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FRUITLAND PARK, FL 34731

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<b>Board Members:</b> Al Goldberg, Chairman Daniel Dicus, Vice Chair Carlisle Burch Roger Sines Walter Birriel	<b>Others:</b> Michael Rankin, LPG Sharon Williams, Administrative Manager Emily Church, Office Assistant
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**AGENDA**  
**PLANNING & ZONING BOARD**  
**NOVEMBER 3, 2022**  
**6:00 PM**

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- I. **INVOCATION AND PLEDGE OF ALLEGIANCE:** Board Chairman Goldberg requested that all participate in the pledge of allegiance; Sharon Williams was asked to lead the invocation.
- II. **ROLL CALL:** All members present except Board Member Birriel and Board Member Sines whose absences were unexcused.
- III. **MEETING NOTES FROM PREVIOUS MEETING:** Meeting notes from September 15, 2022 included for review/comment. Vice Chair Dicus made the motion to approve the last meeting's minutes and was seconded by Board Member Burch. Passed Unanimously.
- IV. **OLD BUSINESS:** NONE

**NEW BUSINESS:**

**A. Lake Myrtle Breezes Variance - 1108 Myrtle Breezes Court (Alternate Keys: 3845251)**

A Variance application was submitted by Angel Rivera P.E. of A&B Engineering Consultants, PA on behalf of the owner, Crystal Lake Land Holdings, LLC. The subject site consists of approximately .33 ± acres. On November 8, 2009 the City of Fruitland Park approved a lot line deviation between Lots 8, 9 and 10 pursuant to Chapter 157, Section 157.050. It appears that the lot line deviation was sought due to the existing construction of Lot 9 not meeting the side setbacks of 10'. After the lot line deviation, the remaining portion of Lot 10 indicates that the lot width does not meet the minimum requirement of the zoning district which requires 80' width at the building setback line on cul-de-sacs and curves pursuant to the City of Fruitland Park Land Development Regulations (LDRs), Chapter 154, Section 154.040.

Review of the boundary survey indicates that there is 70' at the building setback line and indicates that the front setback would need to be increased to approximately 160' to achieve the 80' width requirement. Taking into consideration rear and side setbacks, the buildable area for a home and accessory structures would be approximately 60' x 25', which is not sufficient.

The R-4 zoning district requires a minimum lot size of 12,500 square feet with central water and septic tank. The subject lot was platted at 18,146 square feet (0.42 acres) and due to the approved lot line deviation, the lot is now approximately 14,374 square feet (0.33 acres) which exceeds the minimum required.

Staff recommends approval of the variance.

*Michael Rankin of LPG outlined the entitlement process and then introduces the variance request. 20 certified letters were mailed out, 12 return receipts were received, 7 opposition letters were received, and 2 letters were returned as non-deliverable.*

*David Booth owns the property adjacent to this parcel and the property next door. He states that his property has been zoned before, and went into bankruptcy under the prior owner. Booth had offered to purchase the land from Dr. Coe. The previous developer bought all the properties except this one because it would not meet the minimum requirements of their homeowner's association (HOA). This property would not allow for a side-facing garage as required by their HOA. Booth states that as a community they had planned to purchase this property and make it community access to the lake and not build on the property because it didn't meet the minimum requirements. The HOA made an offer to purchase this property for two hundred thousand dollars.*

*Vice Chair Dicus asked who the HOA President was and Booth responded Freddie Goller who is an attorney for The Villages.*

*Vice Chair Dicus asked if they had written rules that the garage entrance has to be sideways facing. Booth responded yes. Vice Chair Dicus asked if he could confirm with all certainty that a sideways-facing garage is not possible. Booth states it's not possible with the neighbor's fences on either side and to maintain the minimum home size requirement of 2,000 square feet to be able to put in a sideways facing garage.*

*Vice Chair Dicus asked if Booth was willing to pay the asking price for the land and he said no, he was asking one hundred thousand dollars and it's not worth that amount without the variance. There is also an unpictured easement.*

*Angel Rivera, the engineer who made the application. Lot number nine was split by the neighbor Matt before the land went back to Dr. Coe. The frontage of the lot is a little short but it does extend out as you go back. Rivera is confident that a 2,000-square-foot home could fit on this lot within the HOA restrictions. Booth asked if he could see the plans before the variance was approved. Rivera explained that they would need HOA Approval before the home would be built.*

*Booth stated that this has happened three other times, lots 13 and 14 where land was divided and given back. The lot in front of 14, was not built to code and he was fined. The other one was nearby.*

*Booth is concerned that he will build a home that is not comparable to the rest of the community and hurt the community where houses are selling for upwards of a million dollars. He says the developer wouldn't purchase lot one because they couldn't do so within the set restrictions.*

*Vice Chair Dicus asked for clarification, Booth has stated that the HOA won't allow houses to be built that don't meet the restrictions but at the same time has said this happened a few times. He asks if you have a solid HOA today he has to meet all the requirements to build on that property. He expounds that there isn't a way to circumnavigate those regulations even with this variance. Vice Chair Dicus goes on to ask, wouldn't you like to have a neighbor if they were able to meet all the restrictions and Booth said yes he just doesn't think it's possible.*

*Angel Rivera states that they must get HOA approval before the city will issue a building permit.*

*Vice Chair Dicus proposed the motion as presented and was seconded by Board member Burch. Vote passed unanimously.*

*Chairman Goldberg thanked everyone for their comments.*

**B. The Hawthorns – Annexation, Comp Plan Amendment, Rezoning, Planned Development, Unity of Title Alternate Keys: 3884325 & 1699649)**

The subject property consists of two properties; a 4.57-acre parcel (Alt Key 1699649) in the city limits with frontage on CR-466A, developed with the Burke's BBQ restaurant and an office building along with a 14.98-acre parcel (Alt Key 3884325) to the north of the existing restaurant in Lake County, developed with a landscaping business and nursery. **The applicant is requesting to annex** the 14.98-acre parcel (Alt Key 3884325) into the city limits and add it to the existing Burke's BBQ parcel (Alt Key 1699649) to allow construction of a mixed-use project consisting of 240 multi-family apartments, associated recreation and 2.71 acres of general commercial. The existing Burke's Restaurant will be demolished to allow construction of the development.

**A companion small-scale comprehensive plan** map amendment is requested for the northern 14.98 +/- acre subject property amending the future land use from Lake County Rural to Multi-Family High Density (15 units/acre). A **concurrent rezoning amendment is proposed for the entire site from Lake County Agriculture and C-2 to PUD**. The immediate surrounding properties are zoned for C-2 and intended for high intensity commercial uses. The subject property is located immediately north of the Villages of Fruitland Park, consisting of primarily single-family homes and supporting neighborhood commercial use. The existing area has a mix of uses.

Staff recommends approval of annexation, a small scale comp plan and rezoning of the properties.

*Michael Rankin of LPG introduced the project. 227 certified letters were sent out, we received 53 return receipts, 53 opposition letters – 4 of which stated traffic, noise, and light pollution as concerns, 3 were returned as non-deliverable, and 1 phone call of opposition.*

*The project originally came to the city even months ago and at the time they did not meet our comprehensive plan because it didn't have the commercial parcels along 466A. The project came before the City Commission and at that time they worked out the commercial parcels, landscape buffers, and amenities.*

*Jose Kruetz and Eric Nelson with Luxury Leased Homes USA LLC of 333 N Alabama St Suite 350 Indianapolis, IN 46204. Kruetz states that they have been working on this project for over a year and that the parcel is ideal for this type of development with the already approved 28 commercial project next door – the luxury rentals would serve as a transition from the commercial plot into the rest of the city. It was made clear that maintaining the integrity of commercial frontage of 466A was important to the city. There will be a turn lane to get into the development. This project is 65 million dollar project.*

*It will have onsite full time property maintenance and will retain ownership of the property so that it is maintained well. They will do once a month checks on garages to make sure they are not being used as a self-storage unit. There will be a discount for law enforcement officers to live there.*

*Vice Chair Dicus asked if Oliver Lane was sold, it functions as Burke's driveway so that strip of land will remain undeveloped until JC Burke sells it. Rankin replied, yes, though it may be developed in the near future. Kruetz stated that between Benchmark and themselves they will be building a parallel frontage road to 466A and Olive Lane will connect into that. The parallel road is meant to keep additional traffic off 466A if they are wanting to move between the shopping center and the apartments.*

*Kathleen Salt of 1027 Incorvaia Way in the Village of Pine Ridge, we just found out about this project through a registered letter and asked what was the process that we weren't notified of, they asked if they had any input from the community. She asks who gets to say that it's okay to transition this from Agricultural to commercial and residential? We weren't canvassed or noticed prior to this certified letter. She was upset more of her neighbors didn't attend. She states that it will have initially a very negative impact with construction noise and dirt.*

*Rankin responds that this is currently the public process, the first step of the public hearings and from here it goes onto City Commission. At this point, nothing has been approved, this is a recommending board for City Commission. We are required by the state for how we send out our certified letters – it is within 250 feet of the property – so if you're further away you're still invited to this meeting but you won't receive a letter. Rankin states I'm sure when your house was built there were people here concerned just as you are now.*

*If property owners follow the land development regulations and goes through this process and if it gets approved then they have the entitlements to develop it. But during this process there are several points where the public has the opportunity to voice concerns. We have to weigh in the rights of the property owners too.*

*Salt seeks confirmation that at this point this is conceptual and Rankin confirms that this is conceptual. She asks if everyone in Pine Ridge showed up and said we don't want this – does it have merit? Rankin responded that we are most beholden to those 250 ft neighbors that are sent certified letters. Its ia vetting process and the whole process is public and the intent is to educate the public within the involved community. Community involvement of those noticed individuals is a factor but not at the expense of the property owner's rights. Salt was concerned that most of the letters that went out went to snow birds who wouldn't have seen this letter.*

*Salt asked when construction would commence. Rankin responded that from the builder he understands that they want to build as quickly as possible. Salt asked if having this here would reduce our taxes? Rankin couldn't respond as this recommending board isn't involved in that process. Salt asked if the neighborhood would be age restricted or have families. Kruetz responded it will not be age restricted but it will be a gated community. The parallel road will be public but the access roads to the homes will not be.*

*Salt asked about this Benchmark property that keeps being referenced. Rankin responded it's a approved mixed use commercial property that was approved about twelve months ago. Salt asked if the outparcels will be retail, doctors office, or fast food. The city will be looking for the highest best commercial use – an offering we do not already have. Kruetz responded that they aren't sure yet, we won't advertise for it yet until the project is approved but it will have to comply with C-2 standards which are available from the Planning and Zoning office.*

*Salt is also concerned about noise buffers during construction and privacy from the 3-story buildings.*

*Gail Smith of 1035 Incorvaia Way and I have mixed concerns. There may be 6 hundred to a thousand residents in this development and is seeking clarification that they will have an on site officer. Kruetz states they do background checks on potential renters – we do not rent to felons and your rent cannot*

*exceed a certain percentage of your income. We make one of the units available to a courtesy officers that gets a 50% reduction in rent to live on our property. Smith asks if the police department will be expanded to accommodate this increase of residents? Rankin responds that when cities expand they typically take on more public works and police employees and they would likely expand as needed.*

*Dicus asks if there will be a discount for EMS or fire as well. Kruetz responded there is a discount for EMS but it is a smaller one. The courtesy officer is desired to take care of situations before they escalate.*

*Chairman Goldberg closed public comments. Vice Chair Dicus asked how mail will be distributed. Kruetz responded that there will have a mail kiosk at the clubhouse. Vice Chair Dicus asked about the little brown buildings on the model. Kruetz responded that those are additional fee garages which will have a job opener. Vice Chair Dicus asked what the rules will be regarding campers and RVs. Kruetz responded that no oversized vehicles will be allowed to park in the development. They will not allow cars to be washed in the parking lot either. Vice Chair Dicus asked if the elevations are close to the projections and Kruetz responded yes. No more than 80 feet of frontage is uniform. Colors may change though. They want to be harmonious with the Benchmark property. Goldberg asked if they will have elevators, they are unsure at this point – but they cannot charge more if they do.*

*Salt asked about dog restrictions. Kruetz responded that there will be weight and breed restrictions but they may have more than one pet. DNA samples will be taken from dogs to know who isn't picking up after their pet. There will likely be two dog parks – one for bigger dogs and one for smaller.*

*Burch asked if the sewer and water will be available. Kruetz has stated that is their understanding that water is close and they would connect to that.*

*Vice Chair Dicus made the motion to approve the annexation, comp plan, rezoning, PUD, and Unity of Title and they need to deal with the water issue, seconded by Board member Burch. Passed unanimously.*

*Chairman Goldberg reminded everyone that this will be appear before City Commission again next week for any further public comment.*

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

Vice Chair Dicus hopes they'll take into consideration the concerns of the residents who were in attendance today and that it looks as beautiful as The Lofts. We want to continue that beautiful look all down 466A – high end and visually appealing.

Board Member Burch appreciates their attendance.

Chairman Goldberg thanks everyone for attending and their input is appreciated and reminded them to attend City Commission and for roads like Micro Racetrack Rd you need to contact the county as that road is not maintained by the city.

### **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: 7:19 PM**