



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

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

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| <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<br>Kelly Turner, Administrative Assistant |
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**AGENDA  
PLANNING & ZONING BOARD  
NOVEMBER 15, 2018  
6:00PM**

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- I. INVOCATION:**
- II. ROLL CALL:**
- III. MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from September 20, 2018.
- IV. OLD BUSINESS:** None
- V. NEW BUSINESS:**
- A. Re-appointment of Chair and Vice-Chair**
    - a. Annual re-appointment of Chair and Vice-Chair to the Planning & Zoning Board per City Land Development Regulations.
  - B. Resolution 2018-065 Granting a Variance to the Land Development Regulations**
    - a. A Resolution granting a Variance to the Land Development Regulations in Appendix 4 to allow a 14' one way drive aisle adjacent to the vacuum stalls in place of a 24' drive aisle and to allow an 18' one way drive aisle adjacent to the carwash in place of a 24' drive aisle for an approved carwash facility located at CR 25A and US HWY 27.

**BOARD MEMBERS' COMMENTS:**

**ADJOURNMENT:**



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**MINUTES  
 PLANNING & ZONING BOARD  
 SEPTEMBER 20, 2018  
 6:00PM**

- I. **INVOCATION:** Chairwoman Bame called the meeting to order at 6:06P.M. and led the pledge of allegiance. Board member Tom Bradley led the invocation.
- II. **ROLL CALL:** All Board Members present with exception of Board member Daniel Dicus who previously was excused. Board member Philip Purlee arrived after meeting commenced. Also present LPG Beliveau, CDD Kelley and Administrative Assistant Turner.
- III. **MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from June 21, 2018. Motion to approve minutes by Board member Colin Crews. Second by Board member Tom Bradley. Approved 3-0. Board member Philip Purlee not present to vote.
- IV. **OLD BUSINESS:** None
- V. **NEW BUSINESS:**

**A. Ordinance 2018 – 019 Land Development Code Amendment**

- a. An Ordinance amending the definition of commercial parking in Chapter 151 of the Land Development Code

LPG Beliveau introduced Ordinance 2018-019 as a clarification to the definition section of the City Land Development Code (LDR). The City has historically interpreted the definition as allowing for commercial vehicles to be parked on-site during business hours and not overnight. The purpose for the amendment clarification is to be sure all city departments, and the public, interpret this definition the same. Chairwoman Bame clarified currently city businesses in the proper zoning are allowed to park their vehicles associated with the on-site business over night; the amendment is for clarification purposes *only*.

LPG Beliveau stated the definition of commercial parking affects all zoning districts where commercial businesses operate. Commercial businesses are however required to have buffers for the purpose of screening.

Chairwoman Bame addressed the public for comment. Attorney Zack McCormick, representing Fruitland Park resident Sharron Pettus, who publicly opposes the amendment approached the Board. Attorney McCormick stated the business located at 206 E Berckman Street which abuts his client’s property has chemicals associated

with the on-site business stored on the overnight vehicles and this is a concern for his client. Attorney McCormick requests the Board postpone any recommendations as he believes the Notice of Public Hearing requirements were not met and his client has not had the opportunity to review all documents. Attorney McCormick asked if the recommendation moves forward will an exception be added that prohibits the storage of hazardous materials in any commercial vehicles.

LPG Beliveau confirmed with City Attorney Geraci-Carver, through previous correspondence and who was not present, advertising requirements were met. Mailings were sent in accordance to policy and procedure. Lake County Property Appraiser property records were used (as in all public notices) to notify abutting and surrounding property owners. Fruitland Park resident Sharon Pettus' mailing address, as per public record, is in the state of Maryland. Public notices were sent in a timely manner and appropriately. The City has exceeded State Statutes for notification purposes. Attorney McCormick stated a courtesy notice could have been sent to his client as Sharon Pettus lives in Fruitland Park. LPG Beliveau stated the city followed proper protocol and courtesy notices are not extended to any other Fruitland Park resident. Attorney McCormick is under the impression the agenda item was a last minute change to which LPG Beliveau stated was incorrect. Attorney McCormick inquired why the change was initiated. Chairwoman Bame stated nothing is being *changed* rather the definition is being *clarified*. Chairwoman Bame stated the Planning and Zoning Board is a recommendation board only. Board member Crews motioned to accept and refer Ordinance 2018 – 019 Land Development Code Amendment to City Commission. Second by Board member Bradley. Approved 4-0.

#### **B. Village Park Phase II Site Plan (Alt Key 1287863)**

##### **a. Major Site Plan Application for Phase Construction of Entrance Road to Village Park Development**

LPG Beliveau introduced Village Park Phase II Site Plan to include the entrance road to the new Village Park development. LPG Beliveau stated staff recommends approval. Chairwoman Bame gave opportunity for public comment. Engineer Greg Crawford in attendance on behalf of Westminster Properties and is prepared to answer any questions from the Board. No questions from board members. Chairwoman Bame gave opportunity for public comment to which there were none. Motion to accept Village Park PH II Site Plan as submitted and refer to the City Commission for approval by Board member Crews. Second by Board member Purlee. Approved 4-0.

#### **C. International Carwash Site Plan (Alt Key 1170621)**

##### **a. Site Plan Application for a 3,200 square foot car wash facility**

LPG Beliveau introduced the proposed car wash facility on US Hwy 441/27. LPG Beliveau stated the application has gone through several reviews and revisions. LPG Beliveau stated the applicant submitted non-residential design standards which meets requirements. LPG Beliveau stated Fire and Emergency services reviewed the site plan application with the variance request to design the one way isle width from 24'

to 14' and meets staff approval. LPG Beliveau introduced Rick Hartenstein, Project Manager, Wick's Engineering Services, Inc., in attendance to answer any questions from the Board. Board member Crews inquired if the site had a water circulation system to reuse water or if wastewater will be dumped into City sewer. Project Manager Hartenstein stated he was not involved with the interior buildout of the building. Chairwoman Bame gave opportunity for questions from the Board or comments from the public to which there were none. Board member Bradley made a motion to recommend approval. Second by Board member Purlee. Approved 4-0.

**D. Ordinance 2018 – 021 Rezoning 0.75 ± Acres of Property**

- a. Rezoning application to rezone approximately 0.75 ± acres from Residential Professional (RP) to Neighborhood Commercial (C-1) within the city limits of Fruitland Park

LPG Beliveau introduced application and the comments from TRC. City Land Planner and staff recommend approval with conditions noted on site plan such as buffers and parking. LPG Beliveau states the use is compatible with surrounding properties.

Chairwoman Bame gave opportunity for comments from the public as the Board had no questions.

Attorney Zach McCormick introduced himself again as representing Fruitland Park resident Sharron Pettus. Attorney McCormick stated Resident Sharon Pettus opposes the change as she believes it will negatively affect her. Attorney McCormick stated Resident Sharon Pettus believes the property owner stores hazardous chemicals such as chlorine on the property from time to time and Attorney McCormick's client believes this area was never designed for this use. Attorney McCormick stated Resident Sharon Pettus does not object to what Residential Professional Zoning (RP) would normally permit; Attorney McCormick gave example such as administrative functions. Board member Crews inquired which hazardous chemicals are being kept on the property. Attorney McCormick stated Resident Sharon Pettus believes it smells like chlorine but it cannot be determined without a forensic analysis. Attorney McCormick made reference to a myriad of other complaints Resident Sharon Pettus has against the property owner to which Chairwoman Bame inquired if any were illegal. Attorney McCormick advises to direct legality questions to City of Fruitland Park's Attorney. Board member Purlee addressed the claim of hazardous materials and inquired if Material Safety Data Sheets (MSDS) have been completed determining materials were in violation. Attorney McCormick stated it would need to be investigated. Attorney McCormick brought up Resident Sharron Pettus as a witness who stated chemicals are delivered daily which is where the chemical smell is emanated from. Attorney McCormick stated his request is to postpone any decisions on this issue as it is not a time sensitive matter.

LPG Beliveau stated fifty-four (54) certified notices to surrounding property owners were sent out; three (3) returned undeliverable and one (1) returned unopposed.

stated public advertisements were completed in a proper manner. CDD Kelley stated the agenda packet was published on the City website in a timely manner also. Board member Crews motioned to recommend approval. Second by Board member Purlee. Approved 3-1. Opposed Bradley.

**BOARD MEMBERS' COMMENTS:**

Board member Crews addressed Attorney McCormick and stated the Planning & Zoning Board is recommending board *only* as final determination is made before City Commission.

**ADJOURNMENT:** Board meeting adjourned at 6:53P.M.

DRAFT

**RESOLUTION 2018-065**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATIONS IN APPENDIX 4 TO ALLOW A 14' ONE WAY DRIVE AISLE ADJACENT TO THE VACUUM STALLS IN PLACE OF A 24' DRIVE AISLE AND TO ALLOW A 18' ONE WAY DRIVE AISLE ADJACENT TO THE CARWASH IN PLACE OF A 24' DRIVE AISLE FOR A CARWASH FACILITY ON PROPERTY LOCATED AT CR 25A AND US HWY 27 IN THE CITY OF FRUITLAND PARK, FLORIDA, OWNED BY FRUITLAND PARK HOLDINGS, LLC, PROVIDING FOR AN EXPIRATION DATE, PROVIDING FOR SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Fruitland Park Holdings, LLC, has petitioned for a variance for the property located at CR 25A and US Hwy 27, in the City of Fruitland Park, Florida; and

**WHEREAS**, the owner desires to request a variance from Appendix 4 of the City of Fruitland Park LDR requirement pertaining to parking standards which requires a minimum 24' drive aisle when the parking angle is at 90 degrees;

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

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

1. The petition for variance filed by Fruitland Park Holdings, LLC for property located on U.S. Highway 441/US 27, in the City of Fruitland Park, Florida, more particularly described as:

**LEGAL DESCRIPTION:**

**Parcel 1:**

A part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 10, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows:

Beginning at a point 566.5 feet South and 100 feet East of the Northwest corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section: Run thence East 100 feet; Thence South 200 feet to the North line of the Highway; Thence Northwesterly along the North line of the Highway, a distance of 110.5 feet to a point South of the Point of Beginning; Thence North 153.1 feet to the Point of Beginning.

**Parcel 2:**

That part of the North 229 feet of the South 991 feet of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 10, Township 19 South, Range 24 East, in Lake County, Florida, Lying West of the Westerly line of the Right-of-Way of US Highway No. 27.

is granted as follows:

1. A variance to Appendix 4 parking standard requirements for a one-way drive aisle when the parking angle is 90 degrees is reduced as follows:
  - a. from 24' to 14' for the one-way drive aisle adjacent to the vacuum stalls; and
  - b. from 24' to 18' for the one-way drive aisle adjacent to the car wash.

2. The variance is granted only for a carwash facility.
3. If the variance has not been utilized within two (2) years of being granted it shall expire.
4. Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original resolution or a certified copy of the resolution and attaching the correct legal description.
5. This variance shall become effective immediately on its approval and adoption by the City Commission of the City of Fruitland Park, Florida.

**PASSED AND ADOPTED** 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 _____ | _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent) |
| Commissioner _____ | _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent) |
| Commissioner Bell  | _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent) |
| Mayor Cheshire     | _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent) |

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

**EXHIBIT A****Parcel 1:**

A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 566.5 FEET SOUTH AND 100 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION; RUN THENCE EAST 100 FEET; THENCE SOUTH 200 FEET TO THE NORTH LINE OF THE HIGHWAY; THENCE NORTHWESTERLY ALONG THE NORTH LINE OF THE HIGHWAY, A DISTANCE OF 110.5 FEET TO A POINT SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 153.1 FEET TO THE POINT OF BEGINNING.

**Parcel 2:**

THAT PART OF THE NORTH 229 FEET OF THE SOUTH 991 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, LYING WEST OF THE WESTERLY LINE OF THE RIGHT OF WAY OF U.S. HIGHWAY NO. 27.



