

City of Belle Isle
Planning & Zoning Board Regular Session Minutes
April 25, 2017 – 6:30pm

Frank Kruppenbacher City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Steve Jervis District 3	Gregg Templin District 4	Rainey Lane District 5	John McLeod District 6	Nicholas Fouraker Chairman District 7
--------------------------------------	--	-------------------------------	----------------------------	-----------------------------	---------------------------	---------------------------	---

On Tuesday, April 25, 2017 the Belle Isle Planning & Zoning Board met in a regular session at 6:30pm in the Belle Isle City Hall Council Chambers. Present: Attorney Callan, Chairman Fouraker, Vice Chairman Woods, Board member Templin, Board member Lane, Board member Shenefelt, City Manager Bob Francis, City Planner April Fisher and City Clerk Yolanda Quiceno. Absent: Board member Jervis and Board member McLeod.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES

a. Approval of the January 24, 2017 minutes

Board member Templin motioned to accept the minutes as revised.

Board member Lane seconded the motion, which was unanimously approved.

3. Public Case No. 2017-02-013

Ordinance 17-03 - Public Case No. 2017-02-013 - Pursuant to Belle Isle Land Development Code Sec. 42-65, the Board shall review, for recommendation to Council, a change to the Official Zoning Map from R-2 zoning to Planned Development (PD) zoning, submitted by applicant Comins Development I, LLC, property owner of 7710, 7728 and 7740 Daetwyler Drive, Belle Isle, FL 32812 also described as Parcel I.D. 29-23-30-0000-00-013, 29-23-30-4986-00-010, and 29-23-30-4986-00-040, Belle Isle, Orange County, Florida.

Vice Chairman Woods called for staff presentation.

April Fisher, Planning Consultant for the City of Belle Isle gave an overview and presented her recommendations for approval of the proposed Planned Development (PD) zoning request. Section 54-77 in the City Code identifies the set back and guiding requirements of the PD zoning request. She stated that this is the first process for review and approval of a preliminary conceptual plan. The second step will be submittal and review of a full development plan.

The proposed application includes 28 townhomes with recreational amenities. The streets are proposed to be private and maintained by the Homeowners Association.

The development proposal specifically meets the following policies of the Belle Isle Comprehensive Plan which include,

- Policy 1.2.2 – meets the policy as it provides 7.6 dwelling units per acre.
- Policy 1.3.5 – the proposed PD meets this policy as it is redeveloping a former mobile park and restaurant with a boat ramp and two docks. The proposed PD removes these blighted conditions and proposes a gated, upscale development with recreational amenities, including removing the current boat ramp and docks to replace with a 10-slip boat dock with two fishing and observation decks.
- Policy 1.4.4 – the proposed PD meets this policy as it provides 28 townhomes meeting standards of new urbanism and traditional neighborhood design through increased density, minimization of imperious surfaces, public/open space and clustering the residential units on site.

Based on the items presented April Fisher recommends approval along with Exhibit A-legal description and Exhibit B-preliminary conceptual plan to be part of the Ordinance, which will approve the PD for recommendation to City Council. She further recommended approval of the following considerations,

1. That the existing boat docks and boat ramp on the property be removed prior to the installation of the proposed 10-slip boat dock and fishing and observation docks;
2. That the proposed 10-slip boat dock not be approved by the City nor constructed prior to 25% of the total number of unites approved with this PD are permitted, constructed and receive a certificate of occupancy;
3. That the 10-slip boat dock be deed restricted to use only be residents/property owners within the development and not utilized for commercial lease or profit;
4. That mooring be allowed on the fishing and observation docks; and
5. That architectural renderings of the proposed townhomes be required at the Development Plan approval process and become part of the development plan design standard.

The Board may recommend approval, approval with conditions, or denial of the proposed Planned Development zoning and preliminary conceptual plan or continue the application if additional information is being requested for consideration.

Chairman Fouraker called for applicant presentation.

Jean Abi-noun from FEG with offices at 5127 South Orange Avenue, Orlando, FL addressed the Board and is in support with the staff recommendations as presented.

Board member Templin asked how much linear foot is on the lake from end to end on the water. Mr. Abi-noun said is approximately 345 -360 feet.

Vice Chairman Woods asked, in regards to the secondary docks, if the side yard setback of 25ft, per the new boat dock ordinance, were incorporated into the conceptual plan. Mr. Abi-noun said he could make that change.

Discussion ensued on density of population, public ramps and Canoe Park and if they have been considered in addition to what has been presented. Mr. Abi-noun said in this particular situation they are proposing 10-slips limiting the traffic and improving the lake traffic concerns.

The "lake scaping" concerns were addressed and it was requested that the applicant define in the development plan the percentage of plant growth that will be removed and how much sand area will remain. Mr. Abi-noun said they would be placing a retaining wall, which will create a natural shoreline from the backyard to the lake.

Steve Fusilier residing at 7210 Seminole Drive stated that the applicant has received approval from the Department of Environmental Protection (DEP) and Florida Wild Life Commission (FWC) for lake clearing which has been completed through the well-established regulations. After discussion, Mr. Fusilier stated that the applicant could add the approved permits to the development plan as a condition.

Attorney Callan stated that there is already a well-established regulation in place in Orange County and the State for lake clearing. Enforcement of the lake is in the authority of the County and the City is pre-empted from posing conditions that can be inconsistent with the County and the State. After further discussion, Attorney Callan recommended that the Board address the concern, as part of the conditions, by having the construction of the docks and maintenance of the lake bottom pass the mean water lake level, shall comply with all State and Local rules and obtain all necessary permits. Consensus was to have the applicant provide, for the record, all approved State and County permits for informational purposes only.

For the record, Attorney Callan asked if the mean high water level the same as the ordinary high water mark. Mr. Abi-noun said it is.

The Board briefly spoke of the newly adopted Boat Dock Ordinance as it relates to the proposed PD. April Fisher stated that the Board could choose some provisions of the Boat Dock Ordinance that they would like to apply and make it very specific to the sections of the PD. Miranda Fitzgerald, Attorney with Lowndes, Drosdick, Doster, Kantor & Reed with offices at 215 N Eola Dr, Orlando, FL representing the applicant said the PD standards sets the parameters for the use and then complies with the City Code. Discussion ensued on the permitting process, lake water elevations and the proposed boat dock slips. April Fisher said the two deviations from the boat dock ordinance presented in the conceptual plan for approval would be the dock length and total dock and slip area.

The Board discussed storage boxes on the dock and their concerns of vandalism, safety issues and enforcement.

Chairman Fouraker called for a five-minute intermission.

Chairman Fouraker opened for public comment.

1. Phil Price residing at 7440 Daetwyler Drive shared his concern of the boat dock length and stated that it will not fit in the look of the community on the lake.
2. Greg Gent residing at 2924 Nela Avenue presented with a power point presentation and shared his concerns with the proposed PD saying it is "consistent with the current character of development in the area", likely referring to Windward; he further stated that Windward should have never been allowed. The proposed total number of dwellings on the property is not in question. However, the type and quantity of dwellings on the lakeshore is. He requests that the Board reject the request for PD, or require modifications to the proposal so that a lower density of dwellings (in line with R2 zoning requirements) is created on the lakeshore. He also requested that the Board require a smaller number of dock slips associated with the property so as not to create a marina type environment and not further congest an already busy South Lake Conway.
3. Anna Maria Fiola residing at 2493 Trentwood Blvd spoke in opposition of the PD request specifically to the 10-slips and proposed boat dock length.
4. Ray Thomas residing at 2512 Trentwood Blvd spoke in opposition of the PD request specifically to the multiple boat docks. He further stated that the Board should consider keeping the land as a residential piece of property.

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

Vice Chairman Woods gave an overview of the references to be addressed, prior to approval, based on the staff recommendations and issues of the public as follows,

1. Limit terminal platform based on the total platform area per code
2. The necessity of having two observation docks
3. Height restrictions should be specified to not allow covered roofs and should be limited to 5ft above normal high water
4. Storage lockers are not allowed
5. All other regulations as discussed should be followed

Chairman Fouraker referenced Public Record Planning & Zoning minutes dated September 14, 2015. He said the hearing was a PD request by KB Homes who asked for 10 slips and referenced one parcel. The request today for a proposed PD is not unreasonable based on what has been considered previously. Chairman Fouraker said he likes the idea of the fishing & observation dock and the urbanism of the property. He spoke to the deeded property use of the boat docks and the creative design proposed. Discussion ensued on deeded use of the boat slips, two fishing observation docks and the inside aggregated area of the terminal platform. Board consensus was to allow a platform of 10x12 ft.

After further discussion, and for the purposes of the record, Attorney Callan stated the depictions of the three docs on the property are for schematic purposes and are not the actual shape or sizes to be built. The only issue is that they cannot exceed 10 boat slips providing meets the footprints of the City Ordinance.

Attorney Callan clarified the additional conditions as discussed are as follows,
The location, design and size of the docks on the property should be determine by at permitting except for any observation dock that should not be great than 10x12;
No storage box lockers located on any dock; and
The height of the docks should be limited to no more than 5ft of the natural high water elevation.
Include the approved lake front clearing permits

The applicant, Jean Abi-noun stated that the City at one point decided this is a medium density residential. What they are proposing is in compliance with the Future Land Use and the Comp Plan. He is not requesting an amendment to the Comprehensive Plan to increase the density. He asked for approval of the proposed PD, which has been approved by the Board previously.

After discussion, Vice Chairman Woods moved to recommend to City Council approval of the PD Zoning to change the official zoning map from R2 zoning to PD Zoning also referenced as Orange County Parcel I.D. 29-23-30-0000-00-013, 29-23-30-4986-00-010, and 29-23-30-4986-00-040, Belle Isle, Orange County, Florida subject to the staff recommendations a-e and f;

- a. That the existing boat docks and boat ramp on the property be removed prior to the installation of the proposed 10-slip boat dock and fishing and observation docks;
- b. That the proposed 10-slip boat dock not be approved by the City nor constructed prior to 25% of the total number of unites approved with this PD are permitted, constructed and receive a certificate of occupancy;
- c. That the 10-slip boat dock be deed restricted to use only be residents/property owners within the development and not utilized for commercial lease or profit;
- d. That mooring be allowed on the fishing and observation docks; and
- e. That architectural renderings of the proposed townhomes be required at the Development Plan approval process and become part of the development plan design standard;
- f. The City of Belle Isle Code shall determine the design and location of the boat docks; except for, there will be no storage lockers on any docks associated with the project; the height of the boat docks shall be limited to 5ft above the normal high water elevation; any observation deck or terminal platform will be limited to 10x12 ft each; the number of observation decks will be determined at a later date. The depiction of the design of the docks on the sketch is for information purposes at this time; and the maximum amount of boat dockage allowed on this property shall be 3,600 sq ft.

Miranda Fitzgerald would also like to have the limitations of the platform square footage of 3,600 added to the motion. Discussion ensued on the permitting process.

Chairman Fouraker seconded the motion as discussed.

Board member Templin amended the motion to include (g) submittal of the DEP approved permits for the record.

**Chairman Fouraker called for approval of the amendment.
The motion passed 4:1 with Board member Lane, nay**

Chairman Fouraker called for approval of the motion as amended to include f and g.

The motion passed 4:1 with Board member Lane, nay.

4. **Pursuant to Belle Isle Development Code Sec. 42-65, the Board shall review, for recommendation to Council the proposed changes to the Land Development Code: ORDINANCE 17-04 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING HEIGHT; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS; BY AMENDING ARTICLE IV. SUPPLEMENTARY REGULATIONS, DIVISION 3. BUILDINGS; BY AMENDING SECTION 54-153, HEIGHT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Fouraker called for the Staff Report by April Fisher.

April Fisher presented updates needed to the Belle Isle Land Development Code. She stated that it is customary in Land Development Codes to allow for additional height for certain building appurtenances as long as it can be architecturally integrated.

April Fisher provided a copy of an email from Miranda Fitzgerald sharing some concerns and recommended language changes for discussion. The proposed ordinance prepared in the packet provides the strike through and underline to revise Sec. 54-153 of the Code.

Chairman Fouraker opened for public comment.

1. Miranda Fitzgerald shared her concerns with the proposed ordinance about the exceptions to height regulations as outlined in the email dated April 25, 2017.
2. A speaker from the audience asked if this proposed ordinance change pertains to residential homes and commercial buildings. Vice Chairman Woods said yes.
3. Karl Shuck 1658 Wind Willow Road shared his concern on buildings to the north side of McCoy Road. The front may look architecturally pleasing however; the homes on Daetwyler Road will be able to see the additional 10ft of appurtenances.

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

Attorney Callan clarified that the revision, if approved, does not intend or allow for human occupancy.

The Board discussed the maximum height allowed and recommended height limitations of the overall square footage to 15% or no less than 10 feet of the structure side.

After discussion, Vice Chairman Woods motioned to revise Section 54-153 with the recommended changes as follows,

Extensions to height restrictions. The height limitations contained in the building requirements of district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, elevator penthouses and bulkheads, HVAC units, ventilators, chimneys, or other appurtenances that extend above the roof and will not allow for human occupancy so long as they are limited to less than 10ft more than the allowable district height limitations and have a projected width of no more than 10ft or 15% of the projected building width, whichever is greater, and are architecturally integrated into the building. A site plan must be reviewed and approved by the Board to exceed district height limitations pursuant to this section.

Board member Templin seconded the motion, which was unanimously approved.

ADJOURN

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 10:35pm.

Yolanda Quiceno
CMC-City Clerk