Holihan called for a motion to adjourn the meeting, unanimously approved at 9:00 pm.