



FRUITLAND PARK CITY COMMISSION REGULAR MEETING AGENDA

January 25, 2018

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

6:00 p.m.

1. CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Invocation – Pastor Chuck Padgett, Trinity Church of God

Pledge of Allegiance – Police Chief Michael Fewless

2. ROLL CALL

3. LOCAL PLANNING AGENCY

As soon as practical at 6:15 p.m., recess to the Local Planning Agency meeting.

4. CONSENT AGENDA

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.

(a) Approval of Minutes (city clerk)

December 14, 2017 regular meeting minutes

(b) Resolution 2018-005 - Board of Trustees' Appointment – Themm (city clerk)

Mr. Themm acknowledged that his membership term will continue to be staggered and that he agreed to serve for another term on the board.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE MUNICIPAL FIRE FIGHTERS PENSION TRUST FUND OF THE CITY OF FRUITLAND PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

5. REGULAR AGENDA

(a) Resolution 2018-003 Relatives and Personal Relationships – Mayor and Commissioners (city attorney)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A POLICY APPLICABLE TO MAYOR AND COMMISSIONERS RELATING TO RELATIVES AND PERSONAL RELATIONSHIPS; AND

PROVIDING FOR AN EFFECTIVE DATE. (Tabled from the January 11, 2018 regular meeting.)

QUASI-JUDICIAL PUBLIC HEARING

- (b) **First Reading and Quasi-Judicial Public Hearing - Ordinance 2018-002 - Rezoning and Development Agreement (First Baptist Church of Leesburg Inc.)** (city manager/community development director/city attorney)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 14.95 + ACRES OF THE PROPERTY FROM GENERAL COMMERCIAL (C-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 52.70 +/- ACRES OF PROPERTY FROM PUBLIC FACILITIES DISTRICT (PFD) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 85.44 +/- ACRES OF PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 17.00 +/- ACRES OF PROPERTY FROM HIGH DENSITY RESIDENTIAL/NEIGHBORHOOD COMMERCIAL (R-3A) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 33.98 +/- ACRES OF PROPERTY FROM GREENBELT DISTRICT (GB) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on February 8, 2018.)

- (c) **Second Reading and Quasi-Judicial Public Hearing Ordinance 2018-001 - Site Specific Comprehensive Plan - FLUE Petitioner: Terry F. and Rachel Ann Ross** (city manager/community development director/city attorney)

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA PURSUANT TO 163.3187(1), FLORIDA STATUTES; CHANGING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY PROVIDING TEXT AMENDMENTS SPECIFIC TO LOTS 15 - 19, BLOCK B, 1ST ADDITION TO DREAM LAKE SUBDIVISION, CONSISTING OF LESS THAN 10 ACRES IN SIZE, LOCATED ON SUNSET

WAY, FOREST STREET AND PENNSYLVANIA AVENUE, SPECIFYING ALLOWABLE USES ON THE PROPERTY; AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE DESIGNATION TO MULTI-FAMILY LOW DENSITY AS LIMITED BY THE SITE SPECIFIC AMENDMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 11, 2018.)

(d) Resolution 2018-001 - Second Reading and Quasi-Judicial Public Hearing - Special Exception Use – Petitioner: Terry F. and Rachel Ann Ross (city manager/attorney)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A SPECIAL EXCEPTION USE IN THE R-2 ZONING DISTRICT TO ALLOW DUPLEXES, ON THE HEREIN DESCRIBED PROPERTY LOCATED ON STREET, CITY OF FRUITLAND PARK, FLORIDA, OWNED BY TERRY AND RACHEL ROSS; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on January 11, 2018.)

(e) First Reading – Quasi-Judicial Public Hearing - Ordinance 2018-003 Rezoning – Petitioner: WTG Properties LLC (city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING .66 ± ACRES OF THE PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY (R-2) TO COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on February 8, 2018.)

END OF QUASI-JUDICIAL PUBLIC HEARING

6. OFFICERS' REPORTS

(a) City Manager

(b) City Attorney

7. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

(b) Commissioner Lewis

(c) Commissioner Bell

(d) Vice Mayor Gunter, Jr.

9. MAYOR'S COMMENTS

10. ADJOURNMENT

DATES TO REMEMBER

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

February 9, 2018 – LCLC *TBD*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.

February 9, 2018 – Movie on the Lawn *The Emoji Movie* at 6:00 p.m.

February 10-16, 2018, Love Week

Saturday February 10, 2018 *5k Love Run*, City Hall at 8:00 a.m.

February 12, 2018, Parks, Recreation and Trails Advisory Board, Library Services Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.

February 13, 2018, Lake Emergency Management Services Inc., Board of Directors Meeting, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, FL 32778 at 2:30 p.m.

February 22, 2018, City Commission Regular at 6:00 p.m.

February 28, 2018, Lake-Sumter MPO Governing Board Meeting, 225 W Guava Street, #217, Lady Lake, Florida 32159 at 2:00 p.m.

January 25, 2018 Regular Agenda

March 8, 2018, City Commission Regular at 6:00 p.m.

March 9, 2018 – LCLC *TBD*, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757
at 12:00 p.m.

March 9, 2018 – Movie on the Lawn *TBD* at 6:00 p.m.

March 22, 2018, City Commission Regular at 6:00 p.m.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.



**AGENDA ITEM
NUMBER
3**

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Local Planning Agency Meeting		
For the Meeting of:	January 25, 2018		
Submitted by:	City Manager/Community Development Director/City Attorney		
Date Submitted:	January 16, 2017		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	LPA Agenda		
Description of Item:			
Action to be Taken: As Soon as Practical, recess to LPA.			
Staff's Recommendation:			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the regular agenda: _____
Mayor

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
December 14, 2017**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, December 4, 2017 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver; City Treasurer; Jeannine Racine; Police Chief Michael A. Fewless and Captain Eric Luce, Police Department; Interim Fire Chief Don Gilpin; Deputy Fire Chief, Tim Yoder, Fire Department; Community Development Director Charlie Rector; Parks and Recreation Department Director Michelle Yoder; Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER

After Mayor Cheshire called the meeting to order at 6:00 p.m.; Reverend Kenneth L. Wells First United Pentecostal Church of Fruitland Park Inc., gave the invocation, and Chief Fewless led in the Pledge of Allegiance to the Flag.

2. ROLL CALL

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was present.

3. SPECIAL PRESENTATIONS

(a) Proclamations – Former Commissioner Reverend Robert D. Harden

Mayor Cheshire read into the record a proclamation expressing, on behalf of the city commission and citizens, sincere condolences to the late Commissioner Reverend Robert D, Harden's family and loved ones as well as to those who knew him who passed away on October 8, 2017.

Mayor Cheshire announced that the proclamation will be delivered to his family at a future date.

(b) Proclamation – Wreaths Across America

Mayor Cheshire read into the record a proclamation declaring Saturday, December 16, 2017 as the official *Wreaths Across America Day in Fruitland Park*. On behalf of the City of Fruitland Park Commission and citizens, recognition was given to the mission to 'Remember our fallen veterans, Honor those who serve, and Teach our children the value of freedom' and the American Legion Family of 219 was commended for this patriotic tribute to America's veterans.

Ms. Lucy McCann, President Unit 219, John Gella Memorial American Legion Auxiliary, accepted the proclamation with gratitude.

Mayor Cheshire announced that he will be unable to attend the ceremony and thanked Commissioner Bell who volunteered to make a presentation on his behalf. He welcomed those present to attend the December 16, 2017 ceremony; recognized the improvements made at Shiloh Cemetery, and thanked the public works department staff for their efforts in that regard.

(c) Proclamation - Reverend Kenneth L. Wells - First United Pentecostal Church of Fruitland Park Inc.

On behalf of the city commission, Mayor Cheshire read into the record a proclamation recognizing Senior Pastor Reverend Kenneth L. Wells for his extraordinary years of continuous and tireless service devoted to all at the Lake County School Board District; his lasting dedication to the community, and his prolonged devotion to the congregation of the First United Pentecostal Church of Fruitland Park. The city commission asked that the citizens express their heartfelt appreciation for Reverend Wells' many years of hard work and celebrate with him as he continues to serve the community.

Reverend Wells accepted the proclamation with honor.

Ms. Charlotte M. Rooney, Lake County School District, and Reverend Wells' manager, recognized -- in the short time she worked with him -- his remarkable inspiration towards other Lake County bus drivers and students; his calm demeanor helping in every aspect; the large role he played with several studies conducted on safety, and his label as the 'go to man' devoted to the staff. She acknowledged that it has been a privilege for her to work with him noting that his legacy began 30 years ago. Ms. Rooney announced that he will be greatly missed as God has a better plan for him; hoped that he will remember the staff fondly, and presented Pastor Wells with a plaque where he accepted it with much appreciation.

4. CONSENT AGENDA

Approval of Minutes

On motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission took the following action on the meeting minutes as submitted.

- (a) Amended the approved August 8, 2017 workshop meeting minutes**
- (b) Approved the July 12, 2017 workshop meeting minutes**
- (c) Approved the July 13, 2017 workshop meeting minutes, and**
- (d) Approved the November 9, 2017 regular meeting minutes.**

4. REGULAR AGENDA

(a) McDirmit Davis, Auditor Discussion

After Ms. Racine recognized the presence of Ms. Tammy Campbell, Certified Public Accountant, McDirmit Davis, (retained by the city) at this evening's meeting, Commissioner Lewis referred to his previous telephone conversations

with her on the legality of spending to a negative fund balance -- an issue that arose at the September 28, 2017 regular meeting.

At Commissioner Lewis' request, Ms. Campbell defined the fund balance as the difference between the city's assets (what things are owed in cash and other assets) and liabilities (what is owed to the others) and the result reflecting the negative as the negative fund balance;

Ms. Campbell explained that the auditors are reviewing a negative unrestrictive fund balance; recognized that the city has a large total fund balance in general funds but specially the unrestricted portion expended as of September 30, 2017 which is very small, represents cash in the bank, and cannot be recognized yet as revenues. She explained that how a city spends to a negative unrestrictive at any date in time is the liability of what the city owes which is greater than the assets (cash receivables) and is related to the city's timing.

After discussion, Ms. Campbell noted the legal issues on borrowing against certain restrictive funds; recognized the city's committed funds earned and the internal restrictions made by the city commission which are easier to borrow against, and mentioned the external legally restrictive funds. She indicated that she will review whether the cemetery funds have internal restrictions.

In answering inquiries posed by Mayor Cheshire and Commissioner Lewis on the city's current unexpected budgetary situation that occurred since Hurricane Irma, Ms. Racine identified the availability of approximately \$450,000 pre-audit in unrestricted reserves at the end of September 30, 2017; thus, no requirement to secure a loan to which Commissioner Lewis addressed his concerns made after the September 28, 2017 regular meeting.

Upon Mayor Cheshire's recommendation and **by unanimous consent, the city commission agreed to proceed seeking reimbursement from the Federal Emergency Management Agency's earmarking its reimbursement funds for Hurricane Irma towards the city's reserves; otherwise, utilize the city's unrestrictive reserves of \$450,000 to pay the bills resulting from the hurricane.**

(b) 2018 Election Discussion

Ms. Coulson relayed the Lake County Supervisor of Elections' (SOE's) request, based on adopted Resolution 2016-019 Calling for Regular Election, on the city's plans to conduct a 2018 primary election on August 28, 2018. She explained that she cannot give SOE an answer as they need to schedule the 2018 elections with the State of Florida Division of Elections.

After Commissioner Bell referred to his earlier conversations with Ms. Coulson suggesting that the SOE proceed with the primary and noted the downside of the limited time, Ms. Geraci-Carver in concurring noted the likelihood of cancelling same if no more than two candidates qualify for a commission district.

Ms. Coulson referred to the SOE's email dated December 13, 2017 regarding the change in the law Rule IS-2.0001, Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy) to be effective January 2, 2018 which she will provide to Ms. Geraci-Carver. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

After discussion and in response to a question posed by Commissioner Ranize on the need to review the increased population in commission district 1, Ms. Geraci-Carver addressed the requirement to review the population in each commission district; pointed out the legal requirement on the number of days and target time required before the qualification period -- usually held in June -- unless the city commission make a decision on changing the districts, and mentioned her intent to review same and meet with Mr. La Venia in that regard.

(c) Proposed Recreation Fees Discussion

By unanimous consent, the city commission removed from the table its November 9, 2017 discussion on the proposed recreation fees.

Ms. Yoder distributed and reviewed the spreadsheet on the revised proposed recreational fees, the comparisons with other local municipalities' pool admission fees, and the sports chart; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After extensive deliberations, and **on motion of Commissioner Lewis, seconded by Vice Mayor Gunter and unanimously carried, the city commission approved the changes to the recreation fees for non-resident private pool rental to \$75 per hour; level the recreation fees for residents and non-residents, and approve the remaining recreation fees as recommended by the parks and recreation director.**

Commissioner Ranize recalled, prior to becoming a city commissioner and before Ms. Yoder becoming the parks and recreation director, the city commission's decisions to fill with dirt or resurface the current swimming pool; recognized, during his short tenure, the tremendous upgrades, improvements and hardwork performed by Ms. Yoder, and relayed the citizens' comments to him on extending the operating hours at the pool and the parks.

Responding to a question posed by Mayor Cheshire, Ms. Yoder explained that she found out earlier this day on the plan to close the City of Leesburg's swimming pool in 2018 and for the Titan's Swim Team to utilize the City of Fruitland Park Gardenia Park swimming pool permanently. She conveyed one of the City of Leesburg's lack of interest towards building a new pool, the subject of which she believes may be removed from the City of Leesburg's meeting agenda.

Mayor Cheshire recalled Ms. Yoder's remarks at a previous meeting on the likelihood of purchasing swimming pool heaters for Gardenia Park Swimming Pool and suggested that staff pursue grants in that regard which would allow for more opening times; thus, give the residents an opportunity to utilize the parks which Commissioner Ranize acknowledged as a good partnership and recognized that the pool ought to be regularly maintained and included in the budget on an annual basis.

In response to Ms. Coulson's inquiry, Ms. Geraci-Carver explained that the changes to the recreation fees will be submitted by Ms. Yoder as a fee list and considered as a resolution at the next meeting.

After much discussion and **by unanimous consent, the city commissions agreed to changing the current admission fees per person to \$3.00.**

Commissioner Bell proposed, for the residents' benefit, the discount recreation fee of \$2.00.

Following continued discussions, **Mayor Cheshire cited the motion on the floor to approve the changes to the recreation fees as previously cited to include the direction for the city attorney to draft a resolution for consideration at the next meeting (accepted by the maker and seconder) and called for a roll call vote with members voting as follows:**

Commissioner Bell	No
Commissioner Lewis	Yes
Commissioner Ranize	Yes
Vice Mayor Gutner	Yes
Mayor Cheshire	Yes

Mayor Cheshire declared the motion carried on a four-to-one (4-1) vote.

(d) Resolution 2017-052 Fire Services Assessment Program – Non-Ad Valorem Annual Special Assessment Scope of Service

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-052, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIRE SERVICES ASSESSMENT PROGRAM ANNUAL MAINTENANCE SERVICES AGREEMENT FOR FISCAL YEAR 2018-19 BETWEEN THE CITY OF FRUITLAND PARK AND GOVERNMENT SERVICES GROUP, INC.; PROVIDING FOR AN EFFECTIVE DATE.

After Mr. La Venia, upon Mayor Cheshire's request, explained the purpose of the subject proposed resolution, Ms. Geraci-Carver concurred in the affirmative to

Commissioner Lewis' explanation that said resolution should reflect *FY 2018-19* and not *2018-19* as she previously read.

With respect to including the study, Ms. Geraci-Carver stated that she will have to make an inquiry of Ms. Sandi Walker, Government Services Group Inc., as to whether such costs would be included in the maintenance services agreement.

A motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt Resolution 2017-052 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(e) **Resolution 2017-048 Janitorial Cleaning Services - Ultimate Cleaning Inc. - Agreement**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-048, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE JANITORIAL SERVICES AGREEMENT BETWEEN THE CITY OF FRUITLAND PARK AND ULTIMATE CONTRACT CLEANING, INC.; PROVIDING FOR AN EFFECTIVE DATE.

After Mayor Cheshire cited the note from Ms. Coulson that the motion may need to be amended to reflect the hours of work (shown on page three of the Janitorial Service Agreement) and contingent upon receiving the certificate of insurance, Mr. La Venia concurred in the affirmative and in addition stated that background checks will be required for any work to be carried out in the police department.

After discussion, Mr. La Venia confirmed, in response to Ms. Geraci-Carver's inquiry, that the city will be conducting background checks at the city's expense which needs to be included the contract and that language provision on the working hours will be based on a mutual agreement as directed by Mr. La Venia which will not need to be presented before the city commission for approval.

A motion was made by Commissioner Lewis and seconded by that the city commission adopt Resolution 2017-048, as previously cited, subject to the city attorney's recommendation to incorporate changes reflecting the hours of work and background check and contingent upon receiving the certificate of insurance.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(f) **Resolution 2017-046 CR 466A – Phase IIIA Improvements**

By unanimous consent, the city commission removed from the table its consideration at the November 9, 2017 regular meeting of CR 466A Phase IIIA Improvements and considered its action to adopt Resolution 2017-046, the title of which is cited below:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN LAKE COUNTY, FLORIDA, AND THE CITY OF FRUITLAND PARK FOR THE INSTALLATION OF THE CITY'S WATER AND SEWER LINES ALONG THE PROPOSED CR 466A PHASE IIIA ROAD PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. La Venia referred to Commissioner Ranize' emails dated December 11, 2017 regarding CR 466A Phase III Improvement project and pointed out the discussions he had with Ms. Geraci-Carver in that regard. (Copies of the emails are filed with the supplemental papers to the minutes of this meeting.)

Mr. La Venia outlined the scope of work and timeline for the subject project and relayed Commissioner Ranize' concerns, of which he agrees, on the county's requirement for the city to advance payment before identifying the construction price that the county intends to procure on behalf of the city.

In response to Mr. La Venia's concerns, Ms. Geraci-Carver referred to her email dated December 13, 2017 which reflected changes in the interlocal agreement (ILA) -- relating to the county's obligations (on receiving the bids, the termination of the agreement, and the city proceeding with the project); the city's obligations (remittance within receipt of the bids), and the counterparts execution of the agreement); a copy of which is filed with the supplemental papers to the minutes of this meeting.

After discussion and in response to Commissioner Bell's inquiry, Ms. Geraci-Carver conveyed the county attorney's office statements that the county does not have all the ROW acquired which they anticipate obtaining with the expectation that the subject project would be procured around February 2018; thus, the city would procure same simultaneously -- which would include the additional water line -- emulating the county's bid.

Following further deliberations and in answer to Commissioner Bell's inquiry, Mr. La Venia explained the costs involved by Booth Ern Straughan & Hoitt, Inc.'s (BESH's), engineer retained by the city, on the underground utility (easement) specifications/scope of work for the subject project and indicated that the advertising and request for proposals (RFPs) -- separate from the county's -- will be provided to the city commission.

In response, Commissioner Ranize requested that staff ensure that the respective plans are reviewed by staff to avoid the need for future change orders to which Mr. Bogle confirmed to be in order.

Mr. La Venia announced that he invited Lake County Engineering Director Mr. Fred Schnieder to appear before the city commission at this evening's meeting; however, he could not attend due to a previous engagement.

Ms. Geraci-Carver recognized that the CR 466A Phase IIIA Utility costs for the subject project from BESH -- separate from the county's -- will also include the advertisements and preparation of the RFPs.

Following further discussion, Mr. Bogle gave his reassurance that with respect to the December 11, 2017 email, staff reviewed and accepted the construction plans and drawings and all the documents provided by BESH and the county and recognized that changes are to be made on the waterlines connecting to The Villages.

In addition to Commissioner Lewis' remarks on the cost savings involved, Mr. Rector outlined the problems in coordinating with two different contractors on the same project; concurred with Mr. Bogle's statements, and noted the likely reduction in change orders.

Subsequent to further discussion, **a motion was made by Commissioner Lewis and seconded by Commissioner Ranize that the city commission adopt the aforementioned Resolution 2017-046, as amended, previously cited by the city attorney.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(g) Resolution 2017-049 Florida Forest Service Grant – Fire Department FY 2017-18 Budget Amendment - BT 2018-001

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-049, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017-2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE BUDGET REVENUES AND EXPENDITURES IN THE GENERAL FUND BUDGET UTILIZING FUNDS FROM THE FLORIDA FOREST SERVICE GRANT; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2071-049 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(h) **Resolution 2017-050 -- Public Works Building Department Removal – BT 2018-02 Budget Amendment**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-050, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2017-2018 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO DECREASE THE AMOUNT OF REVENUES GENERATED FROM THE CIP FUND BALANCE TRANSFER FROM END OF FISCAL YEAR 2017 AND DECREASE EXPENDITURES IN CIP R&S BUILDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the city commission adopt Resolution 2071-050 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(i) **Resolution 2017-051 - CRA Tax Payment Request – FY 2017-18 Redevelopment Taxes**

Ms. Geraci-Carver read into the record the title of proposed Resolution 2017-051, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING PAYMENT OF \$96,745 FROM THE GENERAL FUND TO THE COMMUNITY REDEVELOPMENT FUND GENERATED FROM AD VALOREM TAXES; PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Bell and seconded by Commissioner Ranize that the city commission adopt Resolution 2017-051 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(j) **September 2017 – End-of-Year Financial Report**

Ms. Racine reviewed the unaudited September 2017 end-of-year financial budget report reflecting the revenues expenses.

After discussion, **a motion was made by Commissioner Bell and seconded by Commissioner Lewis that the city commission adopt Resolution 2071-049 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(k) **First Reading - Ordinance 2017-031 Personnel Policy and Procedures - Education Reimbursement Program**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-031, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING REVISIONS TO POLICY 10.1 IN CHAPTER X IN THE CITY OF FRUITLAND PARK'S PERSONNEL POLICIES AND PROCEDURES MANUAL ADOPTED IN ORDINANCE 2017-016; PROVIDING FOR DIRECTIONS; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 11, 2017.)

After discussion, **a motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter that the city commission approve proposed Ordinance 2071-031 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(l) **First Reading – Ordinance 2017-030 Solid Waste Increase**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2017-030, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AMENDING SECTION 99.40 TO INCREASE THE SOLID WASTE RATES BY 2% WITH RATES EFFECTIVE AS OF JANUARY 1, 2018; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 11, 2017.)

After discussion, Vice Mayor Gunter recalled the \$10,000 donation agreed to previously by Waste Management Inc. towards new equipment for the proposed parks and recreation community center (currently the Fruitland Park Library property) and also the refurbished or new 96-gallon carts for the residents to which Ms. Yoder confirmed was not yet received at this time.

Mr. La Venia indicated that staff will communicate same to Mr. Doug McCoy, Waste Management Inc.

A motion was made by Vice Mayor Gunter and seconded by Commissioner Lewis that the city commission approve proposed Ordinance 2071-030 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

6. OFFICERS' REPORTS

(a) City Manager Fruitland Park Library Construction Status Update

Mr. La Venia referred to his previous discussions with the city commissioners. He announced that another impact fee grant fund of \$350,000 was received from the county for furniture; recognized the amounts for Invitation to Bid (ITB) 2017-001 new Public Library Facility Construction and ITB 2017-002 Site Development of a New Public Library Facility Construction were in excess of what was anticipated, and questioned the funding of same.

Mr. La Venia relayed his recent conversations with Fruitland Park Library Director JoAnn Glendinning who would not be adverse to the concept in requesting that the county consider reprogramming and utilizing the impact fee for furniture as part of the construction funds.

After Ms. Racine confirmed that approximately \$454,000 is required, she noted that other funding sources would be sought to fund the remaining amount reducing it to about another \$84,000 of which an estimated amount of \$20,000 from impact fees was allocated towards the public safety building for dirt.

Mr. La Venia recognized \$150,000 in the capital improvement program (CIP) earmarked towards the Northwest Lake Community/Cales Park Multipurpose Soccer Field Complex which reverts to the ILA for the matching grant that was received for \$100,000 and recognized that said amount has not yet been expended which may not be needed. He mentioned the Lake County Board of County Commissioners' consideration on its December 19, 2017 regular agenda of:

- Northwest Lake Community Park Master Plan;
- the expansion of the park's development to one year;
- the review of the in-kind construction work that was implemented by the city which will be utilized as the value of the grant match;

- the additional in-kind work that was carried out for field and design work, and
- the county's direction for the county attorney's office to include same as part of the ILA amendment.

After discussion, Mr. La Venia addressed the need to proceed if there is an agreement to reprogram the grant and recognized that the aforementioned considerations would need to be addressed. He acknowledged Ms. Glendinning's plan to complete a project application for another grant for furniture due February 1, 2018 and for construction of \$350,000 due before March 2018.

Ms. Geraci-Carver confirmed, in response to Mayor Cheshire's statements, the possibility to utilize CIP for furniture as long as it exceeds \$100,000.

Mr. La Venia gave the definition on 'value engineering'; addressed the likelihood of cost savings involved which originated from James Senatore Inc. (the architect retained by the city), and confirmed Ms. Glendinning's satisfaction with staff proceeding in pursuing the \$300,000 grant from construction to furniture. He addressed the need for the city commission's actions to be made at this evening's meeting; recognized one of the candidates' willingness to extend the subject ITB to February 1, 2018, and acknowledged the 30-day deadline (January 25, 2018 regular meeting) to decide.

Commissioner Lewis recalled Vice Mayor Gunter's initial proposal on the new public library construction concept and the City of Fruitland Park Resident Carlisle Birch's questioning on the need for same. He mentioned the likelihood of converting the community building utilizing found money or other people's funds as a good decision to proceed and gave reasons why he opposes redirecting the CIP to restore the estimated \$454,000 and suggested reverting back to the architect who made the presentation.

Commissioner Lewis referred to Ms. Racine's email dated December 13, 2017 which accompanied the library expenses spreadsheet reflecting needed funds of \$454,000 of which he is not in favor; reiterated reasons on his preference to communicate back to Mr. Senatore to figure out same, and voiced his reluctance to award the bid and subsequently calculate the value cost engineering which he believed should have been implemented beforehand with adjustments in the plan to proceed.

After discussion and in concurring with Commissioner Lewis' comments, Commissioner Ranize relayed Ms. Glendinning's opinion on the reallocation of the \$300,000 -- thus, recognizing the previous grant funding she applied for -- recalled Mr. Senatore's previous presentation before the city commission on the ability to construct the subject building for \$1.3 million, and outlined the additional costs, as a result of the questionable issues raised at previous meetings, resulting in the project's estimate exceeding the city's budget.

In response, Mayor Cheshire recognized the reprogramming of funds due to the exclusion of the site work that was separate from the library.

Following further discussion, the city commission, **by unanimous consent, directed the city manager to reprogram the \$350,000 grant funding for construction.**

After discussion, Mr. Rector indicated, after having numerous discussions with Mr. Senatore, the ability to work on the value engineering with the successful vendor; gave reasons why he believes it would be adequate to change the type of materials for the proposed building, and outlined the following information on the “value sheet” for the cost of materials priced for a home which he requested from Mr. Senatore:

- April 2016 (when Sentatore began with the continuing services as a consultant), average “model” price \$29,000;
- August 2017 (when the subject proposal was procured) average cost \$32,700 (reflecting 1.28% increase whereby \$1.5 million turned to \$1.74 million)

Mr. Rector stated that the prices did not reflect the architect’s and relayed Mr. Senatore’s willingness to implement whatever would be necessary to proceed.

Mr. Rector referred to the selection committee’s November 6, 2017 meeting on the review and ranking of the subject ITBs; noted its discussion on the local preference provision under subsection 33.22.(c) from Competitive Local Bidding Preference Ordinance 2009-013, and relayed reasons why it recommended the award of the new public library facility construction bid to Signature Construction Inc. as the most preferred local qualified bidder. Mr. Rector conveyed Signature Construction representative’s preference to receive the city’s decision by February 1, 2018 and relayed the company’s commitment to reserve materials for the subject project before prices increase. With respect to the site development of the new public library facility construction bid, Mr. Rector described the work requirements needed for the parking lot and requested the city commission’s direction in that regard.

After discussion and in response to Commissioner Ranize’s inquiry on the description of the stromwater connection from the site development to the retention pond, Mr. Rector identified the design, components and location; pointed out the commitment he received from Mr. Wayne A. Goodridge, City of Fruitland Park resident, to grant the right-of-way (ROW), and confirmed that there is no executed written agreement to which Commissioner Ranize suggested that it remain in the city’s ROW which ought to include the figures.

Mayor Cheshire questioned the city’s position in postponing the subject issue until the January 11, 2018 regular meeting when the respective procurements on the subject projects are reprogrammed; commitments are received from the proposed

vendors, and their guarantees confirmed to delay the respective bids to the same date (February 1, 2018).

In response, Ms. Geraci-Carver addressed her plan to review the city's construction grant agreement with the State of Florida Department of State, Division of Library and Information Services regarding the city's local preference provision and report back to the city commission as to whether there is a prohibition in awarding the subject contracts.

Ms. Geraci-Carver stressed the need for the city commission to treat all potential vendors for the projects in question the same and addressed the requirement to communicate with them as to whether they would want to delay their bids for a period, and if not, she would review the case law on the rejection of all bids or delay to the same date for a period.

After discussion, Mayor Cheshire addressed the possibility for the city commission to meet prior to the January 25, 2018 deadline to make another decision.

Commissioner Lewis disclosed that he is not permitted to enter into discussions and vote on the subject ITBs as he currently has clients who are procuring on said projects.

By unanimous consent, the city commission directed the city manager to report back at the January 11, 2018 meeting on the reprogramming of funds for Invitation to Bid 2017-001 new Public Library Facility Construction and ITB 2017-002 Site Development of a New Public Library Facility Construction and the Fruitland Park Library Director's pursuit in seeking additional grant funding towards the furniture, and accepted the city attorney's suggestion, as previously cited, to review and report back on the city's local preference provision under subsection 33.22.(c) from Competitive Local Bidding Preference Ordinance 2009-013 as well as the case law on the delay of awarding the bids.

(b) City Attorney

Ms. Geraci-Carver referred to questions raised at the November 9, 2017 relaying residents' inquiries on their non-ad valorem assessment for fire services bills on each property. She pointed out the Government Services Group Inc.'s (GSG's) fire special assessment overview previously presented before the city commission which revealed calculations assessed on the number of dwelling units per resident on a piece of property which remains without conducting any further studies.

Ms. Geraci-Carver explained that Ms. Sandi Walker, Government Services Group Inc., did not give any indication on other alternatives calculated for residential dwellings and mentioned her unawareness, in response to Mayor Cheshire's question, on the options which would need to be implemented in future.

i. Lawsuits

• **Clarence Green, Jr. v. City of Fruitland Park and Officers Hunnewell, Isom and Isaacs**

Ms. Geraci-Carver recognized the summary in the report regarding the deposition results for Clarence Green Jr.; explained that she is not aware of the representing attorney's next step, and indicated that she did not recommend any type of settlement.

• **James Homonai and Rita Homonai v. The City of Fruitland Park, Steven Foster, and Jared Crenshaw**

With respect to James Rita Homonai and subject to the representing attorney reaching an agreement with the plaintiffs' counsel to settle, conditional upon the city commission's approval, Ms. Geraci-Carver reported that depositions in the case (5:16-cv-610-oc-30PRL) scheduled for December 12, 2017 was postponed,. In recognizing the claims, Ms. Geraci-Carver noted the Plaintiff's demand and the tentative agreement reached.

After Ms. Geraci-Carver explained that Ms. Stephanie J. Brionez, attorney retained by the city, could address the merits of the respective case and at Mayor Cheshire's request, Ms. Geraci-Carver indicated that she will coordinate an attorney-client session meeting in January 2018 or thereafter.

ii. Notice of Claims

Ms. Geraci-Carver explained that there were no notices of claims to report at this time.

iii. Resolution 2017-053 Employment of Relatives

Mayor Cheshire recalled the enactment of Employment Nepotism Personal Relationship Ordinance 2017-016; gave reasons on the consideration of proposed Employment of Relatives Resolution 2017-053 at this evening's meeting, and explained the purpose of being as transparent as possible); the substance of the resolution is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING A POLICY APPLICABLE TO MAYOR AND COMMISSIONERS RELATING TO RELATIVES AND PERSONAL RELATIONSHIPS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cheshire gave a background overview of business practices as it relates to city services and staffing when he became mayor and noted the consequences of same. He voiced reasons why he believed that city commission family members should not be employed by the city; noted the

exception for existing members to be grand-parented in, and recognized the ability for a related employee who is a city resident with the intention to run for elected office being able to do so.

Following much discussion, Commissioner Lewis referred to his email dated December 12, 1017 to Mr. La Venia with a copy to Ms. Geraci-Carver regarding the subject issue referencing the second whereas clause in the proposed resolution . . . *as of the date this resolution is adopted no relative, member of household or personal relationship exists between members of the city commission and city employees*

After much discussion, Commissioner Ranize recognized the existing policy under Code of Ethics for City Commissioners Ordinance 2012-026.

Following extensive discussions and **upon Mayor Cheshire's request, the city commission, by unanimous consent, directed the city attorney to make the changes under the second whereas clause and the grand-parent provision as previously cited.**

7. PUBLIC COMMENTS

There were no public comments at this time.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Ranize

i. Lake-Sumter MPO Governing Board

Commissioner Ranize announced that that the Lake-Sumter Metropolitan Planning Organization (MPO) Governing Board held its last official meeting on December 13, 2017 with MPO Executive Director T.J. Fish; noted the complexity of the board's functions, and voiced reasons why he believed that the city ought to be an at-large voting member representative.

Commissioner Ranize recognized the reduced ranking of the CR 466A Phase IIIB roadway improvement construction project on the State of Florida Department of Transportation District V 2017 priority list.

ii. P&Z Board

Commissioner Ranize gave a report of his attendance at the Planning and Zoning Board's (P&Z's) December 1, 2017 meeting; addressed its consideration of the rezoning request and development agreement by the petitioner: First Baptist Church of Leesburg Inc. He recognized the number of people in attendance that were over capacity and questioned the city commission's accommodation in this regard.

iii. Stormwater – Urick Street to Mirror Lake Drive

Commissioner Ranize noted the stormwater runoff problem from the Urick Street into Mirror Lake (Fruitland Estates property) and inquired on the status.

In response, Mr. Rector explained that he communicated with a representative at St. John's River Water Management District (SJRWMD) who permitted, inspected and authorized same; reported on the awareness of the subject matter by Mr. Keith Riddle, Riddle-Newman Engineering Inc., who also contacted SJRWMD as he performed the final stages of engineering following the change order from the property owners and noted the attempts to resolve same.

Commissioner Ranize addressed the need to rectify the situation.

After Commissioner Lewis referred to individuals contacting him on the subject issue, Mr. La Venia concurred in the affirmative to his suggestion that he would write a letter to SJRWMD's district manager with courtesy copies to the State of Florida Department of Environmental Protection and Lake County Water Authority.

iv. City Hall Generator

Commissioner Ranize stressed the need for a generator at city hall before the next storm season and questioned whether staff has pursued grant funding in that regard.

v. Florida Medical Industries Inc.

Commissioner Ranize referred to previous city commission meetings addressing the city's condemned buildings and with the type of funding source available and addressed the possibility of condemning same and placing a lien on the property.

Commissioner Ranize pointed out his communications with Ms. Racine where he learned that funds collected are not allocated into a regular fund but the general fund. He recognized the lack of funding to assist in the demolition of the derelict properties and questioned the process.

In response, Mr. La Venia relayed the conversations he had with Ms. Lori Davis, Code Enforcement Officer, who reported that the case of Florida Medical Industries Inc.'s, owner and respondent, was considered before the Special Magistrate/Code Enforcement Hearing held earlier this day; that neither the respondent (Mr. Stephen Anguilla) nor his representative were present, and that the Special Magistrate's order for the respondent to make the necessary corrective actions on the violations within 30 days at a rate of \$50 per day with additional costs which will continue to accrue.

After Mr. La Venia noted the likelihood of the respondent paying the city less to demolish the building in question than paying the fine, Commissioner Ranize referred to the Office of the Tax Collector's website noting that the property owner's tax bill remained unpaid for the past two years.

In response to Mr. La Venia's questions on whether the subject owner is paying mortgage, if there is lien holder, whether the building would be taken back, and if there are any environmental or liability issues, Ms. Geraci-Carver explained the city's opportunity to proceed with the foreclosure process, if the respondent does not take the necessary actions for the property to come into compliance. Ms. Geraci-Carver explained that she would not recommend such process if the property is found to be contaminated.

After Mr. La Venia referred to previous discussions with Ms. Geraci-Carver on the concept of making arrangements with the respondent for the city to pay the costs and be reimbursed by the property owner on a monthly basis, she referred to the documents and the draft agreement she prepared to which Mr. La Venia addressed the need for them to be re-examined and for the revenue source to be identified which he will need to discuss with her in that regard.

Commissioner Lewis relayed his discussions with a local real estate broker, an owner of a former thermometer manufacturing building, on evidence from the respondent contending that there is evidence the subject property has been decontaminated and is marketable.

After discussion, Ms. Geraci-Carver addressed the need for a report to demonstrate that contamination on the subject property was remedied and explained that the city's declaration of the subject property as a Brownfields site would open up many grant opportunities for cleanup funds which could be made in conjunction to the owners agreeing to same.

In response to Commissioner Bell's inquiry, Ms. Geraci-Carver addressed the ability to inquire whether the subject project was on the State of Florida Department of Environmental Protection's Comprehensive Environmental Response Compensation and Liability Act site assessment which revealed any confirmed or suspected contamination.

In response, Commissioner Lewis confirmed, in the affirmative, on his ability to inquire to the real estate broker requesting a copy of the report.

vi. Police Vehicles

Commissioner Ranize referred to the city commission's approval at its November 9, 2017 regular meeting of the purchase of two 2017 Ford

Interceptor Sports Utility vehicles earmarked in the FY 2017-18 budget and recognized the policies on authorization for expenditures which needs adhering to.

With respect to Hurricane Irma, Commissioner Ranize noted that the (bucket truck) for \$44,000 was not approved by the city commission and recognized Mr. La Venia's recommendation to delay its purchase but utilize funding earmarked for the Fruitland Park library construction and the hurricane cleanup. After he expressed concerns in that regard, he asked for an explanation and that such matters be presented before the city commission on a regular basis. Commissioner Ranize identified the large expenditures recently made for major projects where initial estimates received reflected ultimate increases in costs.

(b) Commissioner Lewis

i. Consent Agenda

Commissioner Lewis referred to the city commission's approval of the August 8, 2017 amended workshop minutes approved under the consent agenda earlier in this evening's meeting; mentioned his review of the verbatim excerpt, and addressed his intent to speak more concisely.

ii. Social Media

Commissioner Lewis pointed out the previous social media postings on *What's Happening Now* Facebook platform on the status of the City of Fruitland Park Library; relayed his comments at the September 14, 2017 regular meeting on his intent to avoid that forum, and mentioned his decision where he engaged in discussions on the bid amounts received and the city's expenditures in that regard.

iii. Lake EMS

Commissioner Lewis gave a report of his membership on Lake Emergency Management Services Inc. (EMS) Board Operations Committee; relayed the comments from Mr. Jerry Smith, Lake EMS Executive Director (noting the absence of Lake EMS Board Members District 2 Lake County Board of County Commissioner Sean Parks and City of Eustis Mayor Robert Morin) on his gratitude of the county's accommodations in providing fire services in the City of Clermont area.

Commissioner Lewis relayed the City of Clermont's recipient of the Staffing for Adequate Fire and Emergency Response grant award where it retained firefighters; Mr. Smith being informed of the county's requirement for the city to vacate its Medic (ambulance) station from the county's premises, and his search for another location to base his such services.

Commissioner Lewis conveyed the City of Fruitland Park's desire in retaining Lake's Medic 271, D2 stationed at the city's fire department or

wherever it may be and addressed his intent to coordinate future growth needs before plans are made for a new public safety building. Commissioner Lewis:

- pointed out Lake County Fire Rescue/Lake EMS Consolidation Study and the consultants' identification of Grays Airport Road and US Highway 27/441 intersection as the busiest service call location in Lake County;
- conveyed Commissioner Park's encouragement for him to present Lake EMS' position statement before the city commission on the need to work together;
- relayed Lake EMS Board Member and District 4 Lake County Board of County Commissioner Leslie Campione's statements on how the provision in the city's Interlocal Service Boundary Agreement (ISBA) -- as it pertains to life threatening events -- can be changed to include fire and rescue services automatic aid (immediate response of emergency personnel closest to the scene) recognizing the city's basic life support capabilities and the direction it is heading towards advance life support;
- reported on Lake County Fire Chief John Jolliff's approach to him, subsequent after Lake EMS' meeting, that no complaints have been received since the city's fire department has been staffing its own department to which Commissioner Lewis deemed to be positive, and
- identified Fire Chief Jolliff's support that the county can manage with two fire stations and does not need as many to manage that portion of Lake County; namely; Lake County Fire Stations (LCFSs) 59, 56, and 53, and that if the county were to take over, LCFS 53 would close whereby he believed that that the city residents would be paying for less protection.

(c) **Commissioner Bell**

i. Lake-Sumter MPO

Commissioner Bell gave his favorable opinion of Mr. Michael F. "Mike" Woods, the new interim MPO Executive Director, and expressed his disagreement with one of the problems when Mr. Fish joined the MPO on his intent to expand the MPO which he expressed to the city's district county commissioner.

ii. City Commission Meeting Venue

Commissioner Bell conveyed the request of Pastor "Sid" Sydney Brock, Heritage Community Church, to propose offering his church as an alternate meeting venue to host the city commission meeting.

iii. CR 466A Roadway Improvements Project

Commissioner Lewis, in response to Commissioner Bell's comments, indicated that District 1 Lake County Board of County Commissioner Timothy I. Sullivan was taking the lead in Tallahassee towards advocating the CR 466A roadway improvements project and confirmed, in response to Commissioner Ranize, that said project was moved and reallocated on the priority list.

(d) Vice Mayor Gunter, Jr.

i. Hometown Christmas

Vice Mayor Gunter congratulated Ms. Yoder on the December 8, 2017 Hometown Christmas event which was a success.

ii. School Concurrency

Vice Mayor Gunter referred to the December 14, 2017 School Concurrency Management Report which was considered earlier this day at the 2017 Annual School Concurrency meeting of which he is a member. He pointed out Lake County School Board District's commitment to school modernization and the shortage of student stations; gave a report on the ranked placement of Fruitland Park Elementary School, and referred to the anticipated funds for FY 2020-21 projected in 2021-22 to be more than \$17 million which is likely to increase and the expected completion date to be FY 2024-25.

Vice Mayor Gunter recognized the school district's registered lobbyist in Tallahassee who is advocating the appropriation of additional funds for the county and referred to the concurrency service area charts under the five-year capital plan (2018-22). (Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.)

9. MAYOR'S COMMENTS

(a) Coffee with the Mayor

Mayor Cheshire reported on the number of people who were in attendance at the November 18, 2017 *Coffee with the Mayor* event that was held at the Moyer Village Recreation Center.

Mayor Cheshire noted the residents' initial perspective and misinformation received through social media and the media on the city budget; expressed his gratitude to Commissioner Ranize for pointing out statistical information relating to the city's lowest tax rate (apart from the Town of Lady Lake's) in comparison to other governmental entities in the area, and acknowledged the research conducted by Mr. La Venia and Ms. Racine on the city's taxes and franchise fees similar to elsewhere. He relayed the residents' desire to consider, when the existing electric franchise agreement expires, utilizing a more desirable corporation.

Mayor Cheshire addressed the biggest problem expressed by concerned city residents -- present at previous city commission meetings – on the gate between the Wingspread and The Glen Subdivisions; the situation that existed more than two years' ago which he relayed, and noted, after the agreement was reached (Resolution 2013-005) which is what the city commission is basing its determination and to the dissatisfaction of the residents, same was not addressed since.

Mayor Cheshire pointed out his previous encouragement in extending an invitation to residents to attend city commission meetings to obtain information; explained that the city does not need a community park recognizing The Villages as part of the city, and reinforced the need for volunteerism with the police and fire departments, and the Fruitland Park Library. Noting the age restrictions of children participating at most neighborhood pools at The Villages, Mayor Cheshire recognized the city's Gardenia Park Pool whereby the entire family can participate.

In referring to Commissioner Ranize' statements on the anticipated large attendance in the city commission chambers; Mayor Cheshire recognized existing parcels in the city that are already zoned where the city commissioners lack input; voiced his displeasure of self-storage units, used car lots, and recreational vehicles and addressed the opportunities to decide on what city residents would like the city to look like in certain areas which, although costs are involved, were addressed at previous city commission meetings.

(b) Hometown Christmas

Mayor Cheshire concurred with Vice Mayor Gunter's comments on the success of the December 8, 2017 Hometown Christmas event.

(c) Dates to Remember

Mayor Cheshire recognized the following events:

- December 15, 2017 – Movie on the Lawn “Elf” at 6:00 p.m.
- December 15, 2017 – LCLC Roundtable Discussion League of Cities Legislative Conference, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m. and Mayor congratulated Bell on chairing same.
- December 16 ,2017 – Wreaths Across America, Shiloh Cemetery, Shiloh Street, Fruitland Park, Florida 34731 at 12:00 p.m., he thanked Commissioner Bell who offered to assist with the program and welcomed the public to attend.
- December 25, 2017 – Christmas Day - City Hall Closed December 26, 2017 – Day After Christmas - City Hall Closed
- January 1, 2018, New Year's Day – City Hall Closed
- January 11, 2018, City Commission Regular at 6:00 p.m.

- January 12, 2018 – LCLC Organizational Meeting and Let Cities Work Initiative, Lake Receptions 4425 N Highway 19-A, Mount Dora, Florida 32757 at 12:00 p.m.
- January 15, 2017 – City Hall Closed – Dr. Martin Luther King Jr., Holiday
- January 23, 2018, Lake Emergency Management Services Inc., TBD
- January 25, 2018, City Commission Regular at 6:00 p.m.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 9:16 p.m.

The minutes were approved at the January 28, 2018 regular meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Chris Cheshire, Mayor

RESOLUTION NO. 2018-005

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE MUNICIPAL FIRE FIGHTERS PENSION TRUST FUND OF THE CITY OF FRUITLAND PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park established a municipal fire fighters pension trust fund; and

WHEREAS, one (1) vacancy currently exists on the board of trustees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

1. Charles Themm is hereby appointed to the board of trustees of the municipal fire fighters pension trust fund of the City of Fruitland Park to serve another two year term. His term shall expire December 31, 2019.

2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 25th day of January, 2018, by the City Commission of the City of Fruitland Park, Florida.
City of Fruitland Park

Chris Cheshire, Mayor

Attest:
Esther B. Coulson, City Clerk

_____ Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Vice Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Lewis	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Ranize	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney



**AGENDA ITEM
NUMBER
5a**

5

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Resolution 2018-003 Employment of Relatives – Commission			
For the Meeting of:	January 25, 2018			
Submitted by:	City Attorney			
Date Submitted:				
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Forthcoming			
Description of Items: Resolution 2018-003 City Commission Relatives and Personal Relationships Policy				
Action to be Taken: Adopt Resolution 2018-003.				
Staff's Recommendation: Approval.				
Additional Comments: Discussed at the December 14 2017 and January 11, 2018 regular meetings.				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

RESOLUTION 2004-014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; RELATING TO QUASI-JUDICIAL HEARINGS; ESTABLISHING PROCEDURES FOR THE DISCLOSURE OF EX PARTE COMMUNICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

WHEREAS, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK:

Section 1. The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

**Procedures for quasi-judicial hearings;
Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective

or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
- (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
- (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or

written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

Section 2. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 3. This resolution shall be effective upon passage.

PASSED AND RESOLVED this 24th day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.



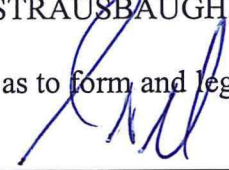
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:



MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:



Scott A. Gerken, City Attorney





**AGENDA ITEM
NUMBER
5b**

5

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	QUASI-JUDICIAL HEARING - Ordinance 2018-002 – Rezoning and Development Agreement - Petitioner: First Baptist Church of Leesburg Inc.			
For the Meeting of:	January 25, 2018			
Submitted by:	City Manager/City Attorney/Community Development Director			
Date Submitted:	December 14, 2017			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Items: Ordinance 2018-002, the second reading will be held on February 8, 2018.				
Action to be Taken: Approve the LPA’s recommendation.				
Staff’s Recommendation: Approve LPA’s recommendation.				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2018-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 14.95 ± ACRES OF THE PROPERTY FROM GENERAL COMMERCIAL (C-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 52.70 +/- ACRES OF PROPERTY FROM PUBLIC FACILITIES DISTRICT (PFD) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 85.44 +/- ACRES OF PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 17.00 +/- ACRES OF PROPERTY FROM HIGH DENSITY RESIDENTIAL/NEIGHBORHOOD COMMERCIAL (R-3A) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 33.98 +/- ACRES OF PROPERTY FROM GREENBELT DISTRICT (GB) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by First Baptist Church of Leesburg, Inc., Owner, requesting that approximately 14.95 acres of real property generally located south of CR 466A and west of Pine Ridge Dairy Road (the “Property”) be rezoned from General Commercial (C-2) to Mixed Use Planned Unit Development; approximately 52.70 acres of real property generally located south of CR 466A and west of Pine Ridge Dairy Road (the “Property”) be rezoned from Public Facilities District (PFD) to Mixed Use Planned Unit Development (PUD) within the city limits of Fruitland Park; approximately 85.44 acres of real property generally located south of CR 466A and west of Pine Ridge Dairy Road (the “Property”) be rezoned from Single Family Medium Density Residential (R-2) to Mixed Use Planned Unit Development (PUD) within the city limits of Fruitland Park; approximately 17.00 acres of real property generally located south of CR 466A and west of Pine Ridge Dairy Road (the “Property”) be rezoned from High Density Residential/Neighborhood Commercial (R-3A) to Mixed Use Planned Unit Development (PUD) within the city limits of Fruitland Park; and further requesting that approximately 33.98 acres of property be rezoned from Greenbelt District (GB) to Mixed Use Planned Unit Development within the city limits of Fruitland Park; and

WHEREAS, the petition bears the signature of all applicable parties; and

WHEREAS, the required notice of the proposed rezoning has been properly published;
and

WHEREAS, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1. The following described property consisting of approximately 206.11 ± acres of land generally located south of CR 466A and west of Pine Ridge Dairy Road shall hereafter be designated as PUD, Mixed Use Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described and depicted as set forth on Exhibit "A".

Section 2. That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2017.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

Anita Geraci-Carver, City Attorney

Vice-Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Commissioner Bell
Mayor Cheshire

_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading _____
Passed Second Reading _____
(SEAL)

EXHIBIT "A"
LEGAL DESCRIPTION

LEGAL DESCRIPTION

THAT LAND LYING IN SECTIONS 5, 7 AND 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 8, RUN S89°39'50"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 210.00 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8, ALSO BEING THE EASTERLY BOUNDARY OF VILLAGES OF FRUITLAND PARK UNIT NO. 27 AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE AND SAID EASTERLY BOUNDARY, S00°47'54"W, 350.15 FEET TO THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 28 AS RECORDED IN PLAT BOOK 66, PAGES 54 THROUGH 55, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE DEPARTING THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27 AND ALONG THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 THE FOLLOWING COURSES: S00°47'54"W, 244.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8 AND ALONG SAID SOUTH LINE, N89°39'50"W, 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG SAID EAST LINE, S00°47'54"W, 589.01 FEET TO THE SOUTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 AND A POINT ON THE NORTH LINE OF THE SOUTH 160.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EASTERLY BOUNDARY, SAID EAST LINE AND ALONG SAID NORTH LINE, S89°40'49"E, 611.54 FEET; THENCE DEPARTING SAID NORTH LINE AND ALONG THE FOLLOWING BOUNDARIES: VILLAGES OF FRUITLAND PARK, UNIT NO. 29, AS RECORDED IN PLAT BOOK 66, PAGE 71 THROUGH 73, INCLUSIVE, VILLAGES OF FRUITLAND PARK, UNIT NO. 31, AS RECORDED IN PLAT BOOK 66, PAGE 74 THROUGH 82, INCLUSIVE, SAID BOUNDARIES ALSO BEING THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4415, PAGE 1806, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE S00°46'30"W, 425.68 FEET; THENCE S31°15'56"W, 733.08 FEET; THENCE S00°47'54"W, 35.45 FEET; THENCE S43°54'50"E, 75.41 FEET; THENCE S49°19'38"E, 80.87 FEET; THENCE S45°31'17"E, 45.42 FEET; THENCE S57°57'35"E, 31.06 FEET; THENCE S27°16'42"E, 46.23 FEET; THENCE S36°00'06"E, 62.89 FEET; THENCE S26°28'20"E, 49.91 FEET; THENCE S32°28'21"E, 80.27 FEET; THENCE S29°57'55"E, 60.93 FEET; THENCE S75°47'10"E, 99.18 FEET; THENCE S07°22'59"E, 55.03 FEET; THENCE S04°58'53"E, 28.31 FEET; THENCE S03°51'23"E, 57.52 FEET; THENCE S03°23'32"W, 15.26 FEET; THENCE S75°48'45"W, 38.64 FEET; THENCE S12°05'00"W, 92.40 FEET; THENCE S24°08'42"W, 41.93 FEET; THENCE S11°20'47"W, 21.80 FEET; THENCE S00°21'45"W, 90.73 FEET; THENCE S40°46'06"W, 53.01 FEET; THENCE S53°05'55"W, 104.34 FEET; THENCE S49°53'36"W, 70.59 FEET; THENCE S48°18'47"W, 37.84 FEET; THENCE S61°43'23"W, 48.54 FEET; THENCE S62°49'12"W, 50.56 FEET; THENCE S59°14'26"W, 52.64 FEET; THENCE

S70°58'32"W, 38.87 FEET; THENCE S35°38'27"W, 2,364.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE DEPARTING THE BOUNDARIES OF SAID SUBDIVISIONS AND THE BOUNDARY OF OFFICIAL RECORDS BOOK 4415, PAGE 1806; RUN THENCE ALONG SAID SOUTH LINE, S89°06'25"E, 914.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7 AND ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8, S89°14'24"E, 1,330.47 FEET TO THE EAST LINE OF THE WEST 1/4 OF SAID SECTION 8; THENCE ALONG SAID EAST LINE, N00°42'44"E, 2,636.42 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE N00°46'31"E, 1,343.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, S89°40'49"E, 1,331.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N00°44'42"E, 1,343.27 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE DEPARTING SAID EAST LINE AND ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N89°39'42"W, 1,330.49 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, N00°34'38"E, 1,263.10 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD 466-A, AS PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, N89°14'18"W, 1,118.09 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID EAST LINE OF THE WEST 210.00 FEET AND THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27, S00°42'41"W, 1,271.43 FEET TO THE POINT OF BEGINNING.
CONTAINING 205.76 ACRES, MORE OR LESS.

Record and Return to:
City of Fruitland Park
Attn: City Clerk
506 W. Berckman Street
Fruitland Park, Florida 34731

MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the ____th day of _____, 2017, between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), and First Baptist Church of Leesburg, Inc., a Florida not for profit corporation (hereinafter referred to as the "Owner").

RECITALS

1. The Owner desires to rezone approximately 205.76 + acres of property within the City of Fruitland Park, described and depicted as set forth on Exhibit "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").
2. The Property is currently located within the City of Fruitland Park and is currently zoned "General Commercial" (C-2), Public Facilities District (PFD), Single Family Medium Density Residential (R-2), High Density Residential/Neighborhood Commercial (R-3A), and Greenbelt District (GB) with a future land use designation on the City of Fruitland Park Future Land Use Map of "Mixed Community."
3. Owner has filed applications for rezoning for the Property as a mixed use planned unit development.
4. Owner represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.
5. The City of Fruitland Park has determined that the rezoning of the Property and the proposal for its development presents, among other things, an opportunity for the City to secure quality planning and growth, protection of the environment, and a strengthened and revitalized tax base.
6. Owner will fund certain public improvements and infrastructure to facilitate the development of the Property.
7. The Property is within the City's Chapter 180, Florida Statutes, utility district, and Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

ACCORDINGLY, in consideration of the mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. Recitals. The above recitals are true and correct, are hereby incorporated herein by reference,

and form a material part of this Agreement. All exhibits to this Agreement are hereby deemed a part thereof.

Section 2. Conditions Precedent. Owner has filed an application for rezoning for the Property. It is understood and agreed to by the City and the Owner that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement and adopts an ordinance rezoning the Property. The parties hereto understand and acknowledge that the City is in no way bound to rezone the Property. The City shall have the full and complete right to approve or deny the application for rezoning.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "Conceptual Site Plan" prepared by Florida Engineering Group, Inc., dated _____, and attached as **Exhibit "B"** (the "Plan"). The project shall be developed as a senior (age 55+) mixed use community. All development shall be consistent with City's "PUD" (Planned Unit Development/Mixed Use) zoning district and, subject to City approval. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

Section 4. Permitted Uses. Permitted Uses shall include:

- a. Single family detached residential dwelling units.
- b. Duplex (Villa) dwelling units.
- c. Single family attached residential dwelling units meeting the R-3 standards.
- d. Multi-family residential dwelling units meeting the R-3 standards.
- e. ~~Adult Congregate~~ Assisted Living Facilities. The maximum number of beds shall not exceed 150.
- f. Nursing homes.
- g. Church/Religious Facilities.
- h. All permitted C-1 uses.
- i. Convenience Store with fuel operations.
- j. Restaurants.
- k. Banks.
- l. Athletic/Sports Facilities.
- m. Residential units shall not exceed 900 units.
- n. Passive and Active Recreation Facilities.
- o. Total Commercial Square footage shall not exceed 130,000 square feet.
- p. Total Institutional Square footage shall not exceed 240,000 square feet which includes ~~Adult Congregate Living Facilities~~, Nursing homes and Church/Religious Facilities.
- q. The residential units may be converted to the ~~Adult Congregate~~ Assisted Living Facilities or a Nursing home based on one (1) unit equals three (3) beds; however, in no case shall the maximum number of beds be exceeded as stated in item e above.

Section 5. Residential Development Standards. Development Standards shall be as follows:

- a. The minimum living area shall be 1,000 square feet for the single family detached homes.
- b. The minimum lot size shall be 4,000 square feet for the detached single family homes.
- c. Minimum lot width for detached single-family shall be 40 feet with a minimum lot depth of 100 feet.
- d. Minimum Setback requirements for detached residential units shall be:

Front: Local Roadways - Twenty feet (20')
Garage Setback from Roadway – Twenty-five feet (25')

Side: Local Roadways – Twenty feet (20')
Another Lot - Five feet (5')

Rear: Local Roadway– Twenty feet (20')
Another Lot – Twenty feet (20')

Accessories Setback: All accessory structures shall be located no closer to the property line than five feet (5').

- e. Minimum lot size shall be 4,000 square feet for duplex/villa single-family homes (duplex, villas).

- f. The minimum lot width for duplex/villas shall be 40 feet with a minimum lot depth of 100 feet.

- g. Minimum Setback requirements for duplex/villa single family residential units shall be:

Front: Local Roadways - Twenty feet (20')
Garage Setback from Roadway – Twenty-five feet (25')

Side: Local Roadways – Twenty feet (20')
Another Lot - 0' feet for common walls

Rear: Local Roadway– Twenty feet (20')
Another Lot – Twenty feet (20')

Accessories Setback: All accessory structures shall be located no closer to the property line than five feet (5'). In those areas where the buffer width is greater than five feet (5') and is part of the lot, all accessory structures shall be located outside of the buffer area.

Minimum distance between single-family detached and single family attached structures shall be 10 feet (10') measured from building wall to building wall.

- h. Multi-family development shall meet the R-3 zoning development standards.
- i. Maximum building height shall be limited to thirty five feet (35') for single family; however, if adequate fire protection measures are provided the height limitation may be exceeded, after review by the City Fire Inspector and Building Official with final determination by the City Commission - Community Development Director.

- j. ~~There shall be a maximum of six (6) buildings greater than 35 feet (a/k/a 3 stories) in building height, which shall not exceed 5 stories. No more than six (6) buildings may have a Mmaximum building height for the multi-family uses (garden apartments and condominiums) shall not exceed 5 stories~~ (from finished grade) including parking garage provided adequate fire protection measures are provided as reviewed by the City Fire Inspector and Building Official with final determination by the City Commission Community Development Director. ~~These~~Any multi-story buildings shall maintain a two hundred foot (200') setback from the adjacent development known as Brookstone Subdivision.
- k. Parking: The Applicant will be required to meet the parking requirements of the Fruitland Park Land Development Code for the proposed residential uses except as provided below:
 - Multi-Family Residential – 1.5 spaces per unit
 - Single Family Attached Residential – 1.5 spaces per unit
 - Assisted Living Facilities – 0.25 spaces per bed, plus 1 space per employee (largest shift)
 - Skilled Nursing - 0.25 spaces per bed, plus 1 space per employee (largest shift)
- l. Development adjacent to the Brookstone Subdivision shall consist of one row of single family lots.

Section 7. Residential Design Standards. Design Standards shall be as follows:

- a. **Architectural features** - All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the single family units. Garage vehicle doors shall incorporate the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc. Front doors shall incorporate the following decorative elements: raised decorative panels, decorative glass panels or panes, decorative handles, etc. Designs may vary throughout the development.
 - 1) Dormers
 - 2) Gables
 - 3) Recessed or raised entries
 - 4) Covered porch entries
 - 5) Cupolas
 - 6) Pillars or decorative posts
 - 7) Bay window (minimum 12 inch projections)
 - 8) Eaves (minimum 6-inch projections)
 - 9) Front windows with arched glass tops and minimum 4-inch trim
- b. Building Materials - Exterior building materials contribute significantly to the visual impact of a building on the community. These materials shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:

- 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
- 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a “cementitious” lap siding. (A “cementitious” lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.).
- 3) All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.

Section 8. Commercial and Institutional Development Standards. Development Standards shall be as follows:

- a. Minimum Setback requirements for commercial shall be:

Front: CR 466A – Fifty feet (50’)
Local Roadways - Twenty feet (20’)

Side: Local Roadways – Twenty feet (20’)
Another Lot - Ten feet (10’)

A zero (0) side setback is allowed on one side provided there is a minimum ten feet setback on the opposite side and provided requirements for fire and building codes are met.

Rear: Local Roadway– Twenty feet (20’)
Another Lot – Twenty feet (20’)

Accessories Setback: All accessory structures shall be located no closer to the property line than ten feet (10’).

Required landscape buffers shall supersede the minimum dimensions permitted by this Section.

- b. The maximum impervious surface ratio for the property (which includes building coverage) shall be limited to eighty percent (80%).
- c. Maximum building height along CR 466A shall be limited to two (2) stories (from finished grade). Maximum building height, excluding- along CR 466A shall be limited to four (4) stories (from finished grade) provided that adequate fire protection measures are provided as determined by the City Fire Inspector and Building Official. Any multi-story buildings shall maintain a two hundred foot (200’) setback from the adjacent development known as Brookstone Subdivision.
- d. Maximum building height shall be limited to ninety-five feet (95’) for accessory decorative structures such as, but not limited to, steeples or spires.

- e. Parking: The Applicant will be required to meet the parking requirements of the Fruitland Park Land Development Regulations for the proposed uses except as provided below:
 - House of Worship – 1 space per three (3) seats (fixed seats) of 1 space per 30 gross square feet (without fixed seats)
 - Ancillary Uses – 3 spaces per 1000 square feet (3.0 spaces/KSF)
- f. Commercial access: Access to the commercial development areas shall be primarily from the entrance boulevard with access to CR 466A. Pedestrian access shall be provided from the residential areas to the commercial area utilizing a trail system which shall be reviewed during the site plan or subdivision review process.
- f.g. The maximum floor area ratio shall be seventy percent (70% or 0.70) and the maximum impervious surface ratio shall be eighty percent (80% or 0.80).

Section 9. Commercial and Institutional Design Standards. The Applicant shall be required to meet the nonresidential design standard requirements of the Fruitland Park Land Development Regulations.

Section 10. Development Phasing. The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan (attached^[AG1] as part of these conditions). Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.

Section 11. Site Access and Transportation Improvements. Vehicular access to the project site shall be provided by a minimum of two access points, one primary access on CR 466A and one access on Pine Ridge Dairy Road. The primary access shall be through a divided landscaped boulevard type road. Actual location and design of the boulevard shall be determined during the Site Plan and/or Preliminary Subdivision Plan review process and shall include consideration of sidewalks on both sides of the boulevard, recreation paths etc. Other potential vehicular and pedestrian accesses will be reviewed during the development review process.

- a. The Permittee shall provide all necessary improvements/signalization within and adjacent to the development as required by Lake County and City of Fruitland Park.
- b. All roads within the development shall be designed and constructed by the developer to meet the City of Fruitland Park requirements.
- c. Sidewalks shall be provided on both sides of the local internal roads and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalks. All sidewalks shall be constructed in accordance with City of Fruitland Park Codes.
- d. The City of Fruitland Park will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- e. Should the Permittee desire to dedicate the proposed project's internal road system to the City of Fruitland Park; the City, at its discretion, may accept or not accept the road system. Prior to acceptance, the Permittee shall demonstrate to the City the road system is in suitable condition and meets City of Fruitland Park requirements. As a condition of accepting the roadway system the City may create a special taxing

district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project, and may require bonds or other financial assurance of maintenance for some period of time

f. A traffic/transportation study shall be submitted prior to preliminary subdivision plan approval for review and determination of any necessary access improvements if required by Lake County. Said improvements will be the responsibility of the Permittee.

g. At such time that traffic signals are warranted at the proposed project entrance, the Permittee shall pay their pro-rata share of the cost of the signal(s) as determined by City staff.

g.h. Pine Ridge Dairy Road shall only be utilized for emergency access only until Pine Ridge Dairy Road is improved to Lake County standards.

Section 12. Lighting. All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way and parking areas.

Section 13. Water, Wastewater, and Reuse Water. Subject to the terms herein, Owner and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City ~~when available~~. Owner covenants and warrants to City that it will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. Notwithstanding the foregoing, private wells for irrigation purposes will be allowed within the Property so long as such wells are approved and permitted by the St. Johns River Water Management District (the "District") and comply with the rules and regulations of the District. Owner shall construct, at Owner's expense, all on-site utility facilities (e.g. lift stations and lines) as well as pay for the extension of facilities from City's current point of connection. Owner shall also construct, at Owner's expense, "dry" utility lines for reclaimed water purposes. All such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction.

Section 14. Impact Fees. Owner shall be required to pay impact fees as established by City from time to time, including water and wastewater impact fees. The amount to be paid shall be the adopted impact fee rate at the time the building permit is issued. Notwithstanding the foregoing, Owner shall pay water and wastewater impact fees at the rate of \$3,080.00 per ERU for wastewater (sewer) and \$985.00 per ERU for water.

Owner agrees to pay all other impact fees and any impact fees adopted after the execution of this Agreement as building permits are issued. If impact fees increase from the time they are paid until the building permit is issued, Owner shall pay the incremental increased amount at the time building permits are issued. Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner agrees and understands that no capacity has been reserved and that Owner assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of site plan and City is willing to allocate such capacity to Owner, Owner shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

Section 15. Easements. Owner shall provide the City such easements or right of way in form acceptable to the City Attorney, as the City deems necessary for the installation and maintenance of roads,

sidewalks, bikeways, street lighting or utility services, including but not limited to sewer, water, drainage and reclaimed water services.

Section 16. Landscaping/Buffers. Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a twenty-five foot (25') landscape buffer along CR 466A; ~~and~~ a twenty-five foot (25') buffer along [the southern property boundaries abutting existing residential, and a fifty foot \(50'\) buffer along the eastern property boundary adjacent to the Brookstone Subdivision](#) as shown on the Conceptual Plan consisting of four (4) canopy trees, two (2) understory trees, and fifteen (15) shrubs per one hundred feet (100'); however, no buffer shall be required along the perimeter boundary adjacent to the wetlands. A fifteen foot (15') native buffer shall be provided onsite adjacent to the wetlands. All landscaping and tree protection shall comply with Chapter 164 of the City of Fruitland Park Land Development Regulations. [The perimeter landscaping buffer adjacent to the Brookstone Subdivision shall utilize existing natural landscape and supplement with additional plantings to meet the landscaping requirements set forth in this PUD and the City's LDR's.](#)

Owner shall, at its sole expense, install underground irrigation systems on all common areas of the Property, as well as exercise any other measures reasonably necessary to ensure the long-term maintenance of the landscaping.

Owner shall design and construct, at its sole expense, the interior landscaped areas and islands within the parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner shall maintain such areas.

Owner acknowledges City's goal of achieving a greater level of tree preservation within the City. In aid of such goal, Owner agrees to comply with all applicable City of Fruitland Park Land Development Regulations pertaining to tree removal and replacement.

Section 17. Stormwater Management. Owner agrees to provide at Owner's expense a comprehensive stormwater management system consistent with all regulatory requirements of the City and the St. John's River Water Management District. Impacts to flood plains are allowed in accordance with the Water Management District procedures for compensating storage and will be based on the 100-year floodplain established by Lake County.

Section 19. Other Municipal Facilities/Services. The City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under the same terms and conditions and in the same manner as are afforded to all other commercial property owners within the City.

Section 20. Environmental Considerations. The Owner agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

Section 21. Signage. Owner shall submit a master sign plan as a component of the final site plan (i.e., construction plan) application for the Property. Such plan shall be in compliance with all applicable regulations contained within the City of Fruitland Park Land Development Regulations, unless City grants a waiver or variance pursuant to the City's Land Development Regulations. Alternatively, the Owner, in

the Owner's discretion, may apply to amend the PUD to incorporate a Master Signage Plan at the time that the Owner desires to install signage at the development.

Section 22. Title Opinion. Owner shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to the Property to be in the name of the Owner and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

Section 23. Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies. All improvements and infrastructure shall be constructed to City standards.

Section 24. Due Diligence.

The City and Owner further agree that they shall commence all reasonable actions necessary to fulfill their obligations hereunder and shall diligently pursue the same throughout the existence of this Agreement. The City shall further provide all other municipal services to the Property as are needed by Owner from time to time in accordance with the City's applicable policies for the provision of said services.

Section 25. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law. This is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220 – 163.3243, *Florida Statutes*.

Section 26. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

Section 27. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 28. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party or any right, power, or privilege hereunder operate as a waiver of any other right, power, privilege hereunder, nor will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof or the exercise of any other right, power, or privilege hereunder.

Section 29. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 30. Notice. Any notice to be given shall be in writing and shall be sent by certified mail, return receipt requested, to the party being noticed at the following addresses or such other address as the parties shall provide from time to time:

As to City:	City Manager City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Chris Cheshire, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone Anita Geraci-Carver Law Office of Anita Geraci-Carver, P.A. 1560 Bloxam Avenue
	Clermont, Florida 34711 352-243-2801 Telephone 352-243-2768 Facsimile
As to Owner:	First Baptist Church of Leesburg, Inc. 220 W. 13th Street Leesburg, FL 34748-4962
Copy to:	

Section 31. Entire Agreement. This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Owner from complying with the law governing said permitting requirements, conditions, terms or restrictions.

Section 32. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner, or the effective date of the annexation of the Property, whichever occurs later, and shall terminate twenty (20) years thereafter; provided, however,

that the term of this Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing.

Section 33. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 34. Severability. If any part of this Developer's Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer's Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer's Agreement is declared severable.

IN WITNESS WHEREOF, the Owner and the City have executed this Agreement as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

FIRST BAPTIST CHURCH OF LEESBURG, INC.,

Witness Signature

By: _____
Gary Teague, President/Trustee

Print Name

Witness Signature

By: _____
Arthur A. Ayris, Secretary/Trustee

Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____ by Gary Teague and Arthur A. Ayris who are personally known to me or who have produced _____ as identification and who did (did not) take an oath.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

ACCEPTED BY THE CITY OF FRUITLAND PARK

Approved as to form and
Legality for use and reliance
by the City of Fruitland Park

By: _____
Chris Cheshire, Mayor

Date: _____

Anita Geraci-Carver
City Attorney

ATTEST: _____
Esther B. Coulson
City Clerk

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, _____, City Clerk of the City of Fruitland Park, Florida, who are personally known to be me and they acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Fruitland Park, Florida.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

EXHIBIT "A"
LEGAL DESCRIPTION

EXHIBIT "B"

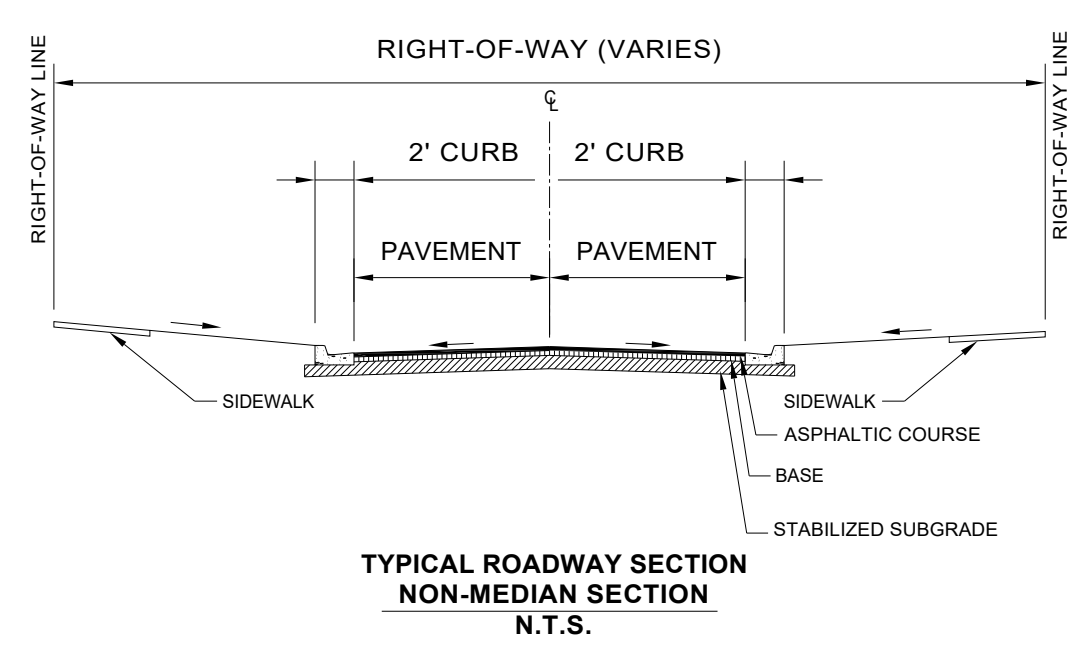
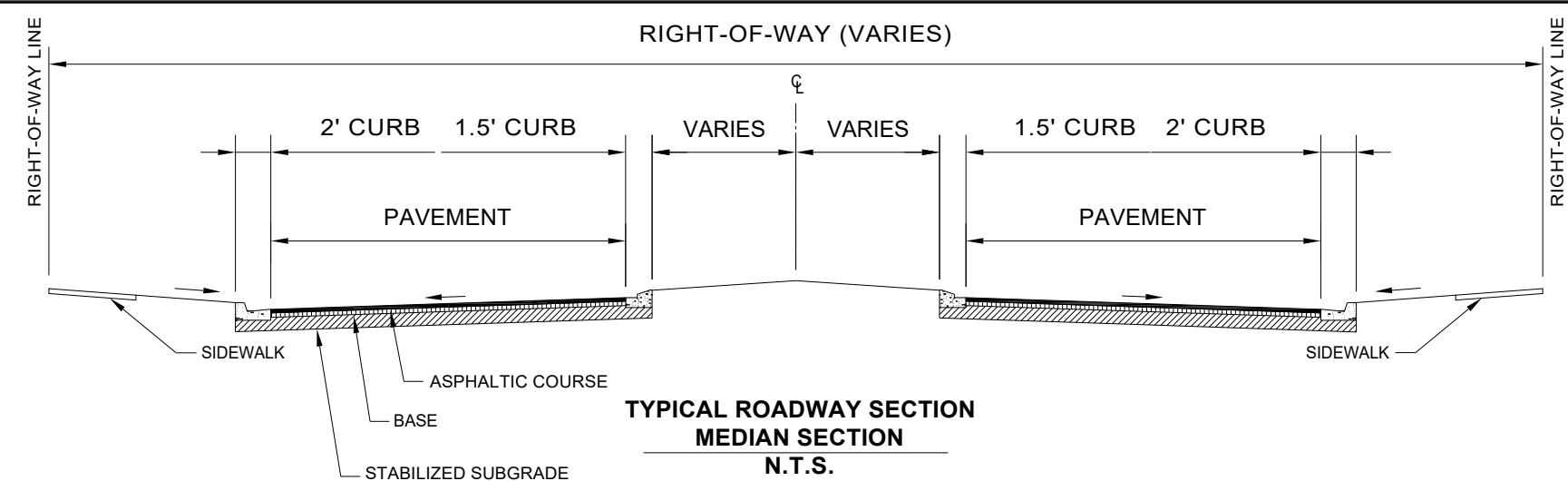
THE PLAN

LEGAL DESCRIPTION

THAT LAND LYING IN SECTIONS 5, 7 AND 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 8, RUN S89°39'50"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 210.00 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8, ALSO BEING THE EASTERLY BOUNDARY OF VILLAGES OF FRUITLAND PARK UNIT NO. 27 AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE AND SAID EASTERLY BOUNDARY, S00°47'54"W, 350.15 FEET TO THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 28 AS RECORDED IN PLAT BOOK 66, PAGES 54 THROUGH 55, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE DEPARTING THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27 AND ALONG THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 THE FOLLOWING COURSES: S00°47'54"W, 244.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8 AND ALONG SAID SOUTH LINE, N89°39'50"W, 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG SAID EAST LINE, S00°47'54"W, 589.01 FEET TO THE SOUTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 AND A POINT ON THE NORTH LINE OF THE SOUTH 160.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EASTERLY BOUNDARY, SAID EAST LINE AND ALONG SAID NORTH LINE, S89°40'49"E, 611.54 FEET; THENCE DEPARTING SAID NORTH LINE AND ALONG THE FOLLOWING BOUNDARIES: VILLAGES OF FRUITLAND PARK, UNIT NO. 29, AS RECORDED IN PLAT BOOK 66, PAGE 71 THROUGH 73, INCLUSIVE, VILLAGES OF FRUITLAND PARK, UNIT NO. 31, AS RECORDED IN PLAT BOOK 66, PAGE 74 THROUGH 82, INCLUSIVE, SAID BOUNDARIES ALSO BEING THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4415, PAGE 1806, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE S00°46'30"W, 425.68 FEET; THENCE S31°15'56"W, 733.08 FEET; THENCE S00°47'54"W, 35.45 FEET; THENCE S43°54'50"E, 75.41 FEET; THENCE S49°19'38"E, 80.87 FEET; THENCE S45°31'17"E, 45.42 FEET; THENCE S57°57'35"E, 31.06 FEET; THENCE S27°16'42"E, 46.23 FEET; THENCE S36°00'06"E, 62.89 FEET; THENCE S26°28'20"E, 49.91 FEET; THENCE S32°28'21"E, 80.27 FEET; THENCE S29°57'55"E, 60.93 FEET; THENCE S75°47'10"E, 99.18 FEET; THENCE S07°22'59"E, 55.03 FEET; THENCE S04°58'53"E, 28.31 FEET; THENCE S03°51'23"E, 57.52 FEET; THENCE S03°23'32"W, 15.26 FEET; THENCE S75°48'45"W, 38.64 FEET; THENCE S12°05'00"W, 92.40 FEET; THENCE S24°08'42"W, 41.93 FEET; THENCE S11°20'47"W, 21.80 FEET; THENCE S00°21'45"W, 90.73 FEET; THENCE S40°46'06"W, 53.01 FEET; THENCE S53°05'55"W, 104.34 FEET; THENCE S49°53'36"W, 70.59 FEET; THENCE S48°18'47"W, 37.84 FEET; THENCE S61°43'23"W, 48.54 FEET; THENCE S62°49'12"W, 50.56 FEET; THENCE S59°14'26"W, 52.64 FEET; THENCE

S70°58'32"W, 38.87 FEET; THENCE S35°38'27"W, 2,364.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE DEPARTING THE BOUNDARIES OF SAID SUBDIVISIONS AND THE BOUNDARY OF OFFICIAL RECORDS BOOK 4415, PAGE 1806; RUN THENCE ALONG SAID SOUTH LINE, S89°06'25"E, 914.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7 AND ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8, S89°14'24"E, 1,330.47 FEET TO THE EAST LINE OF THE WEST 1/4 OF SAID SECTION 8; THENCE ALONG SAID EAST LINE, N00°42'44"E, 2,636.42 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE N00°46'31"E, 1,343.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, S89°40'49"E, 1,331.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N00°44'42"E, 1,343.27 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE DEPARTING SAID EAST LINE AND ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N89°39'42"W, 1,330.49 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, N00°34'38"E, 1,263.10 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD 466-A, AS PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, N89°14'18"W, 1,118.09 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID EAST LINE OF THE WEST 210.00 FEET AND THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27, S00°42'41"W, 1,271.43 FEET TO THE POINT OF BEGINNING.
CONTAINING 205.76 ACRES, MORE OR LESS.



NOTE: ALL STREETS WILL BE PRIVATE BUT CONSTRUCTED TO CITY STANDARDS

PROPOSED USES

- COMMERCIAL
- RESIDENTIAL
- INSTITUTIONAL
- ROADWAY/PARKING/PONDS
- OPEN SPACE/PARK/RECREATION
- PROPOSED BUFFER - (A)

OWNERS/APPLICANTS

FIRST BAPTIST CHURCH OF LEESBURG
220 N. 13TH STREET
LEESBURG, FL 34748

PRESBYTERIAN RETIREMENT COMMUNITIES, INC.
80 W. LUCERNE CIRCLE
ORLANDO, FL 32801
(407) 839-5050

ENGINEER

FLORIDA ENGINEERING GROUP, INC.
5127 S. ORANGE AV, SUITE 200
ORLANDO, FL 32809
(407) 895-0324

SURVEYOR

FARNER BARLEY & ASSOCIATES, INC.
4450 NE 83RD ROAD
WILDWOOD, FL 34785
(352) 784-3126

SITE DATA

PROPERTY LOCATION: COUNTY ROAD 466A
FRUITLAND PARK, FLORIDA

PARCEL ID NUMBER: 05-19-24-0003-00022-00-000F
EXISTING PROPERTY ZONING: R-2(SINGLE FAMILY); R-3A(HDR & LIGHT COMMERCIAL); C-2(GENERAL COMMERCIAL); PFD(PUBLIC FACILITY DIST) AND GB(GREEN BELT)

PROPOSED PROPERTY ZONING: PUD
PROPERTY FUTURE LAND USE DESIGNATION: PUD
EXISTING USE: VACANT
PROPOSED USE: MULTI-USE
(RESIDENTIAL, COMMERCIAL & INSTITUTIONAL)
THIS DEVELOPMENT WILL BE AN AGE RESTRICTED 55+ COMMUNITY
205.76 ACRES

PROJECT AREA: MIXED USES ON THIS PROPERTY SHALL INCLUDE AT LEAST TWO (2) OF THE THREE (3) USES IN THE FOLLOWING TABLE:

USE	MINIMUM	MAXIMUM
RESIDENTIAL	15%	65%
COMMERCIAL	5%	30%
INSTITUTIONAL	5%	35%

PERMITTED USES ARE ALL OF THE USES LISTED UNDER R-1, R-2, R-3, R-P, AND C-1 ZONING DISTRICTS. USES ALSO ALLOWED WITHOUT SPECIAL EXCEPTION APPROVAL ARE: CHURCH/RELIGIOUS FACILITIES, CONVENIENCE STORES WITH FUEL OPERATIONS, RESTAURANTS, BANKS, AND ATHLETIC/SPORTS FACILITY USES. USES THAT ARE PROHIBITED ARE MOBILE HOMES PARKS, HOMESTAY BED & BREAKFAST, OFFICE/WAREHOUSE FACILITIES, AND MINI-WAREHOUSES.

ALLOWABLE DENSITY:

MAXIMUM ALLOWABLE DENSITY: 900 DU

NON-RESIDENTIAL:
MAXIMUM ALLOWED FAR - 0.70
MAXIMUM ALLOWED ISR - 0.80

PROPOSED NON-RESIDENTIAL

	MAXIMUM COMM. (SF)	MAXIMUM INST. (SF)	FAR: 0.04<0.7
TOTAL	190,000	180,000	

OPEN SPACE:

REQUIRED: 20% (MIN.: 41.2 AC)
PROVIDED: 46.2% (95± AC)(PARK AND RECREATION)
OPEN SPACES MAY BE ADJUSTED IN THE FUTURE BASED ON MARKET DEMANDS, HOWEVER, A MINIMUM OF 20% OPEN SPACE WILL BE PROVIDED.

BUFFER YARDS

	BUFFER (1)
FRONT (NORTH)	10'
SIDE (EAST)	10'
SIDE (WEST)	25'
REAR (SOUTH)	25' (ALONG PINE RIDGE DAIRY ROAD)

(1) SEE SITE PLAN FOR BUFFER LOCATIONS

LOT REQUIREMENTS:

District	SCHEDULE OF DIMENSIONAL REQUIREMENTS							
	Min. Living Area/DU (SF)	Min. Lot Width (FT)	Max. Building Cover (%)	Min. Open Space (%)	Max. Building Height (N.T.E.) (2) (FT)	Min. Building Setback (1) (FT)		
RES (DETACHED)(ILF)	1,000	40	50	10	35	20	5	20
RES (ATTACHED)(ILF)(3)	1,000	20	50	10	35	20	0	20
INSTITUTIONAL	N/A	100	N/A	10	95	20	5	20
COMMERCIAL	N/A	100	N/A	10	95	20	5	20

- ACCESSORY STRUCTURE SETBACKS (I.E. - WOOD DECK, SWIMMING POOL & DECK, SCREEN POOL ENCLOSURE) CAN BE REDUCED TO 5'.
- MAXIMUM HEIGHT FOR SPECIFIC STRUCTURES (I.E. - ANTENNA-DISH (GROUND MOUNTED); FREE STANDING CARPORTS; RESIDENTIAL STORAGE BUILDINGS): 20'.
- APPLIES TO TOWNHOMES AND ATTACHED VILLAS.
- FRONT (GARAGE SETBACK): 25'

NOTES:

- THIS PLAN IS PREPARED BASED ON CURRENT NEEDS AND ANTICIPATED DEVELOPMENT PROGRAM. HOWEVER, THE PLAN AND DEVELOPMENT PROGRAM ARE SUBJECT TO CHANGE BASED ON FUTURE MARKET CONDITIONS AND DEMANDS.
- STORMWATER MANAGEMENT WILL BE ADDRESSED BY EACH PROJECT DURING THE CONSTRUCTION PLAN REVIEW PROCESS. STORMWATER MANAGEMENT WILL BE PROVIDED IN SHARED PONDS OR SEPARATE PONDS LOCATED WITHIN THE INDIVIDUAL PARCELS.
- NEGOTIATIONS ARE IN THE PROCESS TO POTENTIALLY PROVIDE A GOLF CART PATH TO THE PROPERTY FROM THE VILLAGES.

UTILITIES STATEMENT

WATER AND SEWER SERVICES WILL BE PROVIDED BY THE CITY OF FRUITLAND PARK UTILITY DEPARTMENT. THE WATER CONNECTIONS WILL BE MADE TO THE EXISTING MAINS LOCATED ALONG PINE RIDGE DAIRY ROAD AND COUNTY ROAD 466A. THE SEWER CONNECTION WILL BE MADE TO THE EXISTING FORCEMAIN LOCATED ALONG COUNTY ROAD 466A.

FLOOD ZONE

FLOOD ZONE X AND A PER FEMA F.I.R.M. PANELS 305 AND 306 OF 750 DATED: 12/18/2012.

WETLAND STATEMENT

THIS PROJECT CONTAINS JURISDICTIONAL WETLANDS. THE APPROXIMATE WETLAND LOCATIONS ARE SHOWN HEREON. THE ACTUAL LIMITS OF THE WETLANDS WILL BE DETERMINED PRIOR TO FINAL CONSTRUCTION PLAN PREPARATION.

STORMWATER CRITERIA

STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH CHAPTER 158 OF THE CITY OF FRUITLAND PARK L.D.R. AND ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT'S CRITERIA.

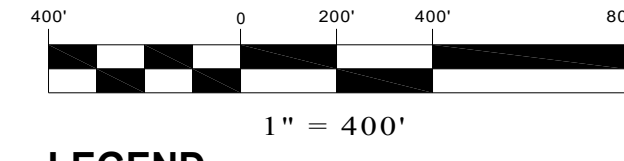
FIRE CODE

THE PROPOSED DEVELOPMENT WILL BE DESIGNED IN ACCORDANCE WITH CHAPTER 161 OF THE CITY OF FRUITLAND PARK L.D.R., STATE, AND FEDERAL FIRE CODE REQUIREMENTS.

TREE AND LANDSCAPING

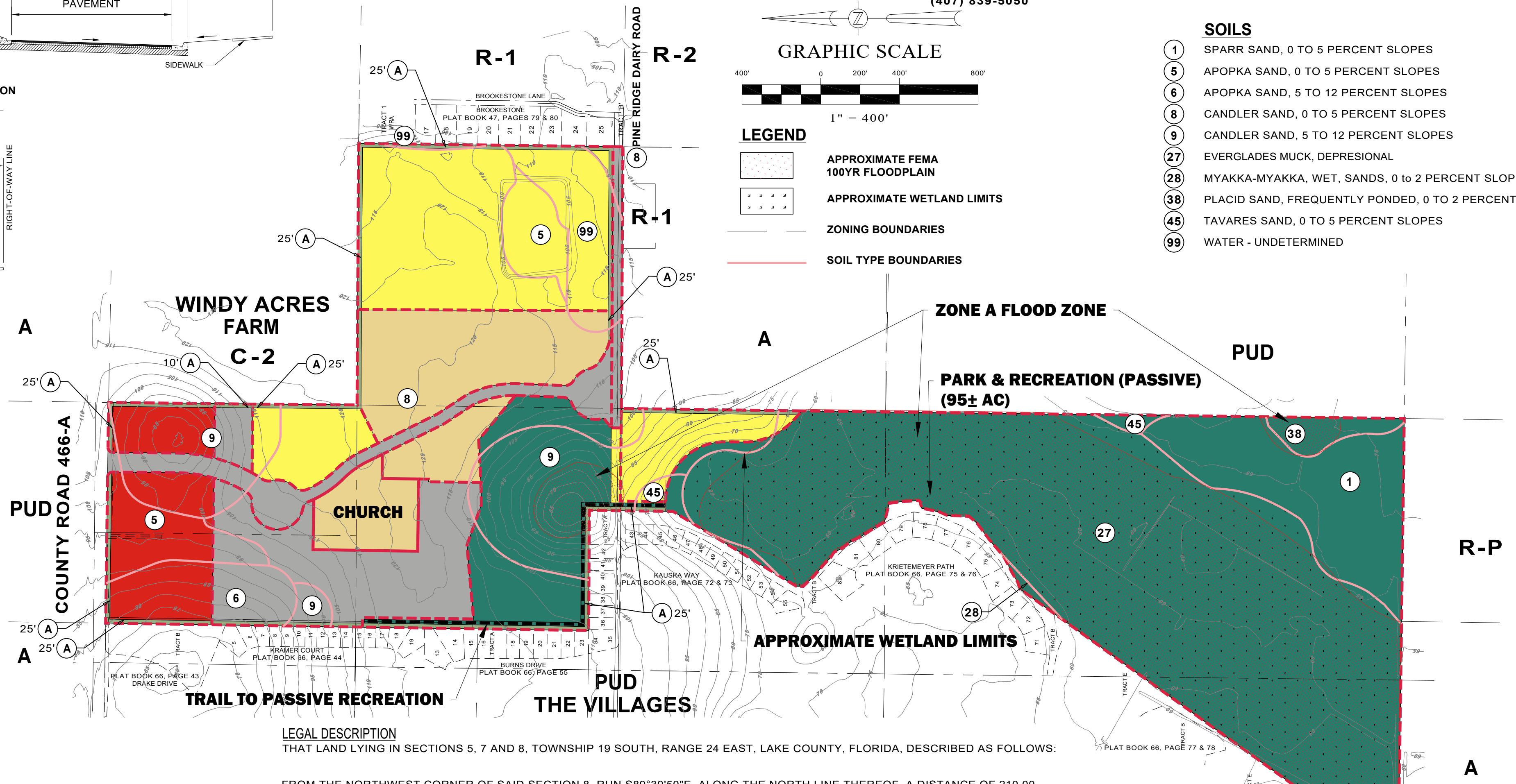
LANDSCAPING AND TREE PROTECTION WILL BE PROVIDED IN ACORDANCE WITH CHAPTER 164 OF THE CITY OF FRUITLAND PARK L.D.R.

GRAPHIC SCALE



LEGEND

- APPROXIMATE FEMA 100YR FLOODPLAIN
- APPROXIMATE WETLAND LIMITS
- ZONING BOUNDARIES
- SOIL TYPE BOUNDARIES

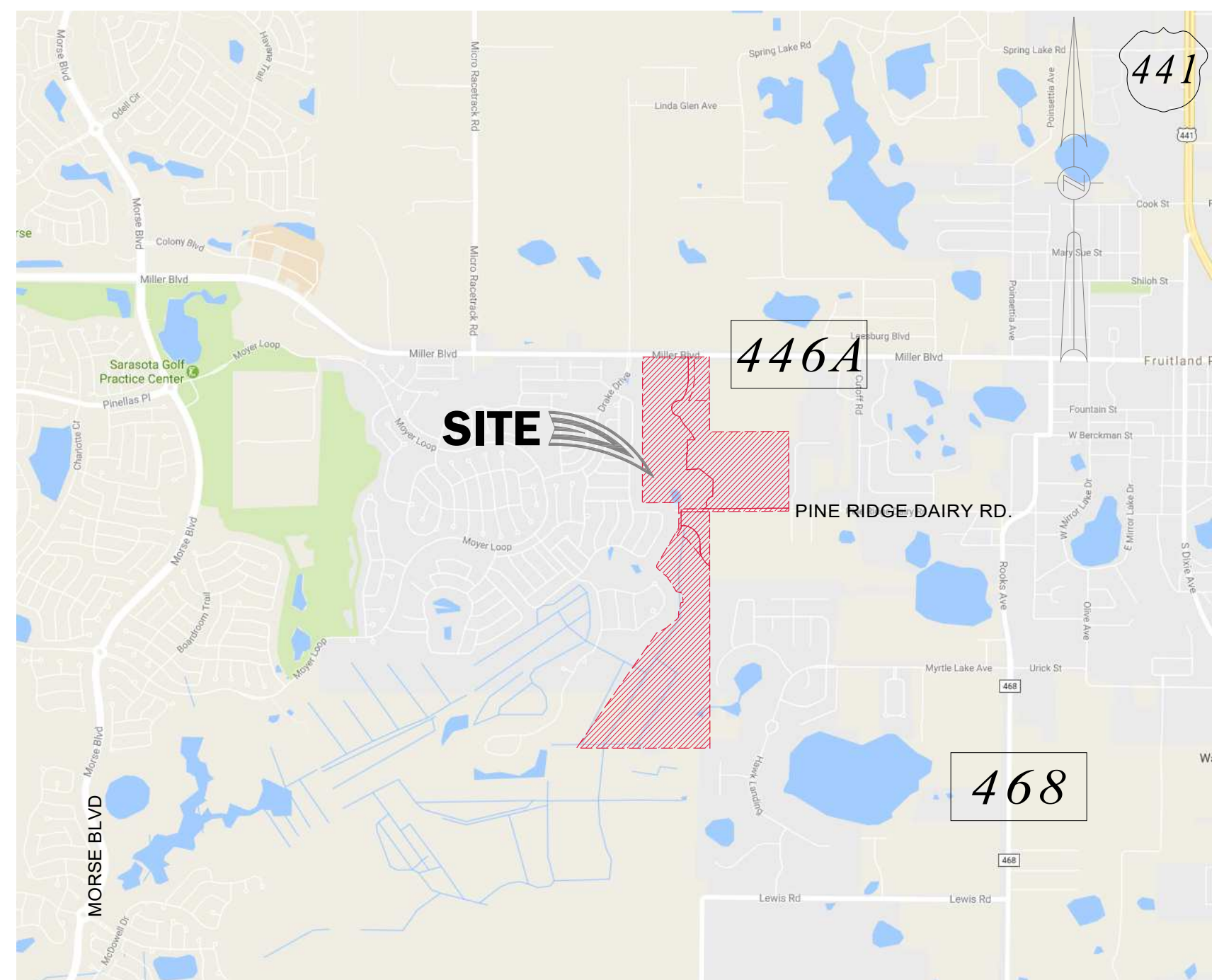


LEGAL DESCRIPTION
THAT LAND LYING IN SECTIONS 5, 7 AND 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 8, RUN S89°39'50"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 210.00 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8, ALSO BEING THE EASTERLY BOUNDARY OF VILLAGES OF FRUITLAND PARK UNIT NO. 27 AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING, THENCE ALONG SAID EAST LINE AND SAID EASTERLY BOUNDARY, S00°47'54"W, 350.15 FEET TO THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 28 AS RECORDED IN PLAT BOOK 66, PAGES 54 THROUGH 55, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE DEPARTING THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27 AND ALONG THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 THE FOLLOWING COURSES: S00°47'54"W, 244.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8 AND ALONG SAID SOUTH LINE, N89°39'50"W, 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG SAID EAST LINE, S00°47'54"W, 589.01 FEET TO THE SOUTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 AND A POINT ON THE NORTH LINE OF THE SOUTH 160.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EASTERLY BOUNDARY, SAID EAST LINE AND ALONG SAID NORTH LINE, S89°40'49"E, 611.54 FEET; THENCE DEPARTING SAID NORTH LINE AND ALONG THE FOLLOWING BOUNDARIES: VILLAGES OF FRUITLAND PARK, UNIT NO. 29, AS RECORDED IN PLAT BOOK 66, PAGE 71 THROUGH 73, INCLUSIVE, VILLAGES OF FRUITLAND PARK, UNIT NO. 31, AS RECORDED IN PLAT BOOK 66, PAGE 74 THROUGH 82, INCLUSIVE, SAID BOUNDARIES ALSO BEING THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4415, PAGE 1806, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE S00°46'30"W, 425.68 FEET; THENCE S31°15'56"W, 733.08 FEET; THENCE S00°47'54"W, 35.45 FEET; THENCE S43°54'50"E, 75.41 FEET; THENCE S49°19'38"E, 80.87 FEET; THENCE S45°31'17"E, 45.42 FEET; THENCE S57°57'35"E, 31.06 FEET; THENCE S27°16'42"E, 46.23 FEET; THENCE S36°00'06"E, 62.89 FEET; THENCE S26°28'20"E, 49.91 FEET; THENCE S32°28'21"E, 80.27 FEET; THENCE S29°57'55"E, 60.93 FEET; THENCE S75°47'10"E, 99.18 FEET; THENCE S07°22'59"E, 55.03 FEET; THENCE S04°58'53"E, 28.31 FEET; THENCE S03°51'23"E, 57.52 FEET; THENCE S03°23'32"W, 15.26 FEET; THENCE S75°48'45"W, 38.64 FEET; THENCE S12°05'00"W, 92.40 FEET; THENCE S24°08'42"W, 41.93 FEET; THENCE S11°20'47"W, 21.80 FEET; THENCE S00°21'45"W, 90.73 FEET; THENCE S40°46'06"W, 53.01 FEET; THENCE S53°05'55"W, 104.34 FEET; THENCE S49°53'36"W, 70.59 FEET; THENCE S48°18'47"W, 37.84 FEET; THENCE S61°43'23"W, 48.54 FEET; THENCE S62°49'12"W, 50.56 FEET; THENCE S59°14'26"W, 52.64 FEET; THENCE S70°58'32"W, 38.87 FEET; THENCE S35°38'27"W, 2,364.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE DEPARTING THE BOUNDARIES OF SAID SUBDIVISIONS AND THE BOUNDARY OF OFFICIAL RECORDS BOOK 4415, PAGE 1806; RUN THENCE ALONG SAID SOUTH LINE, S89°06'25"E, 914.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7 AND ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8, S89°14'24"E, 1,330.47 FEET TO THE EAST LINE OF THE WEST 1/4 OF SAID SECTION 8; THENCE ALONG SAID EAST LINE, N00°42'44"E, 2,636.42 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE N00°46'31"E, 1,343.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8, S89°40'49"E, 1,331.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8, N00°44'42"E, 1,343.27 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE DEPARTING SAID EAST LINE AND ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N89°39'42"W, 1,330.49 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, N00°34'38"E, 1,263.10 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD 466-A, AS PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, N89°14'18"W, 1,118.09 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID EAST LINE OF THE WEST 210.00 FEET AND THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27, S00°56'55"W, 1,271.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 205.76 ACRES, MORE OR LESS.

SITE VICINITY MAP



NOT TO SCALE

DATE	REVISIONS	BY	CHECKED

WESTMINSTER PINE RIDGE
PUD REZONING
CITY OF FRUITLAND PARK, FLORIDA

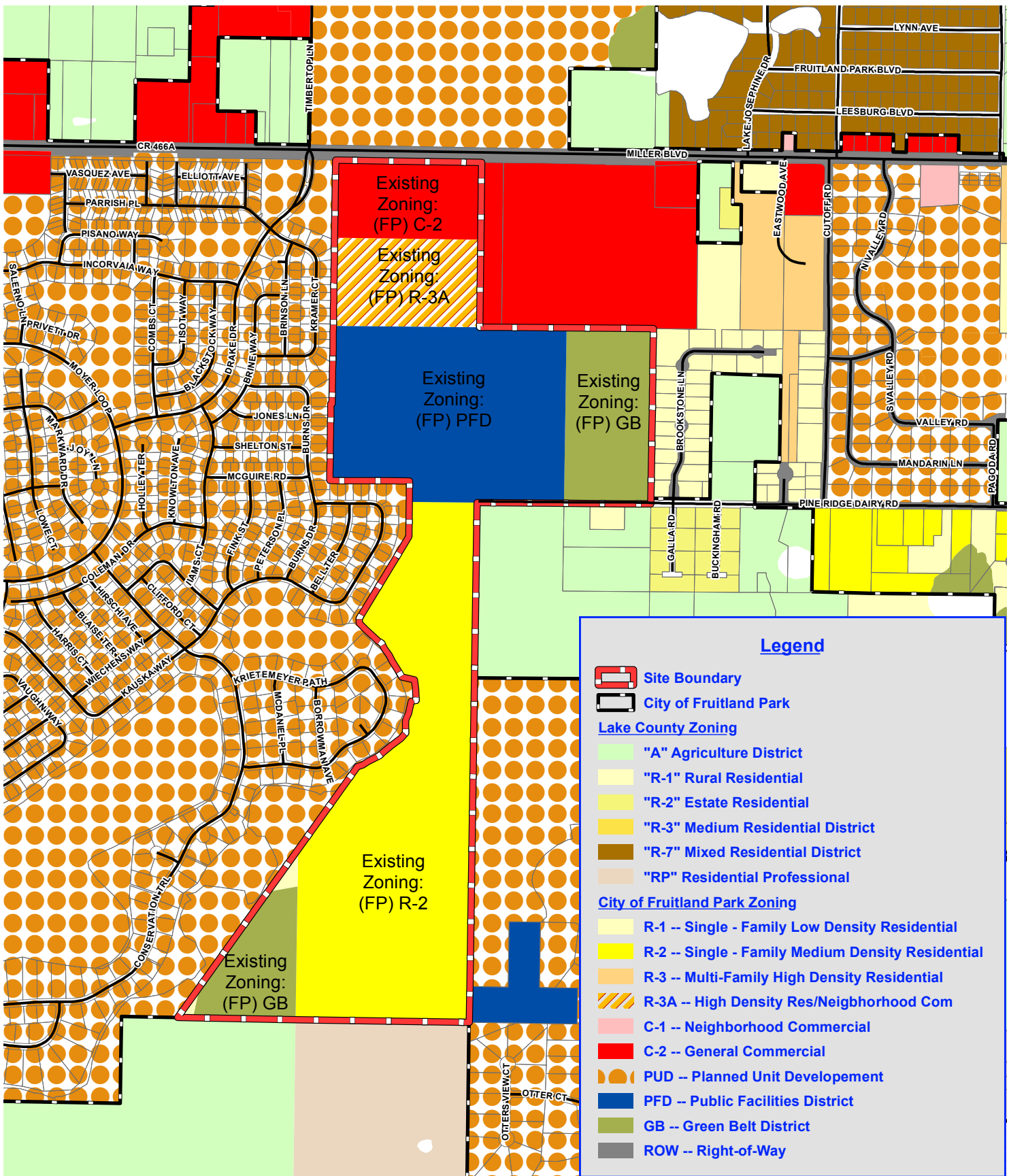
FEG FLORIDA ENGINEERING GROUP
Engineering the Future

5127 S. Orange Avenue,
Suite 200
Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325
www.feg-inc.us

PUD EXHIBIT PLAN

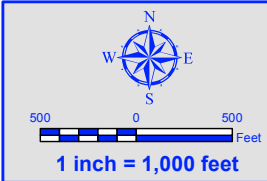
DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY
GRC	DG	GRC	GRC

PROJECT NO.	16-043
SCALE	1" = 400'
DATE	AUGUST 7, 2017
SHEET NO.	C-1
SHEET	1 OF 1



Legend

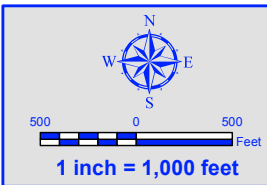
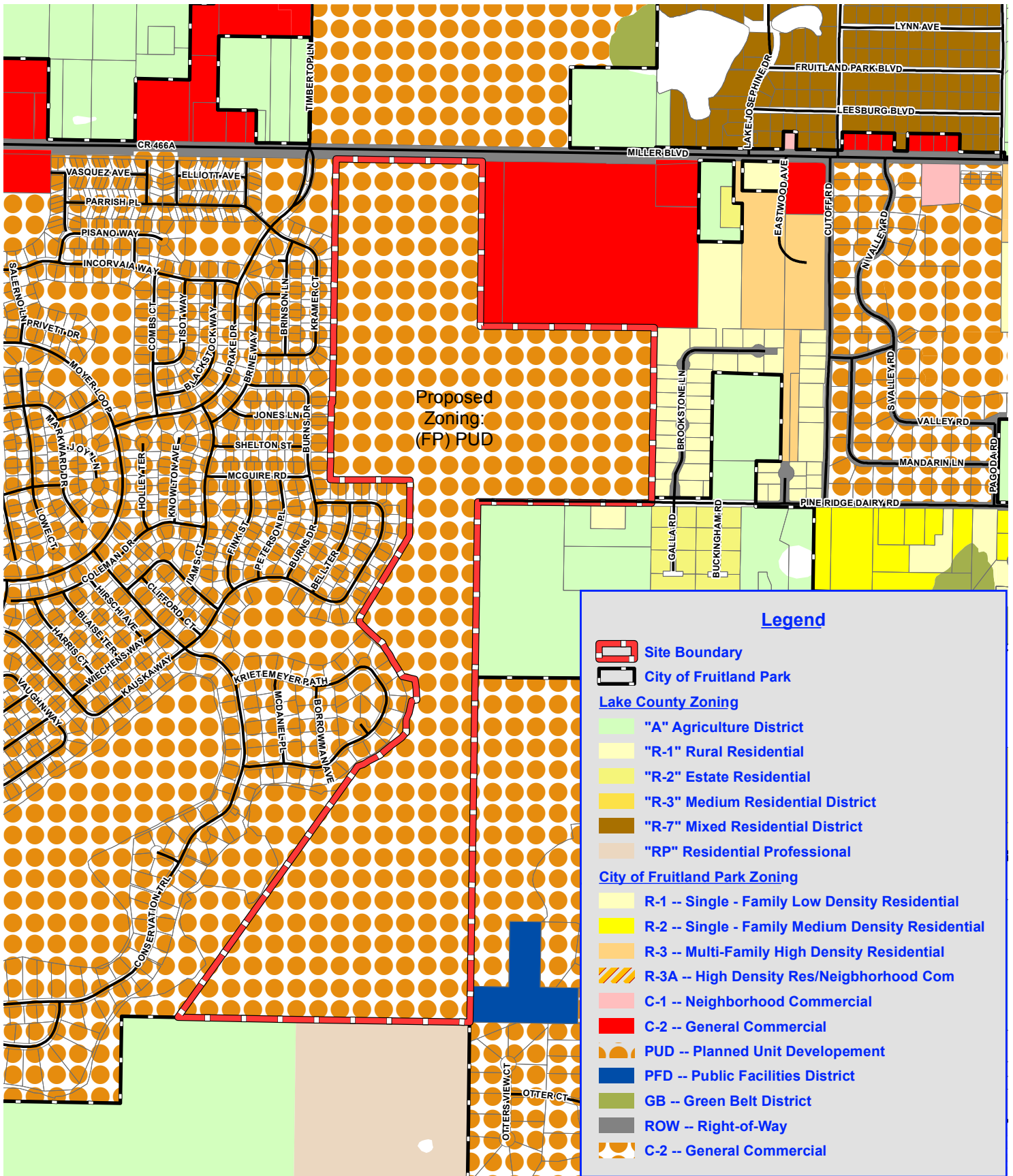
- Site Boundary
- City of Fruitland Park
- Lake County Zoning**
 - "A" Agriculture District
 - "R-1" Rural Residential
 - "R-2" Estate Residential
 - "R-3" Medium Residential District
 - "R-7" Mixed Residential District
 - "RP" Residential Professional
- City of Fruitland Park Zoning**
 - R-1 -- Single - Family Low Density Residential
 - R-2 -- Single - Family Medium Density Residential
 - R-3 -- Multi-Family High Density Residential
 - R-3A -- High Density Res/Neighborhood Com
 - C-1 -- Neighborhood Commercial
 - C-2 -- General Commercial
 - PUD -- Planned Unit Development
 - PFD -- Public Facilities District
 - GB -- Green Belt District
 - ROW -- Right-of-Way



City of Fruitland Park
First Baptist Church of Leesburg, Inc
 Lake County, Florida
 Existing Zoning

Project: 398-17-03
 File: Existing Zoning.mxd
 Name: First Baptist
 PM: Sherie Lindh
 Date: June 14, 2017
 Created By: J.Wilson

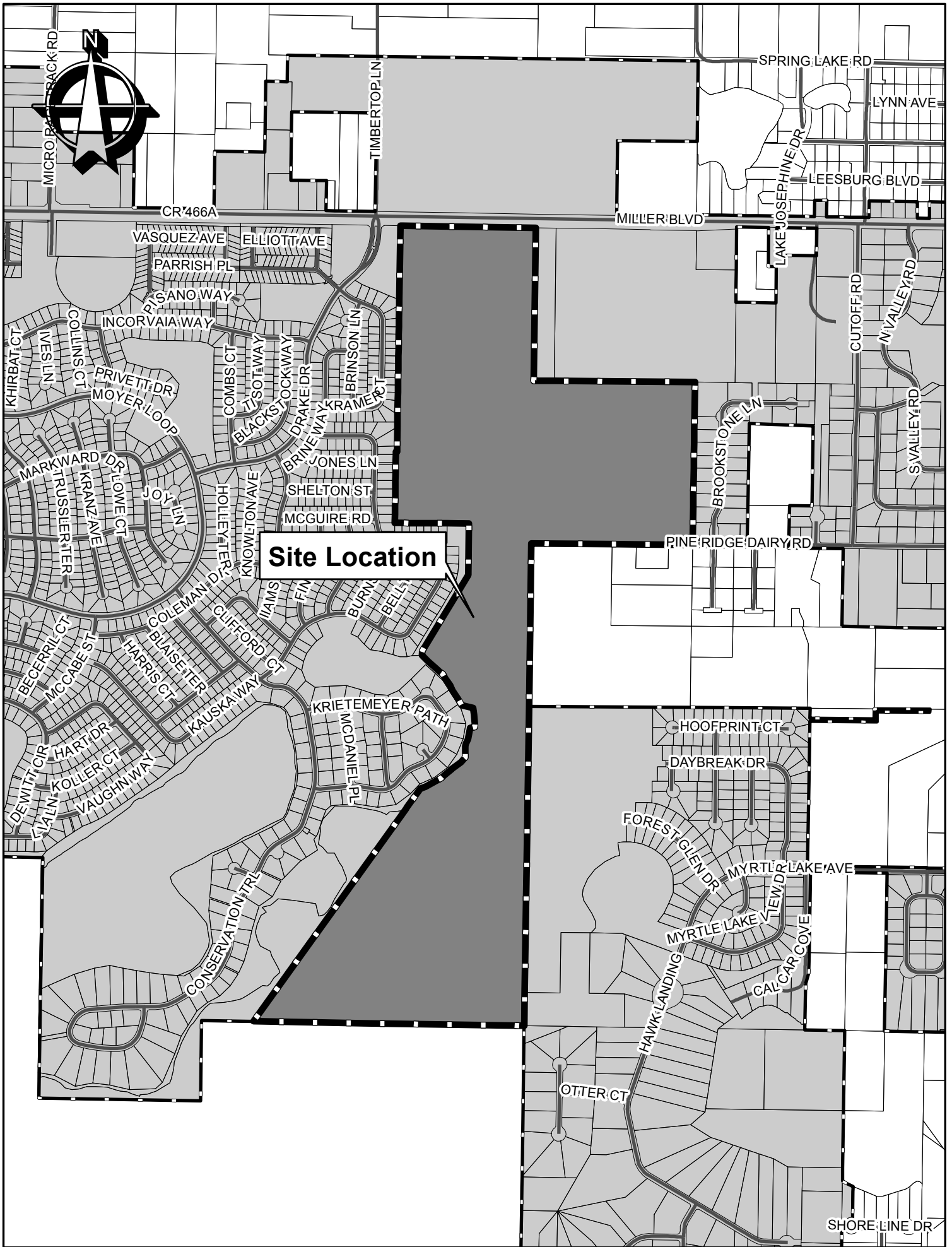




**City of Fruitland Park
First Baptist Church of Leesburg, Inc
Lake County, Florida
Proposed Zoning**

Project: 398-17-03
File: Proposed Zoning.mxd
Name: First Baptist
PM: Sherie Lindh
Date: June 14, 2017
Created By: J.Wilson





Site Location

MICRO BACK RD
CR'466A
VASQUEZ AVE
ELLIOTT AVE
PARRISH PL
RISANO WAY
INCORVAIA WAY
COLINS CT
PRIVETT DR
MOYER LOOP
MARKWARD DR
TRUSSERTER
KRAZANE
DR TOWE CT
JOY LN
COMBS CT
T SOT WAY
BLACKSTOCK WAY
BRINEWAY
DRAKE DR
BRINSON LN
KRAMER RT
JONES LN
SHELTON ST
MCGUIRE RD
HOLLEY AVE
EVAN TOWNE
KNOWTON AVE
COLEMAN DR
GLIFFORD CT
HARRIS CT
BLASETER
KAUSKA WAY
KRIEMMEYER PATH
MCDANIEL PL
CONSERVATION TRL
MILLER BLVD
SPRING LAKE RD
LYNN AVE
LEESBURG BLVD
LAKE JOSEPHINE DR
CUTOFF RD
N VALLEY RD
S VALLEY RD
BROOKSTONE LN
PINE RIDGE DAIRY RD
HOOFPRI CT
DAYBREAK DR
FOREST GLEN DR
MYRTLE LAKE AVE
MYRTLE LAKE VIEW DR
CALCAR COVE
HAWK LANDING
OTTER CT
SHORE LINE DR



**AGENDA ITEM
NUMBER**
5c₅

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	QUASI-JUDICIAL HEARING Second Reading - Ordinance 2018-001 – Site Specific Comprehensive Plan - Petitioner: Terry F. and Rachel		
For the Meeting of:	January 25, 2018		
Submitted by:	City Manager/City Attorney/Community Development Director		
Date Submitted:	December 14, 2017		
Are Funds Required:		Yes	X No
Account Number:	N/A		
Amount Required:	N/A		
Balance Remaining:	N/A		
Attachments:	Yes		
Description of Items: Ordinance 2018-001, the first reading was held on January 11, 2018.			
Action to be Taken: Enact Ordinance 2018-001 to become effective pursuant to the Department of Economic Opportunity’s Notice of Intent if in compliance and no challenge is filed by an affected party when the Notice of Intent is posted on the Department’s website.			
Staff’s Recommendation: Approve LPA’s recommendation.			
Additional Comments:			

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2018-001

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA PURSUANT TO 163.3187(1), FLORIDA STATUTES; CHANGING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY PROVIDING TEXT AMENDMENTS SPECIFIC TO LOTS 15 – 19, BLOCK B, 1ST ADDITION TO DREAM LAKE SUBDIVISION, CONSISTING OF LESS THAN 10 ACRES IN SIZE, LOCATED ON SUNSET WAY, FOREST STREET AND PENNSYLVANIA AVENUE, SPECIFYING ALLOWABLE USES ON THE PROPERTY; AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE DESIGNATION TO MULTI-FAMILY LOW DENSITY AS LIMITED BY THE SITE SPECIFIC AMENDMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park is committed to planning and managing the future growth and development of the City; and

WHEREAS, the City Commission finds and determines that establishing policies within the City's Comprehensive Plan which are specific to the subject property is in the best interests of the citizens and the people of the State and are not unduly restrictive of the private property rights of the owners of the subject property; and

WHEREAS, the site-specific policies established by this Ordinance take into consideration any vesting which the owners of the subject property have on the property; and

WHEREAS, the Planning and Zoning Board of the City of Fruitland Park held a public hearing on this Ordinance which was advertised in accordance with State law; and

WHEREAS, the public hearings for this Ordinance have been advertised as required by State law; and

WHEREAS, the City Commission of the City of Fruitland Park hereby finds and determines that the plan amendments are internally consistent and consistent with the City's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

Section 1: Legislative Findings.

The recitals set forth above are hereby adopted as legislative findings of the City Commission of the City of Fruitland Park.

Section 2: Comprehensive Plan Amendments.

A. Attached hereto and incorporated herein by reference as Exhibit “A” is the proposed amended Future Land Use Map. The Map assigns a City of Fruitland Park land use designation to the subject property. The subject property is hereby designated as Multi-Family Low Density (MFLD) on the City of Fruitland Park Future Land Use Map.

B. Site specific amendments to the Future Land Use Element pertaining to the subject property are as provided below.

Future Land Use Element Policy 1-1.3-1

The following policy is added:

Future Land Use Element Policy 1-1.3-1. Allowable Uses for the Property hereafter described:

The Property: Lots 15, 16, 17, 18 and 19, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 13, of the Public Records of Lake County, Florida (the “Ross Property”).

shall be limited to the uses defined in this Policy. The allowable uses on the Ross Property are:

- Single-family detached residential dwelling units; and
- Two family (duplex) dwelling units.

Section 3. Description of the Subject Property.

The subject property lies on Sunset Way, Forest Street and Pennsylvania Avenue, in Fruitland Park, in Lake County, Florida, and comprises less than 10 acres in size. Tax Parcel Identification(s) of the parcels are: 09-19-24-120000B01500; 09-19-24-120000B01600; 09-19-24-120000B01700; 09-19-24-120000B01800 and 09-19-24-120000B01900 of Lake County, Florida, and are legally described as:

Lots 15, 16, 17, 18 and 19, 1st Addition to Dream Lake Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 13, of the Public Records of Lake County, Florida

Section 4. Data and Analysis. The supporting data and analysis shall be transmitted by the City to the Department of Economic Opportunity and the review agencies with the Comprehensive Plan Amendments, but the data and analysis is not adopted by this Ordinance.

Section 5. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. After the first public hearing, a paper copy of the Comprehensive Plan Amendments and supporting data and analysis and two electronic copies thereof on a CD ROM in PDF format

shall be transmitted to the Department of Economic Opportunity; and one paper copy shall be transmitted to and the East Central Florida Regional Planning Commission, the St. John's River Water Management District, the Department of Environmental Protection, the Department of State, the Department of Transportation, Lake County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Fruitland Park, Florida.

Section 7. Effective Date. This Ordinance shall become effective pursuant to the Department of Economic Opportunity's Notice of Intent if in compliance, and no challenge is filed by an affected party when the Notice of Intent is posted on the Department's website.

FIRST READING on the ____ day of _____, 201__.

ADOPTED AND ENACTED on second reading: the ____ day of _____, 20__.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

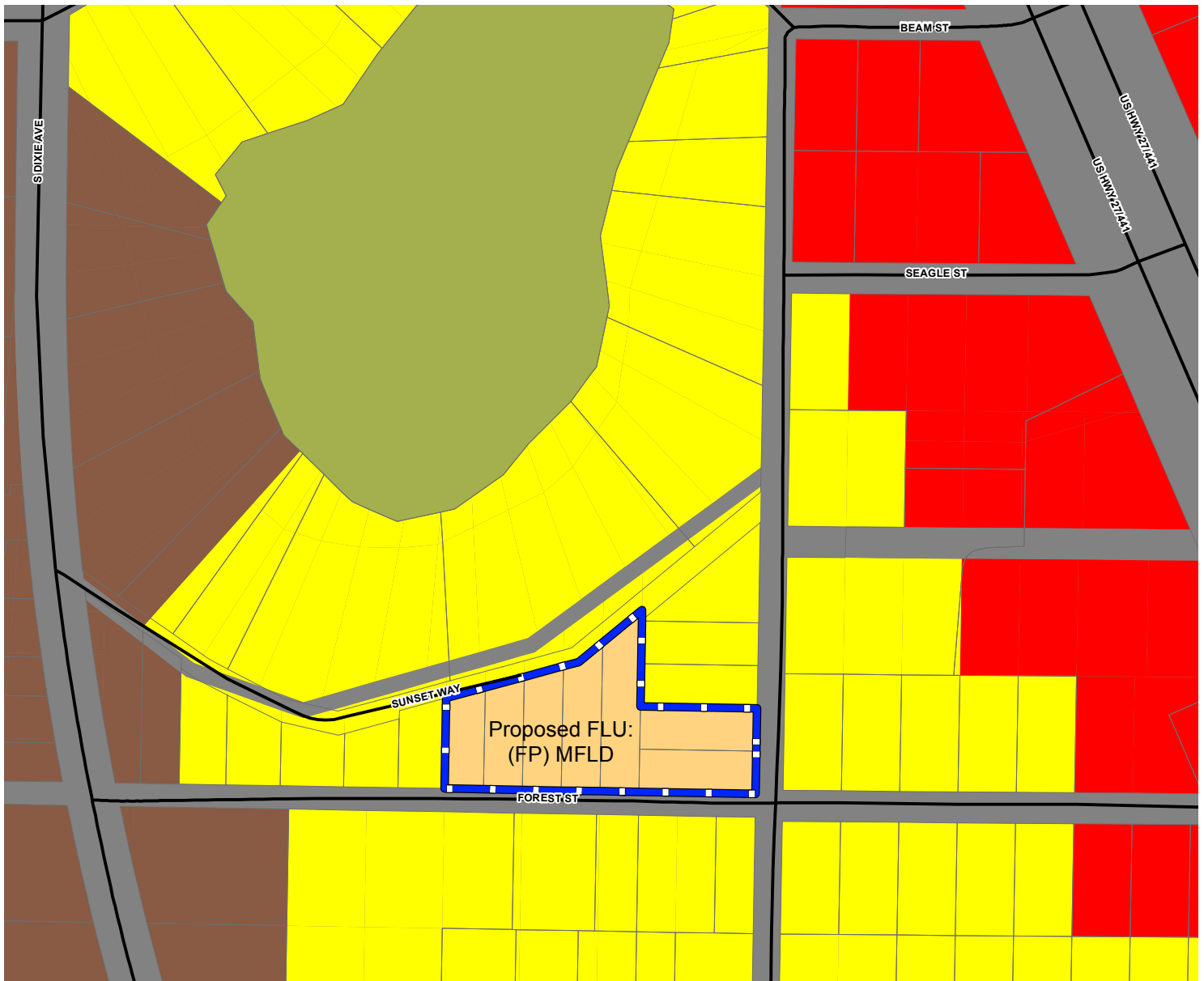
ATTEST:

Esther Coulson
City Clerk

Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Vice Mayor Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Lewis	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Ranize	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

Approved as to Form:

Anita Geraci-Carver
City Attorney



Legend

-  Site Boundary
-  City of Fruitland Park
- City of Fruitland Park Future Land Use**
-  SFMD -- Single - Family Medium Density (4 du/ac)
-  COMM -- Commercial - High Intensity
-  MC -- Mixed Community (6 res. du/ac)
-  IND -- Industrial
-  OSC -- Open Space - Conservation
-  ROW -- Right-of-Way
-  MFLD -- Multiple - Family Low Density (8 du/ac)



1 inch = 200 feet

**City of Fruitland Park
Ross Property
Lake County, Florida
Proposed Future Land Use**

Project: 398-16-02
File: Proposed FLU2.mxd
Name: Ross
PM: Sherie Lindh
Date: December 7, 2016
Created By: J.Wilson





**AGENDA ITEM
NUMBER
5d**

5

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	QUASI-JUDICIAL HEARING – Resolution 2018-001 –Special Exception Use - Petitioner: Terry F. and Rachel Ann Ross			
For the Meeting of:	January 25, 2018			
Submitted by:	City Manager/City Attorney/Community Development Director			
Date Submitted:	December 14, 2017			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes (amendment forthcoming)			
Description of Items: Resolution 2018-001 was heard on January 11, 2018.				
Action to be Taken: Adopt Resolution 2018-001 to become effective immediately.				
Staff's Recommendation: Approval				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor



**AGENDA ITEM
NUMBER
5e**

5

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	QUASI-JUDICIAL HEARING - Ordinance 2018-003 – Rezoning and Development Agreement - Petitioner: WTG Propertie LLC			
For the Meeting of:	January 25, 2018			
Submitted by:	City Manager/City Attorney/Community Development Director			
Date Submitted:	January 15, 2018			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Items: Ordinance 2018-003, the second reading will be held on February 8, 2018.				
Action to be Taken: Approve the LPA’s recommendation.				
Staff’s Recommendation: Approve LPA’s recommendation.				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the Regular agenda: _____
Mayor

ORDINANCE 2018 - 003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING .66 ± ACRES OF THE PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY (R-2) TO COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Wayne Goodridge, WTG Properties, LLC, Owner, requesting that approximately 0.66 acres of real property generally located east of CR 468 (Willard Avenue) and south of Berckman Avenue (the “Property”) be rezoned from Single Family Medium Density Residential (R-2) to Commercial Planned Unit Development (PUD) within the city limits of Fruitland Park; and

WHEREAS, the petition bears the signature of all applicable parties; and

WHEREAS, the required notice of the proposed rezoning has been properly published; and

WHEREAS, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1. The following described property consisting of approximately 0.66 ± acres of land generally located east of CR 468 (Willard Avenue) and south of Berckman Avenue shall hereafter be designated as PUD, Commercial Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described and depicted as set forth on Exhibit “A”.

Section 2. That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2018.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, CMC, City Clerk

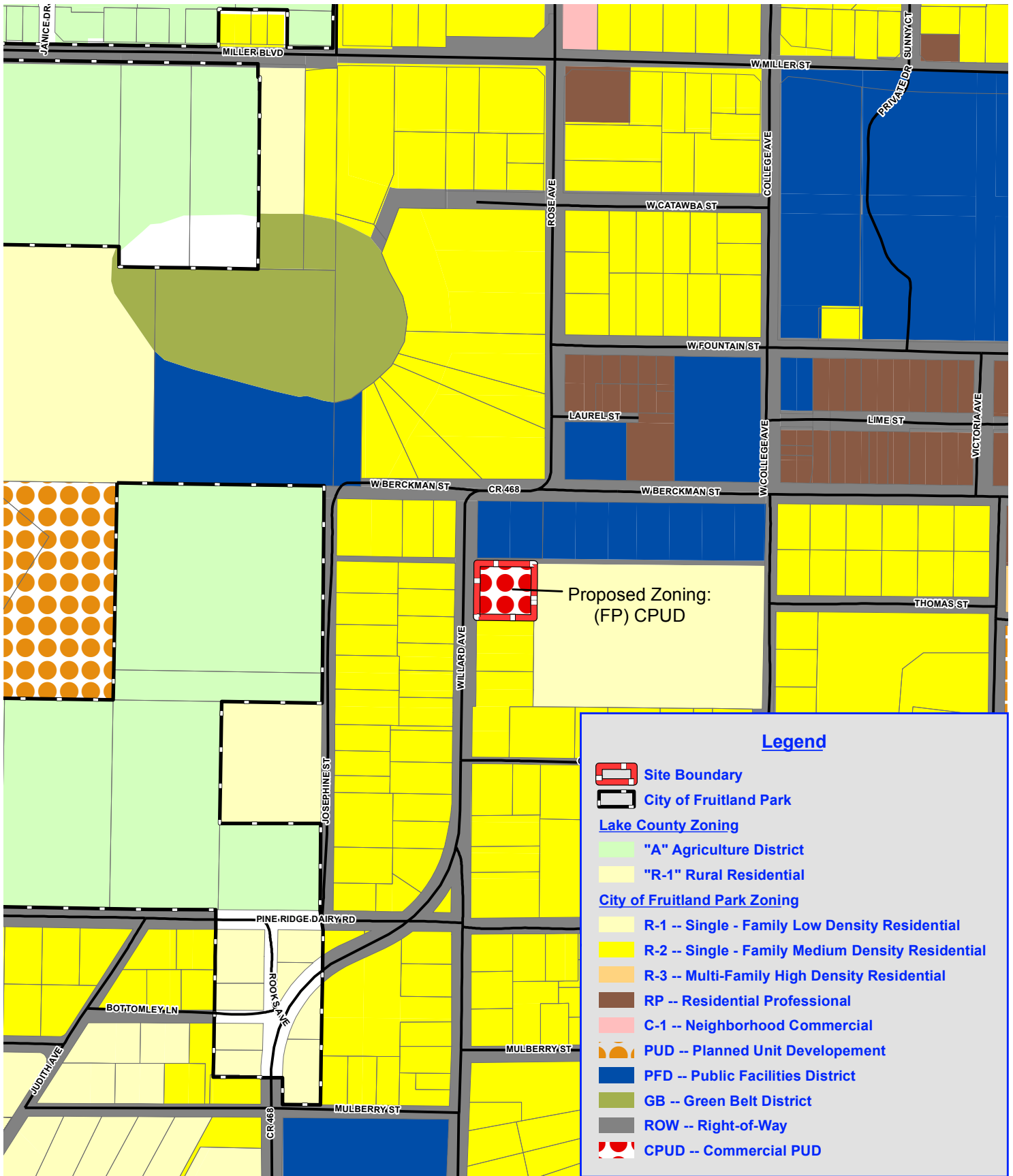
Anita Geraci-Carver, City Attorney

Vice-Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading _____
Passed Second Reading _____
(SEAL)

EXHIBIT "A"
LEGAL DESCRIPTION

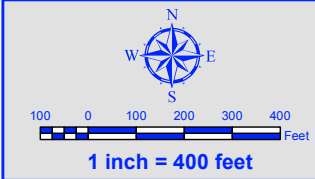
Lots 1, 2 and 3 and that ½ of vacated alley abutting thereof, Block 5, Plat of Geo. T. Clark's Gardenia Subdivision, According to the plat thereof, as recorded in Plat Book 3, Page 15, of the Public Records of Lake County, Florida.



Proposed Zoning:
(FP) CPUD

Legend

-  Site Boundary
-  City of Fruitland Park
- Lake County Zoning**
-  "A" Agriculture District
-  "R-1" Rural Residential
- City of Fruitland Park Zoning**
-  R-1 -- Single - Family Low Density Residential
-  R-2 -- Single - Family Medium Density Residential
-  R-3 -- Multi-Family High Density Residential
-  RP -- Residential Professional
-  C-1 -- Neighborhood Commercial
-  PUD -- Planned Unit Development
-  PFD -- Public Facilities District
-  GB -- Green Belt District
-  ROW -- Right-of-Way
-  CPUD -- Commercial PUD



**City of Fruitland Park
WTG Properties, LLC**
Lake County, Florida
Proposed Zoning

Project: 398-17-06
File: Proposed Zoning.mxd
Name: WTG Properties
PM: Sherie Lindh
Date: December 13, 2017
Created By: J.Wilson



**LPG Urban &
Regional Planners, Inc.**
1162 Camp Avenue, Mount Dora, Florida 32757
Office: (352) 385-1940 / Fax: (352) 383-4824

MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the ____th day of _____, 2016, between the **CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation**, (hereinafter referred to as the "City"), and Wayne Goodridge, Manager, WTG Properties, LLC (hereinafter referred to as the "Owner").

RECITALS

1. The Owner desires to rezone approximately .66 ± acres of property within the City of Fruitland Park, described and depicted as set forth on Exhibit "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").

2. The Property is currently located within the City of Fruitland Park and is currently zoned "Single Family Low Density" (R-2) with a future land use designation on the City of Fruitland Park Future Land Use Map of "Single Family Residential Medium Density."

3. Owner has filed applications for rezoning for the Property as a commercial planned unit development.

4. Owner represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.

5. The Property is within the City's Chapter 180, Florida Statutes, utility district, and Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

ACCORDINGLY, in consideration of the mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. Recitals. The above recitals are true and correct, are hereby incorporated herein by reference, and form a material part of this Agreement. All exhibits to this Agreement are hereby deemed a part thereof.

Section 2. Conditions Precedent. Owner has filed an application for rezoning for the Property. It is understood and agreed to by the City and the Owner that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement and adopts an ordinance rezoning the Property. The parties hereto understand and acknowledge that the City is in no way bound to rezone the Property. The City shall have the full and complete right to approve or deny the application for rezoning.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "Conceptual Site Plan" prepared by Columbia America, dated November 18, 2017, and attached as **Exhibit "B"** (the "Plan"). All development shall be consistent

with City's "CPUD" (Planned Unit Development/Commercial) zoning district and, subject to City approval. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

Section 4. Permitted Uses. Permitted Uses shall include:

- a. Contractor's yard.
- b. Maintenance contractor.
- c. Personal services.
- d. Offices.
- e. Financial Services.
- f. Business Services.
- g. Day care center.

Section 5. Development Standards. Development Standards shall be as follows:

- a. Minimum Setback requirements shall be:

Front: Local Roadways - Thirty feet (30')

Side: Another Lot - Ten feet (10')

Rear: Adjacent Property- Fifteen feet (15')

Accessories Setback: All new accessory structures shall be located no closer to the property line than ten feet (10').

- b. Commercial structures shall not exceed fifteen thousand (15,000) square feet.
- c. The maximum impervious surface ratio for the property (which includes building coverage) shall be limited to seventy percent (70%).
- d. The maximum floor area ratio for the property shall be limited to twenty percent (20%).
- e. Maximum building height shall be limited to thirty five feet (35'); however, if adequate fire protection measures are provided the height limitation may be exceeded, as determined by the City.
- f. Parking: The Applicant will be required to meet the parking requirements of the Fruitland Park Land Development Code for the proposed uses.
- g. Outside storage of materials and equipment shall be restricted to the rear yard and screened by an opaque fence so that such materials are not visible from any public right-of-way or adjoining lot.

Section 6. Lighting. All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way and parking areas.

Section 7. Water, Wastewater, and Reuse Water. Subject to the terms herein, Owner and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City when available. Owner

covenants and warrants to City that it will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. Notwithstanding the foregoing, private wells for irrigation purposes will be allowed within the Property so long as such wells are approved and permitted by the St. Johns River Water Management District (the "District") and comply with the rules and regulations of the District. Owner shall construct, at Owner's expense, all on-site utility facilities (e.g. lift stations and lines) as well as pay for the extension of facilities from City's current point of connection. Owner shall also construct, at Owner's expense, "dry" utility lines for reclaimed water purposes. All such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction.

Section 8. Impact Fees. Owner shall be required to pay impact fees as established by City from time to time. Notwithstanding the foregoing, Owner shall pay water and wastewater impact fees at the rate of \$3,080.00 per ERU for wastewater (sewer) and \$985.00 per ERU for water.

Owner agrees to pay all other impact fees and any impact fees adopted after the execution of this Agreement as building permits are issued. If impact fees increase from the time they are paid until the building permit is issued, Owner shall pay the incremental increased amount at the time building permits are issued. Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner agrees and understands that no capacity has been reserved and that Owner assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of site plan and City is willing to allocate such capacity to Owner, Owner shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

Section 9. Easements. Owner shall provide the City such easements or right of way in form acceptable to the City Attorney, as the City deems necessary for the installation and maintenance of roads, sidewalks, bikeways, street lighting or utility services, including but not limited to sewer, water, drainage and reclaimed water services.

Section 10. Landscaping/Buffers. Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a fifteen foot (15') landscape buffer along Willard Avenue (SR468); an opaque fence or wall shall be installed along all other property lines.

Owner shall, at its sole expense, install underground irrigation systems on all common areas of the Property, as well as exercise any other measures reasonably necessary to ensure the long-term maintenance of the landscaping.

Owner shall design and construct, at its sole expense, the interior landscaped areas and islands within the parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner shall maintain such areas.

Owner acknowledges City's goal of achieving a greater level of tree preservation within the City. In aid of such goal, Owner agrees to comply with all applicable City of Fruitland Park Land Development Regulations pertaining to tree removal and replacement.

Section 11. Stormwater Management. Owner agrees to provide at Owner's expense a comprehensive stormwater management system consistent with all regulatory requirements of the

City and the St. John's River Water Management District. Impacts to flood plains are allowed in accordance with the Water Management District procedures for compensating storage and will be based on the 100-year floodplain established by Lake County.

Section 12. Other Municipal Facilities/Services. The City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under the same terms and conditions and in the same manner as are afforded to all other commercial property owners within the City.

Section 13. Environmental Considerations. The Owner agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

Section 14. Signage. Owner shall submit a master sign plan as a component of the final site plan (i.e., construction plan) application for the Property. Such plan shall be in compliance with all applicable regulations contained within the City of Fruitland Park Land Development Regulations, unless City grants a waiver or variance pursuant to the City's Land Development Regulations. Alternatively, the Owner, in the Owner's discretion, may apply to amend the PUD to incorporate a Master Signage Plan at the time that the Owner desires to install signage at the development.

Section 15. Title Opinion. Owner shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to the Property to be in the name of the Owner and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

Section 16. Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies. All improvements and infrastructure shall be constructed to City standards.

Section 17. Due Diligence. The City and Owner further agree that they shall commence all reasonable actions necessary to fulfill their obligations hereunder and shall diligently pursue the same throughout the existence of this Agreement. The City shall further provide all other municipal services to the Property as are needed by Owner from time to time in accordance with the City's applicable policies for the provision of said services.

Section 18. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law. This is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220 - 163.3243, *Florida Statutes*.

Section 19. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

Section 20. Binding Effect; Assignability. This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 21. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party or any right, power, or privilege hereunder operate as a waiver of any other right, power, privilege hereunder, not will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof or the exercise of any other right, power, or privilege hereunder.

Section 22. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 23. Notice. Any notice to be given shall be in writing and shall be sent by certified mail, return receipt requested, to the party being noticed at the following addresses or such other address as the parties shall provide from time to time:

As to City:	City Manager City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Chris Chesire, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone Anita Geraci-Carver Law Office of Anita Geraci-Carver, P.A. 1560 Bloxam Avenue Clermont, Florida 34711 352-243-2801 Telephone 352-243-2768 Facsimile
As to Owner:	Wayne Goodridge WTG Properties, LLC P.O. Box 346 Fruitland Park, FL 34731

Copy to:	

Section 24. Entire Agreement. This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Owner from complying with the law governing said permitting requirements, conditions, terms or restrictions.

Section 25. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner, or the effective date of the annexation of the Property, whichever occurs later, and shall terminate twenty (20) years thereafter; provided, however, that the term of this Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing.

Section 26. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 27. Severability. If any part of this Developer’s Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer’s Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer’s Agreement is declared severable.

IN WITNESS WHEREOF, the Owner and the City have executed this Agreement as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Witness Signature

Print Name

Witness Signature

Print Name

By: _____
Signature

Print Name

Signature

Print Name

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____ by _____ and _____ who are personally known to me or who have produced _____ as identification and who did (did not) take an oath.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

ACCEPTED BY THE CITY OF
FRUITLAND PARK

Approved as to form and
Legality for use and reliance
by the City of Fruitland Park

By: _____
Chris Chessire, Mayor

Date: _____

Anita Geraci-Carver
City Attorney
This instrument prepared by:

ATTEST: _____
Esther B. Coulson
City Clerk

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, _____, City Clerk of the City of Fruitland Park, Florida, who are personally known to be me and they acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Fruitland Park, Florida.

Notary Public
Notary Public - State of Florida
Commission No _____
My Commission Expires _____

EXHIBIT "A"
LEGAL DESCRIPTION

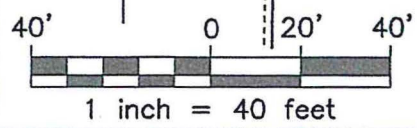
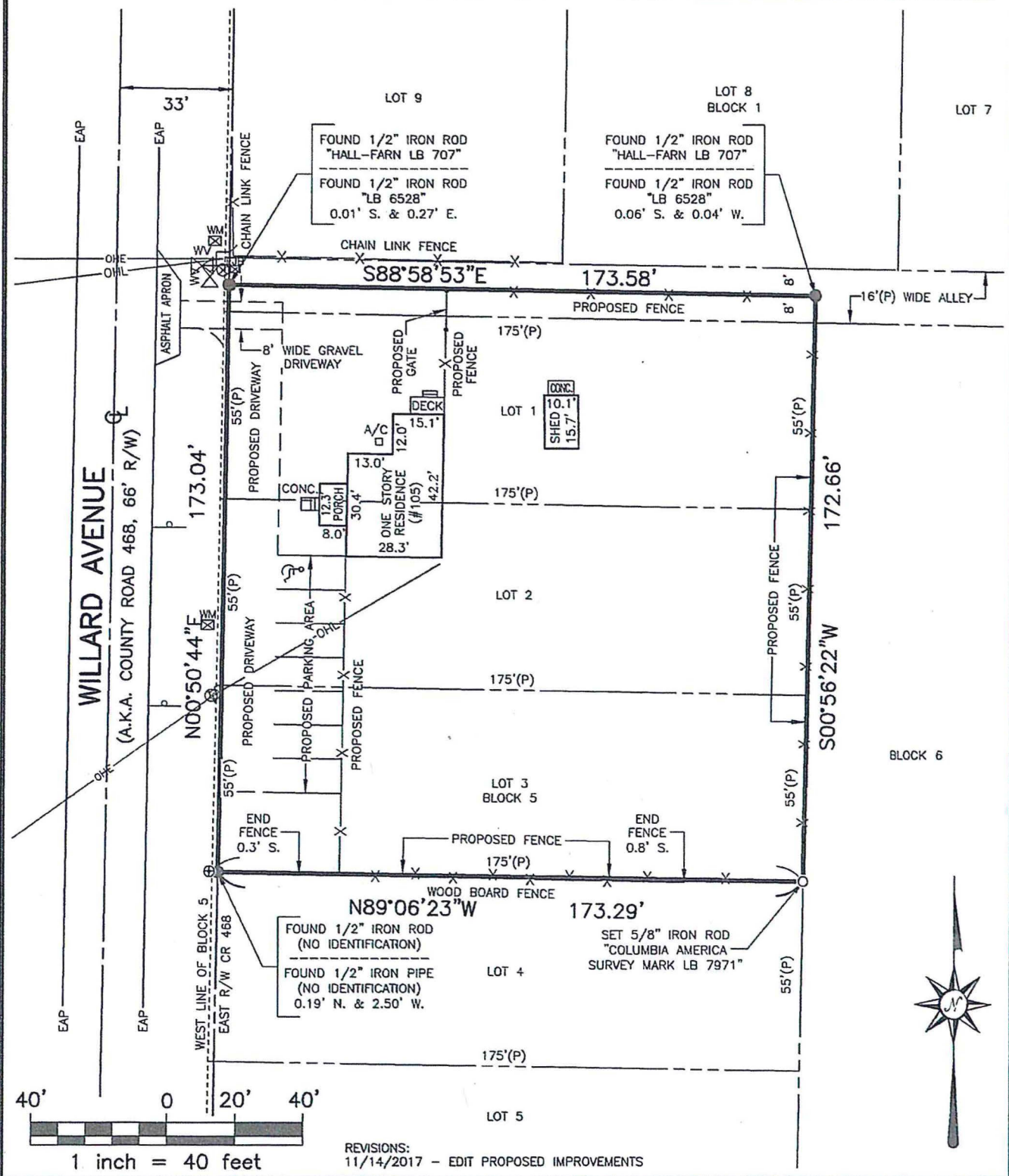
Lots 1, 2 and 3 and that ½ of vacated alley abutting thereof, Block 5, Plat of Geo. T. Clark's Gardenia Subdivision, According to the plat thereof, as recorded in Plat Book 3, Page 15, of the Public Records of Lake County, Florida.

EXHIBIT "B"

THE PLAN

Received
11-15-17
2

BOUNDARY SURVEY FOR: WTG PROPERTIES, LLC



REVISIONS:
11/14/2017 - EDIT PROPOSED IMPROVEMENTS

SEE PAGE 2
FOR DESCRIPTION,
LEGEND, NOTES
AND CERTIFICATION.

COLUMBIA AMERICA
SURVEYING AND MAPPING SERVICES
LICENSED BUSINESS NO. 7971 / www.ColumbiaAmerica.com
P.O. BOX 770204, OCALA, FL 34477-0204
5032 SW 104TH LOOP, OCALA, FL 34476-8911
TELEPHONE: (352) 572-5428 / FAX : 1-888-701-2267

JOB#: CA-2017-079
FILE #: 5C-00255
F.B./PG.: CA10/25
SURVEY DATE: 11/08/2017
DWG. FILE: GOODRIDGE.DWG
PAGE 1 OF 2

Reviewed
11-15-17
②

BOUNDARY SURVEY FOR:

WTG PROPERTIES, LLC

- LEGEND:**
- = FOUND IRON ROD
(SIZE AND MARKINGS AS NOTED)
 - ⊕ = FOUND IRON PIPE
(SIZE AND MARKINGS AS NOTED)
 - = SET 5/8" IRON ROD WITH CAP
MARKED "COLUMBIA AMERICA
SURVEY MARK LB 7971"
 - ⊕ = CENTERLINE
 - ⊕ = ELECTRICAL JUNCTION BOX
 - ☆ = LIGHT POLE
 - = POWER POLE
 - = SIGN
 - ⊗ = TELEPHONE JUNCTION BOX
 - WM ⊗ = WATER METER
 - WV ⊗ = WATER VALVE

- A/C = AIR CONDITIONER ON SLAB
- A.K.A. = ALSO KNOWN AS
- CONC. = CONCRETE
- DWG. = DRAWING
- EAP = EDGE OF PAVEMENT
- F.B. = FIELD BOOK
- OHE = OVERHEAD ELECTRIC LINE
- OHL = OVERHEAD LINE
- (P) = PLAT DIMENSION
- PG. = PAGE
- R/W = RIGHT-OF-WAY

- = BOUNDARY LINE
- = RIGHT-OF-WAY LINE
- = CENTERLINE
- = LOT LINE
- X — X — = FENCE LINE
- OHE — = OVERHEAD ELECTRIC LINE
- OHL — = OVERHEAD LINE

DESCRIPTION:

LOTS 1, 2 AND 3 AND THAT 1/2 OF VACATED ALLEY ABUTTING THEREOF, BLOCK 5, PLAT OF GEO. T. CLARK'S GARDENIA SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 15, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT), WITH THE EAST LINE OF LOTS 1-3, BLOCK 5, GEO. T. CLARK'S GARDENIA SUBDIVISION, BEARING S00°56'22"W.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACT AND MAY NOT INDICATE CURRENT OWNERSHIP, ENCUMBRANCES, OR OTHER MATTERS OF RECORD.
3. THIS SURVEY IS OF VISIBLE PERMANENT IMPROVEMENT FEATURES ONLY. UNDERGROUND IMPROVEMENTS AND/OR ENCROACHMENTS, IF ANY, WERE NOT LOCATED.
4. COPIES OF THIS SURVEY ARE NOT VALID WITHOUT EITHER THE ORIGINAL SIGNATURE AND RAISED SEAL OR THE ORIGINAL DIGITAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER LISTED HEREON.
5. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 12069C0306E, DATED 12/18/2012, THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
6. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.



Digital signature and seal as regulated under Chapter 5J-17.062 Florida Administrative Code

Digitally signed

by: Cary M

Melvin

Date: 2017.11.13

15:25:09 -05'00'

CERTIFIED TO:
WTG PROPERTIES, LLC

CARY M. MELVIN, FLORIDA PROFESSIONAL
SURVEYOR & MAPPER LICENSE NO. 6329

SEE PAGE 1
FOR DRAWING.

COLUMBIA AMERICA
 SURVEYING AND MAPPING SERVICES
 LICENSED BUSINESS NO. 7971 / www.ColumbiaAmerica.com
 P.O. BOX 770204, OCALA, FL 34477-0204
 5032 SW 104TH LOOP, OCALA, FL 34476-8911
 TELEPHONE: (352) 572-5428 / FAX : 1-888-701-2267

JOB#: CA-2017-079
 FILE #: 5C-00255
 F.B./PG.: CA10/25
 SURVEY DATE: 11/08/2017
 DWG. FILE: GOODRIDGE.DWG

PAGE 2 OF 2

**CITY OF FRUITLAND PARK
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

REZONING

Owner: Wayne Goodridge, WTG Properties, LLC

General Location: South of Berckman and east of Willard Ave. (CR 468)

Number of Acres: 0.66 ± acres

Existing Zoning: Single Family Medium Density (R-2)

Proposed Zoning: Commercial PUD (CPUD)

Existing Land Use: Single Family Medium Density

Date: December 11, 2017

Description of Project

The subject property is developed with one residential unit and storage building. It is proposed to utilize the site as a contractor's storage yard.

	Surrounding Zoning	Surrounding Land Use
North	Public Facilities District (PFD)	Institutional
South	R-2	Single Family Medium Density
East	R-1 and PFD	Institutional and Single Family Low Density
West	R-2	Single Family Medium Density

Assessment

The subject site is approximately 175' south of Berckman and Rose Avenue and located near the Central Business District. The CBD extends south of Berckman approximately 300' south to the east of the subject site. Along Berckman Avenue are intuitional land uses and the CBD district. The subject site appears to be within a transitioning area along Willard Avenue. Willard Avenue is also known as CR 468 which is a major north/south connector in the City.

Pursuant to FLU Policy 1-1.4 small scale commercial uses may be permitted adjacent to major highways provided they are intended to provide for the daily needs of residents within the

development and the adjoining residential area. Such businesses will generally not exceed 15,000 sq. ft. in size and will require Planned Unit Development (PUD) zoning.

Pursuant to FLU Policy 1-9.2, land use patterns on the FLU map shall promote orderly, compact growth. The City shall encourage growth and development in existing developed areas where public facilities and services are presently in place and in those areas where public facilities can provide the most efficient service.

Pursuant to Policy 1-3.4, commercial developments shall provide sufficient buffers and screening to mitigate impacts to adjacent residential or public facility land uses.

CONCURRENCY ANALYSIS

The proposed use utilizing the existing residential structure as an office is expected to generate only slightly more PM peak hour traffic than the existing residential structure; however, the impact is considered minimal.

TRIP GENERATION ANALYSIS

Proposed Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
General Office	1,020 SF	710	11	2	1	1
TOTAL GROSS TRIPS (PROPOSED)			11	2	1	1

Existing Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
Single Family	3 units	210	10	1	1	0
TOTAL GROSS TRIPS (EXISTING)			10	1	1	0

Net Difference (Proposed Net Trip Generation Minus Existing Net Trip Generation)

Land Use	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
TOTAL NET TRIPS (PROPOSED – EXISTING)	1	0	1

Any commercial development will be expected to connect to the City’s water and wastewater facilities when available. The City currently has capacity available for water and sewer.

The LDRs indicate that the minimum size of any parcel shall be ten (10) acres for a PUD. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the PUD district and expressed municipal development policy would be served in such case.

Recommendation

The subject site is located within a transitioning area along Willard Avenue (CR 468). The requested zoning of Commercial PUD is compatible with the comprehensive plan and general area. Although the subject site is less than ten (10) acres, a PUD zoning in this case would meet the comprehensive plan policies. Staff recommends approval of the rezoning subject to a developer's agreement limiting the commercial square footage to 15,000 square feet and limited commercial uses with appropriate buffers consistent with the comprehensive plan.

CITY OF FRUITLAND PARK
NOTICE TO SURROUNDING PROPERTY OWNERS

The City of Fruitland Park has received an application for Rezoning from Single-Family Medium Density (R2), to Commercial PUD (Planned Unit Development).

Name of Applicant: Wayne Goodridge, WTG Properties, LLC

Address or general location of property: 105 Willard Ave, Fruitland Park, FL 34731 (ALT Key #1432235)

Type of Zoning requested: Commercial (CPUD)

Reason for action Allow for contractors office and secured privacy fenced yard for types of C-1 uses (Neighborhood Commercial).

Other information attached: Yes X No _____

* * * *

There will be a Public Hearing:

Planning & Zoning Board
City Commission 1st Reading
City Commission Final Reading

Thursday, January 18, 2018 @ 6:00 p.m.
Thursday, January 25, 2018 @ 6:00 p.m.
Thursday, February 8, 2018 @ 6:00 p.m.

NOTE: If you are opposed to this application and wish to state your reasons, please fill out and return the form below to: Fruitland Park City Hall, 506 W Berckman Street, Fruitland Park, FL 34731, or call 352-360-6727 and your name will be listed for you to speak at the scheduled P&Z Board Meeting and/or City Commission Meeting.

* * * *

SURROUNDING PROPERTY OWNER

Name: _____
(Please Print)

Address: _____

I/We the undersigned have examined the above information for the proposed _____ and understand the nature of this request.

I/We are opposed /not opposed to this action. (check one)

I/We request to speak at P&Z Meeting and/or City Commission Meeting . (check one or both)

Addressee Signature

Addressee Signature

In the event this form is not mailed back to the City or you have not called the City to schedule you as a speaker, this will be considered as an approval.



AGENDA ITEM NUMBER 7

AGENDA ITEM SUMMARY SHEET

ITEM TITLE:	Public Comments			
For the Meeting of:	January 25, 2018			
Submitted by:	City Clerk			
Date Submitted:	January 25, 2018			
Are Funds Required:		Yes	X	No
Account Number:	N/A			
Amount Required:	N/A			
Balance Remaining:	N/A			
Attachments:	Yes			
Description of Item:				
<p>This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.</p> <p>Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.</p>				
Action to be Taken: None.				
Staff's Recommendation:				
Additional Comments:				

Reviewed by: _____
City Manager

Authorized to be placed on the agenda: _____
Mayor¹

RESOLUTION 2013 -023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

WHEREAS, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:

Section 1. The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 3. This Resolution shall become effective immediately upon passage.

RESOLVED this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

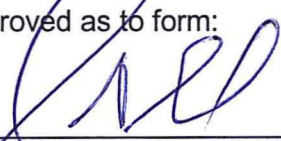
ATTEST:


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:


SCOTT A. GERKEN, City Attorney