FRUITLAND PARK CITY COMMISSION REGULAR MEETING AGENDA

July 13, 2023

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 -Reverend Allen T. Tillman, New Salem Missionary Baptist Church

Pledge of Allegiance - Police Chief Erik Luce

2. ROLL CALL

3. LOCAL PLANNING AGENCY

On or before 6:15 p.m. recess to the local planning agency.

4. CONSENT AGENDA

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

- (a) Approval of Minutes (city clerk) June 22, 2023, regular meeting.
- (b) Resolution 2023-038 City Treasurer Appointment G. Bachmann (city attorney/city manager)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING GARY BACHMANN AS CITY TREASURER; PROVIDING FOR THE TERM; AND PROVIDING FOR AN EFFECTIVE DATE. (Ratified at the June 22, 2023 regular meeting.)

5. REGULAR AGENDA

(a) Resolution 2023-039 - A1A Document A133-2019 Standard Form of Agreement - Scorpio (city attorney/city manager)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AIA DOCUMENT A133-2019 STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER AT CONSTRUCTOR

WHERE BASIS OF PAYMENT IS THE COST OF THE WORK PLUS A FEE WITH A GUARANTEED MAXIMUM PRICE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

(b) Resolution 2023-037 Police Vehicle FY 2022-23 Budget Amendment BT2023-008 (city attorney/city treasurer)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2022/2023 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE EXPENDITURES IN EQUIPMENT - VEHICLES ACCOUNT FOR THE POLICE DEPARTMENT AND DECREASE EXPENDITURES IN FUEL, UNIFORMS, TUITION REIMBURSEMENT, AND NONREPAIRABLE EQUIPMENT ACCOUNTS TO ALLOW FOR THE PURCHASE AND EQUIPPING OF A POLICE VEHICLE FOR USE AS A K-9 POLICE VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE.

(c) Police K-9 Vehicle Purchase Quotes (city manager/police chief)
Motion to consider the approval of the bids from Duval Chevrolet
\$40,799 and Bozard Ford for \$43,836 for the purchase of a police
K-9 vehicle and the attached breakdown of expenditures.

PUBLIC HEARING

(d) First Reading and Public Hearing - Ordinance 2023-008
Boundary Amendment (Annexation) - 19.10+ Acres Multi-Family
Medium - South of Urick Street and West of Thomas Avenue Petitioner: Kimaya, LLC (city attorney/city manager/community development)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE FORTH IN SECTION 171.044, STATUTES. TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 19.10± ACRES OF GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SCRIVENER'S

ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on July 27, 2023.)

(e) First Reading and Public Hearing Ordinance 2023-009 SSCPA – 19.10+ Acres Multi-Family Medium – South of Urick Street and West of Thomas Avenue - Petitioner: Kimaya, LLC (city attorney/city manager/community development)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY MULTI-FAMILY MEDIUM 19.10+/- ACRES DENSITY OF OF **PROPERTY** GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE **AMENDMENT** TO THE APPROPRIATE **GOVERNMENTAL AGENCIES PURSUANT** TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO **AMEND** SAID COMPREHENSIVE **PROVIDING FOR** PLAN; SEVERABILITY. CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on July 27, 2023.)

QUASI-JUDICIAL PUBLIC HEARING

(f) First Reading and Quasi-Judicial Public Hearing - Ordinance 2023-010 Rezoning - South of Urick Street and West of Thomas Avenue Petitioner: Kimaya, LLC (city attorney/city manager/community development)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10+/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING

FOR AN EFFECTIVE DATE. (The second reading will be held on July 27, 2023.)

(g) First Reading and Quasi-Judicial Public Hearing – Ordinance 2023-006 Rezoning – R15 to PUD – 6.54+ Acres – CR 466A - Petitioner: Lake Sumter Commercial LLC (city attorney/city manager/community development)

AN ORDINANCE OF THE CITY COMMISSION OF THE **CITY** OF FRUITLAND PARK, REZONING APPROXIMATELY 6.54± ACRES OF PROPERTY LOCATED ON CR 466A, FRUITLAND PARK, FLORIDA FROM CITY OF FRUITLAND PARK R-3 ZONING TO THE CITY OF FRUITLAND PARK DESIGNATION OF PUD. PLANNED UNIT DEVELOPMENT WITHIN THE CITY LIMITS OF FRUITLAND PARK: APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; 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 will be held on July 27, 2023.)

(h) Second Reading and Quasi-Judicial Public Hearing - Ordinance 2023-007 Conditional Use Permit - 35421 Micro Racetrack Road - Petitioner: Ralph W. Thiele 2021 Revocable Trust (city attorney/city manager/community development)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 24,000 SQUARE FOOT PRIVATE GARAGE LOCATED IN THE C-2 ZONING DISTRICT FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; OWNED BY THE RALPH W. THIELE 2021 REVOCABLE TRUST DATED DECEMBER 16, 2021, AND LOCATED AT 35421 MICRO RACETRACK ROAD, FRUITLAND PARK, LAKE COUNTY, FLORIDA; **PROVIDING** FOR SEVERABILITY AND SCRIVENER'S ERRORS: PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on June 22, 2023.)

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

6. (a) City Manager

- i. Economic Development Status Update
- ii. Commercial Developments Permits Issued Status Update
- iii. Road Paving

(b) City Attorney

- i. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845
- ii. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628
- iii. Code of Ordinances Codification
- iv. LDR Codification
- v. Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463

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 Bell
- (c) Commissioner Gunter
- (d) Vice Mayor DeGrave

10. MAYOR'S COMMENTS

11. ADJOURNMENT

DATES TO REMEMBER

- July 14, 2023, Lake County League of Cities, Lake County Sheriff's Update,
 Mount Dora Golf Course, 1100 South Highland Street, Mount Dora,
 Florida 32757 at 12:00 noon;
- July 27, 2023, City Commission Regular at 6:00 p.m.;
- July 29, 2023 7-Eleven Opening US Highway 27/441, Fruitland Park, Florida 34731 at 10:00 a.m.;
- July 29, 2023, Mom and Daughter Tea Party, Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 11:00 a.m.
- July 31, 2023 City Commission Workshop (FY 2023-24 Proposed Budget) at 6:00 p.m.;
- August 1, 2023 City Commission Workshop (FY 2023-24 Proposed Budget) at 6:00 p.m.;
- August 10, 2023, City Commission Regular CANCELLED;
- August 14, 2023, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails, Conference Room, 2401 Woodlea Road, Tavares, Florida, 32778;
- August 18, 2023, LCLC, *Washington Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 noon, and
- August 24, 2023, City Commission Regular at 6:00 p.m.

For more city events information access the calendar on the website: https://www.fruitlandpark.org/

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 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.)

PLEA4SE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE

CITY OF FRUITLAND PARK AGENDA ITEM SUMMARY SHEET Item Number: 3

Local Planning Agency (LPA) Meeting

ITEM TITLE:

ACTION:

MEETING DATE:	Thursday, July 13, 2023
DATE SUBMITTED:	Wednesday, July 5, 2023
SUBMITTED BY:	City Clerk
BRIEF NARRATIVE:	LPA Chapter 163, Florida Statutes.
FUNDS BUDGETED:	No
ATTACHMENT	
RECOMMENDATION:	As soon as practical, recess to the Local Planning Agency meeting.

None

CITY OF FRUITLAND PARK CONSENT AGENDA ITEM SUMMARY SHEET Item Number: 4a-b

Draft Minutes and Resolution 2023-038

ITEM TITLE:

MEETING DATE:	Thursday, July 13, 2023
DATE SUBMITTED:	Monday, July 3, 2023
SUBMITTED BY:	See below
member of the public wish to discu	Routine items and items not anticipated to be controversial o expedite the meeting. If a commissioner, staff member or ss any item, the procedure is as follows: (1) Pull the item(s) e on remaining item(s), and (3) Discuss each pulled item
(a) Approval of Minutes (city cle - June 22, 2023 regular me	•
manager) A RESOLUTION OF T PARK, FLORIDA, APP PROVIDING FOR THE	reasurer Appointment – G. Bachmann (city attorney/city HE CITY COMMISSION OF THE CITY OF FRUITLAND POINTING GARY BACHMANN AS CITY TREASURER; TERM; AND PROVIDING FOR AN EFFECTIVE DATE. 22, 2023 regular meeting.)
FUNDS BUDGETED:	None
ATTACHMENTS:	Draft minutes and proposed resolution
RECOMMENDATION:	Approval
ACTION:	Approve the consent agenda

FRUITLAND PARK CITY COMMISSION REGULAR DRAFT MEETING MINUTES June 22, 2023

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, June 22, 2023, at 6:00 p.m.

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

Member Absent: Commissioner John Mobilian

Also Present: Gary La Venia City Manager; City Attorney Anita Geraci-Carver; Deputy Finance Director Gary Bachmann; Police Chief Erik Luce; Sergeant David Cox, Police Department; Public Works Director Robb Dicus; Michael "Mike" Rankin, Interim Community Development Director, LPG Urban & Regional Planners Inc. (consultant retained by the city); Mses. Sharon Williams, Administrative Manager; Kelli Fielder, Permit and Zoning Technician, and Carrie Pruitt, Permit Technician, Community Development Department; Lieutenant/Paramedic Bradley Shelley; Firefighter/Emergency Medical Technician Joshua "Josh" Meredith, Lake County Fire Rescue, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order and Pastor Charles "Chuck" Padgett, Trinity Assembly of God, gave the invocation, Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:00:50 p.m. No action was taken.

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present, and Commissioner Mobilian's absence was recognized.

ACTION: 6:02:03 p.m. By unanimous consent, the city commission excused the absence of Commissioner John Mobilian.

3. CONSENT AGENDA

The city commission considered its action to approve the consent agenda:

Approval of Minutes

June 8, 2023, regular meeting minutes as submitted.

ACTION: 6:02:25 p.m. On motion of Commissioner Bell, seconded by Commissioner Gunter and unanimously carried, the city commission approved the consent agenda as previously cited.

4. REGULAR AGENDA

(a) Resolution 2023-034 – Preliminary Fire Assessment

Ms. Geraci-Carver read into the record proposed Resolution 2023-034, the substance of which is as follows:

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, 2023; DIRECTING PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF THEREOF: PROVIDING FOR **CONFLICTS**: PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ACTION: 6:02:38 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2023-034 as previously cited.

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

(b) Resolution 2023-035 – Public Works Building Project – Change Order #5 – Gooseneck Transmitters Addition and Equipment Pads Removal – GSB Construction and Development Inc.

Ms. Geraci-Carver read into the record proposed Resolution 2023-035, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 5 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR AN INCREASE OF \$2,033.49 IN THE STIPULATED SUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:04:40 p.m. After discussion, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2023-035 as previously cited.

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

(c) RFQ 2023-01 Construction Management Services "At Risk" New Public Safety Complex – Ranking

The city commission considered its action to rank, negotiate and approve the Request for Qualifications 2023-01 (Construction Management Services "At Risk") for the new public safety complex.

After Mayor Cheshire recognized the evaluations from the evaluation committee and the review of the vendors' proposals. upon his suggestion and by unanimous consent, the city commission agreed to select the firms by voice vote in the following order:

- (1) D. E. Scorpio Corporation
- (2) H J High Construction

Commissioner Gunter (1) Commissioner Bell (1) Vice Mayor DeGrave (1), and Mayor Cheshire (1)

Mayor Cheshire declared the unanimous selection of D. E. Scorpio Corporation as number one and H J High Construction as number two.

ACTION: 6:09:43 p.m. Upon the city attorney's suggestion, and **on motion of Commissioner Bell, seconded by Commissioner Gunter and unanimously carried, the city commission awarded Request for Qualifications 2023-01, as previously cited, ranking D. E. Scorpio Corporation as number one and H J High Construction as number two.** (The city attorney agreed to prepare a contract with D. E. Scorpio for consideration at the July 13, 2023, regular meeting.)

(d) 2023 Revised Meeting Schedule

The city commission considered its action to approve the FY 2023-24 Budget Workshops to be held on July 31 and August 1, 2023.

ACTION: 6:12:22 p.m. On motion of Vice Mayor DeGrave, seconded by Commissioner Gunter and unanimously carried, the city commission approved holding workshops as previously cited on July 31 and August 1, 2023.

PUBLIC HEARING

QUASI-JUDICIAL PUBLIC HEARING

By unanimous consent, Mayor Cheshire opened the public hearings at this evening's meeting.

(e) First Reading and Quasi-Judicial Public Hearing – Ordinance 2023-007 Conditional Use Permit - Petitioner: Ralph W. Thiele 2021 Revocable Trust It now being the time advertised to hold a public hearing and after Ms. Geraci-Carver read into the record proposed Ordinance 2023-007, the title of which is as follows, Mayor Cheshire called for the public to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 24,000 SQUARE FOOT PRIVATE GARAGE LOCATED IN THE C-2 ZONING DISTRICT FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; OWNED BY THE RALPH W. THIELE 2021 REVOCABLE TRUST DATED DECEMBER 16, 2021 AND LOCATED AT 35421 MICRO RACETRACK ROAD, FRUITLAND PARK, LAKE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on July 13, 2023.)

After Mr. Rankin outlined the proposed project, Mr. "Chris" Christopher Thompson, on behalf of the owner, who was sworn-in by Ms. Geraci-Carver; described the proposed project and relayed the owner's plan on the lifetime private car collection project, the facility and perimeter; a copy of the general concept stock photograph is filed with the supplemental papers to the minutes of this meeting.

ACTION: 6:12:51 p.m. After extensive discussions, a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission approve Ordinance 2023-007 as previously cited and directed staff to work with the applicant who agreed to provide more information, by the second reading, on the proposed use and how the elevation would combine with a General Commercial (2) zoning designated corridor in compliance with the land development regulations (LDRs).

Ms. Geraci-Carver announced the 2023 state legislatures' action on CS/CS/Senate Bill 170 Local Ordinances to become effective October 1, 2023, which overturned the previous court's decision that properly noticed ordinance or resolution may be continued to a subsequent meeting without requiring further publication.

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.

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

5. (a) City Manager

i. Economic Development Status Update

Mr. La Venia had nothing to report on economic development at this time.

ACTION: 6:38:17 p.m. No action was taken.

ii. Commercial Developments Permits Issued Status Update

At Mr. La Venia's request, Mr. Rnakin acknowledged the commercial developments permits issued and single-family development applications in process.

ACTION: 6:38:17 p.m. No action was taken.

iii. Law Enforcement Dispatch Services - Lake County Sheriff's Office

Mr. La Venia referred to the Lake County Sheriff's Office (LCSO) law enforcement dispatch services addressed at the June 6, 2023, regular meeting. He recognized the annual cost of \$103,380 to provide said contractual services for the city and other municipalities; noted same was reduced to approximately \$52,000, and addressed his plan to meet with Sheriff Peyton C. Grinnell at the July 14, 2023, Lake County League of Cities' luncheon meeting.

After discussion, Ms. Geraci-Carver cited the response she received from LCSO's General Counsel Derek A. Schroth, Bowen Schroth, to her question that the county pays more than \$12 per person where it funds approximately \$95 million for all LCSO's operations and that the budget request for next year from the county would be to fund over \$107 million.

Ms. Geraci-Carver relayed Mr. Schroth's remarks that the city may have other options in providing its own dispatch service or entering into an interlocal agreement with another local jurisdiction; noted the subsequent information LCSO's provided on the reduced amount, as mentioned by Mr. La Venia, and conveyed Mr. Schroth's request for her to call him.

ACTION: 6:38:37 p.m. After extensive discussions and upon Vice Mayor DeGrave's suggestion, the city commission, by unanimous consent, directed the city attorney who agreed to:

- obtain information from the Lake County municipalities with their own police department on how they are being paid for law enforcement dispatch services and for how long;
- report back on the whether the \$12 dollars per person is for Lake County (as a separate line item) where the Lake County Sheriff's Office charges accordingly or if the charges are earmarked in the general fund allocated by the county, and
- seek the option of exploring a joint interlocal agreement for dispatch services with surrounding municipalities.

iv. City Treasurer

Mr. La Venia requested the city commission's action to appoint Mr. Bachmann as interim city treasurer until the end of City Treasurer Jeannine Racine's employment, July 31, 2023, or as city treasurer with a probationary period of six months.

ACTION: 6:58:15 p.m. On motion of Commissioner Gunter, seconded by Commissioner Bell and unanimously carried, the city commission approved the city manager's recommendation to appoint Mr. Gary Bachmann as city treasurer with a probationary period of six months. (A resolution in this regard will be considered at the next meeting.)

v. Police Vehicle – FY 2022-2023 Budget Amendment

After Mr. La Venia gave reasons, following his review of the FY 2022-23 budget, to purchase an additional law enforcement vehicle, Chief Luce recognized the budgetary amount allocated of \$133,932 based on last year's vehicle prices including fuel.

ACTION: 6:59:42 p.m. By unanimous consent, the city commission accepted the city manager's recommendation to approve a budgetary amendment for the purchase of a police vehicle for fiscal year 2022-23. (A resolution in this regard will be placed on the next agenda for consideration.)

(b) City Attorney

i. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845

Ms. Geraci-Carver had nothing to report on the U.S. Bank National Association v. Robert More Lake County Case No. 2022-CA-00845.

ACTION: 7:05:24 p.m. No action was taken.

ii. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628

Ms. Geraci-Carver had nothing to report on the Wayne Goodridge and Tammy Goodridge Lake County Case No. 2022-CA-1628.

ACTION: 7:05:24 p.m. No action was taken.

iii. Fruitland Park Official City Code

Ms. Geraci-Carver had nothing to report on the city code.

ACTION: 7:05:24 p.m. No action was taken.

iv. LDR Codification

Ms. Geraci-Carver had nothing to report on the LDR codification.

ACTION: 7:05:24 p.m. No action was taken.

v. Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463

Ms. Geraci-Carver had nothing to report on the Kaitlin Delong Lake County Case No. 2022-CA-00463 at this time.

ACTION: 7:05:24 p.m. No action was taken.

vi. Form 1, Statement of Financial Interests (2022)

Ms. Geraci-Carver reminded the city commissioners to file Form 1, Statement of Financial Interests (2022) with the Lake County Supervisors of Elections before the July 1, 2023, deadline.

ACTION: 7:05:24 p.m. No action was taken.

6. UNFINISHED BUSINESS

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

ACTION: 7:05:56 p.m. No action was taken.

7. PUBLIC COMMENTS

After Mr. Carl Yauk, The Villages of Fruitland Park (Pine Hills) resident, questioned the LCSO dispatch services' indirect payment through the county and how same was charged based on population, Mr. La Venia addressed the plan to relay same to the county.

ACTION: 7:05:58 p.m. No action was taken.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian was absent from this evening's meeting.

ACTION: 7:08:34 p.m. No action was taken.

(b) Commissioner Bell

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

ACTION: 7:08:34 p.m. No action was taken.

(c) Commissioner Gunter

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

ACTION: 7:08:38 p.m. No action was taken.

(d) Vice Mayor DeGrave

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

ACTION: 7:08:40 p.m. No action was taken.

9. MAYOR'S COMMENTS

(a) Emergency Operations Center/Public Safety Building Project

In response to Mayor Cheshire's inquiry, Mr. La Venia referred to the passage of the 2023-24 State Budget and voiced concerns on the Florida Governor's 2023 Veto List which included the city's emergency operations center/public safety building for \$500,000.

In response to Vice Mayor DeGrave's inquiry, Mr. La Venia recognized the funds from Lake County earmarked for the city's public safety building; noted the allocation for same in the city's FY 2023-24 proposed budget and addressed his plan to write a letter District 26 State Representative Keith Truenow, before reaching out to Governor Ron DeSantis, on the merits of the subject project.

ACTION: 7:08:42 p.m. No action was taken.

(b) Dates to Remember

Mayor Cheshire recognized the following events:

- June 24, 2023, Derby Kart Race, Mirror Lake Drive and West Berckman Street, Fruitland Park, Florida 34731 at 10:00 a.m.;
- July 4, 2023, City Hall Closed Holiday;
- July 13, 2023, City Commission Regular at 6:00 p.m.;
- July 14, 2023, Lake County League of Cities, *Lake County Sheriff's Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 noon;

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June 22, 2023, regular meeting

- July 27, 2023, City Commission Regular at 6:00 p.m.;
- July 29, 2023, Mom and Daughter Tea Party, Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 11:00 a.m.;
- July 31, 2023, City Commission Workshop (FY 2023-24 Proposed Budget) at 6:00 p.m.;
- August 1, 2023, City Commission Workshop (FY 2023-24 Proposed Budget) at 6:00 p.m. and
- August 10, 2023, City Commission Regular CANCELLED.

ACTION: 7:13:20 p.m. No action was taken.

10. ADJOURNMENT

The meeting adjourned at 7:14 p.m.

The minutes were approved at the July 13, 2023, regular meeting.

Signed	Signed
Esther B. Coulson, City Clerk, MMC	Chris Cheshire, Mayor

RESOLUTION 2023-038

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPOINTING GARY BACHMANN AS CITY TREASURER; PROVIDING FOR THE TERM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter of the City of Fruitland Park provides for appointment of a city treasurer by the City Commission; and

WHEREAS, it is the City Commission's desire to appoint Gary Bachmann to serve as City Treasurer for a probationary term of six months commencing August 1, 2023.

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

- 1. Gary Bachmann is hereby appointed as the City Treasurer of the City of Fruitland Park to serve a probationary term of six months commencing August 1, 2023.
- 2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RE Commission of the City of				, 2023, by the City
City of Fruitland Park Chris Cheshire, Mayor				
Attest:				
Esther B. Coulson, City Cle	erk, MMC			
, .	,			
Mayor Cheshire	(Yes),	(No),	(Abstained),	(Absent)
Vice Mayor DeGrave	(Yes),	(No),	(Abstained),	(Absent)
Commissioner Gunter				
			(Abstained),	
Commissioner Mobilian				
Approved as to form and le	egality:			
Anita Geraci-Carver, City A	Attorney			

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

ITEM TITLE: Resolution 2023-039 – A1A Document Standard Form

of Agreement - Scorpio

MEETING DATE: Thursday, July 13, 2023

DATE SUBMITTED: Thursday, July 6, 2023

SUBMITTED BY: City Attorney/City Manager

BRIEF NARRATIVE: Resolution 2023-039 Approving an A1A Document Standard Form of Agreement (Construction Management Services "At Risk" New Public

Safety Complex Contract RFQ 2023-01) with Scorpio.

FUNDS BUDGETED: None

ATTACHMENTS: Proposed Resolution 2023-039 and agreement

(forthcoming)

RECOMMENDATION: Approval

ACTION: Adopt Resolution 2023-039

RESOLUTION 2023-039

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AIA DOCUMENT A133-2019 STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER AT CONSTRUCTOR WHERE BASIS OF PAYMENT IS THE COST OF THE WORK PLUS A FEE WITH A GUARANTEED MAXIMUM PRICE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission issued a request for qualifications seeking a construction manager at risk to provide services for the new public safety building, and selected DE Scorpio Corporation dba Scorpio;

WHEREAS, the City Commission desires to enter into a contract with DE Scorpio Corporation dba Scorpio for the public safety building; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the City to enter into a contract with selected DE Scorpio Corporation dba Scorpio as approved by this resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The AIA Document A133-2019 Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price for the public safety building, **a copy of which is attached hereto**, is approved.

Section 2. The City Commission authorizes the Mayor to execute the Agreement.

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

PASSED AND RESOLVED this ____ day of July, 2023, by the City Commission of the City of Fruitland Park, Florida.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR	

Mayor Cheshire (Yes), (No), (Abstained), Vice Mayor DeGrave (Yes), (No), (Abstained), Commissioner Bell (Yes), (No), (Abstained),	(Absent
•	(Absen
Commissioner Den (105), (No), (Austaineu),	(Absen
Commissioner Gunter (Yes), (No), (Abstained),	(Absen
Commissioner Mobilian (Yes), (No), (Abstained),	(Abse

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

ITEM TITLE: Resolution 2023-037 - Police Vehicle FY 2022-23

Budget Amendment BT2023-008

MEETING DATE: Thursday, July 13, 2023

DATE SUBMITTED: Thursday, July 6, 2023

SUBMITTED BY: City Attorney/City Treasurer

BRIEF NARRATIVE: Resolution 2023-037 Amending the FY 2022-23 budget

to increase expenditures in equipment for a police K-9 vehicle.

FUNDS BUDGETED: \$59,000 – Vehicle Account (01521-60649)

ATTACHMENTS: Proposed Resolution 2023-037 and BT2023-008

RECOMMENDATION: Approval

ACTION: Adopt Resolution 2023-037

RESOLUTION 2023-037

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2022/2023 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE EXPENDITURES IN EQUIPMENT - VEHICLES ACCOUNT FOR THE POLICE DEPARTMENT AND DECREASE **EXPENDITURES** IN FUEL, UNIFORMS, **TUITION** REIMBURSEMENT. NONREPAIRABLE AND **EOUIPMENT** ACCOUNTS TO ALLOW FOR THE PURCHASE AND EQUIPPING OF A POLICE VEHICLE FOR USE AS A K-9 POLICE VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fiscal Year 2022-2023 budget of the City of Fruitland Park was adopted on September 22, 2022; and

WHEREAS, the City is in need of a police vehicle that can be utilized as a K-9 police vehicle; and

WHEREAS, there are sufficient funds in the budget for the police department to cover the purchase and equipping of the vehicle; and

WHEREAS, it is necessary to increase expenditures in equipment-vehicles account and decrease expenditures in fuel, uniforms, tuition reimbursement and nonrepairable equipment accounts to allow for the purchase and equipping of the police vehicle; and:

WHEREAS, the City Commission desires to amend the 2022-2023 Fiscal Year budget to increase the Equipment – Vehicles Account Expense Budget by \$59,000.00;

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

- Section 1. The 2022/2023 budget adopted on September 22, 2022 is amended as set forth in Exhibit "A" attached hereto.
- Section 2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 13th day of July, 2023, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park	
Chris Cheshire, Mayor	

Attest:				
Esther B. Coulson, MMC City Clerk				
Mayor Cheshire	(Yes),	(No),	(Abstained),	(Absent)
Vice Mayor DeGrave	(Yes),			
Commissioner Gunter		(No),	(Abstained),	(Absent)
Commissioner Bell	(Yes),	(No),	(Abstained),	(Absent)
Commissioner Mobilian	(Yes),	(No),	(Abstained),	(Absent)
Approved as to form and legal:	ity:			
A wite Course Course				
Anita Geraci-Carver City Attorney				

CITY OF FRUITLAND PARK

Interfund Budget Amendment: #

BT2023-008

To:	CITY MANAGER	Date:	20	-Jun-2023
Prepared by:	Chief Erik Luce Department Head	Approved:	City I	N anager
REVENUES:				
Object name & #	Tuition Reimbursement 01521	-30545	Amount:	4,000 Inc/Dec
Object name & #	Equipment-Vehicles 01521-6	0649	Amount:	4,000 Inc/Dec
Object name & #	Fuel 01521-30522		Amount:	40,000 Inc/Dec
Object name & #	Equipment-Vehicles 01521-6	0649	Amount:	40,000 Inc/Dec
Object name & #	Uniforms 01521-30521		Amount:	6,000 Ind/Dec
Object name & #	Equipment-Vehicles 01521-6	0649	Amount:	6,000 Inc/Dec
EXPENDITURES:				
Object name & #	Training 01521-30542		Amount:	5,000 Inc/Dec
Object name & #	Equipment-Vehicles 01521-6	0649	Amount:	5,000 Inc/Dec
Object name & #	Equipment Nonrepairable 0152	1-60643	Amount:	4,000 Inc/Dec
Object name & #	Equipment-Vehicles 01521-6	0649	Amount:	4,000 Inc/Dec
Object name & #			Amount:	Inc/Dec
Object name & #			Amount:	Inc/Dec
Explanation:	These transfers are necessary to make ear	ly purchase of police	e vehicle.	
Approved by Co	emmission:			
	Date		City Clerk	
City Fi	inance Director		Mayor	

2023 Early Vehicle Purchase

K-9 Unit 2023 Chevrolet Tahoe Police Addition

Goal = \$58,989.00

The Tahoe is the lowest quote received from Chevrolet and Ford. The Ford was quoted at \$43,836.00. There were no Dodge Durango's available and they would be priced in the \$41000.00 area based on State rates.

30522 Fuel = \$40000

30521 Uniforms = \$6000

30542 Training = \$5000

30545 Tuition Reimbursement = \$4000

60643 Equipment Nonrepairable = \$4000

Total Moved = \$59,000.00

Vehicle = \$40,799.00

Equipment and Installation = \$15,090.00 (DANA Safety and Supply out of Orlando)

Dash Cam = \$3100.00

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

ITEM TITLE: Police K-9 Vehicle Purchase Quotes

MEETING DATE: Thursday, July 13, 2023

DATE SUBMITTED: Thursday, July 6, 2023

SUBMITTED BY: City Manager/Police Chief

BRIEF NARRATIVE: Item Description: Patrol Vehicles, the police department is requesting to utilize reallocated funds in the FY 2022-23 approved budget to purchase a 2023 Chevrolet Tahoe to be upfitted as a police K-9 Unit.

The requested vehicle is the least expensive available state bid police-rated SUV. Please see attached explanation and bids from Duval Chevrolet (\$40,799) and Bozard Ford (\$43,836). The total price is to be patrol ready.

These funds are transferred from the FY 2022-23 fuel budget. The remaining funds are reallocated from the police department's FY 2022-23 budget where adjustments will be made to the police department's planned spending in the shown accounts. (Consensus at the June 22, 2023 regular meeting to approve the FY 2022-23 budgetary amendment for the purchase of a police vehicle.)

FUNDS REQUIRED: See breakdown expenditures attached

(01521-60649)

ATTACHMENTS: 2023 Early Vehicle Purchase Breakdown

Explanation and bids

RECOMMENDATION: Approve the 2023 Chevrolet Tahoe purchase with

Duval Chevrolet as the lowest, responsive, responsible bidder including equipment,

installation and dash cam.

ACTION: Approve staff's recommendation.

2023 Early Vehicle Purchase

K-9 Unit 2023 Chevrolet Tahoe Police Addition

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Total Moved = \$59,000.00

Vehicle = \$40,799.00

Equipment and Installation = \$15,090.00 (DANA Safety and Supply out of Orlando)

Dash Cam = \$3100.00



Fruitland Park Police Department

epar	ed for: Fruitland Park Polic Chief Erik Luce <u>aluce@fruitlandpark.c</u>	Jared Dav	vrolet vis 4-381-65 04-343-4 Oduvalmo erside D	4451 otor.com		6/14/2023
		PLEASE CO. Pricing through Florida Sheriff's Association 22-VEL30.0 / 22-VEH20.0 contracts. Please may require additional customer information or clarification. When submitting purchase address, delivery address, and any titling instructions. Thank you!	se note a	any items i	in re	
	Code	Equipment	UNIT	PRICE	EX	TENDED
15	SPEC 219	2023 Chevrolet Tahoe 4x2 PPV (CC10706)				37,505.00
uantii	SPEC 219 GAZ/H1T	2023 Chevrolet Tahoe 4x2 PPV (CC10706) Summit White exterior / Ebony unique cloth interior		7,505.00	\$	
重	SPEC 219 GAZ/H1T L84/MHU	2023 Chevrolet Tahoe 4x2 PPV (CC10706) Summit White exterior / Ebony unique cloth interior 5.3L V8 / 10-spd automatic		7,505.00 - -	\$	37,505.00
s Quantil	SPEC 219 GAZ/H1T	2023 Chevrolet Tahoe 4x2 PPV (CC10706) Summit White exterior / Ebony unique cloth interior 5.3L V8 / 10-spd automatic Complete Trailering Tow Package		7,505.00 - - 695.00	\$ \$ \$	
Parts Quantil	SPEC 219 GAZ/H1T L84/MHU Z83	2023 Chevrolet Tahoe 4x2 PPV (CC10706) Summit White exterior / Ebony unique cloth interior 5.3L V8 / 10-spd automatic		7,505.00 - - 695.00	\$ \$ \$	37,505.00
Parts Quantil	SPEC 219 GAZ/H1T L84/MHU Z83 D7X3	2023 Chevrolet Tahoe 4x2 PPV (CC10706) Summit White exterior / Ebony unique cloth interior 5.3L V8 / 10-spd automatic Complete Trailering Tow Package Incl heavy-duty receiver hitch, draw bar, 2" ball, pin and clip, 7-way plug Spotlight delete		7,505.00 - - 695.00	\$ \$ \$	37,505.00
重	SPEC 219 GAZ/H1T L84/MHU Z83 D7X3 AMF	2023 Chevrolet Tahoe 4x2 PPV (CC10706) Summit White exterior / Ebony unique cloth interior 5.3L V8 / 10-spd automatic Complete Trailering Tow Package Incl heavy-duty receiver hitch, draw bar, 2" ball, pin and clip, 7-way plug Spotlight delete Additional (4) key fobs		7,505.00 - - 695.00 - (150.00)	\$ \$ \$ \$ \$ \$ \$	37,505.00 - - 695.00 - (150.00)
Parts Quantil	SPEC 219 GAZ/H1T L84/MHU Z83 D7X3	2023 Chevrolet Tahoe 4x2 PPV (CC10706) Summit White exterior / Ebony unique cloth interior 5.3L V8 / 10-spd automatic Complete Trailering Tow Package Incl heavy-duty receiver hitch, draw bar, 2" ball, pin and clip, 7-way plug Spotlight delete		7,505.00 - - 695.00 - (150.00)	\$ \$ \$ \$	37,505.00 - - 695.00
Parts Quantif	SPEC 219 GAZ/H1T L84/MHU Z83 D7X3 AMF	2023 Chevrolet Tahoe 4x2 PPV (CC10706) Summit White exterior / Ebony unique cloth interior 5.3L V8 / 10-spd automatic Complete Trailering Tow Package Incl heavy-duty receiver hitch, draw bar, 2" ball, pin and clip, 7-way plug Spotlight delete Additional (4) key fobs	\$ \$ \$ \$ \$ \$ \$	7,505.00 - - 695.00 - (150.00)	\$ \$ \$ \$ \$	37,505.00 - - 695.00 - (150.00)
Parts Quantif	SPEC 219 GAZ/H1T L84/MHU Z83 D7X3 AMF BCV	2023 Chevrolet Tahoe 4x2 PPV (CC10706) Summit White exterior / Ebony unique cloth interior 5.3L V8 / 10-spd automatic Complete Trailering Tow Package Incl heavy-duty receiver hitch, draw bar, 2" ball, pin and clip, 7-way plug Spotlight delete Additional (4) key fobs Auto door lock disabled	\$ \$ \$ \$ \$ \$ \$	7,505.00 - - 695.00 - (150.00) - 49.00	\$ \$ \$ \$ \$	37,505.00 - - 695.00 - (150.00) - 49.00

TOTAL QUANTITY 5 TOTAL PURCHASE \$ 203,095.00

40, 799.



June 13, 2023

Erik Luce Chief of Police Fruitland Park Police Department

Hi Erik

Bozard Ford is pleased to submit the following quote based on FSA22-VEL30.0

ITEM # 226	2023 FORD INTERCEPTOR UTILTY AWD 3.3L GAS K8A	\$41,362.00
YZ/96	OXFORD WHITE EXTERIOR/EBONY CLOTH FRT/VINYL REAR	STD
99B	3.3L TI-VCTV6 FFV ENGINE	STD
44U	10 SPEED AUTO TRANS	STD
17A	AUX CLIMATE CONTROL	\$609.00
17T	CARGO DOME LAMP RED/WHITE	\$49.00
19K	H8 AGM BATTERY	\$109.00
43D	COURTESY LAMP DISABLE	\$24.00
47A	POLICE ENGINE IDLE FEATURE	\$259.00
51R	DRIVER SIDE LED SPOT LAMP	STD
55F	KEYLESS ENTRY 4 FOBS	STD
60A	WIRING GRILL/LAMP/SIREN/SPKRS	\$49.00
60R	NOISE SUPPRESSION BOND STRAPS	\$99.00
76P	PRE COLLISION ASSIST	\$144.00
76R	REVERSE SENSING SYSTEM	\$274.00
86T	REAR TAIL LAMP HOUSING	\$59.00
OSF	OUT OF STOCK FEE. TO COVER STOCKING AND FLOORPLAN	\$799.00
	EXPENSES FOR VEHILCE PURCHASED OUT OF DEALERS	
	EXISTING INVENTORY	

Total \$43,836.00

Sincerely,

Jeff Young

Government Fleet Account Manager

DANA SAFETY SUPPLY, INC 4809 KOGER BLVD GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	491517-F
Customer No.	FRUIT

Ship To

Bill To

CITY OF FRUITLAND PARK ATTN: A/P 506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731 United States DSS ORLANDO ATTN INSTALLS K9 TAHOE FL United States

Contact: CHIEF ERIK D. LUCE

Telephone:

E-mail: eluce@fruitlandpark.org

Contact:
Telephone:

E-mail:

Quote Date	S	Ship Via		F.O.B.	Customer PO Number	r Paym	ent Method
06/27/23	GROUN	ND SHII	PMENT	QUOTED FREIGHT]	NET30
E	Intered By			Salesperson	Ordered By	Resa	le Number
Jeni	ny Malchiod	i	KEN	STIVERS - ORLANDO	TIM ROSS		
Order Quantity	Approve Quantity	Tax		Item Number / De	scription	Unit Price	Extended Price
1	1	Y	Chevrolet Tal (DRV) D12 R_W R_ Accessories: DSC w/ Brea ENFWB01 SOI, NFLI Chevrolet Tal (DRV) D12 R_W R_ Accessories:	B, FRNT, 8MOD, 2021-22 Wareh noe (2021-22) Split Front D12 D12 D12 D12 D12 D12 D12 W R_W R_W B_W B_W B_W PNFLBSPLT1 kout Box (Included) L1TR B, REAR, 8MOD, 2021-22	ouse: ORLAN (PAS) B_W TAHOE, RW/BW ouse: JACK	794.3500 794.3500	794.35 794.35
2	2	Y	QSF012273 ESLRL610 SOI 61" S)58 L RUNNING LIGHT RED/	BLUE/WHITE - UNIVERSA ouse: ORLAN .y.	266.3400	532.68
2	2	Y	PSLVBK0	3 E RUNNING LIGHTS MO		20.0600	40.12

Print Date	06/29/23
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Page No.	1

Payment Method

DANA SAFETY SUPPLY, INC 4809 KOGER BLVD GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	491517-F
Customer No.	FRUIT

Ship To

Bill To

CITY OF FRUITLAND PARK

ATTN: A/P

506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731

Ship Via

United States

Quote Date

DSS ORLANDO

ATTN INSTALLS K9 TAHOE

Customer PO Number

FL United States

Contact: CHIEF ERIK D. LUCE

Telephone:

E-mail: eluce@fruitlandpark.org

Contact:
Telephone:

E-mail:

F.O.B.

06/27/23	GROUN	ND SH	IPMENT	QUOTED FREIGHT			NET30
Entered By			Salesperson	Ordered By	Resa	le Number	
Jen	ny Malchiod	i	KEN	STIVERS - ORLANDO	TIM ROSS		
Order Quantity	Approve Quantity	Tax		Item Number / Des	scription	Unit Price	Extended Price
2	2	Y	EMPSCG2	QMS5RBW		109.6100	219.22
			-	SOI mpower 4" Light Quick Mount R/B/W Warehouse: JACK			
2	2	Y	SOI mPow	de of push bumper white override STS5RBW Yer 4" 3-Wire Light w/ Stud I Wareho ROUD IN EACH SIDE CARGO W	ouse: JACK	109.6000	219.20
2	2	Y	PMP2WS5	SSB POWER SINGLE WINDOV		10.6700	21.34
2	2	Y		STS5RBW WER 4" STUD MOUNT RE		109.6100	219.22
2	2	Y	ENT3B3R	RSECTOR 18-LED SFC MI	NT,BLK HSG	158.7800	317.56
1	1	Y	UNDER MIR	Warehors JMB5-D AHOE Under Mirror Bracke	ouse: JACK et Driver Side ouse: JACK	22.2000	22.20

Print Date	06/29/23
Print Time	10:12:39 AM
Page No.	2

Payment Method

DANA SAFETY SUPPLY, INC 4809 KOGER BLVD **GREENSBORO, NC 27407**

Telephone: 800-845-0405

Sales Quote No.	491517-F
Customer No.	FRUIT

Ship To

Bill To

CITY OF FRUITLAND PARK ATTN: A/P 506 WEST BERCKMAN STREET

FRUITLAND PARK, FL 34731

Ship Via

United States

Quote Date

DSS ORLANDO

ATTN INSTALLS K9 TAHOE

Customer PO Number

FL United States

Contact: CHIEF ERIK D. LUCE **Contact: Telephone: Telephone:** E-mail: E-mail: eluce@fruitlandpark.org

F.O.B.

06/27/23	GROUN	ND SH	IPMENT	QUOTED FREIGHT		1	NET30
Entered By			Salesperson Ordered By		Resa	Resale Number	
Jenny Malchiodi		KEN	STIVERS - ORLANDO	TIM ROSS			
Order Quantity	Approve Quantity	Tax		Item Number / De	scription	Unit Price	Extended Price
1	1	Y	PMP2BKU	JMB5-P		22.2000	22.20
			SOI 21+ T	AHOE Under Mirror Brack	Č		
				Wareh	ouse: JACK		
2	2	Y	ETSS100J			138.0000	276.00
			SOI 100J S	SERIES COMPOSITE SPE			
					ouse: JACK		
				omposite speaker w/ universal bail	brkt-100 wattMOUNT ON		
			retail \$389	PER OUT OF WAY OF WINCH			
1	1	Y	ETSA4820	CSR		350.0000	350.00
			SOI 400 SERIES SIREN W/ KNOB CONTROL				
			Warehouse: ORLAN				
1	1	Y	PUVBBJ00		84.0800	84.08	
			SOI Extern	SOI External Breakout Box for LIN COMM			
				Warehouse: JACK			
1	1	Y	TINT			155.0000	155.00
			Vehicle Wi	ndow Tint Per Customers S	pecs		
				Wareh	ouse: JACK		
			retail \$300				

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DANA SAFETY SUPPLY, INC 4809 KOGER BLVD GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	491517-F
Customer No.	FRUIT

Ship To

Bill To

CITY OF FRUITLAND PARK

ATTN: A/P

506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731

United States

DSS ORLANDO

ATTN INSTALLS K9 TAHOE

FL United States

Contact: CHIEF ERIK D. LUCE

Telephone:

E-mail: eluce@fruitlandpark.org

Contact:
Telephone:

E-mail:

 Quote Date
 Ship Via
 F.O.B.
 Customer PO Number
 Payment Method

 06/27/23
 GROUND SHIPMENT
 QUOTED FREIGHT
 NET30

 Entered By
 Salesperson
 Ordered By
 Resale Number

 Jenny Malchiodi
 KEN STIVERS - ORLANDO
 TIM ROSS

Jenny Malchiodi		i	KEN STIVERS - ORLANDO	TIM ROSS		
Order Quantity	Approve Quantity	Tax	Item Number / De	escription	Unit Price	Extended Price
1	1	Y	7170-0864-03		1,255.7300	1,255.73
			GJ 2021+ Chevrolet Tahoe Wide Bod	y Console Box Kit		
			Wareh	ouse: ORLAN		
			7170-0864-03			
			2021+ Chevrolet Tahoe Wide Body Console Bo			
			Mount, Armrest, Cup Holder, and Mongoose® Attachment************************************	XLE 9" Motion ****		
			EQUIPMENT BRACEKTS:			
1	1	Y	17133		0.0000	0.00
			GAMBER FACEPLATE			
			Wareh	ouse: ORLAN		
1	1	Y	7160-0322		0.0000	0.00
			GJ full faceplate motorola xtl 2500/5000 full size			
			Wareh	ouse: ORLAN		
1	1	Y	7160-0250		250.4100	250.41
			GJ NOTEPAD V UNIVERSAL COM	PUTER CRADLE		
			Wareh	ouse: ORLAN		
			WILL ADJUST FOR COMPUTERS WITH TH	E FOLLOWING:		
			WIDTH - 10.62 TO 16.5 INCHES			
			THICKNESS - UP TO 1.50 INCHES DEPTH - 9.00 TO 12.38 INCHES			
			*************	******		
			REPLACES NP-NOTEPAD4-XL			
			***********	*******		

Print Date	06/29/23
Print Time	10:12:39 AM
Page No.	4

Payment Method

DANA SAFETY SUPPLY, INC 4809 KOGER BLVD GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	491517-F
Customer No.	FRUIT

Ship To

Bill To

CITY OF FRUITLAND PARK

ATTN: A/P

506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731

Ship Via

United States

Quote Date

DSS ORLANDO

ATTN INSTALLS K9 TAHOE

Customer PO Number

FL United States

Contact: CHIEF ERIK D. LUCE

Telephone:

E-mail: eluce@fruitlandpark.org

Contact:
Telephone:

E-mail:

F.O.B.

06/27/23	23 GROUND SHIPN		PMENT	MENT QUOTED FREIGHT]	NET30	
E	ntered By			Salesperson	Ordered By	Resa	Resale Number	
Jenny Malchiodi			KEN	KEN STIVERS - ORLANDO TIM ROSS				
Order Quantity	Approve Quantity	Tax	Item Number / Description		Unit Price	Extended Price		
1	1	Y	OP-53O2USB			42.7300	42.73	
			BI 3 12VC					
			Warehouse: ORLAN					
1	1	Y	MISC			418.8200	418.82	
93905 I80 BT Vehicle Kit								
			Warehouse: JACK					
			I80 BT Vehicle Kit - Includes 93861, 93863, 93882, and one roll of					
2	2	Y	perforated pa 17040	per w/black mark		38.2300	76.46	
2	2	I		ETIC MIC		38.2300	/0.40	
			GJ MAGNETIC MIC Warehouse: JACK					
1	1	Y	36-4045			383.4500	383.45	
1	1	1	Westin 2021 Chevy Tahoe Elite Push Bumper			303.4300	303.43	
			Warehouse: ORLAN					
			36-4045	,, al 011	oube. Green,			
1	1	Y	36-4045PE	}		287.4500	287.45	
				1 Chevy Tahoe Elite Pit Ba	rs			
				•	ouse: ORLAN			
1	1	Y	36-6015SN	MP2		28.0000	28.00	
			Westin Upper Channel w/ SOI mPower 2 Light cutout					
			-	Wareh	ouse: JACK			
1	1	Y	EZIK-TAF	IEXL-2021-C		3,152.2700	3,152.27	
			AMEALA	C EZ RIDER 1/3-2/3 TAHO	DE 21- CURRENT			
				Wareh	ouse: ORLAN			

Print Date	06/29/23
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Sales Quote

DANA SAFETY SUPPLY, INC 4809 KOGER BLVD GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	491517-F
Customer No.	FRUIT

Ship To

Bill To

CITY OF FRUITLAND PARK

ATTN: A/P

506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731

United States

DSS ORLANDO

ATTN INSTALLS K9 TAHOE

FL United States

Contact: CHIEF ERIK D. LUCE

Telephone:

E-mail: eluce@fruitlandpark.org

Contact:
Telephone:

E-mail:

 Quote Date
 Ship Via
 F.O.B.
 Customer PO Number
 Payment Method

 06/27/23
 GROUND SHIPMENT
 QUOTED FREIGHT
 NET30

 Entered By
 Salesperson
 Ordered By
 Resale Number

 Jenny Malchiodi
 KEN STIVERS - ORLANDO
 TIM ROSS

Jen	ny Malchiod	1	KEN STIVERS - ORLANDO	TIM ROSS		
Order Quantity	Approve Quantity	Tax	Item Number / De	scription	Unit Price	Extended Price
1	1	Y	WATER DISH		126.0000	126.00
			AMEALAC ALUM WATER DISH			
			Wareh	ouse: JACK		
1	1	Y	MISC		136.6000	136.60
			H-SRM3-K Ace K9			
			Wareh	ouse: ORLAN		
			tahoe window drop module kit			
1	1	Y	ECVDMLTAL00		59.8600	59.86
			SOI UNIVERSAL DOME LIGHT AL	L LED, RED/CLEAR		
			Wareh	ouse: JACK		
			MOUNTED BETWEEN DRIVER AND PASSI	ENGER SEATS CLOSER TO		
1	1	Y	REAR VIEW MIRROR GK10301S1UHK		342.3000	342.30
1	1	I	SMC DUAL T-RAIL MOUNT 1 SM	LINIV HV	342.3000	342.30
				ouse: JACK		
			GK10301S1UHK	louse. JACK		
			2023 TAHOE			
			MUST PROVIDE VEHICLE INFORMATION			
			1 SMALL 1 UNIVERSAL LOCKS WITH HAN			
			MOUNT ON CAGE IF SPACE IS AVAIL OTH AREA	ERWISE MOUNT IN CARGI		
			THE T			
I		I				

Print Date	06/29/23
Print Time	10:12:39 AM
Page No.	6

Printed By: Ken Stivers

Sales Quote

DANA SAFETY SUPPLY, INC 4809 KOGER BLVD GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	491517-F		
Customer No.	FRUIT		

Ship To

Bill To

CITY OF FRUITLAND PARK ATTN: A/P 506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731 United States DSS ORLANDO ATTN INSTALLS K9 TAHOE FL United States

Contact: CHIEF ERIK D. LUCE

Telephone:

E-mail: eluce@fruitlandpark.org

Contact:
Telephone:

E-mail:

Ship Via F.O.B. **Customer PO Number** Payment Method **Quote Date** 06/27/23 **GROUND SHIPMENT** QUOTED FREIGHT NET30 Ordered By Resale Number **Entered By** Salesperson KEN STIVERS - ORLANDO TIM ROSS Jenny Malchiodi Unit Order Approve Extended Tax **Item Number / Description** Quantity Quantity Price **Price** Y **INSTALL KIT** 185.0000 185.00 MISC INSTALLATION SUPPLIES I.E. Warehouse: JACK LOOM, WIRE, HARDWARE, CONNECTORS, ETC WE WILL REMOVE THE LLD HEAT ALARM FROM A PIU AND INATLL IT IN THIS VEHICLE. THE WINDOW DROP MODULES ARE IN THE INSTALL CUSTOMER SUPPLIED RADIO AND ANTENNAS 3,750.0000 N **INSTALL** 3,750.00 DSS INSTALLATION OF EQUIPMENT Warehouse: JACK mount customer supplied radio camera and radarWE WILL REMOVE THE LLD HEAT ALARM FROM A PIU AND INATLL IT IN THIS VEHICLE. THE WINDOW DROP MODULES ARE IN THE ORDER. BRADFORD COUNTY CONTRACT BCSO2019-01 **Approved By:** ☐ Approve All Items & Quantities **Quote Good for 30 Days**

 Print Date
 06/29/23

 Print Time
 10:12:39 AM

 Page No.
 7

Printed By: Ken Stivers

Subtotal	14,562.60
Freight	525.76
Order Total	15,088.36

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

ITEM TITLE:	First Reading and Public Hearing - Ordinance 2023-008 Boundary Amendment (Annexation) – 19.10+ Acres Multi-Family Medium - South of Urick Street and West of Thomas Avenue - Petitioner: Kimaya, LLC
MEETING DATE:	Thursday, July 13, 2023
DATE SUBMITTED:	Monday, July 3, 2023
SUBMITTED BY:	City Attorney/City Manager/Community Development
services and develop a proposed	Ordinance 2023-008 Owner submitted an application omp plan amendment, and a rezoning to receive city mix of duplexes, townhomes and single-family homes that proposed density of 8.8 units/acre on approximately

FUNDS BUDGETED: None

ATTACHMENTS: Proposed Ordinance 2023-008, legal description, map,

site plan, staff report and advertising affidavit.

RECOMMENDATION: The Planning and Zoning Board at its June 15, 2023

meeting recommended the approval of Ordinance 2023-008 for the proposed revised development. Applicant previously submitted a site plan to develop a 294-apartment complex comprised of one, two and three-bedroom units. (The second reading will be held

on July 27, 2023.)

ACTION:

ORDINANCE 2023 - 008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 19.10 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Vishaal Gupta, as Applicant, on behalf of Kimaya, LLC, Owner, requesting that approximately 19.10 ± acres of real property generally located south of Urick Street and west of Thomas Avenue (the "Property") be annexed to and made a part of the City of Fruitland Park; and

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

WHEREAS, this Ordinance has been advertised as required by law with a copy of said notice sent via certified mail to the Board of County Commissioners of Lake County as provided for by statute; and

WHEREAS, the Planning and Zoning Board considered this ordinance at a public meeting; and

WHEREAS, the Property is contiguous to the City limits and is reasonably compact; and

WHEREAS, the City Commission has determined that the area proposed for annexation meets the requirements of §171.044, Florida Statutes; and

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

- Section 1. The recitals set forth above are hereby adopted as legislative findings of the City Commission of the City of Fruitland Park.
- Section 2. The following described property consisting of approximately 19.10 acres of land generally located south of Urick Street and west of Thomas Avenue, contiguous to the City limits, is hereby incorporated into and made part of the City of Fruitland Park Florida. The property is more particularly described as follows:

LEGAL DESCRIPTION: See attached Exhibit A.

Parcel Alternate Key No. 1289891

Section 3. Upon this Ordinance becoming effective, the property annexed shall be subject to all laws, ordinances, and regulations enforced in the City of Fruitland Park, and shall be entitled to the same privileges and benefits as other parts of the City of Fruitland Park upon the effective date of the annexation. Except that the property annexed in this Ordinance is subject to the Land Use Plan

of the Lake County Comprehensive Plan and county zoning regulations until the City adopts the Comprehensive Plan Amendments to include the property annexed in the City Comprehensive Plan.

Section 4. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County Manager of Lake County, Florida, and the Department of State of Florida within seven (7) days after its passage on second and final reading. It shall further be submitted to the Office of Economic and Demographic Research within 30 days of approval along with a statement specifying the population census effect and the affected land area. F.S. 171.091, Florida Statutes.

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. 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 7. All ordinances and parts of ordinances to the extent in conflict with this Ordinance are hereby repealed.

Section 8. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED in regular session County, Florida, this day of,	ession of the City Commission of the City of Fruitland Park, Lake, 2023.				
Chris Cheshire, Mayor City of Fruitland Park, Florida	(SEAL)				
ATTEST:					
Esther Coulson, MMC, City Clerk					
Approved as to Form:					
Anita Geraci-Carver, City Attorney					

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

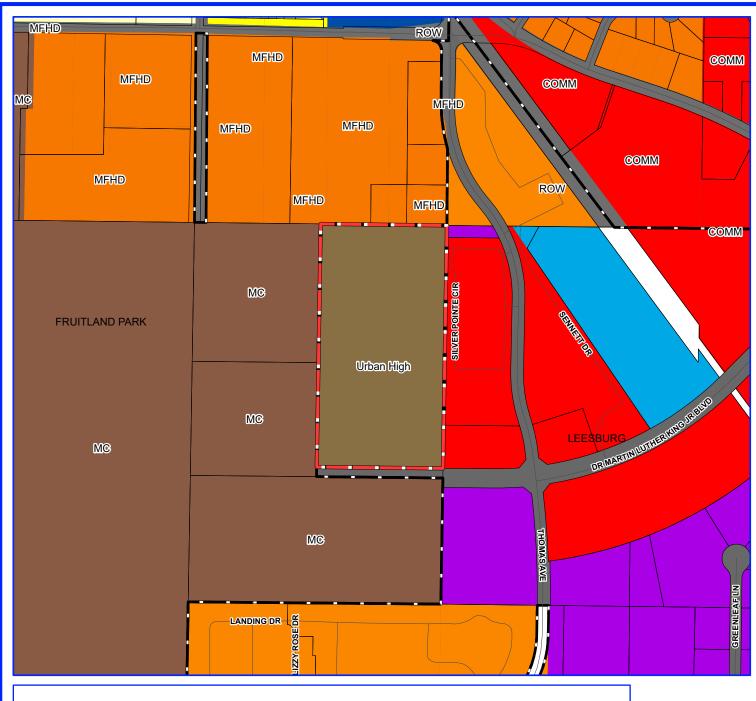
Passed First Reading ______Passed Second Reading _____

EXHIBIT A Legal Description

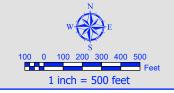
THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. LESS THE SOUTH 50 FEET THEREOF.

ALSO DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA THENCE S 00°53'57" E, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, A DISTANCE OF 1265.41 FEET; THENCE N 89°25'38" W, A DISTANCE OF 657.76 FEET, TO THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, THENCE N 00°55'00" E, ALONG SAID WEST LINE, A DISTANCE OF 1266.62 FEET, TO THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 16; THENCE S 89°19'17" E, ALONG SAID NORTH LINE, A DISTANCE OF 657.37' TO THE POINT OF BEGINNING.





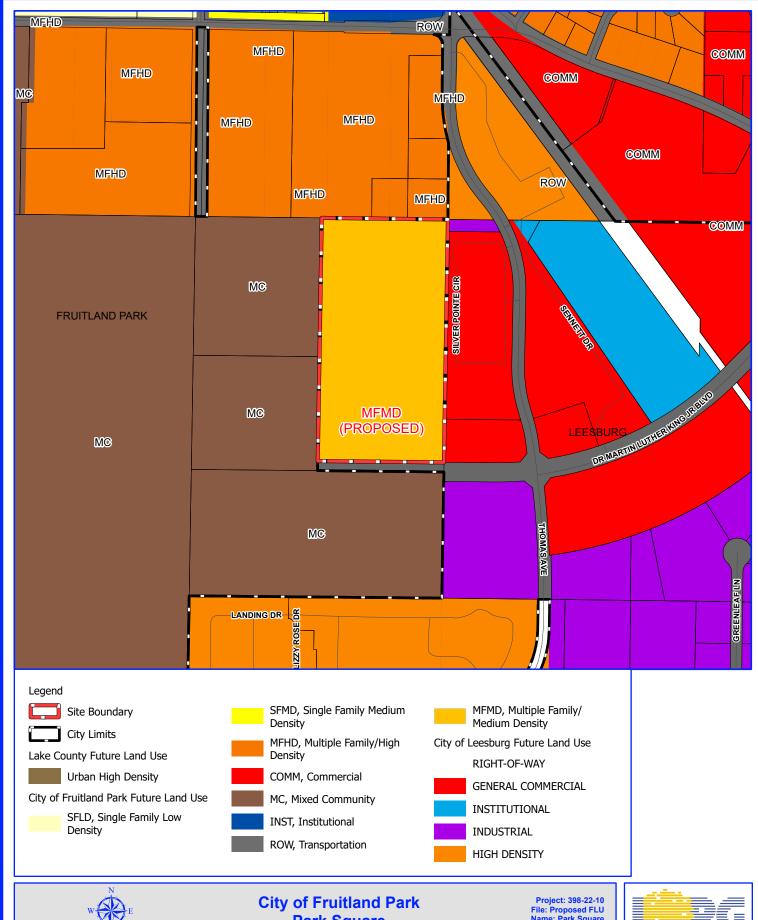


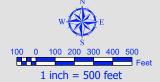
City of Fruitland Park Park Square

Lake County, Florida Existing Future Land Use Map

Project: 398-22-10 File: Existing FLU Name: Park Square PM: Sherie Lindh Date: December 7, 2022 Created By: J.Wilson



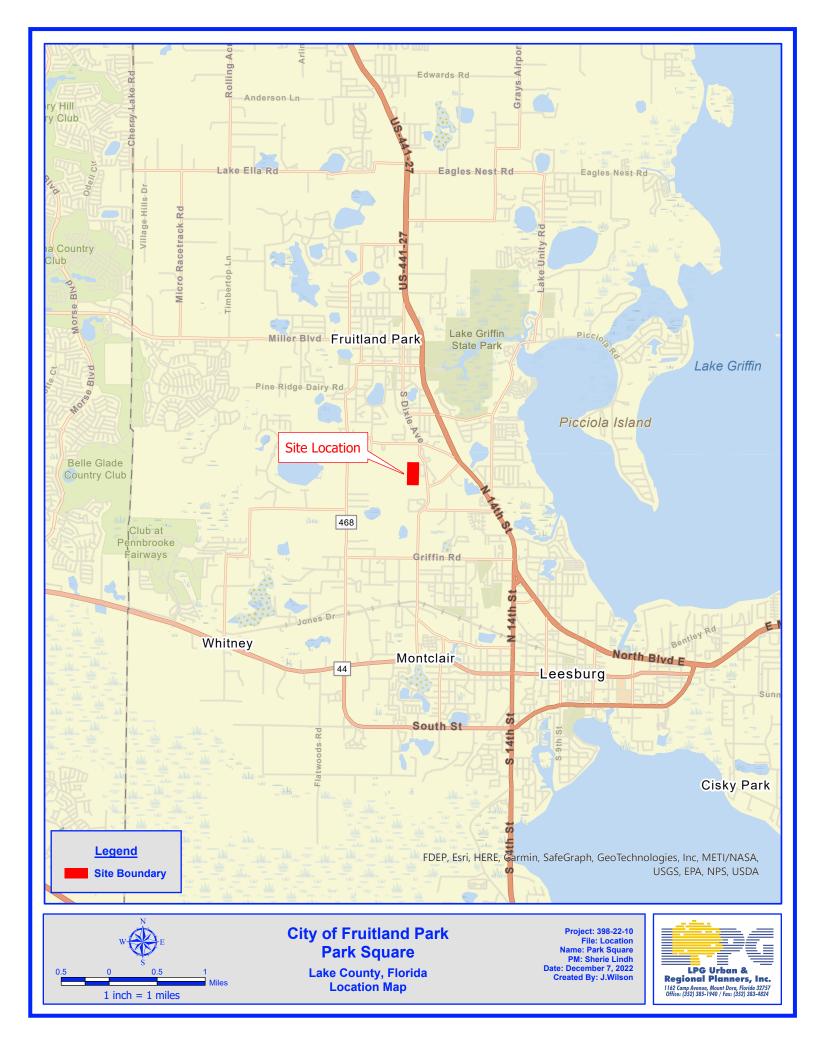


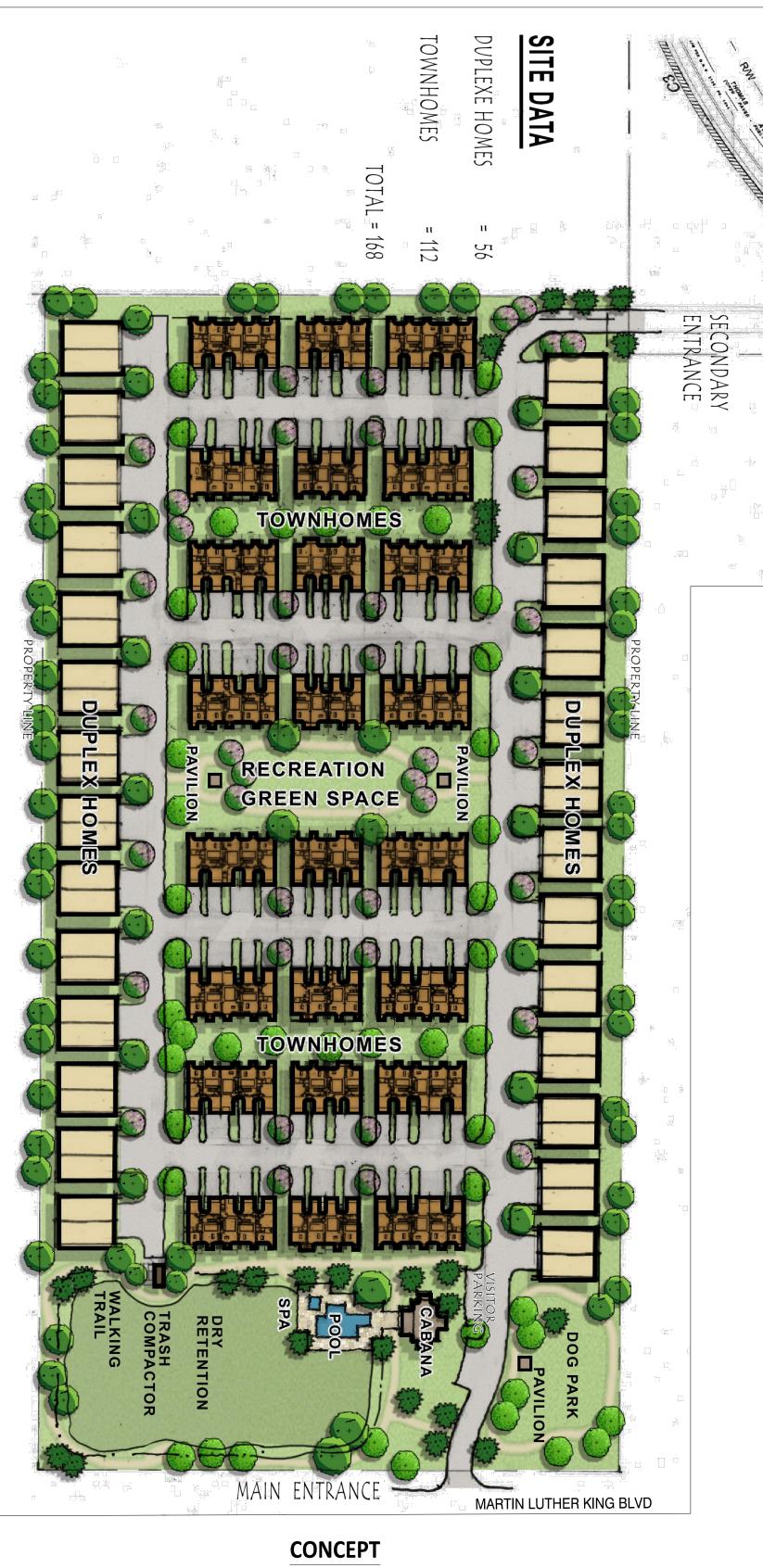


Park Square

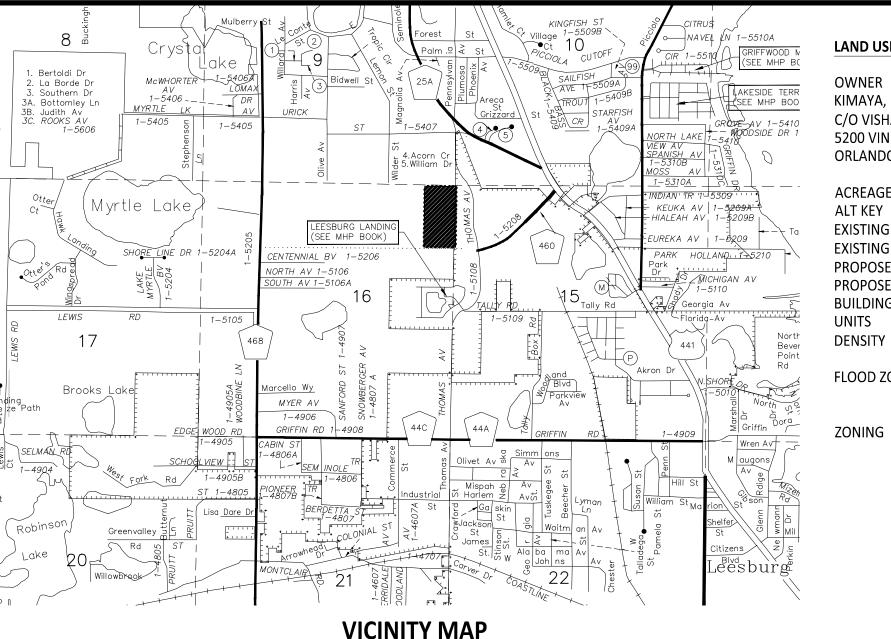
Lake County, Florida Proposed Future Land Use Map Project: 398-22-10 File: Proposed FLU Name: Park Square PM: Sherie Lindh Date: December 14, 2022 Created By: J.Wilson

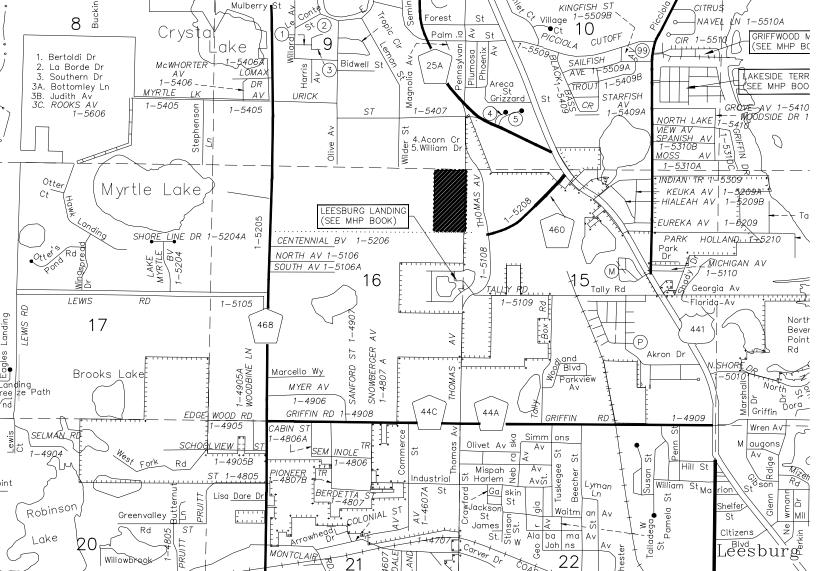






SCALE = 1"=100'





VICINITY MAP SCALE = 1"=2000'

LAND USE

KIMAYA, LLC C/O VISHAAL GUPTA 5200 VINELAND ROAD, SUITE 200 ORLANDO, FL 32811

19.11 AC (832,412 SF) 1289891 ACREAGE **ALT KEY** AGRICULTURE (COUNTY) **EXISTING ZONING EXISTING LAND USE** URBAN HIGH DENSITY (COUNTY) MULTI FAMILY MEDIUM DENSITY (R10) PROPOSED ZONING MULTI FAMILY MEDIUM DENSITY PROPOSED LAND USE **BUILDING HEIGHT** 35' MAX. 168 UNITS DENSITY 8.8 UNITS / ACRE

FLOOD ZONE

NORTH: R-3 MULTI FAMILY HIGH DENSITY RESIDENTIAL

EFFECTIVE 12/18/2012

FUTURE LAND USE

(FRUITLAND PARK) SOUTH: PUD (PLANNED UNIT DEVELOPMENT)

ZONE A & ZONE X PER FEMA MAP # 12069C0170E,

(FRUITLAND PARK) EAST: HIGH DENSITY RESIDENTIAL (LEESBURG)

WEST: PUD (PLANNED UNIT DEVELOPMENT) (FRUITLAND PARK)

NORTH: MULTI FAMILY HIGH DENSITY RESIDENTIAL (FRUITLAND PARK) SOUTH: PUD (PLANNED UNIT DEVELOPMENT)

(FRUITLAND PARK) EAST: HIGH DENSITY RESIDENTIAL (LEESBURG)

WEST: PUD (PLANNED UNIT DEVELOPMENT) (FRUITLAND PARK)

WATER CITY OF FRUITLAND PARK SEWER CITY OF FRUITLAND PARK



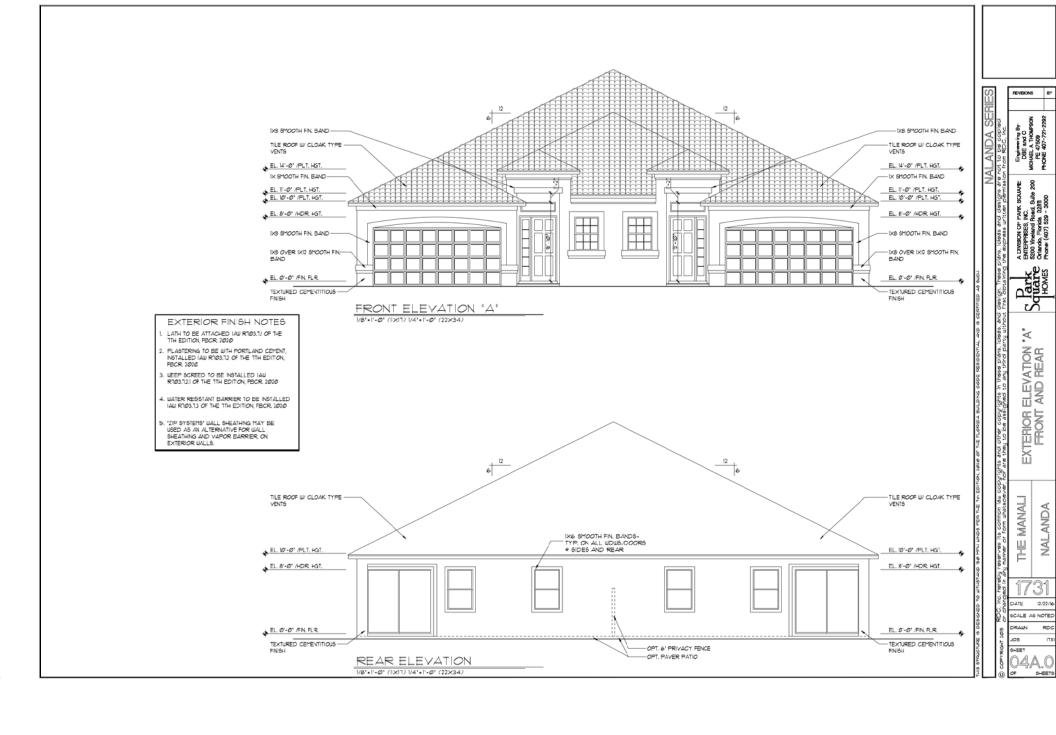
AERIAL SCALE = 1"=100'





DATE:	FEBRUARY 2022
DESIGNED E	BY: CCH
DRAWN BY:	CCH
CHECKED B	Y: CCH
JOB NO.:	047773.001
FILE NAME:	KIMYA
She	eet 1

CHARLES C. HIOTT, P.E.
PROFESSIONAL ENGINEER NO. 54813



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

ANNEXATION, SSCPA, AND REZONING

Owner: Kimaya, LLC

Applicant: Vishaal Gupta

General Location: Silver Pointe Circle/ Urick St/ Thomas Ave

Number of Acres: 19.10 ± acres

Existing Zoning: Agriculture (Lake County)

Proposed Zoning: R-10 (City of Fruitland Park)

Existing Land Use: Urban High (Lake County) (12 units/acre)

Proposed Land Use: Multi-Family Medium Density (10 units/acre)

Date: May 1st, 2023

Description of Project

The applicant is requesting annexation, a small-scale comp plan amendment, and a rezoning to receive city services and develop a proposed development including fifty-six (56) duplex home and one-hundred and twelve (112) townhomes (proposed gross density 8.79 units/acre).

	Surrounding Zoning	Surrounding Land Use
North	R-15	Multi-Family High Density (15 units/acre)
South	City of Leesburg – appears to be r/w	City of Leesburg – no land use designated
East	C-3	General Commercial (City of Leesburg)
West	MUPUD	Mixed Community (6 units/acre)

Assessment

Annexation

The subject site is adjacent to the City limits along the northern and western property boundaries and is eligible for voluntary annexation. The proposed annexation would be considered infill development. The subject site is also within the City's Utility Service Area.

Rezoning

The subject property is currently zoned Agriculture in Lake County and the proposed City zoning is R-10 (minimum lot size for single family of 8,000 square feet with central sewer being utilized, and minimum lot size for multi-family of 6,000 square feet with central sewer). The proposed zoning is compatible with the adjacent lands. The property to the North is zoned R-15, and to the west the property is zoned MUPUD (6 units/acre). The property to the South is City of Leesburg (appears to be City of Leesburg right of way), and to the east the property is zoned C-3.

Small Scale Comp Plan Amendment

For comprehensive plan purposes a maximum development scenario was utilized.

Residential Needs Analysis – The housing element data and analysis indicates the City requires a minimum of 5,460 additional dwelling units to meet the projected need through 2035. The addition of 287 units will assist in meeting this need.

School Impact Analysis – The amendment will decrease the impacts to schools, as it is a decrease in density from 12 units/acre (228 units) to 10 units/acre (191 units). The decrease in school age children is from 65 students to 54 students; a decrease of 11 students. Please provide adequate school facilities determination from Lake County Schools.

Existing County Land Use Residential Units: 228 units

Proposed Development Residential Units: 191 units

The anticipated number of students generated by the existing land use is shown in Table 1.

TABLE 1
STUDENTS GENERATED BASED ON EXISTING DEVELOPMENT

Lake County Student Generation Rates				
Multi-Family				
	Student Multipliers per			
Туре	Dwelling Unit			
High School	0.143			
Middle School 0.063				
Elementary				
School	0.077			
Total	0.283			

SCHOOL	SF Units	STUDENT GENERATION RATE	STUDENTS GENERATED	MF UNITS	STUDENT GENERATION RATE	STUDENTS GENERATED	GRAND TOTAL
ELEMENTARY	0	0.152	0	228	0.143	33	33
MIDDLE	0	0.074	0	228	0.063	14	14
HIGH	0	0.102	0	228	0.077	18	18
GRAND TOTAL							65

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

SCHOOL	SF Units	STUDENT GENERATION RATE	STUDENTS GENERATED	MF UNITS	STUDENT GENERATION RATE	STUDENTS GENERATED	GRAND TOTAL
ELEMENTARY	0	0.152	0	191	0.143	27	27
MIDDLE	0	0.074	0	191	0.063	12	12
HIGH	0	0.102	0	191	0.077	15	15
GRAND TOTAL						_	54

Traffic Impact Analysis – The amendment will decrease traffic impacts as it is an decrease in density. The LOS for Dr Martin Luther King Jr. Blvd is "D". Results of the trip analysis indicate that the proposed amendment will decrease the daily trips by 281 and reduce the PM Peak hour trips by 23.

TRIP GENERATION ANALYSIS

Proposed Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
MF Residential	191 units	220	1,388	105	66	39

TOTAL GROSS TRIPS (PROPOSED)		1,388	105	66	39	
Existing Land U	Jse Program					
Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
MF Residential	228 units	220	1,669	128	80	47

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

TOTAL GROSS TRIPS (EXISTING)

Land Use	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
TOTAL NET TRIPS (PROPOSED – EXISTING)	-23	-14	-8

Solid Waste Impact Analysis – The LOS for solid waste is 2 collections per week pursuant to Public Facilities Policy 4-6.1. The City utilizes a private waste hauler through a franchise agreement. The amendment will not cause a deficiency in the LOS.

1,669

128

80

Utility Impact Analysis – The subject site is within the City of Fruitland Park Utility Service Area and central water is available. The LOS for water is 172 gallons per resident per day pursuant to Public Facilities Policy 4-10.1. The estimated population based on US Census data (estimated 2019) of 2.42 person per household is 462. The estimated water usage is 0.079.

The City owns, operates and maintains a central potable water treatment and distribution system. The permitted plant capacity is 2.879 MGD and the permitted consumptive use permit capacity is 1.22 MGD. The City has a current available capacity of .396 mgpd and an analysis was conducted of the proposed amendment based on land use and the City's Level of Service (LOS) standards. The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining available capacity of 0.317 mgpd.

The City of Fruitland Park provides sanitary sewer. The City of Fruitland Park has an agreement with the Town of Lady Lake to treat sewage and the maximum capacity is 500,000 gallons per day (0.5 mgd). The City currently has an available capacity of 430,000 gallons per day (0.43 mgd). The LOS for sanitary sewer is 122 gallons per resident per day pursuant to Public Facilities Policy 4-2.1. The estimated population based on US Census data (estimated 2019) of 2.42 person per household is 462. The estimated sanitary sewer usage is 0.056 (mgd). The analysis concludes that the proposed amendment will not cause a deficiency and the City will have a remaining capacity of 0.374 (mgd).

47

Environmental Analysis – There are no wetlands or surface waters onsite. Formal surveys for the federally listed sand skink were completed in accordance with USFWS survey protocol in May 2022. A 4-week formal coverboard survey detected a total of forty-seven (47) coverboard with skink tracks within the project site on suitable habitat. The coverboard survey tracks detected determined that 7.43 acres of the subject property contains occupied sand skink habitat and if this area cannot be avoided then mitigation will be required from a USFWS approved Conservation Bank.

There were no known eagle nests observed on the property. A pedestrian survey of the subject property located potentially occupied gopher tortoise burrows. Prior to land clearing and/or construction it is advised that a 100% survey of all potentially suitable gopher tortoise habitat be performed. Prior to development, appropriate regulatory permits will be required.

Comprehensive Plan Compliance

The subject amendment is consistent with the following Comprehensive Plan policies, among others. The amendment will further the City's goals in meeting projected housing demands through 2035.

FLU Policy 1-1.1: Adequate Residential Land Area.

FLU Policy 1-1.2: Density and Intensity Standards and Table 1-1 – Multi-Family Medium

Density, 10 units/acre.

FLU Policy 1-1.6: Multiple-Family Medium Density.

FLU Policy 1-2.1: Promote Orderly, Compact Growth.

Concept Plan

The concept plan provided includes fifty-six (56) duplex homes, and one-hundred and twelve (112) townhomes for a total of one-hundred and sixty-eight (168). The proposed density is 8.8 units per acre. Open space is not notated on the plan, but be advised that pursuant to Chapter 154, Section 154.030(d)(5)(E)(xi), 25% minimum open space is required.

Pursuant to Chapter 154, Section 154.030(d)(5)(E)(x), the minimum living area for duplexes and multi-family is 600 square feet each, exclusive of porches, garages, or utility rooms.

Pursuant to Chapter 154, Section 154.030(d)(5)(E)(vii), the required setbacks for the duplexes are as follows:

Front: Local roadways - 20'

Garage setback from roadway – 25'

Side: Local roadway -20' Another lot -10'

Garage setback from roadway – 25'

Rear: Local roadways - 20'

Another lot - 20'

Garage setback from roadway – 25'

Although the LDRs do not directly address townhomes, typically setbacks for townhomes are as follows:

Front: 20'

Front Garage: 25'

Side: 0'

Side (Between Building Pads): 10' Side (Adjacent to Streets): 15'

Rear: 15'

Pursuant to Chapter 164, Section 164.030(b), a type "A" landscape buffer is required to the north, and a type "B" landscape buffer is required to the south, east, and west. The type "A" buffer requires a 10' minimum with 2 canopy trees and 8 shrubs per 100'. The type "B" buffer requires a 15' minimum with 4 canopy trees, 2 understory trees, and 15 shrubs per 100'.

The main entrance being proposed is off of Martin Luther King Jr. Boulevard and a secondary entrance is being proposed off of Thomas Avenue. It appears that it is being proposed to extend Martin Luther King Jr. Blvd to the subject property through the City of Leesburg right of way directly to the south of the property. It also appears that an entrance will be developed off of Thomas Avenue for a secondary entrance. Please be advised that pursuant to Chapter 162, Section 162.030(d), residential access drive's must be a minimum of 10' in width, and a maximum of 24'. The radius must be a minimum of 5' and a maximum of 10'.

Parking spaces are not designated on the concept plan, however pursuant to Chapter 162, Section 162.040(b)(4), duplexes and single family attached 1, 2 and 3 bedroom units require 2 spaces per unit, and 4+ bedroom units require 3 spaces per unit.

Recommendation

The proposed small scale comprehensive plan amendment and rezoning are consistent with the comprehensive plan.

The Villages DAILY SUN

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

Before the undersigned authority personally appeared Amber Sevison, 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 # 1134381 in the matter of

NOTICE OF PUBLIC HEARING

was published in said newspaper in the issues of

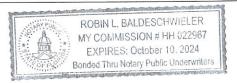
JUNE 29, 2023

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
day of une 2023.
Robin & Balderchwole
Robin L. Baldeschwieler, Notary

Personally Known	_X	01
Production Identification		
Type of Identification Produ	iced	p



NOTICE OF PUBLIC HEARING

ORDINANCE 2023 - 008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 19.10 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE

ORDINANCE 2023-009

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY MULTI-FAMILY MEDIUM DENSITY OF 19.10 +/- ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2023-010

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE

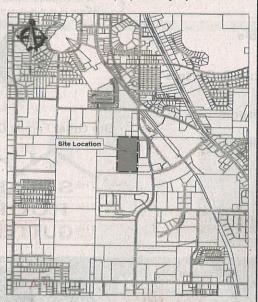
The proposed Ordinances will be considered at the following public meetings:

Fruitland Park City Commission Meeting – July 13, 2023 at 6:00 p.m. Fruitland Park Land Planning Agency Meeting – July 13, 2023 at 6:15 p.m. Fruitland Park City Commission Meeting – July 27, 2023 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. These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time/date certain. The proposed Ordinances 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 resolution.

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 Statues. 286.0105). Persons disabilities assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 least 48 hours before the date of the scheduled hearing.



The Villages DAILY SUN

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

Before the undersigned authority personally appeared Amber Sevison, 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 #01131496 in the matter of

NOTICE OF PUBLIC HEARING

was published in said newspaper in the issues of

JUNE 8, 2023 JUNE 12, 2023

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 day of 2023.

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

NOTICE OF PUBLIC HEARING

ORDINANCE 2023 - 001

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 19.10 ± ACRES OF LAND GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE

ORDINANCE 2023 - 002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY MULTI-FAMILY MEDIUM DENSITY OF 19.10 +/- ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2023 - 003

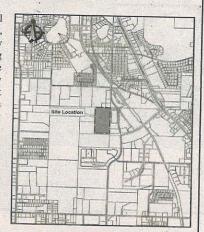
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE

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

Fruitland Park Planning & Zoning Meeting – June 15, 2023 at 6:00 p.m. Fruitland Park City Commission Meeting – June 22, 2023 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. These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time/date certain. The proposed Ordinances 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 resolution.

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 Statues, 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least 48 hours before the date of the scheduled hearing.



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

ITEM TITLE: First Reading and Public Hearing - Ordinance 2023-009 SSCPA - 19.10+ Acres Multi-Family Medium - South of **Urick Street and West of Thomas Avenue - Petitioner:** Kimaya, LLC **MEETING DATE:** Thursday, July 13, 2023 **DATE SUBMITTED:** Monday, July 3, 2023 **SUBMITTED BY:** City Attorney/City Manager/Community Development **BRIEF NARRATIVE:** Ordinance 2023-009 small-scale comprehensive plan amendment to receive city services and develop proposed subdivision of a mix of duplexes, townhomes and single-family homes with a proposed density of 8.8units/acre. Property currently zoned Lake County "Agriculture" and proposing R-10 city zoning on approximately19.10+ acres. **FUNDS BUDGETED:** None **ATTACHMENTS:** Proposed Ordinance 2023-009, legal description, maps (see Item. 5.(d) for staff report and advertising affidavit). **RECOMMENDATION:** The Planning and Zoning Board at its June 15, 2023 meeting recommended approval. The applicant previously submitted a site plan for a proposed 294apartment complex comprised of one, two, and threebedroom units. (The second reading will be held on July 27, 2023.) **ACTION:**

ORDINANCE 2023-009

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY MULTI-FAMILY MEDIUM DENSITY OF 19.10 +/-ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE **GOVERNMENTAL AGENCIES** PURSUANT CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

Section 1: The following described property consisting of approximately $19.10 \pm \text{acres}$ generally located south of Urick Street and west of Thomas Avenue as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Multi-Family Medium Density under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference.

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

Ordinance 2023-009 Page 2

Section 3. Direction to the City Manager.

Upon the Effective Date of this ordinance, the City Manager is hereby authorized to amend the comprehensive plan and future land-use map as identified herein after compliance with F.S. 163.3187 and F.S. 163.3184(11).

Section 4: Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

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

Section 6: Scrivener's Errors.

Esther Coulson, MMC, City Clerk

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. Adoption

After adoption, a copy hereof shall be forwarded to the Department of Economic Opportunity.

Section 8: This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ORDAINED in regular, Lake County, Florida, this		•	
Chris Cheshire, Mayor City of Fruitland Park, Florida			
ATTEST:	A	Approved as to Form:	

Anita Geraci-Carver, City Attorney

Ordinance	2023-009
Page 3	

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

Passed First Reading _____ Passed Second Reading _____ (SEAL)

"EXHIBIT A"

THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA. LESS THE SOUTH 50 FEET THEREOF.

ALSO DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA THENCE S 00°53'57" E, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, A DISTANCE OF 1265.41 FEET; THENCE N 89°25'38" W, A DISTANCE OF 657.76 FEET, TO THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, THENCE N 00°55'00" E, ALONG SAID WEST LINE, A DISTANCE OF 1266.62 FEET, TO THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 16; THENCE S 89°19'17" E, ALONG SAID NORTH LINE, A DISTANCE OF 657.37' TO THE POINT OF BEGINNING.

EXHIBIT B Map

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

ITEM TITLE: First Reading and Quasi-Judicial Public Hearing -

Ordinance 2023-010 Rezoning - South of Urick Street and West of Thomas Avenue - Petitioner: Kimaya, LLC

MEETING DATE: Thursday, January 26, 2023

DATE SUBMITTED: Tuesday, January 17, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Ordinance 2023-003 Rezoning to R-10 from Lake County Agricultural; Property located south of Urick Street and west of Thomas Avenue.

Annexation, a small-scale comp plan amendment and rezoning for approximately 19.10+ acres to receive city services and develop a proposed subdivision of requested mix of duplexes, townhomes and/or single- family homes with a proposed density of 8.8 units/acre.

FUNDS BUDGETED: None

ATTACHMENTS: Proposed Ordinance 2023-010, legal description, maps

and project justification and three MDA options (presented by the city attorney). (See Item 5.(d) for

staff report and advertising affidavit.)

RECOMMENDATION: The Planning and Zoning Board at its June 15, 2023

meeting recommended approval. The applicant previously submitted a site plan for a proposed 294-apartment complex comprised of one, two, and three-bedroom units. (The second reading will be held on

July 27, 2023.)

ACTION:

ORDINANCE 2023-010

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 19.10 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) TO CITY OF FRUITLAND PARK R-10 WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED SOUTH OF URICK STREET AND WEST OF THOMAS AVENUE; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Vishaal Gupta as applicant, on behalf of Kimaya, LLC as Owner, requesting that real property within the city limits of the City of Fruitland Park be rezoned from Lake County A to City Multi-Family Medium Density Residential (R-10) within the City limits of Fruitland Park; and

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

WHEREAS, the required notice of the proposed zoning 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 FRUITLAND PARK, FLORIDA, AS FOLLOWS:

- Section 1: The following described property consisting of approximately $19.10 \pm \text{acres}$ generally located South of Urick Street and west of Thomas Avenue as described on Exhibit "A" and depicted as set forth on Exhibit "B" shall hereafter be designated as R-10 "Multi-Family Medium Density Residential" as defined in the Fruitland Park Land Development Regulations.
- Section 2: That the City Manager, or designee, is hereby directed to have amended, altered, and implemented the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.
- Section 3. 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 4. Scrivener's 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.

Ordinance 20 Page 2	23-010					
Section 5. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.						
	This Ordinance sof the City of Fruitle		effective im	mediately upon pa	ssage by the City	
	D ORDAINED in bunty, Florida, this	_	•	Commission of th 2023.	e City of Fruitland	
Chris Cheshir City of Fruitla	re, Mayor and Park, Florida		_			
ATTEST:			Approv	red as to Form:		
Esther Coulso	on, MMC, City Cler	- ·k		Geraci-Carver, City	Attorney	
Mayor Cheshir	re	(Yes),	(No),	(Abstained),	(Absent)	
Vice-Mayor De	eGrave	(Yes),	(No),	(Abstained),	(Absent)	
Commissioner	Bell	(Yes),	(No),	(Abstained),	(Absent)	
Commissioner	DeGrave	(Yes),	(No),	(Abstained), (Abstained),	(Absent)	
Commissioner	Mobilian	(Yes),	(No),	(Abstained),	(Absent)	
				First Reading Second Reading		

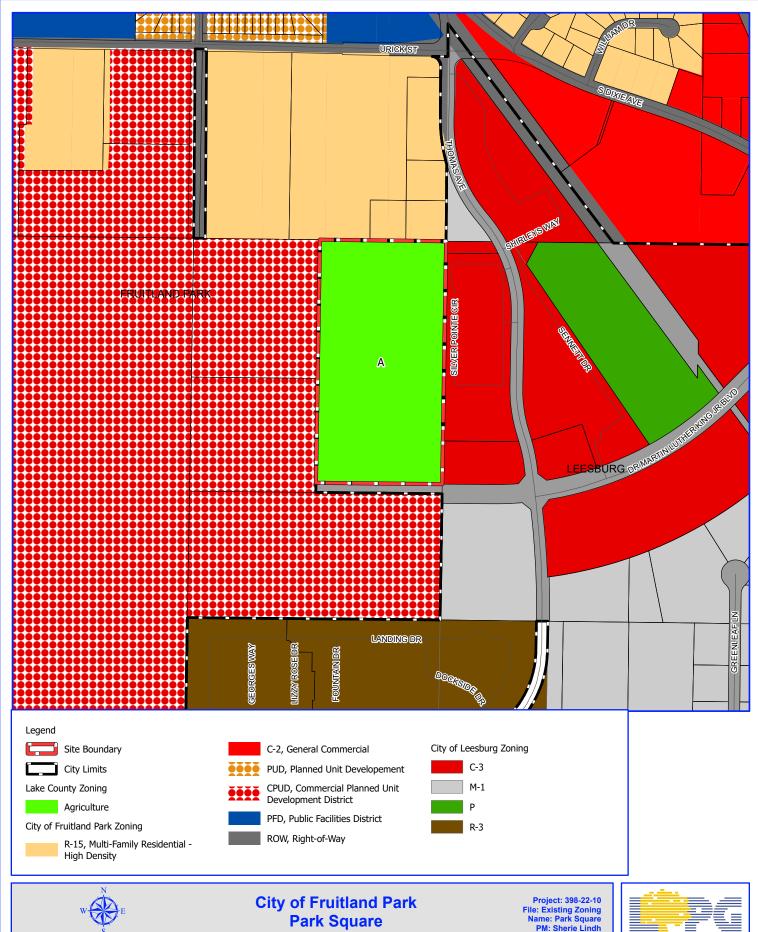
"EXHIBIT A"

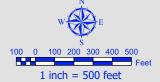
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ALSO DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA THENCE S 00°53'57" E, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, A DISTANCE OF 1265.41 FEET; THENCE N 89°25'38" W, A DISTANCE OF 657.76 FEET, TO THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF NORTHEAST 1/4, THENCE N 00°55'00" E, ALONG SAID WEST LINE, A DISTANCE OF 1266.62 FEET, TO THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 16; THENCE S 89°19'17" E, ALONG SAID NORTH LINE, A DISTANCE OF 657.37' TO THE POINT OF BEGINNING.

EXHIBIT B





Lake County, Florida **Existing Zoning Map** Project: 398-22-10 File: Existing Zoning Name: Park Square PM: Sherie Lindh Date: December 7, 2022 Created By: J.Wilson



DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into and made as of the _____ day of ______, 2023 between the CITY OF FRUITLAND PARK, FLORIDA, a Florida municipal corporation, (hereinafter referred to as the "City"), and KIMAYA, LLC, a foreign limited liability company (hereinafter referred to as the "Owner").

RECITALS

WHEREAS, on May 11, 2023 the City Commission considered the annexation, future land use designation and rezoning for the property described and depicted as set forth on **Exhibit** "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").

WHEREAS, the City Commission approved the future land use designation with a maximum density of eight (8) units per acre and 168 residential units.

WHEREAS, 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.

WHEREAS, the City of Fruitland Park has determined that the development of the Property presents, among other things, an opportunity for the City to secure quality planning and growth, and provide an appropriate transition between residential land uses.

WHEREAS, The City of Fruitland Park has determined that the proposed development is consistent with the City's comprehensive plan and land development regulations.

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. Land Use/Development. Development of the Property shall be substantially consistent with the "Fruitland Park Duplex and Townhomes Conceptual Site Plan" attached as Exhibit "B" (the "Plan") not to exceed 168 residential units consisting of no more than 56 duplex homes and no more than 112 townhomes for fee simple ownership. Development shall include duplex homes along the eastern and western boundaries and townhomes within the center of the Property. A recreational green space with two pavilions shall be located central to the townhomes. Along the southern portion of the Property, there shall be constructed a dog park with pavilion, a pool and spa with cabana, as well as a walking trail around the perimeter of the dry retention area.

Section 3. Elevations and Architectural Features. City and Owner agree that development of the Property shall be substantially consistent with the Exterior Elevation "A" Front and Rear as depicted and described in Exhibit C attached hereto and incorporated herein. Roofs shall be tile.

All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the townhomes and duplexes. 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.

- 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

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 cementitious lap siding and/or stucco. (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.)
- 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding..
- 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 4. Property Owners Association. The Owner shall establish a property owners association which shall be responsible for maintenance of common areas and infrastructure within the Property, including, but not limited to, parks and recreation areas, stormwater retention, open space areas, and roads. Owner shall record declarations satisfactory to City setting forth these requirements and detailing assessments in conjunction with the platting of the Property. A property owner association shall be required to set up and maintain a reserve account for road maintenance, repair and replacement.

<u>Section 5.</u> 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, water and wastewater utilities, 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 property owners within the City.

<u>Section 6.</u> Environmental Considerations. Owner shall comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

<u>Section 7.</u> Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City's <u>LDC</u> 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 8. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law or as set forth in Section 163.3243, Florida Statutes.

<u>Section 9.</u> 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.

<u>Section 10.</u> 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. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

<u>Section 11.</u> 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 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 12. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

<u>Section 13.</u> 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: Mayor

City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone

Anita Geraci-Carver, Esq.

City Attorney
1560 Bloxam Ave.
Clermont, FL 34711
anita@agclaw.net

Owner: Kimaya, LLC

5200 Vineland Road, Ste. 200

Orlando, FL 32811

Attn: Vishaal Gupta, Manager

Email:

Copy to: Lowndes Law

215 N. Eola Dr. Orlando, FL 32801

Attn: Logan Opsahl, Esq.

Logan.Opsahl@lowndes-law.com

Section 14. 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.

<u>Section 15.</u> Term of Agreement. All rights, privileges, benefits and burdens created herein are covenants running with the land, binding upon and inuring to the benefit of the City, the Owner, and their respective assigns and successors in title.

Section 16. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

<u>Section 17.</u> Severability. If any part of this Development Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Development 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 Development Agreement is declared severable.

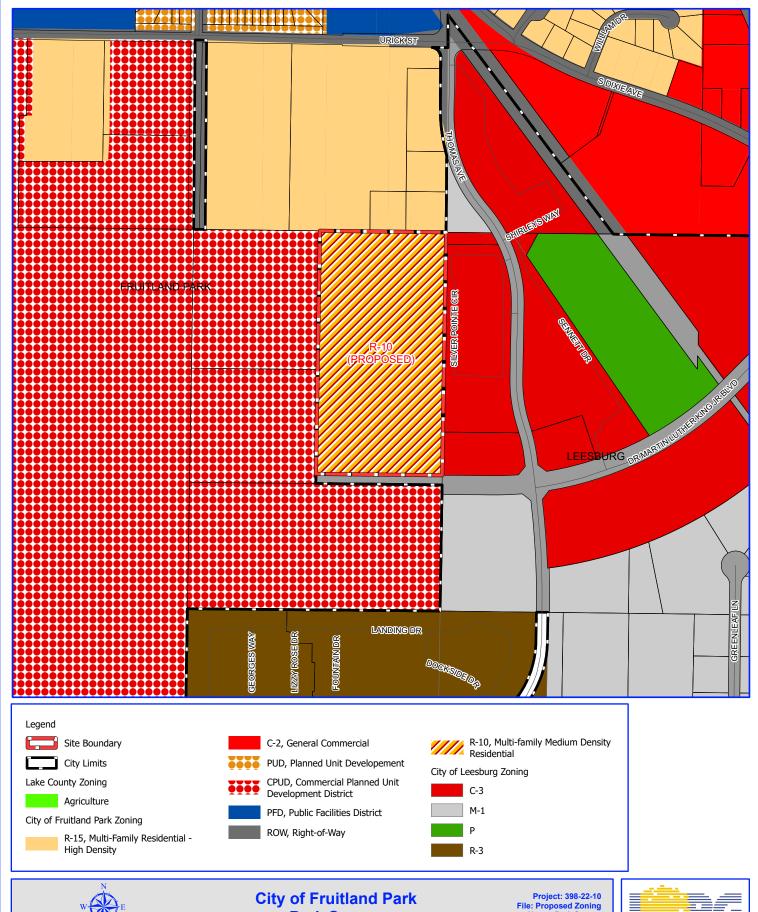
[SIGNATURES APPEAR ON FOLLOWING PAGES]

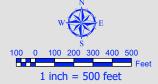
IN WITNESS WHEREOF, the Owner and the City have executed this Agreement as of the day and year first above written.

SIGNED, SEALED AND DELIVERED IN	OWNER
THE PRESENCE OF:	
	KIMAYA, LLC, a foreign limited liability
	company
Witness:	
	<u>By:</u>
	Name:
Witness:	Title:

CITY OF FRUITLAND PARK	
Chris Cheshire, Mayor	
City of Fruitland Park, Florida	
City of Fruitiand Park, Florida	
ATTEST:	
Esther Coulson, CMC, City Clerk	
(SEAL)	

EXHIBIT "A" The Property (Legal Description)





Park Square

Lake County, Florida **Proposed Zoning Map** Project: 398-22-10 File: Proposed Zoning Name: Park Square PM: Sherie Lindh Date: December 14, 2022 Created By: J.Wilson





City of Fruitland Park
Justification Statement
Annexation / Zoning / Small Scale Comprehensive Plan
Amendment AltKey# 1289691
19.240 Acres (Lake County Property Appraiser GIS data)

The subject site is an enclave surrounded by property in the cities of Fruitland Park and Leesburg. Adjacent properties have a Future Land Uses (FLU) High Density and Planned Unit Development (PUD) with the associated Residential Zoning as envisioned by the FLU. The subject site, based upon the surrounding City lands, is in fact an "In-Fill development". Lake County does not provide central utility services as required for site development that is compatible to adjacent lands within the Cities of Fruitland Park and the City of Leesburg. The subject site is within the City of Fruitland Park's utility service area. The City of Fruitland Park has both the ability and the capacity to provide utility services to the subject site. Current population trends are yielding higher than expected growth. The additional increased demand related to the recent pandemic will exacerbate the housing supply short fall.

The proposed annexation is justified due to the facts that;

- The subject site is an enclave proposed as infill development for City of Fruitland Park,
- Will be obtaining public services from the City of Fruitland Park,
- The County does not provide Water and Wastewater utility services, and
- Is a logical and practicable addition to the City of Fruitland Park.

DEVELOPMENT AGREEMENT

	THIS DEVEL	LOPMENT A	AGREEMEN	T ("Agreeme	ent") is ent	tered in	to and ma	de as of
the	day of		, 2023 be	tween the C	ITY OF	FRUI	TLAND	PARK,
FLORII	DA , a Florida	municipal	corporation,	(hereinafter	referred	to as	the "City	"), and
KIMAY	A, LLC, a fore	ign limited l	iability comp	any (hereinaf	ter referre	ed to as	the "Own	er'').

RECITALS

WHEREAS, on May 11, 2023 the City Commission considered the annexation, future land use designation and rezoning for the property described and depicted as set forth on **Exhibit** "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").

WHEREAS, the City Commission approved the future land use designation <u>based on the</u> density set forth on the Fruitland Park Duplex and Townhomes Conceptual Site Plan" attached as <u>Exhibit "B" (the "Plan")</u>; with a maximum density of eight <u>ten (10</u>8) units per acre and 168 residential units.

WHEREAS, 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.

WHEREAS, the City of Fruitland Park has determined that the development of the Property presents, among other things, an opportunity for the City to secure quality planning and growth, and provide an appropriate transition between residential land uses.

WHEREAS, The City of Fruitland Park has determined that the proposed development is consistent with the City's comprehensive plan and land development regulations.

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. Land Use/Development. Development of the Property shall be substantially consistent with the "Fruitland Park Duplex and Townhomes Conceptual Site Plan" attached as Exhibit "B" (the "Plan") consisting of a mixture of duplexes and, townhomes. and single family detached units, not to exceed 168 residential units consisting of no more than 56 duplex homes and no more than 112 townhomes for fee simple ownership. Development shall include duplex homes along the eastern and western boundaries and townhomes within the center of the Property; however, during the major site plan consideration process the City Commission may, in its sole discretion, approve deviations as to the locations of the duplex homes and townhomes. Also during the major site plan consideration process the City Commission may, in its sole discretion, approve additional units. A recreational green space with two pavilions shall be located central to the

townhomes. Along the southern portion of the Property, there shall be constructed a dog park with pavilion, a pool and spa with cabana, as well as a walking trail around the perimeter of the dry retention area. Apartments are not permitted.

<u>Section 3.</u> Elevations and Architectural Features. City and Owner agree that development of the Property shall meet or exceed all applicable performance and design standards under the City's Land Development Code and. shall be substantially consistent with the Exterior Elevation "A" Front and Rear as depicted and described in Exhibit C attached hereto and incorporated herein. Roofs shall be tile.

Section 4. Property Owners Association. The Owner shall establish a property owners association which shall be responsible for maintenance of common areas and infrastructure within the Property, including, but not limited to, parks and recreation areas, stormwater retention, open space areas, and roads. Owner shall record declarations satisfactory to City setting forth these requirements and detailing assessments in conjunction with the platting of the Property. A property owner association shall be required to set up and maintain a reserve account for road maintenance, repair and replacement.

<u>Section 5.</u> 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, water and wastewater utilities, 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 property owners within the City.

<u>Section 6.</u> Environmental Considerations. Owner shall comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

<u>Section 7.</u> Compliance with City Laws and Regulations. Except as expressly modified herein, all development of the Property shall be subject to compliance with the City's <u>LDC</u> 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 8. Enforcement/Effectiveness. A default by either party under this Agreement shall entitle the other party to all remedies available at law or as set forth in Section 163.3243, Florida Statutes.

Section 9. 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.

<u>Section 10.</u> 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. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

<u>Section 11.</u> 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 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 12. Exhibits. All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.

<u>Section 13.</u> 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: Mayor

City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone

Anita Geraci-Carver, Esq.

City Attorney
1560 Bloxam Ave.
Clermont, FL 34711
anita@agclaw.net

Owner: Kimaya, LLC

5200 Vineland Road, Ste. 200

Orlando, FL 32811

Attn: Vishaal Gupta, Manager

Email:

Copy to: Lowndes Law

215 N. Eola Dr. Orlando, FL 32801

Attn: Logan Opsahl, Esq.

Logan.Opsahl@lowndes-law.com

<u>Section 14.</u> 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.

<u>Section 15.</u> Term of Agreement. All rights, privileges, benefits and burdens created herein are covenants running with the land, binding upon and inuring to the benefit of the City, the Owner, and their respective assigns and successors in title.

Section 16. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 17. Severability. If any part of this Development Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Development 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 Development Agreement is declared severable.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

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:	OWNER
THE TRESENCE OF	KIMAYA, LLC, a foreign limited liability company
Witness:	
	<u>By:</u>
	Name:
Witness:	Title:

CITY OF FRUITLAND PARK	
Chris Cheshire, Mayor City of Fruitland Park, Florida	
<i>y</i>	
ATTEST:	
Esther Coulson, CMC, City Clerk	
(SEAL)	
(22.12)	

EXHIBIT "A" The Property (Legal Description)

DEVELOPMENT AGREEMENT

	THIS DEVE	LOPMENT	AGREEMEN	T ("Agreeme	ent") is en	tered int	to and mad	de as of
the	day of		, 2023 be	tween the C	CITY OF	FRUI	TLAND]	PARK,
FLORII	DA, a Florida	n municipal	corporation,	(hereinafter	referred	to as	the "City"	"), and
KIMAY	A, LLC, a for	eign limited	liability comp	any (hereinat	fter referre	ed to as	the "Owne	er").

RECITALS

WHEREAS, on May 11, 2023 the City Commission considered the annexation, future land use designation and rezoning for the property described and depicted as set forth on **Exhibit** "A" attached to and incorporated in this Agreement (hereafter referred to as the "Property").

WHEREAS, the City Commission approved the future land use designation with a maximum density of eight ten (108) units per acre and 168 residential units.

WHEREAS, 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.

WHEREAS, the City of Fruitland Park has determined that the development of the Property presents, among other things, an opportunity for the City to secure quality planning and growth, and provide an appropriate transition between residential land uses.

WHEREAS, The City of Fruitland Park has determined that the proposed development is consistent with the City's comprehensive plan and land development regulations.

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. Land Use/Development. Development of the Property shall be substantially consistent with the "Fruitland Park Duplex and Townhomes Conceptual Site Plan" attached as Exhibit "B" (the "Plan") consisting of a mixture of duplexes, townhomes and single-family detached units. not to exceed 168 residential units consisting of no more than 56 duplex homes and no more than 112 townhomes for fee simple ownership. Development shall include duplex homes along the eastern and western boundaries and townhomes within the center of the Property. A recreational green space with two pavilions shall be located central to the townhomes. Along the southern portion of the Property, there shall be constructed a dog park with pavilion, a pool and spa with cabana, as well as a walking trail around the perimeter of the dry retention area.

<u>Section 3.</u> Elevations and Architectural Features. City and Owner agree that development of the Property shall meet or exceed all applicable performance and design standards under the

<u>City's Land Development Code.</u> shall be substantially consistent with the Exterior Elevation "A" Front and Rear as depicted and described in Exhibit C attached hereto and incorporated herein. Roofs shall be tile.

All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the townhomes and duplexes. 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.

- 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

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 cementitious lap siding and/or stucco. (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.)
- 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding..

3)<u>Section 3.</u> 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 4. Property Owners Association. The Owner shall establish a property owners association which shall be responsible for maintenance of common areas and infrastructure within the Property, including, but not limited to, parks and recreation areas, stormwater retention, open space areas, and roads. Owner shall record declarations satisfactory to City setting forth these

requirements and detailing assessments in conjunction with the platting of the Property. A property owner association shall be required to set up and maintain a reserve account for road maintenance, repair and replacement.

<u>Section 5.</u> 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, water and wastewater utilities, 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 property owners within the City.

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<u>Section 9.</u> 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.

<u>Section 10.</u> 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. The parties hereby covenant that they will enforce this Agreement and that it is a legal, valid, and binding agreement.

Section 11. 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 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.

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Copy to: Mayor

> City of Fruitland Park 506 W. Berckman Street Fruitland Park, Florida 34731 352-360-6727 Telephone

Anita Geraci-Carver, Esq.

City Attorney 1560 Bloxam Ave. Clermont, FL 34711 anita@agclaw.net

Kimaya, LLC Owner:

5200 Vineland Road, Ste. 200

Orlando, FL 32811

Attn: Vishaal Gupta, Manager

Email:

Copy to: Lowndes Law

> 215 N. Fola Dr. Orlando, FL 32801 Attn: Logan Opsahl, Esq.

Logan.Opsahl@lowndes-law.com

Section 14. **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.

Term of Agreement. All rights, privileges, benefits and burdens created herein are Section 15. covenants running with the land, binding upon and inuring to the benefit of the City, the Owner, and their respective assigns and successors in title.

Amendment. Amendments to the provisions of this Agreement shall be made by Section 16. the parties only in writing by formal amendment.

<u>Section 17.</u> Severability. If any part of this Development Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Development 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 Development Agreement is declared severable.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

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:	OWNER
THE TRESENCE OF T	KIMAYA, LLC, a foreign limited liability company
Witness:	
	By: Name:
Witness:	Title:

CITY OF FRUITLAND PARK	
Chris Cheshire, Mayor City of Fruitland Park, Florida	
<i>y</i>	
ATTEST:	
Esther Coulson, CMC, City Clerk	
(SEAL)	
(22.12)	

EXHIBIT "A" The Property (Legal Description)

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

ITEM TITLE: First Reading and Quasi-Judicial Public Hearing - Ordinance

2023-006 Rezoning - R-15 to PUD - 6.54+ Acres on CR 466A

Petitioner: Lake Sumter Commercial LLC.

MEETING DATE: Thursday, July 13, 2023

DATE SUBMITTED: Monday, July 3, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Ordinance 2023-006 for Rezoning from City of Fruitland Park R-15 to Planned Unit Development. The property is approximately 6.54± acres located on CR 466A and an additional 2.45± commercial outparcel located at the southwest corner of Miller Boulevard and Cutoff Road.

The Owner is requesting rezoning a Planned Unit Development (PUD) to construct 19 single-family homes and up to 19 accessory dwelling units (ADU) (one for each home) for a proposed density of 5.75 units/acre. Waivers outlined in the staff report are recommended to be added as conditions for approval; additionally, staff recommended a minimum of 50% of the lots to be developed with the home type two units to address parking concerns.

FUNDS BUDGETED: None

ATTACHMENTS: Proposed Ordinance 2023-006, master development

agreement, maps, legal description justification for rezoning, proposed site plan, staff report and advertising

affidavit.

RECOMMENDATION: The Planning and Zoning (P&Z) Board at its June 15, 2023

meeting, denied Ordinance 2023-006. There will be no onsite property management and the P&Z Board had traffic/safety concerns pertaining to the roadway entrance of the proposed development. The commercial property with alternative key 1287685 must be included with the proposed development for alternative key 3933635 due to the mixed community future land use designation. (The

second reading will be held on July 27, 2023.)

ACTION:

ORDINANCE 2023-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 6.54 ± ACRES OF PROPERTY LOCATED ON CR 466A, FRUITLAND PARK, FLORIDA FROM CITY OF FRUITLAND PARK R-3 ZONING TO THE CITY OF FRUITLAND PARK DESIGNATION OF PUD, PLANNED UNIT DEVELOPMENT WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; 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 Alex Stringfellow as applicant, on behalf of the owner, Lake Sumter Commercial, L.L.C. requesting that approximately 6.54 +/- acres of real property located on CR 466A (the "Property") be rezoned from City of Fruitland Park R-3 to City of Fruitland Park PUD; and

WHEREAS, the property has a future land use designation of Mixed Community 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 $6.54 \pm acres$ of land located on CR 466A, Fruitland Park shall hereafter be designated as PUD, Planned Unit Development, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described as:

LEGAL DESCRIPTION: See Exhibit A.

Parcel Alternate Key No. 3933635

and depicted in Exhibit B.

		nee, is hereby directed to amend, alter, and y of Fruitland Park, Florida to include said
Section 3. of Fruitland Pa		sistent with the Comprehensive Plan of the City
	• •	rdinance is declared by any court of competent aforceable, then all remaining provisions and e and effect.
_		ption may be corrected without a public hearing ordinance or a certified copy of the ordinance
Section 6.	That all ordinances or parts of ordin	ances in conflict herewith are hereby repealed.
Section 7.	This Ordinance shall become effect	ive in accordance with law.
Park, Lake Co	ounty, Florida, this day of	f the City Commission of the City of Fruitland, 2023.
ATTEST:		Approved as to Form:
Esther Coulso (SEAL)	n, MMC, City Clerk	Anita Geraci-Carver, City Attorney
Mayor Cheshire Vice Mayor De Commissioner Commissioner Commissioner	Grave (Yes), (No), Gunter (Yes), (No), Bell (Yes), (No),	(Abstained), (Absent) (Abstained), (Absent) (Abstained), (Absent) (Abstained), (Absent) (Abstained), (Absent)
		Passed First Reading
		Passed Second Reading

EXHIBIT A Legal Description

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LYING IN LAKE COUNTY, FLORIDA.

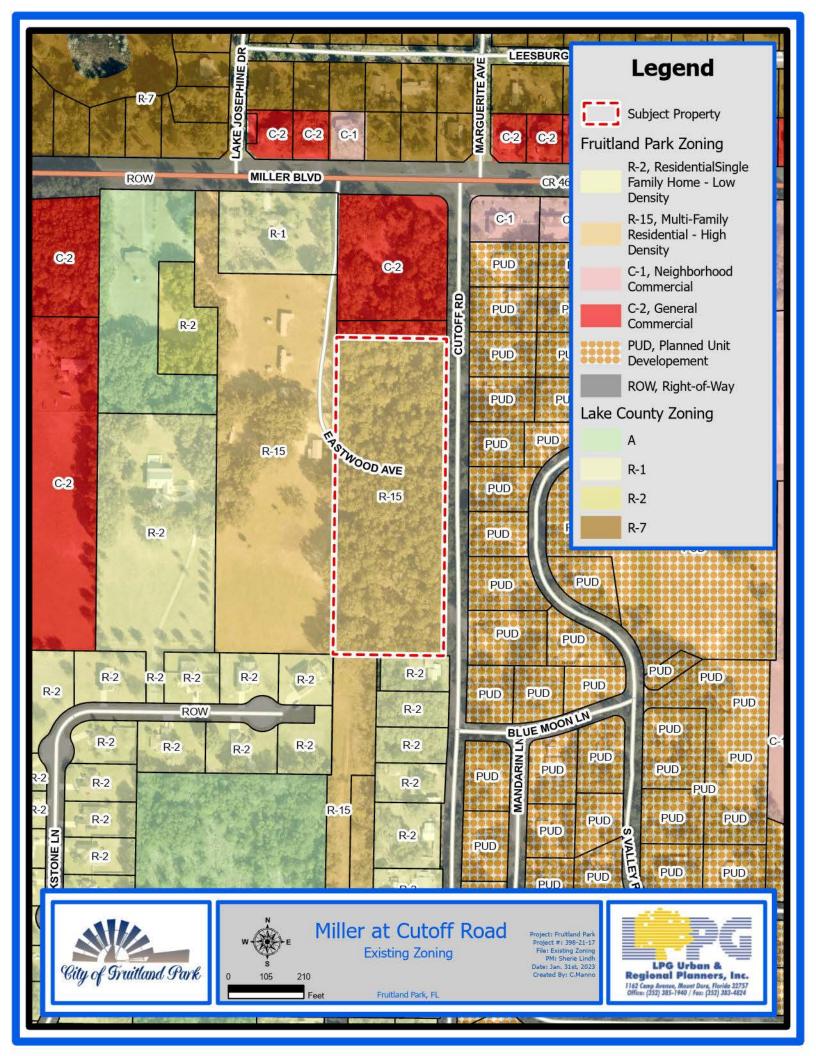
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

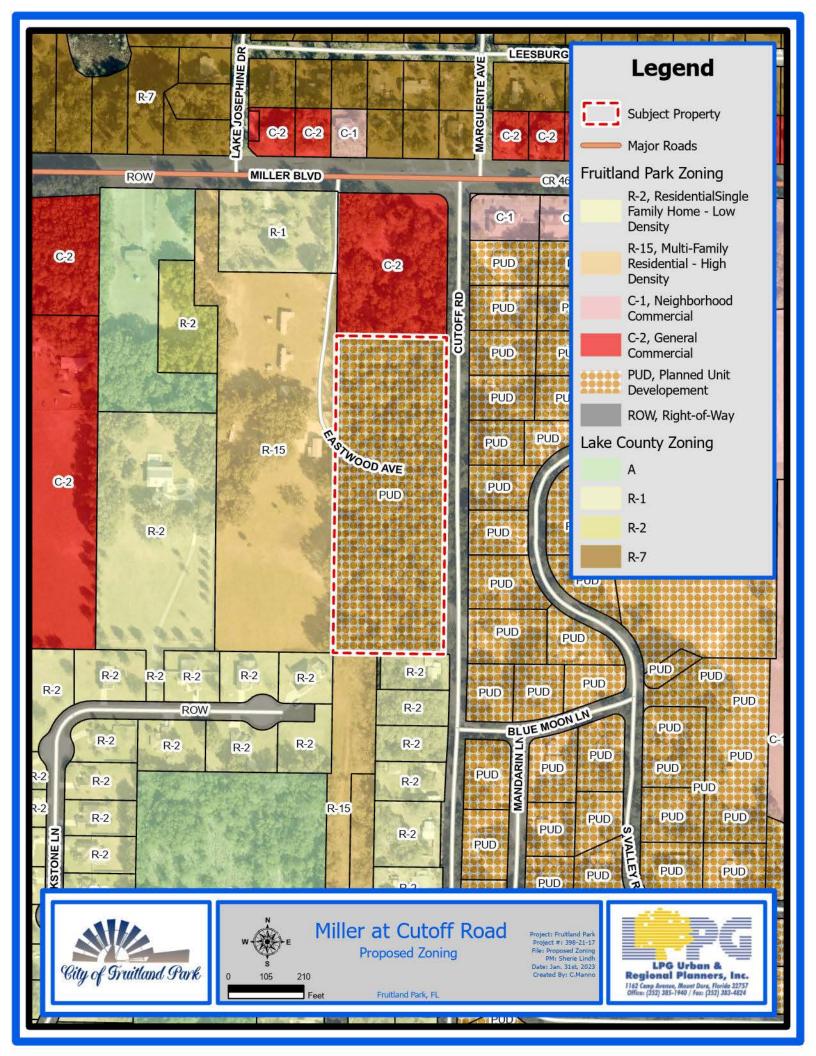
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE RUN NORTH 89° 13' 16" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 1,349.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 13' 16" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 306.16 FEET; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00° 33' 35" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 928.14 FEET; THENCE DEPARTING SAID WEST LINE RUN NORTH 89° 50' 43" EAST FOR A DISTANCE OF 306.22 FEET TO A POINT ON THE WEST LINE OF THE EAST 25.00 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CUTOFF ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 691, PAGE 2361 AND OFFICIAL RECORDS BOOK 700, PAGE 1373 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 00° 33' 43" WEST ALONG SAID WEST LINE AND SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 933.13 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 284,942 SQUARE FEET, OR 6.54 ACRES, MORE OR LESS.

EXHIBIT B Map







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

REZONING

Owner: Lake Sumter Commercial, LLC

Applicant: Alex Stringfellow

General Location: Southwest corner of Miller Blvd & Cutoff Rd

Number of Acres: 6.54 ± acres

Existing Zoning: R-3

Existing Land Use: Mixed Community (MC) (6 units/acre)

Proposed Zoning: Planned Unit Development (PUD)

Date: June 30, 2023

Description of Project

The applicant is proposing to rezone 6.54 +/- acres to a Planned Unit Development (PUD) to accommodate 19 homes and 19 accessory dwellings, for a total of 38 dwelling units on 60' X 112' lots. The proposed density is 5.75 units/acre which is consistent with the MC land use. The lots will be platted. It is the applicant's intent to rent the single family homes with long term leases, typically one year.

The proposed development consists of three home types on 60' X 112' (6,720 SF) lots:

- (1) a 2,148 sq ft home with a 470 sq ft garage and accessory dwelling unit of 705 sq ft over the garage (2 car garage, with the ADU parking in driveway)
- (2) a 2,152 sq ft home with a 442 sq ft garage and accessory dwelling unit of 939 sq ft (3 car garage, with ADU parking in the garage or the driveway)
- (3) a 1,500 sq ft home with no accessory dwelling unit and a 470 sq ft 2 car garage.

The proposed development consists of 2.53 acres of open space and stormwater, as well as .23 acres of recreation. These areas respectively encompass 39% and 3.5% of the total site. The surrounding zoning is R-7, R-3, R-1, and PUD. Surrounding land uses include Urban Medium, Multiple Family High Density, Single-Family Low Density, and Single-Family Medium Density.

	Surrounding Zoning	Surrounding Land Use
North	R-7	Urban Medium (7 du/acre)
South	R-3 and R-1	Multiple Family High Density (15 du/acre) & Single-Family Low Density (2 du/acre)
East	PUD	Single Family Medium Density (4 du/acre)
West	R-3 and R-1	Multiple Family High Density (15 du/acre)

Assessment

Rezoning

The minimum parcel size should be ten (10) acres, but parcels less than the minimum required area may be approved, if the City Commission determines that the intent and purpose of the PUD district in conjunction with the expressed municipal development policy would be served in such a case (LDR Chapter 154.030(11). A waiver to allow for a PUD that is less than 10 acres has been included.

A waiver is being requested for the proposed accessory dwelling unit of 939 SF, as it is 44% of the size of the principal unit, and will require a waiver of LDR Section 156.010(e) in which an accessory dwelling unit must not exceed 40% of the size of the principal dwelling unit.

A waiver to Section 157.080(a)(1)(f) is requested and added to the PUD plan. This section requires a cul-de-sac street be less than 600-feet in length.

The three waivers being sought are to the following LDR regulations:

- (1) LDC Section 156.010(e), a waiver to exceed the maximum ADU size.
- (2) LDR Section 154.030(11) to allow for a PUD that is less than 10 acres.
- (3) LDR Section 157.080(a)(1)(f) to allow for a cul-de-sac street longer than 600 feet.

Conceptual Plan

The Concept plan meets the minimum technical requirements.

Recommendation

It is the applicant's intent to utilize the ADUs as conventional rentals (not short term or vacation rentals). Planning staff defers to City legal counsel if a waiver is needed to the definition section of the LDRs.

Staff has no objections to the waivers sought.

The Mixed Community land use requires a mix of uses; however, the City's policy has been those projects less than 10 acres may provide for a single land use. A mix of land uses will be achieved by the existing C-2 zoned property located along CR 466A which is also owned by the property owner.

The proposed development provides for a single-family community with accessory dwelling units, a housing option that currently does not exist within the city. The proposed PUD is compatible with the general area and would provide a transition of density from the multi-family zoning (R-3) and residential zoning (R-1) located adjacent to the western and southern property boundaries.

Staff recommends approval of the rezoning with the following recommendation to address parking concerns:

A minimum of 50% of the lots shall be developed with the Home Type 2 unit which provides the principal structure with a 2 car garage and an accessory dwelling unit with a 1 car garage.

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

MASTER DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into and made as of the	th day of, 2023,
between the CITY OF FRUITLAND PARK, FLORIDA, a Florid	municipal corporation, (hereinafter
referred to as the "City"), and Lake Sumter Commercial, LLC,	a Florida limited liability company
(hereinafter referred to as the "Owner") and The Retreat at Mille	r Commercial LLC, a Florida limited
liability company (hereinafter referred to as the "Commercial Owner	r"

RECITALS

- 1. The Owner <u>and Commercial Owner collectively</u> owns 9.05 <u>+</u> 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 Owner desires to rezone the Owner's propertyProperty as set forth herein .
- 4. A future land use designation of Mixed Community requires at least of two of the following uses: residential (15%-65%), commercial (5%-30%) and institutional (5%-35%) all with 20% open space; and a zoning of PUD is required; however since the Property is less than 10 acres, the City's policy is to allow a single use for Mixed Community in light of the Property also including an adjacent parcel with a FLU and zoning for Commercial.
- 5. Owner has filed <u>an</u> applications rezoning <u>the 6.54 +/- acres</u> from City of Fruitland Park "R-315" <u>and _______</u> to City of Fruitland Park "Planned Unit Development" <u>for the Property</u>.
- 6. Owner and Commercial Owner represents that it-each is the sole legal owner of the their respective portions of the Property and that each that 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.
- 7. The City of Fruitland Park has determined that the rezoning of the <u>Owner's Property</u> 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.
 - 8. Owner and Commercial Owner will fund certain public improvements and infrastructure

to facilitate the development of the Property.

- 9. The Property is within the City's Chapter 180, Florida Statutes, utility district, and Owner and Commercial Owner have has requested and City desires to provide water and sewer as well as other municipal services to the Property.
- 10. This Agreement will only address development of the 6.54 +/- acres to be developed for residential use (hereinafter "Owner's Property"), except that the Property must collectively be developed for a mixed use project. At the time of proposed development of the 2.51 +/- acres of commercial or such other use as allowed by under Mixed Community future land use designation, a separate master development agreement will be required for the Commercial Owner's portion of 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. <u>Conditions Precedent.</u> Owner has filed an application for a rezoning for the <u>Owner's Property</u>. 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, adopts an ordinance rezoning the <u>Owner's Property</u> and such rezoning becomes effective. The parties hereto understand and acknowledge that the City is in no way bound to rezone the <u>Owner's Property</u>. The City shall have the full and complete right to approve or deny the application for rezoning. However, if the City denies the application for rezoning, this Agreement shall be void and shall be of no further force and effect.

Section 3. <u>Land Use/Development.</u> Development of the <u>Owner's</u> Property shall be substantially consistent with the "Conceptual Site Plan" prepared by Stringfellow Planning & Design., dated November 15th 2023, and attached as **Exhibit "B"** (the "Plan"). <u>Exhibit "B" also contains the legal description for the Owner's Property.</u> The project shall be developed as a residential subdivision. All development shall be consistent with City's "PUD" (Planned Unit Development-) zoning district and, subject to City approval. The City Commission authorizes PUD of less than 10 acres in size. 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. <u>Permitted Uses for Owner's Property - 6.54 +/- acres_residential.</u> Permitted Uses shall include:

- a. Single family detached residential dwelling units..
- b. Garage apartments as an accessory use to single-family residential units.
- c. Passive and Active Recreation Facilities.
- d. Residential units shall not exceed 19 single family and 19 garage apartments as accessory structures. The 19 garage apartments may be rented.
- e. Temporary modular office uses shall be allowed during construction.
- f. Up to six (6) model homes prior to platting, after approval of the preliminary plan, provided that the model homes shall not be eligible to receive certificates of occupancy for residential use until final plat approval. All off-street parking for model homes shall comply with the requirements in the City's Land Development Code.

Permitted Uses for Commercial Owner's 2.51 +/- acres. Permitted Uses shall include:

a. Either commercial or institutional as required by Mixed Community future land use designation.

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

- a. The minimum living area shall be 1,500 square feet for the single family detached homes without an accessory structure.
- b. The minimum living area shall be 2,148 square feet for the single family detached homes with an accessory structure.
- c. The maximum living area of the accessory structures with a two-car garage shall be 705 square feet and the maximum living area for accessory structures with a three car garage shall be 939 square feet.
- d. The single family dwelling unit and accessory structure shall be owned by the same entity or person(s).
- e. The minimum lot size shall be 6,720 square feet for the detached single-family homes.
- f. Minimum lot width for detached single-family shall be 60 feet with a minimum lot depth of 112 feet.
- g. Minimum Setback requirements for detached residential units shall be:

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Front: Local Roadways - Twenty feet (20')
Garage - Twenty-three feet (23')
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Side: Local Roadways – Twenty feet (20') Another Lot – Seven and one-half feet (7.5')

Rear: Local Roadway– Twenty feet (20') Another Lot – Seventeen feet (17')

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

- h. Maximum building height shall be limited to thirty-five feet (35') for single family.
- i. Parking: The minimum parking the Applicant will be required to provide is as follows:
 - a. Single family dwelling unit with 3-car garage and garage apartment:
 - i. 3 garage spaces
 - ii. 3 driveway spaces
 - b. Single family dwelling unit with 2-car garage and garage apartment:
 - i. 2 garage spaces
 - ii. 3 driveway spaces
 - c. Single family dwelling unit with no garage apartment:
 - i. 2 garage spaces
 - ii. 2 driveway spaces
- j. In lieu of a maximum building coverage an impervious surface ratio of sixty percent (60%) per lot shall be utilized.
- k. For clarity and avoidance of doubt, the open space requirement associated with the development of the Property shall be 25% of the total developable acreage of the Property.
- l. In order to utilize the stormwater ponds as common open space they shall provide a recreational component such as walking trails, dog park, or open play fields.
- m. A minimum of 50% of the homes shall be Type 2 (3 car garage with garage apartment).
- n. Cul-de-sac length may exceed six hundred feet (600').
- o. Cul-de-sac shall have a diameter of one hundred feet (100') or greater.

p. A minimum of 20% of parks and open space is required to comply with the future land use designation. Any zoning standard not specifically listed in this Agreement shall be in compliance with the R-3 zoning district standards and other applicable sections of the Land Development Code.

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 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 7.** Changes to the Development Plan. 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 8**. **Site Access and Transportation Improvements**. Vehicular access to the **Property/**project site shall be provided by one primary access off of Miller Cutoff Road, unless otherwise approved by Lake County. Actual location and design of the boulevard shall be determined during the Preliminary

Subdivision Plan review. Other potential vehicular and pedestrian accesses will be reviewed during the development review process.

- a. The Permittee <u>Owner</u> shall provide all necessary improvements within and adjacent to the development as required by Lake County and City of Fruitland Park.
- b. All roads within the development shall be designed and constructed by the developer to meet the City of Fruitland Park requirements including curb and gutter.
- c. Sidewalks shall be provided on both sides of the local internal roads and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalks. All sidewalks shall be constructed in accordance with City of Fruitland Park Codes.
- d. The City of Fruitland Park will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- e. Should the Permittee <u>/Owner</u> 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/Owner.
- **Section 9.** <u>Lighting.</u> 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. Lighting shall comply with the nonresidential design requirements of the Fruitland Park Land Development Regulations.
- Section 10. 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 11. <u>Impact Fees.</u> 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 12. <u>Easements.</u> Owner shall provide the City such public easements or right of way in form acceptable to the City Attorney, as the City deems necessary for utility services, including but not limited to sewer, water, drainage and reclaimed water services.

Section 13. 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 fifteen-foot (15') landscape buffer type "B" along the PUD perimeter property boundary. All landscaping and tree protection shall comply with Chapter 164 of the City of Fruitland Park Land Development Regulations.

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

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

Section 14. <u>Stormwater Management.</u> 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 15. 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 Owner's 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 16. <u>Environmental Considerations.</u> The Owner agrees to comply with all federal, state, county, and city laws, rules and regulations regarding any environmental issues affecting the Property.

Section 17. <u>Signage.</u> Owner shall submit a master sign plan as a component of the preliminary 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 18. <u>Title Opinion.</u> 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. Title opinion or certification shall have an effective date of no more than 30 days prior

to submittal. A copy of all back up documents referenced in the title opinion or certification must be provided.

Section 29. <u>Compliance with City Laws and Regulations</u>. 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 20. <u>Due Diligence.</u>

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 21.** <u>Enforcement/Effectiveness.</u> 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 22.** 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 23. 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 24.** <u>Waiver; Remedies.</u> 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 25.** <u>Exhibits.</u> All exhibits attached hereto are hereby incorporated in and made a part of this Agreement as if set forth in full herein.
- **Section 26.** 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

Carver, P.A.
L.C. 12
nercial LLC
<u>ne</u>

Section 27. 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 28. <u>Term of Agreement</u>. 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 29. Amendment. Amendments to the provisions of this Agreement shall be made by the parties only in writing by formal amendment.

Section 30. 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:	LAKE SUMTER COMMERCIAL, L.L.C.
Witness Signature	By: Tricia Doody, Manager
Print Name	
	By:
Witness Signature	By: Paul Missigman, Manager
Print Name	
STATE OF FLORIDA COUNTY OF	
this day of	vledged before me by [] physical presence or [] online notarization by Tricia Doody and Paul Missigman as Managers of Lake Sumter
Commercial, L.L.C., who is	personally known to me or who have produced
	Notary Public
	Notary Public - State of Florida
	Commission No
	My Commission Expires

IN THE PRESENCE OF:	THE RETREAT AT MILLER COMMERCIAL, L.L.C.
	Ву:
Witness Signature	Tricia Doody, Manager
Print Name	<u></u>
	By:
Witness Signature	Paul Missigman, Manager
Print Name	
STATE OF FLORIDA COUNTY OF	
	edged before me by [] physical presence or [] online notarization by Tricia Doody and Paul Missigman as Managers of The Retreat
at Miller Commercial, L.L.C., who	is personally known to me or who have produced as identification.
	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:
	ATTEST:
Anita Geraci-Carver	Esther B. Coulson
City Attorney	City Clerk
STATE OF FLORIDA COUNTY OF LAKE	
this day of b municipal corporation on behalf of the corp	ed before me by [X] physical present or [] online notarization y Chris Cheshire, Mayor of the City of Fruitland Park, a Florida oration and Esther B. Coulson, City Clerk of the City of Fruitland on, who are [X] personally known to be me or produced entification.
	Notary Public
	Notary Public - State of Florida
	Commission No
	My Commission Expires

EXHIBIT "A" LEGAL DESCRIPTION[AG1]

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LYING IN LAKE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH LINE OF THE SOUTH SECTION 5; THENCE RUN NORTH 89° 13' 16" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 1,349.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 13' 16" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 306.16 FEET; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 80° 33' 35" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 928.14 FEET; THENCE DEPARTING SAID WEST LINE RUN NORTH 89° 50' 43" EAST FOR A DISTANCE OF 306.22 FEET TO A POINT ON THE WEST LINE OF THE EAST 25.00 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CUTOFF ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 691, PAGE 2361 AND OFFICIAL RECORDS BOOK 700, PAGE 1373 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 80° 33' 43" WEST ALONG SAID WEST LINE AND SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 933.13 FEET TO THE POINT OF BEGINNING:

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 284,942 SQUARE FEET, OR 6.54 ACRES, MORE OR LESS.

EXHIBIT "B"

THE PLAN AND LEGAL DESCRIPTION OF OWNER'S PROPERTY

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LYING IN LAKE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE RUN NORTH 89° 13' 16" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 1,349.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 13' 16" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 306.16 FEET; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00° 33' 35" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 5 FOR A DISTANCE OF 928.14 FEET; THENCE DEPARTING SAID WEST LINE RUN NORTH 89° 50' 43" EAST FOR A DISTANCE OF 306.22 FEET TO A POINT ON THE WEST LINE OF THE EAST 25.00 FEET OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CUTOFF ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 691, PAGE 2361 AND OFFICIAL RECORDS BOOK 700, PAGE 1373 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 00° 33' 43" WEST ALONG SAID WEST LINE AND SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 933.13 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 284,942 SQUARE FEET, OR 6.54 ACRES, MORE OR LESS.

Justification for Rezoning: The applicant proposes that this request increases compatibility with the predominant development pattern found west of this property. The applicant proposes 60 foot wide residential lots, which are not specifically detailed in current zoning districts or in any of the applicable conventional zoning districts. The applicant also proposes to allow for accessory apartments over the garage, which is not specifically contemplated in the current code. Due to the novel nature of the proposed development, a PUD zoning is appropriate. Also, the ability to rent an apartment will help provide flexible income for property owners which aids in affordability. This also provides multi-generational opportunities for property owners who would like to live under the same roof as aging family members, with added privacy. Further, the applicant proposes to retain the commercial use along the frontage to provide opportunity for the growing service, retail and office needs of the area.

EXHIBIT "B" THE PLAN

Project Name: Miller at Cutoff

Alternate Key: 1287685

Developer:

Atlantic Housing Partners

200 E. Canton Avenue, Suite 102, Winter Park, FL 32789

Site Location: South of Miller Boulevard and West of

Cutoff Road in the City of Fruitland Park, FL.

Adjacent Zoning & Land Uses: R-7 (Lake County) to the North, C-2 to the Northeast, PUD to the East, R-1 and R-3 to the South and R-1 (Lake County) and R-3 to the West.

Proposed Use: Residential and amenity buildings including, but not limited to, mail kiosks, gazebos, and other ancillary uses.

Proposed Phasing: Not applicable.

Proposed Parking: 2 Car Garage & Driveway

Acreage & Density:

Gross Acreage of Parcel: +/- 9.05 Acres Net Acreage in PUD:+/- 6.6 Acres Max Density in FLU: 6 Du/Ac

Max Allowable: 39 Units

Proposed Units: 19 Units plus up to 19 ADUs

WMD: St. Johns River Water Management District

Floodplain: None present on the subject property.

Utilities: City water service, fire protection, sewage

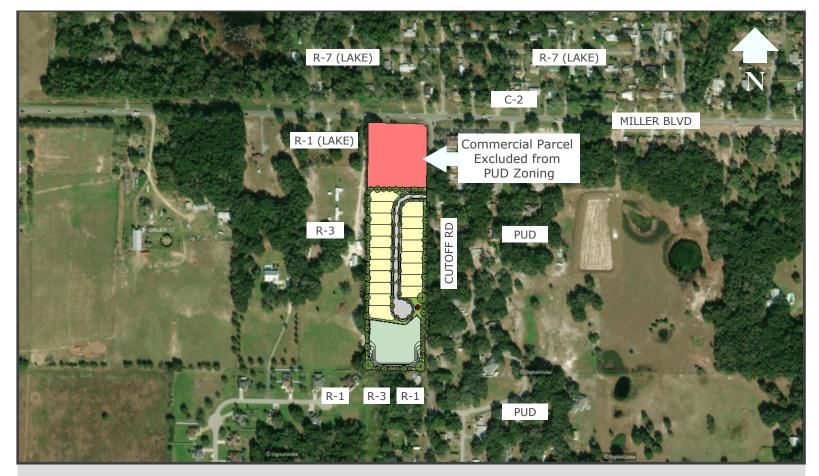
disposal. Stormwater is proposed on site.

Waivers:

- 1. LDC Section 156.010(e), waiver to exceed maximum ADU size.
- 2. Waiver to allow for a PUD that is less than 10 acres.
- 3. LDC Section 157.080(a)(l)(f), waiver to allow for a cul-de-sac street longer than 600 feet.

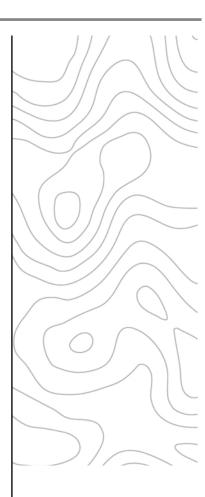
Conditions:

- 1. Principal Structure and Accessory Dwelling unit will be owned by the same entity.
- 2. Cul-de-sacs shall have a diameter of 100' or greater.



Situated south of Miller Blvd west of Cutoff Road in the City of Fruitland Park, Florida the Miller at Cutoff project is a proposed development of 19 single family homes with up to 19 accessory dwelling units. The total parcel size is +/- 9.05 Acres, however the commercial area of the project will not be part of the PUD and is currently zoned C-2. No commercial development is currently proposed. The remaining +/- 6.6 Acres on the south portion of the property is requesting a rezoning to a PUD and will contain residential uses. Current future land use allows up to 6 DU/AC or 39 units. The proposed development will have 19 single family units, along with up to 19 accessory units. The development will include an association that will maintain community amenities and associated private improvements. Access for the development will occur from Miller Blvd.

Improvements to Cutoff Road: Cutoff road will be improved to County standards from Miller Boulevard to the entry road for the community. The entryway to the community will be greater than 300 feet from the intersection of Miller Boulevard. A sidewalk on the west side of Cutoff Road will be provided for the length of the subject property. Location to be determined.



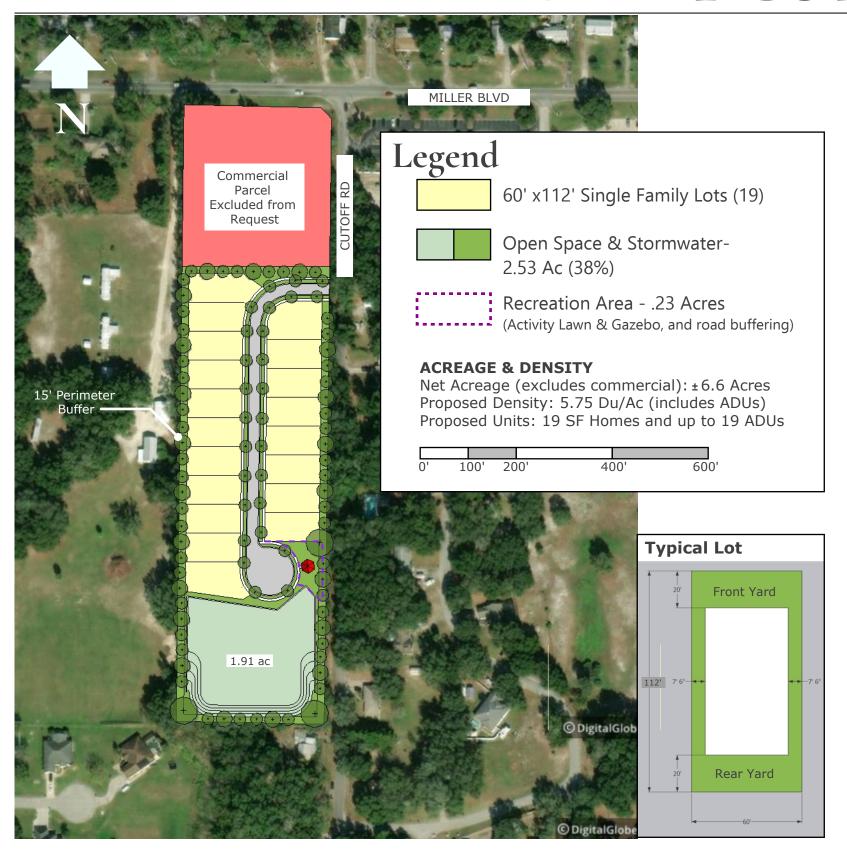
Plan Prepared by: ALEX STRINGFELLOW 352.217.7710 alex@stringfellowplanning.com

Additional Supporting Graphics Prepared by: SIMON HARDT 207.607.9366 simon@stringfellowplanning.com



STRINGFELLOW

November 18, 2022 FRUITLAND PARK, FLORIDA Miller at Cutoff P



Unit Details

Home Type 1: (2-car garage, Accessory Unit parking in driveway)

Principal Unit:

2,148 SF - AC Area

470 SF - Garage

Accessory Unit (over garage):

705 SF - AC Area (33% the size of the AC Area of principal unit)

- No Garage for Accessory Unit

Home Type 2: (3-car garage, Accessory Unit parking in driveway or garage)

Principal Unit:

2,152 SF - AC Area

442 SF - 2 Car Garage

Accessory Unit:

939 SF - AC Area (44% the size of principal structure, requires waiver of LDC Section 156.010(e)

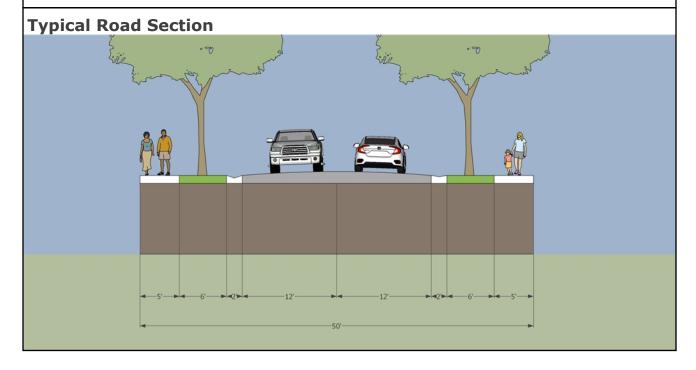
281 SF - 1 Car Garage

Home Type 3: SF homes without Accessory Unit

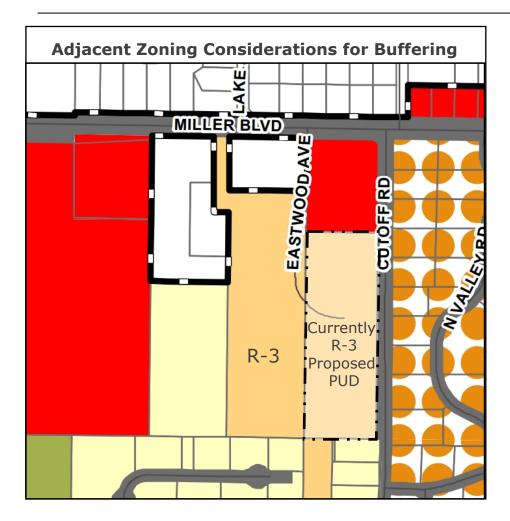
1,500 SF - AC Area

470 SF - 2 Car Garage

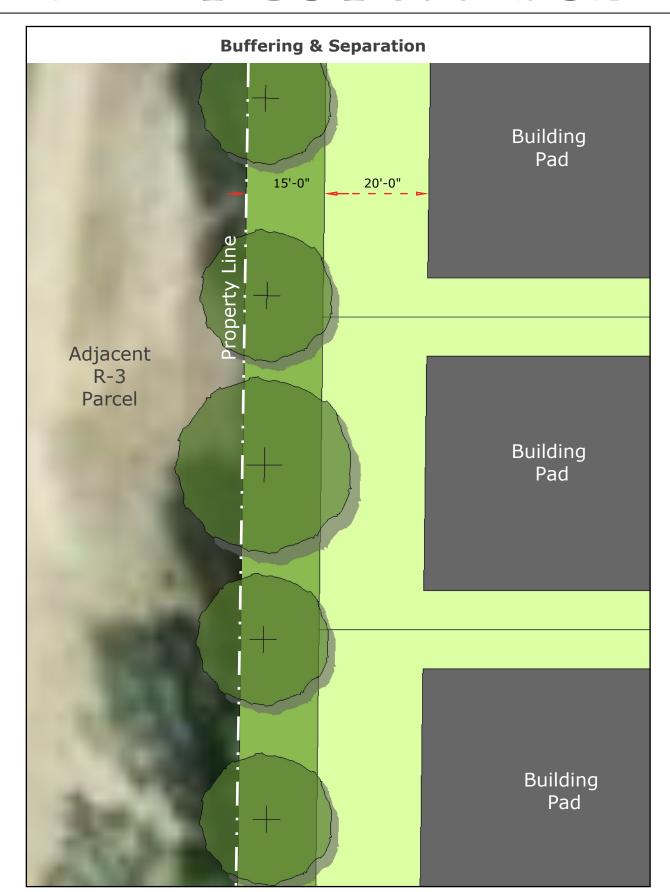
Max Building Height: 35 ft.

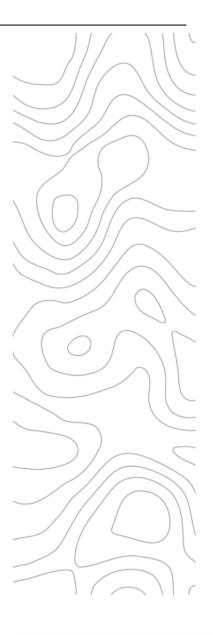


November 18, 2022 FRUITLAND PARK, FLORIDA Miller at Cutoff P 01



	В	UFFER REQUI	REMENTS (per 100')	
SITE ZONING	BUFFER WIDTH	CANOPY TREES	UNDERSTORY TREES	SHRUBS
PUD	15'	4	2	15











BUILDING TYPE I - FRONT ELEVATION OPT. A



3 BUILDING TYPE I - REAR ELEVATION OPT. A

2 BUILDING TYPE I - RIGHT ELEVATION OPT. A



4 BUILDING TYPE I - LEFT ELEVATION OPT. A

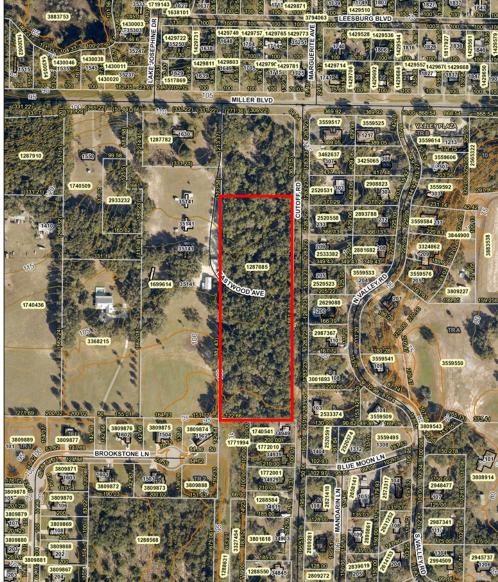


R

November 18, 2022 FRUITLAND PARK, FLORIDA Miller at Cutoff F



1 ft. Contours (Source: Lake County)



May 26, 2022
Street Names
Local Streets
Subdivision Lot Numbers

Building Footprints
Address Locations
Boundary Line Dimensions

Property Name
Tax Parcels Alternate Key

Tax Parcels

County Boundary

Surrounding Counties

-t- C---t- C----t- t----t-

0.0275

0.045

Lake County Board of County Commissioners

1:2,500

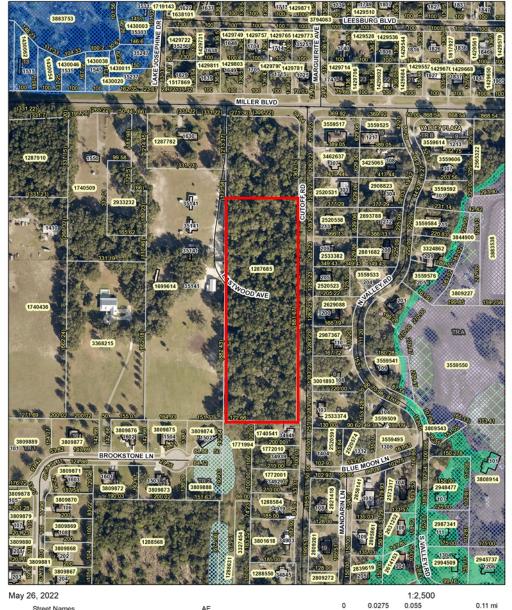
0.11 mi

0.18 km

0.055

0.09

Wetlands & Floodplains (Source: Lake County)



0.0275 0.055 Street Names 0.045 0.09 Freshwater Emergent Wetland **Building Footprints** Freshwater Forested/Shrub Wetland Address Locations Boundary Line Dimensions Property Name Tax Parcels Alternate Key Tax Parcels County Boundary Lake County Property Appraiser Lake BCC Surrounding Counties Flood Zones 2012 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

Lake County Board of County Commissioners

0.18 km





STRINGFELLOW PLANNING & DESIGN



Map Unit Legend

Map Unit Symbol	Map Unit Name
1	Sparr sand, 0 to 5 percent slopes
8	Candler sand, 0 to 5 percent slopes
9	Candler sand, 5 to 12 percent slopes
40	Placid and Myakka sands, depressional
42	Pompano sand
99	Water
Totals for Area of Interest	

.

P 05

The Villages DAILY SUN

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

Before the undersigned authority personally appeared Amber Sevison, 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 # 01134384 in the matter of

NOTICE OF PUBLIC HEARING

was published in said newspaper in the issues of

JUNE 29, 2023

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 subscrib	ed before me this 2023.	30
Robi X R	Baldach	Wille
Robin L.	Baldeschwieler, No	otary
Personally Known	<u>X</u>	or
Production Identificati	on	
Type of Identification	Produced	
The state of the s		P

Bouded Thru Mokary Public Underwriters

RYPIRES: October 10, 2024

MY COMMISSION # HH 022867

ROBIN L. BALDESCHWIELER

NOTICE OF PUBLIC HEARING

ORDINANCE 2023-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, REZONING APPROXIMATELY 6.54 ± ACRES OF PROPERTY LOCATED ON CR 466A, FRUITLAND PARK, FLORIDA FROM CITY OF FRUITLAND PARK R-3 ZONING TO THE CITY OF FRUITLAND PARK DESIGNATION OF PUD, PLANNED UNIT DEVELOPMENT WITHIN THE CITY LIMITS OF FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; 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 Thursday, July 13, 2023 @ 6:00 p.m. Fruitland Park City Commission Meeting Thursday, July 27, 2023 @ 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. These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time/date certain. 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 resolution.

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 Statues, 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

SERVING AND SERVING ST.

VINE AND SERVING ST.

SERVING S

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

ITEM TITLE:	Second Reading and Quasi-Judicial Public Hearing
-------------	--

- Ordinance 2023-007 Conditional Use Permit - 35421 Micro Racetrack Road - Petitioner: Ralph

W. Thiele

MEETING DATE: Thursday, July 13, 2023

DATE SUBMITTED: Monday, July 3, 2023

SUBMITTED BY: City Attorney/City Manager/Community

Development

BRIEF NARRATIVE: Ordinance 2023-007 — Owner submitted a Conditional Use Permit on approximately 2.93+ acres to construct a 24,000 square foot private garage in a C-2 zoning district to store a private antique automobile collection. (The first reading was held on June 22, 2023.)

FUNDS REQUIRED: None

ATTACHMENTS: Ordinance 2023-007, legal description, location

map, site plan, staff report and advertising

affidavit.

RECOMMENDATION: The Planning and Zoning Board, at its June 15, 2023

meeting, approved Ordinance 2023-007 with the conditions set forth therein. The city commission approved same at the June 22, 2023 public hearing.

ACTION:

ORDINANCE 2023-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 24,000 SQUARE FOOT PRIVATE GARAGE LOCATED IN THE C-2 ZONING DISTRICT FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; OWNED BY THE RALPH W. THIELE 2021 REVOCABLE TRUST DATED DECEMBER 16, 2021, AND LOCATED AT 35421 MICRO RACETRACK ROAD, FRUITLAND PARK, LAKE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application has been received from Christopher Thompson and/or Julie Farr as applicants on behalf of the Ralph W. Thiele 2021 Revocable Trust dated December 16, 2021, owner, requesting a Conditional Use Permit pursuant to Chapter 155 of the City Land Development Regulations to allow the property located at 35421 Micro Racetrack Road, Fruitland Park, Florida (the "Property"), to be used for a private garage within the C-2 zoning district; and

WHEREAS, public notice has been provided as required by the Land Development Regulations of the City of Fruitland Park; and

WHEREAS, the Planning and Zoning Commission of the City of Fruitland Park has considered the conditional use permit request in accordance with review criteria set forth in Section 155.010 d) 2), Land Development Code and has made a recommendation to the City Commission.

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

Section 1: Purpose and Intent.

That the Owner of Property in the zoning district of General Commercial (C-2), being situated in the City of Fruitland Park, Florida, shall hereafter be granted a Conditional Use Permit to allow a private garage consisting of 24,000 square feet +/- on the Property.

LEGAL DESCRIPTION: See Exhibit "A".

Alternate Key # 2562684 & 1699673

Section 2: Zoning Classification.

That the Owner of the Property shall be granted a Conditional Use Permit to allow a maximum of a 24,000 square foot private garage on the Property located in the C-2 zoning district in accordance with Chapter 155, Section 155.010 of the Land Development Regulations of the City of Fruitland Park, Florida.

- a) There shall be no outside storage.
- b) The garage is to be used solely for the purpose of storage of the Property owner's personally owned vehicles.
- c) Building Perimeter Landscaping. A minimum three (3) foot wide landscape area, with an average of five (5) feet or more, around a minimum of forty (40%) percent of the total building perimeter and within twenty-five (25) feet of the building walls is required.
- d) *Minimum planning requirement*. Once (1) canopy tree or three (3) understory trees, and twenty-eight (28) shrubs shall be required for every three hundred and fifty (350) square feet of planting area is required in the Building Perimeter Landscaping.
- e) The site shall be developed in substantial conformity to the conceptual plan.
- f) The Owner shall comply with all applicable provisions of the Code of Ordinances of the City of Fruitland Park, including obtaining an approved site plan.
- g) The Owner must connect the Property to City sewer within one-hundred-eighty (180) days after the date of official notice from the City that sewer is available.

Section 3: 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 4: Scrivener's 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.

This Ordinance shall become		on passage.			
PASSED AND ORDAINE Park, Lake County, Florida	_		•	of the City of Fruitla	ıd
Chris Cheshire, Mayor City of Fruitland Park, Flor	rida				
ATTEST:		Ар	proved as to Form:		
Esther Coulson, CMC, City	Clerk	An	ita Geraci-Carver, (City Attorney	
Mayor Cheshire Vice Mayor DeGrave Commissioner Gunter	(Yes), (Yes), (Yes),	(No), (No), (No),	(Abstained),(Abstained),(Abstained),	(Absent) (Absent) (Absent)	

Commissioner Bell Commissioner Mobilian	(Yes),	_(No),	(Abstained),	(Absent)
ommissioner Mobilian	(Yes),	_(No),	(Abstained),	(Absent)
		Passe	d First Reading	
		Passe	d Second Reading	
		(SEA	1)	

EXHIBIT "A"

From the Northeast corner of Section 33, Township 18 South, Range 24 East, Lake County, Florida, run thence South 89°47'00" West a distance of 210.00 feet along the North line of the Northeast 1/4 of said Section 33; thence South 00°13'30" East a distance of 360.00 feet along the West line of Sunset Village, a subdivision recorded in Plat Book 28, Page 59, Public Records of Lake County, Florida, to the Point of Beginning of this description; thence continue South 00°13'30" East along said West line of Sunset village a distance of 396.00 feet to the Northerly line of Lot 23 of said subdivision; thence South 89°48'20" West a distance of 606.26 feet along the Northerly line of Lots 23, 22 and 21 of said Sunset Village and their Westerly extension to the Easterly line of the right-of-way of U.S. Highway No. 441-27; thence Northerly along the Easterly line of the right-of-way of U.S. Highway 441-27 to a point that is 360.00 feet South of the North line of the Northeast 1/4 of said Section 33; thence North 89°47'00" East parallel with the North line of the Northeast 1/4 of said Section 33, a distance of 592.28 feet to the Point of Beginning.

TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND ALL OTHER LAWFUL PURPOSES OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

A part of the Northeast 1/4 of the Northeast 1/4 of Section 33, Township 18 South, Range 24 East, Lake County, Florida, described as follows;

From the intersection of the Easterly right-of-way of U.S. Highway No. 441-27 and the North line of Section 33, Township 18 South, Range 24 East, Lake County, Florida, run thence Southerly along the Easterly right-of-way of Highway 441-27 a distance of 233.00 feet to the Point of Beginning; thence East parallel with the North line of said Northeast 1/4 a distance of 100.91 feet; thence turn to the left an angle of 90° and run North 25.00 feet; thence West parallel with the North line of said Northeast 1/4 a distance of 100.00 feet to the Easterly right-of-way of U.S. Highway 441-27; thence Southerly along said right-of-way 25.02 feet to the Point of Beginning, said easement having been granted in instrument recorded in Official Record Book 869, Page 901, Public Records of Lake County, Florida. TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER, UPON AND ACROSS THE EAST 30.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY AND THE NORTH 25.00 FEET OF THE WEST 81.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY AND AN EASEMENT FOR INGRESS, EGRESS AND PLACEMENT OF A WATER LINE OVER, UPON AND ACROSS THE EAST 50.00 FEET OF THE WEST 131.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY.

Commencing at the Northeast corner of Section 33, Township 18 South, Range 24 East, Lake County, Florida, thence South 89°47'00" West along the North boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 508.98 feet; thence departing from said North boundary South 01°52'12" West 233.01 feet to the Point of Beginning; thence South 89°47'00" West 280.02 feet to an intersection with the East right-of-way line of U.S. Highways 27 and 441 (163.00 feet wide); thence South 01°52'12" West along said right-of-way line 127.23 feet; thence departing from said right-of-way line North 89°47'00" East 280.02 feet; thence North 01°52'12" East, parallel to said East right-of-way line, 127.23 feet to the Point of Beginning. LESS ROAD RIGHT-OF-WAY. Said property being described in instrument recorded in Official Record Book 903, Page 183, Public Records of Lake County, Florida, and described again in corrective instrument recorded in Official Record Book 912, Page 1, Public Records of Lake County, Florida.

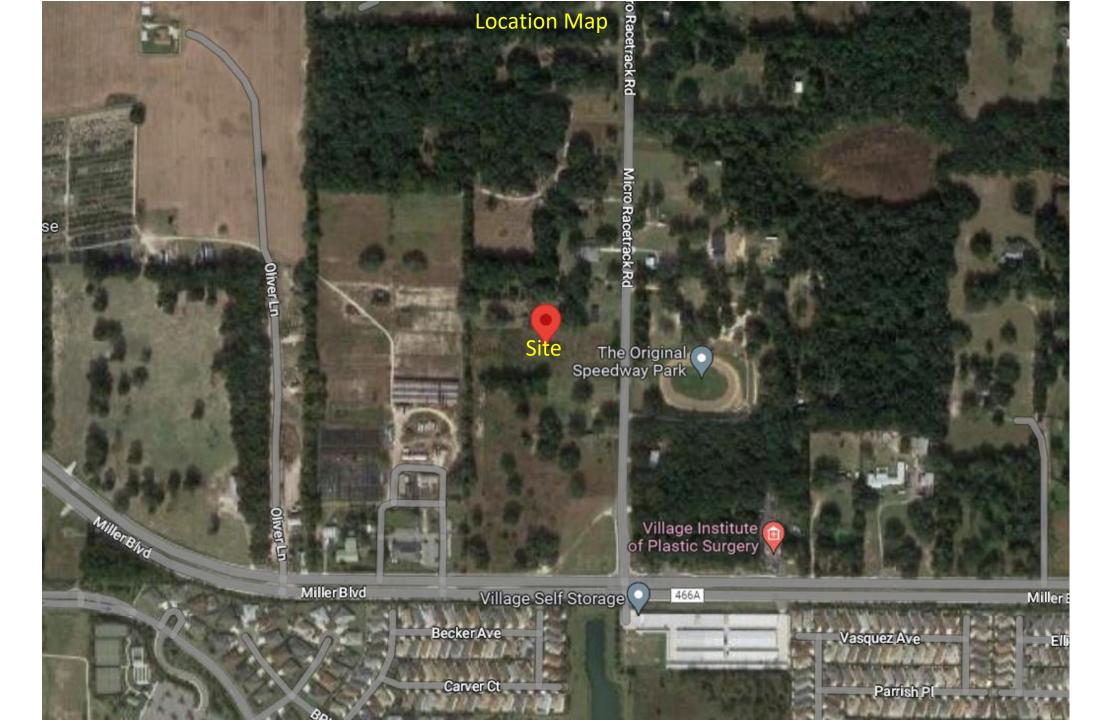
Commented [AG1]: Is this legal description from the boundary survey because it is different from the legal descriptions on the site plan.

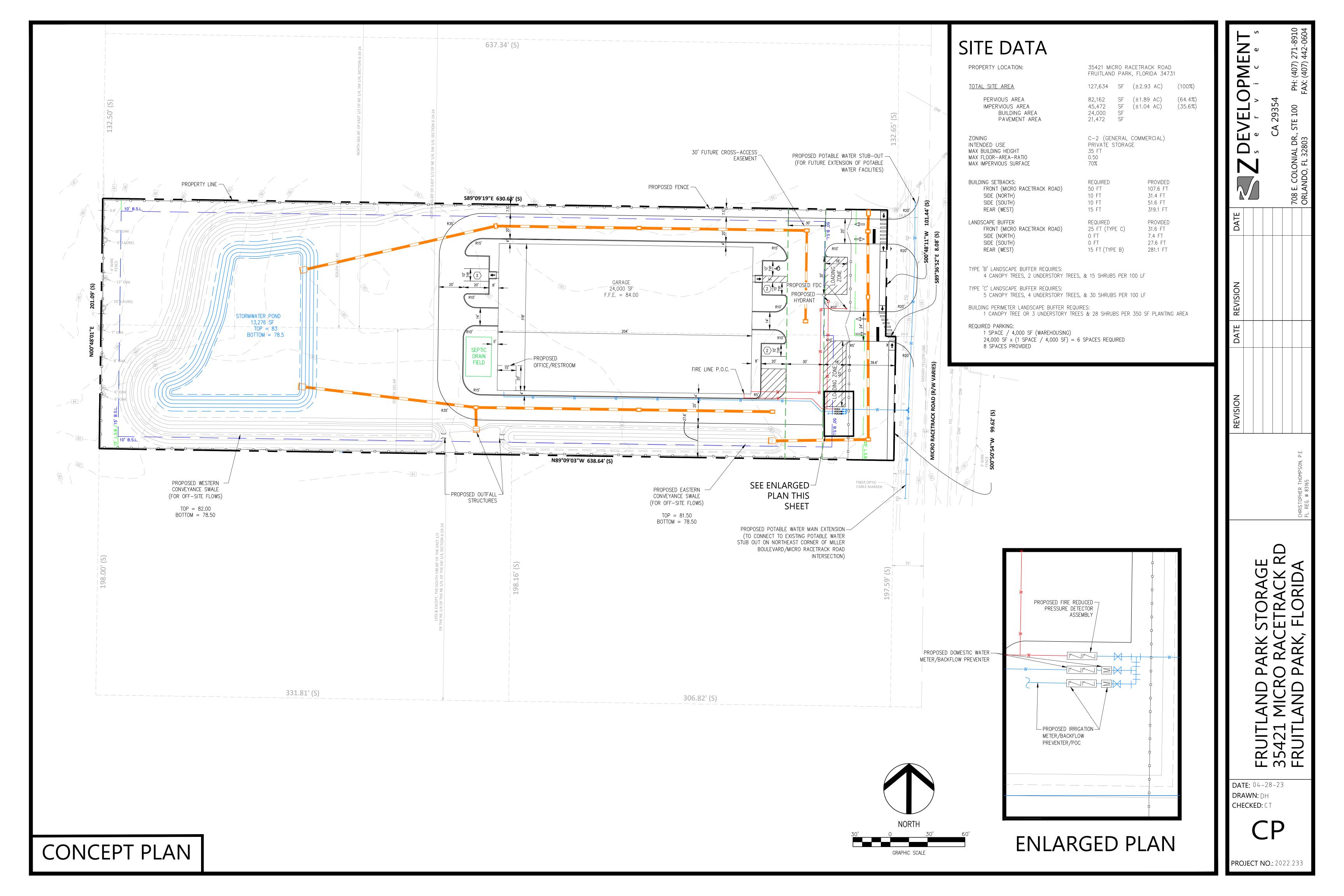
Legal Description: Parcels combined for address 35417 Micro Racetrack Rd & 35421 Micro Racetrack Rd, Fruitland Park, Florida 34731 according to Survey.

Parcel 1: The South 101.45 feet of the North 365.45 feet of the East ½ of the Northeast ¼ of the Southwest ¼ of Section 6, Township 19 South, Range 24 East, Lake County, Florida, Less Road on East as described in Official Records Book 356, Page 493 and Official Records Book 1305, Page 446, Public Records of Lake County, Florida.

together with

Parcel 2: The South 101.44 Feet of the North 466.89 Feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 6, Township 19 South, Range 24 East, Less Public Road Right-of-Way as set forth in Deed Book 344, Page 11 and Official Records Book 356, Page 495, Public Records of Lake County, Florida. Less and Except that Part Lying in the South 198.00 Feet of the East ½ of the Northeast ¼ of the Northeast ¼ of the Southwest ¼ of Section 6 Township 19 South, Range 24 East, Lake County, Florida.





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

CONDITIONAL USE PERMIT

Owner: Ralph W Thiele

Applicant: Christopher Thompson and/or Julie Farr

General Location: 35421 Micro Racetrack Road

Number of Acres: 2.93 ± acres

Existing Zoning: C-2

Existing Land Use: COMM (Commercial)

Date: May 26, 2023

Description of Project

A conditional use permit is being requested to develop the subject site for a 24,000 square foot private garage.

	Surrounding Zoning	Surrounding Land Use
North	C-2	Commercial
South	CPUD & C-2	Commercial
East	Ag	Rural
West	Ag	Rural

Assessment

A conditional use permit approval is requested to develop a 24,000 square foot garage on the subject site. The maximum intensity standard for C-2 zoning is limited to 70% impervious surface ratio (which includes building coverage), a maximum floor area ratio of .50, and a maximum building height of thirty-five (35) feet.

The minimum lot size is 20,000 square feet for C-2 zoning, with minimum setbacks of 50' for the front yard, 10' for side yards, and 15' for the rear yard (Section 154.030(9)(G)(i)). The site plan offers a 50' front building setback, 10' side building setbacks, and 15' rear yard setback. These meet the minimum requirements in Section 154.030(9)(G)(i).

The revised conceptual site plan has addressed planning comments and meets the minimum technical standards of Chapter 155, Section 155.010(b)(1).

Review Criteria

Per Chapter 155, Section 155.010(d)(1), in granting any conditional use, the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and the Code in general. Such conditions may include time limits for the initiation of the conditional use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.

When reviewing an application for a conditional use, the City Commission shall consider the following requirements and criteria:

The proposed use must comply with the adopted Comprehensive Plan and Future Land Use map.

The applicant states that the property is zoned C-2 – General Commercial, with a Commercial – High Intensity future land use designation. Although it will remain a private facility for the duration of the CUP, the proposed development characteristics (building size, impervious surface areas, fire protection facilities, etc) reflect a more intense, commercial development consistent with the zoning and future land use designations, enabling the facility to be easily converted when the CUP ends. The proposed development will also extend the public potable water main from the northeast corner of Micro Racetrack Road/Miller Boulevard approximately 800 linear feet to the north to bring domestic water and fire protection facilities to the site, assisting the City with the extension of its public infrastructure.

The proposed use must comply with FLU Policy 1-4.1: Variety of Commercial Lands. The location and distribution of commercial land use categories delineated on the Future Land Use Map shall be determined according to the following criteria:

- 1) Access and vicinity to U.S. 27/441; ease of access and egress to and from major thoroughfares to commercial sites; ability to achieve a functional internal circulation and off-street parking system.
- 2) Access to County Roads 466A and 25A; ease of access to collector thoroughfares to commercial sites; ability to achieve a functional internal circulation and off-street parking system.
- 3) The promotion of sustainable development within mixed-use sites by establishing a pattern of development which reduces the need to travel by car, encourages opportunities for cycling and walking.
- 4) Ability to comply with adopted performance standards for preventing or minimizing nuisance impacts, such as emission of air pollutants, noise, odor and generation of hazardous waste or products.
- 5) Ability to provide sufficient buffers and screening for purposes of mitigating impacts to adjacent residential or public facility land uses.
- 6) Impact to the conservation and preservation of natural resources.

7) Demand on existing and planned public services, utilities, water resources and energy resources.

Pursuant to FLU Policy 1.4.1, Commercial Designations, commercial land use designations are intended to accommodate all commercial businesses.

Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety.

The applicant states that the private facility will not generate more traffic than a single-family residence, so it will not adversely impact adjoining properties or public safety.

Staff conducted a trip generation analysis based on the use of storage (ITE Code 150) which would produce 42 daily trips and 5 PM Peak hour trips. The proposed use would be considered a de minimis traffic impact.

Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district

The applicant states that a 20' fire access lane has been proposed around the development, and the site has sufficient off-street parking and loading areas to insure there is no adverse impact on the adjoining properties or public right-of-way beyond that generally experienced in the district.

The project as currently designed provides the appropriate off-street parking and loading areas required by the Land Development Regulations (LDRs).

Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of abutting land uses.

The applicant states that required setback yards and landscaping are consistent with district standards. Daily traffic will mimic a private residence and all automobile storage will be indoors, mitigating the need for screening or buffering from neighboring properties.

Size, location and number of conditional use permits in the area shall be limited so as to maintain the overall character of the district as intended by the Land Development Code.

The applicant states that the facilities proposed within this CUP fit in well with the intended overall character of the C-2 zoning and Commercial future land use designation, as the facility (pre-fabricated metal building with open interior floor plan) will mimic those of several permitted uses in the C-2 zoning classification, more specifically:

- vii. Boat Sales and Service
- iX. Commercial/Industrial Equipment and Supplies
- xii. Equipment Rental

xix. Maintenance Contractors

xxi. Motor Vehicle Service Centers

xxxii. Wholesalers and Distributors

xxxvi. Motor Vehicle Repair Facility

xxxviii. Commercial Parking

There are no CUP uses in the general area that staff is aware of. The closest storage type facility is located approximately 930' south of the subject site along CR 466A known as Village Self-Storage.

Will be compatible with existing and planned uses

The applicant will be required to meet the non-residential design standards of the land development regulations. The proposed structure includes an office and restroom facility. The city's long-term plans for the general area are for mixed use development (residential, commercial, recreational, institutional), multi-modal transportation features which include cross access, pedestrian and bicycle paths. Although private storage facilities are not envisioned for the area, design of the structure to meet the non-residential design standards and provide for office/restroom facility will allow for the proposed structure to be converted to commercial uses in the future.

Will not be injurious to the neighborhood or detrimental to the public welfare

The proposed use generates less traffic than any potential commercial use, provides for landscaping and buffers, provides for future cross access, and provides for pedestrian traffic, therefore no detrimental impact to the public welfare or neighborhood is anticipated.

Recommendation

Should the Commission approve the CUP, staff recommends the following conditions:

- 1) Storage shall be limited to personally owned vehicles.
- 2) Building Perimeter landscaping. A minimum three (3) foot wide landscape area, with an average of five (5) feet or more, around a minimum of forty (40) percent of the total building perimeter and within twenty-five (25) feet of the building walls. Minimum planting requirement. One (1) canopy tree or three (3) understory trees, and twenty-eight (28) shrubs shall be required for every three hundred and fifty (350) square feet of planting area in (a) above. Trees installed for any other requirement of this Section may be credited towards this requirement if in the required location.

The Villages DAILY SUN

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

Before the undersigned authority personally appeared Amber Sevison, 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 # 01131747 in the matter of

NOTICE OF PUBLIC HEARING

was published in said newspaper in the issues of

JUNE 9, 2023 JUNE 12, 2023

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 subscr	ibed before r	ne this	14
day of	une	20	23	' '/
ma	lin &	Ballo	wh.	Sid
10	UWIOT	NUU	MY H	UIL

Robin L. Baldeschwieler, Notary

Personally Known	<u>X</u>	O
Production Identificatio	n	
Type of Identification P	roduced	



NOTICE OF PUBLIC HEARING

ORDINANCE 2023-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 24,000 SQUARE FOOT PRIVATE GARAGE LOCATED IN THE C-2 ZONING DISTRICT FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; OWNED BY THE RALPH W. THIELE 2021 REVOCABLE TRUST DATED 12/16/21, AND LOCATED AT 35421 MICRO RACETRACK ROAD, FRUITLAND PARK, LAKE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

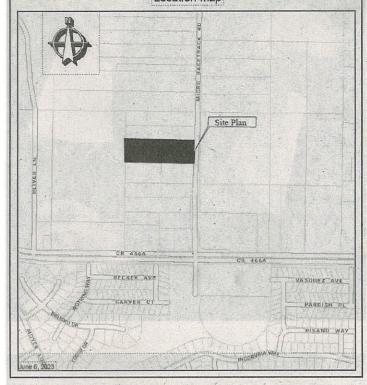
The proposed Ordinance will be considered at the following public meetings:

Planning & Zoning Board Thursday, June 15, 2023 @ 6:00 p.m. City Commission 1st Reading Thursday, June 22, 2023 @ 6:00 p.m. City Commission 2nd Reading Thursday, July 13, 2023 @ 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. These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time/date certain. 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 resolution.

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 Statues, 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		
MEETING DATE:	Thursday, July 13, 2023		
DATE SUBMITTED:	July 7, 2023		
SUBMITTED BY:	City Manager		
BRIEF NARRATIVE:	City Manager's Report		
i. Economic Developmentii. Commercial Developmeiii. Road Paving	t Status Update ents Permits Issued Status Report		
FUNDS BUDGETED:	None		
ATTACHMENTS:	None		
RECOMMENDATION:			
ACTION:	None		

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

ITEM TITLE: CITY ATTORNEY REPORT MEETING DATE: Thursday, July 13, 2023

DATE SUBMITTED: July 6, 2023 **SUBMITTED BY:** City Attorney

BRIEF NARRATIVE: City Attorney Report

U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley): A Final Judgment of Foreclosure was entered March 24, 2023 in the amount of \$52,811.09. The sale was held May 23, 2023 at 11 am. A Certificate of Title was issued to JLH Properties, LLC on June 5, 2023. The winning bid was \$80,100. Since the property sold for more than the judgment amount, the surplus proceeds will be held pending further Order of the Court. Attorney McCulloch will be seeking a portion of the excess proceeds to satisfy the City's lien. On June 29, 2023 a third party Rapid Surplus Refund LLC intervened and filed a motion seeking the excess proceeds on behalf of the purported sole heir to Robert Moore's estate. On July 6, 2023 I contacted attorney McColloch advising him of the filing and requesting the status of his seeking funds to satisfy the City's outstanding lien.

Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628: The City was served with a lawsuit on September 8, 2022. A copy has been provided to the Commission. Plaintiffs file a two-count Verified Complaint. Count I – Inverse Condemnation and Count II – Trespass. Plaintiffs allege the City's construction of the library has caused storm water to flood across Rose Avenue onto their property located at 100 Rose Ave., Fruitland Park and have converted their property into a storm water retention system. Public Risk Management (PRM) retained attorney Donovan A. Roper and Mark K. McCulloch of Roper & Roper, P.A. to defend the City. An answer and affirmative defenses were filed on behalf of the City. On October 27, 2022 Plaintiff filed a reply to the City's affirmative defenses. A Civil Case Management Order Requiring Disclosures was entered by Judge Takac. The Order requires a non-jury trial to occur no later than 18 months from filing the original Complaint, if not sooner resolved. The trial must be held by March 2, 2024. On February 2, 2023 the City served Interrogatories and a Request to Produce on Plaintiffs. Plaintiffs filed responses March 6, 2023. No further activity has occurred since the filing of discovery responses.

Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463: Plaintiff filed a lawsuit against the City alleging damages resulting from a motor vehicle crash between a vehicle Plaintiff was operating and a marked Fruitland Park Police Department vehicle. Insurance assigned Roper & Roper to defend the City. An Answer and Affirmative Defenses were filed on July 22, 2022. Discovery has been ongoing. Trial is scheduled on the trial docket beginning February 19, 2024. The City took the deposition of the Records Custodian from Adventhealth Walterman on April 4, 2023. Prior to the deposition it was determined that outstanding medical costs are \$35,222.85. Pre-trial conference has been ordered to occur on October 2, 2023 and for trial to commence during the three-week trial term beginning October 9, 2023. On June 8, 2023

the City served Plaintiff a Proposal for Settlement/Offer of Judgment. Plaintiff noticed the deposition of former City employee Creech to take place on August 21, 2023.

<u>Code of Ordinances Codification</u>: As of February 16, 2023 CivicPlus is in receipt of the City's comments. They are working to prepare proofs for the City's further review.

<u>LDR Codification</u>: CivicPlus was provided the adopted LDRs on September 22, 2022. On April 7, 2023 CivicPlus posted Ordinance 2022-001 which amended and restated the City's LDRs online under <u>Code of Ordinances</u>, "Adopted Ordinances Not Yet Codified."

FUNDS BUDGETED: None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

CITY OF FRUITLAND PARK AGENDA ITEM SUMMARY SHEET Item Number: 8

Public Comments

ITEM TITLE:

MEETING DATE:	Thursday, July 13, 2023			
DATE SUBMITTED:	Wednesday, July 5, 2023			
SUBMITTED BY:	City Clerk			
BRIEF NARRATIVE: 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.				
FUNDS REQUIRED:	None			
ATTACHMENTS:				
RECOMMENDATION:	None			
ACTION:	None			