



City of Belle Isle
Planning & Zoning Board Regular Session Minutes
November 14, 2016 – 6:30pm

Frank Kruppenbacher City Attorney	David Woods Chairman District 1	Chris Shenefelt District 2	Tom Leftwich District 3	Gregg Templin District 4	Rainey Lane District 5	John McLeod District 6	Nicholas Fouraker Vice Chairman District 7
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On Monday, November 14, 2016 the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers. Present was Chairman Woods, Board member Shenefelt, Board member Leftwich, Board member Templin, Board member McLeod and Vice Chairman Fouraker.. Interim City Manager April Fisher and City Clerk Yolanda Quiceno were also present. Absent was Attorney Kruppenbacher.

CALL TO ORDER

Chairman Woods called the meeting to order at 6:30 pm and opened with the Pledge of Allegiance. Chairman Woods welcomed newly appointed Board member Rainey Lane.

Topline Recreation representative was not present. Clerk will place on the agenda for the following scheduled meeting.

APPROVAL OF MINUTES

- a. Approval of the August 23, 2016 minutes
- b. Approval of September 27, 2016 minutes
- c. October 25, 2016 – meeting cancelled and rescheduled

Board member Templin motioned to approve the minutes as presented.

Board member McLeod seconded the motion which passed unanimously.

PROPOSED WARREN PARK CANOE LAUNCH SITE

Case No. 2016-10-008 - Pursuant to Belle Isle Code Sec. 54-83 (f)(3), the Board shall review and take action on the proposed site plan, submitted by Orange County, for a canoe launch at 3406 Warren Park Road, Orlando, FL 32812 also known as Parcel #29-23-30-4389-05-010. The proposed canoe launch includes plans for a lakeside launch for low impact, non-motorized water craft such as canoes, kayaks and paddle boards.

Michael Statham, Program Development Supervisor and Landscape Architect for Orange County Parks and Recreation spoke on the zoning application for a low impact, non-motorized craft such as canoes, kayaks and paddle boards launch at Warren Park.

Mr. Statham provided a synopsis of submittal booklet and an overview of the project as follows,

- Low impact Launch for non motorized water craft only
- Extension of our Warren Park experience
- Reintroduce water borne recreation dimension
- Design that is Compliant to City of Belle Isle Code
- Square footage of design reflects this compliance

- Provide signage restricting use by motorized water craft

Mr. Statham further spoke of the existing conditions and the parking and safety element plan and stated that safety is their primary goal along with maintaining a high quality relationship with its neighbors.

Mr. Statham, read for the record, Orange County's responses to staff recommendations to be placed upon an approval of the proposed siteplan:

1. A restriction that no mooring be allowed on any portion of the proposed canoe launch and boardwalk areas;
OCPR Response: We agree to that restriction for motorized water craft. Permanent mooring of any water craft will also be restricted.
2. A restriction that no swimming is allowed;
OCPR Response: We agree with the restriction of no swimming. A "no swimming sign" is currently in place; erected as a safety precaution but only faces the park and is not facing the lake.
3. A prohibition on any private business or commercial enterprise running a business from the property such as, but not limited to, paddle board lessons or kayak/canoe tours;
OCPR Response: We do not agree with the condition because they reserve the right to have County approved vendors at this park.
4. An executed Memorandum of Understanding agreement between the local governments of Belle Isle and Orange County and all law enforcement parties (inclusive of the City of Belle Isle Police Department, Orange County Sheriff's Office, and the Florida Wildlife Commission) as to patrol and enforcement responsibilities and authorities within the park and surrounding the canoe launch, as well as in the lake waters.
OCPR Response: This agreement must be generated and mutually agreed to by the City of Belle Isle Chief of Police and the Orange County Sheriff's Office
5. A correction of Plan Sheets #C001 and #C002 to indicate a corrected parcel ID of 29-23-30-4389-04-010 and the address of 3206 Warren Park Road, which are correct for the lakefront parcel;
OCPR Response: We agree with this condition and will make the necessary corrections to the plans.
6. A correction on Plan Sheet #C002 to indicate the City of Belle Isle zoning district for the parcel as "Public Buildings District" (PUB);
OCPR Response: We agree with this condition and will make the necessary corrections to the Plans.

7. A correction on Plan Sheet #C402 Notes under General Notes for Gangway and Kayak/Canoe System under #2 for each. These need to state the exact sizes requested on the site plan application and not be identified as minimums.

OCPR Response: We agree with this condition and will make the necessary corrections to the plans.

8. A detailed sign plan is provided indicating location of all signs. Signage must incorporate language clearly stating “no swimming” and “no boat mooring” and identification of park hours and authorized use restrictions. Such signs shall also be additionally signs placed facing the water at the shoreline and on the terminal platform of the structure;

OCPR Response: We agree with this condition and will generate a sign plan that indicates the location of all signs listed that face the water at the shoreline and on the terminal platform of the structure.

9. A detailed parking/traffic plan be provided indicating how the applicant anticipates handling additional park traffic on Warren Park Road and canoe launch users accessing the park, whether there is any impact; and,

OCPR Response: We agree with this condition, however, park users are using the lakeshore as a launching area for paddle boarding, canoeing, and kayaking. We do not foresee any additional user impact as a result of this park addition.

10. A detailed safety element plan identifying where existing fencing and pedestrian gates are located, where they are proposed, and how such areas will be accessed by the public. This plan should also address how users of the canoe launch will access, including drop off of personal watercraft, the waterfront for use in the lake and how the area will be secured, monitored, and restricted during closed hours.

OCPR Response: We agree with this condition and have generated a plan exhibit to illustrate the existing fencing and gates and the existing crossing. There will be no watercraft drop off along Warren Park Road or Seminole Drive. All water craft drop off will take place within the existing Warren Park parking lot and the user shall utilize the existing gates and cross walks to access and egress from the Canoe Launch. All canoes, kayaks, and paddle boards shall be walked over to the launch area from this parking lot across the existing striped crossing.

Comm Pete Clarke spoke of the initial history of this concept and said he originally submitted a proposed plan about a year ago.

Matt Suedmeyer, Orange County Parks and Recreation Manager said he does not believe the proposed plan will significantly increase the amount of use of the area at Warren Park. Discussion ensued on enforcement of park rules, commercial use of the launch ramp, and law enforcement liability issues.

April Fisher, Interim City Manager, said two of the items the applicant does not agree with are two of the biggest items for the City; (1) the City code states that commercial usage is not allowed with this zoning district; and (2) the increase use of the park creates a public safety issue and the jurisdiction is within the Orange County Sheriff's Office to respond. The Belle Isle Police Department will not have the authority to respond which leaves the city with liability if they do respond. Without some type of agreement with law enforcement it will be a strong concern to have the proposed plan move forward. Ms. Fisher said the Board may approve the plan and restrict it from moving forward with permitting until the Memorandum of Understanding is in place.

In addition, Chairman Woods stated, as part of the condition, that the City be provided a key to all the gates in the park. Discussion ensued on maintenance personnel and additional signage.

Chairman Woods opened for public comment.

- Heather Stevenson residing at 7224 Seminole Drive, Belle Isle spoke in opposition to the proposed plan due to safety issues. With a show of hands, there were approximately 10 individuals who shared the same concern.
- Jennifer Brown residing at 7020 Seminole Drive, Belle Isle, representing the paddle board community, spoke in favor of the proposed plan.
- Debra Donham residing at 6904 Seminole Drive, Belle Isle said she is strongly opposed to the proposed plan. She shared her concern with the enforcement of the rules during evening hours and upkeep of the park. She provided for the record, eleven (11) petition sheets of other residents who are opposed to the proposed plan.
- Linda Suggs residing at 6922 Seminole Drive, Belle Isle spoke in opposition of the proposed plan. She witnessed individuals leaving with cans of alcohol into the water and return with none. She further added that the posted signs currently do not work.
- Phil Price residing at 7440 Daetwyler Drive, Belle Isle shared his concern with the impact from the jet skis pulling up to the proposed boat dock. He further asked why the length of the dock can't go out 15 feet instead of the proposed 60 feet.
- Drew Neil residing at 7204 Seminole Drive, Belle Isle spoke in opposition of the proposed plan. The biggest problems are going to be the jurisdiction of law enforcement and the safety issue on the east side of the lake.
- Burt Hammond residing at 7410 Daetwyler Drive, Belle Isle spoke in opposition of the proposed plan. He shared his concern with the safety issue and said he believes it will create an unsafe environment same as the sand bar.
- Joel Anderson residing in the southeast condominiums off of Daetwyler spoke in opposition of the proposed plan and said it will create a safety hazard for paddle boarders.

- Ann McGee residing at 3109 Indian Drive, Belle Isle spoke in opposition and said she does not understand why they would want to embellish what is already there. She anticipates the traffic will increase and the area does not have room for additional vehicles.
- Randy Holihan residing at 2513 Trentwood, Belle Isle spoke in opposition to the proposed plan. He shared his concern with the safety issue and the danger it may cause to paddle boarders in the access area for jet skiers.

Steve Fusilier residing 7210 Seminole Drive, Belle Isle spoke in opposition of the proposed plan. He said there are approximately 130 signatures of other residents who are opposed to this proposed plan and ultimately someone is going to get hurt. The Comp Plan, zoning and parking area does not promote the support for this application or commercial use of the property. He further spoke of other hazards and noted that there are a few other docks and boat ramps for use along the Chain of Lakes that many can go and utilize. Discussion ensued.

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

Chairman Woods said it appears to be substantial public opposition and compelling issues, one is the maintenance of the existing park which is conceivably inadequate; and illegal parking, noise, trash and theft. He feels the whole concept may make the situation worse.

Board member McLeod asked if there is a large demand for this proposed facility. Comm Pete Clarke said no, however he believes that other residents who do not live on the lake should have the same amenities as those who live on the lake front.

Vice Chairman Fouraker said there is a large dislocation and expectation from the County's perspective to what the constituents feel equitable and it does not seem that the applicant has met the burden of proof to move forward.

After Board discussion, Vice Chairman Fouraker moved, the criteria of Chapter 48, Article II, Section 42-33 having not been met, to approve this request for the proposed site plan pursuant to code Sec 54-83(f)(3) on the property described as 3406 Warren Park Road, Belle Isle, FL also described as Parcel I.D. #29-23-30-4389-05-010, Orange County, FL.

Board member McLeod seconded the motion which passed unanimously.

Chairman Woods advised the applicant that they do have the option to appeal to Council.

PROPOSED REDEVELOPMENT SITE PLAN

Case No. 2016-10-030 - Pursuant to Belle Isle Code Sec. 54-79 (f)(4), the Board shall review and take action on the proposed site plan, submitted by Hoffner Fruit, LLC c/o Brandon Structures, for a proposed commercial development at 4400 Hoffner Avenue, Orlando FL 32812 also known as Parcel #20-23-30-0000-00-012.

Randy Fitzgerald, Attorney with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. with offices at 215 North Eola Drive, Orlando FL representing the applicant introduced Randy Holihan-Project Site Developer, Brian Duke-Wawa, Muhamad Abdala-Traffic Engineer and Jeff Summit-Civil Engineer. She said the applicant would like to obtain approval of a site plan which candidly the applicant thought was already approved.

Attorney Fitzgerald gave a background overview of the project and conceptual site plan which was started in July 2015. She said, back in July 2015, the City imposed a moratorium on Gas Stations and Convenience Stores based on environmental issues. After the moratorium ended on October 5, 2015, the applicant was able to move forward with their application for approval of the site plan. On February 23, 2016, the applicant presented, for recommendation, a lot split to the Planning & Zoning Board and approved by City Council subject to the City Attorney and City Manager review of access. On September 2015, the applicant presented to City Council and it was understood that the site plan was approved.

After speaking with the Interim City Manager, it was clarified that there was no formal approval by the P&Z Board for the site plan per City Code. The applicant is asking for formal approval of the site plan approved previously by City Council. Attorney Fitzgerald said for the Board's consideration, she made other comments to the staff report following considerations as conditions and compliance with code requirements to be placed upon an approval of the proposed site plan:

1. Q: Cross-access agreements and covenants/ restrictions shall be submitted to the City Manager and City Attorney for review and approval prior to issuance of a building permit, as identified in the minutes from the March 1, 2016 City Council meeting regarding a lot split on the property. **Wawa Response:** *There are already covenants and restrictions on the property and will be reviewed by the City Attorney before development.*
2. Q: The site plan shall identify the "right-in only" on the plan for access from Hoffner Avenue so that no left turn is possible. **Wawa Response** *This has been remedied with the final site plan submitted.*
3. Q: It appears that a new access/curb cut to the Wawa portion of the property is being proposed on the North side adjacent to Hoffner Avenue. This appears to be in conflict with the Planning and Zoning Board recommendation from the February 23, 2016 meeting to approve a lot split, stipulating no additional access be created from Hoffner Avenue and Conway Road, which was upheld at the March 1, 2016 City Council meeting. It also may conflict with the results of the site circulation discussion from the September 30, 2015 City Council workshop minutes where the transportation impact consultant identified this as a conflict with fuel canopy circulating traffic. If approved, the site plan shall include signage and traffic control design to minimize conflict. **Wawa Response:** *The curb cut was in discussion and approved by Council on September 30, 2015. There was confusion with the progression of the meetings and has been identified.*

4. Q: The site plan shall identify that the exit to Conway Road is strictly a south exit and identify that a directional light will be provided. **Wawa Response: In the September 30, 2015 meeting, it was determined that there was no need for an additional light because the construction of the access is such that traffic cannot flow any other way.**
5. Q: Phase 2 and 3 identified on the site plan shall require a separate site plan application as uses and square-footages are not identified, therefore parking calculations cannot be determined with this site plan application for those phases. **Wawa Response: Phase 1 and Phase 2 were on the site plan, just labeled incorrectly. Subsequently there will be a site plan for Phase 3.**
6. Q: The parking calculations for the Wawa site should be based on the Sec. 50-72 code category of "Retail Establishments, Including Convenience Stores" instead of "General Business". The site plan shall be revised to reflect one space per 100 square feet, which would be 72 spaces and an increase in the required handicapped spaces to 3. **Wawa Response: This has been completed with the site plan presented 11/14/2016.**

Attorney Fitzgerald said the applicant has satisfied the requirements as noted by the City to document that the site plan is appropriate to move forward. She further noted that the lot split has never been completely finalized. However, the intent was to always have three parcels that would be sold separately.

Chairman Woods said it seems difficult to approve a site plan without approved lots. From a technical standpoint, Ms. Fitzgerald said the lot split was not formally approved by the Property Appraiser's office, however; they are to the point where they know exactly what they are going to do and the proposed site plan presented tonight will supersede anything that would have been presented before.

April Fisher said the lot split is not being presented today for approval. She agrees with Ms. Fitzgerald about the lot split process. The City Clerk confirmed that the first one was not finalized. If the plan changes from what was considered previously the lot split will have to be presented again to the Board as a separate item for approval. However, it does not preclude this Board from considering approval the site plan. Discussion ensued.

April Fisher clarified that the staff report included items 7-12 that need to be part of the application process that are very specific and objective requirements of the code with this type of development. The items 7-12 will be handled during the building permit process before the project is approved.

Discussion ensued on directional signs out of the plaza and landscaping between the two driveways

Chairman Woods opened for public comment.

- Bill Bergman residing at 5327 Hawford Circle, Belle Isle shared his concern with the lighting and noise abatement that will be used 24-hours a day.
Randy Holihan, Project Developer said the new lighting meets all current codes and is designed to be non-intrusive. There will be less traffic overall and the landscape buffers will create the required noise abatement.

April Fisher said the staff report does require for the applicant to provide an 8-foot high masonry wall with a 15-foot wide transitional buffer which is required adjacent to residentially zoned properties. The buffer must include the following plant material per 100 linear feet: 3 canopy trees; 4 understory trees; and, 15 shrubs. The owner must execute a recordable document which requires construction and maintenance of the wall in good repair.

Randy Fitzgerald said it is not the intent to build a wall next to the subdivision wall and does not have the authority to have the HOA enter into an agreement. The applicant is willing to open discussion on the maintenance requirement of the existing wall with the HOA, if necessary.

- Joel Anderson residing at 5309 Hawford Circle, Belle Isle shared his concern with the maintenance of the property and excess trash.
- George Rohen residing at 3531 Edlingham Court, Belle Isle shared his concern with the use of the PA system and asked if the applicant will be willing to regulate the volume during after hours.

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

Board member Templin moved the criteria of Chapter 48, Article II, Section 42-33 of the Belle Isle Land Development Code having been met to approve this request for the proposed site plan pursuant to code Sec 54-79(f)(4) on the property described as 4400 Hoffner Avenue, Belle Isle, FL also described as Parcel I.D. #29-23-30-0000-00-012, Orange County, FL with the following conditions,

- 1- Cross-access agreements and covenants/ restrictions shall be submitted to the City Manager and City Attorney for review and approval prior to issuance of a building permit, as identified in the minutes from the March 1, 2016 City Council meeting regarding a lot split on the property.**
- 2- Phase 3 identified on the site plan shall require a separate site plan application**
- 3- A dumpster permit shall be required as part of the building permit application process.**
- 4- A lighting plan with foot-candle information shall be required as part of the building permit application process to ensure no light pollution occurs onto adjacent residential properties.**
- 5- Pursuant to Sec. 50-73 (d)(1) and Sec. 50-76 (3) b.1, an 8-foot high masonry wall with a 15-foot wide transitional buffer is required adjacent to residentially zoned properties. However, there is an existing wall which may count for the required 8-foot masonry wall with maintenance issues to be worked out at a future date. The buffer must include the following plant material per 100 linear feet: 3 canopy trees; 4 understory trees; and, 15 shrubs. The owner must execute a recordable document which requires construction and maintenance of the wall in good repair to be discussed before this Board at a future date, as worked out per the code.**
- 6- Storm water management plans consistent with the requirements of Sec. 50-74 and Sec. 54-79 (f)(2) shall be provided for review with the building permit application.**
- 7- A landscaping plan consistent with Sec. 50-76 shall be provided for review with the building permit application.**
- 8- A separate sign permit application is required based on the commitment by the applicant, unless opposed by applicant.**

- 9- To mitigate the hours of the PA system used for food pick up during certain hours, if necessary.

Board member McLeod seconded the motion which passed unanimously.

ORDINANCE NO. 16-09

The Board shall review a proposed ordinance for recommendation to Council as follows,
AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING BOAT DOCK REGULATIONS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 48, ENVIRONMENTAL REGULATIONS, ARTICLE II, BOAT DOCKS; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS; BY AMENDING SECTION 54-1, RESTRICTIONS UPON LAND, BUILDING AND STRUCTURES; BY AMENDING SECTION 54-79, RETAIL COMMERCIAL DISTRICT C-1; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Board agreed, due to the late hour and the public component, to continue the code discussion to Tuesday, November 29, 2016.

Board member Templin motioned to continue discussion and review of the proposed code change to November 29, 2016.

Board member Shenefelt seconded the motion which passed unanimously.

ADJOURN

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

Yolanda Quiceno
CMC-City Clerk