

**FRUITLAND PARK CITY COMMISSION  
REGULAR MEETING AGENDA**

**June 24, 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 – Pastor Marty Morelli, Life Church Assembly of God

Pledge of Allegiance – Police Chief Erik Luce

**2. ROLL CALL**

**3. SPECIAL PRESENTATIONS**

(a) **James “Mark” Isom Sr. Memoriam – Proclamation** (city clerk)  
Proclamation in memory of Mark Isom.

(b) **Grant Writer Presentation** (city manager)  
Grant writer presentation by Ms. Katie Taff, Liberty Partners of Tallahassee LLC.

(c) **Rezoning (Ordinance 2019-003) Rezoning Ordinance 2019-003 (Petitioner: Leesburg Fruit Company Rufus M. Holloway, Trustee/Holloway Properties, Inc.)** (city manager/community development director)  
Rezoning Ordinance 2019-003 enacted on September 19, 2019, 177+ acres from Commercial Planned Unit Development to Mixed Use Planned Unit Development and approving a master development agreement presentation by Mr. Charles “Chuck” C. Hoitt, BESH-Halff Inc.

**4. CONSENT AGENDA**

**Approval of Minutes**

June 10, 2021, regular meeting minutes.

**5. REGULAR AGENDA**

(a) **Resolution 2021-024 - Preliminary Fire Assessment Rate - GSG Government** (city attorney/city treasurer/city manager)  
A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES WITHIN THE VILLAGES OF FRUITLAND PARK BENEFIT AREA IN THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED ASSESSMENT

RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

### **PUBLIC HEARINGS**

- (b) **Second Reading and Public Hearing - Ordinance 2021-005 Lake County Countywide MSTU for Ambulance and EMS** (city attorney/city manager)

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 first reading was held on May 27, 2021.)

- (c) **Second 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.** (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 first reading was held on June 10, 2021.)

### QUASI-JUDICIAL PUBLIC HEARINGS

- (d) **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. (Postponed from the June 10, 2021, regular meeting.)

- (e) **Second 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 first reading was held on June 10, 2021.)

- (f) **Second 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 first reading was held on June 10, 2021.)

**END OF PUBLIC HEARINGS**

**END OF QUASI-JUDICIAL PUBLIC HEARINGS**

- 6. (a) City Manager**
- i. Economic Development Status Update**
  - ii. COVID-19 Status Update**
  - iii. Professional Architectural Services Design - Public Works GatorSkitch Corporation**
- (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**

**7. UNFINISHED BUSINESS**

**8 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.

**9. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

**(b) Commissioner DeGrave**

**(c) Commissioner Bell**

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

**10. MAYOR'S COMMENTS**

**11. ADJOURNMENT**

**DATES TO REMEMBER**

- July 5, 2021, City Hall Closed – Holiday Observed on July 4, 2021
- 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 at 6:00 p.m.
- 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 Presentation) TBD.
- August 12, 2021, City Commission Regular – Cancelled
- August 12-14, 2021, Florida League of Cities Annual Conference, Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida 32821 at 8:00 a.m.
- 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. – TBD

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-c**

**ITEM TITLE:** Special Presentations  
**For the Meeting of:** June 24, 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, proclamation and enacted Ordinance 2019-003, proposed plans, and Ch. 157, LDRs

**Item Description:** Special Presentations

- (a) Proclamation – James “Mark” Isom Sr., Memoriam (city clerk)
  
- (b) Grant Writer Liberty Partners of Tallahassee LLC (city manager)
  
- (c) Rezoning Ordinance 2019-003 – Petitioner: Leesburg Fruit Company Rufus M. Holloway, Trustee/Holloway Properties, Inc. (city manager/community development director)  
Rezoning Ordinance 2019-003 enacted on September 19, 2019, 177± acres from Commercial Planned Unit Development to Mixed Use Planned Unit Development and approving a master development agreement and concept plan.

Staff has advised that any changes to the subject plan require city commission action. A preliminary plan was not submitted in lieu of a conceptual plan according to the provisions under subsection 157.060 8) of the Land Development Code.

**Action to be Taken:** None  
**Staff’s Recommendation:** N/A  
**Additional Comments:** None  
**City Manager Review:** Yes  
**Mayor Authorization:** Yes



# Proclamation

**WHEREAS**, James “Mark” Isom Sr. born in Leesburg in 1963, grew up and spent his entire life in the City of Fruitland Park, Florida, fulfilling his dreams and love for public safety; and

**WHEREAS**, Mark, in his early teens, learned how to advocate before the elected officials, similar to his father Gene Isom, by voicing his concerns on safety equipment and improvements for the fire department; and

**WHEREAS**, Mr. Isom initially starting his career as a firefighter, progressively rose through the ranks as reserve officer, patrolman, corporal, sergeant, code enforcement officer and captain and commander of operations and was eventually promoted to police chief and public safety director with a tenure of more than 25 years with the city; and

**WHEREAS**, Mark served on a number of boards including the city’s former Board of Trustees Police Officers’ Retirement Trust Fund before it was dissolved in 1990; had a law enforcement philosophy of working with the citizens, and had a personal vision of having a new police department facility by 1996 which was realized in 2010; and

**WHEREAS**, Mr. Isom’s interests, besides fishing and swimming, was in gardening where in 2011, he opened and managed his own business which is currently operational to this day; and

**WHEREAS**, Despite Mark’s ill health over the years, his presence continued to be visible at official city meetings and he remained involved by supporting matters concerning the community; and

**WHEREAS**, Mark was very well-known in the city, the entire Lake County community and areas beyond and with his long illness he passed away on May 29, 2021;

**NOW, THEREFORE, BE IT PROCLAIMED** that I “Chris Cheshire, Mayor of the City of Fruitland Park, Florida”, on behalf of the city commissioners, do hereby proclaim June 24, 2021 in **MEMORIAM OF MARK ISOM** and ask that our citizens join together to express condolences to the Isom family.

Dated this 24<sup>th</sup> day of June 2021.

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Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk



INSTRUMENT #2019115678  
OR BK 5357 PG 705 - 723 (19 PGS)  
DATE: 10/14/2019 9:40:34 AM  
GARY J. COONEY, CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER, LAKE COUNTY, FLORIDA  
RECORDING FEES \$163.00

**ORDINANCE 2019-003**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 177 ± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET AND EAST OF CR 468 FROM COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) TO MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD), WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Wicks Engineering Services, Inc., as applicant, submitted a petition on behalf of Leesburg Fruit Company, Inc., Owner, requesting that approximately 177± acres of real property within the city limits of Fruitland Park generally located south of Urick Street and east of CR 468 (the "Property") be rezoned from Commercial Planned Unit Development (CPUD) to Mixed Use Planned Unit Development (MUPUD); and

**WHEREAS**, the petition bears the signatures 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 real property described and depicted on the attached Exhibit "A", consisting of approximately 177 ± acres of land generally located south of Urick Street and east of CR 468, shall hereafter be designated as MUPUD, Mixed Use Planned Unit Development, as defined in the Fruitland Park Land Development Regulations.

**SECTION 2.** The Master Development Agreement for the Property is approved pending signatures of the parties.

**SECTION 3.** 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.

CITY OF FRUITLAND PARK COMMUNITY DEV D  
506 W BERCKMAN ST  
ATTN: TRACY KELLEY  
FRUITLAND PARK FL 34731



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

**SECTION 6.** 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.

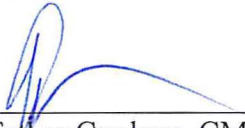
**SECTION 7.** This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 19<sup>th</sup> day of September 2019.

City of Fruitland Park, Florida

  
Chris Cheshire, Mayor

ATTEST:

  
Esther Coulson, CMC, City Clerk

Approved as to Form:

  
Anita Geraci-Carver, City Attorney

Mayor Cheshire	<input checked="" type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input type="checkbox"/>	(Absent)
Vice Mayor Gunter	<input checked="" type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input type="checkbox"/>	(Absent)
Commissioner Bell	<input checked="" type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input type="checkbox"/>	(Absent)
Commissioner DeGrave	<input checked="" type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input type="checkbox"/>	(Absent)
Commissioner Mobilian	<input type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input checked="" type="checkbox"/>	(Absent)

Passed First Reading  
Passed Second Reading  
(SEAL)

August 22, 2019  
September 19, 2019

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

A PARCEL OF LAND LYING IN A PORTION OF SECTION 9 AND 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16; THENCE NORTH ALONG SAID WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE SOUTHEAST CORNER OF THE SOUTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, THENCE WEST ALONG THE SOUTH LINE OF THE SOUTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 468; THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, THENCE EAST ALONG SAID NORTH LINE OF THE SOUTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE SOUTHWEST CORNER OF THE EAST 756.00 FEET OF THE NORTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE NORTH ALONG THE WEST LINE OF EAST 756.00 FEET OF THE NORTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE EAST ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BLOCK 46, TOWN OF FRUITLAND PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 8, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE EAST ALONG THE SOUTH LINE OF SAID BLOCK 46 TO THE EAST RIGHT-OF-WAY LINE OF OLIVE AVENUE; THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTH RIGHT-OF-WAY LINE OF URICK STREET; THENCE EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 433.48 FEET; THENCE SOUTH 396.36 FEET; THENCE WEST 36.00 FEET; THENCE SOUTH 240 FEET TO AN IRON PIPE; THENCE EAST 436.00 FEET TO AN IRON PIPE; THENCE NORTH 629.0 FEET TO AN IRON PIPE, SAID PIPE BEING ON THE SOUTH RIGHT-OF-WAY LINE OF URICK STREET; THENCE EAST, ALONG THE SOUTH RIGHT-OF-WAY OF URICK STREET, 448.68 FEET TO A 4" CONCRETE MONUMENT, SAID MONUMENT BEING ALSO THE NORTHEAST CORNER OF BLOCK 46, SAID MONUMENT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF WILDER STREET; THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY LINE OF WILDER STREET 974.67 FEET TO A 4" CONCRETE MONUMENT, SAID MONUMENT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 46; THENCE EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE

NORTHEAST 1/4 OF SAID SECTION 16; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE WEST ALONG THE SOUTH LINES OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16; THENCE SOUTH ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16 TO THE POINT OF BEGINNING.

## MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the 19<sup>th</sup> day of September 2019, between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), and Leesburg Fruit Company, Inc., a Florida corporation, Rufus M. Holloway, Holloway Properties, Inc., a Florida corporation, and Rufus M. Holloway, Jr., as Trustee of the Rufus M. Holloway, Jr. Family Trust dated December 15, 1995, as amended and restated March 31, 2001 and on September 24, 2014 (hereinafter collectively referred to as the "Owner").

### RECITALS

1. The Owner desires to rezone approximately 177 ± 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 "Commercial Planned Unit Development (CPUD)" 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 "Conceptual Site Plan" prepared by Wicks Engineering Services,

Inc., dated February 25, 2019, as revised August 1, 2019, and attached as Exhibit "B" (the "Plan"). All development shall be consistent with City's "PUD" (Planned Unit Development/Mixed Use) zoning district and, subject to City approval. As set forth further below, all land use issues addressed herein must be adopted by City through its regular procedures before being effective.

**Section 4. Permitted Uses.** Permitted Uses shall include:

- a. Detached Single family residential not to exceed seven hundred (700) units.
- b. Assisted Living Facilities, not to exceed 220 beds.
- c. Nursing home.
- d. Church/Religious Facilities.
- e. All permitted C-1 uses.
- f. Convenience store with fuel operations.
- g. Restaurants.
- h. Banks.
- i. Athletic/Sports Facilities.
- j. Passive and Active Recreation Facilities.
- k. Temporary modular office uses shall be allowed during construction.
- l. Interim Agricultural uses, including but not limited to, retail or wholesale plant production, nurseries, green houses, timber, crop production, hay and sod consistent with the Florida Right to Farm Act. These uses shall be allowed to continue on undeveloped portions of the Property until 75% of the land area has been developed.
- m. Total Commercial square footage shall not exceed forty-eight thousand (48,000) square feet.
- n. Solar farm.

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

There shall be a minimum of three (3) lot sizes as follows: 50' x 125' – at least 80% of the lots shall meet this standard  
 60' x 125' – at least 10% of the lots shall meet this standard  
 70' x 125' – at least 10% of the lots shall meet this standard

- a. The minimum living area shall be 1,300 square feet for the detached single-family homes.
- b. Maximum Impervious Surface Ratio (ISR) – Sixty Percent (60%). The ISR is in lieu of a maximum building coverage.
- c. Minimum Setback requirements for detached residential units shall be:
  - Front: Local Roadways - Twenty feet (20')
  - Garage Setback from Roadway – Twenty-five feet (25')
  - Front porch – Twenty feet (20')
  - Side: Local Roadways – Fifteen feet (15')
  - Another Lot - Five feet (5')
  - Side Entry Garage: Twenty-five feet (25')
  
  - Rear: Local Roadway– Fifteen feet (15')
  - Another Lot – Ten feet (10')
  - Accessories Setback: All new accessory structures shall be located no closer to the property line than five feet (5').
- d. Maximum building height shall be limited to thirty five feet (35').

- e. Parking: The Owner shall meet the parking requirements of the Fruitland Park Land Development Code for the proposed uses, but at a minimum, each residential structure shall have a minimum two car garage.
- f. An active and passive park with playground, picnic tables, and trails complying with all City requirements and ADA requirements.

**Section 6. 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 one of the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc. Front doors shall incorporate one of 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 such as recessed garages, tile or metal roofs, arched windows shall be reviewed by the Community Development Director for compliance

**Section 7. Commercial and Institutional Development Standards.** Development Standards shall be as follows:

- a. Minimum Setback requirements for commercial shall be:

Front: CR 468 – Thirty feet (30')  
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 –Fifteen feet (15')

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

The maximum impervious surface ratio for the property (which includes building coverage) shall be limited to eighty percent (80%).

- b. Maximum building height shall be limited to two (2) stories (from finished grade).
- c. Parking: The Owner shall meet the parking requirements of the Fruitland Park Land Development Regulations.
- d. Commercial access: Access to the commercial development areas shall be primarily from the entrance boulevard with access to CR 468 and MLK Blvd. 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.
- e. The maximum floor area ratio shall be seventy percent (70% or 0.70).

**Section 8. 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 9. Site Access and Transportation Improvements.** Vehicular access to the project site shall be provided by a minimum of three access points, one primary access on CR 468 and one primary access on MLK Blvd, and a secondary access off of Urick Street. The primary access on MLK Blvd. and the secondary access off of Urick Street shall be constructed in Phase 1. The primary accesses 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 Owner shall provide all necessary improvements/signalization within and adjacent to the development as required by Lake County, FDOT, 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 accept ownership of the roads and transportation improvements dedicated for public use on the final plat only on the condition they meet City of Fruitland Park regulations and are constructed to City of Fruitland Park specifications. Prior to the City's acceptance, the Owner shall post a maintenance bond with a duration of two years from the date the City issues written acceptance of the roads and transportation improvements. The maintenance bond must be twenty percent (20%) of the construction costs for the improvements as certified by the project engineer. There shall be no construction vehicles driving over or parking on the roads, transportation improvements, sidewalks, curbs or drainage improvements once accepted by the City of Fruitland Park. Prior to commencing construction Owner shall submit to the City, for City's approval, the proposed construction entrance.
- e. 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
- 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 Owner.
- g. At such time that traffic signals are warranted at the proposed project entrances, at Urick Street, or at CR 468, the Owner shall pay their pro-rata share of the cost of the signal(s) as determined by City staff.
- h. Any alterations or construction associated with the traffic signal at the entrance on MLK Blvd. shall be the sole responsibility of the Owner, and will be permitted with FDOT and Lake County as warranted.

**Section 10. Lighting.** All exterior lighting shall be arranged to reflect light away from adjacent properties to the greatest extent possible while providing lighting adequate to ensure safety on road right of way and parking areas. Owner shall install and maintain all lighting at its expense, or provide for perpetual maintenance by a property association.

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

**Section 12. Impact Fees.** Owner shall be required to pay impact fees as established by City

from time to time, including water and wastewater impact fees. The amount to be paid shall be the adopted impact fee rate schedule at the time of 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. Prepayment of utility impact fees and acceptance by City of such fees shall reserve capacity. No capacity is reserved until or unless such fees have been paid pursuant to an agreement with City. Owner agrees and understands that no capacity has been reserved and that Owner assumes the risk that capacity will be available. Accordingly, if capacity is available at the time of site plan and City is willing to allocate such capacity to Owner, Owner shall enter into a reservation agreement and any other utility agreements or easements related to the Property as requested by City from time to time.

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

**Section 14. Landscaping/Buffers.** Owner has reviewed City's Land Development Regulations relating to landscaping and agrees to comply with such regulations. Owner shall install and maintain a thirty (30') landscape buffer along Urick Street and along CR 468; a twenty-five foot (25') buffer along all other property boundaries 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 southern property boundary adjacent to the property owned by the Developer in the City of Leesburg; however, should that property be sold a ten foot (10') buffer shall be required. All landscaping and tree protection shall comply with Chapter 164 of the City of Fruitland Park Land Development Regulations.

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

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

**Section 16. Other Municipal Facilities/Services.** The City hereby agrees to provide, either directly or through its franchisees or third party providers, police and fire protection, emergency medical services, and solid waste collection, disposal, and recycling services to the Property under

the same terms and conditions and in the same manner as are afforded to all other residential or commercial property owners within the City, whichever is applicable.

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

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

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

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

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

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

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

**Section 24. Binding Effect; Assignability.** This Agreement, once effective, shall be binding upon and enforceable by and against the parties hereto and their assigns. This Agreement shall be assignable by the Owner to successive owners. Owner shall, however, provide written notice to the City of any and all such assignees. The rights and obligations set forth in this Agreement shall run with the land and be binding on all successors and/or assignees. Owner consents to the placement of a claim of lien on the Property upon default in payment of any obligation herein

without precluding any other remedies of City. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

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

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

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

<b>As to City:</b>	City Manager City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone
<b>Copy to:</b>	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
<b>As to Owner:</b>	Rufus Holloway Leesburg Fruit Company, Inc. 1616 Lakeshore Drive Orlando, FL 32803
<b>Copy to:</b>	

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

to the Property, this Agreement replaces the Master Development Agreement dated June 8, 2015 adopted pursuant to Ordinance 2015-021.

**Section 29. Term of Agreement.** The term of this Agreement shall commence on the date this Agreement is executed by both the City and Owner 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. This Agreement terminates and replaces the Agreement dated January 14, 2016.

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

**Section 31. Severability.** If any part of this Developer's Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect 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:

LEESBURG FRUIT COMPANY, INC.,



Witness Signature

Dan Tatro  
Print Name

By: Rufus M. Holloway Jr  
Signature, It's Pres



Witness Signature

Amy M. Spivey  
Print Name

STATE OF FLORIDA  
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 2 day of October, 2019 by Rufus M. Holloway Jr and \_\_\_\_\_ who are personally known to me or who have produced \_\_\_\_\_ as identification and who did (did not) take an oath.



*Amy M Spivey*  
Notary Public

Notary Public - State of Florida  
Commission No GG090546  
My Commission Expires June 20, 2021

*[Handwritten Signature]*

Witness Signature

*Don Tatro*

Print Name

*Amy M Spivey*

Witness Signature

*Amy M. Spivey*

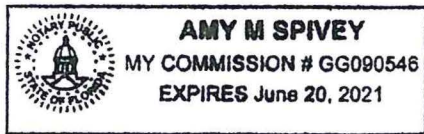
Print Name

HOLLOWAY PROPERTIES, INC.,

By: *Rufus M. Holloway Jr.*  
Signature, It's Pres.

STATE OF FLORIDA  
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 2 day of October, 2019 by Rufus M. Holloway Jr. and \_\_\_\_\_ who are personally known to me or who have produced \_\_\_\_\_



*Amy M Spivey* Notary Public  
Notary Public - State of Florida  
My Commission Expires: June 20, 2021

RUFUS M. HOLLOWAY, JR. Individually, and as Trustee of the Rufus M. Holloway Jr. Family Trust dated December 15, 1995, as amended and restated March 31, 2001 and on September 24, 2014,

*[Handwritten Signature]*

Witness Signature

*Don Tatro*

Print Name

By: *Rufus M. Holloway Jr.*  
Signature *Rufus M. Holloway Jr.*

*Amy M Spivey*  
Amy M. Spivey

*[Handwritten Signature]*

Witness Signature

Stevie L. Taub

Print Name

STATE OF FLORIDA  
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 19th day of September 2019 by City Clerk Esther Coulson and \_\_\_\_\_ who ~~are~~ is personally known to me or who have produced \_\_\_\_\_

ACCEPTED BY THE CITY OF  
FRUITLAND PARK

By: *[Handwritten Signature]*  
Chris Cheshire, Mayor

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

Date: September 19, 2019

*[Handwritten Signature]*

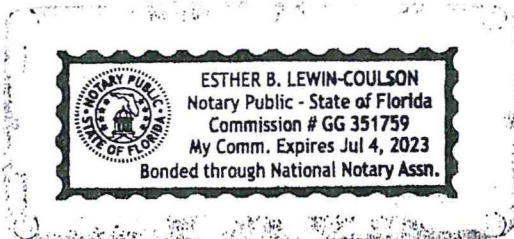
Anita Geraci-Carver  
City Attorney

This instrument prepared by:  
\_\_\_\_\_

ATTEST: *[Handwritten Signature]*  
Esther B. Coulson  
City Clerk

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 19th day of September 2019 by Esther, B. Coulson, 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.



*[Handwritten Signature]*  
Notary Public  
Notary Public - State of Florida  
Commission No GG 351759  
My Commission Expires 7/4/2023

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

A PARCEL OF LAND LYING IN A PORTION OF SECTION 9 AND 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16; THENCE NORTH ALONG SAID WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE SOUTHEAST CORNER OF THE SOUTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, THENCE WEST ALONG THE SOUTH LINE OF THE SOUTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 468; THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, THENCE EAST ALONG SAID NORTH LINE OF THE SOUTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE SOUTHWEST CORNER OF THE EAST 756.00 FEET OF THE NORTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE NORTH ALONG THE WEST LINE OF EAST 756.00 FEET OF THE NORTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE EAST ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BLOCK 46, TOWN OF FRUITLAND PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 8, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE EAST ALONG THE SOUTH LINE OF SAID BLOCK 46 TO THE EAST RIGHT-OF-WAY LINE OF OLIVE AVENUE; THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTH RIGHT-OF-WAY LINE OF URICK STREET; THENCE EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 433.48 FEET; THENCE SOUTH 396.36 FEET; THENCE WEST 36.00 FEET; THENCE SOUTH 240 FEET TO AN IRON PIPE; THENCE EAST 436.00 FEET TO AN IRON PIPE; THENCE NORTH 629.0 FEET TO AN IRON PIPE, SAID PIPE BEING ON THE SOUTH RIGHT-OF-WAY LINE OF URICK STREET; THENCE EAST, ALONG THE SOUTH RIGHT-OF-WAY OF URICK STREET, 448.68 FEET TO A 4" CONCRETE MONUMENT, SAID MONUMENT BEING ALSO THE NORTHEAST CORNER OF BLOCK 46, SAID MONUMENT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF WILDER STREET; THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY LINE OF WILDER STREET 974.67 FEET TO A 4" CONCRETE MONUMENT, SAID MONUMENT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 46; THENCE EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE EAST ALONG THE

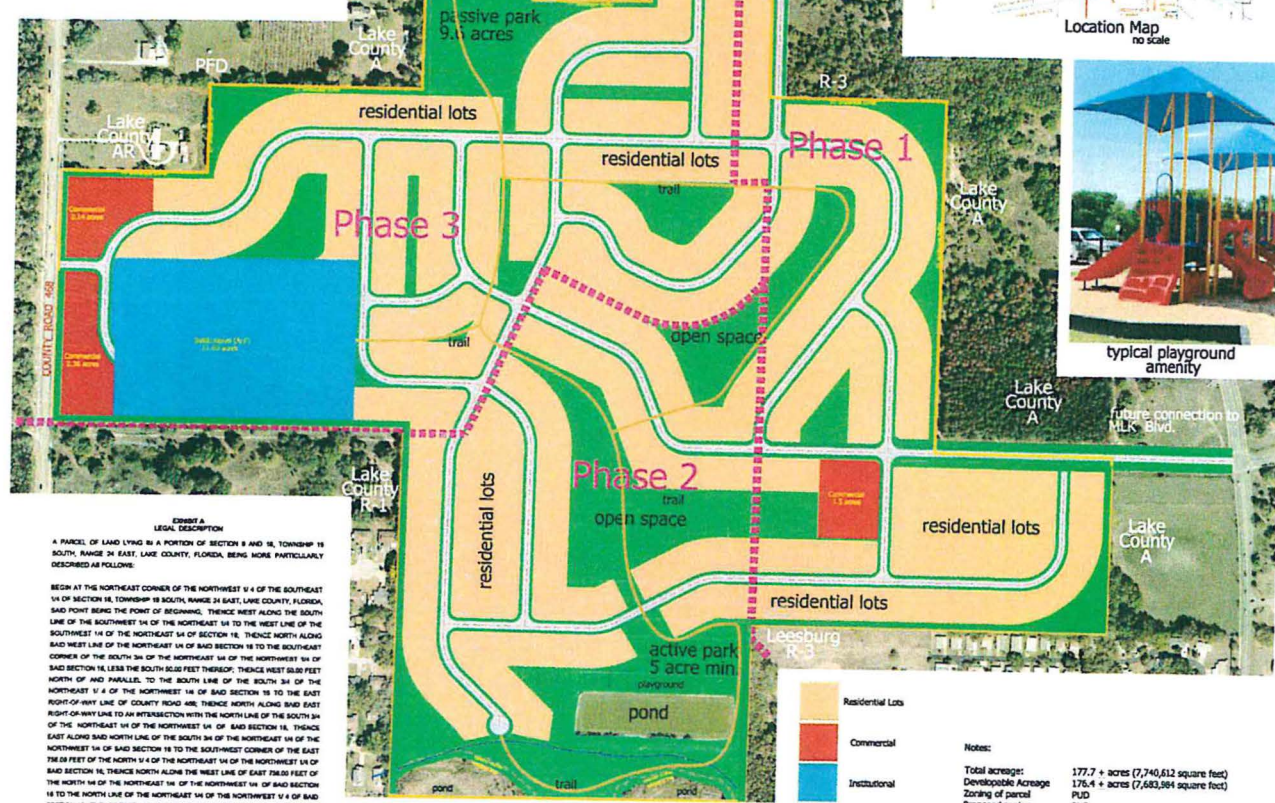
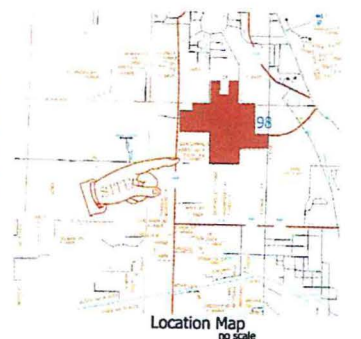


NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE WEST ALONG THE SOUTH LINES OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16; THENCE SOUTH ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16 TO THE POINT OF BEGINNING.

EXHIBIT "B"

THE PLAN

Owner:  
 Holloway Properties, Inc.  
 1616 Lake Shore Drive  
 Orlando, Florida 32803  
 Leesburg Fruit Company, Inc.  
 1616 Lake Shore Drive  
 Orlando, Florida 32803  
 Rufus M. Holloway, Trustee  
 1616 Lake Shore Drive  
 Orlando, Florida 32803  
 Agent:  
 Wicks Engineering Services, Inc.  
 Ted Wicks  
 225 West Main Street  
 Tallahassee, Florida 323757  
 (352) 343-8667



typical playground amenity

future connection to MLK Blvd.

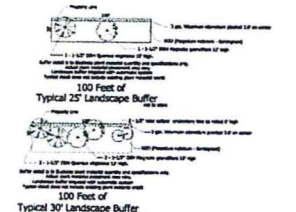
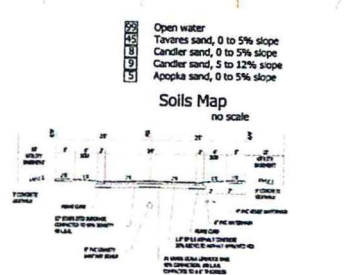
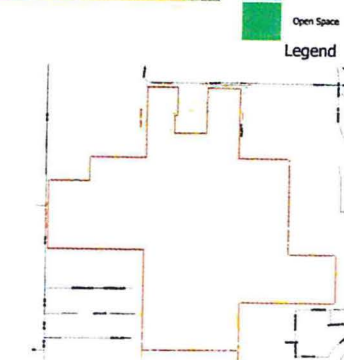
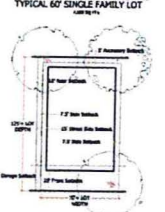
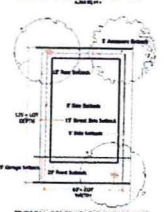
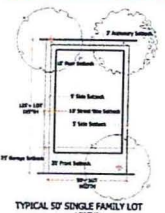
**EXISTING LEGAL DESCRIPTION**  
 A PARCEL OF LAND LYING IN A PORTION OF SECTION 8 AND 18, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. SAID POINT BEING THE POINT OF BEGINNING. THENCE WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 TO THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18. THENCE NORTH ALONG SAID WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 18 TO THE SOUTHWEST CORNER OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 18. THENCE WEST 836 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 18 TO THE EAST CORNER OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 18. THENCE NORTH ALONG SAID EAST CORNER OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 18 TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 406. THENCE NORTH ALONG SAID EAST CORNER OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 18 TO THE EAST RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 18 TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 18. THENCE NORTH ALONG THE WEST LINE OF SAID EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 18 TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 18. SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BLOCK 48, TOWN OF FRUITLAND PARK, ADDITIONS TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 8, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. THENCE EAST ALONG THE SOUTH LINE OF SAID BLOCK 48 TO THE EAST RIGHT-OF-WAY LINE OF OLIVE AVENUE. THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTH RIGHT-OF-WAY LINE OF LUCK STREET. THENCE EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 438.48 FEET. THENCE SOUTH 388.18 FEET. THENCE WEST 88 FEET. THENCE SOUTH 340 FEET TO AN IRON PIPE. THENCE EAST 488.18 FEET TO AN IRON PIPE. THENCE NORTH 670 FEET TO AN IRON PIPE. SAID PIPE BEING ON THE SOUTH RIGHT-OF-WAY LINE OF LUCK STREET. THENCE EAST, ALONG THE SOUTH RIGHT-OF-WAY OF LUCK STREET, 488.18 FEET TO A 4" CONCRETE MONUMENT. SAID MONUMENT BEING ALSO THE NORTHEAST CORNER OF BLOCK 48. SAID MONUMENT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF WILDER STREET. THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY LINE OF WILDER STREET 10.4 FEET TO A 4" CONCRETE MONUMENT. SAID MONUMENT ALSO BEING THE SOUTHWEST CORNER OF BLOCK 48. THENCE EAST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 18 TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 18. THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 18. THENCE EAST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 18 TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 18. THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 18 TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 18. THENCE WEST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 18 TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 18. THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 18 TO THE POINT OF BEGINNING.

**Notes:**

Total acreage:	177.7 + acres (7,740,812 square feet)
Developable Acreage:	176.4 + acres (7,683,864 square feet)
Zoning of parcel:	PUD
Proposed zoning:	PLUD
Adjacent Zoning:	As noted on plan
Future land use:	Fruitland Park Mixed Community
Proposed Title:	No change
Proposed Use:	Mixed Use
Maximum FAR:	Residential/Commercial/Institutional
Maximum FSR:	Future development consistent with zoning and land use category
Total number of units:	0.70 (non-residential)
Net living area/unit:	0.80 (non-residential)
Gross density:	1,300 sf min.
Commercial acreage:	2.97 Du/Acre
Institutional acreage:	4.0 (3.4%)
Residential acreage:	11.65 (6.6%)
100 year flood elevation:	114.66 (65%)
Welland acreage:	indicated on plan
Open Space:	1.3 acres +
	44.1 acres - 25%

This plan is conceptual in nature and is subject to change due to engineering and other influences.  
 Maximum allowable building height 35'  
 Land use locations can be changed provided that project intensity is not exceeded.  
 Typical lot size - 50'x125', 6,250 sf average  
 Residential FSR 0.60  
 ROW width 50', 24' paved surface  
 Primary site access from Martin Luther King Blvd. and CR 468  
 Intersection Improvements to be determined at preliminary plat review  
 Access points are subject to review and approval by the appropriate agency, including Lake-Summer TPO, Lake County and City of Fruitland Park  
 Building setbacks as shown on typical lot details.  
 Buffers:  
 North - 25'  
 North - Ulrick Street - 30'  
 South - none required  
 East - 25'  
 West - 25'  
 West - CR 468 - 30'  
 Utilities, police, water, sewer and fire protection will be provided by City Fruitland Park.  
 Estimated sewer and water capacity for project:  
 C-1 Commercial - 48,000 sf - 4800 GPD sewer, 6200 GPD water.  
 ALF - 220 beds - 22,935 GPD sewer, 29,818 GPD water.  
 Single Family Homes - 700 - 175,000 GPD sewer, 227,500 GPD water.  
 Total Estimated 255,235 GPD sewer, 263,518 GPD water.  
 Stormwater management will be through a system of dry retention ponds located in the open space areas as required.  
 Existing vegetation to be utilized in landscape buffers wherever possible.



Drawn	Checked	REVISIONS	DATE
AW	AW	05-20-2019	awf comments
05/22/2019		05-20-2019	awf comments
AS	AS	05-20-2019	awf comments
08-21-2019		08-21-2019	awf comments

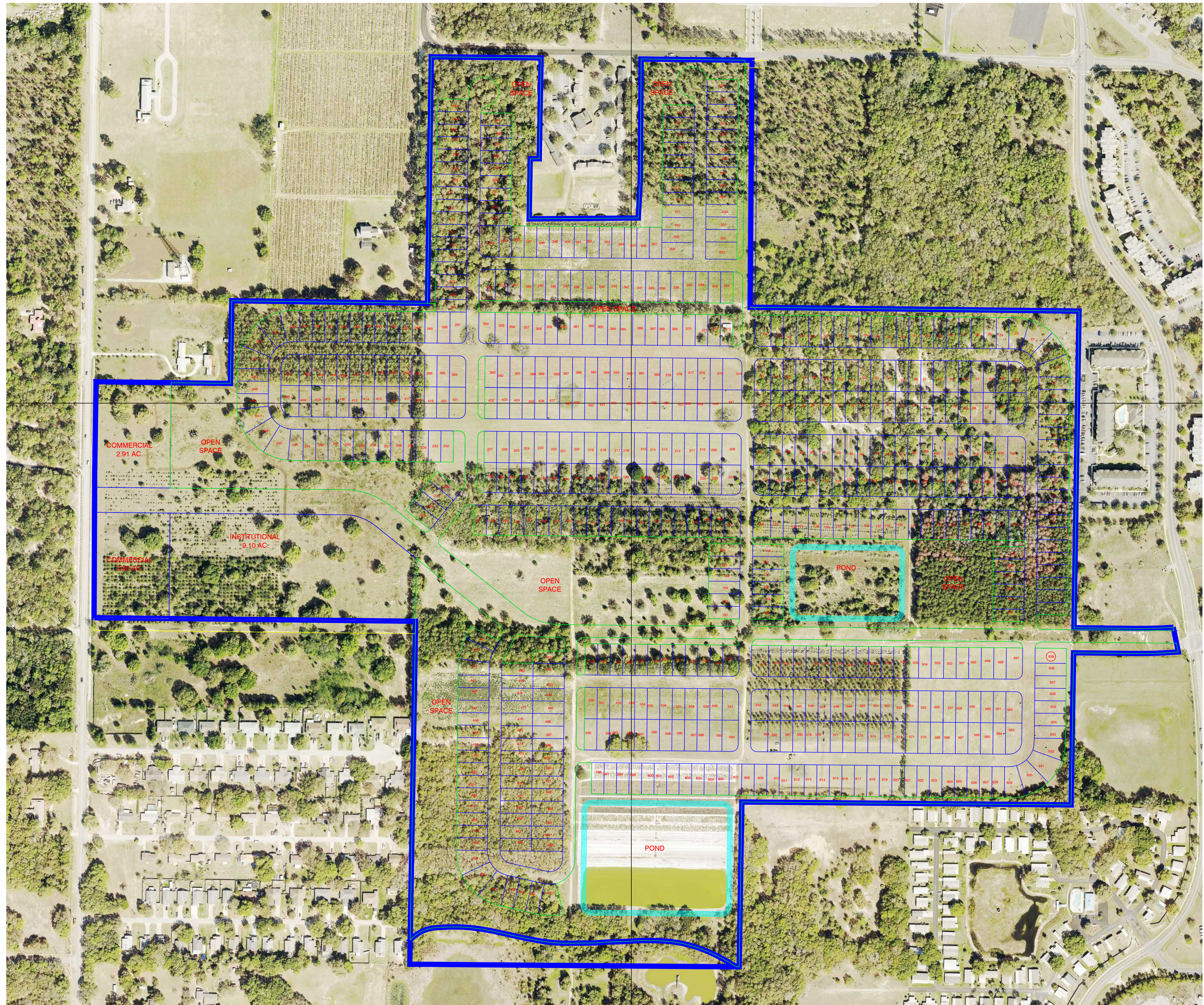
Sheet: 1 of 1

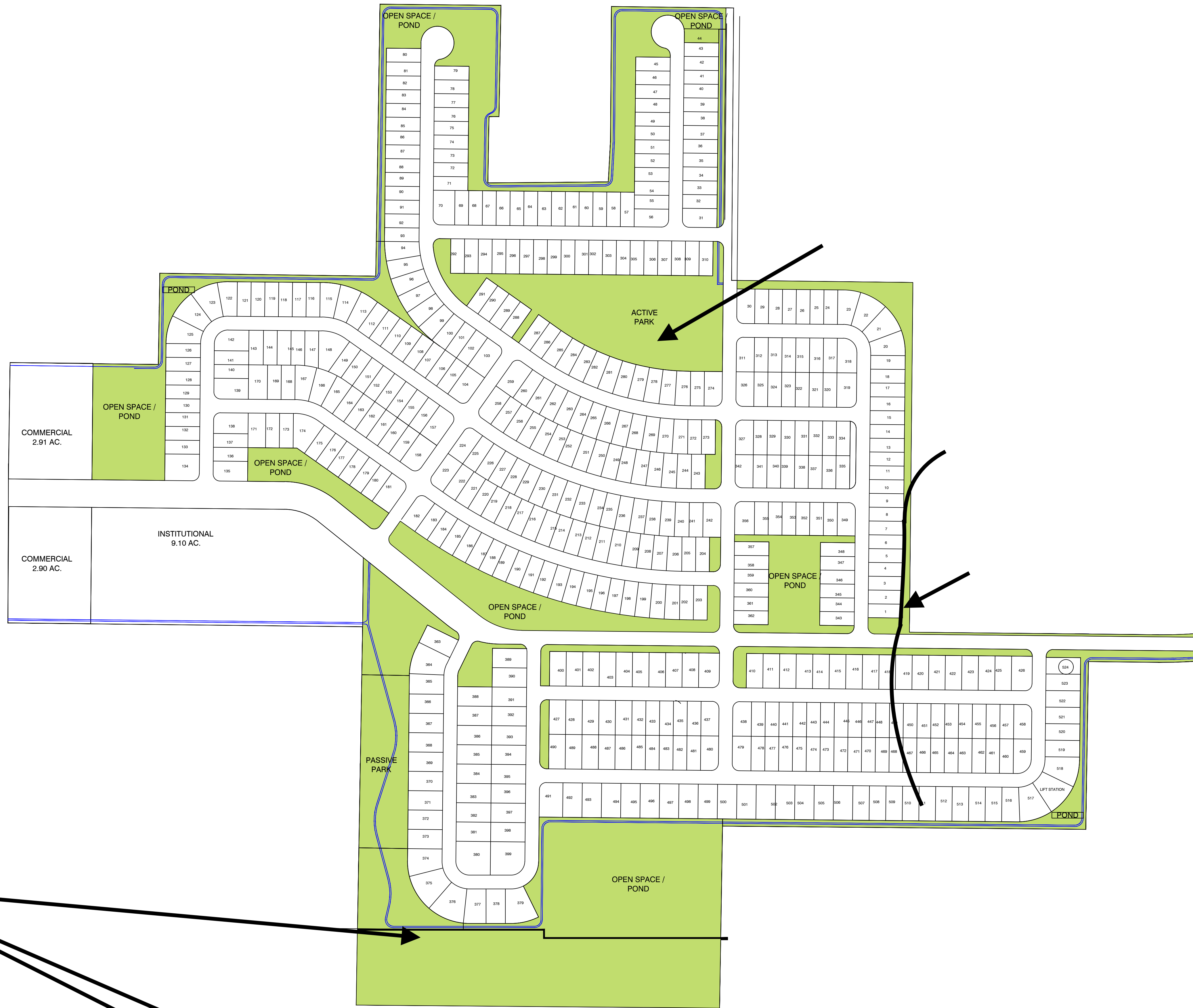
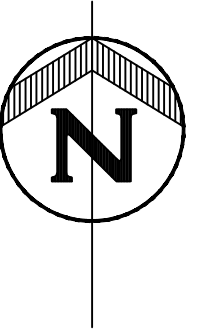
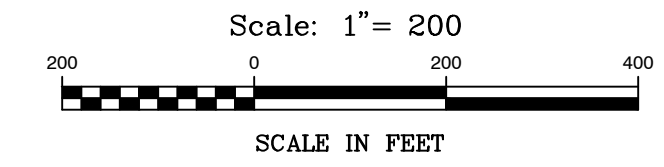
**Leesburg Fruit Co., Inc.**  
 PUD  
 Fruitland Park, Florida

**Concept Plan**

**Wicks Engineering Services, Inc.**  
 225 West Main Street, Tallahassee, Florida 32376  
 www.wicksengineering.com (352) 343-8667  
 CA # 39062







**SUMMARY**

AREA	= 177.70 AC.
UPLANDS	= 176.40 AC.
WETLANDS	= 1.30 AC.
OPEN SPACE REQUIRED	= 25% OF SITE = 44.10 AC. OPEN SPACE TO CONSIST OF WETLANDS, STORMWATER, PARKS, AND COMMON AREAS.
DENSITY RESIDENTIAL	= 2.97 UNITS PER AC (524 UNITS)
COMMERCIAL	= 5.81
INSTITUTIONAL	= 9.10

REVISION	DATE
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**PARK SQUARE  
FRUITLAND PARK  
CONCEPT PLAN**

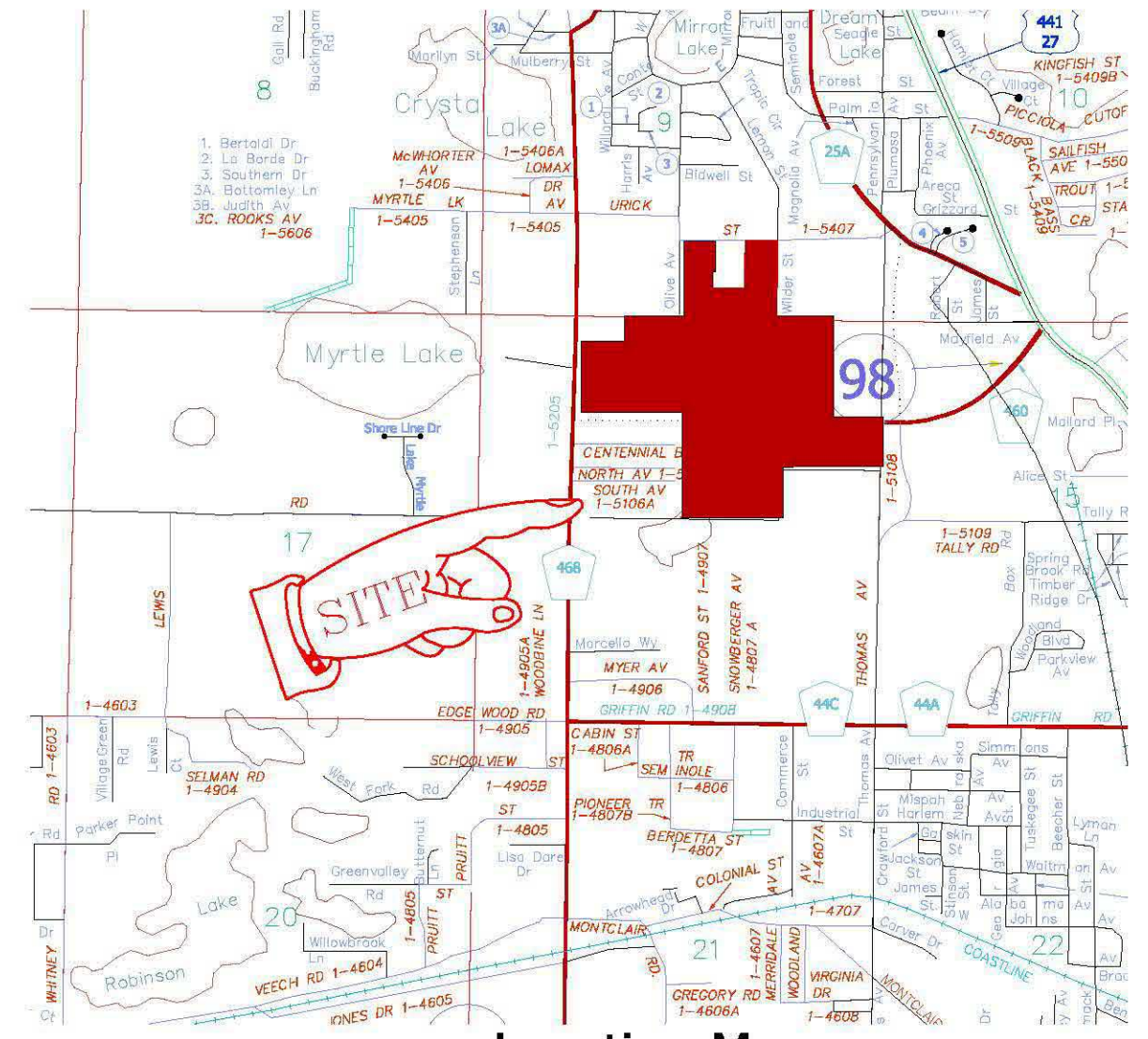


DATE:	MAY 2021
DESIGNED BY:	CCH
DRAWN BY:	CCH
CHECKED BY:	CCH
JOB NO.:	???????
FILE NAME:	CONCEPT PLAN
<b>Sheet 1</b>	

Owner:  
 Holloway Properties, Inc.  
 1616 Lake Shore Drive  
 Orlando, Florida 32803  
 Leesburg Fruit Company, Inc.  
 1616 Lake Shore Drive  
 Orlando, Florida 32803  
 Rufus M. Holloway, Trustee  
 1616 Lake Shore Drive  
 Orlando, Florida 32803  
 Agent:  
 Wicks Engineering Services, Inc.  
 Ted Wicks  
 225 West Main Street  
 Tavares, Florida 32797  
 (352) 343-8667

Commercial and Institutional sites are not included in sale

Exhibit B

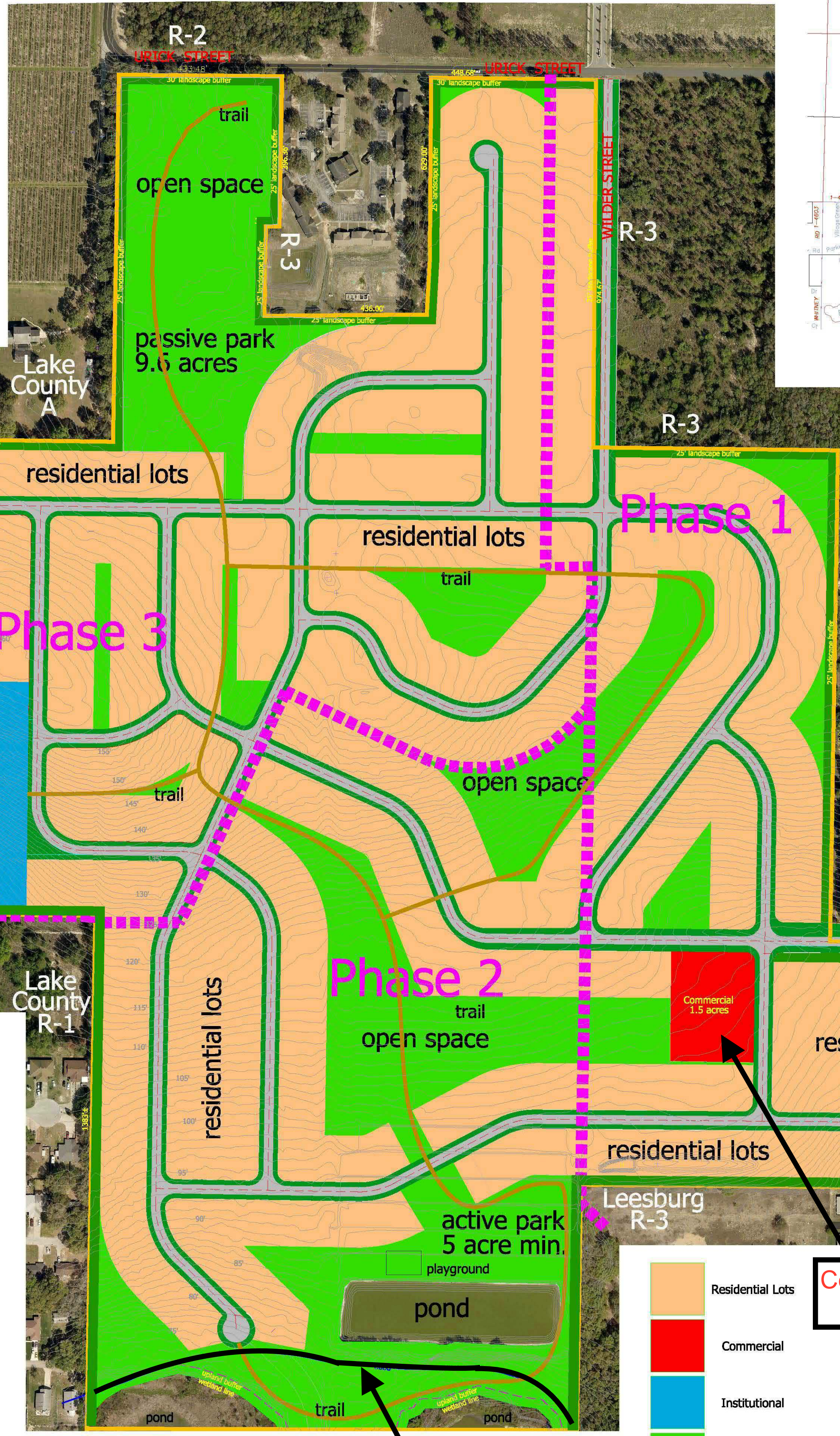


Location Map  
no scale



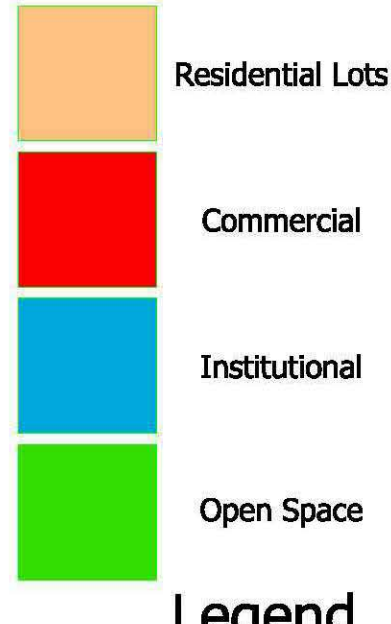
typical playground amenity

future connection to MLK Blvd.



Commercial Site not included in sale

Area below line not included in sale



Notes:

Total acreage:	177.7 + acres (7,740,612 square feet)
Developable Acreage	176.4 + acres (7,683,984 square feet)
Zoning of parcel	PUD
Proposed zoning	PUD
Adjacent Zoning:	As noted on plan
Future land use:	Fruitland Park Mixed Community
Proposed FLU:	No change
Proposed Use:	Mixed Use
	Residential/Commercial/Institutional
	Future development consistent with zoning and land use category
Maximum FAR	0.70 (non-residential)
Maximum ISR	0.80 (non-residential)
Total number of units	700
Net living area/unit	1,300 sf min.
Gross density:	3.97 Du/Acre
Commercial acreage	6.0 (3.4%)
Institutional acreage	11.65 (6.6%)
Residential acreage	114.66 (65%)
100 year flood elevation:	indicated on plan
Wetland acreage:	1.3 acres +
Open Space:	44.1 acres - 25%

This plan is conceptual in nature and is subject to change due to engineering and other influences. Maximum allowable building height 35'. Land use locations can be changed provided that project intensity is not exceeded.

Typical lot size - 50'x125', 6,250 sf average  
 Residential ISR 0.60  
 ROW width 50', 24' paved surface  
 Primary site access from Martin Luther King Blvd. and CR 468  
 Intersection improvements to be determined at preliminary plat review  
 Access points are subject to review and approval by the appropriate agency, including Lake-Sumter MPO, Lake County and City of Fruitland Park  
 Building setbacks as shown on typical lot details.

Buffers:  
 North - 25'  
 North - Urlick Street - 30'  
 South - none required  
 East - 25'  
 West - 25'  
 West - CR 468 - 30'

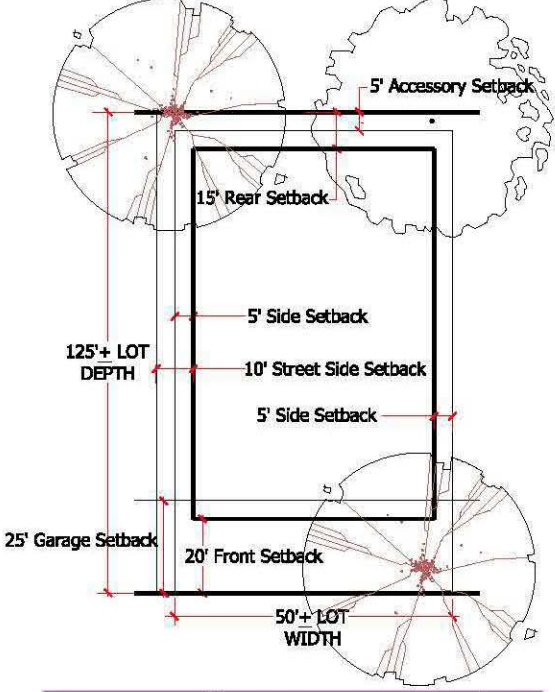
Utilities, police, water, sewer and fire protection will be provided by City Fruitland Park.

Estimated sewer and water capacity for project:  
 C-1 Commercial - 48,000 sf - 4800 GPD sewer, 6200 GPD water.  
 ALF - 220 beds - 22,935 GPD sewer, 29,818 GPD water.  
 Single family homes - 700 - 175,000 GPD sewer, 227,500 GPD water.  
 Total Estimate 255,235 GPD sewer, 263,518 GPD water.  
 Stormwater management will be through a system of dry retention ponds located in the open space areas as required.  
 Existing vegetation to be utilized in landscape buffers wherever possible.

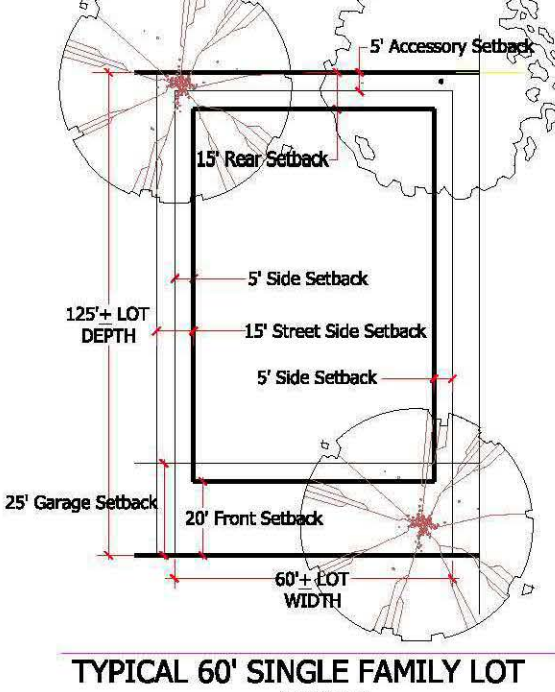
EXHIBIT A  
 LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN A PORTION OF SECTION 8 AND 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

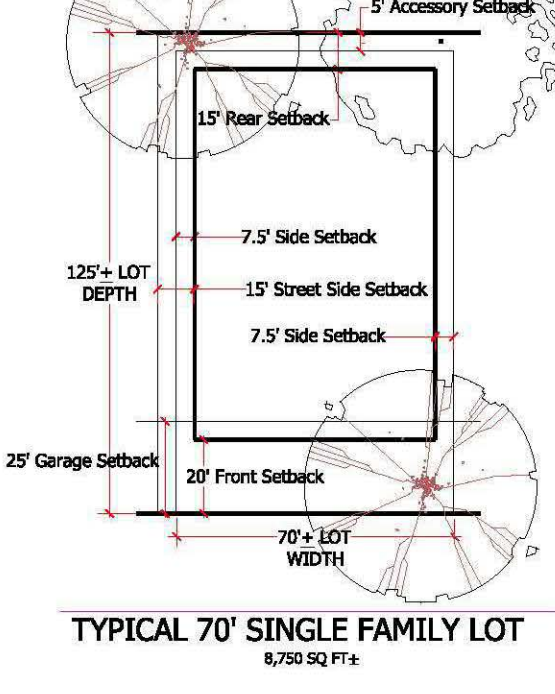
BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 TO THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16; THENCE NORTH ALONG SAID WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE SOUTHWEST CORNER OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, LESS THE SOUTH 50.00 FEET THEREOF; THENCE WEST 50.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE NORTH ALONG THE WEST LINE OF EAST 756.00 FEET OF THE NORTH 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 468; THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, THENCE EAST ALONG SAID NORTH LINE OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE SOUTHWEST CORNER OF THE EAST 756.00 FEET OF THE NORTH 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE NORTH ALONG THE WEST LINE OF EAST 756.00 FEET OF THE NORTH 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 468; THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, THENCE EAST ALONG SAID NORTH LINE OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16, SAID POINT BEING THE POINT OF BEGINNING.



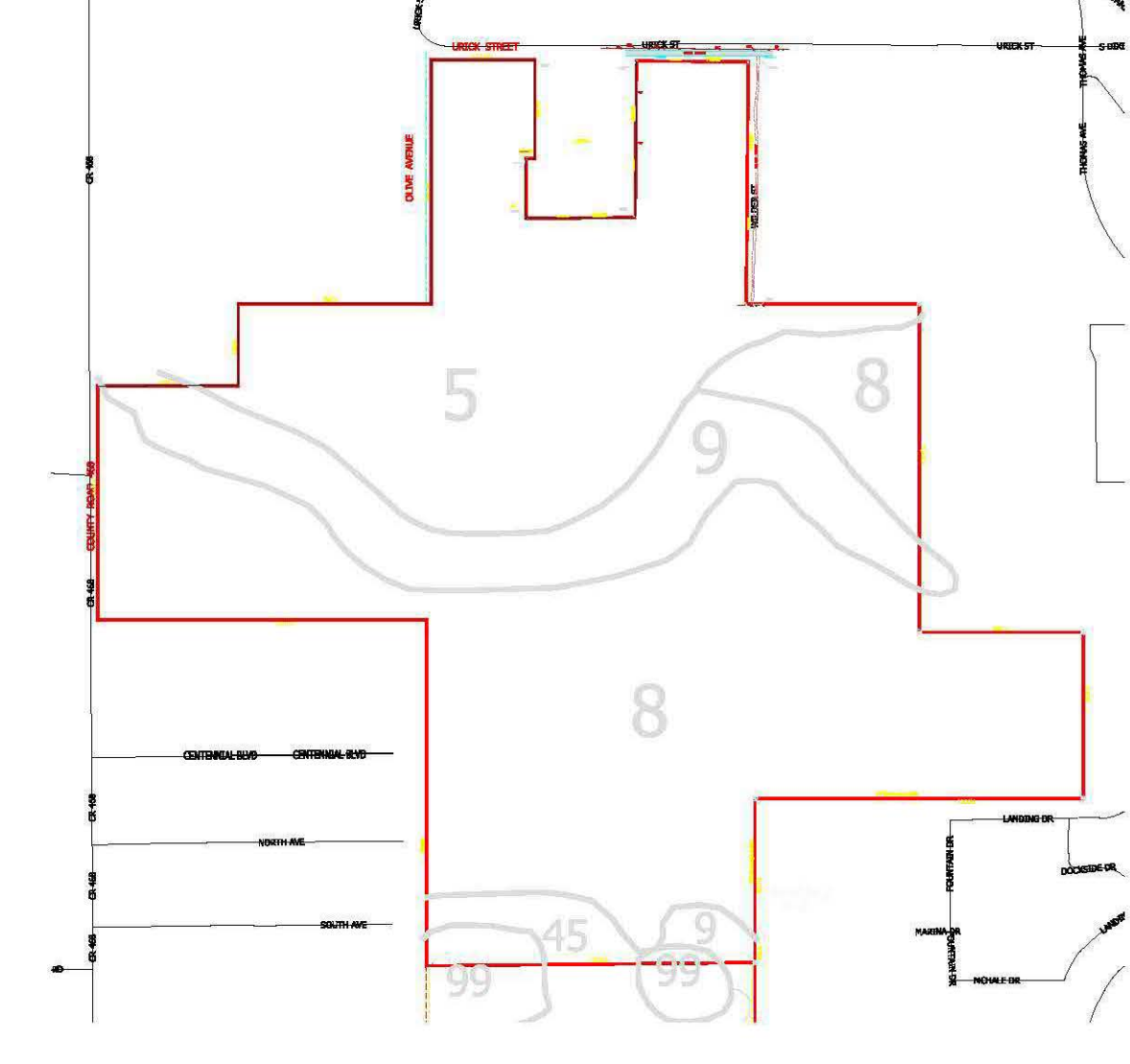
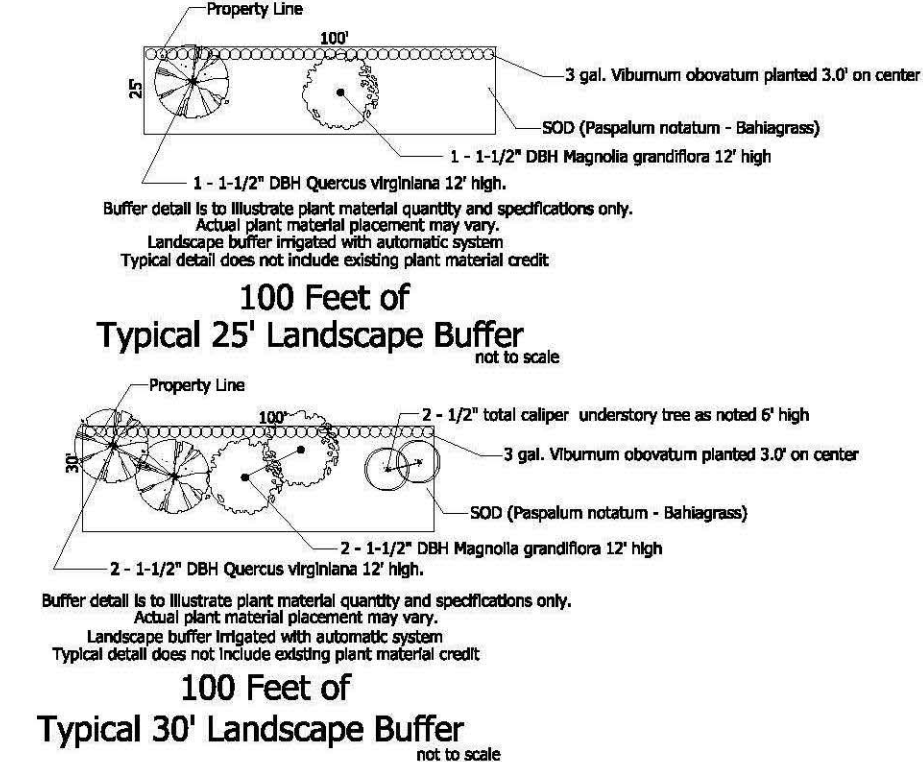
TYPICAL 50' SINGLE FAMILY LOT  
6,250 SQ FT ±



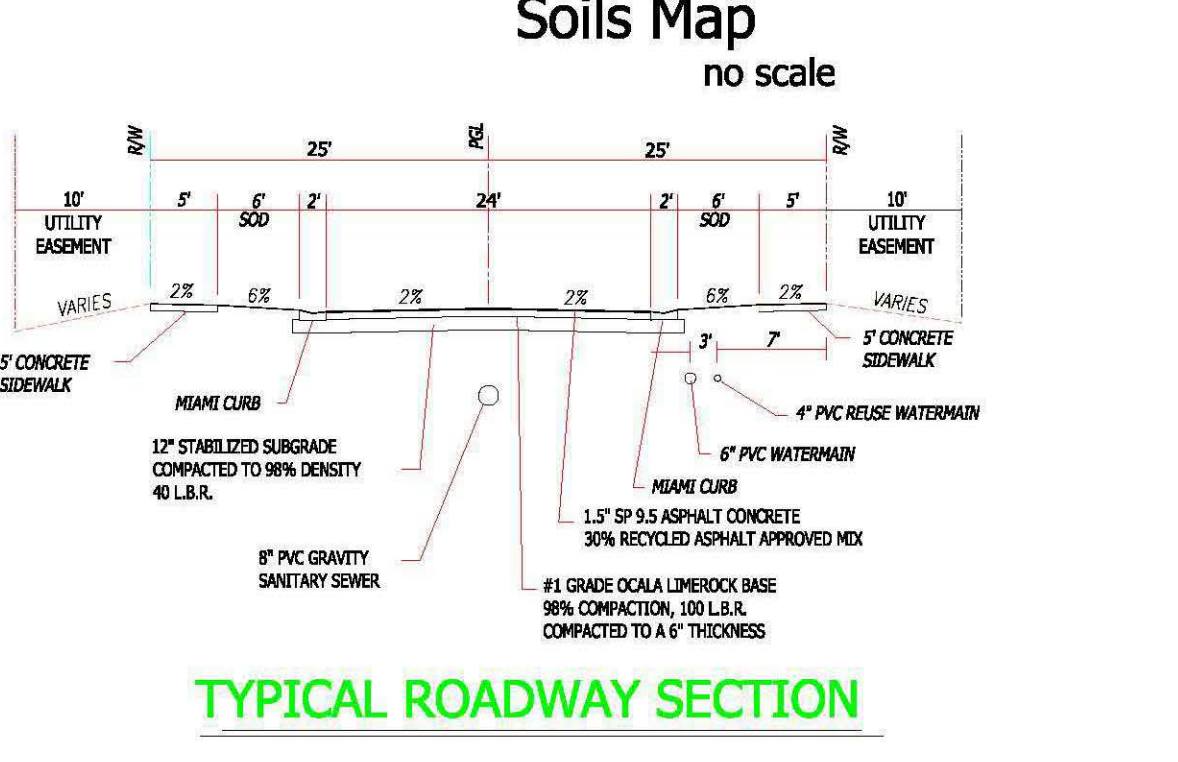
TYPICAL 60' SINGLE FAMILY LOT  
7,200 SQ FT ±



TYPICAL 70' SINGLE FAMILY LOT  
8,750 SQ FT ±



Soils Map  
no scale



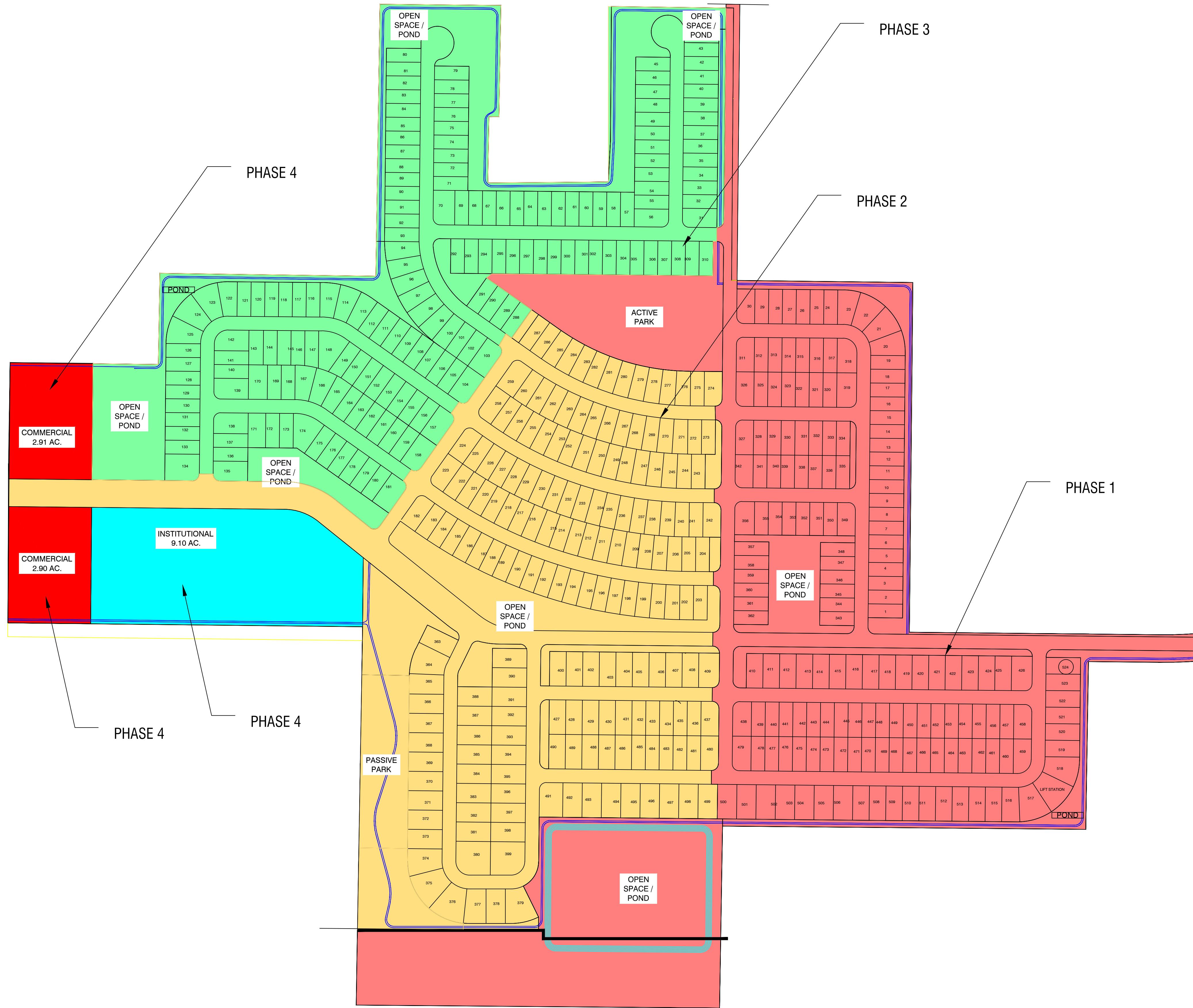
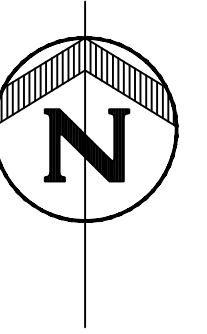
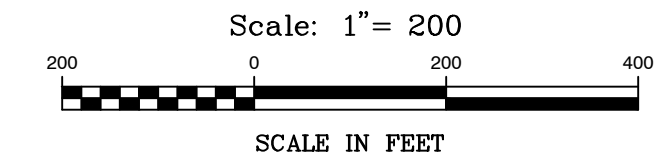
TYPICAL ROADWAY SECTION

Drawn: LRH	REVISION:	DATE:
Checked: KRW	02-05-2019	staff comments
Date: 02/25/2019	02-25-2019	staff comments
Scale: AS SHOWN	05-20-2019	staff comments
File No.: 15121	08-01-2019	staff comments
Sheet: 1 of 1		

Leesburg Fruit Co., Inc.  
 PUD  
 Fruitland Park, Florida

Concept Plan

Wicks Engineering Services, Inc.  
 225 West Main Street, Tavares, Florida 32778  
 www.wicksengineering.com (352) 343-8667  
 C.A. #30062



**SUMMARY**

AREA	= 177.70 AC.
UPLANDS	= 176.40 AC.
WETLANDS	= 1.30 AC.
OPEN SPACE REQUIRED	= 25% OF SITE = 44.10 AC. OPEN SPACE TO CONSIST OF WETLANDS, STORMWATER, PARKS, AND COMMON AREAS.
DENSITY RESIDENTIAL	= 2.97 UNITS PER AC (524 UNITS)
COMMERCIAL	= 5.81
INSTITUTIONAL	= 9.10

REVISION	DATE
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**PARK SQUARE  
FRUITLAND PARK  
CONCEPT PLAN**

Office: 352.543.8451  
Fax: 352.343.8485  
808 North Sinclair Ave.  
Tampa, Florida 32778  
Certificate of Authorization Number: 33380

DATE:	MAY 2021
DESIGNED BY:	CCH
DRAWN BY:	CCH
CHECKED BY.:	CCH
JOB NO.:	???????
FILE NAME:	CONCEPT PLAN
<b>Sheet 1</b>	



## CHAPTER 157

### SUBDIVISIONS AND PLATS

#### **SECTION 157.010: TITLE**

This Chapter, the terms and provisions contained herein, shall be known as the "Subdivision and Platting Ordinance" of the City of Fruitland Park, Florida.

#### **SECTION 157.020: APPLICABILITY**

The requirements set forth in this Chapter shall be applicable to all portions of the City of Fruitland Park.

#### **SECTION 157.030: PURPOSE AND INTENT**

The public health, safety and general welfare of the citizens of Fruitland Park require the harmonious and orderly development of land within the incorporated area of the City. It is the intent of this Chapter for each new subdivision: to conform with minimum standards of subdivision design, established by this Chapter, which will result in the development of safe, stable communities and the prevention of unhealthy living environments; to have necessary improvements to avoid such improvement being a burden upon the taxpayers of the community; to have efficient, adequate utilities and services; to have safe, adequate and convenient patterns for the circulation of vehicular and pedestrian traffic; to provide adequate protective flood control and drainage; to have designs and improvements that control pollution and erosion, safeguarding the natural resources of the city; to provide adequate open space, light, solar rights, air, privacy; and recreational area, and to prevent overcrowding of the land and undue congestion of the population; to provide safety from fire, flood, natural disasters and other dangers; to provide reasonable, fair, and uniform application of standards of design and procedures for the subdivision and platting of land; to ensure proper legal descriptions and monumenting of subdivided land; to preserve the natural beauty and topography of the city; and to provide for safe and sanitary sewage disposal, adequate potable water supplies and the protection of groundwater system.

#### **SECTION 157.040: DEFINITIONS**

See Chapter 151 of the Land Development Code.

#### **SECTION 157.050: COMPLIANCE REQUIRED; EXEMPTIONS**

a) Unlawful Activity.

It shall be unlawful and subject to the penalties provided herein for any person to:

- 1) Create a subdivision without first complying with the provisions of this chapter and filing a plat approved by the City Commission unless exempt under Section 157.050(b).

- 2) Divide property by any means for the purpose of sale or transfer of title unless each of the resulting parcels has at least the minimum area and width requirements prescribed by the zoning regulations and land use plan of Fruitland Park as applied to the lots created, unless exempt under Section 157.050(b) of the Land Development Code.
- 3) Commence the construction of any improvements required under this Chapter without first having obtained a land development permit from the City of Fruitland Park or fail to construct or maintain improvements in accordance with an approved land development permit, plat approval or requirements of this Chapter.
- 4) Create a public or private right-of-way (street) without platting in accordance with the applicable provisions of this Chapter.
- 5) Divide any lot or tract in a recorded or unrecorded subdivision located within the city limits that was approved by the appropriate local government of the City Commission of the City of Fruitland Park in a manner which results in a construction site smaller than or inconsistent with the surrounding lots in the subdivision unless approved by the City Commission.
  - A) Any request to divide a lot or tract in such a manner shall be reviewed and considered as follows:
    - i) The Technical Review Committee (TRC) shall review the request and make a recommendation to the Planning and Zoning Board.
    - ii) The Planning and Zoning Board at a public hearing shall review the request and make a recommendation to the City Commission to approve, approve with conditions, or deny the request.
  - A) Written notice of the public hearing shall be mailed certified to each property owner of property in the subdivision at least fifteen (15) days in advance of the hearing.
  - C) Prior to approval of a lot split, the TRC shall determine that:
    - i) No substantial negative neighborhood impacts are anticipated as a result of the split or subsequent similar neighborhood lot splits;
    - ii) The resulting lots conform to applicable city zoning requirements and state regulations;
    - iii) The resulting lots are buildable under current regulations;
    - iv) No substantial adverse impacts on existing infrastructure are anticipated, as the result of the split or subsequent similar neighborhood lot splits, via the resulting increase in density or intensity of use;

- v) The impacts of the split or potential splits will not degrade adopted levels of service to unacceptable levels, pursuant to the provisions of Chapter 153, Concurrency Management;
- vi) The applicant certifies that he knows of no recorded deed restrictions or covenants which would prohibit the division or splitting of the lots.

D) The final approval shall be made by the City Commission.

b) Exemptions.

The following activities shall be exempt from the provisions of this Chapter, unless otherwise noted:

1) Creation of Equal or Larger Building Sites from Lots of Record.

- A) The combination or recombination of all or a portion of previously created parcels of record where the newly created or residual parcels comply with all applicable zoning district dimensional criteria, or where applicable, the regulations governing nonconformities.
- B) The combination or recombination of all or a portion of previously platted parcels of record are exempt where none of the newly created or residual parcels contain less area, width or depth than the smallest of the original parcels of record being combined and no streets of any kind or public easements are created, changed or extinguished.

2) Boundary Settlements. Any conveyance between adjoining landowners if:

- A) The purpose of the conveyance is to adjust or settle the common boundary line between adjoining landowners;
- B) The deed of conveyance or other legal instrument states such purpose and is recorded in the official records of Lake County; and
- C) The resulting parcel(s) conform to the applicable zoning district dimensional criteria.

1) Conveyance to Government. Any division of land for the purpose of conveying land to any federal, state or local government entity or agency or public utility, provided such conveyance is accepted by the grantee by an instrument recorded in the public records of Lake County.

2) Minor Subdivisions. A minor subdivision shall be exempt from the review and approval of a plat, however development plans meeting the requirements of the Land Development Code shall be approved as outlined in Section 157.050(a)(5) of the Land Development Code. A minor subdivision is defined as meeting all of the following criteria:

- A) An overall tract in single ownership is divided into no more than five (5) lots.
- B) No new streets are proposed or required.
- C) No dedication of right-of-way, drainage areas, conservation areas or other publicly maintained property is proposed or required.
- D) All proposed lots meet or exceed the dimensional requirements of the Land Development Code, and required easements for utility, drainage, conservation, or other purposes are delineated for transfer to the City as part of the development order.
- E) The proposed division is not part of an overall tract previously approved as a minor subdivision.

**SECTION 157.060: PROCEDURE AND REQUIREMENTS FOR SUBMITTING AND PROCESSING SUBDIVISION APPLICATIONS**

a) Procedure.

All plans for new subdivisions and road rights-of-way must be submitted and processed through the following procedures:

- 1) Pre-Application conference shall be scheduled between applicant and the Technical Review Committee (see Section 157.060(c))
- 2) Concurrency Management (See Chapter 153)
- 3) Submission and approval of a preliminary plan, (See Section 157.060(d))
- 4) Application for and issuance of a land development permit (See Section 157.060(d)(11))
- 5) Submission, approval and recording of final plat (See Section 157.060(d)(20))
- 6) Issuance of certificate of completion (See Section 157.060(d)(19))

b) Validity of a Subdivision not Meeting the Requirements of this Chapter.

No plat of any subdivision shall have any validity until it has been approved in the manner prescribed by this Chapter. In the event an unapproved plat is recorded, it shall be considered invalid. No person shall transfer or sell by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has final plat approval and is officially recorded according to the terms of this Chapter. The description of any lot by metes and bounds shall not exempt the transaction from the provisions of this Chapter if the transaction would be subject hereto otherwise. The building official shall not issue any permits for new construction on a lot in any subdivision not meeting

the requirements of this Chapter unless the subdivision is vested pursuant to Chapter 153 or the lot is a legally created "lot of record."

- 1) The City shall not make any public improvements and shall have no responsibility for the maintenance of streets, drainage facilities or other facilities in subdivisions whose dedications have not been accepted by the City under the terms of this Chapter.
- 2) No changes, erasures, modifications or revisions shall be made on any final plat after approval and signature thereof unless said plat is first resubmitted and reapproved under the provisions of this Chapter.
- 3) Plats shall not contain any reference to any possible reversion of any interest in real property that has been the subject of public or private dedication on a plat.

c) Pre-Application Conference.

It is required that a pre-application conference be held with the Technical Review Committee by the developer or the developer's representatives, in order to verify the steps necessary for application and review and discuss potential issues regarding the proposed subdivision. Comments made during the pre-application conference are totally non-binding on the formal review of the preliminary plat.

- 1) Scheduling. Arrangements for the pre-application conference are to be made through the Building Department.
- 2) Items Required. The applicant shall submit seven (7) copies of the preliminary sketch plans of the proposed subdivision. A general description of the proposed subdivision must be noted including the number of lots to be created, the approximate size and width of lots, approximate building size, type and use, proposed phases of development, existing zoning and comprehensive land use classification of the project site and adjacent sites.

Approximate building size, type and use, proposed phases of development, existing zoning and comprehensive land use classification of the subject site and adjacent sites.

d) Preliminary Plat Application and Review.

Application for preliminary plat approval shall be made to the Building Department utilizing the form provided by the Department for that purpose, and accompanied by the appropriate review fee. Initial application shall be accompanied by seven (7) copies of the proposed plan. Plans shall be prepared according to the standards of the Land Development Code.

Owners and/or developers submitting applications for preliminary plat approval to the City following the effective date of this Ordinance (September 13, 2007) shall be required to provide adequate design that creates interconnectivity between adjacent

subdivisions and undeveloped parcels which will promote vehicular and pedestrian connection to the greatest extent possible.

1) Review of application materials.

Within two (2) working days of the receipt of an application, the Department shall determine whether the submittal is complete. Incomplete submittals shall be returned to the applicant with the deficiencies noted in writing. Re-submittal of a rejected plan shall be accomplished within ninety (90) days or it shall be considered as a new application.

2) Initiation of development review.

When an application is determined to be complete, it shall be scheduled for the next Technical Review Committee (TRC) meeting, but no earlier than two (2) weeks from the date that the application was determined to be complete.

3) Preliminary Plan.

The following information shall be shown on or enclosed with the plans submitted for approval. The subdivision preliminary plan itself shall be drawn at a scale of no smaller than one (1) inch equal to one hundred (100) feet.

- A) Subdivision name, date, north arrow, and the property's legal description, boundary, boundary dimensions, and area in acres.
- B) Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.
- C) A vicinity map at a scale of one (1) inch equal to four hundred (400) feet showing the zoning of the area and the relationship of the proposed subdivision to the surrounding development.
- C) Proposed streets, common areas, drainage areas, conservation areas, lot lines and their dimensions. Proposed street names and lot numbers.
- D) Acreage in lots, drainage areas, common areas and other uses; and the minimum lot size, average lot size and total number of lots.
- E) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones.
- F) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities and tree survey showing all specimen trees. See Chapter 165.

- G) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within one hundred fifty (150) feet of the property boundary.
  - H) A soils report delineating the soils existing on the site to be developed.
  - I) A list of all jurisdictional agency permits required for the development of the subdivision.
  - J) Proposed stormwater management plan and drainage control facilities and general grading plan.
  - K) Utility sources, distribution and collection lines, if available, (including but not limited to water, sewer, electricity, cable television and telephone).
  - L) Proposed locations of streetlights, sidewalks and bike paths, if any.
  - M) Maximum building heights, anticipated phasing plan and gross density.
  - N) Location of all signs per Chapter 163.
  - O) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.
- 4) Review Process.

A) *The Technical Review Committee (TRC).*

All applications shall be reviewed by the TRC, and members comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the TRC shall be transmitted in writing to the applicant no later than three (3) working days after the meeting. The TRC staff shall make staff recommendations to the Planning and Zoning Board.

B) *Planning and Zoning Board Approval.*

The Planning and Zoning Board shall consider the preliminary plan at a regularly scheduled meeting and determine if they meet the requirements of the Land Development Code. The applicant or applicant's authorized agent shall be present at the meeting for consideration by the Planning and Zoning Board. Upon consideration of the comments of the TRC staff and public, the Board shall make one of the following recommendations to the City Commission:

- i) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of any outstanding issues.

- ii) Disapprove the preliminary plan.
- iii) Approve the preliminary plan.
- iv) Approve the preliminary plan with conditions.

C) *City Commission Approval.*

The City Commission shall consider the preliminary plan at a regularly scheduled meeting and determine if they meet the requirements of this code. The applicant or applicant's authorized agent shall be present at the meeting for consideration by the City Commission. Upon consideration of the comments of the TRC staff, public and recommendations of the Planning and Zoning Board, the Commission shall take one of the following actions:

- i) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of any outstanding issues.
- ii) Disapprove the preliminary plan.
- iii) Approve the preliminary plan.
- iv) Approve the preliminary plan with conditions.

5) *Time Limit.*

The preliminary plan approval shall be valid for a period of eighteen (18) months from the date it is approved by the City Commission. If the applicant has not obtained a land development permit and initiated construction or has not been granted an extension of time by the City Commission within eighteen (18) months of approval, the preliminary plan approval shall lapse and be considered void. A preliminary plan approval time limit is valid as long as the project maintains an active land development permit.

Notwithstanding these limitations, an applicant may intentionally phase a project with specific development timeframes. Development phasing may not cover a period exceeding 20 years. Commencement of construction must begin within 30 months of completion and inspection of the previous phase. Preliminary plat approval will lapse if the approved phase timeframes are exceeded, unless otherwise extended by the City Commission as provided for in Section 157.060(d)(6) below.

6) *Extensions.*

A request for an extension of the preliminary plan approval may be submitted to the City Manager or designee any time prior to expiration of the preliminary plan. No request for extension of preliminary plan approval will be accepted after the preliminary plat approval has lapsed or phasing schedule exceeded. The applicant may, however, reapply for



preliminary plan approval under the provisions of the Land Development Code.

- A) Extension requests shall be accompanied by a completed extension request form, furnished by the Department.
- B) The City Manager or designee shall schedule the request on the regularly scheduled City Commission agenda. The City Commission decision shall be final.

7) Phasing.

Subdivision projects may be phased. Phasing, if proposed, shall be shown on the preliminary plan and may be modified as allowed in Section 157.060(d)(8) of the Land Development Code.

A) Phasing shall be arranged and designed in such a manner that at any point in a project's development, the initial phase or any successive groups of phases shall be able to "stand alone," meeting all applicable standards set forth and referenced in the Land Development Code.

B) The initial phase and any successive groups of phases shall be able to "stand alone" and function adequately in regards to required improvements, infrastructure, facilities, and in relation to all project conditions so as to be independent from any future phase or phases and improvements or areas contained therein.

8) Modifications.

Minor modifications to approved preliminary plans may occur between preliminary and final plat approvals. Modifications to roadway layout, phasing, lot configuration will require an administrative approval as provided in Chapter 152. Modifications that require a change in the number of lots or a change in the area to be platted will require re-approval of the preliminary plat and must comply with the requirements and procedures of this Section.

9) Land Development Prior to Land Development Permit Prohibited.

No construction, with the exception of test facilities and minor clearing of underbrush and clearing activities permitted pursuant to a valid land clearing permit, may begin until a land development permit has been issued by the City of Fruitland Park.

Procedure. After TRC approval of the preliminary plat, (at the time the preliminary plat is scheduled for Planning and Zoning Board consideration and approval), an applicant may apply for a land development permit and follow either of the procedures identified in Section 157.060(d)(10) or Section 157.060(d)(10)(a) of the Land Development Code. No construction may commence until the applicant obtains a land development permit, pursuant to Section 157.060(d)(11) of the Land Development Code. The City Manager or designee is hereby authorized to waive, in writing, the requirement for a land development permit, where no improvements delineated in Section 157.070 are required or where a required improvement(s) can be provided via another application and review process.

10) Construction before Final Plat Approval.

The applicant shall submit to the City Manager or designee construction plans and specifications as required in Section 157.060(d)(11) of the Land Development Code together with a request for a land development permit.

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

<b>ITEM TITLE:</b>	Draft Regular Meeting Minutes
For the Meeting of:	June 24, 2021
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	June 18, 2021
<b>Funds Required:</b>	No
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	Draft minutes

**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.

- June 10, 2021 regular meeting

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

**Staff's Recommendation:** Approve the meeting minutes as submitted if there are no corrections.

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**FRUITLAND PARK CITY COMMISSION REGULAR  
DRAFT MEETING MINUTES  
June 10, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 10, 2021 at 6:00 p.m.

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

**Also Present:** City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Robb Dicus; Community Development Director Tracy Kelly; Administrative Assistant Sharon Williams; Human Resources Director Jabari Hopkins, Lake County Fire Rescue Lieutenant Mark Gato; Firefighters Kyle Smalt and John Pawlowski, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

After Mayor Cheshire called the meeting to order, Pastor Travis Turner, Heritage Community Church, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:00:30 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: 6:02:26 p.m. Upon Mayor Cheshire's suggestion, and **by unanimous consent, the city commission approved the following changes to this evening's agenda:**

**3.(b) Rezoning (Ordinance 2019-003)**

**Postpone to the June 24, 2021 regular meeting at staff's request.**

**5.(b) Resolution 2021-019**

**Addendum – Certificate of Insurance and approve as amended Subsection 6.b., to insert the words . . . *the Academy Director* . . .**

**3. SPECIAL PRESENTATIONS**

**(a) Fruitland Park Lions Club**

Mr. John R. Muller Jr., The Fruitland Park Lions Club, gave a background highlighting his experience; described the club's programs, fund-raising events and impending goals to benefit members of the community together with the support of Operation Bless Fruitland Park, and recognized the invitation extended to the city commission to attend its June 14, 2021 Flag Day Dedication Ceremony.

**ACTION:** 6:03:07 p.m. No action was taken; however, on behalf of the city commission, Mayor Cheshire thanked Mr. Muller for the work accomplished on behalf of the community and recognized that the elected officials plan to attend the Flag Day Dedication Ceremonial event to be held on Monday, June 14, 2021.

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

The Rezoning (Ordinance 2019-003) - Petitioner: Leesburg Fruit Company Rufus M. Holloway, Trustee/Holloway Properties, Inc. to be given by Mr. Charles “Chuck” C. Hoitt, BESH-Halff Inc., was postponed at staff’s request.

**ACTION:** 6:02:26 p.m. (See Agenda Item 2., postponed to the June 24, 2021 regular meeting at staff’s request.)

**4. LOCAL PLANNING AGENCY**

**ACTION:** 6:13:39 p.m. **By unanimous consent, the city commission recessed its meeting at 6:15 p.m. to the Local Planning Agency meeting and reconvened at 6:18 p.m.**

**5. CONSENT AGENDA**

**The city commission considered the following consent agenda items:**

**(a) May 27, 2021 regular minutes as submitted.**

**(b) Resolution 2021-019 – NW Lake Community Park – Soccer Field Use - Bologna FC 1909 Soccer Academy League Agreement**

**RESOLUTION 2021-019 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**

**RESOLUTION 2021-020 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:** 6:17:55 p.m. **On motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the city commission approved the consent agenda items as previously cited.**

**6. REGULAR AGENDA**

**(a) Resolution 2021-021 - 2021/22 SRO Officer Program**

Ms. Geraci-Carver read into the record proposed Resolution 2021-021, the substance of which is as follows:

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.

**ACTION:** 6:18:24 p.m. After discussion, a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission adopt Resolution 2021-021 as previously cited.

**Mayor Cheshire called for a roll call vote and the motion was declared unanimously carried.**

**(b) Resolution 2021-023 - 1<sup>st</sup> Am. Annexation Agreement – Urick Street – Permitted Uses - Petitioner: Beryl N. Stokes**

Ms. Geraci-Carver read into the record proposed Resolution 2021-023 the substance of which is as follows:

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.

**ACTION:** 6:19:47 p.m. After extensive discussion and following Ms. Geraci-Carver's suggestion on the need to review the definition of wastewater connection provisions in the land development code and the comprehensive plan, a motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-023 as previously cited.

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

**By unanimous consent, Mayor Cheshire recognized the public hearings to be held at this evening's meeting.**

## QUASI-JUDICIAL PUBLIC HEARINGS

- (c) **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.**

Later in the meeting, Ms. Geraci-Carver read into the record proposed Ordinance 2021-003 the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

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.)

**ACTION: 6:32:00 p.m. and 6:59:44 p.m. By unanimous consent and upon Mayor Cheshire's recommendation, the city commission tabled its consideration of proposed Ordinance 2021-003 to 7:00 p.m. as publicly noticed for this evening's meeting.**

It being later in the meeting and upon Mayor Cheshire's recommendation, **by unanimous consent, the city commission removed from the table proposed Ordinance 2021-003 for consideration.**

Mr. Michael "Mike" W. Rankin, LPG Urban and Regional Planners Inc., who was sworn-in by Ms. Geraci-Carver, described the subject proposed master development agreement amendment.

Following much discussion, **a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission approve Ordinance 2021-003 as previously cited**

There being no one from the public and **by unanimous consent, the Mayor Cheshire closed the public hearing.**

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

(d) **First Reading and Quasi-Judicial Public Hearing - Ordinance 2021-007 - SSCPA – 212 E LaVista Street – Petitioner: New Life Presbyterian Church of Lake County Inc.**

After Ms. Geraci-Carver read into the record proposed Ordinance 2021-007, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

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.)

**ACTION:** 6:32:23 p.m. Following much discussion, a motion was made by Commissioner Mobilian and seconded by Commissioner Gunter that the city commission approve the LPA's recommendation of approval on Ordinance 2021-007 as previously cited.

There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.

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

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

It now being the time advertised to hold a public hearing to consider the adoption of Resolution 2021-022, after Ms. Geraci-Carver read into the record the following title, she later swore-in those who intended to give testimony and Mayor Cheshire called for interested parties to be heard:

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.

Ms. Kelley who was later sworn, outlined the applicant's intent on the subject variance request.

Following extensive deliberations, Commissioner DeGrave expressed concerns on the sign variance request for three signs situated on one parcel of land and the problem with following the applicant's directional signs on the highway as off-property signs.

A motion was made by Commissioner DeGrave that the city commission deny Resolution 2021-022 as previously cited. The motion died for a lack of a second.

**ACTION: 6:38:34 p.m. A motion was made by and seconded by that the city commission postpone its action to adopt Resolution 2021-022 as previously cited and directed staff to make arrangements for the petitioner to appear before the city commission.**

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

<b>Commissioner Bell</b>	<b>Yes</b>
<b>Commissioner De Grave</b>	<b>No</b>
<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Commissioner Mobilian</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**The motion was declared carried on a four-to-one (4-1) vote.**

After Ms. Geraci-Carver addressed the need for staff to readvertise the notice of public hearing, **and by unanimous consent the city commission agreed to direct staff to make arrangements for the petitioner to appear before the commission at its June 24, 2021 regular meeting.**

**A motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the city commission postpone its action to adopt Resolution 2021-022 as previously cited and directed staff to make arrangements for the petitioner to appear before the city commission at its June 24, 2021 regular meeting.**

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

<b>Commissioner Mobilian</b>	<b>Yes</b>
<b>Commissioner De Grave</b>	<b>No</b>
<b>Vice Mayor Gunter</b>	<b>Yes</b>
<b>Commissioner Bell</b>	<b>Yes</b>
<b>Mayor Cheshire</b>	<b>Yes</b>

**The motion was declared carried on a four-to-one (4-1) vote.**

**(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.**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2021-008, the substance of which is as follows:

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 held on June 24, 2021.)

**ACTION:** 7:05:46 p.m. **A motion was made by Commissioner Bell and seconded by Commissioner DeGrave that the city commission approve the Local Planning Agency’s recommendation of approval of Ordinance 2021-008 as previously cited.**

There being no one from the public and **by unanimous consent, the Mayor Cheshire closed the public hearing.**

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

**(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.**

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2021-004, the substance of which is as follows:

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 held on June 24, 2021.)

**ACTION: 7:07:51 p.m. A motion was made by Commissioner Mobilian and seconded by Vice Mayor Gunter that the city commission approve Ordinance 2021-004 as previously cited.**

There being no one from the public and **by unanimous consent, the Mayor Cheshire closed the public hearing.**

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

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

Ms. Geraci-Carver read into the record the title of proposed Ordinance 2021-006, the substance of which is as follows:

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 will be held on June 24, 2021.)

**ACTION: 7:08:53 p.m. A motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the city commission approve the LPA's recommendations of approval on Ordinance 2021-006 as previously cited.**

There being no one from the public and **by unanimous consent, the Mayor Cheshire closed the public hearing.**

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

**END OF QUASI-JUDICIAL PUBLIC HEARINGS**

**END OF PUBLIC HEARINGS**

**7. (a) City Manager**

**i. Economic Development Status Update**

Mr. La Venia addressed his plan to attend the September 23, 2021, Lake County/Municipal Economic Development Summit on best planning practices (a free event) to be held at Mount Dora, at 7:30 a.m.

ACTION: 7:18:14 p.m. No action was taken.

**ii. COVID-19 Status Update**

Mr. La Venia had no status updates on COVID-19.

ACTION: 7:12:55 p.m. No action was taken.

**iii. 2021 Special Meeting and Workshops**

After Mayor Cheshire recalled the city commission's April 22, 21 discussions on the 2021 meeting schedule and the need to hold workshops, Mr. La Venia gave the status on the:

- FY 2021-22 proposed budget - reflected on the previously provided revised budget meeting calendar;
- public works and public safety buildings - whereby needs for the city's public safety are currently being compiled by Chief Luce and arrangements are being made to meet with the Lake County Manager Alan Rosen and Lake County Fire Chief James "Jim" Dickerson on the county's needs;
- safety program and the employee personnel manual – with changes received from Ms. Dorothy "Dotty" F. Green, Latham, Shuker, Eden & Beaudine (labor attorney retained by the city); thus, conversations are being held with Mr. Hopkins in this regard prior to adoption;
- land development regulations – whereby he relayed the statements from Mr. Greg Beliveau, Urban and Regional Planners Inc., that Chapter 151, Definitions and Interpretations are being reviewed by BESH-Halff Inc. and Ms. Geraci-Carver outlined the subsequent public hearing process;

- charter review to commence April 2022, and
- Water Impact Fee Study – ought to be held before, after or during a scheduled city commission meeting;

**ACTION:** 7:12:55 p.m. and 7:34:23 p.m. After discussion and **by unanimous consent, the city commission members agreed to provide their schedules of available commission meeting dates to consider the aforementioned matters to the city clerk and approved holding the FY 2021-22 proposed budget workshop on August 2 and 3, 2021.** (Mayor Cheshire recognized that due to the annual August 12 to 14, 2021 Florida League of Cities Inc. Conference, a special city commission meeting would be required to be held in August 2021.)

**iv. Professional Architectural Services Design - Public Works GatorSkitch Corporation Sprinkler System**

Mr. La Venia relayed his conversations with GatorSkitch, architect retained by the city, on the city commission’s decision to include 12,000square foot of sprinklers at a cost of up to \$90,000 for the proposed public works building as required by the Florida Building Code and acceptable by Mr. Dicus.

**ACTION:** 7:10:24 p.m. After discussion and **on motion of Commissioner DeGrave, seconded by Commissioner Mobilian and unanimously carried, the city commission accepted the city manager’s request for GatorSkitch Corporation (professional architectural services design company retained by the city) to design a sprinkler system as previously cited for the proposed public works building.**

**v. Fruitland Park Cleanup Day – Keep Lake Beautiful**

Mr. La Venia reported that a vacant position to be held by a Lake County League of Cities (LCLC) representative exists on Lake County’s Keep Lake Beautiful Committee; recognized Commissioner Bell as the LCLC’s municipal representative, and questioned his interest to serve on same which is anticipated to be addressed at its June 11, 2021 meeting.

**ACTION:** 7:17:52 p.m. No action was taken.

**(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:** 7:18:45 p.m. No action was taken.

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

Ms. Geraci-Carver announced that the hearing recently took place with the State of Florida Department of Management Services and addressed the plan to hold discussions with the attorney who represented the city on the matter and as well as whether there would be a need to hold a closed-attorney-client session meeting.

ACTION: 7:18:45 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 had nothing to report on the State of Florida Department of Management Services at this time.

ACTION: 7:18:45 p.m. No action was taken.

**8. UNFINISHED BUSINESS**

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

ACTION: 7:19:18 p.m. No action was taken.

**9. PUBLIC COMMENTS**

Mr. David Serder, Unincorporated Fruitland Park area resident, acknowledged the elected officials.

ACTION: 7:19:20 p.m. No action was taken.

**10. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

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

ACTION: 7:23:09 p.m. No action was taken.

**(b) Commissioner DeGrave -**

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

ACTION: 7:23:14 p.m. No action was taken.

**(b) Commissioner Bell**

**i. Lake County Road/Transportation Funding Project**

Commissioner Bell mentioned the intent to address at the June 11, 2021 LCLC's meeting, the About Lake The One Lake Team's request to support the county's road/transportation funding projects by instituting a general ad valorem fund and infrastructure sales tax.

**ACTION:** 7:23:17 p.m. After much discussion and upon Commissioner DeGrave's suggestion, **the city commission agreed to relay to the Lake County League of Cities its concerns to not support the previously cited funding projects.**

**ii. Library**

Commissioner Bell commended the library staff for a job well done on the children's programming services.

**ACTION:** 7:32:32 p.m. No action was taken.

**(d) Vice Mayor Gunter, Jr. – Former Police Chief and Public Safety Officer**

Vice Mayor Gunter announced that he, along with Commissioner Bell, Police Chief Luce, and Mr. Dicus were present at the well-attended the June 3, 2021 services of the late James "Mark" Isom Sr., former police chief and public safety officer to which Mayor Cheshire addressed the plans to honor him with a proclamation at the June 24, 2021 regular meeting.

**ACTION:** 7:31:53 p.m. . No action was taken.

**9. MAYOR'S COMMENTS**

**(a) Florida's 2021 Sales Tax Holidays:**

Mayor Cheshire announced the July 1 to July 7, 2021, Recreational Activities *Freedom Week* and July 31 to August 9, *Back-to-School* Florida's 2021 sales tax holidays.

**ACTION:** 7:32:54 p.m. No action was taken.

**(c) Portable Recording Equipment**

Mayor Cheshire referred to the city commission's actions at its May 13, 2021 regular meeting to obtain the costs of the portable recording equipment to be detailed in the forthcoming FY 2021-22 proposed budget. He confirmed that the cost of \$9,812 is already in the FY 2020-21 budget and pointed out the May 27, 2021 quote for \$7,199.20; a copy of which is filed with the supplemental papers to the minutes of this meeting.

**ACTION:** 7:33:06 p.m. No action was taken.

**(d) Dates to Remember**

Mayor Cheshire recognized the following events:

- 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 10, 2021 Regular Minutes

- 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.;

ACTION: . 7:34:28 p.m. No action was taken.

**12. 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 7:35 p.m.

The minutes were approved at the June 24, 2021 regular meeting.

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

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



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

**ITEM TITLE:** Resolution 2021-024 Preliminary Fire Assessment

**For the Meeting of:** June 24, 2021

**Submitted by:** City Treasurer/City Attorney

**Date Submitted:** June 21, 2021

**Funds Required:** No

**Attachments:** Proposed resolution

**Item Description:** Resolution 2021-024 Preliminary Fire Assessment

The Villages Residential \$191.00

The Villages Fire Cost = \$352,291

Gross Revenue for The Villages \$392,314

Estimated Collection Cost \$34,116

Estimated Net Realized Revenue \$358,198

**Action to be Taken:** Adopt Resolution 2021-024

**Staff's Recommendation:** Approve Resolution 2021-024 Preliminary Fire Assessment

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**RESOLUTION 2021-024**

**A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES WITHIN THE VILLAGES OF FRUITLAND PARK BENEFIT AREA IN THE CITY OF FRUITLAND PARK; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1. AUTHORITY.** This Resolution is adopted pursuant to Ordinance No. 2016-007, Sec. 166.041 and Chapter 197, Florida Statutes, Resolution No. 2015-014 and other applicable provisions of law.

**SECTION 2. PURPOSE.** This Resolution constitutes the Tentative Rate Resolution as provided for in the Ordinance. All capitalized words and terms not defined herein shall have the meanings set forth in Ordinance 2016-007. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

**SECTION 3. PROVISION AND FUNDING OF FIRE SERVICES.**

(A) Upon the imposition of Fire Service Assessment for fire services, facilities, or programs against Assessed Property located within the Villages of Fruitland Park benefit area of the City of Fruitland Park, as hereafter defined, the City shall provide fire services to such Assessed Property. A portion of the cost to provide such fire services, facilities, or programs shall be funded from proceeds of the Fire Assessment collected within the Villages of Fruitland Park benefit area

of the City of Fruitland Park. The remaining cost, if any, required to provide fire services, facilities, and programs shall be funded by legally available City of Fruitland Park revenues other than Fire Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the Villages of Fruitland Park benefit area of the City of Fruitland Park will be specially benefitted by the City of Fruitland Park's provision of fire services, facilities, and programs in an amount not less than the Fire Service Assessment imposed against such parcel, computed in the manner set forth in this Tentative Rate Resolution.

**SECTION 4. IMPOSITION AND COMPUTATION OF FIRE SERVICE ASSESSMENT.** The Fire Service Assessment shall be imposed against all Tax Parcels within the Villages of Fruitland Park benefit area of the City of Fruitland Park subject to the assessment as set forth in this Tentative Rate Resolution. The Fire Service Assessment shall be computed in the manner set forth in this Tentative Rate Resolution.

**SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.**

- (A) The legislative determinations of special benefit embodied in Ordinance 2016-007 is affirmed and incorporated herein by reference.
- (B) The City Commission has determined and declares that the fire services assessment being imposed by the City is being fairly and reasonably apportioned among the Parcels receiving the special benefit.

- (C) The City Commission relies on and adopts the study prepared by Government Services Group, Inc. on behalf of the City of Fruitland Park entitled City of Fruitland Park, Florida, Fire Assessment Memorandum dated June, 2016.
- (D) Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law provides facilities and uses to their ownership, occupants, and memberships as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon buildings located upon such parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Services Assessments shall be imposed upon Institutional Buildings located upon a parcel of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law.
- (E) Government Property provides facilities and uses to the community, local constituents, and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon parcels of Government Property.
- (F) Government Property that is owed by federal government entities, such as the VA and HUD, due to foreclosures or government-backed grant programs funding housing rehabilitation are neither serving a governmental purpose nor providing a public benefit but are instead being held by these federal government entities in a proprietary capacity. Accordingly, these properties shall not be exempted from the Fire Service Assessment.

**SECTION 6. COST APPORTIONMENT AND PARCEL APPORTIONMENT  
METHODOLOGIES.**

- (A) The City proposes to create the Fire Services Assessment Benefit Area, consisting of two sub Assessment Areas. The City benefit area and the Villages of Fruitland Park benefit area. The Benefit areas are shown on the map attached hereto as Appendix D.
- (B) Lake County, Florida will impose its fire assessment in the City Benefit Area.
- (A) The Cost Apportionment and Parcel Apportionment methodology for the Villages Benefit Area as set forth herein are adopted.
  - a. The fire services in the Villages Benefit Area are provided through an interlocal agreement with the Villages Center Community Development District based on the number of single-family residential parcels. Therefore, it is fair and reasonable to assess on a per dwelling unit basis for developed parcels.

**SECTION 7. DETERMINATION OF FIRE SERVICES COST;  
ESTABLISHMENT OF ANNUAL FIRE SERVICE ASSESSMENT RATES.**

(A) The Fire Services Cost to be assessed and apportioned among benefited parcels in the Villages Benefit Area pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, -2021, is the amount determined in the Estimated Fire Service Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Fire Service Assessment Rate Schedule by the adoption of this Tentative Rate Resolution determines the amount of the Fire Services Cost. The remainder of such Fiscal Year budget for

fire services, facilities, and programs shall be funded from available City of Fruitland Park revenue other than Fire Service Assessment proceeds.

(B) The estimated Fire Service Assessment specified in the Estimated Fire Service Assessment Rate Schedule is hereby established to fund the specified Fire Services Cost determined to be assessed in the Fiscal Year commencing October 1, 2021. No portion of such Fire Services Cost is attributable to impact fee revenue that funds capital improvements necessitated by new growth or development. Further, no portion of such Fire Services Cost is attributable to emergency medical services costs.

(C) The estimated Fire Service Assessment established in this Tentative Rate Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2021 as provided in Section 8 of this Tentative Rate Resolution.

#### **SECTION 8. ANNUAL FIRE ASSESSMENT ROLL.**

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Fire Assessment Roll for the Fiscal Year commencing October 1, 2021, in the manner provided in the Ordinance. The updated Fire Assessment Roll shall include all Tax Parcels subject to the Fire Services Assessment within the in the Villages Benefit Area of the City of Fruitland Park. The City Manager shall apportion the estimated Fire Services Cost to be recovered through Fire Services Assessment in the manner set forth in this Tentative Rate Resolution.

(B) A copy of this Tentative Rate Resolution, Ordinance 2016-007, documentation related to the estimated amount of the Fire Services Cost to be recovered through the imposition of Fire Services Assessment, and the updated Fire Assessment Roll shall be maintained on file in

the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Fire Assessment Roll proposed for the Fiscal Year beginning October 1, 2021 be in printed form if the amount of the Fire Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Fire Services Assessment for fire services as set forth in this Tentative Rate Resolution is a fair and reasonable method of apportioning the Fire Services Cost among parcels of Assessed Property located within the Villages of Fruitland Park benefit area of the City of Fruitland Park.

**SECTION 9. AUTHORIZATION OF PUBLIC HEARING.** There is hereby established a public hearing to be held at 6:00 p.m., or as soon thereafter as the item can be heard, on - September 9, 2021, in the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, at which time the City Commission will receive and consider any comments on the Fire Services Assessment from the public and affected property owners and consider imposing Fire Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

**SECTION 10. NOTICE BY PUBLICATION.** The City Manager shall publish a notice of the public hearing authorized by Section 9 hereof in the manner and time provided in the Uniform Assessment Collection Act. The notice shall be published no later than -August 19, 2021, in substantially the form attached hereto as Appendix B.

**SECTION 11. NOTICE BY MAIL.** The City Commission shall provide first class mailed notice of the public hearing authorized by Section 9 hereof. Such mailed notice shall be in the form required by the Uniform Assessment Collection Act and Ordinance 2016-007 for the purpose of imposing Fire Service Assessment for the Fiscal Year Beginning October 1, -2021.

The notice shall be in substantially the form attached hereto as Appendix C. All first class mailed notices must be mailed no later than August 16, 2021.

If the City determines that the truth-in-millage (“TRIM”) notice that is mailed by the Property Appraiser under section 200.069, Florida Statutes, also fulfills the requirements of this section, then the separate mailing requirement described in this section will be deemed fulfilled by the TRIM notice.

**SECTION 12. APPLICATION OF ASSESSMENT PROCEEDS.** Proceeds derived by the City of Fruitland Park from the Fire Services Assessment will be utilized for the provision of fire services, facilities, and programs within the Villages of Fruitland Park benefit area of the City of Fruitland Park. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire services, facilities, and programs within the Villages of Fruitland Park benefit area of the City of Fruitland Park.

**SECTION 13. EFFECTIVE DATE.** This Tentative Rate Resolution shall take effect immediately upon its passage and adoption.

DULY ADOPTED this 24<sup>th</sup> day of June 2021.

\_\_\_\_\_  
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)

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

Second Reading \_\_\_\_\_

Approved as to form and legality:

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

**APPENDIX A**

**Estimated Fire Service Assessment Rate Schedule**

1. **Determination of Fire Services Costs.** The estimated Fire Services Cost to be assessed for the Fiscal Year commencing October 1, 2021, is \$355,276.00
2. **Estimated Fire Services Assessment.** The estimated Fire Services Assessment to be assessed and apportioned among benefitted parcels within the Villages of Fruitland Park benefit area pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Cost for the Fiscal Year commencing October 1, 2021, is hereby established as follows for the purpose of this Tentative Rate Resolution:

FY 2021-2022 Preliminary Fire Assessment Rates – Villages of Fruitland Park Benefit Area

Residential	\$191.00 per Dwelling Unit
<hr/>	
Total Estimated Gross Revenue	\$392,314.00

- A. No Fire Services Assessment shall be imposed upon institutional buildings whose use is wholly tax exempt or upon a parcel of Government Property; except Government Property that is owned by federal entities, such as the VA and HUD, and held in a proprietary capacity shall not be exempted from the Fire Services Assessment.
- B. Any shortfall in the expected Fire Services Assessment proceeds due to any reduction or exemption from payment of the Fire Services Assessment required by law or authorized by the Commission shall be supplemented by any legally available funds, or combination of funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessment. It is the legislative determination of the Commission that in the event of a court of competent jurisdiction determining any exemption or reduction by the Commission is improper or otherwise adversely affects the validity of the Fire Services Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Services Assessment upon each affected Tax Parcel in the amount of the Fire Services Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the Commission.

## **APPENDIX B**

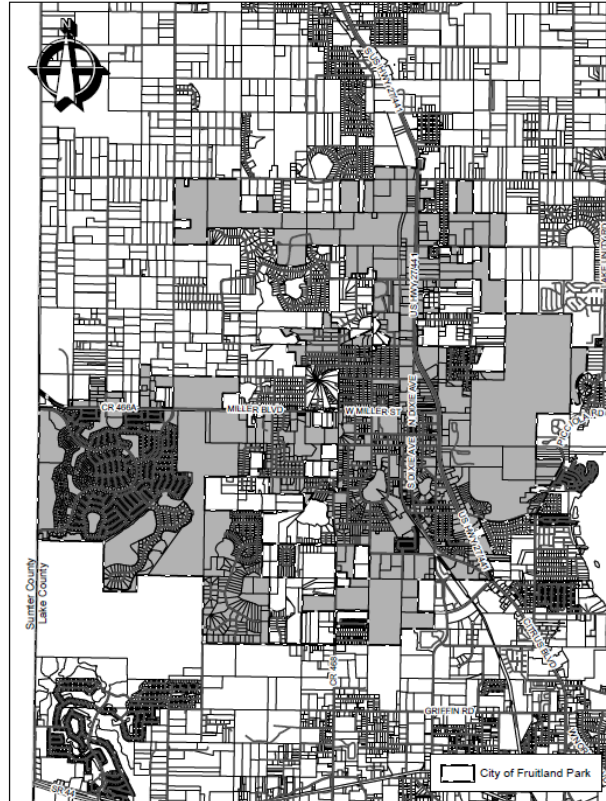
### **Notice of Public Hearing for Publication**

**To Be Published on or before August 19, 2021**

#### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City Commission of the City of Fruitland Park will conduct a public hearing to consider imposing fire services special assessments for the provision of fire protection services within the Villages Benefit Area of the City for the Fiscal Year beginning October 1, 2021.

On Thursday, September 9, 2021 at 6:00 p.m. or as soon thereafter as possible, the City Commission of the City of Fruitland Park will hold a public hearing at the **Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida** for the purpose of receiving public comment concerning Resolution 2021-025 setting the rate for the fire services assessment to be imposed on real property within the City of Fruitland Park and which provides for collection of fire services assessment by the Lake County Tax Collector. All affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of this Notice of Public Hearing.



The fire services assessment for each parcel of property will be based upon each parcel's classification category and the number of billing units within the specified category. The following table reflects the proposed Fire Assessment schedule.

#### VILLAGES OF FRUITLAND PARK BENEFIT AREA

Residential	\$191.00 per Dwelling Unit
-------------	----------------------------

Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727. All persons are advised that if he or she decides to appeal any decision made by the Commission with respect to any matter considered at the hearing, the person will need a record of the proceeding, and for such purposes, may need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2021-024, and the Fire Assessment Roll are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

The fire services assessment will be collected on the ad valorem tax bill to be mailed in November 2021, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Clerk at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m. Monday to Friday.

Esther Coulson, City Clerk  
**City of Fruitland Park**

**APPENDIX C**

**Form of Notice to be Mailed First class mail**

**\*\*\*\*\* NOTICE TO PROPERTY**

**OWNER \*\*\*\*\***

CITY OF FRUITLAND PARK  
506 W. Berckman Street,  
Fruitland Park, Florida

[owner name]  
[mailing address]  
[city, state, zip code]

CITY OF FRUITLAND PARK, FLORIDA  
  
NOTICE OF HEARING TO IMPOSE AND  
PROVIDE FOR COLLECTION OF FIRE  
SERVICES NON-AD VALOREM  
ASSESSMENTS  
  
NOTICE DATE: August 16, 2021

Tax Parcel # [ ]

As required by Section 197.3632, Florida Statutes, notice is given by the City of Fruitland Park that an annual assessment for fire services using the tax bill collection method may be levied on your property. The purpose of this assessment is to fund fire protection services benefitting property located within the Villages Benefit Area of the City of Fruitland Park. The total annual Fire Services Assessment revenue to be collected within the Villages Benefit Area of the City of Fruitland Park is estimated to be \$355,276.00 for fiscal year October 1, 2021 – September 30, 2022. The annual fire services assessment is based on the classification of each parcel of property and the number of billing units within the property categories.

The above parcel is classified as [ ].  
The total number of billing units on the above parcel is [ ].  
The type of billing units on the above parcel is [ ].  
The annual Fire Services Assessment for the above parcel is \$[ ].  
The maximum annual fire services assessment that can be charged without further notice for Fiscal Year 2021-22 and for future fiscal years for the above parcel is \$ \_\_\_\_\_.

A public hearing will be held at 6:00 p.m., or as soon thereafter as the matter may be heard on September 9, 2021, at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida, for the purpose of receiving public comment on the proposed assessment. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City of Fruitland Park within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission's action at the above hearing, such action shall be the final adjudication of the issues presented.

Resolution 2015-014, the Fire Services Ordinance 2016-007, the Tentative Rate Resolution 2021-024, and the Fire Assessment Role are available at the City Clerk's Office, at City Hall located at 506 W. Berckman Street, Fruitland Park, Florida, between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

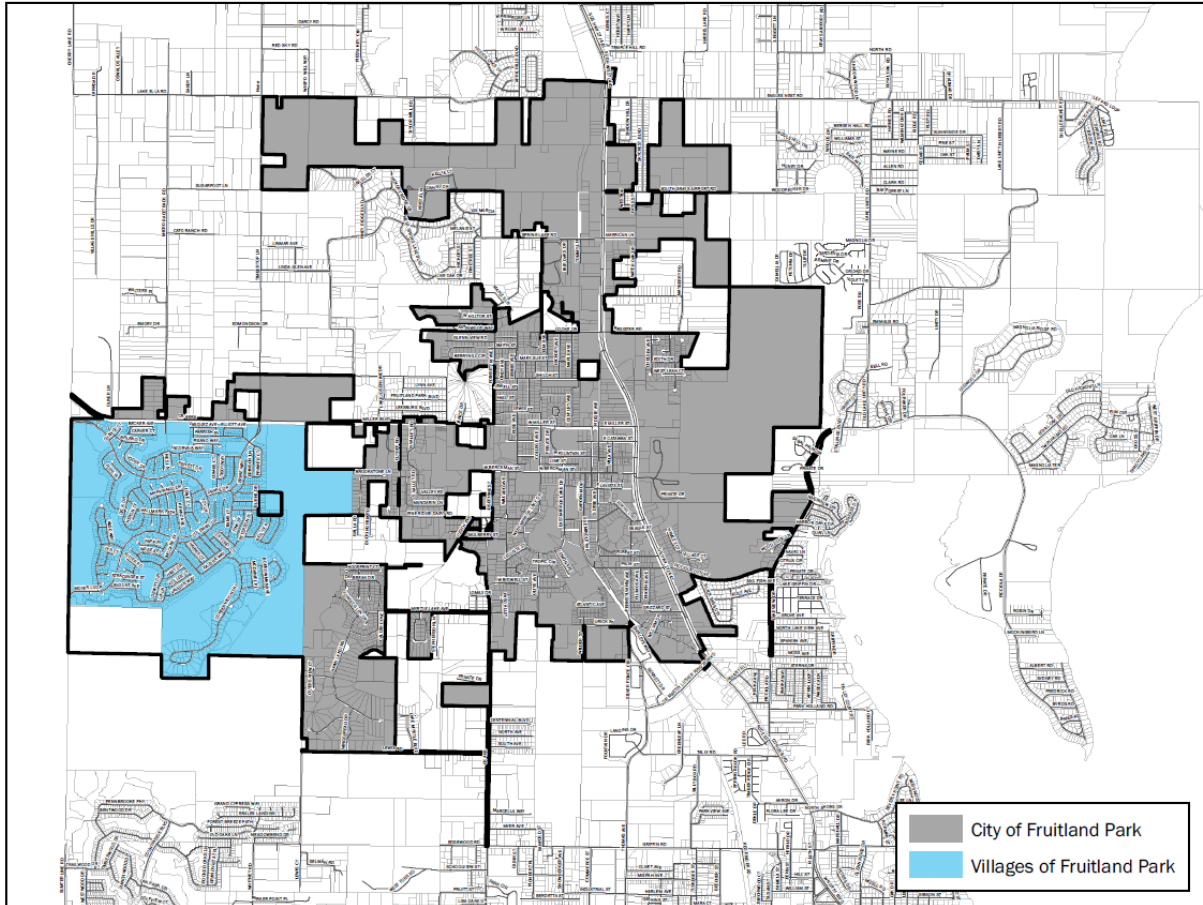
The fire services non-ad valorem assessment amount shown on this notice will be collected by the Lake County Tax Collector on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions, please contact the City at (352) 360-6727, Monday through Friday, from 8:00 a.m. to 5:00 p.m.

\*\*\* THIS IS NOT A BILL \*\*\*

**APPENDIX D**

**MAP SHOWING HISTORICAL FRUITLAND PARK BENEFIT AREA AND  
VILLAGES OF FRUITLAND PARK BENEFIT AREA**





2021-024

APPENDIX A

Estimated Fire Service Assessment Rate Schedule

- Determination of Fire Services Costs.** The estimated Fire Services Cost to be assessed for the Fiscal Year commencing October 1, ~~2020~~2021, is ~~\$1,012,877,929,057.~~  
\$355,276.00 *OK*
- Estimated Fire Services Assessment.** The estimated Fire Services Assessment to be assessed and apportioned among benefitted parcels within the Village of Fruitland Park benefit area pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Cost for the Fiscal Year commencing October 1, ~~2020~~ 2021, ~~are is~~ hereby established as follows for the purpose of this Tentative Rate Resolution:

~~FY 2020-21 Preliminary Fire Assessment Rates – City of Fruitland Park Benefit Area~~

<del>Category</del>	<del>Rate Per Dwelling Unit</del>
<del>Residential</del>	<del>\$273.00</del>
	<del>Rate Per Square Foot</del>
<del>Non-Residential</del>	<del>\$0.103</del>
<del>Total Estimated Gross Revenue</del>	<del>\$633,809.00</del>
<del>Total Estimated Government Buy-down</del>	<del>\$16,265.00</del>
<del>Total Estimated Institutional Tax Exempt Buy Down</del>	<del>\$11,108.00</del>
<del>Total Estimated Net Revenue</del>	<del>\$606,435.00</del>

20

2022

FY 2020-21/2021-2021 Preliminary Fire Assessment Rates – Villages of Fruitland Park

Benefit Area

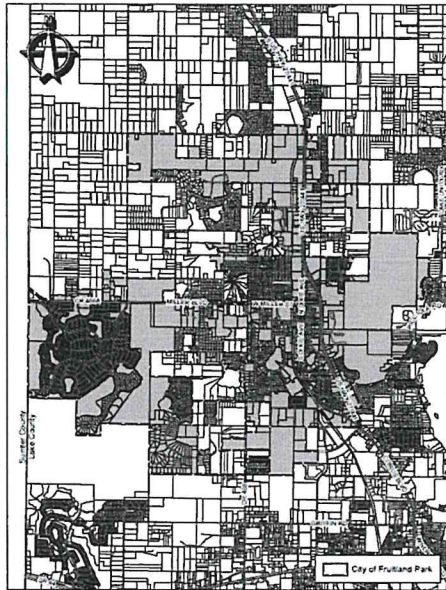
Residential	<del>\$186.00 per Dwelling Unit</del> <i>\$191.00</i>
Total Estimated Gross Revenue	<del>\$379,068.00</del> <i>392,314</i>
<i>Est Collection Cost</i>	<i>34,116</i>

Commented [A1]: Are changes needed here?

*Est Net Realized Rev*  
*358,198*

- No Fire Services Assessment shall be imposed upon institutional buildings whose use is wholly tax exempt or upon a parcel of Government Property; except Government Property that is owned by federal entities, such as the VA and HUD, and held in a proprietary capacity shall not be exempted from the Fire Services Assessment.

Gross Revenue	\$392,314
Est. Collection Cost	\$34,116
Est. Net Realized Revenue	\$358,198



The fire services assessment for each parcel of property will be based upon each parcel's classification category and the number of billing units within the specified category. The following table reflects the proposed Fire Assessment schedule.

**CITY OF FRUITLAND PARK BENEFIT AREA**

Category	Rate Per Dwelling Unit
Residential	\$273.00
Non-Residential	Rate Per Square Foot
	\$0.103

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**VILLAGES OF FRUITLAND PARK BENEFIT AREA**

Residential      \$186.00 per Dwelling Unit

191.00

Persons with disabilities needing assistance to participate in this proceeding should contact the City Clerk at least 48 hours before the meetings at (352) 360-6727. All persons are advised that if he or she decides to appeal any decision made by the Commission with respect to any matter considered at the hearing, the person will need a record of the proceeding, and for such purposes,

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 5b**

**ITEM TITLE:** Second Reading and Public Hearing – Ordinance  
2021-005 Lake County Countywide MSTU –  
Ambulance and EMS

**For the Meeting of:** June 24, 2021

**Submitted by:** City Attorney/City Manager

**Date Submitted:** March 16, 2021

**Funds Required:** No

**Account Number:** N/A

**Amount Required:** N/A

**Balance Remaining:** N/A

**Attachments:** Proposed Ordinance, MSTU Renewal Letter and  
Affidavit

**Item Description:** Ordinance 2021-005 Lake County Countywide  
MSTU – Ambulance and EMS – three-year term. (The first reading was held on  
May 27, 2021.)

**Action to be Taken:** Enact Ordinance 2021-005 to become effective  
immediately as provided by law.

**Staff's Recommendation:** Approval

**Additional Comments:**

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**ORDINANCE 2021-005**

**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.**

**WHEREAS**, Lake County has created a non-profit corporation to provide ambulance services in Lake County; and

**WHEREAS**, Lake County has determined that the best mechanism to secure the necessary funding to provide said ambulance service is to create a county-wide municipal taxing unit authorizing the County to levy ad valorem taxes therein for the provision of ambulance and emergency medical services, and has enacted an ordinance creating that municipal service taxing unit; and

**WHEREAS**, Section 125.01(1)(q), Florida Statutes, provides that the boundaries of a municipal service taxing unit may include all or part of the boundaries of a municipality if the affected municipality consents, by ordinance, to be included therein; and

**WHEREAS**, the City Commission of the City of Fruitland Park previously determined, as set forth in Ordinances 2014-010, 2015-006, and 2018-012 that it is in the best interest of and serves the health, safety and general welfare of the residents of Fruitland Park to include the City of Fruitland Park within the Lake County municipal service taxing unit for ambulance and emergency services; and

**WHEREAS**, Lake County's ordinance expressed its intent to include the City of Fruitland Park within the boundaries of the "Lake County Municipal Service Taxing Unit for Ambulance and Emergency Medical Services," subject to the adoption of an approving ordinance by the City Commission of the City of Fruitland Park; and

**WHEREAS**, the consent as set forth in approving Ordinance 2018-012 is due to expire on July 12, 2021; and

**WHEREAS**, the City Commission of the City of Fruitland Park desires to extend such consent for an additional period of time.

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

Section 1. The City Commission of the City of Fruitland Park hereby consents to the inclusion of the City of Fruitland Park within the boundaries of the “Lake County Municipal Service Taxing Unit for Ambulance and Emergency Medical Services.”

Section 2. This consent shall be effective until July 12, 2024; thereby extending the consent term as previously approved in City Ordinance 2018-012 for an additional three (3) years.

Section 3. 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 Ordinance.

Section 4. This Ordinance shall be codified and included in the Municipal Code by the appropriate party. The section of this ordinance may be renumbered or reentered, and the word “Ordinance” may be changed to “Section”, “Article”, or other appropriate designation.

Section 5. This Ordinance shall take effect immediately upon final adoption by the City Commission of the City of Fruitland Park, Florida.

**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 and legality:

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

\_\_\_\_\_  
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)

First Reading May 27, 2021

Second Reading \_\_\_\_\_



County Attorney's Office

David Langley  
Assistant County Attorney  
dlangley@lakecountyfl.gov

Melanie Marsh\*  
County Attorney  
mmarsh@lakecountyfl.gov

Nicole Blumenauer  
Assistant County Attorney  
nblumenauer@lakecountyfl.gov

\*Board Certification in City, County and Local Government Law

April 12, 2021

Anita R. Geraci-Carver, Esquire  
1560 Bloxam Avenue  
Clermont, FL 34711

RE: Renewal of Countywide Municipal Service Taxing Unit for Ambulance and Emergency Medical Services – for City of Fruitland Park

Dear Anita:

The City adopted Ordinance No. 2018-012, consenting to the inclusion by Fruitland Park within Lake County's Countywide Municipal Service Taxing Unit for Ambulance and Emergency Medical Services. The consent was for a period of three (3) years and will expire July 12, 2021.

Please advise if the City is considering amending its Ordinance to remain a part of the MSTU and provide our office with a copy of the amended/new Ordinance once approved. If not, please advise me of the same.

Also, would the City consider changing the expiration from a three (3) year term to a longer term or even a no expiration date? Currently, we have six cities with no expiration date. Let me know if this is something the City would be interested in.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Melanie Marsh  
County Attorney

MM/jc  
99-148

cc: Christopher Cheshire, Mayor  
Esther B. Coulson, City Clerk

## ORDINANCE 2018 -012

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.

**WHEREAS**, Lake County has created a non-profit corporation to provide ambulance services in Lake County; and

**WHEREAS**, Lake County has determined that the best mechanism to secure the necessary funding to provide said ambulance service is to create a county-wide municipal taxing unit authorizing the County to levy ad valorem taxes therein for the provision of ambulance and emergency medical services, and has enacted an ordinance creating that municipal service taxing unit; and

**WHEREAS**, Section 125.01(1)(q), Florida Statutes, provides that the boundaries of a municipal service taxing unit may include all or part of the boundaries of a municipality if the affected municipality consents, by ordinance, to be included therein; and

**WHEREAS**, the City Commission of the City of Fruitland Park previously determined, as set forth in Ordinances 2014-010 and 2015-006, that it is in the best interest of and serves the health, safety and general welfare of the residents of Fruitland Park to include the City of Fruitland Park within the Lake County municipal service taxing unit for ambulance and emergency services; and

**WHEREAS**, Lake County's ordinance expressed its intent to include the City of Fruitland Park within the boundaries of the "Lake County Municipal Service Taxing Unit for Ambulance and Emergency Medical Services," subject to the adoption of an approving ordinance by the City Commission of the City of Fruitland Park; and

**WHEREAS**, the consent as set forth in approving Ordinance 2015-006 is due to expire on July 12, 2018; and

**WHEREAS**, the City Commission of the City of Fruitland Park desires to extend such consent for an indefinite period of time.

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

Section 1. The City Commission of the City of Fruitland Park hereby consents to the inclusion of the City of Fruitland Park within the boundaries of the "Lake County Municipal Service Taxing Unit for Ambulance and Emergency Medical Services."

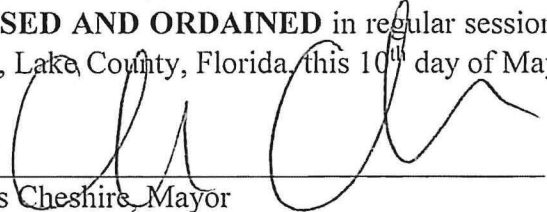
Section 2. This consent shall be effective until July 12, 2021; thereby extending the consent term as previously approved in City Ordinance 2014-010 for an additional three (3) years.

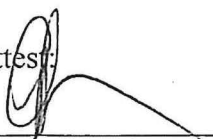
Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

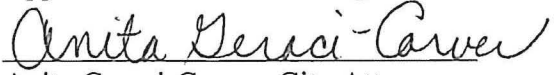
Section 4. This Ordinance shall be codified and included in the Municipal Code by the appropriate party. The section of this ordinance may be renumbered or reentered, and the word "Ordinance" may be changed to "Section", "Article", or other appropriate designation.

Section 5. This Ordinance shall take effect immediately upon final adoption by the City Commission of the City of Fruitland Park, Florida.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 10<sup>th</sup> day of May, 2018.

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

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

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 Lewis    \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), / (Absent)  
Commissioner Ranize   / (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Bell     / (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)

First Reading April 26, 2018

Second Reading May 10, 2018



The Villages<sup>®</sup>  
**DAILY SUN**

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

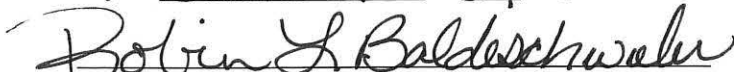
Before the undersigned authority personally appeared **Julie Callahan** who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal # **1006637** in the matter of **ORDINANCE 2021-005** was published in said newspaper in the issues of

**June 4, 2021**

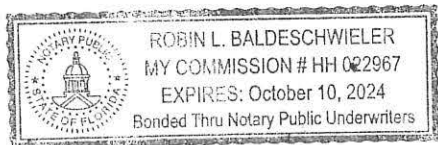
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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 7  
day of June 2021.

  
Robin L. Baldeschwieler, Notary

Personally Known   X   or  
Production Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



Attach Notice Here:

**ORDINANCE 2021-005**

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 FIVE (5) YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on May 27, 2021.)

This ordinance will be presented for public hearing by the City of Fruitland Park City Commission at its regular meeting to be held on Thursday, June 24, 2021 at 6:00 p.m. in the commission chambers of city hall, 506 West Berckman Street, Fruitland Park, Florida 34731. This meeting is open to the public and hearings may be continued as determined by the commission from time to time to a time certain This ordinance may be reviewed or copies of same obtained from the city

clerk's office at city hall.

Anyone requiring special accommodations at this meeting because of disability or physical impairment should contact the city clerk's office at city hall (352) 360-6727 at least at least forty-eight (48) hours prior to the hearing. (Florida Statutes 286.26). Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the city commission with respect to any matter considered at such meeting or hearing, he or she 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 record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (Florida Statutes 286.0105) # 1006637 June 4, 2021

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

**ITEM TITLE:** Second 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 24, 2021

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

**Date Submitted:** June 15, 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. (The first reading was held on June 10, 2021.)

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:** Enact Ordinance 2021-003 to become effective immediately as provided by law.

**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.

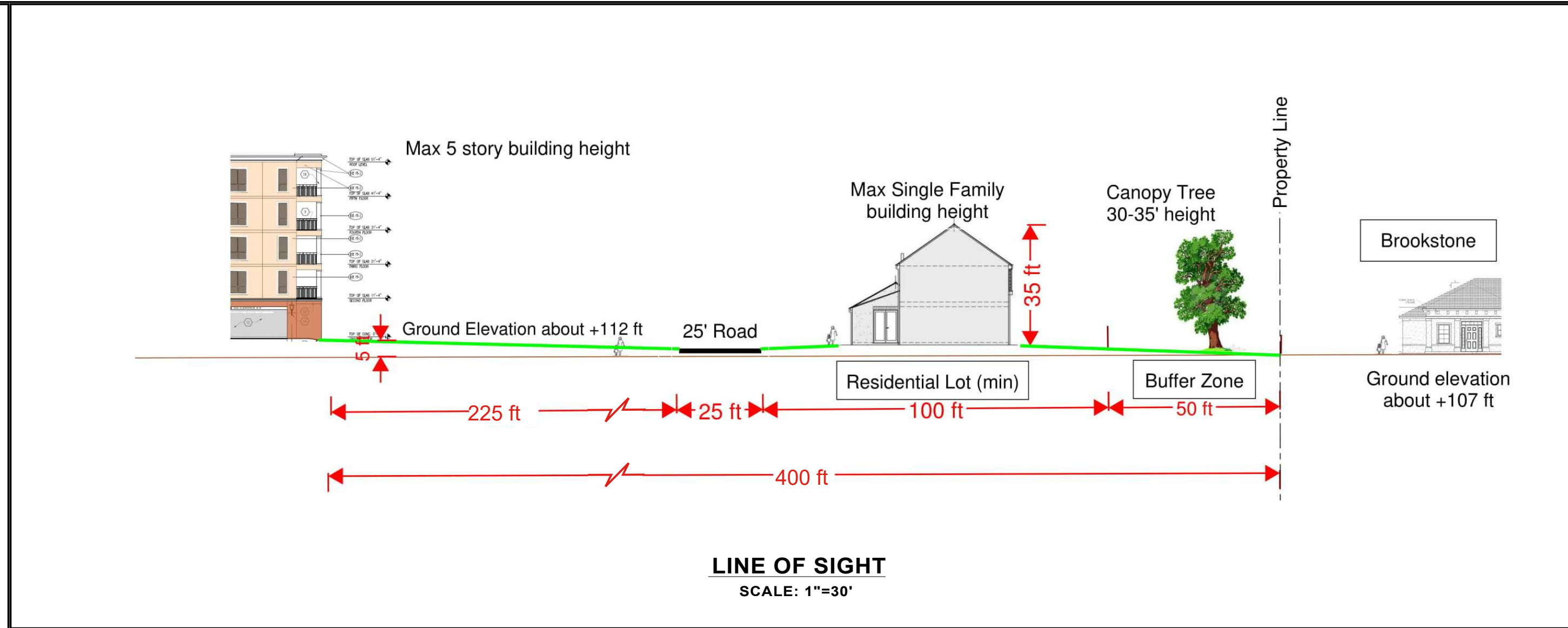
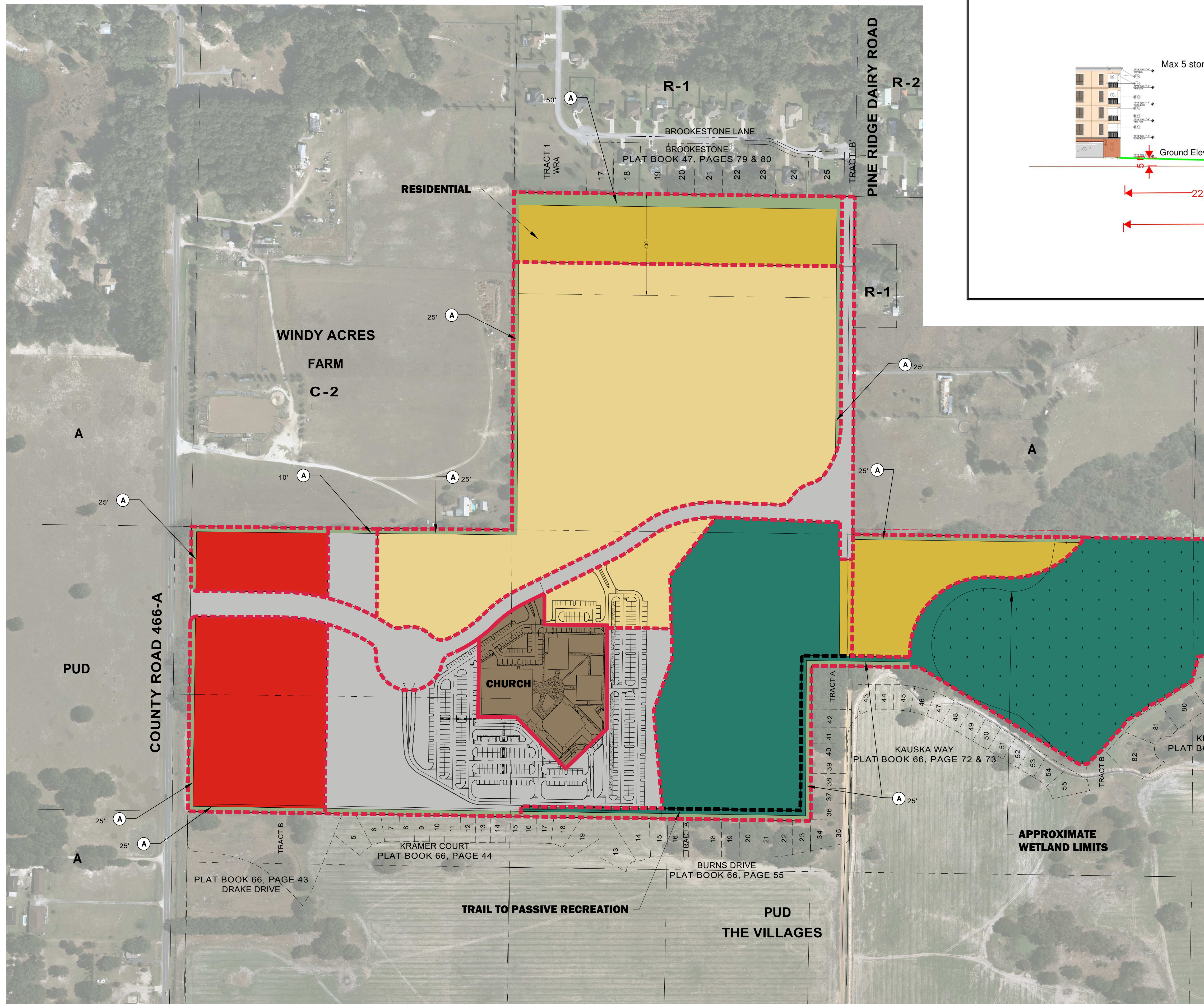
**EXHIBIT "B"**

**THE PLAN**

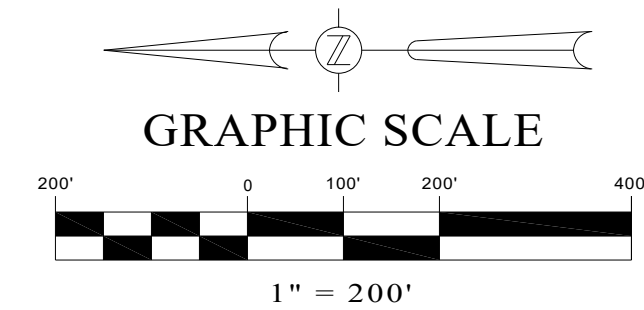








THIS PLAN IS A SAMPLE REPRESENTATION OF POSSIBLE LOCATIONS OF VARIOUS BUILDINGS, SOME UP TO 5 STORIES IN HEIGHT, IN ACCORDANCE WITH PUD



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

<i>Staff Use Only</i>	
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/](http://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](http://www.veconline.com)

**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.

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	PUD	Mixed Community
<b>South</b>	County Agriculture and RP	County Rural
<b>East</b>	C-2, R-1 and County Ag	Commercial, SFLD, SFMD
<b>West</b>	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**

<b>Land Use</b>	<b>Size/Unit</b>	<b>ITE Code</b>	<b>Daily Trips</b>	<b>PM Peak Hour Trips</b>	<b>PM Trips Enter</b>	<b>PM Trips Exit</b>
<b>Animal Veterinary Hospital</b>	<b>6,000</b>	<b>640</b>	<b>6</b>	<b>28</b>	<b>11</b>	<b>17</b>
<b>TOTAL GROSS TRIPS (PROPOSED)</b>			<b>6</b>	<b>28</b>	<b>11</b>	<b>17</b>

**Existing Land Use Program**

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

**Recommendation**

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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.





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

# 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

INSTRUMENT #2021001736  
PLAT BK 74 PG 23 (2 PGS)  
DATE: 11/20/2021 10:16:13 AM  
GARY J. COONEY, CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER, LAKE COUNTY, FLORIDA  
RECORDING FEES \$45.00

PAGE 23

### LEGAL DESCRIPTION

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

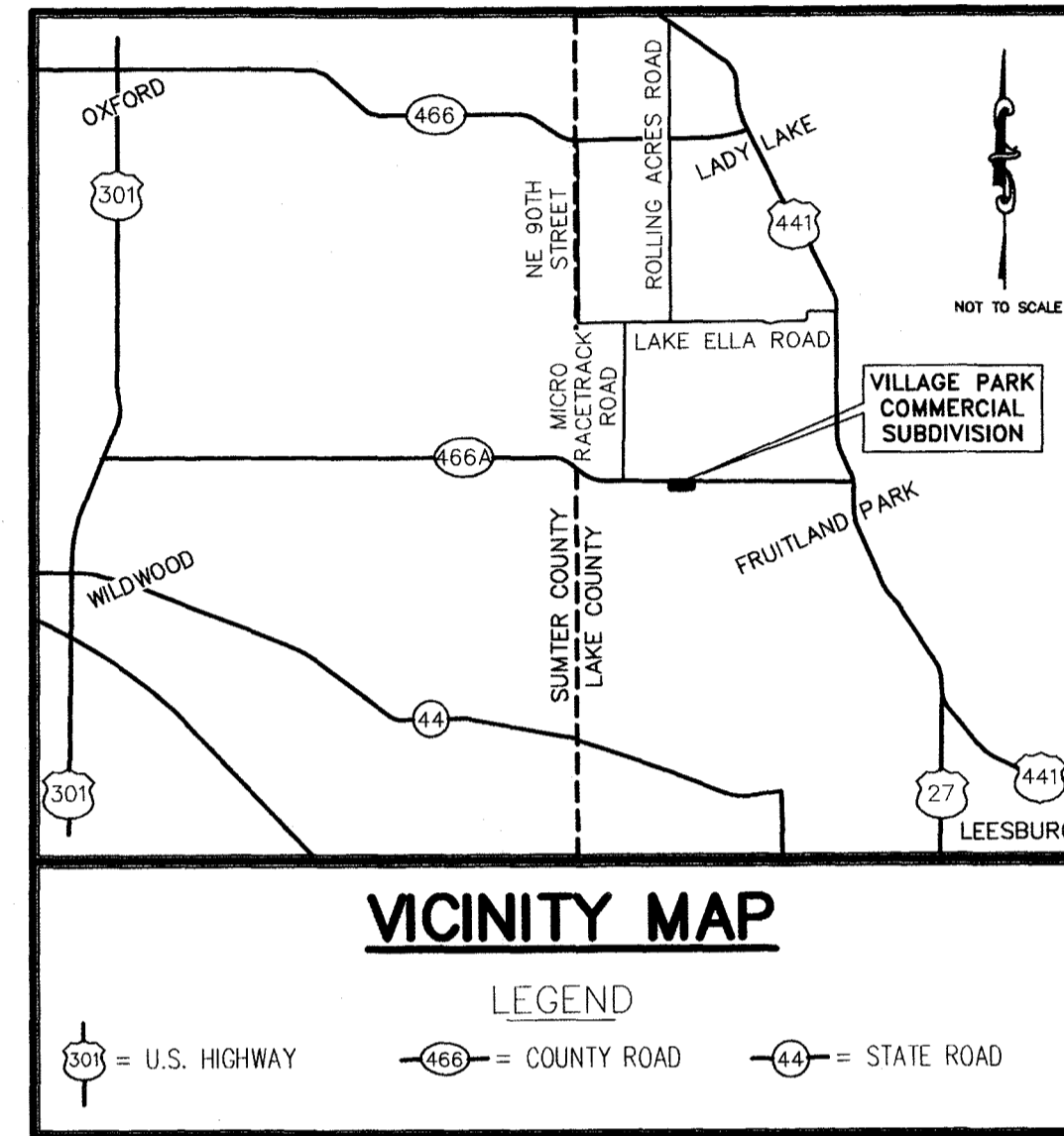
BEGIN AT THE NORTHEAST CORNER OF VILLAGES OF FRUITLAND PARK UNIT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGES 42 THROUGH 44, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 466-A PER OFFICIAL RECORDS BOOK 4271, PAGE 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:

- 1.) 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.
- 2.) 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 CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- 3.) ALL DISTANCES SHOWN ARE IN FEET.
- 4.) LOT CORNERS HAVE BEEN SET AT THE TIME OF RECORDING.
- 5.) ALL PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN SET IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES.
- 6.) THE TITLE OPINION FOR THIS PLAT HAS BEEN SUBMITTED BY SEPARATE DOCUMENT.
- 7.) TRACT "A" IS FOR ACCESS, DRAINAGE AND UTILITIES AND WILL BE OWNED AND MAINTAINED BY THE VILLAGE PARK COMMERCIAL PROPERTY OWNERS ASSOCIATION, INC.
- 8.) TRACT "B" IS FOR ADDITIONAL RIGHT-OF-WAY AND WILL BE CONVEYED TO LAKE COUNTY, FLORIDA.
- 9.) PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF SUMTER ELECTRIC COOPERATIVE, INC. RECORDED IN O.R. BOOK 689, PAGE 1232 (BLANKET TYPE).
- 10.) 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, THE 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:

- 1. 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.
- 2. 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.
- 3. 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 21 DAY OF

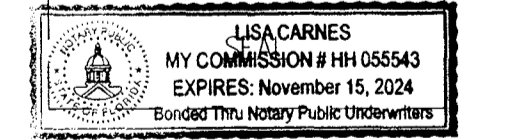
December 2020

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

STATE OF FLORIDA  
COUNTY OF LAKE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, BY MEANS OF  PHYSICAL PRESENCE OR  ONLINE NOTARIZATION, THIS 21 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 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 PRESENTATION 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. Jamison  
KAYE M. JAMISON  
REGISTRATION NO. 5912  
DATE 12/8/2020



### 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  
MAYOR

ATTEST: [Signature]  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
Ante Gevacic-Cover  
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.

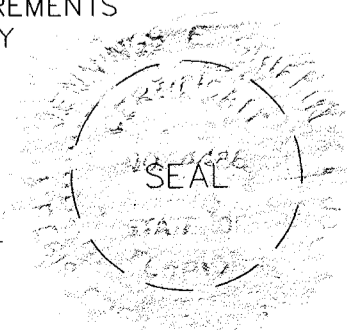
BY: \_\_\_\_\_  
CLERK OF CIRCUIT COURT, LAKE COUNTY, FLORIDA.

SEAL  
NOT REQUIRED

### RECORD PLAT REVIEW STATEMENT

PURSUANT TO SECTION 177.081, 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.

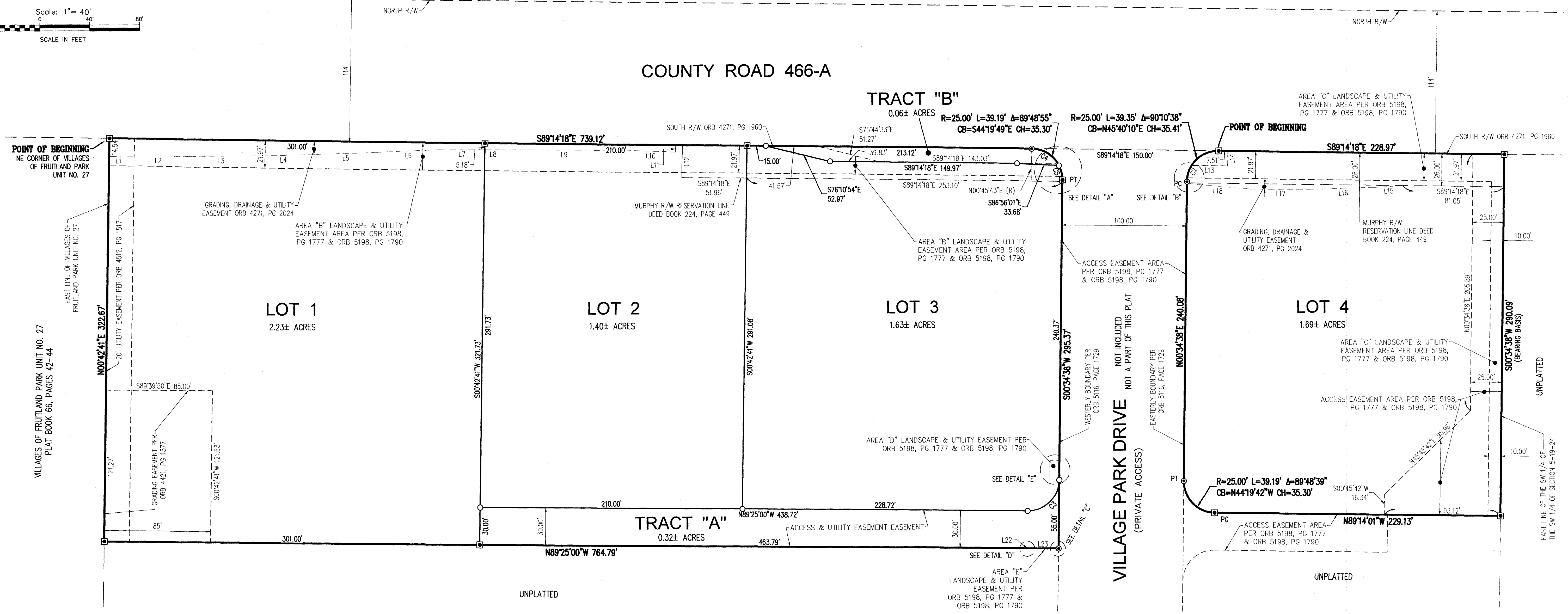
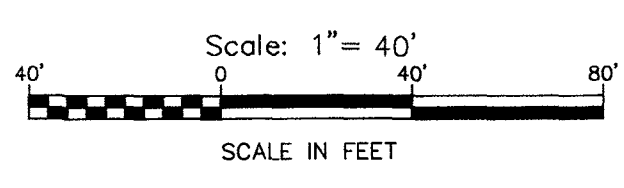
JENNIFER E. GRIFFIN 01/05/21  
SIGNATURE DATE  
JENNIFER E. GRIFFIN 4486  
PRINT NAME REGISTRATION NO.



THIS INSTRUMENT PREPARED BY:  
KAYE M. JAMISON, P.S.M. 5912  
**CFB** CLYMER FARNER BARLEY  
CLYMER FARNER BARLEY, INC.  
4450 NE 83RD RD, WILDWOOD, FL 34785  
(352) 740-3120  
WWW.CFB-INC.COM CA #4709

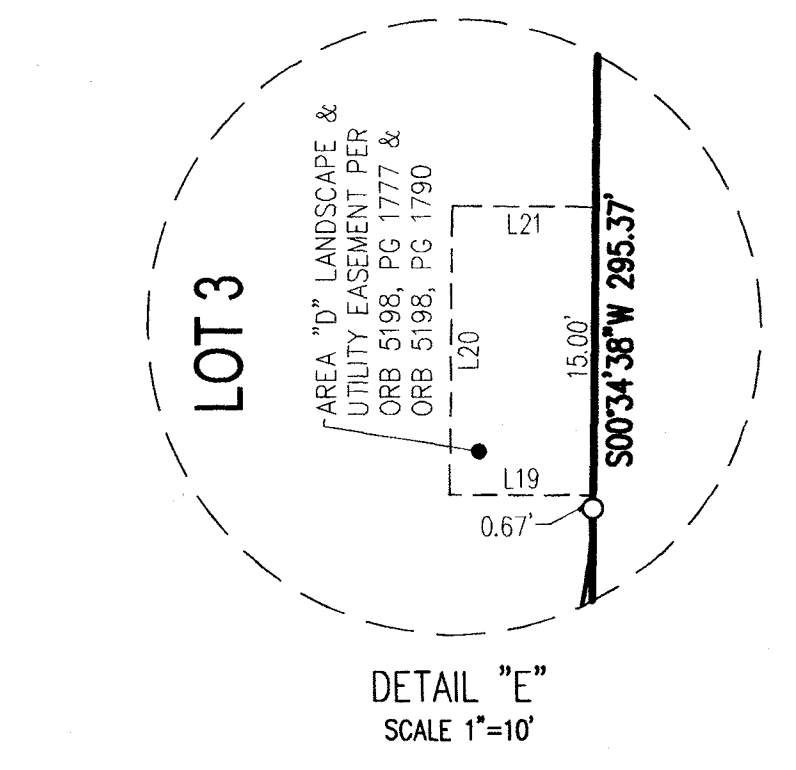
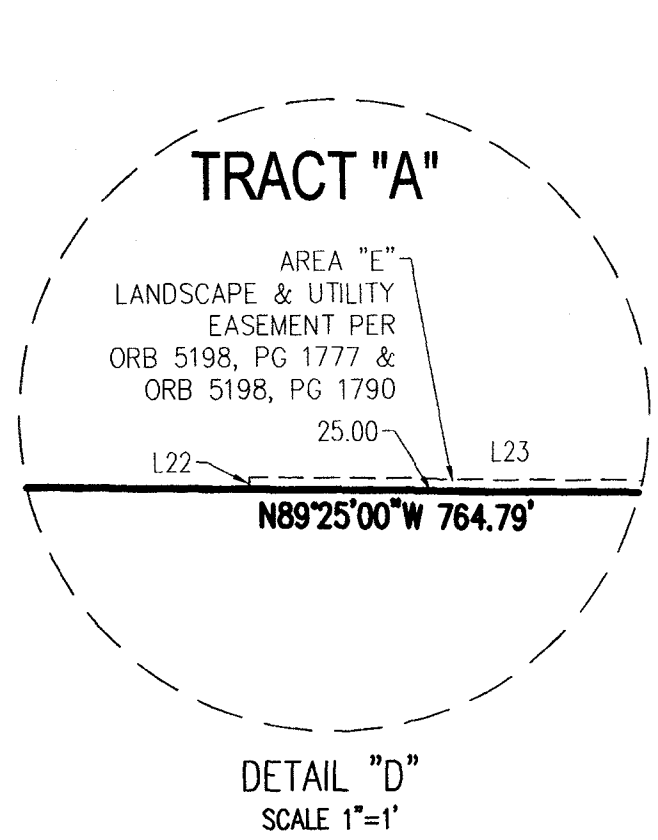
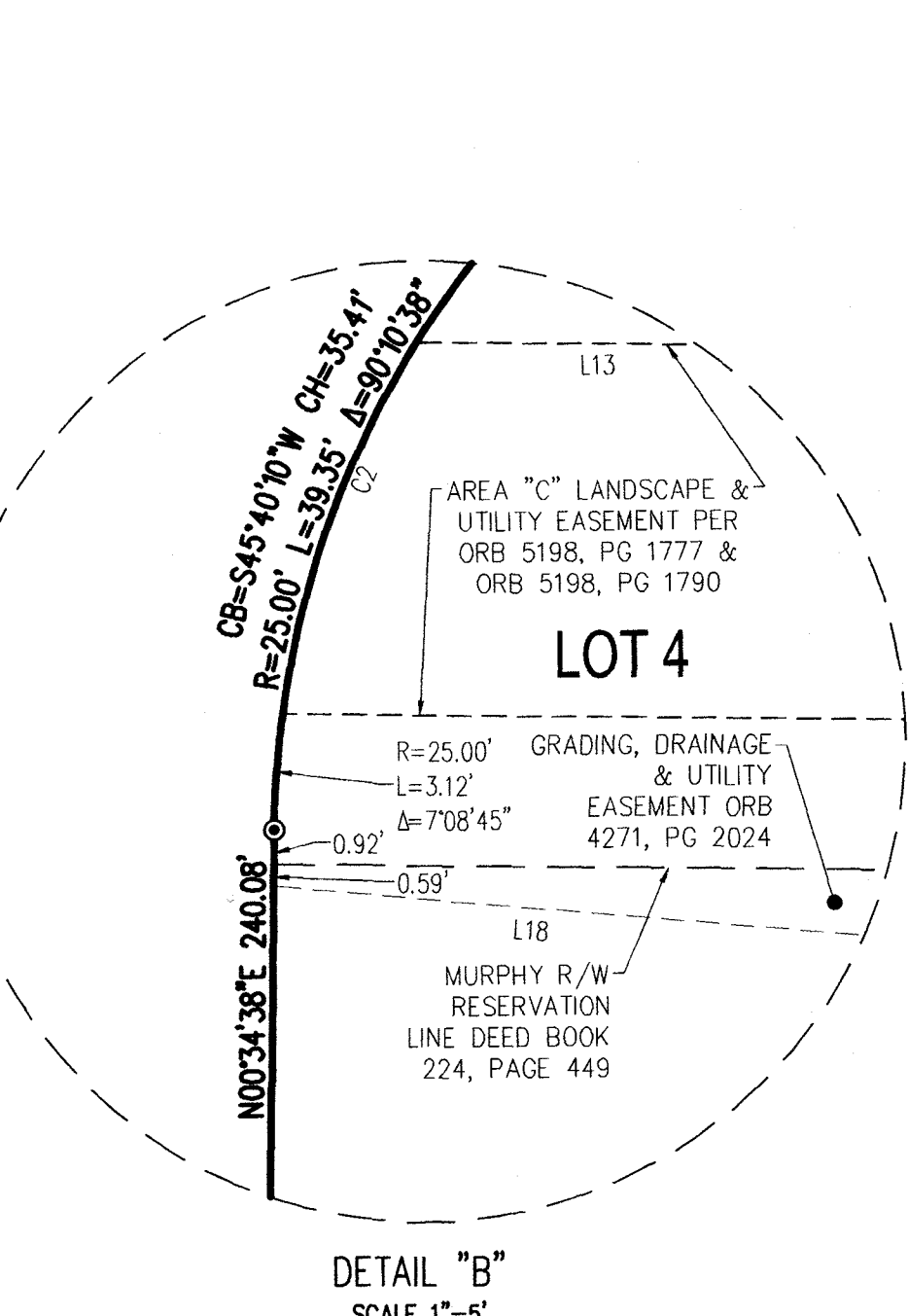
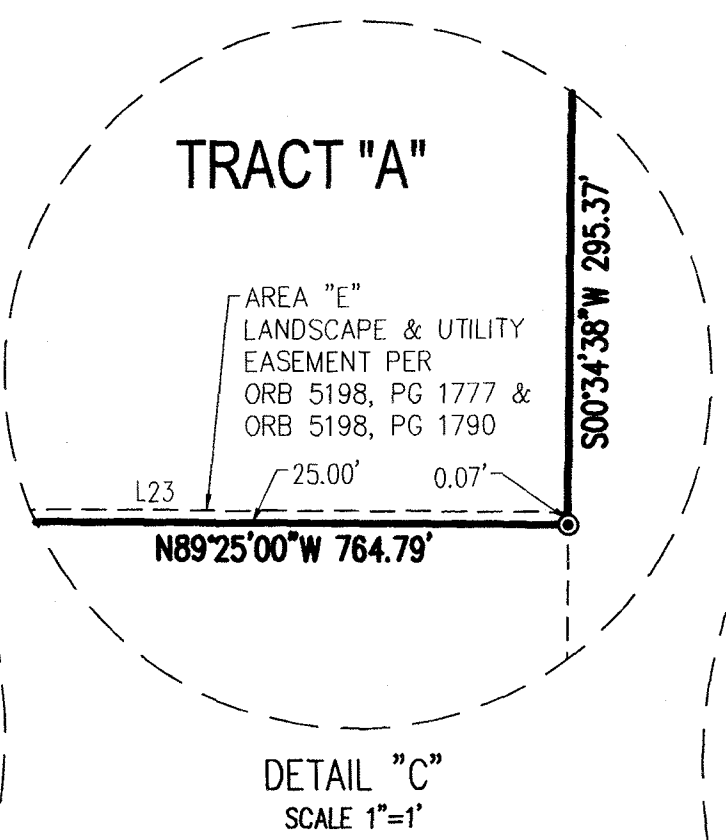
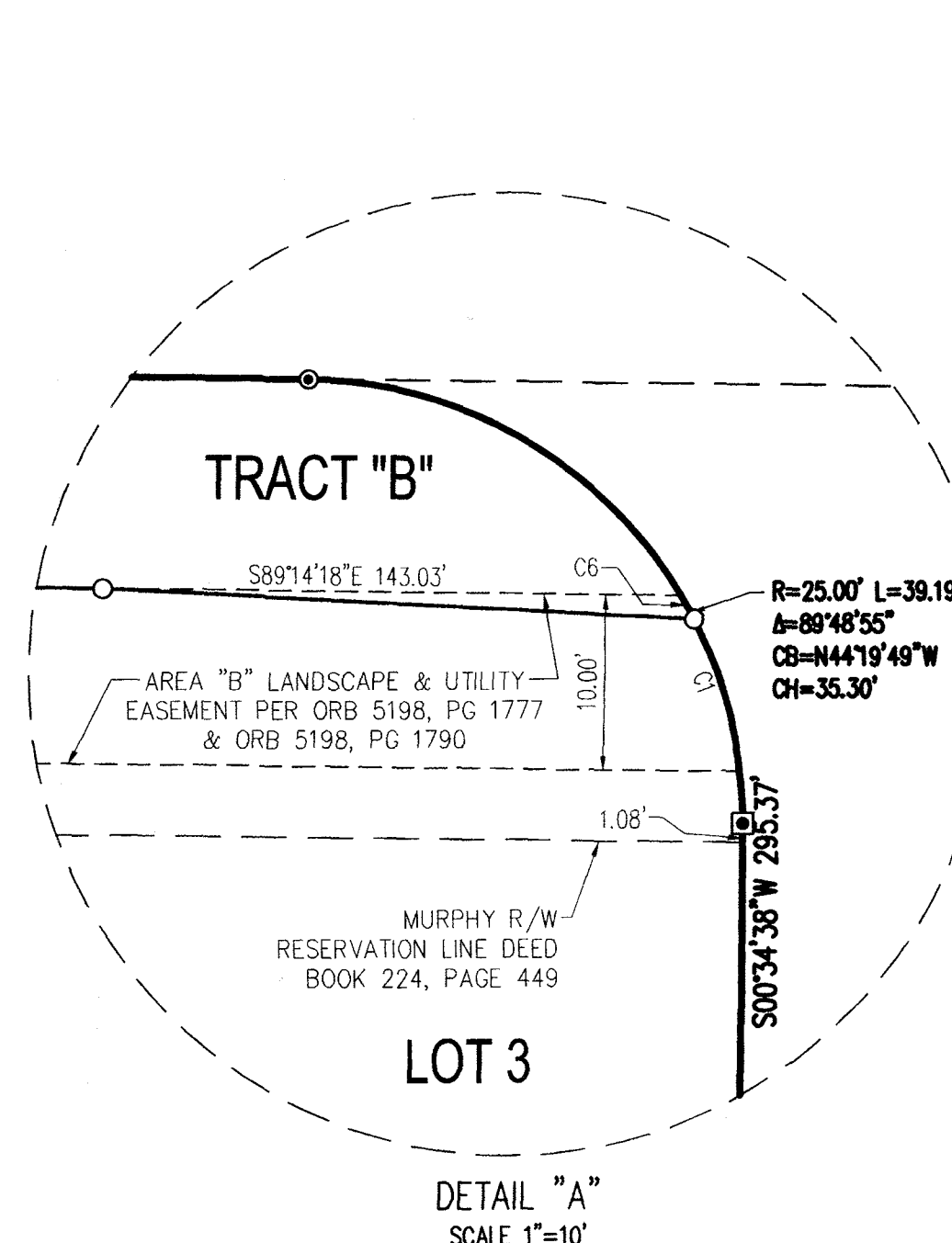
# VILLAGE PARK COMMERCIAL SUBDIVISION

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.K. 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 177.091(9) FLORIDA STATUTES. (SEE NOTE #5.)
- C9 INDICATES CURVE NUMBER IN CURVE TABLE
- L9 INDICATES LINE NUMBER IN LINE TABLE
- BNG. INDICATES BEARING
- Δ 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
- PB INDICATES PLAT BOOK
- PG INDICATES PAGE
- PGS INDICATES PAGES
- 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°00'22"	N45°34'49"E	35.36'
C4	27.12'	25.00'	62°08'55"	N89°09'50"W	25.81'
C5	12.07'	25.00'	27°40'00"	N1°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

**CFB** CLYMER FARNER BARLEY  
CLYMER FARNER BARLEY, Inc.  
4450 NE 83RD RD, WILDWOOD, FL 34785  
(952) 748-9128  
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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.

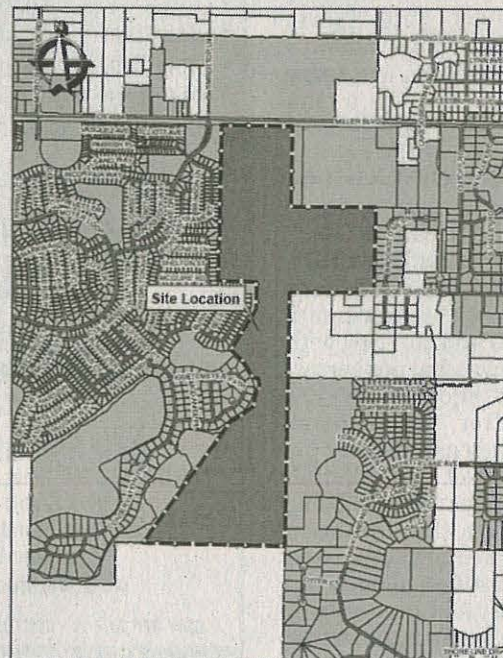
The proposed Ordinances will be considered at the following public meetings:

- 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<sup>®</sup> 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: 5d**

**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 24, 2021

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

**Date Submitted:** June 15, 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. (Postponed from the June 10, 2021  
regular city commission meeting.)

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 3<sup>rd</sup> 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)

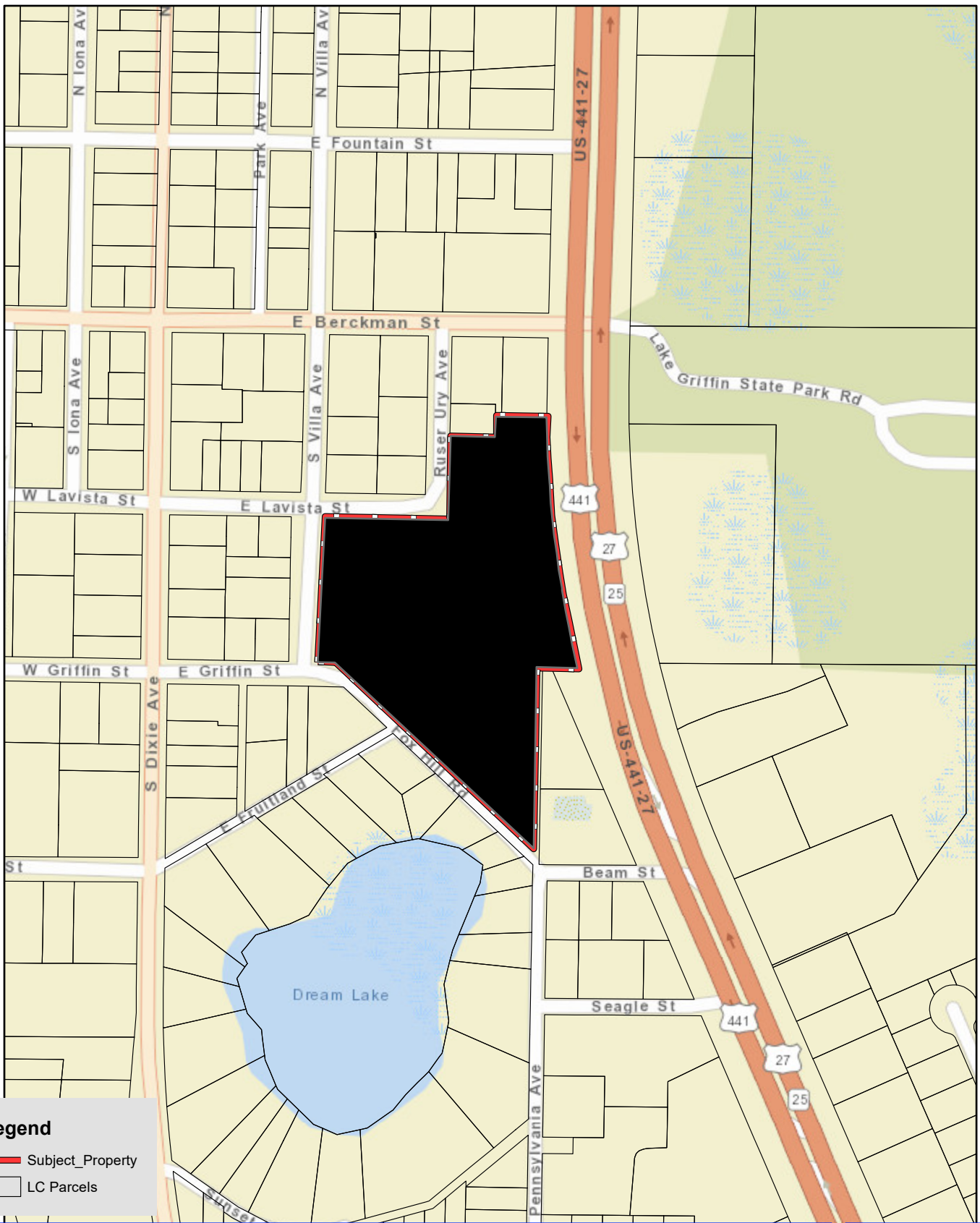
(SEAL)

**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.





**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

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 3<sup>rd</sup> 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.





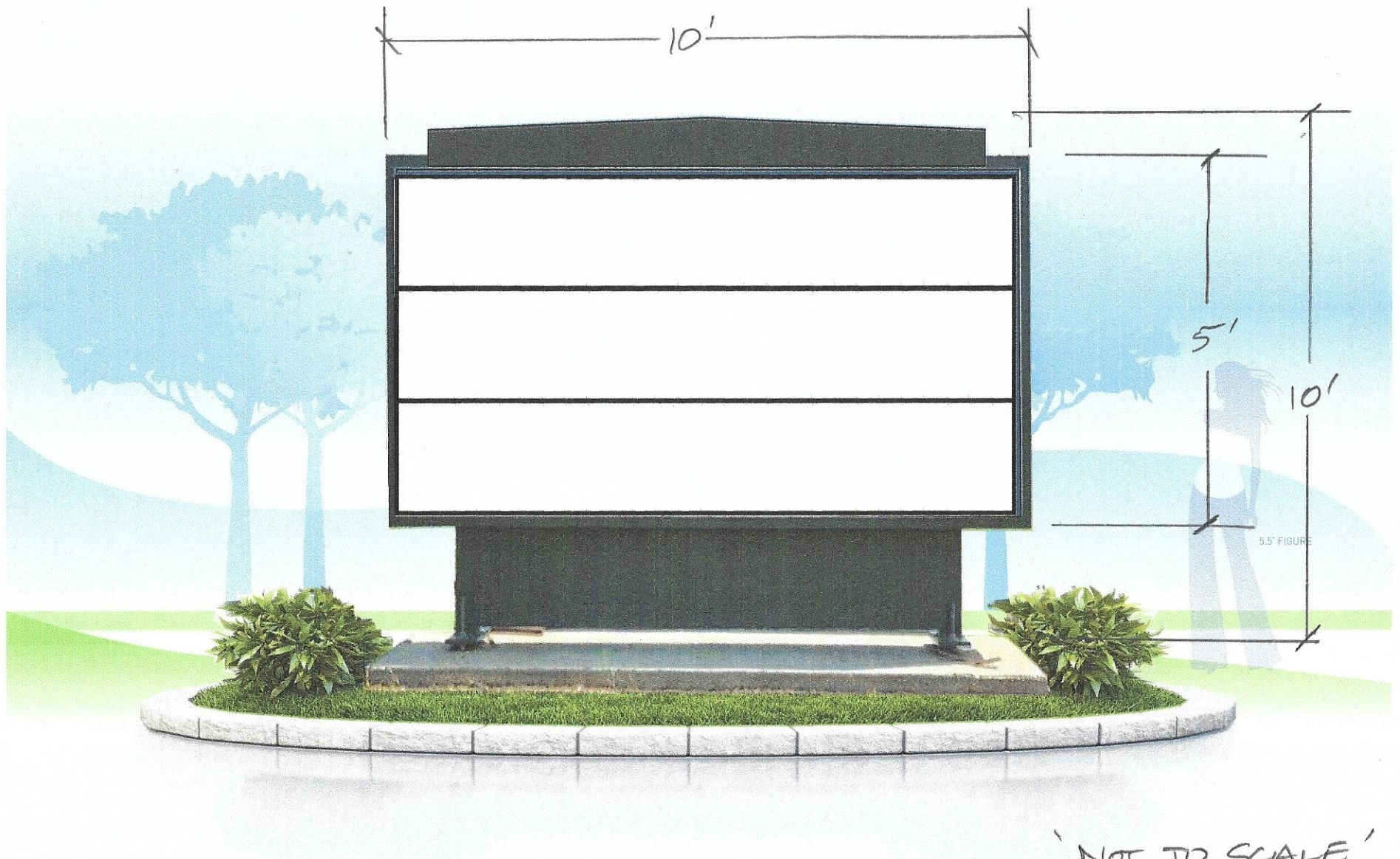
NOT TO SCALE

**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: \_\_\_\_\_

DESIGN: NEWLIFE-2 SCALE: \_\_\_\_\_

DATE: 4/20/21

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 \_\_\_\_\_

**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 3<sup>rd</sup> 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.

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	Commercial (C-2)	Commercial
<b>South</b>	Commercial (C-2)	Commercial
<b>East</b>	PFD	Recreation
<b>West</b>	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**

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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<sup>®</sup>  
**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 #01004989 in the matter of **NOTICE OF PUBLIC HEARINGS MAY 28, 2021**

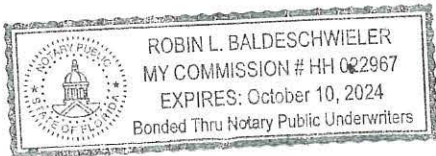
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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.

*Jackie Lancero*  
 (Signature Of Affiant)

Sworn to and subscribed before me this 28 day of May 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**

**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 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).



#01004989 May 28, 2021

**CITY OF FRUITLAND PARK**  
**AGENDA ITEM SUMMARY SHEET**  
**Item Number: 5e**

**ITEM TITLE:** Second 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 24, 2021

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

**Date Submitted:** June 15, 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). (The first reading was held on June 10, 2021.)

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:** Enact Ordinance 2021-008 to become effective immediately as provided by law.

**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 \_\_\_\_\_

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: CBOMU 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](mailto: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:**

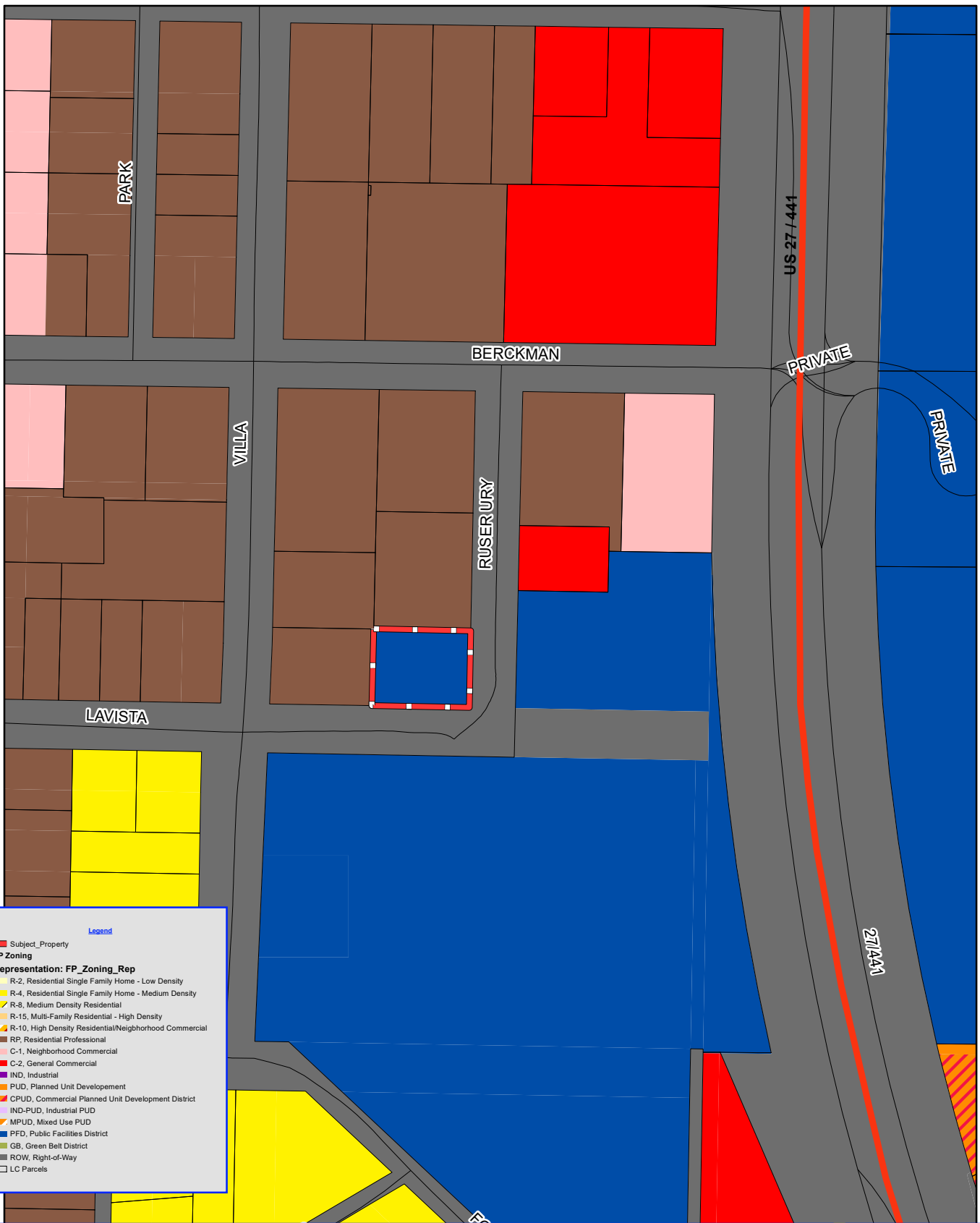
No comments received at time of review.

**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**

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
- RP, Residential Professional
- C-1, Neighborhood Commercial
- C-2, General Commercial
- IND, Industrial
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- CPUD, Commercial Planned Unit Development District
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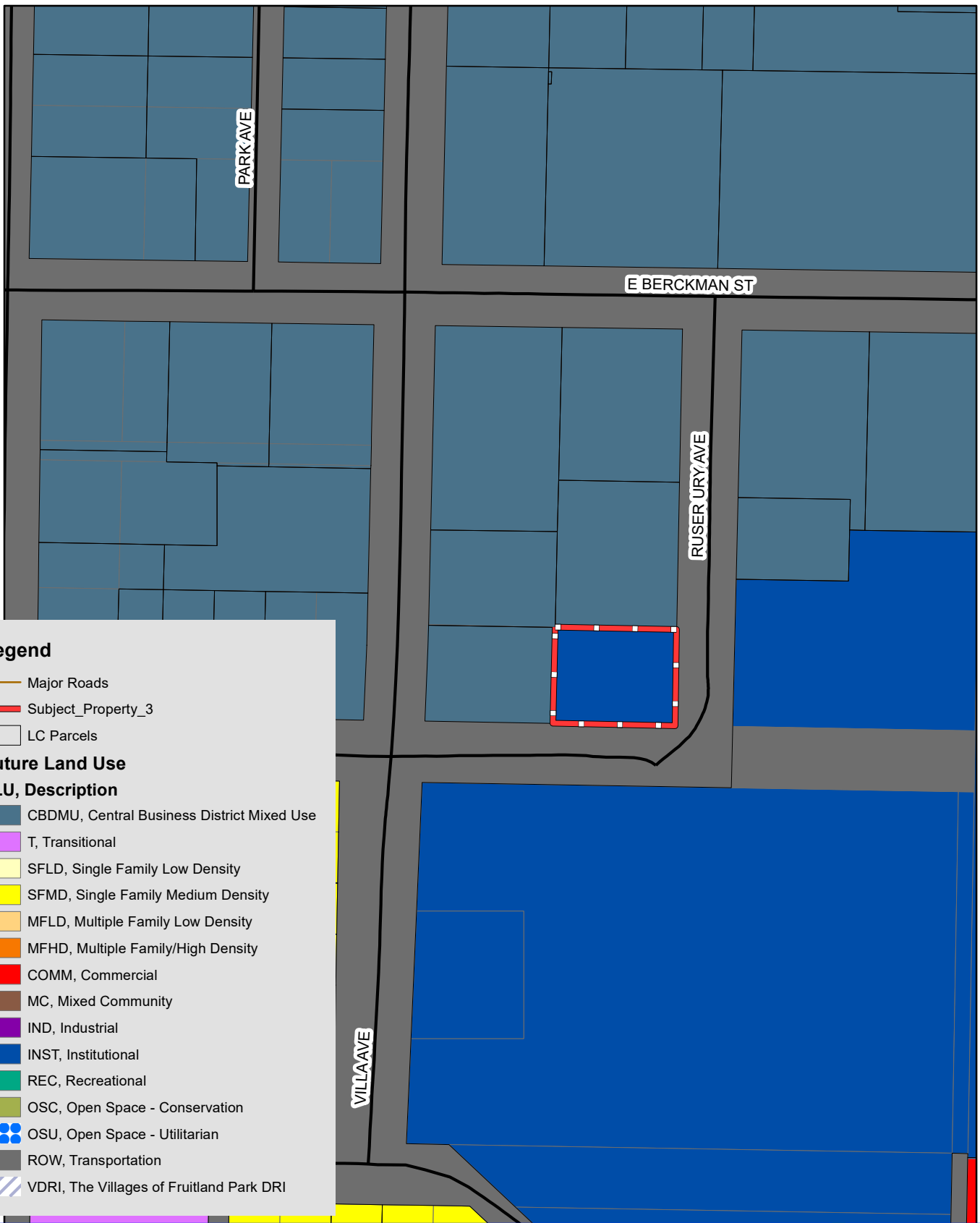


**New Life Presbyterian Church  
Proposed Zoning Map**

**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
- 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

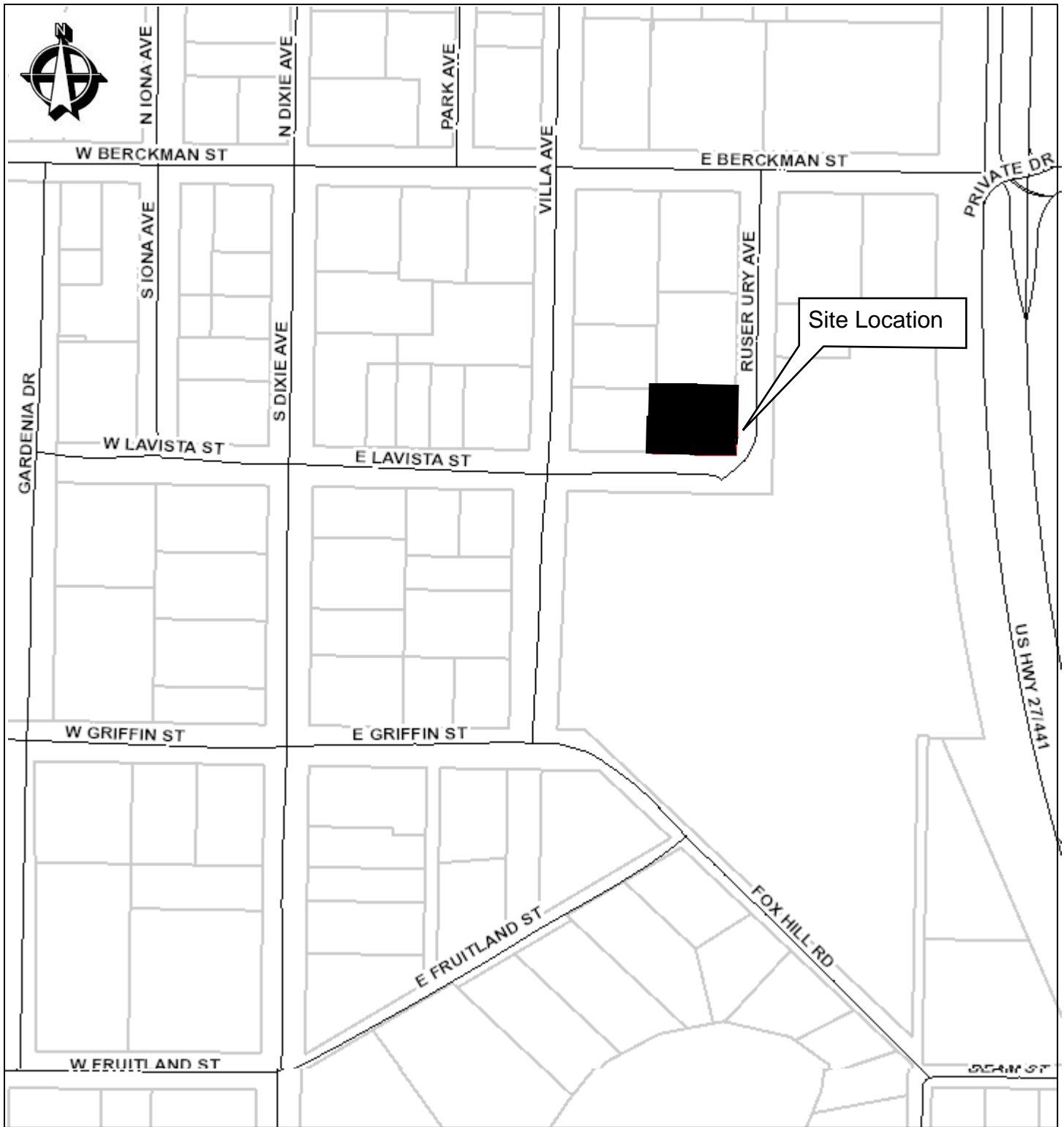
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(352)385-1940 / FAX (352)383-4824

# 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.

*Jackie 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**

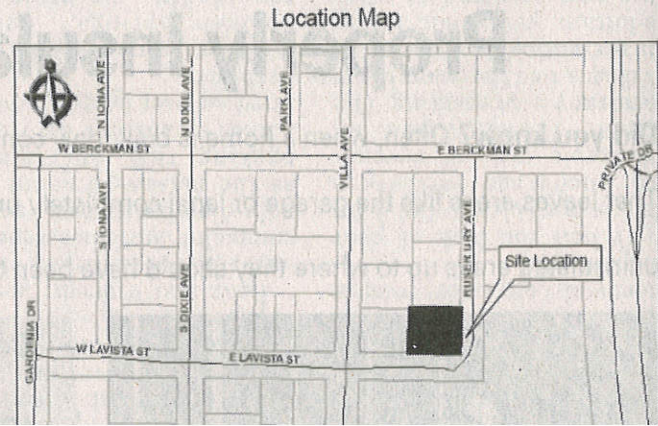
**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 0.25 ± ACRES OF PROPERTY LOCATED AT 212 EAST LAVISTA STREET, FRUITLAND PARK, FLORIDA FROM RESIDENTIAL PROFESSIONAL (RP) TO THE DESIGNATION OF PUBLIC FACILITIES DISTRICT (PFD) WITHIN THE CITY LIMITS OF FRUITLAND 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: 5f**

**ITEM TITLE:** Second 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 24, 2021

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

**Date Submitted:** June 15, 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. (The first reading was held on June 10, 2021).

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

**Action to be Taken:** Enact Ordinance 2021-004 to become effective immediately as provided by law.

**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.

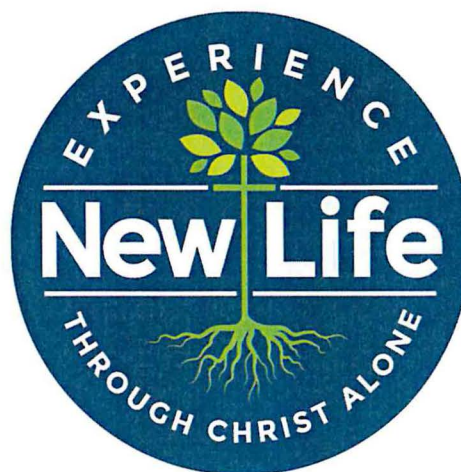
Printed Name: Justin Richey

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,

A handwritten signature in black ink, appearing to read "Justin Richey".

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.  
**Applicant/Agent:** New Life Presbyterian (Attn: Justin Richey, President)  
**Phone:** 352-551-7712  
**Email:** [justin.richey.jr@gmail.com](mailto: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.

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No comments received at time of review.

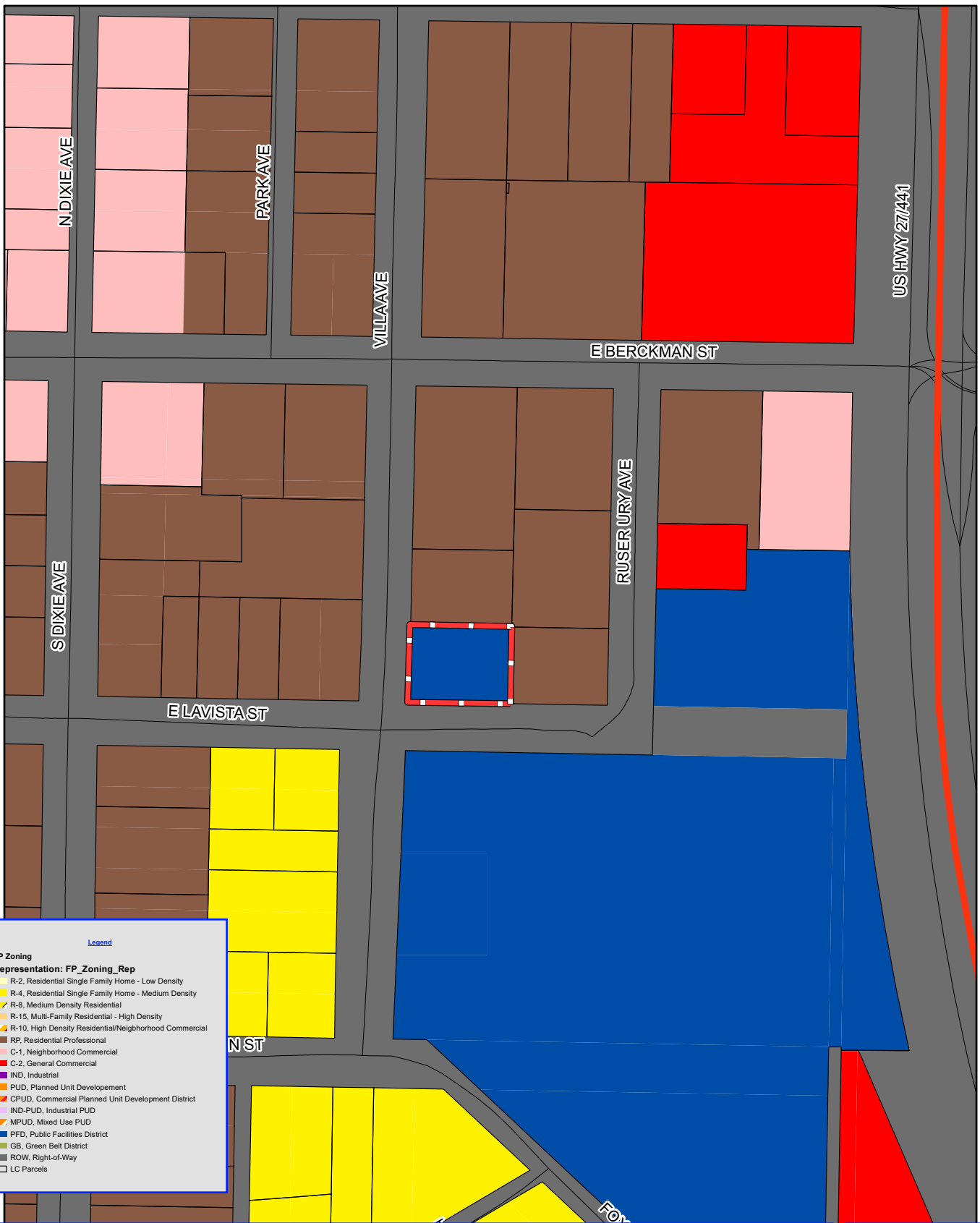
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[Legend](#)

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**Representation: FP\_Zoning\_Rep**

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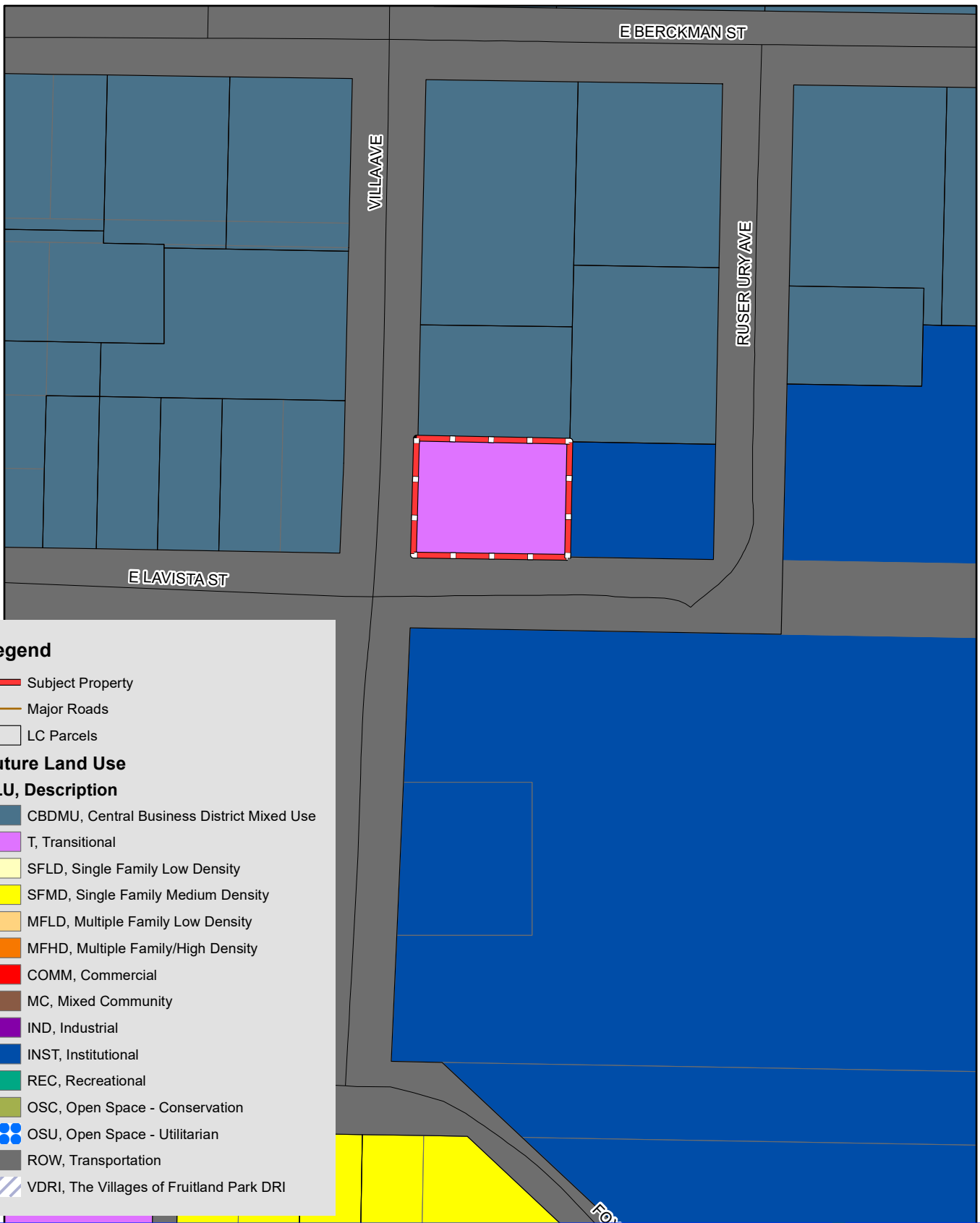


## New Life Presbyterian Church Proposed Zoning Map

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



**Legend**

- Subject Property
- Major Roads
- LC Parcels

**Future Land Use**

**FLU, Description**

- CBDMU, Central Business District Mixed Use
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- OSU, Open Space - Utilitarian
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- VDRI, The Villages of Fruitland Park DRI



1 inch = 113 feet

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

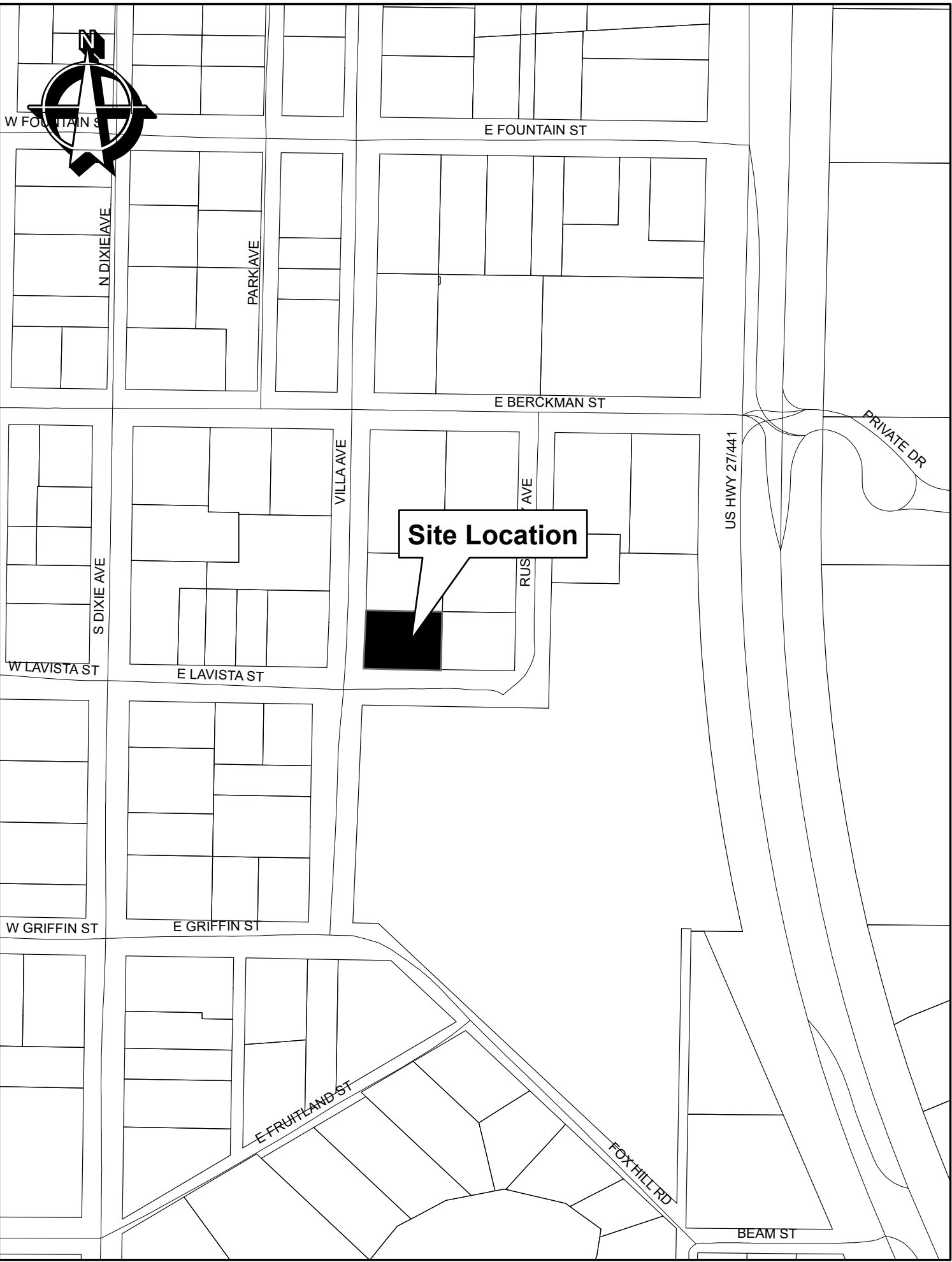
Fruitland Park, FL

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

# 115 S Villa Aerial Photo





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

Attach Notice Here:

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 #01008056 in the matter of **NOTICE OF PUBLIC HEARING NLP2**

**JUNE 14, 2021**

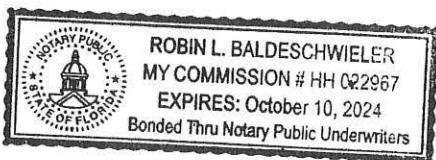
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, 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.

*[Handwritten Signature]*  
(Signature Of Affiant)

Sworn to and subscribed before me this 21  
day of June 2021.

*[Handwritten Signature]*  
Robin L. Baldeschwieler, Notary

Personally Known X or  
Production Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



# NOTICE OF PUBLIC HEARINGS

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.**

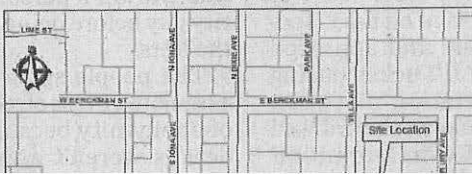
The proposed Ordinance will be considered at the following public meetings:

Fruitland Park City Commission Meeting on June 24, 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.

Location Map



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

**ITEM TITLE:** CITY MANAGER'S REPORT  
**For the Meeting of:** June 24, 2021  
**Submitted by:** City Manager  
**Date Submitted:** June 21, 2021  
**Funds Required:** None  
**Attachments:** None

**Item Description:** City Manager's Report

- i. Economic Development Status Update
- ii. COVID-19 Status Update
- iii. Professional Architectural Services Design - Public Works GatorSkitch Corporation

**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: 6b**

**ITEM TITLE:** CITY ATTORNEY REPORT  
**For the Meeting of:** June 24, 2021  
**Submitted by:** City Attorney  
**Date Submitted:** June 21, 2021  
**Funds Required:** None  
**Attachments:** None  
**Item Description:** City Attorney Report

**City of Fruitland Park v. State of Florida – Department of Management Services:** The hearing was held June 7 -9, 2021 by the State of Florida, Division of Administrative Hearings. The parties' proposed Recommended Orders are due 10 days from the filing of the transcript, which is estimated to be around July 9.

**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: 8**

<b>ITEM TITLE:</b>	<b>Public Comments</b>
<b>For the Meeting of:</b>	June 24, 2021
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	June 14, 2021
<b>Funds Required:</b>	None
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	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

Select Year:  

## The 2020 Florida Statutes

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[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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**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

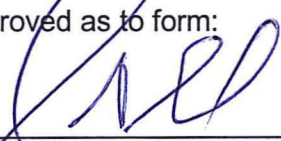
ATTEST:

  
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