



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

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

<b>Board Members:</b> Al Goldberg, Chairman Daniel Dicus, Vice Chair Carlisle Burch Fred Collins Walter Birriel	<b>Others:</b> Michael Rankin, LPG Sharon Williams, Administrative Manager Emily Church, Office Assistant
--	--

**MEETING NOTES**  
**PLANNING & ZONING BOARD**  
**September 15, 2022**  
**6:00 PM**

- I. **INVOCATION AND PLEDGE OF ALLEGIANCE:** Board Chairman Goldberg requested all participate in the pledge of allegiance; Sharon Williams was asked to lead the invocation
- II. **ROLL CALL:** All members present except for Board Member Birriel who asked to be excused.
- III. **MEETING NOTES FROM PREVIOUS MEETING:** Meeting notes from August 2, 2022 included for review/comment. Board Member Collins made the motion to approve the last meeting's minutes and was seconded by Board Member Dicus. Passed Unanimously.
- IV. **OLD BUSINESS:** NONE

**NEW BUSINESS:**

**Rolling Acres – Lake Ella Road (Alternate Keys: 1284082 & 1384015), Planned Development**

A Planned Development application was submitted by ResiBuilt Homes, LLC on behalf of the owner, Daryl M. Carter, Trustee of Lake Ella Road Land Trust. The proposed development consists of 158 ± acres consisting of 413 single family units (50' x 120' - 6,000 SF and 60' x 120' – 7,200 SF) and 190 townhomes (24' x 120' – 2,880 SF) for a total unit count of 603 dwelling units at a density of 3.78 units/acre. The minimum net living area is 1432 SF. The proposed plan designates 48.69 acres of open space (30%) consisting of 10.5 acres of recreation parcels and community park; 20.22 acres in buffers and other open space; 17.97 acres of stormwater ponds (the ponds are proposed to be improved with walking trails and benches) and a varied landscape buffer with a 25' minimum width. The properties are located at 1132 and 1342 Lake Ella Road.

The existing approved PUD consisted of 210 single family units (50' x 120', 75' x 135', 80' x 150') and 426 townhomes for a total unit count of 636 units and 4.26 acres of neighborhood commercial uses. The previous plan also provided 46% open space with the majority of the buffers being 50' in width to mitigate the adjacent agriculturally zoned properties and low-density development. The proposed development is a reduction of 33 units.

Although the concept plan meets the minimum technical requirements of the LDRs, the City cannot approve the development as the Traffic Impact Analysis reveals that portions of Rolling Acres Road has insufficient capacity and operates below the adopted level of service (LOS) to accommodate the impacts of the development. Future conditions in 2025 indicate that Micro Racetrack Road will also operate below the adopted LOS standards. Please refer to the LPG staff report, dated 8/24/2022 for recommendations.

As per staff report, planning staff defers to city legal counsel as it appears staff cannot recommend approval unless proportionate fair share mitigation pursuant to Chapter 153, Sec 153.050(B) is offered for portions of Rolling Acres Road and Micro Racetrack Road.

*Michael Rankin of LPG provided an overview of the development application procedure and read a summary of the proposed development. Anita Geraci-Carver (City Attorney) provided a report that this is not a comp plan amendment so it will not need to go to Tallahassee for review and that in the PUD there is language that states that if the city requires it that the applicant must improve Rolling Acres Rd to City and County standards at the subdivision intersection and Lake Ella Rd including intersection improvements and turn lanes. On September 13<sup>th</sup> the applicant submitted a letter offering to enter into a Proportional Share Agreement with Lake County as the city has requested, though we have not finalized the language but have acknowledged that they will do this. If the board wants to include language like this it can be added and finalized before the City Commission meeting.*

*Attorney Jimmy Crawford is representing Resibuilt Homes, LL and introduced the Resibuilt Team. He stated that this is an existing Planned Development with a valid Master Developer's Agreement and that the proposed change will lower the density overall by 33 units, reduced townhomes from 236 units, these changed to mostly single-family residential and the current plan allows for more interconnectivity to the surrounding area based on the recommendation by the city and Lake County. States that the current Future Land Use allows up to 8 units per acre and they are asking for less than half of that and significantly reduced the multi-family component. The plan has the larger lot sizes to the perimeter so neighbors won't visually see the smaller lots if the lot sizes bother them.*

*They have formally offered to enter into a Prop Share Agreement to mitigate the traffic impact created by their development. Crawford pointed out that Lake County may decide not to enter into a Prop Share Agreement and may prefer for the applicant to pay for off-site improvements instead. Chairman Goldberg read the public comments rules to the meeting attendees.*

*Board Member Dicus asked if he would pay to widen any one of those roads that will be impacted by their development and then let someone else pay them back. Crawford explained that pioneer agreements for road improvements, which Crawford agreed would be a much better system. If they were presently in Lake County zoned agricultural and were coming in with a new Planned Unit Development, he would agree with Board Member Dicus because at that point their fair share would be larger. However, there is an existing Planned Development that allows for more units and they wouldn't need this approval.*

*Muhammad Abdullah (Traffic Mobility Consultants, 3101 Maguire Blvd Orlando, FL 32803) asked to restate the question. Board Member Dicus stated that the development would add approx.. 1200 cars on that road and inquired if there were discussions with Lake County about a plan. Abdallah stated*

*that there is a limitation of what a private individual can do especially involving other people's private property involving the improvements suggested. The query that happens at the municipal level do they build the roads and hope development comes and potentially waste taxpayers' money or allow the developments to come and then build the roads to meet the demand and that's why the statute is written the way it is that applicants pay their proportionate share or by making an equivalent improvement. Also, there are impact fees that are collected for this purpose as well.*

*Board Member Dicus asked what kind of physical improvements would be considered an equivalent improvement in that area. Abdullah responded the most crucial are intersections. There are capacity issues at the stop signs at Lake Ella and Rolling Acres and Lake Ella and Micro Racetrack where queues form. Based on conversations with the county they would focus their attention on those places. A formal agreement has not been made as yet with the county as the county won't do that until Construction Plans are approved so we won't know exactly what those improvements will look like until that point.*

*Board Member Collins asked if there was any consideration for Timbertop Lane. Are there any plans for that road? Abdullah didn't know about this road. Board Member Dicus stated that it is basically an extension of Rolling Acres. Collins stated that the Rolling Acres and 466 intersection is often listed as one of the most dangerous in Central Florida. Other applications in Lady Lake and in the city have also looked at that intersection and identified it as one that needs improvement. As the level of service decreases it becomes a higher priority to fix. Crawford stated that County Public Works determines priority so it makes a difference for citizens let them know the dissatisfaction with their roads and priorities can shift.*

*Board Member Dicus stated that the issue is that their traffic studies show deficiencies on two roads. One road is deficient, not because of this project but, because of existing developments.*

*Abdullah stated that the current PUD is a higher traffic generator than what is currently being proposed. Board Member Dicus asked when that PUD was approved, Sharon Williams stated she believes it was in 2007 or 2008. .*

*Board Member Burch asked if they had plans for phasing, turn lanes and if there were any other forms of mitigation being considered? Crawford stated that the MDA will state that they will build whatever is required by city and county with the limitations set by state law.*

*Yog Melwani stated that phasing and timelines aren't set in stone though the concept plan does show four phases and it may go that route – though they are not looking to commit to a timing schedule. Board Member Collins asked if they are thinking of the timing between phases such as six months. Melwani responded that they it would take longer but, couldn't provide a more definitive estimate.*

*Board Member Dicus asked about water and sewer. Melwani stated that is their understanding that*

*capacity is sufficient. Chad Moorehead has been working with Robb Dicus and Halff is working on the route for sewer and water. Sewer estimated at the east on Lake Ella and Water south through the right-of-way on Spring Lake. Board Member Dicus asked who is paying for that? Melwani stated that the applicant is forming a pioneering agreement.*

*City Attorney located the previous PUD that was written in 2007 and the term of the agreement was ten years so the previous PUD has expired. They could extend it by mutual consent but it would have had to go to a public hearing which was not done. Crawford stated that the PUD never expired, it's the MDA that expires since the zoning designation remains in place.*

*Chairman Goldberg opened up the meeting to public comment and asked if anyone present, in the audience, received a letter from the City of Fruitland Park. Williams stated they would've only received letters if they are within the jurisdiction of Fruitland Park and were within 250 feet of the property without crossing through another property line, a number of nearby properties were within Unincorporated Lake County. A member of the public asked why and Chairman Goldberg stated that the guidelines are per Florida State Statute.*

*Scott Shurman of unincorporated Lake County stated that Lake Ella is barely a road and dirt washes out and is not safe for any traffic; it is his primary access road to my property. There should be a traffic signal. He is worried about the availability of emergency services.*

*Jean Pasacheck of unincorporated Lake County, is concerned with traffic at the current stop sign. He also had environmental concerns for the gopher tortoises and hopes they are relocated properly. Asclepias (milkweed) plants are also found on this property and they would like to see a portion of their project dedicated to keeping the plants intact.*

*Linda King of unincorporated Lake County, asked if Rolling Acres Road would be paved down to 466A? Board Member Dicus inquired about the intention for that section of road. Chad Moorehead responded that the dirt road section is Timbertop Lane and the right-of-way access isn't available so planned improvement is only for Rolling Acres up to the southernmost entrance. Jimmy Crawford explained the county can ask for further road improvements and give the development impact fee credits. Crawford explained that this developer needs good roads to be able to sell homes. Chairman Goldberg asked if the county requested a traffic signal if they would comply in exchange for impact fee credits. Crawford explained these details are still being discussed with the county but he would advise it.*

*Mike King, of unincorporated Lake County, asked for clarification on the right of way not going all the way down to Rolling Acres Road. Board Member Dicus stated he remembered the road used to go all the way through but the county abandoned a portion of the road – the road as it is now is no longer drivable as the property owners closed it off.*

*Charles Thompson of unincorporated Lake County, asked if there are any other exits off of Lake Ella other than the main entrance. During the 2007 PUD meeting the developers were originally planning to go through their neighborhood but they had determined with the hill it would lead to too many accidents. He wants to ensure there are still no plans to go through his neighborhood.*

*Gale Hodges, of unincorporated Lake County, inquired about all of the homes using one proposed exit and whether it make sense to use Rolling Acres Road? She states that the exhaust fumes on Micro Racetrack Road in the summer is overwhelming. She asks if this is a retirement village or family homes, and doesn't believe that they will only have one car per family if it's not a retirement community. She is also concerned about the construction traffic when the development begins breaking ground and building. Further, she is concerned about congestion and safety as they have horses, dogs, and children.*

*Gina Grey, unincorporated Lake County, is in opposition to this development due to the anticipated traffic impact. She inquired from the traffic engineer what assumptions were made about the number of cars and drivers per family. She realizes that there are a number of entities that would be involved in this process but for the residents in the area this is dangerous - trying to exit her property.*

*Tina Bombardo, stated that she lives in unincorporated Lake County so did not receive a notice from the city. The area is very sloping, and inquired if the developer will bulldoze the land to develop the property. She is concerned about erosion – she owns five acres with horses. She is concerned with the landscape changing with the heavy rains that it will impact her property. Lake Ella Road drops off on the north side, if it's not widened with your main entrance for six-hundred homes the cars will experience accidents. Across from your development will be Green Key Village and their turn lane starts at her property and then further up the road is another development in Lady Lake that has stalled their development but it is planned to have five-hundred homes. So we are talking about a thousand homes on Lake Ella, and Cherry Lake is coming with another thousand homes and then on 466A you see more property posting notices for development nearby. She is very concerned about all this traffic for the bikers that use this scenic route. She is very concerned about the bull-dozing changes the view of the land and the erosion it will cause.*

*Kim Davis of Lady Lake, stated she is in agreement with everyone else that has spoken. The stop sign at Rolling Acres Road and Lake Ella Road is not stopped at and there is no traffic enforcement. There are a number of streets that are single access non-county maintained that have difficulty exiting onto Lake Ella Road. She asked how Micro Racetrack and Rolling Acres Road are proposed to be widen as property will be taken from people and then there will be trees cut down. She stated that when developers don't come from the local area, they don't care about the people already living in the vicinity. She inquired the price point on the new homes.*

*Kathy Haviland. of unincorporated Lake County, stated she's lived at her address for twenty-one years and there are always accident; two traffic fatalities in the last three weeks; the county cut down a lot of trees to install stop signs at Rolling Acres and Lake Ella but it has since become overgrown again. She wants to know what is the maintenance status. She also wants to know if the sheriff's department is on board, do they have the staff to handle emergency services as emergency response times are already really slow for this area.*

*Crawford stated that for gopher tortoises, the developer is required, by the state, to do a 100% survey and relocate them to an authorized mitigation bank for all tortoises on the property. Pasachek stated they can't be moved but the seeds can be harvested. Crawford stated they aren't legally protected but they don't want to do any damage they don't need to.*

*Crawford stated that there isn't one entrance in and one exit out, there are four planned entrances and exits on Rolling Acres Road. There's a stub out to the east for future developments to connect so there will be five initially.*

*Abdullah stated that the number of cars and drivers per household is calculated per the ITE (International Association of Traffic Engineers) Manual; they publish a Traffic TPD for traffic peak hour for every possible kind of use. Single-family is about 9.7 trips/day, townhomes are a little less – but this is a standard used by governments and industry – it is not a number they or the company generated.*

*Crawford reminded everyone that they are not responsible for mitigating existing traffic, only traffic that generated from their proposed development. They will fix more than their fair share but it is a problem shared by all the property owners in the area.*

*Crawford stated they aren't asking for any grading variances; they will work with the topography within our capability to do so. Moorehead stated that will have to grade to make it flat enough to build on. There are requirements through NPDS for erosion control they have to follow, there will be silt fences installed, property will be sodded and slopes will be stabilized. There is a lot of elevation changes on the property.*

*Crawford asked what kind of notice the neighbors will have before construction starts. It was noted that this is not a requirement by the city or the state. Crawford offered to do notices for the neighbors before they construction begins.*

*Crawford stated the stop sign located at Rolling Acres and Lake Ella being overgrown is a Lake County public works issue and you the citizen would need to call the county to get that resolved.*

*Board Member Dicus asked if the intent for this property is to have a homeowners association, . Crawford responded yes.*

*Melwani stated it's too early to talk about price points given current inflation and the housing market and he doesn't want to misrepresent the owner.*

*Board Member Burch stated that there are four exits to Rolling Acres Road and asked about a road leading to a cul-de-sac. Moorehead stated that the access point has a divided entry with an island down the center of it. Further down, it terminates at a community park.*

*John Adam of Kissimmee stated that the termination point on the east/west road stubs out to future development to the east and they are providing a parallel facility once connected to the east to help relieve traffic when that development comes in.*

*Crawford states he's available to answer any questions from the audience and his contact information is available as a public record to any that may want it.*

*At this point, it was brought back to the board for discussion. Board Member Dicus recommends that something must be done about the roads. He is okay with the development itself as HOAs provide for*

*better clientele and higher-end homes. City attorney has no further recommendations. Board Member Burch agrees with Board Member Dicus. Board Member Collins is okay with the development but is not okay with the road impact. Chairman Goldberg would like to see language in Section 8 that requires either off-site improvements or a proportionate share agreement with the county.*

*Board Member Collins made the motion to deny approval. There was not a second. The motion failed.*

*Board Member Dicus made the motion to approve the PUD with language that satisfies Lake County Public Works requirements for Lake Ella and Rolling Acres Roads and applicable road impacts. Chairman Goldberg presented with the understanding he'd like the Commission to seriously consider the traffic impact situation, seconded by Board Member Burch. Board Member Collins voted no. Board Member Burch voted yes. Board Member Dicus voted yes. Chairman Goldberg voted yes. Motion carried 3-1.*

### **BOARD MEMBERS' COMMENTS:**

Board Member Dicus stated that they hope that the residents voice their opinions to the county and local municipalities and be the squeaky wheel to make things happen with the traffic situation. Michael Rankin

stated that they should look at the contact information on Lake County's website for engineering, public works, and land planning or reach out to Sharon Williams from city staff for contact information. Chairman Goldberg reminded the room that those roads are county roads and not within the city's purview. Crawford explained that Lake County can do an impact fee agreement wherein it designated exactly where impact fees can be used. If the county were to receive a number of complaints about a specific road it might move higher up their priority list. The property postings are done to show surrounding property owners that a meeting is being held for those not eligible to receive a certified letter.

### **PUBLIC COMMENTS:**

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. 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 Planning and Zoning Board. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**ADJOURNMENT:** 7:38PM