

**FRUITLAND PARK LOCAL PLANNING AGENCY MEETING  
AGENDA**

**October 10, 2019**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, Florida 34731

**As soon as practical at 6:15 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** (city clerk)  
August 22, 2019 LPA meeting
- 4. Ordinance 2003-004, LPA School Board Designee Discussion** (city manager/city attorney)  
Designate a school board district representative on the Local Planning Agency as a non-voting board member addressed at the September 26, 2019 city commission and Planning and Zoning Board joint workshop meeting.

**QUASI-JUDICIAL PUBLIC HEARING**

- 5. Quasi-Judicial Public Hearing – First Reading - Ordinance 2019-008 Boundary Amendment (Soccer Field) – Petitioner: City of Fruitland Park** (city attorney/city manager/community development director)  
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 6.69 ± ACRES OF LAND GENERALLY LOCATED WEST OF U.S. HIGHWAY 441, ON THE NORTH SIDE OF SHILOH STREET, AND WEST OF DIXIE 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 SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

**6. Quasi-Judicial Public Hearing – First Reading - Ordinance 2019-009 Comprehensive Plan (Soccer Field) – Petitioner: City of Fruitland Park**  
(city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2007-033 WHICH ASSIGNED A FUTURE LAND USE DESIGNATION OF INSTITUTIONAL; PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM URBAN TO INSTITUTIONAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 6.69 ± ACRES OF PROPERTY GENERALLY LOCATED WEST OF U.S. HIGHWAY 441, ON THE NORTH SIDE OF SHILOH STREET, AND WEST OF DIXIE AVENUE; DIRECTING THE CITY CLERK 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 AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**7. Quasi-Judicial Public Hearing – First Reading - Ordinance 2019-007 Rezoning – Public Facilities District (Soccer Field) - Scrivener's Errors – Petitioner: City of Fruitland Park**  
(city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 6.69 ± ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM R-2 TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**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 Local

Planning Agency 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 Local Planning Agency. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the Local Planning Agency addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**9. OTHER BUSINESS**

**10. ADJOURNMENT**

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.) If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.**

**FRUITLAND PARK LOCAL PLANNING AGENCY  
DRAFT MEETING MINUTES**

**August 22, 2019**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, Florida 34731

**6:15 p.m.**

A regular meeting of the Fruitland Park Local Planning Agency was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 22, 2019 at 6:15 p.m.

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

**Also Present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver; Police Chief Erik Luce; Interim Fire Chief Donald Gilpin; Deputy Fire Chief Tim Yoder, and Firefighter Brandon Cutter, Fire Department; Public Works Director Dale Bogle; Community Development Director Tracy Kelley; City Treasurer Jeannine Racine and City Clerk Esther B. Coulson.

**1. CALL TO ORDER**

ACTION: 6:03:00 PM Mayor Cheshire called the meeting to order.

**2. ROLL CALL**

ACTION: 6:02:58 PM At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

**3. APPROVAL OF MINUTES**

July 25, 2019 LPA meeting minutes.

ACTION: 6:03:12 PM **On motion of Commissioner Bell, seconded by Commissioner Mobilian an unanimously carried, the LPA approved the July 25, 2019 minutes as submitted.**

**4. Quasi-Judicial Public Hearing – First Reading - Ordinance 2019-003 – Rezoning – Petitioner: Leesburg Fruit Company Rufus M. Holloway, Trustee/Holloway Properties, Inc.**

At Mayor Cheshire's request, Ms. Geraci-Carver read into the record proposed Ordinance 2019-003, the substance of which is as follows and called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF  
FRUITLAND PARK, FLORIDA, REZONING 177 ± ACRES OF  
PROPERTY GENERALLY LOCATED SOUTH OF URICK STREET  
AND EAST OF CR 468 FROM COMMERCIAL PLANNED UNIT  
DEVELOPMENT (CPUD) TO MIXED USE PLANNED UNIT  
DEVELOPMENT (MUPUD), WITHIN THE CITY LIMITS OF  
FRUITLAND PARK; APPROVING A MASTER DEVELOPMENT

AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on September 5, 2019.)

After Ms. Geraci-Carver administered the oath of office to Messrs. Greg A. Beliveau, LPG Urban and Regional Planners Inc. and later to Ted Wicks, Wicks Engineering, on behalf of the applicant, and Dan Tatro, Grizzard Commercial Real Estate Group, who testified at this evening's meeting.

Mr. Beliveau described the subject project (annexation of real property approved by the city on January 14, 2016) and noted the existing uses as an amendment to the existing PUD outlined in the subject proposed ordinance. He relayed the recommendation of approval at the August 15, 2019 Planning and Zoning (P&Z) Board and the applicant's request for clarification to the language cited under subsections 9.d. and 9.e., site access and transportation improvements of the proposed master development agreement.

After extensive discussions, Mr. Wicks assured the dedication of the roadways when the applicant files for the record plat in the public records before the city commission in the development phases where the roadways would be transferred to the city subject to the two-year maintenance.

Vice Mayor Gunter disclosed that he recently viewed the subject property's location.

After discussion and there being no comments from the public, **by unanimous consent, Mayor Cheshire closed the public hearing.**

**ACTION: 6:03:25 PM A motion was made by Commissioner Bell and seconded by Commissioner Mobilian that the local planning agency recommend the approval of proposed Ordinance 2019-003 as previously cited with the following:**

- **revise the language under subsections 9.d. and 9.e., Site Access and Transportation Improvements under the master development agreement;**
- **dedicate the affected local roadways (as long as they are not private) to be developed according to the City of Fruitland Park's specifications provided that no service vehicles use the local roadways and sidewalks once transferred to the city, and**
- **for the applicant to meet the requirements of the maintenance bond.**

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

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**5. PUBLIC COMMENTS**

There were no comments from the public at this time.

ACTION: 6:24:40 PM No action was taken.

**6. OTHER BUSINESS**

There was no other business to come before the LPA at this time.

ACTION: 6:24:53 PM No action was taken.

**7. ADJOURNMENT**

**The meeting adjourned at 6:25 p.m.**

The minutes were approved at the October 10, 2019 meeting.

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

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

**ORDINANCE 2003-004**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; AMENDING CHAPTER 152, SECTION 152.110 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF FRUITLAND PARK TO PROVIDE FOR A REPRESENTATIVE FROM THE LAKE COUNTY SCHOOL DISTRICT AS A NON-VOTING MEMBER ON THE CITY OF FRUITLAND PARK'S LOCAL PLANNING AGENCY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, recent amendments to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. 163.3161, et seq.) require that a representative from the Lake County School District serve as a non-voting member on the City of Fruitland Park's Local Planning Agency; and

**WHEREAS**, the City Commission of the City of Fruitland Park desires to make the necessary amendments to the Land Development Regulations to authorize a representative from the Lake County School Board to serve as a non-voting member on the City's Local Planning Agency; and

**WHEREAS**, the City Commission desires that the School Board approve the School Board member from District #2 (Fruitland Park's district) as the School Board's representative on the Local Planning Agency.

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

**SECTION 1.** Chapter 152, Section 152.110 of the Land Development Regulations of the City of Fruitland Park is hereby amended to read as follows:

**Section 152.110: LOCAL LAND PLANNING AGENCY**

Designation and establishment of Local Land Planning Agency. Pursuant to, and in accordance with Section 163.3174, Florida Statutes (the Local Government Comprehensive Planning Act of 1975) the City Commission is hereby designated and established as the Local Planning Agency for the incorporated territory of the city. Additionally, the Local Planning Agency shall include one (1) non-voting representative of the Lake County School District appointed by the Lake County School Board.

a) Public Meetings and Records.

All meetings of the Local Planning Agency shall be public meeting and all agency records shall be public records. The Local Planning Agency shall encourage public participation.

b) Appropriation of Funds.

The City Commission shall appropriate funds at its discretion to the Local Planning Agency for expenses necessary in the conduct of its work. The Local Planning Agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, expend all sums appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the City Commission.

c) Powers and Duties.

The Local Planning Agency, in accordance with the Local Government Comprehensive Planning Act of 1975, Section 163.3161 through 163.3111, Florida Statutes shall:

- 1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.
- 2) Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
- 3) Recommend the comprehensive plan or elements or portions thereof to the City Commission for adoption.
- 4) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Commission such changes in the comprehensive plan as may be required from time to time.

**SECTION 2.** All ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3.** The provisions of this ordinance are intended to be incorporated into the Land Development Regulations of the City of Fruitland Park, Florida and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.



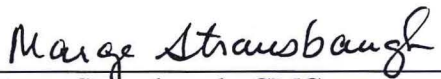
**SECTION 4.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

**SECTION 5.** This ordinance shall be effective upon passage.

**PASSED AND ORDAINED** this 24<sup>th</sup> (m) day of April (m), 2003 by the City Commission of the City of Fruitland Park, Florida.

  
WILLIAM R. WHITE, MAYOR

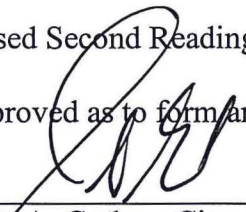
ATTEST:

  
Marge Strausbaugh, CMC,  
City Clerk

Passed First Reading 3-27-03

Passed Second Reading 4-24-03 (m)

Approved as to form and legality:

  
Scott A. Gerken, City Attorney



**ORDINANCE 2019-008**

**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 6.69 ± ACRES OF LAND GENERALLY LOCATED WEST OF U.S. HIGHWAY 441, ON THE NORTH SIDE OF SHILOH STREET, AND WEST OF DIXIE 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 SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in Ordinance 2007-032 the City Commission approved annexation and rezoning of a parcel of real property owned by the City of Fruitland Park; however, the annexation was not recognized by Lake County due to an error in the legal description;

**WHEREAS**, the required notice of the proposed annexation has been properly published and provided to the Lake County Board of County Commissioners; and

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

**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 6.64 acres of land generally located west of U.S. Highway 441, north of Shiloh Street and west of Dixie 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 Exhibit A attached hereto.**

**Parcel Alternate Key No. 3857646**

**Parcel Id. No. 04-19-24-0001-000-11800**

**A map of the property is attached hereto as Exhibit B.**

Section 2. 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.

Section 3. 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. 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 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. This Ordinance shall become effective immediately upon passage by the City Commission of the City of Fruitland Park.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

(SEAL)

ATTEST:

Approved as to Form:

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

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

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

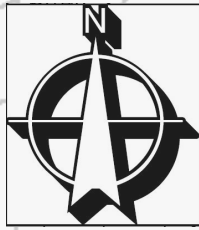
Passed First Reading \_\_\_\_\_  
Passed Second Reading \_\_\_\_\_

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WEST RIGHT—OF—WAY LINE OF OLD DIXIE HIGHWAY WITH THE NORTH RIGHT—OF—WAY LINE OF SHILOH ROAD SAID POINT BEING A CONCRETE MONUMENT LABELED RLS—1571 AND RUN NORTH 89 DEGREES 41'50" WEST ALONG THE NORTH RIGHT—OF—WAY LINE OF SHILOH ROAD 563.17 FEET TO A CONCRETE MONUMENT LABELED RLS—1571, SAID POINT BEING AT THE SOUTHEAST CORNER OF ZEPHYR LAKE ESTATES, A SUBDIVISION RECORDED IN PLAT BOOK 24, PAGE 3, IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTH 00 DEGREES 39'18" WEST ALONG THE EAST LINE OF ZEPHYR LAKE ESTATES 513.29 FEET TO AN IRON PIN LABELED LB—707; THENCE SOUTH 89 DEGREES 41'50" EAST 572.39 FEET TO A POINT ON THE WEST LINE OF OLD DIXIE HIGHWAY SAID POINT BEING AN IRON PIN LABELED LB—707; THENCE SOUTH 00 DEGREES 22'29" WEST ALONG SAID WEST RIGHT—OF—WAY LINE OF OLD DIXIE HIGHWAY 513.22 FEET TO THE POINT OF BEGINNING.



ORDINANCE 2007-032

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, BY INCLUDING WITHIN THE CITY APPROXIMATELY 6.69 ± ACRES OF PROPERTY GENERALLY LOCATED WEST OF U.S. HIGHWAY 441, ON THE NORTH SIDE OF SHILOH STREET, AND WEST OF DIXIE AVENUE; REZONING THE PROPERTY FROM COUNTY "A" (AGRICULTURE) AND "LM" (LIGHT INDUSTRIAL) TO "PFD" (PUBLIC FACILITIES DISTRICT) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Peggy Sue Newman as applicant on behalf of owner, the City of Fruitland Park, requesting that real property be annexed into and made a part of the City of Fruitland Park and rezoned from Lake County "A" (Agriculture) and "LM" (Light Industrial) to "PFD" (Public Facilities District) within the city limits of Fruitland Park; and

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

WHEREAS, the property is contiguous to the City of Fruitland Park and reasonably compact; and

WHEREAS, the required notice of the proposed annexation has been properly published;

NOW, THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida:

Section 1. The following described property consisting of approximately 6.69± acres generally located west of U.S. Highway 441, on the north side of Shiloh Street, and east of Dixie Avenue, more particularly described below and contiguous to the City limits, is hereby incorporated into and made part of the City of Fruitland Park:

See Attached Exhibit "A"

The property annexed in this section shall be assigned a zoning designation of "PFD" (Public Facilities District.)

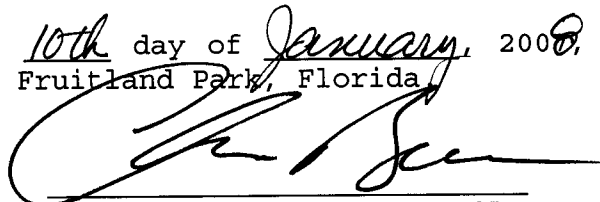
Section 2. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County Manager of Lake County Florida, and the Secretary of State of the State of Florida within seven days after its passage on second and final reading.

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

**Section 4.** 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 parcel annexed in the City Comprehensive Plan.

**Section 5.** This Ordinance shall become effective immediately upon passage.

PASSED AND ORDAINED this 10th day of January, 2008, by the City Commission of the City of Fruitland Park, Florida



CHRISTOPHER J. BELL, MAYOR

ATTEST:

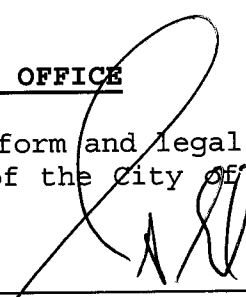
  
LINDA S. RODRICK, CMC, CITY CLERK

Passed First Reading December 13, 2007

Passed Second Reading January 10, 2008

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Fruitland Park, Florida.

  
\_\_\_\_\_  
Scott A. Gerken, City Attorney

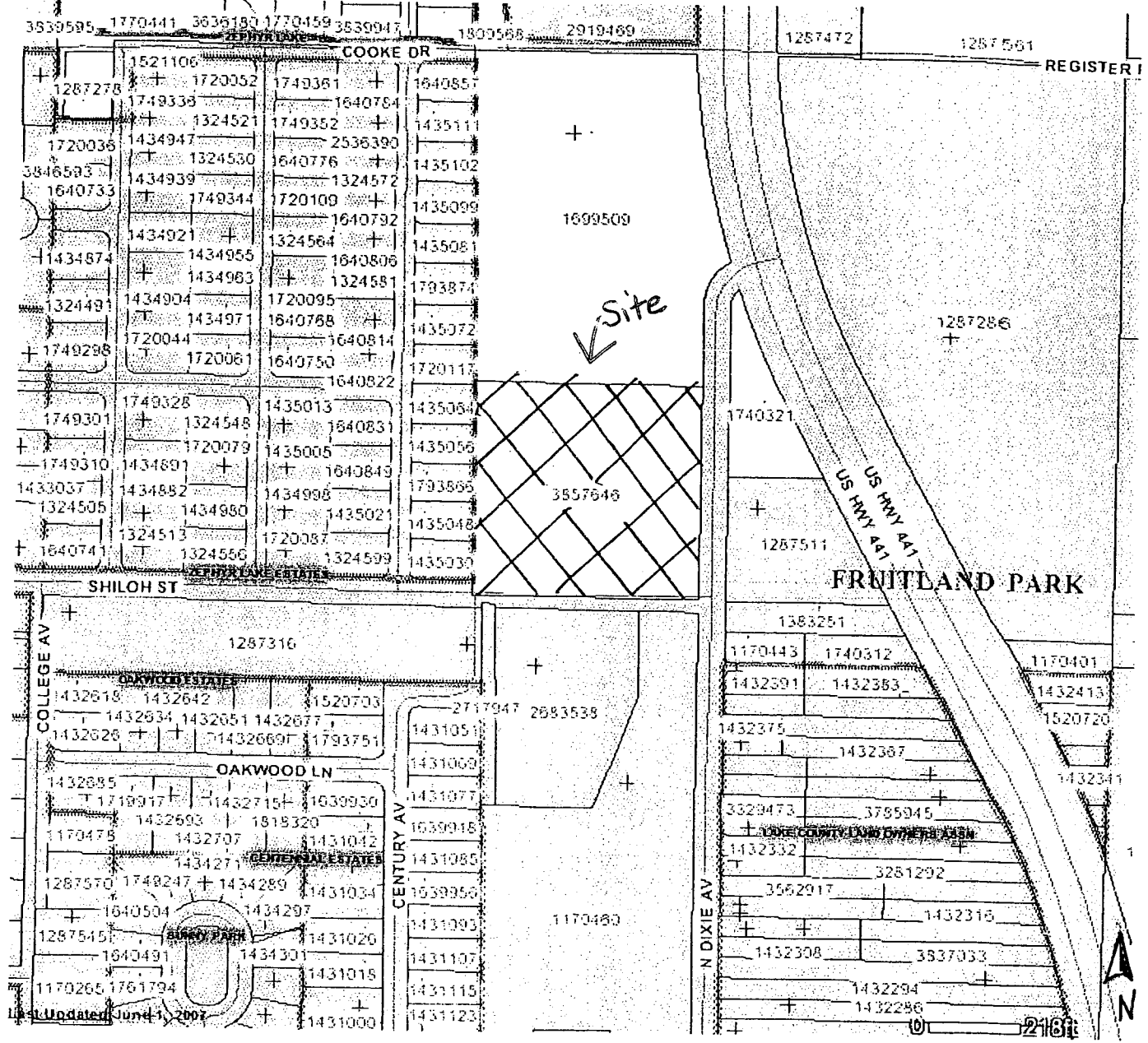
Date

1/10/08

EXHIBIT A

SW 1/4 OF NE 1/4 E OF ZEPHYR LAKE ESTATES SE 1/4 OF NE 1/4 W  
OF OLD DIXIE HWY--LESS BEG AT INTERSECTION OF W R/W LINE OF  
OLD DIXIE HWY WITH N R/W LINE OF SHILO RD, RUN N 89-41-50 W  
ALONG N R/W LINE 563.17 FT TO SE COR OF ZEPHYR LAKE ESTATES,  
N 0-39-18 W ALONG E LINE OF SUB A DIST OF 513.29 FT, S  
89-41-50 E 572.39 FT TO W LINE OF OLD DIXIE HWY, S 0-22-29 W  
513.22 FT TO POB--  
ORB 705 PG 231 ORB 729 PG 816 ORB 1093 PGS 2463 2465 ORB  
3295 PG 284





**ORDINANCE 2019-009**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2007-033 WHICH ASSIGNED A FUTURE LAND USE DESIGNATION OF INSTITUTIONAL; PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM URBAN TO INSTITUTIONAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 6.69 ± ACRES OF PROPERTY GENERALLY LOCATED WEST OF U.S. HIGHWAY 441, ON THE NORTH SIDE OF SHILOH STREET, AND WEST OF DIXIE AVENUE; DIRECTING THE CITY CLERK 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 AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in Ordinance 2007-033 the City Commission approved changing the future land use designation of a parcel of real property owned by the City of Fruitland Park from Urban to Institutional; and

**WHEREAS**, it was recently discovered that the legal description attached to Ordinance 2007-033 is incorrect, therefore, the City desires to process this ordinance to correct the legal description; 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 6.69 ± acres generally located west of U.S. Hwy 441 on the north side of Shiloh and west of Dixie Avenue as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Institutional 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.

**Section 3. Severability**

Upon a determination that by a court of competent jurisdiction that a portion of this ordinance or the comprehensive plan adopted hereby is void, unconstitutional or unenforceable, all remaining portions shall remain in full force and effect.

**Section 4. 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 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. Repeal**

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

**Section 7. Adoption**

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

**Section 8. Effective Date**

This ordinance shall become effective upon the 31<sup>st</sup> day after adoption unless timely challenged, and then will become effective upon the date a final order is issued by the Department of Economic Opportunities or Administration Commission finding the amendment in compliance in accordance with Section 163.3187, Florida Statutes. 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 session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

ATTEST:

Approved as to Form:

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

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

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

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

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

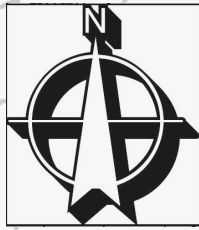
(SEAL)

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WEST RIGHT—OF—WAY LINE OF OLD DIXIE HIGHWAY WITH THE NORTH RIGHT—OF—WAY LINE OF SHILOH ROAD SAID POINT BEING A CONCRETE MONUMENT LABELED RLS—1571 AND RUN NORTH 89 DEGREES 41'50" WEST ALONG THE NORTH RIGHT—OF—WAY LINE OF SHILOH ROAD 563.17 FEET TO A CONCRETE MONUMENT LABELED RLS—1571, SAID POINT BEING AT THE SOUTHEAST CORNER OF ZEPHYR LAKE ESTATES, A SUBDIVISION RECORDED IN PLAT BOOK 24, PAGE 3, IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTH 00 DEGREES 39'18" WEST ALONG THE EAST LINE OF ZEPHYR LAKE ESTATES 513.29 FEET TO AN IRON PIN LABELED LB—707; THENCE SOUTH 89 DEGREES 41'50" EAST 572.39 FEET TO A POINT ON THE WEST LINE OF OLD DIXIE HIGHWAY SAID POINT BEING AN IRON PIN LABELED LB—707; THENCE SOUTH 00 DEGREES 22'29" WEST ALONG SAID WEST RIGHT—OF—WAY LINE OF OLD DIXIE HIGHWAY 513.22 FEET TO THE POINT OF BEGINNING.



BREEZE LN

COOKE DR

REGISTER RD

ELM AVE

HICKORY AVE

Site Location

MARY SUE ST

MAPLE AVE

MIKE AVE

SHILOH ST

US HWY 27/451

OAKWOOD LN

COLLEGE AVE

CENTURY AVE

N DIXIE AVE

LEWIS ST

SUNNY CT

ORDINANCE 2007-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM "URBAN" TO "INSTITUTIONAL" ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 6.69± ACRES OF PROPERTY GENERALLY LOCATED WEST OF U.S. HIGHWAY 441, NORTH OF SHILOH STREET, AND WEST OF N. DIXIE AVENUE; PROVIDING FOR CONTINGENCIES; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Peggy Sue Newman as applicant on behalf of the City of Fruitland Park, as owner, requesting that real property be assigned a Future Land Use designation of "Institutional" within the city limits 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 found that the proposed amendment is consistent with the Comprehensive Plan of the City of Fruitland Park.

NOW, THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida:

Section 1. The approximately 6.69± acres generally located west of U.S. Highway 441, north of Shiloh Street and west of Dixie Avenue within the City limits and more particularly described as follows:

[See attached Exhibit "A"]

shall be assigned a land use designation of "Institutional" under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "B" and incorporated by reference herein.

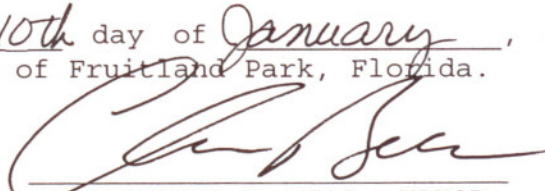
Section 2. The land use designation provided in Section 1 is contingent upon review and approval by the Florida Department of Community Affairs.

**Section 3.** The City Clerk is hereby directed to transmit a copy of this Ordinance to the Department of Community Affairs for the State of Florida pursuant to Chapter 163, Florida Statutes.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

**Section 5.** The effective date of this plan amendment shall be 31 days after adoption. If this plan amendment is challenged within 30 days of adoption, such amendment shall not become effective until the Department of Community Affairs or the Administration Commission, respectively, issues a final order determining the adopted plan amendment to be in compliance.

**PASSED AND ORDAINED** this 10th day of January, 2008, by the City Commission of the City of Fruitland Park, Florida.

  
CHRISTOPHER J. BELL, MAYOR

ATTEST:

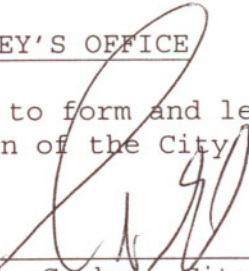
  
LINDA S. RODRICK, CMC, CITY CLERK

Passed First Reading December 13, 2007

Passed Second Reading January 10, 2008

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Fruitland Park, Florida.

  
Scott A. Gerken, City Attorney

1/10/08  
Date



- City Property Annex + CPA -

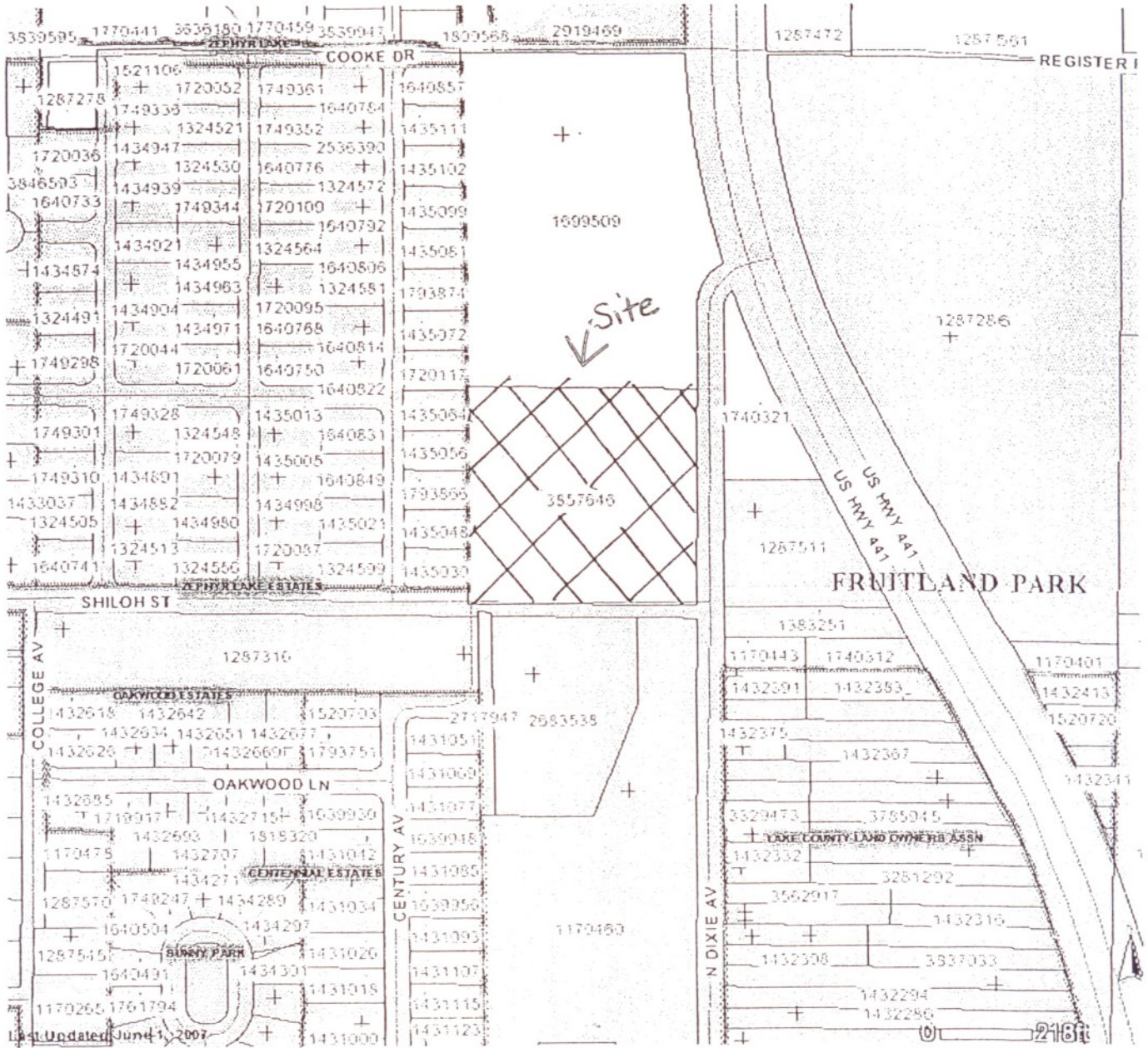


EXHIBIT A

SW 1/4 OF NE 1/4 E OF ZEPHYR LAKE ESTATES SE 1/4 OF NE 1/4 W  
OF OLD DIXIE HWY--LESS BEG AT INTERSECTION OF W R/W LINE OF  
OLD DIXIE HWY WITH N R/W LINE OF SHILO RD, RUN N 89-41-50 W  
ALONG N R/W LINE 563.17 FT TO SE COR OF ZEPHYR LAKE ESTATES,  
N 0-39-18 W ALONG E LINE OF SUB A DIST OF 513.29 FT, S  
89-41-50 E 572.39 FT TO W LINE OF OLD DIXIE HWY, S 0-22-29 W  
513.22 FT TO POB--  
ORB 705 PG 231 ORB 729 PG 816 ORB 1093 PGS 2463 2465 ORB  
3295 PG 284

**ORDINANCE 2019-007**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING APPROXIMATELY 6.69 ± ACRES OF PROPERTY OWNED BY THE CITY OF FRUITLAND PARK FROM R-2 TO PUBLIC FACILITIES DISTRICT WITHIN THE CITY LIMITS OF FRUITLAND PARK; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a petition has been submitted by the City of Fruitland Park as Owner, requesting that approximately 6.69+/- acres of real property generally located west of Dixie Avenue and north of Shiloh Street (the "Property") be rezoned from R-2 to Public Facilities District within the city limits of Fruitland Park; and

**WHEREAS**, the property has a future land use designation of Institutional as shown on the City of Fruitland Park's Comprehensive Plan Future Land Use Map; and

**WHEREAS**, the proposed zoning is consistent with the future land use designation.

**WHEREAS**, the required notice of the proposed rezoning has been properly provided; 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. Rezoning.**

That the zoning classification of the following described property, being situated in the City of Fruitland Park, Florida, shall be hereafter be designated as **Public Facilities District** as defined in the Fruitland Park Land Development Regulations. The property is more particularly depicted in **Exhibit A** attached hereto and incorporated herein and more particularly described as:

**LEGAL DESCRIPTION**

THAT PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WEST RIGHT—OF—WAY LINE OF OLD DIXIE HIGHWAY WITH THE NORTH RIGHT—OF—WAY LINE OF SHILOH ROAD SAID POINT BEING A CONCRETE MONUMENT LABELED RLS—1571 AND RUN NORTH 89 DEGREES 41'50" WEST ALONG THE NORTH RIGHT—OF—WAY LINE OF SHILOH ROAD 563.17 FEET TO A CONCRETE MONUMENT LABELED RLS—1571, SAID POINT BEING AT THE SOUTHEAST CORNER OF ZEPHYR LAKE ESTATES, A SUBDIVISION RECORDED IN PLAT BOOK 24, PAGE 3, IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE NORTH 00 DEGREES 39'18" WEST ALONG THE EAST LINE OF ZEPHYR LAKE ESTATES 513.29 FEET TO AN IRON PIN LABELED LB—

707; THENCE SOUTH 89 DEGREES 41'50" EAST 572.39 FEET TO A POINT ON THE WEST LINE OF OLD DIXIE HIGHWAY SAID POINT BEING AN IRON PIN LABELED LB—707; THENCE SOUTH 00 DEGREES 22'29" WEST ALONG SAID WEST RIGHT—OF—WAY LINE OF OLD DIXIE HIGHWAY 513.22 FEET TO THE POINT OF BEGINNING.

**Parcel Alternate Key No. 3857646**

**Parcel Id. No. 04-19-24-0001-000-11800**

Containing approximately 6.69 +/- acres, more or less.

**Section 2. Zoning Classification.**

That the Property shall be designated as Public Facilities District in accordance with Land Development Code of the City of Fruitland Park, Florida.

**Section 3. Consistent with Comprehensive Plan.**

That the zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park, Florida.

**Section 4. Official Zoning Map.**

That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

**Section 5. 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 6. 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 7. Conflict.**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 8. 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 ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Chris Cheshire, Mayor  
City of Fruitland Park, Florida

Attest:

Approved as to form and legality:

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

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

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

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

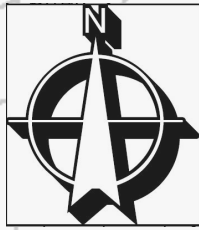
Second Reading \_\_\_\_\_

EXHIBIT "A"

LEGAL DESCRIPTION

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ORDINANCE 2007-032

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, BY INCLUDING WITHIN THE CITY APPROXIMATELY 6.69 ± ACRES OF PROPERTY GENERALLY LOCATED WEST OF U.S. HIGHWAY 441, ON THE NORTH SIDE OF SHILOH STREET, AND WEST OF DIXIE AVENUE; REZONING THE PROPERTY FROM COUNTY "A" (AGRICULTURE) AND "LM" (LIGHT INDUSTRIAL) TO "PFD" (PUBLIC FACILITIES DISTRICT) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Peggy Sue Newman as applicant on behalf of owner, the City of Fruitland Park, requesting that real property be annexed into and made a part of the City of Fruitland Park and rezoned from Lake County "A" (Agriculture) and "LM" (Light Industrial) to "PFD" (Public Facilities District) within the city limits of Fruitland Park; and

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

WHEREAS, the property is contiguous to the City of Fruitland Park and reasonably compact; and

WHEREAS, the required notice of the proposed annexation has been properly published;

NOW, THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida:

Section 1. The following described property consisting of approximately 6.69± acres generally located west of U.S. Highway 441, on the north side of Shiloh Street, and east of Dixie Avenue, more particularly described below and contiguous to the City limits, is hereby incorporated into and made part of the City of Fruitland Park:

See Attached Exhibit "A"

The property annexed in this section shall be assigned a zoning designation of "PFD" (Public Facilities District.)

Section 2. 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 Secretary of State of the State of Florida within seven days after its passage on second and final reading.

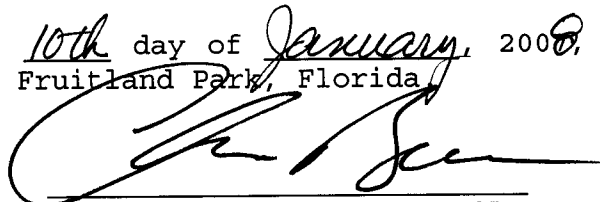


**Section 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the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

**Section 4.** 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 parcel annexed in the City Comprehensive Plan.

**Section 5.** This Ordinance shall become effective immediately upon passage.

PASSED AND ORDAINED this 10th day of January, 2008, by the City Commission of the City of Fruitland Park, Florida



CHRISTOPHER J. BELL, MAYOR

ATTEST:

Linda S. Rodrick  
LINDA S. RODRICK, CMC, CITY CLERK

Passed First Reading December 13, 2007

Passed Second Reading January 10, 2008

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Fruitland Park, Florida.

Scott A. Gerken, City Attorney

Date

1/10/08

EXHIBIT A

SW 1/4 OF NE 1/4 E OF ZEPHYR LAKE ESTATES SE 1/4 OF NE 1/4 W  
OF OLD DIXIE HWY--LESS BEG AT INTERSECTION OF W R/W LINE OF  
OLD DIXIE HWY WITH N R/W LINE OF SHILO RD, RUN N 89-41-50 W  
ALONG N R/W LINE 563.17 FT TO SE COR OF ZEPHYR LAKE ESTATES,  
N 0-39-18 W ALONG E LINE OF SUB A DIST OF 513.29 FT, S  
89-41-50 E 572.39 FT TO W LINE OF OLD DIXIE HWY, S 0-22-29 W  
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ORB 705 PG 231 ORB 729 PG 816 ORB 1093 PGS 2463 2465 ORB  
3295 PG 284

