

**FRUITLAND PARK CITY COMMISSION WORKSHOP  
MEETING MINUTES  
May 22, 2018**

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, May 22, 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; Community Development Director Tracy Kelley, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Cheshire called the meeting to order at 6:00 p.m. and the Pledge of Allegiance to the flag was led by Vice Mayor Gunter.

**2. ROLL CALL**

Mayor Cheshire requested that Ms. Coulson call the roll.

**By unanimous consent and upon Mayor Cheshire's suggestion, the city commission fixed this evening's city commission workshop at 8:00 p.m. as the time to which to adjourn.**

**3. LAND DEVELOPMENT REGULATIONS**

**- Chapter 154, Zoning District Regulations**

Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., referred to the city commission's April 5, 2018 workshop; mentioned staff's review of and changes made to Chapter 154, Zoning District Regulations, Size and Dimension Criteria where typographical errors were discovered for the schedule of dimensional requirements reflecting 25% minimum open space instead of 30%.

Later in the meeting, Mr. Beliveau questioned the city utilizing maximum building coverage or change it to impervious surface ratio (ISR) that staff conducted which would add to the lot, driveways, sidewalks, and unattached structures; otherwise, staff would have to compute same on every lot whenever a building plan is submitted.

Mr. Beliveau gave an historical background of computations utilized in 1994 which was the city's preference at that time; mentioned the advantages of applying the ISRs which is frequently implemented and relayed staff's recommendation to change such calculations to the ISR which will not be 30%. Due to current trends, he addressed the need to consider the usual lot coverage computed for the sidewalk and driveway and that the matter has only resurfaced.

Following much discussion and **by unanimous consent, the city commission agreed to utilize under Chapter 154 Zoning Regulations, the impervious surface ratio**

**calculations for planned unit developments, development order projects and permit applications.**

Mr. Beliveau addressed the changes staff made under Subsection 154.060:a), landscape buffers and pointed out the city commission's April 5, 2018 workshop referencing Non-Residential Design Standards under Chapter 154. He indicated that staff specified what was needed to be included in the 25' buffer based on the city commission's previous decision and what was planned for the Neighborhood Professional (C-1) and General Commercial (C-2) zoning designated areas already addressed under Chapter 163, Sign Regulations reviewed by the city commission at its April 5, 2018 workshop.

**- Chapter 156, Miscellaneous Regulations – Accessory Uses and Structures**

Mr. Beliveau addressed the need for the city commission to discuss at a future meeting Chapter 156, Miscellaneous Regulations – Accessory Uses and Structures and explained why staff needs guidance on the computation, dimensions, and the limit of structures required as it pertains to outside storage, detached garages, guests houses.

Later in the meeting, Mr. Beliveau reiterated, in response to Mayor Cheshire's inquiry that miscellaneous regulations under Chapter 156 ought to be addressed at a future meeting.

**- Chapter 154, Zoning Regulations**

With respect to Marijuana, under Chapter 154, Mr. Beliveau referred to the research staff conducted where jurisdictions are allowing such use to be part of their codes which has not yet been implemented and Ms. Geraci-Carver gestured in the affirmative to Mr. Beliveau's reference to the City of Groveland's initiation of same in its Commercial Highway and General Commercial/Central Business zoning districts.

Mr. Beliveau referred to Chapter 381, Public Health, Florida Statutes; indicated that the retail and health care industries and the pharmacy store chains meet such requirements, comply with same and are restrictive. (A copy of the statutes is filed with the supplemental papers to the minutes of this meeting.

After discussion and in response to Commissioner Lewis' reference to the city commission's consensus at its April 5, 2018 workshop meeting (regulating or prohibiting medical marijuana treatment centers or implement special exception uses), Ms. Geraci-Carver explained that the retail and health care industries and pharmacy store chains will need to go through the same special exception uses process to which Mr. Beliveau confirmed same.

Following extensive deliberations, Mr. Beliveau identified the city's current locations in C-1 and C-2 zoning districts and the likely areas where the retail and health care industries and pharmacy store chains would be located.

In response to a question posed by Commissioner Bell, Ms. Geraci-Carver cited to Subsection 1381.986(11)(b)1. F.S., Medical Use of Marijuana Preemption . . . a

*municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that . . . municipality . . .*

Subsequent to further discussions and in answering Mayor Cheshire's comments regarding Relief Clinic Florida LLC with the large sign displayed on US 27/Highway 441, Mr. La Venia reported that the police department is currently working on the matter and pointed out the draft letter dated May 7, 2018 prepared by Ms. Geraci-Carver in that regard. (A copy of which is filed with the supplemental papers to the minutes of this meeting.)

Ms. Geraci-Carver explained, in response, that the state would need to approve the Relief Clinic's logo; addressed her uncertainty as to whether they are complying with the state's requirements which is the better option and confirmed that Captain Erik Luce, Police Department, is working on same.

After considerable discussion, Ms. Geraci-Carver recommended that the city commission take action on the medical marijuana treatment center. She confirmed that the facilities can occupy an existing building if it is in the proper city zoning designation or the construction of a building for such use would need to meet the city's LDRs and stated that there is a need for them to meet the signage innocuous.

Extensive deliberations ensued and **by unanimous consent, the city commission determined not implement a ban on medical marijuana treatment centers and agreed for them to be located in the General Commercial zoning district.**

- **Chapter 157, Subdivisions and Plats (Sidewalks, Street Lights, and Curbs) and Subsection 157.110: Variances**

Mr. Beliveau referred to Chapter 157, Subdivision and Plats (sidewalks, street lights, and curbs); identified the city's criteria for review process which has already been adopted and pointed out the curb type exhibit from the sample design standards featuring designs on the standard curb and gutter, Miami curb and gutter, and vertical curb for the rural section a requirement which involves the review of the city's engineers, Booth Ern Straughan & Hoitt (BESH), and consideration before the city commission. (A copy of the exhibit is filed with the supplemental papers to the minutes of this meeting.)

Mr. Beliveau explained that the majority of street lighting is currently adopted by comprehensive plans and indicated that the requirements of 'dark sky' as the only change that was made.

Mr. Beliveau pointed out the parking standards from the sample design standards featuring the dimensions on parking stall size; a copy of said sample is filed with the supplemental papers to the minutes of this meeting.

Mr. Beliveau referred to the existing one-way drive aisles width minimum of 12 feet and the parking angle and noted the problem that arose when the specifications were

referenced on the angle parking adjacent to the one and two-way lanes of 90 degrees increasing to 45 degrees wide. He relayed the recommendation of 16 feet by Mr. Duane Booth, BESH, and suggested for same to be reduced.

After discussion, Mr. Beliveau agreed with Mayor Cheshire's announcement that the items remaining in Chapter 157, Subdivisions and Plats would be reviewed at a future date.

Later in the meeting, Mr. Beliveau reiterated, in response to Mayor Cheshire's inquiry that Variances under Subsection 157.110 ought to be addressed at a future meeting.

- **Chapter 164, Landscape Requirements and Tree Protection (buffers and uses)**  
Mr. Beliveau confirmed in the affirmative to Mayor Cheshire's reference that Chapter 164, Landscape Requirements and Tree Protection (buffers and uses) would be reviewed at a future meeting.
- **Chapter 163, Sign Regulations**  
Mr. Beliveau verified in agreement to Mayor Cheshire's comments that Chapter 163, Sign Regulations are complete.
- **Chapter 158, Stormwater Management**  
Mr. Beliveau reported that the problem relating to stormwater management, under Chapter 158 has been resolved.

In response to Vice Mayor Gunter's inquiry on the maintenance of all future retention ponds at perpetuity and Commissioner Lewis' question on the city's ability to enforce same whenever problems occur, Mr. Beliveau confirmed the inclusion of same reflecting the homeowner's responsibility and not the city.

Mr. La Venia referred to properties designated as Residential Professional (RP) from Messrs. Larry Smith, Spa Kingdom Inc. (who is working with staff) and Dan Shepler, Dan Shepler Roofing Inc., located on South Dixie Avenue. He relayed his request to Meses. Kelley and Lori Davis, Code Enforcement Officer, to review business activities taking place on Dixie Avenue to Miller Street which have existed for many years; recognized that such designation should have been C-2 zoning district and pointed out the parking situation with existing onsite vehicle storage; namely, heavy equipment and front-end loaders in the area which has been taking place for more than 30 years, to which Mr. Beliveau indicated was not allowed and suggested the need to determine from the records when the businesses started and their zoning designations.

After Mr. La Venia addressed the intent to meet with Mr. Beliveau and obtain a list of the respective businesses from Ms. Davis before considering same, Ms. Geraci-Carver identified them as legally existing nonconforming uses at the time they went into businesses and before the zoning code change.

4. **OTHER BUSINESS**

There was no other business to come before the workshop at this time.

5. **ADJOURNMENT**

**The meeting adjourned at 7:35 p.m.**

The minutes were approved at the July 25, 2018 special meeting.

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



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

