

**FRUITLAND PARK LOCAL PLANNING AGENCY  
MEETING MINUTES  
April 26, 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, April 26, 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 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 6:13 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 Lewis, seconded by Commissioner Bell and unanimously carried, the LPA approved the January 25 and February 22, 2018 minutes as submitted.**

**QUASI-JUDICIAL PUBLIC HEARING**

**5. First Reading and Quasi-Judicial Public Hearing – Ordinance 2018-006 to Correct Scrivener's Error on Ordinance 2016-023 SSCPA – 1.0± Acres - N CR 466A and W Timbertop Ln - Urban Low to Commercial – Petitioner: James Phillips, Owner**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-006, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-023 WHICH PROVIDED FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN;

**PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES  
IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Greg Beliveau, LPG Urban Planning Inc., after being sworn by Ms. Geraci-Carver to give testimony at this evening's quasi-judicial proceedings, confirmed, in response to Mayor Cheshire's inquiry that the city commission enacted at its April 12, 2018 second public hearing Ordinance 2018-004 correcting a scrivener's error in the legal description of Ordinance 2016-024. He recognized the follow-up subject proposed Ordinance 2018-006 correcting Ordinance 2016-023's legal description and Item 5., on this evening's agenda Ordinance 2018-007 to correct Ordinance 2016-025.

**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 2018-006 as previously cited.**

**There being no comments from the public and by unanimous consent, the public hearing was closed.**

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

**6. First Reading and Quasi-Judicial Public Hearing – Ordinance 2018-007 to Correct Ordinance 2016-025 – Rezoning - Petitioner: James Phillips, Owner**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-007, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-025 WHICH REZONED 1.0 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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.

**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 2018-007 as previously cited.**

**There being no comments from the public and by unanimous consent, the public hearing was closed.**

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



**7. First Reading and Quasi-Judicial Public Hearing - Ordinance 2018-009 Gardenia East Subdivision Annexation - Gardenia East Subdivision – Petitioner: MRSF1 LLC, Owner**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-009, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 13.44 ± ACRES OF LAND GENERALLY LOCATED EAST OF US HIGHWAY 27/441 AND NORTH OF REGISTER ROAD; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**By unanimous consent, the LPA accepted LPG Urban Planning Inc.’s Executive Director’s recommendations and corrected the LPA agenda to be considered in the following order:**

- **Item 9, Ordinance 2018-011, Large Scale Comprehensive Plan Amendment,**
- **Item 8, Ordinance 2018-010, Rezoning, and**
- **Item 7, Ordinance 2018-009, Annexation**

Mr. Beliveau, who was previously sworn, described at length the background of the proposed annexation and comprehensive plan; its surrounding uses, and the current designation. He recognized the one density difference between the county and the city and noted the county’s option on the ability to have residential and commercial use.

Mr. Beliveau referred to the Comprehensive Plan Concurrency Analysis conducted by staff on the worse-case scenario and the reduction of potential trips generated based on the proposed commercial impacts as well as the variables providing less impacts to water and wastewater which he intends to address later in this evening’s meeting.

With regards to the annexation and comprehensive plan components, Mr. Beliveau conveyed staff’s recommendations of approval and indicated that the Planning and Zoning (P&Z) Board, at its April 19, 2018 meeting, had no issues; however, as it relates to the project’s specificity, the P&Z approved same with a caveat.

After discussion, Mr. Beliveau recognized the county’s options to be more than the city’s with traffic generating less trips at peak hour and pm and highlighted the commercial component (under the existing land use program) in the comprehensive plan of 20,000 square feet allowing for another 854 daily pm trips which the city does not allow totaling

1,749 existing daily trips with the city proposed at 1,019. He expressed his preference to defer discussions on the comprehensive plan and annexation and noted that the PUD and zoning yielded the most discussions by the P&Z.

Mr. Beliveau explained, in response to Vice Mayor Gunter's inquiry, that the potential use is neighborhood commercial. He indicated that the existing maximum units allowed by the county are 94 single family residential units; the city's comprehensive plan proposes 107, and recognized the applicant's request for 49 lots or PUDs, half of what both comprehensive plans allow.

Ms. Geraci-Carver swore-in Ms. Kelley to give testimony at this time who responded to Commissioner Bell's inquiry that out of the 83 surrounding property owners who were notified by certified mail of the proposed use, four mailings were returned and three residents opposed.

**By unanimous consent, the LPA agreed with LPG Urban Planning Inc's request to consider Item 9., Ordinance 2018-009 Gardenia East Subdivision Annexation.**

**A motion was made by Commissioner Ranize and seconded by Commissioner Lewis that the LPA recommend to the city commission the approval of the following proposed Ordinance 2018-009 to the city commission:**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 13.44 ± ACRES OF LAND GENERALLY LOCATED EAST OF US HIGHWAY 27/441 AND NORTH OF REGISTER ROAD; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Cheshire called for the public to be heard.

There being no comments from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

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



**9. First Reading and Quasi-Judicial Public Hearing – Ordinance 2018-011 Large-Scale Comprehensive Plan Amendment – Gardenia East Subdivision – North of Register Road Petitioner: MRSF1 LLC, Owner**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-011, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY URBAN MEDIUM DENSITY TO MULTI-FAMILY LOW DENSITY ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 13.44 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF REGISTER ROAD AND EAST OF US HIGHWAY 27/441; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

After Commissioner Lewis questioned the zoning designation following the completion of the comprehensive plan, Mr. Beliveau, who was previously sworn, outlined the city's choices to select from the maximum development analysis table, the applicant's request for PUD; mentioned the review on whether it complies with the requirements within the comprehensive plan category, or if PUD is not selected, noted the inquiry about the zoning the applicant desires up to the maximum density.

After discussion, **a motion was made by Commissioner Ranize and seconded by Vice Mayor Gunter that the LPA recommend to the city commission the approval of proposed Ordinance 2018-011 as previously cited.**

Ms. Julie A. McKinnon, Lake County Unincorporated Area resident, questioned whether Register Road is part of the affected surrounding area as she did not receive notification on same.

Following some discussion, Ms. McKinnon expressed concerns on governmental services not provided in the area due to the lack of annexation with the city; however, she stated that she is in favor of Register Road being annexed into the city, She expressed preference for water, caution lights to make properties safer, and an ordinance requiring property owners to maintain their property due to vegetation overgrowth.

Mr. La Venia explained that Register Road is not part of the annexation; noted that contiguous properties can be part a of the annexation process, and explained that said roadway would remain with the county until such time as the individual property owners choose to apply for annexation.

Mr. Wayne Curtis, Unincorporated Lake County Area resident, expressed concerns on the water usage, crime and traffic and voiced his opposition to the subject proposed use.

In response, Mayor Cheshire confirmed that water services would be provided by the city from its water treatment plant, the city's law enforcement officers will monitor the area as it would be part of the city, and the roadway would continue to be owned by the county to which Mr. La Venia addressed the intent for staff to work with the county ensuring that traffic is controlled in the area.

Mr. Curtis questioned the possibility of erecting a wall to separate existing residents from the proposed project to which Mayor responded that landscaping barriers would be addressed later in this evening's meeting under proposed Gardenia East Subdivision Rezoning Ordinance 2018-010.

**By unanimous consent, Mayor Cheshire closed the public hearing.**

**Mayor Cheshire called for a vote on the motion to recommend to the city commission the approval of proposed Ordinance 2018-011, as previously cited, and declared it carried unanimously.**

**8. First Reading and Quasi-Judicial Public Hearing - Ordinance 2018-010 Gardenia East Subdivision Rezoning - R-1 to PUD – Petitioner: MRSF1 LLC, Owner**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2018-010, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 13.44 ± ACRES OF THE PROPERTY FROM LAKE COUNTY RURAL RESIDENTIAL (R-1) TO RESIDENTIAL 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.

Mr. Beliveau, who was previously sworn, conveyed the P&Z Board's consideration of the subject request for a building coverage area of 40 percent, the city's land development regulations (LDR's) which requires 30 percent and the P&Z Board's recommendations of approval for a compromise of 35 percent. He recognized the conceptual site plan



referenced his earlier statements on the request for a PUD (49 residential units) and described the proposed rezoning and surrounding uses on the revised conceptual site plan, a copy of which is filed with the supplemental papers to the minutes of this evening's meeting.

With the exception of the building area, Mr. Beliveau explained that the open space meets the city's requirements. He gave a report on staff's review of the typical lots requested by the applicant of 40 percent of lot maximum building coverage, the site data reflecting the setback requirements and building total, and the tables under the LDRs requiring 30 percent for single family residential dwelling units. With respect to the greenspace, Mr. Beliveau pointed out the buffer and indicated that any enhancements and additions between same ought to be addressed with the applicant.

After discussion and in response to Commissioner Ranize' question, Mr. Beliveau recognized the 4,000 square feet minimum lot size for detached single-family homes that can be built on the lot where the 30 percent requirement at 1,200 feet, which is the minimum, would be met and that he would allow justification of same; thus, the reason for their presence at this evening's meeting.

Following further discussion, Mr. Beliveau referred to Ms. McKinnon's concerns addressed earlier in the meeting on the lack of notification of the subject issue and confirmed that Register Road, where she lived, was not included as part of the surrounding area residents' notification process.

Mr. Beliveau recognized the problems of existing background traffic with excessive speeding on Register Road which is not the result of the proposed project but can be alleviated by the city or county utilizing the pre-existing conditions from the traffic tables and annexed in with the proposed development.

Commissioner Lewis recognized the lack of traffic tables on existing county roads in the city where speed is routinely controlled by the Fruitland Park Police Department and acknowledged the speeding problem citywide.

After further discussion and following Ms. Geraci-Carver's reference to state statute addressing local governmental entities' authority to regulate traffic when annexation occurs on both sides of the roadway, Commissioner Ranize requested that she research the matter further to determine how same can be implemented.

Subsequent to ensued discussion, Ms. Geraci-Carver swore in Mr. Rick Hartenstein, Wicks Engineering Services Inc., to give testimony.

Mr. Hartenstein explained the purpose of incorporating a portion of land for the proposed fenced recreational vehicle (RV) and boat storage for the subdivision's homeowners' association residents and guests which he stated was previously suggested by the former community development director during the pre-application meeting and indicated that the storage would not be a high impact area.

Following ensued discussions and in response to concerns on the stormwater pond coverage, Mr. Hartenstein delineated the support of the proposed building coverage -- the reason for the applicant's previous request of 1,600 where he described the dimensions in providing the residential unit with 1,200 square feet -- and the additional 10 percent for building coverage. He explained that the applicant has conducted a preliminary impervious surface ratio (ISR), almost less than 50 percent for the whole project, which is capable to obtain the design to cover the stormwater pond for the ISR.

Subsequent to further discussions, Mr. Beliveau outlined, in the conceptual site plan, the applicant's request to meet the 15-foot buffer requirement along the perimeter of the property's boundary which meets the city's 10-foot minimum requirements in the LDRs which is the PUD.

Mr. Beliveau indicated, in response to an inquiry posed by Commissioner Bell that the request by the applicant to include age restrictions (age 55 years and older) in the master development agreement or the PUD can be voluntary and they would have to reappear before the elected body for an amendment to change same.

After discussion, Mayor Cheshire reiterated the only issue he has is the privacy fence around the RV and boat storage area.

In response to a question posed by Commissioner Bell regarding the playground area, Mr. Hartenstein addressed the plans to install playground equipment during the development.

**By unanimous consent the city commission accepted the applicant's commitment to install playground equipment during the development and the additional landscaping and natural buffer along the proposed project's perimeter boundary. Additionally, the city commission agreed, subject to the applicant's commitment, that a privacy fence would be installed around the recreational vehicle and boat storage area in the planned unit development.**

Mayor Cheshire called for interested participants to be heard.

Ms. Alison Thomas, Lake County Unincorporated Area resident, voiced her disagreement with Mr. Beliveau's depiction of the proposed development on the concept map showing that there are no existing homes within the landscape buffer and identified the location of her property. She cited reasons why she objects to the RV and boat storage privacy fencing and her preference for a wall; referred to the April 19, 2018 P&Z Board's discussions on the homes not exceeding 35 percent believing that the applicant agreed with the decrease, and voiced concerns with the current traffic problems recognizing that that the proposed project is not yet developed.



In response to Mayor Cheshire's inquiry, Mr. Hartenstein explained that it would be up to the lot owner to fence the lot; however, the applicant plans to develop a landscape buffer which separates the property.

After much discussion and **by unanimous consent, the city commission agreed with the applicant's request of a building coverage area of 40 percent.**

At this time, Mr. Ted Wicks, Wicks Engineering Services Inc. representing the applicant, was sworn in by Ms. Geraci-Carver to give testimony.

Mr. Wicks addressed the need to provide a marketable property; offer affordable housing representing starter-type homes -- not age-restricted -- to individuals coming to Lake County for employment, and attract additional commercial developments which will not be contrary to the applicant's business plan. He addressed the advantages to the applicant, the city, and the community of the proposed project; explained that the applicant has met the city's open space requirements of 25 percent to allow stormwater to work, and anticipated that the LPA would recommend approval to proceed.

With respect to the RV and boat storage area and the problem of overcoming parking in the driveway, Mr. Wicks pointed out the plan for smaller lots and to introduce it as part of the project.

After discussion, **a motion was made by Commissioner Bell and seconded by Commissioner Lewis that the LPA recommend to the city commission the approval of the following proposed Ordinance 2018-010 and accepted the voluntary commitments made by the applicant:**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 13.44 + ACRES OF THE PROPERTY FROM LAKE COUNTY RURAL RESIDENTIAL (R-1) TO RESIDENTIAL 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.

Following further discussion, **Mayor Cheshire** called for a roll call vote on the motion with the LPA members voting as follows:

<b>Commissioner Bell</b>	<b>Yes</b>
<b>Commissioner Lewis</b>	<b>Yes</b>
<b>Commissioner Ranize</b>	<b>No</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.

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**10. NEW BUSINESS**

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

**4. PUBLIC COMMENTS**

There were no comments from the public.

**11. ADJOURNMENT**

On motion made, seconded and unanimously carried, the LPA meeting adjourned its meeting at 7:22 p.m.

The minutes were approved at the May 24, 2018 meeting.

Signed \_\_\_\_\_

Esther B. Coulson, City Clerk

Signed \_\_\_\_\_

Chris Cheshire, Mayor