

**FRUITLAND PARK LOCAL PLANNING AGENCY  
MEETING MINUTES  
January 25, 2018**

A meeting of the City of Fruitland Park Local Planning Agency was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, January 25, 2018 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; Interim Fire Chief Don Gilpin; Deputy Fire Chief, Tim Yoder, Fire Department; Public Works Director Dale Bogle; Community Development Administrative Assistant Tracy Kelley; and City Clerk Esther B. Coulson.

**1. CALL TO ORDER**

Mayor Cheshire called the meeting to order at 6:05 p.m.

**2. ROLL CALL**

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

**3. APPROVAL OF MINUTES**

**On motion of Commissioner Lewis, seconded by Vice Mayor Gunter and unanimously carried, the LPA approved the January 11, 2018 minutes as submitted.**

**QUASI-JUDICIAL PUBLIC HEARING**

**4. First Reading and Quasi-Judicial Public Hearing – Ordinance 2018-002 – Rezoning and Development Agreement – Petitioner: First Baptist Church of Leesburg Inc.**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-002, the substance of which is as follows and swore in Mr. Greg Beliveau, LPG Urban and Regional Planners Inc, to give testimony on same:

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.)

Mr. Beliveau referred to:

- the LPA's continuation at its January 11, 2018 meeting on proposed Ordinance 2018-002 (Rezoning and Development Agreement) to the LPA workshop;
- the January 18, 2018 LPA workshop on the rezoning and master development agreement which was reviewed and revised;
- the LPA's direction to LPG to prepare an estimate of impact fees generated by the subject project, and
- the email dated January 24, 2018 from Ms. Sherie Lindh, LPG, regarding the estimated impact fees to be generated by the proposed development; namely, water impact fee, \$880,305; sewer impact fee, \$2,752,690; police impact fee, \$289,601, and fire impact fee \$560,684; copies of the respective documents were filed with the supplemental papers to the minutes of this meeting.

Mr. Beliveau reviewed the proposed agreement in question; pointed out subsections 5.i. and 5.j., Residential Development Standards, and compared the language provided by LPG (based on the LPA's consensus reached at its January 18, 2018 workshop) and the applicant's attorneys (a more well-defined version) . He addressed the applicant's intent to amend the master plan based on the outcome of this evening's meeting and prior to the second reading.

In acknowledging the satisfactory project, Vice Mayor Gunter voiced concerns on the desire to initially develop multi-family projects as opposed to single family residences and the responsibility of fire-related services to the proposed multi-story buildings and the fire assessment impact fees of \$560,000 for The Villages' residents to be borne by the citizens of Fruitland Park. He pointed out Commissioner Ranize' reference to Interim Fire Chief Donald Gilpin's recommendation made at the January 18, 2018 LPA workshop on the needed fire rescue ladder truck and personnel at an approximate cost of \$1.3 million.

Vice Mayor Gunter referred to the applicant's power-point presentation made at the January 11, 2018 LPA meeting on the Village Park Campus of First Baptist Leesburg and the proposed use on the subject site and believed that the proposed project could be worked on.

At Mayor Cheshire's request, Mr. Ayris was sworn-in to give testimony by Ms. Geraci-Carver.

Commissioner Bell, in agreement with Vice Mayor Gunter's remarks, voiced concerns on the proposed agreement; recognized the plan to build five stories, and indicated that adequate fire protection services ought to be established before future revenues are realized. He recalled previous PUDs before the elected body outlining future development with the favorable review of the initial conceptual master plan and referred to the applicant's January 11, 2018 power-point presentation depicting same.

In response, Mr. Beliveau outlined the process to be involved with the conceptual master "bubble" plan as an attachment to the subject PUD – whereby it would be eliminated at the site plan level as it relates to the church property; thus, the elected body would need to make its wishes known requiring more detail -- and mentioned the potential general categories which would surround the church property, appropriate for submittal according to the city's code.

Mr. Beliveau, in response to Mayor Cheshire's concerns, explained that Westminster Communities of Florida's site plan preparation would be a specific preliminary plat which is expected to be before the elected body for consideration.

After Commissioner Bell voiced preference for the potential six five-story buildings (shown as a bubble) to be separated from residential with a 200-foot setback requirement from the property line, Mr. Beliveau indicated that it would be dependent upon the applicant, if that is their intent to implement same.

Commissioner Lewis gave reasons why he believed Westminster would bring value to the city and felt the concerns raised at the January 18, 2018 workshop were addressed; however, he pointed out Ms. Lindh's January 25, 2018 email regarding First Baptist Church's estimated impact fees and noted where it would leave the city short of about \$1 million. He mentioned meeting the city's needs and what the over 35-foot building would bring to the city's fire protection and voiced his concurrence with Commissioner Cheshire's comments that such costs are not to be borne by the current city residents as same needs to stand on its own.

In pointing out Ms. Geraci-Carver's conversations on the need for the developer to abide by and cross over a building construction threshold before construction, Commissioner Lewis addressed preference for the matter to be before the city commission and not the city's building official.

With respect to the four-story buildings in the institutional zoning designated area, he addressed the need to allow flexibility and for Westminster to conduct a market study to meet its business plan to allow the city to deliver in terms of services as the PUD is approved; thus, the building would meet the fire protection standards.

Mayor Cheshire expressed concerns on the slow process (the estimated amount of \$0.5 million towards impact fees; the applicant's 15-year plan, and the expected fire special assessment fee paid in increments) and voiced his agreement with Vice Mayor Gunter's reference to the comments made by Mr. Chris Wickberg, Westminster Communities of Florida, at the January 18, 2018 LPA workshop that Westminster is not ready to construct immediately.

Commissioner Ranize recognized the applicant working on the subject project for more than a year and a half; his awareness of the subject matter in four weeks, and the decision he is attempting to make whereby he had no prior knowledge other than the possibility of the project being developed. He pointed out the January 11, 2018 power-point presentation depicting the planned buildings, parking, future growth and stages of the building and commercial along CR 466A on site plan; recalled that said presentation was not made before the Planning and Zoning (P&Z) Board members, and agreed with Mr. Ayris', when viewing Westminster's properties, that locating a company to fit the community appears to be financially sound.

Commissioner Ranize referred to the January 11, 2018 power-point presentation showing Brookstone Subdivision area on the site plan; recalled the LPA's consensus reached at the January 18, 2018 LPA workshop for landscaping and property boundaries abutting the existing residential homes (Brookstone Subdivision). He recollected the dimensions between said area and where the proposed five story buildings would begin; referred to his visit to the site noting that 200 feet to be inadequate, and voiced his concurrence with the LPA on its priority to protect the residents. Commissioner Ranize mentioned the need to envision where the proposed multi-story project would be built; thus, his concerns about the liability issue with the fire department; relayed his concerns expressed at the workshop on the current traffic conditions on Pine Ridge Dairy Road and Mr. Ayris' confirmation to resolve same to which Mayor Cheshire, in agreement, conveyed the citizens' comments to him not wanting five story buildings.

Ms. Rebecca "Becky" Wilson, attorney, Lowndes Drosdick Doster Kantor Reed, PA, representing Westminster Communities, addressed the need for an agreement to be made on the setback requirements, lot sizes, types of uses in different locations, and pointed out the recent proposed agreement, subsection 6.j., recognized the maximum building heights limited to 35 feet for single family; at the conclusion of the second reading, Westminster's entitlement in building up to 35 feet and questioned the provision under subsection 6.j. . . *provided adequate fire protection measures* . . . . She recognized the city's purchase of a new fire truck, Westminster not gaining the benefit of constructing for another five years, and its appearance before the elected body for the final determination for the five stories. Ms. Wilson addressed the inability for Westminster to purchase or close on the proposed without certainty of constructing at least six five-story buildings.

Ms. Wilson referred to subsection 6.l., *Development adjacent to the Brookstone Subdivision shall consist of one row of single family lots*; recognized that the city's land development regulations with the subject agreement would provide for single family detached and for duplexes and would match the height and type of building.

In order to proceed with the subject project, Ms. Wilson requested that the LPA recommend the approval for first reading and that Westminster representatives continue to work with staff, Mr. La Venia and Ms. Geraci-Carver to address the concerns raised and work on the details of the five story building.

Commissioner Lewis pointed out the word “provided”; and explained that if it is not feasible to build the five stories, the city would need to determine how much capital funds would be required in the budget for the fire truck purchase capable of handling the exposure created by the five story building not utilized for the remaining city residents, to which Commissioner Ranize interjected three story buildings.

After Interim Fire Department Chief Gilpin was sworn in by Ms. Geraci-Carver to give testimony, he responded in the affirmative to Commissioner Lewis’ inquiry that the fire department’s truck is currently equipped to provide fire rescue services to a three story building.

Commissioner Bell acknowledged the prior collection of fire impact fees estimated to take up to five years and questioned how long the proposed five-story building would take; addressed the need for the elected body to evaluate its position in the provision of fire protection services (\$1.2 million in the first special fire assessment funds and the need for approximately another \$200,000).

Following much discussion and after Ms. Wilson mentioned the review of the three stories which cannot be achieved on what is required in the proposed development area, Commissioner Ranize recalled the mutual aid agreement with Lake County fire services (receiving and extending firefighting across jurisdictional boundaries) and the mutual aid for fire suppression outside the Villages Community Development District (VCDD) (extending primary first response for fire suppression within the development), and recognized the insurance service office (ISO) public protection classification rating currently at 3.0 where at 10, the city’s ISO rate would increase.

After discussion, Commissioner Bell expressed his willingness to allow the words in the proposed agreement *add the fire protection* to remain; suggested that Mses. Geraci-Carver and Wilson, by the second reading, provide further clarification, and mentioned his preference for six-five story buildings “bubble concept” -- describing the location of the building within the property – and the draft concept plan, reflected in the January 11, 2018 power-point presentation, to be available for first reading.

At Mayor Cheshire’s request, Ms. Geraci-Carver swore in Mr. Greg Crawford, Florida Engineering Group Inc. to give testimony. He outlined, in response to Vice Mayor Gunter’s inquiry, the general concept on the placement of the six five-story buildings and mentioned their acknowledgement of a draft established on same, and indicated that the general draft concept reflects the potential work as an exploration..

Ms. Geraci-Carver swore in Mr. Wickberg to give testimony. He confirmed his work on the subject project for one and a half years; addressed the need to devise a concept plan to reveal to Westminster Communities' Board of Directors who answer to not-for-profit entities. He described the concept plan outlining in detail what could be developed, as described, at the January 18, 2018 LPA workshop – the property purchase as first phase, the road development project to support the proposed church, and the other efforts and resources for the church arising from the property sale through Westminster. .

Mr. Wickberg addressed the challenge Westminster faces in about five years' time on predicting the market and First Baptist Church's desire on the type of properties to be constructed. He explained that Westminster is not in the position to develop more detailed plans at this time as certain thresholds are required to be met to build five story buildings; recalled from the January 18, 2018 LPA workshop the LPA's position on limiting the property to six five stories buildings (based on Westminster's attorneys' review) and how the potential location envisioned by Westminster at the top of the hill. Mr. Wickberg believed that the bubble diagram could be created (with the high rises and mid rises and defined boundaries); indicated that he could not offer any guarantees although he expressed preference where the main building would be clustered, and addressed the plan to appear before the elected body with a defined site plan.

Mr. Wickberg mentioned his willingness to meet to address the issues and make a determination on adequate fire protection services to not benefit the whole city. He believes, on a financial basis that there are other alternatives that can be incorporated within the financial purview of impact fees to allow the city to create various funding sources that can apply to Westminster's developers and not an isolated PUD for one development

Mr. Wickberg addressed the ability to build six five story (midrise) buildings together, based on the results of receiving the survey. He explained that the plan was made without taking into account the steep slopes to the wetlands, where the church owns a portion of land accessing same, which the city desires for their recreation. Mr. Wickberg identified possible locations where mid-rise skilled nursing buildings would be developed; indicated that a commitment on same could not be made at this evening's meeting, and requested that the LPA grant him with the opportunity to make a determination on same.

Mr. Wickberg mentioned the willingness to review the concept of implementing the additional 200 feet setback requirement from the property line.

**After extensive discussions, a motion was made by Commissioner Gunter that the LPA recommend continuing its action on proposed Ordinance 2018-002, the substance of which is cited below, to the next meeting for more information:**

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 DEVELOPMRENT (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.)

Following further deliberations, Mr. Ayris gave his assurance that the language and additional bubbles on the diagram would be dealt with; explained that First Baptist Church's Board of Directors has already authorized Westminster Communities to take actions on negotiating the property's purchase and development and that Chief Financial Officer Hank Keith would finalize same; thus, the PUD agreement with the city and a separate agreement with the church.

In response to an inquiry posed by Ms. Geraci-Carver on the specified date to review the subject issue, Mayor Cheshire recognized the February 8, 2018 regular city commission meeting when Mr. La Venia would be absent and his availability at the March 8, 2018 second reading.

After Mr. Ayris voiced his willingness to work with staff and Westminster Communities on the proposed language, he requested that the LPA expedite the subject proposed project.

Following much discussion, **the motion to continue proposed Ordinance 2018-002, as previously cited, to the February 22, 2018 LPA meeting was seconded by Commissioner Bell.**

Upon Commissioner Lewis' suggestion and **by unanimous consent, the LPA agreed that the fire protection services provision would be addressed, the building development "in the bubble site plan" landscape buffer issue would be dealt with, and the applicant's obligation to the Planned Unit Development under subsection 3, Land Use/Development, where the property development -- by the Florida Engineering**

**Group Inc. recognizing the missing date -- would be consistent with the conceptual site plan.**

Commissioner Ranize felt that if there are any concerns from the LPA, the Westminster and the city attorney would resolve same and provide a report at the next meeting.

In response to Mr. La Venia's comments sharing individual opinions previously derived from the city commission members on the major issues; namely, the conceptual idea of the proposed site and the bubble site plan, Commissioner Ranize anticipated, when the matter is considered before the LPA, that the addition of the new bubbles and how the buffers would appear which abuts to the Brookstone Subdivision; the ongoing concern on fire rescue and emergency medical services, and Pine Ridge Dairy Road issues would be agreeable to all participants.

Following much discussion, **Mayor Cheshire called for a roll call vote on the motion that proposed Ordinance 2018-002 be continued to the February 22, 2018 LPA meeting with the LPA members voting as follows:**

<b>Commissioner Lewis</b>	<b>No</b>
<b>Commissioner Bell</b>	<b>Yes</b>
<b>Commissioner Ranize</b>	<b>Yes</b>
<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

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

Commissioner Lewis cited reasons why he voted "no" due to the issues could have been made known at first reading and not that he is against the proposed project.

**Upon Mayor Cheshire's suggestion and by unanimous consent, the LPA recessed its meeting at 8:00 p.m. and reconvened at 8:07 p.m.**

- 5. First Reading – Quasi-Judicial Public Hearing - Ordinance 2018-003 Rezoning – Petitioner: WTG Properties LLC**  
**By unanimous consent, the LPA withdrew from this evening's agenda its consideration of the proposed Ordinance 2018-003, the substance of which is as follows, at staff's request:**

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. PUBLIC COMMENTS

After Mr. Gary Beckman, The Villages (Pine Ridge) resident, referred to Section 16., Landscaping/Buffers from the master development agreement and noted that no mention was made of the western side of the property abutting Kramer Court.

Mayor Cheshire acknowledged the LPA's previous discussions prior to receiving Mr. Beckman's January 23, 2018 email regarding the borders/buffers of First Baptist Church where he expressed concerns on the lack of the western border of the site, a copy of which is filed with the supplemental papers to the minutes of this meeting.

In response, Mr. Beliveau confirmed that LPG checked the master plan development agreement where it reflects the 25-foot landscape buffer along the boundary line showing a type "A" on the PUD Exhibit Plan; relayed Mr. Beckman's desire -- expressed during recess earlier at this evening's meeting -- for same to be a bermed landscape buffer which is not listed on the plan, and noted that it is strictly a 25-foot buffer as identified in the remaining project and verified by First Baptist and Westminster Communities.

In answering Mayor Cheshire's statements that the berm landscape buffer will have natural trees, Mr. Beckman gave reasons why he is suggesting a berm due to the parked vehicles along Kramer Court at night with its lights illuminating into the homes in the area and beyond the 25 feet.

After discussion, Mr. Beliveau identified methods to address said issue when the proposed Rezoning and Development Agreement Ordinance 2018-002 is considered before the city commission; request the berm buffer along the First Baptist church property or wait until the actual site plan comes in which is not included and is not a requirement in the Land Development Regulations, and noted that either documents require fencing which is an option.

Pastor Chuck Padgett, Trinity Church of God, recalled his appearance before the city commission at its May 13, 2004 regular meeting regarding its approval of the boundary amendment and annexation agreement regarding South Myrtle Lake Avenue property and relayed the residents' concerns on the potential traffic to be generated in the neighborhood where, at that time, the city commission had no issues.

Pastor Padgett relayed his previous conversations with Chief Fewless on the current traffic problems on Myrtle Lake Avenue and CR468; the cost to slow down drivers who speed along said roadway, and his concerns on the blind driveway sign where he lives with his elderly mother. Pastor Padgett recognized the continued problems which was addressed in

2004 due to developments in the city and addressed the need for more law enforcement officers.

In response, Mayor Cheshire recalled the discussions, at the January 11, 2018 regular city commission meeting, on the issue of drivers speeding in the area which Chief Fewless has been working on, and relayed the observation of increased law enforcement in that regard.

With respect to proposed Rezoning and Development Agreement Ordinance 2018-002, Ms. Brooke Shroder, The Villages (Pine Ridge) resident, described the westside of the site in question bordering the proposed church property and pointed out the proposed site plan. She depicted the the golf cart concrete path (designated on the PUD exhibit plan map), where she lives which is partially built and stops among the homes and noted that between the small wooden fence, the proposed church property does not block out light.

Ms. Shroder explained that the golf carts travelling by her home create noise; questioned whether the noise level could be reduced, and voiced her concurrence with Mr. La Venia's comments about the lights and the berm.


Following much discussion and in response to Mayor Cheshire's suggestion for Mr. Ayris to communicate with Ms. Shroder on the issue, Mr. Ayris agreed on the clarification to utilize the golf cart path which is still under negotiations.

There was no further business to come before the LPA at this time,.

**10. ADJOURNMENT**

On motion made, seconded and unanimously carried, the LPA meeting adjourned at 7:42 p.m.

The minutes were approved at the April 26, 2018 meeting.

Signed   
\_\_\_\_\_  
Esther B. Coulson, City Clerk

Signed   
\_\_\_\_\_  
Chris Cheshire, Mayor