

Ray Bagshaw
Mayor

Pam Henley
Council Member

Susan Fortini
Council Member

John Dowless
Council President

Lee Chotas
Council Member

Richard Alan Horn
Council Member

CITY COUNCIL AGENDA
Regular Meeting
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, June 20, 2017
6:30 p.m.

WELCOME! We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert's Rules of Order guide the conduct of the meeting. **PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING.** "THANK YOU" for participating in your City Government.

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Review and Approval of Minutes

- (Pgs. 1-4) May 16, 2017 Regular City Council Minutes
- (Pgs. 5-8) Designation of Voting Delegate at Florida League of Cities Conference

(Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.)

E. PRESENTATIONS

- Orange Avenue Visioning – Jim Hair and Michael LeBoeuf, Little and Keith Bongirno, LandDesign

F. ORDINANCES

None

G. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None.

H. UNFINISHED BUSINESS

None.

I. NEW BUSINESS

1. **(Pgs. 9-13)** TRIM Calendar
2. **(Pgs. 14-15)** 2017 Non Ad Valorem Assessment
3. **(Pgs. 16-25)** **DISCUSSION ONLY - ORDINANCE 2017-XXX** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA RELATING TO MEDICAL MARIJUANA; AMENDING THE CODE OF ORDINANCES, CHAPTER 134, "ZONING;" AMENDING THE LIST OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES TO PROHIBIT MEDICAL MARIJUANA TREATMENT CENTER DISPENSARIES WITHIN THE INDUSTRIAL ZONING DISTRICT; AMENDING DEFINITIONS AND TERMS TO CONFORM WITH STATE LEGISLATION; PROVIDING THAT MEDICAL MARIJUANA TREATMENT CENTER DISPENSARIES ARE PROHIBITED WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

J. GENERAL INFORMATION (No action required)

None

K. CITIZEN COMMENTS**L. BOARDS & COMMITTEES**

1. **(Pgs. 26-58)** **2017 VAR-01** – Mark & Melissa Gibson, 5573 Jessamine Lane Construction of a Pickleball Court (Site Plan and Survey in separate manila envelope)
2. **(Pgs. 59-78)** **2017-VAR-2** - Construction of a Fence up to 10 Feet in Height (Site Plan and Survey in separate manila envelope)
3. **(Pg. 79)** Request From Planning & Zoning Board

M. STAFF REPORTS

City Attorney:

Police Chief:

- **(Pgs. 80-81)** Monthly Report

City Clerk:

N. MAYOR & COUNCIL REPORTS

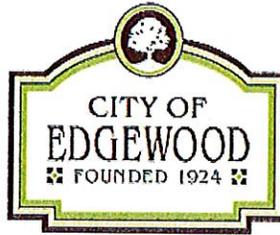
- **Mayor Bagshaw**
- **Council President Dowless**
- **Council Member Henley**
- **Council Member Chotas**
- **Council Member Fortini**
- **Council Member Horn**

O. ADJOURNMENT

UPCOMING MEETINGS:

Monday, July 10, 2017.....Planning & Zoning Board Meeting
 Tuesday, July 18, 2017.....Regular City Council Meeting

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.



MAY 16, 2017
REGULAR CITY COUNCIL MEETING MINUTES

CALL TO ORDER

On Tuesday, May 16, 2017, Council President Dowless called the Edgewood City Council meeting to order at 6:30 p.m. Council President Dowless asked for a moment of silence and then asked Edgewood resident and Boy Scout Member Donovan Wier (Troop 24), to lead everyone in the Pledge of Allegiance.

City Clerk Meeks announced a quorum.

The following attendance is noted:

Attendees

Ray Bagshaw, Mayor
John Dowless, Council President
Lee Chotas, Council Member
Pam Henley, Council Member
Susan Fortini, Council Member
Richard Horn, Council Member

Staff

Bea L. Meeks, City Clerk
Captain John Freeburg
Lt. Vince Jackson
Drew Smith, City Attorney
Sandy Repp, Administrative Assistant

CONSENT AGENDA

1. Review and Approval of Minutes

- April 18, 2017 Regular City Council Minutes
- April 24, 2017 Sign Code Workshop Minutes

Council President Dowless noted the statement “coming about of a school” made by Tyrone Smith; City Clerk Meeks confirmed this was the statement made. Council President Dowless asked that quotation marks be included in the April 18, 2017 Minutes. There were no other comments or corrections.

Council Member Henley made the Motion to approve both sets of minutes with correction made to the April 18, 2017 Minutes; Seconded by Council Member Fortini. Unanimously approved (5/0).

PRESENTATIONS

Mayor Bagshaw gave history of National Police Week and presented a Proclamation to Captain Freeburg, Lt. Jackson and Det. Fraticelli proclaiming May 15-21, 2017 as national Police Appreciation Week.

Council Member Chotas complimented the Police Department and Mayor Bagshaw on how much the Police Department is appreciated.

ORDINANCES

None.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None.

UNFINISHED BUSINESS**NEW BUSINESS****1. Resolution 2017-02– Local Mitigation Strategy**

City Clerk Meeks referred the Mayor and Council to her cover memo. Council Member Chotas gave favorable comments.

City Attorney Smith read Resolution 2017-02 in title only. There were no public comments.

Council Member Henley made the Motion to approve Resolution 2017-02; Seconded by Council Member Chotas. Unanimously approved (5/0).

2. Review and Discuss Ordinance RE: Communications Facilities

Council President Dowless explained the affects the recently approved communications facilities legislation will have on municipalities. He noted that the Governor has not signed the bill yet. Council President Dowless said that he would like a Resolution opposing the legislation and encourage the Governor not to sign the Bill. City Attorney Smith recommended a letter.

Council Member Chotas made the Motion that Council President Dowless prepare a letter to be sent to Governor Scott opposing the legislation and requesting that the Governor not sign the bill.

After some discussion, ***Council Member Chotas amended his Motion to include that the Mayor also sign the letter. Seconded by Council Member Henley, who accepted the amendment. Unanimously approved (5/0).***

GENERAL INFORMATION (No action required)

None

CITIZEN COMMENTS

None.

L. BOARDS & COMMITTEES

None.

M. STAFF REPORTS**City Attorney:**

- Announced that the first CBA bargaining negotiations will be held next Wednesday (5/24/2017). Mayor Bagshaw said that Council may be reviewing the proposed Agreement in June. Council Member Chotas said he wants a defined Contribution Plan for new hires.
- Noted that the medical marijuana moratorium expires in August. City Attorney Smith asked for direction as to how Council wants to proceed since the Department of Health has not made a ruling yet. Council Member Chotas indicated he does not want to extend the moratorium but would like to limit advertising. City Attorney Smith said Council can: (1) Adopt a new ordinance or, (2) Extend the moratorium. City Attorney Smith said that whatever they decide needs to be done in June. In response to Council Member Henley, City Attorney Smith said he felt the City should move forward with the legislation. *It was the consensus of Council that the City Attorney prepare a new Ordinance to be placed on the June agenda.*

Police Chief:

Acting Police Chief, Captain Freeburg said a second arrest was made in the recent homicide in Edgewood. Mayor Bagshaw said the Orange County Sheriff Office's was very complimentary of the department during the investigation.

City Clerk:

- Confirmed that Council pictures for update to website will be taken on May 20th @ 10 a.m. . She said another schedule will be set up for Council Member Henley's photo.

N. MAYOR & COUNCIL REPORTS**Mayor Bagshaw:**

- Informed Council that the pre-emption for Charter School legislation passed.
- Said that roads/streets projects are moving forward, as previously reported to Council.

- Announced that Lt. Jackson is setting up law enforcement appreciation Day.
- In response to Council President Dowless, the Mayor confirmed that Chief Francisco retired. He said staff held a breakfast for Chief Francisco. Mayor Bagshaw said Captain Freeburg is the acting chief with assistance by Lt. Jackson. Mayor Bagshaw said he will be taking his time to hire another Chief.

Council President Dowless:

- Council President Dowless said the City does need to pursue annexation with the loss of the properties for the School and Park.

Council Member Henley:

- Thanked Council Member Chotas for signing checks during the time she was unavailable to sign.

Council Member Chotas:

- Council Member Chotas asked about the status of the Orange County Public School's traffic study. City Clerk Meeks confirmed that Tryonne Smith, OCPS, advised that the report is not available yet. Council Member Chotas said he has nothing to report.

Council Member Fortini:

- None.

Council Member Horn:

- None.

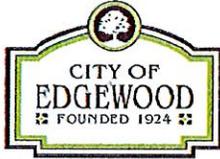
ADJOURNMENT

Having no further business or discussion, Council Member Fortini made a Motion to adjourn; Seconded by Council Member Henley. The City Council meeting adjourned at 7:30 p.m.

John Dowless
Council President

Bea L. Meeks, MMC, CPM, CBTO
City Clerk

Approved in _____ City Council Meeting



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

TO: Mayor Bagshaw, Council President Dowless, Council Members Henley, Chotas, Fortini and Horn

DATE: June 2, 2017

RE: 91st Annual FLC Conference – Voting Delegate

In your packet you will find information regarding the Florida League of Cities annual conference. The conference will be held in Orlando, Florida on August 17 – 19. You will note that the League is asking for a voting delegate at the conference. Mayor Bagshaw has confirmed that he will be attending the conference. Council approved funds for Council travel/training in the current budget.

Given the aforementioned information, I am requesting Council’s approval for Mayor Bagshaw to be the City’s voting delegate at the 91st Annual Florida League of Cities Conference.



TO: Municipal Key Official

FROM: Michael Sittig, Executive Director 

DATE: May 22, 2017

SUBJECT: 91st Annual FLC Conference
VOTING DELEGATE INFORMATION
August 17-19, 2017 – World Center Marriott, Orlando

As you know, the Florida League of Cities' Annual Conference will be held at the World Center Marriott, Orlando, Florida on August 17-19. This conference will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

It is important that each municipality designate one official to be the voting delegate. Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each municipality will make decisions that determine the direction of the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida for 2016.

Conference registration materials will be sent to each municipality in the month of June. Materials will also be posted on-line. Call us if you need additional copies.

If you have any questions on voting delegates, please call Gail Dennard at the League (850) 701-3619 or (800) 616-1513, extension 3619. **Voting delegate forms must be received by the League no later than August 14, 2017.**

Attachments: Form Designating Voting Delegate

**91st Annual Conference
Florida League of Cities, Inc.
August 17-19, 2017
Orlando, Florida**

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each municipality select one person to serve as the municipalities voting delegate. *Municipalities do not need to adopt a resolution to designate a voting delegate.*

Please fill out this form and return it to the League office so that your voting delegate may be properly identified.

Designation of Voting Delegate

Name of Voting Delegate: _____

Title: _____

Municipality of: _____

AUTHORIZED BY:

Name

Title

Return this form to:

Gail Dennard
Florida League of Cities, Inc.
Post Office Box 1757
Tallahassee, FL 32302-1757
Fax to Gail Dennard at (850) 222-3806 or email gdennard@flcities.com

Important Dates

May 2017

Notice to Local and Regional League Presidents and Municipal Associations
regarding the Resolutions Committee

June 2017

Appointment of Resolutions Committee Members

July 12th

Deadline for Submitting Resolutions to the League office

August 17th

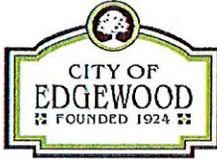
Policy Committee Meetings
Voting Delegates Registration

August 18th

Resolutions Committee Meeting

August 19th

Immediately Following Breakfast – Pick Up Voting Delegate Credentials
Followed by Annual Business Session



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

TO: Mayor Bagshaw, Council President Dowless, Council Members Henley, Chotas, Fortini and Horn

DATE: June 2, 2017

RE: TRIM Calendar

As the Mayor and staff begin to work on budget, you are being provided with the TRIM calendar showing you proposed workshops, special meetings and hearing dates, along with legislative tasks. Please review the TRIM calendar and be prepared to confirm your availability for the proposed schedule. I am also providing you with calendars for the months of July, August and September to aid you in your review. If any workshops, special meetings and/or hearing dates are changed, you will be provided with an updated calendar. Please notice the public hearing dates for the Orange County Board of County Commissioners and the Orange County School Board, as the City cannot hold public hearings on those dates.

17/18 TRIM CALENDAR

June 20, 2016 Reg. CC Meeting	Approve Non Ad Valorem Assessment at City Council Meeting
July 1 st (First Day of TRIM)	OCPA certifies taxable value on DR-420
July 18 – Regular Council Meeting	Set tentative millage rate, set public hearing date for final millage and proposed FY 2017-2018 Budget (6:30 p.m.)
July 29 (Friday) City Clerk	Forward to OCPA: (Noon) DR420 & DR420MM-P <ul style="list-style-type: none"> • Prior year millage • Current year proposed millage • Current year roll-back rate • Date, time, meeting place of the tentative budget hearing
July 31st (Monday) – Council Workshop	FY 2017-2018 Budget workshop (9 a.m.)
Property Appraiser mails the TRIM notice within 55 days after certification value.	<i>OCPA</i> mails out the Notice of Proposed Property Taxes (TRIM Notice) Form DR-474, this is the advertisement of the 1 st TRIM hearing
August 9 th (Wednesday) – Council Workshop	FY 2017-2018 Budget workshop (6:30 p.m.)
August 21st (Monday) – Council Workshop	FY 2017-2018 Budget workshop (6:30 p.m.)
September 5th (Tuesday) – Special Council Meeting	Public hearing / adoption of the tentative budget & proposed millage (must be held between Sept 3-18; cannot be held on July 28th and Sept 3, 15 & 17-OCPS & BCC dates) 6:30 p.m.
September 15 th City Clerk	Advertise in the newspaper the public hearing / adoption of final millage & budget (must be done within 15 days of public hearing / adoption of the tentative budget & proposed millage)
September 19th –Regular Council Meeting (Tues)	Final public hearing / adoption of millage & budget (must be held within 2-5 days after advertisement) (6:30 p.m.)
September 22 nd (Fri) City Clerk	Send ordinance adopting final millage & budget to OCPA, tax collector, and DOR. (must be done within 3 days of final hearing) (DR-422 & DR-420MM)
October 2nd City Clerk	Submit TRIM Compliance package. (Due within 30 days of the final hearing)

TRIM & Budget Timetable / Important Dates- FY 17/18

*Orange County Hearing Dates: Thursday, September 7th and Thursday, September 21st

*Orange County Library Hearing Dates: Monday, September 11th and Tuesday, September 19th

*Orange County School Board: Tuesday, July 11th and Tuesday, September 12th

July 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 Canada Day
2	3	4 Independence Day	5	6	7	8
9	10	11	12	13	14	15
16	17	18 Set tentative millage rate 6:30 Reg. CC Mtg	19	20	21	22
23	24	25	26	27	28	29
	30	31 9 a.m. Budget Workshop				

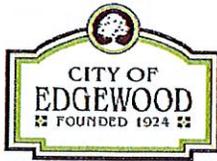
August 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9 6:30 p.m. Budget Workshop	10	11	12
13	14	15	16	17	18	19
20	21 6:30 p.m. Budget Workshop	22	23	24	25	26
27	28	29	30	31		

September 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Labor Day	5 6:30 p.m. Special CC Mtg Public Hearing/ Adopt Tent. Millage	6	7	8	9
10 Grandparents Day	11	12	13	14	15	16
17	18	19 6:30 p.m. Reg. CC Mtg. / Adopt Final Millage	20	21	22 Clerk Delivers DR 422 & DR 420 MM to OCPA	23
24	25	26	27	28	29 Yom Kippur	30

October 17, 2017 – Clerk to submit TRIM package
 Orange County Commission Budget Hearing Dates: September 7th and 21st
 OCPA Budget Hearing Dates: July 11th & September 12th



From the desk of the City Clerk...

Bea L. Meeks, MMC, CPM, CBTO

TO: Mayor Bagshaw, Council President Dowless, Council Members Henley, Chotas, Fortini and Horn

DATE: June 2, 2017

RE: Non Ad Valorem Assessment

I am in receipt of email from Mark Webster, Orange County Property Appraiser’s office, regarding the deadline for municipalities to submit their non-ad valorem assessments for TRIM. The deadline is July 3, 2017. Currently, the City’s non-ad valorem assessment is \$292.96. Council has not increased this assessment for the past four years.

The following shows Waste Management’s rate increase for the past three years:

2014	-	\$18.30
2015	-	\$19.27 (+.97)
2016	-	\$19.30 (+.03)
2017	-	\$19.62 (+.32)

As you may recall, the rate increase is tied into the CPI, which probably explains the minimal increases. Waste Management’s change in rates is effective January 1st of the New Year, which is three months into the City’s fiscal year. I always check with the City’s Waste Management representative to find out if they anticipate a rate increase due to the CPI or landfill fees. The response I received from Jose Boscan, Waste Management was the rate for next year would only be increased by the change of the Urban CPI. He said it has been tending between 1-2% increase and would most likely not increase over 2% for the 2018 calendar year.

The annual non-ad valorem assessment is based on 100% (292.96 x 844 = \$247,258.24). Historically, the fiscal year budget for the non-ad valorem assessment is based on 95%. From October 2016 Through December 2016, the unit cost to Waste Management was \$19.30. Per our contract with Waste Management, an increase occurred in January 2017; the cost per unit now is \$19.62. The table below breaks down income and revenues based on 100%.

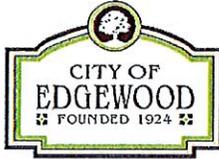
844 units x \$19.30 = 16,289.20	844 units x 19.62 = \$16,559.28
Oct. – Dec. = \$48,867.60	Jan. – Sept. = \$149,033.52
\$48,867.60 + 149,033.52 = \$197,901.12	\$247,258.24 - \$197,901.12 = \$49,357.12

As you can see, the while the City has not been increasing the non-ad valorem assessment; Waste Management has been making incremental increases based on the CPI.

City Hall staff continues to interact with inquiries regarding the City’s solid waste service. The interaction includes communications for bulk pick-up, explanation of weekly services, handling requests for recycle stickers or explaining the recycle program, monthly franchise reports, complaints and explaining non-ad valorem assessments to new home owners or renters. I should point out that the complaints continue to be minimal. We also receive the occasional request for copy of the City’s Agreement with Waste Management.

There has been no new residential construction in the City this past year and anticipation is low for new homes in 2018. For this reason, the City’s unit count remains at 844.

Given this information, please provide me with direction as to whether or not you want to make any adjustment to the City’s current non-ad valorem assessment on the 844 houses/units in the City of Edgewood.



From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM, CBTO

TO: Mayor Bagshaw, Council President Dowless, Council Members Henley, Chotas, Fortini and Horn

DATE: June 14, 2017

RE: Ordinance No.: 2017 XX RE: Medical Marijuana

DISCUSSION ONLY: The attached draft Ordinance regarding medical marijuana is for Council review and consideration. City Attorney Smith will update Council on the legislation regarding medical marijuana, and how it led to the subject draft Ordinance.

If Council direction is to proceed to public hearing with the Ordinance, the schedule will be as follows:

- July 13, 2017 Publish display ad in Orlando Sentinel
- First Public Hearing
- August 10, 2017 Publish display ad in Orlando Sentinel
- Second/Final Public Hearing

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ORDINANCE NO.: 2017-XX

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA RELATING TO MEDICAL MARIJUANA; AMENDING THE CODE OF ORDINANCES, CHAPTER 134, "ZONING;" AMENDING THE LIST OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES TO PROHIBIT MEDICAL MARIJUANA TREATMENT CENTER DISPENSARIES WITHIN THE INDUSTRIAL ZONING DISTRICT; AMENDING DEFINITIONS AND TERMS TO CONFORM WITH STATE LEGISLATION; PROVIDING THAT MEDICAL MARIJUANA TREATMENT CENTER DISPENSARIES ARE PROHIBITTED WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 8, 2016, voters approved a ballot initiative to amend the Florida Constitution to allow the use of marijuana for debilitating medical conditions within the State of Florida; and

WHEREAS, the State Legislature has approved and the Governor has signed into law legislation regulating medical marijuana, medical marijuana treatment centers and medical marijuana treatment center dispensaries; and

WHEREAS, the State has preempted to itself the regulation of medical marijuana, medical marijuana treatment centers, and medical marijuana treatment center dispensaries; and

WHEREAS, the State has provided that local jurisdictions may not regulate medical marijuana treatment center dispensaries more stringently than they regulate pharmacies *if such jurisdictions allow medical marijuana treatment center dispensaries within their jurisdictional boundaries*; and

WHEREAS, the State has created a limited exception to its preemption within this field whereby local jurisdictions are authorized by statute to ban medical marijuana treatment center dispensaries within their jurisdictional boundaries; and

WHEREAS, in order to conform to the new legislation, the City Council of the City of Edgewood finds it necessary to amend its existing zoning regulations applicable to medical marijuana and medical marijuana treatment center dispensaries; and

WHEREAS, given the rapidly evolving landscape of medical marijuana in the State of Florida and given that the legislature has allowed local jurisdictions only two options: 1) to allow medical marijuana treatment centers within their jurisdictional boundaries and regulate same no more stringently than they would regulate pharmacies or 2) to ban medical marijuana treatment

47 centers within their jurisdictional boundaries altogether, the City Council of the City of
48 Edgewood finds it to be in the best interest of the health, safety, and welfare of the residents,
49 businesses, and visitors of the City of Edgewood to prohibit medical marijuana treatment centers
50 within the jurisdictional boundaries of the City at this time; and

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52 **WHEREAS**, prior to the State preemption and the limited options allowed local
53 jurisdictions, the City of Edgewood had determined its Industrial zoning district to be an
54 appropriate zoning district for medical marijuana dispensaries to be a special exception use; and

55

56 **WHEREAS**, prior to the State preemption and the limited options allowed local
57 jurisdictions, the City of Edgewood adopted criteria and siting standards for the location of
58 medical marijuana dispensaries as special exception uses within the Industrial zoning district;
59 and

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61 **WHEREAS**, because the State has provided that local jurisdictions may not enforce any
62 siting standards applicable to medical marijuana treatment center dispensaries if they do not
63 outright ban medical marijuana treatment centers within their jurisdictional boundaries, the City
64 Council of the City of Edgewood finds it necessary to provide that medical marijuana treatment
65 center dispensaries are a prohibited use within the Industrial zoning district and, in so doing,
66 delete the standards and siting criteria previously adopted by the City; and

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68 **WHEREAS**, given the rapidly evolving landscape of medical marijuana within the State
69 of Florida and given that the State legislative action was the result of an amendment to the State
70 Constitution, the City Council of the City of Edgewood believes there is a high likelihood of
71 future State legislation regarding medical marijuana and potential for legal challenges to the
72 State legislation already adopted; and

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74 **WHEREAS**, the City of Edgewood desires to ensure that in the event of any change,
75 whether legislative, judicial, or administrative to the authority of the City of Edgewood to
76 prohibit medical marijuana treatment center dispensaries within its jurisdictional boundaries the
77 City has sufficient time to consider and adopt any standards or regulation regarding medical
78 marijuana and medical marijuana treatment center dispensaries that are consistent with Florida
79 law at that time to protect the health, safety, and welfare of the citizens, businesses, and visitors
80 of the City of Edgewood; and

81

82 **WHEREAS**, accordingly, the City Council of the City of Edgewood has found it
83 necessary to include in this Ordinance a hold on the processing of any applications for the
84 operation of a medical marijuana treatment center dispensary that would last 90 days from the
85 effective date of any legislative change or final court order that strikes or otherwise alters the
86 statutory authority of local governments to ban medical marijuana treatment centers within their
87 jurisdictional boundaries; and

88

89 **WHEREAS**, the Planning and Zoning Commission, sitting as the local planning agency,
90 has found this ordinance to be consistent with the City's Comprehensive Development Plan and
91 recommended approval.

92

93 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
94 CITY OF EDGEWOOD, FLORIDA THAT:
95

96 SECTION 1. Chapter 134, "Zoning," Article IV, "District Regulations," of the City of
97 Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough text indicates
98 deletions, underline text indicates additions, ellipses (***) identify text that remains unchanged
99 and that is not reprinted herein):

100
101 **DIVISION 6. -P-O PROFESSIONAL OFFICE DISTRICT**

102 * * *

103
104
105 **Sec. 134-317. - Uses prohibited.**

106 The following uses shall be prohibited in the P-O district:

- 107
108
109 (1) Any business, except a medical or dental clinic or pharmacy, which
110 displays merchandise for sale at retail or wholesale, or any business requiring the
111 physical handling of merchandise to be sold at retail or wholesale on the premises.
112
113 (2) Any use conducted either partially or totally outside a building or structure
114 except for parking areas.
115
116 (3) Veterinary establishments.
117
118 (4) Medical Marijuana Treatment Center Dispensaries.
119
120 (5) Non-medical Marijuana Sales.
121
122 (6) Cannabis Farm.
123
124 (4)(7) Other uses which are similar to those listed above, and which are not
125 specifically permitted in this division and which the prohibition thereof would
126 maintain the intent and authority and directive of the city council, which shall be
127 determined after public notice and public hearing.

128 * * *

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130
131 **DIVISION 7. -C-1 RETAIL COMMERCIAL DISTRICT**

132 * * *

133
134
135 **Sec. 134-347. - Uses prohibited.**

136 The following uses shall be prohibited in any C-1 retail commercial district:
137
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- 139 (1) Title loan stores.
 140
 141 (2) Check cashing, payday advance stores, or other similar businesses.
 142
 143 (3) Labor pool offices.
 144
 145 (4) Bail bond offices.
 146
 147 (5) Tattoo, body piercing, massage parlors and fortunetelling shops.
 148
 149 (6) Soup kitchens.
 150
 151 (7) Runaway and related emergency shelters; homeless shelters.
 152
 153 (8) Convalescent facilities.
 154
 155 (9) Residential social service facilities; welfare, food stamp, and other social
 156 service offices and institutional facilities.
 157
 158 (10) Treatment and recovery facilities.
 159
 160 (11) New and used automobile and boat sales.
 161
 162 (12) Medical Marijuana Treatment Center Dispensaries.
 163
 164 (13) Non-medical Marijuana Sales.
 165
 166 (14) Cannabis Farm.
 167
 168 ~~(11)~~(15) Other similar uses consistent with this subsection.
 169
 170 ~~(13)~~(16) Any use or activity which is not in full compliance with all the
 171 requirements and standards set forth in this division.
 172
 173 ~~(14)~~(17) Uses listed in section 134-403, except uses listed at section 134-
 174 403(1), or section 134-404 of the C-3, wholesale commercial district (article IV,
 175 division 9 of this chapter).
 176

177 **DIVISION 10. –I INDUSTRIAL DISTRICT**

178 * * *

181 **Sec. 134-437. – Uses Prohibited.**

182 The following uses shall be prohibited in any I Industrial district:

- 183 (1) Non-medical Marijuana Sales.
 184

- (2) Cannabis Farm.
- (3) Medical Marijuana Treatment Center Dispensaries

Sec. 134-438. — Special Exception uses.

~~Medical Marijuana Dispensaries.~~ Medical Marijuana Dispensaries shall be allowed as a special exception use upon application, hearing and approval as provided in this Code of Ordinances. An application for special exception use for a Medical Marijuana Dispensary may be denied, approved or approved with conditions. In considering an application for special exception pursuant to this section, planning and zoning board and the city council shall consider the following criteria:

- ~~(1) Compatibility of the proposed facility with the surrounding uses.~~
- ~~(2) The size of the lot on which the proposed facility will be located.~~
- ~~(3) The maximum number of persons that can occupy the proposed facility.~~
- ~~(4) The amount of traffic generated by the proposed facility.~~
- ~~(5) The general health, safety and welfare of the community.~~
- ~~(6) All safety measures to be implemented by the applicant to protect the property, employees and invitees during and outside of its operating hours.~~

~~In addition to all other requirements and conditions, the applicant shall comply with all the following conditions contained herein. No special exception for a Medical Marijuana Dispensary shall be approved unless the applicant has shown by competent substantial evidence its ability to comply with each of the conditions contained herein.~~

~~(1) Loitering. A Medical Marijuana Dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right of way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The Medical Marijuana Dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.~~

~~(2) No drive through service. No Medical Marijuana Dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of products shall occur from inside the Medical Marijuana Dispensary.~~

~~(3) Alcoholic Beverages. No consumption of alcoholic beverages shall be allowed on the premises on which a Medical Marijuana Dispensary is located, including the parking areas and sidewalks.~~

230 ~~(4) — Separation Distances. No Medical Marijuana Dispensary shall~~
231 ~~operate within two thousand five hundred (2,500) feet of any pre-existing~~
232 ~~school, church, day care facility, public park or another Medical~~
233 ~~Marijuana Dispensary.~~

234 ~~(5) — No Delivery Service. No Medical Marijuana Dispensary shall~~
235 ~~conduct any form of off-site delivery service of Medical Marijuana.~~

236 ~~(6) — No vending machines. No Medical Marijuana Dispensary shall~~
237 ~~utilize any type of vending machines for the dispensing of Medical~~
238 ~~Marijuana.~~

239 ~~(7) — Maximum copy area of freestanding signs. The maximum~~
240 ~~aggregate copy area for any freestanding signs utilized by a Medical~~
241 ~~Marijuana Dispensary shall be twelve square feet.~~

242 ~~(8) — Security. Every Medical Marijuana Dispensary shall incorporate~~
243 ~~safety measures to protect its property, employees and invitees during and~~
244 ~~outside of the dispensary's business hours, which measures shall include~~
245 ~~at a minimum installation of a security system and/or security personnel.~~

246 ~~(9) — Compliance with Other Laws. All Medical Marijuana Dispensaries~~
247 ~~shall at all times be in compliance with all federal, state and local laws and~~
248 ~~regulations.~~

249 ~~(10) — Revocation of Permit. In the event any Medical Marijuana~~
250 ~~Dispensary is found to have violated the provisions of this Section or any~~
251 ~~other conditions of approval of the special exception three times within~~
252 ~~any twelve month period, the city shall as soon as reasonably practical~~
253 ~~schedule a hearing before the code enforcement special magistrate. Upon~~
254 ~~the city establishing by competent substantial evidence that the Medical~~
255 ~~Marijuana Dispensary has violated the provisions of this Section or any~~
256 ~~other conditions of approval of the special exception three times within~~
257 ~~any twelve month period, the code enforcement special magistrate shall~~
258 ~~order the special exception revoked. Any Medical Marijuana Dispensary~~
259 ~~that has its special exception revoked pursuant to this paragraph shall not~~
260 ~~be eligible to reapply for a special exception for twelve months from the~~
261 ~~date of the revocation.~~

262
263 ~~Each application for a special exception shall be accompanied by a site plan~~
264 ~~incorporating the regulations established herein. The site plan shall be drawn to~~
265 ~~scale indicating property lines, rights-of-way, and the location of buildings,~~
266 ~~parking areas, curb cuts and driveways. Said site plan shall be submitted to and~~
267 ~~considered by the planning and zoning board and the city council as provided for~~
268 ~~in article II of this chapter prior to the granting of a building permit. Upon such~~
269 ~~approval, said site plan becomes a part of the building permit and may be~~
270 ~~amended only by action of the city council after recommendation by the planning~~
271 ~~and zoning board.~~

272
273 **SECTION 2.** Chapter 134, "Zoning," Article I, "In General," of the City of Edgewood
274 Code of Ordinances is hereby amended as follows (note: strikethrough text indicates deletions,

275 underline text indicates additions, ellipses (***) identify text that remains unchanged and that is
276 not reprinted herein):

277
278
279
280
281

Sec. 134-1. – Definitions.

* * *

Marijuana. All parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis.

Medical Marijuana Treatment Center. A facility licensed by the Florida Department of Health to cultivate, process, transport, or dispense marijuana or marijuana delivery devices.

Medical Marijuana Treatment Center Dispensary. A facility that is operated by an Medical Marijuana Treatment Center or other organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal and state laws. Physicians authorized by State law to order low-THC cannabis, as defined in Florida Statutes, for patients’ medical use are not included in the definition of Medical Marijuana Dispensary.

* * *

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292
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300
301
302 **SECTION 3.** Chapter 134, “Zoning,” Article V, “Supplement District Regulations,” of
303 the City of Edgewood Code of Ordinances is hereby amended as follows (note: strikethrough
304 text indicates deletions, underline text indicates additions, ellipses (***) identify text that
305 remains unchanged and that is not reprinted herein):

306
307
308

Sec. 134-518. - Home Occupations.

- Prohibited home occupations. Notwithstanding any other provision of this section, the following uses shall be prohibited as home occupations:
- Adult entertainment.
 - Antique shops.
 - Auto service and repair.
 - Barbershops and beauty shops.
 - Bed and breakfast facilities.
 - Cannabis Farms.
 - Child care centers.
 - Churches.
 - Clubs, private.
 - Drive-in facilities.

- 321 Eating and drinking establishments.
- 322 Food processing.
- 323 Fortunetellers.
- 324 Funeral homes.
- 325 Group instruction of more than four people.
- 326 Health spas.
- 327 Hospital and clinics.
- 328 Hotels/motels.
- 329 Kennels.
- 330 Massage establishments.
- 331 Medical Marijuana Treatment Center Dispensaries.
- 332 Non-medical Marijuana Sales.
- 333 Plasmapheresis facilities.
- 334 Primary offices of professionals.
- 335 Vehicle sales, rental or repair.
- 336 Whole blood facilities.
- 337 Any other similar use or activity as determined by the city clerk.

338 * * *

340
341 **Sec. 134-527. – Medical Marijuana Treatment Center Dispensaries**

- 342
- 343 a) Pursuant to Section 381.986(11)(b), Florida Statutes, which creates a limited
- 344 exception to the preemptive authority asserted by the State as to Medical Marijuana
- 345 Treatment Centers and which authorizes local jurisdictions to ban Medical Marijuana
- 346 Treatment Center Dispensaries within their jurisdictional boundaries, Medical
- 347 Marijuana Treatment Center Dispensaries are prohibited within the jurisdictional
- 348 boundaries of the City of Edgewood.
- 349
- 350 b) In the event there is any change by legislation or rule to the exception to the
- 351 preemptive authority asserted by the State as to Medical Marijuana Treatment Centers
- 352 or the authority of local jurisdictions to ban Medical Marijuana Treatment Center
- 353 Dispensaries within their jurisdictional boundaries or in the event a court of
- 354 competent jurisdiction enters a final order striking or otherwise altering the authority
- 355 recognized in Section 381.986, Florida Statutes, for local jurisdictions to ban Medical
- 356 Marijuana Treatment Center Dispensaries within their jurisdictional boundaries, no
- 357 application for a development order, zoning approval, change of use, or other permit
- 358 which would authorize a Medical Marijuana Treatment Center Dispensary within the
- 359 City of Edgewood shall be processed for a period of ninety days following the
- 360 effective date of such legislative change or judicial action.

361

362 **SECTION 4. CODIFICATION.** It is the intent of the City Council of the City of

363 Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad

364 and liberal authority in codifying the provision of this Ordinance.

365

366 **SECTION 5. SEVERABILITY.** If any section, sentence, phrase, word or portion of
367 this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall
368 not be held to invalidate or impair the validity, force or effect of any other section, sentence,
369 phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
370 unconstitutional.

371
372 **SECTION 6. CONFLICTS.** In any case where a provision of this Ordinance is found
373 to be in conflict with a provision of any other ordinance of this City, the provision which
374 establishes the higher standards for the promotion and protection of the health and safety of the
375 people shall prevail.

376
377 **SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective
378 immediately upon its passage and adoption.

379
380 **ADOPTED** by the City Council of the City of Edgewood, Florida, this ____ day of
381 _____, 2017.

382

383

384

385

386

387 *ATTEST:*

388

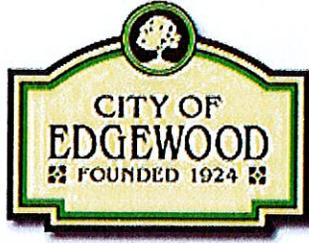
389

390 Bea Meeks

391 City Clerk

392

John Dowless, Council President



**Planning and Zoning Report
May 8, 2017**

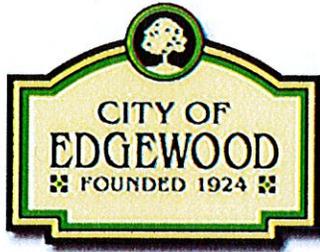
Planning and Zoning's recommendation for 2017-VAR-01 to allow a pickleball court, viewed as an accessory use, to be located in front of a residence (will go before City Council on Tuesday, June 20, 2017)

The motion was made as follows:

Board Member Rader moved that the Planning and Zoning Board recommend approval of the pickleball court with conditions; seconded by Board Member Fischer. Motion passed (4/0).

Condition #1: Prior to permitting of the pickle ball/basketball court the owner shall cause to be recorded in the public records a binding lot agreement, tying the two parcels approved by Orange County into one development lot.

Condition #2: Lighting of the court shall be prohibited.



Planning and Zoning Report - May 8, 2017
2017-VAR-01 Construction of a Pickleball Court

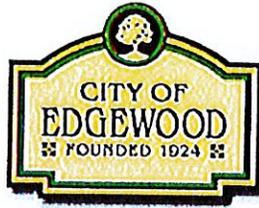
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Condition #1: Prior to permitting of the pickle ball/basketball court the owner shall cause to be recorded in the public records a binding lot agreement, tying the two parcels approved by Orange County into one development lot.

Condition #2: Lighting of the court shall be prohibited.



Memo

To: Planning and Zoning Board Members
From: Sandy Repp, Administrative Assistant
Date: May 3, 2017
Re: New Business Items

The following applications are provided in your agenda packet for your review:

1. **Variance: Gibson residence located at 5573 Jessamine Lane**
 - 2017-VAR-01 Pickleball court in front of primary residence

The documents provided for your review are as follows:

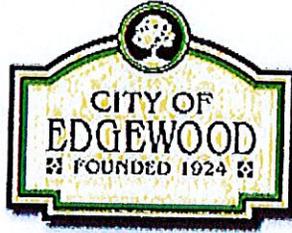
- Staff report from Ellen Hardgrove dated April 11, 2017 City of Edgewood
- Application For Variance 2017-VAR-01 to construct a pickleball court located in front of residence received March, 21, 2017
- Additional information from resident including legal description and justification for the variance for the proposed location of pickleball court.
- Copy of Orange County Building/Land Use Permit Application received March 21, 2017
- Receipts for variance application fee and pass-through fees
- Supporting documentation
 - letter from Orange County dated August 11, 1994 regarding separation of two parcels
 - plat of survey
 - Photo of proposed court location
 - Court specifications from Elite Court Construction
 - Pickleball Court layout (legal sized) – see envelope
 - Boundary survey – see envelope
 - Site Plan – see envelope

- Notice of Public Hearing dated April 25, 2017 with address and map matrix generated from Orange County Property Appraiser Website
- Sign Affidavit dated May 8, 2017

Administrative Assistant's Comments:

There were 37 letters mailed. One (1) letter was returned to City Hall as undeliverable due to vacancy. No objections or comments were received at City Hall as of the date of this memo.

2. **Input/Recommendation on Code Section 134-517 – Location of fences**
Memo from Ellen Hardgrove regarding amendment to Code



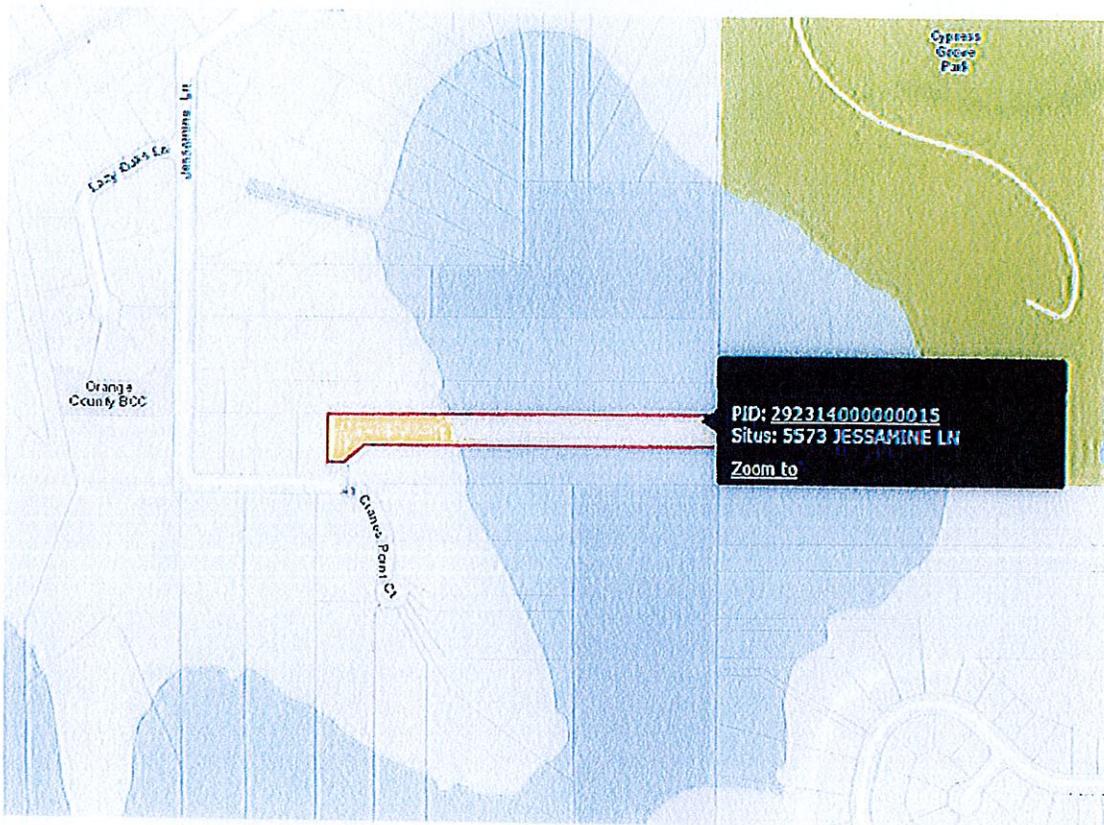
405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

To: Planning and Zoning Board
XC: Sandy Repp
Bea Meeks
Drew Smith

From: Ellen Hardgrove, AICP, City Planning Consultant

Date: April 11, 2017

Re: Variance request for accessory use at 5573 Jessamine Lane



I. Requested Action by Board:

Consideration of approval (with or without conditions) or denial of the requested variance:

- 1) Variance in Section 134-483 to allow a pickle ball/basketball court, viewed as an accessory use, in front of the house [Pertinent Code excerpts below]

Section 134-483. - Location of accessory buildings and uses in residential areas.

(c) No detached accessory building shall be located in front of the principal building.

Accessory buildings and uses means a subordinate and incidental use to the principal use. The principal use must be in existence before an accessory building or use may be constructed or utilized.

- 2) Variance in Section 134-517 to allow the construction of a fence up to 10 feet in height [Pertinent Code excerpt below]

Sec. 134-517. - Location of fences.

Fences or walls beyond the front building line shall be limited to a maximum height of four feet. A fence or wall shall be limited to a maximum height of eight feet in the rear and side yards.

Per Section 134-104 (3)b. of the City's Code, approval of the requested variances requires the board to find:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

If the property is viewed as two parcels, an accessory use is being proposed to be constructed prior to the principal structure's construction and the fence exceeds the 8 feet maximum in what would be the rear yard. Two variances would be needed. Code Sec. 134-483 states "No accessory building may be constructed prior to construction of the principal building" and again, Code Section 134-517 states "a fence or wall shall be limited to a maximum height of eight feet in the rear and side yards."

V. Staff Findings/Recommendation

Per Section 134-104 (3)b. of the City's Code, there are six criteria for approving a variance as listed below.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Viewing the property as two lots for the purpose of approval of a variance is not supported by Staff; i.e., approval of a variance to construct an accessory use prior to the construction of a principal building. The six criteria cannot be met.

- Special conditions do not exist to allow a recreation court to precede construction of a house on Parcel 1;
- Building the court prior to the house would be the choice of the owner;
- Approval would confer a special privilege to the owner; and,
- Denial of the variance would not deprive the owner of rights enjoyed by others on similar zoned lots.
- A reasonable use of Parcel 1 exists without a variance.

Furthermore, a variance for a 10 feet high fence in the rear yard would be needed if only Parcel 1 was considered.

IF the property was viewed as one parcel, the six variance approval criteria can be met. Per code, variances can be approved where there are practical difficulties in complying with Code requirements.

1. **That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.**

The property (Parcels 1 and 2) is of atypical configuration to take advantage of the lake frontage. The placement of the existing house is similar to other houses on the west side of Lake Jessamine. Because of the lot configuration and the house placement there is limited area in the rear of the house for an accessory use such as pickle ball/basketball court.



2. **That the special conditions and circumstances do not result from the actions of the applicant.**

The configuration of the lot and placement of the house predate the current owner. The house was situated on the lot in 1979. The applicant purchased the property in 1999.

3. **That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.**

Several other recreation courts on lakefront lots in the city have been allowed to be constructed in front of the principal structure.

4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

Such is true. (see 3.)

5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance would be necessary if a recreation court is to be constructed on this property without demolition of the house.

6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

With a condition that lighting of the court is prohibited to ensure compatibility with adjacent property owners, the proposed accessory structure placed in front of the principal structure would be in harmony and not be injurious to the neighborhood or the public welfare. The proposed location of the court on the lot, due to the lot's configuration, will appear to be in the rear yard when viewed from adjacent properties and out of view when seen from the road.

Staff Recommendation

Approval of a variance to build a pickle ball/basketball court as shown on the submitted site plan in front of the principal structure subject to the following conditions.

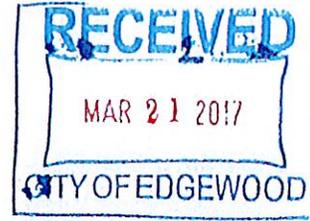
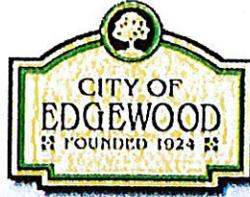
Condition #1: Prior to permitting of the pickle ball/basketball court the owner shall cause to be recorded in the public records a binding lot agreement, tying the two parcels approved by Orange County into one development lot.

Condition #2: Lighting of the court shall be prohibited.

Condition #3: Fences located in the side setback (north side of lot) shall be limited to 8 feet in height.

ESH

2017-VAR-01



APPLICATION FOR VARIANCE

Reference: City of Edgewood Code of Ordinances, Section 126-588

REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL

(+Applicable Pass-Through Fees - Ordinance 2013-01)

Please note this fee is non-refundable

PLANNING AND ZONING MEETING DATE:	5/9/2017
CITY COUNCIL MEETING DATE:	6/20/2017

IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk 7 days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for.

Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

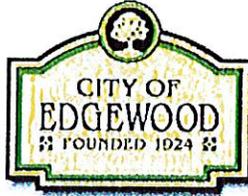
Applicant's Name:	Melissa L. Gibson	Owner's Name:	Mark I & Melissa L. Gibson
Address:	5573 Jessamine Ln, 32839	Address:	Same
Phone Number:	(407) 928-9175 (cell)	Phone Number:	(407) 854-9730 (hm)
Fax:		Fax:	
Email:	Melissa mgibso13@gmail.com	Email:	Mark mgibson 5@hotmail.com
Legal Description:	see attached Additional Information		
Zoned:	R-1AA		
Location:	Reference attached Legal Description & Orange Co. Property		
Tract Size:	Appraiser		
City section of the Zoning Code from which Special Exception is requested:	Sec 134-483		
Request:	Construct Pickleball Court in front yard.*		
Existing on Site:	Site is currently vacant.		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property.

Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.

* A basketball goal will also be included inside the court. page 2 of 4

405 Larue Avenue, Edgewood, Florida, 32809-3406
Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov



To justify this variance, applicant must demonstrate the following:

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do not result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

Applicant must agree that:

1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. 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 Edgewood ordinances.

AGREE: Melissa Gibson DISAGREE:

2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE: Melissa Gibson DISAGREE:

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	<u>Melissa Gibson</u>	Date:	<u>3/20/17</u>
Applicant's Printed Name:	<u>Melissa Gibson</u>		
Owner's Signature:	<u>Melissa Gibson</u>	Date:	<u>3/20/17</u>
Owner's Printed Name:	<u>Melissa Gibson</u>		



Please submit your completed application to City Hall via email at bmeeks@edgewood-fl.gov or srepp@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
Received Date	3/21/2017
Received By:	J. Kemp
Forwarded To:	Eileen Hartgrove - 3/21/2017
Notes:	

Revised 06/13/2016

Page 4 of 4

ADDITIONAL INFORMATION:

Legal Description:

FROM THE CENTER OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA: RUN EAST ALONG THE CENTER SECTION LINE OF SAID SECTION 14, A DISTANCE OF 208.9 FEET; RUN THENCE N00°15'40" EAST, A DISTANCE OF 62 FEET FOR A POINT OF BEGINNING; RUN THENCE EAST 50 FEET; RUN THENCE NORTHEASTERLY 73.58 FEET TO A POINT 314.9 FEET EAST AND 110 FEET NORTH 00°15'40" EAST FROM THE CENTER OF SAID SECTION 14; THENCE EAST TO THE EAST LINE OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 14; THENCE NORTH 90 FEET; THENCE WEST TO A POINT 138 FEET NORTH 00°15'40" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 00°15'40" WEST 138 FEET TO THE POINT OF BEGINNING.

As provided by the city of Edgewood, the following section of the code addresses the proposed pickle ball court (a detached structure):

Sec. 134-483. - Location of accessory buildings and uses in residential areas.

(a)

When an accessory building is attached to a principal structure by a breezeway, passage or otherwise, it shall become a part of the principal building and shall be subject to the required setbacks of the principal building.

(b)

A detached accessory building, including garage apartments, shall not be located closer than five feet to a lot line, nor closer than six feet to any other accessory building on the same lot.

(c)

No detached accessory building shall be located in front of the principal building.

Pursuant to the Edgewood Application for Variance, justification for the variance is demonstrated as follows:

- 1 Our lot is comprised of 2 separate buildable parcels. Reference attached letter from Orange County dated, August 11, 1994. Our home is situated on Parcel 2 and Parcel 1 is the proposed site for the pickle ball court. There is not sufficient space behind the house on Parcel 2 between the high water mark and the house to construct the proposed court.
- 2 There are no special conditions or circumstances which were created by the applicant.
- 3 There is not sufficient space to construct the pickle ball court other than the proposed vacant location. As proposed on back side of Parcel 1 (furthest point from Jessamine Lane), the court would sit in the front of our home on Parcel 2. The proposed court will be 5' from the northern property line as permitted by Sec 134-483(b).
- 4 If authorized, the proposed pickle ball court will be constructed within the approved setbacks as provided and will be constructed in a manner consistent with Edgewood and Orange County code requirements. Reference attached contract with Elite Court Construction for construction product detail. (Note, this is the same company who constructed the Baker Tennis Court at 5566 Jessamine Lane.) There would be NO lighting at the court. There will also be a basketball goal constructed on the south side of the court. Specifications for the goal are also detailed in the contract with Elite Court Construction.
- 5 The proposed variance would not authorize or extend any other non-conforming use of the property.
- 6 The proposed variance and construction of a pickle ball court would not be injurious to the area involved nor to the surrounding properties. The court will be for the personal use of our family and is appropriate for a property zoned R1-AA.

7 The proposed variance is consistent with the Edgewood Comprehensive Plan.

Attachments:

Orange County letter dated August 11, 1994 (2 pgs)

Certified / Stamped Survey dated 3/15/17

Photo of parcel 1 taken from Jessamine Lane

Contract w/ Elite Court Construction with detailed project specifications

3/18/2017



Orange County Division of Building Safety
201 South Rosalind Avenue
Reply To: Post Office Box 2687 • Orlando, Florida 32802-2687
Phone: 407-836-5550 • Fax 407-836-5492 • Inspections ONLY: 407-836-2825
www.ocfl.net/building
Date: 2 / 21 / 17
Building Permit Number

APPLICATION FOR BUILDING/LAND USE PERMIT*

* All Applications Must Comply with Concurrence Requirements

WARNING TO OWNER: "YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

PLEASE PRINT:

The undersigned hereby applies for a permit to make building improvements as indicated below on property.

Project Address: 5573 Jessamine Lane

Suite/Unit #: _____ Bldg #: _____ City: Edgewood Zip Code: 32839

Subdivision Name: N/A

Parcel ID Number: Section 14, Township 23, Range 29 Subdivision _____ Block _____ Lot _____ (15 Digit Parcel Number)

Owner Name: Mark I. and Melissa L. Gibson Phone No.: (407) 928 - 9175

Owner Address: 5573 Jessamine Lane City: Edgewood State: FL Zip Code: 32839

Tenant Name: N/A Phone No.: () -

Nature of Business: N/A

Architect Name: N/A License No.: _____ Phone No.: () -

Civil Engineer Name: N/A License No.: _____ Phone No.: () -

Nature of Proposed Improvements: Construct pickleball court

Demolition Permit #: _____ Site Work Permit #: _____

Property on [] Sewer or [X] Septic

Permit valuation greater than \$2500 requires a notarized Page 2, and Notice of Commencement prior to the first inspection.

Is Notice of Commencement Recorded? [] Yes [X] No

If there were comments on this project, how would you like to receive them?

[] Pick them up [X] E-Mail (Customer shall access Web Page)

Is proposed work in response to a Notice of Code Violation written by an Orange County Inspector? [] Yes [X] No

Is proposed work in response to an unsafe abatement notice? [] Yes [X] No

Has project had a pre-review? [] Yes [X] No If Yes, Commercial Plans Examiner(s): _____

Is building fire sprinklered? [] Yes [X] No

Required work: [] Plumbing [] Electrical [] Mechanical [] Gas [] Roofing [X] None

Alterations Only:

Is this a new tenant? [] Yes [] No If yes, state previous use: _____

Intended use of space: _____

List use of adjoining tenant space(s): Side: _____ Above: _____

Rear: _____ Side: _____ Below: _____

Total Job Valuation: \$29,350.00

I hereby make Application for Permit as outlined above, and if same is granted I agree to conform to all Division of Building Safety Regulations and County Ordinances regulating same and in accordance with plans submitted. The issuance of this permit does not grant permission to violate any applicable Orange County and/or State of Florida codes and/or ordinances. I hereby certify that the above is true and correct to the best of my knowledge.

PLEASE PRINT: (Check one) Owner: [X] Contractor: []

Name of License Holder/Agent: Melissa Gibson

Contractor License Number (if applicable): N/A

Contact Phone Number: (407) 928 - 9175 E-Mail Address: mgibso13@gmail.com

Authorized Signature: Melissa Gibson

Para más Información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

Permit Number

Permit Application Information - Page Two

Permit Number

Owner's Name Mark I. and Melissa L. Gibson

Owner's Address 5573 Jessamine Lane

Fee Simple Titleholder's Name (If other than owner's) _____

Fee Simple Titleholder's Address (If other than owner's) _____

City Edgewood State FL Zip Code 32839

Contractor's Name Elite Court Construction, Inc.

Contractor's Address 853 Mimosa Trail

City Oviedo State Florida Zip Code 32765

Job Name Gibson Pickleball Court

Job Address 5573 Jessamine Lane SUITE/UNIT _____

City Edgewood State Florida Zip Code 32839

Bonding Company Name N/A

Bonding Company Address N/A

City _____ State _____ Zip Code _____

Architect/Engineer's Name N/A

Architect/Engineer's Address N/A

Mortgage Lender's Name N/A

Mortgage Lender's Address N/A

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL, PLUMBING, GAS, MECHANICAL, ROOFING, SIGNS, POOLS, ETC.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. A Notice of Commencement must be recorded and posted on the job site before the first inspection. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

Owner Signature Melissa Gibson

The foregoing instrument was acknowledged before me this 02/21/17 by Melissa Gibson who is personally known to me and who produced FL DL as identification and who did not take an oath.

Contractor Signature Josh DeBoto

The foregoing instrument was acknowledged before me this 02/21/17 by Josh DeBoto who is personally known to me and who produced _____ as identification and who did not take an oath.

Notary as to Owner [Signature]

Commission No. FF 999694

State of FL, County of Orange

My Commission expires: June 7, 2020

(SEAL)

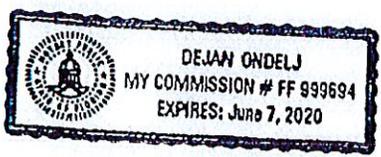
Notary as to Contractor [Signature]

Commission No. FF989029

State of FL, County of Seminole

My Commission expires: May 4, 2020

(SEAL)



Para más información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

JL. Claire

Orange County



Zoning Department
Melvin Pittman, Manager
201 South Rosalind Avenue, 1st Floor
Reply To: Post Office Box 2687
Orlando, Florida 32802-2687
Telephone (407) 836-5525
FAX (407) 836-2899

August 11, 1994

Mr. Dalos J. Thomas
5573 Jessamine Lane
Orlando, FL 32839

Re: Property as Legally Described on Attached Exhibit "A"

Dear Mr. Thomas:

This is in response to your letter dated August 8, 1994, requesting information on the attached legally described property.

The subject property is currently zoned R-1AA (Single Family Dwelling District). The Orange County Comprehensive Policy Plan's Future Land Use Map designates this property for Low Density Residential (maximum density of four (4) dwelling units per acre) use. The property's zoning is consistent with the Comprehensive Policy Plan's Future Land Use Map.

In 1978, the property was divided into two separate parcels. Currently, a house exists on Parcel 2 and Parcel 1 is vacant. A house would be permitted on Parcel 1 in the future provided all appropriate development standards are met.

Please be advised that any new development proposed on the subject property is subject to meeting the County's Concurrency Management System requirements (Chapter 30, Article XII, Orange County Code) as well as all other applicable federal, state, and local government regulations and policies. For information regarding concurrency requirements, please contact the Planning Department at 407/836-5600.

I trust this information will be helpful to you. If you have any additional questions, please contact Helen Rutherford at 407/836-5525 or feel free to visit this office.

Sincerely,

Joanne N. McMurray

Joanne N. McMurray,
Assistant Zoning Manager

jnac/hr/lmc

Enclosure:

1. Legal Description of the Property

c: Melvin Pittman, Manager, Zoning Department

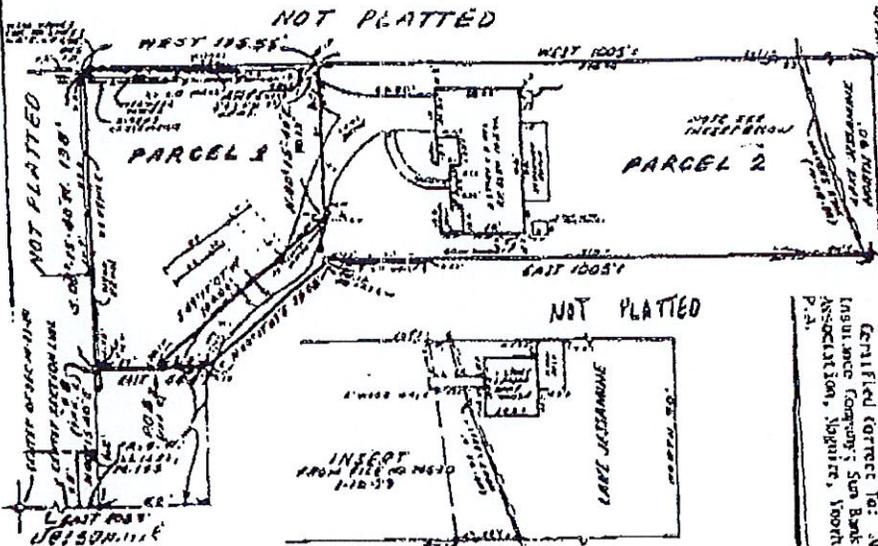
PLAT OF SURVEY DELOS J. THOMAS

PARCEL 1 From the center of Section 14, Township 23 South, Range 29 East, Orange County, Florida, run East along the center section line of said Section 14 a distance of 208.9 feet; run thence N.00°15'40"E. a distance of 62 feet for a point of beginning; run thence East 27 feet; run thence Northeasterly 104.05 feet to a point 314.9 feet East and 179.87 feet N.00°15'40"E. from the center of said Section 14; thence N.00°15'40"E. 70.13 feet; thence West 105.55 feet; thence S.00°15'40"W. 178 feet to the Point of Beginning.

PARCEL 2 From the center of Section 14, Township 23 South, Range 29 East, Orange County, Florida, run East along the center section line of said Section 14 a distance of 208.9 feet; thence run N.00°15'40"E. a distance of 62 feet; run thence East 27 feet for a point of beginning; thence continue East 27 feet; run thence Northeasterly 73.58 feet to a point 314.9 feet East and 110 feet N.00°15'40"E. from the center of said Section 14; thence East to the East line of the Southwest 1/4 of the Northeast 1/4 of said Section 14; thence North 90 feet; thence West to a point 79.18 feet East and 138 feet N.00°15'40"E. from the point of beginning; thence S.00°15'40"W. 70.13 feet; thence S.49°17'01"W. 104.05 feet to the Point of Beginning.

PARCELS 1 & 2 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

From the center of Section 14, Township 23 South, Range 29 East, Orange County Florida; run East along the center section line of said Section 14, a distance of 208.9 feet; run thence N.00°15'40"E. a distance of 62.00 feet for a Point of Beginning; run thence East 27.00 feet; run thence Northeasterly 73.58 feet to a point 314.9 feet East and 110.00 feet North 00°15'40"E. from the center of said Section 14; thence East to the East line of the Southwest 1/4 of the Northeast 1/4 of Section 14; thence North 90.00 feet; thence West to a point 138.00 feet North 00°15'40"E. from the Point of Beginning; thence S.00°15'40"W. 134.60 feet to the Point of Beginning.



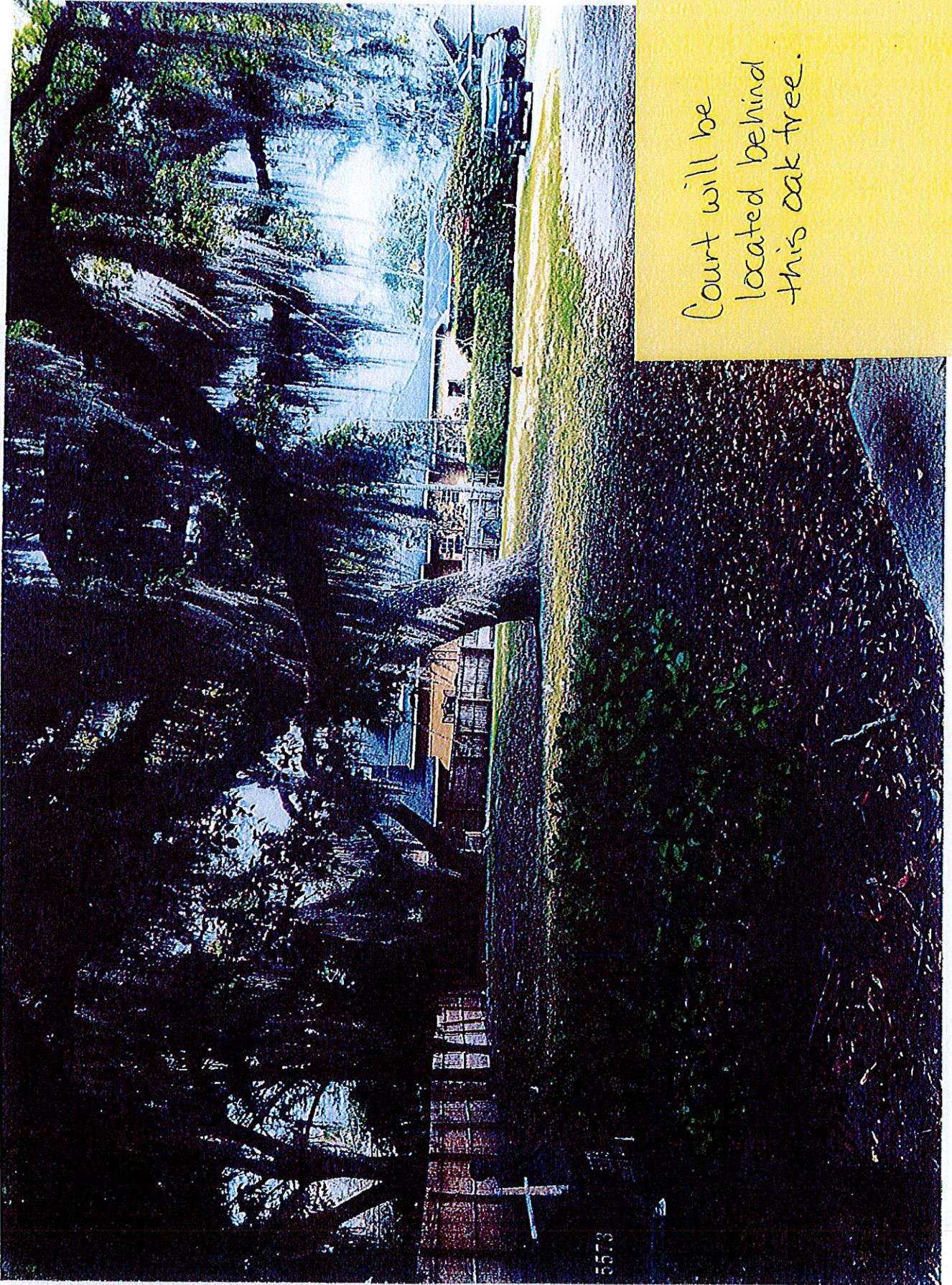
(25582)
(25578)
**MENRIGH, TROTTER,
CARTER, & AYERS, INC.**
LAND SURVEYORS
630 N. WYMORE ROAD
WINTER PARK, FLORIDA 32789
W071 647-7345

FOR BOUNDING LEGS IN BOOK
P.L.M. COMPANY PLAT NO. 111
CORRECTED DATED 8-8-88
IN VA. JORM FILED 15 94.0
DATE OF BOUNDARY 4-8-81
BOUND 4-8-81
FINAL 8-8-81
RE-SURVEYED 12-15-88

SCALE: 1"=50'
CERTIFIED CORRECT FOR: American Title Insurance Company; Sun Bank National Association; Tanager, Southis & Nellis, P.A.
CERTIFIED CORRECT:
[Signature]
REG. LAND SURVEYOR NO. 1257
M. E. [Signature] P.L. 2/11/2003

FILE NO. 550-81-A

Gibson - 5573 Jessamine Lane, Edgewood, FL



5573



Court will be located behind this oak tree.



853 Mimosa Trail, Oviedo, FL

32765

PH: 321-765-7901 Fax: 855-301-9751

January 18, 2017

Attn: Melissa Gibson

Re: Pickleball Court Construction 30X60 (5573 Jessamine Lane)

Elite Court Construction Inc. proposes to construct one pickleball court (30' X 60' paved area) according to the following specifications:

LIMEROCK:

Six inches of crushed concrete base shall be deposited and graded. The base shall be graded to slope in one direction. The base shall be compacted to 95%.

ASPHALT:

Hot mix shall be laid to give 1.5" compacted thickness using Type III virgin asphalt that shall be compacted by a 3-ton static roller giving equivalent compaction.

SURFACING:

Asphalt surface shall be sound, smooth and free from oily materials. The entire surface shall be machine sanded to remove minor elevations or imperfections. The court shall be flooded and all areas holding water shall be patched to 1/16" tolerance after draining. One coat of Sportmaster acrylic resurfacer shall be squeegeed over the entire surface. Five coats of the CushionMaster II shall be applied over the entire surface. Two coats of the CushionMaster I shall be applied over the entire surface. Two coats of CushionMaster color shall be squeegeed over the entire surface (owner's choice of color). Pickleball court shall be striped per USAPA standards.

NETS & POSTS:

PVC sleeves for the pickleball net posts shall be installed before surfacing the courts. PVC sleeves shall be set in 2' X 2' X 2' of concrete. Net posts shall be 2 7/8" OD, galvanized, schedule 40 with external wind up crank wheel (black or green). Nets shall be 3.5 regulation pickleball nets.

PROPOSAL PRICE: 20,250.00

Schedule of Payments:

- 30% upon completion of limerock
- 20% upon completion of paving
- 50% upon completion of surfacing and installation of equipment

ADDITIONAL OPTIONS:

Please mark all that apply

FENCING:

LCX with polyester powder coating (black or green). All terminals and line posts shall be 2 1/2" OD with a weight of .740 lbs. per linear foot. All terminals shall be braced at 90 degrees using the top rail material.

FABRIC: (10' and 4' fencing)

120' of fabric shall be 10' high. 60' of fabric shall be 4' high. All will be 9 gauge, 1 3/4 mesh, hot dipped galvanized with black or green vinyl coating. All fabric shall be knuckled at top and bottom. All corner and gate terminals shall be banded off with 1" tension bands. Fabric shall be leveled and tied in at 16" intervals with 9-gauge steel or aluminum tie wraps. Nine-gauge tension wire shall be stretched in at the bottom of the fabric and hog-ringed into the fabric at 4' intervals.

GATES AND TERMINALS:

One gate included in base price. All gates shall be made from the same materials as the top rail (1 3/8). Gates shall be welded or sleeved per corrosion conditions of the area. Gate shall be 3 1/2' by 4' with a brace around the perimeter of the 1 3/4 mesh. A fork-type gate latch shall be installed with each gate.

20
Price: 5,350.00

BASKETBALL GOAL:

FIRST TEAM SPORTS, INC

Force Pro Basketball Goal – Product Specifications

1. **VERTICAL POLE** - Vertical post shall be constructed of steel with a black powdercoat finish. The vertical post shall be 5" square tubing with a 3/16" wall thickness. A 3/8" thick baseplate and 4 support gussets shall be welded at the bottom of the vertical pole to allow the unit to be installed via an anchoring system.
2. **EXTENSION ARM** - Main (adjustable) extension arm tube shall be constructed of dual 1 1/2" x 3" (11 ga.) tubing, single strut extension arm designs shall not be considered equal. Extension shall allow for a minimum 48" from front of post to face of backboard at any given playing height. The height adjustment crank cylinder shall have a minimum 2000# capacity rating and be located no higher than 3 1/2' from ground level so as to make adjustment possible by all ages. Pole structure design shall allow for rim height to be adjusted infinitely from 10' down to 6 1/2'. Adjustment mechanism shall include an optional locking device to control unwanted adjustment. A spring-loaded backup safety device shall be included to minimize the amount of effort required to adjust the goal height when raising or lowering the unit. Pole design shall permit the rim to be mounted directly to the extension arm through the backboard so as to reduce stress on the backboard when player hangs on the rim. An easy-to-read height adjustment label shall register rim height.
3. **BACKBOARD** - Constructed of 3/8" thick tempered glass with bright white fire impregnated ceramic screening. The framework shall be constructed from clear anodized aluminum "F" type extrusions. Overall backboard size shall be approximately 60" wide and 36" high.
4. **RIM** - Flexible type so as to absorb the stress of player contact. The rim shall be of institutional quality with an official 5/8" diameter ring. Ring opening diameter shall be the standard 18" I.D. Rim shall have an orange powder coated finish. Heavy-duty nylon net shall be provided.
5. **WARRANTY** - Pole, backboard, and standard rim shall carry Lifetime Superior Warranty. Entire system weight shall be approximately 365#.



FIRST TEAM SPORTS, INC.
 902 COREY ROAD
 HUTCHINSON, KS 67501
 TOLL FREE: 888-884-6677

Price: 3,265.00 per goal

FIRST TEAM SPORTS, INC

Titau Arena Basketball Goal – Product Specifications

1. VERTICAL POLE – Vertical post shall be constructed of steel with a black powdercoat finish. The vertical post shall be 6" square tubing with a 3/16" wall thickness. A 3/8" thick baseplate and 4 support gussets shall be welded at the bottom of the vertical pole to allow the unit to be installed via an anchoring system.
2. EXTENSION ARM - Main (adjustable) extension arm tube shall be constructed of dual 2" x 4" (11 ga.) tubing, single strut extension arm designs shall not be considered equal. Extension shall allow for a minimum 48" from front of post to face of backboard at any given playing height. The height adjustment crank cylinder shall have a minimum 11,000# capacity rating and be located no higher than 4' from ground level so as to make adjustment possible by all ages. Pole structure design shall allow for rim height to be adjusted infinitely from 10' down to 5 1/2'. Adjustment mechanism shall include an optional locking device to control unwanted adjustment. A spring loaded backup safety device shall be included to minimize the amount of effort required to adjust the goal height when raising or lowering the unit. Pole design shall permit the rim to be mounted directly to the extension arm through the backboard so as to reduce stress on the backboard when player hangs on the rim. An easy-to-read height adjustment label shall register rim height.
3. BACKBOARD – Constructed of 1/2" thick tempered glass with bright white fire impregnated ceramic screening. The framework shall be constructed from clear anodized aluminum "F" type extrusions. Overall backboard size shall be approximately 72" wide and 42" high.
4. RIM - Flexible type so as to absorb the stress of player contact. The rim shall be of institutional quality with an official 5/8" diameter ring. Ring opening diameter shall be the standard 18" I.D. Rim shall have an orange powder coated finish. Heavy-duty nylon net shall be provided.
5. WARRANTY - Pole, backboard, and standard rim shall carry a Lifetime Superior Warranty. Entire system weight shall be approximately 450#.



FIRST TEAM SPORTS, INC.
902 COREY ROAD
HUTCHINSON, KS 67501
TOLL FREE: 888-884-6677

Price: 3,750.00 per goal

FIRST TEAM SPORTS, INC

Stainless Olympian Supreme Basketball Goal – Product Specifications

1. VERTICAL POLE – Vertical post shall be constructed of 304 stainless steel with a black powdercoat finish. The vertical post shall be 6"x8" rectangular tubing with a 1/4" wall thickness. A 3/8" thick baseplate and 4 support gussets shall be welded at the bottom of the vertical pole to allow the unit to be installed via an anchoring system.
2. EXTENSION ARM - Main (adjustable) extension arm tube shall be constructed of dual 2" x 4" (11 ga.) 304 stainless steel tubing. Extension shall allow for a minimum 48" from front of post to face of backboard at any given playing height. The height adjustment crank cylinder shall have a minimum 11,000# capacity rating and be located no higher than 4' from ground level so as to make adjustment possible by all ages. Pole structure design shall allow for rim height to be adjusted infinitely from 10' down to 6 1/2'. Adjustment mechanism shall include an optional locking device to control unwanted adjustment. A spring loaded backup safety device shall be included to minimize the amount of effort required to adjust the goal height when raising or lowering the unit. Pole design shall permit the rim to be mounted directly to the extension arm through the backboard

so as to reduce stress on the backboard when player hangs on the rim. An easy-to-read height adjustment label shall register rim height.

3. BACKBOARD - Constructed of 1/2" thick acrylic with bright white screening. The framework shall be constructed from clear anodized aluminum "F" type extrusions. Overall backboard size shall be approximately 72" wide and 42" high.

4. RIM - Flexible type so as to absorb the stress of player contact. The rim shall be of institutional quality with an official 5/8" diameter ring. Ring opening diameter shall be the standard 18" I.D. Rim shall have an orange powder coated finish. Heavy-duty nylon net shall be provided.

5. WARRANTY - Pole, backboard, and standard rim shall carry a Lifetime Superior Warranty. Entire system weight shall be approximately 606#.



FIRST TEAM SPORTS, INC.
902 COREY ROAD
HUTCHINSON, KS 67501
TOLL FREE: 888-834-6677

____ Price: 4,635.00 per goal

OWNERS OBLIGATION TO CONTRACTOR (ELITE COURT CONSTRUCTION):

1. Provision of an access road to court site adequate for support of limerock, and asphalt trucks and other necessary construction equipment.
2. Provision of water at court site for base construction, flooding of courts, and mixing with the surfacing materials. Owner to pay for water meter if necessary.
3. Provide site plans and legal description required by county or local building regulations. All zoning laws are to be followed and variances, if necessary, obtained prior to obtaining permit. Elite Court Construction shall obtain the permit and the owner shall pay for said permitting.
4. Shall indicate all underground plumbing, electrical, irrigation, etc. which may be in construction or access area.
5. Owner shall construct all retaining walls, curbs, drainage conduits, alterations or additions to stated specifications.
6. If owner requires initiation of contract despite inadequate site preparation and/or inadequate access, Elite Courts shall back charge \$150.00 per hour for extra work/or down time due to above.
7. Adequate drainage in the area of the court shall be required previous to initiation of contract so that the integrity of the limerock shall not be impaired by water backing onto or filtering under the court area.
8. The landscaping of the area around the court shall be done immediately upon completion of the asphalt to reduce risk of erosion. Elite Courts shall not be responsible for reattachment of the same or straightening of fence due to the action of the wind on same. It is suggested that 45 degree braces be attached to fence posts which are most susceptible to strong winds.
9. Grass and any excess dirt will be stripped and put in a pile near the site. If we need to take off site there will be a charge of 200.00 per load.
10. If any fill dirt is needed on site there will be additional charges of 325.00 per load.
11. Owner shall review and approve the layout provided by Elite Court Construction, prior to commencement of project.

WARRANTY:

Elite Court Construction Inc. guarantees workmanship and materials for one year upon completion.

CONDITION OF SALE:

The purchaser and Seller or its assigns agree to the purchase and sale of before described property on the following conditions:

- 1) That Purchaser will pay to Seller or its assigns the Total Contract Price in accordance with the terms set forth.
- 2) That if the Seller performs reasonable workmanship and if the Purchaser shall default in the payment of any installment or violate any of the provisions of this Contract, the Seller, or its assigns, shall have the right to declare due the whole amount unpaid. Three days' notice will be given to the Purchaser, by the Seller, to pay the whole amount unpaid. If the whole amount unpaid is still unpaid after three days, the Seller shall demand legal process, liability for trespass or damages, and without prejudice to other action, enter the premises where said property may be repossess and remove same.
- 3) That there are no agreements or warranties in connection with this transaction which are not expressly set forth in this Contract.
- 4) Buyer hereby assigns without recourse Elite Court Construction Inc. the right and interests of the material and equipment in the above Contract and in the property described therein until paid in full.

IN WITNESS WHERE OF, the parties here to have executed this Contract by their proper officers or duly authorized agents on the day and year first above written.

The parties agree that in the event that payment is not made as provided herein, Contractor may terminate this contract, refuse to complete any work remaining pursuant to the contract, and any alternate proposals, amendments, changes, or modifications thereto, and sue for the payment due, plus any work performed by contractor up until the date of termination, including a reasonable profit and overhead, court costs, attorney's fees (including attorney's fees incurred in arbitration and administrative proceedings and all state and federal actions and appeals), and interest at the rate of 1½% per month, 18% per year.

In the event of litigation of this contract, venue of same shall lie in Orange County, Florida and the prevailing party shall be entitled to an award of reasonable attorney's fees and costs from the non-prevailing party. Insurance Certificates and Licenses Provided upon Request *any changes or additions to standard coverage at additional cost.

New Total Proposal Price (including any additional options):

_____ **\$29,350.-**

OK

COLOR SELECTION: _____

Accepted By: *[Signature]*

Date Signed:

Print Name: Mark E. Gibson

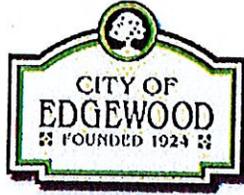
2/10/2017

Print Title: Homeowner

Contractor: _____

Date Signed:

Elite Court Construction

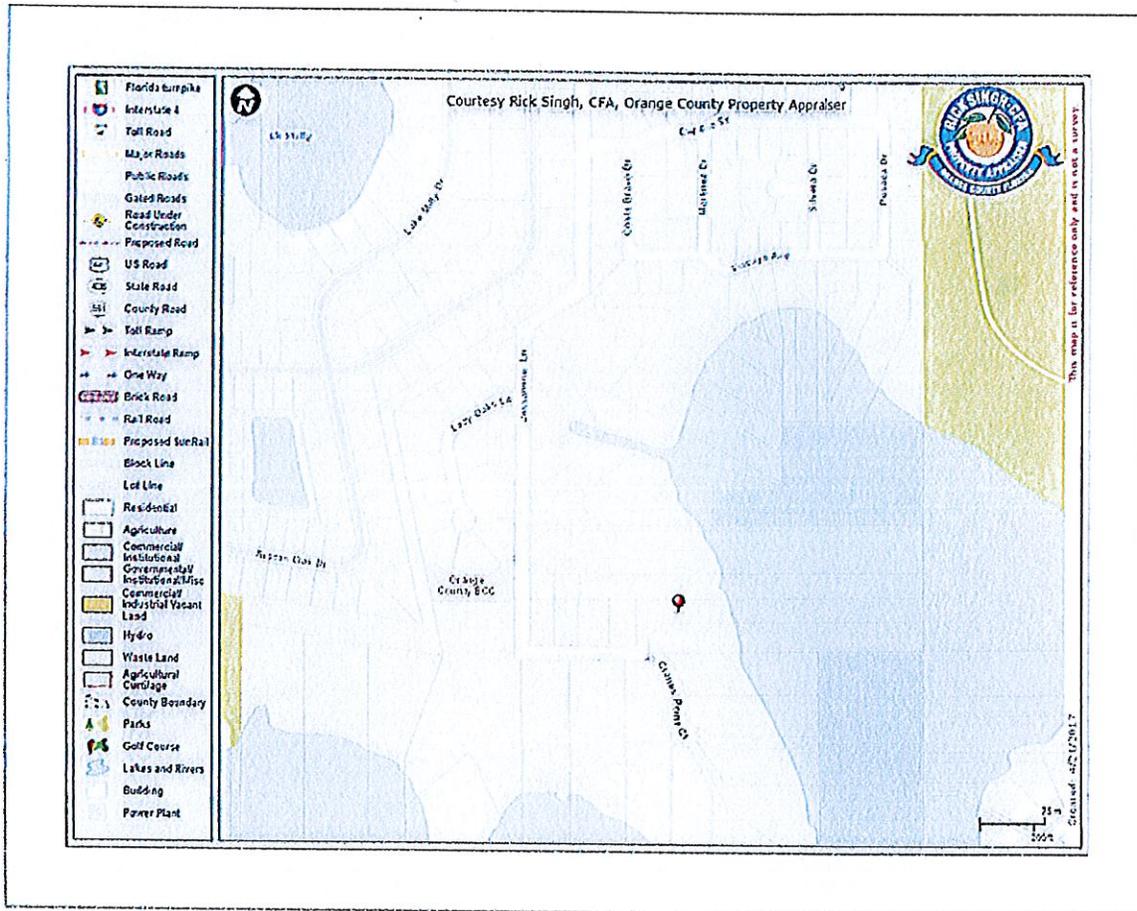


NOTICE OF PUBLIC HEARING

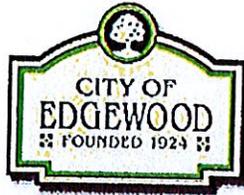
PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday May 8, 2017**, the Planning and Zoning Board of the City of Edgewood, will consider **Variance Application No. 2017-01** to allow the construction of a proposed pickleball court in front of the principal building (house), located at 5573 Jessamine Court which is currently in R-1AA zoning district (City of Edgewood Resolution 2005-R002 City Code of Ordinances, Reference Section 134-104 [Variance]). The application was submitted by Melissa and Mark Gibson. The meeting will be held in the Council Chambers of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.** or as soon as possible thereafter.

The Planning and Zoning Board's recommendation will be forwarded to City Council on **Tuesday, June 20, 2017 at 6:30 p.m.** for final action.

The subject property for special exception is legally described as BEG 208.9 FT E & 62 FT N OF FT N OF POB S 138 FT TO POB IN SEC 14-23-29



405 Larue Avenue • Tel: 407-851-2920 • Fax: 407-851-7361 • www.edgewood-fl.gov



Interested parties may attend this meeting and be heard with respect to this Variance application. In addition, the application(s) may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida. You may reach City Hall at 407-851-2920; City Hall is open Monday – Thursday 8 a.m. to 4 p.m. and Friday 8 a.m. to noon. Should you have any questions or concerns please do not hesitate to come to City Hall to review the file.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the Planning and Zoning Board and City Council on this topic to properly noticed hearings or to written communication to the City Clerk's Office.

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the city clerk.

The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the meeting to the City Clerk's Office.

This public hearing may be continued to a future date or dates. Any interested party is advised that the date, time, and place of any continuation shall be announced during the public hearing and that no further notices regarding this matter will be published.

Should you desire additional information, regarding this application, please feel free to contact the City Clerk's Office at 407-851-2920, or e-mail at bmeeks@edgewood-fl.gov.

Bea L. Meeks, City Clerk
Dated: April 25, 2017

You may either mail in your comments and concerns on the space provided below or submit directly to City Hall. Please see above our hours of operation. We thank you for your participation.

MALOY JOHN RICK
MALOY MARCIA A
5307 JESSAMINE LN
ORLANDO, FL. 32839

MITCHELL ROBERT D SR
5300 JESSAMINE LN
ORLANDO, FL. 32839

LAMBERT SHANNON
5583 JESSAMINE LN
ORLANDO, FL. 32839

CONFIDENTIAL
CONFIDENTIAL
CONFIDENTIAL

POWELL NEIL G
5315 JESSAMINE LN
ORLANDO, FL. 32839

VINOLI PROPERTIES LLC
PO BOX 560926
ORLANDO, FL. 32856

ORANGE COUNTY BCC
C/O REAL ESTATE MNGT DEPT | PO BO:
ORLANDO, FL. 32802

BARNER BRETT L
BARNER PATRICIA M
5101 CRANES POINT CT
ORLANDO, FL. 32839

° IRWIN FAMILY REVOCABLE TRUST
C/O DANN D IRWIN TRUSTEE | 5158 CR/
ORLANDO, FL. 32839

WILLIS DAVID C
WILLIS JUDI J
5157 CRANES POINT CT
ORLANDO, FL. 32839

PARTAIN VIRGINIA R TR
PARTAIN JONATHAN O TR
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HOWARD PEGGY T TR
HOWARD ROBERT M JR TR
5554 JESSAMINE LN
ORLANDO, FL. 32839

HARRIS VALERIE L
5561 JESSAMINE LN
ORLANDO, FL. 32839

MCCOMAS FRANK
MCCOMAS MARJORIE
209 PLANTATION CIR S
PONTE VEDRA BEACH, FL. 32082

ONDICH JANET L
1162 CHARMING ST
MAITLAND, FL. 32751

CITRUS REAL ESTATE HOLDINGS LLC
1109 W CHURCH ST
ORLANDO, FL. 32805

CRANES POINT HOMEOWNERS ASSN II
5157 CRANES POINT CT
EDGEWOOD, FL. 32839

PAUL R WILLIAMSON REVOCABLE TRUS
C/O PAUL R WILLIAMSON TRUSTEE | 51
ORLANDO, FL. 32839

ACCOLA KEVIN D
ACCOLA CAROLYN A
5143 CRANES POINT CT
ORLANDO, FL. 32839

KATZMAN SCOTT S
677 HERMITAGE CIR
PALM BEACH GARDENS, FL. 33410

BURNETT CLAY M
BURNETT ANGELA R
5115 CRANES POINT CT
ORLANDO, FL. 32839

BEEEMER C BRITT
BEEEMER JAN C
5100 CRANES POINT CT
ORLANDO, FL. 32839

BURKE BONNIE S
5569 JESSAMINE LN
ORLANDO, FL. 32839

Revised labels

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IRWIN FAMILY REVOCABLE TRUST
C/O DANN D IRWIN TRUSTEE
5158 CRANES POINT CT
ORLANDO, FL 32839

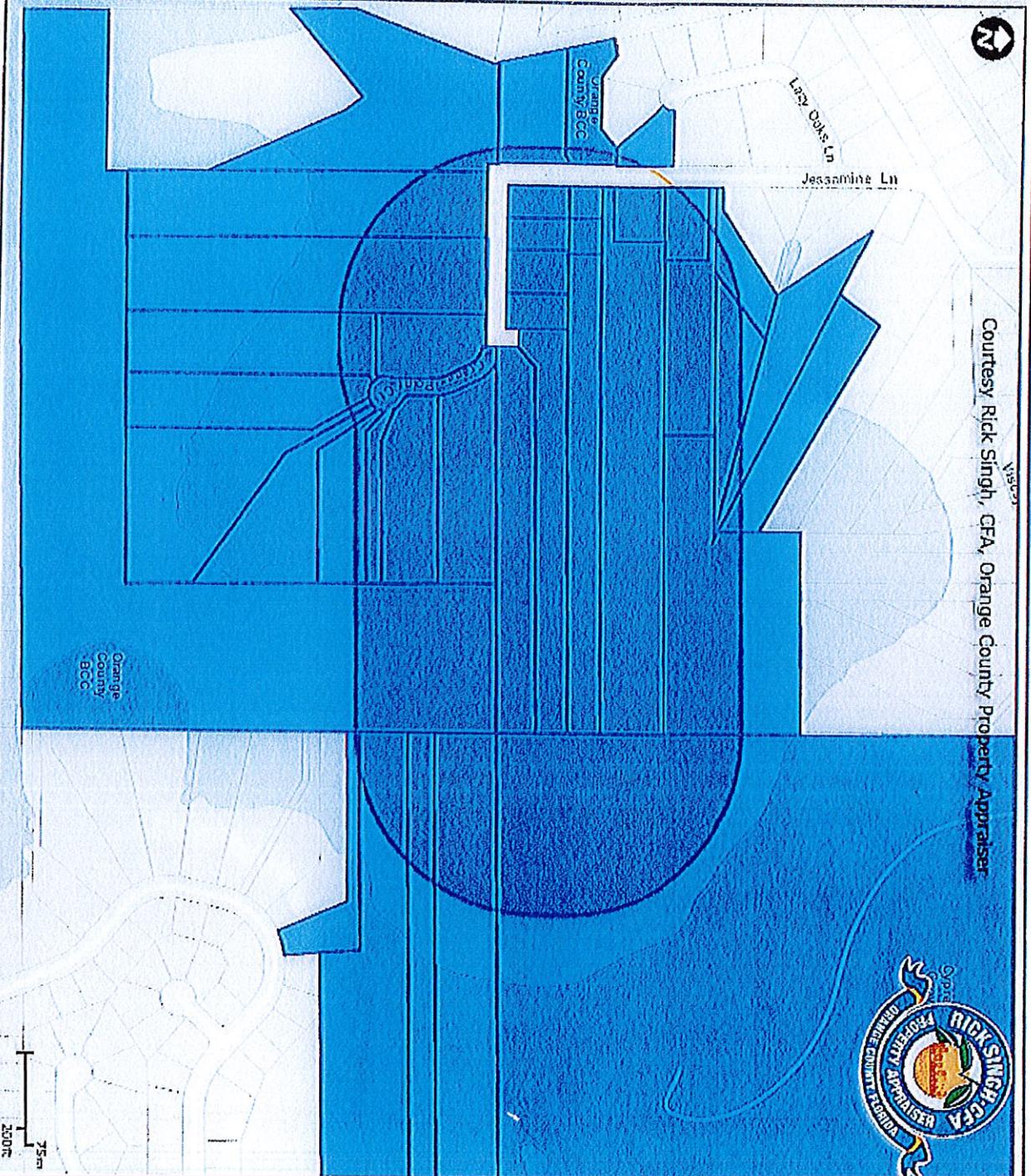
ORANGE COUNTY BCC
C/O REAL ESTATE MGT DEPT
PO BOX 1393
ORLANDO, FL 32802

Repliez à la hauteur de l'adresse

Sens de

Paul R Williamson Revocable Trust
C/O Paul R Williamson Trustee
5130 Cranes Point Ct
Orlando, FL 32839-2009

- Florida Turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building
- Power Plant



Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 3/30/2017

This map is for reference only and is not a survey.

Application: 2017-VAR-01
 Owner/Applicant Name: Mark and Melissa Gibson
 Public Hearing Date: Monday, May 8, 2017

This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

STATE OF FLORIDA
 ORANGE COUNTY

Before me, the undersigned authority, personally appeared Melissa Gibson to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and dated of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 4/25/2017.
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such will be officially filed with the City of Edgewood, Florida.

Melissa Gibson
 Signature of owner or authorized representative

Sworn to and subscribed before me this 25 day of April

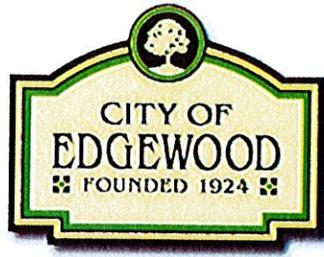


Sandra J. Repp
 Print, type, or stamp commissioned name of Notary Public

Notary Public, State of Florida

~~Personally Known~~ OR Produced Identification
 Type of I.D. Produced _____

State of FL County of Orange
 Rev. 07-21-11
 Subscribed and sworn to (or affirmed) before me on this 25 day of April, 2017 by _____
 proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.
 Notary Signature Sandra J. Repp



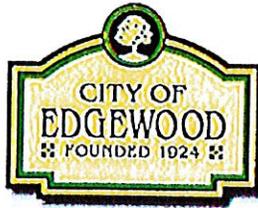
Planning and Zoning Report - June 12, 2017
2017-VAR-02 Construction of a fence up to 10 feet in height

Planning and Zoning's recommendation for 2017-VAR-02 to allow the construction of a fence up to ten feet in height surrounding a pickleball court (will go before City Council on Tuesday, June 20, 2017).

Board Member Rader moved that the Planning and Zoning Board recommend approval of the ten feet high fence with conditions; seconded by Board Member Fischer. Motion passed (4/0).

Condition #1: The ten feet high fence is limited to the perimeter of the pickleball court and does not apply to a barrier/lot line fence.

Condition #2: The fence is to be constructed of black vinyl.



Memo

To: Planning and Zoning Board Members
From: Sandy Repp, Administrative Assistant
Date: June 7, 2017
Re: New Business Items

The following applications are provided in your agenda packet for your review:

1. **Variance: Gibson residence located at 5573 Jessamine Lane**
 - 2017-VAR-02 Pickleball Court Fence

The documents provided for your review are as follows:

- Staff report from City Planner Ellen Hardgrove dated May 12, 2017
- Application For Variance 2017-VAR-02 to construct a 10 foot high fence surrounding a pickleball court
- Additional information from resident including legal description and justification for the variance
- Supporting documentation
 - o Email from neighboring property owner
 - o Site Plan – see envelope
- Notice of Public Hearing dated May 31, 2017 with address and map matrix generated from Orange County Property Appraiser Website
- Sign Affidavit dated May 31, 2017

Administrative Assistant's Comments:

There were 37 letters mailed. One (1) letter was returned to City Hall as undeliverable. No objections or comments were received at City Hall as of the date of this memo.

2. Variance: Felsing Residence located at 4915 Lake Gatlin Woods Court
• **2017-VAR-03 Pickleball Court Fence**

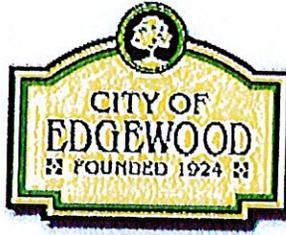
The documents provided for your review are as follows:

- Staff report from City Planner Ellen Hardgrove dated May 25, 2017
- Application For Variance with elevations 2017-VAR-03 to construct a covered patio within the setback of the Normal high Water Elevation (NHWE)
- Supporting documentation
 - Site Plan and elevations
 - Letter from architectural firm re: justification for variance request
 - Receipt for Variance application fee and deposit for pass-through fees
 - Agent Authorization Form
 - Topographic Survey dated May 23, 2017 – see envelope
- Notice of Public Hearing dated May 31, 2017 with address and map matrix generated from Orange County Property Appraiser Website
- Sign Affidavit dated May 30, 2017

Administrative Assistant's Comments:

There were 33 letters mailed. No letters were returned and no objections or comments were received at City Hall as of the date of this memo.

3. Sign Ordinance Discussion



405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

To: Planning and Zoning Board
XC: Sandy Repp
Bea Meeks
Drew Smith

From: Ellen Hardgrove, AICP, City Planning Consultant

Date: May 12, 2017

Re: Variance request for a 10 feet high fence at 5573 Jessamine Lane

I. Requested Action by Board:

Consideration of approval (with or without conditions) or denial of the requested variance:

Variance in Section 134-517 to allow the construction of a fence up to 10 feet in height [Code excerpt below].

Sec. 134-517. - Location of fences.

Fences or walls beyond the front building line shall be limited to a maximum height of four feet. A fence or wall shall be limited to a maximum height of eight feet in the rear and side yards.

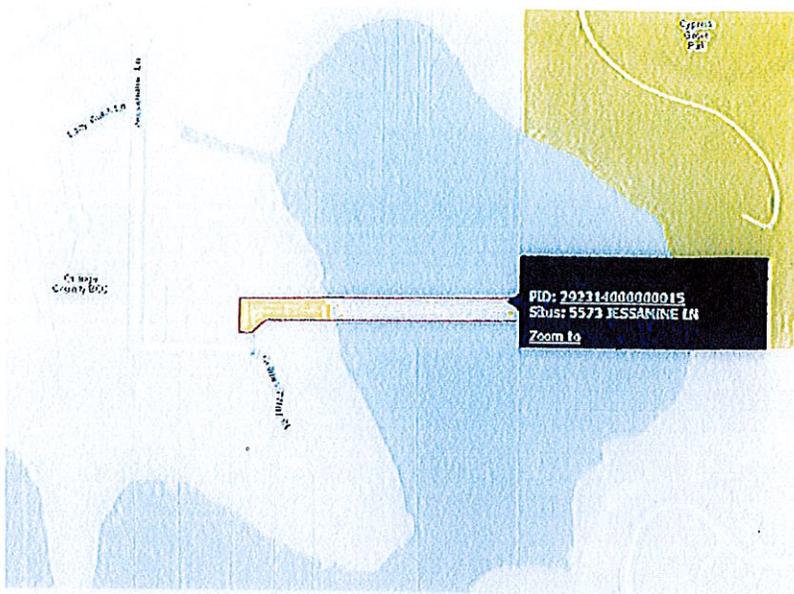
The proposed ten feet high fence will surround a pickle ball court.



Illustration of a pickle ball court with fence

II. Relevant Facts

Owner: Mark and Melissa Gibson
Property Address: 5573 Jessamine Lane
Tax Parcel #: 4-23-29-0000-00-015
Parcel Size: 2.4 acres
Zoning: R1AA, surrounded by R1AA
Existing Land Use: Single family residence on a lakefront lot

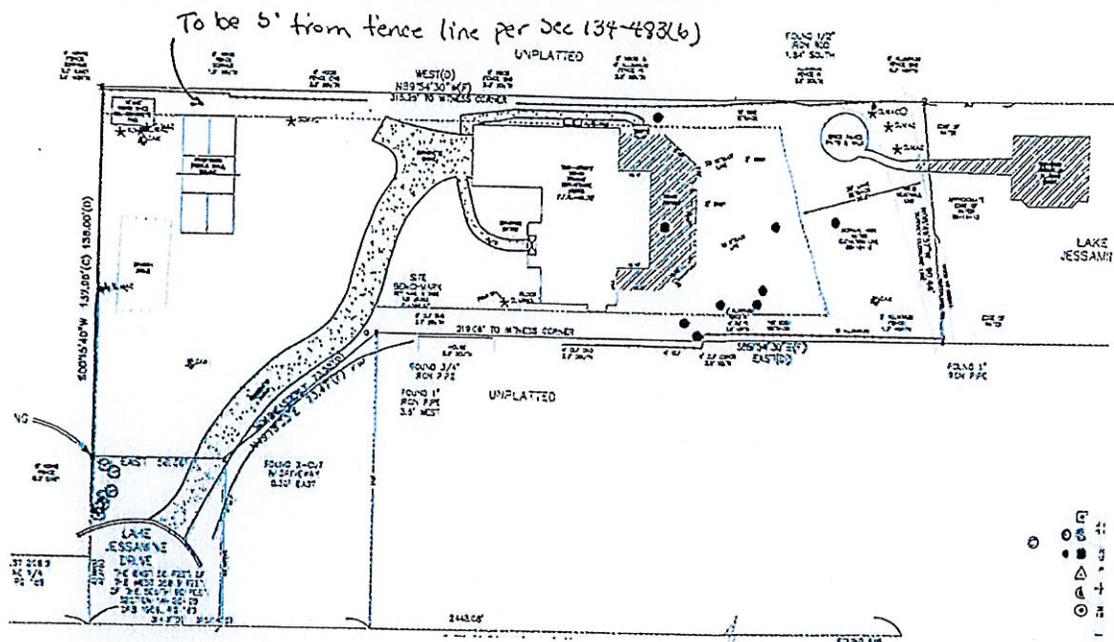


III. History of Request for Variance

This is an addendum to the request for an accessory use (pickle ball court) located in front of the principal structure heard, and recommended for approval, by the Planning and Zoning Board at the May 8, 2017 public hearing. As part of the accessory use, the applicant would like to surround the pickle ball court with the standard height fence recommended for ball containment: 10 feet high, the same as a tennis court; a substandard court fence height can be a potential safety hazard.

Staff would consider the fence to be part of the accessory use; however, since City code specifically identifies height limits for fences, and does not differentiate between a barrier fence (along a lot line) and a fence around an accessory use, a variance technically is needed. Code limits the maximum fence height throughout the city to eight (8) feet in all but the front yard, with the front yard height limit four (4) feet.

IV. Site Plan Showing Proposed Pickle Ball Court Location on the Lot



V. Variance Approval Criteria

Per Section 134-104 (3)b. of the City's Code, approval of the requested variances requires the board to find the following six (6) criteria (in bold below) to be true. Analysis of each criterion follows the listed criterion.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. There are special conditions of a pickle ball court that warrant a higher fence, specifically ball containment standards.
2. That the special conditions and circumstances do not result from the actions of the applicant. The standard design for a pickle ball perimeter fence was not created by the applicant.
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district. Other ball court perimeter fences in the city, including a recently constructed tennis court in the neighborhood, are ten feet in height.
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

See #3

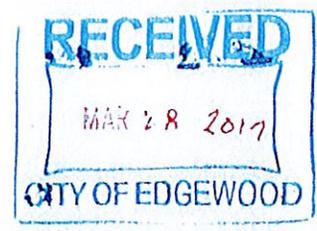
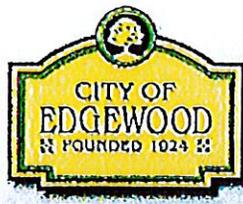
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure. A ten feet high fence is the recommended height for a pickle ball court perimeter fence.
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. A code maximum height fence (4 feet (front)/8 feet (side and rear) creates a potential safety hazard in this situation. Note that the neighbors most affected by the increase fence height (the neighbors to the north and west) have submitted emails supporting the 10 feet height.

VI. Staff Findings/Recommendation

The six criteria per Section 134-104 (3)b. of the City's Code have been met; staff recommends approval, conditioned on the ten feet high fence is limited to the perimeter of the pickle ball court and does not apply to a barrier/lot line fence.

ESH

2017-VAR-02



APPLICATION FOR VARIANCE

Reference: City of Edgewood Code of Ordinances, Section 126-588
 REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL
 (+Applicable Pass-Through Fees - Ordinance 2013-01)
 Please note this fee is non-refundable

PLANNING AND ZONING MEETING DATE:	5/31/2017
CITY COUNCIL MEETING DATE:	2/25/2017

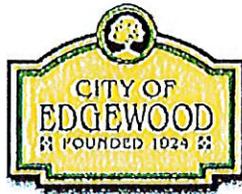
IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk ____ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for.

Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	Melissa & Mark Gibson	Owner's Name:	same
Address:	5578 Jessamine Ln, Edgewood	Address:	same
Phone Number:	(407) 928-9175	Phone Number:	same
Fax:	N/A	Fax:	
Email:	mgibso13@gmail.com	Email:	
Legal Description:	see attached		
Zoned:	R-1AA		
Location:	see attached		
Tract Size:			
City section of the Zoning Code from which Special Exception is requested:	Sec 134-517. Location of fences. Fence Height		
Request:	To construct pickleball court w/ fencing		
Existing on Site: <i>currently vacant</i>	that will be 10' on 3 sides of court. *see attached for more info.		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property. Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached. attached for more info.



To justify this variance, applicant must demonstrate the following:

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do not result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

Applicant must agree that:

1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. 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 Edgewood ordinances.

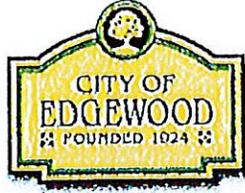
AGREE:	<i>Melissa Gibson</i>	DISAGREE:	
---------------	-----------------------	------------------	--

2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	<i>Melissa Gibson</i>	DISAGREE:	
---------------	-----------------------	------------------	--

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	<i>Melissa Gibson</i>	Date:	3/28/17
Applicant's Printed Name:	Melissa Gibson		
Owner's Signature:	<i>Same</i>	Date:	
Owner's Printed Name:			



Please submit your completed application to City Hall via email at brneeks@edgewood-fl.gov or srepp@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
Received Date	5/28/2017
Received By:	Sandy Kepp, Assistant, Capt.
Forwarded To:	Ellen Handgrew, City Planner
Notes:	

Revised 06/13/2016

Page 4 of 4

405 Larue Avenue, Edgewood, Florida, 32809-3406
Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov



ADDITIONAL INFORMATION:

Legal Description:

FROM THE CENTER OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA: RUN EAST ALONG THE CENTER SECTION LINE OF SAID SECTION 14, A DISTANCE OF 208.9 FEET; RUN THENCE N00°15'40" EAST, A DISTANCE OF 62 FEET FOR A POINT OF BEGINNING; RUN THENCE EAST 50 FEET; RUN THENCE NORTHEASTERLY 73.58 FEET TO A POINT 314.9 FEET EAST AND 110 FEET NORTH 00°15'40" EAST FROM THE CENTER OF SAID SECTION 14; THENCE EAST TO THE EAST LINE OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 14; THENCE NORTH 90 FEET; THENCE WEST TO A POINT 138 FEET NORTH 00°15'40" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 00°15'40" WEST 138 FEET TO THE POINT OF BEGINNING.

As provided by the city of Edgewood, the following section of the code addresses the location and height of fences.

Sec. 134-517. - Location of fences.

Fences or walls beyond the front building line shall be limited to a maximum height of four feet.

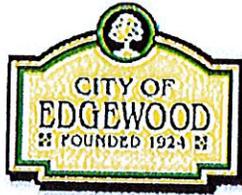
Justification of the proposed variance is in conjunction with existing request to construct a pickleball court in our front yard. The pickleball court will have fencing around all 4 sides with 3 sides have the traditional tennis/pickleball court fencing which is 10' high. The 4th side (east side - the side by our house) will have fencing which is 4' high and an entrance gate. The fencing is consistent with standard construction of tennis and pickleball courts for ball containment. Reference page 2 of the attached contract with Elite Court Construction for fencing specifications. (Note this is the same company who constructed approved tennis court at 5566 Jessamine Lane / Baker residence which is constructed with the same material and specs as the proposed pickleball court. Attached is a photo of the Baker court which reflects the fencing heights of 4' and 10', respectively.)

From: [Bonnie Burke](#)
To: [Sandy Repp](#)
Cc: [mb13513@gmail.com](#); [bonnie1355@aol.com](#)
Subject: Gibson Variance Request
Date: Thursday, May 11, 2017 10:58:42 AM

I have received and reviewed the documents associated with the construction of the Gibson Pickleball Court and fence at 5573 Jessamine Lane, as well as the variance requests that accompany the project plans. I am an adjacent property owner at 5569 Jessamine Lane, and have no objections to either the construction of the court or the 10 foot fence that is being proposed to surround the court.

Please feel free to contact me if you have further questions,

Bonnie S. Burke
5569 Jessamine Lane
407-579-0800
bonnie1355@aol.com

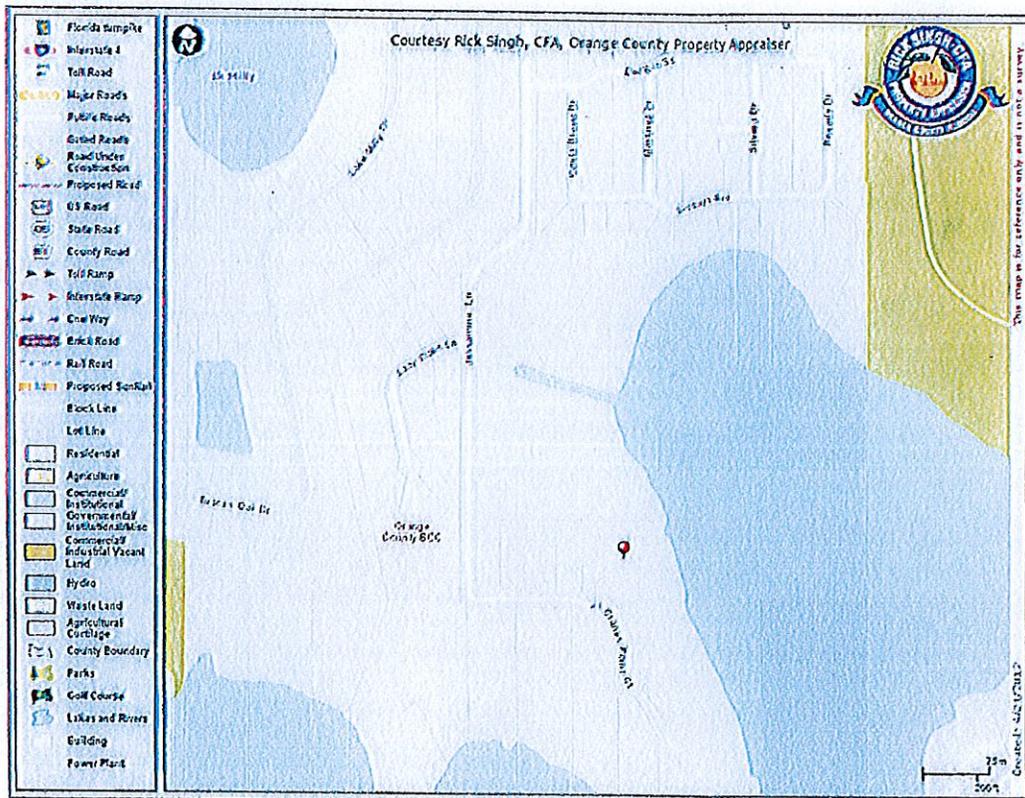


NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday June 12, 2017**, the Planning and Zoning Board of the City of Edgewood, will consider **Variance Application No. 2017-02** to allow the construction of a 10 feet high fence to enclose a proposed accessory structure, located at 5573 Jessamine Lane which is currently in R-1AA zoning district (City of Edgewood Resolution 2005-R002 City Code of Ordinances, Reference Section 134-104 [Variance]). The application was submitted by Melissa and Mark Gibson. The meeting will be held in the Council Chambers of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at 6:30 p.m. or as soon as possible thereafter.

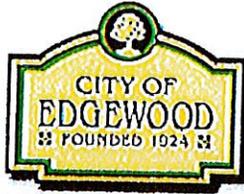
The Planning and Zoning Board's recommendation will be forwarded to City Council on Tuesday, June 20, 2017 at 6:30 p.m. for final action.

The subject property for variance is legally described as BEG 208.9 FT E & 62 FT N OF CEN OF SEC TH RUN E 50 FT NELY 73.58 FT E TO E LINE OF SW1/4 OF NE1/4 N 90 FT W TO A PT 138 FT N OF POB S 138 FT TO POB IN SEC 14-23-29



Interested parties may attend this meeting and be heard with respect to this Variance application. In addition, the application(s) may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida. **You may**

405 Larue Avenue • Tel: 407-851-2920 • Fax: 407-851-7361 • www.edgewood-fl.gov



reach City Hall at 407-851-2920; City Hall is open Monday – Thursday 8 a.m. to 4 p.m. and Friday 8 a.m. to noon. Should you have any questions or concerns please do not hesitate to come to City Hall to review the file.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the Planning and Zoning Board and City Council on this topic to properly noticed hearings or to written communication to the City Clerk’s Office.

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the city clerk.

The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, *Florida Statutes*, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the meeting to the City Clerk’s Office.

This public hearing may be continued to a future date or dates. Any interested party is advised that the date, time, and place of any continuation shall be announced during the public hearing and that no further notices regarding this matter will be published.

Should you desire additional information, regarding this application, please feel free to contact the City Clerk’s Office at 407-851-2920, or e-mail at bmeeks@edgewood-fl.gov.

Bea L. Meeks, City Clerk
Dated: May 31, 2017

You may either mail in your comments and concerns on the space provided below or submit directly to City Hall. Please see above our hours of operation. We thank you for your participation.

60105011
MALOY JOHN RICK
MALOY MARCIA A
5307 JESSAMINE LN
ORLANDO, FL. 32839

MITCHELL ROBERT D SR
5300 JESSAMINE LN
ORLANDO, FL. 32839

LAMBERT SHANNON
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ORLANDO, FL. 32839

HOWARD PEGGY T TR
HOWARD ROBERT M JR TR
5554 JESSAMINE LN
ORLANDO, FL. 32839

HARRIS VALERIE L
5561 JESSAMINE LN
ORLANDO, FL. 32839

MCCOMAS FRANK
MCCOMAS MARJORIE
209 PLANTATION CIR S
PONTE VEDRA BEACH, FL. 32082

ONDICH JANET L
1162 CHARMING ST
MAITLAND, FL. 32751

CITRUS REAL ESTATE HOLDINGS LLC
1109 W CHURCH ST
ORLANDO, FL. 32805

CRANES POINT HOMEOWNERS ASSN II
5157 CRANES POINT CT
EDGEWOOD, FL. 32839

PAUL R WILLIAMSON REVOCABLE TRUS
C/O PAUL R WILLIAMSON TRUSTEE | 51
ORLANDO, FL. 32839

ACCOLA KEVIN D
ACCOLA CAROLYN A
5143 CRANES POINT CT
ORLANDO, FL. 32839

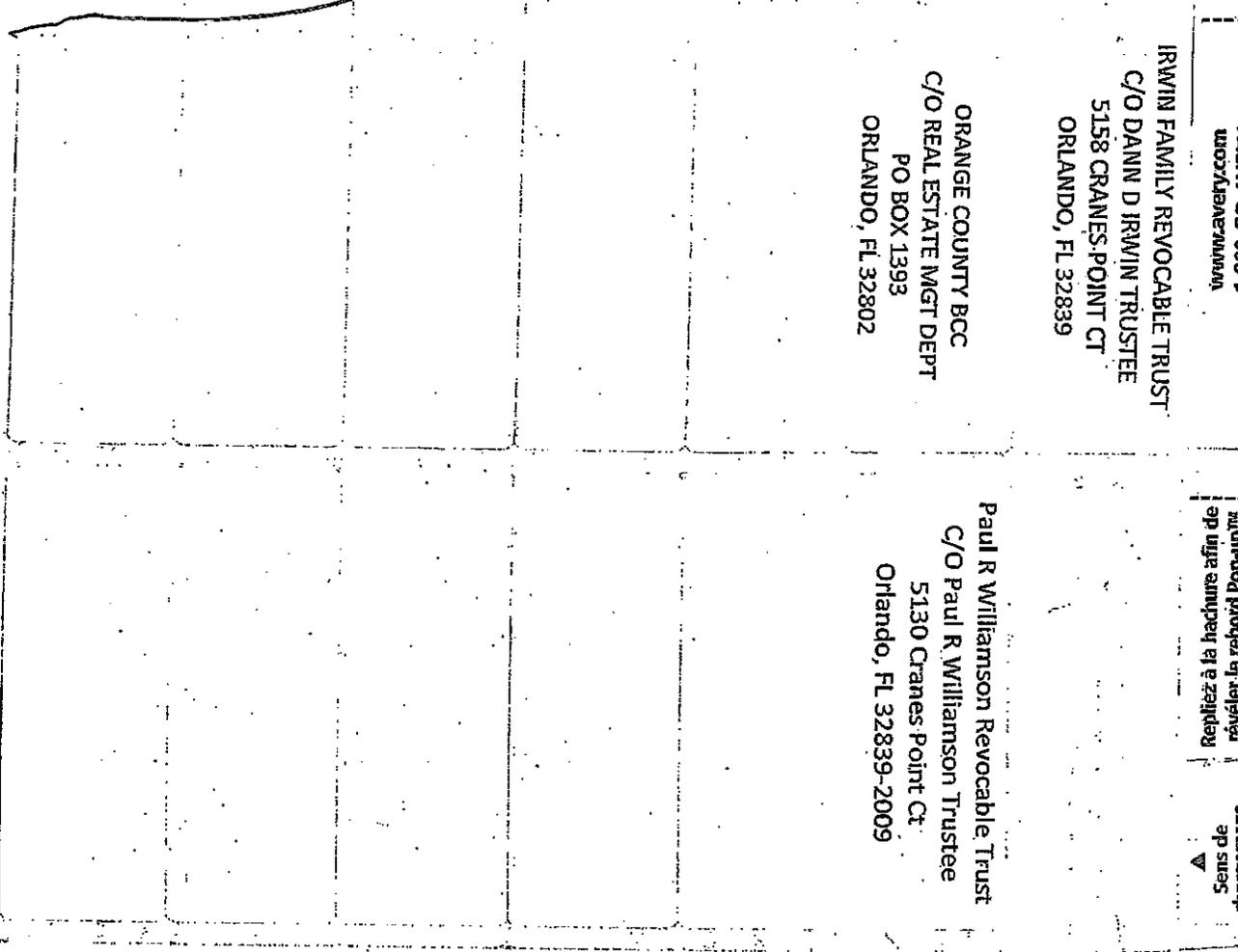
KATZMAN SCOTT S
677 HERMITAGE CIR
PALM BEACH GARDENS, FL. 33410

BURNETT CLAY M
BURNETT ANGELA R
5115 CRANES POINT CT
ORLANDO, FL. 32839

BEEMER C BRITT
BEEMER JAN C
5100 CRANES POINT CT
ORLANDO, FL. 32839

BURKE BONNIE S
5569 JESSAMINE LN
ORLANDO, FL. 32839

Revised Labels



www.irwin.com

IRWIN FAMILY REVOCABLE TRUST
 C/O DANN D IRWIN TRUSTEE
 5158 CRANES POINT CT
 ORLANDO, FL 32839

ORANGE COUNTY BCC
 C/O REAL ESTATE MGT DEPT
 PO BOX 1393
 ORLANDO, FL 32802

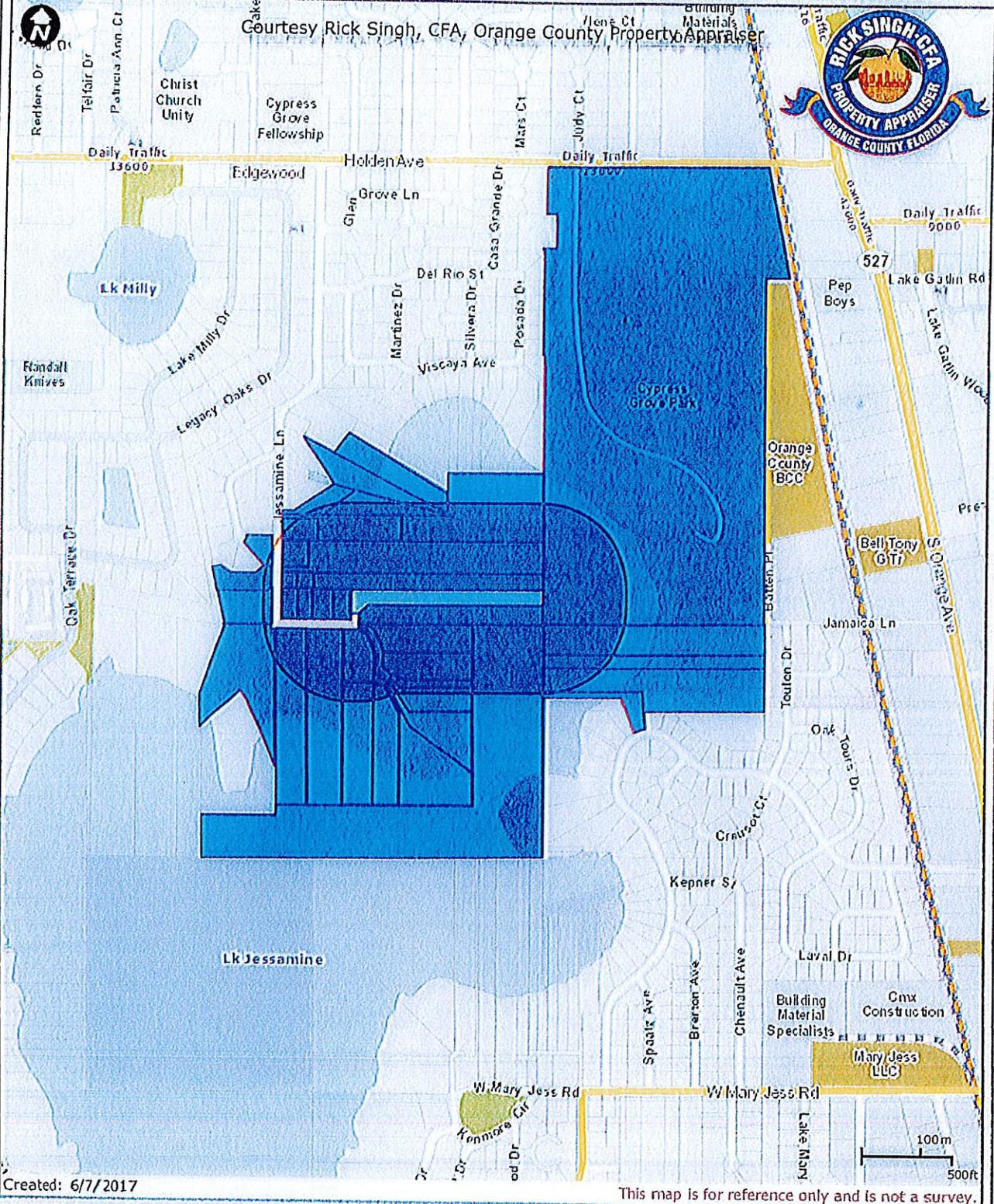
Repliez à la signature afin de résoudre le statut de l'acte

Paul R Williamson Revocable Trust
 C/O Paul R Williamson Trustee
 5130 Cranes Point Ct
 Orlando, FL 32839-2009

Sens de

OCA Web Map

- | | | | | | | |
|------------------|-------------------------|------------------|-------------|-----------------------------------|-----------------|------------------|
| Florida Turnpike | Major Roads | Proposed Road | Block Line | Commercial/Institutional | Hydro | Golf Course |
| Interstate 4 | Public Roads | Brick Road | Lot Line | Governmental/Institutional/Misc | Waste Land | Lakes and Rivers |
| Toll Road | Gated Roads | Rail Road | Residential | Commercial/Industrial/Vacant Land | County Boundary | Building |
| | Road Under Construction | Proposed SunRail | Agriculture | Agricultural Curtilage | Parks | Hospital |



Application: 2017-VAR-02

Owner/Applicant Name: Mark and Melissa Gibson

Public Hearing Date: Monday, June 12, 2017

This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

STATE OF FLORIDA
ORANGE COUNTY

Before me, the undersigned authority, personally appeared Melissa Gibson to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and dated of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 5/31/2017
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such will be officially filed with the City of Edgewood, Florida.

Melissa Gibson
Signature of owner or authorized representative

Sworn to and subscribed Sandra Kemp day of May, 2017.

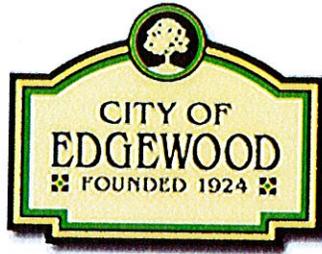


Print, type, or stamp commissioned name of Notary Public

Sandra Kemp
Notary Public, State of Florida

Personally Known OR Produced Identification
Type of I.D. Produced _____

rev. 07.21.11



Planning and Zoning Report – June 12, 2017
Moratorium of Uses

Chairwoman Dunay asked for a motion.

Board Member Rader moved that City Council reconsider the moratorium for uses, brought before them previously and have it enacted post haste; seconded by Chairwoman Dunay. Motion passed (4/0).

Edgewood Police Department

City Council Report

May 7, 2017-June 7, 2017

Residential Burglaries	0
Commercial Burglaries	1
Auto Burglaries	0
Theft	0
Assault/Battery	2
Sexual Battery	0
Homicides	0
Robbery	0
Traffic Accident	14
Traffic Citations	215
Red Light Citations	287
Traffic Warnings	110
Felony Arrests	1
Misdemeanor Arrests	5
Warrant Arrests	3
Traffic Arrests	4
DUI Arrests	7

Department Highlights:

- On May 26, 2017 Officer David Ireland participated in a DUI multi-agency detail hosted by Ocoee Police Department. Officer Ireland issued several citations and made a DUI arrest.
- Officer David Ireland was nominated for the MADD award for Outstanding Dedication in DUI enforcement. He will be honored at a MADD conference/training in July.
- On May 29, 2017 Edgewood Police Officers responded to a possible overdose at the 711 located at 5650 Hansel Ave. When they arrived on the scene it was determined that the subject was overdosing on narcotics. The officers requested the Fire Department respond with Narcan (a nasal spray that can reverse the effects of an opioid overdose in a matter of seconds). The Fire Department arrived and administered the Narcan. The subject became responsive and was transported to the hospital for treatment. The Edgewood Police Department is committed to treat and reduce injuries and fatalities due to opioid-involved overdoses. The department has obtained the Standing Order from the Office of the Medical Director, completed the department policy, and obtained training materials. The Narcan will be ordered in June and every Officer will be issued Narcan by July.
- On June 8, 2017 Officer Tim Cardinal and Mayor Bagshaw attended an event at the Orlando Police Department Headquarters regarding "The Orlando Traveling

Memorial", a wall that will feature the portraits of the 49 Pulse victims as well as handprints of family members, first responders and volunteers associated with the memorial. The memorial will be 100 to 120 feet in length and is planned to travel the country much like the Viet Nam Memorial Wall does. Officer Cardinal, who was one of the first Officers to arrive at the Pulse nightclub, put his handprint on the memorial and met numerous family members of the victims.

If you have any additional questions
Contact Captain John Freeburg
jfreeburg@edgewood-fl.gov
Cell phone: 407-467-2433