



506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731

PHONE: 352/ 360-6727
FAX: 352/ 360-6652

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|---|--|
| Board Members: Connie Bame, Chairwoman Colin Crews Daniel Dicus Philip Purlee Tom Bradley | Others: Tracy Kelley, Interim Director |
|---|--|

**REVISED AGENDA
PLANNING & ZONING BOARD
MARCH 15, 2018
6:00PM**

- I. **INVOCATION:**
- II. **ROLL CALL:**
- III. **MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from January 18, 2018.
- IV. **OLD BUSINESS:** None
- V. **NEW BUSINESS:**
 - A. **An Ordinance Correcting A Scrivener's Error**
 - a. Correcting the legal description of Ordinance 2016-024 (James Phillips ALT Key #2515490)
 - B. **Notice to Vacate Resolution 2018 - 005**
 - a. A Resolution closing and vacating a 30' platted right of way knowns as Laurel Street

BOARD MEMBERS' COMMENTS:

ADJOURNMENT:



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|--|---|
| <p>Board Members: Connie Bame, Chairwoman Colin Crews Daniel Dicus Philip Purlee Tom Bradley</p> | <p>Others: Greg Beliveau, City Land Planner Tracy Kelley, Administrative Assistant</p> |
|--|---|

**MINUTES
 PLANNING & ZONING BOARD
 JANUARY 18, 2018
 6:00PM**

- I. **INVOCATION:** Chairwoman Bame called the meeting to order at 6:00P.M. and led the pledge of allegiance. Board member Tom Bradley gave the invocation.
- II. **ROLL CALL:** All board members present. Present LPG Beliveau and Assistant Kelley.
- III. **MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from December 13, 2017. Motion to approve meeting minutes by Board member Colin Crews. Second by Board member Philip Purlee. Approved 5-0.
- IV. **OLD BUSINESS:**

A **Tabled WTG Properties (ALT Key #1432235)**

- b. Allow for Contractors Yard and C-1 Uses (Neighborhood Commercial)

LPG Beliveau gave an introduction for the Rezoning application from single family medium density to Commercial PUD (CPUD) to allow for the use of a contractor’s storage yard. LPG Beliveau presented the Master Developer’s Agreement to the Board and recommends approval as long as the conditions of the agreement are met.

LPG Beliveau reviewed the site plan submitted by the applicant with application, however, applicant has not submitted an amended site plan that meets the conditions as in the Master Developer’s Agreement. LPG Beliveau outlined the two specific conditions of the Master Developer’s Agreement that are not on the submitted site plan 1) 15’ required landscape buffer along Willard Avenue; recommended due to the existing residential uses 2) existing parking lot layout needs to meet the City’s current parking lot requirements as outlined in the LDR’s (Land Development Regulations), and 3) the existing site plan indicates a wooden privacy fence whereas the Master Developer’s Agreement states a white PVC privacy fence.

LPG Beliveau recommends approval if the REVISED submitted site plan meets the requirements as outlined in the Master Developers’ Agreement; explained the applicant does have the opportunity to re-submit a revised site plan prior to Commission approval.

Chairwoman Bame addressed the audience if there were any public comments

The following City of Fruitland Park residents gave reasons of opposition:

William E Graham – objects commercial zoning due to increased traffic; Benjamin (Greg) Shepherd – objects commercial zoning due to increased traffic; Wanda Smith – objects commercial zoning due to increased traffic, noise, and crime; Kathleen Wolfarth - objects commercial zoning due to traffic and potential future commercial uses of property

During citizen's comments LPG Beliveau, Board members, and Applicant Wayne Goodridge gave detailed explanations and references to City Land Development Regulations (LDR's).

Applicant Wayne Goodridge commented the amendments needed for the Master Developer's Agreement to meet approval would not be an issue 1) 15' landscape buffer to be included 2) increase driveway to width of 12' 3) 6' white PVC fence, and 4) employee parking in rear behind fence and meet the minimal parking requirements.

Board member Dicus addressed the audience as a long-time resident of Fruitland Park, the intended use would not add any more traffic than already on Willard Avenue; the applicant is also bringing an option with the privacy fence to buffer from the surrounding residents; and commercial development is pending in the immediate area.

Chairwoman Bame reviewed the allowed uses under C1 Zoning; a restaurant would not be permitted for future use (potential concern by residents); and Chairwoman Bame clarified the difference between a Maintenance and Contractor's Yard as defined in City's LDR's.

LPG Beliveau also reviewed if any other intended uses were presented, the applicant and/or property owner would need to reapply with the City for those intended uses.

Board member Crews concerned proposed land use does not meet Medium Residential Density FLU; Board member Crews states the proposed land use is out of character.

Land Planner Beliveau reviewed and discussed the City's FLU along corridor of Willard Avenue.

Board member Bradley commented the surrounding commercial business (Food Pantry as referenced by Applicant Wayne Goodridge) has certain hours of operation that does not increase the local traffic on a routine basis; the proposed land use application is more suitable in the Industrial Zoning.

Board member Purlee wanted clarification and definition of contractor's yard.

LPG Beliveau read those definitions from the City's LDR's.

Chairwoman Bame called for any further comments; Chairwoman Bame called for motion

Motion by Board member Dicus to approve Rezoning from Single Family Medium Density (R2) to Commercial PUD (CPUD). Second by Board member Purlee

Approved 2-5 (Board member Dicus and Board member Purlee)

Opposed 3-5 (Chairwoman Bame, Board member Crews, Board member Bradley)

V. NEW BUSINESS: None

BOARD MEMBERS' COMMENTS: None

ADJOURNMENT: 7:03PM

Record and return to:
City of Fruitland Park
156 S. Lake Avenue
Fruitland Park, FL 34736

ORDINANCE 2018-004

AN ORDINANCE CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-024 WHICH AMENDED 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 1.0 ± ACRE OF LAND GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; 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.

WHEREAS, the City of Fruitland Park desires to correct a scrivener's error in the legal description contained in Ordinance [2016-024](#) which annexed the property into the City of Fruitland Park; and

WHEREAS, a petition had been submitted by Charles Johnson on behalf of James Phillips as Owner to annex the property into the City of Fruitland Park;

WHEREAS, the City Commission finds that it was the intent of the then property owner as well as the intent of the City to annex the property more particularly described herein; and

WHEREAS, the City Commissioners determined that the area proposed for annexation met the requirements of §171.044, *Florida Statutes*, and is contiguous to the municipality; and

WHEREAS, this Ordinance has been advertised as required by law with a copy of said notice sent via certified mail to the Board of County Commissioners of Lake County as provided for by statute; and

WHEREAS, all other procedural and notice requirements mandated by State law and the City's Code of Ordinances have been followed and satisfied; and

NOW THEREFORE, be it ordained, by the City Commissioners of the City of Fruitland Park, Florida, as follows:

Section 1: Legislative Findings. The recitals set forth above are hereby adopted as legislative findings of the City Commission of the City of Fruitland Park.

Section 2: Annexation. The scrivener’s error in the legal description in Ordinance 2016-024 is corrected. The corporate limits of the City of Fruitland Park, Florida, are hereby extended and increased so as to include and embrace within the corporate limits of the City of Fruitland Park, the real property described as consisting of approximately 1.0 ± acres more particularly described as follows:

Legal Description: From the Northwest corner of the Northeast ¼ of the Southeast ¼ of Section 6, Township 19 South, Range 24 East, in Lake County, Florida, run South 00°45’20” West along the West line of the Northeast ¼ of the Southeast ¼ a distance of 399.55 feet; thence South 89°07’10” East 90.26 feet to the Point of Beginning; thence continue South 89°07’10” East 202.0 feet; thence South 00°45’20” West 215.65 feet to the Point of Beginning.

Parcel Alternate Key No. 2515490

(the “Property”).

The Property is hereby annexed and declared to be a part of the City of Fruitland Park. The Property is depicted in the map attached hereto as **Exhibit A**.

Section 3: Applicability and Effect. Upon this Ordinance becoming effective, the property annexed shall be subject to all laws, ordinances, and regulations enforced in the City of Fruitland Park, and shall be entitled to the same privileges and benefits as other parts of the City of Fruitland Park upon the effective date of the annexation.

Section 4: Directions. In accordance with Section 171.044(3), *Florida Statutes (2017)* within seven (7) days of the adoption of this Ordinance, certified copies of this shall be provided to the Clerk of the Circuit Court (Recording), and the Secretary of State of the State of Florida. It shall further be submitted to the Office of Economic and Demographic Research within 30 days of approval along with a statement specifying the population census effect and the affected land area.

Section 5: Conflicts. All ordinances and parts of ordinances to the extent in conflict with this Ordinance are hereby repealed.

Section 6: Severability. If any provision or portion of this ordinance is declared by any court competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 7: Effective Date. This ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park in accordance with law.

PASSED and ORDAINED this _____ day of November, 2017, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk

Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

First Reading _____

Second Reading _____

Approved as to form and legality:

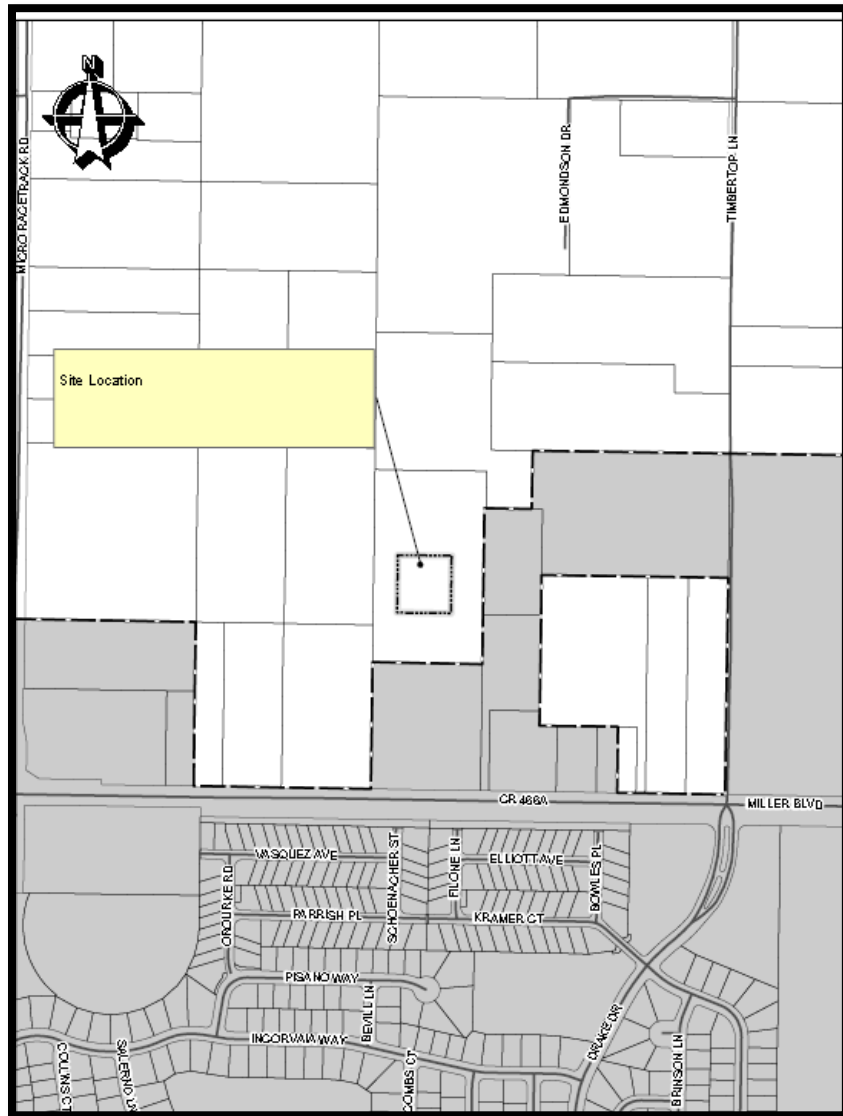
Anita Geraci-Carver, City Attorney

EXHIBIT "A"

Legal Description and Map of Property

Legal Description: From the Northwest corner of the Northeast ¼ of the Southeast ¼ of Section 6, Township 19 South, Range 24 East, in Lake County, Florida, run South 00°45'20" West along the West line of the Northeast ¼ of the Southeast ¼ a distance of 399.55 feet; thence South 89°07'10" East 90.26 feet to the Point of Beginning; thence continue South 89°07'10" East 202.0 feet; thence South 00°45'20" West 215.65 feet to the Point of Beginning.

Parcel Alternate Key No. 2515490



1
2
3 **RESOLUTION 2018-013**

4 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY,**
5 **FLORIDA; CLOSING AND VACATING A 30' PLATTED RIGHT OF WAY KNOWN AS LAUREL STREET**
6 **CONSISTING OF A PORTION OF THE WEST 335' OF BLOCK 20, AS RECORDED IN PLAT BOOK 3,**
7 **PAGE 9, OF THE PUBLIC RECORDS OF LAKE COUNTY; PROVIDING FOR DIRECTION TO THE CITY**
8 **CLERK TO INCLUDE RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.**

9 **WHEREAS,** the City Commission is empowered pursuant to §166.042, *Florida Statutes*, to vacate
10 public rights of ways within its municipal boundaries; and

11
12 **WHEREAS,** the Planning and Zoning Board has recommended approval of this resolution; and

13
14 **WHEREAS,** the City of Fruitland Park finds and determines that there is no public necessity for
15 retaining, now or in the future, the right of way lying within Block 20, known as Laurel Street as
16 shown on A Portion of Block 20, as recorded in Plat Book 8, Page 95; and

17
18 **WHEREAS,** the City of Fruitland Park, Florida, has determined that it is in the public interest to
19 abandon the same as a right-of-way; and

20
21 **WHEREAS,** this Resolution has been properly advertised in a newspaper of general circulation not
22 less than two weeks prior to the City Commission public hearing on this Resolution and property
23 owners within a 150 foot radius of the property were provided written notice delivered by U.S.
24 Mail, Return Receipt Requested.

25
26 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF**
27 **FRUITLAND PARK, FLORIDA,** as follows:

28
29 **Section 1.** The petition for right of way vacation filed by The City of Fruitland Park for property,
30 in the City of Fruitland Park, Florida more particularly described as follows:

31
32 That part of the West 335 feet of Block 20, a Map of the City of Fruitland Park, as recorded
33 in Plat Book 3, Page 9, of the Public Records of Lake County, Florida, being described as
34 follows:

35 A 30 foot Right of Way for Laurel Street, lying south of and abutting the south line of
36 Lots 13 through 18 inclusive, of plat of a portion of Block 20, as recorded in Plat Book 8,
37 Page 95, of the Public Records of Lake County, Florida, being bounded on the west by the
38 East Right of Way line for Rose Street as shown on said Map of Fruitland Park and Bounded
39 on the East by the east line of said West 335 feet of aforesaid Block 20. Being in Section 4,
40 Township 19 South, Range 24 East, Lake County, Florida.

41 Containing 10,050 square feet or 0.23 acres more or less as shown on **Exhibit A.**

42
43 Is hereby granted and such right of way is accordingly closed and vacated.
44

45 **Section 2:** Title to said vacated right-of-way shall vest in accordance with law.

46
47 **Section 3:** Upon passage of this Resolution, the City Clerk is hereby directed to publish notice of
48 adoption of this resolution one time, within 30 days following its adoption, in one issue of a
49 newspaper of general circulation published in the county. The City Clerk is further directed to
50 record in the public records of Lake County, Florida, the proof of publication of notice of public
51 hearing, the resolution as adopted, and the proof of publication of the notice of the adoption of
52 such resolution.

53
54 **Section 4.** This Resolution shall become effective immediately upon passage by the City
55 Commission of the City of Fruitland Park.

56
57 **PASSED AND RESOLVED** in regular session of the City Commission of the City of Fruitland Park,
58 Lake County, Florida, this _____ day of _____, 2018.

59
60 _____
61 Chris Cheshire, Mayor
62 City of Fruitland Park, Florida

63
64
65 ATTEST: Approved as to Form:
66
67
68 _____
69 Esther Coulson, CMC, City Clerk Anita Geraci-Carver, City Attorney

70
71
72
73 Vice-Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
74 Commissioner Ranize _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
75 Commissioner Lewis _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
76 Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
77 Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

78
79
80
81
82
83 Passed First Reading _____
84 (SEAL)

SKETCH OF DESCRIPTION

(NOT A FIELD SURVEY)

DESCRIPTION:

THAT PART OF THE WEST 335 FEET OF BLOCK 20, A MAP OF FRUITLAND PARK, AS RECORDED IN PLAT BOOK 3, PAGE 9, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

A 30 FOOT WIDE RIGHT OF WAY FOR LAUREL STREET LYING SOUTH OF AND ABUTTING THE SOUTH LINE OF LOTS 13 THROUGH 18, INCLUSIVE, OF PLAT OF A PORTION OF BLOCK 20, AS RECORDED IN PLAT BOOK 8, PAGE 95, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE FOR ROSE STREET AS SHOWN ON SAID A MAP OF FRUITLAND PARK AND BOUNDED ON THE EAST BY THE EAST LINE OF SAID WEST 335 FEET OF AFORESAID BLOCK 20.

CONTAINING 10,050 SQUARE FEET, OR 0.23 ACRES, MORE OR LESS.

NOTES:


1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS THEY BEAR THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS SHOWN HEREON ARE ASSUMED, AND ARE BASED ON THE NORTH LINE OF BLOCK 20, A MAP OF FRUITLAND PARK, AS RECORDED IN PLAT BOOK 3, PAGE 9, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AS BEING N90°00'00"E.
3. THE LEGAL DESCRIPTION WAS PREPARED BY THIS FIRM AT THE CLIENT'S REQUEST.
4. THIS SURVEY MEETS ALL APPLICABLE REQUIREMENTS OF THE FLORIDA STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051 FAC.
5. THIS SKETCH WAS PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY.
6. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/60 OR SMALLER.
7. HORIZONTAL DATUM SHOWN HEREON IS IN U.S. FEET.

CERTIFIED TO:

CITY OF FRUITLAND PARK

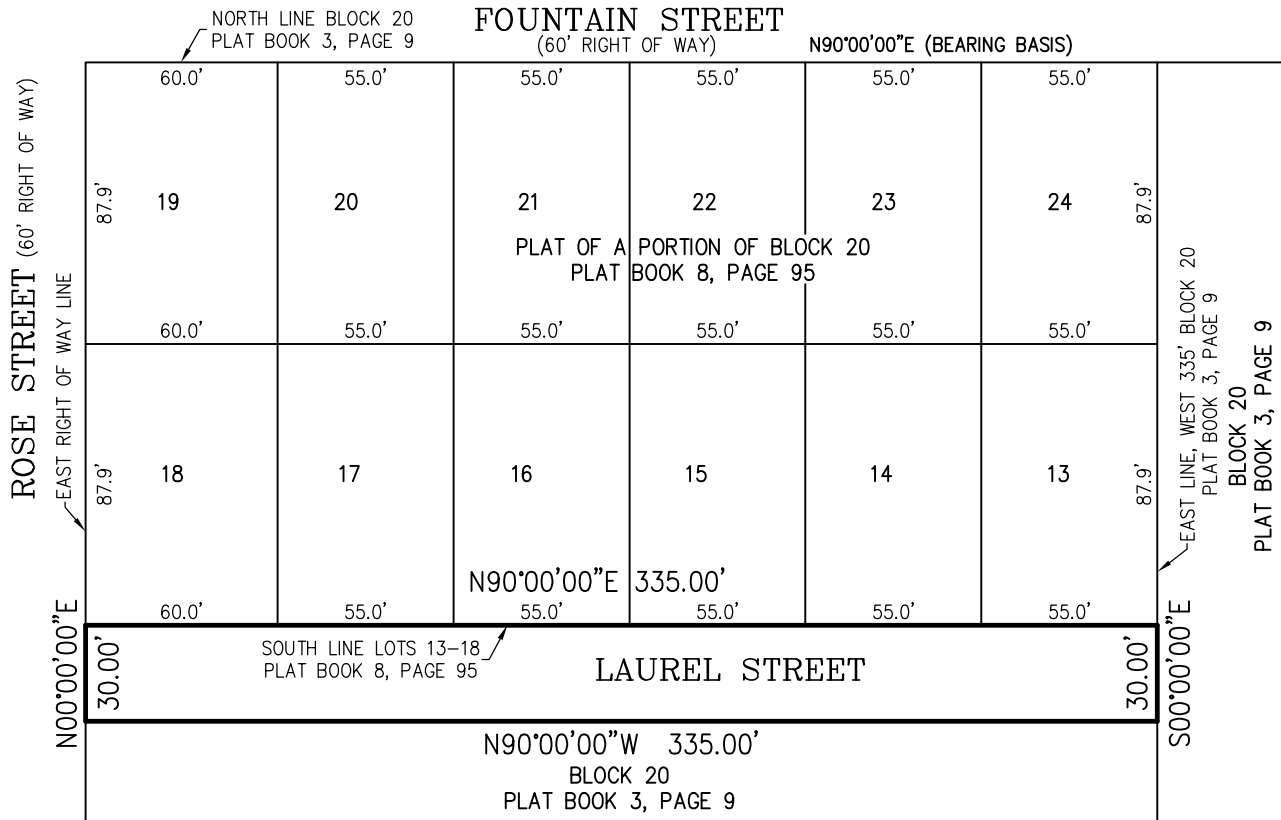
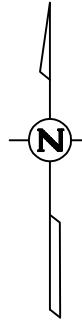
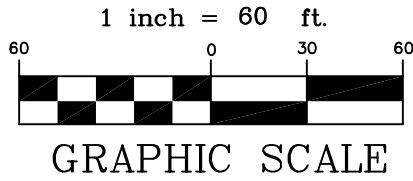
DATE:

JENNINGS E. GRIFFIN, PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NO. 4486

| | | | |
|-------------------------------|------|--|--|
| SHEET 1 OF 2 | | SKETCH OF DESCRIPTION | |
| CLIENT CITY OF FRUITLAND PARK | | IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 24 EAST LAKE COUNTY, FLORIDA. | |
| JOB NO. 081040.0048 | | LAUREL STREET RIGHT OF WAY VACATION | |
| ACAD FILE 081040 Laurel St SD | |  | |
| DATE 02-13-18 CHECKED BY: JEG | | | |
| DRAWN BY: JEG FLD. BOOK: | | www.besandh.com | |
| REVISIONS | DATE | 302 North Sinclair Ave. Office: 352.343.8481 Tallahassee, Florida 32378 Fax: 352.343.8480 * ENGINEERS * SURVEYORS * PLANNERS * LICENSED BUSINESS 7514 | |
| | | | |
| | | | |
| | | | |

SKETCH OF DESCRIPTION

(NOT A FIELD SURVEY)



LEGEND

- LB LICENSED BUSINESS
- PSM PROFESSIONAL LAND SURVEYOR
- ☐ CENTERLINE
- ORB OFFICIAL RECORDS BOOK
- PG PAGE

| | |
|--------------|--------------------------|
| SHEET 2 OF 2 | |
| CLIENT | CITY OF FRUITLAND PARK |
| JOB NO. | 081040.0048 |
| ACAD FILE | 081040 Laurel St SD |
| DATE | 02-13-18 CHECKED BY: JEG |
| DRAWN BY: | JEG FLD. BOOK: |
| REVISIONS | DATE |
| | |
| | |
| | |
| | |

SKETCH OF DESCRIPTION

IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 24 EAST
LAKE COUNTY, FLORIDA.

LAUREL STREET RIGHT OF WAY VACATION

BESH
 SOUTH BERN STRALHMAN POTT
 822 North Sinclair Ave. Office: 352.343.0481
 Tallahassee, Florida 32378 Fax: 352.343.8465
 www.besandh.com
 ENGINEERS • SURVEYORS • PLANNERS •
 LICENSED BUSINESS 7514