



**City of Belle Isle**  
**Planning & Zoning Board Regular Session Minutes**  
**September 22, 2015 – 6:30pm**

Frank Kruppenbacher City Attorney	David Woods District 1 Chairman	Chris Shenefelt District 2	District 3 Duane Jackson	Gregg Templin District 4	Dr. Stuart Bernstein District 5	John McLeod District 6	Nicholas Fouraker District 7
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On Tuesday, September 22, 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 Board member Shenefelt, Board member Jackson, Board member Templin, Board member McLeod, Vice Chairman Fouraker, Attorney Tom Callan and City Clerk Yolanda Quiceno. Absent were Chairman Woods, Board member Bernstein and City Attorney Kruppenbacher.

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Vice Chairman Fouraker called for approval of the July 28, 2105 minutes.

Board member Templin moved to approve the minutes as presented.

Board member McLeod seconded the motion which passed unanimously.

Vice Chairman Fouraker asked to revise the order of the agenda to have Case 2015-08-005 heard first.

**PUBLIC HEARING CASE#2015-08-005**

Applicant Constance A. Owens, PE LEED AP representative of Mario Prieto (Conway Breeze Development, LLC) property owner of McCoy Road, Belle Isle, FL 32809 also described as Parcel I.D. 30-23-30-5558-00-010, being more particularly described as follows: MCCOY ROAD DAYS INN 31/113 LOT 1 (LESS E 5 FT N/K/A PALM SQUARE AT BELLE ISLE CONDO 9344/1120) and 2067 McCoy Road, Belle Isle, FL 32809 also described as Parcel I.D. 30-23-30-0000-00-015, being more particularly described as follows: FROM NE COR OF SE1/4 OF SW1/4 RUN S 659.23 FT W 755 FT FOR A POB TH W 123.25 FT S 299.31 FT E 123.25 FT N 299.78 FT TO POB IN SEC 30-23-30 request a zoning change from C-1 to PD (Planned Development) zoning.

Richard Levy, consultant for the City of Belle Isle provided an overview and presentation of the request to permit the development of a 120 unit residential, gated condominium project on 4.82 acres on the north side of McCoy Road just north of the Boggy Creek Road interchange with SR 528.

He stated a correction to the report on Page 9 to read as follows,

**Page 9, Reads,** "The applicant has modified their proposal to eliminate the stormwater pond from the recreation and open space calculations, and is now proposing a waiver of 8.6%. The resulting land area provided for recreation and open space is 16.4%."

**Should Read,** "The applicant has modified their proposal to eliminate the stormwater pond from the recreation and open space calculations, and is now proposing a waiver of 10.6%. The resulting land area provided for recreation and open space is 14.4%."

Mr. Levy stated, subject to the conditions contained herein, the proposed Conway Breeze PD is consistent with the requirements for approval of Planned Development applications contained in the Land Development Code (LDC):

1. The proposed PD is consistent with the City's Growth Management Plan.
2. The proposed PD is consistent with the purpose and intent of the City of Belle Isle Land Development Code.
3. The proposed uses will be compatible with surrounding land uses and the general character of the area.

4. The necessary public facilities will be adequate to serve the proposed uses, or will be provided by the applicant as a condition of this approval.

Mr. Levy recommended approval of the Conway Breeze PD, subject to the conditions in the Staff Report provided on Page 13.

Board member Templin asked if the in/out traffic onto McCoy Road going to be addressed. Mr. Levy said on Page 4 of the Staff Report the Trip Generation of this use versus the prior use was addressed. He stated that he did not ask the applicant to conduct any type of traffic study.

Board member Templin asked if they will add any new access points. Mr. Levy said there will be no new access onto McCoy Road.

Attorney Callan clarified for the record the staff recommended conditions are listed on Page 13 of the Staff Report. Mr. Levy said yes.

Board member Templin asked if the buffer on the two corners for the single family homes considered in the open space calculations. Mr. Levy said the way the code is written, that area and the storm water pond area is not considered usable, and not included in the open space calculation, nor is the parameter buffering.

Vice Chairman Fouraker called for the Board to disclose any ex parte communication.

- Board member Fouraker disclosed that he has visited the site and spoke briefly to the City Manager on the history of the project.
- Board member Templin disclosed that he has driven by and observed the site from the street and had no communication with staff or the applicant.
- Board member McLeod disclosed that he has driven by and had no communication with staff or the applicant.
- Board member Jackson said he has had no communication.

Constance Owens, Civil Engineer of the project residing at 585 Technology Park, Lake Mary, FL provided a brief history of the previous zoning and previously approved site plan. She noted that in 2004-2005 the site was the existing Days Inn Hotel. The hotel was damaged during the 2004 hurricanes and was required to be demolished. The old Days Inn Hotel buildings to the east (aka The Palms at Belle Isle) remained and were converted to condominiums.

She provided the following proposed entitlements,

- 25 UNITS/ACRE –120 UNITS
- BUILDING SETBACKS (Per City of Belle Isle LDC)
- Front –40' Fronting McCoy Road
- Side (E) –0' Adjacent to existing PD (Multi-Family) –We are Providing 75'
- Side (W) –20' Adjacent to SFR –We are Providing 70'+
- Rear –20' Adjacent to SFR –We are Providing 100'
- LANDSCAPE BUFFERS (Per City of Belle Isle LDC)
- Front –10'
- Side (E) –5' Adjacent to existing PD (Multi-Family)
- Side (W) –20' Adjacent to SFR (Original Entitlement –10')
- Rear –20' Adjacent to SFR (Original Entitlement –5')
- NOT REQUESTING HEIGHT VARIANCE –MEETING 30' HEIGHT
- REQUESTING VARIANCE FROM 25% OPEN SPACE/RECREATION SPACE REQUIREMENT IN ORDER TO PROVIDE 20' BUFFER from SFR (Providing 14.42% -Excludes Perimeter Buffering and Stormwater Retention Area per LDC)

She provided a rendering of the proposed Landscaping adjacent to single family residential homes showing 3 year and 6 year growth,

- Oak Trees: 13' high, 2-1/2" caliper and 6' spread
- Understory Trees: 8' high, 1-1/2" caliper and 4' spread
- Viburnum Hedge: 30" high and 24" spread

Ms. Owens said the only other option for this location is to build another commercial hotel. She added that the quality of hotel that will be allowed within that location will be a low end hotel, which brings vagrants and transients to the site.

Discussion ensued regarding in-going and out-going access for residents and emergency vehicles.

Ernesto Gonzalez, architect for the project residing at 1890 SR 436, Winter Park, FL provided an overview of the Architectural Drawings/Floor Plan for the project. Discussion ensued on site dimensions and amenities.

Board member Templin asked what would be the minimum height they will need to change the slope of the roof. Mr. Gonzalez said approximately a 10ft increase.

Glenn Roy, Attorney for Mario Prieto, with an office residing at 411 West Central Parkway, Altamonte Springs, FL spoke on the traffic count concern, and said residential land use generates more than 3 times less traffic and trips than a hotel or commercial retail land use.

Attorney Roy said the real issue is the buffer zone exclusion to the open space requirement. He argued the justification for the need to allow the space.

Attorney Callan stated that the PD process allows the applicant to differ from the provisions of the code as part of the overall PD application and staff recommends approval of the buffer being reduced, and the City Manager is in agreement.

Vice Chairman Fouraker opened for public comment. There being no comments, Vice Chairman closed public comment and opened for Board discussion.

Board member Templin asked the City Clerk if she has received any calls regarding the public hearing. The City Clerk stated that she has not received any calls or emails regarding the Public Hearing.

Board member McLeod said he would like to see the pitch of the roof design changed and would motion to approve and raise the elevation at least 10 feet with the City Administrators approval of the design.

Board member Shenefelt and Board member Templin were in agreement.

Vice Chairman Fouraker said the execution, performance and recovery, by the same developer, of the neighboring job site is not neat, gates are not functional, nor are the units all occupied. He noted that 120 unit project is ambitious and has concerns on the narrow court yard and small play area. He expressed lessening the common area will be detrimental to the marketing of the units.

The property needs a better view; however he would like to see less of an urban environment. There has to be more of a product differentiation.

Attorney Callan stated if the Board is concerned about these units being operated as a hotel the Board can add a restriction on approval.

Vice Chairman Fouraker called for a motion.

The Board recommended approval of the application filed, zoning change with staff recommendations to City Council along with the additional three conditions.

#### Staff Recommendations.

1. The project shall comply with all provisions of the Belle Isle City Code unless otherwise modified by the conditions below. Any development activity not addressed by these conditions shall be subject to the standards of the Land Development Code.
2. The development of the property shall be consistent with the Conceptual PD Plan dated 8.28.15 from Tri 3 Civil Engineering Design Studio.
3. The development of this property shall be consistent with the landscape buffer design by Magley Design, dated August 13, 2015.
4. Should the project fail to meet the 'substantial and continuous' development standard in Section 54-77, or any other timing requirement to maintain the PD approval in good stead, the PD zoning shall lapse and return to the C-1 zoning district.
5. The applicant shall comply with all applicable requirements of Chapter 46, Concurrency Management, to ensure that all public facilities and services are available concurrent with the proposed development. Approval of this application shall not be deemed to provide any vested rights.
6. If the project is phased, all site amenities and perimeter buffering will need to be included in the first phase to ensure compatibility with surrounding development. If phased, a landscape plan for the Phase II portion of the project shall be submitted with the Development Plan for Phase I
7. This approval does not constitute final approval of the architectural elevations. Final approval of architectural elevations shall be included as part of Development Plan approval pursuant to Chapter 54-77(2)(e)(5).

#### Additional Board conditions.

1. Height may be increased to 39.5 feet for 3 story building as part of the design modifications presented, approved or directed by the City Manager.
2. Approval of the Condominium documents shall be submitted to the City Manager and the City Attorney for review prior to recording and issuance of the first initial building permit.
3. The applicant agrees not to operate as a hotel.

Vice Chairman Fouraker called for a motion, upon roll call,

Chairman Woods	Absent
Board member Bernstein	Absent
Board member Shenefelt	aye
Board member Jackson	aye
Board member Templin	aye
Board member McLeod	aye
Vice Chairman Fouraker	nay

Motion passed 4:1 with Vice Chairman Fouraker nay.

Attorney Callan said this is a recommendation to City Council and will be posted within the ten days for a meeting on October 6 or November 3, 2015.

#### **Public Hearing Case#2015-08-003**

Applicant Ultimate Pool Design on behalf of Sue Hammond, property owner of 1615 DeWayne Drive, Belle Isle, FL 32809, also described as Parcel I.D #30-23-30-0611-00-020, requests a variance from CH 50 SEC 50-102(d)(1) for allowance of a pool 6.3 feet from the rear property line and 7.4 feet from the side property line to the pool water's edge.

Dante Corrent from Ultimate Pool Designs representing homeowner Sue Hammond said the homeowner is a twenty year resident and is in the process of some home renovations. Due to the lot conditions and long driveway they are requesting a setback variance to accommodate a pool on an already small lot.

Sue Hammond said she moved away to California due to some family health issues and is returning home. She would like to accommodate a pool for exercising, her health and for her grandchildren when they visit.

Board member Templin said it appears if the design shifted a little, 2-3 feet, a variance will not be required.

Chris Aealos from Ultimate Pool Design said that area of the house is all glass and a pool will block the entire view of the landscaping. If the pool was set closer to the house it will create useless space.

Attorney Callan stated and clarified that this variance is for the two setbacks only and installation of the pool may trigger ISR issues. The applicant may have to lift some brick walkways, remove the pond or come back for another variance.

Sue Hammond added that the pond on the survey has been removed.

Vice Chairman Fouraker opened for citizen comments, being none he closed and opened for Board discussion.

Board member Shenefelt moved, the criteria of Chapter 42, Article III, Section 42-64(1) of the Belle Isle Land Development Code **having been met**, to approve this request for a variance from CH. 50 SEC 50-102(d)(1) for allowance of a pool 6.3 foot from the rear property line and 7.4 from the side property line to the pool water's edge on the property described as 1615 DeWayne Drive, Belle Isle FL 32809, also described as Parcel I.D #30-23-30-0611-00-020 Belle Isle, Orange County, Florida.

Board member McLeod seconded the motion which passed unanimously.

Attorney Callan said this is an approval of the variance unless there is an appeal from the public. The applicant should not start any construction before 15 days of this motion.

#### **ADJOURN**

There being no further business Vice Chairman Fouraker called for a motion to adjourn, unanimously approved at 9:20pm.

Yolanda Quiceno, CMC  
City Clerk