City of Belle Isle
Planning & Zoning Board Regular Session Minutes
February 24, 2015 – 6:30pm

Frank Kruppenbacher City Attorney	David Woods District 1 Chairman	Bo Bradford District 2 Vice-Chair	Nicolette Kramer District 3	Gregg Templin District 4	Alice Readey District 5	John McLeod District 6	Nicholas Fouraker District 7
Absent	Present	Absent	Present	Present	Present	Present	Present

On Tuesday, February 24, 2015 the Belle Isle Planning & Zoning Board met in a regular session at 6:30pm in the Belle Isle City Hall Council Chambers. Present was Attorney Marcos Marchena, Chairman Woods, Board member Kramer, Board member Templin, Board member Readey, Board member McLeod and Board member Fouraker and City Clerk Yolanda Quiceno. Absent were Attorney Kruppenbacher and Vice Chairman Bradford.

CALL TO ORDER

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

APPROVAL OF MINUTES

Chairman Woods said that there are no minutes from the previous meeting to be approved.
Chairman Woods provide an overview, in brief, of the variance process and criteria for approval.

1. **Public Hearing Case#2015-02-002**
   Request by applicant Beech Outdoor Company, Inc. requests a variance on 2635 McCoy Road, Belle Isle, FL also described as Parcel I.D #30-23-30-0000-00-005, from section 52-33(7)(b) to raise existing billboard to 65 feet overall height so it will be consistent with the others allowed to be operated in the City along State Road 528.

Kendal Keith designer residing in Orlando, FL spoke on behalf of the owner of the billboard at 2635 McCoy Road. The request is simply a request to increase the height of the billboard from 45 feet to 65 feet as it is viewed with better visibility from the Beech Line Expressway HW528. The new billboard will be the same size, angle and face.

The billboard was originally placed in 2002 facing the East bound and West Bound traffic. The billboard is regulated by both FDOT and the City. FDOT regulates that it be no higher than 65 feet above the travel road areas and noted that it is well below FDOT's requirement.

In 2009 the expressway was widened and a wall was erected which created the need to raise the existing billboard. Mr. Keith provided photos to show the prospective of the billboard driving from the East and West of the Beech Line.

In terms of meeting the requirements of the variance, the hardship was created when the road was widened. He added that there are two additional billboards in the area, on each side, at 45 feet and 73 feet high. He asked for consistency in the playing field. There is a billboard on the Beech Line which sits very close to the residential area. The Billboard in question is three times the distance and cannot be seen from the existing residential area. He submitted a letter for the record in support of the request.

Board member Templin asked where the 73 ft billboard was located. Mr. Keith said the billboard sits on 1900 McCoy behind the Credit Union. Mr. Keith corrected himself and stated that the 73ft was incorrect and is approximately 55ft.

Board member Kramer asked who owns the current property.

Board member Templin said Davis Trust not the owner of the billboard.

Board member Kramer said we can't take into consideration what the property owner may do with the property in the future. Mr. Keith said their lease is for the section with the billboard. They do not lease the entire lot.

Board member Kramer asked if there has been any evaluation on the propriety value of the neighboring residential properties if the height is increased.

Brad Cooper residing at 932Persfield Circle, Lake Mary said the sign is not visible from the residential lots and should not affect their value. The value of the sign will increase and will be a small fortune to accomplish. He said Mr. Beech has a hard time competing with larger companies and is looking to have the same playing field.

Board member Templin asked if the Billboard generate any revenue for the City. Mr. Beech said he does pay taxes for the billboard however he is not sure of any other generated tax. Attorney Marchena said ad valorem tax is applied to the equipment value on the facility.

Mr. Keith said the City code addresses public notices and emergency messages. Mr. Beech has never been asked by the City to utilize the bill board however is willing to work with the City if there was a need. Mr. Beech, residing at 1672 Indian Drive Cove, Maitland said he is willing to include amber alerts, weather and City events as requested,

Chairman Woods opened for public comment.

- Mike Simms residing at 2606 Trentwood Blvd. He thanked the applicant for their presentation. He has looked at the current billboard from both directions and believes in its current state it is the same height as the trees. The billboard is visible when lit up at night and he is not convinced that it will not be visible at its new height and should be considered. The terms of the variance calls for unique and reasonable. The land is unique because it is in their backyard and any rezoning or variance is very important to the neighborhood. He stated that the existing signs that he is competing with are not located in anyone's backyard. He submits that the function of the Board is to protect the residents not the right for the applicant to advertise. He asked if the applicant was willing to lower the request to 50-55 feet to protect the interest of the residents.

- Kathy Ray residing at 2512 Trentwood Blvd said she has lived in her home for 40 years. She said she can see the sign from the West at night from her backyard and if goes any higher it is going to be worst. She said the City does have reasoning for height limitations in the City of Belle Isle and would like to request that it stay where it is.
    - Board member Fouraker said the owner of the billboard does not own the land. The owner of the land at any time can build a building and the sign becomes more prevalent from a light perspective. Would the light be less impactful if it was higher and the trees were removed? Kathy Ray said she has no way of knowing however she has petitioned signatures and is against any build out.

- Annamarie Fiola residing at 2493 Trentwood said the sign in question and the one on McCoy cannot be compared. The board on McCoy is not behind anyone's backyard. She believes the height request will affect their property values,

- Tom Ray residing at 2512 Trentwood said the billboard is designed to be bright and not was to refocus the light. At 65 feet it can become a parking lot in that area especially if the trees were removed. In 2004 when the hurricane passed and took away most of the trees we had to put up for several years looking at the sign and it is just recently that there is enough foliage that blocks the light to our backyards. Rising the sign to 65 feet places money in their pocket however it devalues the neighborhoods value and they are very much against that.
    - Brad Cooper said in 2004 the sign had a different faces and before digital display. He described the light project of the current LED digital sign. He pointed out that the west face is a standard sign. The face on the East is an LED and should allow for less light to go in their direction.
- Board member Fouraker asked if the other bill boards the same LED or flat panel laminated.
    - Mr. Cooper said the one to the west is LED and he is not sure of the other. He pointed out that both of those signs have been allowed to operate and should reinforce their suggestion.
- Board member Fouraker asked if the bill board has the capability to lessen or darken the light; he also asked if they have a lumen count for daytime vs. night time.
    - Mr. Cooper said yes the bill board can lessen or darken as required. He said he does not have a lumen count report but does operate under the industry standard guidelines.

- Board member Kramer said the Board has not heard any quantified data with regards to the light pollution whether it will be better, worst or stay the same.
- Mary Monroe residing at 2500 Trentwood Blvd. said the Board should not make a decision on what may/will happen it should be based on what it is right now. She believes it should stay as is and not be made higher.

- Mr. Keith provided two pictures for the record showing the sign from the East and the West on 528.

- Board member McLeod asked the citizens in attendance what is the annoyance of the light?
  - Ms. Ray said the billboard is not bright but you can see the change of the board. It is higher it will be worst.

There being no further public comment Chairman Woods closed and called for Board discussion.

Chairman Woods said the Board, at this time, can make a motion for or against. One option to consider is that the Board would need to discuss the variance being a minimum, which will make possible a reasonable use of the property. There was nothing put forth to say 65 feet is the minimum that they will need.

Board member Fouraker shared his concern if the variance is denied and the applicant appeals to Council and it is approved. The time spend tonight will be in vein. He asked if there a solution where they can compromise while the Board has the opportunity and the approval authority tonight. The other concern is, down the road, if the trees are removed the sign will become so much more vivid and the flicker more terrible the residents may want to raise it. Mr. Beech may then say the residents will have to incur the costs. This is a very subjective situation. The Board does not know the impact of the lighting and/or the effect of the light at night.

Board member McLeod said they should not think about what City Council will do or future build out if any on the property He does agree and ask if he applicant is willing to compromise on the height.

Chairman Woods said it needs to be understood whichever way the Board rules it can be appealed. The Board should be looking out for the residents.

Board member Kramer said we have not received enough information that would meet any of the exceptions. Her thoughts go back to the light pollution issues. She asks Mr. Beech how many billboards they currently have. Mr. Beech said they have 189 faces, totaling 70-80 locations. Discussion ensued on the operation of the billboard.

Attorney Marchena said the Boards responsibility is to make sure if the variance is granted it meets the requirement of the Code. The applicant has presented and satisfied the hardship by the way 528 constructed and elevated traveling east bound. The variance law does not look to who created the situation except to look whether the applicant created the situation. The bigger question is if it is the minimum variance that would make possible the reasonable use of the land and if granting the variance will not be an injury to the neighborhood or detrimental to public welfare. The Board can grant or deny the variance, modify the height restriction or delay the request for more information.

Board member Templin said this variance is requested under Section 52-33(7)(b). He read Section F of the code as follows, "No pole sign having a surface area in excess of 300 feet shall be allowed within 2,000 feet of another ground sign or pole sign having a surface area in excess of 300 feet." He said there are at least two signs within the range of 2,000 feet. He added that one of the signs was grandfathered in when annexed into the City.

Chairman Woods said the literal enforcement of the ordinance is a problem. The personal hardship is not grounds for a variance, have not verified if this is the minimum. It states in the code that it should not be granted unless all of the criteria are met. Even if they can resolve the minimum we theoretical should not be granting the variance because we have a significant public that is saying it is a problem.

Attorney Marchena said the Board should take the interest of the neighbors into account however, it cannot be simply because their conclusion is that it is an impact to them. The Board needs to come to their own, independent conclusion.

Board member Fouraker said he does not have enough information and would like the opportunity to visit the neighbors and see the billboard at night. He asks that the applicant provide statistics and specs on the lumen.

Board member McLeod added he would also like to receive some information on the directional light.

> After board discussion, Board member McLeod motioned to table the item to the next meeting in March to allow the applicant sufficient time to gather more information as follows, (1) Report on the lumen (light pollution) at the current level, at 50, 60 and 65 feet concerning the impact to the community, (2) Expert testimony on the trajectory of the light at the current angle and at the angle if moved, (3) the impact of the heavy foliage and (4) a compromise of less than 65 feet.
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> **Board member Templin seconded the motion which passed unanimously.**

Adjourn

There being no further business the Board motioned to adjourn at 7:45pm.

Yolanda Quiceno, City Clerk