



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 Shayna Grunewald Walter Birriel	<b>Others:</b> Michael Rankin, LPG, Interim Director Anita Geraci-Carver, City Attorney Sharon Williams, Administrative Manager Emily Church, Office Assistant
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**AGENDA**  
**PLANNING & ZONING BOARD**  
**May 16, 2024**  
**6:00 PM**

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- I. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
- II. **ROLL CALL:**
- III. **MEETING NOTES FROM PREVIOUS MEETING:** Meeting notes from February 15, 2024 included for review/comment.
- IV. **OLD BUSINESS:** NONE

**NEW BUSINESS:**

**A. Fruitland Hills Variance & Preliminary Plat**

The applicant is requesting preliminary plat approval and a variance from Chapter 164, Section 164.050 which requires each lot to have a minimum of 3 canopy trees for the Fruitland Hills Subdivision (FKA Gardenia East) for 46 single family detached units. Proposed development must be consistent with Ordinance 2018-010.

**B. Vacation of Dixie Blvd—Alternate Keys: 1431824 and 2764902**

The applicant is requesting the road vacation of that portion of Dixie Blvd adjacent to 706 and 708 S. Dixie (Lots 4, 5 and 6, Block D of First Addition to Dream Lake Subdivision) to allow contiguous use of the property lying on both sides of the road.

**BOARD MEMBERS' COMMENTS:**

**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:**



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<b>Board Members:</b> Al Goldberg, Chairman Daniel Dicus, Vice Chair Carlisle Burch Shayna Grunewald Walter Birriel	<b>Others:</b> Michael Rankin, LPG, Interim Director Sammie Minkoff, City Attorney Sharon Williams, Administrative Manager Emily Church, Office Assistant
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**MINUTES**  
**PLANNING & ZONING BOARD**  
**February 15, 2024**  
**6:00 PM**

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- I. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
- II. **ROLL CALL:** All board members were present
- III. **MEETING NOTES FROM PREVIOUS MEETING:** Meeting notes from December 21, 2023 included for review/comment were unanimously approved.
- IV. **OLD BUSINESS:** NONE

**NEW BUSINESS:**

**A. Thiele Micro Racetrack Rd Garage Major Site Plan**

A site plan submittal for a 24,000 square foot private garage allowed per Special Exception Use (Ordinance 2023-007). Conditions of the SEU include no outside storage, garage to be used solely for purpose of storage of property owner's personally owned vehicles, 40% building perimeter landscaping (3' minimum, average 5' with 1 canopy tree or 3 understory trees and 28 shrubs for every 350 SF of planting area), and connect to City sewer within 180 days after notice from the City. The maximum ISR is .70, maximum FAR is .50 f and a maximum building height of thirty-five (35) feet for the C-2 zoning district.

Christ Thompson of Z Development was present as the Applicant. There is only one outstanding item that needs addressed for Lake County Public Works as it relates to directional boring versus open digging for the utility line.

Vice Chair Dicus inquired what was needed within 180 days of notice from the City. Rankin responded that within 180 days of notice from the city that there is sew availability that they need to connect to it.

Motion to approve as presented made by Vice Chair Dicus and seconded by Board Member Grunewald. Unanimously approved.

**BOARD MEMBERS' COMMENTS:**

Chairman Goldberg will be absent from the March Planning & Zoning Meeting if held.

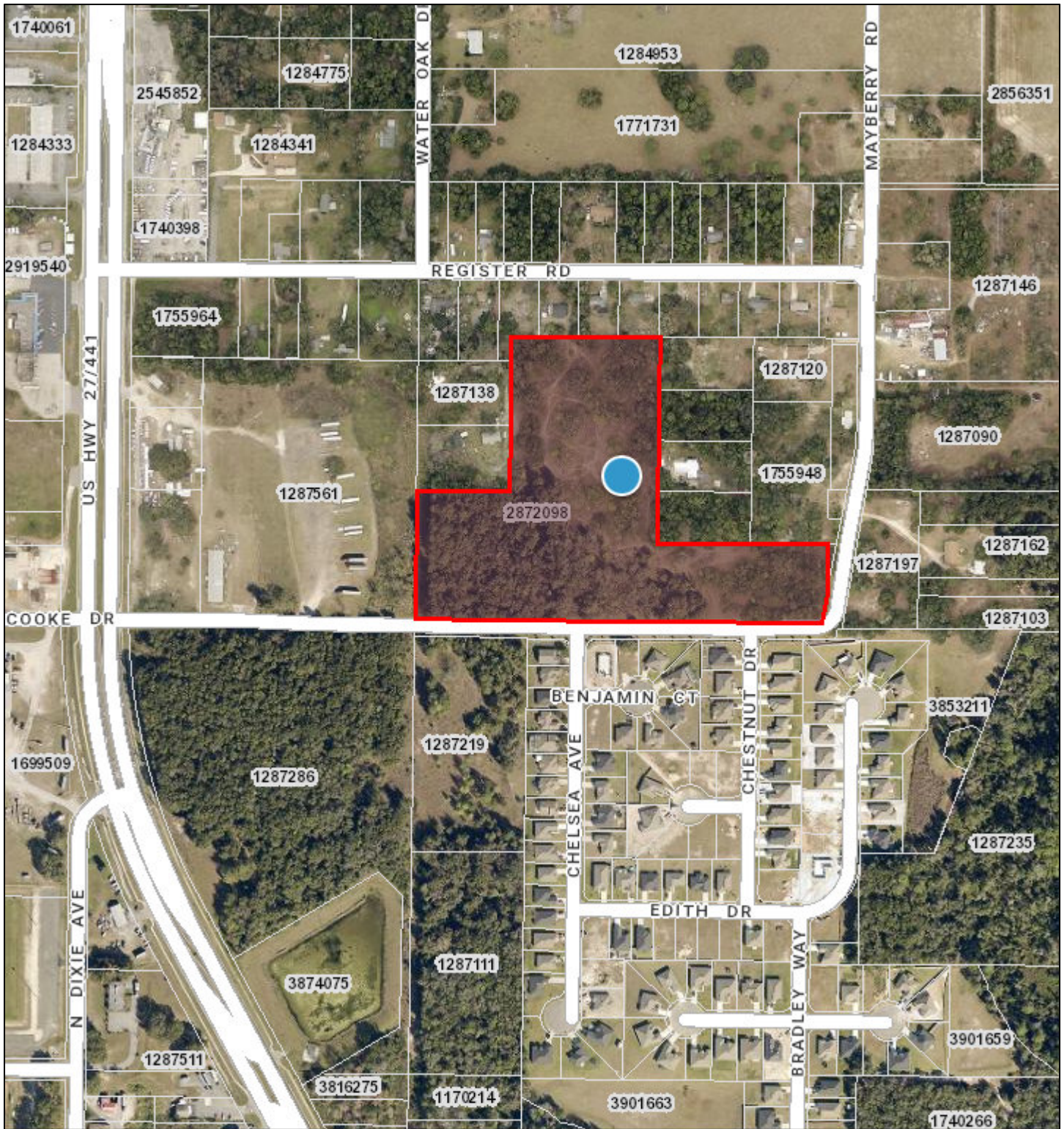
**PUBLIC COMMENTS:**

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: 6:09 PM**




# FRUITLAND PARK PSP LOCATION MAP





February 6, 2023





1:5,000

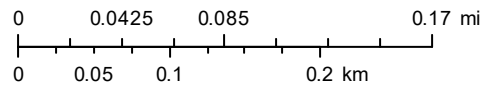
**pointLayer**

 Override 1

**polygonLayer**

 Override 1  
 County Boundary

 Surrounding Counties  
 Street Names  
 Local Streets 5K  
 Tax Parcels Alternate Key  
 Tax Parcels



Lake County Property Appraiser  
 Lake BCC

Return to:  
City Clerk  
City of Fruitland Park  
506 W. Berckman St.  
Fruitland Park, FL 34131

## RESOLUTION 2024-017

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING FOR LOTS 1-37, 45 - 46 A VARIANCE TO THE LAND DEVELOPMENT REGULATION (LDR) SECTION 164.050 WHICH REQUIRES EACH LOT TO INCLUDE A MINIMUM OF THREE CANOPY TREES WITH A MINIMUM HEIGHT OF 12-FEET AND 1 ½” DIAMETER AT BREAST HEIGHT AND INSTEAD SUBSTITUTE 1-CANOPY TREE AND 1-UNDERSTORY TREE WITHIN THE PROPOSED FRUITLAND HILLS SUBDIVISION OWNED BY MRSF1, LLC, PROVIDING FOR AN EXPIRATION DATE; PROVIDING FOR SCRIVENER’S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Gemini Land Development Inc. as applicant on behalf of the owner has petitioned for variances for property located at E of US Hwy 27/441, North of Register Road, West of Mayberry Road, in the City of Fruitland Park, Florida; and

**WHEREAS**, the applicant requests a variance to the following LDR requirement which requires a minimum of three canopy trees on a residential lot:

- Chapter 164, Section 164.050 Tree Requirements. No certificate of occupancy shall be issued by the City Manager or designee on new single family or duplex dwelling units unless the parcel has the minimum number of approved canopy trees.
- A minimum of three (3) canopy trees with a minimum of twelve (12) feet in height and a 1 1/2” DBH or existing approved canopy trees with an equal or greater height and DBH will be required per lot. Applicant shall submit landscape plans prior to issuance of building permit.
- For single family or duplex dwellings within a new subdivision, additional trees may be required pursuant to the 40% replacement requirements as stated within the tree removal permit. In such cases, the required number of replacement trees shall be divided by the number of lots approved for the subdivision. The resulting number shall be added to the minimum tree requirements for each lot.

**WHEREAS**, this request has met the public notice requirements set forth in Chapter 168 of the City of Fruitland Park Land Development Regulations; and

**WHEREAS**, the City Commission has considered the petition in accordance with standards for the granting of variances from landscaping requirements contained in Section 164.060 Chapter 164, City of Fruitland Park Land Development Regulations and

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

1. The City Commission has determined that the requirement of a minimum of three (3) canopy trees per lot on lots that are less than 6000 square feet is excessive or unreasonable due to unusual site restrictions.

2. The City Commission has further determined that the root zone of canopy trees is approximately 450 square feet and taking into consideration the lot size, building pad, and root zone, three canopy trees per lot is excessive.

3. The City Commission has further determined that the variance is consistent with the Comprehensive Plan for the City of Fruitland Park and Code, and will not adversely affect the public interest.

4. The variance will not adversely affect the public health, safety and general welfare of the citizens of the City of Fruitland Park.

5. The petition for variance filed by Gemini Land Development Inc. for property located at E of US Hwy 27/441, North of Register Road, West of Mayberry Road, in the City of Fruitland Park, Florida, more particularly described as:

**LEGAL DESCRIPTION: SEE EXHIBIT “A” attached hereto and incorporated herein.**

is **GRANTED** as follows:

1. Variance to Chapter 164, Section 164.050 Tree Requirements. In lieu of three canopy trees on proposed Lots 1-37, 45 and 46, Fruitland Hills, these lots must have one canopy tree (a minimum of 12-ft in height and 1 ½” DBH) and one understory tree (a minimum of 6-ft in height and ½” DBH).
2. Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original resolution or a certified copy of the resolution and attaching the correct legal description.
3. This variance shall become effective immediately on its approval and adoption by the City Commission of the City of Fruitland Park, Florida.

**PASSED AND RESOLVED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:  
Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

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

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

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

(SEAL)



**Exhibit "A"**  
LEGAL DESCRIPTION

DESCRIPTION - O.R. 1003, PAGE 1473

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST LINE OF SAID SECTION 3 THAT IS 914.4 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 3, RUN THENCE SOUTH ALONG SAID WEST LINE 405.6 FEET; THENCE EAST 274 FEET; THENCE NORTH 405.6 FEET; THENCE WEST 274 FEET TO THE POINT OF BEGINNING. ALSO BEGIN AT A POINT 274 FEET EAST OF THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; RUN THENCE EAST 101 FEET; THENCE NORTH 521 FEET; THENCE EAST 334 FEET; THENCE NORTH 341 FEET; THENCE WEST 435 FEET TO A POINT NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 862 FEET TO THE POINT OF BEGINNING. ALSO, THE SOUTH 258 FEET OF THE WEST 506 FEET OF THE EAST 611 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE WEST 334 FEET OF THE EAST 945 FEET OF THE SOUTH 521 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 3, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA. LESS THAT PART OF THE ABOVE-DESCRIBED PARCELS CONVEYED TO LAKE COUNTY BY DEED RECORDED IN OFFICIAL RECORDS BOOK 335, PAGE 586, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

ALSO:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 3, TOWNSHIP 19 SOUTH, RANGE 24 EAST, RUN NORTH 89°52'25" EAST 375.0 FEET FOR A POINT OF BEGINNING, THENCE NORTH 00°15'30" EAST 521.0 FEET, THENCE NORTH 89°52'25" EAST 5.73 FEET, THENCE SOUTH 00°27'55" WEST 521.0 FEET, THENCE WEST TO THE POINT OF BEGINNING.

THIS DEED IS MADE SUBJECT TO EASEMENTS AND RESERVATIONS OF RECORDS.

CONTAINING 13.447 ACRES, MORE OR LESS.



March 20, 2024

LPG Urban & Regional Planners, LLC  
ATTN: Sherie Lindh  
1162 Comp Avenue  
Mount Dora, FL 32757

Re: Fruitland Hills Subdivision  
Variance Request for Information  
Review Criteria Justification Letter

Subject: Fruitland Hills Subdivision Variance Request for Preliminary Plan  
Review Criteria Justification Letter

Dear Ms. Lindh,

We submitted a Variance Request Application to the City of Fruitland Park on February 29, 2024 along with supplemental required information. We since your email request dated March 18, 2024 requesting additional information as outlined in Chapter 168, Section 168.010(f). We have provided responses to the Review Criteria requested below in **bold**.

We would like to request a variance from the following:

1. Chapter 164, Section 164.090(6)(f)50 historical or specimen trees shall not be removed without the finding of the City Commission that the tree is a hazard or that it is not feasible to develop the site without removing the tree.

**Justification meeting the criteria set forth in s.168.010(f) is as follows: We are saving 6 historic trees and 8 specimen trees. The historic and specimen trees being proposed to be removed are within developable areas for roads, utilities, stormwater improvements, adverse grades or are unsafe.**

2. Chapter 164, Section 164.050, which requires each lot will require a minimum of three (3) canopy trees with a minimum of 12' in height and a 1 ½" DBH.

**Justification meeting the criteria set forth in s.168.010(f) is as follows: Per staff's recommendation, we are proposing that this requirement be intended for only the larger lots (Lots 38 through 44) and all other lots plant one (1) canopy tree and one (1) understory tree (a minimum of 6' and a ½" DBH) be planted in lieu of three (3) canopy trees due to the development footprint of the proposed building pads. An understory tree planted in the rear yard would provide shade, aesthetics, and should not interfere with the proposed building pad.**

## Review Criteria

When reviewing an application for a variance, the Planning and Zoning Board and the City Commission shall consider the following requirements and criteria:

- 1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;  
**The Applicant acknowledges and has provided documentation with the original variance application package (and included above) stating that certain conditions exist with regards to grading the site and placement of proposed building pads and infrastructure which is the reason for these variance requests.**

- 2) The special conditions and circumstances are not the results of actions of the applicant and/or registered property owner;

**The special conditions are not results of actions of the applicant or registered property owner. These conditions are imposed on the site plan and proposed infrastructure. All means have been taken to save as many trees existing trees as possible.**

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

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

**The variance, if granted, would allow construction of this property that is currently zoned PUD to include 46 single family homes, infrastructure, ponds, and recreational areas.**

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

**The variance, if granted, will not confer on the applicant any special privilege. This would allow construction of this property that is currently zoned PUD to include 46 single family homes, infrastructure, ponds, and recreational areas.**

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

**The variance, if granted, will be in harmony with the general intent and purpose of the current LDC. This would allow construction of this property that is currently zoned PUD to include 46 single family homes, infrastructure, ponds, and recreational areas.**

Should you have any questions or need additional information please contact me at 407-247-3581 or [nicole@geminild.com](mailto:nicole@geminild.com).

Best Regards,



Nicole C. Gargas  
Gemini Land Development, Inc.

c: Ryan Hinricher  
Bobby Johnson  
Emily Church  
Sharon Williams

Return to:  
City Clerk  
City of Fruitland Park  
506 W. Berckman St.  
Fruitland Park, FL 34131

## RESOLUTION 2024-XX

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAT APPROVAL OF FRUITLAND HILLS SUBDIVISION GENERALLY LOCATED EAST OF U.S. HIGHWAY 27/441, NORTH OF REGISTER ROAD AND WEST OF MAYBERRY ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Gemini Land Development Inc. as applicant on behalf of the owner has petitioned for preliminary plat approval of Fruitland Hills Subdivision consisting of a maximum of 46 residential dwelling units; and

**WHEREAS**, the subject property consisting of 13.44 +/- acres is zoned PUD and has a future land use of MFMD; and

**WHEREAS**, the Planning and Zoning Board and the City Commission have considered the application in accordance with Sec. 157.060(d) of the City of Fruitland Park Land Development Code and made recommendation to the City Commission; and

**WHEREAS**, the City Commission of the City of Fruitland Park has considered the application in accordance with the procedures for granting preliminary plan approval set forth in Sec. 157.060(d) of the City of Fruitland Park Land Development Code; and

**WHEREAS**, the City Commission finds that the Preliminary Plan for the Village at Lake Geneva is in compliance with the City's land development regulations.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1. Granting Preliminary Plan Approval.**

Approval of the Preliminary Plan for the Village at Lake Geneva, a copy of which is attached hereto, is **GRANTED**.

**Section 2. Effective Date.**

This resolution shall become effective immediately upon its passage.

**PASSED AND RESOLVED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:  
Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

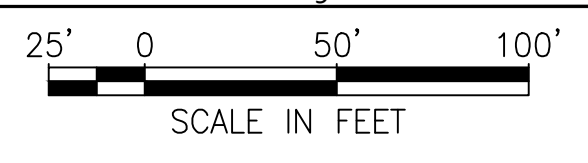
\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

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

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

(SEAL)

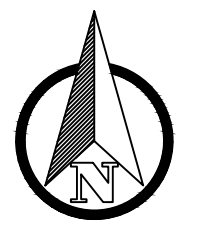




Key Map:

**LEGEND**

- PROPERTY LINE
- CENTER LINE
- RIGHT OF WAY
- ⑥ PARKING COUNT



**SITE DATA**

GENERAL	PROVIDED	REQUIRED
ZONING	PUD	
PROPOSED UNITS FOR THIS PSP	46 LOTS	
MINIMUM LOT SIZE	50'X100'	40'X100'
TOTAL GROSS ACRES	13.44 Ac.	
TOTAL RIGHT OF WAY DEDICATION	.22 Ac.	
ELECTRIC AND GAS EASEMENTS	.51 Ac.	
TOTAL DEVELOPABLE ACRES	12.71 Ac.	
TOTAL DEVELOPABLE DENSITY	3.62 DU/Ac.	
TOTAL STORMWATER PROVIDED	1.73 Ac.	
LIFT STATION TRACT	0.05 Ac.	
TOTAL OPEN SPACE PROVIDED	3.48 Ac.	3.36 Ac. 25% of TOTAL AC
PARK/OPEN SPACE	.81 Ac.	
LANDSCAPE BUFFER	1.29 Ac.	
POND TRACTS (50%)	.87 Ac.	
EASEMENT	.51 Ac.	
MAX. STRUCTURE HEIGHT	35'	35'
MINIMUM LIVING AREA	2600 S.F.	1200 S.F.

**PHASING**

THIS PROJECT WILL BE DEVELOPED IN ONE PHASE.

**MISCELLANEOUS**

POTABLE & REUSE WATER SERVICE:	CITY OF FRUITLAND PARK
WASTEWATER SERVICE:	CITY OF FRUITLAND PARK
STORMWATER MAINTENANCE WITHIN ROW:	CITY OF FRUITLAND PARK
STORMWATER POND MAINTENANCE:	HOA
ELECTRIC SERVICE:	CITY OF LEESBURG
FIRE PROTECTION:	LAKE COUNTY
SCHOOL AGE POPULATION:	46 UNITS x 0.431 = 20

**SETBACKS**

FRONT	20'
FRONT GARAGE	25'
SIDE: LOT	5'
SIDE: LOCAL ROADWAY	20'
REAR	10'
ACCESSORY STRUCTURES	5'

**DRAINAGE/UTILITY EASEMENTS**

FRONT	20'
SIDE	5'
REAR	10'

**PARKING**

2 SPACES PER UNIT	92 SPACES
STREET PARKING	7 PARALLEL & 4 STANDARD SPACES

**SIGNAGE**

SIGNAGE SHALL COMPLY WITH CITY OF FRUITLAND PARK DEVELOPMENT STANDARDS.

**LIGHTING**

LIGHTING SHALL COMPLY WITH CITY OF FRUITLAND PARK DEVELOPMENT STANDARDS.

**NOTES:**

- CONTRACTOR SHALL VERIFY FINAL BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS.
- ALL DIMENSIONS ARE TO FACE OF CURB, BUILDING FACE (OUTSIDE WALL OR VENEER), EDGE OR PAVEMENT (WHERE CURB IS NOT PRESENT), OR PROPERTY LINE, UNLESS OTHERWISE NOTED.
- REFER TO FDOT INDEX No. 17346 FOR STRIPING & MARKING DETAILS.
- REFER TO MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION) FOR SIGNAGE DETAILS.
- SIDEWALK LOCATIONS TO BE COORDINATED WITH ARCHITECT.
- THE SITE IS NOT WITHIN A FEMA FLOOD HAZARD AREA (FHA).
- THERE ARE NO WETLANDS ONSITE.



**RECREATION AREA EQUIPMENT**

NO.	DATE	DESCRIPTIONS:
4	2/27/24	Revised per City of FP TRC Comments
3	2/5/24	Revised per City of FP TRC Comments
2	1/8/24	Revised per City of FP TRC Comments
1	11/13/23	Revised per City of FP TRC Comments

**SUBMISSIONS/REVISIONS**

DATE:	09-13-23
VERTICAL DATUM:	NAVD88
JOB NO.:	23-005
DESIGNED BY:	NCG
DRAWN BY:	NCG
CHECKED BY:	RMJ
APPROVED BY:	NCG
SCALE (FT)	1" = 20'

**PRELIMINARY SUBDIVISION PLANS**

Jurisdiction:  
City of Fruitland Park, FL

**SITE & GEOMETRY PLAN**

Sheet No.  
C3.00

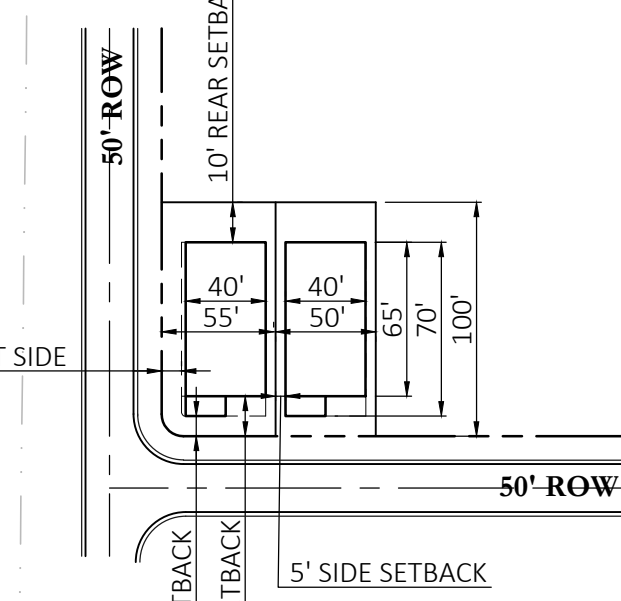
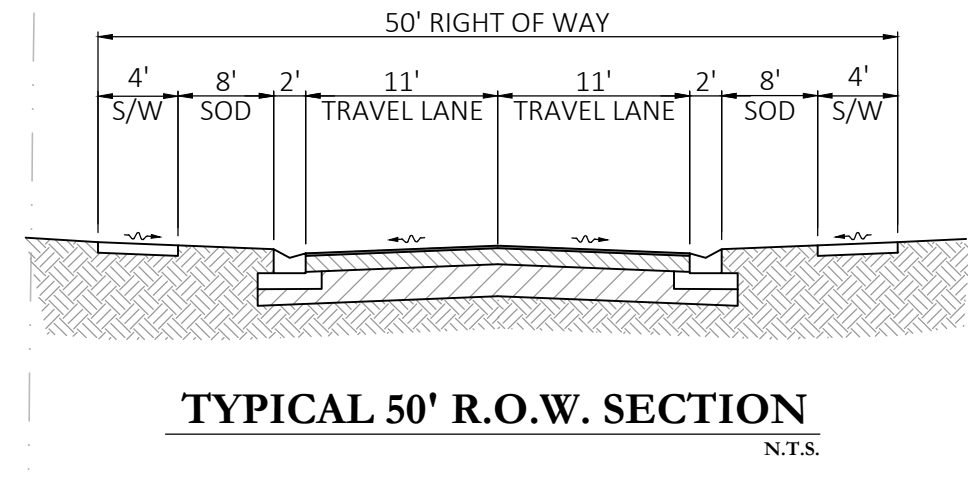
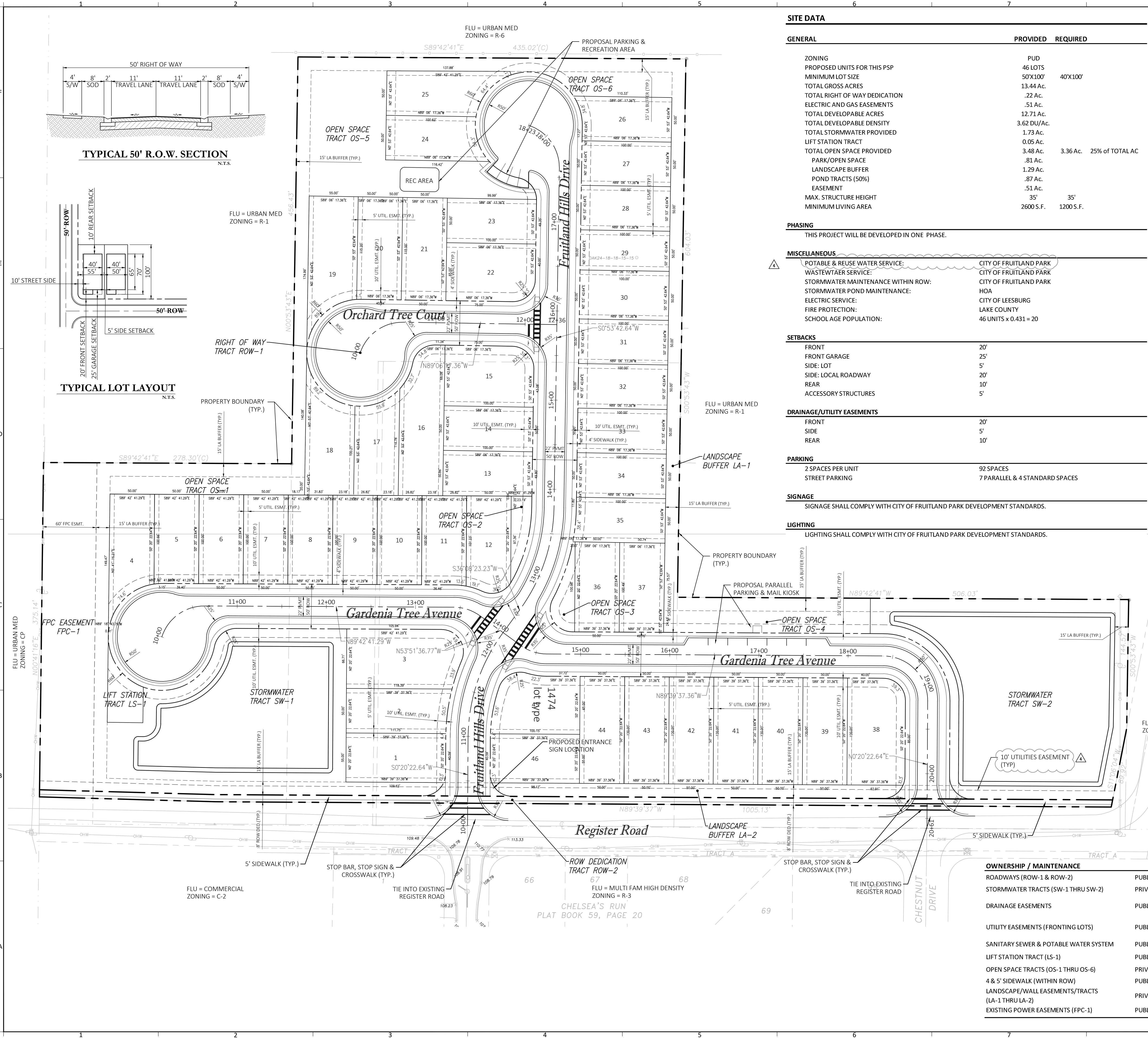


2875 S. Oran Avenue, Suite 500-3600  
Orlando, Florida 32806  
407.247.3581 www.geminiintl.com  
FBPE CA No. 36898

NOT FOR CONSTRUCTION UNLESS SIGNED AND SEALED

Robert M. Johnson, P.E.  
Registration No. 77677  
Date: 2/29/2024

Digital Signature - This item has been electronically signed and sealed by Robert M. Johnson, PE on the date indicated to the seal using a SNA authentication code.  
Non-Digital Signature - This item has been electronically signed and sealed by Robert M. Johnson, PE on the date indicated here using a SNA authentication code.  
Printed copies of this document are not considered signed and sealed and the SNA authentication code must be verified on any electronic copies.



P:\23-005 GARDENIA EAST\CAD\PRELIMINARY\PS\23005-SSP-SSP



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

**PRELIMINARY PLAN/PLAT AND VARIANCE**

**Owner:** MRSF1 LLC

**Applicant:** Nicole Gargas, Gemini Land Development, Inc.

**General Location:** E of US Hwy 27/441, N of Register Rd, W of Mayberry Rd

**Number of Acres:** 13.44 ± acres

**Existing Zoning:** PUD

**Existing Land Use:** Multi-Family Low Density (4-8 units/acre)

**Date:** March 20, 2024

**Description of Project**

The applicant is requesting preliminary plat approval and a variance from Chapter 164, Section 164.050 which requires each lot to have a minimum of 3 canopy trees for the Fruitland Hills Subdivision (FKA Gardenia East) for 46 single family detached units. Proposed development must be consistent with Ordinance 2018-010.

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	R-6	Lake County Urban Medium (12 units/net acre)
<b>South</b>	R-3	City MF High Density
<b>East</b>	R-1	Lake County Urban Medium and Lake County Urban Low (4 units/net acre)
<b>West</b>	CP and R-1	Lake County Urban Medium

**Assessment**

The revised tree removal data submitted on Sheet L-1 indicates tree removal of 220 trees which includes 5 historic trees (36" or greater) and 17 specimen trees (24" to 35"). The applicant is saving 6 historic trees and 8 specimen trees. Pursuant to Chapter 164, Section 164.090(6)(f) historical or specimen trees shall not be removed without the finding of the City Commission that the tree is a hazard or that it is not feasible to develop the site without removing the tree. The applicant indicates that the historic and specimen trees being removed are within

developable areas for roads, utilities, stormwater improvements, adverse grades or are unsafe and are proposed for removal.

The applicant is requesting a variance from Chapter 164, Section 164.050, which requires each lot will require a minimum of three (3) canopy trees with a minimum of 12' in height and a 1 ½" DBH. The applicant is proposing that this requirement be for only the larger lots (Lots 38 through 44) and all other lots plant one (1) canopy tree due to the development footprint. Based on staff's experience, the root zone for canopy trees is approximately 450 square feet and the root zone for understory trees is approximately 150 square feet. Should the City Commission approve a lesser tree planting, staff would recommend that one (1) canopy tree and one (1) understory tree (a minimum of 6' and a ½" DBH) be planted in lieu of three (3) canopy trees. An understory tree planted in the rear yard would provide shade, aesthetics, and should not interfere with the proposed building pad.

The applicant has submitted the following in response to the review criteria for variances.

f) Review Criteria

When reviewing an application for a variance, the Planning and Zoning Board and the City Commission shall consider the following requirements and criteria:

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

***The applicant acknowledges and has provided documentation with the original variance application package (and included above) stating that certain conditions exist with regards to grading the site and placement of proposed building pads and infrastructure which is the reason for these variance requests.***

- 2) The special conditions and circumstances are not the results of actions of the applicant and/or registered property owner;

***The special conditions and circumstances are not the results of actions of the applicant and/or registered property owner.***

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

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

***The variance, if granted, would allow construction of this property that is currently zoned PUD to include 46 single family homes, infrastructure, ponds, and***

***recreational areas.***

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

***The variance, if granted, will not confer on the applicant any special privilege. This would allow construction of this property that is currently zoned PUD to include 46 single family homes, infrastructure, ponds, and recreational areas.***

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

***The variance, if granted, will be in harmony with the general intent and purpose of the current LDC. This would allow construction of this property that is currently zoned PUD to include 46 single family homes, infrastructure, ponds, and recreational areas.***

**Recommendation**

---

The applicant has revised the proposed tree removal and has made efforts to save approximately 50% of the historic and specimen trees onsite.

Chapter 164, Section 164.050 does not take into account the size of lots as it was written to address the typical single family minimum lot size of 8,000 to 10,000 square feet per the zoning regulations of Chapter 154. As outlined above, the root zone of canopy trees is approximately 450 square feet and the root zone of understory trees is approximately 150 square feet. Taking into consideration the lot size, building pad, and root zone, staff would recommend that the smaller lots provide one (1) canopy tree and one (1) understory tree in lieu of three (3) canopy trees.

Staff recommends approval of the preliminary plat subject to approval by the City Commission of the removal of the historic and specimen trees and variance request.

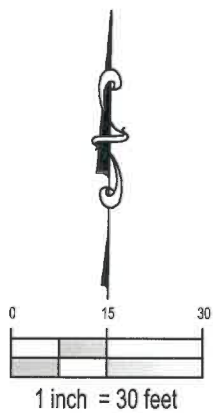
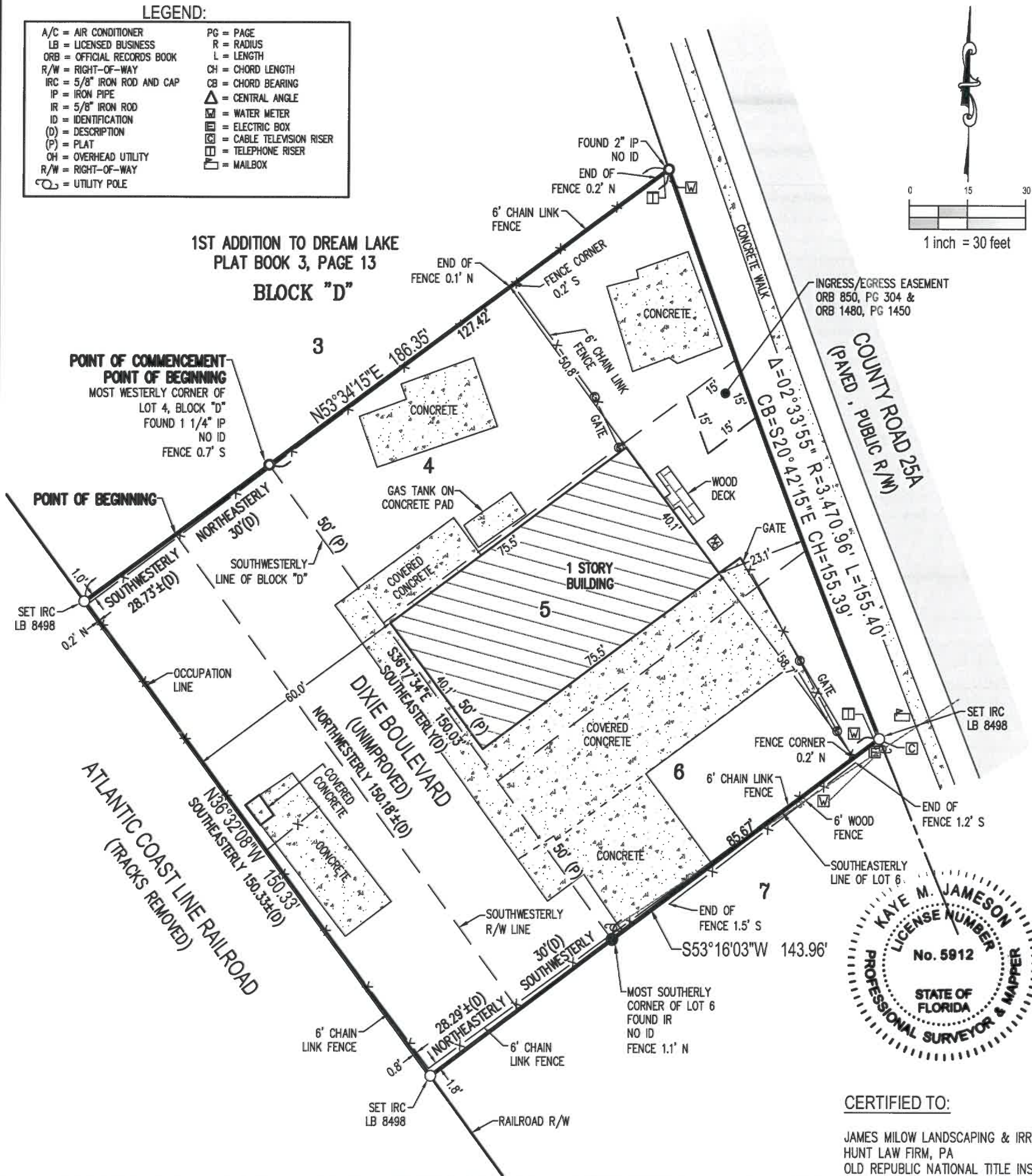


DRAWING NAME: S: SURVEY NEW SURVEY VILLAGES PROJECTS SUBDIVISIONS DREAM LAKE LOTS 5 & 6 PORTION OF 4 (ALL 2/26/2024) BOUNDARY SURVEY AND TOPOGRAHY LOW BIDDING - 1: TRACT 5/10/2024 11:18 PM BY: HUGST

**LEGEND:**

A/C = AIR CONDITIONER	PG = PAGE
LB = LICENSED BUSINESS	R = RADIUS
ORB = OFFICIAL RECORDS BOOK	L = LENGTH
R/W = RIGHT-OF-WAY	CH = CHORD LENGTH
IRC = 5/8" IRON ROD AND CAP	CB = CHORD BEARING
IP = IRON PIPE	Δ = CENTRAL ANGLE
IR = 5/8" IRON ROD	⊠ = WATER METER
ID = IDENTIFICATION	⊠ = ELECTRIC BOX
(D) = DESCRIPTION	⊠ = CABLE TELEVISION RISER
(P) = PLAT	⊠ = TELEPHONE RISER
OH = OVERHEAD UTILITY	⊠ = MAILBOX
R/W = RIGHT-OF-WAY	
⊠ = UTILITY POLE	

**1ST ADDITION TO DREAM LAKE  
PLAT BOOK 3, PAGE 13  
BLOCK "D"**



**LEGAL DESCRIPTION (AS SURVEYED)**

LOTS 4, 5 AND 6, BLOCK "D", 1ST ADDITION TO DREAM LAKE SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 13, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

THAT PORTION OF DIXIE BOULEVARD WITHIN THE PLAT OF FIRST ADDITION TO DREAM LAKE SUBDIVISION, IN THE CITY OF FRUITLAND PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 13, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING ADJACENT TO LOTS 4, 5 AND 6, BLOCK "D" OF SAID PLAT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST WESTERLY CORNER OF LOT 4, BLOCK "D" OF AFORESAID PLAT OF FIRST ADDITION TO DREAM LAKE SUBDIVISION; THENCE RUN SOUTHEASTERLY ALONG THE SOUTHWESTERLY BOUNDARY OF AFORESAID LOTS 4, 5 AND 6, BLOCK "D" TO THE MOST SOUTHERLY CORNER OF LOT 6; THENCE RUN SOUTHWESTERLY ALONG THE EXTENSION OF THE SOUTHEASTERLY LINE OF LOT 6 A DISTANCE OF 30 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF DIXIE BOULEVARD; THENCE ALONG SAID RIGHT-OF-WAY LINE RUN NORTHWESTERLY TO A POINT ON THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF AFORESAID LOT 4; THENCE ALONG SAID EXTENSION OF THE NORTHWESTERLY LINE OF LOT 4 RUN NORTHEASTERLY 30 FEET TO THE POINT OF BEGINNING.

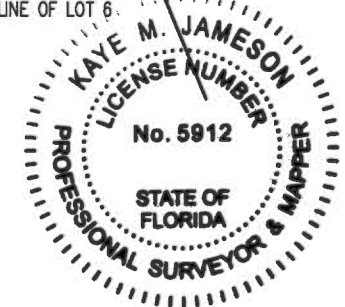
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A STRIP OF LAND LYING WITHIN SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST WESTERLY CORNER OF LOT 4, BLOCK "D", FIRST ADDITION TO DREAM LAKE SUBDIVISION IN THE CITY OF FRUITLAND PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 13, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT 4 RUN SOUTHWESTERLY 30 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF DIXIE BOULEVARD AS SHOWN ON AFORESAID PLAT FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWESTERLY ALONG SAID EXTENSION LINE 28.73 FEET, MORE OR LESS, TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE FORMER ATLANTIC COAST LINE RAILROAD; THENCE ALONG SAID RAILROAD RIGHT-OF-WAY LINE RUN SOUTHEASTERLY 150.33 FEET, MORE OR LESS, TO THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF LOT 6, BLOCK "D" OF AFORESAID DREAM LAKE SUBDIVISION; THENCE ALONG SAID EXTENSION LINE RUN NORTHEASTERLY 28.29 FEET, MORE OR LESS, TO THE AFORESAID WESTERLY RIGHT-OF-WAY LINE OF DIXIE BOULEVARD; THENCE ALONG SAID RIGHT-OF-WAY LINE RUN NORTHWESTERLY 150.18 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**SURVEY NOTES:**

1. THIS IS A BOUNDARY SURVEY AS DEFINED IN CHAPTER 5J-17.050 (11) FLORIDA ADMINISTRATIVE CODE.
2. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE NORTH AMERICAN DATUM (NAD) OF 1983 WITH 2011 ADJUSTMENT. AS A REFERENCE FOR THIS SURVEY, THE NORTHWESTERLY LINE OF LOT 4, BLOCK "D" HAS A BEARING OF N53°34'15"E.
3. LEGAL DESCRIPTION WAS PREPARED BY THIS FIRM.
4. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 12069C 0.06E AND 12069C 0307E, LAKE COUNTY, FLORIDA, EFFECTIVE DATE OF DECEMBER 18, 2012, THE PROPERTY DESCRIBED HEREON LIES WITHIN ZONE "X". FLOOD ZONES HAVE BEEN SCALED AND DEPICTED HEREON.
5. THIS SURVEY WAS PREPARED WITH BENEFIT OF A TITLE OPINION LETTER PREPARED BY HUNT LAW FIRM, P.A., DATED MAY 10, 2024.
6. UNDERGROUND UTILITIES AND FOUNDATIONS WERE NOT LOCATED.
7. THIS SURVEY MAP AND REPORT (IF APPLICABLE) OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (IF A HARD COPY), OR THE ADOBE PDF CONTAINING THE ELECTRONIC SIGNATURE HAS NOT BEEN VALIDATED TO BE THE ORIGINAL SIGNED AND SEALED VERSION (IF AN ELECTRONIC FILE). IF AN ELECTRONIC FILE, PRINTED COPIES OF THE SURVEY MAP ARE NOT CONSIDERED TO BE A VALID SIGNED AND SEALED COPY.



**CERTIFIED TO:**

JAMES MILOW LANDSCAPING & IRRIGATION, LLC  
HUNT LAW FIRM, PA  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

*Kaye M. Jameson* 5/10/24  
KAYE M. JAMESON FLORIDA LICENSED SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 5912

JOB NO. S01023.04100	SURVEY DATE: 04/09/2024
DRAWN BY: JH	BOOK/PAGE V23-76/49-51
CLIENT: MILOW	REVISIONS
ATTORNEY COMMENTS	DATE
JH	5/10/2024
JH	5/10/2024

**BOUNDARY SURVEY  
1ST ADDITION TO DREAM LAKE SUBDIVISION  
SECTION 9-19-24, LAKE COUNTY, FLORIDA**







## Hunt Law Firm, P.A.

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601 S 9<sup>TH</sup> Street • Leesburg, FL 34748 • PH (352) 365-2262 • FX (352) 365-1928 • info@huntlawpa.com

May 10, 2024

City of Fruitland Park  
City Commissioners  
City Hall  
506 Berkman Street  
Fruitland Park, FL 34731

RE: Vacation of Dixie Blvd – Revised Title Opinion Letter

Dear Sir or Madam:

We have reviewed Property Information Report 1463423 A5 (the "Title Search Report"), prepared by Old Republic National Title Insurance Company issued through Attorneys' Title Fund Services, LLC (the "Underwriter") in relation to certain real property located in Lake County, Florida, more particularly described on Exhibit "A" attached hereto (the "Property").

In connection therewith the Title Search Report provides that the chain of title has been reviewed through February 13, 2024 ("Effective Date"). As of the Effective Date, title to the Property was vested in **Rose M. Bowersox, as Trustee of The Richard P. Bowersox Trust dated December 4, 2008 and Rose M. Bowersox, as Trustee of The Rose M. Bowersox Trust dated December 4, 2008, and Michael P. Lepera and Denise F. Lepera pursuant to the documents recorded in O.R. Book 1246, Page 1039; O.R. Book 1480, Page 1450; O.R. Book 3712, Page 2282; O.R. Book 3712, Page 2288; and \*\*\*\***, Public Records of Lake County, Florida.

As of the Effective Date, the Property is encumbered by the following:

1. All matters contained on the Plat of 1ST Addition to Dream Lake Subdivision, as recorded in Plat Book 3, Page 13, Public Records of Lake County, Florida.
2. Easement contained in Deed recorded in O.R. Book 850, Page 304, Public Records of Lake County, Florida.
3. General or special taxes and assessments required to be paid for the year(s) 2024.



The opinions are limited to the matters expressly stated herein, and no opinion is implied or may be inferred beyond the matters expressly stated.

The opinions as expressed in this letter are rendered as of February 13, 2024, at 11:00 P.M. and are based on existing law which is subject to change.

In the examination, both the Underwriter and the undersigned have assumed the genuineness of all signatures, the authenticity of all documents submitted to us as originals, the conformity to the original of all documents submitted to us as certified, photostatic or confirmed copies, and the authenticity of the originals of all such latter documents. In addition, as to certain matters, we may have relied on certificates from various state authorities and public officials. We assume the accuracy of the factual and legal matters contained therein.

The opinions expressed in this letter are given solely for the benefit of addressee in connection with the property described in Exhibit "A" filed with Lake County and may not be relied upon by any other party for any other purpose without prior written consent.

Sincerely,



Ashley S. Hunt, Esq.



EXHIBIT A

LOTS 4, 5 AND 6, BLOCK "D", 1ST ADDITION TO DREAM LAKE SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 13, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

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AND

A STRIP OF LAND LYING WITHIN SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**Excavation Site Clear**

To: MIKE LEPERA

04/04/2024, 03:19 PM

Email: TROPICALMAINT@AOL.COM

Below lists utilities that were stasured by USIC as Excavation Site Clear.

Please note there may be other Utilities which include private facilities that may be present in the work area and are NOT the responsibility of USIC to locate or mark.

**Follow all Federal, State, and Local Laws.**

<u>Ticket Number</u>	<u>Address</u>
095405135	706 - 708 S DIXIE AVE

<u>Utility</u>	<u>Locate Date/Time</u>	<u>Ticket Status</u>
Comcast Cab	04/04/2024, 03:16 PM	Excavation Site Clear
Lumen Tel	04/04/2024, 03:16 PM	Excavation Site Clear

You are receiving this notification because your contact information is listed on the above ticket from the One Call System. If you have any questions regarding this notification, please contact USIC at 1-800-762-0592 or reply to this email TicketNotification@usiclcc.com.

## RESOLUTION 2024-019

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, VACATING CERTAIN RIGHTS OF WAY SHOWN ON THE PLAT OF 1<sup>ST</sup> ADDITION TO DREAM LAKE SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 13, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND WITHIN PROPERTY LOCATED IN SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST WITHIN THE CITY OF FRUITLAND PARK; VESTING OF TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission is empowered pursuant to §166.042, *Florida Statutes*, and Sec. 157.060 of the Land Development Code to vacate public rights of ways within its municipal boundaries; and

**WHEREAS**, Section 157.050 h) of the City Land Development Code provides that right-of-way vacation requests are to be considered by the Planning and Zoning Board and City Commission in accordance with F.S. ch. 336, which governs right-of-way vacations; and

**WHEREAS**, a platted right of way known as Dixie Boulevard (unimproved) exists adjacent to Lots 4, 5, and 6, Block "D" of the Plat of First Addition to Dream Lake Subdivision, recorded in Plat Book 3, Page 13, Public Records of Lake County, Florida; and

**WHEREAS**, the platted right of way is not needed by other properties for access; and

**WHEREAS**, the City desires to utilize the right of way for public use; however, it desires to vacate the right-of-way for purposes of access from or to other properties; and

**WHEREAS**, the City Commission of the City of Fruitland Park, Florida, has determined that the right-of-way described herein below, is not needed for public access use and convenience, now or in the future, and it is in the public interest to abandon the same as a right-of-way so that the right-of-way can be utilized for other purposes; and

**WHEREAS**, the Planning and Zoning Board considered the petition to vacate right of way at a public hearing and made a recommendation to City Commission; and

**WHEREAS**, this Ordinance has been properly noticed as provided for in . F.S. ch. 336.

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

**Section 1: Vacation.**

The right-of-way as described and depicted in Exhibit A attached hereto is hereby closed and vacated as a public right-of-way.

**Section 2: Vesting of title.**

Title to said vacated rights-of-way shall vest in accordance with law.

**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: Conflict.**

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

**Section 5: 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.

**Section 6: Effective Date.**

This Ordinance shall become effective immediately upon its approval and adoption by the City Commission of the City of Fruitland Park.

PASSED AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2024, by the City Commission of the City of Fruitland Park, Florida.

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

\_\_\_\_\_  
CHRIS CHESHIRE, MAYOR

SEAL

ATTEST:

\_\_\_\_\_  
ESTHER COULSON, CITY CLERK

Mayor Cheshire \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

Vice Mayor DeGrave \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

Commissioner Gunter \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

Commissioner Mobilian \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

Commissioner Bell \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

Approved as to form:

---

Anita Geraci-Carver, City Attorney



**EXHIBIT A**

**Boundary Survey  
(attached)**

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

**ROAD VACATION REQUEST**

**Owner:** Richard P Bowersox Trustee, et al

**Applicant:** Hunt Law Firm, P.A., Ashley Hunt

**General Location:** West of S. Dixie Ave (CR 25A) and south of Palm St.

**Number of Acres:** 0.10 ± acres

**Date:** April 24, 2024

**Description of Project**

The applicant is requesting the road vacation of Dixie Blvd. adjacent to Lots 4, 5 and 6, Block D of First Addition to Dream Lake Subdivision. The applicant has submitted a title opinion and evidence that the 2023 taxes have been paid.

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	C-1	Commercial (70% ISR/0.50 FAR)
<b>South</b>	C-1	Commercial (70% ISR/0.50 FAR)
<b>East</b>	C-1	Commercial (70% ISR/0.50 FAR)
<b>West</b>	PUD	SF Medium Density

**Assessment**

The road is part of an existing plat known as First Addition Dream Lake (PB 3, Page 13). Review of available data indicates that the roadway has never been open/improved. The existing right of way is adjacent to existing commercial development to the east, to the west is vacant and review of the existing plat, indicates that it was a part of the former railroad right of way, adjacent to this area is owned by CSX, a former railroad.

The standards for review of the right of vacation request that should be considered are as follows:

1. Is the roadway to be vacated currently being used for the provision of public utilities, or do current or future plans call for utilities to be constructed in the vicinity of the property which is encumbered by the roadway and will vacation of such roadway in any way interfere with such utilities or utility plans.

***The applicant has submitted evidence that existing utility providers (i.e., cable, gas, electric, etc.) have no objection to the proposed roadway vacation. Further, the city has no utilities within the right of way.***

2. Does the roadway to be vacated affect the ownership or right of access of persons owning other parts of the subdivision.

***The proposed partial roadway to be vacated does provide right of access to others owning other parts of the subdivision; however, the roadway has never been open. It also appears that a portion of the existing CSX right of way may cross a portion of Dixie Blvd. in this area. The adjacent lots have direct access to S. Dixie Avenue which provides access to the subject property and adjacent properties.***

3. Has any affected property owner objected to the vacation petition.

***The applicant has not submitted any evidence that the other effected property owners would not object to the proposed vacation request. Please submit the requested evidence.***

## **Recommendation**

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Please submit evidence that effected property owners have no objection to the proposed roadway vacation.