



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

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

|   |  |
|---|--|
| <b>Board Members:</b><br>Connie Bame, Chairwoman<br>Colin Crews<br>Daniel Dicus<br>Philip Purlee<br>Tom Bradley | <b>Others:</b> Greg Beliveau, LPG<br>Tracy Kelley, CDD |
|---|--|

---

**AGENDA  
PLANNING & ZONING BOARD  
APRIL 19, 2018  
6:00PM**

---

- I. INVOCATION:**
- II. ROLL CALL:**
- III. MINUTES FROM PREVIOUS MEETING: Approve meeting minutes from March 15, 2018.**
- IV. OLD BUSINESS: None**
- V. NEW BUSINESS:**
  - A. Ordinance Correcting A Scrivener's Error**
    - a. Correcting the legal description of Ordinance 2016-023 (James Phillips ALT Key #2515490)
    - b. Correcting the legal description of Ordinance 2016-025 (James Phillips ALT Key #2515490)
  - B. Resolution 2018 – 015 Accepting Title of Real Property**
    - a. A Resolution accepting title to real property being conveyed from the School Board of Lake County
  - C. Resolution 2018 – 018 Closing and Vacating a 50' Platted Right of Way**
    - a. A Resolution closing and vacating a 50' platted right of way known as Hurst Street in accordance with Resolution 2018-015
  - D. Gardenia East Subdivision (Alt Key 2872098)**
    - a. Annexation application to annex approximately 13.44 ± acres from Lake County into the City limits of Fruitland Park
    - b. Rezoning application to rezone approximately 13.44 ± acres from Lake County Rural Residential (R-1) to Residential Planned Unit Development (PUD) within the City limits of Fruitland Park



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

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

|   |  |
|---|--|
| <b>Board Members:</b><br>Connie Bame, Chairwoman<br>Colin Crews<br>Daniel Dicus<br>Philip Purlee<br>Tom Bradley | <b>Others:</b> Greg Beliveau, LPG<br>Tracy Kelley, CDD |
|---|--|

---

**AGENDA  
PLANNING & ZONING BOARD  
APRIL 19, 2018  
6:00PM**

---

- I. INVOCATION:**
- II. ROLL CALL:**
- III. MINUTES FROM PREVIOUS MEETING: Approve meeting minutes from March 15, 2018.**
- IV. OLD BUSINESS: None**
- V. NEW BUSINESS:**
  - A. Ordinance Correcting A Scrivener's Error**
    - a. Correcting the legal description of Ordinance 2016-023 (James Phillips ALT Key #2515490)
    - b. Correcting the legal description of Ordinance 2016-025 (James Phillips ALT Key #2515490)
  - B. Resolution 2018 – 015 Accepting Title of Real Property**
    - a. A Resolution accepting title to real property being conveyed from the School Board of Lake County
  - C. Resolution 2018 – 018 Closing and Vacating a 50' Platted Right of Way**
    - a. A Resolution closing and vacating a 50' platted right of way known as Hurst Street in accordance with Resolution 2018-015
  - D. Gardenia East Subdivision (Alt Key 2872098)**
    - a. Annexation application to annex approximately 13.44 ± acres from Lake County into the City limits of Fruitland Park
    - b. Rezoning application to rezone approximately 13.44 ± acres from Lake County Rural Residential (R-1) to Residential Planned Unit Development (PUD) within the City limits of Fruitland Park

- c. Large Scale Comp Plan Amendment (LSCPA) amending the future land use designation from Lake County Urban Medium Density to Multi-Family Low Density on the Future Land Use Map of the City of Fruitland Park's Comprehensive Plan for approximately 13.44 ± acres of property generally located north of Register Road and East of US Hwy 27/441

**BOARD MEMBERS' COMMENTS:**

**ADJOURNMENT:**

- c. Large Scale Comp Plan Amendment (LSCPA) amending the future land use designation from Lake County Urban Medium Density to Multi-Family Low Density on the Future Land Use Map of the City of Fruitland Park's Comprehensive Plan for approximately 13.44 ± acres of property generally located north of Register Road and East of US Hwy 27/441

**BOARD MEMBERS' COMMENTS:**

**ADJOURNMENT:**



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

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

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

---

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

---

- I. **INVOCATION:** Chairwoman Bame called the meeting to order at 6:03P.M. and led the pledge of allegiance. Board member Tom Bradley gave the invocation.
- II. **ROLL CALL:** All board members present except Board member Dicus and Board member Purlee. Present LPG Beliveau and Assistant Kelley.
- III. **MINUTES FROM PREVIOUS MEETING:** Approve corrected meeting minutes from January 18, 2018. Motion to approve January 18, 2018 corrected meeting minutes by Colin Crews. Second by Board member Bradley. Approved 3-0.
- 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)
- LPG Beliveau gave introduction to Ordinance 2018-004 the scrivener's error in the legal description in Ordinance 2016-024 is corrected; the proceeding Planning & Zoning meeting will include the correction to the SSCPA and Rezoning Ordinances for the same scrivener's error.
- Motion to correct the scrivener's error on the legal description by Board member Bradley. Second by Board member Crews. Approved 3-0
- B. **Notice to Vacate Resolution 2018 - 005**
- a. A Resolution closing and vacating a 30' platted right of way known as Laurel Street
- LPG Beliveau gave introduction the closure is for the New Public Library Facility; that Laurel Street as platted does not exist with the new construction. Motion to approve by Board member Crews. Second by Board member Bradley. Approved 3-0

**PUBLIC COMMENTS:** None

**BOARD MEMBERS' COMMENTS:** None

**ADJOURNMENT:** 6:09PM

**ORDINANCE 2018 – 006**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-023 WHICH PROVIDED FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; 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 2016-023 which assigned a City future land use designation to the property; and

WHEREAS, a petition has been received from Charles Johnson as applicant on behalf of James Phillips as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "Commercial" under the Comprehensive Plan for the City of Fruitland Park; and

WHEREAS, the required notice of the proposed small scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

WHEREAS, the Planning and Zoning Commission of the City of Fruitland Park and the Local Planning Agency for the City of Fruitland Park have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Commission of the City of Fruitland Park.

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

**Section 1:** The scrivener's error in the legal description in Ordinance 2016-023 is corrected. The following described property consisting of approximately 1.0 ± acres generally located north of CR 466A and west of Timbertop Lane and 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**

shall be assigned a land use designation of Commercial under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "A" and incorporated herein by reference.

**Section 2:** A copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Fruitland Park as a matter of permanent record of the City, matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office available for public inspection.

**Section 3:** The City Manager or his designee, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

**Section 4: Severability.**

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.

**Section 5:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6:** This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

\_\_\_\_\_  
Esther Coulson, CMC, 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:

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

**EXHIBIT A**  
**MAP DEPICTING PROPERTY AND FLU DESIGNATION**



**ORDINANCE 2018 – 007**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-025 WHICH REZONED 1.0 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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.**

**WHEREAS**, the City of Fruitland Park desires to correct a scrivener's error in the legal description contained in Ordinance 2016-025 which rezoned the property from a County zoning designation to a City zoning designation; and

**WHEREAS**, a petition has been submitted by Charles Johnson as applicant, 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 rezoned from Lake County Agriculture (AG) to General Commercial (C-2) within the city limits of Fruitland Park; and

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

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

**WHEREAS**, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

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

Section 1. The scrivener's error in the legal description in Ordinance 2016-025 is corrected. The following described property consisting of approximately 1.0 ± acres of land generally located north of CR 466A and west of Timbertop Lane shall hereafter be designated as C-2, General Commercial, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described as:

**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**

Section 2. That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. That the zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park, Florida.

Section 4. 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.

Section 5. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall become effective immediately upon the effective date of the comprehensive plan amendment for the subject property. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

Attest:

Approved as to form and legality:

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

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

|                     |              |             |                    |                |
|---------------------|--------------|-------------|--------------------|----------------|
| 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 \_\_\_\_\_

**RESOLUTION 2018-015**

**A. RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ACCEPTING TITLE TO REAL PROPERTY BEING CONVEYED FROM THE SCHOOL BOARD OF LAKE COUNTY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Fruitland Park has been utilizing a small piece of land owned by the School Board of Lake County as a community park; and

WHEREAS, the City desires to own in fee simple title to the real property; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds that accepting title to the real property is beneficial to the City of Fruitland Park and its residents.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. Title to the real property described in the Quit Claim Deed from the School Board of Lake County, a copy of which is attached hereto, is accepted.

Section 2. The Commission directs the City Manager to reflect ownership of the property in the City's records by adding the property to the City's list of assets and providing for said property to be included on the City's insurance policies, and any other such records.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2018, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park

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

Attest:

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

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

Approved as to form and legality:

---

Anita Geraci-Carver, City Attorney

Rec 2.00  
St  
Sur  
ind

78 7505

This Quit-Claim Deed, Executed this 8 day of March, A. D. 1978, by

THE SCHOOL BOARD OF LAKE COUNTY  
first party, to  
CITY OF FRUITLAND PARK, A Municipal Corporation

whose postoffice address is P.O. BOX 158  
FRUITLAND PARK, FLA. 32731

second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**Witnesseth,** That the said first party, for and in consideration of the sum of **TEN AND NO/100 DOLLARS,** in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of LAKE State of FLORIDA, to-wit:

DESCRIPTION NO. 1:

For a point of Reference begin at the SW corner of the SE 1/4 of Section 9, T.19 S, R. 24 E; thence N. 00° 35' 00" E, 1029.53 Feet along the West line of said SE 1/4; Thence Departing from said West Line Proceed S, 89° 28' 30" E, 26.51 Feet to the SW corner of Lot 5, Block 43, Town of Fruitland Park Thence N, 00° 18' 20" E, 875.44 Feet to P.O.B. No. 1.

From P.O.B. No. 1 proceed S 89° 51' 30" E, 250.03 Feet to the terminus. Described Line Being the centerline of a 20' perpetual easement for ingress, egress and Utilities.

DESCRIPTION NO. 2 - Fee Simple

For a Point of Reference Begin at the above described P.O.B. No. 1 proceed Thence N. 00° 18' 20" E, 10.00 Feet; Thence S, 89° 51' 30" E, 250.00 Feet along the South Line of Mirror Lake Manor as recorded P.B. 23, PG. 51 of the Public records of Lake County, Fla.

From P.O.B. No. 2, Continue along said South line S 89° 51' 30" E, 100.00 Feet; Thence S. 90° 08' 30" W, 125.00 Feet, Thence N 89° 51' 30" W, 100.00 Feet; Thence N, 00° 08' 30" E. 125.00 Feet to the P.O.B., Containing 0.287 Acres.

DESCRIPTION NO. 3:

For a point of Reference begin at the above described P.O.B. No. 2, proceed thence S, 89° 51' 30" E, 100.00 Feet along the South line of said Mirror Lake Manor; Thence S, 90° 08' 30" W, 10.00 Feet to P.O.B. No. 3.

From P.O.B. No. 3 proceed S, 89° 51' 30" E, 585.29 Feet; thence S, 30° 16' 00" E, 286.96 Feet to the terminus described line being the centerline of a 20' wide perpetual Utility Easement. If any of the above property ceases to be used by the Grantee over-

**To Have and to Hold** the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

**In Witness Whereof,** The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of: THE SCHOOL BOARD OF LAKE COUNTY

*Juan L. McClelland*  
*Diana J. Misk*

*James R. Dunaway* CHAIRMAN, James R. Dunaway  
*Sam B. Commander* SECRETARY, Sam B. Commander

STATE OF FLORIDA, FLORIDA  
COUNTY OF Lake

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

JAMES R. DUNAWAY AND SAM B. COMMANDER to me known to be the person described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 8th day of March A. D. 1978.

Notary Public, State of Florida at Large  
My Commission Expires Nov. 7, 1981  
Bonded by American Fire & Casualty Company



This instrument prepared by: RICHARD O. SPRINGER

Address ATTY  
27 S. DEWEY ST.  
EUSTIS, FLA. 32726

MAR 21 11 01 AM '78



for Public Utility purposes and the Grantee so declares his intention, said property to revert to the Grantor.



|                  |      |         |         |
|------------------|------|---------|---------|
| 10               | 7505 | 7.00    | RC      |
| 1                |      | .60     | RC      |
| 002 <sup>2</sup> | 1008 | 3/21/78 | .55 RC  |
|                  |      |         | 8.15 TL |



(CA)

To

Quit Claim Deed

RAMCO FORM B

WARRANTY DEED

Rec 6.00  
St 130.00  
Sur 6.00  
Cont 2.00

This Indenture, Made this 26<sup>th</sup> day of February, 1975,  
Between CLYDE ROGERS, joined by his wife, ESTHER ROGERS, GLENN  
ROGERS, joined by his wife, LOIS J. ROGERS, and REGENT R. WEBER,  
a woman, of the county of Lake, State of Florida, grantors,  
and THE SCHOOL BOARD OF LAKE COUNTY,  
whose post office address is 201 West Burleigh Boulevard, Tavares, Florida,  
grantee,

WITNESSETH, That said grantors, for and in consideration  
of the sum of TEN AND NO/100 DOLLARS, and other good and  
valuable considerations to said grantors in hand paid by  
said grantee, the receipt whereof is hereby acknowledged, have  
granted, bargained and sold to the said grantee, and grantee's  
heirs and assigns forever, the following described land,  
situate, lying and being in the County of Lake, State of Florida,  
to-wit:

From the SW corner of the SE 1/4 of Section 9, Township  
19 South, Range 24 East, Lake County, Florida, run  
North 0°35'00" E. along the West line of the SE 1/4 a  
distance of 1029.53 ft., thence South 89°28'30" E. 26.51  
ft. to the SW corner of Lot 5, Block 43, Town of Fruitland  
Park, Florida, and the Point of Beginning of this description;  
run thence North 0°18'20" E. 885.44 ft., thence South  
89°51'30" E. 941.02 ft., thence South 30°16'00" E.  
298.55 ft., thence North 89°51'30" W. 125.60 ft., thence  
South 0°30'10" W. 634.41 ft., thence N. 89°28'30" West  
965.10 ft., to the P.O.B., containing 20.00 acres.

and said grantors do hereby fully warrant the title to said  
land and will defend the same against the lawful claims of  
all persons whomsoever.

IN WITNESS WHEREOF, grantors have hereunto set grantors'  
hands and seals the day and year first above written.

Signed, sealed and delivered  
in our presence:

*Arthur E. Roberts*  
ARTHUR E. ROBERTS

*Imogene K. Merrill*  
As to Clyde Rogers and wife,  
Esther Rogers

*Clyde Rogers* (SEAL)  
CLYDE ROGERS

*Esther Rogers* (SEAL)  
ESTHER ROGERS

MAR 14 2 10 PM '75  
RECORDED AND INDEXED  
CLERK CIRCUIT COURT  
LAKE COUNTY, FLA.

Esther E. Roberts

Imogene K. Merrill  
As to Glenn Rogers and wife,  
Lois J. Rogers

Imogene K. Merrill  
Esther E. Roberts  
As to Regent R. Weber

Glenn Rogers (SEAL)  
GLENN ROGERS

Lois J. Rogers (SEAL)  
LOIS J. ROGERS

Regent R. Weber (SEAL)  
REGENT R. WEBER

STATE OF FLORIDA  
COUNTY OF LAKE

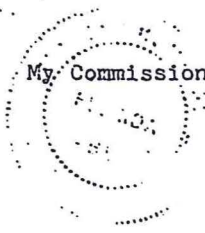
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared CLYDE ROGERS and wife, ESTHER ROGERS; GLENN ROGERS and wife, LOIS J. ROGERS; and REGENT R. WEBER, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 26<sup>th</sup> day of February, 1975.

Imogene K. Merrill  
Notary Public

Notary Public, State of Florida at Large  
My Commission Expires March 26, 1976  
Bonded by American Fire & Casualty Co.,

My Commission Expires:



LAKE COUNTY  
077869



DOCUMENTARY SUR TAX  
68.00

37  
1  
2  
3  
4  
5  
6  
2

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
DEPT. OF REVENUE  
180.00  
MARI 475  
10511

1  
2  
3 **RESOLUTION 2018-018**

4 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY,**  
5 **FLORIDA; CLOSING AND VACATING A 50' PLATTED RIGHT OF WAY KNOWN AS HURST STREET,**  
6 **THE NORTH RIGHT OF WAY LINE ABUTTING THE SOUTH LINE OF LOTS 2, 3 AND 4, BLOCK 43,**  
7 **AND THE SOUTH RIGHT OF WAY LINE ABUTTING THE NORTH LINE OF LOTS 5, 6, AND 7, BLOCK**  
8 **43, AS RECORDED IN PLAT BOOK 3, PAGE 8, OF THE PUBLIC RECORDS OF LAKE COUNTY;**  
9 **PROVIDING FOR DIRECTION TO THE CITY CLERK TO INCLUDE RECORDATION; PROVIDING FOR**  
10 **AN EFFECTIVE DATE.**

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

13  
14 **WHEREAS, the Planning and Zoning Board has recommended approval of this resolution; and**

15  
16 **WHEREAS, the City of Fruitland Park finds and determines that there is no public necessity for**  
17 **retaining, now or in the future, the right of way lying within Block 43, known as Hurst Street as**  
18 **shown on Block 43, as recorded in Plat Book 3 , Page 8; and**

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

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

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

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

33  
34 That 50 foot wide Right of Way as shown on the Plan of Fruitland Park as Recorded  
35 in Plat Book 3, Page 8, Public Records of Lake County, Florida; The said north Right of Way  
36 line abutting the South line of Lots 2, 3, and 4, Block 43, and the said South Right of Way  
37 line abutting the North line of Lots 5, 6, and 7, Block 43; Being bounded on the West by the  
38 Easterly Right of Way line for Olive Avenue as shown on said Plan of Fruitland Park and being  
39 bounded on the East by the Easterly line of that certain parcel of land in favor of the School  
40 Board of Lake County, Florida, as recorded in Official Records Book 584, Page 477, of the  
41 Public Records of Lake County, Florida 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 50 FOOT WIDE ROAD RIGHT OF WAY AS SHOWN ON THE PLAN OF FRUITLAND PARK AS RECORDED IN PLAT BOOK 3, PAGE 8, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THE SAID NORTH RIGHT OF WAY LINE ABUTTING THE SOUTH LINE OF LOTS 2, 3 AND 4, BLOCK 43, AND THE SAID SOUTH RIGHT OF WAY LINE ABUTTING THE NORTH LINE OF LOTS 5, 6 AND 7, BLOCK 43; BEING BOUNDED ON THE WEST BY THE EASTERLY RIGHT OF WAY LINE FOR OLIVE AVENUE AS SHOWN ON SAID PLAN OF FRUITLAND PARK AND BEING BOUNDED ON THE EAST BY THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND IN FAVOR OF THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 584, PAGE 477, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

## 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 ARE BASED ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST, AS BEING NORTH 00°35'00" EAST, PER DEED (ASSUMED MERIDIAN).
3. THE DESCRIPTION WAS PREPARED BY THIS FIRM AT THE CLIENT'S REQUEST AND IS BASED UPON INFORMATION PROVIDED.
4. THIS SKETCH 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 1/200 OR SMALLER.
7. HORIZONTAL DATUM SHOWN HEREON IS IN U.S. FEET.

## CERTIFIED TO:

CITY OF FRUITLAND PARK

*Jennings E. Griffin*      DATE: 05/26/18  
**JENNINGS E. GRIFFIN, PROFESSIONAL LAND SURVEYOR**  
 FLORIDA REGISTRATION NO. 4486

|                     |                               |
|---------------------|-------------------------------|
| <b>SHEET 1 OF 2</b> |                               |
| CLIENT              | CITY OF FRUITLAND PARK        |
| JOB NO.             | 081040.0049                   |
| ACAD FILE           | Hurst Street Vacation         |
| DATE                | 03-28-18      CHECKED BY: JEG |
| DRAWN BY:           | JEG      FLD. BOOK:           |
| REVISIONS           | DATE                          |
|                     |                               |
|                     |                               |
|                     |                               |
|                     |                               |

**SKETCH OF DESCRIPTION**

SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST  
LAKE COUNTY, FLORIDA

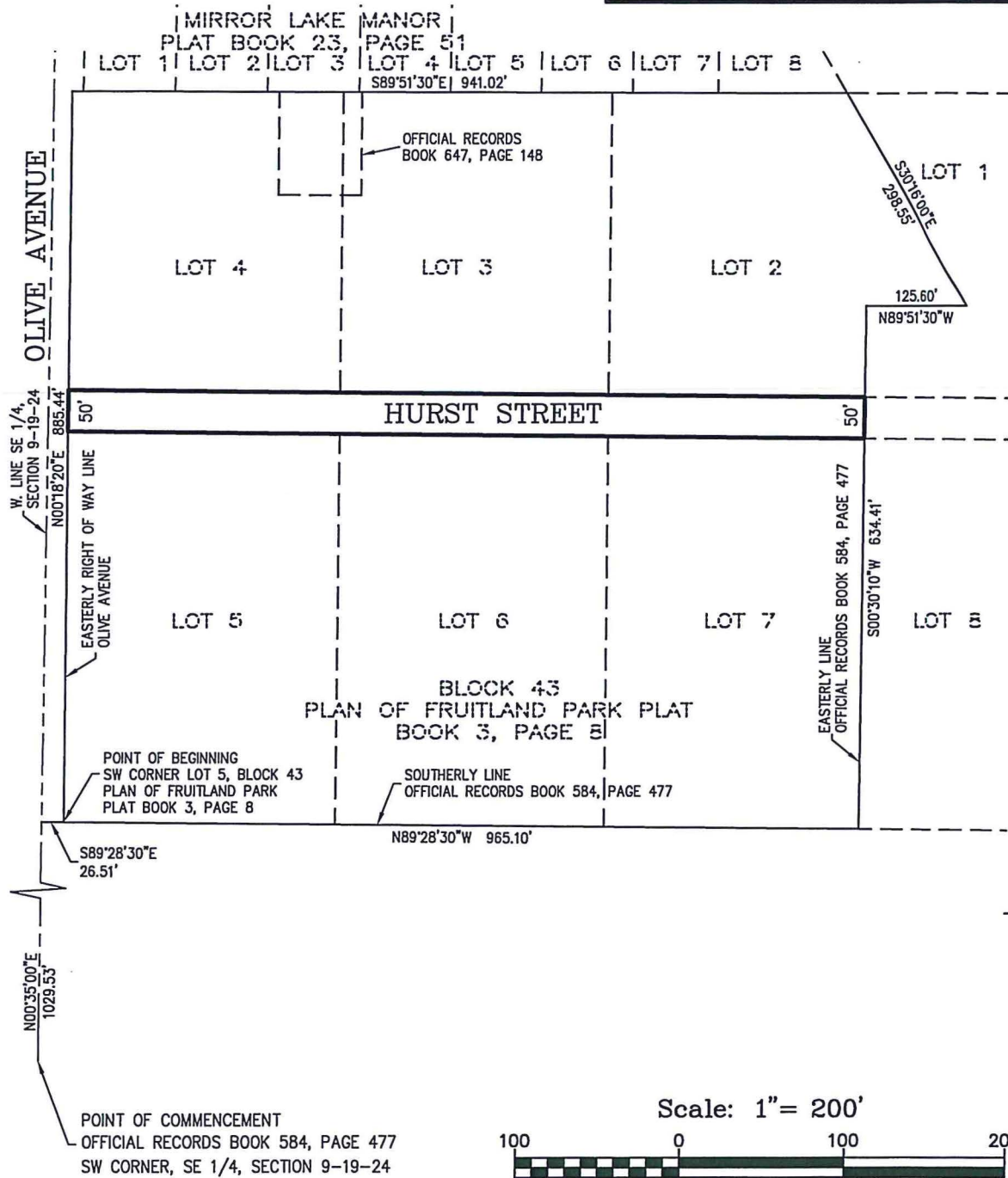
**PLAN OF FRUITLAND PARK**  
**HURST STREET RIGHT OF WAY VACATION**



**BEACH ENGINEERS & SURVEYORS, INC.**  
 802 North Beach Ave. Office 321-241-8481  
 Titusville, Florida 32781 Fax 321-241-8482  
 www.beachch.com  
 ENGINEERS SURVEYORS PLANNERS  
 LICENSED BUSINESS 7914

# SKETCH OF DESCRIPTION

(NOT A FIELD SURVEY)



## LEGEND

LB LICENSED BUSINESS  
ID IDENTIFICATION

|                     |                          |
|---------------------|--------------------------|
| <b>SHEET 2 OF 2</b> |                          |
| CLIENT              | CITY OF FRUITLAND PARK   |
| JOB NO.             | 061040.0049              |
| ACAD FILE           | Hurst Street Vacation    |
| DATE                | 03-25-18 CHECKED BY: JEG |
| DRAWN BY:           | JEG FLD. BOOK:           |
| REVISIONS           | DATE                     |
|                     |                          |
|                     |                          |
|                     |                          |
|                     |                          |

**SKETCH OF DESCRIPTION**

SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST  
LAKE COUNTY, FLORIDA

**PLAN OF FRUITLAND PARK  
HURST STREET RIGHT OF WAY VACATION**

**SOUTH POINT SURVEYING & PLANNING, INC.**  
822 North Bridge Ave. Office 321.343.8841  
Tallahassee, Florida 32378 Fax 321.343.8840  
www.spsouth.com  
LICENSED SURVEYORS PLANNERS  
LICENSED BUSINESS 7514



Community Development Department  
506 W. Berckman St.  
Fruitland Park FL 34731

Tel. (352) 360-6727  
Fax. (352) 360-6652

## STAFF REPORT

Project: Gardenia East Subdivision  
Project Owner: MRSF-1  
2409 Rick Whinery Drive  
Austin Texas 78728  
Project Address: Vacant Property  
(near Register Road and across from the Subdivision known as Chelsea's Run)  
Alternate Key#: 2872098  
Proposed: Residential PUD

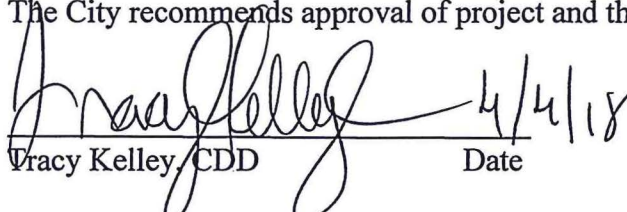
The property is located adjacent to the City limits along the southern property boundary across Register Road. The property owners are seeking annexation, large scale comprehensive plan amendment and rezoning of a PUD for the development of 49 lots with RV/boat storage for the residences and guests only for the Subdivision to be known as Gardenia East.

The property is 13.447 ± acres and allows for multi-family low density (8 units/acre) with the proposed development density of 4.6 units/acre.

The site is designated as Urban Medium Density (13.44 ± acres) on the Lake County FLU Map and is proposed to designate the entire site as multi-family low density on the City's FLU Map. The proposed amendments consistent with the City's Future Land Use Policies 1-1.2; 1-1.5; and 1-2.1.

All required studies have been submitted and reviewed by City Land Planner LPG and City Land Planner LPG recommends approval of the annexation and the proposed rezoning to a PUD. Also recommended for approval the waiver to place the cul-de-sac right of ways within the landscape buffer, as no impervious surface is associated with the right of way of the cul-de-sacs and no plant material is eliminated within the buffer areas.

The City recommends approval of project and the contents of Master Developer's Agreement.

  
Tracy Kelley, CDD

4/4/18  
Date

cc: File



**CITY OF FRUITLAND PARK  
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

**ANNEXATION, LSCPA AND REZONING**

**Owner:** MRSF-1

**General Location:** East of US 27/441 and north of Register Road

**Number of Acres:** 13.447 ± acres

**Existing Zoning:** Lake County Rural Residential (R-1)

**Proposed Zoning:** Residential PUD

**Existing Land Use:** Urban Medium Density (7 units/acre)

**Proposed Land Use:** Multi-family Low Density (8 units/acre)

**Date:** March 28, 2018

**Description of Project**

The owners are seeking annexation, large scale comprehensive plan amendment and a zoning of PUD for the development of 49 lots with RV/boat storage for residences and guest only known as Gardenia East. The subject site is currently undeveloped. The proposed density of the development is 4.6 units/acre which is well below the land use density of 8 units/acre.

|              | <b>Surrounding Zoning</b>      | <b>Surrounding Land Use</b>                                       |
|--------------|--------------------------------|---|
| <b>North</b> | County R-1 and R-6             | Urban Medium Density  |
| <b>South</b> | R-3 and C-2                    | Multi- Family High Density (15 units/acre) and General Commercial |
| <b>East</b>  | County R-1                     | Urban Medium Density  |
| <b>West</b>  | County Planned Commercial (CP) | Urban Medium Density  |

## **Assessment**

---

---

### **ANNEXATION AND PUD ANALYSIS**

The subject site is located adjacent to the city limits along the southern property boundary across Register Road, therefore annexation is feasible. The site is within an Urban area in which public services and facilities are available (i.e. water, sewer, fire, and police). Residential development in the area ranges from 7800 square foot lots (Chelsea's Run) toward the south, one-half (½) acre lots to the north within Lake County and 1 acre lots to the east and west (Lake County). Commercial developed property is located along the western boundary (flea market) with vacant commercial property located to the southwest. Multi-family is typically utilized as a transition of density from commercial to single family residential.

The proposed typical lots as shown on the conceptual development plan are 4,000 square feet (40 x 100) and the proposed minimum single family structure is 1,200 square feet. The proposed maximum building coverage within the LDRs is 30%; however, the applicant is requesting 40%.

The conceptual plan indicates a 15' perimeter buffer; however, the proposed cul-de-sacs encroach into the buffer. Please be advised that pursuant to the LDRs only passive recreation is allowed within the buffer areas (Chapter 164, Section 164.030(c) the use within the buffers will be limited to passive recreation. The buffer can contain pedestrian, bike, or equestrian trails constructed of pervious material. If any impervious surface is located within the buffer, the buffer width will be increased an equal amount. The additional use within the buffer is allowed only if no plant material is eliminated and the total width of the buffer is maintained. Parking areas are not allowed within the buffer.

Pursuant to a conversation with the applicant, the applicant is requesting a waiver to allow the right of way of the cul-de-sacs within the buffer area. For compensation of the impact, the applicant has increased the southern buffer boundary from 10' to 15'. The applicant is aware that if the waiver is not granted, a redesign will be required which could reduce the number of lots within the northern and western property limits.

A traffic impact study by Griffey Engineering was submitted based on the PUD of 52 units (see attached). The roadway analysis shows that some segments will be operating beyond their adopted LOS capacity for future condition. This is primarily due to background growth. The amount of project traffic for each of these roadway segments is less than 1% of capacity, which is a de minimis impact. Also, the CR 466A road segment is scheduled for 4-laning in the Lake County 5-Year Transportation Construction Program and the US 441 segments are planned for 6-laning by FDOT.

The intersection analysis presented in this report indicates that for the existing and future conditions the Register Road (N) approach, at its intersection with US 27, has long delay times.

The US 27 approaches operate at an acceptable LOS in both the existing and future condition. The project is not expected to add any traffic to the Register Road approach at this intersection. Also, Register Road is not part of the TMS. Therefore no mitigation is proposed.

The Register Road (S) approach at its intersection with US 27 will experience an increase in delay due to the addition of project traffic. US 27 at this location is not adversely affected by the project traffic. Additionally, due to its proximity with this intersection, the traffic signal at N. Dixie Ave. will provide gaps for the right turn movements from Register Road (S) onto US 27. Therefore no mitigation is proposed.

The applicant submitted a school public facilities determination which indicates that there is school capacity currently available for the proposed PUD.

The applicant submitted an environmental assessment which indicates that there are no wetlands onsite. Evidence of gopher tortoise burrows were observed onsite and the site is within the sand skink consultation area.

**COMPREHENSIVE PLAN CONCURRENCY ANALYSIS**

For comprehensive plan purposes, a worst case scenario was utilized based on maximum density. The proposed land use is expected to generate less PM peak hour traffic than the existing land use as outlined below.

**TRIP GENERATION ANALYSIS**

**Proposed Land Use Program**

| Land Use                            | Size/Unit | ITE Code | Daily Trips  | PM Peak Hour Trips | PM Trips Enter | PM Trips Exit |
|-------------------------------------|-----------|----------|--------------|--------------------|----------------|---------------|
| Single Family                       | 107       | 210      | 1019         | 107                | 67             | 40            |
| <b>TOTAL GROSS TRIPS (PROPOSED)</b> |           |          | <b>1,019</b> | <b>107</b>         | <b>67</b>      | <b>40</b>     |

**Existing Land Use Program**

| Land Use                            | Size/Unit | ITE Code | Daily Trips  | PM Peak Hour Trips | PM Trips Enter | PM Trips Exit |
|-------------------------------------|-----------|----------|--------------|--------------------|----------------|---------------|
| Single Family                       | 94 units  | 210      | 895          | 94                 | 59             | 35            |
| Commercial                          | 20,000 SF | 820      | 854          | 74                 | 24             | 25            |
| <b>TOTAL GROSS TRIPS (EXISTING)</b> |           |          | <b>1,749</b> | <b>168</b>         | <b>83</b>      | <b>60</b>     |

**Net Difference (Proposed Net Trip Generation Minus Existing Net Trip Generation)**

| Land Use                                     | PM Peak Hour Trips | PM Trips Enter | PM Trips Exit |
|--|--------------------|----------------|---------------|
| <b>TOTAL NET TRIPS (PROPOSED – EXISTING)</b> | <b>-61</b>         | <b>-16</b>     | <b>-20</b>    |

The school impact analysis for comprehensive plan purposes is outlined below. The proposed land use will generate an additional 4 students. The analysis concludes that the proposed amendment will not cause a deficiency in school facilities.

Existing County Land Use Residential Units: 94 SF units

Proposed Development Residential Units: 107 SF units

The anticipated number of students generated by the existing land use is shown in Table 2.

**TABLE 2  
STUDENTS GENERATED BASED ON EXISTING DEVELOPMENT**

| <b>Lake County Student Generation Rates</b> |                                       |
|---|---------------------------------------|
| <b>Single Family</b>                        |                                       |
| Type  | Student Multipliers per Dwelling Unit |
| High School                                 | 0.102                                 |
| Middle School                               | 0.074                                 |
| Elementary School                           | 0.152                                 |
| Total                                       | 0.328                                 |

| SCHOOL             | SF Units | STUDENT GENERATION RATE | STUDENTS GENERATED | MF UNITS | STUDENT GENERATION RATE | STUDENTS GENERATED | GRAND TOTAL |
|--------------------|----------|-------------------------|--------------------|----------|-------------------------|--------------------|-------------|
| ELEMENTARY         | 94       | 0.152                   | 14                 | 0        | 0.143                   | 0                  | 14          |
| MIDDLE             | 94       | 0.074                   | 7                  | 0        | 0.063                   | 0                  | 7           |
| HIGH               | 94       | 0.102                   | 10                 | 0        | 0.077                   | 0                  | 10          |
| <b>GRAND TOTAL</b> |          |                         |                    |          |                         |                    | <b>31</b>   |

The anticipated number of students generated by the proposed land use is shown in Table 3.

**TABLE 3  
STUDENTS GENERATED BASED ON PROPOSED DEVELOPMENT**

| SCHOOL             | SF Units | STUDENT GENERATION RATE | STUDENTS GENERATED | MF UNITS | STUDENT GENERATION RATE | STUDENTS GENERATED | GRAND TOTAL |
|--------------------|----------|-------------------------|--------------------|----------|-------------------------|--------------------|-------------|
| ELEMENTARY         | 107      | 0.152                   | 16                 | 0        | 0.143                   | 0                  | 16          |
| MIDDLE             | 107      | 0.074                   | 8                  | 0        | 0.063                   | 0                  | 8           |
| HIGH               | 107      | 0.102                   | 11                 | 0        | 0.077                   | 0                  | 11          |
| <b>GRAND TOTAL</b> |          |                         |                    |          |                         |                    | <b>35</b>   |

Potable Water Analysis

The subject site is within the City of Fruitland Park's Utility Service Area. The City currently owns, operates and maintains a central potable water treatment and distribution system. The permitted plant capacity is 2.879 MGD and the permitted consumptive use permit capacity is 1.4645 MGD. The City has a current available capacity of .3985 mgpd and an analysis was conducted of the proposed amendment based on maximum density land use and the City's Level of Service (LOS) standards. The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining available capacity of .3493 mgpd.

Sanitary Sewer Analysis

The subject site is within the City of Fruitland Park's Utility Service area. The City currently owns, operates, and maintains a central sanitary sewer system. The permitted plant capacity is 100,000 gpd and the current available capacity is 51,000 gpd and an analysis was conducted of the proposed amendment based on maximum density land use and the City's Level of Service (LOS) standards. The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining capacity of 16,108 gpd.

**Recommendation**

---

**ANNEXATION AND PUD**

Staff recommends approval of the annexation and the proposed rezoning to PUD. Staff recommends approval of the waiver to place the cul-de-sac right of ways within the landscape buffer, since no impervious surface is associated with the right of way of the cul-de-sacs and no plant material is eliminated within the buffer areas.

A gopher tortoise relocation permit will be required prior to development. A sand skink survey or exemption must be provided prior to development.

## COMPREHENSIVE PLAN

It is recommended that the proposed comprehensive plan amendment be approved and the amendment meets the following FLU policies:

- Policy 1-1.2: **Density and Intensity Standards.** The Future Land Use Map Series shall designate areas for the uses listed in Table 1-1 and shall not exceed the maximum density and intensity contained in the Table.
- Policy 1-1.5: **Multiple-Family Low Density.** Development in this land use category shall be limited to single-family detached, single-family attached, two-family (duplex), multi-family homes, and mobile homes. However, mobile homes shall only be permitted in mobile home parks subdivisions. Density shall not exceed 8 dwelling units/acre; however, density shall be limited to 4 dwelling units/acre unless a centralized sanitary sewer system is provided. Small scale commercial uses may be permitted adjacent to major highways provided they are intended to provide for the daily needs of residents within the development and the adjoining residential area. Such businesses will generally not exceed 15,000 sq. ft. in size and will require Planned Unit Development (PUD) zoning.
- Policy 1-2.1: **Promote Orderly, Compact Growth.** Land use patterns delineated on the Future Land Use Map shall promote orderly, compact growth. The City shall encourage growth and development in existing developed areas where public facilities and services are presently in place and in those areas where public facilities can provide the most efficient service.

In addition, the subject amendment will not degrade level of service standards for public facilities (i.e. water, sewer, solid waste, schools, stormwater and roads).

Amx

ORDINANCE 2018 - 009

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 13.44 ± ACRES OF LAND GENERALLY LOCATED EAST OF US HIGHWAY 27/441 AND NORTH OF REGISTER ROAD; 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 Ryan Hinricher, as Applicant, on behalf of MRSF1, LLC, Owner, requesting that approximately 13.44 ± acres of real property generally located east of US Highway 27/441 and north of Register Road (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 13.44 acres of land generally located east of US Highway 27/441 and north of Register Road, 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:

**LEGAL DESCRIPTION:** That part of the Northwest ¼ of the Northwest ¼ of Section 3, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows: Begin at a point on the West line of said Section 3 that is 914.4 feet South of the Northwest corner of said Section 3, run thence South along said West line 405.6 feet; thence East 274 feet; thence North 405.6 feet; thence West 274 feet to the point of beginning. Also begin at a point 274 feet East of the Southwest corner of the said Northwest ¼ of the Northwest ¼; run thence East 101 feet; thence North 521 feet; thence East 334 feet; thence North 341 feet; thence West 435 feet to a point North of the point of beginning; thence South 862 feet to the point of beginning. Also, the South 258 feet of the West 506 feet of the East 611 feet of the Northwest ¼ of the Northwest ¼ and the West 334 feet of the East 945 feet of the South 521 feet of the Northwest ¼ of the Northwest ¼, all in Section 3, Township 19 South, Range 24 East, in Lake County, Florida. Less that part of the above described parcels conveyed to Lake County by deed recorded in Official Record Book 335, page 586, Public Records of Lake County, Florida.

Also:

That part of the Northwest ¼ of the Northwest ¼ of Section 3, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows: From the Southwest corner of the Northwest ¼ of the Northwest ¼ of said Section 3, run North 89° 52' 25" East 375.0 feet for a point of beginning, thence North 00° 15' 30" East 521.0 feet, thence North 89° 52' 25" East 5.73 feet, thence South 00° 27' 55" West 521.0 feet, thence West to the point of beginning.

**Parcel Alternate Key No. 2872098**

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.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

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

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

Passed First Reading \_\_\_\_\_  
Passed Second Reading \_\_\_\_\_  
(SEAL)



ORDINANCE 2018 - 010

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 13.44 ± ACRES OF THE PROPERTY FROM LAKE COUNTY RURAL RESIDENTIAL (R-1) TO RESIDENTIAL 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.**

**WHEREAS**, a petition has been submitted by Ryan Hinricher, as Applicant, on behalf of MRSF1, LLC, Owner, requesting that approximately 13.44 acres of real property generally located east of US Highway 27/441 and north of Register Road (the "Property") be rezoned from Lake County Rural Residential (R-1) to Residential Planned Unit Development (PUD) within the city limits of Fruitland Park; and

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

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

**WHEREAS**, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

**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 13.44 ± acres of land generally located east of US Highway 27/441 and north of Register Road shall hereafter be designated as PUD, Residential Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described and depicted as set forth on Exhibit "A" and as depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference.

Section 2. That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

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.

Section 4. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

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

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

Passed First Reading \_\_\_\_\_  
Passed Second Reading \_\_\_\_\_  
(SEAL)

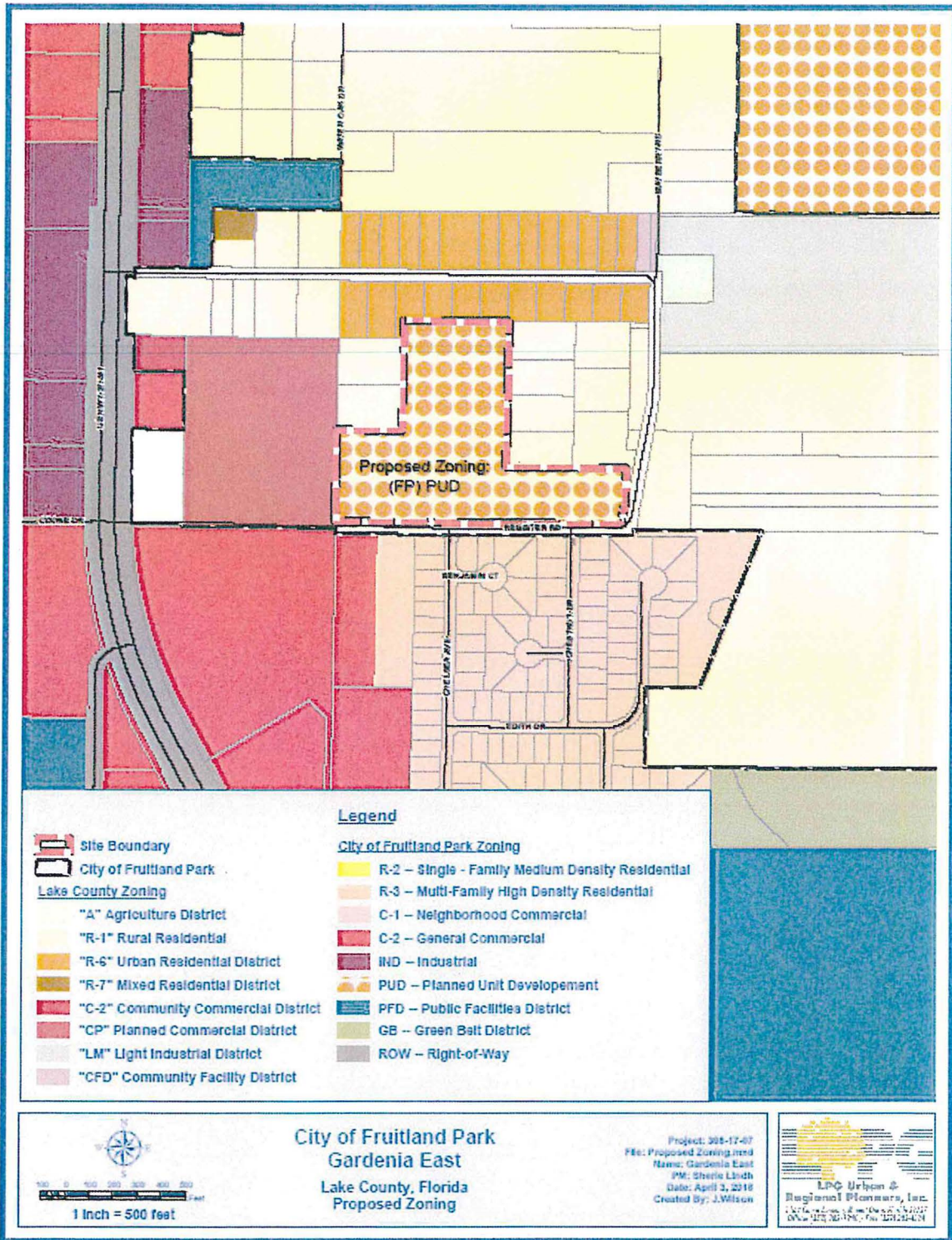
**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

That part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows: Begin at a point on the West line of said Section 3 that is 914.4 feet South of the Northwest corner of said Section 3, run thence South along said West line 405.6 feet; thence East 274 feet; thence North 405.6 feet; thence West 274 feet to the point of beginning. Also begin at a point 274 feet East of the Southwest corner of the said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ; run thence East 101 feet; thence North 521 feet; thence East 334 feet; thence North 341 feet; thence West 435 feet to a point North of the point of beginning; thence South 862 feet to the point of beginning. Also, the South 258 feet of the West 506 feet of the East 611 feet of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and the West 334 feet of the East 945 feet of the South 521 feet of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , all in Section 3, Township 19 South, Range 24 East, in Lake County, Florida. Less that part of the above described parcels conveyed to Lake County by deed recorded in Official Record Book 335, page 586, Public Records of Lake County, Florida.

Also:

That part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows: From the Southwest corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 3, run North  $89^{\circ} 52' 25''$  East 375.0 feet for a point of beginning, thence North  $00^{\circ} 15' 30''$  East 521.0 feet, thence North  $89^{\circ} 52' 25''$  East 5.73 feet, thence South  $00^{\circ} 27' 55''$  West 521.0 feet, thence West to the point of beginning.

# EXHIBIT "B"



ORDINANCE 2018 -~~XXX~~ 011

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY URBAN MEDIUM DENSITY TO MULTI-FAMILY LOW DENSITY ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 13.44 ± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF REGISTER ROAD AND EAST OF US HIGHWAY 27/441; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Ryan Hinricher as applicant, on behalf of MRSF1, LLC as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "Multi-Family Low Density" under the Comprehensive Plan for the City of Fruitland Park; and

WHEREAS, the required notice of the proposed large scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

WHEREAS, the Planning and Zoning Commission of the City of Fruitland Park and the Local Planning Agency for the City of Fruitland Park have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Commission of the City of Fruitland Park.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:

**Section 1:** The following described property consisting of approximately 13.44 ± acres generally located north of Register Road and west of US Highway 27/441 as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Multi-family low density under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference.

**Section 2:** A copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Fruitland Park as a matter of permanent record of the City, matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office available for public inspection.

**Section 3: Transmittal**

After the first public hearing, a copy hereof shall be transmitted to the Department of Economic Opportunity and the East Central Florida Regional Planning Council, the water management district, the Department of Environmental Protection, the Department of State, the Department of Transportation, Lake County, and any other unit of local government or governmental agency in

the State of Florida that has filed a written request with the Clerk of the City of Fruitland Park, Florida.

**Section 4:** The City Manager or his designee, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

**Section 5: Severability.**

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.

**Section 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7:** This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

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

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

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

Passed Second Reading \_\_\_\_\_  
(SEAL)

EXHIBIT A

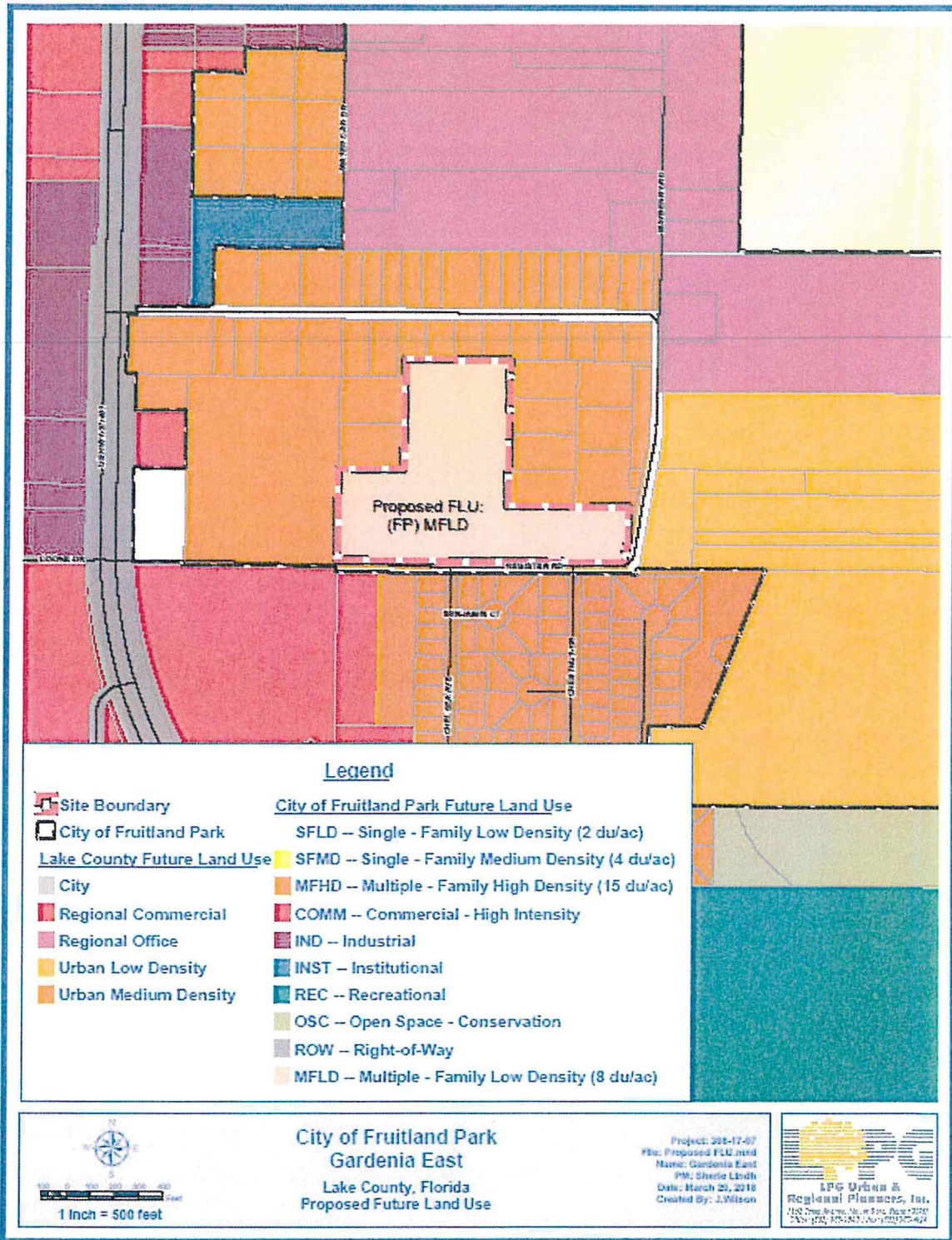
That part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows: Begin at a point on the West line of said Section 3 that is 914.4 feet South of the Northwest corner of said Section 3, run thence South along said West line 405.6 feet; thence East 274 feet; thence North 405.6 feet; thence West 274 feet to the point of beginning. Also begin at a point 274 feet East of the Southwest corner of the said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ; run thence East 101 feet; thence North 521 feet; thence East 334 feet; thence North 341 feet; thence West 435 feet to a point North of the point of beginning; thence South 862 feet to the point of beginning. Also, the South 258 feet of the West 506 feet of the East 611 feet of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and the West 334 feet of the East 945 feet of the South 521 feet of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , all in Section 3, Township 19 South, Range 24 East, in Lake County, Florida. Less that part of the above described parcels conveyed to Lake County by deed recorded in Official Record Book 335, page 586, Public Records of Lake County, Florida.

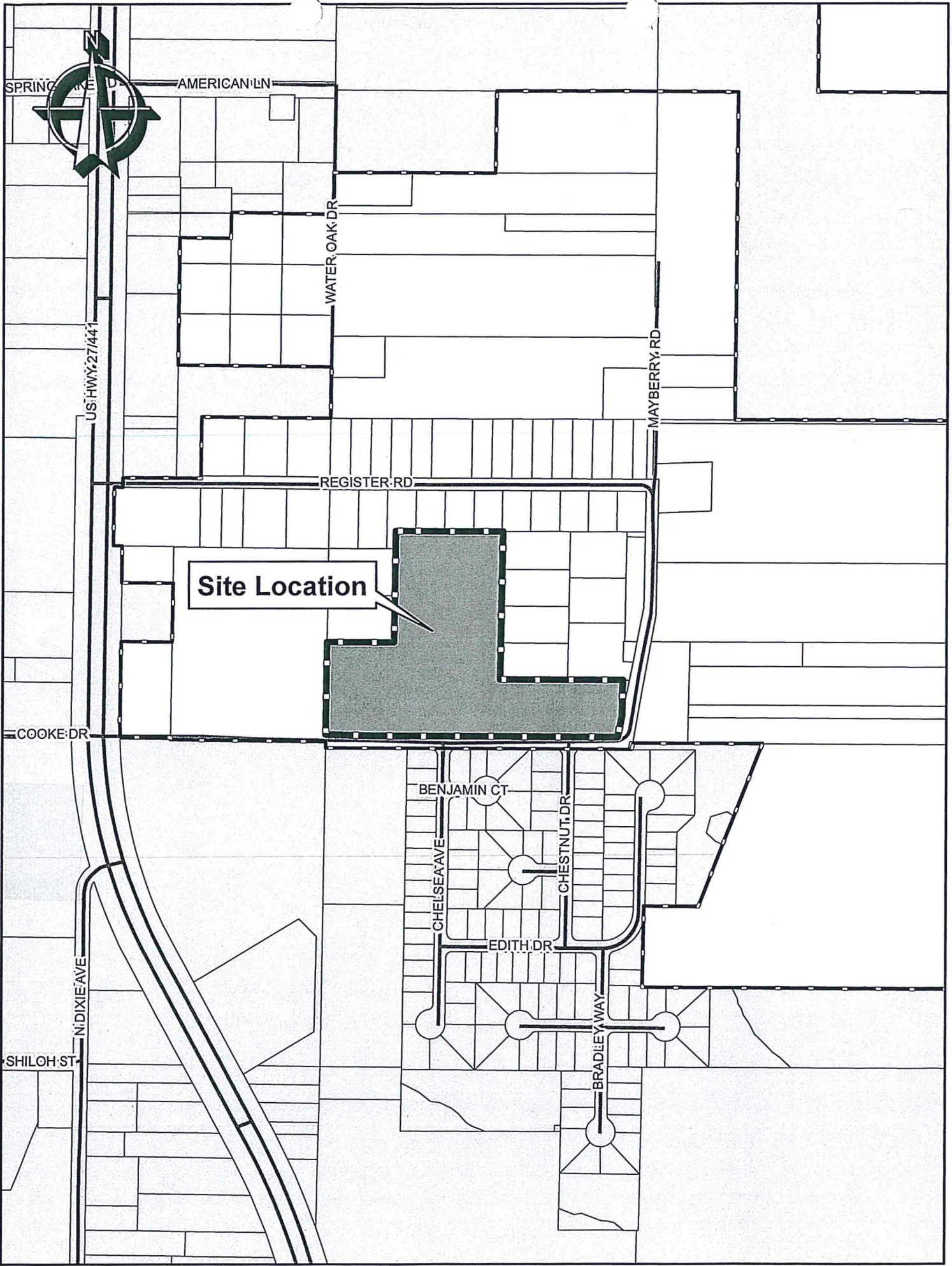
Also:

That part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows: From the Southwest corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 3, run North  $89^{\circ} 52' 25''$  East 375.0 feet for a point of beginning, thence North  $00^{\circ} 15' 30''$  East 521.0 feet, thence North  $89^{\circ} 52' 25''$  East 5.73 feet, thence South  $00^{\circ} 27' 55''$  West 521.0 feet, thence West to the point of beginning.



EXHIBIT B





Site Location



**LARGE SCALE COMPREHENSIVE PLAN AMENDMENT  
APRIL 2018**

Prepared By:

LPG Urban & Regional Planners, Inc.  
1162 Camp Avenue  
Mt. Dora, Florida 32757  
(352) 385-1940

**City of Fruitland Park  
Gardenia East  
Large Scale Comprehensive Plan Amendment**

*Executive Summary*

The proposed large scale comprehensive plan map amendment consists of 13.44 ± acres and is located north of Register Road and east of US 27/441 (Figure 1). The subject site was recently annexed into the City of Fruitland Park and is considered infill development as it is located in close proximity to existing approved residential and commercial development.

The site is designated as Urban Medium Density (13.44 ± acres) on the Lake County Future Land Use Map (Figure 2). It is proposed to designate the entire site as Multi-family low density on the City's future land use map (Figure 3). For purposes of the comprehensive plan amendment, a worst case development scenario was analyzed. Under the Lake County Urban Medium Density (7 units/acre) future land use the property could have been developed at a worst case scenario of ninety-four (94) residential units and 20,000 square feet of commercial (Table 1). Under the city's proposed Multi-family low density land use utilizing a maximum density of 8 units/acre results in 107 units (Table 1). The amendment would result in an increase of 13 residential units and a decrease of commercial of 20,000 square feet.

*Residential Needs Analysis*

The subject site is considered infill development as it is located in close proximity to existing approved residential development known as Chelsea's Run and commercial development to the west and commercial designation to the southwest. The City's future land use element indicates that there is a projected demand for 5,460 housing units by 2035. This demand was projected to be met by mixed use development and single use development. The addition of 13.44 acres would assist in meeting the city's project housing demand.

*Potable Water Analysis*

The subject site is within the City of Fruitland Park's Utility Service Area. The City currently owns, operates and maintains a central potable water treatment and distribution system. The permitted plant capacity is 2.879 MGD and the permitted consumptive use permit capacity is 1.4645 MGD. The City has a current available capacity of .3985 mgpd and an analysis was conducted of the proposed amendment based on land use and the City's Level of Service (LOS) standards (Table 2). The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining available capacity of .3493 mgpd.

### Sanitary Sewer Analysis

The subject site is within the City of Fruitland Park's Utility Service area. The City currently owns, operates, and maintains a central sanitary sewer system. The permitted plant capacity is 100,000 gpd and the current available capacity is 51,000 gpd and an analysis was conducted of the proposed amendment based on land use and the City's Level of Service (LOS) standards (Table 3). The analysis concludes that the proposed amendment will not cause a deficiency in and the City will have a remaining capacity of 16,108 gpd.

### Solid Waste Analysis

The LOS for solid waste is twice a week collection. The City utilizes a private waste hauler through a franchise agreement. The proposed development will produce 240,856 pounds of solid waste per year. The proposed amendment will not cause a deficiency in the LOS.

### Transportation Impact Analysis

For comprehensive plan purposes, a worst case development scenario was utilized. The proposed land use is expected to generate less daily trips and less PM peak hour traffic than the existing land use as outlined below. The proposed amendment will not cause a deficiency in the LOS.

**TRIP GENERATION ANALYSIS**

**Proposed Land Use Program**

| Land Use                            | Size/Unit | ITE Code | Daily Trips  | PM Peak Hour Trips | PM Trips Enter | PM Trips Exit |
|-------------------------------------|-----------|----------|--------------|--------------------|----------------|---------------|
| Single Family                       | 107       | 210      | 1019         | 107                | 67             | 40            |
| <b>TOTAL GROSS TRIPS (PROPOSED)</b> |           |          | <b>1,019</b> | <b>107</b>         | <b>67</b>      | <b>40</b>     |

**Existing Land Use Program**

| Land Use                            | Size/Unit | ITE Code | Daily Trips  | PM Peak Hour Trips | PM Trips Enter | PM Trips Exit |
|-------------------------------------|-----------|----------|--------------|--------------------|----------------|---------------|
| Single Family                       | 94 units  | 210      | 895          | 94                 | 59             | 35            |
| Commercial                          | 20,000 SF | 820      | 854          | 74                 | 24             | 25            |
| <b>TOTAL GROSS TRIPS (EXISTING)</b> |           |          | <b>1,749</b> | <b>168</b>         | <b>83</b>      | <b>60</b>     |

**Net Difference (Proposed Net Trip Generation Minus Existing Net Trip Generation)**

| Land Use                                     | PM Peak Hour Trips | PM Trips Enter | PM Trips Exit |
|--|--------------------|----------------|---------------|
| <b>TOTAL NET TRIPS (PROPOSED – EXISTING)</b> | <b>-61</b>         | <b>-16</b>     | <b>-20</b>    |

Environmental Analysis

An environmental analysis was conducted by Ray and Associates (Appendix A). The subject site contains no wetlands or 100 year flood areas. Gopher tortoise burrows were observed and the site is within the sand skink consultation area. Prior to development, appropriate regulatory permits will be required.

Comprehensive Plan Compliance

The proposed amendment is in compliance with the following policies of the City of Fruitland Park Comprehensive Plan. The amendment will further the City's goals in meeting projected housing demand through 2035.

***Future Land Use***

- Policy 1-1.2: **Density and Intensity Standards.** The Future Land Use Map Series shall designate areas for the uses listed in Table 1-1 and shall not exceed the maximum density and intensity contained in the Table.
- Policy 1-1.5: **Multiple-Family Low Density.** Development in this land use category shall be limited to single-family detached, single-family attached, two-family (duplex), multi-family homes, and mobile homes. However, mobile homes shall only be permitted in mobile home parks subdivisions. Density shall not exceed 8 dwelling units/acre; however, density shall be limited to 4 dwelling units/acre unless a centralized sanitary sewer system is provided. Small scale commercial uses may be permitted adjacent to major highways provided they are intended to provide for the daily needs of residents within the development and the adjoining residential area. Such businesses will generally not exceed 15,000 sq. ft. in size and will require Planned Unit Development (PUD) zoning.
- Policy 1-2.1: **Promote Orderly, Compact Growth.** Land use patterns delineated on the Future Land Use Map shall promote orderly, compact growth. The City shall encourage growth and development in existing developed areas where public facilities and services are presently in place and in those areas where public facilities can provide the most efficient service.

**Table 1 – Maximum Development Analysis**

| Ordinance #  | Acres        | Existing Land Use                 | Existing Intensity of Development               | Proposed City Land Use                  | Proposed Maximum Development | Net Change in Development Potential             |
|--------------|--------------|-----------------------------------|---|---|------------------------------|---|
| *2018-       | 13.44        | County Urban Medium (7 unit/acre) | 94 Residential Units<br>20,000 SF<br>Commercial | Multi-Family Low Density (8 units/acre) | 107 SF units                 | + 13 Units<br>-20,000 SF<br>Commercial          |
| <b>TOTAL</b> | <b>13.44</b> |                                   |   |   |                              | <b>+ 13 Units<br/>-20,000 SF<br/>Commercial</b> |

\* Annexation Ordinance No

Existing Lake County Urban Medium - Max. Density- 7 units/acre per FLU Policy 1-1.3.3 and 20,000 SF Retail Commercial per FLU Policy 1-1.3.1.4

Proposed City Multi-family low density – Max. Intensity –8 units/acre per FLU Policy 1.1.5



**Table 2 – Water Analysis**

| Ordinance #                               | Acres | Existing County Land Use | Proposed City Land Use                  | Maximum Development | Water Demand (gross) (mgpd) | Capacity or Deficit (mgpd) |
|---|-------|--------------------------|---|---------------------|-----------------------------|----------------------------|
| City of Fruitland Park Permitted Capacity |       |                          |   |                     |                             | 1.4645                     |
| City of Fruitland Park Current Capacity   |       |                          |   |                     |                             | .3985                      |
| *2018-                                    | 13.44 | County Urban Medium      | Multi-family low density (8 units/acre) | 107 units           | 0.0492                      | .3493                      |

\* Annexation Ordinance No

Projected population – 286 (107 x 2.67 pph)

Estimated water demand based on PF Policy 4-10.1 of LOS of 172 gpdpc

**Table 3 – Wastewater Analysis**

| Ordinance #                               | Acres | Existing County Land Use | Proposed City Land Use                  | Maximum Development | Water Demand (gross) (mgpd) | Capacity or Deficit (mgpd) |
|---|-------|--------------------------|---|---------------------|-----------------------------|----------------------------|
| City of Fruitland Park Permitted Capacity |       |                          |   |                     |                             | 100,000 gpd                |
| City of Fruitland Park Current Capacity   |       |                          |   |                     |                             | 51,000 gpd                 |
| *2018                                     | 13.44 | County Urban Medium      | Multi-family low density (8 units/acre) | 107 units           | 34,892 gpd                  | 16,108 gpd                 |

\* Annexation Ordinance No

Projected population – 286 (107 x 2.67 pph)

Estimated wastewater demand based on PF Policy 4-2.1 of LOS of 122 gpdpc

Figure 1

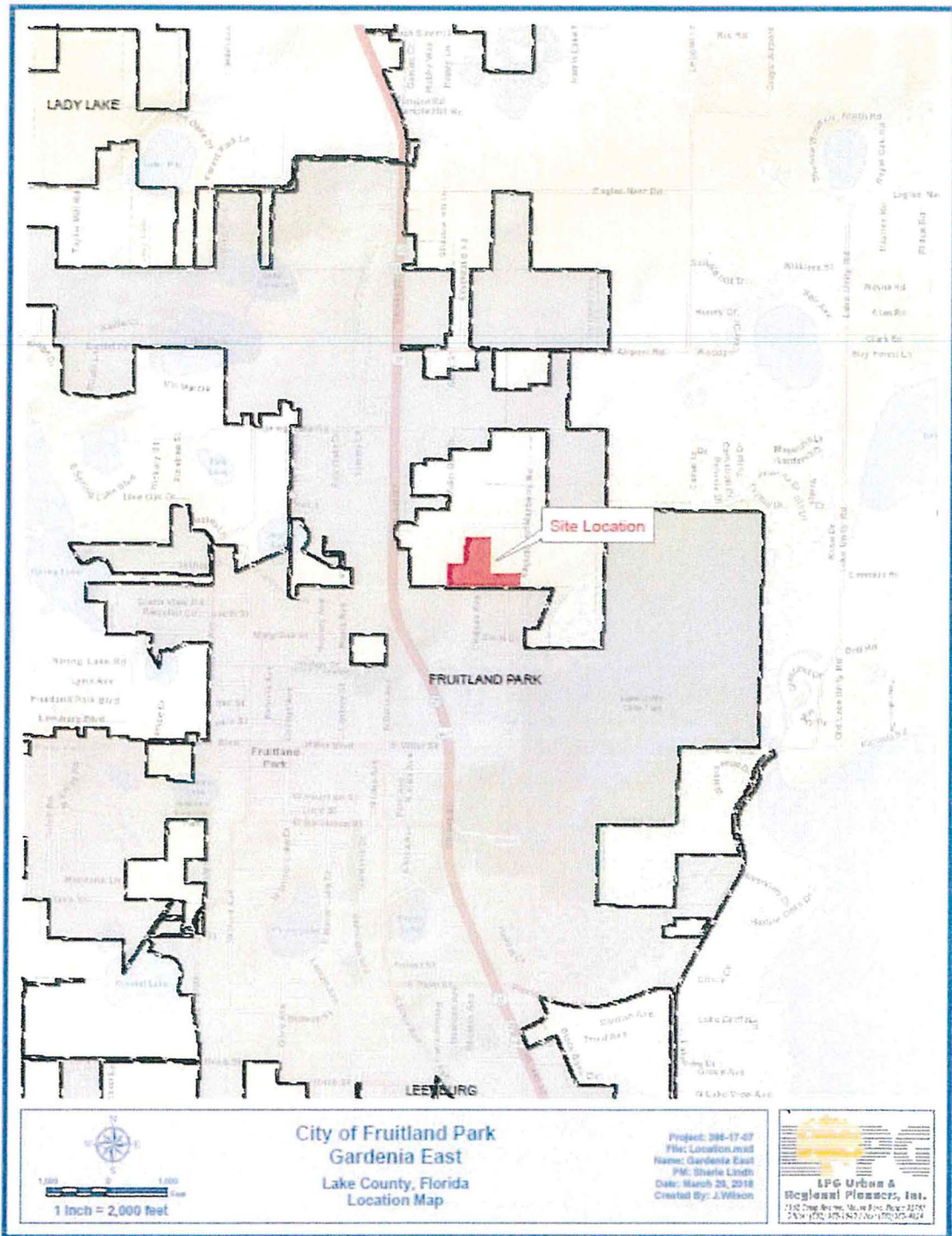


Figure 2

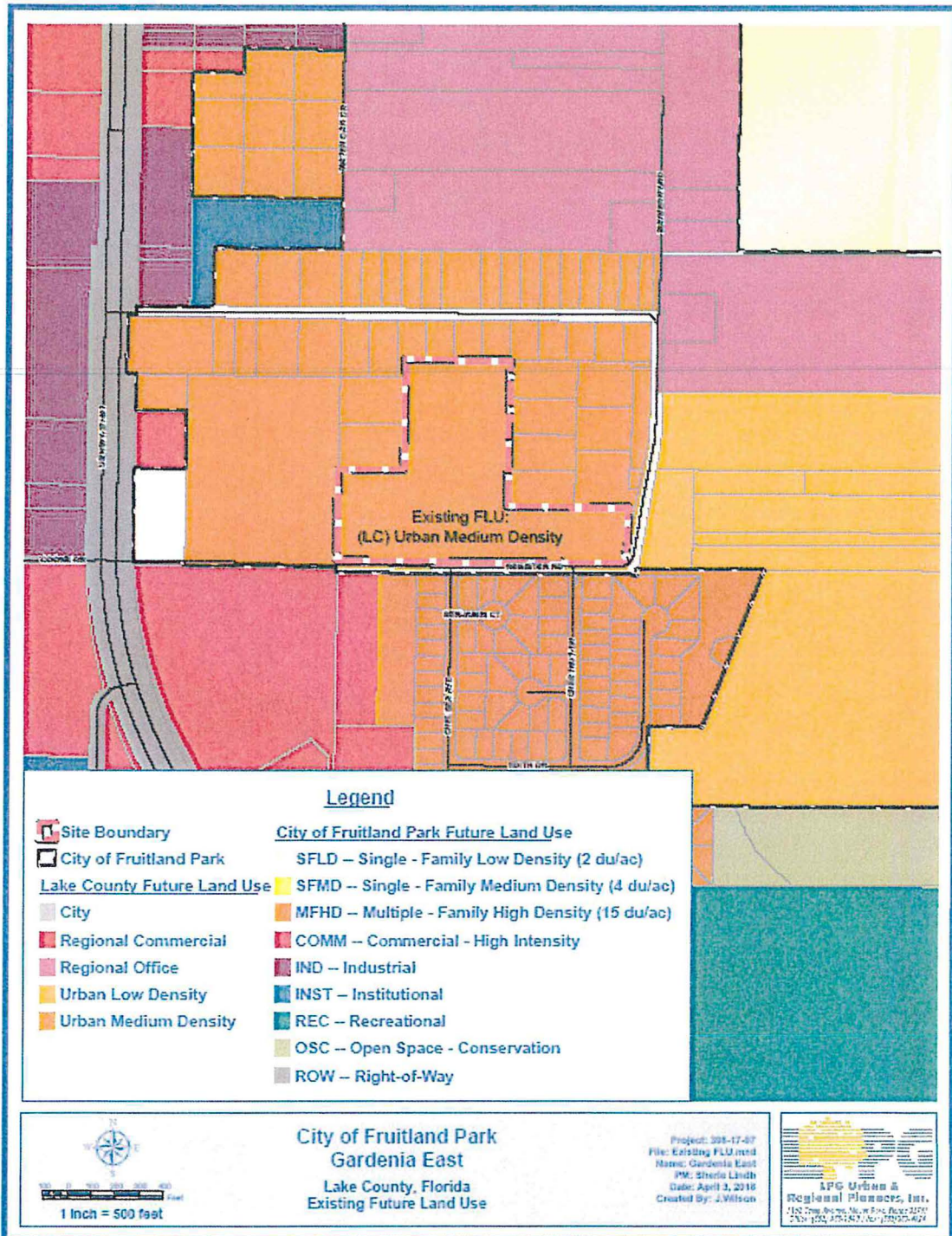
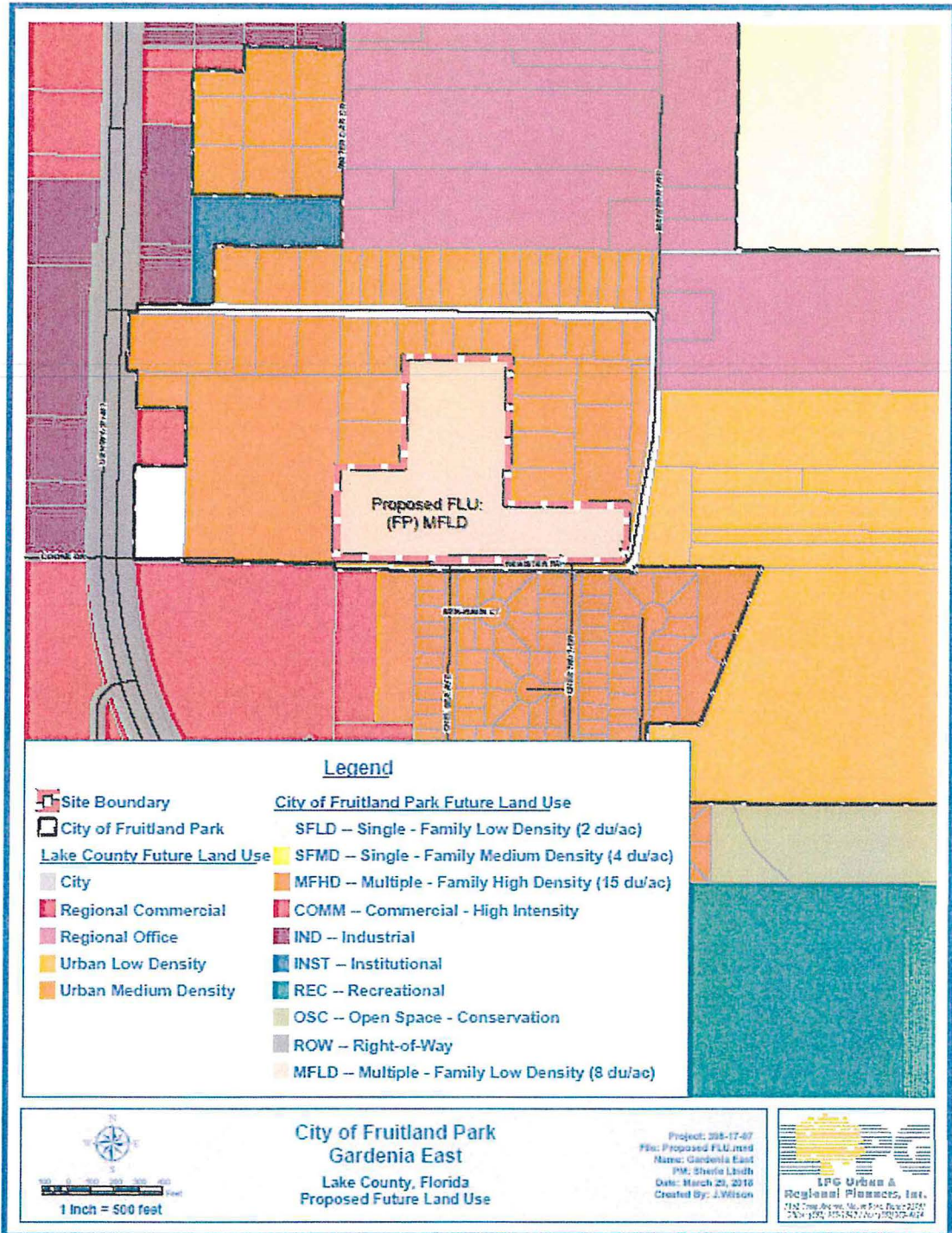


Figure 3



**Appendix A**

Record and Return to:  
City of Fruitland Park  
Attn: City Clerk  
506 W. Berckman Street  
Fruitland Park, Florida 34731

#### MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the \_\_\_\_th day of \_\_\_\_\_, 2018, between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), and MRSF1, LLC, a Delaware limited liability company (hereinafter referred to as the "Owner").

#### RECITALS

1. The Owner desires to rezone approximately 13.44 + acres of property within the City of Fruitland Park, described and depicted as set forth on Exhibit "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").
2. The Property is currently located within the City of Fruitland Park and is currently zoned Lake County Rural Residential (R-1) with a future land use designation on the City of Fruitland Park Future Land Use Map of "Multi-family low density."
3. Owner has filed applications for rezoning for the Property as a residential planned unit development.
4. Owner represents that it is the sole legal owner of the Property and that it has the full power and authority to make, deliver, enter into, and perform pursuant to the terms and conditions of this Agreement and has taken all necessary action to authorize the execution, delivery, and performance of the terms and conditions of this Agreement.
5. The City of Fruitland Park has determined that the rezoning of the Property and the proposal for its development presents, among other things, an opportunity for the City to secure quality planning and growth, protection of the environment, and a strengthened and revitalized tax base.
6. Owner will fund certain public improvements and infrastructure to facilitate the development of the Property.
7. The Property is within the City's Chapter 180, Florida Statutes, utility district, and Owner has requested and City desires to provide water and sewer as well as other municipal services to the Property.

ACCORDINGLY, in consideration of the mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. Recitals. The above recitals are true and correct, are hereby incorporated herein by reference,

and form a material part of this Agreement. All exhibits to this Agreement are hereby deemed a part thereof.

Section 2. Conditions Precedent. Owner has filed an application for rezoning for the Property. It is understood and agreed to by the City and the Owner that this Agreement shall not be binding or enforceable as to any party unless and until: a) the City duly adopts the Agreement and adopts an ordinance rezoning the Property. The parties hereto understand and acknowledge that the City is in no way bound to rezone the Property. The City shall have the full and complete right to approve or deny the application for rezoning.

Section 3. Land Use/Development. Development of the Property shall be substantially consistent with the "Conceptual Site Plan" prepared by Wicks Engineering Services, Inc., dated \_\_\_\_\_, and attached as Exhibit "B" (the "Plan"). All development shall be consistent with City's "PUD" (Planned Unit Development/Mixed Use) zoning district and, subject to City approval. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

Section 4. Permitted Uses. Permitted Uses shall include:

- a. Single family detached residential dwelling units.
- b. Passive and Active Recreation Facilities.
- c. Boat and RV storage within the designated area as shown on the plan.
- d. Residential units shall not exceed 49.

Section 5. Residential Development Standards. Development Standards shall be as follows:

- a. The minimum living area shall be 1,200 square feet for the single family detached homes.
- b. The minimum lot size shall be 4,000 square feet for the detached single family homes.
- c. Minimum lot width for detached single-family shall be 40 feet with a minimum lot depth of 100 feet.
- d. Minimum Setback requirements for detached residential units shall be:  
  
Front: Local Roadways - Twenty feet (20')  
Garage Setback from Roadway - Twenty-five feet (25')  
  
Side: Local Roadways - Twenty feet (20')  
Another Lot - Five feet (5')  
  
Rear: Local Roadway - Twenty feet (20')  
Another Lot - Ten feet (10')  
  
Accessories Setback: All accessory structures shall be located no closer to the property line than five feet (5').
- e. Maximum building height shall be limited to thirty five feet (35') for single family; however, if adequate fire protection measures are provided the height limitation may be exceeded, after review by the City Fire Inspector and Building Official with final determination by the City Commission.
- f. Parking: The Applicant will be required to meet the parking requirements of the Fruitland Park Land Development Code.
- g. The maximum building coverage shall not exceed forty percent (40%).



**Section 7. Residential Design Standards.** Design Standards shall be as follows:

- a. **Architectural features** - All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the single family units. Garage vehicle doors shall incorporate the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc. Front doors shall incorporate the following decorative elements: raised decorative panels, decorative glass panels or panes, decorative handles, etc. Designs may vary throughout the development.
- 1) Dormers
  - 2) Gables
  - 3) Recessed or raised entries
  - 4) Covered porch entries
  - 5) Cupolas
  - 6) Pillars or decorative posts
  - 7) Bay window (minimum 12 inch projections)
  - 8) Eaves (minimum 6-inch projections)
  - 9) Front windows with arched glass tops and minimum 4-inch trim
- b. **Building Materials** - Exterior building materials contribute significantly to the visual impact of a building on the community. These materials shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:
- 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
  - 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.).
  - 3) All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.

**Section 8. Development Phasing.** The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan (attached as part of these conditions). Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.

Commented [AG1]: The plan needs to be attached.

**Section 9. Site Access and Transportation Improvements.** Vehicular access to the project site shall be provided by a minimum of two access points on Register Road. Other potential vehicular and pedestrian accesses will be reviewed during the development review process.

- a. The Permittee shall provide all necessary improvements within and adjacent to the development as required by Lake County and City of Fruitland Park.

- b. All roads within the development shall be designed and constructed by the developer to meet the City of Fruitland Park requirements including curb and gutter.
- c. Sidewalks shall be provided on both sides of the local internal roads and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalks. All sidewalks shall be constructed in accordance with City of Fruitland Park Codes.
- d. The City of Fruitland Park will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- e. Should the Permittee desire to dedicate the proposed project's internal road system to the City of Fruitland Park; the City, at its discretion, may accept or not accept the road system. Prior to acceptance, the Permittee shall demonstrate to the City the road system is in suitable condition and meets City of Fruitland Park requirements. As a condition of accepting the roadway system the City may create a special taxing district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project, and may require bonds or other financial assurance of maintenance for some period of time
- f. A traffic/transportation study shall be submitted prior to preliminary subdivision plan approval for review and determination of any necessary access improvements if required by Lake County. Said improvements will be the responsibility of the Permittee.

**Section 10. Lighting.** All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way and parking areas.

**Section 11. Water, Wastewater, and Reuse Water.** Subject to the terms herein, Owner and their successors and assigns agree to obtain water, reuse water, irrigation water, and wastewater service (hereafter, "Utilities") exclusively through purchase from City. Owner covenants and warrants to City that it will not engage in the business of providing such Utilities to the Property or within City's F.S. Chapter 180 utility district. Notwithstanding the foregoing, private wells for irrigation purposes will be allowed within the Property so long as such wells are approved and permitted by the St. Johns River Water Management District (the "District") and comply with the rules and regulations of the District. Owner shall construct, at Owner's expense, all on-site utility facilities (e.g. lift stations and lines) as well as pay for the extension of facilities from City's current point of connection. Owner shall also construct, at Owner's expense, "dry" utility lines for reclaimed water purposes. All such improvements must be constructed to City requirements and transferred to City as a contribution in aid of construction.

**Section 12. Impact Fees.** Owner shall be required to pay impact fees as established by City from time to time, including water and wastewater impact fees. The amount to be paid shall be the adopted impact fee rate at the time the building permit is issued.

Owner agrees to pay all other impact fees and any impact fees adopted after the execution of this Agreement as building permits are issued. If impact fees increase from the time they are paid until the building permit is issued, Owner shall pay the incremental increased amount at the time building permits are issued. Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner agrees and understands that no capacity has been reserved and that Owner assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of site plan and City is willing

to allocate such capacity to Owner, Owner shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

**Section 13. Easements.** Owner shall provide the City such easements or right of way in form acceptable to the City Attorney, as the City deems necessary for the installation and maintenance of roads, sidewalks, bikeways, street lighting or utility services, including but not limited to sewer, water, drainage and reclaimed water services.

**Section 14. Landscaping/Buffers.** Developer has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a fifteen foot (15') landscape buffer along the perimeter property boundary as shown on the Conceptual Plan consisting of four (4) canopy trees, two (2) understory trees, and fifteen (15) shrubs per one hundred feet (100'). All landscaping and tree protection shall comply with Chapter 164 of the City of Fruitland Park Land Development Regulations.

Owner shall, at its sole expense, install underground irrigation systems on all common areas of the Property, as well as exercise any other measures reasonably necessary to ensure the long-term maintenance of the landscaping.

Owner acknowledges City's goal of achieving a greater level of tree preservation within the City. In aid of such goal, Owner agrees to comply with all applicable City of Fruitland Park Land Development Regulations pertaining to tree removal and replacement.

**Section 15. Stormwater Management.** Owner agrees to provide at Owner's expense a comprehensive stormwater management system consistent with all regulatory requirements of the City and the St. John's River Water Management District. Impacts to flood plains are allowed in accordance with the Water Management District procedures for compensating storage and will be based on the 100-year floodplain established by Lake County.

**Section 16. Other Municipal Facilities/Services.** The City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under the same terms and conditions and in the same manner as are afforded to all other commercial property owners within the City.

**Section 17. Environmental Considerations.** The Owner agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

**Section 18. Signage.** Owner shall submit a master sign plan as a component of the final site plan (i.e., construction plan) application for the Property. Such plan shall be in compliance with all applicable regulations contained within the City of Fruitland Park Land Development Regulations, unless City grants a waiver or variance pursuant to the City's Land Development Regulations. Alternatively, the Owner, in the Owner's discretion, may apply to amend the PUD to incorporate a Master Signage Plan at the time that the Owner desires to install signage at the development.

**Section 19. Title Opinion.** Owner shall provide to City, in advance of the City's execution of this Agreement, a title opinion of an attorney licensed in the State of Florida, or a certification by an abstractor or title company authorized to do business in the State of Florida, showing marketable title to the Property to be in the name of the Owner and showing all liens, mortgages, and other encumbrances not satisfied or released of record.

Section 20. **Compliance with City Laws and Regulations.** Except as expressly modified herein, all development of the Property shall be subject to compliance with the City Land Development Regulations and City Code provisions, as amended, as well as regulations of county, state, local, and federal agencies. All improvements and infrastructure shall be constructed to City standards.

Section 21. **Due Diligence.** The City and Owner further agree that they shall commence all reasonable actions necessary to fulfill their obligations hereunder and shall diligently pursue the same throughout the existence of this Agreement. The City shall further provide all other municipal services to the Property as are needed by Owner from time to time in accordance with the City's applicable policies for the provision of said services.

Section 22. **Enforcement/Effectiveness.** A default by either party under this Agreement shall entitle the other party to all remedies available at law. This is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220 - 163.3243, *Florida Statutes*.

Section 23. **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of Florida and venue for any action hereunder shall be in the Circuit Court of Lake County, Florida.

Section 24. **Binding Effect; Assignability.** This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 25. **Waiver; Remedies.** No failure or delay on the part of either party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party or any right, power, or privilege hereunder operate as a waiver of any other right, power, privilege hereunder, not will any single or partial exercise of any right, power, or privilege hereunder preclude any other further exercise thereof or the exercise of any other right, power, or privilege hereunder.

Section 26. **Exhibits.** All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 27. **Notice.** Any notice to be given shall be in writing and shall be sent by certified mail, return receipt requested, to the party being noticed at the following addresses or such other address as the parties shall provide from time to time:

|             |   |
|-------------|---|
| As to City: | City Manager<br>City of Fruitland Park<br>506 W. Berckman Street<br>Fruitland Park, Florida 34731<br>352-360-6727 Telephone               |
| Copy to:    | Chris Cheshire, City Mayor<br>City of Fruitland Park<br>506 W. Berckman Street<br>Fruitland Park, Florida 34731<br>352-360-6727 Telephone |

|              |  |
|--------------|--|
|              | Anita Geraci-Carver<br>Law Office of Anita Geraci-Carver, P.A.<br>1560 Bloxam Avenue |
|              | Clermont, Florida 34711<br>352-243-2801 Telephone<br>352-243-2768 Facsimile          |
| As to Owner: | MRSF1 LLC<br>2409 Rick Whinery Dr.<br>Austin, TX 78728                               |
| Copy to:     |  |
|              |  |

Section 28. **Entire Agreement.** This Agreement sets forth all of the promises, covenants, agreements, conditions, and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied, oral or written, except as herein contained. However, the failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Owner from complying with the law governing said permitting requirements, conditions, terms or restrictions.

Section 29. **Term of Agreement.** The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner, or the effective date of the annexation of the Property, whichever occurs later, and shall terminate twenty (20) years thereafter; provided, however, that the term of this Agreement may be extended by mutual consent of the City and the Owner, subject to a public hearing.

Section 30. **Amendment.** Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 31. **Severability.** If any part of this Developer's Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not effect the other parts of this Developer's Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be effected. To that end, this Developer's Agreement is declared severable.

IN WITNESS WHEREOF, the Owner and the City have executed this Agreement as of the day and year first above written.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

MRSF1 LLC

\_\_\_\_\_  
Witness Signature

By: \_\_\_\_\_  
Manish Patel, Member

\_\_\_\_\_  
Print Name

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ by Gary Teague and Arthur A. Ayris who are personally known to me or who have produced \_\_\_\_\_ as identification and who did (did not) take an oath.

\_\_\_\_\_  
Notary Public  
Notary Public - State of Florida  
Commission No \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

ACCEPTED BY THE CITY OF FRUITLAND PARK

Approved as to form and  
legality for use and reliance  
by the City of Fruitland Park

By: \_\_\_\_\_  
Chris Cheshire, Mayor

Date: \_\_\_\_\_

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

ATTEST: \_\_\_\_\_  
Esther B. Coulson  
City Clerk

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, City Clerk of the City of Fruitland Park, Florida, who are personally known to be me and they acknowledge executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Fruitland Park, Florida.

\_\_\_\_\_  
Notary Public  
Notary Public - State of Florida  
Commission No \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

That part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows: Begin at a point on the West line of said Section 3 that is 914.4 feet South of the Northwest corner of said Section 3, run thence South along said West line 405.6 feet; thence East 274 feet; thence North 405.6 feet; thence West 274 feet to the point of beginning. Also begin at a point 274 feet East of the Southwest corner of the said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ; run thence East 101 feet; thence North 521 feet; thence East 334 feet; thence North 341 feet; thence West 435 feet to a point North of the point of beginning; thence South 862 feet to the point of beginning. Also, the South 258 feet of the West 506 feet of the East 611 feet of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and the West 334 feet of the East 945 feet of the South 521 feet of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , all in Section 3, Township 19 South, Range 24 East, in Lake County, Florida. Less that part of the above described parcels conveyed to Lake County by deed recorded in Official Record Book 335, page 586, Public Records of Lake County, Florida.

Also:

That part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 3, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows: From the Southwest corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 3, run North  $89^{\circ} 52' 25''$  East 375.0 feet for a point of beginning, thence North  $00^{\circ} 15' 30''$  East 521.0 feet, thence North  $89^{\circ} 52' 25''$  East 5.73 feet, thence South  $00^{\circ} 27' 55''$  West 521.0 feet, thence West to the point of beginning.

**EXHIBIT "B"**

**THE PLAN**

---