

FRUITLAND PARK CITY COMMISSION WORKSHOP
MEETING MINUTES
August 2, 2018

A workshop meeting of the City of Fruitland City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 2, 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; District One Commissioner-Elect Patrick DeGrave; District Two Candidate Fred Collins; Police Chief Michael Fewless, Captain Erik Luce; Interim Fire Chief Don Gilpin; Deputy Chief Tim Yoder, Fire Department; Community Development Director Tracy Kelley and City Clerk Esther B. Coulson.

1. CALL TO ORDER

Mayor Cheshire called the meeting to order at 6:35 p.m.,

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll.

3. LAND DEVELOPMENT REGULATIONS

Mayor Cheshire relayed Ms. Kelley's recent communications with him on the way the city commission is reviewing the Land Development Regulations (LDRs) and expressed preference with her suggestion.

Ms. Kelley conveyed her suggestions made to Mr. La Venia on July 31, 2018, after working with LPG Urban and Regional Planners Inc., on her preference for the city commission to hold at a future date a workshop to review the complete revisions to the entire LDRs and requested that same be included in the community development department's budget for FY 2018-19.

In response to Vice Mayor Gunter's inquiry, Ms. Geraci-Carver described Municode's® codification procedures relating to the city commission's adoption of the LDRs and the opportunity that would be available to allow for public access.

Mr. La Venia recalled previous discussions held with Ms. Kelley and Coulson regarding the existing conflicts in the LDRs and the code of ordinances which need to be addressed.

Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., addressed the current problems including development and the approval of plans; recognized the difficulty in enforcing same and noted the LDRs origination in 1992.

After discussion, Mr. Beliveau recognized the city commission's review of previous chapters under the LDRs and the directions received. He addressed the plan to review

Chapter 164, Landscape Requirements and Tree Protection (Buffers and Uses) at this evening's meeting and provide in advance the LDRs for review in its entirety at a future city commission meeting.

After much discussion and **by unanimous consent, the city commission accepted staff's recommendation to review Chapter 164, Landscape Requirements and Tree Protection (Buffers and Uses) on this evening's agenda and for staff to submit in advance the Land Development Regulations in its entirety, including the following items, at a future date:**

- **Chapter 154, Zoning Regulations**
- **Chapter 155, Conditional Uses and Special Exceptions**
- **Chapter 156, Miscellaneous Regulations**
- **Chapter 157, Subdivisions and Plats**

- **Chapter 164, Landscape Requirements and Tree Protection (Buffers and Uses)**
Mr. La Venia addressed the need for the city to accommodate the provisions under St. Johns River Water Management District's (SJRWMD's) waterwise landscaping project recognizing that forthcoming new developments relating to water conservation to be a key factor.

Mr. Beliveau referred to subsection 164.030:b), buffer landscaping; reviewed the buffer requirements from the chart and identified the site zoning and buffer width. He explained that the city is one of the few which does not address buffers between various zoning classifications; indicated that there is no differentiation on how to mitigate the use next to a single-family residence and noted that the city's buffers are the same regardless of their location and adjacent zoning. Mr. Beliveau recognized similar local governments' charts featuring buffer requirements for General Commercial (C-2) adjacent to Single-Family Low Density Residential (R-1) that are larger which protect single-family neighborhoods.

Mr. Beliveau addressed his desire add to the buffer requirements chart the reduction of the city's buffer widths from 15' to 10. He confirmed that he is not altering the landscape types due to the reasons Mr. La Venia mentioned which have been reviewed according to the city's consumptive use permits (CUP); thus, Lake County utilizes same as its best management practice.

Mr. Beliveau pointed out section 164.050, tree requirements and addressed the necessity, when constructing in a new subdivision, for all new single-family lots to have a minimum of three planted canopy trees. He referred to section 164.060, exemptions citing that single-family owners of homes and duplexes are exempt; recognized that almost all landscape codes exempt single family and duplex lot owners from requiring a tree removal permit in advance to remove trees from their properties and noted the confusion by giving an historical overview where property owners had

the right to remove their trees on their lots. Mr. Beliveau suggested, if it is acceptable by the city commission, that the provision which applies to single-family property owners, be left alone.

Ms. Kelley cited subsection 164.090:b)6), exemptions: *Any tree which is diseased or has been destroyed or damaged beyond saving . . .* which can be removed without requiring a tree removal permit; however, she suggested the need to provide verification certified by an arborist or landscape architect expert.

After discussion, Mr. Beliveau identified the provision not applying to commercially-oriented vacant lots of two or three acres and lots getting ready for development.

In response to Commissioner Ranize' inquiry, Mr. Beliveau confirmed that removing trees leaning towards another property would fall under the exemption category as it is deemed as a potentially dangerous tree.

Mr. Beliveau pointed out the suggestion made by Ms. Kelley under subsection 164.090:c)3), criteria for issuance whereby utility workers are exempt as they do not require a tree removal permit due to the removal of trees in the right-of-way (ROW) and pointed out the exemption for operating utility companies.

After requesting the city's guidance on historical trees, Mr. Beliveau recognized that specimen trees are not to be disturbed. He explained that the city commission was supposed to retain someone to review, determine and identify the historical and specimen trees which has never been carried out in almost 25 years. He addressed the criteria provided by LPG, once complete, to ensuring that the trees meet the qualification requirements. He addressed the need to fulfil the void and recognized that developers working around it noting the recent removal of trees in the city.

Mr. Beliveau referred to the city's low tree replacement policy on the total of trees removed; addressed the city commission possibility of exploring a better replacement canopy for commercial properties, and if the 25 percent replacement is preferred, he felt that provision could remain -- subsection 164.040:c)6)A, general replacement requirements which is not what The Villages are implementing.

In response to Mayor Cheshire's question and **by unanimous consent, the city commission accepted LPG Urban and Regional Planners Inc.'s suggestion that the canopy trees are to be more than six inches diameter breast height.**

Following much discussion, Mr. Beliveau pointed out Section 164.080: Installation and Maintenance and relayed Ms. Kelley's recognition on the emphasis placed on the requirements for irrigation versus the foliage.

Mr. Beliveau addressed the proposed languages posed by LPG for subsection 164.090: c)6)F), maintenance, to be stringent by sending the code enforcement staff to ensure that upon issuance of the certificate of occupancy for single family homes and

for all commercial and industrial project developments (according to the plans presented), that replacement trees required by the developer remain and are maintained in good condition within one year.

After Commissioner Lewis pointed out the popularity of the laura pedlum shrub which is not included under Subsection 164.040:a)3), shrubs, Mr. Beliveau voiced his concurrence with Commissioner Bell's statements on the guidelines governed by SJRWMD depending on the location for the plant. Mr. Beliveau identified, in response to Mayor Cheshire's inquiry, the planting guidelines from SJRWMD's waterwise plant and the Florida-Friendly plant databases.

After discussion, Mr. Beliveau indicated that laura pedlum is not listed under the respective subsection.

Commissioner Bell pointed out the canopy trees located over the roadway on Berckman Street; referred to the removal provisions under Tree Protection Landscape Ordinance 2008-015 considered at the September 11, 2008 discussions on the replacement of same and questioned the outcome of same.

Mr. Beliveau explained, in response to Commissioner Bell's inquiry, that the option of including the canopy as some of the streets are historical, that it would be elective on the city as the trees would be on the city's ROW which could be utilized in its case within the Community Redevelopment Agency (CRA) using CRA funds. Mr. Beliveau cautioned the city with the trees' root system in contact with the underground utility lines and the overhead powerlines touching down on to the trees.

Following some discussion, Mayor Cheshire and Commissioner Bell expressed their preference for the canopy whereby Commissioner Bell suggested that certain city streets with canopy ought to be identified and a determination made on maintaining them.

In response, Mr. Beliveau indicated that such identification is not required in the LDRs. He stated that if it is the city commission's desire to pursue, that he be informed as he has the ability for LDR's landscape architect to conduct a research and establish a pre-paid program, as part of the commission's budgetary process where a department would be designated (such as public works) to review what has been implemented underground.

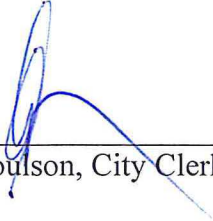
4. OTHER BUSINESS

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

5. ADJOURNMENT

The meeting adjourned at 7:27 p.m.

The minutes were approved at the September 27, 2018 meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor