

**FRUITLAND PARK LOCAL PLANNING AGENCY
MEETING MINUTES
February 22, 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, February 22, 2018 at 6:15 p.m.

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

Also Present: City Attorney Anita Geraci-Carver; City Treasurer; Jeannine Racine; Police Chief Michael Fewless, Captain Eric Luce, Police Department; Interim Fire Chief Don Gilpin; Deputy Fire Chief, Tim Yoder, Steven “Steve” R. Odgen, and Pablo Echevarria, Fire Department; Public Works Director Dale Bogle; Interim Community Development Director Tracy Kelley; and City Clerk Esther B. Coulson.

1. CALL TO ORDER

Mayor Cheshire called the meeting to order at 6:13 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 Bell, seconded by Commissioner Ranize and unanimously carried, the LPA approved the January 11, 2018 LPA minutes as submitted.

QUASI-JUDICIAL PUBLIC HEARING

4. Ordinance 2018-002 – Rezoning and Development Agreement – Petitioner: First Baptist Church of Leesburg Inc.

Ms. Geraci-Carver read into the record proposed Ordinance 2018-002, the substance of which is as follows:

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.

Ms. Geraci-Carver reviewed the following changes to the subject rezoning and proposed master development agreement made since the January 18, 2018 LPA workshop:

- Page 2, Section 3, Land Use/Development - reflects two documents; namely the “PUD Exhibit Plan and Sample Representation PUD Plan” and the attached Exhibit “B” referred to as “Plan” or the “PUD Master Plan” or “Development Plan” currently required for the owner to develop consistent with said plans.
- Page 3, Subsection 5.i. - language has been revised to allow up to five stories and must meet the requirement regarding the fire services (under the new Section 15, Fire Impact Fees and Contributions, Page 7).
- Page 4, Subsection 5.j. - staff revised the language so that the setback requirement from the adjacent development “Brookstone Subdivision” should be 275 feet as opposed to 200 feet.
- Page 5, Subsection 8.c. - the same change (under Subsection 5.j.) was made.
- Page 7, Subsection 15, Fire Impact Fees and Contributions - (in addition to Subsection 14, Impact Fees) – requires the developer and owner to pay impact fees.

Staff reiterated, in addition to the impact fee payments, that the owner agrees that no site plans can be approved or building permits issued for buildings in excess of three stories or 35 feet unless those conditions have been met.

The owner will be:

- prepaying fire impact fees because of the Westminster Communities (also known as Westminster Pine Ridge) project before obtaining a building permit or site plan approval;

- making a fire contribution of up to \$700,000 utilized for the purpose of the city purchasing a fire apparatus allowing the fighting of fires for buildings in excess of three stories and the city will choose the new equipment consistent with Lake County's for said reason;
- receiving impact fee credit (calculated by Mr. Greg Beliveau, LPG Urban Planning Inc.) for the portion of Westminster at the current rate of approximately \$504,000
 - in the event that Westminster starts the construction of the five-story buildings and someone else approaches the elected body, approval would be granted to construct a building in excess of the three stories and the purchase would proceed,
 - or an apparatus would be contributed allowing the provision of fire services (rather than requiring Westminster, the project owner, to pay the \$700,000); the person in question would pay for the fire impact fees due to the project and contribute a portion of a share of up to \$200,000);
 - adequate fire protection is defined by staff to mean: meeting the conditions set forth in Subsections 15.(a) and 15.(b), and
- having the ability, if Westminster is the first to construct more than a three-story building, to make the fire contribution of approximately \$700,000; collect some of said funds back, if others pursue them within a certain period of time, to have the required type of fire service (the fire truck apparatus) for up to April 1, 2028.

After discussion and upon Mayor Cheshire's request, Ms. Geraci-Carver swore-in Mr. Art Ayris, representing the First Baptist Church of Leesburg Inc. (FBC), who intended to testify at this evening's quasi-judicial public hearing.

Mr. Ayris expressed gratitude for the support received from the city staff; cited reasons why FBC support Westminster Communities, and requested the LPA's approval of the final submittal of the PUD plan to commence the development on building the church.

Mr. Ayris mentioned his work with Westminster and Ms. Rebecca M. Wilson, attorney representing Westminster Communities and noted their efforts in complying with what was requested at previous LPA meetings.

Ms. Wilson voiced her concurrence with staff's recommendation on the subject proposed ordinance recognizing the changes that were made on the proposed master development agreement addressed before the LPA at its January 25, 2018 meeting and requested approval at this evening's quasi-judicial public hearing.

Mayor Cheshire called for interested parties to be heard.

Mr. Gary Beckman, The Villages of Fruitland Park (Pineridge) resident, referred his appearance before the LPA at is January 25, 2018 meeting pointing out Section 16.,

Landscaping/Buffers from the proposed master development agreement; indicated that no mention was made of the western side of the property (abutting Kramer Court), and requested that a provision in that regard be added to the subject agreement.

Ms. Geraci-Carver swore-in Mr. Beliveau before giving testimony on the subject item.

Mr. Beliveau explained the provision under the proposed master development agreement that Mr. Beckman is referring has been renumbered, modified and currently relocated to Section 18, Landscaping/Buffers and identified in the PUD Exhibit Plan map; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After Ms. Geraci-Carver pointed out the language describing the 25-foot buffer along the southern boundary along CR 466A and the 50 feet along the eastern boundary adjacent to the Brookstone Subdivision, Mr. Beckman relayed his request for the western boundary.

In response to Mr. Beliveau's remarks on including said language, Ms. Geraci-Carver, in concurring and in response to Mayor Cheshire's inquiry, indicated that said language would be included under Section 18, prior to the second reading.

Mr. Phil Egner, City of Fruitland Park resident (Brookstone Subdivision), indicated that he has been brought up as a member of FBC and that he has no obligation with the church. He voiced reasons why he objects to the proposed five-story buildings 275 feet from Brookstone Lane and that he has no problem with the subject item.

Ms. Debra Channel, Villages of Fruitland Park (Pineridge) resident, cited reasons objecting to the five-story buildings.

Mr. Randy Harrison, Villages of Fruitland Park (Pineridge) resident, stated reasons why he is against the proposed five-story buildings for the Pine Ridge Dairy Development; indicated that he had no objections to any of the development or the original proposal of 600-foot buffer submitted by Westminster Communities, and presented signed petitions (with approximately 200 signatures) from the City of Fruitland Park residents dated in February 2018 opposing same; copies of which are filed with the supplemental papers to the minutes of this meeting.

Mr. Ayris, in response, explained how the future residents would have very little negative impacts and voiced reasons, in response to Mayor Cheshire's inquiry why another development plan, besides Westminster's, would not be feasible.

After discussion, Ms. Wilson indicated that the proposed project currently has a comprehensive plan designation of mixed use; noted the inability for Mr. Ayris to propose a PUD plan which only allows a church, and mentioned the city's requirements of a mixed use development with minimum and maximum percentages of uses.

Following extensive discussions and in response to the LPA members' recollection of the originally proposed 600-foot landscape buffer and the question to reduce it to 400 feet, Ms. Wilson disagreed that such offer was made and questioned its origin.

Mayor Cheshire referred to proposed master development agreement under Section 10, Development Phasing; the provisions on the maximum building height, and the proposed placement of the buildings whereby the elected body would subsequently have no input on their placement.

Ms. Geraci-Carver concurred in the affirmative to Ms. Wilson's explanation that the site plan would be considered before the elected body and recognized the connection to the fees of the building location addressed in the proposed master development agreement.

After discussion and in response to Commissioner Bell's reference identifying the proposed location of the five-story buildings, Mr. Chris Wickberg, Westminster Communities, who was sworn in by Ms. Geraci-Carver to give testimony, described the general area where various types of buildings would likely be located and Ms. Wilson indicated that not all the building types would be from single family five-story buildings.

Ms. Geraci-Carver pointed out the PUD Master Plan; explained that all the buildings located outside the proposed open space/park/recreation use, shown on the rezoning map, would meet the 275-foot buffer requirement. She cited the language under Section 3., Land Use/Development which would be the locations of the buildings desired to be built whereby the actual site plan would be presented before the elected body. Ms. Geraci-Carver explained that if the applicant desires to move the location, they would need to reappear before the elected body and amend the proposed master development agreement.

After Ms. Wilson identified six five-story buildings allowed whereby the plan is reflecting more to which Commissioner Bell stated was his previous question, Ms. Geraci-Carver referred to subsection 7.b.1), limiting the building elevation to a maximum of six buildings greater than 35 percent.

Mr. Wickberg concurred in the affirmative to Mayor Cheshire's remarks on the problem of not knowing where the buildings would be located within five years based on demographics and the type of residents and described the typical methods Westminster represents to where the five-story building height would be in relation to the 35-foot building type currently allowed in the code versus to where the Brookstone Subdivision is currently situated. He believed that part of the proposed master development agreement indicates that the buffer zone for landscaping needs to be opaque.

Ms. Geraci-Carver agreed with Ms. Wilson's statements clarifying that for every unit, the site plan is consistent with what is in the proposed master development agreement which would still be presented as part of the city's approval process. Ms. Geraci-Carver verified, in response to Mayor Cheshire's question that the elected body cannot deny the subject proposed project, consistent with 275-foot buffer with all the others because of its location.

Commissioner Ranize recalled the LPA's discussions at its January 18, 2018 workshop meeting regarding the proposed six five-story buildings and in response to his inquiry, Ms. Geraci-Carver confirmed that up to a maximum of six buildings of any type greater than 35 feet, not exceeding five stories, can be built and cited the language under subsection 8c., *maximum building height . . . shall be limited to four stories*

After Commissioner Ranize mentioned his recollection of dialogue at the January 25, 2018 LPA meeting regarding the four-story buildings in the institutional zoning designated area, Mr. Beliveau explained the mixture of potential uses within the proposed structures.

Following much discussion, Mr. Wickberg addressed his understanding of said subsection allowing up to four commercial buildings which are four stories high and relayed the intent to seek up to six buildings no greater than three or five stories.

Mr. Beliveau pointed out the earlier testimony and gave reasons why the 275 setback requirement from the adjacent development "Brookstone Subdivision" makes the potential uses greater; indicated that the proposed master development agreement was addressing the worse-case scenario, and depicted the area in question on the map.

Mr. Ayris indicated that Commissioner Ranize was referencing a diagram developed approximately two years ago which was not addressed; explained that a survey was not conducted, and outlined how, after Farner Barley & Associates Inc., civil engineering firm, carried out the topography, it drastically changed.

Mr. Ayris outlined, in response to a question posed by Commissioner Lewis, how the proposed development would negatively impact FBC, if Westminster Communities' proposal was not approved.

Following further deliberations and after identifying the proposed single-family lots and the 275-foot setback requirements shown on the graphic as being a part of the conceptual plan and after Mr. Wickberg explained the finished building and elevation levels to be used, Commissioner Lewis addressed the determination of the building's maximum height.

After much discussion, Mr. Harrison pointed out the sample representation PUD plan; questioned the illustration depicting the maximum five-story building height, if it was 35-foot elevation on said buildings, and recognized the current setback requirements which would be as close to the 400 feet which he believes Commissioner Lewis was referring to where he would like to see moved back to the elevation.

Answering a question posed by Vice Mayor Gunter, Mr. Wickberg explained the likelihood of amending the language under the proposed master development agreement, suggested by Mr. Harrison, under advisement and determine whether same could be worked out by staff, FBC, and Westminster Communities.

Mr. Wickberg explained, as referenced by Mr. Ayris, the initial project with the 25-foot buffer and 200-foot buffer with no setback requirements which increased to 200 feet and

275 feet. He pointed out the two-story residential dwelling unit as depicted on the map which may not likely be built and explained the legitimacy of the actual document presented. Mr. Wickberg addressed the attempts and efforts made to ensure what the community needs is provided and confirmed, in response to Commissioner Lewis, the understanding that the second row of buildings and single family homes (set up for lots), addressed previously, and the first 100-foot lot as residential single homes, are what he has, as identified in the PUD plan. He addressed the single family homes attached, detached and duplexes specified on the first 100-foot lot in the proposed master development agreement.

Mr. Wickberg concurred in the affirmative with Ms. Geraci-Carver's statements that Westminster Communities would not be obligated -- where she identified the options of green spaces or a row of homes -- and gave reasons why they need and have such flexibility.

Mr. Wickberg agreed with Commissioner Ranize's statements that the building of the second row of homes may not occur; there is no time frame, and the five-story buildings with 275 feet buffer of greenspace may take place in 10 years.

Commissioner Ranize recognized the applicant working on the proposed project for two years; apologized for not being aware of the subject issue until the December 16, 2017 Planning and Zoning (P&Z) meeting, and explained that the city would be taking steps to ensure that such situations do not reoccur. He believed that Westminster Communities' finances are financially sound.

Commissioner Ranize addressed his concerns on:

- the initial issue of fire and emergency medical services (EMS) presented same before the city manager and the elected body and his previous discussions with county fire chiefs and with Mr. Jerry Smith, Lake EMS Inc. on the issue of the fire truck providing fire services exceeding a three-story building serving a small subdivision;
- the few potential calls for fire rescue service;
- the purchase and maintenance of an aerial fire truck with additional staffing;
- his daily commute and observations of a three and four-story apartment complex in the area for residents over 55 years old; the five-story Villages hospital complex and adjacent adult congregate living facilities (ACLFs); the Lake Port Square's four-story ALF building in the City of Leesburg and whether such proposed development is a good fit for the city, and
- the Villages' detailed comprehensive plan, originally presented before the city, which met the city's current building regulations (where no developments are over three stories; the ultimate adjustments and approvals on lot setbacks did not meet the city's; funds given to the city for water treatment systems, connections and a lift station on

CR 466A -- removing wastewater from the complex -- and the purchase of bulk water whereby the city was not required to change its current building code).

Commissioner Ranize addressed his desire for the church to be built with Westminster Communities being a part of same; explained that he cannot support a five-story building which does not have a comprehensive plan, and recognized that the subject issue is deviated whenever it is addressed by the elected body.

In recognizing the project to be viable and acknowledging the residents' concerns not preferring the concept of five-stories, Vice Mayor Gunter noted the uncertainty of the proposed project being built and recognized the investment of funds which has never been presented before during his tenure.

Mayor Cheshire voiced concerns of the fire-related services addressed at the January 25, 2018 LPA meeting; the review of the site plan, and his preference to narrow down where the six five-story buildings and the boundary line throughout the 400 feet buffer would ultimately be.

Acknowledging that Westminster Communities would need to present the subject issue before the governing body for final approval prior to the second reading, Commissioner Bell indicated that the decision to move the buffer to 400 feet and narrowing the site plan would be acceptable to him.

Commissioner Lewis reiterated his familiarity with Westminster Communities' business plan, its concept, and strengths where such project, he believes, would be ideal for the adjoining neighbors at the Brookstone Subdivision who would be abutting the single-family structures with 50 feet of natural vegetation canopy trees.

Commissioner Lewis explained that his concerns relating to fire rescue services, which he addressed at the January 25, 2018 LPA, would be resolved when a determination is made (recognizing the significant offer to the city of \$700,000 contribution towards fire rescue services, truck apparatus and the request for a score board for a soccer field). He addressed the problem of the PUD Sample Representation plan sent to him by email on February 19, 2018 from Mr. La Venia with the line of the site, was planned to be withdrawn by Westminster Communities to which Mr. La Venia indicated was not binding.

In response to Commissioner Lewis' concerns, Ms. Geraci-Carver explained that the subject issue would come before the city commission as a recommendation for denial.

By unanimous consent and upon Commissioner Lewis' suggestion, the LPA took the position to compromise with allowing the proposed development of the five-story buildings.

After discussion, a motion was made by Commissioner Lewis that the LPA recommend to the city commission the approval of proposed Ordinance 2018-002, the substance of which is as follows, and approve modifying the master development

agreement to include that the first multi-story buildings to the west of the Brookstone Subdivision be a maximum of three stories in building height:

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.

In response to Ms. Wilson's indication to Commissioner Lewis' reference to the email to Mr. La Venia that the concept plan would be excluded which she verified was included, Mr. La Venia confirmed that at the meeting with her, it was not.

In apologizing and in response to Commissioner Bell's concerns with the diagram on the lack of definitions on the buildings, Ms. Wilson addressed the plan to present the 400-foot buffer to Westminster Communities' Board of Directors before the second reading.

Mr. Ayris expressed preference, with the current developer, to modify the proposed master development agreement to a 400-foot buffer and if Westminster Communities' Board of Directors are willing to accept the amendment, he addressed the plan to contact Mr. La Venia before the second reading.

Mayor Cheshire recognized that the motion proffered died for a lack of a second.

In response to Ms. Geraci-Carver's request, the LPA members disclosed the following ex-parte communications:

- Commissioner Ranize referred to the email he received on February 21, 2018 from Mr. Beckman which he did not respond to;
- Commissioner Bell pointed out the February 22, 2018 email from Messrs. Gary Padgett and Egner (sent to the elected officials), and Crystal Mathis, City of Fruitland Park (Brookstone Subdivision) residents, objecting to the proposed five-story buildings, to which Mayor Cheshire and Commissioner Ranize concurred in the affirmative on receiving same;
- Commissioner Lewis pointed out three telephone calls received earlier this day from City of Fruitland Park (Brookstone Subdivision) residents, expressing concerns on the proposed five-story building which they felt is not a good fit;
- Mayor Cheshire referred to the emails (Messrs. Beckman, Padgett and Egner); his conversations with Mr. Ayris (by telephone and in person) on how to make the subject issue work, the fire services, and the city's insurance service office public protection classification rating working for Brookstone;
- Vice Mayor Gunter pointed out the emails received from Messrs. Beckman, Padgett and Egner, and
- Commissioner Ranize indicated that he received emails from Messrs. Beckman, Padgett, and Egner; pointed out the telephone conversations he had with Mr. Egner, and referred to his discussions with Mr. Harris, after the P&Z meeting where they did not discuss the Westminster Communities' property but addressed the original FBC issue with the First Academy which was not brought before the elected body and which he thought and still believes is a good idea this day.

A motion was made by Commissioner Bell and seconded by Commissioner Lewis that the LPA recommend to the city commission the approval of proposed Ordinance 2018-002, as previously cited, with the modification to the master development agreement to include a 400-foot setback instead of 275 feet.

In response to Commissioner Ranize' inquiry, Ms. Geraci-Carver identified the 400-foot buffer to be the setback of the five story buildings to which Commissioner Lewis recognized to be any buildings over three-stories.

At Mayor Cheshire's request on the clarification of the motion cited by the city attorney to recommend to the city commission the approval of proposed Ordinance 2018-002, as previously cited, with the modification to the master development agreement with the condition that it be a 400-foot setback rather than 275 feet for any buildings in excess of three stories, Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

END OF QUASI-JUDICIAL PUBLIC HEARING

5. PUBLIC COMMENTS

No one from the public came before the LPA at this time.

6. OTHER BUSINESS

There were no further business to come before the LPA.

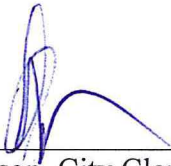
7. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

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

Signed _____

Esther B. Coulson, City Clerk



Signed _____

Chris Cheshire, Mayor

