



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Held in City Hall Chambers, 1600 Nela Avenue

Held the 1st and 3rd Tuesday of Every Month

Tuesday, June 01, 2021 * 6:30 PM

AGENDA

City Council Commissioners

Nicholas Fouraker, Mayor

Vice Mayor, District 6 Commissioner – Jim Partin

District 1 Commissioner – Ed Gold | District 2 Commissioner – Anthony Carugno | District 3 Commissioner – Karl Shuck

District 4 Commissioner – Mike Sims | District 5 Commissioner – Rick Miller District 7 Commissioner – Sue Nielsen

Welcome

Welcome to the City of Belle Isle City Council meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofbelleislefl.org. If you are not on the agenda, please complete the yellow "Request to Speak" form to be handed to the City Clerk. When you are recognized by the Mayor, state your name and address and direct all remarks to the Council as a body and not to individual members of the Council, staff, or audience. The Council is pleased to hear relevant comments; however, a three-minute limit has been set by Council. Rosenberg's Rules of Order guide the conduct of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. Thank you for participating in your City Government.

1. Call to Order and Confirmation of Quorum

2. Invocation and Pledge to Flag - Commissioner Shuck, District 3

3. Public Hearing

- a. APPEAL OF CASE # 2021-04-002 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, AT 6810 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-021 (30 minutes)
- b. APPEAL OF CASE # 2021-04-004 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, STEVEN KNEIPP, AT 6822 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-050 (30 minutes)

4. Presentation

- a. Discussion with GrayRobinson (Lobbyist) on Council priorities (30 minutes)

5. Consent Items - These items are considered routine and have been previously discussed by the Council. They will be adopted by one motion unless a Council member requests before the vote on the motion to have an item removed from the consent agenda and considered separately. If any item were removed from the Consent Agenda, it would be considered immediately following approval of the remainder of the Consent Agenda. (5 minutes)

- a. Approval of the May 4, 2021 meeting minutes
- b. Approval of the May 18, 2021 meeting minutes
- c. Proclamation celebrating Mark Robinson's 100th Birthday

6. Citizen's Comments - Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff, or audience. Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes. Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. Thank you.

7. Unfinished Business

- a. Ordinance 21-06 First Reading and Consideration (20 minutes)
AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING § 10-36 OF ARTICLE II OF CHAPTER 10 OF THE BELLE ISLE CITY CODE OF ORDINANCES PERTAINING TO CONDITIONS PRECEDENT TO ENFORCEMENT OFFICER'S ENTRY ONTO

PRIVATE PROPERTY FOR INSPECTION OR COMPLIANCE PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

b. Ordinance 21-07 First Reading and Consideration (20 minutes)

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING CHAPTER 34, ARTICLE II OF THE CITY CODE GOVERNING BOAT EQUIPMENT AND OPERATION; CREATING A NEW 34-39 DESIGNATING SWIM AREAS, AND ESTABLISHING A RELATED VESSEL-EXCLUSION ZONE, ON THE LAKE CONWAY CHAIN OF LAKES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

8. New Business

- a. Approval of Redistricting Committee members (5 minutes)

9. Attorney's Report (5 minutes)

10. City Manager's Report

- a. Issues Log (5 minutes)

- b. Approval of Purchases with Approved Grant (5 minutes)

- c. Chief's Report (5 minutes)

11. Mayor's Report (5 minutes)

12. Items from Council (20 minutes)

13. Adjournment



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: May 4, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Appeal of P&Z Approval of Decorative Columns and Gates for Seminole Properties

Background: The P&Z Board's decision to approve the variances for decorative columns and gates for 6810 and 6822 Seminole Drive.

The basis of the appeal is that the P&Z Board, although approving the variance, the board also added an arbitrary requirement that the columns be set back 20 feet from the right of way (as opposed to the road). The appellants believe this condition should be changed to allow a 20-foot setback from the road, not the right-of-way.

The procedure for this appeal is the same as other recent appeals.

With the decision of the P&Z Board being appealed, Section 42-71 (b) (3) states that "The council shall conduct a trial de novo hearing upon any appeal taken from the ruling of the board, and hear the testimony of witnesses and other evidence offered by the aggrieved person and interested parties to the appeal and may, in conformity with this article and the Land Development Code, rules and regulations adopted thereunder, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the board."

De Novo Hearing: The city council shall hear the appeal as a new matter.

Before the meeting on Tuesday evening, the Council Members should familiarize themselves with BIMC ARTICLE IV. - EX PARTE COMMUNICATIONS, Sec. 2-163.

Staff Recommendation: Approve the variance with a 20-foot setback from the road as requested by the property owners. Site Plan with conditions as approved by the P&Z Board. The staff also recommends that this approval be extended to 6806 Seminole and 6814 Seminole to provide consistency with the surrounding properties.

Suggested Motion: I move that we approve the variances of 6806 Seminole to 6822 Seminole for decorative columns with gates with the condition that the columns are set back 20-feet from the road.

Alternatives: Do not approve the variances or approve the variances with conditions.

Fiscal Impact: None

Attachments: Emails Appealing the P&Z Decision
P&Z Staff Reports
P&Z Minutes for April 27, 2021

May 11th, 2021

6810 Seminole drive - planning and zoning board appeal.

Notice of Appeal:

Please consider this a formal appeal of the decision made by the planning and zoning board on April 27th, 2021. The board made a recommendation to grant our request for decorative columns with gates. However, the board also added an arbitrary requirement that the columns be set back 20 feet from the right of way (as opposed to the road), and we are appealing that portion of the board's decision for the following reasons.

1. No Traffic Impediment. A 20-foot setback from the road is more than sufficient to alleviate any traffic concerns. This is more than enough room for any vehicles to clear Seminole Drive when they turn into the driveway. A requirement from the right of way would set the columns back at a minimum of 31 feet off of the edge of the road, which is excessive and unnecessary.
2. Tree Hardship. The requirement of a 20-foot setback from the right of way would require the removal of a \$2,500 palm tree which is unlikely to survive a replanting according to an arborist who examined the tree. Requiring the removal of this tree seems to go against the spirit of the city's code, which promotes keeping as much green space and as many trees as possible.
3. Selective Enforcement. Many other homes on Seminole Drive and in Belle Isle have columns and gates right on the edge of the sidewalk, including some that were approved in the past couple of years. It is unprecedented and unreasonable to place a new requirement on our lot when no other existing homes have this burden. We are not asking to have columns right on the edge of the sidewalk like other homes on Seminole Drive. In fact, the 20-foot setback that we have requested is more than reasonable considering the columns that the board has approved in past years, and there is nothing in the city code that supports the board's arbitrary requirement of a specific setback from the right of way.
4. Aesthetics. Columns set back 31' from the edge of Seminole Drive would look unusual and architecturally unappealing.

For those reasons we request that the board revise its approval to remove the requirement of the 20-foot setback from the right of way and approve our application as originally submitted.

Regards,

Leslie Kinsella





CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, April 27, 2021, * 6:30 pm

MINUTES

Planning and Zoning Board Members

District 1 member – David Woods, VChair | District 2 member – Christopher Shenefelt | District 3 member – OPEN SEAT
District 4 member – Randy Holihan, Chair | District 5 member – Rainey Lane | District 6 member – Andrew Thompson
District 7 member – Dr. Leonard Hobbs

The Belle Isle Planning & Zoning Board met in a regular session on April 27, 2021, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Chairman Holihan
Board member Woods
Board member Lane
Board member Thompson
Board member Hobbs

Absent was:

District 3 - OPEN
Board member Shenefelt

Also present was City Manager Bob Francis, City Planner April Fisher, Attorney Dan Langley, and City Clerk Yolanda Quiceno.

1. Call to Order and Confirmation of Quorum

Chairman Holihan called the meeting to order at 6:30 pm. City Clerk confirmed quorum.

2. Invocation and Pledge to Flag – Board Member Hobbs, District 7

Board member Hobbs gave the invocation and led the Pledge to the Flag.

3. Approval of Minutes - No report.

4. Public Hearings

- a. PUBLIC HEARING CASE #2021-04-001- Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 50-73 (a) to allow a variance from the required building setbacks, submitted by the applicant Pete Clarke, located at 7600 Daetwyler Drive, Belle Isle FL 32812, also known as Parcel # 29-23-30-8036-02-010.

Chairman Holihan opened for Public Hearing 2021-04-001.

April Fisher, City Planner, said the applicant requests a one-foot variance from the required 7.5-foot side building setback. The applicant based his variance on the house's original footprint, which identifies that the house does not sit parallel to the side setback causing the encroachment. Section 41-64(1)e was not met in the staff evaluation of the application.

Staff provides a recommendation not to approve the requested variance based on not meeting Criterion from Section 42-64(1)e-Not Self-Created. The addition could be redesigned to meet that side setback and at the same time not encroach onto any others.

Pete Clarke, the applicant, spoke briefly on the purchase of the home and renovations. Upon obtaining a new survey, he found that the house is not straight on the property on the Daetwyler side. The proposed addition will have a south property line setback of 6.5 feet on the east end and 8.5 feet on the west end of the home. This leaves only half of the construction encroaching on the code setback. There is no home or building that the proposed request would impact. There will be a financial impact to move the footers to comply with the current Code.

APPEALS: "If a person decides to appeal (Belle Isle's City Code Section 42-71) any decision made by the Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting. –Page 1 of 4

Kelly Carr, the Designer of the plans, spoke on behalf of the applicant. Ms. Carr said having the house sitting at a slight angle has made it much harder to accomplish the design. The garage part of the house sits 6.6 from the property line. When the plans were developed, it was measured from the original survey that showed a fence. After moving forward with a current survey, they found that the initial survey was drawn out of scale, affecting all the measurements of the existing design.

Chairman Holihan called for public comment. There being none, he closed public comment.

Board member Woods said the applicant submitted a letter in favor of the request from the neighbor to the South who would be the most impacted by the variance.

There being no further Board discussion, Board member Lane moved pursuant to Belle Isle Code SEC. 42-64 and SEC 50-73(a) of the Belle Isle Land Development Code having been met TO APPROVE a variance from the required building setbacks, submitted by applicant Pete Clarke, located at 7600 Daetwyler Drive, Belle Isle FL 32812, also known as Parcel # 29-23-30-8036-02-010.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

Ms. Fisher said there is a 15-day appeal waiting period before starting any construction.

- b. PUBLIC HEARING CASE #2021-04-002- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021.
- c. PUBLIC HEARING CASE #2021-04-005- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031.
- d. PUBLIC HEARING CASE #2021-04-003- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.
- e. PUBLIC HEARING CASE #2021-04-004- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050.

Ms. Fisher said the next four hearings are the same type of applications. Staff would like to request consideration of the hearings in a discussion and take individual action on each one.

Attorney Langley said if there are distinctions between the applications in any way, they must be clarified in the record.

Ms. Fisher said each request (6810, 6814, 6820, and 6822 Seminole Drive) submitted a variance to allow decorative columns because of their design. The cap will be a little over 6-feet, and the gate in between will follow in line. The rest of the property is identified to be a hedge.

One of the properties in question (6810 Seminole) has had criminal activity and trespassing issues. Because of that, they are requesting the columns with the gate in the front yard. The other three properties are neighbors to that subject property, and they have witnessed a concern for their safety.

The Code has separate criteria for the consideration of fences in the front yard. The Board can consider that threshold as leading a variance request to establish in the regular section of the Code. One of the items identified in the Code is safety concerns and enjoyment of your property. Each application has requested their fence in the front yard based on safety.

The staff has found that each application meets the requirements for a variance. They had different gates and columns. She recommends identifying the height and design of the gate for each property. a.

Chairman Holihan opened for public comment. He asked the City Clerk if there were any emails sent in response to the Public Hearings. The City Clerk said yes, and they have been entered into the record. Chairman Holihan recognized the emails as received.

- The homeowner of 6810 Seminole Drive said his application is based on the safety and security of his family. He said there would be no fence installed but decorative columns with podocarpus hedge going across the front of the property 20-feet from the edge of the pavement. He has had four instances where he had to have the Police Department respond.
- Dan Barnes residing at 6803 Seminole Drive, spoke in favor of the variances. He said within two years at his home; he experienced theft on his property. Like the variances, his house has a deep driveway and makes it a bit secluded and tricky to monitor without a fence.
- Jennifer McDaniel residing at 2626 Nela spoke in opposition of the variances and asked that the emails received in opposition be read aloud to the public.

Chairman Holihan stated that the Board received the following emails: Christopher George—In favor, Sue John—Opposed, Emily Wakely—Opposed, Greg Gent—Opposed and Nancy Weinsier—Opposed basically for the same reasons, (1) restriction of the look of openness, (2) driving sightlines and (3) are opposed to front yard fences in general.

April Fisher said she would be comfortable recommending a setback for the columns of 20-foot from the right of way. Discussion ensued on established use and running room to see if anyone is coming and create a sight triangle for safety.

Board member Woods said he agrees with the opposing views in the emails. He said the problem with a high wall is that if someone is hiding behind them, they won't be seen by the homeowner or law enforcement, creating a safety concern. Ms. Fisher said the Board could establish a condition of approval to limit the height of the hedge. Also, the total height of the columns can be established. The Board's consensus was that the City should not attempt to control the height of hedges.

Board member Thompson asked if it was appropriate to approve a variance on a lot that has not been developed. Attorney Langley said yes, the variance is not tied to the home being built.

Board member Thompson moved, pursuant to Belle Isle Code 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64 of the Belle Isle Land Development Code having been met TO APPROVE a variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021 subject to the following conditions,

- **The height of the decorative columns be no higher than 6-foot-6-inches; and**
- **The center of the gate to be no higher than 7-foot-6-inches**
- **With a setback of 20-feet from the right of way.**

Board member Lane seconded the motion, which passed unanimously 6:0.

Board member Thompson moved pursuant to Belle Isle Code Sec 50-102 (b) (5), Sec 50-102 (b) (16), and Sec 42-64 of the Belle Isle Land Development Code having been met TO APPROVE decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031 subject to the following conditions,

- The height of the decorative columns be no higher than 6-foot-6-inches; and
- The center of the gate to be no higher than 7-foot-6-inches
- With a setback of 20-feet from the right of way.

Board member Woods seconded the motion, which passed unanimously 6:0.

Board member Thompson moved pursuant to Belle Isle Code Sec 50-102 (b) (5), Sec 50-102 (b) (16), and Sec 42-64 of the Belle Isle Land Development Code having been met TO APPROVE decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040 subject to the following conditions,

- The height of the decorative columns be no higher than 6-foot-6-inches; and
- The center of the gate to be no higher than 7-foot-6-inches
- With a setback of 20-feet from the right of way.

Board member Lane seconded the motion, which passed unanimously 6:0.

Board member Thompson moved pursuant to Belle Isle Code Sec 50-102 (b) (5), Sec 50-102 (b) (16), and Sec 42-64 of the Belle Isle Land Development Code having been met TO APPROVE decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050 subject to the following conditions,

- The height of the decorative columns be no higher than 6-foot-6-inches; and
- The center of the gate to be no higher than 7-foot-6-inches
- With a setback of 20-feet from the right of way.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

Ms. Fisher said there is a 15-day appeal waiting period before starting any construction.

4. Other Business

Bob Francis reported that the Council has a nomination for approval at the next City Council meeting for a P&Z Board member for District 3, Michael Statham.

5. Adjournment

There being no further business, Chairman Holihan called for a motion to adjourn the meeting, unanimously approved at 7:30 pm.

April 16, 2021

Variance Application: 6810 Seminole Drive

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, AT 6810 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-021.

Existing Zoning/Use: R-2/ single-family home

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow decorative columns and an optional gate in the front yard of the property.

Security and safety have been an issue on the subject property. There has been trespassing and other criminal activity on the property. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

Staff Recommendation

Based on the applicant's identification that security and safety are concerns, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

ITEM 4(b)
M E M O R A N D U M

TO: Planning and Zoning Board

DATE: April 27, 2021

Public Hearing Case #2021-04-002- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021.

Background:

1. On April 1, 2021, the applicant, Leslie Kinsella, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, April 17, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on April 15, 2021.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** a variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64**, the justifying criteria of the Belle Isle Land Development Code, **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of, Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] **having NOT been met; [may be used in addition to above or alone]** **TO DENY** a variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

a.

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 2-22-21 P&Z CASE #: 2021-04-002

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: _____

| | | | |
|------------------|------------------------------------|-------|------------|
| Applicant | [REDACTED] | Owner | [REDACTED] |
| ADDRESS | <u>6810 Seminole Dr Belle Isle</u> | | |
| PHONE: | [REDACTED] | | |
| PARCEL TAX ID #: | [REDACTED] | | |

LAND USE CLASSIFICATION: R1-AA ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: To Add Decorative Columns at End of Driveway with an option to install Automatic Gate, Hedges to fill up Remainder of Frontage on Seminole Drive.

SECTION OF CODE VARIANCE REQUESTED ON: _____

- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.
- By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.
- Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.
- **Sec. 42-64. - Variances.** The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
 - o Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - a. 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. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.
 - b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - c. The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing, or the applicant's attorney shall appear before the board.
 - d. It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
 - e. It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance.
 - f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

The board shall find that the preceding requirements have been met by the applicant for a variance.

a.

(2) *Violations of conditions.*

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

Date Paid

Check/Cash

Rec'd By

Determination

Appealed to City Council: ☐ Yes ☐ No

Council Action:

ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which is comprised of seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. The application **MUST** include:

- a. the \$150.00 filing fee,
- b. a completed application form,
- c. proof of ownership of the property, or, a notarized statement from the owner with the representative's information,
- d. 10 copies of a plot plan or survey showing all improvements to the property, 10 copies of a scale drawing of the planned construction, illustrated on the survey, and
- e. for boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- f. A narrative addressing how the variance complies with the following:

- 1) The literal enforcement of the provisions of the zoning ordinance would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved including, but not limited to, dimensions, topography or soil conditions.
- 2) Personal hardship is not being considered as grounds for a variance, since the variance will continue to affect the Character of the neighborhood after the title to the property has passed, and that the special conditions and circumstances were not created in order to circumvent the zoning ordinance for the purpose of obtaining a variance.
- 3) The variance is the minimum variance that will make possible reasonable use of the land, building or structure.
- 4) The granting of the variance will be in harmony with the general purpose and intent of the zoning ordinances, will not be detrimental to the public welfare and will not be contrary to the public interest.

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to show compliance with the criteria.

A special exception addresses compatibility of uses, differing slightly from a variance. The approval of a special exception is dependent upon how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

1. A written application for special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
2. The Board shall make a finding that it is empowered under the section of the zoning ordinance described in the application to grant the special exception, and that granting of the special exception will not adversely affect the public interest.
3. It is determined that the public health, safety, comfort, order, convenience, prosperity, morals or general welfare is promoted, protected or improved.

General Information

1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
2. The applicant must be present at all hearings.
3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period gives all aggrieved parties an opportunity to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where he or she feels the Planning and Zoning Board erred in their decision. An appeal hearing will then be held by Belle Isle's City Council.
4. Sec 42-67 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

Variance Request – Application Supplement

| | |
|--|--|
| <p>*Standards of Variance Justification</p> | <p>Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or written document and submit it to the City as part of your variance request.</p> |
| <p>Special Conditions and/or Circumstances Section 42-64 (1) d</p> | <p>The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.</p> <p>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?</p> |
| <p>Not Self-Created Section 42-64 (1) e</p> | <p>The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A personal (self-created) hardship shall not justify a variance; i.e. when the applicant by their own conduct creates the hardship alleged to exist, they are not entitled to relief. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</p> |
| <p>Minimum Possible Variance Section 42-64 (1) f</p> | <p>The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.</p> <p style="text-align: center;"><i>No.</i></p> |
| <p>Purpose and Intent Section 42-64 (1) g</p> | <p>The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest.</p> <p>WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC)</p> <p style="text-align: center;"><i>None.</i></p> |

*For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, you do not have to comply with Sec. 42-64 (1) d and (1) f.

Boundary Survey

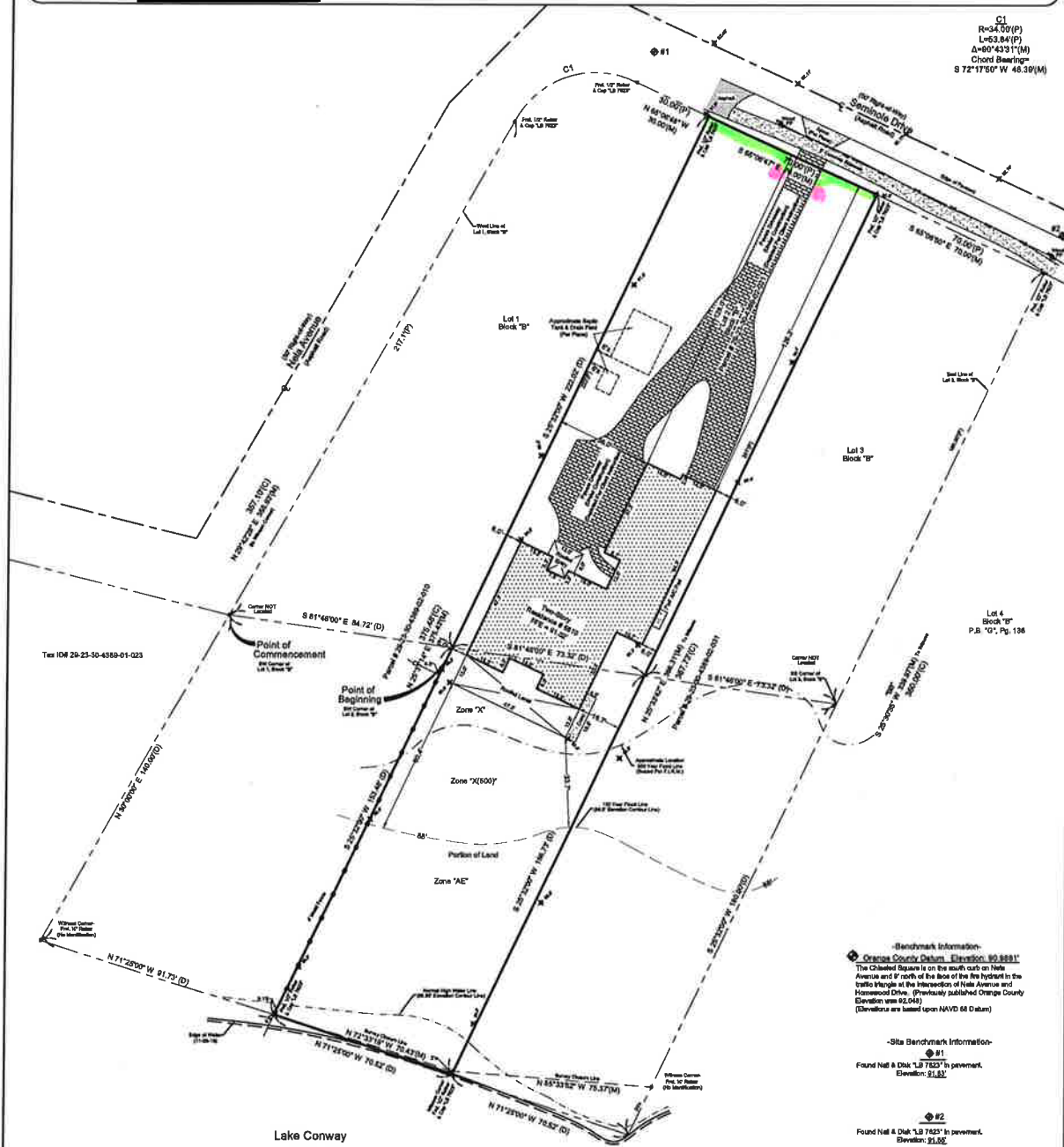
Legal Description:

Lot 2, Block B, Lake Conway Park, according to Plat thereof as recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida, and the portion of land between the East and West property lines of said Lot 2, Block "B" extended to the waters of Lake Conway, being more particularly described as follows:

Commence from the Southwest corner of Lot 1, Block "B" Lake Conway Park, according to Plat Book G, Page 138, of the Public Records of Orange County, Florida, thence run S 81°46'00" E a distance of 84.72 feet to the Southwest corner of said Lot 2, Block "B" and the Point of Beginning; thence continue S 81°46'00" E a distance of 73.32 feet to the East line of Said Lot 2, Block "B"; thence run S 25°32'00" W along the prolongation of said East line of Lot 2, Block "B" a distance of 166.73 feet; thence run N 71°25'00" W a distance of 70.52 feet to a point on the prolongation of the West line of said Lot 2 Block "B"; thence run N 25°32'00" E along said West line of said Lot 2, Block "B" a distance of 153.46 feet to the Point of Beginning.

Flood Disclaimer: By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone AE/X500/X. This Property was found in City of Belle Isle, community number 120181, dated 08/25/2009.

CERTIFIED TO:



Lake Conway

Water Elutriate: 08-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-10

Revision: Final Survey - 07/29/20 - BMJ
Revision: Foundation Survey - 01/16/20 - TCD

| | |
|----------------------|--------------------------|
| Field Date: 11/02/18 | Date Completed: 11/08/18 |
| Drawn By: JR | File Number: IS-53263 |

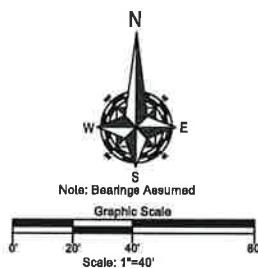
[illegible]

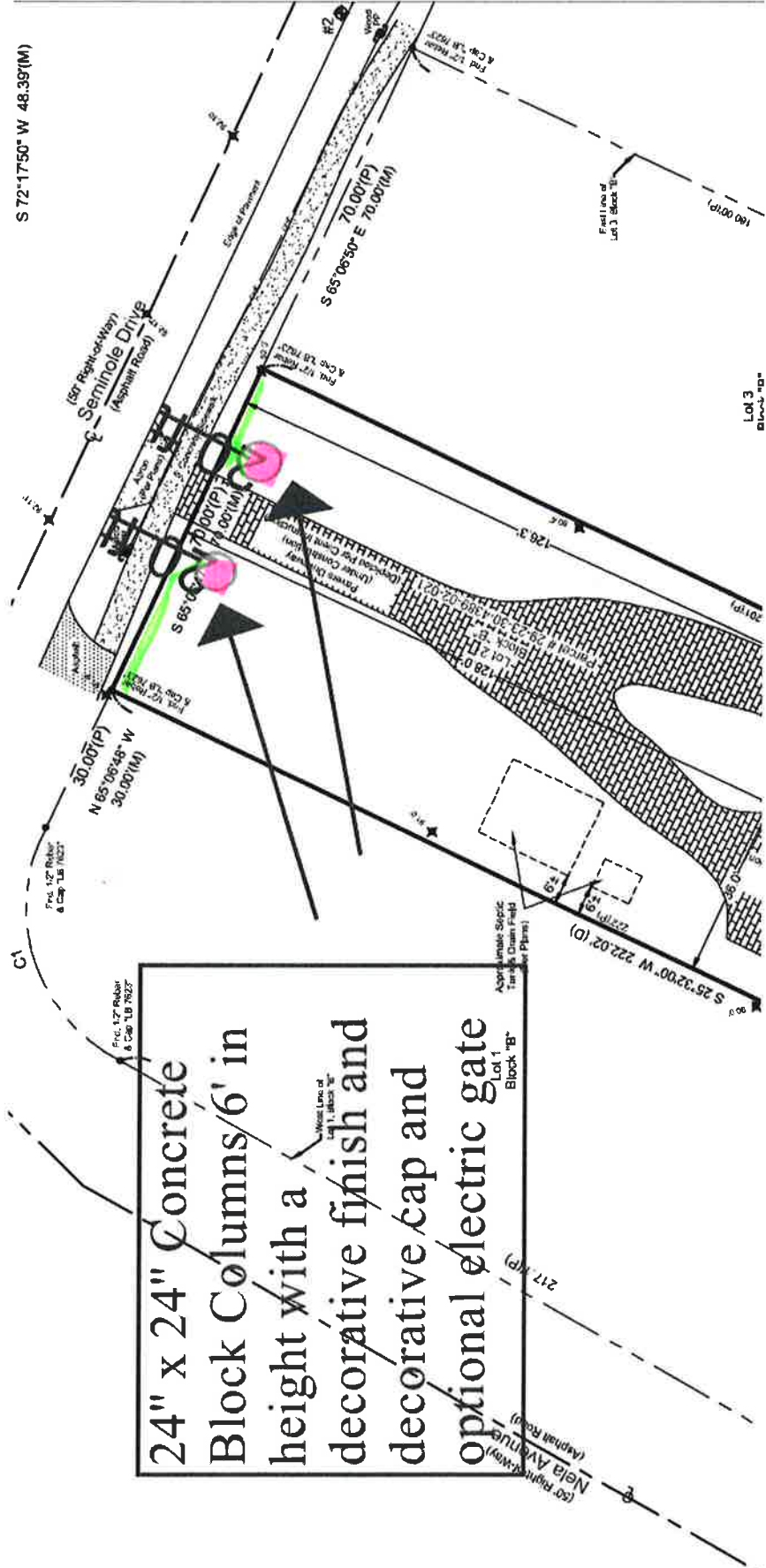
- **Survey is Based upon the Legal Description Provided by Client.** The Surveyor has **NOT** been Researched for Gaps, Overlaps and/or Mistake.
- **Subject to any Easements and/or Restrictions of Record.**
- **Not to be used to establish or Rectify Property Lines Denoted with a "B".**
- **Not to be used to establish or Rectify Property Lines.**
- **Force Ownership is NOT determined.**
- **Root Overhangs, Underground Utilities and/or Features have NOT been located.**
- **Septic Tanks and/or Drainfield locations are approximate and NOT to be verified by appropriate Utility Location Companies.**
- **Not to be used to establish or Rectify Property Lines Without Written Verification.** Will be at the User's Sole Risk and Without Liability to the Surveyor.
- **Not to be used to establish or Rectify Property Lines with ANY Rights or Benefits to Anyone other than those Certified.**
- **Flood Zone Determination/Designation is Given as a Courtesy, not a Guarantee.** The Surveyor is not responsible for any loss or damage affected by Flood Factors and/or other information NEITHER known or unknown to this Surveyor at the time of this Easement Agreement. **Irishland & Associates Surveying Inc.** and the signing surveyor(s) make no representation or warranty as to the accuracy of the information.

I hereby certify that the Surveyor Survey of the above Described Property is True and Correct to the best of my Knowledge and belief and was recently Surveyed by me or under my direct supervision and that I am duly Licensed to Survey in the State of Florida and I have Noted and Confirmed to the Satisfaction of Practice for the Survey of the above Described Property in accordance with the Florida Administrative Code, Pursuant to Section 472.02 Florida Statutes.

 FOR THE
 Patrick K. Ireland, Surveyor License No. 15386537 LB 78523
 The State of Florida, Department of Transportation
 The Survey NOT VALID UNLESS SIGNED AND EMBOSSED WITH SURVEYOR'S SEAL

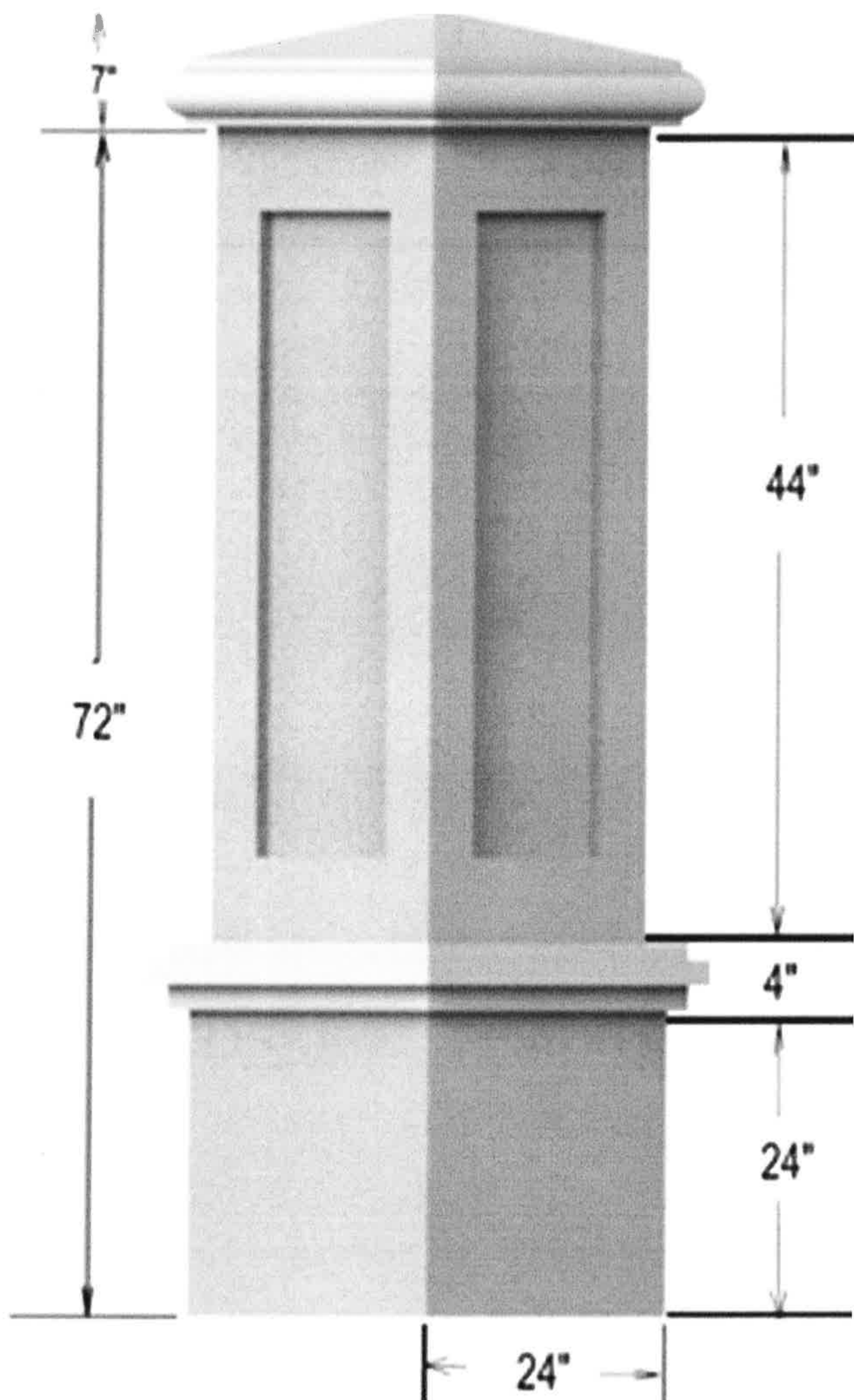
Ireland & Associates Surveying, Inc.
 1301 S. International Parkway Suite 2001
 Lake Mary, Florida 32746
 Ireland.surveying.com
 Office-407.878.3366 Fax-407.320.8165





24" x 24" Concrete
Block Columns/6' in
height with a
decorative finish and
decorative cap and
optional electric gate





March 22th, 2021

6810 Seminole Variance Request:

Special conditions: Given the high traffic volume on Seminole Drive there is a growing amount of foot and automotive traffic moving through the area, with this comes the higher risk of theft and vandalism. My Family and I have been victims of several criminal activities including trespassing, theft, and an incident that occurred at our home located at 6810 Seminole Dr which involved a number of charges including (Breaking and entering, drug charges, felony lewd behavior in front of a minor, trespassing, etc.) against a person who was arrested and removed from that property. This is clearly an ongoing concern for me, my Family and everyone in the area. I believe this to be a security concern on my family's behalf and after talking to the neighbors located a couple of houses either side of my home, it's very apparent that's a great concern for them too.

Not Self-Created: Other than choosing to build my home and live on Seminole Drive these issues are out of our control.

Minimum Possible Variance: We have considered creating a barrier by use of landscaping but do not believe this is much of a deterrent without the ability to place a gate at the driveway which many other homes on Seminole drive already have. A combination of landscaping or a fence and a gate would provide enough of a deterrent to likely limit any criminal trespassing and / or criminal activity.

Purpose and Intent: Installing columns and an automatic gate will have no effect on neighboring properties whatsoever. If approved it is the intent of lots 1 – 5 on Seminole drive to install the same type of improvements which would create a nice uniform look along Seminole Drive. There are already a number of homes on Seminole who have gates on their driveway and either front yard gates or landscape barriers combined with automatic gates. There will be zero impact to pedestrian safety or traffic control.

Construction: Columns would be placed at the edges of the driveway behind the sidewalk as to not impede any traffic if a gate is installed. Columns would be constructed with concrete block and finished in either stucco or some type of decorative façade. Electric will be run to the columns to provide ability to install an automatic gate and potentially add some lighting to the columns. Columns would need exceed six feet in height to remain within standards for privacy fencing.

April 16, 2021

Variance Application: 6814 Seminole Drive

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, CHRIS GEORGE, AT 6814 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-031.

Existing Zoning/Use: R-2/ single-family home

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow decorative columns and an optional gate in the front yard of the property.

Security and safety are a concern due to trespassing and other criminal activity that has taken place on adjacent property. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

Staff Recommendation

Based on the applicant's identification that security and safety are concerns, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

ITEM 4(c)
M E M O R A N D U M

TO: Planning and Zoning Board

DATE: April 27, 2021

Public Hearing Case #2021-04-005- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031.

Background:

1. On April 1, 2021, the applicant, Chris George, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, March 13, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on April 15, 2021.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), Sec 50-102 (b) (16) and Sec 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), Sec 50-102 (b) (16) and Sec 42-64**, the justifying criteria of the Belle Isle Land Development Code, **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of, Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] **having NOT been met; [may be used in addition to above or alone] TO DENY** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 3/24/21P&Z CASE #: 2021-04-005☐ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: _____

APPLICANT: Chris GeorgeOWNER: SAMEADDRESS: 6814 Seminole DriveBelle Isle 32812PHONE: 407-227-7806PARCEL TAX ID #: 29-23-30-4389-02-031LAND USE CLASSIFICATION: RIA ZONING DISTRICT: _____DETAILED VARIANCE REQUEST: TO Add decorative columns to driveway with automated gate and filled with hedges.

SECTION OF CODE VARIANCE REQUESTED ON: _____

The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.

By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.

Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

4/1/2021
Date Paid

Check/Cash

Hrp
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

March 8th, 2021

~~6822~~ Seminole Variance Request:

6814

Special conditions: Given the high traffic volume on Seminole Drive there is a constant amount of foot and automotive traffic moving through the area. We have seen some criminal activity including multiple instances of trespassing and theft, and an incident that occurred at 6810 Seminole which involved a number of charges (drug charges, lewd behavior in front of a minor, trespassing, etc) against a person arrested and removed from that property. This is clearly an ongoing concern for everyone in the area, specifically speaking to the owners of lots 1 – 5 all share this concern and would like to mitigate any exposure. In a lower traffic area this would presumably be less of a concern.

Not Self Created: Other than choosing to live on Seminole Drive these issues are out of our control.

Minimum Possible Variance: We have considered creating a barrier by use of landscaping but do not believe this is much of a deterrent without the ability to place a gate at the driveway which many other homes on Seminole drive already have. A combination of landscaping or a fence and a gate would provide enough of a deterrent to likely limit any criminal trespassing and / or criminal activity.

Purpose and Intent: Installing columns and an automatic gate will have no effect on neighboring properties whatsoever. If approved it is the intent of lots 1 – 5 on Seminole drive to install the same type of improvements which would create a nice uniform look along Seminole Drive. There are already a number of homes on Seminole who have gates on their driveway and either front yard gates or landscape barriers combined with automatic gates. There will be zero impact to pedestrian safety or traffic control.

Construction: Columns would be placed at the edges of the driveway behind the sidewalk as to not impede any traffic if a gate is installed. Columns would be construction with concrete block and finished in either stucco or some type of decorative façade. Electric will be run to the columns to provide ability to install an automatic gate and potentially add some lighting to the columns. Columns would not exceed six feet in height to remain within standards for privacy fencing.

Property Record - 29-23-30-4389-02-031

Orange County Property Appraiser •
http://www.ocpafl.org

Property Summary as of 04/01/2021

Property Name

Seminole Dr

Names

George Christopher James

Municipality

BI - Belle Isle

Property Use

0030 - Vacant Water

Mailing Address

437 Harbour Oaks Pointe Dr
Orlando, FL 32809-3013

Physical Address

Seminole Dr
Orlando, FL 32812



QR Code For Mobile Phone



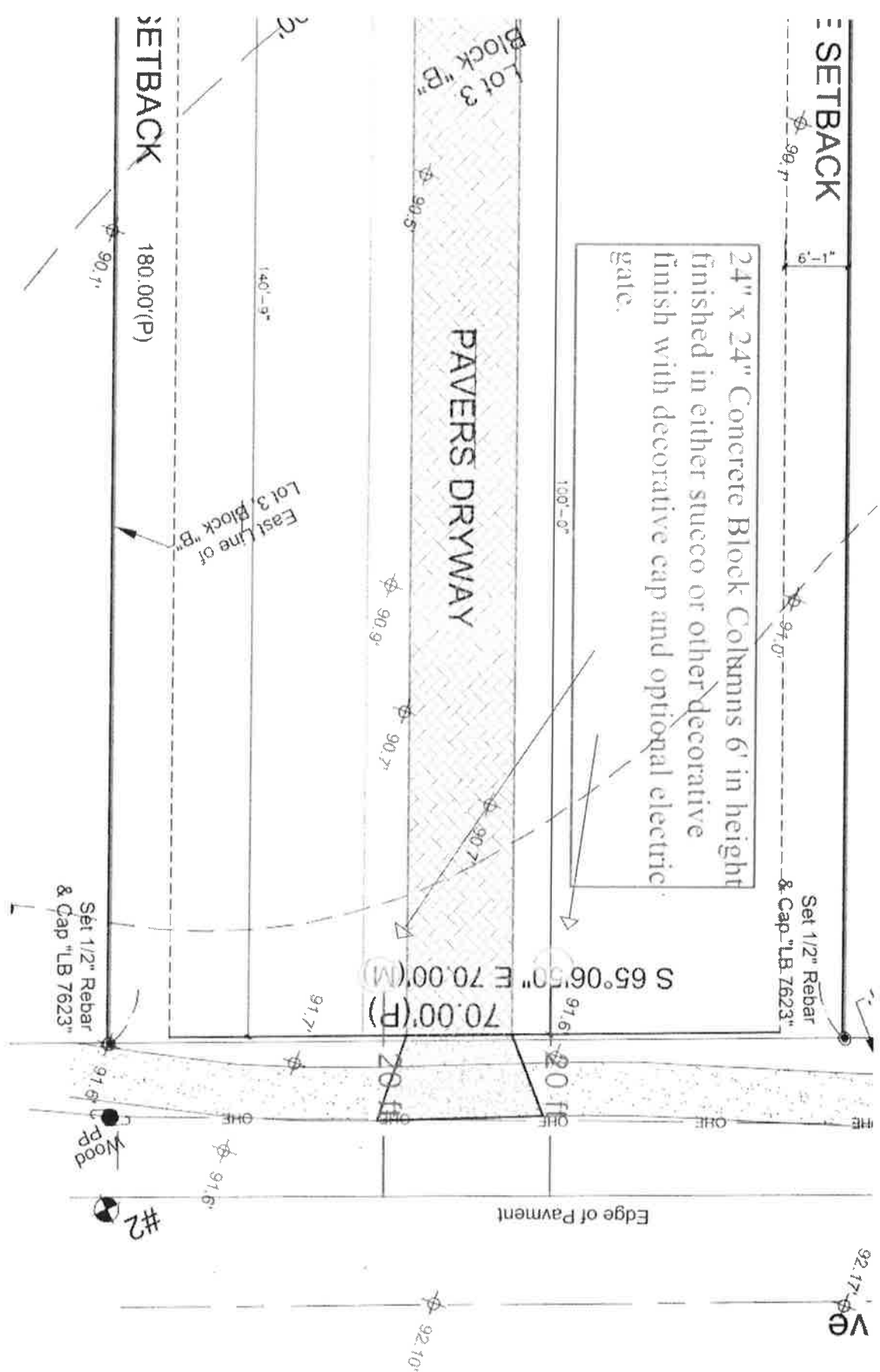
Value and Taxes

Historical Value and Tax Benefits

| Tax Year Values | | Land | Building(s) | Feature(s) | Market Value | Assessed Value |
|-----------------|---|-----------|-------------|-------------------------|--------------|------------------------|
| 2020 | <input checked="" type="checkbox"/> MKT | \$425,000 | + \$0 | + \$0 = \$425,000 (12%) | | \$418,000 (10%) |
| 2019 | <input checked="" type="checkbox"/> MKT | \$380,000 | + \$0 | + \$0 = \$380,000 (0%) | | \$380,000 (0%) |
| 2018 | <input checked="" type="checkbox"/> MKT | \$380,000 | + \$0 | + \$0 = \$380,000 (0%) | | \$380,000 (0%) |
| 2017 | <input checked="" type="checkbox"/> MKT | \$380,000 | + \$0 | + \$0 = \$380,000 | | \$380,000 |







April 16, 2021

Variance Application: 6820 Seminole Drive

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, 6806 SEMINOLE LLC, AT 6820 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-040.

Existing Zoning/Use: R-1-AA/ single-family home

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow decorative columns and an optional gate in the front yard of the property.

Security and safety are a concern due to trespassing and other criminal activity that has taken place on adjacent property. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

Staff Recommendation

Based on the applicant's identification that security and safety are concerns, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

ITEM 4(d)
MEMORANDUM

TO: Planning and Zoning Board

DATE: April 27, 2021

Public Hearing Case #2021-04-003- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.

Background:

1. On April 1, 2021, the applicant, Chris Comins, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, March 13, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on April 15, 2021.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), Sec 50-102 (b) (16) and Sec 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), Sec 50-102 (b) (16) and Sec 42-64**, the justifying criteria of the Belle Isle Land Development Code, **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of, Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] **having NOT been met; [may be used in addition to above or alone]** **TO DENY** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 3-31-21

P&Z CASE #: 2021-04-003

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: _____

APPLICANT: Chris Comins

OWNER: _____

ADDRESS: 6820 Seminole

PHONE: _____

PARCEL TAX ID #: 29 23 30 4389 0 2 040

LAND USE CLASSIFICATION: RT ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: Request to add decorative

columns on driveway with an option to

install an automatic gate,

Balance of frontage on Sem Drive to be Hedges

SECTION OF CODE VARIANCE REQUESTED ON: _____

The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.

By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.

Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.

Chris Comins

APPLICANT'S SIGNATURE

Chris Comins

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

4/1/2021
Date Paid

1505
Check/Cash

Hhp
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

March 8th, 2021

~~6822~~ Seminole Variance Request:

6880

Special conditions: Given the high traffic volume on Seminole Drive there is a constant amount of foot and automotive traffic moving through the area. We have seen some criminal activity including multiple instances of trespassing and theft, and an incident that occurred at 6810 Seminole which involved a number of charges (drug charges, lewd behavior in front of a minor, trespassing, etc) against a person arrested and removed from that property. This is clearly an ongoing concern for everyone in the area, specifically speaking to the owners of lots 1 – 5 all share this concern and would like to mitigate any exposure. In a lower traffic area this would presumably be less of a concern.

Not Self Created: Other than choosing to live on Seminole Drive these issues are out of our control.

Minimum Possible Variance: We have considered creating a barrier by use of landscaping but do not believe this is much of a deterrent without the ability to place a gate at the driveway which many other homes on Seminole drive already have. A combination of landscaping or a fence and a gate would provide enough of a deterrent to likely limit any criminal trespassing and / or criminal activity.

Purpose and Intent: Installing columns and an automatic gate will have no effect on neighboring properties whatsoever. If approved it is the intent of lots 1 – 5 on Seminole drive to install the same type of improvements which would create a nice uniform look along Seminole Drive. There are already a number of homes on Seminole who have gates on their driveway and either front yard gates or landscape barriers combined with automatic gates. There will be zero impact to pedestrian safety or traffic control.

Construction: Columns would be placed at the edges of the driveway behind the sidewalk as to not impede any traffic if a gate is installed. Columns would be construction with concrete block and finished in either stucco or some type of decorative façade. Electric will be run to the columns to provide ability to install an automatic gate and potentially add some lighting to the columns. Columns would not exceed six feet in height to remain within standards for privacy fencing.

Property Record - 29-23-30-4389-02-040

Orange County Property Appraiser •
<http://www.ocpafl.org>

Property Summary as of 04/01/2021

Property Name

6820 Seminole Dr

Names

6806 Seminole LLC

Municipality

BI - Belle Isle

Property Use

0030 - Vacant Water

Mailing Address

6413 Pinecastle Blvd Ste 3
 Orlando, FL 32809-6694

Physical Address

6820 Seminole Dr
 Orlando, FL 32812



QR Code For Mobile Phone



6820 SEMINOLE DR, BELLE ISLE, FL 32812 1/15/2021 11:54 AM



6820 SEMINOLE DR 09/04/2013



302329438902040 09/04/2013



302329438902040 09/29/2006





Plot Plan

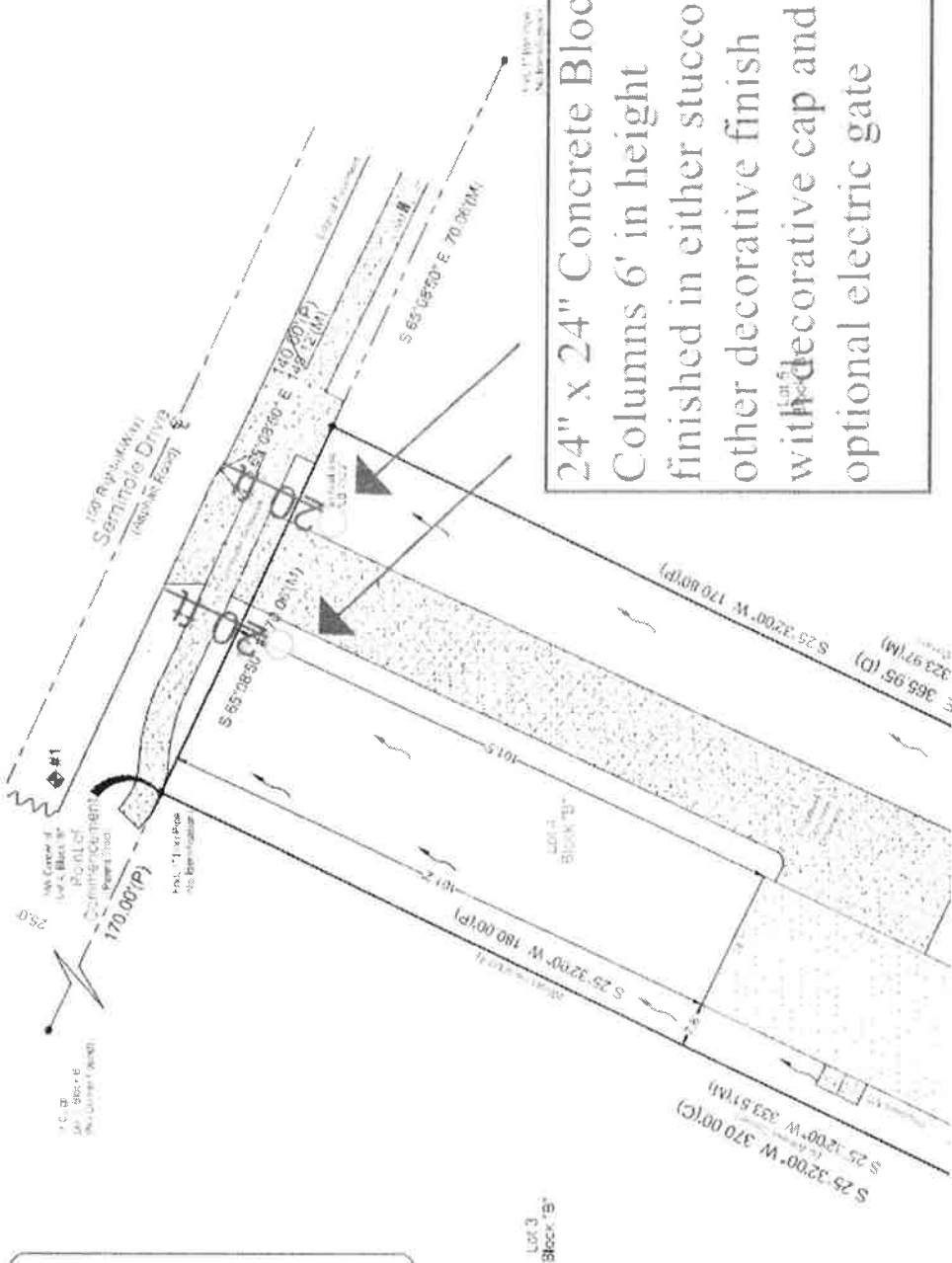
Legal Description:

Lot 4, Block B, Lake Conway Park, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO

Beginning from the Southwest corner of said Lot 4, thence South 25°32' West 190.0 feet along the prolongation of the West line of said Lot 4 to Lake Conway, thence South 68°27'11" East 70.72 feet along Lake Conway to the prolongation of the East line of said Lot 4; thence N 25°32' E 195.15 feet to the Southeast corner of said Lot 4; thence N 72°36'58" W 73.77 feet along the South line of said Lot 4 to the POINT OF BEGINNING.

FIELD NOTES: A SEARCH WITH THE LOCAL ENGINEERING MUNICIPALITY OF ORANGE COUNTY, FLORIDA, REVEALS THAT THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE. THE PROPERTY WAS FOUND IN CITY OF BELLE HUE, COMPARISON NUMBER 1261.

CERTIFIED TO:
BRC BUILDERS, LLC



April 16, 2021

Variance Application: 6822 Seminole Drive

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, STEVEN KNEIPP, AT 6822 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-050.

Existing Zoning/Use: R-1-AA/ single-family home

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow decorative columns and an optional gate in the front yard of the property.

Security and safety are a concern due to trespassing and other criminal activity that has taken place on adjacent property. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

Staff Recommendation

Based on the applicant's identification that security and safety are concerns, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

ITEM 4(e)
MEMORANDUM

TO: Planning and Zoning Board

DATE: April 27, 2021

Public Hearing Case #2021-04-004- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050.

Background:

1. On April 1, 2021, the applicant, Steven Kneipp, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, March 13, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on April 15, 2021.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), Sec 50-102 (b) (16) and Sec 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), Sec 50-102 (b) (16) and Sec 42-64**, the justifying criteria of the Belle Isle Land Development Code, **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of, Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] **having NOT been met; [may be used in addition to above or alone] TO DENY** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

City of Belle Isle
1600 Nela Avenue Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-851-7730

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 2.17.21 P&Z CASE #: 2021-04-004
☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: _____
APPLICANT: STEVEN KNEIPP OWNER: STEVE KNEIPP
ADDRESS: 6822 SEMINOLE DR 6822 SEMINOLE
BELLE ISLE 32812 32812
PHONE: 407 434 9476

PARCEL TAX ID #: 29-23-30-4389-02-050

LAND USE CLASSIFICATION: R1 ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: REQUEST TO ADD DECORATIVE COLUMNS
ON DRIVEWAY WITH AN OPTION TO INSTALL AN AUTOMATIC
GATE. BALANCE OF FRONTAGE ON SEMINOLE DRIVE TO BE
FILLED IN WITH HEDGES

SECTION OF CODE VARIANCE REQUESTED ON: _____

The applicant hereby states that the property for which this hearing is requested has not been used for the purpose requested in the application within the past year prior to the filing of the application. Further that the requested use does not violate any deed restrictions on the property.

By submitting the application, I authorize City of Belle Isle employees and members of the Planning and Zoning Board to inspect the area of my property to which the application applies, during reasonable hours.

Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of the application. At least one (1) photograph of the front of the property and at least two photographs (from different angles) of the area of the property to which the application applies.

APPLICANT'S SIGNATURE: _____ OWNER'S SIGNATURE: _____
FOR OFFICE USE ONLY: FEE: \$150.00 4/1/2021 ck# Hlep
Date Paid Check/Cash Rec'd

Determination: _____

Appealed to City Council: ☐ Yes ☒ No Council Action: _____

Property Record - 29-23-30-4389-02-050

Orange County Property Appraiser • <http://www.ocpafl.org>

Property Summary as of 03/31/2021

Property Name

6822 Seminole Dr

Names

Kneipp Steven
Taylor Cory L

Municipality

BI - Belle Isle

Property Use

0130 - Sft - Lake Front

Mailing Address

2875 S Orange Ave Ste 500-2810
Orlando, FL 32806-5455

Physical Address

6822 Seminole Dr
Orlando, FL 32812



QR Code For Mobile Phone



6822 SEMINOLE DR BELLE ISLE, FL 32812 11/5/2021 11:54 AM



6822 SEMINOLE DR, ORLANDO, FL 32812 10/16/2019 3:34 PM

March 8th, 2021

6822 Seminole Variance Request:

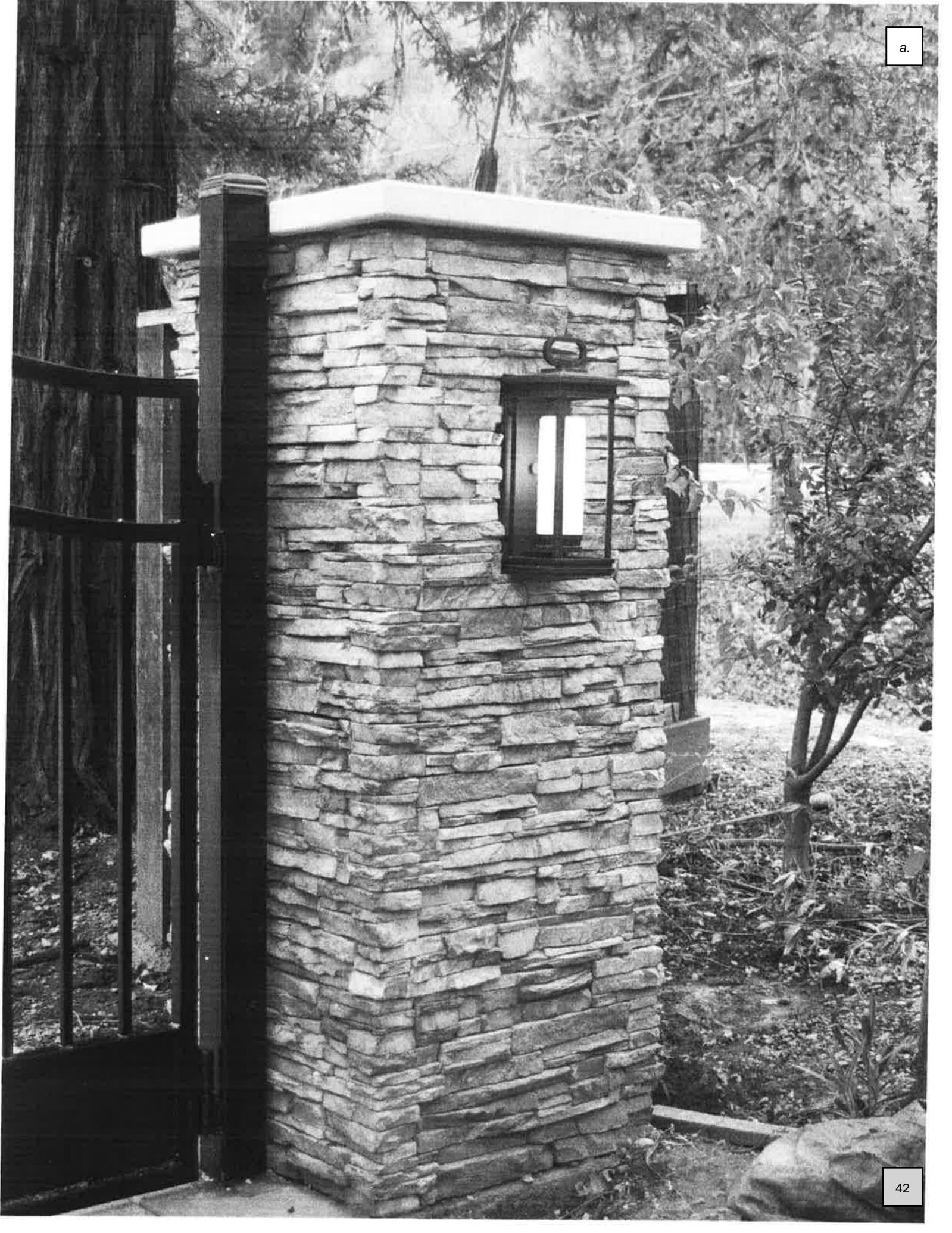
Special conditions: Given the high traffic volume on Seminole Drive there is a constant amount of foot and automotive traffic moving through the area. We have seen some criminal activity including multiple instances of trespassing and theft, and an incident that occurred at 6810 Seminole which involved a number of charges (drug charges, lewd behavior in front of a minor, trespassing, etc) against a person arrested and removed from that property. This is clearly an ongoing concern for everyone in the area, specifically speaking to the owners of lots 1 – 5 all share this concern and would like to mitigate any exposure. In a lower traffic area this would presumably be less of a concern.

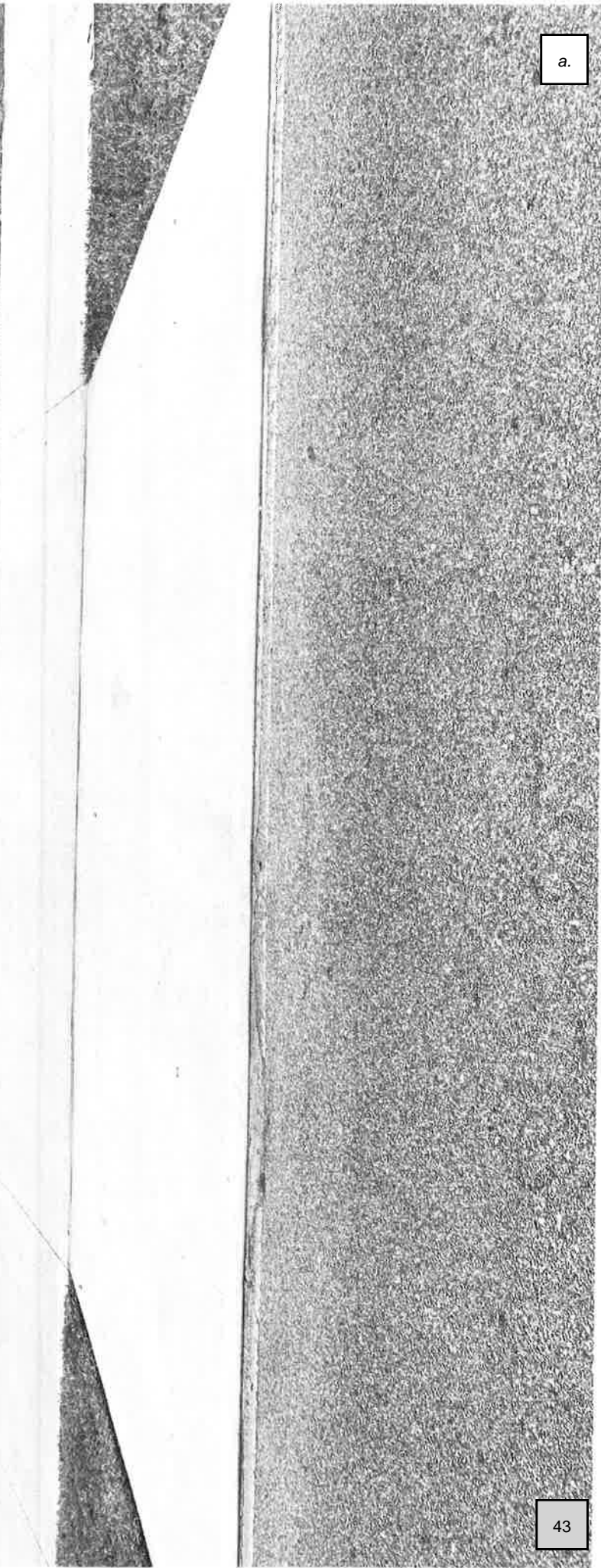
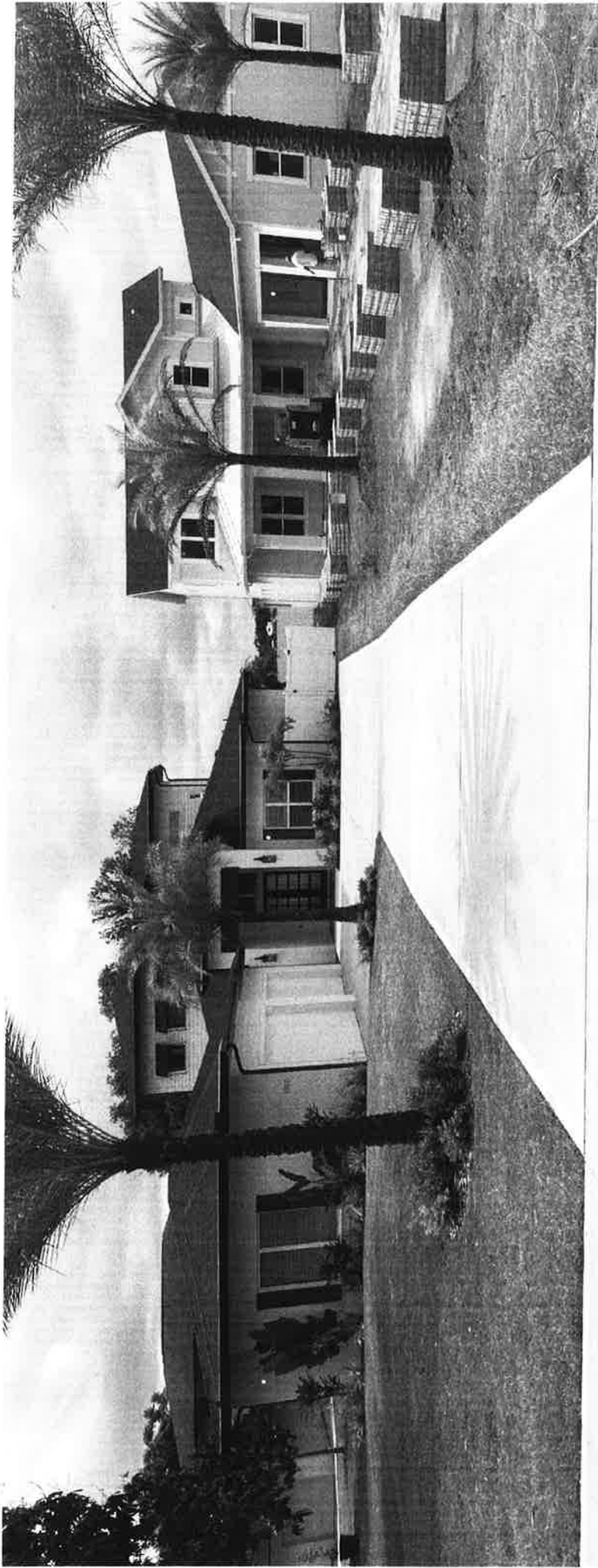
Not Self Created: Other than choosing to live on Seminole Drive these issues are out of our control.

Minimum Possible Variance: We have considered creating a barrier by use of landscaping but do not believe this is much of a deterrent without the ability to place a gate at the driveway which many other homes on Seminole drive already have. A combination of landscaping or a fence and a gate would provide enough of a deterrent to likely limit any criminal trespassing and / or criminal activity.

Purpose and Intent: Installing columns and an automatic gate will have no effect on neighboring properties whatsoever. If approved it is the intent of lots 1 – 5 on Seminole drive to install the same type of improvements which would create a nice uniform look along Seminole Drive. There are already a number of homes on Seminole who have gates on their driveway and either front yard gates or landscape barriers combined with automatic gates. There will be zero impact to pedestrian safety or traffic control.

Construction: Columns would be placed at the edges of the driveway behind the sidewalk as to not impede any traffic if a gate is installed. Columns would be construction with concrete block and finished in either stucco or some type of decorative façade. Electric will be run to the columns to provide ability to install an automatic gate and potentially add some lighting to the columns. Columns would not exceed six feet in height to remain within standards for privacy fencing.





a.



May 11th, 2021

6822 Seminole Drive – P&Z Board Appeal

Notice of Appeal:

Please consider this a formal appeal of the decision made by the planning and zoning board on April 27th, 2021. The board made a recommendation to grant our request for decorative columns with gates. However, the board also added an arbitrary requirement that the columns be set back 20 feet from the right of way (as opposed to the road), and we are appealing that portion of the board's decision for the following reasons.

1. No Traffic Impediment. A 20-foot setback from the road is more than sufficient to alleviate any traffic concerns. This is more than enough room for any vehicles to clear Seminole Drive when they turn into the driveway. A requirement from the right of way would set the columns back at a minimum of 31 feet off of the edge of the road, which is excessive and unnecessary.
2. Tree Hardship. The requirement of a 20-foot setback from the right of way would require the removal of a \$2,500 palm tree which is unlikely to survive a replanting according to an arborist who examined the tree. Requiring the removal of this tree seems to go against the spirit of the city's code, which promotes keeping as much green space and as many trees as possible.
3. Selective Enforcement. Many other homes on Seminole Drive and in Belle Isle have columns and gates right on the edge of the sidewalk, including some that were approved in the past couple of years. It is unprecedented and unreasonable to place a new requirement on our lot when no other existing homes have this burden. We are not asking to have columns right on the edge of the sidewalk like other homes on Seminole Drive. In fact, the 20-foot setback that we have requested is more than reasonable considering the columns that the board has approved in past years, and there is nothing in the city code that supports the board's arbitrary requirement of a specific setback from the right of way.
4. Aesthetics. Columns set back 31' from the edge of Seminole Drive would look unusual and architecturally unappealing.

For those reasons we request that the board revise its approval to remove the requirement of the 20-foot setback from the right of way and approve our application as originally submitted.

Regards,

Steve & Cory Kneipp



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: June 1, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Lobbyist Presentation (Discussion of priorities)

Background: The City Council gave approval to develop and advertise a Request For Qualifications (RFQ) to solicit proposals from lobbyist firms. The Council accepted the proposal of Gray Robinsons. The Lobbyist is to assist the City in preparing its annual legislative priorities and plan; advise, counsel, and represent the City in legislative matters; further the City's legislative priorities and may be called upon to pursue funding for municipal projects at the county, state and federal levels of government.

There are several areas that are of importance such as lake issues and control of the lake, the use of technology to conduct meetings, and those issues currently at the state level that erode Home Rule (Short Term Rentals, Business Licenses, permitting).

There is also the need to look at what federal programs the City can take advantage of such as American Rescue Plan Act and grant funding at the federal level for other large projects. With federal funding being extremely competitive and limited in availability, the lobbyist can assist in identifying federal grant programs that we might be eligible for.

Staff Recommendation: Discuss 2021-2022 priorities. Remember – the City directs the lobbyist on what they believe is the priorities for next year. Without knowing what is important to the City, the lobbyist will not be effective.

Suggested Motion: **None, but a consensus on what priorities the Council wants to move forward.**

Alternatives: None

Fiscal Impact: As discussed

Attachments: None but Council should bring their list of priorities that they want the lobbyist to work on.



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Held in City Hall Chambers, 1600 Nela Ave, Belle Isle, FL

**May 4, 2021
MINUTES**

Present was:

Nicholas Fouraker, Mayor
District 1 Commissioner – Ed Gold
District 2 Commissioner – Anthony Carugno
District 3 Commissioner – Karl Shuck
District 4 Commissioner – Mike Sims
District 5 Commissioner – Rick Miller
District 6 Commissioner – Jim Partin
District 7 Commissioner – Sue Nielsen

Absent was:

1. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:30 pm, and the City Clerk confirmed quorum. Also present were Attorney Ardaman, City Manager Francis, Chief Houston, and City Clerk Quiceno.

Mayor Fouraker welcomed City of Edgewood Mayor John Dowless.

2. Invocation and Pledge to Flag

Comm Nielsen gave the invocation and led the Pledge to the Flag.

3. Approval of Resolution 21-07

- a. Resolution 20-07 - A Resolution by the City Council of the City of Belle Isle supporting the City of Edgewood, Florida for the realignment of the Orange Avenue, Gatlin Avenue Intersection and providing for conflict and providing for an effective date.

Mayor Dowless spoke briefly on the project and thanked the Council and Mayor for their support of the realignment of Holden and Gaitlan.

Comm Gold motioned to approve Resolution 21-07 as presented.

Comm Carugno seconded the motion, which passed unanimously 7:0 upon approval.

4. Appointment of Vice Mayor

- a. Appointment of Vice Mayor - Code Section 4.03

Mayor Fouraker opened for Council discussion and nomination for Vice Mayor.

After discussion, Commissioner Nielsen moved and nominated Jim Partin.

Comm Carugno seconded the motion, which passed unanimously 7:0 upon roll call.

- 5. **Citizen's Comments - Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow "Request to Speak" form located by the door.** After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff, or audience. Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes. Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. Thank you.

Mayor Fouraker said he would like to re-arrange some of the agenda items to allow some time for the City Manager to arrive and asked for a motion to approve.

Comm Carugno moved for approval to reorder agenda items as necessary.

Comm Gold seconded the motion, which passed unanimously 7:0 upon roll call.

6. Consent Items - These items are considered routine and have been previously discussed by the Council. They will be adopted by one motion unless a Council member requests before the vote on the motion to have an item removed from the consent agenda and considered separately. If any item were removed from the Consent Agenda, it would be considered immediately following approval of the remainder of the Consent Agenda.

- a. Approval of April 20, 2021, City Council minutes
- b. Proclamation: Declaring May 2021 Neurofibromatosis (NF) Awareness Month
- c. Proclamation: Celebrating Dottie Wood's 100th Birthday

Mayor Fouraker read for the record the Proclamation: Celebrating Dottie Wood's 100th Birthday.

Mayor Fouraker read for the record the Proclamation: Declaring May 2021 Neurofibromatosis (NF) Awareness Month.

Comm Shuck moved to approve the Consent Items as presented.

Comm Gold seconded the motion, which passed unanimously 7:0

Comm Carugno asked for clarification from the City Attorney regarding his vote at the last Council meeting and asked if the votes established at that meeting need to be retaken. Attorney Ardaman said the votes taken by the Council regardless of his vote would have the same result. There will be no need to adjust the minutes because they are written in the minutes as they occurred.

7. New Business

- a. Appointment of P&Z Member - District 3

Comm Shuck moved to appoint Michael Stratham for the District 3 – Planning & Zoning Board.

Comm Nielsen seconded the motion, which passed unanimously 7:0 upon roll call.

- b. Prepare for Redistricting (City Charter Section 6.06)

Attorney Ardaman spoke on the redistricting process. He said the Charter (Sec 6.06) provides for official certification of the census and Federal and State law. He reiterated the following as outlined in the memo dated May 4, 2021, from the City Manager as follows,

1. The City Council shall redraw district boundaries from the seven districts,
 2. The City Council shall appoint eight-city electors creating redistricting Committee,
 3. The time frame for submittal for Council approval will be 120 days from the committee appointment. The districting Committee shall provide a report containing an official designation plan for adjustment of district boundaries if any,
 4. The Council shall adopt the recommendation 90 days before the next regular city election. If the Council fails to do so, the report of the redistricting Committee shall go into effect as an ordinance. The next City election is scheduled for March 8, 2022.
5. Adjustment of the council district boundaries are to comply with these specifications:
 - Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets whenever possible.
 - The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.
 6. Additional District boundary criteria may include:
 - District boundaries may also follow visible natural and man-made features, not necessarily street lines and City boundary lines, whenever possible.
 - District boundaries will respect communities of interest to the extent practicable. A community of interest is defined as a geographic area comprised of residents who share similar interests, including, but not limited to, social, cultural, ethnic, geographic, or economic interests, or formal government or quasi-governmental relationships, but not including relationships with political parties, incumbents, or candidates.

- District boundaries will be drawn without regard for advantage or disadvantage to incumbents or challengers.
 - District boundaries will be drawn without regard for advantage or disadvantage to any political party.
7. In 2010, the City of Belle Isle annexed Brighton Park, Royal Palm Condos, and Belle Vista; therefore, it may be necessary to adjust the District Boundaries.

Attorney Ardaman said staff recommends direction and Council approval to post for members to the Redistricting Committee as soon as possible. The positions are public figures and shall follow the Sunshine Law requirements.

Comm Gold asked if a sitting Commissioner's districting lines fall outside of the new district, will they still be able to serve in their current capacity and retain their Commission. Attorney Ardaman said he would need to research the question further; however, he believes they will still finish their term outside the district not to disenfranchise the voters.

Comm Nielsen moved to direct the staff to advertise for Redistricting Commission Members.

Comm Gold seconded the motion, which passed unanimously 7:0

Comm Sims moved to discuss items c-e when the City Manager is present.

- c. Discuss City Hall Reopening
- d. RFP for Continuing Services Contract for Pipe Lining
- e. RFP for Continuing Services Contract for Drainage

The motion was not seconded but taken as a directive.

City Manager Francis joined the meeting.

8. Public Hearing

a. Public Hearing - Appeal of Wallace Field Site Plan

Mayor Fouraker stated that this is a De Novo Hearing, and the appellant will provide testimony for their request for appeal.

City Manager Francis said the Zoning Commission approved the site plan with seven conditions that are now being appealed by residents who surround Wallace Field. He asked Council to declare any ex-parte communication for the record.

Attorney Ardaman said the Council members should identify any communication re: the Public Hearing before the start of the quasi-judicial hearing.

Mayor Fouraker disclosed that Gary Meloon contacted him before he was leaving on vacation. He stated that he did not respond to his requests due to extenuating circumstances and apologized for not responding.

Comm Carugno disclosed that he was contacted and met with the following

- Families: Meloon, Maull, Altice, McCrae, Koonce, and Mike Stuart. The extent of the discussion was to hear their concerns on the Wallace project.
- He also received an email from John Evertsen, who asked if he was against the project. Comm Carugno responded and said he does not have an opinion and will decide after the public hearing.
- Contacted by Michael Jennings and Alexander Muszynski.

Comm Gold disclosed that he spoke with Gary Meloon and shared an email he sent to John Evertsen asking for his opinion. He summarized all the facts of the case. Mr. Evertsen rebuttal the email, and he didn't respond. Mr. Evertsen asked that Comm Gold recuse himself from the vote. Comm Gold stated that he did not have to recuse himself because there is no financial interest or legitimate justification. He also was contacted by Michael Jennings and Alexander Muszynski. **Comm Gold further stated that he had the same exparte contact as discussed by Comm Carugno and Comm Partin.**

Comm Shuck disclosed that he received four emails expressing their support from Michael Jennings, Charlyne Cross, Alexa Dowlen, and Alexander Muszynski.

Comm Sims disclosed that he spoke with Gary Meloon, who expressed his concerns with the project. He talked to Mike Jennings, who shared that he is in favor of the project. He also received emails from Charlyne Cross.

Comm Miller disclosed that he spoke with Gary Meloon, who shared his concern with the project. He said with Michael Jennings and received emails from Charlyne Cross and Alexander Muszynski. He responded to all that they document their information, and he will decide after the public hearing.

Comm Partin declared communications the Gary Meloon, who shared his concerns with the project. He received emails from Michael Jennings, Alexa Dowlen, Charlyne Cross, and Alexander Muszynski. He also read Facebook posts and saw many different opinions.

Comm Nielsen disclosed that she also received the emails as the other Commissioners and responded to them. She had conversations with Gary Meloon and decided not to meet with the group. She also spoke with Michael Jennings on both sides of the issue.

Mayor Fouraker opened the Public Hearing and applicant testimonies.

Jim McCrae residing at 1303 E Wallace Street, shared his concerns with the project. He gave a summary of the prior hearings with the P&Z Board and City Council. Mr. McCrae shared his objection with the proposed public building, parking, and AstroTurf on the field. He asked for a screen wall buffer or fence to protect the abutting properties.

Gary Meloon residing at 6101 Matchett Road, shared his concerns and stated that he is not against the school using the field. He opposed the proposed project and asked for careful consideration of the lake's environmental health, underground stormwater management control and use agreement (lighting and hours), and termination clause with CCA. He would like to have a deed recording to avoid future changes.

Ardis Meloon residing at 6101 Matchett Road, shared her concerns with the proposed site plan and the impact on the surrounding residents (water runoff, noise, trespassing/privacy, blocking driveways, CCA student safety/policing, and lighting intrusion).

Mayor Fouraker reported and said he has requested from CCA Board Mayor Brooks for consideration on installing a field goal net on the softball field to abate any fly balls into private property.

Hilary Maull residing at 1130 Wallace Street, shared her concerns on the site plan and proposed conditions. She expressed the need for a privacy wall on the north side of the property and stormwater drainage control plans approval before construction begins.

James Koonce residing at 1311 E Wallace Street, said he is pro-school. He shared his opposition to the proposed site plan, CCA use agreement, restrooms, drainage, and environmental health of the lake. He also was in favor of the build-out of a wall for the privacy of the neighboring residents.

Mayor Fouraker opened for public comment.

Kelly Rogers, residing at 2825 Montmart, spoke in favor of the proposed plan and the necessity of restrooms for the visitors to the field.

Holly Bobrowski residing at 2400 Hoffner Avenue, spoke in opposition to the site plan. She shared her concern with the primary use of the field by CCA and the AstroTurf.

Alexander Muszynski, residing at 1438 Belle Vista Drive, spoke in opposition to the proposed site plan, health of the lake, water management, and parking. He favors installing a wall for privacy and creating a deed to prevent changes in the future.

Charlyne Cross residing at 5260 Chiswick Circle, spoke in favor of the proposed site plan. She shared her concerns with the objections from neighbors and would like to see the project move forward. She said the Council needs to consider the petition with 427 signatures and make it a useable space.

Alexa Dowlen residing at 4306 Quando Drive, spoke in favor of the proposed site plan. She said of the 427 signatures in favor of the proposed plan. Ms. Dowlen stated that she made a public request for Orange County regarding the public restrooms at Warren Park and found only three incidents in 12 years. She believes the proposed bathrooms will not cause issues to the neighbors.

Michael Jennings spoke in favor of the proposed plan and asked the Council to do the will of all the people and not just the adjacent neighbors. The park is not usable in its current state and does not work for all citizens.

David Evertsen residing at 5131 St Michael, spoke in favor of the proposed site plan. He shared his concerns with the appeal specifically, with the drainage and the AstroTurf. He would like to see a safe playing area and event space for all residents and asked for approval of the site plan.

City Manager Francis said he also called Orange County and was relayed the same information on the public restrooms at Warren Park. He noted that the City recommended the bathroom and the parking because it is necessary to accommodate all visitors to the field.

Mr. Francis spoke on the drainage issue. He said, before the site plan approval, the Lake Conway lake study was not completed. There is water drained from other areas running through to the same basin. The outlet at the end of Wallace drains approximately 35 acres of non-pervious surface up on Orange Avenue. One of the NAV Board Lake study issues was to place a large baffle Box with filtration. Before the Lake Study results, he had submitted a plan to St John's Water Management to install an underground vault to capture stormwater and reuse it on Wallace field, similar to the Lake study recommendations. It is a water harvesting system that will take about 18-months to complete. This project is now getting noticed and may move forward partnering with Orange County NAV Board and St. Johns Water Management District. In the interim, the City can start to build out parts of the field that will not interfere with the drainage project, including leveling of the field and laid down sod.

As far as the residents' privacy, he recommends moving the current fence forward to protect the private driveway. At the homeowner's expense, the residents may want to electrify the fence with an automatic gate and protect the private roads.

He would like to ask the resident to consider allowing visitor parking in the right-of-way until the final site plan is finalized. The City will monitor the flow, and if it gets out of control, the City will place no parking signs. He will also contact the church and the private property owner behind the old maintenance building to see if we can use it as a parking area.

Mr. Francis suggested creating a Committee consisting of two members from each group (CCA, Council, and Community). The Committee will review the site plan and provide updates to the CCA Board, the Council, and the residents to allow for open and up-to-date communication.

Mayor Fouraker reported and encouraged resident participation at the next NAV Board meeting on May 11 at 6:30 pm at 3165 McCrory Place – Suite 200, Orlando, FL.

Brian Leahy representing CCA Facilities Department, said in response to some of the discussion the artificial turf installation would take approximately 90-110 days. Hopefully, the installation of the turf would be completed before school starts in August.

Comm Nielsen asked if the artificial turf is impervious. Mr. Leahy said yes, and it will go through the filtration system when draining. She would like to move forward with the process as discussed by the City Manager and would want Council to consider installing the privacy wall. City Manager Francis said if her recommendation is to have the City pay for the wall, it must be added to the site plan.

Comm Carugno moved to extend the meeting to 9:30 pm.

Comm Partin seconded the motion, which passed unanimously 7:0

Comm Partin asked if the seven items listed in the P&Z Board packet were included in the site plan. Mr. Francis said yes. Comm Partin asked if the City can provide some protection to the neighboring residents with a memo of understanding, including the seven conditions and installation of a tall hedge along the north side.

Attorney Ardaman said this is a City application. The Council can choose to modify the Site Plan as discussed.

Comm Miller asked if the baffle box has to be installed on Wallace Field. Mr. Francis said until the engineers finalize their report, he does not know of any other location to capture the water for irrigation.

Comm Miller believes the concept of a wall can create a complex issue and a safety concern. The park is an asset of the community and should not be dictated by a few.

Comm Sims shared his concerns and said what is needed to make this area useful for the entire City is restrooms, parking, and a quality surface with no holes and pivots. This area may be similar to Wallace Park, and he does not feel that Wallace Park has hurt their property values. He would like to support the site plan with the seven conditions and deny the appeal.

Comm Shuck asked if Council makes any changes to the site plan will it go back to the P&ZX Board for approval. Attorney Ardaman said no because this is a De Novo meeting.

Comm Shuck asked with the Astroturf in the middle of the field; he does not know how it can cause a drainage problem. He further noted that he is not in favor of the City paying for a brick wall and should be at the homeowner's expense.

Comm Gold said the common theme tonight is that goalposts keep moving. He gave a summary of the events that led to the open space designation. He asked if there was anything that Council can do to prevent future changes to the property. Attorney Ardaman said it is up to the City Council to consider the zoning and site plan. There are ways to avoid future restrictions with an HOA or Developer agreement; however, given the current posture of this application and appeal, it is not part of the appeal.

Comm Gold said he would like to add safeguards for the neighboring residents to the site plan before approval

Mayor Fouraker said this had been a very conservative and lengthy process. He said he would like to see Council place a deed restriction on the park's lighting in response to some of the neighboring resident concerns.

Comm Carugno shared his concerns and proposed creating,

- a 10-person committee consisting of 2-residents from Wallace Street, 2-CCA members, 2-Commissioners, and 4-residents)
- condemnation of the empty church property to the south to accommodate the bathrooms
- CCA should provide a solution for a wall or hedge with the neighboring residents

Comm Carugno further added that he is opposed to the installation of the Astroturf.

Comm Carugno moved to postpone development on the park until the City Manager can have the drainage systems engineered, re-sod the park, and create a 10-member Committee to develop the future site plan.

Comm Gold seconded the motion for discussion.

Comm Gold said he would like to see the site plan to include the protections on light and sound pollutions and trespass.

Discussion ensued.

After discussion, the motion failed 2:5 with Comm Carugno and Comm Gold, aye.

Comm Partin moved to extend the meeting to 9:45 pm.

Comm Gold seconded the motion, which passed 6:1 with Comm Carugno, nay.

Comm Sims moved to approve the Wallace Field site plan with the P&Z conditions and deny the appeal.

Comm Miller seconded the motion for discussion.

Comm Partin said he would like to see the following protections in the motion to include,

1. Include an 8ft min hedge placement on the north/east side behind the neighboring homes
2. Deed restriction lighting
3. Turf installation postponed allowing the City time to address the drainage issues with Orange County NAV and St Johns Water Management. Attorney Ardaman said this last condition could cause a considerable delay in the project.

Attorney Ardaman recommended amending the condition to read,

- a. Include an 8ft min hedge placement on the north/east side to the adjacent property owners
- b. Deed restriction lighting
- c. No artificial turf. Installation of grass turf subject to review and approval by the Council at a later time.

Comm Partin asked if Comm Sims will amend his motion to include,

- a. Include an 8ft min hedge placement on the north/east side to the adjacent property owners
- b. Deed restriction lighting
- c. Denial of the appeal

The motion passed 6:1 with Comm Carugno, nay.

8. Unfinished Business – No report.

10. Attorney's Report – No report.

11. City Manager's Report

City Hall Reopening

City Hall will reopen its doors at the close of this meeting. City Hall will require a mask and social distance when visiting City Hall until the Council decides it is unnecessary.

Support of Orange County Ordinance re: Use of Puppy Mills

Orange County will have a meeting on May 11 to request a Countywide ban on puppy mills and know if Council will support their efforts.

**Comm Nielsen moved to support Orange County in their support to ban Puppy Mills.
Comm Gold seconded the motion, which passed unanimously 7:0.**

12. Mayor's Report – No report.

13. Items from Council – No report.

14. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn. The meeting adjourned at 9:41 pm.



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, May 18, 2021, * 6:30 pm

MINUTES

City Council Commissioners

Nicholas Fouraker, Mayor

Vice-Mayor District 6 Commissioner – Jim Partin

District 1 Commissioner – Ed Gold | District 2 Commissioner – Anthony Carugno | District 3 Commissioner – Karl Shuck

District 4 Commissioner – Mike Sims | District 5 Commissioner – Rick Miller | District 7 Commissioner – Sue Nielsen

Present was:

Nicholas Fouraker, Mayor

District 1 Commissioner – Ed Gold

District 2 Commissioner – Anthony Carugno

District 3 Commissioner – Karl Shuck

District 4 Commissioner – Mike Sims

District 5 Commissioner – Rick Miller

District 6 Commissioner – Jim Partin

District 7 Commissioner – Sue Nielsen

Absent was:

1. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:30 pm, and the City Clerk confirmed quorum.

Also present were Attorney Geller, City Manager Francis, Chief Houston, and City Clerk Quiceno.

2. Invocation and Pledge to Flag - Commissioner Ed Gold, District 1

Comm Gold gave the invocation and led the Pledge to the Flag.

3. Consent Items

- Approval of City Council May 4, 2021 minutes
- Proclamation Celebrating Arbor Day/Earth Day
- April Monthly Reports: Police Department and OC Fire

Comm Gold said he made several comments during the Council ex parte disclosure discussions during the May 4 meeting that is not written in the minutes. He said he would like the minutes to show that all the contacts stated by other Commissioners also contacted him. Attorney Geller said the minutes could be approved to include the amendment to the minutes as requested by Comm Gold.

Comm Gold moved to approve the Consent Items with the amendments to the minutes as noted.

Comm Miller seconded the motion, which passed unanimously 7:0 upon roll call.

4. Citizen's Comments –

- Ray Hurtin residing at 3701 Quando Circle, shared his concerns with the sand bar. Mr. Hurtin spoke about the unsafe activities on the weekends and said it had become an awful location. He said he lives a bit away from the Lake, and he can still hear the loud music. He would like the City to do something about the situation.

Mayor Fouraker read the Arbor Day proclamation for the record.

5. Unfinished Business

- RFP for Continuing Services Contract for Pipe Lining

City Manager Francis said much of the City's infrastructure comprises corrugated metal pipe with a life expectancy of 10-35 years. Instead of removing the pipe, the City used pipelining to repair instead of replacing the CMPs in danger of collapse. The challenge is that staff does not know when the pipes will collapse. Instead of fixing the pipes one at a time, Mr. Francis said he would like to move forward with a continuance service contract and RFP for a competitive bid. The RFP would allow for a better budgeting process and provide access to multiple contractors when needed.

Comm Miller asked if the City can piggyback off of an existing Orange County contract. Mr. Francis said Orange County's current contract does not allow for piggyback options.

Comm Miller also asked if there was a reason for the difference in insurance liability. Attorney Geller said after review he noticed that the insurance liability was low and recommended a revision to increase the insurance rate and make them equal. Attorney Geller said for clarification, the motion to approve the RFP can be subject to modifications by the City Attorney and approval by the City Manager.

Comm Miller said if scoring or contract substance has to be changed, it should come back to City Council for approval.

Comm Nielsen moved to approve the RFP for pipelining services and directed the City Manager to advertise the RFP. Comm Partin seconded the motion, which passed unanimously 7:0 upon roll call.

b. RFP for Continuing Services Contract for Basin Maintenance

City Manager Francis said the RFP is a continuing service contract to clean the 100+ storm basins throughout the City. The City does not have the equipment necessary to clean out the basins and will have to call a contractor as needed. This RFP would allow the staff to contract with several different companies. This contract will also assist with the City's hurricane preparation.

Mr. Francis said the County contract does not allow us to piggyback as an option.

Comm Shuck moved to approve the RFP for Basin Maintenance Cleaning Services. Comm Nielsen seconded the motion, which passed unanimously 7:0 upon roll call.

c. Approval of Bid for Council Chambers A/V Equipment

Mr. Francis said the City received two bids to upgrade to the Council Chambers audio/visual system. The RFP was sent to nine companies that attended the pre-bid meeting. Out of the nine companies, we received two bids for consideration. The staff and our IT consultant, and Ms. Jackson, who currently broadcast our meetings, reviewed the bids. Although there was one lower bid, we are asking that the proposal submitted by Diversified be accepted because they provided a little more service and equipment. One other item he addressed with the City Attorney is the mediation clause. They are saying that any legal action at all will be handled in the State of Georgia. The City will request the change to the contract to state that it stay in Orlando. If they are not in Agreement, then we can then take the next bidder.

Comm Gold asked, what are the benefits for such a high price tag. The complaint from the residents is that they can't hear us, and he can fix that for \$130.00 connecting the existing audio system to the iPad with an audio cord. Mr. Francis said Comm Gold had the opportunity before presenting the RFP. Discussion ensued.

Mayor Fouraker said he appreciates Comm Gold's commitment and values his effort in presenting other options. However, one of the reasons we moved forward with the RFP is to provide public accountability. Ms. Genevieve may need to go on vacation, and we will not be able to provide the audio/video service she provides. We owe the public a consistent performance in providing transparent meetings. The iPad does not have good video and doesn't afford us the needed technology. In addition, the Mayor made a random cross-reference on the equipment recommended by Diversified and found that they are providing discount savings. Mayor Fouraker asked if we are to move if the equipment is transferable. Mr. Francis said he was not sure but will ask the vendor.

Mr. Francis said one of the new system features is that it will be ADA compliant and a one-person operation. He also noted that this system is not only for City Council meetings but all Advisory Committee and Board meetings.

Comm Nielsen said the City had received a strong recommendation from our IT expert. We can't overstate the importance of making the process open to the Citizens. Comm Gold has had the opportunity to bring forward a different option and has not been able to. Contracting with a company is the better option because they will have the time and expertise to provide a good solution. Comm Shuck agreed with Comm Nielsen and said a new audio system might invite more citizen participation.

After discussion, Comm Nielsen moved to approve the RFP proposal from Diversified for \$59,563.62 to modernize the Council Audio Visual System. Comm Partin seconded the motion for discussion.

Comm Partin said the City needs a better system; however, the proposed plan cost is excessive.

Upon roll call, the motion passed 6:1 with Comm Gold, nay.

6. New Business

a. Discussion/Approval of New CCA Lease

Mr. Francis said the Budget Committee reviewed the draft lease. He noted that the CCA Board requested an additional clause to the Lease; if the City acquired any other property such as the Oasis building, it would be built into the Lease as the first right to rent.

The Budget Committee reviewed rent credit options based on the number of Belle Isle students enrolled at the beginning of the school year as a percentage of the total student enrollment. The Budget Committee discussed four tiers: 25%-15% rent credit, 28%-15% rent credit, 33+-33% rent credit max. Mr. Francis asked for a Council consensus to move forward.

Comm Nielsen discussed the following concerns,

- a. Clarification on "Fee" – should be Fee Simple.
- b. The Agreement states that there is a limit on the number of students enrolling as the lease date. That is not correct; when they became a high-achieving school, that limit rule no longer applies.
- c. Two options to lease additional space – Does the market base the lease rate (1) per student or (2) square feet.
- d. If the school stops operating for any reason, the Charter states that the school must return all items purchased with taxpayer dollars to Orange County Public Schools. Do the buildings/structures and any upgrades have to be returned to Orange County. Mayor Fouraker said no, based on conversations he had with Linda Colbert.
- e. What is PILOT? Mr. Francis said it stands for Payment In Lieu Of Taxes.
- f. Rent Adjustments – Comm Nielsen said she likes the first option; however, she is uncomfortable with the alternative. It waits too long before adjustments can be made on the rent based on the number of students. It appears that the Landlord won't consider additional rent for a long time, and we should consider an increase when the student count increases or every three/five years. Discussion ensued.
- g. Use of Maintenance – This section states premises are for elementary school and middle school purposes. This Section should include the High school. The Charter views the schools as K-8 and 9-12 and agreement should be amended as such.

Discussion ensued on Belle Isle student population breakdown.

Comm Miller said the Budget Committee recommended removing item (c) The Lease will terminate upon no bonds are outstanding. Mr. Francis agreed and said he would remove that item from the Lease.

Mayor Fouraker said based on the discussion topics of the rent base and other items. He recommends a workshop to review the Lease further. Mayor Fouraker provided an article for further information on Academica Charter School third-party landlord reimbursements. Discussion ensued.

Mayor Fouraker recommended adding the following to the Lease,

- a. School defaults if they do not accept Belle Isle nominated members
- b. Expand Board seats
- c. Expand terms of Commission
- d. Mechanism for accountability
- e. Site plan of new development and improvements

After discussion, Mayor Fouraker called a Special Called Session to discuss the CCA Lease on Friday, May 21, 2021, at 3:00 pm. He asked that the City Attorney be present.

b. Discussion on draft Ordinance to designate swim area

Mr. Francis said several places around the City (Swann, Delia, Cross Lake, Labelle, and Peninsular) allow swimming. There are instances where boats pass to drop off and pick up passengers while people are swimming. In speaking with FWC, they said as long as the City doesn't consider the entire shoreline as a swim-only area, the City can pass an ordinance that does not have to go before the FWC Commission. The City must apply for waterway markers (buoys and signage) to mark the designated areas' as motorized vessel exclusion zones. He clarified that this has nothing to do with eliminating wakes.

Comm Miller asked how far it will be around the shore and the sand bar. Mr. Francis said it would be the length of the parcel and 75ft out from the shore. As for the Sand bar, it will require Council discussion.

Mayor Fouraker opened for public comment.

- Ryan Holihan residing at 4114 Waterfront Parkway, Orlando, shared his concern about the swim area at the Sand Bar. He said the proposed swim area around the Sand bar would create a safety issue for young children having to swim to the sand bar because the boats are moored away from the sand bar. In addition, when boats moored in a half-moon situation, some inexperienced boaters do not know how to get in or out, creating a bigger problem.
- Al Muszynski residing at 1438 Belle Vista Drive, said he lives adjacent to Labelle Beach. During the summer months at Labelle Beach, there is an increase in traffic to and from the Sand Bar. He asked if the no swim only zone includes pets which a consistent problem is creating an unsafe privacy situation for the neighboring residents. Several boaters, primarily jet skiers, on the Lake after dark without their lights on at high speed.

Chief Houston said she is tasked with creating a summer plan for Lake Patrol. The proposed schedule is as follows,

- On-Duty Officer working 1 ½ hour after dusk Monday-Friday
- 10 am –10 pm Saturday and Sunday weather permitting - On-Duty Officer
- 12 pm -8 pm or 1 pm-9 pm Sunday – Request for additional NAV hours
- 12 pm -8 pm Saturday - On the Sand Bar with approved overtime allotment
- June 7-August 10 - School Resources Officer Re-assigned to Marine Patrol
- Effective May 30 - Thurs-Sun – Community Service Officer (Boats Ramps & Parks)

Chief Houston said the City is looking to purchase a third boat and have found a gently used pontoon boat for Marine patrol. They have found a rental for the summer to accommodate the new schedule.

In addition, she submitted to the City Manager a memo to the NAV Board to approve additional 200 NAV Board hours. The Officers have logged an estimate of 736 hours of on-duty time on the water. They wrote 204 boating citations in the last twelve months; all but 11 were issued to Jet Ski riders.

Chief Houston said if someone finds that the rules are not being followed and are a nuisance, they should contact the non-emergency number 407-836-8357. Chief Houston stated that if residents go on Facebook and choose not to call the non-emergency number, the Lake nuisance cannot be logged in and documented. FWC said if the City does not have any data recorded, the City cannot ask for additional services.

Mr. Holihan offered his pontoon boat from June-July to the Police Department if needed.

Comm Gold moved to accept Mr. Holihan's offer to lease his pontoon boat for \$1.00 for the months of June-July 2021. The City will write an agreement to include insurance requirements.

Comm Carugno seconded the motion, which passed unanimously 7:0.

- Mike Stuart residing at 1307 E Wallace Street said the issues at the sand bar have existed for several years. He said roping it off will create a bigger problem. It will not change the behaviors of the boaters but migrate elsewhere. He would like to see the City require a \$500 permit and valid registration to use the Lake rather than a swim-only area.
- Matthew Brannon, residing at 7219 Lake Drive, said the issues have existed for a long time. The jet skiers are causing many of the problems and should be addressed and heavily enforced. The City should focus on providing boater safety etiquette.

Discussion ensued on parking logistics for the area around the Randolph Boat ramp. City Manager Francis said it would be up to Council to direct staff to review. Council consensus was to not move forward at this time.

There being no further comments from the public, the Vice Mayor closed and opened for Council discussion.

Comm Nielsen said she would like to move the ordinance and support swim areas around the Lake before addressing the sand bar issues. She would like to get further input from the residents in the surrounding area.

Comm Carugno shared his concerns and said the City should keep everyone happy and not a selected few. Based on his input, a better solution at the sand bar is to have consistent enforcement on the Lake and Randolph ramp instead of a vessel exclusion area. He shared some of the safety concerns with prior events at the sand bar.

Comm Nielsen moved to direct the City staff to draft the Ordinance to Designate Swim Areas Only at 75ft from the shoreline and the length of the parcel and not include the Sand Bar to be read for First Reading at the June 1, 2021 meeting.

Comm Miller seconded the motion.

Comm Carugno shared his concern with the swim areas based on the safety issues the Swim Zones can create and not allowing access to visitors who do not live on the Lake.

The motion passed 5:2 with Comm Gold and Comm Carugno, nay upon roll call.

c. Discussion on draft Ordinance for Code Enforcement

City Manager Francis said the proposed ordinance looks to revise the code to allow the Code Enforcement Officer to enter a property to investigate a complaint. Currently, the City must first seek an inspection warrant signed by a judge showing good cause. The code is problematic for the City as many residents question why the Code Enforcement Officer doesn't go on the property.

Comm Carugno moved to read the Ordinance for First Reading at the June 1, 2021 meeting.

Comm Gold seconded the motion, which passed unanimously 7:0 upon roll call.

7. Attorney's Report - No report.

8. City Manager's Report

a. Issues Log

City Manager Francis gave an overview of the issues log dated May 18, 2021. Mr. Francis provided an updated calendar for the upcoming Budget dates. The two scheduled City Council meetings in September will be conducted as Budget hearings.

Mr. Francis reported that the bid for the AV Audio RFP would be submitted under the recovery act to see if it is eligible for recovery.

b. Chief's Report

Chief Houston reported on the following,

- Police Advisory Forum at City Hall is scheduled for May 19 at 6:00 pm.
- CCA requested an Off-Duty Officer for Summer School for a total of 15 days.
- The City has been awarded a \$10,000 grant for PD safety supplies and a new fence for the PD Admin building.
- The City will apply for COPS Hiring Grant for two additional officers.
- Apex Tree Service has been soliciting all over the City, and we have been received many complaints from residents – If anyone is aware of concerns, please call the Police Department.

c. Approval of new Tree Advisory Board member - Darcy Fritz

Mayor Fouraker presented Darcy Fritz for nomination to the Tree Advisory Board member.

Comm Carugno moved to accept the nomination of Darcy Fritz to the Tree Advisory Board.

Comm Partin seconded the motion, which passed unanimously 7:0 upon roll call.

9. Mayor's Report – No report.

10. Items from Council

Comm Miller said, at the Budget Committee meeting, there were discussions on continuing with Zoom meetings. Can the City pass an Ordinance or Resolution to continue using Zoom meetings and have members attend remotely? Mr. Francis said in speaking with the City Attorney he said once everything is lifted re COVID, the City must go back to quorum meetings. The City Attorney will have to provide an opinion in writing.

Comm Carugno thanked the PD for their continued efforts on the Lake. He further noted that he might have some volunteers for the redistricting committee.

11. Adjournment

There being no further business, the Mayor called for a motion to adjourn. The motion passed unanimously, and the meeting adjourned at 9:00 pm.

Office of the Mayor

CITY OF BELLE ISLE



Proclamation 100th BIRTHDAY CELEBRATION

WHEREAS, Mark Robinson celebrated his 100th birthday on April 21, 2021; and

WHEREAS, Mark and his wife Shirley were married on January 25, 1964, and moved into their newly built Belle Isle home in April 1964; they raised a son and a daughter there. They have four grandchildren, the youngest of whom is now in college; and

WHEREAS, Mark and Shirley celebrated Mark's birthday with a front yard gathering of friends and relatives, complete with balloons and cupcakes, on a picture-perfect Belle Isle Spring day; and

WHEREAS, As a young man and student at Princeton University, Mark, upon hearing the news of the bombing of Pearl Harbor on the radio, immediately got up, walked straight to the nearest Armed Forces Recruiter, and enlisted in the U.S. Navy; and

WHEREAS, He later completed his college education and for a year taught math at Columbia University. Mark retired from Martin Marietta, where he worked for many years; and

NOW, THEREFORE, I, Nicholas Fouraker, Mayor of the City of Belle Isle, do hereby proclaim April 21st as



Mark Robinson Day

in the City of Belle Isle as we are inspired by his long life and service to our country

Mayor Nicholas Fouraker

Attest: _____
Yolanda Quiceno, City Clerk



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: June 1, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance Amending Section 10-36 of the City of Belle Isle Code

Background: The City Council approved the language for changing Section 10-36 of the BIMC and directed the ordinance be read for the first time. The BIMC Section 10-36 states: (a) The enforcement officer shall have the right to enter upon private property for the purposes of inspecting for code violations as enumerated in sections 10-31(a), 10-31(b), 10-31(c) and 10-32, and for posting code violation notices.

This part of the code is problematic for the City as many residents question why the Code Enforcement Officer just doesn't go on the property where there is a code violation. This is outdated language and frequently is a source of frustration for the person reporting the violation and for the Code Enforcement Officer. In order for the Code Enforcement Officer to enter property to investigate a complaint, the City must first seek an inspection warrant signed by a judge. Good cause must be shown for the judge to sign a warrant.

The City Attorney's Office drafted the ordinance that follows the Florida Statutes

Staff Recommendation: Move the ordinance to a second reading and adoption

Suggested Motion: **I move that we move Ordinance #21-06 to a second reading and adoption at the June 15, 2021 meeting.**

Alternatives: None

Fiscal Impact: N/A

Attachments: Ordinance #21-06

ORDINANCE NO. 21-06

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA;
AMENDING § 10-36 OF ARTICLE II OF CHAPTER 10 OF THE
BELLE ISLE CITY CODE OF ORDINANCES PERTAINING TO
CONDITIONS PRECEDENT TO ENFORCEMENT OFFICER'S
ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION OR
COMPLIANCE PURPOSES; PROVIDING FOR SEVERABILITY,
CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF,
AND THE EFFECTIVE DATE OF THIS ORDINANCE.**

WHEREAS, § 10-36(a) of the City's Code of Ordinances ("Code") presently states that a code enforcement officer has the right to enter onto private property for the purposes of inspecting for code violations and posting notices; and

WHEREAS, the Florida Attorney General has opined that a local government code inspector is not authorized to enter onto any private, commercial, or residential property to assure compliance with or to enforce the various technical codes or to conduct any administrative inspections or searches without the consent of the owner or the operator or occupant of such premises, or without a duly issued search or administrative inspection warrant (see AGO 1984-34; 2002-27); and

WHEREAS, the City desires to amend the Code to better comply with applicable law; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELLE ISLE, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Section 10-36 of the City of Belle Isle Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars * * * * indicate breaks between sections and subsections and do not indicate changes to the City Code).

Sec. 10-36. - Right of entry.

- (a) The enforcement officer may ~~shall have the right to~~ enter upon private property for the purposes of inspecting for code violations as enumerated in sections 10-31(a), 10-31(b), 10-31(c), and 10-32, and for posting code violation notices. Any such inspection or entry will be performed in a lawful manner.
- (b) The enforcement officer shall have appropriate official documentation which identifies the officer as an agent of the city when entering upon private property for the purposes described herein.
- (c) With approval from the city manager, an inspection warrant may be sought from a court to allow a code enforcement officer to access private portions of a property when required by law.

SECTION 3. Codification. This Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of any such conflict, as permitted by law.

SECTION 6. Effective date. This ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2021

SECOND READING: _____, 2021

ADOPTED this ____ day of _____, 2021, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL
CITY OF BELLE ISLE

Nick Fouraker, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

Date
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**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: June 1, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 21-07 designating Swim Only areas

Background: The Council discussed and directed that the ordinance be drafted to designate several areas to designate as “swim only” areas. These areas will include those lake-side parks (Swann, Delia, Cross Lake, LaBelle, and Peninsular). The Council did not include the Sandbar as a swim only area.

Staff Recommendation: Move forward with a second reading of the ordinance.

Suggested Motion: I move that we direct the City staff to draft the ordinance in its final form to be read for the 1st time at the June 1, 2021 Council meeting.

Alternatives: Continue to make changes to the draft ordinance.

Fiscal Impact: None at this time

Attachments: Draft Ordinance ”

ORDINANCE NO. 21-07

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING CHAPTER 34, ARTICLE II OF THE CITY CODE GOVERNING BOAT EQUIPMENT AND OPERATION; CREATING A NEW 34-39 DESIGNATING SWIM AREAS, AND ESTABLISHING A RELATED VESSEL-EXCLUSION ZONE, ON THE LAKE CONWAY CHAIN OF LAKES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, for years, members of the public have utilized that certain area located on the Lake Conway Chain of Lakes, as more particularly described in this Ordinance and including the sandbar located therein, as a public swim area (hereinafter the “Swim Areas”); and

WHEREAS, the City finds that protection of the safety, health, and welfare of the public necessitates that the City establish a vessel-exclusion zone at the Swim Areas; and

WHEREAS, the City is authorized to establish a vessel-exclusion zone at the Swim Areas in accordance with Section 327.46(1)(b)3., Florida Statutes.

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. A new Section 34-39 is hereby created in Chapter 34, Article II of the City Code, as follows:

Sec. 34-39. – Swim Area Vessel-Exclusion Zone.

The City hereby designates the following described areas as public swim areas and establishes vessel-exclusion zones corresponding to such areas in accordance with Section 327.46(1)(b)3., Florida Statutes:

- a. Swann Beach (Coordinates: 28.4601; -81.3553)**
- b. Delia Beach (Coordinates: 28.4685; -81.3602)**
- c. LaBelle Beach (Coordinates: 28.4742; -81.3595)**
- d. Peninsular Beach (Coordinates: 28.4751; -81.3577)**
- e. Cross Lake Beach (Coordinates: 28.4867; -81.3531)**

SECTION 3. Codification. This Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Direction to City Staff. City staff, under direction of the City Manager, are hereby directed and authorized, as of the Effective Date of this Ordinance, to apply to the Florida Fish and Wildlife Conservation, Boating and Waterways Section to construct, install, and/or contract for the construction and installation of such regulatory markers and signs as necessary to implement and inform the public of the swim areas and vessel-exclusion zones established by this Ordinance.

SECTION 7. Effective date. This ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2021

SECOND READING: _____, 2021

ADOPTED this ____ day of _____, 2021, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL
CITY OF BELLE ISLE

Nick Fouraker, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

Date

Belle Isle Issues Log
6/1/21

a.

| Issue | Description | Start Date | POC | Last Completed Action | Next steps |
|------------------------------|--|------------|--------------------|---|--|
| Street Paving | The City staff will conduct a street assessment to determine the pavement conditions and determine if the prior assessment is still valid. When complete, the staff will set-up a Capital Improvement Program for street paving. Program | 7/1/2020 | PW/CM | The City has been successful in paving several streets over the past few years; most recently the area around City Hall. | 2021 Goal: City to conduct Pavement Assessment and develop CIP for paving (next Fiscal Year). About 60% complete. Continue to work toward goal |
| Storm Drainage | The City Engineer recently completed an assessment of the storm system. Some trouble spots have been corrected (Wind Drift, Derine, Chiswick) CM and Finance Director developed Storm Water CIP | 4/3/2017 | ENG/CM | Stormwater CIP was developed and reviewed by Budget Committee, who recommend approval. City staff to start reconditioning swales in trouble areas. Work at Jade Circle Swales done. 1631 Wind Willow (completed). Pipe lining on St. Moritz and Jade completed. | Preliminary Plan done for Sol avenue (Under Staff review). St. Partin Outfall waiting on Orange County bid for lift station (Lift Station will be rebid so City may consider moving forward). Meeting with new contractors for Stafford/Pam for new estimates. Working with OCEPD on Barby Lane drainage. OC Nav Advisory Board approved \$3,500 for pet waste stations and \$94.020 reimbursement for Delia Beach Project. |
| Traffic Studies | Increased traffic in and through Belle Isle prompted the Council to allocate funds for city-wide traffic study to improve traffic flow. Study was done and resulting Traffic Master Plan was adopted by Council. Due to the City's membership in Metroplan Orlando, they are conducting additional studies focusing on Hoffner Ave. | 4/3/2017 | CM/Eng. | City's TMP completed and adopted. Metroplan study is nearing completion. Hoffner median constructed but still needs additional work. WaWa to reconfigure entrance (Working on permit with OC). Citizen feedback sent back to MetroPlan. Metroplan Consultant to work toward finalizing report. RRFB installed and is functional at Monet/Hoffner crosswalk. Staff incorporated comments from open house in TMP. Next step is to plan for improvements and funding through long term budgeting. Staff considers this issue closed. | Impact Fee Study is conitnuing to move forward. Staff sent information to consultant for review. |
| Wallace Field | City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2. | 6/14/2017 | Dist.2 Comm and CM | Use Agreement adopted. CCA planning park site plan. CCA/City staff met to go over site plan requirements. CCA working with City Planner for site plan submission. CCA completed site plan. Council approved site plan concepts. P&Z decision granting special exception was approved by City Council. The site plan was approved with conditions. Staff is preparing documents to address the conditions. P&Z decision is being appealed to Council. Council approved Wallace Field Site Plan with conditions. | Continuing to plan for drainage project with OC. Discuss grading of site with CCA. |
| City acquisition of Property | Council discussed possibility of acquiring parcels within the City and directed City staff look at options on how to acquire property. | 3/20/2018 | CM | Cross lake purchase is on hold until County reschedules PH. Mayor/CM to meet with Commissioner Uribe and Adjacent property owner on Cross Lake on March 4. CM/Comm. Cross Lake Property deed recorded and improvements made (closed). BoA agreement finalized. | Financing complete. PSA executed by Mayor and BoA. BoA is now owned by the City. No Updates |
| Charter School (CCA) | There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease. | 4/3/2017 | CM | Capital Facility Plan complete. CCA considering purchase of property. Roofs are being patched, not replaced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues. CM sent memorandum to CCA outlining conditions for refinancing . CCA discussed and rejected all the conditions sent by Council. | New Lease draft sent to Budget Committee for review. Budget Committee reviewed draft lease. Market Rent Study completed. Being reviewed by Budget Committee. Subcommittee of Council revising the new lease. |

Belle Isle Issues Log
6/1/21

a.

| | | | | | |
|-------------------------|--|----------|--------------------|---|--|
| Municipal Code Update | The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code. | 4/3/2017 | CM/CC | Meet with consultant to determine what was done and what is left to do. P&Z Board looking at possible changes to fence/wall requirements. Discussion of sidewalk maintenance. Ordinance adoption for Home Occupation and Golf Carts. New Sign Ordinance (adopted and closed). Ordinance on at-large appointments (adopted and will advertise vacancies). | Changes to Impervious surface ratio were discussed and will remain unchanged. P&Z discussions on definition of "kitchen" and look at possible ordinance for installation of artificial turf on residential property. |
| Comp Plan Updates | The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan. | 3/1/2017 | Council Planner CM | Meet with consultant to determine what was done and what is left to do. | City Manager and Planner to review 2009 Comp Plan for errors discovered in Zoning Map. No Update |
| Annexation | Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle. | 4/3/2017 | Council CM | Council determined the priority to annex. Planner completed 1st report. City Staff reviewing. CM and Mayor met with Management Company for Publix Shopping Center (another meeting is set for 5/19/21). CM to met with private owner for annexation of 5 acres. Sienna place signed consents for annexation about 35% done. | Sienna condo about 70% complete. Discussion with Brixmor going well. Brixmor asked for additional information. |
| Lake Conway Issues | Residents have complained that Lake Conway is unsafe due to speeding of PWCs and issues with wake boats. Council would like more local control over the lake. | 6/1/2019 | CM, CA, Chief | City Attorney looking at how other communities have control of lakes. Staff drafting an ordinance for No Wake Zones. City waiting for County to meet with stakeholders. Draft ordinance is put on hold for now. City/OCSCO looking at other avenues to allow enforcement. Lobbyist Presentations to BC on April 8. CM received information from FWC on Canoe Trail & Swim Areas. City staff to get public input on both. | Agenda Items (Lobbyist presentation and Ordinance on Swim Areas). |
| IT Issues | City Council wants Staff to research changes in IT from Gmail back to Outlook | 8/6/2019 | City Clerk Chief | City staying with Gmail. City has new pages on website for financial transparency and new work order tracking program. City doing ADA conversion. City Clerk working with ADA compliance company. New website developed & ADA compliant Issue Closed). Bids received on RFP for Chambers A/V. Council approved bid. | City Attorney office reviewing contract for project work. CM reached out to vendor. Looking at a completion date of September 30. |
| Grady (Lancaster) House | PCHS requested the Council not demolish Grady House and give up to a year to have it moved. | 2/5/2019 | CM | Discussion at PCHS. CM contacted State Historic Office on house and homestead and getting it registered on National Registry. Council directed PCHS top provide dates for moving the house and for renovations. PCHS responded to council stating they will not be moving or taking the house. Council set deadline of July 1, 2020 to have the house removed. Neighbor is working to get approvals to move the House to 5817 Randolph so it can be donated to her. Council extended deadline until September 1. Duke contacted for moving wires; quotes received for moving house; met with possible new owner; National Registry Application moving forward. Need cooperation of County to annex property across Waltham. Comm. Uribe will work with property owner to get OC variances. Private property owner was contacted by OC District 3 Office. City will assist where possible. Private property owner applied to County for variances to relocate the house. | County needs additional informaiton from private property owner with a deadline is June 9, 2021 for a hearing on August 5, 2021. Letters of Support provided to property owner from City and PCHS. CCA will also write a Letter of Support. |

Belle Isle Issues Log
6/1/21

a.

| | | | | | |
|-----------------------------------|--|-----------|-----------------------|---|--|
| Sidewalk at BI Commons | Resident requested a sidewalk be installed from the public sidewalk on Hoffner to the Shopping Center promanade so residents don't have to walk in the driveway. | 3/16/2021 | CM | CM contacted BI Commons Management Company to request sidewalk. | Issue Closed. |
| New City Zip Code | Council directed that the City Manager research the possibility of applying to the USPS for a new zip code. Realtors state that proeprty values may increase if the City has its own zip code and possibility insurance rates may also change. | 3/16/2021 | CM and Comm. Shuck | CM and Comm. Reviewed USPS informaiton necessary for changing zip code. CM reached out to OCPA to see if Belle Isle could substitute for Orlando on property page which may lessen confusion. | Discuss response from OCPA. Develop "pro/con" list for Council review. Check with service providers to see if utility taxes are being sent to Orlando for homes in BI. State revenues are based on municipality, not zip code. |
| Traffic Calming Requests/Projects | With the completion of the TMP as well as other traffic requests, the staff will track them here for Council information. | 4/6/2021 | CM, CE, PW, BIPD | Speed Humps Requested: Seminole, Cullen Lake Shore Drive, Oak IslandRoad, LCS, Daetwyler Shores. Speed Limit Reduction: Judge Rd, Daetwyler Shores All-Way Stop on Via Flora. Seminole in data gathering (temp. speed humps in place). Indian Drive and Barby Lane depand on Seminole decision. Daetwyler Shores scheduled for next budget year; CLSD and OIR were sent application packets. Speed reduction on Judge started (35 MPH). All-Way stop at Via Flora and Flowertree completed. Last traffic count on Seminole started. | Seminole data complete and justiifes installation of speed humps. OCFD has no issues with speed humps. Discussion with BIPD on active enforcement for next 4 months on Seminole. If placed on Seminole, then speed humps should be placed on Barby and Indian. City to start planning for RRFB on Hoffner and Pleasure Island and Hoffner and Peninsular. City to start discusison with OC on TSP projects developed by Traffic Consultant. |



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: May 4, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Approval of Purchases with approved grant

Background: The Chief of Police received a grant for \$49,902.00 from FDLE. As per the City's purchasing policy, if the purchase is between \$15,000 and \$49,999 and, if the item or service to be purchased is *not included in the approved budget* for the department and a *budget amendment is necessary*, then the purchase must be approved by the City Council. .

Staff Recommendation: Approve the purchase

Suggested Motion: I move that we approve the request of Chief Houston to purchase items in the amount of \$49,902.00 to be purchased with funds received from the Florida Department of Law Enforcement grant.

Alternatives: Do not approve the purchases.

Fiscal Impact: \$49,902.00 reimbursed with a grant from FDLE

Attachments: Chief Houston memorandum



Belle Isle Police Department

b.

May 28, 2021

Interoffice Memorandum:

TO: Bob Francis

FROM: Chief Laura Houston LH

RE: Grant Expenditures

The Belle Isle Police Department has been awarded \$49,902.00 through the Florida Department of Law Enforcement, Office of Criminal Justice Grants, Coronavirus Emergency Supplemental Funding Program Residual Funding Grant. Funding was approved for contractual services, expenses, and operating capital items related to the prevention, preparation and response to the coronavirus.

The City of Belle Isle Finance Manager is requesting City Council approval to make purchases prior to the receipt of funding.