



**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 Site Plan for Wallace Field

Background: The P&Z Board's decision to approve the site plan (with conditions) for Wallace Field is being appealed by the property owners who live near the park. This appeal is being filed on behalf of Walter Meloon, Ardis Meloon, Donella Altice, Jeff Maull, Hillary Maull, James Koonce, Caroline Koonce, Jim McRae, and Michael Stuart who are aggrieved by the decision of the Board.

The basis of the appeal includes, but is not limited to, the Board erring by: failure to provide competent substantial evidence to support their decision; ignoring concerns and requests of neighboring property owners and Belle Isle residents; and insufficient conditions on the proposed development to protect the integrity of the community and properly maintain and operate the facility.

The procedure for this appeal is the same as the procedure when the special exception was appealed in February.

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.

The P&Z Board approved the site plan with 7 conditions that have to be met prior to a permit being issued. Those conditions are included in the Staff Report that is included in the packet of information.

The staff believes that the criteria listed above were followed: a written application was filed; proper notice was provided (letters mailed; the property was posted); a public hearing was held; the public was allowed to speak at the public hearing; the Board heard and considered the concerns of the residents and approved the site plan with the conditions stated in the P&Z staff report.

Staff Recommendation: Approve the Site Plan with conditions as approved by the P&Z Board.

Suggested Motion: I move that we approve the Wallace Field Site Plan with the conditions that were approved by the P&Z Board.

Alternatives: Do not approve the site plan and provide additional direction to the City Staff.

Fiscal Impact: TBD based on the decision.

Attachments: Email Appealing the P&Z Decision
P&Z Staff Report and Packet Information
Wallace Field Plans