

506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731

Board Members:

City Manager Gary La Venia, Chairman City Engineer Duane Booth City Land Planner Greg Beliveau

Jeff Gerling, Building Official Judd Wright, Fire Inspector

Tracy Kelley, CDD

Board Members:

Interim Chief, Eric Luce, Police Department, Vice Chair Chief Donald Gilpin, Fire Department Dale Bogle, Public Works Director Lori Davis, Code Enforcement

PHONE: 352/360-6727

FAX: 352/360-6652

AGENDA TECHNICAL REVIEW COMMITTEE OCTOBER 2, 2018 10:00AM

- I. MEETING CALLED TO ORDER:
- II. MEMBERS PRESENT:
- **III. MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from September 4, 2018
- IV. OLD BUSINESS: NONE
- V. NEW BUSINESS:
 - A. Picciola Reserve Phase 2 Lot Split (ALT Key #1289050)

Ken Wagner of 4 Corners Property Solutions, LLC proposes a lot split on a vacant parcel for the purpose of building two new single family residences.

MEMBERS' COMMENTS:

ADJOURNMENT:



506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731

Board Members:

City Manager Gary La Venia, Chairman City Engineer Brett Tobias City Land Planner Greg Beliveau Jeff Gerling, Building Official Judd Wright, Fire Inspector Tracy Kelley, CDD **Board Members:**

Chief Donald Gilpin, Fire Department Dale Bogle, Public Works Director Lori Davis, Code Enforcement

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MINUTES TECHNICAL REVIEW COMMITTEE SEPTEMBER 4, 2018 10:00AM

- I. MEETING CALLED TO ORDER: Meeting called to order 10:03 AM.
- II. MEMBERS PRESENT: Board members present with the exception of Jeff Gerling, Building Official and Judd Wright, Fire Inspector. CDD Tracy Kelley introduced Interim Police Chief Eric Luce and called Chairman La Venia to appoint Interim Police Chief as Vice Chairman. Also in attendance John McGlohorn, PSM, BESH.
- III. MINUTES FROM PREVIOUS MEETING: Motion to approve meeting minutes from August 7, 2018 by Brett Tobias, City Engineer. Second by Lori Davis, Code Enforcement. Approved 8-0.
- IV. OLD BUSINESS: NONE
- V. NEW BUSINESS:
 - A. Jim Richardson Plat Vacation Application for Vacant Property located west of Hawk Landing and north of Otters Pond Road (ALT Key #3776296)

The Wingspread Property Owners Association is seeking to vacate Sub Tract B to sell to the adjacent property owner Jim Richardson.

City Land Planner Beliveau opened discussion to question the applicant's reason for application. Applicant Jim Richardson stated he has been maintaining the property because there is no easement to access said property by the HOA. The Plat shows five feet (5') of access on each side but there is path of ten feet (10') that would need to be cleared down the lot line for access. Land Planner Beliveau questioned if it was Applicant Richardson's lot line. Jim Richardson stated access was blocked from mowing on both easement access areas which are five feet (5') down the lot line on one side of the tract and five feet (5') on the other side of the tract as well. Land Planner Beliveau stated according to the Plat, the HOA is required to maintain the lot. Jim Richardson stated that the tract is inaccessible to the HOA for maintenance purposes because they would have to access from either his lot or the adjacent neighbor's lot.

Jim Richardson explained during a former hurricane a large tree fell within Tract B and there was no access for the HOA to cleanup. Jim Richardson stated the HOA would use his property for access but he would be required to sign a hold harmless waiver; he does not agree to sign a hold harmless waiver. Jim Richardson stated the HOA is negotiating the land on Tract B in lieu of tree removal. Jim Richardson stated that his goal is to apply for Unity of

Title; it is his understanding if he decides to sell in the future and the Plat is not vacated that he will be unable to sell the property fee simple.

Land Planner Beliveau stated the plat cannot be vacated because of all the restrictions on Tract B. Jim Richardson stated there are retention requirements and wetland lines on surrounding lots that go to the center of the pond. City Engineer Brett Tobias stated that those lots will still be part of the Plat. City Land Planner Beliveau stated existing lots are still retained with conditions. Engineer Tobias stated there is access to the tract by conditions of the Plat. Jim Richardson stated there is an easement off of Otters Court and an easement behind those properties. Engineer Tobias stated there is a drainage easement on the west side of Lot 15. Jim Richardson stated it is a drainage easement. Engineer Tobias stated Wingspread Declarations and Covenants of Restrictions state all drainage easements grant the right to access for maintenance. Jim Richardson referred to the aerial photograph and made mention of the trees as the easement is against the property line. City Engineer Tobias stated he does not know if trees located in the easement constitutes blocking legal access. Jim Richardson stated trees would need to be removed and City Engineer Tobias agreed. CDD Kelley stated the HOA is allowed to remove trees.

CDD Kelley questioned instead of vacating the Plat why wouldn't the applicant simply purchase it from the Home Owner's Association and record a Unity of Title? CDD Kelley stated the Plat does not need to be vacated for the applicant to have ownership. Jim Richardson stated he understands and he does not have a problem as long as the property can be sold fee simple. Engineer Tobias stated he does not understand why he would not be able to sell the property fee simple and Jim Richardson stated his attorney advised vacating. Engineer Tobias stated if HOA sells the property to Jim Richardson they are still obligated to maintain the property since the Declarations of Covenants and Restrictions require maintenance of drainage easements. The St. John's River Water Management District Permit requires the drainage easement remain for future developments and any changes require modification to permit.

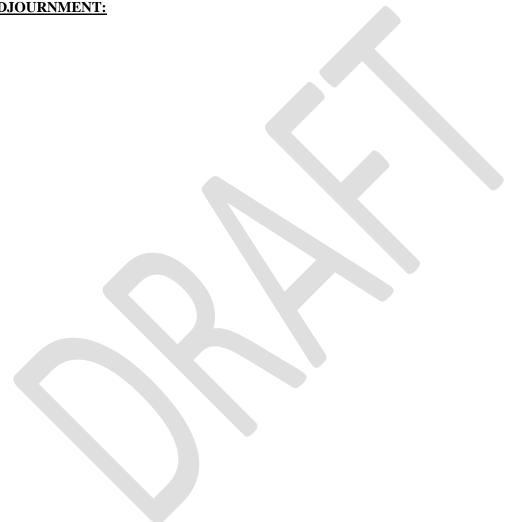
Engineer Tobias stated the Home Owner's Association is responsible for the removal of fallen trees in the Stormwater Management System. Jim Richardson stated it is also the HOA's responsibility to remove anything unsightly upon their lot or land regardless if it is impacting the Stormwater Management System. Jim Richardson stated the tree is unsightly and the estimate to remove the tree is seven thousand dollars (\$7,000.00). Jim Richardson stated he did not want a problem to arise if he does the Unity of Title and then later wants to sell the property. City Land Planner Beliveau stated the City would have no problem with the Unity of Title if the applicant purchases Tract B and combines with his parcel. Jim Richardson stated he would seek advisement from his attorney. City Engineer Tobias stated if the property was annexed by Plat, then vacating it would mean the property is no longer located within the City of Fruitland Park. PSM McGlohorn stated from a City standpoint we want to make sure that the conservation easement will not be jeopardized.

CDD Kelley stated the Declarations of Covenants and Restrictions state "within these easements, no structure, planting or other material shall be placed or permitted to remain that may damage or interfere with the installation and maintenance of utilities, change the direction of flow of drainage channels in the easements or obstruct or retard the flow of water through drainage channels in the easements." City Land Planner Beliveau stated stormwater would have to be channeled if the applicant added anything to his property. City Engineer Tobias stated any building could not displace the swale. Jim Richardson stated the swale does not exist except for a small section and there is a slope to the pond. City Engineer Tobias stated the HOA is supposed to be maintaining the swale. City Engineer Tobias stated that the Stormwater Permit includes an inspection period every ten years or so and the HOA must hire an engineer to certify the system is still working and maintained. Engineer Tobias stated the Stormwater Permit includes a swale around the pond. Jim Richardson stated the swale is not currently maintained. City Engineer Tobias stated he would recommend the applicant require

the HOA fix any issues with the land before taking ownership of the property. CDD Kelley stated the SJRWMD Permit issued in 2003 states the permittee shall notify the District in writing with any sale or other transferred ownership. Mr. Moukhtara is the permittee who should have notified the District when the HOA became responsible for the property. The HOA would then need to notify the District when transferring ownership to Applicant Richardson. Engineer Tobias stated it is not a city issue. Engineer Tobias stated the SWRWMD Permit is available on their website and he will email the information to CDD Kelley.

MEMBERS' COMMENTS: No additional comments

ADJOURNMENT:





owner to submit application.

City of Fruitland Park, Florida Community Development Department 506 W. Berckman St., Fruitland Park, Florida 34731 Tel: (352) 360-6727 Fax: (352) 360-6652 www.fruitlandpark.org

	Staff Use Only	
Case No.:		
Fee Paid:		
Receipt No.: _		

Develor	oment Application
Contact Information:	ment Application
Owner Name: Live Oak Enterprises	LLC
	rmore FL 34784 - 2757
Phone: 407 340 2894 Email:	dlennon 67 @ cg mail , com
Applicant Name: Ken Warener - H Con	wers Proposition Solutions, LLC
Address: P.O. Box 490006 L.	ecslerg Fit 34749
Phone: 352 636 9535 Email:	4 cornest property solutions egined, com
Engineer Name: NIA	0
Address:	
Phone: Email:	
Property and Project Information:	
PROJECT NAME*: Picciola Reserve	Dhese II
*A project name is required for all submissions. Please choose a name rep	presentative of the project for ease of reference.
Property Address: NOT 18851 CONED - Endo	of wood Duck Love FP 34731
Parcel Number(s): 1289 050	Section: 10 Township: 19 Range 24
Area of Property: 1 Ac moL	Nearest Intersection: Picciola Rd & Picciola Cot Off
Existing Zoning: R 3	Existing Future Land Use Designation:
Proposed Zoning: Seme	Proposed Future Land Use Designation:
The property is presently used for:	
The property is proposed to be used for: 2 SF	Hemes
Do you currently have City Utilities? <u>Les</u>	
Application Type:	
Annexation Comp Plan Amendment	Rezoning Planned Development
☐ Variance ☐ Special Exception Use	Conditional Use Permit Final Plat
Minor Lot Split Preliminary Plan	Construction Plan ROW/Plat Vacate
Site Plan Minor Site Plan	Replat of Subdivision
Please describe your request in detail: Screet M	revosly sent shows splitting lot
undo two possels - will bur	1 4 51 - 1
Required Data, Documents, Forms & Fees	
	cuments and forms for each application type as well as the adopted fee the application package. Failure to include the supporting data will deem
your application package <u>INCOMPLETE</u> and will not be pro	
1) Al Indiana	al=lia
Signature: Weller Weller	Date:
If application is being submitted by any person other than the leg	al owner(s) of the property, the applicant must have written authorization from the

Development Application Checklist

		_						
The Following are Required for ALL Development Applications:								
Legal Description (Word file req'd)	Current Deed	✓ Aerial Photo						
✓ Property Appraiser Information	Electronic Copy of Application	✓ Location Map						
Pre-application conferences are strongly encouraged. Submit TWO CDs with ALL documents in pdf; those that are generated as CAD files should be submitted in pdf and dwg formats. Legal Descriptions should also come with a MS Word file of the legal description. Most maps are accessible through www.lakecountyfl.gov/maps/ . Note: All maps are required to depict adjacent properties at a minimum.								
Failure to provide adequate maps may delay the application pr	rocess.							
Other Require	ed Analyses and Maps:							
Small Scale Comprehensive Plan Amendment App	olications:							
Justification for Amendment								
Large Scale Comprehensive Plan Amendment Applications:								
Maps: Environmental Constraints Soils	Requested FLUM Designation	Requested Zoning Map Designation						
Analyses: Environmental Assessment Utility Av	vailability Analysis 🔲 Urban Spraw	vl Analysis School Impact Analysis						
Traffic Impact Analysis Consistency with the Comp Plan Florida Master Site File sign-off or Archaeological Survey								
Rezoning Applications: Requested Zoning Map Justification for Rezoning								
Planned Development Applications:								
Maps/Plans: Conceptual Plan as Described in LDRs Chapter 154, Environmental Constraints Section 154.030,10,G								
Analyses: Environmental Assessment Traffic Impact Analysis Preliminary Concurrency Analysis								
Variance Applications:								
Special Exception Use Applications:	ication for Special Exception Use							
	f Special Requirements as Described	in LDRs, Chapter 155						
Conditional Use Permit Applications:	Proposed List of Conditions and	Safeguards						
Site Plan as Described in LDRs, Chapter 155	Written Statement as Described	in LDRs, Chapter 155						
Subdivision Applications: (Preliminary Plan, Improvement Plan and Final Plat)	As Described in LDRs, Chapter 1	57						
Minor Subdivision Applications: As Described	in LDRs, Chapter 157							
Site Plan Applications: As Described	in LDRs, Chapter 160							

STATE OF GEORGIA

COUNTY OF HALL

	Before me the undersigned authority, personally appearedDavid Lennon
	of Live Oak Enterprises, LLC, who being by me first duly sworn on oath deposes and says:
	1) That he/she is the fee-simple owner of the property legally described on attached page of this application.
	2) That he/she desiresKenneth Wagner to act on my behalf with the City of Fruitland Park in the submission of documents pertaining to development of this property to allow two single family homes to be built (alternate key 1289050).
	3) That he/she has appointedKenneth Wagner to act as agent on his/her
	behalf to accomplish the above. The owner is required to complete the Applicant's Affidavit of this
N	application if no agent is appointed to act on his/her behalf. Affiant (VP- Signature)
	State of Georgia
	County of Hall
	The Foregoing instrument was acknowledged before me this 11th day of Sept., 20 18,
	by <u>David M. Lennon</u> who is personally known to me or has produced
	FL brivers License as identification and who did or did not take an oath
(Lipa a moon
	(Notary Seal) LISA A. MOORE NOTARY PUBLIC Gwinnett County State of Georgia Notary Public - State of Georgia My Comm. Expires Jan. 15, 2022
	Commission No
	My Commission Expires (5, 202)

Live Oak Enterprises

Picciola Reserve Phase II

Legal Description

BEG 2367.22 FT S OF NE COR OF W 1/2 OF NE 1/4, RUN W 200 FT, N 116.54 FT, E TO PICCIOLA RD, SW'LY ALONG RD TO A PT E OF | POB, W TO POB | ORB 5030 PG 1215 |

INSTRUMENT#: 2017124652 OR BK 5030 PG 1215 PAGES: 2 11/22/2017 10:55:33 AM

NEIL KELLY, LAKE COUNTY CLERK OF THE CIRCUIT COURT

REC FEES: \$18.50 DEED DOC:\$350.00

Prepared by and return to:
Robert Q. Williams
Attorney at Law
Williams, Smith & Summers, P.A.
380 West Alfred Street
Tavares, FL 32778
352-343-6655
File Number: 17636
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 17th day of November, 2017 between Lineberger Brothers, Inc., a North Carolina corporation whose post office address is P.O. Box 126, Lincolnton, NC 28093, grantor, and Live Oak Enterprises, LLC, a Florida limited liability company whose post office address is P.O. Box 2757, Windermere, FL 34786, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lake County, Florida to-wit:

Begin 2367.22 feet South of the Northeast corner of the West 1/2 of the NE 1/4, of Section 10, Township 19 South, Range 24 East, Lake County, Florida, run West 200 feet, North 116.54 feet, East to Picciola Road, Southwesterly along road to a point East of the Point of Beginning, West to the Point of Beginning.

Parcel Identification Number: 10-19-24-000-1000-01600

Subject to taxes for 2018 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2017**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Select Language | ▼

PROPERTY RECORD CARD

General Information

Owner Name:	LIVE OAK ENTERPRISES LLC	Alternate Key:	1289050		
Mailing Address:	PO BOX 2757 WINDERMERE,	Parcel Number:	10-19-24- 000100001600		
	FL 34786-2757 <u>Update Mailing</u> <u>Address</u>	Millage Group and City:	000F (FRUITLAND PARK)		
		Total Certified Millage Rate:	17.8504		
		Trash/Recycling/Water/Info:	My Public Services Map		
Property Location:	PICCIOLA RD FRUITLAND PARK FL 34731 Update Property Location	Property Name:	 Submit Property Name		
		School Locator:	School and Bus Map @		
Property Description:	BEG 2367.22 FT S OF NE COR OF W 1/2 OF NE 1/4, RUN W 200 FT, N 116.54 FT, E TO PICCIOLA RD, SW'LY ALONG RD TO A PT E OF POB, W TO POB ORB 5030 PG 1215				

NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.

Land Data

Line	e Land Use	Fronta	ge Depth Notes	No. Units	Туре	Class Value	Land Value
1	VACANT RESIDENTIAL (0000)	117	322	117	FF	\$0.00	\$30,579.00
<u>Cli</u> Ma	ck here for Zoning Info	0		FEMA	Floo	<u>d</u>	

Miscellaneous Improvements

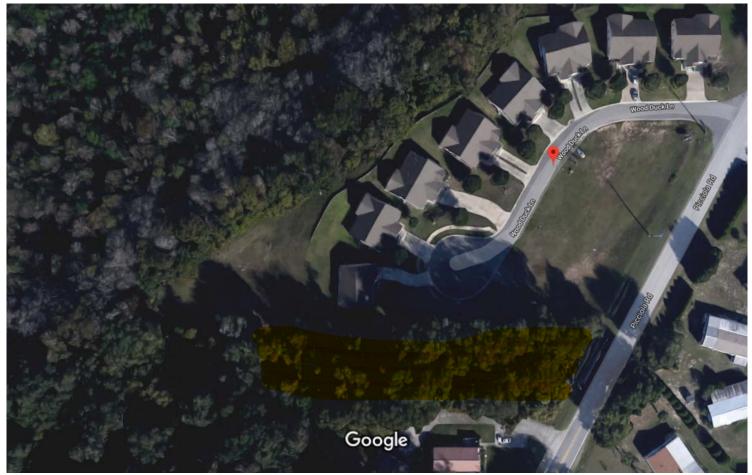
There is no improvement information to display.

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description above and/or recorded and indexed with the Clerk of Court. Follow this link to search all documents by owner's name..

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
5030 / 1215	11/17/2017	Warranty Deed	Qualified	Vacant	\$50,000.00
Click here to	search for	mortgages, lier	ns, and other legal docu	uments.	

Google Maps Wood Duck Ln



Imagery ©2018 Google, Map data ©2018 Google

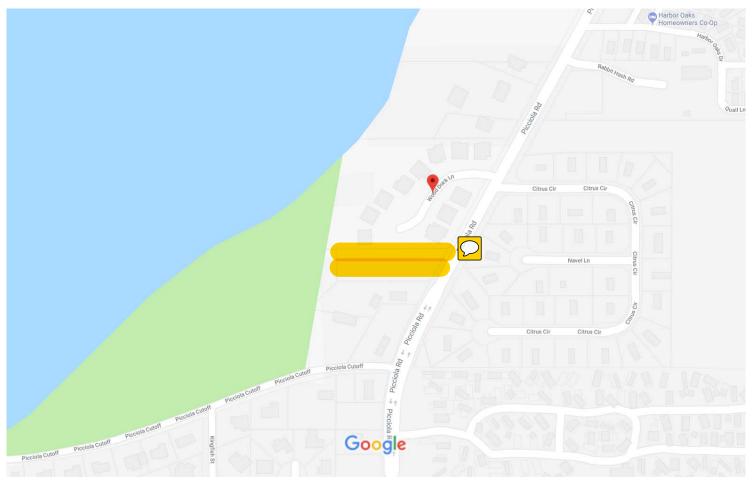




Wood Duck Ln Fruitland Park, FL 34731



Google Maps Wood Duck Ln



Map data ©2018 Google 100 ft ⊾



Wood Duck Ln Fruitland Park, FL 34731



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

SITE PLAN

Owner: Live Oak Enterprises, LLC

Applicant: Ken Wagner, 4 Corners Property Solutions, LLC

General Location: South of Wood Duck Lane and west of Picciola Rd

Number of Acres: 1.0 ± acres

Existing Zoning: Multi Family High Density (R-3)

Existing Land Use: Multi Family High Density

Date: September 18, 2018

Description of Project

The subject property is vacant and the applicant/owner are proposing to split the property into 2 lots.

Assessment

The proposed application indicates a minor lot split with access from Wood Duck Lane (city owned and maintained roadway). The applicant is proposing an easement off of Wood Duck Lane to access the proposed lots. It does not appear that the proposed Parcel A lot would have sufficient road frontage along the easement to meet the minimum requirements for the zoning district (80'); however, there is sufficient width at the building setback line. The Land Development Regulations do not allow for lot splits off of easements; therefore a variance would be required.

Setbacks are as follows: From Wood Duck Lane - 30' From Picciola Road – 30' Rear Setback – 20' Side Setback – 10'

Recommendation

Staff recommends in lieu of the lot split the applicant file a replat to add the two (2) lots with access off the cul-de-sac. Staff could not support a variance for the proposed lot split off of an easement.





VIA EMAIL <u>tkelley@fruitlandpark.org</u> September 19, 2018

Tracy Kelley
Administrative Assistant
Community Development Department
City of Fruitland Park
506 W. Berckman Street
Fruitland Park, FL 34731

RE: PICCIOLA RESERVE PHASE II (BESH #081040.0061)
MINOR SUBDIVISION PLAN

Dear Ms. Kelley,

Per your email dated September 14, 2018, I have reviewed the minor lot split application for the above referenced project. Based on my review, my comments are below.

- Parcel A shows a proposed 50 foot easement, while Parcel B only shows a proposed 20 foot easement. Driveways must be at least 5 feet from the property line, leaving only 15 feet for the driveway, and the driveway would have to be at an awkward 90 degree angle. It is recommended that the easement be reshaped to better accommodate a driveway.
- 2. Will the parcels use a joint use driveway or are two driveways proposed? Provide an exhibit showing driveway access.
- 3. The sidewalk will need to be extended to the edge of the easement.
- 4. The community mailbox appears to be in the access corridor. Will the mailbox need to be moved to accommodate access?
- 5. Will the new parcels use the community mailbox? Is there room in the community mailbox for the two parcels to use?
- 6. Is it intended for the two new parcels to join the Picciola Reserve HOA?
- 7. Provide title work ensuring that the site is not subject to additional easements or encumbrances.

Should you have any questions, please feel free to contact our office.

Sincerely,

Brett J. Tobias, P.E.

btobias@besandh.com

BJT:am

From: Lynch, Seth

To: <u>Kelly Turner</u>; <u>Tracy Kelley</u>

Cc: White, William
Subject: RE: Minor Lot Split

Date: Tuesday, September 18, 2018 10:11:50 AM

Attachments: <u>image001.png</u>

I recommend that the driveway access for these two lots be from Wood Duck Lane.

Thanks, **Seth**

SETH LYNCH

Engineer III

Department of Public Works

Engineering Division

?

A (Mailing) PO Box 7800, Tavares, FL 32778

A (Office) 350 N. Sinclair Ave., Tavares, FL 32778

P 352-253-9052 | www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.

Your email communications may be subject to public disclosure.

From: Kelly Turner [mailto:kturner@fruitlandpark.org]

Sent: Tuesday, September 18, 2018 9:55 AM **To:** Tracy Kelley < tkelley@fruitlandpark.org>

Subject: Minor Lot Split

Board Members:

Please see Lot Split Survey as this was not included in the original application.



*Under Florida law, *Cf.* **s. 668..6076**, **F.S.**, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to the City of Fruitland Park. Instead contact the city by telephone or in writing*

