

**MEETING MINUTES
TOWN OF CINCO BAYOU
PUBLIC HEARING
February 11, 2016, 5:30 p.m.**

MAYOR HOOD CALLED TO ORDER THE PUBLIC HEARING, MOMENT OF SILENCE AND THE PLEDGE OF ALLEGIANCE

ROLL CALL:

MAYOR JEAN HOOD	COUNCILMAN CHUBB
COUNCILMAN DRIVER	COUNCILMAN KOCH
COUNCILMAN ANDREWS	COUNCILMAN MYERS (A)

Also present was Town Manager Keith Williams, Town Attorney Jeffrey McInnis, Town Engineer Joe Rector, Town Planner Jack Dorman, Town staff: Linda Barringer and Jerry McNamara as well as CEFCO Representative Denise Anderson.

ACTION ITEM:

1. The Town Council sitting in as the Board of Adjustments considered an application for a variance to LDC 6.04.01 - Access Points as described in the Town of Cinco Bayou's Land Development Code. The request was submitted by Costorde, LLC and Infinity Engineering Group, LLC on the behalf of CEFCO.

For the record Town Manager Williams read the Public Notice that was published in the NWFL Daily News.

The Cinco Bayou Town Council sitting as the Board of Adjustment will hold a public hearing on Thursday, February 11, 2016 at 5:30 p.m. in the Cinco Bayou Town Hall, 10 Yacht Club Drive, Cinco Bayou, Florida, for the purpose of reviewing an application for a variance to LDC 6.04.01 - Access Points as described in the Town of Cinco Bayou's Land Development Code. The request was submitted by Costorde, LLC and Infinity Engineering Group, LLC on the behalf of CEFCO.

Town Attorney asked all parties who were presenting information and testifying in this Public Hearing to stand and were sworn in under oath.

For the record Town Manager Williams recited the variance application as follows reviewed the application process and the variance request: *put in a driveway within 75 feet of the intersection of Garnett Ave. to Laverne Street Driveway distance. The standard is 140 feet, requesting a reduction in the distance between drives to allow for access from all 4 property line access points to create a safer vehicular traffic flow on site.*

Denise Anderson, CEFCO representative addressed the Council stating after the meeting last week, Costorde, LLC and Infinity Engineering Group, LLC and I have discussed and gone through the criteria/standards for the variance and feel we have met all the criteria. But, as a precaution, we have sent the site plan to our outside consultant, Joe P. Poole of Southern Traffic Services, Inc. to review the site plan to insure we have met all 7 of the criteria for the variance request. Ms. Anderson read each criteria item by item, with Mr. Poole's response:

1. Proposed connection on Laverne Street NE is 75 feet from Garnet Avenue which a minor collector street. The distance requirement for access connections from a collector roadway in the LDC is 140 feet.

Response:

The access connection on Luverne Street NE, as currently proposed, aligns with the drive aisle and provides a better internal flow for the site and more space for exit vehicles to queue. A rear drive parallel to the building is not achievable and still meet detention requirements. If it could be constructed at this location, entering vehicles would be required to make an immediate right turn or left turn when entering the site at this connection.

In addition to the above information, the following variance request points are addressed:

1. Special Conditions and/or circumstances exist particular which are peculiar to this land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Response:

Special Conditions, unlike most developments this site has 4 street frontages, i.e. block to block; not creating optimum circulation due to ordinance hinders safety; majority of developments are not typically 4 sided with streets i.e. block to block.

2. The special conditions or circumstances do not result from actions of the applicant.

Response:

To provide access to all four streets, the proposed driveway location on Luverne Street is at the optimum location for smooth internal flow and direct access from all adjacent properties.

3. The applicant has demonstrated a hardship that can be cured only by the variance. Such hardship must relate only to the land, structure, sign, or building and not solely for the purpose of maximizing profit or income.

Response:

These variance requests are being made to provide a safe and efficient access plan for the proposed development. If approved, these request would reduce the chance of entering vehicles queuing onto the public streets due to better maneuverability of delivery and tanker trucks servicing this site.

Variance cures the hardship. Current distance criteria is a hardship, hinders maximum safety circulation: Not allowing for maximum ingress and egress (4 streets) hinders the offsite and onsite safety, allowing for stacking on site and in public streets; in addition Cefco safety department reviews all site plans for optimum traffic patterns on site for safety and liability purposes and has granted approval of the Cefco site plan.

4. Literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant.

Response:

It appears several properties within the community potentially have received benefit by minimizing the distance requirement to minor collector streets; We are not asking for any special or preferred treatment or consideration, but only that we are allowed the same interpretation other properties may have been given to allow minimizing the distance requirement.

5. The variance will not authorize a violation of any statute.

Response:

I am not aware of any statute violation. The council is given authority to grant a variance.

6. The grant of the variance is the minimum variance that will make possible the reasonable use of the land, building, sign, or structure.

Response:

The grant of the variance is a minimum request to allow for the safest ingress, egress and alignment of the drive approach to our south drive aisle, also allowing the development to meet necessary stormwater detention.

7. The grant of the variance will be in harmony with the general intent and purpose of this Code, including the zoning regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Response:

Granting of the variance is in harmony with the Code's intent and purpose; giving council the authority to review and grant a variance when it positively serves the public welfare of the community, and is not injurious to the area involved, the full site circulation is a safety contribution to the public rather than a detriment to its welfare.

Ms. Anderson added in response to Criteria #1: The ordinance actually makes it a hindrance, and to Criteria #2: This parcel is being purchased as a whole and not individually.

Mayor Hood stated the Council will accept the report from Mr. Poole of Southern Traffic Services, Inc. as part of the public record to this public hearing.

Comments from Council:

Councilman Driver: have we received any feedback from any of the surrounding property owners?
Town Manager Williams, we have received notice that all of the property owners have been notified and no one has responded.

1st Public Hearing recessed at 5:45

2nd Public Hearing started at 5:45 and immediately was recessed until after the 1st Public Hearing

1st Public Hearing was reconvened at 5:46.

Mayor asked Town Manager Williams submitted as Public Record the Receipt of Certified Letters.

Town Planner made a comment that this variance does not have to be granted, not sure the project demonstrates a hardship.

Councilman Driver: has this project received approval from DOT?

Town Engineer Rector: This is not a DOT roadway so it doesn't have any jurisdiction over this issue; the Town's code emulates the DOT's standards. Mr. Rector did add: by granting this variance this will set a precedence for future development within the Town.

Denise Anderson also commented that though DOT does have standards it is not uncommon for them to also grant a variance to their requirements, which they are actually doing now for other projects we are working on that are currently being developed.

Public Comments: NONE

Mayor Hood asked if there was a motion to approve/grant the variance request for the Land Development Code 6.04.01 access points, submitted by Costorde LLC and Infinity, LLC on behalf of CEFCO and that it meets the requirements of the Land Code 3.14.01?

Councilman Chubb made a motion to accept the variance as submitted CEFCO and it meets the 7 step process in code 3.14.01. Councilman Andrews seconded the motion. Roll was taken:


COUNCILMAN CHUBB	Y	COUNCILMAN KOCH	Y
COUNCILMAN DRIVER	Y	COUNCILMAN MYERS	(A)
COUNCILMAN ANDREWS	Y		

MOTION PASSED UNANIMOUSLY


ADJOURN: AFTER NO FURTHER BUSINESS THE PUBLIC HEARING CLOSED AT 5:50 p.m.

CLOSE PUBLIC HEARING

ATTEST:



Mayor Jean Hood



Keith Williams, Town Manager/Clerk

