



FRUITLAND PARK LOCAL PLANNING AGENCY MEETING AGENDA

March 22, 2018

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

6:15 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** (city clerk)
January 18, 2018 Workshop

QUASI-JUDICIAL PUBLIC HEARING

- 4. First Reading and Quasi-Judicial Public Hearing – Ordinance 2018-004 to Correct Ordinance 2016-024 – Boundary Amendment North of CR 466A and West of Timbertop Lane – Petitioner: James Phillips** (city manager/community development/city attorney)
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.
- 5. First Reading and Quasi-Judicial Public Hearing – Resolution 2018-005 Laurel Street Vacation** (city manager/community development/city attorney)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; CLOSING AND VACATING A 30' PLATTED RIGHT OF WAY KNOWN AS LAUREL STREET CONSISTING OF A PORTION OF THE WEST 335' OF BLOCK 20, AS RECORDED IN PLAT BOOK 3, PAGE 9, OF THE PUBLIC RECORDS OF LAKE COUNTY; PROVIDING FOR

**DIRECTION TO THE CITY CLERK TO INCLUDE RECORDATION;
PROVIDING FOR AN EFFECTIVE DATE.**

6. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the Local Planning Agency at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Local Planning Agency. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the Local Planning Agency addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

7. OTHER BUSINESS

8. ADJOURNMENT

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.) If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.

**FRUITLAND PARK LOCAL PLANNING AGENCY
WORKSHOP MEETING MINUTES
January 18, 2018**

A meeting of the City of Fruitland Park's Local Planning Agency was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, January 18, 2018 at 7:00 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; Police Chief Michael A. Fewless, Police Department; Interim Fire Department 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.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Cheshire called the meeting to order at 7:11 p.m. and led in the pledge of the allegiance to the flag.

QUASI-JUDICIAL PUBLIC HEARING

Mayor Cheshire announced the purpose of this evening's workshop meeting relates to proposed Quasi-Judicial Public Hearing Ordinance 2018-002 (the title of which is as follows) and the rezoning and development agreement requested from The First Baptist Church of Leesburg Inc. (FBC), the petitioner:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 14.95 ± ACRES OF THE PROPERTY FROM GENERAL COMMERCIAL (C-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 52.70 +/- ACRES OF PROPERTY FROM PUBLIC FACILITIES DISTRICT (PFD) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 85.44 +/- ACRES OF PROPERTY FROM SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 17.00 +/- ACRES OF PROPERTY FROM HIGH DENSITY RESIDENTIAL/NEIGHBORHOOD COMMERCIAL (R-3A) TO MIXED USE PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; REZONING 33.98 +/- ACRES OF PROPERTY FROM GREENBELT DISTRICT (GB) TO MIXED USE 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. (The second reading will be held on January 25, 2018.)

At Mayor Cheshire's request, Mr. Greg Beliveau, LPG Urban and Regional Planners Inc., reviewed the following recitals from the revised master development agreement and noted the problem of "single family detached dwelling units cited below in Ms. Geraci-Carver's email dated January 4, 2018 to Mr. Beliveau; a copy of which is filed with the supplemental papers to the minutes of this meeting:

'The (205.76+ acre) property currently zoned "General Commercial" (C-2), Public Facilities District (PFD), Single Family Medium Density Residential (R-2), High Density Residential/ Neighborhood Commercial (R-3A), and Greenbelt District (GB) with a future land use designation on the city's Future Land Use Map (FLUP) of "Mixed Community."

Subsection 4.(e), Permitted Uses, ACLF. *The maximum number of beds shall not exceed 150*

Mr. Art A. Ayris, representing First Baptist Church of Leesburg (FBC), addressed the likelihood of the Adult Congregate Living Facilities (ACLF) not dedicated to one building and indicated that 15 beds would not be the entire complex but likely be multiple units located on different floors or at other buildings.

Subsection 4.(q), Conversion of Residential Units to ACLF or Nursing Home

Mr. Chris Wickberg, on behalf of Westminster Communities of Florida, compared calculations on the number of congregate beds to the amount of residential dwelling unit; explained how certain ACLF facilities have been repurposed to duplexes; noted the conversion of independent living dwelling units to assisted living facilities (ALFs - skilled nursing) home facilities or to independent living, and defined the difference in the amount of care provided based on resident needs.

After Commissioner Lewis pointed out the January 11, 2018 LPA meeting and recognized the lack of a specific site plan and detailed analysis, **the LPA agreed, by unanimous consent, to consider beforehand the stipulation of a specific site plan and detailed analysis to meet the criteria in the Planned Unit Development.**

Subsection 4.(e), ACLF, *Maximum number of beds shall not exceed 150.*

After Mayor Cheshire addressed the importance of including buffers, setback requirements building size in the PUD and Commissioner Bell questioned Commissioner Ranize' acceptance on the maximum number of beds not exceeding 150, Ms. Geraci-Carver recognized the total number of beds throughout the subject proposed project for ACLF.

Mr. Beliveau agreed in the affirmative to Commissioner Lewis' statements on the options of building mixture of designs featuring the total number of beds.

In answering Commissioner Bell's inquiry, Messrs. La Venia and Beliveau outlined how a portion of a building's square footage would be determined and become exempt from taxation if skilled nursing home was involved.

Subsection 4.(f), Nursing Homes

Mr. Beliveau confirmed, in answer to Mayor Cheshire's question, the deletion on the provision for the number of beds for nursing homes.

Subsection 4.(m), Residential units shall not exceed 900 units.

At Mayor Cheshire's request, Mr. Wickberg addressed, in response to Commissioner Ranize's question, the purpose of PUDs and the typical number of beds in skilled nursing home buildings; the ratio of assisted living units and independent living with the provision of continued care retirement communities for residents, and how institutional square footage was established to build facilities within the general guidelines and perimeters. He noted the primary function to be independent living as the highest and best use of the communities and residents as a taxable property.

Subsection 4.(p), Total institutional square footage shall not exceed 240,000 square feet . . .

Mr. Beliveau noted FBC's acceptance of 240,000 square feet. He defined, in response to Commissioner Bell's inquiry, the Residential Professional (RP), Central Business District (C-1) zoning districts, special exception use and permitted use under Chapter 155, Conditional Uses and Special Exceptions under the Land Development Regulations (LDRs). (A copy of which is filed with the supplemental papers to the minutes of this meeting.)

Upon Mayor Cheshire's request and **by unanimous consent, the LPA accepted the recommendation from LPG Urban Planning Inc.'s Executive Director to remove banks, convenience stores with fuel operations, restaurants, and athletic/sports facilities from special exception uses under Chapter 155, Conditional Uses and Special Exceptions from the Land Development Regulations.**

After discussion and in response to Vice Mayor Gunter's inquiry, Mr. Wickberg described possible location of dining room facilities in a separate building as a commercial space or situated as a stand-alone set aside for the residents under the residential designation to which Mr. Ayris indicated would be determined during site plan review.

Mr. Richard Pretrunty, former commercial contactor (Independence Construction of West Virginia LLC), relayed the previous question proffered by Messrs. La Venia and Wickberg, on not seeking the height of the four-story building under the commercial designation (noting that the highest elevation on the front to be about 28 feet maximum) and that the church would not be located in the rear.

After Commissioner Lewis voiced concerns on the four-story building, Mr. Beliveau confirmed that the provisions on the maximum building height limited to four stories was still included in FBC's draft master development agreement.

Subsection 4.(q), ' . . . residential units may be converted to ACLF or a nursing home facility based on one unit equals three beds; however, in no case shall the maximum number of beds be exceeded as stated in item (e) above.'

Commissioner Lewis noted the LPA's previous consideration on the proposed property -- from the power-point presentation made on January 11, 2018 -- abutting the Brookstone Subdivision; the method of implementing PUD whereby the properties would remain as private individual single-family dwelling units and converted on a ratio basis to ACLF units as depicted in the Village Park PUD.

After much discussion, Mr. Beliveau agreed with Commissioner Bell's statements that the adopted residential height requirements of 35 feet or less could be two stories. and Mr. Wickberg voiced his concurrence with Commissioner Lewis' preference for single-family homes (reflected under subsections 4. a., b., c., and d.) to be located adjacent to the Brookstone Subdivision.

Subsection 16., Landscaping/Buffers

In response to Commissioner Bell's inquiry, Mr. Beliveau identified the maintenance of the 25-foot landscape buffer along the property boundaries and conveyed the request made at the December 13, 2017 Planning and Zoning (P&Z) Board meeting by the Brookstone Subdivision residents' homeowners' association (HOA) for 50 feet.

Vice Mayor Gunter referred to the January 11, 2018 email he received from the Brookstone HOA president requesting at least 100 feet to which Commissioner Bell stated that in addition would be a rear setback requirements of the homes; a copy of the respective email is filed with the supplemental papers to the minutes of this meeting. .

After discussion, Mr. Beliveau quoted from the draft master development agreement the conceptual plan consisting of four canopy trees, two understory trees, and 15 shrubs (which includes CR 466A roadway) to comply with Chapter 164 of the LDRs. He addressed the augmentation of allowing existing vegetation which is encouraged and noted the additional width of 50 feet of natural buffer.

Upon the Mayor's suggestion and **by unanimous consent, the LPA agreed with the land development regulations for landscaping and that the property boundaries abutting the existing residential homes (Brookstone Subdivision) to be an additional width of fifty (50) feet, acceptable by the applicant.**

After Mayor Cheshire referred to the January 11, 2018 email received from the Brookstone Subdivision residents regarding concerns relating to storm water runoff and drainage in the area, Mr. Robert "Bob" E. Farner, Farner Barley & Associates Inc., noted the requirements from the city and state and the standards for drainage; addressed how water is intercepted after certain storm events occur on the property, and mentioned the existing water off the property which should be eliminated when development occurs.

In response to Commissioner Ranize' concerns on rectifying a current situation where development (Urick Street and Mirror Lake Drive) within the city has met all the standards, Mr. Farner recognized the need to conduct a study to meet compliance.

Mr. La Venia referred to his previous communication with St. John's River Water Management District staff who plans to send design engineers; pointed out his letter (composed by Ms. Geraci-

Carver) and sent earlier this day to Mr. Justin Green, State of Florida Division of Water Resource Management, and relayed the conversations held with Mr. Jimmy Crawford, attorney representing Lake Saunders Grove LLC, on the necessary enforcement to correct the situation. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

Subsection 5.(j)., Residential Development Standards

After much discussion, and **upon Commissioner Bell's suggestion, the LPA accepted changing the provision under subsection 5.(j)., Residential Development Standards to read: 'Maximum building height for the multi-family uses (garden apartments and condominiums) shall not exceed five (5) stories (from finished grade) including parking garage provided adequate fire protection measures are provided as reviewed by the city's fire inspector and building official with final determination by the city commission.**

After discussion, and in response to Mayor Cheshire's reference to the main issue on fire protection, Commissioner Ranize referred to his conversations with several individuals including the City of Ocala Fire Rescue Department and The Villages Community Development District's (VCCDD's) Public Safety Fire Chief Edmund A. Cain; addressed the requirement for the City of Fruitland Park to have an aerial truck. He recognized the following potential impacts (which he has not shared with Interim Fire Chief Gilpin) on:

- the fire department staff,
- the city's fire rescue services,
- the city's insurance service office (ISO) public protection classification rating,
- the developer when it exceeds the residential height requirements of 35 feet, and
- the relocation of the truck when the fire department (public safety building) is constructed.

At Mayor Cheshire's request, Interim Fire Chief Gilpin addressed how the city would be required to possess a type of aerial device equipment (the fire truck), if a five-story building was developed within the city; recognized the current interlocal agreements with The City of Leesburg for the provision of automatic aid and fire protection and other emergency services and VCCDD for firefighting, rescue and emergency medical equipment with associated personnel, and identified the fire rescue truck's distance which potentially reduces the city's ISO rating where in return, the insurance rates for homeowners and businesses would potentially increase.

Interim Fire Chief Gilpin outlined why he recommended the aerial truck with the appropriate personnel to serve buildings of two stories or more; noted the costs involved of approximately \$1.3 million, and mentioned the potential fire rescue response times when the community is built-out.

After discussion, Commissioner Ranize expressed concerns on the increase in the 55+ community over the past two years, the potential rise in fire service rescue calls, and the impact to the city which he previously verified in conversations with Mr. Jerry Smith, Lake Emergency Medical Services (EMS) Inc. Executive Director, to which Commissioner Lewis relayed his previous discussions also with Mr. Smith on his anticipation on the need for additional incomes.

Mayor Cheshire conveyed his previous remarks to Mr. La Venia on the solution, if the subject project becomes a positive cash flow for the city whereby the fire impact fees would pay for a fire

track and the fire fees would pay for the additional staff needed which the city commission needs to consider. He explained that unless the subject issue is a net zero for the city residents (not located in VCCDD Number 11), he explained that general funds generated from them would not be allocated towards fire protection services for VCCDD 11 which he considered would be unfair. Mayor Cheshire addressed the need for the city commission to determine the allocation of fire fees collected from VCCDD 11 to adequately cover the additional fire department staff and fire rescue operations needed in said district.

Following further discussion and in response to Vice Mayor Gunter's comments on the proposed skilled nursing home's zero tax base, Mr. Beliveau recognized it as tax exempt.

After much discussion and in response to the LPA's concerns raised on traffic impacts to Pine Ridge Dairy Road, Mr. Beliveau cited one of the comments -- from the Lake County Public Works Department Engineering Division, Design and Development Section -- referenced in a letter dated November 15, 2017 written to Community Development Director Mr. Charlie Rector regarding the Notice of Public Hearing -- Fruitland Park -- First Baptist Church (PUD rezoning (a copy which is filed with the supplemental papers to the minutes of this meeting):

Pine Ridge Dairy Rd is currently a clay road that crosses through the center of the proposed PUD. The PUD concept plans shows improvements along this road and will be required to design and construct these improvements to Lake County paved road standards. Additional improvements maybe required at the intersection of Pine Ridge Dairy and CR 468 with further evaluation for determination to be performed during future development permitting stages.

After Commissioner Lewis questioned how public safety impact fees would be applied to property development, Ms. Geraci-Carver concurred with his statements that computed figures projected for public safety, fire services protection and equipment would meet the needs of population growth generated from the proposed multi-story building where such permitted use would be a source of funds as capital.

Subsequent to Mr. Wickberg's explanation to Vice Mayor Gunter on the determination made by the state on the measurement of the building and certification of the proposed skilled nursing home facility, Commissioner Lewis conveyed the conversations Lake County Property Appraiser Cary Baker had with him on its annual review and assessment of same.

In answering Commissioner Bell's inquiry regarding the exemption and the possibility of amending the square footage. Mr. Wickberg outlined the project's typical required standards and noted, at Mayor Cheshire's request, the mission statement to provide senior housing services recognizing Westminster Communities as a church-based not-for-profit organization, which is tax exempt.

For the skilled nursing home facility, Commissioner Lewis recognized it as the value and is tax exempt; noted for the entire project, impact fees are paid as fire capital items, and acknowledged that the city has a fire assessment fee as an institutional solution where churches are not assessed for fire assessment fees and that the city will not collect from the county. He stated that he believed

that the city does not have any skilled nursing home facilities; questioned how the city's fire assessment applies for nursing homes and whether it would be exempt from state law, and gave reasons why he felt that it should be part of the city's assessment fee for fire rescue services.

Mayor Cheshire recognized the city's cap and noted the need for the LPA to address same if there are proposed buildings at 100,000 square feet.

Commissioner Lewis, in referencing Vice Mayor Gunter's remarks, addressed his understanding from Mr. Baker on the exemption of such facility on whether it would be acceptable for ad valorem taxes and questioned the exemption from other tax revenue assessment annual fees.

In response, Mr. La Venia addressed his intent to find out more information from Ms. Sandi Wilson, Government Services Group Inc. (consultant retained by the city who conducted the fire assessment study), as to whether skilled nursing home facilities would be exempt from ad valorem taxes and the payment of franchise fees for electricity, solid waste disposal, and water and wastewater services.

Commissioner Lewis questioned whether any objections were received regarding the projected building height from an aesthetic viewpoint and inquired if it would be amenable to the city. After noting the typography and variance, Mr. Farner described the highest proposed building elevation.

Following Commissioner Ranize's reference to Westminster Communities' website, Mr. Wickberg addressed the typical number of buildings with heights of mainly five to seven stories and acknowledged Westminster's attempts to balance same away from residential properties noting that the highest point is away from the Brookstone Subdivision. He described the developments and combinations of certain types of model buildings and parking to accommodate the residents, and pointed out the power-point presentation made at the January 11, 2018 LPA meeting depicting same. Mr. Wickberg indicated that he found the best-selling and the most cost effective properties to be four or five-story buildings; referred to the original application for seven stories, and believed that such height decision underneath grade would have to be referred back to Westminster Communities managing board members.

Following ensuing discussions, Mr. Wickberg described plans for the subject proposed development project -- not knowing how many garden apartments or single-family homes would be needed depending on future market -- and indicated that Westminster Communities is not ready to construct for three years other than the affected roadway.

Mr. Ayris reported on First Baptist Church's process with the site plan -- development of lots and the church multi-purpose building -- as the first phase to which Commissioner Ranize voiced concerns on not being knowledgeable about the intent of the subject project.

After much discussion and depending on the uses and intent, Mr. Farner described the outparcels location and roadway access for the subject project before the first phase.

Following extensive deliberations, Mr. Ayris concurred with Vice Mayor Gunter's suggestion to include in the master development agreement (under Section 5., Residential Development Standards) at least 200 feet setback requirements from the Brookstone Subdivision.

Following Commissioner Bell's inquiry on Westminster Communities' acceptance of the initial PUD plans; its subsequent decision to sell the five-story buildings, and its provisions on protections against same, Ms. Geraci-Carver responded that such perimeters could be included in the master development agreement; however, with the PUD being null and void, the city cannot enforce same.

Mr. Beliveau explained that if the property (any type of configuration) is sold and 55+ is still in the master development agreement, the properties would need to be redesigned to accommodate said age group.

By unanimous consent, the LPA accepted under subsection 6.i., . . . Maximum building height for multi-family uses (garden apartments and condominiums) shall be four five-stories

Mr. Wickberg addressed the plan to construct six multi-family buildings (three garden-sized apartments and three midrise type buildings); however, he indicated that he does not where they would ultimately be located and addressed Westminster Communities' intent to develop mixed-type styles of living, smaller apartments, larger midrise, and mixed use single-family residential homes based on the market plan and demographics.

In response, Ms. Geraci-Carver explained that the number of multi-family dwellings can be varied depending upon where they are located if that was the concern.

Commissioner Ranize addressed his acceptance of the initial project when it was previously addressed before the LPA. Messrs. Beliveau and Ayris concurred with Commissioner Ranize stated that he believed the LPA addressed the separation of the five to six multi-story dwellings from Brookstone Subdivision, and if over 75 feet in addition to the 25 feet setback requirements from the single family homes' property lines, currently at 200 feet from the property line (six five-story buildings); thus, not knowing when development would occur.

In answering, Ms. Geraci-Carver voiced her belief on the LPA's earlier commitment on the single-family attached duplexes and single-family properties to be the only location adjacent to the Brookstone Subdivision.

Responding to Commissioner Bell identifying said location reflecting four residential properties, Mr. Wickberg explained that such rendering was made two years ago; identified the subject project to be a long-term plan, and noted that development is anticipated to take place within 20 years where there will be changes.

Mr. Wickberg explained, in response to Mr. Ayris' question that accepting six five story buildings would need to be addressed before Westminster Communities' senior management/chief executive officer board.

As the current owner on the PUD, Mr. Ayris mentioned his plan to make an appeal on whatever number is arrived at to which Mr. Wickberg addressed the intent to be involved in the subject project long-term and indicated that the properties cannot be purchased until they receive the guidelines.

In response to Mr. Beliveau on the LPA's decision, Mr. Wickberg addressed Westminster Communities' willingness to purchase six buildings of up to five stories; however, future PUDs or site plan of six stories greater than 35 feet may be interpreted differently. He accepted no greater than five but greater than three to which Mr. Beliveau stated up to five.

After Mayor Cheshire verified Mr. Wickburg's statements of six five-story buildings and noted that the developer's desire to build three story buildings is already included in the city's current code, Mr. Beliveau addressed the need for the LPA to change the language.

Mr. Wickberg, in response, explained that it would be easier for the Westminster Communities' senior management/chief executive officer board to accept no more than six buildings and no greater than three stories which he defined as "four or five story buildings" and that Mr. Ayris could convey same as First Baptist Church is the property owner.

After Mr. Beliveau confirmed the limit of six buildings and no greater than 35 feet, Ms. Geraci-Carver noted the maximum of six buildings greater than three stories but no greater than five stories and agreed with his remarks of greater than 35 feet but no higher than four stories.

Section 8, Commercial and Institutional Development Standards

After discussion, **and upon Mayor Cheshire's suggestion, the LPA agreed, by unanimous consent, with LPG Urban and Regional Planners Inc.'s recommendation to include the following language:**

- **subsection 8.c., changed and under subsection 8.f. added *two stories*;**
- **subsection 8.g., the City of Fruitland Park's Comprehensive Plan's Floor Area Ratio (FAR) and Impervious Surface Ratio (ISR) were not transferred into the Planned Unit Development and the maximum FAR in the comprehensive plan requirements are .7 (building parking in the ground) and the ISR is .8 (80 percent of the site can be covered whereby building and parking and 20 percent correlates to the open space requirements totaling 100 percent.**

In response, Mr. Wickberg noted the need to address the maximum and minimum building height listed as "commercial and institutional" and the additional portion and suggested including two stories of commercial on CR 466A which would provide Westminster Communities flexibility.

After discussion and with reference to Mr. Beliveau's statement regarding the height of the steeple or cross to be 95 feet, he suggested limiting the front minimum setback requirements for commercial.

Following Mayor Cheshire's reference to the six five story buildings with a couple of four story buildings, Mr. Wickberg indicated that it may be used as an administrative space to that effect .

Section 11, Site Access and Transportation Improvements

Commissioner Ranize referred access on Pine Ridge Dairy and Cutoff Road; pointed out his conversations with Mr. La Venia and county staff who relayed that they have no interest in funding said roadway, and recognized the traffic conditions during peak hours. Commissioner Ranize expressed concerns on safety to which Mr. Wickberg indicated that would be based on church services.

After Mr. Ayris noted the plans for the other property with two ingress and egress, Mr. Beliveau recognized the different trip requirements by the United States Housing and Urban Development for full emergency access after the church is developed. He pointed out the January 2, 2018 letter from Seth Lynch, Lake County Public Works Department, Engineering Division, Design and Development Section, regarding notice on the subject issue and the county's comments on county roads and potential improvements required from the PUD; thus, the possible need for additional improvements to Pine Ridge Dairy Road to which Mr. Ayris confirmed in agreement and Mr. La Venia indicated that same would be conducted by Westminster Communities. (A copy of the letter is filed with the supplemental papers to the minutes of this meeting.)

In response to Commissioner Ranize's inquiries on bringing the roadway up to standards namely; the property-line paved portion to Pine Ridge Dairy Road, Mr. Beliveau explained that arrangements had been made for other developers to conduct analysis and trips on the paved area to other county roadways and pointed out his conversations with them on the implementation of existing pavement width requirements to meet county standards to which Mr. Wickberg cited said language from the letter in question:

... improvements along this road and will be required to design and construct these improvements to Lake County paved road standards. Additional improvements maybe required at the intersection of Pine Ridge Dairy and CR 468. ...

Mr. Beliveau confirmed, in response to Commissioner Lewis' comments, LPG staff's intent to bring same up to code and indicated that the standard wide paving is emergency access only. He referred to the concerns raised at the January 11, 2018 regular meeting regarding the dangers of speeding in the area of Pine Ridge Dairy Road and voiced his opinion on the difficulty of the roadway maintaining such traffic, to which Mr. Ayris voiced reasons why he believed that ALFs for 60-80 year-olds would generate less traffic.

Mr. Beliveau believed, referencing the January 2, 2018 letter, that instead of improving the whole Pine Ridge Roadway, a portion of the paved section would be fixed.

After Mr. Wickberg addressed Westminster Communities payment of the impact fee based on the number of trips, Mr. Beliveau confirmed in response to Mr. Ayris question on the paved portion of Pine Ridge Road that the February 2, 2018 letter identified the intersection of CR 468.

After Commissioner Lewis voiced his agreement with Commissioner Bell's inquiry that the entire portion of Cutoff Road and Pine Ridge Dairy Road needs to be improved, **the LPA, by unanimous consent, agreed with LPG Urban and Regional Planners Inc.'s recommendation that said roadway would be limited for emergency access.**

Following Commissioner Ranize' statements recognizing that Cutoff Road has been placed on the bottom of the priority list of substandard roads in the county, he believed that city would not be responsible for any of the subject roads.

Section 13., Water, Wastewater, and Reuse Water

Later in the meeting and following Commissioner Bell's reference on the installation of underground irrigation system, Mr. Wickberg concurred with Mayor Cheshire's statements on the need to include the provision to install additional landscape buffer ensuring that it is maintained and language relating to code enforcement is included.

Section 14., Impact Fees

Following some discussion, Ms. Geraci-Carver explained the method of documenting state permit and impact fees; questioned the city's intent on setting the impact fee amount at current rates, and addressed the need for the LPA to consider conducting an impact fee study every five to seven years as those amounts may change especially during the long term development of the subject project. She recommended that language be revised to reflect the payment of impact fees whenever application is made for the building permit.

Upon Commissioner Ranize' request, Ms. Coulson referred to the email she submitted earlier this day regarding wastewater impact fees which involved three ordinances that were previously enacted by the city commission -- namely, Wastewater Capital Charge Ordinance 2005-028, Fire Rescue Impact Fee Ordinance 2006-004, and Law Enforcement Impact Fee Ordinance 2006-005 -- were not included in the city's code. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

After Ms. Coulson explained that the application relating to the increase of cost of living price index not regularly conducted by municipalities needs to be included, Commissioner Ranize indicated that the city commission ought to consider same and Mayor Cheshire referred to the provision on the requirement for the owner to pay "all other impact fees" (police, fire, and wastewater impact fees).

Section 15., Easements and Section 16., Landscaping/Buffers

In response to Mayor Cheshire's inquiry, Mr. Believeau indicated that language can be included under section 16 to reflect 50 feet buffer along Brookstone Subdivision and 200 feet under setback requirements.

In response to the Mayor Cheshire's question, Ms. Geraci-Carver referenced the final options and indicated that the petitioner will provide the city with a title opinion to ensure that everything relating to the project is in order.

Mr. Ayris anticipated receiving an answer from Mr. Wickberg on Westminster Communities' senior management/chief executive officer board's decision on the number of buildings and addressed the plan to communicate with Mr. La Venia on January 19, 2018.

In response, Mayor Cheshire confirmed that the master development agreement will be considered at first reading on the January 25, 2018 regular city commission agenda and confirmed, in answer to Mr. Aryis' inquiry, that the second reading and quasi-judicial public hearing will be held on February 8, 2018.

After Vice Mayor Gunter questioned the anticipation of community activities, Mr. Wickberg identified Westminster Communities' Foundation advertisement whereby the subject project would be transmitted to same.

Mr. Beliveau addressed the plan to update the master development agreement by coordinating same with Ms. Sherie Lindh, LPG Urban and Regional Planners and subsequently communicating same with Ms. Geraci-Carver.

OTHER BUSINESS

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

ADJOURNMENT

There being no further business, the meeting adjourned at 9:34 p.m.

The minutes were approved at the March 22, 2018 meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Chris Cheshire, Mayor

RESOLUTION 2004-014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; RELATING TO QUASI-JUDICIAL HEARINGS; ESTABLISHING PROCEDURES FOR THE DISCLOSURE OF EX PARTE COMMUNICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

WHEREAS, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK:

Section 1. The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

**Procedures for quasi-judicial hearings;
Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective

or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
- (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
- (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or

written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

Section 2. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 3. This resolution shall be effective upon passage.

PASSED AND RESOLVED this 24th day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.



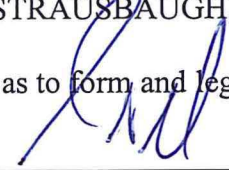
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:



MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:



Scott A. Gerken, City Attorney



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:

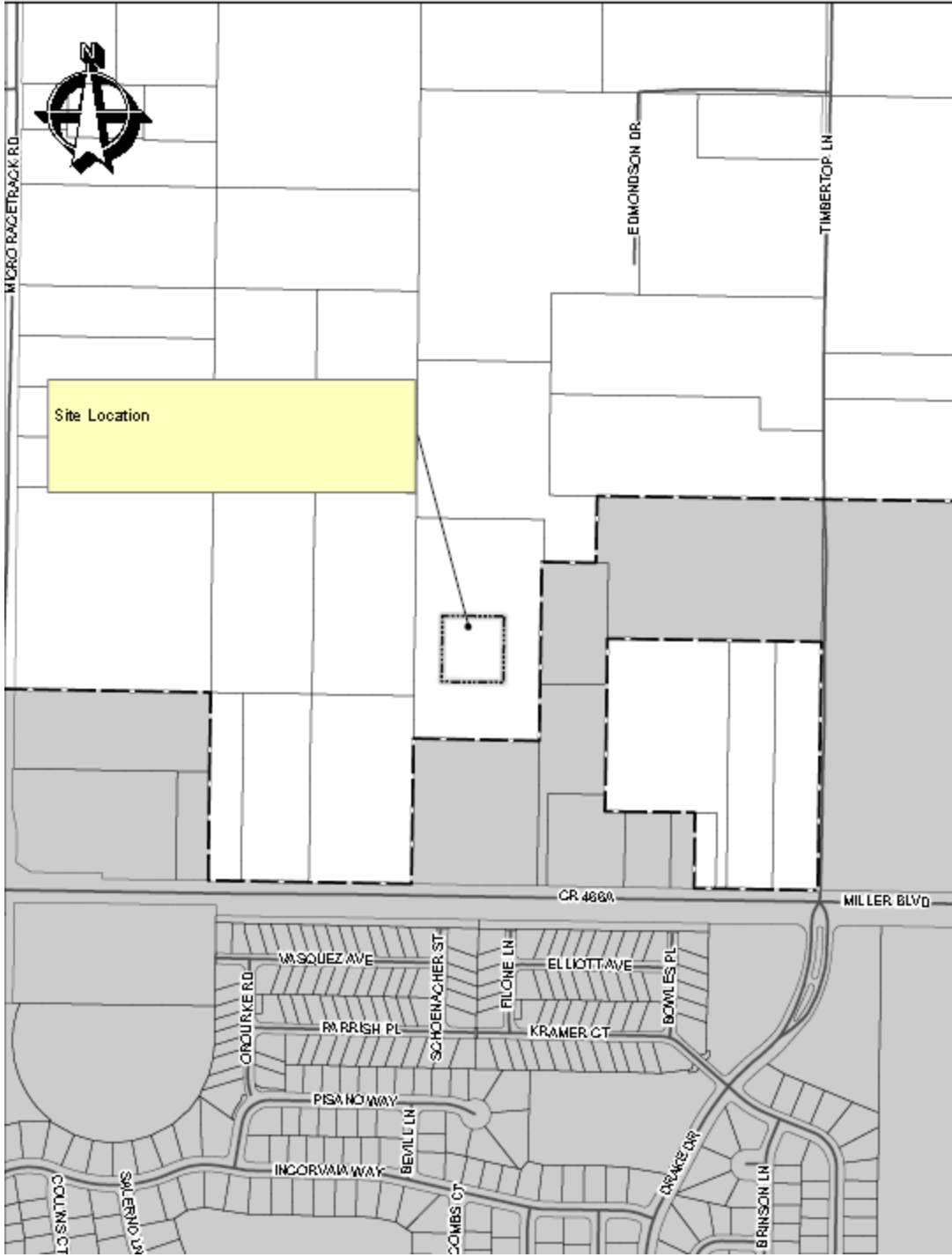
Anita Geraci-Carver, City Attorney

EXHIBIT "A"

Legal Description and Map of Property

Legal Description: From the Northwest corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 6, Township 19 South, Range 24 East, in Lake County, Florida, run South $00^{\circ}45'20''$ West along the West line of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ a distance of 399.55 feet; thence South $89^{\circ}07'10''$ East 90.26 feet to the Point of Beginning; thence continue South $89^{\circ}07'10''$ East 202.0 feet; thence South $00^{\circ}45'20''$ West 215.65 feet to the Point of Beginning.

Parcel Alternate Key No. 2515490



06-19-11

ORDINANCE 2016 - 024

CERTIFIED TRUE COPY
BY _____
CITY CLERK

DATE 11-10-2011

S/C
2515490

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 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, a petition has been submitted by Charles Johnson, on behalf of James Phillips, Owner, requesting that approximately 1.0 acres of real property generally located north of CR 466A and west of Timbertop Lane (the "Property") be annexed to and made a part of the City of Fruitland Park; and

WHEREAS, the petition bears the signature of all applicable parties; and

WHEREAS, the required notice of the proposed annexation has been properly published; and

WHEREAS, the Property is contiguous to the City limits and is reasonably compact.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1.

The following described property consisting of approximately 1.0 acres of land generally located north of CR 466A and west of Timbertop Lane, contiguous to the City limits, is hereby incorporated into and made part of the City of Fruitland Park Florida. The property is more particularly described as follows:

S/S NW COR
LEGAL DESCRIPTION: From the Northeast corner of the Northeast ¼ of the Southeast ¼ of Section 6, Township 19 South, Range 24 East, in Lake County, Florida, run South 0°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 0°45'20" West 215.65 feet to the Point of Beginning.

Parcel Alternate Key No. 2515490

~~LEGAL~~ LEGAL IN ERROR INCOMPLETED

Section 2. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County Manager of Lake County, Florida, and the Department of State of Florida within seven (7) days after its passage on second and final reading.

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

CERTIFY TRUE COPY
BY [Signature]
CITY CLERK
DATE Nov 10, 2016

Section 4. The property annexed in this Ordinance is subject to the Land Use Plan of the Lake County Comprehensive Plan and county zoning regulations until the City adopts the Comprehensive Plan Amendments to include the property annexed in the City Comprehensive Plan.

Section 5. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 10th day of November, 2016.

[Signature]
Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:
[Signature]
Esther Coulson, CMC, City Clerk
(SEAL)

Approved as to Form:
[Signature]
Anita Geraci-Carver, City Attorney

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

Passed First Reading October 27, 2016

Passed Second Reading November 10, 2016
(SEAL)



LCPA ADMINISTRATIVE DETAILS SHEET
ALTERNATE KEY : 2515490

Run: 5/30/2017 3:47PM Page: 1

PROP NAME:

PHILLIPS JAMES E
 5161 S KENNETH TER
 FLORAL CITY FL 34436

PARCEL 06-19-24-000400003500 NBHD 5103
 ALT KEY 2515490 MILL GRP 000F PC 02

Ordinance legal says
NE COR

NOTES 751 COUNTY ROAD 466A
 FRUITLAND PARK FL 34731

LEGAL DESCRIPTION

FROM A PT THAT IS 399.55 FT S OF **NW COR** OF NE 1/4 OF SE 1/4, RUN S 89-07-10 E 90.26 FT TO POB, CONT S 89-07-10 E 202 FT, S 0-45-20 W 215.65 FT, **N 89-07-10 W 202 FT, N 0-45-20 E 215.65 FT TO POB**
 ORB 4376 PG 383

highlighted portion omitted from
 legal description used on
Ordinance 2016-024. -dw

LAND DATA

LINE	USE	FRONT	DEPTH	NOTES	#	UNIT	TYPE	RATE	DE	L	JUST VAL
1	0230	0	0		1.00	AC		8000.00	1		16000

SALES HISTORY

INSTR	O.R.	O.R.	SALE	INSTR	TRAN	Q/U	REAS	VAC	SALE	APPR	CHG
NBR	BOOK	PAGE	DATE		CODE		CODE	IMP	PRICE	VALUE	DATE
4376	0383	7/12/2013	QC	0	Y	U	3	I	100	37,495	10/21/2013
3853	0561	12/14/2009	AD	0	Y	U	21	I	75,000	36,357	12/16/2015
3764	0986	4/29/2009	WD	0	Y	U	8	I	30,000	37,120	5/12/2009
3196	1424	2/14/2006	QC	0		U	0	I	0	28,773	7/01/2006
0713	1761	11/01/1980	AD	0		Q	0	I	28,000	0	7/01/2006

EXEMPTIONS

CD	MAX VALUE	YEAR	RENEW	PCT	SCHOOL EXEMPT	NON_SCH EXEMPT
----	-----------	------	-------	-----	---------------	----------------

TOTAL VALUES

BLD-RCN-VAL	BLD-DEP-VAL	MIS-DEP-VAL	EQUIP-VAL	LAND-VAL	NEW-CON-VAL	MARKET ADJ	
37595	22182	858	0	16000	0	0	
TOT-J-VALUE	SOH-LOSS	SCHOOL-EXEMPT	SCH-TAX-VAL	10%-CAP-LOSS	NON-SCH-TAX	PREV-TX-VAL	PREV-J-VAL
39040	0	0	39040	0	39040	39040	39040

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

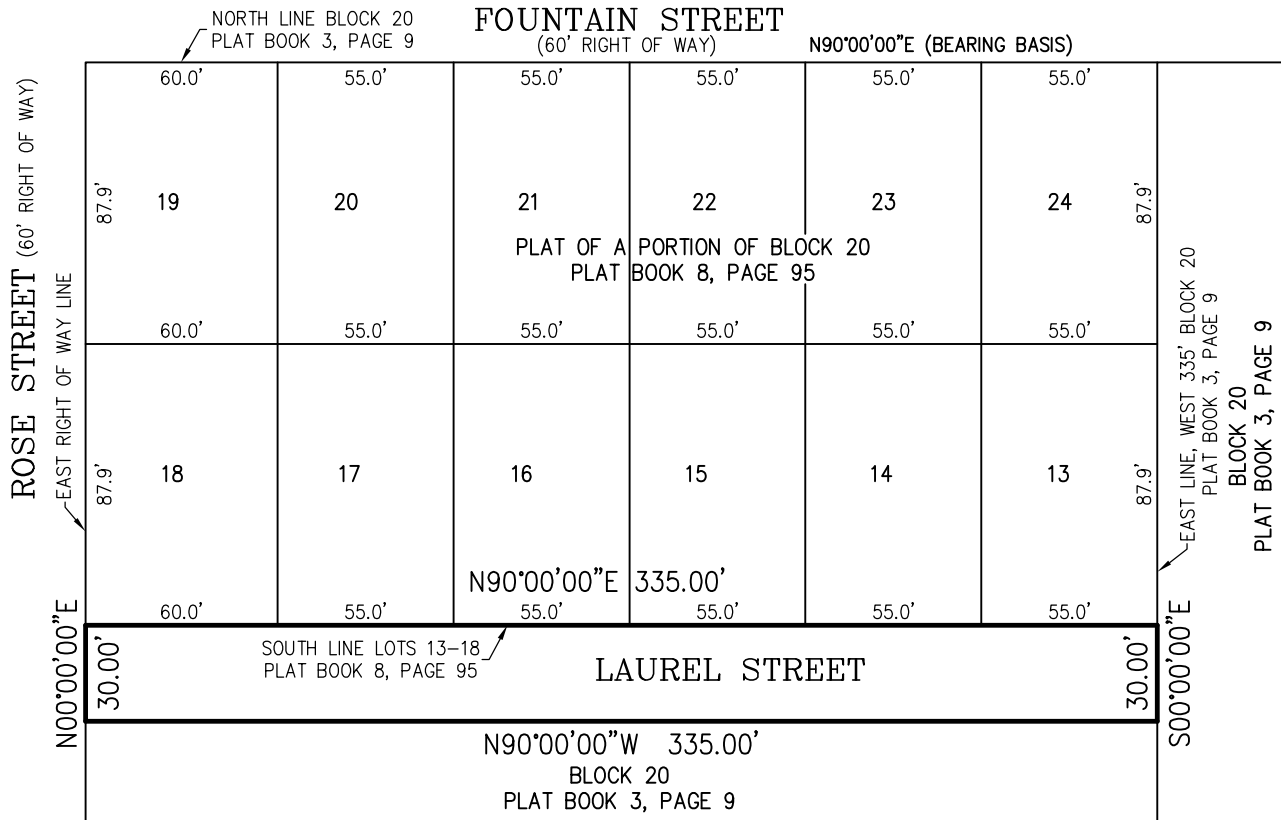
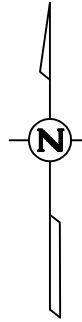
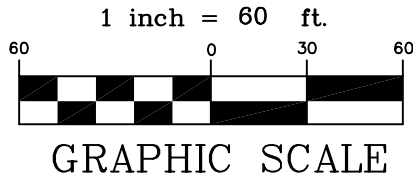
DATE:

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

SHEET 1 OF 2		SKETCH OF DESCRIPTION	
CLIENT CITY OF FRUITLAND PARK JOB NO. 081040.0048 ACAD FILE 081040 Laurel St SD DATE 02-13-18 CHECKED BY: JEG DRAWN BY: JEG FLD. BOOK: REVISIONS _____ DATE _____		IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 24 EAST LAKE COUNTY, FLORIDA. LAUREL STREET RIGHT OF WAY VACATION	
 302 North Sinclair Ave. Office: 352.343.8481 Tallahassee, Florida 32378 Fax: 352.343.8480 www.besh.com 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
Tavares, Florida 32778 Fax: 352.343.8465

www.besandh.com

▲ ENGINEERS ▲ SURVEYORS ▲ PLANNERS ▲
LICENSED BUSINESS 7514



506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731

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

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:



506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731

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

<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:

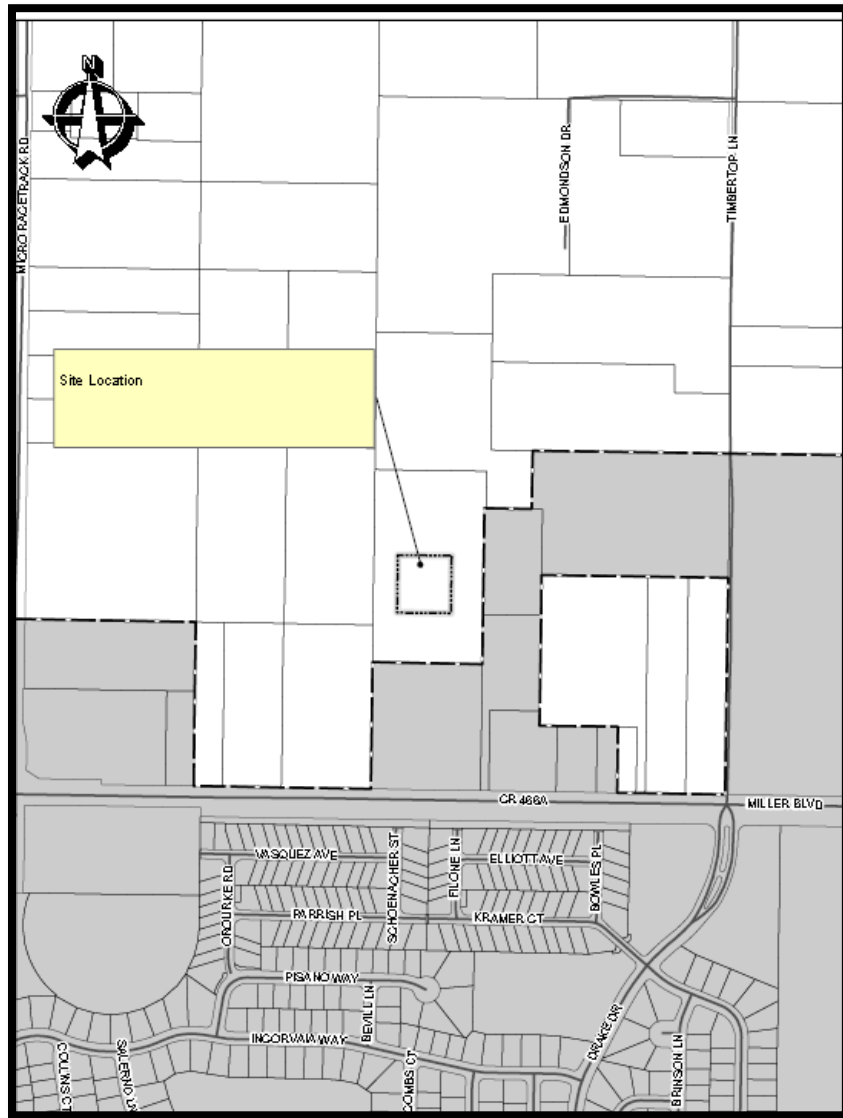
Anita Geraci-Carver, City Attorney

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
84
Passed First Reading _____
(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	
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

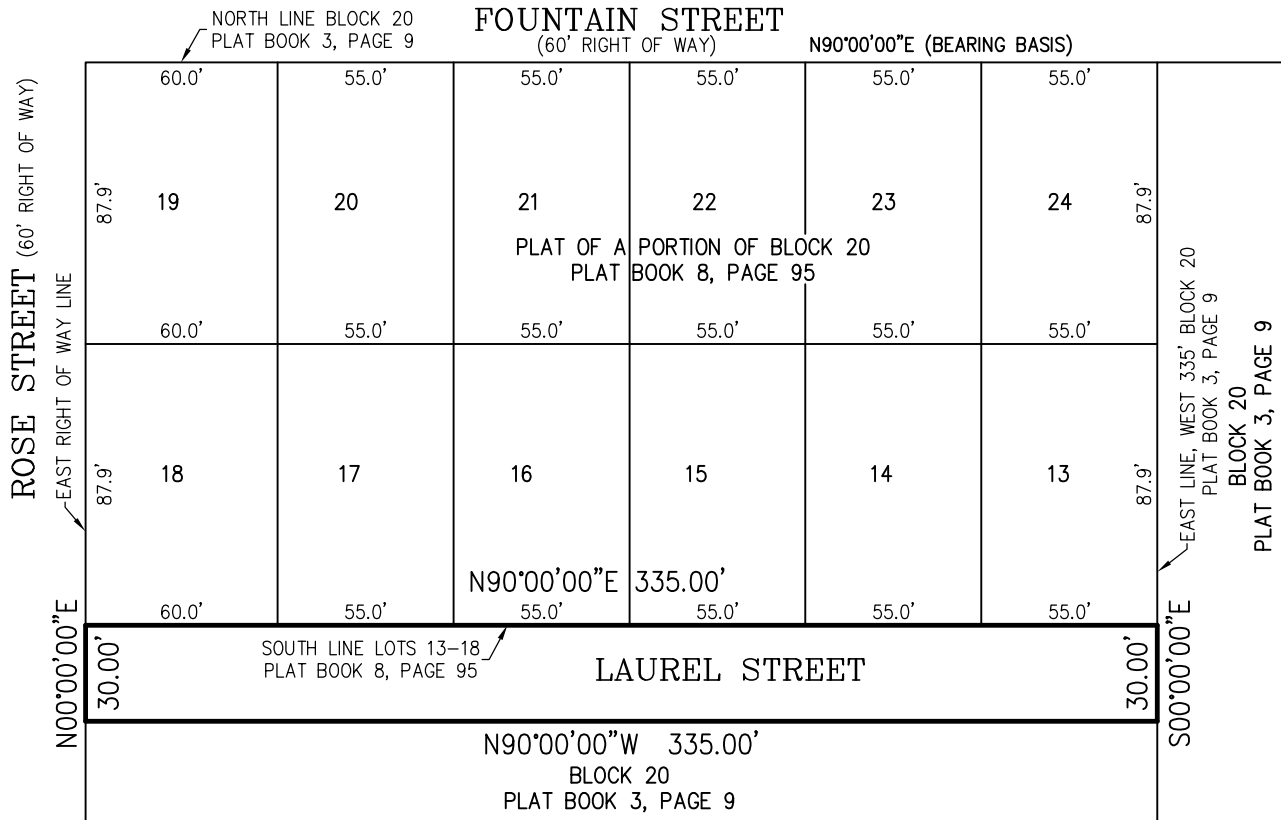
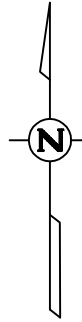
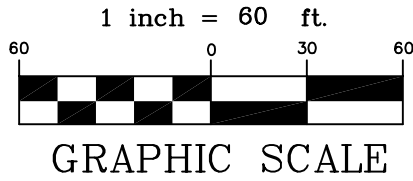
IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 24 EAST
LAKE COUNTY, FLORIDA.

LAUREL STREET RIGHT OF WAY VACATION

BESH
BORTHORN METALMECHAN COTT
302 North Sinclair Ave. Office: 352.343.8481
Tallahassee, Florida 32378 Fax: 352.343.8480
www.beshandh.com
▲ 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

322 North Sinclair Ave. Office: 352.343.0481
Tavares, Florida 32778 Fax: 352.343.8465
www.besandh.com
▲ ENGINEERS ▲ SURVEYORS ▲ PLANNERS ▲
LICENSED BUSINESS 7514