

Frank	David Woods	Chris	Duane	Gregg	Dr. Stuart	John	Nicholas Fouraker
Kruppenbacher	Chairman	Shenefelt	Jackson	Templin	Bernstein	McLeod	Vice Chairman
City Attorney	District 1	District 2	District 3	District 4	District 5	District 6	District 7

On Tuesday, April 26, 2016 the Belle Isle Planning & Zoning Board met in a regular session at 6:30pm in the Belle Isle City Hall Council Chambers. Present was Chairman Woods, Vice Chair Fouraker, Board member Shenefelt, Board member Templin, Board member Bernstein, Attorney Kruppenbacher and City Clerk Yolanda Quiceno. Absent were Board member Jackson and Board member McLeod.

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 called for approval of the February 23, 2016 minutes.

Chairman Woods made the following corrections to the minutes as follows,

Page 1, reads, "Chairman Woods stated that the lot split mixes into the existing building and causes a logistical problem."

Should read, "Chairman Woods stated that the lot split <u>cuts</u> into the existing building and causes a logistical problem."

Page 2, reads, "Mr. Bergman submitted a copy of a previous site plan by the applicant and said it showed the Wawa as a tenant on the west side of the property."

Should read, "Mr. Bergman submitted a copy of a previous site plan by the applicant and said it showed the Wawa as a tenant on the <u>east</u> side of the property."

Page 2, reads, "no additional building access is created on Hoffner Avenue and Conway Road."

Should read, "no additional drive access is created on Hoffner Avenue and Conway Road."

Page 3, reads, "...City's growing needs and would appreciate the Commission's input on the important issues..."

Should read, "...City's growing needs and would appreciate the <u>Board's</u> input on the important issues..."

Page 4, reads, "Chairman Woods noted that we have lately received variances on dock points."

Should read, "Chairman Woods noted that we have lately issued variances on dock permits."

Board member Templin moved to approve the minutes as amended. Vice Chair Fouraker seconded the motion which passed unanimously.

Chairman Woods said there is a large contingent present for item #4 on the agenda and would like to request a change to the order of the agenda to allow 2016-04-012 to present first.

Public Hearing Case#2016-04-012

Applicant Thirumala Hotel, LLC requests a variance for approval on 2635 McCoy Road, Belle Isle, FL also described as Parcel I.D. # 30-23-30-0000-00-005, from Section 50-73(a) to change the maximum building height for a C1 Retail Commercial hotel development from 30 feet maximum height to 60 feet maximum height.

Chairman Woods stated that he was advised by the City Attorney that the applicant may have not submitted a complete application.

Attorney Kruppenbacher stated that the City code provides in Sec 42-64, in order for the Board to consider a variance, the board shall not approve an application for a variance from terms of the Land Development Code unless and until:

1. A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section.

The application does not articulate what are the special conditions and circumstances in favor of granting the variance. Nor does it address the requirements of the subsection (1)d-g of the section. It is his recommendation that the applicant can withdraw and resubmit another application for consideration laying out the basis for consideration; or they can go forward tonight and the Board will have to deny the request for failure to comply. It is the applicant's responsibility to know the law and interpret the code.

Chairman Woods read subsections (1) d-g and the criteria as provided by Code. He stated that the applicant must meet all four criteria or it will be grounds for denial per code.

John Herbert from American Civil Engineering Co. located at 207 N Moss Road, Winter Springs FL spoke on behalf of the applicant and stated they will like to withdraw this application and resubmit.

Attorney Kruppenbacher stated that if the variance is resubmitted, a new notice and posting will be provided.

Public Hearing Case#2016-04-019

Pursuant to City of Belle Land Development Code Sec. 50-33(3)(a)4, the Board shall review a proposed preliminary plat for recommendation to Council, submitted by applicant Christopher M. Comins, for the formal subdivision consisting of a combination of three parcels with a total land area of approximately 3.79 acres, a 13 lot single residential subdivision and a four slip boat dock at 7710, 7728 and 7740 Daetwyler Drive, Belle Isle, Orange County, Florida, also described as Parcel ID #29-23-30-0000-00-013, Parcel ID #29-23-30-4986-00-010 and Parcel ID #29-23-30-4986-00-040.

Chairman Woods asked if there was a representative from the Engineering Staff present. The City Clerk said no.

Jean Abi-Auon, Civil Engineer with FEG Development located at 5127 S. Orange Avenue, Suite 200, Orlando, Florida 32809, representing the applicant stated that there is no staff report. The variance is a straightforward PSP with no waivers and no requests for any mediation. The site is located west of Daetwyler Drive consisting of a combination of three lots totaling 3.79 acres, Zoned R2 with medium density residential designation. They are requesting a 13 lot subdivision with a four slip boat dock. He spoke of a previous PD approval of 16 lots at Belle Isle Cove with less density than they are proposing. They have a compatible project with the surrounding properties and regulations.

Discussion ensued and Chairman Woods said the City does not have specific regulations for community docks on the number of allowed slips however, the State does. He said for a property this size they theoretically can have one slip for each lot for a total of six. The State regulation for a setback of a community dock is 25 feet

from the property line and the proposed plan currently does not show sufficient setback from the dock from the adjoining property. Chairman Woods said the applicant must satisfy State and City regulations.

Chairman Woods stated that it appears that the only way to satisfy the setback requirement is to have one single dock. Mr. Abi-Auon said the applicant can work out some deed restrictions with the north property.

Board member Templin clarified that there are no variances required for R2 and the plans comply with code. Mr. Abi-Auon said, yes. He stated that he did not provide pictures on the "look" of the subdivision because it is not required due to the fact that the plan is in compliance with code.

Chairman Woods shared his concern with the retention volume required off of the ponds but the criteria is that they will need to meet the drainage code requirements for St. Johns River Management.

Discussion ensued on the placement and construction of the wall on the north and east side of the property. Mr. Abi-Auon said it will be a six foot wall and is located on Sheet C8 variation of the packet. Chairman Woods spoke to the height of the wall on Sheet AA showing a 6ft fence placed off-property and a less than 2 feet fence on-site which may be quite an eyesore for the neighbors. He further noted that the retention wall shown on Sheet BB shows a similar problem. Mr. Abi-Auon said Sheet BB sketch was drawn incorrectly and will be updated during permitting.

Discussion continued on the road elevation.

Chairman Woods opened for public comment.

- Brad Arenz residing at 7612 Daetwyler Drive, Belle Isle, FL located north of the project. He has not seen
 the current plans however the last applicant offered to place an eight foot wall in place of his current wall.
 He stated that if the new applicant would like to place an 8 foot masonry wall on that side of the property
 he will be willing to remove his existing wall. If they are willing to place a 6 foot wall his existing wall will
 remain.
 - Mr. Abi-Auon said he is willing to agree to the same conditions.
- Stan Kaczmarek residing at 7824 Holiday Isle Circle, Belle Isle, FL said there is an existing house next to his property and was wondering if it will be demolished before construction. Mr. Abi-Auon said it will be removed. He further asked if there are any rules or regulations on the ownership of the current wall to upgrade to a masonry wall. Chairman Woods said generally the higher density property has the obligation. The developer has stated that they are willing to leave the wall intact and the Board may place a condition as a recommendation to Council.
- Mr. Olivencia residing at 7024 Holiday Isle Circle, Belle Isle inquired about the use of the boat docks.
 Currently, his development has nine docks and is concerned that the new development will be launching from their docks. Board member Fouraker said they are a deed restricted community and will probably not be allowed.

The Board allowed the audience to review the current plans as proposed.

• Brad Arenz residing at 7612 Daetwyler Drive, Belle Isle, FL said he is in favor of this project as long as they agreed to place the 8 foot masonry in-between their property and the subdivision.

- Anthony Carugno residing at Hoffner Avenue said he is favor of the project. He asked if the boat docks
 were going to be approved today. The Board said boat docks are not being approved today. They will
 have to go through a formal boat dock process. The Board is approving the proposed concept.
- Steve Fusilier, speaking on behalf of the applicant, apologized and said the application should have listed 8 slips on the dock. Discussion ensued on length and the previous approved project. Chairman Woods said the public advertisement was for four slips. To change to eight, will not meet due process, and will have to be re-advertise and reschedule for another date.

Attorney Kruppenbacher said the Board can approve the preliminary plat and not address the four boat slips. The applicant will be able to amend the application to include the 8 boat slips or they can move forward as presented. The applicant agreed to move forward with the four slips as advertised and submit an amendment at a later date.

Board member Fouraker asked if the applicant was willing to place the pond in the middle instead of on the side as was presented wth the prior project. Mr. Abi-Auon said through the design process it has always been on the side so that no one is going through a homeowner's yard.

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

Chairman Woods called for a motion to recommend to Council with a condition, as discussed, including the addition of an eight foot masonry wall on the north property line, built by the developer, to replace the adjoining property owner. He noted that having this as a requirement the applicant must apply for a separate wall height variance.

Board member Fouraker moved, the criteria of Chapter 42, Article III, Section 42-64(1) of the Belle Isle Land Development Code having been met to recommend APPROVAL to City Council of this request for the formal subdivision consisting of a combination of three parcels with a total land area of approximately 3.79 acres, a 13 lot single residential subdivision and a four slip boat dock at 7710, 7728 and 7740 Daetwyler Drive, Belle Isle, Orange County, Florida, also described as Parcel ID #29-23-30-0000-00-013, Parcel ID #29-23-30-4986-00-010 and Parcel ID #29-23-30-4986-00-040.

Board member Templin seconded the motion which passed unanimously.

OTHER BUSINESS

APPOINTMENT OF CHAIRMAN (per Sec 42-32(c1)

Chairman Woods opened discussion for appointment of a chairman.

Board member Fouraker nominated David Woods as Chairman.

Board member Templin seconded the motion which passed unanimously.

CODE REVISIONS UPDATE PRESENTATION

April Fisher – Fisher Consultants

April Fisher from Fisher Consultants located at 6750 Bayshore Drive, St Cloud, FL provided the Board a very large document for review and discussion. She prepared a presentation for discussion and direction on the process and next steps. She added that all recommendations will be brought to City Council at a Public Hearing for adoption.

The Board discussed the following code sections,

- Building and Numbering (Section 6-33)
- Grass Height Limitation (Section 10-153)
- Overnight Parking of Vehicles (Section 30-31)
- Residential Parking Surface Requirements (Section 30-73)
- Home Occupations (Section 50-103)
- Definition of Height (Section 54-153)
- Site Plan/Development Plan Review Process (Referenced in Chapter 54 Sections 76, 78, 79, 80, 81, 82, and 83)

The Board discussed scheduling of future meetings to discuss code revisions. It was the consensus of the Board to have meetings solely for the purpose of discussing code updates and not schedule with other agenda items; or if necessary lessen the number of sections to review during a combined session.

ADJOURN

There being no further business Chairman Woods called for a motion to adjourn, unanimously approved at 9:30pm.

Yolanda Quiceno CMC-City Clerk