

**FRUITLAND PARK LOCAL PLANNING AGENCY MEETING
AGENDA**

November 12, 2020

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)
October 22, 2019 LPA meeting.

PUBLIC HEARING

- 4. Public Hearing – Ordinance 2020-006 LSCPA – FLUP to Commercial - N CR466A and West of Olive Lane - Petitioner: Lake County School District** (city attorney/city manager/community development director)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT AND SITE SPECIFIC AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO COMMERCIAL HIGH INTENSITY OF 27.74 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

END OF PUBLIC HEARING

- 5. UNFINISHED BUSINESSES**
- 6. 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.

7. OTHER BUSINESS

8. 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.

**CITY OF FRUITLAND PARK LOCAL PLANNING
AGENCY
AGENDA ITEM SUMMARY SHEET
Item Number: 3**

ITEM TITLE:	Draft Meeting Minutes
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 4, 2020
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, draft minutes

Item Description: LPA meeting minutes of October 22, 2022

Action to be Taken:	Approve as submitted.
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Staff's Recommendation:	Approval, if there are no corrections.
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Additional Comments:	None
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City Manager Review:	Yes
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Mayor Authorization:	Yes
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**FRUITLAND PARK LOCAL PLANNING AGENCY
MEETING MINUTES
October 22, 2020
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, October 22, 2020 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; City Treasurer Jeannine Racine; Police Chief Erik Luce; Public Works Director Robb Dicus; Community Development Administrative Assistant Kelly Turner; Deputy City Clerk Jabari Hopkins, and City Clerk Esther B. Coulson.

1. CALL TO ORDER

ACTION: 6:19:10 p.m. Mayor Cheshire called the meeting to order.

2. ROLL CALL

ACTION: 6:19:14 p.m. At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

Upon Mayor Cheshire's suggestion and **by unanimous consent, the Local Planning Agency accepted the following changes on this evening's agenda:**

6. Approval of Minutes, October 10, 2019

Amend Item 6, page two of four to read: *recommended the approval of proposed Ordinance 2019-009* and amend Item 7, page three of four, Ordinance 2019-007, to read: *not considered*.

Supplemental Agenda Item

Add a supplemental agenda item, Quasi-Judicial Public Hearing, Ordinance 2020-007, Rezoning, subject to Florida Statutes, 163.3174.

3. APPROVAL OF MINUTES

October 10, 2019 LPA minutes

ACTION: 6:20:06 p.m. **On motion of Commissioner Mobilian, seconded by Commissioner DeGrave and unanimously carried, the Local Planning Agency approved the October 10, 2019 meeting minutes as amended.**

PUBLIC HEARING

4. Public Hearing – Ordinance 2020-006 LSCPA – FLUP to Commercial - N CR466A and West of Olive Lane - Petitioner: Lake County School District

After Ms. Geraci-Carver read into the record proposed Ordinance 2020—006, the title of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT AND SITE SPECIFIC AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO COMMERCIAL HIGH INTENSITY OF 27.74 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Greg Beliveau, LPG Urban Planners Inc., described the proposed ordinance and recognized the responses received as a result of the certified mail sent to 19 surrounding property owners from which one was received in opposition, there were no returned undeliverable and approved.

ACTION: 6:20:30 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the LPA recommend the approval of proposed Ordinance 2020-006 as previously cited.

There being no one from the public and by unanimous consent, the LPA closed the public hearing.

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

SUPPLEMENTAL AGENDA

Quasi-Judicial Public Hearing – Ordinance 2020-007 Rezoning - LSCPA – Petitioner: Lake County School District

Ordinance 2020-007 Rezoning – Petitioner: Lake County School District

After Ms. Geraci-Carver read into the record proposed Ordinance 2020—007, the title of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE

SCALE COMPREHENSIVE PLAN AMENDMENT AND SITE SPECIFIC AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO COMMERCIAL HIGH INTENSITY OF 27.74 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Geraci-Carver swore in Mr. Belliveau who testified on the subject proposed Ordinance 2020-007. He distributed, reviewed and described the language changes in the proposed revised master development agreement -- a copy of which is filed with the supplemental papers to the minutes of this meeting -- relayed the Planning and Zoning (P&Z) Board's recommendation of approval and confirmed the acceptance of same by staff and the applicant who are present at this evening's meeting.

Mr. Beliveau relayed the applicant's agreement to the 50' setback and landscape buffer requirements on CR 466A; the provisions in the comprehensive plan policy allowing for flexibility in the development, and Lake County School Board Attorney Fred Morrison's concurrence in that regard.

After discussion the city commission addressed the recital provisions under subsection 7 of the proposed master development agreement; the school board's consideration of selling its property (The Leesburg High Ag Farm, also known as *Parcel 19 of the Northwest Vacant Lands*) on CR 466A, and the homelessness on the south end of said property.

ACTION: 6:25:51 p.m. After discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Bell that the LPA recommend the approval of proposed Ordinance 2020-007 as previously cited. Additionally, the city commission, by unanimous consent, directed the city manager or the city attorney to explore the proceeds of the sale of the subject property owned by the School Board of Lake County and write a letter to propose the concept of annexing same.

There being no one from the public and by unanimous consent, the LPA closed the public hearing.

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

END OF PUBLIC HEARING

END OF QUASI-JUDICIAL PUBLIC HEARING

5. UNFINISHED BUSINESS

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

ACTION: 6:41:00 P.M. No action was taken at this time.

5. PUBLIC COMMENTS

There were no comments from the public at this time.

ACTION: 6:41:03 PM No action was taken.

6. OTHER BUSINESS

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

ACTION: 6:41:10 PM No action was taken.

7. ADJOURNMENT

The meeting adjourned at 6:41 p.m.

The minutes were approved at the October 22, 2020 meeting.

Signed _____
Esther B. Coulson, MMC City Clerk

Signed _____
Chris Cheshire, Mayor

**CITY OF FRUITLAND PARK
LOCAL PLANNING AGENCY
AGENDA ITEM SUMMARY SHEET
Item Number: 4**

ITEM TITLE: Ordinance 2020-006

For the Meeting of: November 12, 2020

Submitted by: City Attorney/City Manager/Community Development Director

Date Submitted: November 4, 2020

Funds Required: No.

Attachments: Proposed ordinance, development application with newspaper affidavits, location map, Exhibit A legal description, Exhibit B proposed future land use map, and staff report

Item Description: Proposed Ordinance 2020-006 providing for a comprehensive plan amendment, amending the future land use designation to commercial high intensity for property located north of county road 466A and west of Oliver Lane.

The Planning and Zoning Board, at its October 15, 2020 regular meeting, and staff recommend approval of the LSCPA.

Action to be Taken: Approve Ordinance 2020-006.

Staff's Recommendation: Approval

Additional Comments: Approval

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2020-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT AND SITE SPECIFIC AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO COMMERCIAL HIGH INTENSITY OF 27.74 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Benchmark Development I, LLC as applicant, on behalf of School Board of Lake County as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "Commercial High Intensity" under the Comprehensive Plan for the City of Fruitland Park; and

WHEREAS, the required notice of the proposed large 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 27.74 ± acres generally located north of CR 466A and west of Oliver Lane as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Commercial – High Intensity under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference. The land use plan amendment also includes a text amendment to the Future Land Use Goals, Objectives, and Policies as follows:

Policy 1-10.1: Fruitland Park Commons. The City of Fruitland Park will enforce development standards on the Fruitland Park Commons property in order to ensure coordination of public facilities, including transportation demand. Development shall meet the applicable goals, objectives and policies of the Comprehensive Plan; however, the land use and development potential made available by the FLUM Amendment is hereby limited as follows:

- The Amendment parcel shall be developed under the zoning classification of Commercial Planned Unit Development (CPUD) to address maximum intensity standards, site design, setbacks, buffering and access issues.
- Commercial development shall be limited to a maximum of 140,000 square feet.
- The maximum number of hotel rooms shall be limited to 130.
- Development is required to be served by central potable water and central sanitary sewer facilities.
- The commercial square footage and number of hotel rooms may deviate up to 20% based on a traffic conversion matrix approved by the City of Fruitland Park City Commission.

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: Transmittal.

After the first public hearing, a copy hereof shall be transmitted to the Department of Economic Opportunity and the East Central Florida Regional Planning Council, the water management district, the Department of Environmental Protection, the Department of State, the Department of Transportation, Lake County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Fruitland Park, Florida.

Section 4: Directions.

The City Manager or his designee, upon the effective date of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Fruitland Park.

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

Section 7: 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 8: This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become

effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2020.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk

Anita Geraci-Carver, City Attorney

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

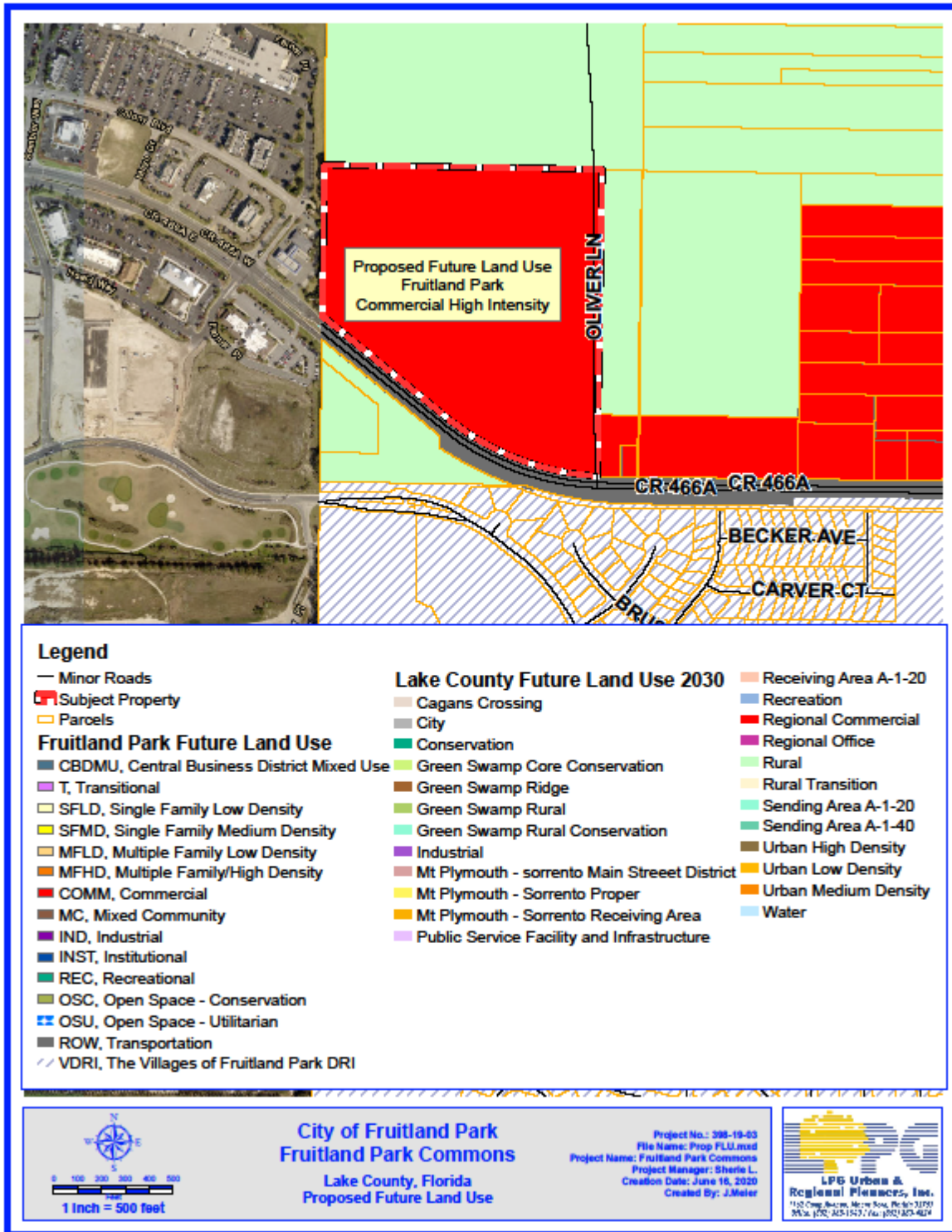
Passed First Reading _____
Passed Second Reading _____
(SEAL)

EXHIBIT A

THOSE PORTIONS OF THE WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LYING NORTHERLY AND NORTHEASTERLY OF THE NORTHERLY AND NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AS IT CURRENTLY EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" X 6" CONCRETE MONUMENT WITH A NAIL AND NO IDENTIFICATION LOCATED AT THE SOUTHWEST CORNER OF THE SW 1/4 OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE ON A BEARING RELATED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, RUN N 00°49'58" E, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 6, A DISTANCE OF 2028.33 FEET FOR A POINT OF BEGINNING, SAID POINT OF BEGINNING BEING A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AS DESCRIBED IN OFFICIAL RECORDS BOOK 4485, PAGE 481, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. FROM SAID POINT OF BEGINNING, CONTINUE THENCE N 00°49'58" E, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 6, A DISTANCE OF 625.67 FEET TO AN IRON AXLE LOCATED AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE S 89°06'05" E, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, A DISTANCE OF 1161.46 FEET TO A 4" X 4" CONCRETE MONUMENT LABELED "LB4709" LOCATED AT THE NORTHEAST CORNER OF THE WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE S 00°50'23" W, ALONG THE EAST LINE OF THE SAID WEST 3/4 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1259.66 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A ACCORDING TO THAT CERTAIN PARTIAL RELEASE OF ROAD RESERVATION BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA AS RECORDED IN OFFICIAL RECORDS BOOK 4537, PAGE 1095, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY TO WHICH A RADIAL LINE BEARS S 03°26'08" W; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 466A AND THE ARC OF CURVE THROUGH A CENTRAL ANGLE OF 11°51'54", AN ARC LENGTH OF 223.92 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN RIGHT OF WAY RESERVATION BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA AS RECORDED IN DEED BOOK 237, PAGE 336, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE N 89°07'03" W, ALONG SAID NORTH LINE, A DISTANCE OF 25.87 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 466A, SAID POINT BEING A POINT OF NON-TANGENCY ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1375.39 FEET TO WHICH A RADIAL LINE BEARS S 17°41'16" W; DEPARTING SAID RIGHT OF WAY RESERVATION, THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE AND ARC OF CURVE, THROUGH A CENTRAL ANGLE OF 21°33'10", AN ARC LENGTH OF 517.39 FEET TO THE POINT OF TANGENCY; THENCE N 50°45'41" W, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 585.35 FEET TO THE POINT OF BEGINNING.

EXHIBIT B





Sumter County

Lake County

Site Location

OLIVER

EMORY DR

CR 466A

BECKER AVE

CARVER CT

THAYER TER

CHANCE CT

BRUSKO DR

MOTRING WAY

MOYER LOOP

YODER DR

INCORVAIA WAY

KHIRBAT CT

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

Annexation, LSCPA And Rezoning

Owner: School Board of Lake County

Applicant: Benchmark Development I, LLC

Project Name: Fruitland Park Commons

General Location: North of CR 466A and East of Oliver Lane

Number of Acres: 27.74 ± acres

Existing Zoning: Agriculture (Lake County)

Proposed Zoning: Commercial PUD

Existing Land Use: Rural (Lake County)

Proposed Land Use: Commercial High Intensity

Date: July 24, 2020

Description of Project

The applicant is seeking annexation, large scale comp plan amendment and rezoning to Commercial PUD. The proposed development plan consists of commercial retail, high turnover sit down restaurant, and hotel with commercial out-parcels.

	Surrounding Zoning	Surrounding Land Use
North	County Agriculture	Rural
South	County Agriculture and PUD	County Rural and City Villages of Fruitland Park DRI
East	County Agriculture and City C-2	Rural and Commercial
West	PUD (The Villages – Sumter County)	Villages DRI

Assessment

Annexation

The subject property is adjacent to the City limits along the eastern and southern boundaries and is eligible for voluntary annexation. The subject site is also within the City's Utility Service Area. The applicant states that the annexation is consistent with the City's Intergovernmental Coordination Policy 1.1.3 Resolution of Transcending Growth Management Issues, subsection 1, annexation of adjacent lands, and FLU Policy 1-4.1 Variety of Commercial Lands. Planning staff concurs with the analysis.

Large Scale Comp Plan Amendment

The applicant is seeking a large scale comp plan amendment from Lake County Rural to City of Fruitland Park Commercial – High Intensity. The applicant submitted justification and analysis of consistency with the adopted comprehensive plan and an urban sprawl analysis. Planning staff concurs with the analysis.

The traffic impact analysis based on the maximum square footages of 135,500 SF of commercial, 4,000 SF of high quality sit down restaurant, and a 120 room hotel indicates that the project does not create a significant and adverse impact on the surrounding transportation network and will operate within the adopted LOS standards. The PUD square footages requested exceed these amounts; however, prior to development an updated traffic analysis will be required. In addition, the LDRs, Chapter 153 ensure that public facilities and services necessary to support development are available concurrent with the impacts.

The environmental assessment indicated the entire site is uplands based on soils and vegetation. The site is not located within a 100 year flood plain. The environmental assessment indicated the presence of gopher tortoise burrows. Prior to development, a relocation permit will need to be secured. The assessment also indicated a portion of the site is within the sand skink consultation area. Prior to development a sand skink survey or exemption will need to be secured. Should sand skinks occupy the site and habitat set aside is not an option, mitigation will be required.

It is highly recommended that a policy specific amendment be processed such as follows:

Policy 1-10.1: Fruitland Park Commons. The City of Fruitland Park will enforce development standards on the Fruitland Park Commons property in order to ensure coordination of public facilities, including transportation demand. Development shall meet the applicable goals, objectives and policies of the Comprehensive Plan; however, the land use and development potential made available by the FLUM Amendment is hereby limited as follows:

- The Amendment parcel shall be developed under the zoning classification of Commercial Planned Unit Development (CPUD) to address maximum intensity standards, site design, setbacks, buffering and access issues.

- Commercial development shall be limited to a maximum of 140,000 square feet
- The maximum number of hotel rooms shall be limited to 130
- Development is required to be served by central potable water and central sanitary sewer facilities.
- The commercial square footage and number of hotel rooms may deviate up to 20% based on a traffic conversion matrix approved by the City of Fruitland Park City Commission.

Rezoning

The applicant has revised the concept plan and it meets the minimum requirements of Chapter 154, Section 154.030.

The applicant is seeking a Commercial PUD for a maximum commercial square footage of 120,000 SF for the in line retail, 20,000 SF for the proposed outparcels (The total commercial square footage requested is 140,000 SF), and a hotel with a maximum of 130 rooms. The types of commercial uses requested are a selected list of C-2 uses. The maximum square footage of a proposed single use anchor building is 50,000 SF. The maximum building height for commercial structures is 35’ except for architectural features. The maximum building height for the hotel is 45’ subject to meeting fire codes.

Please be advised that proposed buffer plantings do not meet minimum code requirements. Are you requesting a waiver from the typical landscape plantings?

Proposed per 100’	Required per 100’
2 canopy trees	4 canopy trees
6 understory trees	2 understory trees
33 Shrubs	15 Shrubs

The plans indicate that the building setbacks are the same as the landscape buffer as follows:

- Front – 25’
- Rear – 25’
- Western Side – 30’ with decorative screen wall
- Eastern Side – 15’

The front setback from CR 466A is 50’. The plans indicate 25’. Are you requesting a waiver?

The rezoning is consistent with FLU Policy 1-3.1: Planned Unit Development, Policy 1-1.2 Density and Intensity Standards, FLU Policy 1-1.12: Commercial – High Intensity, FLU Policy 1-2.3: Coordination with Lake County Future Land Use, Policy 1-3.1: Planned Unit Development

Recommendation

Annexation

The subject site is contiguous to the city boundaries. Staff recommends approval of the annexation.

LSCPA

The subject site is located within a transitioning area within the City's Utility Service Area and should be considered infill development. The requested land use of Commercial-High Intensity is compatible with the adjacent land uses and is a logical extension of those uses. The applicant provided data that the proposed amendment meets the GOPS of the adopted comprehensive plan as follows:

- FLU Policy 1-1.2 Density and Intensity Standards, Table 1.1
- FLU Policy 1-1.12 Commercial High Intensity
- FLU Policy 1-2.1 Promote Orderly, Compact Growth
- FLU Policy 1-2.3 Coordination with Lake County Future Land Use
- FLU Policy 1-4.1 Variety of Commercial Lands
- FLU Policy 1-4.2 Access to Commercial Lands

In addition, the applicant submitted data indicating that the amendment is not considered urban sprawl pursuant to Section 163.3177, F.S. Staff concurs with the analysis and recommends approval of the LSCPA.

Rezoning

The requested zoning to Commercial Planned Unit Development (CPUD) is consistent with the comprehensive plan. Please clarify if a waiver is requested for the front setback and landscape plantings.

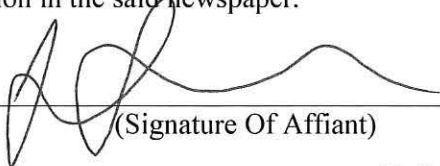
The Villages® DAILY SUN

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

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00968380 in the matter of **NOTICE OF PUBLIC HEARINGS ORDINANCE 2020-006**

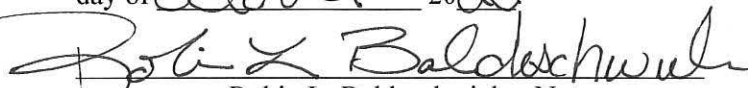
was published in said newspaper in the issues of
OCTOBER 26, 2020

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.



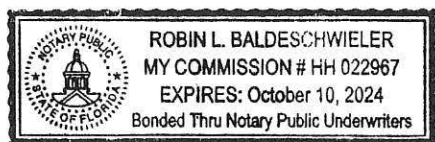
(Signature Of Affiant)

Sworn to and subscribed before me this 26
day of October 2020



Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____



Attach Notice Here:

NOTICE OF PUBLIC HEARINGS ORDINANCE 2020-006

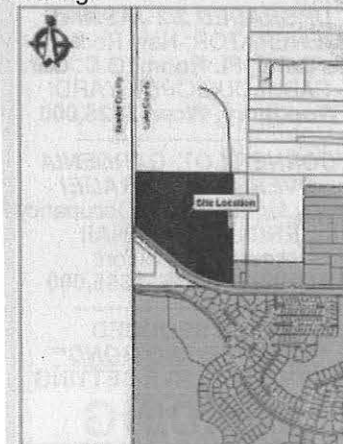
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT AND SITE SPECIFIC AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION TO COMMERCIAL HIGH INTENSITY OF 27.74 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF OLIVER LANE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

Fruitland Park Planning & Zoning Board Meeting on October 15, 2020 at 6:00 p.m.
Fruitland Park City Commission Meeting on October 22, 2020 at 6:00 p.m.
Fruitland Park City Commission Meeting on November 12, 2020 at 6:00 p.m.
Land Planning Agency Meeting on November 12, 2020 at 6:15 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731. The meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time certain. The proposed ordinance and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed ordinance.

A person who decides to appeal any decision made by any board, agency or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least 48 hours before the date of the scheduled hearing.



00968380. October 26, 2020



City of Fruitland Park, Florida
Community Development Department
 506 W. Berckman St., Fruitland Park, Florida 34731
 Tel: (352) 360-6727 Fax: (352) 360-6652
 www.fruitlandpark.org

Staff Use Only

Case No.: _____
 Fee Paid: _____
 Receipt No.: _____

Development Application

Contact Information:

Owner Name: School Board of Lake County c/o Kelly Randall
 Address: 201 W Burleigh Blvd., Tavares FL 32778
 Phone: (352) 253-6698 Email: randallk@lake.k12.fl.us

Applicant Name: Benchmark Development I, LLC c/o John Rehak
 Address: 4053 Maple Road, Amherst, NY 14226
 Phone: _____ Email: _____

Engineer Name: Kimley-Horn and Associates, Inc. c/o B. Kelley Klepper, ACIP
 Address: 189 S. Orange Avenue, Suite 1000, Orlando, FL 32801
 Phone: (941) 527-9070 Email: kelley.klepper@kimley-horn.com

Property and Project Information:

PROJECT NAME*: Fruitland Park Commons
 *A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: County Road 466A, Lake County Florida

Parcel Number(s): 06-19-24-0003-000-01900 Section: 06 Township: 19 Range 24

Area of Property: 27.73559913 acres Nearest Intersection: County Road 466A and Micro Racetrack Road

Existing Zoning: Agriculture (Lake County) Existing Future Land Use Designation: Rural (Lake County)

Proposed Zoning: Commercial PUD Proposed Future Land Use Designation: Commercial - High Intensity (COMM)

The property is presently used for: Public School (unfinished structures/agricultural teaching facility)

The property is proposed to be used for: Commercial developent including retail, restaurant and hotel (see attached narrative)

Do you currently have City Utilities? City of Fruitland Park water/wastewater services are avaiable per the City (see attached letter dated 02/11/2020)

Application Type:

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> Annexation | <input checked="" type="checkbox"/> Comp Plan Amendment | <input checked="" type="checkbox"/> Rezoning | <input checked="" type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Construction Plan | <input type="checkbox"/> ROW/Plat Vacate |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Replat of Subdivision | |

Please describe your request in detail: Applicant is requesting annexation into the City, large scale comprehensive plan amendment to designate the property Commercial-High Intensity and rezoning to PUD (Commercial).

Required Data, Documents, Forms & Fees

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Printed Name: John Rehak , VP of Manager

Signature: _____ Date: 6/11/2020

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

OWNER'S AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared Diane Kornegay, Superintendent of Lake County Schools

, who being by me first duly sworn on oath deposes and says:

- 1) That he/she is the fee-simple owner of the property legally described on attached page of this application.
- 2) That he/she desires a Development Application to allow for Annexation, Comp Plan Amendment and Rezoning for a Commercial development including retail, restaurant and hotel
- 3) That he/she has appointed Benchmark Development I, LLC to act as agent on his/her behalf to accomplish the above. The owner is required to complete the Applicant's Affidavit of this application if no agent is appointed to act on his/her behalf.



Affiant (Owner's Signature)

State of Florida

County of Lake

The foregoing instrument was acknowledged before me this 14 day of February, 2020,
by Diane Kornegay who is personally known to me or has produced
as identification and who did or did not take an oath
(Notary Seal)

Notary Public - State of Florida
Commission No GG954883
My Commission Expires 6/4/2024


Signature
PATRICIA JO PAINTER
Printed Name



APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared John Rehak, VP of Manager of Benchmark Development I, LLC

_____, who being by me first duly sworn on oath deposes and says:

- 1) That he/she affirms and certifies that he/she understandings and will comply with all ordinances, regulations, and provisions of the City of Fruitland Park, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further that this application and attachments shall become part of the Official Records of the City of Fruitland Park, Florida, and are not returnable.
- 2) That the submittal requirements for the application have been completed and attached hereto as part of that application.
- 3) That he/she desires a Development Application to allow for Annexation, Comp Plan Amendment and Rezoning for a Commercial development including retail, restaurant and hotel

[Signature]
Affiant (Applicant's Signature)

State of Florida New York
County of Essex

The Foregoing instrument was acknowledged before me this 17th day of February, 20 20,
by John F. Rehak who is personally known to me or has produced
as identification and who did or did not take an oath

(Notary Seal)

Notary Public - State of Florida New York
Commission No 02ME6134700
My Commission Expires 10/3/21

[Signature]
Signature
Tammy L Metzger
Printed Name

TAMMY L. METZGER
NOTARY PUBLIC, STATE OF NEW YORK
No. 01ME6134700
QUALIFIED IN NIAGARA COUNTY
My Commission Expires October 3, 2021

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

ITEM TITLE:	Public Comments
For the Meeting of:	November 12, 2020
Submitted by:	City Clerk
Date Submitted:	November 4, 2020
Funds Required:	None
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

Item Description: This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the local planning agency (LPA) 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 LPA. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the LPA addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

Action to be Taken: **None**

Staff’s Recommendation: N/A

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2013 -023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

WHEREAS, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

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

Section 1. The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

Section 2. 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 Resolution.

Section 3. This Resolution shall become effective immediately upon passage.

RESOLVED this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

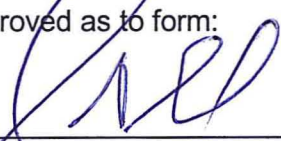
ATTEST:


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:


SCOTT A. GERKEN, City Attorney

Select Year:

The 2019 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(1) For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. [286.011](#); or

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7)(a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an

action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

History.—s. 1, ch. 2013-227.

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