

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

June 10, 2021

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

6:00 p.m.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. SPECIAL PRESENTATIONS

(a) Fruitland Park Lions Club (city clerk)

The Fruitland Park Lions Club Mr. John R. Muller, Jr.

(b) Rezoning (Ordinance 2019-003) - Petitioner: Leesburg Fruit Company Rufus M. Holloway, Trustee/Holloway Properties, Inc.

(city manager)

Mr. Charles “Chuck” C. Hoitt, BESH-Halff Inc.

4. LOCAL PLANNING AGENCY

As soon as practical at 6:15 p.m., recess to the Local Planning Agency (LPA) meeting.

5. CONSENT AGENDA

(a) Approval of Minutes (city clerk)

May 27, 2021 regular

(b) Resolution 2021-019 – NW Lake Community Park – Soccer Field Use - Bologna FC 1909 Soccer Academy League Agreement (city attorney/city manager/parks and recreation director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AGREEMENT BETWEEN CLUB ITALIA SOCCER, LLC AND THE CITY OF FRUITLAND PARK FOR USE OF NORTHWEST LAKE COMMUNITY PARK SOCCER FIELD; PROVIDING FOR AN EFFECTIVE DATE.

- (c) **Resolution 2021-020 – Human Resources Director Alternate PRM Board of Directors** (city manager/human resources director)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING THE HUMAN RESOURCES DIRECTOR TO SERVE AS THE ALTERNATE ON THE BOARD OF DIRECTORS OF PUBLIC RISK MANAGEMENT OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

6. REGULAR AGENDA

- (a) **Resolution 2021-021 - 2021/22 SRO Officer Program** (city attorney/city manager/police chief)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA FOR SCHOOL RESOURCE OFFICER PROGRAM [2021-2022]; PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING

- (b) **Public Hearing - Resolution 2021-023 - 1st Am. Annexation Agreement – Urick Street – Permitted Uses - Petitioner: Beryl N. Stokes** (city attorney/city manager/community development director)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIRST AMENDMENT TO ANNEXATION AGREEMENT BETWEEN THE CITY OF FRUITLAND PARK AND BERYL N STOKES JR AND WILLIAM K. STOKES RELATING TO REAL PROPERTY LOCATED ON URICK STREET; PROVIDING FOR AN EFFECTIVE DATE.
- (c) **First Reading and Public Hearing Ordinance 2021-003 Master Development Agreement Am. – Westminster Pine Ridge PUD – Emergency Veterinary Clinic - Petitioner: First Baptist Church of Leesburg Inc.** (city attorney/city manager/community development director)
AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE MASTER DEVELOPMENT AGREEMENT CONDITIONS OF THE WESTMINSTER PINE RIDGE PLANNED UNIT DEVELOPMENT (PUD) TO PROVIDE FOR AN EMERGENCY VETERINARY CLINIC AS A PERMITTED USE; PROVIDING FOR CONFLICTS,

SEVERABILITY, AND SCRIVENER'S ERRORS; AND SETTING AN EFFECTIVE DATE. (The second reading will be held on June 24, 2021.)

- (d) **First Reading and Public Hearing - Ordinance 2021-007 - SSCPA – 212 E LaVista Street – Petitioner: New Life Presbyterian Church of Lake County Inc.** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO INSTITUTIONAL OF 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on June 24, 2021.)

QUASI-JUDICIAL PUBLIC HEARINGS

- (e) **Quasi-Judicial Public Hearing – Resolution 2021-022 Variance Request – 201 E LaVista Street Signs – Petitioner: New Life Presbyterian Church of Lake Co. Inc.** (city attorney/city manager/community development director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO THE NUMBER OF SIGNS, MAXIMUM SIGN AREA AND SEPARATION DISTANCE, ON THE SUBJECT PROPERTY LOCATED AT 201 EAST LAVISTA STREET AND OWNED BY NEW LIFE PRESBYTERIAN CHURCH OF LAKE CO., INC., PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

- (f) **First Reading and Quasi-Judicial Public Hearing - Ordinance 2021-008 - Rezoning – 212 E LaVista Street – Petitioner: New Life Presbyterian Church of Lake County Inc.** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.25± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA FROM RESIDENTIAL PROFESSIONAL (RP) TO THE DESIGNATION OF PUBLIC FACILITIES DISTRICT (PFD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading to be determined.)

- (g) **First Reading and Quasi-Judicial Public Hearing - Ordinance 2021-004 – Rezoning 0.26+ Acres – RP-PFD – 115 S Villa Avenue – Petitioner: New Life Presbyterian Church of Lake County Inc.** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA FROM PUBLIC FACILITIES DISTRICT (PFD) TO THE DESIGNATION OF RESIDENTIAL PROFESSIONAL (RP) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading to be determined.)

- (h) **First Reading and Public Hearing – Ordinance 2021-006 - SSCPA – 115 S Villa Avenue – Petitioner: New Life Presbyterian Church of Lake County Inc.** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN

DESIGNATION TO TRANSITIONAL OF 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading to be determined.)

END OF QUASI-JUDICIAL PUBLIC HEARINGS

END OF PUBLIC HEARINGS

- 7. (a) City Manager**
 - i. Economic Development Status Update**
 - ii. COVID-19 Status Update**
- (b) City Attorney**
 - i. City of Fruitland Park v. State of Florida Department of Management Services**
 - ii. Michael and Laurie Fewless v. City of Fruitland Park**
 - iii. Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026**

8. UNFINISHED BUSINESS

9. PUBLIC COMMENTS

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

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

10. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

(b) Commissioner DeGrave

(c) Commissioner Bell

(d) Vice Mayor Gunter, Jr.

11. MAYOR'S COMMENTS

12. ADJOURNMENT

DATES TO REMEMBER

- June 11, 2021, Lake County League of Cities, *Lake County Preliminary Tax Roll*; Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- June 11, 2021, Movie in the Dark Pool Party *Jaws 3*, Gardenia Swimming Pool, Beckman Street, Fruitland Park, Florida 34731 at 7:30 p.m.;
- June 23, 2021, Lake~Sumter Metropolitan Planning Organization Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;
- June 24, 2021, City Commission Regular at 6:00 p.m.;

- July 8, 2021, City Commission Regular at 6:00 p.m.;
- July 9, 2021, LCLC *District School Update*, Diane Kornegay, Superintendent of Lake County Schools, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- July 22, 2021, City Commission Regular at 6:00 p.m.;

- August 2 and 3, 2021 City Commission (FY 2021-22 Budget) Workshop TBD;
- August 9, 2021, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails, Conference Room 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- August 10, 2021, LCBCC (NW Lake Community Park) TBD;
- August 12, 2021, City Commission Regular – Cancelled
- August 12-14, 2021, Florida League of Cities Annual Conference, Orlando World Center Marriott, Florida, TBA, and
- August 25, 2021, LS~MPO Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m., and
- August 26, 2021, City Commission regular at 6:00 p.m.

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City

Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 3a-b**

ITEM TITLE:	Special Presentations
For the Meeting of:	June 10, 2021
Submitted by:	City Clerk/City Manager
Date Submitted:	June 2, 2021
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, letter

Item Description: **Special Presentations**

- (a) **Fruitland Park Lions Club** (city clerk)
- (b) **Rezoning (Ordinance 2019-003)** (city manager)

Action to be Taken: **None**

Staff's Recommendation: N/A

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

Fruitland Park Lions Club
200 West Fountain Street
Fruitland Park, Florida

The Fruitland Park Lions Club invites you to attend a brief ceremony celebrating the dedication of our new flag pole and the raising of our new flag, on Flag Day, Monday, June 14, 2021. We plan on an arrival time at our Club no later than 6:30 p.m. The dedication will be about 20 minutes in length. We are hoping that The American Legion Post 219, will participate in some fashion as well. A few words from you or one of your officers or members who will be able to attend would be most appropriate. We are also inviting other important citizens from Fruitland Park to attend, as well as members of the press. The dedication should close by 7:00p.m.

It is my desire to build a cooperative relationship during the course of the next year on projects that might prove to be helpful to both organizations. This ceremony would be a start. I would encourage your visits to our Lions Club meetings to discuss such projects and I would be happy to speak at one of your meetings to describe the programs and projects we have planned as well.

Please let me know by June 7th how and whom we might expect to participate at our dedication ceremony, June 14, 2021. Thank you for your anticipated participation in this and other ventures in the future.

Sincerely,
John R. Muller, Jr.
President
Fruitland Park Lions Club
609-412-6019
jrmuller26@gmail.com

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 4**

ITEM TITLE:	Local Planning Agency (LPA) Meeting
For the Meeting of:	June 10, 2021
Submitted by:	City Clerk
Date Submitted:	June 2, 2021
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, LPA Establishment
Item Description:	LPA Establishment Ordinance 226 and Florida Statutes 163.3174
Action to be Taken:	As soon as practical, recess to the Local Planning Agency meeting.
Staff's Recommendation:	N/A
Additional Comments:	None
City Manager Review:	Yes
Mayor Authorization:	Yes

AN ORDINANCE OF THE (CITY ~~OF XXXXXXXX~~) OF Fruitland Park,
FLORIDA, DESIGNATING AND ESTABLISHING THE City Commission
AS ITS LOCAL PLANNING AGENCY PURSUANT TO THE LOCAL GOVERNMENT
COMPREHENSIVE PLANNING ACT OF 1975 (Chapters 163.3161 - 163.3211,
Florida Statutes); SETTING FORTH SAID AGENCY'S DUTIES AND RESPON-
SIBILITIES; ESTABLISHING SAID AGENCY'S ORGANIZATION, RULES AND
PROCEDURES; REQUIRING THAT ALL MEETINGS BE PUBLIC AND PROVIDING
FOR THE KEEPING OF PUBLIC RECORDS; PROVIDING FOR FINANCIAL
SUPPORT; PROVIDING FOR SEVERABILITY OF ANY PORTION DECLARED
INVALID; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND
PROVIDING FOR THE EFFECTIVE DATE HEREOF. *THIS IS AN EMERGENCY
ORDINANCE EFFECTING THE WELFARE OF THE CITIZENS.*
BE IT ORDAINED BY THE City Commission OF
THE (CITY ~~OF XXXXXXXX~~) OF Fruitland Park, FLORIDA:

Section 1. AUTHORITY. This ordinance is enacted pursuant to
and in accordance with, provisions of Chapter 163, Florida
Statutes (Local Government Comprehensive Planning Act of 1975).

Section 2. DESIGNATION AND ESTABLISHMENT OF LOCAL LAND
PLANNING AGENCY. Pursuant to, and in accordance with, Section
163.3174, of Florida Statutes (the Local Government Comprehen-
sive Planning Act of 1975) the City Commission
is hereby designated and established as the local planning
agency for the (City ~~of~~) incorporated territory of Fruitland Park,
Florida.

Section 3. DUTIES AND RESPONSIBILITIES OF THE LOCAL PLANNING
AGENCY. The local planning agency, in accordance with the
Local Government Comprehensive Planning Act of 1975, Section
163.3161-3211, Florida Statutes, shall:

- (a) Conduct the comprehensive planning program and prepare
the comprehensive plan or elements or portions thereof
for the (City ~~of~~) of Fruitland Park;
- (b) Coordinate said comprehensive plan or elements or portions
thereof with the comprehensive plans of other appropriate
local governments and the State of Florida;

- (c) Recommend said comprehensive plan or elements or portions thereof to the City Commission for adoption; and
- (d) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Commission such changes in the comprehensive plan as may be required from time to time.

Section 4. ORGANIZATION, RULES AND PROCEDURES OF THE AGENCY.

Members of the local planning agency shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided in The City Charter.

Section 5. PUBLIC MEETINGS AND RECORDS. All meetings of the local planning agency shall be public meetings and all agency records shall be public records. The local planning agency shall encourage public participation.

Section 6. The City Commission shall appropriate funds at its discretion to the local planning agency for expenses necessary in the conduct of its work. The local planning agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the City Commission.

Section 6. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by an court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portions thereof.

Section 7. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS.

All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

Section 8. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption, as an emergency ordinance.

PASSED AND ADOPTED BY THE City Commission OF THE (CITY ~~COUNTY~~) OF Fruitland Park, FLORIDA, THIS 24 DAY OF June, A.D., 1976

Jack Deulh
Mayor or Chairman

ATTEST:

Lois A. Lowery, City Clerk

FIRST READING: June 24, 1976

SECOND READING: Waived

THIRD READING: Waived

Select Year:

The 2020 Florida Statutes

[Title XI](#)
 COUNTY ORGANIZATION AND INTERGOVERNMENTAL
 RELATIONS

[Chapter 163](#)
 INTERGOVERNMENTAL
 PROGRAMS

[View Entire
 Chapter](#)

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. [163.3171](#), shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. [163.02](#), provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

(2) Nothing in this act shall prevent the governing body of a local government that participates in creating a local planning agency serving two or more jurisdictions from continuing or creating its own local planning agency. Any such governing body which continues or creates its own local planning agency may designate which local planning agency functions, powers, and duties will be performed by each such local planning agency.

(3) The governing body or bodies shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the local planning agency and shall also establish a schedule of fees to be charged by the agency. To accomplish the purposes and activities authorized by this act, the local planning agency, with the approval of the governing body or bodies and in accord with the fiscal practices thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, acceptance of loans must be approved by the governing bodies involved.

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(a) Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan. During the preparation of

the plan or plan amendment and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or plan amendment. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or plan amendment, but final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.

(b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including the periodic evaluation and appraisal of the comprehensive plan required by s. [163.3191](#).

(c) Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.

(d) Perform any other functions, duties, and responsibilities assigned to it by the governing body or by general or special law.

(5) All meetings of the local planning agency shall be public meetings, and agency records shall be public records.

History.—s. 6, ch. 75-257; s. 1, ch. 77-223; s. 5, ch. 85-55; s. 2, ch. 92-129; s. 9, ch. 95-310; s. 9, ch. 95-341; s. 1, ch. 2002-296; s. 10, ch. 2011-139; s. 2, ch. 2012-99.

ORDINANCE 2003-004

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; AMENDING CHAPTER 152, SECTION 152.110 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF FRUITLAND PARK TO PROVIDE FOR A REPRESENTATIVE FROM THE LAKE COUNTY SCHOOL DISTRICT AS A NON-VOTING MEMBER ON THE CITY OF FRUITLAND PARK'S LOCAL PLANNING AGENCY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, recent amendments to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. 163.3161, et seq.) require that a representative from the Lake County School District serve as a non-voting member on the City of Fruitland Park's Local Planning Agency; and

WHEREAS, the City Commission of the City of Fruitland Park desires to make the necessary amendments to the Land Development Regulations to authorize a representative from the Lake County School Board to serve as a non-voting member on the City's Local Planning Agency; and

WHEREAS, the City Commission desires that the School Board approve the School Board member from District #2 (Fruitland Park's district) as the School Board's representative on the Local Planning Agency.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRUITLAND PARK, FLORIDA.

SECTION 1. Chapter 152, Section 152.110 of the Land Development Regulations of the City of Fruitland Park is hereby amended to read as follows:

Section 152.110: LOCAL LAND PLANNING AGENCY

Designation and establishment of Local Land Planning Agency. Pursuant to, and in accordance with Section 163.3174, Florida Statutes (the Local Government Comprehensive Planning Act of 1975) the City Commission is hereby designated and established as the Local Planning Agency for the incorporated territory of the city. Additionally, the Local Planning Agency shall include one (1) non-voting representative of the Lake County School District appointed by the Lake County School Board.

a) Public Meetings and Records.

All meetings of the Local Planning Agency shall be public meeting and all agency records shall be public records. The Local Planning Agency shall encourage public participation.

b) Appropriation of Funds.

The City Commission shall appropriate funds at its discretion to the Local Planning Agency for expenses necessary in the conduct of its work. The Local Planning Agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, expend all sums appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the City Commission.

c) Powers and Duties.

The Local Planning Agency, in accordance with the Local Government Comprehensive Planning Act of 1975, Section 163.3161 through 163.3111, Florida Statutes shall:

- 1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.
- 2) Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
- 3) Recommend the comprehensive plan or elements or portions thereof to the City Commission for adoption.
- 4) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Commission such changes in the comprehensive plan as may be required from time to time.

SECTION 2. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. The provisions of this ordinance are intended to be incorporated into the Land Development Regulations of the City of Fruitland Park, Florida and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.

SECTION 4. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall be effective upon passage.

PASSED AND ORDAINED this 24th (m) day of April (m), 2003 by the City Commission of the City of Fruitland Park, Florida.

William R. White
WILLIAM R. WHITE, MAYOR

ATTEST:

Marge Strausbaugh
Marge Strausbaugh, CMC,
City Clerk

Passed First Reading 3-27-03

Passed Second Reading 4-24-03 (m)

Approved as to form and legality:

Scott A. Gerken
Scott A. Gerken, City Attorney



**CITY OF FRUITLAND PARK
CONSENT AGENDA ITEM SUMMARY SHEET
Item Number: 5a-c**

ITEM TITLE:	Draft Regular Meeting Minutes and Resolutions 2021 019 and 2021-020
For the Meeting of:	June 10, 2021
Submitted by:	City Clerk/City Treasurer
Date Submitted:	June 1, 2021
Funds Required:	No
Account Number:	See Below
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Draft minutes and budget amendments

Item Description: Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s), and (3) Discuss each pulled item separately and vote.

a. **May 27, 2021** regular meeting minutes

b. **Resolution 2021-019**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AGREEMENT BETWEEN CLUB ITALIA SOCCER, LLC AND THE CITY OF FRUITLAND PARK FOR USE OF NORTHWEST LAKE COMMUNITY PARK SOCCER FIELD; PROVIDING FOR AN EFFECTIVE DATE.

c. **Resolution 2021-020**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING THE HUMAN RESOURCES DIRECTOR TO SERVE AS THE ALTERNATE ON THE BOARD OF DIRECTORS OF PUBLIC RISK MANAGEMENT OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

Action to be Taken: **Approve the consent agenda.**

Staff's Recommendation: Approve the meeting minutes as submitted if there are no corrections and adopt resolutions previously cited.

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
May 27, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, May 27, 2021 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Chris Bell, and Patrick DeGrave.

Members Absent: Commissioner John Mobilian.

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver, Senior Finance Specialist Preslee Harmon Finance Department; Police Chief Erik Luce, Parks and Recreation Director Michelle Yoder; Public Works Director Robb Dicus; Human Resources Director Jabari Hopkins, and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, The Reverend Dr. Janice Gordon-Barnes, Assistant Priest, Holy Trinity Episcopal Church, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:00:00 p.m. No action was taken.

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present.

ACTION: 6:03:04 p.m. Upon Mayor Cheshire's suggestion, and **by unanimous consent, the city commission changed Item 4. (b) on this evening's agenda to read: Resolution 2021-018 and not Resolution 2021-013.**

3. CONSENT AGENDA

Approval of Minutes - May 13, 2021 regular meeting

ACTION: 6:03:39 p.m. **On motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the consent agenda as previously cited.**

4. REGULAR AGENDA

(a) Resolution 2021-017 Disaster-Related Fund

Ms. Geraci-Carver read into the record the title of proposed Resolution 2021-017, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FRUITLAND PARK, FLORIDA, ESTABLISHING A

DISASTER-RELATED FUND WITHIN THE GENERAL FUND;
PROVIDING DIRECTIONS; PROVIDING FOR AN EFFECTIVE
DATE.

The city commission addressed the need to inform residents on the type of funding earmarked for roadway improvements and reiterated its actions at the May 18, 2021 regular meeting for staff to provide allocated funds for the FY 2021-22 proposed budget and for future years, a sinking fund earmarked towards its roadway paving projects and identify a schedule of an undesignated amount at four miles per annum towards a rudimentary totality of miles of asphalt roadway conditions extending out of a 20-year rolling average.

After Mr. Dicus referred to staff's list of prepared and completed roadway improvement projects and the availability of total of lane miles on same, Commissioner DeGrave encouraged staff to utilize a program where he referenced the PASERWARE computerized pavement management data system (a resource to evaluate, assess and rate roadway conditions for local governments developed by the University of Wisconsin-Madison).

Mr. LaVenja mentioned the intent of allocating \$500,000 and addressed:

- the finalized costs to conduct micro-paving earmarked for the FY 2021-22 budget;
- the completed roadways funded in the FY 2020-21 Community Redevelopment Area budget; thus, the need of being cognizant to other locations, and
- in response to Commissioner Mobilian's concerns, communications with The Villages Community Development District Manager Richard J. Baier regarding the reoccurring damage to the roadway surface on Conservation Trail as a result of the water wastewater connection lines;
- the city's completed work on same with the resolution to analyze and submit the city's invoice for the camera footage, engineering services performed and prior services conducted in that regard.

ACTION: 6:03:53 p.m. After much discussion and **by unanimous consent, the city commission agreed to include the allocation of \$500,000 earmarked towards disaster-related funds for FY 2021-22 budget; adopt the auditor's recommendation to adopt a formal fund balance/net position policy to establish optimal reserve levels and provide management direction while preparing the annual budgets.**

A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-017

as previously cited and approve the amendment to include the allocation of \$500,000 for the FY 2021-22 budget.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(b) Resolution 2021-013 – Interfund Loan Transfer – Utilities

Ms. Geraci-Carver read into the record the title of proposed Resolution 2021-018, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING CLARIFICATION AND MEMORIALIZING FUNDS TRANSFERRED FROM THE GENERAL FUND TO THE UTILITY ENTERPRISE FUND TO COVER DEFICITS IN THE UTILITY ENTERPRISE FUND WERE A LOAN FROM THE GENERAL FUND AND ALL FUNDS TRANSFERRED ARE TO BE REPAID FROM THE UTILITY ENTERPRISE FUND TO THE GENERAL FUND AS DIRECTED BY THE CITY COMMISSION FROM TIME TO TIME; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:21:08 p.m. Following further discussion on concerns voiced by Commissioner Bell on the number of residents in his district who were not on sewer by choice and the potential of water rate increases, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-018 as previously cited.**

Mr. Ray Lewis, City of Fruitland Park resident, cited reasons to oppose proposed Resolution 2021-018.

Mr. David Serder, City of Fruitland Park Unincorporated Area resident, recognized the future growth.

Mayor Cheshire called for a roll call vote on the motion with the city commission members voting as follows:

Commissioner Bell	No
Commissioner Mobilian	Yes
Commissioner DeGrave	Yes
Vice Mayor Gunter	Yes
Mayor Cheshire	Yes

Mayor Cheshire declared the motion carried on a four to one (4-1) vote.

(c) **NW Lake Community Park - Soccerfield Use - Bologna FC 1909 Soccer Academy Soccer League's Proposal**

The city commission considered its action to consider the proposal from Bologna Football Club 1909 Academy Florida (Club Italia Soccer LLC) to use Northwest Lake Community Park (Cales Memorial Athletic Complex) Multipurpose Soccer Field for a soccer program.

Ms. Yoder described the subject league program who have been utilizing the city's field and requested its continuance as a trial period whereby the rental fees paid would be equivalent to the city's compensation to its existing referees. She voiced the need for qualified referees who would be provided and trained by Bologna. Ms. Yoder addressed the plan, to be approved by the city commission, to continue its recreational programs with its league on Tuesdays and Thursdays; retain referees and offer to the residents an academy professional competitive soccer league on Mondays, Wednesdays and Fridays and request that Ms. Geraci-Carver draft a one-year contract, expiring June 1, 2022, for consideration.

Ms. Geraci-Carver concurred with Commissioner DeGrave's request to include a provision in the contract outlining the city's standards on referees' expectations.

After Ms. Yoder identified the recreation program costs involved and the intent to increase same to \$50.00 annually, Mr. Regina A. Siles (flag football soccer representative who has an agreement with Bologna) outlined the various programs offered and the potential for future tournaments. .

ACTION: 6:50:11 p.m. After much discussion and **on motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the city commission approved staff's request to accept Bologna FC 1909 Soccer Academy Soccer League's proposal as previously cited and directed the city attorney to draft a contract relative to same.**

(d) **Superior (Solutions) LLC – CentralSquare Technologies Discussion**

Discussion regarding TRAKIT/Superior (Solutions) LLC Citizens' Engagement, CentralSquare Technologies.

Ms. Geraci-Carver conveyed, from the building department, the progress made by CentralSquare where issues have arisen; the technology is not being utilized by many contractors, and she is unaware of existing problems; thus, they have not submitted or mentioned an invoice to the city.

Ms. Geraci-Carver suggested that the city postpone making payment to CentralSquare; advised that staff continue working with them to determine the number of users with all the problems resolved, and recommended that when they

raise the issue of payment, that the city broach them on whether the system is working and that the city has received information that its system is operational.

ACTION: 7:04:57 p.m. No action was taken.

PUBLIC HEARING

(e) **First Reading and Public Hearing - Ordinance 2021-005 Lake County Countywide MSTU for Ambulance and EMS**

Ms. Geraci-Carver read into the record proposed Ordinance 2021-005, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CONSENTING TO THE INCLUSION OF THE CITY OF FRUITLAND PARK, FLORIDA, WITHIN THE COUNTY-WIDE MUNICIPAL SERVICE TAXING UNIT (MSTU) OF THE PROVISION OF AMBULANCE AND EMERGENCY MEDICAL SERVICES, AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; PROVIDING FOR THE CITY TO BE INCLUDED WITHIN SAID MSTU FOR A SPECIFIED TERM OF THREE (3) YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on June 10, 2021.)

ACTION: 7:06:55 p.m. After much discussion, and **by unanimous consent, the city commission accepted amending the term from three (3) years to the term of five (5) years.**

Following further deliberations, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission approve Ordinance 2021-005 as previously cited with the amendment to change the term from three (3) years to the term of five (5) years.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

5. OFFICERS' REPORTS

(a) **City Manager**

i. **Economic Development Status Update**

Mr. La Venia had nothing to report on economic development.

ACTION: 7:14:48 p.m. No action was taken.

ii. COVID-19 Status Update

Mr. La Venia had nothing to report on COVID-19.

ACTION: 7:14:48 p.m. No action was taken.

iii. Intergovernmental Cooperative Agreement Contract By-Laws - PRM

Mr. La Venia and referred to the May 25, 2021 Public Risk Management of Florida Inc. (PRM) Property and Casualty Insurance's email regarding the vacant alternate board member position on its board; reported that Human Resources Director Diana Kolcun is no longer employed with the city, and announced that Mr. Hopkins has assumed said position.

ACTION: 7:14:48 p.m. **By unanimous consent, the city commission accepted the city manager's request to appoint Human Resources Director Jabari Hopkins to serve as the alternate on the Board of Directors of Public Risk Management of Florida Inc.; directed the city attorney to draft a resolution for consideration at the next meeting, and congratulated Mr. Hopkins on the appointment.**

(b) City Attorney

i. City of Fruitland Park v. State of Florida Department of Management Services

Ms. Geraci-Carver had nothing to report on the State of Florida Department of Management Services at this time.

ACTION: 7:16:00 p.m. No action was taken.

ii. Michael and Laurie Fewless v. City of Fruitland Park

Ms. Geraci-Carver had nothing to report on the Michael and Laurie Fewless case at this time.

ACTION: 7:16:00 p.m. No action was taken.

iii. Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026

Ms. Geraci-Carver pointed out previous communications sent on the Norman C. Cummins v. Stephen P. Angelillo foreclosure action; reported on her encounters with the plaintiff's counsel earlier this day and relayed his conversations with her that the intent is to move the case forward, if the city stipulates that its lien is in lower priority; take ownership of the property then it would be cleared and the property sold.

Ms. Geraci-Carver conveyed her request that the plaintiff's counsel respond to the attorney and make a proposal as the city commission desires for the case to proceed as there has been no activity since October 2020 and the city is entitled to a judgement against the property owner at this time.

Ms. Geraci-Carver recognized the change of rotation conducted by a number of judges where cases are being set for case management conferences; pointed out the new administrative order which addressed courts automatically setting case conferences to expedite same, and anticipated that the judge for the subject case to take action imminently.

ACTION: 7:16:00 p.m. No action was taken.

6. UNFINISHED BUSINESS

There was no unfinished business to come before the city commission at this time.

ACTION: 7:18:00 p.m. No action was taken.

7. PUBLIC COMMENTS

Mr. Serder voiced his support of the soccer program, the forthcoming Memorial Day Holiday honoring veterans and the proposed public safety complex.

ACTION: 7:18:00 p.m. No action was taken.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian stated that he has nothing to report at this time.

ACTION: 7:21:06 p.m. No action was taken.

(b) Commissioner DeGrave - Professional Architectural Services Design - Public Works and Public Safety Buildings - GatorSketch Corporation

Commissioner DeGrave referred to his meeting with Mr. La Venia and Chief Luce earlier this day regarding the public works and public safety buildings professional architectural services design presentation conducted by GatorSketch Corporation at the May 13, 2021 regular meeting. As a result of reviewing the presentation -- which he stated had no value and the concerns on the costs involved -- he volunteered his support to commence with a needs assessment and his availability to provide assistance in this regard.

Commissioner Bell suggested the review of the forthcoming FY 2021-22 budget on same.

ACTION: 7:21:22 p.m. **By unanimous consent, the city commission had no objections to Commissioner DeGrave's previously cited request.**

(c) Commissioner Bell

Commissioner Bell had no report to submit at this time.

ACTION: 7:25.41 p.m. No action was taken.

(d) **Vice Mayor Gunter, Jr.**

Vice Mayor Gunter stated that he has nothing to report at this time.

ACTION: 7:25:46 p.m. . No action was taken.

9. **MAYOR'S COMMENTS**

(a) **Micro-Racetrack Road**

Mayor Cheshire acknowledged the problems experienced with the regulation of parked food trucks on the intersection and the surrounding areas of CR 466A and Micro Race Track Road; recognized staff's work on erection of *no trespassing* signs erected in the area, and questioned the city commission's position to include prohibiting food trucks under the land development regulations (LDRs). He pointed out the efforts made by Code Enforcement Officer Lori Davis with the city's law enforcement personnel, recognized the lack of enforcement regulated under the current LDRs, and suggested obtaining a list of issues from Ms. Davis for city commission consideration.

Following much discussion, Ms. Geraci-Carver recommended that she meet with Ms. Davis on the issues where provisions can be developed to support her recommendations for adoption in the LDRs and/or the language under the International Property Maintenance Code which can be reviewed and incorporated before adoption by the city commission.

After Mr. La Venia voiced safety and access issues related to the food truck vendors situated on the right-of-way of CR 466A and Micro Race Track Road intersection, the city commission acknowledged the various vendors along the CR 466A corridor whereby signs situated on the roadway have been collected by the city to which Ms. Geraci-Carver addressed her intent to review same.

ACTION: 7:25:51 p.m. No action was taken.

(b) **Fruitland Park Cleanup Day**

Mayor Cheshire recognized the last annual cleanup Fruitland Park Day event which resulted in little litter collected and addressed the need for a future cleanup event due to the recent trash increased in the neighborhood.

Besides the work carried out by the public works department on the maintenance of the roadways on CR 466A and US Highway/441, Mayor Cheshire suggested re-instituting Fruitland Park's Annual Cleanup Day or adopt a roadway program,

Following much discussion, Ms. Geraci-Carver described Lake County's Keep Lake Beautiful (Cleanup-A-Spot) program who develops and organizes events and assists with community outreach efforts.

ACTION: 7:35:15 p.m. **By unanimous consent, the city commission, upon Mayor Cheshire's suggestion, had no objections to pursue reinstating Fruitland Park Annual Cleanup Day, the establishment of an adopt-a-street program; engaging partnership efforts with Lake County Sheriff's Office for federal and state prisoners cleanup of roadways, and Lake County's Keep Lake Beautiful programs.**

(c) Dates to Remember

Mayor Cheshire recognized the following events:

- May 31, 2021, City Hall Closed Memorial Day
- June 9, 2021 City Commission Regular at 6:00 p.m.;
- June 11, 2021, LCLC, *Lake County Preliminary Tax Roll*; Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- June 11, 2021, *Jaws 3*, Gardenia Swimming Pool, Beckman Street, Fruitland Park, Florida 34731 at 6:30 p.m.;
- June 16, 2021 City Commission Regular at 6:00 p.m., and
- June 23, 2021 LSMPO Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;
- July 8, 2021 City Commission Regular at 6:00 p.m., and
- July 22, 2021 City Commission Regular at 6:00 p.m.

ACTION: 7:40:30 p.m. No action was taken.

10. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 7:41 p.m.

The minutes were approved at the June 9, 2021 regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

RESOLUTION 2021-019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE AGREEMENT BETWEEN CLUB ITALIA SOCCER, LLC AND THE CITY OF FRUITLAND PARK FOR USE OF NORTHWEST LAKE COMMUNITY PARK SOCCER FIELD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park, Florida, a municipal corporation organized and existing under the laws of the State of Florida (hereafter the “CITY”) desires to enter into an agreement with Club Italia Soccer, LLC (“Club”) to allow Club to use the soccer field(s) at Northwest Lake Community Park in exchange for Club providing licensed/certified, trained soccer referees to the City for City Soccer League games; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds the agreement is beneficial to the CITY and its residents; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to approve the Agreement between the City and Club.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Agreement between Club Italia Soccer, LLC, a Florida limited liability company, and the City of Fruitland Park (the “Agreement”), a copy of which is attached hereto, is approved.

Section 2. The Commission authorizes the Mayor to execute the agreement.

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 10th day of June 2021, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, Mayor

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

AGREEMENT

This Agreement is made by and between **Club Italia Soccer, LLC**, a Florida limited liability company, (“Club”), 100 E. Oak Terrace Dr., G4, Leesburg, FL 34748 and the **City of Fruitland Park** for the Parks and Recreation Department (“the City”), 201 West Berckman Street, Fruitland Park, Florida 34731 to use the City’s soccer field located on the Northwest Lake Community Park.

The parties agree to the following terms and conditions: This Agreement between the two parties will commence June 1, 2021 and be valid until May 31, 2022 except if otherwise terminated as provided below:

1. Club shall provide, at its sole expense, dedicated licensed/certified, trained soccer referees at all City Soccer League games whose sole purpose is to referee the City’s Soccer League games. The referees will be paid directly by Club. The City of Fruitland Park Recreation Director will provide Club the City’s Soccer League game schedules.
2. Club may use the soccer field(s) at Northwest Lake Community Park for its soccer league Mondays and Wednesdays between the hours of 5:45 pm and 8:15 pm, and Saturdays between the hours of 10:00 am and 12:00 pm, but only on those dates more particularly set forth on the schedule attached hereto as **Exhibit A**. Lights will be utilized or not utilized as set forth in **Exhibit A**. Use of the field(s) is limited to a maximum of 80 kids.
3. Insurance: Club, at its expense, shall acquire and maintain at all times liability insurance in the amounts specified by the City, including but not limited to, workers’ compensation, required to cover its staff, employees and referees who are involved in the performance of its obligations pursuant to this Agreement. Club’s insurance shall name the City of Fruitland Park as an additional insured and as a certificate holder. Club shall provide a copy of all current certificates of insurance and endorsements, naming the City as an additional insured and a certificate holder, required hereunder to City within five (5) business days of execution of this Agreement by both parties.
4. City shall not be liable for any and all damages, actions, suits, claims, and demands of whatsoever kind made by or on behalf of any person or entity which are alleged to have arisen out of, in connection with, or by reason of Club’s use of the soccer field(s) pursuant to this Agreement. In that regard, Club shall indemnify and defend and hold harmless City, its officers, directors, agents, and employees from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, monetary loss, interest, attorney’s fees, costs and expenses of whatsoever kind or nature arising out of the performance of the terms of this Agreement, including those arising out of injury to or death of any individuals, whether arising before, during, or after use of the soccer field(s), and in any manner directly or indirectly caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault or negligence of Club or its employees, referees, agents, or volunteers.
5. If Club fails to provide license/certified, trained referees to the City as provided in this Agreement, the City may terminate this Agreement immediately and Club will be assessed a penalty of two hundred dollars (\$200.00) and in addition Club will be required to pay the City the City’s customary soccer field(s) rental fees for any Club use after termination of this Agreement.

6. **DISPUTE RESOLUTION.**

- a. The City and Club acknowledge that issues may arise between the parties during the term of this agreement. It is the intent of the parties that any such issues or disagreements should be identified as quickly as possible and resolved using informal and escalating formal alternative dispute resolution processes identified below.
 - b. To that end, any dispute that arises should be communicated as soon as either party becomes aware of an issue. If Club identifies an issue or the City identifies an issue, the issue should be discussed by the Recreation Director of the City and [REDACTED] of the Club and if possible, resolved at this level.
 - c. If the disagreement cannot be resolved at the initial level, the City Manager of the City and Regina A. Siles on behalf of Club shall meet and discuss and attempt to resolve the issue. Should they be unsuccessful in resolving the issues, the parties are free to pursue any legal remedies available.
7. Club shall comply with all applicable childcare regulatory requirements.
8. Governing Law/Venue and Jurisdiction: This Agreement shall be governed by the laws of the State of Florida without regard to conflicts of law provisions. Venue of any litigation arising out of this Agreement shall be only within any court of competent jurisdiction regularly sitting in Lake County, Florida.
9. Each party hereto acknowledges that this agreement contains all of the terms and provisions of the contractual relationship between the parties hereto and merges and terminates all prior or verbal negotiations with regard hereto. This agreement may not be assigned by either party without the prior written approval of other parties hereto.
10. Nothing herein contained shall be deemed to create a partnership or joint venture, nor shall the relationship between the parties be construed as principal and agent.
11. Any indemnity under this Agreement and any amounts payable under this Agreement shall survive the expiration or other termination of this Agreement.
12. The parties acknowledge and agree that this Agreement contain the entire agreement between the parties with respect to the subject matter of this Agreement, that there are no verbal agreements, representations, warranties or other understandings affecting the same, and that any purported change, modification, release, discharge or waiver of any provision contained in this Agreement shall be of no force, effect, or value, unless set forth in writing and signed by the party to be bound.
13. The Effective Date of this Agreement shall be the date on which the latter of the parties hereto have executed this Agreement.
14. All electronic files, audio and/or video recordings, and all papers pertaining to any activity performed by the provider for or on behalf of the CITY shall be the property of the CITY and will be turned over to the CITY upon request. In accordance with Florida "Public Records" law, Chapter 119, Florida Statutes, each file and all papers pertaining to any activities

performed for or on behalf of the CITY are public records available for inspection by any person even if the file or paper resides in the CONTRACTOR'S office or facility.

IF THE CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 352-360-6790, ecoulson@fruitlandpark.org, 506 West Berckman Street, Fruitland Park, FL 34731.

Approved by the City Commission of the City of Fruitland Park, Florida this ____ day of _____ 2021.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST: (SEAL)

ESTHER COULSON, CITY CLERK

Dated: _____

**CLUB ITALIA SOCCER LLC,
A Florida limited liability company,**

By: _____
Regina A. Siles, AMBR

Dated: _____

RESOLUTION 2021-020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING THE HUMAN RESOURCES DIRECTOR TO SERVE AS THE ALTERNATE ON THE BOARD OF DIRECTORS OF PUBLIC RISK MANAGEMENT OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park has entered into an agreement with Public Risk Management of Florida for the provision of insurance coverage consistent with the proposal and findings entitled Risk Management Review and Property & Casualty Insurance Coverage submitted by Public Risk Management of Florida for the effective period of October 1, 2019 to October 1, 2020; and

WHEREAS, in Resolution 2019-051 the City Commission of the City of Fruitland Park appointed the city manager as a representative of the City to serve on the Board of Directors of Public Risk Management of Florida, and appointed Diana Kolcun, Human Resources Director to serve as the alternate; and

WHEREAS, the human resource director is currently held by Jabari Hopkins; and

WHEREAS, it is the City Commission's desire to appoint Jabari Hopkins, Human Resources Director to serve as the city's alternate; and

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

1. Gary La Venia, City Manager, shall continue to serve as the City of Fruitland Park's representative on the Board of Directors of Public Risk Management of Florida, and Jabari Hopkins, Human Resources Director, is appointed to serve as the alternate.

2. 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 June 10, 2021, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:
Esther B. Coulson, City Clerk, MMC

Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6a**

ITEM TITLE: Resolution 2021-021 School Resource Officer Program 2021-2022

For the Meeting of: June 10, 2021

Submitted by: City Attorney/City Treasurer/ City Manager/Police Chief

Date Submitted: June 2, 2021

Funds Required: No

Account Number: N/A

Amount Required: N/A

Balance Remaining: N/A

Attachments: Yes (Proposed resolution and agreement)

Item Description: Resolution 2021-021 School Resource Officer Program for Fruitland Park Elementary School - Lake County School Board Agreement

Action to be Taken: Adopt Resolution 2021-021

Staff's Recommendation: Approval.

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND THE CITY OF FRUITLAND PARK, FLORIDA FOR SCHOOL RESOURCE OFFICER PROGRAM [2021-2022]; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the School Board of Lake County, Florida has requested the City provide a School Resource Officer for the Fruitland Park Elementary School for 2021-2022 school year and the School Board will pay \$59,052.00 plus pay overtime, if any; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds that providing a City of Fruitland Park officer to act as the school resource officer at Fruitland Park Elementary for the 2021-2022 school year is beneficial to the City and its residents and is authorized by Section 163.01, Florida Statutes, with the authority to enter into an agreement for this public purpose; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to adopt the Agreement between the School Board of Lake County, Florida and the City of Fruitland Park, Florida for School Resource Officer Program [2021-2022].

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Agreement between the School Board of Lake County, Florida and the City of Fruitland Park, Florida for School Resource Officer Program [2021-2022], **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute the Agreement between the School Board of Lake County, Florida and the City of Fruitland Park, Florida for School Resource Officer Program [2021-2022]

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 10th day of June 2021, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, Mayor

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Commissioner Bell ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Vice Mayor Gunter ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner DeGrave ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Mobilian ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)
Mayor Cheshire ____ (Yes), ____ (No), ____ (Abstained), ____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

**AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA,
AND THE CITY OF FRUITLAND PARK, FOR
SCHOOL RESOURCE OFFICER PROGRAM [2021-2022]**

This AGREEMENT is entered into by and between the **City of Fruitland Park**, a Florida municipal corporation, hereinafter referred to as “LAW ENFORCEMENT AGENCY” and the **School Board of Lake County, Florida**, a political subdivision of the State of Florida, hereinafter referred to as “SCHOOL BOARD”.

WITNESSETH:

WHEREAS, the SCHOOL BOARD is seeking one (1) School Resource Officers (SROs) to interact with students during the regular class schedule and at extra-curricular school activities so as to provide additional security to students, school personnel, the school community and school property; and

WHEREAS, the LAW ENFORCEMENT AGENCY is willing to place one (1) **City of Fruitland Park** Police Officers at **Fruitland Park Elementary (1)** for the purpose of carrying out this school program.

NOW, THEREFORE, in and for consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree that the LAW ENFORCEMENT AGENCY will provide one (1) sworn **City of Fruitland Park** Police Officers who are certified pursuant to Section 943.10(1) *Florida Statutes* to the SCHOOL BOARD to act as SROs at the one (1) designated schools under the terms and conditions of this Agreement.

1. Term of Agreement. The term of this Agreement shall be for the next school year, beginning the 10th day of August 2021 through the last day of school for students in May 2022.

2. Compensation. The SCHOOL BOARD will pay the **City of Fruitland Park** the sum of Fifty-nine thousand fifty-two (\$59,052.00) Dollars for services of the one (1) SROs provided pursuant to the terms of this Agreement. Such compensation shall be invoiced to the SCHOOL BOARD by the LAW ENFORCEMENT AGENCY in equal quarterly installments (September, November, February and May) commencing on the 1st day of September 2021. Invoices shall be paid by the SCHOOL BOARD within fifteen (15) days of receipt. In the event

that The Board of County Commissioners of Lake County, Florida, agrees to pay for any or all of the police officers assigned to the schools pursuant to this Agreement, then the LAW ENFORCEMENT AGENCY agrees that the SCHOOL BOARD may assign its obligation to pay under this section to The Board of County Commissioners of Lake County, Florida.

3. Scope. The LAW ENFORCEMENT AGENCY shall assign an SRO for one (1) designated schools. The SROs shall interact with students and provide security at the one (1) designated schools. In addition, the SROs shall have the duties and responsibilities listed in Exhibit “A” attached hereto.

4. Background Investigations. The LAW ENFORCEMENT AGENCY represents and warrants to the SCHOOL BOARD that the LAW ENFORCEMENT AGENCY has read and is familiar with Sections 1012.32, 1012.465, 1012.467 and 1012.468, *Florida Statutes* regarding background investigations. The LAW ENFORCEMENT AGENCY covenants to comply with all requirements of the above-cited statutes and shall provide SCHOOL BOARD with proof of compliance upon request. The LAW ENFORCEMENT AGENCY agrees, to the extent permitted by law and only to the extent permitted by 768.28, *Florida Statutes*, to indemnify and hold harmless the SCHOOL BOARD, it’s officers, agents and employees from any liability in the form of physical injury, death, or property damage resulting from the LAW ENFORCEMENT AGENCY’s failure to comply with the requirements of this paragraph or Florida Statute Sections, 1012.32, 1012.465, 1012.467 and 1012.468, *Florida Statutes*. Any claim against the LAW ENFORCEMENT AGENCY by the SCHOOL BOARD under the preceding sentence shall not include punitive damages or any interest for the period before judgment. Additionally, the LAW ENFORCEMENT AGENCY shall not be liable pursuant to this indemnity to pay a claim or judgment by any one person which exceeds the sum of \$200,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the LAW ENFORCEMENT AGENCY arising out of the incident or occurrence, exceeds the sum of \$300,000. Further, nothing in this paragraph shall be construed as an admission of liability on behalf of the LAW ENFORCEMENT AGENCY.

5. Assignment of Officers. The LAW ENFORCEMENT AGENCY shall determine which SROs will be assigned under this Agreement and will also determine the particular school

to which the SRO will be assigned to. The LAW ENFORCEMENT AGENCY shall provide a notice of the assigned SROs to the school principals of the one (1) designated school. In the event that the principal of the school where the SRO is assigned believes that the particular SRO is not effectively performing his/her duties and responsibilities, the principal shall notify the SRO in writing. If the situation is not corrected within three (3) working days, the principal shall contact the SRO's immediate supervisor and the Superintendent's designee in writing and provide a copy of said notice to each of them. If the situation is not resolved to the mutual satisfaction of both the SRO's immediate supervisor and the Superintendent's designee within ten (10) days, or if, during the same contract period, the principal determines for a second time that the SRO is not effectively performing his/her duties and responsibilities, then the Principal shall recommend to the Superintendent that the SRO be removed from the program at his/her school, and shall state the reasons as well as the efforts to resolve the problems in writing. The Superintendent, or his/her designee, shall review the request and, if approved, shall provide written notification to the LAW ENFORCEMENT AGENCY who shall transfer the SRO or take other appropriate action within ten (10) business days. In the event the principal considers the SRO's conduct to present a threat to the safety or well-being of the students or staff, the principal will immediately notify the Superintendent and the LAW ENFORCEMENT AGENCY. Upon receipt of such notification, the LAW ENFORCEMENT AGENCY shall take appropriate action.

6. Dismissal/Replacement/Absence.

The LAW ENFORCEMENT AGENCY may dismiss or reassign SROs with or without cause. In the event of the resignation, dismissal, or reassignment of an SRO, or in the case of long-term absences by an SRO, the LAW ENFORCEMENT AGENCY shall provide a temporary replacement for the SRO as soon as practical.

7. Leaves/Coverage.

The Chief of Police or another designated scheduling officer will approve vacations, sick leaves, and other leaves of absence for the SRO. The SRO will communicate approved vacation, sick leaves, trainings or any other leave that impacts SRO presence in schools with the SCHOOL BOARD'S Safety and Security Specialist.

LAW ENFORCEMENT AGENCY shall provide coverage of an SRO during any time in which the SRO will be off campus of the school to include, but not be limited to vacations, sick leaves, other leaves of absence or due to other related assignments.

8. Hours of Assignment. The SROs will be stationed at the one (1) designated schools for eighty (80) hours per two-week period, Monday through Friday, as assigned and scheduled by the respective school principal and as approved by the LAW ENFORCEMENT AGENCY.

9. Additional Hours of Assignment. Additional hours of assignment during a two-week period may be made with prior approval of the LAW ENFORCEMENT AGENCY, if requested by the respective school principal. If the additional hours worked require that overtime be paid to the SROs, the SCHOOL BOARD will reimburse the LAW ENFORCEMENT AGENCY for overtime paid at the SRO's existing pay rate.

10. Off Campus Assignments. Upon the request of the respective school principal and with the prior approval of the LAW ENFORCEMENT AGENCY, an SRO's duties may occasionally include his/her assignment at school functions and activities that are held off campus.

11. Reassignment in Emergency Situations. Nothing in this Agreement shall prevent or interfere with the ability of the LAW ENFORCEMENT AGENCY to temporarily withdraw an assigned SRO from his/her post at the one (1) designated schools to respond to emergency situations as determined in the sole judgment and discretion of the LAW ENFORCEMENT AGENCY.

12. Supervising Authority. During the term of this Agreement, the SROs assigned shall remain employees of the LAW ENFORCEMENT, under the authority of the chain of command of the LAW ENFORCEMENT AGENCY and subject to all other rules and regulations of the LAW ENFORCEMENT AGENCY. The SROs will report to their respective school principal for assignment of duties and work schedules, including the extracurricular activities during the regular school day for up to eighty (80) hours for each officer per two-week period. Each SRO shall remain, at all times, an employee of the LAW ENFORCEMENT AGENCY. Workers Compensation coverage, as required by law, will be provided for the officer by the LAW ENFORCEMENT AGENCY.

13. Salary and Benefits. The LAW ENFORCEMENT AGENCY will provide the salary and benefits to each SRO assigned, including uniforms and equipment and any applicable overtime pay as agreed to above.

14. Vehicle. The LAW ENFORCEMENT AGENCY will provide vehicles for SROs if or when determined necessary by the LAW ENFORCEMENT AGENCY.

15. Threats to School Safety.

A. Pursuant to Section 1006.13(4), *Florida Statutes*, any acts that pose a threat to school safety, whether committed by a student or adult, shall be reported to the School Principal, or his or her designee, who shall report the acts to the SRO and the School Board's School Safety Specialist.

B. If requested by the School Principal, or his or her designee, the SRO, or other appropriate law enforcement officers, shall assist in the investigation of the acts that pose a threat to school safety; upon conclusion of the investigation, the SRO shall report the findings of the investigation to the School Board's School Safety Specialist to properly document the disposition of the incident. Additionally, the School Principal, or his or her designee, shall consult with SRO concerning appropriate delinquent acts and crimes.

16. Termination of Agreement. This Agreement may be terminated by either party upon thirty (30) days written notice. Notice shall be deemed given as of the date of deposit of such written NOTICE in the course of transmission in the United States Postal Service and addressed as follows:

SCHOOL BOARD:

Superintendent of Schools
School Board of Lake County
201 West Burleigh Boulevard
Tavares, FL 32778

LAW ENFORCEMENT
AGENCY:

Chief of Police
City of Fruitland Park Police
Department
506 W. Berckman Street
Fruitland Park, FL 34731

Upon termination pursuant to this subsection, payment will be made by the SCHOOL BOARD or reimbursement made by the LAW ENFORCEMENT AGENCY based on a pro rata charge for services for that portion of the school year covered by this Agreement prior to termination.

17. Entire Agreement. This Agreement embodies the entire agreement and understanding between the parties with respect to the subject matter hereto and supersedes all prior Agreements, representations and understandings either oral, written or otherwise relating thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the respective dates under each signature.

“SCHOOL BOARD”

**THE SCHOOL BOARD OF LAKE COUNTY,
FLORIDA**

By: _____
William J. Mathias, Chairperson

Date: _____

Approved as to form:

Attest: _____
Diane S. Kornegay, Superintendent

School Board Attorney

“LAW ENFORCEMENT AGENCY”

CITY OF FRUITLAND PARK

By: _____
Chris Chesire, Mayor

Date: _____

Approved as to form:

Attest: _____

Name, Title of Signatory (Click or tap here to enter text.)

Anita Geraci-Carver,
City Attorney

EXHIBIT "A"

In addition to the routine duties and responsibilities of the SROs, the SROs shall have the following specific duties and responsibilities:

1. Each SRO shall at all times perform his/her duties in accordance with City of Fruitland Park Police Department's standard operating procedures.
2. The SROs shall serve as resource instructors providing programs in crime prevention that encourage students to become responsible citizens.
3. The SROs shall also assist the orderly flow of traffic on school grounds.
4. Each SRO shall maintain all law enforcement powers, duties, and responsibilities inclusive of his/her position as City of Fruitland Park Police Officers while assigned to the SRO program.
5. Each SRO shall be responsible to his/her agency in all matters relating to employment, however, activities conducted by the SROs which are part of the regular school instruction program shall be under the direction of the principal or his/her designee.
6. Each SRO shall be at his/her school during normal school hours of operation and shall utilize the school's computer-based management system to sign in and out to verify attendance. During times that the SROs are unable to be on campus or need to leave campus, those times will be coordinated with the principal or his/her designee and each SRO's supervisor. The SRO supervisor will assure that the School has a replacement SRO on campus.
7. The SROs shall perform such duties as directed by his/her agency when school is not in session. The principal or his/her designee shall advise the Officers' supervisor of the school's calendar.
8. The SROs may contact students during school hours in conjunction with a criminal investigation so long as such contact does not interfere with or impede the orderly operation of the school or the rights of the individual students.
9. All student record information will be maintained in accordance with the provisions of Florida Statutes.
10. The SROs shall interface with students between class breaks, during lunch periods, before and after school and at school activities at which the SROs are in attendance. The SROs will not be assigned to a permanent school related duty post so as not to establish predictable patterns.
11. In the interest of maintaining a safe and orderly school environment, student and campus supervision is of critical importance. The SROs shall take a prominent role in supervision responsibilities, which shall be coordinated with and agreed to by the SROs and the designated

school principal. While school is in session, the SROs shall be present on and around the school campus except as permitted in paragraph 6 of this Exhibit A.

12. The SROs will serve as a referral resource for students, faculty and parents to community agencies.

13. The SROs will serve as a Law Enforcement resource to school administration and the district manager of security services.

14. The SROs shall be familiar and offer support with the plans and strategies for the prevention and control of dangerous situations at the school.

15. The SROs will coordinate activities with the school administration and the school guidance department in an effort to identify those students who exhibit indications of early delinquent behavior.

16. The SROs shall attend meetings of school faculty and requested administrative meetings during school hours on a regular basis.

17. The SROs shall not act as a school disciplinarian, as disciplining students is a school responsibility. However, the principal shall contact the SROs for any violations of the law, and the SROs shall determine whether law enforcement action is appropriate.

18. The SROs shall take law enforcement action as necessary and as permitted under Florida law and shall inform the school principal of such action unless it would impede a criminal investigation, under such circumstances as practical. The SROs shall take appropriate law enforcement action against intruders and unwanted guests who may appear at the school and related school functions, to the extent that the SROs may do so under the authority of law. Whenever practical, the SROs shall advise the principal before requesting additional law enforcement assistance on campus.

19. The SROs shall be informed by school personnel of any situation occurring on school grounds that would appear to be a violation of the law of criminal nature.

20. The SROs shall maintain detailed accurate records of his/her activities, and provide a written monthly report to the LAW ENFORCEMENT AGENCY who shall provide such information to the Safe Schools Department of the SCHOOL BOARD.

21. The SROs and school administration shall work together to keep each other informed during the course of all criminal investigations as permitted by law and as practical. This provision shall not be interpreted so as to interfere with or impede the SROs' law enforcement duties, obligations and/or powers.

22. The SROs shall work with school administration when determining whether an arrest should be made, or if there is an alternative solution to the incident which would still be in compliance with Florida law. The final decision on whether arrest is appropriate will lie with the

attending SRO or other law enforcement officer on scene at the incident. This provision shall not be interpreted so as to interfere with or impede the SROs' law enforcement duties, obligations or powers.

23. The SROs shall affect a physical arrest for felonies committed on school grounds, particularly those that are "Zero Tolerance", as permitted by law.

24. The SROs shall give assistance to other law enforcement officers and government agencies in matters regarding his/her school assignment, whenever necessary.

25. The parties shall comply with the provisions of the Family Educational Rights and Privacy Act ("FERPA").

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6b

ITEM TITLE: **Public Hearing - Resolution 2021-023** - 1st Amendment to Annexation Agreement - Urick Street Permitted Uses – Petitioners: Beryl N Stokes, Jr. and William K Stokes.

For the Meeting of: June 10, 2021

Submitted by: City Attorney/City Manager/Community Development Director

Date Submitted: June 2, 2021

Funds Required: No

Attachments: Yes. Draft Resolution 2021-xxx to include First Amendment to Annexation Agreement, Exhibit “A”, justification letter, aerial map, location map and advertisement affidavit not available (see below).

Item Description: **Resolution 2021-023** The City’s current comprehensive plan future land use designation of Multi-Family High Density allows, in part, for up to four (4) dwelling units per acre if centralized sanitary sewer is not available, or 15 dwelling units per acre if centralized sanitary sewer is available and the property connects to sewer. The annexation agreement limits density to up to 10 dwelling units per acre if sewer is available and the property is connected to sewer. The city has determined that it has the capacity to provide sewer service to the property and finds no reason for limiting density below what is currently allowed by the city’s comprehensive plan.

Action to be Taken: **Adopt Resolution 2021-023**

Staff’s Recommendation: Approval

Additional Comments: Notice of public hearing for Resolution 2021-023 required 10 days prior to June 24, 2021 regular commission meeting per City Attorney. Justification letter in lieu of development application per city attorney.

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE FIRST AMENDMENT TO ANNEXATION AGREEMENT BETWEEN THE CITY OF FRUITLAND PARK AND BERYL N STOKES JR AND WILLIAM K. STOKES RELATING TO REAL PROPERTY LOCATED ON URICK STREET; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park (the “City”) and Beryl N. Stokes, Jr. as Trustee entered into an Annexation Agreement dated March 5, 2005 (the “Annexation Agreement”) concerning the real property located on Urick Street in the City of Fruitland Park and more particularly described in the Annexation Agreement.

WHEREAS, the City and Owner wish to amend the Annexation Agreement to address Permitted Uses.

WHEREAS, the Planning and Zoning Board considered the First Amendment to Annexation Agreement at a public meeting and made recommendation to the City Commission on same.

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the public to amend the Annexation Agreement as set forth in the First Amendment to Annexation Agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The First Amendment to Annexation Agreement, **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute the First Amendment to Annexation Agreement.

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

PASSED AND RESOLVED this ____ day of _____, 2021, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, Mayor

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Record and Return to:
City of Fruitland Park
506 W Bereckman Street
Fruitland Park, FL 34731

FIRST AMENDMENT TO ANNEXATION AGREEMENT

THIS FIRST AMENDMENT TO ANNEXATION AGREEMENT is entered into as of the _____ day of _____, 2021, between **THE CITY OF FRUITLAND PARK**, a Florida municipal corporation, (“City”), and **BERYL N. STOKES, JR. and WILLIAM K. STOKES, as Co-Successor Trustees of the Beryl N. Stokes, Sr. Trust dated October 25, 1988** as the Owner of the Property (“Owner”).

RECITALS

1. **BERYL N. STOKES, JR. and WILLIAM K. STOKES, as Co-Successor Trustees of the Beryl N. Stokes, Sr. Trust dated October 25, 1988** is the owner of real property identified as Lake County Parcel ID 09-19-24-0400-045-00002 located at xxxx Urick Street, City of Fruitland Park, Florida, (the “Property”).
2. The Property is located within the municipal boundaries of the City of Fruitland Park. The Property is more particularly described in **Exhibit A** attached hereto and incorporated herein.
3. The City of Fruitland Park (the “City”) and Beryl N. Stokes, Jr. as Trustee entered into an Annexation Agreement dated March 5, 2005 concerning the Property (the “Annexation Agreement”).
4. The Property has a future land use designation of Multi-Family High Density.
5. Subsequent to entering into the Annexation Agreement the City amended its comprehensive plan, and said amendment included the maximum density allowed under the Multi-Family High Density future land use designation.
6. The City’s current comprehensive plan future land use designation of Multi-Family High Density allows, in part, for up to four (4) dwelling units per acre if centralized sanitary sewer is not available, or 15 dwelling units per acre if centralized sanitary sewer is available and the property connects to sewer.
7. The Annexation Agreement limits density to up to 10 dwelling units per acre if sewer is available and the Property is connected to sewer.
8. The City has determined that it has the capacity to provide sewer service to the Property and finds no reason for limiting density below what is currently allowed by the City’s comprehensive plan.

9. Owner understands that while capacity is available, the nearest connection is not located within close proximity to the Property, and that Owner will need to extend the potable water and centralized sanitary sewer lines, or wait until the lines are otherwise extended by other development in order to connect; however, all details relating to required off-site utility construction to serve the Property will be the subject of a separate utility agreement.
10. The City and Owner wish to amend the Annexation Agreement to address Permitted Uses.
11. Owner 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.

NOW THEREFORE, in consideration of matters set forth above (which are incorporated herein by reference), the exchange of the mutual promises set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. Authority. This First Amendment to Annexation Agreement is entered into under the authority of the Town's Code and Chapter 166, Florida Statutes, the Municipal Home Rule Powers Act.

Section 2. Amendment – Permitted Uses. Paragraph 1. Permitted Uses is amended to state:

1. Permitted Uses.
 - a. Those uses permitted within the Multi-Family High Density Residential (R-3) zoning category except that density shall not exceed four (4) dwelling units per acre unless central sewer facilities are available and connected to the property at which time density shall not exceed fifteen (15) dwelling units per acre.

Section 3. Subject to City Comprehensive Plan, Zoning Code and City Ordinances. Nothing in this Agreement shall supersede or take precedence over an existing ordinance, regulation, or code of the City.

Section 4. 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 5. Amendment. This First Amendment to Annexation Agreement may not be amended, supplemented, waived, or changed orally but only by a writing making specific reference to this agreement signed by the parties. Except as expressly set forth in this First Amendment, the Annexation Agreement remains unchanged and in full force and effect in accordance with its terms.

Section 6. Effective Date of Agreement. The Effective Date of this First Amendment to Annexation Agreement shall commence on the date this First Amendment to Annexation Agreement is last executed by any of the parties.

IN WITNESS WHEREOF, the parties hereto have entered into this First Amendment to Annexation Agreement as of the date first above written.

CITY OF FRUITLAND PARK,

CHRIS CHESHIRE, MAYOR
City of Fruitland Park, Florida

ATTEST:

Esther Coulson
City Clerk

Approved as to Form:

Anita Geraci-Carver
City Attorney

OWNER:

**BERYL N. STOKES, JR., as
Co-Successor Trustee of the
Beryl N. Stokes, Sr. Trust dated
October 25, 1988**

Dated: _____

**WILLIAM K. STOKES, as
Co-Successor Trustees of the
Beryl N. Stokes, Sr. Trust dated
October 25, 1988**

Dated: _____

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____, 2021, by Beryl N. Stokes, Jr., Co-Trustee, who is personally known to me or who has produced _____ as identification.

SEAL

Notary Public, State of Florida
My commission expires: _____

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____, 2021, by William K. Stokes, by Co-Trustee who is personally known to me or who has produced _____ as identification.

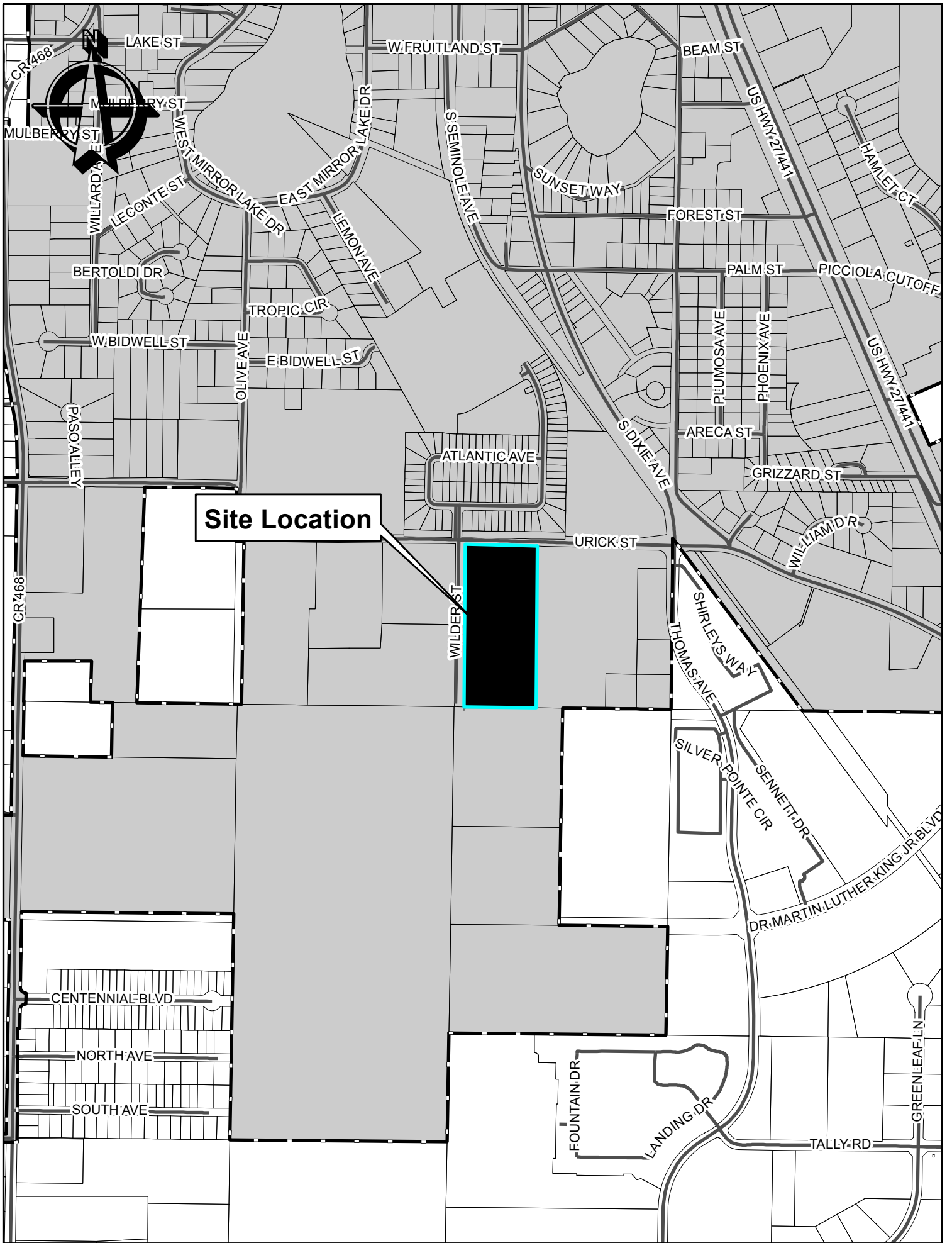
SEAL

Notary Public, State of Florida
My commission expires: _____

EXHIBIT "A" - LEGAL DESCRIPTION OF THE PROPERTY

LAKE COUNTY TAX PARCEL ID NUMBER 09-19-24-0400-045-00002

The West 466.70 feet, of Block 45, in the Town of Fruitland Park, Florida, according to the Plat thereof, as recorded in Plat Book 3, Page 8 of the Public Records of Lake County, Florida.
Subject to all easements, rights-of-way and restrictions of record, if any.



Site Location



CR 468

LAKE ST

W. FRUITLAND ST

BEAM ST

US HWY 27/141

HAMLET CT

SUNSET WAY

FOREST ST

LECONTE ST

EAST MIRROR LAKE DR

LEMON AVE

BERTOLDI DR

TROPIC CIR

W. BIDWELL ST

E. BIDWELL ST

PALM ST

PICCIOLA CUTOFF

US HWY 27/141

PASO ALLEY

OLIVE AVE

ATLANTIC AVE

S DIXIE AVE

ARECA ST

GRIZZARD ST

WILLIAM DR

URICK ST

WILDER ST

SHIRLEYS WAY

SILVER POINTE CIR

SENNETT DR

DR. MARTIN LUTHER KING JR BLVD

CENTENNIAL BLVD

NORTH AVE

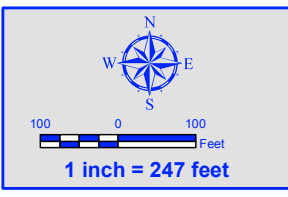
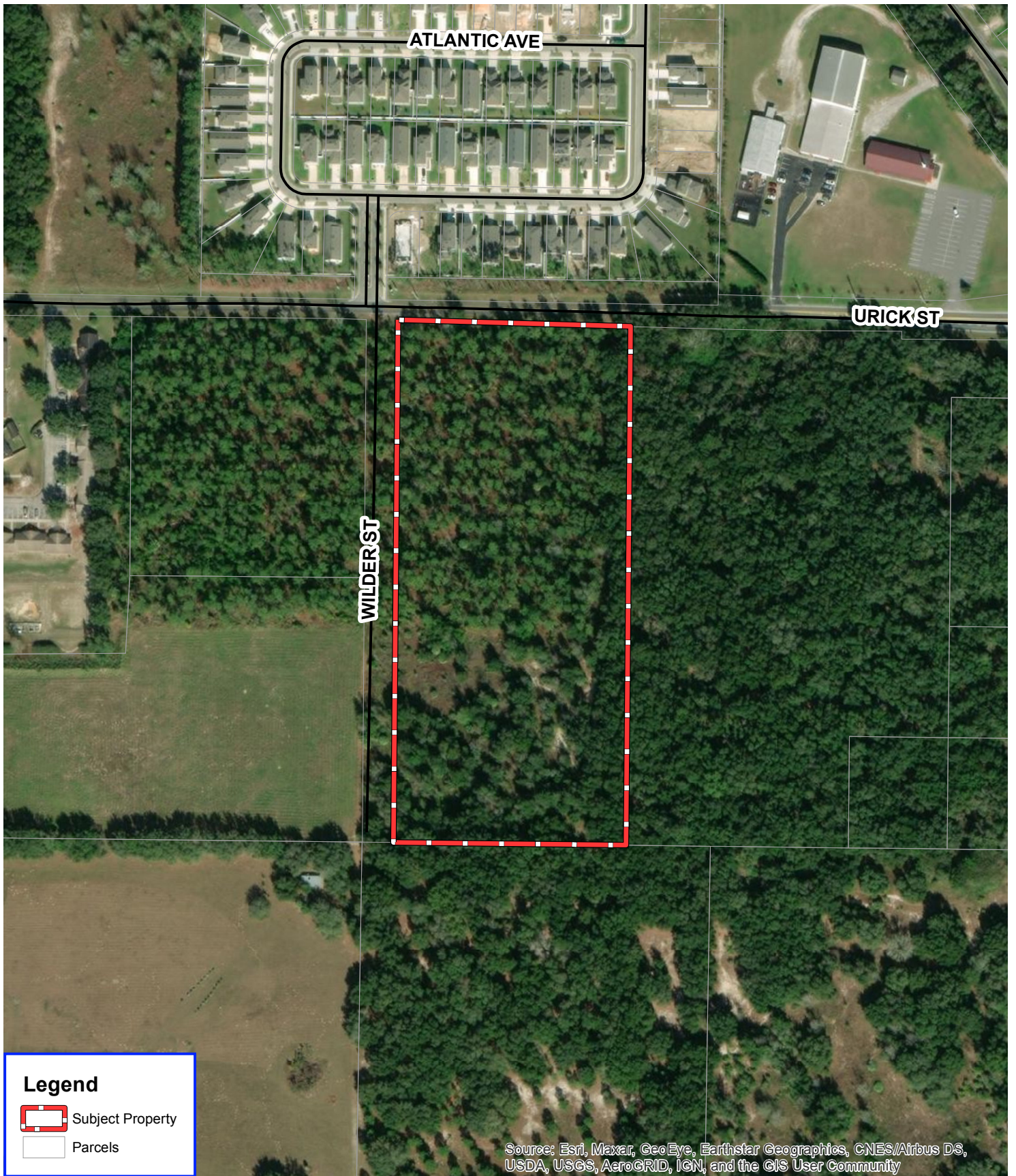
SOUTH AVE

FOUNTAIN DR

LANDING DR

TALLY RD

GREENLEAF LN



**City of Fruitland Park
Stokes**

Lake County, Florida
Aerial Map

Project No.: 398-14-02
 File Name: Aerial.mxd
 Project Name: Stokes
 Project Manager: Sherie L.
 Creation Date: April 26th, 2021
 Created By: C.Manno



Beryl N. Stokes, Jr.
6601 Sunnyside Drive
Leesburg, FL 34748

May 3, 2021

City of Fruitland Park
Planning & Zoning Department
506 W. Berckman Street
Fruitland Park, FL 34731

Dear Planning & Zoning:

With reference to Alternate Key #1520690 (+/-10.43 acres on Urick Street), I am writing as the owner of the parcel to request that this Annexation Amendment be approved. The original Annexation agreement was completed in 2005 based on the comprehensive plan at that time allowing for 10 units per acre as the maximum density for R-3 Zoning. The comprehensive plan was amended a few years later, thus allowing for 15 units per acre as to the maximum density for R-3 Zoning. As a result of this change, I respectfully request my annexation agreement be amended hereto to reflect the current maximum density permitted.

Sincerely,


Beryl N. Stokes, Jr.

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6c

ITEM TITLE: First Reading and Quasi-Judicial Public Hearing – Ordinance 2021-003 Master Development Agreement Am. – Westminster Pine Ridge PUD – Emergency Veterinary Clinic - Petitioner: First Baptist Church of Leesburg Inc.

For the Meeting of: June 10, 2021

Submitted by: City Attorney/City Manager/Community Development Director

Date Submitted: June 1, 2021

Funds Required: No

Attachments: Yes. draft ordinance with exhibit “A”, MDA first amendment, development application, LOI, staff report, location map, Village Park Commercial Subdivision Plat, and newspaper affidavit noticed for 7:00 p.m.

Item Description: Ordinance 2021-003 to amend the master development agreement conditions of the Westminster Pine Ridge Planned Unit Development; to provide for an emergency veterinarian clinic as a permitted use.

During its May 20, 2021 regular meeting, the Planning and Zoning Board recommended approval to amend the PUD adding Emergency Veterinary Clinic as a permitted commercial use.

Action to be Taken: Approve Ordinance 2021-003

Staff’s Recommendation: Approval

Additional Comments: The proposed emergency veterinary facility is an after-hour emergency and veterinary clinic; no boarding of any animals.

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-003

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE MASTER DEVELOPMENT AGREEMENT CONDITIONS OF THE WESTMINSTER PINE RIDGE PLANNED UNIT DEVELOPMENT (PUD) TO PROVIDE FOR AN EMERGENCY VETERINARY CLINIC AS A PERMITTED USE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Westminster Pine Ridge Planned Unit Development (PUD) was approved by City Commission on March 8, 2018, by Ordinance No. 2018-002 recorded November 19, 2019 in Official Records Book 5376, Page 1193 of the Public Records of Lake County, Florida; and

WHEREAS, First Baptist Church of Leesburg, Inc. the property owner has requested an amendment to the Westminster Pine Ridge Planned Unit Development (PUD) Master Development Agreement terms and conditions to allow an emergency veterinary clinic as a permitted use; and

WHEREAS, the petition bears all required signatures; and

WHEREAS, the required notice of the amendment has been properly published;

NOW, THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida:

SECTION 1. LEGAL DESCRIPTION.

The above-referenced property, more particularly described on Exhibit "A," attached hereto and incorporated herein by reference, consisting of approximately 206.11 ± acres generally located south of CR 466A and west of Pine Ridge Dairy Road.

SECTION 2. AMENDMENT OF MASTER DEVELOPMENT AGREEMENT CONDITIONS.

(NOTE: Underlined words constitute the additions to the existing text of the *PUD Ordinance No. 2018-002*, and ~~struckthroughs~~ constitute deletions to the existing text.

The conditions within "Section 4" of the Westminster Pine Ridge Master Development Agreement by Ordinance No. 2018-002 adopted on March 8, 2018, are hereby amended as follows:

Section 4. Permitted Uses. r. Emergency Veterinary Clinic. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

SECTION 3: CONFLICTS.

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

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: SCRIVENERS' ERRORS.

Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall become effective immediately upon enactment.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2021.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk
(SEAL)

Anita Geraci-Carver, City Attorney

Mayor Cheshire _____(Yes), _____(No), _____(Abstained), _____(Absent)
Vice Mayor Gunter _____(Yes), _____(No), _____(Abstained), _____(Absent)
Commissioner Bell _____(Yes), _____(No), _____(Abstained), _____(Absent)
Commissioner DeGrave _____(Yes), _____(No), _____(Abstained), _____(Absent)
Commissioner Mobilian _____(Yes), _____(No), _____(Abstained), _____(Absent)

Passed First Reading _____

Passed Second Reading _____

(SEAL)

EXHIBIT A
LEGAL DESCRIPTION

THAT LAND LYING IN SECTIONS 5, 7 AND 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 8, RUN S89°39'50"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 210.00 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8, ALSO BEING THE EASTERLY BOUNDARY OF VILLAGES OF FRUITLAND PARK UNIT NO. 27 AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE AND SAID EASTERLY BOUNDARY, S00°47'54"W, 350.15 FEET TO THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 28 AS RECORDED IN PLAT BOOK 66, PAGES 54 THROUGH 55, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE DEPARTING THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27 AND ALONG THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 THE FOLLOWING COURSES: S00°47'54"W, 244.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8 AND ALONG SAID SOUTH LINE, N89°39'50"W, 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG SAID EAST LINE, S00°47'54"W, 589.01 FEET TO THE SOUTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 AND A POINT ON THE NORTH LINE OF THE SOUTH 160.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EASTERLY BOUNDARY, SAID EAST LINE AND ALONG SAID NORTH LINE, S89°40'49"E, 611.54 FEET; THENCE DEPARTING SAID NORTH LINE AND ALONG THE FOLLOWING BOUNDARIES: VILLAGES OF FRUITLAND PARK, UNIT NO. 29, AS RECORDED IN PLAT BOOK 66, PAGE 71 THROUGH 73, INCLUSIVE, VILLAGES OF FRUITLAND PARK, UNIT NO. 31, AS RECORDED IN PLAT BOOK 66, PAGE 74 THROUGH 82, INCLUSIVE, SAID BOUNDARIES ALSO BEING THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4415, PAGE 1806, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE S00°46'30"W, 425.68 FEET; THENCE S31°15'56"W, 733.08 FEET; THENCE S00°47'54"W, 35.45 FEET; THENCE S43°54'50"E, 75.41 FEET; THENCE S49°19'38"E, 80.87 FEET; THENCE S45°31'17"E, 45.42 FEET; THENCE S57°57'35"E, 31.06 FEET; THENCE S27°16'42"E, 46.23 FEET; THENCE S36°00'06"E, 62.89 FEET; THENCE S26°28'20"E, 49.91 FEET; THENCE S32°28'21"E, 80.27 FEET; THENCE S29°57'55"E, 60.93 FEET; THENCE S75°47'10"E, 99.18 FEET; THENCE S07°22'59"E, 55.03 FEET; THENCE S04°58'53"E, 28.31 FEET; THENCE S03°51'23"E, 57.52 FEET; THENCE S03°23'32"W, 15.26 FEET; THENCE S75°48'45"W, 38.64 FEET; THENCE S12°05'00"W, 92.40 FEET; THENCE S24°08'42"W, 41.93 FEET; THENCE S11°20'47"W, 21.80 FEET; THENCE S00°21'45"W, 90.73 FEET; THENCE S40°46'06"W, 53.01 FEET; THENCE S53°05'55"W, 104.34 FEET; THENCE S49°53'36"W, 70.59 FEET; THENCE S48°18'47"W,

37.84 FEET; THENCE S61°43'23"W, 48.54 FEET; THENCE S62°49'12"W, 50.56 FEET; THENCE S59°14'26"W, 52.64 FEET; THENCE S70°58'32"W, 38.87 FEET; THENCE S35°38'27"W, 2,364.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE DEPARTING THE BOUNDARIES OF SAID SUBDIVISIONS AND THE BOUNDARY OF OFFICIAL RECORDS BOOK 4415, PAGE 1806; RUN THENCE ALONG SAID SOUTH LINE, S89°06'25"E, 914.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7 AND ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8, S89°14'24"E, 1,330.47 FEET TO THE EAST LINE OF THE WEST 1/4 OF SAID SECTION 8; THENCE ALONG SAID EAST LINE, N00°42'44"E, 2,636.42 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE N00°46'31"E, 1,343.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, S89°40'49"E, 1,331.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N00°44'42"E, 1,343.27 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE DEPARTING SAID EAST LINE AND ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N89°39'42"W, 1,330.49 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, N00°34'38"E, 1,263.10 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD 466-A, AS PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, N89°14'18"W, 1,118.09 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID EAST LINE OF THE WEST 210.00 FEET AND THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27, S00°56'55"W, 1,271.43 FEET TO THE POINT OF BEGINNING.
CONTAINING 205.76 ACRES, MORE OR LESS.

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

FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the ____th day of _____, 2021, between the **CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation**, (hereinafter referred to as the "City"), and First Baptist Church of Leesburg, Inc., a Florida not for profit corporation (hereinafter referred to as the "Owner").

RECITALS

1. The Owner desires to rezone approximately 205.76 + 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 "General Commercial" (C-2), Public Facilities District (PFD), Single Family Medium Density Residential (R-2), High Density Residential/Neighborhood Commercial (R-3A), and Greenbelt District (GB) with a future land use designation on the City of Fruitland Park Future Land Use Map of "Mixed Community."
3. Owner has filed applications for rezoning for the Property as a mixed use 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 "PUD Exhibit Plan and Sample Representation PUD Plan" prepared by Florida Engineering Group, Inc., dated February 15, 2018, and attached as **Exhibit "B"** (which may be referred to as the "Plan" or the "PUD Master Plan" or "Development Plan"). The project shall be developed as a senior (age 55+) mixed use community. 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. Duplex (Villa) dwelling units.
- c. Single family attached residential dwelling units meeting the R-3 standards.
- d. Multi-family residential dwelling units meeting the R-3 standards.
- e. Assisted Living Facilities. The maximum number of beds shall not exceed 150.
- f. Nursing homes.
- g. Church/Religious Facilities.
- h. All permitted C-1 uses.
- i. Convenience Store with fuel operations.
- j. Restaurants.
- k. Banks.
- l. Athletic/Sports Facilities.
- m. Residential units shall not exceed 900 units.
- n. Passive and Active Recreation Facilities.
- o. Total Commercial Square footage shall not exceed 130,000 square feet.
- p. Total Institutional Square footage shall not exceed 240,000 square feet which includes Nursing homes and Church/Religious Facilities.
- q. The residential units may be converted to the Assisted Living Facilities or a Nursing home based on one (1) unit equals three (3) beds; however, in no case shall the maximum number of beds be exceeded as stated in item e above.

q.r. [Emergency Veterinary Clinic.](#)

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

- a. The minimum living area shall be 1,000 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 – Twenty feet (20')

Accessories Setback: All accessory structures shall be located no closer to the property line than five feet (5').

- e. Minimum lot size shall be 4,000 square feet for duplex/villa single-family homes (duplex, villas).
- f. The minimum lot width for duplex/villas shall be 40 feet with a minimum lot depth of 100 feet.
- g. Minimum Setback requirements for duplex/villa single family 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 - 0' feet for common walls

Rear: Local Roadway– Twenty feet (20')
Another Lot – Twenty feet (20')

Accessories Setback: All accessory structures shall be located no closer to the property line than five feet (5'). In those areas where the buffer width is greater than five feet (5') and is part of the lot, all accessory structures shall be located outside of the buffer area.

Minimum distance between single-family detached and single family attached structures shall be 10 feet (10') measured from building wall to building wall.

- h. Multi-family development shall meet the R-3 zoning development standards.
- i. 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 for multi-story buildings may be exceeded to allow up to five (5) story buildings subject to meeting the requirements set forth in section 15 below. There shall be a maximum of six (6) multi-story buildings greater than 35 feet (a/k/a 3 stories) in building height

- j. Any multi-story buildings greater than 35' (a/k/a 3 stories) shall maintain a four-hundred-foot (400') setback from the adjacent development known as Brookstone Subdivision.
- k. Parking: The Applicant will be required to meet the parking requirements of the Fruitland Park Land Development Code for the proposed residential uses except as provided below:
 - Multi-Family Residential – 1.5 spaces per unit
 - Single Family Attached Residential – 1.5 spaces per unit
 - Assisted Living Facilities – 0.25 spaces per bed, plus 1 space per employee (largest shift)
 - Skilled Nursing - 0.25 spaces per bed, plus 1 space per employee (largest shift)
- l. Development adjacent to the Brookstone Subdivision shall consist of one row of single family lots.

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. Commercial and Institutional Development Standards. Development Standards shall be as follows:

- a. Minimum Setback requirements for commercial shall be:

Front: CR 466A – Fifty feet (50’)
 Local Roadways - Twenty feet (20’)

Side: Local Roadways – Twenty feet (20’)
 Another Lot - Ten feet (10’)

A zero (0) side setback is allowed on one side provided there is a minimum ten feet setback on the opposite side and provided requirements for fire and building codes are met.

Rear: Local Roadway– Twenty feet (20’)
 Another Lot – Twenty feet (20’)

Accessories Setback: All accessory structures shall be located no closer to the property line than ten feet (10’).

Required landscape buffers shall supersede the minimum dimensions permitted by this Section.

- b. The maximum impervious surface ratio for the property (which includes building coverage) shall be limited to eighty percent (80%).
- c. Maximum building height along CR 466A shall be limited to two (2) stories (from finished grade). Maximum building height, excluding along CR 466A shall be limited to four (4) stories (from finished grade) provided that adequate fire protection measures are provided as determined by the City Fire Inspector and Building Official. Any multi-story buildings greater than 35’ (a/k/a 3 stories) shall maintain a four hundred foot (400’) setback from the adjacent development known as Brookstone Subdivision.
- d. Maximum building height shall be limited to ninety-five feet (95’) for accessory decorative structures such as, but not limited to, steeples or spires.
- e. Parking: The Applicant will be required to meet the parking requirements of the Fruitland Park Land Development Regulations for the proposed uses except as provided below:

House of Worship – 1 space per three (3) seats (fixed seats) of 1 space per 30 gross square feet (without fixed seats)

Ancillary Uses – 3 spaces per 1000 square feet (3.0 spaces/KSF)

- f. Commercial access: Access to the commercial development areas shall be primarily from the entrance boulevard with access to CR 466A. Pedestrian access shall be provided from the residential areas to the commercial area utilizing a trail system which shall be reviewed during the site plan or subdivision review process.
- g. The maximum floor area ratio shall be seventy percent (70% or 0.70) and the maximum impervious surface ratio shall be eighty percent (80% or 0.80).

Section 9. Commercial and Institutional Design Standards. The Applicant shall be required to meet the nonresidential design standard requirements of the Fruitland Park Land Development Regulations.

Section 10. 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.

Section 11. Site Access and Transportation Improvements. Vehicular access to the project site shall be provided by a minimum of two access points, one primary access on CR 466A and one access on Pine Ridge Dairy Road. The primary access shall be through a divided landscaped boulevard type road. Actual location and design of the boulevard shall be determined during the Site Plan and/or Preliminary Subdivision Plan review process and shall include consideration of sidewalks on both sides of the boulevard, recreation paths etc. Other potential vehicular and pedestrian accesses will be reviewed during the development review process.

- a. The Permittee shall provide all necessary improvements/signalization 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.
- 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.
- g. At such time that traffic signals are warranted at the proposed project entrance, the Permittee shall pay their pro-rata share of the cost of the signal(s) as determined by City staff.
- h. Pine Ridge Dairy Road shall only be utilized for emergency access - until Pine Ridge Dairy Road is improved to Lake County standards.

Section 12. 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 13. 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 14. 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 15. Fire Impact Fees and Contribution. In addition to Section 14 above, the Owner agrees that no site plans will be approved and no building permits will be issued for building(s) over thirty-five feet (35') in height unless the following has occurred:

- (a) The Owner has pre-paid and received credit for (excluding all fire impact fees paid by any parties for the Church and Church related buildings and for the commercial along CR 466-A) all fire impact fees for mixed use buildings (institutional/commercial/residential), less any amount paid pursuant to subsection (b) below; and

- (b) The Owner acknowledges that the City is currently unable to provide fire protection services for buildings in excess of three (3) stories. Therefore in order to meet the demand, the Owner, at its cost and expense, shall fund the City's purchase of one (1) fire apparatus for the fire department at a cost not to exceed SEVEN HUNDRED THOUSAND DOLLARS AND 00/100 (\$700,000.00). The fire apparatus shall be new and equivalent in quality with equipment serving similar size including height and similar type developments in Lake County to be provided pursuant to the City's specifications ("Fire Contribution"). Owner shall receive credit towards fire impact fees on a dollar-for-dollar basis, based on the actual final costs of the fire apparatus. The total amount of fire impact fee credits given shall not be greater than the total amount of fire impact fees due for mixed use buildings (institutional/commercial/residential) (excluding all fire impact fees paid by any parties for the Church and Church related buildings and for the commercial along CR 466-A). In the event that, prior to application for site plan for building(s) over thirty-five (35'), the City has already obtained the adequate fire protection, the Owner will make a proportionate share contribution towards such fire apparatus not to exceed TWO HUNDRED THOUSAND DOLLARS (\$200,000.00).

Adequate fire protection measures as referenced in Section 5.i. means meeting the requirements of subsections (a) and (b) of this Section 15.

If the Fire Contribution paid by the Owner exceeds the total amount of fire impact fees due for mixed use buildings (institutional/commercial/residential) (excluding all fire impact fees paid by any parties for the Church and Church related buildings and for the commercial along CR 466-A), then for any excess amount paid, Owner will be eligible to receive Pioneer Funding as provide for in this subsection. Owner agrees and acknowledges if no buildings in exceed of three (3) stories are constructed in the municipal limits of the City of Fruitland Park, Owner will be eligible, but not guaranteed, to receive a proportionate share of the Fire Contribution based on the square footage of constructed buildings that exceed three (3) stories as compared to the square footage of Owner's approved buildings that will exceed three (3) stories ("Pioneer Funding" or Pioneer Funds"). City's obligation to remit Pioneer Funds to Owner shall cease on April 1, 2028 at which time City will calculate, and pay in one lump sum to Owner, Owner's proportionate share.

Section 16. Intentionally Omitted.

Section 17. 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 18. 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 twenty-five foot (25') landscape buffer along CR 466A; a twenty-five foot (25') buffer along the southern property boundaries abutting existing residential, a twenty-five foot (25') buffer along the western property boundaries, and a fifty foot (50') buffer along the eastern property boundary adjacent to the Brookstone Subdivision 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'); however, no buffer shall be required along the perimeter boundary adjacent to the wetlands. A fifteen foot (15') native buffer shall be provided onsite adjacent to the wetlands. All landscaping and tree protection shall comply with Chapter 164 of the

City of Fruitland Park Land Development Regulations. The perimeter landscaping buffer adjacent to the Brookstone Subdivision shall utilize existing natural landscape and supplement with additional plantings to meet the landscaping requirements set forth in this PUD and the City's LDR's.

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 shall design and construct, at its sole expense, the interior landscaped areas and islands within the parking areas of the Property in accordance with all applicable City of Fruitland Park Land Development Regulations. Owner shall maintain such areas.

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 19. 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 20. 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 21. 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 22. 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 23. 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 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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 30. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

Section 31. 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 City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
Copy to:	Chris Cheshire, City Mayor City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731

	352-360-6727 Telephone Anita Geraci-Carver Law Office of Anita Geraci-Carver, P.A. 1560 Bloxam Avenue
	Clermont, Florida 34711 352-243-2801 Telephone 352-243-2768 Facsimile
As to Owner:	First Baptist Church of Leesburg, Inc. 220 W. 13th Street Leesburg, FL 34748-4962
Copy to:	

Section 32. 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 33. 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 34. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 35. 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:**

FIRST BAPTIST CHURCH OF LEESBURG, INC.,

Witness Signature

By: _____
Gary Teague, President/Trustee

Print Name

Witness Signature

By: _____
Arthur A. Ayriss, Secretary/Trustee

Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____ by Gary Teague and Arthur A. Ayriss 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

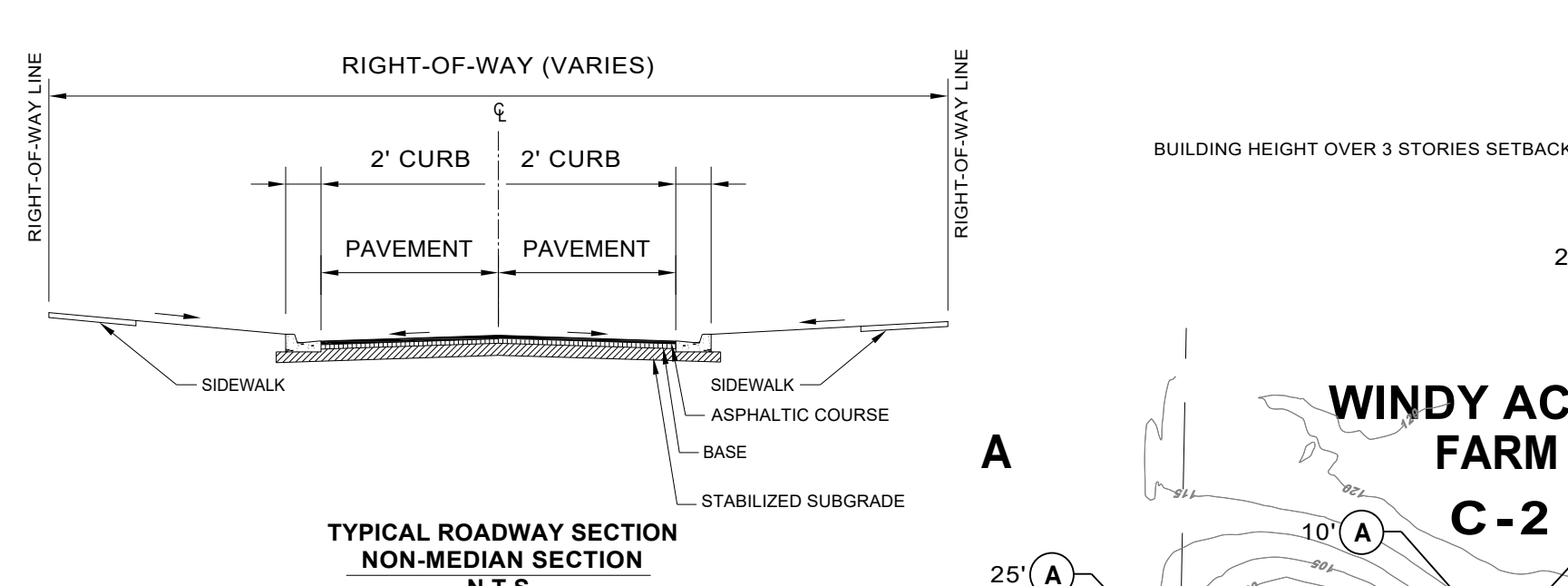
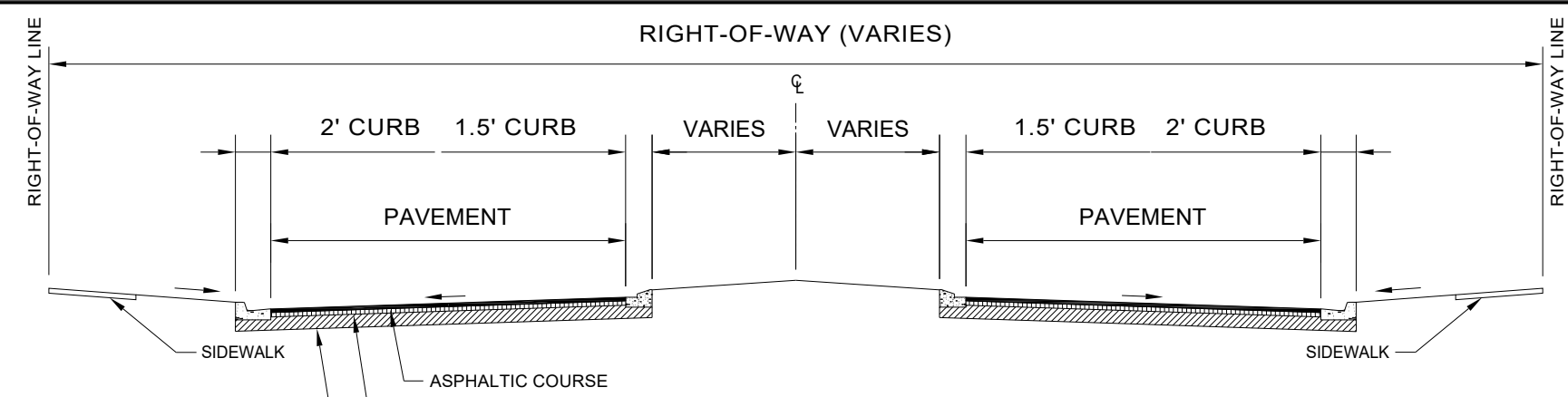
THAT LAND LYING IN SECTIONS 5, 7 AND 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 8, RUN S89°39'50"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 210.00 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8, ALSO BEING THE EASTERLY BOUNDARY OF VILLAGES OF FRUITLAND PARK UNIT NO. 27 AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE AND SAID EASTERLY BOUNDARY, S00°47'54"W, 350.15 FEET TO THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 28 AS RECORDED IN PLAT BOOK 66, PAGES 54 THROUGH 55, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE DEPARTING THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27 AND ALONG THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 THE FOLLOWING COURSES: S00°47'54"W, 244.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 595.00 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8 AND ALONG SAID SOUTH LINE, N89°39'50"W, 10.00 FEET TO THE EAST LINE OF THE WEST 200.00 FEET OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG SAID EAST LINE, S00°47'54"W, 589.01 FEET TO THE SOUTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 AND A POINT ON THE NORTH LINE OF THE SOUTH 160.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EASTERLY BOUNDARY, SAID EAST LINE AND ALONG SAID NORTH LINE, S89°40'49"E, 611.54 FEET; THENCE DEPARTING SAID NORTH LINE AND ALONG THE FOLLOWING BOUNDARIES: VILLAGES OF FRUITLAND PARK, UNIT NO. 29, AS RECORDED IN PLAT BOOK 66, PAGE 71 THROUGH 73, INCLUSIVE, VILLAGES OF FRUITLAND PARK, UNIT NO. 31, AS RECORDED IN PLAT BOOK 66, PAGE 74 THROUGH 82, INCLUSIVE, SAID BOUNDARIES ALSO BEING THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4415, PAGE 1806, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE S00°46'30"W, 425.68 FEET; THENCE S31°15'56"W, 733.08 FEET; THENCE S00°47'54"W, 35.45 FEET; THENCE S43°54'50"E, 75.41 FEET; THENCE S49°19'38"E, 80.87 FEET; THENCE S45°31'17"E, 45.42 FEET; THENCE S57°57'35"E, 31.06 FEET; THENCE S27°16'42"E, 46.23 FEET; THENCE S36°00'06"E, 62.89 FEET; THENCE S26°28'20"E, 49.91 FEET; THENCE S32°28'21"E, 80.27 FEET; THENCE S29°57'55"E, 60.93 FEET; THENCE S75°47'10"E, 99.18 FEET; THENCE S07°22'59"E, 55.03 FEET; THENCE S04°58'53"E, 28.31 FEET; THENCE S03°51'23"E, 57.52 FEET; THENCE S03°23'32"W, 15.26 FEET; THENCE S75°48'45"W, 38.64 FEET; THENCE S12°05'00"W, 92.40 FEET; THENCE S24°08'42"W, 41.93 FEET; THENCE S11°20'47"W, 21.80 FEET; THENCE S00°21'45"W, 90.73 FEET; THENCE S40°46'06"W, 53.01 FEET; THENCE S53°05'55"W, 104.34 FEET; THENCE S49°53'36"W, 70.59 FEET; THENCE S48°18'47"W, 37.84 FEET; THENCE S61°43'23"W, 48.54 FEET; THENCE S62°49'12"W, 50.56 FEET; THENCE S59°14'26"W, 52.64 FEET; THENCE S70°58'32"W, 38.87 FEET; THENCE S35°38'27"W, 2,364.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE DEPARTING THE BOUNDARIES OF SAID SUBDIVISIONS AND THE BOUNDARY OF OFFICIAL RECORDS BOOK 4415, PAGE 1806; RUN THENCE ALONG SAID SOUTH LINE, S89°06'25"E, 914.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7 AND ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8, S89°14'24"E, 1,330.47 FEET TO THE EAST LINE OF THE WEST 1/4 OF SAID SECTION 8; THENCE ALONG SAID EAST LINE, N00°42'44"E, 2,636.42 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE N00°46'31"E, 1,343.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST

1/4, S89°40'49"E, 1,331.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N00°44'42"E, 1,343.27 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE DEPARTING SAID EAST LINE AND ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, N89°39'42"W, 1,330.49 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, N00°34'38"E, 1,263.10 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD 466-A, AS PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EAST LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY, N89°14'18"W, 1,118.09 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST CORNER OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID EAST LINE OF THE WEST 210.00 FEET AND THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27, S00°56'55"W, 1,271.43 FEET TO THE POINT OF BEGINNING.
CONTAINING 205.76 ACRES, MORE OR LESS.

EXHIBIT "B"

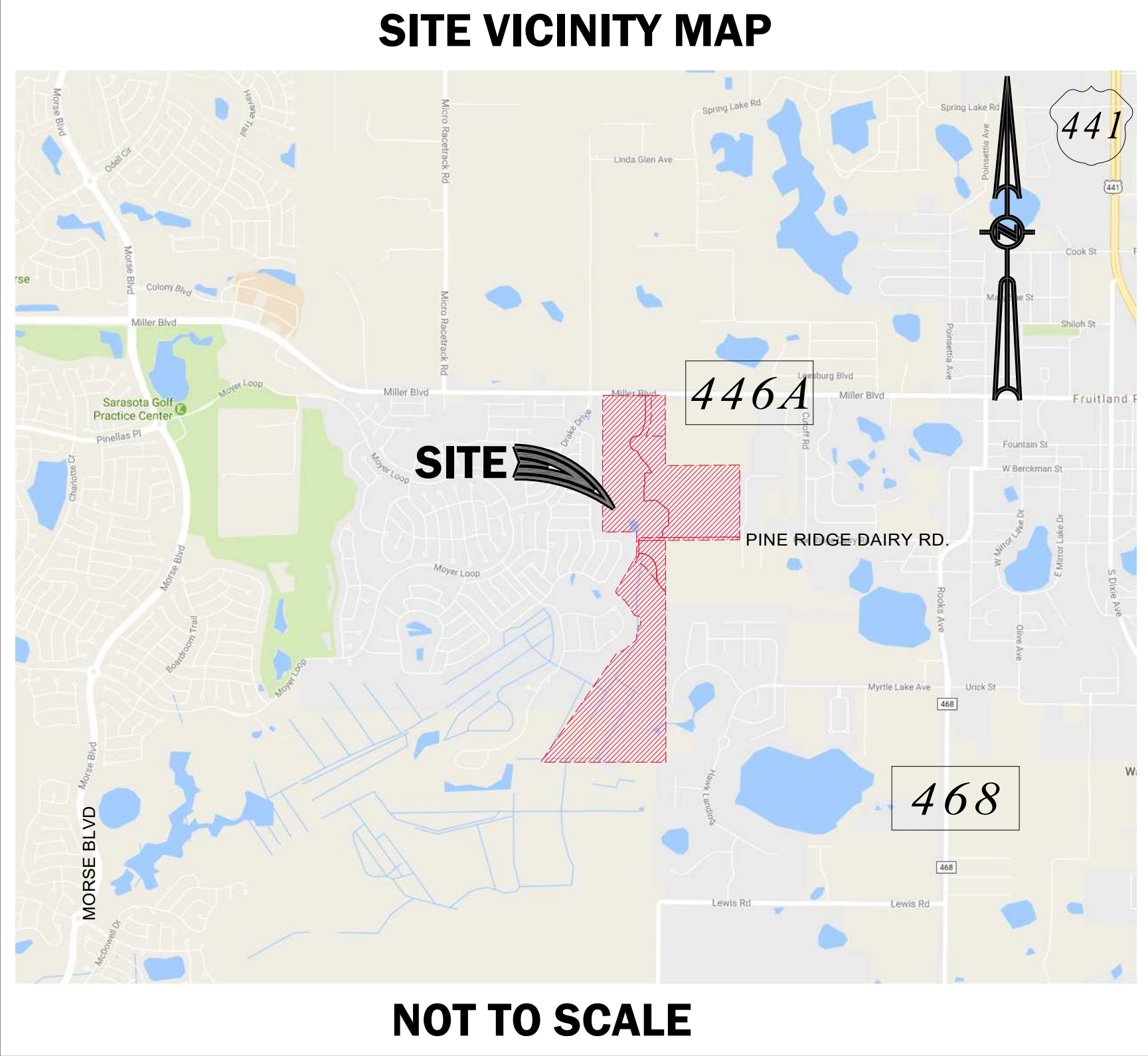
THE PLAN



- NOTE: ALL STREETS WILL BE PRIVATE BUT CONSTRUCTED TO CITY STANDARDS
- PROPOSED USES**
- COMMERCIAL
 - RESIDENTIAL
 - INSTITUTIONAL
 - ROADWAY/PARKING/PONDS
 - OPEN SPACE/PARK/RECREATION
 - PROPOSED BUFFER - (A)
 - MIXED USE (INSTITUTIONAL/COMMERCIAL/RESIDENTIAL)

- NOTES:**
- THIS PLAN IS PREPARED BASED ON CURRENT NEEDS AND ANTICIPATED DEVELOPMENT PROGRAM. HOWEVER, THE PLAN AND DEVELOPMENT PROGRAM ARE SUBJECT TO CHANGE BASED ON FUTURE MARKET CONDITIONS AND DEMANDS.
 - STORMWATER MANAGEMENT WILL BE ADDRESSED BY EACH PROJECT DURING THE CONSTRUCTION PLAN REVIEW PROCESS. STORMWATER MANAGEMENT WILL BE PROVIDED IN SHARED PONDS OR SEPARATE PONDS LOCATED WITHIN THE INDIVIDUAL PARCELS.
 - NEGOTIATIONS ARE IN THE PROCESS TO POTENTIALLY PROVIDE A GOLF CART PATH TO THE PROPERTY FROM THE VILLAGES.

SITE VICINITY MAP



OWNERS/APPLICANTS
FIRST BAPTIST CHURCH OF LEESBURG
220 N. 13TH STREET
LEESBURG, FL 34748

PRESBYTERIAN RETIREMENT COMMUNITIES, INC.
80 W. LUCERNE CIRCLE
ORLANDO, FL 32801
(407) 839-5050

ENGINEER
FLORIDA ENGINEERING GROUP, INC.
5127 S. ORANGE AV, SUITE 200
ORLANDO, FL 32809
(407) 895-0324

SURVEYOR
FARNER BARLEY & ASSOCIATES, INC.
4450 NE 83RD ROAD
WILDWOOD, FL 34785
(352) 784-3126

SOILS

- 1 SPARR SAND, 0 TO 5 PERCENT SLOPES
- 5 APOPKA SAND, 0 TO 5 PERCENT SLOPES
- 6 APOPKA SAND, 5 TO 12 PERCENT SLOPES
- 8 CANDLER SAND, 0 TO 5 PERCENT SLOPES
- 9 CANDLER SAND, 5 TO 12 PERCENT SLOPES
- 27 EVERGLADES MUCK, DEPRESSIONAL
- 28 MYAKKA-MYAKKA, WET, SANDS, 0 TO 2 PERCENT SLOPES
- 38 PLACID SAND, FREQUENTLY PONDED, 0 TO 2 PERCENT SLOPES
- 45 TAVARES SAND, 0 TO 5 PERCENT SLOPES
- 99 WATER - UNDETERMINED

FIRE CODE
THE PROPOSED DEVELOPMENT WILL BE DESIGNED IN ACCORDANCE WITH CHAPTER 161 OF THE CITY OF FRUITLAND PARK L.D.R., STATE, AND FEDERAL FIRE CODE REQUIREMENTS.

TREE AND LANDSCAPING
LANDSCAPING AND TREE PROTECTION WILL BE PROVIDED IN ACCORDANCE WITH CHAPTER 164 OF THE CITY OF FRUITLAND PARK L.D.R.

SITE DATA

PROPERTY LOCATION: COUNTY ROAD 466A
FRUITLAND PARK, FLORIDA

PARCEL ID NUMBER: 05-19-24-0003-00022-00-000F

EXISTING PROPERTY ZONING: R-2(SINGLE FAMILY); R-3A(HDR & LIGHT COMMERCIAL); C-2(GENERAL COMMERCIAL); PFD(PUBLIC FACILITY DIST) AND GB(GREEN BELT)

PROPOSED PROPERTY ZONING: PUD

PROPERTY FUTURE LAND USE DESIGNATION: MIXED COMMUNITY

EXISTING USE: VACANT

PROPOSED USE: MULTI-USE
(RESIDENTIAL, COMMERCIAL & INSTITUTIONAL)

THIS DEVELOPMENT WILL BE AN AGE RESTRICTED 55+ COMMUNITY

PROJECT AREA: 205.76 ACRES

MIXED USES ON THIS PROPERTY SHALL INCLUDE AT LEAST TWO (2) OF THE THREE (3) USES IN THE FOLLOWING TABLE:

USE	MINIMUM	MAXIMUM
RESIDENTIAL	15%	65%
COMMERCIAL	5%	30%
INSTITUTIONAL	5%	35%

PERMITTED USES ARE ALL OF THE USES LISTED UNDER R-1, R-2, R-3, R-P, AND C-1 ZONING DISTRICTS. USES ALSO ALLOWED WITHOUT SPECIAL EXCEPTION APPROVAL ARE: CHURCH/RELIGIOUS FACILITIES, CONVENIENCE STORES WITH FUEL OPERATIONS, RESTAURANTS, BANKS, AND ATHLETIC/SPORTS FACILITY USES. USES THAT ARE PROHIBITED ARE MOBILE HOMES PARKS, HOMESTAY BED & BREAKFAST, OFFICE/WAREHOUSE FACILITIES, AND MINI-WAREHOUSES.

ALLOWABLE DENSITY:

MAXIMUM ALLOWABLE DENSITY: 900 DU

FOR ASSISTED LIVING, 3 BEDS WILL BE EQUIVALENT TO 1 DWELLING UNIT.

NON-RESIDENTIAL:
MAXIMUM ALLOWED FAR - 0.70
MAXIMUM ALLOWED ISR - 0.80

PROPOSED NON-RESIDENTIAL

	MAXIMUM COMM. (SF)	MAXIMUM INST. (SF)	
TOTAL	130,000	240,000	FAR: 0.04<0.7

OPEN SPACE:
REQUIRED: 20% (MIN.: 41.2 AC)
PROVIDED: 46.2% (95± AC)(PARK AND RECREATION)

OPEN SPACES MAY BE ADJUSTED IN THE FUTURE BASED ON MARKET DEMANDS, HOWEVER, A MINIMUM OF 20% OPEN SPACE WILL BE PROVIDED.

BUFFER YARDS BUFFER (1)(2)

FRONT (NORTH) 10' (25' ALONG CR 466A)
SIDE (EAST) 10'
SIDE (WEST) 25'
REAR (SOUTH) 25' (ALONG PINE RIDGE DAIRY ROAD)

(1) SEE SITE PLAN FOR BUFFER LOCATIONS FOR PROVIDED BUFFER WIDTHS.
(2) THE PERIMETER LANDSCAPING BUFFER ADJACENT TO THE BROOKSTONE SUBDIVISION SHALL UTILIZE EXISTING NATURAL LANDSCAPE AND SUPPLEMENT WITH ADDITIONAL PLANTINGS TO MEET THE LANDSCAPING REQUIREMENTS SET FORTH IN THIS PUD AND THE CITY'S LDR'S.

LEGEND

- APPROXIMATE FEMA 100YR FLOODPLAIN
- APPROXIMATE WETLAND LIMITS
- ZONING BOUNDARIES
- SOIL TYPE BOUNDARIES
- LIMITS OF BUILDINGS WITH A BUILDING HEIGHT OF OVER THREE (3) STORIES

GRAPHIC SCALE

1" = 400'

LEGAL DESCRIPTION

THAT LAND LYING IN SECTIONS 5, 7 AND 8, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 8, RUN S89°39'50"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 210.00 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8, ALSO BEING THE EASTERLY BOUNDARY OF VILLAGES OF FRUITLAND PARK UNIT NO. 27 AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE AND SAID EASTERLY BOUNDARY, S00°47'54"W, 350.15 FEET TO THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 28 AS RECORDED IN PLAT BOOK 66, PAGES 54 THROUGH 55, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE DEPARTING THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 27 AND ALONG THE EASTERLY BOUNDARY OF SAID VILLAGES OF FRUITLAND PARK UNIT NO. 28 THE FOLLOWING COURSES: S00°47'54"W, 244.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING THE EAST LINE OF THE WEST 210.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 8; 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PARKING REQUIREMENTS

A. MID-RISE APARTMENT: 1.5 SPACES/UNIT
B. GARDEN APARTMENTS: 1.5 SPACES/UNIT
C. ATTACHED VILLAGES: 1.5 SPACES/UNIT
D. DETACHED VILLAGES: 1.5 SPACES/UNIT
E. ASSISTED LIVING: 0.25 SPACES/BED, PLUS 1 SPACE PER EMPLOYEE (LARGEST SHIFT)
F. SKILLED NURSING: 0.25 SPACES/BED, PLUS 1 SPACE PER EMPLOYEE (LARGEST SHIFT)
G. ANCILLARY USES BY GS#: 3 SPACES/1000 SQUARE FEET OF GROSS FLOOR AREA (3.0)/KSF
H. HOUSE OF WORSHIP: 1 SPACE/3 SEATS (FIXED SEATS) OR 1SPACE/30 GROSS SQUARE FEET (WITHOUT FIXED SEATS)
I. COMMERCIAL: PARKING REQUIREMENTS FOR USES NOT LISTED ABOVE SHALL BE IN ACCORDANCE WITH CHAPTER 162 OF THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE.

AREA TABLE

USE	ACRES	%
RESIDENTIAL	36	17.5
COMMERCIAL	12	5.8
INSTITUTIONAL	21	10.2
ROADWAY/PARKING/PONDS	24.8	12.1
OPEN SPACE/PARK/RECREATION	112	54.4
TOTAL	205.8	100%

WETLAND TABLE

USE	ACRES	%
RESIDENTIAL	36	17.5
COMMERCIAL	12	5.8
INSTITUTIONAL	21	10.2
ROADWAY/PARKING/PONDS	24.8	12.1
OPEN SPACE/PARK/RECREATION	112	54.4
TOTAL	205.8	100%

UTILITY TABLE

USE	ACRES	%
RESIDENTIAL	36	17.5
COMMERCIAL	12	5.8
INSTITUTIONAL	21	10.2
ROADWAY/PARKING/PONDS	24.8	12.1
OPEN SPACE/PARK/RECREATION	112	54.4
TOTAL	205.8	100%

LOT REQUIREMENTS:

SCHEDULE OF DIMENSIONAL REQUIREMENTS

District	Min. Living Area/DU (SF)	Min. Lot Width (FT)	Max. Building Cover (%)	Min. Open Space (%)	Max Building Height (N.T.E.) (2)(5)(FT)	Min. Building Setback (1)(7)(8)(FT)		
						Front (4)	Side	Rear
RES (DETACHED)(ILF)	1,000	40	50	10	35	20	5	20
RES (ATTACHED)(ILF)(3)	1,000	20	50	10	35	20	0	20
INSTITUTIONAL	N/A	100	N/A	10	(5)	20	10	20
COMMERCIAL	N/A	100	N/A	10	(5)	20 (6)	10	20

(1) ACCESSORY STRUCTURE SETBACKS (i.e., WOOD DECK, SWIMMING POOL & DECK, SCREEN POOL ENCLOSURE) CAN BE REDUCED TO 5'.
(2) MAXIMUM HEIGHT FOR SPECIFIC STRUCTURES (i.e., ANTENNA-DISH (GROUND MOUNTED); FREE STANDING CARPORTS; RESIDENTIAL STORAGE BUILDINGS): 20'.
(3) APPLIES TO TOWNHOMES AND ATTACHED VILLAGES.
(4) FRONT (GARAGE SETBACK): 25'
(5) MULTI-FAMILY RESIDENTIAL BUILDINGS SHALL HAVE A MAXIMUM OF SIX (6) BUILDINGS WITH A BUILDING HEIGHT THAT SHALL NOT EXCEED 5 STORIES AND INSTITUTIONAL COMMERCIAL BUILDINGS SHALL HAVE A MAXIMUM OF 4 STORIES (AS MEASURED FROM FINISHED GRADE)(EXCEPT FOR THE BUILDINGS LOCATED ALONG CR-466A, WHICH SHALL BE LIMITED TO A MAXIMUM BUILDING HEIGHT OF TWO (2) STORIES AS MEASURED FROM FINISHED GRADE); MAXIMUM HEIGHT SHALL BE LIMITED TO 95' FOR ACCESSORY DECORATIVE STRUCTURES (STEEPLES, SPIRES, ETC.).
(6) 50' ALONG CR 466A.
(7) MULTI-STORY BUILDINGS HAVING A BUILDING HEIGHT OVER THREE (3) STORIES SHALL MAINTAIN A 400' BUILDING SETBACK FROM THE ADJACENT DEVELOPMENT KNOWN AS BROOKSTONE.
(8) DEVELOPMENT ADJACENT TO THE BROOKSTONE SUBDIVISION SHALL CONSIST OF ONE ROW OF SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED AND/OR DUPLEX UP TO THIRTY-FIVE (35) FEET.

UTILITIES TABLE

WATER AND SEWER SERVICES WILL BE PROVIDED BY THE CITY OF FRUITLAND PARK UTILITY DEPARTMENT. THE WATER CONNECTIONS WILL BE MADE TO THE EXISTING MAINS LOCATED ALONG PINE RIDGE DAIRY ROAD AND COUNTY ROAD 466A. THE SEWER CONNECTION WILL BE MADE TO THE EXISTING FORCEMAIN LOCATED ALONG COUNTY ROAD 466A.

STORMWATER CRITERIA

STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH CHAPTER 158 OF THE CITY OF FRUITLAND PARK L.D.R. AND ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT'S CRITERIA.

CONTAINING 205.76 ACRES, MORE OR LESS.

WESTMINSTER PINE RIDGE PUD REZONING
CITY OF FRUITLAND PARK, FLORIDA

FEG FLORIDA ENGINEERING GROUP
Engineering the Future

5127 S. Orange Avenue, Suite 200
Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325
www.feg-inc.us

PUD EXHIBIT PLAN

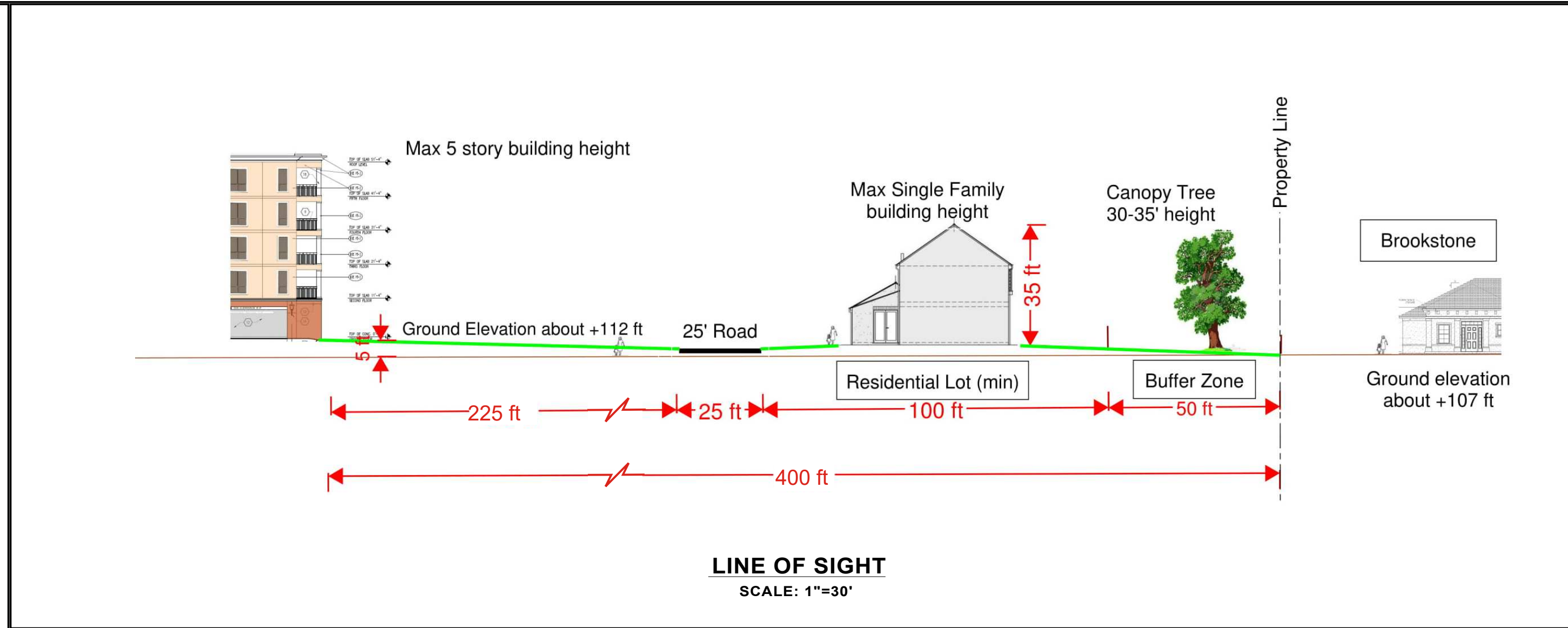
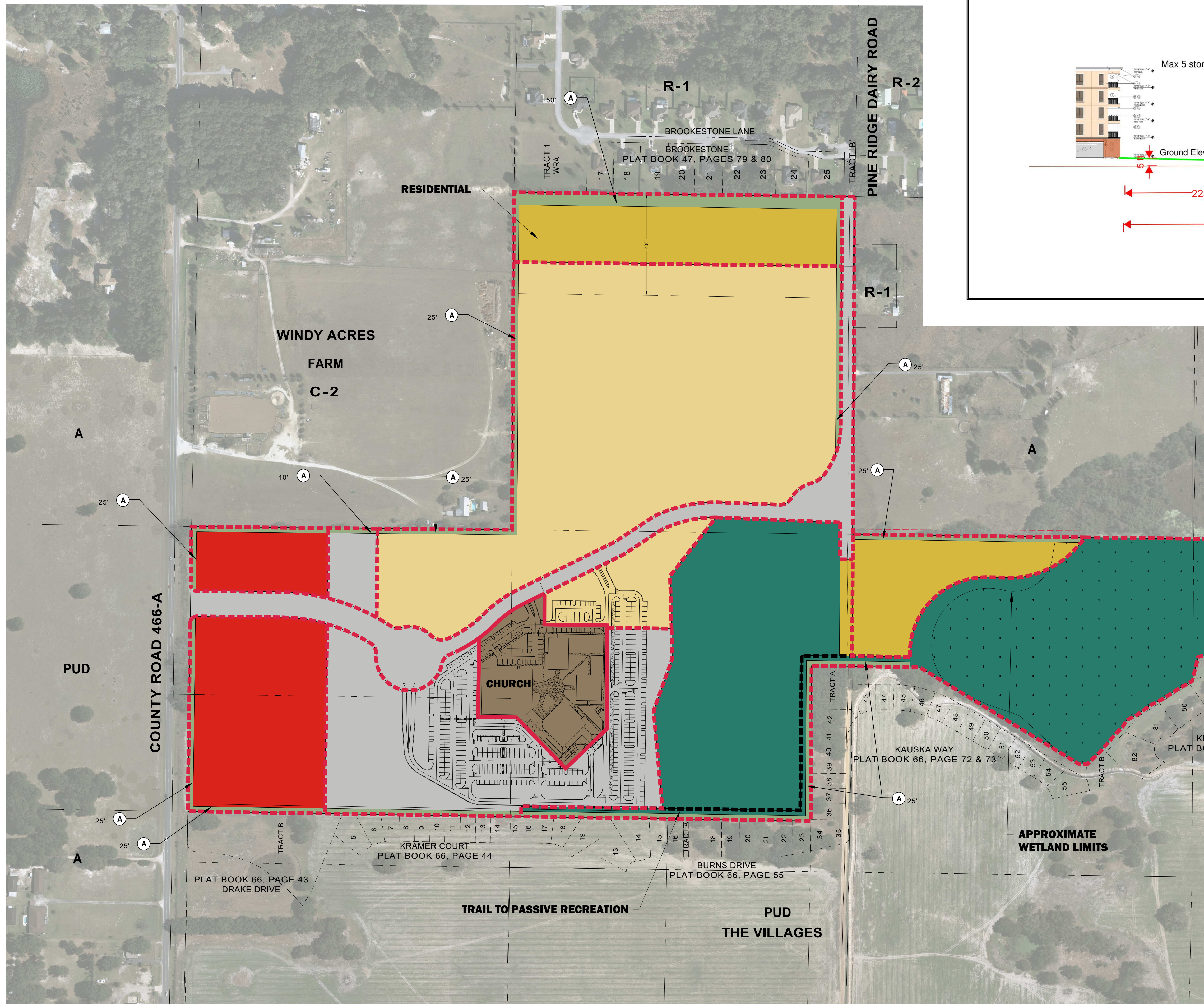
DESIGNED BY: GRC
DRAWN BY: JP
CHECKED BY: GRC
APPROVED BY: GRC

PROJECT NO.	16-043
SCALE	1" = 400'
DATE	MARCH 1, 2018
SHEET NO.	C-1
SHEET	1 OF 2

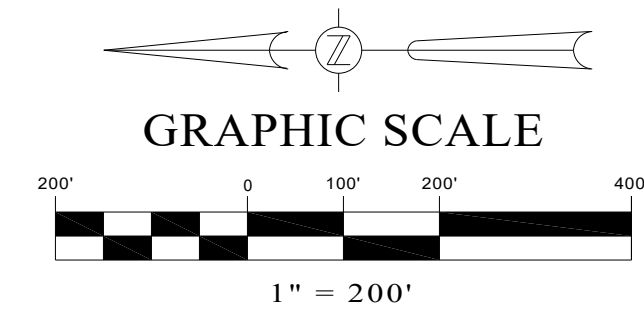
NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK

DATE	REVISIONS	BY	CHECKED

16-043_Boundary.dwg



THIS PLAN IS A SAMPLE REPRESENTATION OF POSSIBLE LOCATIONS OF VARIOUS BUILDINGS, SOME UP TO 5 STORIES IN HEIGHT, IN ACCORDANCE WITH PUD



LEGEND
 APPROXIMATE WETLAND LIMITS
 ZONING BOUNDARIES

PROPOSED USES

- COMMERCIAL
- RESIDENTIAL
- INSTITUTIONAL
- ROADWAY/PARKING/PONDS
- OPEN SPACE/PARK/RECREATION
- PROPOSED BUFFER - (A)
- MIXED USE (INSTITUTIONAL/COMMERCIAL/RESIDENTIAL)

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK			
DATE	REVISIONS	BY	CHECKED

WESTMINSTER PINE RIDGE
 PUD REZONING
 CITY OF FRUITLAND PARK, FLORIDA



5127 S. Orange Avenue,
 Suite 200
 Orlando, FL 32809
 Phone: 407-895-0324
 Fax: 407-895-0325
 www.feg-inc.us

SAMPLE REPRESENTATION PUD PLAN

DESIGNED BY GRC	DRAWN BY JP	CHECKED BY GRC	APPROVED BY GRC
--------------------	----------------	-------------------	--------------------

PROJECT NO. 16-043
SCALE 1" = 400'
DATE MARCH 1, 2018
SHEET NO. C-2
SHEET 2 OF 2

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

PUD AMENDMENT

Owner: FBCL PROPERTIES, INC.

Applicant: FBCL PROPERTIES, INC.

Project Name: Village Park Commercial Subdivision

General Location: South of CR 466A and west of Pine Ridge Dairy Road

Number of Acres: 206.11 ± acres

Existing Zoning: Mixed Use Planned Unit Development (PUD)

Existing Land Use: Mixed Community

Date: May 6, 2021

Description of Project

The owners are seeking an amendment to the PUD commercial uses to allow an emergency vet clinic on Lot 4 (1.69 acres) of the Village Park Commercial Subdivision. The proposed vet clinic will not board any animals. It is an after-hours emergency clinic and vet hospital. Access to the commercial parcels are from the existing entrance boulevard off of CR 466A and a 30' easement off of the boulevard.

	Surrounding Zoning	Surrounding Land Use
North	PUD	Mixed Community
South	County Agriculture and RP	County Rural
East	C-2, R-1 and County Ag	Commercial, SFLD, SFMD
West	PUD (The Villages)	Villages DRI

Assessment

Section 4 of the approved Master Development Agreement list the permitted commercial uses as all C-1 permitted uses; convenience store with fuel operations, restaurants, banks, and athletic/sports facilities. A veterinary office is listed as a special exception use in the C-1 zoning

district. Chapter 155, Section 155.030(22) list the criteria that may be considered for a vet office and include the following:

- A) The proposed site shall front on an arterial or collector roadway; ***The subject site has frontage on CR 466A, a collector roadway; therefore, the subject site meets this criterion.***
- B) The proposed site shall be a minimum of one (1) acre; ***Lot 4 contains 1.69 acres; therefore, the subject site exceeds the minimum criteria.***
- C) The proposed site shall be devoted to the sole purpose of the use, and shall not be part of any multi-tenant complex or multi-use property; ***Lot 4 will be used solely for the vet clinic; therefore, the subject site meets this criterion.***
- D) Open kennels shall be screened from off-site view; ***No boarding of animals will be conducted onsite.***
- E) Structures, pens or runs shall be setback a minimum of fifty (50) feet from any lot line. ***No boarding of animals will be conducted onsite.***

Taking the above criteria into consideration the proposed emergency vet clinic complies with the minimum standards.

A trip analysis was conducted below which shows that the proposed use will generate 28 PM peak hour trips and when compared to the existing permitted use of office indicates that the proposed use will generate less traffic as outlined in the table below; therefore, the proposed use will not adversely affect adjoining properties or general public safety.

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
Animal Veterinary Hospital	6,000	640	6	28	11	17
TOTAL GROSS TRIPS (PROPOSED)			6	28	11	17

Existing Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
General Office	6,000	710	155	85	14	71
TOTAL GROSS TRIPS (EXISTING)			155	85	14	71

Recommendation

The proposed emergency veterinary clinic will not adversely affect adjacent properties and is consistent with the special exception use criterion and therefore staff recommends approval of the amendment to add it as a permitted commercial use.



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.: _____

Development Application

Contact Information:

Owner Name: FBCL Properties Inc.
 Address: 220 N 13th Street, Leesburg, FL 34748
 Phone: 352-267-4529 Email: ArtAyris@FBCLeesburg.org

Applicant Name: FBCL Properties Inc. - Art Ayris
 Address: 220 N 13th Street, Leesburg, FL 34748
 Phone: 352-267-4529 Email: ArtAyris@FBCLeesburg.org

Engineer Name: _____
 Address: _____
 Phone: _____ Email: _____

Property and Project Information:

PROJECT NAME*: Veterinary Emergency Clinic of Central Florida
*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: Village Park Drive, Fruitland Park, FL 34731

Parcel Number(s): 05-19-24-0010-000-00400 Section: 05 Township: 19 Range 24

Area of Property: +/- 1.69 acres Nearest Intersection: Village Park Drive & CR 466A

Existing Zoning: PUD Existing Future Land Use Designation: _____

Proposed Zoning: Same, subject to amendment permitting emergency vet clinic Proposed Future Land Use Designation: _____

The property is presently used for: Vacant land

The property is proposed to be used for: Emergency Vet Clinic

Do you currently have City Utilities? Yes

Application Type:

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Comp Plan Amendment | <input type="checkbox"/> Rezoning | <input checked="" type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Construction Plan | <input type="checkbox"/> ROW/Plat Vacate |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Replat of Subdivision | |

Please describe your request in detail: Amend current PUD to permit Emergency Vet Clinic

Required Data, Documents, Forms & Fees

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: Art A. Ayris

Signature:  Date: 4-29-21

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

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 process.

Other Required Analyses and Maps:

Small Scale Comprehensive Plan Amendment Applications:

- Justification for Amendment Environmental Constraints Map Requested FLU Map

Large Scale Comprehensive Plan Amendment Applications:

- Maps: Environmental Constraints Soils Requested FLUM Designation Requested Zoning Map Designation
- Analyses: Environmental Assessment Utility Availability Analysis Urban Sprawl 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, Section 154.030,10,G Environmental Constraints
- Analyses: Environmental Assessment Traffic Impact Analysis Preliminary Concurrency Analysis

- Variance Applications: Justification for Variance

- Special Exception Use Applications: Justification for Special Exception Use
 Site Sketch List of 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: As Described in LDRs, Chapter 157
(Preliminary Plan, Improvement Plan and Final Plat)

- Minor Subdivision Applications: As Described in LDRs, Chapter 157

- Site Plan Applications: As Described in LDRs, Chapter 160



VETERINARY
EMERGENCY CLINIC
OF CENTRAL FLORIDA

Veterinary Emergency Clinic of Central Florida was founded by a group of local veterinarians in 1975. It was established as an after-hours small animal emergency and critical care hospital for pet owners and veterinarians in the Central Florida community. VEC is committed to providing superior quality emergency medical care for pets and compassionate, professional service to clients and referring veterinarians.

VEC is now made up of over 160 member veterinarians, all in the Central Florida area. We currently have 5 locations, in Seminole, Orange, and Lake Counties. One of those locations has been located in Leesburg at 33040 Professional Drive, not far from the intended upcoming new location in The Villages, for the past 16 years. VEC has never had any complaints from neighbors, the City of Leesburg or any government agency and we abide by all laws according to all government agencies and city codes. We do not do any type of boarding or routine veterinary care at VEC. We only hospitalize critical cases overnight and many of them are confined to their cages and unable to be walked outside. No patient is kept on premises for longer than 12 hours at night or for the weekend and no patient is ever left outdoors at all.

VEC looks forward to continuing to serve Lake County for all its veterinary emergent and critical care needs in an area we feel our services are most needed. We feel lucky to have found such a beautiful property to move to so that we can stay in Lake County where we have thrived and supported the community for the past 16 years.

Sincerely,

Patricia Reynolds
Hospital Administrator
Veterinary Emergency Clinic of Central Florida, LLC

PO BOX 1008
Oakland, FL 34760
407-740-5500
www.veconline.com



COVENANTS, RESTRICTIONS, OR RESERVATIONS AFFECTING THE OWNERSHIP OR USE OF THE PROPERTY SHOWN IN THIS PLAT ARE FILED IN OFFICIAL RECORDS BOOK 5674 PAGE 735.

VILLAGE PARK COMMERCIAL SUBDIVISION

BEING A PORTION OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA.

SHEET 1 OF 2

PLAT BOOK 74

PAGE 23

INSTRUMENT #2021001736
PLAT BK 74 PG 23 (2 PGS)
DATE: 1/6/2021 10:16:13 AM
GARY J. COONEY, CLERK OF THE CIRCUIT COURT AND COMPTROLLER, LAKE COUNTY, FLORIDA
RECORDING FEES \$45.00

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

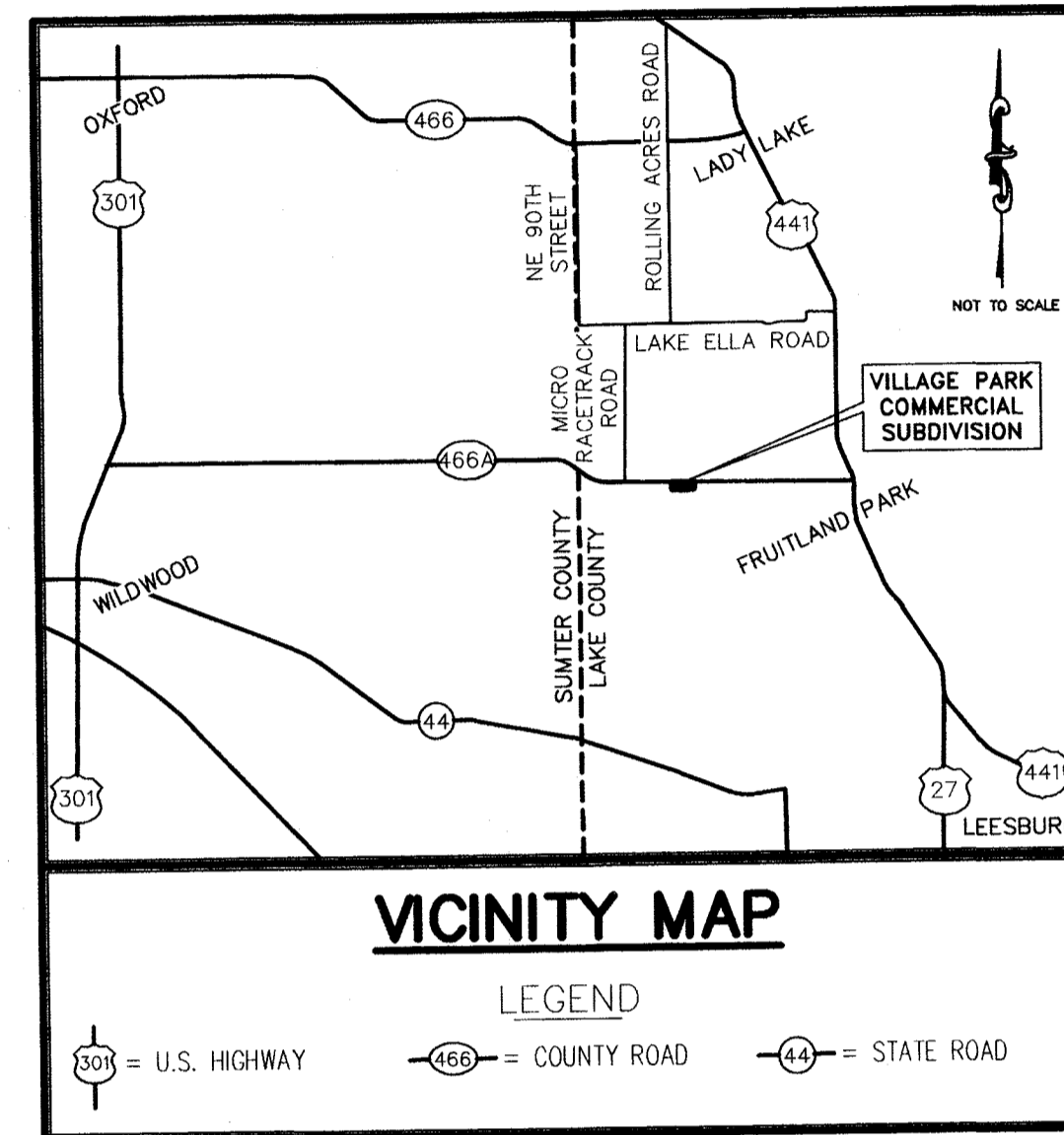
BEGIN AT THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 466-A PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN S89°14'18"E A DISTANCE OF 739.12 FEET TO A POINT ON THE WESTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5116, PAGE 1729, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET, CHORD BEARING AND DISTANCE OF S44°19'49"E, 35.30 FEET TO WHICH A RADIAL LINE BEARS N00°45'43"E; THENCE ALONG SAID WESTERLY BOUNDARY WITH THE FOLLOWING TWO (2) COURSES: RUN SOUTHEASTERLY 39.19 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 89°48'55" TO THE POINT OF TANGENCY; THENCE S00°34'38"W A DISTANCE OF 295.37 FEET; THENCE DEPARTING SAID WESTERLY BOUNDARY RUN N89°25'00"W A DISTANCE OF 764.79 FEET TO THE EAST BOUNDARY OF AFORESAID PLAT OF VILLAGES OF FRUITLAND PARK UNIT NO. 27; THENCE ALONG THE EAST BOUNDARY OF SAID PLAT RUN N00°42'41"E A DISTANCE OF 322.67 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OF LAND LYING WITHIN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 466-A PER OFFICIAL RECORDS BOOK 4271, PAGE 1960, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN S89°14'18"E A DISTANCE OF 889.12 FEET TO THE POINT OF BEGINNING; SAID POINT BEING ON THE EASTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5116, PAGE 1729, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN S89°14'18"E A DISTANCE OF 228.97 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 5; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG SAID EAST LINE RUN S00°34'38"W A DISTANCE OF 290.09 FEET; THENCE DEPARTING SAID EAST LINE RUN N89°14'01"W A DISTANCE OF 229.13 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHWESTERLY 39.19 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 89°48'39" TO THE POINT OF TANGENCY; SAID POINT BEING ON THE EASTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5116, PAGE 1729, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY BOUNDARY WITH THE FOLLOWING TWO (2) COURSES: RUN N00°34'38"E A DISTANCE OF 240.08 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHEASTERLY 39.35 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 90°10'38" TO THE POINT OF BEGINNING.

CONTAINING 7.33 ACRES, MORE OR LESS.



NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

NOTICE: NO CONSTRUCTION, TREES OR SHRUBS WILL BE PLACED IN EASEMENTS OR RIGHT-OF-WAY WITHOUT THE CITY OF FRUITLAND PARK APPROVAL.

NOTES:

- BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST AS BEING S00°34'38"W.
- ALL PLATTED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, SUCH AS CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- ALL DISTANCES SHOWN ARE IN FEET.
- LOT CORNERS HAVE BEEN SET AT THE TIME OF RECORDING.
- ALL PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN SET IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES.
- THE TITLE OPINION FOR THIS PLAT HAS BEEN SUBMITTED BY SEPARATE DOCUMENT.
- TRACT "A" IS FOR ACCESS, DRAINAGE AND UTILITIES AND WILL BE OWNED AND MAINTAINED BY THE VILLAGE PARK COMMERCIAL PROPERTY OWNERS ASSOCIATION, INC.
- TRACT "B" IS FOR ADDITIONAL RIGHT-OF-WAY AND WILL BE CONVEYED TO LAKE COUNTY, FLORIDA.
- PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF SUMTER ELECTRIC COOPERATIVE, INC. RECORDED IN O.R. BOOK 689, PAGE 1232 (BLANKET TYPE).
- THE ASSOCIATION IS AN EXISTING FLORIDA CORPORATION WHICH HAS BEEN FORMED IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS APPLICABLE TO VILLAGE PARK COMMERCIAL SUBDIVISION. SAID INSTRUMENT, WHICH IS ENTITLED "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VILLAGE PARK COMMERCIAL SUBDIVISION" (REFERRED TO IN THIS PLAT AS THE "DECLARATION"), SHALL BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA IN CONNECTION WITH THE RECORDING OF THIS PLAT.

DEDICATION VILLAGE PARK COMMERCIAL SUBDIVISION

STATE OF FLORIDA
COUNTY OF LAKE

KNOW ALL MEN BY THESE PRESENTS, THAT FBCL PROPERTIES, INC., A FLORIDA CORPORATION, FEE SIMPLE OWNER OF THE LAND DESCRIBED AND PLATTED HEREIN, AS VILLAGE PARK COMMERCIAL SUBDIVISION, BEING IN THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DOES HEREBY DEDICATE AS FOLLOWS SUBJECT TO THE GENERAL NOTES CONTAINED IN THIS PLAT:

- TO VILLAGE PARK COMMERCIAL PROPERTY OWNERS ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION (THE "ASSOCIATION"); TRACT "A", FOR THE PERPETUAL RIGHT OF INGRESS AND EGRESS BY THE OWNERS OF PROPERTY WITHIN VILLAGE PARK COMMERCIAL SUBDIVISION AND THEIR GUESTS, TENANTS, INVITEES AND LICENSEES, AND BY THE MEMBERS OF THE ASSOCIATION AND THEIR GUESTS, TENANTS, INVITEES AND LICENSEES, SUBJECT TO THE RIGHTS OF THE PROVIDERS OF UTILITIES AS DESCRIBED IN PARAGRAPH 2 BELOW AND THE RIGHTS OF THE PROVIDERS OF SANITATION, POSTAL, FIRE, LAW ENFORCEMENT AND EMERGENCY MEDICAL SERVICES AS DESCRIBED IN PARAGRAPH 3 BELOW.
- TO THE CITY OF FRUITLAND PARK: A PERPETUAL UTILITY EASEMENT AS TO TRACT "A" FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF UTILITIES BY ANY UTILITY PROVIDER.
- TO THE PROVIDERS OF SANITATION, POSTAL, FIRE, LAW ENFORCEMENT AND EMERGENCY MEDICAL SERVICES, THEIR VEHICLES AND PERSONNEL: A PERPETUAL RIGHT OF INGRESS AND EGRESS AS TO TRACT "A", SUBJECT TO THE PROVISIONS AND RESTRICTIONS SET FORTH IN THE DECLARATION.

TRACT "B" IS DEDICATED TO THE PUBLIC.

IN WITNESS WHEREOF, THE ABOVE NAMED CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT AND ITS CORPORATE SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS 8th DAY OF

December, 2020

WITNESSES: OWNER:
 (1) Lisa Carnes FBCL PROPERTIES, INC.,
 SIGNATURE A FLORIDA CORPORATION
 PRINT NAME Lisa Carnes BY: Tom Spaman
 SIGNATURE TOM SPAMAN, PRESIDENT
 (2) Rachel Smith
 SIGNATURE
 PRINT NAME Rachel Smith CORPORATE SEAL

STATE OF FLORIDA
COUNTY OF LAKE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, THIS 10th DAY OF December, 2020, BY TOM SPAMAN THE PRESIDENT OF FBCL PROPERTIES, INC., A FLORIDA CORPORATION, ON BEHALF OF THE CORPORATION, FOR THE PURPOSES EXPRESSED HEREIN, WHO IS PERSONALLY KNOWN TO ME AND WHO DID NOT TAKE AN OATH:

Lisa Carnes
 NOTARY PUBLIC - STATE OF FLORIDA
 PRINT NAME: Lisa Carnes
 COMMISSION NO.: HF 055543
 COMMISSION EXPIRES: 11-5-2024

CERTIFICATE OF APPROVAL BY CITY COMMISSION

THIS IS TO CERTIFY THAT ON December 19, 2020, THE FOREGOING PLAT WAS APPROVED BY THE CITY COMMISSION OF FRUITLAND PARK, FLORIDA.

Chris Carter
MAYOR

ATTEST: [Signature]
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
[Signature]
CITY ATTORNEY

CERTIFICATE OF APPROVAL BY THE PLANNING AND ZONING BOARD

EXAMINED AND APPROVED [Signature] DATE 12/10/2020

CLERK'S CERTIFICATION

STATE OF FLORIDA
COUNTY OF LAKE

I, CLERK OF THE CIRCUIT COURT OF LAKE COUNTY, FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT OF VILLAGE PARK AND THAT IT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177 OF THE LAWS OF FLORIDA. THIS PLAT FILED FOR RECORD THIS DAY OF December, 2020, AND RECORDED ON PAGE 23 OF PLAT BOOK 74 IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF LAKE COUNTY, FLORIDA.

BY: [Signature]
CLERK OF CIRCUIT COURT, LAKE COUNTY, FLORIDA.

NOT REQUIRED

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING A LICENSED AND REGISTERED LAND SURVEYOR, DOES HEREBY CERTIFY THAT ON Dec 9, 2020 SHE COMPLETED THE SURVEY OF THE LANDS AS SHOWN IN THE FOREGOING PLAT; THAT SAID PLAT IS A CORRECT REPRESENTATION OF THE LANDS THEREIN DESCRIBED AND PLATTED OR SUBDIVIDED AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, PART 1 FLORIDA STATUTES; THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED AND EACH P.C.P. (IF ANY) WILL BE SET AS SHOWN THEREON WITHIN ONE YEAR OF THE PLAT RECORDING DATE AS REQUIRED BY CHAPTER 177, PART 1 (PLATTING) FLORIDA STATUTES AND SUBDIVISIONS AND PLATTING, CHAPTER 157 LDR'S; AND THAT SAID LAND IS LOCATED IN FRUITLAND PARK, FLORIDA.

CLYMER FARNER BARLEY, INC.
4450 N.E. 83rd ROAD
WILDWOOD, FLORIDA 34785
LICENSED BUSINESS NO. 4709

Kaye M. Jameson
KAYE M. JAMESON
REGISTRATION NO. 5912

12/8/2020
DATE



THIS INSTRUMENT PREPARED BY:
KAYE M. JAMESON, P.S.M. 5912

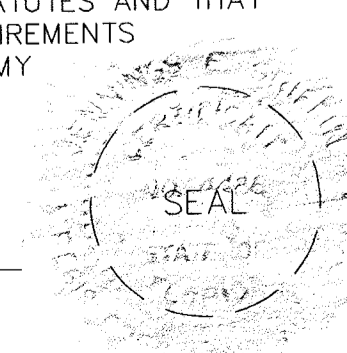


RECORD PLAT REVIEW STATEMENT

PURSUANT TO SECTION 177.091, FLORIDA STATUTES, I HEREBY CERTIFY THAT I HAVE PERFORMED A LIMITED REVIEW OF THIS PLAT FOR CONFORMITY TO CHAPTER 177, FLORIDA STATUTES AND THAT SAID PLAT COMPLIES WITH THE TECHNICAL REQUIREMENTS OF THAT CHAPTER; PROVIDED, HOWEVER, THAT MY REVIEW AND CERTIFICATION DOES NOT INCLUDE FIELD VERIFICATION OF ANY POINTS OR MEASUREMENTS SHOWN ON THIS PLAT.

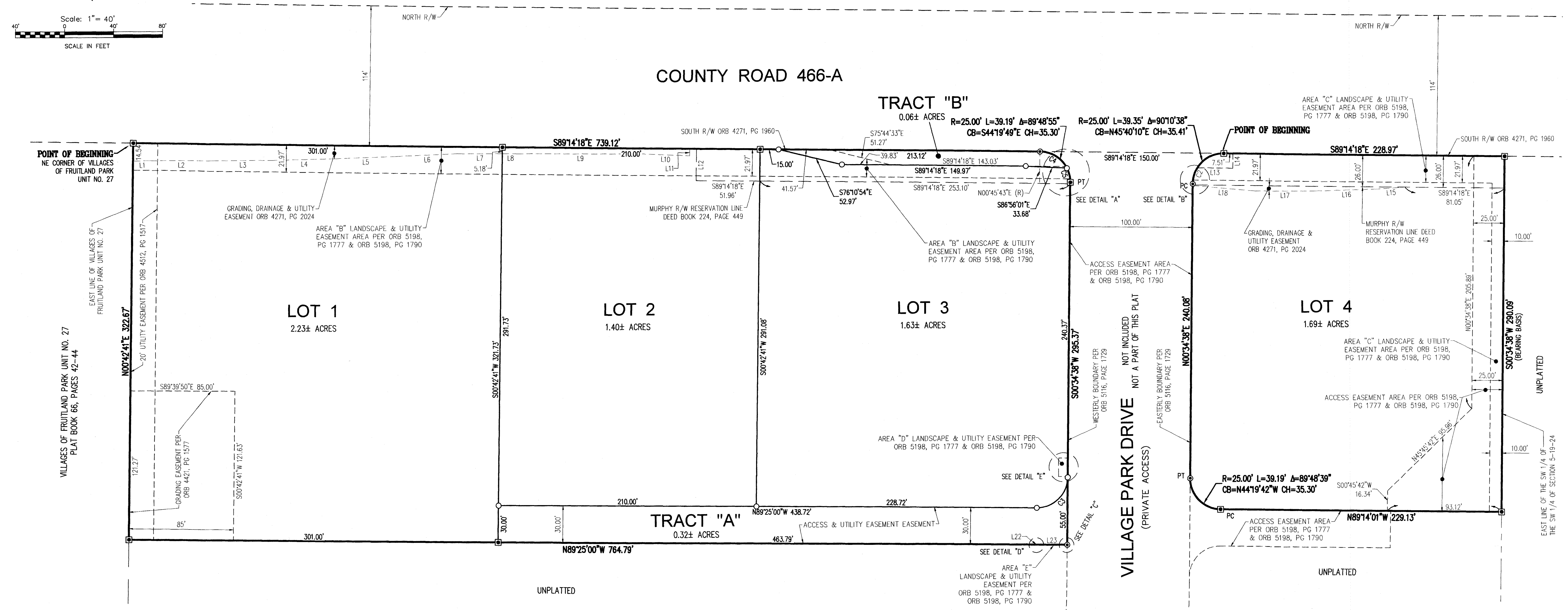
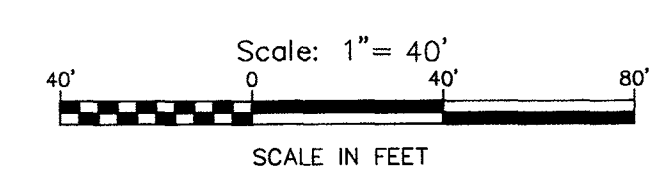
[Signature] 01/05/21
SIGNATURE DATE

JENNINGS E. GRIFFIN 4486
PRINT NAME REGISTRATION NO.



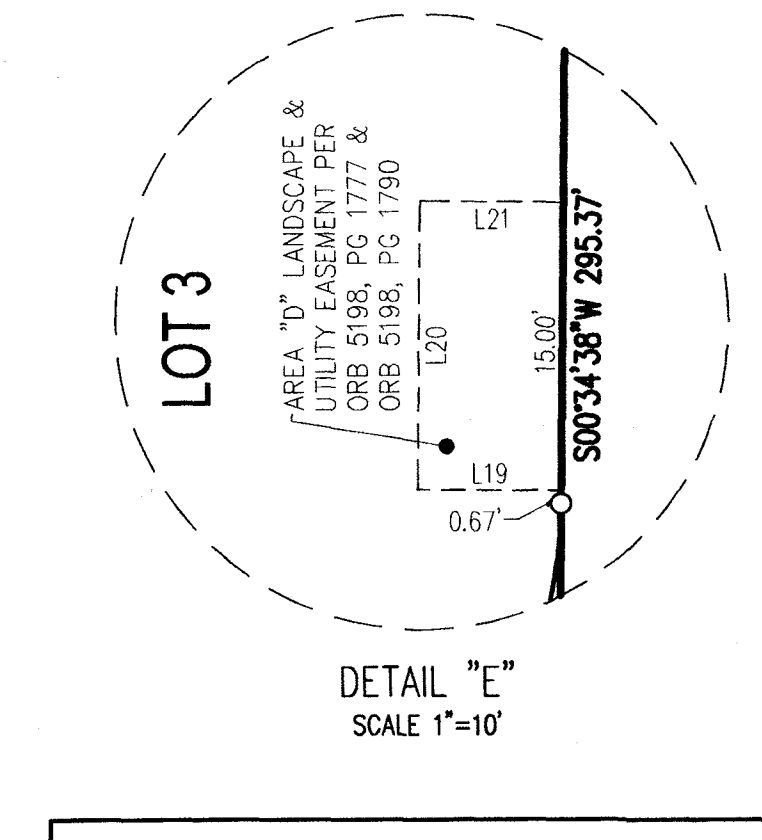
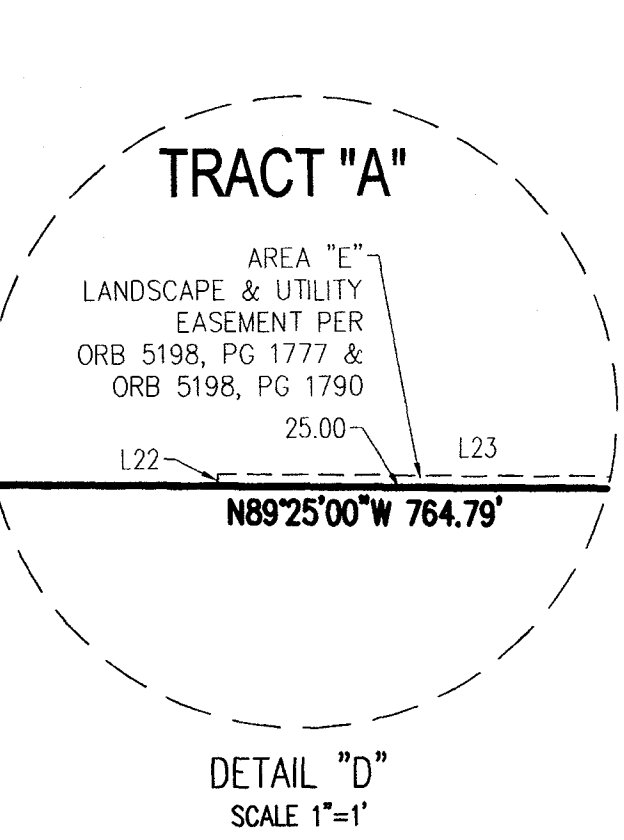
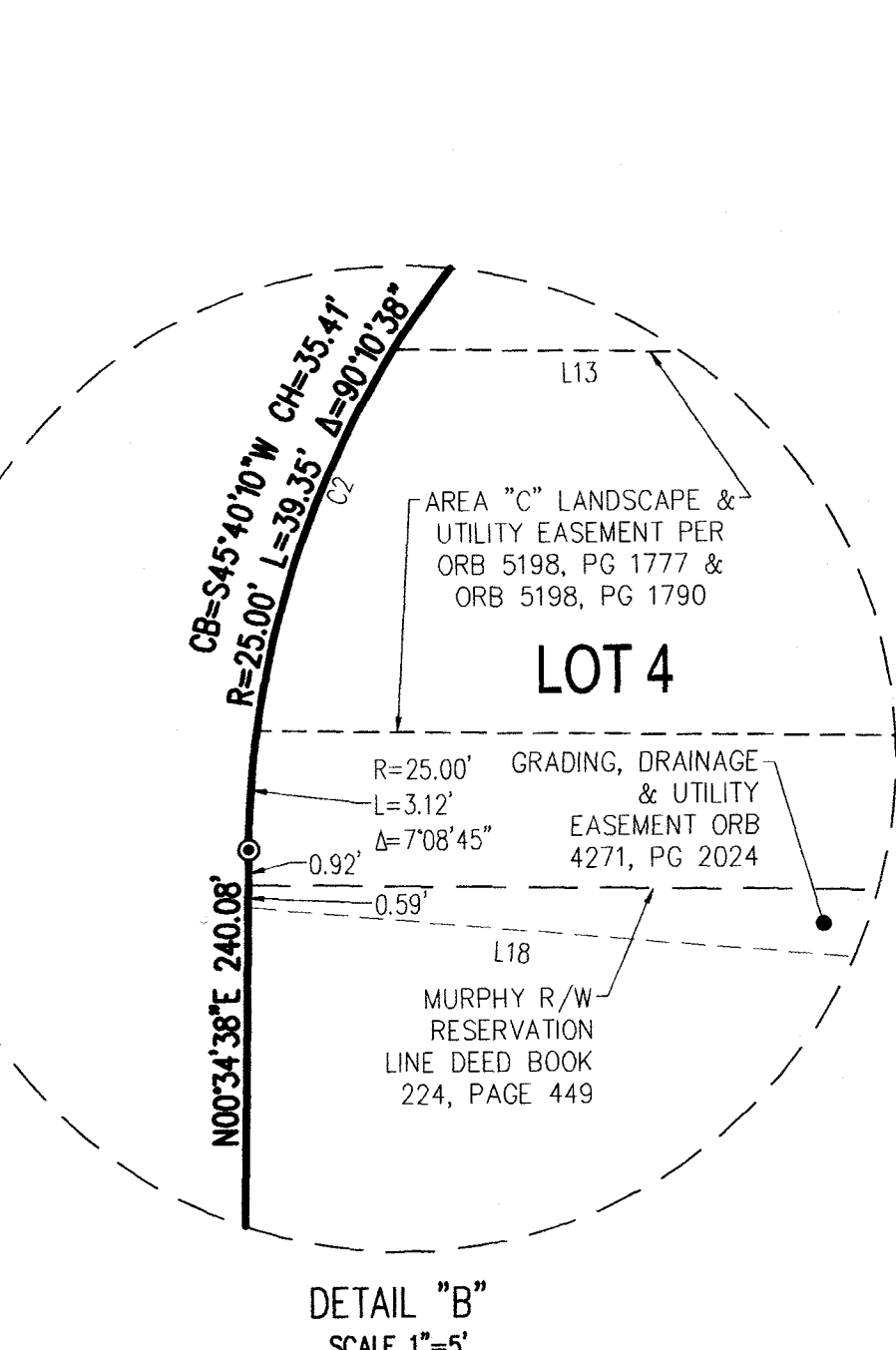
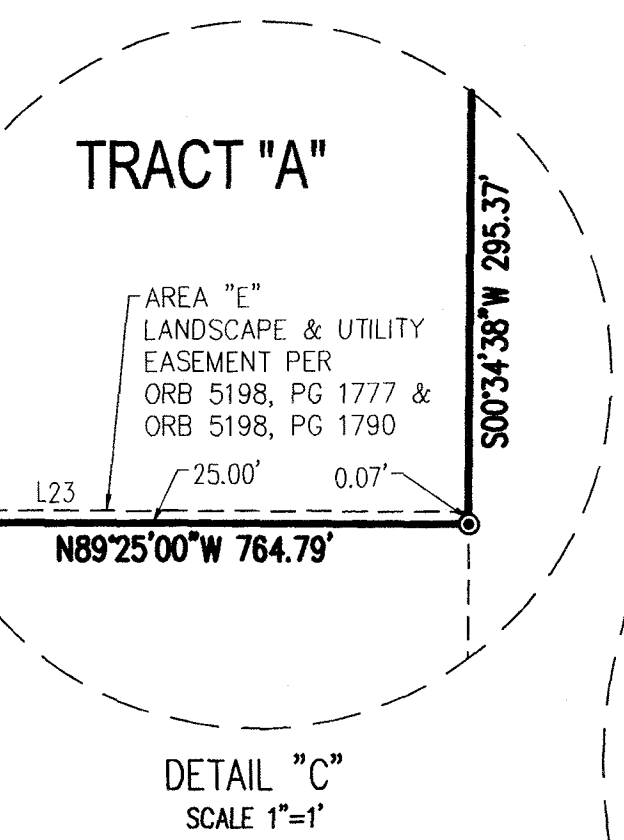
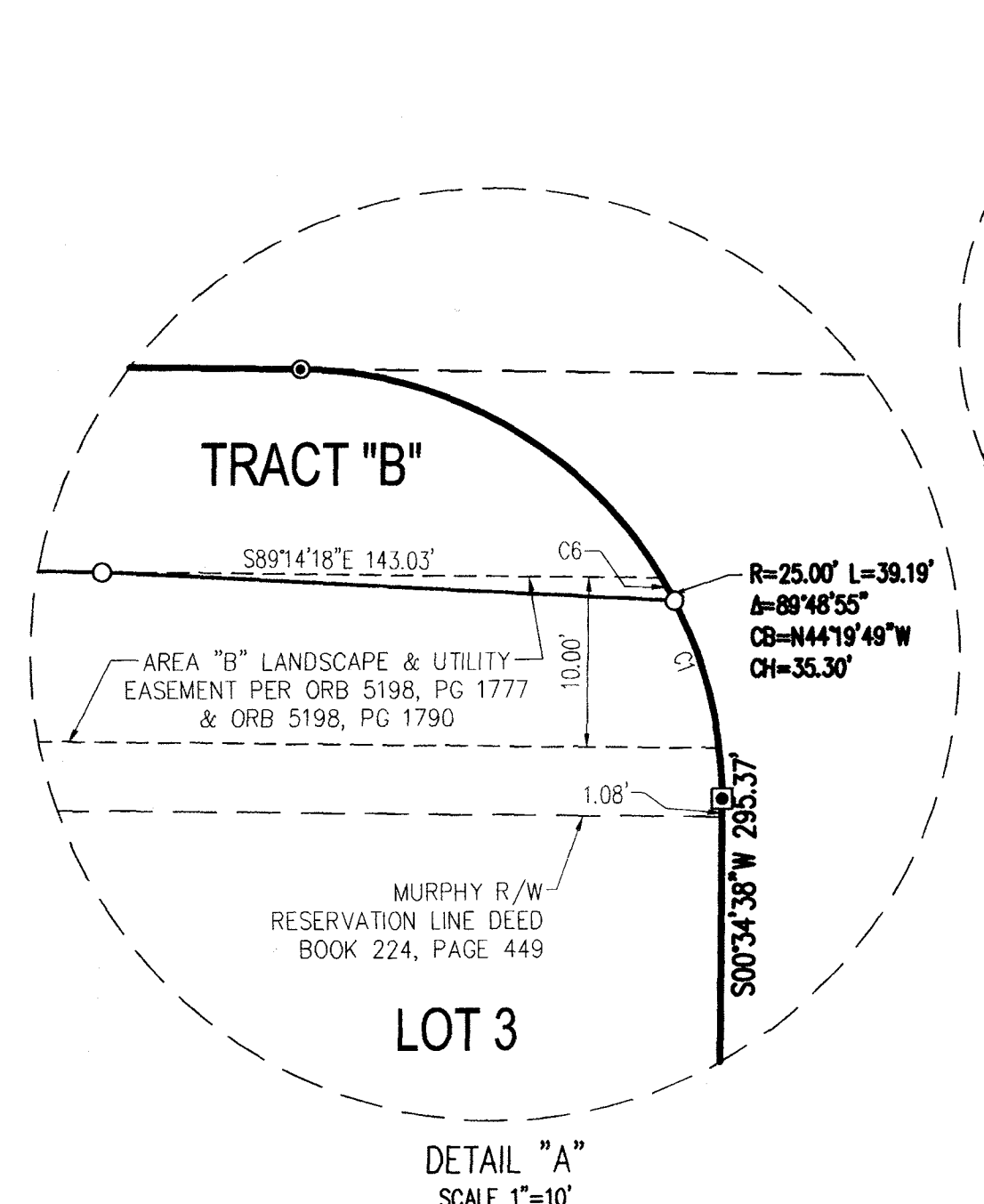
VILLAGE PARK COMMERCIAL SUBDIVISION

BEING A PORTION OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST,
CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA.



LEGEND

- INDICATES 4" X 4" X 24" CONCRETE PERMANENT REFERENCE MONUMENT (P.R.M.) FOUND (LB #4709), UNLESS OTHERWISE NOTED.
- INDICATES 4" X 4" X 24" CONCRETE PERMANENT REFERENCE MONUMENT (P.R.M.) SET (LB #4709)
- INDICATES P.C. NAIL AND DISK PERMANENT REFERENCE MONUMENT (P.R.M.) LB #4709
- INDICATES 5/8" IRON PIN AND CAP TO BE SET IN ACCORDANCE WITH SECTION 177.09(9) FLORIDA STATUTES. (SEE NOTE #5.)
- C9 INDICATES CURVE NUMBER IN CURVE TABLE
- L9 INDICATES LINE NUMBER IN LINE TABLE
- ENCL. INDICATES BEARING
- INDICATES CENTERLINE
- Δ INDICATES DELTA (CENTRAL ANGLE OF CURVE)
- CB INDICATES CHORD BEARING
- CH INDICATES CHORD DISTANCE
- INDICATES ARC LENGTH
- LB INDICATES LICENSED BUSINESS
- NO. INDICATES NUMBER
- ORB INDICATES OFFICIAL RECORDS BOOK
- PG INDICATES PLAT BOOK
- PCS INDICATES PAGE
- PC INDICATES POINT OF CURVATURE
- PCC INDICATES POINT OF COMPOUND CURVATURE
- PRC INDICATES POINT OF REVERSE CURVATURE
- PT INDICATES POINT OF TANGENCY
- R INDICATES RADIUS LENGTH
- SO FT INDICATES SQUARE FEET
- (R) INDICATES RADIAL LINE
- R/W INDICATES RIGHT-OF-WAY



LINE TABLE

LINE	LENGTH	BEARING
L1	14.49'	S89°00'57"W
L2	50.00'	S89°57'19"W
L3	50.01'	S89°48'22"W
L4	50.04'	S88°35'03"W
L5	50.06'	S88°00'15"W
L6	50.08'	S87°36'31"W
L7	36.51'	N89°43'45"W
L8	13.49'	N89°43'45"W
L9	100.00'	N89°36'32"W
L10	39.15'	N87°20'02"W
L11	5.72'	S0°39'28"W
L12	26.00'	N0°52'44"E

LINE TABLE

LINE	LENGTH	BEARING
L13	28.84'	N89°14'18"W
L14	11.97'	S0°45'42"W
L15	22.68'	S86°18'18"W
L16	50.03'	S88°24'57"W
L17	49.99'	N89°52'18"W
L18	50.56'	N84°57'41"W
L19	7.50'	N89°25'17"W
L20	15.00'	N0°34'43"E
L21	7.50'	S89°25'17"E
L22	0.06'	S0°34'38"W
L23	25.00'	N89°25'22"W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD ENG.	CHORD
C1	9.11'	25.00'	20°52'51"	N16°38'47"W	9.06'
C2	10.67'	25.00'	24°27'07"	S19°57'09"W	10.59'
C3	39.27'	25.00'	90°02'22"	N45°34'49"E	35.36'
C4	27.12'	25.00'	62°08'56"	N58°09'50"W	25.81'
C5	12.07'	25.00'	27°40'00"	N13°15'22"W	11.95'
C6	1.56'	25.00'	3°34'17"	N28°52'22"W	1.56'

THIS INSTRUMENT PREPARED BY:
KAYE M. JAMESON, P.S.M. 5912



Los Angeles at Colorado (n)
Minnesota at St. Louis (n)
Vegas at San Jose (n)

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Minnesota at St. Louis, 8 p.m.

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NOTICE OF PUBLIC HEARINGS

ORDINANCE 2021-xxx

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE MASTER DEVELOPMENT AGREEMENT CONDITIONS OF THE WESTMINSTER PINE RIDGE PLANNED UNIT DEVELOPMENT (PUD) TO PROVIDE FOR AN EMERGENCY VETERINARY CLINIC AS A PERMITTED USE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS; AND SETTING AN EFFECTIVE DATE.

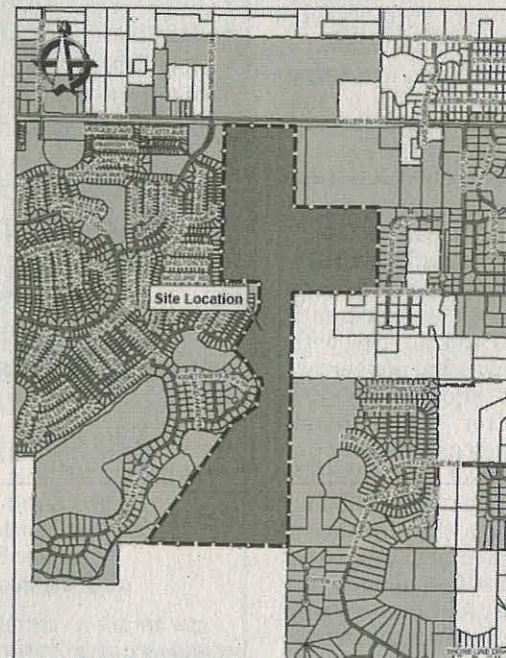
The proposed Ordinances will be considered at the following public meetings:

- Fruitland Park Planning & Zoning Meeting on May 20, 2021 at 7:00 p.m.
- Fruitland Park City Commission Meeting on June 10, 2021 at 7:00 p.m.
- Fruitland Park City Commission Meeting on June 24, 2021 at 7:00 p.m.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida. The proposed Ordinances and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinance.

A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).



Attach Notice Here:

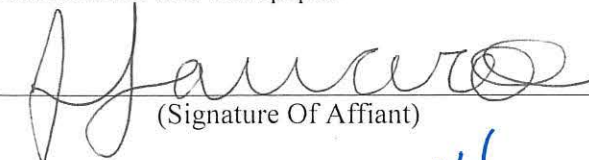
The Villages[®] DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #01003288 in the matter of

NOTICE OF ORDINANCE 2021-xx
was published in said newspaper in the issues of
MAY 13, 2021

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.


(Signature Of Affiant)

Sworn to and subscribed before me this 14
day of May 2021.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____

ROBIN L. BALDESCHWIELER
MY COMMISSION # HH 022967
EXPIRES: October 10, 2024
Bonded Thru Notary Public Underwriters

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6d

ITEM TITLE: First Reading and Public Hearing – Ordinance 2021-007
SSCPA - 0.25 ± Acres - 212 E LaVista Street - Petitioner: New
Life Presbyterian Church of Lake County Inc.

For the Meeting of: June 10, 2021

Submitted by: City Attorney/City Manager/Community Development
Director

Date Submitted: June 2, 2021

Funds Required: No

Attachments: Yes. draft ordinance, development application, justification
letter, legal description, staff comments, proposed zoning
map, proposed FLU map, aerial map, location map, and
advertisement affidavit.

Item Description: Ordinance 2021-007 proposing rezoning approximately
0.25 ± acres of property located at 212 E LaVista Street, Fruitland Park, Florida from Residential
Professional (RP) within the City limits of Fruitland Park to the designation of Public Facilities
District (PFD).

During its May 20, 2021 regular meeting, the Planning and Zoning Board recommended approval
of the rezoning to Public Facilities District (PFD) and the Land Use Map amendment to
Institutional.

Action to be Taken: Approve Ordinance 2021-007

Staff's Recommendation: Approval

Additional Comments: During its April 15, 2021 regular meeting of the Planning
and Zoning Board, the proposed ordinance was postponed
to a date certain whereas all public notices and
requirements were satisfied per City Attorney.

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO INSTITUTIONAL OF 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by New Life Presbyterian Church of Lake County, Inc. as applicant/owner, requesting that approximately 0.25 ± acres of real property located at 212 East LaVista Street (the "Property") be assigned a land use designation of "Institutional" 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 following described property consisting of approximately 0.25 ± acres of land located at 212 East LaVista Street, Fruitland Park shall hereafter be assigned a land use designation of Institutional under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "A" and incorporated herein by reference. The property is more particularly described as:

LEGAL DESCRIPTION: The South 94 feet of the West 1/2 of Block 24, A MAP OF FRUITLAND PARK, according to the plat thereof, recorded in Plat Book 3, Page 9, of the Public Records of Lake County, Florida, LESS the East 30.00 feet for road right of way, ALSO LESS the West 120.0 feet.

Parcel Alternate Key No. 1248744

Section 2. That 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, and that matters and contents therein are made a part of this ordinance by reference as fully and completely as set forth herein, and such copy shall remain on file in said office available for public inspection.

Section 3. That 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. 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. Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 6. That 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 _____, 2021.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk
(SEAL)

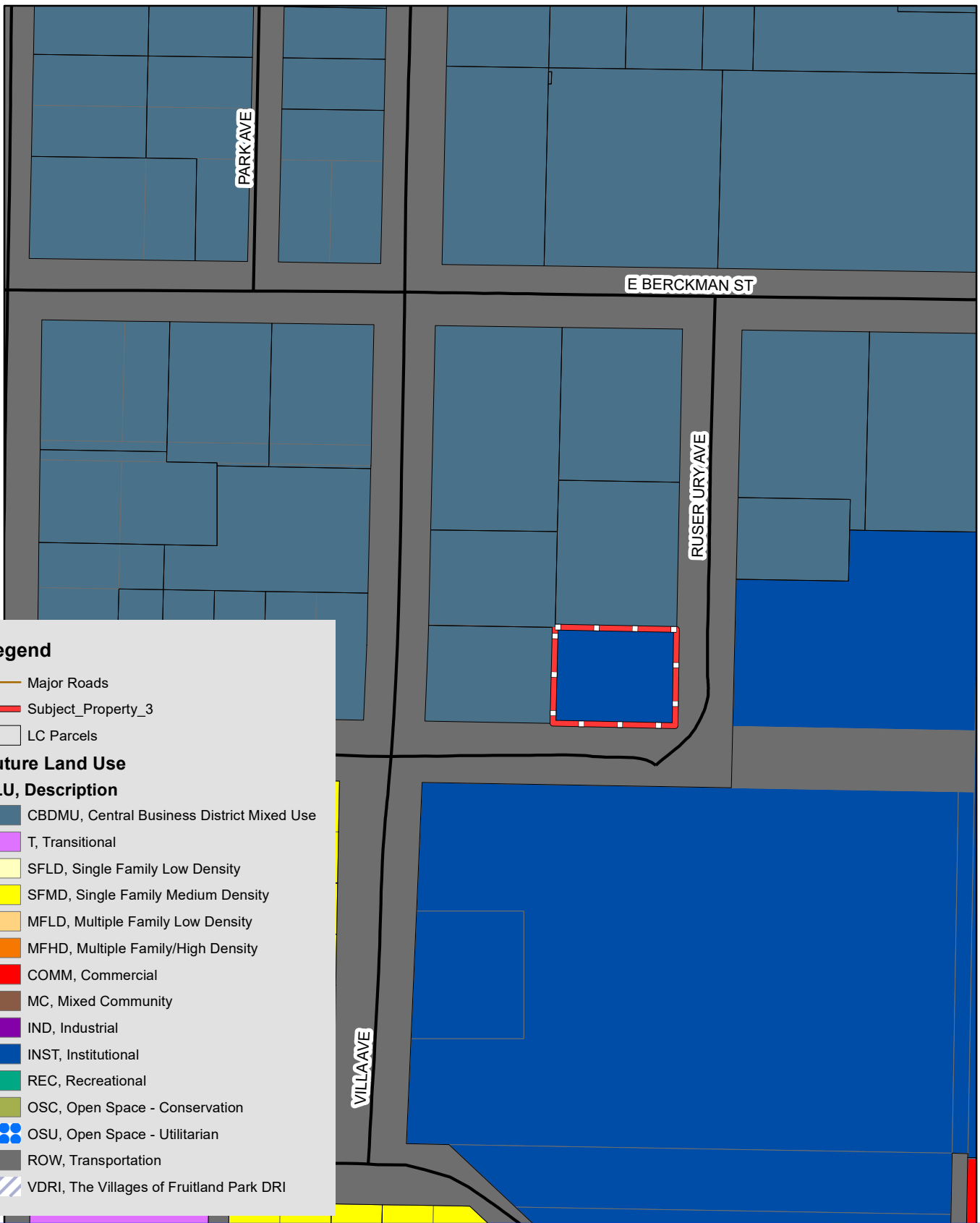
Anita Geraci-Carver, City Attorney

Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading _____

Passed Second Reading _____

Exhibit "A"



Legend

- Major Roads
- Subject_Property_3
- LC Parcels

Future Land Use

FLU, Description

- CBDMU, Central Business District Mixed Use
- T, Transitional
- SFLD, Single Family Low Density
- SFMD, Single Family Medium Density
- MFLD, Multiple Family Low Density
- MFHD, Multiple Family/High Density
- COMM, Commercial
- MC, Mixed Community
- IND, Industrial
- INST, Institutional
- REC, Recreational
- OSC, Open Space - Conservation
- OSU, Open Space - Utilitarian
- ROW, Transportation
- VDRI, The Villages of Fruitland Park DRI



1 inch = 136 feet

**New Life Presbyterian Church
Proposed Future Land Use Map**

Fruitland Park, FL

Project: NLPC
File: Proposed FLU
Name: Fruitland Park
PM: Sherie Lindh
Date: May 4th, 2021
Created By: C.Manno



Urban & Regional Planners, Inc.
1162 CAMP AVENUE - MT. DORA, FL 32757
(352)385-1940 / FAX (352)383-4824



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

Sta Use Only

Case No.: _____
 Fee Paid: _____
 Receipt No.: _____

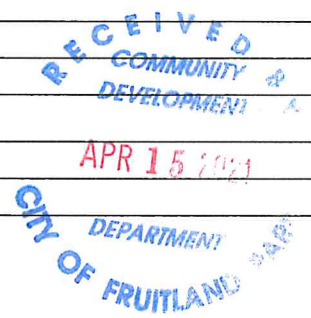
Development Application

Contact Information:

Owner Name: New Life Presbyterian Church of Lake County, Inc.
 Address: 201 E LaVista St., Fruitland Park, FL 34731
 Phone: 3525.551.7712 Email: justin.richey.jr@gmail.com marybeth@newlifefp.org

Applicant Name: New Life Presbyterian Church of Lake County, Inc.
 Address: 115 S Villa Ave., Fruitland Park FL 34731
 Phone: 352.728.1861 Email: marybeth@newlifefp.org

Engineer Name: _____
 Address: _____
 Phone: _____ Email: _____



Property and Project Information:

PROJECT NAME*: Comp Plan Amendment

*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 115 S Villa Ave., Fruitland Park, FL 34731

Parcel Number(s): 09-19-24-0400-024-0005 Section: 24 Township: 19 Range: 24

Area of Property: 11,280 sf Nearest Intersection: S Villa & E LaVista

Existing Zoning: PFD Existing Future Land Use Designation: Institutional

Proposed Zoning: R-P Proposed Future Land Use Designation: Institutional Transitional

The property is presently used for: vacant dwelling

The property is proposed to be used for: Residential single family home

Do you currently have City Utilities? Yes

Application Type:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Annexation | <input checked="" type="checkbox"/> Comp Plan Amendment | <input type="checkbox"/> Rezoning | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Construction Plan | <input type="checkbox"/> ROW/Plat Vacate |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Replat of Subdivision | |

Please describe your request in detail: Comp plan amendment Change Future Land use Designation

Required Data, Documents, Forms & Fees

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: Justin Richey, President

Signature: [Handwritten Signature] Date: 4/13/2021

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

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 process.

Other Required Analyses and Maps:

Small Scale Comprehensive Plan Amendment Applications:

- Justification for Amendment Environmental Constraints Map Requested FLU Map

Large Scale Comprehensive Plan Amendment Applications:

- Maps: Environmental Constraints Soils Requested FLUM Designation Requested Zoning Map Designation
- Analyses: Environmental Assessment Utility Availability Analysis Urban Sprawl 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, Section 154.030,10,G Environmental Constraints
- Analyses: Environmental Assessment Traffic Impact Analysis Preliminary Concurrency Analysis

- Variance Applications: Justification for Variance

Special Exception Use Applications:

- Site Sketch Justification for Special Exception Use
 List of Special Requirements as Described in LDRs, Chapter 155

Conditional Use Permit Applications:

- Site Plan as Described in LDRs, Chapter 155 Proposed List of Conditions and Safeguards
 Written Statement as Described in LDRs, Chapter 155

Subdivision Applications:

(Preliminary Plan, Improvement Plan and Final Plat)

- As Described in LDRs, Chapter 157

Minor Subdivision Applications:

- As Described in LDRs, Chapter 157

Site Plan Applications:

- As Described in LDRs, Chapter 160

Comp Plan Amendment justification

New Life Presbyterian Church of Lake County, Inc.

115 S Villa Ave., Fruitland Park FL 34731 – Alt Key #1639492

Per recent conversation on Friday, April, 9, 2021, with Community Development Director, Tracy Kelley, a small scale comprehensive plan amendment (SSCPA) is required in conjunction with your request for rezoning of the subject properties. The proposed rezoning triggered a review of the city's current comprehensive plan and future land use (FLU) designation. In consideration of the intended use of the properties and since the most appropriate future land use (FLU) designation is not a part of the city's current comprehensive plan, this additional step is necessary, as found per City Attorney and City Land Planner comments.

New Life Presbyterian Church of Lake County Inc.

Property Rezoning/Comp Plan Amendment

115 S Villa Ave, Fruitland Park, FL 34731

Property Description:

FRUITLAND PARK S 94 FT OF W 120 FT OF BLK 24 PB 3 PGS 8-9
ORB 2398 PG 1743



**DEVELOPMENT APPLICATION REVIEW LETTER
NEW LIFE PRESBYTERIAN CHURCH
REZONING APPLICATIONS: 115 S. VILLA & 212 E. LA VISTA
March 22, 2021**

Property Owner(s): New Life Presbyterian Church of Lake County, Inc.
Applicant/Agent: New Life Presbyterian (Attn: Justin Richey, President)
Phone: 352-551-7712
Email: justin.richey.jr@gmail.com
Address: 115 S Villa Avenue, Fruitland Park, FL
Project Name: New Life Presbyterian Church Rezoning
Alt Keys: Fruitland Park, FL Alt Keys: 1639492 and 1248744
Project Addresses: 115 S. Villa Ave. (1639492) and 212 E. LaVista St. (1248744)

Dear Mr. Richey:

Contained herein are the comments following informal TRC review. The referenced projects are tentatively scheduled before Technical Review Committee (TRC) on April 6, 2021 at 10:00AM.

Development Review:

The *initial application fees* are as follows (total inclusive of both Project Addresses):

Development Application Fees (City)	\$ 230.00 PAID
LPG (Land Planner)	\$ 740.00 PAID
BESH (Engineer)	\$1,200.00 PAID
Overpayment	\$102.00 CREDIT
Mailings	*Actual Cost
Newspaper Advertisement	*Actual Cost
Lake County Recording Fee	*Actual Cost

Per City Ordinance 2008-023 these are the applicable fees as of date; however, there may be additional fees associated with the application(s) that will be passed to the applicant(s), including Contractual Services, Notice of Public Hearing advertising and mailing costs.

City Attorney Review:

115 S. Villa Ave.

The application indicates they are seeking a rezoning from PFD to RP for a vacant dwelling. Property is under contract to sell as a s/f home. The application also indicates an existing FLU of Institutional and proposed FLU of CBDMU. In reviewing comp plan, CBDMU indicates permitted land uses are residential on 2nd and 3rd floors. Since this is s/f residential dwelling, Transitional FLU may be more appropriate. No comments relating to RP zoning.

212 E LaVista St.

The application indicates they are seeking a rezoning from RP to PFD for use as storage and

parking. I cannot locate a zoning of PFD in the current zoning code. The application also indicates existing FLU of MC and proposed FLU of CBDMU. Institutional FLU may be more appropriate.

City Engineer (BESH) Review:

115 S. Villa Ave.

The proposed zoning is RP, which does allow for single family homes, but also implements comprehensive plan policies for transitional areas where single family homes can be used for personal or professional services. The use stated on the application is “Residential Single-Family Home.” If that is the proposed end use, would a different residential zoning district be more appropriate? Engineering defers to the city planner on this issue.

212 E. LaVista St.

Based upon my review of the February 25, 2021, rezoning submittal package, I do not have any comments. I recommend approval of the rezoning.

City Building Review:

115 S. Villa Ave. & 212 E. LaVista St.

No comments for both properties.

City Code Enforcement Review:

115 S. Villa Ave. & 212 E. LaVista St.

Code Enforcement has no comments at this time.

City Fire Review:

115 S. Villa Ave. & 212 E. LaVista St.

No comments received at time of review.

City Police Review:

115 S. Villa Ave. & 212 E. LaVista St.

No comments received at time of review.

City Public Works Department Review:

115 S. Villa Ave. & 212 E. LaVista St.

No concerns for either property.

City Staff Review:

115 S. Villa Ave.

Assessment:

Review of the comprehensive plan indicates that the Central Business District Mixed Use allows for residential development; however, it indicates that new residential uses are permitted on the 2nd and 3rd floors with the 1st floor being commercial. It appears the intent was to allow for the existing one-story, single-family units to continue and allow for the residential use on the 1st floor until redevelopment due to the fact that the majority of the area designated is one story single family; however, in order to avoid a conflict, an amendment to Transitional (4 units/acre) may be better suited.

The Transitional land use category is compatible with the Central Business District Mixed Use and the Institutional use.

The subject site is adjacent to Residential Professional (RP) zoning on the north and west; therefore, the proposed RP zoning is compatible and consistent with the area.

Recommendation

Staff recommends the applicant modify the application to request a land use of transitional. Once the application is revised the amendment request would be consistent with the following FLU policies, among others:

Policy 1-1.2: Density and Intensity Standards – Table 1.1

Policy 1-1.17: Transitional

Policy 1-2.1: Promote Orderly, Compact Growth

Staff recommends approval of the rezoning to RP.

212 E. LaVista St.

Assessment:

The application indicates that the subject site will be continued to be utilized for storage and parking associated with the church. The requested land use in the application states CBDMU; however, the land use most appropriate is Institutional.

The subject site is adjacent to PFD zoning on the south and east; therefore, the proposed PFD zoning is compatible and consistent with the area.

Recommendation:

Staff recommends the applicant modify the application to request a land use of institutional. Once the application is revised the amendment request would be consistent with the following FLU policies, among others:

Policy 1-1.2: Density and Intensity Standards – Table 1.1

Policy 1-1.14: Institutional

Policy 1-2.1: Promote Orderly, Compact Growth

Policy 1-5.1: Public Facilities

Staff recommends approval of the rezoning to PFD and land use map amendment to Institutional.

City of Leesburg Utilities Review:

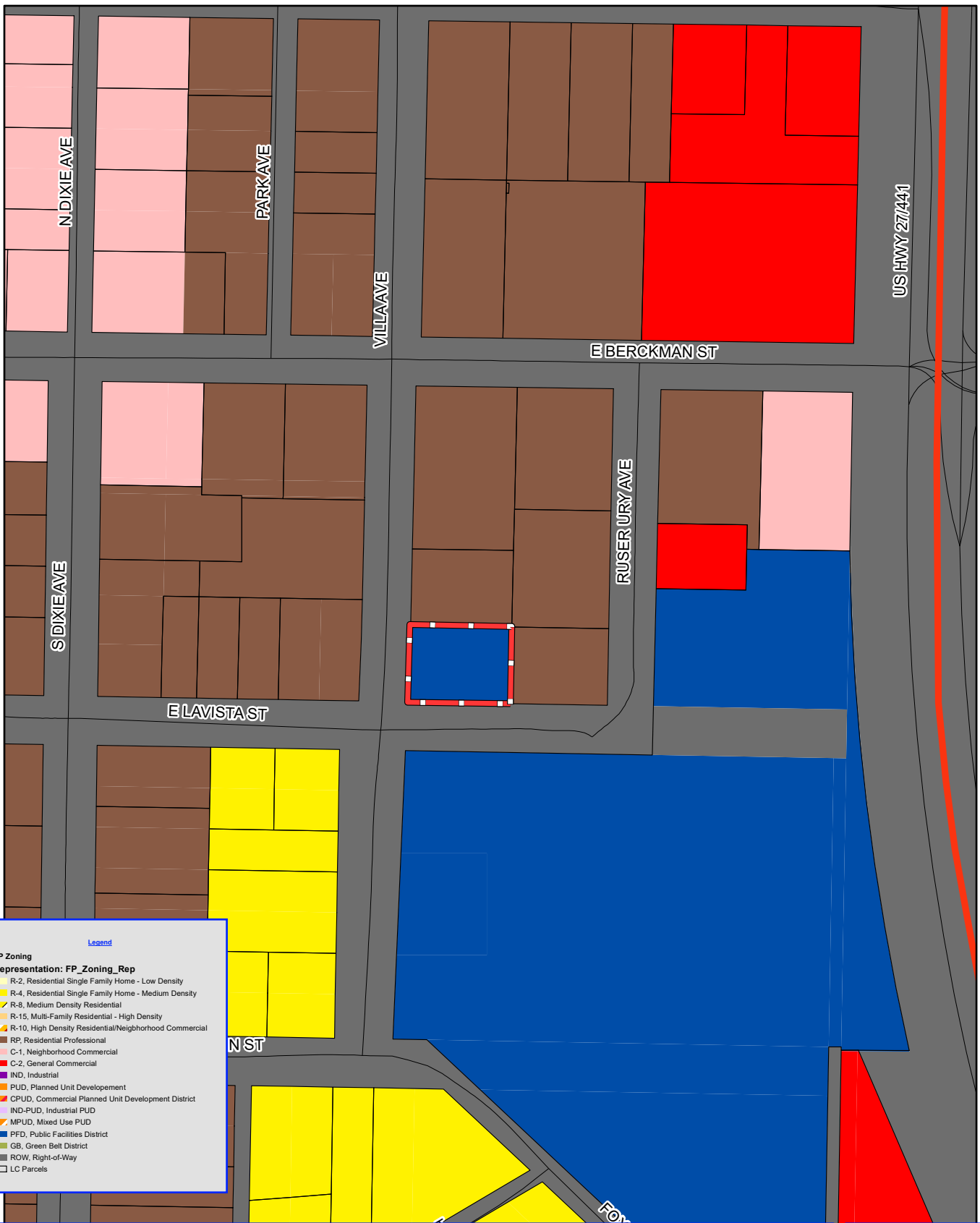
No comments received at time of review.

Lake County Public Schools Review:

No comments received at time of review.

Lake County Public Works Review:

No comments received at time of review.



[Legend](#)

FP Zoning
Representation: FP_Zoning_Rep

- R-2, Residential Single Family Home - Low Density
- R-4, Residential Single Family Home - Medium Density
- R-8, Medium Density Residential
- R-15, Multi-Family Residential - High Density
- R-10, High Density Residential/Neighborhood Commercial
- RP, Residential Professional
- C-1, Neighborhood Commercial
- C-2, General Commercial
- IND, Industrial
- PUD, Planned Unit Development
- CPUD, Commercial Planned Unit Development District
- IND-PUD, Industrial PUD
- MPUD, Mixed Use PUD
- PFD, Public Facilities District
- GB, Green Belt District
- ROW, Right-of-Way
- LC Parcels



New Life Presbyterian Church Proposed Zoning Map

Fruitland Park, FL

Project: NLPC
 File: Proposed Zoning
 AltKey: 1639492
 Name: Fruitland Park
 PM: Sherie Lindh
 Date: May 4th, 2021
 Created By: C.Manno

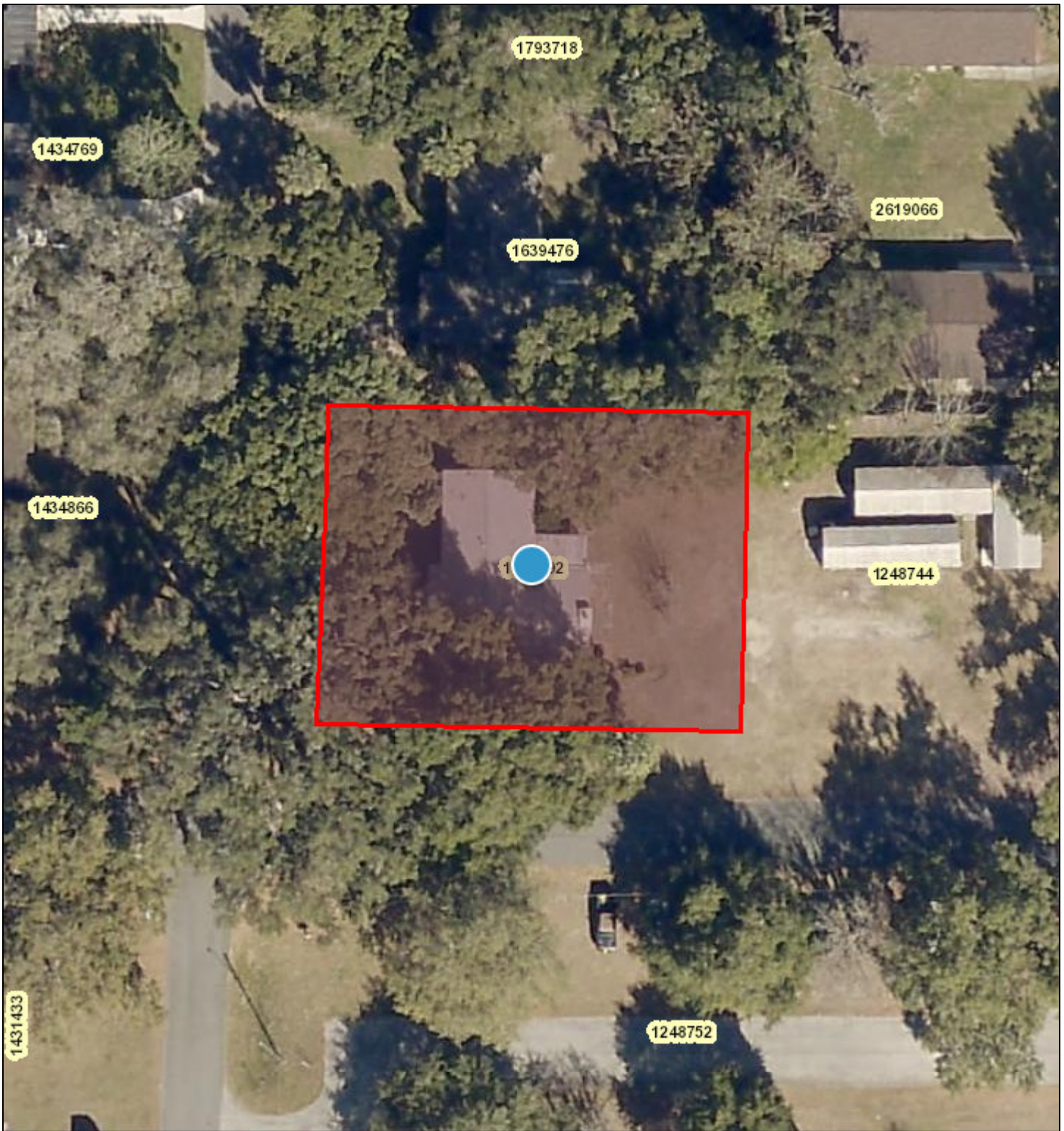
Urban & Regional Planners, Inc.
 1162 CAMP AVENUE - MT. DORA, FL 32757
 (352)385-1940 / FAX (352)383-4824

115 S Villa Aerial Photo



© All Pictometry


115 S Villa Location Map

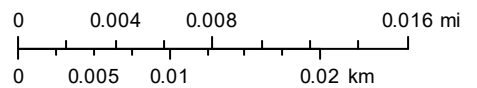



February 23, 2021

1:500

pointLayer

 Surrounding Counties



 Override 1

polygonLayer

 Override 1

Lake County Property Appraiser
Lake BCC

Tax Parcels Alternate Key

NOTICE OF PUBLIC HEARINGS

ORDINANCE 2021-xx

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO TRANSITIONAL OF 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2021-xx

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO INSTITUTIONAL OF 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

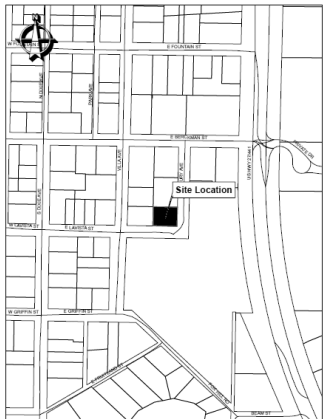
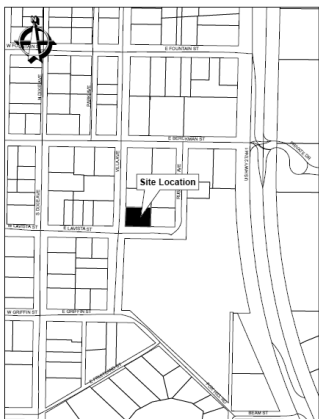
The proposed Ordinances will be considered at the following public meetings:

- Fruitland Park Planning & Zoning Meeting on May 20, 2021 at 6:00 p.m.
- Fruitland Park City Commission Meeting on June 10, 2021 at 6:00 p.m.
- Fruitland Park City Commission Meeting on June 24, 2021 at 6:00 p.m.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida. The proposed Ordinances and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinance.

A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).



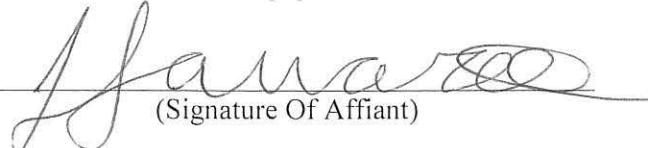
The Villages[®] DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #01005148 in the matter of **NOTICE OF PUBLIC HEARINGS**

MAY 28, 2021

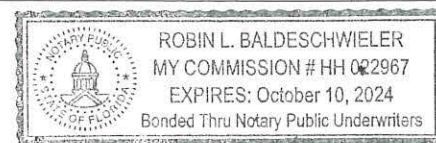
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.


(Signature Of Affiant)

Sworn to and subscribed before me this 28
day of May 2021.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____



Attach Notice Here:

the school's janitor would always have a smile on her face when she walked in his room because of how clean it was, he said.

The Purple Pig
RABBIT TON
AT \$60 TO \$75!!
Weekend Special
customer. Available 5-29-21 to 5-31-21
s, FL 32162 • 352-753-2202

15% OFF
ALL
Balsamics & Koroneiki Oil
(while supplies last)
Limit one coupon per customer, per transaction. In-store only. Offer expires 5-31-21
FL 32162

Christine's House
and Memories Become Many!
Entertainment - Raisch
007
Sun 12p-8p
Mon-Thur 11a-9p
Fri & Sat 11a-10p
Villages, FL 32159

NOTICE OF PUBLIC HEARINGS

ORDINANCE 2021-xx

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO TRANSITIONAL OF 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2021-xx

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO INSTITUTIONAL OF 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

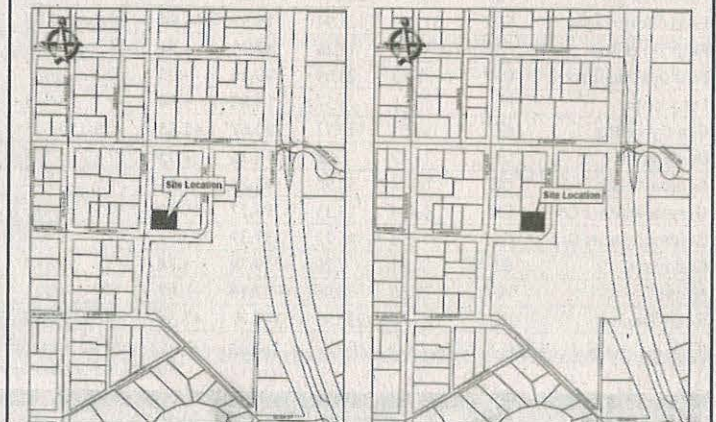
The proposed Ordinances will be considered at the following public meetings:

- Fruitland Park City Commission Meeting on June 10, 2021 at 6:00 p.m.
- Fruitland Park Local Land Planning Agency Meeting on June 10, 2021 at 6:15 p.m.
- Fruitland Park City Commission Meeting on June 24, 2021 at 6:00 p.m.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida. The proposed Ordinances and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.

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RESOLUTION 2004-014

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Disclosure.

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

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

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

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

Section 3. This resolution shall be effective upon passage.

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



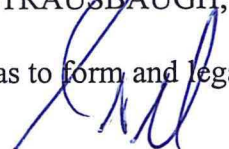
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:



MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:



Scott A. Gerken, City Attorney



Select Year:

The 2018 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters. –

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government **land use matters**. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government **land use matters**, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking

body, subject to control by the decisionmaking body, and may be requested to respond to questions from the decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government **land** use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government **land** use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government **land** use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

History.—s. 1, ch. 95-352; s. 31, ch. 96-324.

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6e

ITEM TITLE: Quasi-Judicial Public Hearing - Resolution 2021-022
Variance Request – 201 East LaVista Street Signs –
Petitioner: New Life Presbyterian Church of Lake Co. Inc.

For the Meeting of: June 10, 2021

Submitted by: City Attorney/City Manager/Community Development
Director

Date Submitted: June 1, 2021

Funds Required: No

Attachments: Yes. draft resolution with exhibit “A” legal description, map
location, justification for variance and advertising affidavit.

Item Description: Resolution 2021-022 proposing a sign variance from
Sections 163.060(c)(1)(A) and 163.060(c)(1)(8) of the City of Fruitland Park Land Development
Regulation pertaining to the number of signs, maximum sign area and separation distance, on
the subject property located at 201 East LaVista Street.

During its May 20, 2021 regular meeting, the Planning and Zoning Board recommended approval
of the variance with conditions.

Action to be Taken: Adopt Resolution 2021-022

Staff’s Recommendation: Approval

Additional Comments: Conditions of variance approval 1) the distance between
the signs located at 201 East LaVista Street and 197 East
LaVista Street shall be a minimum of 125 feet 2) the
distance between the signs at 197 East LaVista Street and
193 East LaVista Street shall be a minimum of 220 feet.

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO THE NUMBER OF SIGNS, MAXIMUM SIGN AREA AND SEPARATION DISTANCE, ON THE SUBJECT PROPERTY LOCATED AT 201 EAST LAVISTA STREET AND OWNED BY NEW LIFE PRESBYTERIAN CHURCH OF LAKE CO., INC., PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, New Life Presbyterian Church of Lake Co., Inc. has petitioned for variances for the property located at 201 East LaVista Street., in the City of Fruitland Park, Florida; and

WHEREAS, the owner requests a variance to the following LDR requirements:

- Chapter 163, Section 163.060(c)(1)(A) regarding the size of the sign area
- Chapter 163, Section 163.060(c)(1)(8) regarding the number of signs and spacing

WHEREAS, there are three (3) existing buildings located on the subject property, two (2) of which are utilized as churches and the 3rd building will be leased to another non-profit. The property is under one ownership with approximately 615' of frontage on US Highway 27/441. There is one existing free-standing sign and the LDR allows up to two (2) free standing monument signs; and

WHEREAS, access to the subject site is from local roadways and each building has an assigned address as 193 East LaVista, 197 East LaVista and 201 East LaVista; and

WHEREAS, the applicant desires to construct two (2) additional monument signs, not to exceed 50 square feet of sign area each; and

WHEREAS, the applicant desires to place the signs at a minimum distance of 125' between 201 East LaVista and 197 East LaVista and a minimum distance of 200' between 197 East LaVista and 193 East LaVista; and

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 and

WHEREAS, this Resolution met all public notice requirements;

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

1. The City Commission has determined that special conditions exist which are peculiar to the land. Due to the existing topography (hillside) no access to the site is available from US Highway 27/441 and sign placement along local roads would restrict visibility and identification. Further, each building has approximately 200' of frontage on US Highway 27/441 and the placements of the signs would not hinder the visual integrity of the roadway corridor.

2. The City Commission has determined that a reduction to the spacing from 300' to 125' and 220' does not and will not have an unduly adverse effect on surrounding property.

3. The City Commission has determined that the addition of one (1) sign does not and will not have an unduly adverse effect on surrounding property.

4. Special conditions and circumstances exist which are peculiar to the property which are not applicable to other land and structures.

7. A variance of 175 feet from the existing code for separation distance is the minimum variance to accommodate the applicant's request as it relates to sign separation.

8. A variance to the number of signs permitted is the minimum variance to accommodate the applicant's request as it relates signage.

9. The City Commission has further determined that the variances relating signage are consistent with the comprehensive plan for the City of Fruitland Park and code, and will not adversely affect the public interest.

8. The variances relating to the number of signs and separation distance will not adversely affect the public health, safety and general welfare of the citizens of the City of Fruitland Park.

9. The petition for variances filed by New Life Presbyterian Church of Lake County, Inc. for property west of US Highway 27/441, having an address of 201 East LaVista Ave., in the City of Fruitland Park, Florida, more particularly described as:

LEGAL DESCRIPTION: See Exhibit "A".

Parcel Alternate Key No. 1248752

is GRANTED as follows:

1. Variances to Chapter 163, Section 163.060(c)(1)(A) from 50 square feet of sign area to a total of 150 square feet of sign area. Each sign shall not exceed 50 square feet of sign area.
2. A variance to Chapter 163, Section 163.060(c)(1)(B) from two (2) signs to three (3) signs.
3. A variance to Chapter 163, Section 163.060(c)(1)(B) separation distance from 300 feet to 125 feet.
4. The distance between the signs located at 201 East LaVista and 197 East LaVista shall be a minimum of 125 feet.
5. The distance between the signs located at 197 East LaVista and 193 East LaVista shall be a minimum of 200 feet.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2021.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:
Approved as to Form:

Esther Coulson, MMC, City Clerk

Anita Geraci-Carver, City Attorney

Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

(SEAL)

EXHIBIT 'A'

LEGAL DESCRIPTION

Commence at the Southeast Corner of block 24, Map of Fruitland Park, Florida, according to the plat thereof recorded in the Plat Book 1, Page 6, of the Public Records of Sumter County, Florida (Now Lake County); Run thence N.00 Degrees 20'50" E, along the East line of said Block 24 a distance of 194.40 feet, thence N. 89 degrees 38'22" W , parallel with the South line of said Block 24 a distance of 9.04 feet to the point of beginning of the description; from said point of beginning, continue N. 89 degrees 38'22" W., parallel with the South Line of said Block 24 a distance of 116.21 feet, thence S. 00 degrees 20'50" W., 50 feet, thence N. 89 degrees 38'22" W., 110 feet, thence S. 00 degrees 20'50" W., 204.40 feet to a point on the North Line of Block 25 of said map of Fruitland Park, Florida; Thence N. 89 degrees 38'22" W., along the north line of said Block 25 a distance of 300.35 feet to the Northwest Corner of Block 25 of said map of Fruitland Park, Florida, thence S. 00 degrees 22'25" W., along said West line of Block 25 a distance of 353.95 feet to the Southwest corner of said Block 25; Thence S. 89 degrees 38'02" E., along the South line of said Block 25 a distance of 68.15 feet to a point on the new Northeasterly Right-Of-Way line of Fox Hill Drive, given by John Grindell to the Town of Fruitland Park, Florida dated April, 1960; Thence S. 47 degrees 21'00"E., along said new Northeasterly Right-Of-Way line, 632.30 feet, to a point on the East line of Section 9, Township 19 South, Range 24 East, in Lake County, Florida; Thence N. 00 degrees 20'50" E., along the East line of said Section 9 a distance of 423.70 feet to a point on the South line of the North 5/8 of the North 1/2 of the N.W. 1/4 of Section 10, Township 19 South, Range 24 East, in Lake County, Florida; Thence S. 89 degrees 53'26" E., along the South line of the North 5/8 of the North 1/2 of the NW. 1/4 of said Section 10 a distance of 80.37 feet to a point on the Westerly Right-Of-Way of line of U.S. Highway No. 27/441, said point being on a curve concave Northeasterly and having a radius of 2964.79 feet and a radial bearing of S. 76 degrees 58'36" W.; Thence Northwesterly along the arc of said curve and said Westerly Right-Of-Way line of U.S. Highway No. 27/441 through a Central Angle of 06 degrees 17'27" an arc length of 325.51 feet, Thence S. 83 degrees 16'03" W., along said Westerly Right-Of-Way line 10.00 feet to a point on a curve concave Northeasterly and having a radius of 2974.79 feet and a radial bearing of S. 83 degrees 16'03" W.; Thence Northwesterly along the arc of said curve and said Westerly Right-Of-Way line of U.S. Highway No. 27/441 through a central angle of 05 degrees 37'10" and arc length of 291.77 feet to the point of beginning.



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

Sta Use Only

Case No.: _____
 Fee Paid: _____
 Receipt No.: _____

Development Application

Contact Information:

Owner Name: New Life Presbyterian Church of Lake County, Inc.
 Address: 201 E LaVista St., Fruitland Park, FL 34731
 Phone: 3525.551.7712 Email: justin.richey.jr@gmail.com marybeth@newlifefp.org

Applicant Name: New Life Presbyterian Church of Lake County, Inc.
 Address: 201 E LaVista, St., Fruitland Park FL 34731
 Phone: 352.728.1861 Email: marybeth@newlifefp.org

Engineer Name: _____
 Address: _____
 Phone: _____ Email: _____

Property and Project Information:

PROJECT NAME*: New Life signage variance
 *A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 201 E LaVista St. Fruitland Park FL 34731
 Parcel Number(s): 09-19-24-0400-024-00102 Section: 24 Township: 19 Range 26
 Area of Property: 8.83 acres Nearest Intersection: E LaVista St & Ruser Ury Ave
 Existing Zoning: PFD Existing Future Land Use Designation: _____
 Proposed Zoning: no change Proposed Future Land Use Designation: _____

The property is presently used for: Church/Non profit meetings
 The property is proposed to be used for: Church/Non profit meetings
 Do you currently have City Utilities? Yes

Application Type:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Comp Plan Amendment | <input type="checkbox"/> Rezoning | <input type="checkbox"/> Planned Development |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Construction Plan | <input type="checkbox"/> ROW/Plat Vacate |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Replat of Subdivision | |

Please describe your request in detail: Signage variance

Required Data, Documents, Forms & Fees

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: Justin Richey, President

Signature: *Justin Richey* Date: 4/13/2021

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

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 process.

Other Required Analyses and Maps:

Small Scale Comprehensive Plan Amendment Applications:

- Justification for Amendment Environmental Constraints Map Requested FLU Map

Large Scale Comprehensive Plan Amendment Applications:

- Maps: Environmental Constraints Soils Requested FLUM Designation Requested Zoning Map Designation
- Analyses: Environmental Assessment Utility Availability Analysis Urban Sprawl 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, Section 154.030,10,G Environmental Constraints
- Analyses: Environmental Assessment Traffic Impact Analysis Preliminary Concurrency Analysis

Variance Applications:

- Justification for Variance

Special Exception Use Applications:

- Site Sketch Justification for Special Exception Use
 List of Special Requirements as Described in LDRs, Chapter 155

Conditional Use Permit Applications:

- Site Plan as Described in LDRs, Chapter 155 Proposed List of Conditions and Safeguards
 Written Statement as Described in LDRs, Chapter 155

Subdivision Applications:

(Preliminary Plan, Improvement Plan and Final Plat)

- As Described in LDRs, Chapter 157

Minor Subdivision Applications:

- As Described in LDRs, Chapter 157

Site Plan Applications:

- As Described in LDRs, Chapter 160

New Life Presbyterian Church of Lake County. Inc.

Alt Key 1248752

Justification for Variance:

New Life Church has 3 buildings on our property at Alt Key 1248752. Each building has its own address.

Currently we have 2 churches meeting. One in our north (201 E LaVista) and south (193 E LaVista) buildings. We are planning to rent/lease our 3rd building (197 E LaVista) to another non-profit. We have a large frontage, but it is on a hill with traffic traveling at 45 mph. It would be beneficial to each of the non-profits and the public to have a sign in front of their building making them more visible from 441/27.

Our current sign is an electric sign. The church meeting at 193 E LaVista would like to move the sign in front of that building and continue using it. The signs in front of 201 and 197 E LaVista would be monument signs pictured above.



New Life Presbyterian Church
Sign Variance
Property line set back—55”

Alternate plan:

Our alternate plan would be to replace the electric sign with one monument sign that lists all three non-profits as shown here. The disadvantages to having one sign:

1. The height of the sign on the hill
2. The speed of travel on 441/27
3. Three separate addresses would be confusing when using mapping devices to find the location.





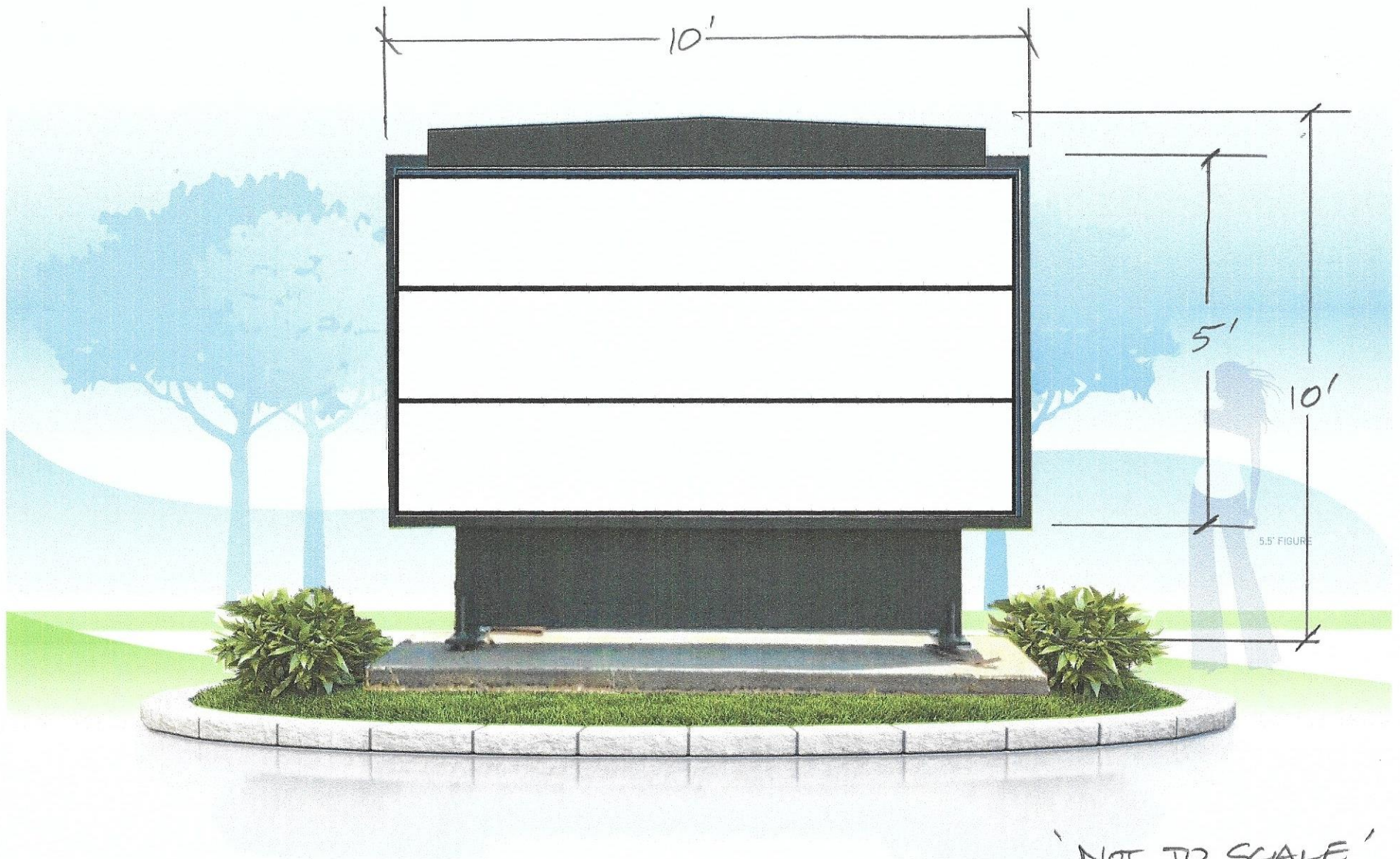
NOT TO SCALE

Sign Wizard
 352-365-6922
 WWW.SIGNWIZARDINC.COM
 3195 HWY 44/27 FRUITLAND PARK, FL 34731

PROPERTY: NEW LIFE
 FILE ID: _____
 SALES: _____ DATE: 4/20/21
 DESIGN: NEWLIFE-1 SCALE: _____ PAGE: 1

THESE SIGN DESIGNS ARE THE SOLE PROPERTY OF SIGN WIZARD INC AND MAY NOT BE USED FOR BIDDING PURPOSES. THE OWNERSHIP OF THESE DESIGNS WILL BE TRANSFERRED TO THE LISTED CUSTOMER IN THE EVENT THAT SIGNS ARE PURCHASED FROM SIGN WIZARD INC. IF THIS ARTWORK IS USED WITHOUT OUR CONSENT YOU WILL BE INVOICED FOR THE DESIGN FEE. THESE TYPICALLY RANGE BETWEEN \$275-\$750.

CUSTOMER APPROVAL	
SIGNATURE _____	
PRINT NAME _____	DATE _____



Sign Wizard
 352-365-6922

WWW.SIGNWIZARDINC.COM

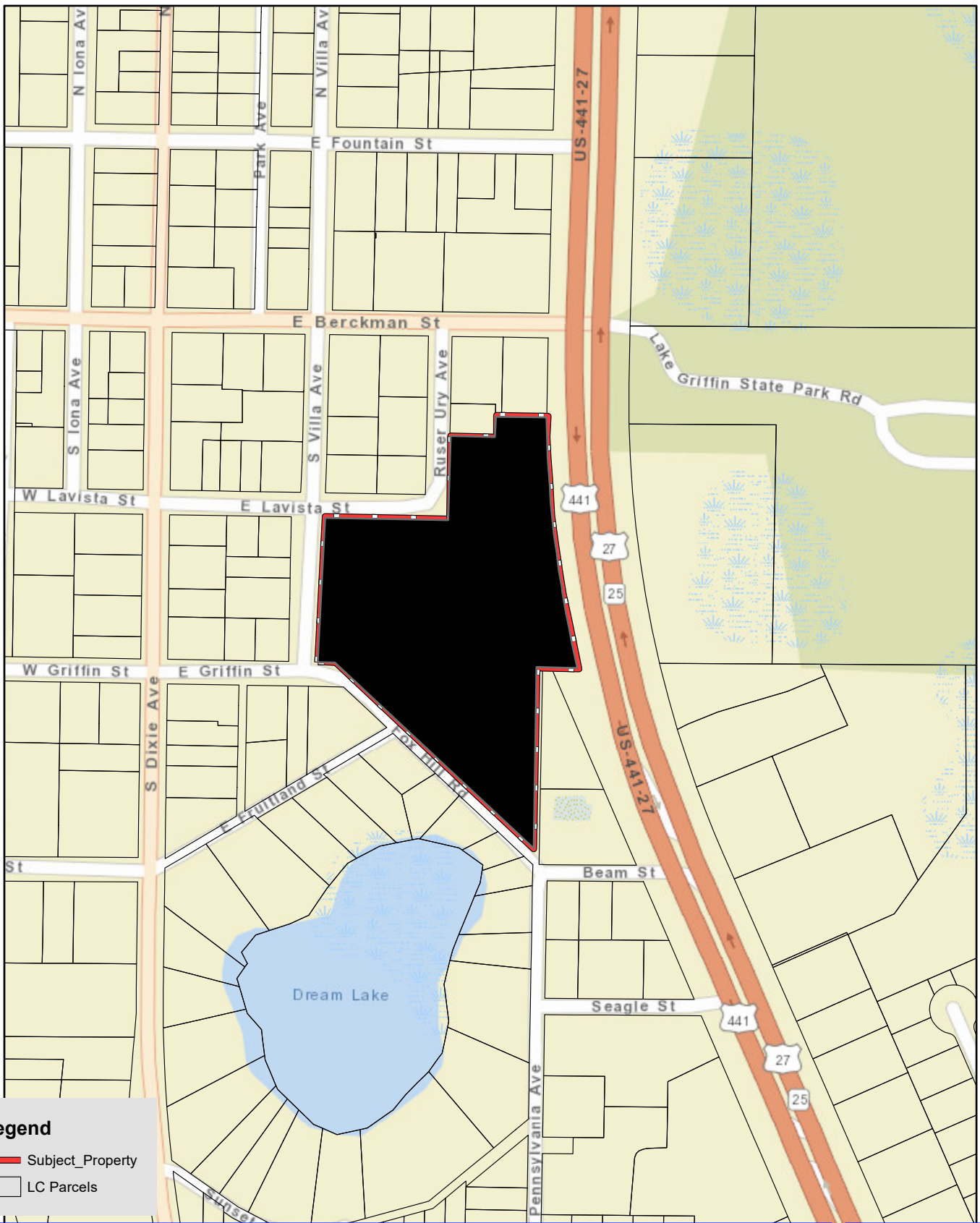
3195 HWY 441/27 FRUITLAND PARK, FL 34731

PROPERTY: NEW LIFE
 FILE ID: _____
 SALES: _____ DATE: 4/20/21
 DESIGN: NEWLIFE-2 SCALE: _____ PAGE: 1

THESE SIGN DESIGNS ARE THE SOLE PROPERTY OF SIGN WIZARD INC AND MAY NOT BE USED FOR BIDDING PURPOSES. THE OWNERSHIP OF THESE DESIGNS WILL BE TRANSFERRED TO THE LISTED CUSTOMER IN THE EVENT THAT SIGNS ARE PURCHASED FROM SIGN WIZARD INC. IF THIS ARTWORK IS USED WITHOUT OUR CONSENT YOU WILL BE INVOICED FOR THE DESIGN FEE. THESE TYPICALLY RANGE BETWEEN \$275-\$750.


CUSTOMER APPROVAL

SIGNATURE	
PRINT NAME	DATE



Legend

- Subject_Property
- LC Parcels



1 inch = 340 feet

New Life Presbyterian Church
Location Map

Fruitland Park, FL

Project: NLPC
 File: Location Map
 AltKey: 1248752
 Name: Fruitland Park
 PM: Sherie Lindh
 Date: May 4th, 2021
 Created By: C.Manno



Urban & Regional Planners, Inc.
 1162 CAMP AVENUE - MT. DORA, FL 32757
 (352)385-1940 / FAX (352)383-4824

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

VARIANCE

Owner: New Life Presbyterian Church of Lake Co., Inc.

Applicant: Justin Richey

General Location: 201 E LaVista St.

Number of Acres: 8.83 ± acres

Existing Zoning: Public Facilities District (PFD)

Existing Land Use: Institutional

Date: April 19, 2021

Description of Project

New Life Church has 3 buildings located on the property, two of which are utilized as churches and the 3rd building will also be leased to another non-profit. The property has approximately 615' of frontage on US Highway 27/441. There is one (1) existing free-standing sign. The church would like to have 3 signs on the subject property, one sign for each church or non-profit. The sign chapter (Section 163.060(c)(1)(A)) allows for 50 SF of sign area, a maximum height of 15' and a minimum setback of 10' from right of way and side lot lines. Section 163.060(c)(1)(B) indicates a spacing of 300' apart and no more than 2 signs along any one right of way. The applicant is requesting a variance to the maximum square footage and number of signs.

	Surrounding Zoning	Surrounding Land Use
North	Commercial (C-2)	Commercial
South	Commercial (C-2)	Commercial
East	PFD	Recreation
West	R-2	SFMD

Assessment

The subject site has frontage on US 27/441; however, access to the site is from E. LaVista. The existing sign is located along US 27/441 and has a sign area of approximately 26 square feet. Based on the existing regulations a second sign of 50 SF would be allowed onsite and would be able to maintain the 300' distance.

Review of the property record card and legal description indicates that the applicant could request the creation of equal or larger building sites from the lots of record pursuant to Chapter 157, Section 157.050(b) and create 3 separate parcels; therefore, no variance would be required and a sign permit could be issued for each parcel. Each parcel would have approximately 200' of frontage on US 27/441. Each parcel would need to account for their own parking and stormwater or provide an easement allowing shared parking and stormwater. It should also be noted that there are no minimum lot size or lot widths within the PFD zoning district.

Chapter 168 lists the review criteria when considering a variance as follows:

Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

Special conditions exist which are peculiar to the land. The subject property has approximately 615' of frontage on US 27/441; however, due to the topography (hillside) no access is provided from US 27/441 to the property. Access to the site is via local roadways. Due to COVID 19 pandemic it has affected the operations of not only local governments and businesses but the church community also. The existing site is over 8 acres and has 3 buildings on site which can be utilized as 3 separate churches and have 3 separate addresses. Further each building has approximately 200' of frontage on US 27/441. The church is trying to find ways to maintain the property under one ownership and offer smaller gatherings while maintaining the spiritual welfare of the local community.

The special conditions and circumstances are not the result of actions of the applicant;

The existing topography and COVID 19 are not the result of actions of the applicant.

Literal interpretation and enforcement of the Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Development Code, and would work unnecessary and undue hardship on the applicant;

Should the applicant want to divide the property into three (3) separate parcels, based on the sign regulations, each parcel would have the ability to have a sign each. By maintaining ownership under one parcel and under unified control limits the applicant's ability in regards to signage.

The variance, if granted is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

Should the variance be granted, it would allow 1 sign per building structure for a total of three (3) signs.

Granting of the variance request will not confer on the applicant any special privilege that is denied by the Development Code to other lands, buildings or structures in the same zoning district;

Granting of the variance would not confer on the applicant any special privilege.

The granting of the variance will be in harmony with the general intent and purpose of the Land Development Code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

The variance, if granted, would be in harmony with the general intent and purpose of the Land Development Code and would not be injurious to the surrounding properties or detrimental to the public welfare. Purposes of the sign code are to protect the visual integrity of roadway corridors, reduce visual clutter, allow for signage to provide visibility, identification, communication and foster civic pride and community spirit.

Recommendation

Staff recommends approval of the variance with the following conditions:

The distance between the signs located at 201 E LaVista and 197 E. LaVista shall be a minimum of 125'. The distance between the signs located at 197 E. LaVista and 193 E. LaVista shall be a minimum of 220'.

All signs shall be monument signs and shall not exceed a sign area of 50 square feet each.

The Villages[®]
DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

Before the undersigned authority personally appeared **Julie Callahan** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #1003075 in the matter of **RESOLUTION 2021-XXX** was published in said newspaper in the issues of

MAY 12, 2021

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.

Julie Callahan

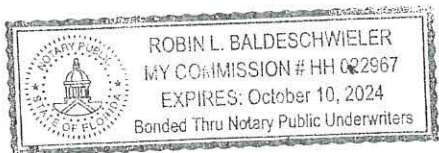
(Signature Of Affiant)

Sworn to and subscribed before me this 12
day of May 2021.

Robin L. Baldeschwieler

Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____



Attach Notice Here:

0100 Legal Notices

NOTICE OF PUBLIC HEARINGS

RESOLUTION 2021-xxx

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) REQUIREMENTS PERTAINING TO THE NUMBER OF SIGNS, MAXIMUM SIGN AREA AND SEPARATION DISTANCE, ON THE SUBJECT PROPERTY LOCATED AT 201 EAST LAVISTA STREET AND OWNED BY NEW LIFE PRESBYTERIAN CHURCH OF LAKE CO., INC., PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Resolution will be considered at the following public meetings:

Fruitland Park Planning & Zoning Meeting on May 20, 2021 at 6:00 p.m.
Fruitland Park City Commission Meeting on June 10, 2021 at 6:00 p.m.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida. The proposed Resolutions and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.

Interested parties may appear at the meetings and be heard with respect to the proposed Resolution.

A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).



1003075 MAY 12, 2021

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6f

ITEM TITLE: First Reading and Quasi-Judicial Public Hearing – Ordinance 2021-008 Rezoning - 0.25 ± Acres - 212 E LaVista Street – RP-PFD - Petitioner: New Life Presbyterian Church of Lake County Inc.

For the Meeting of: June 10, 2021

Submitted by: City Attorney/City Manager/Community Development Director

Date Submitted: June 2, 2021

Funds Required: No

Attachments: Yes. draft ordinance, development application, justification letter, legal description, staff comments, proposed zoning map, proposed FLU map, aerial map, location map, and advertisement affidavit.

Item Description: Ordinance 2021-008 proposing rezoning approximately 0.25 ± acres of property located at 212 E LaVista Street, Fruitland Park, Florida from Residential Professional (RP) within the City limits of Fruitland Park to the designation of Public Facilities District (PFD).

During its May 20, 2021 regular meeting, the Planning and Zoning Board recommended approval of the rezoning to Public Facilities District (PFD) and the Land Use Map amendment to Institutional.

Action to be Taken: Approve Ordinance 2021-008

Staff's Recommendation: Approval

Additional Comments: During its April 15, 2021 regular meeting of the Planning and Zoning Board, the proposed ordinance was postponed to a date certain whereas all public notices and requirements were satisfied per City Attorney.

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA FROM RESIDENTIAL PROFESSIONAL (RP) TO THE DESIGNATION OF PUBLIC FACILITIES DISTRICT (PFD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by New Life Presbyterian Church of Lake County, Inc. as applicant/owner, requesting that approximately 0.25 ± acres of real property located at 212 East LaVista Street (the "Property") be rezoned from City of Fruitland Park RP to City of Fruitland Park PFD; and

WHEREAS, the property has a future land use designation of Institutional as shown on the City of Fruitland Park Comprehensive Plan Future Land Use Map; and

WHEREAS, the proposed zoning is consistent with the future land use designation; 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 0.25 ± acres of land located at 212 East LaVista Street, Fruitland Park shall hereafter be designated as Public Facilities District – PFD, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described as:

LEGAL DESCRIPTION: The South 94 feet of the West 1/2 of Block 24, A MAP OF FRUITLAND PARK, according to the plat thereof, recorded in Plat Book 3, Page 9, of the Public Records of Lake County, Florida, LESS the East 30.00 feet for road right of way, ALSO LESS the West 120.0 feet.

Parcel Alternate Key No. 1248744

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. Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This Ordinance shall become effective in accordance with law.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2021.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk
(SEAL)

Anita Geraci-Carver, City Attorney

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Passed First Reading _____

Passed Second Reading _____

New Life Presbyterian Church of Lake County Inc.

Property Rezoning or Comp Plan Amendment

212 E LaVista St, Fruitland Park, FL 34731

Property Description:

FRUITLAND PARK E 117.73 FT OF W 240 FT OF S 94 FT OF BLK 24

PB 3 PGS 8-9

ORB 2398 PG 1732

2/23/21 Incomplete Application
 Returned to Applicant
 2/24/21 Application deemed complete
 4/16/21 Revised



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

Sta Use Only
Case No.: _____
Fee Paid: _____
Receipt No.: _____

Development Application

Contact Information:

Owner Name: New Life Presbyterian Church of Lake County INC
 Address: 201 E LaVista St. Fruitland Park, FL 34731
 Phone: 352-551-7712 Email: justin.richey.jr@gmail.com
 Applicant Name: New Life Presbyterian Church of Lake County, INC
 Address: 212 E. La Vista St. Fruitland Park, FL, 34731
 Phone: 352-551-7712 Email: justin.richey.jr@gmail.com
 Engineer Name: _____
 Address: _____
 Phone: _____ Email: _____

Property and Project Information:

PROJECT NAME*: La Vista St. property rezone

*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 212 E. La Vista St. Fruitland Park, FL 34731

Parcel Number(s): 09-19-24-0400-024-00007 Section: 24 Township: 19 Range 26

Area of Property: 11,092 SF Nearest Intersection: E LaVista + Ruser-Ury Ave

Existing Zoning: R-P Existing Future Land Use Designation: MC

Proposed Zoning: PFD Proposed Future Land Use Designation: CBDMU Institutional

The property is presently used for: Storage + parking (Central Business District Mix)

The property is proposed to be used for: Storage + parking

Do you currently have City Utilities? yes

Application Type:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Comp Plan Amendment | <input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Construction Plan | <input type="checkbox"/> ROW/Plat Vacate |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Replat of Subdivision | |

Please describe your request in detail: _____

Required Data, Documents, Forms & Fees

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: Justin Richey, President

Signature: [Signature] Date: 2/18/2021

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

Comp Plan Amendment justification

New Life Presbyterian Church of Lake County, Inc.

212 E LaVista St., Fruitland Park FL 34731 – Alt Key #1639492

Per recent conversation on Friday, April, 9, 2021, with Community Development Director, Tracy Kelley, a small scale comprehensive plan amendment (SSCPA) is required in conjunction with your request for rezoning of the subject properties. The proposed rezoning triggered a review of the city's current comprehensive plan and future land use (FLU) designation. In consideration of the intended use of the properties and since the most appropriate future land use (FLU) designation is not a part of the city's current comprehensive plan, this additional step is necessary, as found per City Attorney and City Land Planner comments.

New Life Presbyterian Church of Lake County Inc.

Property Rezoning or Comp Plan Amendment

212 E LaVista St, Fruitland Park, FL 34731

Property Description:

FRUITLAND PARK E 117.73 FT OF W 240 FT OF S 94 FT OF BLK 24

PB 3 PGS 8-9

ORB 2398 PG 1732



**DEVELOPMENT APPLICATION REVIEW LETTER
NEW LIFE PRESBYTERIAN CHURCH
REZONING APPLICATIONS: 115 S. VILLA & 212 E. LA VISTA
March 22, 2021**

Property Owner(s): New Life Presbyterian Church of Lake County, Inc.
Applicant/Agent: New Life Presbyterian (Attn: Justin Richey, President)
Phone: 352-551-7712
Email: justin.richey.jr@gmail.com
Address: 115 S Villa Avenue, Fruitland Park, FL
Project Name: New Life Presbyterian Church Rezoning
Alt Keys: Fruitland Park, FL Alt Keys: 1639492 and 1248744
Project Addresses: 115 S. Villa Ave. (1639492) and 212 E. LaVista St. (1248744)

Dear Mr. Richey:

Contained herein are the comments following informal TRC review. The referenced projects are tentatively scheduled before Technical Review Committee (TRC) on April 6, 2021 at 10:00AM.

Development Review:

The *initial application fees* are as follows (total inclusive of both Project Addresses):

Development Application Fees (City)	\$ 230.00 PAID
LPG (Land Planner)	\$ 740.00 PAID
BESH (Engineer)	\$1,200.00 PAID
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Per City Ordinance 2008-023 these are the applicable fees as of date; however, there may be additional fees associated with the application(s) that will be passed to the applicant(s), including Contractual Services, Notice of Public Hearing advertising and mailing costs.

City Attorney Review:

115 S. Villa Ave.

The application indicates they are seeking a rezoning from PFD to RP for a vacant dwelling. Property is under contract to sell as a s/f home. The application also indicates an existing FLU of Institutional and proposed FLU of CBDMU. In reviewing comp plan, CBDMU indicates permitted land uses are residential on 2nd and 3rd floors. Since this is s/f residential dwelling, Transitional FLU may be more appropriate. No comments relating to RP zoning.

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The application indicates they are seeking a rezoning from RP to PFD for use as storage and

parking. I cannot locate a zoning of PFD in the current zoning code. The application also indicates existing FLU of MC and proposed FLU of CBDMU. Institutional FLU may be more appropriate.

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The proposed zoning is RP, which does allow for single family homes, but also implements comprehensive plan policies for transitional areas where single family homes can be used for personal or professional services. The use stated on the application is “Residential Single-Family Home.” If that is the proposed end use, would a different residential zoning district be more appropriate? Engineering defers to the city planner on this issue.

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Based upon my review of the February 25, 2021, rezoning submittal package, I do not have any comments. I recommend approval of the rezoning.

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115 S. Villa Ave. & 212 E. LaVista St.

No comments for both properties.

City Code Enforcement Review:

115 S. Villa Ave. & 212 E. LaVista St.

Code Enforcement has no comments at this time.

City Fire Review:

115 S. Villa Ave. & 212 E. LaVista St.

No comments received at time of review.

City Police Review:

115 S. Villa Ave. & 212 E. LaVista St.

No comments received at time of review.

City Public Works Department Review:

115 S. Villa Ave. & 212 E. LaVista St.

No concerns for either property.

City Staff Review:

115 S. Villa Ave.

Assessment:

Review of the comprehensive plan indicates that the Central Business District Mixed Use allows for residential development; however, it indicates that new residential uses are permitted on the 2nd and 3rd floors with the 1st floor being commercial. It appears the intent was to allow for the existing one-story, single-family units to continue and allow for the residential use on the 1st floor until redevelopment due to the fact that the majority of the area designated is one story single family; however, in order to avoid a conflict, an amendment to Transitional (4 units/acre) may be better suited.

The Transitional land use category is compatible with the Central Business District Mixed Use and the Institutional use.

The subject site is adjacent to Residential Professional (RP) zoning on the north and west; therefore, the proposed RP zoning is compatible and consistent with the area.

Recommendation

Staff recommends the applicant modify the application to request a land use of transitional. Once the application is revised the amendment request would be consistent with the following FLU policies, among others:

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Policy 1-1.17: Transitional

Policy 1-2.1: Promote Orderly, Compact Growth

Staff recommends approval of the rezoning to RP.

212 E. LaVista St.

Assessment:

The application indicates that the subject site will be continued to be utilized for storage and parking associated with the church. The requested land use in the application states CBDMU; however, the land use most appropriate is Institutional.

The subject site is adjacent to PFD zoning on the south and east; therefore, the proposed PFD zoning is compatible and consistent with the area.

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Policy 1-5.1: Public Facilities

Staff recommends approval of the rezoning to PFD and land use map amendment to Institutional.

City of Leesburg Utilities Review:

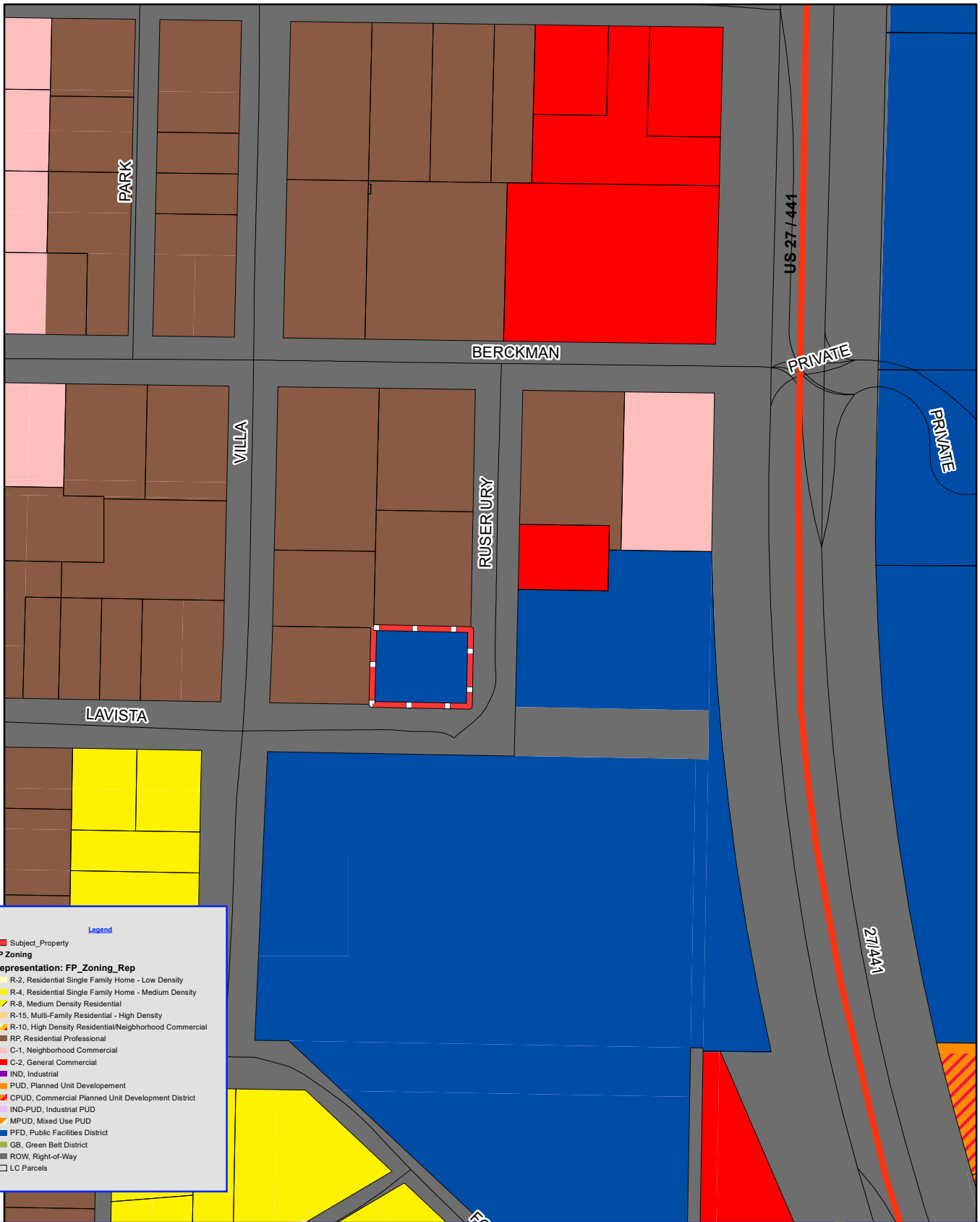
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Lake County Public Schools Review:

No comments received at time of review.

Lake County Public Works Review:

No comments received at time of review.



Legend

Subject_Property

FP Zoning

Representation: FP_Zoning_Rep

- R-2, Residential Single Family Home - Low Density
- R-4, Residential Single Family Home - Medium Density
- R-8, Medium Density Residential
- R-15, Multi-Family Residential - High Density
- R-10, High Density Residential/Neighborhood Commercial
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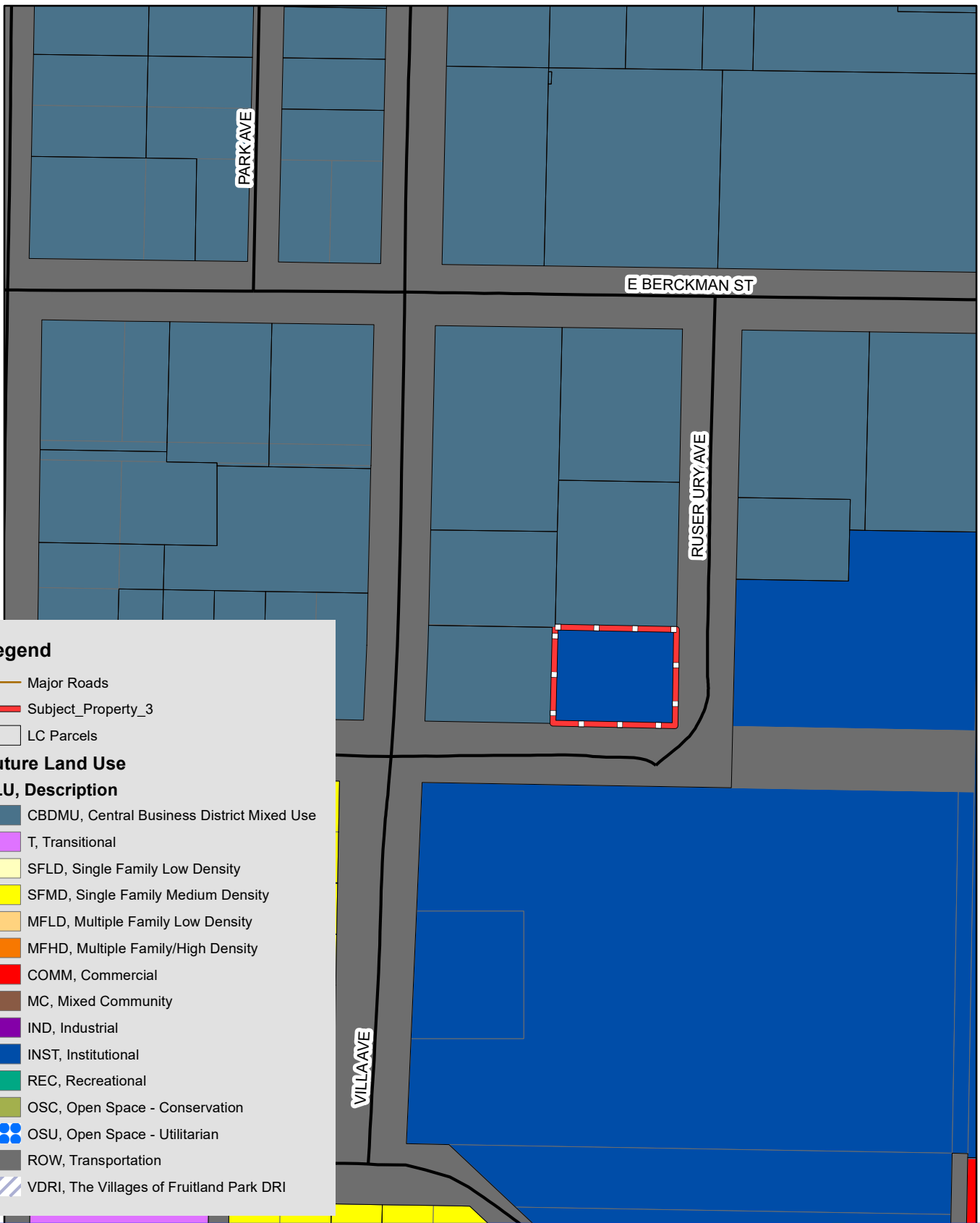


**New Life Presbyterian Church
Proposed Zoning Map**

Fruitland Park, FL

Project: NLPC
 File:Proposed Zoning
 AltKey: 1248744
 Name: Fruitland Park
 PM: Sherie Lindh
 Date: May 4th, 2021
 Created By: C.Manno

Urban & Regional Planners, Inc.
 1162 CAMP AVENUE - MT. DORA, FL 32757
 (352)385-1940 / FAX (352)383-4824



Legend

- Major Roads
- Subject_Property_3
- LC Parcels

Future Land Use

FLU, Description

- CBDMU, Central Business District Mixed Use
- T, Transitional
- SFLD, Single Family Low Density
- SFMD, Single Family Medium Density
- MFLD, Multiple Family Low Density
- MFHD, Multiple Family/High Density
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- MC, Mixed Community
- IND, Industrial
- INST, Institutional
- REC, Recreational
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- ROW, Transportation
- VDRI, The Villages of Fruitland Park DRI



1 inch = 136 feet

**New Life Presbyterian Church
Proposed Future Land Use Map**

Fruitland Park, FL

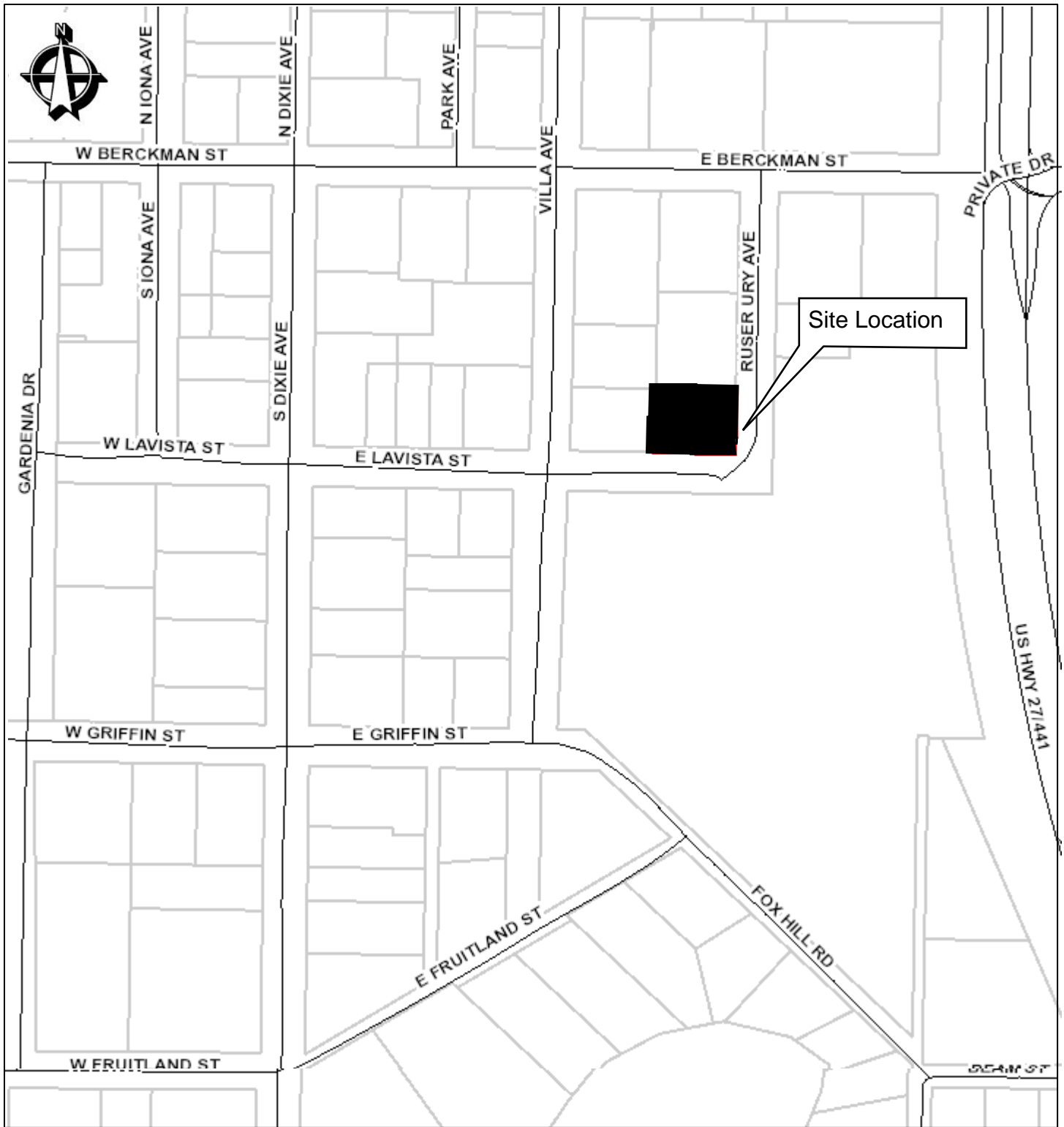
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(352)385-1940 / FAX (352)383-4824

212 E LaVista Aerial Photo



Location Map



Alternate Key# 1248744

The Villages®
DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00997940 in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2021-0XX** was published in said newspaper in the issues of **APRIL 08, 2021**

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.

J. Lancero
(Signature Of Affiant)

Sworn to and subscribed before me this 8 day of April 2021.

Robin L. Baldeschwieler
Robin L. Baldeschwieler, Notary

Attach Notice Here:

**NOTICE OF PUBLIC HEARINGS
ORDINANCE 2021-0XX**

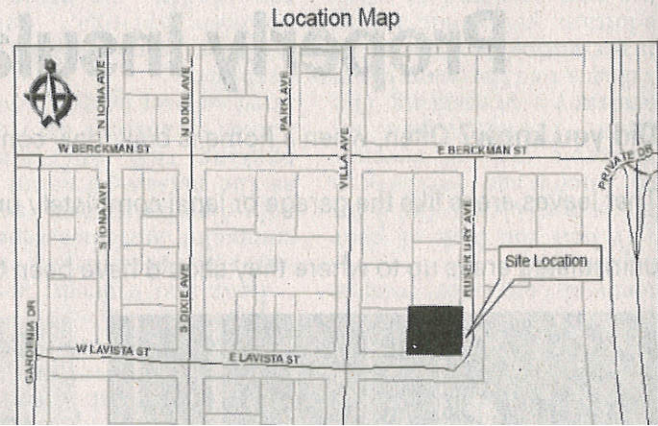
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA FROM RESIDENTIAL PROFESSIONAL (RP) TO THE DESIGNATION OF PUBLIC FACILITIES DISTRICT (PFD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance will be considered at the following public meetings:

- Fruitland Park Planning & Zoning Board Meeting on April 15, 2021 at 6:00 p.m.
- Fruitland Park City Commission Meeting on April 22, 2021 at 6:00 p.m.
- Fruitland Park City Commission Meeting on May 13, 2021 at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731. The proposed ordinance and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed ordinance.

A person who decides to appeal any decision made by any board, agency or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the



CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6g

ITEM TITLE: First Reading and Quasi-Judicial Public Hearing – Ordinance 2021-004 – Rezoning 0.26± Acres – RP-PFD – 115 S Villa Avenue – Petitioner: New Life Presbyterian Church of Lake County Inc.

For the Meeting of: June 10, 2021

Submitted by: City Attorney/City Manager/Community Development Director

Date Submitted: June 2, 2021

Funds Required: No

Attachments: Yes. draft ordinance, development application, justification letter, legal description, staff comments, proposed zoning map, proposed FLU map, aerial map, location map, and public hearing advertisement affidavit.

Item Description: Ordinance 2021-004 proposes the rezoning of approximately 0.26 ± acres of property located at 115 South Villa Avenue, Fruitland Park, Florida from Public Facilities District (PFD) within the City limits of Fruitland Park to the designation of Residential Professional (RP) within the City limits of Fruitland Park. Directing the City Manager to amend the zoning map of the City of Fruitland Park.

During its May 20, 2021 regular meeting, the Planning and Zoning Board recommended approval of the rezoning to RP.

Action to be Taken: Approve Ordinance

Staff's Recommendation: Approval

Additional Comments: During its April 15, 2021 regular meeting of the Planning and Zoning Board, the proposed ordinance was postponed to a date certain whereas all public notices and requirements were satisfied per City Attorney.

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-004

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA FROM PUBLIC FACILITIES DISTRICT (PFD) TO THE DESIGNATION OF RESIDENTIAL PROFESSIONAL (RP) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by New Life Presbyterian Church of Lake County, Inc. as applicant/owner, requesting that approximately 0.26 acres of real property located at 115 South Villa Ave. (the "Property") be rezoned from City of Fruitland Park PFD to City of Fruitland Park RP; and

WHEREAS, the property has a future land use designation of Transitional as shown on the City of Fruitland Park Comprehensive Plan Future Land Use Map; and

WHEREAS, the proposed zoning is consistent with the future land use designation; 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 0.26 ± acres of land located at 115 South Villa Avenue, Fruitland Park shall hereafter be designated as RP – Residential Professional, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described as:

LEGAL DESCRIPTION: The South 94 feet of the West 120 feet of Block 24, A MAP OF FRUITLAND PARK, according to the plat thereof, recorded in Plat Book 3, Page 9, of the Public Records of Lake County, Florida.

Parcel Alternate Key No. 1639492

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. Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This Ordinance shall become effective in accordance with law.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2021.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk
(SEAL)

Anita Geraci-Carver, City Attorney

Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading _____

Passed Second Reading _____

2/23/21 Incomplete Application
Returned to Applicant



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

Sta Use Only	
Case No.:	_____
Fee Paid:	_____
Receipt No.:	_____

Development Application

Contact Information:

Owner Name: NEW LIFE PRESBYTERIAN CHURCH OF LAKE CO INC
 Address: 201 La Vista St. Fruitland Park, FL 34731
 Phone: 352-551-7712 Email: justin.richey.jr@gmail.com

Applicant Name: NEW LIFE PRESBYTERIAN CHURCH OF LAKE CO INC
 Address: 115 S Villa Ave Fruitland Park, FL 34731
 Phone: 352-551-7712 Email: justin.richey.jr@gmail.com

Engineer Name: _____
 Address: _____
 Phone: _____ Email: _____

Property and Project Information:

PROJECT NAME*: Villa Ave House Rezoning
*A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: 115 S Villa Ave Fruitland Park, FL 34731
 Parcel Number(s): 09-19-24-0400-024-00005 Section: 09 Township: 19s Range: 24E

Area of Property: 11,280 SF Nearest Intersection: S Villa + E. La Vista
 Existing Zoning: PFD Existing Future Land Use Designation: Institutional
 Proposed Zoning: R-P Proposed Future Land Use Designation: CBDMU

The property is presently used for: vacant dwelling (Central Business District mix)
 The property is proposed to be used for: Residential Single Family Home
 Do you currently have City Utilities? Yes

Application Type:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Comp Plan Amendment | <input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Construction Plan | <input type="checkbox"/> ROW/Plat Vacate |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Replat of Subdivision | |

Please describe your request in detail: Property under contract to sell as a single family home.

Required Data, Documents, Forms & Fees

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: Justin Richey

Signature: [Handwritten Signature]

Date: Feb 16, 2021

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

New Life Church Fruitland Park
PO Box 789
Fruitland Park, FL 34731




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

RE: Rezoning 115 S. Villa St

New Life Presbyterian Church of Lake County, Inc. has the property at 115 S. Villa Avenue, under contract for sale as a single family home. We are asking to have this property rezoned from PFD to R-P so that the sale can move forward.

Sincerely,


Justin Richey, President
New Life Presbyterian Church

New Life Church Fruitland Park
PO Box 789
Fruitland Park, FL 34731

New Life Presbyterian Church of Lake County Inc.

Property Rezoning

115 S Villa Ave, Fruitland Park, FL 34731

Property Description:

FRUITLAND PARK S 94 FT OF W 120 FT OF BLK 24 PB 3 PGS 8-9
ORB 2398 PG 1743



**DEVELOPMENT APPLICATION REVIEW LETTER
NEW LIFE PRESBYTERIAN CHURCH
REZONING APPLICATIONS: 115 S. VILLA & 212 E. LA VISTA
March 22, 2021**

Property Owner(s): New Life Presbyterian Church of Lake County, Inc.
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Email: justin.richey.jr@gmail.com
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Project Name: New Life Presbyterian Church Rezoning
Alt Keys: Fruitland Park, FL Alt Keys: 1639492 and 1248744
Project Addresses: 115 S. Villa Ave. (1639492) and 212 E. LaVista St. (1248744)

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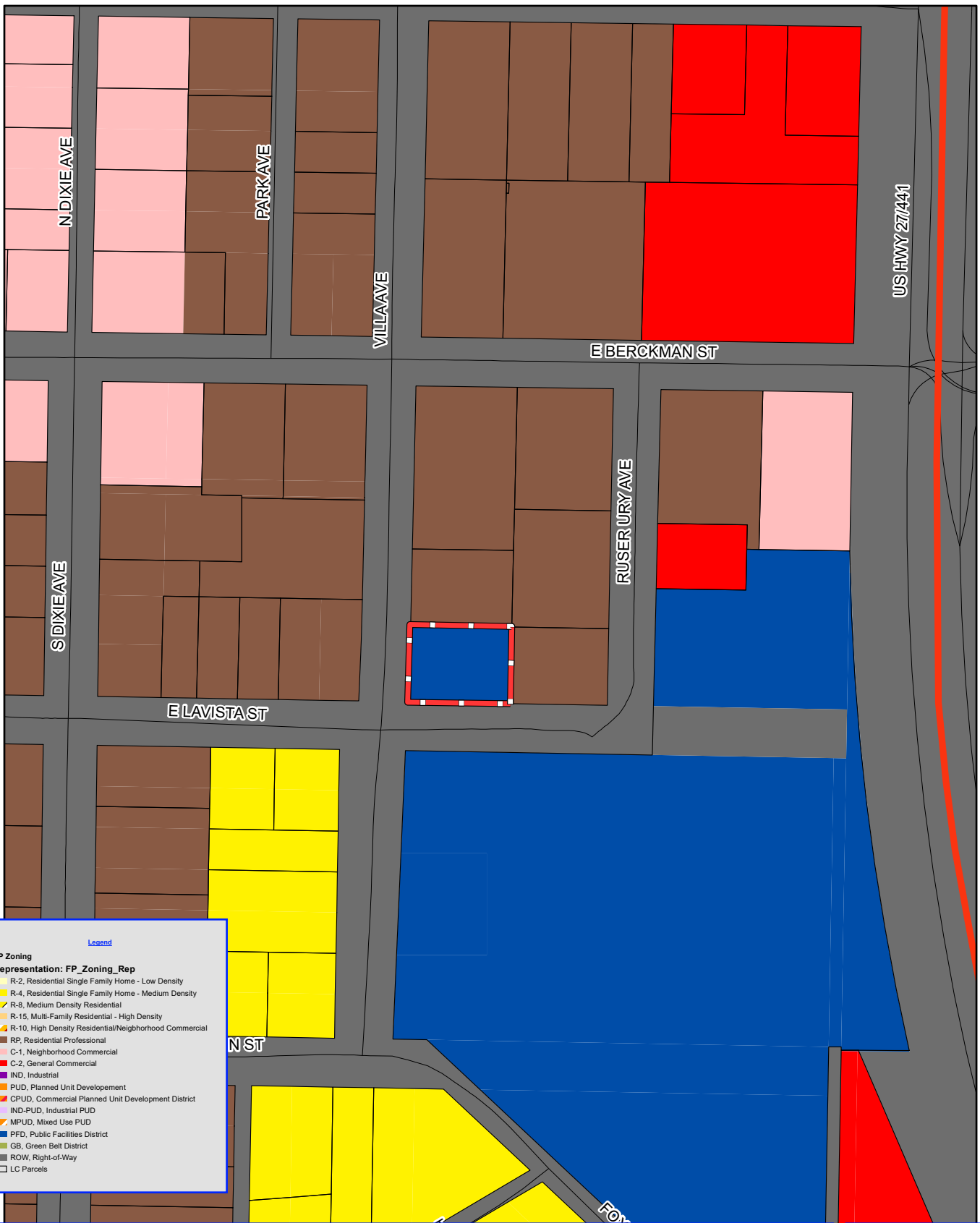
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[Legend](#)

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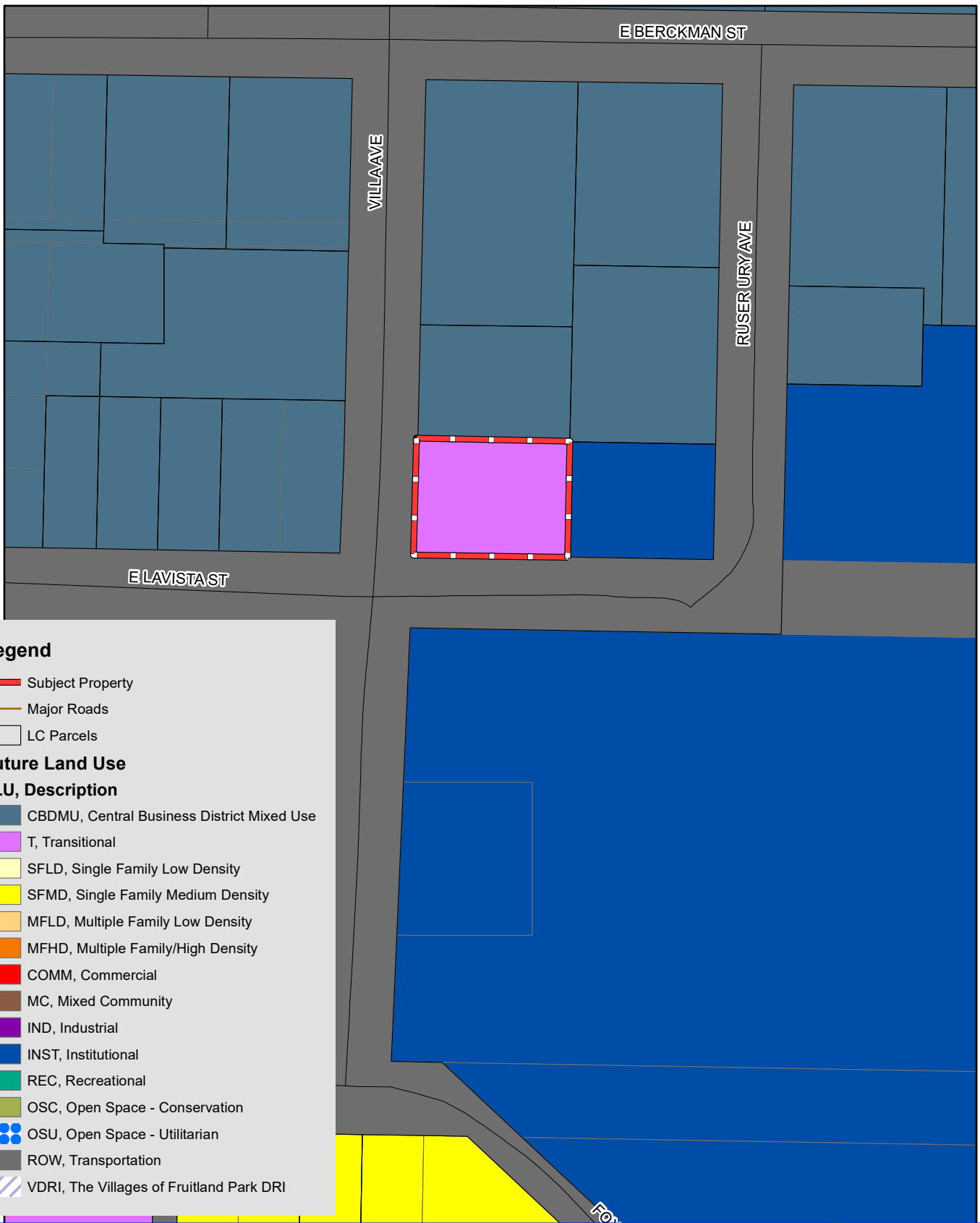


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- Subject Property
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FLU, Description

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**New Life Presbyterian Church
Proposed Future Land Use Map**

Fruitland Park, FL

Project: NLPC
File: Proposed FLU
Name: Fruitland Park
PM: Sherie Lindh
Date: May 4th, 2021
Created By: C.Manno

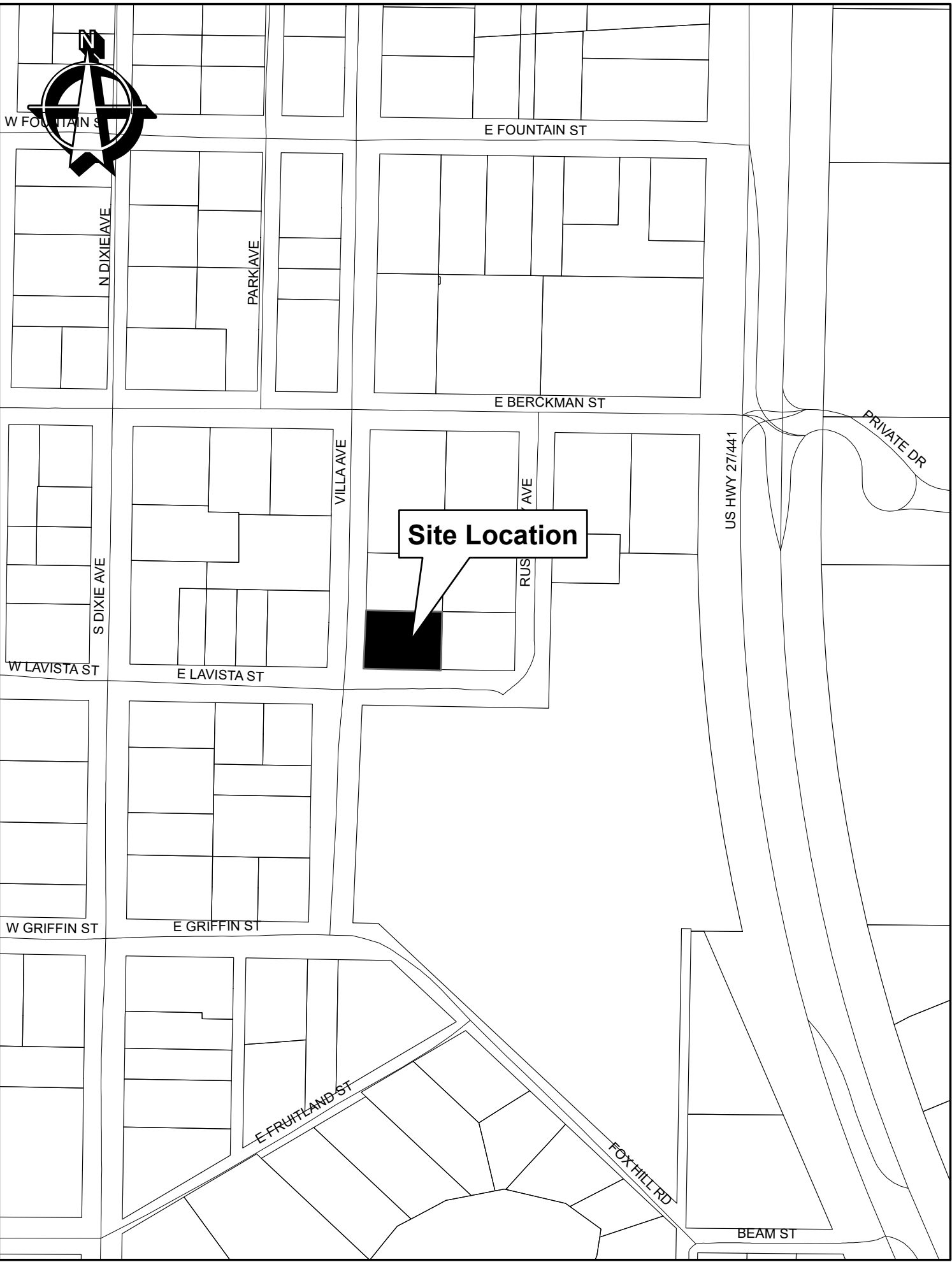


Urban & Regional Planners, Inc.
1162 CAMP AVENUE - MT. DORA, FL 32757
(352)385-1940 / FAX (352)383-4824

115 S Villa Aerial Photo



© All Pictometry



W FOUNTAIN ST

E FOUNTAIN ST

N DIXIE AVE

PARK AVE

E BERCKMAN ST

VILLA AVE

RUS AVE

US HWY 27/441

PRIVATE DR

Site Location

W LAVISTA ST

E LAVISTA ST

S DIXIE AVE

W GRIFFIN ST

E GRIFFIN ST

E FRUITLAND ST

FOX HILL RD

BEAM ST

The Villages®
DAILY SUN

Published Daily
 Lady Lake, Florida
 State of Florida
 County Of Lake

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00997939 in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2021-0XX** was published in said newspaper in the issues of **APRIL 08, 2021**

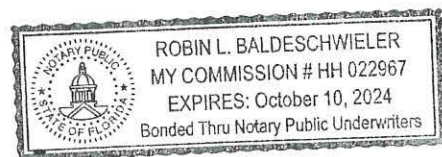
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.

J Lancero
 (Signature Of Affiant)

Sworn to and subscribed before me this 8 day of April 2021.

Robin L. Baldeschwieler
 Robin L. Baldeschwieler, Notary

Personally Known X or
 Production Identification _____
 Type of Identification Produced _____



Attach Notice Here:

**NOTICE OF PUBLIC HEARINGS
 ORDINANCE 2021-0XX**

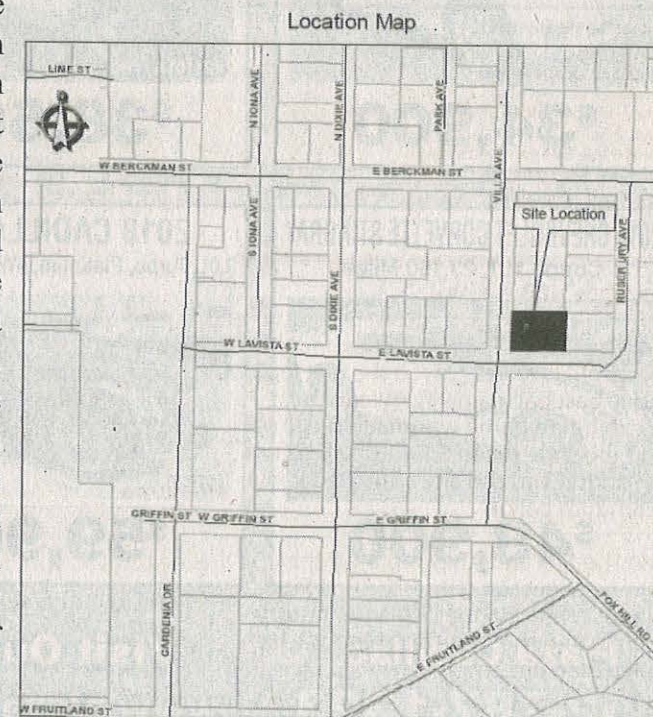
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA FROM PUBLIC FACILITIES DISTRICT (PFD) TO THE DESIGNATION OF RESIDENTIAL PROFESSIONAL (RP) WITHIN THE CITY LIMITS OF FRUITLAND PARK; 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 SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance will be considered at the following public meetings:

- Fruitland Park Planning & Zoning Board Meeting on April 15, 2021 at 6:00 p.m.
- Fruitland Park City Commission Meeting on April 22, 2021 at 6:00 p.m.
- Fruitland Park City Commission Meeting on May 13, 2021 at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731. The proposed ordinance and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed ordinance.

A person who decides to appeal any decision made by any board, agency or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least 48 hours before the date of the scheduled hearing.



CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6h

ITEM TITLE: First Reading and Public Hearing – Ordinance 2021-006 – SSCPA Amending FLUP designation to Transitional - 0.26 ± acres - 115 S Villa Avenue – Petitioner: New Life Presbyterian Church of Lake County Inc.

For the Meeting of: June 10, 2021

Submitted by: City Attorney/City Manager/Community Development Director

Date Submitted: June 2, 2021

Funds Required: No

Attachments: Yes. draft ordinance, development application, Justification Letter, legal description, staff comments, proposed zoning map, proposed FLU map, aerial map, location map, and advertisement affidavit.

Item Description: Ordinance 2021-006 proposing a Small-Scale Comprehensive Plan Amendment (SSCPA) amending the Future Land Use Plan designation to Transitional of 0.26 ± acres of property located at 115 S Villa Avenue, Fruitland Park, Florida.

Action to be Taken: Approve Ordinance 2021-006

Staff's Recommendation: Approval

Additional Comments: None.

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO TRANSITIONAL OF 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by New Life Presbyterian Church of Lake County, Inc. as applicant/owner, requesting that approximately 0.26 + acres of real property located at 115 South Villa Avenue (the "Property") be assigned a land use designation of "Transitional" 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 following described property consisting of approximately 0.26 ± acres of land located at 115 South Villa Avenue, Fruitland Park shall hereafter be assigned a land use designation of "Transitional" under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "A" and incorporated herein by reference. The property is more particularly described as:

LEGAL DESCRIPTION: The South 94 feet of the West 120 feet of Block 24, A Map of Fruitland Park, according to the plat thereof, Recorded in Plat Book 3, Page 9, of the Public Records of Lake County, Florida.

Parcel Alternate Key No. 1639492

Section 2. That 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, and that matters and contents therein are made a part of this ordinance by reference as fully and completely as set forth herein, and such copy shall remain on file in said office available for public inspection.

Section 3. That 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. 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. Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 6. That 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 _____, 2021.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

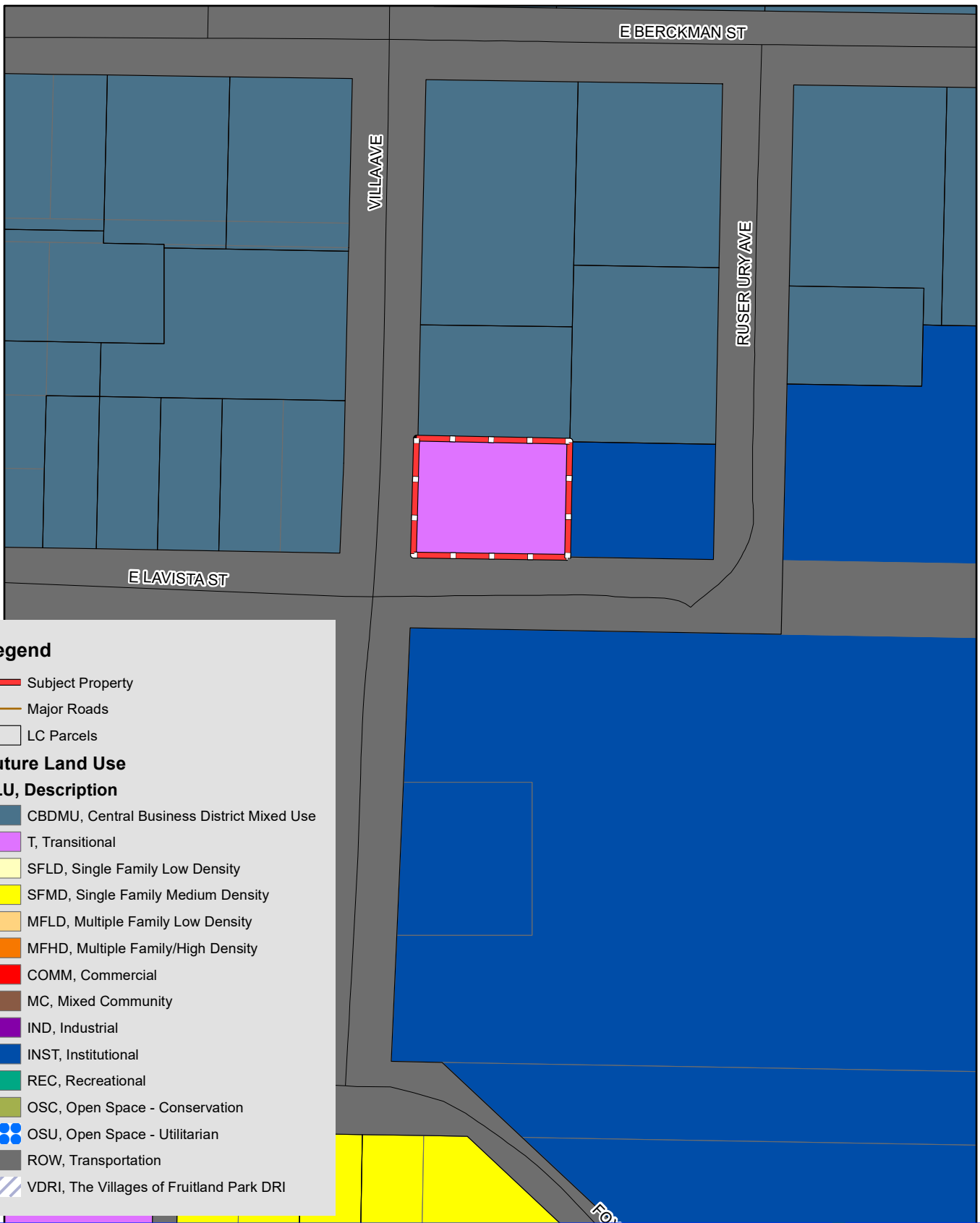
Esther Coulson, MMC, City Clerk
(SEAL)

Anita Geraci-Carver, City Attorney

Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Passed First Reading _____

Passed Second Reading _____



Legend

- Subject Property
- Major Roads
- LC Parcels

Future Land Use

FLU, Description

- CBDMU, Central Business District Mixed Use
- T, Transitional
- SFLD, Single Family Low Density
- SFMD, Single Family Medium Density
- MFLD, Multiple Family Low Density
- MFHD, Multiple Family/High Density
- COMM, Commercial
- MC, Mixed Community
- IND, Industrial
- INST, Institutional
- REC, Recreational
- OSC, Open Space - Conservation
- OSU, Open Space - Utilitarian
- ROW, Transportation
- VDRI, The Villages of Fruitland Park DRI



1 inch = 113 feet

**New Life Presbyterian Church
Proposed Future Land Use Map**

Fruitland Park, FL

Project: NLPC
File: Proposed FLU
Name: Fruitland Park
PM: Sherie Lindh
Date: May 4th, 2021
Created By: C.Manno



Urban & Regional Planners, Inc.
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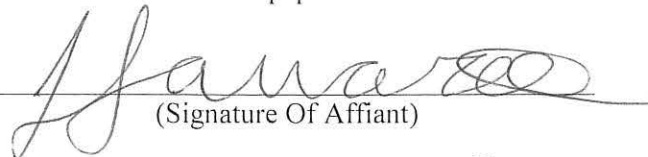
The Villages® DAILY SUN

Published Daily
Lady Lake, Florida
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County Of Lake

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #01005148 in the matter of **NOTICE OF PUBLIC HEARINGS**

MAY 28, 2021

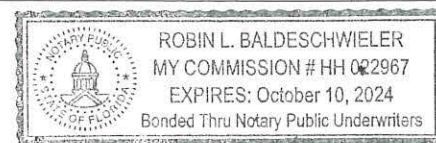
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.


(Signature Of Affiant)

Sworn to and subscribed before me this 28
day of May 2021.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____



Attach Notice Here:

the school's janitor would always have a smile on her face when she walked in his room because of how clean it was, he said.



The Purple Pig
RAB BAG PROMOTION
AT \$60 TO \$75!!
Weekend Special
customer. Available 5-29-21 to 5-31-21
s, FL 32162 • 352-753-2202



15% OFF
ALL
Balsamics & Koroneiki Oil
(while supplies last)
Limit one coupon per customer, per transaction. In-store only. Offer expires 5-31-21
FL 32162



Custine's House
and Memories Become Many!
Entertainment - Raisch
007
lages, Fl 32159
Sun 12p-8p
Mon-Thur 11a-9p
Fri & Sat 11a-10p

NOTICE OF PUBLIC HEARINGS

ORDINANCE 2021-xx

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO TRANSITIONAL OF 0.26 ± ACRES OF PROPERTY LOCATED AT 115 SOUTH VILLA AVENUE, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2021-xx

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO INSTITUTIONAL OF 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

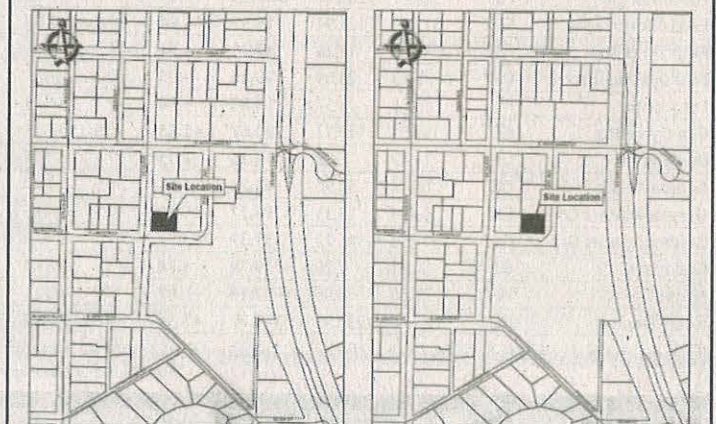
The proposed Ordinances will be considered at the following public meetings:

- Fruitland Park City Commission Meeting on June 10, 2021 at 6:00 p.m.
- Fruitland Park Local Land Planning Agency Meeting on June 10, 2021 at 6:15 p.m.
- Fruitland Park City Commission Meeting on June 24, 2021 at 6:00 p.m.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida. The proposed Ordinances and metes and bounds legal description of the property may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinance.

A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).



**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7a**

ITEM TITLE:	CITY MANAGER’S REPORT
For the Meeting of:	June 10, 2021
Submitted by:	City Manager
Date Submitted:	June 1, 2021
Funds Required:	None
Attachments:	None

Item Description: **City Manager’s Report**

- i. Economic Development Status Update**

- ii. COVID-19 Status Update**

Action to be Taken: None

Staff’s Recommendation: N/A

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7b

ITEM TITLE: CITY ATTORNEY REPORT
For the Meeting of: June 10, 2021
Submitted by: City Attorney
Date Submitted: June 2, 2021
Funds Required: 0None
Attachments: None
Item Description: City Attorney Report

City of Fruitland Park v. State of Florida – Department of Management Services: The hearing has been rescheduled to take place June 7 -9, 2021 by the State of Florida, Division of Administrative Hearings.

Michael and Laurie Fewless v. City of Fruitland Park, Lake County Case No. 2020-CA-000104 (Judge Welke): Plaintiffs filed a two-count complaint against the City alleging negligence and breach of fiduciary duty. Plaintiffs seek in excess of \$600,000.00. The lawsuit arises from the FRS retirement program. Attorney Thomas on behalf of the City filed a Motion to Dismiss to complaint. On March 12, 2020 Circuit Court Welke entered an Order referring the Motion to Dismiss to the General Magistrate to hold a hearing on the Motion. On March 20, 2020 Plaintiffs' attorney filed an objection to the Order referring to the General Magistrate; therefore, Judge Welke will hold a hearing on the City's Motion to Dismiss. A hearing on the Motion has not yet been scheduled. On February 24, 2021 Plaintiff sent a discovery request to the City requesting documents. The city manager is working with attorney Thomas to complete all outstanding discovery and then Mr. Thomas will schedule the Motion to Dismiss for hearing. On May 6, 2021 the City filed responses to discovery requests. No update since last meeting.

Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026 (Judge Davis): Plaintiff purports to be the mortgage holder on Lake County Parcel Id. 10-19-24-0002-000-07500 for a loan issued to Stephen P. Angelillo. The City is named as a party defendant because the City has an existing code enforcement lien recorded against the same property. The City's lien also encumbers additional parcels. The Plaintiff has filed an action to foreclose the property and seeks to extinguish the City's lien as against the above-described parcel. As of June 29, 2020, the accumulated fines are approximately \$82,000.00. On July 15, 2020 Attorney Andrew Dayes filed an Answer and Affirmative Defenses on behalf of the City. On October 8, 2020 Plaintiff filed a Motion for Clerk's Default. The default was entered the same day. Litigation counsel for the City again reached out to Plaintiff's counsel to discuss the case. We are waiting a response from Plaintiff's lead attorney. As of the date of this report Plaintiff's counsel has not responded. I will provide an update at the meeting. Last record activity was October 8, 2020. No update since last meeting.

Action to be Taken: N/A
Staff's Recommendation: N/A
Additional Comments: None
City Manager Review: Yes
Mayor Authorization: Yes

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 9**

ITEM TITLE:	Public Comments
For the Meeting of:	June 10, 2021
Submitted by:	City Clerk
Date Submitted:	June 4, 2021
Funds Required:	None
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

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

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

Action to be Taken: **None**

Staff’s Recommendation: N/A

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2013 -023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

WHEREAS, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

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

Section 1. The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 3. This Resolution shall become effective immediately upon passage.

RESOLVED this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

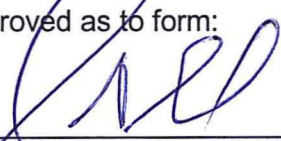
ATTEST:


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:


SCOTT A. GERKEN, City Attorney

Select Year:

The 2020 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(1) For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. [286.011](#); or

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7)(a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an

action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

History.—s. 1, ch. 2013-227.

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