

**RESOLUTION 2023-045**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO LANDSCAPE AREA AT THE END OF PARKING ROW, AND PERTAINING TO WATER MAIN SIZE OF 10" TO 8" ON THE SUBJECT PROPERTY LOCATED AT 2600 US HWY. 441/27 AND OWNED BY DNA REALTY TRUST, LLC, PROVIDING FOR AN EXPIRATION DATE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, DNA Realty Trust, LLC, owner has petitioned for variances for property located at 2600 US Hwy. 441/27, in the City of Fruitland Park, Florida; and

**WHEREAS**, the owner requests a variance to the following LDR requirement which requires commercial loading spaces at a minimum of 12' x 25':

- Chapter 162, Section 162.050(b) The minimum size of a loading space is 12' x 25'.

**WHEREAS**, the proposed loading spaces are 10' x 25' are of sufficient width to provide for loading/unloading of vehicles typically associated with mini-warehousing.

**WHEREAS**, the owner requests a variance to the following LDR requirement which requires a 200 square foot planting area at the end of the parking row:

- Chapter 164, Section 164.030(a)(2) Vehicle Use Area provides a landscape area shall be provided at the end of all parking rows and will be a minimum of 200 square feet and shall contain a minimum of one approved canopy tree, five shrubs and ground cover or grass.

**WHEREAS**, the proposed vehicle use area within the rear of the building consisting of five (5) parking spaces will be entirely screened from public view; and

**WHEREAS**, the owner requests a variance to the following LDR requirement which requires a fire hydrant to be installed on a 10" water main:

- Chapter 159, Section 159.020(e)(7) Design Standards. All system designs shall conform to recommended standards and accepted engineering practices. Table 159-1 requires a fire hydrant to be installed on a 10" water main for warehouse/industrial buildings.

**WHEREAS**, the city does not have a 10" water main available to the subject site and the existing water main is 8". Table 159-1 includes a note which states "In those portions of the city where the existing water mains cannot meet the above requirements, other building specific measures can be used to reduce fire flow. Section 159.020(e) Fire Hydrants states "Fire hydrants shall not be installed on any water main of less than six inches (6") inside diameter. Number of hydrants and placement shall also be in compliance with NFPA1; and

**WHEREAS**, this request has met the public notice requirements set forth in Chapter 168 of the City of Fruitland Park Land Development Regulations; and

**WHEREAS**, the City Commission has considered the petition in accordance with standards for the granting of variances contained in Chapter 168, City of Fruitland Park Land Development Regulations and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, as follows:**

1. The City Commission has determined that a loading space size of 10' x 25' is not detrimental to the character of the area or inconsistent with the trends of development in the area.
2. The City Commission has determined that providing 10' x 25' loading spaces does not and will not have an unduly adverse effect on surrounding property.
3. Special conditions and circumstances exist which are peculiar to the Property which are not applicable to other land and structures.
4. A variance from the existing code for the provision of a loading spaces is the minimum variance to accommodate the Owner's request.
5. The City Commission has further determined that the variance is consistent with the Comprehensive Plan for the City of Fruitland Park and Code, and will not adversely affect the public interest.
6. The variance will not adversely affect the public health, safety and general welfare of the citizens of the City of Fruitland Park.
7. The City Commission has determined that providing no landscape island at the end of the vehicle use area is not detrimental to the character of the area or inconsistent with the trends of development in the area.
8. The City Commission has determined that providing no landscape island at the end of the vehicle use area in the rear of the building and adjacent to the boat/RV storage area which is completely screened from public view does not and will not have an unduly adverse effect on surrounding property.
9. Special conditions and circumstances exist which are peculiar to the Property which are not applicable to other land and structures.
10. A variance from the existing code for the provision of a landscape island at the end of the vehicle use area is the minimum variance to accommodate the Owner's request.
11. The City Commission has further determined that the variance is consistent with the Comprehensive Plan for the City of Fruitland Park and Code, and will not adversely affect the public interest.
12. The variance will not adversely affect the public health, safety and general welfare of the citizens of the City of Fruitland Park.
13. The City Commission has determined that connection of the fire hydrant to the existing 8" water main is not detrimental to the character of the area.
14. The City Commission has determined that connection of the fire hydrant to the existing 8" water main does not and will not have an unduly adverse effect on surrounding property.
15. Special conditions and circumstances exist which are peculiar to the Property which are not applicable to other land and structures.

16. A variance from the existing code for the provision of fire hydrants on a 10” water main to an 8” water main is the minimum variance to accommodate the Owner’s request.

17. The City Commission has further determined that the variance is consistent with the Comprehensive Plan for the City of Fruitland Park and Code, and will not adversely affect the public interest.

18. The variance will not adversely affect the public health, safety and general welfare of the citizens of the City of Fruitland Park.

19. The petition for variance filed by DNR Realty Trust, LLC for property located at 2600 US Hwy. 441/27, in the City of Fruitland Park, Florida, more particularly described as:

**LEGAL DESCRIPTION:** LOTS 1, 2, 3, 4, 5 AND THE SOUTH 70 FEET OF LOT 6, BLOCK B, ZEPHYR LAKE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 11, PAGE 78, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

TOGETHER WITH A 40 FOOT WIDE STRIP OF LAND BEING THE ABANDONED FORMER ATLANTIC COASTLINE RAILROAD, LYING WEST OF THE FOLLOWING DESCRIBED PROPERTY:

LOTS 1, 2, 4, 5, THE WEST 1/2 OF LOT 3 AND THE SOUTH 70 FEET OF LOT 6, BLOCK B, ZEPHYR LAKE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 11, PAGE 78, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

is GRANTED as follows:

1. Variance to Chapter 162, Section 162.050(b) Loading Space Size from 12’ x 25’ to 10’ x 25’
2. Variance to Chapter 164, Section 164.030(a)(2) Vehicle Use Area. No 200 square feet landscaped area shall be required in the rear of the building. In lieu of the vehicle landscaped area the Owner shall install a front building perimeter landscaping area a minimum of three feet (3’) wide with an average of five feet (5’) wide to be planted which would be 3 understory trees, 28 shrubs and groundcover for every 350 square feet of planting area. Plantings shall comply with the landscaping code.
3. Variance to Chapter 159, Section 159.020(e)(7) Design Standards. Allow a fire hydrant to be installed on an 8” water main instead of the required 10” water main for warehouse/industrial buildings.
4. Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original resolution or a certified copy of the resolution and attaching the correct legal description.
5. This variance shall become effective immediately on its approval and adoption by the City Commission of the City of Fruitland Park, Florida.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Chris Cheshire, Mayor

City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, MMC, City Clerk

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice-Mayor DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Passed First Reading \_\_\_\_\_

(SEAL)